

# House Bill 2759

Sponsored by Representative CLEM (Pre-session 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 **as introduced**.

Modifies definition of "native fish" for purposes of salmon and trout enhancement program.

## A BILL FOR AN ACT

Relating to fish; creating new provisions; and amending ORS 496.430.

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

**SECTION 1.** ORS 496.430 is amended to read:

496.430. As used in this section and ORS 496.435 to 496.455:

(1) "Enhancement" means resource conservation, utilization and educational activities that contribute to the recovery and sustainability of native fish.

(2) "Listed unit" means one population or a group of populations of a species, such as an evolutionarily significant unit, that has been listed as threatened or endangered under the federal Endangered Species Act of 1973 (P.L. 93-205), as amended, or under ORS 496.171 to 496.192.

(3) "Native fish" means **fish that are** indigenous to Oregon and not introduced. [*Naturally produced fish and*] Hatchery produced fish **that are incubated, fed and reared under artificial conditions for at least a portion of their life and naturally produced fish** are both native fish if the fish are indigenous to Oregon and not introduced.

(4) "Native stocks" means those fish indigenous to Oregon that naturally propagate in a given watershed.

(5) "Naturally produced" means a fish that reproduces and completes its full life cycle in its natural habitat. The naturally produced progeny of hatchery fish are naturally produced.

(6) "Population" means a group of fish that:

(a) Originates and reproduces in a particular area at a particular time;

(b) Does not interbreed to any substantial degree with any other group reproducing in a different area or in the same area at a different time; and

(c) Is composed of naturally produced fish, hatchery produced fish or a combination of both.

(7) "Recovery" means that a proportion of the constituent populations of naturally produced native fish belonging to a listed unit are sufficiently abundant, productive and diverse in life histories and distribution such that the listed unit as a whole will be self-sustaining into the foreseeable future.

(8) "Self-sustaining" means having a sufficient proportion and distribution of constituent populations that:

(a) Are likely to survive prolonged periods of habitat, oceanic, climatic and environmental conditions that are detrimental to a population; and

(b) Have habitat of sufficient quality and quantity that is likely to provide survival rates ade-

**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.

1 quate to maintain associated ecological, cultural and economic benefits.

2 **SECTION 2. The amendments to ORS 496.430 by section 1 of this 2011 Act apply to salmon**  
3 **and trout enhancement activities first begun pursuant to ORS 496.435 to 496.455 on or after**  
4 **the effective date of this 2011 Act.**

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