635-412-0005
(9)(b) Major replacement, which includes:
(A) For dams and diversions, excavation or replacement of 30 percent by structure volume of the dam, including periodic or season replacements, unless:
   (i) only checkboards are replaced, or
   (ii) is seasonal, is in compliance with a water right and maintains an open channel with adequate water flow and depth conditions that meet OAR 635-412-0035 (2) during the low to high fish passage design flows, or
   (iii) fish passage approval has already been obtained in writing from the department for expected replacement:

Italicized text are revisions to existing rules.
Italicized text indicates new draft propose language.
Strikethrough red text indicates text to be removed.
Lines 221 to 260 (from existing rules)

Revision to Existing:

(Lines 223)

(1) The Department shall establish for restoration and enforcement purposes a list of priority artificial obstructions at which fish passage would provide the greatest benefit to native migratory fish.

(Lines 246 - 252)

(4) Once the Commission has approved the priority list, the Department may order a person owning or operating an artificial obstruction on the priority list who has been issued a water right, owns a lawfully installed culvert or owns another lawfully installed obstruction to install fish passage or to provide mitigation if:
(a) The Department can arrange for non-owner or non-operator funding of at least 60 percent of the cost for fish passage design, construction, and installation; or and
(b) The artificial obstruction is ranked in the top ten for the state or highest within a Department Region on the priority list.