

To

Senate Committee on Judiciary and Ballot Measure 110 Implementation

900 Court Street, Salem OR



Date 03.31.2021

Re: Testimony in Support of SB 841 to restore funding to Department of Justice's Environmental and Cultural Resources Enforcement Unit

Chair Prozanski, Vice-Chair Thatcher and Members of the Committee

On behalf of Defenders of Wildlife (Defenders), I am submitting the following comments **in support of SB 841**, which aims to restore funding to Department of Justice's (DoJ) Environmental and Cultural Resources Enforcement Unit (ECREU). Defenders, with nearly 2.2 million supporters nationwide, is a national wildlife conservation organization that aims to protect imperiled and native species and their habitats. On behalf of our nearly 33,000 members in Oregon, I urge the Committee to support SB 841 in order to ensure that our state has the resources and the capacity to enforce federal and state environmental regulations.

Department of Justice's ECREU is the primary unit responsible for the enforcement and prosecution of environmental and cultural resource offenses in the state. This includes all environmental laws related to water and air pollution, soil pollution, unlawful degradation or use of natural resources, hazardous waste, and wildlife related crimes including poaching. In addition to environmental resources, the ECREU also prosecutes cases that affect cultural resources such as archaeological sites and artifacts, some of which have significant cultural value to Oregon's native tribes and tribal nations. The Unit has two staff attorneys who are specialized in environmental law and are focused full time on environmental and cultural crimes and cases. ECREU attorneys also represent DoJ at the Government-to-Government Cultural Resource Cluster, the Governor's Taskforce on Tribal Cultural Items, and multi-agency enforcement meetings with Department of Environmental Quality, Oregon Department of Agriculture and US Environmental Protection Agency.

Since its inception, the ECREU was funded entirely by the Consumer Protection and Education Fund. This included funding for the staff attorneys' time and any prosecution related costs. However, in the second special session of 2020, ECREU was decoupled from its funding source with a directive to seek general fund support. Right now, without ECREU funded, Oregon doesn't have any dedicated prosecutors to enforce and prosecute environmental offenses. This is a serious concern for a state like ours that is rich in

natural resources —from our rivers and lakes to our forests and wildlife. Our natural resources are ecologically, economically and socially important, but they are also fragile. Several of our state agencies, including Oregon Department of Fish and Wildlife, rely heavily on ECREU to prosecute violations. For e.g., ODFW will not be able to seek restitution or pursue prosecution without the ECREU as it will become financially unfeasible to pursue every case if the agency has to bear the cost of prosecutors and trial related expenses. This has serious implications on critical wildlife conservation problems such as wildlife poaching and illegal wildlife trade.

We must have the ability to prioritize and protect our environment and natural resources. Environmental crimes cases often differ from other criminal cases in that they routinely involve complicated evidentiary issues and expert witness testimony, all of which involve their own body of caselaw. Without ECREU, DOJ will not be able to maintain a team of attorneys and staff who are experts on these subjects and who can either be consulted with or asked to assist in the prosecution of these offenses by state agencies and legislators. This also means environmental crimes cases will not be prioritized by DoJ and we can expect significant backlogs and potentially no hearing on some critical cases.

As a state we should be having a conversation on prioritizing and expanding such critical programs that affect the health and well being of Oregon's human and natural communities. I, therefore, urge you to support restoring funding to DoJ's ECREU for the sake of present and future generation of Oregonians. Please feel free to contact me with any questions or concerns (Sristi Kamal: skamal@defenders.org)

Sincerely

A handwritten signature in black ink that reads "Sristi Kamal". The signature is written in a cursive, flowing style.

Sristi Kamal, Ph.D.
Senior NW Representative
Defenders of Wildlife
Portland, Oregon