

**BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON**

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| IN THE MATTER OF THE APPLICATION FOR SITE CERTIFICATE FOR THE MUDDY CREEK ENERGY PARK |)))) | ORDER GRANTING EXTENSION OF THE NOTICE OF INTENT EXPIRATION DATE |
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1 On May 19, 2023, Muddy Creek Energy Park, LLC (applicant) submitted a Notice of Intent for the
2 Muddy Creek Energy Park (proposed facility), a proposed solar photovoltaic energy generation
3 facility with a generating capacity of approximately 199 megawatts.
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5 On October 6, 2023, the Department issued a Project Order establishing the statutes,
6 administrative rules, Council standards, local ordinances, and other requirements for the site
7 certificate application. Consistent with the requirements of OAR 345-020-0060, the Project Order
8 establishes May 19, 2025, as the expiration date of the Notice of Intent.
9

10 Under OAR 345-020-0060, the Notice of Intent expires two years after its date of submission
11 unless, at least 45 days before the expiration date, the applicant submits a petition to extend the
12 expiration date. If the Council finds that the petition shows good cause, the Council may extend the
13 expiration date for a period of up to one year.
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15 On March 31, 2025, the applicant submitted a petition to extend the expiration date of the Notice of
16 Intent by one year. Because the applicant submitted the petition more than 45 days before the NOI
17 expiration date, the Council finds the petition was submitted timely. The applicant subsequently
18 provided additional information explaining why it was necessary to extend the expiration date.
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20 The petition and supplemental information explain that the extension is needed because over the
21 course of the original Notice of Intent period, the applicant, in coordination with the Oregon
22 Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE), identified the
23 presence of more wetlands in the facility analysis area than were first delineated. This
24 unanticipated discovery required the applicant to spend additional time revising the wetland
25 delineation, evaluating the proposed facility's potential impacts to wetlands and conducting four
26 complete redesigns of the site plan to minimize wetland impacts, formulate potential mitigation
27 measures, and to determine whether the project remains viable.
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29 We find that the unanticipated discovery of additional wetlands and the subsequent time required
30 to evaluate impacts to wetlands, conduct supplemental season-dependent field surveying, revise
31 the wetland delineation, and redesign the project multiple times to avoid and minimize impacts to
32 wetlands represents good cause for an extension of the Notice of Intent expiration date by one
33 year.
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35 Because the applicant has timely submitted a petition to extend the Notice of Intent expiration date
36 that demonstrates good cause for the extension, the Council grants the applicant's request.
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38 THEREFORE, the Council orders the Project Order be amended to extend the NOI expiration date to
39 May 19, 2026.

Kent Howe, Chair
Oregon Energy Facility Siting Council

Date

DRAFT