



THE CONSERVATION ANGLER URGES A NO VOTE ON HB 2747

2019 HOUSE NATURAL RESOURCES COMMITTEE

The Conservation Angler is a wild fish advocacy organization focused on the science and conservation-based management of Oregon's Native fish and wildlife. We appreciate the opportunity to explain our opposition to HB 2747.

The actions of the Oregon Department of Fish and Wildlife and the Fish and Wildlife Commission are directed by the statutory guidance provided by the Oregon Legislature in the State Wildlife Policy in ORS 496.012. That policy directs the commission to "prevent the serious depletion of any indigenous species..." Serious depletion is defined in administrative rule: "Serious depletion" means a significant likelihood that the species management unit will become threatened or endangered under either the state or federal Endangered Species Act." (OAR 635-007-0501 (56))

The State Wildlife Policy directs the department and commission to also "provide optimum recreational and aesthetic benefits." "Optimum means the desired fish production level as stated in management plans or set by specific Commission action." (OAR 635-007-0501 (42))

While this statutory direction may seem to be contradictory, the Attorney General has explained that "The Commission and the Department's overriding obligation is to manage to prevent serious depletion of any indigenous species, which thereby enables the Department and Commission to provide optimum recreational and aesthetic benefits. (Attorney General Opinion 3.10.97)

The Conservation Angler draws the legal conclusion, based on the plain statutory language, that the Oregon Department of Fish and Wildlife is an indigenous wildlife management agency and that the opportunity for the use and enjoyment of Oregon's indigenous fish and wildlife – whether through fishing, hunting or wildlife watching – is and must be secondary to ensuring indigenous wildlife species are preserved and protected for "future generations."

While ODFW and the Commission manage fishing, hunting, trapping as well as wildlife viewing and other non-consumptive use in Oregon, the Commission's primary obligation lies in protecting the state's native wildlife resources through the sustainable utilization of those resources.

The Conservation Angler believes that the changes to the makeup of the Fish and Wildlife Commission proposed in HB 2747 would make the sustainable management of our wildlife resources impossible. Requiring that specific seats on the commission be assigned to various industry and user groups creates extensive and on-going conflicts of interest. It directly conflicts with the statutory requirement that "the commission shall represent the public interest of the state and make decisions affecting the wildlife resources of the state for the benefit of those resources." (ORS 496.090 (6))

Thank you for the opportunity to present comments regarding our opposition to HB 2747.

Contacts:

David Moskowitz, Executive Director, 3241 NE 73rd Avenue, Portland, OR 97213

Jim Myron, Government Affairs Consultant, PO Box 675, Canby, OR 97013