

HB 4090 A STAFF MEASURE SUMMARY

Carrier: Rep. Gamba

House Committee On Agriculture, Land Use, Natural Resources, and Water**Action Date:** 02/15/24**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-1-2-0**Yeas:** 6 - Boice, Gamba, Hartman, Helm, McLain, Owens**Nays:** 1 - Marsh**Exc:** 2 - Levy B, Scharf**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Anna Glueder, LPRO Analyst**Meeting Dates:** 2/13, 2/15**WHAT THE MEASURE DOES:**

The measure prohibits the Energy Facility Siting Council from exercising jurisdiction over, or requiring a site certificate for, certain renewable energy facilities and certain high voltage transmission lines, if either are sited entirely on federal land and are subject to review under the National Environmental Policy Act (NEPA). Requires the person seeking federal approval to construct or operate an energy facility affected by the measure to consult with relevant governments on potential impacts that may result from the construction or operation of the facility.

Detailed Summary

Prohibits the Energy Facility Siting Council from exercising jurisdiction over, or requiring a site certificate for, an energy facility that is **sited entirely on federal land**, and is **subject to review under the National Environmental Policy Act**, if the energy facility is any of the following:

- An electric power generating plant that is not a nuclear power plant, uses resources other than fossil fuels, and has a nominal electric generating capacity of 25 megawatts or more.
- A subset of high voltage transmission lines with a minimum capacity of 230,000 volts, and a length of more than 10 miles.
- A solar photovoltaic power generation facility that is using more than 240 acres of high-value farmland, 2,560 acres of land that is predominantly cultivated or composed of certain soils, or 3,840 acres of any other land.
- An electric power generating plant with an average electric generating capacity of at least 50 megawatts if the power is produced from geothermal or wind energy at a single energy facility or within a single energy generation area.

Requires the person seeking federal approval to construct or operate an energy facility affected by the measure to consult with the applicable local government, or any local government whose jurisdiction adjoins the proposed facility, on potential impacts, such as impacts on existing federal agricultural and grazing permits and leases, road usage, noxious weed management, as well as fire management and response plans, that may result from the construction or operation of the facility.

ISSUES DISCUSSED:

- Importance of speeding up renewable energy siting in the context of climate change
- Potential future modifications to the NEPA process
- Enforceability of the proposed local government consultation requirement
- Tribal consultation and potential consequences on tribal partners
- Overlap with related legislative concepts
- Economic impact of decreasing regulations

This summary has not been adopted or officially endorsed by action of the committee.

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EFFECT OF AMENDMENT:

Excludes nuclear power plants from electric power generating plants affected by the measure. **Requires the person seeking federal approval** to construct or operate an energy facility affected by the measure **to consult with the applicable local government, or any local government whose jurisdiction adjoins the proposed facility, on potential impacts**, such as impacts on existing federal agricultural and grazing permits and leases, road usage, noxious weed management, as well as fire management and response plans, that may result from the construction or operation of the facility.

BACKGROUND:

Oregon's Energy Facility Siting Council (EFSC) oversees the development of large electric generating facilities, high voltage transmission lines, and other projects by reviewing development proposals for environmental impacts, noise concerns, cultural and archeological artifacts, and compliance with all applicable statutes, rules, and local ordinances prior to granting site certificates. For facilities that are subject to review under the National Environmental Policy Act, EFSC coordinates its site certificate review with federal agency in order to minimize duplicative efforts. Oregon statutes currently exclude some facilities from the site certification, the most common of which are specific high efficiency cogeneration facilities and certain biofuel production facilities.