

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

ODOE Office
550 Capitol St NE
Salem, Or

January 17, 2025



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and no 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

- December Council Meeting Minutes
- Council Secretary Report

January 17, 2025

Agenda Item B (Public Hearing)

Application Process Rulemaking Phase 2 **Tom Jackman Rulemaking Coordinator**

January 17, 2025

Application Process Phase 2 Rulemaking Public Hearing

Agenda Overview

- Review of projected timeline for rulemaking
- Background and overview of proposed rule language
- Opportunity for public to make comments
 - In-person testimony (Please fill out a comment card)
 - Testimony via WebEx
 - Testimony via phone

Note: There will not be any Q&A offered at this hearing, however any questions related to this rulemaking can be directed to Tom Jackman at tom.jackman@energy.oregon.gov.

Application Process Phase 2 Rulemaking Public Hearing

Timeline

Event	Date
Rulemaking initiated by Council	April 19, 2024
Notice of Proposed Rulemaking filed with Sec of State	Dec 18, 2024
Public hearing	Jan 17, 2025
Public comment ends	Feb 5, 2025
Presentation of proposed rule language to Council for final consideration	March 21, 2025 (est)

Application Process Phase 2 Rulemaking Public Hearing: Background

- Not all exhibits are connected to a Council standard
 - Rulemaking addresses this by identifying what information is relevant for the various standards
- It can be confusing where information related to a standard is spread across parts of exhibits as well as found in multiple exhibits
 - We should make it clear what information is for which standard
 - We address this in part by combining exhibits into one exhibit where possible
 - This will be more fully addressed when we review standards in Phase 3
- Rules can better explain where the same information is required for multiple standards (e.g., where same information is related to scenic and recreational areas)
 - Did part of this with duplicating (verbatim to make it clear the information is shared) the materials analysis
 - Will more fully address this in Phase 3

Application Process Phase 2 Rulemaking Public Hearing: Background

Current Rule Format

- Organizational Expertise
 - Exhibits A, D, E
- Structural Standard
 - Exhibit H
- Soil Protection
 - Exhibits G & I
- Land Use
 - Exhibit K
- Protected Areas
 - Exhibit L
- Retirement and Fin.
 - Exhibit M
- Fish & Wildlife
 - Exhibit P
- T&E Species
 - Exhibit Q
- Scenic Resources
 - Exhibit R
- Historic, Cultural, Arch
 - Exhibit S
- Recreation
 - Exhibit T
- Public Services
 - Exhibit U
- Wildlife Prevention
 - Exhibit V
- Waste Management
 - Exhibit W

Application Process Phase 2 Rulemaking Public Hearing: Background

Proposed Rule Format

- Organizational Expertise
 - Organizational Expertise Exhibit
- Structural Standard
 - Structural Standard Exhibit
- Soil Protection
 - Soil Protection Exhibit
- Land Use
 - Land Use Exhibit
- Protected Areas
 - Protected Areas Exhibit
- Retirement and Fin.
 - Retirement Exhibit
- Fish & Wildlife
 - Fish & Wildlife Exhibit
- T&E Species
 - T&E Species Exhibit
- Scenic Resources
 - Scenic Resources Exhibit
- Historic, Cultural, Arch
 - Historic, Cultural, Arch Exhibit
- Recreational Areas
 - Recreational Areas Exhibit
- Public Services
 - Public Services Exhibit
- Wildlife Prevention
 - Wildlife Prevention Exhibit
- Waste Management
 - Waste Management Exhibit

How to Indicate Your Interest in Commenting:

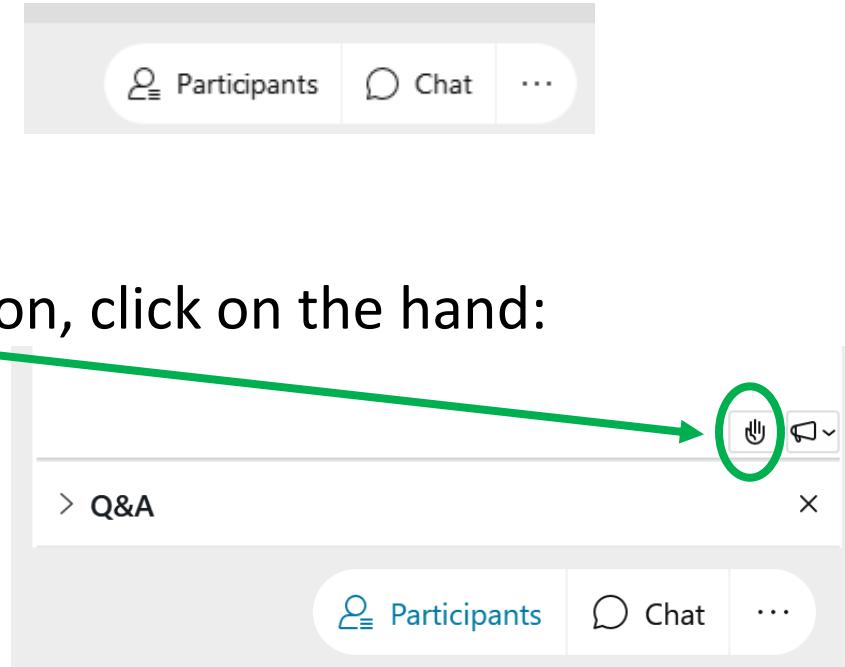
Webinar Participants

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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

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Press *3 again on your telephone keypad to lower your hand.

Application Process Phase 2 Rulemaking Public Hearing

Testimony

Prior to testifying, state the following:

- Full name with spelling
- Name of organization or group if you are representing one
- Provide any written comments or supplemental materials to a staff member

Application Process Phase 2 Rulemaking Public Hearing

Written Comments

May be submitted until 5:00 pm on February 5, 2025. Written comments may be submitted:

- Via online siting comment portal:
<https://odoe.powerappsportals.us/en-US/SitingPublicComment/>
- Via email: efsc.rulemaking@oregon.gov
- Hand delivery to one of the staff members or by mail to:
 - Oregon Department of Energy
 - 550 Capitol St. NE
 - Salem, OR, 97301

How to Indicate Your Interest in Commenting:

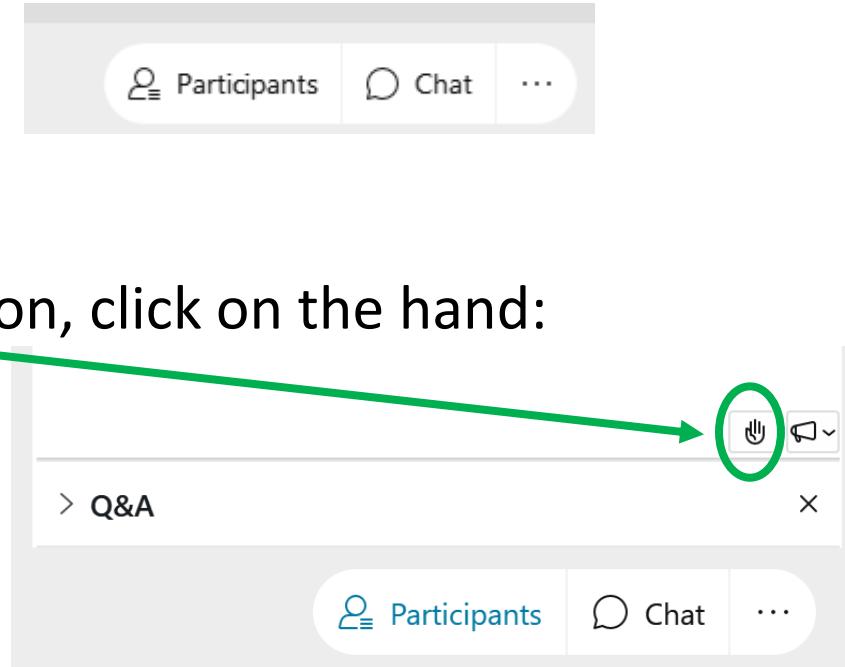
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Agenda Item C (Action Item)

Mist Underground Natural Gas Storage Facility Request for Amendment 13

**Council Review of Proposed Order, Requests for Contested Case;
Potential Decision on Final Order**

Sarah Esterson, Senior Policy Advisor

January 17, 2025

Agenda Item Overview

- Facility Overview and Site Certificate History
- Request for Amendment 13 (RFA13) Proposed Changes
- Comments Received on Record of Draft Proposed Order
- Council Review of Contested Case Requests
- Council Deliberation/Potential Decision

Mist: Approved Facility

Certificate Holder

Northwest Natural Gas Company
(NWN)

Facility Type

Natural Gas

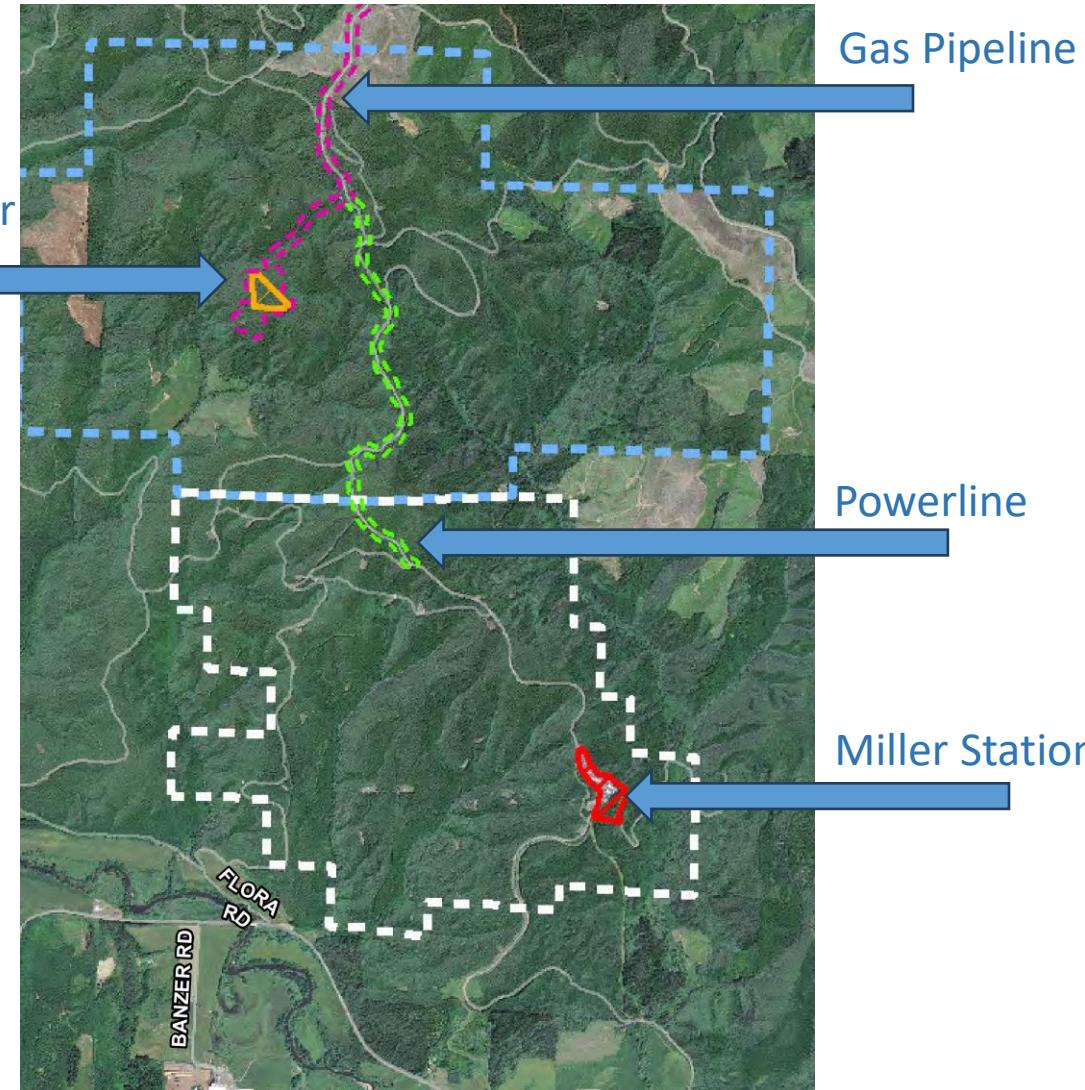
Capacity

635 million standard cubic feet
permitted daily natural gas
throughput

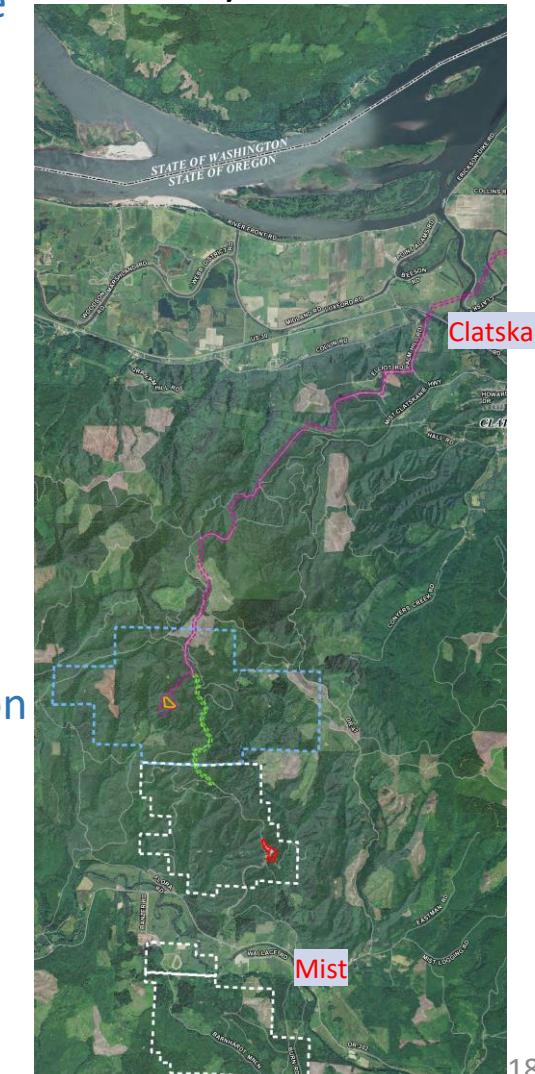
Site Boundary

5,472 acres private land in Columbia
County, near the town of Mist,
Oregon.

North Mist Compressor
Station (NMCS)



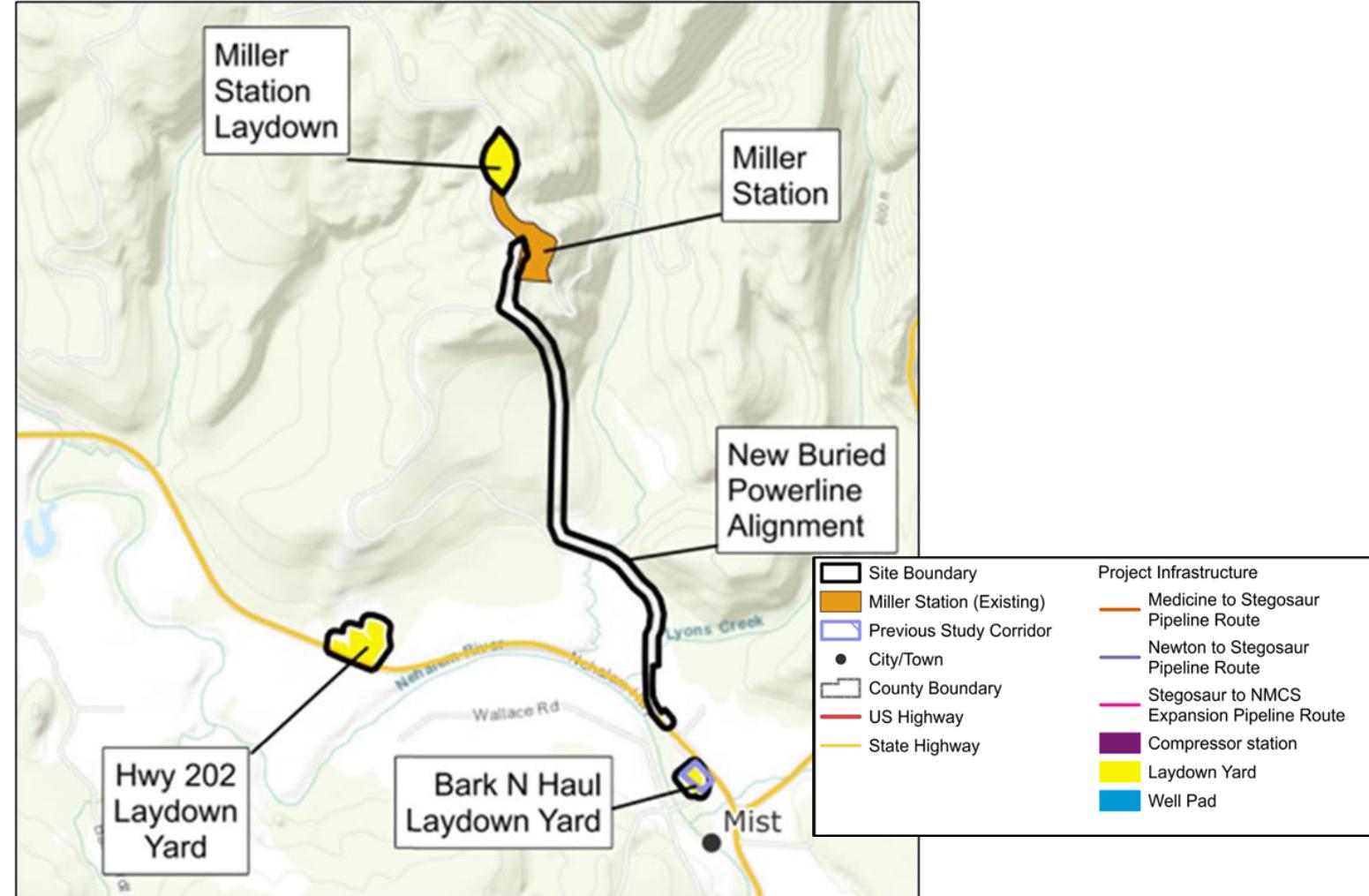
Facility Overview



Mist Facility Request for Amendment 13

RFA13 Proposed Changes to Miller Station

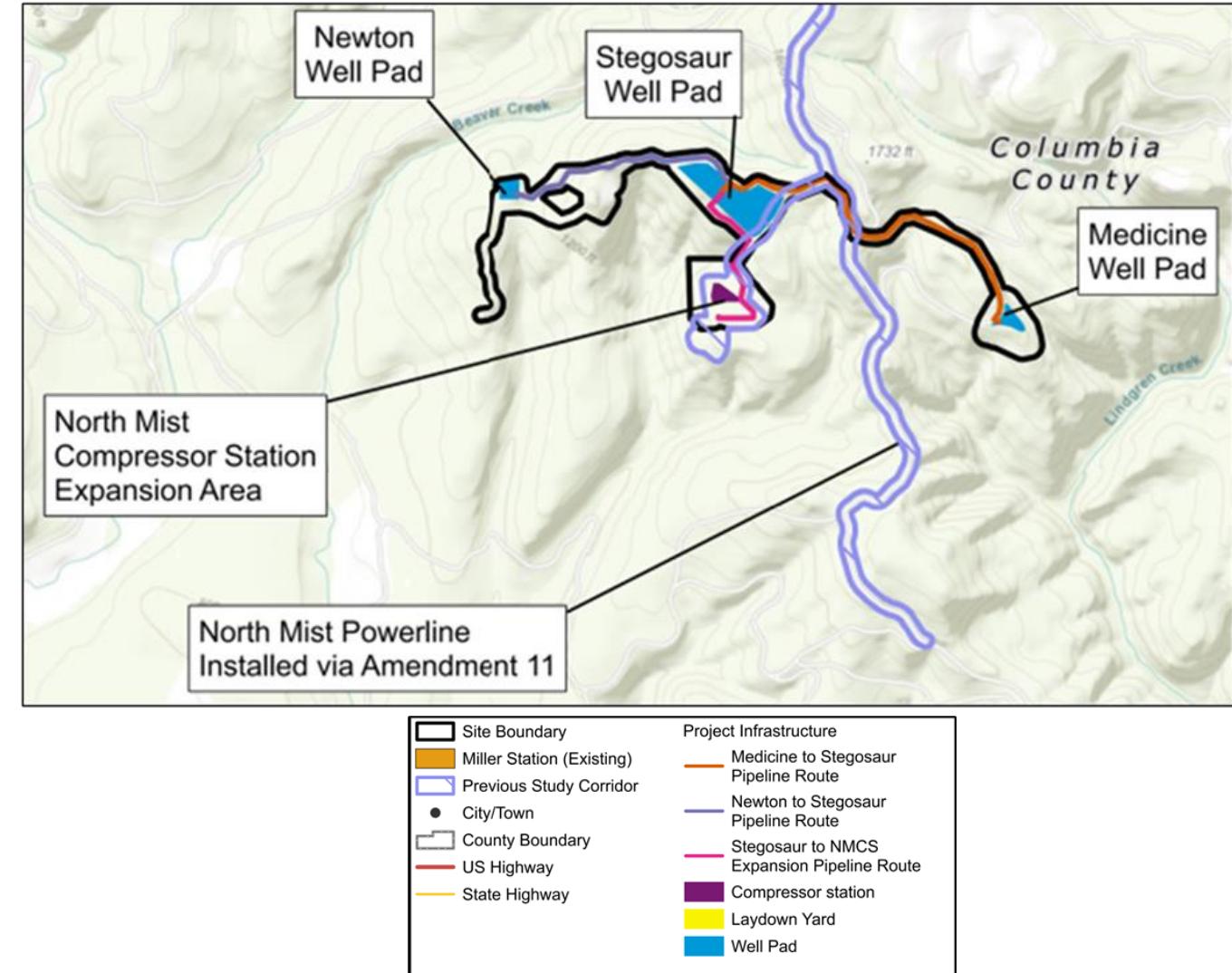
- Replace two existing (end of life) natural-gas fired turbines;
- Replace 1.6 miles of existing (end of life) underground distribution powerline from Highway 202 to Miller Station; and,
- Increase the fenced boundary of Miller Station by adding approximately 7.52 acres adjacent to the existing station to use as a laydown area and permanent storage yard.



Mist Facility Request for Amendment 13

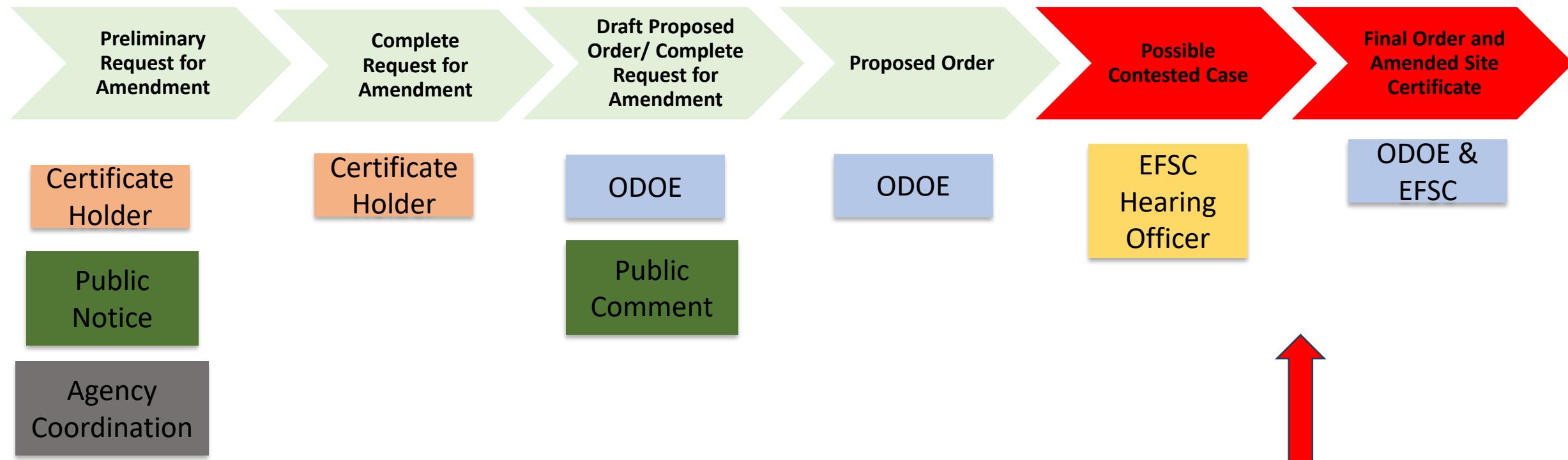
RFA13 Proposed Changes to North Mist Compressor Station (NMCS)

- Install approximately 2.6 miles of underground gas transmission pipelines to connect 3 new storage reservoirs to the NMCS;
- Add three reciprocating gas fired compressors;
- Add two dehydration trains, new air compressor, inlet and outlet coalescing filters, two new back-up power generators, fuel gas heater, skidded fuel gas regulators, and a power transformer;
- Add four new buildings: an O&M control building, a Power Distribution Center, compressor building, dehydration regeneration building, and associated equipment.



Mist Facility Request for Amendment 13

Review Steps



Mist RFA13 - Council Review of Proposed Order

Public Comments and Council Review of DPO

- The Public Comment period on RFA13 and the Draft Proposed Order (DPO) closed on September 19, 2024 at the close of the Public Hearing.
- Two members of the public provided oral comments at the Public Hearing, 10 written comments were received, and members of Council also provided comments at the Public Hearing.
- Certificate holder provided comments at the Public Hearing, and at their request and Council's approval, provided responses to comments on September 27, 2024.
- Council reviewed all comments received and the DPO at October 25, 2024 EFSC meeting.
- Department's summary and evaluation of all comments, and Department responses, are in Proposed Order (Section II.B.,p. 20-29 and Table A-1, p. 21-26, and relevant sections)

Mist RFA13 - Council Review of Proposed Order

Summary of Relevant Council Standards Applicable to Comments on DPO

- **Structural Standard** (OAR 345-022-0020) – American Aquifers Letter – multiple submittals
- **Need Standard for Non-generating Facility** (OAR 345-023-0005) - Green Energy Institute and others
- **Public Services** (OAR-345-022-0110) - Mist-Birkenfeld RFPD Letter
- **Public Health and Safety Standards for Surface Facilities Related to Underground Gas Storage Reservoirs** (OAR 345-024-0030) – Council comment
- **Standard for Nongenerating Energy Facility** (OAR 345-024-0620) – Council comment
- **Means of Compliance for Nongenerating Energy Facilities Standard** (OAR 345-024-0630) – Council adopted new offset rate at October 25, 2024 EFSC meeting.

Mist RFA13 Council Review of Proposed Order

Department Recommends in Proposed Order that Council:

- Find, based on a preponderance of the evidence on the record, and with recommended new, amended and existing site certificate conditions, that the site certificate may be amended as requested.
- Make the above-noted additional findings of fact, as presented in the Proposed Order, for each applicable EFSC Standard.
- Approve the Proposed Order as the Final Order, with new, existing, and amended conditions, and issue the amended site certificate.

Mist RFA13: Contested Case Request Review

Requests for Contested Case Proceeding

The Department received 4 requests for a contested case (6 issues);

1. Cole Souder, Green Energy Institute
2. Daniel Schatz
3. Samuel Semerjian
4. Maria Gibson-Daugherty, American Aquifers

Mist RFA13: Contested Case Request Review

Council Options on Each Contested Case Issue

Council must determine whether the issue was properly raised; if yes, next must determine if the request justifies a contested case – does it raise a significant issue of fact or law reasonably likely to affect Council's determination?

The Council then has the following options:

- **Hold a contested case** – properly raised issue(s) could affect the Council's determination that a standard is met
- **Remand Proposed Order to Department** – properly raised issue(s) could be addressed through new findings and/or conditions
- **Deny** – request does not include properly raised issue(s) or properly raised issue would not affect Council's determination that a standard is met

Mist RFA13: Contested Case Request Review

Green Energy Institute (GEI) Issue 1:

OAR 345-023-0005 (Need Standard) gives Council the authority to apply a need standard to RFA 13 without further rulemaking

Factual/Legal Arguments:

- Phrase “the Council may adopt need standards..” in the rule provides Council authority to adopt and apply a standard during review of a site certificate amendment
 - Interpretation is supported by structure of the rule, where the rule:
 - First, establishes scope of applicability (nongenerating facilities);
 - Second, requires that Council make findings of need for specific nongenerating facilities; and
 - Third, establishes that for “other” nongenerating facilities, they may be required to demonstrate need if a standard is adopted for their specific application
 - ODOE interpretation is inconsistent with statutes; and Supreme Court finding re: B2H (“When a rule expressly authorizes an agency to modify a condition to address a specific case, the modification is not an amendment of the rule”)

Mist RFA13: Contested Case Request Review

GEI Issue 1:

OAR 345-023-0005 (Need Standard) gives Council the authority to apply a need standard outside of rulemaking

Does the issue raise a significant issue of fact or law that justifies a contested case?

No:

- Council's rulemaking record for OAR 345-023-0005(1) affirms the Department's interpretation that:
 - The rule as written was not meant to apply to facilities such as Mist
 - the intent of the phrase "the Council may adopt need standards for other nongenerating facilities" is not intended to mean Council would apply a need standard without additional rulemaking

Council Decision - GEI Issue 1

Option 1

Grant GEI Issue 1

Option 2

Deny GEI Issue 1, but
Remand Proposed
Order to Staff with
Directed Changes

Option 3 - Recommended

Deny GEI Issue 1

Mist RFA13: Contested Case Request Review

GEI Issue 2:

Council should exercise its authority to apply a need standard based on Oregon's energy/climate change goals

Factual/Legal Arguments:

- There is no need for more storage capacity if NWN and Council are consistent with state's energy policies
 - DEQ's Climate Protection Plan caps GHG emissions and applies to NWN
 - PUC upheld its decision to phase out NWN's line extension allowance
 - EO 20-04 directs ODOE to exercise its authority to achieve GHG reductions
 - HB 3630 requires ODOE to develop an energy strategy

Mist RFA13: Contested Case Request Review

GEI Issue 2:

Council should exercise its authority to apply a need standard based on Oregon's energy/climate change goals

Does the request raise a significant issue of fact or law that justifies a contested case? No:

- If Council agrees to deny GEI Issue 1, Issue 2 would also be denied.

Council Decision - GEI Issue 2

Option 1

Grant GEI Issue 2

Option 2

Deny GEI Issue 2, but
Remand Proposed
Order to Staff with
Directed Changes

Option 3 - Recommended

Deny GEI Issue 2

Mist RFA13: Contested Case Request Review

Shatz Issue 3: Groundwater contamination potential due to abandoned wells

Factual/Legal Arguments:

- State is unaware of total number, status and locations of onsite wells (cites to DOGAMI staff email)
- 2019 National Energy Technology Lab Report identified that abandoned wells at depleted storage reservoirs can result to leakage to neighboring formations or atmosphere

Mist RFA13: Contested Case Request Review

Shatz Issue 3: Groundwater contamination potential due to abandoned Wells

Does the issue raise a significant issue of fact or law that justifies a contested case? No:

- Issue is not related to changes proposed in RFA13
- Issue has been evaluated by ODOE and other state agencies (DOGAMI, DEQ, PHMSA), no violations

Council Decision - Issue 3

Option 1

Grant Issue 3

Option 2

Deny Issue 3, but
Remand Proposed
Order to Staff with
Directed Changes

Option 3 - Recommended

Deny Issue 3

Mist RFA13: Contested Case Request Review

Shatz Issue 4 (Issue 2, 3 and 4):

Geologic hazards not properly assessed in Exhibit H; Exhibit H is outdated according to updated USGS maps created in 2020; surficial geology not properly assessed in Exhibit H

Factual/Legal Arguments:

- “Best available science” not used to evaluate geologic hazards and risks
- USGS’ 2020 Portland Map was not utilized in the evaluation of geologic hazards
- Facility site is extremely active; velocity data shows significant rotation occurring beneath the gas field

Mist RFA13: Contested Case Request Review

Shatz Issue 4 (Issue 2, 3 and 4):

Geologic hazards not properly assessed in Exhibit H; Exhibit H is outdated according to updated USGS maps created in 2020; surficial geology not properly assessed in Exhibit H

Does the issue raise a significant issue of fact or law that justifies a contested case? No:

- Standard requires that reasonably available, not best available, science be relied upon
- Standard requires DOGAMI consultation, which occurred (RFA13 Exhibit, Att H-1)
- NWN's consultant used the 2014 USGS National Seismic Hazard Model, which accounts for crustal rotation and displacement
- NWN did not use the USGS Portland Map, but NWN's evaluation covered the Gales Creek fault and relied upon reasonable sources (LiDAR hillshade model)

Council Decision - Issue 4

Option 1

Grant Issue 4

Option 2

Deny Issue 4, but
Remand Proposed
Order to Staff with
Directed Changes

Option 3 - Recommended

Deny Issue 4

Mist RFA13: Contested Case Request Review

American Aquifers Issue 5

The draft proposed order process violated OAR 345-027-0367(7).

Was the issue properly raised? No, issue not raised on the record of the DPO hearing.

Factual/Legal Arguments

- DPO record closed on Oct. 25, 2024; Department's consultant provided new information on the record after this date, which violates OAR 345-027-0367(7).

Following the close of the record of the public hearing on the draft proposed order, the Council must review the draft proposed order, must consider all comments received on the record of the hearing, and may provide comments to the Department regarding the draft proposed order. When the Council meets to review a draft proposed order, the Council may not permit the certificate holder, reviewing agencies, or the public to comment on any issue that may be the basis for a contested case request.

Mist RFA13: Contested Case Request Review

American Aquifers Issue 5

The draft proposed order process violated OAR 345-027-0367(7).

Issue was not properly raised.

Department nevertheless provides a response:

- Department seeks subject matter expertise from its consultant, Haley-Aldrich, to supplement resource constrained reviewing agencies.
- OAR 345-027-0371(1) authorizes the Department to consult with agencies after the close of the DPO record, prior to issuance of a proposed order, as provided below:

The Department must consider any oral comments made at the public hearing, written comments received before the close of the record of the public hearing, agency consultation, and any Council comments.
- The Department's consultation with Haley-Aldrich to support review of the merits of DPO comments, after the record closed, is in compliance with the rule.
- Tech memo was provided to DOGAMI, intended to support their/ODOE review

Council Decision - Issue 5

Option 1

Grant Issue 5

Option 2

Deny Issue 5, but
Remand Proposed
Order to Staff with
Directed Changes

Option 3 - Recommended

Deny Issue 5

Mist RFA13: Contested Case Request Review

Mr. Semerjian/American Aquifer Issue 6

A conflict of interest exists between DOGAMI, the Department and Haley-Aldrich

Factual/Legal Arguments:

- Haley-Aldrich employs Dr. Thomas, who is on the governing board of DOGAMI
- Haley-Aldrich did not evaluate DPO comments related to balancing determination, adequacy of NWN's monitoring program or seismic hazards

Mist RFA13: Contested Case Request Review

Mr. Semerjian/American Aquifer Issue 6

A conflict of interest exists between DOGAMI, the Department and Haley-Aldrich

Does the request raise a significant issue of fact or law that justifies a contested case? No:

- Haley-Aldrich is a third-party consultant under an established master contract to provide technical services for the Department in evaluation of information submitted.
- Specific assertions of conflict of interest re: Haley-Aldrich were not made in public comments on DPO
- Dr. Thomas was not involved in the review of DPO comments.

Council Decision - Issue 6

Option 1

Grant Issue 6

Option 2

Deny Issue 6, but
Remand Proposed
Order to Staff with
Directed Changes

Option 3 - Recommended

Deny Issue 6

Mist RFA13: Contested Case Request Review

If a Contested Case Request is Granted by Council

If Council approves any requests for contested case, the Council will hold the Contested Case Hearing at a future Council meeting to be determined.

Mist RFA13 – Council Decision on Proposed Order

Possible Council Decision on Final Order

If Council does not approve any requests for contested case, Council may make a decision on the Final Order:

- a. Approve (Department Recommendation). Adopt the Proposed Order as the Final Order, and issue an amended site certificate, subject to the recommended findings, conclusions, and conditions of approval in the Proposed Order.
- b. Approve with Changes – The Council may make changes from the Proposed Order to the Final Order.
- c. Deny – The Council may also deny RFA13 with modified findings.

Council Options

Option 1 - Recommended

Approve Proposed
Order as Final Order

Option 2

Approve Proposed
Order as Final Order,
with changes

Option 3

Reject Proposed Order

Council Deliberation



BREAK

Agenda Item D (Information Item)

PUBLIC COMMENT

Time Limit – 7 Minutes per commentor

How to Raise Your Hand in Webex:

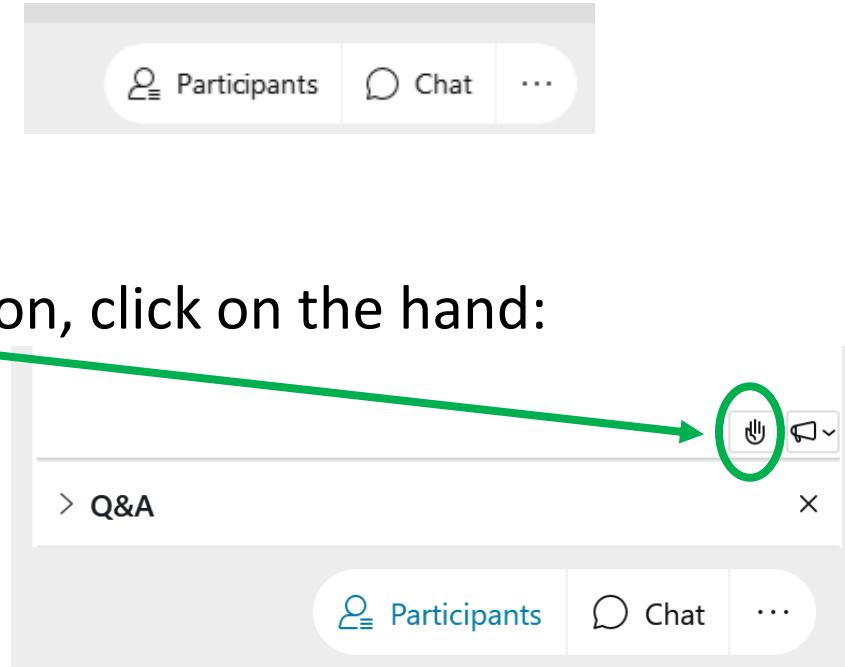
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Agenda Item E (Action Item)

2025 Rulemaking schedule Agenda Item

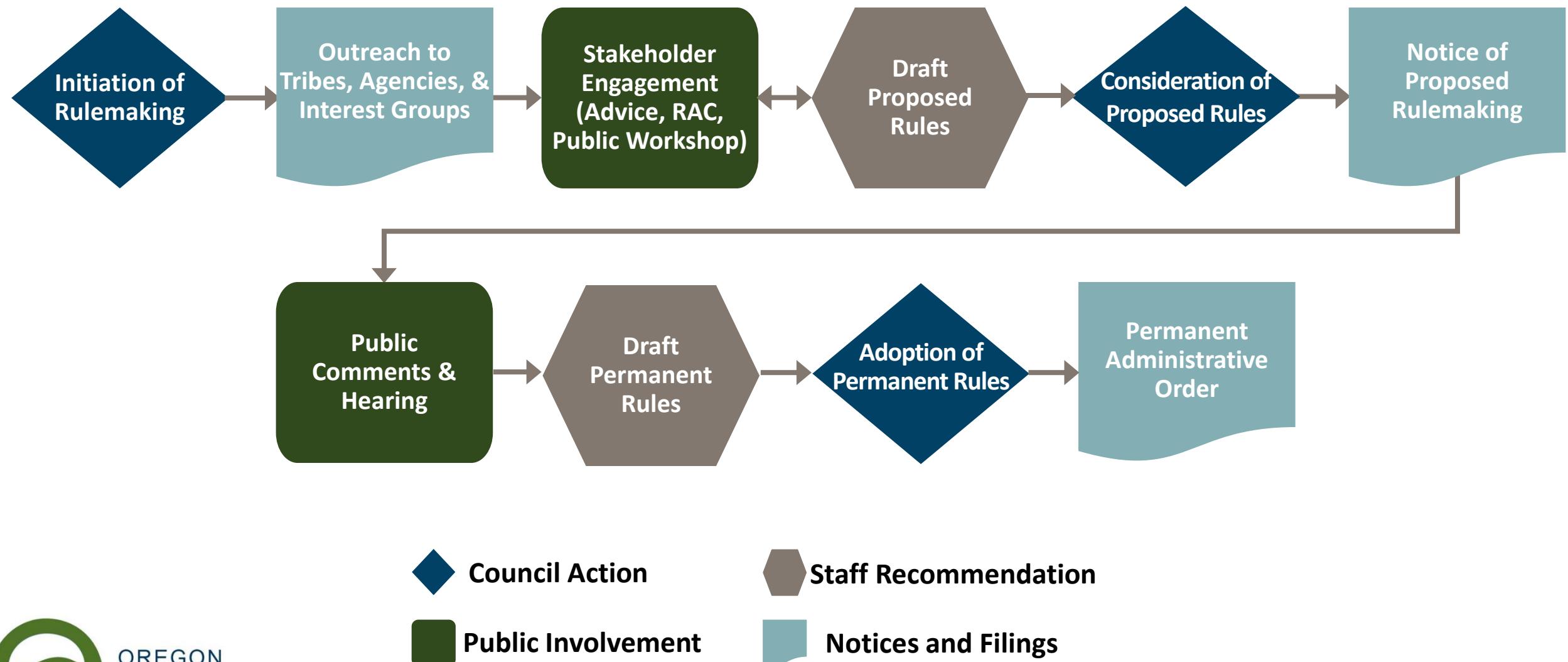
Tom Jackman, Rulemaking Coordinator

January 17, 2025

Agenda Item Overview

- Overview of the Rulemaking Process
- Review of 2024 Rulemaking Activity
- Proposed 2025-2027 Rulemaking Schedule
- Public Comment
- Council Deliberation

Overview of Rulemaking Process



2024 Rulemaking Activity

ID	Title	Status/Next Steps
R223	Standby Generators	Rules Adopted
R214	Contested Case Rulemaking	Rules Adopted
R202	Research Reactors	Rules Adopted
R243	2024 Carbon Offset Rate	Rules Adopted
R193	DEQ Solar Noise Rulemaking	Rules Adopted (by DEQ)
R243	Amendment Rulemaking	Draft Rules Created
R194	Communication w/Tribal Gov	Draft Rules Presented to Tribes
R212	Application Process - Phase 2	Completion of Public Comment Period
R222	Radioactive Material Transport Fee	Form RAC

Proposed New Projects for 2025

ID	Subject Matter	Consultation	Estimated Timeline
R251	Modernization Rulemaking		February 2025 – August 2025
R185	Exemptions	RAC	March 2025 – November 2025
R182	General Compliance	RAC	May 2025 – December 2025
R252	Application Process Review – Phase 3 (No 1)	RAC	July 2025 – July 2026
R253	Application Process Review – Phase 3 (No 2)	RAC	October 2025 – October 2026

Modernization Rulemaking

Consider options to modernize the Council and Department's application process, including:

- An examination of hard copy submission requirements;
- A review of notice requirements—**including for DoD**—; and
- The possibility of requiring applicants and certificate holders to submit GIS data for energy facilities.

Exemptions Rulemaking

Certain energy facilities are exempt from the requirement to obtain a site certificate under ORS 469.320. Depending on the type of facility, the person who wishes to claim an exemption may be required to submit an exemption request subject to Council's review and approval. This rulemaking would evaluate several outstanding policy questions related to exemptions, including:

- Whether the Council may impose conditions on an exemption;
- Ongoing monitoring and reporting requirements for exempt facilities; and
- The process for loss of an exemption.

Compliance Rulemaking

This project would consist of a review of the rules for construction and operation of energy facilities under OAR 345-026-0005 to 345-026-0170.

The rulemaking would focus on improving the clarity and consistency of requirements and providing additional specificity for monitoring and reporting requirements and timeframes.

Application Process Review – Phase 3

PHASE 3 Rulemakings for Council Standards	
<u>Standards Grouped by Proposed Rulemaking</u>	<u>OAR</u>
Financial Assurance + Organizational Expertise	345-022-0010 + 345-022-0050
Structural Standard + Soil Protection	345-022-0020 + 345-022-0022
Protected Areas + Scenic Resources + Recreation	345-022-0040 + 345-022-0080 + 345-022-0100
Fish and Wildlife Habitat + Threatened and Endangered Species	345-022-0060 + 345-022-0070
Waste Minimization + Public Services + Land Use	345-022-0120 + 345-022-0110 + 345-022-0030
Historic, Cultural and Archaeological Resources	345-022-0090

Proposed Schedule for 2025

2025 RULEMAKING	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25
R212 - Application Process Review - Phase 2	NOPR	PC	PC	CD-AO	RM				
R194 - Communication with Tribal Governments	DPR	DPR	DPR	NOPR	PC	PC	CD-AO	RM	
R243 - 2024 Site Certificate Amendment	DPR	DPR	DPR	DPR	DPR	DPR	NOPR	PC	PC
R222 - Rad. Material Transport Fees	DPR								
R251 - Modernization	PW	PW	CI	DPR	DPR	NOPR	PC	PC	CD-AO
R185 - Exemptions	PW	PW	PW	CI	DPR	DPR	DPR	DPR	NOPR
R182 - General Compliance				PW	PW	CI	DPR	DPR	DPR
R252 - Phase 3 (No 1 of 6)					PW	PW	CI		DPR
R253 - Phase 3 (No 2 of 6)							PW		

KEY	
PW	Preliminary Work - Internal drafting / research / RAC interest surveys
CI	Council Initiation - At a Council meeting the Council votes to initiate the rulemaking
DPR	Draft Proposed Rules - Department drafts rules, possibly w/ RAC
NOPR	Proposed Rules - Review by Council and Filed with SOS
PC	Public Comment Period
CD	Council Decision
AO	Administrative Order - Filing with Secretary of State after Council final decision
RM	Record Management - New iteration of rules, cleaning up and finalizing files
	Council Meeting

Proposed Projects for 2026

ID	Subject Matter	Consultation	Estimated Timeline
R205	Mandatory Conditions in Site Certificates	RAC	January 2026 – October 2026
R216	Natural Hazards Mitigation	RAC	March 2026 – December 2026
R261	Application Process Review – Phase 3 (No 3)	RAC	May 2026 – May 2027
R262	Application Process Review – Phase 3 (No 4)	RAC	August 2026 – August 2027

Proposed Projects for 2027+

Project ID	Subject Matter	Consultation	Estimated Timeline
R271	Application Process Review – Phase 3 (No 5)	RAC	January 2027 – January 2028
R272	Application Process Review – Phase 3 (No 6)	RAC	April 2027 – April 2028

Upcoming 5-Year Reviews

Project ID	Project Name	Due Date
R204	Amendment of Site Certificates	Complete by 1/28/2025
R183	Solar Photovoltaic Power Generation Facilities	Complete by 6/20/2025
R207	Safe Public Meetings and Hearings	Complete by 10/23/2025
R195	Radioactive Materials Enforcement	Complete by 2/26/2026

5 Year Review: 2020 Amendment of Site Certificates Rulemaking

- Whether the rule has had the intended effect;
- Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- Whether subsequent changes in the law require that the rule be repealed or amended;
- Whether there is continued need for the rule; and
- What impacts the rule has on small businesses.

Public Comments on Rulemaking Schedule

PUBLIC COMMENT

How to Raise Your Hand in Webex:

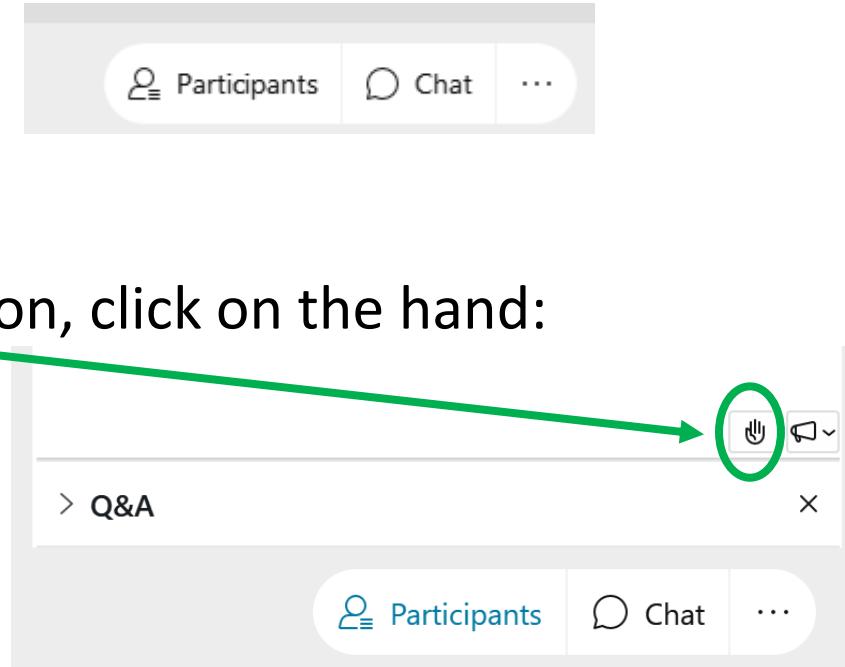
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Council Options – Rulemaking Schedule

Option 1 - Recommended

Approve the proposed rulemaking schedule as presented with Phase 3 Prioritization

Option 2

Approve the proposed rulemaking schedule with Phase 3 Prioritization and changes

Council Deliberation

Council Options – 2020 Amendment Rulemaking 5 Year Review

Option 1 - Recommended

Approve the 5 Year
Review of Amendment
Rulemaking as
presented

Option 2

Approve the 5 Year
Review of Amendment
Rulemaking with
changes

Option 3

Reject the 5 Year
Review of Amendment
Rulemaking

Council Deliberation

WORKING LUNCH BREAK

Agenda Item F (Information Item)

Fish and Wildlife Habitat Standard Review - Sarah Esterson, Senior Policy Advisor and Jeremy Thompson, ODFW Energy Coordinator

January 17, 2025

Fish and Wildlife Habitat Standard

OAR 345-022-0060

- Regulatory/Process Background
 - Requirements
 - Agency Coordination and Review
- ODFW Updates
 - Solar Guidelines
 - Sage Grouse Mapping
 - Priority Wildlife Corridor Areas



Fish and Wildlife Habitat Standard – Reg Background

OAR 345-022-0060

The Energy Facility Siting Council adopted the Fish and Wildlife Habitat standard, at OAR 345-022-0060, which requires the following:

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:

- (1) *The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and*

- (2) *For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.*

Fish and Wildlife Habitat Standard – Reg Background

OAR 345-022-0060

These are the words of the standard, but what does it mean?

Design, construction and operation of the facility, **taking into account mitigation**, are **consistent with**:

- The general fish and wildlife **habitat mitigation goals and standards** of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and
- For energy facilities that impact sage-grouse habitat, the sage-grouse specific **habitat mitigation requirements** of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.

Fish and Wildlife Habitat Standard – Reg Background

OAR 345-022-0060

These are the words of the standard, but what does it mean?

Phase	Wildlife/Habitat Impact Avoidance	Wildlife/Habitat Impact Mitigation
Design	Setbacks/no build areas	--
	Restricted work timeframes during sensitive season	
Construction	Working training	--
	Confirmation surveys to ensure avoidance of known species locations	
Operation	Short- and long-term wildlife monitoring/impact assessment with mitigation trigger	Long-term conservation/protection and enhancement of offsite mitigation area

Fish and Wildlife Habitat Mitigation Goals

Evaluation

Facility Site > Evaluated to determine Habitat Categorization > impacted habitat must be mitigated in accordance with category goal

Habitat Category	Definition	Goal for Mitigation	Mitigation Strategy
1	Essential, limited, and irreplaceable habitat	No loss of habitat quantity or quality	Avoidance
2	Essential and limited habitat	No net loss of habitat quantity or quality and to provide a net benefit of habitat quantity or quality	In-kind, in-proximity mitigation
3	Essential habitat, or important and limited habitat	No net loss of habitat quantity or quality	In-kind, in-proximity mitigation
4	Important habitat	No net loss of habitat quantity or quality	In-kind or out-of-kind, in-proximity or off-proximity mitigation
5	Habitat having high potential to become either essential or important habitat	Net benefit in habitat quantity or quality	Actions that improve habitat conditions
6	Habitat that has low potential to become essential or important habitat	Minimize impacts	Minimize direct habitat loss and avoid off-site impacts

Fish and Wildlife Habitat Mitigation Plans

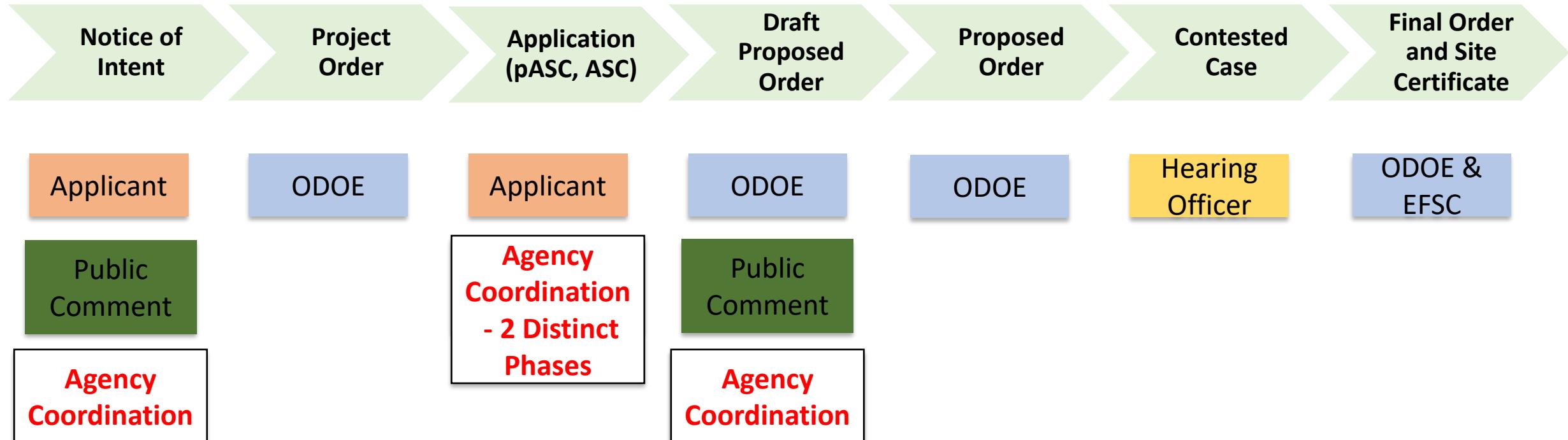
Approved/Operating Facilities

EFSC has regulatory oversight for 24 habitat mitigation areas

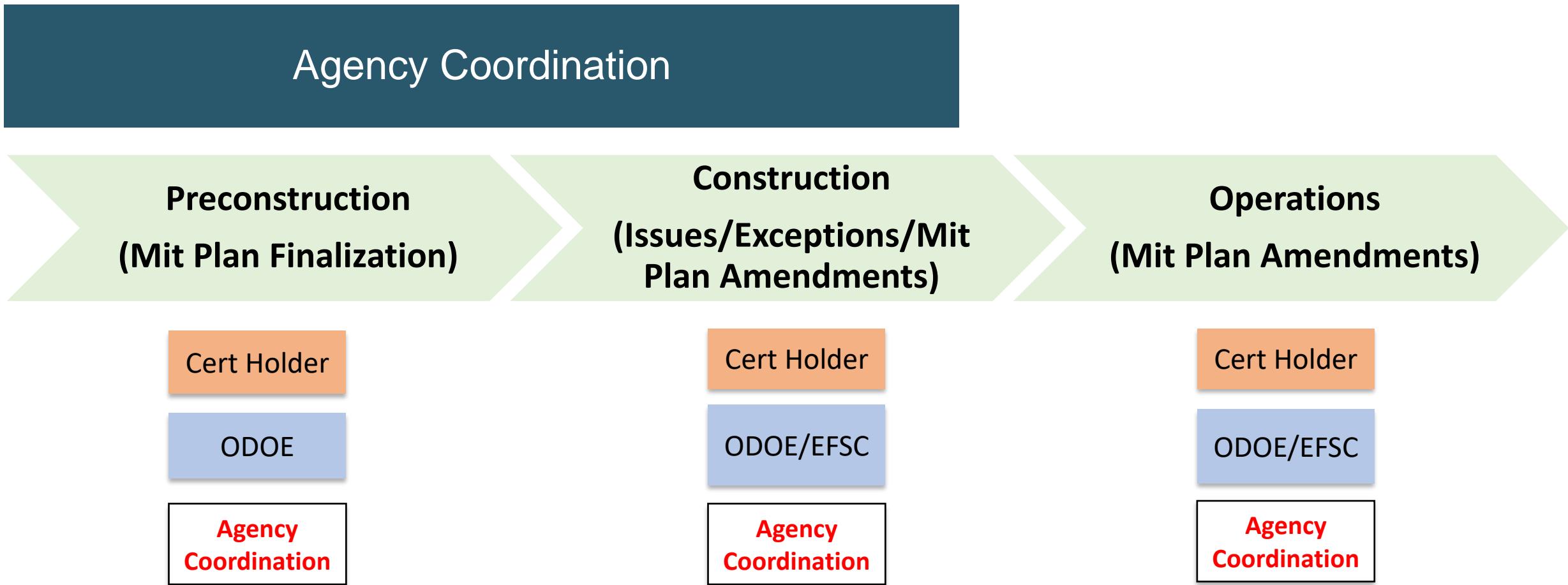
- Size: 1-20 acres for wind facilities; up to 1,800 acres for solar facility
- Location: Eastern Oregon (Sherman, Gilliam, Morrow, Umatilla, Wasco)
- Type: Conservation easement on private property (permittee responsible); long-term stewardship agreement with land trust (third-party payment to provide)
- Typical Enhancements: Native plant restoration, juniper thinning, shrub planting; noxious weed treatment

Energy Facility Siting Process

Agency Coordination



Energy Facility Compliance Process



Updates from ODFW

New from ODFW

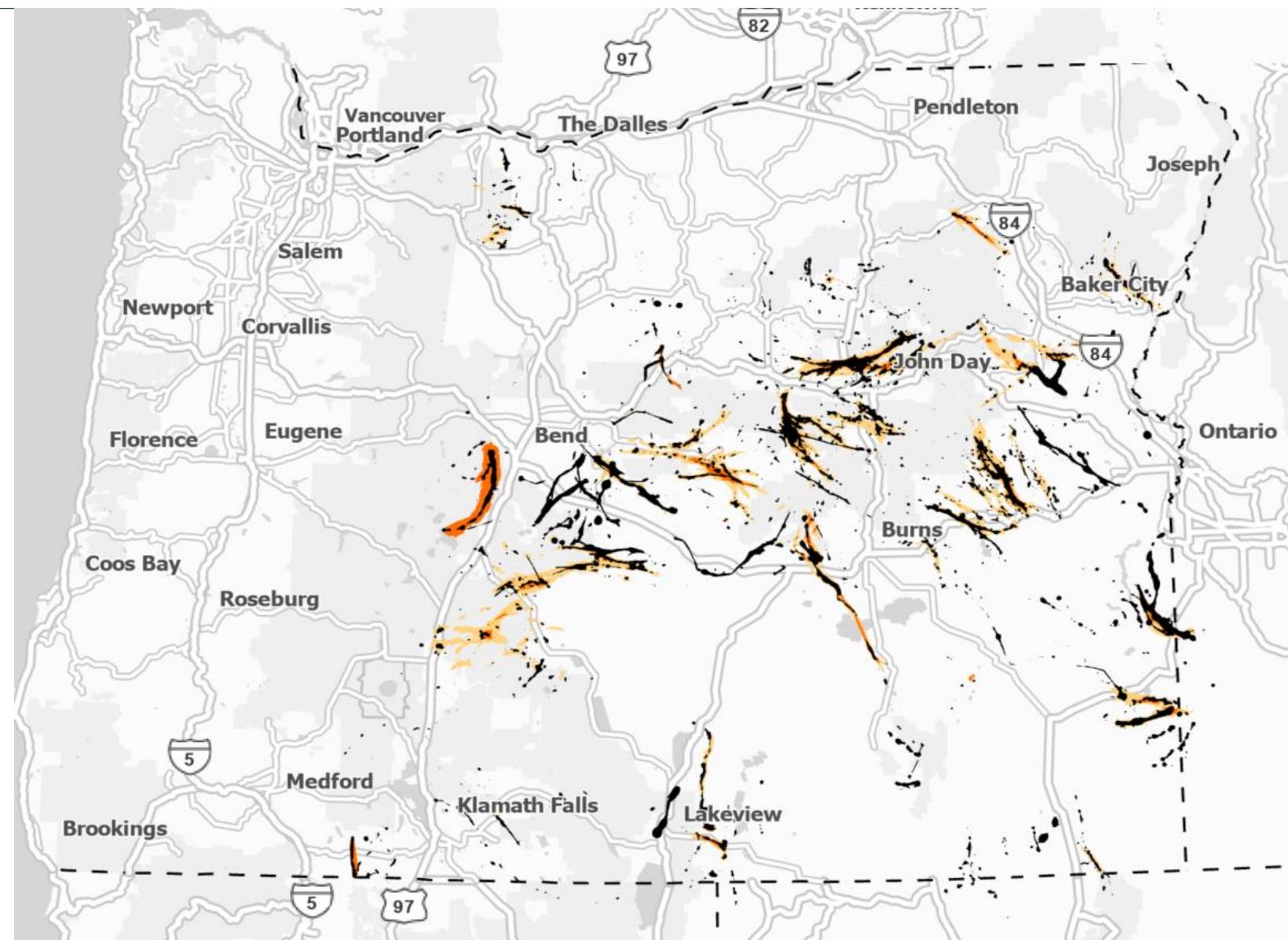
- COMPASS – Priority Wildlife Corridor Areas
- Solar Siting Guidelines

Mule Deer High Use Migration Corridors

Mule Deer Critical Migration

Contour

- Critical
- High Use
- Stopover
- Very High Use



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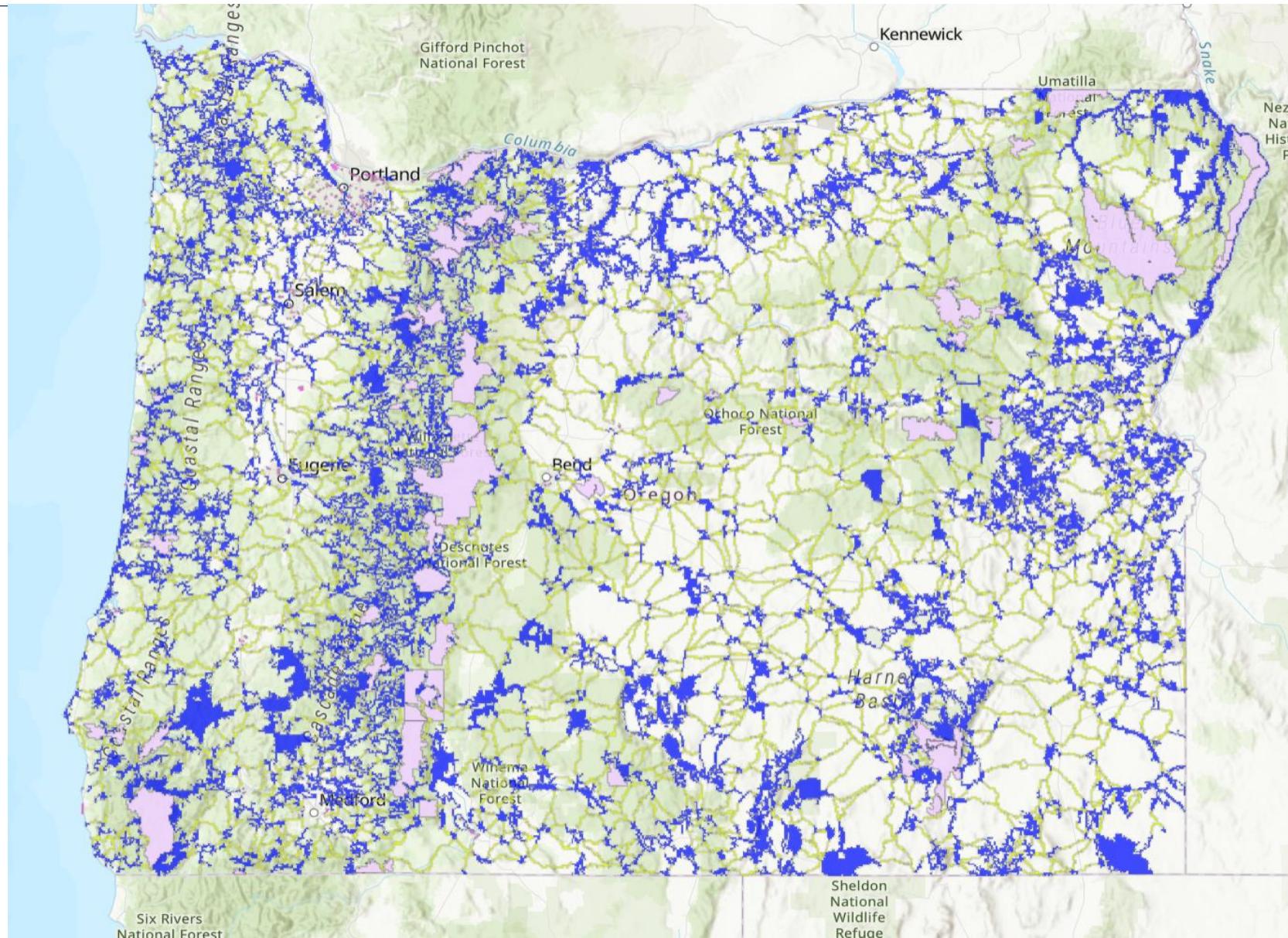
Priority Wildlife Connectivity Areas (PWCAs)

ODFW Priority Wildlife Connectivity Areas

- Region
- Connector
- Steppingstone

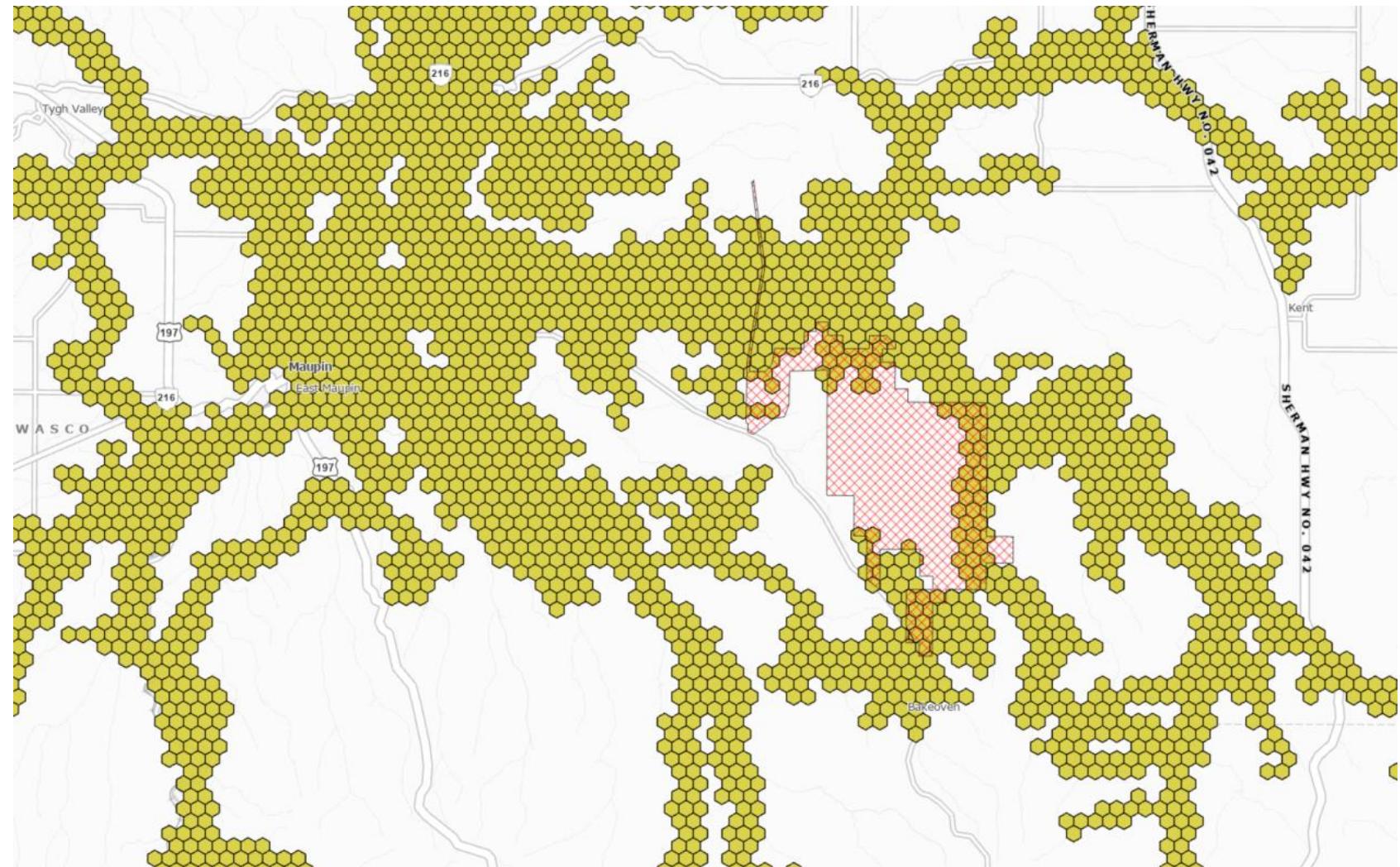
Designated Wilderness Areas and Crater Lake National Park

- PWCAs represent the parts of Oregon that have the **highest overall value** for facilitating wildlife movement
- PWCAs are **not** species-specific



PWCA Example- Yellow Rosebush

- Worked heavily with project proponent
- Specific site visit with all parties to assess project design and impacts to animal movement
- Applicant adapted fencing and project layout within pASC to avoid and minimize impacts to PWCA functional habitat



Priority Wildlife Connectivity Areas (PWCAs)



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Updated Sage Grouse Mapping



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Sage-Grouse Priority Areas for Conservation (PACs), 2023

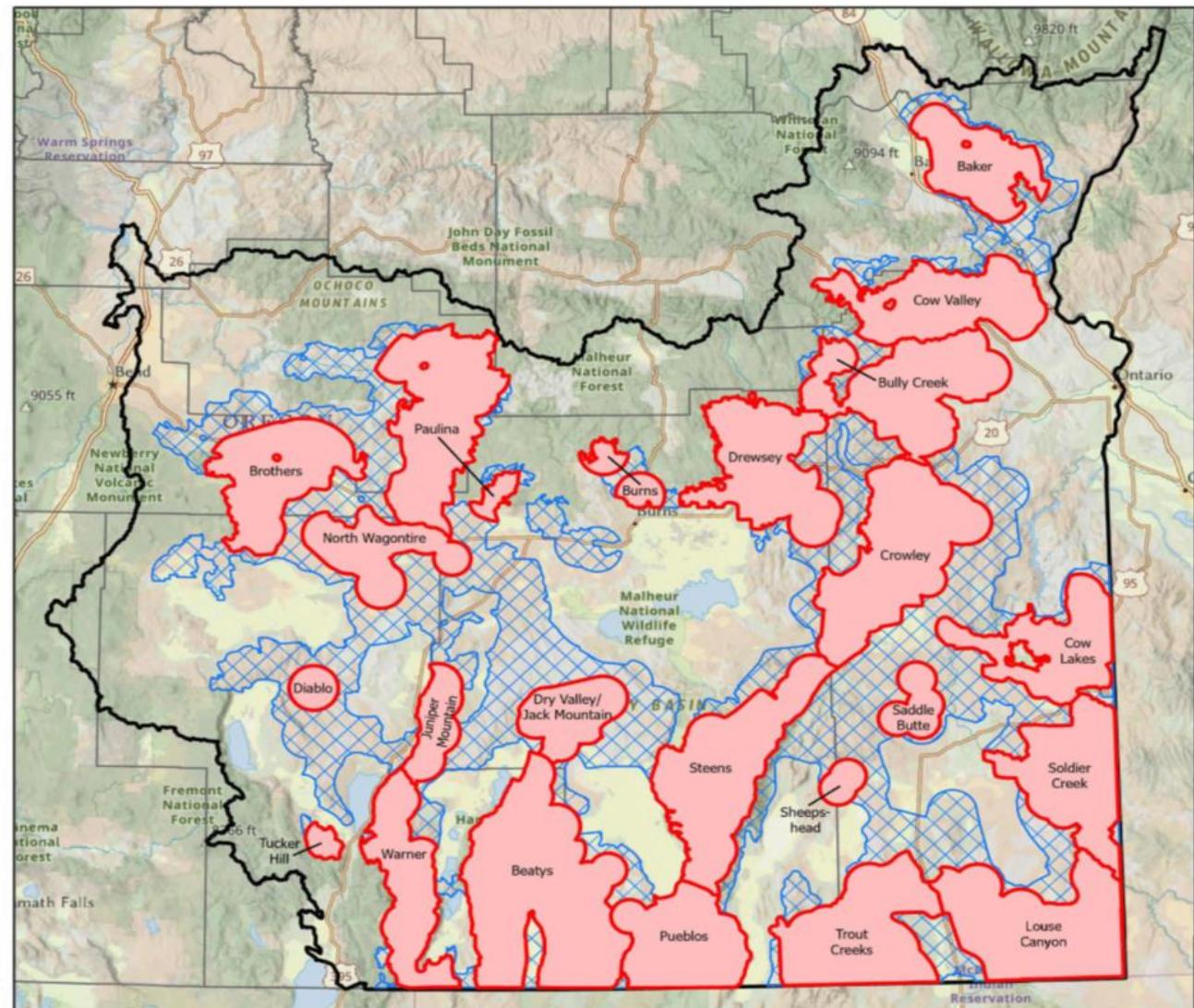
Legend

- Sage-Grouse PACs
- Low-Density Habitat
- County Boundary
- SageCon Boundary



The Significant Sage-Grouse Habitat Map [core and low-density habitat] was updated by ODFW in 2023 with the Department's most recent sage-grouse data and the best available science, following the methodology outlined in the ODFW Sage-Grouse Conservation Assessment and Strategy. The final map was adopted by the Oregon Fish and Wildlife Commission on 15 December 2023. Updated sage-grouse Priority Areas for Conservation (PAC) were delineated within the final approved core habitat areas and named as shown on this map. Cartography for this map was completed by ODFW on 8 May 2024.

0 15 30 60 Miles



ODFW Solar Siting Guidelines



The Project Review Process

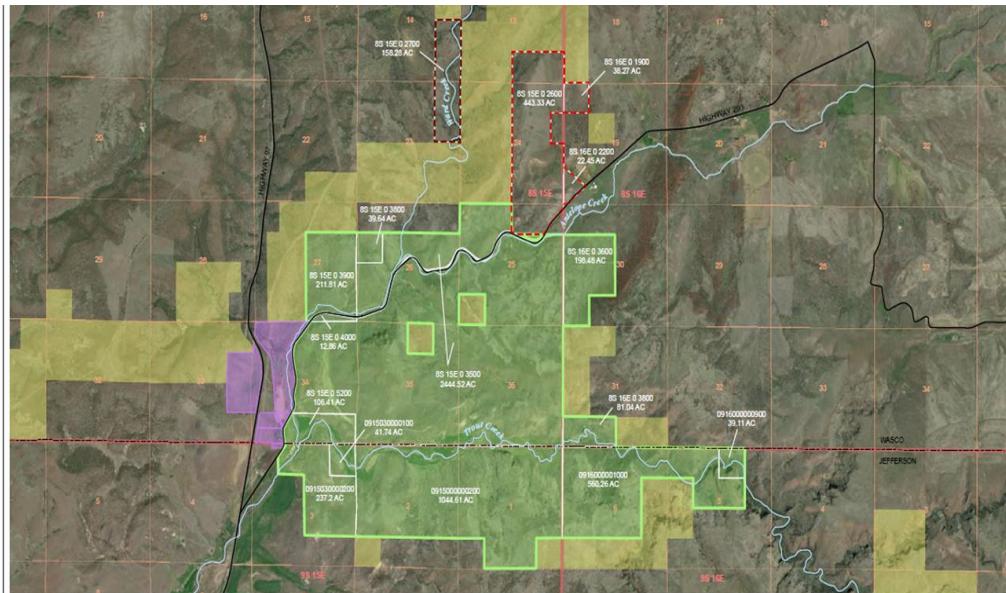
- Step 1- Exploratory Planning
- Step 2-Preliminary Project Planning
- Step 3- Early Project Consultation with ODFW
- Step 4- Addressing Wildlife in the PV Solar Application
- Step 5- Implementation of Mitigation
- Step 6- Fish, Wildlife and Habitat Monitoring, Data Analysis

Early Project Consultation with ODFW

- Assumes this step will generally coincide with notice to county or in conjunction with NOI to ODOE
- Baseline information ODFW will generally request with permit application:
 - Location, Description, Initial Biological Assessment
- Describes information ODFW will provide in Preliminary Review:
 - Biological values, Known Resources, Sage-Grouse, Minimization and Mitigation to the extent of knowledge available
- Pathway varies based on interactions in Step 1 and 2

Implementation of Mitigation

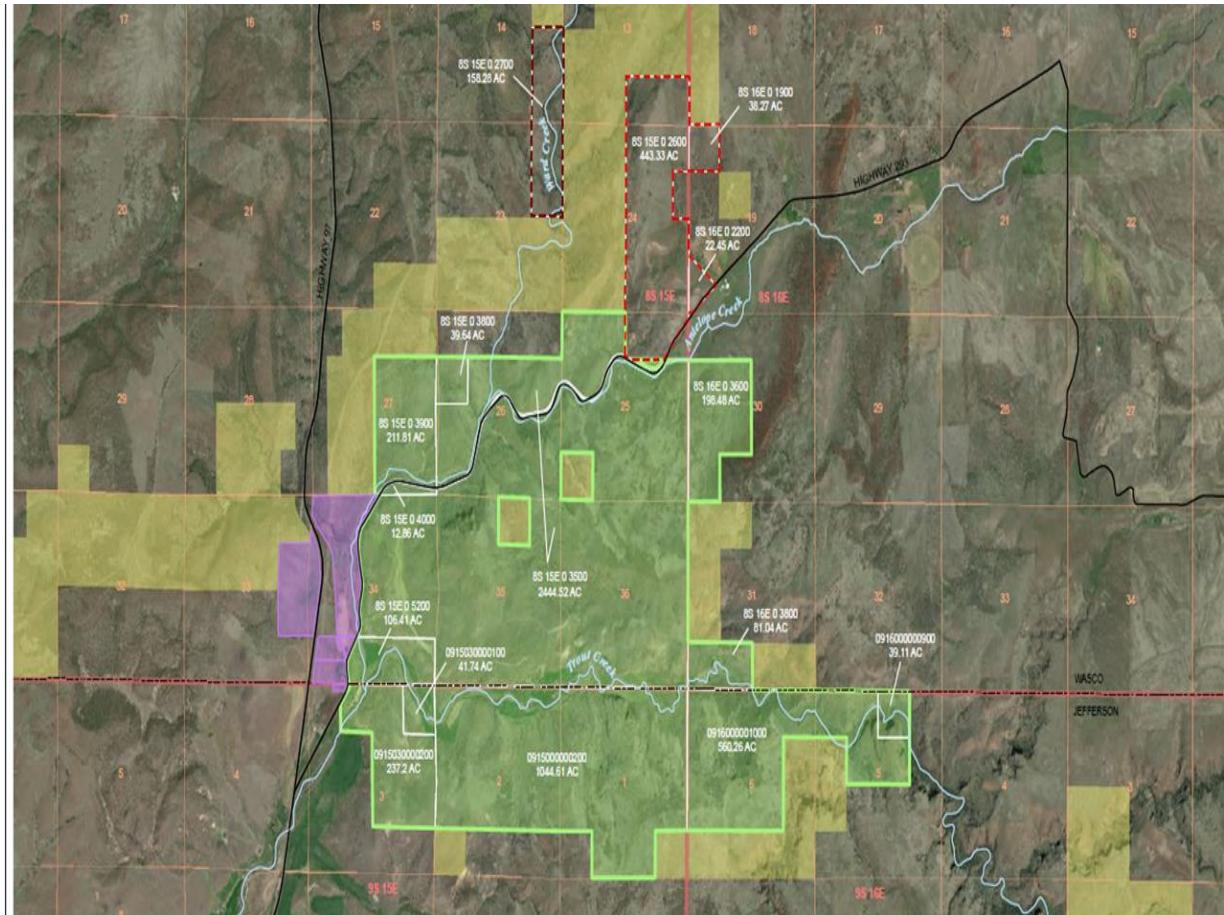
- Highlights ODFW Mitigation Plan language of mitigation occurring concurrent or prior to disturbance



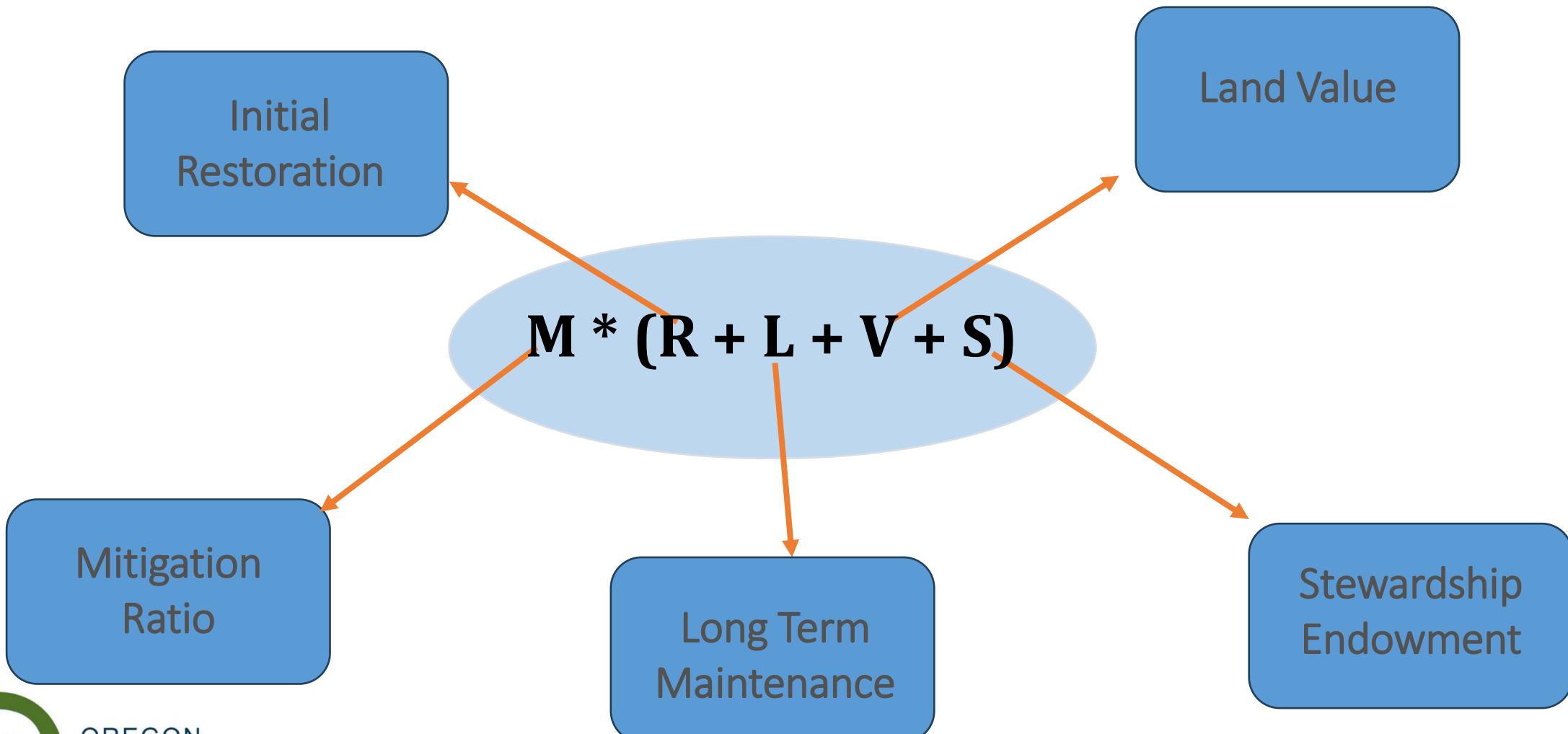
Appendices

- Provides clearinghouse for current recommendations, survey protocol, considerations, etc.
 - Examples include fencing recommendations, raptor disturbance timing chart and many others
 - Concept is that it is easier to update an appendix, so as data and current recommendations evolve this portion of document will change accordingly
 - Work in progress: providing specific survey recommendations for common species (i.e. WGS) requested in permitting process

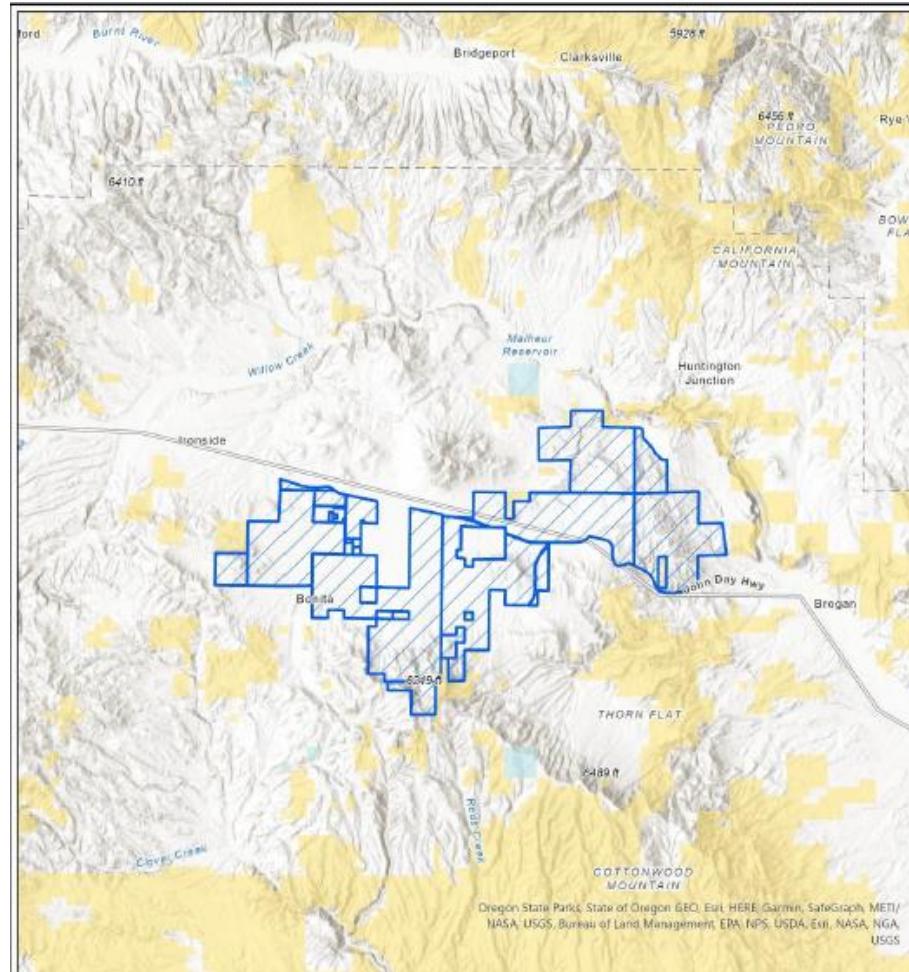
Mitigation Solutions



In-Lieu Fee



Mitigation Banks



- Common in wetland mitigation in OR
- First used in EFSC project for B2H*
- Final approval of credits in Northern Great Basin in coming months



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DRAFT ODFW MITIGATION BANK EXHIBITS

- **Exhibit A** - Bank Location Maps:
- **Exhibit B** - Service Area Maps and Descriptions:
- **Exhibit C** - Bank Management and Operation Documents
- **Exhibit D** - Real Estate Records and Assurances
- **Exhibit E** - Bank Credits and Credit Transfers
- **Exhibit F** - Phase I Environmental Site Assessment
- **Exhibit G** - Minerals Estate

Keys to Mitigation Moving Forward

- Early engagement
- Landowner/Site opportunities
- Lessons learned
- Evaluate risk and uncertainty
- Durability
- Focus on collaboration



Agenda Item G (Information Item)

Compliance Update for July 2024-January 2025

Sarah Esterson, Senior Policy Advisor; Bibi Bartley, Operations and Policy Analyst; Duane Kilsdonk, Compliance Officer

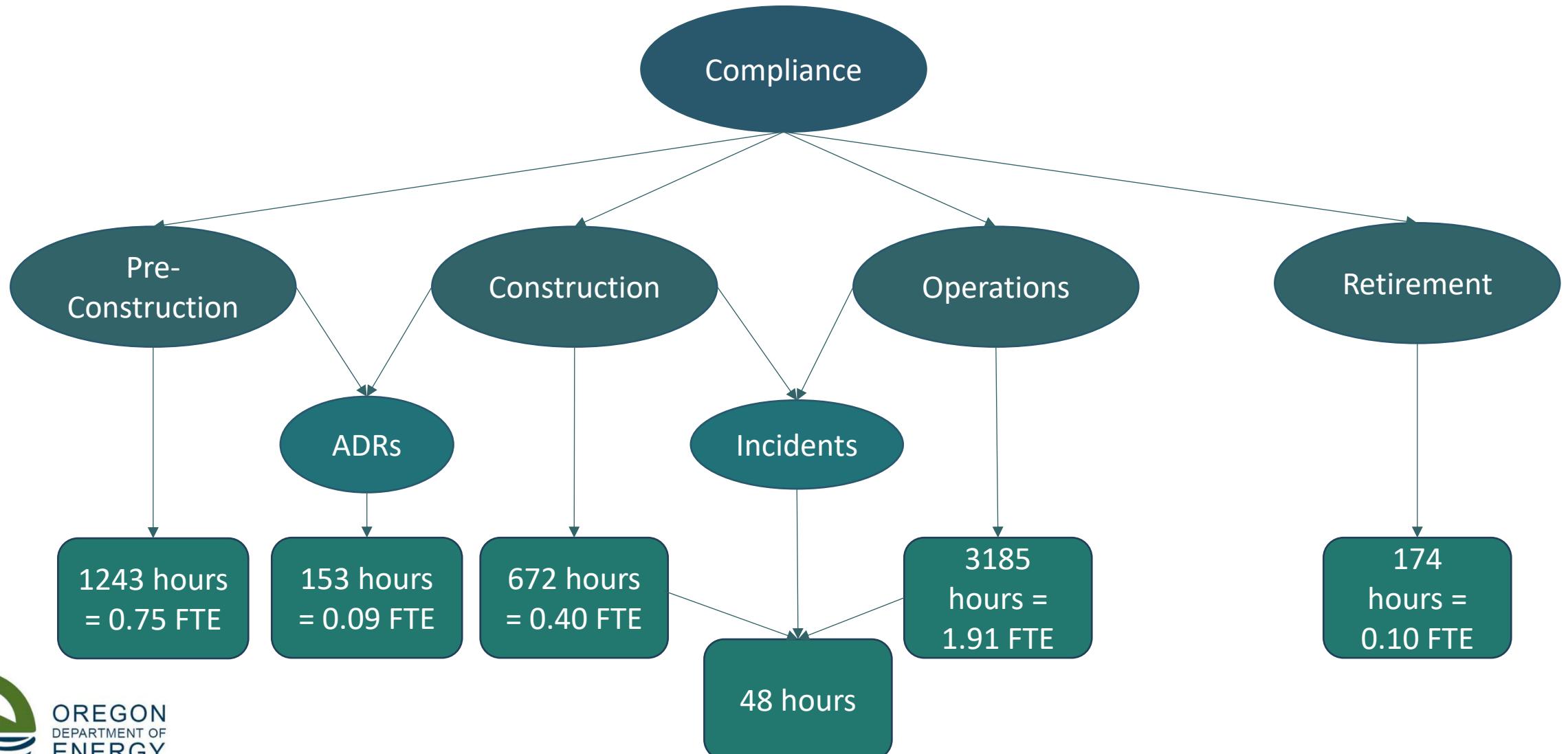
January 17, 2025

Compliance Program Rules – What We Do

OAR 345 Division 26

- Compliance Plans – Spreadsheet with conditions organized by phase
- Semi-Annual and Annual Reports
 - Construction – submitted every six months for prior six months
 - Operation – submitted by the end of April for the prior 12-months
- Inspections
 - Construction – monthly, virtual and in-person
 - Operations – annual, virtual and in-person
- Incidents and Non-Compliance Issues
 - Reported by certificate holder, identified by Department/consultant or through a request for an inspection
 - Addressed through reporting and corrective actions

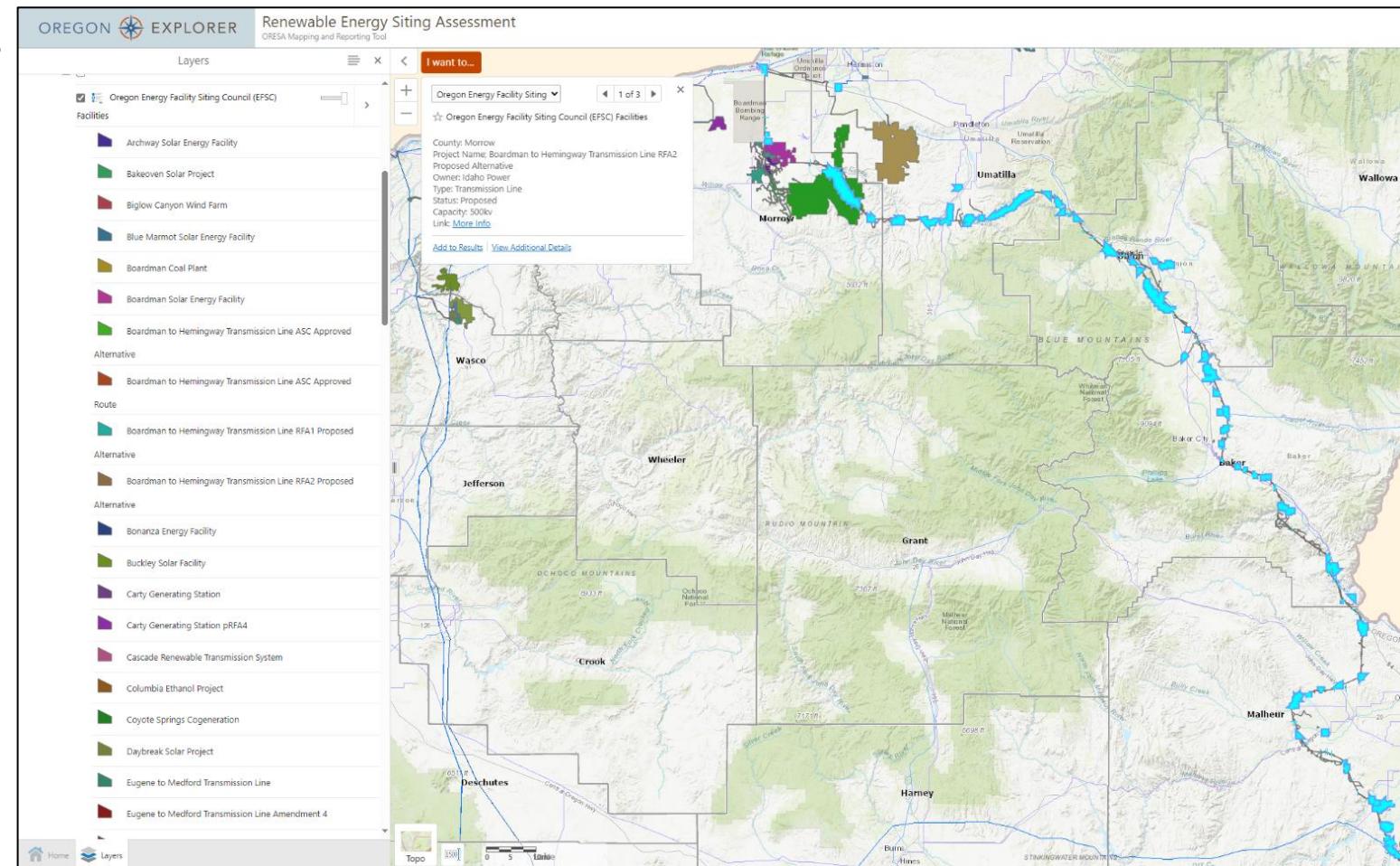
Compliance Program Overview



Preconstruction Updates

Boardman to Hemingway Transmission Line:

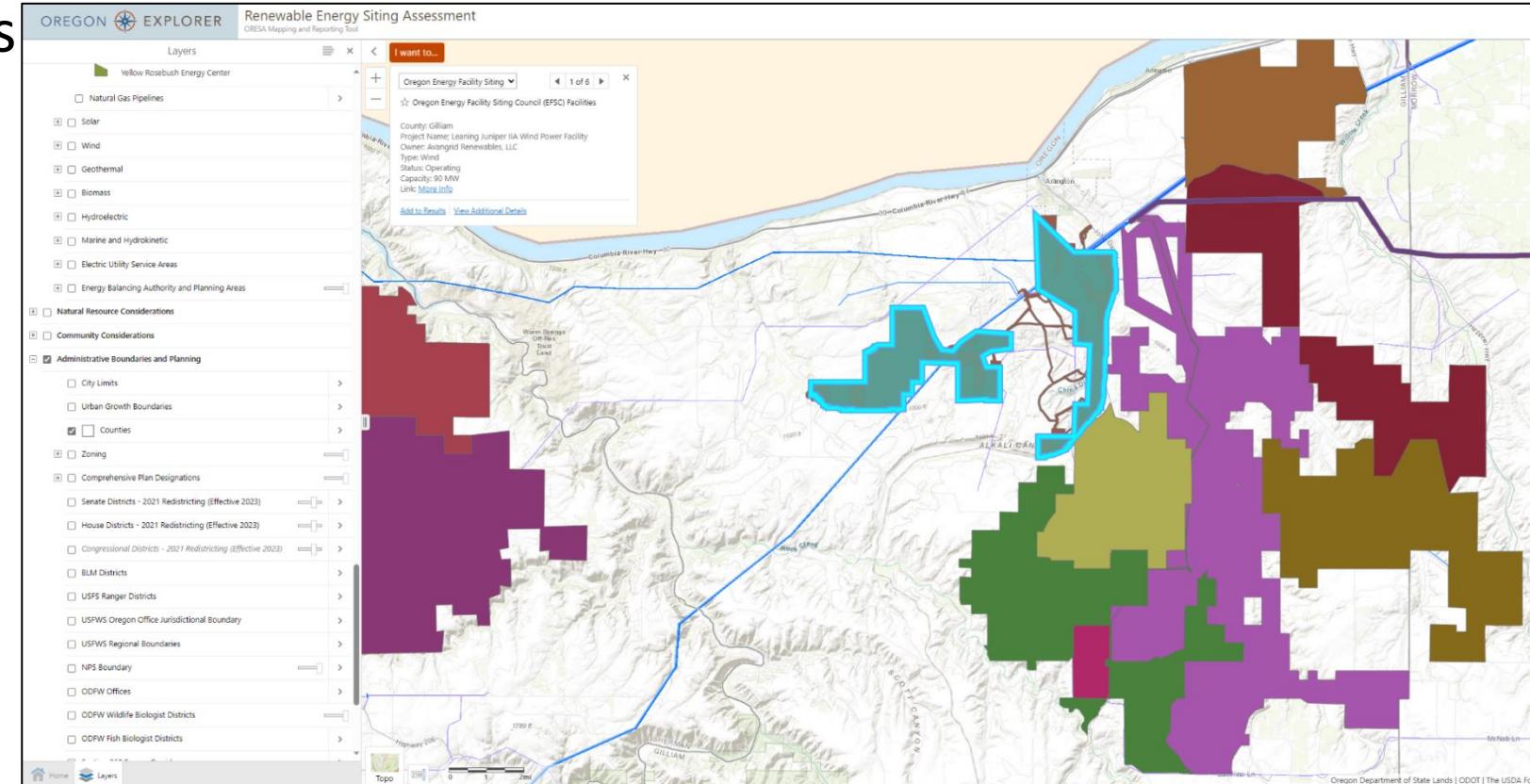
- Preconstruction duration: 24 months
- Condition count: 70 conditions
- 6 month workload: 624 Hours



Preconstruction Updates

Leaning Juniper IIA Wind Power Facility Repower:

- Preconstruction duration: 6 months
- Condition count: 60 conditions
- 6 month workload: 18 hours



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Preconstruction ADR: What is it and Why

ADR = Amendment Determination Request

- Typically come in between preconstruction and construction
- When certificate holds discover new factors that need to be considered within their construction planning, they submit an ADR
- Abbreviated application process which is built off the foundation of work already done throughout the application

Construction: 2024 Projects

Bakeoven Solar Project

- Type: 60 MW Solar
- Completion: Estimated Q1 2025

Daybreak Solar Project

- Type: 140 MW Solar
- Completion: Estimated Q1 2025

Wheatridge Renewable Energy Facility East

- Type: 200 MW Wind
- Completion: Estimated Q4 2025

Construction: Wheatridge East

Inspections:

- Team has performed monthly inspections and additional inspections as needed since August 2024
- Team holds weekly calls with certificate holder
- Monthly calls with county primarily re: weed control

Issues:

- No major issues in past 6 months
- Initial issues at start of construction have been addressed and have not been repeated

Construction: Wheatridge East



Construction: Wheatridge East



Construction: Bakeoven



Construction: Daybreak



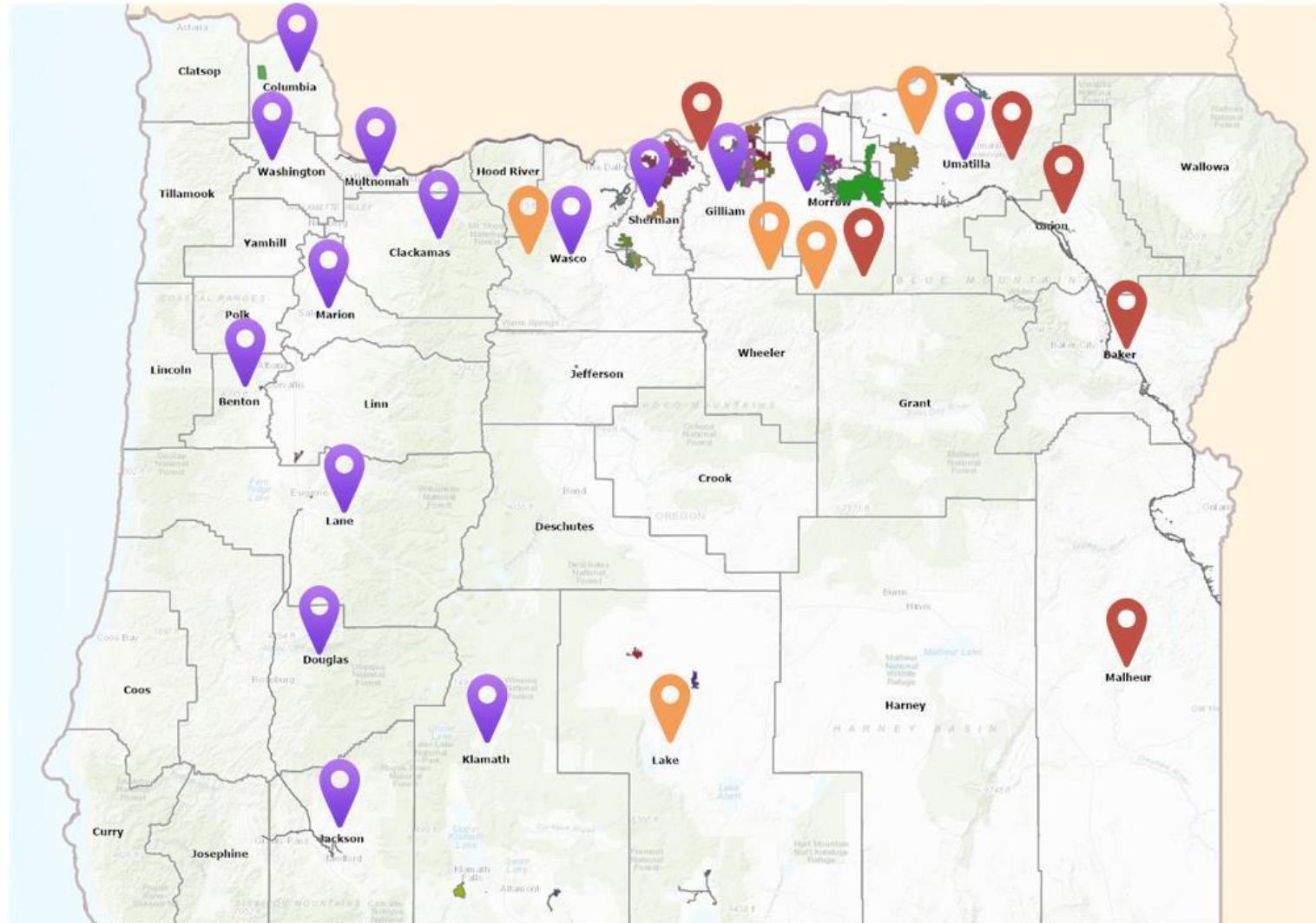
Operations: Current Facilities

Number of Facilities	Type of Energy	Total
7	Natural Gas	3,243 MW
2	Natural Gas Pipeline	142 Miles
1	Natural Gas Storage	635 MMscf Storage Reservoir
1	Bio	36 MMgal
12	Wind	2,720.3 MW
2	Solar	212 MW
1	Transmission Line	500 kV

Facilities Locations

Operational Facilities:

- Columbia County
- Clackamas County
- Douglas County
- Gilliam County
- Jackson County
- Klamath County
- Lane County
- Marion County
- Morrow County
- Sherman County
- Umatilla County
- Wasco County
- Washington County



Approved, Preconstruction:

- Baker County
- Gilliam County
- Malheur County
- Morrow County
- Umatilla County
- Union County

Approved, Not Built:

- Gilliam County
- Lake County
- Morrow County
- Umatilla County
- Wasco County

Operations: Approved, but not Constructed

Facility Name	Type	County	Est. Construction Start
Carty Generating Station – Carty Solar Farm	50 MW Solar	Morrow	Feb. 2025
Nolin Hills Wind Power Project	600 MW Solar/Wind	Umatilla	July 2026
Obsidian Solar Center	600 MW Solar/Wind	Lake	Feb. 2026
Oregon Trail Solar Facility	41 MW Solar	Gilliam	Aug. 2025
Sunset Solar Project	103 MW Solar	Wasco	Apr. 2026 - Completion
West End Solar Project	50 MW Solar	Umatilla	Mar. 2026
Sunstone Solar Project	1,200 MW Solar	Morrow	Nov. 2027
Wagon Trail Solar	500 MW Solar	Morrow	Sept. 2027

2024 Operational Inspection Summary

	Annual	2024 Completed
On Site Inspections	16	16
Virtual Inspections	13	8
Follow-Up Desk Inspections	As Needed	3

- Additional virtual inspections of facilities which are inspected in-person are scheduled as needed
- Each on-site inspection requires an average of 140 hours (1 FTE) for prep, inspection, follow up, and inspection reports

Operational Inspection Issues

WREFIII is out of compliance with their site stabilization

- DEQ and Ash Woods conducted an inspection, and site is working with DEQ to implement a temporary site stabilization as long-term stabilization is worked towards



Operations: 2024 Incidents

2024 Incident Summary						
Facility	Incident	Spill	Fire	Equipment	Other	
Hermiston Power Project	Emission limit exceedance					X
	Brush strip/disk detachment				X	
	Broken blade bearing bolt				X	
	Nose cone failure				X	
Biglow Canyon Wind Project	Blade shroud failure				X	
	Loss of blade stud				X	
	Spinner shell bolt failure				X	
	Loss of hub casing tube hold and washer				X	
	Transformer failure	X			X	
Stateline Wind Project	Turbine fire		X			
Montague Wind Power Facility	Pole fire		X			
Leaning Juniper IIB Wind Power Facility	Pole fire			X		
Klondike III Wind Project	Transformer fire			X	X	
Wheatridge Renewable Energy Facility East	Vehicle caused brush fire			X		
	Disturbance outside corridor					X
Trojan Nuclear Plant	Burning electrical equipment		X	X		
Golden Hills Wind Project	Trespassing/vandalism					X
		Total =	1	6	10	3

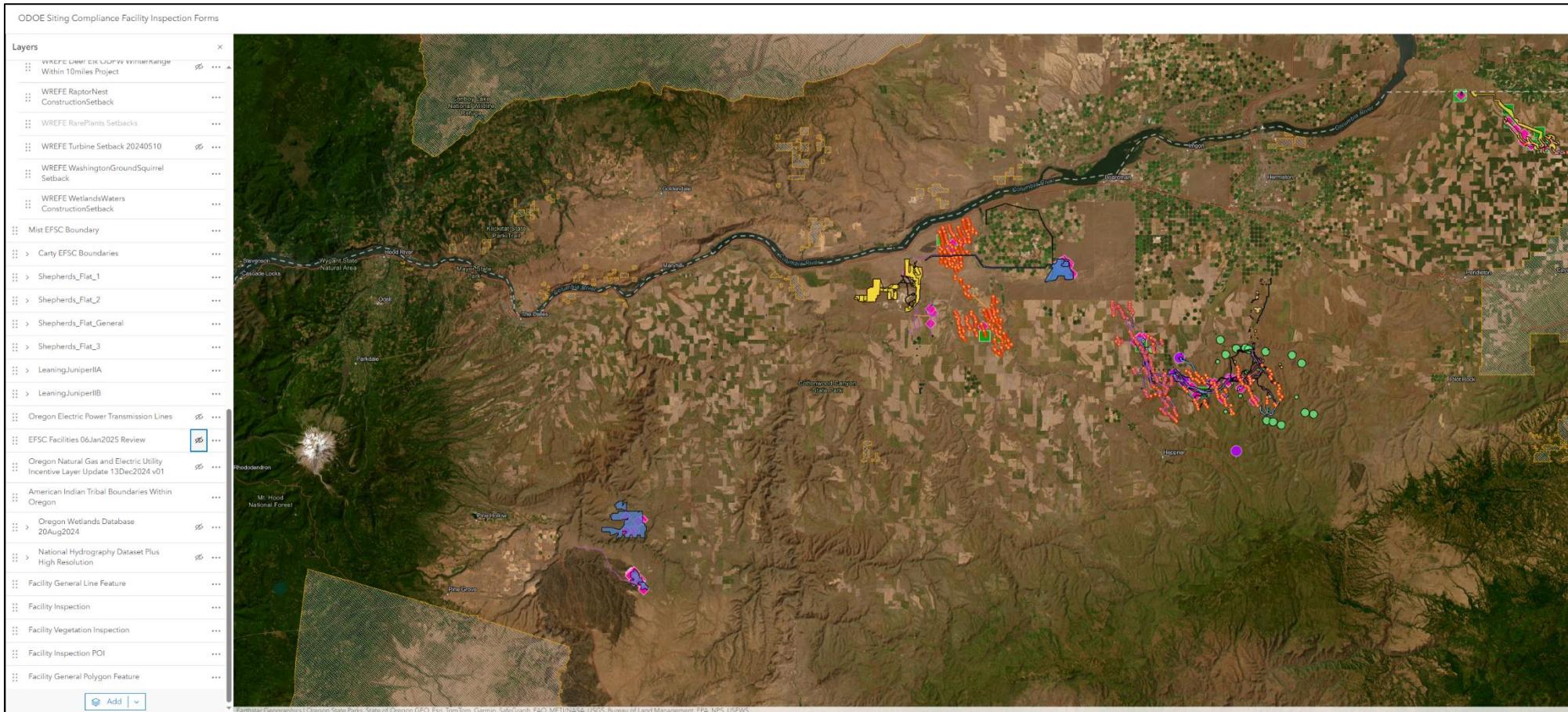
Looking Forward: Program Vision



Financials: Forecast to Actuals 2024-2025

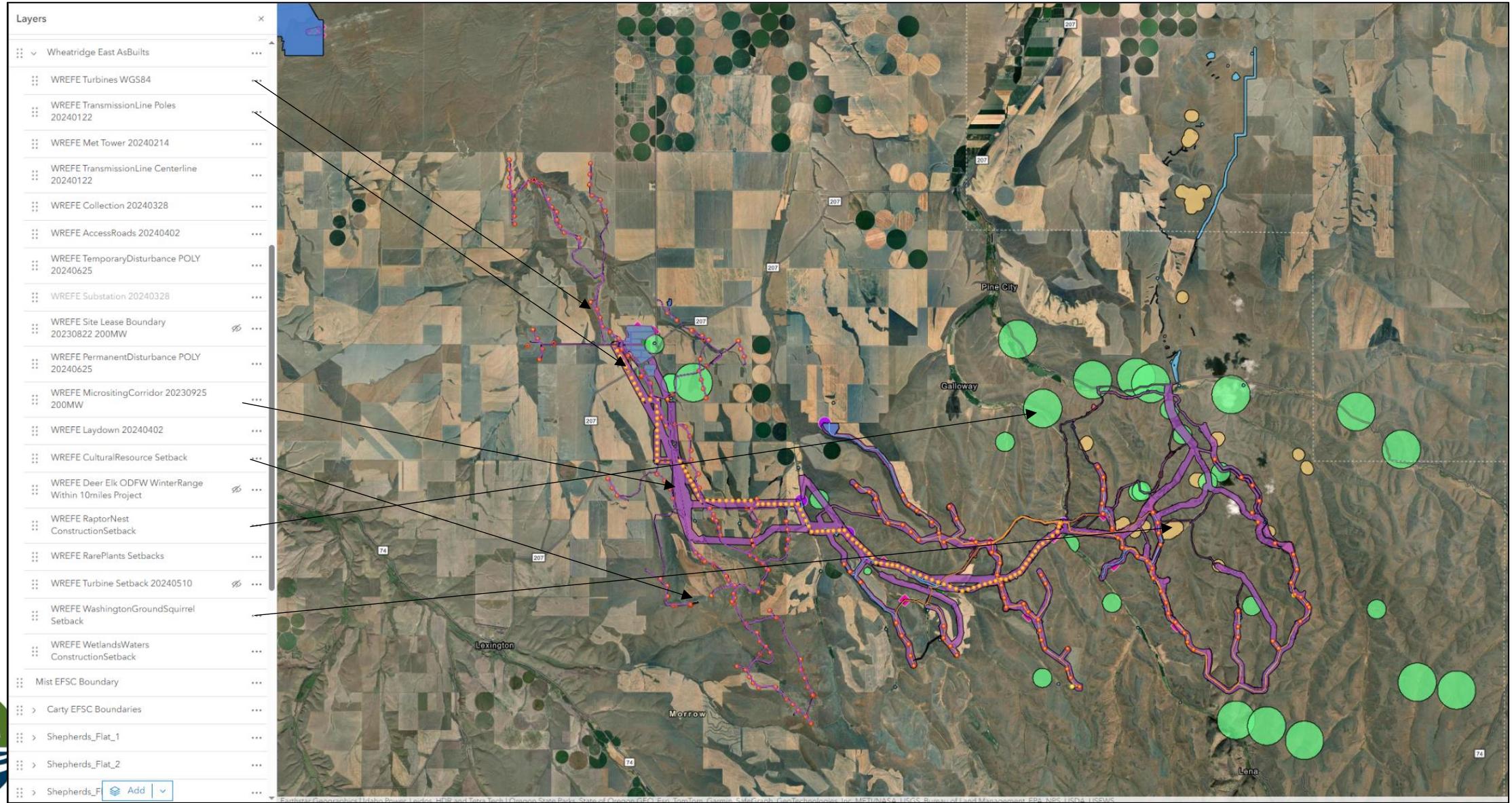
Activity	Forecasted Costs	Actuals Costs	Forecasted Hours	Actuals Hours
Preconstruction	\$505,070.05	\$142,358.06	2883	710
Construction	\$27,161.00	\$108,718.92	184	640
Operations	\$668,450.00	\$247,257.53	4,309	1638
Retirement	\$0	\$11,559.85		43
Other	\$0	\$118,293.88		186
Total	\$1,200,681.05	\$537,381.71	7,376	3217
Full Time Positions			4.5	3.87

Field Maps: Overview

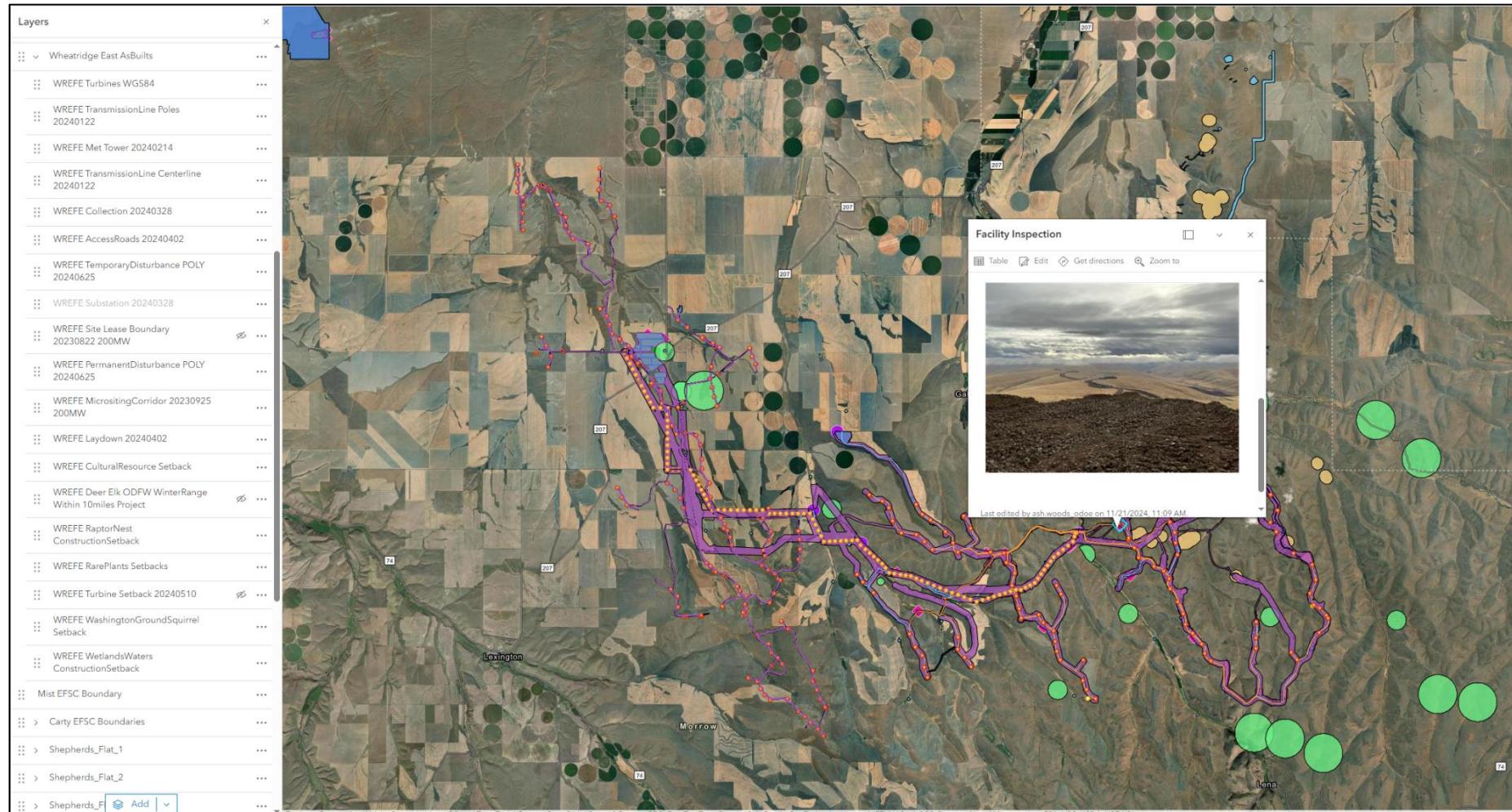


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Field Maps: Wheatridge East



Field Maps: Wheatridge East



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QUESTIONS



BREAK

Agenda Item H (Information Item)

Madras Solar Energy Facility, Council Review of Draft Proposed Order

Chase McVeigh-Walker, Senior Siting Analyst

January 17, 2025

Madras Solar Energy Facility RFA1

Draft Proposed Order

Approved Facility Overview

Certificate Holder:

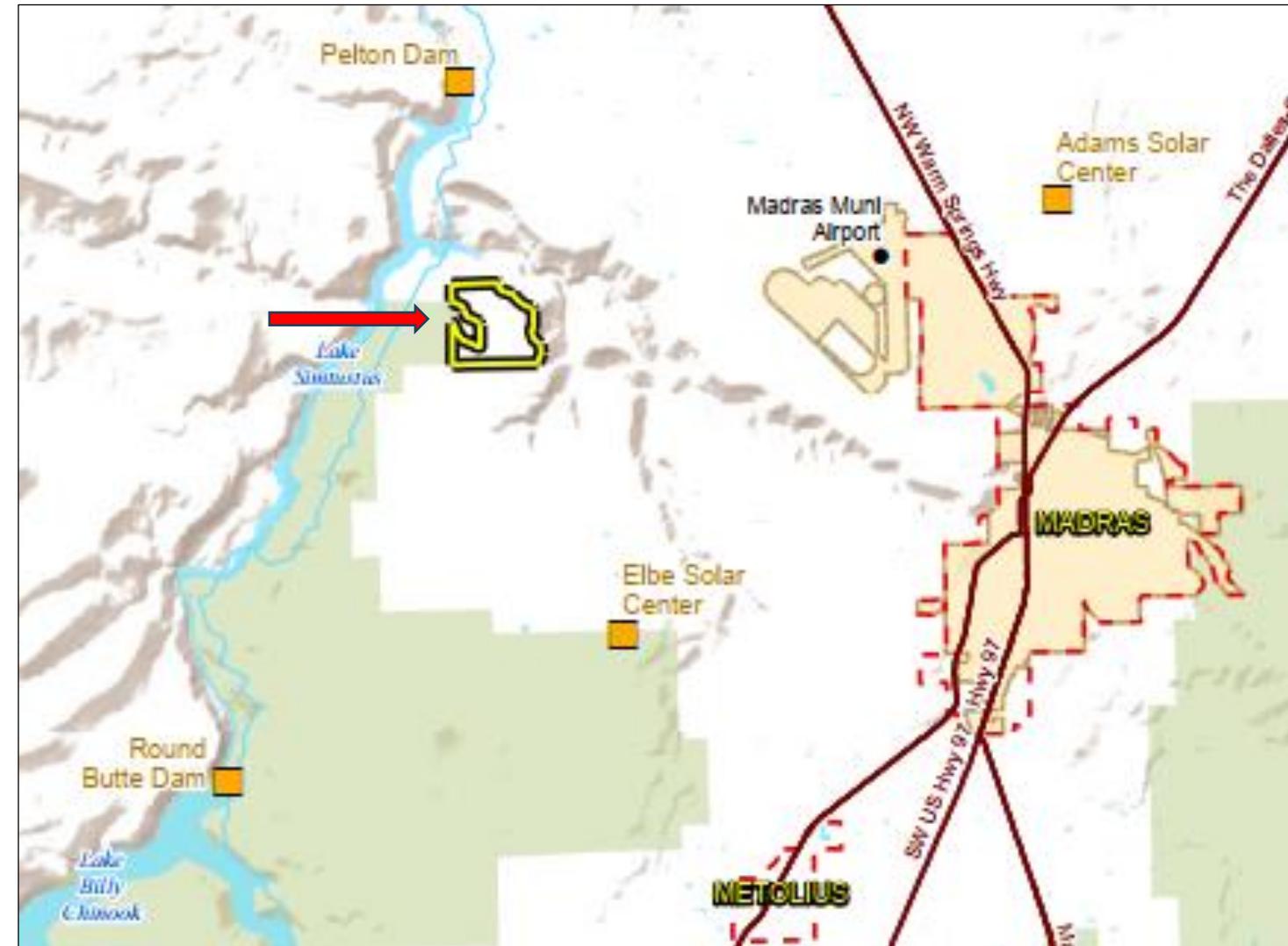
Madras PV1, LLC., a wholly owned subsidiary of Ecoplexus Inc.

Location/Site Boundary:

284-acre site boundary in Jefferson County, 5.5 miles west of the City of Madras.

Facility Details: *[Not yet Constructed]*

- Up to 63 MW of solar PV energy generation
- EFSC Site Certificate issued on July 16, 2021.



Madras Solar Energy Facility RFA1

Draft Proposed Order

Approved Facility Overview

Energy Facility:

Solar Components

- modules
- posts
- cabling
- Power conversion stations

Related or Supporting Facilities:

- Battery energy storage system
- 34.5 kV collector lines
- 230 kV transmission line
- Substation and switching station
- Operation and maintenance building
- Access, perimeter and service roads
- Perimeter fencing
- Temporary construction areas



	Site Boundary
	Solar Array
	Existing Pelton Dam to Round Butte 230-kV Transmission Line
	Fence Line
	Substation
	Battery Storage and Inverters

Madras Solar Energy Facility RFA1

Draft Proposed Order

Review Steps

Preliminary Request for Amendment

Complete Request for Amendment

Draft Proposed Order/ Complete Request for Amendment

Proposed Order

Possible Contested Case

Final Order and Amended Site Certificate

Certificate Holder

Certificate Holder

ODOE

ODOE

EFSC Hearing Officer

ODOE & EFSC

Public Notice

Public Comment

Agency Coordination



We are here

Madras Solar Energy Facility RFA 1

Council Scope of Review

For Amendments extending construction deadlines (OAR 345-027-0375(2)(b)):

The Council must determine that the preponderance of evidence on the record supports the following conclusions:

- The facility, with the proposed change, complies with the laws or Council standards applicable to an original site certificate application, and;
- For all requests for amendment, the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.

Madras Solar Energy Facility RFA1

RFA1 Proposed Changes

RFA1 requests a three-year extension to both the construction commencement and completion deadlines, making the new construction commencement deadline June 25, 2027, and new completion deadline 18 months after construction commences.

Madras Solar Energy Facility RFA1

Draft Proposed Order

Summary of DPO Comments – No Further Discussion

Commenter	Summary of Comments/Issues
Oregon State Historic Preservation Office	Case Number assigned for review of project.
Oregon Department of State Lands	Wetland Delineation expired on March 5, 2024. However, there are no jurisdictional wetlands or waterways within the project study area.
Oregon Department of Agriculture	No comment for RFA1; no listed plants known to occur in Jefferson County.
Confederated Tribes of the Warm Springs Reservation of Oregon	Request to extend the public comment period.
Certificate Holder*	Transmittal of Deschutes Valley Water District letter, and Jefferson County Fire and EMS letter.
Alan Clark	In favor of project. Great location, and stats that the project will “preserve the ground for years to come”.
Daniel Craig	“we need bad fo rhe [sic] environment”

*Certificate Holder also provided responses to DPO comments on January 6, 2025

Madras Solar Energy Facility RFA1

Draft Proposed Order

Summary of DPO Comments – Further Discussion/Evaluation

Commenter	Summary of Comments/Issues
Confederated Tribes of the Warm Springs Reservation of Oregon	<ol style="list-style-type: none">1. Preemption Argument2. Council's approval of the goal exception based on a determination that the facility is locationally dependent is not supported given CTWS has not agreed to the interconnection.

Madras Solar Energy Facility RFA1

Draft Proposed Order

Compliance with Council Standards

In the DPO, the Department recommends the changes proposed in RFA1 would not necessitate new or amended site certificate conditions for the following applicable standards/requirements:

- Structural (DPO Section III.C., pg: 18-20)
- Soil Protection (DPO Section III.D., pg: 20-21)
- **Land Use (DPO Section III.E., pg: 21-27)***
- Protected Areas (DPO Section III.F., pg: 27-35)
- Threatened and Endangered Species (DPO Section III.I., pg: 46-47)
- Scenic Resources (DPO Section III.J., pg: 48-54)
- Historic, Cultural, and Archeological Resources (DPO Section III.K., pg: 54-57)
- Recreation (DPO Section III.L., pg: 57-62)
- Waste Minimization (DPO Section III.O., pg: 84-86)
- Siting Standards for Transmission Lines (DPO Section III.P., pg: 86-87)
- Noise Control Regulations (DPO Section IV.A., pg: 86-95)
- Removal Fill (DPO Section IV.B., pg: 95-96)
- Water Rights (DPO Section IV.C., pg: 95)

Madras Solar Energy Facility RFA1

Draft Proposed Order

Compliance with Council Standards

The Department recommends amended site certificate conditions for the following standards that are generally standardized changes based on the scope of RFA1 (construction commencement/completion extension):

- **General Standard of Review** (DPO Section III.A., pg: 11-14)
 - *Recommended Amended General Standard Condition 1 (GEN-GS-01)*
- **Organizational Expertise** (DPO Section III.B, pg: 14-17)
 - *Recommended Amended Organizational Expertise Condition 5 (GEN-OE-04)*
- **Retirement and Financial Assurance** (DPO Section III.G., pg: 35-42)
 - *Recommended Amended Retirement and Financial Assurance Condition 4 (PRE-RF-01)*
- **Fish and Wildlife Habitat** (DPO Section III.H., pg: 42-46)
 - *Recommended Amended (Deletion of) Fish and Wildlife Condition 1 (GEN-FW-01)*

Madras Solar Energy Facility RFA1

Draft Proposed Order

Compliance with Council Standards Cont.'d

- **Public Services** (DPO Section III.M., pg: 62-68)
 - *Recommended New Public Services Condition 5 (PRE-PS-02)*
 - *Recommended Amended (Deletion of) Public Services Condition 4 (GEN-PS-03)*
- **Wildfire Prevention and Risk Mitigation Standard** (DPO Section III.N, pg: 68-84)
This standard was adopted after the facility was approved in 2021.
 - *Recommended New Wildfire Prevention and Risk Mitigation Conditions 1 and 2 (PRE-WF-01, CON-WF-01)*
 - *Recommended New Wildfire Prevention and Risk Mitigation Conditions 3 and 4 (PRO-WF-01, OPR-WF-01)*

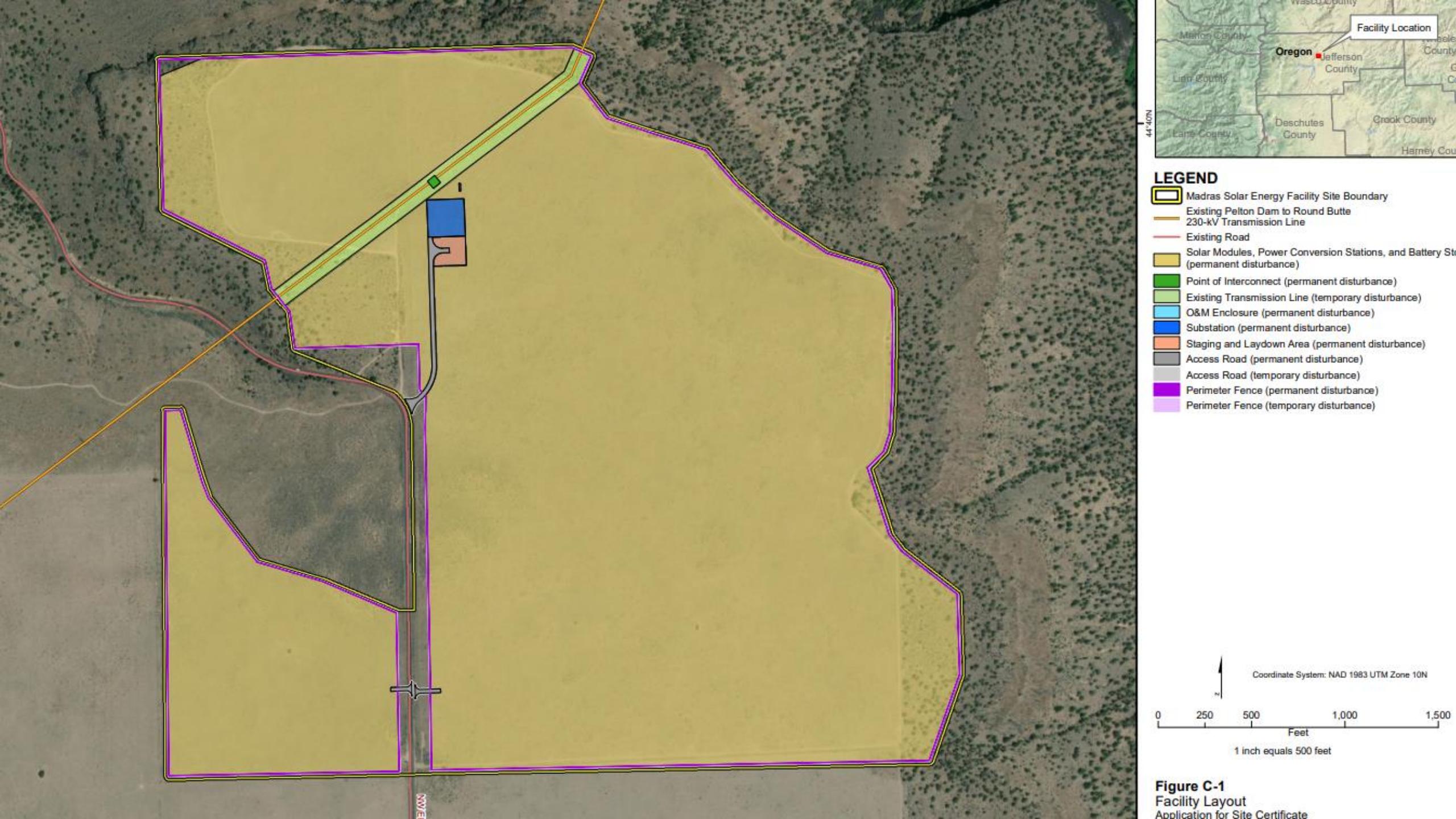
Madras Solar Energy Facility RFA1

Draft Proposed Order

CTWS Issue 1 – re: Preemption

CTWS question whether the Council is preempted under the Federal Power Act.

Federal preemption doctrine precludes a state or local government from regulating a matter the federal government exclusively regulates (e.g., FERC alone issues licenses for dams to generate electricity).



Madras Solar Energy Facility RFA1

Draft Proposed Order

CTWS Issue 1 – re: Preemption

Preemption allegation does not merit making changes:

- *Sayles* case is not applicable. Site certificate does not regulate the Pelton line. It does not require PGE or CTWS to take any actions re: the Pelton line. Nor does it authorize interconnection to the Pelton line.
- Condition GEN-GS-03 requires the certificate holder to design, construct, operate and retire the facility “[i]n compliance with all applicable lawful rules and requirements of federal agencies”; thus, Madras will have to comply with any FERC requirements for interconnecting to the line.

Madras Solar Energy Facility RFA1

Draft Proposed Order

- Department believes CTWS' concern re: access to the Pelton line merits Council's consideration.
- Certificate holder did not explain how their plans for a perimeter fence around the entire facility would impact CTWS' access to the Pelton line.
- Council could direct Department to draft a condition requiring certificate holder to provide owners of the Pelton line access to the line.

Madras Solar Energy Facility RFA1 Draft Proposed Order

Land Use (Cont.'d) – CTWS Issue re: Goal 3 /
Locational Dependence

Issue: Council should not maintain Goal 3 exception based on locational dependence because CTWS has not agreed to allow interconnection.

OAR 345-027-0375(2)(b): when Council reviews a request to amend a site certificate to extend construction deadlines, it must determine the preponderance of evidence supports a conclusion that *“after considering any changes in facts or law since the date the current site certificate was executed the facility complies with all laws and Council standards applicable to an original site certificate application.”*

When Council approved the original site certificate application, it granted an exception to Goal 3 for three reasons:

- 1) Locational Dependence
- 2) No direct impacts to agriculture
- 3) No impacts to other resources protected by Council standards

Madras Solar Energy Facility RFA1

Draft Proposed Order

Land Use (Cont.'d) – CTWS Issue re: Goal 3 / Locational Dependence

In its analysis of the locational dependence reason, Council stated:

In ASC Exhibit K, the applicant explains that the facility is locationally dependent because the proposed site provides *immediate onsite interconnection* to Portland General Electric's (PGE) 230-kV Pelton to Round Butte transmission line, which then provides interconnection and delivery from the facility to the regional transmission system without the need to build a new transmission line;

...

ASC Exhibit B describes that *facility interconnection to PGE's existing 230-kV Pelton to Round Butte transmission line would occur* via a proposed Point of Interconnect (POI) switching station, to be located within the existing transmission line right of way, within the site boundary, and would allow for onsite interconnection to the grid necessitating only a short 200-foot segment of new transmission line.

(Final Order, p. 101; emphasis added).

The fact that CTWS has not yet agreed to allow the certificate holder to interconnect to the Pelton line does not mean Council cannot maintain the exception to Goal 3.

Madras Solar Energy Facility RFA1

Draft Proposed Order

Land Use (Cont.'d) – CTWS Issue re: Goal 3 / Locational Dependence

The Department recommends the Council consider one of the following three options in response to CTWS comments regarding locational dependency as a Goal 3 exception reason:

- 1) Maintain the Goal 3 exception locational dependence reason, while imposing a condition that, prior to construction, Madras provide evidence that it will be able to interconnect to the Pelton line **(Department Recommendation)**;
- 2) Revise the analysis of the exception to Goal 3 to maintain the locational dependence reason but basing the reason not on interconnection to the Pelton line but on the facility's proximity to the line and potential to interconnect to the line; or
- 3) Revise the analysis of the exception to Goal 3 to remove the locational dependence reason and base the exception only on the reasons of no direct impacts to agriculture and no impacts to other resources protected by Council standards (if Council believes those reasons are sufficient).

Madras Solar Energy Facility RFA1

Draft Proposed Order

Staff Recommendation

The Oregon Department of Energy recommends that the Energy Facility Siting Council (Council) find that Madras PV1, LLC demonstrates that the preponderance of evidence on the record supports the conclusion that the facility, with the proposed Request for Amendment 1 changes, complies with the applicable laws and Council standards that protect a resource or interest that could be affected by the proposed changes.

Council Comments/Discussion

ADJOURN

