



# Oregon

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**To:** Energy Facility Siting Council

**From:** Sarah Esterson, Senior Policy Advisor

**Date:** February 9, 2024

**Subject:** Agenda Item I (Action Item): Pachwaywit Fields (FKA Montague Solar Facility), Council Review of Changes proposed to Noxious Weed Plan and Fire Safety Plan for the February 23, 2024 EFSC Meeting

**Attachments** Draft Amended Noxious Weed Plan, Draft Amended Fire Safety Plan (to be provided in supplemental Council packet on February 16, 2024)

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## BACKGROUND

The Energy Facility Siting Council (EFSC or Council) issues site certificates to certificate holders establishing terms and conditions applicable to the design, construction, operation and retirement of energy facilities, as defined in ORS 469.300(11)(a). Prior to Council's decision on whether to approve and grant issuance of a site certificate, Council reviews an Application for Site Certificate (ASC) and, as applicable, Requests to Amend Site Certificate. Council also reviews the Oregon Department of Energy's (Department) evaluation and recommendations on whether to approve or deny an ASC or amendment request. The information contained in an ASC or amendment request typically does not represent the final design of the facility nor final environmental but represents potential impacts to state protected resources necessitating mitigation.

Mitigation is imposed through site certificate conditions, typically through a mitigation plan. Generally, mitigation plans are not finalized at the time of Council review due to uncertainties in final design, final impact and even whether the facility will be constructed. Therefore, site certificate conditions imposing mitigation requirements often delegate final approval of the mitigation plan requirements to the Department, as authorized under ORS 469.402.

Under the same statutory authority, because mitigation plans are not guaranteed to be successful, there is often a clause that allows for the plan to be amended once finalized, with future review and approval of amendments delegated by Council to the Department. While Council typically delegates future review and approval of mitigation plan amendments to the Department, the plans often maintain an obligation that the amended plan be presented to Council to provide an opportunity to approve, modify or reject the Department's recommendation.

This staff report provides Council an update on a change proposed by Montague Solar, LLC (certificate holder) to the Noxious Weed Control Plan (Condition 43) and Fire Safety Plan (Condition 60) for the Montague Solar Facility. The Council can approve, modify or reject the Department's recommendation.

### **SUMMARY OF RECOMMENDED CHANGES**

Pachwáywit Fields is a 162 megawatt (MW) solar photovoltaic energy generation facility on 1,189 acres (1.9 sq. miles) in Gilliam County. This is the first year of facility operations.

Council imposed Condition 43 under the Land Use standard to minimize noxious weed impacts to agricultural lands. Condition 43 requires that the certificate holder implement and adhere to the requirements of a Noxious Weed Control Plan. One of the requirements of the final Noxious Weed Plan (Condition 43) is to conduct annual herbicide treatment at the site for five years, followed by long-term spot treatment. In addition to herbicide treatment, the certificate holder proposes to add sheep grazing to support noxious weed control through vegetation management. The stocking level would range from 500 to 2500 head, dependent upon forage consumption rate and vegetation response, profile and density at the site. The short-term annual herbicide treatment requirements would not change, but the long-term need for spot treatment is expected to be reduced (although the requirement would remain; if noxious weeds are identified during monitoring, they are required to be treated).

Council imposed Condition 60 under the Public Services standard to minimize impacts from emergency response at the site from public service providers (specifically North Gilliam County Rural Fire Protection District [NGRFPD]). Condition 60 requires that the certificate holder implement a Fire Safety Plan that, among other items, establishes inspections and vegetation management. As described above, the certificate holder proposes to add sheep grazing to support vegetation management, predominately for the purpose of reducing fire risk at the site. This management strategy is proposed to be added to the Fire Safety Plan; the condition requires that the fire safety plan, and any changes, be coordinated with and provided to the NGRDFP, which will be completed if the change is concurred with by Council.

### **RECOMMENDED COUNCIL ACTION**

The Department recommends Council approve the proposed changes to the Noxious Weed Control Plan but require that the plan also identify a table of any sensitive resources previously identified during preconstruction or construction surveys and apply a flagging and avoidance requirement to those resources; and approve the proposed changes to the Fire Safety Plan for the Pachwáywit Fields.

The Department recommends Council find that existing operational conditions will adequately apply to other impacts resulting from sheep grazing at the site. These conditions include Condition 38 (requires ongoing consultation with landowners to ensure that operations do not impact ongoing farm practices) and Condition 85 (requires inspections/repairs for erosion issues).