
Environment & Energy Committee

HB 1188

Brief Description: Requiring local government and tribal approval of wind and solar siting recommendations by the energy facility site evaluation council.

Sponsors: Representatives Dye, Klicker, Jacobsen, Caldier and Couture.

Brief Summary of Bill

- Requires approval by affected federally recognized tribes and the appropriate county as a precondition of the Governor's approval of a site certification recommendation by the Energy Facility Site Evaluation Council (EFSEC) for a wind or solar energy facility.

Hearing Date: 1/20/25

Staff: Jacob Lipson (786-7196).

Background:

The Energy Facility Site Evaluation Council (EFSEC) was established in 1970 to provide a single siting process for major energy facilities located in the state. The EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities, as well as specifies the conditions of construction and operation. After evaluating an application, the EFSEC submits a recommendation either approving or rejecting an application to the Governor, who makes the final decision on site certification. This recommendation must be reported to the Governor within 12 months of application receipt, or at a later time if agreed to by the applicant and the EFSEC. The recommendation must include a draft certification agreement, which must include various conditions including conditions to protect state, local, and community interests affected by the construction or operation of the energy facility. The Governor may approve an application and execute a draft site certification agreement, reject the application, or direct

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

EFSEC to reconsider certain aspects of the draft site certification agreement. If approved by the Governor, a site certification agreement is issued in lieu of any other individual state or local agency permits.

The laws that require or allow a facility to seek certification through the EFSEC process apply to the construction, reconstruction, and enlargement of energy facilities, biorefineries, and electrical transmission facilities, with many specifications. Energy facilities of any size that exclusively use alternative energy resources, such as wind or solar energy, may opt into the EFSEC review and certification process. Energy facilities that exclusively use alternative energy resources that choose not to opt in to the EFSEC review and certification process must instead receive applicable state and local agency development and environmental permits for their projects directly from each agency.

Summary of Bill:

As a precondition of the Governor's approval of an application and draft site certification agreement for wind or solar energy facility site recommendations by the EFSEC, each affected federally recognized tribe and the appropriate county legislative authority must approve of the EFSEC recommendation by adopting a resolution. The Governor may not approve a site certification application or execute a draft site certification agreement unless the appropriate county legislative authority and each affected federally recognized tribe submits to EFSEC a copy of its resolution approving of the application and draft site certification agreement.

The following approval process applies to wind and solar energy facility site recommendations by the EFSEC:

- The EFSEC must report a recommendation to affected federally recognized tribes and appropriate county legislative authority at the same time as the recommendation to the Governor.
- Within 90 days of the EFSEC's submission of the recommendation to the appropriate county legislative authority and each affected federally recognized tribe, the county or tribe may approve the application and draft site certification agreement by adopting a resolution, reject or fail to approve the recommendation, or adopt a resolution requesting EFSEC reconsideration of the recommendation. If EFSEC reconsideration is requested, EFSEC must report revised recommendations to the county and each affected tribe.
- Upon receipt of each required county and tribe resolution supporting the application and draft site certification agreement, EFSEC must report to the Governor, and the Governor may then approve or reject the application, or direct EFSEC to reconsider certain aspects of the draft site certification agreement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.