

B-Engrossed Senate Bill 221

Ordered by the House May 21
Including Senate Amendments dated March 24 and House Amendments
dated May 21

Sponsored by Senator SMITH DB; Representative BOICE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act directs ODFW to support certain fish rearing projects. The Act starts when signed. (Flesch Readability Score: 86.4).

Directs the State Department of Fish and Wildlife to assist in the establishment of fall Chinook fish incubation nursery programs, and to report on the programs to the Legislative Assembly. **Sun-sets January 2, 2040.**

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to a fish enhancement program; creating new provisions; amending ORS 496.445; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) To assist with assessing the use of fish incubation devices as a method for enhancing or recovering salmon populations, the State Department of Fish and Wildlife shall encourage one or more entities that participate in the salmon and trout enhancement program described in ORS 496.440 to establish, and fund projects under, a fall Chinook salmon incubation nursery program for the rearing of fall Chinook salmon on salmon-bearing or potentially salmon-bearing waterways that are:

(a) Located in Coos County; and

(b) Within 100 miles of the Pacific Ocean.

(2) If one or more entities establish, and fund projects under, a program described in subsection (1) of this section:

(a) The department may distribute eggs for use in the program only in a manner that ensures that the entity or entities do not plant a combined total of more than 500,000 eggs in any calendar year;

(b) The department shall assist the entity or entities by providing guidance to ensure that the program is scientifically sound and conducted in accordance with department policies; and

(c) The entity or entities shall operate the program in accordance with the department's guidance under paragraph (b) of this subsection.

(3) Under a program described in subsection (1) of this section, an entity:

(a) May only use fish that originate from Coos County hatcheries to produce fertilized eggs.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(b) Shall annually report to the department, on or before a date determined by the department, on the program to describe, at a minimum:

(A) The number of eggs deployed in incubation boxes.

(B) The source and number of brood stock used.

(C) The number and location of fish incubation boxes deployed.

(D) The number of adult fish that return from the incubation boxes.

(E) Any other data collected in association with the program.

(4) This section does not apply to an incubation nursery program in Coos County that is implemented pursuant to a cooperative management agreement between the Coquille Indian Tribe and the State Fish and Wildlife Commission.

SECTION 2. Section 1 of this 2025 Act is repealed on January 2, 2040.

SECTION 3. ORS 496.445 is amended to read:

496.445. In carrying out the salmon and trout enhancement program, the State Fish and Wildlife Commission shall:

(1) Provide appropriate State Department of Fish and Wildlife personnel to act as community advisors to cooperatively develop enhancement projects with citizen volunteers and to cooperatively evaluate enhancement projects with the citizens responsible for project implementation.

(2) Provide technical assistance to citizens responsible for implementation of enhancement projects.

(3) Coordinate the implementation of enhancement projects with the activities of department staff and other agencies.

(4) Provide educational and informational materials to promote public awareness and involvement in the salmon and trout enhancement program.

(5) Supervise the activities of citizens developing local brood stock for enhancement projects.

(6) Grant funds to citizens for the implementation of approved enhancement projects from such moneys as may be available to the commission therefor.

(7) Develop and implement a remote hatchbox program as described in ORS 496.458.

(8) Report annually to a committee or interim committee of the Legislative Assembly related to wildlife, in the manner prescribed in ORS 192.245, on the progress of:

(a) The salmon and trout enhancement program described in ORS 496.440.

(b) Any fall Chinook salmon incubation nursery program described in section 1 of this 2025 Act.

SECTION 4. ORS 496.445, as amended by section 3 of this 2025 Act, is amended to read:

496.445. In carrying out the salmon and trout enhancement program, the State Fish and Wildlife Commission shall:

(1) Provide appropriate State Department of Fish and Wildlife personnel to act as community advisors to cooperatively develop enhancement projects with citizen volunteers and to cooperatively evaluate enhancement projects with the citizens responsible for project implementation.

(2) Provide technical assistance to citizens responsible for implementation of enhancement projects.

(3) Coordinate the implementation of enhancement projects with the activities of department staff and other agencies.

(4) Provide educational and informational materials to promote public awareness and involvement in the salmon and trout enhancement program.

(5) Supervise the activities of citizens developing local brood stock for enhancement projects.

1 (6) Grant funds to citizens for the implementation of approved enhancement projects from such
2 moneys as may be available to the commission therefor.

3 (7) Develop and implement a remote hatchbox program as described in ORS 496.458.

4 (8) Report annually to a committee or interim committee of the Legislative Assembly related to
5 wildlife, in the manner prescribed in ORS 192.245, on the progress of[:]

6 [(a)] the salmon and trout enhancement program described in ORS 496.440.

7 [(b) *Any fall Chinook salmon incubation nursery program described in section 1 of this 2025*
8 *Act.*]

9 **SECTION 5. The amendments to ORS 496.445 by section 4 of this 2025 Act become oper-**
10 **ative on January 2, 2040.**

11 **SECTION 6. This 2025 Act being necessary for the immediate preservation of the public**
12 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
13 **on its passage.**