

## HOUSE AMENDMENTS TO HOUSE BILL 2379

By COMMITTEE ON NATURAL RESOURCES

April 12

1 Delete lines 4 through 11 of the printed bill and insert:

2 **“SECTION 1. The Legislative Assembly finds and declares that:**

3 **“(1) The United States Army Corps of Engineers has failed to operate the Cole M. Rivers**  
4 **Hatchery located on the Rogue River in conformance with the fish return goals under the**  
5 **mitigation requirements agreed to in the hatchery Final Environmental Impact Statement**  
6 **dated May 8, 1972.**

7 **“(2) The environmental impact statement referred to in subsection (1) of this section**  
8 **requires that 13,020 hatchery spring Chinook adults be returned to the Cole M. Rivers**  
9 **Hatchery annually while the returning spring Chinook population also supports a robust in-**  
10 **river fishing season and harvest.**

11 **“(3) In 1972, the angling limit for spring Chinook was three fish, but the limit is now two**  
12 **fish.**

13 **“(4) The number of spring Chinook returning to the Cole M. Rivers Hatchery has de-**  
14 **clined during the past 14 years to a level that is 60 percent below the average hatchery spring**  
15 **Chinook adult return goal set in the environmental impact statement referred to in sub-**  
16 **section (1) of this section.**

17 **“(5) Despite the environmental impact statement requirement that 13,020 hatchery spring**  
18 **Chinook adults be returned to the Cole M. Rivers Hatchery annually, the number that actu-**  
19 **ally returned was 1,846 in 2016, 2,963 in 2017 and 4,074 in 2018.**

20 **“(6) The shortfall in returning hatchery spring Chinook adults causes economic loss to**  
21 **the area counties at the rate of \$576 per fish.**

22 **“SECTION 2. Notwithstanding any statute of limitation or statute of ultimate repose**  
23 **under ORS chapter 12:**

24 **“(1) The period available to Curry, Josephine and Jackson Counties for commencement**  
25 **of any action against the United States Army Corps of Engineers seeking damages resulting**  
26 **from failure of the corps to operate the Cole M. Rivers Hatchery in conformance with the**  
27 **fish return goals under the mitigation requirements agreed to in the hatchery Final Envi-**  
28 **ronmental Impact Statement dated May 8, 1972, shall continue until January 1, 2030.**

29 **“(2) An action described in subsection (1) of this section may seek, and a court may**  
30 **award, damages for all economic loss incurred by a county due to the number of hatchery**  
31 **adult spring Chinook actually returning to the hatchery being less than the fish return goals**  
32 **under the mitigation requirements agreed to in the hatchery Final Environmental Impact**  
33 **Statement dated May 8, 1972.**

34 **“(3) Except as provided in this subsection, subsections (1) and (2) of this section operate**  
35 **retroactively to revive any extinguished cause of action against the United States Army**

1 **Corps of Engineers for damages resulting from failure of the corps to operate the Cole M.**  
2 **Rivers Hatchery in conformance with the fish return goals under the mitigation require-**  
3 **ments agreed to in the hatchery Final Environmental Impact Statement dated May 8,**  
4 **1972. This section does not apply to any cause of action for which a judgment was entered**  
5 **before the effective date of this 2019 Act.”**

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