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House Committee on Climate, Energy, and Environment

Testimony on SB 969 - Neutral

Submitted by Laura Tabor, Climate Action Director

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Chair Sollman, Vice Chair Brock Smith, and Committee members:

Thank you for the opportunity to submit neutral testimony regarding SB 969.

TNC is a non-partisan, science-based organization that works in communities across the state, manages lands and waters in varied ecosystems, and partners with ranchers, farmers, fishers, timber, and environmental interests on some of the most challenging conservation issues facing people and nature. As a conservation organization, TNC is committed to fighting both climate change and biodiversity loss to create a future where people and nature thrive. We want to help the state meet its clean energy goals with least impact to nature and communities.

SB 969 proposes removing the state Energy Facilities Siting Council (EFSC) jurisdiction over projects solely on federal land and subject to National Environmental Policy Act (NEPA) review. We believe EFSC's strong habitat mitigation and decommissioning requirements offer the opportunity to optimize conservation outcomes relative to the NEPA process alone, and thus our neutral position is contingent on pending amendment language affirming a viable enforcement pathway and state arbiter for the provisions upholding state wildlife habitat mitigation standards. We appreciate the bill proponents' efforts to find a workable solution to this issue.

We would like to note specific factors affecting our assessment of this bill and where uncertainty remains.

- Current NEPA processes for public engagement, Tribal consultation, and environmental review are relatively robust. However, the posture of the new federal administration towards permitting and environmental regulation indicates uncertainty regarding how these processes may be weakened with regard to protecting and upholding strong public and Tribal engagement and habitat mitigation standards.
- The recently adopted Bureau of Land Management Solar Programmatic Environmental Impact Statement (PEIS), if implemented, will limit risk to wildlife habitat on federal lands in Oregon. However, it is unclear whether the new administration will uphold the solar PEIS.
- We appreciate that SB 969 proposes this change narrowly and only on projects solely sited on federal lands. We believe a broader analysis of streamlining transmission permitting in dual jurisdiction cases would be needed to identify effective solutions in the context of projects spanning federal and other lands.

Thank you for your consideration of this information in your review of SB 969.