



OREGON CHAPTER SIERRA CLUB

1821 SE ANKENY ST • PORTLAND, OR 97214

PHONE (503) 238-0442 • FAX (503) 238-6281

OREGON.CHAPTER@SIERRACLUB.ORG

WWW.OREGON.SIERRACLUB.ORG

To: Members of the Senate Environment and Natural Resources Committee

From: Rhett Lawrence, Oregon Chapter Sierra Club

Date: February 10, 2014

RE: Senate Bill 1510

Chair Dembrow and Members of the Committee: Good afternoon, my name is Rhett Lawrence and I'm the Conservation Director for the Oregon Chapter of the Sierra Club. I am unable to testify in person for today's hearing, but on behalf of our more than 20,000 members and supporters in Oregon, I did want to offer some brief comments on Senate Bill 1510. As an organization with a long history working on a wide range of environmental issues in Oregon, the Sierra Club would like to indicate its support for SB 1510. We have been raising the need for a more coordinated and comprehensive view of large projects for a number of years now and we appreciate the opportunity to continue this discussion.

This bill would essentially create a state-level version of the National Environmental Policy Act (NEPA), which has been the environmental equivalent of the Magna Carta since it was enacted on January 1, 1970. Our neighbors to the north and south passed their own state versions in the early 1970s – California's CEQA and Washington's SEPA – and both provide significant authority to state agencies to review projects, ask questions, conduct appropriate studies, and consult with other state and federal agencies.

Oregon, on the other hand, enacted its pioneering land use laws, which have served us well in many circumstances and which encourage us to address the impacts of certain projects in some cases long before those projects are ever conceived. Unfortunately, from time to time, our land use laws aren't sufficient, and we have been seeing this more and more in recent years, particularly as very large projects – some with interstate and even international consequences – have been proposed in Oregon.

The Sierra Club would be the first to admit that we cannot have and would not want a complex, extensive, and expensive permitting and review procedure for every single permit that the State of Oregon requires. That would be extremely costly to our economy and, in many cases we would agree the environmental benefits would be questionable at best. However, there are cases where more extensive review is warranted, but our own state agencies lack the authority required to protect the citizens of Oregon.

For example, there are or have been a half dozen coal export proposals in the Pacific Northwest. In Washington, all of these projects are required to have review by state agencies, and in those cases, the state requirement has resulted in better oversight by the relevant federal agencies as well. Meanwhile, the only active coal export proposal in Oregon – the Port of Morrow facility near Boardman – could potentially move forward with no overall review or cross-agency coordination, aside from the granting of a few ministerial permits. This could happen even though those same agencies that lack authority to do further review recognize the potential for significant impacts that extend beyond the issues addressed by those requirements.

For instance, if a dredging permit on the Columbia River has the potential to affect public drinking water, the lead agency should have the authority to consult with the public health and drinking water authorities, gather more information, and provide that information to the public and decision-makers. If a project might require significant new infrastructure or cause increase in vehicle or railroad traffic, the lead agency should be authorized to seek additional information from the transportation agencies and incorporate that information in its decision-making and analysis.

In other words, when a large project requires many permits from multiple agencies, the agencies should be empowered to share resources and provide the applicant and the public with a more coordinated analysis and review. Ideally, a state environmental policy law would authorize the agencies to gather and provide good information to decision-makers and the public, and to coordinate with relevant state and federal agencies, when a proposed project is likely to have significant consequences to the environment or the state's economy that extend beyond the issues raised in a single permit.

The question, of course, is if we do not want extensive review for each permit issued in the state, is where do you draw that line and what exactly is required when you draw it? We think there are a variety of ways to potentially answer those questions and that there is room for compromise that will provide applicants with certainty while protecting Oregon's citizens.

The Oregon Chapter of the Sierra Club is thus pleased to be part of that discussion and we would suggest as a next step that the Legislature convene an interim workgroup of stakeholders to look at the various approaches to a state environmental policy act and help us find a potential compromise between now and the 2015 legislative session. Thank you very much for considering our comments.