

HB 3132 -1 STAFF MEASURE SUMMARY

House Committee On Natural Resources

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Meeting Dates: 4/4, 4/9

WHAT THE MEASURE DOES:

Requires Oregon Department of Fish and Wildlife (ODFW) adopt rule and administer program for authorizing voluntary projects for stream restoration and habitat improvement through construction of environmental restoration weirs. Allows ODFW to authorize projects under program only if project involves construction of weirs on one or more of qualifying streams located in closed basins east of summit of Cascade Mountains, from which water does not flow to Pacific Ocean. Requires ODFW require person engaged in authorized voluntary projects maintain weir for up to ten years. Allows ODFW to require person to photo monitor weir. Establishes that person's total cost for meeting requirements of voluntary project not exceed five percent of total cost of constructing weir. Exempts voluntary restoration projects from fish passage requirement. Requires person engaging in voluntary project work collaboratively with ODFW to provide fish passage if healthy salmonid population will likely develop as result of voluntary restoration project, or healthy salmonid population will only return if fish passage is included in voluntary restoration project. Establishes that ODFW only require appropriate fish passage if available funding exists in Fish Passage Fund. Requires that total direct cost of appropriate fish passage to person engaging in voluntary project may not exceed 10 percent of total cost of constructing weir. Establishes that planting or removal of brush and tress from stream banks and riparian areas as part of voluntary project not subject to riparian management requirements of Oregon Forest Practices Act. Exempts voluntary projects authorized under program from removal-fill permit. Establishes that person owning weir as part of voluntary program may not construct or maintain obstruction in waters that are inhabited, or historically inhabited, by native migratory fish without providing passage.

Defines key terms.

Declares that Legislative Assembly finds that near eradication of beaver populations in eastern Oregon, which historically had modified and slowed flow of water providing positive benefits to ecosystems, has led to severe degradation and adverse environmental and economic impact. States public policy of Oregon to encourage and support program for voluntary stream restoration by landowners. Declares environmental restoration weirs provide co-benefits to stream restoration including: improved habitat conditions; slowed stream runoff; decreased change in catastrophic wildlife, improved carbon sequestration; and improved economic productivity in ancient floodplain.

Requires ODFW adopt rules establishing program in time for rules to become operative no later than one year after effective date. Requires Department submit report on environmental and economic impacts of program to Legislative Assembly, no later than September 15, 2028.

Declares emergency, effective on passage.

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

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-1 Requires ODFW, in coordination with Water Resources Department (WRD), to require persons to modify environmental restoration weir if it is found by WRD to be resulting in injury to an existing water right. Establishes that a permit to appropriate water is not required for water that is delayed or slowed behind an environmental restoration weir.

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

BACKGROUND:

Historically, many small streams in eastern Oregon were inhabited by beaver populations and strongly influenced by beavers' ability to modify their physical surroundings. Beaver dams have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains and provide many positive benefits to stream ecosystems and to the hydrologic functioning of streams.

House Bill 3132 would require the Oregon Department of Fish and Wildlife to administer a program for authorizing voluntary projects for stream restoration and habitat improvement through construction of environmental restoration weirs.