



TO: House Committee on Agriculture, Land Use, Natural Resources, and Water
 DATE: March 27, 2023
 RE: Testimony in Opposition to HB 3086 – Relating to the State Fish and Wildlife Commission

On behalf of our 14 organizations, representing tens of thousands of people across Oregon, we respectfully submit the following comments in opposition to HB 3086. Under current law the Fish and Wildlife Commission consists of seven members, with one appointed from each congressional district, one from east of the Cascades, and one from west of the Cascades. Redistricting – and the addition of a sixth congressional district – requires the legislature to amend the establishing language in ORS 496.090 accordingly. Without changes, the Commission will be out of compliance with the law due to the way the seats are structured in statute. Our organizations are committed to finding a solution that ensures the Commission can operate legally – and that it will do so in the public interest. While we oppose the wholesale restructuring proposed by HB 3086, we do believe that the -1 amendments may represent a reasonable compromise.

We advocate for maintaining a structure based on proportional representation to ensure that the public interest in fish, wildlife, and habitat will be represented and that we have a diverse candidate pool that reflects Oregon’s rapidly changing demographics. Therefore, our organizations advocate for a technical fix, requiring minimal changes to the existing structure based on congressional districts. Specifically, we recommend maintaining a 7-member commission and amending ORS 496.090(4) to read:

One member of the commission shall be appointed from each of the six congressional districts of this state, and one member shall be appointed at large. Of the seven members appointed by the Governor, and to ensure geographic representation, at least one member must be from among individuals who reside west of the summit of the Coast Mountain Range and at least one member from among individuals who reside east of the summit of the Cascade Mountain Range.

According to the state’s Membership Handbook for Boards and Commissions, it is important to keep in mind that members are appointed to serve the public at large. The concerns and points of view of all interested parties must be represented and considered, but ultimately, the primary responsibility of every board or commission member is to protect the health, safety and welfare of the general public.

We believe the state should conserve fish, wildlife, and habitat for its intrinsic value. However, it is the Commission's job to represent, first and foremost, the public interest. The enabling language for the Commission (ORS 496.090(6)) states: "All members of the commission shall represent the public interest of the state and make decisions affecting the wildlife resources of the state for the benefit of those resources." Likewise, the state's wildlife policy (ORS 496.012) states: "It is the policy of the State of Oregon that wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state. In furtherance of this policy, the State Fish and Wildlife Commission shall represent the public interest of the State of Oregon..." The congressional district model was instituted to ensure the public interest would, in fact, be represented equitably.

We also recommend streamlining the qualifying language for the Commission to attract a broader and more diverse range of backgrounds and experiences. Listing out or requiring specific backgrounds risks unintentionally excluding some stakeholder groups and constricting the pool of candidates. To that end, we recommend amending ORS 496.090(7) to read, in its entirety, as follows:

All members of the commission shall have knowledge of fish, wildlife and habitat issues and an understanding of the operation and functions of public policy boards and commissions.

We strongly oppose the model proposed in HB 3086, which is based on river basin management areas, because this model was created to meet the needs of an unrelated state commission. Though one argument for using river basins is that they are more "ecologically" based – this argument is misplaced as many wildlife and fish species transect multiple river basins during their life cycles. Further, it represents a concerning move away from proportional representation on state boards and commissions and toward politically motivated models that prioritize land and industry representation. This model would dilute the voice of the public at large and reduce diversity on the Commission.

The -1 amendments maintain a model based on congressional districts, with six members appointed from each of the congressional districts and one member appointed at large. However, it specifies that the at-large seat be appointed "with consideration for equity in the geographic distribution of the overall membership of the commission." We are concerned that this language makes this a de facto eastern at-large seat.

The -1 amendments also modify the qualifications language by removing the list of specific natural resources backgrounds the Governor may consider in making appointments. Instead, it specifies that the Governor shall consider appointing members who possess "knowledge or experience relevant to implementing the wildlife policy described in ORS 496.012." We believe that this is an appropriate modification to help attract a broader and more diverse range of backgrounds and experiences.

While the proposed HB 3086-1 amendments don't resolve all of our concerns – particularly the language that would grant an at-large seat based on geographic equity – we do believe that it represents a reasonable compromise.

We urge you to oppose the wholesale restructuring proposed by HB 3086 and proceed with the -1 amendments.

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