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June 9, 2019

Rep. Ken Helm
State Capitol
Salem, OR 97301

Re: HB 2329, -5 amendment

Dear Rep. Helm:

Thank you for sharing the -5 amendment to HB 2329. We have the following concerns with the amendment:

- HB 2329A, with the -5s, would still allow large renewable energy projects to potentially avoid the EFSC permitting process.
- For projects between the sizes described in the -5s, the local government *or* the developer can opt for the Energy Facility Siting Council (EFSC) process. If HB 2329 goes forward, we believe this should be an option for the local government only. However, even this has the possibility for evasion of meaningful conditions, because although counties would have the ability to defer application to the EFSC, this may happen only after consulting with the applicant and counties will be under tremendous pressure to process the applications at the county level.
- If the local government keeps the application, it gets to determine which, if any, EFSC standards it wants to apply (p. 3, lines 26-28 of -5).
- The applicant, not the county, does the consulting with ODFW and develops habitat assessments and a mitigation plan.
- The county, not ODFW, will have the final say over whether applicant has adequately avoided and mitigated wildlife impacts.
- Limitation of the fish and wildfire mitigation plan to "significant" habitat (page 3, line 1) is problematic.
- It is unclear how the bill would interact with LCDC's recently adopted rules for solar facility siting on farmland and the existing rules for forest land siting.
- Because the bill proposes to put its provisions into Chapter 215, it creates vagueness for projects that are not sited on farm and forest land, because those are not governed by Ch 215.

Sincerely,

A handwritten signature in black ink that reads "Mary Kyle McCurdy". The signature is written in a cursive, flowing style.

Mary Kyle McCurdy
Deputy Director