

Government-to-Government Activity Report

by the
**OREGON
DEPARTMENT OF
ENERGY**

December 2020



**OREGON
DEPARTMENT OF
ENERGY**



EXECUTIVE SUMMARY

In this report, the Oregon Department of Energy discusses ways the agency has interacted with and learned from Oregon's nine federally-recognized Native American tribes in 2020. The report provides information about efforts and actions to coordinate, collaborate, and enhance relations with tribal governments regarding ODOE programs and activities. These programs and activities include energy policy, nuclear safety, emergency preparedness, and energy facility siting, in addition to agency engagement and communications. Below are a few highlights:

Nuclear Safety: The Oregon Hanford Cleanup Board, which includes a representative of the Confederated Tribes of the Umatilla Indian Reservation, met two times in 2020 via conference call and virtual meeting space to understand and assess the U.S. Department of Energy's Hanford cleanup efforts, including the plans to immobilize high-level tank waste stored in aging underground tanks. There were fewer meetings than usual in 2020, as there were significant delays in cleanup schedules at Hanford due to COVID-19.

Emergency Preparedness: ODOE's Emergency Preparedness Manager focused on wildfire and COVID-19 related efforts, as well as continued work on [Oregon Fuel Action Plan](#). In response to wildfires in September 2020, ODOE provided situation reports during statewide coordination calls to the tribes on the status of fuel and propane supply and delivery problems in fire-impacted communities throughout Oregon.

Energy Facility Siting: ODOE's Siting Division continues to notify and coordinate with tribes that may be affected by energy projects under the Energy Facility Siting Council's jurisdiction. Communications with each tribal government are also accompanied with an offer from ODOE to meet with tribal staff to discuss the notice and review process, along with guidance for cost reimbursement.

Planning & Innovation, Rebates, and Outreach: ODOE staff participated in conferences and meetings with tribal representatives on topics ranging from climate change to energy resilience. The development of the [2020 Biennial Energy Report](#) involved input from tribes and helped ODOE prioritize content in that report, including references to tribal history in the energy history timeline and information about energy efficiency, weatherization, and off-shore wind energy.

As part of ODOE's [strategic planning process](#), the agency has been gathering information about energy programs and issues that are most important to Oregonians, including input from tribal staff. ODOE revised its vision, mission, and position, and has now developed five imperatives focusing on engagement, equity, data, program clarity, and optimization. ODOE hopes tribal perspectives continue to be reflected as the strategic plan is finalized and implemented in 2021.

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TRIBAL LAND ACKNOWLEDGEMENT

The Oregon Department of Energy and its staff acknowledge that indigenous tribes and bands have been with the lands that we inhabit today in the Willamette Valley and throughout Oregon and the Northwest for time immemorial. ODOE's office is in Salem, Oregon, the land of the Kalapuya, who today are represented by the Confederated Tribes of the Grand Ronde and the Confederated Tribes of the Siletz Indians, and whose relationship with this land continues to this day.

ABOUT ODOE

Our Mission

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.

Our Values

- We listen and aspire to be inclusive and equitable in our work.
- We are ethical and conduct our work with integrity.
- We are accountable and fiscally responsible in our work and the decisions of our agency.
- We are innovative and focus on problem-solving to address the challenges and opportunities in Oregon's energy sector.
- We conduct our agency practices and processes in a transparent and fair way.

Our Position

On behalf of Oregonians across the state, the Oregon Department of Energy achieves its mission by providing:

- A Central Repository of Energy Data, Information, and Analysis
- A Venue for Problem-Solving Oregon's Energy Challenges
- Energy Education and Technical Assistance
- Regulation and Oversight
- Energy Programs and Activities

INTRODUCTION

In this report, the Oregon Department of Energy looks back at ways the agency has interacted with and learned from Oregon's nine federally-recognized Native American tribes in 2020. We believe that continuing to build on our long-standing relationships with the tribes makes our agency more effective overall while supporting our work across the state and region. Our strategic planning efforts have included greater external engagement with an emphasis on equity and furthering our unique relationship with tribes. We continue to look for opportunities where our programs and projects can be improved with input from tribes. This report provides an overview of ODOE programs and projects and the collaborative ways we have engaged with tribal governments over the last year.

STRATEGIC PLANNING

ODOE is developing a strategic plan to help prioritize, measure progress, and strengthen alignment between agency goals, programs, and budget. Supported through a strategic planning consultant, we started with an information gathering phase, which included a public survey, interviews, and focus groups. ODOE provided this information at cluster meetings, and shared opportunities for input with individual tribal staff, including the survey. If tribal staff found it appropriate, they were also encouraged to share those opportunities for input broadly among tribal members and with Tribal Council. ODOE did receive feedback that showed that we need to improve awareness of ODOE's work and expand and improve engagement. This first phase (Strategic Clarity) culminated in revised mission, values, and position statements which were posted on the ODOE website in May 2020 (new language reflected above). Moving into phase two (Strategic Action), the agency identified five Strategic Imperatives that will guide development of objectives and initiatives (currently in process), for implementation:

1. Expand and Improve Engagement
2. Build Inclusive and Equitable Energy Practices and Processes
3. Assess and Enhance Organizational Data Capabilities
4. Clarify the Agency's Role and Impact in the Broader Oregon Energy Ecosystem
5. Optimize Organizational Efficiency and Impact

Recognizing that ODOE has a role in advancing equitable outcomes as part of a sustainable energy transition, ODOE and its Diversity, Equity, and Inclusion consultant conducted additional outreach to ensure DEI is a core part of our strategic plan. ODOE reached out to past collaborators and partners, including tribes, for feedback and guidance. These work sessions and consultant-facilitated discussions recommended that ODOE develop new partnership models and approaches, invest in better understanding of community needs and impacts, use its position to create change, provide clarity on agency work and position, and commit to doing internal equity

work. This feedback was also incorporated into the draft objectives and initiatives for each of the five strategic imperatives above.

Once finalized, these objectives and initiatives will guide our internal work over the next four years (2021 to 2025) in improving our ability to meet our mission. After the final strategic plan is in place, we will move into the implementation phase in early 2021 and we hope to continue to work with tribes on approach and activities in this Plan. Follow the strategic planning process on ODOE's website: <https://www.oregon.gov/energy/About-Us/Pages/Strategic-Plan.aspx>

NUCLEAR SAFETY AND EMERGENCY PREPAREDNESS DIVISION

The Nuclear Safety and Emergency Preparedness Division supports and interacts with the nine federally-recognized tribes in Oregon, as well as the Confederated Tribes and Bands of the Yakama Nation and the Nez Perce Tribe, on a variety of topics, including Hanford cleanup, restoration of injured natural resources related to the Hanford cleanup, radioactive material transport safety, enforcement of radioactive material disposal rules, and allocation of petroleum (diesel and gasoline) during times of shortage.

Hanford Cleanup

The Hanford Site, operated by the U.S. Department of Energy, is on land ceded by the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes and Bands of the Yakama Nation. The State of Oregon and the CTUIR have a Memorandum of Understanding for coordination on Hanford issues. ODOE is Oregon's lead state agency for Hanford oversight and oversees the state's coordination.

ODOE's technical staff work closely with their counterparts from the CTUIR, Yakama Nation, and Nez Perce Tribe on a variety of cleanup issues, including groundwater remediation, Columbia River corridor cleanup, and closure planning. The CTUIR, Yakama Nation, and Nez Perce Tribe work with ODOE on the Hanford Advisory Board to provide informed recommendations and advice to USDOE, the U.S. Environmental Protection Agency, and the Washington Department of Ecology on policy issues related to the cleanup of the Hanford site.

A representative from the CTUIR sits on the Oregon Hanford Cleanup Board, which is a 20-member advisory group that recommends state policy to Oregon's Governor, Legislative Assembly, and ODOE. The Board also holds USDOE and its contractors accountable and brings Hanford issues to the public. The Board met two times in 2020. Board members discussed the state of the Hanford Site cleanup, Hanford's efforts to immobilize its 56 million gallons of high-level waste stored in aging underground tanks, and the demolition of the Hanford Plutonium Finishing Plant.

ODOE staff participated in several virtual meetings of the State and Tribal Government Working Group in 2020, which brings together representatives from states and tribes affected by USDOE sites or facilities associated with the production and cleanup of the nuclear weapons. The CTUIR, the Yakama Nation, the Nez Perce Tribe, and the Wanapum are among more than a dozen tribes and Pueblos that are members of STGWG. In recent years, STGWG has focused on three priority issue areas: long-term stewardship; natural resource damage assessment and restoration; and tribal issues.

Restoration of Injured Natural Resources

ODOE represents Oregon as one of eight natural resource trustees that participate in the Hanford Natural Resource Trustee Council (HNRTC). The other trustees are the CTUIR, the Yakama Nation, the Nez Perce Tribe, the State of Washington, and three federal agencies. The trustees work together to determine the extent of natural resource injury caused by releases of radioactive materials and chemicals into the environment. After the extent of the injury has been determined, the HNRTC will determine actions necessary for restoration of the injured resources. Oregon works with CTUIR staff on a variety of technical issues related to this work.

In 2020, ODOE served as Vice-Chair to the trustee council and was recently appointed Chair, continuing our work with tribal trustees and other trustees. This past year the focus has been data collection, formulating ways to analyze the data, and creating a debiting and crediting method to determine how much restoration will be owed to the public. This work focuses on assessing and recovering damages for injury to near-shore aquatic ecosystems, groundwater, terrestrial ecosystems, and loss of tribal services.

The HNRTC met eight times in 2020 to assess injury to natural resources due to Hanford operations. After February these meetings were held virtually because of travel restrictions due to COVID-19. While these travel restrictions prevented in-person meetings and planned field trips, the HNRTC's many working groups continue to work more than ever through virtual meeting platforms and have made great progress.

Radioactive Materials and Waste Transport Safety

ODOE regulates the transport of radioactive materials and waste in and through Oregon. Approximately 300 to 500 shipments of radioactive material move through Oregon each year. One of the primary transportation corridors in Oregon for radioactive material and waste transportation is Interstate 84 through northeast Oregon, which runs through the CTUIR's reservation lands. Other primary transportation corridors are I-5 and SR 97. ODOE compiles an annual report on radioactive material transport through the state. The 2020 report will be published in advance of the 2021 legislative session; it will be available on our website: <https://www.oregon.gov/energy/safety-resiliency/Pages/Radioactive-Waste-Transport.aspx>

Radioactive Waste Disposal

On February 13, 2020, ODOE issued a Notice of Violation for disposal of radioactive materials in violation of Oregon state law at the Chemical Waste Management hazardous waste landfill near Arlington. In consultation with other State of Oregon agencies, ODOE determined there is no current threat to landfill workers, the public, or the environment from this waste. ODOE directed the landfill operator to prepare a risk assessment to formally evaluate potential past, present, and future risk from the waste, and to develop a corrective action plan to outline the processes the company will put in place to prevent this from happening again. In March, prior to the COVID pandemic travel restrictions, the ODOE Director and then-head of the Nuclear Safety and Emergency Preparedness Division met with the Tribal Council of the Confederated Tribes of Warm Springs to discuss the incident and response. After receipt of the Chemical Waste Management proposed corrective action plan, ODOE staff held two public information meetings

in September, and met virtually with the Tribal Council of the Confederated Tribes of Warm Springs. ODOE staff have also communicated with staff members from the CTUIR and Yakama Nation regarding the Chemical Waste Management incident. At the time of writing this report, ODOE staff are still reviewing comments on the proposed corrective action plan with the intention of issuing a final determination on the plan in early 2021.

Oregon Fuel Action Plan

ODOE is the lead agency representing the fuel sector for energy emergencies and emergency contingency planning. ODOE is responsible for helping ensure adequate fuel supplies to maintain emergency and essential services, and to restore critical infrastructure. This includes developing and maintaining the Oregon Fuel Action Plan.

The Pacific Northwest region's most likely catastrophic event is a Cascadia Subduction Zone earthquake. This event would devastate the region's petroleum supply and distribution system. Restoring the region's petroleum infrastructure would likely take months, if not longer.

ODOE has no regulatory authority to require seismic upgrades to privately-owned fuel tank farms, pipeline systems, marine docks, or other fuel infrastructure facilities. However, ODOE is responsible for ensuring the state can respond to a catastrophic earthquake whenever it may happen, and to be prepared to address the effects to the fuel infrastructure in its current state with all of its vulnerabilities.

The Oregon Fuel Action Plan was developed to address this need. It is designed to bring bulk fuel supplies into the state from outside the region to support the state's ongoing emergency response and recovery efforts until the regional infrastructure can be restored. The Oregon Fuel Action Plan designates priority fuel users: the nine federally-recognized tribes, 36 county emergency management agencies, and 18 Emergency Support Function Primary State Agencies.

The Oregon Fuel Action Plan is available on ODOE's website:

<https://www.oregon.gov/energy/safety-resiliency/Documents/Oregon-Fuel-Action-Plan.pdf>

ODOE continues to consult, provide guidance, and serve as the subject matter expert lending support to the tribes on their fuel planning efforts.

Emergency Response Coordination

On March 3, 2020, Oregon Emergency Management activated the State Emergency Coordination Center (ECC) in response to COVID-19. ODOE activated its Oregon Fuel Action Plan to monitor and respond to potential pandemic concerns on the fuel and propane sectors. This included working closely with the fuel terminals, fuel distributors, Western States Petroleum Association, Oregon Fuels Association, and the Pacific Propane Gas Association to assess impacts on the workforce, supply chain and distribution system.

In March, due to COVID-19 restrictions, a FEMA evaluated radiological emergency response exercise for the Columbia Generating Station, CGS, was postponed for ODOE, Oregon Health Authority, Oregon Department of Agriculture, Oregon Emergency Response System, OERS, Umatilla and Morrow Counties, and the Oregon National Guard's Civil Support Team.

Over the next subsequent months, ODOE implemented portions of the agency Continuity of Operations Plan, COOP, to test and evaluate the agencies capability to respond to a radiological emergency virtually and with key response personnel. This was successful using new technologies and procedures.

ODOE participated in daily statewide ECC coordination calls with the nine federally-recognized tribes, 36 counties, 33 state agencies, Federal Emergency Management Agency, Department of Homeland Security, Department of Defense, and the U.S. Coast Guard to assess COVID-19 concerns and impacts on all critical lifelines, services, and infrastructure. ODOE reported on fuel sector impacts and responded to questions from tribal, local, state, and federal partners during the coordination calls.

In response to wildfires in September 2020, ODOE provided situation reports during statewide coordination calls to the tribes on the status of fuel and propane supply and delivery problems in fire-impacted communities throughout Oregon.

Liquefied Natural Gas Safety, Security, and Emergency Planning

In January 2006, Governor Ted Kulongoski designated ODOE as the lead state agency to: 1) ensure Oregon's interest are protected in the federal siting process of LNG terminals in Oregon, 2) develop an LNG emergency preparedness program to protect Oregonians from an LNG incident, and 3) provide safety and security oversight throughout the life of an LNG terminal sited in Oregon.

ODOE provides periodic safety, security, and emergency planning updates to the tribes. No updates were provided in 2020. Pembina postponed safety, security, and emergency response activities on the proposed Jordan Cove project in 2020 in response to COVID-19.

ENERGY FACILITY SITING

Energy Facility Siting Council

The Oregon Energy Facility Siting Council is a seven-member volunteer board appointed by the Governor and confirmed by the Oregon Senate. EFSC is responsible for reviewing applications for site certificates for all state-jurisdictional energy facilities. ODOE administers the EFSC facility siting process, which consolidates state agency and local government regulations into a single review process.

EFSC meets regularly throughout the year in locations geographically near proposed facilities. A summary of the latest information on energy projects under state jurisdiction is updated monthly and posted here: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/EFSC-Project-Updates.aspx>.

The December 2020 Oregon Energy Facility Siting Project Update is attached and made a part of the 2020 Government-to-Government Report.

Energy Facility Siting Division

The Energy Facility Siting Division at ODOE provides staff to the Energy Facility Siting Council, helping EFSC complete its oversight responsibilities related to proposed energy facilities and amendments to approved facilities. This effort brings together project developers, state agencies, tribal governments, local and regional governments, citizens, and other stakeholders to make sure proposed projects are evaluated, permitted, built, operated, and decommissioned consistent with all applicable standards, laws, and regulations. For example, state standards include protections for historic, cultural, and archaeological resources; threatened and endangered species; and fish and wildlife habitat. A summary of EFSC's statutory standards can be found in this factsheet: <https://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Standards-in-OAR.pdf>

The division also provides ongoing compliance functions for facilities that are under construction or in operation.

Project Notification

Energy facility siting rules require the Siting Division to provide notices and requests for input to tribal governments, the public, local governments, and state agencies at designated steps throughout the site certification application and amendment processes. Through these notices and requests, the Siting Division provides details of proposed energy facilities to the tribes and invites the tribes' participation in the site certificate application review process. Specifically, during review of each proposed facility or amendment, the Siting Division seeks the tribes' input and expertise on potential effects on tribal historic and cultural resources. In addition to the formal notices, Siting Division staff offer to meet with tribal representatives to discuss both the EFSC process and specific site certificate application issues. Early in the review process, the applicant is required to identify tribes that may have an interest in a proposed facility or amendment by communicating with the Legislative Commission on Indian Services.

During the 2019 legislative session the Legislature passed, and Governor Brown signed, HB 2329, which, among other things, increased the size of solar photovoltaic, wind energy, and geothermal energy projects reviewed at the county level (instead of by EFSC). Below are the energy project thresholds that trigger the State’s review through EFSC:

- Solar Photovoltaic
 - High Value Farmland > 160 acres
 - Arable Farmland > 1,280 acres (2 sq. miles)
 - Other Land > 1,920 acres (3 sq. miles)
- Onshore Wind > 150 MW
- Geothermal > 55.5 MW

Local jurisdictions reviewing projects under HB 2329 authority must apply all existing state and local land use procedural and substantive requirements, and upon receipt of an application must notify federally recognized tribes that may be affected by the project.

Attached is a summary table, which was prepared by staff for the 2020 Biennial Energy Report, on energy project jurisdiction that shows which types of projects are evaluated through counties, HB 2329 process, state process, and federal processes.

Opportunities for Energy Project Review Cost-Reimbursement for Tribes

On January 1, 2016, Senate Bill 259 went into effect. The bill, introduced by ODOE in 2015, amended ORS 469.360 and ORS 469.421 to add authority for EFSC to compensate the nine federally-recognized Oregon tribes for their review of historical and cultural resources and related Tribal Codes during the Notice of Intent and application review phases of the EFSC process. Applicants for a site certificate fund the compensation, which is paid through a reimbursement agreement between ODOE and each tribal government.

To date, ODOE has entered into reimbursement agreements with the Coquille Indian Tribe, Burns Paiute Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Klamath Tribe resulting in over \$21,000 in reimbursement. Staff continues to reach out to other tribes that could be affected by EFSC jurisdictional projects in an effort to establish reimbursement agreements. Questions about or interest in reimbursement agreements for Oregon tribes should be directed to the Siting Division’s financial analyst, Sisily Fleming, at sisily.fleming@oregon.gov or 503-378- 8356.

Siting-Related Project Outreach to Tribes

In 2020, Siting Division staff coordinated with tribal governments to request feedback and guidance for several energy facilities around the state. Tribes that may have an interest in a proposed facility or amendment are identified by communicating with the Legislative Commission on Indian Services. Generally, communications consist of a notice requesting review and feedback during specific application stages for Receipt of Notice of Intent under OAR 345-015-0120, Receipt of Preliminary Application for Site Certificate under OAR 345-015-0180, and Determination of a Complete Application for Site Certificate under OAR 345-015-0200. The

communications with each tribal government are also accompanied with an offer for ODOE to meet with tribal staff to discuss the notice and the EFSC review process. In addition, each notice includes guidance for requesting cost reimbursement.

In 2018, the Department received an application for the first proposed EFSC-jurisdictional solar photovoltaic (PV) energy facility in southern Oregon (the proposed Obsidian Solar Center in Lake County). In 2020, the Oregon Department of Energy and the Energy Facility Siting Council began reviewing three more proposed solar PV energy facilities in southern Oregon, including two proposed facilities in Lake County (Archway Solar Energy Facility and the Blue Marmot Solar Energy Facility) and one proposed facility in Klamath County (Bonanza Energy Facility). The Archway Solar Energy Facility, Blue Marmot Solar Energy Facility, and Bonanza Energy Facility are all in the first phase of the EFSC process, which is called the Notice of Intent phase. ODOE has reached out to each of the potentially affected tribes (as identified by the Legislative Commission on Indian Services) to offer information and request tribal input. Siting Division staff continue to meet with the Klamath Tribes Culture and Heritage Department to discuss these proposed facilities.

In some cases, tribes elect to seek resolution of their concerns about a project outside of the EFSC process and then to let Siting Division staff know that their concerns have been addressed. For example, in November 2020, the Department received a letter from the Confederated Tribes of the Umatilla Indian Reservation stating that the tribes' concerns about the proposed Nolin Hills Wind Power Project have been addressed and will be mitigated by the developer in accordance with a confidential mitigation agreement between CTUIR and the developer. Based upon that mitigation agreement, the CTUIR informed ODOE that construction and operation of the proposed Nolin Hills Wind Power Project, taking into account mitigation, are not likely to result in significant adverse impacts to eligible or likely eligible historic properties of religious and cultural significance or resources identified by the CTUIR. The Department recognizes that each tribe has its own history, present-day experience, preferences, and legal rights; accordingly, Siting Division staff seek to continually educate themselves in order to best coordinate with each tribe. We are grateful to tribal staff who have taken the time to meet with us to share the tribe's history and discuss ways to improve coordination. In March 2020, a representative from the Confederated Tribes of Warm Springs met with Siting Division staff to discuss the CTWS' experience in the EFSC process and ideas for communication improvements. In addition, in August 2020, Siting Division staff virtually attended a Klamath Tribes Culture and Heritage Department meeting to discuss the EFSC process and to request the Klamath Tribes' participation in review of the three new proposed solar PV energy facilities in southern Oregon.

For more information about facilities currently undergoing ODOE/EFSC's review, please refer to the Siting Division's Project Updates, which are updated monthly and posted here:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/EFSC-Project-Updates.aspx>.

Jordan Cove Energy Project

On March 19, 2020, the Federal Energy Regulatory Commission issued an Order authorizing construction and operation of the Jordan Cove LNG Terminal and Pacific Connector Gas Pipeline. As a party to the lawsuit filed in DC Circuit Court challenging FERC's decision, the Oregon Department of Energy is working to ensure that the legal rights and interests of everyone who calls Oregon home are represented. We also facilitate meetings and communications among state

regulatory agencies in order to help understand the regulatory interconnectivity, timelines, and requirements of the various permitting processes. In collaboration with the Governor's office, ODOE also facilitates meetings and communications among the state agencies and Oregon's tribes. In addition to coordination activities, the agency is also responsible for overseeing public health and safety and security planning, to ensure that the facility has taken all necessary measures to prevent and respond to security incidents and liquefied natural gas (LNG) emergencies at the proposed terminal or along a transit route. This work entails reviewing and issuing a decision on the proposed facility's emergency response and security plans, as well as entering into a cost-share agreement with the terminal owner. The Department oversees safety and security activities during construction and throughout the life of any approved LNG project. ODOE has a webpage that provides consolidated project updates and information about the review process here:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Jordan-Cove.aspx>.

PLANNING & INNOVATION, ENERGY INCENTIVES, AND ENGAGEMENT

The Energy Planning & Innovation Division supports ODOE’s mission by pursuing programs and policies that help Oregonians conserve energy, use energy more efficiently, and produce energy using renewable sources. The Division’s two sections, Energy Efficiency & Conservation and Energy Technology & Policy, collaborate with ODOE’s other divisions, state and federal agencies, tribes, local governments, and stakeholders to help support the development of clean energy resources and integrate those resources into the state’s transmission and distribution system. The division offers energy expertise across sectors, including efficiency in buildings and manufacturing and alternative fuels and infrastructure, while helping Oregon build a more resilient energy system – one that is well prepared to respond to issues such as climate change and natural disasters.

In a cross-divisional effort, ODOE expanded its development and engagement process for the [2020 Biennial Energy Report](#). With distribution and continued use of the 2018 report, ODOE recognized that broader and more diverse outreach was needed. ODOE completed specific outreach to tribes with an update on the project and list of opportunities to provide comments. This including scoping calls to gather specific feedback prior to content development and staff discussions with the Government-to-Government Natural Resources Work Group. Key interests and priorities included: greater access to clean energy resources and ensuring energy options for diverse communities; maintaining reliable and low-cost energy; learning more about emerging technologies; and, natural and cultural resources protection. ODOE was also able to highlight select tribal energy-related activities, including a net-zero building case study (CTUIR), perspectives on low-income housing assistance (Klamath), a history timeline with tribal events, and tribal climate action planning. Finally, during our outreach on the Energy Report and Strategic Plan, it is clear that tribes are taking action on renewable energy and efficiency, and ODOE would like to be more of a resource. This and many other topics were identified that require more exploration in 2021 and will be a continuous improvement objective for future iterations of the report.

In March 2020, several ODOE staff from different divisions in the agency met with the PSU Institute for Tribal Government to engage in a discussion of ODOE’s work with tribes. ODOE’s Senior Climate Analyst presented ODOE’s EO 20-04 (Directing State Agencies to Take Actions to Reduce and Regulate Greenhouse Gas Emissions) Implementation Plan to the Natural Resources Work Group cluster meeting on October 22, 2020. ODOE staff also facilitated and provided support to the Oregon Global Warming Commission presentation on EO 20-04 during the same meeting.

The Planning and Innovation Division Rulemaking Coordinator added additional process steps that require early notification letters to tribal councils on rulemaking activities. These process steps were completed for rulemaking on energy efficiency standards for appliances, which involved sending early notification letters to the tribal councils of all nine federally recognized tribes in April 2020. The rulemaking on energy efficiency standards for appliances was completed in August 2020, and the Legislature will consider a bill to finalize those standards during the 2021 legislative session.

The [Oregon Renewable Energy Siting Assessment](#) project is funded through a \$1.1 million U.S. Department of Defense Office of Economic Adjustment grant awarded to ODOE, working in

partnership with the Department of Land Conservation & Development and Oregon State University's Institute for Natural Resources. DOD-OEA's overarching goal is to support military compatibility through coordination and raising awareness. Key project goals are to create relevant educational tools for stakeholders, agencies, tribes, local governments, and policy makers about renewable energy development, military training and operational areas, economic/community benefits, land use considerations, natural, cultural, and environmental resources, and other regulatory requirements. Key project objectives are baselining data, information, and perspectives to create a transparent, consistent collection of trusted, accurate information in Oregon, without recommendations or endorsements, and noting where information may be imprecise or uncertain.

The assessments are supported by three consulting firms – Energy + Environmental Economics, Conservation Biology Institute, and Epsilon Systems Solutions – which are leading assessments and have been asked to work with stakeholders and tribes. ODOE's Director most recently sent letters to the nine Tribal Council Chairs with a project update in September 2020, including the names of consultants that have been brought in to support the project. Tribes, local governments, and nongovernment organizations have received requests for feedback and invitations to participate in upcoming project discussions. Communications include short surveys, deeper discussions and discovery calls, online group webinars/meetings, and sharing of data and information throughout the rest of 2020 and into 2021.

The project team continues to offer to facilitate discussions with tribal staff or tribal council without consultants as well. Per ODOE's letter to the nine Tribal Council Chairs, the ORESA project is offering reimbursements to cover staff time for consulting and collaborating on the project. Reimbursements are up to \$5,000 through an inter-governmental agreement with ODOE. Currently, one tribe (Coquille Indian Tribe) has pursued this inter-governmental agreement. Questions or interest in reimbursement and executing agreements can be directed to the ORESA Project Manager, Kaci Radcliffe at kaci.radcliffe@oregon.gov or 503-400-5426.

Along with ODOE's participation in the Natural Resource Work Group and Cultural Resources Cluster meetings during 2020, over the past year, staff from several of ODOE's divisions have taken advantage of opportunities to participate in tribal events, including:

The Affiliated Tribes of Northwest Indians – ODOE's Assistant Director for Central Services attended the National Tribal Leadership Summit's Tribal Climate Change Policy session, sponsored by the Affiliated Tribes of NW Indians on October 13, 2020.

2020 State/Tribal Summit – The Agency Director and Associate Director for Strategic Engagement & Development (Tribal Liaison) participated in the 2020 Annual Tribal-State Government-to-Government Summit through virtual webinar, facilitated by Governor Kate Brown and her staff on December 1-2, 2020.

LCIS, Cultural Resources Cluster, and Natural Resource Work Group – The Associate Director for Strategic Engagement & Development (Tribal Liaison), as well as Energy Facility Siting Division staff, attended meetings throughout the year.

ODOE has formed an internal tribal engagement coordination team made up of staff from the divisions of the agency. The purposes of this committee include: sharing information about agency engagement and coordination with Oregon tribes; brainstorming ideas for collaboration

with Oregon tribes; implementing changes to further improve tribal relations for the agency; providing resources for agency staff; and pulling together information to share with tribal staff.

Additional actions include our communications team sharing stories about energy issues on tribal lands in our internal news digest and our human resources team featuring information about tribes in Oregon on an internal information board.

POLICY ON GOVERNMENT-TO-GOVERNMENT RELATIONS

ODOE revised its Tribal Policy on Government-to-Government Relations this year. It is attached and made a part of the 2020 Government-to-Government Report.

CONCLUSION

During 2020, the Oregon Department of Energy continued to pursue new ways to engage and collaborate with the nine federally-recognized tribal governments in Oregon. These efforts have been focused on strengthening our relationships with tribal representatives and providing services and information that is beneficial. We have also sought out tools to help our staff improve their understanding of tribes and the importance of promoting government-to-government relations with the nine federally-recognized tribal governments in Oregon. We will continue to ensure this is part of our agency culture. We welcome input on how we can assist tribal governments, improve our relationships, and collaborate more effectively.

FOR MORE INFORMATION

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ATTACHMENT 1: ODOE POLICY ON STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

OREGON DEPARTMENT OF ENERGY

Internal Policies and Procedures



Subject: State/Tribal Government to Government Relations
Policy Number: ADM-08
Policy Owner: Director
Effective Date: December 14, 2020

Approved: **[SIGNATURE ON FILE]**
Janine Benner, Director

Applicability:

This policy applies to all Oregon Department of Energy employees.

Purpose:

The purpose of this policy is to promote government to government relations between the Oregon Department of Energy and Oregon's nine federally recognized tribes.

This policy is adopted pursuant to ORS 182.162-168, which requires state agencies to develop and implement tribal relations policies.

Policy:

ODOE recognizes and respects the sovereign status of Oregon's federally recognized tribes and their respective authorities on tribal lands. It is the policy of the Oregon Department of Energy to promote positive government to government relations, communications and cooperation with the tribes in areas where development and implementation of agency programs may affect tribal lands, activities, or interests.

ODOE believes that continuing to build on our long-standing relationships with the tribes makes our agency more effective overall while supporting our work across the state and region. The tribes are advancing innovative programs and projects; ODOE is committed to learning from the tribes about this work and finding opportunities where our agency programs can be valuable resources for the tribes. ODOE also continues to look for opportunities where agency programs and projects can be improved with input from the tribes. Positive government to government relations, communications and cooperation increases our collective ability to lead Oregon to a safe, equitable, clean, and sustainable energy future.

The Director designates a key agency contact for the purpose of serving as a liaison with tribal governments (known as the Tribal Liaison) and provides the contact information for the Tribal Liaison on the agency website and to the Legislative Commission on Indian Services. The Tribal Liaison coordinates with the tribes, supports internal agency programs and projects, and participates in Tribal-State cluster meetings.

ODOE promotes strong government to government relationships at the leadership, managerial, and staff levels with the tribes. ODOE will demonstrate its commitment to positive government to government relations with the tribes through such practices as follows:

- The ODOE Director, Tribal Liaison, and Administrators or staff of each agency division, will meet regularly with each tribe to discuss issues of mutual interest and explore opportunities for greater state/tribal partnership and collaboration.

- ODOE will identify managers and employees who are responsible for developing and implementing agency programs that affect the tribes.
- ODOE will make a reasonable effort to cooperate with tribes in the development and implementation of agency programs that affect the tribes such as early notification and engagement.
- ODOE will support and participate in cooperative efforts between tribal governments and federal, state, and/or local governments through its Hanford Clean-Up Board and the Energy Facility Siting Council, through the safe transportation of radioactive waste through the state, through the allocation of petroleum during times of shortages and disruptions, and through the development and implementation of energy policies and programs, including energy incentive programs.
- ODOE will seek and invite tribal representation on ODOE advisory boards and working groups that are of interest to the tribes.
- ODOE will support the exchange of relevant data collected by ODOE staff or by tribal governments.
- ODOE will consult with the Legislative Commission on Indian Services on matters concerning tribal government.
- ODOE staff who have regular communication with the tribes will receive periodic training on the legal status of the tribes, the legal rights of members of the tribes and issues of concern of the tribes through training provided by the Department of Administrative Services and/or other learning opportunities.
- ODOE will disseminate this policy to all ODOE employees and to new employees through new employee orientation and will maintain the policy on the Intranet.
- ODOE will submit an annual report to the Governor and the Commission on Indian Services on the activities of the agency that support ORS 182.162-168.
- ODOE will seek other opportunities to learn from and build relationships with the tribes.

History:

- November 30, 2016: Policy established.
- December 14, 2020: Policy revised to provide greater specificity and clarity on ODOE's engagement with the tribes.

References:

ORS 182.162–182.168
ORS 190.110
Executive Order 96-30

Attachments:

None

ATTACHMENT 2: RENEWABLE ENERGY PROJECT PRIMARY PERMITTING JURISDICTIONAL THRESHOLDS

(from the 2020 [Biennial Energy Report](#))

Table 1: Renewable Energy Project Primary Permitting Jurisdictional Thresholds

Renewable Energy Project Type	Primary Permitting Authority					
	County	County with HB 2329	EFSC	Oregon Water Resources Commission	Oregon Department of State Lands	Federal Government
Solar Photovoltaic <i>High Value Farmland</i>	< = 100 acres	> 100 acres & < = 160 acres	> 160 acres	N/A	N/A	N/A
<i>Arable Farmland</i>	< = 100 acres	> 100 acres & < = 1,280 acres	> 1,280 acres (2 sq. miles)	N/A	N/A	N/A
<i>Other Land</i>	< = 320 acres	> 320 acres & < = 1,920 acres	> 1,920 acres (3 sq. miles)	N/A	N/A	N/A
Onshore Wind	N/A	< = 150 MW	> 150 MW	N/A	N/A	N/A
Geothermal	N/A	< = 55.5 MW	> 55.5 MW	N/A	N/A	N/A
Biomass	< 6 BBTU/day	N/A	> 6 BBTU/day	N/A	N/A	N/A
Offshore (wind and wave)	N/A	N/A	N/A	N/A	< = 3 Miles Offshore	> 3 Miles & < = 200 Offshore (Bureau of Ocean Energy Management)
Battery Storage	All projects	N/A	N/A	N/A	N/A	N/A
Hydroelectric	N/A	N/A	N/A	Projects in waters of the state	N/A	Projects in waters of the US (FERC)
Pumped Hydroelectric	N/A	N/A	N/A	Certain projects	N/A	All projects (FERC)

ATTACHMENT 3: DECEMBER 2020 MONTHLY SITING PROJECT UPDATE

**Oregon Energy Facility Siting
Project Updates: December 2020**

THIS MONTH’S UPDATES:

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ENERGY FACILITIES AT A GLANCE

New Energy Facilities – 9 Proposed Facilities

Facility	Phase	Status	Location
Boardman to Hemingway Transmission Line	Contested Case	Hearing Officer issued Order on Party Status and EFSC completed its review of appeals of Order on Party Status	Morrow, Umatilla, Union, Baker, and Malheur counties
Obsidian Solar Center	Contested Case	Prehearing Conference scheduled for December 17, 2020	Lake County
Madras Solar Energy Facility	Application Submittal	Application deemed complete and staff is working on Draft Proposed Order	Jefferson County
Nolin Hills Wind Project	Application Submittal	Revised application received. Department and Reviewing Agency completeness review	Umatilla County
Blue Marmot Solar Energy Facility	Notice of Intent	Revised NOI received, public and agency comment period to close on December 18, 2020	Lake County
Archway Solar Energy Facility	Notice of Intent	Project Order issued. Preliminary Application for Site Certificate anticipated in late October 2020	Lake County

Facility	Phase	Status	Location
Bonanza Energy Facility	Notice of Intent	Public comment period on NOI closed. Department drafting Project Order.	Klamath County
Wagon Trail Solar Project	Notice of Intent	Applicant submitted NOI on November 3, 2020. Department anticipates issuing Public Notice of NOI and of a remote public information meeting in December 2020.	Morrow County
Port Westward Renewable Diesel Project	Exemption Request Submittal	Reviewing request for completeness	Columbia County

Approved Energy Facilities – 3 Proposed Amendments & 5 Under Construction

Facility	Phase	Status	Location
Carty Generating Station Amendment #2	Final Order	Council Issued a Final Order	Morrow and Gilliam counties
Wheatridge Renewable Energy Facility II	Final Order	Council issued a Final Order	Morrow and Umatilla counties
Summit Ridge Wind Farm #5	Council Review	Review of Request for Transfer	Wasco County
Eugene to Medford Transmission Line Amendment #4	Amendment Submittal	Certificate holder revising preliminary Request for Amendment in response to Department’s request for additional information.	Amendment components in Jackson and Josephine counties and the City of Rogue River
Golden Hills Wind Project #6	Amendment Submittal	Received Preliminary Request; Department/Agency completeness review	Sherman County
Perennial Wind Chaser Station	Under Construction	Construction of Road and Bridge	Umatilla County
Summit Ridge Wind Farm	Under Construction	Construction of Access Road Improvements	Wasco County
Golden Hills Wind Project	Under Construction	Construction of O&M Building	Sherman County
Wheatridge Renewable Energy Facility I	Under Construction	Construction of 40 wind turbines (100 MW)	Morrow County
Wheatridge Renewable Energy Facility II	Under Construction	Construction of 80 wind turbines (250 MW)	Morrow County

Amendment Determination Requests – 1 Request

Facility	Phase	Status	Location
<i>Type B Review Amendment Determination Requests</i>			
Golden Hills Wind Project	Amendment 6, Type B Review ADR	Type B Review ADR Under Review	Sherman County
<i>Amendment Determination</i>			
N/A			

ACTIVE STATE ENERGY FACILITY PROJECTS

Click on the project name for more information.

New Energy Facilities

Boardman to Hemingway Transmission Line

Facility Description: 500 kV single circuit transmission line approximately 300 miles in length (273 miles in Oregon), proposed by Idaho Power Company (IPC). Because portions of the route would cross federal land, the applicant must receive regulatory approval from both the federal government and EFSC.

Phase: Contested Case

What’s New: Department and Hearing Officer received 54 petitions for party or limited party status in the contested case. All petitions received are available on the project webpage at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/B2H.aspx> The Hearing Officer held two prehearing conferences prior to issuing the Hearing Officer’s Order on Party Status which identified parties and issues for the contested case. The Hearing Officer’s Order on Party Status may be appealed to Council and the Council reviewed and made determinations on appeals at its November 19-20 regular Council Meeting and at a Special Council Meeting on November 25, 2020.

Looking Forward: The Hearing Officer is anticipated to issue Notice of a Prehearing Case Management Conference in December 2020.

Obsidian Solar Center

Facility Description: Proposed photovoltaic (PV) solar energy generation facility with a nominal generating capacity of up to 400 megawatts (MW) on approximately 3,921 acres proposed by Obsidian Solar Center, LLC, a subsidiary of Obsidian Renewables, LLC. The applicant requests approval for two layout scenarios. One layout includes a PV solar energy facility without battery storage and the other layout includes PV solar with battery storage [dispersed or centralized] (PV plus storage).

Phase: Contested Case

What’s New: The Department issued the Proposed Order, Notice of Proposed Order and Contested Case Proceeding on October 9, 2020. One petition requesting to participate the contested case was received by the Department by November 9, 2020 and is available on the

Department's webpage at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/OSC.aspx>

Looking Forward: On November 23, 2020, the Hearing Officer issued Notice of a Prehearing Conference and Agenda. The Prehearing Conference is scheduled for December 17, 2020. The deadline for applicant and Department responses to the petition is December 3, 2020.

Madras Solar Energy Facility

Facility Description: Proposed Photovoltaic (PV) solar power generation facility occupying approximately 284 acres, providing a nominal generating capacity of up to 63 megawatts (MW) and (potentially) an integrated energy storage system. The facility is proposed by Madras PV1, LLC, a subsidiary of Ecoplexus Inc.

Phase: Application Submittal

What's New: On November 9, 2020, the applicant filed a complete Application for Site Certificate (ASC). On November 13, 2020, the Department issued a Public Notice of the complete ASC and public information meeting.

Looking Forward: The Department will host a public information meeting on the complete ASC on December 1, 2020 to be held electronically via WebEx and teleconference. More information including the link to the informational meeting is available on the Department's webpage:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/MSE.aspx>

Nolin Hills Wind Project

Facility Description: Proposed wind energy facility of up to 350 MW peak generating capacity on approximately 48,077 acres proposed by Nolin Hills Wind, LLC, a subsidiary of Capital Power Corporation.

Phase: Application Submittal

What's New: Revised application received November 2020 that includes 260 MW's of proposed solar photovoltaic and 120 MW's of battery storage components on 1,896 acres.

Looking Forward: The Department and reviewing agencies are conducting a completeness review of the revised preliminary application for site certificate. The Department will either request further information or determine that the application is complete.

Blue Marmot Solar Energy Facility

Facility Description: Proposed PV solar energy generation facility with a nominal generating capacity of up to 50 MW proposed by Blue Marmot Solar Park, LLC, a subsidiary of EDP Renewables North America, LLC.

Phase: Notice of Intent (Revised)

What's New: The applicant previously submitted a Notice of Intent (NOI) in January 2018, however, due to modifications of the proposed facility, the applicant submitted a revised NOI on October 27, 2020.

Looking Forward: The deadline for the public and reviewing agency comment period is December 18, 2020. An informational meeting on the NOI will be held remotely December 8, 2020. More information including the link to the informational meeting is available on the Department's webpage:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BMS.aspx>



Archway Solar Energy Facility

Facility Description: Proposed PV solar energy generation facility with a nominal generating capacity of approximately 400 MW proposed by Archway Solar Energy, LLC, a subsidiary of Invenergy Solar Development North America, LLC. The facility is proposed to be located in Lake County.

Phase: Notice of Intent

What's New: The Department was notified by the applicant that submittal of the preliminary application for site certificate would be delayed from October 2020 to October 2021.

Looking Forward: N/A

Bonanza Energy Facility

Facility Description: Proposed solar PV energy generation facility with a generating capacity ranging between 150 MW and 300 MW (depending on the solar module technology selected at final design) proposed by Hecate Bonanza LLC, a wholly owned subsidiary of Hecate Energy NAF LLC. Related or supporting facilities include a 500-kV generation-tie transmission line and an up to 1,100 MW battery storage system, among other components. The facility would be located on approximately 2,733 acres of private land in Klamath County near the town of Bonanza.

Phase: Notice of Intent

What's New: On October 29, 2020, the Department extended the public comment period on the Notice of Intent. The public comment period closed on November 30, 2020.

Looking Forward: The Department will prepare a Project Order, and anticipates receipt of the preliminary application for site certificate in early 2021.

Wagon Trail Solar Project

Facility Description: Proposed solar PV energy generation facility with a generating capacity of approximately 500 MW proposed by Wheatridge East Wind, LLC, a wholly owned subsidiary of NextEra Energy Resources, LLC. Related or supporting facilities include distributed energy storage (lithium-ion batteries); power collection system; up to four collector substations; operation and maintenance building; up to 3 meteorological towers; site access, service roads, perimeter fencing and gates; 8-mile 230 kilovolt (kV) transmission line; and temporary construction areas. The facility would be located on approximately 4,500 acres in Morrow County near the City of Arlington.

Phase: Notice of Intent

What's New: On November 3, 2020, the Department received the Notice of Intent.

Looking Forward: The Department anticipates issuing Public Notice of receipt of the NOI, opportunity to submit comments on the NOI, and of a remote informational meeting in December 2020.

Port Westward Renewable Diesel Project

Facility Description: Renewable diesel production facility capable of processing up to 50,000 barrels per day of renewable biomass feedstocks, proposed by Next Renewable Fuels Oregon, LLC, to be located at the Port Westward Industrial Park in Columbia County, Oregon. The applicant seeks an exemption under ORS 469.320(2)(f) which authorizes site certificate exemptions for facilities which demonstrate the following: a biofuel production facility that has local land use



approval and that requires no transmission lines or pipelines that would require a site certificate; that produces a fuel, at least 90 percent of which is used in an industrial or refueling facility located within one mile of the facility or is transported from the facility by rail or barge; and that emits less than 118 pounds of carbon dioxide per million Btu from fossil fuel used for conversion energy.

Phase: Exemption submittal

What's New: On November 9, 2020, the Department received a request for exemption.

Looking Forward: The Department is currently reviewing the request for completeness.

Approved Energy Facilities - Requests for Amendment

Carty Generating Station Amendment #2

Facility Description: Operating natural gas-fueled combined-cycle unit capable of generating 450 megawatts, and a not-yet-constructed 50 megawatt solar PV electric power generating unit. The site boundary encompasses approximately 1,581 acres in Morrow County. The certificate holder is Portland General Electric.

Amendment Description: Request for Amendment 2 seeks authorization to modify the Site Certificate to incorporate shared infrastructure and existing facilities shared by the Boardman Coal Plant and Carty Generating Station (amended site boundary to include existing transmission lines in Gilliam County); modify the Site Boundary; construct new infrastructure; and revise the existing Oregon Department of Environmental Quality (ODEQ) Water Pollution Control Facility (WPCF) permit.

Review Process: Type B

Phase: Final Order

What's New: Council reviewed and approved the Proposed Order on Request for Amendment 2 at the November 19, 2020 Council meeting, resulting in an amended site certificate for the Carty Generating Station.

Looking Forward: N/A

Wheatridge Renewable Energy Facility II Amendment #1

Facility Description: Approved 550 MW wind and solar facility in Morrow and Umatilla counties. Facility, as currently under construction, includes 200 MW of wind energy generation components in Morrow County. The certificate holder is Wheatridge Wind II, LLC, a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC.

Amendment Description: Request for Amendment 1 seeks approval to reallocate previously approved facility components under an amended site certificate and two original site certificates, based entirely on the existing conditions and facility components included in the WREFII site certificate. Of the previously approved 550 MW of wind and solar components, the certificate holder proposes to amend the WREFII site certificate to include 200 MW of wind generating components in Morrow County; and two original site certificates for Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE). WREFIII would include 150 MW of solar components in Morrow County with a new certificate holder, Wheatridge Solar Energy Center, LLC. WREFE would include 200 MW of wind components in Umatilla County with a new certificate holder, Wheatridge

East Wind, LLC. The WREFIII and WREFE certificate holders would be owned by the current WREFII certificate holder owner, NextEra Energy Resources, LLC.

Review Process: Type B

Phase: Final Order

What's New: Council reviewed and approved the Proposed Order on Request for Amendment 1 at the November 19, 2020 Council meeting, resulting in an amended WREFII site certificate and an original site certificate for WREFE and WREFIII.

Looking Forward: N/A

Summit Ridge Wind Farm Amendment #5

Facility Description: Approved 194.4 MW wind facility in Wasco County. The certificate holder is Summit Ridge Wind LLC, a wholly owned subsidiary of Pattern Renewables 2 LP.

Amendment Description: Request for Amendment 5 seeks authorization to transfer ownership of the certificate holder from Pattern Renewables 2 LP to Aypa Power LLC.

Review Process: Type B Requested

Phase: Council Review and Possible Decision

What's New: At its November 19, 2020 meeting, the Council conducted a Transfer Hearing, providing an opportunity for interested individuals to provide comments to Council on the requested transfer (i.e. scope is limited to an evaluation of Council's Organizational Expertise and Retirement and Financial Assurance standards).

Looking Forward: At its December 18, 2020 meeting the Council will review the Department's draft Final Order on Request for Amendment 5 to Transfer and will have the opportunity to approve, modify or reject the order as the final order. If approved or modified, the Council would issue an amended site certificate authorizing transfer of certificate holder ownership.

Eugene to Medford Transmission Line Amendment #4

Facility Description: The existing site certificate is for a 137-mile, 500-kilovolt transmission line between PacifiCorp's Meridian Substation near Medford, and PacifiCorp's Spencer Switching Station south of Eugene. The facility was built in the early 1990s. The site certificate holder is PacifiCorp.

Amendment Description: Request for Amendment 4 seeks authorization for the following: expansion of the site boundary from approximately 23,975 to 24,463 acres; decommissioning of an existing 115 kV transmission line; construction and operation of a new 17.6-mile 230 kV transmission line to be double circuited with the existing 115 kV transmission line; a new 500/230 kV substation (Sam's Valley substation); upgrading of the existing Grants Pass substation to accommodate the termination of the new proposed 230 kV transmission line; reconductoring a 4.9-mile segment of existing 230 kV transmission line; and substantial modification of existing access roads. The amendment components are collectively referred to by PacifiCorp as the Sams Valley Reinforcement Project.

Review Process: Type A

Phase: Amendment Submittal

What's New: N/A

Looking Forward: Upon PacifiCorp’s submittal of requested information, the Department will review the information and will either request further information or determine that the RFA4 is complete.

Golden Hills Wind Project Amendment #6

Facility Description: Approved 400 MW wind facility in Sherman County. The first phase of facility construction, including the Operations and Maintenance Building, commenced in June 2020. The remaining phases must be constructed by June 2021, unless an extension of the construction completion deadline is approved by Council.

Amendment Description: Request for Amendment 6 seeks authorization to extend the construction completion deadline by 18 months, from June 2021 to December 2022; modify micrositing corridor areas to allow adjustments in access road and collector line locations; and, amend 7 previously imposed conditions related to Council’s Historic, Cultural and Archeological standard.

Review Process: Type B Requested

Phase: Completeness

What’s New: N/A

Looking Forward: The Department is reviewing the information and will either request further information or determine that the RFA6 for completeness.

Amendment Determination Requests

(subject to requirements of OAR 345-027-0357)

Golden Hills Wind Project Amendment #6

Facility Description: Approved 400 MW wind facility in Sherman County. The first phase of facility construction, including the Operations and Maintenance Building, commenced in June 2020. The remaining phases must be constructed by June 2021, unless an extension of the construction completion deadline is approved by Council.

ADR Description: Amendment Determination Request (ADR) seeks Type B review.

Phase: Submittal

What’s New: The Department received the ADR on August 6, 2020. Based upon review of the ADR, on August 14, 2020, the Department issued its determination confirming that a site certificate amendment would not be required for the proposed change. On the same day, the Department posted to its project webpage and issued a courtesy electronic notice, to individuals that have signed up via the Department’s list serve, of receipt of the ADR and the determination. Neither certificate holder nor members of the Council exercised their opportunity to request further review of the Department’s determination.

Looking Forward: The Department anticipates issuing a determination on whether Type B Review is justified, or Type A Review be maintained and a Draft Proposed Order on Amendment 6 in December 2020.

Approved Facilities Under Construction

Perennial Wind Chaser Station

Approved Facility: 415 MW natural gas facility in Umatilla County

Construction Deadlines: September 23, 2020 (commencement); September 23, 2023 (completion)

Construction Status: Construction of Phase I, consisting of an access road and bridge, commenced on September 21, 2020. The certificate holder must fulfill all applicable pre-construction requirements prior to constructing additional phases of the facility.

Wheatridge Renewable Energy Facility I

Approved Facility: 100 MW wind energy generation facility in Morrow County

Construction Deadlines: May 24, 2020 (commencement); May 24, 2023 (completion)

Construction Status: Construction of 40 wind turbines (100 MW) commenced on January 15, 2020; commercial operation is expected by November 2020.

Wheatridge Renewable Energy Facility II

Approved Facility: 450 MW wind and solar energy generation facility in Morrow and Umatilla counties

Construction Deadlines: Wind facility components - May 24, 2020 (commencement) and May 24, 2023 (completion); solar facility components – November 22, 2022 (commencement) and November 22, 2025 (completion).

Construction Status: Construction of 80 wind turbines (250 MW), in Morrow County, commenced on January 15, 2020; commercial operation is expected by November 2020.

Golden Hills Wind Project

Approved Facility: 400 MW wind facility in Sherman County

Construction Deadlines: June 18, 2020 (commencement); June 18, 2021 (completion)

Construction Status: Construction of an Operations and Maintenance Building commence on June 12, 2020. Remaining facility components must be constructed by June 18, 2021, unless completion deadline is extended by Council (as requested in preliminary Request for Amendment 6).

Summit Ridge Wind Farm

Approved Facility: 194.4 MW wind energy generation facility in Wasco County

Construction Deadlines: August 19, 2020 (commencement); August 19, 2023 (completion)

Construction Status: Construction of wind turbine string access road modifications commenced on August 6, 2020. Remaining facility components must be constructed by August 19, 2023.

ACTIVE FEDERAL ENERGY FACILITY PROJECTS

Click on the project name for more information.

Jordan Cove Energy Project/Pacific Connector Gas Pipeline (JCEP)

Facility Description: Approximately 229-mile Natural Gas Pipeline connecting the existing Ruby Pipeline near Malin, OR to a natural gas liquefaction and export facility in Coos Bay, OR.

What's New: N/A

Looking Forward: FERC's approval requires that the project owner receive all federal and federally delegated permits prior to beginning construction. The FERC order allows the project owner to begin condemnation proceedings to acquire Rights of Way through the use of eminent domain.

Swan Lake North Pumped Storage *(no ODOE web page)*

Facility Description: A 393.3 MW pumped-hydro storage project located approximately 11 miles northeast of Klamath Falls, OR including: an upper and lower reservoir with active storage capacities of 2,562 and 2,581 acre-feet, respectively; a high-pressure penstock; three low-pressure penstocks; a powerhouse; a substation; and a 32.8-mile-long, 230-kilovolt transmission line.

What's New: FERC approved the applicant's proposed Reservoir Water Quality Monitoring Plan on November 9th.

Looking Forward: Swan Lake is finalizing preconstruction requirements of its FERC license.

Owyhee Pumped Storage Project *(no ODOE web page)*

Facility Description: A 600 MW pumped-hydro storage project located adjacent to the existing Lake Owyhee, approximately 11 miles southwest of Adrian, OR and includes: an upper reservoir with active storage capacity of 3410 acre-feet, an underground powerhouse, a substation, and a 2.6 to 8 mile long double-circuit 230-kilovolt transmission line which would intersect the proposed Boardman-to- Hemingway 500 kV transmission line. The existing Lake Owyhee would serve as the facility's lower reservoir.

What's New: N/A.

Looking Forward: The applicant will develop a formal application to submit to the FERC.

Goldendale Energy Storage Project *(no ODOE web page)*

Facility Description: A 1200 MW closed loop pumped-hydro storage project located approximately 10 miles SE of Goldendale, Washington, at the John Day Dam on the Columbia River. About 12% of the 649.3 acres within the Project Boundary fall within the Bonneville Power Association - Oregon right-of-way. The project includes upper and lower reservoirs, each with active storage capacity of 7100 acre-feet; a water conveyance system; an underground powerhouse; and a transmission interconnection to BPA's John Day Substation.

What's New: The applicant submitted their response to FERC's additional information request (AIR) on November 29th. FERC has directed the applicant to conduct an ethnographic study per Section 106 of the NHPA for the Nez Perce Tribe. FERC also posted a notice on October 29th that they are beginning the public scoping process for the NEPA review.

Looking Forward: FERC is evaluating the Final License Application.

ODOE Siting division tracks other federal facility projects for informational purposes. Those federal facility updates are available on [ODOE's website](#).

ACTIVE COUNTY HB 2329 SOLAR PV AND WIND PROJECTS

House Bill 2329 was passed during the 2019 legislative session. The bill increased the jurisdictional threshold for solar PV energy facilities that can be permitted by local governments to:

- 1) 160 acres on high value farmland;

- 2) 1,280 acres (2 square miles) on land that is predominantly cultivated or soils classes I-IV; and
- 3) 1,920 acres (3 square miles) on other land.

Included in the legislation are additional permitting standards beyond those that are otherwise required for smaller solar PV facilities under LCDC land use rules, as well as a notification requirement to the Oregon Department of Energy, and other agencies. Additionally, the bill also increased the megawatt (MW) threshold for wind energy facilities subject to permitting by local governments from 105 MW peak capacity to 150 MW peak capacity. The full text of the bill is available online:

<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2329/Enrolled>

The Siting Division will include here a list of the HB 2329 projects as it receives notice. Please note that the Siting Division and EFSC have no jurisdiction over these projects and is including the list of projects for informational purposes only.

TSR North Solar Farm

Description: TSR North Solar Farm, LLC is requesting modification to the existing conditional use permit to expand a commercial photovoltaic solar project from approximately 320 acres to approximately 585 acres in Crook County.

What's New: The status of this project is currently unknown. Please visit the Crook County Planning Department website for further details: <https://co.crook.or.us/commdev/page/planning-department>

RULEMAKING

Click on the project name for more information. Please submit any rulemaking questions, issues, or topics you would like to be considered to EFSC.Rulemaking@oregon.gov.

Radioactive Materials Enforcement

Description: At its May 21, 2020 meeting, the Council initiated rulemaking to revise rules in OAR chapter 345, division 029 that provide for the enforcement of laws and rules governing the transport and disposal of radioactive materials and waste in Oregon. The purpose of the rulemaking is to ensure that the procedures and sanctions authorized by OAR 345-029 are sufficient to protect public health and safety and the environment by incentivizing preventative measures to ensure that radioactive material or waste is not improperly transported or disposed of in Oregon, and to require appropriate mitigation when a violation occurs. The rulemaking will not change the types of materials that are subject to regulation as radioactive waste.

What's New: The Rulemaking Advisory Committee (RAC) held its third and final meeting on Monday November 2, 2020 to review and provide input on draft proposed rules developed by the Department.

Looking Forward: On December 7, 2020, the Department will hold a virtual workshop to discuss potential revisions to administrative rules for the enforcement of the laws and rules governing the transport and disposal of radioactive materials and waste in Oregon. At the workshop, ODOE staff will provide an overview of draft proposed rules that were prepared with the assistance of a

Rulemaking Advisory Committee. Attendees will have an opportunity to ask questions about the rulemaking process and provide informal input on the draft proposed rules. Staff will also provide information about a potential legislative concept for the 2021 legislative session that also deals with the transport and disposal of radioactive materials and waste in Oregon. Council will then consider initiation of formal rulemaking at its December 18, 2020 meeting.

Protected Areas, Scenic Resources, and Recreation Standards

Description: At its October 23, 2020 meeting, the Council initiated rulemaking to develop proposed revisions to the Council's Protected Areas, Scenic Resources, and Recreation Standards and associated rules.

What's New: The Council is seeking written advice from stakeholders to assist in the development of proposed rules and the associated fiscal impact statements. Please send any issues or suggestions related to the Protected Areas, Scenic Resources, and Recreation Standards and associated rules, including any applicable definitions in OAR 345-001-0010 or informational requirements in OAR 345-020-0011 or 345-021-0010 you would like to be considered in this rulemaking to efsc.rulemaking@oregon.gov by December 31, 2020.

Looking Forward: The Department will consider any advice received and provide its preliminary recommendations for rulemaking to the Council in early 2021. The Council will consider options for additional public engagement in the development of proposed rules at that time.

2021-2023 Rulemaking Schedule Update

Description: The Department tracks rulemaking issues raised by Council, stakeholders, and staff on an ongoing basis. These concepts are used to develop potential rulemaking projects for the Council's consideration. Each year, staff provides an update to Council and recommends a schedule of rulemaking projects prioritized by urgency, level of public interest, and complexity. For each rulemaking project, staff also recommends a method for seeking public input in developing proposed rules. The last schedule, which covered the 2020-2022 period, was approved by the Council in November 2019.

What's New: The Department is currently preparing its recommended schedule of rulemaking for 2021-2023. Please send any ideas or suggestions for rulemaking you would like to be considered to efsc.rulemaking@oregon.gov.

Looking Forward: The Department will present its rulemaking update at an upcoming Council meeting.

COMPLIANCE

Inspections: The compliance officer will be conducting the following inspections:

- 4 annual site inspections in conjunction with the review of annual reports as noted below
- start of construction site visits to the Wheatridge Renewable Energy Facility I; Wheatridge Renewable Energy Facility II; Golden Hills Wind Project; Summit Ridge Wind Farm and the Port Westward Battery Energy Storage System.

Review of Annual Reports: Leaning Juniper IIA and IIB Wind Farm Facility; Montage Wind Farm Facility; and the Port Westward Generating Project 1 and 2.



Facility Decommissioning Financial Assurance updates: The requirement for site certificate holders to restore their facility to a useful, non-hazardous condition once operations have ceased is partially fulfilled by maintaining a bond or letter of credit in that amount should that obligation fall to the state. As of the end of November the total amount of Site Certificate bonds and letters of credit managed by the Department is \$147,723,043. These assurances are updated annually to keep pace with inflation.

COUNCIL MEETINGS

Council agendas, meeting materials and minutes can be found at:
<http://www.oregon.gov/energy/Siting/Pages/Council-Meetings.aspx>

Next Council Meeting: December 18, 2020. The meeting will occur via telephone and webinar. Anticipated agenda items include: 1) Radioactive Materials Enforcement Rulemaking – Council consideration of formal rulemaking; 2) Council Review of Request for Transfer on Amendment 5 of Summit Ridge Wind Farm and possible decision; 3) Election of Officers; and 4) Future meeting dates.

2021 Meeting Dates: The 2021 meeting dates will be set at the December Council meeting. Set dates do not preclude the need for special meetings that may be conducted via teleconference and webinar or in person at the discretion of the chair. Locations and agendas to be determined.

HELPFUL LINKS

- [About energy facility siting in Oregon](#)
- [Latest facility siting project updates](#)
- [Oregonians' Guide to Siting and Oversight of Energy Facilities](#)
- [Energy Facility Siting Council](#)
- [Facilities under Energy Facility Siting Council Jurisdiction](#)
- [Oregon Energy Siting Standards](#)

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