



February 12, 2024

RE: HB 4090, House Committee on Agriculture, Land Use, Natural Resources, and Water

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

Thank you for your leadership in improving renewable energy resources in Oregon. We, the undersigned, recognize and support the need for rapid deployment of renewable energy technologies as part of the fight against climate change and to meet our state's renewable energy portfolio standards. This is a critical time for renewable energy siting and transmission policy as it provides the opportunity to avoid the mistakes of the past that brought undue harm to Indigenous peoples, fish, and wildlife. We must act swiftly, but also with intention to maintain a balanced approach to meeting state energy goals with the least impact and the most benefit to multiple interests.

We write to you today to express concern over House Bill 4090, which removes EFSC jurisdiction over renewable energy or transmission projects built exclusively on federal lands. We support finding ways to streamline permitting processes to accelerate the clean energy transition. However, we caution that these changes must be made collaboratively and with care to maintain the integrity of environmental and community protections. Several factors surrounding HB4090 give us pause.

- **Lack of stakeholder input-** HB 4090 will have long-lasting implications for a broad spectrum of stakeholders; changes such as HB 4090's proposal should be refined through process-based conversations that include a broad spectrum of interested parties and are collaborative and transparent. HB 4090 lacks public process and has had limited input from stakeholders.
- **Ongoing federal processes-** There are several ongoing processes at the federal level that will have significant implications for project siting, including a [Westwide BLM planning process](#) to designate lands open to solar development as well as a process led by the U.S. Department of Energy to utilize Categorical Exclusions (CE) for renewable energy projects and transmission lines through NEPA. Until these processes are complete, removing EFSC jurisdiction from siting in Oregon could have unintended consequences.
- **State of Oregon RAC process-** HB 3181, passed in 2023, established a broad stakeholder process between DLCD and ODOE to identify opportunities to minimize conflicts when siting renewable energy projects in Oregon. A solar siting rulemaking Advisory Council will begin meeting this March. The RAC aims to identify characteristics of least conflict siting and seek other to streamline renewable energy projects where possible.

- **Lack of demonstrated need for removing EFSC jurisdiction-** Our groups are not aware of any renewable energy project that has ever been built exclusively on federal lands in Oregon. Given the lack of projects to date for which this policy would apply, it is not clear that removing EFSC jurisdiction is a necessary or priority step to accelerate clean energy projects on federal lands. We welcome a focused conversation to identify specific barriers and opportunities for improved coordination between state and federal processes.

We recognize the time constraints of this short session for amendments in HB 4090. There are too many unforeseen impacts which could arise from this bill without proper time for engagement and input from Tribes, conservation interests, and other stakeholders. We respectfully request more process around this concept and our groups would be pleased to work with your offices during the interim to identify solutions which speed renewable and transmission siting that incorporate broad input from impacted stakeholders. Thank you for your time and consideration.

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