

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

IN THE MATTER OF THE APPLICATION FOR SITE)	ORDER GRANTING EXTENSION OF
CERTIFICATE FOR THE MUDDY CREEK ENERGY PARK)	THE NOTICE OF INTENT
)	EXPIRATION DATE

On May 19, 2023, Muddy Creek Energy Park, LLC (applicant) submitted a Notice of Intent for the Muddy Creek Energy Park (proposed facility), a proposed solar photovoltaic energy generation facility with a generating capacity of approximately 199 megawatts.

On October 6, 2023, the Department issued a Project Order establishing the statutes, administrative rules, Council standards, local ordinances, and other requirements for the site certificate application. Consistent with the requirements of OAR 345-020-0060, the Project Order establishes May 19, 2025, as the expiration date of the Notice of Intent.

Under OAR 345-020-0060, the Notice of Intent expires two years after its date of submission unless, at least 45 days before the expiration date, the applicant submits a petition to extend the expiration date. If the Council finds that the petition shows good cause, the Council may extend the expiration date for a period of up to one year.

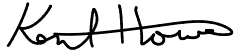
On March 31, 2025, the applicant submitted a petition to extend the expiration date of the Notice of Intent by one year. Because the applicant submitted the petition more than 45 days before the NOI expiration date, the Council finds the petition was submitted timely. The applicant subsequently provided additional information explaining why it was necessary to extend the expiration date.

The petition and supplemental information explain that the extension is needed because over the course of the original Notice of Intent period, the applicant, in coordination with the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE), identified the presence of more wetlands in the facility analysis area than were first delineated. This unanticipated discovery required the applicant to spend additional time revising the wetland delineation, evaluating the proposed facility's potential impacts to wetlands and conducting four complete redesigns of the site plan to minimize wetland impacts, formulate potential mitigation measures, and to determine whether the project remains viable.

We find that the unanticipated discovery of additional wetlands and the subsequent time required to evaluate impacts to wetlands, conduct supplemental season-dependent field surveying, revise the wetland delineation, and redesign the project multiple times to avoid and minimize impacts to wetlands represents good cause for an extension of the Notice of Intent expiration date by one year.

Because the applicant has timely submitted a petition to extend the Notice of Intent expiration date that demonstrates good cause for the extension, the Council grants the applicant's request.

THEREFORE, the Council orders the Project Order be amended to extend the NOI expiration date to May 19, 2026.



[Kent Howe \(May 19, 2025 15:52 PDT\)](#)

19-May-2025

Kent Howe, Chair
Oregon Energy Facility Siting Council

Date