

## **Oregon Transmission Siting Information**

### **General Information:**

The transmission siting process in Oregon is controlled by the Oregon Department of Energy and decisions on siting are made by the Oregon Energy Facility Siting Council (Council). The Council is controlled by statute. Decisions of the Council are binding on all state agencies and local government or subdivisions. The Council has jurisdiction over all lines greater than or equal to 230kV and 10 miles in length. Unlike most western states, Oregon employs a standard-based process, as opposed to a SEPA or similarly controlled process. The standards address environmental and other concerns.

### **Siting Entities:**

- Oregon Energy Facility Siting Council

### **Authorizations Needed:**

In order for an entity to build a transmission line that falls within the Council's jurisdiction, it must obtain a Site Certificate.

### **Preemption of local siting authority:**

A Site Certificate from the Council preempts all other Oregon law and "shall bind the state and all counties and cities and political subdivisions in this state as to the approval of the site and the construction and operation of the facility." [ORS 469.401\(3\)](#). Local concerns and standards are taken into consideration by the Council but counties, etc. do not automatically have the authority to site energy facilities under Council jurisdiction. Applicants must choose whether to have the local authority or the Council make a decision as compliance with local land use policies. If the applicant chooses the local authority, the Council will not rule on a certificate unless the local authority approves the land use. If the applicant chooses the Council, the Council will gather all pertinent land use law from the affected counties and make its decisions.

### **General Siting Process:**

The Oregon process is divided into two phases: (1) Notice of Intent and (2) Application.

The Notice of Intent phase is first and is a substantial part of the permitting process.<sup>1</sup> The applicant must submit a Notice of Intent to provide the Council with information about the proposed energy facility and its potential impacts. At this time, other state agencies and local authorities will work with the Department of Energy to analyze the plan and make comments. [OAR 345-015-0110](#). Public meeting must be held at this time. There is no set time limit for this phase of the process and the application process will not start until this phase is complete.

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<sup>1</sup> Information on the Notice of Intent requirements can be found at [OAR 345-020-0006](#) through [0060](#).

Once the State Department of Energy has reviewed the Notice of Intent and carried out all the related steps, it issues a Project Order. [OAR 345-015-0160](#). The project order identifies applicable statutes, rules and local ordinances. It describes any special information needed for the application. It also determines “analysis areas” for which the applicant must assess impacts.

The applicant may only submit an application once a Project Order has been issued. It is at this time that the applicant must choose to submit to local land use regulations or the Council’s authority for land use decisions. Within 60 days of receipt of the application, the Department of Energy must inform the applicant as to the completeness of the application. [OAR 345-015-0190](#). Until an application is complete it is considered a preliminary application. Once the application is complete, the Council has 12 months to make a decision. [OAR 469.370\(2\)\(9\)\(d\)](#).

Contested cases can be reviewed by the Council. Parties have 30 days to file an application for review of the Council’s decision and that application must be acted upon within 30 days of the filing of the application for review or it is deemed denied. [ORS 469.403\(1\)](#). A party has 30 days from the date of the denial, or 60 days from the date of the original decision if no review is requested, to file a petition for review with the state Supreme Court. Appeals are heard directly by the state Supreme Court. [ORS 469.403\(3\)](#). The Supreme Court must rule on the petition for review within 6 months. [ORS 469.403\(6\)](#).

### **Application Requirements:**

All proposed projects must be in compliance with state planning goals. [ORS 469.504](#); [ORS 469.503\(4\)](#). In addition, the state’s environmental and energy statutes set out specific standards that proposed projects must meet in order to obtain a certificate. If the project meets the standards, the Council must issue the certificate. The standards address issues of feasibility, site suitability, and environmental and community impacts. [Website](#). Specific areas addressed: soil protections, land use, protected areas, retirement and financial assurance, fish and wildlife habitat, threatened and endangered species, scenic and aesthetic values, historic, cultural and archaeological resources, recreation, public services, waste minimization, CO2 emissions, and need standard for non-generating facilities. [ORS 469.501](#).

In addition to the standards listed above, transmission project sponsors must show that they can meet certain design and construction standards. [OAR 345-024-0090](#). Need must also be demonstrated for transmission lines. Need can be demonstrated by showing that the line’s capacity is included in a least cost plan approved by the Oregon PUC, is part of an energy plan for a public utility district, or through usual analysis of reliability, supply and demand. [OAR 345-023](#). If a proposed line is within a NIETC, need is assumed. [OAR 345-023-0005\(1\)](#)

### **Interstate Cooperation:**

The Council is instructed to advise, consult, and cooperate with other states and the federal government. [ORS 469.470\(4\)](#).