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Testimony of Humane Oregon on House Bill 4040 (2016)
Senate Committee on Environment and Natural Resources

February 16, 2016

Chair Edwards, Vice Chair Olsen, and members of the Committee:

My name is Brian Posewitz. I submit this testimony on behalf Humane Oregon. Humane Oregon is a nonprofit organization formed in 2014 to help advocate for animals in Oregon's political process and elections. I am a board member and the administrator for Humane Oregon.

Humane Oregon opposes HB 4040 for two reasons:

First, HB 4040 could interfere with the judicial review, now underway, of whether the Fish and Wildlife Commission made the right decision when it took wolves off of Oregon's endangered species list. Judicial review is an important check on decisions by government agencies. (Advocates for delisting surely value it in other contexts.) It simply ensures, based on a review of the full record, that an agency acted in accordance with the law and the facts. The thousands of Oregonians who advocated for continued protection of wolves deserve to have that review.

Some supporters of HB 4040 have said it is not intended to prevent judicial review. However, the bill on its face at least arguably does that. It legislatively approves a decision that was made under a legislative standard. If in fact the bill does not prevent judicial review, one wonders what purpose it would serve. It would seem to be just a philosophical statement, which does not seem like a very good use of state law.

Second, HB 4040 would set a bad precedent. Oregon law makes a general policy choice of protecting all native species based on scientific criteria. See ORS 496.171 to 496.192. HB 4040 should not upset that balance by setting a precedent for the Legislature to weigh in on a species-by-species basis.

Thank you for considering my comments.

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