

Oregon Department of **ENERGY**

**House Interim Committee
on Climate, Energy, and
the Environment**

State Energy Facility Siting

May 29, 2024





OREGON DEPARTMENT OF ENERGY

Leading Oregon to a safe, equitable, clean, and sustainable energy future.

Our Mission

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.

What We Do

On behalf of Oregonians across the state, the Oregon Department of Energy achieves its mission by providing:

- A Central Repository of Energy Data, Information, and Analysis
- A Venue for Problem-Solving Oregon's Energy Challenges
- Energy Education and Technical Assistance
- Regulation and Oversight
- Energy Programs and Activities

Oregon Energy Transition	Janine Benner, Director Ruchi Sadhir, Associate Director, Strategic Engagement
State Energy Facility Siting 101	Sarah Esterson, Senior Policy Advisor
State Agency Participation in State Energy Facility Siting	Sarah Esterson, Senior Policy Advisor Jeremy Thompson, Energy Coordinator, Oregon Department of Fish and Wildlife Jon Jinings, Community Services Specialist, and Alexis Hammer, Legislative and Policy Manager, Department of Land Conservation and Development
Dual State and Federal Jurisdiction – including Boardman to Hemingway	Todd Cornett, Assistant Director for Siting

Oregon Energy Transition

Janine Benner | ODOE Director

Ruchi Sadhir | ODOE Associate Director, Strategic Engagement

CHARTING A COURSE FOR OREGON'S ENERGY FUTURE: ELECTRIC SECTOR

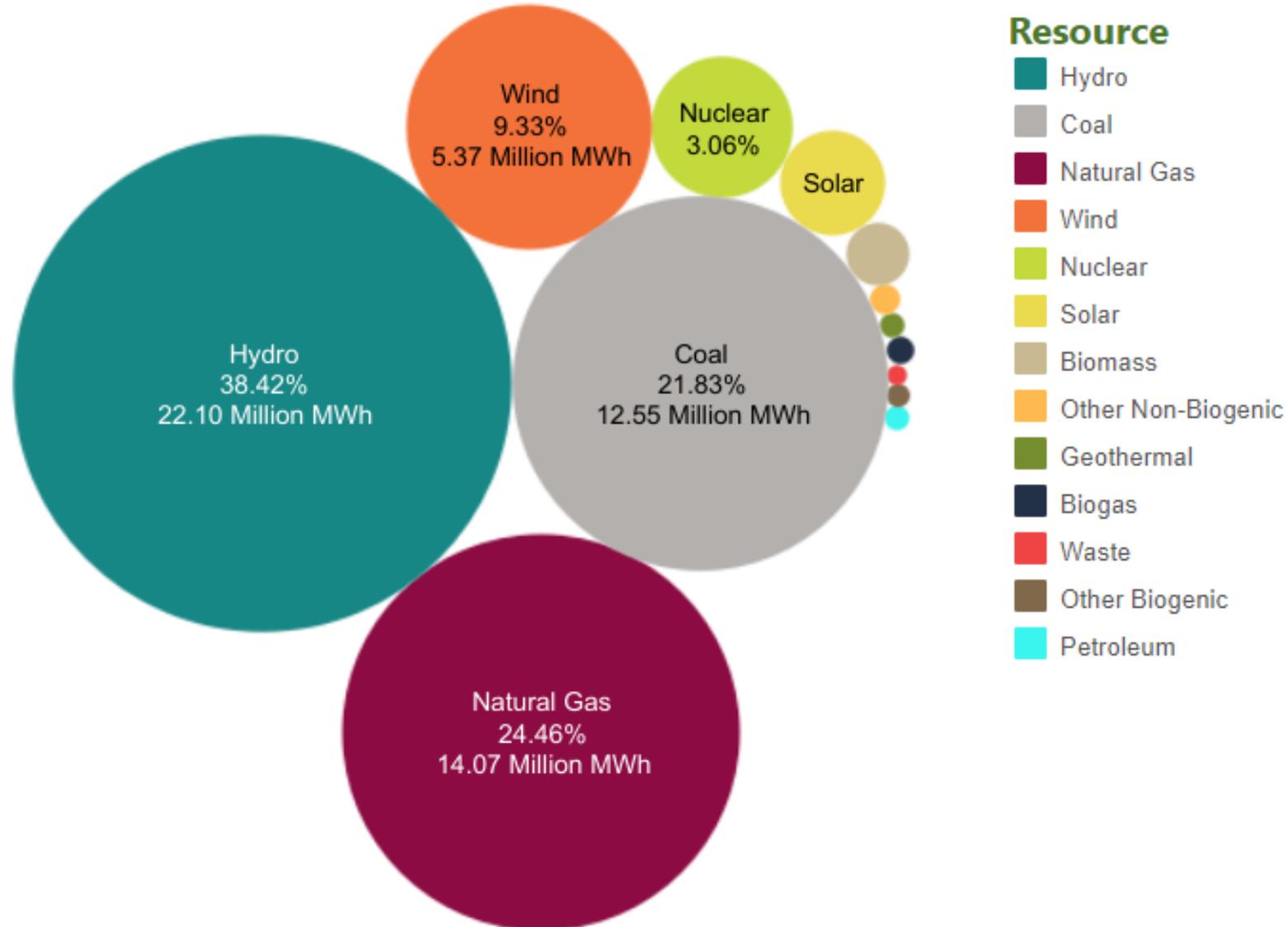
- Growing the electric sector: Consensus in the technical studies that demand for electricity will increase, driven by electrification of end uses and new industries
- Cleaning the electric sector: Existing fossil generation will also need to be replaced



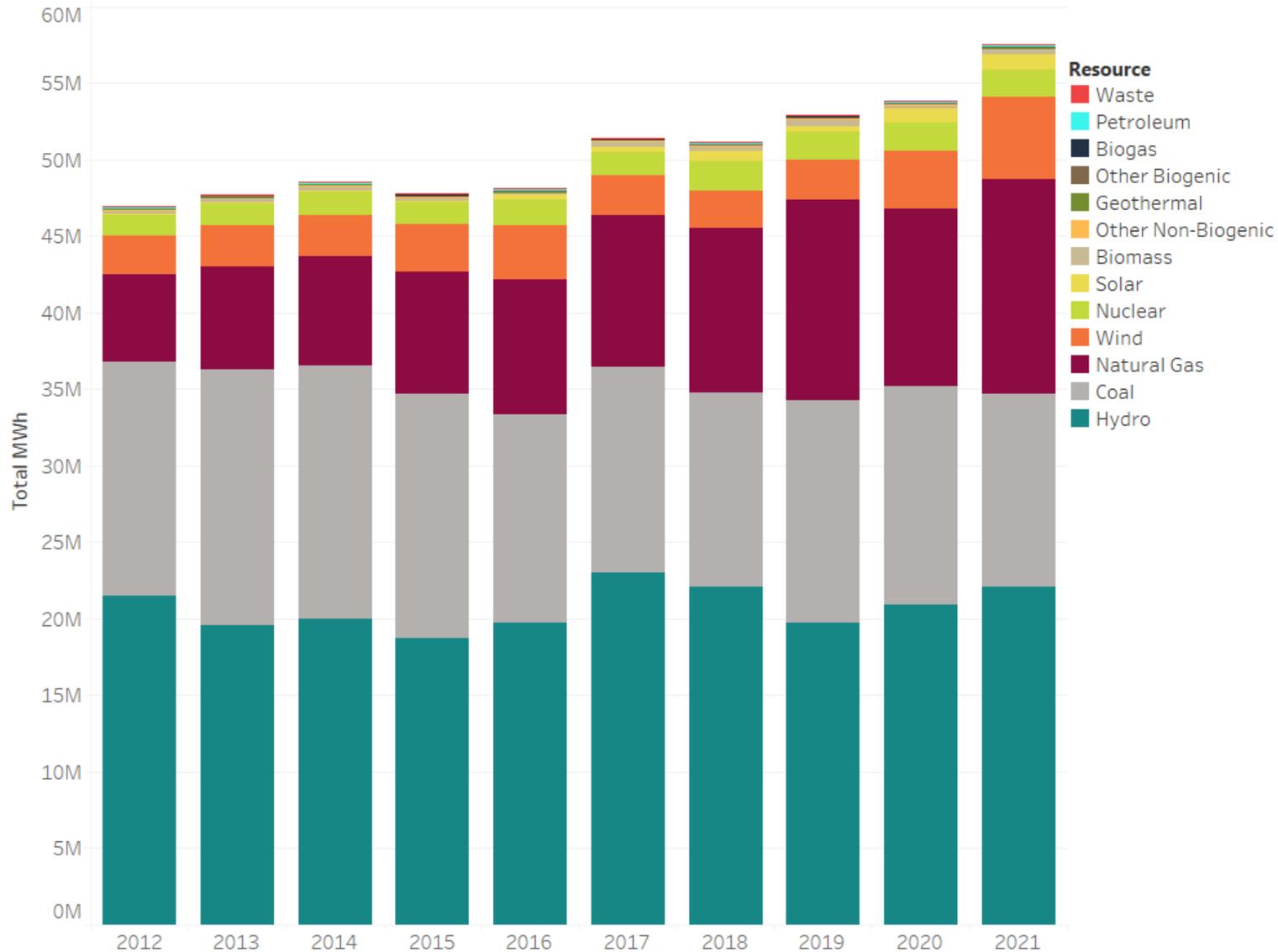
Key Findings:

- Energy efficiency continues to play an important role
- Significant amount of new renewable generation required (likely in the tens of gigawatts in Oregon)
- Need to balance tradeoffs involved with clean energy choices—land use impacts, fish and wildlife concerns, total costs, and more

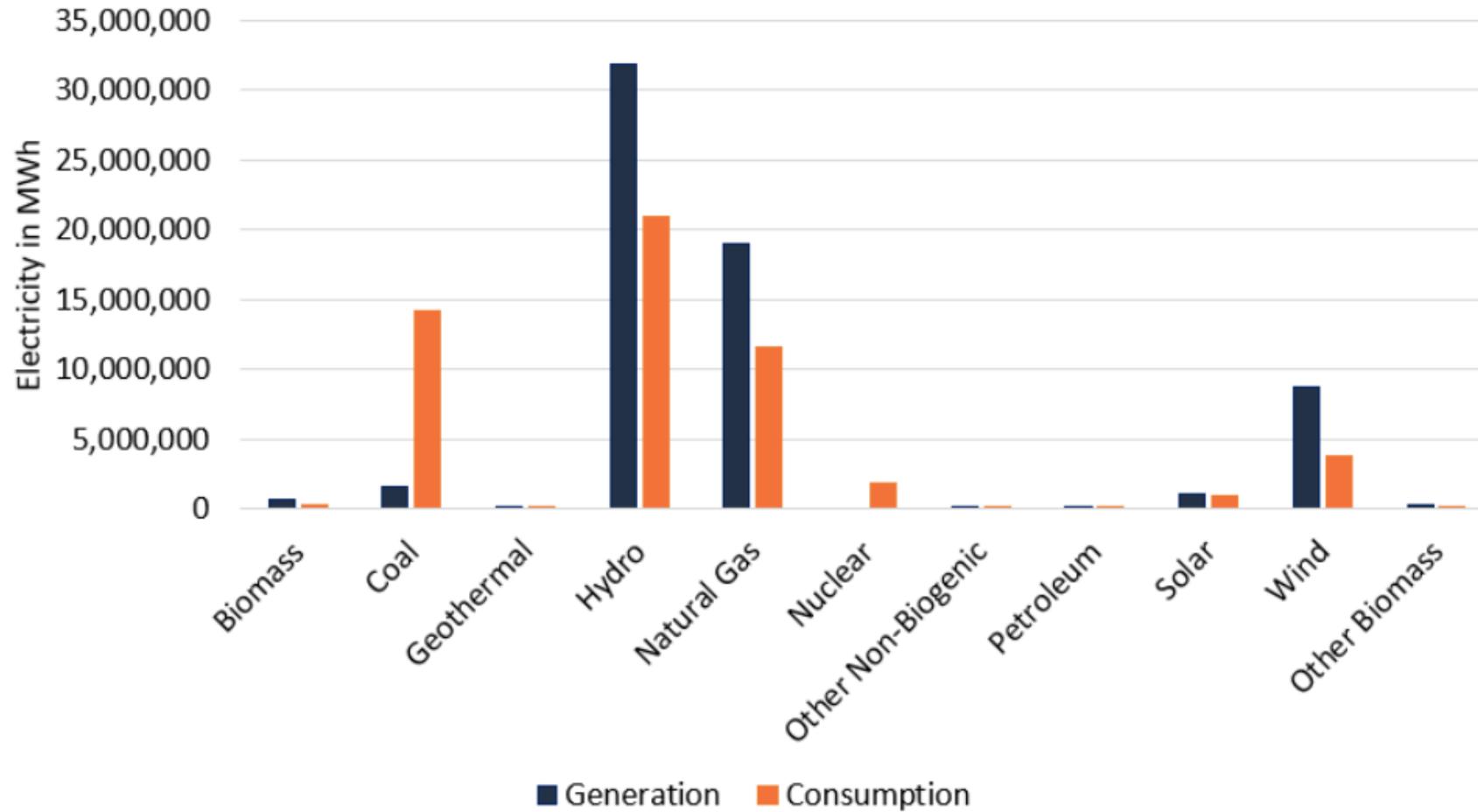
RESOURCES USED TO GENERATE OREGON'S ELECTRICITY (2021)



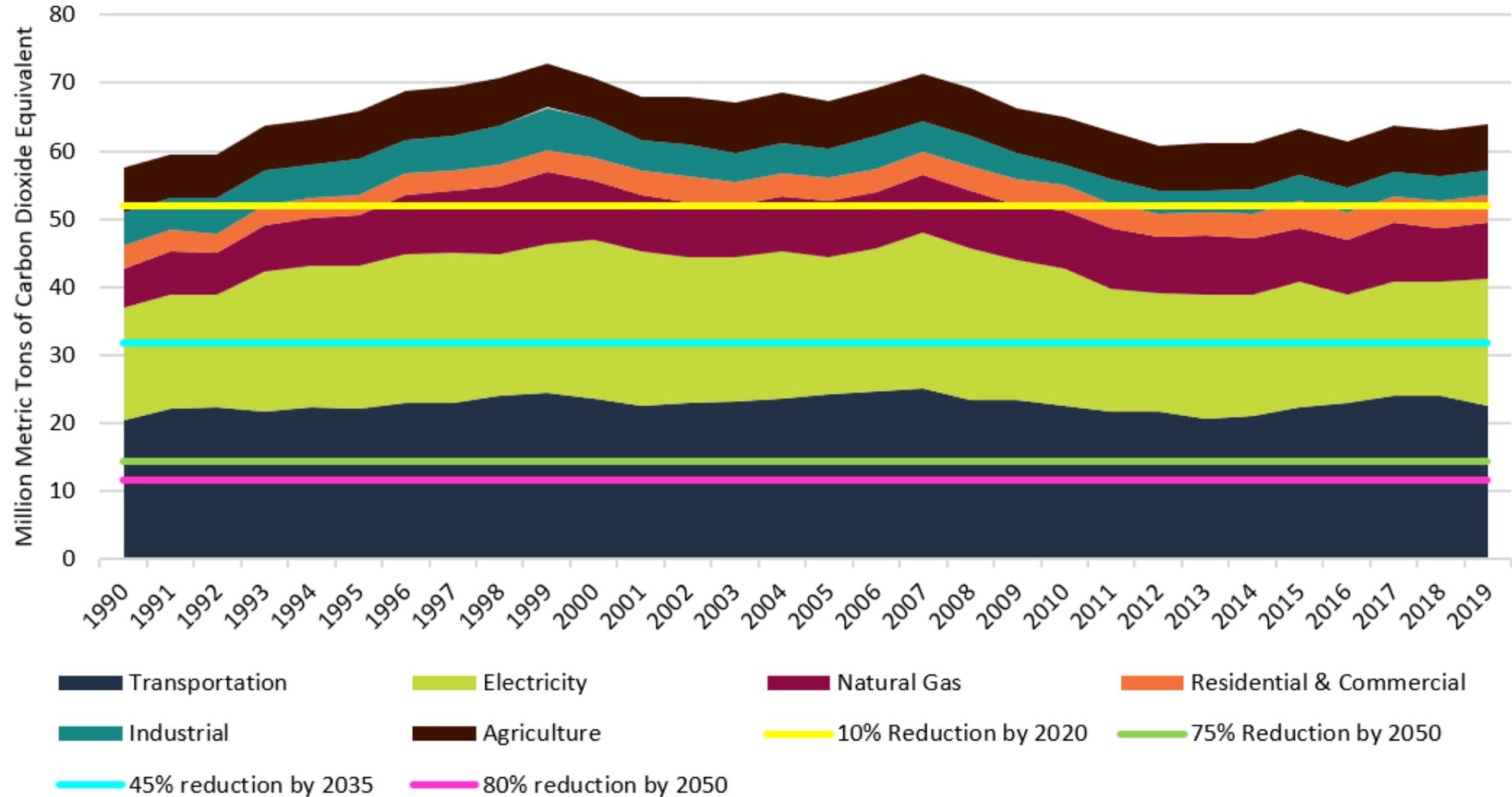
OREGON'S ELECTRICITY RESOURCE MIX 2012-2021



OREGON 2020 ELECTRICITY GENERATION & CONSUMPTION



OREGON GREENHOUSE GAS EMISSIONS 1990-2019



OREGON'S RECENT MAJOR CLEAN ENERGY POLICIES

- Renewable Portfolio Standards (RPS)
- HB 2021 100 Percent Clean Electricity Standard
- Climate Protection Program
- Community-Based Renewable Energy Programs
- Financial Incentives



HB 2021 100 PERCENT CLEAN ENERGY TARGET

Targets (applicable to PGE and Pacific Power):

- 80% clean by 2030
- 90% clean by 2035
- 100% clean by 2040

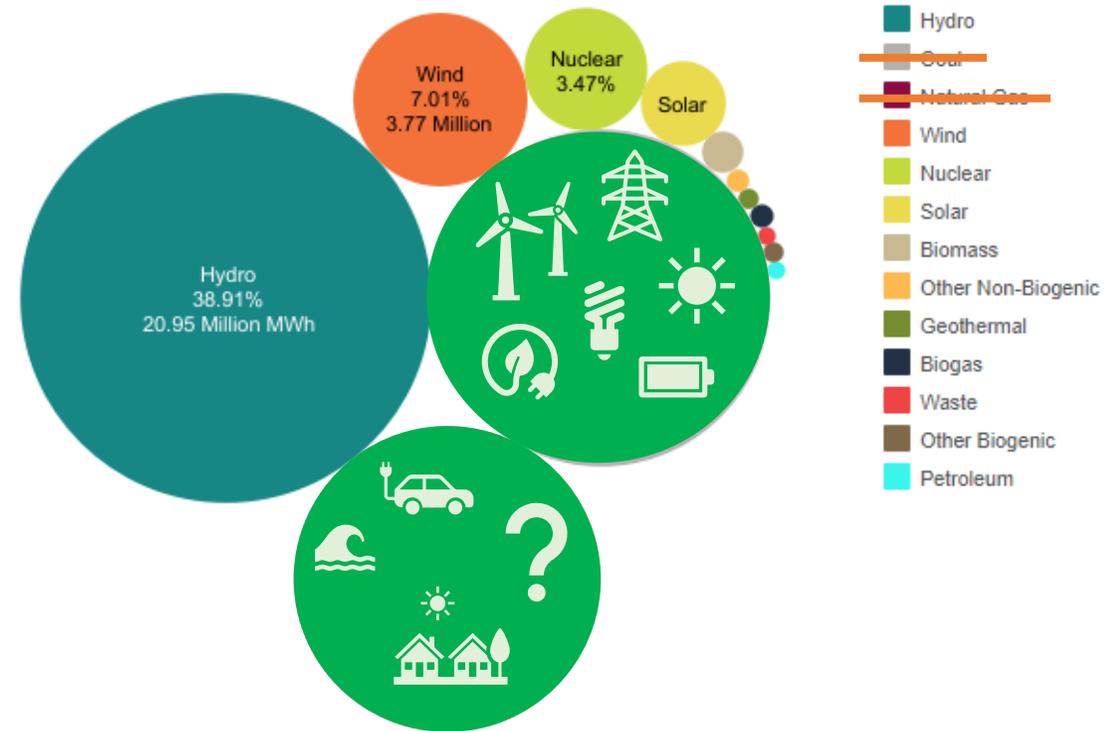
Demonstrating Compliance:

- Targets require percentage reduction in baseline emissions
- Demonstrated through greenhouse gas reporting to DEQ

Eligible Resources:

- Any non-emitting generating resources, including traditional hydropower and nuclear
- Other emissions-reduction strategies, e.g. energy efficiency

What Oregon's Electricity Resource Mix Could Look Like in 2040



ACTIVE STATE JURISDICTIONAL RENEWABLE ENERGY PROJECTS

Status	Wind MW	Solar MW	Solar Footprint Acres/Square Miles	Battery Storage MW	Total Generating MW
Operational	2,719	212	1,546/2.41	100	2,931
In Construction	0	200	3,087/4.6	100	200
Approved but Not Built - Approval Still Valid	561	1,042	12,071/18.86	653	1,603
Under Review	301	3,744	37,523/58.6	3,916	4,805
Total	3,581	5,198	54,227/84.72	4,805	8,779

STATE JURISDICTIONAL SOLAR PV PROJECTS

Operational

- 1 full facility = 162 MW
- 1/3 of another facility = 50 MW

Approved

- In Construction – 2 facilities = 200 MW
- Not in Construction – 6 facilities = 1,042 MW

Under Review

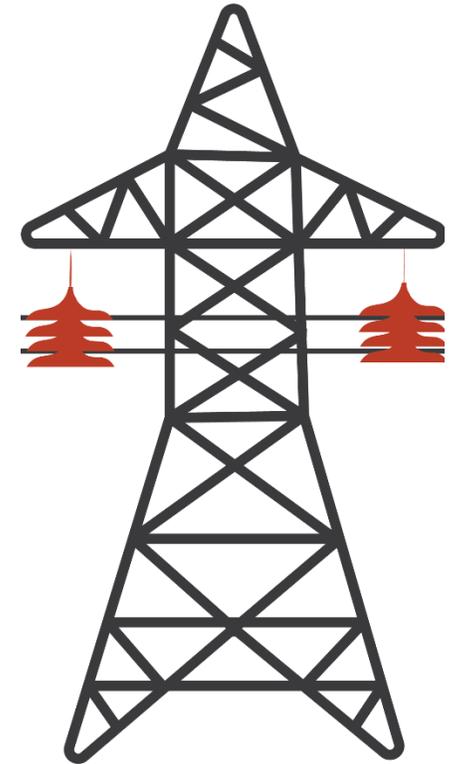
- Application submitted and substantial progress – 2 facilities = 1,750 MW
- Application submitted and waiting for additional information – 1 facility = 400 MW
- Waiting for application submittal – 4 facilities = 1,459 MW

Terminated/Expired

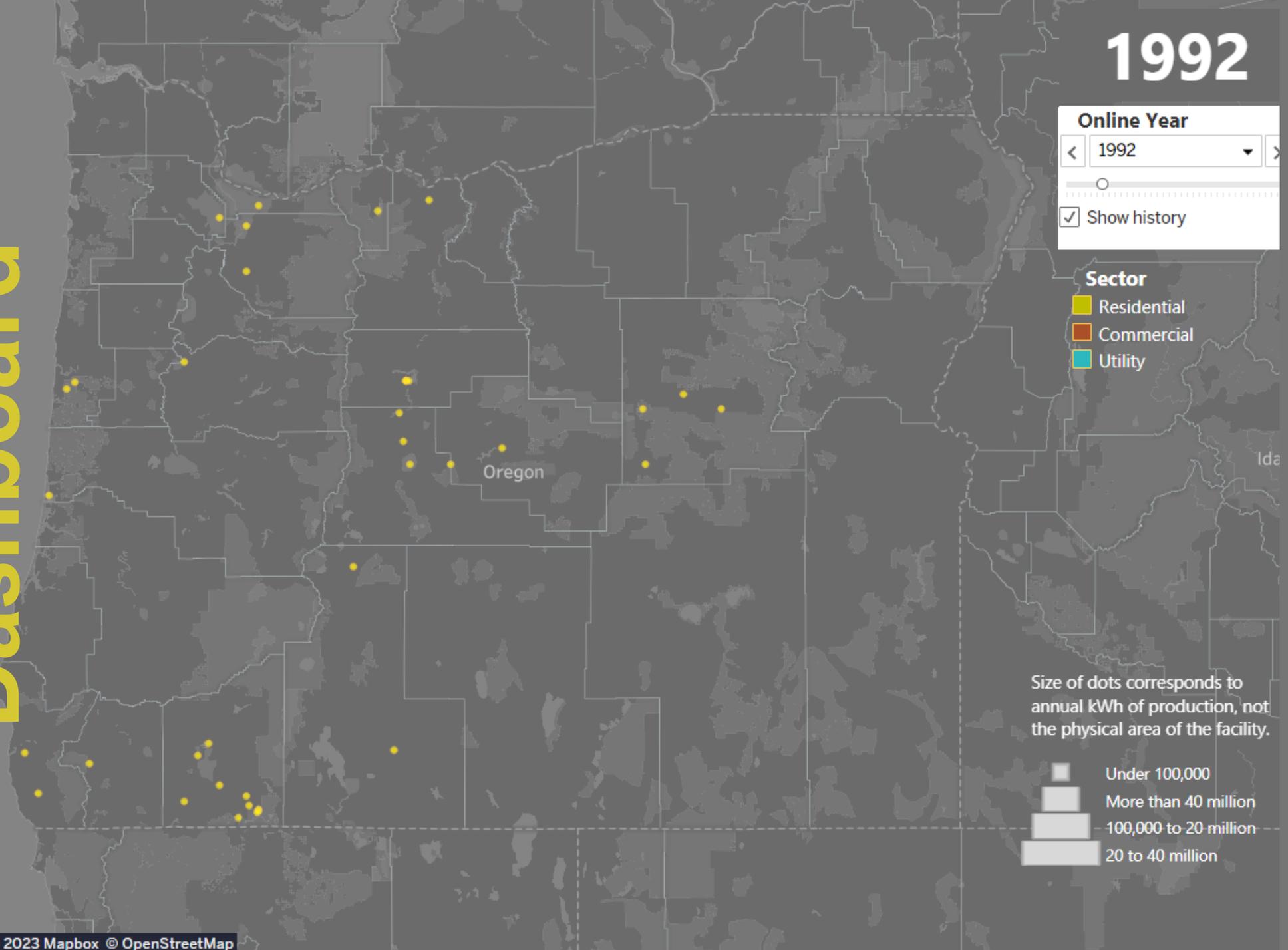
- Approved but did not begin construction – 1 facility = 75 MW
- Submitted Notice of Intent but not Application – 2 facilities = 1,600 MW

STATE JURISDICTIONAL TRANSMISSION PROJECTS

- Operational – 146 Mile 500 kV line
- Approved but not constructed – 270 Mile 500 kV line
- Under Review
 - 100 Mile 320 kV line – Waiting for application submittal
 - 10-12 Mile 230 kV line – Waiting for application submittal
 - 13-15 Mile 230 kV line – Waiting for application submittal
- Withdrawn – 210 Mile 500 kV line



Oregon Solar Dashboard



2002

Online Year

< 2002 >

Show history

- Sector**
- Residential
 - Commercial
 - Utility

Size of dots corresponds to annual kWh of production, not the physical area of the facility.



2012

Online Year

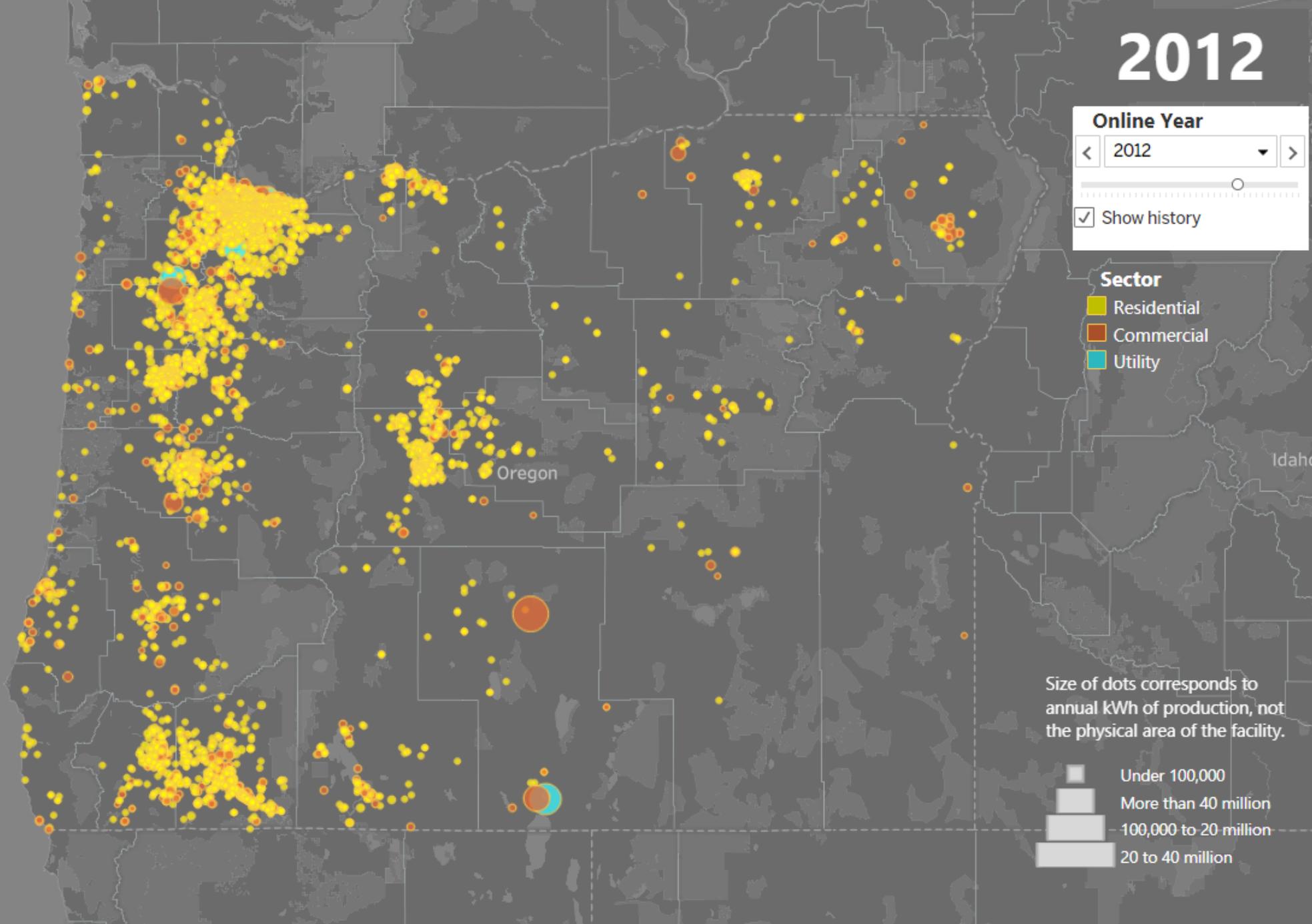
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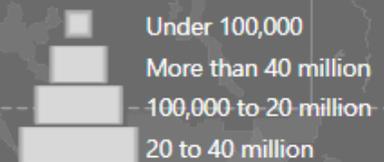
Show history

Sector

- Residential
- Commercial
- Utility



Size of dots corresponds to annual kWh of production, not the physical area of the facility.



2022

Online Year

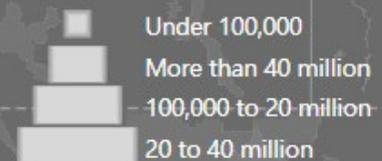
< 2022 ▾ >

Show history

Sector

- Residential
- Commercial
- Utility

Size of dots corresponds to annual kWh of production, not the physical area of the facility.



Scan to
check it out!

OREGON RENEWABLE ENERGY SITING ASSESSMENT MAPPING AND REPORTING TOOL

- Housed on [Oregon Explorer](#) with data related to renewable energy; military; economic development; land use; natural resources; and other regulatory or process considerations.
- Development involved stakeholders to help define use cases, data exploration needs and reporting functionality.
- Tool supports a more comprehensive understanding of renewable energy and supports early notification & coordination in the state.

The screenshot displays the 'Oregon Explorer' interface for the 'Renewable Energy Siting Assessment' tool. The header includes the 'OREGON EXPLORER' logo and the tool's name. Below the header, there is a navigation bar with 'Home' and a search bar labeled 'I want to...'. The main content area features a welcome message: 'Welcome to the Oregon Renewable Energy Siting Assessment Tool' and a note: '!! Development beta version !!'. A descriptive paragraph states: 'The ORESA tool is an interactive application that allows prospective developers to input project data in order to get a coarse level perspective of potential land use and military considerations.' Three main sections are visible: 'Explore Data' (Browse, download, and interact with map layers), 'Get a Report' (Land use considerations and contact information for your area of interest), and 'Learn' (Learn about siting procedures, incentives, and processes for military coordination). A disclaimer is present at the bottom of the text area. The right side of the interface shows a map of Oregon with various colored overlays representing different data layers. The footer contains logos for the Institute for Natural Resources, Oregon State University Libraries and Press, NAS Whidbey Island, Oregon Department of Energy, and Oregon Department of Land Conservation & Development.

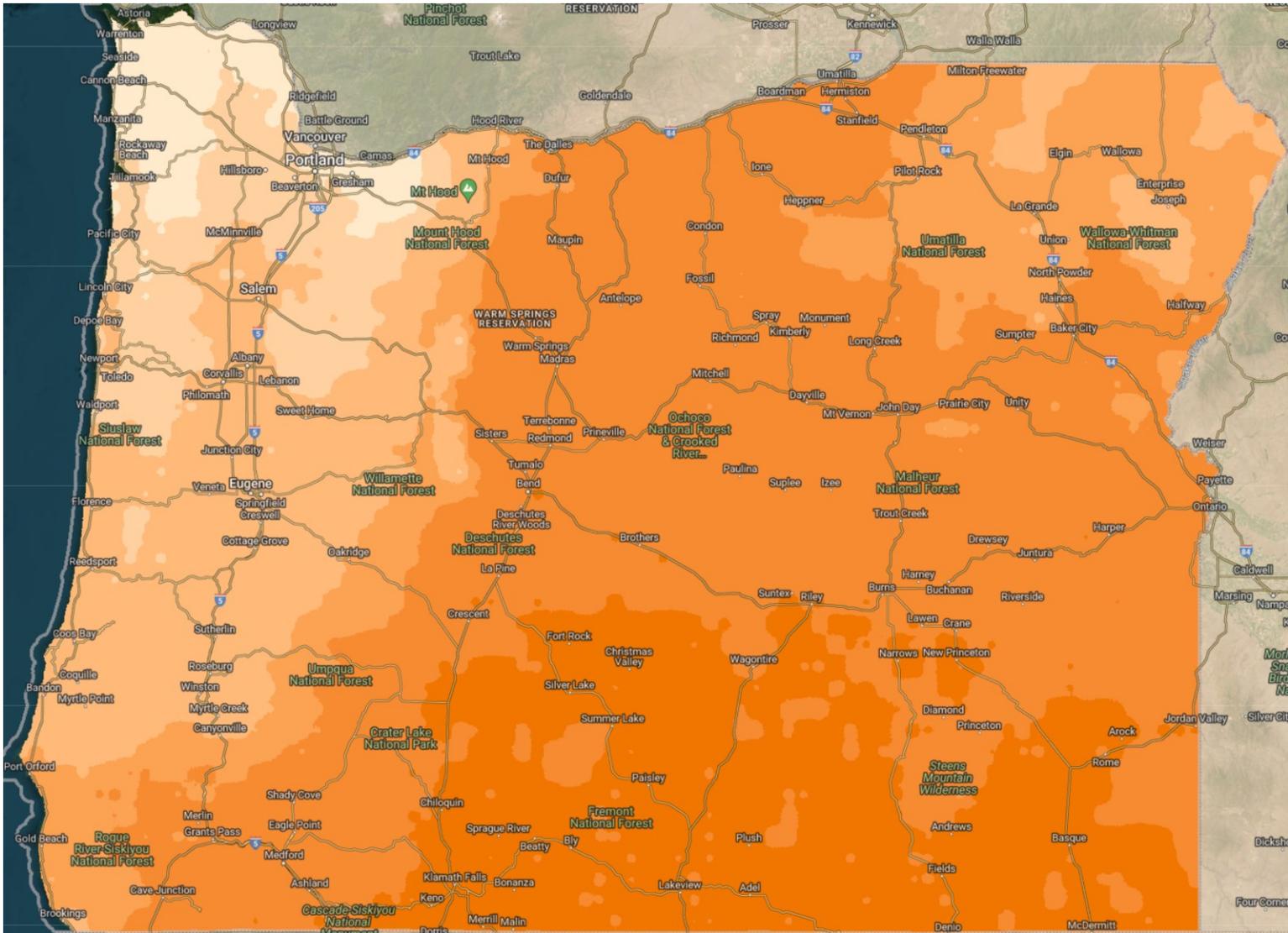


Scan to
check it out!

SOLAR POTENTIAL

 Estimated Annual Solar Utility-Scale Capacity Factor

-  16 - 18 %
-  18 - 19 %
-  19 - 21 %
-  21 - 22 %
-  22 - 24 %
-  24 - 25 %



Source: [Oregon Renewable Energy Siting Assessment \(oregonexplorer.info\)](http://oregonexplorer.info)

SOLAR POTENTIAL & TRANSMISSION

Energy

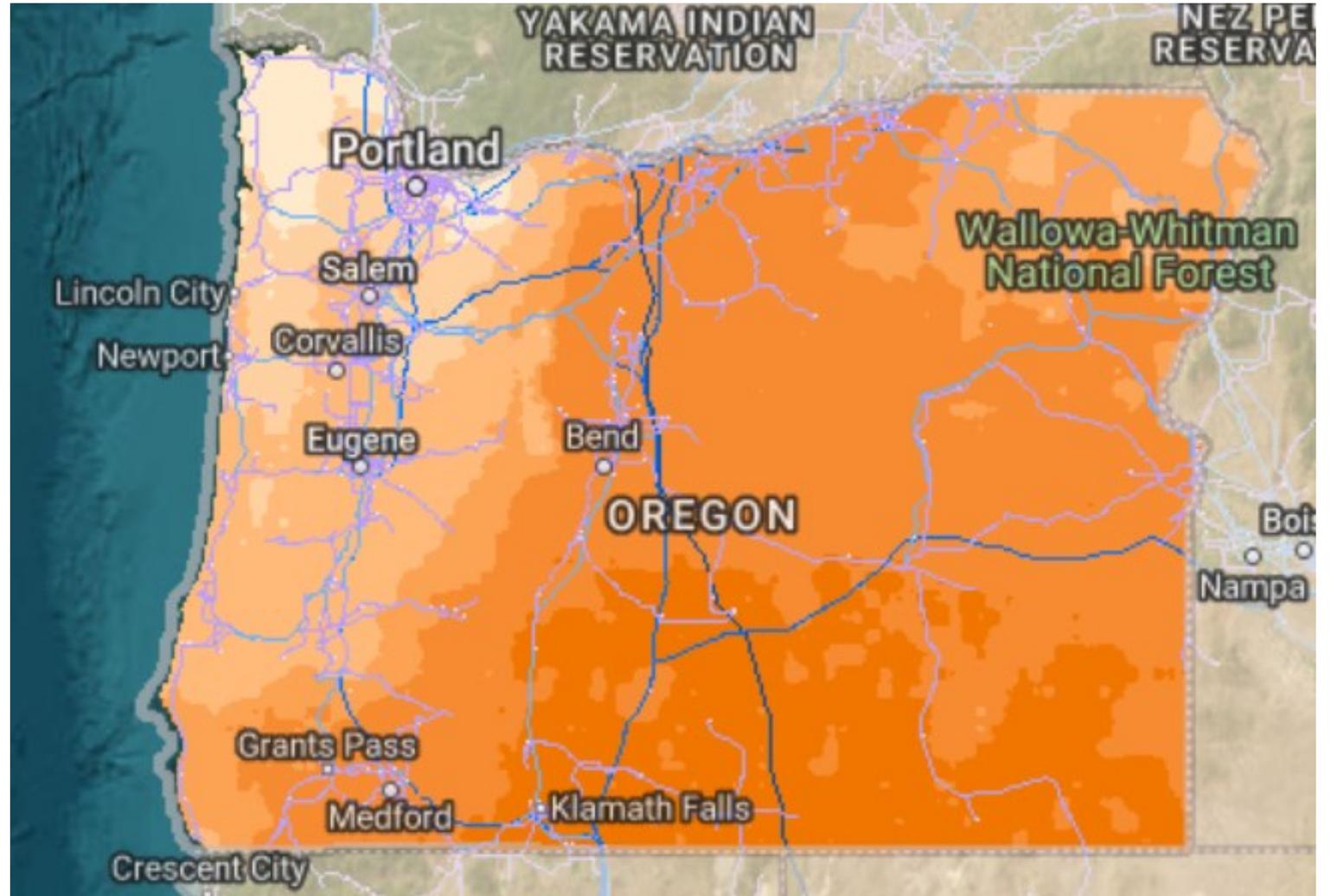
Energy Infrastructure

Substations >

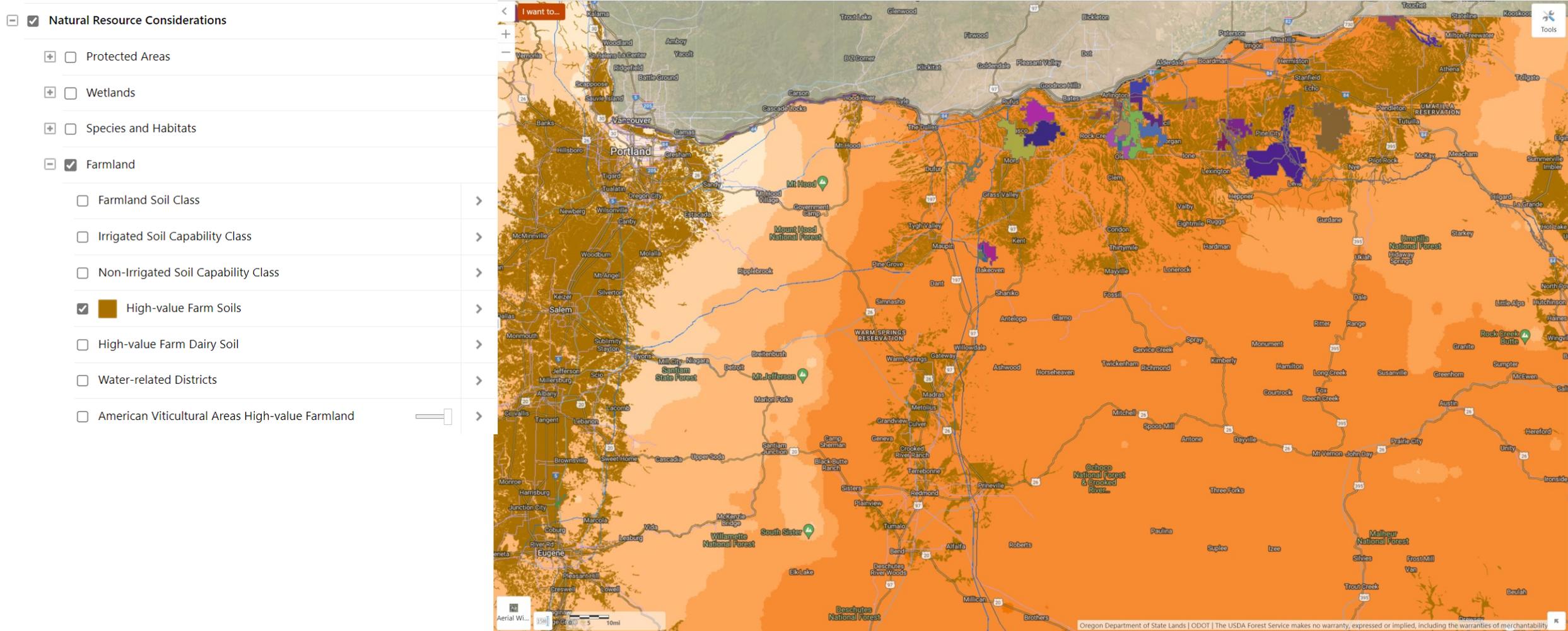
- DEAD END
- NOT AVAILABLE
- RISER
- SUBSTATION
- TAP

Transmission Lines >

- Unknown
- 115 kV
- 115 - 230 kV
- 230 - 500 kV
- >= 500 kV



SOLAR POTENTIAL & TRANSMISSION HIGH VALUE SOIL CLASS & EFSC FACILITIES



HIGHLIGHTS OF CURRENT FEDERAL EFFORTS

- U.S. Department of Interior Bureau of Land Management Solar Programmatic Environmental Impact Statement ([Solar PEIS](#))
- U.S. Department of Energy [Rulemaking on NEPA/Categorical Exclusions](#) for energy storage, upgrading/rebuilding transmission, and Solar PV
- National Interest Electric Transmission Corridor Designation Process ([NIETC](#))
- Coordinated Interagency Authorizations and Permits Program ([CITAP](#))
- Federal Energy Regulatory Commission Order 1920 ([FERC Order 1920](#))
- Bureau of Ocean Energy Management Off-Shore Wind Leasing & Siting ([BOEM](#))
- Ongoing Congressional Discussions around Permitting Reform

... and more

OREGON ENERGY STRATEGY – HB 3630

Directs ODOE to develop a state energy strategy identifying pathways to achieve Oregon's energy policy objectives

- Must be informed by stakeholder perspectives
- Must draw from existing resource plans, energy-related studies, and analyses

Oregon energy strategy must account for a variety of factors, such as:

- Costs, efficiencies, feasibility, and availability of energy resources and technologies
- Economic and employment impacts
- Energy burden, affordability, environmental justice, and community impacts and benefits
- Land use and natural resource impacts and considerations
- Energy resilience, security, and market implications

What are the likely **costs and benefits** from this transition?



What is the **scale and pace of change** needed to achieve an economy-wide clean energy transition in Oregon by mid-century?

WHAT DO WE WANT OUR CLEAN ENERGY FUTURE TO LOOK LIKE, AND HOW DO WE WANT TO GET THERE?

How can we **balance important considerations** around land use and wildlife impacts, community energy resilience, affordability, and the need for new transmission?



How can we ensure that the transition does not hurt our most vulnerable communities, and find ways to **share benefits statewide**?

State Energy Facility Siting 101

Sarah Esterson | ODOE Senior Policy Advisor

STATE ENERGY SITING STATUTORY POLICY

ORS 469.310

“...the siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety and in compliance with the energy policy and air, water, solid waste, land use and other environmental protection policies of this state.”

State Energy Siting Basics

Energy Facility Siting Council (EFSC)

Oregon Department of Energy (ODOE) Staff

Consolidated Review Process

Standards Based Process (state land use)

Site Certificate



STATE JURISDICTIONAL “ENERGY FACILITIES”

ORS 469.300(11)(a)

-  Transmission
-  Solar
-  Wind
-  Thermal (carbon capture only)
-  Geothermal
-  Surface Facility related to Underground Natural Gas Storage Facilities
-  Pipelines
-  Synthetic Fuel Plant
-  Plant that converts biomass into a fuel source
-  Nuclear Installations
-  Storage Facility for Liquid Natural Gas
-  Uranium Mill or Mill Tailings Disposal Facility

TRANSMISSION LINE STATE JURISDICTIONAL THRESHOLD

- more than 10 miles in length; and
- = or > than 230 kV; and
- in more than one jurisdiction



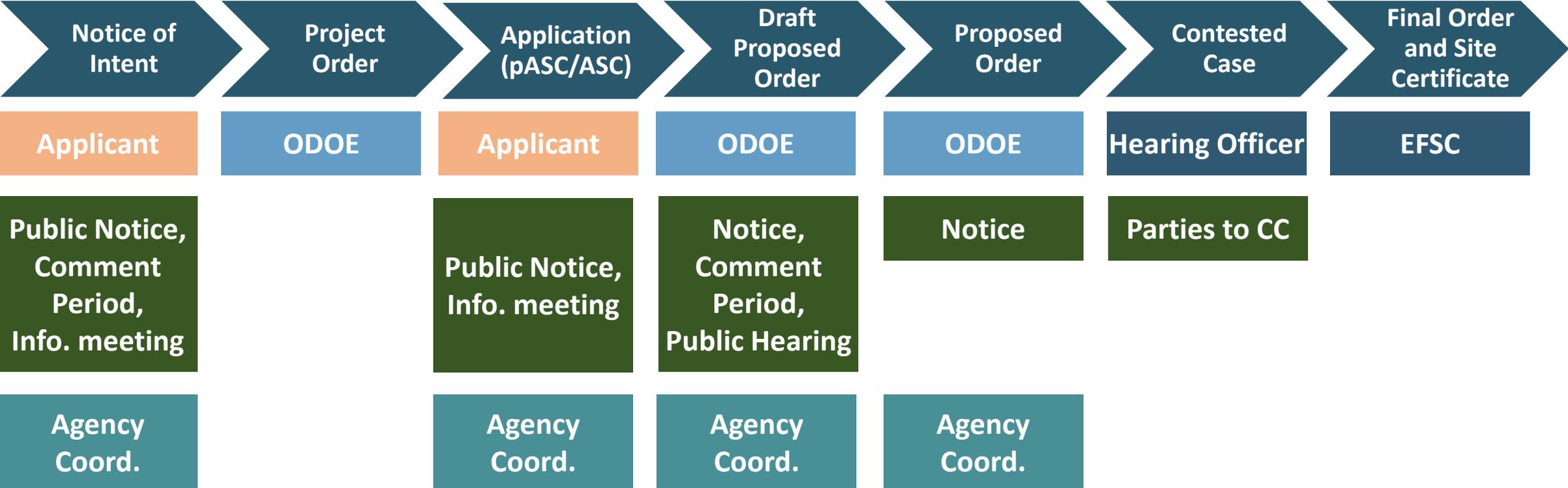
SOLAR PV STATE JURISDICTIONAL THRESHOLDS

Location	Pre HB 2329 (2019 Session)	Post HB 2329 (2019 Session)	Post HB 3179 (2023 Session)
High Value Agriculture - Exclusive Farm Use Zone	> 100 acres	> 160 acres	> 240 acres
Farmable Agriculture Exclusive Farm Use Zone	> 100 acres	> 1,280 acres (2 square miles)	> 2,560 acres (4 square miles)
Non-Farmable in Exclusive Farm Use zone or in other zones	> 320 acres	> 1,940 acres (3 square miles)	>3,840 acres (6 square miles)

EFSC STANDARDS – BURDEN OF PROOF

- General Standard of Review
- Organizational Expertise
- Structural Standard
- Soil Protection
- Land Use
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural and Archaeological Resources
- Recreation
- Public Services
- Waste Minimization
- Wildfire Prevention and Risk Mitigation
- Noise
- Siting Standards for Wind Facilities
- Siting Standards for Transmission Lines
- Need Standard for Transmission Lines

APPLICATION FOR SITE CERTIFICATE STEPS



CONTESTED CASE STEPS

- Informal Discovery
- Motions for Discovery Orders
- Motions for Summary Determination (potentially)
- Written Direct Testimony
- Written Rebuttal Testimony
- Requests for Cross-Examination
- Oral Cross-Examination Hearing
- Written Closing Argument
- Written Response Briefs
- Hearing Officer Proposed Contested Case Order

OREGON SUPREME COURT

ORS 469.403(6)

“...The Supreme Court shall give priority on its docket to such a petition for review and shall render a decision **within six months** of the filing of the petition for review.”

EFSC, PUC, AND EMINENT DOMAIN FOR TRANSMISSION LINES

- **PUC** – Acknowledges Integrated Resource Plan (IRP) of Investor-Owned Utility (IOU) that includes construction of transmission lines; Reviews and approves Wildfire Mitigation Plans for utilities in Oregon
- **EFSC** – Approves project and includes findings of compliance with need standard based on PUC acknowledged IRP
- **PUC** – Issues certificate of public convenience and necessity (CPCN) to IOU (authority to use eminent domain)
- **IOU** – Goes to state or federal court to use eminent domain authority as necessary



OREGON
DEPARTMENT OF
ENERGY

QUESTIONS?

State Agency Participation in Energy Facility Siting

Sarah Esterson | ODOE Senior Policy Advisor

Jeremy Thompson | ODFW Energy Coordinator

Jon Jinings | DLCDC Community Services Specialist

Alexis Hammer | DLCDC Legislative and Policy Manager

REVIEWING AGENCIES

- State Agencies
 - All natural resource state agencies
 - Other state agencies depending on project specifics
- Local Governments
 - The governing body of any local government within whose jurisdiction the facility is proposed to be located
 - Local governments within 10 miles based on potential impacts to public services
- Affected Tribal Governments, based on Legislative Commission on Indian Services determination
- Federal Agencies if project is also subject to federal review

REVIEWING AGENCY REVIEW AND COMMENT

Notice of Intent

- Issues or concerns
- Recommendations regarding the size of the analysis area
- A list of studies that should be conducted are part the review
- A list of applicable statutes, rules, permits, ordinances or codes

Preliminary Application

- Is there sufficient information to review and therefore determine the application complete

Complete Application

- Recommendations and conclusions regarding any statutes, rules, permits, ordinances or codes
- Identification of significant issues or other information that would be useful to the Council
- Recommended conditions

Draft Proposed Order

- ODOE frequently seeks input while drafting findings of facts, conclusions of law and conditions of approval
- Reviewing agencies have the opportunity comment to the Council on whether they agree, disagree or recommend changes to findings of facts, conclusions of law and conditions of approval

REVIEWING AGENCY COMMENT EXAMPLES

- **Oregon Department of Fish and Wildlife (ODFW)** – Fish passage, sage grouse, big game habitat preservation, bird and bat mortality, survey protocols, compensatory mitigation
- **Oregon Department of Land Conservation and Development (DLCDD)** – Compliance with non-farm use rules and statutes
- **Oregon Department of Agriculture (ODAG), Native Plant Conservation Program** – Impacts to state threatened and endangered plant species
- **Oregon State Historic Preservation Office (SHPO)** – Review of recommendations on likely eligibility of historic, cultural and archeological resources, survey protocol, proposed condition language
- **Oregon Department of Geology and Mineral Industries (DOGAMI)** – Adequacy of desktop and site-specific geotechnical investigations
- **Oregon Department of State Lands (DSL)** – Wetland delineations; removal fill permit
- **Confederated Tribes of the Umatilla Indian Reservation (CTUIR)** – Impacts to cultural, historic, and archeological resources

REVIEWING AGENCY IMPLEMENTED REQUIREMENTS

Oregon Department of Fish and Wildlife

Washington Ground Squirrel



Pygmy Rabbit



Big Game

REVIEWING AGENCY IMPLEMENTED REQUIREMENTS

Oregon Department of Agriculture Threatened and Endangered Plant Species



Laurence's Milkvetch



Snake River Goldenweed



Mulford's Milkvetch



Cronquist's Stickseed

OREGON DEPARTMENT OF FISH AND WILDLIFE

Energy Facility Siting

House Climate, Energy and Environment Committee

May 29th, 2024



Jeremy Thompson | Energy Program Coordinator



Oregon Wildlife Policy

- **ORS 496.012**
- **Wildlife managed to prevent serious depletion of indigenous species**
- **Provide optimum recreational and aesthetic benefits**
- **Basis for majority of ODFW actions**



Fish and Wildlife Habitat Mitigation Policy



- **OAR 635-415**
- **Framework for ODFW recommendations on land use/water development permit applications**
- **Identifies preferred strategies to avoid, minimize or mitigate impacts based on the importance of the habitat to a particular species**
- **Identifies 6 Habitat Categories, with mitigation goals and strategies**



ODFW Climate and Ocean Policy

- **Directs ODFW to be a leader in the state to address changing climate and its impacts on Oregon's natural resources**
- **Focus on protection and restoration of climate resilient habitats**
- **Key Principles for Species and Habitat Management (OAR 635-900-0017)**

ODFW Role in Energy Permitting



ODFW Participation in Siting

- **Statewide Planning Goals**
- **Engagement with Developers**
- **Local Expertise**



ODFW Role in EFSC Projects

- **Exhibit P**
 - **Habitat Assessment**
 - **Mitigation Plan**
 - **Revegetation Plan**
 - **Noxious Weed Plan**
- **Exhibit Q**
 - **Species specific concerns**
 - **Plans for minimization and monitoring**

Bakeoven Solar

Case Study

- **Efficient/effective siting timeline**
- **Demonstrable/successful state and local government coordination**

Project Specifics

Project Summary: 303 MW solar/100 MW battery/230 kV
Transmission Line; Wasco County

- **NOI Submitted November 2018**
 - Comments submitted by DEQ, OWRD, SHPO, DLCD, DOGAMI, DSL, ODA, ODFW, PUC, CTWS, Wasco County
- **Project Order Issued February 2019**
- **Complete ASC Submitted November 2019**
- **Site Certificate Issued February 2020**

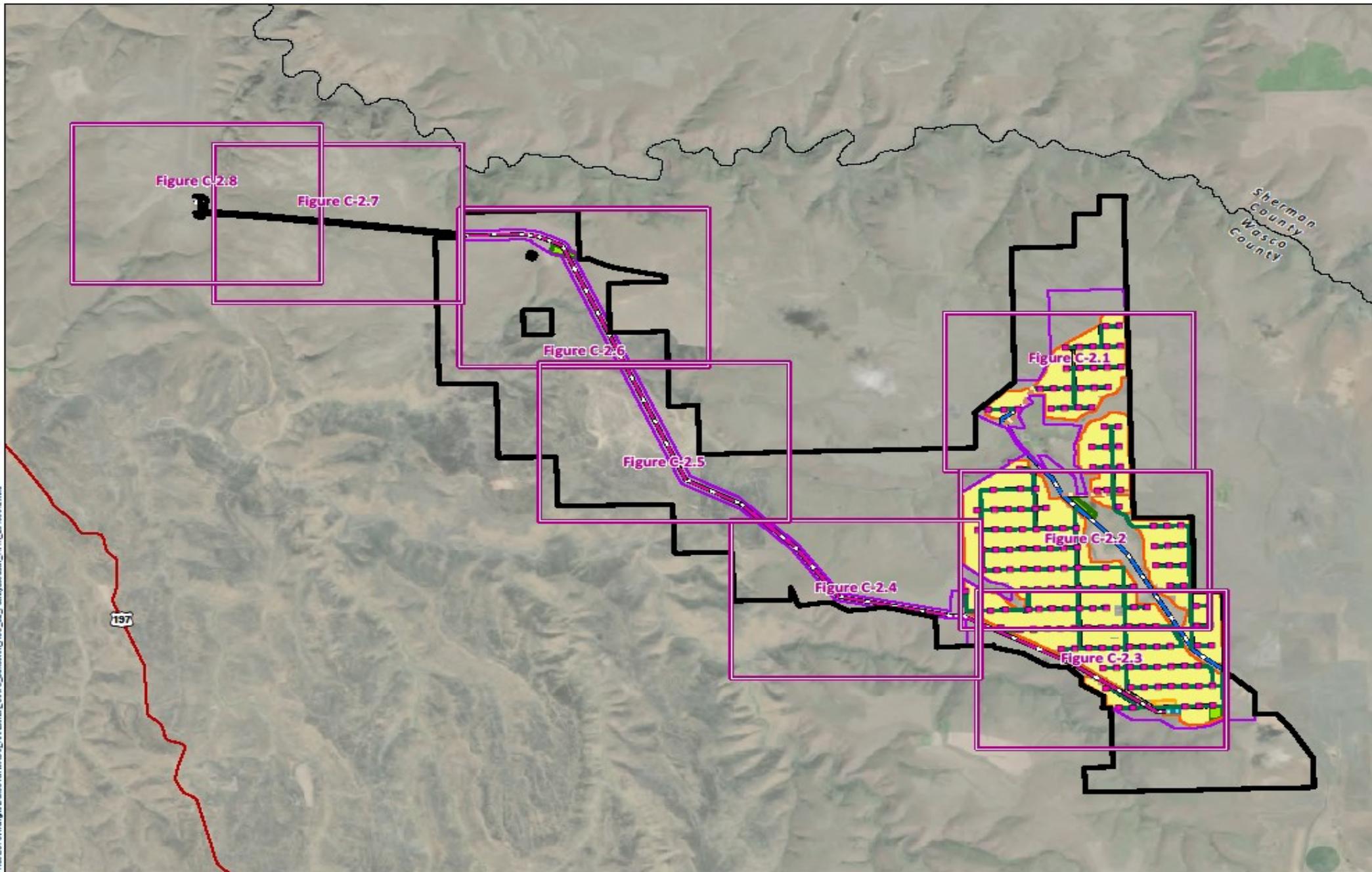
Current Status: 200 MW solar in operation by Oct 2024

Blue is applicant materials, Green is ODOE action

Bakeoven Solar Project

Figure C-2 Facility Layout

WASCO COUNTY, OREGON



- Proposed Site Boundary
- Proposed Micrositing Corridor
- Map Grid
- Basemap Features**
 - US Highway
 - County Boundary
- Proposed Facility Layout**
 - Inverter
 - Permanent New Road
 - Existing Road to Improve
 - Transmission Line (230 kV)
 - Overhead Collector Line
 - Underground Collector Line
 - Fence Line
 - Solar Array Area
 - Battery Storage System
 - O&M Building
 - Staging Area
 - Collector Substation



Data Sources

Avangrid Project Infrastructure;
USDA Aerial Imagery; Census Bureau Tiger Roads

Reference Map



P:\GIS_PROJECTS\Bakeoven\Bakeoven\MXD\Bakeoven_ASG_CD_FacilityLocation_11117_20180902.mxd



1:55,000 WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION

Bakeoven Solar Project

Figure C-2.1 Facility Layout

WASCO COUNTY, OREGON

-  Proposed Site Boundary
-  Proposed Micrositing Corridor
- Basemap Features**
-  Local Road
- Proposed Facility Layout**
-  Inverter
-  Permanent New Road
-  Existing Road to Improve
-  Transmission Line (230 kV)
-  Overhead Collector Line
-  Underground Collector Line
-  Fence Line
-  Solar Array Area
-  Battery Storage System
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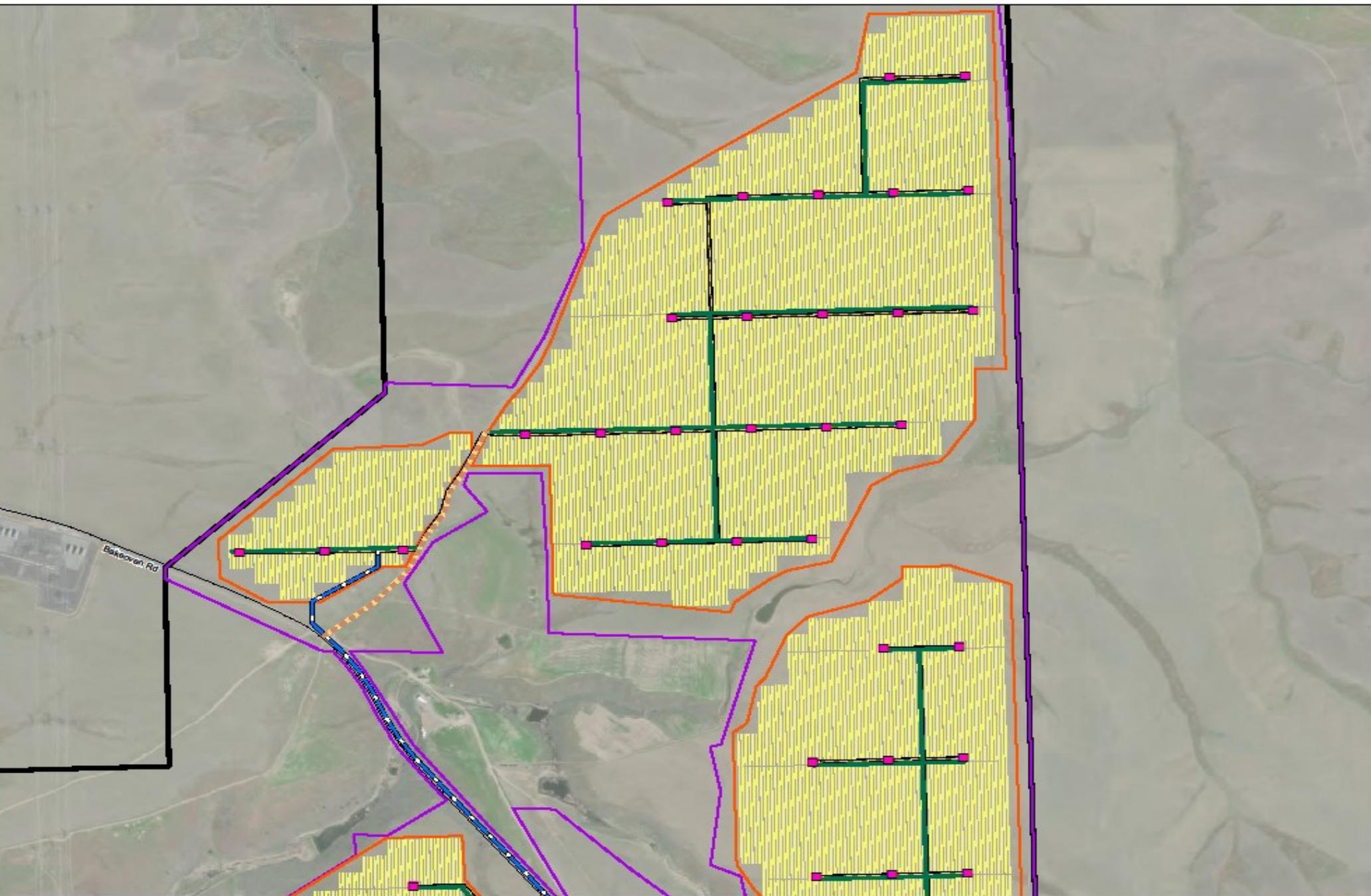
Data Sources

Avangrid Project Infrastructure;
USDA-Aerial Imagery; Census Bureau-Tiger Roads

Reference Map



FIGURE C-2.1: BAKEOVEN SOLAR PROJECT FACILITY LAYOUT (REVISED) (DATE: 11/17/2019) (SCALE: 1:10,000)



Contributing Factors for Efficient/Effective Siting Process

- Applicant Pre-NOI agency coordination
- Applicant Site Selection Resulted in Minimal Impacts to Resources Protected in EFSC process (allowed for process efficiency)
- Applicant's Prior Experience in EFSC process
- ODOE and ODFW experience in siting process and resources within the project area
- ODOE implemented targeted outreach efforts with reviewing agencies



DLCD



DLCD's Role in the Energy Facility Siting Process

May 29, 2024

House Committee on Climate,
Energy, and Environment

*Alexis Hammer, Legislative and
Policy Manager*

*Jon Jinings, Community Services
Specialist*



**Thank You For
Having Us.**

Presentation Objectives.

**Discuss DLCDC Roles in
Energy Siting:**

- **Policy Conversations**
- **Direct Participation**
- **Indirect Participation**



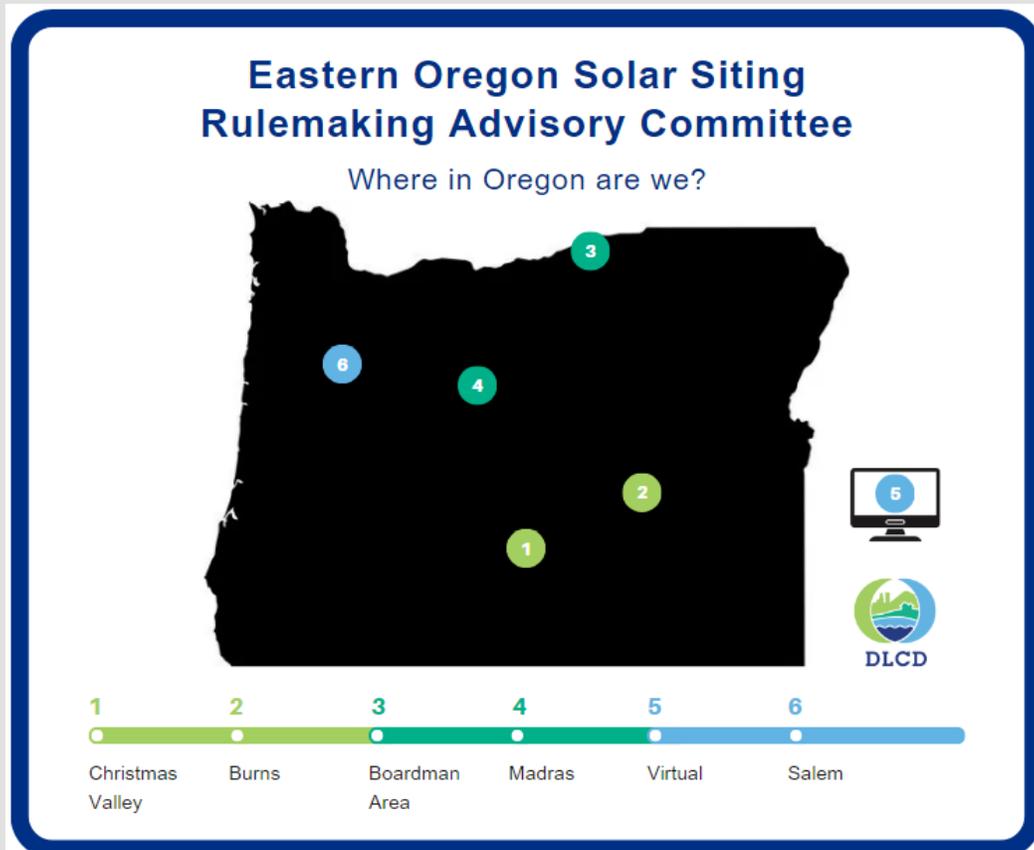
Policy Conversations

HB 3409 (2023)

Finding opportunities & reducing conflict in utility scale photovoltaic solar siting

- Section 35.(1) – Revise exception rule
- Section 35.(2) – Adopt new rules for the siting of photovoltaic solar power generation facilities

HB 3409 – Section 35.(2) Basics



Focus on Eastern Oregon

Diverse Rules Advisory Committee

Consider variety of natural resource, community needs, public feedback and other important related items

Consider proximity to transmission

Consider ability of site to assist in meeting Oregon's climate goals



Direct Participation

- DLCD does not have permitting authority
- DLCD generally has the same status as any interested party
- DLCD occasionally participates in a local jurisdiction review of a proposed energy facility
- DLCD occasionally participates in an EFSC review of a proposed energy facility



Indirect Participation

- DLCD does not have permitting authority
- DLCD often serves as a technical resource
- DLCD regularly responds to questions and offers guidance to:
 - Citizens
 - Developers
 - Counties
 - State & Federal Agencies
 - Tribes



OREGON
DEPARTMENT OF
ENERGY

QUESTIONS?

Dual State and Federal Jurisdiction

Todd Cornett | ODOE Assistant Director for Siting

EFSC AND NEPA COMPARISON

EFSC – The state energy siting process requires the Energy Facility Siting Council to determine that the preponderance of evidence on the record supports the conclusion that the facility:

- will not likely result in a significant adverse impact to the resources protected by the standards applicable to the facility; or
- the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet

NEPA - The National Environmental Policy Act process assesses the potential significant effects to the quality of the human environment. NEPA guidance requires federal agencies to avoid, minimize, and/or mitigate significant impacts but does not use a clear set of pass/fail standards (i.e., the federal agencies may approve the project despite significant effects).

EFSC AND NEPA COMPARISON

EFSC Process	NEPA Process
Notice of Intent	Notice of Intent
Public Information Meetings and Comment Period	Public Scoping Meetings and Comment Period
Project Order	Scoping Report
Application for Site Certificate	Evaluation and Analysis of Issues and Alternatives
Agency Comment Period	Draft Environmental Impact Statement (EIS)
Draft Proposed Order	Public Meetings and Comment Period
Public Hearings	Final EIS
Proposed Order	Record of Decision
Contested Case	
Final Order	

NEPA DUPLICATION MINIMIZATION

CFR 1506.2 – Elimination of duplication with State, Tribal or local procedures

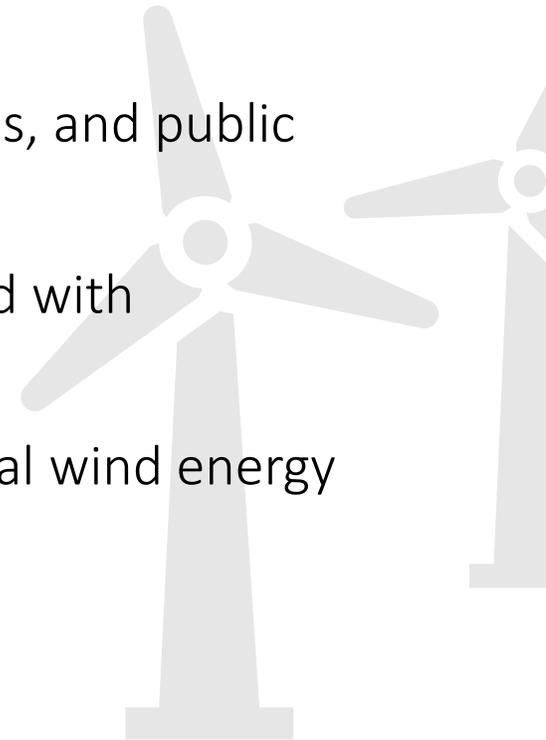
- To the fullest extent practicable unless specifically prohibited by law, agencies shall cooperate with State, Tribal, and local agencies to reduce duplication between NEPA and State, Tribal, and local requirements, including through use of studies, analysis, and decisions developed by State, Tribal, or local agencies.
- To better integrate environmental impact statements into State, Tribal, or local planning processes, environmental impact statements shall discuss any inconsistency of a proposed action with any approved State, Tribal, or local plan or law (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. While the statement should discuss any inconsistencies, NEPA does not require reconciliation.
- ODOE/EFSC can choose to be a cooperating agency in the Federal NEPA review.

EFSC DUPLICATION MINIMIZATION

- ORS 469.370(13) – *For a facility that is subject to and has been or will be reviewed by a federal agency under the National Environmental Policy Act, 42 U.S.C. Section 4321, et seq., the council shall conduct its site certificate review, to the maximum extent feasible, in a manner that is consistent with and does not duplicate the federal agency review.*
- ORS 469.430(2) – *The council shall avoid duplication of effort with site inspections and compliance reviews by other state and federal agencies and local governments that have issued permits or licenses for the facility.*
- Per OAR 345-001-0010(27) – for any federal land management agency with jurisdiction – if any part of the proposed is on federal land, is automatically a reviewing agency.

PROGRAMMATIC WIND MOU

- In 2009, ODOE and BLM executed a Memorandum of Understanding on reviewing joint state and federal jurisdictional wind energy projects.
 - Identifies steps where ODOE and BLM align for information sharing for application/environmental impact statement preparation, comment periods, and public hearings.
 - Identifies steps where ODOE and BLM information requirements are shared with applicants.
 - Since its execution, there has not been a joint state and federal jurisdictional wind energy project, so the MOU has never been exercised.
- May 15, 2024 meeting held to discuss an MOU for solar PV projects



CASCADE CROSSING EXAMPLE

Project – May 2010, PGE proposed a 500 kV transmission line between Boardman and Salem

- **Why Dual Jurisdiction** – Proposed on private, state, federal, and tribal land requiring three separate reviews
- **Duplication Minimization** – PGE hired a professional facilitator
 - Coordinating team consisting of representatives from each of the reviewing authorities met frequently to coordinate, collaborate, and negotiate in order to expedite the respective reviews
 - Subgroups were created related to specific resources
 - Agency decision-makers were pulled in when critical decisions had to be made
- **Lessons Learned** – The facilitator/coordinating team model was very successful, and it appeared their efforts would have resulted in minimizing duplication and expediting the review. PGE withdrew the project in 2013, so the model was not fully tested.

EUGENE TO MEDFORD AMENDMENT 4 EXAMPLE

Project – PacifiCorp Operational 500 kV line between Eugene and Medford approved in 1983

December 2017 Amendment 4 was initiated: 1) increase site boundary; 2) replace existing line, construct a new substation; and 3) reconductor existing line

- **Why Dual Jurisdiction** – Proposed on private and federal land
- **Duplication Minimization** – ODOE agreed to use the information from the Federal Section 106 to meet EFSC’s Historic, Cultural and Archaeological Resources standard
- **Lessons Learned** – When we rely on federal requirements, our review process is ultimately governed by the timelines of the federal review
 - As of December 2019, the application was mostly complete, and the Draft Proposed Order was mostly written. The only missing information needed to deem the application complete and issue the Draft Proposed Order was associated with the Federal Section 106 review.
 - The Department never received this information and on April 10, 2024 PacifiCorp sent an email formally withdrawing Amendment 4

BOARDMAN TO HEMINGWAY EXAMPLE

Project – Idaho Power Corporation approved 500 kV line from Hemingway Idaho to Boardman, Oregon

- 1,085 towers up to 195 tall within right-of-way, up to 500 feet wide
- New substation
- 200 miles of new roads and 230 miles of existing road modifications
- Temporary construction laydown areas and helicopter fly yards
- Located in five counties and two cities in Oregon
- 17 different land use zones
- Proposed on more than 300 private properties
- Notification included 5,000 mailed property owner notices, 1,600 email notices, and 10 newspaper notices in the affected Oregon counties
- **Why Dual Jurisdiction** – Proposed on private, state, and federal land

BOARDMAN TO HEMINGWAY EXAMPLE

Duplication Minimization - Substantive

- **Historic, Cultural and Archeological Resources** – ODOE agreed to use the information from the Federal Section 106 of the National Historic Preservation Act process to meet EFSC’s Historic, Cultural and Archaeological Resources standard. IPC cannot move forward either on federal or non-federal land until it is concluded. Based on recent issues raised regarding the validity of the conducted surveys, the BLM is currently conducting spot surveys to ascertain whether all of the information submitted was accurate.
- **Threatened and Endangered Species** – Species surveys conducted for the federal process were used to satisfy EFSC survey requirements. While Oregon State and Federal Threatened and Endangered Species lists are largely the same, there are differences. Because Idaho Power did not remove the species that were on the Federal list but not on the Oregon State list, species not normally regulated by EFSC were introduced into the process creating jurisdictional questions and issues.

BOARDMAN TO HEMINGWAY EXAMPLE

Duplication Minimization - Procedural



August 2008 – Joint NOI filed with EFSC and BLM

November 2008 – IPC put both reviews on hold and initiated a Community Advisory Process to gather information from public to reevaluate proposed project route due to high volume of concerns expressed about initial proposal on productive agricultural lands.

July 2010 – Second Joint NOI filed with EFSC and BLM

BOARDMAN TO HEMINGWAY EXAMPLE

EFSC Process

Application for Site Certificate

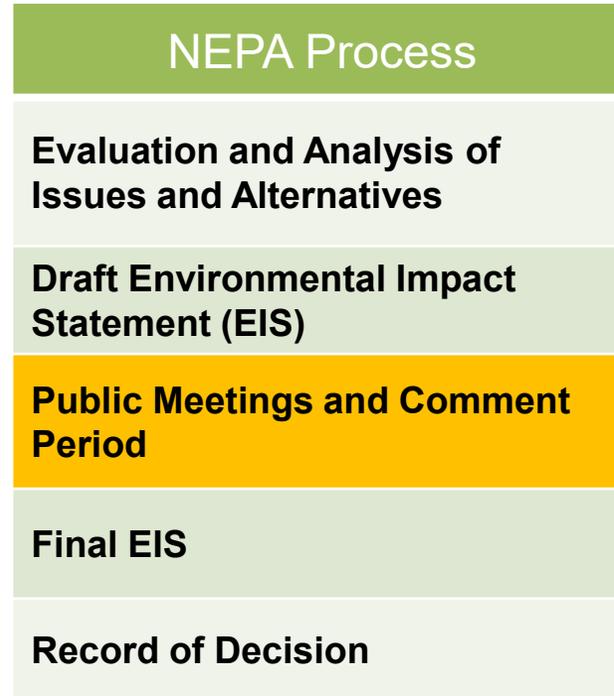
Agency Comment Period

NEPA Process

**Evaluation and Analysis of
Issues and Alternatives**

February 2013 – Submittal of Preliminary Application for Site Certificate (pASC) to EFSC

BOARDMAN TO HEMINGWAY EXAMPLE



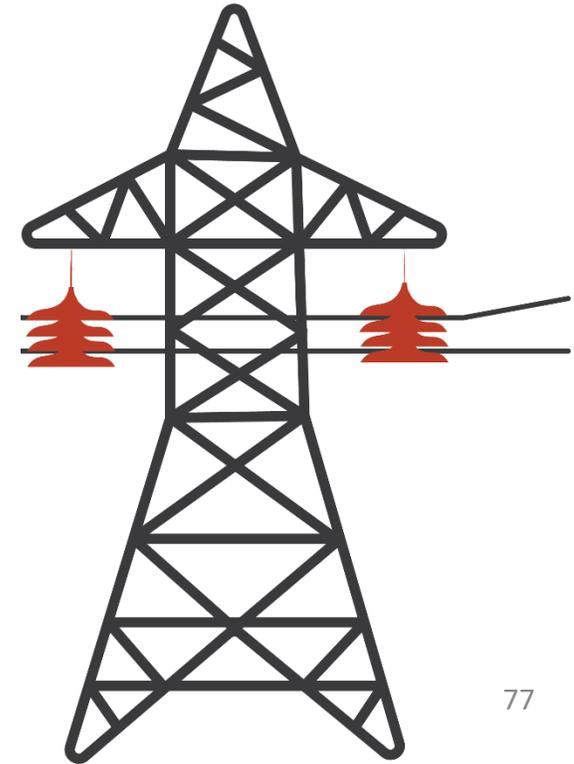
2013 – 2017 – EFSC process was put on hold by applicant to focus on Federal NEPA process due to the ability of the BLM to require Idaho Power to evaluate different route alternatives

BOARDMAN TO HEMINGWAY EXAMPLE

EFSC Process Step	Date	Details
Preliminary Application	July 2017	Reviewing for completeness with reviewing agencies
Complete Application	Sept. 2018	Public Information Meetings in 5 counties
Draft Proposed Order	May 2019	<ul style="list-style-type: none"> • Public hearings in 5 counties • 92-day public comment period • 400 comments totaling 6,300 pages • 107-day response period for IPC
Proposed Order	July 2020	Changes based on comments
Contested Case	August 2020	<ul style="list-style-type: none"> • 50 requests to participate • 36 of the 50 were granted party status with 78 specific issues
Final Order	September 2022	<ul style="list-style-type: none"> • 15 exceptions to Contested Case Order evaluated by EFSC • Material changes to Proposed Order and Contested Case Order
Supreme Court	March 2023	<ul style="list-style-type: none"> • Three petitioners with nine issues • Court upheld final order in total in four months

BOARDMAN TO HEMINGWAY STATUS

- Preconstruction Conditions – Currently being worked on
- Construction Conditions – Plan to begin construction by August 2024
- Amendment 1 – Approved by EFSC in Sept. 2023. Denial of Contested Case appealed to Circuit Court
- Amendment 2 – Draft Proposed Order issued, and public hearing will occur in Boardman tomorrow night
- Eminent Domain – Idaho Power is currently pursuing eminent domain on properties still unwilling to sell rights of way



DUAL REVIEW LESSONS LEARNED

- There are opportunities to minimize duplication but that requires a lot of effort and coordination.
- The applicant is the ultimate driver of duplication minimization based on a concurrent or consecutive review and what they submit.
- Many NEPA resource reports and EFSC application exhibits require different information.
- EFSC's reliance on NEPA review elements results in EFSC's review timing being linked to the NEPA timing.
- If the lead federal agency is likely to require evaluation of a different location than what was proposed, it is better to run the processes consecutively with the NEPA process first.



OREGON
DEPARTMENT OF
ENERGY

QUESTIONS?