

TESTIMONY OF BRIAN POSEWITZ ON HB 3437

Chair Witt and members of the Committee:

Thank you for the opportunity to testify today.

My name is Brian Posewitz. I live in Southeast Portland. I am here to testify in opposition to HB 3437. My testimony is on behalf of myself only.

By way of background, I came to Oregon from Montana in 1979 to attend college across the street at Willamette University. I have been a permanent resident of Oregon since 1984. I grew up hunting and fishing and, since moving to Oregon, I purchased a hunting or fishing license, or both, in most if not all years, through at least 2007. I also have done legal work in the area of water rights, and I have interacted with ODFW through the role they play in that process, which has become significant.

There is a concept in wildlife law that the state owns the fish and wildlife in trust for all the people of the state. ORS 498.002; *Simpson v. Dept. Of Fish and Wildlife*, 242 Or. App. 287 (2011). I believe the trust responsibility extends to people who enjoy fish and wildlife simply by observing them and knowing they are there; not just to people who hunt and fish. Moreover, according to ODFW's website, "88 percent of Oregon's wildlife are not hunted, trapped or fished."

Given the above, it seems wrong to say that only hunters and anglers should have representation on the Commission. Indeed, given the growing number of Oregonians who enjoy fish and wildlife without hunting or fishing, and given the percentage of nongame species, more effort should be made to have the Commission include people who do not hunt or fish.

Keep in mind also that ODFW does much more than manage hunting and fishing. In the water rights process, for example, the Department increasingly is required by statute to represent the general public interest in protecting fish and wildlife, not just the public interest of hunters and anglers. The Commission makeup should recognize these roles of ODFW and not just the roles related to hunting and fishing.

I recognize that a significant portion of ODFW funding comes from the sale of hunting and fishing licenses. That should be changed because it biases fish and wildlife management toward generation of more license revenue. Meanwhile, representation should not necessarily track revenue. By analogy, people who pay a lot of taxes are not entitled to more representation than people who pay none. Even setting that point aside, the Commission should still reflect the significant portion of revenue that comes from sources other than license sales, including revenue from the nongame wildlife check-off, the lottery, and the sale of habitat conservation stamps and parking passes.

Thank you again for considering my comments.