

MEASURE: HB 4078
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Testimony on behalf of the Oregon Natural Desert Association for HB 4078
House Interim Committee on Energy, Environment and Water
February 14, 2012

The Oregon Natural Desert Association (ONDA) is an organization of 4,000 members and supporters based in Bend, Oregon. Our mission is to protect, defend and restore high desert lands in Oregon.

We support responsible renewable energy development in Oregon, and hope to be a part of the conversations in Oregon's Legislature and the Governor's Office related to energy siting and development. We feel renewable energy can help our state and country meet our energy needs, lessen our growing carbon footprint, and create viable jobs in the State. However, development can have social and environmental impacts. We are keenly aware of the impacts associated with wildlife and believe renewable energy must be developed in a way that ensures wildlife protection. Therefore, we strongly support any and all measures that address wildlife impacts and encourage effective wildlife mitigation.

We feel the intent of HB 4078 is to account for wildlife impacts and mitigate for potential impacts; however, we do not think the current language fully ensures wildlife protection. We ask that the following changes be made to the language of HB 4078 (based on the 12/20/11 version):

- At Section 2 (3) we ask that the phrase, "if necessary" be replaced with "if impact avoidance is not possible." This term could create a loophole by implying a level of discretion to qualify the *necessity* of wildlife mitigation. There are conditions listed in the following subsections (a) and (b); therefore the "if necessary" term is not needed and could potentially create future conflicts and ambiguity.
- At Section 2 (6) we ask that the word "appropriate" be removed. This term is unnecessary and could create potential conflicts in the future due to potential differences in interpretation.
- At Section 2 (7) (b) we ask that the phrase "It appears to the County that" be removed. A definition of Energy Generation Areas already exists in statute and this phrase provides a loophole that gives the County discretion on what projects meet this definition.
- We ask that Section 2 (6) be removed. Section 2 (5) is all that is necessary to create a mitigation agreement and reinforce the intent to work closely with ODFW to ensure that protections are consistent across the state and across the range and habitat of various species.

In addition to these changes in wording, we suggest the threshold for photovoltaic solar be defined by acreage rather than megawatt. We feel a megawatt limit could be a disincentive to

smart land use, and could undermine potential future upgrades that could be made at photovoltaic facilities that would increase their megawatt capacity in a given permitted area. As technology changes and improves, basing a permitting threshold on acreage, rather than megawatt, is the better policy decision for communities, land use planning, and the overall environment. Without any state-approved county guidelines for project review, we suggest that 100 acres is the appropriate threshold, above which would require EFSC review. This also provides consistency with the 100-acre threshold proposed in the bill for solar collecting facilities.

We thank you for your time and would be willing to sit down and discuss these issues with the bill's proponents and sponsors to discuss our concerns in more detail.

Sincerely,

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