



March 5, 2019

Via e-mail: hee.exhibits@oregonlegislature.gov

House Committee on Energy and Environment
900 Court Street NE
Salem, OR 97301

RE: Oregon Natural Desert Association testimony in opposition to HB 2329 - regarding EFSC
Jurisdiction on Energy Facilities

Dear Chair Helm and Honorable Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 2329. Oregon Natural Desert Association (ONDA) is a not-for-profit conservation organization based in Bend that exists to protect, defend and restore Oregon's high desert on behalf of our more than 10,000 members and supporters from across Oregon and beyond. ONDA has a long track record of supporting renewable energy development that is sited and developed in a manner that minimizes impacts to the environment and captures the benefits of renewable energy to help thwart the negative impacts of climate change¹.

In that context ONDA has been involved in numerous energy facility permitting processes and most recently we have served on the Energy Facility Siting Council (EFSC) Rulemaking Advisory Committee concerning rule updates for solar photovoltaic energy facilities. It is our view that the State of Oregon has a necessary role in the appropriate regulation and permitting of energy facilities. EFSC permitting is an important means of preventing the sorts of impacts that local jurisdictions are neither equipped nor always inclined to consider in a holistic manner. The benefits and impacts of energy generation facilities are not so parochial that the State of Oregon can or should concede its authority in this arena.

ONDA is concerned that HB 2329 would exacerbate impacts to state resources and create conflicts with other land uses by shifting the review of nearly all solar and wind energy projects in eastern Oregon to county review. County-level land use review, while

¹ ONDA, 2012. Renewable Energy in Oregon: A Policymaker's Guide to a Responsible Energy Future. https://30723z39riptju122j58z3fx-wpengine.netdna-ssl.com/wp-content/uploads/2017/10/Renewable_Energy_in_Oregon_Final.pdf

commendable, is insufficient to the task of reviewing large energy facilities and their attendant issues. ONDA is particularly interested in ensuring the protection of wildlife and wildlife habitat when energy facilities are permitted. Solar and wind energy projects can result in significant impacts to wildlife without robust review. State agency expertise and permitting is an important mechanism to thoroughly consider and mitigate impacts from these facilities.

The State of Oregon has invested considerable resources in developing a robust, reasonable system for the mitigation of impacts to wildlife habitat. This mitigation approach can help reduce impacts to wildlife when implemented through the EFSC process in coordination with the Oregon Department of Fish and Wildlife (ODFW). By contrast, in southeastern Oregon some counties have not updated their Goal 5 resources for wildlife or other resources and are not required to utilize ODFW's habitat mitigation approach. HB 2329 does not require counties to work with ODFW or to utilize the mitigation framework leaving wildlife species such as sage-grouse vulnerable to development impacts.

HB 2329 would allow energy developers to avoid the more rigorous EFSC review of energy facilities in favor county-level land use review jeopardizing Oregon's land, water and wildlife resources by promoting more limited and piecemeal review of energy generation projects inherently connected to larger issues such as management of the electrical grid and the management of state resources including wildlife and water. The expertise, relationships and capacity of the State and EFSC are necessary and beneficial to the complete consideration of these issues. EFSC and the Oregon Department of Energy (ODOE) staff are well positioned and have the needed resources to ensure that all state resources and the interests of all Oregonians are adequately considered in the review of energy facilities.

Our past experience with wind energy proposals is that in some circumstances there have been attempts to segment one large project into multiple smaller projects in order to avoid EFSC review in favor of county permitting. These efforts were transparent attempts to reduce the rigor of review and permit requirements. HB 2329 proposes to codify this pathway to reduced review for solar and wind energy facilities across vast swaths of eastern Oregon. This would not be the best approach to permitting these projects.

During the Energy and Environment committee hearing on February 28, 2019 energy industry representatives expressed concerns with the timeframes and costs of EFSC permitting while also stating support for strong protections for wildlife, other state resources and other land uses. The best means of addressing these issues, then, is not to abrogate the state's responsibilities to wildlife and other values in hopes that counties can and will fulfill those responsibilities. The better path is to create conversations and efforts, like the ongoing EFSC rulemaking, that can solve these issues to the satisfaction of all concerned stakeholders. ONDA would support a broader and more inclusive discussion in that vein. However, HB 2329 in its current form is not a viable vehicle for that conversation.

ONDA opposes HB 2329 as written and urges you to oppose the bill and instead help develop a process to consider and refine regulatory approaches for permitting energy facilities to

address the numerous issues identified by all stakeholders.

Sincerely,

A handwritten signature in black ink that reads "Dan Morse". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Dan Morse
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cc: Jason Miner, GNRO Natural Resources Policy Manager
Amira Streeter, GNRO Natural Resources Policy Advisor