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February 28, 2025

Senate Committee on Energy and Environment
Oregon State Capitol
Salem, OR 97301

Regarding: Senate Bill 969

Dear Chair Sollman, Vice Chair Brock Smith, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 969 which would provide a streamlined permitting pathway for renewable energy facilities and transmission lines sited wholly on federally managed lands. We appreciate the Committee's engagement on the bill and acknowledge that concerns were raised by Committee Members and stakeholders. This letter identifies issues and proposes a menu of solution pathways for further discussion and analysis.

1. Ensuring Local Government Consultation and Community Engagement

To ensure that local governments are adequately consulted and that local communities are engaged in and benefit from facility development, the following concepts could be considered:

- Including certain local land use and development standards that should be reasonably applied to facilities on federally managed land.
- Creating a mechanism requiring developers to provide funding to local government, at a dollar-per-megawatt (for generation) or dollar-per-mile (for transmission) rate, a portion of which could be allocated to community needs and impacts.

2. Providing an Enforcement Mechanism for Compliance with Local and State Standards Identified in SB 969

Local government and environmental interest groups have noted the importance of a mechanism to enforce the state and local standards identified in SB 969 related to grazing, fire, noxious weed management, roads, and wildlife habitat. The following concepts could be considered:

- Creating a mechanism requiring developers to provide funding to local government, at a dollar-per-megawatt (for generation) or dollar-per-mile (for transmission) rate, a portion of which could be allocated to local governments to enforce compliance with SB 969. This would minimize the impact on state agencies like ODFW and ODOE/EFSC while expanding local government capacity to engage in renewable energy and transmission development in their counties.
- Providing reasonable inspection and access rights to ODFW or local government to ensure compliance.

3. Minimizing Potential Risks if NEPA is Weakened at the Federal Level

Stakeholders and legislators have expressed concern that the new federal administration could take actions to weaken or “water down” the scope of analysis under the National Environmental Policy Act (NEPA).¹ This would most likely occur through limitations on NEPA documents (such as page or time limits) and the adoption of broader categorical exclusions (CX) that do not require a facility to undertake the more extensive analysis required under an Environmental Assessment (EA) or Environmental Impact Statement (EIS). The following concepts could be added to minimize these risks:

- Limiting the bill so that a generating facility must obtain an EA or EIS to avoid going to EFSC (and cannot avoid EFSC by obtaining a CX).
- Placing a per-megawatt cap or a sunset on the bill to provide a legislative checkpoint.

Conclusion

SB 969 is an important legislative concept to provide pathways for Oregon to develop renewable energy and transmission necessary to achieve the state’s clean energy mandates in a responsible manner that still provides protections and public input on facility siting. We are confident that identified issues can be adequately resolved so that the benefits of SB 969 can be realized, including:

- Providing alternative pathways for siting new transmission lines more expeditiously (compared to EFSC review timelines that may take a decade or more).
- Creating opportunities to responsibly site renewable energy generation facilities on federal lands, which comprise well over half of all lands in Eastern Oregon.
- Reducing the burden on state government and EFSC staff so that they can focus on processing the incoming wave of facilities on non-federal lands.

We look forward to continued conversations with legislators and stakeholders on SB 969. Thank you for considering these comments.

Sincerely,



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¹ We note that in addition to NEPA, facilities sited on federally managed lands also need to comply with extensive rules, regulations, and policies adopted by jurisdictional agencies like the Bureau of Land Management pursuant to the Federal Lands Management and Policy Act (FLPMA) and we have not seen any proposed changes to those standards or regulations. *See, e.g.*, 48 CFR Part 2800; BLM, Notice of Availability of the Approved Resource Management Plan Amendments and Record of Decision for Utility-Scale Solar Energy Development, 89 Fed. Reg. 105623 (Dec. 24, 2024).