



## WaterWatch of Oregon Protecting Natural Flows In Oregon Rivers

### Testimony of WaterWatch of Oregon (Brian Posewitz) on SB 1511 House Committee on Rules (February 25, 2020)

WaterWatch is a non-profit river conservation organization founded in 1985. We work to protect and restore instream flows and the free-flowing character of Oregon's rivers and streams.

WaterWatch is neutral on Senate Bill 1511.

SB 1511 is the latest in a series of proposals from Silvies Valley Ranch to exempt certain structures in stream channels – variously called “artificial beaver dams,” “restoration check dams” and, now, “restoration weirs” – from certain environmental laws (including removal-fill) for a limited period of time (10 years) in a limited geographic area (closed basins east of the Cascades) on a limited category of streams (small streams without a healthy fish population).

Silvies believes these structures can help restore “incised” streams (streams that erode into narrow channels disconnected from their floodplains) by recreating the hydrological effects of beaver dams that disappeared after beavers were largely eradicated through trapping and habitat destruction. The bill would allow a further test of that belief – refined in a rulemaking by the Oregon Department of Fish and Wildlife – with a report required in 2031.

WaterWatch has been involved in this issue since a bill was first proposed at the request of Silvies in 2015 (HB 3217). WaterWatch opposed that bill and a similar bill in 2019 (HB 3132). WaterWatch is neutral on SB 1511 because, unlike prior versions of the bill, SB 1511 contains important safeguards to protect fish passage, water quality and instream flows. In particular, SB 1511 requires compliance with fish passage laws where “native migratory fish” are currently present,<sup>1</sup> does not allow the structures to “store or appropriate” water, and gives the state authority to require modifications to structures found to be injuring existing water rights or causing significant detrimental impacts to native migratory fish.

WaterWatch appreciates the efforts of Silvies and the sponsors (of this bill and its predecessors) to address our concerns.

Contacts: Brian Posewitz, WaterWatch of Oregon, (503) 295-4039 x 2, [brian@waterwatch.org](mailto:brian@waterwatch.org).  
Jack Dempsey, (503) 358-2864, [jack@dempseypublicaffairs.com](mailto:jack@dempseypublicaffairs.com)

---

<sup>1</sup> “Native migratory fish” is a defined term that includes fish migrating solely within a local stream system. Oregon's fish passage laws also require passage where native migratory fish were *historically* present (even if they are not present now). ORS 509.585. SB 1511 would provide an exemption from that requirement but would require some measure of fish passage if fish return to the site.