



February 8, 2024

Chair Helm
House Committee on Agriculture, Land Use, Natural Resources, and Water
Oregon State Capitol
Salem, OR 97301

Re: Neutral on HB 4090

Chair Helm and Members of the Committee;

Climate Solutions is a regional non-profit working to accelerate clean energy solutions to the climate crisis. **We submit these comments regarding HB 4090 and are neutral on the bill.**

While we have a neutral position on HB 4090, **we strongly support the -1 amendment** that clarifies that the bill does not remove EFSC jurisdiction for nuclear facilities on federal land.

Climate Solutions supports reasonable and needed improvements to siting and permitting pathways for renewable energy projects and transmission in Oregon, while maintaining consultation and meaningful engagement with potentially impacted communities. Oregon must continue to identify ways to ease the process and accelerate the timeline to develop and build clean energy projects if we hope to address the climate crisis and meet our clean energy commitments like HB 2021 (2021).

HB 4090 would remove EFSC jurisdiction from certain clean energy projects and transmission lines built exclusively on federal lands and subject to the federal National Environmental Policy Act (NEPA) review process. We understand the elimination of a parallel state permitting process on exclusively federal lands would facilitate speedier and less costly permitting for that range of projects.

However, we note that the NEPA permitting process for these types of projects on federal land is under significant review and potential modification by the federal government this year. Most significantly, the permitting pathway for a subset of clean energy and transmission projects on federal lands might be designated by U.S. DOE as [“categorical exclusions”](#) from NEPA environmental assessments. Additionally, the Bureau of Land Management is in the midst of [westwide planning](#) that would work to further expedite siting for solar energy facilities on federal public lands. Until those federal changes are completed, it is difficult to fully assess how removal of state EFSC jurisdiction could impact environment review, if there is still any duplication by a state permitting process, and how much say -if any- that state and local governments, as well as local communities and the general public will still have in these siting and permitting processes on federal lands in Oregon.

We also note that unlike a broader siting and permitting discussion that has been occurring over the past two years, HB 4090 was not developed with broad stakeholder participation and input. In contrast, HB 3181 (2023) created a broad stakeholder process between DLCD and ODOE to find opportunities and minimize conflicts when siting renewable energy projects in Oregon. This stakeholder process has already begun and we're hoping to get collective recommendations on streamlining Oregon's permitting and siting processes for renewables and transmission to inform broad legislation for next session. In addition, ODOE is preparing a State Energy Strategy, which should help illuminate the volume and types of projects we need to hit our clean energy and climate goals, and what the barriers are to doing so.

Given both the ongoing state siting and permitting re-evaluation under HB 3181 (2023) and the federal NEPA re-evaluation occurring this year, Climate Solutions would have preferred to see this narrow change to EFSC jurisdiction be considered with the broader array of potential changes to state siting and permitting processes in the 2025 long session. We have not heard urgency for addressing this particular change this year as opposed to next year, as to our knowledge, no transmission or clean energy projects exclusively on federal land have ever been built in Oregon nor are proposed to be developed before next year.

Oregonians are already feeling the effects of climate change. Devastating wildfires, drought, and water constraints are here, and they will intensify without effective climate mitigation measures. Given the unprecedented nature of these impacts, particularly on frontline and BIPOC communities, it is imperative that we quickly transition off fossil fuels to clean energy in Oregon. We also want our state to continue to benefit from the economic opportunities provided by local clean energy projects.

For these reasons, we are encouraged by the legislative focus on easing siting and permitting processes, and welcome the federal streamlining and categorical exclusions contemplated to help speed up project development of solar, battery storage and transmission. However, there does seem to be a potential timing issue with HB 4090 while that is all in flux and we believe it would be better to have this siting conversation in the 2025 long session.

Thank you for considering these comments on HB 4090.

Sincerely,

A handwritten signature in black ink, appearing to read "Meredith Connolly". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Meredith Connolly
Oregon Director
Climate Solutions