



Government-to- Government Activity Report

by the

**OREGON
DEPARTMENT OF
ENERGY**

December 2023

EXECUTIVE SUMMARY

In this report, the Oregon Department of Energy discusses ways the agency has interacted with and learned from Oregon's nine federally recognized Native American Tribes in 2023. The report provides information about efforts and actions to seek input, collaborate, and enhance relations with tribal governments regarding ODOE programs, projects, and other services. This work includes energy policy, energy financial incentives, nuclear safety, emergency preparedness, and energy facility siting, in addition to agency engagement and collaboration. Below are a few highlights.

Nuclear Safety. Several Tribes have expressed concerns about restricted access to usual and accustomed areas on the Hanford Site, and, in cases where access is permitted, Tribes are concerned about the potential for tribal members to be exposed to hazardous waste as well as the potential for negative effects on first foods and other cultural and natural resources due to inadequate disposal or leaks at the Hanford Nuclear site. The Oregon Hanford Cleanup Board, which includes a representative of the Confederated Tribes of the Umatilla Indian Reservation, met three times in 2023. The Hanford Natural Resources Trustee Council, which is responsible for conducting the Natural Resources Damage Assessment and Restoration at the Hanford site, actively worked on assessment and planning activities throughout 2023. The Council membership includes the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, and the Yakama Nation, in addition to the states of Oregon and Washington, and federal agencies.

Emergency Preparedness. In 2023, ODOE began a major effort to develop the state's Energy Security Plan, which will replace a document last updated in 2012. The Energy Security Plan is supported with federal funding from the Infrastructure Investment and Jobs Act, and includes engagement and coordination with Tribal Governments as well as stakeholder groups and the public. ODOE staff presented the engagement strategy for the ESP at the September 2023 Tribal Preparedness Coalition Conference in North Bend. In 2024, ODOE staff plans to travel to each tribal government's headquarters to present preliminary findings and solicit input. The ESP is intended to be a living document, and perspectives and input from Tribal nations will continue to be incorporated into future revisions.

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

Energy Planning, Innovation, and Engagement. ODOE provides staff support to the [Oregon Global Warming Commission](#), which was originally created in 2007 to be the state's first venue for a whole-of-government response to climate change. To create better governance and accountability and enhance the whole-of-government approach to addressing climate change, legislators passed a bill to modernize the Commission. It increased the size of the OGWC – now to be called the Oregon Climate Action Commission – from 25 members to 35 members. It directs state agencies to provide regular reports to the OCAC on their efforts and progress in reducing greenhouse gas emissions and preparing for the effects of climate change. There is a new directive for the OCAC to prepare detailed forecasts of expected GHG emissions reductions to better evaluate progress moving forward. In addition, the

Commission's initial work on climate solutions in natural and working lands also inspired legislators to encourage state agency efforts on natural climate solutions, and to establish the Natural and Working Lands Fund in the new law. As part of the natural and working lands work ahead, the Commission is specifically required to establish a process for tribal consultation to advise the Commission on its work, including on the identification of opportunities to support indigenous practices and knowledge from tribal nations to sequester and store carbon on natural and working lands. As these new changes are implemented, the Chair of the Commission, Catherine Macdonald, has been, and will be, seeking new ways to learn from and consult with the nine federally recognized Tribes.

Strategic Engagement and Collaboration. The Community Navigator program was recently launched after ODOE's bill in the 2023 session passed as part of HB 3630. This program aims to connect environmental justice communities with energy resources and programs, and has a particular focus on the nine federally recognized Tribes in Oregon. The program is designed to empower communities in accessing opportunities from the state and federal governments to achieve their energy goals. Throughout the first six months of the program, Community Navigator program staff has been able to attend in-person meetings in 25 of the 36 counties, and five of the nine federally recognized Oregon Tribes. Some of these in-person meetings included ODOE's Director and staff of the Burns Paiute Tribe, Confederated Tribes of Umatilla Indian Reservation, and Coquille Tribes at the Tribes' locations.

Energy Financial Incentives. This Division operates both state-funded programs and federally funded programs. Many of these programs have been directed by the Oregon Legislature to specifically serve Tribes and, for federally funded programs, must comply with the Justice40 Initiative that directs that 40 percent of all benefits from federal funds flow to disadvantaged communities. For example, the Burns Paiute Tribe has been offered a Community Renewable Energy Grant of \$89,718 for planning to connect a local community cooperative biomass district heating system to the Tribal community center in Burns. The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians have been offered a Community Renewable Energy Grant of \$1,000,000 for a community energy resilience project with net-metered solar and battery storage with microgrid systems to power tribal buildings during grid outages. ODOE has also been involved in pursuing federal funding opportunities to support initiatives that benefit Oregonians. ODOE's Director sent letters to the Chairs of the nine federally recognized Tribes in Oregon to share these opportunities and explore interest in working with ODOE on federal funding opportunities. ODOE has created a [federal funding tracker](#) with energy-related funding opportunities through the IIJA and IRA. It has sortable columns for program type, eligible recipients, available funding, relevant links, and more. ODOE staff updates the tracker weekly with the latest information and highlight changes from the previous week in yellow.

This report and previous annual Government-to-Government reports are available on the [Oregon Department of Energy's website](#).

TABLE OF CONTENTS

EXECUTIVE SUMMARY i

AGENCY CONTACTS..... 1

ABOUT ODOE..... 2

INTRODUCTION..... 3

STRATEGIC PLANNING 3

NUCLEAR SAFETY AND ENERGY EMERGENCY PREPAREDNESS DIVISION 4

 Hanford Cleanup..... 4

 Restoration of Injured Natural Resources..... 4

 Radioactive Materials and Waste Transport Safety 5

 Radioactive Waste Disposal..... 5

 Oregon Fuel Action Plan 5

 Oregon Energy Security Plan 6

 Nuclear Emergency Response Coordination..... 6

ENERGY FACILITY SITING..... 7

 Energy Facility Siting Council..... 7

 Energy Facility Siting Division 7

 Project Notification 7

 Opportunities for Energy Project Review Cost-Reimbursement for Tribes..... 9

 Siting-Related Project Outreach to Tribes..... 9

 Energy Facility Siting Council Rulemaking 10

ENERGY PLANNING, POLICY, AND INNOVATION..... 10

 Oregon Global Warming Commission 11

 Oregon Rural and Agricultural Energy Assistance Program..... 12

 Oregon State Energy Strategy..... 12

STRATEGIC ENGAGEMENT AND COLLABORATION..... 12

 Legislative Coordination..... 13

 Community Navigator Program..... 13

ENERGY FINANCIAL INCENTIVES 13

 Community Renewable Energy Grant Program 14

 Solar + Storage Rebate Program..... 15

 Energy Efficient Wildfire Rebuilding Incentive Program..... 15

 Heat Pump Programs 16

 IIJA Grid Resilience 16

2022 GOVERNMENT-TO-GOVERNMENT REPORT

Home Energy Rebates 17

Training for Residential Energy Contractors 17

Solar For All 17

Energy Efficiency and Conservation Block Grant (EECBG) 17

POLICY ON GOVERNMENT-TO-GOVERNMENT RELATIONS..... 18

CONCLUSION..... 18

ATTACHMENT 1: ODOE POLICY ON STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS.. 20

AGENCY CONTACTS

Oregon Department of Energy – Main Contacts

Janine Benner

Director

503-378-4040

janine.benner@energy.oregon.gov

Ruchi Sadhir

Tribal Liaison/Associate Director,

Strategic Engagement

971-209-0996

ruchi.sadhir@energy.oregon.gov

Oregon Department of Energy – Division Contacts

Todd Cornett

Assistant Director,

Energy Facility Siting

503-428-2962

todd.cornett@energy.oregon.gov

Max Woods

Assistant Director, Nuclear Safety &

Emergency Preparedness

503-551-8209

maxwell.woods@energy.oregon.gov

Alan Zelenka

Assistant Director,

Energy Planning & Innovation

541-228-6331

alan.zelenka@energy.oregon.gov

Michael Williams

Assistant Director,

Central Services

503-559-1914

michael.a.williams@energy.oregon.gov

VellaiPandian Krishnaswamy

Assistant Director,

Energy Development Services

503-508-1244

Pandian.Krishnaswamy@energy.oregon.gov



ABOUT ODOE

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.



Our Values

- We listen and aspire to be inclusive and equitable in our work.
- We are ethical and conduct our work with integrity.
- We are accountable and fiscally responsible in our work and the decisions of our agency.
- We are innovative and focus on problem-solving to address the challenges and opportunities in Oregon's energy sector.
- We conduct our agency practices and processes in a transparent and fair way.

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

INTRODUCTION

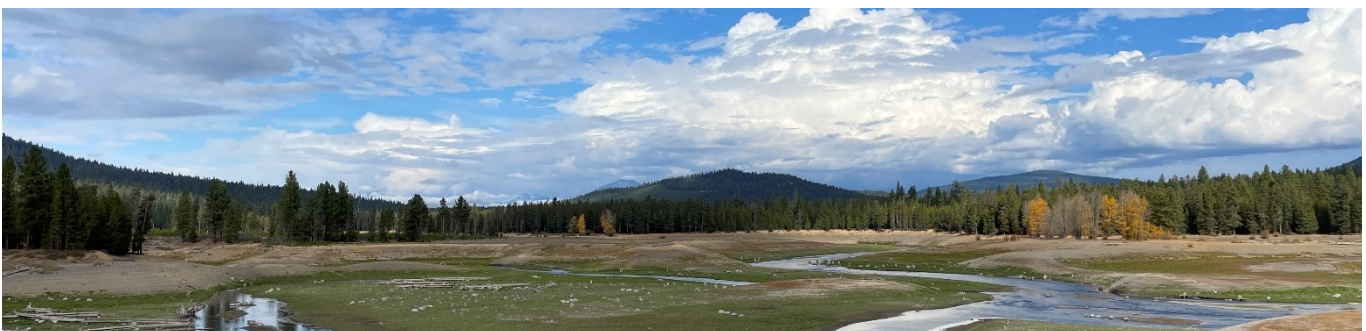
In this report, the Oregon Department of Energy looks back at ways the agency has interacted with and learned from Oregon’s nine federally recognized Native American Tribes in 2023. We believe that continuing to build on our long-standing relationships with the Tribes makes our agency more effective overall while supporting our work across the state and region. Our recent legislatively directed studies, state financial incentive programs, and opportunities for federal funding have included greater external engagement with an emphasis on furthering our unique relationship with Tribes. We continue to look for opportunities where our programs and projects can be improved with input from Tribes. This report provides an overview of ODOE programs and projects and the collaborative ways we have engaged with tribal governments over the last year.

STRATEGIC PLANNING

ODOE’s [strategic plan](#) helps prioritize, measure progress, and strengthen alignment between agency goals, programs, and budget. The plan is implemented through five Strategic Imperatives for 2021-2024:

1. Expand and Improve External Engagement
2. Build Practices and Processes to Achieve more Inclusive and Equitable Outcomes
3. Assess and Enhance Organizational Data Capabilities
4. Assess and Modernize Agency Programs and Activities
5. Optimize Organizational Efficiency and Impact

Through this plan, ODOE focuses on how to improve awareness of the agency’s work and expand and improve engagement with a core focus on Diversity, Equity, and Inclusion. Outcomes of this work include developing new partnership models and approaches, understanding and investing in community needs and impacts, using the agency’s position to create change, and committing to doing internal equity work. A series of objectives and initiatives guides our work, and we will continue to reach out and seek to collaborate with Tribes on implementing this Plan. Follow the strategic planning process and progress reporting dashboards on [ODOE’s website](#).



NUCLEAR SAFETY AND ENERGY EMERGENCY PREPAREDNESS DIVISION

The Nuclear Safety and Emergency Preparedness Division supports and interacts with the nine federally recognized Tribes in Oregon, as well as the Confederated Tribes and Bands of the Yakama Nation and the Nez Perce Tribe, on a variety of topics, including Hanford cleanup, restoration of injured natural resources related to the Hanford cleanup, radioactive material transport safety, enforcement of radioactive material disposal rules, and allocation of liquid fuels (primarily diesel, gasoline, jet fuel) during interruption of distribution or supply.

Hanford Cleanup

The Hanford Nuclear Site, operated by the U.S. Department of Energy, is on land ceded by the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes and Bands of the Yakama Nation and is among the usual and accustomed places for the Nez Perce Tribe. The State of Oregon and the CTUIR have a Memorandum of Understanding for coordination on Hanford issues. ODOE is Oregon's lead state agency representing the state's interests in the Hanford cleanup and represents Oregon in the natural resource damage assessment and restoration efforts.

ODOE's technical staff work closely with their counterparts from the CTUIR, Yakama Nation, and Nez Perce Tribe 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 advice to USDOE, the U.S. Environmental Protection Agency, and the Washington Department of Ecology on policy issues related to the cleanup of the Hanford site.

A representative from the CTUIR sits on the [Oregon Hanford Cleanup Board](#), which is a 20-member advisory group that recommends state policy to Oregon's Governor, Legislative Assembly, and ODOE. The Board also holds USDOE and its contractors accountable and brings Hanford issues to the public. The Board met three times in 2023. In May, the Board met in Hood River and the meeting was focused on learning and discussing future use of the Hanford site after it is cleaned up. While still decades away, it is important to understand as decisions today affect possible use of the site in the future. In October, the Board met in Richland, WA and focused on use of technology in Hanford cleanup activities. The Board also toured the historic "B Reactor," which is part of the Manhattan Project National Park.

ODOE staff participated in several virtual meetings of the State and Tribal Government Working Group in 2023, which brings together representatives from states and Tribes affected by USDOE sites or facilities associated with the production and cleanup of the nuclear weapons. 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 four priority issue areas: long-term stewardship; waste management; natural resource damage assessment and restoration; and tribal issues. The Group met in person twice in 2023.

Restoration of Injured Natural Resources

ODOE represents Oregon as one of eight natural resource trustees that participate in the Hanford Natural Resource Trustee Council. 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 and quantified, the HNRTC will establish actions necessary for restoration of the injured resources.

This past year the focus has been on data collection, formulating ways to analyze the data, and creating debit and credit methods to determine how much restoration will be owed to the public. This work focuses on assessing and recovering damages for injury to near-shore aquatic ecosystems of the Columbia River, groundwater, terrestrial ecosystems, and loss of tribal services.

The full HNRTC met nine times in 2023, in addition to technical work group meetings, to assess injury to natural resources due to Hanford operations. The senior trustees met three times in 2023 for updates. Meetings have varied between virtual and in-person.

Radioactive Materials and Waste Transport Safety

ODOE regulates the transport of radioactive materials and waste in and through Oregon. Approximately 300 to 500 shipments of radioactive material move through Oregon each year. One of the primary transportation corridors in Oregon for radioactive material and waste transportation is Interstate 84 through northeast Oregon, which runs through the CTUIR's reservation lands. Other primary transportation corridors are I-5 and SR 97. ODOE compiles an annual report on radioactive material transport through the state. The 2023 report will be published in advance of the 2024 legislative session; it will be [available on our website](#).

Radioactive Waste Disposal

In the 2021 legislative session, the legislature passed Senate Bill 246, which directs ODOE and the Energy Facility Siting Council to: enhance and update its enforcement and investigation authorities related to [radioactive waste disposal](#), clarify definitions and responsibilities for proper disposal of waste, and conduct administrative rulemaking on the topic. In August 2021, EFSC appointed a rulemaking advisory committee, including a representative from the Confederated Tribes of Umatilla Indian Reservation, to provide advice on [these potential rule updates](#). The RAC met multiple times and the Energy Facility Siting Council adopted the proposed rules on November 17, 2023.

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's most likely catastrophic event is a Cascadia Subduction Zone 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 and other emergency planning partners also prepare for localized emergencies, such as wildfires, ice storms, or other disasters.

The Oregon Fuel Action Plan was developed to address this need. It is designed to coordinate supply of 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: the nine federally recognized Tribes, 36 county emergency management agencies, and 18 Emergency Support Function Primary State Agencies. The plan can be

activated for local emergencies and is designed to support response efforts to the Cascadia Subduction Zone earthquake. ODOE activated the fuel action plan in 2023 in response to a major landslide shutting down Highway 101 near Port Orford for nearly a week. The highway closure affected fuel deliveries to communities along the south coast. ODOE staff worked with fuel providers to ensure adequate supplies were provided to the affected communities. This included initiating discussions with California on a possible alternate route to support fuel deliveries if needed. ODOE staff also coordinated with other state agencies, local governments, tribal governments, and the private sector during the summer wildfire season to monitor for any issues related to jet fuel supply and distribution.

ODOE staff participates in the Oregon Tribal Preparedness Coalition monthly virtual coordination meetings and quarterly in-person meetings to consult, provide guidance, and serve as the subject matter expert lending support to the Tribes on their fuel planning efforts.

Oregon Energy Security Plan

In 2023, ODOE began a major effort to develop the state's Energy Security Plan, which will replace a document last updated in 2012. The Energy Security Plan is supported with federal funding from the Infrastructure Investment and Jobs Act, and includes engagement and coordination with Tribal Governments as well as stakeholder groups and the public. ODOE staff presented the engagement strategy for the ESP at the September 2023 Tribal Preparedness Coalition Conference in North Bend. ODOE is committed to continued tribal engagement as the ESP is developed. In 2024, ODOE staff plans to travel to each tribal government's headquarters to present preliminary findings and solicit input. The ESP is intended to be a living document, and perspectives and input from tribal nations will continue to be incorporated into future revisions.

Nuclear Emergency Response Coordination

ODOE is the state's lead agency for nuclear emergency response coordination. The region's only operating nuclear power plant is near Richland, Washington, about 35 miles north of Umatilla, Oregon. ODOE regularly conducts exercises with the power plant operator and state, local, and federal partners to prepare for potential emergencies from the plant. In 2024, ODOE will participate in a FEMA-evaluated radiological emergency response exercise for the power plant along with partners from state, local, and federal government.

ENERGY FACILITY SITING

Energy Facility Siting Council

The Oregon Energy Facility Siting Council (EFSC) 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 state energy facility siting process, which consolidates state agency and local government regulations into a single review process.

EFSC includes Member Perry Chocktoot, a traditional arts and crafts practitioner who previously served as the Culture and Heritage Department Director for the Klamath Tribes and served twice on the Klamath Tribes Tribal Council.

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 on [ODOE's website](#). The December 2023 Project Update (current as of the date of this report and updated monthly) is [also available online](#).

Energy Facility Siting Division

The Energy Facility Siting Division at ODOE provides staff to EFSC, helping it complete its review of proposed energy facilities and amendments to approved facilities. This effort brings together project developers, state agencies, tribal governments, local and regional governments, interested members of the public, 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 standards is [available online](#).

The division also provides ongoing compliance oversight 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 effects on 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. Early in the review process, the applicant is required to identify Tribes that may have an interest in a proposed facility or amendment by communicating with the Legislative Commission on Indian Services.

Not all energy projects are evaluated by the state's EFSC; many are evaluated by decision makers at the county or federal level. In 2023, the types of renewable energy projects that are evaluated through the state process changed through new legislation. Local jurisdictions reviewing projects with the higher thresholds must apply all existing state and local land use procedural and substantive requirements, and upon receipt of an application must notify federally recognized Tribes that may be affected by the

2023 GOVERNMENT-TO-GOVERNMENT REPORT

project. Below is a summary table.

Renewable Energy Project Type	Primary Permitting Authority					
	County	County with HB 2329 & HB 3409	EFSC	Oregon Water Resources Commission	Oregon Department of State Lands	Federal Government
Solar Photovoltaic						
<i>High Value Farmland</i>	< = 100 acres	> 100 acres & < = 240 acres	> 240 acres	N/A	N/A	N/A
<i>Arable Farmland</i>	< = 100 acres	> 100 acres & < = 2,560 acres	> 2,560 acres (4 sq. miles)	N/A	N/A	N/A
<i>Other Land</i>	< = 320 acres	> 320 acres & < = 3,840 acres	> 3,840 acres (6 sq. miles)	N/A	N/A	N/A
Onshore Wind	N/A	< = 150 MW	> 150 MW	N/A	N/A	N/A
Geothermal	N/A	< = 55.5 MW	> 55.5 MW	N/A	N/A	N/A
Biomass	< 6 BBTU/day	N/A	> 6 BBTU/day	N/A	N/A	N/A
Offshore (wind and wave)	N/A	N/A	N/A	N/A	< = 3 Miles Offshore	> 3 Miles & < = 200 Offshore (Bureau of Ocean Energy Mgmt)
Battery Storage	All projects	N/A	N/A	N/A	N/A	N/A
Hydroelectric	N/A	N/A	N/A	Projects in waters of the state	N/A	Projects in waters of the US (FERC)
Pumped Hydroelectric	N/A	N/A	N/A	Certain projects	N/A	All projects (FERC)

Opportunities for Energy Project Review Cost-Reimbursement for Tribes

In 2015 ODOE introduced and the legislature passed Senate Bill 259, which 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, the Confederated Tribes of the Umatilla Indian Reservation, and the Klamath Tribe resulting in over \$28,000 in reimbursement. 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@energy.oregon.gov or 503-559-7081.

Siting-Related Project Outreach to Tribes

Throughout the year, Siting Division staff coordinated with tribal governments' natural resource and archeological staff to request feedback and guidance on potential impacts from certificate holder proposed changes to approved energy facilities and a proposed energy facility located around the state. Generally, Siting Division communications to tribal governments consist of a notice or memorandum requesting review and feedback during the following application phases: Receipt of Notice of Intent under OAR 345-015-0120, Receipt of Preliminary Application for Site Certificate under OAR 345-015-0180, and Determination of a Complete Application for Site Certificate under OAR 345-015-0200

In 2023, the Oregon Department of Energy and the Energy Facility Siting Council reviewed and approved applications for site certificates and certificate holder requests for site certificate amendments (changes to approved site certificates) for one transmission line; two solar PV energy facilities; and one combination wind and solar facility. These facilities include Obsidian Solar Center (Lake County); Boardman to Hemingway Transmission Line (Morrow, Umatilla, Union, Baker, and Malheur counties); Nolin Hills Wind Power Project (Umatilla County); and the West End Solar Project (Umatilla County). Several other new applications and amendments were in various stages of review in 2023 but did not receive formal approval from Council during the calendar year.

ODOE distributed detailed memorandums or notices to each of the potentially affected Tribes (as identified by the Legislative Commission on Indian Services) during the review phases for the above-referenced facilities to offer information and request tribal input. Based on the Department's review request and outreach to tribal governments for the referenced facilities, all issues and interests identified by tribal contacts were addressed based on comments received.

In some cases, Tribes may elect to seek resolution of their concerns about a proposed energy facility outside of the EFSC process. If applicable, Siting Division staff would request a formal response from the Tribe/tribal contact to document the Tribes' determination that potential impacts to tribal resources from a proposed or modified facility were adequately evaluated and mitigated. The Department recognizes that each Tribe has its own history, present-day experience, preferences, and legal rights; accordingly, Siting Division staff seek to continually educate themselves in order to best coordinate with each Tribe. We are grateful to tribal staff who have taken the time to participate in phone conferences and provide comments in response to the Department's request throughout the siting process. For more information about facilities currently undergoing ODOE/EFSC's review, please refer to the [Siting Division's Project Updates](#), which are updated monthly.

Energy Facility Siting Council Rulemaking

The Energy Facility Siting Council [conducts rulemaking](#) to adopt rules and standards for the siting, construction, and oversight of energy facilities and other areas within the Council's subject matter jurisdiction, including the regulation of radioactive materials and wastes. EFSC Chair Marcy Grail sent formal notification letters to the Chairs of each Tribe requesting input from tribal governments during the development of proposed rules and seeking to include representatives of tribal governments in rulemaking advisory committees and other public rulemaking meetings and workshops.

On April 7, 2023, the Council requested input from representatives of the nine federally recognized Tribes on the Council's proposal to adopt new rules governing the process for applying for a new site certificate. The Council did not receive specific input from tribal government representatives. Staff for the Council met with various rules advisory committee (RAC) members multiple times and after a public comment period adopted revised rules, which became operative on August 29, 2023.

On July 11, 2023, the Council requested input from the representatives of the nine federally recognized Tribes on the Council's proposal to adopt new rules governing the contested case process. Staff for the Council are now meeting with a RAC for this rulemaking and working on draft language. Staff encourage input on this rulemaking from any federally recognized Tribe at any time throughout this rulemaking process. The Council expects this rulemaking to additionally have a public comment period on proposed rule language at some point in the first half of 2024 and any Tribe is also welcome to comment as part of this process.

As detailed above, in 2023 the Council adopted new rules governing the disposal of radioactive waste, which became operative on November 17.

On November 17, 2023, the Council issued a notice of proposed rulemaking for an update to its site certificate exemption rules that deal with standby generators. As this rulemaking is not intended to do anything other than codify recently passed legislation, reviewing agencies were not consulted prior to issuing this notice. The Council issued a request for comment on this rulemaking to all members of its rulemaking notification list to provide any desired comments. This public comment period for this rulemaking expires on December 29, 2023 at 5 p.m.

The Council will review staff's recommended rulemaking schedule for 2024-2026 and provide additional input on rulemaking priorities for the coming year at its meeting on January 26, 2024. The rulemaking schedule contains several new and previously approved rulemaking projects that may affect tribal interests, including a rulemaking project related to the Council's Historic, Cultural and Archaeological Resources Standard. As part of ongoing efforts to improve engagement with Tribes in the rulemaking process, the Energy Facility Siting Council intends to continue to send notification letters to Tribal Chairs early in the rulemaking process for all rulemaking projects that may affect tribal interests.

ENERGY PLANNING, POLICY, AND INNOVATION

The Energy Planning & Innovation Division supports ODOE's mission by pursuing programs and policies that help Oregonians conserve energy, use energy more efficiently, produce energy using renewable sources, and reduce greenhouse gas emissions from the production, refinement, delivery, and use of Oregon energy production and consumption. The Division's two sections, Energy Efficiency & Conservation and Energy Technology & Policy, collaborate with ODOE's other divisions, state and federal

agencies, Tribes, local governments, and stakeholders to help support the development of clean energy resources and integrate those resources into the state’s energy systems, including electricity transmission and distribution system planning; direct use fuel decarbonization and infrastructure; and lower carbon, renewable transportation fuel accessibility and distribution. The division offers energy expertise across sectors, including efficiency in buildings and manufacturing and alternative fuels and infrastructure, while helping Oregon build a more resilient energy system – one that is well prepared to respond to issues such as climate change and natural disasters.

In September 2023, ODOE published [Biennial Zero Emission Vehicle Report](#). The report provides information on zero emission vehicle adoption across the state, including the current state of electric vehicle adoption, EV charging infrastructure availability, the benefits of driving EVs, and the opportunities and barriers to ZEV adoption. It expands on the information in the 2021 report, which focused on the state of passenger vehicle electrification, with a stronger focus on medium- and heavy-duty zero-emission vehicles. The published report is available on our [webpage](#), and the department is available to provide a presentation on the material covered in the report.

ODOE works with the [Northwest Power & Conservation Council](#), and the two Oregon council members are administratively supported by ODOE. ODOE staff collaborate with Oregon’s council members, including Louie Pitt, who is Director of Governmental Affairs for the Confederated Tribes of Warm Springs. Mr. Pitt brings deep energy and natural resources knowledge to the Council.

Oregon Global Warming Commission

ODOE provides staff support to the [Oregon Global Warming Commission](#), which was originally created in 2007 to be the state’s first venue for a whole-of-government response to climate change. In March 2023, with the support of foundation funding, the Commission published an extensive analysis of Oregon’s existing climate policies and crafted the [Oregon Climate Action Roadmap to 2030](#) with recommendations for state climate action moving forward. The background analysis showed that, thanks to recent bold energy and climate change policy advances, Oregon is projected to be able to meet its 2035 greenhouse gas emission reduction goal. However, there is a great deal of work the needs to be done before then. Existing programs and regulations need to be fully implemented and operated as planned, with necessary staffing and resources. In addition, the Commission recommended accelerating achievement of the 2035 goal to 2030 to reflect the best available climate science. The Commission’s Roadmap also spoke to the need for better governance and accountability to Oregon’s GHG goals moving forward, including adequate resourcing for state agency climate efforts.

To create better governance and accountability and enhance the whole-of-government approach to addressing climate change, legislators were inspired by the Commission’s Roadmap to 2030 recommendations and passed legislation to modernize the Commission. It increased the size of the OGWC – now to be called the Oregon Climate Action Commission – from 25 members to 35 members. It directs state agencies to provide regular reports to the OCAC on their efforts and progress in reducing greenhouse gas emissions and preparing for the effects of climate change. There is a new directive for the OCAC to prepare detailed forecasts of expected GHG emissions reductions to better evaluate progress moving forward. In addition, the Commission’s initial work on climate solutions in natural and working lands also inspired legislators to encourage state agency efforts on natural climate solutions, and to establish the Natural and Working Lands Fund in the new law. As part of the natural and working lands work ahead, the Commission is specifically required to establish a process for tribal consultation to advise the Commission on its work, including on the identification of opportunities to support

indigenous practices and knowledge from tribal nations to sequester and store carbon on natural and working lands. As these new changes are implemented, the Chair of the Commission, Catherine Macdonald, has been, and will be, seeking new ways to learn from and consult with the nine federally recognized Tribes.

Oregon Rural and Agricultural Energy Assistance Program

ODOE received a grant from U.S. Department of Agriculture to create a [Rural & Agricultural Energy Assistance Program](#). The funding supports energy audits for Oregon rural small businesses and agricultural producers statewide. ODOE uses the grant funding to pay for 75 percent of the cost of an energy audit (payable to the auditor conducting the audit); program participants will be responsible for the remaining 25 percent of the cost. Eligible agricultural producers or rural small businesses in Energy Trust of Oregon territory, however, may receive a reimbursement of the remaining 25 percent cost. ODOE will be sharing more information with Tribes to find out if there is interest in these types of energy audits, which can help participants understand how to save energy and save money.

Oregon State Energy Strategy

In July 2023, the state Legislature passed a bill adopting ODOE’s recommendation from the *2022 Biennial Energy Report* to develop an Oregon State Energy Strategy (HB 3630). The project is further supported through funds from the U.S. Environmental Protection Agency’s [Climate Pollution Reduction Grant](#), which supports development of a Priority and a Comprehensive Climate Action Plan. The legislation directs ODOE to develop an Energy Strategy that identifies pathways to achieving the state’s energy policy objectives, and to deliver a report to the Governor and Legislature by November 1, 2025. It also requires a robust engagement process, calling on ODOE to engage with relevant state agencies, federally recognized Tribes, and stakeholders to inform the Energy Strategy. This includes formal coordination and cooperation with the nine federally recognized Tribes in Oregon.

In October 2023, ODOE’s Director sent a formal letter to each of the Chairs of the nine federally recognized Tribes in Oregon, inviting each Tribe to participate in shaping the Oregon Energy Strategy. ODOE hopes to work with each Tribe to understand the best way to engage and hear each Tribe’s perspective on key issues, including land and water use, natural resources, cultural resources, equity, economic and employment opportunities, and approaches to improving community well-being, health, and resilience. ODOE staff have begun to follow up on the letters to understand preferred methods of engagement. Initial follow-up has included preliminary conversations with representatives of the CTUIR, CTWS, and Coquille Tribes, and email exchanges with the other five federally recognized Tribes in the state.

STRATEGIC ENGAGEMENT AND COLLABORATION

ODOE staff participated in LCIS, Natural Resource Work Group, and Cultural Resources Cluster meetings during 2023. Over the past year, staff from several of ODOE’s divisions have taken advantage of opportunities to participate in events and conferences that have included tribal representatives to share information about the state’s work in energy. For example, ODOE was honored to sponsor the Affiliated Tribes of Northwest Indian’s Energy Summit in June 2023 at Tulalip Resort Casino, where several ODOE

staff hosted a table, provided presentations, and participated in discussions with tribal members and tribal staff.

ODOE has made procedural changes so that formal notification letters are provided for decisions related to siting energy facilities, financial opportunities, and program rulemaking – as well as other agency activities involving data, analysis, and reporting. The tribal liaison and team members have developed resources to support education and information sharing to learn more about the current priorities and issues as well as history of the nine federally recognized Tribes. ODOE will be expanding these efforts over the next year as part of our [strategic plan](#) initiative to “Build on existing tribal engagement efforts by expanding internal responsibilities and resources, and reaching out to Tribes to assess and amplify shared interests and priorities.”

Legislative Coordination

ODOE received many new legislative directives and assignments, which are detailed in the [2023 energy legislative session report](#). In advance of the 2024 legislative session, ODOE staff have heard from several Tribes that there was not capacity to apply for the current opportunity announcement to administer the [Community Heat Pump Deployment Program](#) funds, but that they want their Tribal members served. We are pursuing possible changes in the 2024 legislative session to allow the Department to use different methods to support Tribal members in receiving these heat pump rebates.

Community Navigator Program

The Community Navigator program was recently launched after ODOE’s bill in the 2023 session passed as part of HB 3630. This program aims to connect environmental justice communities with energy resources and programs, and has a particular focus on the nine federally recognized Tribes in Oregon. The program is designed to empower communities in accessing opportunities from the state and federal governments to achieve their energy goals. The Community Navigator program is supported by one full time staff person as well as a RARE AmeriCorps member, who is working with ODOE through an intergovernmental agreement between ODOE and the [University of Oregon’s Resource Assistance for Rural Environments \(RARE\) program](#).

Throughout the first six months of the program, Community Navigator program staff has been able to attend in-person meetings in 25 of the 36 counties, and five of the nine federally recognized Oregon Tribes. Some of these in-person meetings included ODOE’s Director and staff of the Burns Paiute Tribe, Confederated Tribes of Umatilla Indian Reservation, and Coquille Tribes at the Tribes’ locations. A goal of the Community Navigator program is to visit with all 36 counties and nine Tribes by July 1, 2024. Developing relationships with staff and learning about the needs of the communities has been the priority of the meetings; however, staff have also been able to lean into specific programs like the Community Heat Pump Deployment Program and the Community Renewable Energy Grant Program, both of which can help support tribal communities in achieving their clean energy goals.

ENERGY FINANCIAL INCENTIVES

The Energy Development Services Division has managed [energy incentive programs](#) at the Oregon Department of Energy for over 40 years, helping Oregonians conserve energy, install energy efficient

Oregon Department of Energy

equipment, and develop renewable energy projects. Now, this Division has started operating again with both state-funded programs and federally funded programs. Many of these programs have been directed by the Oregon Legislature to serve Tribes and, for federally funded programs, must comply with the Justice40 Initiative that directs that 40 percent of all benefits from federal funds flow to disadvantaged communities. Disadvantaged communities are identified at the census tract level on the [Climate and Environmental Justice Tool \(CEJST\) map](#), which includes tribal reservation boundaries and uses datasets that identify climate, environmental, and other burdens on communities.

State-funded programs started with ODOE's launch of the Oregon Solar + Storage Rebate program, with an initial \$2 million budget. The Legislature allocated an additional \$10 million for this rebate program in 2021, \$5 million in 2022, and a further \$10 million in 2023. Also in 2021, the Legislature created a new \$10.8 million Energy Efficient Wildfire Rebuilding Program at the agency, as well as a new \$50 million Community Renewable Energy Grant Program. An additional \$20 million was allocated for the Community Renewable Energy Grant Program in 2023. In 2022, the Legislature directed \$25 million to the Oregon Department of Energy for two heat pump incentive programs that launched in 2023: the Oregon Rental Home Heat Pump Program and the Community Heat Pump Deployment Program. ODOE's Director sent formal letters to the Chairs of the nine federally recognized Tribes about these programs as they were developed, and sends formal letters when funding opportunities become available and when amendments to the program administrative rules are being considered.

ODOE has been involved in pursuing federal funding opportunities through the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) to support initiatives that benefit Oregonians. ODOE's Director sent letters to the Chairs of the nine federally recognized Tribes in Oregon to share these opportunities and explore interest in working with ODOE on federal funding opportunities. ODOE has created a [federal funding tracker](#) with energy-related funding opportunities through the IIJA and IRA. It has sortable columns for program type, eligible recipients, available funding, relevant links, and more. ODOE staff updates the tracker weekly with the latest information and highlight changes from the previous week in yellow.

Community Renewable Energy Grant Program

The [Community Renewable Energy Grant Program](#) provides grants to offset the cost of planning and developing community renewable energy and energy resilience projects. The program's aims include making community renewable energy projects economically feasible, promoting small-scale renewable energy projects, and providing a variety of direct benefits to communities across the state. The program limits eligible applicants for grants to public bodies, including Tribes, cities, counties, and ports (among others). Oregon's nine federally recognized Tribes may submit applications, or be a partner on applications, for a grant to plan or develop a project. One of the program's focuses will be to ensure environmental justice communities are involved in, and benefit from, projects. Fifty percent or more of the initial program fund is allocated for grants to fund projects that primarily serve at least one environmental justice community. The program aims to increase the involvement of tribal communities in the siting, planning, designing, and evaluation of proposed community renewable energy projects by assessing tribal communities' involvement in, and leadership of, relevant projects during the competitive review of the applications.

The first round of competitive applications opened in 2022, with the [first grant awardees announced](#) in October 2022. The second round of applications opened in late December 2022, with [the awardees announced](#) in June 2023. Three tribal projects were selected for funding in the first round.

- The Burns Paiute Tribe has been offered \$89,718 for planning to connect a local community cooperative biomass district heating system to the Tribal community center in Burns.
- The Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians have been offered \$1,000,000 for a community energy resilience project with net-metered solar and battery storage with microgrid systems to power tribal buildings during grid outages.
- The Confederated Tribes of Umatilla Indian Reservation has been offered \$1,000,000 for a community renewable energy project, in partnership with the Tutuilla Solar Oregon Community Solar project. This project consists of a net-meter solar system to be installed to serve a Tribal housing project and to assist the completion of the Tutuilla Solar Oregon Community Solar project located on Tribal property, allowing the Tribe and other Pacific Power customers to subscribe to the solar energy produced under Oregon Community Solar rules.

A third round of applications will open for C-REP in early 2024. ODOE has conducted extensive outreach to Tribes and anticipates additional tribal applications to be submitted in upcoming rounds for both planning and construction projects.

Solar + Storage Rebate Program

The [Oregon Solar + Storage Rebate Program](#) issues rebates to participating contractors, who pass the savings on to eligible customers as a reduction in the price of the installed system (ODOE's program staff do not work directly with the customers). To claim a rebate, a contractor must first apply for a reservation of rebate funds prior to the start of project installation. Reservations are converted into cash rebates once a contractor certifies a project complete. The legislature directed the department to make at least 25 percent of the rebate budget available for projects installed for low- or moderate-income residential customers and low-income service providers. Low-income service providers are a specific group of non-residential customers that provide assistive services to lower-income individuals and households. This program won a national [State Leadership in Clean Energy Award](#) from the Clean Energy States Alliance in 2022.

The Confederated Tribes of the Grand Ronde applied as a low-income service provider and have completed 24 projects for both solar renewable energy generation and battery storage. Each of these 24 projects received rebates for renewable energy generation and battery storage, totaling \$223,560 in rebates.

The Oregon Legislature allocated an additional \$10 million funding to this program in 2023. The department began an administrative rulemaking process Fall 2023 and the ODOE Director sent a formal notification letter to each Tribal Chair requesting tribal government input on the program rulemaking.

Energy Efficient Wildfire Rebuilding Incentive Program

This program provides [incentives for energy efficient rebuilding](#) of residential, commercial, and public buildings destroyed by wildfire between August 1 and September 30, 2020. The program provides incentives to encourage building owners to rebuild to current energy code building standards or above. The application deadline has been extended until June 1, 2025, or until all the funds have been allocated, whichever comes first. To date, \$4,960,206 in Wildfire incentives have been rebated or reserved. ODOE collaborated with the Oregon Office of Emergency Management to identify all damaged and destroyed structures in the 2020 wildfires, specifically evaluating if any residential or commercial

structures suffered major damage or were destroyed on tribal government lands. No structures were identified.

Heat Pump Programs

ODOE established two new heat pump programs in 2023. When developing administrative rules for the programs ODOE sent a letter to Oregon Tribal governments requesting input on the rulemaking.

The \$10 million Community Heat Pump Deployment Program was established by [SB 1536](#) and provides financial assistance (loans, grants, rebates, or incentives) toward the purchase and installation of heat pumps in residences. The \$10 million will be distributed between regional administrators for 11 regions in the state, as well as any federally recognized Tribes that choose to apply to be administrators for their own territory. Regional administrators may partner with other organizations in the implementation of their programs, but only one entity can be the lead applicant. Regional administrators will be able to use up to 15 percent of the amount awarded to administer their program. ODOE has awarded grants to administrators for 6 of the 11 regions and is currently in negotiations regarding a grant agreement with the Confederated Tribes of Grand Ronde. Another [opportunity announcement](#) is currently open to seek administrators for the remaining Tribes and regions that have allocations and ODOE staff are reaching out to each Tribe's housing department staff. ODOE staff have heard concerns from some Tribal staff in meeting the deadlines associated with this opportunity announcement and is open to discussing potential barriers, like timelines, and exploring exceptions to allow for more applications from Tribes in the opportunity announcement.

The \$15 million Oregon Rental Home Heat Pump Program was also established by SB 1536 and provides rebates and grants toward the purchase and installation of heat pumps. Financial assistance is available for owners of rental units and rentals that are classified as manufactured dwellings or RVs. The rebates and grants are applied for, and paid to, eligible contractors who pass on the full value of the rebate to the owner of the dwelling. Higher levels of financial assistance are available for housing occupied by low- and moderate-income residential tenants and to support heat pumps with superior energy efficiency. To date, \$9,901,146.80 in rebates have been issued or reserved.

IIJA Grid Resilience

In June 2023, the U.S. Department of Energy awarded \$19,907,304 to ODOE via the Formula Grants to States and Indian Tribes for Preventing Outages and Enhancing the Resilience of the Electric Grid program, which was created by section 40101(d) of the IIJA. The objective of the funds, as outlined by the U.S. DOE, is to:

- Improve the all-hazards resilience of the electric grid against disruptive events.
- Generate the greatest community benefit in reducing the likelihood and consequences of disruptive events.
- Advance DOE's equity, environmental, and energy justice priorities, including the Justice40 Initiative.
- Invest in America's workforce.

While getting feedback on the program design for the application, ODOE co-hosted a workshop with the Confederated Tribes of Warm Springs and has been coordinating with Columbia River Intertribal Fish Commission staff on related topics. Each of the nine federally recognized Tribes in Oregon have their own formula allocations under this grant (see link to allocations [here](#)). ODOE's Director sent formal

letters inviting coordination on this funding, and staff have been able to coordinate with a few Tribes according to their interest and preference.

Home Energy Rebates

On July 27, 2023, the U.S. DOE released initial guidance for the Home Efficiency Rebates (HOMES) and the Home Electrification and Appliance Rebates Program (HEAR, previously HEEHR) with a \$57 million formula allocation for Oregon for HOMES and \$56.7 million formula allocation for Oregon for HEAR. These two programs will provide single-family and multifamily households with varying discounts for efficiency upgrades and rebates on high-efficiency home appliances and equipment. ODOE is in the planning phase for these programs to determine how these rebates will best work with other programs in Oregon and to determine eligibility or potential rebate amounts for any individual or household. Although the application is not due until January 31, 2025, ODOE will prioritize rapidly deploying this program, while ensuring a thorough and efficient implementation design. ODOE recently was awarded early access to a portion of the programs' administrative funding, which will help ODOE build capacity and fund work towards program development.

Each of the nine federally recognized Tribes in Oregon have their own formula allocations under the HEAR program (see link to allocations [here](#)). ODOE's Director intends to send formal letters inviting coordination on this funding, and staff have had some early coordination with a few Tribes according to their interest and preference.

Training for Residential Energy Contractors

Related to the Home Energy Rebates is a provision for workforce development in the home energy efficiency sector. ODOE developed an application for \$2,028,480 in funding to support training programs, educational facilities, and existing contractors to build expertise with new energy efficient technologies in the construction and electrical fields. ODOE would like to coordinate with Tribes on identifying gaps and needs in Tribal communities, as well as ongoing review and evaluation of the program. ODOE's application was submitted to U.S. DOE in November 2023.

Solar For All

The Oregon Department of Energy applied for a \$138 million award under the US EPA's Solar for All competition. ODOE led a coalition application with Energy Trust of Oregon and Bonneville Environmental Foundation to serve low-income households and households in disadvantaged communities with solar technologies. If selected, the award would likely start on July 1, 2024, which would kick off a planning year for many of the activities. The ODOE Director sent formal letters to each of the Chairs of the nine federally recognized Tribes to invite coordination on this funding. ODOE and the Coalition members have a strong interest in serving tribal communities and would be interested in additional discussions with Tribes in late 2024/early 2025, if selected for an award.

Energy Efficiency and Conservation Block Grant (EECBG)

Tribes are eligible to apply for a direct award from U.S. DOE for the EECBG Program. ODOE sent an email to Tribes on December 23, 2022 to notify them of their direct formula award amount. While the full applications for Tribes are not due until January 31, 2024, Tribes should have submitted the Pre-Award Information Sheet by July 31, 2023. ODOE will receive the state's \$1.9 million allocation, of which at

least 60 percent must be sub-granted to smaller municipalities. ODOE would be interested in assisting with coordination across tribal grantees within the state.

POLICY ON GOVERNMENT-TO-GOVERNMENT RELATIONS

ODOE's Tribal Policy on Government-to-Government Relations is attached and made a part of the 2023 Government-to-Government Report.

CONCLUSION

The Oregon Department of Energy continues 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 staff 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.

FOR MORE INFORMATION

The Oregon Department of Energy
550 NE Capitol Street NE
Salem, OR 97301
503-378-4040 | 800-221-8035
askenergy@oregon.gov
www.oregon.gov/energy



ATTACHMENT 1: ODOE POLICY ON STATE/TRIBAL GOVERNMENT-TO-GOVERNMENT RELATIONS

OREGON DEPARTMENT OF ENERGY

Internal Policies and Procedures



Subject: State/Tribal Government to Government Relations
Policy Number: ADM-08
Policy Owner: Director
Effective Date: December 14, 2020

Approved: **[SIGNATURE ON FILE]**
Janine Benner, 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 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 the tribes in areas where development and implementation of agency programs may affect tribal lands, activities, or interests.

ODOE believes 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. The tribes are advancing innovative programs and projects; ODOE is committed to learning from the tribes about this work and finding opportunities where our agency programs can be valuable resources for the tribes. ODOE also continues to look for opportunities where agency programs and projects can be improved with input from the tribes. Positive government to government relations, communications and cooperation increases our collective ability to lead Oregon to a safe, equitable, clean, and sustainable energy future.

The Director designates a key agency contact for the purpose of serving as a liaison with tribal governments (known as the Tribal Liaison) and provides the contact information for the Tribal Liaison on the agency website and to the Legislative Commission on Indian Services. The Tribal Liaison coordinates with the tribes, supports internal agency programs and projects, and participates in Tribal-State cluster meetings.

ODOE promotes strong government to government relationships at the leadership, managerial, and staff levels with the tribes. ODOE will demonstrate its commitment to positive government to government relations with the tribes through such practices as follows:

- The ODOE Director, Tribal Liaison, and Administrators or staff of each agency division, will meet regularly with each tribe to discuss issues of mutual interest and explore opportunities for greater state/tribal partnership and collaboration.

2023 GOVERNMENT-TO-GOVERNMENT REPORT

- ODOE will identify managers and employees who are responsible for developing and implementing agency programs that affect the tribes.
- ODOE will make a reasonable effort to cooperate with tribes in the development and implementation of agency programs that affect the tribes such as early notification and engagement.
- 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 radioactive 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 and invite 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 the tribes will receive periodic training on the legal status of the tribes, the legal rights of members of the tribes and issues of concern of the 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.
- ODOE will seek other opportunities to learn from and build relationships with the tribes.

History:

- November 30, 2016: Policy established.
- December 14, 2020: Policy revised to provide greater specificity and clarity on ODOE's engagement with the tribes.

References:

ORS 182.162–182.168
ORS 190.110
Executive Order 96-30

Attachments:

None