

March 30th, 2023

**Re: Sportsmen Comments on HB 3179**

Chair Representative Helm, Vice Chairs Hartman and Owens, and members of the Committee,

The undersigned organizations representing sportsmen and women in Oregon and across the country would like to provide the following comments on HB 3179-2 amendments to voice our concern on certain portions of the bill as written.

We recognize that advancing renewable energy projects within Oregon and elsewhere is important for a transition to a clean energy future. At the same time, we are keenly aware that even with the most careful planning, the expansive size of utility-scale solar and wind developments may have unintended consequences for habitat, connectivity, and migratory wildlife like big game. Proactive, coordinated, statewide planning that considers the cumulative effects of large solar and wind projects over time can help avoid, mitigate, and minimize these types of impacts. It is our view that the State of Oregon has a necessary role in the appropriate regulation and permitting of energy facilities.

Oregon's Energy Facility Siting Council (EFSC) serves a key role in the oversight and permitting of energy facilities. EFSC permitting offers a standardized means of placing checks and balances on energy facilities. The consistent, standard approach of the EFSC permitting process for large facilities ensures impacts from energy development on wildlife habitat and ecological processes are properly considered. Ultimately, on large scale energy projects, including solar, EFSC's permitting authority provides statewide consistency and offers a chance to consider the cumulative effects of these projects and their associated infrastructure over time for fish and wildlife impacts.

In 2019, the State Legislature passed [HB 2329](#) which modified ORS 469.300 and enlarged the acreage threshold for solar photovoltaic facility projects that fall within EFSC jurisdiction. Prior to 2019, EFSC had jurisdiction of any solar facility permitting process larger than 100 acres on farmland and 320 acres on any other land. With the passage of HB 2329, EFSC now only has jurisdiction of projects that are greater than:

*"**160 acres** located on high-value farmland as defined in ORS 195.300; (ii) **1,280 acres** located on land that is predominantly cultivated or that, if not cultivated, is predominantly composed of soils that are in capability classes I to IV, as specified by the National Cooperative Soil Survey operated by the Natural Resources Conservation Service of the United States Department of Agriculture; or (iii) **1,920 acres** located on any other land."*

Proposed solar facilities below these acreage thresholds are now permitted through local county planning departments. County-level land use review, while commendable, does not provide the same standard and consistent approach for reviewing large energy facilities and the resulting cumulative impacts on wildlife habitat. In Oregon, the EFSC siting standards require avoidance, minimization, and mitigation of impacts to high value habitats, in accordance with the ODFW Habitat Mitigation Policy, which is broadly applicable to development activities.

**Under HB 3179, these acreage thresholds would again be scaled up and doubled in size.** Under this proposed legislation, EFSC would only have authority for solar projects that are greater than 3,840 acres in size on lands that are not classified as farmland. Projects of this scale being authorized through local county planning processes could result in these large projects being sited adjacent to one another with no requirement to consider the cumulative effects of these large solar projects, which are typically high fenced and can become a barrier to migrating wildlife.

Further, as written, this bill would remove any EFSC oversight on projects that take place on Federal Lands, and which require review under the National Environmental Policy Act. Currently in Oregon, there are at least four solar projects proposed entirely on federal lands that are over 5,000 acres in size each. The BLM also recently completed scoping comments to develop a Western Solar Programmatic Environmental Impact Statement to facilitate siting of 25 gigawatts of solar on public lands within 11 western states, including Oregon.

Under current FSEC policy, the council already conducts its review, to the maximum extent feasible, in a manner that is consistent with and does not duplicate the federal agency review. There are several conditions that the council references to ensure that this process is not duplicative, but rather, aims to enhance opportunities for additional public input and ensure proper coordination and consideration of both state and federal land use goals. It's critical to have abundant citizen involvement for these projects and multiple, coordinated state and federal comment opportunities during review makes for a more robust engagement by local citizens. Public engagement is enshrined in Oregon's land use system with Goal 1 of the land use planning goals.

When reviewing renewable energy projects, our organizations strive to make recommendations to ensure projects align with ODFW's long-standing Habitat Mitigation Policy (Division 415) for no net loss of habitat that aims to avoid, minimize, or mitigate impacts according to the Wildlife Policy (496.012). We encourage the state legislature and stakeholders to work together to ensure that the cumulative effects of these projects are adequately considered and to ensure that large scale solar projects are not sited adjacent to one another in wildlife habitat as more projects are brought online in the future.

Thank you for this opportunity to provide testimony related to Oregon's renewable energy future. Please don't hesitate to reach out to discuss in more detail with any of our groups.

Sincerely,

Michael O'Casey  
Deputy Director, Pacific Northwest Region  
Theodore Roosevelt Conservation Partnership

Bill Richardson  
Senior Conservation Program Manager-Western  
Rocky Mountain Elk Foundation

Ian Isaacson  
Board Co-Chair  
Oregon Chapter, Backcountry Hunters & Anglers