

Submitter: Miles Johnson
On Behalf Of: Columbia Riverkeeper
Committee: Senate Committee On Energy and Environment
Measure, Appointment or Topic: SB969

Please accept this testimony in opposition to SB 969 on behalf of Columbia Riverkeeper.

Columbia Riverkeeper is a non-profit organization with roughly 16,000 members and supporters that works to protect and restore the water quality of the Columbia River and all life connected to it. To accomplish our mission, Columbia Riverkeeper combines legal, policy, and grassroots activism to ensure that all people can enjoy the benefits of a healthy, vibrant, and abundant Columbia River watershed. We strive to do this work in solidarity with Tribes and frontline communities in the Columbia River basin. Because issues of water, energy, environmental justice, and Tribal rights are intertwined, SB 969 implicates many of the issues that matter to Columbia Riverkeeper and our members.

Replacing EFSC's thorough review of new energy projects with a NEPA analysis is misguided, especially now. Yesterday, the US Council on Environmental Quality officially rescinded the rules governing NEPA review by federal agencies. See 90 Fed. Reg. 10,610 (Feb. 25, 2025). This radical rule change upends decades of established federal practice in the implementation of NEPA and removes the ground rules for how federal agencies perform NEPA reviews. In other words, it is unclear what NEPA review will look like in practice going forward. And even if individual federal agencies eventually promulgate and implement new rules for NEPA reviews, there is no guarantee (and substantial reason to suspect) that those reviews will not be as informative or detailed as NEPA reviews have been in the past--especially given the Trump Administration's longstanding hostility to and attempts to diminish NEPA. See, e.g. E.O. 14154. Against this backdrop of uncertainty regarding NEPA, Oregon should not cede its authority to review and make decisions about energy projects. To be clear, Columbia Riverkeeper would oppose SB 969 (and did oppose its precursor) regardless of the federal context, because NEPA's documentation of environmental impacts (while helpful) is not a substitute for EFSC's substantive authority to decide whether a proposed energy facility is in Oregon's public interest. The current assault on, and deep uncertainty regarding, NEPA review by federal agencies casts even more doubt on the wisdom of SB 969's approach to permitting energy facilities in Oregon.