



Oregon

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To: Energy Facility Siting Council

From: Chase McVeigh-Walker, Senior Siting Analyst

Date: March 6, 2026

Subject: Agenda Item A (Public Hearing – 5:30 PM): Wheatridge Renewable Energy Facility III, Request for Amendment 1 – Public Hearing on Proposed Order for the March 19-20, 2026 EFSC Meeting

Attachments: Attachment 1: Proposed Order on Amendment 1
Attachment 2: Placeholder (comments on the Proposed Order, if received)

SUMMARY

On February 27, 2026, the Oregon Department of Energy (Department) issued a Proposed Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility III Site Certificate (RFA1). The Proposed Order recommends the facility, with the changes proposed in RFA1, complies with all required standards and should be approved by the Energy Facility Siting Council (Council), subject to existing and recommended new and amended site certificate conditions.

On the same date, the Department issued a Public Notice of the Proposed Order and Complete Request for Amendment as required by OAR 345-027-0365 and -0367. The Public Notice of the Proposed Order initiated a public comment period on RFA1 and the Proposed Order and established an opportunity to provide written and verbal comments at the March 19, 2026 public hearing, starting at 5:30 p.m. Written comments may also be submitted to the Department through the close of the public comment period, April 3, 2026, at 5:00 p.m.

EXISTING FACILITY DESCRIPTION

Wheatridge Renewable Energy Facility III (facility) is an operational 50-megawatt (MW) solar photovoltaic power generation facility, with related or supporting facilities, located within a 2,294 acre site boundary in Morrow County. The site is located approximately 5 miles northeast of Lexington and 7 miles northwest of Heppner.

PROPOSED FACILITY MODIFICATIONS

RFA1 seeks Council authorization for the following changes to the site certificate:

1. Split the operational facility and remaining approved unbuilt portions of the facility into two separate site certificates; each with its own site boundary and certificate holder.
 - Wheatridge Renewable Energy Facility III Site Certificate would include the operational 50 MW solar facility located on 359 acres.

- Wagon Trail Solar II Site Certificate would include the remaining approved, unbuilt 100 MWs of solar photovoltaic power generation components located on 1,935 acres.
- 2. Extend the construction completion deadline for Wagon Trail Solar II (WTSII) by three years from November 22, 2025 to November 22, 2028.
- 3. Amend site certificate conditions to be consistent with the site certificate split.

PROCEDURAL STEPS

The procedural steps for this site certificate amendment request initiated on November 21, 2025. The timeline and description of procedural steps are presented below.

November 21, 2025: Certificate holder submitted preliminary Request for Amendment 1 (pRFA1).

December 2, 2025: The Department issued Public Notice that pRFA1 had been received as required by OAR 345-027-0360(2). On the same day, the Department requested comments from applicable reviewing agencies and the Morrow County Board of Commissioners (Morrow County Planning Department), as the Special Advisory Group for the facility appointed under ORS 469.480.

December 19, 2025: Department notified the certificate holder that pRFA1 was incomplete and issued requests for additional information (RAIs) needed to recommend findings and conditions on applicable standards to the Council. The Department requested that the certificate holder respond to RAIs by January 9, 2026.

February 10, 11, 20 and 23, 2026: Certificate Holder provided RAI responses.

February 25, 2026: Department informed the certificate holder that it had completed its review of the RAI responses and notified the certificate holder that pRFA1, with RAI responses, was complete.

February 27, 2026: Certificate holder filed a complete RFA1.

February 27, 2026: Department issued the Proposed Order on Request for Amendment 1 (Proposed Order on RFA1) and Public Notice of the Proposed Order on RFA1 and Complete RFA1.

February 27, 2026 – April 3, 2026: Department is accepting comments on RFA1 and the Proposed Order on RFA1.

March 19, 2026: The Council will conduct a public hearing on RFA1 and the Proposed Order on RFA1, with opportunities for remote or in-person participation. The hearing will be held at the Sage Events Center in Boardman, Oregon and also via WebEx.

April 3, 2026, 5:00 p.m.: Deadline for which all comments on RFA1 and Proposed Order on RFA1 must be received by the Department.

April 10, 2026, 5:00 p.m.:* Deadline for the certificate holder and the Department to provide responses to comments, if received.

April 17, 2026, 5:00 p.m.: * Deadline for commenters to provide replies to responses provided by the certificate holder and the Department.

April 24, 2026, 5:00 p.m.:* Deadline for the certificate holder and the Department to provide sur-replies to commenters, as applicable.

May 1, 2026: Department will issue a Notice of draft Final Order and draft Final Order.

May 15, 2026:* Council will review the Department's written analysis of the comments, responses, replies, and sur-replies, along with the draft of the final order and, based on the considerations described in OAR 345-027-0375, will either grant or deny issuance of an amended site certificate in a written final order.

*If no comments are received between February 27 through April 3, 2026, these dates will change.

SCOPE OF COUNCIL REVIEW

OAR 345-027-0375(2)(b) provides that an amendment, which seeks a timeline extension, must be evaluated "after considering any changes in facts or law since the date the current site certificate was executed." The Council interprets OAR 345-027-0375(2)(b) as requiring the review of changes to the existing environment, baseline information and changes in law.

The request to extend the construction completion deadline does not apply to the operating facility to be governed by the amended WREFIII Site Certificate. Proposed changes to the operating facility are limited to an administrative split and update of the facility description. Therefore, the Department recommends that the Council find that changes in fact or law are not relevant and not necessary to be evaluated for the portions of the operational facility to be covered under the amended WREFIII Site Certificate.

DEPARTMENT EVALUATION OF RFA1 AND SUMMARY OF PROPOSED ORDER

As presented in the Proposed Order, the Department recommends that Council find that the changes proposed in RFA1 would not result in new or different impacts not previously evaluated by Council for the following Council standards:

- Structural OAR 345-022-0020 (Section III.C., pg. 26-29)
- Land Use OAR 345-022-0030 (Section III.E., pg. 38-43)
- Protected Areas (Section III.F., pg. 43-47)
- Threatened and Endangered Species (Section III.I., pg. 62-64)
- Scenic Resources OAR 342-022-0080 (Section III.J., pg. 64-66)
- Historic, Cultural and Archaeological Resources (Section III.K., pg. 67-69)
- Recreation OAR 345-022-0100 (Section III.L., pg. 69-71)

- Waste Minimization OAR 345-022-0120 (Section III.O., pg. 98-100)
- Siting Standards for Transmission Lines (Section III.P., pg. 100-101)
- Water Rights OAR 690 Divisions 310 and 380 (Section IV.C.2., pg. 114-115)

The Proposed Order recommends the Council find that with existing, new, amended and/or deleted conditions, the facility, with proposed construction completion deadline extension, will continue to comply with the following standards:

GENERAL STANDARD OF REVIEW: OAR 345-022-0000 (Section III.A., pg. 18-21)

The Department recommends Council amend the following conditions:

- Amend General Standard Condition 2 (GEN-GS-02) (completion deadline) to reflect the extension of the construction completion deadline for the unbuilt portions of the previously approved facility (referred to in the order as Wagon Trail Solar II Facility) from November 22, 2025 to November 22, 2028.
- Amend General Standard Condition 1 (GEN-GS-01) (commencement deadline) to reflect the previously authorized phased construction, removing ambiguity in construction commencement, which was satisfied for the approved facility based on construction commencement in 2021 of 50 MWs of solar photovoltaic power generation components (operational portions of Wheatridge Renewable Energy Facility III).

ORGANIZATIONAL EXPERTISE: OAR 345-022-0010 (Section III.B., pg. 21-26)

The Department recommends Council make the following new findings of fact:

- Proposed new certificate holder is Wagon Trail Energy Center, LLC, a project-specific LLC wholly owned by NextEra Energy Resources, LLC (parent company).
- Wagon Trail Energy Center, LLC relies upon the organizational expertise and experience of its parent company to meet the standard.
- Vice President of NEER affirmed that, “Wagon Trail Energy Center, LLC, will have access to sufficient resources and expertise to construct, own, operate, and maintain the Facility, which resources and expertise may be obtained as services provided by NextEra Energy Resources, LLC.”
- NEER’s Oregon subsidiaries (certificate holders) have received two recorded citations within the last three years.

Based on the above recommended findings of fact, the Department recommends that Council amend Organizational Expertise Condition 6 (GEN-OE-02) to require that incidents and potential site certificate violations not only be reported, but that they be reported with an evaluation of the root cause of the issue and any corrective actions and that, depending on the severity of the issue and adequacy of the corrective action, that Council be authorized to adjust the contingency applied to the facility decommissioning estimate, in the event it is no longer adequate for site restoration given compliance issues.

SOIL PROTECTION: OAR 345-022-0022 (Section III.D., pg. 29-37)

The Department recommends Council amend the following conditions:

- Amend Soil Protection Condition 1 (CON-SP-01) to authorize the Department to require changes to the Erosion Sediment Control Plan (ESCP), not limited to Oregon Department

of Environmental Quality or certificate holder/their contractor, if determined needed to protect soils during construction. These changes are reflected in recommended Soil Protection Condition 8 (PRE-SP-04) and 9 (GEN-SP-01).

- Amend Soil Protection Condition 3 (PRE-SP-01) to remove an erroneous reference to DEQ approval of a Spill Prevention Control and Countermeasure Plan (SPCC). DEQ does not approve SPCCs. The condition continues to require that the certificate holder has an SPCC in place but removes a requirement that it be a DEQ approved SPCC.

RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050 (Section III.G., pg. 47-53)

The Department recommends Council make the following new findings of fact:

- Based on the methods and justification provided, updated decommissioning cost estimate for the Wagon Trail Solar II Facility of \$9,474,000, in fourth quarter 2025 dollars, is satisfactory to restore the site to a useful, non-hazardous condition.
- New certificate holder demonstrates a likely ability to obtain a bond or letter of credit in the above reference amount based on a January 28, 2026 financial assurance letter from Travelers Casualty and Surety Company of America and its affiliates (Travelers) stating Wagon Trail Energy Center, LLC is qualified to perform for the project, and it would be favorable to providing the bond with an estimated value of approximately \$10,000,000.

FISH AND WILDLIFE HABITAT: OAR 345-022-0060 (Section III.H., pg. 54-62)

The Department recommends Council make the following new findings of fact:

- Permanent habitat impacts within the amended site boundary for Wagon Trail Solar II include 1.3, <0.1, and 54 acres of Category 2, 3 and 4.
- A draft Habitat Mitigation Plan is provided in Attachment B of the Order and presents a mitigation obligation of 56 acres based on a 2:1 acreage ratio for Category 2 impacts; and, 1:1 acreage ratio for Category 3 and 4 impacts.
- Certificate holder indicates they have an executed conservation easement covering the habitat mitigation area.
- The draft Habitat Mitigation Plan (HMP) also includes proposed enhancement actions that include restricted grazing practices; weed control; native bunchgrass seeding on approximately 2.6 acres; fire control and habitat protection.
- The Department recommends Council find that the draft HMP satisfies the requirements of the standard.

The Department recommends Council delete previously imposed Fish and Wildlife Condition 4 (PRE-FW-02) which includes short- and long-term monitoring requirements for raptor nests and Washington Ground Squirrels. These requirements were originally imposed to address potential indirect impacts of a wind facility and are not necessary to minimize potential impacts associated with construction and operation of the remaining portions of the solar facility.

PUBLIC SERVICES: OAR 345-022-0010 (Section III.M., pg. 71-85)

The Department recommends Council impose the following new conditions:

- Public Services Condition 24 (GEN-PS-04) and 25 (OPR-PS-05) requiring identification of water quantity and source and demonstration of legal ability to obtain quantity from the source during both construction and operation.

The Department recommends Council delete previously imposed Public Services Condition 5 (GEN-PS-01) which required certificate holder reporting to Morrow County's Waste Shed Representative of recycling data collected by waste haulers. This condition was originally requested by Morrow County Planning Department but has not been implementable under other site certificates (the data is not easily obtained and there is no one to report to).

The Department recommends Council delete previously imposed Public Services Condition 9 (PRE-SP-04) requiring structure review by Oregon Department of Aviation (ODAv). ODAV confirmed that none of the remaining structures to be included in the Wagon Trail Solar II Site Certificate warrant review due to structure height below the notification criteria level.

The Department recommends Council amend and delete previously imposed conditions that contained duplicate requirements now covered by the Wildfire Mitigation Plans (WMPs) discussed below (deleted condition include Public Services Condition 17, 18, 19, 20 and 21).

WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115 (Section III.N., pg. 85-98)

The Department recommends Council make the following new findings of fact:

- The site has high wildfire risk during summer and fire seasons; and, moderate wildfire risk in winter/wetter months.
- Wildlife-urban interface includes the adjacent Naval Weapons System Training Facility.
- There are four residences and agricultural structures located within or near the southern portion of the Wagon Trail Solar II facility site boundary.

The Department recommends Council impose new conditions requiring the finalization and implementation of a Construction and Operational Wildfire Mitigation Plan (WMP). The draft Construction WMP requires, among other measures, monitoring fire season conditions and red-flag warnings; vegetation maintenance at a height of 10–12 inches or less; removal of vegetation buildup along fences; and, onsite water sources and firefighting equipment during fire season. The draft Operational WMPs requires similar vegetation maintenance and requires annual inspection and reporting.

NOISE CONTROL REGULATION: OAR 340-035-0035 (Section IV.A., pg. 101-111)

The Department recommends Council make the following new findings of fact:

- There are no noise sensitive receptors (NSRs) located near the proposed location of the Wagon Trail Solar II Facility site boundary.
- The potential for NSRs to be impacted by construction-related noise, where construction noise is exempt from the Noise Control Regulation, is extremely limited.

The Department recommends Council delete previously imposed Noise Control Condition 1 (CON-NC-01), which was originally imposed to address potential noise impacts from wind facility construction, where NSRs were in closer proximity to construction activity. The condition requires that, during construction, the certificate holder must enforce speed limits, equip noise-producing construction equipment and vehicles using internal combustion engines

with mufflers and noise muffling devices, only use alarms and horns for safety purposes, and establish and maintain a noise complaint responses system.

REMOVAL FILL LAW: OAR 141-085-0500 – 0785 (Section IV.B., pg. 112-113)

The Department recommends Council make the following new findings of fact:

- The site boundary to be included in the Wagon Trail Solar II Facility Site Certificate was previously evaluated and determined not to contain wetlands or waters of the state (WOS).
- The previous DSL concurrence letter and field survey results have expired
- It is not likely that wetlands or WOS will be present today within the Wagon Trail Solar II Facility.

The Department recommends Council impose a new condition to address any potential changes in hydrology or designation requiring that, prior to construction, the certificate holder conduct a desktop analysis to determine if there may be newly identified wetlands or WOS, and if so, that the area be delineated to determine if there would be impacts to wetlands or WOS.

PUBLIC COMMENT PERIOD AND NEXT STEPS

The Department has not yet received any comments on RFA1 or the Proposed Order. Any comments received in advance of the hearing will be provided via email to Council and made available through the Department's comment portal.