

Agenda Item Summary

BACKGROUND In 2001, the Oregon Fish and Wildlife Commission (Commission) approved a Fish Passage Waiver for PacifiCorp North Umpqua Hydroelectric facility. The Oregon Department of Fish and Wildlife (Department) entered into a Memorandum of Understanding with PacifiCorp that formalized PacifiCorp mitigation responsibilities in exchange for the Fish Passage Waiver. These mitigation measures included funds for conservation easements, habitat restoration, brook trout control, and fish passage at the Rock Creek fish hatchery.

PUBLIC INVOLVEMENT July 16, 2010 Commission Meeting. No public involvement is legally required for the Commission to delegate some of its authority to the Director.

ISSUE 1 Delegation of authority to the Director to manage the North Umpqua Relicensing Settlement Agreement and Fish Passage Waiver MOU.

ANALYSIS Staff recommends that the Commission delegate authority to manage and implement the North Umpqua Relicensing Settlement Agreement and MOU to the Director (or his/her designee), as proposed in Attachment A. Since the Commission approved the agreement in 2001, numerous factors have changed with respect to which projects are more important, how to get the most fish benefits for the settlement money, and how to interpret and apply the agreement. With the construction of the Rock Creek Fish Passage facility in particular the Settlement Agreement is now entering a very dynamic phase of implementation requiring active real-time management of funds that was not contemplated at the time the Settlement Agreement was approved by the Commission. The Director will continue to implement the Settlement Agreement consistent with the Commission’s goals when it approved the MOU in 2001 and will keep the Commission informed regarding progress.

- OPTIONS**
1. Accept the proposed motion
 2. Modify the proposed motion
 3. Reject the proposed motion

STAFF RECOMMENDATION 1. Accept the proposed motion

DRAFT MOTION	I move to delegate authority to the Director to manage the Fish Passage Waiver MOU as specified in Attachment A.
EFFECTIVE DATE	When signed.

ATTACHMENT A

Before the Oregon Fish and Wildlife Commission

The Commission hereby delegates authority to the Director of the Department of Fish and Wildlife to implement, manage, and amend as necessary the North Umpqua Relicensing Settlement Agreement and Fish Passage Waiver MOU on the Commission's behalf.

Dated: _____

By: _____

Marla Rae, Chair