

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Virtual Webex Meeting

October 22, 2021



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- 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:

- 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

October 22, 2021

- September Council Meeting Minutes
- Council Secretary Report

Agenda Item B (Action Item)

ODA Presentation on Farm Impacts from Land Use Development (Information Item)

October 22, 2021

Jim Johnson, Land Use and Water Planning Coordinator, Oregon Department of Agriculture

Agricultural Land Protection and Energy Facility Siting

Oregon Energy Facility Siting Council
October 22, 2021



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Agenda

1. Oregon Agriculture, A quick look.
2. The Oregon Statewide Planning Program and Agricultural Lands.
3. ORS 215.296 The “Farm Impacts Test.”
4. The impacts of “large development.”
5. Solar facility development on agricultural lands; some issues.



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Diversity of Production

- Over 225 commodities produced in Oregon.
- Helps create greater stability throughout the industry over time.
- Most of Oregon's ag products are not federal commodity crops.
- Varied size of farms and methods of production.



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Oregon's Top 10 Agricultural Producing Counties 2017

| | |
|--------------|---------------|
| • Marion | \$701,580,000 |
| • Morrow | \$374,650,000 |
| • Umatilla | \$482,379,000 |
| • Clackamas | \$373,397,000 |
| • Malhuer | \$343,514,000 |
| • Yamhill | \$301,932,000 |
| • Linn | \$292,044,000 |
| • Washington | \$290,402,000 |
| • Klamath | \$269,839,000 |
| • Lane | \$162,792,000 |



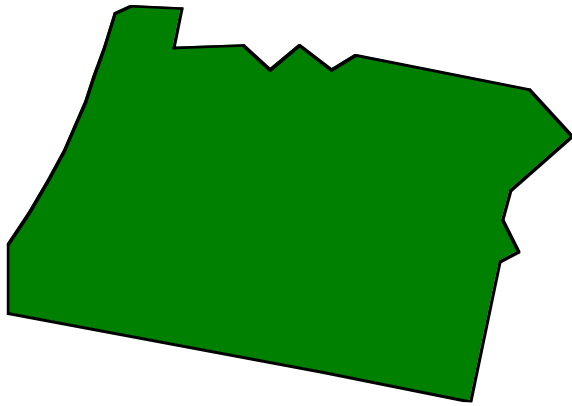
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OREGON AGRICULTURE TOP 2021

Based on 2020 data & estimates
of value of production
from the USDA National Agricultural Statistics Service,
Oregon Department of Agriculture,
Oregon State University, Oregon Wine Board, and
Oregon Department of Fish & Wildlife.
This is not a ranking compared to other U.S. states.
More stats online: <https://oda.direct/AqStats>
info@oda.oregon.gov • Created 9/2021





Oregon Leads the Nation in the Production of:

- Hazelnuts
- Christmas Trees
- Dungeness Crab
- Sugar beets for seed
- Red clover seed
- Crimson clover
- White clover seed
- Potted Florist Azaleas
- Carrot Seed
- Parsley Seed
- Grass seed, all
- Orchardgrass seed
- Ryegrass seed
- Fescue seed
- Blackberries, all
- Logan berries
- Raspberries, black
- Boysen & Youngberries
- Rhubarb



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Oregon Ag's ECONOMIC footprint

- **\$33.3 billion economic footprint**
- **\$31.1 billion in sales of goods and services**
- **15.4% of Oregon's economy**
- **20.3% of jobs or 1 in every 5 jobs**
- **Farm gate value over \$5 billion**



Oregon Agricultural Land Base

Land in Farms

- 17 million acres in FARM USE of which 14.7 are in commercial farm use.
- 15.5 million acres are ZONED as agricultural land. 1.73 million acres in Willamette Valley.
- 13.1 million acres receive special farm value assessment as EFU land.
- 2.4 million acres receive farm value assessment based on application.

Soils

- **Over 4.6 million acres of high-value farmland soils; 40% in the Willamette Valley.**
- **About 3.4 million acres of those HVF soils are located outside UGBs and zoned for agriculture.**
- **About 1.2 million acres of prime farmland; 78% in the Willamette Valley, nearly 20% in Metro counties.**



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Irrigated Agricultural Lands

- More than 1.6 million acres of irrigated land in Oregon
- Irrigation enables more diversity of crops that can be grown.
- 43% of all Oregon farms do some irrigation.
- Irrigated farms produced 73% of the total value of Oregon's harvested crops.

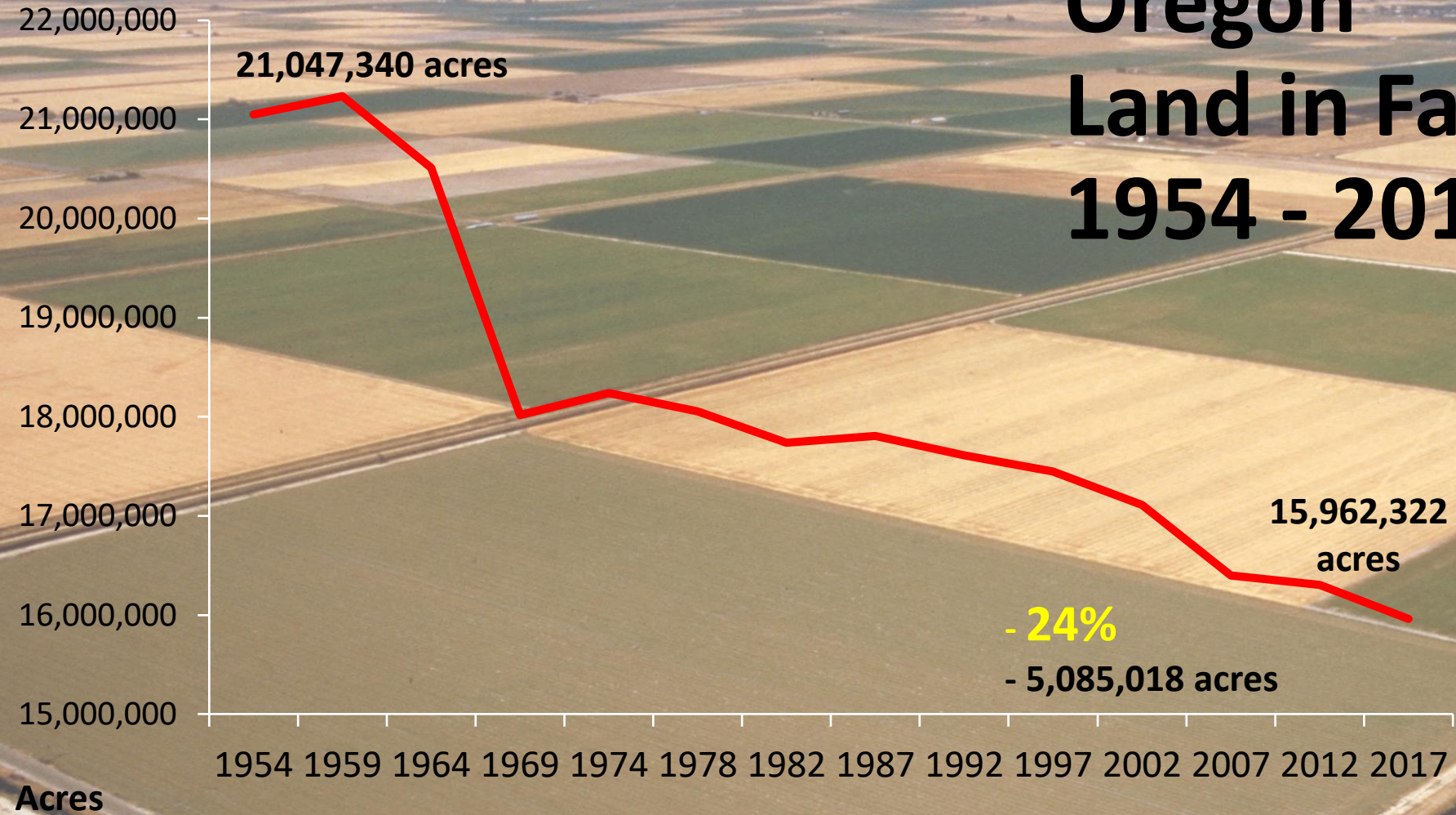


Source: Census of Agriculture, Farm and Ranch and Irrigation Survey



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Oregon Land in Farms 1954 - 2017



Source: U.S. Census of Agriculture, Oregon

Components of Oregon Farmland Protection Program – SB 101

Legislative Policy ORS 215.243(1):

*Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social and aesthetic and economic asset to all of the people of this state, **whether living in rural, urban or metropolitan areas of the state.***



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Components of Oregon Farmland Protection Program – SB 101

Legislative Policy ORS 215.243(2):

- *The preservation of a **maximum amount** of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land **in large blocks** is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.*



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Components of Oregon Farmland Protection Program – SB 101

Legislative Policy ORS 215.243(3):

- ***Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and loss of open space and natural beauty around urban centers occurring as a result of such expansion.***



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Components of Oregon Farmland Protection Program

Legislative Policy ORS 215.243(4):

- ***Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones.***



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Statewide Planning Goals

(Adopted December 1974)

- *Goal 1: Citizen Involvement*
- *Goal 2: Land Use Planning*
- *Goal 3: Agricultural Lands*
- *Goal 4: Forest Lands*
- *Goal 5: Natural Resources, Open Space and Historical Resources*
- *Goal 6: Air, Water, and Land Quality*
- *Goal 7: Natural Hazards*
- *Goal 8: Recreation*
- *Goal 9: Economic Development*
- *Goal 10: Housing*
- *Goal 11: Public Facilities and Services*
- *Goal 12: Transportation*
- *Goal 13: Energy Conservation*
- *Goal 14: Urbanization*
- *Goal 15: Willamette River Greenway*
(December 1975)*
- *Goal 16: Estuarine Resources (December 1976)*
- *Goal 17: Coastal Shorelands (December 1976)*
- *Goal 18: Beaches and Dunes (December 1976)*
- *Goal 19: Ocean Resources (December 1976)*



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Statewide Planning Goals

***Fundamental Strategy
embedded in Goals:***

- ***Contain urban
development within
UGBs***
- ***Protect natural
resources outside
UGBs***
- ***Use urban land
efficiently***



Oregon Agricultural Land Protection Program

Key Components

- **Inventory Agricultural Land**
- **Protect Agricultural Land for Farm Use**
- **Contain Urban Development**
- **Appropriate Level of Rural Services**



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Components of Oregon Farmland Protection Program Inventory

- **Objective Soil Capability**
 - Ag Capability Class I-IV/I-VI
 - High-value farmland
 - Recognition of regional differences
- **Actual and historic use**
- **Overall land use pattern, including nonfarm uses (“exception lands”)**
- **The suitability of an area**



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Uses Allowed in EFU Zones

- From 6 to 50+ nonfarm uses (ORS 215.283)
- Sub(1) subject to state law only “uses are farm-related or compatible”
- Sub(2) uses non-farm related & subject to ORS 215.296 (“*farm impacts test*”) and applicable local standards
 - *Brentmar* distinguishes between the two



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Conflicts/Compatibility

ORS 215.296 The “farm impacts test”

- A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local governing body or its designee finds that the use will not:
 - (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- May also be “employed in law related to other land uses; e.g. restaurants at wineries



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Stop the Dump Coalition v. Yamhill County, 364 Or 432 (2019).

“the legislature intended the farm impacts test to apply on a farm-by-farm and farm practice-by-farm practice basis and intended to use the ordinary meaning of ‘significant’ and ‘significantly’ in ORS 215.296(1), not a specialized meaning tied to the supply of agricultural land, supply of food, or farm profitability.” Stop the Dump v. Yamhill Co., 364 Or at 445.



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Stop the Dump Coalition v. Yamhill County, 364 Or 432 (2019).

- The court rejected the Court of Appeals' "profitability" test.
- The court also agreed that the test under ORS 215.296(1) is not whether a forced change renders a farm unprofitable—instead, under ORS 215.296(1) an *"applicant must establish that neither significant changes to accepted farm practices nor significantly increased costs will occur due to the nonfarm use."* Stop the Dump, 364 Or at 456.



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Stop the Dump Coalition v. Yamhill County, 364 Or 432 (2019).

- The court adopted the state's reading of ORS 215.296(1) as protecting agricultural land by preserving farm and forest **practices** on that land. The court also agreed that the legislature did not intend to permit displacement of farm practices simply because a particular displacement would not reduce the overall supply of agricultural land:
- *By adopting the farm impacts test, the legislature was not content to disallow nonfarm uses only if there were impending reductions in the supply of agricultural land. Instead, it appears that the legislature understood that adverse changes in farm practices or the costs of those practices could well lead to later reductions in the supply of operating, productive agricultural land over time, as it becomes more onerous for owners to continue their agricultural use of EFU land due to nearby nonfarm uses."*

Id. at 454-55.



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Stop the Dump Coalition v. Yamhill County, 364 Or 432 (2019).

- The court agreed that a condition of approval under ORS 215.296(2) should be measured by how the condition prevents the loss of agricultural land, not on how the condition might preserve the overall profitability of the farm.

“a test for conditions that permits a payment to the farmer and approval of the nonfarm use, even when the nonfarm use will result in the inability of the farmer to engage in an accepted farming practice, contravenes the legislature’s long-term policy of preserving agricultural land.”

Id. at 461-62.



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Impacts of Large Developments on Agriculture

- **Conversion, land and water**
 - Quality of land
 - Critical mass
- **Ability to conduct farm/ranch operations**
- **Footprint**
- **Shadow**
- **Cumulative**



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Some Key Issues with Solar Facility Development

- Speculative land values
 - Land owner v. operator (rent/lease)
- “Dual use,” “temporary use”
- Off-site “trespass”
 - Run-off and erosion
 - Air flow
 - Weed/vector management
 - Transportation/access
- Ability to farm; edges
- Cumulative impacts



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QUESTIONS?

Jim Johnson
Land Use and Water Planning Coordinator
Oregon Department of Agriculture

jjohnson@oda.state.or.us



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Agenda Item C (Action Item)

HB 2064 Rulemaking

October 22, 2021

Christopher M. Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Overview

- Background
- Overview of Draft Notice of Proposed Rulemaking
- Projected Timeline
- Council Deliberation

Background

- The Energy Facility Siting Council (EFSC) consists of seven members appointed by the Governor and subject to confirmation by the Senate. ORS 469.450.
- A quorum must be present at a meeting for the Council to conduct business. When a quorum is not available, the Council may meet, but may not take formal action on any matter. ORS 469.460.
- HB 2064 changes the quorum requirement from “five members” to “a majority” of Council members, as of Jan. 1, 2022.

Recommended Council Action

- Consistent with the current law, OAR 345-011-0005(1) provides:

“Five members of the Council constitute a quorum. The Council may meet to discuss any matter in the absence of a quorum but shall take no formal action on any matter unless a quorum is present.”
- Staff recommends Council initiate formal rulemaking proceedings to change the word “five” to “four” because four is a majority of the statutory seven-member body.

Notice of Proposed Rulemaking

- Rules are needed to implement bill and ensure that the Council can meet as frequently as needed to conduct its business.
- No fiscal or economic impacts, or costs of compliance are expected.
- Staff recommends Council:
 - Schedule a rulemaking hearing for the evening of November 18, 2021.
 - Schedule a public comment period, to end at the close of the hearing.

Rulemaking Process



Rulemaking Timeline

Projected Rulemaking Timeline

Council initiates permanent rulemaking &
authorizes Notice of Proposed Rulemaking

October 22, 2021

Public comment period

October 22, 2021 -
November 18, 2021

Rulemaking hearing

November 18, 2021

Council adopts permanent rules

November 19, 2021

Rules effective

January 1, 2022

Council Deliberation

Approve (staff recommendation)

Initiate Formal
Rulemaking and
Authorize NOPR,
as Presented

Modify

Initiate Formal
Rulemaking and
Authorize NOPR,
with modifications

Reject

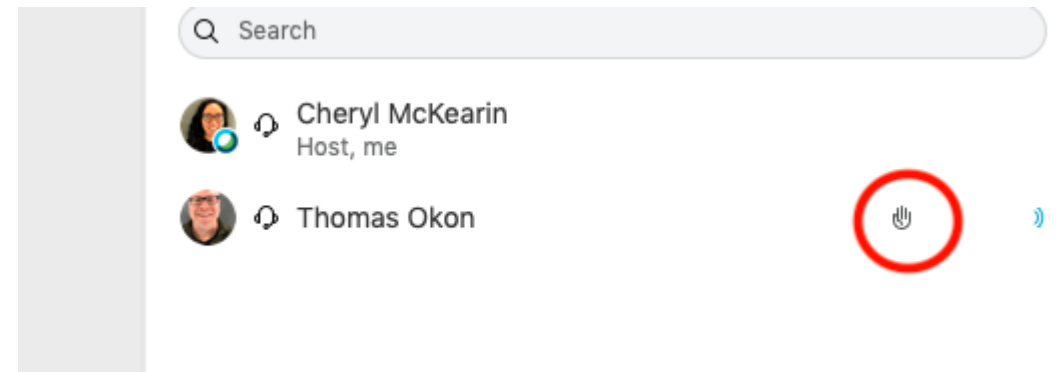
Reject Recommendation
to Initiate Formal
Rulemaking

Agenda Item D (Information Item)

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:

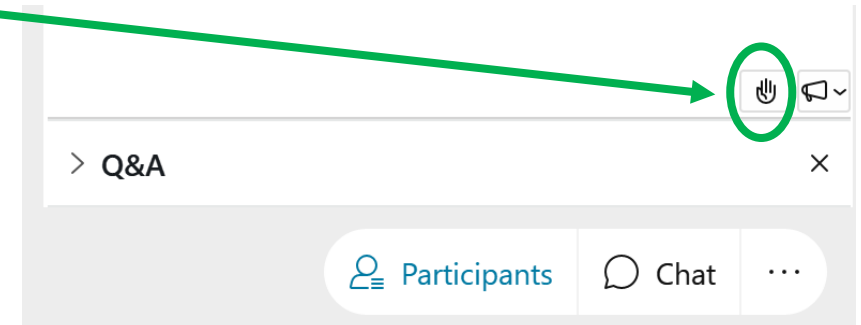
Webinar Participants

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.

BREAK

Agenda Item E (Information Item)

Compliance Update Information Item

October 22, 2021

Duane Kilsdonk, ODOE Compliance Officer
& Sarah Esterson, ODOE Senior Policy Advisor

Presentation Overview

- Operating Energy Facilities with Site Certificates
- Facilities with Added Renewable Components
- Oregon Energy Facilities Location Map
- Current Status of Construction Projects
- Construction Location Map
- Compliance Work Plan for July 2021 – June 2022
- Compliance Inspection Calendar for July 2021 – June 2022
- Notable Project Updates

EFSC Energy Facilities

39 Site Certificates Under the Jurisdiction of the Energy Facility Siting Council

13 Wind Facilities

- 11 Operating
- 2 Under Construction

10 Natural Gas Facilities

- 9 Operating
- 1 Under Construction

6 Solar Facilities

- 3 Under Construction
- 3 Approved not under construction

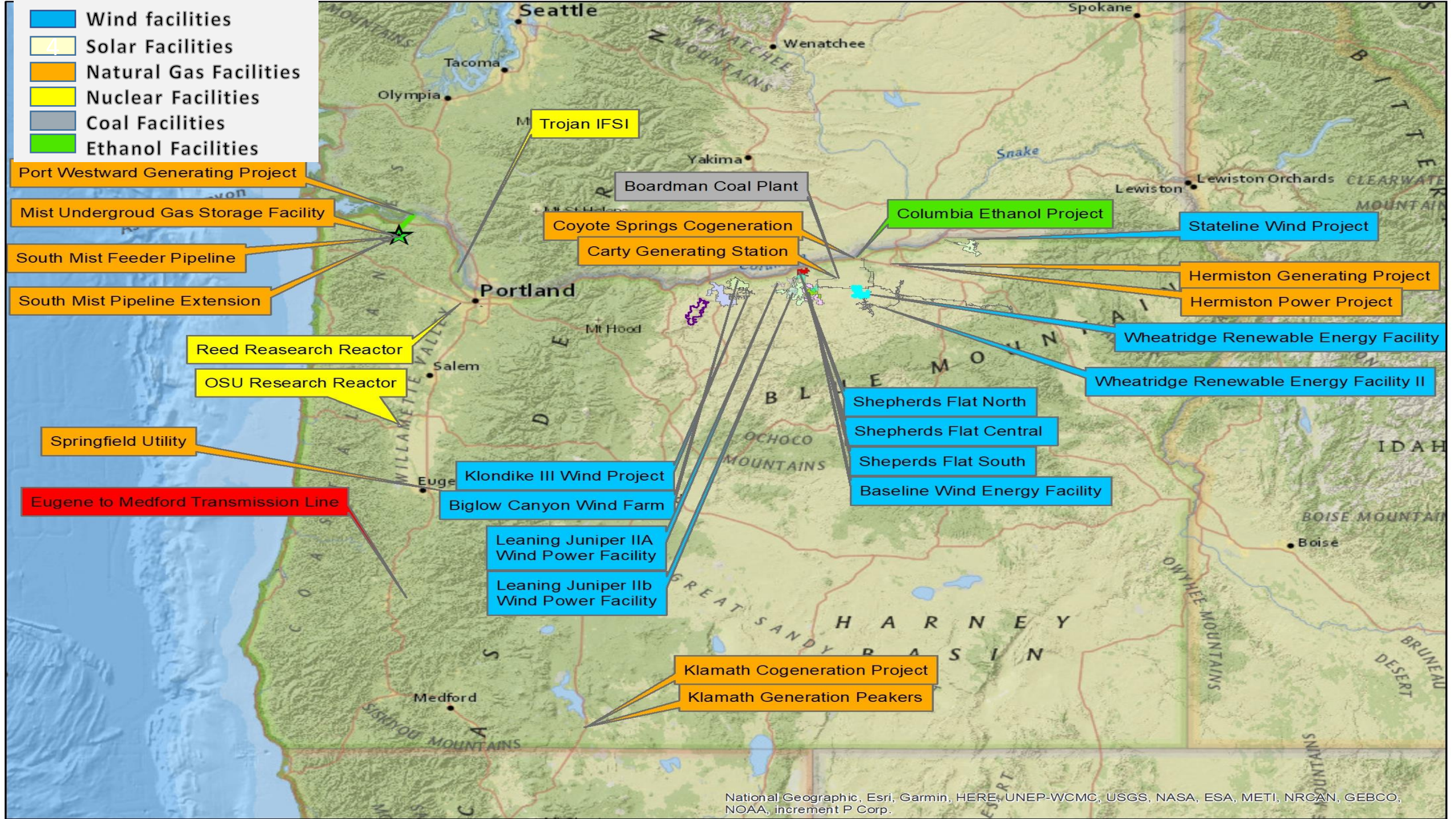
Other Facilities

- 3 Nuclear Related Facilities
- 1 Steam Generator
- 1 Ethanol Facility
- 2 500 kV Transmission Lines

Facilities With Added RE Components

| Facility | Original Fuel Type | Added Solar | Added BESS | Notes |
|---|--------------------|-----------------|--------------------------------------|--|
| Carty Generating Station | Natural Gas | + 50 MW | | |
| Montague Wind Power Facility | Wind | +162 MW minimum | + 100 MW | Multiple site certificates due to splits |
| Port Westward Generating Project | Natural Gas | | + 4 to 6 MW | |
| Stateline Wind Project | Wind | | + 50 MW (proposed) | pRFA6 Under Review |
| Wheatridge Renewable Energy Facility II | Wind and Solar | | + 50 MW centralized; distributed TBD | Multiple site certificates due to splits |

- Wind facilities
- Solar Facilities
- Natural Gas Facilities
- Nuclear Facilities
- Coal Facilities
- Ethanol Facilities



Construction Projects 2021-2022

| Project | Type of Construction |
|---|---|
| Bakeoven Solar Project | (Solar) Construction |
| Boardman Solar Energy Facility | (Solar) Construction |
| Carty Generating Station | Substation and septic system construction |
| Golden Hills Wind Project | (Wind) Construction |
| Montague Solar Facility | (Solar) Construction |
| PWC- Perennial Wind Chaser Station | Natural Gas facility |
| Port Westward Battery Energy Storage System | (Battery) Construction |
| SFN - Shepherds Flat North | Repower |
| SFC - Shepherds Flat Central | Repower |
| SFS - Shepherds Flat South | Repower |
| SWP - Stateline Wind Project (1 & 2) & (3) | seeks Council approval to add 50 MW of battery storage, and increase the height and MW output |
| Summit Ridge Wind Farm | (Wind) Construction |
| Wheatridge Renewable Energy Facility III | (Solar) Construction |

Facilities Under Construction

- Wind facilities
- Solar Facilities
- Natural Gas Facilities
- Repower Facilities



Compliance Work Plan

Annual Tasks

- Facility Inspections
- Annual Report Review
- Financial Assurance Update
- Annual Assessment

Compliance Work Plan

Process Improvement Tasks

- Compliance Program Evaluation
- Habitat Mitigation Area Assessment
- Site Certificate Transition

Compliance Inspection Calendar for July 2021 – June 2022

| <u>13-Total Annual Operating Inspections</u> | <u>12 +1 = Specific site visit for review of HMA - Re-Veg & WMMP's</u> | <u>16-Total Construction Inspections / 9 Wind / 1 Nat Gas / and 6 Solar construction inspection.</u> | <u>(C) = Completed inspections</u> <u>(2) = 2nd Construction Site inspection that are around 6-7 months apart</u> |
|--|---|--|---|
| July – 2021 | August- 2021 | September -2021 | October -2021 |
| <i>Klamath Cogeneration (C)</i> <i>Klamath Gen Peakers (C)</i> | <i>Wheatridge Renewable Energy Facility III (Solar PV) Const. (C)</i> | <i>Montague Solar Facility Const. (C)</i> <i>Bakeoven Solar Const. (C)</i> <i>Golden Hills Wind Const. (C)</i> | <i>Shepherds Flat North Const.</i> <i>Shepherds Flat Central Const.</i> <i>Shepherds Flat South Const.</i> |
| November – 2021 | December - 2021 | January - 2022 | February -2022 |
| <i>Carty Gen Station Const.</i> <i>Coyote Springs Cogen PGE & Avista</i> | <i>Montague Wind +1</i> <i>Wheatridge RE Facility I (PGE) +1</i> <i>Wheatridge RE Facility II (NexEra)+1</i> <i>(2) Wheatridge Renewable Energy Facility III (Solar PV) Const.</i> | <i>Port Westward 1&2</i> <i>SUI - Springfield Utility Industrial Energy Center (EWEB CoGen</i> | <i>Eugene – Medford</i> <i>Mist Under. Stor.</i> <i>S. Mist Feeder</i> <i>S. Mist Extension</i> |
| March - 2022 | April - 2022 | May -2022 | June-2022 |
| <i>Carty Generating Station +1</i> <i>Columbia Ethanol Project</i> <i>Place holder for Stateline re-power Const.</i> | <i>Hermiston Generating Project</i> <i>Hermiston Power Project</i> <i>(2) Montague Solar Const.</i> <i>(2) Bakeoven Solar Const.</i> <i>(2) Golden Hills Wind Const.</i> | <i>Klondike III Wind Project +1</i> <i>Stateline Wind+1</i> <i>Biglow Wind Farm+1</i> <i>(2) SFN Const.</i> <i>(2) SFC Const.</i> <i>(2) SFS Const.</i> | <i>Shepherds Flat North +1</i> <i>Shepherds Flat Central+1</i> <i>Shepherds Flat South+1</i> <i>Leaning Juniper IIA +1</i> <i>Leaning Juniper IIB +1</i> <i>Klamath Cogen& Peakers</i> |

Notable Project Updates

- Shepherds Flat North
- Montague Wind Power Facility
- Klondike III Wind Farm
- Biglow Canyon Wind Farm

Shepherds Flat North

Turbine Fire



Shepherds Flat North

Turbine Fire



Shepherds Flat North

Turbine Fire



Montague Wind Power Facility

Extreme Weather Event



Montague Wind Power Facility

Extreme Weather Event



Montague Wind Power Facility

Extreme Weather Event



Montague Wind Power Facility

Extreme Weather Event



Montague Wind Power Facility

Extreme Weather Event



Klondike Wind Farm

Transformer Spill



Klondike Wind Farm

Transformer Spill



Klondike Wind Farm

Transformer Spill



Klondike Wind Farm

Transformer Spill



Klondike Wind Farm

Transformer Spill



Klondike Wind Farm

Transformer Spill



Klondike Wind Farm

Transformer Spill



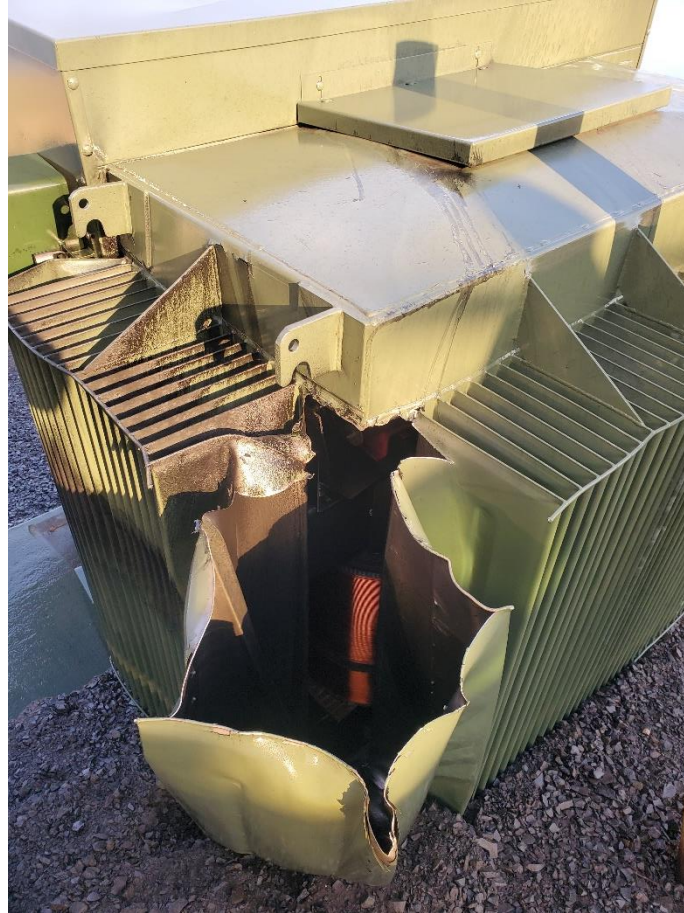
Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Biglow Canyon Wind Farm

Transformer Spill



Klondike III Fire Incident



Construction Update

Golden Hills Wind Project

| | |
|---------------------------|-----------------------------|
| Certificate Holder: | Golden Hills Wind Farm, LLC |
| Certificate Holder Owner: | Avangrid Renewables, LLC |
| Facility Location: | Sherman County |

Approved

400 MW, 51 turbines

Final Design

200 MW, 51 turbines

Golden Hills Wind Project

Figure 1
Golden Hills Facilities
Site Boundary and
Micrositing Corridors

SHERMAN COUNTY, OREGON

- Site Boundary
- EPSC Corridor-Original (2015)
6820 acres
- Additions to EPSC Corridor (2020)
534 acres
- Micrositing Corridors
to be Removed 85 acres
- City/Town
- Secondary Highway
- Secondary Road
- County Boundary



Data Sources

Reference Map

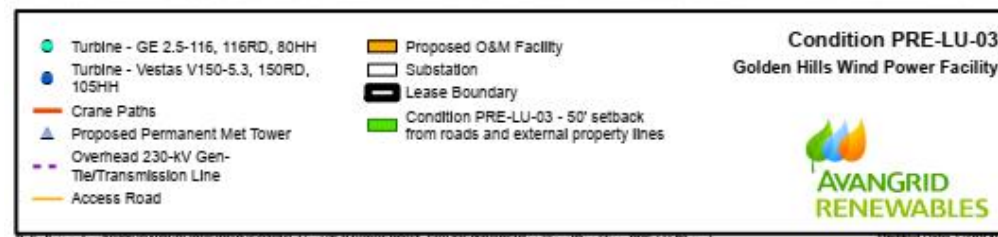
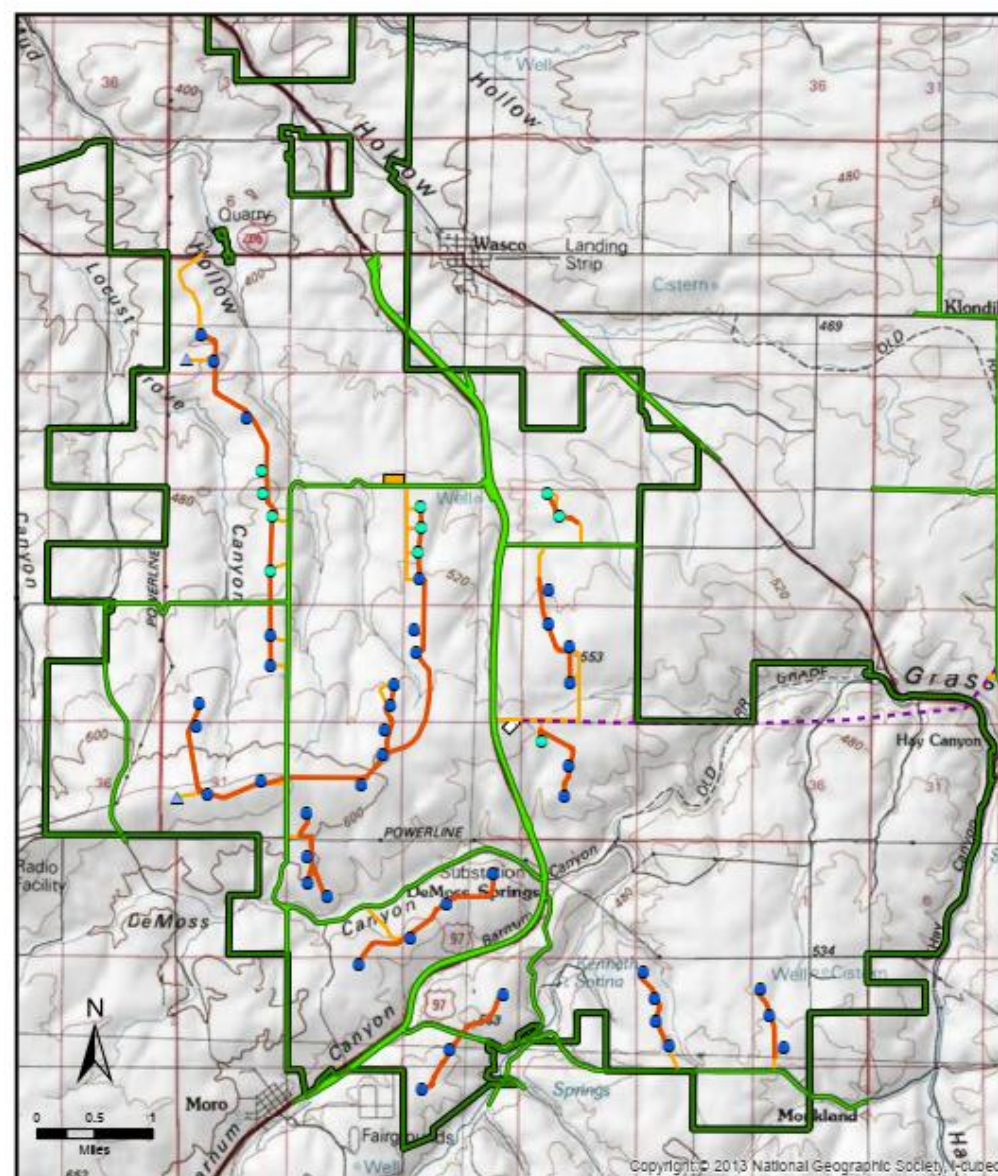
Avangrid Project Infrastructure;
USDA Forest Service; ESRI-Mapbox



1:74,000 WGS 1984 UTM Zone 10N

0 0.5 1 2 3 4 Miles

NOT FOR CONSTRUCTION



Construction Schedule - Status

| Milestone | Date |
|---|------------|
| Construction Commencement (Actual) – O&M Building | 6/8/2020 |
| Site Certificate Construction Commencement Deadline | 6/18/2020 |
| Construction Commencement (Balance of Plant) | 3/18/2021 |
| Anticipated Construction Completion | 4/2022 |
| Site Certificate Construction Completion Deadline | 12/31/2022 |

Construction Status – Quick Stats

Roads (cut/base)

- Approx. 40,000 of 115,000 linear feet

Turbine Foundation

- 47 of 51 foundations excavated
- 44 of 51 rebar/concrete base

Parts Received

- 27 of 153 blades
- 6 of 51 towers

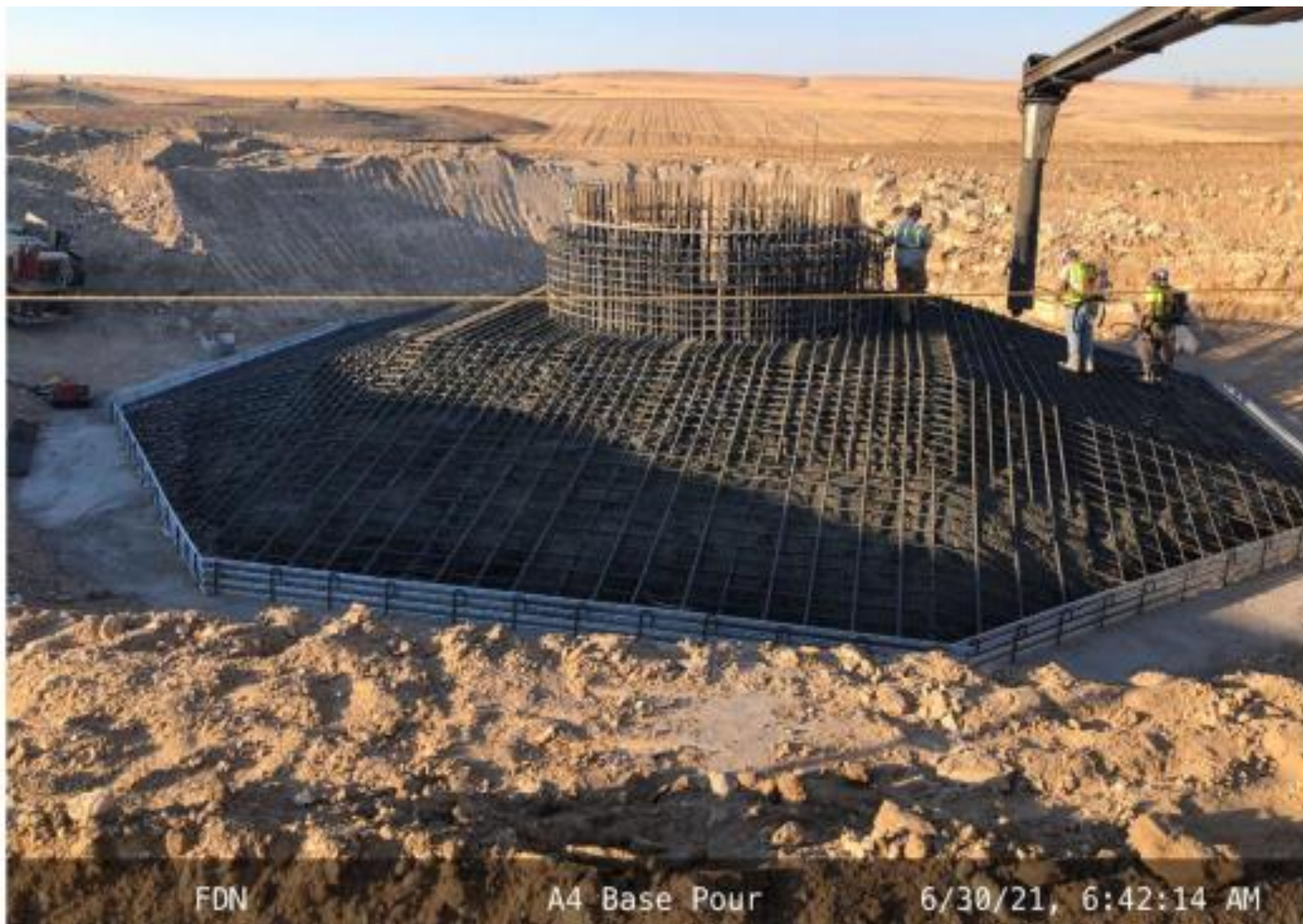


Photo 2 – Concrete base pour at Turbine A4



Photo 1 – Installed permanent met tower



Photo 3 – Crane pad at turbine A5.



Construction Update

Montague Solar Facility

Certificate Holder: Montague Solar, LLC
Certificate Holder Owner: Avangrid Renewables, LLC
Facility Location: Gilliam County

Approved

162 MW, solar
1,496 acres

Final Design

162 MW, solar
1,496 acres

Construction Schedule - Status

| Milestone | Date |
|---|-----------|
| Construction Commencement (Transmission Line) | 3/15/2021 |
| Anticipated Construction Completion | 4/30/2022 |
| Site Certificate Construction Commencement Deadline | 8/30/2022 |
| Site Certificate Construction Completion Deadline | 3/15/2024 |

Construction Status – Quick Stats

230-kV Transmission Line

- 90% complete

Substation

- 75% complete

Solar Array

- 1% complete

Aug 3, 2021 at 1:16:36 PM
N 45° 32' 49", W 120° 10' 4"
Montague Wind Sub
Safety Observation



Photo 5 – Substation Installation

Network: Sep 20, 2021 at 1:19:13 PM PDT
Local: Sep 20, 2021 at 1:19:13 PM PDT
N 45° 33' 8.239", W 120° 11' 6.106"
68799–68817 Weatherford Rd
Arlington OR 97812
United States



Photo 6 – Stage and Drive Piles

Construction Update

Bakeoven Solar Project

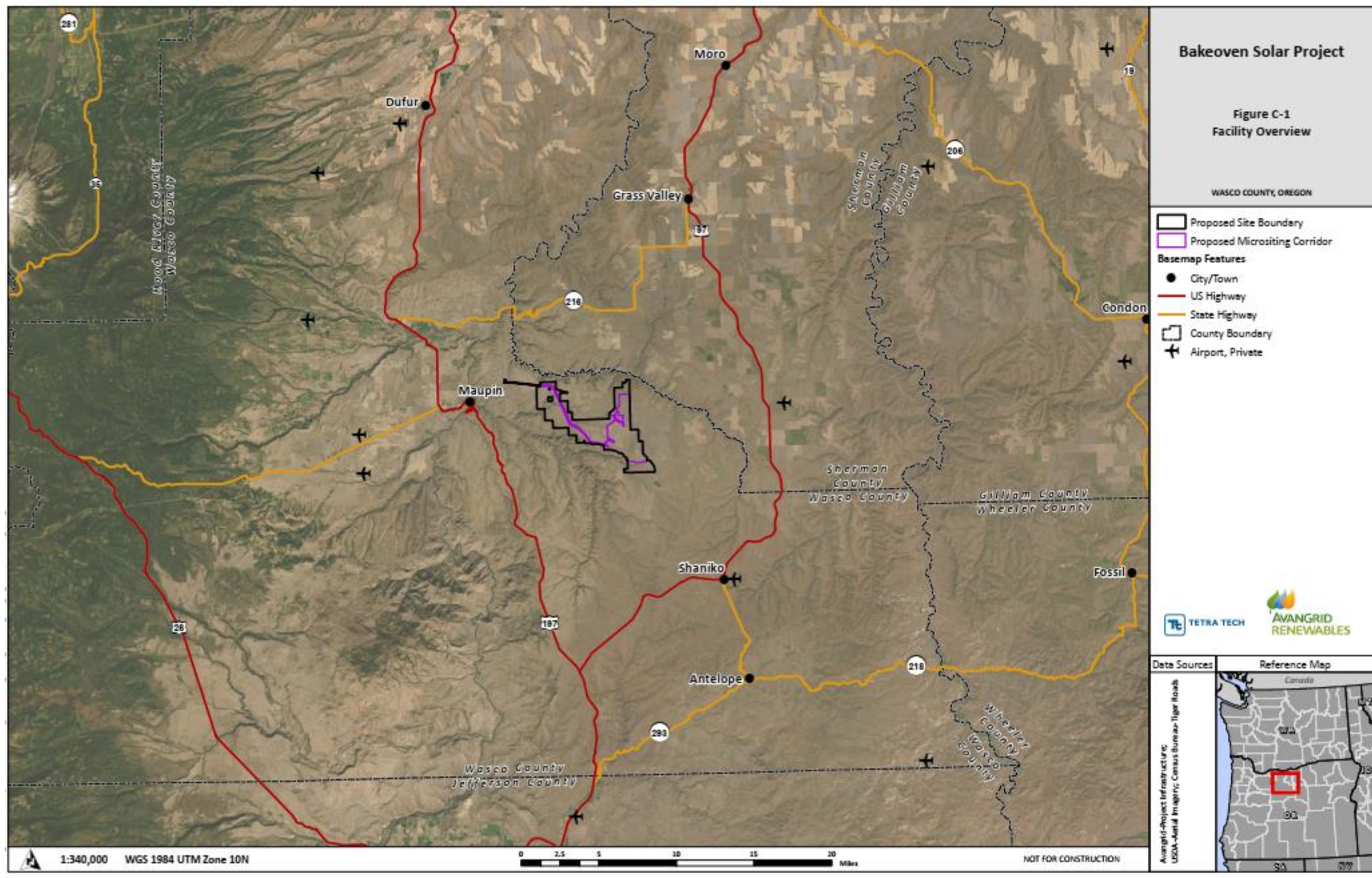
| | |
|---------------------------|--------------------------|
| Certificate Holder: | Bakeoven Solar, LLC |
| Certificate Holder Owner: | Avangrid Renewables, LLC |
| Facility Location: | Wasco County |

Approved

303 MW, 2717 acres

Final Design

200 MW, 2,118 acres



Construction Schedule - Status

| Milestone | Date |
|---|--------------------------|
| Construction Commencement (transmission line) | 3/15/2021 |
| Construction Commencement (solar area) | 9/1/2021 |
| Site Certificate Construction Commencement Deadline | 4/24/2023 |
| Anticipated Construction Completion Date (Phase 1/Phase 2) | 9/30/2022; 12/30/2022 |
| Site Certificate Construction Completion Deadline | 4/24/2025 |



Photo 2 – Substation Aerial



Photo 4 – Foundation Drilling

Construction Update

Wheatridge Renewable Energy Facility III

| | |
|---------------------------|-------------------------------------|
| Certificate Holder: | Wheatridge Solar Energy Center, LLC |
| Certificate Holder Owner: | NextEra Energy Resources, LLC |
| Facility Location: | Morrow County |

Approved

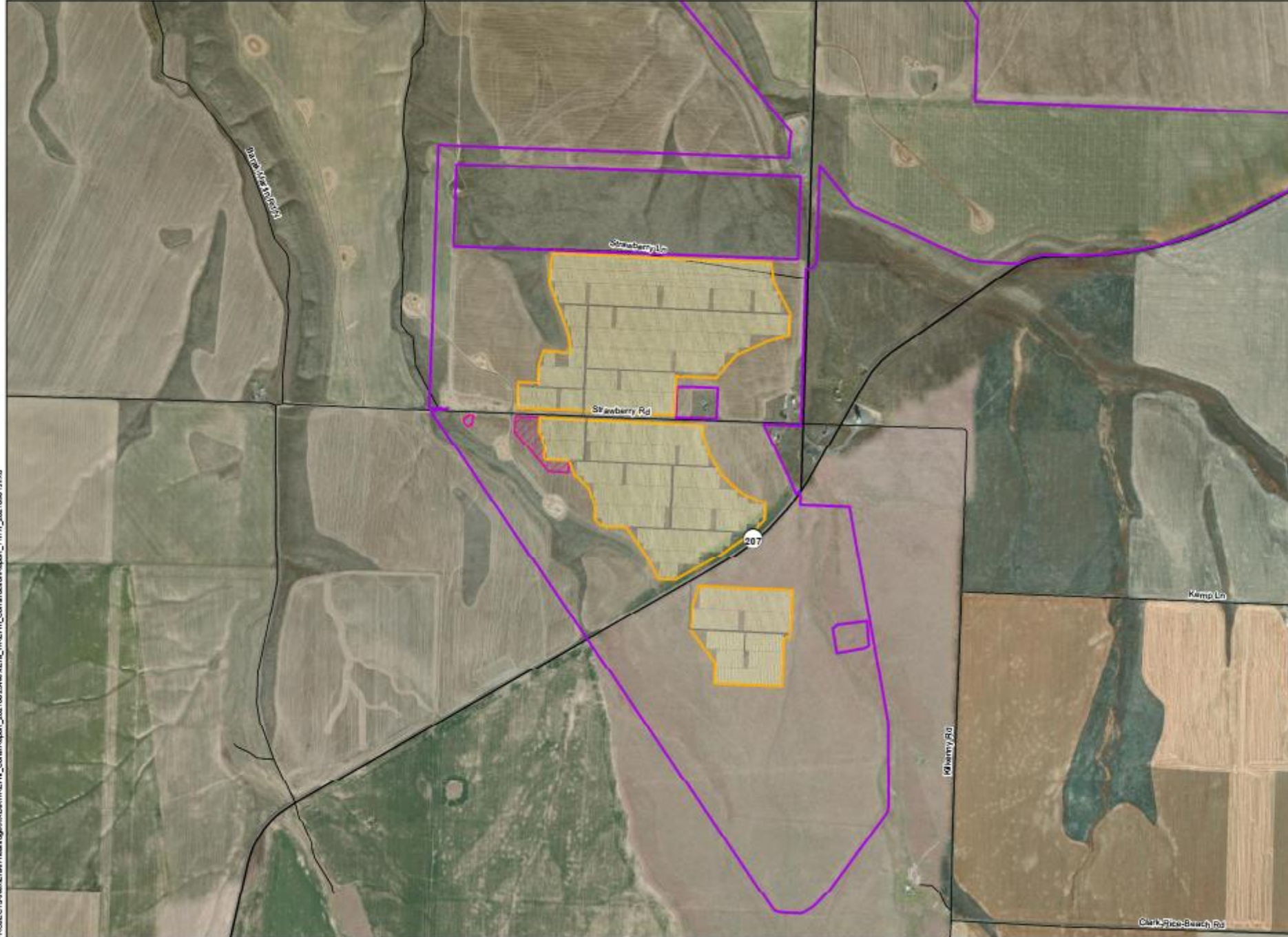
150 MW, 900 acres

Final Design

50 MW, 357 acres



FIGURE PROJECT 19 Wheatridge Renewable Energy Facility III Construction Report_11173_20210601.rvt



Wheatridge Renewable Energy Facility III

Project Overview

MORROW COUNTY, OR

- Site Boundary
- Solar Panels
- Access Roads
- Fenceline
- Temporary Laydown Yard
- Road

Reference Map

1:18,000 WGS 1984 UTM Zone 11N

0 0.25 0.5 1 1.5 2 Miles

Not for Construction

Construction Schedule - Status

| Milestone | Date |
|---|------------|
| Construction Commencement | 4/19/2021 |
| Anticipated Construction Completion | 12/2021 |
| Site Certificate Construction Commencement Deadline | 11/22/2022 |
| Site Certificate Construction Completion Deadline | 11/22/2025 |



BREAK

Agenda Item F (Action Item)

Trojan ISFSI Rulemaking

October 22, 2021

Christopher M. Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Overview

- Background
- Recommendations for Rulemaking
- Projected Timeline
- Council Deliberation

Trojan Nuclear Power Plant

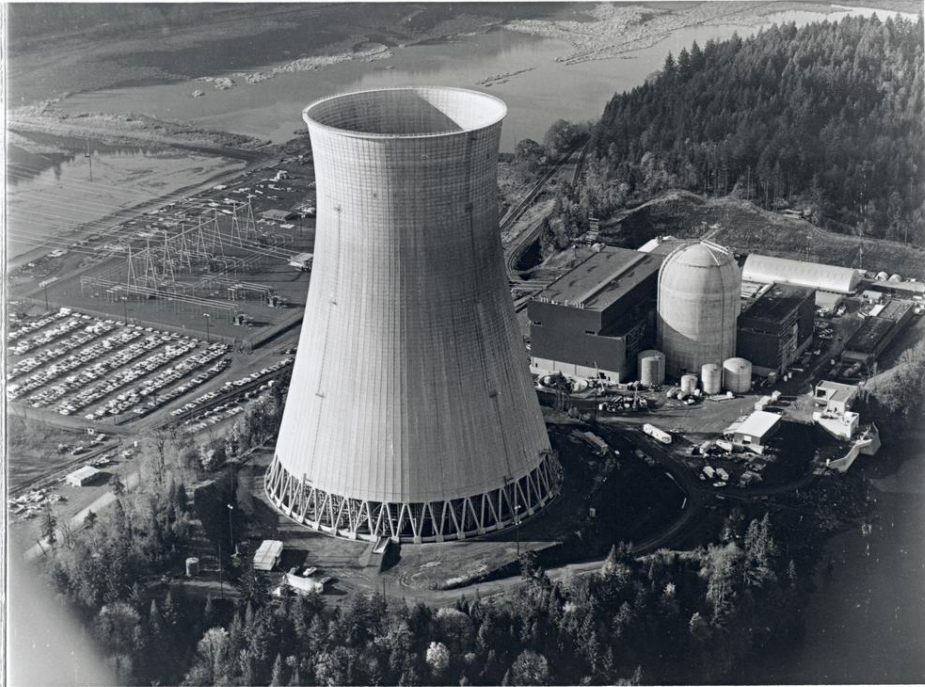


Photo: Oregon Historical Society

- Trojan was an 1,130-MW Nuclear Power Plant located in Columbia County, Oregon that operated from 1976 to 1993.
- The site certificate for Trojan was executed by Governor Tom McCall in 1971. PGE is the certificate holder.
- As part of the power plant decommissioning, all spent nuclear fuel from the plant was transferred to an Independent Spent Fuel Storage Installation (ISFSI)

ISFSI Location & Layout



Trojan ISFSI

- The ISFSI is intended to provide temporary storage of spent nuclear fuel until it is removed for permanent storage by the federal government.
- The ISFSI consists of:
 - Concrete Pad
 - 34 Concrete Casks containing loaded Multipurpose Containers (MPCs)
 - Transfer Station & Transfer Cask
 - Security Equipment
 - Ancillary Facilities



Federal License Renewal Process

1999: US Nuclear Regulatory Commission issues PGE a 20-year license to construct and operate the ISFSI in 1999.

2017: PGE submits License Renewal Application requesting to extend the license for another 40-years.

2019: NRC issues renewed license:

- No major alterations or repairs proposed as part of renewal
- The revised Safety Analysis Report (SAR) establishes new Aging Management Programs
- Renewed license expires on March 31, 2059

2022: Implementation of Aging Management Programs begins.

Aging Management Programs

- The revised SAR specifies Aging Management Programs for the MPCs, concrete casks, transfer cask, and transfer station.
- The Aging Management Programs will replace the Structural Inspection Program referred to under OAR 345-026-0390(5).
- The scope and timing of inspections will be similar, but there will be some changes to procedures, acceptance criteria, and potential corrective actions.

Staff Evaluation of Renewed License

- Staff found that the license renewal process did not result in reductions to commitments or programs described in staff's previous evaluations of the ISFSI.
- There were no changes to the underlying design or assumptions that would affect the certificate holder's compliance with Council rules.
- Aging Management Programs proposed by the certificate holder provide reasonable assurances that the ISFSI can continue to operate safely over the period of extended operation.

Recommendations for Rulemaking

- The site certificate does not contain conditions, instead it requires the certificate holder to abide by OAR 345-026-0300 to 345-026-0390. Rulemaking is needed to ensure these rules are consistent with renewed NRC license and current federal safety requirements and guidelines.
- The rulemaking is not expected to result in any significant fiscal or economic impacts to the certificate holder.
- Staff recommends Council:
 - Schedule a rulemaking hearing for the evening of November 18, 2021.
 - Schedule a public comment period, to end on December 10, 2021.

Recommendations for Rulemaking

- Clarifying the applicability of OAR 345-026-0300 to 345-026-0390 to the Trojan ISFSI and consolidating rules where possible.
- Removing references to the 2002 Staff Evaluation and previous versions of the ISFSI Safety Analysis Report.
- Updating or replacing references to federal regulations where appropriate.
- Aligning criteria for when Council's approval and review is required with federal regulations.
- Replacing requirements for the Structural Inspection Program with the new Aging Management Programs.
- Clarifying terms in OAR 345-070.

Rulemaking Process



Projected Timeline

Projected Rulemaking Timeline

| | |
|---|--------------------------------------|
| Council Initiates Rulemaking | February 26, 2021 |
| Development of Proposed Rules | February – September 2021 |
| Council Considers Draft Proposed Rules and Issues Notice of Proposed Rulemaking | October 22, 2021 |
| Public Comment Period on Proposed Rules | October 22, 2021 – December 10, 2021 |
| Rulemaking Hearing | November 18, 2021 |
| Council Consideration of Permanent Rules | December 17, 2021 |
| Permanent Rules Filed and Effective | December 22, 2021 |

Council Deliberation

Approve **(staff recommendation)**

Initiate Formal
Rulemaking and
Authorize NOPR,
as Presented

Modify

Initiate Formal
Rulemaking and
Authorize NOPR,
with modifications

Reject

Reject Recommendation
to Initiate Formal
Rulemaking

Agenda Item G (Action Item)

Wildfire Prevention and Response Rulemaking

October 22, 2021

Christopher M. Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Katie (Clifford) Ratcliffe, Senior Siting Analyst

Overview

- Background
- Need and Authority for Rulemaking
- Objectives and Scope
- Potential Impacts on Stakeholders
- Recommended Method for Obtaining Public Input
- Projected Timeline
- Council Deliberation

Background

- Consistent with EO 20-04, PUC opened a rulemaking docket related to wildfire risk mitigation and planning in August 2020.
- SB 762, passed during the 2021 Legislative session, establishes several new programs, requirements, and standards for wildfire protection plans for electric utilities, statewide risk analysis, and wildfire smoke mitigation.
- In July 2021, the PUC announced a docket strategy change to reflect the timing requirements of SB 762

PUC Rulemaking Strategy

Temporary Rules

Sets requirements for 2021
fire season

Phase I: AR 648

Adopts basic wildfire planning
requirements & processes

Phase II: AR 638

Provides additional detail and
requirements for wildfire
mitigation & planning

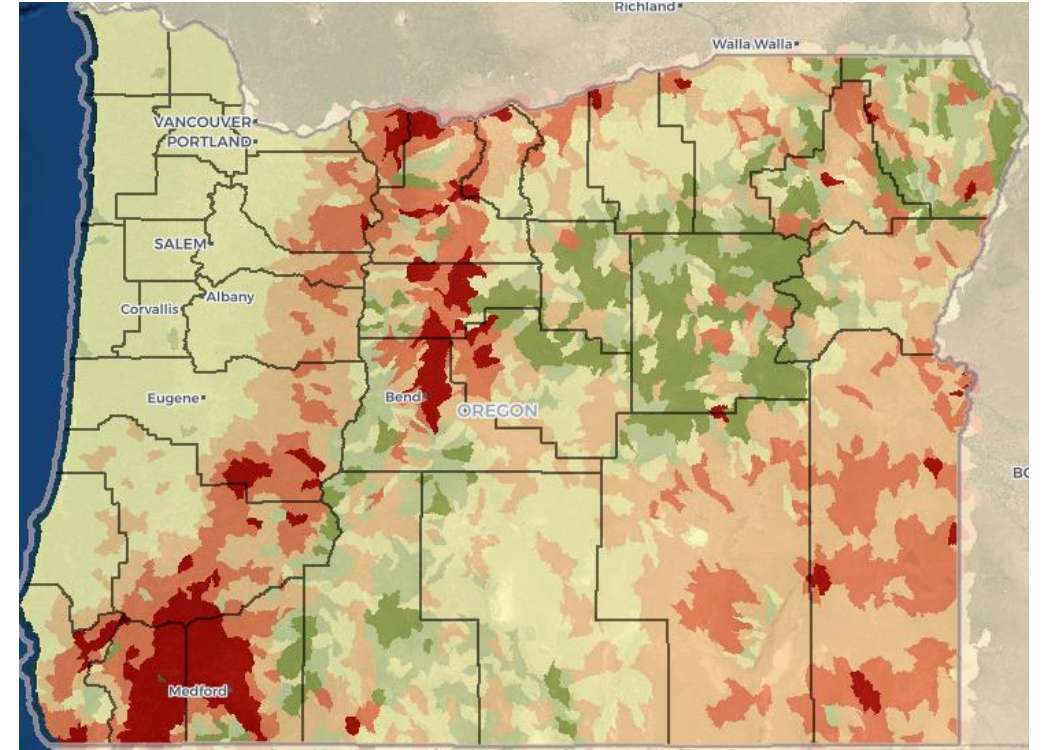
PUC Phase 1 Rules

- General Requirements
- Vegetation Management and Systems Operations
- Public Safety Power Shutoffs & Community Engagement
- Administrative Costs

General Planning Requirements

OAR 860-300-0002(1)(a) – (c)

- Identification of areas that are subject to a heightened risk of wildfire
- Identification of means of mitigating wildfire risk that reflects a reasonable balancing of mitigation costs with the resulting reduction of wildfire risk.
- Identification of preventative actions and programs that the utility will carry out to minimize the risk of utility facilities causing wildfire.



Watershed level wildfire risk summaries

Oregon Wildfire Risk Explorer: <https://oregonexplorer.info>

Vegetation Management and Systems Operations

OAR 860-300-0002(1)(f) – (g)

- Description of procedures, standards and time frames that the utility will use to inspect utility infrastructure in areas identified as heightened risk of wildfire.
- Description of the procedures, standards and time frames that the utility will use to carry out vegetation management in in areas the utility identified as heightened risk of wildfire.

Public Safety Power Shutoffs & Community Engagement

OAR 860-300-0002(1)(d) – (e)

- Discussion of outreach efforts to regional, state, and local entities, including municipalities regarding a protocol for the de-energization of power lines and adjusting power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.
- Identified protocol for the de-energization of power lines and adjusting of power system operations to mitigate wildfires, promote the safety of the public and first responders and preserve health and communication infrastructure.

Need and Authority for Council Rulemaking

“The Energy Facility Siting Council shall adopt standards for the siting, construction, operation and retirement of facilities. The standards may address but need not be limited to the following subjects:

* * * * *

(g) Protection of public health and safety, including necessary safety devices and procedures.”



2020-21 Wildfire Perimeters

Oregon Wildfire Risk Explorer: <https://oregonexplorer.info>

Objectives and Scope

- Recommended Scope:
 - Establishing standards and requirements for wildfire prevention and response.
- Recommended Objectives:
 - Minimize the risk of a facility subject to the Council's jurisdiction causing a wildfire
 - Ensure that sufficient programs and procedures are in place to ensure the protection of public health and safety in the event that a wildfire does occur at an energy facility site, regardless of the source of ignition.
 - Maintain consistency with the wildfire mitigation rules adopted by the PUC to the extent possible.

Outstanding Policy Questions

- Should Council rules only apply to electric power generation facilities and transmission lines, or should it also apply to other types of facilities?
- What elements of the proposed PUC rules should be included in a Council rule or standard? Which should not?
- What are appropriate application and information requirements for identifying and mapping fire risk at energy facility sites?
- Are there specific safety devices or procedures that should be required to protect public health and safety from wildfires caused by or impacting energy facilities?
- Should a Council rule prescribe specific standards or requirements for visual inspections and vegetation management for a generating facility's associated transmission lines?
- Should facilities that are subject to a PUC or consumer-owned utility approved wildfire protection plan be exempt from any or all Council wildfire rules?

Potential Impacts & Stakeholder Engagement

- Imposing new standards and requirements for wildfire prevention and response could result in some increased costs of compliance for energy facility site certificate applicants and certificate holders.
- The extent of potential costs and benefits will depend on the specific policies and requirements included in proposed rules.
- Staff requests authorization to conduct one or more public workshops, open to all interested stakeholders, to obtain advice and input on policy alternatives, potential fiscal and economic impacts, and draft rule language.

Projected Timeline

| Projected Rulemaking Timeline | |
|---|-------------------------|
| Council Initiates Rulemaking | October 22, 2021 |
| Public Workshop/Development of Proposed Rules | October – December 2021 |
| Council Considers Draft Proposed Rules and Issues Notice of Proposed Rulemaking | January 2022 |
| Public Comment Period on Proposed Rules | January – March 2022 |
| Council Consideration of Permanent Rules | April 2022 |

Deliberation

Approve
(staff recommendation)

Initiate Rulemaking, as
Recommended

Modify

Initiate Rulemaking,
with Modifications

Reject

Reject Recommendation
to Initiate Rulemaking

Agenda Item H (Action Item)

Request for Council Appointment of Consultant For Technical Assistance

October 22, 2021

Sarah Esterson, ODOE Senior Policy Advisor

Overview

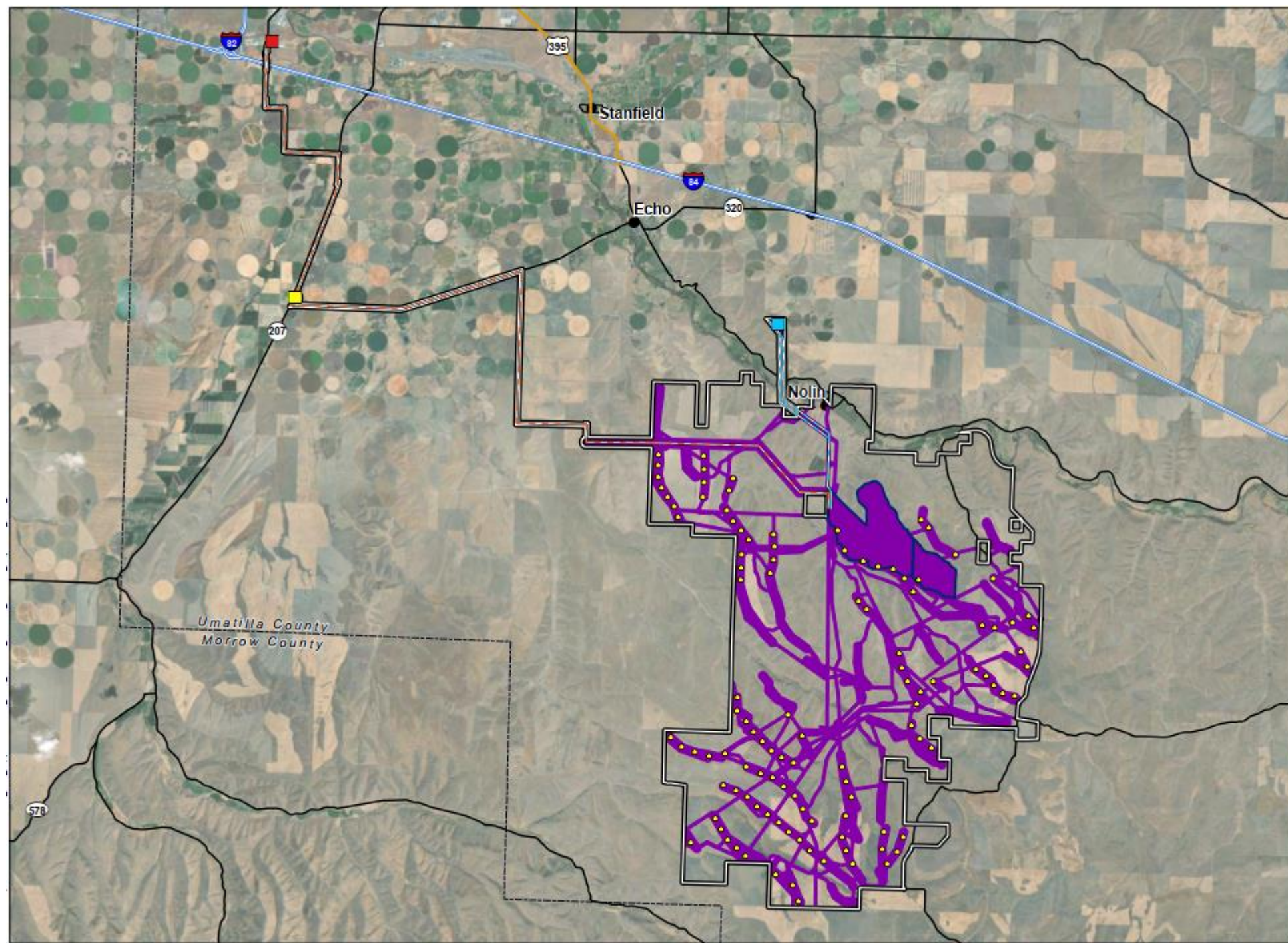
- Consultant support requested for:
 - ❖ Short-term tasks on Nolin Hills Wind Power Project
 - ❖ Draft Proposed Order drafting (Oct – Feb)

Council Authority

469.470(6): Perform such other and further acts as may be necessary, proper or desirable to carry out effectively the duties, powers and responsibilities of the Council...

Nolin Hills Wind Power Project

| | |
|-----------------------|---|
| Proposal: | 600 MW wind and solar PV energy generation facility |
| Site Boundary: | 48,196 acres with 1,896 acres (2.9 sq. miles) of solar PV |
| Location: | Northwest Umatilla County, near Echo |
| Applicant: | Nolin Hills Wind, LLC (Capital Power Corporation) |
| Status: | Reviewing preliminary ASC for completeness |



Council Deliberation

Adjourn

