

May 20, 2013

Senate Business and Transportation Committee

Re: HB 2106A

Dear Chairman Beyer and Committee Members:

Please do not forward HB 2106A out of committee in it's current form for the following reason:

Currently the statute requires the weighing of overall public benefits of a development against the overall damages to all the resources negatively impacted in order to allow an exception to the rules the facility does not meet.

The proposed change would mean that each resource or interest would be compared to all perceived benefits of the development and if it is determined that the overall benefits are more significant than the individual resource, an exception could be allowed.

The proposed change will allow a facility to be developed even if it does not meet any of the statutory requirements intended to protect resources and interests which are negatively impacted.

An evaluation of overall damages against overall benefits should be made prior to any decision to approve a development.

This evaluation is even more critical in light of the fact that ORS 469.310 states "the need for new generating facilities as defined in ORS 469.503 is sufficiently addressed by reliance on competition in the market rather than by consideration of cost-effectiveness and shall not be a matter requiring determination by the Energy Facility Siting Counsel in the siting of a generating facility..."

Denying a determination that there is a need for the energy and also denying a determination that of whether or not the overall negative impacts outweigh the overall benefits of the development does not provide any protection for

the public or the environment from irresponsible siting of unnecessary energy facilities.

Please review and change the language in ORS 469.501(3)(a) to read “ The council may issue a site certificate for a facility that does not meet one or more of the **applicable** standards adopted under subsection (1) of this section if the council determines that the overall public benefits of the facility outweigh **any adverse effects on resources and interests** protected by the **applicable** standards the facility does not meet” And change language in ORS 469.503(1) to read “The facility complies with the **applicable** standards adopted by the council pursuant to ORS 469.501 or the overall public benefits of the facility outweigh **any adverse effects on the resources and interests** protected by the applicable standards the facility does not meet”

Absent a change in the above language, please do not pass this piece of legislation out of committee. It will damage the animals, people and resources of this state.

I support the requirement that rules be promulgated to identify what issues must be considered when a decision is made to ignore damages to resources and interests. Given that the Energy Facility Siting Counsel has never denied an application or amendment request, many people believe that the rules are being flexed to the benefit of green energy developments. This would help address this concern.

Sincerely,

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