



# Oregon

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**To:** Energy Facility Siting Council

**From:** Chase McVeigh-Walker, Senior Siting Analyst

**Date:** March 10, 2023

**Subject:** Agenda Item G (Action Item):  
Mist Underground Natural Gas Storage Facility, Request to Amend Habitat Mitigation Plan for the March 24, 2023 EFSC Meeting

**Attachments:** Attachment 1: Draft Amended Habitat Mitigation Plan\*  
(\*to be provided in Supplemental Council Packet materials by March 17, 2023)

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## STAFF RECOMMENDATION

The Oregon Department of Energy (Department or ODOE) recommends the Energy Facility Siting Council (Council) approve an amended Habitat Mitigation Plan (HMP) for the Mist Underground Natural Gas Storage Facility site certificate.

## FISH AND WILDLIFE HABITAT STANDARD - OVERVIEW

The Council's Fish and Wildlife Habitat standard requires the Council to find that the design, construction and operation of a facility is consistent with the Oregon Department of Fish and Wildlife's (ODFW) habitat mitigation goals and standards, as set forth in OAR 635-415-0025.

The Fish and Wildlife Habitat standard creates requirements to mitigate impacts to fish and wildlife habitat, based on the quantity and quality of the habitat as well as the nature, extent, and duration of the potential impacts to the habitat.<sup>1</sup> The standard, by requiring consistency with ODFW's Fish and Wildlife Habitat Mitigation Policy, establishes a habitat classification system based on value the habitat would provide to a species or group of species. There are six habitat categories; Category 1 being the most valuable and Category 6 the least valuable.

## SITE CERTIFICATE REQUIREMENTS FOR HABITAT MITIGATION

Council typically imposes a condition in site certificates to ensure compliance with the Fish and Wildlife Habitat standard, including a condition requiring that, prior to construction, the

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<sup>1</sup> OAR 635-415-0005 defines habitat as, "...the physical and biological conditions within the geographic range of occurrence of a species, extending over time, that affect the welfare of the species or any sub-population or members of the species."

OAR 635-415-0005 defines habitat quality as, "the relative importance of a habitat with regard to its ability to influence species presence and support the life-cycle requirements of the fish and wildlife species that use it."

certificate holder acquire the legal rights to protect, enhance and maintain a mitigation site for the operational lifetime of the facility; and, that certificate holder finalize a mitigation plan for the mitigation site that includes details regarding the scope and scale of enhancement actions to be implemented, monitored and evaluated to determine success.

The preconstruction process of finalizing the habitat mitigation plan typically requires that the certificate holder complete literature and field surveys; coordinate with the Department and ODFW on final selected enhancement actions and review of the mitigation site, either via review of maps and figures and/or agency site visit, to determine suitability of the mitigation site to support the enhancement actions while achieving greatest habitat quality uplift. The Department and ODFW also review the adequacy of the implementation and monitoring schedule, site specific success criteria and the language of the legal instrument (e.g. conservation easement, memorandum of agreement, etc.) to ensure durability and reliability of the mitigation site.

Habitat mitigation plans typically include a provision allowing for the plan to be amended, subject to Department review, without necessitating an amendment of the site certificate. Plans may need to be amended following preconstruction approval due to failure or limitations in enhancement action success.

#### **MIST UNDERGROUND STORAGE FACILITY**

The Mist Underground Natural Gas Storage Facility (facility) is an operational underground natural gas storage facility located in Columbia County. The facility consists of underground natural gas storage reservoirs, compressor stations, gathering pipelines, operations and maintenance facilities, and a gas transmission pipeline. The permitted storage area is approximately 5,472 acres and has a permitted daily natural gas throughput of 635 million standard cubic feet.

In 2016, Council approved a site certificate amendment, authorizing construction and operation of the North Mist Expansion Project. Condition VII.C.6.e(7) was imposed to ensure compliance with the Fish and Wildlife Habitat standard requirements of consistency with habitat mitigation goals under ODFW's Habitat Mitigation Policy. The condition requires that the certificate holder, Northwest Natural (NWN), secure a conservation easement and finalize a habitat mitigation plan to mitigate for approximately 10 acres of Category 4 permanently impacted forest woodlands.

#### **APPROVED MITIGATION**

The mitigation approved for the permanent loss of 10 (Category 4)<sup>2</sup> acres of habitat associated with operation of the North Mist Expansion Project included a 10.75 acre mitigation site secured by a conservation easement, located near the Port Westward Industrial Complex. The mitigation site is comprised of wetlands and reed canary grass. Enhancement actions approved to be implemented in 2017 at the mitigation site included: creation of vertical wood elements (snag) and placement of downed wood to provide feeding for insectivorous species, roosting

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<sup>2</sup> Mitigation goal for Category 4 is no net loss in either existing habitat quantity or quality. Mitigation may be in-kind or out-of-kind, and in-proximity or off-proximity.

and perching opportunities; planting of native species (willow stakes, redosier dogwood stakes and red elderberry) with at least 60% survivorship by the fifth year; and removal of non-native species (Himalayan blackberry).

Monitoring of the success of the enhancement actions was required in the first, third and fifth years following implementation (2017, 2019 and 2022). The fifth year of monitoring efforts identified that planting of native species and non-native species removal were not successful. The results of the monitoring efforts were provided to the Department in August 2022. On December 1, 2022, the Department, ODFW and the certificate holder discussed the results of the HMP and arranged a January 2023 site visit to the mitigation sites.

### **PROPOSED HABITAT MITIGATION PLAN AMENDMENTS**

The certificate holder proposed additional actions and monitoring to address the limited success of the native plant species and non-native species removal. The Department, in consultation with ODFW, reviewed the certificate holder's proposal and recommend that Council approve the amendments to the HMP, as described below, intended to improve likelihood of success at the mitigation site while also addressing the compounded issue of permanent habitat loss in 2017 not yet fully mitigated.

The new actions proposed in the amended HMP are intended to increase efforts at control of non-native species, including Himalayan blackberry (*Rubus armeniacus*) and Scotch Broom (*Cytisus scoparius*), and adding two more actions of placing vertical wood elements (snag) and downed wood. The proposed plan for control of Himalayan blackberry is more detailed and includes multiple seasons of spraying and control during the initial five years. The Department also recommends that the plan include long-term monitoring, once success is demonstrated. The draft amended HMP will be provided to Council prior to the March 24, 2023 meeting, in supplemental Council packet materials and will be made available to the public via the Council's meeting materials webpage.

### **ATTACHMENTS:**

Attachment 1: Draft Amended Habitat Mitigation Plan\*  
(\*to be provided in Supplemental Council Packet materials by March 17, 2023)