

**BEFORE THE
ENERGY FACILITY SITING COUNCIL OF THE
STATE OF OREGON**

RATIFIED EMERGENCY ORDER APPROVING USE OF CONSULTANT

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This Ratified Emergency Order Approving Use of Consultants authorizes the Oregon Department of Energy (Department) to contract with a consultant for technical expertise in review of the Application for Site Certificate (ASC), amendment and compliance materials related to the Energy Facility Siting Council’s (Council) Historic, Cultural and Archaeological Resources standard for the Nolin Hills Wind Project and authorizes compensation under a contract with Hart Crowser (Haley Aldrich) that specifically identifies the scope of the work to be performed. In all circumstances, the Department shall maintain responsibility for the use of all consultant work products, as well as all final recommendations to Council. Council shall retain all responsibility and authority for all final decisions and final orders. This order is intended to be consistent with the Council’s Order Approving Use of Consultants, approved on December 18, 2020, authorized pursuant to ORS 469.470(6). The Nolin Hills Wind Project was inadvertently omitted from the list of projects included in the December 18, 2020 order, where consultant support on Exhibit S materials for other projects currently under review was approved.

Consistent with the Council’s order Approving Use of Consultants issued December 18, 2020, the Council finds that Hart Crowser is a professional services company with an office in Oregon, which has a team of professionals providing specialized technical consulting services, including expertise related to the Council’s Historic, Cultural and Archaeological Resources standard (OAR 345-022-0090) (Exhibit S).

Upon identification of the omission in March 2021, the Department identified an immediate need for consultant support for the Nolin Hills Wind Project ASC Exhibit S where a delay in consultant support until the next scheduled Council meeting on April 23-23, 2021 would have resulted in significant schedule impacts, given contracting timing requirements and consultant availability. Based on the immediate need identified, the Department requested Chair Marcia L. Grail exercise emergency action as allowed under OAR 345-011-0010(3):

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 March 5, 2021, Chair Marcia L. Grail executed an Emergency Order Approving the Department’s use of Hart Crowser and Historic Research Associates, Inc. for technical expertise in the evaluation of the Nolin Hills Wind Project ASC Exhibit S. On March 10, 2021, Council

42 members were notified of the emergency order and of their opportunity to ratify the emergency
43 order at the April 22-23, 2021 meeting. On April 23, 2021, Council ratified the emergency order.
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Marcia L. Grail, Chair
Oregon Energy Facility Siting Council

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