



OREGON CHAPTER SIERRA CLUB

1821 SE ANKENY ST • PORTLAND, OR 97214
PHONE (503) 238-0442 • FAX (503) 238-6281
OREGON.CHAPTER@SIERRACLUB.ORG
WWW.OREGON.SIERRACLUB.ORG

To: Members of the Senate Environment and Natural Resources Committee

From: Rhett Lawrence, Oregon Chapter Sierra Club

Date: February 16, 2016

RE: House Bill 4040

Chair Edwards and Members of the Committee: On behalf of the more than 22,000 members and supporters of the Sierra Club in Oregon, I am pleased to provide this written testimony on House Bill 4040. As an organization with a long history of working to protect wildlife in Oregon, we are opposed to this legislation.

As you know, the Oregon Fish and Wildlife Commission voted in November 2015 to remove gray wolves from the state list of endangered species (the Commission has exclusive authority to list, delist, or relist species as threatened or endangered under ORS 496.172). Consequently, wolves are now delisted throughout Oregon under the state endangered species act and continue to be managed according to the Oregon Wolf Conservation and Management Plan. While the Sierra Club opposed and is displeased with the Commission's November decision, it was clearly within their authority to make such a decision.

However, HB 4040 attempts to commandeer the authority of the Commission by *legislatively* delisting wolves. Because we believe the bill is unnecessary and dilutes the authority of the agency body most qualified to make such decisions, we oppose it.

For starters, legislative delisting, or ratification of the Commission's decision, doesn't actually do anything to address the concerns that have been raised by the bill's proponents. ODFW's Wolf Plan guides wolf management and it is currently under review for potential updating; we believe *that* is the proper forum for addressing those concerns. That Wolf Plan review contains a stakeholder process to guide its decision-making and we believe this bill would undercut that process.

Indeed, HB 4040 effectively sidesteps the right of Oregonians to participate and hold public agencies accountable in processes that impact our state's natural heritage. It also requires legislators to take sides unnecessarily on an already controversial decision that defied the wishes of the vast majority of Oregonians. 96% of the more than 10,000 public comments received by the Commission during its

process on delisting were in favor of maintaining protections for wolves, but the Commission decided otherwise.

And finally, though the Sierra Club is not a part of the pending litigation with regard to the Commission's decision, we are also concerned that this legislation effectively moots out that litigation by moving the goalposts in current law. The bill's plain language that it will be "satisfying the elements of ORS 496.176" makes it clear that it will have the effect of derailing the current litigation. We do not believe the legislature should be going down the road of legislating away pesky lawsuits.

For all of these reasons, we encourage you to oppose House Bill 4040. While we disagree with the decision made by the Commission in this instance, it is important that we preserve the Commission's authority and ability to manage imperiled species in accordance with science. We must also protect the public interest inherent in the established stakeholder processes and permit them to proceed unimpeded by legislative interference.

Thank you very much for considering my comments and please do not hesitate to contact me if I may be of further assistance to the committee.