

Oregon Department of **ENERGY**

2018
Government-to-
Government
Activity Report



OREGON
DEPARTMENT OF
ENERGY

2018 Government-to-Government Report

EXECUTIVE SUMMARY

In this report, the Oregon Department of Energy (ODOE) discusses ways our agency has interacted with and learned from Oregon's nine federally-recognized Indian tribes in 2018. The report provides information about efforts and actions to coordinate, collaborate, and enhance relations with tribal governments regarding ODOE programs and activities. These programs and activities include nuclear safety, emergency preparedness, and energy facility siting, in addition to agency outreach, grants, and communications. Below are a few highlights:

- *Nuclear Safety*: The Oregon Hanford Cleanup Board, which includes a representative of the Confederated Tribes of the Umatilla Indian Reservation, met three times in 2018 to discuss efforts to immobilize its 56 million gallons of high level waste in aging underground tanks at the Hanford Site.
- *Emergency Preparedness*: ODOE's Emergency Preparedness Manager provided an overview of the Oregon Fuel Action Plan to all nine emergency managers with the federally-recognized tribes at a February 2018 meeting of the Oregon Tribal Preparedness Coalition.
- *Energy Facility Siting*: Eleven new and existing projects have included specific notification and coordination with affected tribes. Communications with each tribal government are also accompanied with an offer for ODOE to visit tribal offices to discuss the notice and review process in person, along with guidance for cost reimbursement.
- *Agency Outreach, Grants, and Communications*: Two ODOE staff participated in the Oregon Tribal Environmental Forum in September 2018. One presentation focused on Tribal engagement with state agencies on large scale energy projects. The second presentation provided an overview of Oregon's climate and clean energy policies, climate and tribal topics covered in ODOE's Biennial Energy Report, and the activities of the Joint Interim Committee on Carbon Reduction and the Carbon Policy Office to inform a carbon pricing proposal in the 2019 Legislative Session.

ODOE released our first *Biennial Energy Report* on November 1, which is a clearinghouse of Oregon-focused energy information. Chapter 2 of the report

The Biennial Energy Report:
<https://energyinfo.oregon.gov/ber>

highlights tribal climate actions pursued by each of Oregon's federally recognized tribes, and case studies describe effects of climate change on first foods and on tribal energy systems. Governor Kate Brown's recommended budget was released on November 28 and includes potential big changes for Oregon Department of Energy. The Governor's proposed new *Oregon Climate Authority* would bring dedicated experts together in a new agency that focuses on climate, energy, reducing greenhouse gas emissions, and more. Much of what ODOE does would be consolidated into this new agency. We look forward to future conversations on the next phase of Oregon climate action during the 2019 legislative session.

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INTRODUCTION

In this report, the Oregon Department of Energy looks back at ways our agency has interacted with and learned from Oregon’s nine federally-recognized Indian tribes in 2018. We believe that continuing to build on our long-standing relationships with the tribes makes our agency more effective overall while supporting our work across the state and region. We recognize that tribes are advancing innovative programs and projects; we are committed to learning from the tribes about this work and finding opportunities where our programs and expertise can be valuable resources for tribes. We also continue to look for opportunities where our programs and projects can be improved with input from tribes.

ODOE released our first *Biennial Energy Report* in November 2018. It is a clearinghouse of Oregon-focused energy information and is the product of legislation passed in 2017 that modernized the department’s energy reporting responsibilities. An Oregon lens was applied to information included in the report, from the energy resources Oregonians depend on, to the policies, programs, and trends that shape how energy is delivered and used in the state. Data and examples included in the report are presented in an accessible format, and in-depth chapters take on issues such as climate change, energy resilience, transportation, and protecting consumers. The report also offers details on the growth of renewable energy, the electrification of Oregon’s transportation system, and “deep decarbonization” – which describes efforts to dramatically reduce the amount of greenhouse gases emitted across the economy, primarily by the energy sector. Chapter 2 of the report highlights tribal climate actions pursued by each of Oregon’s federally recognized tribes, and case studies describe effects of climate change on first foods and on tribal energy systems. The report is available here: <https://energyinfo.oregon.gov/ber>.

Governor Kate Brown’s recommended budget includes potential big changes for Oregon Department of Energy. The Governor’s proposed new *Oregon Climate Authority* would bring dedicated experts together in a new agency that focuses on climate, energy, reducing greenhouse gas emissions, and more. Much of what ODOE does would be consolidated into this new agency. We look forward to future conversations on the next phase of Oregon climate action during the 2019 legislative session – and will continue leading Oregon toward a safe, clean, and sustainable energy future.

This report provides an overview of ODOE programs and projects and the collaborative ways we have engaged with tribal governments over the last year.

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NUCLEAR SAFETY AND ENERGY EMERGENCY PREPAREDNESS DIVISION

The Nuclear Safety and Energy Emergency Preparedness Division supports and interacts with the nine federally-recognized tribes in Oregon on a variety of topics, including Hanford cleanup; restoration of injured natural resources; radioactive waste transport safety; and allocation of petroleum (diesel and gasoline) during times of shortage.

Hanford Cleanup

The Hanford Site, operated by the U.S. Department of Energy, is on land ceded by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The State of Oregon and the CTUIR have a Memorandum of Understanding for coordination on Hanford issues. ODOE is the lead state agency for Hanford oversight and oversees the state's coordination.

ODOE's technical staff work closely with their counterparts from the CTUIR on a variety of cleanup issues, including groundwater remediation, Columbia River corridor cleanup, and closure planning. The CTUIR, Yakama Nation, and Nez Perce Tribe work with ODOE on the Hanford Advisory Board to provide informed recommendations and advice to U.S. DOE, the U.S. Environmental Protection Agency, and the Washington Department of Ecology on policy issues related to the cleanup of the Hanford site.

A CTUIR representative sits on the Oregon Hanford Cleanup Board, which is a 20-member advisory group that recommends state policy to Oregon's Governor and the Legislative Assembly. The Board also holds U.S. DOE and its contractors accountable and brings Hanford issues to the public. The board met three times in 2018. Board members discussed the state of the Hanford Site cleanup, Hanford's efforts to immobilize its 56 million gallons of high-level waste stored in aging underground tanks, and the demolition of the Hanford Plutonium Finishing Plant.

ODOE is an active member of the State and Tribal Government Working Group (STGWG), which brings together representatives from states and tribes affected by all U.S. DOE facilities associated with the production and cleanup of the nuclear weapons complex. The CTUIR, the Yakama Nation, the Nez Perce Tribe, and the Wanapum are among more than a dozen tribes and Pueblos that are members of STGWG. In recent years, STGWG has focused on three priority issue areas: long-term stewardship; natural resource damage assessment and restoration; and tribal issues.

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Restoration of Injured Natural Resources

Oregon is one of eight natural resource trustees that participate in the Hanford Natural Resource Trustee Council (HNRTC). The other trustees are the CTUIR, the Yakama Nation, the Nez Perce Tribe, the State of Washington, and three federal agencies. The trustees work together to determine the extent of natural resource injury caused by releases of radioactive materials and chemicals into the environment. After the extent of the injury has been determined, the HNRTC will determine actions necessary for restoration of the injured resources. Oregon works with CTUIR staff on a variety of technical issues related to this work.

In 2018, ODOE continued our work with tribal trustees and other trustees to set injury thresholds for Hanford contaminants in surface water, sediment, and soil, and to design injury studies. This work has continued to focus on assessing and recovering damages for injury to near-shore aquatic ecosystems, groundwater, terrestrial ecosystems, and loss of tribal services. ODOE participated in ten full HNRTC meetings and many more working-group meetings during 2018. Most of the meetings were held in the Richland, Washington area or via conference calls.

Radioactive Waste Transport Safety

ODOE regulates the transport of radioactive materials and waste in and through Oregon. Approximately 400 to 600 shipments of radioactive material move through Oregon each year. The primary transportation corridor in Oregon for radioactive waste is Interstate 84 through northeast Oregon, which runs through the CTUIR's reservation lands. Oregon compiles an annual report on radioactive material transport through the state. We will publish our 2019 report in advance of the 2019 legislative session. The 2018 report can be found on our website: <https://www.oregon.gov/energy/safety-resiliency/Documents/2017-RAD-Transport-Report.pdf>.

Oregon Fuel Action Plan

ODOE is the lead agency representing the fuel sector for energy emergencies and emergency contingency planning. ODOE is responsible for helping ensure adequate fuel supplies to maintain emergency and essential services, and to restore critical infrastructure. This includes developing and maintaining the Oregon Fuel Action Plan.

The Pacific Northwest region's most likely catastrophic event is a Cascadia Subduction Zone (CSZ) earthquake. This event would devastate the region's petroleum supply and distribution system. Restoring the region's petroleum infrastructure would likely take months, if not longer.

ODOE has no regulatory authority to require seismic upgrades to privately-owned fuel tank farms, pipeline systems, marine docks, or other fuel infrastructure facilities. However, ODOE is

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responsible for ensuring the state can respond to a catastrophic earthquake whenever it may happen, and to be prepared to address the effects to the fuel infrastructure in its current state with all of its vulnerabilities.

The Oregon Fuel Action Plan was developed to address this need. It is designed to bring bulk fuel supplies into the state from outside the region to support the state's ongoing emergency response and recovery efforts until the regional infrastructure can be restored. The Oregon Fuel Action Plan designates priority fuel users, which includes the nine federally-recognized tribes, 36 county emergency management agencies, and 18 Emergency Support Function Primary State Agencies.

During 2018, ODOE's Emergency Preparedness Manager provided an overview of the Oregon Fuel Action Plan to all nine emergency managers with the federally-recognized tribes at a February 2018 meeting of the Oregon Tribal Preparedness Coalition. The presentation included information on:

1. Oregon's fuel supply and distribution system under normal conditions.
2. Anticipated impacts to the region's fuel infrastructure as a result of a catastrophic earthquake.
3. Where and how emergency bulk fuel supplies will be delivered to Oregon to support tribal, county, and state emergency response activities.
4. Who qualifies for emergency fuel and an explanation of the application process.
5. Fuel allocation and the unique authority of the nine federally-recognized tribes.
6. Steps the tribes can take prior to an emergency to ensure timely fuel deliveries after a catastrophic earthquake.

The Oregon Fuel Action Plan is available on ODOE's website:

<https://www.oregon.gov/energy/safety-resiliency/Documents/Oregon-Fuel-Action-Plan.pdf>.

Tribal Fuel Planning

ODOE consulted and provided guidance to the Cow Creek Emergency Manager as the tribe began developing its fuel plan. ODOE will continue to serve as the subject matter expert lending support to Cow Creek as plan development continues into 2019. ODOE continues to be available to provide support to interested tribes on tribal fuel plans.

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Emergency Preparedness Outreach

In October 2018, ODOE provided situation reports during statewide coordination calls to the tribes on the status of fuel supply and delivery problems as result of the Enbridge Pipeline Rupture that forced 100 residents from their homes near Prince George in British Columbia. A prolonged natural gas disruption has potential impacts on the petroleum sector. The four Puget Sound refineries get a portion of their natural gas supply via the Enbridge pipelines. Many components of refinery operations require natural gas. In addition, the damaged Enbridge pipeline connects to the Northwest Pipeline system, which provides fuel to Puget Sound Energy in Washington State and Northwest Natural Gas in Portland.

ENERGY FACILITY SITING

Energy Facility Siting Council

The Oregon Energy Facility Siting Council (EFSC or the Council) is a seven-member volunteer board appointed by the Governor and confirmed by the Oregon Senate. EFSC is responsible for reviewing applications for site certificates for all state-jurisdictional energy facilities. ODOE administers the EFSC facility siting process, which consolidates state agency and local government regulations into a single review process.

EFSC meets regularly throughout the year in locations geographically near proposed facilities. A summary of the latest information on energy projects under state jurisdiction is updated monthly and posted here: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/EFSC-Project-Updates.aspx>.

The December 2018 Oregon Energy Facility Siting Project Updates are attached and made a part of the 2018 Government-to-Government Report.

Energy Facility Siting Division

The Energy Facility Siting Division at ODOE provides staff to the Energy Facility Siting Council, helping EFSC complete its oversight responsibilities related to proposed energy facilities and amendments to approved facilities. This effort brings together project developers, local and regional governments, citizens, and other stakeholders to make sure proposed projects are evaluated, permitted, built, operated, and decommissioned consistent with all applicable standards, laws, and regulations. For example, state standards include protections for historic, cultural, and archaeological resources; threatened and endangered species; and fish and wildlife habitat. A summary of EFSC's statutory standards can be found in this factsheet:

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<https://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Standards-in-OAR.pdf>.

The division also provides compliance functions for facilities that are under construction or in operation.

Project Notification

Energy facility siting rules require the Siting Division to provide notices and requests for input to tribal governments, the public, local governments, and state agencies at designated steps throughout the site certification application and amendment processes. Through these notices and requests, the Siting Division provides details of proposed energy facilities to the tribes and invites the tribes' participation in the site certificate application review process. Specifically, during review of each proposed facility or amendment, the Siting Division seeks the tribes' input and expertise on potential impacts to tribal historic and cultural resources. In addition to the formal notices, Siting Division staff offer to meet with tribal representatives to discuss both the EFSC process and specific site certificate application issues. ODOE identifies tribes that may have an interest in a proposed facility or amendment by communicating with the Legislative Commission on Indian Services.

Implementation of Siting-Related Legislation from 2015

On January 1, 2016, Senate Bill 259 went into effect. The bill, introduced by ODOE in 2015, amended ORS 469.360 and ORS 469.421 to add authority for EFSC to compensate the nine federally-recognized Oregon tribes for their review of historical and cultural resources, and related Tribal Codes during the Notice of Intent and application review phases of the EFSC process. Applicants for a site certificate fund the compensation, which is paid through a reimbursement agreement between ODOE and each tribal government.

To date, ODOE has entered into reimbursement agreements with the Coquille Indian Tribe, Burns Paiute Tribe, and the CTUIR. Staff continues to reach out to other tribes that could be affected by EFSC jurisdictional projects in an effort to establish reimbursement agreements. Questions about or interest in reimbursement agreements for Oregon tribes should be directed to the Siting Division's financial analyst, Sisily Fleming, at sisily.fleming@oregon.gov or 503-378-8356.

Siting-Related Project Outreach to Tribes

During 2018, Siting Division staff coordinated with tribal governments, requesting feedback and guidance for several energy facilities around the state. Generally, communications consist of a notice requesting review and feedback during specific application stages for Receipt of Notice

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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. The communications with each tribal government are also accompanied with an offer for ODOE to visit tribal offices to discuss the notice and the EFSC review process in person. In addition, each notice includes guidance for requesting cost reimbursement. The following is a list of current projects and outreach with tribes conducted during 2018.

Bakeoven Solar Project (Wasco County) [new facility]

Date: November 2018

Notice: Notice of Intent

Tribes:

- Confederated Tribes of the Warm Springs Indian Reservation
- Burns Paiute Tribe

On November 28, 2018, ODOE and the applicant sent Tribal Governments requests for review and comment on the Notice of Intent. The applicant has shared with ODOE that they continue to coordinate with the affected Tribal Governments.

Boardman to Hemingway Transmission Line (Morrow, Baker, Malheur, Union and Umatilla Counties) [new facility]

Date: September 2018

Notice: Complete Application for Site Certificate

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Burns Paiute Tribe

The CTUIR provided comments on the amended preliminary application for site certificate submitted in July 2017. Ongoing coordination between ODOE, the CTUIR, and the applicant (Idaho Power) resulted in an in-person meeting between the parties on May 4, 2018. Idaho Power and ODOE have been coordinating with the CTUIR to address concerns. All three tribes were sent a request to review the complete application for site certificate on October 10, 2018, to provide feedback on outstanding issues and compliance of the proposed facility.

Obsidian Solar Center (Lake County) [new facility]

Date: September 2018

Notice: Preliminary application for site certificate

Tribes:

- Burns Paiute Tribe

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- Confederated Tribes of the Warm Springs Indian Reservation
- Klamath Tribes

In January 2018, ODOE received a Notice of Intent (NOI) to apply for a site certificate for the proposed facility. ODOE requested review and feedback on the NOI from Tribal Governments and the Klamath Tribes participated in an interdisciplinary team webinar. In addition, the applicant shared with ODOE that they met in person with the Klamath Tribes and that they have also been coordinating with the Confederated Tribes of the Warm Springs. On September 27, 2018, ODOE and the applicant sent Tribal Governments requests for review and feedback on the preliminary application for site certificate. The applicant has shared with ODOE that they continue to coordinate with the affected tribes.

Blue Marmot Solar Energy Facility (Lake County) [new facility]

Date: February 2018

Notice: Notice of Intent

Tribes:

- Burns Paiute Tribe
- Confederated Tribes of the Warm Springs Indian Reservation
- Klamath Tribes

In January 2018, ODOE received a Notice of Intent (NOI) to apply for a site certificate for the proposed facility. ODOE requested review and feedback on the NOI from Tribal Governments. The applicant has requested a suspension of the NOI review with the intent to resubmit the NOI at a later date. If a revised NOI is submitted, ODOE will request review and feedback from Tribal governments.

Carty Generating Station Amendment #1 (Morrow and Gilliam Counties) [existing facility – amendment]

Date: April 2018

Notice: Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

ODOE sent Tribal Governments a request to provide feedback on the proposed Amendment 1. In April 2018, the CTUIR provided comments on the proposed amendment.

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Stateline Wind Project Amendment #5 (Umatilla County) [existing facility – amendment]

Date: July 2018

Notice: Preliminary Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

ODOE sent Tribal Governments a request to provide feedback on the proposed Amendment 1. In July 2018, the CTUIR provided a comment letter on the proposed amendment.

Eugene to Medford Transmission Line Amendment #4 (Jackson and Josephine counties) – also known as the Sams Valley Reinforcement Project [existing facility – amendment]

Date: January 2018

Notice: Amendment Request

Tribes:

- Cow Creek Band of Umpqua Tribe of Indians
- Confederated Tribes of Siletz Indians
- Confederated Tribes of Grand Ronde
- Klamath Tribes

On January 11, 2018, ODOE received a letter from the Cow Creek Band of Umpqua Tribe of Indians requesting that a professional archaeologist monitor the project, and that there be an opportunity to place tribal monitors in the field. These comments will be considered and addressed in the Department's Draft Proposed Order, anticipated to be released in 2019, which will then be considered by EFSC as it produces a Final Order.

On June 12, 2018, at the Confederated Tribes of the Grand Ronde's request, the ODOE lead reviewer attended a site visit and meeting between the Grand Ronde, Bureau of Land Management, and PacifiCorp. Staff from the Grand Ronde expressed concerns about potential facility impacts on Lower Table Rock. ODOE is awaiting PacifiCorp's revised application and has been informed by the applicant that it will incorporate additional information that will come out of the ongoing federal review process (National Historic Preservation Act (NHPA) Section 106).

Golden Hills Wind Project Amendment #5 (Sherman County) [existing facility – amendment]

Date: August 2018

Notice: Draft Proposed Order

Tribes:

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- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

On August 17, 2018, ODOE received a letter from the CTUIR requesting that the certificate holder be required to manage noxious weeds. EFSC previously imposed a site certificate condition requiring that the certificate holder monitor and control noxious weeds from the facility within the site boundary. In addition, CTUIR requested that the certificate holder evaluate cumulative habitat impacts from the facility in combination with other wind facilities within the Columbia Basin. Evaluation of cumulative habitat impacts is not required under an EFSC standard (for additional information, see fact sheet describing EFSC's statutory standards here:

<https://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Standards-in-OAR.pdf>).

On July 20, 2018, ODOE received a letter from the Confederated Tribes of the Warm Springs Reservation commenting that if there were any changes to the Area of Potential Effect, then additional identification, evaluation, and protection of historic properties or cultural resources may be necessary. The letter referenced review of the amendment request under Section 106 of the National Historic Preservation Act, which is required by federal law and is outside of the state's EFSC process.

Montague Wind Power Facility Amendment #4 (Gilliam County) [existing facility – amendment]

Date: February 2018

Notice: Preliminary Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation

On March 3, 2018, ODOE received a letter from the CTUIR requesting an onsite cultural resource monitor during construction of the facility. These comments will be considered and addressed in the Department's Draft Proposed Order, anticipated to be released in 2019, which will then be considered by EFSC as it produces a Final Order.

On October 8, 2018, the CTUIR provided the Department with an additional comment that refined the tribe's initial request of requiring a cultural resource monitor be present during construction, to requiring a cultural resource monitor be present for [all] ground disturbing activities.

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Perennial Wind Chaser Station (Umatilla County) [existing facility – amendment]

Date: August 2018

Notice: Amendment Request

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Nez Perce Tribe
- Confederated Tribes and Bands of the Yakama Indian Nation

On August 30, 2018 ODOE, received an email from the Confederated Tribes of the Warm Springs Indian Reservation requesting the status of the certificate holder’s compliance with the site certificate conditions EFSC imposed under the state’s Historic, Cultural and Archaeological Resources Standard. ODOE provided the requested information.

Summit Ridge Wind Farm Amendment #4 (Wasco County) [existing facility – amendment]

Date: August 2018

Notice: Preliminary Request for Amendment

Tribes:

- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Indian Reservation
- Confederated Tribes of the Siletz Indians
- Confederated Tribes of the Grand Ronde,
- Confederated Tribes and Bands of Yakama Indian Nation

ODOE initiated communication with the Confederated Tribes of the Warm Springs on August 28, 2018 and October 22, 2018. The communication provided notice of the proposed Request for Amendment #4 and requested to discuss the facility with the Tribe. The Department received a letter from the Confederated Tribes of the Warm Springs on November 19, 2018. The letter indicated that the facility is within the tribe’s “areas of concern”; however, the letter also indicated that the Confederated Tribes of the Warm Springs considers the conditions imposed by the site certificate, in conjunction with the certificate holder’s previous evaluation, to be a “reasonable and good faith effort” to identify, evaluate, and protect historic properties.

Jordan Cove Energy Project

The Oregon Department of Energy coordinates state agency comments and serves in a lead role for state participation in review of the proposed Jordan Cove Energy Project. ODOE has a webpage that provides consolidated project updates and information about

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the review process here: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Jordan-Cove.aspx>.

Date: January 2018

Location: Grand Ronde

Presentation during the Cultural Resources Cluster meeting regarding the status of State agency permits.

Date: January 2018

Location: ODFW Headquarters

Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

Date: June 2018

Location: ODFW Headquarters

Tribal/State agency meeting regarding State permitting, facilitated by the Governor's Office and ODOE.

Date: July 2018

Location: Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians Tribal Hall
Government-to-Government meeting with State agency directorship, Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Council and staff, and the Governor's Office.

Date: September 2018

Location: Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians Tribal Hall
Tribal/State agency meeting regarding State permitting, tour of mitigation, dredge disposal, and other pertinent sites in/around North Bend, facilitated by the Governor's Office and ODOE.

In addition to coordination activities, the agency is also responsible for overseeing public health and safety planning in the event of a liquefied natural gas (LNG) emergency at the proposed terminal or along a transit route. This work entails reviewing and issuing a decision on the proposed facility's emergency response plans. The Department oversees safety and security activities throughout the life of any approved LNG project.

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AGENCY OUTREACH, GRANTS, AND COMMUNICATIONS

On September 3, 2018, ODOE staff participated in the Oregon Tribal Environmental Forum. Sean Mole, ODOE's Federal Projects Coordinator, provided a presentation during a panel discussing effective Tribal engagement with state agencies on large scale energy projects. In addition, Lesley Jantarasami, Senior Policy Analyst for Climate Change, participated on a climate change panel at the Forum. She provided an overview of Oregon's climate and clean energy policies, climate and tribal topics covered in ODOE's Biennial Energy Report, and the activities of the Joint Interim Committee on Carbon Reduction and the Carbon Policy Office to inform a carbon pricing proposal in the 2019 Legislative Session.

Lesley Jantarasami also served as Chapter Lead Author of the Tribes and Indigenous Peoples chapter of Volume II of the Fourth National Climate Assessment (NCA4), which was published by the federal government on November 23, 2018. NCA4 is a scientific assessment of climate change impacts, risks, and adaptation across the United States. NCA4 Vol. II places a strong emphasis on regional information, addressing the impacts of climate change on ten regions of the country, including the Pacific Northwest.

On October 19, 2018, the Siting Division Assistant Director and Siting Division staff met with staff from the CTUIR Department of Natural Resources to discuss how the EFSC program may interface with the CTUIR's treaty rights. The meeting took place at the CTUIR's Nixyaawii Governance Center.

Along with ODOE's participation in the Natural Resource Work Group and Cultural Resources Cluster meetings during 2018, over the past year, staff from several of ODOE's divisions have taken advantage of opportunities to participate in tribal events, including:

The Affiliated Tribes of Northwest Indians – The Siting Division's Senior Policy Advisor provided a presentation on the EFSC facility siting process at the 2018 Winter Convention.

CTUIR Treaty Rights and Jurisdiction Training – On April 18, an ODOE Senior Siting Analyst and Oregon Department of Justice legal counsel for ODOE attended a training provided by the CTUIR Office of Legal Counsel. Topics included treaty rights, jurisdictional frameworks, and best practices for consultation.

Next Level Energy Efficiency Workshop – On November 14, Planning & Innovation Division staff attended this Workshop, produced by the NW Energy Coalition and the Affiliated Tribes of Northwest Indians. Topics discussed were:

- Growing a local energy efficiency and demand side workforce

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- New trends in contract designs for public entities
- How can energy efficiency investments be made appealing to commercial enterprises
- Financing approaches for residential energy efficiency

2018 State/Tribal Summit – The Agency Director and Tribal Liaison participated in the 2018 Summit at Spirit Mountain Casino, hosted by the Confederated Tribes of the Grand Ronde and facilitated by Governor Kate Brown and her staff on November 27, 2018.

LCIS, Cultural Resources Cluster, and Natural Resource Work Group – The Tribal Liaison attended meetings throughout the year.

The Department will be conducting our last Renewable Energy Development Grant, or RED grant, opportunity in early 2019. RED grants support tribes, individuals, businesses, nonprofits, or other organizations that are investing in renewable energy systems in Oregon. Systems that will use biomass, solar, geothermal, hydroelectric, wind, landfill gas, biogas, or wave, tidal, or ocean thermal energy to produce electricity are eligible for grants up to \$250,000 per project, not to exceed 35 percent of the project's eligible costs. RED grants are awarded competitively through grant opportunity announcements. Prior to the construction or installation of their project, interested project owners can submit applications during an open announcement period. At the end of the announcement period ODOE competitively scores applications and notify selected grant recipients. Once the project is completed, grant recipients submit the Red Grant Final Report to the Department. After ODOE receives and reviews the Final Report, grant funds will be distributed. The final RED grant opportunity announcement period will be posted and will close in early 2019; more information is available here:

<https://www.oregon.gov/energy/Incentives/Pages/Renewable-Energy-Grants.aspx>.

As part of our agency's internal communications, we have also looked for opportunities to educate staff about the nine federally-recognized tribes in Oregon. In October 2018, ODOE hosted a staff workshop called "Building Trust with Tribes" that included presentations and a panel. The purpose of the workshop was to provide ODOE staff with information about tribal governments in Oregon to help them better understand tribal cultures and perspectives, help build better relationships with tribes, and help the agency fulfill our duties with regard to the state's relationship with tribal governments. The workshop agenda included:

- Western vs. Traditional Native conceptions of time and relationships presented by Michelle Singer, OHSU-PSU School of Public Health
- Highlights and summary of tribal laws and policies presented by Patrick Rowe, Oregon Department of Justice

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- Panel discussion with Direlle Calica, Executive Director, PSU Institute on Tribal Government, and agency Tribal Liaisons (Ruchi Sadhir, ODOE; Jon Germond, ODFW; and John Pouley, SHPO)
- Questions/Discussion with staff

As a follow-up to the workshop, ODOE has formed an internal tribal engagement coordination committee made up of staff from relevant divisions of the agency. The purposes of this committee include: sharing information about agency engagement and coordination with Oregon tribes; brainstorming ideas for collaboration with Oregon tribes, implementing changes to further improve tribal relations for the agency; and providing resources for agency staff.

Additional actions include our communications team sharing stories about energy issues on tribal lands in our internal news digest and our human resources team featuring information about tribes in Oregon on an internal informational board.

POLICY ON GOVERNMENT-TO-GOVERNMENT RELATIONS

The ODOE/Tribal Policy on Government-to-Government Relations is attached and made a part of the 2018 Government-to-Government Report.

CONCLUSION

During 2018, the Oregon Department of Energy continued to pursue new ways to engage and collaborate with the nine federally-recognized tribal governments in Oregon. These efforts have been focused on strengthening our relationships with tribal representatives and providing services and information that is beneficial. We have also sought out tools to help our employees improve their understanding of tribes and the importance of promoting government-to-government relations with the nine federally-recognized tribal governments in Oregon. We will continue to ensure this is part of our agency culture. We welcome input on how we can assist tribal governments, improve our relationships, and collaborate more effectively.

2018 Government-to-Government Report

FOR MORE INFORMATION

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OREGON DEPARTMENT OF ENERGY

Internal Policies and Procedures



Subject: State/Tribal Government to Government Relations
Policy Number: ADM-08
Policy Owner: Director
Effective Date: November 30, 2016

Approved: _____
[SIGNATURE ON FILE]
Michael Kaplan, Director

Applicability:

This policy applies to all Oregon Department of Energy employees.

Purpose:

The purpose of this policy is to promote government to government relations between the Oregon Department of Energy and Oregon's nine federally-recognized Indian tribes.

This policy is adopted pursuant to ORS 182.162-168, which requires state agencies to develop and implement tribal relations policies.

Policy:

ODOE recognizes and respects the sovereign status of Oregon's federally recognized tribes and their respective authorities on tribal lands. It is the policy of the Oregon Department of Energy to promote positive government to government relations, communications and cooperation with Oregon's federally recognized Indian tribes in areas where development and implementation of agency programs may affect tribal lands, activities, or interests.

The Government Relations, Tribal Liaison, is designated as the key agency contact with tribal governments.

ODOE promotes strong government to government relationships at the leadership, manager, and staff levels with Oregon's federally recognized Indian tribes. ODOE will demonstrate its commitment to positive government to government relations with Indian tribes through such practices as follows:

- The ODOE Director, the Government Relations, Tribal Liaison and designated division administrators will meet regularly with each of Oregon's federally recognized tribes to discuss issues of mutual interest, and explore opportunities for greater state/tribal partnership and collaboration.
- ODOE will identify managers and employees who are responsible for developing and implementing agency programs that affect tribes.
- ODOE will make a reasonable effort to cooperate with tribes in the development and implementation of agency programs that affect tribes.
- ODOE will support and participate in cooperative efforts between tribal governments and federal, state, and/or local governments through its Hanford Clean-Up Board and the Energy Facility Siting Council, through the safe transportation of radio active waste through the state, through the allocation of

petroleum during times of shortages and disruptions, and through the development and implementation of energy policies and programs, including energy incentive programs.

- ODOE will seek tribal representation on ODOE advisory boards and working groups that are of interest to the tribes.
- ODOE will support the exchange of relevant data collected by ODOE staff or by tribal governments.
- ODOE will consult with the Legislative Commission on Indian Services on matters concerning tribal government.
- ODOE staff who have regular communication with tribes will be trained annually on the legal status of tribes, the legal rights of members of tribes and issues of concern of tribes through training provided by the Department of Administrative Services and/or other learning opportunities.
- ODOE will disseminate this policy to all ODOE employees and to new employees through new employee orientation, and will maintain the policy on the Intranet.
- ODOE will submit an annual report to the Governor and the Commission on Indian Services on the activities of the agency that support ORS 182.162-168.
- Any other identified activity.

History:

Policy Established November 30, 2016.

References:

[ORS 182.162–182.168](#)

[ORS 190.110](#)

[Executive Order 96-30](#)

Attachments:

None

Oregon Energy Facility Siting

Project Updates: December 2018

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ENERGY FACILITIES AT A GLANCE

New Energy Facilities – 5 Proposed Facilities

Facility	Phase	Status	Location
Boardman to Hemingway Transmission Line <i>Requires federal and EFSC review/approval</i>	Application Submittal	Received Complete Application for Site Certificate	Morrow, Umatilla, Union, Baker, and Malheur counties
Obsidian Solar Center	Application Submittal	Received Preliminary Application for Site Certificate; Department/Agency completeness review	Lake County
Nolin Hills Wind Project	Notice of Intent	Pending certificate holder submittal of preliminary Application for Site Certificate	Umatilla County
Blue Marmot Solar Energy Facility	Notice of Intent	NOI review temporarily suspended	Lake County
Bakeoven Solar Project	Notice of Intent	NOI Comment Period	Wasco County



Approved Energy Facilities – 10 Proposed Amendments

Facility	Phase	Status	Location
Golden Hills Wind Project Amendment #5	Final Order	Council adopted the proposed order, with modifications, as the final order and granted a fifth amended site certificate; Individuals with appeal rights notified on November 28, 2018.	Sherman County
Wheatridge Wind Energy Facility Amendment #3 (Turbine Option)	Final Order	Council adopted the proposed order, with modifications, and granted an amended site certificate at its November 2018 Council meeting. Individuals with appeal rights will be notified.	Morrow and Umatilla Counties
Wheatridge Wind Energy Facility Amendment #2 (Battery Storage)	Proposed Order	Council will review the proposed order and requests for contested case, if received, during its December 14, 2018 Council meeting.	Morrow and Umatilla Counties
Carty Generating Station Amendment #1 (Solar PV)	Proposed Order	Council will review the proposed order and requests for contested case, if received, during its December 14, 2018 Council meeting.	Morrow County
Eugene to Medford Transmission Line (“Sams Valley Reinforcement Project”) <i>Requires federal and EFSC review/approval</i> Request for Amendment #4	Amendment Submittal	Certificate holder revising preliminary Request for Amendment in response to Department’s request for additional information	Lane, Douglas and Jackson Counties (amendment components in Jackson and Josephine Counties)
Montague Wind Power Facility Amendment #4	Amendment Submittal	Certificate holder revising preliminary Request for Amendment in response to Department’s request for additional information	Gilliam County
Stateline Wind Project Amendment #5	Amendment Submittal	Department reviewing certificate holder responses to its information request	Umatilla County
Perennial Wind Chaser Station Amendment #1	Amendment Submittal	Department reviewing certificate holder response to ODOE request for additional information	Umatilla County
Summit Ridge Wind Farm Amendment #4	Amendment Submittal	Department reviewing preliminary Request for Amendment for completeness	Wasco County

Approved Energy Facilities – 10 Proposed Amendments

Facility	Phase	Status	Location
Wheatridge Wind Energy Facility Amendment #4	Amendment Submittal	Department reviewing preliminary Request for Amendment for completeness	Morrow County

Amendment Determination Requests – 2 Requests

Facility	Phase	Status	Location
Summit Ridge	Department Determination	Department issued a written determination that a Type B amendment review was justified and posted it to the project page.	Wasco County
Montague Wind Power Facility	Department Determination	Department issued a written determination that an amendment was not required and posted it to the project page.	Gilliam County

Exemption Requests – 2 Requests

Facility	Phase	Status	Location
Jordan Cove Energy Project	Exemption Submittal	Review Suspended pending submittal of new information	Coos County
NEXT Renewable Fuels, Oregon	Pre-Exemption Submittal	Submitted exemption fee to begin discussions with Department	Columbia County

Additional information about federal energy facilities available on our website.

ACTIVE STATE ENERGY FACILITY PROJECTS

Click on the project name for more information.

New Energy Facilities

Boardman to Hemingway Transmission Line

Facility Description: 500 kV single circuit transmission line approximately 300 miles in length (273 miles in Oregon), proposed by Idaho Power Company (IPC). Because portions of the route would cross federal land, the project must receive regulatory approval from both the federal government and EFSC.

Phase: Application Submittal – Determined complete on October 1, 2018

What's New: Reviewing agency comment period deadline for comments related to compliance of the proposed facility was November 26, 2018.

Looking Forward: Department is coordinating with reviewing agencies and drafting the draft proposed order.



Obsidian Solar Center

Facility Description: Proposed photovoltaic (PV) solar energy generation facility with a nominal generating capacity of up to 400 megawatt (MW) on approximately 3,921 acres proposed by Obsidian Solar Center, LLC, a subsidiary of Obsidian Renewables, LLC. The applicant requests approval for two layout scenarios. One layout includes a PV solar energy facility without battery storage and the other layout includes PV solar with battery storage [dispersed or centralized] (PV plus storage).

Phase: Application Submittal

What's New: N/A

Looking Forward: The preliminary application is undergoing a completeness review conducted by Department and reviewing agencies.

Nolin Hills Wind Project

Facility Description: Proposed wind energy facility of up to 350 MW peak generating capacity on approximately 45,000 acres proposed by Nolin Hills Wind, LLC, a subsidiary of Capital Power Corporation.

Phase: Notice of Intent

What's New: N/A

Looking Forward: Applicant to submit preliminary application for site certificate, anticipated in the first quarter of 2019.

Blue Marmot Solar Energy Facility

Facility Description: Proposed PV solar energy generation facility with a nominal generating capacity of up to 60 MW on approximately 5,170 acres proposed by Blue Marmot Solar Park, LLC, a subsidiary of EDP Renewables North America, LLC.

Phase: Notice of Intent (suspended per applicant's request)

What's New: N/A

Looking Forward: Applicant has indicated that they intend to submit an amended NOI at a later date. At that time, Department will re-notice, hold an informational meeting and provide an additional comment period.

Bakeoven Solar Project

Facility Description: Proposed PV solar energy generation facility with a nominal generating capacity of up to 303 megawatt (MW), 100 MW of battery storage, and related or supporting facilities. The proposed facility would occupy approximately 3,030 acres within a site boundary encompassing approximately 10,615 acres within Wasco County, near Maupin. The facility is proposed by Bakeoven Solar, LLC, a subsidiary of Avangrid Renewables, LLC.

Phase: Notice of Intent (NOI)

What's New: Department issued Public Notice of a comment period on the NOI extending from November 28, 2018 through January 11, 2019.

Looking Forward: Department will issue a Project Order within 1st or 2nd Quarter 2019.

Approved Energy Facilities - Requests for Amendment

Golden Hills Wind Project Amendment #5

Facility Description: Approved, but not yet constructed, wind energy facility with up to 125 wind turbines and a maximum capacity of 400 MW, located on approximately 29,500 acres. The certificate holder is Golden Hills Wind Farm, LLC, a subsidiary of Pacific Wind Development, LLC (Pacific Wind), a subsidiary of Avangrid Renewables, LLC (Avangrid), the U.S. division of parent company Iberdrola, S.A.

Amendment Description: The request for amendment (RFA) request seeks approval for a differing turbine model option than previously approved that would increase turbine hub height from 311 to 404 feet, increase blade tip height from 521 to 650 feet, and reduce minimum blade tip clearance from 65 to 46 feet; increase temporary access road width (40 to 100 feet); and increase height of meteorological towers (311 to 404 feet). The amendment request seeks approval to amend Condition PRE-DC-01.

Review Process: Type A

Phase: Final Order

What's New: Department received a fully executed amended site certificate on November 19, 2018 and on November 28, 2018 served the Final Order to requestors of contested case notifying those individuals of their appeal rights.

Looking Forward: Receipt of appeal(s) or conclusion of appeal period.

Wheatridge Wind Energy Facility Amendments #2 & #3

Facility Description: Approved, but not yet constructed, 500 MW wind energy facility with up to 292 wind turbines, up to 32 miles of 230 kV transmission line, and other related or supporting facilities on approximately 13,097 acres. The certificate holder is Wheatridge Wind Energy, LLC, a wholly-owned subsidiary of Wheatridge Wind Holdings, LLC, an indirect subsidiary of parent company NextEra Energy Resources, LLC.

Amendment Description:

RFA2 - RFA seeks approval for construction and operation of an additional wind turbine model option that would increase maximum potential dimensions of turbine hub height from 278 to 291.3 feet, blade tip height from 476 to 499.7 feet, blade length from 197 to 204.1 feet, and rotor diameter from 393 to 416.7 feet; and would decrease minimum ground clearance from 83 to 70.5 feet.

RFA3 - RFA seeks approval for construction and operation of two lithium-ion battery storage systems with a capacity of 20 and 30 MW, respectively, to be located adjacent to previously approved but not yet constructed facility substation and operation and maintenance building sites in Morrow and Umatilla counties.

Review Process:

RFA2 (battery storage) - Type A Review;

RFA3 (wind turbine specification change) - Type B Review

Phase: RFA2 - Proposed Order; RFA3 - Final Order

What's New:

RFA2 - Department issued its proposed order, notice of proposed order, and notice of an opportunity to request a contested case on November 1, 2018. The opportunity to request a contested case applies to individuals that commented on the record of the draft proposed order and extends from November 1 through December 3, 2018.



RFA3 - Council approved the proposed order, with modifications, and granted an amended site certificate at its November 16, 2018 Council meeting.

Looking Forward:

RFA2 - Council will review the proposed order and requests for contested case, if received, at its December 14, 2018 Council meeting.

RFA3 - Department will notify individuals that commented on the record of the draft proposed order of their appeal rights once a fully executed site certificate is received from the certificate holder.

Carty Generating Station Amendment #1 – Solar (PV) Component

Facility Description: The existing operating facility is a 450-megawatt, natural gas-fueled combined cycle electric generating plant on approximately 2,400 acres. The certificate holder is Portland General Electric.

Amendment Description: RFA request includes a 50 MW PV solar facility, temporary laydown and access roads, and five 34.5 kV interconnection transmission line route options. The amendment request also requests, through the omission of a construction commencement and completion deadline request for previously approved components, including an 18-mile 500 kV transmission line, 450 MW natural gas combined cycle natural gas unit, and associated related or supporting facilities, to amend the site certificate to remove previously approved but not yet constructed components.

Review Process: Extended review under the pre October 2017 rules.

Phase: Proposed Order

What's New: On November 9, 2018, Department issued a Proposed Order on Request for Amendment 1, and public notice of a public comment period and opportunity to request a contested case on the proposed order, extending from November 9 through December 10, 2018.

Looking Forward: Council will review the proposed order and requests for contested case, if received, at its December 14, 2018 Council meeting.

Eugene to Medford Transmission Line Amendment #4

Facility Description: The existing site certificate is for a 137-mile, 500-kilovolt transmission line between PacifiCorp's Meridian Substation near Medford, and PacifiCorp's Spencer Switching Station south of Eugene. The facility was built in the early 1990s. The site certificate holder is PacifiCorp.

Amendment Description: RFA includes the following primary components: expansion of the site boundary from approximately 23,975 to 24,463 acres; decommissioning of an existing 115 kV transmission line; construction and operation of a new 17.6-mile 230 kV transmission line to be double circuited with the existing 115 kV transmission line; a new 500/230 kV substation (Sam's Valley substation); upgrading of the existing Grants Pass substation to accommodate the termination of the new proposed 230 kV transmission line; reconductoring a 4.9-mile segment of existing 230 kV transmission line; and, substantial modification of existing access roads. The amendment components are collectively referred to by PacifiCorp as the Sams Valley Reinforcement Project.

Review Process: Type A

Phase: Amendment Submittal

What's New: N/A

Looking Forward: Upon PacifiCorp's submittal of requested information, Department will review the information and will either request further information or determine that the RFA is complete.

Montague Wind Power Facility Amendment #4

Facility Description: Approved wind energy facility with up to 262 wind turbines and a maximum generating capacity of 404 megawatts on approximately 33,691 acres. The first phase of the facility is currently under construction. The site certificate holder is Montague Wind Power Facility, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC, the U.S. division of parent company Iberdrola, S.A.

Amendment Description: RFA seeks authorization to expand the site boundary by approximately 10,838 acres to allow construction and operation of the following three development options within portions of the new and existing site boundary: 1) 202 MW of wind energy generation (81 2.5-megawatt turbines), 100 MW battery storage; 2) 202 MW of wind energy generation (48 4.2-megawatt turbines), 100 MW battery storage; and 3) 100 MW of solar energy generation (640 acres), 100 MW of wind energy generation (40 2.5-megawatt turbines), 100 MW battery storage.

Review Process: Type A

Phase: Amendment Submittal

What's New: N/A

Looking Forward: The preliminary request for amendment is undergoing a completeness review conducted by Department and reviewing agencies.

Stateline Wind Project Amendment #5

Facility Description: Operating wind energy facility consisting of two units: Stateline 1 & 2, and Stateline 3. Stateline 1 & 2 includes 186 wind turbines with a peak generating capacity of 123 MW; Stateline 3 includes 43 wind turbines with a peak generating capacity of 99 MW. The certificate holder is FPL Energy Vansycle, LLC and FPL Energy Stateline II, Inc., an indirect subsidiary of parent company NextEra Energy Resources, LLC.

Amendment Description: RFA is specific to Stateline 3 and seeks approval for a change of facility name; re-powering of 43 existing wind turbines (i.e. replacement of existing nacelles and turbine blades that would increase total turbine height from 416 to 440 feet); temporary disturbances of previously approved temporary laydown areas and access roads; and amendment of two site certificate conditions (Condition 37 and 126).

Review Process: Type A

Phase: Request for Amendment

What's New: The certificate holder provided responses to Department's information request and reviewing agency comments.

Looking Forward: Department anticipates determining completeness in December 2018 and its reconsideration of whether Type A review be maintained, based on additional changes to the amendment request (i.e. certificate holder's removal of the variance request for wind turbine setbacks to road rights-of-way).

Perennial Wind Chaser Station Amendment #1

Facility Description: Approved, but not yet constructed, natural gas facility comprised of up to four turbines with a maximum capacity of 415 megawatts. The certificate holder is Perennial-WindChaser LLC, a wholly-owned subsidiary of Perennial Power Holdings, Inc.

Amendment Description: Two year extension of the construction and completion deadlines.

Review Process: Type A.

Phase: Request for Amendment



What's New: N/A

Looking Forward: The preliminary request for amendment is undergoing a completeness review conducted by Department and reviewing agencies.

Summit Ridge Wind Farm Amendment #4

Facility Description: Approved, but not yet constructed, 194.4 MW wind energy facility with up to 72 wind turbines, and other related or supporting facilities on approximately 11,000 acres. The certificate holder is Summit Ridge Wind, LLC, a wholly-owned subsidiary of Pattern Renewables 2 LP, an indirect subsidiary of parent company Pattern Energy Group 2 LP.

Amendment Description: Two year extension of the construction and completion deadlines.

Review Process: Type B. See the Admendment Determination Section below for more details.

Phase: Request for Amendment

What's New: The Department has been reviewing the RFA for completeness; and responses to its requests for additional information are have been received.

Looking Forward: The Department anticipates issuing its completeness determination, as well as its Draft Proposed Order, in December of 2018.

Wheatridge Wind Energy Facility Amendment #4

Facility Description: Approved, but not yet constructed, 500 MW wind energy facility with up to 292 wind turbines, up to 32 miles of 230 kV transmission line, and other related or supporting facilities on approximately 13,097 acres. The certificate holder is Wheatridge Wind Energy, LLC, a wholly-owned subsidiary of Wheatridge Wind Holdings, LLC, an indirect subsidiary of parent company NextEra Energy Resources, LLC.

Amendment Description: RFA seeks authorization to expand the site boundary from 13,097 to 14,624 acres; construct and operate a 150 MW photovoltaic solar energy facility. Proposed related or supporting facilities include a collection system, distributed energy storage, collector substation expansion, service roads and gates. RFA also seeks to extend the construction completion deadline for the facility, with proposed changes, by 6-months (May to December 2023).

Review Process: Type A Review

Phase: Request for Amendment

What's New: Department received a preliminary request for amendment on November 30, 2018 and in coordination with reviewing agencies is reviewing it for completeness.

Amendment Determination Requests

(subject to requirements of OAR 345-027-0057)

Summit Ridge Wind Farm Amendment #4

Facility Description: The Summit Ridge Wind Farm is an approved, but not yet constructed, wind facility consisting of up to 72 wind turbines with a peak generating capacity of 194.4 megawatts. In accordance with the existing site certificate, construction must begin by August 19, 2018 and be completed by August 19, 2021.

Amendment Determination Request Description: The certificate holder requests to extend each construction deadline by 2 years.

Phase: N/A



What's New: On November 28, 2018, the Department reviewed supplementary materials submitted by the certificate holder and issued its Determination on the ADR that the Type B amendment review path is justified. Also on November 28, 2018, the determination was posted on the project page and emailed to Council members.

Looking Forward: The Department's Determination will be provided to Council at the December 14, 2018 Council meeting during the consent calendar agenda item.

Montague Wind Power Facility

Facility Description: Approved wind energy facility with up to 262 wind turbines and a maximum generating capacity of 404 megawatts on approximately 33,691 acres. The first phase of the facility is currently under construction. The site certificate holder is Montague Wind Power Facility, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC, the U.S. division of parent company Iberdrola, S.A.

Amendment Determination Request Description: The certificate holder requests Department's determination on whether or not an amendment is required. The proposed change would add 25.8 acres to the approved (Phase 1) site boundary to allow for the construction of more direct collector line paths than previously approved, and to modify an access road alignment to better accommodate farming practices.

Phase: Department Determination

What's New: Department issued a written determination on November 29, 2018 that an amendment was not required. Also on November 29, 2018, the determination was posted on the project page and emailed to Council members.

Looking Forward: The Department's Determination will be provided to Council at the December 14, 2018 Council meeting during the consent calendar agenda item.

Exemption Requests

(subject to requirements of OAR 345-015-0350 through 0380)

Jordan Cove Energy Project

Facility Description: Three, 30 MW steam turbine generators to provide electrical power to a surrounding liquid natural gas terminal that is under Federal Energy Regulatory Commission jurisdiction. The applicant is Jordan Cove Energy Project, LP, a subsidiary of Pembina Pipeline Corporation.

Phase: Exemption Submittal

What's New: N/A

Looking Forward: Jordan Cove has indicated they will be resubmitting their exemption request with new information. Upon receipt of new information, the Department will issue a notice establishing new time frames for public review and comment.

NEXT Renewable Fuels, Oregon

Facility Description: A facility for the manufacture of bio-diesel

Phase: Pre-submittal of exemption application

What's New: Waterside Energy Development, LLC owner of the proposed bio-diesel facility has submitted initial application fees to ODOE.



Looking Forward: Waterside Energy Development, LLC continues work on their request for exemption. Department will commence review upon delivery of the application.

ACTIVE FEDERAL ENERGY FACILITY PROJECTS

Click on the project name for more information.

Jordan Cove Energy Project/Pacific Connector Gas Pipeline

Facility Description: Approximately 229 mile Natural Gas Pipeline connecting the existing Ruby Pipeline near Malin, OR to an LNG liquefaction and export facility in Coos Bay, OR.

What's New: In November 2018 Department of State Lands received a revised removal-fill permit application. DSL has until December 6, 2018 to review the application for completeness. If deemed complete, a 60-day public review and comment period will begin.

Looking Forward: FERC anticipates delivery of a Draft EIS for the project in February 2019.

ODOE Siting division tracks other federal facility projects for informational purposes. Those federal facility updates are available on [ODOE's website](#).

RULEMAKING

Click on the project name for more information.

2018 Rulemaking Schedule

Description: At the December 14-15, 2017 meeting, the Council approved its rulemaking schedule for 2018. The schedule and staff report are posted on the EFSC Meetings webpage. The link to the 2018 schedule is also on the EFSC Rulemaking webpage.

Solar PV Rulemaking

Description: The solar PV rulemaking consists of two separate inquiries. First, the rulemaking is evaluating whether or not multiple non-EFSC jurisdictional solar PV facilities could aggregate in a manner that is functionally equivalent to an EFSC jurisdictional facility. If that inquiry is answered in the affirmative, then the rulemaking will explore whether objective criteria should apply to those specific situations. Second, the rulemaking will evaluate whether standards should apply specifically to solar PV facilities (similar to standards that govern wind facilities, fossil-fueled facilities, transmission lines, and pipelines).

The Department is also participating as a Rulemaking Advisory Committee (RAC) member for the Land Conservation and Development Commission (LCDC) rulemaking, which is evaluating rules related to the siting of solar PV facilities located on Exclusive Farm Use zoned land. RAC meetings for this rulemaking occurred on 10/4/2018, 10/29/2018, 11/14/2018 and will also occur on 12/11/2018. The LCDC hearing to decide on any proposed rules is 1/24/2019.

What's New: The second RAC meeting was held in Prineville on November 8, 2018. The two agenda items discussed were toxicity & safe disposal as well as wildlife and wildlife habitat in order to explore



if specific solar PV standards are needed for either of those topics. Prior to the meeting, Avangrid provided a tour of their Gala solar PV facility just outside of Prineville.

Looking Forward: Department will be seeking input on potential dates for the third RAC meeting shortly which will be held in Boardman.

Compliance Rulemaking

Description: The compliance project will be a broad evaluation of the rules related to the compliance aspect of the Council's activities. Because of the very broad potential breadth of this rulemaking, the exact scope has not yet been determined. At its June 29, 2018 EFSC meeting, the Council appointed a Rulemaking Advisory Committee (RAC) representing diverse interests and approved the purpose and scope of the RAC.

Looking Forward: Staff will reach out to the appointed RAC members to schedule the first RAC meeting in late December 2018 or early in 2019.

STAFF ACTIVITY

Click on the project name for more information.

Compliance

Inspections: The compliance officer will conduct the following inspections: 5 annual site inspections in conjunction with the review of annual reports as noted below; construction site visit to the Montague Wind Power Facility, and a biennial site visit to the OSU research reactor located in Corvallis.

Review of Annual Reports: Boardman Coal Plant; Carty Generating Station; Port Westward Generating Plant unit 1 and Unit 2; Hermiston Generating Project and the Hermiston Power Pproject.

Facility Decommissioning Financial Assurance updates: The requirement for site certificate holders to restore their facility to a useful, non-hazardous condition once operations have ceased is partially fulfilled by maintaining a bond or letter of credit in that amount should that obligation fall to the state. As of the end of November the total amount of Site Certificate bonds and letters of credit managed by the Department is \$132,7488,827. These assurance are updated annually to keep pace with inflation.

Siting Facility Webmap

Description: Develop and publish an interactive map of EFSC jurisdictional facilities in Oregon, which includes facility location, fuel type, output capacity (MW), and facility site boundary.

What's New: The map, including just EFSC jurisdictional facilities, has been published and is publically available.

Looking Forward: ODOE staff plan to add county-level jurisdictional facilities to the map later in 2019.

Project Management System *(web page not available)*

Description: Develop a tool that can assist analysts with project time management and planning; improve communication with internal and external team members, including applicant; provide summary management project reports; improve consistency and project quality control; and track time and dollars to facilitate improved invoicing.

What's New: Initial testing of one potential tool has begun. Staff is also developing a detailed list of all application review steps and evaluating reporting options. ODOE has employed a full-time Project



Manager to assess business needs and assist in the implementation of the project management system.

Looking Forward: Anticipated implementation to take place in the second phase of roll-out of a Customer Relations Management system in 2019.

Senator Olsen EFSC Review Workgroup

Description: Work Group focused on identifying ways to improve public participation in the energy facility siting process and assessing ways to expedite the process for receiving a site certificate for constructing or expanding energy facilities that are subject to jurisdiction of the council. The EFSC Work Group met from 2017 until recently in 2018 to look for ways to make EFSC more efficient, effective and accountable to Oregon residents and utilities.

What's New: On November 30, 2018, Senator Olsen discontinued the workgroup based on the Governor's decision to "take the Department of Energy in a new direction", in reference to her proposal to eliminate the Oregon Department of Energy and create a new Oregon Climate Authority.

Looking Forward: N/A

COUNCIL MEETINGS

Council agendas, meeting materials and minutes can be found at:

<http://www.oregon.gov/energy/Siting/Pages/Council-Meetings.aspx>

December 14: This meeting will be held in The Dalles, OR with the following agenda items: Wheatridge Wind Energy Facility, Request for Amendment 2; Carty Generating Station, Request for Amendment 1; and Annual Election of Officers.

2019 Meeting Dates: The following dates are placeholders and will be released if not needed: January 24-25, February 21-22, March 21-22, April 18-19, May 23-24, June 20-21, July 25-26, August 22-23, September 26-27, October 24-25, November 21-22, December 19-20.

These dates do not preclude the need for special meetings that may be conducted via teleconference and webinar or in person at the discretion of the chair. Locations and agendas to be determined.

HELPFUL LINKS

- [About energy facility siting in Oregon](#)
- [Latest facility siting project updates](#)
- [Oregonians' Guide to Siting and Oversight of Energy Facilities](#)
- [Energy Facility Siting Council](#)
- [Facilities under Energy Facility Siting Council Jurisdiction](#)
- [Oregon Energy Siting Standards](#)

✉ Sign up to receive email updates about energy facility siting in Oregon.

