



ENERGY FACILITY SITING COUNCIL

■ Kent Howe, Chair ■ Cindy Condon, Vice-Chair ■ Marcy Grail ■ Ann Beier ■ Richard Devlin ■ Patty Perry

Energy Facility Siting Council Meeting Minutes

**Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301**

Friday, November 21, 2025, 8:30 AM

- A. Consent Calendar (Action & Information Item)¹ – Approval of October 23-24, 2025, Meeting Minutes; Council Secretary Report; and other routine Council business.**
- B. Modernization Rulemaking Public Hearing (Hearing)²**
- C. Executive Order 25-25 Overview (Information Item)³**
- D. Sunstone Solar Project, Public Hearing on Request for Amendment 1/Proposed Order on Amendment 1 (Hearing)⁴**
- E. Public Comment Period⁵**
- F. Pachwaywit Fields (FKA Montague Solar Facility) Revegetation and Noxious Weed Plan Amendments (Action Item)⁶**
- G. Oregon Department of Fish and Wildlife Update on Recommended Preventative Measures for Solar Facilities Proposing Sheep Grazing as Vegetative Management Strategy (Information Item)⁷**

¹ Audio/Video for Agenda Item A = 00:04:48 – 2025-11-21-EFSC-Meeting-Audio/Video

² Audio/Video for Agenda Item B = 00:38:56 – 2025-11-21-EFSC-Meeting-Audio/Video

³ Audio/Video for Agenda Item C = 01:13:10 – 2025-11-21-EFSC-Meeting-Audio/Video

⁴ Audio/Video for Agenda Item D = Agenda Item pulled from agenda

⁵ Audio/Video for Agenda Item E = 01:38:12 – 2025-11-21-EFSC-Meeting-Audio/Video

⁶ Audio/Video for Agenda Item F = 02:06:07 – 2025-11-21-EFSC-Meeting-Audio/Video

⁷ Audio/Video for Agenda Item G = 02:21:59 – 2025-11-21-EFSC-Meeting-Audio/Video

- H. Wind and Wildlife Technical Advisory Committee Proposal (Action Item)⁸**
- I. Yellow Rosebush Energy Center - Council's Review of the Draft Proposed Order (Information Item)⁹**
- J. Sunstone Solar Facility Appointment of Representatives to Agricultural Mitigation Fund Advisory Committee (Action Item)¹⁰**

The meeting materials presented to Council are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

Call to Order: Chair Howe called the meeting to order at 8:30 a.m.

Roll Call: Chair Kent Howe, Vice-Chair Cynthia Condon, Council Members Marcy Grail, Ann Beier, and Patty Perry were present in person.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary Todd Cornett; Senior Policy Advisor Sarah Esterson, Senior Siting Analysts Kellen Tardaewether, Chris Clark and Chase McVeigh-Walker, and Administrative Assistant Nancy Hatch. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe was also present.

Agenda Modification: Agenda Item D – The Sunstone Solar Project, Public Hearing on Request for Amendment 1 and Proposed Order on Amendment 1 (Hearing) was removed from the agenda.

A. Consent Calendar (Action & Information Item)¹¹ – Approval of October 23-24, 2025 Meeting Minutes; Council Secretary Report; and other routine Council business.

Council Member Beier motioned the Council approve the minutes of the October 23-24, 2025 meeting as presented and recommended by staff.

Council Member Grail seconded the motion.

The motion was carried unanimously.

⁸ Audio/Video for Agenda Item H = 02:53:57 – 2025-11-21-EFSC-Meeting-Audio/Video

⁹ Audio/Video for Agenda Item I = 03:05:54 – 2025-11-21-EFSC-Meeting-Audio/Video

¹⁰ Audio/Video for Agenda Item J = 04:44:46 – 2025-11-21-EFSC-Meeting-Audio/Video

¹¹ Audio/Video for Agenda Item A = 00:05:41 – 2025-10-23-EFSC-Meeting-Audio/Video

Council Secretary Report

Secretary Cornett offered the following comments during his report to the Council:

Project Updates

- **Speedway Energy Facility**
The department received the Notice of Intent (NOI) on 24 October. A project page has been set up which includes the NOI. Staff is working on a public information meeting that could occur adjacent to the council meeting dates in January. It is still to be determined.
- **Cascade Renewable Transmission System**
The Department anticipates the preliminary Application for Site Certificate being submitted in early 2026. The applicant submitted their application to the Washington Energy Facility Site Evaluation Council on October 6th of this year. They held informational hearings in each of the three counties where the project is proposed, Clark County, Skamania County and Klickitat County. Senior Siting Analyst Chris Clark, who is the ODOE lead on the project attended all three hearings. As the project is in the Columbia River, the project is also subject to a National Environmental Policy Act with the Army Corps of Engineers as the lead federal agency. The Federal Review process is also under way. Chris Clark has also been participating in coordination meetings related to all three reviews.

Council Member Beier requested that the proposed Washington State county's responses to the application be provided to Council at a future EFSC meeting for additional guidance and reference for the project.

Vice Chair Condon questioned whether Oregon residents in the project area were notified of the Washington State public meetings.

Secretary Cornett provided that while there were no specific notices sent to Oregon property owners in the project area, there were newspaper notices for the meetings.

Compliance and Inspections Updates

Council was briefed on incidents and inspections reported at the following facilities:

Incidences

- **Shepherds Flat North** – The Shepherds Flat North project is a 265 MW wind facility consisting of 106 turbines in Gilliam County. The project has been operational since 2012 and is owned by BEP SF Holdings, LLC. The Department received notification of an incident in May of this year. As it was sent to Duane Kilsdonk who was on leave at the time, so Staff only became aware of the notification recently. On May 23, 2025 during a turbine lockout procedure, a subcontracted employee's hand was caught in a rotating brake disc, resulting in the amputation of three fingers. This incident is still open.
- **Biglow Canyon** – The Biglow Canyon project is a 450 MW wind facility consisting of 217 wind turbines in Sherman County. The project has been operational since 2007 and is owned by

Portland General Electric. On October 24, 2025, a blade stud was found on the ground near Turbine 335. The turbine was taken offline to inspect for damage and assess any additional risks, in accordance with Condition 37 and incident reporting guidance. This incident is still open.

Annual Reviews

During the review of 2024 annual compliance reports, Staff have preliminarily found several facilities non-compliant with conditions of approval. It is important to note that the facility owners have been notified and have been given an opportunity to provide additional data to prove they are compliant.

- **Biglow Canyon Wind Farm**

To close out the blade throw incident in 2022, the Department required Portland General Electric to provide blade bolt torque check data in future annual reports. This data is intended to show the efforts they are making to consistently evaluate the bolts that adhere the blades to the nacelle. This data was not included in the 2024 report, and we are asking them to provide it consistent with that requirement.

- **Klondike III**

There was a lack of documentation on the status of the Weed Control Plan relative to the project site and the Habitat Mitigation Area. While there is a contract for weed management with Sherman County, there is a lack of details related to the scope of treatments in 2024 and how those treatments are achieving the goals of reducing the spread of noxious weeds.

Issue Resolved for 2025 - Avangrid staff met with ODOE staff after the report was issued and provided additional information showing weed treatments and seeding occurred in 2024 to address the issues. ODOE believes the discussion and information provided demonstrate compliance for 2024 and will work with Avangrid staff to refine the reporting in 2025.

- **Golden Hills Wind**

There was a lack of documentation to confirm that the turbines were inspected or maintained.

Issue Resolved for 2025 - Avangrid staff provided additional documentation demonstrating that turbines were inspected and maintained during 2024 and demonstrated compliance. ODOE will work with Avangrid staff to refine the reporting in 2025.

The Department has made the site certificate holders aware of this needed information. When the required information is received, the 2024 inspections will be closed out. Staff are also working with project owners to streamline information reporting and review for future years where possible.

Vice Chair Condon, noting missing data from incident reports from Biglow Canyon Wind Farms, questioned if the 2024 reports are expected to be received by the Department. She requested information regarding the next steps for issues of non-compliance.

Secretary Cornett stated in many instances such as this, it is an issue regarding the lack of providing adequate information and documentation of their response to incidents, not the lack of response to incidents. In these instances of non-compliance, Staff will give clear direction for the certificate holder to be in compliance. For significant issues, the Department would issue a notice of non-compliance, making that very clear to them that this is not acceptable. He reminded Council, as they are receiving information regarding incidents, to think about how the current rules address any issues they perceive.

Vice Chair Condon noted there have been several issues of compliance with the Biglow Canyon Wind Facility.

Secretary Cornett agreed there have been several issues with the facility. The certificate holder is making significant efforts now, and they are investing a lot of resources into that facility to make it better. He noted the facility operates some early generation wind turbines that have continually had problems.

Council Member Beier stated EFSC projects are getting to the stage where a number of these projects are 20 years old. Technology has changed. She suggested ODOE develop their compliance schedule to pay additional attention to these older facilities.

Secretary Cornett offered there are some fatigued facilities and there are efforts to maintain them. There are some of the projects being repowered and some projects are changing the turbine blades themselves.

Council Member Grail stated projects change throughout their lifetime. She expressed her concern when projects are sold and resold. Times are tough and maintenance sometimes gets pushed out. She encouraged developers to be very prudent in their actions as they are obligated to do so.

Energy Strategy

Over the last year there have been a couple of presentations to EFSC related to the Oregon Energy Strategy that ODOE has been working on as directed by House Bill 3630 from the 2023 Session. The Energy Strategy was issued by ODOE last week.

Executive Order 25 – 29

As a follow up to the Oregon Energy Strategy, the Governor Issued Executive Order 25-29 on November 19, 2025 which largely is an implementation directive for the Oregon Energy Strategy. There are some elements related to Energy Facility Siting. The links to both the Oregon Energy Strategy and Executive Order 25-29 will be provided to Council next week. More details about both and how they relate to the work of EFSC will be provided at the next Council meeting.

Vice Chair Condon stated her concern for the idea that the siting process takes so long because EFSC process is too long. The Council relies on information provided by the certificate holder for beginning construction and operation dates. It is surprising the number of amendment requests for extensions of time Council reviews. There are a number of issues which can delay projects such as limitations on transmission and power purchase agreements, interconnect issues, and access to equipment on the market. There are a lot of other things outside the permitting and review process that are complex and have to be aligned as well.

Secretary Cornett stated the Energy Strategy explores what is happening in the market outside of siting and permitting.

Upcoming Meeting Dates

- December 18-19, 2025
- January 15-16, 2026

Sunstone Solar Facility

The Sunstone Solar Facility Request for Amendment 1 has been withdrawn. Pine Gate Renewables, the certificate holder, requested to provide some context to Council regarding the withdrawal of the project and the future of the project.

Mark Crowd, Vice President of Project Development for Pine Gate Renewables, provided Council with the following summarized comment:

Earlier this month, Pine Gate and some subsidiaries, including Sunstone, voluntarily initiated a Chapter 11 restructuring. This move does not reflect any issues with the Sunstone projects or the amendment in progress. Sunstone remains a strong, community-supported asset.

The withdrawal of the amendment was a strategic decision to streamline the process and allow for a smoother potential ownership transfer during restructuring. Once ownership is clarified, we plan to resume the amendment process, likely early next year.

Importantly, the project is not stopping. Pine Gate has secured over \$400 million to continue operations, including Sunstone. Our team remains available to support the amendment, ownership transition, and any questions from staff or council.

Sunstone has long been a priority and will remain so. We expect the restructuring to wrap up quickly, with updates coming in early January. We appreciate everyone's work so far and anticipate resuming the amendment process with minimal changes.

Secretary Cornett noted that Pine Gate has been working on the pre-construction condition review for phase one, which is 200 MW of solar and 200 MW of battery storage. That is still ongoing.

Council Member Grail stated Pine Gate's transparency demonstrates a huge amount of respect, not only to the state of Oregon but the people who are doing this work. It is very respected and appreciated.

Vice Chair Condon noted her concern regarding how EFSC deals with a bankruptcy filing as it relates to the Organizational Expertise Standard. A bankruptcy filing is a change in financial condition. A notice should be provided for changes to the financial condition to EFSC as Council has granted the approval for the site certificate based on the financial information. Her concern is regarding what EFSC is prepared for, as these are uncertain times with some projects.

Council Member Beier stated it is important for Council to be aware of the transfer of ownership provision in Statutes and Administrative Rules for the transition to be a seamless as possible.

Secretary Cornett provided there is a notification provision in Rules. Pine Gate has provided that notification. As for a transfer of the certificate, a transfer amendment must be approved by Council which includes the proposed new owner meeting the financial assurance and the organizational expertise requirements.

B. Modernization Rulemaking Public Hearing (Hearing)¹² – Tom Jackman, Siting Policy Analyst & Rules Coordinator, provided an overview of the draft rules and the rulemaking process to date. Mr. Jackman, acting as Presiding Officer, explained the legal requirements for providing comments on the record and facilitated the public hearing.

Vice Chair Condon questioned whether construction "rights" referred to permits.

Mr. Jackman stated "rights" refers to anything that would legally allow development on the land apart from EFSC approval, such as acquiring the land lease and county permits.

The public hearing was opened for public comments at 9:21 am.

There were no public comments received during the hearing.

Council Member Beier stated her understanding that having more consistent mapping data will be beneficial for the public as well as for Staff. She also stated, related to construction rights, it is important to note that one of the changes is to include all energy facilities, not only wind and transmission. The change is important as now it applies to any of the facilities that EFSC reviews or that are subject to this provision. She questioned if the change should apply retroactively.

¹² Audio/Video for Agenda Item B = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

Mr. Rowe addressed Council questions pertaining to one of the rules subject to the modernization rulemaking, OAR 345-025-0006. As background, he explained that phased construction means a developer wants to build part of a facility that Council has approved, but not all of it. It is very common, and it has been a long-standing practice of the Department to allow phased construction after a site certificate has already been approved. However, language in OAR 345-025-0006(5) has caused confusion as to whether a developer can begin construction on one part of an approved site if it does not have construction rights on all parts of the site. Until now, the rule has defined "construction rights" as meaning the legal right to engage in construction activities. The Department has proposed removing language that was causing confusion as to whether a person could begin construction on one part of a site before having "construction rights" on all parts of a site. Mr. Rowe then provided possible language to supplement the definition of "construction rights."

After further discussion, Council requested the Department consider whether it would be possible to remove the term construction rights and tailor the rule to include better clarity that Council will allow phased construction. Council also requested Staff determine if additional clarity in language is needed for the type of facility to which the rules apply.

C. Executive Order 25-29 Overview (Information Item)¹³ – Amy Schlusser, Climate and Energy Policy Advisor, Office of Governor Tina Kotek

Vice Chair Condon questioned what would happen if the site certificate is not approved but the applicant has begun construction prior to approval for a site certificate as allowed in the Executive Order.

Ms. Schlusser stated there is a \$150,000 per megawatt financial assurance requirement included in the Executive Order. The amount was determined by reviewing the amount paid for financial assurance for comparably situated past projects. The intent is that if a project does not acquire a site certificate after they have begun construction, the financial assurance would then be available to remediate the site and fund any mitigation that might be necessary. The hope is that a project would only take advantage of this provision if they were so far along in the process that they were very confident that they would be able to get a site certificate in the very near future.

Vice Chair Condon questioned whether there were observations about the Council process and length of time for the siting process, noting that Council receives many requests for amendments for additional time for approved projects for such reasons as issues with power purchase agreements and interconnection delays.

Ms. Schlusser provided that there was an analysis of the siting process. The statutory requirements and the regulatory requirements were reviewed. We recognize that it is a

¹³ Audio/Video for Agenda Item C = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

lengthy process, as it is designed to be protective of values of Oregonians. The intent of this order is to help projects that have already invested a substantial amount of capital in Oregon. Under the assumption that the developer would be able to qualify and receive the federal tax credits, we want to do everything that we can to help those projects move forward within the confines of the existing statutory framework. This is in response to action taken at the federal level that is having a detrimental impact on energy development and economic development in Oregon. Referring to power purchase agreements and interconnection delays, Ms. Schlusser stated that this order is not going to be able to resolve all of those problems. It is trying to address the limitations within the siting process itself that might be able to be accelerated.

Council Member Beier stated that without the power purchase agreements and interconnection, projects cannot move forward. She questioned what steps are being taken to address those issues.

Ms. Schlusser stated Oregon is facing a variety of challenges when it comes to renewable energy development and deploying energy transmission infrastructure across the state. We are addressing the identified issues with the tools we have. We have also been trying to work with private entities to see if there are opportunities for the state to enter into public or private partnerships, which could help facilitate development in various ways. She acknowledged it will take time. The hope is that if facilities can start developing and can start construction by July 4, 2026, that will allow a four-year period to help solve some of the bigger, long-term issues.

Council Member Perry questioned whether projects would still be subject to local approvals with the Executive Order.

Ms. Schlusser stated the Order is not meant to override any other approval processes that would apply to projects.

Secretary Cornett provided an update as to the Department's implementation of the Executive Order. The Department has sent a survey to active projects that, theoretically, could be utilizing the Executive Order. Staff are working on compiling the responses and, in conjunction with the Governor's office, determining the next steps regarding projects that could take advantage of the Executive Order. Clearer information will be presented to the Council at the next EFSC meeting.

Council Member Beier requested Staff to also provide clarity on the IRS Rule and definition of what it means to get the projects underway before the July 4, 2026 deadline.

D. Sunstone Solar Project, Public Hearing on Request for Amendment 1/Proposed Order on Amendment 1 (Hearing)¹⁴ – The amendment request includes the following: 1) split the approved facility into six separate facilities; 2) modify the transmission line corridor, in length and location; 3) increase the footprint of the Phase 1 substation from 1.6 to 7.3 acres, and 4) amend several conditions to be consistent with the site certificate split.

The Certificate Holder has withdrawn their request for Amendment 1, and the public hearing was therefore cancelled.

E. Public Comments (Information Item)¹⁵ – This time was reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment.

Mr. Adam Shumacher

Adam Schumaker, President of Gallatin Power, explained his company originally developed the Sunstone Solar Project and sold it to Pine Gate Renewables in 2021–2022. Despite the sale, Gallatin remained actively involved in the project's success. He expressed concern over Pine Gate's bankruptcy and the proposed plan by Pine Gate and its lender, Fundamental Renewables, to transfer the project through a bankruptcy sale. He argues this plan threatens the project's viability due to missed payments, lack of development expertise by Fundamental, and potential disruption from multiple ownership changes. Mr. Schumaker emphasized the project's significant benefits to stakeholders and Oregon's climate goals and urges EFSC to ensure any new owner meets operational expertise requirements, to respect landowners' input in the ownership transfer and prevent the transfer of the site certificate to a party unable to fulfill its obligations. He advocates for a sale to a qualified developer who can meet deadlines and uphold commitments to stakeholders.

Council Member Grail, noting her appreciation for Mr. Schumaker's comments, expressed her concern for conflicting information provided by Mr. Schumaker and Mr. Crowd.

Mr. Crowd stated the company is currently undergoing a Chapter 11 bankruptcy process, and its future ownership is still uncertain. This process allows operations and projects, like Pine Gate, to continue as usual, with funds available to meet obligations. Once a new owner is determined, they will need to return for approval to transfer the site certificate and demonstrate financial capability. The amendment was withdrawn to avoid speculation about potential owners and will be revisited when there is clarity, so decisions can be based on the actual company's merits.

Council Member Grail stated Council will do everything that is required by a statute and through its process. Her hope is that Pine Gate's communication with the affected

¹⁴ Audio/Video for Agenda Item D = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

¹⁵ Audio/Video for Agenda Item E = 00:52:49– 2025-10-24-EFSC-Meeting-Audio/Video

landowners will be above board in every way, shape or form. She questioned Pine Gate's statement that there were funds available through the end of the year.

Mr. Crowd clarified there are \$400 million in funds available to get through the overall chapter eleven process, however long that takes.

Vice Chair Condon stated while the lease agreements between Pine Gate and landowners are not under Council's jurisdiction, it is her hope that protecting the rights or position of landowners is something that is under Council's purview.

Secretary Cornett provided the process for a Transfer (of Ownership) Amendment. He noted Council's authority is limited in the review of a transfer. It is limited to the Organizational Expertise Standard and the Retirement and Financial Assurance Standard.

Vice Chair Condon noted her understanding of the process, adding that relying on Council's Organizational Expertise assessment is not necessarily part of the signed agreements with landowners.

Mr. Crowd stated Pine Gate has done a good job of continuing to facilitate and communicate with the landowners and will continue to do so throughout the process.

Council Member Beier confirmed her understanding that all of conditions set forth in the original site certificate will be carried forward to the transfer of ownership.

Secretary Cornett stated while Council's review for a transfer of ownership is limited to the Organizational Expertise Standard and the Retirement and Financial Assurance Standard, the site certificate is bought with all of the conditions and all of the obligations included in the Final Order.

Council Member Grail questioned whether this type of circumstance has come before Council in the past.

Secretary Cornett stated while there have been numerous transfers of ownership, to his knowledge, this is the first time these specific circumstances have been presented to Council.

Council Member Grail again noted her appreciation for the transparency from Pine Gate Renewables.

Vice Chair Condon stated her belief that Council's notification of bankruptcy filings should be included in the Council standards.

Mr. Alex Joe

Mr. Joe questioned whether the different levels of bankruptcy would receive the same treatment as the Chapter 11 bankruptcy being filed by Pine Gate Renewables. He also

questioned whether the Executive Order includes ranges that might exist for funding to include qualifications. He questioned whether Pine Gate or other entities foresees making the deadline of July 2026 for the tax credits that the governor is attempting to help support the deadline time frame.

Secretary Cornett offered, regarding the question of bankruptcy, this is all new to the Department. As such, we are dealing with it on a step-by-step basis. In regard to the Executive Order, the EFSC process is fee for service. Ultimately the developers will pay for whatever the costs are associated with a project.

Pine Gate Renewables was not available to respond to Mr. Joe's question.

Ms. Connie Lee

Ms. Lee expressed her concern about the implementation of the Governor Executive Order and the effect it will have on surrounding community members. She cautioned Council to think about the community when fast tracking these applications.

The Public Comment Period was closed at 10:45 A.M.

F. Pachwaywit Fields (FKA Montague Solar Facility) Revegetation and Noxious Weed Plan Amendments (Action Item)¹⁶ – Sarah Esterson, Senior Siting Policy Analyst, presented the certificate holder's request to amend their operational Revegetation (Condition 92) and Noxious Weed Plans (Condition 43) to align onsite actions with plan requirements given the isolated and fragmented nature of the habitat restoration requirements under the Revegetation Plan and ambiguous language in the noxious weed plan.

Vice Chair Condon questioned whether the proposed changes are consistent with the expectations of the original revegetation and noxious weed plan.

Ms. Esterson confirmed that is correct, adding the plan requires a level of specificity that was not being adhered to. She believes there was not enough effort put into the finalization of the plan to ensure the final recommendations were logical for the certificate holder's plan.

Council Member Beier stated her understanding that this plan is a cleanup of Council's expectations to be sure the project is in compliance with the plan.

Ms. Esterson confirmed that was correct. With the addition of compliance staff, the department is examining the plans and trying to align any issues.

¹⁶ Audio/Video for Agenda Item F = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

Council Member Beier noted as Council reviews Rulemakings, it is important to examine how some plans could be combined without losing any of the important conditions.

Vice Chair Condon motioned the Council approve the amendments to the Pachwaywit Fields Revegetation Plan and Noxious Weed Plan as presented and recommended by staff.

Council Member Grail seconded the motion.

The motion was carried unanimously.

G. Oregon Department of Fish and Wildlife Update on Recommended Preventative Measures for Solar Facilities Proposing Sheep Grazing as Vegetative Management Strategy (Information Item)¹⁷

– Jeremy Thompson, John Day Watershed District Manager, ODFW, presented recommended preventative measures and best management practices to be implemented at solar facility sites proposing to implement sheep grazing as a vegetative management solution, to minimize disease risk from domestic livestock to wild bighorn sheep populations.

Chair Howe questioned whether the Hells Canyon region herd had been the contributing factor for a long-term disease cycle.

Mr. Thompson provided ODFW research indicates the issue is from carriers of disease that are already in the herd.

Council Member Grail questioned what the average size of a big horn sheep herd is.

Mr. Thompson provided within the state, there are only about 4,000 California big horn sheep. Many of the populations are small, 100 to 200 animals at most. The John Day River herd has about 1,200 estimated big horn sheep as of the last census, the Deschutes River herd has about 600.

Chair Howe, based on the Modeled Bighorn Habitat Permeability Map, questioned the location of domestic sheep versus Bighorn Sheep.

Mr. Thompson stated that currently with the area, there is a small herd between the Deschutes River and the Mutton Mountain Bighorn population. Generally, there are not a lot of active agricultural operations utilizing domestic sheep as one of their primary agricultural products in the area. ODFW has actively tried to keep the Deschutes River herd and the Mutton Mountain herd from connecting because they would potentially be within a closer proximity to the domestic sheep.

¹⁷ Audio/Video for Agenda Item G = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

Council Member Beier questioned whether cattle guards work for sheep.

Mr. Thompson stated while cattle guards can work in some cases, there are high maintenance issues with transportation of soils that tend to fill in cattle guards which was discussed through ODFW's collaborative development outreach in the area.

Council Member Beier questioned the number of projects currently utilizing sheep grazing for vegetation control.

Mr. Thompson provided there are currently two projects that are using sheep for vegetation control, both within a single company of ownership. One of those, the Bakeoven project, would show as a low risk within the modeling effort. Bakeoven is where ODFW worked on the Best Management Practices (BMP) through their active utilization and collaboration.

Council Member Beier questioned whether changes to EFSC conditions of approval are required to enforce the use of the BMP.

Secretary Cornett stated the conditions require details of BMP be included in the revegetation and noxious weed plans as the plans are finalized. If a developer decides later that they would like to add sheep grazing to the plan, that would have to be done through an amendment.

Council Member Beier questioned whether the finalization of a mitigation plan can be delegated to Staff, as part of the statutory provision which allows for delegation.

Secretary Cornett provided as this is a new emerging usage and there are a lot of concerns about the impact to the wild populations, anything that occurs with these will be brought back to Council. Regarding the statutory provision that allows for delegation, there needs to be additional clarity as to what issues Council would like to have delegated and the reasons for such.

Council Member Beier noted her appreciation for the presentation, adding it is a great example of agencies working together.

Vice Chair Condon questioned whether there is funding available to someone who wants to tag grazing sheep in a manner that is helpful to the protection of the Bighorn sheep population.

Mr. Thompson stated anytime someone wants to be creative in trying to add protections for wildlife, ODFW has multiple partners in the conservation space that are willing to help facilitate grant applications.

H. Wind and Wildlife Technical Advisory Committee Proposal (Action Item)¹⁸ – Daisy Goebel, Senior Technical Specialist, Haley & Aldrich, Inc.; Jeremy Thompson, John Day Watershed District Manager, ODFW. The Council considered the Department's proposal to form a Technical Advisory Committee to review current evidence and practices regarding the potential impacts of wind energy development on wildlife and wildlife habitat and improve conservation outcomes based on the best available science.

Council Member Beier questioned the timeframe for the Technical Advisory Committee's review and final recommendations.

Ms. Goebel stated the preliminary timeframe has this scope occurring within the next twelve months. Staff will meet with the technical advisory committee a few times before having the preliminary policy recommendations.

Secretary Cornett stated the Technical Advisory Committee final recommendations will likely influence future rulemakings with the Fish and Wildlife Standards and the Threatened or Endangered Species Standard. Staff will not initiate those rulemakings prior to receiving the policy recommendations.

Vice Chair Condon questioned the amount of time required for an individual to participate in a volunteer committee and the ability for such commitment.

Ms. Goebel stated that is one of the questions posed to potential members of the committee as some of the committee representatives will have valuable insight to share even if they are not able to commit a large amount of time each month.

Mr. Clark noted that ODFW has offered the support of staff for the committee. Staff has not reached out to other agencies as yet.

Secretary Cornett stated as the legislative session will be a short session this year, there will be more capacity for stakeholder involvement.

Council Member Grail motioned the Council authorize the Department to form a Technical Advisory Committee made up of state, federal, and tribal agencies to review current evidence and practices regarding bird and bat mortality in the Columbia Plateau Ecoregion, including the existing thresholds of concern, and provide general recommendations to Council on how best to address the potential impacts of wind energy development on wildlife and wildlife habitat and improve conservation outcomes based on the best available science as presented and recommended by staff.

Council Member Beier seconded the motion.

¹⁸ Audio/Video for Agenda Item H = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

The motion was carried unanimously.

I. Yellow Rosebush Energy Center - Council's Review of the Draft Proposed Order (Information Item)¹⁹ – Kellen Tardaewether, Senior Siting Analyst. Council reviewed the Draft Proposed Order (DPO) on the Application for Site Certificate and the Department's preliminary evaluation of the issues raised in comments received on the record during the public comment period, at the DPO public hearing, and the applicant's responses to comments. The proposed solar facility would be located within an approximately 8,075-acre (12.6 sq. mile) site boundary of private land zoned for exclusive farm use. Council will have the opportunity to provide direction to the Department for the preparation of the Proposed Order.

Vice Chair Condon questioned how compliance issues apply towards the Retirement and Financial Assurance conditions.

Ms. Esterson stated the amount of financial assurance required for a certificate is based on a perfectly well operated facility. If a site has ongoing compliance issues, that amount may not be adequate to restore the site. The ongoing compliance evaluation is going to look at the adequacy of the decommissioning given what has been happening on the site over time.

Vice Chair Condon confirmed her understanding that EFSC has the ability to update the amount for financial assurance and retirement as needed for inflation as well as factoring in compliance issues that could result in larger problems for decommissioning a project site.

Ms. Esterson confirmed that was correct.

Ms. Tardaewether questioned whether Council has additional suggestions for language for the compliance portion of the Financial Assurance and Retirement condition.

Vice Chair Condon suggested additional clarity in the language, noting that Council is responsible to the state of Oregon and its lands.

Mr. Rowe suggested Council may want to reserve the right to adjust the financial assurance amount for reasons that may not be related to compliance.

Ms. Esterson stated there is 20% increase in contingency that allows for yearly adjustments for inflation. She added the Organizational Expertise and the Financial Assurance and Retirement Standards are going to be reviewed by Council in early 2026. She questioned why does the rule not allow for or require a five-year review. The rulemaking will help with language and could inform how the conditions are created.

¹⁹ Audio/Video for Agenda Item I = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

Secretary Cornett agreed, adding while the current language in Rule does not preclude the ability to increase the amount of financial assurance, it does not clarify the Council ability to do so. As there is a lot of uncertainty in the future, whether EFSC should build in some sort of frequency of reevaluation of the financial assurance for decommissioning is a necessary Council discussion.

Council Member Beier requested Staff ensure that the objective and the Standards clearly define that the additional financial assurance requirement is the result of ongoing compliance issues.

Ms. Tardaewether noted developers are invited to participate in the rulemaking and help Council understand what they perceive the issue to be and participate in making it a better rule.

Council Member Beier, referring to issues with local economic benefit reason for the Goal 3 exception, noted there are 2 justifiable reasons provided for adopting the Goal 3 exception. She stated her agreement with Staff's analysis for not allowing local economic benefit as a reason for the exception.

Vice Chair Condon stated her agreement with Staff's analysis as the evidence for economic impact provided by the applicant does not meet the level of specificity required for a Goal 3 exception.

Council Member Beier stated, regarding comments received on water availability, water usage is a legitimate concern that has been raised by the public on other projects. The site certificate conditions demonstrate that it is Council's expectation that the applicant provide information for where water is coming from and that its use will not directly impact other users.

Council Member Grail questioned whether the applicant is addressing the wildfire analysis differently for construction versus operation of the facility.

Ms. Tardaewether provided that is correct. There is a construction model Wildfire Mitigation Plan (WMP) as well as an operational WMP.

Vice Chair Condon questioned the use of the applicant's assertion that they will maintain dialogue with the emergency response service providers as there is nothing included in the conditions that support the assertion.

Secretary Cornett provided unless it is in a condition or included in a plan that is required by a condition, it is not a requirement. It is a good question for Council to consider.

Council Member Beier suggested a requirement for an annual report of emergency services provided which could help with establishing a condition in the future.

Council Member Grail added these are rural communities with volunteer emergency responders. They need more resources and tools. She urged the developer to think of it from the perspective of it is not that something bad is going to happen, but there is no margin for error in these situations.

Council Member Beier expressed her agreement with Council Member Grail's comments regarding being responsive to local concerns. She suggested Staff be very explicit with providing information to the public regarding any issues which Council has delegated its authority to the Department.

Vice Chair Condon suggested one-time training for emergency responses may not be sufficient as volunteers change and continued ongoing training may be required.

Ms. Tardaewether stated the plan currently requires preconstruction and preoperational training as well as annual training.

Council Member Grail stated the Oregon Public Utility Commission requires investor-owned utilities to have wildfire mitigation plans. She suggested applicants review the plans for additional data points. She also suggested utilizing "down times" for construction for additional training.

J. Sunstone Solar Facility Appointment of Representatives to Agricultural Mitigation Fund Advisory Committee (Action Item)²⁰ – Chris Clark, Senior Siting Analyst. The Council considered the appointment of Eric Orem and Jon Jinings as representatives to the Agricultural Mitigation Fund Advisory Committee for the Sunstone Solar Project.

Vice Chair Condon questioned whether Eric Orem's relationship with Sunstone will present the optics of a possible conflict of interest if he is appointed to the Advisory Committee.

Mr. Clark explained that Mr. Orem brought the relationship information to Staff as he wanted to disclose it in case it was perceived as a potential conflict. Staff does not feel there is a conflict of interest as the committee appointees will make recommendation on how the mitigation funds are dispersed, which would happen regardless of who is providing the services at the site.

Secretary Cornett added as with other boards and commissions, the need is for people who are knowledgeable and have an understanding of issues which can sometimes create close connectivity geographically and personally.

Council Member Perry expressed her concern for the potential conflict. She suggested an advisory role could be warranted.

²⁰ Audio/Video for Agenda Item J = 02:11:15 – 2025-11-21-EFSC-Meeting-Audio/Video

Council Member Grail noted as Mr. Orem was mindful and willing to acknowledge the potential conflict, it is her expectation that he would acknowledge the same if there were specific decisions to be made that posed a conflict.

Mr. Clark added this advisory committee would make recommendations to the County on which projects are eligible for funding, but they would not be invested with any authority to make funding decisions themselves.

Council Member Beier motioned the Council appoint Eric Orem (State Board of Agriculture) and Jon Jinings (Department of Land Conservation and Development) as its representatives for the Sunstone Agricultural Mitigation Fund Advisory Committee as presented and recommended by staff.

Council Member Grail seconded the motion.

The motion was carried unanimously.

The meeting was adjourned at 1:53 pm
