



OREGON
DEPARTMENT OF
ENERGY

Leading Oregon to a safe, clean, and sustainable energy future.

2015 Government to Government Activity Report



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ODOE GOVERNMENT-TO-GOVERNMENT REPORT

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ODOE GOVERNMENT-TO-GOVERNMENT REPORT

Introduction

The Oregon Department of Energy is committed to working closely with the nine federally recognized tribes in Oregon. Continuing to build on our long-standing relationships with the tribes will help our agency better understand how we can work collaboratively on the challenges and opportunities facing Oregon while improving ODOE's programs, services, and responsibilities.

The Oregon Department of Energy was created in 1975 to promote the efficient use of energy resources and develop permanently sustainable energy resources. Our work is diverse – from helping Oregonians improve the energy efficiency of their homes, to overseeing the state's interests in the world's largest environmental cleanup project, the Hanford nuclear site in Washington, to ensuring the state is prepared to respond to emergencies at energy facilities.

We provide policy expertise to prepare for Oregon's future energy needs, and we offer technical and financial resources to encourage adoption of and investment in energy efficiency and renewable energy resources. ODOE programs help Oregon businesses, residents, tribes, schools, local governments and nonprofits meet their energy goals.

Much of our work depends on tribal involvement and input. For example, we staff the Energy Facility Siting Council and oversee an extensive process related to the siting of energy facilities. Our Nuclear Safety and Energy Emergency Preparedness Division monitors radioactive waste cleanup activities at the Hanford nuclear site; oversees the transport of radioactive materials through Oregon; and develops and tests nuclear and other emergency preparedness plans. This work is not complete without formal outreach to tribes or participation from tribal representatives.

Over the past year, agency leadership has placed a greater emphasis on outreach and relationship-building. While we reach out to stakeholders, including tribes, for major projects, we are focusing on building communication channels and more informal input opportunities for our day-to-day work. The desired outcomes include more awareness about ODOE activities and resources, greater participation in and utilization of ODOE programs, and a solid foundation for the more formal public involvement opportunities associated with energy facility projects.

This report provides an overview of ODOE programs and projects and the ways we have engaged with tribal governments over the last year to advance our work.

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Nuclear Safety and Energy Emergency Preparedness Division

The Nuclear Safety and Energy Emergency Preparedness Division supports and interacts with the nine federally recognized tribes in Oregon on a variety of topics, including Hanford cleanup; restoration of injured natural resources; radioactive waste transport safety; and allocation of petroleum (diesel and gasoline) during times of shortage.

Hanford Cleanup

The Hanford Site is on land ceded by the Confederated Tribes of the Umatilla Indian Reservation. The state of Oregon and the CTUIR have a Memorandum of Understanding for coordination on Hanford issues. As the lead state agency for Hanford oversight, that coordination falls to the Oregon Department of Energy.

ODOE's technical staff work closely with their counterparts from the CTUIR on a variety of cleanup issues, including groundwater remediation, Columbia River corridor cleanup, and closure planning.

The CTUIR participates as a member of the Oregon Hanford Cleanup Board, a 20-member board that provides policy recommendations to ODOE, the Oregon Legislature, and the Governor. The board met three times in 2015 and discussed a variety of issues including problems associated with treatment of 56 million gallons of high-level radioactive waste, stored in 177 aging underground tanks.

Restoration of Injured Natural Resources

Oregon and the CTUIR are both trustees of natural resources on the Hanford Site as part of the federal Superfund Cleanup program. Other trustees are the state of Washington, the Yakama Indian Nation, the Nez Perce Tribe, and two federal agencies. The trustees work through a Trustee Council to determine the extent of natural resource injury caused by the release of radioactive materials and chemicals into the environment. After the extent of the injury has been determined, the Council 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 2015, the department coordinated with the tribe and other trustees to begin setting injury thresholds for Hanford contaminants in surface water, sediment, and soil, and to begin early planning and design for several injury studies.

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Radioactive Waste Transport Safety

ODOE regulates the transport of radioactive materials and waste in and through Oregon. Approximately 400 to 600 shipments go through Oregon each year; the agency publishes an annual report on radioactive material transport. The primary transportation corridor in Oregon for radioactive waste is Interstate 84 through northeast Oregon, which runs through the CTUIR Reservation.

In past years, Oregon has provided emergency responder training to firefighters and other CTUIR first responders. As shipments ramp back up on that route in coming years, ODOE will again provide training and shipment notification to the CTUIR.

Allocation of Petroleum

In the event of severe or long-term petroleum shortages or disruptions that impact the state, ODOE will work with petroleum suppliers and the federal government to ensure fuels are available to emergency services (police, fire, ambulance) and essential services (public works, transit systems, etc.). Any of Oregon's nine federally recognized tribes may request fuel from ODOE to support its emergency or essential services.

Energy Planning & Innovation Division

ODOE's Energy Planning and Innovation Division develops and recommends energy policy in partnership with stakeholders and implements energy programs authorized by the Oregon Legislature.

The division has two sections. The Energy Technology and Policy Section provides expertise on renewable energy and complementary technologies, implements renewable energy and climate change programs, collaborates with other entities responsible for state and regional energy planning, supports clean energy project development, and conducts energy planning and policy development.

The Energy Efficiency and Conservation section provides technical assistance to all Oregon residents, including tribes and tribal members, to help households, businesses, schools, and local government agencies incorporate energy efficiency into decisions about building design, construction methods and materials, and building-related equipment purchases. ODOE's energy efficiency and conservation experts also connect tribes with tax credit and incentive programs where applicable.

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Residential Sector: The department provides guidance and energy modeling for retrofits, upgrades, and new construction of tribal housing to increase energy efficiency. Tribal residential projects may be eligible for incentives through ODOE's two residential programs.

Commercial Sector: The department provides technical assistance such as walk-through audits of commercial facilities, energy use/bill analysis, and reviews of proposals from retrofit contractors. Commercial projects may be eligible for incentives, grants, or loans through ODOE.

Agricultural and Industrial Sectors: The department provides technical assistance such as walk-through audits, process energy use analysis and suggestions for upgrades, and analysis of project proposals.

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 Senate. EFSC has the responsibility to review applications for site certificates for all state-jurisdictional energy facilities. ODOE administers the EFSC facility siting process, which consolidates state agency and local government regulation into a single review process.

EFSC meets regularly throughout the year in locations geographically near proposed facilities.

Energy Facility Siting Division

The Energy Facility Siting Division staffs the Energy Facility Siting Council, helping the Council complete its oversight responsibilities related to proposed energy generating facilities. This effort brings together project developers, local and regional governments, citizens, and others to make sure proposed projects are approved, built, operated, and decommissioned consistent with all applicable laws and regulations. The division also provides compliance functions for facilities that are up and running.

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Energy Facility Siting Project Notification

The 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 certificate application and amendment process. Through these notices and requests, the siting division provides the details of proposed energy facilities to the tribes and invites the tribes' participation in the site certificate application review process. Specifically, the siting division seeks the tribes' input and expertise on each proposed facility's potential impacts on tribal historic and cultural resources. In addition to the formal notices, siting division staff are available to meet with tribal representatives to discuss both the EFSC process generally and specific site certificate application issues.

In 2015, ODOE and the Siting Division staff participated in the following activities:

Siting-Related 2015 Legislation

Senate Bill 259 – Energy Facility Siting Council Process Cost Recovery

During the 2015 Legislative Session, the department introduced SB 259. This bill amends ORS 469.360 and ORS 469.421 to add authority for the EFSC to compensate state agencies and local governments for expenses directly related to work prior to the submittal of the Notice of Intent, when the work comes at the request of the applicant and subject to cost estimates established by the Department of Energy.

The bill allows the council to compensate a tribe identified by the Commission on Indian Services for expenses directly related to the tribe's review of a notice of intent or site certificate application.

SB 259 Implementation – The bill will go into effect on January 1, 2016. Siting Division staff are currently drafting reimbursement agreements, which will be sent to each of the nine tribal governments recognized by the Commission on Indian Services. The agreements will allow for reimbursement for authorized work as of January 1, 2016.

Siting-Related Tribal Meetings in 2015

In October 2015, the assistant director of siting and the associate director of government relations and tribal liaison attended a state of Oregon meeting hosted by the Confederated Tribes of the Umatilla Indian Reservation. The siting director provided an overview and status update on the Idaho Power Corporation's Boardman to Hemingway 500kv transmission line project, and an overview of SB 259 that included implementation information.

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In September 2015, the agency director, assistant director of siting, and the associate director of government relations and the tribal liaison met with representatives of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians. The department participated in a session dedicated to the tribal representatives' concerns about the South Dunes power plant in Coos Bay. Because the comment timeframe had already closed for this project, the discussion was kept at a general level.

Training Opportunities

The Siting Division conducts an annual training for all state agencies, local governments, and tribal governments that participate in the energy facility siting process. The purpose of the training is to explain the energy facility siting process and to provide guidance on how tribal, state, and local representatives can effectively participate in the process. These trainings include the opportunity to participate by webinar for those who cannot attend in person. Tribal government representatives have participated in these trainings. The next training is scheduled for January 20, 2016 in The Dalles, Oregon.

Energy Development Services Division

Energy Incentives Program

This program was created in 2011 to provide incentives to businesses, organizations, nonprofits, tribes, and public bodies that invest in energy conservation, renewable energy resources, and cleaner transportation fuels. The program includes grants for renewable energy development projects and tax credits for energy conservation and transportation projects. The Energy Incentives Program spurs investment in cost-effective energy savings and resource acquisition. Tax credits are an inducement for businesses to invest in energy conservation projects that exceed a three-year simple payback, but deliver a payback in energy savings within the life of the device installed. Complementary to other programs and incentives in the state, tax credits are part of a set of tools that support a regional energy plan that acquires low-cost resource, saves energy and dollars, and improves building performance.

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Under the Energy Incentives Program, ODOE awarded a Renewable Energy Development grant to the Wallowa Band Nez Perce Trail Interpretive Center, Inc. in the amount of \$18,953. The grant partially funded a solar photovoltaic project that will generate 24,078 kWh of electricity per year. The Nez Perce tribe was the applicant, and the project is located on Whiskey Creek Road, in Wallowa, OR.

Small-Scale Energy Loan Program

The Small-Scale Energy Loan Program was created in 1980 to provide access to fixed-rate long-term financing for qualifying projects that invest in energy conservation, renewable energy or alternative fuels and funding is available to Oregon businesses, organizations, nonprofits, tribes, and public bodies in all parts of the state.

Alternative Fuel Vehicle Revolving Fund

The AFVRF is a continual, revolving pool of low cost funds administered by the Small-Scale Energy Loan Program that is available for financing the incremental cost of alternative fuel vehicles for fleet use. The fund is open to all public bodies, Oregon's federally recognized tribes, and private entities that operate a fleet based in the Portland vehicle inspection area or Medford-Ashland air quality maintenance area.

Conclusion

Over the past year, the Oregon Department of Energy has put more resources into outreach, engagement, and, above all, listening to our stakeholders. The agency director, managers, and tribal liaison have been visiting stakeholders across the state, with more meetings to come in early 2016. Strengthening our relationships with tribal representatives is an important outcome of this effort. We welcome any and all input on how we can better deliver services, resources, expertise to all tribal members across Oregon and look forward to continuing our efforts through 2016 and beyond.