

HB 2379 A STAFF MEASURE SUMMARY

Carrier: Rep. Smith DB

House Committee On Natural Resources**Action Date:** 04/09/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Barreto, Gorsek, McKeown, Reardon, Smith DB, Sprenger, Witt**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Kailey Kornhauser, LPRO Analyst**Meeting Dates:** 3/12, 4/9**WHAT THE MEASURE DOES:**

Declares that the United States Army Corps of Engineers (Corps) has failed to operate the Cole M. Rivers Hatchery (Hatchery) on the Rogue River in conformance with the fish return goals under the mitigation requirements agreed to in the hatchery's Final Environmental Impact Statement (EIS). States that the number of spring Chinook returning to the Hatchery has declined 60 percent below the average hatchery spring Chinook adult return goal set in the Impact Statement in the past 14 years. Establishes the period available to Curry, Josephine, and Jackson Counties (Counties) to commence action against the Corps regarding damages resulting from failure of The Corps to operate the Hatchery in conformance with fish return goals specified in the Final EIS ending January 1, 2030. Allows specified counties to seek, and court to award, damages for economic loss related to fish return being less than mitigation requirements in Final EIS. Applies retroactively for damages resulting from failure of the Corps to conform with fish return goals in Final EIS.

ISSUES DISCUSSED:

- Fishing tourism
- U.S. Army Corps of Engineers mitigation projects

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Since 1951, the U.S. Army Corps of Engineers (Corps) has contracted with the Oregon Department of Fish and Wildlife (ODFW) to operate seven mitigation hatcheries and fish production services in the Columbia, Willamette, and Rogue Basins. The Corps began funding the Cole M. Rivers Hatchery in 1973 to mitigate for lost salmon, steelhead, and trout production and habitat due to the construction of Lost Creek, Applegate, and Elk Creek Dams. In total, the Corps is responsible for 749,800 pounds of hatchery fish annually.

House Bill 2379 A would authorize Curry, Josephine, and Jackson Counties to take action against the Corps, and seek damages for economic loss incurred by the county due to the Corps' failure to conform with fish return goals set in mitigation requirements agreed to in the hatchery Final Environmental Impact Statement until January 1, 2030.