



Association of  
Oregon Counties

MEASURE: HB 4006  
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SUBMITTED BY: Doris Penwell

Testimony before the House Committee on Agriculture and Natural Resources in Support of  
HB 4006  
Doris Penwell on behalf of AOC and the Harney County Court  
February 2, 2012

I am Doris Penwell, representing Assoc. of Oregon Counties, The Community Renewable Energy Association and especially the Harney County Court, who could not be here today, but who initially proposed the bill before you. I am providing you with a letter from the Court in support of HB 40006.

The proposed change in law will hopefully allow for the people most intimately impacted to have a voice in government processes that have immense impacts on our way of life, our culture and our social well-being. This bill is about good governance. It is intended to assure citizens of cities and counties who will be affected by plans and rules of the Oregon Dept. of Fish and Wildlife that other state and local processes for decision making are given consideration as equal partners in trying to sensitively develop and maintain vibrant communities while the Department carries out it duties to protect endangered species.

HB 4006 simply requires two things: The Department (1) **shall** advise, consult and cooperate with affected cities and counties on the economic impact of decisions that are to be made by the agency in protecting endangered species; and to (2) work with the representatives of cities and counties to “mitigate” adverse impacts on local economies.

During the last year a number of counties and AOC staff have spent a good deal of time working with ODFW and the Governor’s Oregon Solutions process because of our desire to site clean energy generation projects in rural areas, while at the same time ODFW is seeking to increase protection for certain species. The biologists and leadership at ODFW are working hard to accomplish the job they have in law. They are driven by the need to address the biology of wildlife, the habitat needs of wildlife as specified in Oregon statute. But the current statutory framework does not encourage the agency to address or even consider community or community sustainability needs while proposing changes to protections for threatened or endangered species. This bill will more directly allow cities and counties to be at the table when considering strategies or plans that directly affect the way communities and businesses operate. We believe there is a way to protect the species and continue to have thriving communities if we work together more collaboratively so that “they” and “we” have acceptable results.

In several instances before us today, Eastern Oregon counties have some great opportunities before them related to renewable energy development. We continue to be Oregonians that are willing to site facilities with due process for any environmental or social issues. Those studies and issues are part of the local and the statewide process for siting. But when we are not really valued partners with state agencies in carrying out their important duties and ours, a satisfying end product cannot be achieved effectively or efficiently. Thus, we have proposed this bill.

In the last few days an issue has been raised by ODFW concerning the change from “may” to “shall” in section 1 of the bill. They can give you their perspective on this bill. They are concerned about the impact on their ability to decide what to do or not do with the Federal agencies. We believe that the current wording does not require the agency to take any particular action with any of the parties.



# HARNEY COUNTY COURT

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## House Committee on Agriculture and Natural Resources

Committee co-chairs Reps Brian Clem and Sal Esquivel

February 1, 2012

RE: Testimony from Harney County in support of HB 4006

The Harney County Court would like to be on record in support of HB 4006. At times during the last several years the working relationship between county government, communities and Oregon Department of Fish and Wildlife has been strained by the pressures of the Federal Endangered Species Act, evolving changes in federal land management and population changes in the state. To the credit of the department and the Governor's Oregon Solutions process, this has dramatically improved in the last year. We believe this improvement has occurred for two reasons. First, the department has recognized the strength of communities, rural residents and county government in representing needs of their respective areas of our great state. And second, because those same individuals and entities have stepped forward to be heard.

During the last several years this Court has witnessed significant changes in federal land management agencies as they begin to look more positively at the ways that private land is managed in our county. They recognize that generations of caring for private land has resulted in healthy habitat, good water quality and strong wildlife populations. As those same agencies have updated their land management plans and policies they are actively seeking the input of their private land owner neighbors and integrating many of the best practices. This has been true of Oregon's Department of State Lands for a long time as they managed hundreds of thousands of acres in and near Harney County.

We believe that HB 4006 will institutionalize the need and desire of these sometimes diverse groups to advise, consult and cooperate with one another. The bill changes a single word of existing statute to accomplish this, it changes may to shall.

There is also a focus in the bill to require consultation with affected cities and counties when ODFW develops changes regarding endangered species. This again is a simple and effective way to allow the residents affected by changing regulation a voice at the table as decisions are made. We applaud this bill and its simple changes to accomplish what is so important to all of us – to be heard.

The Harney County Court strongly recommends this bill be moved forward and passed in the 2012 session of the Oregon Legislature.

Thank you,

Judge Steven E. Grasty  
For the Harney County Court

