



February 13, 2023

Representative Ken Helm, Chair
Representative Annessa Hartman, Vice-Chair
Representative Mark Owens, Vice-Chair
House Committee on Agriculture, Land Use, Natural Resources, and Water

Re: Trout Unlimited Supports HB 2966 (with “-4” Amendment)

Dear Chair Helm, Vice-Chairs Hartman and Owens, and Members of the Committee,

Trout Unlimited (“TU”) is a non-profit organization dedicated to the conservation of cold-water fish (such as trout, salmon, and steelhead) and their habitats. TU has more than 350,000 members and supporters nationwide, including many members in Oregon.

HB 2966 with the “-4” Amendment would allow ODFW to: (1) authorize fishing contests that remove non-native black bass or walleye from Oregon waters, and (2) authorize anglers to remove and dispose of non-native fish species that adversely affect native fish species in a specified area.

TU supports HB 2966 with the “-4” Amendment because the legislation allows ODFW greater flexibility in managing non-native game fish species (e.g., bass and walleye) to benefit native fish species (e.g., trout, salmon, steelhead, and lamprey).

Current law limits the ability for anglers to assist government efforts to suppress problematic populations of non-native fish species in two ways (each, a “Problem” detailed below):

Problem 1: Existing law prohibits anglers from holding contests that kill non-native black bass or walleye, even though removal of those fish may benefit native fish species.

Anglers may only hold fishing contests for black bass (i.e., smallmouth bass, largemouth bass, redeye bass, spotted bass) or walleye that keep fish “in a live and healthy condition,” and which return the fish alive to Oregon waters at the end of the contest. ORS 498.279. However, in rivers such as the Coquille, this means the public cannot hold smallmouth bass removal contests to facilitate removal of bass that are harming valuable salmon populations—even though ODFW, Tribes, and other stakeholders may be simultaneously working to suppress that same population of non-native fish.

Section 1 of HB 2966 would address this issue by allowing ODFW to waive any of the requirements in the fishing contest statute “if the department determines that limiting a population of black bass or walleye in a body of water would benefit native fish species or the ecological health of the body of water.”¹

¹ ODFW’s administrative rules provide a definition for “native fish.” See OAR 635-007-0501(36).

Problem 2: Existing law restricts “waste” of any game fish or food fish, which means anglers must consume each non-native game or food fish retained (thereby limiting anglers’ ability to assist in suppressing harmful populations of aquatic species).

Anglers cannot “waste” game fish or food fish species (which include black bass, walleye, and certain other non-native fish species). ORS 498.042(3); ORS 509.112. In practice, this means anglers must clean and consume each individual non-native “game” fish retained in the course of recreational angling. In the *vast majority* of situations, the statutory restriction against “waste” is good public policy that stewards Oregon’s natural resources by ensuring that anglers *use* any fish removed from Oregon waters (subject to prosecution if an angler violates the “waste” statutes).

However, in contexts where non-native game fish are harming populations of native fish (e.g., smallmouth bass in the Coquille River), the policy against waste may hinder anglers’ ability to assist efforts to remove problematic fish from Oregon waters. Last year, the ODFW Commission approved new regulations that remove all size and bag limits for bass in Oregon streams in 2023.² The Commission also allowed spearfishing for smallmouth bass in the Coquille River in 2022 under a temporary rule.³ Notwithstanding this clear state interest in increasing non-native fish suppression, each of those bass removed by anglers must still be cleaned and consumed, which limits the extent to which anglers can actually remove meaningful numbers of bass from streams such as the Coquille.

Section 2 of HB 2966 (in the “-4” Amendment) would address this issue by allowing ODFW to “authorize any person to remove from a specified area *and dispose* of a nonindigenous aquatic species if the department determines that the nonindigenous aquatic species is adversely affecting any population of native fish species within that area.”⁴

Conclusion

Trout Unlimited supports HB 2966-4. We recently testified before this Committee in opposition to House Bill 2184 (regarding a bounty for smallmouth bass in the Coquille River), and we appreciate that the sponsors are advancing this related concept that grants ODFW authority and flexibility to waive statutory protections for game fish species in certain places for the purpose of conserving native species. Unfortunately, the Governor’s recommended budget does not include the funding for non-native fish suppression that TU referenced in testimony on HB 2184 (i.e., POP 118 in ODFW’s agency request budget), but HB 2966-4 presents an important opportunity to enact a policy fix targeted at the same problem.

Thank you for this opportunity to provide comments, and please let me know if you have questions.

Sincerely,

James Fraser
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² See 2023 Oregon Sport Fishing Regulations (providing in all zone regulations that there is no bag limit or minimum length for bass kept in Oregon streams) (available at: <https://www.eregulations.com/assets/docs/guides/23ORFW.pdf>).

³ See ODFW, *Spearfishing and bait use for smallmouth bass temporarily allowed on Coquille River system*, June 2, 2022 (available at: https://www.dfw.state.or.us/news/2022/06_June/060222b.asp).

⁴ ODFW’s administrative rules provide a definition for “indigenous” fish. See OAR 635-007-0501(33).