



Government-to- Government Activity Report



by the
**OREGON
DEPARTMENT OF
ENERGY**



**OREGON
DEPARTMENT OF
ENERGY**

December 2019

2019 GOVERNMENT-TO-GOVERNMENT REPORT

EXECUTIVE SUMMARY

In this report, the Oregon Department of Energy discusses ways our agency has interacted with and learned from Oregon's nine federally-recognized Native American tribes in 2019. 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 nuclear safety, emergency preparedness, and energy facility siting, in addition to agency outreach, grants, 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 three times in 2019 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.

Emergency Preparedness: ODOE's Emergency Preparedness Manager provided an overview of the Oregon Fuel Action Plan to all nine emergency managers with the federally-recognized tribes including information on the unique authority of the tribes and important steps the tribes can take prior to an emergency to ensure timely fuel deliveries after a catastrophic earthquake.

Energy Facility Siting: Fifteen new and existing energy projects have included specific notification and coordination with affected tribes. Communications with each tribal government are also accompanied with an offer for ODOE to visit tribal offices to discuss the notice and review process in person, along with guidance for cost reimbursement.

Planning & Innovation, Rebates, and Outreach: ODOE staff participated conferences, workshops, and meetings with tribal representatives on topics ranging from climate change to energy resilience. Activities and programs related to solar energy involved outreach with each tribe as well.

ODOE is developing an agency strategic plan that will focus on the energy programs and issues that are most important to Oregonians. The process will help us prioritize our work, measure progress, and strengthen alignment between our agency goals, programs, and budget. This strategic planning process started with an information gathering phase, which included a State Energy Priorities survey, interviews, and focus groups. ODOE provided strategic planning information at cluster meetings, and shared opportunities for input with individual tribal staff, including the survey. If tribal members found it appropriate, they were also encouraged to share those opportunities for input broadly among tribal staff and with Tribal Council. ODOE hopes to have tribal perspectives reflected as the strategic planning process continues. ODOE expects a final strategic plan to be in place in late 2020. Follow the strategic planning process on ODOE's website: <https://www.oregon.gov/energy/About-Us/Pages/Strategic-Plan.aspx>

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INTRODUCTION

In this report, the Oregon Department of Energy looks back at ways our agency has interacted with and learned from Oregon's nine federally-recognized Native American tribes in 2019. 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. We recognize that tribes are advancing innovative programs and projects; we are committed to learning from the tribes about this work and finding opportunities where our agency programs can be valuable resources for tribes. We also continue to look for opportunities where our programs and projects can be improved with input from tribes.

ODOE is developing an agency strategic plan that will focus on the energy programs and issues that are most important to Oregonians. The process will help us prioritize our work, measure progress, and strengthen alignment between our agency goals, programs, and budget. This strategic planning process started with an information gathering phase, which included a State Energy Priorities survey, interviews, and focus groups. ODOE provided strategic planning information at cluster meetings, and shared opportunities for input with individual tribal staff, including the survey. If tribal members found it appropriate, they were also encouraged to share those opportunities for input broadly among tribal staff and with Tribal Council. ODOE hopes to have tribal perspectives reflected as the strategic planning process continues. ODOE expects a final strategic plan to be in place in late 2020. Follow the strategic planning process on ODOE's website: <https://www.oregon.gov/energy/About-Us/Pages/Strategic-Plan.aspx>

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

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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, 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. ODOE is the lead state agency for Hanford oversight and oversees the state's coordination.

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, 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 three times in 2019. 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. The CTUIR also shared their perspective on the cleanup that has occurred so far along Hanford's Columbia River Corridor, and their expectations for future use of the land and its resources.

ODOE staff participated in two meetings of the State and Tribal Government Working Group in 2019, 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.

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Restoration of Injured Natural Resources

Oregon is one of eight natural resource trustees that participate in the Hanford Natural Resource Trustee Council. 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 2019, ODOE continued our work with tribal trustees and other trustees to set injury thresholds for Hanford contaminants in surface water, sediment, and soil, and to design injury studies. 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 nine times in 2019 to assess injury to natural resources due to Hanford operations. ODOE staff participated in all of these meetings and most of the HNRTC meetings were held in the Richland, Washington area or via conference calls. ODOE staff worked with the other trustees, including the three tribes that sit on the Council.

Radioactive 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. The primary transportation corridor in Oregon for radioactive waste is Interstate 84 through northeast Oregon, which runs through the CTUIR's reservation lands. Oregon compiles an annual report on radioactive material transport through the state. We will publish our 2019 report in advance of the 2020 legislative session; it will be available on our website:

<https://www.oregon.gov/energy/safety-resiliency/Pages/Radioactive-Waste-Transport.aspx>

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

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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.

In October 2019, ODOE's Emergency Preparedness Manager provided an overview of the Oregon Fuel Action Plan to all nine emergency managers with the federally-recognized tribes at the annual conference of the Oregon Emergency Management Association. The conference focused on critical infrastructure. 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. This included establishing two new temporary fuel supply chains into Oregon until the region's fuel infrastructure is restored.
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.

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.

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Emergency Preparedness Outreach

During the February-March 2019 winter storms and April 2019 spring floods, ODOE provided situation reports during statewide coordination calls to the tribes on the status of fuel and propane supply and delivery problems as result of heavy snow, ice, and flooding conditions affecting the south Willamette Valley.

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.

In February 2019, ODOE staff provided a progress report to tribal emergency managers at the Oregon Tribal Preparedness Coalition Meeting on LNG safety, security, and emergency planning involving the proposed Jordan Cove Project, an LNG terminal that would be located in Coos Bay. ODOE reported that emergency planning progress on the Jordan Cove Project stalled significantly in May 2017 under the new Jordan Cove owner Pembina. Pembina proposed a new Jordan Cove Emergency Response Plan that resembled a template oil spill response plan without consultation with key federal, state, and local agencies. The ERP was unanimously rejected by federal, state, and local agencies, which led to Pembina rescinding the document. ODOE will continue working with its emergency planning partners to develop of an acceptable Emergency Response Plan.

In October 2019, ODOE staff reported on LNG emergency preparedness to the tribes at the Tribal/State Agency Coordination Meeting on the Jordan Cove Project. ODOE reported that should FERC issue Pembina a permit to proceed with construction, emergency planning activities would likely increase. This includes Pembina engaging and seeking the input of the tribes on potential threats and effects on tribal lands, cultural resources, and natural resources as a result of the project, as well as appropriate response and mitigation measures. ODOE will continue to provide safety, security, and emergency planning updates to the tribes.

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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 2019 Oregon Energy Facility Siting Project Update is attached and made a part of the 2019 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

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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.

Continued Implementation of Energy Siting-Related Legislation from 2015

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, and the Confederated Tribes of the Umatilla Indian Reservation, resulting in nearly \$17,000 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 2019, Siting Division staff coordinated with tribal governments, requesting 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 visit tribal offices to discuss the notice and the EFSC review process in person. In addition, each notice includes guidance for requesting cost reimbursement.

The following is a list of current projects and outreach with tribes conducted during 2019, and includes the project phase(s) during which tribes were noticed and the specific tribes that were noticed.

Bakeoven Solar Project (Wasco County) [new proposed facility]

Notices: Preliminary Application for Site Certificate, Application for Site Certificate

Tribes:

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

The Confederated Tribes of the Warm Springs Reservation of Oregon commented on the preliminary application for site certificate that, based on the applicant's completion of an oral history investigation to support the evaluation of potential impacts from the proposed facility on tribal resources, the tribe considered that the applicant had completed a good faith effort to consult with the tribe and evaluate and minimize potential impacts to tribal resources.

Boardman to Hemingway Transmission Line (Morrow, Baker, Malheur, Union and Umatilla Counties) [new proposed facility]

Notice: Draft Proposed Order

Tribes:

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

Idaho Power and ODOE have been coordinating with the Confederated Tribes of the Umatilla Indian Reservation to address their concerns throughout the application review process. Idaho Power independently met and coordinated with the Confederated Tribes of the Umatilla Indian Reservation to address their outstanding comments associated with potential impacts from the proposed facility associated with the state and federal review processes. All three tribes were sent a request to review the complete application for site certificate on October 10, 2018 and to provide feedback on outstanding issues and compliance of the proposed facility. On April 19, 2019, the Confederated Tribes of the Umatilla Indian Reservation submitted a comment letter to ODOE outlining resolution of their concerns associated with the proposed facility.

Eugene to Medford Transmission Line Amendment #4 (Jackson and Josephine counties) – also known as the Sams Valley Reinforcement Project [amendment to existing operational facility]

Notice: Amendment Request

Tribes:

- Cow Creek Band of Umpqua Tribe of Indians
- Confederated Tribes of Siletz Indians
- Confederated Tribes of Grand Ronde
- Klamath Tribes

ODOE understands that the Confederated Tribes of the Grand Ronde, Confederated Tribes of Siletz Indians, and the Cow Creek Band of Umpqua Tribe of Indians are continuing to work with the Bureau of Land Management, PacifiCorp, and their archaeological contractor in the ongoing federal review process (National Historic Preservation Act Section 106 consultation).

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ODOE is not involved in the Section 106 process; however, information developed as part of the Section 106 process may inform EFSC's review of the project, in particular as it relates to meeting the state's Historic, Cultural and Archaeological Resources Standard. ODOE is awaiting the portion of PacifiCorp's revised application to EFSC that will contain information on historic, cultural, and archaeological resources.

On June 5, 2019, the ODOE lead staff for this project met with Confederated Tribes of the Grand Ronde staff to learn more about the importance of Table Rocks to the tribe and to discuss the state's review process.

Madras Solar Energy Facility (Jefferson County) [new proposed facility]

Notice: Notice of Intent

Tribes:

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

On June 18, 2019, ODOE sent Tribal Governments requests for review and comment on the Notice of Intent.

Montague Wind Power Facility Amendment #4 (Gilliam County) [amendment to existing approved facility]

Notice: Preliminary Request for Amendment

Tribes:

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

On March 3, 2018, ODOE received a letter from the Confederated Tribes of the Umatilla Indian Reservation requesting an onsite cultural resource monitor during construction of the facility. On October 8, 2018, the tribe provided the Department with an additional comment that refined the tribe's initial request of requiring a cultural resource monitor be present during construction, to requiring a cultural resource monitor be present for [all] ground disturbing activities.

On July 16, 2019, ODOE received a comment from the Confederated Tribes of the Warm Springs Indian Reservation explaining that the tribe's Tribal Historic Preservation Office has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects. The Project Area of Potential Effects is within the territories and areas of concern for the tribe. The Confederated Tribes of the Warm Springs Indian Reservation indicated that if there were areas within the proposed amended facility location that had not been

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previously surveyed for cultural resources, additional surveys (and potentially other types of identification efforts) must be undertaken.

These comments were considered and addressed in the Department's Draft Proposed Order and by EFSC in its Final Order. In response to Confederated Tribes of the Umatilla Indian Reservation's comments and recommendations, along with additional evidence provided by the certificate holder, the Council amended Condition 50 of the site certificate to minimize potentially significant, adverse impacts to three identified Historic Properties of Religious and Cultural Significance to Indian Tribes.

On August 8, 2019, ODOE received a phone call from the Confederated Tribes of the Umatilla Indian Reservation seeking clarification of eligibility to participate in a Contested Case proceeding on the proposed order.

Obsidian Solar Center (Lake County) [new proposed facility]

Notice: Complete Application for Site Certificate

Tribes:

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

On October 30, 2019, ODOE sent Tribal Governments requests for review and comment on the Complete Application for Site Certificate. ODOE received a comment letter from the Klamath Tribes Tribal Council stating that the Klamath Tribes and the applicant had reached an agreement regarding avoidance, mitigation, and minimization of impacts to cultural and archaeological resources. The applicant included the letter as part of the application.

Perennial Wind Chaser Station (Umatilla County) [amendment to existing approved facility]

Notices: Amendment Request, Draft Proposed Order, Proposed Order

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

The Confederated Tribes of the Umatilla Indian Reservation commented on the record of the draft proposed order and provided evidence that the site boundary has a high potential for buried cultural resources. The tribe requested that a cultural resources monitor be present during ground-disturbing activities. Based upon this information, the Department recommended, and

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EFSC agreed and imposed, a condition requiring that a cultural resources monitor be present during construction to monitor ground-disturbing activities.

Port Westward Generating Project (Columbia County) [amendment existing approved facility – amendment]

Notice: Preliminary Amendment Request, Draft Proposed Order, Proposed Order

Tribes:

- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of Siletz Indians of Oregon
- Confederated Tribes of Warm Springs
- The Chinook Tribe in Washington

During development of the request, the certificate holder (Portland General Electric) sent letters to the Tribal Governments listed to solicit input on the proposal. The certificate holder reported that the Confederated Tribes of the Warm Springs responded that it had no comments but did request additional investigations if there would be significant ground disturbance not described in the request. ODOE sent additional requests to tribes to provide feedback on the proposed Amendment 11.

Shepherds Flat Central Amendment #2 (Gilliam and Morrow Counties) [amendment to existing approved facility]

Notices: Preliminary Amendment Request, Amendment Request, Draft Proposed Order, Proposed Order

Tribes:

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

ODOE sent Tribal Governments a request to provide feedback on the proposed Amendment 2. Neither Tribal Government commented on the record.

Shepherds Flat Central Amendment #3 (Gilliam and Morrow Counties) [amendment to existing approved facility]

Notice: Preliminary Amendment Request

Tribes:

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

ODOE sent Tribal Governments a request to provide feedback on the proposed Amendment 3.

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Shepherds Flat North Amendment #2 (Gilliam County) [amendment to existing approved facility]

Notices: Preliminary Amendment Request, Amendment Request, Draft Proposed Order,
Tribes:

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

ODOE sent Tribal Governments a request to provide feedback on the proposed Amendment 2.

Shepherds Flat South Amendment #2 (Gilliam and Morrow Counties) [amendment to existing approved facility]

Notice: Preliminary Amendment Request

Tribes:

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

ODOE sent Tribal Governments a request to provide feedback on the proposed Amendment 2.

Summit Ridge Wind Farm Amendment #4 (Wasco County) [amendment to existing approved facility]

Notices: Preliminary Amendment Request, Amendment Request, Draft Proposed Order, Proposed Order

Tribes:

- 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 Grand Ronde,
- Confederated Tribes and Bands of Yakama Indian Nation

The Confederated Tribes of the Warm Springs Reservation of Oregon commented on the record of the draft proposed order and confirmed that, based upon previous cultural resource compliance efforts completed by the certificate holder, the tribe had no further comments on the amendment request.

Stateline Wind Project Amendment #5 (Umatilla County) [amendment to existing approved facility]

Notices: Preliminary Amendment Request, Amendment Request, Draft Proposed Order, Proposed Order

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation

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- Confederated Tribes of the Warm Springs Indian Reservation

The Confederated Tribes of the Umatilla Indian Reservation commented on the record of the draft proposed order and reaffirmed its previous recommendation that the certificate holder be required to complete a Traditional Use Survey of the site boundary area and to conduct on-site cultural monitoring during ground-disturbing activities, both of which the certificate holder agreed to complete.

The Confederated Tribes of the Warm Springs Reservation of Oregon commented on the record of the draft proposed order and recommended that cultural surveys be completed; these surveys were completed as part of the amendment request.

Wheatridge Wind Energy Facility Amendment #4 (Morrow County) [amendment to existing approved facility]

Notices: Preliminary Amendment Request, Amendment Request, Draft Proposed Order, Proposed Order

Tribes:

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

The Confederated Tribes of the Umatilla Indian Reservation commented on the record of the draft proposed order and requested that the certificate holder be required to conduct cultural monitoring during wind turbine repowering activities in areas not previously surveyed, which was determined by EFSC not to apply to the amendment request as all areas of disturbance had been previously surveyed and monitored by a Confederated Tribes of the Umatilla Indian Reservation monitor during facility construction.

The Confederated Tribes of the Warm Springs Reservation of Oregon commented on the record of the draft proposed order and recommended that cultural surveys be completed; those surveys were completed as part of the initial application for site certificate.

Jordan Cove Energy Project

The Oregon Department of Energy serves in a lead role for state participation in review of the proposed Jordan Cove Energy Project. In this role, ODOE serves as a clearinghouse for information on the project and facilitates state agency comments. We also facilitate regular 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

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also responsible for overseeing public health and safety planning in the event of a liquefied natural gas (LNG) emergency at the proposed terminal or along a transit route. This work entails reviewing and issuing a decision on the proposed facility's emergency response plans. The Department oversees safety and security activities 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>.

The following is a list of outreach meetings with Tribes regarding the Jordan Cove Energy Project in 2019.

Date: February 2019

Location: Coos Bay

Presentation during the Tribal Emergency Response Planning meeting regarding the status of State agency permits.

Date: March 2019

Location: ODEQ Eugene Office

Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

Date: April 2019

Location: ODEQ Eugene Office

Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

Date: April 2019

Location: Grand Ronde Tribal Council Conference Room

Government-to-Government meeting with Department of State Lands agency directorship, Oregon Fish and Wildlife and Department of Energy staff, and Grand Ronde Tribal Council.

Date: June 2019

Location: ODEQ Eugene Office

Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

Date: September 2019

Location: ODEQ Eugene Office

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Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

Date: December 2019

Location: ODEQ Eugene Office

Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

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PLANNING & INNOVATION, REBATES, AND OUTREACH

The Energy Planning & Innovation Division supports the ODOE 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.

ODOE's Senior Climate Analyst presented the findings of the Fourth National Climate Assessment at the National Tribal Public Health Summit in Albuquerque, NM in May 2019. She presented on the findings based on her prior work as Chapter Lead Author of the Tribes and Indigenous Peoples chapter of Volume II of the Assessment, which was published by the federal government on November 23, 2018. It is a scientific assessment of climate change impacts, risks, and adaptation across the country, including the Pacific Northwest. ODOE's Senior Climate Analyst also participated in events with the National Indian Health Board and the Bureau of Indian Affairs.

ODOE partnered with the State of Washington Department of Commerce on a successful grant application to USDOE, and was awarded a Solar Plus grant. The goal of the partnership is to increase understanding of and access to solar energy in the Pacific Northwest. Grant activities included development of technical workshops, outreach to low- and moderate-income stakeholders, and discussions with varied stakeholders on other activities related to solar development in the region. 2019 is the final year of the three-year grant. Clyde Abrahamson and Steven Tsoodle represented the Spokane Indian Housing Authority at the final Solar Plus all hands meeting in Olympia on October 3, 2019. The purpose of the meeting was to share lessons learned among stakeholder and to develop ideas for continuing collaborative work in 2020. ODOE also won federal grant money to develop and host a series of solar plus battery storage workshops, which provided technical information to utility personnel and community leaders on the opportunities and operation of these systems. The Newport-based workshop was attended by Frank Aspira and Tracey Bailey of the Confederated Tribes of the Siletz Indians.

ODOE, working with the Department of Land Conservation & Development and OSU's Institute for Natural Resources, developed a renewable energy assessment grant application for the Department of Defense Office of Economic Adjustment. As part of this project, ODOE would like to work with Oregon tribes, local governments, state agencies, and stakeholders to assess development opportunities and constraints as they relate to renewable energy development in

2019 GOVERNMENT-TO-GOVERNMENT REPORT

the state and its marine waters. In December 2019, ODOE's Director sent a letter to each tribal chair and staff inviting participation in the project and providing information about the process for cost-reimbursement. The project work will likely begin in February 2020.

ODOE's Senior Policy Analyst and Consumer-Owned Utility Liaison conducted a statewide tour to meet with managers of the 38 consumer-owned utilities that serve Oregon. As part of this tour he met with Brian Boswell, manager of the Umpqua Indian Utility Cooperative in August 2019. The two-hour discussion covered a range of topics, including the challenges facing UIUC when it comes to improving the resilience of its system to catastrophic storms and wildfires, policies affecting the Federal Columbia River Power System, and rapid changes in the energy sector driven by renewable energy and electric vehicles. ODOE's Senior Policy Analyst will continue to follow up with these utilities in 2020 to discuss their interests and look for opportunities for ODOE to help support their work.

In the 2019 legislative session, Oregon passed a new law creating a rebate program for solar electric systems and paired solar and storage systems installed for residential customers and low-income service providers. The program is expected to launch in January 2020. During the implementation process for this new law, ODOE sent an individual request for feedback to each of the nine federally recognized tribes prior to the public feedback process beginning. ODOE has \$2 million allocated for rebates and program administration. Program funds will be used to issue solar and solar storage system rebates, which are paid to the installing contractor of the system. The rebate amount will be passed on to the customer as savings on the net cost of the system. Twenty-five percent of the rebate budget to be reserved for low- and moderate-income households and low-income service providers. Rebates may cover up to 40 percent of the net cost for a residential system installed for a customer that is not considered low- or moderate-income, and up to 60 percent of net cost for a low-income customer or low-income service provider. For residential projects, the maximum rebate is \$5,000 for a solar electric system and \$2,500 for an energy storage system. For low-income service providers, the caps are \$30,000 for solar electric and \$15,000 for an energy storage system.

Three Senior Siting Staff attended Tribal Governments Legislative Day on February 21, 2019 and spoke with representatives from several of the nine federally-recognized tribes. On November 7, 2019, ODOE's leadership team met with the new LCIS Director, Mitch Sparks. Each of ODOE's Divisions – Planning & Innovation, Energy Facility Siting, Nuclear Safety & Emergency Preparedness, Central Services, and Director's Office – shared information about how they work with Oregon's tribes and discussed areas of work that the agency could explore to further improve ODOE's relationships with tribes.

2019 GOVERNMENT-TO-GOVERNMENT REPORT

Along with ODOE's participation in the Natural Resource Work Group and Cultural Resources Cluster meetings during 2019, 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 Associate Director for Strategic Engagement & Development (Tribal Liaison) provided a presentation on the EFSC facility siting process and energy policy topics in Oregon at the 2019 Winter Convention on January 28, 2019.

2019 Training for State Agency Tribal Cultural Items Liaisons – On May 14, the Associate Director for Strategic Engagement & Development (Tribal Liaison) and a Senior Siting Analyst attended a training provided by the Task Force on Oregon Tribal Cultural Items, which included orientation and training on the definition and scope of tribal cultural items.

2019 State/Tribal Summit – The Agency Director and Associate Director for Strategic Engagement & Development (Tribal Liaison) participated in the 2019 Summit at Wildhorse Resort's Rivers Event Center, hosted by the Confederated Tribes of the Umatilla Indian Reservation and facilitated by Governor Kate Brown and her staff on December 3, 2019.

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

ODOE has formed an internal tribal engagement coordination committee 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; and providing resources for agency 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 informational board.

2019 GOVERNMENT-TO-GOVERNMENT REPORT

POLICY ON GOVERNMENT-TO-GOVERNMENT RELATIONS

The ODOE/Tribal Policy on Government-to-Government Relations is attached and made a part of the 2019 Government-to-Government Report.

CONCLUSION

During 2019, 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.

2019 GOVERNMENT-TO-GOVERNMENT REPORT

FOR MORE INFORMATION

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OREGON DEPARTMENT OF ENERGY

Internal Policies and Procedures



Subject: State/Tribal Government to Government Relations

Policy Number: ADM-08

Policy Owner: Director

Effective Date: November 30, 2016

Approved:

[SIGNATURE ON FILE]

Michael Kaplan, 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 Indian 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 Oregon's federally recognized Indian tribes in areas where development and implementation of agency programs may affect tribal lands, activities, or interests.

The Government Relations, Tribal Liaison, is designated as the key agency contact with tribal governments.

ODOE promotes strong government to government relationships at the leadership, manager, and staff levels with Oregon's federally recognized Indian tribes. ODOE will demonstrate its commitment to positive government to government relations with Indian tribes through such practices as follows:

- The ODOE Director, the Government Relations, Tribal Liaison and designated division administrators will meet regularly with each of Oregon's federally recognized tribes 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 tribes.
- ODOE will make a reasonable effort to cooperate with tribes in the development and implementation of agency programs that affect tribes.

- 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 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 tribes will be trained annually on the legal status of tribes, the legal rights of members of tribes and issues of concern of 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.
- Any other identified activity.

History:

Policy Established November 30, 2016.

References:

[ORS 182.162–182.168](#) [ORS 190.110](#)
[Executive Order 96-30](#)

Attachments:

None

Oregon Energy Facility Siting

Project Updates: December 2019

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ENERGY FACILITIES AT A GLANCE

New Energy Facilities – 6 Proposed Facilities

Facility	Phase	Status	Location
Boardman to Hemingway Transmission Line <i>Requires federal and EFSC review/approval</i>	Draft Proposed Order	The Department is reviewing submitted comments, along with Idaho Power’s responses to comments, and will present those to Council at the December meeting.	Morrow, Umatilla, Union, Baker, and Malheur counties
Obsidian Solar Center	Application Submittal	Application deemed complete. Department preparing Draft Proposed Order.	Lake County
Bakeoven Solar Project	Application Submittal	Application deemed complete. Department preparing Draft Proposed Order.	Wasco County
Madras Solar Energy Facility	Notice of Intent	Pending certificate holder submittal of preliminary Application for Site Certificate.	Jefferson County
Nolin Hills Wind Project	Notice of Intent	Pending certificate holder submittal of preliminary Application for Site Certificate.	Umatilla County
Blue Marmot Solar Energy Facility	Notice of Intent	NOI Extended. Issuance of the Project Order pending.	Lake County



Approved Energy Facilities – 7 Proposed Amendments

Facility	Phase	Status	Location
Perennial Wind Chaser Station Amendment #1	Final Order	At the November 21-22, 2019 Council meeting, Council approved the Final Order and granted the first amended site certificate.	Umatilla County
Wheatridge Wind Energy Facility Amendment #4	Final Order	At the November 21-22, 2019 Council meeting, Council approved the Final Order and granted a fourth amended site certificate.	Morrow County
Port Westward Generating Project Amendment #11	Final Order	At the November 21-22, 2019 meeting, Council approved the Final Order and granted the Eleventh Amended Site Certificate.	Columbia County
Eugene to Medford Transmission Line Amendment #4 <i>Requires federal and EFSC review/approval</i>	Amendment Submittal	Certificate holder revising preliminary Request for Amendment in response to Department's request for additional information.	Lane, Douglas, and Jackson Counties (amendment components in Jackson and Josephine Counties and the City of Rogue River)
Shepherds Flat North Amendment #2	Draft Proposed Order	Draft Proposed Order issued November 22, 2019, comment period concludes December 13, 2019.	Gilliam County
Shepherds Flat Central Amendment #3	Amendment Submittal	Amendment request received on October 7, 2019. Department is reviewing for completeness.	Gilliam/Morrow Counties
Shepherds Flat South Amendment #2	Amendment Submittal	Amendment request received on October 7, 2019. Department is reviewing for completeness.	Gilliam/Morrow Counties

Amendment Determination Requests – 0 Requests

Facility	Phase	Status	Location
<i>Type B Review Amendment Determination Requests</i>			
None			
<i>Amendment Determination</i>			
None			

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: Draft Proposed Order

What's New: N/A

Looking Forward: The Council will review the Draft Proposed Order, comments, and responses received on the DPO at the December 19-20, 2019 meeting in Pendleton, Oregon. Following Council's review, the Department will release its Proposed Order.

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: Application Submittal

What's New: Notice of the complete application was issued and published on October 30, 2019. The Department and applicant held a public information meeting in Silverlake on November 14, 2019.

Looking Forward: The Department is preparing the Draft Proposed Order.

Bakeoven Solar Project

Facility Description: Proposed PV solar energy generation facility with a nominal generating capacity of up to 303 megawatts (MW), 100 MW of battery storage, and related or supporting facilities. The proposed facility would occupy up to approximately 4,138 acres within a site boundary encompassing approximately 10,615 acres within Wasco County, near Maupin. The facility is proposed by Bakeoven Solar, LLC, a subsidiary of Avangrid Renewables, LLC.

Phase: Application Submittal

What's New: Notice of the complete application was issued and published on November 5, 2019. The Department and applicant held a public information meeting in Maupin on November 13, 2019.

Looking Forward: The Department is preparing the Draft Proposed Order.

Madras Solar Energy Facility

Facility Description: Proposed Photovoltaic (PV) solar power generation facility occupying approximately 270 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: Notice of Intent

What's New: N/A

Looking Forward: The applicant intends to submit their preliminary Application for Site Certificate (pASC) in early December 2019. The Department and reviewing agencies will then conduct a completeness review.

Nolin Hills Wind Project

Facility Description: Proposed wind energy facility of up to 350 MW peak generating capacity on approximately 45,000 acres proposed by Nolin Hills Wind, LLC, a subsidiary of Capital Power Corporation.

Phase: Notice of Intent

What's New: N/A

Looking Forward: The Department anticipates receipt of the applicant's preliminary Application for Site Certificate in quarter 1 of 2020.

Blue Marmot Solar Energy Facility

Facility Description: Proposed PV solar energy generation facility with a nominal generating capacity of up to 60 MW on approximately 5,170 acres proposed by Blue Marmot Solar Park, LLC, a subsidiary of EDP Renewables North America, LLC.

Phase: Notice of Intent

What's New: On November 11, 2019, the applicant submitted a request for the Council to extend the NOI, and at the November 21-22, 2019 EFSC meeting the Council granted the extension. The NOI expiration date is now January 19, 2021.

Looking Forward: The Department will issue the project order prior to the applicant submitting a preliminary Application for Site Certificate (pASC).

Approved Energy Facilities - Requests for Amendment

Perennial Wind Chaser Station Amendment #1

Facility Description: Approved, but not yet constructed, natural gas facility comprised of up to four turbines with a maximum capacity of 415 megawatts. The certificate holder is Perennial-Wind Chaser LLC, a wholly-owned subsidiary of Perennial Power Holdings, Inc.

Amendment Description: Two-year extension of the construction and completion deadlines.

Review Process: Type A Review

Phase: Final Order

What's New: At the November 21-22, 2019 meeting, Council approved the Proposed Order as the Final Order and granted the first amended site certificate.

Looking Forward: The Final Order is subject to judicial review pursuant to ORS 3469.403 and OAR 345-027-0371(12).

Wheatridge Wind Energy Facility Amendment #4

Facility Description: Approved, but not yet constructed, 500 MW wind energy facility with up to 292 wind turbines, up to 32 miles of 230 kV transmission line, and other related or supporting facilities on approximately 13,097 acres. The certificate holder is Wheatridge Wind Energy, LLC, a wholly-owned

subsidiary of Wheatridge Wind Holdings, LLC, an indirect subsidiary of parent company NextEra Energy Resources, LLC.

Amendment Description: Request for Amendment 4 (RFA4) will expand the site boundary from 13,097 to 14,624 acres, within Morrow County, for construction and operation of a 150 MW photovoltaic solar energy facility components including an electrical collection system, 41 distributed energy storage (battery) sites, collector substation expansion, service roads, and gates.

Review Process: Type A Review

Phase: Final Order

What's New: At the November 21-22, 2019 meeting, Council approved the Proposed Order as the Final Order and granted a fourth amended site certificate.

Looking Forward: The Final Order is subject to judicial review pursuant to ORS 469.403 and OAR 345-027-0371(12).

Port Westward Generating Project Amendment #11

Facility Description: The Port Westward Generating Project is an operating 650-megawatt natural gas electric generating plant consisting of a base-load combine-cycle combustion turbine system which began operation in 2007, and a non-base-load reciprocating combustion engine system which began operation in 2014. The facility is located in Columbia County.

Amendment Description: RFA 11 seeks Council approval to add 4 to 6 megawatts of battery storage to the existing facility, which would be constructed adjacent to the existing switchyard within the energy facility site boundary, and would occupy approximately 100 feet x 90 feet. The certificate holder proposes to construct the battery storage system utilizing either lithium-ion battery or flow battery technologies.

Review Process: Type A Review

Phase: Final Order

What's New: The Council adopted its Final Order on November 22, 2019, approving Request for Amendment 11 and granting the Eleventh Amended Site Certificate.

Looking Forward: The Final Order is subject to judicial review pursuant to ORS 469.403 OAR 345-027-0371(12).

Shepherds Flat North Amendment #2

Facility Description: Operating wind energy facility with 106 wind turbines with a peak generating capacity of 265 megawatts, located within a site boundary comprised of approximately 9,264 acres. The certificate holder is North Hurlburt Wind, LLC, a wholly owned subsidiary of Caithness Energy, LLC.

Amendment Description: The certificate holder submitted a preliminary Request for Amendment 2 that would lower the minimum allowed blade tip clearance from 25 meters to 21.5 meters. The proposed amendment would allow the certificate holder to modify turbine components and install longer turbine blades on the existing towers for wind turbine repowering. The Department notes that the longer turbine blades would also increase the blade-tip height and rotor diameter of the turbines within the parameters allowed by the site certificate.

Review Process: Type B Review. See Amendment Determination Section below for more information.

Phase: Draft Proposed Order

What's New: The Department deemed the Request for Amendment 2 (RFA2) complete on November 21, 2019 and issued the Draft Proposed Order on the Request for Amendment 2 on November 22, 2019, initiating a 21 day public comment period which will conclude on December 13, 2019.

Looking Forward: The Department anticipates issuing the Proposed Order on Request for Amendment 2 shortly after the conclusion of the public comment period, with Council review of the Proposed Order at its December 19-20, 2019 meeting.

Shepherds Flat Central Amendment #3

Facility Description: Operating wind energy facility with 116 wind turbines with a peak generating capacity of 290 megawatts, located within a site boundary comprised of approximately 11,769 acres. The certificate holder is South Hurlburt Wind, LLC, a wholly owned subsidiary of Caithness Energy, LLC.

Amendment Description: The certificate holder submitted a preliminary Request for Amendment 3 that would lower the minimum allowed blade tip clearance from 25 meters to 21.5 meters. The proposed amendment would allow the certificate holder to modify turbine components and install longer turbine blades on the existing towers for wind turbine repowering. The Department notes that the longer turbine blades would also increase the blade-tip height and rotor diameter of the turbines within the parameters allowed by the site certificate. For context, at the October 25, 2019 EFSC meeting, Council reviewed and approved an amendment (RFA2) to Shepherds Flat Central to allow the same change (i.e., a repowering project, and amending the site certificate to reduce minimum aboveground clearance) for two specific wind turbines. The current request seeks Council approval to make the same modifications to the remaining 114 wind turbines at the facility.

Review Process: Type B Review. See Amendment Determination Section below for more information.

Phase: Amendment Submittal

What's New: N/A

Looking Forward: The Department expects to issue a determination of completeness in December 2019.

Shepherds Flat South Amendment #2

Facility Description: Operating wind energy facility with 116 wind turbines with a peak generating capacity of 290 megawatts, located within a site boundary comprised of approximately 15,298 acres. The certificate holder is Horseshoe Bend Wind, LLC, a wholly owned subsidiary of Caithness Energy, LLC.

Amendment Description: The certificate holder submitted a preliminary Request for Amendment 2 that would lower the minimum allowed blade tip clearance from 25 meters to 21.5 meters. The proposed amendment would allow the certificate holder to modify turbine components and install longer turbine blades on the existing towers for wind turbine repowering. The Department notes that the longer turbine blades would also increase the blade-tip height and rotor diameter of the turbines within the parameters allowed by the site certificate.

Review Process: Type B Review. See Amendment Determination Section below for more information.

Phase: Completeness review

What's New: N/A

Looking Forward: The Department expects to issue a determination of completeness in December 2019.

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: RFA4 includes the following primary components: 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 Review

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.

Amendment Determination Requests

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

None

ACTIVE FEDERAL ENERGY FACILITY PROJECTS

Click on the project name for more information.

Jordan Cove Energy Project/Pacific Connector Gas Pipeline

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

What's New: On November 15, 2019 the Federal Energy Regulatory Commission issued a notice of availability of its Final Environmental Impact Statement. The notice initiates a 90 day public review period. The notice also describes how the USFS and BLM would utilize the Final EIS in evaluating proposed amendments to their land management plans, which would be required for the agencies to grant Right-of-Way through their respective jurisdictional lands.

Looking Forward: The anticipated issuance of the FERC's Final Order is no later than February 13, 2020.

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: N/A

Looking Forward: Department of Interior has yet to issue the BLM Right-of-Way authorization.

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: October 17, 2019 the Federal Energy Regulatory Commission accepted the preliminary permit application of Owyhee Energy Storage, LLC.

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

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

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.

2019 Amendment Rulemaking:

Description: On August 22, 2019, the Energy Facility Siting Council adopted temporary administrative rules that govern the process for amending an energy facility site certificate. The temporary rules replace rules in OAR [345-015](#), [345-025](#), and [345-027](#) approved by the Council in October 2017. The Council also initiated permanent rulemaking to adopt permanent rules for site certificate amendments. The Council approved proposed rules at its October 25, 2019 meeting and authorized staff to file a Notice of Proposed Rulemaking with the Oregon Secretary of State. The Notice, including the Statements of Need and Fiscal Impact and the Proposed Rules, are available on the [Council rulemaking website](#).

What's New: The Council held a hearing on the proposed rules at its November 21-22, 2019 meeting. The Council also extended the public comment period on the proposed rule changes. All written comments must now be received by December 18, 2019 at 5:00 p.m. to be considered. Written comments may be provided by email to EFSC.rulemaking@oregon.gov, or by U.S. mail, hand delivery, or fax to:

EFSC Rules Coordinator
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301
Fax: 503-373-7806

Looking Forward: Following the close of the public comment period, the Council will consider all written and oral comments received on the rulemaking record. Council will begin review of the



comments and deliberation at its December 19-20 meeting in Pendleton and expects to make a final decision on adoption of the proposed permanent rules at its January meeting.

Solar PV Rulemaking

Description: In 2018, Council directed staff to evaluate whether rulemaking was needed to address issues related to solar photovoltaic power generation facilities. The rulemaking project is evaluating two issues: (1) what factors could be analyzed when determining what constitutes a “solar photovoltaic power generation facility,” as that term is used in the definition of “energy facility” under ORS 469.300(11), and whether administrative rules would improve the clarity, consistency, and predictability of solar facility permitting jurisdiction; and (2) if there are issues unique to solar PV facilities that require development of specific siting standards, similar to standards that govern wind facilities, fossil-fueled facilities, transmission lines, and pipelines.

What’s New: N/A

Looking Forward: The department is currently reviewing input provided by RAC members and other evidence to prepare its recommendation to Council. The department will provide an update to RAC members on the status of the rulemaking in the coming months. If the department intends to recommend proposed rule changes, it will schedule an additional RAC meeting to discuss draft rule language prior to its consideration by Council.

Compliance Rulemaking

Description: The compliance project will consider administrative and other updates to OAR 345-026-0005 to 345-026-0170 and related rules to provide better support to ongoing compliance activities. At its June 29, 2018 EFSC meeting, the Council appointed a Rulemaking Advisory Committee (RAC) representing diverse interests and approved the purpose and scope of the RAC.

What’s new: Council approved a revised scope for this project as part of the 2020-2022 Rulemaking Schedule approved at the November 21-22, 2019 meeting in The Dalles. The updated scope limits this rulemaking to changes associated with OAR 345-026. Issues related to Geospatial Resources and Research Reactors were moved to new projects.

Looking Forward: Staff will reach out to the appointed RAC members in the coming months.

COMPLIANCE

Inspections: The compliance officer will conduct the following inspections: 5 annual site inspections in conjunction with the review of annual reports as noted below.

Review of Annual Reports: Columbia Ethanol Project; Carty Generating Station; Port Westward Generating Project, Unit 1 and Unit 2; Hermiston Generating Project; and Hermiston Power Project.

Review of Construction Reports: The Department anticipates the start of construction for the Golden Hills Wind Project in early January 2020.

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 April the total amount of Site Certificate bonds and letters of

credit managed by the Department is \$135,227,580. 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 19-20, Pendleton, OR. Anticipated agenda items include: 1) Boardman to Hemingway - Council's review of the Draft Proposed Order and all submitted public comments and responses by Idaho Power; 2) Shepherds Flat North Amendment #2 - Council's review of the Proposed Order and possible final decision; and 3) Amendment Rules Permanent Rulemaking - Council will bring their review of the draft rules and submitted comments.

2020 Meeting Dates: The following dates may be changed to ensure a quorum and will be released if not needed:

January 23-24	May 21-22	September 24-25
February 20-21	June 25-26	October 22-23
March 12-13	July 23-24	November 19-20
April 23-24	August 20-21	December 17-18

These 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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