

Oregon Department of ENERGY

Government-to-
Government Activity
Report

December 2017



ODOE 2017 GOVERNMENT-TO-GOVERNMENT REPORT

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INTRODUCTION

The annual Government-To-Government Report is an opportunity for state agencies to reflect on the many ways we have worked with Oregon's nine federally-recognized tribes over the course of the year. It is also a time for us to look forward and examine how we can continue to work more effectively and collaboratively together.

The Oregon Department of Energy remains committed to looking for opportunities where our programs and projects can be improved with input from the tribes. Tribal input is critical to solving the energy and climate challenges facing Oregon.'

As we move into 2018, ODOE's program focus will evolve as most of the agency's incentive programs will sunset on December 31, 2017. ODOE will remain focused on leading Oregon to a safe, clean, and sustainable energy future through our energy-related services and programs to help Oregon tribes, businesses, residents, nonprofits, and public agencies save energy and generate renewable energy. We will also continue our work with energy policy, energy facility siting and oversight, nuclear safety and emergency preparedness, and streamlined financial programs like Renewable Energy Development Grants and small energy loans.

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NUCLEAR SAFETY AND EMERGENCY PREPAREDNESS DIVISION

The Nuclear Safety and Emergency Preparedness Division supports and interacts with the nine federally-recognized tribes in Oregon on a variety of topics, including Hanford Site cleanup, restoration of injured natural resources, radioactive waste transport safety, and the 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. 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.

The CTUIR participates as a member of the Oregon Hanford Cleanup Board. The 20-member board provides policy recommendations to ODOE, the Oregon Legislature, and the Governor. The board met three times in 2017; 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'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.

ODOE represents Oregon on the State and Tribal Government Working Group and serves on the Executive Committee. STGWG includes states and tribes near U.S. Department of Energy nuclear weapons production cleanup sites. The CTUIR, the Yakama Nation, the Nez Perce Tribe, and the State of Washington are all members of STGWG. ODOE attended two meetings in 2017, where discussions continued on the restoration of natural resources and how best to ensure long-term safety when contamination is left behind.

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.

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In 2017, ODOE continued its work 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. This work has continued to focus on assessing and recovering damages in near-shore aquatic ecosystems, ground water injury areas, terrestrial ecosystems, and from loss of tribal services. Other areas of work included vegetation restoration planning, fish population damage assessments, and mapping areas where physical disturbance has occurred from the creation of pits, roads, or bull dozing.

ODOE participated in ten Technical Trustees' meetings of the Hanford Natural Resource Trustee Council during 2017. Most of the meetings were held in the Richland, Washington area.

Radioactive Waste Transport Safety

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

Oregon compiles an annual report on radioactive material transport through the state. We will publish our 2018 report in advance of the 2018 legislative session. The 2017 report can be found on our website:

www.oregon.gov/energy/facilities-safety/safety/Pages/Radioactive-Waste-Transport.aspx

Oregon Fuel Action Plan

The Oregon Department of Energy 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 (CSZ) 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

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response and recovery efforts until the regional infrastructure can be restored. The Oregon Fuel Action Plan designates priority fuel users, which includes the nine federally-recognized tribes, 36 county emergency management agencies, and 18 Emergency Support Function Primary State Agencies.

During 2017, ODOE's Emergency Preparedness Manager provided an overview of the Oregon Fuel Action Plan to all nine federally-recognized tribes at the February 8, 2017 meeting of LCIS's Public Safety Cluster, which included law enforcement, fire service, and other tribal first responders from all nine tribes. The presentation included information on:

1. Oregon's fuel supply and distribution system under normal conditions.
2. Anticipated impacts to the region's fuel infrastructure as a result of a catastrophic earthquake.
3. Where and how emergency bulk fuel supplies will be delivered to Oregon to support tribal, county, and state emergency response activities.
4. Who qualifies for emergency fuel and an explanation of the application process.
5. Fuel allocation and the unique authority of the nine federally-recognized tribes.
6. Steps the tribes can take prior to an emergency to ensure timely fuel deliveries after a catastrophic earthquake.

In 2018, ODOE will work with the Oregon Tribal Preparedness Coalition to further tribal fuel planning activities. The Oregon Fuel Action Plan is available on ODOE's website:
www.oregon.gov/energy/facilities-safety/safety/Pages/Petroleum.aspx

Emergency Preparedness Outreach

ODOE provided daily reports during statewide coordination calls to tribes on the status of fuel supply and delivery problems while actual events were underway this past summer, they included:

- August 2017 Solar Eclipse: Oregon welcomed tens of thousands of visitors to observe the solar eclipse, which stressed the fuel system. The results were temporary outages in fueling locations throughout the state, but no major sustained outages impacting Oregonians.
- Forest Fire Responses: Oregon experienced catastrophic fires this season, and at one point 17 fires were burning in the state. Many fires like the Eagle Creek Fire disrupted waterway and highway fuel deliveries of gasoline and diesel. Ongoing fire suppression activities also stressed the aviation fuel supply used to fight these fires.

ENERGY FACILITY SITING

The Oregon Energy Facility Siting Council (EFSC) is a seven-member volunteer board appointed by the Governor and confirmed by the 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 regulation into a single review process.

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

Energy Facility Siting Division

The Energy Facility Siting Division provides staff to EFSC, 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.

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, 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 and specific site certificate application issues.

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Implementation of Siting-Related Legislation from 2015

As a result of 2015 legislation that allows EFSC to compensate tribes for their review of historical and cultural resources, and related Tribal Codes during the Notice of Intent and Application review in the EFSC process, two tribes have entered into reimbursement agreements with ODOE.

The Coquille Indian Tribe and the Confederated Tribes of the Umatilla Indian Reservation may now apply for and receive reimbursement for their important work. ODOE would like to see greater tribe participation for reimbursement, and during the upcoming year will continue outreach efforts with other tribes that could be affected by EFSC jurisdictional projects.

Siting-Related Project Outreach to Tribes

During 2017, siting division staff have communicated with tribal governments, requesting comments and guidance for several energy projects around the state. Generally, the communication consists of a notice requesting review and comment 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. It is customary for the communication with each tribal government to be accompanied by an offer for ODOE to visit tribal offices to discuss the notice and the EFSC review process in person. Each notice also includes guidance for requesting cost reimbursement. The following is a list of current projects and outreach conducted in 2017.

Boardman to Hemingway Transmission Line

Morrow, Baker, Malheur, Union and Umatilla Counties

July 2017: Amended Preliminary Application

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Burns Paiute Tribe

Boardman Solar Energy Project – January 2017

Morrow and Gilliam Counties

January 2017: Preliminary application

September 2017: Complete application

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Nez Perce Tribe

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- Confederated Tribes and Bands of the Yakama Indian Nation

Throughout review of the application and development of the draft proposed order, the Confederated Tribes of the Umatilla Indian Reservation and ODOE have been in communication about the CTUIR's concerns, with potential impacts to the Tribe's resources. CTUIR requested measures to reduce these impacts and the applicant agreed. On October 24, 2017 the CTUIR provided ODOE with a letter stating that their concerns have been addressed.

The CTUIR have utilized their Intergovernmental Agreement with ODOE and have received reimbursement for work conducted in reviewing and commenting on this project.

Carty Generating Station Amendment #1

Morrow and Gilliam Counties

December 2016: Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

On April 13, 2017, the Confederated Tribes of the Umatilla Indian Reservation

Provided comments on the amendment request.

Columbia Ethanol Amendment #1

Morrow County

August 2017: Proposed Order on the Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

On September 7, 2017 ODOE received a letter from the Confederated Tribes of the Umatilla Indian Reservation regarding the eligibility status determination of a historic resource and potential impacts to a historic resource as a result of the proposed facility.

These comments were considered and addressed in the Council's Final Order.

Golden Hills Wind Project Amendment #4

Sherman County

November 2017: Amendment Request

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

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Mist Underground Gas Storage Facility Amendment #12

Columbia County

August 2017: Request for Amendment and Proposed Order on the Request for Amendment

Tribes:

- Confederated Tribes of the Warm Springs Indian Reservation
- Confederated Tribes of the Siletz Indians
- Confederated Tribes of the Grande Ronde

Montague Wind Power Facility Amendment #3

Gilliam County

May 2017: Request for Amendment and Proposed Order on the Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

On May 31, 2017 CTUIR provided comments on the amendment request. CTUIR comments were considered and addressed in the Council's Final order on Request for Amendment 3.

Nolin Hills Wind Power Project

Umatilla County

October 2017: Notice of Intent

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Nez Perce Tribe
- Confederated Tribes and Bands of the Yakama Indian Nation

In October 2017, ODOE staff met with Teara Farrow Ferman and Audie Huber from the Confederated Tribes of the Umatilla Indian Reservation and the Department of Natural Resources to discuss the project and the EFSC process. The meeting took place at the Nixyaawii Governance Center, Confederated Tribes of the Umatilla Indian Reservation.

Summit Ridge Wind Farm Amendment #3

Wasco County

November 2017: Request for Amendment

Tribes:

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- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Confederated Tribes of the Siletz Indians
- Confederated Tribes of the Grande Ronde,
- The Confederated Tribes and Bands of Yakama Indian Nation

Wheatridge Wind Project Amendment #1

Morrow and Umatilla Counties

June 2017: Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

ENERGY DEVELOPMENT SERVICES

The Oregon Department of Energy announced 13 recipients of more than \$2 million in competitive Renewable Energy Development Grants in 2017. The projects selected will produce energy from biogas, solar photovoltaic, biomass, and hydropower.

The Klamath Tribes were among this year's selected RED Grant projects, with ODOE offering a \$175,000 grant for a photovoltaic system located in Chiloquin, Oregon.

AGENCY OUTREACH & COMMUNICATION

Tribal Events

In addition to ODOE's participation in the Natural Resource and Cultural Clusters meetings, energy facility siting-related meetings, and outreach through our emergency preparedness program, staff from several of ODOE's divisions have taken advantage of opportunities to participate in tribal events over the past year, including:

Energy Siting staff presented on a panel at the Affiliated Tribes of the Northwest Indians Energy Program Conference on July 18 in Portland. Staff discussed Oregon's energy facility siting process. ODOE's Associate Director of Government Relations and Tribal Liaison was also in attendance at this event.

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ODOE's Senior Climate Policy Analyst attended the Affiliated Tribes of Northwest Indian's Changing Current Tribal Water Summit on August 2-3 in Eugene to learn about current water management issues and practices as they relate to climate change.

ODOE's Central Oregon Field Analyst attended a meeting with the Confederated Tribes of Warm Springs and the Central Oregon Regional Solutions Team in September to discuss priorities and projects underway at Warm Springs. Several projects have energy components and the tribe is establishing a Strategic Energy Plan that will embrace innovate and sustainable solutions for solar development, reduction of the Tribe's carbon footprint and use of renewable energy.

ODOE's Energy Siting Assistant Deputy and ODOE's Associate Director of Government Relations and Tribal Liaison attended the two-day 18th Annual State Tribal Summit: We Learn from the Past on November 1-2 at the Chinook Winds Casino and Resort in Lincoln City.

ODOE Communication Opportunities

The Oregon Department of Energy takes advantage of multiple media platforms to communicate with Oregon tribes and the general public.

In 2017, ODOE launched a new and improved website. Annual reports to Oregon tribes, as well as links to the nine federally-recognized tribes in Oregon, are available at:

www.oregon.gov/energy/Data-and-Reports/Pages/Tribal-Reports.aspx

ODOE also launched a new podcast in 2017, *Grounded*, where the agency shares energy-related stories from around the state, as well as highlights of ODOE programs, such as energy facility siting, home energy scores, and nuclear safety. The podcast is available on several platforms, including iTunes, Stitcher, TuneIn, and GooglePlay. Episodes are available to stream or download:

energyinfo.oregon.gov/grounded-podcast/

The agency also uses traditional social network sites to share our work. We look forward to opportunities to amplify communications from Oregon tribes:

- Facebook: www.facebook.com/OregonDepartmentofEnergy
- Twitter: www.twitter.com/ODOEnergy
- Instagram: www.instagram.com/ODOEnergy
- LinkedIn (job postings): www.linkedin.com/company/oregon-department-of-energy/
- Blog: energyinfo.oregon.gov/

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