



April 4, 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 Opposes HB 2206**

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. The organization has more than 350,000 members and supporters nationwide, including many members in Oregon. TU and its members are committed to caring for Oregon rivers and streams so future generations can experience the joy of wild and native trout and salmon.

HB 2206 *as introduced* is a short study bill regarding “credits for the restoration of salmon habitat.” However, the “-4” amendments, which are proposed for consideration at the bill’s initial public hearing this legislative session, provides content for the bill that is very similar to the specifics discussed last year under HB 4148.<sup>1</sup> TU is providing comments on the substantive “-4” version of the bill here because HB 2206 is scheduled for its first public hearing and work session on the deadline for policy committees to move measures introduced in their chamber out of committee (i.e., April 4, 2023).

Trout Unlimited joined a coalition letter in opposition to the legislation,<sup>2</sup> but TU is providing this separate letter as additional, individual testimony:

**Trout Unlimited opposes HB 2206 because the program would streamline destruction of functioning salmon habitat, in the hopes that the related mitigation would fully offset that damage. TU asks that the Committee not adopt the -4 amendment, and not move the measure out of Committee.**

Salmon Credits regard Mitigation, not just Restoration

As a preliminary matter, it is critical that legislators understand that this is a mitigation and offset program in large part, meaning it necessarily involves corresponding fish habitat destruction and degradation. Much of the discussion about the salmon credit model has been in terms of “restoration” that is focused on creating new habitat. But that is only half of the picture and

---

<sup>1</sup> See House Bill 4148 (2022), available at: <https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/HB4148> .

<sup>2</sup> Available at: <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/PublicTestimonyDocument/89948> .

regards the mitigation credit *generator* sites, and disregards the related habitat degradation at mitigation credit *purchaser* properties.

For many credit projects (if not all of them), functioning habitat would be destroyed or impaired elsewhere. The bill does not require a net-benefit or net-increase in habitat (i.e., more than 1:1 mitigation), so it seems that there may only be as much new habitat created by the program as is negatively affected somewhere else. Consequently, even if the mitigation and offset program functioned as intended, then absent a funder with no mitigation obligation, the program would only create no net loss, rather than a cumulative increase in habitat across the state. Trout Unlimited is concerned that the bill would even accomplish that “no net loss” goal, given the complexity of planning, constructing, and maintaining functioning fish habitat from scratch.

To give an example of our concern: Trout Unlimited chapters in Oregon—and many other entities—often engage in restoration projects, such as installing woody debris in salmon rearing habitat, removing fish passage barriers, or reconstructing stream side channels to serve as fish rearing habitats or refuge. That typically creates a net increase in available habitat for the fish, and if the project does not function as intended, then the only effect is less of a net-increase in habitat. **The salmon credit program would be akin to those efforts, but pair each restoration project with development elsewhere that impairs or destroys habitat.** That concept is critically important to understanding the mechanics of this proposal.

#### Projects in Different Basins

TU is also concerned about the proposal to allow credit-generating projects in different basins than the related credit purchaser’s project. To be clear, this bill allows development in one watershed (such as a site on the Coos River, which empties into Coos Bay and then meets the Pacific near Charleston), but then placing all purported offsets of that harm in the Coquille River (which meets the Pacific at Bandon, about 16 miles to the south). In this example, a mitigation credit project in the Coquille might help fish populations in that river basin, but it would not help the fish populations in the Coos watershed affected by the development project.

#### Additional Concerns

Trout Unlimited has additional concerns with the specifics of this bill. Many, but not all, of those regard the same points that have been raised by DSL and ODFW in their respective comments on the legislation.

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

Sincerely,

James Fraser  
Oregon Policy Advisor  
Trout Unlimited  
[james.fraser@tu.org](mailto:james.fraser@tu.org)