



# Oregon

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**To:** Energy Facility Siting Council

**From:** Sarah Esterson, Senior Policy Advisor

**Date:** April 9, 2021

**Subject:** Agenda Item H (Action Item): Council Ratification of Emergency Order Approving the Department to Use a Consultant in Review of Exhibit S (Historic, Cultural and Archeological Resources) Compliance for the April 22-23, 2021 EFSC Meeting

**Attachments:** Attachment 1: Council Order Appointing Use of Consultant (Dec. 2020)  
Attachment 2: Emergency Order Approving Department Use of Consultant (March 2021)  
Attachment 3: Draft Ratified Emergency Order Approving Department Use of Consultant

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## STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (Council) ratify and approve the Emergency Order Approving the Department's Use of a Consultant in Review of Exhibit S and compliance with the Council's Historic, Cultural and Archeological Resources standard (OAR 345-022-0090) for the Nolin Hills Wind Project Application for Site Certificate (ASC), as executed by Chair Marcia L. Grail on March 5, 2021.

## BACKGROUND

At the December 18, 2020 Council approved the Department's use of consultants in review and technical expertise in Exhibit S and compliance with the Council's Historic, Cultural and Archeological Resources standard (OAR 345-022-0090) for current projects under review (see Attachment 1 of this staff report). The Nolin Hills Wind Project was inadvertently omitted from the current projects listed in the order. After identification of this issue, an immediate need for consultant support for this project was identified due to lag time in contracting and by-month for the March 2021 Council meeting; emergency action was requested of Chair Grail, consistent with OAR 345-011-0010(3).

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 (see Attachment 2 of this staff

report). On March 10, 2021, Council members were notified of the emergency order and of their opportunity to ratify the emergency order at the April 22-23, 2021 meeting.

### **COUNCIL SCOPE OF REVIEW**

At the April 22-23, 2021 meeting, Council will have the opportunity to review and decide whether to ratify the Emergency Order Approving the Department's Use of Consultants (see Attachment 3 of this staff report). Council's authority to appoint consultants to support the Department's technical review is established in ORS 469.470(6). The draft Ratified Emergency Order is substantially similar to the Council's December 2020 order, limited to the addition of the Nolin Hills Wind Project ASC Exhibit S.

### **ATTACHMENTS:**

Attachment 1: Council Order Appointing Use of Consultant (Dec. 2020)

Attachment 2: Emergency Order Approving Department Use of Consultant  
(March 2021)

Attachment 3: Draft Council Ratified Emergency Order Approving Use of Consultant