

MEMORANDUM



TO: Senate Committee on Environment and Natural Resources
FROM: Quinn Read, Defenders of Wildlife
DATE: February 16, 2016
RE: Testimony in opposition to HB 4040 – Amending the state endangered species act

On behalf of Defenders of Wildlife's 18,000 members and supporters across Oregon, we urge you to oppose HB 4040, which seeks to legislatively delist wolves from the state endangered species act. Our opposition is based on three primary grounds. First, it opens the door for the legislature to make politically driven decisions about the fate of imperiled animals across Oregon. Second, it ignores the Oregon Fish and Wildlife Commission's express requests to the legislature. Third, it turns its back on the collaborative spirit of the wolf plan.

Important decisions about whether to list or delist species should be based on science, not politics. HB 4040 opens the door for the legislature to make politically driven decisions about the fate of imperiled animals across Oregon. The language of the bill sets a dangerous precedent:

SECTION 1. The administrative rule amendment adopted by the State Fish and Wildlife Commission on November 9, 2015, to remove *Canis lupus*, commonly known as the gray wolf, from the state lists of threatened species or endangered species established pursuant to ORS 496.172 (2), **is ratified as satisfying the elements of ORS 496.176 and approved.** [Emphasis added.]

Whether or not a listing or delisting decision meets the requirements of 496.176 is a scientific assessment, and one in which politicians should not become entangled. The Commission is the appropriate body -- with the necessary scientific expertise and established public processes -- to make these decisions. HB 4040 opens the door to chipping away of the Commission's statutory authority and legislative entanglement in important decisions affecting all of our state's imperiled species.

When it delisted gray wolves, the Commission expressed a desire for legislative action on two points, neither of which are addressed by HB 4040. In a November 9, 2016 press release, ODFW stated:

Commissioners will be sending a note to the Oregon State Legislature asking that the law be changed so that listing and delisting would be allowed in only a portion of the state for other species in the future. Commissioners also asked that penalties for unlawfully taking a wolf be increased. Currently, the maximum penalty is a \$6,250 fine and a year in jail and that penalty does not change with the delisting of wolves.

HB 4040 does not honor the informed request of the Commission. A legislative pat on the back is not necessary for delisting to go into effect, nor was a pat on the back requested by the Commission.

This bill turns its back on the collaborative spirit of the wolf plan. The Oregon Wolf Plan is the result of a years-long collaborative process involving all stakeholders, and is widely seen as a national model for wolf conservation and coexistence. This year, all of those stakeholders will return to the table for a planned five-year review and update of the wolf plan. HB 4040 does not shore up the Wolf Plan. It undermines it, and the collaborative spirit that made the plan possible. You need look only to history. Wolf delisting bills were introduced at the request of the Oregon Cattlemen's Association in 2011, 2012 and 2015 – all in direct contravention of the agreed upon terms of the Wolf Plan. This bill furthers those historic efforts to undermine the Wolf Plan.

It sends a disheartening message to the vast majority of Oregonians who care about wildlife that our elected officials would treat endangered species as little more than political trading stock. For these reasons, we request that the Committee oppose HB 4040 to ensure that important decisions about Oregon's imperiled species are based on science, not politics. Thank you.

Respectfully,

Quinn Read