



February 16, 2016

**Testimony of Center for Biological Diversity
To the Senate Committee on Environment and Natural Resources
RE: House Bill 4040**

Chair Edwards and Members of the Committee:

My name is Amaroq Weiss, I am the West Coast Wolf Organizer for the Center for Biological Diversity, and my comments are delivered on behalf of our nearly 18,000 Oregon members and supporters. We oppose House Bill 4040, and I'd like to present some history and personal context to explain our opposition.

Thirteen years ago I was appointed by the Oregon Fish and Wildlife Commission to be one of 14 stakeholder representatives to help ODFW craft the state's Wolf Plan. My role was to represent all wolf conservation organizations.

It was an honor to participate. For two years I attended all 10 ODFW/stakeholder meetings, discussed options, gave input and even authored specific text in the Plan. I regularly consulted with many wolf conservation groups to best represent our perspectives. During stakeholder meetings I worked hard to find places of agreement and common ground.

When the two years were up, all stakeholders but two were able to reach agreed-upon terms. The Oregon Cattlemen's Association's representative from start to finish stated a position of zero tolerance for any wolves and refused to agree to a single part of the Wolf Plan. The stakeholder representing eastern Oregon county commissioners agreed to support the Wolf Plan but ultimately declined to do so when it was formally adopted by the Commission. Several years later, when the Cattlemen's leadership changed, they agreed to support the Wolf Plan. In doing so, they agreed to all of its terms.

The rest of us had found many points of agreement, which became the terms of the Plan. Three of those terms are extremely relevant to this bill, HB 4040:

1. First, we agreed that when the wolf population in eastern Oregon reached 4 breeding pairs for 3 consecutive years, ODFW would conduct a biological status review and the Commission could *consider* whether state-delisting was warranted. Nowhere in the Plan does it state that delisting must or will occur on reaching that benchmark. We also

agreed that the decision must comply with the law – that is, the Commission’s decision must be based on *verifiable science* and on an analysis of the *five delisting criteria* set forth in Oregon’s state endangered species act. We included those terms in the Plan.

2. Second, we agreed that there was a very specific and vital role for the legislature with respect to the Wolf Plan. In the Plan, we recommended that legislation be passed to accomplish two key parts:
 - First, establish and fund a compensation fund to compensate ranchers for wolf-caused losses, and to assist with costs of implementing conflict-prevention measures; *and*
 - Second, establish a new subcategory of game mammal, called “special status mammal,” and designate the gray wolf as such.

And, indeed, those two pieces of legislation did get enacted.

3. Third, everything else in the Plan that involved decisions based on science, we stakeholders felt should be handled by the Commission. That’s why it says so in the Plan.

You are aware that the Commission’s November vote to delist wolves has been legally challenged by three conservation groups, including my own. We believe the Commission did not make its decision based on verifiable science and that delisting criteria have not been met.

The Commission relied on a report prepared by the Department. However, 25 scientists who are experts in relevant fields sent comment letters to the Commission prior to its vote -- and all of those scientists found the Department’s report to be fundamentally flawed and illogical.

In our legal challenge, we ask simply that the judicial system review the Commission’s decision and determine whether or not it was lawful. We’ve not requested an injunction; Oregon’s wolves remain delisted while the case is pending.

The place to settle the question of whether or not the Commission followed the law is in the judicial system. This system of checks and balances is a cherished, precious foundation of our democracy.

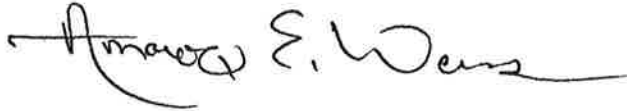
But H.B. 4040, in ratifying the Commission’s vote, would substitute legislative action for judicial review. This is not something we stakeholders wanted or intended or included in the Wolf Plan. Just as importantly, H.B. 4040 usurps the authority of the Commission by making the legislature the final arbiter. This is also not something we stakeholders wanted or intended or included in the wolf Plan.

Every five years, the Wolf Plan undergoes a review process in which ODFW and the Commission invite public comment. Having already undergone one review in 2010, the Plan review process is about to begin again. As a stakeholder representative who helped craft Oregon’s Wolf Plan I ask you to let the public review process play out, and to let the judicial

process play out. In doing so, you will be honoring the Wolf Plan, the people who wrote it and even those who agreed to its terms after the fact.

Thank you for this opportunity to address you today. I would be glad to answer any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Amaroq E. Weiss". The signature is written in a cursive style with a long horizontal flourish at the end.

Amaroq Weiss, M.S., J.D.
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