

OREGON ADMINISTRATIVE RULES FISH PASSAGE

10-12-2021 DRAFT

Seasonal Pushup Dams - ODFW Draft Proposed Concepts

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.

ODFW Draft Proposals for Prioritization Section OAR 635-412-0015

10-12-2021 **DRAFT**

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.