

TESTIMONY ON SB 445

Before the Senate Committee on Environment and Natural Resources (Feb 28, 2019)

My name is Jas. Adams, residing in SE Portland. When I was the previous AIC of Natural Resources at the Oregon Department of Justice, I also developed and taught for 12 years a wildlife law course at Willamette Univ College of Law. In 2016-17, I served a term on the Oregon Invasive Species Council (OISC).

My work on invasive species has included designing the 2011 legislation making it mandatory for *all* boats being transported on Oregon roads to stop at inspection stations for decontamination of aquatic invasive species (AIS). Because the Oregon constitution requires reasonable suspicion to stop and probable cause to search, the solution was to configure the inspection stations as a civil administrative search of all vehicles transporting boat, coupled with elimination of criminal sanctions for transporting AIS who complied with the procedures. Compliance rose from 25% to 75% with this new model of AIS checkpoints.

While on the Council, I helped develop the first statewide strategic plan for invasive species, mandated in OISC's governing law, by serving as committee chair and chief editor. Over the last year, I have also participated in a group developing potential legislative provisions to make the Council more representative statewide and to improve coordination.

1. The best defense against destructive stealth invasions is prevention.

Invasive species threaten Oregon because of their genetic drive to spread and flourish. The most successful invasive species are able to reproduce quickly and are highly adaptable to exploit new habitat. Opportunistic, they are collectively the aggressors when they come into Oregon. Native species at the other end of the spectrum tend to be limited to specific types of habitats, with slow reproductive cycles and more vulnerability to competition. They are, collectively, the victims. And so are we, because the most threatening invasive species can cause immense damage to Oregon agriculture, forestry, and infrastructure.

We unwittingly have given invasive species many opportunities to enter Oregon and take hold using pathways created by man: ships' ballast water, recreational boats brought transported on highways, and the myriad ways of transporting goods via interstate and global commerce. Oblivious of political boundaries and the different responsibilities and priorities of governmental entities, opportunistic species that gain a foothold can outcompete and displace native species. That is often when they are *first* discovered by people. In general, our monitoring systems have been neither comprehensive nor well-suited to detect new threats or new pathways. When we react too late, e.g., by promulgating rules declaring a species to be destructive, the game may already be over. Once established, invasive species can be difficult or impossible to remove. Prevention has thus proven to be the most effective strategy.

For example, in the late 1980s, zebra and quagga mussels came via ships' ballast water from the Baltic Sea to the Great Lakes. They spread exponentially, moving outward through

ballast water in domestic ships and other manmade routes of invasion. They contaminated waterbodies in virtually all of continental US, except for the Pacific Northwest. The pace of this stealthy invasion took years but nonetheless inexorably moved faster than our institutions could thwart them. Many lakes became eerily clear after all nutrients had been sucked out by sheer numbers of the miniscule mussels, which also clogged hydro equipment and incapacitated infrastructure below water level. Those species could yet cause widespread economic damage to riverine infrastructure in the entire Columbia River & Snake River basin and disruption to food webs that support threatened and endangered salmonids -- a catastrophe for both our economy and biodiversity.

2. The Council's unique functions are statewide strategic planning and coordination.

The Council's mandate has always included statewide strategic planning and coordination. The Council is mandated to "develop a statewide plan for dealing with invasive species" ORS 570.755(2)(f), and it is designated as a "*leader* for the conducting of a coordinated and comprehensive effort" regarding invasive species. ORS 570.750(3). The Council's strategic planning cuts across political boundaries and competing agency programs by focusing on pathways, statewide coordination and prevention.

Each core state agency with a seat on Council has a critical role: ODA's noxious weed program, ODFW's operation of AIS inspection stations funded by the Marine Board, DEQ's ballast water program, Forestry's campaigns against the emerald ash borer and other timber pests. Yet only the Council is charged with statewide strategic planning and overall coordination. Only the Council's explicit mission is to protect not just the Oregon environment but the Oregon *economy*, including business, industries, and jobs. See ORS 570.750(6-8).

Although invasive species are a global issue, there is no national or international program in place to protect Oregon. Corporations and nonprofit entities, while invaluable stakeholders in the collective effort, lack the power to regulate in Oregon's defense. As a counter to the powerful drive of opportunistic invasive species, only the Council has been designed to look beyond piecemeal priorities to plan strategically for the entire state of Oregon and aid coordination to resist the never-ending onslaught of destructive invasive species.

3. SB 445 strengthens Council membership and coordination throughout Oregon.

SB 445 reconfigures Council membership in a number of ways that not only meet the geographic diversity goal of ORS 570.770(4) but also improve coordination with Oregon's legislative branch, the Governor's Office at the head of our executive branch, and key federal partners.

- a. The State Parks & Recreation Dept. is added as a core voting state agency on Council.
- b. Stakeholders in each of 6 groups of Oregon counties are added as voting members.
- c. The U.S. departments of Interior, Agriculture and Homeland Security, and potentially other federal agencies, are invited to the Council as nonvoting permanent members.

- d. A state Senator and Representative will have permanent non-voting seats.
- e. The Governor's Office of Natural Resources will have a nonvoting seat on the Council.

4. SB 445's funding provisions are cost-effective.

The funding provisions in SB 445 ensure that the Council has adequate resources to *prevent* destructive invasive species from causing depredations that threaten Oregon.

SB 445 represents a sound investment in Oregon's economy and environment. The Council is a tiny agency with one coordinator on contract and no employees. Relying on the assistance of agency representatives and Council members and the volunteer efforts of a sizeable network of stakeholders, its focused mission has led to impressive achievements, e.g.:

- Early realization of reporting network and innovative educational outreach
- Roadside inspection station program for AIS created in 2011
- Completion of first Statewide Strategic Plan for Invasive Species in 2017
- Successful defense against zebra and quagga mussels and other species (so far)

The Council has always had a shoestring budget, \$100K per biennium. There was a one-time \$350K emergency fund allocation in 2009 and a one-time general fund \$100K allocation in 2015. In the current biennium, the Council's budget is the lowest it has been in 12 years. SB 445 funds the Council's mandated loan/grant program for the first time.

The total funding in SB 445 of \$450K remains a small fraction of budgets of many state agencies. The Council's focus on invasive species underscores the importance of the singular mission this legislature gave to the Council. Given the enormity of the economic and environmental losses that will occur if our defenses against destructive invasive species are not strategically planned on a coordinated basis, the funding in SB 445 is a sound investment in Oregon's economy and natural resources.

The Council is a key part of what I would conceptually describe as Oregon's *emergency prevention* system. Only our legislative branch can effectuate the membership changes to include all parts of Oregon and enhance the Council's statewide coordination. Only you can provide the funding needed to protect Oregon's economy and natural resources.

The alternative is to allow catastrophic damage to our infrastructure, agriculture, forestry, our rivers, lakes and our fish and wildlife --- all of which contribute immeasurably to the viability and livability of Oregon.

I urge all legislators on this committee as well as throughout Oregon to support SB 445.

I would like to thank the committee for your attention, and to express appreciation to Senator Roblan for introducing SB 445, and to Chair Dembrow for holding and chairing this public hearing. Thank you.