April 22, 2025

Representative Ken Helm, Co-Chair
Representative Mark Owens, Co-Chair
Representative Sarah Finger McDonald, Vice-Chair
House Committee on Agriculture, Land Use, Natural Resources, and Water

Re: **Trout Unlimited Opposes SB 221 (More Hatchboxes in Coos County)**

Dear Co-Chairs Helm and Owens, Vice-Chair Finger McDonald, 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. TU has more than 350,000 members and supporters nationwide, including many members in Oregon.

Trout Unlimited opposes SB 221 because a fish incubation nursery (i.e., "hatchbox") program for fall chinook salmon already exists in Coos County under the "research" framework of the applicable ODFW fish management plan and other agreements.

Senate Bill 221 directs Oregon Department of Fish & Wildlife (ODFW) to "encourage one or more entities to establish, and fund projects under a fall chinook fish incubation nursery program" in Coos County, and to "assist the entity or entities with ensuring that the program is scientifically sound."

TU appreciates that the Senate Committee on Energy & Environment narrowed the focus of the bill to fall chinook salmon only. However, we still have concerns about the legislation—many of which have not yet received discussion during a public hearing—because the content of SB 221 was drafted and adopted weeks after the bill's public hearing in the Senate. Below, we have provided background on hatchboxes and current usage in Coos County under existing law, and then provided our concerns with this bill:

BACKGROUND

1. **Hatchboxes are *one tool* in the toolbox for restoring and conserving salmon stocks, with specialized application for certain scenarios**.

Hatchboxes increase the number of fish hatching from the egg-stage in a watershed. They primarily serve to: (1) re-seed habitat that isn't used by spawning fish; for example, in habitat far above a recently-removed fish passage barrier, and (2) ensure fish production in areas where spawning gravel is limited.

To be successful in producing increased numbers of returning adult fish, hatchboxes must be complementary to other approaches and actions (such as addressing invasive fish species and water quality). There aren't many published papers regarding Chinook salmon hatchbox programs, but Conley (2020)[1] found that hatchbox progeny: (1) were significantly shorter in length than natural-produced progeny during the fall, (2) exhibited different dispersal patterns from natural-produced fish, and (3) had different smolt migration timing (a single pulse vs. two pulses for wild fish) and patterns than wild fish.

[1] Conley et al., *In-Stream Egg Incubators Produce Hatchery Chinook Salmon with Similarities to and Differences from Natural Juveniles* (2020) (available at: https://afspubs.onlinelibrary.wiley.com/doi/epdf/10.1002/nafm.10409).

Essentially, hatchbox fish were less effective than wild fish and did show signs of domestication effects and hatchery selection, which warrants careful balancing of the benefits and risks in using hatchboxes.

2. **Hatchboxes are *already* being used in Coos County for fall chinook salmon.**

With the background on utility and limits of hatchboxes (see above), TU's position is that using hatchboxes in the Coquille River specifically, for certain purposes, has value given the low numbers of returning adult fall Chinook. *However*, ODFW already works with the Coquille Indian Tribe and local STEP groups on hatchbox programs for fall chinook in the Coquille River and the Millicoma River (both in Coos County, like the program described in SB 221). In both instances, hatchbox usage is governed by the applicable fish management plan (the "Coastal Multi-Species Plan" or "CMP").[2] The CMP—which uses the term "unfed fry" in describing hatchbox programs—states:

> "The majority of the current unfed fry releases in the coastal [Species Management Units] are identified in the CMP for phase out because of their limited benefits to the fisheries and the risk to wild populations. . . . Unfed fry releases may still be used in these [Species Management Units] if it is determined that there is a conservation need for such releases."[3]

In our view, the existing framework under the CMP—of allowing hatchbox usage for conservation need or for research purposes—is the right approach, and our testimony on SB 221 does not regard those existing conservation programs or research operating under the CMP.

A bill directing ODFW to work with third parties on similar, further, or expanded work indefinitely and without similar research requirements is unnecessary and raises concerns described below.

CONCERNS

1. **The new programs described in this bill would seemingly be exempt from ODFW's plans and policies.**

At the time of the Senate's public hearing on this bill, SB 221 (per the "-3" Amendment) regarded ODFW establishing and operating a new hatchbox program in Coos County. This would have meant that ODFW's plans and policies would have applied to the activities. In other words, the requirements that hatchboxes be used only for conservation purposes or research would have applied to the "-3" version of this bill.

However, the subsequent amendments—which were introduced after the public hearing and opportunity to provide written testimony—adjusted this dynamic in an important way. Specifically, the "-4" and the "-5" (which became SB 221A) require ODFW to encourage one or more third-party, non-ODFW entities "to establish, and fund projects under, a fall chinook fish incubation nursery program." Accordingly, SB 221 authorizes third parties–who aren't constrained by ODFW statutes, rules, or policies—to run hatchbox programs.

ODFW's existing policies and plans (such as the CMP) already provide a framework for using hatchboxes in Coos County, and multiple entities are already using hatchboxes in the Coquille and

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[2] *See* 2024 Oregon Hatchery Research Center Report at pp. 15-16 regarding Millicoma River hatchboxes (available at: https://www.dfw.state.or.us/fish/OHRC/docs/2025/OHRC%20Board%20Annual%20Report%202024.pdf), and 2023 Coastal Multi-Species Plan Report at p. 7 regarding Coquille hatchboxes or "unfed fry" (available at: https://www.dfw.state.or.us/fish/crp/docs/coastal_multispecies/2023%20CMP%20Report.pdf).

[3] CMP at pp. 43 (available at: https://www.dfw.state.or.us/fish/crp/docs/coastal_multispecies/CMP_main_final.pdf).

Millicoma Rivers. SB 221 seems to allow different, expanded, or further programs that don't have the same limitations or requirements, which could lead to negative conservation outcomes.

2. **The bill lacks meaningful reporting requirements and transparency.**

There is no meaningful reporting requirement in SB 221. This bill requires one report to the Legislature in 2026—at which time there will be no meaningful project results, given the multi-year life cycle of salmon—and no reports or information sharing thereafter. As a result, there is no obligation of transparency from the program managers or ODFW to the public about the size, location, efficacy, and results of these programs (let alone specification on the sources of broodstock).[4] A standard practice of fish management—and State involvement in it—would be to require periodic reporting on results and implementation.

3. **There is no sunset to the program.**

This legislation permanently authorizes new forms of hatchbox programs in Coos County—above and beyond what already occurs under the governing fish management plan— and obligates ODFW to engage in those activities indefinitely. Typically, new natural resource management programs like this include a sunset so the Legislature can check on the results, efficacy, value, or concerns with implementation. If the Legislature is going to pursue the concept contemplated by SB 221, we recommend structuring it as a pilot program by adding a sunset date.

4. **There is no fiscal for ODFW.**

We question whether ODFW can engage in the program contemplated by SB 221 without a fiscal. ODFW already provides fish eggs and staff time for hatchboxes in Coos County. Presumably, the hatchbox program described in this bill would require increased levels of material and time commitments (e.g., more fish eggs collected and spawned by ODFW biologists and equipment). Moreover, the bill directs ODFW to ensure the program "is scientifically sound," which seems to require a certain level of oversight, expert input, and hopefully, facilitation of information-sharing on program results with the public. A fiscal may be necessary.

CONCLUSION

TU opposes SB 221 for the reasons described above and we are open to having conversations about amendments that would address our concerns.

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

Sincerely,

James Fraser
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[4] "Broodstock" are the adult fish used to produce fertilized eggs for hatchbox or hatchery programs.