

Senate Bill 476

Sponsored by Senator SHIELDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires agencies to prepare environmental impact statements before approving certain applications and before making certain decisions. Specifies content of environmental impact statements.

Requires agencies by rule to establish process for public review of environmental impact statements. Specifies requirements for public review of environmental impact statements.

Allows associations and organizations to request contested case hearing on certain agency orders.

A BILL FOR AN ACT

1
2 Relating to the environment.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds that:**

5 (1) **Protecting the environment in Oregon is a matter of statewide concern.**

6 (2) **Oregon's environment will be best protected if regulatory activities undertaken by the**
7 **State of Oregon are conducted so that enhanced consideration is given to preventing damage**
8 **to the environment and that all environmental impacts are studied and understood before**
9 **regulatory decisions are made.**

10 **SECTION 2. All agencies of the executive department as defined in ORS 174.112 shall:**

11 (1) **Utilize a systematic, interdisciplinary approach that ensures the integrated use of the**
12 **best available science in planning and decision-making regarding permits and other permis-**
13 **sions that may have a significant effect on the environment in Oregon.**

14 (2) **Identify and develop consistent methods and procedures that ensure that environ-**
15 **mental protection is given consideration during decision-making and that environmental and**
16 **public health impacts are fully disclosed during decision-making.**

17 (3) **Before approving an application for permits and other permissions that may have a**
18 **significant effect on the quality of the environment in Oregon, or before making any other**
19 **decision that may have a significant effect on the quality of the environment in Oregon,**
20 **prepare a detailed environmental impact statement regarding:**

21 (a) **The environmental impact attributable to the proposed action, including:**

22 (A) **Greenhouse gas emissions and climate change, including the proposed action in re-**
23 **lationship to the greenhouse gas emissions reduction goals set forth in ORS 468A.205;**

24 (B) **Air quality;**

25 (C) **Water quality;**

26 (D) **Public health and safety;**

27 (E) **Biological diversity; and**

28 (F) **Sensitive, threatened or endangered species.**

29 (b) **Any adverse effects on the environment in Oregon that are unavoidable if the pro-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 posed action is implemented.

2 (c) The cumulative impacts on the environment in Oregon of the proposed action and any
3 similar or related actions.

4 (d) Alternatives to the proposed action, including the alternatives of taking no action as
5 well as at least one other proposed action.

6 (e) Any irreversible and irretrievable commitments of natural resources if the proposed
7 action is implemented.

8 (4) Study, develop and describe appropriate alternatives to the recommended courses of
9 action related to any proposed action.

10 **SECTION 3.** (1) Notwithstanding any other provision of law, by rule all agencies of the
11 executive department as defined in ORS 174.112 shall establish a process that specifies cri-
12 teria and standards for public review of environmental impact statements described in sec-
13 tion 2 of this 2013 Act.

14 (2)(a) As part of the development of the environmental impact statement under sub-
15 section (1) of this section, the agency preparing the environmental impact statement shall,
16 before approving an application for a permit or other permission described in section 2 (3)
17 of this 2013 Act, or before making a decision described in section 2 (3) of this 2013 Act, make
18 available on the agency's website a brief description of proposed action. The agency shall
19 conduct a scoping period during which the agency's receives public comment and hold at
20 least one public hearing to identify issues for analysis in the environmental impact state-
21 ment.

22 (b) After completion of the scoping period specified in paragraph (a) of this subsection,
23 the agency shall prepare a draft environmental impact statement that analyzes the topics
24 specified in section 2 (3)(a) of this 2013 Act. The agency shall post the draft environmental
25 impact statement on the agency's website and hold at least one public hearing.

26 (c) After completion of the processes specified in paragraph (b) of this subsection, the
27 agency shall:

28 (A) Issue the final environmental impact statement and post the statement on the
29 agency's website.

30 (B) Post the recommendation of the agency regarding the proposed action on the
31 agency's website for public comment.

32 (d) After completion of the period for public comment specified in paragraph (c) of this
33 subsection, the agency may complete its review of the proposed action. The agency shall post
34 the result on the agency's website and describe any mitigation measures taken to reduce the
35 environmental impacts of the proposed action.

36 (3) An agency that completes a federal environmental impact statement described in the
37 National Environmental Policy Act, 42 U.S.C. 4321 et seq., related to a proposed action de-
38 scribed in this section may use that statement to meet the requirements of this section.

39 **SECTION 4.** An association or organization has standing to request a contested case
40 hearing under ORS chapter 183 on an order issued by an agency of the executive department,
41 as defined in ORS 174.112, that requires an environmental impact statement described in
42 sections 2 and 3 of this 2013 Act if:

43 (1) One or more members of the association or organization are adversely affected or
44 aggrieved by the environmental impact statement;

45 (2) The interests that the association or organization seeks to protect are germane to the

1 **purpose of the association or organization; and**

2 **(3) The nature of the claim and the relief requested do not require that the members of**
3 **the association or organization who were adversely affected or aggrieved participate in the**
4 **contested case hearing.**

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