

SB 221 B STAFF MEASURE SUMMARY

Carrier: Rep. McDonald

House Committee On Agriculture, Land Use, Natural Resources, and Water

Action Date: 05/19/25

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Boice, Hartman, Helm, Levy B, Marsh, McDonald, McLain, Owens, Scharf

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 4/23, 5/19

WHAT THE MEASURE DOES:

The measure directs the Oregon Department of Fish and Wildlife to encourage one or more entities participating in the salmon and trout enhancement program to establish and fund projects under a fall Chinook fish incubation nursery program. It sunsets the nursery program and associated reporting requirements on January 2, 2040.

Detailed Summary:

Directs the Oregon Department of Fish and Wildlife (ODFW) to encourage one or more entities participating in the salmon and trout enhancement program (participating entities), to establish and fund projects under a fall Chinook fish incubation nursery program (nursery program) for the rearing of fall Chinook salmonids on salmon-bearing or potentially salmon-bearing waterways located in Coos County and within 100 miles of the Pacific Ocean. Caps the combined total of eggs distributed by ODFW to be planted by all participating entities at 500,000 eggs per year and requires that eggs may only be fertilized by hatchery fish from Coos County.

Directs ODFW to assist participating entities by providing guidance to ensure that the program is scientifically sound and conducted in accordance with ODFW policies and requires entities to operate the program in accordance with ODFW's guidance.

Requires participating entities to annually report on the nursery program to ODFW, and specifies the following content requirements:

- Number of eggs deployed in incubation boxes.
- Source and number of brood stock used.
- Number and location of deployed fish incubation boxes.
- Number of adult fish that return from the incubation boxes.
- Any other data collected in association with the program.

Exempts nursery programs in Coos County that are implemented pursuant to a cooperative management agreement between the Coquille Indian Tribe and ODFW from proposed project and reporting requirements.

Includes the nursery program in ODFW's existing annual reporting requirements under the salmon and trout enhancement program. Sunsets the fall Chinook salmon incubation nursery program and associated reporting requirements on January 2, 2040. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Existing hatchbox programs in Coos County
- History and activity of the Salmon and Trout Enhancement Program (STEP)
- History, technology, and development of incubation boxes and hatchboxes
- Methodology used to show that hatchboxes are effective

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- Risk of unregulated hatchboxes
- Status and future of the Coastal Multi-Species Conservation and Management Plan (CMP)
- Importance of native broodstock and existing regulations regarding the use of such broodstock

EFFECT OF AMENDMENT:

The amendment requires that projects under the fall Chinook salmon incubation nursery program (nursery programs) comply with Oregon Department of Fish and Wildlife's (ODFW) policies and directs ODFW to provide guidance on such to participating entities. With the exception of certain nursery programs, it also introduces project and reporting requirements for participating entities. It sunsets the fall Chinook salmon incubation nursery program and associated reporting requirements on January 2, 2040.

Detailed Summary:

Limits the establishment and funding of a fall Chinook salmon incubation nursery program (incubation nursery program) to entities that participate in the salmon and trout enhancement program (participating entities). Caps the combined total of eggs distributed by the Oregon Department of Fish and Wildlife (ODFW) to be planted by all participating entities at 500,000 eggs per year and requires that eggs may only be fertilized by hatchery fish from Coos County.

Directs ODFW to assist participating entities by providing guidance to ensure that the program is scientifically sound and conducted in accordance with ODFW policies and requires entities to operate the program in accordance with ODFW's guidance.

Adds a reporting requirement for participating entities, and specifies the following content requirements:

- Number of eggs deployed in incubation boxes
- Source and number of brood stock used
- Number and location of deployed fish incubation boxes
- Number of adult fish that return from the incubation boxes
- Any other data collected in association with the program

Exempts nursery programs in Coos County that are implemented pursuant to a cooperative management agreement between the Coquille Indian Tribe and ODFW from proposed project and reporting requirements.

Changes the reporting requirement for ODFW by including the nursery program in ODFW's existing annual reporting requirements under the salmon and trout enhancement program. Sunsets the fall Chinook salmon incubation nursery program and associated reporting requirements on January 2, 2040.

BACKGROUND:

Since 2018, the wild Coquille fall Chinook salmon population has declined. According to the Oregon Department of Fish and Wildlife (ODFW), from 2018 to 2021, there was a low of 275 adult fall Chinook salmon returning to spawn and a high of approximately 900. Previously, wild adult returns averaged about 8,000–10,000 fish yearly. According to ODFW, the ability of the population to sustain itself is at risk.

According to the *ODFW Hatchbox Program 2023–2024 Legislative Report*, incubation nurseries, or hatchboxes, are "small scale fish egg incubation devices which are placed either at the edge of a streambank or directly instream and from which salmon or steelhead fry emerge into the stream's natural environment. Fertilized eggs from selected parental broodstock are placed in the hatchboxes and, subsequently, unfed, unmarked fry volitionally emerge and enter into the waterbody." Some hatchboxes in Oregon are operated by ODFW Salmon and Trout Enhancement Program (STEP) volunteers. Since the 1980s, state legislation established and updated the hatchbox program and provided funding for STEP staff to manage the program. STEP activities are also subject to federal laws and regulations, and federal funding has supported STEP activities. Recently, the hatchboxes have been most often used in circumstances where barriers preclude naturally returning wild fish re-establishment. Hatchboxes are also used in educational projects to improve the public's awareness and knowledge of fish conservation

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efforts.