



# Oregon

Kate Brown, Governor



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**To:** Oregon Energy Facility Siting Council

**From:** Kellen Tardaewether, Senior Siting Analyst

**Date:** October 12, 2018

**Subject:** Agenda Item L (Action Item) - Council Ratified Emergency Order Approving the Department to Use Consultants in Review of ASC Compliance with Historic, Cultural and Archeological standard for the October 25-26, 2018 EFSC Meeting

**Attachments:** Attachment 1: 2018-10-04 EFSC Emergency Order Golder Appointment\_SHPO Support\_Executed  
Attachment 2: 2018-10-03 SHPO Email to ODOE per Golder-HRA Assistance  
Attachment 3: 2018-10-26 EFSC Ratified Order Consultant Appointment\_SHPO Support

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## Background

On October 4, 2018, Council Chair Beyeler executed an Emergency Order Approving the Department to use consultants. The Emergency Order authorizes the Oregon Department of Energy (Department) to appoint Golder Associates Corporation (Golder) and its subconsultant Historical Research Associates, Inc. (HRA) to assist the Department and the Oregon State Historic Preservation Office (SHPO) in the review of applications for site certificate (ASC) and requests for amendments (RFA), beginning upon the execution date of the Emergency Order.

The Council's Historic, Cultural and Archaeological Resources standard (OAR 345-022-0090) requires an evaluation of historic, cultural and archeological resources that have been listed, or would likely be eligible for listing on the National Register of Historic Places (NRHP), within the analysis area for a proposed facility or of proposed modifications to an approved facility. The Department relies upon the technical expertise of SHPO for the compliance evaluation of this standard. The scope of this evaluation typically includes review of Exhibit S, cultural resource reports, SHPO site forms, and mitigation proposals; site form data entry; GIS mapping; and, NRHP eligibility criteria evaluation.

The Department is currently reviewing thirteen active projects, including four ASC's and nine RFA's of varying size and scope. Currently, SHPO has limited staffing and large workloads and has

expressed interest in receiving assistance in meeting their ASC and RFA review and comment deadlines for the next 12 months.

### **Ratification of Emergency Order by Council**

On September 20, 2018, the Department received the preliminary application for site certificate (pASC) from Obsidian Solar Center LLC for the Obsidian Solar Center, an approximately 3,900 acre photovoltaic solar power generation facility proposed in Lake County. Additionally, on September 21, 2018, the Department notified Idaho Power Company that its amended pASC was complete for the proposed Boardman to Hemingway Transmission Line, an approximately 273-mile transmission line crossing five counties in Oregon. On September 28, 2018, Idaho Power Company filed the complete ASC with the Department. The Obsidian Solar Center pASC and the Boardman to Hemingway Transmission Line ASC were distributed prior to October 10, 2018 to all reviewing agencies with a review request from the Department outlining the scope of the review. These two proposed facilities have overlapping reviewing agency comment periods. Therefore, in addition to the general need over the next 12 months, there is an immediate need to provide the Department and SHPO with consultant support to be able to provide technical review to meet deadlines outlined in requests the Council makes of SHPO as a reviewing agency (OAR 345-015-0180 and OAR 345-015-0200) that required resolution prior to the October 25-26, 2018 Council meeting. The Department, therefore, requested Chair Beyeler utilize OAR 345-011-0010(4) to take immediate action subject to ratification by the Council.

*The chair may take action on behalf of the Council in emergencies that arise between meetings, subject to ratification by the Council. When practicable, the chair shall advise all members by telephone of any action proposed to be taken in an emergency.*

On October 5, 2018 and on behalf of the Chair, the Department notified Council members via email of the execution of the Emergency Order and of the Council's opportunity to review and ratify the Emergency Order during the October 25-26, 2018 Council meeting.

The proposed ratified order requires the Department to reassess SHPO's needs no later than October 2019 and provide Council an update with a requirement that it either reaffirm or cancel the proposed ratified order.

### **Recommendation**

The Department recommends Council ratify and approve the Emergency Order Approving Use of Consultants as executed by Council Chair Beyeler on October 4, 2018.

### **Attachments**

- 2018-10-04 EFSC Emergency Order Golder Appointment\_SHPO Support\_Executed
- 2018-10-03 SHPO Email to ODOE per Golder-HRA Assistance
- 2018-10-26 EFSC Ratified Order Consultant Appointment\_SHPO Support

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2  
3 **BEFORE THE**  
4 **ENERGY FACILITY SITING COUNCIL CHAIR**  
5 **OF THE STATE OF OREGON**  
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8 IN THE MATTER OF REVIEW ) EMERGENCY ORDER APPROVING USE  
9 OF IMPACTS UNDER COUNCIL'S ) OF CONSULTANTS  
10 HISTORIC, CULTURAL AND )  
11 ARCHEOLOGICAL RESOURCES )  
12 STANDARD (OAR 345-022-0090) IN )  
13 APPLICATIONS FOR SITE )  
14 CERIFICATES AND REQUESTS )  
15 FOR AMENDMENT )  
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19 This Emergency Order Approving Use of Consultants provides the Chair's authorization for the  
20 Department to appoint Golder Associates Corporation (Golder) and its subconsultant Historical  
21 Research Associates, Inc. (HRA). The appointment of Golder (and HRA) is to assist the  
22 Department and the Oregon State Historic Preservation Office (SHPO) in the review of  
23 applications for site certificate (ASC) and requests for amendments (RFA), beginning upon  
24 execution of this Order.

25 The Energy Facility Siting Council's (Council) Historic, Cultural and Archaeological Resources  
26 standard (OAR 345-022-0090) requires an evaluation of historic, cultural and archeological  
27 resources that have been listed, or would likely be eligible for listing on the National Register of  
28 Historic Places (NRHP), within the analysis area for a proposed facility or of proposed  
29 modifications to an approved facility. OAR 345-001-0010(52) defines SHPO as a reviewing  
30 agency, as such, the Department requests SHPO's technical review and comment during multiple  
31 phases during the review of ASC's and RFA's. The Department relies upon the technical expertise  
32 of SHPO for the compliance evaluation of this standard. The scope of this evaluation typically  
33 includes review of Exhibit S, cultural resource reports, SHPO site forms, and mitigation proposals;  
34 site form data entry; GIS mapping; and, NRHP eligibility criteria evaluation.

35 The Department is currently reviewing thirteen active projects, including four ASC's and nine  
36 RFA's of varying size and scope. Currently, SHPO has limited staffing and large workloads and  
37 has expressed interest in receiving assistance in meeting their ASC and RFA review and comment  
38 deadlines for the next 12 months.

39 The Council is authorized under ORS 469.470(6) to perform acts as may be necessary, proper or  
40 desirable to carry out effectively the duties, powers and responsibilities of the Council. Under ORS  
41 469.470(6) the Council may appoint and utilize, on behalf of the Department, technical consultants

1 in support of its review of ASCs and RFA's.

2 OAR 345-011-0010(4) states:

3 *The chair may take action on behalf of the Council in emergencies that arise between*  
4 *meetings, subject to ratification by the Council. When practicable, the chair shall advise*  
5 *all members by telephone of any action proposed to be taken in an emergency.*

6 On September 20, 2018, the Department received the preliminary application for site certificate  
7 (pASC) from Obsidian Renewables for the Obsidian Solar Center, an approximately 3,900 acre  
8 solar facility proposed in Lake County. On September 21, 2018, the Department notified Idaho  
9 Power Company that its amended preliminary application for site certificate was complete for the  
10 Boardman to Hemingway Transmission Line, an approximately 273-mile transmission line  
11 crossing five counties in Oregon. On September 28, 2018, Idaho Power filed the complete ASC  
12 with the Department. The Obsidian Solar Center pASC and the Boardman to Hemingway  
13 Transmission Line ASC have been or will be distributed by October 10, 2018 to all reviewing  
14 agencies with a review request from the Department outlining the scope of the review. These two  
15 proposed facilities have overlapping reviewing agency comment periods. Therefore, in addition to  
16 the general need over the next 12 months, there is an immediate need to provide the Department  
17 and SHPO with consultant support to be able to provide technical review and support to meet  
18 deadlines outlined in requests the Council makes of SHPO as a reviewing agency (OAR 345-015-  
19 0180 and OAR 345-015-0200) that cannot wait until the next scheduled Council meeting on  
20 October 25-26, 2018.

21 The Chair hereby delegates to the Department the authority to identify, in coordination with SHPO,  
22 particular issues requiring assistance during review of ASC and RFA materials. The Chair hereby  
23 authorizes the Department to enter into Work Order Contracts (WOCs) with Golder (and HRA) for  
24 services related to the review of the Historic, Cultural, and Archaeological Resources Standard as  
25 evaluated in ASC and RFA materials, and authorizes compensation to Golder under a WOC that  
26 specifically identifies the scope of the work to be performed for each identified project. Council shall  
27 retain all responsibility and authority for all final decisions and final orders.

28 SHPO's staff needs will be reassessed no later than October, 2019 and staff will provide Council  
29 an update either to reaffirm or cancel this Order.

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32 Barry Beyeler, Chair

*OCTOBER 4, 2018*  
\_\_\_\_\_  
Date October 4, 2018

33 OREGON ENERGY FACILITY SITING COUNCIL

## TARDAEWETHER Kellen \* ODOE

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**From:** JOHNSON Ian \* OPRD  
**Sent:** Wednesday, October 3, 2018 4:01 PM  
**To:** TARDAEWETHER Kellen \* ODOE  
**Subject:** HRA review of EFSC projects

Kellan,

As discussed, HRA's assistance on the Boardman to Hemmingway transmission project is very valuable. Their work under our office supervision allowed the SHPO to respond in a complete and timely manner. Due to limited staff and current workloads, the SHPO would not have been able to effectively participate in the EFSC process without this assistance.

Through this process, the SHPO extensively trained HRA personal in SHPO practices and our agency's role in the EFSC process. We also successfully developed practices to ensure efficient communication and transmission of documents, as well as solid professional working relationships. We are now in a place where HRA can effectively and efficiently assist our office to complete the EFSC review for large, complicated projects, like B2H, ensuring complete and timely review.

We hope that ODOE will consider contracting HRA for future agency projects.

Ian



*Ian P. Johnson* | Associate Deputy State Historic Preservation Officer

Oregon Parks and Recreation Department, Heritage Division

State Historic Preservation Office

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Like us on Facebook: <https://www.facebook.com/OregonHeritage>

Visit our Blog, The Oregon Heritage Exchange: <http://oregonheritage.wordpress.com/>

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34 Barry Beyeler, Chair Date  
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