



Oregon

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**To: The Honorable Shemia Fagan, Chair
House Committee on Consumer Protection and Government
Effectiveness**



**Testimony by
Curt Melcher, Director
Oregon Department of Fish and Wildlife
HB 3315**

Thank you for the opportunity to comment on HB 3315, which is intended to help address long-term considerations over the Department's budget stability, including the question of what the most appropriate funding sources are for the services ODFW provides. The Department appreciates Representative Rayfield's attention to issues ODFW faces with respect to its budget and revenue structure, his consideration of the public values tied to the agency's mission, and his willingness through HB 3315 to engage important related policy questions.

HB 3315 would first, in the 2015-17 biennium, direct ODFW to track hours spent by its employees in performing certain services for other state agencies, and communicate such hours with those agencies. Subsequently, beginning in 2017, ODFW would continue to track and prepare statements reporting on work performed for other state agencies, and pursuant to HB 3315's direction, would also provide invoices to those agencies based on advance estimates of their share of ODFW services provided during the biennium.

HB 3315 recognizes that ODFW currently incurs costs when called upon by other state agencies—often through their statutes and rules—to provide biological consultation on projects or efforts undertaken, permitted or authorized by those agencies. These costs are often significant, and while some exceptions exist, they are generally not covered or reimbursed by the permit applicants, authorizing agencies, or general fund dollars. Instead, these costs are typically covered by hunting and fishing license dollars, which fund the salaries of staff who become engaged in performing these services. ODFW field staff currently spends an estimated 10-25% of their time responding to either required or requested input from other state agencies.

The services ODFW provides other agencies generally include technical comments, recommendations, advice, review / analysis, and mitigation options for a broad array of permitting and development efforts that potentially impact Oregon's fish, wildlife and their habitat. A list of the more common examples of agencies that require or request input from ODFW as part of their permit or regulatory processes is included at the end of this testimony. Additionally, ODFW staff participates in a wide array of planning efforts at the municipal, county, state and federal levels, providing science-based information on proposed actions and input on appropriate mitigation. Planning efforts include land use, water development or use, forest management and harvest operations, wetlands and unique habitats.

Upon receiving a request, ODFW responds in a manner driven by timelines associated with the requesting agency's regulatory process. This often requires prioritization of review requests that draws time away from ODFW's other core work that may be more directly related to the management of fish and wildlife.

ODFW appreciates HB 3315's recognition that the Department provides a valuable set of services to other state agencies. The Department also appreciates the recognition that these services are often tied to advancing the permits or authorizations of private or public interests that are distinct from the interests that generally pay for the staff time associated with providing the services (i.e., fishing and hunting licenses payers). That said, ODFW wishes to clarify the intent of HB 3315 as written:

- Section 2(a) seems to prevent ODFW from charging for any services provided to other state agencies during the 2015-17 biennium. Under existing law, ODFW is currently compensated for some of this work, with examples including:
 - Hydroelectric licensing (fees distributed to ODFW by OWRD)
 - Energy Facility Siting Council consultation (costs reimbursed by ODOE)
 - Fish passage liaison (funds provided by ODOT)
 - Compensation agreements with DAS, DSL and ODOT for specific services like data and GIS management

As such, ODFW suggests revising Section 2(a) to clarify that HB 3315 does not prohibit ODFW from charging under or renewing existing interagency agreements during the period beginning July 1, 2015 through July 1, 2017.

The health of Oregon's fish, wildlife and their habitat depend on working collaboratively with landowners, development interests and regulatory agencies to ensure activities water are conducive to supporting healthy populations of fish and wildlife. ODFW appreciates the opportunity to comment on HB 3315 and to engage in further discussion of this bill and its objectives.

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State agency permitting processes where ODFW staff time is commonly engaged:

- Department of State Lands (DSL)—Removal-Fill permitting; wetland mitigation.
- Water Resource Department (WRD)--water right applications and permitting.
- Land Use – projects and planning at both the county and state level.
- Energy siting and licensing activities from hydroelectric, wind, power plants, transmissions lines, LNG, pipelines, coal, and oil trains.
- Department of Agriculture – Shellfish program/oyster plat leases.
- Department of Geology and Mineral Industries (DOGAMI)—mining operations / permits (Mineral Land Regulation & Reclamation (MLRR program))