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Representative Brian Clem, Chair

Members of the House Committee on Agriculture and Natural Resources

Re: HB 3228 State Wildlife Policy

The State Wildlife Policy is contained in ORS 496.012. This policy provides the primary direction to the Oregon Department of Fish and Wildlife for all of their programs and activities. If one had to choose the agency's most important statute, this would be it.

At the core of the policy is the directive to the agency "to prevent the serious depletion of any indigenous species...". This is the standard that the agency must hold itself to in all of its actions.

Serious depletion is defined in OAR 635-007-0501-(56) as "a significant likelihood that the species management unit will become threatened or endangered...". This definition means that wildlife must be managed in ways that preclude the likelihood that they will become listed under either the state or federal Endangered Species Acts.

Over the years, many people, both inside and outside of the agency, have wondered whether the State Wildlife Policy requires the agency to balance protection and utilization of native species. Time and again the attorney general has advised the agency that the "Department's overriding obligation is to manage to prevent serious depletion of any indigenous species, which thereby enables the Department and the Commission to provide optimum recreation and aesthetic benefits." This advice was contained in letter opinions issued to the agency in 1997 and 2002.

HB 3228 makes it clear that preventing serious depletion is the agency's **overriding obligation**. Passing this bill should end the persistent debate over how much management flexibility the agency has when making allocation decisions that might jeopardize native fish or wildlife populations.

I have personally been working on this issue for many years and strongly encourage you to adopt the clarifying language to the State Wildlife Policy contained in HB 3228.

Please pass this bill.

Thank you,

Jim Myron