



Oregon

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To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: November 14, 2025

Subject: Agenda Item F – Montague Solar Facility (also known as Pachwaywit Fields) Revegetation and Noxious Weed Plan Amendments (Action Item) for the November 21, 2025 EFSC Meeting

Attachments: Attachment 1: draft Amended Revegetation Plan (in Redline)
Attachment 2: draft Amended Noxious Weed Plan (in Redline)

OVERVIEW

On August 8, 2025, the Oregon Department of Energy (Department) issued its 2024-25 Operational Compliance Review Report (Report) for Montague Solar Facility (also known as Pachwaywit Fields) to Montague Solar, LLC (certificate holder), a wholly owned subsidiary of Avangrid Power, LLC. Montague Solar Facility is an operational, 162 megawatt (MW) solar photovoltaic power generation facility in Gilliam County.

The Report identified 1 finding of non-compliance for Condition 43 which requires implementation and adherence to the requirements of a Noxious Weed Plan. The Report also requested additional information to support the Department's ability to evaluate compliance with Condition 92, which requires habitat and cropland revegetation/restoration of areas temporarily impacted during 2021-2023 facility construction.

The Department identified three key issues in the compliance evaluation for Condition 43 (Noxious Weed Plan):

1. First, the certificate holder's Amended Noxious Weed Plan Section 3.2 states, "Weed control measures during operations will include long-term weed control through seeding of perennial grasses..or by maintaining the existing cover in the buffers (disturbed areas), and by regular herbicide treatment." The certificate holder has not made clear whether it was attempting to comply with Section 3.2 through seeding perennial grass or by maintaining existing cover in disturbed areas. Regardless, the Department identified that neither requirement was being met. Existing noxious weed cover was documented as between 1-3% (see Amended Noxious Weed Plan Section 2, 1st paragraph, last sentence). Monitoring results for sites 1, 13, 14 documented noxious weed cover ranging from 5-15%.

2. Second, the certificate holder's Amended Noxious Weed Plan Section 3.2.2 and Table 3 recommends that, after Year 1, spot treatment herbicide be applied. Certificate holder reported that they are applying herbicide site wide, which is not consistent with the approach in the plan and detracts from the success of reseeding perennial grasses. The Department notes that 50% of the monitoring sites had bareground of 10% or greater.
3. Third, the certificate holder's Amended Noxious Weed Plan Section 4 requires that monitoring results be summarized in a memo and include: any new weed species and treatment protocols; location of weed species within the site; reference plot cover values; treatment success and treatment recommendations. Generally, this information was being provided, but the reference plot cover values were not being compared to predisturbance cover values to help inform requirements for enhanced treatment. In addition, the actual treatment (timing, scope, details) was not described or evaluated, including use of sheep grazing as a treatment method, which is needed to evaluate the effectiveness of the treatment and whether changes should be made.

The Department was also unable to evaluate compliance with Condition 92 (Revegetation) and identified the following issues:

1. The Revegetation Plan applies to approximately 30 acres of temporarily disturbed cropland and 0.11 acres of Category 4 grassland. Reporting to date has never mentioned cropland restoration, and the certificate holder's responses on July 15, 2025 stated that there were no cropland impacts, in conflict with its own Revegetation Plan.
2. The monitoring reports blend revegetation monitoring of the transmission line with onsite (within the solar fenceline) noxious weed monitoring, which is confusing because the requirements of the revegetation plan do not apply to areas within the solar fenceline. The monitoring reports were unclear about which poles were being monitored for habitat restoration (there were only a few, not all, but most were being monitored for cropland restoration, which was supposed to be restored based on landowner concurrence and otherwise detailed monitoring was required for habitat restoration).

In response to these issues, the certificate holder acknowledged that impacts and actions onsite were not consistent with the plan requirements, and requested to amend both plans to address inconsistency issues.

These two mitigation plans include an "amendment" provision allowing for the plans to be amended based on review by the Department, subject to approval by EFSC. The "amendment" provision was imposed in both plans as is allowable under ORS 469.402, which authorizes EFSC to delegate future review and approval of conditions, and associated mitigation plan amendments, when the circumstances are warranted. As is typically the case, the delegation of authority is not absolute and also requires EFSC review.

SUMMARY OF PROPOSED CHANGES

Noxious Weed Plan (Condition 43)

The certificate holder requests to amend the Noxious Weed Plan as follows:

- Remove reference to construction
- Removing “spot” from herbicide treatment, and allow for sitewide treatment as needed
- Clarifying additional timing for herbicide application (minimum of once a year)
- Revisions to Section 4.0 for Monitoring:
 - Establishing monitoring plots to be recorded annually for comparison of success criteria.
 - Monitoring and reporting of vegetation/weed cover values from plots, as well as observations from qualitative surveys, will be utilized to evaluate noxious weed control success for the site survey area, where successful noxious weed control will demonstrate achievement of cover values equal to or less than pre-disturbance values.
 - If after year 5 of monitoring, noxious weed cover is not achieving success criteria of cover values between 1-3% compared to pre-disturbance area, treatment methods will be modified to address the deficiencies as identified by monitoring results. Treatment methods will continue to be evaluated at 5-year intervals until success criteria area achieved. The evaluation will consider treatment methods, timing, noxious weed seed bank, and adjacent landowner noxious weed presence.
 - Once success criteria are achieved, qualitative surveys for noxious weeds will be conducted every three years or as needed evaluate noxious weed control success.

The Department agrees with the proposed changes because they are reasonable and consistent with actions currently being implemented at the site. The issue of non-compliance identified by the Department was because the certificate holder was not doing what the plan required, but there are no substantive issues with updating the plan to reflect current practice.

The Department also recommends that the amended plan specifically require monitoring and reporting of sheep grazing, as that had been the Department’s expectation upon the certificate holder’s request and approval of the use of sheep grazing. However, certificate holder has not yet reported details on stock rates or success/impacts of sheep grazing, even after requested by the Department. Additional clarification on monitoring and reporting requirements is therefore necessary.

Revegetation Plan (Condition 92)

The certificate holder requests to amend the Revegetation Plan to remove the extensive monitoring approach and quantitative evaluation required for 0.11 acres of Category 4 grassland habitat restoration and remove the requirements for cropland restoration. This results in an abbreviated plan that simply routes to the Noxious Weed Plan, because the noxious weed plan offers both plan benefits of revegetation through seeding and noxious weed control through sheep grazing, herbicide application and short- and long-term monitoring and evaluation of results compared to established success criteria.

The Revegetation Plan was finalized, prior to construction, based on total temporary habitat impacts of 0.11 acres of Category 4 grassland. However, the 0.11 acres were not centralized, but dispersed in much smaller, isolated patches around the foundation areas of transmission poles associated with an external 230 kV transmission line. These patches were adjacent to agricultural fields and roadways, and when evaluated individually, were not considered Category 4 grassland by the certificate holder's consultant, but rather treated as general site restoration areas, generally monitored for vegetation. The 30 acres of cropland impacts were restored by the landowner, and not tracked or accessed by the certificate holder or their contractor after the first year of operations.

Similar to the Department's recommendation for Condition 43, the Department agrees with the proposed changes. The issue identified by the Department in the Report was because the certificate holder was not doing what the plan required, but substantively, the 0.11 acres of Category 4 grassland should have been evaluated at preconstruction to ensure that the categorization was accurate and extensive long-term, quantitative monitoring was appropriate given the extremely small, isolated and dispersed nature of temporary habitat impacts around a few transmission line poles, rather than carrying forward a plan that was impractical given the impact area. Similarly, the final plan should not have identified cropland restoration requirements given that the landowner completed restoration themselves.

The Department has no substantive concerns with the proposed changes and will continue to advocate to applicants and certificate holders that careful consideration must be given to plans, and plan language to align with actual, feasible practices and conditions and impacts onsite.

STAFF RECOMMENDATION

The Department recommends Council amend the Noxious Weed Plan and Revegetation Plan for the Montague Solar Facility as proposed by the certificate holder; and further amend the Noxious Weed Plan, requiring monitoring and reporting of sheep grazing, as recommended by the Department.