

HB 2298 STAFF MEASURE SUMMARY

House Committee On Water

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Meeting Dates: 2/2, 3/11

WHAT THE MEASURE DOES:

Requires State Department of Fish and Wildlife (ODFW) to administer program to authorize voluntary stream restoration and habitat improvement projects by constructing environmental restoration weirs (weirs). Allows ODFW to authorize a project under program if project involves construction of weirs on one or more qualifying stream located in any closed basin east of the Cascade Mountains summit; construction of the weirs is completed no later than July 1, 2031; and project complies with local floodplain regulation, if applicable. Requires program rules to identify criteria for evaluating projects. Requires fish passage if ODFW determines native migratory fish are present in stream prior to date of weir construction; if, after weir construction, ODFW determines that native migratory fish have returned to the stream, authorizes department to require that person engaged in project provide fish passage or mitigation. Allows ODFW, for up to 10 years after completion of weir, to require maintenance and monitoring of weir project. Directs ODFW, in coordination with the Water Resources Department (WRD), to require weir modification if weir is found by WRD to result in injury to existing water right or if ODFW finds weir to have a significant detrimental impact on native migratory fish. Establishes that planting or removal of brush and trees from stream banks and riparian areas as part of weir project is not subject to riparian management requirements under the Forest Practices Act. Establishes that removal fill statutes (ORS 196.800 – 196.921) do not apply to weir projects. Establishes that provisions of measure do not create any new requirement or exemption with respect to obtaining a permit or certificate to use, store, or appropriate water. Requires ODFW to adopt rules establishing program in time for rules to become operative no later than one year after effective date. Establishes requirements for ODFW reporting to interim legislative committees not later than 2027 and 2032. Makes findings and policy statements. Defines terms. Declares emergency, effective on passage.

Revenue: No revenue impact.

Fiscal: Minimal fiscal impact.

ISSUES DISCUSSED:

- Impact of decreased beaver population on stream ecology
- Impediments to construction of environmental weirs
- Monitoring of environmental restoration weirs
- Program implementation

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

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

HB 2298 would require the Oregon Department of Fish and Wildlife to administer a program authorizing voluntary projects for stream restoration and habitat improvement through the construction of environmental restoration weirs.