

March 24, 2025

House Committee on Climate, Energy and the Environment
Oregon State Capitol
900 Court St. NE
Salem Oregon 97301

Re: Written Testimony – HB 3422 Opposition

Dear Chair Lively, Vice-chairs Gamba and Levy, and members of the committee,

My name is Elaine Albrich, and I am a partner at Davis Wright Tremaine LLP. I am a land use and permitting attorney whose clients obtain required land use approvals for energy facilities. I write to express my opposition to HB 3422.

Depending on the size, an energy facility may require approval from the Oregon Energy Facility Siting Council (EFSC) instead of obtaining local land use approval by the county where the facility is located. The Oregon legislature created EFSC in 1975 with the goal of establishing a comprehensive, coordinated review for large-scale energy facilities to, in part, protect public safety and Oregon's environment. Over the years, the Oregon Legislature has adopted specific laws that govern how EFSC does its work, through the Oregon Department of Energy.

The Oregon Legislature has made intentional choices, distinguishing between what laws apply to energy facilities subject to EFSC review and what laws apply to energy facilities subject to local review by counties. One of those choices was the applicable goal exception test in ORS 469.504. The Oregon Legislature already determined that the EFSC goal exception test should not require an alternatives analysis.

Oregon HB 3422 seeks to undermine the policy choice already made by the Oregon Legislature. Oregon already has a process to determine if a site is reasonable for an energy facility, requiring that an applicant meet numerous siting standards designed to protect a range of resources, including agricultural land. Oregon HB 3422 will simply make it more difficult to site renewable energy projects that Oregon needs to meet its clean energy goals.

Thank you for your consideration.



Elaine Albrich