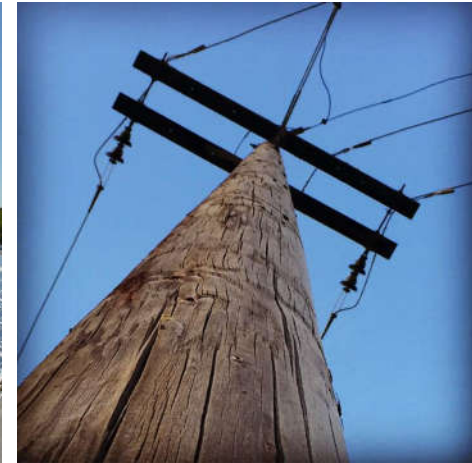


# Oregon Department of **ENERGY**

Energy Facility Siting  
Council Meeting

ODOE office/Meitner  
550 Capitol Street  
Salem, Or

February 23, 2024



OREGON  
DEPARTMENT OF  
ENERGY

## Opening Items:

- Call to Order
- Roll Call
- Announcements



# Announcements:

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- Reminder that this meeting is being held in its entirety via teleconference and webinar.
- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and do not use the speakerphone feature, as it will create feedback.
- You may sign up for email notices by clicking the link on the agenda or the Council webpage.
- You are also welcome to access the online mapping tool and any documents by visiting our website.



# Announcements continued:

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- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press \*3 to raise your hand if you are participating by telephone.
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.



# Agenda Item A (Action Item & Information Item)

## Consent Calendar

- January Council Meeting Minutes
- Council Secretary Report

**February 23, 2024**



# Agenda Item B (Action Item)

## **Contested Case Rulemaking**

**Thomas Jackman, Rulemaking Coordinator**

February 23, 2024



# Background – Rulemaking Process

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# Background – Scope and Objectives

---

1. Reorder and reorganize the rules to better match the flow of the contested case process.
2. Update the rules to reflect a proposed adoption of the Office of Administrative Hearing's model rules for contested cases.
3. Improve the consistency of the rules, both internally and to ensure they properly match Oregon laws and other administrative rules.
4. Improve the clarity of the rules by providing or enhancing definitions.
5. Improve the efficiency of the contested case process by providing additional guidance to prospective parties.



# Background – Scope and Objectives

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4. Improve the clarity of the rules by providing or enhancing definitions.
5. **Improve the efficiency of the contested case process by providing additional guidance to prospective parties.**

# Existing Order

---

- 345-015-0012 - Filing and Service of Documents in a Contested Case
- 345-015-0014 - Contested Case Notices
- 345-015-0016 - Requests for Party or Limited Party Status in Contested Cases on Applications for a Site Certificate
- 345-015-0018 - Authorized Representative
- 345-015-0022 - Petition for Indigent Status
- 345-015-0023 - Duties of Hearing Officer
- 345-015-0024 - Suspension of Hearing and Exclusion of a Party
- 345-015-0038 - Separate Hearings
- 345-015-0043 - Evidence: Testimony Submitted in Writing
- 345-015-0046 - Evidence: Official Notice
- 345-015-0051 - Evidence: Resolutions of Cities, Counties and Tribes
- 345-015-0054 - Motions
- 345-015-0057 - Prohibitions on Interlocutory Appeals to Council
- 345-015-0059 - Prohibitions on Stays
- 345-015-0062 - Reopening Record Prior to Decision
- 345-015-0080 - Participation by Government Agencies
- 345-015-0083 - Prehearing Conference and Prehearing Order
- 345-015-0085 - Hearing Officer's Proposed Contested Case Order

# Existing Order

---

345-015-0012 - Filing and Service of Documents in a Contested Case

345-015-0014 - Contested Case Notices

345-015-0016 - Requests for Party or Limited Party Status in Contested Cases on Applications for a Site Certificate

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345-015-0022 - Petition for Indigent Status

345-015-0023 - Duties of Hearing Officer

345-015-0024 - Suspension of Hearing and Exclusion of a Party

345-015-0038 - Separate Hearings

345-015-0043 - Evidence: Testimony Submitted in Writing

345-015-0046 - Evidence: Official Notice

345-015-0051 - Evidence: Resolutions of Cities, Counties and Tribes

345-015-0054 - Motions

345-015-0057 - Prohibitions on Interlocutory Appeals to Council

345-015-0059 - Prohibitions on Stays

345-015-0062 - Reopening Record Prior to Decision

345-015-0080 - Participation by Government Agencies

345-015-0083 - Prehearing Conference and Prehearing Order

345-015-0085 - Hearing Officer's Proposed Contested Case Order

# Change #1 - Proposed Order

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- 345-015-0400 – Governing Provisions
- 345-015-0405 – Appointment and Duties of Hearing Officer
- 345-015-0410 – Filing and Service
- 345-015-0415 – Requests for Party or Limited Party Status
- 345-015-0420 – Petition for Indigent Status
- 345-015-0425 – Participation by Government Agencies
- 345-015-0430 – Prehearing Conference and Prehearing Order
- 345-015-0435 – Suspension of Hearing and Exclusion of a Party
- 345-015-0440 – Burden of Presenting Evidence
- 345-015-0445 – Submission of Evidence and Proposed Site Certificate Conditions
- 345-015-0450 – Official Notice of Evidence
- 345-015-0455 – Motions
- 345-015-0460 – Interlocutory Appeals to Council
- 345-015-0465 – Stays
- 345-015-0470 – Reopening Record Prior to Decision
- 345-015-0475 – Hearing Officer's Proposed Contested Case Order

# “New” Rules

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## **345-015-0400 – Governing Provisions – NEW RULE**

345-015-0405 – Appointment and Duties of Hearing Officer

345-015-0410 – Filing and Service

345-015-0415 – Requests for Party or Limited Party Status

345-015-0420 – Petition for Indigent Status

345-015-0425 – Participation by Government Agencies

345-015-0430 – Prehearing Conference and Prehearing Order

345-015-0435 – Suspension of Hearing and Exclusion of a Party

## **345-015-0440 – Burden of Presenting Evidence – NEW RULE**

345-015-0445 – Submission of Evidence and Proposed Site Certificate Conditions

345-015-0450 – Official Notice of Evidence

345-015-0455 – Motions

345-015-0460 – Interlocutory Appeals to Council

345-015-0465 – Stays

345-015-0470 – Reopening Record Prior to Decision

345-015-0475 – Hearing Officer's Proposed Contested Case Order

# Change #2 – OAH Model Rule Adoption

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Removed as duplicative of OAH Model Rules:

- **OAR 345-015-0018 – Authorized Representative**
  - Duplicative of OAR 137-003-0555, which states that a party or limited party may be represented by an authorized representative, defines "authorized representative" and establishes the scope of their participation in the case.
- **OAR 345-015-0038 – Separate Hearings**
  - This rule deals with the ability of the hearing officer to hold separate hearings to cover multiple issues, but this is duplicative of the model rule found at OAR 137-003-0525(1)(c), which states that the hearing officer has the ability to "[d]etermine whether cases shall be consolidated or bifurcated..."
- **OAR 345-015-0051 – Evidence: Resolutions of Cities, Counties and Tribes**
  - This rule deals with evidence offered by governing bodies, but this is covered at OAH model rule OAR 137-003-0610, which allows the submission of any evidence that is not irrelevant, immaterial, or unduly repetitious and would allow the evidence at issue in OAR 345-015-0051.

# Proposed Contested Case Guide

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- Proposed rules are split across Attorney General's Office of Administrative Hearing Model Rules and Council rules
- Staff is proposing that Council direct it to create a guide that combines these two rulesets (OAH Model Rules + Council rules) into one on the Council's website so one would only need to go to one place to understand the entirety of Council's contested case process



# Change #3 – Consistency

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- **“Decision maker” to “Council, the Department and the applicant”**
  - See OAR 345-015-0415(2), changed to be consistent with ORS 469.370(3), which states that “issues shall be raised with sufficient specificity to afford the council, the department and the applicant an adequate opportunity to respond to each issue.”
- Consistent use of **“hearing officer” “contested case hearing,”** and **“contested case proceeding”**
- **“Proposed order” to “proposed contested case order”**
  - More than one order referred to during the CC proceeding – which one is it?

# Change #3 – Consistency

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- **New Rule 345-015-0440** - Burden of Presenting Evidence
  - Added to be consistent with ORS 183.450(2), which states: "The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position."
- **Change 345-015-0415(4)(b) and (c)** – Comments don't need to be made at the hearing, just while the record is open for public comment.
  - "A reference to the person's comments ***at the public hearing***"
  - "A reference to the person's comments ***on the record of the draft proposed order***"

# Change #4 – Clarity – Sufficient Specificity

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## **OAR 345-015-0415(3):**

If a person has not raised an issue at the public hearing with sufficient specificity to afford **the Council, the Department and the applicant** an **adequate** opportunity to respond to the issue, the hearing officer may not consider the issue in the contested case proceeding.

# Change #4 – Clarity – Sufficient Specificity

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## **OAR 345-015-0415(3)** (continued)

To have raised an issue with sufficient specificity, the person must have identified the recommended findings of fact, conclusions of law, or conditions of approval to which they object, specified the Council standard or other applicable state and local requirements on which their objection is based, and presented facts or statements supporting that objection on the record of the draft proposed order.

# Sufficient Specificity – What is it?

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1. The concern (finding of fact or conclusion of law)
2. The related standard
3. The statement or facts supporting the concern

# Change #4 – Clarity – Limited Party Status

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## **OAR 345-015-0415(6)**

“A limited party is a person to whom the hearing officer grants standing to participate in one or more, but not all the issues to be addressed in the contested case, as established in a prehearing order on party status and issues described in OAR 345-015-0430. Except as detailed in OAR 345-015-0445(3), a limited party may participate in the contested case on the issues, including proposed site certificate conditions, for which the hearing officer has granted them standing to participate but may not participate on issues, including proposed site certificate conditions, for which the hearing officer has not granted them standing to participate.”

# Change #4 – Clarity, Clarity, Clarity!

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Adding Language to make it clear:

1. What it means to **qualify as indigent**. See OAR 345-015-0420(2).
2. That **a hearing officer has the power to stay a contested case proceeding**. See OAR 345-015-0465(1).
3. That **proposals for new site certificate conditions must be related to issues on which a party has been granted standing**. See OAR 345-015-0445(3).
4. What the **governing provisions** are for contested cases. See OAR 345-015-0400.
5. What is and is not part of a **complete and current record**. See OAR 345-015-0405(3).
6. Evidence submitted by parties must be part of the **schedule established by the Hearing Officer**. See OAR 345-015-0405(4)(b)
7. “other electronic means” → electronic mail. See OAR 345-015-0410(1)

# Change #4 – Clarity, Clarity, Clarity!

---

8. How **responses to petitioner requests** by department and applicant should take place. See OAR 345-015-0415(5).
9. How the **prehearing conference** works. See OAR 345-015-0430(1)-(4).
10. Party **status** is set after the prehearing conference(s). See OAR 345-015-0430(3).
11. An **amended order is required if party status is granted** as the result of an appeal of party status. See OAR 345-015-0430(6).
12. How **waiver of an issue** occurs. Previous language suggests parties must reraise every issue to maintain standing. See OAR 345-015-0430(7).
13. Who is allowed to **file responses** to exceptions. See OAR 345-015-475(5).
14. How the Council uses **the exceptions** and the hearing officer's **proposed contested case order** when issuing its **own final order**. See OAR 345-015-475(6).



# Change #5 Efficiency

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- Deleted what was 345-015-0012(2) (old location):
  - “A party or limited party shall file a pleading or document with the Council accompanied by as many copies as required by the Council or its hearing officer and a certificate of service stating the names and addresses of the persons upon whom a true copy of the document was served and the date of service.”
  - The only docs that should be filed with Council are those it must act on. Filing requirements are to be set by the Hearing Officer. See 345-015-0410(1) (new location).

# Change #5 Efficiency

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In OAR 345-015-0415, updating petition to request party status to require:

1. “A short and plain statement **for each issue or issues** that the person desires to raise in the contested case proceeding.”
  - Done to simplify and speed up resolution of issues. Separate statements for each issue makes it easier for a hearing officer and the parties to address each issue.
2. That “the statement itself must identify the issue the person wishes to raise, **it is not permissible to identify an issue a person wishes to raise only by referencing comments the person made on the record of the draft proposed order.**”
  - Added to ensure a swifter and easier resolution by the hearing officer. The drafter of the statement is the expert on their own claims, it should not be up to the hearing officer and/or applicant to decipher what is being claimed.

# Impact of RAC Feedback

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- OAR 345-015-0475(6) – Revised language that describes how the Council utilizes the hearing officer’s proposed contested case order and staff’s draft proposed order to create a final order.
- OAR 345-015-0465 – Updated language to clarify under what circumstances the hearing officer should stay the contested case proceedings. Prior proposed language simply stated that the hearing officer had the ability to stay the proceedings.
- OAR 345-015-0410 – Rolled back proposed change stating that the hearing officer can remove inactive parties from the service list upon a motion. We agreed this wasn’t needed and could result in potential complications and this action now requires consent of the party (but no motion).

# Impact of RAC Feedback

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- OAR 345-015-0405(3) – Rolled back language defining the “record” that the hearing officer is obligated to maintain during the contested case proceeding. Some RAC members felt the discretion given to the hearing officer could be abused. Instead, we’ve just adopted the guiding language on what the record constitutes straight from statute. See ORS 183.417(9).
- OAR 345-015-0445(3) – Rolled back proposed limitation on the ability for parties to comment on proposed site conditions that were not related to an issue on which they have standing. Upon further review of the governing statutes, staff’s proposal now includes language explicitly allowing parties to comment on proposed conditions, even if not related to the issues on which they have standing, so long as the newly proposed condition is “material.” See ORS 469.370(7).

## Note: Update To Draft Rules

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OAR 345-015-415(7):

**Except as detailed in OAR 345-015-0445(3)**, a limited party may participate in the contested case on the issues, including proposed site certificate conditions, for which the hearing officer has granted them standing to participate but may not participate on issues, including proposed site certificate conditions, for which the hearing officer has not granted them standing to participate.

# RAC Examined Fiscal Impacts

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1. What is the anticipated FISCAL AND ECONOMIC IMPACT of the proposed new/amended rules?
2. COST OF COMPLIANCE on Small Businesses:
  - a) Estimate the number and type of small businesses subject to the rule(s);
  - b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); and
  - c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

# Outstanding Issues

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- Most of the RAC is satisfied with the proposed draft
- Irene Gilbert and Jim Kreider submitted extensive comments (see Attachment 4 to Agenda Item B for February Staff Report)
- Staff met with Ms. Gilbert and Mr. Kreider for three hours to discuss their feedback in more detail
- Staff carefully reviewed the feedback given and made changes based on the feedback, where appropriate
- All parties agreed that further RAC meetings or meetings with staff would not be an efficient use of time
- Any remaining issues that are important to any RAC member will be worked out through the public comment period

THANK YOU  
RAC  
MEMBERS!



# Council Deliberation



# Council Options

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## Option 1 - Recommended

Approve the submission of NOPR and start of public comment period as presented

## Option 2

Approve the submission of the NOPR with changes and start of public comment period as presented

## Option 3

Take no action at this time

# Agenda Item C (Action Item)

## 2024 Site Certificate Amendment Rulemaking

Thomas Jackman, Rulemaking Coordinator

February 23, 2024



# Background - Rulemaking Process

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# Scope and Objectives

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1. Improve the clarity of the rules by resolving ambiguities that have revealed themselves in the application of the rules as written.
2. Make substantive changes to improve Council's amendment process based on lessons learned since the last revision of the amendment rules.
3. Update the rules to ensure compliance with new statutes, revised rules, and recent direction of the courts.

# Possible Areas of Focus

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- partial retirement of a facility
- returning sites to a useful non-hazardous condition
- site changes that trigger an amendment process
- how an amendment type (i.e., A/B) is determined
- pre-amendment conference issues
- information applicants must submit in the preliminary request for an amendment

# Possible Areas of Focus Continued

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- notice requirements
- how the public comment period is structured
- properly raising issues with sufficient specificity to match changes to contested case rules
- contested case related issues generally
- other issues identified by Council, staff or RAC members

# Request to Approve RAC

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## 12 Total RAC Members

- 2 – Investor-owned utilities
- 3 – Independent power producers and their representation
- 3 – Reviewing agencies (which includes the counties, state agencies, and the nine tribal governments)
- 2 – The public
- 2 – Resource interest groups and environmental justice groups



# Council Options

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## Option 1 - Recommended

Approve the request for the start of rulemaking and formation of RAC as proposed

## Option 2

Approve the request for the start of rulemaking and formation of RAC as proposed, with changes

## Option 3

Take no action at this time

# Council Deliberation



BREAK



# Agenda Item D

## PUBLIC COMMENT

**Phone Commenters: Press \*3 to raise your hand to make comment, and \*3 to lower your hand after you've made your comment.**

**Webinar Commenters: Open the Participant list, hover over your name and click on the "Raise Your Hand icon".**



# How to Raise Your Hand in Webex:

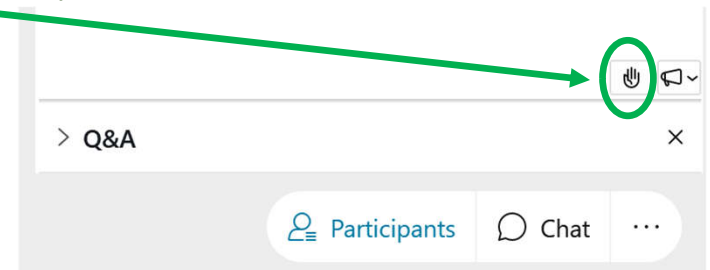
## Webinar Participants

The bottom right of the main window is a set of icons:

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



## Phone Participants

Press \*3 on your telephone keypad to raise your hand.

Press \*3 again on your telephone keypad to lower your hand.

# Agenda Item E (Action Item)

## **2024 Annual Election of Officers**

**Todd Cornett, Council Secretary**

February 23, 2024



# OAR 345-011-0010(1)

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- The Council shall annually elect a chair and a vice-chair.
- The chair and vice-chair shall serve for one year or until their successors are elected.
- A member may serve successive full terms as chair or vice-chair.

# Council Deliberation





# Agenda Item F (Information Item)

## Trojan Independent Spent Fuel Storage Installation Security Plan Update **(Held Over to a Future Council Meeting)**

Mark Reese, ODOE Radiological Emergency Planning Coordinator

February 23, 2024



# Agenda Item G (Action Item)

## Financial Assurance Review Forms and Institutions

Sisily Fleming, Fiscal Analyst

February 23, 2024



# Financial Institution Requests

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## Mizuho Bank

Based on the results of 4 credit rating agencies, review of the parent company financial position as of March 31, 2023 (capital surplus, loss reserves, liabilities, and gross revenues), we conclude that Mizuho Financial Group, and it's subsidiary Mizuho Bank display a stable and strong financial posture.

Rating Agency	Long Term Financial Rating	Long Term Outlook
Standard & Poor's	A	Stable
Moody's	A1	Stable
Fitch Ratings	A-	Stable
A.M. Best Company	N/A	N/A

# Financial Institution Requests

---

## Deutsche Bank

Based on the results of 4 credit rating agencies, review of the financial position as of July 3, 2023 (capital surplus, loss reserves, liabilities, and gross revenues), we conclude that Deutsche Bank AG displays a stable and strong financial posture.

Rating Agency	Long Term Financial Rating	Long Term Outlook
Standard & Poor's	A	Stable
Moody's	A1	Stable
Fitch Ratings	A-	Stable
A.M. Best Company	N/A	N/A

# Financial Institution Requests

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## Hermiston Power Project Letter of Credit Template Change

The request for Council evaluation of proposed additions to the Letter of Credit for the Hermiston Power Project has been withdrawn, Council consideration of this request is no longer needed.



# Council Options

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## Option 1 - Recommended

Approve the proposed financial institutions for inclusion on the Council's Pre-Approved List as presented

## Option 2

Do not Approve one or both of the proposed financial institutions for inclusion on the Council's Pre-Approved

# Council Deliberation



# Agenda Item H (Information Item)

## Operations and Policy Analyst Process Improvement Work Plan

**Amrit Kaur, Operations and Policy Analyst**

February 23, 2024





# Annual Work Plan - Overview

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- Each year, the Siting Division prepares an annual work plan
  - Current process improvement activities
  - Progress on past activities
  - Identifies potential future tasks
  - Provides historical record of completed tasks
- Tasks in the Work Plan should link to the imperatives in ODOE's Strategic Plan
  - Expand and improve stakeholder engagement
  - Build practices and processes to achieve more inclusive and equitable outcomes
  - Assess and enhance organizational data capabilities
  - Assess and modernize agency programs and activities
  - Optimize organizational efficiency and impact

# Interim Workplan Overview

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- Interim workplan from February – July 2024
  - Allows the Division to move back to fiscal year timeframe starting in July 2024
  - Focuses on short term projects
- Areas of focus
  - Compliance
  - Finance
  - Increase Transparency
  - Support Rulemaking



# February – July 2024 Compliance Tasks

Description	Excepted Outcomes
<p><u>Assessment:</u></p> <ul style="list-style-type: none"><li>• Conduct a review of current compliance processes and Compliance Program workload.</li><li>• Data mine with the goal of understanding more of the unknowns within the Compliance Program, and to gain a deeper understanding of the challenges the Compliance Program faces.</li></ul>	<ul style="list-style-type: none"><li>• Support the Compliance rulemaking planned for later this year through informed recommendations based on assessment</li><li>• Create future workplan tasks for improved systems and structures; focus on expanding the number of staff working on Compliance, increasing efficiency and effectiveness of the Compliance team</li><li>• Data collected and examined is expected to broaden the OPA’s understanding of the Compliance Program, allowing for future process improvement efforts to be focused and meaningful.</li></ul>

# February – July 2024 Financial Tasks

Description	Expected Outcomes
<p><u>Assessment:</u></p> <ul style="list-style-type: none"><li>• With guidance of draft recommendations from the ongoing program assessment, work with the Division’s Fiscal Analyst to data mine timesheets, invoices, and general billable tasks. The focus will be on answering a variety of questions aimed at helping to create metrics to measure future process improvement efforts against.</li><li>• Work with Fiscal Analyst to understand current financial processes and where processes could be more transparent.</li></ul>	<ul style="list-style-type: none"><li>• Deepen OAP’s understanding of the fiscal processes associated with applications, amendments, and compliance.</li><li>• Create further transparency with fiscal processes</li><li>• Identify key metrics to measure future process improvement efforts against</li></ul>

# February – July 2024 Additional Projects

Task Description	Expected Outcome
<p><u>Contested Case Comment Portal:</u> Work with IT and Division staff to develop a comment portal that will streamline stakeholders petitioning to be considered in contested case processes</p>	<p>That the division has a clearer process for anyone wishing to be considered for a contested case and ensures that we receive the correct information to make an appropriate determination.</p>
<p><u>Cassette Tapes</u> Research and engage an appropriate company to transfer EFSC meeting recordings from cassette tape to digital recording.</p>	<p>All EFSC meetings that are currently only available as cassette recordings will be transferred to a digital format.</p>
<p><u>Continue On-Boarding for the Siting Division</u> Continue on-boarding/learning the systems, processes, and procedures of the Siting Division.</p>	<p>Understand the complex systems, processes, and procedures of the Siting Division and how each area of the Siting Division relates and supports the overall mission and goals of the Siting Division, EFSC, and ODOE.</p>

AK

## Slide 61

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**AK0**

This is what was in the previous presentation, Todd do you feel this description is still relevant, or should I update that to reflect the smaller scope of the edits?

KAUR Amrit \* ODOE, 2024-02-13T18:41:57.550

# Stakeholders

Stakeholders Included in Interim Plan	Stakeholders Included in Future Plans
Siting Division Team	The Public
Certificate Holders	Certificate Applicants
Operational Sites	Siting Division Team
	Certificate Holders
	Operational Sites

# Thank You!

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# WORKING LUNCH BREAK



# Agenda Item I (Action Item)

## **Montague Solar Facility - Request to Amend Noxious Weed Plan/Fire Safety Plan**

**Sarah Esterson, Senior Policy Advisor**

February 23, 2024



# Mitigation Plan Amendments

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- Site certificates impose conditions requiring mitigation or implementation of a mitigation plan
  - Conditions or the mitigation plan itself often delegate review and approval of future amendment of the mitigation plans to the Department
  - ORS 469.402 allows Council to delegate future approval to the Department
    - Council typically requires that any future amendment of a plan, approved by the Department, be provided to Council for concurrence, modification or rejection without requiring review through the site certificate amendment process

# Noxious Weed Control Plan

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Noxious Weed Control Plan(s) are required for all EFSC facilities in Exclusive Farm Use zoned land

- Council's Land Use standard (OAR 345-022-0030) requires compliance with applicable land use rules >
  - LCDC's Minimum Conditional Use requirements for solar facilities under OAR 660-033-0130(38) require noxious weed control
- Council's Fish and Wildlife Habitat standard (OAR 345-022-0060) requires that habitat impacts be mitigated
  - Restoration of temporary habitat impacts relies on adequate noxious weed control



# Fire Safety Plans

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Prior to the Wildfire Prevention and Risk Mitigation Standard, Fire Safety Plans were required under Council's **Public Services standard** (OAR 345-022-0110) to minimize impacts to fire response providers.

Plans require:

- Annual worker training
- Annual coordination with local fire response providers
- Vegetation management
- Adequate evaluation and controls for fire risk at the site

# Montague Solar Project

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Requests to Amend its Noxious Weed Control Plan and Fire Safety Plan to:

- Incorporate a sheep management program
  - 500 to 2500 head onsite during Spring/early Summer season
    - Specialist to assess vegetation response, profile and density to determine appropriate head count
  - Managed via onsite Shepherd



# Department Review/Consultation

---

Department staff consulted with Oregon Department of Agriculture – other issues raised:

- Supplemental feed/planting may be needed at the site (sheep only eat what is green)
- Predators will be a concern
- Consultation with Soil and Water Conservation District on toxic noxious weeds

Certificate holder to provide written evaluation of potential impacts to other resources within the fenceline

# Council Options

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## Option 1 - Recommended

Approve the plans as  
presented

## Option 2

Approve the plans as  
presented, with  
changes

## Option 3

Take no action at this  
time



# Council Deliberation



# Adjourn

