



February 6, 2025

Senator Jeff Golden, Chair
Senator Todd Nash, Vice-Chair
Senate Committee on Natural Resources and Wildfire

Re: Trout Unlimited Opposes SB 511

Dear Chair Golden, Vice Chair Nash, and Members of the Committee,

Trout Unlimited (TU) is a non-profit 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.

Trout Unlimited joined a coalition letter in opposition to this bill, but we're providing this separate letter as additional, individual testimony:

Trout Unlimited opposes SB 511 because the program would streamline destruction of functioning salmon habitat, in the hopes that the related mitigation would fully offset that damage.

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 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, 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.

Restoration Funding

For all the disagreement about this concept, there is clearly broad support for doing good projects for salmon in Oregon. It's worth noting that there will soon be a new and rather massive funding source for that work—and other good water projects—in our state.

In the 2024 session, this Committee heard the Monsanto settlement fund bill, SB 1561, which established an endowment that could produce in the ballpark of \$60 million per biennium (in interest) for work including restoration.¹ The governing Council for that Fund is being set up now within OWEB. TU mentions this only because, once it's up and running, the SB 1561 funds will be divvied 50% to state agency programs, 25% to disproportionately impacted communities, and 25% to a Tribal Nation Natural Resource Program Fund. That is for additive, new work, not backfilling programs or replacing existing funding streams.

To be clear, TU is in no way recommending that the Legislature carve-off anything from the SB 1561 funds and direct it to the salmon credit idea or any other concept, nor use SB 1561 funds for mitigation. Rather, we're highlighting that the salmon credit program would take a very long time to set up, and on a similar timeline or perhaps even faster, restoration projects may be coming online with SB 1561 funding. One can hope that we'll see some great projects for salmon on private land in the Coos and Coquille as part of that.

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 in its comments on the 2025 bill² and ODFW's comments on the 2023 predecessor (HB 2206-4 (2023)).³

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

Sincerely,

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¹ <https://olis.oregonlegislature.gov/liz/2024R1/Measures/Overview/SB1561>

² <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/122425>

³ <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/PublicTestimonyDocument/90089>