



February 26, 2024

Oregon State Legislature
Senate Committee on Energy & Environment
900 Court St. NE
Salem, OR 97301

RE: Opposition to House Bill 4090, Relating to the permitting of energy facilities.

Dear Chair Sollman, Vice-Chair Findley, and Senators Golden, Hayden, and Lieber,

On behalf of the more than 74,000 members and supporters of the Sierra Club Oregon Chapter, we are writing in opposition to HB 4090.

If this bill passes, Oregon will lack state-level oversight of energy facilities proposed on federal lands. We must preserve our state's Energy Facility Siting Council review of proposed energy projects to ensure that Oregon protects our unique environment while maintaining an adequate and sustainable energy supply. The landscape of permitting and siting for energy infrastructure in Oregon and nationally is currently shifting and many concurrent processes could mean that HB 4090 causes unintended harms. **This bill deserves more time and stakeholder input than the short legislative session allows. We urge a "No" vote on HB 4090 so that we can continue this conversation in the interim and in the 2025 session.**

The Energy Facility Siting Council (EFSC) protects Oregonians by thoroughly reviewing proposals to ensure they meet [siting standards](#). These standards cover issues such as land use, environmental impacts, noise concerns, and cultural and archeological artifacts. If a developer meets those standards they are authorized to construct and operate the facility. The council then has ongoing regulatory authority over the construction and operation of the facility.

In a Sightline article titled: "[Is the Permitting Process for Transmission Lines Really Broken?](#)", the author draws attention to ongoing pressure for permitting reform. There is concern that environmental reviews have taken too long; federal and state permitting processes may be redundant; and state and local interests hold too much sway over

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nationally important lines. However, it is dangerous to get rid of state and local interests in favor of national decision-making.

Research performed by the Nature Conservancy called [The Power of Place - West](#) analyzed many possible scenarios for achieving clean energy and climate goals across the West. It revealed that Western states can affordably and reliably meet future energy needs, achieve economy-wide net-zero greenhouse gas emissions reductions, and dramatically reduce impacts to wildlife and natural areas without removing environmental protections.

It is critically important to note that existing policy and regulatory efforts are underway to shorten review processes and improve permitting coordination. This year on federal land for these types of projects the National Environmental Policy Act (NEPA) permitting process is under significant review and potential modification. Unlike Washington and California, Oregon lacks a state environmental policy act of its own, meaning that our two processes (Oregon EFSC review and NEPA) are not redundant.

Currently, the EFSC process is a standards-based process where developers must show that they comply with siting rules. EFSC then votes on whether the standards are met, and can set conditions on developments. The process allows opportunity for public engagement and identifying potentially unrecognized harms.

NEPA reviews do not offer the same opportunities. The NEPA process provides a disclosure of impacts and the federal agency conducting that NEPA review makes a decision based on that analysis. That decision may not be the same conclusion Oregon would reach about what best serves the public interest, and the NEPA standards for decision-making are not the same as the EFSC standards. The Sierra Club Oregon Chapter has seen many examples of NEPA assessments that failed to accurately depict the scope or intensity of impacts from energy projects.

The climate crisis and transition to renewable energy are of critical concern, but compromising core environmental principles, public input, and valuable local expertise and conditioning is not the answer. Instead, please support ongoing rulemaking efforts to establish streamlined renewable energy and transmission line permitting and collaborative proposals to carefully ensure that we find the right places to site and build projects in our ongoing and accelerating renewable energy transition.

We urge your opposition to HB 4090. Thank you for your service to Oregonians, and for the opportunity to comment on this legislation.



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