



# ENERGY FACILITY SITING COUNCIL

■ Kent Howe, Chair ■ Cindy Condon, Vice-Chair ■ Marcy Grail ■ Ann Beier ■ Richard Devlin ■ Katie Imes

## Energy Facility Siting Council Meeting Minutes

Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

Friday May 16, 2025 8:30 AM

- A. Consent Calendar (Action & Information Item)<sup>1</sup>– Approval of March 21, 2025 Meeting Minutes; Council Secretary Report; and other routine Council business.
- B. Muddy Creek Energy Park Notice of Intent Extension Request (Action Item)<sup>2</sup>
- C. Battery Storage Technology Overview (Information Item)<sup>3</sup>
- D. Public Comment Period<sup>4</sup>
- E. Role of Electricity Transmission in the Energy Transition (Information Item)<sup>5</sup>
- F. Department of Land Conservation and Development Update on Farm Impacts Test (OAR 660-033-0130(5) (Information Item)<sup>6</sup>
- G. Soil and Structural Standard Update (Information Item)<sup>7</sup>

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<sup>1</sup> Audio/Video for Agenda Item A = 00:03:43 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>2</sup> Audio/Video for Agenda Item B = 00:18:58 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>3</sup> Audio/Video for Agenda Item C = 00:36:04 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>4</sup> Audio/Video for Agenda Item D = 01:27:29 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>5</sup> Audio/Video for Agenda Item E = 01:32:28 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>6</sup> Audio/Video for Agenda Item F = 02:37:53 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>7</sup> Audio/Video for Agenda Item G = 03:10:54 – 2025-05-16-EFSC-Meeting-Audio/Video

The meeting materials presented to Council are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx>

**Call to Order:** Chair Howe called the meeting to order on May 16, 2025, at 8:30 a.m.

**Roll Call:** Chair Howe, Vice-Chair Cynthia Condon, and Council Members Ann Beier and Richard Devlin were present in person. Council Members Marcy Grail and Katie Imes were present virtually.

Oregon Department of Energy representatives present were Senior Policy Advisor/Acting Council Secretary Sarah Esterson, Senior Siting Analyst Chase McVeigh-Walker, Rules Coordinator Tom Jackman, Senior Policy Analyst Jason Sierman, Administrative Assistant Nancy Hatch, and Assistant Director for Siting Todd Cornett. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe was also present.

**Agenda Modification:** There were no agenda modifications.

**A. Consent Calendar (Action & Information Item)<sup>8</sup>** – Approval of March 21, 2025 Meeting Minutes; Council Secretary Report; and other routine Council business.

Council Member Devlin motioned Council approve the March 2025 meeting minutes as presented.

Vice-Chair Condon seconded the motion

The motion was carried unanimously.

Council Secretary Report

Acting Secretary Esterson offered the following comments during her report to the Council:

#### Project Updates

- Sunrise Solar Projects – The Department held a Public Information Meeting on the Notice of Intent in Boardman on April 24, 2025. Council Member Imes also attended. The Public Comment Period will close at 5:00 p.m. PT on May 23, 2025. The Department is preparing the Project Order.
- Obsidian Solar Center Request for Amendment #2 – The amendment proposes to change the beginning construction deadline from February 25, 2025 to February 25, 2028; the construction completion deadline is 3 years from the commencement date. It is being reviewed under the Type B process. The Department issued its Draft Proposed Order on

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<sup>8</sup> Audio/Video for Agenda Item A= 00:03:43 – 2025-05-16-EFSC-Meeting

April 16th, and the public comment deadline is 5:00 pm PT today. This will likely be on the June 13th EFSC meeting agenda for Council review and possible final decision.

- Biglow Canyon Wind Farm Amendment #4 – On April 21 Portland General Electric submitted their preliminary request for amendment to add a solar photovoltaic power generation portion with up to 385 MW of generating capacity, 375 MW of battery energy storage systems, and other related or supporting facilities within a 3,980-acre solar micro siting area. The proposed solar micro siting area is 2,571 acres or about 4 square miles. It is being reviewed under the Type A process. The Department issued a public notice of receipt of the amendment on April 29th. Staff is currently reviewing the amendment for completeness and working on the Draft Proposed Order.
- Sunset Solar Project Amendment #1 – The amendment proposes to extend the beginning construction deadline from April 24, 2025 to April 24, 2028; the construction completion deadline is 3 years from the commencement date. The amendment also proposes to reduce the size of the site boundary from 10,640 to 1,820 acres; and update the certificate holder's parent company name from Avangrid Renewables, LLC to Avangrid Power, LLC. The certificate holder has requested this be reviewed under the Type B process. The request is still being evaluated. On April 24, Avangrid submitted their preliminary request for Amendment #1. The Department issued a public notice of receipt of the preliminary request for amendment on May 2, 2025.
- Mist Underground Natural Gas Storage – In January, Council approved Request for Amendment 13 to construct and operate pipelines at four undeveloped reservoirs; three new natural-gas fired compressors; two replacement natural-gas fired compressors; underground collector line; control and operations building; three temporary laydown areas and one permanent laydown/storage area. Construction of these components will occur in three phases and extend through 2030. Preconstruction compliance review of Phase 1 was completed on April 30th. Construction will occur in phases for the next 5 years. Phase 1 has begun.

### Compliance Updates

- Annual Reports  
April 30<sup>th</sup> was the deadline for most operational certificate holders to submit their annual reports from 2024. They are required to report on the status of their facility and show how they are in compliance with all applicable conditions of approval. The Department has done a lot of work to ensure certificate holders are submitting their reports in a more consistent way to better address all conditions that are applicable to the reporting period. Secretary Esterson noted her appreciation for the hard work of Operations and Policy Analyst Bibi Bartley in developing the new procedure for Annual Reporting. Staff members are beginning to review the reports. It is our goal to complete all reviews, meetings, inspections and issuance of inspection reports prior to the end of the calendar year.

- Leaning Juniper Wind Power Facility IIA

On a compliance site visit last month, there were 2 issues of non-compliance cited. The first issue pertains to the requirement for the onsite manager to be physically on site in order to ensure compliance with the repowering conditions. The onsite manager was not on site. The issue has been resolved by the certificate holder designating a construction manager as the onsite manager. The second issue involved the required wheel washing area not being in a designated area as required in the noxious weed plan. Avangrid has resolved the issue and has sent photos of the new designated area. Staff is waiting for written confirmation.

### Legislative Updates

Key dates for legislation:

- May 9 – Second Chamber Posting – Bills must have been posted for a work session to move forward.
- May 23 – Second Chamber Deadline – Bills must have a work session and be voted out of committee to move forward.
- June 18 – Targeted End of Session
- June 29 – Constitutional End of Session

There are currently 4 remaining legislative EFSC related items:

HB 3681 – The work session has been held.

SB 1034 – Referred to Rules. There is no work session deadline required.

HB 3874 – The work session has been held.

SB 2410 – Referred to Ways and Means. There is no work session deadline required.

### Rulemaking Update (Provided by Tom Jackman)

The Exemptions Rulemaking and the Modernization Rulemaking processes have begun. Staff is preparing language for Council's review. As there is not a rulemaking advisory committee (RAC) for these rulemakings, Council is encouraged to reach out to Mr. Jackman if they have any specific comments or concerns. The RAC has met for the 2025 Site Certificate Amendment Rulemaking and Staff will be providing the Notice of Proposed Rulemaking to Council soon. The RAC for the Radioactive Transport Fee Rulemaking which is done in partnership with the Nuclear Safety and Emergency Preparedness division, is scheduled to meet on May 28, 2025.

*Council Member Beier requested a rulemaking update continue to be provided in the Secretary Report as there are a lot of rulemaking events currently scheduled.*

### Upcoming Meeting Dates

- June 13 2025 – to be held in Salem at the ODOE office
- July 17-18 – TBD

**B. Muddy Creek Energy Park Notice of Intent Extension Request (Action Item)<sup>9</sup>** – Chase McVeigh Walker, Senior Siting Analyst. Council reviewed a request to extend the expiration of the Notice of Intent by one year, to May 19, 2026. The Muddy Creek Energy Park is a proposed 199 megawatt (MW) solar photovoltaic power generation facility in Linn County.

*Council Member Devlin questioned if the Applicant could request an additional extension and if so, would there be a public comment period for such an extension.*

*Counsel Rowe provided there is only an opportunity for a single one year extension for the Notice of Intent on an application.*

*Vice-Chair Condon asked if there were multiple property owners involved in the project.*

*Mr. McVeigh Walker confirmed that is correct.*

*Council Member Beier questioned if Council's process will change as the changes in wetland delineation submitted as in the preliminary application will be significantly different than in the original notice of intent.*

*Secretary Esterson provided the applicant can modify within the proposed site area in the Notice of Intent. The proposed area cannot be relocated. Relocation would require a new application. The applicant is refining their plan within the original footprint.*

Council Member Devlin motioned the Council approve the extension of the expiration date of the Notice of Intent for the Muddy Creek Energy Park by one year, for a new expiration date of May 19, 2026.

Council Member Grail seconded the motion.

Council Member Beier noted her approval of the motion adding that Council has found good cause for granting the extension based on the Staff Report.

The motion was carried unanimously.

**C. Battery Storage Technology Overview (Information Item)<sup>10</sup>** – Tom Jackman, Rules Coordinator presented Council with the latest technology for battery energy storage systems.

*Vice-Chair Condon questioned the definition of megawatt versus megawatt hours.*

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<sup>9</sup> Audio/Video for Agenda Item B = 00:18:58 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>10</sup> Audio/Video for Agenda Item C = 00:36:04 – 2025-05-16-EFSC-Meeting-Audio/Video

*Mr. Jackman provided a megawatt can be understood as the number of households a provider could serve. Megawatt hours refers to how much time power is provided to those houses.*

*Council Member Devlin stated depending upon what sort of contracts providers have, the real incentive is achieving the best price for the power that is being provided which can vary especially in unregulated markets.*

*Mr. Jackman agreed, adding the more power sources available, the more cost competitive the market becomes.*

*Chair Howe asked what is the acreage of coverage for the 2 facilities in Morrow County with battery storage (Wagon Trail Solar and Sunstone Solar).*

*Ms. Esterson provided the BESS areas for the projects are dispersed within their footprint of solar. In general, the projects are 7000 acres for Wagon Trail and 10000 acres for Sunstone.*

*Council Member Devlin noted there is a pumped hydro BESS system currently being operated at the Grand Coulee Dam which is used for agricultural purposes.*

*Vice-Chair Condon expressed her appreciation for the presentation. As the technology for battery storage rapidly changes, it is important for Council to stay current on the latest information in order to make well informed future decisions for projects specifically concerning wildfire safety and public health and safety standards.*

*Counsel Rowe recommended a book for additional information: Power Metal, The Race for the Resources That will Shape the Future by Vince Beiser.*

*Council Member Devlin expressed his concern about addressing the issue of fires. While a fire at a BESS facility may not be more severe than any other fire, there may be additional training needed for local fire departments and volunteers for how to address these types of fires.*

*Mr. Jackman stated emergency preparedness is one of the requirements for developers, ensuring that an adequate, trained and prepared response is available. He agreed that additional training for this type of facility is warranted. The mitigation plan is developed with the site certificate.*

*Council Member Beier stated EFSC has direction from the legislature that BESS facilities can be included in any of its applications and projects. As the EFSC standards were developed years ago and did not anticipate BESS components within energy facilities, she questioned if there is a need to address possible additional standards or changes to existing standards.*

*Secretary Esterson stated in the new wildfire standard templates reviewed by Council at the March 2025 meeting, there is a training requirement for first responders that is the responsibility of the certificate holder. The templates, conditions and Standards are evolving as the Department acquires additional knowledge regarding wildfire risk, fire prevention and wildfire suppression. There currently is not a standard that requires an evaluation of public health and safety risk from a thermal runaway fire. Staff is receiving and reviewing comments from rural fire protection districts on facilities with large batteries. The Wildfire Prevention and Risk Mitigation & Public Services standards will address the issues regarding the safety of BESS systems for now.*

*Council Member Grail expressed her appreciation for the presentation as it helps to educate EFSC and allows Council to ask better questions, helps communities have a good understanding of new technologies and avoids creating unnecessary confusion.*

**D. Public Comment Period (Information Item)<sup>11</sup>** – This time was reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment.

Wendy King

Ms. King expressed her concern regarding the location of battery storage facilities(BESS) in the state and fire mitigation if BESS facilities are sited in Morrow County near dry land croplands. She questioned what the margin would be between facilities and the land. She emphasized the need for communication with fire suppression teams in the area for best practices for handling possible fires.

**E. Role of Electricity Transmission in the Energy Transition (Information Item)<sup>12</sup>** – Jason Sierman, Senior Policy Analyst provided Council an overview of the need to increased transmission to achieve economy-wide decarbonization.

*Counsel Rowe, noting that the Council often hears from developers that more time is needed to complete construction and begin operations as they are “in the queue” with Bonneville Power to get their power onto the grid, asked if there is evidence that in areas with Regional Transmission Organizations (RTO) facilities are able to get their power to the grid more quickly than in areas with a bilateral fragmented system (as exists in Oregon).*

*Mr. Sierman provided there are tradeoffs with where the resources are located and how much transmission you have to build to access the resources. The transmission service rights, RTO issues and in the queue issues are all intertwined as well as the additional layer of the high resource quality.*

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<sup>11</sup> Audio/Video for Agenda Item D = 01:27:29 – 2025-05-16-EFSC-Meeting-Audio/Video

<sup>12</sup> Audio/Video for Agenda Item E = 01:32:28 – 2025-05-16-EFSC-Meeting-Audio/Video

*Vice-Chair Condon clarified while there may be better accessibility to the grid with an RTO, there is still the need for a large transmission line in this part of the country.*

*Mr. Sierman stated the centralized markets without a large enough footprint and without an RTO do not solve the biggest challenges facing the current power grid. The issue is how to plan and allocate the cost of expanding the transmission system most efficiently and cost effectively for rate payers.*

*Council Member Devlin stated many of the entities that depend upon transmission are not in favor of any significant improvements in the transmission system unless it directly benefits them. It is difficult to determine a mechanism for which entities are responsible for the monies needed to build transmission lines without large impacts on their rates.*

*Mr. Sierman noted that as data centers and load growth start affecting more people, specifically in the consumer owned utilities, people are realizing the greater need for transmission. When people are affected, it can motivate some discussions and collaborations that maybe had barriers beforehand.*

*Council Member Grail added it is a big lift that depends on the players involved and the impact. In order to meet the objectives, people need to trust that there is a great need for transmission for everyone and that the expense will be shared rather than one area paying the total price.*

*Vice-Chair Condon stated her understanding that it is critical that the 500 KV transmission lines are open as it takes years to get an interconnection and years for the facilities to be built.*

*Mr. Sierman confirmed that is correct adding most of the current power lines were built in the 1950's and 1960's and are 230 KV lines which can be bulked up to 500 KV lines. New lines to new areas will need to be built. It takes time to build infrastructure.*

*Council Member Beier noted her concern that there is no regional plan to overview the future of transmission. The Boardman to Hemingway Transmission line project was driven by the utility company, not the result of any sort of regional planning. Data centers are going to continue to be a drain on the system. Having some sort of regional planning structure to work with renewable developers to establish transmission would be beneficial. Council's issue is making sure that renewable developers have a place to sell their power.*

*Mr. Sierman explained there are new ideas for transmission expansion, such as a centralized marketplace. He stated the need for expansion due to the large amount of energy demand for data centers has been recognized by all the utilities. Currently, Bonneville Power paused its queue as they are developing a process reformation as it has not been revised in decades.*



**F. Department of Land Conservation and Development Update on Farm Impacts Test (OAR 660-033-0130(5) (Information Item))<sup>13</sup>**- Hilary Foote, Department of Land Conservation and Development Farm and Forest Specialist, presented to Council the changes to the farm impacts test under OAR 660-033-0130(5), applicable to energy facilities located in Exclusive Farm Use zoned land, recently adopted, effective as of January 1, 2025.

*Council Member Devlin questioned if the Farm and Forest Modernization Rulemaking would provide any additional guidance for reviewing cumulative impacts.*

*Ms. Foote provided DLCD considers cumulative impacts case by case. The Supreme Court left open the possibility of a broader analysis for a specific project or area. There is no specific additional guidance for cumulative impacts.*

*Council Member Imes noted her understanding that the rules will be applied to future projects and could be applied to previously constructed sites if amendments were requested.*

*Secretary Esterson provided that was correct.*

*Council Member Beier expressed her concern for the phrase “surrounding lands” included in the rulemaking as it can be open to interpretation.*

*Ms. Foote stated the criteria for surrounding lands is broad as agricultural lands in the State tend to be bounded by topography. The phrase allows for an opportunity for local discretion when reviewing a particular site and what the impacts could be.*

*Counsel Rowe clarified that the cumulative impacts DLCD looks at under the farm impacts test evaluates the cumulative impacts of a single proposed facility on adjacent farms or the surrounding farmlands, not the cumulative impacts of multiple facilities being developed in a specific area on agriculture in the area.*

*Ms. Foote confirmed that was correct. The farm impacts analysis is practice by practice, farm by farm, and it is limited to the proposed development.*

*Council Member Devlin questioned if Council would review cumulative landscape impacts, such as roads, if multiple projects were proposed and/or constructed in a specific area.*

*Counsel Rowe stated EFSC does not have a landscape cumulative impact assessment. He further stated trying to do a cumulative impact assessment could become very speculative.*

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<sup>13</sup> Audio/Video for Agenda Item F = 02:37:53 – 2025-05-16-EFSC-Meeting-Audio/Video

**G. Soil and Structural Standard Update (Information Item)<sup>14</sup>** – Sarah Esterson, acting Council Secretary and Senior Policy Advisor provided Council an overview of the Soil Protection and Structural Standards, regarding new data, policy, guidance and information and plan requirements.

*Council Member Beier questioned if DOGAMI is able to bill the applicant for their time as a reviewing agency for the Department for the completeness review for the Standard.*

*Secretary Esterson confirmed that was correct.*

*Council Member Beier asked if there are separate conditions for construction and operation phases included in the standard, specifically regarding compaction.*

*Secretary Esterson stated the Department's current approach regarding compaction is that it is not a permanent impact. During the construction phase, the compaction can be minimized by not operating equipment in unnecessary ways. The decompaction requirement of pre and post compaction testing is specific to areas that do not have permanent infrastructure such as access roads. The compaction result must be 10% or less than the pre-compaction test in order to support revegetation of the site to minimize noxious weeds and to restore the site after project retirement. Staff has utilized the lessons learned from previous projects to develop a better decompaction plan.*

*Vice Chair Condon questioned if decompaction has been an ongoing procedure and is now being strengthened given the Department's experiences.*

*Secretary Esterson responded that decompaction has always been in the siting process. A part of Staff's evolution is bringing the analysts into compliance procedures and issues in order to better understand how conditions are applied in the field in an effort to recognize issues that the Department can resolve or mitigate with further development of our programs.*

*Vice-Chair Condon expressed her appreciation for the strengthening of the requirement for specific evidence in decompaction.*

**The May 22, 2025 EFSC meeting was adjourned at 12:41 pm**

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<sup>14</sup> Audio/Video for Agenda Item G= 03:10:54 – 2025-05-16-EFSC-Meeting-Audio/Video