



## SB 125

### Testimony of WaterWatch of Oregon Submitted to the Senate Committee on Environment and Natural Resources April 6, 2015

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

#### **WaterWatch opposes SB 125**

What the bill does: The bill directs that whenever ODFW proposes to adopt a new program or expand an existing program to carry out the state wildlife policy that ODFW give notice to those who would be financially impacted, establish an advisory committee that includes those who will be financially impacted, contract with an independent organization to assist in the analysis of the cost/benefits of the new program, contract with an independent organization to conduct a scientific review of the proposed new/expanded program and hold public hearings in the areas of the state to be affected.

The Oregon Department of Fish and Wildlife's mission is to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations. This is a broad mission that is intended to benefit all the citizens of Oregon.

Some initial concerns with the bill include, but are not limited, to:

SB 125 compromises agency mission: As drafted, SB 125 could serve to compromise ODFW's mission by subjecting ODFW decision making as to new or expanded programs related to wildlife policy to the economic interests of select Oregonians. This is not in the broader public interest.

Requiring a cost/benefit analysis of policy programs is inconsistent with agency mission: SB 125 Section 2(c)'s call for a cost/benefit analysis seems to imply that a cost benefit analysis should weigh into agency decision making. This is inconsistent with the agency mission which does not have such qualifiers, and could be in direct conflict with existing environmental laws/rules that require protection regardless of cost/benefits.

SB 125 is unbalanced: SB 125 grants undue influence over agency decision making, process and funding to those who might be "adversely impacted financially" by a new or expanded program. Again, ODFW's mission is to protect and enhance Oregon's fish and wildlife and their habitat for the use and enjoyment of all Oregonians. Rather than providing an avenue for all Oregonians to engage in agency policy making, this bill sets up a framework to grant notice, process and funding to those "adversely impacted financially" by a state program that is adopted for the benefit of all Oregonians.

SB 125 could set bad precedent: Natural resource agency decisions on new programs/policies should not be subject to a litmus test that elevates adverse financial impacts above other considerations that are specifically called out in individual agency missions and/or law (i.e. air quality, water quality, water quantity, ESA protection, etc).

SB 125 could undercut agency science: Section 2(d) undercuts the scientific expertise of ODFW by requiring that any new program and or change to existing program be subject to the scientific review of “independent organizations”. This directive could allow the use state funds to undercut state agency science. This does not seem to be in the best interest of all Oregonians.

SB 125 is costly: And finally, at a time when ODFW is facing a significant budget crises, moving forward with a bill that could potentially cost the agency an inordinate amount of money by requiring staff time for advisory committees and ODFW funding of contract services for cost/benefit analysis and independent scientific review seems like an imprudent path forward.

Conclusion: While WaterWatch is supportive of open and transparent processes regarding agency policy development, SB 125 as currently drafted is too narrow to achieve this.

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