

Oregon Department of Energy
and
Energy Facility Siting Council

State Agency Coordination Program

December 1990

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Executive Summary

The major mission of the Oregon Department of Energy (ODOE) is to encourage the conservation of energy and the use of renewable resources. ODOE accomplished these tasks by offering individuals, businesses and local governments, public agencies technical assistance and financial incentives.

The other major responsibility of ODOE is to provide staff and technical support to the state's Energy Facility Siting Council (EFSC). The role of the Council is to operate a site certificate program under which the Council reviews and approves applications for large energy plants, transmission lines, and energy storage facilities, etc.

Review of ODOE's programs under the state agency coordination requirements reveals that none of its programs qualify as a "program affecting land use" as that term is used in ORS 197.180 and defined in LCDC's SAC rule at OAR 660-30-005(2).

In 1987, amendments to ORS 197.180 authorized the exemption of agency programs from SAC requirements which are specifically exempted by other statutes. This is the case with the EFSC site certificate program. The EFSC legislation established a separate land use coordination process because of the significant land use impacts associated with major energy facilities. While EFSC siting certificates are not dependent upon obtaining local land use approvals, the EFSC process does require the Council to consider local comprehensive plans and to be consistent the statewide planning goals in its siting decisions.

In the event of legislative changes affecting ODOE or EFSC programs, ODOE and EFSC will reevaluate their SAC obligations and revise this coordination program as necessary.

Section I - Introduction

ORS 197.180 requires each state agency to prepare a coordination program for review and certification by the State Land Conservation and Development Commission (LCDC). The purpose of the State Agency Coordination (SAC) programs is to assure that state agency rules and programs which affect land use comply with the statewide planning goals and are compatible with acknowledged city and county comprehensive plans and land use regulations. The Oregon Department of Energy (ODOE) has developed this coordination program in response to LCDC's request for a program to demonstrate its commitment to coordinate with the state land use program.

The Department of Energy has prepared this program in consultation with the Attorney General's office concerning the Department's compliance with ORS 197.180 and other Department statutory requirements. A letter opinion from the Attorney General's office addressing these matters will be attached as an exhibit to this program.

This coordination program complies with all applicable SAC requirements. The Department's existing 1983 SAC program will be considered rescinded upon certification of the revised program by LCDC.

Department Duties and Responsibilities

The Department of Energy was created in 1975 in order to be a state level advocate for energy conservation and the use of renewable resources. The Department is headed by the director who is appointed by the Governor and confirmed by the Senate.

The principal duties and responsibilities of the Department are:

1. To provide education and information on energy problems, conservation of energy and use of renewable resources to the public, state, federal and local agencies.
2. To administer state and federal energy allocation, conservation and tax credit programs.
3. To engage in research to determine future energy needs and to publish the state energy plan.
4. To act as staff to the Energy Facility Siting Council.
5. To oversee the safety of nuclear power facilities, and the handling and transportation of nuclear materials, and to coordinate emergency planning for such activities in the event of an accident.

Energy Facility Siting Council

The Energy Facility Siting Council (EFSC) is a seven member body appointed by the Governor and approved by the Senate. The Council serves as the state's one-stop permitting authority for siting large energy facilities (e.g., power plants, high voltage transmission lines, major pipelines and energy storage facilities).

A site certificate issued by the Council is binding on all state and local permitting agencies which may not impose conflicting requirements or approvals.

In addition to issuing siting certificates, EFSC is also charged with adopting rules for the transportation of nuclear materials.

Department Organization

The Department's office is located in Salem. The Department is organized as follows: the head of the department is the director. The director is appointed by the Governor and is subject to senate confirmation.

ODOE has two deputy directors, one for legislative affairs and one for budget and internal management issues. The department is divided in four divisions. (See attached organization chart.)

Section II

Department and EFSC Rules and Programs

This section addresses the requirements of LCDC's SAC rules, specifically OAR 660-30-060(3); to describe the Department's and EFSC's statutes, rules and programs, and identify any determined to be a "program affecting land use."

A. Enabling Statutes and Administrative Rules

The Department's authority is found in Oregon Revised Statutes (ORS) 469.010 - 470.170. The Energy Facility Siting Council's authority is found at ORS 469.300 - 469.621 and ORS 469.990 - 469.994. Copies of these and other related statutes and the implementing rules referenced below are attached.

B. Department and EFSC Programs

This section summarizes the programs of the Department and EFSC.

1. Department

The Department has program responsibilities in four major areas: energy forecasting, energy conservation, renewable resources, and nuclear materials. The Department also supports several miscellaneous energy programs.

a. Forecasting and Reporting Program

Every two years the Department must adopt an energy resources plan. In this plan, the Department compiles information from energy suppliers, industries and users and predicts future supplies of and demand for energy resources in Oregon. Based on this information, the energy plan is published with recommendations for policy makers and regulators. The nature of the Department's energy planning role and the biennial energy plan is purely advisory. See ORS 469.050, 469.060; OAR 330, Divisions 20 and 25. In addition to preparing the biennial energy plan, the Department's Forecasting program is also responsible for developing reports and conducting studies on specific energy issues. Examples include global warming, oil spill contingency plans and prepared renewable resource policies.

b. Conservation Programs

Department conservation programs are designed to encourage energy users to save energy by increased use of conservation measures such as insulation, weatherstripping and double pane windows. The major activities and services provided by the Department include:

(i) Information to energy users on opportunities for conservation and the financial incentives available. ORS 469.135.

(ii) Technical assistance to energy users to assist in their evaluation of available conservation measures. ORS 469.651, ORS 469.675.

(iii) Advisory conservation standards for weatherization of residential and commercial buildings. ORS 469.155.

(iv) Consultation with state agencies to assure that new construction of state buildings is energy efficient. ORS 469.730-.750.

(v) Certification that installed devices meet energy conservation standards. Such devices may be eligible for tax credits or low cost loans. ORS 469.170-.180, 469.720.

The Department administers specific subprograms to address energy conservation in various building types. These include:

1. Residential Programs

Public Utility Districts (PUDs) and Oil Heat Suppliers must submit residential energy conservation programs to the Department. ORS 469.649-659; ORS 469.673-687. The Department has adopted standards for the oil heat weatherization and energy conservation services programs. OAR 330-60, 330-61.

The Department prepares recommended energy conservation standards for dwellings for voluntary adoption.

The Department adopts mandatory standards for weatherization of dwellings under the SELP Loan Fund. OAR 330-62-030 - 035.

The Department adopts mandatory weatherization standards for DVA home loans. OAR 330-62-040 - 045.

The Department oversees the weatherization low interest loan program. ORS 469.710-720; OAR 330-60-040. The loans are provided by private banks.

The Department provides incentive payments to home buyers or builders who will build or buy an energy efficient home as part of a federally funded demonstration program. OAR 330-125.

2. Commercial Buildings

The Department adopts rules governing the energy audits of commercial buildings. ORS 469.880; OAR 330-66.

The Department approves commercial energy audit programs submitted by PUD's. ORS 469.890-895.

3. Public Buildings

The Department consults with the state Building Codes Agency administrator in establishing energy codes for public buildings. ORS 469.740. The Department has a program for voluntary compliance by public agencies with the building codes. ORS 469.745.

4. School and Governmental Efficiency Program

The Department implements grant programs to encourage schools and hospitals to install energy conservation measures. OAR 330-67; OAR 330-68; OAR 330-69.

c. Renewable Resource Programs

The Department's renewable resource programs are designed to encourage energy users or producers to place more reliance on renewable fuels.

Under these programs, the Department provides available inventory information upon request to cities and counties on the quantity and quality of renewable resource sites. The Department also provides technical information and model zoning ordinances for siting energy facilities to counties. The Department provides information to the public on renewable resource development opportunities. ORS 469.030. The Department also may certify that the installed uses of renewable resources meet energy efficiency standards to be eligible for tax credits. ORS 469.185 - 469.225.

Specific subprograms administered by the Department in the renewable resources area include:

1. Alternative Energy Tax Credit Program

The Department certifies devices which are eligible for tax credit. Eligible devices include those which use alternative energy sources such as wind, geothermal heat or solar energy to substitute for fossil fuels in home heating. ORS 469.160-180; see OAR 330-70.

2. Business Energy Tax Credit Program

The Department certifies eligible energy production and recycling facilities for tax credits under this program. ORS 469.185-225; see OAR 330-90.

3. Small Scale Energy Loan Program (SELP)

The Department makes loans for energy projects which conserve energy or use renewable resources to conserve or generate energy. ORS 470.050 - 470.310; OAR 330-100; OAR 330-105; OAR 330-110.

d. Nuclear Related Programs

The Department has the following responsibilities with respect to nuclear materials.

1. The Department has authority to review and approve the security program provided at the Trojan nuclear plant. ORS 469.530.

2. The Department, in coordination with EFSC, monitors the safety of the Trojan nuclear plant. If the plant becomes a danger to public health and safety, or in the event of an emergency, the Department has authority to order the plant to either curtail or cease operation. ORS 469.540, ORS 469.550.

3. The Department may adopt rules for evacuation of the area around the nuclear plant and to review county evacuation procedures to assure compatibility with the the Department rules. ORS 469.533-.534.

4. The Department issues permits to shippers for transportation of radioactive materials. ORS 469.605. (The Department is in the process of delegating this program to the Public Utility Commission.)

5. The Department works with other state and local agencies to assure an appropriate response to a transportation accident involving nuclear waste. ORS 469.611.

e. Miscellaneous Programs

The Department is responsible for two miscellaneous programs under ORS 469.095. The Department certifies producers of gasohol for tax exemption purposes. Under the other program, the Department when requested by an affected city or county, shall establish a review committee to coordinate public review of the proposed construction of a high voltage transmission line not under the jurisdiction of EFSC. ORS 469.445.

1. Energy Facility Siting Council (EFSC)

As described above, the role of EFSC is to act as "one stop" state permitting authority for large power plants and other major energy facilities. The EFSC site certificate process is designed to address all state and local concerns about the location and approval of major energy projects.

EFSC has permitting authority over major energy facilities including large energy producing plants, large gas pipelines, and electric transmission lines. ORS 469.300.

Persons proposing to build such projects must notify EFSC at least 180 days in advance of filing a site certificate application. ORS 469.330, ORS 469.350. EFSC then coordinates with affected state agencies and local governments to assure their input on the application. Those affected by the proposal have time to plan and prepare for participation in the EFSC site certificate hearing.

Once the application is received, copies of the notice are provided to affected state agencies as well as any city or county affected by the application of ORS 469.350(3). EFSC must designate the governing body of a city or county in which the proposed project is located as a special advisory group to make recommendations to EFSC on the proposed project. ORS 469.480. EFSC may contract for an independent study of any aspect of the proposal. ORS 469.360(1).

EFSC must hold public hearings as part of its evaluation of a proposal. Interested persons may become parties in that process. ORS 469.380. After reviewing the evidence presented, EFSC may approve the application. Once approved, the site certificate is binding on all state and local agencies, which must issue other necessary permits subject only to the conditions specified in the site certificate. ORS 469.400(5). Judicial review is vested in the Supreme Court. ORS 469.400(1).

In order to provide general direction on the siting of facilities, EFSC may designate areas in the state as suitable or unsuitable for use as sites for various types of energy facilities. ORS 469.470. EFSC will not accept a site certificate application in an area which it has designated as unsuitable. The designation is not binding on the other state or local agencies. EFSC has made such designations for nuclear, fossil and geothermal facilities. See OAR 350, division 40. In performing this task, EFSC consults with local governments and incorporates appropriate local designations. For example, OAR 345-40-030(3) which designation of the Newberry Crater area unsuitable for geothermal development incorporates the boundaries set by Deschutes County.

EFSC also has authority to work cooperatively with the federal government to provide a permanent disposal site for uranium mill wastes in Lakeview, Oregon. ORS 469.559. EFSC entered into an agreement with USDOE in 1985 and since then 900,000 cubic yards of radioactive uranium have been moved to a suitable final resting place. As part of that process, EFSC worked closely with Lake County to assure that the disposal site was compatible with the Lake County comprehensive plan.

C. Administrative Procedures

The Department and EFSC have numerous internal procedures for administering their various programs. None of these procedures relates to land use coordination. These procedures have not been adopted by administrative rules. Because of their volume, these procedures are not attached but are available for public inspection at the Department's office in Salem.

D. Analysis of Department and EFSC Programs Affecting Land Use

The determination of whether a Department or EFSC rule or program affects land use requires an evaluation of Department and EFSC rules and programs against the definition of that term in the SAC rules.

The definition of a "rule or program affecting land use" is found in LCDC's SAC rule at OAR 660-30-005(2). Under this provision an agency rule or program affects land use if it is:

1. Specifically referenced in the statewide planning goals; or
2. Reasonably expected to have significant effect on:
 - a. Resources, objectives or areas identified in statewide planning goals; or
 - b. Present or future land uses identified in acknowledged comprehensive plans.

1. Department and EFSC Programs Specifically Referenced in the Statewide Planning Goals

None of the statewide planning goals identify any specific Department of Energy rule or program for goal compliance. Therefore none of the Department's rules or programs affects land use based on this criterion. Although Goal 13 refers to conservation of energy generally, it does not refer to any ODOE conservation program specifically.

Two statewide planning goals make specific mention of EFSC's siting program with respect to thermal and nuclear power plants.

These requirements regarding EFSC are found in Goal 16: Estuarine Resources, and Goal 19: Ocean Resources.

Goal 16's reference to EFSC is as follows:

"Implementation Requirement 9

"State agencies with planning, permit, or review authorities affected by this goal shall review their procedures and standards to assure that the

objectives and requirements of the goal are fully addressed. In estuarine areas the following authorities are of special concern: Department of Energy Regulation of Thermal Power and Nuclear Installation, ORS 469.300 and 469.570."

Goal 19's reference is as follows:

"Implementation Requirement 1

"State and federal agencies with planning, permit, or review authorities affected by the Ocean Resources Goal shall review their procedures and standards to assure that the objectives and requirements of the goal are fully addressed. The following authorities are of special concern: Department of Energy, Regulation of Thermal Power and Nuclear Installation, ORS 469.300 and 469.570.

However, as explained below, the legislature has clearly indicated its intent to exempt EFSC siting decisions from the state agency coordination requirements of ORS 197.180 and instead subject to EFSC's separate coordination process.

2. Department and EFSC Programs Reasonably Expected to Have Significant Effects on Uses in Comprehensive Plans

Department Programs

Based on the description of the Department's programs in Section II.B. above, the Department has determined that none of its programs meets the definition in LCDC's SAC rule to qualify as "programs affecting land use."

As the discussion below indicates, none of the Department's programs is expected to have significant effects on the statewide planning goals or the existing and future land uses in acknowledged comprehensive plans. This conclusion is based on the fact that: a) no Department program directly affects land use through the agency's own action; b) no Department program directs or requires others to take action affecting land use; or c) no Department program authorizes actions, through permits or licenses, affecting land use.

Forecasting Programs

The Department's forecasting programs do not have a significant effect on land use. The Department's energy planning role is purely advisory. Land use effects, if they occur, will occur when policy makers or regulators act on those recommendations.

Conservation Programs

The Department's conservation programs do not have a significant effect on land use. The Department does not require the installation of energy conservation measures. Nor does the Department permit or regulate the installation of such devices. The Department provides encouragement and financial assistance for conservation, but does not control whether or how the devices will be installed. That decision is made by the user in conjunction with other regulatory authorities.

Renewable Resource Programs

The Department's renewable resource programs do not have a significant effect on land use. The Department does not require the development of renewable resources. Nor does the Department permit or regulate the construction or operation of such facilities. Although the Department encourages the development of renewable resources, it does not make the development decisions. The actual decision makers are individuals, businesses or government bodies which decide whether or how the renewable resource facilities will be constructed or operated.

One program merits separate discussion. This program is the Small Scale Energy Loan Program (SELP).

Under the SELP, the Department provides low interest loans to conserve energy or assist in the financing of construction of projects which use renewable resources to conserve or generate energy. SELP loans can be made to individuals, corporations, local governments, special districts, or state agencies.

Examples of the types of projects the Department assist with SELP loans include: energy construction projects for schools, state buildings and local governments, waste heat energy systems, biomass facilities, solar, hydro and ground water heat pumps. Since 1981, when the program began, over 300 loans totalling \$167 million have been issued for energy projects. In 1990 virtually all of these loans were for energy conservation as federal restrictions on the use of tax exempt bonds have largely limited the scope of the SELP program to energy conservation for public sector buildings.

The Department has determined that SELP is not a "program affecting land use" as that term is used in ORS 197.180 and defined in OAR 660-30-005(2). The Department believes that the provisions of financial assistance does not in itself produce significant effects on existing or future uses in acknowledged comprehensive plans. The decision to loan funds has no land use impacts.

The Department, however, realizes that because of the potential magnitude of the impacts of projects supported by SELP loans, it is important to take all steps necessary to assure that the project developer addresses all land use impacts appropriately.

Rules adopted by the Department require SELP loan applicants to obtain all land use approvals associated with their projects before any loan funds are used to build the project. See OAR 330-110-036.

Nuclear Related Programs

The Department's nuclear related programs do not have a significant effect on land use. The Department's responsibilities with respect to Trojan are limited to dealing with emergency situations. The Department may neither authorize nor forbid the construction of a nuclear power plant. A decision by the Department that the Trojan plant cease operations must be based solely on issues of safety and cannot be based on land use considerations.

Miscellaneous Programs

The two Department miscellaneous programs described earlier on page 15 are not "programs affecting land use" since neither involves or relates to Department actions requiring land use review or approval.

EFSC Programs

Energy facilities and projects reviewed under the EFSC siting process have significant land use impacts. The legislature recognized this fact when it developed the process in 1971. At that time, it created a separate coordination process for EFSC to follow.

Because of the importance of energy development, the legislature determined that the state needed a one-stop fast track siting process. The legislature felt that energy development was too important to the state as a whole to allow it to be undermined by a provincial not-in-my backyard approach. Therefore, it adopted a process of centralized rather than shared decisionmaking. Under that process, EFSC must consider land use policies along with energy, environmental and other state policies.

Nevertheless, the EFSC process does provide for significant local input into the decision-making process.

Under that process, EFSC appoints the local governmental body as an advisory committee. ORS 469.480. EFSC will not approve an application for a site certificate unless it complies with the statewide planning goals.

EFSC's goal determination will either be based on a local approval or where there is no local approval, on its own goal findings. See e.g., OAR 345-79-115. Once issued, an EFSC siting certificate is binding on all state and local agencies, which must then issue all necessary permits. ORS 469.400(5).

EFSC's coordination program with regard to land use is similar in many respects to the SAC coordination program. However, it is not identical. For instance, a state agency decision, under a "program affecting land use" depending upon the circumstances, is normally appealable to LUBA or the court of appeals. In order to accelerate review, the legislature provided for appellate review of EFSC siting decisions exclusively in the Supreme Court. ORS 469.400(1). Also under the coordination program, a typical state agency decision or action may be prevented if it is not compatible with an acknowledged comprehensive plan. In the case of an approved EFSC site certificate, consistency of local comprehensive plan with the state's siting decision is assured by making EFSC's action binding on the affected local governments. ORS 469.400(5).

In 1987, the legislature recognized EFSC's unique coordination situation and exempted a number of state agency programs, including the EFSC's site certificate program from the LCDC coordination program. In its amendment, the revised the SAC statute, ORS 197.180(1), to recognize some programs which are exempt from the coordination obligation. It is clear that the legislature intended this exemption to apply to the EFSC siting process.

The legislative history of the amendment shows that the legislators were aware that this provision would affirm EFSC's exemption from the SAC program requirement. The amendment was drafted and agreed to by representatives of state agencies as well as local governments. The participants in the negotiations testified that it was designed to exempt the EFSC siting process. Thus, Gordon Fultz, a representative of the Association of Oregon Counties, stated that the amendment was "to clarify that the existing exemption from 197 [sic] for the Energy Facility Siting Council [among others] * * * will be retained." See Minutes, Senate Subcommittee on Agriculture and Natural Resources (SB 16), January 28, 1987, tape 16A, at 187.

Similarly, Gail Achterman, Governor Goldschmidt's Natural Resource Advisor, testified that "there are a few programs that are exempted now under existing state law and the Attorney General has advised us and we all believe, that it is important to provide that continuing

recognition and Gordon has already mentioned two examples the Energy Facility Siting Council's statute and the health hazard annexation situation." Minutes, House Environmental and Energy Committee (SB 16), April 1, 1987, Tape 81A, at 289.

In adopting this amendment, the legislature recognized EFSC's unique function and has reaffirmed its direction to EFSC to follow its own specific coordination program to assure that comprehensive plans are considered and the statewide goals are complied with in the siting of major energy plants and facilities.

EFSC has a comprehensive program to assure coordination with local jurisdictions. When EFSC receives a site certificate application or notice of intent to file a site certificate application, EFSC sends a copy for comment and recommendation to any city and county affected by the application. ORS 469.350(3). The council appoints the governing body of the city or county where the project is located as a special advisory body. ORS 469.480(1). EFSC rules requires that before EFSC will approve a site certificate, there must be a demonstration that either the local jurisdiction has determined the facility complies with the statewide planning goals and the comprehensive plan, or EFSC must find that the project complies with the statewide goals. For instance, EFSC's rules for siting hydroelectric facilities states:

"345-78-042 In order to issue a site certificate for a facility, the Council must find that:

"(1) The Land Conservation Development Commission has acknowledged pursuant to ORS 197.251 (1979 replacement part) the comprehensive land use plan and implementing measures of the local government(s) having land use planning jurisdiction over the site of the facility; and that the facility has been determined by the local government(s) to be consistent with the plan(s) and measures; or

"(2) If the plan and implementing measures have not been acknowledged by the Land Conservation and Development Commission, the applicant has demonstrated to the Council that after providing notice and opportunity for public and other governmental agency review and comment, the statewide planning goals (OAR Chapter 660, Division 15) have been considered and applied by the local government(s) during a land use review of the facility and such facility has been determined by the local government(s) to be consistent with applicable statewide planning goals and local land use plan(s) and measures; or

"(3) If the local government(s) having land use planning jurisdiction over the site of the facility has not completed a land use review of the facility prior to approval of a site certificate as required by sections (1) and (2) of this rule, or if such local government has found that the facility is not consistent with applicable statewide planning goals and land use plans and measures, the Council has determined that the application is consistent with the statewide planning goals. Provided, however, that a site certificate authorizing the construction within the boundaries of an incorporated city shall be conditioned on compliance with city ordinances in effect on the date of the application of the site certificate as required by ORS 469.400(6)." (emphasis added.)

E. Department and EFSC Programs Subject to LCDC Permit Compliance and Compatibility Rules (OAR Chapter 660, Division 31)

There are no Department permits listed in LCDC's state agency permit rule. However, EFSC site certificates are identified as Class A permit. OAR 660-31-012(1)(a).

As discussed previously, EFSC, is required to consider acknowledged comprehensive plans and is required to comply with the statewide goals, in its decision to approve a siting certificate for an energy plant or facility. However, the 1987 legislature exempted EFSC from the obligation in ORS 197.180(1) to demonstrate compatibility with acknowledged comprehensive plans and compliance with the statewide planning goals through the state agency coordination process.

EFSC does not issue renewals of previously approved siting certificates. EFSC may only modify the obligations under an existing site certificate upon a clear showing of a danger to the public health and safety. ORS 469.400(3). EFSC would provide for input from affected local agencies before imposing any modification.

Section III

Department Program to Assure Compliance with the Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans

A. Department Programs

Based upon the preceding analysis in Section II, no Department programs have been identified which qualify as a "program affecting land use" as that term is defined in the SAC rule at OAR 660-30-005(2).

As a result of not having any land use programs, the Department is not required to adopt any rules and procedures to assure compliance with the statewide planning goals or compatibility with acknowledged comprehensive plans.

B. EFSC Programs

Although EFSC programs are specifically referenced in statewide Goals 16 and 19 and rated as a Class A permit in LCDC's agency permit rule, amendments have superceded the rule the legislature has exempted for EFSC's site certificates from the SAC process.

As a result, although obliged to consider acknowledged comprehensive plans and the statewide goals in issuing a siting certificate, EFSC is not required to demonstrate plan compatibility and goal compliance though the SAC process.

Therefore, based on its legislative exemption, EFSC's siting program does not constitute a "program affecting land use" and is not required to comply with the requirements of ORS 197.180 or LCDC's SAC rules, OAR 660, Divisions 30 and 31.

EFSC, in response to legislative direction, has adopted rules and procedures to consider comprehensive plans and to comply with statewide planning goals in reviewing siting certificate applications. See, e.g., OAR 345-78-042.

C. Compliance and Compatibility of New or Amended Department or EFSC Programs

In the event that either the Department or EFSC adopts or amends a program likely to be a "program affecting land use" as defined in OAR 660-30-005(2), the Department will submit notice of any such adoptions to the Department of Land Conservation and Development as required by OAR 660-30-075.

Section IV

Department Coordination with DLCD, State and Federal Agencies, and Special Districts

A. Agencies Coordinated with by the Department and EFSC

<u>Federal:</u>	Energy	Forest Service
	Transportation	BLM
	Corps of Engineers	National Marine Fisheries
	U.S. Fish and Wildlife	Bureau of Reclamation
	Interior	Housing & Urban Affairs
		FERC

Regional: Idaho, Montana and Washington Energy and Fishery Agencies

State: DLCD, DEQ, WRD, ODFW, Parks, DSL, Forestry, EDD, EMD, Health, DHR, Corrections, Universities, Marine Board, AG, Exec., General Services, PUC

Local: Schools, Hospitals, City and County Governments

B. Interagency Coordination Procedures

Memos of understanding
Interagency agreements

C. Department Contact for Interagency Coordination

Name:	Michael Grainey	or	Nancy Rockwell
Title:	Deputy Director for Legislative Issues		Deputy Director for Management
Address:	625 Marion Street, N.E. Salem, OR 97310		625 Marion Street, N.E. Salem, OR 97310
Phone:	378-5489		378-6063

Section V

Department Program for Cooperation and Technical Assistance to Local Governments

A. Department/EFSC Participation in and Coordination with City and County Land Use Planning

All department programs require a demonstration by the applicant of compliance with all land use requirements. EFSC will not approve an application unless it is consistent with the statewide planning goals.

ODOE and EFSC may provide information to local governments if requested by local governments as availability of staff and resources permit.

B. Department contact for Local Government Cooperation and Technical Assistance

Larry Gray, Conservation Division Administrator, Oregon Department of Energy, 378-8607.

C. Department Technical Assistance and Information for Local Governments and Methods to Provide Assistance

The department has a wealth of information on conservation and renewable resource technologies available for use by local governments. The variety and amount of material precludes a listing in this document.

D. Department Participation in Periodic Review Process

ODOE and EFSC may provide technical assistance and information to local governments as availability of staff and resources permit. This assistance may include participation in pre-application or pre-permit meetings, and may include providing technical information and assistance to permit applicants as well as to the affected local governments.

E. Department Assistance to Coastal Cities and Counties

Department Program for Cooperative and Technical Assistance to Coastal Governments

Subject to statutory limitations, the Department may provide technical assistance and planning information to coastal jurisdictions during periodic review, plan

updates, plan amendments, and in very special instances implementation of coastal comprehensive plans and land use regulations, as availability of personnel and resources permits.

The Department will make an effort to assist coastal jurisdictions in carrying out those requirements listed in LCDC Goals 16 through 19 which relate to energy resources. The Department will work closely with DLCD and other state and federal resource agencies to minimize conflicts or duplication in assistance to coastal cities and counties.

The Department will advise DLCD on the consistency of federal actions and activities which may affect Oregon's coastal zone. As a Coastal Management Program agency, the Department will also participate with DLCD and other OCMF agencies, as resources permit, with strategic planning for Oregon's coastal zone. The Department will continue to participate in ocean planning by serving, if designated to do so, on the follow-up planning body to the Oregon Ocean Resources Management Task Force.

F. Special Assistance Involving Local Public Facility Funding and Planning, Permit Issuance and Economic Development Pursuant to ORS 197.712(2)(F) and 197.717(1-2)

These requirements do not apply to the Department or EFSC programs.

Section VI

APPENDICES

1. Statutes
2. Rules
3. Agency Organizational Information
4. AG Advice

WPIII:tmt/2710H