RE: HB3150

I am very concerned with this bill as written and frankly, I think this is not only bad legislation but bad public policy.

I have served as a stakeholder advising the Oregon Department of Fish and Wildlife (ODFW) during the development of both the Conservation Plan for Fall Chinook Salmon In The Rogue Species Management Unit (Curry County, Euchre Creek to the Winchuck River) and the Rogue-South Coast Multi-Species Conservation and Management Plan (Curry County, Elk River to the Winchuck River). I currently serve as the chair of the ODFW Restoration and Enhancement Board and the chair of the Pacific Fisheries Management Council's (PFMC) Salmon Advisory Subpanel representing Oregon Ocean Recreational Fishermen. I represent recreational fishermen on the Ocean Policy Advisory Council and I am the President of the Port of Brookings Harbor Commission. I am a retired wildlife manager, having spent 33 years with the Nevada Department of Wildlife. I have owned property in Curry County for 35 years and I have been an Oregon resident for 18 years. Bona fides aside, I am a passionate sportsman and a wildlife advocate. I am contacting you as a concerned citizen and not as representative of any of the entities noted above.

During the planning processes that I have participated in, one of the key limiting factors for south coast streams is the lack of juvenile rearing habitat for salmonids, specifically estuaries, the only exception being the larger rivers like the Rogue, Coos, Coquille and the Umpqua.. We do know that both the freshwater and saltwater environments are becoming increasingly challenging for anadromous fish, particularly juveniles, as they move downstream and into the ocean. They face a multitude of challenges including predation by both birds and pinnipeds, lack of suitable zooplankton in the ocean and high water temperatures and competition for food in the freshwater rearing habitats. Those factors, coupled with ocean harvest by both commercial and recreational salmon fishermen, have affected adult spawner escapement and the number of adult fish available for harvest.

The public has a strong desire for more fishing opportunity, both for recreational benefits but also for economic benefits, particularly for coastal communities. Both the State and PFMC work very hard to effectively manage the harvest programs to ensure a balance between meeting the desires of the angling public while maintaining viable fish population levels.ODFW manages a hatchery program designed to augment naturally produced fish populations, primarily for the benefit of harvesters and the related industries. Oregon's hatchery programs are guided and constrained by the Native Fish Conservation Policy and Hatchery Genetics Management Plans. These plans direct that hatchery produced fish complement but do not harm native fish populations. They are carefully crafted to achieve that purpose and, most importantly, they are measurable and accountable. While not popular in some circles, I believe that Oregon is light years ahead of our neighboring anadromous fish producing States as they struggle with similarly challenging lower adult fish returns because of this policy guidance.

The mystique of hatchboxes relies on their history of deployment during a much different climate era. Both ocean and freshwater conditions were vastly better than they are today. Their actual success in bolstering anadromous fish populations is questionable, but it sure felt good to be doing something to help have more fish to catch. The reality is that hatchbox success is difficult to scientifically quantify. As much as some would like to claim they helped, there is equally as much chance that increases in salmon and steelhead numbers were the direct result of good ocean conditions.

In my view, hatchboxes have three challenges. First, their contribution or damage is not accountable. Thousands of unmarked fish will be released onto streams and they will be very difficult, if not impossible to identify as separate from naturally produced fish. Second, and most important, they will be in direct competition with naturally produced fish for what has already been identified as critically scarce rearing habitat. Most folks are aware of the concept of carrying capacity in the realm of wildlife populations. Essentially, no matter how many critters you cram into a critical area (deer winter range, nesting island or an estuary) the natural process will support only the number that can effectively find food enough to survive. In overcrowded critical habitats, those that do survive are often weakened and face future challenges in dealing with disease vectors and avoiding predators. Hatchbox programs that do not recognize these natural limitations will not contribute to population increases and they may also jeopardize the survival of naturally produced fish. Finally, a hatchbox program will rely on the hatchery production of eyed eggs that will be placed into the hatchboxes. That will require adult spawners to be removed from their natal stream or from surplus returning hatchery fish. In all the rivers and streams in Curry County included in this bill, only the Chetco, Elk and Rogue have hatchery supplementation programs. Eggs for the rest of the streams would have to come from captured adults from each individual water. That would require a significant collection effort and sufficient incubation capacity that could be individual stream isolated at the hatcheries. A collaborative effort between ODFW and a local sportsman group is used to collect broodstock from the Chetco River. This requires a significant effort, usually spread over several days. The target is production of 200,0000 smolts for release into the Cheto River, which requires about 120 adult fish with the appropriate gender composition. It also requires access for trucks, crews and an area suitable for the capture effort, in this case with beach seine nets. Those conditions do not exist on many of the streams in Curry County included in this bill, In addition, the removal of 120 fish from the "pool" available to anglers is not wildly popular. Increasing the numbers removed, particularly for a program that cannot be effectively evaluated, should be a red flag.

Many recreational fisheries rely on the use of "mark-select" harvest strategies. Mark select is the harvest of fish that have had fins removed during hatchery production. Oregon requires all hatchery fish to be marked with an adipose fin clip. This practice allows management programs to focus harvest on hatchery produced fish. By avoiding the harvest of naturally produced fish, returning adult spawner numbers can be maximized while still allowing fishers to remove hatchery fish for consumption. Fish

reared in hatchboxes will not be marked, and in many cases, not available for harvest, which flies in the face of what I believe the intent of this legislation is. In addition, marked fish are used as surrogates for naturally produced fish in determining ocean survival when compiling abundance forecasts. Producing more fish to harvest is the desire of every fisherman, but that production should be managed using measurable and accountable efforts, not an outdated process that flushes completely unidentifiable fish of unknown quantities into these stream systems. If we truly want more fish to harvest, then we should improve and increase hatchery releases. For example, there are many technologies that allow us to produce sterile hatchery fish. Their use has been limited to freshwater applications to this point and I don't believe there are currently any anadromous fish applications. Use of sterile fish removes the concern about introgression in wild fish. The point is, we may have many options to create accountable programs to help us add to the number of fish available for harvest. We should look there rather than regressing to using what well may be an unproven legend from our history.

I also believe that this bill is poor public policy. Legislative action on specific management actions circumvents the already established Fish and Wildlife Management process established by the Legislature. The Fish and Wildlife Commission, acting with your statutory direction, is responsible for setting policy with respect to fisheries management. The system relies on the Commission determining public opinion and directing ODFW responses. Most importantly, that response is guided by scientifically supported programs. I realize that many of your constituents may be frustrated with ODFW's response to using hatchboxes, but circumventing the professionals with years of on the ground experience and substituting Legislative accommodation that seeks to return to an archaic and unproven program is, at best, shortsighted. I firmly believe that if ODFW and the rest of the wildlife professional felt hatchboxes had a viable place in fisheries management their use would be widespread. It is not. Hatchboxes, or more specifically in-gravel incubation cubes, are used in some locations to help repopulate streams that have suffered from catastrophic events or where "new" habitat has resulted from dam removals.

I urge you to not consider this bill for further action. Thank you.

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