

# Oregon Department of **ENERGY**

Energy Facility Siting  
Council Meeting

ODOE office  
Meitner Room  
550 Capitol St. NE  
Salem, Or

July 18, 2025



## Opening Items:

- Call to Order
- Roll Call
- Announcements

# Announcements:

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- 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:

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- 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

- June Council Meeting Minutes
- Council Secretary Report

July 18, 2025

# Agenda Item B (Public Hearing)

## **Amendment Rulemaking Public Hearing** **Tom Jackman, Rules Coordinator**

July 18, 2025



# Amendment 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](mailto:tom.jackman@energy.oregon.gov).



# Amendment Rulemaking Public Hearing

## Timeline – Informal Rulemaking

Event	Date
Informal Rulemaking initiated by Council	Feb 23, 2024
Rulemaking Advisory Committee 1	June 26, 2024
Rulemaking Advisory Committee 2	Sept 26, 2024
Rulemaking Advisory Committee 3	April 29, 2025



# Amendment Rulemaking - RAC

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## **Energy Provider or Investor-Owned Utility**

Lenna Cope – Portland General Electric

Andrew Bauer – NW Natural

Patrick Collins / Chad Campfield – Umatilla Electric Cooperative

David Lawlor – NextEra Energy

## **Energy Advocacy or Trade**

Alyssa Forest / Angela Crowley-Koch – OSSIA

Paul Hicks – Tetra Tech

Emily Griffith – Renewable Northwest

## **Agency / Government**

Branden Pursinger – Oregon Counties

Jon Jinings – DLCD

Georgia Macnab – Sherman County

## **Public Interest**

Irene Gilbert – Public

Don Hilderbrand – Public

Yvonne Scott – Public

Jessica Bernardini – Public

## **Resource Interest**

Rudy Salakory – Friends of the Gorge

# Amendment Rulemaking Public Hearing

## Timeline – Formal Rulemaking

Event	Date
Informal rulemaking initiated by Council	Feb 23, 2024
Notice of Proposed Rulemaking filed with Sec of State	June 18, 2025
<b>Public hearing</b>	<b>July 18, 2025</b>
Public comment ends (39-day comment period)	Aug 1, 2025
Presentation of proposed rule language to Council for final consideration	August / September 2025

# Amendment Rulemaking Public Hearing

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1. Improve the clarity of the rules by resolving ambiguities
2. Make changes to improve Council's amendment process based on lessons learned
3. Update the rules to ensure compliance with new statutes, revised rules, and recent direction of the courts.

# Amendment Rulemaking

## Public Hearing: Background

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- A new documentation requirement to help the Department track compliance with the Council-approved final retirement plan (OAR 345-027-0110(7))
- New direction that explains how a certificate holder may apply to Council to release a portion of the site from the terms and conditions of the site certificate (OAR 345-027-0110(10))
- Clarifying how request for amendment analysis areas (“RFA analysis areas”) are to be determined (OAR 345-027-0360)
- Adding new requirements for how previously submitted evidence may be utilized in a pending amendment request (OAR 345-027-0360(4))

# Amendment Rulemaking

## Public Hearing: Background

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- Providing the Council with additional flexibility on the location of the public hearing on the amendment based on limited public interest or conditions like inclement weather (OAR 345-027-0367(2))
- Modifying the public comment period to ensure that it does not end until at least one week after the public hearing on the amendment (OAR 345-027-0367(3))
- Removing the requirement for site certificate holders to demonstrate a need for extension requests as Council has no need standard for purposes of seeking an extension (OAR 345-027-0385(1))
- Removing no longer relevant rule language directing what portion of the construction extension deadline rules apply based on when the request was submitted as it relates to previously amended rules (OAR 345-027-0385(5))

# Amendment Rulemaking Public Hearing: Background

## Proposed Process Steps

### 1. Preliminary Request for Amendment

- Public and reviewing agency notice of receipt of preliminary request for amendment within 14 days of receipt
- ODOE has **45 days (Type A – 60 days)** to determine if complete or incomplete. Request for additional information if incomplete

### 2. Complete Request for Amendment

- Notice to certificate holder of completeness and date of PO issuance. PO issuance is no later than **21 days (Type A – 60 days)** after date of notice.

# Amendment Rulemaking Public Hearing: Background

## Proposed Process Steps Cont'd.

### 3. Proposed Order

- Public and reviewing agency notice of complete request for amendment and PO
- Comment period
- Public Hearing in front of Council in the vicinity of the project is default. **Council has opportunity to determine if in person or in the vicinity is warranted.**
- **Replies to comments. Mandatory for certificate holder and optional for Department**
- **Commentors have opportunity to perfect their comments based on certificate holder and Department responses**
- **Certificate holder and Department may provide sur-replies.**

### 4. Final Order

- **Draft of Final Order issued within 21 days of sur-replies**
- Council reviews **Draft of Final Order** and adopts, modifies or rejects
- If amendment is approved, an amended site certificate is issued



# Amendment Rulemaking Public Hearing: Background

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NOTE: Not all proposed changes are listed on the previous slides.

Please review the staff report from June 13, 2025, Council meeting and the draft proposed language accompanying the notice of proposed rulemaking for a deeper dive into the proposed rule changes.



# Amendment Rulemaking Public Hearing

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## 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

# How to Indicate Your Interest in Commenting:

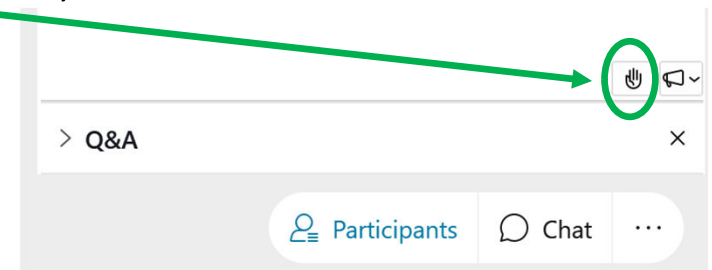
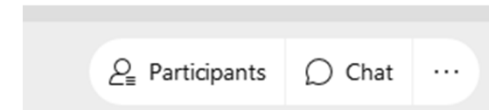
## Webinar Participants

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.

# Amendment Rulemaking Public Hearing

## Written Comments

May be submitted until 5:00 pm on August 1, 2025. Written comments may be submitted:

- Via online siting comment portal:  
<https://odoe.powerappsportals.us/en-US/SitingPublicComment/>
- Via email: [efsc.rulemaking@oregon.gov](mailto: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



## Agenda Item C (Action Item)

# **Leaning Juniper IIB Wind Power Facility Amendment 3 Proposed Order Review and Possible Final Decision**

**Kellen Tardaewether, Senior Siting Analyst**

July 18, 2025



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Overview

- Overview of the Operational Facility
- Evaluation of Request for Amendment 3 (RFA3)
  - Summary of Proposed Changes
  - Procedural History
  - Comments received on Draft Proposed Order and Certificate Holder responses; changes made in response to DPO comments
  - Overview of Select Council Standards
- Council Deliberation/Potential Decision



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

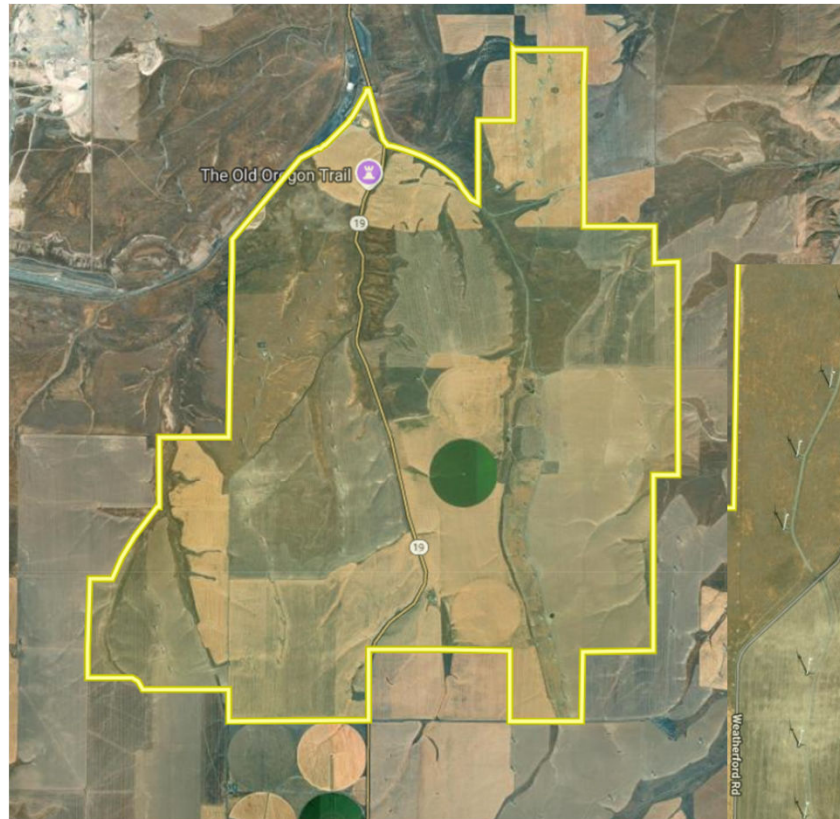
## Facility

### Energy Facility

- Operational since 2011, 111 MW wind power generation facility with 74 wind turbines

### Related or Supporting Facilities

- 34.5 kV power collection system
- One substation
- 230 kV transmission line
- Two meteorological towers
- One O&M building
- Access roads





# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

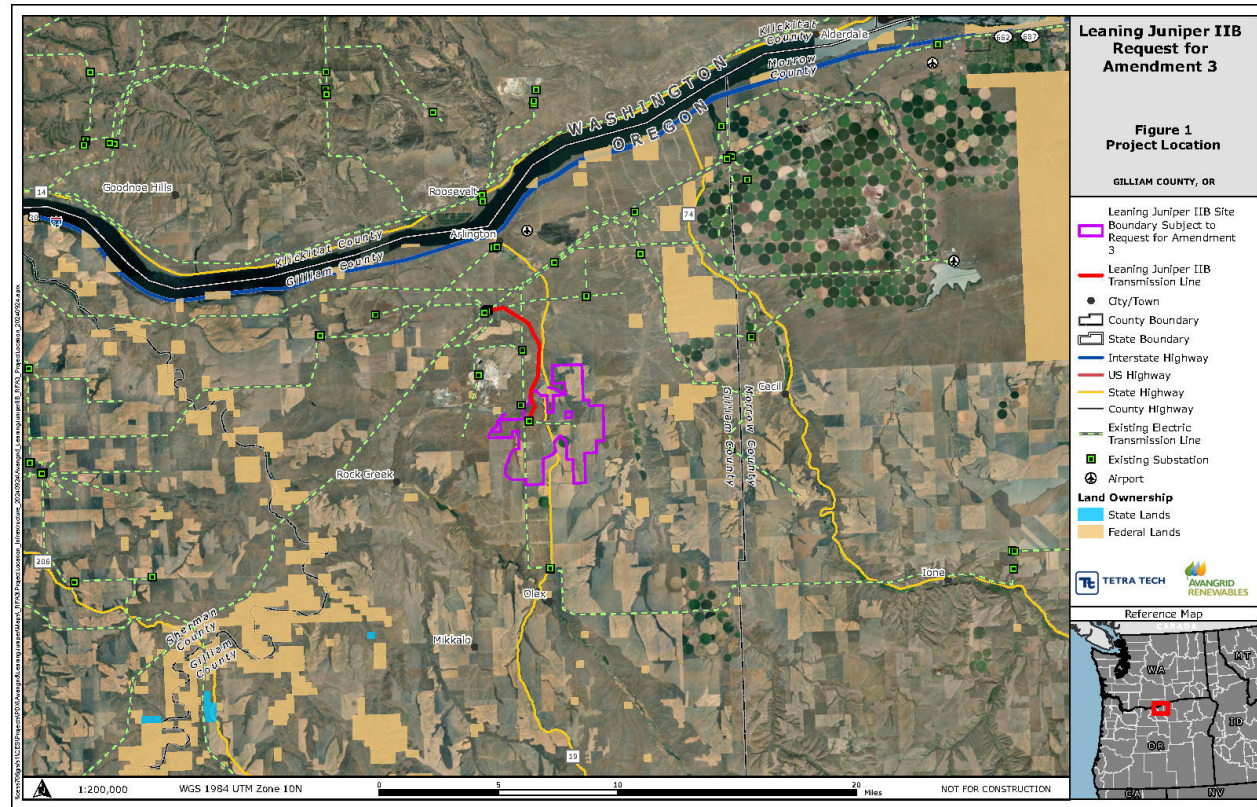
## Facility

### Certificate Holder

- Leaning Juniper Wind Power II, LLC  
a subsidiary of Avangrid Power, LLC.

### Location and Site

- Facility is located within an approximately 7,962 acre site boundary in Gilliam County, Oregon
- The site is located approx. 6.5 miles south of Arlington.



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Proposed Changes in RFA3

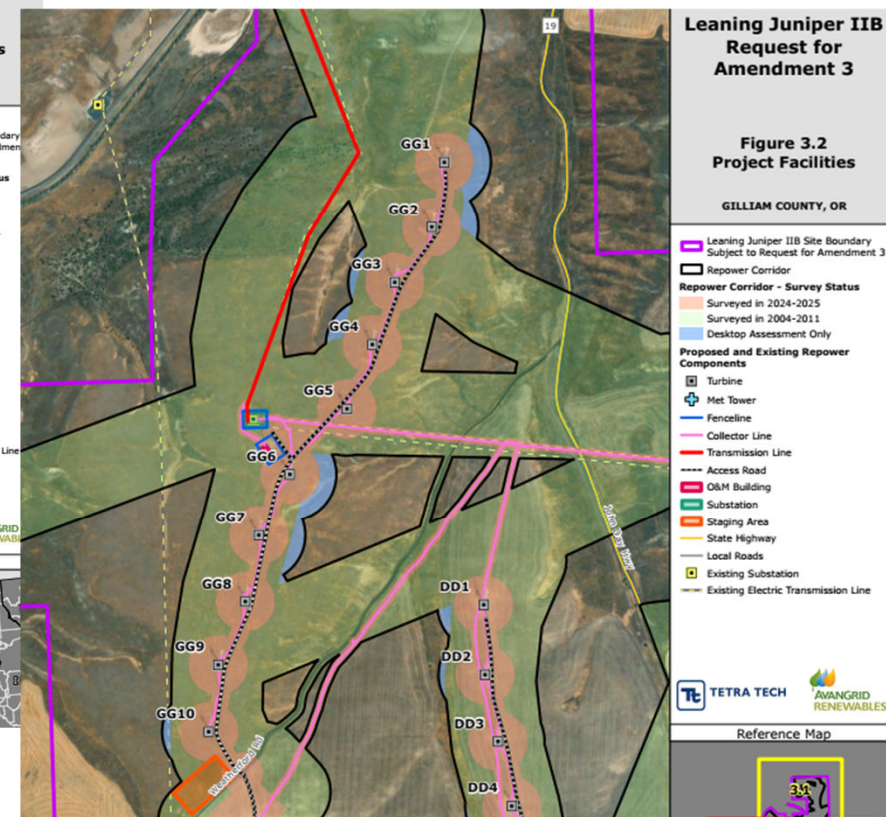
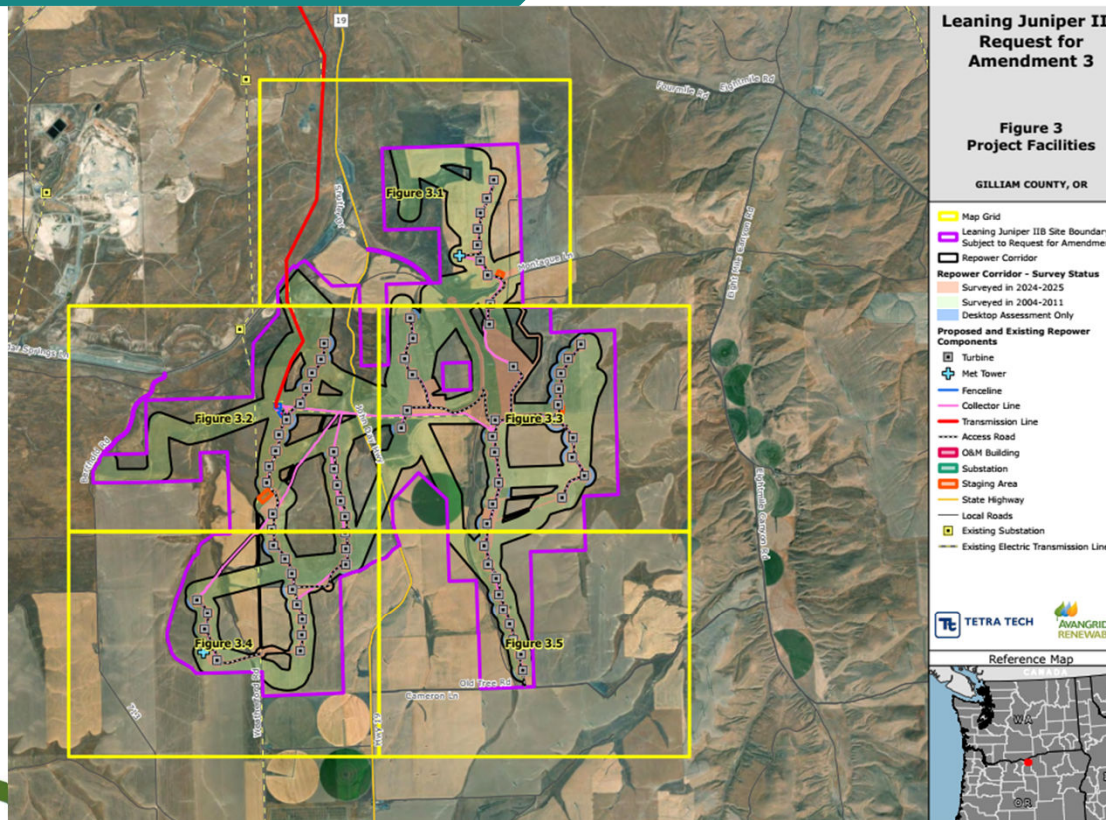
- Certificate holder seeks the Council's approval to:
  - Repower 74 wind turbines (replacement of rotors, nacelles and generator; and foundation reinforcement), and increase blade tip height from 389 to 422 feet;
  - Temporarily disturb approximately 651 acres within a 1,135 acre RFA3 repower micrositing corridor (roads, collector line, turbine pad, laydown and crane assembly areas, and construction yards) within the previously approved site boundary;
  - Abandon existing and install a new underground, 34.5 kV collector line system; and
  - Proposed changes to site certificate conditions
- RFA2 included a request for review under the Type B process





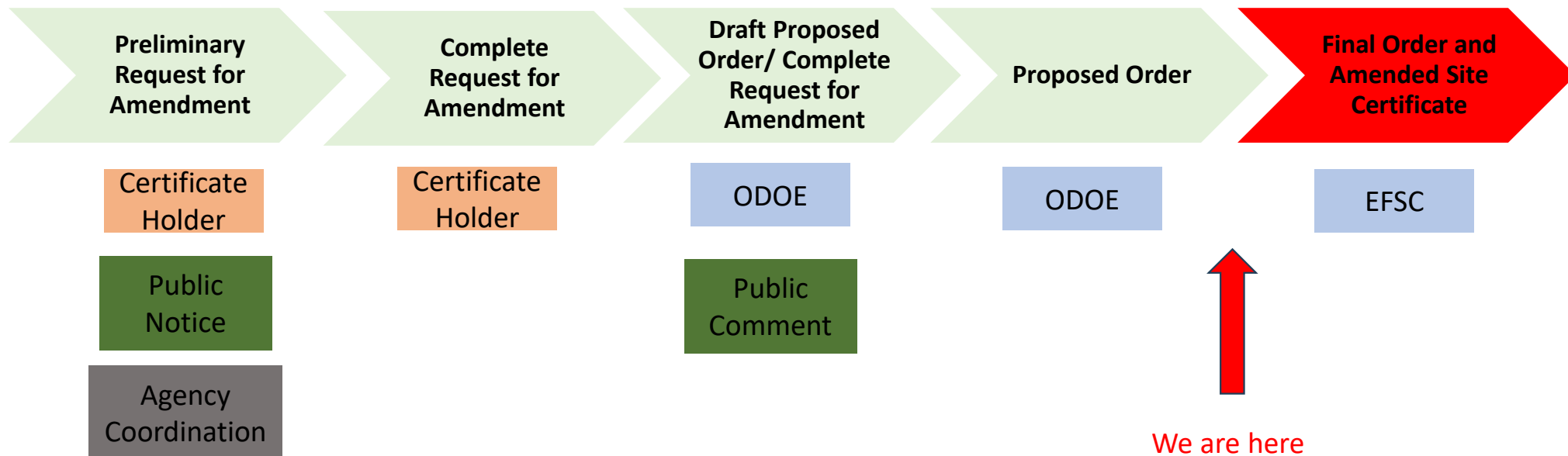
# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Proposed Changes in RFA3



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Type B Review Process



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Council Scope of Review

- The Council must determine that the preponderance of evidence on the record supports the following conclusions:
  - That the facility, with proposed RFA3 changes, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change, and;
  - For all requests for amendment, the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Comments on DPO

- A written public comment period on the DPO was held between May 28 and June 27 (30 days), 2025. There is no opportunity for oral comments in the Type B review process.
- Four comments were provided on the record of the DPO. Exact copies of the comments are included as Attachment B-1 to the Proposed Order.
  - Oregon Department of Agriculture (ODA)
  - Oregon Department of Geology and Mineral Industries (DOGAMI)
  - One from a member of the public, Dan Williams
  - DPO comments from the certificate holder
- Proposed Order, Table A-1 (page 12-20) and the July 3, 2025 Staff Report for the July 18, 2025 EFSC Meeting provides a summary table of the DPO comment, certificate holder response, and Department evaluation and changes made to the Proposed Order, if any.

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – ODA

- ODA - ODA states that project is within the same region as other known occurrences of threatened Lawrence's milkvetch and botanical surveys may be necessary.
  - Department responded to ODA indicating that surveys for T&E plant species had been done and no T&E plant species were observed.
  - *No changes to Proposed Order made.*

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – DOGAMI

- DOGAMI - Geotechnical data and interpretation for RFA3 repower was based on outdated ASC Exhibit H and a new seismic hazard assessment should be done to support the RFA3 repower; the 2023 National Seismic Hazard model version is the most current version and provides a more robust seismic hazard assessment.
  - Certificate holder provides an updated engineering evaluation by Barr Engineering where using the SEI 41-23 Seismic Evaluation and Retrofit of Existing Buildings for the foundation evaluation which incorporates the USGS 2023 National Seismic Hazard Model.
  - *Updated findings made to Proposed Order Section III.C., Structural Standard.*



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Mr. Williams

- Dan Williams - Questions if the maximum noise limits permitted under the DEQ Noise Regulations will be met and if there has been an independent noise consultant who conducted noise modeling and if shadow flickering has been modeled to ensure his property values will not be affected by the taller turbines.
  - Certificate holder and Department explain that third-party acoustics consultant completed an acoustic model and analysis. The modeling predicted that the repowered facility sound levels do not exceed the limits established by DEQ. The commentor's property is over 8,500 feet (2,590 meters) or 1.5 miles from the closest LJIB turbine, so the likelihood and intensity of shadow flicker affecting commentor's property are significantly reduced by distance and diminished show intensity and obstructions.
  - *No changes to Proposed Order made.*



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Repower Micrositing Corridor Description and Condition 108: For clarity and to avoid confusion, requests changes to findings in the Proposed Order and to General Standard of Review Condition 108 for the of the 1,135 repower micrositing corridor and the 4,348 repower corridor.
  - The Department does not recommend making certificate holder suggested revisions. Departments recommendations achieve the certificate holder's requested flexibility for repower activities. The Department recommendations are supported by field surveys prepared for RFA3 and the Council's own definitions and retains its description of the 1,135 acre repower micrositing corridor and the 4,348 acre repower corridor.
  - *Revisions to General Standard Condition 108 in Proposed Order Section III.A made to clarify the procedures for conducting surveys for cultural resources and wetlands for any repower activities outside the 1,135 acre micrositing corridor.*



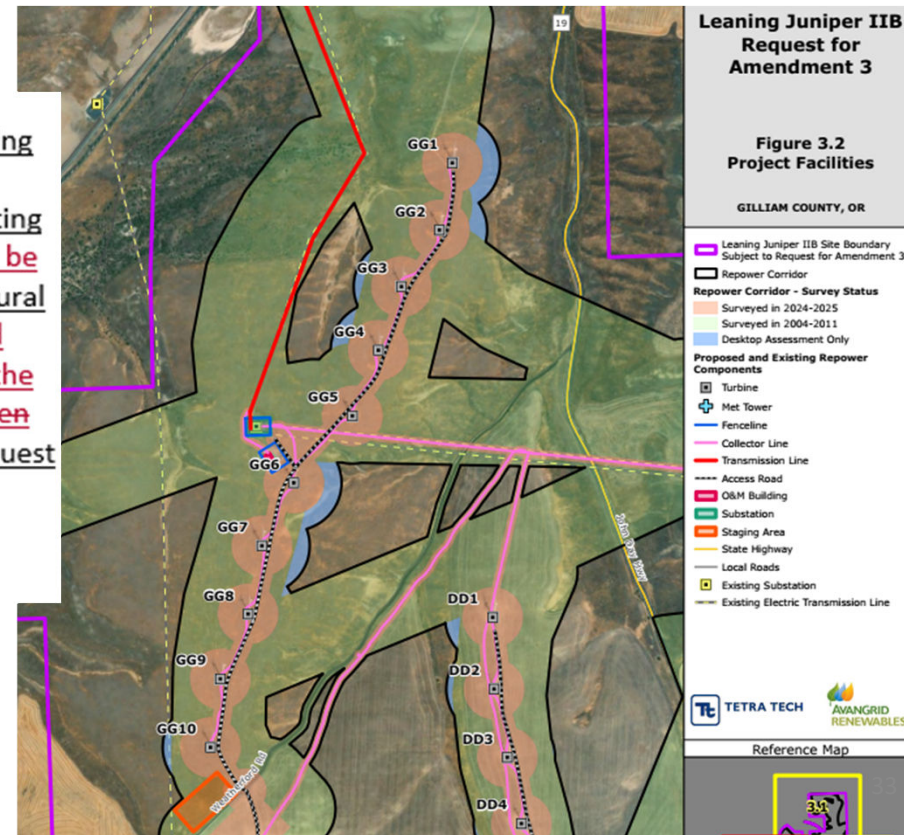
# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Repower Micrositing Corridor Description and Condition 108:

**Recommended General Standard of Review Condition 108 (PRE):** Prior to and during the facility repower, as applicable, ~~if certificate holder identifies that~~ disturbance impacts ~~may or will occur are precluded~~ outside of the 1,135 acre repower micrositing corridor, ~~attached to as shown in the Final Order Attachment A-1, these areas must be surveyed using current and accepted methodologies unless survey reports for~~ cultural and archeological objects ~~and~~ wetlands and waters of the state. ~~Survey results and reporting must be submitted to the State Historic Preservation Office (SHPO), and the Department of State Lands (DSL), and the Department , within these areas have been submitted and approved by the for~~ Department approval. The Department may request that any new resource, impact or mitigation be evaluated through an Amendment Determination Request or Site Certificate Amendment Process.

[AMD3]



# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Condition 27 Turbine Limitations: Certificate holder requests this condition be removed or amended to remove “restrictions” and add “substantially as described below.”
  - The Department does not recommend making certificate holder suggested revisions.
  - *No changes to Proposed Order made.*

**Recommended Amended Condition 27:** The certificate holder shall design, construct and operate the facility as substantially as described in Section III of the site certificate and must not exceed the following restrictions:

- (a) The total number of turbines at the facility must not exceed 80 74 turbines.
  - ~~(b) The peak generating capacity of each turbine must not exceed 3.0 megawatts.~~
  - ~~(c) The combined peak generating capacity of the facility must not exceed 153 megawatts.~~
  - (d) The turbine hub height must not exceed 100 meters, and the turbine blade tip height must not exceed 150 129 meters.
  - ~~(e) The minimum blade tip clearance must be 30 meters above ground.~~
  - ~~(f) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility or to increase the number of wind turbines or the dimensions of wind turbines at the facility.~~
- [AMD1, AMD3]

# Leaning Juniper IIB Wind Power Facility RFA3

## Review of Proposed Order

### DPO Comments – Certificate Holder

- Condition 32 Contractor Identification: Certificate holder requests this condition be revised because the certificate holder maintains that contractor requirements are established with conditions 33 and 34 and requests to leave the condition language with “major” instead of changing to “onsite”.
  - The Department does not recommend making certificate holder suggested revisions.
  - *No changes to Proposed Order made.*

**Recommended Amended Condition 32 (PRE):** Before beginning the facility repower construction, the certificate holder shall notify the Department of the identity and qualifications of ~~major~~ onsite construction contractor(s) for specific portions of the work. The certificate holder shall select contractors that have substantial experience in the design and construction of similar facilities. The certificate holder shall report to the Department any change of ~~major~~ construction contractors.

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Condition 94 Noise Analysis Update: Certificate holder requests Table 1 in the draft site certificate and Table 1 in the proposed order remove the maximum sound power level associated with the repowered turbine technology discussed in RFA3; and requests that the Department change Condition 94 from “inapplicable” to “applicable” to preconstruction.
  - The Department agrees with the certificate holder requested changes and that the Condition allows for the submittal of manufacturer specifications based on the final wind turbine technology selected. Based on the final technology, noise data will be provided to the Department under Condition 94.
  - *Changes made to findings and Condition 94 in Proposed Order Section IV.A., Noise Control Regulations.*

# Leaning Juniper IIB Wind Power Facility RFA3

## Review of Proposed Order

### DPO Comments – Certificate Holder

- Condition 101 and Condition 116 Terminology Added to Retirement Conditions and Findings: Certificate holder requests that the terminology added to the retirement and financial assurance conditions associated with the Department and Council reserving the right to adjust contingencies be modified to be consistent with prior site certificates because it could be misinterpreted or subject to challenge in future.
  - The Department does not recommend making certificate holder suggested revisions. The additional language ensures that the certificate holder has the ability to restore the site to useful, nonhazardous condition, therefore the Department recommends Council authorize review and adjustment of contingencies applied to the decommissioning estimate to protect public health and safety and environment.

○ *No changes to Proposed Order made.*





# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Findings Associated with WGS Habitat and Condition 121: Certificate holder requests edits to Condition 121; adding “suitable habitat” to the condition and updating the findings in Section III.H; areas that were disturbed during construction of the existing facility were classified as Cat 2 regardless of their proximity to WGS colonies identified during 2024 surveys. Certificate holder commits to mitigating for these habitat impacts at a 2:1 ratio. However, no such impacts are currently proposed.
  - The Department agrees with the certificate holder requested changes to the proposed order findings and Condition 121. Based on the WGS ODFW guidance document, in Section III.H the Department adds a footnote with the definition for “suitable habitat”
  - *Condition 121 and updated findings provided in Proposed Order Section III.H and III.I.*

Draft Washington Ground Squirrel (WGS)  
Avoidance and Minimization Plan

Leaning Juniper IIB Wind Power Facility  
May 2025

Prepared for  
Leaning Juniper Wind Power II, LLC

Prepared by  
  
Tetra Tech, Inc.

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Findings Associated with WGS Habitat and Condition 121:

**Recommended Threatened and Endangered Species Condition 121 (PRE):** Prior to the facility repower, in areas of ground disturbance within suitable WGS habitat within 1,000-feet of previously identified WGS colonies (2024 Survey), the certificate holder shall perform annual WGS surveys (non-protocol, spot check) in suitable WGS habitat and update maps and flagging within 785-feet of any active WGS colony in suitable WGS habitat. Provide updated maps to the Department and ODFW and identify any significant change in previously identified WGS colonies and habitat.  
[AMD3]

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<sup>72</sup> Suitable WGS habitat can be defined as any terrestrial habitat within the range of the WGS that was not developed: i.e. active agricultural lands. Areas containing shrub-steppe and grassland habitats with silty soils should be considered highly suitable and prioritized. ODFW WGS Protections and Survey Requirements 2019-10-15. [emphasis added] See also LJIBAMD3Doc12-2 Certificate Holder DPO Comments 2025-06-20. Department recommends adding in “suitable WGS habitat” to findings and Threatened and Endangered Species Condition 121 in response to certificate holder DPO comments. As discussed in this Section and Section III.I., WGS habitat and WGS colonies are present within and around the operational facility and roads, in previously disturbed and revegetated areas.

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Condition 137 Avoidance of Potential Wetland: Attachment 1 to the certificate holder's DPO comments provides a Department of State Lands (DSL) Wetland Delineation Concurrence Letter dated May 28, 2025 (the same date the DPO was issued). The DSL Concurrence Letter confirms that WT01 is not a jurisdictional water and requests that Recommended Removal Fill Condition 137 be deleted.
  - The Department agrees with the certificate holder requested changes. WT01 is not a jurisdictional wetland or water, therefore, no avoidance is necessary. The Department recommends removal of Condition 137
  - *Condition 137 removed and updated findings provided in Proposed Order Section IV.B.*



**Oregon**  
Tina Kotek, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
www.oregon.gov/dsl

May 28, 2025

Avangrid Renewables, LLC  
Attn: Anneke Van der Mast Solsby  
2701 NW Vaughn St Ste 300  
Portland, OR 97210

State Land Board

Tina Kotek  
Governor

Tobias Read  
Secretary of State

Elizabeth Steiner  
State Treasurer

Re: WD # 2025-0024 **Approved**  
Wetland Delineation Report for Leaning Juniper IIB Wind Power  
Facility  
Gilliam County; T1N R21E S0 TLs 100, 200, 300, 800 (Portion);  
T2N R21E S0 TLs 1400, 1600, 1704, 2300, 2400, 2500 (Portion);  
T1N R22E S0 TL 700 (Portion); T2N R22E S0 TL 2600 (Portion)

Dear Anneke Van der Mast Solsby:

The Department of State Lands has reviewed the wetland delineation report prepared by Tetra Tech, Inc for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached maps). Based upon the information presented in the report, and additional information submitted upon request, we concur that there are no jurisdictional wetlands or other waters of the state within the study area as mapped in revised Figures 5, 5.1, 5.1.1 to 5.1.12, 5.2, 5.2.13 to 5.2.19 of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, one wetland (Wetland WT01), one pond (OW01), and six ephemeral waters were identified. The wetland and pond are exempt per OAR 141-085-0515(7) and the streams are exempt per OAR 141-085-0515(3) and therefore, are not subject to current state Removal Fill laws.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete





# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## DPO Comments – Certificate Holder

- Inapplicable Conditions 55, 63, 83, 91, 102: Certificate holder requests to “highlight” the following conditions in the site certificate, meaning that they were applicable to the unbuilt facility and no longer applicable: 55, 63, 83, 91, 102.
  - The Department concurs that the conditions 55, 83, 91, 102 are no longer applicable to the facility and facility repower and should be highlighted grey in the amended site certificate, however, Condition 63 is applicable.
  - *Condition highlight updated in the draft amended site certificate.*

54 To protect the public from electrical hazards, the certificate holder shall enclose the facility substations with appropriate fencing and locked gates.

55 The certificate holder shall construct turbine towers that are smooth steel structures with no exterior ladders or access to the turbine blades and shall install locked access doors accessible only to authorized personnel.

56 The certificate holder shall follow manufacturers’ recommended handling instructions and procedures to prevent damage to towers or blades that could lead to failure.

57 The certificate holder shall have an operational safety monitoring program and shall inspect turbine blades on a regular basis for signs of wear. The certificate holder shall repair turbine blades as necessary to protect public safety.

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Wildfire Prevention and Risk Mitigation

- Section III.N., Wildfire Prevention and Risk Mitigation (pages 109-116)

### Draft Wildfire Mitigation Plan for the Leaning Juniper IIB Wind Power Facility



Prepared for Leaning Juniper Wind Power II, LLC  
April 2025

Draft Wildfire Mitigation Plan for the Leaning Juniper IIB Wind Power Facility

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# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Public Health and Safety for Wind Facilities

### • Section III.P., Public Health and Safety Standards for Wind Energy Facilities (pages 118-121)

The 2024 Foundation Evaluation Report concludes that all foundations were analyzed for the GE1.5sle baseline and GE1.6-97 repower wind turbine loads and passed all the design checks. The facility foundations are adequate to support the new wind turbine provided the repair recommendations noted in the Field Assessment Summary Report, listed below, are performed.

1. Fill cracks in the pedestal and grout of widths greater than 0.016" with an epoxy type product to prevent water intrusion and degradation.
2. Patch areas where pedestal edge spalling and grout shoulder edge spalling are observed.
3. Repair/replace all broken and/or missing anchor bolt covers.
4. Restore backfill in accordance with original foundation drawings and specifications.
5. Section 5, Conclusions and Recommendations, of the Field Assessment includes maintenance observations/recommendations identified at specific turbines.

The Department concurs with the recommendations and recommends that Council require that the certificate holder implement these recommendations prior to the facility repower, as follows:

**Recommended Public Health and Safety Condition 136 (PRO):** Prior to completion of the facility repower, certificate holder shall submit to the Department evidence that maintenance or repairs, as identified in Final Order on AMD3 Attachment K, were completed.  
[AMD3]



Figure 3-2 below shows an example of the low backfill condition observed with up to 15" of pedestal protrusion, listed in Table 3-1. Backfill was measured at each of the cardinal directions of the pedestal and compared to the 6" maximum protrusion shown on the original IFC foundation drawings for LJ2B.



Figure 3-2 Example of low backfill condition

Table 3-1 Foundations with low backfill noted

Turbine Number									
BB-01	BB-03	BB-05	CC-01	CC-02	CC-03	CC-05	CC-06	CC-07	CC-08
CC-09	CC-10	DD-01	DD-02	DD-03	DD-04	DD-05	DD-06	DD-07	DD-08
FF-02	FF-03	FF-04	FF-05	GG-01	GG-02	GG-03	GG-06	GG-08	GG-10
HH-03	HH-06	JJ-01	JJ-02	JJ-03	JJ-04	JJ-05	JJ-06	JJ-08	JJ-09
JJ-10	JJ-11	JJ-12	JJ-13	JJ-14	JJ-15	JJ-16	JJ-17	JJ-18	KK-01
KK-02	KK-03	KK-04	KK-05	KK-06	KK-07	KK-08	KK-09	KK-10	-

# Leaning Juniper IIB Wind Power Facility RFA3 Review of Proposed Order

## Issuance of Final Order

- Council may adopt, modify, or reject the proposed order based on determining whether the preponderance of evidence on the record supports the following conclusions:
  - That the facility, with proposed RFA3 changes, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change.
  - The amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.
- Following review of the Proposed Order, the Council must issue a Final Order granting or denying issuance of an amended site certificate.
- Judicial review of the Council's Final Order is as provided in ORS 469.403.

# Council Options

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## **Option 1 - Recommended**

Approve the amendment as presented and issue a Final Order and amended Site Certificate

## **Option 2**

Approve the amendment as presented and issue a Final Order and amended Site Certificate with changes

## **Option 3**

Deny the amendment for specific reasons

# Council Deliberation

BREAK

# Agenda Item D (Information Item)

## **PUBLIC COMMENT**

**Time Limit** – 7 Minutes per commentor





# How to Raise Your Hand in Webex:

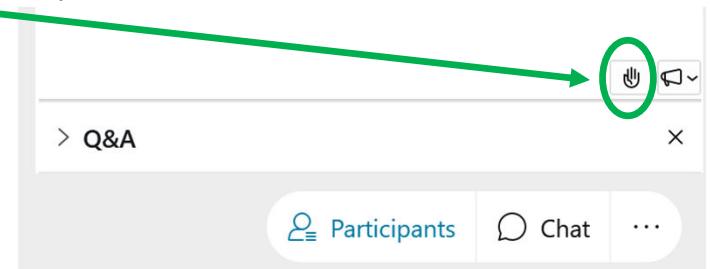
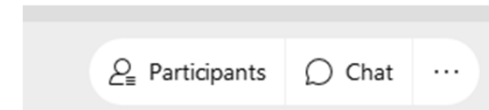
## Webinar Participants

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.

## Agenda Item E (Action Item)

# **Wheatridge Renewable Energy Facility East Wildlife Monitoring and Mitigation Plan Amendment**

**Christopher Clark, Senior Siting Analyst, ODOE**

**Jeremy Thompson, Habitat Special Projects Coordinator, ODFW**

July 18, 2025



# Wheatridge Renewable Energy Facility East WMMP Amendment

## Agenda Item Overview

- Project Overview and Background
- Summary of Proposed WMMP Amendments
  - Standardized Search Methods
  - Washington Ground Squirrel Monitoring
- Bird and Bat Fatality Thresholds of Concern
  - Overview of Thresholds
  - Use of Existing Thresholds for WREFE
  - Recommendations for Future Council Action
- Council Deliberation



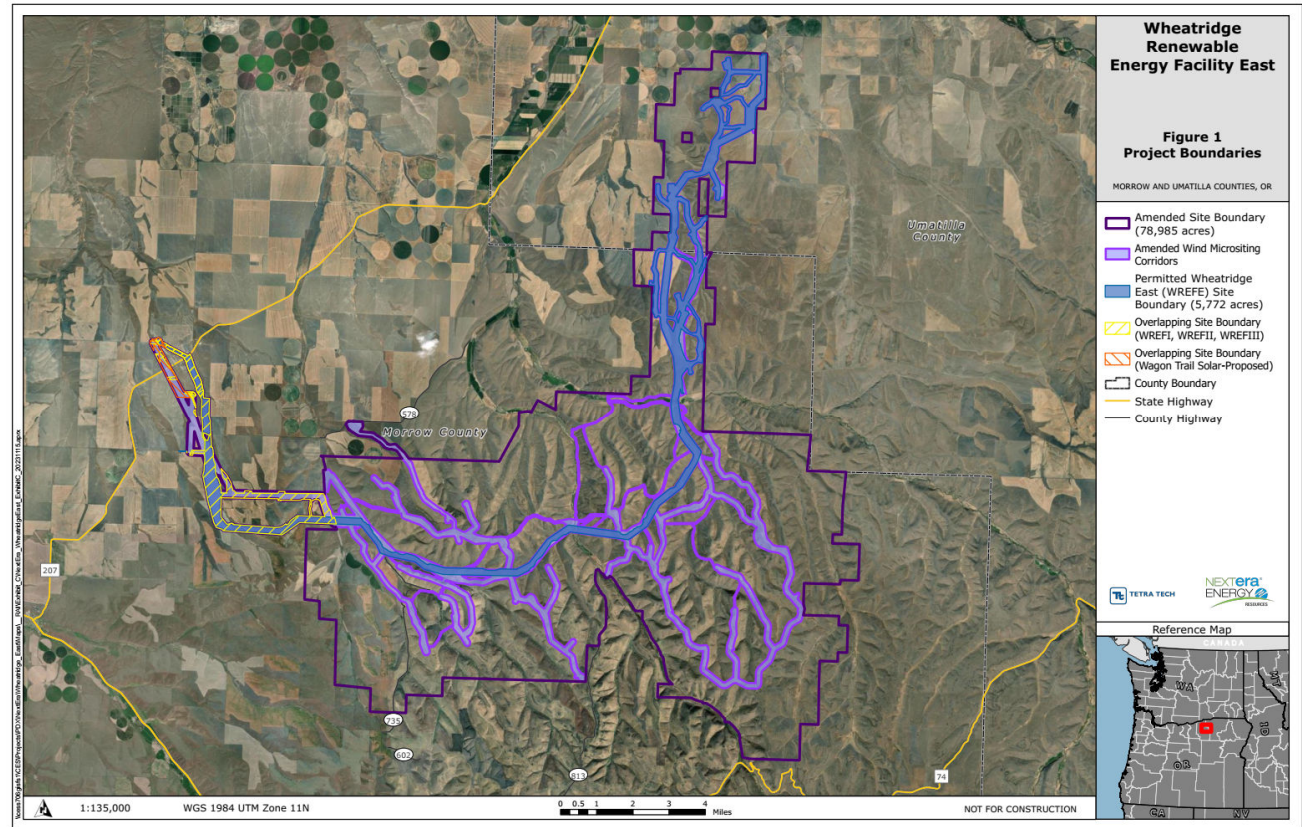
# Wheatridge Renewable Energy Facility East WMMP Amendment

## Facility Overview

Operational 200 MW  
Wind Energy Facility  
consisting of 71 turbines  
and related or supporting  
facilities.

Commercial operation  
began on June 26, 2025.

All built components  
located in Morrow  
County.



# Wheatridge Renewable Energy Facility East WMMP Amendment

## Background – Condition PRE-FW-02

- The Final Order on Request for Amendment 1 (June 2024), required that the certificate holder finalize the draft WMMP by updating the “thresholds of concerns” for bird and bat fatalities in consultation with ODOE and ODFW prior to commencing operations.
- The condition was based on data suggesting that current thresholds are lower than average fatality rates for facilities in Columbia Plateau Ecoregion.
- The condition also allows the Department to agree to amendments of the WMMP. Department must notify Council, and Council retains the authority to approve, reject, or modify any amendment agreed to by the Department.



# Wheatridge Renewable Energy Facility East WMMP Amendment

## Background

- On May 8, 2025, certificate holder consulted with ODOE and ODFW on potential updates to the thresholds of concern.
  - The certificate holder and agencies agreed that there was not a sufficient empirical basis to support an update.
- On May 30, 2025, certificate holder submitted a draft amended WMMP.
  - Existing thresholds of concern maintained.
  - Other changes to monitoring methods proposed.
- On June 5, 2025, Department confirmed that condition requirement to update thresholds was satisfied based on consultation and agreement of parties.



# Wheatridge Renewable Energy Facility East WMMP Amendment

## Background – Fatality Estimation

$$\text{Estimated Fatalities} = \frac{\text{Observed Fatalities}}{\text{Density Weighted Proportion} * \text{Carcass Persistence} * \text{Searcher Efficiency}}$$



# Wheatridge Renewable Energy Facility East WMMP Amendment

## Proposed WMMP Amendments – Fatality Search Methods

Search Parameter	Draft WMMP	Draft Amended WMMP
Methods	All Turbines: Road and pad search + binocular scan	75% of Turbines: Road and pad search + binocular scan 25% of Turbines: 6-m spaced transects (Note: Final version includes additional specificity on selection methods)
Initiation	First Year: Start of first full season following commencement Second Year: Year 5 of operation	First Year: Within 6 months of Commercial Operations Date (June 26, 2025) Second Year: Year 5 of operation
Frequency	Spring to Fall: Every two weeks Winter: Monthly	Spring to Fall: Weekly Winter: Monthly
Response to Exceedance	Consultation on whether mitigation is required OR second year of monitoring	Consultation on whether mitigation is required. No option for second year.

# Wheatridge Renewable Energy Facility East WMMP Amendment

## Proposed WMMP Amendments – WAGS Monitoring

- Draft WMMP did not contain specific requirements for Washington Ground Squirrel (WAGS) monitoring.
- Because colonies were identified during pre-construction surveys, Draft Amended WMMP includes survey provisions, consistent with Condition PRE-TE-02.
- Final version limits surveys to two known colonies and any new colonies identified within 1,000 feet of ground disturbance.

# Wheatridge Renewable Energy Facility East WMMP Amendment

## Fatality Thresholds of Concern – Overview

- Council established “thresholds of concern” for several categories of sensitive avian and bat species in 2006 to “provide a rough measure for deciding whether the Council should be concerned about observed fatality rates” at a given wind facility.
- The thresholds were not intended to be relied upon as a scientific indicator of range-wide population level impacts.
- Most wind facilities have a WMMP that requires post-construction fatality monitoring. If a threshold is exceeded, additional monitoring or consultation regarding mitigation is required.

# Wheatridge Renewable Energy Facility East WMMP Amendment

## Fatality Thresholds of Concern – Recommendation for WREFE

- Better data available today than in 2006, in part due to monitoring at jurisdictional facilities, but changes in search and estimation raise validity concerns.
- There is still limited evidence regarding relationship between facility fatality rates and potential population-level impacts for many species of concern.
- Based on desire to develop meaningful, actionable, and empirically supported tools to decide when additional mitigation of fatalities may be needed, the Department, ODFW, and certificate holder agreed to leave the current thresholds in place until a more robust analysis can be completed.





## Bird and Bat Mortality Thresholds



Slides citing

# Current Bird and Bat Fatality Thresholds

Species Group	Threshold of Concern (fatalities per MW)
Raptors (All eagles, hawks, falcons and owls, including burrowing owls.)	0.09
Raptor species of special concern (Swainson's hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl and any federal threatened or endangered raptor species.)	0.06
Target grassland birds (All native bird species that rely on grassland habitat and are either resident species, occurring year round, or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.)	0.59
State sensitive avian species listed under OAR 635-100-0040 (Excluding raptors listed above.)	0.20
Bat species as a group	2.50



Appendix T5. Bat fatality estimates from post-construction fatality monitoring studies at operational wind energy facilities within the Columbia Plateau, 1999-2020.

Facility Name, State, Study Period	All Bat	
	Fatalities/MW/Study	Reference
Biglow Canyon II, OR (2009-2010)	3.78	Enk et al. 2011
Rattlesnake Road (2009-2011)	2.87	Gritzki et al. 2011
Nine Canyon, WA (2002-2003)	2.47	Erickson et al. 2003
Tucannon River, WA (2018-2018)	2.32	Hallingstad et al. 2019
Stateline, OR, WA (2003-2003)	2.29	Erickson et al. 2004
Tucannon River, WA (2015-2015)	2.22	Hallingstad et al. 2016
White Creek I	2.04	Downes and Gritski 2012
Biglow Canyon I, OR (2008-2008)	1.99	Jeffrey et al. 2009
Big Horn, WA (2006-2007)	1.90	Kronner et al. 2008
Chopin, OR (2016-2017)	1.90	Hallingstad and Riser-Espinoza 2017
Chopin, OR (2016-2017)	1.90	Hallingstad and Riser-Espinoza 2017
Combine Hills, OR (2004-2005)	1.88	Young et al. 2006
Linden Ranch, WA (2010-2011)	1.68	Enz and Bay 2011
Juniper Canyon, WA (2011-2012)	1.60	Enz and Bay 2012
Pebble Springs, OR (2009-2010)	1.55	Gritski and Kronner 2010
Hopkins Ridge, WA (2008-2008)	1.39	Young et al. 2009
Stateline 3, OR (2011-2012)	1.18	Kronner et al. 2012
Vansycle, OR (1999-1999)	1.12	Erickson et al. 2000
Mary Hill and Hootor Ridge, WA (2011-2012)	1.04	Enz et al. 2012
Shepherd's Flat North (2012-2014)	1.03	Smith et al. 2015a
Stateline, OR, WA (2006-2006)	0.95	Erickson et al. 2007
Tuolumne, WA (2009-2010)	0.94	Enz and Bay 2010
Lower Snake River, WA (2012-2013)	0.88	Thompson et al. 2018
Willow Creek (2009-2011)	0.81	Northwest Wildlife Consultants 2011
Combine Hills, OR (2011)	0.73	Enz et al. 2011
Montague, OR (2019-2020)	0.73	Chatfield and Martin 2021
Wheat Field (2009-2011)	0.69	Gritzki and Downes 2011
Biglow Canyon III, OR (2011-2012)	0.66	Enz et al. 2013
Hopkins Ridge, WA (2006-2006)	0.63	Young et al. 2007
Leaning Juniper II, OR (2011-2013)	0.63	Downes et al. 2013
Biglow Canyon II, OR (2010-2011)	0.57	Enk et al. {2012 #14130}
Lower Snake River, WA (2017-2017)	0.54	Thompson et al. 2018
Hay Canyon, OR (2009-2010)	0.53	Gritski and Kronner 2010
Star Point, OR (2010-2011)	0.49	Gritski and Downes 2011
Shepherd's Flat Central (2012-2014)	0.42	Smith et al. 2015b
Klondike II, OR (2005-2006)	0.41	NWC and WEST 2007
Windy Flats, WA (2010-2011)	0.41	Enz et al. 2011
Vantage, WA (2011-2012)	0.40	Ventus Environmental Solutions 2012
Wild Horse, WA (2007-2007)	0.39	Erickson et al. 2008
Goodnoe, WA (2009-2010)	0.34	URS 2010
Kittitas Valley, WA (2012-2013)	0.31	Stantec Consulting 2013
Marengo II, WA (2009-2010)	0.27	URS (2010
Shepherd's Flat South (2012-2014)	0.25	Smith et al. 2015b
Biglow Canyon III, OR (2010-2011)	0.22	Enk et al. 2012
Marengo I, WA (2009-2010)	0.17	URS 2010
Marengo I Yr 2, WA (2010-2011)	0.15	URS Corporation 2011
Kittitas Valley, WA (2011-2012)	0.12	Stantec Consulting 2012
Marengo II Yr 2, WA (2010-2011)	0.00	URS Corporation 2011

\* 2-year study.

# Comparison of Project Bat Fatality Rates



# Bird Fatality

Project Name	All Bird Fatalities/MW/Study Period	Raptor Fatalities/MW/Study Period
Willow Creek	3.22	0.38
Klondike III	2.65	0.27
Leaning Juniper	6.66	0.21
Biglow Canyon II	7.72	0.2
Shepherd's Flat Central	3.74	0.15
Klondike IIIa	3.06	0.12
Shepherd's Flat South	2.86	0.09
Montague	7.61	0.07
Leaning Juniper II	2.5	0.07
Shepherd's Flat North	6.39	0.06
Biglow Canyon III	4.41	0.06
Rattlesnake Road	2.16	0.06

Project Name	All Bird Fatalities/MW/Study Period	Raptor Fatalities/MW/Study Period
Combine Hills	2.33	0.05
Stateline 3	0.36	0.05
Pebble Springs	1.93	0.04
Biglow Canyon I	1.76	0.03
Combine Hills	2.56	0
Klondike IIIa	2.54	0
Biglow Canyon I	2.47	0
Biglow Canyon III	2.28	0
Hay Canyon	2.21	0
Klondike	0.95	0
Vansycle	0.95	0
Star Point	0.8	0

# Summary of CPE Wind Facilities

**Table 9. Annual estimated bird and bat fatalities at wind energy facilities within the Columbia Plateau Ecoregion. Assumed operational capacity of 6,757 MW as of December 2021.**

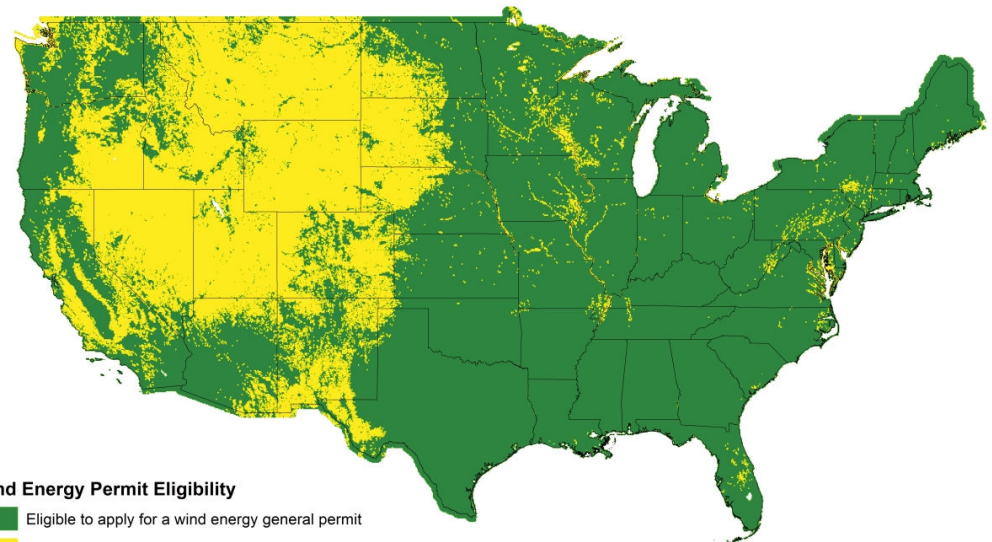
Group	Range	Median/MW	Mean/MW <sup>1</sup>	1st and 3rd Quartile of the Mean	Estimated Annual Fatalities
All Bird <sup>2</sup>	0.16–8.45	2.33	2.57	1.25–3.10	17,369
Raptor <sup>3</sup>	0.00–0.47	0.08	0.12	0.00–0.15	793
Bat	0.00–3.78	0.77	1.08	0.41–1.75	7,292

<sup>1</sup>. Summary statistics rounded for simplicity and consistency. For example, mean annual raptor fatalities was 0.11733 birds/MW/year. Use of 0.12 raptors/MW/year would result in 811 raptors/MW/year.

<sup>2</sup>. Excludes raptors

<sup>3</sup>. Included diurnal raptors, owls, and turkey vulture (*Cathartes aura*)

# Changes to USFWS Eagle Rules



**Wind Energy Permit Eligibility**

- Eligible to apply for a wind energy general permit
- Eligible to apply for a specific permit
- U.S. State boundaries

Eagle Permit Eligibility Map for Wind, USFWS, Public Domain, <https://www.fws.gov/media/eagle-permit-eligibility-map-wind>

# Considerations Moving Forward

- What does current mortality mean for populations in the CPE?
- Do we need to revisit past studies to standardize mortality estimates?
- What opportunities exist for meaningful mitigation?
- Is there additional or alternate data needs?

# Wheatridge Renewable Energy Facility East WMMP Amendment

## Staff recommendations on WMMP

- As provided by Condition PRE-FW-02, the Department has agreed to:
  - Continue to use of existing thresholds of concern in WMMP; and
  - Amend the WMMP to incorporate the proposed changes to the protocols for standardized carcass searches and other administrative updates
- The Department requests the Council's concurrence with the amended plan, as presented in Attachment 3, or additional direction if the Council determines additional modification is needed.



# Council Options

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## **Option 1 - Recommended**

Approve the Amended  
WMMP

## **Option 2**

Approve the Amended  
WMMP with changes

## **Option 3**

Reject the Amended  
WMMP

# Council Deliberation



# Agenda Item F (Information Item)

## **Compliance Program 6-Month Review**

**Egan Bull Compliance Officer, Sarah Esterson Senior Policy Advisor, and Bibi Bartley Operations and Policy Analyst**

July 18, 2025



# Compliance Program Authority

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- **ORS 469.310** - It is, therefore, the purpose of \*\*\* to exercise the jurisdiction of the State of Oregon to the maximum extent permitted \*\*\* to establish a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state.
- **469.430 Site inspections; compliance reviews** - EFSC has continuing authority over the site for which the site certificate is issued, including but not limited to :
  - Inspect, or direct staff to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of the site certificate.
  - Review documents, reports and other materials, or direct staff or request another state agency or local government to review documents, reports or other materials, to ensure that the facility continues to comply with all terms and conditions of the site certificate.



# Compliance Program Rulemaking

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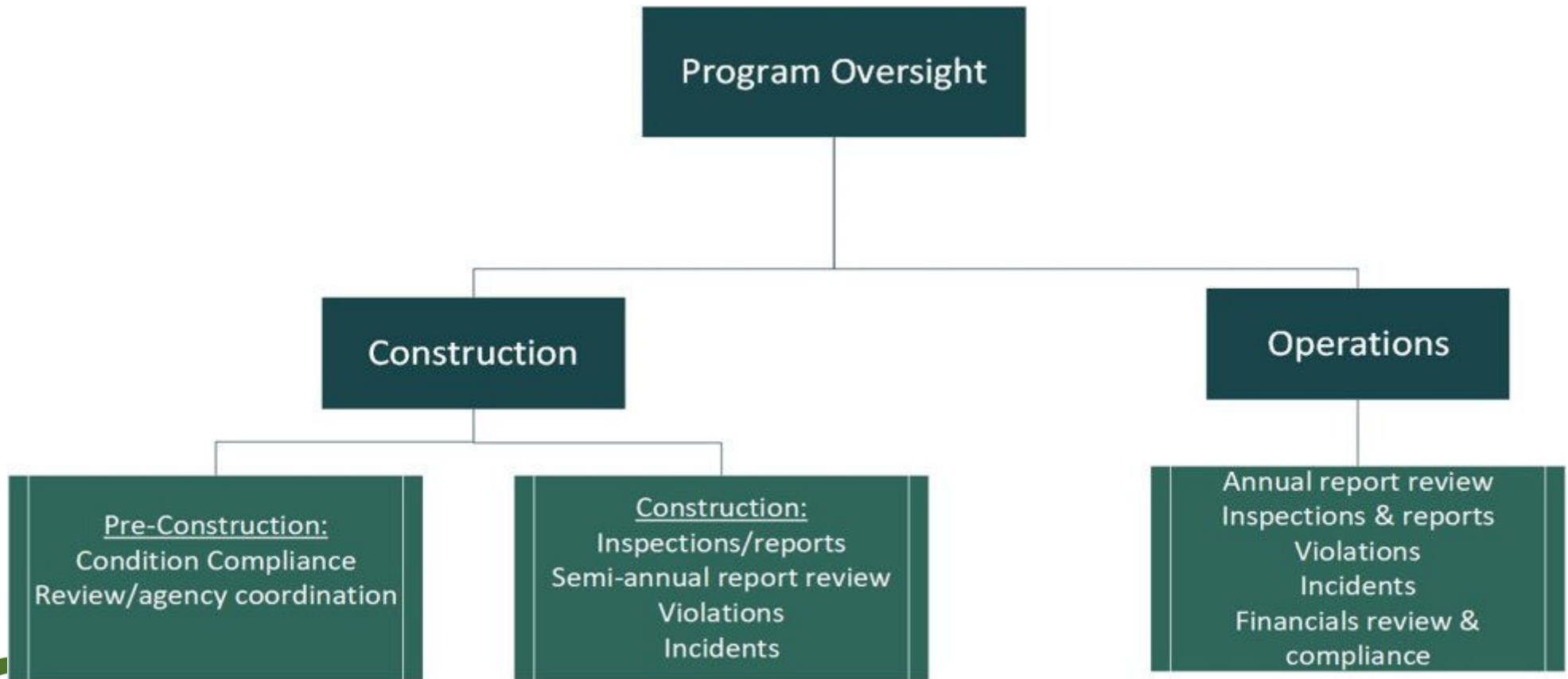
Council initiated compliance rulemaking in June. This will be an opportunity to review and make changes to any administrative rules related to the compliance program. Any changes to administrative rules will need to be consistent with the following statutes:

- ORS 469.300 - Definitions
- 469.310 - Policy
- ORS 469.430 - Site Inspections; Compliance Reviews
- 469.440 Grounds for revocation or suspension of certificates
- 469.563 - Court orders for enforcement
- 469.564 - Records or information for enforcement; correction of violation; determination of compliance; costs



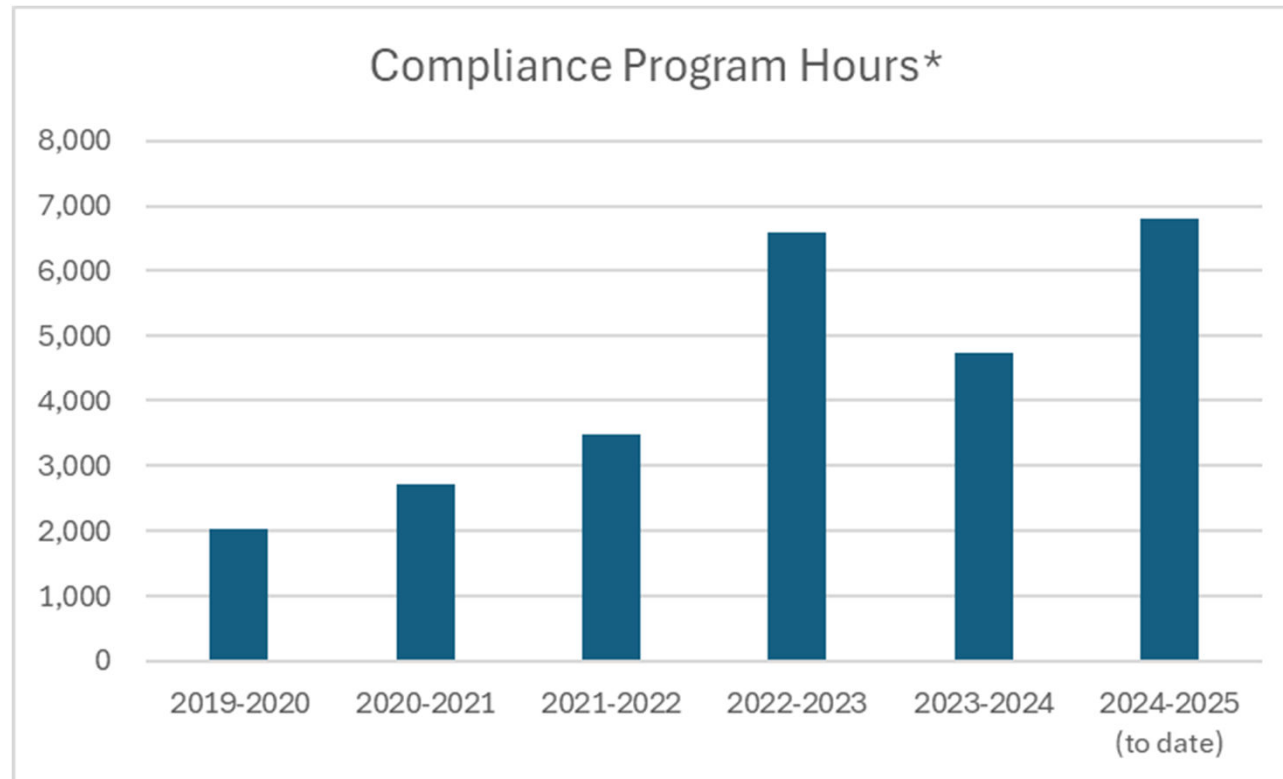
# Compliance Overview

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# Compliance Staffing

The following table shows the number of staffing hours per year applied to compliance activities beginning in FY 2019-2020:



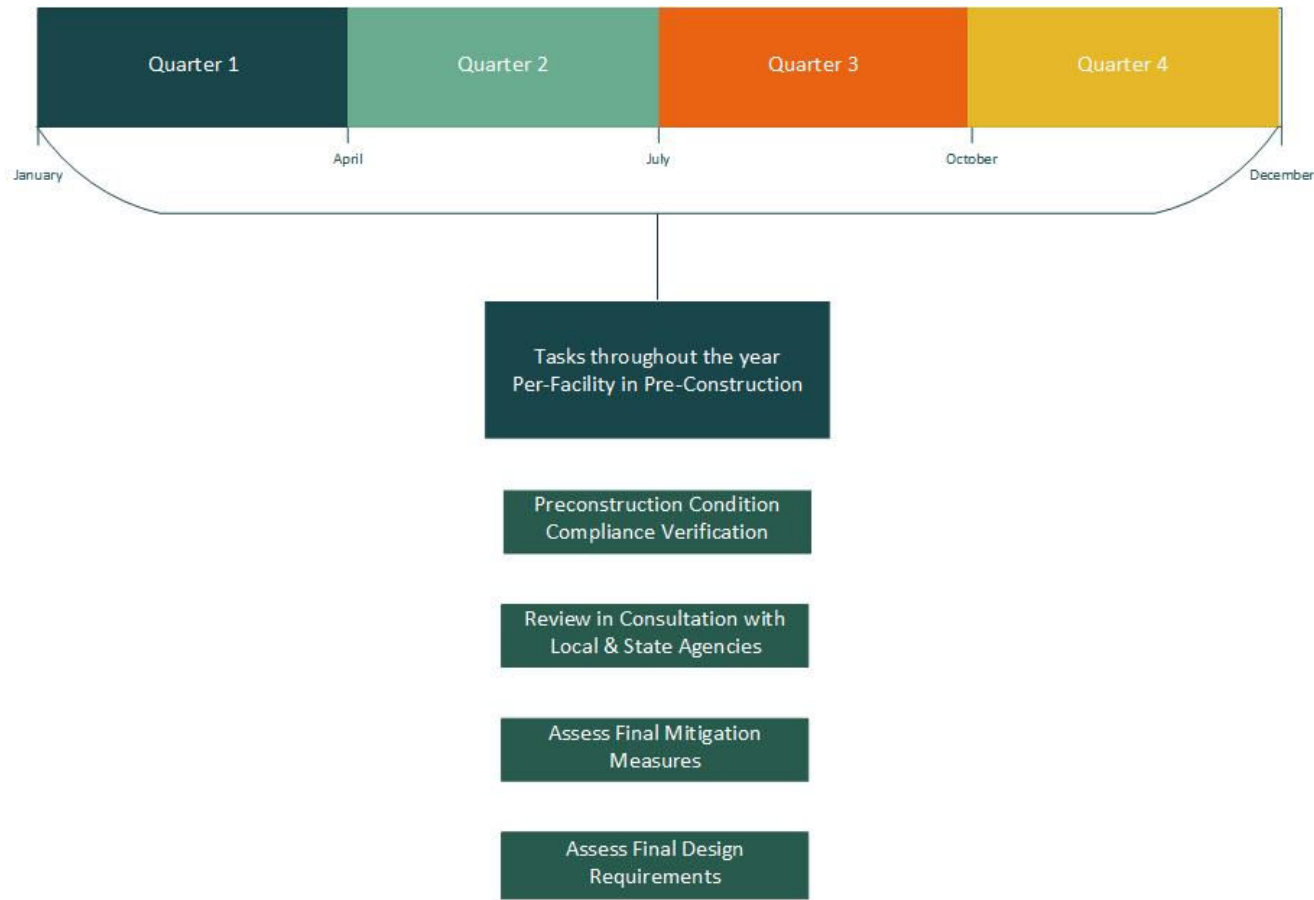
\*Calculated based on costs and average hourly rates.

# Facilities in Preconstruction: As of July 2025

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Type	Number of Facilities	Total Capacity	Estimated Construction Date
Solar	1	41 MW	TBD
Transmission	1	280-mile, 500KV	Some construction started, remaining construction TBD

# Compliance Program Preconstruction Overview

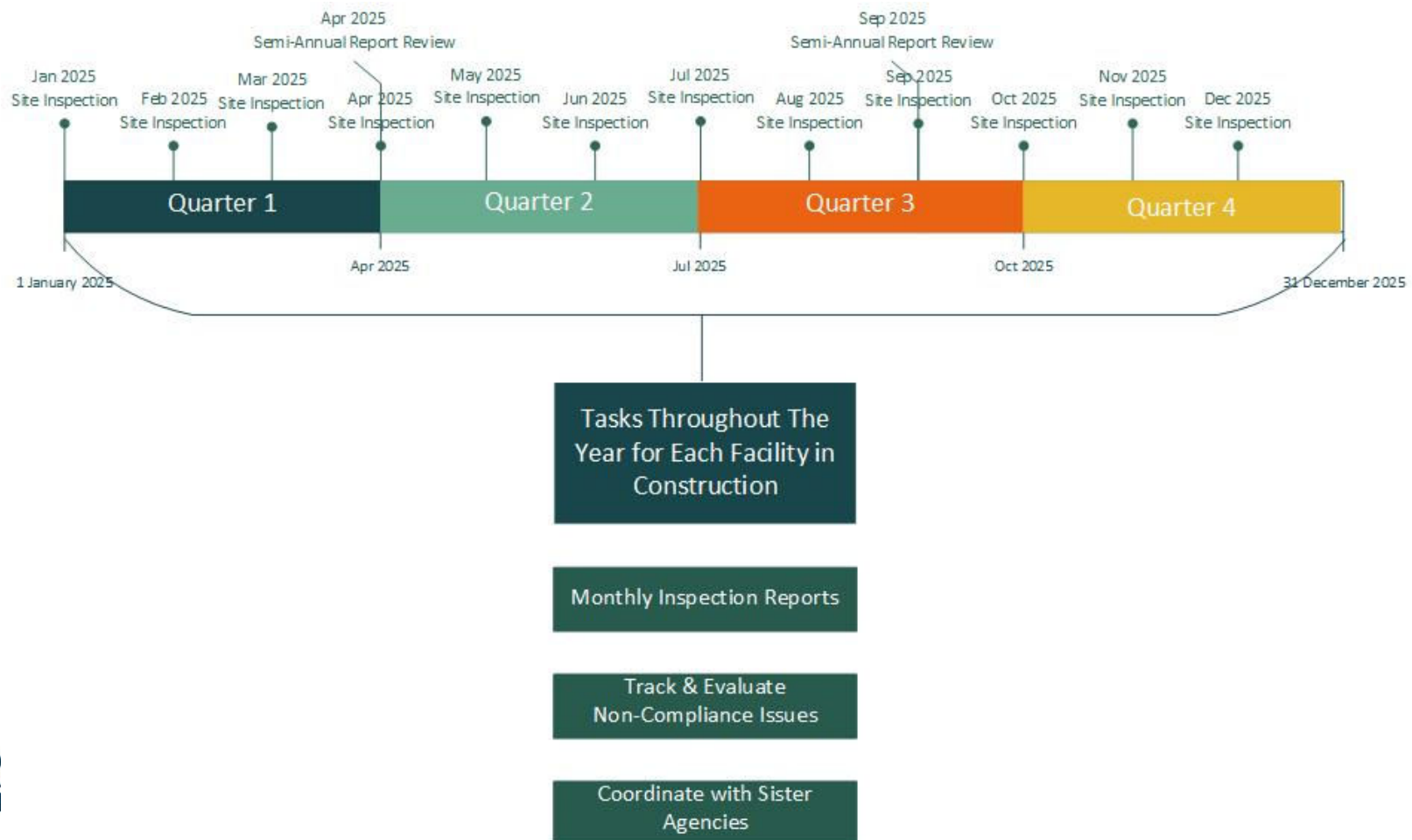


# Facilities in Construction: As of July 2025

Type	Number of Facilities	Total Capacity	Estimated Operational Date
Solar	2	200MW	Q4, 2025
Wind	2	390.3MW	TBD
Transmission	1	280-mile, 500KV	Some construction started, remaining operational TBD
Natural Gas	1	Re-Power	TBD



# Compliance Program Construction Overview

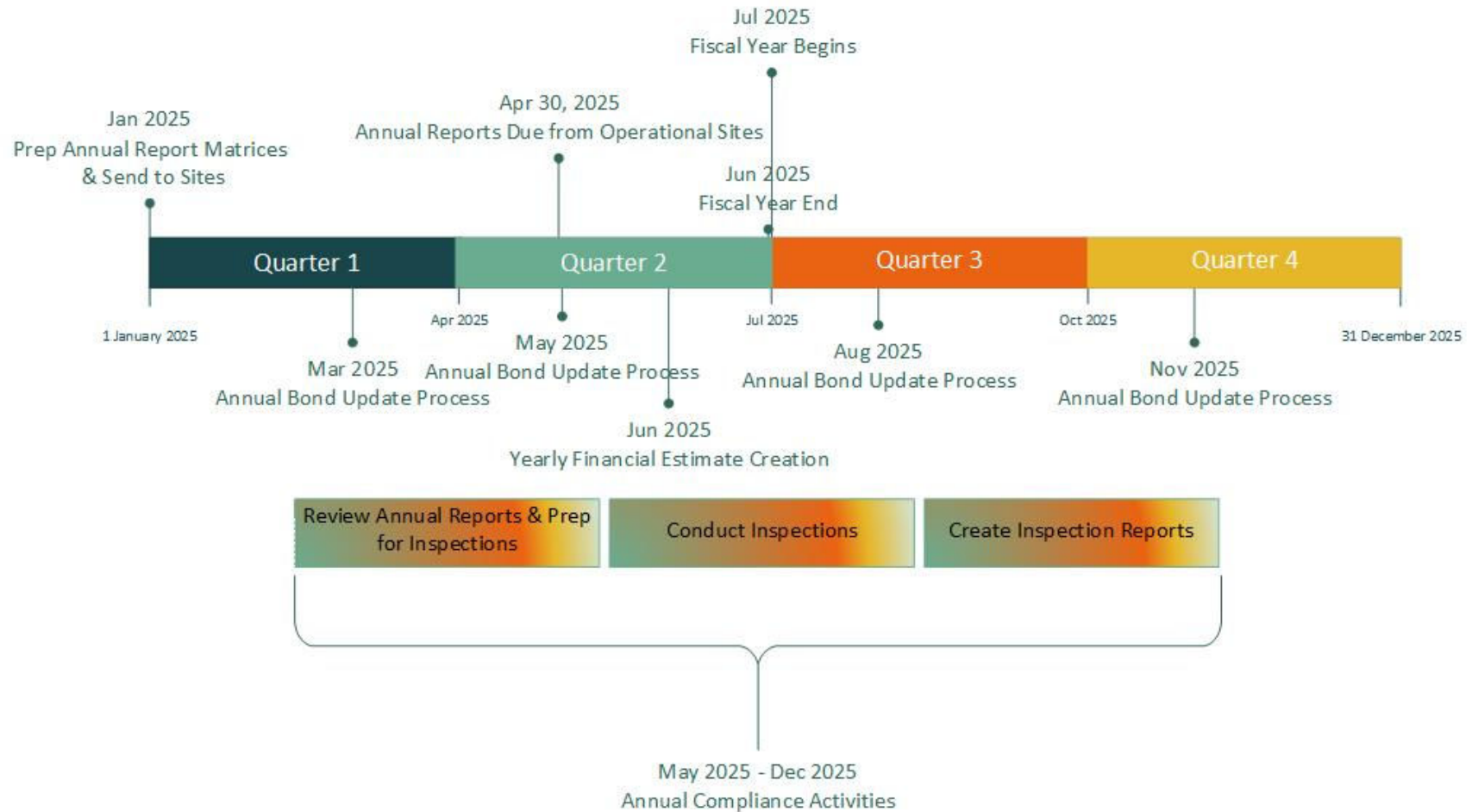


# Facilities in Operations

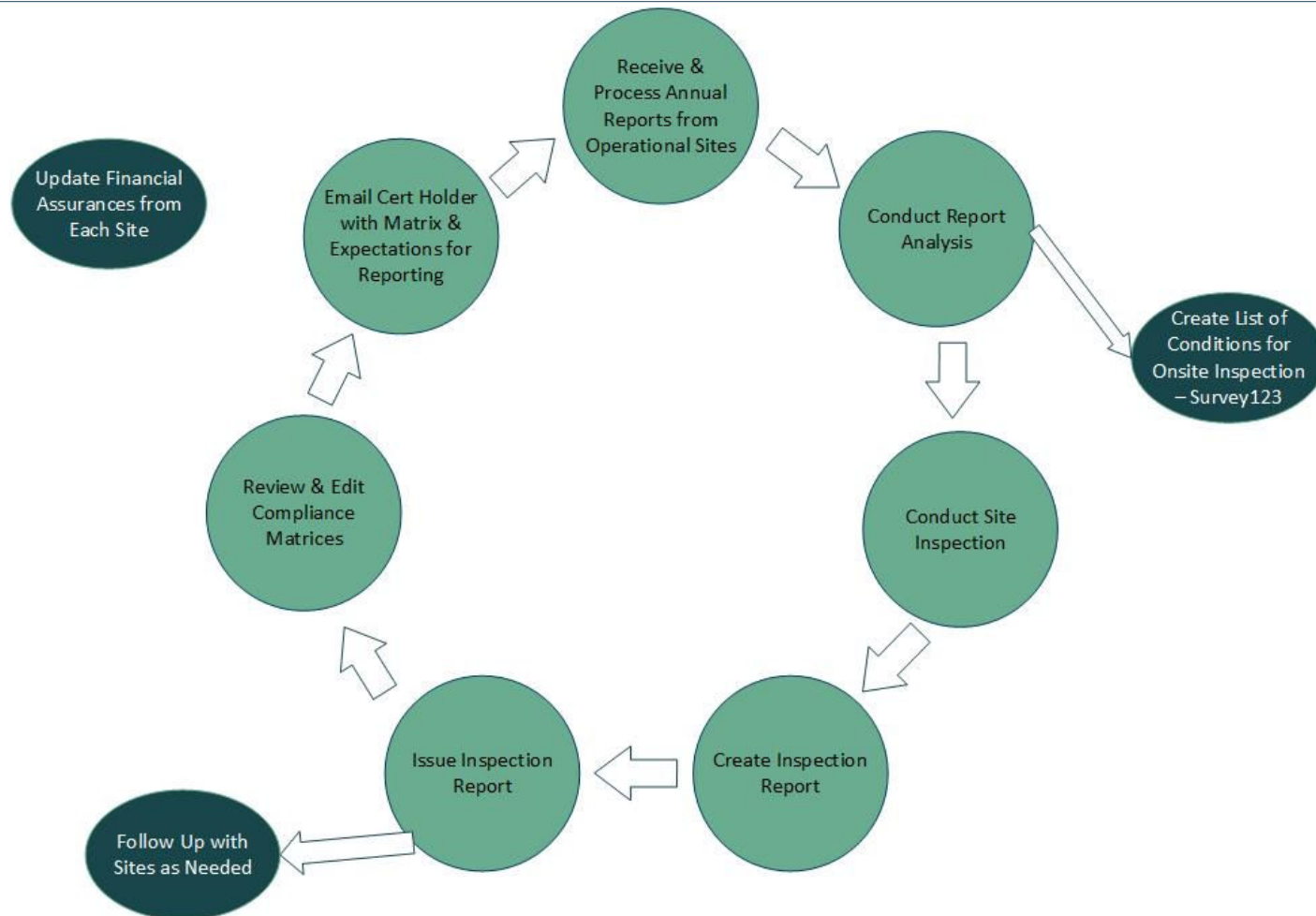
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Type	Number of Facilities	Total Capacity
Solar	2	212MW
Wind	12	2,719MW
Natural Gas	7	3,243MW
Other	9	N/A

# Compliance Program Annual Operations



# Annual Report Review Steps



# Matrix Condition Review

## Condition Categories

Narrative	Narrative and Additional Documentation Review	Narrative, Additional Documentation Review and Onsite Inspection Review
Review is limited to provided narrative.	Review includes provided narrative, evaluation of any other submitted information and potential follow-up.	Review includes provided narrative, evaluation of any other submitted information, on-site evaluation and potential follow-up.

# Matrix Condition Examples: Narrative

Condition Language	Certificate Holder Response	ODOE Analysis
During operation of the facility, the certificate holder shall install and maintain self-monitoring devices on each turbine, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system at the O&M facility, to alert operators to potential dangerous conditions, and the certificate holder shall remedy any dangerous conditions immediately.	This condition has been consistently met and will continue to be upheld. The facility is managed through SCADA system servers located onsite and another at an offsite headquarters. Authorized personnel can access system data via company-issued workstations. Onsite staff respond to critical alerts as needed and participate in biweekly coordination meetings with a centralized performance monitoring team to identify trends and prioritize maintenance tasks. The SCADA system is actively monitored, and updates are implemented as necessary to support ongoing operations.	<b>In Compliance:</b> The response is satisfactory.

# Condition Examples: Narrative & Doc Review

Condition Language	Certificate Holder Response	ODOE Analysis
During operation of the facility, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire department.	See attached training records.	<b>Follow Up Needed:</b> Attachment includes a list of the trainings completed by 9 individuals, including the "Fire Prevention and How to Use a Fire Extinguisher (digital)" & "Fire Season Training (digital) training, during the calendar year 2024 reporting period. Were these all of the on-site employees during the reporting period? If not, please provide documented trainings for all other employees. How do these trainings meet the requirements of being done by "qualified instructors or members of the local fire department?"

# Condition Examples: Narrative, Doc Review, Onsite Inspection

Condition Language	Certificate Holder Response	ODOE Analysis
During construction and operation of the facility, the certificate holder shall implement a plan to control the introduction and spread of noxious weeds. The certificate holder shall develop the weed control plan in consultation with the County Weed Department.	<p>During facility operation, a partnership was established with a local weed management district to carry out an annual program of applying approved herbicides to roadways and pad areas, effectively preventing vegetation growth in these zones. Records of treatment activities are maintained and documented separately.</p> <p>Following a regulatory inspection and annual report review in 2023, the operating entity worked with the weed management district to revise the site's Noxious Weed Plan. The updated plan was submitted to the relevant oversight agency on August 22, 2024. Additional weed control measures are also implemented by the operator.</p>	<b>Follow Up Needed:</b> Department staff evaluated the current weed control plan, the work conducted by the certificate holder during the 2024 calendar year and contacted the County Weed Department. Based on this analysis the Department has determined the Certificate holder is working diligently to control the spread of noxious weeds consistent with the Weed Management Plan and in consultation with the County Weed Department. However, based on an on-site inspection, there are specific areas where more work is needed to control the spread of noxious weeds. The certificate holder shall establish quarterly calls with Department staff and the County Weed Department to report on efforts to meet this condition.



# Incidents

Facility	Incident	Spill	Fire	Equipment	Other
Biglow Canyon Wind Project	Turbine Hatch failure X 3 incidents			3X	
	Broken blade bearing bolt			X	
	Transformer Failure	X		X	
	Blade shroud failure			X	
	Open Turbine Doors X 2 incidents			X	
	Transformer failure	X		X	
Port Westward Generating Project	5 Year CO2 True Up Evaluation				X
Reed Reactor	Water leakage onto reactor console			X	
Klondike Wind III	Fire in Underground Collection System		X		
WREF I/II/III	Harvest Truck Fire burned 400 acres on WREFI near Turbine 16 and 22		3X		
	<b>Total =</b>	2	4	9	1

# WORKING LUNCH BREAK



# Agenda Item G (Information Item)

## **Annual Process Improvement Plan**

**Bibi Bartley Operations and Policy Analyst**

**July 18, 2025**



# Annual Work Plan Overview

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- Each year, the Siting Division prepares an annual work plan:
  - Current process improvement activities
  - Progress on past activities
  - Identifies potential future tasks
  - Provides historical record of completed tasks
- Selected process improvement projects are intentionally aligned to:
  - Department of Energy's Strategic Plan Imperatives
  - Siting Division's Program Improvement Goals
  - State energy facility siting stakeholders.



# Imperatives From ODOE Strategic Plan

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- Expand and improve stakeholder engagement
- Build practices and processes to achieve more inclusive and equitable outcomes
- Assess and enhance organizational data capabilities
- Assess and modernize agency programs and activities
- Optimize organizational efficiency and impact



# Siting Program Improvement Goals

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- Oversight and Accountability
- Program Management
- Performance Management
- Staffing and Qualifications
- Financial Transparency
- Project Management
- Applicant and Reviewing Agency Coordination
- Public Engagement
- Rulemaking Opportunities
- Compliance Opportunities



# Stakeholder Groups

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- The public
- Applicants and site certificate holders
- Reviewing Agencies
- Energy Facility Siting Council
- Siting Division team
- Oregon Department of Energy



# 2024-2025 Work Plan Review: Completed

Completed Projects	Stakeholders Affected
ORESAs Mapping tool video tutorial	<ul style="list-style-type: none"><li>• The public</li><li>• EFSC members</li><li>• Siting Division team</li></ul>
Standardized annual compliance processes	<ul style="list-style-type: none"><li>• Site certificate holders</li><li>• Siting Division team</li></ul>
Time tracking and financial metrics improvements	<ul style="list-style-type: none"><li>• Siting Division team</li><li>• Applicants and site certificate holders</li><li>• EFSC members</li></ul>
Public notice and order templates	<ul style="list-style-type: none"><li>• Siting Division team</li><li>• EFSC members</li><li>• Applicants</li><li>• The public</li></ul>



# 2024-2025 Work Plan Review: Not Started

Not Started or On Hold	Status	Stakeholders Affected
Printed handout updates	<ul style="list-style-type: none"><li>Added to 2025-2026 work plan</li></ul>	<ul style="list-style-type: none"><li>The public</li><li>EFSC members</li><li>Siting Division team</li></ul>
Applicant guide revision	<ul style="list-style-type: none"><li>Added to 2025-2026 work plan</li></ul>	<ul style="list-style-type: none"><li>Site certificate holders</li><li>Siting Division team</li></ul>
Financial program assessment	<ul style="list-style-type: none"><li>On hold for 2025-2026, added to future focuses and some aspects addressed by Division Financial Analyst</li></ul>	<ul style="list-style-type: none"><li>Siting Division team</li><li>EFSC members</li><li>Applicants and site certificate holders</li><li>ODOE</li><li>The public</li></ul>
Revise EFSC member onboarding guide	<ul style="list-style-type: none"><li>On hold for 2025-2026, added to future focuses</li></ul>	<ul style="list-style-type: none"><li>EFSC members</li><li>Siting Division team</li></ul>
Additional video tutorials	<ul style="list-style-type: none"><li>Oh hold, added to future focuses list</li></ul>	<ul style="list-style-type: none"><li>The public</li><li>EFSC members</li><li>Siting Division team</li></ul>

# 2024-2025 Work Plan Review: In Progress

In Progress	Status	Stakeholders Affected
Comment portal improvements: create new comment portal	<ul style="list-style-type: none"><li>Added to 2025-2026 work plan in coordination with ODOE IT team</li></ul>	<ul style="list-style-type: none"><li>The public</li><li>EFSC members</li><li>Siting Division team</li><li>Applicants</li></ul>
Rulemaking webpage updates	<ul style="list-style-type: none"><li>Added to 2025-2026 work plan, in coordination with ODOE IT team</li></ul>	<ul style="list-style-type: none"><li>All identified stakeholder groups</li></ul>
Incident tracking system refinement	<ul style="list-style-type: none"><li>Iterative improvements will continue in 2025-2026</li></ul>	<ul style="list-style-type: none"><li>Siting Division team</li><li>Site certificate holders</li><li>EFSC members</li><li>The public</li></ul>
Siting division data mining	<ul style="list-style-type: none"><li>Periodic as needed to inform decisions and other process improvement efforts</li></ul>	<ul style="list-style-type: none"><li>All identified stakeholder groups</li></ul>

# 2024-2025 Work Plan Review: In Progress

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In Progress	Status	Stakeholders Affected
Desk manual (SOP) audit and updates	<ul style="list-style-type: none"><li>Began in 2024-2025, added to 2025-2026 workplan and once complete will be on annual revision schedule</li></ul>	<ul style="list-style-type: none"><li>Siting Division team</li></ul>
Improve project management tools and processes	<ul style="list-style-type: none"><li>Efforts began in 2025-2026 with focus on compliance program processes</li><li>Focus in 2025-2026 will be on applications and amendment processes and iterative improvements to compliance</li></ul>	<ul style="list-style-type: none"><li>Siting Division team</li><li>EFSC members</li><li>Applicants and site certificate holders</li></ul>
Create performance metrics and staffing role clarity	<ul style="list-style-type: none"><li>Began in 2024-2025 and will continue in 2025-2026</li></ul>	<ul style="list-style-type: none"><li>Siting Division team</li><li>EFSC members</li><li>ODOE</li></ul>

# 2025-2026 Work Plan Overview: Ongoing

Task Overview	Expected Outcomes	Effected Stakeholders
Comment Portal updates	User friendly comment portal with strong documentation on processes and how-to documentation for the public and internal team.	<ul style="list-style-type: none"><li>• EFSC Members</li><li>• Siting Division team</li><li>• The public</li></ul>
Update Siting Rulemaking webpages	This project aims to align the rulemaking webpages with guidance from the Governor's Office to improve transparency and clarity around rulemaking activities across the state.	<ul style="list-style-type: none"><li>• Applicants</li><li>• Siting Division team</li><li>• EFSC members</li><li>• Reviewing agencies</li></ul>
Increase use of project management best practices and tools	Enhanced project management processes within the Siting Division, resulting in improved workload tracking, clearer timelines, and more efficient coordination across teams	<ul style="list-style-type: none"><li>• All identified stakeholders</li></ul>
Performance metrics, responsibility scopes, & professional development	This work is expected to lead to stronger project management skills across the Division, with staff better equipped to manage responsibilities effectively and collaboratively.	<ul style="list-style-type: none"><li>• Siting Division team</li><li>• EFSC members</li><li>• ODOE</li><li>• Applicants &amp; site certificate holders</li></ul>

# 2025-2026 Work Plan Overview: Ongoing

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Task Overview	Expected Outcomes	Effected Stakeholders
EFSC meeting cassette tape digitization	All EFSC meetings will be available as digital audio files – improvement of EFSC records pre-digital ‘revolution’.	<ul style="list-style-type: none"><li>• EFSC Members</li><li>• Siting Division team</li><li>• The public</li></ul>
Audit desk manuals (aka standard operating procedures)	Add clarity and ease of finding information on processes within the Siting Division and ODOE	<ul style="list-style-type: none"><li>• Siting Division team</li><li>• EFSC members</li><li>• ODOE</li></ul>

# 2025-2026 Work Plan Overview: New

Task Overview	Expected Outcomes	Effectuated Stakeholders
Update printed handouts	Printed materials are consistently updated and aligned with current information, supporting the Siting team's efforts to provide clear, relevant, and helpful resources to the public.	<ul style="list-style-type: none"> <li>• EFSC Members</li> <li>• Siting Division team</li> <li>• The public</li> </ul>
Update applicant guide	A more user-friendly applicant guide that leads to higher-quality submissions, reducing the need for follow-up information requests. Updates will also ensure the guide reflects recent changes to application requirements and organizational structure resulting from Rulemaking efforts.	<ul style="list-style-type: none"> <li>• Applicants</li> <li>• Siting Division team</li> <li>• EFSC members</li> <li>• Reviewing agencies</li> </ul>
Revise public facing templates	Siting documents will be fully compliant with federal accessibility requirements, supporting equitable access to information for all stakeholders.	<ul style="list-style-type: none"> <li>• EFSC Members</li> <li>• Siting Division team</li> <li>• The public</li> </ul>
Document management and cleanup	Improved accessibility and organization of shared files, contributing to greater efficiency and consistency in document management across the Division.	<ul style="list-style-type: none"> <li>• Siting Division team</li> <li>• EFSC members</li> </ul>

# Future Work Plan Focuses

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- 2024-2025 projects were designed to create an ongoing evaluation of Siting Division's systems and processes from a holistic standpoint.
- 2025-2026 projects are designed to continue and complete projects which began in 2024-2025 and to lay down foundational steps for future process improvements in an iterative manor
- Future work plans will use the framework created to further examine and refine Siting Division's efforts towards improving.
- Primary areas of future work are projected to be closely tied into the Siting Division program improvement goals, and will continue to address a wide variety of stakeholders and ODOE Strategic imperatives
- Future tasks will be designed to build upon current efforts and address projects that were put on hold for 2025-2026



# Agenda Item H (Action Item)

## **Organizational Expertise Retirement & Financial Assurance Phase III Rulemaking Initiation**

**Tom Jackman, Rules Coordinator**

July 18, 2025





# Background - Rulemaking Process

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# Organizational Expertise and Financial Assurance Rulemaking: Background

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- EFSC is currently under a multi-year effort to update the rules governing the siting process
- The most recent part of this effort completed earlier this year and was a reorganization of the siting information requirements – moving them to be adjacent to the Council's standards
- This comprehensive rulemaking improvement effort now turns to the rules governing the substance of the Council's standards

# Organizational Expertise and Financial Assurance Rulemaking: Background

## Council's Siting Standards

- Organizational Expertise
- Structural
- Soil Protection
- Land Use
- Protected Areas
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural, and Archaeological Resources
- Recreation
- Public Services
- Wildfire Prevention and Risk Mitigation
- Project specific standards

# Organizational Expertise and Financial Assurance Rulemaking: Background

## Council's Siting Standards

- **Organizational Expertise**
  - Structural
  - Soil Protection
  - Land Use
  - Protected Areas
- **Retirement and Financial Assurance**
  - Fish and Wildlife Habitat
  - Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural, and Archaeological Resources
- Recreation
- Public Services
- Wildfire Prevention and Risk Mitigation
- Project specific standards

# Organizational Expertise and Financial Assurance Rulemaking: Scope

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1. Requiring additional or alternative evidence, where doing so would be helpful in evaluating compliance with Council's standards
2. Removing information requirements that are unnecessary for evaluating compliance with the Council's standards or that could be addressed by a mandatory requirement
3. Evaluating the possibility of combining the two standards into a single standard to reduce duplication of submission requirements and review efforts by staff
4. Improving the overall clarity of the rules, where possible

# Organizational Expertise and Financial Assurance Rulemaking: Potential RAC

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Staff recommends a RAC of 10-12 persons representing:

- Members of the public
- Power providers
- Resource groups
- Federally recognized tribes in Oregon
- Agency partners

# Council Options

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## **Option 1 - Recommended**

Approve the initiation  
of informal rulemaking  
as presented

## **Option 2**

Approve the initiation  
of informal rulemaking  
as presented, with  
specific changes

## **Option 3**

Deny the initiation of  
informal rulemaking

# Council Deliberation





# Agenda Item I (Information Item)

## **Overview of Cultural, Historic and Archeological Resources Standard**

**Sarah Esterson, Senior Policy Advisor**

July 18, 2025



# Historic, Cultural and Archeological Resources Standard

## ORAR 345-022-0090(1) Standard Requirements

the Council must find that:

- ..the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:
  - a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;
  - b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and
  - c) For a facility on public land, archaeological sites as defined in ORS 358.905(1)(c).



# Historic, Cultural and Archeological Resources Standard

## OAR 345-022-0090(4) Information Requirements

- (a) Historic and cultural resources within the analysis area that have been listed, or would likely be eligible for listing, on the National Register of Historic Places;
- (b) For private lands, archaeological objects..
- (c) For public lands, archaeological sites...
- (d) The significant potential impacts, if any, of the construction, operation and retirement of the proposed facility on the resources described in subsections (a), (b), and (c) and a plan for protection of those resources...
- (e) The applicant's proposed monitoring program, if any, for impacts to historic, cultural and archaeological resources during construction and operation of the proposed facility.



# Historic, Cultural and Archeological Resources Standard

## Staff Evaluation

1. Has the required information been provided?
2. Does the survey area cover all required areas within site boundary or microsite area?
  - Initiate additional survey work, if applicable
3. Confidential materials coordination
4. SHPO and consultant coordination – resource inventory adequacy, avoidance and monitoring, site specific mitigation
5. Tribal government coordination – resource inventory adequacy, avoidance and monitoring, site specific mitigation
6. Draft findings of fact, recommend conditions with avoidance/monitoring/mitigation based on 1-5

# Agenda Item J (Information Item)

## **Boardman to Hemingway Transmission Line Update**

**Sarah Esterson, Senior Policy Advisor**

July 18, 2025



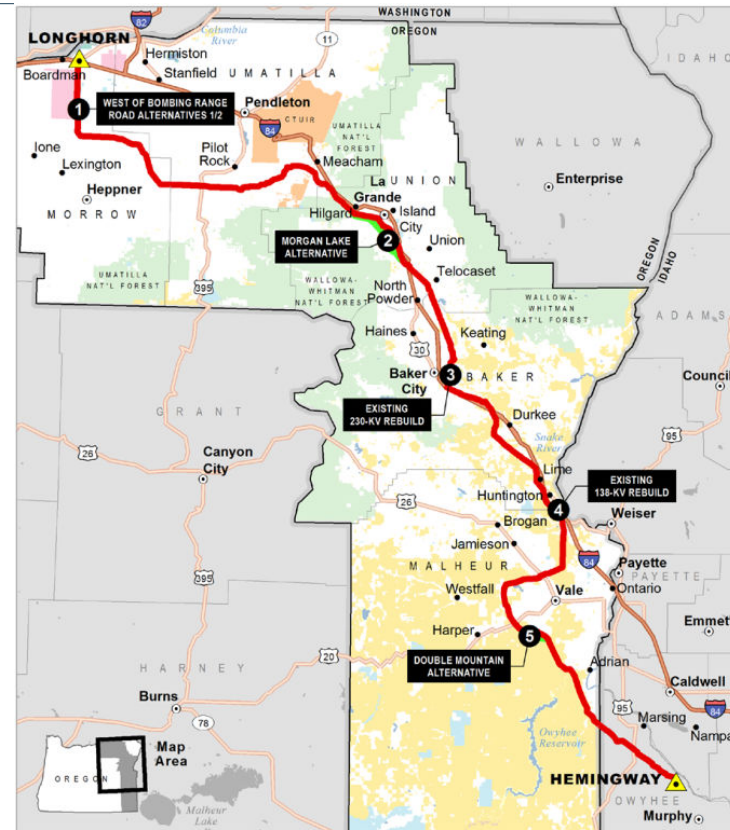
# Boardman to Hemingway Transmission Line

## Facility Overview

Certificate Holder  
Idaho Power Company

Facility  
Approximately 273 miles of  
predominantly 550 kV transmission line,  
related or supporting facilities

Facility Location:  
Morrow, Umatilla, Union, Baker and  
Malheur counties



# Preconstruction Status/Construction Update

## Preconstruction

### **Preconstruction review**

- Commenced Oct 2023, ongoing
- Over 50 substantive conditions

### **Mitigation plan review (requires local/state govt. coordination)**

- Over 10 mitigation plans

### **Permits governed by the site certificate (requires state govt. coordination)**

- Review and finalization of mitigation plans associated with two other state-permits

### **Managing change**

- Two site certificate amendments were approved since 2023



# Preconstruction Status/Construction Update

## Status Update

### Preconstruction

- Department concurrence on select structure/road locations in Malheur County issued June 26, 2025
- Review of IPC's access will be ongoing until all rights are obtained. (345-025-0006(5))

### Construction

- July 7, 2025 – mowing, earthwork
- Starts the clock for:
  - IPC semi-annual compliance reporting
  - IPC quarterly bonding increases
  - ODOE 6-month reporting to EFSC





# Fire Suppression and Mitigation Plan

## Plan Requirements

### Existing Equipment-Specific Fire Prevention Measures

1. IPC must maintain a list of all fire-fighting equipment, sufficient for any fire-fighting needs
2. Spark arrestors on all ICE equipment
3. During red-flag warnings (High or Extreme)
  - a. 300-g self propelled or 500-g with pump (20-gpm) water source
  - b. Nozzle and hose long enough to reach work area
  - c. Fire watch
4. **All motor vehicles and equipment equipped with: (proposing change)**
  - a. 1 long-handled roundpoint shovel with 8-inch or greater blade; a double bit ax or Pulaski.
  - b. 16-20 lb dry chemical fire extinguisher
  - c. 20-50 gallons of water with mechanism to spray

# Fire Suppression and Mitigation Plan

## Proposed Changes

IPC proposes to change the following:

### **All motor vehicles and equipment equipped with: (proposing change)**

- a. 1 long-handled roundpoint shovel with 8-inch or greater blade; a double bit ax or Pulaski.
- b. 16-20 lb dry chemical fire extinguisher
- c. 20-50 gallons of water with mechanism to spray

### **Proposed Changes:**

- All motor vehicles ~~and equipment~~ equipped with 1 long-handled roundpoint shovel with 8-inch or greater blade; a double bit ax or Pulaski.
- All motor vehicles ~~and equipment~~ equipped with ~~16-20~~ 5-10 lb dry chemical fire extinguisher
- All motor vehicles ~~and equipment~~ equipped with ~~20-50~~ 5 gallons of water with mechanism to spray



# Fire Suppression and Mitigation Plan

## ODOE Recommends Approval – Basis >

Existing plan requirements (below) intended to align with ODF requirements but went beyond current requirements.

### Proposed Changes:

All motor vehicles ~~and equipment~~ equipped with 1 long-handled roundpoint shovel with 8-inch or greater blade; a double bit ax or Pulaski.

Basis: ODOE recommends approval because shovel and axe requirements apply to motor vehicles, not all equipment.

All motor vehicles ~~and equipment~~ equipped with ~~16-20~~ 5-10 lb dry chemical fire extinguisher

Basis: ODOE recommends approval because fire extinguisher requirements for motor vehicles require 5 lb dry chemical fire extinguisher.

All motor vehicles ~~and equipment~~ equipped with ~~20-50~~ 5 gallons of water with mechanism to spray.

Basis: ODOE recommends approval because vehicles equipped with fire extinguisher are not required to have water.

Representation goes beyond ODF requirements.



# Council Options

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## **Option 1 - Recommended**

Approve the proposal  
as recommended

## **Option 2**

Approve the proposal  
with changes

## **Option 3**

Deny the proposal

# Council Deliberation



# ADJOURN



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