



Oregon

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Written Comments on the Oregon Department of Energy's Report on Siting and Permitting Large-Scale Electricity Infrastructure

On September 28, 2026, the Oregon Department of Energy published the *Report on Siting and Permitting Large-Scale Electricity Infrastructure*. ODOE incorporated feedback from several opportunities for public comment to inform this report. These opportunities included:

- An initial request for feedback, as well as on ODOE's [Report on Reducing Barriers to Clean Energy Deployment](#), which had a comment period through March 20, 2026.
- Request for comments on the draft *Report on Siting and Permitting Large Scale Infrastructure*, which had a comment period through July 24, 2026.
- Feedback received in public meetings, including a [June 26, 2026 Energy Facility Siting Council Meeting](#) and a [March 3, 2026 listening session](#).

Additionally, ODOE considered comments relevant to this report from the comment period held through July 2, 2026 on the draft *Report on Reducing Barriers to Clean Energy Deployment*.

This document includes all of the public written comments ODOE received.

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EO 25-29 Reports Listening Session Notes

March 3, 2026 | 1:00pm – 2:00

Meeting Summary

ODOE presented briefly on the Reports on Siting and Permitting Large-Scale Electricity Infrastructure and on Reducing Barriers to Clean Energy Deployment and listened to public comments and input from attendees. ODOE explained that the written comment period is open until March 20 and ODOE will be accepting input through <https://odoedev.powerappsportals.us/en-US/EO-Public-Comment/>.

Listening Session Notes

- Joni Sliger (ODOE) introduced the call, explaining that ODOE is holding listening sessions in conjunction with a public comment period open through Friday, March 20, 2026. Joni explained that the purpose of the call would be to listen to public input and introduced ODOE and the WebEx platform.
- Joni introduced the Reports on Siting and Permitting Large-Scale Electricity Infrastructure and on Reducing Barriers to Clean Energy Deployment as workstreams initiated via Executive Order 25-29, with the latter report due September 1, 2026.
- Hugh Arceneaux (ODOE) explained that the present work stream entails subjects that overlap in areas considered in the Energy Strategy; Hugh explained that ODOE is working to track comments across forums and provided a brief summary of Energy Strategy input relevant to the report topics being discussed today.
- Joni presented on the expected scope of the Reports on Siting and Permitting Large-Scale Electricity Infrastructure and on Reducing Barriers to Clean Energy Deployment, saying the reports will focus on facilities that are of the type and size to be subject to EFSC's review, and facilities that use commercially available technologies like solar, onshore wind, and short-term battery storage. Neither report is expected to focus on small-scale projects, or emerging technologies, or transmission corridors.
- Joni summarized the questions provided in the comment portal; Jessica Reichers (ODOE) reviewed guidelines for public comment and opened the call for attendees.

Public Comments

- **Katie Chamberlain, RNW:** Regulatory manager with RNW,
- introduces RNW organization. Says RNW was deeply engaged with Strategy development and coordinates with the Governor to facilitate energy infrastructure development to further HB 2021 goals. Notes difficulty to site, permit, and interconnect projects as a barrier to meeting reliability and HB 2021 targets; also, economic, air quality, and resilience impacts. RNW is working with their members to identify specific pain points and plans to submit detailed comments on March 20th.
- Katie expands: RNW appreciates standards-based nature of EFSC process and its thorough, predictable nature. However, process poses challenges. First, EFSC review can take several years to complete; RNW appreciates review of site certificate amendment process and would like further review of when amendment is required. Additionally, ODOE has a role in interpreting Oregon's land use system. As Oregon looks to maximize Tx system,

it would be great to have a centralized review home for projects that cross jurisdictions. Would be great for EFSC to take a role in centralizing these projects with system-wide benefits.

- **Max Yoklic, NewSun Energy**
- Says they mostly work with county-level permitting. He expresses hope that ODOE will work with DLCD to continue analyzing where there are opportunities to site facilities in relationship to goal 3 exception on agricultural land. Says that's a primary development restriction in Oregon, says DLCD held a long rulemaking process to update these rules over last few years but that rule has an opt-out process for counties; and that a larger number of counties with large numbers of facilities in development have opted out. Idea was that facilities could avoid certain processes if they undertook specific actions. Think this is slightly outside of ODOE's lane, but as part of a Statewide Strategy, it's important for ODOE to coordinate with DLCD to review this area. In particular, notes viticulture lands not being used as such. Additionally, classifications of land based on soil classification rather than actual usage are a barrier; maybe Oregon should accept new, on-the-ground tests of soil to rebut GIS-labeled territories. Also, regarding ODFW wildlife protections; says migratory territories need to be reflected and updated in ORESA. Says there's vagueness in ODFW sage grouse rules and that implementation of these rules with respect to buffers for low-density habitat could benefit from cross-agency coordination to identify lower-conflict sites. So, cross-agency engagement would be helpful for assisting developers in assessing least-conflict areas
- **Sarah Buchwalter, PGE**
- Apologies I joined a bit late. One clarifying question - the comments you are requesting by March 20 will inform both the Clean Energy Deployment and Large-Scale Electricity Infrastructure Reports?
 - Joni: Yes; there is a combined comment portal, comments submitted will be considered for both reports.

Closing

- ODOE held the call open for the remainder of the duration. **Final appreciation and adjournment at 2 p.m.**

CREA's Answers to Some of the Questions

"Comments received will be publicly shared and will be used to inform one or both reports. ODOE encourages commenters to be as specific as possible in identifying concerns and recommendations. ODOE has drafted questions for commenters to consider. You are not required to answer every question;"

1. Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

The Community Renewable Energy Association (CREA) is an ORS 190 intergovernmental association, with both Oregon local government elected leaders and renewable energy developers on its board of directors. Members include counties, irrigation districts, councils of government, renewable energy project developers, for-profit businesses and non-profit organizations. CREA supports business and local economic opportunities through renewable energy development in a competitive environment. Our organization looks at energy policy from two angles – those of the developers and those of the local governments.

ODQE has published [A Public Guide to Energy Facility Siting in Oregon](#) that describes the major steps of the Energy Facility Siting Council's [review process](#). The information in that Public Guide may aid in answering Questions 2 through 10.

2. Before applying to EFSC, a project developer can undertake preliminary activities and begin public engagement. This time period before a developer comes to EFSC is referred to as Pre-Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this time period?
3. The first step in EFSC's review process is the Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?
4. The second step in EFSC's review process is the Project Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?
5. The third step in EFSC's review process is the Application. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?
6. The fourth step in EFSC's review process is the Draft Proposed Order. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?
7. The fifth step in EFSC's review process is the Proposed Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

8. The sixth step in EFSC's review process is the Contested Case. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

9. The seventh and final step in EFSC's review process is the Final Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

10. Additional steps may occur after the Final Order if a site certificate is appealed or if a project needs to pursue an amendment. What barriers to project amendments or to public participation during the amendment process, if any, have you experienced or witnessed after the issuance of a Final Order?

11. If you have worked on a project that received a Final Order from the Energy Facility Siting Council but has been delayed or prevented from proceeding with project development, please describe the delays the project faced.

12. Have you experienced or witnessed any barriers to public participation regarding large-scale energy infrastructure that are not described in a prior response?

13. Have you experienced or witnessed any barriers to permitting large-scale energy infrastructure that are not described in a prior response?

Overall, we hear the barriers are length of time to go through the permitting process and the cost to get the permit. Those have been consistently the concerns we hear in discussions. Reducing those two pieces would be encouraged, since it is helpful for developers.

14. Have you experienced or witnessed any administrative barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.

15. Have you experienced or witnessed any market-driven barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.

Insufficient high voltage transmission capacity - incumbent utilities are understandably reluctant to expose ratepayers to the risks of developing inter-regional high voltage transmission, which is necessary to connect new, diverse energy sources. Such projects are high-cost, high-risk endeavors that, if unsuccessful, can lead to including the cost of development costs and stranded assets in rates.

16. Have you experienced or witnessed any administrative barriers to construction of large-scale energy infrastructure that are not described in a prior response? Please note and describe if you see the barrier as arising specifically from a state administrative process.

Yes. Land use siting remains a huge barrier, especially for solar projects, even when being sited in rural areas in Eastern Oregon.

The EFSC process, as it applies to high voltage transmission project applicants, is designed for traditional utilities, rather than independent transmission developers. Independents, for example, construct projects on a cost-competitive EPC basis, therefore certain details required in the EFSC process, such as how many truckloads of dirt will be required, amount of concrete to be used, and where spoils will be disposed of, will be finalized by the bid-winning EPC provider. These cost and supply risks are taken by the EPC contractor and independent developer. A utility applicant that is performing detailed engineering internally, as many utilities do, or through established contracts is more likely be able to provide such details far in advance and the cost and supply risks borne by the utility and its ratepayers.

Under the recently passed HB 4076 CREA believes county permitted projects that are applying to EFSC for an expanded or new permit and are within 2 miles of surplus interconnection, will be unnecessarily treated differently than any already EFSC-permitted facilities looking to expand their facilities at EFSC.

17. Have you experienced or witnessed any market-driven barriers to construction of large-scale energy infrastructure that are not described in a prior response? ODOE anticipates that market-driven barriers to construction may arise from national or international markets, such as the cost and availability of needed equipment, or from state or local markets, such as local workforce availability.

Solar and wind are clean energy options we can produce in our state today, with many benefits – supplemental funds for landowners, increased taxes and benefit agreements, jobs, and resiliency from home-grown power. Solar remains the cheapest energy source, yet the Federal government seems determined to bring back more coal and oil, which will not help Oregonians or the energy industry here. CREA would prefer to see more investment and consideration of innovative clean technologies, like off-shore wind or hydrogen production and transport.

18. Do you have any recommendations for the State of Oregon to address the barriers you have described?

Expedite the permitting review of new high voltage transmission infrastructure applications, including applications submitted by independent transmission developers, particularly those with a successful history of developing, financing, constructing and operating major transmission facilities in other regions of the U.S.

19. Do you have any other comments to share?

We believe that EFSC's review and approval process is capable of accommodating applications for innovative or non-traditional ways to develop transmission facilities while still fulfilling its responsibilities in serving public and ratepayer interest.

We look forward to further opportunities to weigh in.



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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Via Comment Portal: <https://odoe.powerappsportals.us/en-US/EO-Public-Comment/>

March 20, 2026

Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: Comments on EO25-29 - Barriers to Large-Scale Renewable Energy Projects Study and Siting and Permitting Large-Scale Electricity Infrastructure Study

The Columbia River Inter-Tribal Fish Commission (“CRITFC”) appreciates the opportunity to provide comments on the Oregon Department of Energy’s efforts to implement the Oregon Energy Strategy (OES) and Executive Order 25-29, and specifically, on this request for comments regarding reports on Reducing Barriers to Clean Energy Deployment (Reducing Barriers Report) and on Siting and Permitting Large-Scale Electricity Infrastructure (EFSC Process Report).

CRITFC was formed in 1977 by the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation), the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation (Umatilla), and the Confederated Tribes of the Warm Springs Reservation of Oregon (Warm Springs). CRITFC supports Oregon’s climate and decarbonization goals and recognizes the urgency of the clean energy transition, reflected in the Governor’s EO directives and call for these reports. At the same time, CRITFC’s Energy Vision for the Columbia River Basin emphasizes that changes to the energy system can create new impacts to natural resources and tribal communities and development should be guided to protect treaty-reserved resources, First Foods, and Columbia River ecosystems.¹ Oregon’s choices for implementing the OES will shape long-term outcomes and must be approached with careful planning, coordination, and early tribal engagement.

For this discussion of barriers and process improvements, we write to emphasize the importance of maintaining consideration for equally important measures of the OES, including its broader goals, shared regional values, and its recognition of the need for early and meaningful consultation and coordination with tribal sovereigns. Our comments are therefore intended to identify areas that need greater consideration during review and report development.

Tribal Consultation and Involvement Must Not Be Diminished

Successful implementation of the OES and the Governor's Executive Orders will require tribal engagement in all planning stages, not solely during later siting or mitigation processes. Engaging tribes early supports durable decisions and helps to align accelerated clean energy development with the State's tribal consultation goals and long-term ecosystem protection. Early engagement of all interested tribes is essential to ensure that decisions regarding procurement, transmission expansion, and interconnection reform appropriately account for tribal priorities, treaty-protected resources, and energy impacts that extend across jurisdictions, such as those impacting the Columbia River hydropower system.

True government-to-government relations must acknowledge that tribal sovereigns have their own unique decision-making processes. The ODOE sponsored Reducing Barriers and EFSC Process Reports should include an evaluation of how involving tribes early and substantially may help reduce barriers and process times. This should include evaluation of capacity restraints within the tribes and how addressing such could both improve timelines and prospective outcomes and OSES goals.

Likewise, the ODOE Reports should assume meaningful tribal consultation and involvement as a baseline for required processes. Early and meaningful engagement with tribes cannot be streamlined, reduced, or "check-boxed." As noted in the OES, "consultation processes are inconsistent across agencies and often do not meet Tribes' expectations or legal requirements." (OES page 43). Rather than simply streamlining, the strategy should focus on efficiency that can result from early tribal engagement, alignment of decision-making protocols, and ongoing consultation. The OES calls for the development of "standardized consultation procedures that reflect each tribes' unique protocols, establishes clear timelines, and protects sensitive information." As the state works to develop these tribal consultation procedures, it must include substantive opportunities for tribal input at a pre-decisional stage, including how tribal visions and priorities may shape related OES implementation strategies and not preclude options through reports and recommendations that do not leave space for adequate implementation. ODOE must provide adequate instruction to ensure that the Reducing Barriers and EFSC Process Reports do not diminish the opportunity for development of full and necessary tribal consultation and engagement processes.

Along a similar vein, efforts to expedite siting and permitting should also maintain meaningful public participation and be contingent on clear public benefits. The reports should evaluate potential project benefits and design streamlining incentives to benefit projects that demonstrate robust tribal and community engagement.

Tribal Consultation and Involvement Requirements Extend Beyond the Nine Tribes Identified in the Oregon Energy Strategy

While two of the CRITFC member tribes have reservations in Oregon (Umatilla and Warm Springs), and two have their primary reservation outside of Oregon (the Yakama Nation in Washington and the Nez Perce Tribe in Idaho), each of these tribes have treaty-reserved rights, sovereign authority, and historical territories that extend into Oregon. These rights do not end at state boundaries. Indeed, the Nez Perce Tribe owns and manages substantial areas of land within their homeland that lies within the current borders of Oregon for fish, wildlife, and cultural resources. Omitting them reflects a colonial framework that limits engagement to the nine federally recognized tribes with reservations in Oregon. Tribal engagement must therefore move beyond consultation to partnership, ensuring that all affected tribes have the resources, capacity, and decision-making power to shape energy planning and implementation. The Reducing Barriers and EFSC Process Reports should acknowledge that there is interest, legal rights, and need for consultation and involvement of tribes with not only reservations, but tribes with reserved treaty rights within Oregon as well. Again, involving all tribes with reserved rights in early and meaningful review and permitting processes will actually help set shared expectations for timelines that can help avoid delays further down the line.

Ensure That Finding Efficiencies for Large-Scale Electrical Infrastructure Does Not Overshadow Analysis of Need and Broader Regional Energy Planning

CRITFC is well-aware of the growing energy demand and daunting load forecast the region is facing. While we understand that large-scale generation and additional transmission will be necessary to some extent to meet this demand, we are concerned that efforts to streamline this build-out may eclipse the consideration of more distributed and small-scale energy projects that build affordability, resiliency, and equity without damaging the landscape and its resources. CRITFC's Energy Vision provides recommendations for such an approach at a holistic, region-wide scale, calling for maximizing energy efficiency, distributed storage and demand-side resources, improving load management and reducing peak loads to address energy needs, while strategically siting new renewable resources to minimize transmission and generation impacts while ensuring resource adequacy. The Oregon Energy Strategy echoed many of these themes and recommendations; the reports must be cognizant and reflective of these broader regional strategies.

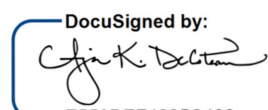
Additional Recommendations:

In addition to the above, we support the following recommendations which are discussed in more detail in comments submitted by several environmental justice, climate, and labor advocate organizations:

- Clarifying what streamlining actions ODOE can take under existing authority vs. what may require legislative changes.
- Improving transparency around permitting.
- Strengthening coordination across state and local agencies to reduce fragmented and inconsistent permitting requirements.
- Evaluating whether ODOE has sufficient staffing and resources to implement faster review timelines.

Again, we appreciate the opportunity to provide this feedback for your Reducing Barriers and EFSC Processes Reports. If you have any questions, please contact Christine Golightly at golc@critfc.org.

Sincerely,

DocuSigned by:

E550DEF4225C438...
Aja K. DeCoteau
Executive Director

Elvina Contla

PUBLIC COMMENT: Opposition to Fast-Tracking Large-Scale Energy Projects under EO 25-29

March 8, 2026

Dear Oregon Department of Energy and Todd Cornett,

I am writing to you as a resident of Klamath County to formally submit my public comment regarding the implementation of Executive Order 25-29 and the Report on Siting and Permitting Large-Scale Electricity Infrastructure.

I strongly oppose any efforts by the Energy Facility Siting Council (EFSC) to "streamline" or "increase the efficiency" of permitting processes if it comes at the expense of local community input, local zoning authority, and the preservation of our rural landscape.

When we purchased our homes and acreage in rural Oregon, we entered into an implicit agreement. We invested our life savings to raise our families in a peaceful, agricultural, and natural environment. We bought land zoned for farming, forestry, and rural residential living—not industrial energy parks.

Fast-tracking massive wind, solar, and transmission projects fundamentally breaks that agreement. It rezones our lives and our livelihoods without our consent, turning the backyards where we raise our children into industrial extraction zones.

While EO 25-29 mandates finding "efficiencies" in the permitting process, it also explicitly directs ODOE to *"avoid, minimize, and mitigate negative impacts on natural and working lands... and communities."*

* Erosion of Local Authority: "Cutting red tape" cannot mean cutting out local voices. The EFSC must not be used as a tool to override our County Commissioners or bypass local zoning laws. Or changing zoning laws to facilitate these developments. That is a promise broken between neighbors.

- If a project is fast-tracked, **the state is failing its legal mandate to mitigate negative impacts**. True mitigation requires the time necessary for local residents to assess the environmental, economic, and social damages a proposed project will bring to their specific community.
- The current system allows out-of-state developers to harvest our natural resources and export the generated power to urban centers. **Klamath County assumes 100%**

of the risk—degraded landscapes, destroyed property values, and disrupted wildlife—while receiving little to no reduction in our own energy burdens.

We fear becoming a resource colony for the rest of the state. We are deeply concerned that the push for "commercially available technologies" and new transmission lines will carve up our working lands. We fear the destruction of our property values, as families will no longer want to move to a county blanketed in industrial energy infrastructure.

To maintain the "robust, inclusive, and transparent process" promised in your mandate, I urge ODOE to include the following in its final recommendations:

1. **Mandatory Local Veto Power:** Energy projects must secure explicit approval from the local County Commissioners before EFSC can grant a site certificate.
2. **Protection of Working Lands:** Strict prohibitions against siting large-scale energy infrastructure on prime agricultural and timber lands.
3. **Direct Community Benefit:** A legal requirement that developers provide proportional, guaranteed financial and energy-cost benefits directly to the host county—**not just to the state general fund.**

Do not sacrifice rural Oregon to meet urban energy demands. Klamath County is our home, and we expect the state to protect it, not parcel it out to the highest bidder.

Sincerely,

Elvina Contla

Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: EO 25-29 – Joint Comments on Barriers to Large-Scale Renewable Energy Projects Study and Siting and Permitting Large-Scale Electricity Infrastructure Study

On behalf of the undersigned organizations representing environmental justice, climate, consumer, business, and public-interests perspectives across Oregon, we appreciate the hard work of Oregon Department of Energy (ODOE) staff and the opportunity to comment on ODOE's implementation of Governor Kotek's Executive Order 25-29 directives relating to reducing barriers to clean energy deployment and improving siting and permitting of large-scale electricity infrastructure.

We submit these comments from a policy, public-interest, and systems-level perspective. We recognize that some stakeholders, particularly project developers with direct experience navigating state processes, are better positioned to provide granular feedback on specific stages of the EFSC process. Our comments are intended to complement that input by focusing on broader outcomes, values, coordination needs, and public process considerations necessary to accelerate clean energy deployment in Oregon.

We are encouraged by ODOE's outreach efforts to date and recommend that ODOE seek to ensure its engagement includes feedback from a broad range of stakeholders as part of its Executive Order implementation. This should include environmental justice organizations, community-based organizations, Tribal governments, local jurisdictions, rural communities, clean energy developers, and national experts who may have experience with solutions to the challenges Oregon is facing.

As ODOE continues to develop and refine its work plan to implement EO 25-29's directives, we encourage the agency to clearly articulate which of the recommended actions can be implemented utilizing existing agency authority, which require legislative action, and which fall to local governments or other stakeholders. We also strongly urge ODOE to identify clear priority actions for the legislature ahead of the 2027 session.

The recommendations below are intended to inform both ODOE's Report on Reducing Barriers to Clean Energy Deployment and its Report on Siting and Permitting Large-Scale Electricity Infrastructure. At a high level, we encourage ODOE to focus on:

- Improving timeline transparency and procedural predictability;
- Taking a more holistic approach to streamlining, including stronger interagency and local coordination and early-stage planning;

- Clarifying jurisdictional roles and reducing duplicative review processes;
- Strengthening frameworks for meaningful community engagement and local benefits;
- Addressing misalignment between Oregon's land use framework and clean energy goals; and
- Advancing transmission planning and cross-agency coordination.

With this context in mind, the following sections identify key barriers and outline potential opportunities and recommendations for further consideration:

I. Improving EFSC Siting and Permitting Processes

- A. Establish clearer expectations around timelines and procedural predictability.
 - ODOE should evaluate how long the EFSC site certificate and amendment processes currently take across different project types (e.g. solar, wind, storage, transmission) and identify opportunities to reduce lengthy timelines.¹ ODOE should consider opportunities to incorporate efficiencies from the county process into the EFSC process, where appropriate, to expedite renewable energy projects.
 - If not already tracked, average review timelines should be documented and shared publicly. We encourage ODOE to provide clearer information about "baseline" timelines, including estimated time ranges for each stage of review, to improve transparency for both developers and communities and help identify where delays or bottlenecks occur.
- B. Compare Oregon timelines and procedural structure to other jurisdictions (e.g., WA, CA, TX) to identify opportunities for improvement.
- C. Explore opportunities for clearer timelines and sequencing for review steps. In particular, developers have reported process delays from being bumped from one Council meeting to the next because of packed agendas. There should be some level of predictability around when developers and the public can expect a particular item to be heard.
- D. Consider the use of consent agendas at Council meetings to expedite the review of projects and items that are non-controversial or less substantive. This can save significant time, allowing for deeper discussion of key agenda items or for more items to be covered in one meeting. This is common practice at state public utility commissions.

II. Take a holistic approach to streamlining

- A. Streamlining should create a shorter, right-sized permitting process that removes inefficiencies and redundancies, reduces unnecessary delays, and maintains the

¹ Developers we spoke to told us in their experience, it is 6-8 months slower in EFSC than county processes on average. These sorts of metrics should be more transparent and efforts to close this gap should be pursued. For instance, for a solar+storage project, the permitting complexity does not go up by an order of magnitude once the MW threshold reaches EFSC jurisdiction.

integrity of the public process and environmental review. A comprehensive approach may include improvements beyond EFSC procedures alone, such as stronger coordination across agencies and local governments, clear early-stage planning tools and screening processes, better use of existing data and siting criteria to identify likely conflicts earlier, and more structured engagement opportunities.

- ODOE should consider whether some local review layers or permitting steps could be better aligned or consolidated, particularly where overlapping review does not add substantive value.
 - ODOE has put significant resources into an existing siting tool, [Oregon's Renewable Energy Siting Assessment \(ORESAs\)](#), to help identify conflicts and opportunities to renewable energy buildout. Continued maintenance and upgrades to ORESAs could provide additional support to agencies and stakeholders when considering potential conflicts and impacts from renewable energy projects. We encourage ODOE to revisit their [2022 ORESAs Assessment](#) as well as the recent DLCD [Finding Opportunities and Reducing Conflicts in Siting Photovoltaic Solar Power Generation Facilities Final Report](#) for a detailed list of data gaps and tool improvements to consider.
 - If not already a current practice, ODOE should work with local governments and state agencies to compile a comprehensive list of existing planning processes—such as local comprehensive plans, UGB expansion planning, energy resilience plans, etc.—that could support more proactive development pathways.
- B. Streamlining should not be equated with reducing environmental review or limiting public participation. State processes should seek to reduce unnecessary delays while maintaining rigor, transparency, and meaningful engagement. In identifying streamlined review pathways, ODOE should work to balance certainty with flexibility. Clear and objective measures ensure greater compliance and could reduce costs, but decrease flexibility. Allowing more discretionary mitigation measures allows for more creative thinking and design, but are subject to opposition and increased timelines.
- ODOE could explore opportunities to create a “one-stop shop” type of approach for navigating local ordinances, state requirements, and siting pathways to reduce confusion and delay without weakening protections or public participation.
- C. ODOE should consider potential pathways to streamline approval of projects that demonstrate strong community and/or tribal engagement and benefits to incentivize and fast-track these projects.

- Evaluate whether rulemaking could establish clear criteria for more predictable review of projects that provide meaningful local benefits.
- For larger scale-projects, community benefit agreements (CBAs) and tribal benefit agreements (TBAs) have become a lot more common. There is currently no standardized or transparent definition of what constitutes sufficient or effective community engagement for large-scale energy projects. ODOE should examine how to better define standards or criteria that recognize meaningful community and/or tribal benefits and engagement in a way that remains flexible enough to reflect local and tribal context. This could include identifying principles or examples of effective engagement and benefit structures, rather than creating a rigid one-size-fits-all model. ODOE could also include examples in Oregon or other states where proactive engagement and locally responsive benefits helped reduce opposition and improved predictability.
- Evaluate lessons learned from successful Oregon projects where early community and/or tribal engagement reduced opposition and improved likelihood of project approval.²
- ODOE should include any potential streamlining pathways for projects that meet clearly defined expectations related to environmental mitigation and meaningful community and/or tribal engagement in the “one-stop-shop” model suggested above in section B.³

III. Align Land Use and Clean Energy Policy

- A. Oregon’s land use framework is not fully aligned with state clean energy deployment goals. Most renewable energy projects permitted through EFSC require a “Goal 3 exception.” Under Oregon’s land use planning system, Goal 3 supports the protection of the state’s farmland and requires local jurisdictions to impose restrictions on development on farmland. To obtain a Goal 3 exception,

² The Sunstone Solar project proposed by Pine Gate Renewables is an example of successful community engagement and creative thinking to demonstrate qualifying for a Goal 3 exception. The developer talked with the Soil and Water Conservation District and agreed it needed to invest in the agriculture economy to offset the land the project would take out. Using EcoNW, the developer calculated the cost per acre that would be repurposed from agricultural to solar uses and agreed to create an investment fund. Approximately thirty impacted stakeholders filed comments in support, including the Soil and Conservation District and nearby cities. Agenda Item A: Sunstone Solar Project DPO Public Hearing Attachment 2: Comments received as of August 15, 2024, <https://www.oregon.gov/energy/facilities-safety/facilities/Council%20Meetings/2024-08-22.23-EFSC-Item-A-Sunstone-DPO-Hearing-Staff-Report-Att2-Public-Comments-2024-08-15.pdf>.

³ For example: In 2019, New York created an Office of Renewable Energy Siting through the 2020 Accelerated Renewable Energy Growth and Community Benefit Act, which created uniform standards and issues a single permit for renewable energy projects 25 MW and above. Applicants are required to submit environmental studies and meet strong conservation standards for resources such as wetlands, sensitive habitats, and sensitive architectural areas. The law also requires project sponsors to meet with impacted communities before submitting a project application. To help ensure equitable access to these meetings, the Act created an “intervenor fund” to support participation by community groups and other third parties in the siting process. See: <https://dps.ny.gov/ores-overview>

developers have to provide “reasons” that justify such an exception to Oregon’s land use planning goals. Over time the criteria for justifying a Goal 3 exception have become increasingly narrow for siting large scale solar. For example, EFSC has historically considered local economic benefits broadly as a suitable justification, but more recently has required benefits specifically to the local agricultural economy. Moreover, developers cannot point to policies like HB 2021 or the statewide RPS as “reasons” that justify an exception to Goal 3. This creates a major barrier to deploying clean energy resources at the scale needed to meet state climate and clean energy laws and represents a fundamental misalignment between Oregon’s land use policies and energy policies.

- B. Projects that contribute to compliance with statewide policy, such as the RPS, HB 2021, the Oregon Energy Strategy, and active executive orders, should be able to point to those laws, studies, and directives as part of the justification for siting decisions. ODOE’s reports could examine whether there are opportunities for the Governor or EFSC to address this and provide clearer direction on how statewide clean energy policy should be considered in EFSC’s site certificate process, in addition to identifying areas where legislative changes may ultimately be needed.

IV. Strengthen transmission planning and coordination

- A. Identify opportunities for improved cross-agency coordination or clearer guidance for stakeholders considering the complexities of the BPA transmission system and interconnection process. (e.g. how do identified EFSC barriers tie into land use barriers and transmission planning, so that recommendations are not siloed?)
- B. ODOE should examine where transmission development timelines are influenced by decision-making processes outside of state jurisdiction and help clarify which barriers may require regional or federal coordination in addition to state process improvements.
- C. Identify transmission considerations within EFSC
 - As ODOE (in coordination with the PUC), implements the EO directive to develop a framework for identifying transmission corridors, EFSC should consider establishing a parallel pathway within its permitting process to expedite the review of projects located within those designated corridors. Similar approaches have been explored in the past, including legislative proposals to identify transmission lines of statewide significance that could move through an expedited EFSC process. Creating clearer permitting frameworks similar to this could help improve timelines. In developing this framework, ODOE should clearly outline how it plans to coordinate with the PUC and BPA, given BPA’s central role in regional transmission planning and interconnection.

- D. ODOE should evaluate options to strengthen state-federal coordination on transmission and interconnection where feasible within existing agency capacity and resources. This could include exploring the creation of an internal dedicated office or staff position to serve as a state-federal liaison, especially around transmission. The office or staff person could coordinate with federal agencies through the permitting process, and through the interconnection process. If ODOE determines that such coordination approaches are not feasible within current capacity, they should address this in their analysis (discussed further in Section V).
- There are several state examples of proactive planning and streamlined permitting for designated areas:
 - a) In 2009, Maine adopted the Wind Energy Act to encourage wind development and reduce conflict by expediting deployment in areas with compatible patterns of development and resource values on a landscape level. The Act specifies that the expedited permitting process is not meant to “diminish the importance of addressing as appropriate site-specific impacts on natural values, including, but not limited to, wildlife, wildlife habitats and other ecological values”, but to designate expedited permitting areas.⁴
 - b) In 2025, Ohio adopted HB 15, which designated priority investment areas for renewable energy development, with an accelerated siting process and tax exemption.⁵

V. Staffing and implementation capacity considerations

- A. State agencies involved in siting and permitting may face staffing constraints that affect review timelines. Additional capacity or process improvements may be necessary to support accelerated clean energy deployment goals. Recognizing fiscal constraints, ODOE’s analysis should help clarify what is feasible within existing agency authority and resources, what may require additional legislative direction or funding, and identify targeted capacity investments or procedural reforms that would have the greatest impact.
- B. ODOE could also consider exploring opportunities to strengthen decision-making capacity within EFSC, such as technical training opportunities for Council members, and/or evaluating whether the current volunteer structure is adequately supported to address increasingly complex siting decisions.

⁴ Maine Land Use Regulation Commission, *Guidelines for the Review of Petitions for the Addition of Lands to the Expedited Permitting Area for Wind Energy Development* (adopted Mar. 3, 2010; revised Apr. 6, 2011), https://www11.maine.gov/dacf/lupc/laws_rules/guidance_documents/WindExpeditedAreaExpansion-Guidance_2011.pdf

⁵ Ohio General Assembly, H.B. 15, 136th Gen. Assemb. (2025), https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/hb15/05_EN/pdf/

VI. Conclusion

Accelerating clean energy deployment is a core infrastructure and economic priority for Oregon. Efficient, transparent, and predictable siting and permitting processes are essential to achieving statewide goals related to reliability, affordability, resilience, and workforce and economic development. Clear and predictable processes will also help attract investment and ensure Oregon remains competitive in the transition to a clean energy economy.

Respectfully submitted this 20th day of March 2026,

/s/ Alma Pinto

Oregon Clean Energy Policy Manager
Climate Solutions

/s/ Lauren Link

Oregon State Policy Advisor
The Nature Conservancy

/s/ Ben Brint

Senior Climate Program Director
Oregon Environmental Council

/s/ Carra Sahler

Director and Staff Attorney
Green Energy Institute at Lewis & Clark Law School

/s/ Kelly Campbell

Policy Director
Columbia Riverkeeper

/s/ Katie Chamberlain

Regulatory Manager
Renewable Northwest

/s/ Tim Miller

Director
Oregon Business for Climate

/s/ Stuart Liebowitz

Facilitator

Douglas County Global Warming Coalition



March 20, 2026

Via Electronic Filing

Oregon Department of Energy
Attn: Joni Sliger
550 Capitol St. NE
Salem, OR 97301

RE: NewSun Energy's Comments on EO 25-29 – Barriers to Large-Scale Renewable Energy Projects Study and Siting and Permitting Large-Scale Electricity Infrastructure Study

Dear Oregon Department of Energy:

NewSun Energy (“**NewSun**”) appreciates the opportunity to comment on the Oregon Department of Energy report on Reducing Barriers to Clean Energy Deployment, and Siting and Permitting Large-Scale Electricity Infrastructure (the “**Report**”). Executive Order 25-29 (the “**EO**”) fundamentally directs ODOE to “Get Clean Energy Projects Built” by overcoming barriers to streamlined permitting, siting, and interconnection processes, among many other goals.

NewSun is a utility-scale renewable energy development and investment company headquartered in Bend, Oregon. NewSun has extensive experience in siting, permitting, interconnecting, financing, constructing, and operating clean energy projects in Oregon. NewSun also has a long history of involvement with Oregon state and federal agencies to support laws, policies, and regulations that advance renewable energy, including in proceedings before the Bonneville Power Administration (“**BPA**”), Oregon Public Utility Commission (“**PUC**”), Oregon Department of Land Conservation and Development (“**DLCD**”), and Oregon Department of Energy (“**ODOE**”).

This comment letter is organized to align with the EO and focuses on recommendations ODOE can make to other agencies to further the EO’s goals. We appreciate ODOE’s effort to provide focused questions specifically related to the Energy Facilities Siting Council (“**EFSC**”) process, but chose to format this comment letter more broadly on how specific actions ODOE can take would further specific mandates in the EO. These recommendations include, in part:

- Encouraging the PUC to use the full extent of its authority to strengthen utility compliance with HB 2021, integrated resource planning principles, and competitive bidding rules.
- Working with DLCD to align local land use requirements with state energy objectives to reduce delays and lower project costs, including modernizing Goal 3 regulations.
- Encouraging ODOT to process applications for transmission facilities in the right of way to reduce costs and speed development.

I. Fostering The Transition to a Clean Energy Economy

b. Support Investment in Clean Electricity Infrastructure.

Agencies shall take appropriate actions within their existing authorities to accelerate investment in and deployment of least-cost and least-risk renewable energy resources, energy storage, demand response, and grid infrastructure in order to maintain and expand access to affordable and reliable clean electricity for Oregon ratepayers.

In order to further the state’s goals of affordable and reliable clean energy, the PUC has broad existing authority in many areas of electricity regulation. One area where it has found to have power but has not executed it is in the area of requiring utilities to issue an RFP.¹ The PUC found that its historically broad regulatory authority was enhanced by HB 2021 to give the agency power to carry out “HB 2021’s two-part directive to ensure that an electric company demonstrates continual progress and is taking actions as soon as practicable that facilitate rapid reduction of greenhouse gas emissions at reasonable costs.”² In light of this authority, ODOE should recommend that the PUC begin using such authority to be proactive in its regulation of electric utilities to ensure affordable clean energy is available for Oregon ratepayers.

e. Strengthen Resilience Across all Levels of the Energy System.

The PUC shall exercise its existing authority to evaluate and value grid resiliency benefits in electric utility resource planning processes. The PUC shall establish transparent criteria or processes for appropriately valuing the enhanced resiliency benefits from utility investments at all levels of the energy system, such as microgrids, energy storage, flexible loads, virtual power plant resources, and grid hardening, while also avoiding shifting costs from high-income ratepayers to energy burdened ratepayers.

Historically, the PUC has not used its authority over the utility resource planning process effectively. It often recommends procrastinating action until the next planning cycle, or parts of the plan are acknowledged under the condition that additional steps are taken. While there is nothing the Commission can do to fix the past, the proper remedy is to direct that changes be made in the near term and implemented or to impose penalties to the extent the utility is violating a statute administered by the Commission or any Commission requirements and orders.³

Outside of these procedural concerns, such delays make it even harder for utilities to take timely action to meet HB 2021 procurement requirements. Near term resource modification and procurement could take place sooner, if the Commission required action now, instead of just directing utilities to do it “in future IRPs.” Sooner procurement and action diverting from the

¹ *In the Matter of PacifiCorp, dba Pacific Power, Continual Progress Towards House Bill 2021*, Docket No. UM 2345, Order No. 25-098 (Mar. 12, 2025).

² *In the Matter of PacifiCorp, dba Pacific Power, Continual Progress Towards House Bill 2021*, Docket No. UM 2345, Order No. 25-098 at 8 (Mar. 12, 2025).

³ ORS § 756.990.

“business as usual” path increases the chances of meeting the HB 2021 targets. The longer the utilities delay action, the harder it will be for them to meet the goals of the legislature.

In addition to this directive to use the PUC’s existing authority in the utility resource planning process, it should be clarified that the PUC should use the *full extent* of its available authority to implement penalties and require concrete near term actions.

II. Get Clean Energy Projects Built

Agencies are directed to develop and implement a coordinated, proactive approach to streamline land use and environmental reviews, siting and permitting, and interconnection processes for clean energy projects, energy storage, and associated transmission and distribution infrastructure, with particular focus on those that contribute to energy affordability and reliability.

a. Reduce Barriers to Clean Energy Development

[ODOE, PUC, and DLCD] shall inventory, assess, and analyze barriers to the permitting, construction and interconnection of clean energy projects and associated infrastructure. ODOE will recommend actions to overcome those barriers while balancing opportunities for public participation with the state's interest in accelerating deployment of clean energy infrastructure that benefits Oregon ratepayers.

Comments in this section are organized by agency and aim to address the barriers that NewSun has encountered in each respective space; however, NewSun also notes that part of the difficulty is the lack of communication between the agencies themselves, and more cross-communication will be necessary.

ODOE: ODOE should recommend coordinated, parallel review processes and direct DLCD to align local land use requirements with state energy objectives to reduce delays and lower project costs.

PUC: The Public Utility Commission oversees the request for proposals (“RFP”) process. This is the process utilities must use to procure generation to meet their needs while complying with HB 2021 goals. This process has numerous flaws, but the two main barriers for developers like NewSun are the bias towards utility ownership, and the generally unfavorable contracts used in that process.

First, under the current RFP rules, utilities conducting an RFP are allowed to submit their own bids into the RFP. There are supposedly numerous safeguards to prevent against utility bias for its own projects, but NewSun is skeptical of that, because many projects have been utility-owned or have partial ownership structures (see table below). Utilities have an incentive to select their own projects because they will earn a profit on those projects’ operation, whereas they do not earn a profit on power purchased from a facility owned by someone else.

PGE's 2012 Capacity and Energy RFP (UM 1535)	PGE selected the Carty Generating Station and Port Westward 2 projects, in which PGE owns a 100% stake. ⁴
PGE's 2012 Renewable RFP (UM 1613)	PGE selected the Tucannon River Wind Farm project, in which PGE owns a 100% stake at \$502 million. ⁵
PGE's 2018 Renewable RFP (UM 1934)	PGE selected the Wheatridge Wind, Solar, and Battery project, in which PGE owns a 1/3 share at \$154.7 million. ⁶
PGE's 2021 All Source RFP (UM 2166)	PGE selected four projects (Clearwater Wind, Troutdale BESS, Seaside BESS, and Constable BESS (formerly called Evergreen BESS)), which were all benchmark bids and in which PGE owns some or all of three out of four of the bids, with an aggregate 61% stake (on a per MW basis). Clearwater: PGE's share (2/3 of the total—PGE's share is 203 MW of a total 311 MW) of Clearwater wind was \$413.5 million.⁷ Constable (fka Evergreen) (75 MW Energy Storage facility): This project is 100% PGE owned at \$152.4 million.⁸ Seaside (200 MW Energy Storage project): The Seaside Battery storage project is still under construction. It is 100% PGE owned, and PGE has requested a rate base increase of \$257 million for it.⁹ Troutdale (200 MW Energy Storage project): This is owned and operated by a third-party.¹⁰
PGE's 2023 All Source RFP (UM 2274)	Biglow wind farm solar + storage, Build transfer agreement (\$540 million)¹¹ \$490 million stake, sharing ownership with NextEra. They will sell the output to PGE under 30-year contract.¹²
PGE's 2025 All Source RFP (UM 2371)	57% of bids on the shortlist are Partnership bids, 43% are IPP only. ¹³ [Note that not all of the bids on the shortlist will be acquired, so the final balance may tip more in favor of PGE ownership.]

⁴ Ted Sickinger, In Portland General Electric's \$1.3 billion investment plan, winning bidder is PGE, The Oregonian (Jun. 15, 2013) available at https://www.oregonlive.com/business/2013/06/pges_1_billion_aquisition_plan.html.

⁵ In re Portland Gen. Elec. Co. Annual FERC Form 1, Docket No. RE 54, Supplemental Application (2024 FERC Form 1) at 401a at footnote (a) (pg. 237 of the PDF) (May 1, 2025) available at <https://edocs.puc.state.or.us/efdocs/HAQ/re54%28re54haq336535034.pdf%29haq131118.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 414 (pg. 257-259 of PDF).

⁹ Portland Gen. Elec. Co., Securities and Exchange Commission Form 8-K (dated May 30, 2025) available at https://investors.portlandgeneral.com/static_files/cbede014-3369-4358-b06d-a2a7c6a808a4.

¹⁰ Portland Gen. Elec. Co., News Release Details: PGE bolsters reliability of clean energy transition with region's largest battery storage addition (Apr. 28, 2023) available at <https://investors.portlandgeneral.com/news-releases/news-release-details/pgc-bolsters-reliability-clean-energy-transition-regions-largest>.

¹¹ Pete Danko, *PGE to spend more than \$1B on new battery, solar installations*, Portland Business Journal (Feb. 20, 2026).

¹² *Id.*

¹³ *In the Matter of Portland General Electric Company, 2025 All-Source Request for Proposals*, Docket No. UM 2371, PGE's Request for Acknowledgement of 2025 All-Source RFP Final Shortlist at 39 (Feb. 17, 2026).

Second, even if a project were to move on through the RFP process to the contracting phase, the bargaining power of the utility is so great that they are likely to get any contract terms they want. In one recent RFP, the PUC approved a design that allowed for the utility to dictate all the terms of the contract a project would be bound to. The terms of this contract could later be negotiated if the project moved to a sufficiently final stage of the proceedings, but the terms were so unfavorable that it could deter participation. The unfavorable terms also led to higher than necessary bid prices. More risk means a higher price. This is not a favorable outcome for bidders or ratepayers.

ODOE should suggest to the PUC to use a standard contract for RFPs that has a proven track record of getting projects: the 2016 PGE QF agreement. This will encourage participation in the RFP, which will lead to more procurement, which will lead to the utilities meeting their goals faster.

Also, there is a history of under-procurement and canceled RFPs. The utility's long-term planning document (the integrated resource plan, or "IRP") guides the amount of procurement necessary to meet the projected need of the utility's customers. The utility's clean energy plan ("CEP") projects the amount of clean energy needed to meet the emissions targets in HB 2021. These two plans set the amount of clean energy the utility needs to procure to meet both reliability and HB 2021 targets. This procurement happens through the RFP, which sets a target amount of total procurement needed. Both major utilities in Oregon have procured less than this amount, and in one case, procured nothing. PacifiCorp canceled its 2022 RFP¹⁴ and acquired nothing, instead waiting until the 2025 RFP, which is still ongoing. While PGE has not cancelled an RFP, it has a history of under-procuring, or contracting with a smaller amount of projects than is needed to meet the RFP procurement target amount.¹⁵ This is contrary not only to the utilities' planning documents, but also to the statutory mandate to procure clean energy and reduce greenhouse gas emissions. As time goes on, the HB 2021 emissions reductions targets are getting closer and closer. This means that with each passing year, the amount of procurement needed to meet the targets increases and even a minor delay or under-procurement becomes costly.

DLCD: In 2025, DLCD finished a rulemaking process for OAR 660-033-0130(44) intended to facilitate clean energy development by making it easier for large projects to proceed. The changes were meant to shorten the time frame and reduce the cost for issuance of land use permits, which would have led to more affordable and reliable clean energy, but it did not. The rulemaking revision led to the majority of counties opting out due to confusion over the new rules, overlapping agency jurisdiction, and overburdened planning departments with small budgets. In addition, this rulemaking process was meant to postpone the expiration dates of land use permits for solar facilities, but this effort failed since it was included in the same set of rules as the opt-out. The extension was intended to apply to all solar facilities, but since most of the counties opted out, it was not implemented as intended.

¹⁴ See Docket No. UM 2193, Notice of Cancellation (April 3, 2024).

¹⁵ PGE's target was **753 MWa** from 2025-2027 for their 2025 RFP, and their shortlist contained projects totaling just **80 MWa**. *In the Matter of Portland General Electric Company, 2023 All-Source Request for Proposals, Request for Partial Waiver of Competitive Bidding Rules*, Docket No. UM 2274, PGE's Request for Acknowledgment of Updated Final Shortlist at 2; app. A at 4 (Oct. 1, 2025).

b. Accelerate Clean Energy Deployment Through Oregon’s Land Use Planning Framework.

The Department of Land Conservation and Development (DLCD) shall evaluate opportunities and barriers to clean energy development under Oregon's land use planning goals. DLCD will review existing rules and practices, including best practices from other jurisdictions, and recommend actions and rule changes as needed to accelerate deployment of clean energy resources and grid infrastructure needed to deliver reliability and clean energy to Oregon consumers.

Barrier: Goal 3 and associated Exclusive Farm Use (“EFU”) constraints remain a primary barrier to siting energy infrastructure by limiting viable locations, increasing project costs, and creating uncertainty.

Recommendation: ODOE should encourage DLCD to modernize Goal 3 regulations in such a way that recognizes energy infrastructure as essential to statewide energy reliability and affordability goals. From a land use perspective, the primary barrier and challenge to acquiring permits is the broad requirement to acquire a Goal 3 exception, which is an objective standard highly prone to appeal and unfavorable case law. EFU Zones cover large portions of have strong solar or wind power potential, but they are subject to Goal 3 protections, which makes renewable energy development difficult.

c. Streamline Clean Energy Siting

Agencies . . . shall evaluate and recommend actions to update siting and permitting processes to facilitate deployment of renewable energy, energy storage, and grid infrastructure needed to deliver reliable and affordable clean energy to Oregon consumers . . . [including] to streamline or increase the efficiency of siting and permitting processes . . . that:

(1) Benefit Oregon ratepayers and enable clean energy projects to interconnect onto the grid; and/or

ODOE should advise PUC and BPA to undertake actions that prioritize interconnection requests and transmission work that can credibly support projects starting in 2026 and energization by 2029. Specifically, BPA’s “Evolving Grid” (now called “Grid Expansion and Reinforcement Portfolio” or “GERP”) Projects. This includes identifying substations, GERP segments, and feasible point of interconnection (POI) locations that can be advanced quickly, allowing customers to contract for offtake in time to capture the ITC value. Given delays in several GERP schedules and the risk that GERP timelines extend past ITC eligibility windows, accelerated action is essential to avoid forfeiting these incentives.

Specifically, the state should focus on substation and station-level investments that directly facilitate generator interconnections, rather than prioritizing linear transmission line upgrades that face inherently longer, more complex development pathways.

By providing greater schedule certainty and enabling earlier commercial transactions, the state can help ensure that more projects mature in time to support regional load growth, meet clean-

energy obligations, and preserve the economic value of federal incentives for Northwest customers.

(2) Involve upgrades to existing grid infrastructure and transmission expansion or co-location of renewable energy resources in existing rights of way.

Barrier: ODOT and local jurisdictions are consistently not allowing transmission and gen-tie lines within public rights-of-way, despite statutory direction under HB 3179.

Recommendation: The Oregon Department of Transportation (“ODOT”) has regularly denied or refused to process applications to locate transmission lines within highway rights-of-way. Siting a transmission line in the right-of-way is desirable due to lower cost and a faster process than negotiating easements with private property owners. If transmission lines could be sited in the right-of-way it would speed development and lower cost, directly leading more affordable and reliable clean energy. House Bill 3179 amended ORS 374.305 to read, “In reviewing or granting an application for written permission [to place a transmission line in the right-of-way], the department or a county court or board of county commissioners may not discriminate against or favor a renewable energy facility.” Despite the statutory mandate, ODOT has not granted such decisions to our knowledge. ODOE should encourage ODOT to process these applications to reduce costs and speed development, which would contribute to energy affordability and reliability.

Where opportunities are found to exist, agencies shall recommend actions to:

(3) Facilitate or accelerate interconnections for projects that reduce emissions, improve reliability, and benefit Oregon ratepayers.

Barrier: Requiring developers to fund full network upgrades (as discussed below), even though system-wide benefits exist, increases project costs and discourages participation.

Recommendation: ODOE’s report should include recommendation to the PUC for reforms that recognize shared system benefits and allocate those costs accordingly. This will lower costs and improve affordability.

One recommendation for PUC reform relates to the PacifiCorp transmission queues. PacifiCorp has two transmission processes: one governed by the state and one governed by FERC. For projects in the state queue, qualifying facilities (“QFs”) still have to pay 100% of any network upgrades they incur by making the interconnection request. This major expense is burdensome on these small projects. But if the same project went through the FERC process, PacifiCorp would reimburse the QF for any network upgrades it paid for. In this case, the state process is the one that needs changing. ODOE should work within its own agency and coordinate with the PUC to recommend changes to state-jurisdictional processes that would allow for QFs to be reimbursed for network upgrades they pay for, but benefit the whole system.

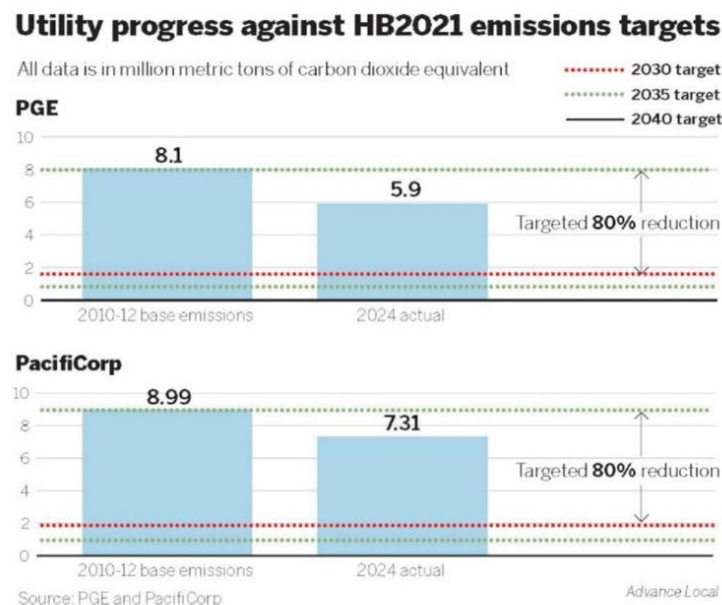
One potential solution is to allow and encourage self-performance or “option to build.” This allows a customer seeking interconnection to perform any necessary upgrades themselves, instead of waiting for the transmission authority to do so. Many stakeholders are willing and able to construct network upgrades and interconnection facilities if it means their projects will be able

to interconnect faster. While the specific interconnection issues identified are outside of the state's control, a letter of support, or some other statement in favor of allowing self-build would further the state's goals of affordable clean energy available in time to meet HB 2021 goals.

d. Identify Pathways to Facilitate Development of Clean Energy Infrastructure.

PUC staff, in partnership with ODOE and the Governor's Office, shall convene utilities, key agency leaders, local permitting authorities, and other interested parties to review progress toward achieving HB 2021's clean energy targets and explore opportunities for public-private partnership to facilitate development of clean energy infrastructure that is needed to achieve clean energy targets and will provide benefits to Oregon ratepayers.

Barrier: We will not meet the HB 2021 Clean Energy Targets. As reported by The Oregonian, it is very unlikely that Oregon utilities will meet the emissions targets for HB 2021 (see chart below).¹⁶



Recommendation: ODOE should provide recommendations to the Oregon legislative branch to amend HB 2021 to include compliance penalties. Additionally, as discussed above, ODOE should recommend the PUC use its authority to require procurement of clean energy in furtherance of these requirements. Other options to encourage procurement that would lead to more compliance with HB 2021 is to require more community solar projects and have an 80 MW standard contract for facilities to become QFs under PURPA.

¹⁶ Ted Sickinger, *Oregon Electric Utilities Have Strict Green-Power Deadlines. They're Way Off Track*, The Oregonian (Jan. 23, 2026), <https://www.oregonlive.com/politics/2026/01/oregon-electric-utilities-have-strict-green-power-deadlines-their-odds-of-hitting-them-keep-getting-worse.html>.

HB 2021 requires utilities to demonstrate continual progress toward emissions reductions while maintaining affordability. The PUC has issued an order governing cost-cap proceedings in UM 2273, Order 26-028 and has announced that it will undergo a rulemaking to codify the Order. NewSun is supportive of affordable clean energy, but ODOE should consider issuing a warning to PUC to encourage them to be critical of any cost cap proceedings that are filed merely to obstruct HB 2021 compliance.

To help with affordable clean energy, ODOE should require PUC reforms to curb anticompetitive practices and fix under-procurement (discussed above) that deprives the state of resources and threatens electricity affordability. It should also direct the OPUC to adopt procurement and planning practices that reduce costs, ensure accountability, and support timely deployment of clean generating sources.

ODOE should also encourage the PUC adopt policies that allow for decreased barriers to opportunities for resources to directly sell to large loads like data centers. This would be done through a direct access program that does not include caps on participation or create an uncertain process that involves lengthy PUC review and approval of direct access service. Allowing for direct access of large loads like data centers would lessen the cost shifting retail customers experience due to a utility's increased costs incurred to serve the large load. For example, PGE has incurred \$210 million in local transmission upgrades to serve data center load and those costs are shared by *all customers*.¹⁷

e. Develop a Framework for Strategic Transmission Siting.

ODOE, in coordination with the PUC and the Governor's Office, shall undertake a process to evaluate and propose a framework to strategically accelerate:

(i) Identification and designation of transmission corridors, including on public lands (state and federal); (ii) Streamlined partial siting and permitting approvals for future projects in those corridors or within existing transmission rights-of-way; and

ODOE should align with BLM and Section 468, should not require an EFSC permit when a project is sited wholly on federal lands and undergoes NEPA evaluation. ODOE should evaluate policies and changes that will help facilitate development and investment in concordance with existing identified transmission and electrical infrastructure facility investments such as BPA's "Evolving Grid" (now called "Grid Expansion and Reinforcement Portfolio" or "GERP"). These projects have already received funding allocations and timelines to achieve infrastructure upgrades facilitating GWs of additional generation and load by 2030. This will ensure projects

¹⁷ Bob Jenks, HB 3546: POWER Act: Protecting Oregonians with Energy Responsibility, Presentation for the Senate Energy & Environment Committee (Apr. 30, 2025), available at: <https://olis.oregonlegislature.gov/liz/2025R1/Downloads/PublicTestimonyDocument/200021>.

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that rely on those upgrades can get interconnected before then. Such a connection will allow the benefit of tax credits and HB 2021 compliance to flow to ratepayers.

Conclusion

Thank you for considering our comments and we look forward to reviewing the draft report.

Respectfully submitted,

NEWSUN ENERGY LLC

A handwritten signature in black ink, appearing to read 'Amy Webster', written over a horizontal line.

Amy Webster

*Associate, In-House Counsel,
Policy & Regulatory Affairs*

March 20, 2026

Oregon Department of Energy
550 Capitol Street NE
Salem, Oregon 97301

Re: Barriers to Large-Scale Renewable Energy Projects Study and Siting and Permitting
Large-Scale Electricity Infrastructure Study

Oregon Natural Desert Association (ONDA) is pleased to submit the following in response to the Oregon Department of Energy's (ODOE) request for initial input on two reports it will draft on "Reducing Barriers to Clean Energy Development" and "Siting and Permitting Large-Scale Electricity Infrastructure."

ONDA is a public interest conservation organization whose mission is to protect, defend, and restore Oregon's high desert for current and future generations. We are the only organization dedicated exclusively to conserving Oregon's native desert lands, waters, and wildlife. ONDA represents more than 26,000 members and supporters in Oregon and across the United States. Our community of advocates and enthusiasts regularly use and enjoy public lands and the wildlife, cultural and historical resources, recreational offerings and other public resources and values conserved on this 13 million-acre public domain.

Oregon's high desert can and should contribute to Oregon's renewable energy portfolio—but only through thoughtful, broadly and publicly informed, science-based planning and siting that protects wildlife, sensitive habitats, wilderness values, and cultural, historic and other resources in the region. ONDA's extensive experience in renewable energy policy and planning in eastern Oregon is relevant to ODOE's current task.

1. Certain past proposals for renewable energy siting in Oregon's high desert were poorly designed and extremely contentious, pitting potential partners in clean energy development against each other in prolonged, costly litigation that could have been prevented with better planning and smarter siting prerequisites. Eighteen years ago proposals failed to consider other resource needs [and were as audacious as siting wind turbines atop Oregon's inimitable Steens Mountain](#).
2. ONDA endeavored to avoid future confrontations and support quicker, more efficient renewable energy development in eastern Oregon by working with a diversity of partners to develop a series of guides and protocols for project siting, including a comprehensive and widely vetted "[Siting Renewable Energy Development in Oregon](#):"

[Voluntary Guidelines Developed Through Outreach and Engagement](#),” published in 2023 with Renewable Northwest, Natural Resources Defense Council and Defenders of Wildlife. ODOE should fully consider the insights and recommendations in this document as directly relevant to the issues the department seeks to address in its current review.

3. The federal government, specifically the Bureau of Land Management, subsequently employed broad, publicly inclusive processes in designing two landscape-scale plans to help direct renewable energy development in Oregon. The [Greater Sage-Grouse Approved Resource Management Plan Amendment for Oregon \(2025\)](#) and [Utility-Scale Solar Energy Development Programmatic Environmental Impact Statement/Resource Management Plan Amendment \(2024\)](#) accounted for and accommodated a wide range of multiple uses, resources and values in Oregon’s high desert, delimiting federal public lands that are unavailable for renewable energy siting while also identifying approximately 1 million acres in the region as potentially suitable for development. ODOE’s review should incorporate and build upon this data-driven, scaled analysis and determinations that conserve natural, cultural, historic and other resources as part of any effort to update the state permitting program.
4. The Bureau of Land Management has also developed a comprehensive, publicly informed grid of potential [energy transmission corridors](#) on public lands in Oregon as part of a Congressionally directed, west-wide planning process. The effort required years to complete, involved at least one lawsuit that prompted re-evaluation of possible corridors in Oregon, and still did not fully account for public concerns about certain corridors in the state. ODOE’s own review of potential transmission corridors should closely examine, incorporate and build upon the federal government’s lengthy, involved process and *not* identify any new corridors on federal public lands in Oregon’s high desert.

Thank you for this opportunity to comment on this initial phase of ODOE’s review of state permitting for renewable energy development in Oregon. We look forward to our continued participation in this process.

Sincerely,

— s —

Mark Salvo
Advisor

Oregon Natural Desert Association
50 Bond Street, Suite 4
Bend, Oregon 97702

January 22, 2026

Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

The Oregon Solar + Storage Industries Association (OSSIA) is a trade association founded in 1981 to promote clean, renewable, solar technologies. OSSIA members include businesses, non-profits, and other solar and storage stakeholders. We provide a unified voice of the solar industry and focus exclusively on the solar and storage value chains; from workforce development to permitting, advocacy, policy, and regulation for manufacturing, residential, commercial, community, and utility scale solar and storage projects on the local, state, and regional level.

- 1. Before applying to EFSC a project developer can undertake preliminary activities and begin public engagement. This time period before a developer comes to EFSC is referred to as Pre-Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this time period?**

EFSC is not a body of experts in energy facilities, their construction or operation, but rather an expert in the process of navigating the path to approval. It is very unusual for a state agency to have final land use decisions over private development. All other land use decisions, including complex multi-agency heavy industry such as steel and paper mills, are decided at the county level.

EFSC was formed largely at the request of large utilities to insulate counties from having to make final land use decisions on nuclear plants and coal plants. The solution requested was for the state to take on responsibility for siting those complex, high public safety risk and controversial projects. EFSC was not formed based on a belief that the state had particular expertise but as a way of mitigating county exposure. It was formed as a process to expressly dictate the rules of consideration and approval with a direct appeal conduit to the state supreme court.

EFSC then received authority over higher voltage transmission lines due to their unpopularity and need, again as a vehicle for insulating counties from controversial projects that were aligned with state energy priorities. Wind, solar and batteries were then added to EFSC jurisdiction without revisiting the necessity of EFSC for projects that counties could and do regularly address. What is the value of the considerable additional time and money required by the EFSC process? Are there any county-approved wind or solar projects built that shouldn't have been approved that demonstrate a need for EFSC?

2. The first step in EFSC’s review process is the Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time

3. The second step in EFSC’s review process is the Project Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

If the state wants clean energy development then EFSC should exercise judgement in reasonably streamlining the process. When EFSC expanded scope and assumed responsibility for approving solar and battery facilities they replicated the task list and process for nuclear and coal. Noise, end of life removal, bird mortality considerations and concerns tailored to siting nuclear or coal are not the same as for solar and batteries. Those differences should be understood, recognized and reflected in simplified processes and appropriate scopes of studies, thus reducing the time, effort and expense of both the initial permitting process and, in the case of projects extensively delayed by interconnection hurdles where EFSC extensions are required and initial studies become stale, second rounds of survey and study.

ODOE should omit duplicative/unnecessary application requirements for solar projects that increase application preparation and review timelines.

a. Omit the following application requirement standards:

- i.Organizational Expertise Standard
- ii.Structural Standard
- iii.Recreation Standard
- iv.Public Service Standard
- v.Waste Minimization Standard
- vi.Carbon Dioxide Emission Standard (already skipped)
- vii.CO2 Monetary Offset Rate Standard (already skipped)
- viii.Need Standard for Non-Generating Facilities (already skipped)

4. The third step in EFSC’s review process is the Application. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

EFSC processes are stuck in the past and need modernize.. EFSC doesn't need to hire people and pay them for 100's of hours to confirm completion of application. AI algorithms can read through an application and figure out if the application is complete, providing automated notices to applicants to self correct inconsistent or insufficient information.

5. The fourth step in EFSC's review process is the Draft Proposed Order. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time

6. The fifth step in EFSC's review process is the Proposed Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

No comment at this time

7. The sixth step in EFSC's review process is the Contested Case. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time

8. The seventh and final step in EFSC's review process is the Final Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

No comment at this time

9. Additional steps may occur after the Final Order if a site certificate is appealed or if a project needs to pursue an amendment. What barriers to project amendments or to public participation during the amendment process, if any, have you experienced or witnessed after the issuance of a Final Order?

No comment at this time

10. If you have worked on a project that received a Final Order from the Energy Facility Siting Council but has been delayed or prevented from proceeding with project development, please describe the delays the project faced.

The delay in 2026 for most solar projects in Oregon is not EFSC but BPA or Pacific Power interconnection. Eight years ago when industry concerns about EFSC surfaced, BPA was moving more quickly. Now BPA is the primary delay - it took 10 years for the recently completed Prineville substation to be constructed.

When Obsidian's Solar Center required an amendment to change the date for beginning of construction due to BPA delays, the date change required hundreds of hours of EFSC staff time and \$100,000 of additional developer expense.

11. Have you experienced or witnessed any barriers to public participation regarding large-scale energy infrastructure that are not described in a prior response?

There will always be a natural tension between developers and people responsible for approving development. The state does have a role of planning for the future, but we should have common ground in embracing the plan, establishing a consistent and streamlined purpose and sticking with it. EFSC receives all comments and tends to translate them all into restrictions on development projects. This will not work. Not all comments should be declared thoughtful and valid.

12. Have you experienced or witnessed any barriers to permitting large-scale energy infrastructure that are not described in a prior response?

EFSC has concluded that a solar farm will reach the end of its life and after must be completely dismantled and the site returned to a pre-development agricultural state.. This may make sense in some high value farm lands but the solar farms in EFSC jurisdiction are almost always on rocky, unirrigated, low productive farm land without expectation for returning to this pre-energy development, marginal value. The greatest level of effort for developing utility scale renewable energy resources is around siting, funding and constructing the substation and transmission lines. Once that has occurred, the land is now a rare and valuable energy asset and it will make sense to continue that use as an energy hosting site beyond the anticipated life of the solar or battery. For example, Obsidian Renewable's Fort Rock property has never made any revenue from agricultural activities. The owners couldn't even fund fence maintenance. The land had never been cultivated, plowed, or irrigated and is situated in a watershed with a decades old development moratorium. Obligating the project developer to post a bond to pay for the entire cost of removal and decompaction of soils after 35 years and to maintain the bond even though this agricultural restoration is highly unlikely and not in alignment with Oregon's clean energy objectives does not make sense. It is far more likely that after 35 years the site will be re-energized with updated renewable energy technology and remain in energy service to the state.

13. Have you experienced or witnessed any administrative barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.

No comment at this time

14. Have you experienced or witnessed any market-driven barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.

No comment at this time

15. Have you experienced or witnessed any administrative barriers to construction of large-scale energy infrastructure that are not described in a prior response? Please note and describe if you see the barrier as arising specifically from a state administrative process.

The majority of developable land for solar projects require a Goal 3 exception. Over time, the acceptable “reasons” for ODOE/EFSC to grant a Goal 3 exception has narrowed, which has made it more challenging for solar projects to receive a Goal 3 exception and could prevent projects from being developed.

a. ODOE/EFSC should more holistically consider project benefits, including the benefits below, when contemplating a Goal 3 exception:

- i. Local property taxes generated by the project. For example, Morrow County submitted a letter on the Sunstone record that solar related property taxes could be considered a local benefit but this was disregarded by ODOE/EFSC.
- ii. Local agricultural and economic benefits of on-site agricultural activities (agrivoltaics). ODOE/EFSC should encourage solar projects to implement dual use plans that combine agricultural related activities to the solar project. Current ODOE/EFSC policy discourages applicants from considering novel approaches.
- iii. Local jobs during construction and operation of the project. The labor requirements in HB2021 have led to the development of a new workforce for solar construction. This creation of new solar-related construction jobs should be recognized. ODOE/EFSC should try to quantify construction jobs related to energy projects in its biennial energy report.
- iv. Local spend during construction and operation of the project.
- v. Agricultural mitigation payments, if such payments are reasonable and justified based on the impacted land. ODOE/EFSC should factor local economic benefits into the agricultural mitigation payment formula.

- b. ODOE/EFSC should consider state policies and goals when contemplating Goal 3 exceptions, or, at a minimum, examine how Goal 3 impedes current state policies and goals.
- i. ODOE/EFSC should consider HB 2021 of 2021, the RPS, economic development goals (such as Oregon's Prosperity Roadman), and ratepayer impacts when contemplating a Goal 3 exception

16. Have you experienced or witnessed any market-driven barriers to construction of large-scale energy infrastructure that are not described in a prior response? ODOE anticipates that market-driven barriers to construction may arise from national or international markets, such as the cost and availability of needed equipment, or from state or local markets, such as local workforce availability.

No comment at this time

17. Do you have any recommendations for the State of Oregon to address the barriers you have described?

In WA an optional EFSC process allows counties and developers to opt in. Oregon's EFSC jurisdiction should be opt-in and not mandatory.

EFSC is a volunteer council and does not have the capacity to assess/process applications thoroughly in a timely fashion. EFSC does not have a mechanism to approve non-controversial applications without fulfilling lengthy meeting requirements, leading to extensive agendas that take unreasonably long to complete - requiring more meetings.

- a. ODOE should professionalize EFSC. Currently, the council is unpaid
- b. ODOE should allow EFSC to approve projects via a consent calendar (similar to other states, such as CA)

18. Do you have any other comments to share?

Does the state want renewable energy or not? We can't build it unless we permit it. We can't have it unless we build it. Wanting is renewable energy is enough, we must permit it to be built.

PGE Comments to ODOE to Inform Executive Order 25-29 Reports

March 20, 2026

Please find below Portland General Electric's responses to specific questions posed by the Oregon Department of Energy (ODOE) to inform two reports ODOE is developing pursuant to Executive Order 25-29, the Report on Reducing Barriers to Clean Energy Deployment and the Report on Siting and Permitting Large-Scale Electricity Infrastructure.

PGE is an integrated electric company that generates, transmits, and distributes electricity to over 950,000 customers serving an area of 1.9 million Oregonians in seven counties and 51 incorporated cities. PGE directly and indirectly drives \$4.6 billion in economic output and supports a total of 9,421 jobs. We are proud to be Oregon's largest provider of electricity.

PGE participated throughout development of the state energy strategy, including serving on the advisory committee, seven technical workgroups and three policy workgroups, and attended many meetings, all while providing feedback along the way. PGE was pleased to see the strategy's recognition of the most critical near-term challenges to providing reliable, affordable, and increasingly clean power including:

- Customer affordability;
- The escalating risks associated with wildfires;
- The need to maintain reliability amid increasingly severe weather, capacity shortages as baseload plants retire, and rapidly growing electricity demand;
- The ability to plan, build, and site new transmission infrastructure; and
- The loss of federal policy supports and incentives, as well as a constrained state budget environment.

PGE was pleased to see Governor Kotek's Executive Order 25-29 furthers elements of the state energy strategy, and appreciates the opportunity to provide comments to inform ODOE's reports on Reducing Barriers to Clean Energy Deployment and Siting and Permitting Large-Scale Electricity Infrastructure.

We have highlighted below specific barriers, but provide further detail and specific policy ideas toward the end of the questionnaire with the aim of supporting progress toward providing reliable, affordable, and increasingly clean power. We look forward to continued engagement in the development of ODOE's reports as they relate to Executive Order 25-29.

Before applying to EFSC, a project developer can undertake preliminary activities and begin public engagement. This time period before a developer comes to EFSC is referred to as Pre-Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this time period?

In recent years, PGE has obtained additional energy generating resources by purchasing projects from project developers whose perspective regarding the pre-notice of Intent, NOI,

and Project Order phases when it comes to generation will be very valuable for ODOE to consider. PGE provides some high-level barriers in the questions below.

- Fragmented ownership or unwilling landowners can slow or halt development, particularly as it relates to transmission.
- Projects must show a viable transmission path and if BPA or another transmission provider hasn't granted service, EFSC may request additional analysis.

The third step in EFSC's review process is the Application. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

- A lot of information is required without clarity as to how it is used in determining if a site certificate should be issued.

The fourth step in EFSC's review process is the Draft Proposed Order. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

- Wildlife and/or habitat concerns (sage grouse, avian).
- Projects on high-value farmland or protected land often face significant restrictions or mitigation requirements.
- Duplication of permit requirements as site certificate conditions, which could unnecessarily require an amendment down the road if the lead agency changes standard permit conditions that should not trigger an amendment and review by Council if the lead agency has evaluated the permit and determined the change is still protective.

The fifth step in EFSC's review process is the Proposed Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

- Organized local opposition of farmland, wildlife impacts, scenic impacts, property value concerns.
- Extensive comment records and requests for additional studies that can result in an elongated and costly process.

The sixth step in EFSC's review process is the Contested Case. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

- Intervention by landowner coalitions, environmental NGOs.
- Legal discovery and expert testimony.
- Occasional appeals delaying decisions.

The seventh and final step in EFSC's review process is the Final Order. There is not an explicit process for public participation in this step. What barriers to project

development, if any, have you experienced or witnessed during this stage of the process?

- Barriers present themselves long before we get to the point of the Final Order.

Have you experienced or witnessed any barriers to permitting large-scale energy infrastructure that are not described in a prior response?

- Federally managed lands require BLM or US Forest Service action to obtain right of ways.
- NEPA processes can cause significant delays.
- Tribal consultation and cultural resource protection play an increasingly important role.
- Federal environmental review if the project involves federal land, federal permits, or federal funding (grants).
- Federal endangered species trigger consultation.
- Projects affecting wetlands or waterways require permits.
- State wildlife and natural resource reviews.

Have you experienced or witnessed any administrative barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.

- Transmission provider (BPA) interconnection queues contain more projects than the grid can accommodate.
- Transmission provider (BPA) adjusting from serial to cluster study approach.
- Uncertainty as to magnitude of interconnection upgrade costs.

Do you have any recommendations for the State of Oregon to address the barriers you have described?

Wildfire risk is the most immediate risk to the electric sector

Unbounded wildfire liability remains the single largest risk facing the electric sector in Oregon. Customers are already paying the price – through higher insurance costs, higher borrowing costs, and higher mitigation costs. Oregon’s economy is at risk, as liability uncertainty deters investment, raises the cost of new clean energy projects, and undermines the state’s decarbonization and economic development goals. Without action at the state and/or federal level, this risk threatens Oregon’s economy, limits clean energy deployment, and drives higher costs for all customers.

As Oregon Public Utility Commission Chair Letha Tawney wrote her August 1, 2025, letter to Governor Kotek:

“Unbounded utility wildfire liability will drive up the cost of utility capital, raising the overall cost of every utility investment. It will also continue to require the prioritization of scarce capital towards extensive grid hardening, pressuring customer bills and limiting capacity for goals such as economic development and decarbonization, as we have observed in California.”

To meaningfully work toward affordable, reliable, clean energy in Oregon, the state must recognize the connections between wildfire risk and other many other energy policies and prioritize addressing wildfire liability risk in the electric sector. This is not just a PGE problem – it is an Oregon problem that requires a statewide solution. Oregon can learn from other states that have taken action to provide utilities with liability limits or coverage mechanisms that protect customers, investors, and communities alike.

Evaluating clean energy projects as necessary to the state’s climate and clean energy goals

One of the largest obstacles at EFSC is the inability of the council to evaluate any clean energy project as necessarily conducive to the state’s climate and clean energy goals. The right mix of energy resources in the right locations can help reduce reliance on fossil fuels and drive a cleaner, more affordable and reliable energy resource mix. PGE has made strong progress toward achieving the state’s emissions targets, reporting a 25% reduction in baseline emissions at the close of 2025, with over 46% of PGE’s resource mix attributed to non-carbon emitting generation resources.

Achieving emissions reduction requires steadily adding renewable energy, battery storage, energy efficiency and customer sited resources to our portfolio. It is critical that EFSC recognize the importance of clean energy projects to PGE’s resource portfolio, our customers, and to Oregon’s clean energy, climate and economic development goals. EFSC should align land use exceptions with the state’s focus on harnessing reliable, affordable, and increasingly clean power to fuel economic development. Doing so will further the directives outlined in Governor Kotek’s Executive Order and accelerate renewable energy siting. Specific ideas include:

- **Expand Land Use Goal Exceptions:** Specifically, add making progress toward the state’s climate and clean energy goals as a reasonable exception.

Transmission and capacity constraints are best addressed by accelerating the siting and permitting process

Transmission is the backbone of Oregon’s clean energy transition, and the state must prioritize a coordinated statewide and regional approach to siting and permitting new infrastructure. Policy should account for the long lead times and bottlenecks in the interconnection queue that affect resource deployment and must also account for federal initiatives, including U.S. Department of Energy funding programs, Federal Energy Regulatory Commission (FERC) rules, and Bonneville Power Administration’s Grid Access Transformation efforts to ensure the state maximizes access to regional markets and federal dollars.

Policy must be designed to avoid duplication with existing processes and planning. Transmission planning is a complex arena that requires substantial coordination with the Bonneville Power Administration (BPA), utilities across the region, and many stakeholders. There are already existing workstreams and regional organizations carrying out complex transmission planning including WestTec, Western Transmission Consortium, Northern Grid, BPA, and utility Integrated Resource Planning.

Creating more uniformity and consistency across jurisdictions, avoiding duplication around land use applications, and creating pathways for expedited permitting if certain conditions are met up front are among the types of concrete actions that will remove hurdles for transmission development. Specific policy ideas include:

- **Modernize and update Oregon Land Use Goal 13:** Align the goal's original intent with Oregon's climate priorities to ensure permitting frameworks better support reliable power and the state's clean energy goals. This would put renewable energy on the same "level" as other land uses.
- **Create statewide need or essential infrastructure exemption:** Allow the Oregon Public Utility Commission or another body to determine when infrastructure is essential to grid reliability or integration of needed generating resources.
- **One Stop Shop Permitting:** Direct agencies to coordinate under a single point of contact for transmission projects. Establish clear timelines and deadlines for permit reviews, with a dispute resolution mechanism. Require agencies to publish permitting process guides and timelines online, to the extent this is not already done.
- **Implement an Expanded Expedited Permitting Pathway:** Grant conditional relief from local codes when projects meet certain criteria. Allow parallel processing of permits to reduce sequential delays. Enact statutory decision deadlines for permitting if projects qualify.
- **Require Local Government to Involve Utility in UGB and Comprehensive Plan Updates:** Ensure local governments bring utilities into the planning process early when considering regional growth planning.
- **Limited bonding and financing powers:** Authorize the state to issue small, targeted revenue bonds or revolving fund (through Business Oregon or state treasurer) for transmission-related predevelopment work to support: Pre-development studies, routing, NEPA/ESA work; Landowner and tribal engagement; Early community benefit agreements; Federal cost-share matches (IIJA, IRA, DOE Transmission Facilitation Program).

Leveraging innovation for economic growth in the clean energy transition.

Innovation will be critical to Oregon's clean energy transition. The state should support the deployment of new technologies including battery storage, hydrogen, demand flexibility, and virtual power plants through regulatory clarity and supportive market structures. Some of the technologies required to reach 100% clean electricity have not reached commercial maturity or are still in development. Their eventual deployment will not only transform our energy system but also unlock significant technical and economic potential for Oregon. This transition presents a unique opportunity to align the state's energy goals with a forward-looking economic development strategy. We encourage ODOE to consider how the state can serve as a catalyst for innovation-driven growth. Oregon has a strong track record of nurturing advanced sectors such as mass timber and advanced manufacturing – industries that have thrived due to the state's supportive ecosystem and commitment to sustainability. By leveraging this reputation, Oregon can foster clean technological innovation ecosystems that support the energy transition while expanding the state's economic portfolio.

Contact: Sarah Buchwalter, Government Affairs Manager, sarah.buchwalter@pgn.com



March 20, 2026

RE: ODOE Request for input on EFSC and Interconnection

Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

The Renewable Energy Coalition (REC) is an incorporated nonprofit organization supporting small-scale renewable energy producers in the Northwestern and Rocky Mountain states, providing regulatory guidance, project support, and advocacy. Established in 2009, REC consists of over 40 members who own and operate nearly fifty small qualifying facilities (QFs) across Idaho, Oregon, Utah, Washington, and Wyoming. Members include irrigation districts, water districts, small utilities, corporations, and individual energy producers. REC focuses on ensuring that small renewable energy projects continue to contribute meaningfully to regional energy production while navigating complex regulatory environments.

Most REC's members are owners of renewable portfolio standard (RPS) compliant facilities developed for the expressed purpose of the Public Utility Regulatory Policies Act (PURPA) participation with existing or former offtake procurement directed toward Oregon ratepayers through avoided cost power purchase agreements (PPAs). Most of these facilities are already permitted, constructed, interconnected, and have contributed 100's of MWs of energy security to Oregon's economy and renewable portfolio for decades. Since our members are not necessarily engaged in the EFSC process, we have focused our comments on the interconnection and broader permitting invitations included in this request for input as follows.

1. Before applying to EFSC a project developer can undertake preliminary activities and begin public engagement. This time period before a developer comes to EFSC is referred to as Pre-Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this time period?

No comment at this time.



2. The first step in EFSC’s review process is the Notice of Intent. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time.

3. The second step in EFSC’s review process is the Project Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

No comment at this time.

4. The third step in EFSC’s review process is the Application. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time.

5. The fourth step in EFSC’s review process is the Draft Proposed Order. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time.

6. The fifth step in EFSC’s review process is the Proposed Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?

No comment at this time.

7. The sixth step in EFSC’s review process is the Contested Case. What barriers to project development or to public participation, if any, have you experienced or witnessed during this stage of the process?

No comment at this time.

8. The seventh and final step in EFSC’s review process is the Final Order. There is not an explicit process for public participation in this step. What barriers to project development, if any, have you experienced or witnessed during this stage of the process?



No comment at this time.

9. Additional steps may occur after the Final Order if a site certificate is appealed or if a project needs to pursue an amendment. What barriers to project amendments or to public participation during the amendment process, if any, have you experienced or witnessed after the issuance of a Final Order?

No comment at this time.

10. If you have worked on a project that received a Final Order from the Energy Facility Siting Council but has been delayed or prevented from proceeding with project development, please describe the delays the project faced.

No comment at this time.

11. Have you experienced or witnessed any barriers to public participation regarding large-scale energy infrastructure that are not described in a prior response?

No comment at this time.

12. Have you experienced or witnessed any barriers to permitting large-scale energy infrastructure that are not described in a prior response?

Existing PURPA facilities are poised to continue or reinstate operations ahead of Oregon's 2030 Small Scale Renewable obligation period but are at risk of closure upon expiration of PPAs if they are unable to align the costs of ongoing operations with published avoided costs that do not fully recognize and monetize facility attributes.

In some cases, Title V, or other necessary environmental operating permit renewals, have included requirements for capital intensive facility upgrades upon expiration of the existing and execution of a new PPA. In this case, these highly reliable, Oregon located renewable energy assets face risk of permanent closure if unable to finance capital intensive upgrades.

13. Have you experienced or witnessed any administrative barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.



For some of REC's existing and previous members, the expiration of a PPA subject to PURPA procurement has triggered closure of the facility based on contemporary avoided cost calculations that did not support continued operations. In these cases, previously permitted, constructed, operating, and interconnected facilities that were temporarily moth balled due to inadequate published avoided cost pricing, now contemplating recommissioning to serve Oregon ratepayers, face the daunting task of re-initiating the lengthy, costly, and uncertain pathway of new generation interconnection requests without any recognition or expeditious treatment consideration for their historical interconnected and load deliverability status. This lack of interconnect-ability certainty results in PPA availability and pricing uncertainty, both of which undermine a facilities ability to access the necessary capital to navigate and complete any necessary network or facility upgrades. By contrast, a Fast Track approach to previously interconnected facilities would potentially reduce the timeline for certainty of deliverability, price point and enable prospective offtake expression of interest which, in turn, would support financing for any identified interconnection related investments.

14. Have you experienced or witnessed any market-driven barriers to interconnection of large-scale energy infrastructure that are not described in a prior response? Please identify the specific interconnection queue(s) and whether the project(s) at issue was subject to state or federal jurisdiction.

The above described scenario is compounded by lack of certainty with respect to PPA offtake pricing necessary to support both the reliable operation of the facility and the debt service for any required interconnection investments. Without a price point, projects face offtake uncertainty. Without an offtake and a defined revenue projection project owners are unable to secure financing.

15. Have you experienced or witnessed any administrative barriers to construction of large-scale energy infrastructure that are not described in a prior response? Please note and describe if you see the barrier as arising specifically from a state administrative process.

No comment at this time.

16. Have you experienced or witnessed any market-driven barriers to construction of large-scale energy infrastructure that are not described in a prior response? ODOE anticipates that market-driven barriers to construction may arise from national or



international markets, such as the cost and availability of needed equipment, or from state or local markets, such as local workforce availability.

With respect to potential requirements for facility interconnection, pollution control, or other upgrades facing the continuing operation of Oregon PURPA resources, there is considerable concern and potential delay in the procurement and delivery timelines for essential components. Mostly, this concern is for the timely availability of transformers and substations should upgrades be required for recommissioning of mothballed PURPA facilities.

17. Do you have any recommendations for the State of Oregon to address the barriers you have described?

In the case of recommissioning of Oregon PURPA projects, the availability of both a Fast Track for consideration of interconnection requirements and the reasonability of third party engineering contributions to the study and finding process could alleviate some of the time and cost requirements.

Potential remedies to facility operational and environmental performance upgrades may include state bonding or revolving, low interest, lending tools designed to promote the longevity of Oregon's already sited and interconnected renewable energy facilities. Additionally, consideration of environmental mitigation credits based on an individual facilities ability to demonstrate net benefits to Oregon's air quality, watersheds, ecosystems, and resilient landscapes, when compared to non-renewable energy sources, may warrant investigation.

18. Do you have any other comments to share?

Oregon's legacy PURPA facilities are at risk of closure. These closures would further exasperate our state's resource inadequacy position while resulting in lost jobs for rural Oregonians, increased reliance on imported electrons to meet our most basic human needs, and strand otherwise valuable assets. As ODOE contemplates barriers to bringing on new renewable energy resources, it is imperative that those resources already on line are highlighted for support of continued operations and service to Oregonians.



March 20, 2026

To: Oregon Department of Energy

From: Katie Chamberlain, Regulatory Manager

RE: ODOE Implementation of EO 25-29 – Comments of Renewable Northwest on Reducing Barriers to Clean Energy Deployment and Siting and Permitting Large-Scale Electricity Infrastructure

Renewable Northwest (“RNW”) appreciates the opportunity to provide comments to the Oregon Department of Energy (“ODOE”) to inform the development of two reports pursuant to Executive Order 25-29. RNW is a clean energy advocacy nonprofit working to decarbonize the electric sector in Oregon, Washington, Montana, and Idaho by accelerating the transition to clean energy. Our members include renewable energy and storage developers and businesses, environmental organizations, and consumer advocates.

RNW has taken considerable time to assemble these comments, which are drawn from in-depth conversations with our members who have permitted projects at the Energy Facility Siting Council (“EFSC”) and at the county level. Because these comments reflect the direct and deep expertise of solar, wind, and storage developers, permitting attorneys, and environmental services consultants, we believe they provide a thorough review of the barriers to siting and permitting clean energy projects in Oregon.

Oregon is at a critical juncture. The state’s binding emission reduction standards under House Bill 2021 (“HB 2021”) are rapidly approaching. At the same time, we are experiencing significant increases in demand for electricity, particularly from new large loads. And finally, we trail almost every other state in adding new renewable energy projects to the grid.¹ In order to maintain a reliable and affordable energy system and to meet our clean energy standards under law, we need to deploy clean energy more quickly, while minimizing impacts to people and the

¹ <https://www.opb.org/article/2025/05/12/oregon-washington-green-energy-bonneville/>

environment. Fortunately, the Oregon Energy Strategy and Governor Kotek's EO 25-29 recognized the urgency with which we need to implement solutions.

The EFSC process has many advantages, including its standards-based nature, well-established stages, rigorous review, and robust public engagement, all of which serve to ensure that a project is sited appropriately, mitigates impacts on people and nature to the greatest extent possible, and complies with state standards. However, what we consistently heard in our conversations with our members is that the time and money required to permit a project at EFSC is a huge barrier. The extended timelines and costs are driven by a variety of factors, including the detailed analysis required very early in the development process, the lack of discretion in the review process afforded by EFSC, and the misalignment between land use policy and energy policy. Some developers have opted out of the EFSC process entirely because of the time and cost involved.

Ultimately, the longer and more costly project development is, the more costly energy will be for Oregonians. While some of the siting and permitting barriers we outline in the following comments may seem minor, their cumulative impact is significant and can lead to continual delays and escalating costs.

I. Improve Predictability and Reduce Timelines

Our members consistently pointed to the EFSC site certificate timeline as a key barrier to clean energy deployment. Clean energy projects typically take 18-24 months to permit at EFSC, and that timeframe does not include an extended contested case process. In comparison, projects that are permitted at the county level generally take a year at most. Siting and permitting is only one step in the full development lifecycle of a project. Many subsequent processes like advancing in the interconnection queue and bidding into an RFP are dependent on the completion of EFSC permitting. Condensing the EFSC timeline would go a long way in supporting quicker clean energy deployment and, ultimately, lower electricity costs.

One of our primary recommendations is to reduce the EFSC permitting timeline to one year using existing staff and budgets. This will require reducing or eliminating some processes and procedures and focusing on the most critical and impactful aspects of the existing siting and permitting process. This recommendation could be implemented through an executive order or through internal directives at ODOE. To that end, our members pointed to several points in the EFSC process that could benefit from shortened and more predictable timelines.

First, the 140-day timeline between when a developer submits a notice of intent (NOI) and when ODOE must respond with a project order could be significantly reduced. While this extended timeframe may have been appropriate when wind and solar were relatively new technologies – requiring additional time for EFSC and the public to build familiarity – that is no longer the case. Further, project orders largely resemble prior orders, which means they do not require significant new work. Although ODOE does not always take the full 140 days under OAR 345-015-0160(2)(5), the **NOI-to-Project Order phase is a key period to streamline. We recommend shortening the statutory timeline to require issuance of a project order *within 60 days*, rather than 140 days.**

Second, projects can get caught up in endless cycles of requests for additional information (“RAIs”), with little additional value added. **We understand the need for EFSC to be able to issue RAIs, so instead of placing strict limits on these requests, we recommend using discretion to limit the extended request cycles.**

Third, contested cases are not time bound, which means this phase holds a lot of uncertainty for project developers. It is unclear how long contested cases are supposed to take and it is hard to know when the process will be completed. We recognize that this process needs to retain some flexibility, but **we recommend that EFSC provide some level of schedule certainty for contested case proceedings.**

Fourth, it is difficult to make minor changes to a project without triggering extended review. Site certificate amendments are required for circumstances like extending construction deadlines, adopting newer technologies, adding new facility components, and transferring the site certificate to a new owner. We acknowledge that EFSC has made several updates to what triggers an amendment including the extension of the site certificate validity period. Given current clean energy and storage sector dynamics, RNW suggests that there may be further need to offer flexibility in what triggers an amendment. Equally, we appreciate that EFSC has two types of amendments that acknowledge the scope of the request: standard amendments and pre-operational requests for amendments, the latter being reserved for unforeseen circumstances and which can proceed more quickly.

However, EFSC should go further in right-sizing the amendment process depending on the type of amendment being requested. Amendment requests that are largely administrative in nature such as facility name changes, construction extension requests, and the division of a large facility into smaller ones, among others, should be evaluated for streamlined review in the forthcoming reports. In particular, **we recommend a fast-track amendment process in all cases**

when changes to the site certificate have little to no impact on the environment or the public interest.

Further, review of site certificate amendments should be narrowly focused on the changes requested and any standards or conditions that would be impacted as a result of those changes, rather than re-opening the entire site certificate.

Finally, implementing consent agendas for Council meetings could significantly reduce delays that developers experience in the permitting process. EFSC does not currently have a mechanism to approve non-controversial applications or steps that are mostly procedural without fulfilling lengthy meeting requirements, leading to extensive agendas that take unreasonably long to complete - requiring more meetings. Members relayed that their projects often get bumped from one Council meeting to the next, resulting in further delays. A consent agenda – commonly used in other states and by other agencies like the public utility commission – would allow the Council to approve non-controversial items more quickly and focus their deliberations on issues and projects that require more consideration.

I. Reduce the Costs of Development

RNW developer members have consistently said that the costs associated with permitting projects at EFSC are too high. Further, some members have reported that permitting costs are increasing in all three categories where costs are incurred: pre-construction, construction, and operations. **Our goal is that by implementing many of the recommendations we have provided, the actual cost incurred by EFSC to issue a permit will be lower, and the cost to developers to submit an application will be lower. These cost savings will ultimately be passed along to Oregonians in their electric rates.** Stabilizing and reducing permitting costs where possible is especially critical at a time when many Oregonians are struggling to afford their electricity bills.

II. Right-size Permitting Requirements

Preparing an application for a site certificate is a time consuming and expensive undertaking. The application requires thirty exhibits and usually ends up running hundreds to thousands of pages in length. The standards EFSC applies and the analysis it requires in the application are the same for every project that goes through the EFSC process. For example, wind and solar projects must complete the same visual analysis, despite wind facilities being visible from much farther away. As another example, small projects require the same type and level of analysis as

much larger projects. **We recommend that EFSC right-size analysis requirements based on the technology and size of the project.**

In comparison, the scope of resource analysis required at the county level is smaller. **EFSC should look at county procedures and assess whether certain analyses can be reduced or eliminated from the site certificate application.** Developers identified the following standards as potentially duplicative and unnecessary: structural standard, public service standard, waste minimization standard, recreation standard, and organizational expertise standard. The exhaustive analysis and level of information that goes into the application is what makes the entire process so long, so reducing or eliminating certain requirements that do not provide public benefit could be a key way to streamline the process.

The application could also benefit from efficiency measures, like a checklist, that would streamline responses, particularly for standards that are “not applicable” or “not impacted.” Preparing evidence-based responses to each standard is time consuming and does not add additional value if the standard isn’t applicable to the project.

Finally, the application generally requires a level of engineering detail that is unreasonable years before a project will actually reach construction. Solar, wind and inverter technology is all evolving rapidly; for example, the number of solar panels required to produce the same amount of energy can change significantly in just one year, resulting in changes to engineering. Requiring applicants to include information that will functionally be irrelevant by the time the project is constructed does not provide value to the Council or to the public. **In addition to only requiring detailed engineering plans later in the application process, EFSC should allow for greater flexibility in facility design within permitted project boundaries.**

III. Enhance EFSC Capacity and Review Internal Practices

Clean energy developers also encounter barriers to development because of capacity constraints and internal practices at EFSC that can delay project review, increase costs, and create unnecessary friction. These challenges include the need to spend significant time explaining development processes to Council members; navigating multiple points of contact within EFSC; engaging extensively with EFSC consultants rather than staff; and experiencing delays when approvals from other agencies require additional confirmation by EFSC. Developers also face prolonged back-and-forth on project conditions that often yields limited additional value relative to the time and resources required.

The Council: EFSC's seven member council has the enormous responsibility of ensuring that the state "has an adequate energy supply while protecting Oregon's environment and public safety."² The Council is tasked with overseeing the development of large scale generation projects and high voltage transmission lines, among other energy infrastructure. This includes regulatory authority over the siting process and ongoing authority over the construction and operation of energy and transmission facilities. Council members must be well versed in the standards that EFSC applies to siting including land use, environmental impacts, noise concerns, and cultural and archeological artifacts. Despite the complexity and time consuming nature of the job, Council positions are currently volunteer in nature.

To that end, we recommend that the forthcoming reports explore a number of options for restructuring the Council, including but not limited to:

- Professionalizing the Council so that members are well-paid, can do this work full-time, and have deep expertise in the issues that come before EFSC.
- Reserving at least one Council position for someone with expertise in renewable energy development, a critical perspective in energy siting.
- Reserving at least one Council position for someone with expertise in energy policy or law, another critical perspective in energy siting.
- Reducing the number of Council members.
- Moving toward a different organizational structure with a hearings officer position.

Internal practices: EFSC often coordinates with other state agencies like the Oregon Department of Fish and Wildlife ("ODFW") to gather feedback on site certificate applications, establish permit conditions, and ensure compliance with those conditions.

ESFC plays the role of facilitator between the outside agency and the developer, but there are instances when this role slows down the development process and may not be necessary. For example, one developer relayed an experience where the developer coordinated with ODFW but ODOE then had to confirm that, essentially recreating the previous developer-ODFW coordination and causing delay. **We recommend that EFSC evaluates its internal processes related to coordinating with agencies to streamline that coordination and reduce its facilitation role to the extent that the role causes unnecessary delays and duplication.**

Further, EFSC has historically been very deferential to other agencies in the permitting process, so much so that projects have been held up by antiquated standards. For example, until quite recently, noise regulations from the Oregon Department of Environmental Quality (ODEQ) were a barrier to solar development. Because many solar projects are in rural areas where ambient

² <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/About-the-Council.aspx>

noise is very low to begin with, the projected *increase* in noise was often high enough to trigger the limit, even though the *actual* noise level of solar facilities is quite low. Moreover, even if the participating landowner where the project was proposed wanted the solar project to be sited on their land, the landowner could not receive an exception to the DEQ rule. Thankfully, these specific rules were updated in 2024³, but there are likely other circumstances like these where deference to other agency rules may create perverse outcomes. **To avoid similar scenarios in future, we recommend that EFSC use a more discretionary approach to agency input.**

Finally, developers have experienced situations where EFSC staff or consultants interpret conditions and requirements more broadly than written, including adding monitoring or other measures that are not explicitly required by the condition. This often results in additional back-and-forth between the developer and EFSC, creating avoidable schedule delays and increasing project costs without a clear regulatory basis. In addition, pre-construction compliance filings have become increasingly burdensome and costly due to extensive analyses conducted by consultants. **We recommend EFSC seek to change this dynamic by requiring evidence of tangible benefits from any additional conditions and requirements. This will directly support the goal of reducing inefficiencies and timelines while meeting established requirements.**

IV. Align Land Use Policy and Energy Policy

Oregon's land use planning system was developed in the 1970s to address concerns over rapid population growth. Oregonians were concerned that the housing and industrial development that accompanies population growth would displace the state's incumbent industries of farming and timber harvesting. The state's land use system was designed to: "preserve(s) vast areas of land for farm and forest production, protect(s) habitat, conserve(s) natural resources, and protect(s) air and water, all while continuing to allow development of land for homes and businesses."⁴ In particular, nineteen goals and accompanying guidelines express the state's policies on land use, agricultural lands, forest lands, energy conservation and much more.

The state's land use planning system has undoubtedly done much good over the last 50 years, supporting the protection of farm and forest land and conservation of natural resources. However, the state's land use policies are not well suited to addressing some of the problems we now face. In particular, none of the 19 goals are geared towards addressing the climate crisis

³ DEQ Rulemaking, available [here](#)

⁴ <https://www.oregon.gov/lcd/OP/Pages/index.aspx> and <https://www.oregon.gov/lcd/OP/Pages/History.aspx>

and building clean energy at the pace and scale required to rapidly reduce greenhouse gas emissions.

We recommend that the forthcoming reports explore how to align the state’s land use policies with the state’s energy policies. In the following paragraphs, we recommend several pathways to achieving this alignment. Some of these pathways would require legislation or rulemaking while others could likely be implemented through agency interpretation of existing statute.

A. Broaden the Goal 3 reasons exceptions to include alignment with state energy policies

Goal 3, as currently interpreted and implemented by agencies, is a major barrier to clean energy development. While wind facilities are an allowable use on agricultural land, solar is not. This means that functionally all solar facilities permitted through EFSC must obtain a Goal 3 exception. The council may make such an exception if the following standards are met⁵:

- (A) Reasons justify why the state policy embodied in the applicable goal should not apply;
- (B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and
- (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

The Council may find that a facility qualifies for an exception to Goal 3 if “reasons” justify why the policy embedded in Goal 3 should not apply to the particular facility. These reasons are not clearly defined in the above statute and there is little regulatory guidance on how the Council should determine which reasons justify such an exception or how many reasons are necessary. As such, developers have generally relied on precedent (i.e. prior goal exception approvals) to guide this part of the permitting process.

In November 2024, EFSC issued a memorandum providing guidance on acceptable Goal 3 exception reasons.⁶ This memo emphasized the narrowing window of reasons that may justify an exception. Since its issuance, EFSC has required more justification from developers and has

⁵ ORS 469.504(2)(c)

⁶ EFSC 2024 Memo, available here:

<https://www.oregon.gov/energy/facilities-safety/facilities/Council%20Meetings/2024-12-13-Item-C-Land-Use-Standard-Goal-Exception-Staff-Report.pdf>

rejected prior suitable reasons for Goal 3 exceptions, making solar development even harder in the state.

Further, EFSC does not consider state energy policies as acceptable reasons that would justify a Goal 3 exception. This means that a developer cannot point to various state energy policies including HB 2021, the state renewable portfolio standard (“RPS”), the Oregon Energy Strategy, or Goal 13 around energy conservation to justify why a solar facility should receive a Goal 3 exception. The Council has consistently found that these policies do not address where renewable energy facilities should be located, do not specifically require them to be sited in-state, or explicitly direct agencies to allow renewable energy facilities to be placed on agricultural land as an exception to Goal 3. **We recommend that EFSC acknowledge that although state energy policies do not require the Council to grant an exception to Goal 3 to support renewable energy development, they also do not prohibit it. Further, we recommend that the Council exercise its discretion in interpreting what constitutes an acceptable reason for a Goal 3 exception, and that it include state energy policies like HB 2021, the RPS, and the Oregon Energy Strategy among those acceptable reasons.** This recommendation is likely the single most important action EFSC could take to align land use policy and energy policy, without requiring legislative action.

Finally, we recommend that EFSC more holistically consider project benefits when making a determination on a Goal 3 exception. This could include benefits like:

- Local property tax benefits generated by a project, especially when the county in which the facility is proposed supports the project;
- Local agricultural and economic benefits of agrivoltaics, encouraging developers to implement dual use plans that combine agricultural related activities with the solar project;
- Local jobs created during the construction and operation of the project, particularly in light of the labor requirements in HB 2021 that have led to the development of a new workforce for solar construction in the state; and
- Local spending increases during the construction and operation of the project; and
- Agricultural mitigation payments, if such payments are reasonable and justified based on the impacted land.

B. Modernize the land use planning system

The forthcoming reports could also explore more comprehensive reforms to modernize Oregon’s land use system. These kinds of changes would likely require legislative action and rulemakings that may take years to fully implement. While this suggestion is beyond the scope

of EFSC, modernizing the land use system would bring state land use and energy policy into alignment and ease the siting and permitting process at EFSC. Accordingly, **we recommend that the forthcoming reports explore the possibility of modernizing Oregon’s land use planning system and compare the feasibility and implications of that pathway to the recommendation above around broadening the Goal 3 reasons exceptions.** Modernizing the land use system could be accomplished in several ways, including:

1. The state could initiate a process to **add a new goal** to the land use planning system that explicitly recognizes climate change as an urgent problem that requires the development of clean energy resources within the state. This would allow developers to point to the new goal as a justification for a Goal 3 exception.
2. The state could initiate a process to **amend Goal 13** - energy conservation - to include clean energy development as a specific objective. As above, this would allow developers to point to the amended Goal 13 as a justification for a Goal 3 exception.
3. The state could initiate a process to **expand the allowable uses within Goal 3**. This would make it easier to site and permit solar facilities. Wind facilities are already deemed an allowable use under Goal 3 and therefore do not require a Goal 3 exception.

C. Amend high value farmland definitions

In conversations with our members, the definition of high value farmland (“HVF”) consistently came up as a barrier to clean energy deployment. Definitions of farmland, agricultural land, HVF, and exclusive farm use (“EFU”) are often inconsistent and overly broad, encapsulating land that has little value for agricultural production based on soils, access to irrigation, average rainfall, and other metrics. Because renewable energy is often sited on agricultural land, and often HVF, those definitions trigger exhaustive review and the need for Goal 3 exceptions, despite that land often being erroneously zoned. **While these definitions are outside the scope of EFSC jurisdiction, we recommend that the forthcoming reports explore how changing the definition of high value farmland under ORS 195.300 could ease siting and permitting barriers for clean energy. Alternatively, EFSC could allow applicants to change the soil class designation and/or high-value farmland designation if certain evidence is provided.**

This dynamic is particularly problematic in the context of American Viticultural Areas (“AVA”) designations. The definitions of HVF relating to the Columbia Valley viticulture area include large swaths of land that are too arid to successfully grow grapes and have no access to irrigation. In this case, we recommend that AVA designations under ORS 195.300 be revised to more accurately reflect areas of high value for viticultural purposes.

D. Improve guidance around agricultural mitigation or offer a fee in lieu of mitigation

The Council has recently taken an interest in agricultural mitigation for solar projects. Because this is a relatively new concept, there are currently no guidelines around agricultural mitigation. While not a barrier to development per se, developers could use guidance around what counts as agricultural mitigation and an understanding of how the Council will evaluate mitigation proposals. In addition, **we recommend that agricultural mitigation count as an acceptable reason for a Goal 3 exception, given its nexus with preserving agricultural land. The Council could also explore offering a fee in lieu of mitigation to provide optionality.**

V. Address BESS-specific Permitting Issues

Given ongoing challenges with standalone storage in Oregon, including the recent Marion County moratorium, ODOE's forthcoming reports could explore the lack of clear statutory or land-use treatment for battery energy storage systems ("BESS"). While BESS are defined in EFSC statute as "energy facilities," it would be more useful to also be defined as a utility facility. Storage projects face unique barriers as a newer, dynamic technology that differ from wind, solar, and other generation projects that have a longer track record. To date, storage projects at EFSC have only been permitted as part of a generation project, co-located with solar or wind and considered part of the project's supporting infrastructure. To address this challenge, **we recommend that EFSC provide clarity around permitting standalone storage facilities.**

VI. Align Permitting and Interconnection

Interconnection remains a major barrier to clean energy deployment in Oregon and across the region. Although interconnection policies and processes lay with the Bonneville Power Administration ("BPA"), the Oregon Public Utility Commission ("OPUC"), and individual utilities, better alignment between permitting and interconnection processes may help projects advance more efficiently.

Delays in EFSC permitting can directly impact a project's position in the interconnection queue and its competitiveness in procurement processes. Specifically, delays can cause projects to miss key interconnection milestones or cluster study entry points, forcing them into later study cycles with higher upgrade costs and longer backlogs. This misalignment between EFSC milestones and interconnection processes exposes clean energy projects to multi-year delays and increased costs. To address this, **we recommend aligning the permitting process with interconnection processes to the greatest extent possible. This could include: enhanced coordination between ODOE, EFSC, OPUC, BPA, and utilities around timelines, finding ways to allow for earlier**

determinations of project readiness, or parallel tracking processes where feasible. These actions would help ensure that EFSC permitting does not inadvertently undermine interconnection viability or Oregon’s clean energy goals.

VII. Conclusion

RNW is encouraged by ODOE’s implementation efforts around EO 25-29 and appreciates the opportunity to shape the development of the two reports due to the Governor by September 1, 2026. Our recommendations are intended to support this work by offering clear and practical actions that can be carried out by agencies or advanced through legislative or executive direction. We are hopeful that these efforts will result in meaningful and lasting improvements at EFSC to streamline siting and permitting processes and measurably reduce the cost and time it takes to permit clean energy projects in Oregon.

Public Comments Made Orally at the June, 26, 2026 EFSC Meeting re EO25-29 report presentation by Joni & Todd

Public comment by Troy Jones

My name is Troy Jones. So right now these comments are on the Yes ma'am. Draft report, right? Because I know you have others Yes ma'am, all about the draft report. All right, thank you. The agenda is very clear today. I will not get outside my boundaries. I assure you.

The record, my name is Troy Jones. I live at 22335 gap Road in Harrisburgh Oregon. I want to thank you for this opportunity to address the council. Special, I wanted to make a point of of shouting out special thanks to counselor Grail for her ten years of service. That's just amazing, amazing effort and I'm sure it's an exemplary record as well.

So, I've been participating in these energy facility siting council meetings. I brought this up before since January 2024 and have attended every meeting, whether it's here in Savum or it was via Webex when you're over eastern, in Eastern Oregon. During this time, I've witnessed.

Developers easily extend their applications, their preliminary applications, and I haven't seen FSAC deny any application today. Oregon's Department of Energy and Energy facility sighting Council has made that has been very accommodating to developers and to the public's concerns. F SEC standards are necessary to ensure sightings are in the appropriate location.

And you guys are really clear that that's important to you. Oregon farm lands are also very extremely important to us. Cost benefit analyses and alternative sites such as Brownfield and already marginalized lands should be considered prior to placing low efficiencies.

Lower efficiency solar facilities versus our important farmlands, and that should always be considered. I believe data centers, distribution centers, industrial facilities should all be held accountable to provide return for their power needs. I also I also understand in any business streamlining internal processes, eliminating redundancy.

See and process optimization should always be considered. However, we should never ease efforts for providing or provide shortcuts for developers in in this process. Our beautiful state's well being should always be prioritized.

Oregon is oregon. So let's not place because your.

The Culture and your heart. I've spoken to this before are always very clear to me, a member of the public. I know as Oregon Department of Energy and the energy facility sighting council, watch over this, that you'll use your experience.

And your working knowledge to ensure that citing standards are not made easier for anyone. I strongly urge Oregon Department Department of Energy and this council to hold to your core values.

Held accountable to those standards that are so important to all of us here in Oregon. After all, we all live here. And we have to live with the consequences of our actions. And so I really appreciate once again, all your efforts. Thank you. Thank you again for your comments. So maybe do you have.

Public comment by Les Poole

For correcting that. It kept telling me that I couldn't unmute myself. My name is Les Pool again. I live in Lin County and in sweet home, and I've got some thoughts about the subject specifically.

And at the when I'm completed I would appreciate getting some direction on how to participate in writing on rule making. I understand it's kind of one of those ongoing things and I'm a little confused, but I do want to submit some comments in writing if appropriate.

You know early in the meeting there were, there was discussion of blade falls and, and wildfires. That's really indicative of safety concerns that have been expressed through the years and.

Compromising public safety, it just is unacceptable, so any rule changes or anything that can be done to encourage improved public safety and and that.

That deals with wildfire risk and and a whole gauntlet, but anything regarding public safety improvements and considerations would be great. You know, it's my understanding that an executive order cannot overturn a statute.

And I I sometimes ponder is, is that what's being expected of you? I I think that the process needs some work. I'm I'm really concerned about the contested case process and the.

The lack of public awareness or understanding of, of how that works, it's unique, it's different, and I certainly would like to in the future weigh in in writing with some suggestions for improvements.

When we think of streamlining, one of the things that could be done is to look at this, that issue with, with a little different eye and that would be to consider establishing more benchmarks for the applicants of of the most.

Clear example of where that could, could change and bring certainty is with regard to water. Applicants are years down the road and yet after 234 years sometimes into the process, they

still don't have a certified source of water for operating the system, operational water for the next 25.

Over 30 years, I believe a rule could be enacted that if water is not certified, if a certified source of water is not secured within 18 months of the application, the application should be dismissed because with a notice of intent for a year and.

15 months after you apply, you add that time frame up and at that point, if an applicant hasn't secured water, why are they allowed to move forward? I do share the, the previous concerns from the counselor. I apologize, I can't remember her name, but she.

Mentioned something I was going to mention and that is speeding up the process and doing things to streamline it is an invitation for inadvertently leaving the public out or not allowing or providing the public awareness that is so essential.

And I'm real concerned about cutting corners in terms of public involvement. There are other suggestions I have. I don't wanna, to, you know, I understand this isn't a hearing where we're getting too deep into all of the specifics.

But one thing that would really help is the public awareness. I believe if we had 500 ft notification areas increased to maybe 2000 ft or some larger distance, locals would be informed early on and wouldn't be caught off guard because it's it's the.

It's the, the resident or the or the entity that shows up feeling like they haven't been in informed or they find out about this thing and they're immediately their hackles are up. So notification and improved public process would be essential here.

The last thing I I would say is that, I I am grateful for the work you folks do, what a difficult job, and.

Counselor Grail, you know, been here ten years. I really appreciate her comments she's making today and, and I think she it's very, very heartfelt that we're determining oregons.

Future, and right now we're having a a land rush and a land rush comes with positive and negative impacts and more awareness and improve rule making to clarify things would go a long ways. Now thank you for the opportunity to speak. Thank you.

June 26th, 2026

Oregon Department of Energy
550 Capitol St. NE Salem,
OR 97301

Re: EO 25-29 – Joint Comments on Barriers to Large-Scale Renewable Energy Projects Study and Siting and Permitting Large-Scale Electricity Infrastructure Study

As the Oregon Department of Energy (ODOE) considers how best to implement Governor Kotek’s “Executive Order on Reducing Greenhouse Gas Emissions and Advancing Oregon’s Clean Energy Infrastructure” (EO 25-29), we submit the following recommendations for harmonizing efforts to de-carbonize Oregon’s energy infrastructure with continued protection of our treasured public lands, vibrant waterways, and fish and wildlife resources.

An effective response to the global climate crisis and the need to meet the growing demand for power requires Oregon, and the rest of the country, to rapidly expand renewable energy resources, retire fossil fuel infrastructure, and modernize our electrical grid and transmission capacity. Our organizations support our state’s mandate to achieve 100% renewable energy by 2040 and transition to a decarbonized and modernized electrical grid. We recognize that we will need to expand electricity generation to meet the needs of a growing population and support the electrification of the transportation, building, industrial, and agricultural sectors of Oregon’s economy. Meeting these goals need not come at the expense of strong protections for community health and the wildlands, wildlife, and waters that Oregonians cherish.

Hydro-power development here in the Pacific Northwest, and the resulting devastation of salmon and harm to Tribal Nations, is a vivid example of the severe economic, ecological, and cultural consequences of pursuing power generation without consideration for ecosystems and species. As Oregon takes steps to decarbonize our economy, we can learn from our mistakes and ensure that new clean energy infrastructure also protects community and ecosystem health.

As you consider policy recommendations to fast-track new energy development, we offer following principles to guide your decisionmaking.

Evaluate causes of barriers to renewable energy alongside siting and permitting electricity infrastructure:

- We note that you are accepting comments on your draft report on barriers to renewable energy, but plan to develop a separate report on siting and permitting electricity infrastructure. Separating these two factors may lead to inaccurate assumptions and ineffective solutions. For example, other states have experienced long delays in

permitting transmission projects, but analyses show that the permitting process was not the cause of delay. Project siting, community engagement, and transparency are often more significant factors.

Expand Agency Capacity and Coordination:

- Ensure appropriate state and federal funding and staff capacity at agencies responsible for assessing environmental impacts and managing public engagement. Lack of sufficient capacity is one of the biggest barriers to the permitting process, and opponents of strong environmental protection frequently point to delays caused by inadequate staffing to attack essential safeguards for transparency, accountability, and environmental protections.

Focus policy recommendations on the true causes of delay in clean energy projects rather than perception or assumption:

- National attention is focused on rolling back environmental laws under the incorrect assumption that scientific reviews and community engagement are delaying the completion of renewable energy projects. We urge you to look beyond rhetoric and perception to identify avenues to ensure a smooth transition to a clean energy future that also protects communities and Oregon's important fish, wildlife, habitats, and landscapes.
- We are strongly opposed to any weakening of environmental protections (state or federal) as part of Oregon's transition to clean energy. While such changes are often framed as promoting renewable energy and transmission development, the reality is that energy development is deeply intertwined with other issues, from the explosion of data centers, to continued fossil fuel use, to logging and development on public lands. Major decisions affecting our land, air, and water should be made transparently, and with ample opportunity for the public to engage in and inform those choices.
- The National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Clean Water Act, Oregon Endangered Species Act (OESA), Oregon land use and water protection statutes and other environmental laws are a necessary backstop to destructive activities on public lands. While there may be anecdotes of these laws being abused to block worthy projects, there are many more examples of projects being improved, and important public values being protected, because of the guardrails that strong environmental protections and public engagement provide.
- Policy makers should strive to correctly identify the problems we need to solve and ensure that any changes to Oregon's environmental protections advance those solutions.

For instance, while a variety of challenges face the build-out of new renewable energy capacity in Oregon, the cost and other bureaucratic obstacles associated with connecting new projects to the Bonneville Power Administration's (BPA) aging transmission infrastructure is often cited as a primary impediment.

Conflating that problem with calls to weaken state-level water, farmland or wildlife protections can be a distraction that needlessly fuels public polarization rather than consensus.

Support and invest in landscape and seascape-scale planning to identify critical ecosystem and community resources and avoid site specific conflicts:

- Utilize existing inventories, as well as new mapping technologies, to identify, with public and Tribal input, priority conservation areas where new development would be inappropriate. Delineating areas energy and transmission developers should avoid before projects are proposed prevents conflicts that arise when projects are proposed in environmentally unsuitable locations. Land and seascape level mapping should include:
 - high-value fish and wildlife habitat and critical habitat for imperiled species as identified in federal planning and the Oregon State Wildlife Action Plan (see "Conservation Opportunity Areas" and "Key Habitats");
 - important migration corridors, stop-over habitats, migratory bird flyways as well as key breeding and wintering grounds for avifauna (see SWAP "Conservation Opportunity Areas" and "Key Habitats");
 - mature and old-growth forests;
 - USFS roadless areas, BLM Lands with Wilderness Characteristics and Areas of Critical Environmental Concern, national wildlife refuges and state wildlife areas;
 - drinking watersheds;
 - recreational and scenic areas;
 - Estuary Management Plan updates to assess critical estuarine habitats; and
 - marine biodiversity hotspots in both state and federal waters that potential renewable energy projects would impact.

Mapping should also assess cumulative impacts across an area of existing and proposed infrastructure, as opposed to only considering individual project proposals.

- Including the public in this planning effort will help ensure efforts to expand renewable energy development do not create needless controversy and conflict. See “Siting Renewable Energy Development in Oregon: Voluntary Guidelines Developed Through Outreach and Engagement,” published by Oregon Natural Desert Association, Renewable Northwest, Natural Resources Defense Council and Defenders of Wildlife in 2023.

Build on existing infrastructure to expand capacity and improve ecosystem protection:

- For new clean energy project proposals, prioritize sites with access to existing transmission and distribution networks.
- Work with federal decision makers to modernize the Bonneville Power Administration and its aging infrastructure, while ensuring the agency meets its obligations to recover salmon and steelhead populations and maintain Tribal treaty rights.

- For new transmission corridors and expanding grid capacity, prioritize maintenance and upgrades for existing infrastructure wherever possible. There is a serious maintenance backlog that isn't always part of the state or federal policy conversation, and modernizing the existing grid can make a significant dent in the need for new capacity.
- Where new power lines or other infrastructure are needed, focusing this development on existing rights-of-way instead of further fragmenting fish and wildlife habitat should be favored wherever possible. See, for example, the Bureau of Land Management's assessment of potential energy transmission corridors on public lands in Oregon.
- Implement energy conservation and efficiency measures, virtual power plants, and other modern methods to reduce energy consumption and the need for additional large scale energy infrastructure build out.
- Consider changing infrastructure maintenance requirements in light of worsening climate impacts, such as more extreme heat, wind, and ice events. There needs to be more planning and investment in the grid we will need in the next 50 years. We should not be planning for the energy needs of today — it is the energy needs of the future that should dictate policy decisions.
- With new and upgraded transmission lines in high-risk wildfire areas, preference should be given to burying lines underground rather than expanding above-ground or new in-river infrastructure.

Protect Tribal Treaty Rights and Encourage Co-Stewardship of Treaty Resources:

- New energy development and infrastructure must not impair Tribal treaty rights, including rights to fish and wildlife, and the habitat needed to sustain them.
- Any changes to state or federal permitting processes should follow broader statutory requirements, trust and treaty obligations, and the unique government-to-government relationship between the United States, the State of Oregon and Tribal Nations.
- Any changes in federal or state policy should require rigorous consultation with Tribal governments and indigenous institutions regarding historic properties, traditional sacred sites, or cultural values. Agencies must ensure the development of new projects, including transmission infrastructure, does not harm these sites or values. The consultation process should involve dedicated funding and staff capacity to support Tribal governments and indigenous institutions, and should occur early and often throughout the project planning and development process.
- We acknowledge that much of this language addressing Tribal engagement is included in the EO and draft report, and we expect the final recommendations to continue to prioritize these considerations.

Apply an equity and justice lens to energy policy:

- Recognize that communities of color and low-income communities have long borne a disproportionate share of the harm from polluting energy infrastructure. The devastation

of our region’s iconic salmon runs and its effect on Tribal Nations provides a vivid local example of this fact. Going forward, policy makers must ensure fair distribution of benefits from energy and transmission development and minimize impacts to marginalized communities. See “Siting Renewable Energy Development in Oregon: Voluntary Guidelines Developed Through Outreach and Engagement,” published by Oregon Natural Desert Association, Renewable Northwest, Natural Resources Defense Council and Defenders of Wildlife in 2023.

- Ensure inclusive, accessible, and authentic community engagement in the decision-making process, and require state and federal agencies to address concerns from marginalized communities in making permitting decisions.
- Although EJSscreen is no longer accessible on the national level, the state of Oregon is developing an environmental justice mapping tool under the guidance of the governor’s Environmental Justice Council. This tool can and should be used to guide energy and transmission development in Oregon.

Oregon is truly a special place, and our old-growth forests, dramatic river gorges, expansive desert vistas and the broad diversity of flora and fauna we enjoy are central to the character of our state. Conservation of those values is a high priority for Oregonians, and smart siting and public oversight of new renewable energy facilities are vital to ensuring we maintain our natural heritage for generations to come. As Oregon seeks to expand renewable energy, it is important that we harmonize the goal of addressing climate change with the protection of our natural treasures so that both can be advanced.

Thank you for your consideration of these recommendations.

Sincerely,

Lauren Anderson
Climate Forest Program Manager
Oregon Wild

Mark Salvo
Senior Conservation Advisor
Oregon Natural Desert Association

Michael Dotson
Executive Director
Klamath-Siskiyou Wildlands Center

Sristi Kamal, Ph.D.
Deputy Director
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Rand Schenck
Forestry and Natural Lands Lead
MCAT, Mobilizing Climate Action Together

Cheryl Bruner
Secretary
Williams Community Forest Project

Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

July 2, 2026

Re: EO 25-29 – Joint Comments on Reducing Barriers to Clean Energy Deployment Draft Report

Renewable Northwest, Climate Solutions, The Nature Conservancy, Oregon Environmental Council, BlueGreen Alliance, NW Energy Coalition, Mobilizing Climate Action Together, Green Energy Institute at Lewis & Clark Law School, and Oregon Solar + Storage Industries Association (“joint commenters”) appreciate the opportunity to provide feedback to the Oregon Department of Energy (“ODOE”) on its draft report on *Reducing Barriers to Clean Energy Deployment*. Executive Order (“EO”) 25-29 directs ODOE to coordinate with the Oregon Public Utility Commission (“OPUC”) and the Department of Land Conservation and Development (“DLCD”) to inventory and assess barriers to the permitting, construction, and interconnection of clean energy projects and associated infrastructure and recommend actions to overcome those barriers. We strongly support the EO’s recognition that accelerating clean energy deployment is essential to meeting Oregon’s clean energy goals, enabling economic growth, and supporting reliability and affordability. While the draft report identifies many of the barriers facing project development, it stops short of proposing the reforms necessary to overcome those challenges.

I. Feedback on Report Scope and Identification of Barriers

The scope of this particular report is limited to clean energy projects that have *already* received state or local land use approvals. We understand that this may be a practical consideration, scoping one report to be more focused on barriers within ODOE’s control (i.e. the siting and permitting process at the Energy Facility Siting Council (“EFSC”)) and barriers that are less directly connected to ODOE’s work (i.e. interconnection and construction). This report falls in the latter category and is primarily focused on identifying barriers to the interconnection and construction of clean energy projects with a more limited look at federal permitting processes as well.

We largely agree with ODOE’s identification and analysis of barriers including cost, unexpected delays, limited cross-jurisdictional coordination, limited availability of equipment and supplies, limited staffing capacity, unmet workforce needs, and limited grid capacity. However, we are disappointed by the recommendations that ODOE has put forward as they have limited connection to the identified barriers. ODOE largely leans on implementation of the Oregon Energy Strategy to ease interconnection and construction barriers, but these are actions the

agency is *already* supposed to be undertaking pursuant to the EO and pursuant to the Energy Strategy itself. We urge ODOE to reevaluate its recommendations and consider broader actions.

The report fails to recognize that while interconnection and construction of large-scale clean energy projects are largely outside the purview of ODOE, OPUC, and DLCD, there are many more creative solutions these agencies can implement to support the development of clean energy and transmission projects through known interconnection and construction challenges. Further, interconnection for smaller scale clean energy projects is almost entirely within the PUC's jurisdiction and should be evaluated as part of any future investigation into barriers to projects under 20 MW.

II. Feedback on Report Recommendations

We generally support the actions within the Oregon Energy Strategy and encourage ODOE to continue pursuing those. However, the connection between those recommendations and the identified barriers within this report often feels tenuous. From our perspective, the two recommendations with the clearest throughlines to barriers within the interconnection and construction landscapes are the workforce needs assessment (cross cutting action 7) and informing the role that a state transmission entity may play in enabling investment (electricity action 3). We urge ODOE to focus resources on those actions, as well as the ones we recommend in the following section.

Outside of implementing the Oregon Energy Strategy, ODOE recommends pursuing the four actions below. We provide brief feedback on each.

- A. Encourage interconnection applicants to voluntarily report plans to withdraw from any generator interconnection process before withdrawing. This would offer an opportunity for other interested persons to pay to avoid the withdrawal when that is preferred to facing potential delays due to a withdrawal.

Though we understand the intent behind this proposal, we would appreciate further details on how this would work in practice and what guardrails would be in place to avoid undesirable outcomes.

- B. Convene an annual or semi-annual forum to discuss and evaluate opportunities to improve alignment across different processes, including permitting, interconnection, and construction. Issue a forum report summarizing potential concerns and any recommended near-term actions that were identified at the event.

We appreciate ODOE's intent to support ongoing coordination across permitting, interconnection, and construction; however, this recommendation risks deferring action that EO 25-29 directed the agency to take. ODOE now has both clear directives under the EO and substantial information about the barriers that need to be addressed. We encourage the agency to use its existing authority under the EO to move forward with concrete process and policy changes in the near term, and to frame any ongoing forum as a supplemental venue for working through longer-term or more complex cross-jurisdictional issues, rather than as a prerequisite to timely action.

- C. Analyze new day-ahead market operations data to inform potential mechanisms for the state to support the prioritization and funding of different interconnection costs.

We generally support this recommendation and agree that operational data from EDAM could be helpful in evaluating transmission use, congestion, and the need for grid upgrades. EDAM may help shed some light on where the state may want to encourage more transmission upgrades to alleviate constraints. However, the report could more clearly explain the relationship between EDAM operations and the barrier of limited grid capacity and also detail what kind of support and funding the state could provide related to interconnection costs.

- D. Undertake similar investigations into the barriers affecting the deployment of clean energy facilities in Oregon under 20 MW in size, including rooftop solar and behind-the-meter storage resources, and into the barriers affecting the continued operations of existing small-scale energy resources, including small-scale hydroelectric and biomass facilities.

We support this recommendation since projects under 20 MW face unique barriers, particularly related to siting and interconnection.

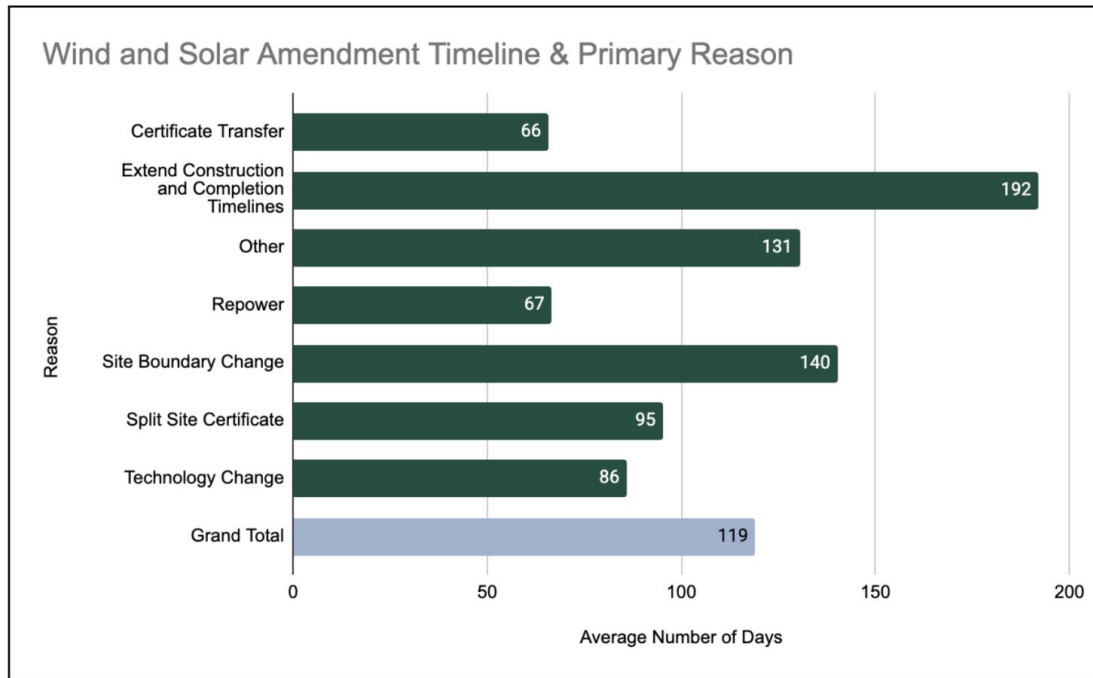
III. Recommendations of Joint Commenters

Our recommendations are focused on actions ODOE, OPUC, and to a lesser extent, DLCD, can take to facilitate clean energy and transmission deployment given known challenges to permitting, interconnecting, and constructing projects. Essentially, what is within these agencies' existing power to change.

A. Permitting

Despite the lack of focus on the permitting process, there are significant actions ODOE could take to facilitate deployment through its own permitting process, even after a site certificate has been granted. Based on our analysis of EFSC permitting data, 48% of certificate holders have to

make a change to a project after the site certificate has been issued. There are a number of reasons why this is the case ranging from project financing realities, to cost and technology changes that may have occurred throughout the development process, to larger headwinds in the clean energy industry and the specificity that is required when submitting an application. As seen in the figure below, the amendment process for wind and solar facilities takes an average of 119 days to complete, with the construction extension amendment process taking the longest at 192 days.



For amendment requests that are largely administrative in nature, EFSC should implement a fast track administrative update process. For requests like facility name changes, construction extension requests, and the division of a large facility into smaller ones, which have little to no impact on the environment or the public, EFSC Staff should evaluate the request administratively rather than requiring a formal amendment process and Council approval. Further, these kinds of requests should not require hundreds of pages of supporting documentation. These changes would substantially reduce delays after site certificates are issued and lower the cost of energy projects. In order to put appropriate guardrails on changes to a site certificate, EFSC staff can use discretion to allow limited for-cause construction extensions and in circumstances where full EFSC review may be warranted, move an administrative update back into an amendment process.

B. Interconnection

Interconnection is the process of getting new generators like wind, solar, and storage connected to the grid. Interconnection queues in the Pacific Northwest, like much of the country, are backlogged, and projects face multiyear timelines and major costs before being grid-connected. The key barrier is limited grid capacity, as this report notes, meaning that the transmission system cannot handle new generators without first undergoing major upgrades. Essentially, we don't have enough transmission capacity to support new generation.

The question is then, how can ODOE, OPUC, and DLCD facilitate interconnection, recognizing that the two agencies don't have much control over those processes. Most clean energy projects are either waiting in the Bonneville Power Administration's ("BPA") paused interconnection queue or are being processed through PacifiCorp or Portland General Electric's queues, which are FERC jurisdictional. **We suggest that ODOE, OPUC, and DLCD make it more likely that the transmission infrastructure needed to interconnect new clean energy already exists or is under development, before projects reach the queue.** While this approach may not have immediate results, it will ultimately lead to a grid that can absorb new generation capacity quickly without requiring massive upgrades borne by individual generators.

To that end, ODOE can support projects through the following actions:

- **Effectively implement HB 4076.** The law allows projects using surplus interconnection to qualify for a goal exception under statewide planning goals both at EFSC and at the county level. ODOE should streamline permitting for projects using surplus interconnection to incentivize efficient use of the existing transmission system.
- **Put forward a bold vision for the framework for strategic transmission siting.** EO 25-29 also directs ODOE to identify a framework to strategically accelerate transmission corridor designation, siting and permitting approvals within those corridors or existing right of way, and financial support for projects in the public interest. We urge ODOE to put forward concrete actions rather than relying on further study.
- **Evaluate how EFSC can support more efficient reviews of transmission infrastructure.** Use the experience of permitting Boardman to Hemingway ("B2H") to identify procedural and substantive changes that could have streamlined the siting and permitting process. Potential options include: an ODOE concierge service for transmission projects where one staff person plays a coordinating role between utilities, developers, local governments, tribes, and state and federal agencies. Another option is to standardize and make clear from the outset the environmental review requirements that agencies will seek on transmission projects. For example, applicants seeking to build transmission lines should know before they submit a notice of intent (NOI) what studies

and information will be required from the various state agencies that engage in EFSC's review of site certificates for transmission lines.¹

- **Coordinate with state energy departments around the region.** The Western Transmission Expansion Coalition ("WestTEC") identified a number of transmission lines that will need to be built in the next decade, some of which are already in development and some of which are newly identified. ODOE should coordinate with other energy departments around the region on transmission projects within the WestTEC study that cross state lines.

The Oregon PUC can also do a number of things to increase transmission capacity and facilitate speedier interconnection.

- **Continue implementing HB 3336 in docket UM 2409.** Grid enhancing technologies ("GETs") can increase the capacity, reliability, and safety of the existing transmission system. GETs solutions are often considered the "low-hanging fruit" that allows us to get the most out of our current transmission system. The PUC should ensure that utilities are deploying all cost-effective GETs through a review of upcoming integrated resource plans ("IRPs"), and iterate on rules within the UM 2409 docket if necessary. GETs deployment should not be a check the box exercise, but rather a robust evaluation of transmission alternatives and the solutions that utilities turn to first and foremost to solve transmission constraints where appropriate.
- **Continue efforts to reform small generation interconnection in AR 688 and UM 2111.** The PUC is undertaking investigations and rulemakings to reform small generator interconnection (under 20 MW) and we encourage the Commission to continue making it easier and less costly for small generators to interconnect to the distribution system while maintaining safety and reliability.
- **Require utilities to proactively plan for transmission investments in IRPs.** Move utilities towards proactive transmission planning within regular IRP cycles. Utilities should identify where renewable generation is likely to be developed based on existing infrastructure and resource capacity factors and plan for the transmission needed to support the delivery of that electricity. This would move us toward a paradigm where individual clean energy projects are no longer on the hook for massive network upgrades that benefit the entire system.

¹ See recommendations from the Sightline Institute's "Four Ways to Get More Power Lines—and Clean Power—for Oregonians" by Kelly Trumbull:
<https://www.sightline.org/2026/03/26/four-ways-to-get-more-power-lines-and-clean-power-for-oregonians/>

DLCD can facilitate the development of transmission through the rules it sets for the county-level siting and permitting process.

- **Effectively implement HB 4076.** The law allows projects using surplus interconnection to qualify for a goal exception under statewide planning goals both at EFSC and at the county level. DLCD should streamline county-level permitting for projects using surplus interconnection to incentivize efficient use of the existing transmission system.
- **Ensure consistent county interpretation of transmission siting statutes.** Counties may be interpreting the underlying land use regulations for transmission inconsistently. Transmission is generally considered a “utility facility necessary for public service” under ORS 215.213(1)(c). However, sometimes the “use” category for transmission is not clearly defined within county code and transmission’s applicability in different zones is often unclear. DLCD should ensure consistent treatment of transmission infrastructure across counties.

The recommendations above are all possible within existing agency authority. However, **we also urge agencies to support the creation of a transmission authority to enable the buildout of significant transmission infrastructure for Oregon.** A transmission authority can help fill the gap between utility planning and project permitting by identifying, prioritizing, and then moving transmission projects that serve the public interest. It can also coordinate across utility footprints, state agencies, local governments, and neighboring states to move transmission lines of statewide significance forward, while leveraging public financing tools that lower the cost of the investments, ultimately saving ratepayers money. As Oregon continues to electrify and add new renewable energy resources, a transmission authority can help provide the capacity to proactively develop the grid and transmission system, rather than solely relying on utility driven projects.

C. Construction

The barriers to constructing clean energy projects identified by ODOE include cost, unexpected delays, limited availability of equipment and supplies. While the connection between these barriers and actions available to ODOE, OPUC, and DLCD is less direct than in the interconnection context, EFSC’s site certificate amendment process has a clear nexus with construction and could be improved.

Projects experiencing construction delays must seek amendments to extend construction and completion deadlines. These take an average of 192 days. Lengthy amendment timelines can compound existing construction challenges by increasing project costs by tens to hundreds of thousands of dollars and creating additional regulatory uncertainty.

It is our understanding that HB 3049 extended the default construction and completion deadline windows to six years to better reflect the realities of energy development. We support that

change. In addition, **we recommend that EFSC move construction extension requests outside of the amendment process entirely**, as noted above. When a developer or utility is only requesting a deadline extension, that should not trigger an amendment to a site certificate or a re-opening of the site certificate in its entirety. Instead, these requests should be handled through administrative updates that EFSC Staff handles and does not go before the Council for formal approval. This would help reduce unnecessary costs, delays, and administrative burdens while maintaining EFSC's oversight of project development.

IV. Conclusion

We appreciate ODOE's work to identify barriers to clean energy deployment and recognize that many of the interconnection and construction related barriers are outside of ODOE, OPUC, and DLCD's purview. However, we believe there are more creative solutions, like the ones we've identified above, that can help facilitate project deployment despite known challenges. We urge ODOE to incorporate our recommendations into the final report to ensure that the state is maximizing the opportunity that Governor Kotek's executive order has provided.

Respectfully submitted this 2nd day of July 2026,

/s/ Katie Chamberlain

Senior Policy and Regulatory Manager, Oregon
Renewable Northwest

/s/ Alma Pinto

Oregon Clean Energy Policy Manager
Climate Solutions

/s/ Lauren Link

Oregon Climate Program Director
The Nature Conservancy

/s/ Sarah Clark

Deputy Director for Programs
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/s/ Ranfis Giannettino Villatoro

Senior Policy Manager
BlueGreen Alliance

/s/ Fred Heutte

Senior Policy Associate
NW Energy Coalition

/s/ Pat DeLaquil

Steering Committee
Mobilizing Climate Action Together

/s/ Carra Sahler

Director and Staff Attorney
Green Energy Institute at Lewis & Clark Law School

/s/ Alyssa Forest

Policy and Regulatory Affairs Director
Oregon Solar + Storage Industries Association

LOCALLY GROWN

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**OREGON
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GROWING STRONG

July 2, 2026

Oregon Department of Energy
550 NE Capitol Street, NE
Salem, OR 97301

Comments submitted electronically via <https://odoe.powerappsportals.us/en-US/EO-Public-Comment/>

RE: Draft Report on Reducing Barriers to Clean Energy Deployment

Dear Clean Energy Deployment Report Team:

The Oregon Farm Bureau (OFB) appreciates the opportunity to provide comments on the Oregon Department of Energy's (ODOE) *Draft Report on Reducing Barriers to Clean Energy Deployment*. OFB represents farm and ranch families across Oregon whose livelihoods depend on reliable energy, affordable power, private property rights, and the continued protection of Oregon's agricultural land base.

OFB recognizes that Oregon needs a reliable and affordable energy system. Agriculture depends on electricity for irrigation, refrigeration, processing, pumping, livestock care, and on-farm operations. We support a renewable, economically viable energy policy and recognize green power, including hydropower, solar, biofuels, geothermal, and wind, when such generation is beneficial to the local area, efficient, environmentally safe, and developed with strong local stakeholder input. OFB also supports net metering, remote metering, and aggregate metering options that allow agricultural producers to receive fair market value and flexibility when they generate power on site for farm and ranch use.

At the same time, clean energy deployment must not be accelerated by weakening the land use protections that make Oregon agriculture possible. The Draft Report identifies cost, unexpected delays, limited cross-jurisdictional coordination, limited equipment and supply availability, limited staffing capacity, unmet workforce needs, and limited grid capacity as barriers to clean energy deployment. Those issues may warrant attention, but

they should not be used to justify reducing substantive protections for Exclusive Farm Use lands, high-value farmland, irrigated land, productive rangeland, or surrounding farm and ranch operations.

OFB appreciates that the Draft Report recognizes that not all state requirements for energy facilities are barriers the state should remove. Oregon's land use system already contains pathways for energy facilities, utility infrastructure, transmission lines, and renewable energy development. Those pathways reflect deliberate policy choices intended to protect finite agricultural and forest resources while allowing necessary public facilities under appropriate standards. As OFB stated in comments to the Department of Land Conservation and Development (DLCD) in May, the existence of procedural complexity does not, by itself, justify reducing substantive protection for resource lands.

We believe that the purpose of land use planning should be to protect the resources, agricultural environment, and infrastructure needed for farmers and ranchers to produce and market food and fiber for current and future generations. Put another way, we are opposed to efforts to remove economically productive farm and forest land from farm or forest zones.

For that reason, OFB encourages ODOE to clarify in the final report that land use safeguards, agricultural impact standards, local review, public participation, and landowner protections are not barriers merely because they require developers to demonstrate that projects are appropriately sited. The final report should avoid framing agricultural land protection as an obstacle to deployment. Instead, it should recognize that preserving Oregon's agricultural land base is itself a statewide public interest.

In our May 2026 comments to DLCD, we expressed concern that clean energy recommendations could materially affect EFU lands, high-value farmland, irrigated land, rangeland, and surrounding farm and ranch operations if not carefully limited. We believe that recommendations related to clean energy siting must maintain the existing agricultural land protection framework wherever possible, limit Goal 3 exceptions to narrow circumstances, preserve application of ORS 215.296 and related farm-impact standards, require alternatives analysis before siting energy facilities on EFU land, prioritize rooftops, developed sites, brownfields, landfills, existing energy sites, and nonresource lands, and treat mitigation as a last resort rather than a substitute for avoidance.

OFB is particularly concerned that grid proximity or available interconnection capacity could be treated as a reason to normalize energy development on agricultural land. The presence of nearby infrastructure should not be treated as sufficient justification to convert productive farmland or diminish protections for surrounding operations. Any clean energy siting framework should require a meaningful alternatives analysis, clear findings regarding nonresource sites, and a showing that agricultural impacts have been avoided first and minimized or mitigated only where avoidance is not possible.

The same caution applies to stand-alone battery energy storage systems. Battery storage may have a role in the energy system, but stand-alone storage facilities are industrial in character and may raise site-specific concerns related to fire safety, hazardous materials, emergency response, access, water impacts, and decommissioning. Creating broad new land use pathways for these facilities in EFU zones risks authorizing industrial development on resource land without adequate review.

OFB also urges caution regarding any recommendation related to transmission corridors. Power transmission lines should be located to avoid losses of present or potential agricultural and timber production and should avoid valuable farmland. We support the principle of utility corridors when they minimize or avoid the loss of agricultural and timber lands. Transmission projects can affect producers for generations by altering farm layout, interfering with irrigation systems, affecting aerial application, restricting equipment movement, complicating field access, reducing productive acreage, and imposing long-term operational burdens. Any corridor process must include early notice to affected landowners, direct consultation before corridor designation, county-level participation, agricultural representation, enforceable avoidance standards for high-value and irrigated farmland, and strong mitigation and compensation requirements.

OFB supports ODOE's recommendation to convene an annual or semi-annual forum to discuss alignment across permitting, interconnection, and construction processes, provided that the forum includes agricultural stakeholders, including producers. Such a forum should not function solely as a venue for developers and agencies to identify faster pathways for project approval. It should also identify practical ways to avoid conflicts with agricultural operations, improve landowner communication, strengthen decommissioning and restoration standards, and ensure that project conditions are enforceable over the life of the facility.

We also support further investigation into barriers affecting smaller clean energy facilities, including rooftop solar, behind-the-meter storage, on-farm generation, and other distributed resources. These resources may offer lower-conflict opportunities to meet energy needs without increasing pressure to site utility-scale facilities on productive agricultural land. Future investigations should distinguish between clean energy projects that support ongoing farm use and projects that convert agricultural land to industrial energy use.

In addition, OFB urges ODOE to add or emphasize the following recommendations in the final report:

1. **Recognize agricultural land protection as a core constraint and statewide public interest, not an optional consideration.** The final report should state clearly

that energy deployment should not be accelerated by weakening Goal 3, Goal 4, EFU protections, ORS 215.296 review, local participation, or landowner rights.

2. **Prioritize low-conflict sites.** ODOE should recommend that state agencies prioritize rooftops, parking lots, brownfields, landfills, already-developed areas, existing energy sites, nonresource lands, and other low-conflict locations before agricultural land is considered.
3. **Require meaningful agricultural impact analysis.** Review of energy facilities should include irrigation, drainage, field access, road use, weed control, wildfire risk, livestock movement, aerial application, fencing, soil disturbance, water impacts, and cumulative effects on surrounding farm and ranch operations.
4. **Strengthen decommissioning and restoration requirements.** Energy facilities should include enforceable decommissioning plans, financial assurance, site restoration standards, weed-control requirements, fire safety planning, and water-impact protections sufficient to protect both the host property and surrounding agricultural operations.
5. **Avoid overreliance on mitigation.** Permanent conversion of agricultural land, fragmentation of farm units, loss of irrigation infrastructure, interference with neighboring operations, and cumulative regional loss of farmland cannot always be meaningfully mitigated. Avoidance of high-value farmland, irrigated land, productive rangeland, and land necessary to surrounding agricultural practices should remain the first and controlling principle.
6. **Preserve local government and landowner participation.** Efforts to reduce barriers should not reduce the ability of counties, affected landowners, farmers, ranchers, and irrigation districts to participate meaningfully in siting decisions. Public participation is not a barrier; it is a necessary part of durable project review.

We also ask ODOE to ensure that any discussion of “limited cross-jurisdictional coordination” does not become a pathway to preempt local governments or consolidate decision-making in a manner that diminishes rural voices. Coordination should improve predictability and reduce duplication, but it should not eliminate site-specific review or local knowledge. Counties and affected producers are often best positioned to identify the real-world operational impacts of a proposed facility.

Finally, OFB urges ODOE to recognize that Oregon’s agricultural land base is finite. Once converted to industrial-scale energy development, it is rarely restored to equivalent productive capacity. Clean energy deployment and agricultural viability do not need to be in conflict, but avoiding that conflict requires communication, early engagement, and a clear commitment to protect Oregon’s working lands.

We appreciate the opportunity to comment on the Draft Report and looks forward to continued engagement as ODOE develops the final report and related recommendations. Oregon can pursue reliable, affordable, and renewable energy while preserving the land base that supports food production, rural economies, and farm and ranch families across the state.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Krabill', with a long horizontal flourish extending to the right.

Ryan J. Krabill
Oregon Farm Bureau



July 3, 2026

To: Oregon Department of Energy

RE: Implementation of EO 25-29 – Comments of Renewable Northwest on ODOE’s Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

Renewable Northwest (RNW) appreciates the opportunity to comment on the Oregon Department of Energy’s (ODOE) draft report on Siting and Permitting Large-Scale Electricity Infrastructure. This report stems from Governor Kotek’s issuance of Executive Order 25-29 directing ODOE to “evaluate and recommend actions to update siting and permitting processes to facilitate deployment of renewable energy, energy storage, and grid infrastructure needed to deliver reliable and affordable clean energy to Oregon consumers.”¹

RNW is a uniquely positioned organization in the clean energy advocacy space. Our members include the environmental organizations and consumer advocates that helped pass our state’s clean energy laws; the renewable energy and storage developers that build projects necessary to decarbonize our grid and keep the lights on; the engineers, consultants, and attorneys who help clean energy projects through complex siting and permitting processes; and the buyers who support corporate procurement of clean energy. Because of the deep expertise and experience of our membership, we are well positioned to provide insight into the challenges associated with the Energy Facility Siting Council’s (EFSC) process and the opportunities for streamlining.

We appreciate many aspects of EFSC’s existing process, including its comprehensive, consolidated approach, standards-based review, well-established stages, and opportunities for public engagement. These features help ensure that projects are appropriately sited, impacts on people and natural resources are avoided and mitigated to the greatest extent practicable, and state standards are met. RNW also recognizes EFSC’s commitment to continuous improvement, as reflected in this draft report and our experience with the council over the years. That said, there is ample opportunity for streamlining that is not considered in this draft report.

¹ <https://www.oregon.gov/gov/eo/eo-25-29.pdf>

The big picture problem is that Oregon trails almost every other state in adding new renewable energy projects to the grid, despite ambitious clean energy mandates and forecasts of significant demand growth. Oregon needs to figure out how to build more clean energy more quickly to maintain reliability, unlock the cheapest sources of energy, and reduce our greenhouse gas emissions in line with climate science. RNW recognizes that siting and permitting are only one piece of the challenge, but the state should still do everything it can to streamline and modernize those processes as one part of the solution.

EO 25-29 represents a directive to do this work. But instead of getting creative about how EFSC can streamline siting and permitting processes and reduce timelines, the vast majority of the report is an explainer and defense of EFSC's current processes and undertakings. **In fact, only 6 of the 91 pages are dedicated to fresh ideas and problem solving.**

The comments that follow are organized into three sections: 1) comments on EFSC permitting timelines, 2) feedback on ODOE's recommended actions, and 3) reiteration of the recommendations we made in our March 20, 2026 comments for streamlining the siting and permitting process.

I. EFSC Permitting Timelines

ODOE's draft report includes a table of average permitting timelines for renewable energy projects delineated by each stage in the process. What this fails to capture is the full permitting lifecycle - from submission of Notice of Intent (NOI) through issuance of the site certificate. To provide a more complete picture, RNW analyzed EFSC's publicly available project data.

Of the 31 renewable energy projects² that EFSC has evaluated, only eight include complete data from NOI through site certificate issuance. **For those projects, the average permitting timeline was 982 days - roughly 2 years and 8 months.** This timeframe does not include any subsequent amendments to the site certificate. When you consider that 3 of these projects were originally permitted under the same site certificate, **the average permitting timeline grows to 1,130 days - over 3 years.**

While ODOE correctly indicates that EFSC's review from a complete application to site certificate takes a little over 300 days, that represents only a fraction of the overall permitting timeline. The most time-consuming part of the process occurs before an application is deemed complete. For the 10 solar and wind projects for which these data are available, an average of 551 days elapse between the issuance of a Project Order and EFSC's determination of a complete application, as shown in Figure 1 below. While ODOE's report places this timeline squarely on

² This does not include terminated projects because there is not enough available information about permitting timelines for those projects.

developers, **the length of this stage is driven in large part by EFSC’s application requirements.** The extensive analyses, engineering detail, and supporting documentation required to prepare an application largely determine how long this phase takes. Accordingly, one of the greatest opportunities to improve permitting timelines is to evaluate whether all existing application requirements are necessary and whether certain analyses can be scaled to reflect the type, size, and potential impacts of a project.

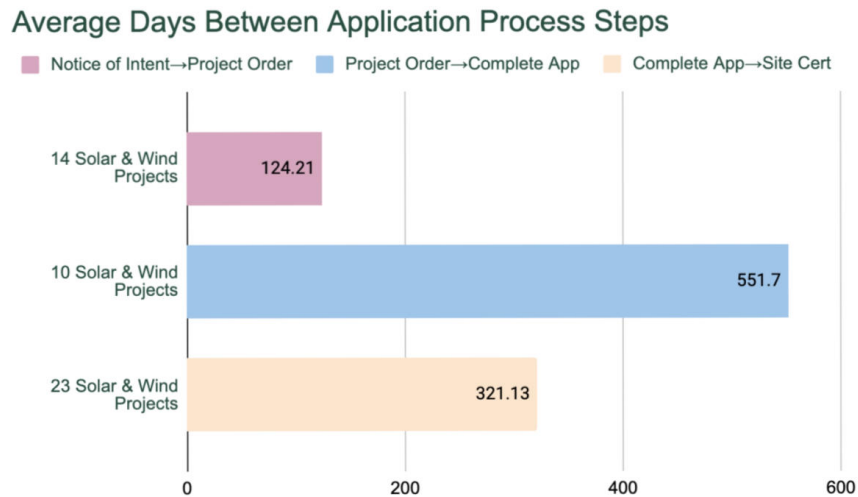


Figure 1. RNW’s analysis of average timelines between key stages in the permitting process

RNW’s findings are consistent with a recent analysis from Berkeley Lab comparing state energy facility permitting timelines across the U.S. Together, **these analyses illustrate that permitting through EFSC takes approximately 3 years to complete.** Further, the study found that the longest phase of the permitting process in Oregon occurs before an application is submitted, with more than 500 days between NOI and application submission, followed by another 300 days between a submission and a determination that the application is complete. While these permitting stages are parsed differently than RNW’s analysis, both analyses demonstrate that the longest part of the process is everything in between initiation and a completed application.

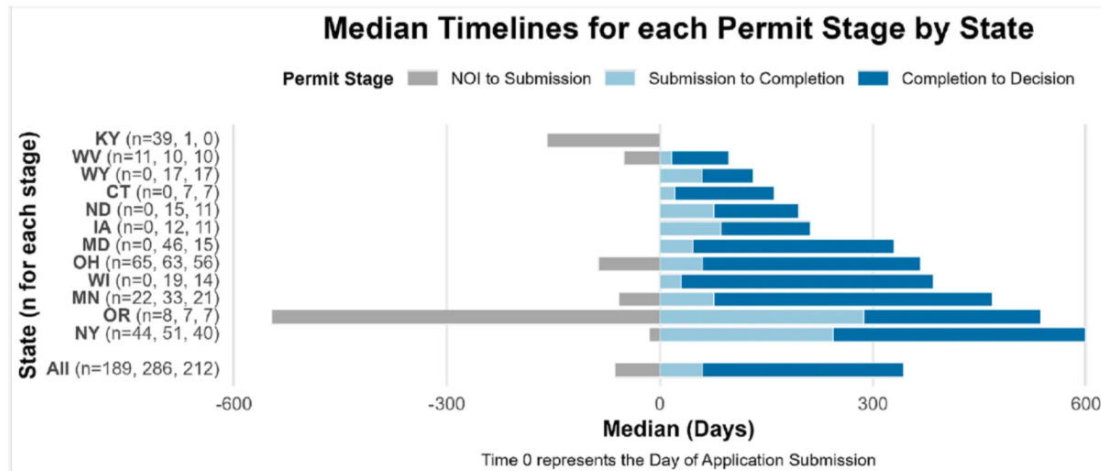


Figure 2. Compares median timelines of each permit stage by state. (Source: *Outcomes and timelines for state-based energy facility permitting in the United States*)

The report notes that “[I]n a few states (OR, NY), the median timeline for submission to completion is substantially longer than in other states, and Oregon also stands out with a long median timeline for Notice of Intent (NOI) to Submission.”³

The report goes on to add:

In Oregon, the public is notified of an upcoming permit application typically at least a year prior to the application submission, and the agency review of applications for completeness takes approximately as long as reaching a decision. The “submission to completion” stage is also noticeably longer in New York than in most other states. This may be an indication that the permitting process is exceptionally onerous or challenging for developers to comply with in Oregon and New York, and clearer guidelines or standardization may be helpful, but we cannot be certain and this deserves further research.

This is precisely the kind of analysis RNW hoped ODOE would undertake pursuant to the EO. **We urge ODOE to pursue a more robust evaluation of the EFSC permitting timeline - particularly the drivers of the long timelines reflected in the NOI to Submission and Submission to Completion stages - for the final report to the Governor.** Understanding what makes these phases so time-intensive is essential to identifying meaningful opportunities to streamline permitting while maintaining rigorous environmental review and public participation.

³ Nilson R, Tao L, Maddock W, Katz J, Baillargeon N and Hoen B (2026) Outcomes and timelines for state-based energy facility permitting in the United States. *Front. Sustain. Energy Policy* 5:1715811. doi: 10.3389/fsuep.2026.1715811

II. ODOE Recommended Actions

RNW supports several of the recommendations ODOE puts forward in the draft report, including those under the headings “Contested Case Step Review,” Streamlining Information Requirements to Meet Important Resource Standards,” and “Meaningful Engagement on Focused Issues.” In turn, we take these sections to mean that EFSC is committed to re-evaluating parts of the contested case process, allowing federal review to satisfy council standards where appropriate, and rightsizing application requirements through EFSC’s ongoing Phase 3 rulemaking process. Below we provide comments on each recommendation.

First, as the report notes, a full Contested Case takes an average of 427 days and is one of the longest steps in the process. During the June 26 Council Meeting, the siting division director noted that the contested case is just one stage in EFSC’s process whereas for some state processes, the contested case is the whole process. EFSC identifies two steps in the contested case process as duplicative of siting division review and notes that they “could be removed or scaled back with no or minimal substantive impacts to the value of Contested Case.” **We support EFSC’s continued evaluation of which stages in the contested case process could be removed or paired back, as well as identification of a procedural pathway to implementation.**

Second, the report recommends that ODOE consults with a lawyer to determine if Council standards could be met through federal environmental review for projects with a federal nexus. **RNW strongly supports a robust evaluation of how federal environmental review and Council review can be harmonized to avoid duplication and unnecessary delay.** This may be particularly important for transmission projects as they are likely to cross federal land and lack of transmission capacity is one of the biggest impediments to clean energy development in Oregon. The Boardman to Hemingway (B2H) is an unfortunate example of how the federal and state level permitting processes can operate in tension with one another. **RNW recommends that the final report more thoroughly evaluate opportunities for streamlining between federal and state permitting and identify a procedural pathway to implementing recommended changes.**

Finally, **we support EFSC’s continuation of its phase 3 rulemaking to evaluate and right-size application requirements.** Specifically, the rulemaking aims to ensure that required information is “clearly defined, proportionate, and directly connected to each standard.” This aligns with our recommendation for a programmatic review of EFSC’s application requirements. As the rulemaking proceeds, we encourage EFSC to ensure that it streamlines the application process and avoids introducing unnecessary or overly burdensome requirements.

In the draft report, these recommendations are presented primarily as areas for further investigation by ODOE. In the final report, we encourage ODOE to develop these into more specific, actionable recommendations that can advance the EO's goal of streamlining siting and permitting.

III. RNW Recommended Actions

RNW submitted comments on March 20, 2026, seeking to provide constructive inputs for ODOE's draft report on siting and permitting large-scale electricity infrastructure. While we do not repeat those comments in full here, we highlight several key recommendations that we encourage ODOE to incorporate into its final report, along with a few additional recommendations for consideration.

- **Reduce the EFSC permitting timeline to one year using existing staff and resources.** This will require streamlining or eliminating lower-value processes and focusing on the most critical and impactful aspects of the siting and permitting process. This recommendation is not intended to reduce meaningful public participation or environmental review. Rather, we recommend a programmatic review of current requirements to right-size analyses and information requirements for Council standards. EFSC could look at county procedures and assess whether certain analyses can be reduced or eliminated from the site certificate application.
- **Shorten the timeline between the submission of a Notice of Intent (NOI) and the issuance of a Project Order to 60 days.** Although EFSC does not always take the full 140 days under OAR 345-015-0160(2)(5), the NOI-to-Project Order phase is a key period to streamline as EFSC already knows the standards against which it evaluates projects and the Project Order is largely a standardized document.
- **Use a discretionary approach to limit Requests for Additional Information (RAIs).** Projects can get caught in endless cycles of RAIs that provide little additional value while extending timelines. We understand the need for EFSC to be able to issue RAIs, so instead of placing strict limits on these requests, we recommend using discretion to limit the extended request cycles.
- **Allow greater flexibility in facility design within permitted project boundaries.** The site certificate application requires a level of engineering detail that is unreasonable years before a project will actually reach construction. Because equipment availability and market conditions often change during that time, many projects end up needing amendments, which add further delay. Allowing more design flexibility within approved project boundaries would reduce unnecessary amendments without comprising environmental review.
- **Recognize state clean energy policies as a basis for a Goal 3 exception.** Currently, state energy policies like HB 2021 and the Renewable Portfolio Standard are not

recognized as sufficient justification for a Goal 3 exception at EFSC. As a result, Oregon’s land use framework and energy policy objectives operate in tension with one another, creating additional uncertainty, delay, and cost for projects intended to advance state clean energy goals. Allowing state energy policies to be considered as part of the exception analysis would better align these policy frameworks while preserving discretion to evaluate impacts on agricultural lands. EFSC can implement this change without legislative action.

- **For amendment requests that are largely administrative in nature, EFSC should implement a fast track administrative update process.** For requests like facility name changes, construction extension requests, and the division of a large facility into smaller ones, which have little to no impact on the environment or the public, EFSC Staff should evaluate the request administratively rather than requiring a formal amendment process and Council approval. Further, these kinds of requests should not require hundreds of pages of supporting documentation. These changes would substantially reduce delays after site certificates are issued and lower the cost of energy projects.
- **Strengthen the expertise and effectiveness of the Energy Facility Siting Council.** ODOE should explore options to ensure the Council has the expertise necessary to evaluate renewable energy projects, including:
 - Professionalizing the Council so that members are well-paid, can do this work full-time, and have deep expertise in the issues that come before EFSC.
 - Reserving at least one Council position for someone with expertise in renewable energy development, a critical perspective in energy siting.
 - Reserving at least one Council position for someone with expertise in energy policy or law, another critical perspective in energy siting.
 - Reducing the size of the Council to improve efficiency.
 - Evaluating alternative governance structures, including the use of a hearings officer.
- **Evaluate how EFSC can support more efficient reviews of transmission infrastructure.** Use the experience of permitting Boardman to Hemingway (“B2H”) to identify procedural and substantive changes that could have streamlined the siting and permitting process. Potential options include: an ODOE concierge service for transmission projects where one staff person plays a coordinating role between utilities, developers, local governments, tribes, and state and federal agencies. Another option is to standardize and make clear from the outset the environmental review requirements that agencies will seek on transmission projects. For example, applicants seeking to build transmission lines should know before they submit a notice of intent (NOI) what studies and information will be required from the various state agencies that engage in EFSC’s review of site certificates for transmission lines.⁴

⁴ See recommendations from the Sightline Institute’s “Four Ways to Get More Power Lines—and Clean Power—for Oregonians” by Kelly Trumbull:
<https://www.sightline.org/2026/03/26/four-ways-to-get-more-power-lines-and-clean-power-for-oregonians/>

- **Implement a plan to achieve the EO’s goal of deploying 8 GW of energy storage by 2045.** The EO establishes a statewide goal of deploying 8 GW of energy storage by 2045 but does not assign responsibility for achieving that goal to a specific agency. We recommend that ODOE take the lead in developing an implementation strategy, in coordination with the PUC and other relevant agencies, that sets interim milestones, identifies barriers to storage deployment, and recommends policy changes needed to achieve the 2045 target.

IV. Conclusion

RNW appreciates the opportunity to comment on ODOE’s draft report on siting and permitting large-scale electricity infrastructure. We urge the agency to take a more ambitious approach in its implementation of the Governor’s executive order. With Oregon’s binding 2030 clean electricity requirements rapidly approaching and growing load, the state cannot afford unnecessary delays in bringing new resources online. While siting and permitting is only one part of the development process, it is a critical one. ODOE should more fully evaluate opportunities to streamline siting and permitting while retaining robust environmental review and public engagement.

Respectfully submitted this 3rd day of July, 2026

/s/ Katie Chamberlain

Senior Policy & Regulatory Manager, Oregon
Renewable Northwest

Hilary Boudet

PUBLIC COMMENT: Form Submission Responses on

Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure Study

July 6, 2026

Q1: Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

I am submitting this comment to share findings from a recent Oregon State University Master of Public Policy capstone report completed for the Oregon Department of Energy on community benefits in clean energy development. The report examined community benefit mechanisms through case studies and interviews, with attention to issues that are directly relevant to planning, siting, and permitting large-scale electricity infrastructure. In particular, the report considered how community benefits frameworks balance standardization and flexibility; the importance of early and sustained engagement; the role of community capacity in shaping participation; the need for accountability and oversight; and common priorities such as economic development, workforce benefits, and contracting equity. I hope these findings provide useful context as ODOE finalizes its report pursuant to Executive Order 25-29.

My students and I would be happy to provide additional detail about the report or discuss the findings further if that would be useful to ODOE as it completes this process.

Community Benefits for Energy Projects in Oregon: Oregon State University Master of Public Policy Capstone Project Report 2026

Suggested Citation

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Key Takeaways

To inform the Oregon Department of Energy (ODOE) in developing a community benefits framework for clean energy development projects, we investigated community benefits mechanisms using a combination of case studies and interviews.

Findings

1. Frameworks range between standardization and flexibility: There were no standardized approaches to community benefits frameworks across jurisdictions (e.g., mandatory versus voluntary approaches, project size thresholds, participation requirements).
2. Communication and engagement matter: Early and sustained communication can help clarify expectations, build trust, and create opportunities for community input. However, the presence of engagement requirements does not necessarily result in meaningful participation.
3. Community capacity shapes participation: Some communities may lack the legal or technical expertise and political power needed to engage effectively in negotiating and implementing community benefits.
4. Accountability and oversight remain underdeveloped: While some jurisdictions employ or recommend accountability mechanisms, many frameworks lack clear enforcement authority and long-term monitoring responsibilities.
5. Economic and workforce benefits emerged as common priorities: Jurisdictions varied in the benefits recommended, though economic development and workforce and contracting equity emerged as the most common priorities across jurisdictions.

Recommendations

1. Balance standards and flexibility: Establish a baseline set of requirements for community benefits while maintaining sufficient flexibility to allow communities to shape benefits according to local needs and circumstances.
2. Require early and sustained engagement about community benefits: Set minimum requirements and expectations for how developers engage host communities.
3. Provide legal and technical assistance to communities: Create a funding or support mechanism to provide legal and technical assistance to communities negotiating benefits.
4. Strengthen accountability and oversight: Require an accountability and oversight process that includes community members in an oversight capacity.
5. Require a community needs assessment: Require a community needs assessment process prior to community benefits implementation.

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Executive Summary

Research Overview

This research aims to support ODOE in designing an evidence-based, equity-centered community benefits framework. We conducted a comparative analysis of community benefits frameworks in eight jurisdictions outside Oregon and four projects in Oregon. We also conducted 12 semi-structured interviews with diverse participants in community benefits negotiations, including developers, government officials, and community leaders. Findings from both methods were synthesized to identify cross-cutting themes regarding community engagement, accountability, equity, and design features.

Findings

1: Frameworks Range Between Standardization and Flexibility

The community benefits frameworks we examined existed along a continuum between standardization and flexibility, with no single approach emerging as universally applicable across jurisdictions. The external case studies demonstrated substantial variation in framework design, ranging from mandatory approaches with clearly defined requirements and project thresholds to more flexible models that relied on guidance and voluntary engagement. Similar variation was observed within Oregon, where frameworks such as HB 2021 emphasized structured reporting, oversight, and participation requirements, while project-specific arrangements allowed benefits to be tailored to local circumstances. Interview findings further reinforced that both approaches offer both advantages and limitations. More standardized frameworks were associated with greater consistency, accountability, legitimacy, and regulatory certainty, while more flexible approaches were viewed as better able to respond to local priorities, community needs, and project-specific conditions. Excessive standardization restricts community influence and limits the ability to tailor benefits to local contexts, whereas highly flexible approaches may create uncertainty regarding implementation, monitoring, and long-term accountability.

2: Communication and Engagement Matter

Early, sustained, and structured community engagement was among the most consistent factors associated with effective community benefits plans, yet engagement requirements alone did not guarantee meaningful community influence. Jurisdictions with the strongest frameworks shared a preference for outreach specific to community benefits that begins before project applications are submitted and continues throughout a project's life, often channeled through advisory boards, oversight committees, and working groups that include environmental justice communities, labor unions, and community-based

organizations. However, a central challenge persists that structured engagement does not automatically translate into decision-making power. Power imbalances can allow more influential parties to shape outcomes, and ambiguous standards leave communities uncertain whether their obligations have been met. An effective framework must therefore go beyond mandating engagement to specifying the conditions under which that engagement is likely to produce real community influence.

3: Community Capacity Shapes Participation

Some communities may lack the legal or technical expertise and political power needed to engage effectively in negotiating and implementing community benefits. Jurisdictions have attempted to address these power imbalances by either lowering barriers to participation or increasing the community's capacity to participate. Lowering barriers to participation involves creating clarity through standardization of benefits levels, roles of participants, and benefit scope. Increasing capacity to participate involves funding technical assistance, guidance, and financial support for communities to more actively participate in negotiating community benefits.

4: Accountability and Oversight Remain Underdeveloped

While some jurisdictions employ or recommend accountability mechanisms, many frameworks lack clear enforcement authority and long-term monitoring responsibilities, often leaving developers and communities responsible for tracking implementation. Some jurisdictions and projects utilized quantifiable, well defined reporting metrics to enable a shared measure of agreement performance. To create long-term accountability, some states and projects establish recurring review requirements over a project's lifecycle. Long-term monitoring and legally binding community benefit agreements (CBAs) can complement each other by filling enforceability and monitoring gaps if contract terms are not met.

5: Economic and Workforce Benefits Emerged as Common Priorities

Evidence across jurisdictions showed that workforce and contracting equity were the most consistent benefits emerging from community benefits frameworks. Many approaches focused on ensuring local hiring, fair wages, and inclusive access to economic opportunities, while some extended to include environmental justice and harm mitigation. Other models took a more standardized approach like direct financial compensation or predefined benefits. Several frameworks and interview participants emphasized flexible, community-driven strategies aimed at understanding and responding to the specific needs and priorities of host communities, rather than relying on one-size-fits-all solutions.

Evidence suggests that outcomes improved when communities were defined based on shared impacts, rather than simple geographic boundaries.

Recommendations

1: Balance Standards and Flexibility: Set minimum expectations for developers regarding community engagement, participation, reporting, and accountability, while allowing flexibility for these benefits to be proportional to project scale and the unique context of the host community. The findings indicate that neither highly standardized nor highly flexible approaches consistently produced the strongest outcomes across jurisdictions. Clear expectations for participation, accountability, reporting, and oversight were associated with greater consistency and legitimacy, while flexibility allowed benefits to be tailored to local priorities and project impacts. The evidence suggests that a balance between these approaches could be highly effective.

2. Require early and sustained engagement about community benefits: Set minimum requirements and establish expectations for how developers engage host communities. An effective framework must do more than mandate that engagement occur; it must cultivate the conditions under which engagement is likely to translate into meaningful community influence over benefit outcomes.

3: Provide legal and technical assistance to communities: Create a funding or support mechanism to provide legal and/or technical assistance to communities negotiating benefits. This support could come from agency staff or third-party experts, but it needs dedicated financial support, potentially through a percentage of project costs charged to developers or another funding mechanism.

4: Strengthen accountability and oversight: Require an accountability and oversight process that includes community members in an oversight capacity, rather than only an advisory role. Accountability should move beyond reporting requirements alone and could be tied to funding milestones, licensing, or other compliance mechanisms. There should be consequences for noncompliance that do not depend on communities having the resources to sue or otherwise pursue recourse on their own.

5: Require a community needs assessment: Require a community needs assessment prior to the community benefits implementation process. Consider including requirements for workforce and contracting equity, while still balancing these with other benefit types that may be identified as local community needs.

Introduction and Background on Community Benefits

Clean energy development can bring both benefits and challenges to host communities. While developers have long provided investments to host communities - often on an ad hoc basis - there has been a growing push to formalize and standardize these practices. This shift aims to ensure that host communities receive appropriate recognition and tangible benefits for their contributions to the clean energy transition. The federal landscape was shaped until recently by the Justice40 initiative, which set a goal that 40% of the benefits from certain federal investments flow to disadvantaged communities (Biden, J. R., 2021), utilizing requirements for Community Benefit Plans (CBPs) to help ensure public works projects provided shared tangible benefits to local communities. Some states have adopted laws or programs that require clean energy developers to utilize community benefits mechanisms, while other states have published informal guidance and recommendations.

Existing studies identify several purposes for these benefit mechanisms, including gaining social acceptance, fostering long-term relationship-building, ensuring distributive fairness, and providing compensation for project impacts (Kreider et al., 2025). While research on these mechanisms in the United States has historically been limited compared to international contexts, recent studies suggest they are increasingly viewed through the lens of energy justice to ensure that the clean energy transition does not replicate historical inequities. This is particularly important as developers navigate a system where local communities are becoming a primary focal point due to their ability to organize and litigate against projects.

In Oregon, this shift toward formalization is being driven by legislation such as House Bill 2021 and House Bill 3630, which mandate the creation of a state-level framework to prioritize Environmental Justice communities and embed equitable practices across energy programs. These frameworks aim to move beyond “check-the-box” engagement toward meaningful procedural and distributive justice, ensuring that host communities are recognized as active partners in the energy transition rather than just impacted bystanders (Ruscetta et al., 2026). However, challenges remain, as developers often operate under a paradigm that prioritizes project efficiency and risk management over collaborative community involvement.

It is important to note the distinction between Community Benefits Frameworks, Community Benefit Plans (CBPs), and Community Benefit Agreements (CBAs). Community Benefits Frameworks are a set of guidelines to use when developing CBAs or CBPs. A CBP is an umbrella term describing a range of commitments, less formal funds, and payments

that a developer may provide to a community (Bingham et al., 2025). In the federal context, CBPs are often used as a requirement for project funding to ensure shared benefits, but they vary in their degree of formal recognition. A CBA is a formal, legally binding contract negotiated between a developer and a community entity, such as a community-based coalition or municipal government (Bingham et al., 2025). Unlike a general plan, a CBA is often transactional, with the community signatory frequently providing political support or agreeing not to impede the project in exchange for specific, enforceable benefits (Kreider et al., 2025). While CBPs outline the general “who, what and how” of benefit distribution, CBAs serve as the legal mechanism to ensure developer accountability and long-term follow-through (Bingham et al., 2025). Throughout this paper, we use the phrase “community benefits” to apply broadly to both CBPs and CBAs.

Objectives and Research Questions

In Oregon, the passage of House Bill 2021 (2021) established emission reductions for targeted utilities and HB 3630 (2023) directed the development of a state energy strategy. As part of this state energy strategy, ODOE must “develop a community benefits framework at the Oregon Department of Energy that can be used as appropriate across the agency to address outreach and engagement, workforce needs, prioritizing environmental justice communities, and equitable practices.” The framework should provide guidance to ODOE staff and constituents to support the development of community benefits plans or other appropriate mechanisms, with the objective of improving outcomes for host communities relative to predevelopment conditions. This research aims to support ODOE in designing an evidence-based, equity-centered community benefits framework.

During project scoping, ODOE expressed interest in understanding what other federal and state agencies have been doing to support community benefits, as well as understanding what type of community benefits have been provided by clean energy projects in Oregon. We developed two overarching questions to guide our research:

- What types of community benefits are currently being provided by clean energy projects and programs in Oregon, and what do these suggest about host community expectations?
- What approaches have federal and state agencies outside of Oregon used to develop community benefits frameworks for clean energy development, and how do these frameworks vary in their design features and development processes?

We determined that a combination of case study analysis and interviews would best address the overarching questions. We anticipated that the case studies methods would

give high level findings about processes and design, and the interviews would provide complementary details regarding community and developer experiences.

Methods

The project used two primary methods: qualitative case study analysis and semi-structured interviews. These methods were used to examine community benefits frameworks across different contexts and gather perspectives from participants involved in their development and implementation.

Case studies

i. External Case Studies

To examine how community benefits frameworks have been developed and implemented outside of Oregon, the research team conducted a qualitative comparative case study of eight jurisdictions: Connecticut, New York, the U.S. Department of Energy (USDOE), California, Colorado, Scotland, Washington, and Massachusetts. These cases were selected to capture variation across mandatory, conditional, and voluntary community benefits approaches. Data collection included 70 publicly available documents including: statutory language, agency guidance and framework documents, government and nonprofit reports, and active Community Benefits Agreements (CBAs). Following data collection, the research team used a two-stage coding process. The first stage applied a question-based coding framework to examine key dimensions of each case, including legal requirements, agency roles, community participation, benefit structures, monitoring, enforcement, and project applicability. The second stage identified key themes emerging from case studies and organized them into five overarching coding categories. These coded findings were then synthesized to identify common trends, differences, and broader insights across community benefits frameworks. Additional information on the case study coding framework and individual external case study is provided in Appendices C and D.

ii. Internal Oregon Case Studies

To better understand how community benefits frameworks currently operate within Oregon, the research team conducted a qualitative case study of five Oregon frameworks and projects: the HB 2021 Community Benefits and Impacts Advisory Group (CBIAG) framework through PGE and Pacific Power, the Sunstone Solar Project, the City of Portland Community Benefits Agreement framework, and the Oregon Offshore Wind Roadmap guidance as an additional point of comparison. Data collection included 23 publicly available documents including: statutes, agency guidance documents, project plans, site

certification materials, advisory group records, public agreements, and related program documents. Following data collection, researchers compared the cases across common dimensions, including benefit development, partner participation, agency responsibilities, enforcement mechanisms, and monitoring processes. Findings were then synthesized to identify recurring patterns, differences, and cross-cutting themes across Oregon's community benefits landscape. Additional information on the internal Oregon case studies is provided in Appendix E.

Interviews

To better understand community benefits development and implementation, the research team conducted semi-structured interviews with participants involved in community benefits planning, implementation, and related energy projects. A total of 12 interview participants – including developers, public officials, government representatives, community leaders, nonprofit representatives, and private sector consultants – were interviewed via Zoom between May 6 and May 20, 2026, totaling 6 hours and 47 minutes of recorded discussion (see Appendix F for participant details). Participants were recruited through a combination of purposive and snowball sampling. Interviews followed a semi-structured protocol that allowed researchers to explore common topics while providing flexibility to pursue participant-specific experiences and perspectives. Following transcription, interview data were analyzed using an abductive coding approach, combining predetermined coding categories with themes that emerged during the coding process. Researchers reviewed and compared coded interviews to identify recurring patterns, differences, and key findings across participants. Interview findings were organized into four primary coding categories: Process & Design, Enforcement & Accountability, Collaboration & Engagement, and Lessons Learned. Additional information on the interview findings and applied codes is provided in Appendix G. The interview protocol is provided in Appendix B, and the interview log is provided in Appendix F.

Methodological limitations: The restricted timeframe for this project imposed some limitations on data collection. A relatively small sample size of twelve interviews was collected and notably did not include tribal representation. Additionally, the use of snowball sampling could have limited the diversity of perspectives captured. The case study analysis also used a sample of eight external cases and four internal cases and was generally limited to public-facing documents that were readily available.

Findings

1: Frameworks Range Between Standardization and Flexibility

There were no standardized approaches to community benefits frameworks across jurisdictions (e.g., mandatory versus voluntary approaches, project size thresholds, participation requirements). While flexibility may be needed to tailor benefits to local priorities, some interview participants suggested that more formalized requirements could increase legitimacy and reduce perceptions that benefits are discretionary concessions or incentives to secure support.

The findings indicate that community benefits frameworks exist along a spectrum between standardization and flexibility, with both approaches presenting distinct advantages and limitations.

At one end of the spectrum, some jurisdictions have adopted more standardized approaches to community benefits frameworks. Examples from the external case studies include Connecticut and New York, where community benefits requirements are tied to clearly defined project thresholds and formal requirements. In Connecticut, Public Act 21-43 requires renewable energy developers of projects over five megawatts to make reasonable efforts to negotiate Community Benefits Agreements (CBAs) with organizations representing host communities. These agreements must outline project contributions, mitigation measures, and opportunities for local businesses and workers. Similarly, New York's Host Community Benefit Program establishes minimum benefit requirements through fixed payments from developers that are allocated to residents of host communities through utility bill credits. Within Oregon, aspects of the HB 2021 framework demonstrate a more structured approach for utility clean energy plans. Under HB 2021, electric companies are required to establish Community Benefits and Impacts Advisory Groups that include representatives of environmental justice communities, low-income ratepayers, and other affected persons. Utilities must also work with these advisory groups to develop biennial reports assessing community benefits and impacts and submit those reports to the Oregon Public Utility Commission. Interview participants also highlighted that stronger regulatory frameworks could increase legitimacy and accountability. As one participant noted, "Unless you have a policy... they [community benefits] stay in the realm of recommendations," suggesting that formal requirements can strengthen implementation and oversight.

At the other end of the spectrum, some jurisdictions have adopted more flexible approaches to community benefits frameworks. Scotland provides an example of this approach. While the Scottish Government encourages developers of major renewable

energy projects to develop community benefit plans, the framework places significant emphasis on flexibility and local decision-making. The guidance recommends benefits of £5,000 per installed MW annually, but rather than requiring specific benefit categories or mandating how benefits must be allocated, it encourages benefits to align with community needs and priorities identified through local planning processes. Similarly, some Oregon examples demonstrate how benefits can be negotiated and tailored to local circumstances. The Sunstone Solar Project provides one example of this flexibility, as the benefit structure was designed around the project's anticipated impact on Morrow County's dryland wheat economy rather than a standardized set of community benefits. The framework quantified the projected loss of dryland wheat production and directed mitigation funding toward projects intended to support the long-term viability of the local agricultural sector. Interview participants also emphasized that communities differ significantly in their priorities and circumstances. As one participant noted, "The solution... should come from impacted stakeholders," highlighting the importance of tailoring benefits to local needs. Thus, the advantage of a more flexible approach is the ability to respond to the unique needs, priorities, and concerns of individual communities. Rather than requiring the same benefits across all projects, flexible frameworks allow benefits to be shaped through local discussions and participant input.

Taken together, the findings suggest that both highly standardized and highly flexible approaches involve important trade-offs. Standardized approaches can improve consistency, predictability, and accountability, but can be less responsive to local priorities. This finding was reinforced by interview participants who emphasized that community benefits cannot be developed using a "broad brush" approach, highlighting the importance of flexibility to respond to different community needs and circumstances. However, flexible approaches can provide fewer guarantees regarding benefit size, accountability, oversight, and enforcement. Interview participants also noted that when frameworks rely heavily on voluntary commitments, community benefits may be perceived as discretionary rather than expected project obligations.

California and New York illustrate that community benefits frameworks are often connected to broader state efforts to streamline project approval. In California, developers using the Assembly Bill 205 Opt-In Certification Program can pursue state-level review through the California Energy Commission but must enter into legally binding Community Benefits Agreements. Similarly, New York combines a centralized review process with mandatory host community benefits through fixed payments and utility bill credits. In both cases, community benefits requirements appear to function partly as a response to concerns about local impacts and reduced local control under more centralized permitting systems. However, concerns raised by local and rural advocacy groups like Rural

Communities Rising near Darden, CA indicate that formal requirements alone may not fully resolve questions regarding benefit standards, enforcement, participant engagement, or community influence. These examples suggest that the distinction between voluntary and mandatory community benefits is important but often intertwined with broader efforts to balance local responsiveness and permitting efficiency.

2: Communication and Engagement Matter

Early and sustained communication—often facilitated through advisory boards, committees, or other structured engagement processes—can help clarify expectations, build trust, and create opportunities for community input. However, the presence of engagement requirements does not necessarily result in meaningful participation or decision-making power for communities.

Early, sustained, and structured communication between developers and host communities is among the most consistent conditions associated with effective community benefits plans, yet the evidence from this research also indicates that engagement requirements alone are insufficient to produce meaningful community influence over outcomes. Jurisdictions that have moved furthest in formalizing community benefits frameworks share a preference for engagement that begins before an application is submitted and continues throughout the life of a project. The US Department of Energy tied community engagement requirements to funding and directs project developer teams to build relationships and to prioritize two-way communication with representative organizations, including labor unions, Tribal governments, and community-based organizations, rather than with individuals alone. Massachusetts similarly frames pre-filing consultation as a condition of meaningful participation, instructing developers to identify community priorities and undertake culturally competent outreach in advance of application. Washington's Clean Energy Transformation Act channels engagement through community-based organizations specifically to reduce participation barriers and reach highly impacted populations, while Colorado's guidance concludes that the quality of community engagement is the most consequential variable in CBP success, capable of generating trust and project support even in the absence of a formal community benefits agreement. The interview data align closely with this comparative pattern: continuous engagement was the single most frequently coded theme, appearing in 8 of 12 interviews with practitioners emphasizing that proactive inclusion and early correction of misinformation are necessary to prevent any single interest from dominating the process.

Structured engagement bodies, advisory boards, oversight committees, and working groups emerge across the evidence as the most common vehicles through which these principles are operationalized. Within Oregon, multi-participant oversight bodies are a

near-universal feature of existing frameworks, from the Community Benefits and Impacts Advisory Group (CBIAG) that supports regulated utilities under HB 2021 to the Labor-Management-Community Oversight Committee in Portland's contractual framework. These bodies are typically constructed to include representation from environmental justice communities, labor unions, and community-based organizations, and they create formal channels through which expectations can be clarified, information exchanged, and input solicited on an ongoing basis. The same architecture is visible in jurisdictions outside Oregon, often paired with deliberate investments in the capacity of community organizations to participate on equal footing with developers. Scotland's Local Energy Scotland program, established through CARES, provides free planning, technical, and negotiation support to community groups during CBP development, and Massachusetts's Division of Public Participation offers comparable support funds and facilitation services. This pattern is reinforced by interview evidence identifying community capacity, technical, facilitative, and legal, as a recurring precondition for engagement to function as intended.

The more difficult finding, and the one that ultimately shapes the recommendation, is that structured engagement does not automatically translate into meaningful participation, documented changes to project plans, and/or decision-making authority by the community. The clearest illustration comes from Oregon. The CBIAG is the state's most developed participation infrastructure, layering hybrid meetings, member-determined formats, statutory stipends, recruitment of community-based organizations, feedback loops, and member co-development of a biennial report. Despite this design, observable practice reveals a substantial gap between participation as designed and participation as practiced: meeting recordings are not publicly available, a benefit-ranking exercise intended to inform program design drew only four participants more than a year into the group's work, and recent agendas have been weighted toward informing members about utility activities already underway rather than soliciting community input on future direction. More than half of interviewees cautioned that early and frequent engagement is necessary but not sufficient: power imbalances can allow more influential groups to disproportionately shape CBP outcomes, particularly when agencies are reluctant to disturb key partnerships. Proactively and consistently constructing inclusive structures in addition to correcting misinformation early were identified as the principal means of building community trust and preventing any single interest from dominating the process.

The implication for Oregon is that an effective framework must do more than mandate engagement; it must specify the conditions under which engagement is likely to produce influence by the community that translates into meaningful participation, documented changes to project plans, and/or decision-making authority.

3: Community Capacity Shapes Participation

Some communities may lack the legal or technical expertise and political power needed to engage effectively in negotiating and implementing community benefits plans/agreements. Several jurisdictions attempt to address these barriers through technical assistance, guidance, or other forms of support.

Given that project developers have professional experience and financial resources, there is a power asymmetry with communities who do not have the same resources for negotiation. Some states recognize this when publishing community benefits guidance: the Colorado Energy Office highlights the importance of legally binding, enforceable contracts, yet explicitly recognizes that local governments often face severe resource constraints, lack familiarity with CBAs, and cannot afford legal counsel to develop such CBAs. The Oregon case studies similarly found that participation frameworks are often shaped by developers or utilities rather than locals, meaning benefits are more frequently defined by agencies than by the affected populations. This imbalance of power can lead to community cynicism, as was shown in the interview findings. Five interviewees expressed that there must be sufficient resources for the community to meaningfully engage in CBP negotiations, and three of the interviewees expressed concern over the asymmetry of power between developers and communities.

Two overarching strategies emerged in the findings to help match community benefits development to community capacity. First, community benefits frameworks can lower the hurdles to engagement by setting more standardized requirements for benefits levels, roles of involved parties, and scoping of benefits. Second, frameworks can increase the capacity of communities by providing technical assistance or financial support. These solutions are not mutually exclusive but may be chosen depending on the standardization or flexibility of the community benefits framework.

Standardization of benefits levels, roles of participants, and benefit scope can provide clarity and help communities secure meaningful benefits. For instance, New York's Host Community Benefit Program establishes a mandatory financial floor by requiring large-scale renewable energy developers to fund annual payments during the first ten years of operation. These payments, set at \$500 per megawatt for solar projects and \$1000 per megawatt for wind projects annually, are divided and distributed directly to host community members as utility bill credits. Similarly, Scotland utilizes a baseline approach by recommending a voluntary goal of £5000 per installed megawatt annually.

This strategy was supported by at least one interviewee who stated "In assigning a dollar value, you no longer can waive that impact away as insignificant or not meaningful... It may

not be the right number, but it is a number that allows for a larger conversation... without this analysis, implicitly you're assigning a zero value." Setting a required or expected level of monetary contributions establishes a meaningful starting point for benefits discussions, independent of the community's negotiating capacity.

Next, defining the roles of developers, developers, community-based organizations, community members, and facilitators can also help create clarity in developing community benefits. Federal guidance from the United States Department of Energy emphasized that developers must prioritize structured, two-way communication with representative organizations rather than just unorganized individuals, explicitly pointing to labor unions, Tribal governments, and community-based organizations to ensure traditionally excluded groups have a voice. Interview findings show that forming structured, community-led advisory groups enables more decision-making power and aligns project outcomes with local expectations while preventing project delays. Four interviewees supported clearly defining roles and groups, and two recommended bringing in a neutral, community-centered third-party facilitator to oversee plan development meetings.

Lastly, narrowing the community benefits scope can help focus the discussion and give communities better negotiating ability. In the interviews, seven participants indicated that CBPs with a narrow scope allow communities to focus their negotiation efforts much more effectively, making it easier to secure concrete wins without overpromising. This targeted approach mirrors aspects of the Sunstone model in Oregon, which deliberately narrowed participation to those with a direct economic stake in the affected dryland wheat resource. This resulted in clear, targeted feedback from local farmers who appreciated the predictable revenue margin to purchase inputs locally.

Recognizing that not all community benefits framework aspects can be standardized, providing financial grants or compensation and technical assistance helps level the negotiating playing field and support resource-intensive participation. Internally to Oregon, the lesson from the Portland General Electric and Pacific Power Community Benefit and Impact Advisory Group framework demonstrates that meaningful community participation requires deep structural support, including financial compensation for participants. PGE and Pacific Power provide direct financial stipends for the time community members spend attending monthly meetings or co-developing biennial reports. Externally to Oregon, Massachusetts addresses this through its 2024 act, which established a Division of Public Participation to assist partners in navigating engagement processes, facilitating dialogue, and coordinating with officials, while offering dedicated support funds and technical grants to community organizations. Scotland provides similar direct technical and

financial support through its Community and Renewable Energy Scheme, known as CARES, which offers free, impartial advice and funding to community groups at every stage from initial planning through post-launch operations. CARES was specifically created for the purpose of supporting the development of community benefits plans.

4: Accountability and Oversight Remain Underdeveloped

While some jurisdictions employ or recommend accountability mechanisms, many frameworks lack clear enforcement authority and long-term monitoring responsibilities, often leaving developers and communities responsible for tracking implementation. The Sunstone Project and the U.S. DOE Community Benefit Plan process provide examples of more developed oversight approaches.

Case studies and interviews revealed that accountability concerns can arise from a lack of guidance on reporting, over-emphasis on contracts without guidance on how to monitor contracts, lack of enforcement authority from oversight bodies, and lost accountability during staff turnover. This ambiguity even impacts contractual CBAs, as seen in California. In their response to the Darden Clean Energy Project, a coalition of rural farm workers critiqued Assembly Bill 205 because it requires developers to sign a CBA but fails to specify when a developer has to actually meet their obligations, leaving communities uncertain about compliance and risking inconsistent implementation. In Oregon, long-term monitoring under House Bill 2021 is still being developed; the City of Portland's monitoring ends when the contract expires; and existing statutes do not constitute a continuous monitoring regime. Interviewees identified that oversight bodies frequently exist only on paper but may lack real authority, adequate resources, or clear jurisdiction. They also pointed out that the lack of accountability and oversight is exacerbated by staff and leadership transitions, leading to a frustrating cycle where communities feel like they have to start over every time a staff person leaves the enforcing agency.

Setting quantifiable and measurable benefits for community benefit plans and agreements can help improve monitoring and prevent developers from underdelivering. Interviewees across all project types strongly supported leaning into quantified, measurable benefit requirements to ensure that communities receive the outcomes they negotiate. As a local interviewee summarized, "It's really hard to want to support something else when we didn't get what we bought last time." Setting targets and monitoring them helps communities see that they are getting the benefits they agreed to. External jurisdictions often require or recommend reporting based on quantitative metrics. The US DOE enforced this by requiring recipients to utilize Specific, Measurable, Achievable, Relevant, and Timely (SMART) milestones to track project outcomes effectively. In Massachusetts, the state guidelines recommend tracking clear progress indicators, such as the precise number of

local residents hired, the exact dollars invested, specific infrastructure delivered, or environmental data including air and water quality levels.

To continue long-term monitoring, some frameworks and projects establish recurring reporting requirements that institutionalize the tracking process over the life of a project. As an example, the United States Department of Energy mandated that funding recipients use specific milestones to track progress and submit regular community benefits reporting. On an international level, Scotland recommends that communities closely monitor funded projects and formally review their plans every three to five years, supported by a voluntary yearly reporting structure that exists through their national Register of Community Benefits. Similarly, Massachusetts guidelines recommend best practices for monitoring and enforcement that include the creation of specialized community oversight bodies, annual reports, and clearly defined community oversight roles. In Oregon, the Sunstone Solar Project framework provides a structured model where an advisory committee provides annual reports to multiple state and local bodies, ensuring that all designated funds are fully spent within a defined ten-year window to mitigate negative impacts on the local dryland wheat economy.

While contractual CBAs do not immediately solve all accountability concerns, they can effectively fill in gaps for enforceability that state or local agencies may otherwise lack due to resource or jurisdictional constraints. Some state guidance, including Colorado and Massachusetts, encourage the use of legally binding CBAs, even when the state does not have a law requiring them. When a legally binding CBA is used, the contractual agreement brings in legal authority that a state agency or alternative oversight body may not otherwise have the explicit authority or adequate resources to deploy. Legally enforceable CBAs complement monitoring and reporting requirements by providing a mechanism to seek recourse when benefits are not provided in the manner agreed upon in the contract.

5: Economic and Workforce Benefits Emerged as Common Priorities

Jurisdictions varied in the benefits recommended in community benefits plans/agreements, though economic development and workforce and contracting equity emerged as the most common priorities across jurisdictions. Many jurisdictions emphasized community needs assessments to identify local priorities, while some frameworks focused more heavily on energy justice and harm mitigation and fewer prioritized direct financial compensation.

Evidence across various jurisdictions demonstrates that workforce and contracting equity serve as the most consistent benefit. This convergence reflects the gravitational pull of Project Labor Agreements (PLAs), which traditionally govern labor terrain, though

community benefits frameworks add distinct value when they extend into specific equity goals. For example, Connecticut mandates prevailing wages and the establishment of workforce development programs for pre-apprenticeship training, while the City of Portland centers its agreements on union utilization and specific contracting targets for women-, veteran-, and BIPOC-owned businesses. Similarly, California's opt-in permitting pathway explicitly details requirements for local hiring and skilled workforce provisions.

While workforce goals are foundational, some frameworks place a more specialized emphasis on energy justice and harm mitigation to address the disproportionate burdens of the energy transition. The U.S. Department of Energy utilized the Justice40 pillar, setting a goal that 40% of project benefits flow to disadvantaged communities while requiring developers to identify and mitigate cumulative environmental burdens. In Massachusetts, their framework specifically directs outreach to environmental justice populations and requires analysis of how a project might impact public health or local ecosystems. A specific instance of harm mitigation can be seen in Oregon's Sunstone Solar Project, which established a specialized agricultural mitigation plan and fund managed by local specialists to support the dryland wheat sector after the project exceeded normal farmland-use thresholds.

We found that workforce labor requirements and focus on harm mitigation were far more common than direct financial compensation. New York's Host Community Benefits Plan was the only identified framework that provided direct financial payment to members of energy project host communities. However, this policy choice was controversial; some argued that communities should have greater flexibility to negotiate their own local benefits, while others raised concerns that standardized bill credits may not always provide meaningful long-term local benefits. A recent study by Moe (2026) found that, for ten out of the first twenty projects that required Host Community Benefits payments, the communities negotiated additional benefits agreements on top of the required direct compensation. While New York may have a highly standardized community benefits framework in policy, the reality is more of a mixed approach.

There is a growing trend toward using community needs assessments to move away from these one-size-fits-all structures and ensure benefits align with local priorities.

Community needs assessments use the historical, social, and economic contexts of hosts communities to determine what types of benefits can best support them. The assessment can be performed by the community members, the developer, a non-profit, or other third party. In Washington, the Rural Clean Energy Economics and Community Engagement Study revealed that many rural residents felt burdened by projects where benefits were transferred elsewhere, leading to a recommendation to use binding CBAs to secure local

control and long-term economic development. Colorado and California have also moved in this direction, with California recently publishing a toolkit that encourages developers to listen to community needs to determine if infrastructure, housing, or environmental protection is the most relevant investment for a specific site. Four interviewees agreed that communities have unique needs, and community benefits plans should be informed by local voices: “The beauty of the community benefits plan is they can be tailored to the community needs. If you dial this down too much, you're gonna lose that.”

The effectiveness of these benefits is often dictated by how a community is defined, with experts suggesting a move away from defaulting to city or county lines. Interview and case study findings highlight that communities should be defined according to the specific needs of affected groups, such as dryland wheat farmers in Morrow County who had a direct economic tie to the land around the Sunstone Solar Project. Two interviewees echoed that communities should be defined by who is most affected, rather than defaulting to city or county boundaries. “There are a lot of different ways to define a community [...] you need to be thinking about all the different kinds of effects that might occur, and all the different kinds of people that might be affected by it.” This shift toward locally informed, needs-based definitions ensures that participation infrastructure translates into meaningful influence for those most impacted by energy infrastructure development.

Recommendations

Following the findings, we pose the following recommendations for ODOE in developing a community benefits framework. We recommend several aspects that should be incorporated as *requirements*. Having some level of state requirements increases perceptions of legitimacy of the community benefits and can promote long term accountability. Noting that Oregon does not currently have a mechanism to mandate community benefits, ODOE could begin by *recommending* these aspects and later consider *requiring* them.

1: Balance standards and flexibility

Establish a baseline set of requirements for CBPs while maintaining sufficient flexibility to allow communities to shape benefits according to their local needs and circumstances. ODOE should establish minimum expectations for developers regarding community engagement, participation, reporting, and accountability, while allowing flexibility for these benefits to be proportional to project scale and unique context of the host community.

Findings from the external case studies, internal Oregon case studies, and the interviews suggest that there is no universal approach to designing community benefits frameworks. Jurisdictions varied considerably in the degree to which they relied on standardized requirements or flexible, community-driven approaches, and each approach presented both advantages and limitations. As a result, ODOE should avoid adopting a one-size-fits-all model that relies exclusively on either strict standardization or complete flexibility. Instead, ODOE should consider developing a framework that establishes a set of core expectations including establishing a recommended baseline per MW monetary benefit, providing guidance on when to begin engaging with communities, and creating recommended reporting frameworks. These requirements should serve as a starting point, from which communities can further shape benefits based on their own priorities, circumstances, and project impacts.

2: Require early and sustained engagement about community benefits

Findings suggest that ODOE should establish expectations for how developers engage with host communities, drawing on the evidence that the presence of engagement requirements alone does not reliably produce influence over outcomes. An effective framework must do more than mandate that engagement occur; it must cultivate the conditions under which engagement is likely to translate into meaningful community influence.

The evidence supports four such conditions. First, engagement should begin in advance of application submission and continue across the project lifecycle, with explicit attention to community benefits in addition to engagement about the project more generally, a distinction that interview data suggests is often omitted in practice. Second, materials and meeting formats must be genuinely accessible, which entails public visibility into deliberations, multilingual outreach where appropriate, and accommodation of the schedules and capacities of working community members. Third, structured bodies should be paired with direct support for community capacity so that communities arrive at the negotiating table with the technical and facilitative resources available to developers. Fourth, agendas and decision rules should be oriented toward soliciting community input on consequential questions rather than toward informing communities of decisions already made. These conditions help ensure that community engagement is not treated as a superficial, procedural requirement, but instead gives host communities an active voice in decision-making.

3: Provide legal and technical assistance to communities.

Communities can benefit from legal and technical assistance to help bridge the gap between community and developer knowledge when devising community benefits. We recommend that ODOE create a funding or support mechanism to provide assistance to communities negotiating benefits. This support could come from agency staff or third-party experts, but it needs dedicated financial support, potentially through a percentage of project costs charged to developers or another funding mechanism. A technical assistance provider could help with the operational aspects of clarifying participant roles, focusing and defining the scope of community benefits discussions, and coordinating with state or local officials.

Technical assistance could be funded through state funding mechanisms or directly by the developer. Scotland funds their CARES program through taxes and state revenues, then local development officers can apply for grants of up to £25000 to help with negotiating community benefits agreements and building local capacity. In the communities of Braco and Greenloaning, Scotland, direct funding from a windfarm was used to create a community profile report, facilitate discussions, and conduct an open house for the community. This resulted in the development of six community-focused themes for investment. Scotland encourages the use of technical assistance on top of their free online resources and toolkits to increase community capacity to participate in negotiations.

Alternately, Oregon could mirror existing processes where developers pay directly into intervenor funding pools. For example, New York requires that energy projects above 25 MW pay \$350 per MW at the pre-application stage and \$1,000 per MW at the application stage into the intervenor fund. While not specifically tailored to supporting the development of community benefits, these funds are intended to be used by local communities or municipalities that are impacted by the project. In the Sunstone Solar Project mitigation agreement, the Morrow County board of commissioners specified that up to 1% of the community benefit funds could be used for ongoing administrative expenses, including annual reporting and monitoring requirements. A similar mechanism could be used to collect funds from developers to support technical or legal assistance for community benefits negotiations. We note that any such funding requirements would likely need legislation to direct implementation, though we believe it is an important consideration. As a voluntary mechanism, ODOE could recommend that developers provide funding directly to community members to hire a third-party facilitator or non-profit technical assistance provider.

4: Strengthen accountability and oversight.

Long-term accountability was identified as a common concern among case studies and

interview responses. ODOE should establish a required accountability and oversight process that includes community members in an oversight capacity, rather than only an advisory role. Accountability should move beyond reporting requirements alone and could be tied to funding milestones, licensing, or other compliance mechanisms. There should be consequences for noncompliance that do not depend on communities having the resources to sue or otherwise pursue recourse on their own. Findings supported the use of legally binding CBAs but recognized that communities may not have the expertise or resources to enforce contract terms. ODOE should consider recommending or requiring that developers enter legally binding CBAs while also establishing a structured accountability framework.

Sunstone is the strongest Oregon example of a more developed monitoring structure as oversight is tied directly to the agricultural mitigation obligation. The advisory committee has a formal accountability role because it must report annually to the Morrow County Board of Commissioners, ODOE, Energy Facility Siting Council, and Sunstone on the use of the agricultural mitigation funds, while fund distributions remain tied to projects that mitigate impacts to Morrow County's dryland wheat economy. The committee provides annual reports to state and local bodies, and the funds must be spent within a defined 10-year window. That creates a clearer accountability chain since the monitoring follows the money, timeline, and purpose of the fund. Outside of Oregon, Connecticut ties ongoing compliance with labor requirements to strict project contract permissions. The Connecticut Department of Labor enforces compliance through sworn certifications submitted by developers 30 days before construction and the review of monthly certified payroll records. Noncompliance or providing false information can lead to debarment from state contracts for up to three years. Federally, under the US DOE structure, funding recipients were required to use SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones to track progress and submit regular Community Benefits Reporting. These mechanisms place the responsibility of compliance and reporting on the developer, rather than putting the responsibility on the community to monitor receipt of benefits as agreed upon.

5: Require a community needs assessment.

Require a community needs assessment as part of the community benefits implementation process. Consider including requirements for workforce and contracting equity, while still balancing these with other benefit types that may be identified as local community needs.

Implementing a mandatory community needs assessment ensures that benefits are not only agency-defined but are tailored to the specific needs of affected groups, moving away

from a “one-size-fits-all” approach. Evidence indicates that while Oregon’s current frameworks, such as HB 2021 and the Sunstone Solar Project, incorporate community input, they still lean heavily toward developer- and agency-structured benefits. A formal assessment process, similar to those utilized by the U.S. Department of Energy and encouraged by California’s clean energy toolkit, allows for early and frequent communication to build trust and identify local priorities before project applications are finalized. This strategy addresses the participation gap observed in existing Oregon advisory groups, where engagement infrastructure exists but often results in informational meetings rather than genuine community influence.

Case studies and participant interviews highlight the importance of centering community-defined needs. Comparative case studies reinforce the importance of structured needs identification. The U.S. Department of Energy required early, two-way engagement with community-based organizations and emphasizes building relationships early on and frequently to identify community priorities and ensure equitable outcomes. California’s clean energy permitting toolkit encourages understanding whether infrastructure, environmental protection, housing, or workforce development are the most relevant benefits based on community input. Findings from participant interviews further show the importance of centering community-defined needs. Participants emphasized that “the solution... should come from impacted stakeholders” and highlighted that continuous engagement throughout the project lifecycle is key to achieving meaningful outcomes. Interviews also revealed that communities often require additional capacity to effectively articulate their needs and participate in decision-making. Four interviews supported that strong regulatory levers tied to specific mitigation requirements (e.g., agricultural impacts in Oregon, fisheries on the East Coast, fire impacts in Fresno County) shift power dynamics towards affected communities in driving how mitigation is proposed.

The internal Oregon analysis finds that communities do not always have the same say in benefits that developers do, and participation frameworks do not consistently produce meaningful input. This demonstrates a need for a more formalized mechanism that ensures community priorities are identified and incorporated earlier and more substantively in the process. This supports the recommendation that a required community needs assessment is necessary in Oregon to shift decision making power toward communities, improve alignments of benefits with local priorities, and strengthen participation outcomes beyond existing advisory structures.

Conclusion

Community benefits agreements and plans can garner not only host community support but also act as a guide throughout a multi-phase project. However, frameworks for developing community benefits mechanisms vary widely from state to state and project to project, and there is no consistent set of guidance recognized as the model for benefit development. Recent research suggests that community benefits frameworks exist on a spectrum from highly centralized, to semi-flexible risk mitigation, to a broad participatory approach. Figure 1, adapted from Moe (2026), summarizes these framework types and respective pros and cons. Each have their tradeoffs, and no framework type has yet proven most effective or useful across the board.

A “centralized compensation” approach sets a standard formula or baseline benefit, such as a fixed payment per MW that applies across projects and communities, often trading these required host community benefits for more centralized project reviews. A “leave no impact unmitigated” approach focuses benefits on identifying and addressing all project-related impacts, including those that may fall outside narrow regulatory requirements. A “European participatory” approach treats community benefits as part of a broader local planning and engagement process, allowing communities more discretion to identify priorities and shape benefit packages.

The tradeoffs are that centralized compensation offers predictability and reduces ad hoc negotiation but may feel transactional or disconnected from local priorities. The impact-mitigation approach is easier to justify because benefits are tied directly to harms, but it can become narrow or technocratic and may miss broader community goals. The participatory approach is more locally responsive and can build legitimacy and trust, but it is also more time- and capacity-intensive and may produce less consistency across projects.

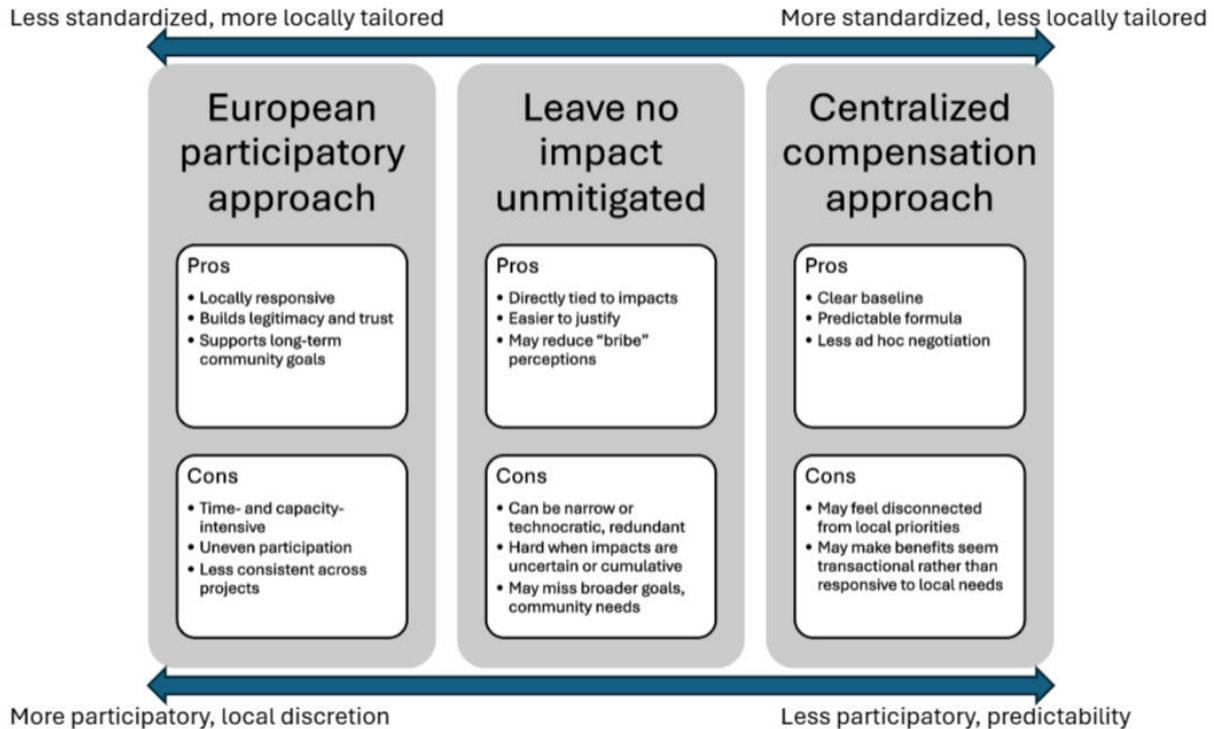


Figure 1: Alternative approaches to community benefits frameworks identified in our research efforts.

Based on the case study analyses and qualitative interview data, we provided an initial set of findings and recommendations for ODOE as they seek to develop a community benefits framework. Using the figure above, our recommendations lean towards the participatory end of the spectrum, though include areas where standardization would be beneficial. The recommendations include (1) balancing standards and flexibility, (2) requiring early and sustained engagement, (3), providing legal and technical assistance to communities, (4) strengthening accountability and oversight, and (5) requiring a community needs assessment. We recognize that the recommendations may not all be immediately feasible; however, we offer them as a starting point for consideration. We view these recommendations as interdependent and mutually reinforcing. They are intended to work together as a complete package, rather than as a menu of standalone options. Implementing only selected recommendations may leave important gaps and limit the overall effectiveness of the community benefits framework.

Despite the detailed analysis, several gaps in the research exist. Importantly, understanding tribal perspectives is essential. Given the time constraints of this project, we were unable to schedule interviews with tribal members to gather insights. We recognize the longstanding government-to-government relationship between the State of Oregon and the nine federally recognized Tribes within the state. Given this relationship, it

is essential to recognize that policies affecting Tribal Nations, treaty-reserved rights, ceded territories, ancestral lands, natural resources, and water resources necessitate meaningful government-to-government consultation, collaboration, and partnership with Tribal governments. Consistent with principles of Tribal sovereignty and self-determination, Tribal Nations should be engaged as sovereign governmental entities throughout the policy development and implementation process to ensure that Tribal interests, rights, and perspectives are appropriately represented and respected. Such engagement is essential to honoring Tribal sovereignty, fulfilling legal and ethical responsibilities, and ensuring that Tribal perspectives and interests are incorporated into public policy decisions.

Another limitation is that the community benefits landscape for clean energy development is still in early stages. A specific obstacle was the still-emerging community benefits landscape in Oregon, which limited the internal case studies to a total of four cases. Community benefits for energy development have only recently gained popularity across the country, so long-term impacts and outcomes are yet to be seen. Future research must assess completed projects to identify what “effective” community benefits look like and understand whether the intended goals matched the outcome.

Establishing a framework for community benefits will help Oregon’s developers and communities navigate negotiations and create mutually beneficial outcomes for energy projects. We hope that these findings and recommendations provide useful input to support ODOE in designing an evidence-based, equity-centered community benefits framework.

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Appendices

Appendix A: Annotated Bibliography

This annotated bibliography provides ten key documents from the case study analysis teams. It includes cases internal and external to Oregon. The documents are listed in alphabetical order according to their citation. Copies of these documents are provided to ODOE in a separate folder, with the files ordered according to their listing number below.

1. City of Portland (2020) City of Portland Community Benefits Agreement.

This agreement establishes a comprehensive framework for managing public construction projects to ensure they promote economic equity, labor stability, and workforce diversity. It outlines specific mandates, such as an aggregate goal of 20% for apprentice hours and a 22% utilization target for certified disadvantaged, minority, women, and emerging small business contractors (D/M/W/ESB/SDVBE). The document details the creation of a Labor-Management-Community Oversight Committee to monitor project progress and mandates “good-faith efforts” in the recruitment and retention of historically underrepresented groups. Furthermore, the agreement includes strict “no disruption” clauses to prevent labor unrest and specifies enforcement mechanisms, including liquidated damages of \$500 per day for non-compliance with equity goals. Ultimately, this source serves as a legal and operational guide for ensuring that public expenditures yield board community benefits beyond physical infrastructure.

2. Colorado Energy Office and Department of Natural Resources, (2025). “Evaluation and Assessment of Local Government Processes for the Siting of Commercial Clean Energy and Energy Transmission Projects: Final Report Pursuant to SB24-212.” https://drive.google.com/file/d/1vzyKJvaFjljackKHg-Okm9x7Jnvz_YWyD/view

The Colorado Energy Office and Department of Natural Resources published this report as a requirement of The 2024 Local Governments Renewable Energy Projects law (SB24-212). The purpose of the full report is to evaluate local government permitting processes related to commercial solar, wind, energy storage, and transmission. Section VII: “Community engagement and benefit agreements” provides an analysis of community benefits mechanisms for clean energy development. Surveying and interviews with local governments, energy developers, and community organizations informed the findings, best practices, challenges, and recommended frameworks.

3. Scottish Government, Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements (2026). [Community benefits from onshore renewable energy developments - gov.scot](https://www.gov.scot/publications/standards-and-guidelines-for-community-benefit-plans-and-agreements/pages/1-2-introduction.aspx)

This document is the official guidance from the Scottish Government, outlining best practices for the recommended usage of CBA/CBPs in onshore renewable energy development projects. This guidance was created in 2014 by their Executive Office of Energy and Environmental Affairs. The framework creates a guide for developers to utilize community benefit tools. Although it is not mandated, the framework encourages certain practices as it relates to community engagement, benefit levels, and accountability measures. This includes a suggested benefits level of \$5,000 per installed megawatt annually. It also encourages early and frequent community consultation and long-term relationship building as well as governance, review and reporting structures to ensure accountability. One key takeaway from this framework and Scotland's approach to CBA/CBPs was the community support mechanism that was created through Local Energy Scotland and the CARES program. This program offers funding, technical, and negotiation support to communities who are engaging with energy developers – a critical component to a community's ability to build power around these negotiations.

4. Executive Office of Energy and Environmental Affairs. (n.d.). Energy Infrastructure Siting and permitting reforms. Mass.gov. <https://www.mass.gov/info-details/energy-infrastructure-siting-and-permitting-reforms>

This document is the official guidance from Massachusetts, outlining best practices for the recommended usage of CBA/CBPs within clean energy development projects. The guidance was created after the passage of their 2024 Climate Act which directed a newly established Office of Environmental Justice and Equity to establish a framework to guide developers and communities in negotiations. This guidance encourages certain practices as it relates to community engagement, accountability measures, and has a particular focus on environmental justice communities and equitable distribution of benefits and burdens from these projects. Specifically, it encourages early and frequent communication and relationship building between developers and communities. The framework also provides guidance on what types of community benefits the state would like to see prioritized including: (1) environmental justice and equity, (2) economic development and workforce, (3) infrastructure and community support and (4) implementation of environmental and public health protections.

5. New York State Department of Public Service. (2020, September 23). Staff host community benefit program proposal: Case 20-E-0249 - In the matter of a renewable energy facility host community benefit program. New York State Department of Public Service. <https://documents.dps.ny.gov/public/MatterManagement/MatterFilingItem.aspx?FilingSeq=253153&MatterSeq=62773>

This document explains New York's proposed Host Community Benefit Program (HCBP) under the Accelerated Renewable Energy Growth and Community Benefit Act. It outlines how major renewable energy facility owners would fund annual bill credits for residents living in host communities. The document also explains the structure of the program, eligible recipients, benefit types, program administration, and the role of state agencies such as the Public Service Commission (PSC). It further defines what qualifies as a major renewable energy facility and identifies the types of renewable energy projects covered under the program.

This source was useful because it provided detailed information on who coordinates and administers the program, what types of benefits are provided, who receives the benefits, what projects qualify, and how the state structures and oversees the program. More broadly, the document helps show how New York uses a state-led and standardized community benefit framework rather than relying only on voluntary local CBAs. It was also helpful for identifying themes related to centralized oversight, public benefits, renewable energy governance, and the balance between statewide regulation and local community benefits.

6. Oregon Legislative Assembly. (2021). Enrolled House Bill 2021 (81st Oregon Legislative Assembly, 2021 Regular Session). State of Oregon.

This bill, signed into law in 2021, establishes Oregon's framework for transitioning to 100% clean electricity by 2040 and is the foundational statute governing the state's largest investor-owned utilities. The law sets binding greenhouse gas emissions reduction targets for retail electricity providers serving Oregon. It requires electric companies to develop clean energy plans tied to their integrated resource planning processes and submit them to the Oregon Public Utility Commission and Department of Environmental Quality for review. Section 6 mandates that electric companies convene Community Benefits and Impacts Advisory Groups, with required representation from environmental justice communities and low-income ratepayers, and file biennial reports with the Public Utility Commission assessing energy burden, disconnections, contracting opportunities for women-, veteran-, and BIPOC-owned businesses, distribution infrastructure in EJ communities, and customer engagement.

7. PacifiCorp. (2025). Oregon Clean Energy Plan updated engagement strategy [Report].

This report outlines PacifiCorp's strategy for implementing Oregon's Clean Energy Plan requirements under House Bill 2021. The document emphasizes equitable partner engagement, particularly among Environmental Justice Communities, Tribal governments,

low-income populations, and non-English-speaking residents. The report explains how PacifiCorp intends to incorporate public feedback into Integrated Resource Planning (IRP), Distribution System Planning (DSP), and Transportation Electrification Planning (TEP). It also summarizes findings from a 2022 survey involving more than 4,600 Oregon participants regarding affordability, climate change, energy reliability, and clean energy priorities. A major strength of the report is its focus on accessibility measures such as multilingual communication, compensation for advisory group participation, and community partnerships. However, the report remains preliminary in several areas and does not fully explain how participant feedback will directly influence utility decisions. This source is valuable for understanding the growing role of environmental justice and public participation in clean energy policy implementation.

8. Portland General Electric. (2025). 2025 Community Benefits and Impacts Advisory Group Biennial Report: Reporting period April 2023–June 2025.

This is Portland General Electric's (PGE) first biennial report on its Community Benefits and Impacts Advisory Group (CBIAG), a body the utility was required to convene under Oregon House Bill 2021, which mandates a transition to 100% clean energy by 2040. Filed with the Oregon Public Utility Commission, the report describes the group's formation, charter, recruitment of representatives from environmental justice communities and community-based organizations, and 24 public meetings held between April 2023 and June 2025. It catalogs how the group addressed the eight topic areas required by HB 2021, including energy burden, disconnections, contracting equity, grid resilience, infrastructure investment, customer experience, and engagement. As a source, the document should be read with its purpose in mind: PGE authored and finalized the report, and it functions simultaneously as regulatory compliance, public relations, and self-evaluation. The framing is consistently affirmative, accomplishments are foregrounded, and limitations are acknowledged only in general terms — such as a 66% average member retention rate, unfilled seats, and the fact that contracting with women-, veteran-, and BIPOC-owned businesses was not the subject of any dedicated meeting during the reporting period despite being a required topic.

9. Sunstone Solar, LLC. (2024). Exhibit K: Land use, Sunstone Solar Project final application for site certificate.

This source is part of Sunstone Solar's final application for a site certificate to build and operate the Sunstone Solar Project in Morrow County, Oregon. The most useful section for this project is the agricultural impacts and mitigation section, which explains how Sunstone proposes to address the effects of removing approximately 9,400 acres of arable land from dryland wheat production. The document uses landowner survey responses and

an ECONorthwest analysis to estimate the project's economic impacts on the local agricultural economy. The source identifies indirect impacts as supply-chain effects, including reduced spending on fuel, seed, fertilizer, chemicals, and contract services. Sunstone proposes an agricultural mitigation fund of up to approximately \$11.08 million to address these impacts. The document also explains that potential mitigation projects were developed through outreach with Morrow County agricultural partners.

10. U.S. Department of Energy. (2023). Guidance for creating a community benefits plan for the BIL ERA fixed award grant program (DE-FOA-0003045).

This official guidance document outlines how the U.S. Department of Energy (DOE) implements Community Benefits Plan (CBP) requirements within a Funding Opportunity Announcement (FOA). It provides a structured logic model for applicants, guiding them from vision and assessment through to goals, outcomes, and implementation strategies. The document emphasizes the importance of measurable community benefits and includes guiding questions to help applicants identify and quantify positive impacts while addressing potential project harms. As a primary agency source, this document is important for understanding the procedural and administrative expectations associated with CBPs. It establishes the plan as a contractual obligation and introduces "Go/No-Go" evaluation criteria used by the DOE to ensure accountability throughout a project's lifecycle. This makes it a great reference for applicants seeking clarification on compliance requirements and evaluation standards.

Appendix B: Interview Protocol

Interview Protocol

Pre-Recording Consent & Confidentiality

Purpose & voluntary participation, Confidentiality & data use, Consent confirmation

Thank you for participating in this research study. We are Masters of Public Policy Students at Oregon State University, conducting this capstone project at the request of the Oregon Department of Energy. This study aims to better understand how community benefits plans are developed, implemented, and experienced across different stakeholders to inform state agency approaches. We will be presenting the findings of this research project on June 10 via Zoom, and we invite you to attend that presentation if you are able.

With your permission, I will be recording this interview for accuracy; the recording will be used only for internal analysis. The report and relevant findings will be made public at the conclusion of this study, though you may request that your responses and any identifying information remain confidential. You may request to pause the recording or stop the interview at any time.

Do I have your consent to record? Would you like your responses to remain confidential? Also, with your permission we may potentially use audio clips from some interviews during our oral presentation of the project. Is that something you would be comfortable with?

Helpful Additions:

Do you have a hard stop at [time], or is there a bit of flexibility?

For clarity, when we refer to community benefits plans, we're using the term broadly to include formal or informal initiatives designed to support the host community connected to a project. For brevity, we'll use the term "CBP" throughout the interview.

A. Project Intro — Participant Role/Responsibility & General Info

Participant Background

A1. Please explain your role in [organization] and how you came to be involved in the development of this project's CBP.

Project Context

A2. What are/were your organization's primary goals in developing this CBP?

B. Process – CBP Life Cycle

Pre-planning & Research

B1. How did you get involved [or how were you approached to participate] in the community benefits plan?

B2. At what point did formal and/or informal discussions begin, and what was the general timeline? How would you describe those interactions?

B3. Can you describe any strategies, cases, or other projects referenced when designing this project's approach to CBPs?

Development & Design

B3. How did the involved parties go about determining what the needs of the community were?

B4. How were decisions made regarding which community needs the CBP would address?

B5. What needs were best met by the plan? Were there any needs that were not met; if so, why not?

B6. What other potential benefits were considered but not included?

Collaboration & Interactions

B5. Which groups were best represented in the process? Which parties do you feel were left out of the process, or whose perspectives were underrepresented? Were there any groups that were invited to participate, but chose not to?

B6. Please describe the major challenge faced in the development of the project's community benefits plan. How was this challenge addressed and resolved?

B7. What other challenges or disagreements arose in the development of the community benefits plan? Please walk us through how those challenges were addressed and resolved.

C. Sustaining CBP Structure – Enforcement, Accountability, Feedback

Monitoring & Compliance Mechanisms

C1. Who is responsible for CBP oversight? (Optional: How is it tracked/reported to the community?)

C2. How has CBP implementation been going so far? What has gone well? What has been challenging?

Accountability and Feedback

C3. What metrics or evaluative criteria are being used to assess the effectiveness of implementing the CBP?

C4. How has the broader community responded to the agreement?

D. Participant Reflection of CBP Process

Outcomes & Impact

D1. How do the community outcomes compare to your initial expectations? Do you feel your [organization]’s goals were met?

D2. Please describe, to the best of your ability, the costs of the planning and implementation of the CBP, both monetarily and non-monetarily.

Lessons & transferability

D3. Have you been involved with any other CBP processes? How did this experience compare with your experience on other projects?

D4. In hindsight, what aspects of the CBP would you approach differently?

D5. What advice would you give to an organization like the Oregon Department of Energy that is trying to develop a framework for community benefits plans in the state?

D6. Is there anything I should have asked you, or other comments you would like to add?

Final Statements & Next Steps

Thank you again for taking the time to speak with us today—we really appreciate your insights and perspective. We will be reviewing and analyzing interview responses alongside other data to identify key themes and patterns. If needed, we may follow up with brief clarification questions as we move forward.

Are you comfortable receiving follow-up emails if any clarification is needed?
I will stop recording now.

Interviewer notes

Appendix C: Case Study Question-Based Coding

Following initial review of case study material, we began a two-step coding process. The first was a question-based coding system that answered the following questions:

1. Are CBA/CBPs legally required?
2. What are the primary agencies that interact with the CBA/CBP process?
3. What types of benefits are discussed/required in agency guidance?
4. What goes into a CBA/CBP submission from the developer? What do they have to provide to the agency?
5. How do state agencies encourage communities to participate in developing a CBP/CBA?
6. Who bears the responsibility of coordinating, developing, and enforcing a CBA/CBP?
7. What is the role of the state agency in developing, coordinating, reviewing or enforcing CBP/CBAs?
8. What other entities are involved?
9. Who is responsible for reviewing a CBP/CBA for alignment with the framework/requirements set by the state?
10. Who is responsible for long-term monitoring of CBA/CBP performance? What metrics are monitored?
11. How much is recommended/required to spend on benefits?
12. What types of projects do the CBA/CBP requirements apply to?

Researchers answered these questions for each of the identified case studies using a spreadsheet to organize responses. The answers to question-based coding was used to develop overarching themes and findings.

Appendix D: External Case Study Memos

Below, we provide a summary of the eight jurisdictions analyzed by the external case studies research team and the jurisdictions requirements or guidance around CBA/CBP development for clean energy projects. We divide the cases into “Mandatory,” “Conditional,” and “Voluntary.” In this context, “Mandatory” means that the jurisdiction requires a CBA/CBP for any clean energy project above a certain size; “Conditional” means that projects above a certain size have a CBA/CBP to pursue optional permitting or funding pathways; “Voluntary” means that the jurisdiction gives guidance on CBA/CBPs but does not require them or provide any optional permitting or funding pathways that require them.

Mandatory

Connecticut

In Connecticut, the primary legislation governing community benefits is Public Act 21-43 (formerly Senate Bill 999), titled “An Act Concerning a Just Transition to Climate-Protective Energy Production and Community Investment”. This mandatory law applies to projects defined as Class I renewable energy sources like solar, wind and fuel cells, with a nameplate capacity of at least two megawatts (MW). While all covered projects face labor requirements, a formal Community Benefits Agreement (CBA) is required for projects of five MW or more.

The law directs developers to take all reasonable actions to negotiate CBAs with community-based organizations or coalitions representing the residents of the host community. These agreements must detail the project’s contributions to the community, plans to mitigate adverse conditions, and the creation of opportunities for local businesses and workers. Required benefits include paying prevailing wages for construction and standard wages for operations and maintenance, as well as establishing workforce development programs that offer registered apprenticeship and pre-apprenticeship training.

The Department of Labor enforces compliance through sworn certifications submitted by developers 30 days before construction and the review of monthly certified payroll records. Noncompliance or providing false information can lead to debarment from state contracts for up to three years.

Supporters of the bill asked that the focal point of these benefits be achieving a just transition by balancing zero-carbon goals with labor protections, community justice, and DEIA, specifically targeting underserved communities and those most affected by climate change.

A state-specific provision allows for an exemption from prevailing wage reporting if a project is covered by a qualified Project Labor Agreement (PLA). For a PLA to be qualified, it must meet six criteria.

New York

The Accelerated Renewable Energy Growth and Community Benefit Act was passed by New York State to speed up large-scale renewable energy development while also addressing local community concerns related to solar and wind projects. The law recognized that communities hosting renewable energy facilities may experience concerns related to land use, environmental impacts, infrastructure, and local quality of life, and therefore stated that host communities should receive benefits from these projects. Under the law, the Public Service Commission (PSC) was directed to create a Host Community Benefit Program (HCBP). The New York State Department of Public Service (DPS), supporting the PSC, prepared a proposal document explaining how the program would operate, including who receives benefits, which projects qualify, how developers fund the program, and how utility bill credits are distributed to residents in host communities.

The main goal of New York's Host Community Benefit Program is that communities hosting large-scale renewable energy projects should directly receive financial benefits. Instead of benefits going only to local governments or infrastructure agreements, the state wanted ordinary residents in host communities to visibly benefit from renewable energy development. As a result, the program mainly uses direct utility bill credits for residential electricity customers living in the host municipality where the project is located. The program applies mainly to utility-scale renewable energy projects, such as large solar and wind facilities that are generally 25 MW or larger. Renewable energy developers are required to fund the program through annual payments, proposed at \$500 per MW for solar projects and \$1,000 per MW for wind projects during the first 10 years of operation. The overall goal is to make community benefits more direct, visible, and connected to the communities physically hosting renewable energy projects.

New York is trying to balance multiple competing goals at the same time. The state wants faster renewable energy expansion and more clean energy projects, but it also recognizes that local communities may resist large-scale solar and wind developments if they do not receive meaningful benefits. At the same time, the state wants communities to be fairly compensated while still ensuring that renewable energy projects remain financially feasible for developers. Here, major policy debate was around statewide standardization versus local flexibility. New York's proposed approach uses standardized utility bill credits and fixed statewide payments to guarantee that all host communities receive a minimum

level of benefits. However, some commenters argued that communities should have greater flexibility to negotiate their own local benefits, such as infrastructure projects, parks, broadband, environmental improvements, or other community-specific agreements. Critics also raised concerns that standardized bill credits may not always provide meaningful long-term local benefits.

Public participation plays a major role in New York's Host Community Benefit Program framework. This includes public comments and feedback from multiple participants, including utilities, municipalities, advocacy organizations, environmental groups, and other interested organizations. This shows that the program was not designed only internally by the state, but was also shaped through partner consultation and public input. The strong emphasis on participation reflects New York's broader attempt to balance renewable energy expansion with local concerns, community acceptance, and fairness in how renewable energy benefits are distributed to host communities.

The broader New York renewable energy framework also involves several other state actors. NYSERDA (New York State Energy Research and Development Authority) mainly supports renewable energy implementation by managing renewable energy contracts, renewable energy credits (RECs), and procurement systems connected to clean energy development. ORES (Office of Renewable Energy Siting) functions as the main permitting and siting authority for large-scale renewable energy projects and oversees permitting review, public hearings, and local participation processes. Additionally renewable energy developers are responsible for funding the Host Community Benefit Program through required annual payments connected to qualifying projects, while utility companies distribute the bill credits to eligible residents within host communities.

New York's Host Community Benefit Program reflects a highly state-led approach to balancing renewable energy expansion with community acceptance and local compensation. The framework attempts to make renewable energy benefits more direct and visible to residents through standardized utility bill credits, while also incorporating public participation and statewide oversight. At the same time, the program highlights ongoing tensions between centralized state structures and local flexibility, especially regarding what meaningful community benefits should look like in practice during the clean energy transition.

Conditional

United States Department of Energy

The requirements for the US DOE are governed by the Bipartisan Infrastructure Law, the Inflation Reduction Act, and Executive Order 14008. The Community Benefits Plan is

mandatory for clean energy, grid resilience and research and development projects. It is enforced through technical scoring and by incorporating proposed strategies into final federal awards as Community Benefits Plan Objectives and Outcomes, which are strictly evaluated at Go/No-Go decision points.

Guidance emphasizes engaging early and often to build trust. Developers must prioritize two-way communication with representative organizations rather than just individuals, to ensure traditionally excluded groups have a voice. This includes labor unions, Tribal governments, and community-based organizations.

Recipients are required to use SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones to track progress and submit regular Community Benefits Reporting. Benefit types are organized into four interdependent pillars: Engagement, Quality Jobs, DEIA, and Justice40. Justice40 establishes a goal that 40% of overall benefits flow to disadvantaged communities. Costs for these activities must be “necessary, reasonable, and allocable”.

States interact with this process by linking state-level requirements. For instance, New York requires host community benefits for developers to access its streamlined permitting process. The focal point is achieving “broadly shared prosperity” and “energy democracy”. This framework is deeply integrated with environmental justice, requiring developers to identify and mitigate cumulative burdens and negative impacts on overburdened communities.

California

In 2022, California passed Assembly Bill 205 (AB205) to establish the Opt-In Certification Program for clean energy projects. Developers using the Opt-In Program must meet additional requirements for approval, including signing a legally binding CBA with a community-based organization, following prevailing wage requirements, and showing a net positive benefit to the local government. The Opt-In Certification Program is an expedited permitting pathway overseen by the California Energy Commission (CEC) which supersedes local permitting authorities, with the intention of facilitating faster deployment of large-scale renewable energy. Developers of solar or wind projects 50 MW or greater; energy storage systems of 200 MW or more, as well as some geothermal and transmission projects, may apply to the Opt-In Certification Program. Projects in California that do not use the Opt-In Certification Program would use existing local permitting pathways and do not have explicit CBA requirements.

There are no clear requirements from the law or CEC on how or when developers should engage with communities, and no specific requirements for CBA benefit types or amount of spending. According to AB205, the developer applicant must enter “into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community-based organizations.” The CEC validates that a CBA is signed before approving the project construction application but does not have requirements for what type or level of benefits are included in the CBA. This contrasts with other sections of the law which detail specific requirements for local hiring, apprenticeship, prevailing wage, and skilled workforce requirements, and requirements for public engagement regarding siting and environmental impact.

The CEC and AB205 guidance on CBAs focus on workforce and labor benefits, while more recent guidance from the Governor’s Office of Business and Economic Development encourages the use of community needs assessments. AB205 states that “The topics and specific terms in the community benefits agreements may vary and may include workforce development, job quality, and job access provisions,” then expands these employment and workforce development options. As a separate bullet point, AB205 states that CBAs may also include community improvement projects. Guidance from the CEC echoes this focus on local workforce benefits. More recently, in late 2025, the Governor’s Office of Business and Economic Development published a clean energy permitting toolkit which discussed aligning community interests. This toolkit emphasized the importance of listening to the community’s needs to determine whether infrastructure, environmental protection, housing, or workforce development are most important to include in a CBA.

Some communities have pointed out that the Opt-In Certification Program does not provide enough guidance or support for CBAs. A coalition of rural farm worker communities responded to the Darden Clean Energy Project application docket with concerns: “While the statute outlines potential agreement topics, such as workforce development, job quality and access, and community improvements, it does not define minimum standards, enforcement mechanisms, or the degree of participant engagement required. Most critically, the current code does not specify when a developer has met their obligation under this provision, leaving both project applicants and communities uncertain about compliance. This ambiguity risks inconsistent implementation and may weaken the effectiveness of CBAs in delivering meaningful and durable community benefits and create project delays.” This shows that while broad guidance on CBAs may allow flexibility, it also risks creating confusion.

Voluntary

Colorado

The 2024 Local Governments Renewable Energy Projects law (SB24-212) directed the Colorado Energy Office (CEO) to evaluate and assess local government processes for siting and permitting clean energy projects. This included an analysis of the potential use of community benefit agreements. The CEO report was released in 2025 and incorporated community interviews, case studies from Colorado local authorities, and existing clean energy projects in the state. While neither SB24-212 nor the CEO guidance established strict requirements for CBAs or CBPs, the CEO guidance can serve as a framework for developers and communities. Above all, the CEO guidance highlights the importance of frequent, transparent, and genuine engagement between developers and communities.

The guidance from CEO shares that CBAs should promote inclusiveness and accountability through frequent engagement and enforceable contracts. Although the CEO analysis includes both CBAs and CBPs, they more strongly highlight CBAs, stating that inclusivity and accountability are the “two core values that underpin effective CBAs.” Inclusivity means that CBA development should include a broad spectrum of community voices and conversations beyond typical public hearing formats, and that discussions should begin before developers submit an application for permitting. Accountability means that the benefits are legally binding through a contract and promote higher levels of accountability. However, the CEO finds that “good community engagement” is the most important aspect, and it can promote trust and support for a project even without a formal CBA in place.

The guidance shares ideas for elements to include in a CBA but does not make clear recommendations around benefit types or levels. They list that CBAs could include local hiring and workforce development, economic benefits and local investment, environmental protection and mitigation, community infrastructure, affordable housing, landowner compensation, and ongoing engagement. However, they present these options equally without guidance on how much financial support a developer should put towards these benefits. In fact, they suggest that CBAs should serve as a flexible tool that can respond to the community and the identified next steps with the developer.

In 2026, the state legislature did propose a bill (SB26-033) that would require CBAs for certain clean energy projects, though this bill did not pass. The bill would have imposed such requirements through a state clean energy permitting coordination office. The bill drew some opposition from people who felt that such a law would have taken decision-making power away from local municipalities.

Scotland

In 2014, the Scottish Government passed the Procurement Reform Act of 2014 which established a requirement for developers of major on- and off-shore energy projects (\$4 million or more) to consider community benefits within their project scope. Because Scotland is under the jurisdiction of the United Kingdom, this law could not mandate community benefit plans or agreements (CBPs or CBAs) but rather strongly encouraged them through their public procurement processes. Following passage of this law, the Scottish Government published their Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments. This guidance walks developers through the process of negotiating benefit packages. When submitting a community benefit plan to the Scottish Government Register of Community Benefits from Renewables, the developer is suggested to provide information on the geographic area of benefit, a description of the benefits, and evidence of consultation with communities. The CBP/CBA is reviewed by the Scottish Register of Community Benefits but because they are not legally required, there is no formal state enforcement of any structure or requirement for approval of the CBA or CBP. In line with this, the Scottish law also does not mandate any benchmark for benefits packages but recommends a goal of \$5,000 per installed megawatt annually although flexibility in benefits is highly emphasized. The framework notes that spending can vary based on the project's size, the negotiated agreements, and the technology.

In addition to the framework, the 2014 act also created Local Energy Scotland through their existing Community and Renewable Energy Scheme (CARES) program. CARES exists to provide financial support for local energy projects. The Local Energy Scotland program was specifically created to support community organizations at the negotiating table for CBPs and CBAs: "Through CARES, Local Energy Scotland offers a range of financial support and advice to community groups to get local energy projects up and running. Our service is free and impartial, and we will support you at every stage – from initial planning, through development and funding applications, right up to and beyond the launch." (Local Energy Scotland, 2026). The Scottish model generally emphasizes early and meaningful engagement between the developers and community groups beginning ahead of project application submission. The types of benefits recommended are categorized as economic, social, and environmental wellbeing. The framework also encourages that benefits align with community needs and priorities that are identified through a community action plan process. Enforcement and accountability are primarily held through developer and community-led processes, although there is a voluntary yearly reporting structure that exists through the Register of Community Benefits. The guidance further recommends that communities review their CBP every 3-5 years and suggest monitoring the funded projects closely. Unlike other frameworks, environmental justice and underserved communities are not a focal point of this guidance. The goal of the Scotland guidance on CBPs and CBAs

emphasizes local community benefit priorities, capacity building for communities, and flexibility in its framework.

Massachusetts

In 2024, the State of Massachusetts passed An Act Promoting A Clean Energy Grid, Advancing Equity and Protecting Ratepayers. This bill established the Office of Environmental Justice and Equity (OEJE) and directed them to develop a framework for the use of community benefit plans and agreements (CBPs and CBAs). The framework would apply to the cannabis industry and energy infrastructure facilities involved in clean energy generation, storage and transmission. Specifically, the law mentions offshore wind terminals, solar farms, and battery storage systems. The framework was created to be used as guidance for developers - it is not required by law to submit a CBP or CBA to receive a permit for an energy project. The CBP/CBA is included as part of the application process that is submitted to and reviewed by the Energy Facilities Siting Board (EFSB). As part of that application, the developer must demonstrate pre-filing consultation and community engagement. The framework specifically discusses outreach to environmental justice populations as well as identifying and analyzing the community and environmental impacts of the project and potential mitigation strategies. Because CBPs and CBAs are not explicitly mandated, the state does not play a strong enforcement role. Developers and relevant communities bear the primary responsibility for coordinating, developing, and enforcing these agreements. The framework recommends several best practices for monitoring and enforcement of CBP/CBA performance. This includes community oversight bodies, annual reports, community oversight roles, and progress indicators (number of residents hired, dollars invested, infrastructure delivered, or environmental data such as air and water quality levels). One example CBA that was signed in 2024 between the City of Salem & Salem Wind Terminal LLC showed the result of the flexible structure set up by the state. The primary benefits from this CBA flowed through the City of Salem, rather than community organizations, and the accountability mechanism that was set up was a “CBA Working Group” comprised of “One (1) Crowley Representative; Two (2) community representatives; Two (2) City of Salem representatives; One (1) Salem Harbor Port Authority representative; One (1) Salem Public Schools representative...”. The developer (Crowley) was responsible for the reporting mechanism in the CBA, and the city was placed as the primary enforcer in the case that the agreement was not satisfied.

The 2024 act also established a Division of Public Participation (DPP) to even the playing field for communities who are at the negotiating table with developers. The DPP exists to assist partners in navigating community benefit engagement processes, facilitating dialogue, and coordinating with local and state officials. They also offer support funds to

assist community organizations in the regulatory process. Regarding the methodology of outreach, the OEJE framework encourages developers to conduct early, meaningful, and culturally competent engagement with communities. The document emphasizes trust-building and the identification of community priorities and needs ahead of when a project application is submitted. Recommended benefit types are placed into four categories within the framework: (1) Environmental Justice & Equity; (2) Economic Development & Workforce Creation; (3) Infrastructure & Community Support; and (4) Environmental & Public Health Protections. The law does not mandate or specify a suggested benefit or spending level but does recommend that benefits be tailored to the community, designed for long-term sustainability and to be specific, measurable and trackable. The framework emphasizes workforce development and advancing environmental justice as a primary goal: "CBPs and CBAs can play a crucial role in ensuring that the implementation of energy projects align with EJ [environmental justice] principles by fostering inclusive participation and ensuring the benefits and burdens of the transition are equitably distributed" (Massachusetts Executive Office of Energy and Environmental Affairs, 2026).

Washington

Washington's Clean Energy Transformation Act (CETA), passed in 2019, is Washington State's major clean energy law aimed at moving the state toward 100% clean electricity by 2045. Under CETA, utilities are required to develop Clean Energy Implementation Plans (CEIPs). CEIPs are legally required clean energy transition plans that utilities must create to show how they will move toward clean energy while fairly distributing benefits, reducing burdens, involving communities, and considering vulnerable populations. These plans must be submitted to the Washington Utilities and Transportation Commission (UTC), depending on the type of utility, and must also be made publicly available. The Washington Utilities and Transportation Commission (UTC) play an oversight and regulatory role in the CEIP process. The UTC reviews utility plans and has the authority to approve, reject, or require modifications to CEIPs. Additionally, the law places several responsibilities on utilities. Utilities must demonstrate progress toward clean energy goals, reduce burdens on vulnerable populations and highly impacted communities, improve energy assistance for low-income households, collect and report data on energy burdens, and develop outreach and participation strategies. The law also requires utilities to consider equitable distribution of both energy and non-energy benefits, including affordability, public health, resilience, and energy security.

Community-based organizations (CBOs) play an important role in the participation and outreach process connected to CEIPs. The law and CEIP public participation materials emphasize working with CBOs to better reach vulnerable and highly impacted

communities. CBOs are used to support outreach, build trust, reduce participation barriers, share information, and collect community feedback. The engagement process also includes multilingual outreach, focus groups, advisory groups, and culturally appropriate participation strategies. At the same time, Washington does not currently have a formal statewide Community Benefits Agreement (CBA) or Community Benefits Plan (CBP) requirement. Instead, Washington follows a more utility-centered and participation-focused model where community benefits are incorporated through CEIPs, public participation requirements, advisory groups, and outreach processes. The law also does not directly regulate renewable energy developers. CETA is primarily focused on utilities and utility compliance. Developers may still be indirectly affected because utilities rely on renewable energy projects to meet clean energy targets, but the law itself does not establish a formal developer-centered CBA or CBP requirement.

Washington currently follows a utility-centered regulation through CETA and CEIPs with a growing policy interest in stronger community benefits and local participation. While Washington's formal clean energy framework is still mainly centered around utilities and utility compliance, the state has increasingly started examining how local communities experience large-scale clean energy development and whether communities are receiving fair benefits from these projects. In 2023, the Washington State Legislature directed the Washington State Department of Commerce to conduct the Rural Clean Energy Economics and Community Engagement Study and Report. The study was carried out through community engagement processes that included interviews, focus groups, public meetings, online comments, and outreach to tribes and rural participants. According to the study, many rural communities raised concerns about the current clean energy development process. Major concerns included lack of local control and participation in decision-making, limited long-term local benefits, environmental and quality-of-life impacts, loss of agricultural lands, inconsistent tax revenues, and concerns that rural communities were carrying the burdens of projects while benefits were transferred elsewhere.

Communities also expressed concerns about limited permanent local employment opportunities and lack of transparency in project planning and permitting processes. At the same time, communities also identified potential benefits from clean energy development. These included increased local tax revenues, lease payments for landowners, additional economic activity, improved energy independence and resilience, affordability benefits, and opportunities for rural economic development. Some participants also believed clean energy projects could support farmers through supplemental income and bring additional investments into local infrastructure and services. The report also discussed Community Benefits Agreements (CBAs) as a possible tool to improve how benefits are distributed to

local communities. The study specifically suggested that developers should use CBAs as part of negotiations with rural communities.

Washington's approach shows a transition toward a more participation-focused clean energy governance model, but one that still remains largely utility-centered rather than developer-centered. Through CETA and CEIPs, the state places strong emphasis on public participation, and fair distribution of benefits. At the same time, the Department of Commerce study shows growing recognition that rural communities want stronger local involvement, more direct and long-term benefits, and greater transparency in clean energy development. This suggests that Washington is gradually moving toward broader conversations around community benefits, with growing policy interest in a more developer-centered approach and stronger consideration of formal CBAs and CBPs as tools to create more effective and locally distributed community benefits.

Appendix E: Internal Oregon Case Study Memos

POLICY MEMO: City of Portland

Required Components and Benefits: The purpose of this framework is to ensure that the public receives the full benefit of public works projects while preventing the indirect perpetuation of the under-inclusion of women and racial/ethnic minorities in the construction industry. Key benefits focus on the empowerment of union workers, the utilization of trade skills, and the requirement of workforce diversity. The framework mandates support for apprenticeship hours and benefits, and requires that unions used for projects remain demographically diverse. Additionally, there are requirements to use firms certified by the State of Oregon as D/M/W/ESB/SDVBE (Disadvantaged, Minority, Women, Emerging Small Business, or Service-Disabled Veteran Business Enterprises).

Community Engagement and Participation: Direct community engagement is limited, as the framework primarily focuses on requirements to utilize union labor forces. Participation is structured through the inclusion of the Community Based Organizations (CBOs) and state-approved pre-apprenticeship programs within the oversight process.

Roles and Responsibilities:

- **City of Portland (Employer):** Responsible for coordinating, developing, and enforcing the Community Benefits Plan (CBP).
- **Unions (Employee):** Responsible for carrying out the project, maintaining demographic diversity, and ensuring fair wages are paid.

- **Labor-Management-Community Oversight (LMCO) Committee:** A body composed of owners; contractors, unions, employers, and Community Based Organizations (CBO) that are responsible for voting on work plans and ensuring compliance with equity, contracting, and workforce goals.

Governance: The framework is governed by the LMCO Committee which ensures that the employer maintains equity efforts. While the City of Portland is typically the employer, this category can also include representatives from Disadvantaged Business Enterprises. The City maintains the power to withhold funding if the union fails to meet its contractual obligation. Monitoring is not long-term, it concluded when that specific project is completed.

Emerging Themes:

- **Labor Centric Engagement:** The framework prioritizes the use of union labor forces over broad-based community engagement.
- **Strict Work Continuity:** Once a contract is negotiated, the unions are strictly prohibited from striking, picketing, or engaging in any protest that would limit work or delay the project.
- **Temporal Monitoring Gaps:** There is no continuous or long-term monitoring scheme beyond the life of the specific project contract.

POLICY MEMO: PGE/CBIAG Framework

Required Components and Benefits: HB 2021 requires PGE to file a biennial report with the Public Utility Commission (PUC) and provide it to the Citizens' Utility Board. Content spans energy affordability and access, environmental justice investments, social and economic co-benefits, equitable contracting, and customer engagement. PGE must demonstrate that clean energy activities deliver tangible, equitable benefits to environmental justice communities and low-income ratepayers. The framework is reporting heavy. Meeting presentations seem to justify current practices rather than changing PGE's behavior.

Community Engagement and Participation: Engagement runs through the Community Benefits and Impacts Advisory Group (CBIAG), which meets monthly in hybrid format. PGE recruits via warm referrals from trusted partners. Statutorily required compensation, quarterly stipends and travel reimbursement, reduces barriers to participation. Feedback

is gathered through surveys, one-on-one check-ins, self-assessments, and a digital member hub; members co-developed the 2025 biennial report.

Roles and Responsibilities:

- **PGE:** convenes the CBIAG, determines membership with participant input, develops the biennial report and clean energy plan in consultation with the group, and files both with the PUC.
- **CBIAG:** co-develops the biennial report and may advise on the clean energy plan
- **PUC:** central oversight body — reviews reports, acknowledges plans found in the public interest and consistent with clean energy targets, and sets cost recovery for advisory group compensation.
- **DEQ:** verifies projected emissions reductions and reports findings to the PUC before plan acknowledgment.

Governance: Section 6 of HB 2021 obligates each utility filing a clean energy plan to convene a CBIAG and produce a biennial report. PGE's CBIAG is supported by an internal program team and a third-party facilitator (Espousal Strategies, LLC). Membership reflects community-based organizations. Long-term monitoring is still being built; HB 2021 establishes a biennial reporting obligation, not a continuous monitoring regime.

Emerging Themes:

- **Transparency Limitations:** meeting recordings are restricted to CBIAG members, PGE, and facilitators; discussion content is not published.
- **Small-sample inputs shaping ongoing work:** the April 2026 meeting referenced a community-benefits ranking based on only four respondents from September 2024, raising questions about how representative inputs guide priorities.
- **Inform-heavy agendas:** content often presents existing PGE practices or unrelated regulatory updates (e.g., March 2026 FAIR Energy Act briefing) rather than soliciting community direction.

POLICY MEMO: Sunstone Solar Project

Required Components and Benefits: The Sunstone Solar Project's agricultural mitigation arrangement requires Pine Gate Renewables to pay roughly \$11 million to Morrow County for converting dryland wheat cropland to solar energy facility use. Morrow County will decide how to spend the money based on recommendations from a nine-member local advisory committee familiar with local agricultural issues, and the funds must be used

only for projects that benefit dryland wheat agriculture. Designated benefits include stabilizing the long-term viability of dryland wheat operations, replacing lost supplier income, and increasing net revenue for affected producers.

Community Engagement and Participation: Community engagement is targeted to affected agricultural participation rather than the broader public. Input came from interviews with the Morrow Soil and Water Conservation District (MSWCD), due-diligence interviews with Morrow County Grain Growers (MCGG), and surveys of the four main landowners representing about 98% of the project site.

Roles and Responsibilities:

- **Pine Gate Renewables:** Develops the arrangement, conducts outreach, commissions the economic analysis, and pays into the mitigation fund.
- **Morrow County Board of Commissioners (MCBOC):** Administers the fund, selects advisory committee members, and approves distributions based on committee recommendations.
- **ODOE/EFSC:** The Oregon Department of Energy (ODOE) reviews the project materials; the Energy Facility Siting Council (EFSC) approves the site certificate and oversees compliance.
- **Advisory Committee/Participants:** The committee recommends fund uses and reports annually, while MSWCD, MCGG, and landowners help identify agricultural impacts and potential projects.

Governance: The fund is administered by Morrow County with recommendations from a nine-member advisory committee made up of local agricultural specialists, including county, producer, MSWCD, MCGG, nonprofit/academic, and regional agricultural representatives. The advisory committee recommends fund distributions to MCBOC for approval and provides annual reports to MCBOC, ODOE, EFSC, and Sunstone documenting how funds are used. Funds must be spent within 10 years and used only to mitigate impacts on Morrow County's dryland wheat economy, especially through projects that benefit affected agricultural producers and suppliers.

**Emerging
Themes:**

- **Targeted Agricultural Mitigation:** The arrangement is designed to address the loss of dryland wheat production and related supplier activity, rather than providing broad community-wide benefits.

- **Local Agricultural Expertise in Decision-Making:** Fund decisions are shaped by people and organizations with direct knowledge of Morrow County's dryland wheat economy.
- **Economic Impact-Based Mitigation:** The fund is directly tied to estimated agricultural losses, so benefits are designed to offset measurable impacts to producers and suppliers.

Appendix F: Interview Log

Number	Interviewee	Interviewee ID Code	Description	Date	Location
1	L. Stephens	SS02 Priv	Previously Pine Gate Renewables; currently XGS Energy	May 12, 2026	Zoom
2	S. Reich	SS03 Priv	EcoNorthwest, Economist	May 11, 2026	Zoom
3	T. Wirkkala	SS04 Priv	EcoNorthwest, Economist	May 11, 2026	Zoom
4	T. Mabbott	SS01 Govt	Morrow County Government, Community Development Director	May 13, 2026	Zoom
5	L. Goodlow	RQ1 CL	Historic Albina Advisory Board (HAAB) Member; City of Portland Housing Bureau, Equity and Business Operations Manager	May 6, 2026	Zoom
6	D. Kim	RQ2 Govt	Oregon Department of Transportation (ODOT) Statewide Project Delivery Manager	May 11, 2026	Zoom
7	R. Gerber	RQ3 Govt	Oregon Department of Transportation (ODOT) Public Outreach / Media Manager, Rose Quarter	May 12, 2026	Zoom
8	J. Jarvis	RQ4Priv	President/CEO, Oregon Trucking Association (OTA)	May 15, 2026	Zoom
9	J. Burright	OR1 Govt	Department of Land Conservation and Development (DLCD)	May 14, 2026	Teams
10	H. Moline	WAUTC1 Govt	Washington Utilities and Transportation Commission, Energy Policy Advisor to the Commissioners	May 14, 2026	TEAMS

11	J. Jenkins	MC1 Priv	Solar Saves Farms, Agrivoltaics Advocate	May 7, 2026	Zoom
12	I. Murphy	SHB1 Priv	SHEBA Farms LLC, Owner	May 20, 2026	TEAMS

Appendix G: Qualitative Interview Findings and Applied Codes

Theme	Subtheme	Representative Quote	Applied Codes + Frequency
Process & Design	Third-party Facilitators	"We hired a community-centered agency... to show that ODOT was not leading the charge."	PR-08, PR-03 (2/12)
	Defined Participant Roles	"We didn't have anybody from the city at the table... then had to start all over."	PR-01, PR-07 (4/12)
	Scope & Metrics	"Assigning a dollar value... allows for a larger conversation."	PR-03, PR-04, PR-08, PR-02 (7/12)
	Engagement & Power Dynamics	"Portland wouldn't sign off until ODOT agreed... cost quadrupled."	PR-08, PR-01, PR-04, RF-06, RF-05 (7/12)
Enforcement & Accountability	Asymmetric Accountability	"Only businesses of color... were scrutinized."	EA-03, EA-05 (3/12)
	Staff Turnover	"We have to start over every time."	EA-02, EA-03, RF-07 (3/12)
	Oversight Weakness	"Unless you have a regulatory lever... it can fall away."	EA-05, EA-01, RF-04 (4/12)
	Lack of Enforceability	"It's really hard to support something else when we didn't get what we bought last time."	PR-04, RF-04, EA-04, PR-13 (4/12)
Collaboration & Engagement	Perception of 'buy-off'	"It felt like sort of an opportunity to pay for approval..."	PR-03, RF-07 (3/12)
	Community Ownership	"The solution... should come from	PR-03, RF-07 (2/12)

		impacted stakeholders.”	
	Defining Community	“There are a lot of different ways to define a community...”	PR-03, RF-07 (2/12)
Lessons Learned	Continuous engagement	“Engagement throughout is a big deal...”	RF-06, RF-07 (9/12)
	Cultural Competency	“Don’t bring somebody from Klamath Falls... and think it translates.”	PR-03, RF-07, ET-01 (2/12)
	Community Capacity	“Communities need technical, facilitative, and legal support.”	RF-07, PR-07 (5/12)
	Regulatory Framework	“Unless you have a policy... they stay in the realm of recommendations.”	RF-01, RF-04 (4/12)

Catherine Rigby, City of Newport

PUBLIC COMMENT: Form Submission Responses on

Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure Study

July 14, 2026

Q1: Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

The draft report would benefit from a more explicit acknowledgment of the unique barriers faced by Oregon's coastal and rural communities in clean energy deployment. Coastal counties experience persistent infrastructure constraints-including limited grid capacity, aging transmission lines, and geographic isolation-that compound the permitting, construction, and interconnection challenges identified in the report. Small communities often lack the staffing, technical expertise, and financial resources needed to navigate complex, multi-jurisdictional processes, which can unintentionally slow or exclude them from participating in clean energy development.

Incorporating these coastal-specific realities into the final report would strengthen alignment with the Equity and Justice Framework. Many rural and coastal communities are environmental justice communities under state definitions, and without intentional attention, existing inequities may deepen as clean energy deployment accelerates elsewhere. Ensuring that coastal voices, Tribal partners, and small local governments have equitable access to information, capacity-building resources, and early engagement opportunities is essential for just outcomes. Highlighting these needs directly in the report would help ensure that Orego's clean energy transition does not leave its smallest or most geographically isolated communities behind.

I am commenting as a resident of Lincoln County and as someone deeply involved in local government, community development, and public policy on the Oregon Coast. Coastal and rural communities like ours are specifically identified by ODOE as historically underrepresented in statewide decision-making processes, and I want to ensure that our unique needs and barriers are fully reflected in the final report.

Q2. When considering the various steps in the EFSC review process, are there changes you would propose or ideas for streamlining that you have for any of the specific steps?

Yes. For small coastal counties, the EFSC process would benefit from clearer early coordination and more accessible guidance. Streamlining could include earlier, standardized pre-application meetings with local governments, clearer timelines for when

counties must respond, and simplified pathways for small jurisdictions that lack dedicated energy or legal staff.

Improved cross-agency coordination would also help reduce delays, especially when federal, state, and local reviews overlap. Providing template materials, checklists, and technical assistance for rural and coastal governments would make the process more equitable and easier to navigate.

Q3. The draft report provides draft recommendations . Do you have any comments on these draft recommendations? Are there any additional recommendations that you would like to share?

-

Q5. If you did not provide comments in the first public comment period, please share if this was because you were unaware of the opportunity, because the opportunity as you understood it was not a priority for you at the time, or if there were other factors that affected your ability or decision to provide comments. Do you have any recommendations or requests for ODOE on how it might improve outreach for public comment on draft reports?

-

Benjamin Wills

PUBLIC COMMENT: Form Submission Responses on

Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure Study

July 23, 2026

Q1: Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

As a first-generation farmer operating a 79-acre agricultural property in Wasco County, I am directly impacted by EFSC siting policies and the statewide regulatory standards proposed in the EO 25-29 Draft Report. Having lost property in the August 2022 Miller Road Fire, I have a direct interest in ensuring energy siting rules maintain strict public health, conflagration safety, and emergency egress protections. I am commenting as a non-participating landowner to ensure rule changes do not strip procedural due process rights for rural agricultural families.

Q2. When considering the various steps in the EFSC review process, are there changes you would propose or ideas for streamlining that you have for any of the specific steps?

True "streamlining" must increase efficiency through early technical clarity, not by eliminating citizen due process. I strongly oppose removing "Discovery" or "Exceptions" from the Contested Case phase. To legitimately streamline EFSC reviews, ODOE should require applicants to submit complete, real-world empirical safety testing (such as full-container NFPA 855/UL 9540A burn-down data) upfront during application filing;

provide standardized, plain-language technical summaries to reduce procedural delays; and require ODOE staff to answer factual technical safety inquiries prior to issuing Proposed Orders.

Q3. The draft report provides draft recommendations . Do you have any comments on these draft recommendations? Are there any additional recommendations that you would like to share?

I formally object to the recommendations in the June 2026 Draft Report that propose eliminating Discovery and Exceptions from the Contested Case framework. Stripping these tools deprives citizens of the ability to test applicant data, violating ORS 183.482(8)(c) and defying Oregon Supreme Court precedent (Friends of the Columbia Gorge v. EFSC). I further object to recommendations removing requirements for developers to evaluate federally listed threatened and endangered species. Additionally, ODOE must retain full

Contested Case discovery, enforce mandatory physical setback buffers for encircled "in-holding" farms, and align construction timelines with real-time safety data.

Q4. If you provided comments for this report in the first public comment period, please address whether, in your opinion, the draft report reflects the input you provided. If not, please describe how the draft report could be improved.

The Draft Report fails to reflect public input regarding real-world life-safety risks, emergency access, and administrative transparency. Impacted landowners currently face an administrative "Catch-22" where technical inquiries are dismissed prior to record formation, yet this report now proposes eliminating Discovery once the record is formed. The report should be improved by explicitly incorporating protections for encircled non-participating agricultural properties; prohibiting artificial setback manipulations; and preserving full legal discovery tools in Contested Cases to ensure decisions are supported by substantial evidence.

Q5. If you did not provide comments in the first public comment period, please share if this was because you were unaware of the opportunity, because the opportunity as you understood it was not a priority for you at the time, or if there were other factors that affected your ability or decision to provide comments. Do you have any recommendations or requests for ODOE on how it might improve outreach for public comment on draft reports?

Public participation has been severely hindered by administrative roadblocks and accessibility barriers, including ODOE's revocation of promised ADA Title II plain-language technical accommodations. To meaningfully improve public outreach, ODOE must ensure full ADA Title II compliance by providing accessible plain-language technical summaries for complex exhibits; provide direct, written answers to factual public safety inquiries; and cease treating unattended digital listening sessions (such as the June 29, 2026 session with zero public attendees) as successful procedural outreach.

PGE Comments on ODOE Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

July 23, 2026

Portland General Electric (PGE) appreciates the opportunity to respond to the Oregon Department of Energy's (ODOE) Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure pursuant to Executive Order 25-29.

PGE generally agrees with the draft report's conclusion that the Energy Facility Siting Council (EFSC) has streamlined many of its processes in recent years and that additional targeted improvements are needed to support the rapid development of renewable generation, battery storage, and transmission. The draft report acknowledges that transmission lines face unique challenges including multi-city and county routing, federal land crossings, multiple agency jurisdictions, cultural resource concerns, easement acquisition and eminent domain, and National Environmental Policy Act (NEPA) review. However, many of these challenges cannot be addressed through EFSC statutory authority, rules, and practices alone.

In addition to the targeted improvements recommended in the draft report, the state should address the absence of regulatory mechanisms that support timely investment in long-lead infrastructure like transmission, take a balanced approach to address increased utility wildfire liability risk, and more explicitly support the strategic development of Virtual Power Plants (VPP) in bridging the gap while larger supply-side resources and transmission infrastructure move through siting and permitting.

PGE's comments below address the draft report's EFSC statutory, rule and practice recommendations while noting that unlocking existing customer flexibility is a cost-effective barrier reduction option available to the state that is complementary to additional large-scale electricity infrastructure.

Reform the Contested Case Process

Oregon should prioritize policies that:

- Accelerate transmission development and expansion;
- Support proactive, long-term transmission planning while avoiding duplicative study processes;
- Improve regulatory certainty for major infrastructure projects;
- Coordinate with regional transmission providers and neighboring states; and
- Ensure cost recovery frameworks support timely investment in infrastructure needed to maintain reliability and achieve state policy objectives.

PGE supports ODOE's recommendation to reform the contested case process. The contested case process is the largest controllable schedule risk, so actions to streamline contested case discovery steps, reduce exceptions procedures, establish clearer schedules, and remove duplicative procedural requirements are welcome efforts to reduce the average length of a full contested case proceeding (~427 days). A recent rulemaking aimed at modernizing the EFSC Site Certificate Amendment process has proven critical to increasing process efficiency while protecting public review and input. PGE's Biglow Canyon Wind Farm Request for Amendment 4 was the first to utilize the modernized proceeding, which streamlined and clarified the amendment process, reduced schedule uncertainty, and further enabled the project to meet critical deadlines. Reforms to the contested case process have the potential to produce similar results.

Better Align Local, State, and Federal Reviews

Cross-county, multi-jurisdictional, and interstate transmission and infrastructure projects in the Pacific Northwest encounter highly inconsistent permitting processes, documentation requirements, and timelines across local, state, and federal jurisdictions. For Oregon's electric utilities, environmental review processes are fragmented across multiple agencies, causing significant cost and schedule impacts for transmission and distribution projects. Utilities must often secure separate approvals from the Department of Environmental Quality (DEQ), Department of State Lands (DSL), Department of Fish and Wildlife (ODFW), local governments, and sometimes federal agencies; each with distinct timelines, data requirements, and definitions of environmental impact. These overlapping reviews result in duplicative studies, inconsistent mitigation directives, and sequential rather than coordinated permitting, even for projects aligned with adopted regional growth and energy plans. The absence of a unified or concurrent review framework increases uncertainty, extends permitting durations by months or years, and diverts both utility and agency resources away from proactive planning and environmental stewardship.

For these reasons, PGE supports the draft report's recommendation to reduce duplicative work, including evaluating whether NEPA analyses, Section 106 reviews, and federal environmental studies could satisfy portions of EFSC standards.

Standardize Review of Routine Issues

As the draft report notes, permitting timelines for major energy and utility infrastructure projects in Oregon have become lengthy and increasingly complex, driven by regulatory requirements, overlapping state and local reviews, and extended public and agency coordination periods. These delays threaten both grid reliability and project schedules, particularly as utilities and developers work to modernize transmission systems, integrate renewable generation, and meet Oregon's decarbonization and reliability mandates. Lengthy permitting also increases project costs and uncertainty, discouraging timely investment in critical infrastructure upgrades.

For these reasons, PGE supports the draft report's recommendation to streamline standards that tend to produce similar outcomes across projects – such as waste minimization, organizational expertise, soil protection and certain transmission standards – to enable EFSC staff to focus their efforts on project-specific risks rather than the repeated review of routine topics. In a step further, EFSC could explore a standardized expedited siting pathway to streamline approvals for projects with low environmental and land use impacts, particularly those within existing corridors or focused on system upgrades rather than new development.

Additional Considerations for Large-Scale Electricity Infrastructure

PGE encourages the state to further examine several issues that are likely to have a significant impact on Oregon's ability to develop large-scale electricity infrastructure, including:

Explore Regulatory Frameworks for Long-Lead Infrastructure

Many transmission projects and major generation facilities require large investment a decade or more before they enter service. Existing cost recovery frameworks may not provide sufficient certainty to support timely development by utilities or independent developers. Oregon should explore mechanisms that provide regulatory certainty for prudent long-term infrastructure investments while maintaining appropriate oversight and customer protections.

Address Utility Wildfire Liability Risk

The risk of catastrophic wildfire liability remains the single largest risk facing the electric sector in Oregon and directly impacts energy affordability and resource or transmission development. When risk goes up, higher insurance and financing costs flow straight into customer bills. The financial, operational, and economic consequences of Oregon's current liability framework have become one of the most significant barriers to keeping utility rates low and building the grid Oregon needs for reliability, decarbonization, and economic development. All of this means customers are already paying more, investment in clean energy and serving business expansions is reduced, and Oregon's economy is exposed to significant risk. This is a statewide challenge affecting utilities large and small, requiring a statewide solution to protect customers, keep energy affordable, and build the grid Oregon's future depends on. Oregon needs to arrive at a balanced approach to address utility wildfire liability and at the same time maintain avenues for accountability and redress after a fire. Oregon's State Energy Strategy called for a balanced solution to this issue, and the OPUC has begun a third-party study of policy solutions.

Support Strategic Development of Virtual Power Plants

Significant transmission constraints drive a greater role for customer-sited resources, including demand response and energy efficiency, and community-based renewable energy resources, so the Virtual Power Plant functions as a capacity resource that PGE can deploy faster than new generation or transmission, helping to bridge the gap while critical large supply-side and transmission investments move through interconnection and siting queues. PGE's Virtual Power Plant (VPP) aggregates flexible load, distributed solar-plus-storage, and distributed thermal resources into a single dispatchable capacity asset. PGE is also extending its flexibility model to large new loads so that customers seeking interconnection to the transmission-constrained Pacific Northwest grid can flex their own demand to connect sooner, rather than waiting years for new transmission to be built.

PGE appreciates ODOE's efforts and supports continued collaboration to address the siting and permitting of large-scale electricity infrastructure. Oregon's long-term success will depend on policies that enable the timely permitting and development of infrastructure, address utility wildfire liability risk, and provide the regulatory certainty necessary to support the scale of investment required to serve growing demand, maintain reliability, and achieve the state's clean energy objectives.

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July 24, 2026

Oregon Department of Energy
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VIA ELECTRONIC SUBMISSION

RE: Comments on Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

Climate Jobs Oregon is a coalition of labor organizations working to ensure that the transition to a clean energy future in Oregon is one that centers working people and the communities they live in. Our coalition represents thousands of Oregon workers who are the best trained and skilled to build Oregon's new clean-energy economy from the ground up, and our organization benefits from the support of technical experts. We appreciate the opportunity to submit comments regarding the Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure (Draft Report).

As clean electricity projects get sited throughout the state, the workers represented by our coalition's unions will be the ones building and operating these projects. Union workers who live in communities all across Oregon play a key role in the siting process by speaking up on how clean electricity projects can create good jobs, a healthy environment, and equitable communities. Moreover, unions can be a resource for the Energy Facility Siting Council (EFSC) on important projects, especially when such projects are facing delays in the permitting process.

Oregon is in the early years of a sustained clean energy buildout, and the pace now depends on whether projects can be sited, permitted, and connected to the grid. Meeting the state's statutory goal of one hundred percent emissions-free electricity by 2040 will require building far more generation, and building it faster, than the current system has delivered.¹ The bottlenecks to building clean energy include how quickly a project can move through reviews and approvals, how quickly a site can be made ready, how speedily projects move through the interconnection queue, and if transmission exists to carry the power.

Oregon's last two legislative sessions have taken up permitting reforms, and Climate Jobs Oregon applauds that Executive Order 25-25 directed the state to expedite siting and permitting

¹ Or. Stat. § 469A.410(1) (requiring 100% emissions-free electricity by 2040 from Portland General Electric and Pacific Power), olis.oregonlegislature.gov.

for solar and wind to ensure that projects can receive federal tax credits.² However, Oregon requires further changes to deliver the faster, more predictable review that projects require while creating good jobs. Oregon can expedite review and approval processes in the near-term, while securing community engagement, local benefits and strong labor standards, and create a program to preemptively prepare sites for clean energy development in the medium-term. To help ensure projects can deliver power to the Oregon grid, Oregon will also need to tackle coordination of transmission and adopt regulatory reforms to the interconnection process. Oregon's efforts to speed up siting and permitting processes for clean energy infrastructure can help bring down costs of energy, deliver good union jobs, and ease the affordability crisis impacting working Oregonians across the state.

I. Major Challenges to Siting and Permitting in Oregon

The Draft Report thoroughly details the dual track siting system in the state.³ Under this process, large facilities are reviewed by the Energy Facility Siting Council (EFSC), which runs a single, consolidated, quasi-judicial proceeding that folds the standards of numerous state agencies and the local land use review into one process; smaller facilities are reviewed by counties and cities under local land use law.⁴ The EFSC process is extremely rigorous, and two features make the process attractive. First, its land use standard lets an applicant either seek local land use approval or ask the EFSC to determine land use compliance, and EFSC's review of a farm-land goal exception does not require an analysis of other sites.⁵ Second, an EFSC decision can be appealed directly to the Oregon Supreme Court, and the Supreme Court must render a decision within six months.⁶ In contrast, appealing a local decision requires filing with the Land Use Board of Appeals,⁷ and then appealing that decision to the Court of Appeals⁸--a process that could take years.

Despite these advantages, the front end of the EFSC process is significantly more time intensive than many local processes. One commenter on the Draft Report on Reducing Barriers to Clean Energy Deployment reported that applications to the EFSC typically take 18-24 months prior to a permit without the contested case process, whereas projects permitted at the county level generally take less than one year.⁹ As a result, many developers forgo the state process because of its time and cost.¹⁰

² Or. E.O. 25-25 (Oct. 5, 2025).

³ Draft Report at 3-30

⁴ See generally Or. Stat. §§ 469.300–.563 (Energy Facility Siting Council jurisdiction); see Or. Stat. § 469-300(12)(a) (defining “energy facility” for purposes of EFSC jurisdiction based on specific size, acreage, or megawatt thresholds for specific energy technologies).

⁵ Or. Stat. § 469.504.

⁶ Or. Stat. § 469.403.

⁷ Or. Stat. §§ 197.825, 197.830.

⁸ Or. Stat. § 197.825.

⁹ Draft Report on Reducing Barriers to Clean Energy Deployment, Oregon Department of Energy (June 2026) Appendix D, at 59, <https://www.oregon.gov/energy/data-and-reports/Documents/DRAFT-Report-Reducing-Barriers-EO2529.pdf>.

¹⁰ *Id.*

The state legislature in recent years has taken important steps to address key deficiencies in the EFSC system. For example, in 2025, the state enacted House Bill 3681, which directed EFSC to “make every effort to conclude the contested case and issue a final order within 12 months” from the date the Department of Energy issues a proposed order, which is its recommendation to EFSC on whether the application has adequate evidence to meet certain requirements.¹¹ Earlier this year, the state also enacted H.B. 4031, which permits a developer to opt out of the EFSC process and seek local approval through the end of 2028, in order for projects to be placed in service prior to the expiration of federal tax credits.¹² However, more must be done to reduce unnecessary delays in the EFSC process including enforceable decision deadlines, and additional recommendations described below.

Another constraint developers often face is the grid itself. The Bonneville Power Administration (BPA), a federal nonprofit wholesale power marketer, owns roughly three-quarters of the Pacific Northwest’s high-voltage transmission.¹³ Its transmission lines are largely full, and a request to connect a new project to the grid can take years.¹⁴ The Oregon Department of Energy’s Draft report on barriers to deployment noted that limited grid capacity is a distinct barrier that is worsening: nationally, the typical project took 55 months from interconnection request to commercial operation in 2024, up from 22 in 2008.¹⁵ Additionally, most of BPA’s transmission was built between the 1930s and 1970s, so BPA will be further constrained as it upgrades and replaces existing lines while also developing new lines.¹⁶

New transmission is slow to build, and the state is particularly constrained in expediting the process: the Boardman to Hemingway line took from its 2008 filing to the Bureau of Land Management and EFSC to a 2022 site certificate, and did not break ground until 2025.¹⁷ Only six transmission lines have ever fallen within state jurisdiction, and the state can neither order Bonneville to build lines nor direct how the agency allocates its transmission costs.¹⁸

II. Creating a More Efficient Siting and Permitting Process with Strong Labor Standards

Based on these challenges, Climate Jobs Oregon proposes several recommendations on ways that Oregon can accelerate the siting and permitting of clean energy projects, while also strengthening the ability of these projects to create good jobs.

¹¹ H.B. 3681 (2025), amending Or. Stat. § 469.370(5).

¹² H.B. 4031 (2026), amending Or. Stat. § 469.320.

¹³ Courtney Sherwood, *Dams, Power Lines and Statistics: What the Bonneville Power Administration Is and Does* (Feb. 21, 2025) <https://www.opb.org/article/2025/02/21/dams-power-statistics-bonneville-power-administration-electricity/>.

¹⁴ Monica Samayoa, *Oregon Bill Seeks to Temporarily Fast-Track Siting of Renewable Energy Projects* (Feb. 4, 2026) <https://www.opb.org/article/2026/02/04/oregon-bill-fast-track-renewable-energy-projects/>.

¹⁵ Draft Report on Reducing Barriers to Clean Energy Deployment, Oregon Department of Energy (June 2026) 12, <https://www.orego.gov/energy/data-and-reports/Documents/DRAFT-Report-Reducing-Barriers-EO2529.pdf>.

¹⁶ *A Bold Vision for Climate Jobs in Oregon*, Climate Jobs Institute (hereinafter “CJI Report”) (Jan. 21, 2026) <https://www.ilr.cornell.edu/climate-jobs-institute/report-summary/bold-vision-climate-jobs-oregon> (citing Oregon Department of Energy, *2024 Biennial Energy Report*, 220).

¹⁷ Draft Report at 42-44.

¹⁸ Draft Report at 39-41.

1. Make local permitting a permanent and expedient siting pathway, and apply time limits to state review.

While House Bill 4031 allowed developers to opt out of the EFSC process in favor of applying at the local level, this option is only available to developers through 2028.¹⁹ Oregon can make this option permanent for developers, allowing them to consider the relative benefits of each process and select a pathway.

Other states have provided models for applying reasonable time limits to state review along with guardrails to speed project siting and permitting. Under California's Assembly Bill 205, a developer of a qualifying solar, wind, or storage project may choose the California Energy Commission as the single permitting authority in place of local review until mid-2029, with the Commission acting as the lead agency and committing to a decision within 270 days.²⁰ The opt-in carries conditions that double as guardrails: the Commission cannot approve a project without finding a net economic benefit to the local government that would otherwise have permitted it, and projects in the program must pay prevailing wage and enter into community benefits agreements.²¹ Allowing developers to opt into a faster siting process has allowed the development of major projects, including the 1,150 MW Darden Clean Energy Project in Fresno, CA,²² and the 400 MW Potentia-Viridi Battery Energy Storage System in Alameda County.²³

Similarly, Michigan's Public Act 233 of 2023 allowed developers to bypass local laws and apply to the Public Service Commission unless the local government adopted a compatible renewable energy ordinance that met the state law's requirements.²⁴ The Public Service Commission has one year to grant or deny an application if the developer applies to the commission,²⁵ and if the developer applies through the local unit of government then the local unit has 120 days to approve or deny the application.²⁶ Moreover, the commission can issue a certificate only if it finds that construction will use registered apprenticeship programs and pay no less than the prevailing wage.²⁷

Just as California and Michigan allow developers to opt into a more expedient state process, Oregon can extend its 2028 deadline and allow large-scale clean energy projects an option to leave the EFSC process and apply for a permit at the local level on an expedited track, with firm deadlines to ensure that the local option is reliably faster rather than merely available.

Michigan's 120-day deadline allows local units of government and developers to mutually agree

¹⁹ H.B. 4031 (2026), amending Or. Stat. § 469.320.

²⁰ A.B. 205, 2021–2022 Reg. Sess. (Cal. 2022) (codified at Cal. Pub. Res. Code div. 15, ch. 6.2).

²¹ Cal. Pub. Res. Code §§ 25545.3.3, 25545.9, 25545.10.

²² Maria G. Ortiz-Briones, *Fresno County Will Be Site of CA's Largest Solar Project. How It Impacts Residents*, Fresno Bee (Aug. 18, 2025) <https://www.fresnobee.com/news/local/article309973295.html>.

²³ *CEC Approves Third Major Clean Energy Project Under Opt-In Certification Program*, California Energy Commission (May 26, 2026) <https://www.energy.ca.gov/news/2026-05/cec-approves-third-major-clean-energy-project-under-opt-certification-program>.

²⁴ MCL § 460.1222 (covering solar and energy storage projects over 50 MW, and wind projects over 100 MW).

²⁵ *Id.* § 460.1226.

²⁶ *Id.* § 460.1223.

²⁷ *Id.* § 460.1226.

to extend the deadline for another 120 days, balancing expedience with the need for thoroughness.²⁸ By conditioning the faster option on strong labor standards, projects that move into the faster track carry workforce protections. Oregon can also require a community benefits agreement with the host community, giving the community an enforceable stake in the project.

To be sure, the EFSC process can also benefit from enforceable decision deadlines, labor standards, and a community benefits agreement requirement. This way, whichever pathway the developer chooses, neither forum is a vehicle to weaker rules.

2. Establish a build-ready site-preparation vehicle

Oregon can take a proactive approach to siting renewable energy by identifying suitable locations, such as those with existing transmission available, brownfield sites, or areas with large demand. One example of a successful program is the New York State Energy Research and Development Agency's (NYSERDA) Build-Ready Program, which identifies difficult or underutilized sites and makes them build-ready prior to a private developer getting involved.²⁹ Once a local interested party nominates a site, NYSERDA evaluates its viability. If the site is viable, then NYSERDA secures site control with the landowner, and carries the project through review, permitting, and interconnection, working with the host community to assemble a community benefit package.³⁰ NYSERDA then auctions the finished project through a competitive request for proposals to a private developer.³¹ The first project to be approved under this program was a 12 MW solar facility on an underutilized mining site, and the project includes \$200,000 in host community benefits including funding for job training and community improvement projects.³² NYSERDA is actively developing five host sites.³³ Oregon can similarly choose to lead in ensuring that priority sites are ready to host renewable energy projects.

3. Strengthen Oregon's clean energy labor standards

While Oregon has clean energy labor standards, Climate Jobs Oregon urges that these standards cover more projects and are robustly enforced. The Oregon Department of Energy (ODOE) can recommend such legislative changes to bolster worker protections on clean energy projects. House Bill 2021 of 2021 created Responsible Labor Contractor Labor Standards, which any person constructing or repowering a covered energy project must attest to ODOE their compliance with the labor standards. These standards include the payment of construction work at the prevailing wage rate and utilizing registered apprenticeship programs.³⁴ However, the new

²⁸ *Id.* § 460.1223.

²⁹ N.Y. Pub. Auth. § 1902.

³⁰ *Id.*

³¹ *Id.*

³² Ryan Kennedy, *New York Authority Approves First Build-Ready Program Solar Project*, PV Magazine (Mar. 13, 2025) <https://pv-magazine-usa.com/2025/03/13/new-york-authority-approves-first-build-ready-program-solar-project/>.

³³ Build-Ready Project Sites, NYSERDA (last accessed July 20, 2026) <https://www.nyserda.ny.gov/All-Programs/Build-Ready-Program/Build-Ready-Project-Sites>.

³⁴ Or. Stat. § 757.306.

law only covers renewable generation, storage, or sequestration facilities of at least 10 MW.³⁵ Moreover, a developer demonstrates compliance through an attestation to the Department of Energy; the prevailing wage requirements are not enforced by the Bureau of Labor & Industries (BOLI).³⁶

Oregon can strengthen its standards by reducing the megawatt threshold from 10 MW to 1 MW. This would align Oregon with other states, which apply a minimum wage rate equivalent to the prevailing wage to projects over either 1 MW or 2 MW.³⁷ In doing so, it would extend the labor standards to the distributed and mid-scale work that the current 10 MW floor leaves unprotected. The state can also amend the scope of these labor protections to define covered projects expansively, reaching not only generation and storage but energy infrastructure more broadly, including the distribution lines, conduit, substations, and charging infrastructure built in public rights-of-way.³⁸

4. Coordinate transmission planning and identify priority areas

Oregon's ability to site transmission is limited by the fact that the dominant transmission lines are federal. The Bonneville Power Administration (BPA), a federal nonprofit wholesale power marketer, owns roughly three-quarters of the Pacific Northwest's high-voltage transmission.³⁹ New transmission is slow to build, and the state is particularly constrained in expediting the process: the Boardman to Hemingway line took from its 2008 filing to the Bureau of Land Management and EFSC to a 2022 site certificate, and did not break ground until 2025.⁴⁰ Only six transmission lines fall within state jurisdiction, and the state can neither order Bonneville to build lines nor direct how the agency allocates its transmission costs.⁴¹

Despite this challenge, the state can make inroads by identifying the high-resource, low-conflict areas where its wind and solar development is concentrated, building on the Oregon Renewable Energy Siting Assessment Tool that the Oregon Energy Strategy would expand into a database of suitable lands.⁴²

Further, expanding existing right-of-ways can help expand and update transmission without duplicating existing siting requirements. For example, in 2023 the Department of Energy granted \$250 million to the Confederated Tribes of the Warm Springs Reservation to help advance vital

³⁵ *Id.*

³⁶ *Id.*

³⁷ See N.Y. Lab. Law § 224-d (1 MW); Conn. Gen. Stat. § 31-53d (2 MW); N.J. Admin. Code § 14:8-11.9 (1 MW (dc) for solar); MCL § 408.1101 (2 MW for coverage under state's prevailing wage law).

³⁸ Or. Stat. § 757.306(1)(e).

³⁹ Courtney Sherwood, *Dams, Power Lines and Statistics: What the Bonneville Power Administration Is and Does* (Feb. 21, 2025) <https://www.opb.org/article/2025/02/21/dams-power-statistics-bonneville-power-administration-electricity/>.

⁴⁰ Draft Report at 42-44.

⁴¹ Draft Report at 39-41.

⁴² Draft Report at 73.

transmission upgrades, in partnership with Portland General Electric.⁴³ Because the federal government has significantly invested in this project, and because the project is expanding an existing right of way instead of creating a new one, the EFSC should create a pathway to fast-track review of this and similar projects. Oregon can also use its long-dormant authority to designate regional electric transmission corridors, which would align with the planning of Portland General Electric, Pacific Power, and Bonneville to help ensure that those areas are first in line for new capacity.⁴⁴

5. Adopt near-term interconnection measures

Oregon can pursue the lower-cost measures the Oregon Department of Energy has identified as workable under existing agency authority. Its Draft Report on Reducing Barriers to Clean Energy Deployment would encourage interconnection applicants to signal an intended withdrawal before they act, so that another applicant or a large prospective customer can fund the needed upgrade and avoid the restudy that a withdrawal would otherwise trigger.⁴⁵ It would convene a recurring forum bringing the permitting, interconnection, and construction processes into the same room to surface where they misalign, and would use early operating data from the Extended Day-Ahead Market to study how the state might help prioritize and fund interconnection costs.⁴⁶ None of these require legislation, and together they would enable the state to address grid constraints in the near term while larger reforms take shape.

We welcome the opportunity to discuss our comments and recommendations. If you have any questions, I can be reached at anthony@climatejobsoregon.org. Thank you for your consideration.

Respectfully submitted on behalf of the Climate Jobs Oregon coalition,

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⁴³ *U.S. DOE Grants \$250M to Confederated Tribes of Warm Springs, In Partnership with PGE, for Critical Transmission Upgrades* (Oct. 18, 2023) <https://investors.portlandgeneral.com/news-releases/news-release-details/us-doe-grants-250m-confederated-tribes-warm-springs-partnership>.

⁴⁴ Or. Stat. § 660-033-0055.

⁴⁵ Draft Report on Reducing Barriers to Clean Energy Deployment, Oregon Department of Energy (June 2026) at 17.

⁴⁶ *Id.*

Oregon Department of Energy
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July 24, 2026

Re: Implementation of EO 25-29 – Joint Comments on ODOE’s Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

Climate Solutions, Oregon Environmental Council, Green Energy Institute at Lewis & Clark Law School, Mobilizing Climate Action Together Steering Committee, NW Energy Coalition, The Nature Conservancy, National Wildlife Federation, and Renewable Hydrogen Alliance (“joint commenters”) appreciate the opportunity to comment on the Oregon Department of Energy’s (ODOE) Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure. We appreciate the work ODOE and Energy Facility Siting Council (EFSC) staff have done to explain Oregon’s siting process and identify areas for further review under EO 25-29. We also recognize the process improvement work already underway, including program evaluations and efforts to make the siting process more accessible and efficient. We do not want to discount that work or the complexity of the process EFSC is responsible for administering.

It is also clear that further progress is needed. Oregon remains far behind much of the country in bringing new renewable energy resources online, ranking 47th nationally.¹ While siting and permitting are only part of the broader challenge, this is an important area where the state can act. Given the purpose and the urgency behind EO 25-29, ODOE should place greater emphasis on translating its extensive description of the EFSC process into concrete recommendations for improvement. Although the draft report identifies several challenges impacting the EFSC process, it doesn’t consistently examine their underlying causes or determine which sources of delay contribute most to overall timelines. Without that analysis, it’s difficult to identify and prioritize the actions most likely to improve the process. Instead, its recommendations are largely additional evaluation, continuation of existing work, or implementation of actions already in ODOE’s [Energy Strategy](#) and [2026-2029 Strategic Plan](#).

The final report should more clearly explain how identified issues contribute to delay, specify which changes ODOE can implement under existing authority, clarify what requires rulemaking, legislation, or coordination with other agencies, and outline concrete next steps and timelines for implementation.

¹ PROPUBLICA, *Liberal Oregon and Washington Vowed to Pioneer Green Energy. Almost Every Other State Is Beating Them*, (May 12, 2025), <https://www.propublica.org/article/oregon-washington-green-energy-bonneville>; see also PROPUBLICA, *Oregon Faced a Huge Obstacle in Adding Green Energy. Here’s What Changed This Year*, (Dec. 30, 2025), <https://www.propublica.org/article/oregon-renewable-energy-legislative-progress>.

Our comments below focus on two areas: (1) strengthening the draft report's existing recommendations by making them more specific and actionable, and (2) identifying additional opportunities to improve EFSC processes that should be addressed in the final report.

I. Feedback on Draft Report Recommendations

The draft report identifies a range of ongoing and potential actions to improve siting. Although we do not address each of them, we generally support several of the draft report's proposed directions and ask ODOE to provide more analysis and a clearer path to implementation.

A. ODOE should further analyze permitting timelines and the causes of delays and bottlenecks

The draft report acknowledges that permitting timelines are a central concern under EO 25-29, but it doesn't diagnose where in the process delay is concentrated or what is driving it, which makes it difficult to identify the changes that would meaningfully shorten review. Table 8, for example, reports stage-by-stage average timelines but stops short of analysis. Read together, that data tells a clearer story:

- The statutory clock that runs from a complete application to a final order (ORS 469.370(9)(d)) is already met on average, at roughly 308 days across all projects and 187 days for projects without a full contested case.
- Time is being spent earlier and later. On average it takes ~375 days from Notice of Intent to a preliminary application, a figure the report expects to rise toward 530 days, and another 303 days to move from a preliminary application to a completeness determination.
- In other words, close to two years can pass before a complete application exists, and most of that period sits in the pre-application and completeness phases rather than in the Council's review.

This shows where the highest value efficiency work sits: the completeness and Request for Additional Information cycle, and contested cases. The report's own Phase 3 rulemakings, which aim to align application requirements with the standards they support, are aimed squarely at the completeness problem, and we support them. We ask ODOE to go further and:

- Publish baseline stage-by-stage timelines disaggregated by project type (solar, wind, storage, geothermal, transmission), with target ranges for each stage;
- Commit to a discretionary approach that limits Requests for Additional Information (RAI) to information genuinely necessary to evaluate a standard;
- Identify, for each recommendation in the final report, which specific stage of delay it is intended to address. A goal of a shorter overall timeline is easier to reach, and easier to defend, when it is tied to the specific stages where time is being lost; and

- Set up concrete steps to reduce the overall EFSC permitting timeline to one year using existing staff and resources, focused on pre-application phases where time is actually lost.
 - A recent multistate study² found that Oregon’s Notice of Intent to submission and submission to completeness stages run substantially longer than in other states, confirming that these pre-application phases, not Council review, are where ODOE should focus streamlining. ODOE should also identify best practices from other states that can be adapted to Oregon EFSC’s pre-application phase process.
 - Shorten the timeline between the submission of a Notice of Intent (NOI) and the issuance of a Project Order: ODOE already issues Project Orders in about 104 days on average, within the 140-day cap (OAR 345-015-0160(5)), and because the Project Order is a largely standardized document, ODOE should commit to a tighter target of roughly 60 days.

B. Clarify how ODOE will meet HB 3681’s (2025) contested case timeline

The final report should confront the gap between the HB 3681 (2025) contested case completion target and actual practice. HB 3681 directs the Council to make every effort to conclude a contested case and issue a final order within twelve months of the Proposed Order (ORS 469.370(5)).³ The draft report acknowledges that contested cases with parties average 211 days past the 12-month target (576 days from Proposed Order to final order, per Table 8), but shows that overrun only against a blended average that beats the target, and offers no plan to close it. We ask ODOE to name the contested case gap directly and identify the procedural steps, rulemaking, or resources needed to meet the HB 3681 target.

C. Build genuine parallel state and federal review and apply lessons learned from recent permitting processes

Section 2(c)(ii) directs agencies to set up parallel paths so that required studies, reviews, and approvals can run at the same time. The Boardman to Hemingway (“B2H”) project highlights the challenges that can come when state and federal reviews have to be sequenced rather than coordinated. In that case, the applicant had to pause the state review for years while finishing the federal NEPA review first, contributing to delays in the permitting timeline. The report identifies this sequencing concern, but doesn’t fully explore opportunities to prevent similar delays in future projects. We ask ODOE to identify mechanisms that let the reviews run together: joint scoping, shared studies, aligned comment periods, and standing agreements with BLM, DOE, and the Army Corps that set expectations before an applicant files. A single ODOE coordinator for transmission projects, which we recommended on July 2, could help.

² Robi Nilson et al., *Outcomes and Timelines for State-Based Energy Facility Permitting in the United States*, FRONTIERS IN SUSTAINABLE ENERGY POLICY (Feb. 25, 2026), <https://www.frontiersin.org/journals/sustainable-energy-policy/articles/10.3389/fsuep.2026.1715811/full>

³ Or. Rev. Stat. § 469.370(5) (2025), https://oregon.public.law/statutes/ors_469.370

More broadly, ODOE should draw concrete lessons from B2H and apply them to future large scale energy infrastructure projects. While the draft report walks through the B2H timeline, it doesn't identify specific improvements that could have shortened it. We ask ODOE to do that directly, and to consider options from our July 2 comments: a concierge or single coordinator role for transmission projects, and a clear statement, up front, of what studies and information the reviewing agencies require so an applicant knows what to expect before filing a Notice of Intent.

Finally, many WestTEC lines cross state lines, so ODOE should coordinate with neighboring state energy offices on interstate projects instead of reviewing them alone. Oregon has already committed to coordination of this kind. In June 2026, Governor Kotek joined ten other Western governors in a bipartisan agreement⁴ endorsing the WestTEC study and launching a state-led Permitting Alignment and Coordination Task Force to expedite transmission permitting across the region. ODOE's EO 25-29 work should connect to that effort so state siting reform and the regional initiative reinforce one another.

D. Further evaluate EFSC capacity, structure, and professional development needs

We generally support ODOE's recommendation to evaluate the Siting Division's funding model and management structure. We ask that the final report extend that evaluation to the Council itself, not only staff, given the demands that increasingly complex transmission and solar dockets place on a volunteer body. ODOE should consider exploring opportunities to strengthen decision-making capacity within EFSC, such as technical training opportunities for Council members, and/or evaluating whether the current volunteer structure is adequately supported to address increasingly complex siting decisions.

Other states offer models worth examining. Washington's six-member Energy Facility Site Evaluation Council pairs a governor-appointed chair with representatives appointed by five state agencies with relevant energy, utility, environmental, and natural-resource responsibilities.⁵ This format builds standing technical and interagency capacity into the Council rather than relying on ad hoc coordination.

Connecticut's model compensates its siting council members on a per-meeting basis through a dedicated Siting Council Fund.⁶ The Fund is supported by application fees and annual industry assessments rather than General Fund revenues.⁷ This structure helps sustain participation and allows the Council to retain technical support when needed.

⁴ *Western Transmission Joint Statement of Agreement: For a Stronger, More Connected Western Grid* (June 30, 2026), https://gov.mt.gov/_docs/governor/WesternTransmissionPACTJSAFINAL.pdf

⁵ Wash. Rev. Code § 80.50.030(2)–(3), <https://app.leg.wa.gov/rcw/default.aspx?cite=80.50.030>

⁶ Connecticut Siting Council, *see* "Funding", <https://portal.ct.gov/CSC/Common-Elements/Common-Elements/Connecticut-Siting-Council---Description>

⁷ Conn. Gen. Stat. § 16-50j(f) (2024), <https://law.justia.com/codes/connecticut/title-16/chapter-277a/section-16-50j/>

ODOE may go even further to evaluate EFSC’s centralized model in light of the successes of other states with decentralized models. The top states in renewable energy development have been successful in large part because they each utilize highly decentralized structures and rely primarily on local action. Texas, which brought more power online in the past two years than any other region,⁸ treats permitting as a private property transaction between developers and landowners.⁹ Kansas and Nebraska, the two highest ranked states in renewable energy development,¹⁰ both handle renewable energy project siting primarily at the county level with minimal regulation at the state level. New Mexico utilizes a combination of local zoning ordinances and state oversight. In New Mexico, state involvement is only triggered when a project hits 300 MW, leaving all projects under this threshold entirely to local rules.¹¹ Less centralized state oversight has the potential to yield faster permitting and siting agreements and contribute to higher potential project volume. In evaluating decentralized models, ODOE should take into consideration the need for added capacity and funding to ensure that counties would be adequately resourced to support this shift if deemed appropriate.

These approaches may not be a direct fit for Oregon, but they illustrate options for building technical expertise, flexibility, and sustained participation into a siting body. ODOE should evaluate whether elements of these models could strengthen EFSC while preserving its geographic representation, public accountability, and conflict-of-interest safeguards.

II. Additional Recommendations of Joint Commenters

The recommendations below identify additional opportunities to improve the EFSC process. We reiterate several important recommendations from our March 20, 2026 comments on ODOE’s draft Barriers to Large Scale Renewable Energy Projects Report and Siting and Permitting Large-Scale Electricity Infrastructure Study, and provide additional context and more specific suggestions for implementation.

A. Address opportunities to better align Oregon’s land use framework with clean energy deployment goals

Oregon’s land-use framework is not fully aligned with state clean energy deployment goals. HB 2021 and the Renewable Portfolio Standard (RPS) are not recognized, standing alone, as sufficient justification for a Goal 3 exception at EFSC. The final report should recommend a path

⁸ See PROPUBLICA, *Liberal Oregon and Washington Vowed to Pioneer Green Energy*.

⁹ See Kleinman Center for Energy Policy, *Comparing Renewable Energy in California and Texas* (Sept. 17, 2025), <https://kleinmanenergy.upenn.edu/commentary/blog/comparing-renewable-energy-in-california-and-texas>; see also R Street, *Why Texas Remains a Clean Energy Leader* (June 4, 2025), <https://www.rstreet.org/commentary/why-texas-remains-a-clean-energy-leader>

¹⁰ See PROPUBLICA, *Liberal Oregon and Washington Vowed to Pioneer Green Energy*.

¹¹ See American Planning Association, *Wait, Who Approves Large-Scale Solar Siting?* (March 3, 2025), <https://www.planning.org/blog/9306733/wait-who-approves-large-scale-solar-siting>.

to address that misalignment, specifying whether ODOE will pursue EFSC rulemaking, coordination with the Department of Land Conservation and Development (DLCD), or legislative action, and on what timeline.

The draft report explains that EFSC applies its own goal-exception standard under ORS 469.504(2) and OAR 345-022-0030(4), separate from DLCD and without the alternatives analysis required under DLCD's rules. The final report should connect this analysis to the findings and recommendations in DLCD's *Accelerating Clean Energy Deployment Through Oregon's Land Use Planning Framework* report¹² and explain how the agencies will coordinate their recommendations, including which agency has authority to advance each proposed change.

The legislature has already directed EFSC to treat efficient use of existing grid capacity as a qualifying reason for a Goal 3 exception. HB 4076 (2026) requires the Council to find that criterion satisfied where a facility delivers power through an existing facility's surplus interconnection capacity and requires no associated transmission lines more than two miles from that facility's site boundaries. It also gives local governments a similar option, subject to additional findings.¹³

The final report should build on that by analyzing how EFSC can recognize a project's contribution to meeting the requirements of HB 2021 and the RPS, together with the policy direction provided by the Oregon Energy Strategy, as reasons supporting a goal exception where existing authority allows. ODOE should initiate rulemaking where that analysis supports it and state plainly where a durable solution instead requires DLCD coordination or legislation.

B. Provide targeted analysis and recommendations for transmission-specific siting and permitting

Transmission deserves its own recommendations. The report explains clearly why transmission siting is hard. Projects cross multiple counties and zones, require extensive access roads, involve eminent domain, and depend on federal coordination. The WestTEC 10-Year Horizon Study, which this report cites elsewhere, found that the West needs more than 12,600 miles of new or upgraded high-voltage transmission by 2035. EFSC has reviewed six state-jurisdictional transmission projects in its history, which is not an adequate pace. Some recommendations below to enhance transmission readiness:

¹² Or. Dep't of Land Conservation & Dev., *Accelerating Clean Energy Deployment Through Oregon's Land Use Planning Framework* (June 18, 2026), https://www.oregon.gov/lcd/Commission/Documents/2026-06_EO%2025-29%20Supplemental%20Report_06112026.pdf

¹³ H.B. 4076, 83d Leg. Assemb., 2026 Reg. Sess. §§ 1–2 (Or. 2026) (enrolled), <https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/HB4076/Enrolled>

- **Act on EO Section 2(e) and pursue proactive corridor designation.** Section 2(e) directs ODOE, with the PUC and Governor’s Office, to develop a framework to identify and designate transmission corridors, including on state and federal lands, and to streamline siting within them. We understand ODOE is addressing that directive in a separate report, and we support that work. But given transmission’s central role in clean energy deployment, this report should still include a substantive discussion of transmission-specific barriers and recommendations rather than leaving the topic entirely to a separate effort. Oregon also has a tool it has never used. LCDC’s OAR 660-033-0055 allows designation of regional electric transmission corridors, adopted after the 2015 to 2017 Umatilla Basin process, and by the report’s own account no county has ever used it. We ask ODOE to find out why that authority has gone unused and whether it can be revived or reformed with DLCD, to build corridor identification on data the state already funds by integrating the Oregon Renewable Energy Siting Assessment tool and the WestTEC portfolios, and to establish an expedited EFSC pathway for projects sited in designated corridors or existing ROW. Screening for conflicts once, at the corridor scale, is more efficient than relitigating them project by project.
- **Update the transmission Need for Facility standard, which cites a defunct body.** Under the System Reliability Rule (OAR 345-023), an applicant can show need by demonstrating consistency with the “Western System Coordinating Council Bulk Power Supply Program 1997-2007, dated April 1, 1998.” WSCC dissolved in 2002 when it merged into WECC, and bulk system reliability shifted to mandatory NERC and WECC standards after the Energy Policy Act of 2005. A live siting standard that turns on a document from an organization that no longer exists creates needless uncertainty and invites dispute over what the rule requires. The report calls rulemaking a core improvement tool but never flags this. We ask ODOE to update the standard to reference current NERC and WECC reliability standards and current regional transmission planning, including WestTEC, so that regionally planned lines can more readily demonstrate need.
- **Smooth the path for capacity upgrades in existing corridors.** Section 2(c)(i)(2) specifically calls out upgrades to existing infrastructure and co-location within existing ROW. GETs and advanced reconductoring can add real capacity with little new ground disturbance, and the WestTEC 10-year study relies heavily on them. The report says nothing about how these upgrades are treated. EFSC’s own jurisdictional definition already provides a basis to treat many of them lightly: EFSC has in practice exempted reconductoring of 230kV+ lines from review under ORS 469.300(11)(a)(C)¹⁴, which excludes lines rebuilt within 500 feet of an existing 230 kV+ corridor and 57 kV+ lines upgraded to 230kV in the same right of way. Most GETs do not involve constructing or

¹⁴ Or. Rev. Stat. § 469.300(11)(a)(C) (2024), https://oregon.public.law/statutes/ors_469.300

rebuilding a line at all, so they likely fall outside EFSC jurisdiction from the start. We ask ODOE to make that basis explicit in the final report, confirming that reconductoring covered by these exclusions and GETs that add no new line are not run through a process built for new greenfield lines. Where review is triggered, these projects are strong candidates for the expedited corridor pathway above.

C. Fast track applications for site certificate amendments

The report states that ODOE has modernized the amendment process, and Table 9 shows amendments are a meaningful share of the Program's work, with several projects amending to add generation or storage. We ask the final report to define an expedited amendment track for changes that do not increase, or that reduce, a project's footprint or impacts, for example swapping to higher-efficiency panels or turbines within an approved boundary, or adding storage within an already-reviewed site. These should be distinguished on the record from amendments that expand a project into new ground, which warrant fuller review. A clear, tiered amendment pathway would return staff capacity to original applications, which is where the pre-completeness bottleneck sits.

D. Strengthen community and Tribal engagement recommendations beyond existing public participation requirements

We renew the recommendations in our March 20th comments that ODOE evaluate pathways to recognize and encourage projects that demonstrate strong community and/or Tribal engagement from the beginning and throughout project development and provide meaningful benefits. The draft report does not address this recommendation. We recognize that meaningful engagement takes time and that any effort to streamline review will require a carefully balanced process to ensure that any resulting incentive does not lower the standards a project must meet. A community benefits agreement or Tribal benefits agreement should not substitute for compliance with EFSC standards, government-to-government consultation, or the rights of communities who are not parties to the agreement. With those safeguards in place, meaningful engagement that begins early on while project design is still flexible and continues throughout can reduce the risk of later conflict and delay and can help move projects forward more rapidly.¹⁵

The final report should recommend further evaluation of a priority or expedited pathway for projects with verified community or Tribal benefit agreements and meaningful engagement from the beginning and throughout the project. That evaluation should consider whether documented early engagement, responsive project design, agreed mitigation measures, and enforceable

¹⁵ See Clean Energy Transition Institute, *Community Benefits Agreements: Opportunities, Barriers, and Best Practices*, "Barriers," (July 24, 2025), <https://www.cleanenergytransition.org/post/community-benefits-agreements-opportunities-barriers-and-best-practices>

applicant commitments could support earlier issue identification, coordinated agency review, and more predictable scheduling. We recommend that ODOE draw from the best practices and project examples identified in Section 2(B) of our March 20th comments, which include allowing enough flexibility to reflect the contextual diversity of each community's needs. Importantly, any such pathway should build on, not replace, the Division's recent requirement that developers engage potentially affected Tribes before filing a Notice of Intent.¹⁶

This evaluation should be in coordination with ODOE's "Community Benefits Framework" under Oregon Energy Strategy Cross-Cutting Action 12.¹⁷ ODOE's project page states that an Oregon State University capstone supporting the framework was due to the agency in June 2026. As of the date of these comments, neither the report or a status update appears to be publicly available on the project page. The final report should clarify the capstone's status and explain how they will inform EFSC and be incorporated into our recommendations.

E. EFSC should improve transparency around how public input is considered

It's not clear from the draft report how EFSC staff considered many of the recommendations submitted during the previous public comment period. Without that information, we do not know whether our recommendations—or other recommendations from the public—were considered but not adopted, determined to be outside the report's scope, deferred to later work, or simply not addressed.

Appendix D of ODOE's *Draft Report on Reducing Barriers to Clean Energy Deployment* provides a great model that should be incorporated in the final Siting and Permitting report.¹⁸ It documents the comments ODOE received and explains how they informed the Barriers Report or why they were not included. In response to comments concerning EFSC processes, ODOE stated: "This report is not examining the EFSC process or opportunities to improve the EFSC process. This input has been shared with other agency staff for consideration in the EFSC process workstream."

Because that input was deferred to this workstream, the final Siting and Permitting report should include a comparable appendix explaining how those comments, along with comments submitted during this public comment period, were considered. This would help the public understand how their input informed the process and where further engagement may be needed.

¹⁶ See Or. Dep't of Energy, [Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure](#), "Table 15" p. 59 (June 12, 2026)

¹⁷ See Or. Dep't of Energy, *Develop a Community Benefits Framework: Cross-Cutting Action 12*, OREGON ENERGY STRATEGY <https://energystategy.oregon.gov/communitybenefits>

¹⁸ See Or. Dep't of Energy, [Draft Report on Reducing Barriers to Clean Energy Deployment](#), app. D, p. 29, (June 2026)

III. Conclusion

We appreciate the work ODOE and EFSC staff have put into the draft report and their consideration of these comments. EO 25-29 presents an opportunity to make meaningful improvements to Oregon's siting and permitting processes, which play an important role in the state's ability to bring needed clean energy and transmission resources online at the pace required to meet its energy goals. We urge ODOE to go further in the final report by providing the Governor with a clear, actionable path for improvement that includes concrete recommendations to address more of the challenges identified and next steps for those that require further evaluation, while maintaining strong environmental protections and meaningful community and Tribal engagement. We look forward to continued engagement as this work moves from evaluation to implementation.

Respectfully submitted this 24th day of July 2026,

/s/ Alma Pinto

Oregon Clean Energy Policy Manager
Climate Solutions

/s/ Ben Brint

Senior Climate Program Director
Oregon Environmental Council

/s/ Carra Sahler

Director
Green Energy Institute at Lewis & Clark Law School

/s/ Pat DeLaquil

Steering Committee
Mobilizing Climate Action Together

/s/ Alessandra de la Torre

Policy Associate
NW Energy Coalition

/s/ Lauren Link

Oregon Climate Program Director
The Nature Conservancy

/s/ Shriya Pai

Senior Transmission Policy Specialist
National Wildlife Federation

/s/ Rebecca Smith

Senior Director, Policy + Advocacy
Renewable Hydrogen Alliance

Laura Feldman, StopNuclearWorkgroup

PUBLIC COMMENT: Form Submission Responses on

Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure Study

July 24, 2026

Q1: Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

- Environmental community activist in North Portland.

Q2. When considering the various steps in the EFSC review process, are there changes you would propose or ideas for streamlining that you have for any of the specific steps?

- Involve the local communities where these large electrical projects will be built. This saves a lot of time and lives in the end.
- Potential Energy Facilities should be permitted if they adhere to Oregon's environmental standards and regulations, and in alignment with the states Climate Action Roadmap goal process.
- Streamlining projects that the public are fighting to prevent is, again, bad business.

Q3. The draft report provides draft recommendations . Do you have any comments on these draft recommendations? Are there any additional recommendations that you would like to share?

- Draft Recommendations:
- 1) NextEra Energy, a recurring project partner, though is not exclusively a nuclear energy company, is a major nuclear power operator alongside its massive wind, solar, and utility businesses. It operates multiple nuclear units through its subsidiaries.
- Residents like myself who are working to keep Oregon a nuclear-free state would be concerned and worried about nuclear energy projects emerging out of your site though not explicitly mentioned in the document.
- The Port Westward Generating Project on your list:
- Amendment #11 Battery 0 6 Columbia Portland General Electric Operational - Part of operational 650 MW Natural Gas Power
- This is of huge bone of contention in Columbia and Multnomah counties. Port Westward, located near Clatskanie, Oregon, is the center of regulatory review and legal disputes regarding a proposed \$3 billion renewable diesel and sustainable aviation fuel refinery by NEXTClean Fuels Plant Port Westward.

- That's why we always need to include the impacted communities.

Q4. If you provided comments for this report in the first public comment period, please address whether, in your opinion, the draft report reflects the input you provided. If not, please describe how the draft report could be improved.

-

Q5. If you did not provide comments in the first public comment period, please share if this was because you were unaware of the opportunity, because the opportunity as you understood it was not a priority for you at the time, or if there were other factors that affected your ability or decision to provide comments. Do you have any recommendations or requests for ODOE on how it might improve outreach for public comment on draft reports?

-

OSSIA

PUBLIC COMMENT: Form Submission Responses on

Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure Study

July 24, 2026

Q1: Please describe your interest and why you are commenting. If you are commenting on behalf of an organization, please describe the organization's interest.

The Oregon Solar + Storage Industries Association (OSSIA) is a trade association founded in 1981 to promote clean, renewable, solar and storage technologies. OSSIA members include businesses, nonprofits, and other solar and storage stakeholders. We provide a unified voice of the solar industry and focus exclusively on the solar and storage value chains; from workforce development to permitting, advocacy, policy, and regulation for manufacturing residential, commercial, community, and utility scale solar and storage projects on the local, state, and regional level.

Q2. When considering the various steps in the EFSC review process, are there changes you would propose or ideas for streamlining that you have for any of the specific steps?

Yes- please see our attached comment letter.

Q3. The draft report provides draft recommendations . Do you have any comments on these draft recommendations? Are there any additional recommendations that you would like to share?

The Draft Report does not address the input OSSIA provided. In the Draft Report on Barriers to Clean Energy Deployment, that Report included an appendix with responses to prior comments. While helpful, many of the responses to OSSIA's comments in that appendix deferred to the Siting and Permitting Report. As such, OSSIA was awaiting responses from ODOE in this report. This Draft Report on Siting and Permitting does not include a similar appendix that addresses prior comments.

Q5. If you did not provide comments in the first public comment period, please share if this was because you were unaware of the opportunity, because the opportunity as you understood it was not a priority for you at the time, or if there were other factors that affected your ability or decision to provide comments. Do you have any recommendations or requests for ODOE on how it might improve outreach for public comment on draft reports?

-



July 24, 2026

Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: EO 25-29: Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

By this letter, Oregon Solar + Storage Industries Association (“OSSIA”) provides comments on the Oregon Department of Energy’s (“ODOE”) Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure (“Report”). In Governor Kotek’s Executive Order No. 25-29 (“EO” or “EO 25-29”), the Governor required ODOE and its Energy Facility Siting Council (“EFSC”) to “get clean energy projects built.”¹ To do so, the EO required ODOE and EFSC to “streamline clean energy siting” by “evaluat[ing] and recommend[ing] actions to update siting and permitting processes[.]”² The EO directed ODOE and EFSC to review existing authorities to find opportunities to streamline siting and permitting of beneficial clean energy projects.³ Under this directive, ODOE released the Report.

The Report helpfully includes a review of existing rules and practices of siting and permitting within EFSC’s jurisdiction, and OSSIA commends ODOE’s reporting on existing processes. Further, the Report catalogs prior streamlining efforts, both legislative and regulatory, that the agencies have taken in prior years. The Report’s review of existing practices likely satisfies the EO’s directive in Section I.c.i. However the Report contains only a brief section on “Opportunities for Further Improvement.”⁴ This discussion of new opportunities is a mere 5 pages of the 91 page report. OSSIA is disappointed to see that the Report does not go further to identify more meaningful actions to streamline clean energy siting pursuant to the EO’s directive in I.c to “evaluate and recommend actions to *update* siting and permitting processes.”⁵ Further, multiple of the opportunities offered in the Report are recommendations describing how ODOE and EFSC might become a more efficient organization but do not clearly explain how those internal improvements will translate into changes to the siting and permitting process that the EO specifically asks the agencies to evaluate. As a result, OSSIA reads the Report more as a retrospective assessment of the current rules than as a roadmap for additional reforms to streamline clean energy deployment.

OSSIA urges ODOE to include more concrete and actionable policy recommendations in the final version of this Report. Below, OSSIA offers specific comments on the Report’s discussion of existing streamlining efforts and recommendations for additional opportunities.

¹ Exec. Order No. 25-29, *Reducing Greenhouse Gas Emissions and Advancing Oregon’s Clean Energy Future*, Section II.1.b.

² *Id.* at §I.c.

³ *Id.* at §I.c.i and §I.c.i.1.

⁴ Or. Dep’t of Energy, *Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure* at 68.

⁵ Exec. Order No. 25-29 §I.c (emphasis added).

Comments on Existing Siting Streamlining Efforts

1. Streamline Application Requirements

OSSIA requests that ODOE further analyze application requirements to look for more opportunities to streamline the application process, which the Report states takes an average of 386 days.⁶ The Goal 3 Exception process, standards requirements, and end-of-life requirements all present ways to strategize and implement streamlining efforts. OSSIA members have noticed that Goal 3 exceptions have become increasingly difficult to obtain and do not keep pace with Oregon's clean energy policies. Additionally, applicants must go through cumbersome information requirements for standards that do not relate to solar and storage projects. Similarly, ODOE should update end-of-life requirements to better reflect the long-term value clean energy facilities add and the likely possibility that projects will be repowered at the end of their contracts instead of being removed. Together, OSSIA believes these changes advance the EO objective of streamlining clean energy siting.

OSSIA recommends that ODOE should reevaluate how EFSC applies the Goal 3 exception standard to utility-scale renewable energy projects to better align with Oregon's clean energy policies. Many utility-scale solar projects require a Goal 3 exception because they are proposed on agricultural land. Over time, OSSIA members have seen the range of benefits that EFSC has recognized as supporting a Goal 3 exception narrowed, making it increasingly difficult for otherwise suitable renewable energy projects to qualify. This evolution risks unnecessarily limiting development on sites that can advance multiple state objectives while minimizing impacts to agricultural production.

In evaluating whether a Goal 3 exception is warranted, ODOE and EFSC should consider the full range of public benefits associated with renewable energy development. These benefits include increased local property tax revenue, construction and long-term operations employment, local spending during project construction and operation, agricultural mitigation payments, habitat restoration, and opportunities for dual-use agricultural activities like agrivoltaics. Recognizing these benefits would better reflect the economic contributions that renewable energy projects make to communities while encouraging innovative approaches that maintain agricultural use alongside energy production.

ODOE and EFSC should also evaluate Goal 3 exceptions in light of Oregon's broader statutory authority and policy objects. Since the existing Goal 3 framework was developed, Oregon has adopted ambitious clean energy policies, including the clean electricity requirements established by House Bill 2021 and other statewide goals related to economic development, grid stability, and affordability. These policies increasingly depend on the timely development of utility-scale renewable energy resources. ODOE should therefore evaluate whether the current application of the Goal 3 exception standard appropriately balances agricultural land protection with Oregon's evolving clean energy objectives and recommend changes to better harmonize these important state interests.

In addition to refining the Goal 3 Exception process, ODOE should continue modernizing application requirements by removing or tailoring information requirements for standards that consistently present little or no permitting risk for solar and storage projects. OSSIA priorities areas include the

⁶ Draft Report at 33.

Organizational Expertise, Structural, Recreation, Public Service, Waste Minimization standards, as well as the Carbon Dioxide Emissions, Carbon Dioxide Money Offset, and Need for Non-Generating Facilities standards, which are already largely inapplicable to these facilities.

Relatedly, ODOE should reevaluate end-of-life requirements for utility-scale solar facilities to better reflect the long-term value of established energy sites. Current requirements assume that solar facilities will permanently cease operation at the end of their useful life and require applicants to post financial assurance sufficient to remove the facility and restore the site to its pre-development agricultural condition.⁷ While this approach may be appropriate in some circumstances, the approach does not reflect the reality that many EFSC-jurisdictional solar and storage projects are located on marginal agricultural lands where future agricultural use is unlikely. Once a developer has successfully developed a site, the site becomes a valuable energy asset that is well-positioned to host repowered solar facilities, battery storage, or other clean energy technologies. The requirement for applicants to maintain financial assurance for complete site restoration in circumstances where the site will not need restoration imposes significant costs without providing a commensurate public benefit. ODOE should evaluate a more flexible approach that recognizes the likelihood of continued energy use while preserving the ability to require full decommissioning where site-specific circumstances warrant.

2. Improve Administrative and Procedural Efficiency

OSSIA recognizes that some of the most significant barriers to timely renewable energy development now occur outside of ODOE and EFSC jurisdiction. Namely, the Bonneville Power Administration's ("BPA") lengthy transmission studies and PacifiCorp's ("PAC") interconnection delays have increasingly elongated project schedules. While ODOE cannot itself resolve these bottlenecks, they heighten the importance of ensuring that the portions of the siting process within ODOE and EFSC's jurisdiction remain as efficient and predictable as possible.

OSSIA continues to advocate streamlining the amendment process for extending a project's begin-construction date. Applicants seeking these amendments must re-demonstrate the findings supporting the original site certification, even when the project itself has not materially changed. For example, when a project is delayed by BPA transmission studies or PAC interconnection delays, the original site certification findings have not changed. In such circumstances, an applicant's amendment for extending a project's begin-construction date is based on a procedural delay that does not reflect a change in previous findings. In practice, the amendment process requires developers to re-hire consultants to update or reaffirm technical studies that restate original findings, adding substantial cost and time. ODOE should adopt a more streamlined amendment process for amendments that do not alter project impacts by allowing applicants to rely on previously established findings unless material changes or new information warrant additional review.

3. Improve EFSC Governance

OSSIA recommends ODOE evaluate opportunities to improve EFSC's governance and decision-making processes. As the volume of projects before EFSC is expected to increase, the Council's governance structure should evolve to ensure the Council can work effectively. OSSIA sees an opportunity to

⁷ OAR 345-022-0050.

establish a consent calendar or similar mechanism that allows EFSC to approve uncontested applications or routine amendments without dedicating significant meeting time to matters that present no controversial issues. Other states have adopted similar approaches.

ODOE should also consider professionalizing EFSC by providing compensation to Council members commensurate with the significant time commitment and technical complexity of their responsibilities. The Council regularly reviews extensive technical records and makes consequential quasi-judicial decisions affecting Oregon's energy infrastructure. Compensation would better recognize these responsibilities.

Finally, ODOE should ensure that EFSC's deliberations remain focused on the evidence relevant to the applicable siting standards. Public participation is a critical component of Oregon's siting process, and community perspectives can provide valuable local information. At the same time, the Council's role is to determine whether an application satisfies the governing legal standards. ODOE and EFSC should ensure that Council deliberations remain focused on evidence and issues material to those standards, allowing agency resources and hearing time to be directed toward comments that meaningfully inform the Council's decisions.

Comments on "Opportunities for Further Improvement"

1. Contested Case Step Review

OSSIA supports the Report's recommendation to evaluate the contested case process for opportunities to improve efficiency and reduce duplicative work. OSSIA's hope would be that ODOE's careful review could identify procedural refinements that reduce unnecessary delay and administrative burden while preserving the due process protections that are fundamental to EFSC's quasi-judicial decision-making process. ODOE should analyze where contested cases most frequently experience delay and identify how much time would be saved for each step that ODOE proposes to remove from the contested case process.

2. Artificial Intelligence

OSSIA tentatively supports the Report's suggestion to use artificial intelligence ("AI") as an internal management tool to improve staff efficiency on tasks that do not require professional judgment. However, OSSIA sees this recommendation as just that: an internal management tool. While OSSIA supports automating and utilizing tools that would improve efficiency across the agencies,⁸ OSSIA does not view this recommendation as a concrete update to the siting and permitting process. OSSIA does not view this recommendation as something that would truly work to implement EO 25-29, but instead views this as an ongoing internal modernization effort that ODOE would (or should) pursue regardless of the EO.

⁸ OSSIA has previously advocated that AI and automation tools could be useful when it comes to the Application review process: "AI algorithms can read through an application and figure out if the application is complete, providing automated notices to applicants to self correct inconsistent or insufficient information." See OSSIA Comments on the Report on Reducing Barriers to Clean Energy Deployment and the Report on Siting and Permitting Large-Scale Electricity Infrastructure at 3 (March 20, 2026).

3. Streamlining Information Requirements

OSSIA is likely to support this recommendation, provided ODOE presents more information on how EFSC would implement this. The Report's discussion supporting this recommendation is only one paragraph, but OSSIA understands this recommendation to propose evaluating whether the same studies and documentation prepared for federal environmental review could satisfy some of EFSC's evidentiary requirements. OSSIA understands the Report's goal here to be reducing duplicative work, which OSSIA would likely support. As discussed above, OSSIA prefers to have ODOE and EFSC waive certain evidentiary requirements for solar and storage projects altogether, as many are skipped anyways. Should ODOE pursue this recommendation further, OSSIA would caution ODOE to ensure implementation of this recommendation does not end up making concurrent review harder. Applicants will want to preserve any predictability and will want clear guidance from ODOE on when a federal study is sufficient and when supplemental Oregon analysis will be required. Case-by-case determinations could undermine the effort to streamline.

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4. Modernization of Staff Organizational Structure for Siting Division

OSSIA tentatively supports this suggestion, but echo similar concerns to the discussion on Artificial Intelligence comment above. OSSIA supports improving the efficiency and effectiveness of agency staff to meet siting and permitting workload demand. OSSIA requests more measurable information on this recommendation, including metrics or targets, and specific deficiencies that would be filled by extra staff. Additionally, OSSIA again notes that this recommendation appears to be another internal management tool that would be done with or without the EO. OSSIA does not view this recommendation as an action item that would directly work to implement EO 25-29, especially given the Report's limited discussion on this recommendation.

5. Meaningful Engagement on Focused Ideas

Again, OSSIA reads this recommendation as a vague aspirational description rather than an actionable policy recommendation. The Report does not define "meaningful engagement" or "focused ideas." The Report does not explicitly list out a deficiency this recommendation aims to improve. OSSIA requests that ODOE expand this recommendation with much more detail that would provide any reader the information needed to read this recommendation as an actionable item that would implement the directives in EO 25-29.

Additional Comments

OSSIA supports the Joint Comments submitted by Climate Solutions, Oregon Environmental Council, Green Energy Institute at Lewis & Clark Law School, Mobilizing Climate Action Together Steering Committee, NW Energy Coalition, The Nature Conservancy, National Wildlife Federation, and Renewable Hydrogen Alliance. OSSIA additionally supports the comments submitted by Renewable Northwest.

Respectfully Submitted,

/s/ Alyssa Forest

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July 24, 2026

Todd Cornett, Assistant Director, Energy Siting
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: Sightline Institute's Comments on EO 25-29—Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

Dear Assistant Director Cornett and Oregon Department of Energy,

Sightline Institute appreciates the opportunity to comment on the Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure. Sightline is an independent think tank with more than 30 years of experience in climate and energy policy in Oregon and the broader Northwest. Much of our recent research focuses on opportunities for Oregon and Washington to improve permitting processes for electric transmission lines.

Please find below our comments on the "Opportunities for Further Improvement" that the Oregon Department of Energy (ODOE) identifies in the report. Sightline urges ODOE to augment two of the recommendations and suggests including another recommendation. These comments pertain to electric transmission lines but may also be relevant to other utility-scale clean energy infrastructure.

1. "Contested case step review"

Recommendation: Eliminate the contested case hearing if projects meet certain criteria.

As the report identifies, EFSC's contested case process is lengthy and can duplicate other steps in the review process. Rather than simply removing certain elements, as ODOE recommends, Sightline encourages Oregon to eliminate the contested case requirement for projects that meet objective environmental mitigation criteria and that engage communities before filing a Notice of Intent. Project developers would still need to notify federally recognized Tribes the project may affect before filing a Notice of Intent, per ODOE's recent rulemaking.

Other states have considered or made similar changes. In 2024, Minnesota lawmakers removed the requirement for its contested case equivalent for some transmission projects.¹ In 2026, Washington legislators proposed a bill that would have eliminated its contested case equivalent for transmission projects that completed a preapplication step to notify and receive input from

¹ Minn. Stat. ch. 216I (2025).

federally recognized Tribes that the project may impact and that have no significant impact on the environment after mitigation.²

This change would reduce agency staff review burden, improve predictability for transmission developers, and preserve opportunities for Tribes and the public to shape projects early. Early engagement can lead to better project design and thereby help prevent opposition.

2. “Meaningful engagement on focused issues”

Recommendation: Develop clear, objective environmental mitigation criteria and application requirements.

Sightline supports ODOE’s recommendation that the Siting Division standardize information requirements for applicants and remove duplication between certain EFSC standards. An even more impactful recommendation would be for the Siting Division to develop clear and objective mitigation actions that project builders can take to meet each EFSC standard. Many environmental impacts—even those that are geographically dependent, like effects on a wetland—are similar across transmission line projects and demand similar mitigation measures. Objective measures would let applicants know up front what they must do to satisfy a standard, while again reducing agency review burden. Washington state’s siting council’s recent Programmatic Environmental Impact Statement for large transmission lines could help inform these mitigation criteria.

ODOE could also collaborate with reviewing agencies to pre-identify information needs, study requests, and design recommendations common across most transmission projects. ODOE could then incorporate these into application requirements, which would improve predictability and consistency while reducing the need for repeated agency requests for additional information. This includes identifying areas that—when a developer sites a project there—would trigger a special study or condition.

Standardizing application requirements and mitigation measures would not preclude agencies from reviewing issues unique to individual projects or imposing project-specific conditions.

3. Land use

Recommendation: Standardize land use rules statewide.

Despite its role as a state-level approval body, EFSC continues to rely on local land use criteria to assess projects. Oregon law requires counties to issue local permits once EFSC has issued a site certificate, but they do not always do so promptly. Idaho Power, for example, was still waiting for Morrow and Umatilla counties to issue local permits it needed to begin construction on the Boardman-to-Hemingway transmission line well after EFSC had already issued its site certificate.³ Furthermore, city and county land use requirements for transmission lines can be subjective and inconsistent across jurisdictions.

² H.B. 2509, 69th Leg., 2026 Reg. Sess. (Wash. 2026).

³ Sightline interviews with EFSC and Idaho Power representatives.

ODOE's draft report omits recommendations to address these challenges. Sightline's research has identified several opportunities that ODOE could consider recommending, including:

- Requiring localities to assess all transmission projects against only clear and objective criteria in all zones, like the state already does for projects on Exclusive Farm Use land
- Allowing transmission lines in all zones subject to *statewide* clear and objective criteria
- Empowering EFSC to deem transmission projects consistent with statewide planning goals if they meet certain clear and objective criteria
- Updating the Statewide Land Use Planning Goals to include clean energy and transmission lines

Together, these reforms would introduce predictability and reduce redundancy without jettisoning the state's commitment to protecting the environment and notifying and engaging Tribes and communities about projects that could affect them. In doing so, they would make it possible for Oregon to expand and modernize the grid so that the state can harness affordable, clean, and reliable energy and meet its climate goals.

Thank you for considering our comments.

Respectfully submitted,

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