

February 10, 2014

To: Chair Dembrow, Vice-Chair Olsen, and members of the Senate Committee on Environment and Natural Resources

RE: SB 1510

Chair Dembrow, Vice Chair Olsen, and members of the Committee:

We are writing to voice our opposition to SB 1510. We are a diverse group of water users from Oregon's agricultural and public water supplier communities with a common goal: to advocate for common sense water policies that move Oregon's economy, communities, and environment toward a secure water future.

We have several concerns about SB 1510, which would establish a state environmental policy act and its impact to water projects. SB 1510 will add new barriers to Oregon's agricultural and public water communities and the water users they serve in the planning and implementation of future projects. These barriers include increased time and costs to gain permits as well as additional unnecessary regulatory processes.

Under SB 1510 when one of our members submits an application to a "state permitting agency" their project may be selected for enhanced consideration under this 2014 Act. The enhanced consideration is at the whim of the permitting agency to submit for review and therefore cannot be planned for by our members. If chosen, the applicant would be responsible to pay for the costs reasonably incurred to conduct the enhanced consideration required. When developing and planning a project, our members would not be able to predict (1) whether they will be subject to additional review or (2) what the cost of that enhanced review will be, there is no certainty at any point in the process of the costs associated and the applicant could be subject to both payment of fees at the initiation of the process and to progress payments throughout, with no cap to the costs of the review. Additionally, SB 1510 broadly opens the door and gives legal standing to parties unrelated to the projects seeking permits.

Currently, the review process of projects like the ones covered by SB 1510 are "standard based," i.e. the decision is based on specific standards and rules and is consistent with Oregon's legislative history embracing specific land-use criteria rather than a state environmental policy act like the one in SB 1510. Oregon currently has some of the most extensive and comprehensive land-use laws and there are efforts underway to further revise the land-use laws to meet the needs of the state. Given Oregon's legislative history and hesitance to embrace a state environmental policy act, perhaps if changes need to be made, they can be incorporated as part of the land-use laws revisions currently underway.

Ultimately, this bill adds further regulation to an already complex area of land-use, water law and associated permitting that would be prohibitive of statewide projects of environmental significance and we urge you to oppose SB 1510.

Sincerely,

*Association of Oregon Counties
Oregon Water Resources Congress
The League of Oregon Cities*

*Oregon Association of Nurseries
Special Districts Association of Oregon*



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Oregon Water Resources Congress