

# NORTHEAST OREGON WATER ASSOCIATION

February 9, 2015

Beth Reiley, Committee Administrator  
Attention: Chair Edwards, Vice-Chair Olsen and Members  
Senate Environment and Natural Resources Committee

RE: SB 258 (Testimony in Opposition)

Dear Chair Edwards, Vice-Chair Olsen and Members of the Senate Environment and Natural Resources Committee:

On behalf of the Northeast Oregon Water Association (NOWA), I would like to express our opposition to SB 258. NOWA was formed in late 2011 to bring all of the various businesses, interest groups and local governments together in eastern Oregon to protect and enhance our high-value agriculture based economy. In our opinion SB 258 is contrary to our mission and contrary to sound public policy for the following reasons:

### **SB 258 Sets a Dangerous Precedent**

Oregon has a sound history of protecting and preserving its highest valued land for future generations of economic prosperity through our land use planning laws. In our opinion, SB 258 continues an alarming trend of the ODOE energy siting process where local protections and local public planning processes are compartmentalized in statute and preempted by one agency of State Government. This sets a dangerous precedent under the land use program. SB 258 conflicts with the statewide planning goals, specifically Public Involvement, and continues to diminish protections for the irreplaceable high-value agricultural land of Oregon. The justification behind this appears to be that SB 258 provides certainty to new energy developers. We believe that certainty for existing Oregon landowners, investors and businesses that have played by the Oregon land use rules and succeeded in contributing to Oregon's economy is just as, if not more, important than the goals of ODOE and new prospective energy developers.

### **SB 258 Gives Deference to Supreme Court over Legislature**

ODOE states that SB 258 is simply "housecleaning" to codify a Supreme Court decision decided in April of 2013. While some may agree with the Supreme Court ruling, many do not agree that the ruling represents the intent of past legislatures when energy siting statutes were passed. Rather than immediately "codify" a court ruling, it would appear appropriate to first send the ruling to Task Force or other group to analyze the ruling and provide recommendations to the legislature for a sound debate and decision in the future.



In closing, the State of Oregon has a history of developing collaborative solutions to issues such as those that SB 258 seeks to address. Our region has been attempting to work collaboratively with ODOE for over 3 years on the unintended consequences of the siting laws currently in place. SB 258 will add yet another disruption to the hopes of a collaborative solution to protect our irreplaceable high-value agricultural land and economy and balance our needs with statewide energy goals. SB 258 is bad legislation for Oregon and should not be passed.

Thank you for the opportunity to submit testimony in opposition on this important matter.

Sincerely,



J.R. Cook  
Executive Director

CC: NOWA Membership