



MEMORANDUM

Oregon Department of Fish and Wildlife

Date: July 15, 1997

To: All Staff

From: Jim Greer *Jim*

Subject: Clarification of Wildlife Policy

During the legislative session, Oregon Trout introduced Senate Bill 1079 which was intended to clarify parts of the Wildlife Policy as outlined in ORS 496.012. Oregon Trout felt there was a need to clearly indicate that the first obligation of the Fish and Wildlife Commission is to prevent the serious depletion of native species. Their concern was the Commission and the staff was viewing the mandates in the opening paragraph of the Wildlife Policy as equal mandates.

The specific language in question is as follows; "It is the policy of the State of Oregon that the wildlife shall be managed to prevent the serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of the state". The interpretation of the underline portion of the policy was the crux of Oregon Trout's concern. In our testimony on the bill, we pointed out that our attorney's, on several occasions, had advised the Commission that these mandates to the Commission are not to be considered equally.

Our attorneys have stated that although "ORS 496.012 provides these statements in an equal manner, we understand that optimum recreational and aesthetic benefits can only exist to the extent that serious depletion of a species is prevented. Where a species is seriously depleted, it will not be possible for optimum benefits to be provided. Accordingly, the Commission's and the Department's overriding obligation is to manage to prevent the serious depletion, which thereby enables the Department and the Commission to provide optimum recreational and aesthetic benefits.

Office of the Director

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Oregon Trout's response to this information was that this interpretation had not been well distributed to the staff. That is certainly possible but it is a problem we can and will correct. Although Senate Bill 1079 did not pass out of committee, we did agree to provide our attorney's interpretation of this portion of the Wildlife policy to all of our staff. With that in mind, I am sending this memo to all fixed stations with the understanding that copies will be made available for all employees at that station to read and use in any future discussions of statutory mandates in the policy.

Please call if you have questions concerning the information in this memo.

cc: Fish and Wildlife Commission
Executive Management Team
Jim Myron, Oregon Trout
Senator Bob Kintigh
Paula Burgess