



Oregon

Tina Kotek, Governor



550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

To: Energy Facility Siting Council

From: Liz Bobe, Compliance Officer

Date: March 10, 2023

Subject: Agenda Item H (Action Item):
Coyote Springs Cogeneration, Request to Amend Ecological Monitoring Program for the March 24, 2023 EFSC Meeting

Attachments: Attachment 1: Draft Amended Ecological Monitoring Program

STAFF RECOMMENDATION

The Oregon Department of Energy (Department or ODOE) recommends the Energy Facility Siting Council (Council) approve an amended Ecological Monitoring Program for the Coyote Springs Cogeneration 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.¹ 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 certificate holder acquire the legal rights to protect, enhance and maintain a mitigation site for

¹ 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."

the operational lifetime of the facility; and, that certificate holder finalize a mitigation plan for the 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 site, either via review of maps and figures and/or agency site visit, to determine suitability of the 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 to ensure durability and reliability of the site.

Habitat mitigation plans, or in this instance, an ecological monitoring program, typically include a provision allowing for the plan to be amended, subject to Department review. Plans may need to be amended following preconstruction approval due to future changes in the facility and associated mitigation obligation or due to failure or limitations in enhancement action success.

COYOTE SPRINGS COGENERATION

The Coyote Springs Cogeneration Facility (facility) is a natural gas fueled electrical generating facility located in Morrow County, Oregon. The facility has a total capacity of 542 MW (Unit 1 – 248.5 MW and Unit 2 – 294.0 MW as built). The facility was sited on Category 4 habitat, within approximately 20 acres within the Port of Morrow’s 5,700-acre industrial complex, and is approximately 450 feet from Messner Pond.

APPROVED MITIGATION

In 1994, Council approved and granted issuance of a site certificate for the facility. The site certificate includes a requirement that the certificate holder, Portland General Electric (PGE), implement an Ecological Monitoring Program (Program) to fully mitigate adverse impacts to the Messner Pond area, as referenced below:

PGE and Avista shall fully comply with the terms and conditions of the December 10, 1993 Ecological Monitoring Program, as revised on January 5, 1994, and shall take such actions as deemed appropriate by ODOE, in consultation with ODFW, to fully mitigate adverse impacts to the Messner Pond area, including but not limited to reducing the cycles of concentration in the cooling tower system. [rev. Amendment 6, 8, 9]

The Program included wildlife monitoring; placement of artificial osprey nesting structure and monitoring; installation of riparian buffers and poplar planting; and water quality monitoring to evaluate potential cooling tower drift impacts. In 2022, the Department was notified by PGE that poplars planted in 1994 had died off. The Department requested that PGE amend the Program to reflect any additional actions necessary to re-plant, monitor and maintain poplars at Messner Pond.

PROPOSED AMENDMENT TO ECOLOGICAL MONITORING PROGRAM

The proposed changes to the Program are presented in red-line format in Attachment 1 of this staff report. In summary, the changes include the following:

July 2023 through November 2024 (in summary)

- Treat and remove olive trees, dead/dying trees and noxious weeds.
- Assess and amend soils.
- Seed understory with native grasses.
- Plant 50-60 trees.
- Install irrigation drip system.
- Monitor plant establishment and irrigation system performance.
- Plant a total of 100-120 trees, plant native shrub and grass.

Long-term monitoring includes the following items:

- Monitor plant survival annually and replant, as needed, until ODOE and ODFW agree the replacement tree stand is established.
- Continue to monitor irrigation system performance during growing season. Once trees are well established, assess the need for ongoing irrigation and adjust watering accordingly.
- Monitor stand health in accordance with Site Certificate requirements.

The Department, in consultation with ODFW, recommends Council consider the changes to the Program necessary to ensure long-term maintenance of the poplars, and long-term success of the mitigation at Messner Pond.

ATTACHMENTS:

Attachment 1: Draft Amended Ecological Monitoring Program