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Oregon State Legislature
Oregon State Capitol
House Committee on Rural Communities, Land Use, and Water
900 Court Street NE
Salem, OR 97301

March 30, 2015

Sent via email to:
House Committee On Rural Communities, Land Use, and Water
Committee Administrator Ian Davidson
Committee Assistant Lindsay Trant

Oregon Wild Written Testimony Re: Public Lands Seizure Bills, House Bills 3444, 3240, and HJM 13

Dear Chairman Clem, and Members of the Committee,

On behalf of more than 15,000 Oregon Wild members and supporters from across the state, we would like to submit this written testimony for your consideration in regards to proposed legislation that would put the State of Oregon on the path of taking National Forest, Park, and Wildlife Refuge lands currently owned by the American people. These bills are poorly conceived, destructive to Oregon's quality of life and modern economy, and in violation of both the U.S. Constitution and the 1859 Oregon Enabling Act.

Oregon Wild strongly opposes these measures, and any legislation that would seize, or promote the takeover of, America's National Forest, Park or Wildlife Refuge lands located in Oregon, or promote such a misguided, misinformed, divisive, and wasteful effort.

Concerns Regarding HB 3444

HB 3444 – This bill seeks to force the United States government to hand over control of American public lands in Oregon, such as Crater Lake National Park, Mount Hood National Forest, the Three Sisters Wilderness, Oregon Dunes National Recreation Area, Fort Clatsop and the Lewis and Clark National Historic Park, and other beloved areas, to the State of Oregon for purposes of increased logging, mining, cattle grazing, and other development.

This bill is incredibly misguided, misinformed, divisive and destructive, for a wide variety of reasons.

- Unconstitutional – Article IV, § 3, Clause 2—the Property Clause—of the United States Constitution states that only Congress has authority over federal property, and that only Congress can make decisions as to whether to acquire more federal public lands, or to dispose

of any federal lands, in any individual state. HB 3444 would clearly be in violation of the United States Constitution.

- **Illegal** – The 1859 Oregon Enabling Act—the federal law that allowed Oregon to become a U.S. State—specifically required Oregon to relinquish all further claims to America’s publicly-owned lands within the boundaries of Oregon as a condition of statehood. This is true of every state in America. As a condition of becoming a U.S. State, the Oregon Legislature agreed, passing companion legislation committing that Oregon would never seek to claim additional land belonging to the public of the United States within its boundaries, beyond that authorized at the time of Statehood or subsequently by Congress.
- **Budget Busting** – While the backers of HB 3444 wish for the State of Oregon to take ownership of hundreds of public properties within the state that are currently owned by the American people, they provide no mechanism whatsoever for paying for the administration of such a transfer, or providing for the management of these lands afterwards. At a time when Oregon is struggling to pay for basic government services, how will it support the management of Crater Lake National Park, Hart Mountain National Antelope Refuge, or the Hells Canyon National Recreation Area? Is the desired outcome of this legislation that these lands would be privatized and sold off to the highest bidder?
- **Divisive** – HB 3444 appears to be taken word-for-word from out-of-state special interest groups, specifically the American Legislative Exchange Council (ALEC) and Koch brothers-funded Americans for Prosperity. These groups have a long history of promoting ill-conceived, divisive legislation that wastes taxpayer resources and is out of step with mainstream values. Oregonians strongly oppose the idea of state politicians seizing America’s public lands, as demonstrated by a 2014 poll¹ which found that 65% of Oregonians oppose such an idea, while just 28% support. Oregonians see public lands like Crater Lake National Park and Mount Hood National Forest as treasures that add immeasurably to our quality of life, tourism, and recreation economies, not as assets to be sold off and privatized. The idea that the Oregon legislature would spend time considering a proposal to dismantle America’s public lands heritage, modeled on the work out-of-state special interest groups, is outrageous to most Oregonians.
- **Economically Destructive** – HB 3444 would threaten Oregon’s modern tourism and recreation economy. According to a study by the National Park Service², in 2011 some 839,000 people visited National Parks and Monuments located in Oregon, spending approximately \$56 million in communities surrounding these publicly-owned lands. These numbers only reflect parks and monuments—National Forests, BLM lands, National Wildlife Refuges, and other public lands generate tens of millions more. Crater Lake National Park alone drew nearly 425,000 visitors, putting nearly \$35 million dollars into local communities. HB 3444 ignores the vital fuel America’s public lands provide to Oregon’s tourism and recreation economy, and seeks instead to remove these lands from conservation-oriented management to allow for more destructive logging, mining, and other destructive development. No one comes to Oregon to go hiking in a clearcut, or wildlife-watching in a strip mine.

¹ Center for Western Priorities polling data, <http://www.americanpubliclands.com/wp-content/uploads/2014/10/Oregon1.pdf>

² National Park Service, <http://www.nps.gov/crla/learn/news/crater-lake-and-oregon-caves-tourism-creates-local-economic-benefits.htm>

- Hostile Business Climate – At a time when Oregon is becoming internationally recognized as a magnet for the outdoor recreation industry, HB 3444 would roll up the welcome mat. According to a national economic study conducted for the Outdoor Industry Association, the outdoor recreation industry directly supports 141,000 jobs in Oregon, generating \$4 billion in wages and salaries and \$955 million in tax revenue³. A number of outdoor equipment manufacturers, such as Keen Footwear, have relocated to Oregon in part because our state is blessed with a rich heritage of public lands. Hundreds of other businesses in Oregon, from whitewater rafting guides to bed and breakfast operations, also rely on tourism and recreation on our National Forests, Parks, Wildlife Refuges, and other lands. Passage of HB 3444 would put Oregon on record as supporting efforts to dismantle and privatize America’s public lands, and the businesses that rely on them.
- Wasteful – HB 3444 would require the Oregon Department of State Lands to spend scarce taxpayer dollars developing a study regarding the seizure of American public lands by the State of Oregon, despite that fact that such a move would clearly be in violation of both the United States Constitution and the 1859 Oregon Enabling Act. This is a waste of time, resources, and energy.

Two companion measures, HB 3240 and HJM 13, are similar to HB 3444, similarly backed by out-of-state special interest groups, and similarly misguided, misinformed, divisive and destructive.

- HB 3240 – This bill would spend scarce Oregon taxpayer dollars to establish a committee to study a takeover of lands owned by the American public, including National Forests, Wildlife Refuges, and Recreation Areas, by the State of Oregon. As with HB 3444, it appears to be closely copied from draft legislation developed by the out-of-state special interest groups American Legislative Exchange Council (ALEC) and Koch brothers-funded Americans for Prosperity. According to an analysis⁴ conducted by the Center for Western Priorities, those anti-public lands special interests groups have already convinced several other western states to squander over \$800,000 "studying" an idea that is clearly illegal and unconstitutional. Why should Oregon spend even more?
- HJM 13 – This resolution would put the Oregon Legislature on record as demanding that the American people turn over all National Forests, Wildlife Refuges, and Recreation Areas, and other public lands within our state’s boundaries to the State of Oregon. As with HB 3444 and HB 3240, it appears to be closely modeled on the work of the out-of-state special interest groups American Legislative Exchange Council (ALEC) and Koch brothers-funded Americans for Prosperity. It would put the legislature on record as supporting the national campaign to dismantle America’s system of public lands, and as hostile to the interests of Oregon’s important tourism and outdoor recreation industries.

Chairman Clem and Members of the Committee, it is ironic that at a time when Travel Oregon is working hard to advertise “The Seven Wonders of Oregon” and spur increased tourism and recreation in Oregon—mostly on lands owned by the American people—the Oregon Legislature is considering measures that would seize those lands, and promote destructive activities on them. All three of these measures are clearly unconstitutional, illegal, divisive, and a waste of time and scarce taxpayer dollars. They would put the Oregon Legislature on record as supporting efforts to dismantle

³ Outdoor Industry Association, http://outdoorindustry.org/images/ore_reports/OR-oregon-outdoorrecreationconomy-oia.pdf

⁴ Center for Western Priorities, <http://westernpriorities.org/2015/03/12/politicians-have-spent-816000-to-study-giving-away-our-public-lands-and-are-proposing-to-spend-2-9-million-more/>

America's system of National Forests, Wildlife Refuges, Recreation Areas, and other public lands, and as being hostile to the interests of Oregon's important tourism and outdoor recreation industries.

We urge you to vote NO on all three of these measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Pedery". The signature is stylized and cursive.

Steve Pedery, Conservation Director
Oregon Wild