Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

DRAFT

for Public Comment

by the

OREGON DEPARTMENT OF ENERGY

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DRAFT REPORT ON SITING AND PERMITTING LARGE-SCALE ELECTRICITY INFRASTRUCTURE – 2026

Executive Summary

Executive Order 25-29 directs Oregon agencies to streamline siting and permitting processes for clean energy projects, energy storage, and transmission infrastructure. In response, the Oregon Department of Energy's Energy Facility Siting Division evaluated its statutory authorities, rules, and practices to identify opportunities for greater efficiency while maintaining strong protections for public health, communities, and natural resources.

Oregon's centralized siting system is administered by the Energy Facility Siting Council with staff support from ODOE's Siting Division. It was designed to consolidate multiple state and local reviews into a single, standards based, quasi-judicial process. This approach ensures consistency, transparency, and robust environmental and public health protections. It also reduces duplication across agencies. However, as the scale and urgency of renewable energy and transmission development grow, pressures on EFSC and the Siting Division have increased.

This report finds that Oregon's current siting framework already includes many streamlined elements: consolidated state review, one appellate path directly to the Oregon Supreme Court, statutory timelines, reimbursement mechanisms to support Tribal, local government, and peer state agency participation, and a lifecycle compliance program that ensures projects are built and operated as approved. Over the last decade, EFSC and ODOE have undertaken significant modernization through rulemaking, process improvements, digital tools, and clearer public guidance resulting in more predictability and more efficient reviews.

At the same time, several challenges continue to affect timelines and workload. These include the growing complexity and size of proposed projects, increased interest and public participation, staffing limitations tied to fee-based funding, the length and resource intensity of contested cases, and differences and interplay between state, local, Tribal, and federal review processes. Transmission projects, in particular, require coordination with multiple jurisdictions and agencies, which adds inherent complexity that is independent of the state process.

This report highlights substantial progress already made, such as restructuring EFSC's rules, improving organization of application elements, strengthening coordination with Tribes and agencies, enhancing public engagement tools, updating standards (including wildfire prevention), and modernizing the amendment processes. Additional improvements are underway through ongoing rulemaking, expanded use of digital and geospatial tools, and early-phase coordination with applicants and Tribes. The report identifies additional ideas for action that the Department and potentially the Legislature could take to find further efficiencies within the Siting Program:

- The Contested Case process should be evaluated to potentially remove steps, refine them, or place clearer time expectations. Done right, this could result in valuable time savings without negatively affecting the purpose and value of this step.
- The Siting Division has begun to pilot careful integration of Artificial Intelligence (AI) for administrative tasks to reduce staff burden without compromising review quality, and this could be expanded.

- For simultaneous state and federal reviews, information requirements for specific standards should be evaluated to determine if federal environmental review materials can meet Council standards.
- Evaluate the Siting Division's funding model and management structure to ensure it has the capacity to deliver timely project reviews, implement process improvements, and meet growing clean-energy and transmission-related demands.
- Evaluate the ability to streamline the review of certain requirements that are more frequently consistent across projects.
- Implement Oregon Energy Strategy actions related to adequate division funding and enhancing the Oregon Renewable Energy Siting Assessment Tool.
- Implement the Oregon Department of Energy's 2026-2029 Strategic Plan pillars related to engagement and collaboration; improving the understanding and clarity of the Siting Program; and identifying and addressing opportunities to make the program more accessible.

The Siting Program considers environmental justice and equitable practices in multiple ways, though the language used can be different as the Siting Program's procedural and substantive requirements were developed before the state adopted a definition for environmental justice and equity. Through HB 4077, environmental justice is defined as, "equal protection from environmental and health risks, fair treatment and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income or other identifies with respect to the development, implementation and enforcement of environmental laws, regulations and policies that affect the environment in which people live, work, learn, and practice spirituality and culture." The ability of the public to participate in the EFSC process is important and valuable. Throughout this report there are examples of work that has been done and continued process improvements that identify environmental justice considerations.

Oregon's siting system is comprehensive, protective, and includes many streamlined components. Continued and additional improvements focused on clarity, interagency coordination, predictable timelines, targeted rule updates, and administrative efficiency will help meet the goals of EO 25-29 while maintaining the state's commitment to environmental stewardship, public participation, and accountable energy development.

Tribal Land Acknowledgement

ODOE acknowledges that Indigenous Tribes and Bands have been with the lands that we inhabit today throughout Oregon and the Northwest since time immemorial and continue to be a vibrant part of Oregon today. We would like to express our respect to the First Peoples of this land, the nine federally recognized Tribes in Oregon:

- Burns Paiute Tribe
- Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Siletz Indians
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation
- Coquille Indian Tribe
- Cow Creek Band of the Umpqua Tribe of Indians
- The Klamath Tribes

As the state engages in discussions about deployment of energy infrastructure in Oregon, it is important that we recognize and honor the ongoing legal and spiritual relationship between the land, plants, animals, and people indigenous to this place we now call Oregon. The interconnectedness of the people, the land, and the natural environment cannot be overstated; the health of one is necessary for the health of all. We recognize the pre-existing and continued sovereignty of the nine federally recognized Tribes who have ties to this place and thank them for continuing to share their traditional ecological knowledge and perspective on how we might care for one another and the land, so it can take care of us.

We commit to engaging in a respectful and successful partnership as stewards of these lands. As we are obliged by state law and policy, we will uphold government-to-government relations to advance strong governance outcomes supportive of Tribal self-determination and sovereignty.

Overview and Report Organization

Oregon's Energy Facility Siting Program is a consolidated review process. This means large energy project applicants do not need to seek multiple reviews from various jurisdictions and relevant agencies that have different review processes and appeal periods. Instead, the state's program works with the relevant jurisdictions and agencies within the single Energy Facility Siting Council review process.

While on balance the state's siting program simplifies the review of these projects by consolidating the reviews, it also means that the single review must be inclusive of numerous other agency standards, requirements, and permits, and have opportunities for those agencies to review and provide comments. Because large energy projects also have the potential to affect important state resources as well as adjacent landowners and communities, the review process is designed to be transparent and allow meaningful opportunities for public participation.

While there is a continued need to seek ways to streamline the review process and update the substantive requirements, care must be taken to ensure these efforts do not compromise the evaluation and protection of state resources or limit public participation.

This report begins by outlining the history of energy facility siting in Oregon, as well as current siting program fundamentals and past streamlining efforts, to provide a foundation for considering potential new ideas to further streamline the energy facility siting process in Oregon.

Public Comments

ODOE is pursuing a near-parallel public engagement process for this report and the Report on Reducing Barriers to Clean Energy Deployment. ODOE held an initial open comment period for both reports in February and March 2026. In an online comment portal, ODOE posed 19 questions to commenters about their professional or lived experiences of developing a clean energy facility or participating in a development process, and the barriers they experienced. ODOE also asked commenters for input on potential solutions. In response, ODOE received 11 written public comment submissions from a range of different interested parties. ODOE also held two listening sessions to receive oral comments, which were attended by approximately 19 interested persons. A compilation of comments received is posted on ODOE's website. ODOE reviewed all comments and appreciates the input.

ODOE is holding a second round of public comments for this report from June 12, 2026 to July 24, 2026 and will seek input in multiple ways:

- Online comment portal.
- Energy Facility Siting Council. As required by Executive Order 25-29, ODOE will bring the draft recommendations in two draft report to the June 26, 2026 Council meeting to be held at the ODOE office in Salem. A specific public comment period will be included as part of the agenda item. ODOE encourages interested persons to join the meeting to share oral comments. The meeting recording will be available on the Council's page the week of June 29.
- ODOE will hold a listening session to receive oral comments on June 29, 2026 at 4:30 p.m. Information on how to attend will be posted to the project webpage.

- If you are a member of an environmental justice community or advocate on environmental justice issues and have questions or need additional information to facilitate your engagement, please reach out to us.

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Executive Order 25-29 Section 2(C) Language

The Oregon Energy Strategy, published by the Oregon Department of Energy in November 2025, identified five pathways that together represent the direction Oregon needs to take to meet its energy policy objectives – including an energy transition that will deliver clean, reliable, and affordable energy to all Oregonians. The five pathways are: (1) Energy Efficiency, (2) Clean Electricity, (3) Electrification, (4) Low-Carbon Fuels, and (5) Resilience. The second pathway, Clean Electricity, highlights the need to increase transmission capacity to access out-of-state generation resources as well as the potential benefits – from energy resilience to local economic development – of deploying more clean energy generation within the state. *The Energy Strategy calls for the state to facilitate energy infrastructure enhancement and expansion while avoiding, minimizing, and mitigating negative impacts on Tribal cultural resources, energy burden, natural and working lands, and communities (Policy 2a).*

Section 2(C) of Executive Order 25-29 builds on the Clean Electricity pathway of the Oregon Energy Strategy.

Section 2 - 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. This includes but is not limited to the following initiatives:

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(c) Streamline Clean Energy Siting. Agencies identified in Section II.1.b of this Order 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.*

- ***i.*** *Agencies shall evaluate existing authorities, rules, and practices to identify opportunities to streamline or increase the efficiency of siting and permitting processes within their jurisdiction for projects that:*
  - ***1.*** *Benefit Oregon ratepayers and enable clean energy projects to interconnect onto the grid; and/or*
  - ***2.*** *Involve upgrades to existing grid infrastructure and transmission expansion or co-location of renewable energy resources in existing rights of way.*
- ***ii.*** *Where opportunities are found to exist, agencies shall recommend actions to:*
  - ***1.*** *Streamline existing processes;*
  - ***2.*** *Establish parallel paths that enable required studies, reviews, and approval processes to occur contemporaneously; and/or*
  - ***3.*** *Facilitate or accelerate interconnections for projects that reduce emissions, improve reliability, and benefit Oregon ratepayers.*

Agencies shall bring recommended proposed actions for discussion with their Boards or Commissions and will report their findings and recommendations to the Governor no later than September 1, 2026.

Siting Program Overview

To understand where streamlining opportunities may be possible, and how competing tensions and tradeoffs are considered and accounted for across state, county, and federal land use siting and permitting processes, it is important to first understand the history and fundamentals of Oregon's energy facility siting program.

History

Oregon's large scale energy siting program was created in its current form by the Oregon Legislature in 1975. Its broad purpose is established in Oregon Revised Statute 469.310:

> *In the interests of the public health and the welfare of the people of this state, it is the declared public policy of this state that the* ***siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state (emphasis added)****. It is, therefore, the purpose of ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 to exercise the jurisdiction of the State of Oregon to the maximum extent permitted by the United States Constitution and to establish in cooperation with the federal government a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state…*

The siting program was established shortly after three significant events. The first was the creation of the National Environmental Policy Act (NEPA) in 1970. NEPA requires that federal agencies consider the environmental impacts of all "federal actions" and allow for public participation. The second was the passage of Oregon Senate Bill 100 in 1973, which established Oregon's Statewide Land Use Program. This created a framework for land use planning across the state and required the balancing of development and conservation objectives consistent with the established 19 Statewide Land Use Planning Goals.[1] This framework encouraged development in urban areas while protecting farms, forests, and natural lands. The third event, also in 1973, was the global oil crisis. This led to efforts throughout the United States and in Oregon to become more energy independent. Through legislation, the state determined that some large-scale energy production, transmission, and storage projects were too important to the state and region to have these projects reviewed at the local government level where there could be inconsistent decisions. The procedural and substantive elements of the NEPA and Statewide Land Use Program had significant influence on how the siting program was created and are further described in the Siting Program Fundamentals section below.

While the Energy Facility Siting Council's earliest reviews in the 1970s focused primarily on nuclear and coal facilities, the types of projects expanded significantly in the 1980s to include steam generation, underground natural gas storage, transmission lines, hydroelectric facilities, and wind energy projects. EFSC approved its first wind energy project in Curry County in 1983, authorizing up to 850 wind turbines. Although the project was never constructed and the site certificate was later terminated, it marked the beginning of wind energy development under EFSC jurisdiction. Beginning in the 1990s, natural gas-fired power plants became the primary type of facility reviewed by EFSC. Wind energy projects re-emerged in

[1] Department of Land Conservation and Development – Oregon Statewide Land Use Planning Goals - https://www.oregon.gov/lcd/OP/Pages/Goals.aspx

the 2000s and remained the dominant project type until 2017, when the first solar energy project application was submitted. Since then, most projects reviewed by EFSC have been solar facilities, often paired with battery energy storage systems.

Siting Program Fundamentals

Decision Authority

The Energy Facility Siting Council has decision-making authority over all applications for and amendments to state jurisdictional energy projects. If a project is approved, the Council issues a site certificate, which is a binding legal contract between the Council, on behalf of the State of Oregon, and the project developer. The Council is independent of the Oregon Department of Energy, which provides staff support to them. They must adhere to the required elements of the established quasi-judicial process, such as relying solely on the record of review to determine if a proposed project should be approved or denied.

Council members are volunteers appointed by the Governor and confirmed by the Senate and can serve up to two 4-year terms. There is a continual effort to ensure geographic and professional diversity of Council members to best represent Oregonians. However, Council members cannot have a financial connection with a developer of a state jurisdictional energy facility, or those interested in establishing one.[2] A violation of this requirement could result in the revocation of an issued site certificate.

> Comparison to Local Land Use – While there is variation by county on the decision authority for utility scale energy projects, for most Eastern Oregon counties – where most projects are currently being considered – it is a County Planning Commission. Much like EFSC, Planning Commissions are made up of volunteers appointed by the local government with quasi-judicial review and decision-making authority. Some jurisdictions may also have a Planning Department or an appointed hearing officer as the initial decision-making authority.
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> Comparison to NEPA – For every federal action that requires a NEPA review, there is an established lead federal agency. A "Responsible Official" for that lead federal agency is designated as having sole decision-making authority, but who that official is may differ depending on the type, scale, or controversy of a proposed project.

Standards Based Review

To receive approval from EFSC, an applicant must provide a preponderance of evidence[3] to prove that each applicable standard is met. Each step in the Siting Program is designed to allow the applicant the opportunity to provide that evidence, as well as for the public and agencies to ensure impacts to the resources protected by standards are avoided, minimized, or mitigated. The same sixteen standards apply to all EFSC jurisdictional projects, which are described in Table 1 below. In addition to these sixteen standards, wind and transmission projects have additional specific standards which are further described in the Renewable Energy Projects Section and the Transmission Line Projects Section below.

[2] ORS 469.450(3)-(5)
[3] OAR-345-021-0100(2)

Table 1 – EFSC Standards

Standard	Purpose
General Standard of Review	Establishes the overall framework of the review process requiring the applicant to provide enough evidence that they meet each standard. Creates the opportunity for the applicant to request "balancing" whereby they document why that cannot meet a specific standard, but the overall public benefits of the project outweigh the impacts of not meeting the standard.
Organizational Expertise	The applicant must have the organizational expertise to construct, operate, and retire the proposed facility in compliance with standards and conditions in the site certificate.
Structural Standard	The applicant, through appropriate site-specific studies, has adequately characterized the seismic hazard risk and the potential geological and soils hazards of the site and can design, engineer, and construct the facility to avoid dangers to human safety and the environment. Aligns with environmental justice and equitable practices to protect the environment in which people live, work, learn, and practice spirituality and culture.
Soil Protection	The design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils. Aligns with environmental justice and equitable practices to protect the environment in which people live, work, learn, and practice spirituality and culture.
Land Use	The proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC) through: -application to the local government for land use approval; or -electing to obtain Council determination of land use compliance. The Council would then evaluate all criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. All solar projects that are in a farm zone and are large enough to be state jurisdictional require an exception to Statewide Planning Goal 3 (Agricultural Lands) because of the agricultural land being occupied by the project. This is functionally an additional set of review requirements. Unlike every other land use requirement, which comes from LCDC or the local government, EFSC has its own statute and rule related to a goal exception (ORS 469.504(2) & OAR 345-022-0030(4)). These are nearly identical to those of LCDC with one distinction: EFSC's goal exception review does not require an alternatives analysis. Aligns with environmental justice and equitable practices to consider development, implementation and enforcement of environmental laws, regulations, and policies that affect the environment and people in it.

Protected Areas[4]	The proposed facility will not be located within the boundaries of a protected area, and the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to protected areas. Aligns with environmental justice and equitable practices to consider development, implementation and enforcement of environmental laws, regulations, and policies that affect the environment and people in it.
Retirement and Financial Assurance	The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility. Aligns with environmental justice and equitable practices to protect people and the environment from health risks.
Fish and Wildlife Habitat	The design, construction, and operation of the facility, taking into account mitigation, are consistent with the Oregon Department of Fish and wildlife habitat mitigation goals in OAR 635-415-0025(1) – (6). Aligns with environmental justice and equitable practices to protect the environment in which people live, work, learn, and practice spirituality and culture.
Threatened and Endangered Species	The design, construction and operation of the proposed facility, taking into account mitigation, must be consistent with: -the protection of listed plant species by the Oregon Department of Agriculture under ORS 564.105(2) -the protection of listed wildlife species by the Oregon Fish and Wildlife Commission under ORS 469.172(2) Aligns with environmental justice and equitable practices to consider development, implementation and enforcement of environmental laws, regulations, and policies that affect the environment and people in it.
Scenic Resources	The design, construction, and operation of the facility, taking into account mitigation, are not likely to result in significant adverse visual impacts to significant or important scenic resources identified in a current land use management plan adopted by a local, Tribal, state, regional, or federal agency. Aligns with environmental justice and equitable practices to consider fair treatment and meaningful involvement.
Historic, Cultural and Archeological Resources	The construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to: -historic, cultural or archeological resources that have been listed , or would likely be listed on the National Register of Historic Places -archeological objects as defined in ORS 358.905(1)(a) on private land -archeological sites as defined in ORS 358.905(1(c) on public or private lands Aligns with environmental justice and equitable practices to consider development, implementation and enforcement of environmental laws, regulations, and policies that affect the environment and people in it.

[4] This term is defined in OAR 345-001-0010(26).

Recreation	The design, construction, and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to important recreational opportunities. Aligns with environmental justice and equitable practices to protect the environment in which people live, work, learn, and practice spirituality and culture.
Public Services	The design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and providers of sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools. Aligns with environmental justice and equitable practices to protect people and the environment from health risks.
Wildfire Prevention and Risk Mitigation	The facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan approved by the Council that takes into consideration: 1) baseline wildfire risk; 2) seasonal wildfire risk; 3) areas subject to a heightened risk of wildfire; and 4) high-fire consequence areas. Aligns with environmental justice and equitable practices to protect the environment in which people live, work, learn, and practice spirituality and culture.
Waste Minimization	The construction and operation of the facility will minimize the generation of solid waste and wastewater. Aligns with environmental justice and equitable practices to protect people and the environment from health risks. The accumulation, storage, disposal, and transportation of waste generated by the construction and operation of the facility will likely result in minimal adverse impacts on surrounding and adjacent areas.
State and Laws and Regulations	This standard requires review of state and local laws that are not specifically included in one of the standards above, but are included in EFSC's jurisdiction to eliminate additional reviews that would otherwise be required for the proposed facility: -Water – This includes: 1) whether there could be impacts to waters of the state and if a removal fill permit is required; 2) the amount of water that will be needed for construction and operation, the sources of water and whether a water right is needed -Noise – An analysis of the noise that would be generated from any facility equipment, whether that increased noise level requires additional analysis and mitigation to surrounding noise sensitive receptors such as residences and schools, and whether that increased noise level exceeds human health thresholds -Other laws and regulations as identified in the Project Order

Most of these standards are specifically mandated by statute,[5] while others have been added in rules based on an identified need, such as the Wildfire Prevention and Risk Mitigation standard. The location of each project is what establishes how much evidence must be submitted for each standard. For example, a project proposed in an urban brownfield site will require very minimal evidence to prove the Fish and Wildlife Habitat standard has been met. However, a project proposed in undisturbed habitat will have to conduct literature and onsite surveys and work closely with the Oregon Department of Fish and Wildlife to provide sufficient evidence related to that standard. Most of the standards are also in line with environmental justice practices to mitigate harm and consider effects to "the environment in which people live, work, learn, and practice spirituality and culture."[6]

In recognition of the importance of these projects, numerous standards have a built-in opportunity for EFSC to issue an approval even when a standard is not met. However, to issue an approval, EFSC must determine that the overall public benefits of the project outweigh the adverse effects and that there is no reasonable way to meet the standards through avoidance.

Comparison to Local Land Use – Similar to the Siting Program, decisions must be based on evidence[7] and cannot lawfully defer a determination of compliance with requirements. There are also similar rules precluding communication with the decision makers outside of the formal record.[8] Most utility scale projects are proposed on farm zoned lands and require a conditional use review. LCDC establishes the base review requirements that all counties must apply. These include an exception to Statewide Planning Goal 3 (Agricultural Land) for solar projects that exceed specific acreage thresholds.[9] Counties, however, can add more standards and criteria if they choose. In the Previous Streamlining Related Efforts subsection below, this report describes the misconception that a county review is equivalent to an EFSC review. The Siting Program has 16 standards, one of which is the land use standard. The entirety of a county's review is incorporated into that single standard. While there may be some similarities in the types of resources that are evaluated in a county's land use review and other Siting Program standards such as Fish & Wildlife and Historic, Cultural and Archaeological Resources, the level of detail in the application materials and in the final decisions between the Siting Program and a county review are not the same by a substantial margin. This report highlights the many differences between different jurisdictions and will demonstrate that the siting process is thorough, inclusive, and holds developers accountable. Also see the Compliance subsection below.

Comparison to NEPA – Rather than a standards-based review like the Siting Program or a local land use review, NEPA is an impacts-based review. NEPA is an umbrella law that requires documented compliance with all applicable federal, state, and local environmental laws and regulations. It is similar in that it evaluates a project against a specific set of requirements — ecological, aesthetic, historic, cultural, economic, social, and health impacts — and relies on technical studies and reports by qualified professionals to make assessments of impacts and recommendations. Where it is different is that it requires an evaluation of alternatives to a proposed federal action and in an Environmental Impact Statement (EIS). A Record of Decision (approval) can be issued prior to the completion of compliance with all applicable environmental laws, thereby deferring the type of

[5] ORS 469.501
[6] ORS 182.535(3)
[7] ORS 197.797(2)(a)(h) and 9(b)
[8] ORS 197.835(12)
[9] OAR 660-033-0130(38)

evidence needed to determine compliance with specific requirements that EFSC must evaluate in order to issue a decision. Even though a project may receive approval from a federal agency, once a project developer completes the more detailed analysis outside of the public process, it still may not be able to construct the project based on a determination of the impacts to resources.

Participation by Other Agencies/Consolidated Review

In addition to consolidating the standards, statutes, rules, permits, and land use regulations of state agencies and local governments into the jurisdiction of EFSC, the Siting Program recognizes that no single expert has the breadth of knowledge to evaluate the potential impacts of a project against all applicable standards and identified resources. This is why the legislature established the Siting Program to include subject matter experts as part of the consolidated review process. Throughout the review steps, numerous agencies are notified, and their review and comments are requested. These include:

- Any Tribal Governments who could be affected by the projects, as identified by the Legislative Commission on Indian Services
- State natural resources agencies:
  - The Department of Environmental Quality
  - The Water Resources Department
  - The Oregon Department of Fish and Wildlife
  - The Department of Geology and Mineral Industries
  - The Department of Forestry
  - The Public Utility Commission
  - The Oregon Department of Agriculture
  - The Department of Land Conservation and Development
  - The Oregon Department of Aviation
  - The Pacific Northwest Electric Power and Conservation Planning Council
  - The State Fire Marshal
  - The Department of State Lands
  - The State Historic Preservation Office
- Local governments:
  - Those that have jurisdiction where the project is proposed
  - Those within 10 miles of the project location because of potential public service impacts as described in the Public Services Standard

While consolidating these requirements under the authority of EFSC creates a much bigger review process, it also reduces duplication, eliminates variation in decisions and conditions, and creates a single appellate path.

State agencies and local governments are legally required to review and comment on project applications.[10] To help incentivize their participation, Tribal Governments, state agencies, and local governments can receive reimbursement for any time and resources they spend consistent with a request by ODOE.[11]

[10] ORS 469.350(3)
[11] ORS 469.360(2)(a) & (4)

Although few state-jurisdictional energy projects also require review under the National Environmental Policy Act (NEPA), when joint reviews do occur, the Siting Program has a statutory obligation to minimize duplication between the state and federal processes. This coordination can include the shared use of application materials and studies, joint hearings where appropriate, aligned decision timelines, and efforts to maintain consistent outcomes between the reviews.[12]

While Siting Program staff make substantial efforts to coordinate with federal agencies during joint reviews, important differences between the EFSC and NEPA processes can make full alignment difficult. The review of the Boardman to Hemingway Transmission Line project illustrates these challenges. Initially the applicant intended to pursue concurrent state and federal reviews. However, two major differences between the processes ultimately led the applicant to pause the state review until completion of the federal NEPA review.

First, under NEPA, the lead federal agency has authority to require an applicant to evaluate alternative routes or locations that were not proposed by the applicant. EFSC does not have comparable authority and is limited to evaluating the facilities and routes included in the application. Second, as noted previously, the EFSC review process generally requires a higher level of evidentiary support before approval can be granted, whereas some evidentiary requirements under NEPA may be deferred until after the federal decision is issued.

As a result, the Boardman-to-Hemingway applicant first needed to determine which route alternatives the federal agency would require for analysis under NEPA. The applicant then had to decide which of those alternatives to include in the EFSC application and conduct the level of analysis necessary to demonstrate compliance with each EFSC standard. For this project, sequencing the federal and state reviews ultimately required less work and complexity than attempting to conduct both reviews concurrently, but the sequential review may have resulted in a longer timeline.

Comparison to Local Land Use – For projects over a certain size on exclusive farm use zoned lands, where most utility scale energy projects are proposed, there is a statutory requirement[13] to provide notification to the following:

- The State Department of Fish and Wildlife (ODFW);
- The State Department of Energy;
- The State Historic Preservation Office;
- The Oregon Department of Aviation;
- The United States Department of Defense; and
- Federally recognized Tribes that may be affected by the application.

The statute and a corresponding Oregon Administrative Rule[14] (OAR) also require applicants to consult with ODFW, conduct a habitat assessment of the site, and develop a mitigation plan that is acceptable to the county.

[12] ORS 469.370(13)
[13] ORS 215.446
[14] OAR 660-033-0130

It should be noted the Department has never received such a notice and a recent meeting with staff of one of the nine federally recognized Tribes in Oregon confirmed they have never received such a notice either.

Comparison to NEPA – The NEPA process includes an internal review team at the lead federal agency consisting of professionals from various disciplines to assess an application. The process also includes a Code of Federal Regulation[15] (CFR) requirement to include other federal agencies, as well as Tribal, state, and local governments as Cooperating Agencies who review NEPA documents and provide comments outside of the public process, much like the Siting Program does, as further described in the Siting Program Review Steps subsection below.

Participation by the Nine-Federally Recognized Tribes of Oregon

ODOE's Siting Division notifies and coordinates with Tribal governments regarding proposals for new and modified state-jurisdictional energy facilities and rulemakings. Over the years, several Tribes have expressed concerns about the potential for negative effects on cultural, natural, and Tribal treaty resources from transmission, solar, and wind project proposals that are evaluated through the state's energy facility siting process. Tribes receiving notification for each specific project are those identified by the Legislative Commission on Indian Services as having potential interest or information on sensitive resources that could be affected by a proposed or modified energy facility. Communication with each Tribal government is accompanied by an offer from ODOE staff to meet with the Tribe's Council and/or staff to discuss the notice and review process, along with guidance for cost reimbursement.

In early 2026, ODOE's Siting Division strengthened its requirements for early Tribal engagement by mandating that developers reach out to potentially affected federally recognized Tribes before submitting their Notice of Intent. These updated rules were shaped through a multi-year rulemaking process that included engagement with the Tribes, cultural resource working groups through the Legislative Commission on Indian Services, and public hearings.

Once a Notice of Intent is submitted, Siting Division staff coordinate with Tribal governments' natural resource and cultural resource staff to request feedback and guidance on potential impacts from certificate holder proposed changes to approved energy facilities and a proposed energy facility located around the state. The Siting Division communications to Tribal governments consist of a notice or memorandum requesting review and feedback during three different parts of the application process: Receipt of Notice of Intent under OAR 345-015-0120, Receipt of Preliminary Application for Site Certificate under OAR 345-015- 0180, and Determination of a Complete Application for Site Certificate under OAR 345-015-0200. In addition, each notice includes guidance for Tribes to request cost reimbursement for their time reviewing and providing feedback on project applications.

In some cases, Tribes may elect to seek resolution of their concerns about a proposed energy facility outside of the EFSC process. If applicable, siting division staff requests a formal response from the Tribe to document the Tribes' determination that potential impacts to Tribal resources from a proposed or modified facility were adequately evaluated and mitigated. The Department recognizes that each Tribe

[15] CFR § 1501.8

has its own history, present-day experience, preferences, and legal rights; accordingly, Siting Division staff seek to continually educate themselves to best coordinate with each Tribe.

Comparison to Local Land Use – ORS 215.446(6) requires counties to notice federally recognized Tribes that may be affected by the application for most utility scale renewable energy projects.

Comparison to NEPA – Federal requirements for Tribal consultation. NHPA Section 106.

Participation by the Public

Large-scale energy projects have the potential to affect the natural and built environments and renewable energy projects typically have a 30-40 year forecasted lifespan. The Siting Program therefore recognizes the importance and value of public participation and includes numerous opportunities for public participation that align with environmental justice and equitable practices to meaningfully involve communities in the decision-making process. These opportunities include written comments and oral comments directly to Council by participating in hearings in person or virtually. Please see the Siting Program Review Steps subsection below for more details. When public notice is required, it is sent to:

- Anyone who has requested to receive notice by physical mail or email for the specific project or all projects.
- Properties within the following specified distances of the property or properties on which the project is proposed as required by statute:[16]
    - Those within 100 feet if wholly or partly within an urban growth boundary
    - Those within 250 feet if outside of an urban growth boundary but not in a farm or forest zone
    - Those within 500 of a farm or forest zone

The applicant, with EFSC review, is responsible for submitting the property information, which must come from the most recent county assessor records prior to the specific notice.

This process aligns with "meaningful involvement" as is defined in ORS 182.535(7) related to environmental justice.

- Members of vulnerable populations have appropriate opportunities to participate in decisions about a proposed activity that will affect their environment or health;
- Public involvement can influence a decision maker's decision;
- The concerns of all participants involved are considered in the decision-making process; and
- Decision makers seek out and facilitate the involvement of members of vulnerable populations.

Comparison to Local Land Use – The Statewide Land Use Program also recognizes the importance of public participation, which is why Statewide and Planning Goal 1[17] is Citizen Involvement. For local quasi-judicial land use hearings there is an LCDC statute[18] that requires the same notification as the Siting Program. In fact, the required notice distances in the Siting Program's statute are a reference to the LCDC rule.

[16] ORS 469.370(2)
[17] Goal 1: Citizen Involvement - https://www.oregon.gov/lcd/OP/Pages/Goal-1.aspx
[18] ORS 197.797(2)

Comparison to NEPA – The NEPA review also includes public notice and the opportunity to comment. Public Comment Periods are required on the Purpose and Need/Scoping Phase, and for the Draft EA or EIS (Typically requires minimum comments periods of 30 days for EA, and 45 days for EIS, but agencies have some discretion) However, as was previously indicated, unlike the Siting Program and the Local Land Use program, substantive evidence related to specific requirements can be provided after an approval, outside of the public review and comment opportunities.

Appeal Path

In recognition of the importance of state jurisdictional energy projects to the state and to the region, as well as the thoroughness of the final decision by EFSC as a result of the steps described in the Siting Program Review Steps below, any appeal of an EFSC decision bypasses other appellate steps and goes directly to the Oregon Supreme Court with a six-month mandate to render a decision.[19]

The Department is **unaware of any projects** that were appealed to the Oregon Supreme Court where EFSC's decision was overturned. This is thanks to the thoroughness of the Siting Program review.

Comparison to Local Land Use – After a final decision by a local government, the appellate process includes the following sequential appellate authorities, subject to the schedules of each appellate body, which can collectively take years.

- Oregon Land Use Board of Appeals
- Oregon Court of Appeals
- Oregon Supreme Court

Comparison to NEPA – "Federal courts have long allowed plaintiffs to challenge an agency's compliance with NEPA under the Administrative Procedure Act (APA, 5 U.S.C. §§ 701–706). Most NEPA-related complaints are brought under the APA, as NEPA does not contain a broad judicial review provision addressing challenges to agencies' actions under the statute."[20]

Funding

The Siting Program has two sources of funding. The first comes from fees. ORS 469.421(1) requires that applicants for site certificates and site certificate holders requesting amendments "shall pay all expenses incurred by the Energy Facility Siting Council and the department related to the review and decision of the council." ORS 469.421(5) requires certificate holders to pay an annual fee to cover the costs of ensuring each facility is being constructed, operated, and decommissioned consistent with the terms and conditions of the site certificate. Additionally, this statute allows each certificate holder to be charged up to 35 percent on top of that fee to cover the costs of supporting the Council that cannot be attributed to a specific project. Fees typically cover 75 percent of the Siting Program's annual costs.

The second funding source comes from ORS 469.421(8)(a), which establishes an annual fee to be paid by each energy resource supplier in the state, referred to as the Energy Supplier Assessment (ESA), "to fund the programs and activities of the council and the department." While the Siting Program is authorized

[19] ORS 469.403(6)
[20] National Environmental Policy Act: Judicial Review and Remedies – Update June 26, 2025 - https://www.congress.gov/crs_external_products/IF/PDF/IF11932/IF11932.6.pdf

to be funded by the ESA, because the Siting Program also has access to fees, ODOE has made a concerted effort over the last 15 years to maximize the Siting Program's reliance on fees and minimize its reliance on the ESA. The ESA typically covers 25 percent of the Siting Program's annual costs.

Siting Program staff have developed systems and procedures to ensure the Siting Program funding remains largely fee based. These include:

- A daily time tracking tool for each staff member with entries down to the half hour with enough detail to clearly document that fees charged are justifiable.
- A billable model that establishes minimum monthly fee targets which vary by position. For the Senior Siting Analysts who review applications and amendments and the Compliance Officers who ensure projects are built, operated, and retired consistent with approved site certificates, the monthly target is 80 percent.
- Prorating Council meeting costs based on agenda items.
- Carefully evaluating reviewing agency, Department of Justice, and contractor invoices to determine that each invoice has sufficient detail to justify the requested reimbursement.

While these efforts have ensured the Siting Program's costs to the annual ESA remain consistently around 25 percent, they have created some program limitations, most notably the ability to be responsive to changes in workload volumes. There are a multitude of state, regional, and national variables that increase or decrease the annual volume of applications and amendments. Some of these can be reasonably forecasted and some cannot be. If there are long-term foreseen increases, the Department can take the time to request additional staff in the biennial budget process, which begins over a year before the budgets are finalized. Staff can then be hired and trained, which takes another year. However, if there are unforeseen or short peaks of workload, the current model makes it difficult to be responsive because the Siting Program is unable to maintain more Senior Siting Analysts than the 80 percent billable model allows.

While the Siting Program has a contract with a consultant that can help, this consultant is largely relied on to provide the expertise that Siting Program staff do not have and that the Reviewing Agencies do not have or are unable to provide in a timely way. Additionally, during the times the contractor has been relied on to provide staffing help, it has resulted in substantially more costs per task because a specific Work Order Contract (WOC) must be established to detail the work tasks, a Siting Program staff member must manage the WOC, they must review and potentially edit the work, and the contractor necessarily must charge for their own administrative and supervisory work associated with the tasks.

Comparison Local Land Use – ORS 215.416 requires that a local governing body must establish fees that are no more than the actual or average cost of reviewing an application. A review of several county fee schedules shows that specific fees for wind and solar reviews vary greatly.[21] $200 for a conditional use review of a utility scale energy facility was the lowest found. The high end for wind was over $6,000 for the base review, with an additional per wind turbine cost. For solar it was $5,000 for the base review, with an additional per megawatt (MW) charge for anything over 50 MW. Lower fees likely mean that the level of effort of the review is not as thorough if it matches the cost of the review, most of the cost of the review is subsidized by the County's general fund, or some

[21] Klamath, Lake, Linn, Morrow, Sherman and Wasco County

combination of the two. Additionally, unlike the Siting Program, counties do not charge a compliance fee and therefore have minimal capacity to determine projects are constructed, operated, and retired in compliance with the approval. See the Compliance subsection below for more details.

Comparison to NEPA – NEPA review and compliance for a federal action proposed by a federal agency is typically funded by that federal agency through the employment of qualified federal employees and contractors through federally appropriated dollars in their agency budgets.

Federal agency cost: NEPA review is a federal procedural requirement, not a cost imposed on the project sponsor. The lead agency covers the cost of review.

NEPA Review for Private land projects: If a federal agency is funding, permitting, or approving a project on private land, the agency's NEPA compliance office (often the Council on Environmental Quality or agency-specific NEPA office) will initiate and pay for the review.

New Expedited review option: A 2025 law change (Section 112 of NEPA) allows project sponsors to pay an optional fee to cut the EA or EIS timelines in half. This is an expedited process, not a standard NEPA requirement, and the sponsor pays the fee directly to the Council on Environmental Quality.

Siting Program Review Steps

The steps in the Siting Program are designed to implement a timely, consistent, inclusive, transparent, and predictable process that balances the need for and importance of state jurisdictional energy projects with the potential negative impacts to the built and natural environment. It is also designed to ensure a complete and legally defensible record is available for the Oregon Supreme Court to meet their mandate to render any appeal decision within six months.

Table 2 – Siting Program Review Steps

Step	Sub-Step	Responsible Party	Description & Analysis
Notice of Intent (NOI)	N/A	Applicant	ORS 469.330(1) & OAR 345-020 – Like in a NEPA review, the NOI is a pre-application submittal. The applicant must provide high level information about the type and location of the project as well as any preliminarily identified potential environmental and community impacts of the project.
NOI	Notice to Public and Comment Period	ODOE	ORS 469.330(2) & OAR 345-015-0110 – Allows adjacent property owners and other members of the public the opportunity to understand the location and scope of project and to identify issues the developer may not be aware of or could avoid or minimize through project design prior to application submittal. ODOE receives all comments, provides them to the applicant, and analyzes the information for possible inclusion of requirements in the Project Order. There is no established minimum comment timeline, but the NOI public comment period is typically at least 30 days to provide adequate time for the public to review the NOI, attend the public information meeting, and have at least another week or so to submit comments. The notice must also be published in a newspaper of general circulation available in the vicinity of the project.
NOI	Memo to Reviewing Agencies and Comment Period	ODOE and Reviewing Agencies	ORS 469.350(2) & OAR 345-015-0120 – Allows Tribal Governments, state agencies, and local governments the opportunity to identify issues the developer may not be aware of or could avoid or minimize through project design prior to application submittal. They also provide detailed information about what must be included in the application associated with standards related to their area of expertise. ODOE

			receives all comments, provides them to the applicant, and analyzes the information for possible inclusion of requirements in the Project Order. There is no established minimum comment timeline, but comment period is typically at least 30 days to provide adequate time for review of the NOI and to generate project specific comments. If deemed valuable, ODOE may hold a pre-application conference with reviewing agencies consistent with ORS 469.330(3).
NOI	Public Information Meeting in Vicinity of Project Location	ODOE and Applicant	OAR 345-015-0130 – While optional, it is frequently valuable for the applicant and ODOE to meet with those who will be living near the proposed facility. This meeting can result in information that would not otherwise be provided until later in the review. It also begins to prepare the public for how to participate in the review, which can save time in later steps.
NOI	Project Order	ODOE	ORS 469.330(3) & OAR 345-015-0160 – Establishes the specific requirements that the applicant must submit in their application based on the site-specific issues. ODOE must issue the Project Order within 140 days after receiving the NOI.
Preliminary Application for Site Certificate (pASC)	N/A	Applicant	ORS 469.350(1) & OAR 345-021 and 022 – The pASC includes the evidence required by the applicant to prove they meet each standard. The applicant has two years from the date of submitting the NOI to submit the pASC, unless they request and receive approval from EFSC for an additional one-year extension, making it three years.
pASC	Notice to Public	ODOE	OAR 345-015-0171 – The purpose of this notice is to make the public aware the pASC has been submitted because of the potential amount of time since the NOI was submitted. The pASC is included on the project website and is available for review by the public, but there is no comment period because the application has not yet been deemed complete and could have significant changes.
pASC	Memo to Reviewing Agencies and comment period	ODOE & Reviewing Agencies	ORS 469.350(2) & OAR 345-015-0180(2) – Tribal Governments, state agencies and local governments review the pASC to ensure the issues they identified in the NOI were responded to and that it includes all necessary information related to the standards in which they have subject matter expertise.

			There is no established minimum comment timeline, but the comment period is typically at least 30 days to provide adequate time for review of the NOI and to generate project specific comments.
pASC	Completeness review	Applicant & ODOE	OAR 345-015-0190 – An application is complete when there is sufficient evidence for ODOE to review each standard. What is submitted and how it relates to the requirements in the Project Order is within the applicant's control. ODOE must determine whether the application is complete or incomplete within 60 days after receiving the pASC. Depending on the location and the required studies related to important state resources, some applications can be very large. A recent solar project pASC was approximately 2,000 pages. If deemed incomplete, ODOE requests additional information from the applicant and these requests can vary greatly. Some require relatively minor changes that can be completed within a short period of time. Others may require much more significant information that can take months. For example, some pASCs have been submitted knowingly without the required fish and wildlife surveys that cannot be conducted until the next spring, when they are required to be done. ODOE often completes this stage while also working on the Draft Proposed Order as an efficiency measure, as well as to help better identify information necessary to review the application for completeness.
Complete Application for Site Certificate (ASC)	N/A	ODOE	ORS 469.350(4) & OAR 345-015-0190 – Once ODOE has determined the applicant has submitted sufficient evidence to review each standard, it determines the application complete and notifies the applicant.
ASC	Notice to Public	ODOE	ORS 469.350(4) & OAR 345-015-0194 – The purpose of this notice is to make the public aware that the ASC has been submitted. The ASC is included on the project website and is available for review by the public but there is no comment period associated with this notice. The notice must also be published in a newspaper of general circulation available in the vicinity of the project.

ASC	Notice to Reviewing Agencies and comment period	ODOE & Reviewing Agencies	ORS 469.350(2) & OAR 345-015-0200 and 0205 – Reviewing agencies are requested to provide reports including the following which is governed by EFSC: • Recommendations on applications and permits • Significant issues • Conclusions about compliance with agency requirements • Other useful information There is no established minimum comment timeline, but the comment period is typically at least 30 days to provide adequate time to provide the required reports.
ASC	Public Information Meeting in Vicinity of Project Location	ODOE	OAR 345-015-0198 – While optional, it is frequently valuable for the applicant and ODOE to meet with those who will be living near the proposed facility to prepare them to review the application and prepare them to provide comments that are related to Council standards.
Draft Proposed Order (DPO)	N/A	ODOE	ORS 469.370(1) & OAR 345-015-0210 – The DPO is the Department's first recommendation to EFSC whether the application has adequate evidence to meet each standard. This is in the form of findings of facts, conclusions of law, and conditions of approval.
DPO	Public Notice and Comment Period	ODOE	ORS 469.370(2) & OAR 345-015-0220 – A minimum 20-day comment timeframe is required once the DPO has been issued. However, given the volume and complexity of applications and DPOs, at least 30 days is typically established to afford members of the public enough time for their review and comment submittal. During this comment period, any issue that may be included in the contested case phase must be raised with sufficient specificity to afford the council, ODOE, and the applicant and adequate opportunity to respond. The applicant is afforded the opportunity to respond to all comments after the close of the public comment period, but prior to the close of the record of the DPO. A notice must also be published in a newspaper of general circulation available in the vicinity of the project.

DPO	Public Hearing(s) in Vicinity of Project Locations	ODOE	ORS 469.370(2) & OAR 345-015-0220 – While public hearings are not required to be at a Council meeting, that has been the long-established practice to allow members of the public to testify directly to the decision makers. The public comment period typically closes a week or so after the public hearing.
DPO	Council's Review of the DPO and Comments	ODOE	OAR 345-015-0230 – After the close of the record of the DPO, the Council reviews the DPO, all comments and responses to comments submitted, and provides any thoughts or direction to ODOE related to changes to findings of facts, conclusions of law, or conditions of approval.
Proposed Order (PO)	N/A	ODOE	ORS 469-370(4) & OAR 345-015-230(2) – The PO is the Department's second recommendation to EFSC whether the application has adequate evidence to meet each standard. The findings of facts, conclusions of law and conditions of approval have been amended as necessary to respond to all comments, responses to comments and direction by the Council.
PO	Public Notice of PO and Opportunity to Request to Participate in the Contested Case	ODOE	ORS 469-370(4) & OAR 345-015-230(3) and 0403 – Public notice is provided to make the public aware of the issuance of the Proposed Order, and also to allow those who commented during the DPO comment timeframe the opportunity to request to participate in the contested case.
Contested Case	N/A	Hearing Officer	ORS 469-370(5) through (6) & OAR 345-015-0405 through 0475 – The contested case is a mandatory step and is run by a hearing officer appointed by Council. The applicant and the Department participate as parties. Eligible issues must: 1) have been raised during the DPO comment period; 2) must be within the jurisdiction of EFSC; and 3) have been provided with enough specificity to afford the applicant and EFSC the ability to respond during the DPO phase and for the Department to respond in the form of changes to findings of facts, conclusions of law, or conditions of approval in the PO. If there are no requests to participate, this step concludes quickly. This step allows for new evidence that was not submitted during DPO phase.

			If there are requests to participate, the hearing officer must run the process according to the Council's contested case rules which can include the following steps: • Informal Discovery • Motions for Discovery Orders • Motions for Summary Determination (potentially) • Written Direct Testimony • Written Rebuttal Testimony • Requests for Cross-Examination • Oral Cross-Examination Hearing • Written Closing Argument • Written Response Briefs • Hearing Officer Proposed Contested Case Order • Written Exceptions • Written Responses to Exceptions • Council Hearing on Proposed Contested Case Order and Exceptions
Final Order	N/A	ODOE	ORS 469.370(7) – Council reviews the Department's Proposed Order and the Hearing Officer's Proposed Contested Case Order (if there were parties and issues in the contested case) and issues their Final Order determining whether the applicant has submitted sufficient evidence to demonstrate they have met all applicable standards. If Council approves the request, they issue a site certificate as well, which is a binding agreement between the applicant and the State of Oregon that they will build, own, operate, and decommission the project consistent with the Final Order and all conditions of approval.
Appeal to Oregon Supreme Court	N/A	Oregon Supreme Court	ORS 469.403 – Appeals to the Supreme Court must be within 60 days of serving the Final Order on parties to the Contested Case step. Only issues that were evaluated in the Contested Case step are eligible for review by the Oregon Supreme Court. If no issues were raised, there is no opportunity for appeal.

Comparison to Local Land Use – Most utility scale energy projects are proposed in Exclusive Farm Use zoned lands and are within the jurisdiction of counties, so this subsection focuses on those projects. ORS 215.213 and 215.283 establish which uses are allowed in the county and by what review processes. Uses are broadly broken down into two categories. The first category, or Sub(1) uses, mandates

very limited procedural and substantive review requirements. This is the process a county uses to review a transmission line if the towers are less than 200 feet in height. This review process is further described in the Transmission Line Projects Section below.

Sub(2) uses include energy generation projects and transmission lines if the towers are over 200 feet in height which are subject to the LCDC conditional review use substantive requirements, any additional substantive requirements adopted by the local government and the quasi-judicial procedural requirements of ORS 197.797.

Table 3 – Local Land Use Sub(2) Review Steps

Step	Sub-Step	Responsible Party	Description & Analysis
Pre-Application Conference	N/A	County	While this is not a statutorily required step, some local governments include a mandatory or optional pre-application conference and invite applicable agencies to meet with a prospective applicant to provide their initial thoughts on the applicant's general proposal.
Preliminary Application Submittal (PAS)	N/A	Applicant	ORS 215.427 – Includes the evidence required by the applicant to prove they meet each standard.
PAS	Notice to Agencies	County	ORS 215.446(6) – For most utility scale renewable energy projects, the County is obligated to provide notification to the following: • The State Department of Fish and Wildlife (ODFW); • The State Department of Energy; • The State Historic Preservation Officer; • The Oregon Department of Aviation; • The United States Department of Defense; and • Federally recognized Indian Tribes that may be affected by the application.
PAS	Completeness review	Applicant & County	ORS 215.427 – The County has 30 days to review an application for completeness and either determine it complete or provide information about what is missing to the applicant. If an applicant does not provide the required information and does not state they wish to move forward with what was submitted, the application expires on the 181st day after being submitted.

Complete Application	N/A	County	ORS 215.427 – Once the County has determined the applicant has submitted sufficient evidence for review, it determines the application complete and notifies the applicant.
Staff Report (SR)	N/A	County	ORS 197.797 – Evaluates the application against requirements.
SR	Public Notice and Comment Period	County	ORS 197.797(3) – A minimum 20-day notice prior to any evidentiary hearing. The application and the staff report must be available for inspection at the date of notice.
Initial Decision (ID)	N/A	County	ORS 197.797(5) – Most renewable energy projects in Eastern Oregon counties are initially reviewed by a Planning Commission. However, some specific counties could have the initial review done by a hearing officer or the Planning Director.
ID	Evidentiary Hearing	Varied	Presentation of the staff report with the recommended findings and conditions presented by staff. The applicant has an opportunity to comment and provide additional evidence. Members of the public are also allowed to comment and provide evidence. However, failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.
ID	Decision	Varied	ORS 197.797(6) – Typically, the hearing officer or Planning Commission makes their decision at the conclusion of the hearing. However, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application prior to the closing of the hearing and their request must be granted.
Appeal	N/A	N/A	Appeals are limited to those who timely commented and provided sufficient evidence related to the basis of their appeal.
Appeal	Appeal of Initial County Decision	County	ORS 215.422 – Unless the County Ordinance defers the final local land use decision to the Planning Commission or a hearing officer, the first appellate opportunity is to the County Board of Commissioners. ORS 215.427 – The final local land use decision, including any appeal to the County Board of Commissioners, must occur within 150 days of deeming the application complete.
Appeal	Appeal of Final County Decision	Land Use Board of Appeals	ORS 197.825 & 830 – The first appellate step from the local government, must be filed withing 21 days of final decision. Timing is subject to the LUBA docket.

Appeal	Appeal of Land Use Board of Appeals Decision	Court of Appeals	ORS 197.825 – The second appellate step, subject to the Appellate Court docket
Appeal	Appeal of Court of Appeals Decisions	Oregon Supreme Court	The final appellate step. Timing is subject to the Supreme Court docket.

Comparison to NEPA – There are three types or NEPA reviews:[22]

- Categorical Exclusion – A federal action may be "categorically excluded" from a detailed environmental analysis when the federal action normally does not have a significant effect on the human environment.
- Environmental Assessment (EA) – The EA determines whether a federal action has the potential to cause significant environmental effects, specifically whether an Environmental Impact Statement (EIS) is required. Generally, the EA includes a brief discussion of:
    - The purpose and need for the proposed action
    - Alternatives
    - The environmental impacts of the proposed action and alternatives
    - A listing of agencies and persons consulted.

  Based on the EA, the following actions can occur:
    - If the lead agency determines that the action will not have significant environmental impacts, the agency will issue a Finding of No Significant Impact (FONSI). A FONSI is a document that presents the reasons why the agency has concluded that there are no significant environmental impacts projected to occur upon implementation of the action.
    - If the EA determines that the environmental impacts of a proposed Federal action will be significant, an Environmental Impact Statement is prepared.
- Environmental Impact Statement (EIS) – An EIS is required if a proposed major federal action is determined to significantly affect the quality of the human environment. The basic steps are included below.

[22] https://www.epa.gov/nepa/national-environmental-policy-act-review-process

Table 4 – EIS Review Steps[23]

Step	Sub-Step	Responsible Party	Description & Analysis
Notice of Intent (NOI)	N/A	Lead Federal Agency	Informs the public, affected federal, state, and local agencies, and Tribal governments of the upcoming environmental analysis and describes how to be involved in the EIS preparation.
NOI	Published in Federal Register	Lead Federal Agency	The NOI is published as soon as practicable after the agency determines that the proposal is sufficiently developed to allow for meaningful comment on alternatives, information, and issues.
NOI	Scoping	Lead Federal Agency	The purpose of scoping is to define the range of issues and potential alternatives to be addressed in the EIS. The extent of scoping is determined by the lead federal agency. For agencies and governments, this could include establishing them as cooperating agencies and engaging them to review materials and provide feedback. For the public, this could include any combination of in-person meetings, virtual meetings, workshops and written comment periods.
Draft EIS (DEIS)	N/A	Lead Federal Agency	Includes: • A Purpose and Need statement describing the proposal. • Reasonable alternatives of meeting the purpose and need of the proposal. • A no-action alternative • The lead agency's preferred alternative

[23] A Citizens Guide to NEPA - https://ceq.doe.gov/docs/get-involved/citizens-guide-to-nepa-2021.pdf

			• Impacts of all alternatives including: ecological, aesthetic, historic, cultural, economic, social and health. • Potential mitigation options for adverse environmental impacts • Summary of comments submitted during scoping
DEIS	Published	Lead Federal Agency	The DEIS is published on the agency's website and in the federal register.
DEIS	Notice	Lead Federal Agency	Notice is done at the discretion of the agency and can include websites, local paper, or other means
DEIS	Review	Public	Public review and comment requires a minimum of 45 days.
Final EIS (FEIS)	N/A	Lead Federal Agency	Changes are made to the DEIS based on comments and further analysis. Additionally, a summary is included that identifies all relevant alternatives, information, and analyses submitted by commentors.
FEIS	Published	Lead Federal Agency	The FEIS is published on the agency's website and the federal register.
FEIS	Wait period	Lead Federal Agency	Typically, the agency has a minimum 30 day wait period after issuing the FEIS before issuing the Record of Decision.
Record of Decision	N/A	Lead Federal Agency	The agency's formal decision that a proposed action is the best available alternative after considering environmental impacts. It does not create an irrevocable commitment to proceed. It is a decision document, not a binding contract, and agencies retain the authority to change course if circumstances change. Changes in circumstances can include new information, project or mitigation changes not included in the Record of Decision, and may cause the lead federal agency to cancel the project or require supplemental review.

			Must be within 2 years of the filing of the NOI
Supplemental EIS	N/A	Lead Federal Agency	An agency must prepare a supplement to either a draft or final EIS if the proposed action has not been completed and the agency makes substantial changes in the proposed action that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
Compliance with applicable environmental laws and regulations identified in the EIS	Implementation	Lead Federal Agency	Requires completion of any required studies and documents pending final approval after the Record of Decision is issued. Documented compliance with all applicable environmental laws is required if not completed in the EIS phase. This can include completion of compliance requirements per the National Historic Preservation Act and Section 106 requirements. Also required in this phase is evidence of obtaining all required permits prior to implementing the action. Any mitigation measures must be implemented and environmental monitoring and reporting of environmental impacts is required.

For the Boardman-to-Hemingway 500 kV Transmission Line Project, the initial Notice of Intent was submitted to the Bureau of Land Management and ODOE in August 2008. After receiving concerns about the proposed route locations, the applicant sought additional input on route locations and resubmitted the Notice of Intent in July 2010. The Record Decision was issued in November 2017. Please see the Boardman-to-Hemingway Transmission Line Review Chronology subsection in the Transmission Line Projects Section below for more detail.

Compliance – As previously stated in the History Section above, ORS 469.310 establishes the policy that energy projects, as defined, must be constructed and operated "in a manner consistent with protection of the public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state." ORS 469.430 further establishes the authority to review and inspect each project to ensure compliance with the terms and conditions of its site certificate. While this compliance authority is consistent with other regulatory programs, most do not have the resources to ensure that what is approved gets constructed, operated, or decommissioned consistent with the approval. For ODOE's Siting Program, ORS 469.421(5) establishes funding to ensure that all facilities remain in compliance throughout their entire lifecycle in the following ways:

- Pre-construction conditions review – This review requires verification of specific conditions prior to any ground-disturbing activity, such as submittal of a bond or letter of credit for the amount to decommission what is being constructed.
- Construction condition review – This review requires verification that the facility is being constructed consistent with the approval and requires frequent onsite inspections. Large scale renewable energy projects often cause physical disturbances to agriculture and habitat, and construction contractors make more profit the faster and cheaper they construct a facility. If there is not consistent and timely oversight during the construction phase, there is potential for long term impacts. For example, ODOE Compliance staff have seen unmitigated soil disturbances leading to run-off into waters of the state, significant over-drawing of wells in critical ground water areas, and incursion into protected wildlife resources buffers.
- Annual Operational Review – By April 30 of each year, certificate holders must submit an annual report for the prior calendar year documenting how the facility is being operated consistent with the approval. In addition to reviewing the submitted materials, this typically involves ODOE staff having multiple check-in meetings with the certificate holder prior to submittal and during review, as well as an on-site inspection. One noteworthy element of the annual review is the requirement for the facility to update its bond or letter of credit for inflation. Another is ensuring that the disturbance area is mitigated, and the certificate holder is managing that area to prevent noxious weed proliferation.
- Retirement/Decommissioning review – When a facility is ready to be decommissioned, the certificate holder must submit a decommissioning plan that is reviewed by the Council and subject to public comment. Once approved, the facility must be decommissioned to restore the site to a useful non-hazardous state. If a site certificate holder is unable to decommission the facility, EFSC will utilize the bond or letter of credit to decommission the facility on their behalf.
- Incidents – Certificate holders are required to provide notification with specified times of issues that occur at the facility, such as fire or personnel injuries. The majority of these do not constitute violations of conditions of approval.
- Violations – When a facility is being constructed or operated inconsistent with conditions of approval or the facility description or facility location, this constitutes a violation. These are typically self-reported and Siting Program staff work with the certificate holder to resolve these to bring the facility in compliance. On rare occasions, a violation is significant enough, or the site certificate holder is not sufficiently responsive enough in resolving the violation, that a Notice of

Violation will be issued. This establishes a prescriptive process[24] that can include classification of the violation, an enforcement conference, civil penalties, a contested case proceeding and ultimately revocation or suspension of the site certificate if the issue is not resolved.

- Requests for Inspection – As a way to ensure the construction, operation, and decommissioning of a project is open and transparent to the public, any person is authorized to request the Department to inspect a facility[25] if they believe there is or will imminently be a violation of the Council's Final Order or specific condition.

Should the Council require the assistance of a reviewing agency to help evaluate and inspect a facility for compliance, they are authorized to provide reimbursement for that work.[26]

Comparison to Local Land Use – Counties are not explicitly obligated to ensure compliance with land use decisions. Siting program staff are aware of some counties that have sufficient compliance resources to be complaint driven but have not seen counties with enough resources to undertake consistent, proactive compliance activities.

Comparison to NEPA – The actions, terms, and conditions stated in the record of decision are enforceable by federal agencies and private parties. The ROD can be used to compel compliance with or execution of mitigation, monitoring, and enforcement measures identified therein (40 CFR 1505.3). Once the ROD has been issued, the Lead Agency Official for the NEPA review remains responsible for overseeing and demonstrating compliance with the ROD and all applicable requirements. As of February 25, 2025, the Council on Environmental Quality rescinded its long-standing NEPA implementing regulations, meaning agencies now follow their own NEPA rules or guidance.[27] CEQ now serves more of an advisory role to federal agencies on NEPA compliance.

Rulemaking

Authority – ORS 469.470 authorizes Council to adopt standards and rules to perform their functions that are vested by law, including the adoption of standards and rules for the siting of energy facilities.

OAR 345-001-000 provides some direction to Council regarding rulemaking, but largely refers to the Oregon Secretary of State's rulemaking statutes in ORS 183.325 to 183.410, which applies to all agencies, boards, and commissions that have rulemaking authority.

EFSC Rulemaking Project Steps – A typical Council rulemaking project includes the following steps:

- Informal Rulemaking
  - Council approves initiation of informal rulemaking with scope, early public input, and timeline at a Council meeting
  - Staff seeks early public input, typically in the form of a Rulemaking Advisory Committee (RAC)
  - Staff drafts propose rules based on public input received
- Formal Rulemaking

[24] OAR 345-029
[25] OAR 345-026-0050(2)
[26] ORS 469.430(3)
[27] https://www.federalregister.gov/documents/2025/02/25/2025-03014/removal-of-national-environmental-policy-act-implementing-regulations

- Staff provides draft proposed rules to Council at a Council meeting and they either approve to move forward, approve to move forward with changes, or decide not to move forward
- Staff files proposed rules with Secretary of State
- Staff provides required notice
- Council holds a public hearing at a Council meeting
- Council approves final rules at a Council meeting
- Staff files permanent rules with Secretary of State
- Staff provides required notice of final rule adoption

Past EFSC Rulemaking Program – ODOE administers rules that are separate from EFSC rules and are adopted under the authority of the Department's Director. Prior to 2013, ODOE maintained a centralized rulemaking function in which Rulemaking Coordinators provided procedural support for all ODOE and EFSC rulemaking projects. Subject matter expertise for individual rulemakings was provided by staff from the relevant program areas. For EFSC rulemakings, this meant that projects could generally move forward only when Siting Division staff had sufficient capacity to serve as subject matter experts for the rulemaking effort.

The Secretary of State rules encourage early input from interested groups and individuals[28] and public hearings, but neither are required. The latter is only required if requested based on specific circumstances.[29] A review of pre-2013 EFSC rulemaking projects found that while there was occasional early input sought from interested groups and individuals, no RACs were used. Additionally, while rulemaking hearings typically occurred, they were never held in front of the Council.

Current Rulemaking Program – Since 2013 key changes have been made to the rulemaking program:

- Rulemaking Coordinator Position – The Siting Division has its own dedicated Rulemaking Coordinator rather than relying on the availability of an ODOE centralized Rulemaking Coordinator and the availability of a Siting Division staff member who has subject matter expertise in the rulemaking project. This allows that person to be an expert in all Council's statutes and rules and to quickly become the subject matter expert in all rulemaking projects, with the assistance of other staff.
- Annual Rulemaking Prioritization – At the end of every calendar year, the Council's Rulemaking Coordinator drafts the next calendar year's proposed rulemaking project list after seeking internal feedback, and presents that to Council during a Council meeting. Prior to the Council making a final decision on the forecasted rulemaking calendar, there is a specific public comment period for that agenda item to seek input from any interested groups and individuals on their thoughts, ideas, and recommendations for the next year's rulemaking calendar.
- Early Outreach – Interested groups and individuals in the EFSC process are diverse and often have contradictory opinions on what EFSC's rules should say and allow. These interested groups and individuals include but are not limited to:
  - Tribal governments
  - Applicants for and holders of cite certificates
  - Advocacy groups for applicants and cite certificate holders

[28] ORS 183.333
[29] ORS 183.335(3)(a)

- Members of the public who live in proximity to proposed and existing projects
- Natural resource advocacy groups
- State agencies
- Local governments
- Federal agencies

For most rulemaking projects, the Rulemaking Coordinator requests the Council appoint a RAC representing these interests. Most RACs include 2-3 meetings where the Rulemaking Coordinator first seeks general input, then more specific input on draft rules before requesting authorization to submit draft rules to the Secretary of State and begin the formal rulemaking process. Importantly, because of the diversity of participants and their likely conflicting ideas, consensus is not the forecasted outcome of any RAC. Rather, the RAC is designed to allow the Rulemaking Coordinator to hear a diversity of interests and opinions before recommending draft rules to EFSC.

- Public Hearing in front of EFSC: Another important change is that—unless a rulemaking project is considered so minor that minimal interest is forecasted—public hearings occur in front of Council. This allows Council, the ultimate decisionmakers, to directly hear comments on the draft rules.
- These changes in the rulemaking program better align the process with environmental justice and equitable practices to include fair treatment and meaningful involvement in decision making.

Local Land Use – For a local government to adopt or amend their comprehensive plan or land use ordinances, in addition to any local requirements, they must follow the LCDC Post Acknowledgement Plan Amendment process.[30] The following are the typical steps: (*LCDC requirements in Italics*)

- *Notice to the Department of Land Conservation and Development (DLCD) 35 days prior to holding the first evidentiary hearing.*
- *DLCD must provide notice to persons who have requested such notice within 15 days of receiving notice by the local government.*
- *DLCD must provide notice to the local government at least 15 days prior to the first evidentiary hearing if it determines whether the changes are not in compliance with land use statutes or statewide land use goals.*
- Public Hearing in front of Planning Commission regarding proposed changes.
- Recommendation of Planning Commission to County Commissioners.
- Notice to those who participated in the Planning Commission Hearing.
- County Commission hearing to review and possibly adopt changes recommended by Planning Commission. No sooner than 20 days after notice is provided.
- *Local government provides notice to DLCD within 20 days after the proposed changes are adopted.*

NEPA – Section 102 in Title I of NEPA requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies are to prepare detailed statements assessing the

[30] ORS 197.610 - OAR 660 Division 18.

environmental impact of and alternatives to major federal actions with the potential to significantly affect the environment.

The Council on Environmental Quality was created in 1970 to develop regulations for the implementation of NEPA and assist federal agencies in NEPA compliance. The CEQ issued the implementing guidelines for federal agency NEPA compliance in 40 CFR Part 1500-1508. As of February 25, 2025, CEQ rescinded its long-standing NEPA implementing regulations, meaning agencies now follow their own NEPA rules or guidance. Consistent with this, each federal agency has developed its own NEPA procedures in its own implementing section of Code of Federal Regulations (CFRs).

Renewable Energy Projects

Authority

ORS 469-300(12)(a) is the definition of an "Energy Facility" and establishes the size of state jurisdictional renewable energy projects.

- Solar photovoltaic power generation facilities – As projects that occupy significant swaths of land and are surrounded by tall fences, larger facilities traditionally are under state jurisdiction, while smaller facilities are permitted by counties. Over the last decade, the legislature has increased the size of projects permitted at the county level, responding to developers who hoped this would move projects forward more quickly. Prior to HB 2820 in the 2013 legislative session, the thresholds for state jurisdiction were anything over 100 acres. Table 5 below shows how solar jurisdictional thresholds have changed over time.

Table 5 – Solar Photovoltaic Power Generation Facility State Jurisdictional Threshold Changes

Agricultural Capability	Pre-2013	After 2013 HB 2820	After 2019 HB 2329	After 2023 HB 3179
High Value Farmland	>100 Acres	>100 Acres	>160 Acres	>240 Acres
Predominantly cultivated land	>100 Acres	>100 Acres	>1,280 Acres (2 square miles)	>2,560 Acres (4 square miles)
Other land	>100 Acres	>320 Acres	>1,920 Acres (3 square miles)	>3,840 Acres (6 square miles)

- Wind energy power generation facilities – The thresholds for these projects are megawatts rather than acreage because they occupy relatively small footprints in terms of direct land use. Unlike solar facilities, wind facilities are typically sited and constructed to minimize impacts to agriculture uses. However, individual wind turbine production capabilities and the associated heights have increased over time from 662 KW (242 feet high) in 2002, to currently over 4 MW (greater than 600 feet high). The thresholds for wind facilities are somewhat complicated. The statute referenced above provides the threshold for the average electrical generating capacity, which is the peak or nameplate capacity of the combination of all proposed wind turbines divided by the

factor included in the "Average electric generating capacity[31]" definition (which is 3) based on the idea that these facilities produce power about a third of the time. Similar to the solar thresholds, the wind thresholds have changed over time, increasing the size of projects permitted at the local level.

Table 6 – Wind Power Generation Facility State Jurisdictional Threshold Changes

Capacity	Pre-2019	After 2019 HB 2329	After 2025 HB 3874
Average Capacity	35 MW	50 MW	100 MW
Peak or Nameplate Capacity	105 MW	150 MW	300 MW
Number of turbines based on 2.5 MW Nameplate Capacity and 500 feet in height	42	60	120

- Geothermal energy facility – To date, the Siting Program has only reviewed two Geothermal Projects, both in the early 2000s. One was approved and never constructed and the second withdrew during the review process. Like the wind energy facility thresholds, geothermal projects have a MW threshold based on average electrical generating capacity, but the capacity factor is 1.11 instead of 3.

Table 7 - Geothermal Generation Facility State Jurisdictional Threshold Changes

Capacity	Pre-2019	After 2019 HB 2329
Average MW	35	50
Peak or Nameplate MW	38.85	55.5

- Battery Energy Storage Systems – While a standalone battery energy storage system (BESS) is not state jurisdictional, HB 4015 in 2024 added a statutory provision that allows developers to opt in to state jurisdiction and counties to defer jurisdiction.[32] To date, no standalone BESS projects have opted into state jurisdiction. Although it has not reviewed any standalone projects, EFSC has extensive experience in reviewing BESS projects as related and supporting facilities to wind and solar projects, with nearly 8 GW of BESS components associated with active Siting Program projects.

Wind Energy Standards

In addition to the 16 standards described in the Siting Program Overview Section above, the following are specific to wind energy generation projects:

- Public Health and Safety Standards for Wind Energy Facilities.[33] These require designing, constructing, and operating the facility to: 1) exclude members of the public from close proximity

[31] ORS 469.300(4)
[32] ORS 469.320(8)
[33] OAR 345-024-0010

to turbine blades and electrical equipment; and 2) preclude structural failure of the tower and blades and related have safety devices and procedures.

- Cumulative Effects Standards for Wind Energy Facilities.[34] These require designing and constructing the facility to reduce cumulative adverse environmental effects by practicable measures such as: 1) using existing roads and minimizing the creation of new roads; 2) using underground transmission lines; 3) connecting the facility to existing substations; 4) reducing the risk of injury to raptors and other vulnerable wildlife; 4) minimizing adverse visual features; and 5) using the minimum amount of lighting, except as is necessary for aviation safety.

Timelines

The following rule and statutes related to Siting Program timelines.

- OAR 345-015-0160(5) establishes a 140-day timeline for the Department to issue the Project Order after the Notice of Intent is submitted by an applicant. As shown in Table 8 below, the Department completes this step on average 36 days faster than the statutory deadline.
- ORS 469.370(9)(d) establishes a 12-month timeframe from complete application to a final decision. As shown in Table 8 below, the Department completes this on average 59 days faster. For projects where there are no parties to a Contested Case, the Department completes this on average 178 days faster. For projects where there are parties to a contested case, it takes an average of 431 days longer. However, in recognition that the number of parties and issues in the contested case step can greatly increase the time of that step, ORS 469.370(11) states that failure to issue a final decision within this timeframe does not result in the automatic issuance or denial of a site certificate.
- ORS 469.370(5), which is a more recently updated statute, states the Council shall make every effort to conclude the contested case and issue a final order within 12 months from the date of the Proposed Order. As shown in Table 8 below, the Department completes this on average 216 days faster. For projects where there are no parties to a Contested Case, the Department completes this on average 322 days faster. For projects where there are parties to a contested case, it takes an average of 211 days longer.

Table 8 – Renewable Energy Project Original Application Average Timelines

Step	Responsible Party	Average # of Days
Notice of Intent Submittal to Project Order Issuance	ODOE	104
Notice of Intent Submittal to Preliminary Application Submittal*	Applicant	375
Preliminary Application submittal to Complete Application determination	Applicant	303
Complete Application determination to Draft Proposed Order issuance	ODOE	83
Draft Proposed Order issuance to Proposed Order issuance	ODOE	79
Proposed Order issuance to Contested Case conclusion (projects without a full Contested Case)	Hearing Officer	26
Proposed Order issuance to Contested Case conclusion (projects with a full Contested Case)	Hearing Officer	427

[34] OAR 345-024-0015

Proposed Order issuance to Contested Case conclusion (all projects)	Hearing Officer	106
Complete Application to Final Order (projects without a full Contested Case)	Multiple	187
Complete Application to Final Order (projects with a full Contested Case)	Multiple	795
Complete Application to Final Order (all projects)	Multiple	308
Proposed Order issuance to Final Order (projects without a full Contested Case)	Multiple	43
Proposed Order issuance to Final Order (projects with a full Contested Case)	Multiple	576
Proposed Order issuance to Final Order (all projects)	Multiple	149
Preliminary Application to Final Order (projects without a full Contested Case)	Multiple	457
Preliminary Application to Final Order (projects with a full Contested Case)	Multiple	1,186
Preliminary Application to Final Order (all projects)	Multiple	603
Final Order to beginning construction	Certificate Holder	1,325

*This number will increase because if the current solar projects with Notices of Intent, but not preliminary Applications for Site Certificate (pASC), submitted all of their pASCs in early May 2026, their average would be 530 days.

Renewable Energy Projects Overview

There is a lot of variation in what happens to projects that start Siting Program review. Some never submit an application after they submit a Notice of Intent. Some withdraw after submitting an application. For those that are approved, some construct everything that was approved. But as indicated in Table 8 above, the average timeline from Council decision to beginning construction is over 3.5 years. Others only construct a portion of what was approved. Others amend projects to add significant amounts of additional generation capacity. And several have split the project into one or more projects. Table 9 below provides an overview of the status of all state jurisdictional renewable energy projects.

Another report is underway on the barriers faced by proposed clean energy facilities that receive a site certificate but are not built or under construction. Like this report, ODOE is developing the forthcoming Report on Reducing Barriers to Clean Energy Deployment to comply with EO 25-29.

Table 9 – Status of All Renewable Energy Projects

Generation Status	Wind MW	Solar MW	Geothermal MW	Hydro MW	Battery MW	Total MW (not including battery)	Solar Acreage/Sq. Miles
Active	**Active**	**Active**	**Active**	**Active**	**Active**	**Active**	**Active**
Operational	2,919	412	-	-	56	**3,331**	4,633/7.15
In Construction	0	41	-	-	-	**41**	1,228/2.0
Approved But Not Built - Approval Still Valid	440	2,851	-	-	2,368	**3,291**	27,845/43.36
Under Review	1,378	5,234	-	-	5,543	**6,612**	47,038/73.49
Subtotal	***4,737***	***8,538***	**-**	**-**	***7,967***	**13,275**	**80,744/126**
Inactive	**Inactive**	**Inactive**	**Inactive**	**Inactive**	**Inactive**	**Inactive**	**Inactive**
Approved But Not Built - Approval Expired & Site Certificate Terminated	1,214	120	35	-	70	**1,369**	1,122/1.75
Decommissioned	-	-	-	-	-	**-**	-
Denied	-	-	-	80	-	**80**	-
Request Withdrawn, Expired Prior to Final Decision	2,646	2,460	180	200	2,701	**8,187**	25,743/40.12
Subtotal	***3,860***	***2,580***	***215***	***280***	***2,771***	***9,636***	**26,865/41.87**
Total	**8,597**	**11,118**	**215**	**280**	**10,738**	**22,911**	**107,609/167.87**

Appendix A – Status of Renewable Energy Projects provides a more detailed description of the projects that make up the numbers in Table 9.

Transmission Line Projects

Authority

ORS 469-300(12)(a) is the definition of an "Energy Facility," which establishes EFSC's jurisdiction over transmission line projects at:

- 230 kV or greater; and
- More than 10 miles in length; and
- To be constructed in more than one city or county in this state.

However, that same definition excludes projects that meet the three threshold requirements above from state jurisdiction if they meet one of the following:

- Proposed entirely within 500 feet of an existing corridor occupied by high voltage transmission lines with a capacity of 230kV or more.
- Projects that are 57kV or more are rebuilt and upgraded to 230 kV along the same right of way.
- Associated transmission lines.

Transmission Line Standards

The same 16 standards described in the Siting Program Overview Section above apply to transmission line projects. Additionally, the following standards, which align with environmental justice and equitable practices, are specific to transmission line projects:

- Need for Facility.[35] Unlike generating facilities, linear facilities must establish a need for the project. For transmission lines, there are two ways to prove a project is needed.
    - Least Cost Plan Rule. This rule requires a demonstration that the capacity of the proposed facility is identified for acquisition in the short-term plan of action of an energy resource plan or combination of plans adopted, approved, or acknowledged by a municipal utility, people's utility district, electrical cooperative, other governmental body that makes or implements energy policy, or electric transmission system operator that has a governance that is independent of owners and users of the system and if the energy resource plan or combination of plans meet certain criteria.
    - The Council is required to accept the identification of a facility for acquisition in the short-term plan of action in a plan acknowledged by the Oregon Public Utility Commission as evidence demonstrating compliance with this rule.
    - System Reliability Rule. This rule requires a demonstration of the following:
        - The facility is needed to enable the transmission system of which it is to be a part to meet firm capacity demands for electricity or firm annual electricity sales that are reasonably expected to occur within five years of the facility's proposed in-service date based on weather conditions that have at least a 5 percent chance of occurrence in any year in the area to be served by the facility;

[35] OAR 345-023-0005 through 0030

  - The facility is consistent with the minimum operating reliability criteria contained in the Western System Coordinating Council Bulk Power Supply Program 1997-2007, dated April 1, 1998, as it applies either internally or externally to a utility system; and
  - Construction and operation of the facility is an economically reasonable method of meeting the requirements of the first two requirements compared to the alternatives evaluated in the application for a site certificate.

- Siting Standards for Transmission Lines.[36]
  - Induced Currents. Transmission lines are capable of electrically charging surrounding objects that when touched by a person could produce a harmful shock. This standard requires designing, constructing, and operating a transmission line to minimize induced currents and protect public health and safety.
  - Electromagnetic Fields. While there is no scientific proof that electromagnetic fields are harmful to humans or animals, there continues to be concern that future studies may determine they are harmful. This standard requires designing, constructing, and operating a transmission line so that the alternating current fields do not exceed 9kV per meter above the ground surface in areas accessible to the public as a safe harbor approach.

Local Land Use – The standards can vary greatly based on the zoning.

- Farm Zone
  - Towers are less than 200 feet high. These are a Sub(1) use in ORS 215.213 and 215.283 and counties may only apply the requirements in ORS 215.275 which include: 1) proving the transmission lines are necessary for public service; and 2) ensuring the developer restores the disturbed site to its former condition.
  - Towers over 200 feet high. These are a Sub(2) use in ORS 215.213 and 215.283 and counties must review these through all the required LCDC statute and rule directly applicable requirements in addition to any conditional use review requirements adopted by the county doing the review.
- Forest Zone – Per OAR 660-006-0025(4)(r), counties must review new electric transmission lines with a right of way up to 100 feet through all the required LCDC statute and rule directly applicable requirements in addition of any conditional use review requirements adopted by the County doing the review. For transmission lines with a right of way that exceeds 100 feet, an exception to Statewide Planning Goal 4 (Forest Land) is also required.
- Other Zones – There too many variations in other city and county zoning designations to include here.

NEPA – The NEPA process for transmission lines is not a single approval by a single federal agency. Generally, the BLM is typically the lead federal agency for transmission lines on federal lands. U.S. DOE is the lead for DOE-funded projects.

[36] OAR 345-024-0090

Transmission Line Review Processes

For state jurisdiction transmission line projects, the same process in the Siting Program Review Steps subsection above apply.

Local Land Use –

- Farm Zone
  - Towers are less than 200 feet high. As previously stated, these are a Sub(1) use in ORS 215.213 and 215.283 the review process for these types of uses include:
    - Submittal of application
    - Review for completeness
    - Decision by the County
    - Notice to the applicant/landowners
    - Opportunity for appeal by applicant/landowners
  - Towers over 200 feet high. Because these are Sub(2) use in ORS 215.213 and 215.283, the conditional use review steps that are included in the Siting Program Review Steps subsection above apply.
- Forest Zone – All transmission line projects are subject to the conditional use review steps included in the Siting Program Review Steps subsection above.
- Other Zones – There too many process variations in other city and county zoning designations to include here.

NEPA – For transmission lines, because these types of projects can span multiple jurisdictions and involve multiple federal lands and agencies, the review process requires extensive coordination by the lead federal agency. The NEPA review is completed by the lead federal agency (usually the U.S. Department of Energy but depending on circumstances could be the BLM or US ACOE), however, other federal agencies involved ("cooperating agencies") will review specific environmental or cultural impacts assessments, such as for compliance with the National Historic Preservation Act, Clean Water Act, Endangered Species Ace, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and may require review by the Federal Energy Regulatory Commission. Under the National Environmental Policy Act (NEPA), a cooperating agency is any federal agency other than the lead agency that has jurisdiction by law or special expertise with respect to an environmental impact involved in a proposed project or alternative. The lead federal agency is responsible for coordinating this inter-agency review for the NEPA. State and Local agencies will also conduct their respective reviews for non-federal lands in their respective jurisdictions and will be included and considered in the lead federal agency's NEPA review.

Note: New NEPA interim guidance from DOE on transmission lines was issued in January 2025. Available at: https://www.energy.gov/nepa/articles/interim-guidance-nepa-reviews-electric-transmission-projects-january-2025

Transmission Line Projects Overview

Transmission line projects can be very complicated. They often cross: numerous jurisdictions with varied land use requirements; private properties, many of which are not willing sellers of easements and therefore require the use of eminent domain; and types of important natural and human resources that can be difficult to avoid. Most transmission line projects result in new and temporary roads outside of the right of way of the transmission line to construct and maintain it. These road distances mostly extend outside of the transmission line right of way, exceed the length of the line, and can also result in significant impacts on important resources. To date there have only been six state jurisdictional transmission line projects proposed, which are described in Table 10 below.

Table 10 – State Jurisdictional Transmission Line Projects

Project Name	Description	Oregon County(s)	Company	Status/Notes
Eugene to Medford	• 500 kV • 146 miles from Meridian Substation near Medford to Spencer Switching Station south of Eugene • Crossing 80% private land and 20% federal land	Lane, Douglas, and Jackson	PacifiCorp	• Approved in 1981 and operational • 3 Amendments approved • Amendment 4: ○ January 2018 – amendment request submitted. ○ Request: 1) Add approximately 488 acres to the site boundary; 2) replace an existing 115 kV transmission line with a new 17.6-mile 230/115 kV double-circuit transmission line; 3) construct and operate a new 500/230 kV substation; 4) reconductor a 4.9-mile segment of existing 230 kV transmission line; and 5) make temporary improvements to existing access roads. ○ Department completed Draft Proposed Order except for Historic, Cultural and Archeological Resources standard because PacifiCorp was relying on Federal Section 106 of the National Historic Preservation Act review to provide evidence for this standard. ○ October 2022 – PacifiCorp requested amendment be put on hold pending Federal Section 106 review and agreement by Tribal participants.

				○ April 2024 – PacificCorp withdrew amendment because they could not resolve Tribal cultural resource concerns.
Boardman-to-Hemingway	• 500 kV • 300 miles from proposed Longhorn Substation in Boardman to Hemingway Substation near Melba, Idaho • Approximately 1,300 towers up to 195 feet high • Over 200 miles of new permanent roads and improvements to over 200 miles of existing roads • Temporary construction laydown areas, helicopter fly yards and wire pulling sites • 250 – 500 feet wide right of way • Four alternative route segments Crossing 66% private land, 32% state land and 1% federal lands	Morrow, Umatilla, Union, Baker, and Malheur	Idaho Power Corporation (IPC)	• Approved in 2022 and in construction • Project is also federal jurisdictional: ○ Bureau of Land Management – NEPA lead federal agency ○ Forest Service – Special Use Authorization ○ Bureau of Reclamation – Special Use Authorization ○ Navy – Use of Reclamation Managed Lands See Boardman-to-Hemingway Transmission Line Review Chronology below for more details.
Cascade Crossing	• 500 kV • 215 miles from Coyote Springs Substation in Boardman to Bethel Substation in Salem • Approximately 603 towers not exceeding 200 feet high • 250 feet right of way • Four new substations • Temporary construction laydown areas, helicopter fly yards and wire pulling sites	Morrow, Gilliam, Sherman, and Wasco	Portland General Electric	• Notice of Intent submitted May 2010. Frequent coordination meetings occurred between applicants, reviewing authorities and reviewing agencies through submittal of application. • Application submitted January 2013 • Application withdrawn June 2013 • Project was also federal (Forest Service) and Tribal (Confederated Tribes of the Warm Springs) jurisdictional
Cascade Renewable	• Up to 400 kV	Wasco, Hood River	Power Bridge,	• Notice of Intent submitted March 2023.

Transmission System	• 100 miles from Big Eddy Substation in The Dalles to Harborton Substation in Portland, primarily in the bed of the Columbia River • Trenched approximately 2 feet wide and 10 feet deep using a hydro-jet technique	& Multnomah	Sun20, and NextEra	• Application submitted February 2026. Currently being reviewed for completeness. Project is also federal (Army Corps of Engineers) and State of Washington (Energy Facility Site Evaluation Council) jurisdictional. Frequent coordination meetings occur between applicant, reviewing authorities, and reviewing agencies.
Lone Pine to Whetstone	• 230 kV • 10 – 12 Miles from Line Pine Substation near Medford to Whetstone Substation near White City Approximately 140 towers not exceeding 130 feet high	Jackson	PacifiCorp	• Notice of Intent submitted April 2023. After the public comment period on the Notice of Intent PacifiCorp changed the project design to no longer be state jurisdictional
Umatilla-Morrow County Connect Project	• 230 kV • 14 Miles from Line Pine Substation near Medford to Whetstone Substation near White City • Approximately 101 towers not exceeding 150 feet high • 75 – 150 feet right of way Four route alternatives	Morrow and Umatilla	Umatilla Electric	• NOI submitted September 2023 • Application submitted May 2025. Currently being reviewed for completeness.

Boardman-to-Hemingway Transmission Line Review Chronology

Table 11 – Boardman-to-Hemingway Joint State and Federal Review*

Month and Year	Review Step
August 2008	Joint Notice of Intent to both EFSC and BLM filed.
November 2008	IPC initiated a Community Advisory Process to gather information from the public to reevaluate project location due to high volume of concerns expressed about initial proposal to site on productive agricultural lands.
July 2010	New Joint Notice of Intent to both EFSC and BLM filed with changed project location.
Feb 2013	Preliminary Application for Site Certificate submitted to ODOE.

* May not include all details or steps in federal review

Federal review Between 2013 and 2016 IPC decided to bifurcate the state and federal review and first focus on the federal review. This was because the National Environmental Policy Act review allows the lead federal agency to request applicants to look at different locations than proposed by the applicant whereas EFSC can only evaluate what is proposed by the applicant. While IPC still did some work with ODOE staff in preparation of re-submitting their preliminary application during this time, most of their focus was on the federal review.

Table 12 – Boardman-to-Hemingway Federal Only Review

Month and Year	Review Step
December 2014	BLM Draft Environmental Impact Statement Published
November 2016	BLM Final Environmental Impact Statement Published
November 2017	BLM Issues Record of Decision approving Right of Way for project

Table 13 – Boardman-to-Hemingway State Only Review

Month and Year	Review Step
July 2017	Amended Preliminary Application for Site Certificate submitted
September 2018	Application for Site Certificate determined complete. Held completeness information meetings in each of the five counties in Oregon.
May 2019	Draft Proposed Order issued recommending approval of the project was issued.

	Draft Proposed Order hearings in each of the five counties in Oregon. Public was given approximately 100 days to comment. At the conclusion of the public comment period over 400 commenters and over 6,300 pages of comments were submitted. IPC requested and was given approximately 100 days to respond to comments.
July 2020	Proposed Order recommending approval of the project was issued.
July 2020 – May 2022	Contested Case Step • 36 limited parties • 78 issues Issues were related to: • Fish and Wildlife • Historic and Archeological Resources • Land Use • Need for the Project • Retirement and Financial Assurance • Scenic Resources • Protected Areas • Soils • Structural • Threatened and Endangered Species • Miscellaneous In her issuance of the Proposed Contested Case Order, the Hearing Officer recommended approval of the project, with some changes to findings and conditions from the Proposed Order.
July 2022	Council review of the Proposed Order standards that were not part of the Contested Case.
August 2022	Council Review of Proposed Order standards that were part of the Contested Case. Council Review Proposed Contested Case Order. Council Hearing on sixteen Exceptions filed on the Proposed Contested Case Order. This required three days of meetings in La Grande.
September 2022	Material Change Hearing. Hearing to adopt Final Order. EFSC approved project and issued a site certificate.
March 2023	Supreme Court Opinion Three petitioners and ten issues.

	Supreme Court upheld Council decision in full in four months, two months less than their six-month statutory mandate. This was due to the thorough record available to them.
September 2023	EFSC approved Amendment 1 to: 1) make minor alternative route changes on three properties due to landowner requests; 2) add and refine location of roads due to further engineering work; and 3) amend conditions.
August 2024	EFSC approved Amendment 2 to: 1) redefine the site boundary and micro siting areas to be able to add site boundary in the future without an amendment; 2) add micrositing area alternatives; 3) add capacitor station; 4) increase width of temporary roads; and 5) amend conditions.
June 2025	Construction commenced
September 2030	Forecasted construction completion

Siting Program Streamlining Efforts

For the Siting Program, EO 25-29 requires an evaluation of authorities, rules, and practices to identify opportunities to streamline or increase efficiency. The prior sections provided an overview of the purpose and intent of the Siting Program, the way it is structured, and the way it functions. This section includes streamlining and efficiency efforts that have already occurred, some dating back more than a decade, efforts that are already identified and scheduled, and potential new efforts.

As previously described, the Siting Program is designed as a consolidated review to include most requirements and reviews that would be otherwise required by individual agencies and jurisdictions. It is also designed to be thorough, transparent, and inclusive of interested groups and individuals that frequently advocate contradictory outcomes. This results in a robust process that necessarily takes more time as the complexity, controversy, and number of interested participants increases. The process is meant to balance many competing interests. Streamlining efforts must be approached thoughtfully to avoid negative implications or decrease the overall efficiency and effectiveness of the process. Similarly, there is a risk that steps taken to make the process work for one group of participants could result in negative effects on another participants.

Previous Streamlining Related Efforts

There have been numerous streamlining-related efforts over the past 30 years that have taken different forms and were initiated by different sources, including the Legislature, executive branch, and the Department of Energy. Table 14 summarizes these efforts.

Table 14 – Previous Siting Program Streamlining Related Efforts

Year	Name	Initiated by	Summary
2026	HB 4031	Legislature	The bill amended EFSC's exemption statute (469.320) to allow developers to opt out of EFSC jurisdiction and apply to the applicable city or county for any solar, wind, or geothermal project until December 31, 2028.
2026	HB 4076	Legislature	The bill created a new concept of surplus interconnection to allow new projects or amendments to existing projects to use up that surplus capacity as long as it was within 2 miles of the point of interconnect. The purpose would be to justify the reasons sufficient to justify an exception to Goal 3 (Farm Use protection), no matter the type of farmland soils that the new project or amended project was located on.
2026	HB 4084	Legislature	The bill established a Joint Permitting Council made up of state agency representatives with the purpose of directing applicable regulatory entities to expedite permit reviews.
2025	Executive Order 25-25	Governor Kotek	The EO was in response to the federal government's changes to renewable energy production and investment tax credits. For developers to be eligible for the tax credit, they must begin construction before July 5, 2026 and must be placed into service before December 31, 2027. The language in the EO establishes the following three broad directives to ODOE and Energy Facility Siting Council: **1.** Consult with developers regarding the status of their projects and any need for ODOE and EFSC to help them get projects to construction prior to the deadline. *The consultation was conducted. The Department surveyed developers of projects currently in the EFSC process and received responses related to 15 projects. Of those, nine indicated they would be seeking to meet the physical work test by the July 2026 date.* **2.** Do some combination of the following to help them get projects to construction prior to the deadline, including: • Reprioritize staffing resources and projects as necessary • Make process changes consistent with statute and rule • Schedule additional EFSC meetings • Forgo consultation with federal agencies • Emergency rulemaking

			The Department has prioritized staffing resources toward projects seeking to meet the tax credit deadline. Staff identified one project where a change to the typical way of sequencing an amendment review and evaluating pre-construction conditions could save time. **3.** Do not pursue as a violation the construction of a project prior to issuance of a site certificate as long as: • Application for site certificate was deemed complete • Letter of credit consistent with the EO was provided • Work is minimum necessary to meet the federal construction requirement • Known resources are avoided *No developer has begun construction prior to receiving a site certificate.*
2025	HB 3681	Legislature	The bill included the following changes to statute: • Established the earliest date the Council can require a facility to begin construction after approval is six years. • Clarified the appeal path on applications, amendments, and related steps is to the Oregon Supreme Court. • Certificate holders may request to add area to a site boundary without an amendment, subject to Council rules. This was proposed by ODOE to authorize rules that had already been adopted but were not able to take effect without a statutory change. • Required the Council to make every effort to conclude the contested case and issue a final order within 12 months from the date of the proposed order.
2025	HB 3874	Legislature	The bill changed the EFSC jurisdictional thresholds for wind facilities from 50 MW average, or 150 MW of combined nameplate capacity established in HB 2329 in 2019, to 100 MW average, or 300 MW of combined nameplate capacity.
2024	Renewable Energy and Transmission Siting Working Group	Representative Gamba	Representative Gamba hosted a series of meetings to identify and advance concepts in the 2025 legislative session related to renewable energy and transmission siting. This working group resulted in HB 3681 in the 2025 legislative session.

2024	HB 4015	Legislature	The bill included a definition of battery energy storage in EFSC's definitions and allowed developers of standalone battery energy systems, which remained local jurisdictional, to opt into EFSC jurisdiction.
2023	HB 3179	Legislature	The bill changed EFSC jurisdictional solar thresholds. Prior to the bill, the thresholds had been the following since 2019 under HB 2329: • Over 160 acres on high value farmland • Over 1,280 acres (2 square miles) on arable farmland • Over 1,920 acres (3 square miles) on any other land HB 3179 changed these to: • Over 240 acres on high value farmland • Over 2,560 acres (4 square miles) on arable farmland • Over 3,840 acres (6 square miles) on any other land
2023	Program Evaluation	ODOE	ODOE hired a consultant to evaluate the Siting Program to identify streamlining opportunities. The following categories were identified: • Oversight and accountability • Program management • Performance management • Staffing and qualifications • Financial transparency • Project management • Applicant and reviewing agency coordination • Public engagement Specific streamlining projects related to these categories were included in the annual process improvement workplan starting in 2024.
2023	Battery Energy Storage Systems Working Group	Representative Marsh	Representative Marsh hosted a series of meetings evaluating possible legislative changes to the siting and permitting of Battery Energy Storage Systems. See HB 4015 in the 2024 Legislative session.
2022	Renewable Energy and Transmission	Verde	Verde, along with Renewable Northwest and 1,000 Friends of Oregon, hosted a series of meetings to identify and advance concepts in the 2023 legislative session related to renewable energy and transmission siting. HBs 2989 and 3181 were introduced in the

	Siting Working Group		2023 Legislative Session but did not pass. The bill would have directed ODOE and DLCD "to convene a work group to examine barriers, opportunities and other issues related to renewable energy and transmission project siting in Oregon."
2021	HB 2063	Legislature	Proposed by ODOE – The bill eliminated the need to request an exemption from Council for a "standby generator" as defined by statute. The Department had determined that this was not a necessary process.
2021	HB 2064	Legislature	Proposed by ODOE –The bill changed quorum requirements for EFSC, enabling the Council to hold a meeting with four instead of five members present. The change was made to reduce potential delays to projects that could result from the Council not being able to hold meetings due to vacancies and unavailable Council members.
2020	Executive Order 20-04	Governor Brown	This executive order directed state agencies to take actions to reduce and regulate greenhouse emissions. The following Siting Program efforts were identified in the report: 1. Solar Noise Rulemaking – A new rulemaking project was identified to evaluate how noise rules apply to Siting Program projects. See the 2025 Noise Rulemaking in Table 15 below. 2. 3-phase rule alignment to better connect the application requirements to the standards. While this rulemaking had already been identified, it was reprioritized to start sooner. See the Phase 1, Phase 2 and Phase 3 Rulemakings in Table 15 below. 3. Program Evaluation – See 2023 Program Evaluation above.
2019	HB 2329	Legislature	The final bill changed EFSC jurisdictional thresholds. For solar, prior to the bill, anything over 100 acres on high value and arable farmland was EFSC jurisdictional. Anything over 320 acres anywhere else was EFSC jurisdictional. HB 2329 changed the thresholds to: • Over 160 acres on high value farmland • Over 1,280 acres (2 square miles) on arable farmland • Over 1,920 acres (3 square miles) on any other land For wind and geothermal, prior to the bill, anything over 35 MW average generating capacity was EFSC jurisdictional. HB 2329 changed the threshold to 50 MW. Based on the definition of "Average electric generating capacity" that meant the combined nameplate capacity of all of the wind turbines in a wind facility went from being 105

			MW to 150 MW before being EFSC jurisdictional. For a geothermal facility, the nameplate capacity went from 38.85 MW to 55.5 MW.
2017-2018	Senator Olsen Oversight Committee	Senate President Courtney	Senator Allen Olsen was given the direction by Senate President Courtney to conduct an assessment of Siting Program. Between 2017 and 2018 he convened ODOE staff, developers, developer trade groups, state agencies and members of the public to review various aspects of the Siting Program. This effort did not result in any proposed changes or legislation.
2015-2017	Advisory Committee on Energy and Agriculture in the Umatilla Basin	Governor Brown	An advisory group was established to evaluate opportunities to minimize the impacts of transmission lines to high-value agriculture. The group met between October 2015 and October 2017. While there were numerous ideas identified in the final report, the only one to be implemented was the adoption of rules by LCDC in OAR 660-033-0055 – Designation of Regional Electric Transmission Corridors. To date no counties have utilized these rules.
2014-2016	Pacific Northwest Regional Infrastructure Team (PNWRIT)	Interior Secretary Sally Jewell and the Governors of Washington, Oregon and Idaho	PNWRIT was based on the Rapid Response Team for Transmission effort described below and created a forum for subject matter experts to meet quarterly related to two projects, one of which was the Boardman-to-Hemingway Transmission line. Quarterly meetings related to reviewing progress on the projects. One of the main results was stronger collaboration between state and federal agencies leading to more timely and efficient reviews. Siting Program staff participated in these quarterly meetings.
2015	SB 259	Legislature	Proposed by ODOE – The bill made the following changes: • Tribes became eligible for reimbursement for their review and comment during the Notice of Intent and application process. • State agencies and local governments became eligible for reimbursement for work requested by an applicant prior to submitting a Notice of Intent, if requested by an applicant. • State agencies and local governments became eligible to be reimbursed for assisting in compliance review
2014	Transmission Siting Taskforce	Western Governors' Association	This effort was sponsored by the U.S. Department of Energy. While not specific to the Siting Program, Siting Program staff participated in this effort. The purpose was to develop and institutionalize best practices for the siting of transmission lines across the western states. The outcome was a web portal that offers one location for agencies,

			developers and industry to access information on regulatory permitting processes. In addition to transmission, includes sections for geothermal, hydropower and solar. Oregon Bulk Transmission Permitting Process | RAPID Toolkit | OpenEI
2013	HB 2105	Legislature	Directed ODOE to review energy facility siting procedures and make recommendations on the following: **1.** Means to encourage consistency between the standards for the siting of facilities of the federal government and local governments with those specified in ORS 469.300 to 469.563. **2.** A mechanism to enhance the participation of local governments during the facility siting process when the standards for the siting of facilities of local governments are consistent with those specified in ORS 469.300 to 469.563. **3.** Means to encourage public participation in the design and siting of facilities. **4.** The definition of "energy facility" specified in ORS 469.300 and recommendations to clarify the definition for purposes of determining which public body, as defined in ORS 174.109, has authority relating to the siting of facilities. **5.** Means to ensure constructive and effective participation by local governments, state agencies and federally recognized Indian Tribes in the siting of facilities. **6.** Means to ensure the efficient and cost-effective recovery of fees expended in the review of Site Certificates Applications. **7.** Any other matters deemed relevant by the department. The report to the legislature described the existing efforts already occurring relating to the seven categories above as a result of the prior streamlining efforts described in 2012 and 2013 below, in addition to the following: • Website updates including project pages with more information for the public and a web-based map of all project locations • Adding a webinar option to all Council meetings to allow for better remote participation • Email notice sign up for projects, Council meeting, and Council rulemaking projects • Establishing more clarity on adjacent property owner information for application and amendment notices

2013	HB 2820	Legislature	Changed EFSC jurisdictional threshold. Prior to the bill, anything over 100 acres was EFSC jurisdictional. Based on the idea that the majority of projects would be proposed on farm zone land, HB 2820 changed the thresholds to: 1. Over 100 acres on high value farmland 2. Over 100 acres on arable farmland 3. Over 320 acres on any other land
2013	Program Evaluation	ODOE	ODOE hired a consultant to evaluate the application process to identify streamlining opportunities. The following were identified: • Create applicant guide • Create template documents • More efforts to help reviewing agency leads understand the Siting Program and provide timely and meaningful comments • Actively work on the Draft Proposed Order when reviewing the preliminary application • Engage Compliance staff when reviewing applications to ensure conditions are written appropriately • Hold Notice of Intent public information meeting for every application, even though it is optional • Standardize completeness review for all Siting Analysts • Hold Complete Application public information meeting for every application, even though it is optional • Hold Draft Proposed Order hearing in front of Council, even though it is not a requirement • Request GIS information to provide to reviewing agencies to streamline their review The annual process improvement program and current rulemaking described below were outcomes of this.
2009-2013	Interagency Rapid Response Team for Transmission (RRTT)	White House Council on Environmental Quality	The purpose was to improve the overall quality and timeliness of electric transmission infrastructure permitting, review and consultation by the Federal Government on both Federal and non-Federal lands. Siting Program staff participated in this effort.

			The RRTT focused on seven pilot projects, two of which were in Oregon, the Boardman to Hemingway Transmission Line project and the Cascade Crossing Project. See descriptions below. https://obamawhitehouse.archives.gov/administration/eop/ceq/initiatives/interagency-rapid-response-team-for-transmission
2012	Governor's 10 Year Energy Action Plan	Governor Kitzabher	The identified goals of this project for the Siting Program were: • improved agency coordination and public participation; • updated standards and minimized conflict between federal, state and local jurisdictions' requirements; • advance landscape-level planning and mitigation for energy facilities The annual process improvement program and current rulemaking described below were outcomes of this.
2012	Streamlining Pilot Project	Governor Kitzabher	The identified goals of this project for the Siting Program were: • improved agency coordination and public participation; • updated standards and minimized conflict between federal, state and local jurisdictions' requirements; • integrated and comprehensive planning that facilitates timely, consistent and predictable results that reflect the values of Oregon; and The annual process improvement program and current rulemaking described below were outcomes of this.
1997	HB 3283	Legislature	Following the SB 951 recommendations below, this bill removed the need standard for generating facilities and included a standard for energy facilities that emit carbon.
1995	SB 951	Legislature	Task Force was required to be established to review the public's interest in the siting of energy facilities and develop and present recommendations to the legislature. Questions Evaluated: 1. What is the appropriate scope of state siting authority? 2. How should the decision to permit new facilities be made? 3. Should determination of need be required before a facility can be built?

			4. What should be the process to approve or deny request to build new energy facilities? Recommendations Made: 1. Jurisdictional thresholds should remain the same, but EFSC should develop a model ordinance for local governments. This was completed. 2. Decision to permit new facilities should remain the same, but with minor changes 3. Need standard should be eliminated for generation facilities and climate change standard should be added. See HB 3283 in the 1997 Legislative Session. 4. Opportunities for public participation and the challenging of projects should remain the same.

Rulemaking

Summary

Since 2013, EFSC has engaged in sustained administrative modernization through rulemaking. The cumulative effect of these rulemakings has been to:

- Improve rule organization;
- Decrease procedural and litigation-driven risk;
- Increase predictability;
- Make significant changes to the amendment rules; and
- Reduce costs.

These rulemakings position EFSC to continue to rigorously review complex energy facility applications in a manner that is transparent, inclusive, and protective of public health and the environment, but in an increasingly streamlined way.

Improved Rule Organization

Siting Program rules can be broadly broken into two categories, procedural and substantive. The procedural rules establish how the application and amendment process work and the substantive rules establish the required standards, and the evidence needed to justify them are met. Previously, the substantive and procedural rules were mixed in numerous divisions. Determining the procedural requirements for a specific step required looking in two or more locations, creating confusion and increasing the possibility of a procedural error. Also, the application requirements were separated from the standards and in some instances, did not align well with the standards.

The structure of the rules was possibly a factor in the average length of time for an application to be deemed complete, as is indicated in Table 8 above. To help resolve these structural issues, EFSC has been engaging in a three-phase rulemaking effort over the past several years.

- Phase 1 – Separate the procedural and substantive requirements. This is complete.
- Phase 2 – Combine the application requirements with the standards they are associated with. This is also complete.
- Phase 3 – This is a series of rulemakings that will evaluate specific standards, or groups of standards, and their associated application requirements to better align them and only require submission of information that is needed to ensure important state resources are protected. By ensuring that required information is clearly defined, proportionate, and directly connected to each standard, EFSC aims to improve upfront application completeness and reduce avoidable review delays. These rulemakings are ongoing.

Similarly, the contested case procedures and amendment processes were realigned to follow the actual procedural flow used by the Department and Council, improving clarity and reducing friction in navigating the process for applicants, the public and the Department.

Decreased Procedural and Litigation-Driven Risk

As the number of renewable energy projects reviewed through the Siting Program has increased, so has opposition to those projects. Projects have experienced a higher use of procedural challenges, resulting in longer review timelines. In response, several rulemakings have evaluated whether certain procedures

meaningfully improve public participation or primarily create delays without adding value to the review process.

Examples of these efforts include:

- Clarifying the standard for granting a contested case request for amendments.
- Reorganizing and modernizing contested case procedures for applications, including limiting most interlocutory appeals to EFSC regarding hearing officer decisions on contested case parties and issues.
- Replacing the contested case process for amendments with an enhanced public comment process.

These rule changes were made while maintaining fundamental appeal rights for those who believe all standards have not been met.

Increased Predictability

Predictability is a key element in a regulatory system for the benefit of all interested groups and individuals. Examples include:

- Establishing a new wildfire standard to ensure a more consistent approach to wildfire prevention and protection rather than evaluating it through the public services standard on an ad hoc basis.
- Updating structural and seismic standards to focus on site-specific analysis and early consultation.
- Clarifying solar aggregation and jurisdiction thresholds.
- Updating protected area and scenic standards to remove outdated designation lists.

Amendment Rule Updates

Once approved, many projects are amended several times over their life cycles. In some years, the Siting Program sees more requests for amendments than original applications. An amendment is substantively the same as an application in that the certificate holder must prove that all standards triggered by the amendment are met and has to provide sufficient evidence to demonstrate this. However, there are fewer procedural steps in an amendment review and there have been several rulemakings to clarify these steps. These rulemakings have resulted in the following changes:

- Eliminated the two different procedural paths described below and replaced with a unified process with the following changes:
  - Eliminated the opportunity to request a contested case and replaced it with an enhanced comment phase.
  - Eliminated the Draft Proposed Order (DPO) step. As described in Table 2 above, a DPO is ODOE's first recommendation whether an application meets all requirements. Any person who commented during this step was eligible to request a contested case if they believed the issue they raised was not sufficiently addressed in the Proposed Order. With the elimination of the option of a contested case, the DPO no longer served a purpose, and the comment period can now occur after issuance of the Proposed Order, ODOE's single recommendation.
  - Allowed for Council to waive the in-vicinity hearing requirement if the proposed amendment is minor and there is minimal forecasted public interest

- A prior rulemaking established two different procedural paths. The shorter amendment process was intended for very minor amendments and did not include a public hearing or an opportunity to request a contested case and had shorter timeframes. However, it was determined that the time and effort to request the use of the shorter process by certificate holders and for staff to review those requests did not result in the forecasted savings of going through the shorter process.
- Increased transparency to the public related to:
  - The evaluation of facility modifications that do not trigger an amendment
  - Notification to the public of the receipt of an amendment
  - Holding public hearings in front of Council in the vicinity of project locations

Cost Reductions

The Council and Department continually seek opportunities to reduce costs for applicants and site certificate holders. While all of the categories above contribute to reduced costs for applicants and site certificate holders, the following examples resulted in very clear direct cost savings:

- Eliminating default hard-copy submission requirements and formalizing electronic data submission instead, which reduces printing and mailing expenses for the applicant and physical file management costs by ODOE that are passed on to the applicant.
- Removing exemption filing requirements and review by EFSC for standby generators.

Table 15 – Notable Streamlining Related Rulemakings

Rulemaking Name	Division(s)	Year Finalized	Streamlining Impact
Current Rulemakings	-	**Forecasted**	-
Application Process Review – Phase 3 – No. 1	22	2026	Retirement and Financial Assurance - The Phase 3 rulemakings are intended to review and update Council's standards to better align the application requirements with the standards and determine if changes need to be made to the standards for all or specific types of facilities.
Compliance	15, 26, 29 & …	2026	This rulemaking aims to improve clarity and consistency of the compliance rules, refine monitoring and reporting requirements, and remove outdated obligations.
Future Rulemakings	-	**Forecasted**	-
Application Process Review – Phase 3 – No. 2	22	2026/27	Protected Areas, Scenic Resources and Recreation Resources – See Phase 3 rulemaking description above.
Application Process Review – Phase 3 – No. 3	22	2026/27	Structural and Soil Protection – See Phase 3 rulemaking description above.
Natural Hazards Mitigation	22	2026/27	Evaluate whether and how the siting review process can support the goals of the Oregon Natural Hazard Mitigation Plan and implement natural hazard mitigation strategies.
Mandatory Conditions	25	2027	Ensure that the mandatory conditions specified by rule are clear, complete, and necessary to be included in each site certificate. Consider allowing flexibility in language to address site specific conditions and circumstances.
Application Process Review – Phase 3 – No. 4	22	2027	Fish and Wildlife Habitat & Threatened and Endangered Species
Application Process Review – Phase 3 – No. 5	22	2027	Waste Minimization, Public Services & Land Use
Application Process Review – Phase 3 – No. 6	22	2028	Historic, Cultural and Archeological Resources
Past Rulemakings Since 2017	-	**Finalized**	-

Tribal Communication	20	2026	Requires applicants to reach out to identified Tribes prior to submitting Notice of Intent to avoid or minimize impacts to resources earlier in the project design and reduce risk of project delays later in the review.
Exemption	15	2026	Streamlines process for reviewing and tracking the status of exemptions.
Modernization	Multiple	2026	Removed hard copy requirements; modernized data submission standards.
Noise	N/A	2025	ODOE did the background work and proposed to the Department of Environmental Quality to change their Noise Control Regulations for Industry and Commerce to allow solar energy generation facilities (primarily electrical equipment and associated battery energy storage systems) to demonstrate compliance in the same manner as allowed for wind energy facilities, which were less costly.
Amendments	21 & 27	2025	Eliminated opportunity to request a contested case for an amendment; unified review pathway; reduced amendment timelines and increased regulatory certainty of amendment process.
Application Process Review – Phase 2	20 - 24	2025	Migrated information requirements to standards; eliminated exhibit lettering; improved navigability.
Contested Case	15	2024	Eliminated most interlocutory appeals; improved procedural efficiency; reduced confusion in how contested case process works.
Standby Generator - Exemption	15	2024	Eliminated exemption request requirement; removed entire regulatory step. This rulemaking followed HB 2063 proposed by ODOE in the 2021 legislative session.
Application Process Review – Phase 1	15 & 22	2023	Reorganized procedural rules; clarified responsibilities; reduced misinterpretation.
Protected Areas & Scenic Update	22	2022	Removed outdated designation lists; clarified applicability; reduced recurring amendments.
Wildfire Prevention Standard	20 & 22	2022	Established structured wildfire standard; improved predictability and avoided late disputes.
Quorum Update	11	2021	Reduced quorum requirement; lowered risk of meeting cancellations. This rulemaking followed HB 2064 proposed by ODOE in the 2021 legislative session.
Housekeeping and Modernization	Multiple	2020	Reduced paper filing; updated notice requirements; lowered applicant costs.

Safe Public Meetings	15 & 27	2020	Authorized remote hearings based on emergency situations to prevent the need to postpone meetings potentially creating project review delays.
Contested Case Threshold Clarification	27	2020	Refined contested case trigger for amendments; reduced unnecessary proceedings.
Solar PV Jurisdiction Clarification	15	2020	Clarified aggregation and jurisdiction thresholds; improved early project planning certainty.
Amendments	27	2017	Created tiered amendment pathways; formalized completeness review; reduced duplicative comment cycles.
Structural & Seismic Updates	21, 22 & 27	2017	Removed outdated code references; required early consultation; prevented late-stage disputes.
Wind Public Health & Safety (Aircraft Risk)	24	2017	Clarified application of wind safety standards to aircraft risk; reduced litigation risk and improved predictability.
Threatened and Endangered Species & Fish and Wildlife Habitat	21 & 22	2017	Removed application requirement to submit federally listed threatened and endangered (T&E) species information if the species was also not on the Oregon T&E list to eliminate work for the applicant that was not evaluated; aligned EFSC review with ODFW rules; clarified wildlife application requirements; reduced ambiguity and duplicative review.

Siting Program Process Improvement Activities

Summary

At the oral presentation of the HB 2105 report to the Senate Interim Committee on Environment and Natural Resources on November 20, 2013, ODOE shared a list of streamlining projects it had already identified and started working on following the Streamlining Pilot Project and Governor's 10 Year Energy Action Plan from 2012, and the Siting Program Evaluation from earlier in 2013. ODOE informed the Committee that it would use the HB 2105 report as the basis for an annual Siting Program work plan intended to guide the division's continued performance improvement efforts with the intent to continually make the Siting Program more timely, consistent, inclusive, transparent and predictable.

Since late 2013, an Operations and Policy Analyst position has been part of the Siting Division with the purpose of developing and implementing systems and procedures to improve timeliness, provide statewide consistency in the siting of energy facilities and ensure greater levels of transparency, accountability and customer service.

Annual Work Plan

To ensure equitable engagement throughout the entirety of the siting process, following the HB 2015 report, staff reflects each year and develops an annual workplan that provides direction and priorities for efforts beyond day-to-day activities and other established responsibilities, and addresses the need to increase and enhance the public's understanding, participation, and trust in the state siting process.

The plan is structured in the following way:

- Introduction – This section provides a high-level overview of the purpose and intent of the annual work plan
- High Level Goals/Strategic Imperatives – This section identifies the specific high-level goals and ODOE imperatives used to prioritize identified projects to ensure projects chosen for each year have the broadest value as possible. High-Level Goals:
    - *Applicant/Site Certificate Holders* – Increase applicant/certificate holders' trust and perception of value of the state energy siting process by reducing siting process unknowns.
    - *Public* – Increase and enhance the public's understanding, participation and trust in the state energy siting process.
    - *Reviewing Agencies* – Increase the quality and quantity of Energy Siting Division's connections to local, state, federal, and Tribal agencies that participate in the state energy siting process.
    - *Regulatory Clarity* – Increase the efficiency, effectiveness, transparency, accountability and predictability of the site certificate process.
    - *Process Improvement* – Systematically evaluate underlying business processes to achieve highest possible efficiency.
    - *Adaptability* – Strengthen the ability of the Energy Facility Siting Council and Energy Siting Division's staff and processes to adapt to changes in energy markets and environmental constraints, and the subsequent changes to applications for site certificates as well as department and division staffing and priorities.

The workplan is structured to be responsive to ODOE's 2021-2024 strategic plan, including the following imperatives.

- Expand and improve engagement with interested groups and individuals
- Build practices and processes to achieve more inclusive and equitable outcomes
- Assess and enhance organizational data capabilities
- Assess and modernize agency programs and activities
- Optimize organizational efficiency and impact

Next year's workplan will be updated to also align with ODOE's new 2026-2029 strategic plan.

Examples of Process Improvement Projects

The following are examples of streamlining projects that have been worked on over the last decade. Please note that many of the projects apply to multiple categories but have only been included in a single category:

Table 16 – Process Improvement Project Examples

Category	Project Name	Project Description
Applicant/Certificate Holder (A/CH)	Applicant Guide	Developed and updated several times a breakdown of the requirements and expectations of an applicant through each step in a clearer and easier to read format than statutes and rules.
A/CH	Annual Financial Assurance Evaluation	Developed standard letter of credit and bond templates, and EFSC-approved list of financial institutions, to be updated annually. Allows certificate holders to move forward without the time and cost of proposing individual financial assurance documents and banking information to EFSC.
A/CH	Annual Financial Assurance Updates	Developed consistent and streamlined process for review of annual updates to financial assurance instruments.
A/CH	Annual Compliance Fee Assessment	Developed annual assessment protocols and templates to more accurately forecast and assess the compliance costs of each facility.
A/CH	Quarterly Updates	Provide quarterly financial and project schedule updates to applicants in writing
Public Participation (PP)	Public Guide	Developed and updated several times a breakdown of each step in the Siting Program review process oriented toward public participation in a clearer and easier to read format than statutes and rules.
PP	Public Notice	• Created the opportunity to sign up to receive email notifications for any combination of project reviews, rulemakings, Council meetings and monthly Siting Program updates. • Continually refined public notices to make them easier to understand.
PP	Website	There have been numerous updates to the following since they were first established to make the information more timely, relevant and easier to access: • Project Pages: application/amendment materials; staff recommendations; all public comments provided in a docket style system to allow members of the public to see everyone else's comments; status of approved projects; staff contact information; applicant/site certificate holder contact information; maps; and link to sign up to receive notice of the projects • Online Project Maps: location of all EFSC jurisdictional projects and status; links to project pages; other layers to better understand the location and potential impacts of

		projects including: natural resources; transmission lines and substations; and government boundaries; physical and military assets • Rulemakings: annual rulemaking; description; status; information related to early engagement such as Rulemaking Advisory Committees; EFSC meetings; draft rules final rules; and link to sign up to receive notice of rulemakings • Council Meetings: agenda and meeting materials as they become available; recording of the meeting typically posted the week after the meeting
PP	Public Information Meetings	Public information meetings in the vicinity of a proposed project are optional at the Notice of Intent and Complete Application steps. However, these meetings provide valuable opportunities for staff and the applicant to hear from members of the public and better prepare them to participate in the forthcoming Siting Program steps. These are therefore typically held.
PP	Draft Proposed Order Hearing	While a Draft Proposed Order hearing must be held in the vicinity of a project, it is not required to be held in front of Council. To afford members of the public the ability to testify directly to Council, the ultimate decision makers, to ensure their comments are heard, these hearings now occur in front of Council.
PP	Webinars	Council meetings frequently occur in remote locations in the vicinity of project locations. Long before Covid, Council meetings included a Webinar option to allow for remote participation. Staff has continually updated equipment and worked on ensuring remote participation works well.
PP	Comment Submittal	Established a comment portal system designed to focus public comments on the application and applicable standards.
PP	Video Tutorials	ODOE has already created a video tutorial on how to use the Oregon Renewable Energy Siting Assessment (ORESA) Tool. Additional tutorials related to submitting comments; how to engage with the Siting Program review process; and how to engage in the Rulemaking process are in the planning phase.
PP	Inspection Request	Developed form, and initiated procedures for members of the public to request site inspections per OAR 345-026-0050. Request is downloadable or may be completed and submitted online.
Application/Amendment review (A/Ar)	Handouts	Created and updated numerous fact sheets to help the public, applicants, and reviewing agencies better understand and more efficiently participate in the Siting Program review.

		These are available in paper form at Council meetings and are on the Siting Program's various webpages
A/Ar	Online Mapping Tool	Created an initial web-based mapping tool that included all EFSC jurisdictional projects and the status of those projects. This was replaced by the Oregon Renewable Energy Siting Assessment tool, which is a very robust tool with a multitude of layers. Applicants can use this tool for some of the initial analysis they are required to provide as part of the Notice of Intent step. Reviewing agencies can upload other geo-spatial layers to the tool or download them onto their own systems in order to conduct a more timely and thorough evaluation of proposed projects. Members of the public now have access to a very sophisticated geo-spatial analysis tool with a multitude of layers that is relatively easy to use.
A/Ar	Project Management	Siting Program staff have continued to evaluate and try a multitude of project management tools and techniques to streamline the review process and ensure more consistent analysis and decisions. Examples include: employing different types of staffing resources to projects at different steps; using different types of software packages; different frequencies of meetings; linking daily time-tracking tasks to project cost estimate tasks; and establishing frequent check-in meetings with applicants as they desire to go over the status of reviews.
A/Ar	Templates and Style Guides	Developed and updated templates and style guides for most documents to reduce the time and effort associated with each project review. Examples include: Applications & Amendments • Construction and Operational Wildlife Mitigation Plan • Construction and Operational Vegetation and Soil Management Plans • Retirement Cost Estimating Tool • Notices • Draft Proposed Orders • Proposed Orders • Reviewing Agency Memos Compliance • Inspection Reports • Compliance Spreadsheets

Compliance	Annual Workplan	Established a work plan that includes both routine and process improvement tasks. This has resulted in more clarity and consistency in: • Communication with certificate holders on compliance activities throughout the year. • Updates to Council on compliance activities throughout the year • Refining compliance tracking systems • Implementing Geospatial tracking elements • Tracking issues found at sites from year to year
Compliance	Compliance Spreadsheet/Matrix	OAR 345-026-0048 requires certificate holders to implement a plan to verify compliance with all site certificate conditions. Historically, these have been very different resulting in a lot of extra time by staff to review. As an alternative, staff created a template to be used by all certificate holders resulting in a consistent and faster annual review of operational conditions.
Compliance	Condition Updates	Program staff work to ensure conditions are as clear as possible for certificate holders to provide evidence of compliance and for Compliance Officers to affirm compliance. If information becomes available to indicate unclear conditions, staff works to clarify them for future site certificates. This is being addressed by engaging Compliance Officers in the drafting of new and different conditions – the Compliance Officers can provide feedback to Siting Analysts on the difficulties they have in implementing specific conditions. At the same time, involving Siting Analysts compliance work helps them better understand what it means to implement the conditions they create.
Administration	Desk Manuals	Developed desk manuals for all positions and specific procedures to make it easier for employees to timely meet responsibilities.
Administration	Employee Onboarding	Developed training plan to more efficiently and effectively on-board new staff. Includes internal orientation, consistency with information provided to EFSC members and outreach to interested groups and individuals.
Administration	Records Management	This has been a consistent and ongoing effort including numerous specific efforts allowing quick and easy access to all documents: • Consistent file folder requirements for applications, amendments, rulemaking, compliance and EFSC meetings. • Consistent file naming conventions • Protocols for working documents vs. permanent record documents

		• Scanning in old paper records • Digitizing old Council meeting recordings
Fiscal Management (FM)	Fee and Cost Tracking	Developed protocols and templates for better estimating and tracking the costs associated with the review of Notices of Intent, Site Certificate Applications, Amendments to Site Certificates, and Annual Compliance. Protocols include changes to payment procedures for applicant and invoicing procedures to provide more up-to-date invoicing and consistent information.
FM	Task Review	Continually fine-tuning tools related to producing weekly task deliverables, including establishing specific task time expectations and tying those to timesheet entry data.
FM	Financial Management Policy	Updated policy and procedures for Siting financial management, improving processes, and communication with agency Central Services division.
Reviewing Agency Participation (RAP)	Communication	The Department continually works to improve its outreach to reviewing agencies and to convey project information to Tribal Governments, state agencies and local governments so that the Department can receive timely and detailed feedback on applications and amendments: • reviewing materials in advance and directing specific agencies to specific areas of applications and amendments with specific questions under their area of expertise • individual outreach and meetings • trainings • reducing large volumes of materials to help the agency focus on specific review materials • transmitting materials in an easily accessible manner
Energy Facility Siting Council	Member Guide	Developed Guide to help new Council members onboard and to use as a resource guide.
Energy Facility Siting Council	Meeting Materials	In the last decade or so staff has continually modernized the approach to providing Council Members the large volume of information necessary for their review for a Council meeting in a timely way. The most recent way is to provide each Council member a laptop and upload materials to a SharePoint site for them to access.

Opportunities for Further Improvement

As previously described, the Siting Program has an established culture of process improvement that makes efforts every year to improve the program for all participants. In implementing the Executive Order, Program Staff have identified additional opportunities to streamline and increase efficiency.

Contested Case Step Review

As described in the Siting Program Fundamentals subsection above, the Contested Case is a mandatory step in the application process. The Contested Case serves several important functions. It allows individuals concerned about the proposed projects, the applicant, and reviewing agencies the opportunity to further evaluate specific issues. It is run by a third-party hearing officer who is independent of the Council, the Department, and the applicant. It is a threshold step in that only issues in the Contested Case step and the parties that raised them are eligible to challenge Council's final decision directly to the Oregon Supreme Court. It also ensures the Oregon Supreme Court has a thorough record with which to review a challenge to a final Council decision within their six-month statutory timeframe.

If there are no requests to participate in the Contested Case step, it concludes very quickly. However, as seen in Table 8 above, when there is a full Contested Case, this step takes an average of 427 days and is one of the longest steps in the process. In 2024, the Council evaluated the Contested Case rules and made improvements by eliminating most interlocutory appeals, improved procedural efficiency, and clarified how the Contested Case process works. However, this can still be a very lengthy step and deserves more evaluation to determine if there are additional efficiencies that can be made without reducing its value.

The Contested Case process is not unique to the Siting Program. It is used in many other circumstances by many state agencies. According to the Oregon Office of Administrative Hearings (OAH) webpage, Contested Case processes were established in 1999 to provide an independent and impartial forum to dispute state agency actions. The OAH consists of approximately 70 Administrative Law Judges who hold more than 30,000 hearings a year. While EFSC is one of the few state bodies that is not legally required to use OAH, it nevertheless uses its ALJs as Contested Case Hearing Officers, given the breadth of their experience with such matters.

OAH uses the Model rules in OAR 137-003-0501 to 137-003-0700 as well as any specific rules adopted by an agency or board. The Model rules function from the standpoint of a Contested Case being the entirety of a review process. It therefore includes all the required elements necessary for a singular quasi-judicial review.

- Notice
- Review of requests for party status
- Discovery
- Prehearing Conferences
- Motions for Summary Determination (allowed, not required)
- Other procedural motions
- Transmittal Questions to Agency
- Written Direct Testimony

- Written Rebuttal Testimony
- Requests for Cross-Examination
- Oral Cross-Examination Hearing
- Written Closing Argument
- Written Response Briefs
- Written Exceptions
- Written Responses to Exceptions
- Final Orders

For the Contested Case step in the Siting Program, many of these elements assist to meaningfully evaluate the issues that are included in the Contested Case and ensure the Oregon Supreme Court has a sufficient record to review within their six-month statutory timeframe. However, the Siting Program is already a very thorough and inclusive process, and some of the Contested Case steps duplicate other parts of the Siting Program review, taking additional time without providing value. Below are two examples of steps that the Department believes could be removed or scaled back with no or minimal substantive impacts to the value of Contested Case:

- Discovery – This involves informal discovery requests and, if necessary, motions for discovery orders followed by formal discovery. If a Contested Case is the singular process to assess an agency action, this step ensures a full and fair inquiry into the facts necessary for consideration of the proposed action is included on the record for all parties, the hearing officer, and agency to review. For a Siting Program review, the Contested Case step occurs after an application is deemed complete with all evidence to review against standards, there has been an initial staff evaluation and recommendation in the form of a Draft Proposed Order, the public has had on opportunity to provide written comments and oral comments in front of Council, the applicant has had an opportunity to provide comments and respond to public comments, the Council has provided their comments to staff, and staff has made updates to its recommendation as a result of these comments in the form of a Proposed Order. All evidence relied on to this point in the Siting Program is publicly available and staff proactively compiles it in an easy-to-access format for all contested case parties. The discovery step in the Contested Case often does not add meaningful information beyond what was established through the site certificate application process.
- Exceptions – The final responsibility of the Hearing Officer in the Siting Program's Contested Case step is to issue a Proposed Contested Case Order. This is their recommendation on what the Council should do in the Final Order on the issues that were part of the Contested Case. It includes all the evidence, arguments, response to arguments, and conclusions. After issuance of the Proposed Contested Case Order, parties can file written exceptions, and other parties are able to file written responses to those exceptions. Those exceptions and responses are evaluated by the Council to determine if they will accept the Hearing Officer's Proposed Contested Case Order. Because there is no new evidence allowed, and those parties can appeal their issues directly to the Oregon Supreme Court, this step takes time without providing commensurate value.

Evaluating these and other steps in the Contested Case step and potentially removing them, refining them, or placing clearer time expectations could result in valuable time savings without having any negative impact on the purpose and value of this step or affecting the rights of parties. Some of these steps may be undertaken by the Department, but others may involve statutory revision.

Artificial Intelligence

The Siting Program has significant opportunities to use artificial intelligence tools to improve efficiency, consistency, and document management. These tools should be implemented in a thoughtful and controlled manner, with clear limits, staff verification, and safeguards for accuracy, confidentiality, and public trust. Exploration of these tools to improve efficiency within the Siting Program is consistent with an action within ODOE's new strategic plan, in which the agency is assessing how advanced technologies, like AI, could streamline and make our work more efficient where appropriate, while considering risks and impacts.

AI cannot replace staff judgment or be relied on to make substantive findings, legal conclusions, or policy recommendations. However, it can be highly effective for tasks that are time-consuming, repetitive, or document-intensive. Used appropriately, AI can reduce administrative burden and allow staff to spend more time on the work that requires professional judgment: evaluating evidence, identifying issues, coordinating with reviewing agencies, drafting findings, and preparing recommendations for Council consideration.

Current and near-term uses include:

- Document editing and drafting support – Staff are beginning to use AI tools to improve readability, organization, grammar, and consistency in draft documents. This can reduce the time spent on routine editing while preserving staff responsibility for the substance of the document.
- Targeted research support – AI tools can assist staff in identifying relevant rules, prior Council decisions, agency guidance, and technical background information when questions arise during review. Staff must verify all AI-assisted research against primary sources before relying on it.
- Meeting summaries and minutes – Staff are using AI tools to generate draft summaries from Council meetings and rulemaking meetings. These summaries can provide a useful starting point, but must be reviewed and corrected by staff before being used as official records.
- Public comment compilation – Staff are currently developing and testing an AI-assisted comment review process. The goal is to compile public comments into a structured table that identifies the substance of each comment and relates the comment to applicable Council standards. If successfully tested and verified, this tool could substantially reduce the time staff spend manually sorting and categorizing comments. That would allow staff to focus more time on evaluating the comments, identifying issues that require a response, and preparing meaningful analysis for Council.

Additional future uses may include:

- Comparison with prior reviews – AI tools could help staff compare draft findings, recommended conditions, and technical analyses with prior site certificate reviews. This could improve consistency across projects while helping staff identify where project-specific differences require different treatment.

- Reviewing agency comment comparison – AI tools could help compare comments submitted by reviewing agencies in current and prior proceedings, allowing staff to identify recurring issues, new concerns, and changes in agency recommendations more efficiently.
- Condition tracking and compliance history – AI tools may eventually assist with identifying how similar site certificate conditions have been used across projects, whether conditions have created implementation challenges, and whether recurring compliance issues suggest a need for clearer conditions or rule updates.
- Administrative triage – AI tools may be useful for organizing large records, identifying duplicate or overlapping comments, summarizing lengthy submissions, and flagging materials that require staff review.

Implementation is proceeding incrementally. Efforts to explore the utility of AI in the workplace have begun with lower-risk uses where AI output can be easily verified, such as editing, summarization, document organization, and comment categorization. As staff gain experience and tools improve, the program will evaluate more advanced uses, including specialized AI agents designed for siting review, compliance tracking, and rulemaking support.

Some tools can likely be developed and tested by existing staff, such as the comment processing tool that is being developed internally. More sophisticated tools, especially those involving automation, integration with agency systems, confidential records, or large project records, may require support from Enterprise Information Services, ODOE information technology staff, or outside consultants.

The central implementation principle should be that AI may assist staff, but it should not replace staff accountability. Any AI-assisted work product used in a contested, public, or Council-facing process must be reviewed, verified, and approved by Siting Program staff before use.

To preserve public trust, the Siting Program is developing clear internal guidance for AI use. That guidance addresses source verification, confidential information, public records retention, use of copyrighted or proprietary materials, staff review requirements, and disclosure of AI-assisted work where appropriate. Staff will also be trained to distinguish between low-risk administrative uses and higher-risk uses that affect findings, conditions, enforcement, or Council decision-making.

Streamlining Information Requirements to Meet Important Resource Standards

ODOE, with support of a consultant with legal expertise, should evaluate studies, reports, and process of NEPA and other federal environmental review (e.g. Section 106 and JPA/Nationwide Permit) to determine whether, when federal review is triggered, it could satisfy the applicable Council standard (e.g., Structural, Soil Protection, Cultural, Threatened and Endangered Species, Wetlands/Waters of the State). The Siting Division could evaluate the limitations of relying on the federal process to satisfy Council standards and determine limited avenues by which the Council standards could then trigger additional review (i.e., if it were not possible for an applicant to incorporate state-listed threatened and endangered species into the federal process or ODFW was not satisfied with the protection resulting from the federal process, then Council standard would need to apply).

Modernization of Staff Organizational Structure for Siting Division

Getting clean energy projects built requires a strong Siting Division with support and oversight structures as well as greater flexibility to work on activities that may not align with the current billable model. Stable and adequate funding is needed for agency staff to not only conduct effective and timely review of proposed projects, but also to implement the process improvements outlined in this document.

Previous evaluation efforts, such as the independent consultants hired by ODOE in 2023, identified opportunities to strengthen oversight and accountability within the Siting Division through bolstering program, project, and performance management. As discussed above, the Division has already incorporated many of the recommendations in its annual process improvement workplan, but additional resources – especially an increase in management capacity – would allow the Siting Division to make further progress. This modernization would lead to the ability for the Siting Division to proactively anticipate workload issues and prioritize projects. This additional capacity will be especially important as EFSC is likely to see an unprecedented number of transmission projects proposed in the near future as the state and region build the infrastructure necessary to meet energy needs, as highlighted by the Western Transmission Expansion Coalition study.

As described above, the Siting Division's funding structure limits staff's ability to be responsive to changes in workload volumes and to work on activities not supported by specific project funds. Bringing a small amount of General Fund to the Siting Division to support accountability and enhance performance management would bolster streamlining and efficiency efforts.

Meaningful Engagement on Focused Issues

Certain standards are met with very similar information inputs and standardized condition outputs. Procedural processes for these standards could offer an approach where the information/exhibit requirements are maintained, but the Department is simply asked to evaluate whether newly established mandatory conditions are suitable given the data. Example standards include: Waste Minimization, Soil Protection, Structural, Organizational Expertise, and Siting Standards for Transmission Line.

Standards requiring a visual impact analysis could offer an opportunity for transmission line applicants to comply with a setback in lieu of conducting detailed upfront analysis. Detailed analysis would be triggered for projects that cannot meet the setback distance. For a transmission line, the setback could be 1 mile or 0.5 mile before any likely impact would occur. The siting process could allow members of the public to comment on the setback should they have concerns.

The Siting Division could evaluate whether there is duplication in evaluating compliance with the Organizational Expertise and Retirement and Financial Assurance standards for PUC-regulated facilities given that they have to demonstrate to PUC managerial competence, financial capability, long-term planning, and be subject to regulatory audits and reporting.

Recommended Policy Actions in the Oregon Energy Strategy

The Oregon Energy Strategy,[37] submitted to the Governor and Oregon Legislature in November 2025, includes two policy actions that create opportunities to further improve the Siting Program:

- Cross-Cutting Action 11. Increase resources, funding, and staff levels at agencies as needed, and as funding becomes available, to implement actions necessary to advance Oregon's energy policy objectives.
- Electricity Action 4. Update and enhance the Oregon Renewable Energy Siting Assessment Tool, with a goal of providing a robust database of lands that may be suitable for various types of electricity infrastructure projects.

Oregon Department of Energy's 2026-2029 Strategic Plan

The Oregon Department of Energy recently created and published its new Strategic Plan.[38] The plan includes five Pillars which are foundational elements that include goals, actions and progress indicators. Pillar 3 is "Accessible, Effective Services and Programs. The three actions from this Pillar will also create opportunities to further improve the Siting Program.

- Develop an engagement framework to help ODOE determine the appropriate level of engagement and collaboration efforts for each program and project. This framework will focus on supporting participation of key constituencies, including currently and historically underserved individuals, communities, and organizations in ODOE program implementation and policy development.
- Improve understanding and clarity of the Energy Facility Siting Council process for multiple participants, including the public and developers, to support an efficient and meaningful energy facility siting process.
- Build on Strategic Program Evaluations from previous Strategic Plan by identifying and addressing opportunities to make programs more effective and accessible. Consider target user needs, methods of sharing program information, and efforts to streamline processes and collect data on program effectiveness.

Written and Oral Comments

ODOE is pursuing a near-parallel public engagement process for this report and the Report on Reducing Barriers to Clean Energy Deployment.

ODOE held an initial open comment period for both reports in February and March 2026. In an online comment portal, ODOE posed 19 questions to commenters about their professional or lived experiences of developing a clean energy facility or participating in a development process, and the barriers they experienced. ODOE also asked commenters for input on potential solutions. In response, ODOE received 11 written public comment submissions from a range of different interested parties. ODOE also held two listening sessions to receive oral comments, which were attended by approximately 19 interested

[37] https://www.oregon.gov/energy/Data-and-Reports/Documents/Oregon-Energy-Strategy.pdf
[38] https://www.oregon.gov/energy/about-us/Pages/Strategic-Plan.aspx

persons. A compilation of comments received is posted on ODOE's website. ODOE reviewed all comments and appreciates the input.

ODOE is holding a second round of public comments for this report from June 12, 2026 to July 24, 2026 and will seek input in multiple ways.

- Online comment portal.
- Energy Facility Siting Council. As required by Executive Order 25-29, ODOE will bring the draft recommendations in two draft report to the June 26, 2026 Council meeting to be held at the ODOE office in Salem. A specific public comment period will be included as part of the agenda item. ODOE encourages interested persons to join the meeting to share oral comments. The meeting recording will be available on the Council's webpage the week of June 29.
- ODOE will hold a listening session to receive oral comments on June 29, 2026 at 4:30 p.m. Information on how to attend will be posted to the project webpage.
- If you are a member of an environmental justice community or advocate on environmental justice issues and have questions or need additional information to facilitate your engagement, please reach out to us.

Energy Facility Siting Council Review and Statement

This report will be presented to the Energy Facility Siting Council at its regular meeting on June 26, 2026. If they choose to include a specific statement for the report, it will be included here.

For More Information

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Appendix A – Status of Renewable Energy Projects

Project Name	Facility Type	Generation MW	Battery Storage MW	County(s)	Parent Company	Status/Notes
Stateline Wind Project	Wind	222	0	Umatilla	NextEra Energy	**Operational** since 2001.
Biglow Canyon Wind Farm	Wind	450	0	Sherman	Portland General Electric	**Operational** since 2007.
Klondike III Wind Project	Wind	300	0	Sherman	Avangrid - Iberdrola	**Operational** since 2007.
Leaning Juniper IIB Wind Power Facility	Wind	111	0	Gilliam	Avangrid - Iberdrola	**Operational** since 2011. Originally one project with Leaning Juniper IIA. Split in 2013.
Leaning Juniper IIA Wind Power Facility	Wind	90	0	Gilliam	Avangrid - Iberdrola	**Operational** since 2011. Originally one project with Leaning Juniper IIB. Split in 2013.
Shepherds Flat South	Wind	290	0	Gilliam, Morrow	Caithness Equities Corporation	**Operational** since 2012. Originally one project with Shepherds Flat North and Central. Split in 2009.
Shepherds Flat North	Wind	265	0	Gilliam	Caithness Equities Corporation	**Operational** since 2012. Originally one project with Shepherds Flat South and Central. Split in 2009.
Shepherds Flat Central	Wind	290	0	Gilliam, Morrow	Caithness Equities Corporation	**Operational** since 2012. Originally one project with Shepherds Flat North and South. Split in 2009.
Montague Wind Power Facility	Wind	201	0	Gilliam	Avangrid - Iberdrola	**Operational** since 2020**.** Amendments removed and added project locations as well as split into three facilities: Montague Wind, Montague Solar and Oregon Trail Solar.

Wheatridge Renewable Energy Facility I	Wind	100	0	Morrow	Portland General Electric	**Operational** - Split off from Wheatridge Wind Energy Facility
Wheatridge Renewable Energy Facility II Phase 1	Wind	200	0	Morrow	NextEra Energy	**Operational** - Split off from Wheatridge Wind Energy Facility - Full project is 200 MW of Wind and 30 MW of Battery. Battery has not begun construction.
Wheatridge Renewable Energy Facility III Phase 1	Solar & Battery	50	50	Morrow	NextEra Energy	**Operational** - Split off from Wheatridge Wind Energy Facility. 100 MW of Solar and 100 MW of Battery also approved but not yet in construction.
Port Westward Generating Project Amendment #11	Battery	0	6	Columbia	Portland General Electric	**Operational** - Part of operational 650 MW Natural Gas Power Plant
Golden Hills Wind Project	Wind	200	0	Sherman	Avangrid - Iberdrola	**Operational** since 2022. Approved at 400 MW but final design is 200 MW. Other 200 MW expired in December 2022.
Pachwáywit Fields (FKA Montague Solar)	Solar PV	162	0	Gilliam	Avangrid - Iberdrola	**Operational** - Split off from Montague Wind Power Facility. This and Oregon Trail solar share 100 MW of battery which has not started construction. The battery is reflected in Oregon Trail
Wheatridge Renewable Energy Facility East Phase 1	Wind & Battery	200	0	Morrow, Umatilla	NextEra Energy	**Operational** - Split off from Wheatridge Wind Energy Facility. Amendment #1 approved on 5/31/24 added 100 MW of wind and 10 MW of battery
Bakeoven Solar Project	Solar PV	60	0	Wasco	Avangrid	**Operational** since 2026. Daybreak and Sunset split off under Amendment 1. All three share 100

						MW of Battery which is reflected in Sunset.
Daybreak Solar Project	Solar PV	140	0	Wasco	Avangrid	**Operational** since 2026. Split off from Bakeoven under Amendment 1. All three share 100 MW of battery which is reflected in Sunset.
Subtotal	-	**3,331**	**56**	-	-	-
Oregon Trail Solar Facility	Solar PV and Battery	41	0	Gilliam	Avangrid - Invenergy	**Construction -** Approved in October 2020 - Split off from Montague Wind Power Facility - Any combination of wind and Solar PV up to 41 MW. 20 MW of battery is expected to commence in Q4 2026. No plans to construct remaining 80 MW of battery storage.
Wagon Trail Solar Project	Solar PV & Battery	130	60	Morrow	NextEra Energy	**Construction** - Approved in Sept. 2024 for 500 MW of Solar and 500 MW of Battery storage. Initiated construction of a portion of the project in May 2026.
Subtotal	-	**171**	**60**	-	-	-
Wagon Trail Solar Project	Solar PV & Battery	370	440	Morrow	NextEra Energy	**Pre-Construction** - Approved in Sept. 2024 for 500 MW of Solar and 500 MW of Battery storage. 110 MW of solar and 65 MW of battery storage is under pre-construction review. 260 MW of solar and 375 MW of battery storage has not started pre-construction review

Biglow Canyon Amendment #4	Solar and Battery	125	125	Morrow	PGE	**Pre-Construction** - Approved in March 2026. Currently under pre-construction condition review.
Sunstone Solar Project (FKA Echo Solar)	Solar PV & Battery	1,250	1,250	Morrow	Pine Gate Renewables	**Pre-Construction** - Approved in Nov. 2024. Started pre-construction review but on hold because of bankruptcy.
Wheatridge Renewable Energy Facility East Phase 2	Wind & Battery	100	30	Morrow, Umatilla	NextEra Energy	**Approved** - Split off from Wheatridge Wind Energy Facility. Amendment #1 approved on 5/31/24 added 100 MW of wind and 10 MW of battery
Sunset Solar Project	Solar PV & Battery	103	100	Wasco	Avangrid - Iberdrola	**Approved** in April 2020 as part of Bakeoven. Split under Bakeoven amendment 1. Sunset Amendment 1 extended beginning construction deadline to April 2028. No longer has lease rights to property so will likely expire.
Wheatridge Renewable Energy Facility II Phase 2	Battery	0	30	Morrow, Umatilla	NextEra Energy	**Approved** - Split off from Wheatridge Wind Energy Facility - Full project is 200 MW of Wind and 30 MW of Battery
Wheatridge Renewable Energy Facility III Phase 2	Solar & Battery	100	100	Morrow	NextEra Energy	**Approved** - Split off from Wheatridge Wind Energy Facility. Total Site Boundary 2,294 acres - 357 acres for Phase 1 = 1,937 acres
Carty Generating Station Amendment #2	Solar PV	50	-	Morrow	Portland General Electric	**Approved** in November 2020. Did not begin construction by required date and Amend. #3 approved construction time extension to Feb. 24, 2025. Currently under Amend 4 to extend deadlines again.

Madras Solar Energy Facility	Solar PV & Battery	63	63	Jefferson	EcoPlexus	**Approved** in June 2021 Did not begin construction by June 25, 2024. Amend. #1 approved extension of beginning construction to June 25, 2027.
Obsidian Solar Center	Solar PV & Battery	400	50	Lake	Obsidian Renewables	**Approved** in February 2022. Did not begin construction by Feb. 2025. Amendment #2 approved extension of beginning construction to Feb. 25 2028.
Nolin Hills Wind Power Project	Wind, Solar PV & Battery	600	120	Umatilla	Capitol Power Corporation	**Approved** in July 2023
Subtotal	-	**3,161**	**2,308**	-	-	-
Yellow Rosebush Energy Center	Solar & Battery	800	800	Wasco	Savion	**Under Review** - Application submitted. In Contested Case step.
Carty Generating Station Amendment #4	Solar & Battery	135	156	Morrow	PGE	**Under Review** - Amendment #4 submitted in April 2024 but incomplete. Waiting for responses.
Deschutes Solar	Solar PV and Battery	1,000	1,000	-	Brightnight	**Under Review** - pASC submitted Jan. 2026
Muddy Creek Energy Park	Solar & Battery	199	199	Linn	Hanwha Q Cells USA Corp	**Under Review** – pASC submitted May 2026.
Buckley Solar Facility	Solar PV and Battery	1,200	1,200	Sherman	Clenara	**Under Review** - Notice of Intent submitted Aug. 2024. Application not yet submitted.
Sunrise Solar	Solar PV and Battery	-	800	Morrow	PacifiCorp/Berkshire Hathaway	**Under Review** - Notice of Intent submitted Feb. 2025. Application not yet submitted.
Heppner Wind Energy Facility	Wind	190	-	Morrow	NextEra Energy	**Under Review** - Notice of Intent submitted March 2025. Application not yet submitted.

Speedway Solar Facility	Solar PV and Battery	1,400	500	Sherman	Brookfield Renewables	**Under Review** - Notice of Intent submitted Oct. 2025. Application not yet submitted.
Saddle Butte Energy Facility	Wind and Battery	488	488	Gilliam	Brookfield Renewables	**Under Review** - Notice of Intent submitted Dec. 2025. Application not yet submitted.
Klamath Falls Energy Facility	Solar and Battery	400	400	Klamath	Ørsted North America	**Under Review** - Notice of Intent submitted Dec. 2025. Application not yet submitted.
Subtotal	-	**6,612**	**5,543**	**-**	-	-
Total Active	-	**13,275**	**7,967**	**-**	-	-
West End Solar Energy Project	Solar PV & Battery	45	70	Umatilla	Eurus Energy America Corp.	**Expired** Did not begin construction by March 2026 deadline and site certificate was terminated.
Summit Ridge Wind Farm	Wind	194	0	Wasco	Apya Power	**Terminated** - Ending construction date expired. Requested to terminate on 14 Feb. 2024. Constructed road remained.
Boardman Solar Energy	Solar PV	75	-	Morrow	Invenergy	**Terminated** - Originally approved in February 2018. Did not begin construction by Feb. 23, 2021. Amend. #1 approved construction time extension to Feb. 23, 2024. Did not begin construction by that date and site certificate expired and was terminated.
Golden Hills Wind Project	Wind	200	0	Sherman	Avangrid - Iberdrola	**Expired** - Facility approved at 400 MW but final design is 200 MW, which is in construction. Other 200 MW expired in December 2022.
Saddle Butte	Wind	399	0	Gilliam, Morrow Co.	Caithness Equities Corporation	**Terminated** - Beginning construction date expired. Terminated 11/19

Helix	Wind	201	0	Umatilla Co.	Avangrid - Iberdrola	**Terminated** - Beginning construction date expired. Terminated 11/14
Newberry	Geothermal	35	0	Deschutes Co.	CE Newberry, Inc.	**Terminated** 02/01
Knapp Ranch	Wind	40	0	Curry Co	Wind Energy Specialties, Inc.	**Terminated** - Beginning construction date expired. Terminated 04/88
Subtotal	-	**1,189**	**70**	-	-	-
N/A	N/A	N/A	N/A	N/A	N/A	Decommissioned
Subtotal	-	0	0	-	-	-
Salt Caves II	Hydroelectric	80	0	Klamath Co.	City of Klamath Falls	**Denied** (1989)
Subtotal	-	80	0	-	-	-
Well Springs Solar Project	Solar and Battery	750	500	Morrow	MN8 Energy Development Company	**Withdrawn** - Notice of Intent submitted. Withdrawn March 19, 2026
Summit Ridge Renewable Energy	Wind, Solar PV & Battery	261	201	Wasco	Apya Power	**Withdrawn** - Notice of Intent submitted. Withdrawn March 11, 2026
Archway Solar Energy Facility	Solar PV & *Battery	400	400	Lake	Invenergy	**Withdrawn** - 3/2025
Speedway Solar Facility	Solar PV and Battery	900	500	Sherman Co.	Brookfield Renewables	**Withdrawn** - NOI withdrawn less than a month after submittal.
Blue Marmot Solar Energy Facility	Solar PV	50	0	Lake	EDP Renewables	**Expired** - Did not submit application and Notice of Intent Expired on Oct. 27, 2022.
Bonanza Energy Facility	Solar PV & Battery	300	1,100	Klamath	Hecate Energy NAF LLC	**Expired** - Did not submit application and Notice of Intent Expired on Aug. 7, 2022.
Baseline Wind Energy Facility	Wind	500	0	Gilliam Co.	First Wind Energy Holdings, LLC	**Withdrawn** - Application withdrawn prior to final decision (2016)

Heppner Wind Energy Facility	Wind	500	0	Morrow Co.	Invenergy Wind Development North America	**Expired** - Notice of Intent submitted but expired prior to application submittal (2015)
Brush Canyon Wind Facility	Wind	535	0	Wasco, Sherman Co.	E.ON AG	**Withdrawn** - Application withdrawn prior to final decision (2015)
Rock Creek Wind Power Facility	Wind	550	0	Gilliam Co.	RES America Developments Inc.	**Expired** - Notice of Intent submitted but expired prior to application submittal (2013)
Antelope Ridge Wind Farm	Wind	300	0	Union Co.	Horizon Wind Energy LLC	**Withdrawn** - Application withdrawn prior to final decision (2013)
Newberry Geothermal Project	Geothermal	180	0	Deschutes Co.	Davenport Power LLC (Newberry Geothermal Holdings LLC)	**Expired** - Notice of Intent submitted but expired prior to application submittal (2013)
Cascade Wind Project	Wind	60	0	Wasco Co.	UPC Wind Management, LC	**Withdrawn** - Application withdrawn prior to final decision (2009)
Salt Caves I	Hydroelectric	140	0	Klamath Co.	Pacific Power & Light	**Withdrawn** - Application withdrawn prior to final decision (1985)
Publisher Paper Co	Hydroelectric	60	0	Clackamas Co.	Publishers Paper Co.	**Withdrawn** - Application withdrawn prior to final decision (1984)
SubTotal	-	**5,486**	**2,701**	-	-	-
Total Inactive	-	**6,755**	**2,771.00**	-	-	-