

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

In the Matter of the Application for Site Certificate)
for the Speedway Energy Facility) **PROJECT ORDER**
)

Issued
February 26, 2026

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ACRONYMS AND ABBREVIATIONS

| | |
|--------------------|--|
| AC | Alternating current |
| ACDP | Air Contaminant Discharge Permit |
| Applicant | BGTF Speedway Project LLC |
| ASC | Application for Site Certificate |
| BESS | Battery energy storage system |
| BPA | Bonneville Power Administration |
| CPE | Columbia Plateau Ecoregion |
| CWA | Clean Water Act |
| DC | Direct current |
| DEQ | Oregon Department of Environmental Quality |
| DMS | degrees-minutes-seconds |
| DOGAMI | Department of Oregon Geology and Mineral Industries |
| DSL | Oregon Department of State Lands |
| EFSC or Council | Energy Facility Siting Council |
| EFU | Exclusive Farm Use |
| ESH | Essential Salmonoid Habitat |
| FAA | Federal Aviation Administration |
| kV | Kilovolts |
| LCIS | Legislative Commission on Indian Services |
| LLC | Limited Liability Company |
| MW | Megawatt |
| NOI | Notice of Intent to File an Application for Site Certificate |
| NPDES | National Pollutant Discharge Elimination System |
| NRHP | National Register of Historic Places |
| NWTC | Northwest Training Range Complex |
| OAR | Oregon Administrative Rule |
| ODAg | Oregon Department of Agriculture |
| ODAv | Oregon Department of Aviation |
| ODOE or Department | Oregon Department of Energy |
| ODFW | Oregon Department of Fish and Wildlife |
| O&M | Operations and Maintenance |
| ORS | Oregon Revised Statute |
| Parent Company | Brookfield Renewable U.S. |
| pASC | Preliminary Application for Site Certificate |
| PLSS | Public Land Survey System |
| POI | Point of Interconnection |
| Proposed facility | Speedway Energy Facility |
| PV | Photovoltaic |
| PWCA | Priority Wildlife Connectivity Areas |
| RFPD | Rural Fire Protection District |
| SAG | Special Advisory Group |
| SCCP | Sherman County Comprehensive Land Use Plan |
| SCZO | Sherman County Zoning Ordinance |

ACRONYMS AND ABBREVIATIONS

| | |
|--------|------------------------------------|
| SHPO | State Historic Preservation Office |
| SSURGO | Soil Survey Geographic Database |
| WPCF | Water Pollution Control Facilities |

1 **I. INTRODUCTION**

2
3 On October 24, 2025, the Oregon Department of Energy (ODOE or Department), as staff to the
4 Energy Facility Siting Council (EFSC or Council) received a Notice of Intent (NOI) to File an
5 Application for a Site Certificate (ASC) for Speedway Energy Facility (proposed facility). The NOI
6 was submitted by BGTF Speedway Project LLC (applicant), a subsidiary of Brookfield Renewable
7 U.S. (parent company).

8
9 This Project Order describes the laws, rules, ordinances, application requirements, and study
10 requirements that are applicable to the ASC for the proposed facility, including modifications to
11 applicable provisions of these rules identified as appropriate by the Department. The ASC must
12 address all applicable standards and information requirements as described in the sections that
13 follow. If the applicant does not agree with the requirements of this Project Order, the
14 applicant may submit a written request to the Department for waiver or modification under
15 OAR 345-021-0000(4). The Department may waive or modify any requirements it determines
16 are inapplicable to the proposed facility. As provided in ORS 469.330(3), this Project Order is
17 not a final order. The Department or Council may amend this Project Order at any time.¹

18
19 Before it submits the ASC, the applicant must request from the Department an estimate of the
20 costs expected to be incurred during the ASC review. The ASC must be submitted with 25
21 percent of the estimated cost, payable to the Oregon Department of Energy. The applicant
22 must pay the remaining balance of the fee periodically, as specified by the Department.²

23
24 **I.A. Facility Description**

25
26 As proposed, the facility would include 1,400-megawatts (MW) of solar and wind power
27 generation components with related or supporting facilities, to be located within an
28 approximately 25,000-acre (39.1 sq. miles) site, on private land zoned for exclusive farm use
29 (EFU) in Sherman County (See Figure 1).³ The 25,000 acre site boundary is proposed as a
30 micrositing corridor with the intent of refining and reducing the requested micrositing corridor
31 in the preliminary ASC.

32
33 The proposed facility includes up to 100 turbines at 8 MW/turbine, 600 MWs of solar
34 photovoltaic power generation components, and related or supporting facilities including
35 transformers, inverters, up to 500 MW of battery storage, 34.5 kilovolt (kV) and 230 kV
36 transmission lines, up to 6 collector substations, one central substation, one Operations and
37 Maintenance (O&M) building, access roads and perimeter fencing, temporary construction or

¹ OAR 345-015-0160(3).
² ORS 469.421(3) and OAR 345-021-0000(8)
³ Under ORS 469.300 and OAR 345-001-0010(30), the “site” is the proposed location of the energy facility and related or supporting facilities and includes all land upon which the energy facility and related or supporting facilities would be located. OAR 345-001-0010(31) defines “site boundary” as the perimeter of the site...including all corridors and micrositing corridors proposed by the applicant.

- 1 laydown areas, seven meteorological towers, and temporary on-site workforce housing.
- 2 Available specifications for proposed facility components and related or supporting facilities are
- 3 provided in Table 1 and summarized below:
- 4

Table 1: Proposed Facility Components and Related or Supporting Facilities

| Facility Component | Quantity | Dimensions |
|---|-----------------|---|
| Facility Site Boundary | 25,000 | Acres (39.1 sq. miles) |
| Micrositing Area | TBD | |
| Estimated Total Power Generating Capacity | 1,400 | Megawatts (MW) |
| Wind Turbines (approx. 8 MW each) | 100 | |
| • Rotor Blade length | 288 | feet |
| • Tower height | 410 | feet |
| • Rotor Blade diameter | 575 | feet |
| • Maximum Blade tip-height | 698 | feet |
| • Turbine foundations | 100 | 85-100 ft diameter |
| • 34.5 kV Wind Transformers | 100 | |
| Solar Array | TBD | |
| • Solar Modules (approx. 700 Watts each) | TBD | 6-8 ft L x 3-5 ft W w/ Max Tilt Height of 12 feet H |
| • Trackers/Posts | TBD | 4-10 feet above grade |
| • Inverters | TBD | |
| • 34.5 kV Transformers | TBD | |
| • Cabling | TBD | |
| Battery Energy Storage System (BESS) | 500 | MW storage capacity |
| • Conex Container Boxes | TBD | 8-10 W x 40 L x 7- 10 H (feet) |
| • Distributed or | TBD | TBD |
| • Concentrated | 1 | 50-acre area |
| Related or Supporting Facilities | Quantity | Dimensions |
| 34.5 Collection System – above and below ground | TBD | Min depth 3 feet if underground |
| 230 kV Collection Substations | 6 | 2-5 acres each |
| 230 kV Transmission Lines – above ground | TBD | 150-foot corridor |
| 500 kV Central Substation/POI | 1 | 50 acres |
| Operations & Maintenance Building | 1 | 2,000-5,000 square feet area |
| Access and Facility Roads (new and improved) | TBD | Facility roads will be 20 feet wide w 40 feet turn radius |
| Perimeter Fencing & Gates | TBD | 7 feet H |
| Temporary Laydown and Construction Areas | TBD | |
| Meteorological Towers | 7 | 197 feet H with 4 guywires each. |
| Temporary On-Site Workforce Housing | TBD | |

5

1 **I.A.1 Facility Location and Site Description**

2

3 The proposed site includes approximately 25,000 acres of privately owned land in Sherman
4 County, Oregon zoned F-1 for Exclusive Farm Use (EFU). The applicant is currently determining
5 the proposed micrositing area where facility components would be located within the site
6 boundary, but for the purposes of the NOI, the total 25,000 acres is being evaluated as if it were
7 the micrositing area.

8

9 The site is located approximately 0.52-1.0 miles east of the City of Grass Valley and
10 approximately 3.3 miles southwest of the city of Moro. The proposed site boundary is situated
11 between John Day River to the east and the Deschutes River to the west. Finnegan Creek,
12 Ruggles Road, Von Borstel Road, and Rolfe Lane are to the south; and Crites Road is to the
13 north. The site boundary includes all or part of the sections listed in Table 2. A map of the
14 proposed site boundary is provided in Figure 1, below.

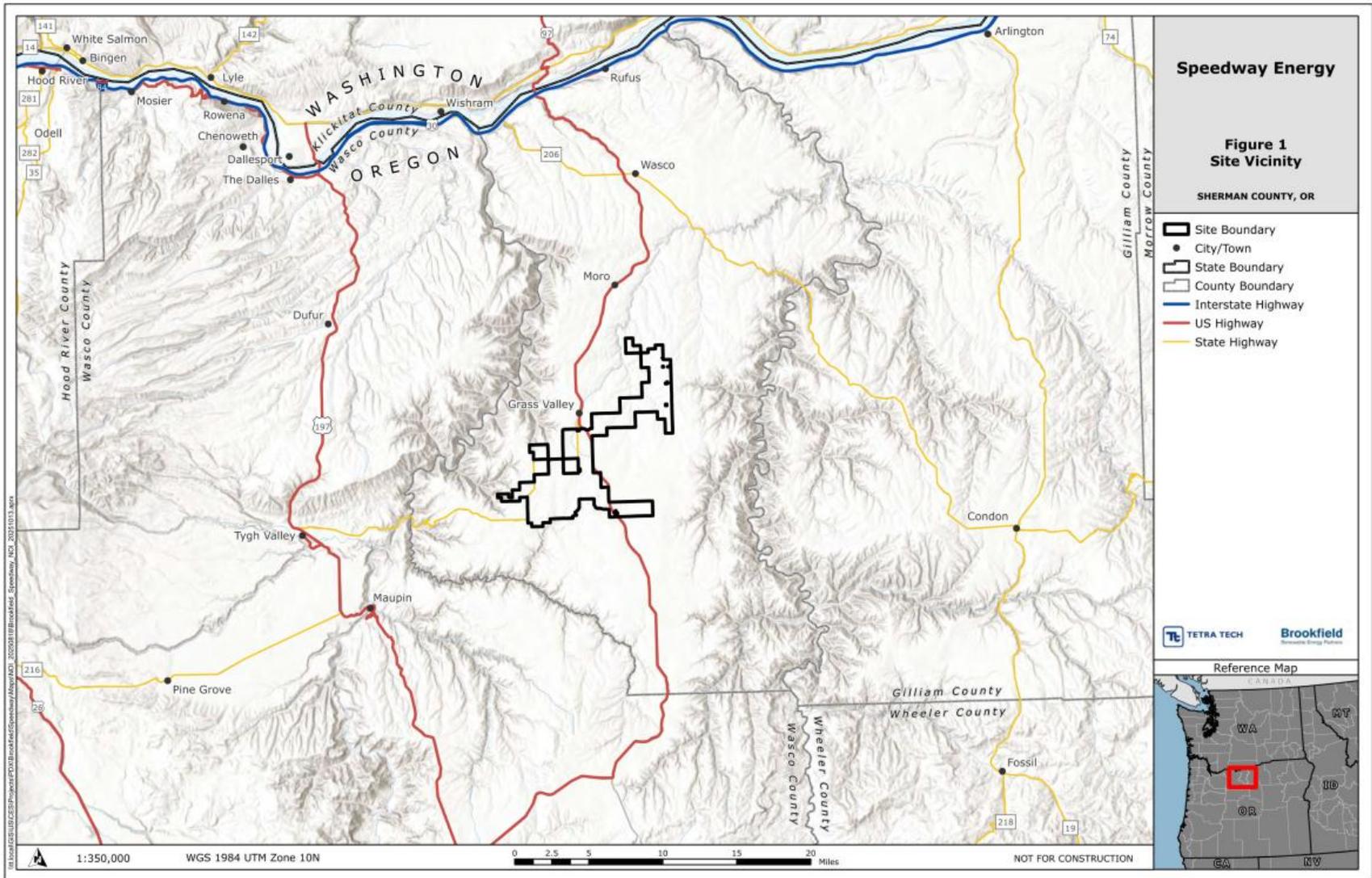
15

Table 2: Location of the Proposed Site Boundary by Township, Range, and Section

| Township and Range | Section(s) |
|--------------------|--|
| T02S R16E | 36 |
| T02S R17E | 3, 4, 5, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 29, 31, 32, 34, 35 |
| T03S R15E | 25, 26 |
| T03S R16E | 1, 2, 3, 7, 8, 9, 10, 11, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 |

16

Figure 1: Proposed Site Boundary and Vicinity



1 **I.B. Applicant Information**

2
3 The applicant is BGTF Speedway Project LLC (applicant), a subsidiary of Brookfield Renewable
4 U.S. (parent company).

5
6 The officer responsible for submitting the NOI is:

7
8 John M. Soininen; Vice President, Asset Development
9 BGTF Speedway Project LLC
10 c/o Brookfield Renewable U.S.
11 200 Liberty St., 14th Floor
12 New York, NY 10281

13
14 The applicant’s primary contact person for the NOI is:

15
16 Vincent Esposito; Sr. Manager, Asset Development
17 BGTF Speedway Project LLC
18 c/o Brookfield Renewable U.S.
19 200 Liberty St., 14th Floor
20 New York, NY 10281
21 Phone: (646) 992-9316
22 Email: vincent.esposito@brookfieldrenewable.com

23
24 **I.C. Procedural History**

25
26 On October 24, 2025, the applicant submitted a NOI with the fee required under OAR 345-020-
27 0006.

28
29 **I.C.1 Public Comment Period and Informational Meeting**

30
31 On November 12, 2025, the Department posted the NOI to a webpage created for the
32 proposed facility. The Department appointed Sherman County Board of Commissioners as the
33 Special Advisory Group (SAG) for the proposed facility on November 21, 2025. On the same
34 date, the Department initiated review and comment with the SAG, reviewing agencies and
35 Tribes on the NOI. On December 16, 2025, the Department issued a Public Notice of the NOI to
36 people on the Council’s general mailing list, the owners of property located within the distances
37 specified in OAR 345-020-0010(1)(f)(A), and to the managers of the protected areas identified
38 in NOI Exhibit L, in accordance with OAR 345-015-0110. The public notice provided information
39 regarding the proposed facility and the EFSC review process and announced the public
40 informational meeting described below. On January 1, 2026, a public notice also appeared in
41 the Times-Journal Newspaper, a newspaper of general circulation for Sherman County.

42
43 The public notice opened the public comment period on the NOI and established the deadline
44 for public comments as 5:00 p.m. Pacific Time on January 23, 2026.

1 The Department held a public informational meeting on the NOI for the proposed facility on
 2 January 14, 2025. The meeting was held at the Grass Valley Pavillion in Grass Valley, Oregon
 3 and was open to both in-person and remote attendees. The Department and the applicant
 4 appeared at the informational meeting and provided information about the siting process and
 5 the proposed facility and responded to questions from the public. Members of the public were
 6 also invited to provide comment on the NOI. Four members of the public provided oral
 7 comments at the public informational meeting.

8
 9 The Department received 31 written public comments, with some comments submitted on
 10 behalf of multiple commenters. Some commenters commented more than once or were also
 11 part of group comment submittals. Combined with 4 oral comments resulting in a total number
 12 of 35 total comments submitted on the NOI.

13
 14 Table 5: Summary of Additional Information Requirements by Standard below identifies any
 15 additional resources, information or analysis that must be presented in the ASC based on public
 16 comments; this information is also presented in Section IV. Exact copies of all written
 17 comments and a summary of oral comments provided at the Public Information Meeting are
 18 included in Attachment 1.

19

20 **I.C.2 Reviewing Agency Coordination and Comments**

21

22 I.C.2.1 Reviewing Agency Coordination

23

24 The reviewing agencies for the proposed facility are identified in Table 3, below. The
 25 Department initiated coordination with all reviewing agencies on the NOI on November 21,
 26 2025, and followed up with specific agencies with offers to schedule meetings or calls, and
 27 requested written comments by December 30, 2025.

28

Table 3: Reviewing Agencies

| State Agencies | |
|--|---|
| <ul style="list-style-type: none"> • Oregon Department of Agriculture • Oregon Department of Aviation • Oregon Department of Environmental Quality • Oregon Department of Fish and Wildlife • Oregon Department of Forestry • Oregon Department of Geology and Mineral Industries • Oregon Department of Transportation | <ul style="list-style-type: none"> • Oregon Department of Land Conservation and Development • Oregon Department of State Lands • Oregon State Fire Marshal • Oregon Public Utility Commission • Oregon Water Resources Department • Oregon State Historic Preservation Office • Northwest Power and Conservation Council |
| Local Jurisdictions for Public Services | |
| <ul style="list-style-type: none"> • City of Grass Valley • Sherman County | <ul style="list-style-type: none"> • City of Moro • South Sherman Rural Fire Protection District* |

Table 3: Reviewing Agencies

| | |
|---|---|
| | <ul style="list-style-type: none"> • Moro Fire Department* |
| Special Advisory Group | |
| Sherman County Board of Commissioners | |
| Tribal Governments | |
| <ul style="list-style-type: none"> • Burns-Paiute Tribe • Confederated Tribes of the Umatilla Indian Reservation • Confederated Tribes of the Warm Springs Reservation of Oregon | |
| *added as reviewing agencies per Sherman County comments on NOI | |

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I.C.2.2 Reviewing Agency Comments Received

Table 5: Summary of Additional Information Requirements by Standard below identifies any additional resources, information or analysis that must be presented in the ASC based on reviewing agency comments received. Reviewing agency comments are included in Attachment 2.

II. EFSC ANALYSIS AREAS FOR THE PROPOSED FACILITY

The analysis areas are the areas that the applicant must study for potential impacts from the construction and operation of the proposed facility. **Please Note:** If significant impacts associated with the applicable Council standards could occur beyond the analysis areas described here, then the applicant must assess those impacts in the ASC and show how the facility would comply with the applicable standard regarding the larger area where impacts could occur.

For all potential impacts, the analysis area includes all the area within the site boundary. Most analysis areas also include an area extending a specified distance from the site boundary. The minimum required analysis areas are presented in Table 4 below.

Table 4: Analysis Areas for Application for Site Certificate

| Exhibit | Analysis Area | ODOE's Basis for Analysis Area and Notes |
|---|---|---|
| Geologic and Soil Stability | The area within the site boundary | Default minimum |
| Soil Protection | The area within the site boundary | Default minimum |
| Waters of the State and Removal-Fill | The area within the site boundary | Default minimum |
| Land Use | The area within and extending ½ mile from site boundary | Default minimum |
| Protected Areas | The area within and extending 20 miles from the site boundary | Default minimum |
| Fish and Wildlife Habitat | The area within and extending ½ mile from the site boundary | Default minimum. Note: the surveys and other field-based characterization may be limited to areas within proposed micrositing corridors or areas. Habitat categorization/mapping outside the micrositing corridors may be based on literature review. |
| Threatened and Endangered Species | The area within and extending 5 miles from the site boundary. | Default minimum. |
| Scenic Resources | The area within and extending 10 miles from the site boundary. | Default minimum |
| Historic, Cultural and Archaeological Resources | The area within the site boundary (for all resources). The area extending 1 mile from the site boundary (for above-ground resources) | Default minimum |
| Recreation | The area within the site boundary and extending 5 miles from the site boundary | Default minimum |
| Public Services | Communities within and extending 10 from the site boundary | Default minimum |
| Wildfire Prevention and Risk Mitigation | The area within and extending 1 mile from the site boundary. | Extended based on SAG/Sherman County Planning Department comments to ensure that the wildfire risk assessment includes |

Table 4: Analysis Areas for Application for Site Certificate

| Exhibit | Analysis Area | ODOE's Basis for Analysis Area and Notes |
|------------------------------|---|---|
| | | lands between the proposed site and the boundaries of the city of Grass Valley. |
| Noise | The area within and extending 1-mile from the site boundary | Default minimum |
| Electric and Magnetic Fields | The area within any transmission line rights-of-way | Default minimum |

1

1 **III. REGULATORY FRAMEWORK**

2
3 The following divisions of OAR chapter 345 include rules related to application requirements,
4 the Council’s standards and procedures for the review of an application, and rules for the
5 construction and operation of an approved facility:

6
7 **OAR chapter 345, division 21** (General Application Requirements) includes the general
8 application requirements. See Section IV of this Project Order for specific information
9 requirements for the proposed facility.

10
11 **OAR chapter 345, division 22** (Council Standards for Siting Facilities & Application
12 Requirements) establishes the General Standards which apply to all proposed energy facilities
13 and their respective information requirements.

14
15 **OAR chapter 345, division 24** (Specific Standards for Siting Facilities) includes additional
16 standards for specific categories of energy facilities. The Division 24 standards that apply to the
17 proposed facility are:

- 18
19 • OAR 345-024-0010, Public Health and Safety Standards for Wind Energy Facilities;
20 • OAR 345-024-0015, Cumulative Effects Standard for Wind Energy Facilities; and
21 • OAR 345-024-0090, Siting Standards for Transmission Lines.

22
23 **OAR chapter 345, division 25** (Site Certificate Conditions) includes site certificate conditions
24 that the Council must include in all site certificates, as well as applicable site-specific and
25 monitoring conditions. As provided in OAR 345-025-0006(10), if a site certificate is granted the
26 Council will include, as conditions of approval, all representations made in the application and
27 supporting record that are necessary to either comply with or adequately mitigate a potentially
28 significant impact to a resource protected by a Council standard.

29
30 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes the
31 ongoing compliance and reporting requirements that will apply if the Council issues a site
32 certificate for the proposed facility. In addressing the application requirements, the applicant
33 shall refer to the compliance plan requirements, described in OAR 345-026-0048, and reporting
34 requirements, described in OAR 345-026-0080. Note that under ORS 469.401(4), if a site
35 certificate is issued, the certificate holder must also comply with all applicable regulations that
36 are not included in or governed by the site certificate.

37
38 **IV. APPLICATION REQUIREMENTS**

39
40 As described in ORS 469.503 and OAR 345-022-0000, to issue a site certificate for a proposed
41 facility, the Council must determine that the preponderance of evidence on the record supports
42 the following conclusions:
43

- 1 1. The facility complies with the requirements of ORS 469.300 to 469.570 and 469.590 to
2 469.619, and the standards adopted by the Council under OAR chapter 345, division 22
3 to 25, or the overall public benefits of the facility outweigh any adverse effects on a
4 resource or interest protected by the applicable standards the facility does not meet as
5 described in OAR 345-022-0000(2); and
6
- 7 2. Except for land use compliance and statutes and rules for which the decision on
8 compliance has been delegated by the federal government to a state agency other than
9 the Council, the facility complies with all other Oregon statutes and administrative rules
10 identified in the Project Order as applicable to the issuance of a site certificate for the
11 proposed facility.
12

13 The applicant must include all required information in exhibits corresponding with the
14 applicable standards, as described in the sections that follow. If the same information is
15 required in more than one exhibit the applicant may provide the required information in one
16 exhibit and include appropriate references in the others. Once the ASC is submitted, it is a
17 “preliminary application” (pASC) until the Department determines the pASC to be complete.
18 Under OAR 345-015-0190(5), a pASC is complete when the Department finds that the applicant
19 has submitted information adequate for the Council to make findings or impose conditions on
20 all applicable Council standards. After submittal, an application may be amended as provided
21 under OAR 345-021-0090.
22

23 The Sections that follow detail the application requirements by Exhibit as described in OARs.
24 The below Sections also include subheadings where the Department adds “**Additional
25 Clarification or Information Requested;**” this either **provides clarification or requests
26 information beyond what is described in rule** based on comments received from the public or
27 reviewing agencies during the NOI comment period or is based on information the Department
28 typically requests during the review of similar applications. Table 5, below summarizes these
29 Additional Clarification or Information Requested. See each Exhibit Section for additional
30 details.

Table 5: Summary of Additional Information Requirements by Standard

| Subsection | Additional Clarification or Information Requirements |
|--|---|
| Background Information – OAR 345-021-0010(3) (Section IV.A) | |
| OAR 345-021-0010(3)(a)(A)(ii) Facility Description, Major components, structures and systems | Major components of the energy facility must be provided in both narrative and tabular format. See Attachment 3 for tabular format. |
| OAR 345-021-0010(3)(a)(B) A description of major components, structures and systems of each related or supporting facility | Major components of related or supporting facilities must be provided in both narrative and tabular format. See Attachment 3 for tabular format. |
| OAR 345-021-0010(3)(a)(E)(ii) Transmission Line Description | If the use of existing or new ROW widths vary along the transmission line route, describe the ROW widths to the best of applicant's ability that corresponds to the widths shown on mapsets |
| OAR 345-021-0010(3)(a)(F) Construction and Maintenance Schedule | Include a description of routine operations and maintenance activities. |
| OAR 345-021-0010(3)(b)(A) Information about the location of the proposed facility | <ul style="list-style-type: none"> Major roads must be accurately named. Micrositing areas and corridors must be clearly identified on the maps. A geodatabase of the site boundary, micrositing corridors/areas and other proposed locations, to the extent known at the time of pASC submittal, must be provided. |
| OAR 345-021-0010(3)(b)(B) Description of the location of the proposed energy facility site | <ul style="list-style-type: none"> A description of the site using Township, Range, and Section (PLSS) must be provided. If the applicant proposes micrositing corridors or areas, the areas within must be fully surveyed (historic, cultural and archaeological resources; wetlands/waters of the state; habitat/vegetation) and impacts must be evaluated based on the maximum impact facility layout. |
| OAR 345-021-0010(3)(c) Property Owners and Adjacent Properties | <ul style="list-style-type: none"> Property owner information must be requested from the County's tax assessor's office to be submitted within 60 days of the determination of completeness. |
| Organizational Expertise – OAR 345-022-0010 (Section IV.B) | |
| OAR 345-022-0010(5)(a)(D) If the applicant is a wholly owned subsidiary of a company.. | Provide a letter from an authorized representative of the parent company confirming representations related to its access to parent company's technical and financial resources. |
| OAR 345-022-0010(5)(a)(H)(iii) If the applicant is a limited liability company | Provide a letter from the LLC's authorized representative, preferably the individual listed as the authorized representative in the Articles of Organization, authorizing submittal of the ASC on behalf of the applicant. |
| OAR 345-022-0010(5)(b) Previous Experience and Qualifications | Examples of experience in designing, constructing and operating facilities must include, at a minimum, the size, location, and date of commercial operation; and an explanation of similarities and differences between the sites of the facilities and the proposed facility site, including engineering and environmental constraints at each. |
| OAR 345-022-0010(5)(b)(D) Regulatory Citations | Identify the compliance history of the applicant, its parent company, affiliates, and other participating entities, including disclosure of any regulatory citations, including potential violations or corrective actions, in any jurisdiction in the past 10 years in constructing or operating a facility similar to the proposed facility and a description of the status or resolution of those citations. |
| OAR 345-022-0010(5)(b)(G) Mitigation Experience | Provide evidence that past mitigation projects required as part of a land use approval or other permitting process were completed successfully, such as final reports submitted to the permitting agency. |
| Structural Standard – OAR 345-022-0020 (Section IV.C) | |
| OAR 345-022-0020(4)(a) Applicant must submit information from reasonably available sources.. | At a minimum, the following sources must be reviewed to inform the Structural Exhibit: OGDC 8; Open-Fil Report O-21-06, Natural hazard risk report for Sherman County, Oregon, including the Cities of Grass Valley, Moro, Rufus, and Wasco; and HazVu. |
| OAR 345-022-0020(4)(a) Geologic Report | <ul style="list-style-type: none"> Generally, the geologic report should conform to the Geologic Report Guidelines, 2nd Edition published by the Oregon State Board of Geologist Examiners in 2014. At a minimum, the Structural Standard Exhibit should be prepared by an Oregon Registered Geologist. |

Table 5: Summary of Additional Information Requirements by Standard

| Subsection | Additional Clarification or Information Requirements |
|---|--|
| | <ul style="list-style-type: none"> If the applicant cannot provide a Geologic Report as part of the ASC, it must request a written waiver of this requirement, to the Department, following the consultation with Oregon Department of Geology and Mineral Industries (DOGAMI) required under subsection (b). |
| Soil Protection – OAR 345-022-0022 (Section IV.D) | |
| OAR 345-022-0022(2)(A)(B) Plans to manage hazardous substances | Include a Spill Prevention Control and Countermeasure Plan for construction and operation. |
| OAR 345-022-0022(2)(b)(A) Identification and description of major soil types.. | <ul style="list-style-type: none"> Soil data including soil characteristics, farmland and capability classification and erosion factors should be provided in maps and tabular format. Natural Resources Conservation Service’s Soil Survey Geographic Database (SSURGO) should be used to inform soil analysis. |
| OAR 345-022-0022(2)(b)(C) Identification and assessment of significant potential adverse impacts to soils.. | Impact assessment must include an evaluation of the potential for damaged panels or batteries to release toxins into soils. Evaluate the circumstances where this could occur, the impact, and all controls and measures in place to minimize the potential impact. ⁴ |
| OAR 345-022-0022(2)(b)(D) Measures proposed to avoid or mitigate impacts to soils | Identify site specific measures for soil reclamation, vegetation management, fugitive dust control, and erosion and sediment control during facility construction and operation. |
| Land Use – OAR 345-022-0030 (Section IV.E) | |
| OAR 345-022-0030(7)(b)(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area; | The zoning map must identify all zoning and plan designations, including the Natural Hazards Combining Zone, in the analysis area. |
| OAR 345-022-0030(7)(C)(ii) Identify the applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations | <p>SCZO Article 3:</p> <p>Section 3.1: Exclusive Farm Use, F-1 Zone, Uses Permitted:</p> <p>(v) Utility Facility service lines as set forth in ORS 215.283(1)(x) (includes transmission lines and substations as accessory use)</p> <p>Section 3.1: Exclusive Farm Use. F-1 Zone, Conditional Uses Permitted:</p> <p>(q) Commercial Utility Facilities</p> <p>(x) Transmission Lines over 200 Feet in Height, if applicable</p> <p>Section 3.7: Natural Hazards Combining Zone</p> <p>SCZO Article 5:</p> <p>Section 5.1: Authorization to Grant or Deny Conditional Uses</p> <p>Section 5.2: General Criteria</p> <p>Section 5.3: General Conditions</p> <p>Section 5.8: Standards Governing Specific Conditional Uses, including:</p> <p>Non-Farm Uses in an F-1 Zone – provide three evaluations; 1) for wind facility; 2) for solar facility; 3) for the entire facility. If the micro-siting areas for wind and solar are substantially separate and distinct, not interspersed, 3) evaluation of entire facility can be omitted. Where this criterion overlaps with OAR 660-033-0130(5), applicant may rely on or incorporate via reference analysis within the other (i.e., need not duplicate the analysis in two places). Does not apply to transmission lines/substations because they are subject only to ORS 215.283.</p> <p>Maps must be provided demonstrating that wind turbines or wind micro-siting area complies with the following setbacks from Ordinance No. 39-2007.</p> <ul style="list-style-type: none"> From lease boundary, wind turbines shall be setback 7.5 x rotor diameter in all East-West upwind and downwind directions. From lease boundary, wind turbines shall be setback 1.5 x rotor diameter in all North-South upwind and downwind directions. From any existing wind turbines, new wind turbines shall be setback 15 x rotor diameter in all East-West upwind and downwind directions. From any existing wind turbines, new wind turbines shall be setback 3 x rotor diameter in all North-South upwind and downwind directions. From the boundary line of any incorporated city of Sherman County, including Grass Valley, new wind turbines shall be setback at least 1 mile. |

⁴ SEFNOI Public Comment SCWCD 2026-01-22.

Table 5: Summary of Additional Information Requirements by Standard

| Subsection | Additional Clarification or Information Requirements |
|--|---|
| OAR 345-022-0030(7)(C)(iii) Identify all Land Conservation and Development Commission administrative rules. | OAR 660-033-0130(5)(c), including evaluation of impact to adjacent equine operations and impacts to existing agricultural access points. ⁵ OAR 660-033-0130(37) OAR 660-033-0130(38) ⁶ |
| OAR 345-022-0030(7)(C)(v)..describe why an exception to Goal 3 is justified.. | Reasons accepted by Council to date include 1) no or minimal impacts to agriculture; 2) local economic benefits, in particular benefits to the local agricultural economy; 3) locational dependency. If these reasons are part of the Goal 3 exception, sufficient evidence must be provided for each reason. Please see the attached Goal Exception Staff Memo. |
| Protected Areas – OAR 345-022-0040 (Section IV.F) | |
| No additional information is requested beyond requirements of the Standard. | |
| Retirement and Financial Assurance – OAR 345-022-0050 (Section IV.G) | |
| OAR 345-022-0050(4)(C) Evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit | Include a comfort letter from a financial institution that identifies the applicant and facility, is on letterhead, and provides assurance that the financial institution would issue a bond or letter of credit to the applicant in an amount greater than or equal to the estimated decommissioning amount. |
| Fish and Wildlife Habitat – OAR 345-022-0060 (Section IV.H) | |
| OAR 345-022-0060(3)(a) A description of biological and botanical surveys.. | Include recorded observations of State Sensitive Species and Species of Greatest Conservation Need during habitat/vegetation surveys. Recordation should include date, species, location, indication of breeding activity, age/sex if known. |
| OAR 345-022-0060(3)(c) A map showing the locations of the habitat identified in (b); | Habitat maps must include an overlay for ODFW’s mapped Big Game Winter Range. |
| OAR 345-022-0060(3)(e) A baseline survey of the use of habitat.. | Conduct bat surveys, focusing on migratory bat species (e.g., hoary and silver-haired bats) and for resident populations in the summer, for an appropriate survey area associated with the wind micro-siting corridors. <u>Please note that ODOE is currently evaluating the efficacy of bird and bat surveys for wind facilities. Please request an update from ODOE or ODFW prior to surveys to ensure surveys are the best approach.</u> |
| OAR 345-022-0060(3)(g) A description of any measures proposed by the applicant to avoid, reduce, or mitigate the potential adverse impacts | <ul style="list-style-type: none"> • Avoidance and Minimization Measures: The 2008 Oregon Columbia Plateau Ecoregion (CPE) Wind Energy Siting and Permitting Guidelines must be reviewed and referenced as part of the measures to be implemented in design, construction and operation of the wind and solar facilities to avoid and minimize impacts to wildlife and their habitats. • Avoidance and Minimization Measure: Construction activities outside of the wind micro-siting corridors or solar facility perimeter fence line is precluded during the big game winter range period of December 1 – April 1. • Avoidance and Minimization Measure: Initial ground disturbing/vegetation removal activities should be planned to occur outside of the critical period for ground nesting birds, from April 15 – September 1. • Avoidance and Minimization Measure: Preconstruction raptor nest surveys within 2-miles of the wind micro-siting corridors should occur to inform seasonal restrictions within buffer areas. • Minimization Measure: Facility fencing must include wildlife-friendly fencing design. • Mitigation Requirement: Permanent impacts to Category 2 habitat shall be mitigated at a 2:1 acreage ratio to meet the no net loss and a net benefit in habitat quality mitigation goal. • Mitigation Requirement: Revegetation and weed control measures shall be developed in consultation with the county weed department, Oregon State Extension and the Oregon Department of Agriculture. • Mitigation Requirement: If the approach is permittee responsible mitigation, the Habitat Mitigation Plan must: (1) include a proposed habitat mitigation area or areas; (2) include results of a desktop or field-level survey assessing the habitat categories of the habitat mitigation area; (3) provide the legal mechanism or mechanisms for acquiring the legal right to maintain and enhance the habitat mitigation area; and (3) include draft success criteria for the proposed ecological uplift actions and describe a process for evaluating success. |

⁵ SEFNOI Public Comment Eakin Wheat Growers 2026-01-23.

⁶ Sherman County opted out of OAR 660-033-0130(44).

Table 5: Summary of Additional Information Requirements by Standard

| Subsection | Additional Clarification or Information Requirements |
|--|---|
| Threatened and Endangered Species – OAR 345-022-0070 (Section IV.I) | |
| No additional information is requested beyond requirements of the Standard. | |
| Scenic Resources – OAR 345-022-0080 (Section IV.J) | |
| OAR 345-022-0080(5)(a) Inventory of scenic resources | For each scenic resource, the evaluation must include the management recommendations or criteria associated with the management plan designation as significant or important . |
| OAR 345-022-0080(5)(e) Assessment of the significance of visual impacts.. | The evaluation of significance should consider the proposed facility’s consistency or compliance with any development or land use criteria included in the land management plan for the identified resource. |
| Historic, Cultural and Archaeological Resources – OAR 345-022-0090 (Section IV.K) | |
| OAR 345-022-0090(4)(a) Historic and cultural resources within the analysis area | The proposed site boundary is within or adjacent to Cayuse War battle location. This location/resource must be included in the evaluation. ⁷ |
| OAR 345-022-0090(4)(d)(A) A description of discovery measures | <ul style="list-style-type: none"> • Survey methodologies, inventory and NRHP evaluations must be based on current SHPO guidelines. <ul style="list-style-type: none"> ○ If field surveys differ from those recommended in the Oregon SHPO Guidelines, the applicant must coordinate with SHPO and the Department prior to conducting field surveys. • Support and justification for NRHP eligibility statements must be provided for properties/resources under all four criteria, relying on the established historic context, consultation with Tribes and descendant communities, and an understanding of the place where an archaeological site exists, and relationships with other archaeological sites in the area. <ul style="list-style-type: none"> ○ Disturbance or lack of intact subsurface deposits are not automatic disqualifiers for information yield/potential. ○ To address whether the site is eligible to meet statute and rule requirements, the other criteria would also need to be applied. |
| Recreation – OAR 345-022-0100 (Section IV.L) | |
| OAR 345-022-0100(5)(a) Inventory of Recreational Resources | Inventory must include an evaluation of Barlow Cutoff Road/Trail. ⁸ |
| Public Services – OAR 345-022-0110 (Section IV.M) | |
| OAR 345-022-0110(4)(A) Assumptions | <ul style="list-style-type: none"> • 100 percent of the workforce is non-local. • Most construction workers stay at local/regional RV parks. |
| OAR 345-022-0110(4)(D) Evidence that adverse impacts are not likely to be significant | Provide letters/correspondence from the service providers, as applicable, confirming their capacity and legal ability to meet the demand for services generated by the construction and operation of the proposed facility. |
| Wildfire Prevention and Risk Mitigation – OAR 345-022-0115 (Section IV.N) | |
| OAR 345-022-0115(1)(a)(E) Data sources used to model and identify risk | <ul style="list-style-type: none"> • Oregon Community Wildfire Protection Plan Planning Tool • Oregon Wildfire Risk Explorer • Information about vegetation, agricultural operations, and wildfire risk based on landowner consultations. • Sherman County Multi-Jurisdictional Natural Hazards Mitigation Plan and the Sherman County Community Wildfire Plan. |
| OAR 345-022-0115(1)(b) Wildfire Mitigation Plan | Include separate construction and operational Wildfire Mitigation Plans, based on the template provided in Attachment 5. Demonstrate that consultation with South Sherman RFPD, Moro Fire Department and the Sherman County Emergency Services Manager occurred to develop site specific recommendations in the WMPs. |
| Waste Minimization - OAR 345-022-0120 (Section IV.O) | |
| No additional information is requested beyond requirements of the Standard. | |
| State and Local Laws and Regulations – OAR 345-022-0160 (Section IV.P) | |
| No additional information is requested beyond requirements of the rules and regulations. | |

⁷ SEFNOI Reviewing Agency Comment SHPO 2025-12-17.

⁸ Oral comments from Wendell Baskins. SEFNOI Public Info Meeting Oral Comments Uncorrected Transcript 2026-01-14

Table 5: Summary of Additional Information Requirements by Standard

| Subsection | Additional Clarification or Information Requirements |
|--|---|
| Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010 (Section IV.Q.1) | |
| No additional information is requested beyond requirements of the Standard. | |
| Cumulative Effects Standard for Wind Energy Facilities – OAR 345-024-0015 (Section IV.Q.2) | |
| OAR 345-024-0015(6) Minimum lighting | Include light-mitigating technology systems that will be used on facility turbines. |
| Siting Standards for Transmission Lines – OAR 345-024-0090 (Section IV.Q.3) | |
| No additional information is requested beyond requirements of the Standard. | |

1

1 **IV.A. Background Information – OAR 345-021-0010(3)**
2

3 *(3) In addition to the material required in OAR 345, divisions 22 through 24,*
4 *the applicant must submit in an exhibit called “Background Information*
5 *Exhibit” the following background information about the project to assist the*
6 *Council in its review of the application:*
7

8 **Discussion:** The “Background Information Exhibit” must provide information about the
9 proposed facility, the proposed site, and applicable standards and laws.
10

11 **IV.A.1 Facility Description – OAR 345-021-0010(3)(a)(A)-(C)**
12

13 *(a) Information about the proposed facility, construction schedule and*
14 *temporary disturbances of the site, including:*
15

16 *(A) A description of the proposed energy facility, including as applicable:*
17

18 **Discussion:** This section is applicable and must be included in the Exhibit. The energy facility
19 description must be as complete and accurate as possible across all ASC Exhibits. If the ASC is
20 approved, the information provided will form the basis for the facility description in the site
21 certificate.
22

23 *(i) For electric power generating plants, the nominal electric generating*
24 *capacity and the average electrical generating capacity, as defined in ORS*
25 *469.300;*
26

27 **Discussion:** This section is applicable and must be included in the Exhibit.
28

29 *(ii) Major components, structures and systems, including a description of the*
30 *size, type and configuration of equipment used to generate, store, transmit, or*
31 *transport electricity, useful thermal energy, or fuels;*
32

33 **Discussion:** This section is applicable and must be included in the Exhibit.
34

35 **Additional Clarification or Information Requested:** The description of major components
36 structures, and systems must be provided in both narrative and tabular format. A template for
37 the facility component table is included in Attachment 3.
38

39 *(iii) A site plan and general arrangement of buildings, equipment and*
40 *structures;*
41

1 **Discussion:** This section is applicable and must be included in the Exhibit. A site plan must be
2 provided that identifies any proposed micro-siting corridors or areas; site boundary and rights of
3 way (for linear facilities).

4
5 *(iv) Fuel and chemical storage facilities, including structures and systems for*
6 *spill containment;*

7
8 **Discussion:** This section is applicable and must be included in the Exhibit.

9
10 *(v) Equipment and systems for fire prevention and control;*

11
12 **Discussion:** This section is applicable and must be included in the Exhibit.

13
14 *(vi) For thermal power plants, combustion turbine power plants, or other*
15 *facilities designed to generate electricity from gas, liquid, or solid fuels:*
16 *(I) A discussion of the source, quantity and availability of all fuels proposed to*
17 *be used in the facility to generate electricity or useful thermal energy;*
18 *(II) if the facility will generate electric power from natural gas, petroleum, coal*
19 *or any form of solid, liquid or gaseous fuel derived from such material, a*
20 *discussion of methods the facility will use to ensure that the facility does not*
21 *emit greenhouse gasses into the atmosphere, and a description of any*
22 *equipment the facility will use to capture, sequester, or store greenhouse*
23 *gases;*
24 *(III) A description of energy flows within the facility, including power cycle and*
25 *steam cycle diagrams, as appropriate;*
26 *(IV) A description of equipment and systems for disposal of waste heat*
27 *generated by the facility; and*
28 *(V) The fuel chargeable to power heat rate of the energy facility.*

29
30 **Discussion:** This section is **not applicable** to the proposed facility.

31
32 *(vii) For surface facilities related to underground gas storage, estimated daily*
33 *injection and withdrawal rates, horsepower compression required to operate*
34 *at design injection or withdrawal rates, operating pressure range and fuel*
35 *type of compressors;*

36
37 **Discussion:** This section is **not applicable** to the proposed facility.

38
39 *(viii) For facilities to store liquefied natural gas, the volume, maximum*
40 *pressure, liquefaction and gasification capacity in thousand cubic feet per*
41 *hour;*

42
43 **Discussion:** This section is **not applicable** to the proposed facility.

1 (B) A description of major components, structures and systems of each related
2 or supporting facility;

3
4 **Discussion:** This section is applicable and must be included in the Exhibit.

5
6 **Additional Clarification or Information Requested:** The description of related or supporting
7 facilities must be provided in both narrative and tabular format. Templates for facility
8 component tables are included in Attachment 3.

9
10 (C) The approximate dimensions of major facility structures and visible
11 features;

12
13 This section is applicable and addressed in the sections above.

14
15 **IV.A.2 Corridor Selection Assessment – OAR 345-021-0010(3)(a)(D)**

16
17 (D) If the proposed energy facility is a pipeline or a transmission line or has, as
18 a related or supporting facility, a transmission line or pipeline that, by itself, is
19 an energy facility under the definition in ORS 469.300, a corridor selection
20 assessment explaining how the applicant selected the corridors for analysis in
21 the application. In the assessment, the applicant must evaluate the corridor
22 adjustments the Department has described in the project order, if any. The
23 applicant may select any corridor for analysis in the application and may
24 select more than one corridor. However, if the applicant selects a new
25 corridor, then the applicant must explain why the applicant did not present
26 the new corridor for comment at an informational meeting under OAR 345-
27 015-0130. In the assessment, the applicant must discuss the reasons for
28 selecting the corridors, based upon evaluation of the following factors:

29
30 (i) Least disturbance to streams, rivers and wetlands during construction;

31
32 (ii) Least percentage of the total length of the pipeline or transmission line
33 that would be located within areas of Habitat Category 1, as described by the
34 Oregon Department of Fish and Wildlife;

35
36 (iii) Greatest percentage of the total length of the pipeline or transmission line
37 that would be located within or adjacent to public roads and existing pipeline
38 or transmission line rights-of-way;

39
40 (iv) Least percentage of the total length of the pipeline or transmission line
41 that would be located within lands that require zone changes, variances or
42 exceptions;

1 (v) Least percentage of the total length of the pipeline or transmission line
2 that would be located in a protected area as described in OAR 345-022-0040;

3
4 (vi) Least disturbance to areas where historical, cultural or archaeological
5 resources are likely to exist;

6
7 (vii) Greatest percentage of the total length of the pipeline or transmission line
8 that would be located to avoid seismic, geological and soils hazards; and

9
10 (viii) Least percentage of the total length of the pipeline or transmission line
11 that would be located within lands zoned for exclusive farm use.

12
13 **Discussion:** This section is **not applicable** to the proposed facility. Under ORS 469.400(11)(a)(C),
14 a transmission line is considered to be an “energy facility” if it has a length of more than 10
15 miles; has a capacity of 230-kV or more; and is located in more than one city or county in
16 Oregon. As described in the NOI, the proposed facility would include a 230-kV transmission line
17 (overhead collection line) with a length of less than 10 miles; and for that reason, the
18 transmission line would not qualify as an energy facility because it would be located entirely
19 within Sherman County.

20 21 **IV.A.3 Transmission Line Description – OAR 345-021-0010(3)(a)(E)**

22
23 (E) If the proposed energy facility is a pipeline or transmission line or has, as a
24 related or supporting facility, a transmission line or pipeline of any size:

25
26 (i) The length of the pipeline or transmission line;

27
28 **Discussion:** This section is applicable to the proposed 230-kV transmission line (overhead
29 collection line) and must be addressed in the Background Information Exhibit.

30
31 (ii) The proposed right-of-way width of the pipeline or transmission line,
32 including to what extent new right-of-way will be required or existing right-of-
33 way will be widened;

34
35 **Discussion:** This section is applicable to the proposed 230-kV transmission line and must be
36 included in the Exhibit.

37
38 **Additional Clarification or Information Requested:** If the use of existing or new ROW widths
39 vary along the transmission line route, describe the ROW widths to the best of applicant’s
40 ability that corresponds to the widths shown on mapsets.

41
42 (iii) If the proposed transmission line or pipeline corridor follows or includes
43 public right-of-way, a description of where the transmission line or pipeline
44 would be located within the public right-of-way, to the extent known. If the

1 *applicant proposes to locate all or part of a transmission line or pipeline*
2 *adjacent to but not within the public right-of-way, describe the reasons for*
3 *locating the transmission line or pipeline outside the public right-of-way. The*
4 *applicant must include a set of clear and objective criteria and a description of*
5 *the type of evidence that would support locating the transmission line or*
6 *pipeline outside the public right-of-way, based on those criteria;*
7

8 **Discussion:** This section is applicable to the proposed 230-kV transmission line (overhead
9 collection line) and must be addressed in the Background Information Exhibit.

10
11 *(iv) For pipelines, the operating pressure and delivery capacity in thousand*
12 *cubic feet per day and the diameter and location, above or below ground, of*
13 *each pipeline; and*
14

15 **Discussion:** This section is **not applicable** as the proposed facility would not include a pipeline.

16
17 *(v) For transmission lines, the rated voltage, load carrying capacity, type of*
18 *current, and a description of transmission line structures and their dimensions.*
19

20 **Discussion:** This section is applicable to the proposed 230-kV transmission line (overhead
21 collection line) and must be addressed in the Background Information Exhibit.

22
23 **IV.A.4 Construction Schedule; Operations and Maintenance Activities – OAR 345-021-**
24 **0010(3)(a)(F)**

25
26 *(F) A construction schedule including the date by which the applicant proposes*
27 *to begin construction and the date by which the applicant proposes to*
28 *complete construction. Construction is defined in OAR 345-001-0010. The*
29 *applicant must describe in this exhibit all work on the site that the applicant*
30 *intends to begin before the Council issues a site certificate. The applicant must*
31 *include an estimate of the cost of that work. For the purpose of this exhibit,*
32 *“work on the site” means any work within a site or corridor, other than*
33 *surveying, exploration or other activities to define or characterize the site or*
34 *corridor, that the applicant anticipates or has performed as of the time of*
35 *submitting the application.*
36

37 **Discussion:** This section is applicable and must be included in the Exhibit.

38
39 **Additional Clarification or Information Requested:** Include a description of routine operations
40 and maintenance activities.

41
42 **IV.A.5 Site Description and Maps – OAR 345-021-0010(3)(b)**
43

1 (b) Information about the location of the proposed facility, including:
2

3 (A) A map or maps showing the proposed locations of the energy facility site,
4 all related or supporting facility sites and all areas that might be temporarily
5 disturbed during construction of the facility in relation to major roads, water
6 bodies, cities and towns, important landmarks and topographic features,
7 using a scale of 1 inch = 2000 feet or smaller when necessary to show detail;
8

9 **Discussion:** This section is applicable and must be included in the Exhibit. The maps must
10 provide enough detail for property owners potentially affected by the proposed facility to
11 determine whether their property is within or adjacent to property on which the site boundary
12 is located.
13

14 **Additional Clarification or Information Requested:**

- 15 • Major roads must be accurately named.
- 16 • Micrositing areas and corridors must be clearly identified on the maps.
- 17 • A geodatabase of the site boundary, micrositing corridors/areas and other proposed
18 locations, to the extent known at the time of pASC submittal, must be provided.
19

20 (B) A description of the location of the proposed energy facility site, the
21 proposed site of each related or supporting facility and areas of temporary
22 disturbance, including the total land area (in acres) within the proposed site
23 boundary, the total area of permanent disturbance, and the total area of
24 temporary disturbance. If a proposed pipeline or transmission line is to follow
25 an existing road, pipeline or transmission line, the applicant must state to
26 which side of the existing road, pipeline or transmission line the proposed
27 facility will run, to the extent this is known; and
28

29 **Discussion:** This section is applicable to all proposed facilities and must be included in the
30 Exhibit.
31

32 **Additional Clarification or Information Requested:**

- 33 • A description of the site using Township, Range, and Section (PLSS) must be provided.
- 34 • If the applicant proposes micrositing corridors or areas, the areas within must be fully
35 surveyed (historic, cultural and archaeological resources; wetlands/waters of the state;
36 habitat/vegetation) and impacts must be evaluated based on the maximum impact facility
37 layout.
38

39 (C) For energy generation facilities, a map showing the approximate locations
40 of any other energy generation facilities that are known to the applicant to be
41 permitted at the state or local level within the study area as defined in OAR
42 345-001-0010 for impacts to public services.
43

1 **Discussion:** Because the facility includes a wind power generation facility, this section is
2 applicable must be included in the Exhibit.

3
4 **IV.A.6 Property Owners and Adjacent Properties – OAR 345-021-0010(3)(c)**

5
6 *(c) A list of the names and mailing addresses of property owners, as described*
7 *in this subsection:*

8
9 *(A) The list must include all owners of record, as shown on the most recent*
10 *property tax assessment roll, of property located:*

11
12 *(i) Within 100 feet of property which is the subject of the application, where*
13 *the subject property is wholly or in part within an urban growth boundary;*

14
15 *(ii) Within 250 feet of the property which is the subject of the application,*
16 *where the subject property is outside an urban growth boundary and not*
17 *within a farm or forest zone; or*

18
19 *(iii) Within 500 feet of the property which is the subject of the application,*
20 *where the property is within a farm or forest zone.*

21
22 *(B) The applicant must submit an updated list of property owners as requested*
23 *by the Department before the Department issues notice of any public hearing*
24 *on the application for a site certificate as described in OAR 345-015-0220; and*

25
26 *(C) In addition to incorporating the list in the application, the applicant must*
27 *submit the list to the Department in an electronic format approved by the*
28 *Department.*

29
30 **Discussion:** This section is applicable and must be included in the Exhibit. Because the proposed
31 site is entirely within an EFU Zone, property owner information must be provided for all tax lots
32 within 500 feet of the property line for any tax lots wholly or partially within the site boundary.

33
34 **Additional Clarification or Information Requested:** Tax lots must be identified in a consistent
35 format that provides the Township, Range, Section and Tax lot number of each tax lot. If the
36 local government uses a different tax lot identification system, please include the local tax lot
37 identification number in a separate column.

38
39 **Because the Department requires the most recent tax assessment roll managed by the**
40 **County to be used when noticing, the Department will require updated property owner**
41 **information from the County’s tax assessor’s office to be submitted within 60 days of the**
42 **determination of completeness.** To avoid the duplication of work, the applicant may omit
43 specific property owner information from the pASC but must still include a list of all tax lots
44 within the notification area described above. The list must be accompanied by legible maps that

1 clearly identify tax lot identification numbers as well as adjacent road names. In addition to
2 incorporating the list in the pASC, the applicant must submit the list to the Department in Excel
3 (.xlsx) format.

4
5 Following the submission of the complete ASC, the applicant must submit updated property
6 owner lists as requested by the Department to ensure that all public notices issued use the
7 most recent tax assessment roll.

8 9 **IV.A.7 Applicable Laws, Rules, and Ordinances – OAR 345-021-0010(3)(d)**

10
11 *(d) Identification, by legal citation, of all state statutes and administrative*
12 *rules and local government ordinances containing standards or criteria that*
13 *the proposed facility must meet for the Council to issue a site certificate, other*
14 *than statutes, rules and ordinances identified in Exhibit E, and identification of*
15 *the agencies administering those statutes, administrative rules and*
16 *ordinances. The applicant must identify all statutes, administrative rules and*
17 *ordinances that the applicant knows to be applicable to the proposed facility,*
18 *whether or not identified in the project order. To the extent not addressed by*
19 *other materials in the application, the applicant must include a discussion of*
20 *how the proposed facility meets the requirements of the applicable statutes,*
21 *administrative rules and ordinances.*

22
23 **Discussion:** This section is applicable and must be included in the Exhibit.

24 25 **IV.A.8 Specific Standards – OAR 345-021-0010(3)(e)**

26
27 *(e) If the proposed facility is a facility for which the Council has adopted*
28 *specific standards, information about the facility providing evidence to*
29 *support findings by the Council as required by the following rules:*

30
31 *(A) For wind energy facilities, OAR 345-024-0010 and 345-024-0015;*

32
33 **Discussion:** Because the proposed facility includes a wind power generation facility, this section
34 is applicable. See Section IV.Q for information requirements.

35
36 *(B) For surface facilities related to underground gas storage reservoirs, OAR*
37 *345-024-0030, including information required by OAR 345-024-0030(3);*

38
39 **Discussion:** The proposed facility does not include surface facilities related to an underground
40 gas storage reservoir, this section is **not applicable**.

41
42 *(C) For any transmission line under Council jurisdiction, OAR 345-024-0090;*
43 *and*

1
2 **Discussion:** This section is applicable to the 230-kV overhead collection transmission line(s). See
3 Section IV.Q for information requirements.

4
5 *(D) For a fossil-fueled power plant or other facility that emits carbon dioxide,*
6 *OAR 345-024-0500 to 345-024-0720.*

7
8 **Discussion:** This section is **not applicable** to the proposed facility.

9
10 **IV.B. Organizational Expertise – OAR 345-022-0010**

11
12 **IV.B.1 Standard and Applicability – OAR 345-022-0010(1) - (4)**

13
14 *(1) To issue a site certificate, the Council must find that the applicant has the*
15 *organizational expertise to construct, operate and retire the proposed facility*
16 *in compliance with Council standards and conditions of the site certificate. To*
17 *conclude that the applicant has this expertise, the Council must find that the*
18 *applicant has demonstrated the ability to design, construct and operate the*
19 *proposed facility in compliance with site certificate conditions and in a manner*
20 *that protects public health and safety and has demonstrated the ability to*
21 *restore the site to a useful, non- hazardous condition. The Council may*
22 *consider the applicant’s experience, the applicant’s access to technical*
23 *expertise and the applicant’s past performance in constructing, operating and*
24 *retiring other facilities, including, but not limited to, the number and severity*
25 *of regulatory citations issued to the applicant.*

26
27 *(2) The Council may base its findings under section (1) on a rebuttable*
28 *presumption that an applicant has organizational, managerial and technical*
29 *expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and*
30 *proposes to design, construct and operate the facility according to that*
31 *program.*

32
33 *(3) If the applicant does not itself obtain a state or local government permit or*
34 *approval for which the Council would ordinarily determine compliance but*
35 *instead relies on a permit or approval issued to a third party, the Council, to*
36 *issue a site certificate, must find that the third party has, or has a reasonable*
37 *likelihood of obtaining, the necessary permit or approval, and that the*
38 *applicant has, or has a reasonable likelihood of entering into, a contractual or*
39 *other arrangement with the third party for access to the resource or service*
40 *secured by that permit or approval.*

41
42 *(4) If the applicant relies on a permit or approval issued to a third party and*
43 *the third party does not have the necessary permit or approval at the time the*
44 *Council issues the site certificate, the Council may issue the site certificate*

1 *subject to the condition that the certificate holder shall not commence*
2 *construction or operation as appropriate until the third party has obtained the*
3 *necessary permit or approval and the applicant has a contract or other*
4 *arrangement for access to the resource or service secured by that permit or*
5 *approval.*

6
7 **Discussion:** The Organizational Expertise Exhibit must contain adequate information for the
8 Council to make the findings described in OAR 345-022-0010(1) to (4). Information
9 requirements applicable to the proposed facility are discussed below.

10
11 **IV.B.2 Information Requirements – OAR 345-022-0010(5)**

12
13 *(5) To assist the Council in determining whether the standard outlined in (1)*
14 *through (4) has been met, the Applicant must submit:*

15
16 IV.B.2.1 Applicant Information - OAR 345-022-0010(5)(a)

17
18 *(a) Information about the applicant and participating persons, including:*

19
20 *(A) The name and address of the applicant including all co-owners of the*
21 *proposed facility, the name, mailing address, email address and telephone*
22 *number of the contact person for the application, and if there is a contact*
23 *person other than the applicant, the name, title, mailing address, email*
24 *address and telephone number of that person;*

25
26 **Discussion:** This section is applicable and must be included in the Exhibit. As described above,
27 the NOI identifies BGTF Speedway Project LLC as the applicant. The applicant must notify the
28 Department of any change in the legal name or entity prior to the change. This notification
29 requirement continues to apply until the Council issues its Final Order on the ASC.

30
31 *(B) The contact name, mailing address, email address and telephone number*
32 *of all participating persons, other than individuals, including but not limited to*
33 *any parent corporation of the applicant, persons upon whom the applicant*
34 *will rely for third-party permits or approvals related to the facility, and, if*
35 *known, other persons upon whom the applicant will rely in meeting any*
36 *facility standard adopted by the Council;*

37
38 **Discussion:** This section is applicable and must be included in the Exhibit. The NOI identified
39 Brookfield Renewable U.S. as the applicant’s parent company. The applicant must disclose any
40 changes to the ownership or management in the Organizational Expertise Exhibit.

41
42 *(C) If the applicant is a corporation:*

1 (i) The full name, official designation, mailing address, email address and
2 telephone number of the officer responsible for submitting the application;

3
4 (ii) The date and place of its incorporation;

5
6 (iii) A copy of its articles of incorporation and its authorization for submitting
7 the application; and

8
9 (iv) In the case of a corporation not incorporated in Oregon, the name and
10 address of the resident attorney-in-fact in this state and proof of registration
11 to do business in Oregon;

12
13 **Discussion:** This section is **not applicable**. The applicant is not a corporation. The applicant is an
14 LLC.

15
16 (D) If the applicant is a wholly owned subsidiary of a company, corporation or
17 other business entity, in addition to the information required by paragraph (C),
18 the full name and business address of each of the applicant's full or partial
19 owners;

20
21 **Discussion:** The NOI states that the applicant is a subsidiary of Brookfield Renewable U.S.⁹, this
22 section is applicable and must be included in the Exhibit.

23
24 **Additional Clarification or Information Requested:** Provide a letter from an authorized
25 representative of the parent company confirming representations related to its access to
26 parent company's technical and financial resources.

27
28 (E) If the applicant is an association of citizens, a joint venture or a
29 partnership:

30
31 (i) The full name, official designation, mailing address, email address and
32 telephone number of the person responsible for submitting the application;

33
34 (ii) The name, business address and telephone number of each person
35 participating in the association, joint venture or partnership and the
36 percentage interest held by each;

37
38 (iii) Proof of registration to do business in Oregon;

⁹ "Brookfield Renewable US" appears to be an investor-owned corporation under Brookfield Renewable Partners. <https://www.brookfieldrenewableus.com/>; <https://bep.brookfield.com/>; <https://bep.brookfield.com/bepc>; Brookfield Renewable Partners L.P. is a publicly traded limited partnership that owns and operates renewable power assets, with corporate headquarters in Toronto, Ontario, Canada. It is 60% owned by Brookfield Asset Management. https://en.wikipedia.org/wiki/Brookfield_Renewable_Partners
Above-cited websites accessed by the Department 2025-12-26.

1
2 *(iv) A copy of its articles of association, joint venture agreement or partnership*
3 *agreement and a list of its members and their cities of residence; and*

4
5 *(v) If there are no articles of association, joint venture agreement or*
6 *partnership agreement, the applicant must state that fact over the signature*
7 *of each member;*

8
9 **Discussion:** This section is **not applicable**. The applicant is not an association of citizens, joint
10 venture or partnership.

11
12 *(F) If the applicant is a public or governmental entity:*

13
14 *(i) The full name, official designation, mailing address, email address and*
15 *telephone number of the person responsible for submitting the application;*
16 *and*

17
18 *(ii) Written authorization from the entity's governing body to submit an*
19 *application;*

20
21 **Discussion:** This section is **not applicable**. The applicant is not a public or governmental entity.

22
23 *(G) If the applicant is an individual, the individual's mailing address, email*
24 *address and telephone number; and*

25
26 **Discussion:** This section is **not applicable**. The applicant is not an individual.

27
28 *(H) If the applicant is a limited liability company:*

29
30 *(i) The full name, official designation, mailing address, email address and*
31 *telephone number of the officer responsible for submitting the application;*

32
33 *(ii) The date and place of its formation;*

34
35 *(iii) A copy of its articles of organization and its authorization for submitting*
36 *the application; and*

37
38 *(iv) In the case of a limited liability company not registered in Oregon, the*
39 *name and address of the resident attorney-in-fact in this state and proof of*
40 *registration to do business in Oregon.*

41
42 **Discussion:** The applicant is a limited liability company (LLC). This section is applicable and must
43 be included in the Exhibit.

1 **Additional Clarification or Information Requested:**

- 2 • Provide a letter from the LLC’s authorized representative, preferably the individual listed
3 as the authorized representative in the Articles of Organization, authorizing submittal of
4 the ASC on behalf of the applicant. OAR 345-022-0010(5)(a)(H)(iii).
5

6 IV.B.2.2 Previous Experience and Qualifications - OAR 345-022-0010(5)(b)
7

8 *(b) Information about the organizational expertise of the applicant to*
9 *construct and operate the proposed facility, including:*

10
11 *(A) The applicant's previous experience, if any, in constructing and operating*
12 *similar facilities;*
13

14 **Discussion:** This section is applicable and must be included in the Exhibit.
15

16 **Additional Clarification or Information Requested:** Examples of experience in designing,
17 constructing and operating facilities must include, at a minimum, the size, location, and date of
18 commercial operation; and an explanation of similarities and differences between the sites of
19 the facilities and the proposed facility site, including engineering and environmental constraints
20 at each.
21

22 *(B) The qualifications of the applicant's personnel who will be responsible for*
23 *constructing and operating the facility, to the extent that the identities of such*
24 *personnel are known when the application is submitted;*
25

26 **Discussion:** This section is applicable and must be included in the Exhibit.
27

28 *(C) The qualifications of any architect, engineer, major component vendor, or*
29 *prime contractor upon whom the applicant will rely in constructing and*
30 *operating the facility, to the extent that the identities of such persons are*
31 *known when the application is submitted;*
32

33 **Discussion:** This section is applicable and must be included in the Exhibit.
34

35 *(D) The past performance of the applicant, including but not limited to the*
36 *number and severity of any regulatory citations in constructing or operating a*
37 *facility, type of equipment, or process similar to the proposed facility;*
38

39 **Discussion:** This section is applicable and must be included in the Exhibit.
40

41 **Additional Clarification or Information Requested:** The response must describe the compliance
42 history of the applicant, its parent company, affiliates, and other participating entities, including
43 disclosure of any regulatory citations, including potential violations or corrective actions, in any
44 jurisdiction received by the applicant, parent, or affiliate, in the past 10 years in constructing or

1 operating a facility similar to the proposed facility and a description of the status or resolution
2 of those citations.

3
4 *(E) If the applicant has no previous experience in constructing or operating*
5 *similar facilities and has not identified a prime contractor for construction or*
6 *operation of the proposed facility, other evidence that the applicant can*
7 *successfully construct and operate the proposed facility. The applicant may*
8 *include, as evidence, a warranty that it will, through contracts, secure the*
9 *necessary expertise;*

10
11 **Discussion:** Based upon information provided in the NOI it is **not applicable**. This section only
12 applies to applicants that have no previous experience in constructing or operating similar
13 facilities and have not identified a prime contractor for the construction or operation of the
14 proposed facility.

15
16 *(F) If the applicant has an ISO 9000 or ISO 14000 certified program and*
17 *proposes to design, construct and operate the facility according to that*
18 *program, a description of the program; and*

19
20 **Discussion:** This section is applicable and must be included in the Exhibit. If the applicant does
21 not propose to rely upon an ISO 9000 or ISO 14000 certified program to satisfy the
22 Organizational Expertise Standard under OAR 345-022-0010(2), no further response is needed.

23
24 *(G) If the applicant relies on mitigation to demonstrate compliance with any*
25 *standards of Division 22 or 24 of this chapter, evidence that the applicant can*
26 *successfully complete such proposed mitigation, including past experience*
27 *with other projects and the qualifications and experience of personnel upon*
28 *whom the applicant will rely, to the extent that the identities of such persons*
29 *are known at the date of submittal.*

30
31 **Discussion:** This section is applicable and must be included in the Exhibit. Evidence of past
32 experience successfully completing mitigation may include reports documenting experience
33 with other projects.

34
35 **Additional Clarification or Information Requested:** The applicant must provide evidence that
36 past mitigation projects required as part of a land use approval or other permitting process
37 were completed successfully, such as final reports submitted to the permitting agency. The
38 applicant may rely on evidence provided in other exhibits with appropriate reference.

39
40 IV.B.2.3 Permits - OAR 345-022-0010(5)(c)

41
42 *(c) Information about permits needed for construction and operation of the*
43 *facility, including:*
44

1 (A) Identification of all federal, state and local government permits related to
 2 the siting of the proposed facility, a legal citation of the statute, rule or
 3 ordinance governing each permit, and the name, mailing address, email
 4 address and telephone number of the agency or office responsible for each
 5 permit;

6
 7 (B) A description of each permit, the reasons the permit is needed for
 8 construction or operation of the facility and the applicant’s analysis of
 9 whether the permit should or should not be included in and governed by the
 10 site certificate;

11
 12 (C) For any state or local government agency permits, licenses or certificates
 13 that are proposed to be included in and governed by the site certificate,
 14 evidence to support findings by the Council that construction and operation of
 15 the proposed facility will comply with the statutes, rules and standards
 16 applicable to the permit. For permits related to wetlands and water rights the
 17 applicant may show this evidence in the State and Local Laws and Regulations
 18 Exhibit.

19
 20 **Discussion:** These sections are applicable to all proposed facilities and must be addressed in the
 21 Organizational Expertise Exhibit. ORS 469.310 establishes the Council’s comprehensive licensing
 22 authority, which is referred to as a “one-stop” consolidated permitting process. Permits related
 23 to the siting of the proposed facility should be included in and governed by the site certificate
 24 to consolidate permitting processes, consistent with ORS 469.310; however, it is the applicant
 25 that must identify whether permits should be governed by the site certificate.

26
 27 **NOTE:** Under OAR 345-021-0000(5) and (6), for any state or local government agency permits,
 28 licenses or certificates proposed by the applicant to be included in and governed by the site
 29 certificate, the applicant must include within the site certificate application all information that
 30 would otherwise be required by the state or local government agency in an application for such
 31 permit, license or certificate.

32
 33 Information about removal-fill permits and any necessary water rights or permits must be
 34 included in the State and Local Laws and Regulations Exhibit. Table 6, below, lists permits that
 35 may be required for the proposed facility. Additional information is provided in the discussion
 36 that follows.

Table 6: Potentially Required Permits

| Permitting Authority | Permit | EFSC Jurisdiction |
|--|--|---|
| Federal and Federally Delegated Permits | | |
| Federal Aviation Administration | Determination of No Hazard to Air Navigation | Not Jurisdictional, but information required for completeness |

Table 6: Potentially Required Permits

| Permitting Authority | Permit | EFSC Jurisdiction |
|--|---|---|
| US Fish and Wildlife Service | Incidental Take Permit or Eagle Take Permit | Not Jurisdictional, but information required for completeness |
| U.S. Army Corps of Engineers | Section 404 Permit | Not Jurisdictional, but information required for completeness |
| Oregon Department of Environmental Quality | Clean Water Act (CWA), 401 Water Quality Certification | Not Jurisdictional, but information required for completeness |
| | NPDES Construction Stormwater 1200-C Permit | Not Jurisdictional, but information required for completeness |
| | NPDES Construction Stormwater 1200-A Permit | Not Jurisdictional, but information required for completeness |
| | Air Contaminant Discharge Permit | Not Jurisdictional, but information required for completeness |
| State | | |
| Oregon Department of State Lands | Wetland Delineation and Removal Fill Permit | Jurisdictional if proposed by applicant |
| Oregon Department of Environmental Quality | Water Pollution Control Facilities Permit 1000, Gravel mining and Batch Plant | Not Jurisdictional |
| Oregon Water Resources Department | Water Right Permit or Limited Water Use License | Jurisdictional if proposed by applicant |
| State Historic Preservation Office | Archeological Excavation Permit | Jurisdictional if proposed by applicant |
| Oregon Department of Aviation | Notice of Proposed Construction or Alteration (Form 7460-1) | Jurisdictional |
| Oregon Department of Transportation | Access Management Permit | Not Jurisdictional |
| | Oversize Load Movement Permit | Not Jurisdictional |
| | Permit to Occupy or Perform Operations Upon a State Highway | Not Jurisdictional |
| | Utility Encroachment Permit | Not Jurisdictional |
| Local | | |
| Sherman County Community Development and Planning Department | Conditional Use Permit | Jurisdictional |
| Sherman County Roads Department | Road Use Agreement | Not Jurisdictional |
| | Road Approach Permit | Not Jurisdictional |
| Other Required State or Local Permits | Building Permit | Not Jurisdictional |
| | Electrical Permit | Not Jurisdictional |
| | Sanitation Permit | Not Jurisdictional |

Table 6: Potentially Required Permits

| Permitting Authority | Permit | EFSC Jurisdiction |
|--|--------|-------------------|
| Notes: Under ORS 469.401(4), matters including but not limited to employee health and safety, building code compliance, wage and hour or other labor regulations, local government fees and charges or other design or operational issues that do not relate to siting the facility are not included in or governed by the site certificate. | | |

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Federal Permits

Determination of No Hazard to Air Navigation:

Permitting Authority: Federal Aviation Administration

Statute and Rule References: Federal Aviation Act, 49 USC 44718; 14 CFR 77.

EFSC Jurisdiction: Not Jurisdictional, but information required for completeness.

Discussion: Required to construct or alter structures that may affect navigable airspace or navigation facilities, including structures taller than 200 feet above ground level. The applicant may be required to submit a Notice of Proposed Construction or Alteration (FAA Form 7460-1) to the Federal Aviation Administration (FAA) based on factors including, but not limited to, height, proximity to an airport, location, and frequencies emitted from the structure. If Form 7460-1 is required, the applicant may also be required to submit a Supplemental Notice of Actual Construction or Alteration (FAA Form 7460-2) prior to beginning construction. FAA would determine whether a hazard to air navigation exists based on the information in the notice and may impose conditions to ensure the safe and efficient use of navigable airspace, air navigation facilities, or equipment.

This federal process is outside of the Council’s jurisdiction and would not be included in or governed by the site certificate; however, information may be required to demonstrate compliance with the requirements of the Oregon Department of Aviation (see below) and the Public Services standard. The applicant may also be required to address impacts to military operations or readiness under 10 USC 183a as part of, or in addition to the FAA process.

Incidental Take Permit or Eagle Take Permit

Permitting Authority: U.S. Fish and Wildlife Service

Statue and Rule Reference: Section 7, 9, and 10 of the Endangered Species Act; Bald and Golden Eagle Protection Act

EFSC Jurisdiction: Not jurisdictional

Discussion: Required for wind turbines, transmission lines, and other facilities that would impact federally listed species or protected eagles. This federal process is outside of the Council’s jurisdiction and would not be included in or governed by the site certificate; however, if applicable, information may be required to demonstrate compliance with the Fish and Wildlife Habitat and Cumulative Impacts Standards.

Section 404 Permit

1 **Permitting Authority:** U.S. Army Corps of Engineers
2 **Statute and Rule References:** CWA, Section 404 (33 USC 1344)
3 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.
4 **Discussion:** A Section 404 permit is required for the discharge of dredged or fill material into
5 waters of the United States, including wetlands. Note that a Section 401 Water Quality
6 Certification from the State of Oregon is generally required before a Section 404 permit may be
7 granted. The Section 404 permit and the 401 Water Quality Certification are separate from the
8 Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit
9 Application that satisfies the information requirements for all three.

10

11 If a Section 404 Permit will be required for the construction of the facility, the ASC must include
12 a copy of the complete Joint Permit Application and a letter or other evidence demonstrating
13 that the Corps has received a Joint Permit Application for the project, and identifying any
14 additional information it is likely to need from the applicant based on the agency's review of
15 the application, and providing an estimated date for when it would complete its review and
16 issue a permit decision.

17

18 **Section 401 Water Quality Certification**

19

20 **Permitting Authority:** Oregon Department of Environmental Quality (DEQ)
21 **Statute and Rule References:** CWA, Section 401 (33 USC 1341; OAR Chapter 340, Division 48
22 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.
23 **Discussion:** Under Section 401 of the CWA federal agencies cannot issue a license or permit
24 before Oregon DEQ decides that the project can meet Oregon water quality standards. Any
25 conditions that DEQ sets then become conditions of the federal permit or license. The Section
26 401 Water Quality Certification and the Section 404 permitting decision it supports are separate
27 from the Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit
28 Application that satisfies the information requirements for all three. If applicable, the applicant
29 must provide the Joint Permit Application and proof of its submission to all relevant agencies to
30 the Department before the ASC will be determined to be complete.

31

32 **National Pollutant Discharge Elimination System (NPDES) 1200-C Permit**

33

34 **Permitting Authority:** Oregon Department of Environmental Quality
35 **Statute and Rule References:** CWA, Section 402 (33 USC 1342); 40
36 CFR 122; ORS 468 and 468B; OAR chapter 340, division 45
37 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.
38 **Discussion:** Required for construction activities that would disturb more than one acre of land.
39 Based upon the information in the NOI, a NPDES 1200-C permit would likely be required for
40 facility construction. Under OAR 345-021-0000(6), the ASC must include a submit a copy of the
41 application for the permit or provide a schedule of the date by which the applicant intends to
42 submit the application. The Department will not be able to find the application for site
43 certificate complete before receiving a copy of the application and a letter or other evidence
44 from DEQ demonstrating that the agency has received a permit application from the applicant

1 and provide an estimated date when the agency will complete its review and issue a permit
2 decision.

3

4 **NPDES Stormwater and Mine Dewatering Discharge 1200-A permit**

5

6 **Permitting Authority:** Oregon Department of Environmental Quality

7 **Statute and Rule References:** CWA, Section 402 (33 USC § 1342); 40

8 CFR § 122; ORS 468 and 468B; OAR chapter 340, division 45

9 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

10 **Discussion:** Required for disposal of concrete batch plant wash water from a point source to
11 surface water or to a conveyance system that discharges to surface water, the plant would
12 require an NPDES 1200-A permit. The NOI indicates that, if required, this permit would be
13 obtained by the applicant's construction contractor. As such, the requirements described in the
14 Third-Party Permits section below would apply.

15

16 **Air Contaminant Discharge Permit**

17

18 **Statute and Rule References:** OAR Chapter 340, Division 216

19 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

20 **Discussion:** Required for the operation of a concrete manufacturing plant that produces more
21 than 5,000 cubic yards per year output. Air Contaminant Discharge Permits (ACDP) for mobile,
22 temporary concrete batch plants are associated with the equipment itself. The NOI indicates
23 that, if required, this permit would be obtained by the applicant's construction contractor. As
24 such, the requirements described in the Third-Party Permits section below would apply.

25

26 *State Permits*

27

28 **Wetland Delineation and Removal Fill Permit**

29

30 **Permitting Authority:** Oregon Department of State Lands

31 **Statute and Rule References:** ORS 196.795-990; OAR chapter 141, division 85, 90

32 **EFSC Jurisdiction:** Jurisdictional

33 **Discussion:** Required for the removal or fill of 50 cubic yards or more of material within
34 jurisdictional waters of the state, as defined in OAR 141-085-0510(91), or any removal fill
35 activities in streams designated as Essential Salmonid Habitat. As described in Section IV.Q.1,
36 the application must contain adequate information to determine whether or not a Removal-Fill
37 permit is required, including a wetland delineation report prepared in accordance with OAR
38 chapter 141, division 90 and evidence that the report has been submitted to the Department of
39 State Lands (DSL) for concurrence. If a removal-fill permit is required, the ASC must include a
40 complete Joint Permit Application for an individual permit which demonstrates consistency
41 with ORS 196.825(1) and provides enough information for determinations and considerations
42 under ORS 196.825(3) and OAR 141-085-0565, including a Compensatory Wetland Mitigation
43 Plan which meets the requirements of OAR 141-085-0680 through OAR 141-085-0715 must be

1 provided to replace all lost functions and values previously provided by the impacted wetlands
2 and waterways.

3

4 **Water Pollution Control Facilities General Permit (WPCF-1000)**

5

6 **Permitting Authority:** Oregon Department of Environmental Quality

7 **Statute and Rule References:** ORS Chapter 468B; OAR Chapter 340, Division 45

8 **EFSC Jurisdiction:** Jurisdictional

9 **Discussion:** Required for a temporary concrete batch plant that disposes of process wastewater
10 and stormwater by recirculation, evaporation, and/or controlled seepage with no discharge to
11 surface waters. A WPCF-1000 General Permit is a state permit under Council jurisdiction,
12 however, the NOI indicates that, if required, this permit would be obtained by the applicant's
13 construction contractor. As such, the requirements described in the Third-Party Permits section
14 below would apply.

15

16 **Water Right Permit or Water Use Authorization**

17

18 **Permitting Authority:** Oregon Water Resources Department

19 **Statute and Rule References:** ORS chapter 537; OAR chapter 690 division 310, 340, and 410

20 **EFSC Jurisdiction:** Jurisdictional.

21 **Discussion:** Required for the construction of a new non-exempt well or for use of water for
22 construction purposes. The NOI indicates that, if required, this permit would be obtained by the
23 applicant's construction contractor. As such, the requirements described in the Third-Party
24 Permits section below would apply.

25

26 **Archaeological Excavation Permit**

27

28 **Permitting Authority:** State Historic Preservation Office

29 **Statute and Rule References:** ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51

30 **EFSC Jurisdiction:** Not jurisdictional, unless proposed by the applicant.

31 **Discussion:** Required to excavate, injure, destroy, or alter an archaeological site or object or
32 remove an archaeological object. The applicant has not proposed to have this permit be
33 included and governed by the site certificate, and as such the applicant would be required to
34 obtain this permit from the SHPO prior to ground disturbing activities at the site. The applicant
35 must provide a letter or other indication from SHPO stating that it has received an application
36 for an excavation permit for the project, identifying any additional information it is likely to
37 need from the applicant based on the agency's review of the application, and providing an
38 estimated date for when it would complete its review and issue a permit decision. The
39 applicant must attach a copy of any archaeological report and inadvertent discovery plan
40 prepared in support of the application to the Historic, Cultural and Archaeological Exhibit.

41

42 **Letter or Determination of No Hazard to Air Navigation**

43

44 **Permitting Authority:** Oregon Department of Aviation

1 **Statute and Rule References:** ORS 836.530 and OAR 738-070-0060 to 0100.
2 **EFSC Jurisdiction:** Jurisdictional.
3 **Discussion:** Required to construct or alter any structure that exceeds the height thresholds
4 described under 14 CFR Part 77. The ASC must include all data required for a complete FAA
5 Form 7460-1 to aid in the evaluation of potential impacts to air navigation, including the
6 coordinates of each turbine and meteorological tower location under consideration using
7 degrees-minutes-seconds (DMS) format, the maximum above ground level height of each
8 structure, and the site elevation at each location. This review and determination would be
9 incorporated and governed by the site certificate. The ASC should evaluate any potential
10 impacts to the private airport(s) near to the site in the public services section.
11

12 **Access Management Permit**

13
14 **Permitting Authority:** Oregon Department of Transportation
15 **Statute and Rule References:** OAR Chapter 734, Division 51
16 **EFSC Jurisdiction:** Not Jurisdictional
17 **Discussion:** Required for the construction of an access to a state highway. The NOI indicates
18 that, if required, this permit would be obtained by the applicant's construction contractor. As
19 such, the requirements described in the Third-Party Permits section below would apply.
20

21 **Oversize Load Movement Permit**

22
23 **Permitting Authority:** Oregon Department of Transportation
24 **Statute and Rule References:** ORS 818.030; OAR Chapter 734, Division 82
25 **EFSC Jurisdiction:** Not Jurisdictional
26 **Discussion:** Required for movement of vehicles or loads exceeding legal dimension limits. The
27 NOI indicates that, if required, this permit would be obtained by the applicant's construction
28 contractor. As such, the requirements described in the Third-Party Permits section below would
29 apply.
30

31 **Permit to Occupy or Perform Operations Upon a State Highway**

32
33 **Permitting Authority:** Oregon Department of Transportation
34 **Statute and Rule References:** OAR Chapter 734, Division 55
35 **EFSC Jurisdiction:** Not Jurisdictional
36 **Discussion:** Required for an activity along a state highway, or an activity that requires the use of
37 the state highway for other than a normal transportation activity. The NOI indicates that, if
38 required, this permit would be obtained by the applicant's construction contractor. As such, the
39 requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.
40

41 *Local Permits*

42 43 **Conditional Use Permit**

44

1 **Permitting Authority:** Sherman County Community Development & Planning Department
2 **Statute and Rule References:** ORS 469.504; Sherman County Comprehensive Land Use Plan
3 (SCCP); Sherman County Zoning Ordinance (SCZO) Section 3.1, Exclusive Farm Use, F-1 Zone;
4 SCZO Section 5.2, General Criteria; SCZO Section 5.4, Application for Conditional Use; SCZO
5 Section 5.8, Standards Governing Specific Conditional Uses; SCZO Section 11.2, Zoning or Other
6 Land Development Permit or Approval.

7 **EFSC Jurisdiction:** Jurisdictional.

8 **Discussion:** As stated in the NOI, the applicant requests that the Council determine compliance
9 with the statewide planning goals under ORS 469.504(1)(b). Accordingly, the conditional use
10 permit will be included in and governed by the site certificate. The substantive criteria
11 applicable to this determination are discussed under Section IV.K., Land Use.

12

13 The other Sherman County permitting requirements listed in Table 6 are not related to facility
14 siting and as such will not be included in or governed by the site certificate. Building permits are
15 specifically excluded from EFSC jurisdiction by statute, ORS 469.401(4).

16

17 **Road Approach Permit**

18 **EFSC Jurisdiction:** Not Jurisdictional.

19 **Permitting Authority:** Sherman County Roads Department

20 **Statute and Rule References:** Sherman County Zoning Ordinance Article 5 Conditional Uses

21 **EFSC Jurisdiction:** Not Jurisdictional

22 **Discussion:** New driveways and increases or changes of use for existing driveways which
23 access a public road shall obtain a Road Approach Permit.

24

25 **Sanitation Permit**

26 **Permitting Authority:** North Central Public Health District

27 **Statute and Rule Reference:** ORS 454 and 468B; OAR Chapter 340, Division 71

28 **EFSC Jurisdiction:** Not Jurisdictional

29 **Discussion:** 340-071-0120(1) allows ODEQ to delegate authority to local governmental units)
30 Facilities with an on-site sewage disposal system must obtain a Site Evaluation & New
31 Construction Permit before construction. The facility will have a daily sewage flow of fewer
32 than 2,500 gallons and the applicant's third-party contractor will obtain the permit from
33 North Central Public Health District.

34

35 **Building Permit**

36

37 **Permitting Authority:** Oregon Building Codes Division

38 **Statute and Rule References:** OAR 734, Division 51; Chapter 918, Divisions 309 & 780; Oregon
39 Structural Specialty Code

40 **EFSC Jurisdiction:** Not Jurisdictional

41 **Discussion:** Required for construction, reconstruction, alteration and repair of buildings and
42 other structures, as well as the installation of mechanical devices and equipment.

43 Building permits are not included in or governed by the site certificate under ORS 469.401(4).

44

1 **Electrical Permit**

2

3 **Permitting Authority:** Oregon Building Codes Division

4 **Statute and Rule References:** OAR 918, Division 309

5 **EFSC Jurisdiction:** Not Jurisdictional

6 **Discussion:** Required to install, alter, or repair permanent electrical systems. The NOI indicates
7 that, if required, this permit would be obtained by the applicant's construction contractor. As
8 such, the requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.

9

10 *(D) For federally-delegated permit applications, evidence that the responsible*
11 *agency has received a permit application and the estimated date when the*
12 *responsible agency will complete its review and issue a permit decision;*

13

14 **Discussion:** This section is applicable and must be addressed in the ASC. Although the Council
15 does not have jurisdiction over federally delegated permits, the Council may rely on the
16 determinations of compliance and the conditions in federally delegated permits in evaluating
17 the application for compliance with Council standards. Under OAR 345-021-0000(6), the
18 applicant must submit to the Department one copy of each application for a federally-
19 delegated permit. The applicant may submit the pASC without a copy of a federally-delegated
20 permit application if the applicant submits a schedule of the date by which the applicant
21 intends to submit the permit application. The Department may not find the ASC to be complete
22 before receiving copies of all federally-delegated permit applications and a letter or other
23 indication from each agency responsible for issuing a federally-delegated permit stating that
24 the agency has received the permit application, identifying any additional information the
25 agency is likely to need from the applicant and estimating the date when the agency will
26 complete its review and issue a permit decision.

27

28 *(E) If the applicant relies on a state or local government permit or approval*
29 *issued to a third party, identification of any such third-party permit and for*
30 *each:*

31

32 *(i) Evidence that the applicant has, or has a reasonable likelihood of entering*
33 *into, a contract or other agreement with the third party for access to the*
34 *resource or service to be secured by that permit;*

35

36 *(ii) Evidence that the third party has, or has a reasonable likelihood of*
37 *obtaining, the necessary permit;*

38

39 *(iii) An assessment of the impact of the proposed facility on any permits that a*
40 *third party has obtained and on which the applicant relies to comply with any*
41 *applicable Council standard;*

42

43 **Discussion:** This section is applicable and must be addressed in the ASC. If the applicant would
44 rely on a contractor or third party to obtain a required state or local permit, license or

1 certificate that would otherwise be governed by the site certificate, the Organizational
2 Expertise Exhibit must also include evidence that the applicant has, or has a reasonable
3 likelihood of entering into, a contract or other agreement with the third party for access to the
4 resource or service to be secured by that permit and evidence that the third party has, or has a
5 reasonable likelihood of obtaining, the necessary permit.

6
7 *(F) If the applicant relies on a federally-delegated permit issued to a third
8 party, identification of any such third-party permit and for each:*

9
10 *(i) Evidence that the applicant has, or has a reasonable likelihood of entering
11 into, a contract or other agreement with the third party for access to the
12 resource or service to be secured by that permit;*

13
14 *(ii) Evidence that the responsible agency has received a permit application;*

15
16 *(iii) The estimated the date when the responsible agency will complete its
17 review and issue a permit decision; and*

18
19 **Discussion:** This section is applicable and must be addressed in the ASC. If the applicant relies
20 on a federally delegated permit issued to a third party that is related to the siting of the
21 proposed facility, the applicant must identify the third-party permit and include evidence that
22 the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement
23 with the third party for access to the resource or service to be secured by that permit. The
24 applicant must provide evidence that the responsible agency has received the permit
25 application and provide the estimated date when the responsible agency would complete its
26 review and issue a permit decision (OAR 345-022-0010(5)(c)(F)).

27
28 In accordance with OAR 345-022-0010(4), if the applicant relies on a permit or approval issued
29 to a third party and the third party does not have the necessary permit or approval at the time
30 the Council issues the site certificate, the Council may issue the site certificate subject to the
31 condition that the certificate holder shall not commence construction or operation as
32 appropriate until the third party has obtained the necessary permit or approval and the
33 applicant has a contract or other arrangement for access to the resource or service secured by
34 that permit or approval.

35
36 *(G) The applicant's proposed monitoring program, if any, for compliance with
37 permit conditions.*

38
39 **Discussion:** This section is applicable and must be addressed in the ASC.

40
41 **IV.C. Structural Standard – OAR 345-022-0020**

42
43 **IV.C.1 Standard and Applicability – OAR 345-022-0020(1) - (3)**

1 (1) Except for facilities described in sections (2) and (3), to issue a site
2 certificate, the Council must find that:

3
4 (a) The applicant, through appropriate site-specific study, has adequately
5 characterized the seismic hazard risk of the site.

6
7 (b) The applicant can design, engineer, and construct the facility to avoid
8 dangers to human safety and the environment presented by seismic hazards
9 affecting the site, as identified in subsection (1)(a).

10
11 (c) The applicant, through appropriate site-specific study, has adequately
12 characterized the potential geological and soils hazards of the site and its
13 vicinity that could, in the absence of a seismic event, adversely affect, or be
14 aggravated by, the construction and operation of the proposed facility; and

15
16 (d) The applicant can design, engineer and construct the facility to avoid
17 dangers to human safety and the environment presented by the hazards
18 identified in subsection (c).

19
20 (2) The Council may not impose the Structural Standard in section (1) to
21 approve or deny an application for an energy facility that would produce
22 power from wind, solar or geothermal energy. However, the Council may, to
23 the extent it determines appropriate, apply the requirements of section (1) to
24 impose conditions on a site certificate issued for such a facility.

25
26 (3) The Council may not impose the Structural Standard in section (1) to deny
27 an application for a special criteria facility under OAR345-015-0310. However,
28 the Council may, to the extent it determines appropriate, apply the
29 requirements of section (1) to impose conditions on a site certificate issued for
30 such a facility.

31
32 **Discussion:** The Structural Standard Exhibit must include adequate information for the Council
33 to make the findings required under OAR 345-022-0020(1) and determine what, if any,
34 conditions beyond those described under OAR 345-025-0006 are appropriate to address
35 geologic and soils hazards at the site. The proposed facility is not a special criteria facility;
36 therefore section (3) is not applicable.

37
38 **IV.C.2 Information Requirements – OAR 345-022-0020(4)**

39
40 IV.C.2.1 General Requirements and Analysis Areas - OAR 345-022-0020(4)

41
42 (4) To assist the Council in determining whether the standard outlined in (1)
43 through (3) has been met, the Applicant must submit information from

1 *reasonably available sources regarding the geological and soil stability within*
2 *the analysis area, including:*

3
4 **Discussion:** As described above, the Structural Standard Exhibit must include adequate
5 information for the Council to make the findings required under OAR 345-022-0020(1) and
6 determine what, if any, conditions would be appropriate to address geologic and soils hazards
7 at the site. Specific information requirements are provided below.

8
9 **Additional Clarification or Information Requested:** At a minimum the following sources must
10 be reviewed to inform the Structural Exhibit: OGDC 8; Open-Fil Report O-21-06, Natural hazard
11 risk report for Sherman County, Oregon, including the Cities of Grass Valley, Moro, Rufus, and
12 Wasco; and HazVu.¹⁰

13
14 Any discrepancy between the recommended data sources and the sources used to prepare the
15 report must be identified and explained.

16
17 IV.C.2.2 Geologic Report – OAR 345-022-0020(4)(a)-(d)

18
19 *(a) A geologic report meeting the Oregon State Board of Geologist Examiners*
20 *geologic report guidelines. Current guidelines must be determined based on*
21 *consultation with the Oregon Department of Geology and Mineral Industries,*
22 *as described in paragraph (B) of this subsection;*

23
24 **Discussion:** This section is applicable and must be included in the Exhibit.

25
26 **Additional Clarification and Information Requested:**

- 27 • Generally, the geologic report should conform to the Geologic Report Guidelines, 2nd
28 Edition published by the Oregon State Board of Geologist Examiners in 2014.
29 • At a minimum, the Structural Standard Exhibit should be prepared by an Oregon
30 Registered Geologist
31 • If the applicant cannot provide a Geologic Report as part of the ASC, it must request a
32 written waiver of this requirement, to the Department, following the consultation with
33 Oregon Department of Geology and Mineral Industries (DOGAMI) required under
34 subsection (b).

35
36 *(b) A summary of consultation with the Oregon Department of Geology and*
37 *Mineral Industries regarding the appropriate methodology and scope of the*
38 *seismic hazards and geology and soil-related hazards assessments, and the*
39 *appropriate site-specific geotechnical work that must be performed before*
40 *submitting the application for the Department to determine that the*
41 *application is complete;*
42

¹⁰ SEFNOI Reviewing Agency Comments DOGAMI 2026-01-06.

1 **Discussion:** This section is applicable and must be included in the Exhibit. The Department
2 recommends that the siting analyst assigned to this project be included in the required
3 consultation with DOGAMI.

4
5 *(c) A description and schedule of site-specific geotechnical work that will be*
6 *performed before construction for inclusion in the site certificate as*
7 *conditions;*

8
9 **Discussion:** This section is applicable and must be included in the Exhibit. The site-specific
10 geotechnical work should be informed by the geologic report and should provide all
11 recommendations on what design and engineering features are needed to address geologic,
12 seismic, and soils hazards at the site.

13
14 *(d) For all transmission lines, and for all pipelines that would carry explosive,*
15 *flammable or hazardous materials, a description of locations along the*
16 *proposed route where the applicant proposes to perform site specific*
17 *geotechnical work, including but not limited to railroad crossings, major road*
18 *crossings, river crossings, dead ends (for transmission lines), corners (for*
19 *transmission lines), and portions of the proposed route where geologic*
20 *reconnaissance and other site specific studies provide evidence of existing*
21 *landslides, marginally stable slopes or potentially liquefiable soils that could*
22 *be made unstable by the planned construction or experience impacts during*
23 *the facility's operation;*

24
25 **Discussion:** This section is applicable to the proposed 230-kV transmission line and must be
26 addressed in the Exhibit.

27
28 IV.C.2.3 Seismic and Geologic Hazard Assessment – OAR 345-022-0020(4)(e)-(f)

29
30 *(e) An assessment of seismic hazards, in accordance with standard-of-practice*
31 *methods and best practices, that addresses all issues relating to the*
32 *consultation with the Oregon Department of Geology and Mineral Industries*
33 *described in paragraph (B) of this subsection, and an explanation of how the*
34 *applicant will design, engineer, construct, and operate the facility to avoid*
35 *dangers to human safety and the environment from these seismic hazards.*
36 *Furthermore, an explanation of how the applicant will design, engineer,*
37 *construct and operate the facility to integrate disaster resilience design to*
38 *ensure recovery of operations after major disasters. The applicant must*
39 *include proposed design and engineering features, applicable construction*
40 *codes, and any monitoring and emergency measures for seismic hazards,*
41 *including tsunami safety measures if the site is located in the DOGAMI-defined*
42 *tsunami evacuation zone; and*

43
44 **Discussion:** This section is applicable and must be included in the Exhibit.

1
2 (f) An assessment of geology and soil-related hazards which could, in the
3 absence of a seismic event, adversely affect or be aggravated by the
4 construction or operation of the facility, in accordance with standard-of-
5 practice methods and best practices, that address all issues relating to the
6 consultation with the Oregon Department of Geology and Mineral Industries
7 described in paragraph (B) of this subsection. An explanation of how the
8 applicant will design, engineer, construct and operate the facility to
9 adequately avoid dangers to human safety and the environment presented by
10 these hazards, as well as:
11

12 **Discussion:** This section is applicable and must be included in the Exhibit.
13

14 (A) An explanation of how the applicant will design, engineer, construct and
15 operate the facility to integrate disaster resilience design to ensure recovery of
16 operations after major disasters; and
17

18 **Discussion:** This section is applicable and must be included in the Exhibit.
19

20 (B) An assessment of future climate conditions for the expected life span of the
21 proposed facility and the potential impacts of those conditions on the
22 proposed facility.
23

24 **Discussion:** This section is applicable and must be included in the Exhibit.
25

26 **Note:** This section requires discussion of the potential impacts of changing climate conditions
27 on the proposed facility, not a discussion of how the proposed facility may impact climate
28 change.
29

30 **IV.D. Soil Protection – OAR 345-022-0022** 31

32 **IV.D.1 Standard and Applicability – OAR 345-022-0022(1)** 33

34 (1) To issue a site certificate, the Council must find that the design,
35 construction and operation of the facility, taking into account mitigation, are
36 not likely to result in a significant adverse impact to soils including, but not
37 limited to, erosion and chemical factors such as salt deposition from cooling
38 towers, land application of liquid effluent, and chemical spills.
39

40 **Discussion:** The Soil Protection Exhibit must contain adequate information for the Council to
41 make the findings described in OAR 345-022-0010(1). Information requirements applicable to
42 the proposed facility are discussed below.
43

1 **IV.D.2 Information Requirements – OAR 345-022-0022(2)**
2

3 *(2) To assist the Council in determining whether the standard outlined in (1)*
4 *has been met, the Applicant must submit, the Applicant must submit:*
5

6 IV.D.2.1 Materials Analysis – OAR 345-022-0022(2)(a)
7

8 *(a) A materials analysis, including:*
9

10 *(A) An inventory of substantial quantities of industrial materials flowing into*
11 *and out of the proposed facility during construction and operation;*
12

13 **Discussion:** This section is applicable and must be included in the Exhibit. Substantial quantities
14 of industrial materials including but not limited to, metals, concrete, aggregate, oils, and fuels
15 needed for construction and operation must be disclosed. The Soil Protection Exhibit must
16 identify any proposed fuel storage areas, vehicle maintenance areas, or other areas that could
17 be used to store hazardous materials.
18

19 *(B) The applicant's plans to manage hazardous substances during construction*
20 *and operation, including measures to prevent and contain spills; and*
21

22 **Discussion:** This section is applicable and must be included in the Exhibit.
23

24 **Additional Clarification or Information Requested:** The Exhibit must include a Spill Prevention
25 Control and Countermeasure Plan for construction and operation. **NOTE – if the applicant, its**
26 **contractor, or its parent company have construction and operational Spill Prevention Plans**
27 **(or similar) that include spill, safety and emergency response procedures, include these plans**
28 **in the exhibit to reduce the potential for duplicative mitigation plans in other exhibits.**
29

30 *(C) The applicant's plans to manage non-hazardous waste materials during*
31 *construction and operation.*
32

33 **Discussion:** This section is applicable and must be addressed in the ASC; however, the
34 Department recommends this information be included in the Waste Minimization Exhibit.
35

36 IV.D.2.2 Soils Analysis - OAR 345-022-0022(2)(b)
37

38 *(b) Information from reasonably available sources regarding soil conditions*
39 *and uses in the analysis area, providing evidence to support findings by the*
40 *Council as required by OAR 345-022-0022, including:*
41
42

1 **Discussion:** As described above, the exhibit must contain sufficient information to demonstrate
2 that the design, construction and operation of the facility, taking into account mitigation, are
3 not likely to result in a significant adverse impact to soils.

4
5 *(A) Identification and description of the major soil types in the analysis area;*

6
7 **Discussion:** This section is applicable and must be included in the Exhibit.

8
9 **Additional Clarification or Information Requested:**

- 10 • Soil data including soil characteristics, farmland and capability classification and erosion
11 factors should be provided in maps and tabular format.
12 • Natural Resources Conservation Service’s Soil Survey Geographic Database (SSURGO)
13 should be used to inform soil analysis.

14
15 *(B) Identification and description of current land uses in the analysis area, such*
16 *as growing crops, that require or depend on productive soils;*

17
18 **Discussion:** This section is applicable and must be included in the Exhibit. If detailed
19 information is included in the Land Use Exhibit it may be referenced rather than included in the
20 Soil Protection Exhibit.

21
22 *Impact Assessment – OAR 345-022-0022(2)(b)(C)*

23
24 *(C) Identification and assessment of significant potential adverse impact to*
25 *soils from construction, operation and retirement of the facility, including, but*
26 *not limited to, erosion and chemical factors such as salt deposition from*
27 *cooling towers, land application of liquid effluent, and chemical spills;*

28
29 **Discussion:** This section is applicable and must be included in the Exhibit. The assessment must
30 address impacts that may occur during construction and operation of the facility including, but
31 not limited to, erosion, soil compaction, and the potential for soil contamination from chemical
32 spills.

33
34 **Additional Clarification or Information Requested:** Impact assessment must include an
35 evaluation of the potential for damaged panels or batteries to release toxins into soils. Evaluate
36 the circumstances where this could occur, the impact, and all controls and measures in place to
37 minimize the potential impact.¹¹

38
39 *Monitoring and Mitigation – OAR 345-022-0022(2)(b)(D)-(E)*

40
41 *(D) A description of any measures the applicant proposes to avoid or mitigate*
42 *adverse impact to soils; and*

¹¹ SEFNOI Public Comment SCWCD 2026-01-22.

1
2 **Discussion:** This section is applicable and must be included in the exhibit.

3
4 **Additional Clarification and Information Requested:** Identify site specific measures for soil
5 reclamation, vegetation management, fugitive dust control, and erosion and sediment control
6 during facility construction and operation.

7
8 *(E) The applicant’s proposed monitoring program, if any, for adverse impact to*
9 *soils during construction and operation.*

10
11 **Discussion:** This section is applicable and must be included in the Exhibit. Monitoring programs
12 should be described for any areas where soils restoration is required. The Exhibit should explain
13 how soil and erosion BMPs installed will prevent erosion from site access roads, graveled pads,
14 and other infrastructure for the life of the proposed facility. Please contact the Department for
15 templates that are consistent with current requirements and guidance.

16
17 **IV.E. Land Use – OAR 345-022-0030**

18
19 **IV.E.1 Standard and Applicability – OAR 345-022-0030(1)-(6)**

20
21 *(1) To issue a site certificate, the Council must find that the proposed facility*
22 *complies with the statewide planning goals adopted by the Land Conservation*
23 *and Development Commission.*

24
25 *(2) The Council shall find that a proposed facility complies with section (1) if:*

26
27 *(a) The applicant elects to obtain local land use approvals under ORS*
28 *469.504(1)(a) and the Council finds that the facility has received local land use*
29 *approval under the acknowledged comprehensive plan and land use*
30 *regulations of the affected local government; or*

31
32 *(b) The applicant elects to obtain a Council determination under ORS*
33 *469.504(1)(b) and the Council determines that:*

34
35 *(A) The proposed facility complies with applicable substantive criteria as*
36 *described in section (3) and the facility complies with any Land Conservation*
37 *and Development Commission administrative rules and goals and any land use*
38 *statutes directly applicable to the facility under ORS 197.646(3);*

39
40 *(B) For a proposed facility that does not comply with one or more of the*
41 *applicable substantive criteria as described in section (3), the facility otherwise*
42 *complies with the statewide planning goals or an exception to any applicable*
43 *statewide planning goal is justified under section (4); or*
44

1 (C) For a proposed facility that the Council decides, under sections (3) or (6), to
2 evaluate against the statewide planning goals, the proposed facility complies
3 with the applicable statewide planning goals or that an exception to any
4 applicable statewide planning goal is justified under section (4).
5

6 (3) As used in this rule, the “applicable substantive criteria” are criteria from
7 the affected local government’s acknowledged comprehensive plan and land
8 use ordinances that are required by the statewide planning goals and that are
9 in effect on the date the applicant submits the application. If the special
10 advisory group recommends applicable substantive criteria, as described
11 under OAR 345-015-0180, the Council shall apply them. If the special advisory
12 group does not recommend applicable substantive criteria, the Council shall
13 decide either to make its own determination of the applicable substantive
14 criteria and apply them or to evaluate the proposed facility against the
15 statewide planning goals.
16

17 (4) The Council may find goal compliance for a proposed facility that does not
18 otherwise comply with one or more statewide planning goals by taking an
19 exception to the applicable goal. Notwithstanding the requirements of ORS
20 197.732, the statewide planning goal pertaining to the exception process or
21 any rules of the Land Conservation and Development Commission pertaining
22 to the exception process, the Council may take an exception to a goal if the
23 Council finds:
24

25 (a) The land subject to the exception is physically developed to the extent that
26 the land is no longer available for uses allowed by the applicable goal;
27

28 (b) The land subject to the exception is irrevocably committed as described by
29 the rules of the Land Conservation and Development Commission to uses not
30 allowed by the applicable goal because existing adjacent uses and other
31 relevant factors make uses allowed by the applicable goal impracticable; or
32

33 (c) The following standards are met:
34

35 (A) Reasons justify why the state policy embodied in the applicable goal
36 should not apply;
37

38 (B) The significant environmental, economic, social and energy consequences
39 anticipated as a result of the proposed facility have been identified and
40 adverse impacts will be mitigated in accordance with rules of the Council
41 applicable to the siting of the proposed facility; and
42

43 (C) The proposed facility is compatible with other adjacent uses or will be
44 made compatible through measures designed to reduce adverse impacts.

1
2 *(5) If the Council finds that applicable substantive local criteria and applicable*
3 *statutes and state administrative rules would impose conflicting requirements,*
4 *the Council shall resolve the conflict consistent with the public interest. In*
5 *resolving the conflict, the Council cannot waive any applicable state statute.*
6

7 *(6) If the special advisory group recommends applicable substantive criteria*
8 *for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related*
9 *or supporting facility that does not pass through more than one local*
10 *government jurisdiction or more than three zones in any one jurisdiction, the*
11 *Council shall apply the criteria recommended by the special advisory group. If*
12 *the special advisory group recommends applicable substantive criteria for an*
13 *energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or*
14 *supporting facility that passes through more than one jurisdiction or more*
15 *than three zones in any one jurisdiction, the Council shall review the*
16 *recommended criteria and decide whether to evaluate the proposed facility*
17 *against the applicable substantive criteria recommended by the special*
18 *advisory group, against the statewide planning goals or against a combination*
19 *of the applicable substantive criteria and statewide planning goals. In making*
20 *the decision, the Council shall consult with the special advisory group, and*
21 *shall consider:*
22

23 *(a) The number of jurisdictions and zones in question;*

24
25 *(b) The degree to which the applicable substantive criteria reflect local*
26 *government consideration of energy facilities in the planning process; and*
27

28 *(c) The level of consistency of the applicable substantive criteria from the*
29 *various zones and jurisdictions.*
30

31 **Discussion:** This section is applicable and must be included in the Exhibit.
32

33 **IV.E.2 Information Requirements – OAR 345-022-0030(7)** 34

35 IV.E.2.1 Land Use Evaluation - OAR 345-022-0030(7)(a)-(b) 36

37 *(7) To assist the Council in determining whether the standard outlined in (1)*
38 *through (6) has been met, the Applicant must submit:*
39

40 *(a) Information about the proposed facility's compliance with the statewide*
41 *planning goals adopted by the Land Conservation and Development*
42 *Commission, providing evidence to support a finding by the Council as*
43 *required by OAR 345-022-0030.*

1
2 **Discussion:** This section is applicable and must be included in the Exhibit.

3
4 *(b) The applicant must state whether the applicant elects to address the*
5 *Council's land use standard by obtaining local land use approvals under ORS*
6 *469.504(1)(a) or by obtaining a Council determination under ORS*
7 *469.504(1)(b). An applicant may elect different processes for an energy facility*
8 *and a related or supporting facility but may not otherwise combine the two*
9 *processes. Once the applicant has made an election, the applicant may not*
10 *amend the application to make a different election. In this subsection,*
11 *“affected local government” means a local government that has land use*
12 *jurisdiction over any part of the proposed site of the facility. In the application,*
13 *the applicant must:*

14
15 **Discussion:** This section is applicable and must be included in the Exhibit. In the NOI, the
16 applicant states that it intends to seek a Council determination under ORS 469.504(1)(b). Note
17 that once the election is made in the preliminary ASC, it cannot be changed.

18
19 *(A) Include a map showing the comprehensive plan designations and land use*
20 *zones in the analysis area;*

21
22 **Additional Clarification or Information Requested:** The zoning map must identify all zoning and
23 plan designations, including the Natural Hazards Combining Zone in the analysis area.

24
25 *(B) If the applicant elects to obtain local land use approvals:*

26
27 *(i) Identify the affected local governments from which land use approvals will*
28 *be sought;*

29
30 *(ii) Describe the land use approvals required in order to satisfy the Council's*
31 *land use standard;*

32
33 *(iii) Describe the status of the applicant's application for each land use*
34 *approval; and*

35
36 *(iv) Provide an estimate of time for issuance of local land use approvals.*

37
38 **Discussion:** Unless the applicant elects to obtain local land use approvals under ORS
39 469.504(1)(a), this section is **not applicable**.

40
41 *(C) If the applicant elects to obtain a Council determination on land use:*

42
43 *(i) Identify the affected local governments;*
44

1 **Discussion:** In the NOI, the applicant states that it intends to seek a Council determination
2 under ORS 469.504(1)(b); based on this statement, this section is applicable and must be
3 addressed in the Land Use Exhibit. The proposed site is entirely within Sherman County;
4 Sherman County is the affected local government.

5
6 *(ii) Identify the applicable substantive criteria from the affected local*
7 *government’s acknowledged comprehensive plan and land use regulations*
8 *that are required by the statewide planning goals and that are in effect on the*
9 *date the application is submitted and describe how the proposed facility*
10 *complies with those criteria;*

11
12 **Additional Clarification or Information Requested:**

13 Under OAR 345-021-0000(9) for the purpose of determining the applicable substantive criteria
14 under ORS 469.504(1)(b)(A), the date the preliminary application is received by the Department
15 is the date the application is submitted, therefore, a copy of the County’s applicable substantive
16 criteria/ Zoning Ordinance in effect on the date the pASC is submitted must be provided with
17 the Land Use Exhibit.

18
19 The following SCZO requirements apply to the proposed facility at the time of this Project
20 Order:¹²

- 21 • SCZO Article 3:
 - 22 ○ Section 3.1: Exclusive Farm Use, F-1 Zone, Uses Permitted:
 - 23 ■ (v) Utility Facility service lines as set forth in ORS 215.283(1)(x) (includes
 - 24 transmission lines, substations are accessory use)
 - 25 ○ Section 3.1: Exclusive Farm Use. F-1 Zone, Conditional Uses Permitted:
 - 26 ■ (q) Commercial Utility Facilities
 - 27 ■ (x) Transmission Lines over 200 Feet in Height, if applicable
 - 28 ○ Section 3.7: Natural Hazards Combining Zone
- 29 • SCZO Article 5:
 - 30 ○ Section 5.1: Authorization to Grant or Deny Conditional Uses
 - 31 ○ Section 5.2: General Criteria
 - 32 ○ Section 5.3: General Conditions
 - 33 ○ Section 5.8: Standards Governing Specific Conditional Uses, including:
 - 34 • Non-Farm Uses in an F-1 Zone - Provide three evaluations; 1) for wind
 - 35 facility; 2) for solar facility; 3) for the entire facility. If the micro-siting
 - 36 areas for wind and solar are substantially separate and distinct, not
 - 37 interspersed, 3) evaluation of entire facility can be omitted. Where this
 - 38

¹² SEFNOI Sherman County SAG Comments 2025-12-23; 2026-02-20. Note, this Project Order omits Sherman County’s recommendation to apply SCZO Article 5, Section 5.8 Radio or Television Transmitter Tower, Utility or Substation, and Public Facilities and Services. The substation should be evaluated as part of the proposed 230 kV transmission as a utility facility necessary for public service subject only to ORS 215.283/ORS 215.275. The proposed facility is not a public facility, so this category does not apply.

1 criteria overlaps with OAR 660-033-0130(5), applicant may rely on or
2 incorporate via reference analysis within the other (i.e., need not
3 duplicate the analysis in two places). Does not apply to transmission
4 lines/substations because they are subject only to ORS 215.283.
5

6 The following setbacks established in Sherman County Ordinance No. 39-2007 apply:

- 7 ○ From lease boundary, wind turbines shall be setback 7.5 x rotor diameter in all
8 East-West upwind and downwind directions
- 9 ○ From lease boundary, wind turbines shall be setback 1.5 x rotor diameter in all
10 North-South upwind and downwind directions.
- 11 ○ From any existing wind turbines, new wind turbines shall be setback 15 x rotor
12 diameter in all East-West upwind and downwind directions.
- 13 ○ From any existing wind turbines, new wind turbines shall be setback 3 x rotor
14 diameter in all North-South upwind and downwind directions.
- 15 ○ From the boundary line of any incorporated city of Sherm County, including
16 Grass Valley, new wind turbines shall be setback at least 1 mile.

17 Maps must be provided demonstrating that wind turbines or wind micro siting area complies
18 with the above setbacks.
19

20 *(iii) Identify all Land Conservation and Development Commission*
21 *administrative rules, statewide planning goals and land use statutes directly*
22 *applicable to the facility under ORS 197.646(3) and describe how the proposed*
23 *facility complies with those rules, goals and statutes;*
24

25 **Additional Clarification or Information Requested:**

26 The Land Use Exhibit must include an evaluation of OAR 660-033-0130(5)¹³, (37) and (38).¹⁴
27

28 OAR 660-033-0130(5) must include the following in the impact assessment:

- 29 ● Potential impacts on adjacent equine operations.
- 30 ● Potential impacts from changes to access points for adjacent agricultural activities.

31
32 *(iv) If the proposed facility might not comply with all applicable substantive*
33 *criteria, identify the applicable statewide planning goals and describe how the*
34 *proposed facility complies with those goals; and*
35

36 **Discussion:** This section is applicable and must be included in the exhibit.
37

38 *(v) If the proposed facility might not comply with all applicable substantive*
39 *criteria or applicable statewide planning goals, describe why an exception to*

¹³ The evaluation of ORA 660-033-0130(5) can refer to SCZA Article 5, Section 5.8 Non-Farm Uses in F-1 Zone, or vice versa.

¹⁴ Sherman County opted out of OAR 660-033-0130(44).

1 *any applicable statewide planning goal is justified, providing evidence to*
2 *support all findings by the Council required under ORS 469.504(2).*

3
4 **Additional Clarification:** This section is applicable to all proposed facilities and must be
5 addressed in the Land Use Exhibit. Reasons accepted by Council to date include 1) no or
6 minimal impacts to agriculture; 2) local economic benefits, in particular benefits to the local
7 agricultural economy; 3) locational dependency. If these reasons are part of the Goal 3
8 exception, sufficient evidence must be provided for each reason. Please see the attached Goal
9 Exception Staff Memo.

10
11 *(D) If the proposed facility will be located on federal land:*

12
13 *(i) Identify the applicable land management plan adopted by the federal*
14 *agency with jurisdiction over the federal land;*

15
16 *(ii) Explain any differences between state or local land use requirements and*
17 *federal land management requirements;*

18
19 *(iii) Describe how the proposed facility complies with the applicable federal*
20 *land management plan;*

21
22 *(iv) Describe any federal land use approvals required for the proposed facility*
23 *and the status of application for each required federal land use approval;*

24
25 *(v) Provide an estimate of time for issuance of federal land use approvals; and*

26
27 *(vi) If federal law or the land management plan conflicts with any applicable*
28 *state or local land use requirements, explain the differences in the conflicting*
29 *requirements, state whether the applicant requests Council waiver of the land*
30 *use standard described under paragraph (B) or (C) of this subsection and*
31 *explain the basis for a waiver.*

32
33 **Discussion:** This section is **not applicable**. The proposed facility would not be located on federal
34 land.

35
36 IV.E.2.2 Materials Analysis – OAR 345-022-0030(7)(c)

37
38 *(c) A materials analysis, including:*

39
40 *(A) An inventory of substantial quantities of industrial materials flowing into*
41 *and out of the proposed facility during construction and operation;*

42
43 *(B) The applicant's plans to manage hazardous substances during construction*
44 *and operation, including measures to prevent and contain spills; and*

1
2 (C) The applicant's plans to manage non-hazardous waste materials during
3 construction and operation.
4

5 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
6 ASC; however, to the extent that it is addressed in other exhibits, the information need not be
7 repeated in the Land Use Exhibit.
8

9 **IV.F. Protected Areas – OAR 345-022-0040**

10
11 **IV.F.1 Standard and Applicability – OAR 345-022-0040(1)-(4)**
12

13 (1) To issue a site certificate, the Council must find:
14

15 (a) The proposed facility will not be located within the boundaries of a
16 protected area designated on or before the date the application for site
17 certificate or request for amendment was determined to be complete under
18 OAR 345-015-0190 or 345-027-0363;
19

20 (b) The design, construction and operation of the facility, taking into account
21 mitigation, are not likely to result in significant adverse impact to a protected
22 area designated on or before the date the application for site certificate or
23 request for amendment was determined to be complete under OAR 345-015-
24 0190 or 345-027-0363.
25

26 (2) Notwithstanding section (1)(a), the Council may issue a site certificate for:
27

28 (a) A facility that includes a transmission line, natural gas pipeline, or water
29 pipeline located in a protected area, if the Council determines that other
30 reasonable alternative routes or sites have been studied and that the
31 proposed route or site is likely to result in fewer adverse impacts to resources
32 or interests protected by Council standards; or
33

34 (b) Surface facilities related to an underground gas storage reservoir that have
35 pipelines and injection, withdrawal or monitoring wells and individual
36 wellhead equipment and pumps located in a protected area, if the Council
37 determines that other alternative routes or sites have been studied and are
38 unsuitable.
39

40 (3) The provisions of section (1) do not apply to:
41

42 (a) A transmission line routed within 500 feet of an existing utility right-of-way
43 containing at least one transmission line with a voltage rating of 115 kilovolts
44 or higher; or

1
2 *(b) A natural gas pipeline routed within 500 feet of an existing utility right of*
3 *way containing at least one natural gas pipeline of 8 inches or greater*
4 *diameter that is operated at a pressure of 125 psig.*

5
6 *(4) The Council shall apply the version of this rule adopted under*
7 *Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the*
8 *review of any Application for Site Certificate or Request for Amendment that*
9 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
10 *before the effective date of this rule. Nothing in this section waives the*
11 *obligations of the certificate holder and Council to abide by local ordinances,*
12 *state law, and other rules of the Council for the construction and operation of*
13 *energy facilities in effect on the date the site certificate or amended site*
14 *certificate is executed.*

15
16 **Discussion:** The Protected Areas Exhibit must include adequate information for the Council to
17 make the findings required under section (1). Sections (2) to (4) are not applicable to the
18 proposed facility.

19
20 **IV.F.2 Information Requirements – OAR 345-022-0040(5)**

21
22 *(5) To assist the Council in determining whether the standard outlined in (1)*
23 *through (4) has been met, the Applicant must submit information about the*
24 *potential impacts of the proposed facility on protected areas in the analysis*
25 *area, providing evidence to support a finding by the Council as required by this*
26 *rule, including:*

27
28 **IV.F.2.1 General Requirements**

29
30 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
31 that the design, construction and operation of the facility, taking into account mitigation, are
32 not likely to result in significant adverse impact to any protected areas

33
34 **IV.F.2.2 Inventory of Protected Areas OAR 345-022-0040(5)(a)-(b)**

35
36 *(a) A list of all protected areas within the analysis area identifying:*

37
38 *(A) The distance and direction of the protected area from the proposed facility*

39
40 *(B) The basis for protection by reference to a specific subsection of OAR 345-*
41 *001-0010(26); and*

1 *(C) The name, mailing address, phone number, and email address of the land*
2 *management agency or organization with jurisdiction over the protected area.*

3
4 **Discussion:** This section is applicable and must be included in the Exhibit. The Department did
5 not identify any protected areas that were not included in NOI Table L-1 in the analysis area;
6 however, if additional protected areas in the analysis area are identified during the
7 development of the ASC or if the site boundary is amended, the table and map must be
8 updated accordingly.

9
10 **Note:** that the Oregon National Historic Trail is not a Protected Area except where it crosses
11 land administered by the National Parks Service or another Land Management Agency under
12 one of the designations listed in OAR 345-001-0010(26).

13
14 *(b) A map showing the location of the proposed facility in relation to the*
15 *protected areas;*

16
17 **Discussion:** This section is applicable and must be included in the Exhibit.

18
19 IV.F.2.3 Impact Assessment – OAR 345-022-0040(5)(c)

20
21 *(c) A description of significant potential impacts of the proposed facility, if any,*
22 *on the protected areas including, but not limited to, potential impacts such as:*

23
24 **Discussion:** This section is applicable and must be included in the Exhibit. If the applicant
25 becomes aware of any potential significant impacts to Protected Areas not listed below or of
26 potential significant impacts to Protected Areas outside of the analysis area, the impacts must
27 be disclosed and evaluated in the exhibit.

28
29 *(A) Noise resulting from facility construction or operation;*

30
31 **Discussion:** This section is applicable and must be included in the Exhibit. Compliance with the
32 DEQ noise rules does not correlate to compliance with the noise assessment considered in the
33 Protected Areas standard. Particularly, while construction noise is exempt from the DEQ noise
34 rules, construction noise must be considered under the Protected Areas standard. However,
35 information developed to demonstrate compliance with the DEQ noise rules (such as noise
36 modeling) included in the Noise Exhibit can be referenced in the assessment under the
37 Protected Areas standard.

38
39 *(B) Increased traffic resulting from facility construction or operation;*

40
41 **Discussion:** This section is applicable and must be included in the Exhibit.

42
43 *(C) Water use during facility construction or operation;*

1 **Discussion:** This section is applicable and must be included in the Exhibit.

2
3 *(D) Wastewater disposal resulting from facility construction or operation;*

4
5 **Discussion:** This section is applicable and must be included in the Exhibit.

6
7 *(E) Visual impacts of facility structures or plumes, including, but not limited to,*
8 *changes in landscape character or quality; and*

9
10 **Discussion:** This section is applicable and must be included in the Exhibit. While no specific
11 methodology is required, the applicant must submit sufficient evidence to demonstrate how
12 the proposed facility would comply with the standard. The applicant should consider the extent
13 of impacts and prior Council evaluations when designing the impact assessment methodology.
14 Visual simulations or other visual representations are not required but can be important tools
15 to help the Department, Council, and general public understand the potential visual impacts of
16 the proposed facility.

17
18 *(F) Visual impacts from air emissions resulting from facility construction or*
19 *operation, including, but not limited to, impacts on Class 1 Areas as described*
20 *in OAR 340-204-0050.*

21
22 **Discussion:** This section is applicable and must be included in the Exhibit. Air emissions,
23 including dust emissions, generated during the construction of the facility should be discussed.

24
25 IV.F.2.4 Materials Analysis – OAR 345-022-0040(5)(c)

26
27 *(d) A materials analysis, including:*

28
29 *(A) An inventory of substantial quantities of industrial materials flowing into*
30 *and out of the proposed facility during construction and operation;*

31
32 *(B) The applicant's plans to manage hazardous substances during construction*
33 *and operation, including measures to prevent and contain spills; and*

34
35 *(C) The applicant's plans to manage non-hazardous waste materials during*
36 *construction and operation.*

37
38 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
39 ASC; however, to the extent that it is addressed in other exhibits, the information need not be
40 repeated in the Protected Areas Exhibit.

41
42 **IV.G. Retirement and Financial Assurance – OAR 345-022-0050**

1 **IV.G.1 Retirement – OAR 345-022-0050(1)-(2)**

2
3 IV.G.1.1 Standard and Applicability – OAR 345-022-0050(1)

4
5 *To issue a site certificate, the Council must find that:*

6
7 *(1) The site, taking into account mitigation, can be restored adequately to a*
8 *useful, non-hazardous condition following permanent cessation of*
9 *construction or operation of the facility.*

10
11 **Discussion:** The Retirement and Financial Assurance Exhibit must include adequate information
12 for the Council to make the findings required under section (1).

13
14 IV.G.1.2 Information Requirements – OAR 345-022-0050(2)

15
16 *(2) To assist the Council in determining whether the standard outlined in (1)*
17 *has been met, the Applicant must submit information about site restoration,*
18 *providing evidence to support a finding by the Council as required by this rule.*
19 *The applicant must include:*

20
21 *(a) The estimated useful life of the proposed facility;*

22
23 **Discussion:** This section is applicable and must be included in the Exhibit.

24
25 *(b) Specific actions and tasks to restore the site to a useful, non-hazardous*
26 *condition;*

27
28 **Discussion:** This section is applicable and must be included in the Exhibit.

29
30 *(c) An estimate, in current dollars, of the total and unit costs of restoring the*
31 *site to a useful, non-hazardous condition;*

32
33 **Discussion:** This section is applicable and must be included in the Exhibit. The estimate must
34 include sufficient detail to identify costs associated with individual facility components, tasks
35 and include unit cost with the year and quarter identified. A template for the estimate is
36 provided in Attachment 4.

37
38 *(d) A discussion and justification of the methods and assumptions used to*
39 *estimate site restoration costs; and*

40
41 **Discussion:** This section is applicable and must be included in the Exhibit.

1 *(e) For facilities that might produce site contamination by hazardous*
2 *materials, a proposed monitoring plan, such as periodic environmental site*
3 *assessment and reporting, or an explanation why a monitoring plan is*
4 *unnecessary.*

5
6 **Discussion:** This section is applicable and must be included in the Exhibit. Monitoring, such as
7 periodic environmental site assessment and reporting, must be sufficient to ensure that there
8 will be no potential for site contamination by oils, fuels, or other hazardous materials used or
9 stored on site. If the applicant believes no monitoring for soil contamination is necessary, the
10 exhibit must provide evidence to support this position.

11
12 **IV.G.2 Financial Assurance – OAR 345-022-0050(3)-(4)**

13
14 IV.G.2.1 Standard and Applicability – OAR 345-022-0050(3)

15
16 *(3) The applicant has a reasonable likelihood of obtaining a bond or letter of*
17 *credit in a form and amount satisfactory to the Council to restore the site to a*
18 *useful, non- hazardous condition.*

19
20 **Discussion:** The Retirement and Financial Assurance Exhibit must include adequate information
21 for the Council to make the findings required under section (3).

22
23 IV.G.2.1 Information Requirements – OAR 345-022-0050(4)

24
25 *(4) To assist the Council in determining whether the standard outlined in (3)*
26 *has been met, the Applicant must submit information:*

27
28 *(a) about the applicant’s financial capability, providing evidence to support a*
29 *finding by the Council as required by OAR 345-022-0050(2). Nothing in this*
30 *section requires the disclosure of information or records protected from public*
31 *disclosure by any provision of state or federal law. The applicant must include:*

32
33 *(A) An opinion or opinions from legal counsel stating that, to counsel's best*
34 *knowledge, the applicant has the legal authority to construct and operate the*
35 *facility without violating its bond indenture provisions, articles of*
36 *incorporation, common stock covenants, or similar agreements;*

37
38 **Discussion:** This section is applicable and must be included in the Exhibit.

39
40 *(B) The type and amount of the applicant’s proposed bond or letter of credit to*
41 *meet the requirements of OAR 345-022-0050; and*

42
43 **Discussion:** This section is applicable and must be included in the Exhibit.

1
2 *(C) Evidence that the applicant has a reasonable likelihood of obtaining the*
3 *proposed bond or letter of credit in the amount proposed in paragraph (B),*
4 *before beginning construction of the facility.*
5

6 **Discussion:** This section is applicable and must be included in the Exhibit. An updated bank
7 letter may be requested by the Department during completeness review. The Department does
8 not consider comfort letters from financial institutions as confidential, exempt from public
9 disclosure.

10
11 **Additional Clarification or Information Requested:** Include a comfort letter from a financial
12 institution that identifies the applicant and facility, is on letterhead, and provides assurance
13 that the financial institution would issue a bond or letter or credit to the applicant in an amount
14 greater than or equal to the estimated decommissioning amount.
15

16 IV.G.2.2 Materials Analysis – OAR 345-022-0050(4)(b)
17

18 *(b) A materials analysis, including:*

19
20 *(A) An inventory of substantial quantities of industrial materials flowing into*
21 *and out of the proposed facility during construction and operation;*
22

23 *(B) The applicant's plans to manage hazardous substances during construction*
24 *and operation, including measures to prevent and contain spills; and*
25

26 *(C) The applicant's plans to manage non-hazardous waste materials during*
27 *construction and operation.*
28

29 **Discussion:** This section is applicable and should be addressed in the ASC; however, to the
30 extent that it is addressed in other exhibits, the information need not be repeated in the
31 Retirement and Financial Assurance Exhibit.
32

33 **IV.H. Fish and Wildlife Habitat – OAR 345-022-0060**
34

35 **IV.H.1 Standard and Applicability – OAR 345-022-0060(1)-(2)**
36

37 *To issue a site certificate, the Council must find that the design, construction*
38 *and operation of the facility, taking into account mitigation, are consistent*
39 *with:*
40

41 *(1) The general fish and wildlife habitat mitigation goals and standards of OAR*
42 *635-415-0025(1) through (6) in effect as of February 24, 2017; and*
43

1 (2) For energy facilities that impact sage-grouse habitat, the sage-grouse
2 specific habitat mitigation requirements of the Greater Sage-Grouse
3 Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-
4 0000 through -0025 in effect as of February 24, 2017.
5

6 **Discussion:** The Fish and Wildlife Exhibit must include adequate information for the Council to
7 make the findings required under section (1). In Oregon, sage-grouse habitat is only present in
8 Baker, Crook, Deschutes, Harney, Lake, Malheur and Union counties. The proposed site is not
9 located within these counties; therefore section (2) is not applicable.
10

11 **IV.H.2 Information Requirements – OAR 345-022-0060(3)** 12

13 (3) To assist the Council in determining whether the standard outlined in (1)
14 through (2) has been met, the Applicant must submit information about the
15 fish and wildlife habitat and the fish and wildlife species, other than the
16 species addressed in OAR-022-0070(3) (the Threatened and Endangered
17 Species Exhibit) that could be affected by the proposed facility, providing
18 evidence to support a finding by the Council as required by this rule. The
19 applicant must include:
20

21 IV.H.2.1 General Requirements and Analysis Areas 22

23 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
24 that the design, construction, and operation of the facility, taking into account mitigation will
25 be consistent with general fish and wildlife habitat mitigation goals and standards of OAR 635-
26 415-0025.
27

28 IV.H.2.2 Surveys – OAR 345-022-0060(3)(a) 29

30 (a) A description of biological and botanical surveys performed that support
31 the information in this exhibit, including a discussion of the timing and scope
32 of each survey;
33

34 **Discussion:** This section is applicable and must be included in the Exhibit. Habitat Surveys must
35 be conducted to support the habitat characterization required under subsection (b) and post-
36 construction revegetation goals. The surveys must be adequate to identify general vegetation
37 and land cover types, wildlife habitat, habitat quality, extent of noxious weeds, and physical
38 characteristics of the site. All habitat within the analysis area must be mapped into specific,
39 clearly defined habitat types, such as grassland, shrub-steppe, woodland, cropland. Habitats
40 within the site boundary or proposed micro-siting corridors must be further defined to subtype
41 by vegetation community and classified according to ODFW Habitat Mitigation Policy based on
42 field surveys.
43

1 **Additional Clarification or Information Requested:** Include recorded observations of State
 2 Sensitive Species and Species of Greatest Conservation Need during habitat/vegetation surveys.
 3 Recordation should include date, species, location, indication of breeding activity, age/sex if
 4 known.

6 IV.H.2.3 Fish and Wildlife Habitat – OAR 345-022-0060(3)(b)-(c)

8 *(b) Identification of all fish and wildlife habitat in the analysis area, classified*
 9 *by the general fish and wildlife habitat categories as set forth in OAR 635-415-*
 10 *0025 and the sage-grouse specific habitats described in the Greater Sage-*
 11 *Grouse Conservation Strategy for Oregon at OAR 635-140-0000 through 635-*
 12 *140-0025 (core, low density, and general habitats), and a description of the*
 13 *characteristics and condition of that habitat in the analysis area, including a*
 14 *table of the areas of permanent disturbance and temporary disturbance (in*
 15 *acres) in each habitat category and subtype;*

17 **Discussion:** This section is applicable and must be included in the Exhibit. As shown in Table 7,
 18 below, the Oregon Fish and Wildlife Habitat Mitigation Policy under OAR Chapter 635, Division
 19 415 classifies six habitat categories and establishes a mitigation goal for each category.

20 **Table 7: Habitat Categories Under OAR 635-0415-0025**

| Category | Description | Mitigation Goal |
|----------|--|---|
| 1 | Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage. | No loss of either habitat quantity or quality. |
| 2 | Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage. | If impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. |
| 3 | Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population. | No net loss of either habitat quantity or quality. |
| 4 | Important habitat for fish and wildlife species. | No net loss in either existing habitat quantity or quality. |
| 5 | Habitat for fish and wildlife having high potential to become either essential or important habitat. | If impacts are unavoidable, is to provide a net benefit in habitat quantity or quality. |

Table 7: Habitat Categories Under OAR 635-0415-0025

| Category | Description | Mitigation Goal |
|----------|--|-------------------|
| 6 | Habitat that has low potential to become essential or important habitat for fish and wildlife. | Minimize impacts. |

1
2 Portions of the analysis area located within Big Game Winter Range that are not cultivated or
3 developed (e.g. Category 6) will be considered Category 2 Habitat regardless of functional
4 quality for the purposes of determining appropriate mitigation, however, the Exhibit should still
5 report the category based on the functional quality of habitat observed during the field surveys.

6
7 ODFW considers all habitats within winter range, with the exception of areas designated as
8 Category 6 in the CPE, to be Category 2 as per the Oregon Habitat Mitigation Policy. For
9 Category 2 habitats, ODFW’s policy is to have “no net loss of habitat quantity or quality,” and
10 asks for “in-kind, in-proximity mitigation” (OAR Chapter 635, Division 415). The CPE contains
11 several habitats that are rare and declining including wetlands, sagebrush steppe and native
12 grasslands.

13
14 *(c) A map showing the locations of the habitat identified in (b);*

15
16 **Discussion:** This section is applicable and must be included in the Exhibit.

17
18 **Additional Clarification or Information Requested:** Maps should also include an overlay for
19 ODFW’s mapped Big Game Winter Range.

20
21 IV.H.2.4 State Sensitive Species – OAR 345-022-0060(3)(d)-(e)

22
23 *(d) Based on consultation with the Oregon Department of Fish and Wildlife*
24 *(ODFW) and appropriate field study and literature review, identification of all*
25 *State Sensitive Species that might be present in the analysis area and a*
26 *discussion of any site-specific issues of concern to ODFW;*

27
28 **Discussion:** This section is applicable and must be included in the Exhibit.

29
30 *(e) A baseline survey of the use of habitat in the analysis area by species*
31 *identified in (d) performed according to a protocol approved by the*
32 *Department and ODFW;*

33
34 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the Fish
35 and Wildlife Habitat Exhibit. NOTE – only surveys and reports that include information about
36 the location of threatened and endangered species may be confidential and exempt from public
37 disclosure.

38

1 **Additional Clarification or Information Requested:** Use surveys within wind micro-siting
2 corridors should include bat surveys, focusing on migratory bat species (e.g., hoary and silver-
3 haired bats) and for resident populations in the summer. Please note that ODOE is currently
4 evaluating the efficacy of bird and bat surveys for wind facilities. Please request an update from
5 ODOE or ODFW prior to surveys to ensure surveys are the best approach.
6

7 IV.H.2.5 Impact Assessment – OAR 345-022-0060(3)(f)
8

9 *(f) A description of the nature, extent and duration of potential adverse*
10 *impacts on the habitat identified in (b) and species identified in (d) that could*
11 *result from construction, operation and retirement of the proposed facility;*
12

13 **Discussion:** This section is applicable and must be included in the Exhibit.
14

15 IV.H.2.6 Mitigation and Monitoring – OAR 345-022-0060(3)(g)-(h)
16

17 *(g) A description of any measures proposed by the applicant to avoid, reduce,*
18 *or mitigate the potential adverse impacts described in (f) in accordance with*
19 *the general fish and wildlife habitat mitigation goals and standards described*
20 *in OAR 635-415-0025 and a description of any measures proposed by the*
21 *applicant to avoid, minimize, and provide compensatory mitigation for the*
22 *potential adverse impacts described in (f) in accordance with the sage-grouse*
23 *specific habitat mitigation requirements described in the Greater Sage-Grouse*
24 *Conservation Strategy for Oregon at OAR 635-140-0000 through 635-140-*
25 *0025, and a discussion of how the proposed measures would achieve those*
26 *goals and requirements; and*
27

28 **Discussion:** This section is applicable and must be included in the Exhibit.
29

30 **Additional Clarification or Information Requested:**¹⁵

- 31 • Avoidance and Minimization Measures: The 2008 Oregon Columbia Plateau Ecoregion
32 (CPE) Wind Energy Siting and Permitting Guidelines must be reviewed and referenced as
33 part of the measures to be implemented in design, construction and operation of the
34 wind and solar facilities to avoid and minimize impacts to wildlife and their habitats.
- 35 • Avoidance and Minimization Measure: Construction activities outside of the wind
36 micro-siting corridors or solar facility perimeter fence line is precluded during the big
37 game winter range period of December 1 – April 1.
- 38 • Avoidance and Minimization Measure: Initial ground disturbing activities should be
39 planned to occur outside of the critical period for ground nesting birds, from April 15 –
40 September 1.

¹⁵ SEFNOI Reviewing Agency Comments ODFW 2025-12-19.

- 1 • Avoidance and Minimization Measure: Preconstruction raptor nest surveys within 2-
- 2 miles of the wind micro-siting corridors should occur to inform seasonal restrictions of
- 3 construction activities within buffer areas.
- 4 • Minimization Measure: Facility fencing must include wildlife-friendly fencing design.
- 5 • Mitigation Requirement: Permanent impacts to Category 2 habitat shall be mitigated at
- 6 a 2:1 ratio to meet the no net loss and a net benefit in habitat quality mitigation goal.
- 7 • Mitigation Requirement: Revegetation and weed control measures shall be developed in
- 8 consultation with the county weed department, Oregon State Extension and the Oregon
- 9 Department of Agriculture.
- 10 • Mitigation Requirement: If the approach is permittee responsible mitigation, the Habitat
- 11 Mitigation Plan must: (1) include a proposed habitat mitigation area or areas; (2) include
- 12 results of a desktop or field-level survey assessing the habitat categories of the habitat
- 13 mitigation area; (3) provide the legal mechanism or mechanisms for acquiring the legal
- 14 right to maintain and enhance the habitat mitigation area; and (3) include draft success
- 15 criteria for the proposed ecological uplift actions and describe a process for evaluating
- 16 success.

17
18 *(h) A description of the applicant's proposed monitoring plans to evaluate the*

19 *success of the measures described in (g).*

20
21 **Discussion:** This section is applicable and must be included in the Exhibit.

22
23 **IV.I. Threatened and Endangered Species – OAR 345-022-0070**

24
25 **IV.I.1 Standard and Applicability – OAR 345-022-0070(1)-(2)**

26
27 *To issue a site certificate, the Council, after consultation with appropriate*

28 *state agencies, must find that:*

29
30 *(1) For plant species that the Oregon Department of Agriculture has listed as*

31 *threatened or endangered under ORS 564.105(2), the design, construction and*

32 *operation of the proposed facility, taking into account mitigation:*

33
34 *(a) Are consistent with the protection and conservation program, if any, that*

35 *the Oregon Department of Agriculture has adopted under ORS 564.105(3); or*

36
37 *(b) If the Oregon Department of Agriculture has not adopted a protection and*

38 *conservation program, are not likely to cause a significant reduction in the*

39 *likelihood of survival or recovery of the species.*

40
41 *(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed*

42 *as threatened or endangered under ORS 496.172(2), the design, construction*

43 *and operation of the proposed facility, taking into account mitigation, are not*

1 *likely to cause a significant reduction in the likelihood of survival or recovery of*
2 *the species.*

3
4 **Discussion:** The Threatened and Endangered Species Exhibit must include adequate
5 information for the Council to make the findings required under section (1) and (2). Specific
6 information requirements are discussed below.

7
8 **IV.I.2 Information Requirements – OAR 345-022-0070(3)**

9
10 *(3) To assist the Council in determining whether the standard outlined in (1)*
11 *through (2) has been met, the Applicant must submit information about*
12 *threatened and endangered plant and animal species that may be affected by*
13 *the proposed facility, providing evidence to support a finding by the Council as*
14 *required by OAR 345-022-0070. The applicant must include:*

15
16 IV.I.2.1 General Requirements and Analysis Areas

17
18 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
19 that the design, construction, and operation of the facility, taking into account mitigation will
20 be consistent with general fish and wildlife habitat mitigation goals and standards of OAR 635-
21 415-0025.

22
23 IV.I.2.2 Listed Species Surveys – OAR 345-022-0070(3)(a)-(b)

24
25 *(a) Based on appropriate literature and field study, identification of all*
26 *threatened or endangered species listed under ORS 496.172(2) and ORS*
27 *564.105(2) that may be affected by the proposed facility;*

28
29 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
30 Threatened and Endangered Species Exhibit. The list of potentially affected species must
31 include a list of all threatened and endangered species listed in OAR 635-100-0125 or 603-073-
32 0070 that have the potential to occur in the analysis area. For the application, the analysis area
33 must include the area within and extending 5 miles from the site boundary. The applicant shall
34 identify these species based on a review of literature, consultation with ODFW and ODAg’s
35 Native Plant Conservation Program, and reference to the list of species maintained by the
36 Oregon Biodiversity Information Center.

37
38 The applicant should consult with ODFW on field surveys and any protocols for specific species
39 that should inform the preparation of the T&E Exhibit.

40
41 In its comments on the NOI, ODAg noted that there are no known occurrences of T&E plants
42 and that none are likely to occur in the analysis area and for that reason are not requesting
43 protocol-level surveys for T&E plant species. Any occurrences of T&E plants identified during

1 habitat and wildlife surveys should be documented and reported to ODAg for further
2 evaluation.

3
4 *(b) For each species identified under (a), a description of the nature, extent,*
5 *locations and timing of its occurrence in the analysis area and how the facility*
6 *might adversely affect it;*
7

8 **Discussion:** This section is applicable and must be included in the Exhibit. The Exhibit must
9 contain the results from any wildlife surveys for T&E species, as recommended by ODFW. In
10 addition, the Exhibit must contain the results of any botanical surveys conducted, including
11 incidental observation surveys conducted concurrently with other habitat or wildlife surveys.
12

13 Any information regarding the habitat, location or population of any threatened species or
14 endangered species is protected from public disclosure under ORS 192.345(13) and 564.130
15 and must be provided under separate cover and clearly labelled as confidential.
16

17 IV.I.2.3 Impact Assessment, Mitigation and Monitoring – OAR 345-022-0070(3)(c)-(g)
18

19 *(c) For each species identified under (a), a description of measures proposed*
20 *by the applicant, if any, to avoid or reduce adverse impact;*
21

22 **Discussion:** This section is applicable and must be included in the Exhibit.
23

24 *(d) For each plant species identified under (a), a description of how the*
25 *proposed facility, including any mitigation measures, complies with the*
26 *protection and conservation program, if any, that the Oregon Department of*
27 *Agriculture has adopted under ORS 564.105(3);*
28

29 **Discussion:** This section is **not applicable** given that there are no T&E species with a known or
30 likelihood of occurring within the analysis area.
31

32 *(e) For each plant species identified under paragraph (a), if the Oregon*
33 *Department of Agriculture has not adopted a protection and conservation*
34 *program under ORS 564.105(3), a description of significant potential impacts*
35 *of the proposed facility on the continued existence of the species and on the*
36 *critical habitat of such species and evidence that the proposed facility,*
37 *including any mitigation measures, is not likely to cause a significant reduction*
38 *in the likelihood of survival or recovery of the species;*
39

40 **Discussion:** This section is **not applicable** given that there are no T&E species with a known or
41 likelihood of occurring within the analysis area.
42

43 *(f) For each animal species identified under (a), a description of significant*
44 *potential impacts of the proposed facility on the continued existence of such*

1 species and on the critical habitat of such species and evidence that the
2 proposed facility, including any mitigation measures, is not likely to cause a
3 significant reduction in the likelihood of survival or recovery of the species;
4 and
5

6 **Discussion:** This section is applicable and must be included in the Exhibit.
7

8 (g) The applicant's proposed monitoring program, if any, for impacts to
9 threatened and endangered species.
10

11 **Discussion:** This section is applicable and must be included in the Exhibit.
12

13 **IV.J. Scenic Resources – OAR 345-022-0080**

14

15 **IV.J.1 Standard and Applicability – OAR 345-022-0080(1)-(4)**

16

17 (1) To issue a site certificate, the Council must find that the design,
18 construction and operation of the facility, taking into account mitigation, are
19 not likely to result in significant adverse visual impacts to significant or
20 important scenic resources.
21

22 (2) The Council may issue a site certificate for a special criteria facility under
23 OAR 345-015-0310 without making the findings described in section (1). In
24 issuing such a site certificate, the Council may impose conditions of approval
25 to minimize the potential significant adverse visual impacts from the design,
26 construction, and operation of the facility on significant or important scenic
27 resources.
28

29 (3) A scenic resource is considered to be significant or important if it is
30 identified as significant or important in a current land use management plan
31 adopted by one or more local, tribal, state, regional, or federal government or
32 agency.
33

34 (4) The Council shall apply the version of this rule adopted under
35 Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the
36 review of any Application for Site Certificate or Request for Amendment that
37 was determined to be complete under OAR 345-015-0190 or 345-027-0363
38 before the effective date of this rule. Nothing in this section waives the
39 obligations of the certificate holder and Council to abide by local ordinances,
40 state law, and other rules of the Council for the construction and operation of
41 energy facilities in effect on the date the site certificate or amended site
42 certificate is executed.
43

1 **Discussion:** The Scenic Resources Exhibit must include adequate information for the Council to
2 make the findings required under section (1) and (3). Section (2) and (4) are not applicable to
3 the proposed facility.
4

5 **IV.J.2 Information Requirements – OAR 345-022-0080(5)**
6

7 *(5) To assist the Council in determining whether the standard outlined in (1)*
8 *through (4) has been met, the Applicant must submit an analysis of potential*
9 *visual impacts of the proposed facility, if any, on significant or important*
10 *scenic resources within the analysis area, providing evidence to support a*
11 *finding by the Council under OAR 345-022-0080, including:*
12

13 IV.J.2.1 General Requirements and Analysis Areas
14

15 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
16 that the design, construction and operation of the facility, taking into account mitigation, are
17 not likely to result in significant adverse impact to any significant or important scenic resources.
18

19 IV.J.2.2 Scenic Resources Inventory– OAR 345-022-0080(5)(a)-(b)
20

21 *(a) An inventory of scenic resources identified as significant or important in a*
22 *land use management plan adopted by one or more local, tribal, state,*
23 *regional, or federal government or agency applicable to lands within the*
24 *analysis area for scenic resources. The applicant must provide a list of the land*
25 *management plans reviewed in developing the inventory and a copy of the*
26 *relevant portion of the plans;*
27

28 **Discussion:** This section is applicable and must be included in the Exhibit. The inventory must
29 be based on review of all local, state or regional land use plans, tribal land management plans
30 and federal land management plans applicable to lands located within the analysis area. The
31 analysis area for Scenic Resources includes the area within and extending 10 miles from the site
32 boundary. **Copies of the portions of the management plans that identify or discuss scenic**
33 **resources must be attached to the Exhibit.**
34

35 **Additional Clarification or Information Requested:** For each scenic resource, the evaluation
36 must include the management recommendations or criteria associated with the management
37 plan designation as **significant or important.**
38

39 *(b) A map or maps showing the location of the scenic resources described*
40 *under subsection (a), in relation to the site of the proposed facility;*
41

42 **Discussion:** This section is applicable and must be included in the Exhibit.
43

1 IV.J.2.3 Visual Impacts Assessment – OAR 345-022-0080(5)(c)-(e)
2

3 *(c) A description of the methodology the applicant used to identify and assess*
4 *potential visual impacts to the scenic resources identified in subsection (a);*
5

6 **Discussion:** This section is applicable and must be included in the Exhibit.
7

8 *(d) Identification of potential visual impacts to the scenic resources identified*
9 *in subsection (a), including, but not limited to:*

10
11 *(A) Loss of vegetation or alteration of the landscape as a result of construction*
12 *or operation;*

13
14 *(B) Visual impacts of facility structures or plumes, including but not limited to,*
15 *changes in landscape character or quality; and*

16
17 *(C) Loss of visibility due to air emissions or other pollution resulting from the*
18 *construction or operation of the proposed facility;*
19

20 **Discussion:** This section is applicable and must be included in the Exhibit. While no specific
21 methodology is required to be used for the visual impacts assessment, the applicant must
22 submit evidence adequate to demonstrate why the proposed facility is in compliance with the
23 Scenic Resources standard. Visual simulations or other visual representations are not required
24 but can be an important tool to help the Department, Council, and general public understand
25 the potential visual impacts of the proposed facility on scenic resources.
26

27 *(e) An assessment of the significance of the visual impacts described under*
28 *subsection (d);*
29

30 **Discussion:** This section is applicable and must be included in the Exhibit.
31

32 **Additional Clarification and Information Requested:** The evaluation of significance should
33 consider the proposed facility’s consistency or compliance with any development or land use
34 criteria included in the land management plan for the identified resource.
35

36 IV.J.2.4 Monitoring and Mitigation – OAR 345-022-0080(5)(f)-(g)
37

38 *(f) A description of the measures the applicant proposes to avoid, reduce or*
39 *otherwise mitigate any potential significant adverse visual impacts; and*
40

41 **Discussion:** This section is applicable and must be included in the Exhibit. The response should
42 describe any considerations that are incorporated into the design of the proposed facility to
43 avoid or reduce visual impacts.
44

1 (g) *The applicant’s proposed monitoring program, if any, for impacts to scenic*
2 *resources.*

3
4 **Discussion:** This section is applicable and must be included in the Exhibit.

5
6 **IV.K. Historic, Cultural and Archaeological Resources – OAR 345-022-0090**

7
8 **IV.K.1 Standard and Applicability – OAR 345-022-0090(1)-(3)**

9
10 (1) *Except for facilities described in sections (2) and (3), to issue a site*
11 *certificate, the Council must find that the construction and operation of the*
12 *facility, taking into account mitigation, are not likely to result in significant*
13 *adverse impacts to:*

14
15 (a) *Historic, cultural or archaeological resources that have been listed on, or*
16 *would likely be listed on the National Register of Historic Places;*

17
18 (b) *For a facility on private land, archaeological objects, as defined in ORS*
19 *358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and*

20
21 (c) *For a facility on public land, archaeological sites, as defined in ORS*
22 *358.905(1)(c).*

23
24 (2) *The Council may issue a site certificate for a facility that would produce*
25 *power from wind, solar or geothermal energy without making the findings*
26 *described in section (1). However, the Council may apply the requirements of*
27 *section (1) to impose conditions on a site certificate issued for such a facility.*

28
29 (3) *The Council may issue a site certificate for a special criteria facility under*
30 *OAR 345-015-0310 without making the findings described in section (1).*
31 *However, the Council may apply the requirements of section (1) to impose*
32 *conditions on a site certificate issued for such a facility.*

33
34 **Discussion:** The Historic, Cultural and Archaeological Resources Exhibit must include adequate
35 information for the Council to make the findings required under section (1); as described in
36 section (2), this information will be used to determine what, if any, conditions are appropriate
37 to address potentially significant adverse impacts to resources that could result from the
38 construction and operation of the proposed facility. The proposed facility is not a special
39 criteria facility; therefore section (3) is not applicable.

40
41 **IV.K.2 Information Requirements – OAR 345-022-0090(4)**

1 (4) To assist the Council in determining whether the standard outlined in (1)
2 through (3) has been met, the Applicant must submit information about
3 historic, cultural and archaeological resources. Information concerning the
4 location of archaeological sites or objects may be exempt from public
5 disclosure under ORS 192.345(11). The applicant must submit such
6 information separately, clearly marked as “confidential,” and shall request
7 that the Department and the Council keep the information confidential to the
8 extent permitted by law. The applicant must include information in this exhibit
9 or in confidential submissions providing evidence to support a finding by the
10 Council as required by OAR 345-022-0090, including:
11

12 IV.K.2.1 General Requirements and Analysis Areas
13

14 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
15 that the design, construction and operation of the facility, taking into account mitigation, are
16 not likely to result in significant adverse impacts to protected historic, cultural or archaeological
17 resources.
18

19 IV.K.2.2 Resource Inventory – OAR 345-022-0090(4)(a)-(c)
20

21 (a) Historic and cultural resources within the analysis area that have been
22 listed, or would likely be eligible for listing, on the National Register of Historic
23 Places;
24

25 **Discussion:** This section is applicable and must be included in the Exhibit. In addition to
26 identifying any historic and cultural resources identified, the Exhibit must include an evaluation
27 of whether the historic properties have been listed on, or would likely be listed on, the NRHP,
28 based on an evaluation of the National Register Evaluation Criteria as described in National
29 Register Bulletin 15.
30

31 Information concerning the location of archaeological sites or objects is exempt from public
32 disclosure under ORS 192.345(11). Such information, including archaeological survey reports,
33 should be provided confidentially under separate cover in a manner approved by the
34 Department. Confidential materials shall also be provided directly to SHPO and affected Tribes,
35 following their submission guidance. Please contact the Department to discuss current
36 practices regarding treatment and submittal of confidential material.
37

38 **Additional Clarification or Information Requested:** The proposed site boundary is within or
39 adjacent to Cayuse War battle location. This location/resource must be included in the
40 evaluation.¹⁶
41

¹⁶ SEFNOI Reviewing Agency Comment SHPO 2025-12-17.

1 **(b) For private lands, archaeological objects, as defined in ORS 358.905(1)(a),**
2 **and archaeological sites, as defined in ORS 358.905(1)(c), within the analysis**
3 **area;**
4

5 **Discussion:** Because the proposed site is located on private lands, this section is applicable and
6 must be included in the Exhibit. Under ORS 358(1)(a), an archaeological object” is an object that
7 (A) is at least 75 years old; (B) is part of the physical record of an indigenous or other culture
8 found in the state or waters of the state; and (C) is material remains of past human life or
9 activity that are of archaeological significance including, but not limited to, monuments,
10 symbols, tools, facilities, technological by-products and dietary by-products. An “archaeological
11 site” is a geographic locality that contains archaeological objects and the contextual
12 associations of the archaeological objects with (i) Each other; or (ii) Biotic or geological remains
13 or deposits.

14
15 **(c) For public lands, archaeological sites, as defined in ORS 358.905(1)(c),**
16 **within the analysis area;**
17

18 **Discussion:** Because there are no public lands within the analysis area, this section is **not**
19 **applicable.**
20

21 IV.K.2.3 Impact Assessment – OAR 345-022-0090(4)(d)-(e)
22

23 **(d) The significant potential impacts, if any, of the construction, operation and**
24 **retirement of the proposed facility on the resources described in subsections**
25 **(a), (b), and (c) and a plan for protection of those resources that includes at**
26 **least the following:**
27

28 **Discussion:** This section is applicable and must be addressed in the Exhibit.
29

30 **(A) A description of any discovery measures, such as surveys, inventories, and**
31 **limited subsurface testing work, recommended by the State Historic**
32 **Preservation Officer or the National Park Service of the U.S. Department of**
33 **Interior for the purpose of locating, identifying and assessing the significance**
34 **of resources listed in subsections (a), (b), and (c);**
35

36 **Discussion:** This section is applicable and must be included in the Exhibit. As noted above, the
37 applicant should coordinate with SHPO and tribes on the completion of surveys and studies
38 needed to assess potential project impacts on historic, archaeological and cultural resources
39 under the EFSC standard. All survey reports and documents submitted to SHPO for the
40 proposed facility should include the SHPO case number as listed above. Applicant should submit
41 survey reports to the SHPO and Tribes directly and list the Department as contact on the SHPO
42 submittal form.

43
44 **Additional Clarification or Information Requested:**

- 1 • Survey methodologies, inventory and NRHP evaluations must be based on current SHPO
2 guidelines.
- 3 ○ If field surveys differ from those recommended in the Oregon SHPO Guidelines,
4 the applicant must coordinate with SHPO and the Department prior to
5 conducting field surveys.
- 6 • Support and justification for NRHP eligibility statements must be provided for
7 properties/resources under all four criteria, relying on the established historic context,
8 consultation with Tribes and descendant communities, and an understanding of the
9 place where an archaeological site exists, and relationships with other archaeological
10 sites in the area.
- 11 ○ Disturbance or lack of intact subsurface deposits are not automatic disqualifiers
12 for information yield/potential.
- 13 ○ To address whether the site is eligible to meet statute and rule requirements,
14 the other criteria would also need to be applied.

15
16 *(B) The results of the discovery measures described in paragraph (A), together*
17 *with an explanation by the applicant of any variations from the survey,*
18 *inventory, or testing recommended;*
19

20 **Discussion:** This section is applicable and must be included in the Exhibit.
21

22 *(C) A list of measures to prevent destruction of the resources identified during*
23 *surveys, inventories and subsurface testing referred to in paragraph (A) or*
24 *discovered during construction; and*
25

26 **Discussion:** This section is applicable and must be included in the Exhibit.
27

28 *(e) The applicant’s proposed monitoring program, if any, for impacts to*
29 *historic, cultural and archaeological resources during construction and*
30 *operation of the proposed facility.*
31

32 **Discussion:** This section is applicable and must be included in the Exhibit.
33

34 **Additional Clarification or Information Requested:** Exhibit must include an Inadvertent
35 Discovery Plan (IDP) that complies with the requirements of OAR chapter 736, division 051.
36

37 **IV.L. Recreation – OAR 345-022-0100**
38

39 **IV.L.1 Standard and Applicability – OAR 345-022-0100(1)-(4)**
40

41 *(1) To issue a site certificate, the Council must find that the design,*
42 *construction and operation of a facility, taking into account mitigation, are*
43 *not likely to result in a significant adverse impact to important recreational*
44 *opportunities.*

1
2 (2) The Council must consider the following factors in judging the importance
3 of a recreational opportunity:

4
5 (a) Any special designation or management of the location;

6
7 (b) The degree of demand;

8
9 (c) Any outstanding or unusual qualities;

10
11 (d) The availability or rareness; and

12
13 (e) The irreplaceability or irretrievability of the opportunity.

14
15 (3) The Council may issue a site certificate for a special criteria facility under
16 OAR 345-015-0310 without making the findings described in section (1). In
17 issuing such a site certificate, the Council may impose conditions of approval
18 to minimize the potential significant adverse impacts from the design,
19 construction, and operation of the facility on important recreational
20 opportunities.

21
22 (4) The Council must apply the version of this rule adopted under
23 Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the
24 review of any Application for Site Certificate or Request for Amendment that
25 was determined to be complete under OAR 345-015-0190 or 345-027-0363
26 before the effective date of this rule. Nothing in this section waives the
27 obligations of the certificate holder and Council to abide by local ordinances,
28 state law, and other rules of the Council for the construction and operation of
29 energy facilities in effect on the date the site certificate or amended site
30 certificate is executed.

31
32 **Discussion:** The Recreation Exhibit must include adequate information for the Council to make
33 the findings required under section (1) and (2). Sections (3) and (4) are not applicable to the
34 proposed facility.

35
36 **IV.L.2 Information Requirements – OAR 345-022-0100(5)**

37
38 (5) To assist the Council in determining whether the standard outlined in (1)
39 through (4) has been met, the Applicant must submit information about the
40 impacts the proposed facility would have on important recreational
41 opportunities in the analysis area, providing evidence to support a finding by
42 the Council as required by OAR 345-022-0100, including:
43

1 IV.L.2.1 General Requirements and Analysis Areas
2

3 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
4 that the design, construction and operation of the facility, taking into account mitigation, are
5 not likely to result in significant adverse impact to any important recreational opportunities.
6

7 IV.L.2.2 Inventory of Recreational Resources – OAR 345-022-0100(5)(a)
8

9 *(a) A description of the recreational opportunities in the analysis area that*
10 *includes information on the factors listed in OAR 345-022-0100(1) as a basis*
11 *for identifying important recreational opportunities;*
12

13 **Discussion:** This section is applicable and must be included in the Exhibit. The Exhibit must
14 include an evaluation of the factors listed in OAR 345-022-0100(1) with the applicant’s
15 recommendation of whether the resource is “important” and protected under the standard.
16

17 **Additional Clarification or Information Requested:** Provide the inventory of Scenic Resources
18 in tabular format with the distances from the facility. The inventory must include an evaluation
19 of Barlow Cutoff Road/Trail.¹⁷
20

21 IV.L.2.3 Impact Assessment – OAR 345-022-0100(5)(b)-(f)
22

23 *(b) A description of any potential adverse impacts to the important*
24 *opportunities identified in subsection (a) including, but not limited to:*
25

26 **Discussion:** This section is applicable and must be included in the Exhibit. If the applicant
27 becomes aware of any potential significant impacts to a significant or important recreational
28 opportunity not listed below, or of potential significant impacts to a significant or important
29 recreational opportunity outside of the analysis area, the impacts must be disclosed and
30 evaluated in the exhibit.
31

32 *(A) Direct or indirect loss of a recreational opportunity as a result of facility*
33 *construction or operation;*
34

35 **Discussion:** This section is applicable and must be included in the Exhibit.
36

37 *(B) Noise resulting from facility construction or operation;*
38

39 **Discussion:** This section is applicable and must be included in the Exhibit. Compliance with the
40 DEQ noise rules does not correlate to compliance with the noise assessment considered in the
41 Recreation standard. Particularly, while construction noise is exempt from the DEQ noise rules,
42 construction noise must be considered under the Recreation standard. However, information

¹⁷ NOI Public Comments, W. Baskins. 2026-01-14.

1 developed to demonstrate compliance with the DEQ noise rules such as noise modeling can be
2 used in the assessment under the Recreation standard.

3
4 *(C) Increased traffic resulting from facility construction or operation; and*

5
6 **Discussion:** This section is applicable and must be included in the Exhibit.

7
8 *(D) Visual impacts of facility structures or plumes, including but not limited to,*
9 *changes in landscape character or quality.*

10
11 **Discussion:** This section is applicable and must be included in the Exhibit. While no specific
12 methodology is required for the visual impacts assessment, the applicant must submit sufficient
13 evidence to demonstrate how the proposed facility would comply with the Recreation
14 standard. The applicant should consider the extent of impacts and prior Council evaluations
15 when designing the impact assessment methodology. Visual simulations or other visual
16 representations are not required but are an important tool to help the Department, Council,
17 and general public understand the potential visual impact of the proposed facility to important
18 recreational opportunities.

19
20 *(c) An evaluation of the significance of the potential adverse impacts identified*
21 *under subsection (b);*

22
23 **Discussion:** This section is applicable and must be included in the Exhibit.

24
25 *(d) A description of any measures the applicant proposes to avoid, reduce or*
26 *otherwise mitigate any significant adverse impacts identified in subsection (b);*

27
28 **Discussion:** This section is applicable and must be included in the Exhibit.

29
30 *(e) A map of the analysis area showing the locations of important recreational*
31 *opportunities identified in subsection (a); and*

32
33 **Discussion:** This section is applicable and must be included in the Exhibit.

34
35 *(f) The applicant's proposed monitoring program, if any, for impacts to*
36 *important recreational opportunities.*

37
38 **Discussion:** This section is applicable and must be included in the Exhibit.

39
40 **IV.M. Public Services – OAR 345-022-0110**

41
42 **IV.M.1 Standard and Applicability – OAR 345-022-0110(1)-(3)**

1 (1) Except for facilities described in sections (2) and (3), to issue a site
2 certificate, the Council must find that the construction and operation of the
3 facility, taking into account mitigation, are not likely to result in significant
4 adverse impact to the ability of public and private providers within the
5 analysis area described in the project order to provide: sewers and sewage
6 treatment, water, storm water drainage, solid waste management, housing,
7 traffic safety, police and fire protection, health care and schools.

8
9 (2) The Council may issue a site certificate for a facility that would produce
10 power from wind, solar or geothermal energy without making the findings
11 described in section (1). However, the Council may apply the requirements of
12 section (1) to impose conditions on a site certificate issued for such a facility.

13
14 (3) The Council may issue a site certificate for a special criteria facility under
15 OAR 345-015-0310 without making the findings described in section (1).
16 However, the Council may apply the requirements of section (1) to impose
17 conditions on a site certificate issued for such a facility.

18
19 **Discussion:** The Public Services Exhibit must include adequate information for the Council to
20 make the findings required under section (1). As described in section (2), this information will
21 be used to impose conditions of approval as the Council determines to be appropriate to
22 address potential impacts on public service providers. Section (3) is not applicable to the
23 proposed facility.

24 25 **IV.M.2 Information Requirements – OAR 345-022-0110(4)**

26
27 (4) To assist the Council in determining whether the standard outlined in (1)
28 through (3) has been met, the Applicant must submit:

29
30 (a) Information about significant potential adverse impacts of construction
31 and operation of the proposed facility on the ability of public and private
32 providers in the analysis area to provide the services listed in OAR 345-022-
33 0110, providing evidence to support a finding by the Council as required by
34 OAR 345-022-0110. The applicant must include:

35 36 IV.M.2.1 General Requirements and Analysis Areas

37
38 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
39 that the design, construction and operation of the facility, taking into account mitigation, are
40 not likely to result in significant adverse impact to private and public service providers.

41
42 (A) The important assumptions the applicant used to evaluate potential
43 impacts;

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Discussion: This section is applicable and must be included in the Exhibit.

Additional Clarification and Information Requested: Specific assumptions should include:

- 100 percent of the workforce is non-local.
- Most construction workers stay at local/regional RV parks.

(B) Identification of the public and private providers in the analysis area that would likely be affected;

Discussion: This section is applicable and must be included in the Exhibit.

Additional Clarification: Identify the providers in the analysis area.

- **Sewer and Stormwater management:** In the NOI, the applicant indicates that the proposed facility would not connect to a developed public or private sewer or stormwater drainage system. The Public Services Exhibit must confirm whether this is the case. If so, no further analysis of these services is needed.
- **Water:** Include all potential sources of water for construction and operation of the proposed facility.
- **Solid Waste Management:** Include the likely transporters and receivers of hazardous and nonhazardous solid waste generated by the construction and operation of the facility.
- **Housing:** The housing analysis should be limited to short-term housing providers in the analysis area that would serve the housing needs from the construction workforce, focusing on capacity of RV parks.
- **Air Traffic Safety:** Identify any air navigation facilities in the analysis area, including civilian and military airports, and distance from the airport to the facility.
- **Road Traffic Safety:** Identify all transportation routes and existing road conditions, to the extent known, likely to be used by workers and heavy vehicles to access the site and the public bodies responsible for maintaining them.
- **Police, Fire Protection, and Emergency Response –** Identify all emergency services providers that may respond to a structural or wildfire at the site, or emergency situation including law enforcement. Exhibit must include but not limited to the County’s Sheriff’s Office, South Sherman Rural Fire Protection District (RFPD) and the Moro Fire Department.

- 1 • **Health Care** – Identify health care providers and facilities likely to receive workers with
2 serious injuries if an accident occurred at the site and emergency medical service
3 providers needed to transport workers, including, but not limited to, the Sherman
4 County Emergency Services.

5
6 *(C) A description of any likely adverse impact to the ability of the providers
7 identified in (B) to provide the services listed in OAR 345-022-0110;*

8
9 **Discussion:** This section is applicable and must be included in the Exhibit.

10
11 *(D) Evidence that adverse impacts described in (C) are not likely to be
12 significant, taking into account any measures the applicant proposes to avoid,
13 reduce or otherwise mitigate the impacts; and*

14
15 **Discussion:** This section is applicable and must be included in the Exhibit.

16
17 **Additional Clarification and Information Requested:** Provide letters/correspondence from the
18 service providers, as applicable, confirming their capacity and legal ability to meet the demand
19 for services generated by the construction and operation of the proposed facility. Adverse
20 impacts that must be evaluated include the lack of capacity to meet the demand for specific
21 types or levels of service required for the construction or operation of the facility, or a decrease
22 in the quality or availability of services for local communities in the analysis area.

- 23
24 • **Sewer and Stormwater management:** If the proposed facility would not connect to a
25 developed public or private sewer or stormwater drainage system, no further analysis of
26 these services is needed.
- 27
28 • **Water:** The Exhibit must include evidence that the water sources identified under (B)
29 have the legal ability to meet the assumed water demand of the proposed facility.
- 30
31 • **Solid Waste Management:** The Exhibit must include evidence demonstrating that the
32 disposal source has the legal ability to receive and dispose of the forecasted waste types
33 and quantities.
- 34
35 • **Housing:** The Exhibit must include evidence demonstrating that there is adequate
36 housing supply for the expected temporary construction workforce, taking into account
37 other known demands on housing during the anticipated construction period. If there
38 are not enough RV parks/spaces within the region, identify a housing plan and/or other
39 means to reduce potential impacts from temporary workers. If on-site workforce
40 housing is proposed, it must be evaluated here and in the next sub-section.
- 41

- **Air Traffic Safety:** The Exhibit must demonstrate that the proposed facility would not present a hazard to air navigation or interfere with the operation of the air navigation facilities identified under (B).

The applicant must provide coordinates of proposed turbine locations, meteorological towers, and other tall structures using DMS format, the ground elevation at that location, and the above ground height of the structures, if less than the maximum identified in the facility description.

- **Road Traffic Safety:** The Exhibit must include a draft Road Use Agreement with the Sherman County Roads Department, showing how traffic impacts will be avoided or mitigated.
- **Police, Fire Protection, and Emergency Response** – The Exhibit must include an Emergency Response Plan (or equivalent emergency and safety measures provided in another mitigation plan), demonstrating how the applicant will prepare for and respond to emergencies at the site to reduce impacts to police, fire, and health care providers. **NOTE – if the applicant, its contractor, or its parent company have construction and operational Spill Prevention Plans (or similar) that include spill, safety and emergency response procedures, include these plans in the Exhibit to reduce the potential for duplicative mitigation plans in other exhibits.** Please see the *2024 Sherman County Multi-Jurisdictional Natural Hazards Mitigation Plan and Sherman County Community Wildfire Plan* as recommended by the Sherman County SAG.
- **Health Care** – The Exhibit must provide evidence that the healthcare providers identified in (B) have the capacity to provide treatment to potential electric or mechanical injuries or falls, including the number of existing staff and volunteers, available equipment, and any constraints on ability to respond.

(E) The applicant's proposed monitoring program, if any, for impacts to the ability of the providers identified in (B) to provide the services listed in OAR 345-022-0110.

Discussion: This section is applicable and must be included in the Exhibit.

(b) A materials analysis, including:

(A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;

(B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills; and

1 (C) *The applicant's plans to manage non-hazardous waste materials during*
2 *construction and operation.*

3
4 **Discussion:** This section is applicable and must be addressed in the ASC; however, to the extent
5 that sections (A) and (B) are addressed in other exhibits, the information need not be repeated
6 in the Public Services Exhibit. The applicants' plans to manage waste should be discussed in the
7 Exhibit.

8
9 **IV.N. Wildfire Prevention and Risk Mitigation – OAR 345-022-0115**

10
11 **IV.N.1 Wildfire Risk Analysis – OAR 345-022-0115(1)(a)**

12
13 (1) *To issue a site certificate, the Council must find, by way of supporting*
14 *evidence from the applicant, that:*

15
16 (a) *The applicant has adequately characterized wildfire risk within the analysis*
17 *area using current data from reputable sources, by identifying:*

18
19 **Discussion:** This section is applicable to and must be addressed in the Wildfire Prevention and
20 Risk Mitigation Exhibit. See the below section for comments regarding data sources for fire
21 data.

22
23 (A) *Baseline wildfire risk, based on factors that are expected to remain fixed*
24 *for multiple years, including but not limited to topography, vegetation,*
25 *existing infrastructure, and climate;*

26
27 **Discussion:** This section is applicable and must be included in the Exhibit.

28
29 (B) *Seasonal wildfire risk, based on factors that are expected to remain fixed*
30 *for multiple months but may be dynamic throughout the year, including but*
31 *not limited to, cumulative precipitation and fuel moisture content;*

32
33 **Discussion:** This section is applicable and must be included in the exhibit.

34
35 (C) *Areas subject to a heightened risk of wildfire, based on the information*
36 *provided under paragraphs (A) and (B) of this subsection;*

37
38 **Discussion:** This section is applicable and must be included in the Exhibit.

39
40 (D) *High-fire consequence areas, including but not limited to areas containing*
41 *residences, critical infrastructure, recreation opportunities, timber and*
42 *agricultural resources, and fire-sensitive wildlife habitat; and*

43
44 **Discussion:** This section is applicable and must be included in the Exhibit.

1
2 *(E) All data sources and methods used to model and identify risks and areas*
3 *under paragraphs (A) through (D) of this subsection.*
4

5 **Discussion:** This section is applicable and must be included in the Exhibit.
6

7 **Additional Clarification or Information Requested:** Sources that should be consulted in the
8 development of the Wildfire Prevention and Risk Mitigation Exhibit include:

- 9 • Oregon Community Wildfire Protection Plan Planning Tool
- 10 • Oregon Wildfire Risk Explorer
- 11 • Information about vegetation, agricultural operations, and wildfire risk based on
12 landowner consultations.
- 13 • Sherman County Multi-Jurisdictional Natural Hazards Mitigation Plan and the Sherman
14 County Community Wildfire Plan.

15
16 **IV.N.2 Wildfire Mitigation Plan – OAR 345-022-0115(1)(b)**
17

18 *(b) That the proposed facility will be designed, constructed, and operated in*
19 *compliance with a Wildfire Mitigation Plan approved by the Council. The*
20 *Wildfire Mitigation Plan must, at a minimum:*
21

22 **Discussion:** This section is applicable and must be addressed in the Wildfire Prevention and Risk
23 Mitigation Exhibit.
24

25 **Additional Clarification or Information Requested:** The Exhibit must include separate draft
26 Wildfire Mitigation Plans (WMPs) for construction and operations of the proposed facility.
27 Templates for the draft wildfire plans are provided in Attachment 5.
28

29 The Exhibit must include evidence of consultation with the South Sherman RFPD, Moro Fire
30 Department, or any other fire department or district that would respond to a fire at the facility,
31 and the Sherman County Emergency Services Manager in the development of the plan.
32

33 *(A) Identify areas within the site boundary that are subject to a heightened*
34 *risk of wildfire, using current data from reputable sources, and discuss data*
35 *and methods used in the analysis;*
36

37 **Discussion:** This section is applicable, however, because this information is provided in the
38 Exhibit as stated above and because the WMPs will be updated prior to construction and
39 operation of the facility, this information does not need to be included in the WMP attached to
40 the Exhibit.
41

1 (B) Describe the procedures, standards, and time frames that the applicant
2 will use to inspect facility components and manage vegetation in the areas
3 identified under subsection (a) of this section;
4

5 **Discussion:** This section is applicable and must be included in the WMP.
6

7 (C) Identify preventative actions and programs that the applicant will carry
8 out to minimize the risk of facility components causing wildfire, including
9 procedures that will be used to adjust operations during periods of heightened
10 wildfire risk;
11

12 **Discussion:** This section is applicable and must be included in the WMP.
13

14 (D) Identify procedures to minimize risks to public health and safety, the
15 health and safety of responders, and damages to resources protected by
16 Council standards in the event that a wildfire occurs at the facility site,
17 regardless of ignition source; and
18

19 **Discussion:** This section is applicable and must be included in the Exhibit.
20

21 (E) Describe methods the applicant will use to ensure that updates of the plan
22 incorporate best practices and emerging technologies to minimize and
23 mitigate wildfire risk.
24

25 **Discussion:** This section is applicable and must be included in the Exhibit.
26

27 (2) The Council may issue a site certificate without making the findings under
28 section (1) if it finds that the facility is subject to a Wildfire Protection Plan
29 that has been approved in compliance with OAR chapter 860, division 300.
30

31 **Discussion:** The applicant is not a public utility subject to the requirements of OAR chapter 860,
32 division 300, this section is not applicable.
33

34 (3) This Standard does not apply to the review of any Application for Site
35 Certificate or Request for Amendment that was determined to be complete
36 under OAR 345-015-0190 or 345-027-0363 on or before the effective date of
37 this rule.
38

39 **Discussion:** This section is **not applicable**.
40

41 **IV.O. Waste Minimization – OAR 345-022-0120** 42

43 **IV.O.1 Standard and Applicability – OAR 345-022-0120(1)-(3)** 44

1 (1) Except for facilities described in sections (2) and (3), to issue a site
2 certificate, the Council must find that, to the extent reasonably practicable:

3
4 (a) The applicant's solid waste and wastewater plans are likely to minimize
5 generation of solid waste and wastewater in the construction and operation
6 of the facility, and when solid waste or wastewater is generated, to result in
7 recycling and reuse of such wastes;

8
9 (b) The applicant's plans to manage the accumulation, storage, disposal and
10 transportation of waste generated by the construction and operation of the
11 facility are likely to result in minimal adverse impact on surrounding and
12 adjacent areas.

13
14 (2) The Council may issue a site certificate for a facility that would produce
15 power from wind, solar or geothermal energy without making the findings
16 described in section (1). However, the Council may apply the requirements of
17 section (1) to impose conditions on a site certificate issued for such a facility.

18
19 (3) The Council may issue a site certificate for a special criteria facility under
20 OAR 345-015-0310 without making the findings described in section (1).
21 However, the Council may apply the requirements of section (1) to impose
22 conditions on a site certificate issued for such a facility.

23
24 **Discussion:** The Waste Minimization Exhibit must include adequate information for the Council
25 to make the findings required under section (1). As described in section (2), this information will
26 be used to impose conditions of approval as the Council determines to be appropriate to
27 address solid waste and wastewater generated by the construction and operation of the
28 facility. Section (3) is not applicable to the proposed facility.

29
30 **IV.O.2 Information Requirements – OAR 345-022-0010(5)**

31
32 (4) To assist the Council in determining whether the standard outlined in (1)
33 through (3) has been met, the Applicant must submit:

34
35 (a) Information about the applicant's plans to minimize the generation of solid
36 waste and wastewater and to recycle or reuse solid waste and wastewater,
37 providing evidence to support a finding by the Council as required by OAR 345-
38 022-0120. The applicant must include:

39
40 (A) A description of the major types of solid waste and wastewater that
41 construction, operation and retirement of the facility are likely to generate,
42 including an estimate of the amount of solid waste and wastewater;

1 (B) A description of any structures, systems and equipment for management
2 and disposal of solid waste, wastewater and storm water;

3
4 (C) A discussion of any actions or restrictions proposed by the applicant to
5 reduce consumptive water use during construction and operation of the
6 facility;

7
8 **Discussion:** This section is applicable and must be included in the Exhibit.

9
10 (D) The applicant's plans to minimize, recycle or reuse the solid waste and
11 wastewater described in (A);

12
13 **Discussion:** This section is applicable and must be included in the Exhibit. **NOTE – if the**
14 **applicant, its contractor, or its parent company have construction and operational Waste**
15 **Management Plans (or similar) that include recycling and waste management procedures,**
16 **include these plans in the Exhibit.**

17
18 (E) A description of any adverse impact on surrounding and adjacent areas
19 from the accumulation, storage, disposal and transportation of solid waste,
20 wastewater and stormwater during construction and operation of the facility;

21
22 **Discussion:** This section is applicable and must be included in the Exhibit.

23
24 (F) Evidence that adverse impacts described in (E) are likely to be minimal,
25 taking into account any measures the applicant proposes to avoid, reduce or
26 otherwise mitigate the impacts; and

27
28 **Discussion:** This section is applicable and must be included in the Exhibit. The applicant is
29 encouraged to reference information provided under other exhibits, including but not limited
30 to the Soil Protection Exhibit, Water Use Exhibit, and Public Services Exhibit, in the
31 development of this exhibit.

32
33 (G) The applicant's proposed monitoring program, if any, for minimization of
34 solid waste and wastewater impacts.

35
36 **Discussion:** This section is applicable and must be included in the Exhibit.

37
38 (b) A materials analysis, including:

39
40 (A) An inventory of substantial quantities of industrial materials flowing into
41 and out of the proposed facility during construction and operation;

42
43 (B) The applicant's plans to manage hazardous substances during construction
44 and operation, including measures to prevent and contain spills; and

1
2 (C) The applicant's plans to manage non-hazardous waste materials during
3 construction and operation.
4

5 **Discussion:** This section is applicable and must be included in the Exhibit. **NOTE – if the**
6 **applicant, its contractor, or its parent company have construction and operational Waste**
7 **Management Plans (or similar) that include recycling and waste management procedures,**
8 **include these plans in the Exhibit.**
9

10 **IV.P. State and Local Laws and Regulations – OAR 345-022-0160**
11

12 *To assist the Council in determining compliance with all state and local laws*
13 *and regulations applicable to EFSC and the siting process, submit the*
14 *following, as directed by the project order described in OAR 345-015-0160:*
15

16 The State and Local Laws and Regulations Exhibit must identify, by legal citation, all state
17 statutes and administrative rules and local government ordinances containing standards or
18 criteria that the proposed facility must meet for the Council to issue a site certificate, other
19 than statutes, rules and ordinances identified in the Organizational Expertise Exhibit, and
20 identification of the agencies administering those statutes, administrative rules, and
21 ordinances. The applicant must identify all statutes, administrative rules, and ordinances that
22 the applicant knows to be applicable to the proposed facility, whether or not identified in the
23 project order. To the extent not addressed by other materials in the application, the applicant
24 must include a discussion of how the proposed facility meets the requirements of the
25 applicable statutes, administrative rules, and ordinances.
26

27 **IV.P.1 Waters of the State – OAR 345-022-0160(1)(a)**
28

29 (1) *Regarding Water*
30

31 (a) *Information based on literature and field study, as appropriate, about*
32 *waters of this state, as defined under ORS 196.800, including:*
33

34 (A) *A description of all areas within the site boundary that might be waters of*
35 *this state and a map showing the location of these features;*
36

37 **Discussion:** This section is applicable and must be addressed in the State and Local Laws and
38 Regulations Exhibit. The Exhibit must identify waters of the state, as defined under ORS
39 196.800, including, but not limited to all natural waterways, intermittent and perennial
40 streams, lakes, and wetlands within the proposed site boundary.
41

42 **NOTE:** A wetland delineation report that complies with OAR chapter 141, division 90 must be
43 provided to the Department and DSL before the application is determined to be complete. The

1 wetland delineation must be conducted using the standard wetland delineation methodology
2 as outlined in the 1987 Army Corp manual and relevant supplements.

3
4 The applicant must provide the final GIS data including the study area boundary and the
5 boundaries of all delineated wetlands and waters to both ODOE and DSL.

6
7 *(B) An analysis of whether construction or operation of the proposed facility*
8 *would adversely affect any waters of this state;*

9
10 **Discussion:** This section is applicable and must be included in the Exhibit.

11
12 *(C) A description of the significance of potential adverse impacts to each*
13 *feature identified in (A), including the nature and amount of material the*
14 *applicant would remove from or place in the waters analyzed in (B);*

15
16 **Discussion:** This section is applicable and must be included in the Exhibit.

17
18 *(D) If the proposed facility would not need a removal-fill authorization, an*
19 *explanation of why no such authorization is required for the construction and*
20 *operation of the proposed facility;*

21
22 **Discussion:** This section is applicable and must be included in the Exhibit if a removal fill permit
23 is needed.

24
25 *(E) If the proposed facility would need a removal-fill authorization,*
26 *information to support a determination by the Council that the Oregon*
27 *Department of State Lands should issue a removal-fill permit, including*
28 *information in the form required by the Department of State Lands under OAR*
29 *Chapter 141 Division 85; and*

30
31 **Discussion:** This section is applicable if a removal fill permit is required and must be included in
32 the exhibit.

33
34 *(F) A description of proposed actions to mitigate adverse impacts to the*
35 *features identified in (A) and the applicant's proposed monitoring program, if*
36 *any, for such impacts.*

37
38 **Discussion:** This section is applicable if a removal fill permit is required and must be included in
39 the Exhibit.

40
41 **IV.P.2 Water Use – OAR 345-022-0160(1)(b)**

42
43 *(b) Information about anticipated water use during construction and*
44 *operation of the proposed facility. The applicant must include:*

1
2 (A) A description of the use of water during construction and operation of the
3 proposed facility;

4
5 **Discussion:** This section is applicable and must be included in the Exhibit.

6
7 (B) A description of each source of water and the applicant's estimate of the
8 amount of water the facility will need during construction and during
9 operation from each source under annual average and worst-case conditions;

10
11 **Discussion:** This section is applicable and must be included in the Exhibit.

12
13 (C) A description of each avenue of water loss or output from the facility site
14 for the uses described in (A), the applicant's estimate of the amount of water
15 in each avenue under annual average and worst-case conditions and the final
16 disposition of all wastewater;

17
18 **Discussion:** This section is applicable and must be included in the Exhibit.

19
20 (D) For thermal power plants, a water balance diagram, including the source
21 of cooling water and the estimated consumptive use of cooling water during
22 operation, based on annual average conditions;

23
24 **Discussion:** The proposed facility is not a thermal power plant; therefore, this section is **not**
25 **applicable**.

26
27 (E) If the proposed facility would not need a groundwater permit, a surface
28 water permit or a water right transfer, an explanation of why no such permit
29 or transfer is required for the construction and operation of the proposed
30 facility;

31
32 **Discussion:** This section is applicable and must be included in the Exhibit.

33
34 (F) If the proposed facility would need a groundwater permit, a surface water
35 permit or a water right transfer, information to support a determination by
36 the Council that the Water Resources Department should issue the permit or
37 transfer of a water use, including information in the form required by the
38 Water Resources Department under OAR Chapter 690, Divisions 310 and 380;
39 and

40
41 **Discussion:** This section is **not applicable**. The applicant has proposed that water needed for
42 construction is anticipated to come from wells on-site or from nearby municipalities with
43 existing water rights. For operations, water would be obtained from on-site wells in amounts
44 exempted under ORS 537.545 or from nearby municipalities with existing water rights.

1
2 (G) A description of proposed actions to mitigate the adverse impacts of water
3 use on affected resources.
4

5 **Discussion:** This section is applicable and must be included in the Exhibit.
6

7 **IV.P.3 Noise – OAR 345-022-0160(2)**
8

9 (2) Information about noise generated by operation of the proposed facility,
10 providing evidence to support a finding by the Council that the proposed
11 facility complies with the Oregon Department of Environmental Quality's noise
12 control standards in OAR 340-035-0035, including:
13

14 (a) Predicted noise levels resulting from construction and operation of the proposed facility;

15 **Discussion:** This section is applicable and must be included in the Exhibit. If the noise analysis
16 indicates that potential exceedances of the noise standards may occur beyond 1-mile, impacts
17 to noise sensitive properties within the area of potential exceedance must be evaluated.
18

19 (b) An analysis of the proposed facility's compliance with the applicable noise
20 regulations in OAR 340-035-0035, including a discussion and justification of
21 the methods and assumptions used in the analysis;
22

23 **Discussion:** This section is applicable and must be included in the Exhibit. Noise generated by
24 the facility may not increase the ambient statistical noise levels, L10 or L50, by more than 10
25 dBA in any one hour, and may not exceed the levels specified in Table 8 below.
26

**Table 8: New Industrial and Commercial Noise Source Standards Allowable
Statistical Noise Levels in Any One Hour (OAR 340-035-0035, Table 8)**

| 7:00 a.m. – 10:00 p.m. | 10:00 p.m. – 7:00 a.m. |
|------------------------|------------------------|
| L50 – 55 dBA | L50 – 50 dBA |
| L10 – 60 dBA | L10 – 55 dBA |
| L1 – 75 dBA | L1 – 60 dBA |

27
28 **Additional Clarification:** The analysis must include a discussion and justification of the methods
29 and assumptions used, including methods used to measure ambient noise levels at the site. An
30 assumed ambient noise level of 26 dBA may be used. If the applicant chooses to utilize actual,
31 measured ambient noise in the analysis, it must follow OAR 340-035-0035(3) which establishes
32 procedures set forth in Sound Measurement Procedures Manual (NPCS-1). If the applicant's
33 sound measurement procedures differ from the NPCS-1, please provide a request to the
34 Department with a discussion and basis for the variation.
35

36 If the applicant chooses not to rely on the assumed 26 dBA ambient noise level but rather
37 conducts ambient noise monitoring, the applicant may propose representative monitoring

1 positions for groups of NSRs if the applicant describes how those monitoring positions
2 reasonably represent the ambient noise conditions at noise sensitive receptor locations in
3 closest proximity to the proposed site.

4
5 The analysis must separately evaluate noise impacts using the maximum expected noise levels
6 from all noise-generating equipment during construction and operation. Operational noise shall
7 be evaluated from both stationary sources and corona noise from transmission lines.

8
9 If there are potential exceedances to the ambient degradation standard, under OAR 340-035-
10 0035(1)(b)(B)(iii), the noise levels from a solar or wind facility may increase the ambient
11 statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits specified in
12 Table 8), if the person who owns the NSR executes a legally effective easement or real covenant
13 that benefits the property on which the facility is located (meaning - benefits the certificate
14 holder or operation of the facility). Note – whether or not a landowner is a participating
15 landowner does not impact whether or not a noise waiver would be needed if there is an
16 exceedance of the noise rules.

17
18 *(c) Any measures the applicant proposes to reduce noise levels or noise*
19 *impacts or to address public complaints about noise from the facility;*

20
21 **Discussion:** This section is applicable and must be included in the Exhibit. This information must
22 be provided regardless of whether or not any exceedances of the ambient antidegradation
23 standard are expected.

24
25 *(d) Any measures the applicant proposes to monitor noise generated by*
26 *operation of the facility; and*

27
28 **Discussion:** This section is applicable and must be included in the Exhibit. This information must
29 be provided regardless of whether or not any exceedances of the ambient antidegradation
30 standards are expected.

31
32 *(e) A list of the names and addresses of all owners of noise sensitive property,*
33 *as defined in OAR 340-035-0015, within one mile of the proposed site*
34 *boundary.*

35
36 **Discussion:** This section is applicable and must be included in the Exhibit.

37 38 **IV.Q. Specific Siting Standards – OAR chapter 345, division 024**

39 40 **IV.Q.1 Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010**

41
42 *To issue a site certificate for a proposed wind energy facility, the Council must*
43 *find that the applicant:*

1 (1) *Can design, construct and operate the facility to exclude members of the*
2 *public from close proximity to the turbine blades and electrical equipment.*

3
4 **Discussion:** This standard is applicable and must be addressed in the Specific Standards Exhibit.
5 The Exhibit should describe all design or safety features that will be installed to exclude
6 members of the public from close proximity to the turbine blades and electrical equipment.

7
8 (2) *Can design, construct and operate the facility to preclude structural failure*
9 *of the tower or blades that could endanger the public safety and to have*
10 *adequate safety devices and testing procedures designed to warn of*
11 *impending failure and to minimize the consequences of such failure.*

12
13 **Discussion:** This standard is applicable and must be included in the Exhibit.

14
15 **IV.Q.2 Cumulative Effects Standard for Wind Energy Facilities – OAR 345-024-0015**

16
17 *To issue a site certificate for a proposed wind energy facility, the Council must*
18 *find that the applicant can design and construct the facility to reduce*
19 *cumulative adverse environmental effects in the vicinity by practicable*
20 *measures including, but not limited to, the following:*

21
22 (1) *Using existing roads to provide access to the facility site, or if new roads*
23 *are needed, minimizing the amount of land used for new roads and locating*
24 *them to reduce adverse environmental impacts.*

25
26 **Discussion:** This standard is applicable and must be included in the Exhibit.

27
28 (2) *Using underground transmission lines and combining transmission routes.*

29
30 **Discussion:** This standard is applicable and must be included in the Exhibit.

31
32 (3) *Connecting the facility to existing substations, or if new substations are*
33 *needed, minimizing the number of new substations.*

34
35 **Discussion:** This standard is applicable and must be included in the exhibit.

36
37 (4) *Designing the facility to reduce the risk of injury to raptors or other*
38 *vulnerable wildlife in areas near turbines or electrical equipment.*

39
40 **Discussion:** This standard is applicable and must be included in the Exhibit.

41
42
43 (5) *Designing the components of the facility to minimize adverse visual*
44 *features.*

1
2 **Discussion:** This standard is applicable and must be included in the Exhibit.

3
4 *(6) Using the minimum lighting necessary for safety and security purposes and*
5 *using techniques to prevent casting glare from the site, except as otherwise*
6 *required by the Federal Aviation Administration or the Oregon Department of*
7 *Aviation.*

8
9 **Discussion:** This standard is applicable and must be included in the Exhibit.

10
11 **Additional Clarification or Information Requested:** Include light-mitigating technology systems
12 that will be used on facility turbines.¹⁸

13
14 **IV.Q.3 Siting Standards for Transmission Lines – OAR 345-024-0090**

15
16 IV.Q.3.1 Standard and Applicability – OAR 345-024-0090(1)-(2)

17
18 *To issue a site certificate for a facility that includes any transmission line under*
19 *Council jurisdiction, the Council must find that the applicant:*

20
21 *(1) Can design, construct and operate the proposed transmission line so that*
22 *alternating current electric fields do not exceed 9 kV per meter at one meter*
23 *above the ground surface in areas accessible to the public;*

24
25 *(2) Can design, construct and operate the proposed transmission line so that*
26 *induced currents resulting from the transmission line and related or*
27 *supporting facilities will be as low as reasonably achievable.*

28
29 **Discussion:** The Specific Standards Exhibit must include adequate information for the Council to
30 make the findings required under section (1) and (2). While the Exhibit must address magnetic
31 and electric fields generated by all proposed transmission lines, detailed information is only
32 required for the proposed 230-kV overhead transmission line.

33
34 IV.Q.3.2 Information requirements – OAR 345-024-0090(3)

35
36 *(3) If the proposed energy facility is a transmission line or has, as a related or*
37 *supporting facility, a transmission line of any size, the applicant must submit*
38 *the following:*

39
40 *(a) Information about the expected electric and magnetic fields, including:*

¹⁸ HB 2375 requires any person applying to Federal Aviation Administration for a determination of hazard or no hazard to air navigation with regard to a wind energy facility on or after January 1, 2028, to request approval for the installation and use of light-mitigating technology systems on the turbines

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(A) The distance in feet from the proposed center line of each proposed transmission line to the edge of the right-of-way;

Discussion: This standard is applicable to all proposed transmission lines and must be addressed in the Exhibit.

(B) The type of each occupied structure, including but not limited to residences, commercial establishments, industrial facilities, schools, daycare centers and hospitals, within 200 feet on each side of the proposed center line of each proposed transmission line;

Discussion: This standard is applicable to all proposed transmission lines and must be addressed in the Exhibit.

(C) The approximate distance in feet from the proposed center line to each structure identified in (3);

Discussion: This standard is applicable to all transmission lines and must be addressed in the Exhibit.

(D) At representative locations along each proposed transmission line, a graph of the predicted electric and magnetic fields levels from the proposed center line to 200 feet on each side of the proposed center line;

Discussion: This standard is applicable to all proposed transmission lines and must be addressed in the Exhibit.

(E) Any measures the applicant proposes to reduce electric or magnetic field levels;

Discussion: This standard is applicable to all proposed transmission lines and must be addressed in the Exhibit.

(F) The assumptions and methods used in the electric and magnetic field analysis, including the current in amperes on each proposed transmission line;

Discussion: This standard is applicable to all proposed transmission lines and must be addressed in the Exhibit.

(G) The applicant’s proposed monitoring program, if any, for actual electric and magnetic field levels; and

1 **Discussion:** This standard is applicable to all proposed transmission lines and must be
2 addressed in the Exhibit.

3
4 *(b) An evaluation of alternate methods and costs of reducing radio*
5 *interference likely to be caused by the transmission line in the primary*
6 *reception area near interstate, U.S. and state highways.*
7

8 **Discussion:** This standard is applicable to all proposed transmission lines and must be
9 addressed in the Exhibit.

10
11 **V. EXPIRATION DATE OF THE NOTICE OF INTENT**
12

13 The NOI will expire on Monday October 25, 2027, unless the applicant submits a petition to
14 extend the expiration date in accordance with OAR 345-020-0060, not less than 45 days before
15 that date. If the Council finds that such a petition shows good cause, the Council may extend
16 the expiration date for a period of up to one year. The applicant's submission of a timely
17 petition for an extension under this rule stays the expiration of the NOI until the Council's
18 decision to grant or deny the extension.
19

20 **VI. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS**
21

22 This Project Order is not a Final Order. As provided in ORS 469.330(4) and OAR 345-015-
23 0160(3), the Council or the Department may amend this Project Order at any time.
24 Amendments may include changes to the analysis areas.
25

26 **VII. APPLICABILITY AND DUTY TO COMPLY**
27

28 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this
29 Project Order does not render that statute, rule, ordinance, permit or other requirement
30 inapplicable, nor in any way relieve applicant from the duty to comply with the same.
31

32 OREGON DEPARTMENT OF ENERGY

33 *Todd Cornett*

34 [Todd Cornett \(Feb 26, 2026 10:37:02 PST\)](#)

35
36 Todd R. Cornett, Assistant Director, Siting Division
37 Energy Facility Siting Division
38 Oregon Department of Energy
39

40 Date of Issuance: February 26, 2026

Project Order Attachments

Attachment 1: Public Comments

Attachment 2: Reviewing Agency Comments

Attachment 3: Facility Components Table Templates

Attachment 4: Facility Decommissioning Spreadsheet

Attachment 5A: Construction Wildfire Mitigation Plan/Landowner Letter Template

Attachment 5B: Operations Wildfire Mitigation Plan/Landowner Letter Template

Attachment 6: Staff Memo to EFSC RE Goal 3 Exception

**Attachment 1:
Public Comments**

Speedway Energy Facility Notice of Intent - Public Comment Index

| Commenter(s) | Comment Date(s) | Organization (if applicable) |
|--|--|--|
| Wendell Baskins | 1/14/2026 Oral Commenter Public Info Meeting | Oregon-California Trail Association |
| Colin Smith | 1/14/2026 Oral Commenter Public Info Meeting | |
| Alan von Borstel | 1/14/2026 Oral Commenter Public Info Meeting | von Borstel Ranches |
| No name provided –Journalist | 1/14/2026 Oral Commenter Public Info Meeting | Times-Journal Newspaper, Condon, Oregon |
| Written Commenter(s): | | |
| Kathryn McCullough | 1/20/2026, 1/21/2026 | |
| Alan von Borstel | 1/20/2026 | von Borstel Ranch |
| Bryan Cranston | 1/22/2026 | Cranston Farms; Moro Fire Department |
| Jamie Wilson & Cathy Brown | 1/22/2026 | |
| Nick von Borstel for Jesse Stutzman, Josh Hilderbrand, Brian Simantel, Ryan Thompson | 1/22/2026 | Sherman County Soil and Water Conservation District Board of Directors |
| Debra & Bruce Bates | 1/23/2026 | |
| Johnny (Fred) Buether | 1/23/2026 | Twin Lakes Ranch |
| Brenda Padget | 1/23/2026 | |
| Darren Padget | 1/23/2026 | |
| Stan Earl | 1/23/2026 | Earl Ranch |
| Daniel Earl | 1/23/2026 | Earl Ranch |
| Dave Earl | 1/23/2026 | Earl Ranch |
| Thad Eakin for Oregon Wheat Growers League | 1/23/2026 | Oregon Wheat Growers League |
| David Gross | 1/23/2026 | |
| Ormand Hilderbrand | 1/23/2026 | PaTu Wind Farm |
| Matthew Earl | 1/23/2026 | |
| Scott Susi | 1/23/2026 | |
| Kathryn McCullough for 19 Others: Brad Lohrey, | 1/23/2026 | |

| Commenter(s) | Comment Date(s) | Organization (if applicable) |
|---|-----------------|------------------------------|
| Donna Lohrey, James McCullough, Stuart von Borstel, Carol von Borstel, Darren Padget, Brenda Padget, Lee von Borstel, Merrie von Borstel, Colton McCullough, Christopher Whitley, Kristin Whitley, Nick von Borstel, Jesse von Bostel, Kayla von Borstel, Caitlin Cruickshank, Chance Cruickshank, Logan Padget | | |
| Nick Weiss | 1/23/2026 | |
| Jean Hulbert | 1/23/2026 | |
| Fred Justesen & Justesen family: Jon, Judy, Zack, Austin, Amanda | 1/23/2026 | Justesen Ranches |
| Steven Stradley | 1/23/2026 | |
| Sheri Carlson | 1/23/2026 | |
| Terri Earl | 1/23/2026 | |
| Kristi Weis | 1/23/2026 | |
| Adam Bates | 1/23/2026 | Generational Earl Farms |
| Carolyn Bates Emery | 1/23/2026 | Earl Farm |
| Tate Justesen | 1/23/2026 | Justesen Farms |
| Roger Whitley | 1/23/2026 | |

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Turned in their comment cards to Nancy or Will can turn in your comment cards to Nancy. Then we'll move to people viewing this on the webinar. And lastly, we'll end with those on the phone.

85 "Energy Siting" (2169678080)

00:28:11.699 --> 00:28:30.119

And I think that's where we're at. Alright, well, our 1st commenter is Wendall Baskins. So if you'll go ahead and come up to the table and we'll turn on your mic.

86 "Energy Siting" (2169678080)

00:28:30.119 --> 00:28:46.769

My name is Wendall Baskins and my address is 1315 Lafayette.

87 "Energy Siting" (2169678080)

00:28:46.769 --> 00:29:02.729

Oregon City Oregon 97045 and I'm here speaking for the northwest chapter of the Oregon California Trails Association. I've been recently elected president and.

88 "Energy Siting" (2169678080)

00:29:02.729 --> 00:29:22.729

Have chosen to be back more involved in the F SEC meetings. I've did them 2020 years ago. A general comment as far as the project and general comments from our members when we are together. Doesn't necessarily affect the trails, but it's a general comment is that.

89 "Energy Siting" (2169678080)

00:29:22.729 --> 00:29:48.619

There's a, a concern expressed by Eastern Oregon members about the amount of what they're calling errorable farm land that's going out of production for the solar farms. And that is the comment that I'll make just to represent, but just for what it's worth, I found that it's very interesting that in all of the agencies you come.

90 "Energy Siting" (2169678080)

00:29:48.619 --> 00:30:09.359

Contacted, there is one that was not mentioned, and that shippo, the state Historic Preservation office. In proximity to your project, we do not believe it runs through it, but in proximity to your project is the cutoff to the borrow road.

91 "Energy Siting" (2169678080)

00:30:09.359 --> 00:30:25.889

The cutoff to the Barrello Road is one of the 16 historic trails as designated by the state legislature back in 9596. And it was the pervey at that time with the Oregon historic Trails advisory committee or council.

92 "Energy Siting" (2169678080)

00:30:25.889 --> 00:30:45.889

So we do not, and looking at the most accurate maps we have, and I'll present present them over here so that you have, we also find that the

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cutoff to the Barrello road, which runs roughly from the ridge above the John Day River crossing at mcdonald's, across.

93 "Energy Siting" (2169678080)

00:30:45.889 --> 00:31:05.399

Across the state to Thai Valley is not shown on an ESX maps. And I, our preservation officer Dave Welch has been attempting to work with the committee to get those put on so they could be seen for everyone and so it's not I don't believe it's enough to.

94 "Energy Siting" (2169678080)

00:31:05.399 --> 00:31:24.209

Raise objection but it is a concern that we'd like to see, especially the 16 historical. In looking at the best data we have, and it's on the map that I'll present here, we do not believe that your project will impact.

95 "Energy Siting" (2169678080)

00:31:24.209 --> 00:31:41.579

The cutoff to the barlot. We do believe if there's any impact it will be a visual impact due to the turban. But we've dealt with that across various areas of the state and we just mention that as a concern.

96 "Energy Siting" (2169678080)

00:31:41.579 --> 00:32:01.579

I think I pretty well covered everything that we have. I introduced myself. Our the chairman of the preservation committee is a person by the name of Dave Welch in excess as you've heard with him before. He is also the.

97 "Energy Siting" (2169678080)

00:32:01.579 --> 00:32:27.329

The preservation offer for the national Organization Oregon California Trails Association. And we spent this morning discussing your project and the comments I brought to you are the ones that we noticed and we agreed upon at that time. And if there's I know my limited time, but if there's any questions I'll gladly answer. Yep.

98 "Energy Siting" (2169678080)

00:32:27.329 --> 00:32:47.329

Make sure I'm working right. I I don't have any specific questions, but I thank you and on the information i have listed I'm so new that I haven't got business cards yet. But I have listed my telephone number and email at the bottom of the information. I'm on the mailing list. Anything.

99 "Energy Siting" (2169678080)

00:32:47.329 --> 00:33:10.379

Thing comes up, please give me a call. We find if there's any problem, don't see any, but if there's any concerns, it's easier to solve them now than wait till we get down the line. Agree, ok? Thank you for your time. Appreciate it. Okay, our next commenter is Colin Smith.

100 "Energy Siting" (2169678080)

00:33:10.379 --> 00:33:31.669

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Hi there, I'm Colin Smith. I live at four oh four Northwest Second Street here in Grass Valley. I support anything that can bring local employment for the community. I want to work more locally and I'm here with my son who might also want to work at a renewable plant in the future.

101 "Energy Siting" (2169678080)

00:33:31.669 --> 00:33:51.669

But I do have concerns with an energy facility because there's a local renewable technician over the last 17 years. I've seen many transformers, batteries and converters fail catastrophically, often sparking fires that can escape their enclosures. This is largely weak country. We sometimes have fires from time to time on our own.

102 "Energy Siting" (2169678080)

00:33:51.669 --> 00:34:19.459

Knowing that, knowing that 25 acre thousand acres is huge and your permanent staff will likely only have a handful of people. I'm concerned that the site may not be able to rapidly respond to fires. I'm also concerned that our local farmers who tend to hustle to fires being the 1st to respond on site may not have time to attend trainings in person due to the nature of farming. I'd like to see online trainings available, at least as it relates to where to fire.

103 "Energy Siting" (2169678080)

00:34:19.459 --> 00:34:44.309

And where to not fight fires because depending on the length of the panel strings and if combiners are still linked and or requiring manual disconnects, what we could have injured farmers and or firefighters if they spray the panels or surroundings with water through the panels being energized as long as the sunshines and batteries can extend those concerns into the night.

104 "Energy Siting" (2169678080)

00:34:44.309 --> 00:35:04.309

And miss mr. Smith, just in response to, to your comments, thank you very much for commenting. There is a, a wildfire prevention and risk mitigation standard that we do review and they're they'll, it'll be part of the application for this facility.

105 "Energy Siting" (2169678080)

00:35:04.309 --> 00:35:39.229

And as part of that standard, they have to, the applicant has to provide a wildfire mitigation plan or construction in operation. And so that's something that could be reviewed and commented on as well. Yeah, if I could just add to that too, I know I mentioned in person trainings with the consultant company that we're engaging. We're also offering webinars on that and so heard and as soon as we get, you know, better plans together with chief Norris and the other chiefs, we'll absolutely make sure that that gets off.

106 "Energy Siting" (2169678080)

00:35:39.229 --> 00:36:00.049

Good to everyone. Alright, our next commenter is Alan Bond Borstett. I told I was told I had to sign up even to ask a question, so.

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107 "Energy Siting" (2169678080)

00:36:00.049 --> 00:36:23.039

I'm Alan Bombarra, so I live at out of town here at Grass Valley. I just wanted to ask a few questions. I've been on your website and it sucks. I cannot download your maps. I can't get your information to come down and I don't think it's just my computer because I can work with FSA, NRCS, all those guys. I'm having real difficulty getting the information.

108 "Energy Siting" (2169678080)

00:36:23.039 --> 00:36:38.969

To even write a comment about, this is the most information I've got tonight. I do, I do wanna, give you a comment, but I'm gonna give it in writing after this meeting because I wanted I wanted to absorb this meeting. But you're I'm not I'm not able to look at the maps online.

109 "Energy Siting" (2169678080)

00:36:38.969 --> 00:36:56.039

And I'm not able to even download them with a PDF, and I've tried several nights in a row here to do it. I just get a spinning wheel on my computer and we can talk after the meeting a little bit and see what's going on but and then do you guys can I quickly respond to that? Hey.

110 "Energy Siting" (2169678080)

00:36:56.039 --> 00:37:16.039

Where's Chris? Chris, can you set up the computer? We actually haven't turned that thing on. So it would be good to turn that on. That's why we brought it is so that we can actually open up the project webpage. We can show people maybe we'll experience the same thing but you know we'll try to do that as well and see if we can at least show you the web page, see if we can download anything here, so either.

111 "Energy Siting" (2169678080)

00:37:16.039 --> 00:37:41.629

After the meeting or even after your comment and kind of go back there and take a look at it and see if we can answer some of your questions. Yeah, and then do you guys this this slide show you gave tonight, is that available to us online somewhere? Is it in these documents I picked up tonight? That might be a question for these guys, but I know that they're posting it online after that. Yeah, it, it will be available in the next day or two, I would imagine.

112 "Energy Siting" (2169678080)

00:37:41.629 --> 00:38:05.879

As well as the recording of tonight. So it's not on there yet, but it will be. I'm not confident it's on there or not. I haven't looked. You gave, you gave me a 23 January deadline. I'd like to review that with a few days. Sure. Yeah, the, this presentation I just confirmed is not online yet, but it will be.

113 "Energy Siting" (2169678080)

00:38:05.879 --> 00:38:25.879

Post it. Okay, and then, just, just like the the 25000 acres, I've looked at other projects, but we can talk about the the bake oven project, and

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I'm gonna shoot from the from the hip here a little bit. I think that whole project is about 10000 acres, and there's about 5000 of that that's gonna be.

114 "Energy Siting" (2169678080)

00:38:25.879 --> 00:38:45.000

Covered with solar panels. Do you have any idea what percent of yours is gonna be panels? I know you're talking about a hundred, maybe up to a hundred turbones. What percent of the actual acres is gonna be covered with panels? Do you know? Yeah, so I think, like I said, we're at a 1400 mW.

115 "Energy Siting" (2169678080)

00:38:45.000 --> 00:39:05.000

Injection capacity, so that's how much we need to put onto the grid at the overbuild sorry, a bit of a line loss situation that we need to account for. So I think the solar arrays will be about 1800 mW and if you apply a eight acre per megawatt scale, that puts us somewhere.

116 "Energy Siting" (2169678080)

00:39:05.000 --> 00:39:10.620

Are in the, I believe it's 14000 acres.

117 "Energy Siting" (2169678080)

00:39:10.620 --> 00:39:30.620

I just want to reiterate that that will not be kind of a complete blanket monolithic array in one location, but it'll be almost individual projects broken up throughout the project area. Well, and I I saw on your website, one of the things you guys brag about, but I haven't seen it in anything concrete was the fact that you break your project.

118 "Energy Siting" (2169678080)

00:39:30.620 --> 00:39:47.460

Up so that you don't have a complete blanket. How, how does that deal with wildlife movement through these projects? Cause you guys are If you fence these off, you're creating a huge buffer strip.

119 "Energy Siting" (2169678080)

00:39:47.460 --> 00:40:03.540

Yeah, that, that's right. And that's understood, and so as Vince indicated, the intent is that the project will not be a single monolithic array, but it'll be broken down into a number of discrete array areas.

120 "Energy Siting" (2169678080)

00:40:03.540 --> 00:40:23.540

So, based on all the studies that have been done, you, you know this terrain, probably a heck of a lot better than I do, but there's obviously drainages out there, there's some steeper slopes, and so there's a number of areas that have been taken off the table, if you will, for development for solar, and we're currently working through that.

121 "Energy Siting" (2169678080)

00:40:23.540 --> 00:40:43.530

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Design. So essentially based on the setbacks that are required for wind turbines, they are to some extent driving the layout. So we're focusing on where turbines will be located, and then modules will not be located under turbines. So the array areas will be.

122 "Energy Siting" (2169678080)

00:40:43.530 --> 00:41:00.240

You know, distinct and separate from the, from the turbine strings. So we're working through that in real time and all of that information will be included in the project application. It's just literally happening in real time right now.

123 "Energy Siting" (2169678080)

00:41:00.240 --> 00:41:15.780

And that that project application will be able to comment on that as well. Absolutely if I read your If I understand that right, even though it'll be small arrays, there will probably be 14000 acres that will be fenced off.

124 "Energy Siting" (2169678080)

00:41:15.780 --> 00:41:35.780

That is correct. Yes. And so, but the intent again, like we're not going to be putting arrays or fences in or across sensitive areas. And, I I understand that generally that's the areas in which the wildlife tend to migrate and move through. So drainage corridors.

125 "Energy Siting" (2169678080)

00:41:35.780 --> 00:41:52.050

Where water is available, Elk and and big horn sheep and otherwise are typically working through those natural drainage areas. Well, and, and those areas well. They are not gonna have that anymore. But.

126 "Energy Siting" (2169678080)

00:41:52.050 --> 00:42:09.780

If you understand what I'm saying, you're, you're excluding them off of that. You're gonna, NO matter what you do, you're gonna affect the wildlife there. There's NO question about it. We're not just talking about transitioning, we're talking about they they they've used that ground.

127 "Energy Siting" (2169678080)

00:42:09.780 --> 00:42:29.780

In the Oregon Department of Energy or department Oregon Department of Fish and Wildlife will, they are active reviewing agency and will also look at exhibits P and Q which are fish and wildlife habitat and threatening and endangered species amongst other exhibits in the application and will be seeking comments from them.

128 "Energy Siting" (2169678080)

00:42:29.780 --> 00:42:50.420

I'm certainly not here to suggest that this project is not gonna have any impact. What I am here to suggest is that we are doing everything we can to minimize and mitigate those impacts. I understand that.

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129 "Energy Siting" (2169678080)

00:42:50.420 --> 00:43:16.130

Is it? I'm 4th generation. My son's here in the audience, he's 5th generation on these farms. We've had to abide by exclusive farm use regulations forever. And just to give you one example, I've got wolves eaten my cows up in the blue mountains, and I can't do a **** thing about it. I get to watch it. The state is allowing you guys to come in here and basically.

130 "Energy Siting" (2169678080)

00:43:16.130 --> 00:43:36.560

Not pay any attention to those rules. You're able to come in and develop this property stuff that we've been restricted from doing. You're moving into an exclusive ag use community. You're putting in billion dollar projects. I still want farm around here, but I'm extremely nervous of the risk of my farming operation and the.

131 "Energy Siting" (2169678080)

00:43:36.560 --> 00:43:57.840

Liability to you guys. And I've requested from other agencies, I've requested it from our county court. I've gotten nowhere with those guys. I really think that when you guys come into the community like that, you need to hold egg operations harmless from damage to your property, and I'm not talking about somebody that goes out and intentionally starts a fire.

132 "Energy Siting" (2169678080)

00:43:57.840 --> 00:44:15.870

You commented that you was here fire start. We saw Firestart in the dalves. Within hours it was at Grass Valley, that's how fast it travels. And I really don't think you ought to be allowed to come into a community, totally changed the land use of that community, and we're not just talking about.

133 "Energy Siting" (2169678080)

00:44:15.870 --> 00:44:34.080

Part of the community, we're talking river to river, that we've abided by that. It is an ad community and that you're allowed to come in and do that and not hold our traditions and our farming harmless from damage to your multi billion dollar project.

134 "Energy Siting" (2169678080)

00:44:34.080 --> 00:44:54.080

I can't afford insurance to to cover that. There's NO way. I can afford insurance to cover my neighbor's field if it catches on fire cause we'll go put it out before it turns into a big **** wreck. Yours I'm not too sure about that. And it's a real concern to me that has not been addressed. I brought this up during the Buckley deal, have never.

135 "Energy Siting" (2169678080)

00:44:54.080 --> 00:45:17.010

Got a response out of you guys, not one response, nothing about how you're gonna mitigate that force. And so I kind of feel like these are dog and pony shows that you really don't care what we're saying. And that

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is a deep concern of mine that you're coming in and changing this community and not recognizing or protecting the history and the culture of this community.

136 "Energy Siting" (2169678080)

00:45:17.010 --> 00:45:37.010

And that goes beyond the wildlife. That's more important to me. So, and I will put this in writing and we'll get it to one of you guys. Thanks. Alright, well that's all the written comment forms that I have. Is there anyone else in the room that?

137 "Energy Siting" (2169678080)

00:45:37.010 --> 00:45:56.790

Would like to make a comment or ask questions? Alright, well we're gonna go ahead and open it up to the people on the webinar, just to remind everybody who is online, how you would raise your hand. So at the bottom of the webinar, there is a participant.

138 "Energy Siting" (2169678080)

00:45:56.790 --> 00:46:16.790

Window you're gonna click on that and it will show you a hand icon. Go ahead and click on that hand and that will raise your hand to make a comment. When you're finished commenting, you can go ahead and lower your hand by clicking on it again. If you are on the phone, you're gonna press star three on your keypad to raise your hand and then again you will press it to star three again.

139 "Energy Siting" (2169678080)

00:46:16.790 --> 00:46:22.410

To lower your hand.

140 "Energy Siting" (2169678080)

00:46:22.410 --> 00:46:42.410

Alright, at this time I do not see any hands raised. We'll go ahead and keep that line open for just a few minutes.

141 "Energy Siting" (2169678080)

00:47:08.700 --> 00:47:30.530

Well while while we wait to see if there's any more comments, I wanted to go to the next slide and this is a slide that has helpful links for resources Department of energy, including a link to the.

142 "Energy Siting" (2169678080)

00:47:30.530 --> 00:47:50.530

Public guide as well as a breakdown of more detailed breakdown of our sighting standards. There's also a link to the Ariza tool which is a GIS based facilities map, and then the last hyperlink on this slide is a link to the public comment portal.

143 "Energy Siting" (2169678080)

00:47:50.530 --> 00:48:08.820

If you don't have, again, if you don't have, if you have more comments that you'd like to provide us during this process at the NOI stage, you

Speedway NOI Public Info Meeting Rough Transcript January 14, 2026

can you can submit them via the portal or you can email them to Kate Sloone in her email address and contact information will be.

144 "Energy Siting" (2169678080)

00:48:08.820 --> 00:48:27.362

Posted when this presentation is posted and that'll be tomorrow I I believe. So alright I do have one hand raised and it is for the Times journal. I'm gonna go ahead and unmute your mic. Oh.

145 "The Times-Journal" (829863680)

00:48:27.362 --> 00:48:30.560

Hi, can you hear me? Did you wish them?

146 "Energy Siting" (2169678080)

00:48:30.560 --> 00:48:32.578

Yes, we can hear you loud and clear.

147 "The Times-Journal" (829863680)

00:48:32.578 --> 00:48:59.520

Well, thank you. My question is for the Brookefield representatives. I'm curious, I'm sure you can't comment directly on, on, this project, but in general I'm wondering if you all have discussions with data center companies prior to even doing construction for some of these projects, I know that.

148 "The Times-Journal" (829863680)

00:48:59.520 --> 00:49:26.870

All of the renewable energy projects in, the north End of Gilham County have now been exclusive rights have been bought for Amazon Web services. So just curious if some of your planning, is, is done with some of those folks.

149 "Energy Siting" (2169678080)

00:49:26.870 --> 00:49:51.320

I can take that to spurcer. Sorry Brookfield, we are, you know, always in discussions with kind of large technology kind of companies for this particular project or for the other projects that we have kind of under development in kind of oregon. We're not in in discussions with any specific kind of data centers, if that's the question.

150 "Energy Siting" (2169678080)

00:49:51.320 --> 00:50:12.920

Okay, can you hear me well? Yeah. Sorry, did that answer come through or would you like me to? So I was saying we are always in discussions, you know, you know, being a company of our size, obviously we are always in discussions with large technology companies who are developing data centers we do support.

151 "Energy Siting" (2169678080)

00:50:12.920 --> 00:50:32.920

From time to time entering to contracts to sell them kind of power and energy. All of this information is publicly available for this particular project, the speedway project or some of the other projects that we have

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currently under the development in Oregon we are not in direct discussions with.

152 "Energy Siting" (2169678080)
00:50:32.920 --> 00:50:48.892

Any data centers or any technology companies at this stage, given that the projects are in a relatively early stage, they still need to be advanced and complete their permitting for us to enter into those commercial conversations.

153 "The Times-Journal" (829863680)
00:50:48.892 --> 00:51:08.700

Thank you. And I guess just follow up for the, for the siding folks, is there anything done in the permitting process that would restrict, the permitting from from being exclusive use for data centers, so e.g. should should this project go through?

154 "The Times-Journal" (829863680)
00:51:08.700 --> 00:51:37.852

Is there any mechanism that you all have that says that this is specifically say for rate payers? We've been doing a lot of reporting on the energy crunch that's going on in the West and this towns like well Roofus and Arlington that have regular power outages while these data centers especially in new Metal and Morrow County are using a tremendous amount of electricity.

155 "Energy Siting" (2169678080)
00:51:37.852 --> 00:52:02.670

So I I think sorry I'm got a little bit of cold, so hopefully everybody can understand me. You were breaking up a little bit, so I didn't entirely hear what your questions were other than related to, you know, facilities under council jurisdiction, providing power to data centers, and really all I can say is that's not part of our process. We have NO requirement that applicants.

156 "Energy Siting" (2169678080)
00:52:02.670 --> 00:52:22.670

Tell us where they're gonna provide their power. So that's not anything that we look at, that's not anything we review, it's not part of our authority, and we often don't know what that ultimate outcome and and honestly, a lot of the facilities as they go through our process haven't entered a power purchase agreement with a developer through.

157 "Energy Siting" (2169678080)
00:52:22.670 --> 00:52:31.036

For our process yet that comes typically or sometimes later on. So we we just don't have that information.

158 "The Times-Journal" (829863680)
00:52:31.036 --> 00:52:32.191
Thank you.

159 "Energy Siting" (2169678080)
00:52:32.191 --> 00:52:36.615

Speedway NOI Public Info Meeting Rough Transcript January 14, 2026

Did that answer, did that answer your question?

160 "The Times-Journal" (829863680)

00:52:36.615 --> 00:52:46.689

It did. Thank you. Okay.

161 "Energy Siting" (2169678080)

00:52:46.689 --> 00:52:54.300

Alright, we're gonna do last call for any hands raised or any comments in the room.

162 "Energy Siting" (2169678080)

00:52:54.300 --> 00:53:14.300

Oh, seeing none. Okay, great. Well, I think that concludes our formal presentation tonight and, but I did want to just say that we do have the.

163 "Energy Siting" (2169678080)

00:53:14.300 --> 00:53:24.990

Green in the back with the maps loaded up. Should you like to take a better look at the facility? We also have the project page loaded up back there.

164 "Energy Siting" (2169678080)

00:53:24.990 --> 00:53:40.620

And we'll, we'll stick around until we'll stick around to answer more questions should you guys have any? So thank you very much for coming. Really appreciate it. Yeah, thanks everybody. We really appreciate your time tonight.

Speedway comment

From Kathryn McCullough <captainkathymccullough@gmail.com>

Date Tue 1/20/2026 9:00 AM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

 1 attachment (795 KB)

Solar letter to ODOE Speedway.pdf;

[You don't often get email from captainkathymccullough@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Kathleen,

The portal didn't work... wouldn't let me submit to Speedway, just Biglow.

Kathy

ODOE EFSC

Sherman County is mainly agricultural. When people start referring to solar installations as "farming," they are clearly being dishonest. Large solar projects, or power plants, should not be sited in the middle of farmland or next to residences.

Solar panels aren't the only components of the energy-generating facility proposed to be located within fifty feet of someone's home. This is an excerpt from a solar contract:

energy storage equipment, energy storage facilities, batteries, charging and discharging equipment, substations, underground and/or overhead distribution, collection and transmission lines, underground and/or overhead control, communications and radio relay systems and telecommunications equipment, mounting substrates or supports, wiring and connections, cables, wires, fiber, conduit, footings, foundations, towers, poles, crossarms, guy lines and anchors, power inverters, interconnection and/or switching facilities, circuit breakers, transformers, service equipment and associated structures, metering equipment, service roads, utility interconnections and any and all related or associated improvements, fixtures, facilities, appliances, machinery and equipment.

Using farmland for solar energy due to its proximity to transmission lines is misguided. This is the choice developers are making, and the government is allowing it despite SB100 stating solar should only be placed on marginal land. Land just a mile away may be more costly to develop, but it represents a better choice.

Young farmers will be harmed, as there will be less ground to farm with older landlords putting their land into solar. Our cooperatives depend on our farmers and our cropland, as do all our support services.

We are the only county in Oregon without a forest. Topography in a flat county like ours was one of the main oppositions to wind, and the citizens are correct when they say the solar will be visible for miles. Solar does not need to encroach on residences when there are thousands of acres available for development. (Our landlord has over 4500 acres, yet BrightNight is choosing the 900 acres in crop closest to the Biglow substation.)

Kevin and I live beneath PGE's Biglow Canyon Wind Farm. Again, calling it a "wind farm" is a misnomer. The wind isn't harvested or farmed, but it sounds much better than saying we live near a power plant. Our road has become a highway, and traffic is swift and unrelenting. We can hear the hum of the substation. BPA installed a transmission line a quarter-mile from our house. The wind turbines are shedding pieces and leaking oil into our fields due to a lack of maintenance. What a debacle.

I oppose irresponsible development driven by greed, and green energy fits that bill. We should establish a minimum distance of at least half a mile from residences, and we need to have serious discussions before allowing a developer to build closer than a mile.

People can sign up for solar *and* be good neighbors. Yet that is not what we are seeing in Sherman County. Developers do not live here and most disregard our way of life. Listening to John Soininen (Brookfield Renewables) on the Zoom call during the last Sherman County Court meeting was eye-opening. He is a perfect example of a developer building right up to your front door. So what if you look out at a chain link fence, solar panels, battery storage, or a substation? It's not your ground. End of story.

Speedway is a gigantic project that will fence 14,000 acres of land, according to its developers. Fourteen thousand acres! This will affect wildlife and nearby homes. This is irresponsible, and just because it is "mandated by the governor" doesn't make it right. The fire danger alone precludes this project, and the naivety of thinking that if you talk to the local fire departments and train them, they will be responsible. "I'll buy you a firetruck if that's your worry," Soininen told me at a county court meeting. Seriously? Who is going to drive it? We are all volunteers out here, and we won't be going near a solar facility to fight fire.

Hopefully, Sherman County's citizens and governmental bodies have learned from past mistakes and are wiser now. We were naïve, just like our county court has been. Years ago, our county court established CREA to advocate for our interests in Salem. However, CREA only promotes green power while neglecting potential downsides, even though it's funded with *our* tax dollars. If they genuinely supported responsible development, I'd be more receptive to them as a "Community Renewable" advocacy. Instead, they favor developers over residents, and they even claim that the land will be better off after solar removal! How can they be so sure? (Ormand Hilderbrand, EFSC meeting January 15, 2026)

Solar and wind have become a free-for-all, with gigantic subsidies that lead to irresponsible installations.

Our taxes are increasing by 3% each year, and the SIP investment plans are responsible for that debacle. Our taxes should be decreasing, but as I understand it, SIP wording precludes that. Again, the SIPs are pushed by CREA, and the county court goes along.

Now, let's discuss fire protection. Sherman County lies at the end of the Columbia Gorge which acts as a natural venturi. Because of this feature, our winds are significant, making us ideal for both wind turbines *and* fire. Once a fire ignites, it doesn't cease without everyone's effort. We don't have paid firefighters; we have farmers with tractors connected to discs, pickups with water tanks, and tools like hoes and shovels.

The county must address the fire issue. Our farm insurance has liability coverage up to \$5 million. If we accidentally start a fire, which occurs numerous times each year in Sherman County, we cannot afford to buy the "farm." Replacing solar installations can cost over \$2 billion, and you can bet their lawyers will sue us. They will find a way to deem the cause as negligence. Then, the farmer will have no choice but to sue the county that failed to secure an **exclusion or a hold-harmless clause for them.** The three hundred feet of "protection" in the

form of gravel and barren ground that the county has discussed is a joke on a high-wind day. There needs to be vegetation height restrictions within a solar facility, especially during fire season, as well as a fire buffer outside the fencing, especially to the west, where our prevailing winds come from.

Our fires are legendary, and I am shocked that our County Court is not putting up more of a fight. But our county judge is the CREA chairman, so there is no separation there.

We will have another fire like the Substation Fire that burned 78,000 acres in 2018. We are depending on ODOE to regulate these monstrous projects, and on EFSC to site them responsibly. While lobbyists tell our government officials how great these developers are, I beg to differ. The developers will build the project, get their millions, and leave us to control the damage. Orion Energy, with whom we signed a wind contract back in the early 2000s, is long gone.

PGE purchased the Biglow project from Orion Energy, but it has not been managed or regulated effectively. ODOE trusted them to do the right thing, which we believe was a serious mistake. Fifty of the original 76 towers in Phase 1 are too dangerous to operate and have been shut down. PGE bought parts for repairs at the end of 2025, but only 17 are scheduled to be fixed in 2026. This progress is very slow, especially considering the blade fell four years ago! When Biglow was built, Phase 1 was operational within eight months.

And this was PGE's flagship wind farm! We have heard from techs and farmers that Tucannon (Dayton, Washington), the other wind project operated by PGE, is no better. Yet PGE receives barely a slap on the wrist. They have had no violations or citations for good reason: They have not been honest with the ODOE in reporting mechanical and EPA issues.

If Speedway inherits any of our issues at Biglow, God help us.
Sincerely, *Kevin & Kathy McCullough*



Fire under the Biglow project. PGE does not fight fire for us. Their employees go home!



The blade fell off in February 2022, near our shop. Clearly, this is a lack of maintenance.







This solar project is seven miles away from a friend's house in Gilliam County.

Speedway

From Kathryn McCullough <captainkathymccullough@gmail.com>

Date Wed 1/21/2026 3:24 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

 6 attachments (511 KB)

Sherman County Court 1212026.pdf; Alan's NOI for Speedway and Biglow.docx; EFSC meeting transcript.docx; EFSC transcript written out.docx; Ormand comments Biglow.docx; Sherman County Court 1212026.docx;

[You don't often get email from captainkathymccullough@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Kathleen, I am having trouble putting this on the portal with all the attachments. For some reasons the word files are opening up. Can you do it, please?

(Repeat of the PDF)

Sherman County Court,

We had two meetings this week, one for Speedway (Brookfield) and one for Biglow (PGE/BrightNight). I believe Joan and Justin were at both, and I appreciated Joan's comments after the Biglow meeting. Thank you for listening! Joe is no longer answering me, so I don't know how he feels about these projects.

The Biglow Project was the first and final meeting, as PGE is piggybacking on its 2006 wind site certificate. They should not be allowed to do this, since wind is an entirely different animal from Solar. No wildlife studies were done (except for birds and bats), and honestly, Tetra Tech provided **2200 pages of information** to read, which PGE and Brookfield are both using to supply us with cut-and-paste information that's too lengthy to plow through. I read as much as I could, and was disheartened by the references to "climate normal" temperature algorithms that claim our temperatures are in the 80s.

I want to address the lies we were told by developers and some speakers.

First of all, Alan von Borstel made very convincing points in Grass Valley at the Speedway meeting. Regarding the 81,000 acres signed up for solar, Brookfield Energy admitted it was using 14,000 of the 25,000 acres. That is a lot of grazing land and fire to fight, especially with the mitigation stating a 12" height for grass under and around solar panels and batteries. They still seem to think we have paid fire departments and just need a few more fire trucks. They will be providing in-person and online training for us! ***What? We will not be fighting their solar fires. They need staff on site during fire season, 24/7, like they have had to do in Gilliam County.***

Oh, and they won't sue us. Alan said no, but your insurance company will. We can't handle that kind of liability. And no one will give us a hold harmless clause for farming. Here is the public comment Alan submitted. You can go to the ODOE site and read the rest.

[Siting Docket](#) · [Customer Self-ServiceSiting Docket](#) · [Customer Self-Service](#)

They also claimed that BPA had given them access to the powerlines and that they would be done by 2029. ***What? Another lie?***

Then, at the Biglow EFSC meeting, Ormand Hilderbrand even claimed, "The developer has engaged seriously with the permitting process and has demonstrated a willingness to address environmental considerations." He knows them because he is in CREA. Well, BrightNight has not been great to work with. Contact us, and we will provide a list of promises made and broken. Mr. Hilderbrand also said the land will be better when it comes out of solar in 50 or 60 years. ***How does he know?*** I have data to the contrary, but actually, no one knows. So, more lies.

Meanwhile, we live under Biglow and have seen the horrible job they have done. Four years after the blade dropped, 40-50 towers are still broken every day out of 217. Actually, they are too dangerous to run, so I'm glad they are shut down. It took them 9 months to build Phase 1 in 2007, and it is going to take 4 years to fix it? On top of the four years we have already waited since the blade dropped. Why will solar be any different? They need to get the Phase One Vestas towers running and show 96% power produced before they can build solar.

We really could have used some support from the courts and some truth from our taxpayer lobbying dollars that go to CREA. Balance. Both sides, please.

Finally, we are tired of watching our taxes go up year after year. Either renegotiate the SIPs or stop granting them.

2:31:51 & 3:36:44 for McCullough's part. 2:47:34 for Ormand's. 3:11:18 for Amanda Whitman. (BTW, she has not been contacted in the Conservation Office.) I also highlighted them in the EFSC meeting transcript below.

Chad Higgins also had to weigh in and tell us how great agrivoltaics were in The Valley! Oh, and at 2:18:44, there was a discussion about grasses and how some will stay green year-round (!) and provide a fire break!

These people are delusional. Colt supports (as we do) the ODOE recommendation of 1- 3" maximum during fire season. That we can live with, if it is written into the Site Certificate. But the mechanical failures were in the 2008 Amended Site Certificate, and PGE was never held accountable. In fact, PGE repeatedly stated that they had never had any violations or citations on Biglow! **Because you never reported anything!!!! Their feet were not held to the fire.**

Honestly, the EFSC counsel listened and even called us back up. The EFSC counsel members on ZOOM even questioned whether they had the power to stop Biglow Solar! We are hopeful. However, we could have used some support from the County Court, rather than grandstanding by a CREA representative who is a developer who wants solar on his property.

Sincerely,

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[Siting Docket](#) · [Customer Self-ServiceSiting Docket](#) · [Customer Self-Service](#)

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Sincerely,

Kathy & Kevin McCullough

I am writing you concerning the NOI for the Speedway Energy facility proposed for Sherman County Oregon.

I am a 4th-generation farmer/rancher in Sherman and Wasco Counties, working with my son, who is the 5th generation. Our ranch is in direct proximity to or borders portions of the Bakeoven approved solar (1,270 ac), Daybreak approved solar (1817ac), Sunset approved solar (1817ac), and Yellow Rosebush under review solar (8075ac). We also border the Buckley under-review solar project (7852ac) and the Speedway NOI solar project (14000ac solar with wind, totaling 25000ac).

In addition to these solar projects, Avangrid is leasing property extending east from the Speedway project to the John Day River to develop another solar project, which could easily match the Speedway project in size. Keep in mind the acreage listed above is only the acres to be covered with actual solar panels. The total acres included in these projects and removed from agricultural production are estimated to be greater than 100,000 acres of F-1, exclusive farm use acres, and do not include proposed solar projects in the north end of Sherman County, such as the Biglow solar project. Please keep in mind the total effect of all of these projects combined will have on wildlife, wildfire, the agriculture community, and supporting Ag industries. The precedent set on these individual projects will have far-reaching and permanent consequences.

If all of these projects are allowed to continue to move forward unchecked, I fear a collapse of the ag sector in Sherman County and possibly beyond. Sherman County has always been referred to as "the land of wheat," grown from river to river. Some on your EFSC council and our CREA group (Community Renewable Energy Association) have been quoted as saying that we "produce low-quality wheat that is undesirable." As a past president of the Oregon Wheat Growers League (OWGL), I can testify that is completely false and would enjoy a public debate with those members. World wheat consumption has exceeded production five out of the last 6 years.

The United States loses 4.3 acres of farmland every minute (USDA DATA), of which much of this is highly productive land. We also continue to lose irrigated acres to loss of water availability through water rights litigation. These Sherman County acres are "dryland" acres, non-irrigated, and don't use river or groundwater or electricity to produce.

The U.S. is experiencing an extreme shortage of beef production, much of which is caused by state and Federal regulations removing cattle from public as well as private lands. Many of the acres in these projects are range land used for cattle ranching.

As a 5th-generation farm and ranching operation, we are extremely concerned about the viability of our operation should these projects be approved. The loss of this many acres to solar will make it very difficult for local agricultural businesses to survive. We will lose these businesses and their labor force while increasing the cost to those of us remaining in agricultural production.

We have continued to see a decline in mule deer in this region, and fencing off tens of thousands of acres will only accelerate this decline. It will also divert the remaining population of deer, elk, and antelope to the remaining farm and range land, thus damaging crops and range.

According to the U.S. Forest Service (USFS), Sherman County's risk of wildfires is higher than 98% of counties in the entire United States (wildfirerisk.org). Brookfield claims it can control wildfires on its projects. As a 66-year-old Sherman County native and volunteer firefighter, I will tell you that it is absolutely false.

First of all, once these wildfires are started, typically by dry lightning, they are extinguished by the local farming community and volunteer fire districts using millions of dollars of large-scale farm tillage and industrial equipment, all donated by farmers. Where terrain allows, these fires are stopped by creating fire breaks with tillage equipment or bulldozers and starting backfires. Where terrain prohibits these practices, volunteer foot crews descend into the canyons to extinguish the flames, often at night when winds are light and humidity is up.

Once these solar sites are fenced off, both of these mechanical options will be off the table. The toxic fumes emitted from a burning solar site will prohibit entry and may well prohibit ground crews from engaging the fires downwind. The potential for these fires to grow exponentially is real. The historic Oregon Substation fire that burned from The Dalles, Oregon, across Wasco and Sherman Counties, burning thousands of acres in a matter of hours and taking human life along the way, will not be the last. This entire area is composed of large, deep canyons, and only foot crews and aerial support can combat the fires. I recently served, at Governor Kotek's pleasure, on the Oregon Wildfire Funding Committee to help come up with new funding mechanisms to fund a shortfall in an ever-increasing firefighting budget. These solar sites will only increase the need for state resources to fight fires once controlled by local funds and

volunteers.

This area is 100% exclusive farm use, and we have historically been able to extinguish fires relatively fast, thus preventing large losses. I carry liability insurance to cover the risk that our farm machinery might accidentally start a fire and spread to neighboring property. If these solar sites are permitted, the potential for catastrophic losses is very probable and real. I cannot afford a policy to cover such exposure. Brookfield has publicly stated that we can't be sued for accidental fires. From past experience, I know this to be absolutely false. They have refused to agree to a hold harmless agreement for historic and ordinary agricultural operations. This refusal tells me that they and/or their insurance companies fully intend to recoup losses any way they can.

These energy companies are being allowed by the Oregon State administration to intrude into an exclusive agricultural-use community, ignore all land-use policies, and extensively change the long-held practices of that area. The Agricultural community needs protection at the state level to safeguard our right to farm and prevent undue hardship from extreme liability exposure. These solar sites will be worth billions of dollars.

Because of the current wildfire risk, our fire insurance has increased substantially to the point that some companies won't even quote a policy for this area anymore. If these solar projects are eventually built, this will only increase the risk level, insurance rates, and insurability.

I find it extremely frustrating that Green Energy companies are being subsidized and given state and federal tax breaks, through enterprise zones, and state and county property tax relief through SIP agreements. These same SIP agreements prohibit reductions in local tax rates. So while we subsidize the energy companies, which are mostly foreign-owned, with our tax dollars, long-standing residents and businesses keep paying more. Everyone involved in these green energy projects is getting extremely rich. Currently, solar companies are paying 10 to 20 times the current rental rates for these farm and ranch acres. They are driving long-standing renters out of their leases and out of business.

I recently flew over Hawaii and noticed that most residential and commercial rooftops and parking lots were covered with solar panels, while very few areas were covered with solar farms. Oregon has plenty of public and private options that don't pose such a high risk and destroy farmland.

I urge you to deny the construction of any proposed solar facility based on its adverse effects on the area's cultural, historic, and scenic values. I further urge you to deny based on the extreme wildfire risk, risk to wildlife, and the devastating economic effects this will have on the current and long-standing "Ag Use" community. If you allow this to continue, it will destroy Sherman County, "The Land of Wheat," forever.

Alan von Borstel

Sent from my iPad

2:47:34

Greetings. Uh, Ormand Hilderbrand is my name, and I am not a McCullough.

2:47:40

Um, I manage my family's farm which is near

2:47:48

the proposed Bigalow renewable power project and have been involved with

2:47:54

Oregon's environmental and land use issues for years. I am submitting this

2:48:00

pro this statement for the record regarding the Bigalow renewable power project. Um I approach projects like

2:48:08

this with a clear understanding that development has impacts. The question is

2:48:14

not whether impacts exist because they do but whether they are acknowledged,

2:48:20

responsibly mitigated and managed through a rigorous public process.

2:48:27

Even farming has impacts on on our land. You know, some may argue that our land

2:48:34

shouldn't have been put to the plow back in the 1880s, but it was done. Impacts

2:48:39

happen. Um, but

2:48:45

based on my experience, I am confident that the impacts associated with this project can be addressed appropriately. And I'm confident that after 50 to 70 years of the project being a major solar producer, if we get to that point and we need to have the land back for agriculture production, it can come back to agriculture production with an improved soil health. That is critical. I'm a strong believer in clean energy.

I've been a director of the community renewable energy association, CREA, for many years. CREA is a strong advocate advocate for shaping policy to benefit

rural Oregon and I'm personally have been involved in a development my own renewable energy project wind farm which

2:49:37

is a 9 megawatt 6G 1.5 SLE turbines that

2:49:42

are adjacent to Portland General Electric's Big Low Canyon. I supply

2:49:48

power to over 3,000 homes in the Portland area.

2:49:55

That experience has given me a practical understanding of what responsible project planning looks like, including

2:50:02

the importance of environmental review, mitigation commitments, and ongoing

2:50:07

accountability. You we must hold companies accountable for what they say

2:50:13

they're going to do. The Biglow project reflects this level of responsibility.

The developer has engaged seriously with the permitting process and has demonstrated a willingness to address environmental considerations. I have attended several of the discussions myself, including a presentation of the North Sherman County Fire District that discussed these fire mitigation procedures. Used to be that we on the east side felt that we had the fire risk to ourselves. Now that you on your west with the climate change, you had the fire risk too. So I think everybody can appreciate, especially in a rural county where the land and agriculture, natural resources are deeply inter interconnected, the importance of this fire mitigation. I also believe it's important to consider projects like this in a broader long-term context. Sherman County's economy has changed significantly over time and the pressures facing agriculture and

rural

communities continue to evolve. We had in 1920s we had over 4,000 people living

2:51:20

in the county. That's more than twice what we have right now. We had hotels in

2:51:26

the towns and restaurants and theaters and I've read even roofers had a golf course. That's all most of that is gone

2:51:34

now. um and primarily due to consolidation of

2:51:40

farms enabling our producers to reduce their production costs and they've done

2:51:45

a damn good job of it. They've really driven down their cost to to compete in

2:51:51

a tight environment and I appreciate people young farmers like Colton coming on because we need them to continue this

2:51:59

into the future but it's going to become tougher. uh our farmers have to

2:52:06

consolidate and they have to become larger and those that don't are not going to be with us anymore. Um and can

2:52:14

anybody doubt that the drive for more that we will see

2:52:20

more capital intensive equipment uh powered by artificial intelligence

2:52:27

that's will continue and further fuel consolidation amongst the farms in

2:52:32

Sherman County. Thoughtfully planned energy projects represent one step in a

2:52:38

more diversified and resilient future. uh one that balances environmental stewardship with an econ economic

2:52:45

stability. In this case, it is true that solar saves farms.

2:52:51

Last month, Governor Cotch issued an executive order to state agencies to move faster on clean energy projects.

2:52:58

And recently, even Representative Bence acknowledged that Oregon will have a

2:53:04

critical short shortfall in energy unless drastic steps are taken,

2:53:10

including expansion of our transmission facilities. The Bigalow The Bigalow

2:53:15

renewable energy project is lowhanging fruit with the existing underutilized

2:53:20

PGE transmission. While recognizing the project is not without impact, I view

2:53:25

the Bigalow renewable project as a positive contribution when evaluated through the established FSE process and

2:53:33

supported by enforceable mitigation measures. Thank you for the opportunity

2:53:39

to provide the statement and for your careful consideration, positive consideration of this these issues as

2:53:46

part of the record. Thank you.

2:53:57

Okay, our next commenter in the room is Chad Higgins.

0:00

Ready to go.

0:17

Good evening and welcome. I'm Cindy Condan. The time is now 3:32. I would

0:23

like to call the January 15, 2026 meeting of the Energy Facility Sighting Council to order. Mr. Secretary, please

0:31

call the role. Cindy Condan here. Marcy Grail

0:36

here. Kent How here. Richard Develin.

0:49

Richard Delin. Do we know if council member Develin is

0:54

on?

1:00

Hello. Okay. Anyone hear me? Yep. Yeah. Yes, we can hear you. Thank you. Council

1:05

member Delin and Patty Perry here if you can hear me.

1:12

We can. Thank you. Uh Chair Condan, you have a quorum. Thank you, Mr. Secretary. Are there any

1:17

agenda modifications? Chair condan, there are no agenda modifications at this time.

1:23

So, we'll just get a little bit a little bit closer. A little bit closer. How's this? Yep.

1:28

Good. I have the following announcements for council members and anyone addressing the council. Please remember

1:35

to state your name clearly and please do not use the speaker phone feature as it

1:40

will create feedback. Please mute your phones and if you are joining us by phone and receive a phone call, please

1:47

hang out from this call and dial back if after finishing uh in after finishing

1:53

your other call. For those signed in onto the webinar, please do not broadcast your webcam. For agenda item

2:00

C, public comment period, and agenda item F, the Big Low Canyon Amendment for

2:05

public hearing, there are three ways to let us know you are interested in providing comments to the council.

2:12

One, for those in person, please fill out a registration card and submit to Nancy Hatch, who is our administrator.

2:20

Um, two, for those using the WebEx, you will need to use the raise your hand

2:25

feature. Three, for those on the phone only, you will need to press star three,

2:31

which will alert us that you want to speak, and Nancy Patch will unmute you

2:37

as necessary. We will go over these options again during that agenda item.

2:42

If you want to receive future email notifications of council meetings, project milestones or rulemakings

2:49

through our click dimensions program, you can do so by clicking on the link in the agenda or on the council web page.

2:56

Look for the green box on the right hand side of the page that says sign up for emails updates.

You are also welcome to

3:04

access the online project mapping tool and any documents by visiting our website. Please note that the audio and

3:11

video of this meeting is being recorded and may be posted to the council's website following the meeting. Energy

3:18

facility sighting council meetings shall be conducted in a respectful and courteous manner where everyone is

3:24

allowed to state their positions at the appropriate times consistent with council rules and procedures. Willful,

3:31

accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the council

3:38

meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080,

3:46

any person who engages in unacceptable conduct which disrupts the meeting may

3:51

be expelled. So, first on our agenda is um the

3:57

consent calendar and this is an action item approval of the November 21st, 2025

4:03

meeting minutes. Chair Condan. Yes. Councilor How?

4:09

I move that the council approve the minutes of the November 21, 2025 meeting

4:15

as presented and recommended by staff. Do we have a second online?

4:22

Chair Con and this is Marcy. I second that motion. Thank you, Councilor Gra.

4:29

Madame Chair. Yes. I was not present for this meeting, so I'll be abstaining.

4:36

Thank you, Councilor Develin. Mr. Secretary, you please call the role

4:41

or further vote. Ken Hal, yes.

4:46

Patty Perry, yes. Cindy Condan, yes.

4:52

Marcy Grail, yes.

5:00

Motion carries, Chair Condan. Thank you, counselors. And now for the council secretary report.

5:05

Thank you, Chair Con. Give me one second.

5:16

Uh I'm going to first start with project updates. Um so the first project update

5:21

is the Wellsprings project. So we received the notice of intent for that

5:27

project on January 2nd. Uh the project would be a 750 megawatt solar PV project

5:35

with 500 megawatts of battery storage on approximately 7,365

5:42

acres or 11 square miles. The project location is in Mororrow County, approximately 5 miles northwest

5:49

of the town of Ion. The parent company is Emanate and that's capital M, capital

5:56

N, and then the number eight uh energy development company LLC. Um

6:04

the department's project web page will be live tomorrow. This is a fairly new project. So um project page will be up

6:10

tomorrow. Uh and we anticipate sending the public notice uh of the receipt of

6:16

the notice of intent uh and a comment period by next week as well. That is also a reminder for uh at least state

6:24

employees that Monday is the Martin Luther King Jr. holiday. So we won't be working on Monday, but um we will try to

6:30

get to it after that. This is K. Did you say that was Mororrow

6:35

County? Yeah, that's in Mororrow County. So I mean generally I mean if you can kind of picture where the Borman bombing range

6:41

is. Yeah. And so if you go kind of south of the Borman bombing range kind of south and to the west of it. Um so it's you I

6:48

described it as sort of 5 miles northwest of Ion and that's correct but it's also kind of southwest of the

6:54

Borbin bombing range bill. Thank you. The uh next update is the Sunstone solar

7:03

project. So at the November council meeting, there was a discussion regarding the parent company of the

7:08

Stonestone Solar Project going into bankruptcy. So they were planning on submitting an amendment to split the

7:14

site certificate. They withdrew that. Uh and there was some conversation um that we had kind of uh they explaining kind

7:20

of all of that. Um so as a reminder what that project is, it was approved by council in November of 2024.

7:28

uh includes 1,200 megawws of solar, 1,200 megawatts of battery storage and

7:33

it would be on approximately 9,442 acres or 14.75 square miles. Um that's

7:41

also in Mororrow County. Um on Tuesday, I sent council members an article that

7:48

Amazon won the bid to purchase the facility, although I just found out that I think you need a a login to be able to

7:54

access that. So, my apology. We we'll follow up with that with the the uh the

8:00

information from the article and we'll just copy and paste that and put it into a email so you can see that. But I mean

8:06

again uh Amazon won the bid for that and they are now um I well I don't know if

8:11

now they're the owner but they are essentially going to become the owner. Um but as we discussed at November the

8:17

November meeting just as a reminder um the Sunstone can sell it to them and

8:23

Amazon can buy it but until Amazon comes in and requests and receives approval

8:29

for a site certificate transfer amendment they can't do anything with the project. So again a site certificate

8:36

is functionally a business contract between the state of Oregon FSAC on behalf of the state of Oregon and the

8:42

developer. We currently do not have any business relationship with Amazon for this project. That will have to be

8:48

established first before they can move forward on doing anything related to the site certificate.

8:56

Um, next project is the saddle but energy facility. So, at the December council meeting, I let you know that we

9:02

have received the notice of intent for that project. This would be a 488 megawatt uh wind energy project

9:09

consisting of up to 70 wind turbines uh each up to 698 ft tall. I'll say that

9:16

again. 698 ft tall. Uh there would also be 4 488 megawatts of battery storage.

9:25

The project location is in Gillum County approximately 6 miles southwest of the city of Arlington. Uh the parent company

9:32

is Brookfield Renewables. they own the Shepherd's Flats facilities.

9:37

Uh so it's kind of in in range geographic range of th of those facilities. Um since the December

9:44

meeting, we have set up a project page. It's available. Uh we've provided public notice and then

um we held a public

9:51

information meeting in Condan on Tuesday. Uh and the public comment period on the notice of

intent concludes

9:57

on January 30th. Next is the Speedway Energy Facility. So

10:05

like the Saddlebut Energy Facility, at the December council meeting, I let you know that we received the notice of intent for that project. That would be a

10:13

1,400 megawatt solar, PB, and wind project and including 500 megawatts of

10:18

battery storage. The project is located generally southeast and northeast of exactly where

10:25

we're at right now. So, if you look, you know, kind of in these directions of this building, it would be all around

10:31

this building. Maybe not on that side, but but all around where we're exactly at right now. Um, the parent company

10:39

also is Brookfield Renewable, same as the Saddlebut Energy Facility.

10:45

And, uh, we had a public uh, so yeah, we had a public information meeting in this

10:51

room last night. Uh and the notice of intent concludes on January 23rd. So

10:58

this has been a bit of a busy week in terms of meetings and hearings and getting on the road.

11:05

Uh next is the Yellow Rose Bush uh facility. So the Yellow Rosebush energy

11:11

facility. So this would be 800 megawatts of solar PV, 800 megawatts of battery

11:16

storage on approximately 8,000 acres, about 12 square miles. The project

11:22

location is in Wasco and Sherman counties east of the city of Mppen. The developer of Savon LLC, which is a

11:29

division of the Royal Dutch Shell Company. At the November meeting, the council reviewed the draft proposed

11:34

order and all comments that were made uh or that were received and provided direction to staff to make changes in

11:40

the proposed order uh which we did. And uh we issued the proposed order uh and

11:46

included also a notice of opportunity to request to participate in the contested case. That's a mouthful, but I think it

11:52

bears clarifying. Frequently, people say they've asked for a contested case.

11:58

There is a contested case with every application. It is an automatic step in the process. The distinction is if

12:04

anybody requests to participate in it. Um, and we did have two requests to

12:09

participate in the contested case. So, at this point, um, that has gone to the,

12:16

uh, you know, we contract with the office of administrative hearings. they provide a uh a contested case uh or a

12:24

hearing officer uh for us for that and that hearing officer uh will be the one

12:30

that's evaluating those requests for contested case to make sure that they uh justify participation.
And so we if

12:38

there wasn't any requests for participation in the contested case, we would have had the council's review of the final decision tonight. Um but that

12:46

will take some time. So, we'll keep you up to date on that and that will certainly be updated in my secretary

12:52

report as well as in the monthly sighting report. Uh, next is the leaning juniper 2A uh

13:00

amendment determination. So on December 21st, the department issued its

13:05

determination. Uh we received a request uh for an amendment determination uh and

13:10

that was that um

13:17

yeah their their request was that they wouldn't have to go through the amendment process. So the changes that they were proposing wouldn't trigger an

13:23

amendment. No. Um and the changes proposed uh included uh a tax equity sale lease

13:31

back transaction with certificate holder and a national financial institution

13:36

under which um that institution would acquire the legal title to certain

13:41

facility equipment as personal property and simultaneously lease that equipment back to the certificate holder under a

13:47

long-term lease. So the department's determination uh was based on an evaluation of Oregon administrative rule

13:54

345 division 27 0350

14:00

and those are the factors where uh an amendment is required and none of those

14:05

factors triggered. We've had this kind of request previously I believe one time and and made the same determination. Um,

14:12

however, because this is a determination, you know, that an amendment is not required, council has

14:18

the opportunity to request that that be brought forth to council as an agenda

14:24

item where you would review it and you could then come to your own conclusion whether you agree or disagree uh with

14:30

that determination.

14:36

Just raised my hand myself. Um, thank you, Secretary Cornet. question about

14:41

that and I am not sure um

14:47

about the review necessary but this is the second time we've had

14:54

something similar come up and I'd like to make sure uh we understand what it as

15:00

these get more complicated in terms of the structure um that we understand kind of the full

15:08

um responsibility associated with it and how it plays out

15:14

over time. I mean, I understand the words that you're using, but I'm not

15:19

sure what it means to us versus what it means to the company itself. So I'm wondering if there's an opportunity to

15:25

do it, not necessarily to review the decision of uh the department, but to

15:31

really understand why the decision was made or how the decision was made uh based on your

15:39

understanding of the risks associated or long-term long-term process for it.

15:44

I hope that makes sense. Yeah, I mean this is something either again this particular one it's totally

15:50

within council's authority to say we want to take a look at this ourselves. Um we want to take a you know review it

15:56

and we would then put it on a future council meeting and then we would provide you know our analysis well their request their analysis our request or

16:04

our determination our analysis to you and you could come up to your own conclusions and and certainly ask us

16:10

more more questions and then the certificate holder more questions about it as well. That's an opportunity. You

16:16

know, you know, we've looked at it. We don't believe that it triggers an amendment as those um rules kind of

16:23

require right now. This is also the second time I believe I'm going to look at Sarah. Yeah, second time that we've

16:28

seen this. We don't know if there's going to be a pattern or not. So, this could also be, you know, outside of this

16:34

specific action. Um this could be determination. I won't say action, I'll

16:40

say determination. Um, we could do this in the future as an information item

16:45

where we explore this sort of outside the context of a request. Um, it's hard to do head nods in the

16:51

room, you know, about whether we we want to do it or not. I know I would like at least informational

16:57

uh session on it, especially as we're looking at organizational expertise

17:02

uh standard and financial assurance standard. Uh to me that all fits together.

17:09

Councilor How any Secretary Kernet you said you bring it

17:15

to us once you've made your determination. That's what I'm doing now. So the the way the amendment determination process

17:20

works is you know and and a a site certificate holder is not obligated to use this process. It's to their benefit.

17:28

They could make some choice, put it in their annual report and include that as a sort of a facility modification. We

17:35

would then review that and then the risk is that if we determine, oh, that should have been an amendment, well, they've

17:41

already made these changes, they then are forced to come back in. So, it's to their benefit that they, you know,

17:47

frequently choose this method, which is to get some, you know, validation, you

17:53

know, kind of officially that, you know, an amendment is not required. And so, you know, what they do is they they make

17:59

their case. They say, here's the requirements of when an amendment is required. this is what we're proposing.

18:05

You know, presumably they're going to say, "We don't believe this triggers these things." We then review that

18:10

ourselves. And then the requirement is at the next council meeting after we make our determination, I provide this

18:18

update to you. And then again, your ability is to either say, "Yeah, that

18:23

that sounds great." Or if you're like, "We really want to take a look at this ourselves and we want to do the

18:29

evaluation of all of that information." That's absolutely within your authority.

18:36

I myself am fine with the staff evaluation as

18:41

this is Marcy um and I agree with uh council member how I'm fine with the

18:48

staff evaluation as well. And just uh to clarify I'm fine with the

18:56

decision. It's the information that I'm anformational item that I'm asking about

19:04

um not necessarily related to that this project, but how these these structures

19:10

they're different um and how they how they work in a project for both the

19:17

developer and uh the state. So yeah, I mean we could absolutely put

19:24

it on the list for a future council meeting if you want to do it as a as an information item. Yeah, as an information item that

19:31

doesn't hold this uh then that sounds fine to me. Sure. Sorry. Nancy, we turn the heat

19:36

down a little bit. It's starting to get warm right here in here. Councilor Develin or Perry, any any

19:44

thoughts? Yes. Thank you, Chair Condan. I I would be interested

19:53

as you are with the information making it anformational item

20:00

on one of our agendas to just understand a little bit more about that process. I

20:07

totally agree with um you know allowing the

20:13

staff to be able to make those um or the re reviewing body

20:22

uh review uh those requests as appropriate and um I I would just like

20:30

to know how they do that. Councilor Develin,

20:37

I would actually concur with those statements. I would be fine with having a presentation about the process, but I

20:43

mean ultimately uh the process I think should stay at the staff level to make that determination.

20:51

So, so sorry for for the record, Todd Cornet, just for clarification. My understanding was not the amendment determination process and how that

20:57

works, but it was more specifically this specific type of request. Yes.

21:03

The sale lease back. Yes. Yes. Okay. Good.

21:08

Which was the previous one as well with the sale on lease back. So yeah,

21:13

I think we're all in agreement. We'll make a note of that. Nancy, can you put in note of that for a future agenda item? Thank you.

21:22

Okay. Moving on to compliance updates. So um you know as I've indicated before

21:29

the way that the annual reports work is the um so for in this case the 2024

21:35

annual reports every certificate holder has to submit a report annually. The ones that they did for the calendar year

21:41

2024 were have to be submitted most of them by the end of April 2025. So then

21:47

that gives us the you know the time to start working and reviewing those. We're getting to the end of those reviews.

21:53

Didn't quite finish. We've done all of the initial reviews. Uh we've requested

21:58

some additional information from some of the certificate holders um to provide additional information to clarify that

22:04

they meet conditions. We're still waiting to hear some from some back, but we're getting close to concluding those

22:09

which which is great. Having more staff resources is hugely beneficial. Um but I

22:15

do have two quick updates uh on uh two of the Shepherd's Flats facilities.

22:21

So, the Shepherd's Flat Central u again we kind of talked about that Brookfield uh in Gillum County just to the south of

22:31

Arlington. That's a 265 megawatt facility. Uh it's been in operation

22:36

since 2012. And uh with regards to their meeting

22:42

their conditions, I provided an update on uh Shephardd's Plat Central last

22:48

council meeting. It's really these are the same things. There have been sort of persistent issues with weed control and

22:54

recreation management uh since construction or reconstruction of the

22:59

well initial construction of the process or the project and then also following

23:04

the 2019 repower. So they know that we know that they're working on it. We're

23:09

you know being clear with them. So we're looking for more information. Um yes, thank you. I meant to say turn it on

23:17

there. Um, and yeah, that won't be concluded until 2026. Um, it's just, you

23:23

know, we're I know we're in 2026 now, but it'll take a while because there's some pretty significant, you know, sort

23:28

of detailed information has to be evaluated and provided. So, but as I said, they're diligently working on it.

23:34

We're diligently working on it, and we do believe that we can kind of come up to speed on those in 2026.

23:40

um Shepherd's Flat South kind of similar that's a 290 megawatt facility located

23:47

in Gilam and Mororrow counties also operational since 2012. Um the majority of the site is under

23:55

cultivation for wheat production. Um but the site also has had persistent weed control and recreation uh kind of

24:01

management issues. So really the same thing as the the other one. um they are diligently working on it and we do

24:08

expect to have that all concluded um in 2026.

24:15

Okay. Next on my list is um executive order 2529.

24:21

So I brought this up at the I was the last council meeting or the one previous to that. So Governor Cotch issued this

24:28

executive order in November. This order requires the Department of Energy to

24:34

take several and undertake several directives in coordination with other state agencies. Uh and it includes two

24:41

required studies to be submitted to the governor by September 1st of 2026. U and

24:47

these studies are being um led by our PNI division policy and innovation um

24:53

and also us to some degree um and I'll indicate what that means in a second. So for one of the studies um ODOT is

25:00

directed to inventory, assess and analyze barriers to permitting,

25:06

construction and interconnection of clean energy projects and associated infrastructure.

25:12

For the other study, ODO is directed to evaluate and recommend actions to update sighting and permitting processes to

25:17

facilitate deployment of renewable energy, energy storage and grid infrastructure. Those are the mandates

25:24

in the executive order. So, we will be looking we'll be working on this, you know, in the coming months

25:31

and we'll be giving you updates as to uh what we're doing. We will likely be doing some outreach on that as well, but

25:37

again, we will ultimately have to provide a report to the governor by September.

25:44

And then great, next slide. You got it. So, uh we are soon to be entering into

25:50

the short legislative session. So, I've included um on this slide the schedule.

25:56

Again, it's the short session. So, it really isn't very long. That doesn't mean it won't be significant.

It just

26:01

means it's short. Um and we do already anticipate there being some legislation

26:07

related to energy facility sighting and maybe energy facility sighting council uh your statutes specifically. Uh but

26:15

you can see you know the session starts on February 2nd and then there are

26:21

always uh deadlines uh or bills basically start to die. So bills have to

26:26

be posted for a work session then they actually have to have a work session and if they don't meet those thresholds then

26:32

they basically just move out. So there always ends up being like some huge volume of bills and it starts narrowing

26:39

down pretty significantly. So you can see the deadlines for the first chamber and then the deadline for the second

26:44

chamber and then March 8th is the constitutional end of session. So it has to be done by then. So like the long

26:51

session um I'll be providing updates in the monthly sighting report and the secretary report the difference is in

26:57

the long session there's a lot more time to sort of understand what's going on

27:03

and see this. And with a short session it's um February and by the time we have

27:08

March it's done anyway. So there won't be much time. So I might be submitting uh information to council outside of the

27:15

monthly sighting report and outside of council secretary report at a council meeting just so you're updated as to

27:21

what kind of legislation relates to you. Um another update

27:29

and you're probably not tracking this but there are now new federal visibil

27:35

visual accessibility requirements. Um and these are applicable to all

27:40

government agencies, state agencies, I believe local governments as well. The purpose of those is to ensure that all

27:47

people including any with any kind of visual limitations can access all websites and digital information. So you

27:54

know you go onto you know a website and if you have sort of visual impairments you may not be able to see that

27:59

information. So now you have pretty sophisticated screen readers and other types of devices that actually can

28:05

provide you know the content to somebody who has you know sort of visual limitations. Um and so we're by by end

28:13

of April we have to be compliant with those federal requirements. Agency is moving forward.
We're moving forward. BB

28:19

and Nancy have already been working on templates. Um really this is just a way to kind of make sure that as you're

28:26

going to start to see some variations and some differences uh in the PowerPoint presentations.

28:31

Um you know if we have a a map or a chart or a graph or a screenshot there

28:37

has to be alternative text associated with that because somebody can't necessarily see that the screen reader

28:42

would have to be able to read what that image or what that graph is. So we're

28:47

we're just coming up to speed. um you know but we have until April to figure that out. So again we're already working

28:53

on it but you know just as a you'll start to see those changes and we also

28:58

will need to provide a handout to anybody who submits um slides for the

29:04

council meeting or anybody you know all of our our applicants they will have to submit information digital information

29:10

that meets those requirements as well. Just a question on that. I presume that

29:17

the agency gets support from from a

29:23

resource. You're not doing all of the all of the work

29:29

to get it done. You're not you are doing I mean it's a it's an enterprisewide

29:34

thing. Everybody within the state of Oregon um I'm not sure how much sort of direction and detail is coming out of

29:39

the Department of Administrative Services. My understanding is a lot of state agencies are really sort of having to chart this course by themselves for

29:46

now. I'm sure as anything changes, you know, that sort of change is difficult.

29:51

Likely we'll see probably more consistency in the future, but my understanding is right now it is largely

29:56

um at the individual agency level. Thank you.

30:03

on my list is uh next council meeting that will be February 13th, Friday the
30:09

13th will be in Salem and uh we only need that Friday meeting and um we
30:16

anticipate right now that that would end around 1 p.m. So it won't be a very long meeting
30:23

and I will not be at that meeting. Correct. I'm just going to say I'm not going to I was going to try
and make it but I I

30:29

will be absent. I think being out of the country is is a realistic absence.

30:37

Um, and that concludes my secretary report unless any council members have any questions.
Madam Chair, any Yes, councilor Delin.

30:45

Madam Chair, just a quick question to the secretary. Um, I was looking in

30:50

previous evenings uh on the website and sometimes you can find things on the

30:57

websites and sometimes you can't. Sometimes they exist, sometimes they don't. But I was trying
to look to see

31:04

if there were any cumulative reports from on the compliance side or any

31:10

cumulative reports on I think what we refer to as incident side. What I mean is some way to
query like if you had a

31:18

particular applicant before you uh who perhaps had an amendment, not necessarily speaking just
about the one

31:25

of the ones we have this today, but where you could actually do a query

31:31

where you could find out what previous compliance reports have shown and

31:36

cumulatively what incidents there have been at that site.

31:42

And if it's not available, that's fine because I I I at this point cannot

31:48

estimate what it would take to actually make it available other than a member just simply making
a specific inquiry.

31:57

Yep. Thank Thank you, Council Member Develin. Um uh timing is uh is

32:03

interesting that you ask for this because we just had a compliance meeting today. compliance
team is working on

32:08

their presentation for next council meeting. And this is exactly one of the things that we discussed. What are the

32:15

types of things that the council is interested in either being, you know, presented at a council meeting um in the

32:22

the during uh like the monthly sighting report or or in other avenues. I mean,

32:29

so that information is sort of theoretically available. We'd have to conduct the research and then pull it

32:34

all together. So, we don't have it sort of nice and packaged up right now, but it is a good question and this is one of the things I want council to think about

32:41

as the compliance team comes next month. What are you interested in the compliance side?

What do you think the

32:47

public is interested in from the compliance side? We have the resources now to be able to spend a lot more time

32:53

and pull that kind of data together. So, your question is, yeah, can we do that? Absolutely. Can we do that, you know,

32:59

could we do that today? No. um you know but this is the kind of stuff will be very helpful to hear about at the next

33:06

council meeting so we can start changing that program to have you know more information available to the council and

33:13

members of the public you know and then also thinking about you know as we've initiated the rule making for compliance

33:19

you know what kind of rule changes you know may or may not relate to some of these questions you know we don't have

33:25

to create rules to do those types of things but um there can be overlap so I

33:30

think it will be helpful to be thinking about that and so I I appreciate the timing of your your question. It was

33:35

literally like three hours ago we we had a similar type of conversation so it was very good timing.

33:41

Thank you. Thank you councilor Develin and just a comment about that. I I think that is

33:47

the next stage in a process that we started I think two years ago to have a

33:53

compliance report every meeting. And so I think all of us are probably getting

33:58

uh more comfortable with okay here are the issues here are the uh projects

34:04

involved and so the logical next step is I think exactly what counselor Develin

34:10

uh is asking about. Yeah, and as I said, now that we have the actual resource, the staffing resources to do that, now

34:16

we have three people, it makes it much easier to do those kinds of projects like with one person, you know,

34:22

scrambling just to try to keep up with everything, the huge volume of work that had to be done on an annual basis was

34:28

was over it's still overwhelming even with three people. But we can start to do these things and as I always say, you

34:35

know, we do three things, you know, within the sighting division. you know, we do the review of applications and

34:40

amendments, we do rulemaking, and we do compliance. And you see the first two, you know, almost every meeting. You

34:47

don't see compliance as much, but it is just as important as the other two. And so, we want to kind of amplify

34:54

that program and provide the information that you want in the way you want it. So, please be thinking about that. And

35:02

the other thing I'll say is I I also think that as we get these compliance

35:07

reports at least it makes me think about well what could could we do at the beginning of the process as we see the

35:13

project start to make sure we have that in place. So no and that's that's tying the compliance team with you know reviews of

35:20

the applications and amendments to ensure that those conditions that are being created are as clear and

35:25

implementable as possible. Yeah, there there's a lot of overlap between, you know, these sort of subprograms within

35:31

the division. That's great. Thank you, counselor Delin.

35:37

Any other questions? Again, I can't see um on the screen, so

35:43

feel free to just speak up. Okay.

35:48

Thank you, C. Thank you. Thank you, Mr. Secretary. And

35:54

now we'll move on in the agenda. We'll have Summit Ridge renewable energy facility notice of intent extension

36:00

request. Sarah Esterson, senior policy advisor. Um and we will review the

36:07

request with the beginning with the presentation from Miss Esterson.

36:14

Good afternoon, Chair Condan, Vice Chair Byer, and members of the council. Um if

36:20

we could go to the next slide, please Nancy. So, let's start with a little background. Summit Ridge Wind LLC, the

36:28

certificate holder, has requested to extend the notice, the expiration date of their notice of intent for the Summit

36:35

Ridge renewable energy facility from January 25th, 2026 to January 25th,

36:41

2027. Um, the Summit Ridge renewable energy facility is a 261 megawatt wind and

36:48

solar facility proposed in Wasco County. for your reference.

36:55

So, um you have rules that apply to an a notice of intent extension request and

37:01

those rules establish your scope of review. Um that scope includes review of two criteria. Um one is a a timely

37:10

criteria and the other is good cause. The timely criteria establishes that a

37:15

request for extension of a notice of intent expiration date must be submitted at least 45 days prior to the expiration

37:23

date. And as I mentioned, they also have to provide or describe um a good cause

37:29

for the extension request. Okay. So let's review the criteria.

37:36

Uh the first criteria of timely. So the NOI expiration date was January 25th,

37:42

2026. The request to extend the expiration date was received on November 24th,

37:48

2025, which was 62 days prior to that deadline. So we are recommending that

37:54

the timely submission criteria is met. And then for good cause um and I said

38:02

certificate holder earlier, I meant applicant. The applicant provided two reasons to justify the extension request

38:09

which are somewhat interrelated. Um, but they've requested more time to allow landowner negotiations primarily due to

38:16

uncertainty and changes in Bonaville Power Administration's uh planning for a

38:22

substation that they the applicant had been planning to interconnect to. So they said they need more time to

38:29

negotiate sighting given changes. And then the the additional reason was that

38:35

um BPA has sort of changed their mind on the funding of the substation but they

38:40

still want an agreement in place so that they can tie in. Uh applicant has

38:46

indicated that they would come to an agreement execute an agreement in late January or February.

38:52

Um and we did ask for some sort of additional description and details so

38:57

that we could evaluate the merits of this representation of landowner negotiation and we feel like they

39:03

provided that upon request. So um now I think next slide please

39:10

Nancy. Um, we are recommending that council um find that criteria have been

39:17

met and that the um NOI expiration date may be extended by one year. And we'll

39:23

now turn it over to you for deliberation and possible decision.

39:28

Council members, any comment, questions?

39:33

Mrs. Marcy, I have none.

39:39

Councilor H. I have none. Um I have um one.

39:46

Um can you go back to the previous slide? Um it's just are do you have a

39:53

feel for the order of um the sufficient time? Does the planning with

40:00

BPA and the negotiation with land owners occur at the same time or do land owners

40:06

want to understand that there is a BPA an agreement with BPA first or vice

40:12

versa? BPA wants to understand that no you have the you have the agreements

40:18

with land owners and you're ready for the interconnect. Do do you haven't I I don't think I know the answer to

40:25

that. Um but in their discussion it they described that there's been like years

40:32

of waiting for BPA to move forward and a decision on this substation and then

40:37

there was significant staff turnover um earlier in the year and then there were

40:43

changes with the substation that necessitated new negotiation with landowner in terms of sighting. Okay.

40:50

So, I can't speak to what the land owners knew to be true before the uncertainty came about.

40:59

An additional question. How many extensions are allowed for the notice of intent? One. Is it just one? Okay. Uh, thank you. If

41:08

there are no other questions or comments, Chair Condan, I move that the council

41:14

find the petition by the applicant to extend the expiration date of the notice of intent for the proposed Summit Ridge

41:21

renewable energy facility was timely submitted and demonstrates good cause for the extension for the reasons

41:28

described in the staff report. I further move that the council approve the extension of the expiration date of the

41:34

notice of intent for the proposed Summit Ridge renewable energy facility by one year for a new expiration date of

41:41

January 25, 2027. We have a second.

41:47

Patty Perry here. I will second that. Thank you, Councilor Perry. Any more

41:53

discussion with that? Secretary Cornette, can you

41:59

call for the vote? Cindy Condan, yes. Richard Delin,

42:09

yes. Yes. Marcy Gra. Yes.

42:14

Ken Hal, yes. Patty Perry, yes.

42:20

Motion carries. Check on them. Thank you. And now to the next item. We have a public comment period. Sorry,

42:27

we're a little bit uh late in that according to the the timeline. Um

42:34

uh this time is reserved for the public to address the council regarding any item within council jurisdiction that is

42:40

not otherwise closed for comment. In the agenda, we have set the amount of time for individual commenters to 7 minutes.

42:48

Nancy, how many comment cards and raised hands on the webinar and phone do we have? At this point, we have one

42:56

commenter in the room, and there are no hands raised yet.

43:02

So, we can go ahead and call Jennifer Miller to go ahead and come on up and make your comments.

43:23

And if you could start with name name and address and spell your name, that'd be great. My name is Jennifer Miller. Uh, boring.

43:30

J E N I F E R M I L L E R. Um, and I live in Hermiston, Oregon.

43:37

And my comments are just really general. I have a letter that I'm reading from and I will hand that over when I'm

43:44

finished so it can be submitted to the records or I'll read you that. Thank you.

43:50

So my name is Jennifer Miller and I'm here representing both myself and Octa Oregon and California Trails

43:55

Association. My comments at this moment, excuse me, are general ones. I would like to ask

44:01

the council to look at projects projects from say a helicopter view. This area of

44:06

eastern Oregon is being covered rapidly by wind, solar and transmission activities. Valuable farmland, farmland,

44:14

and native flora and fauna is being crowded out almost daily. Exclusive farming/sweet fields are being bought or

44:21

signed over for projects with little guard to how our food will be reproduced in the future. Wheat fields, grazing,

44:28

and rural means of making a living are being drastically affected. It seems as

44:33

if the locals have to operate under one set of rules while energy projects get others and there is not much consistency

44:40

in this particular area and I mean this grass valley area of course there are historic trails that need to be

44:46

considered the Barllo road cutoff runs through this area and I do know that this council was addressed last night by

44:51

Wendell Baskins so I'm we're part of the same group and I'm just continuing some of those comments

44:57

um very quickly. Sure. I think only uh Chair Condan was online last night. The other council

45:03

members um didn't didn't hear Mr. Baskin. So, and if that makes you want to change your public comment today, you

45:10

can. But just to make sure you know that the rest of them didn't hear that. That's fine. I was just saying Yeah.

45:17

just so um I'm just saying that um some of the projects that are happening in this area are not I think some of them

45:24

are not knowledgeable that there is the Barlo road cut off and that projects do need to know about that going into you

45:30

know just from the very beginning knowing that this historic trail cut off does exist and it would be really

45:37

helpful if that cutout route could be added to layers on the FPSC project maps so like when we go in and look at things

45:43

we can see where the main historic Oregon Trail is but we also feel that the Barllo Road cutoff needs to be added

45:49

as well because it is also a very historic trail within the site within the boundary of Oregon plus the other 15

45:57

16 major historic trails. Um so we're just I'm asking if that map

46:03

could be added and I know OSU has something to do with the mapping so some kind of coordination perhaps could be

46:11

done to make sure that that cutoff map can be included. Um, I do have two maps

46:16

that were also here last night, but I will submit mine as well so that people today can look at them. Um, and hope

46:24

that that this blue line that's on these maps could be added. So, in conclusion,

46:29

my request is just that a bigger picture is viewed instead of the projects or piece, you know, looking at peace meal.

46:35

Um, the overall overall impact to this whole area is huge. It's just not a series of parcels, but a unique and

46:42

amazing landscape that has its own beauty and and importance.

46:47

Any questions? Thank you for your comments, Miss Miller. Any questions?

46:55

I don't hear anybody, but I do have one. Um, so I'm curious, and I did certainly hear

47:01

the comments last. I am curious if the association

47:06

that you're a part of if you have um commissionation

47:14

or um scheduled meetings with land owners who are all part of a part of

47:20

this process. We often don't know which land owners are impacted until we can look at the

47:26

project on the map. So sometimes we're uh sometimes we don't even know about it

47:31

until it's almost too late that it's even happening. Um, as people are learning more about Octa, the Oregon and

47:39

California Trails Association, some projects are reaching out to us so that we can start working on things ahead of

47:44

time and and trying to create that space where, you know, preservation can be

47:50

worked into the project if at all possible. And so, um, does that answer

47:56

your question? So, so yes and no. Like, we don't always know who owns what. And of course, most projects have

48:03

non-disclosure agreements signed. And so it's hard to know who knows what and who's willing to talk about what. And we

48:11

understand that projects are going to happen. We understand that we need energy. We're just trying to do what we

48:17

can do to save as much as we can while it is possible.

48:23

Thank you. Yeah, I I appreciate that. It's just it kind of um was opaque to me

48:30

about what happens beforehand, what you know, what communication could be done. It would be great if we could get in on

48:37

projects way sooner so that we could look up and then say, "Oh, that's not any threat of the trail."

Um that's

48:44

that's that's fine. Like that's not a problem. Or this is going to be a huge visual impact.

48:50

Let's see what we can do about that. or please don't put that transmission line directly along the length of this

48:56

section of the trail. Perhaps cross it instead and parallel it but you know a further distance away so that it's not

49:02

such a big impact. So I mean there's lots of things that we try to do to

49:08

keep the story alive. Okay, Secretary Cornette. Uh yeah, thank you Chair Con for the

49:13

record. Todd Cornet, um are you signed up to receive our monthly sighting report? Yes. Okay, good. because frankly we usually

49:20

don't even know the details of a project until they submit their notice of intent. So you know whatever has occurred before then we're not even in

49:27

the loop on. So when we get that notice of intent and then we start to put it in the monthly sighting report or we

49:33

provide the notice that's really the first time that we have any indication. But it is important to know that that's the pre-application stage. So

49:40

identifying anything any resources obviously your your your interest is in you know primarily with the with the

49:46

trails but that's the time to do it is during those notice of intent right comment periods right and I'm sure that I mean know it's

49:52

not just the trails I mean like there was a huge native presence in this area for hundreds of years and so that is

49:58

also an important thing right thank you welcome thanks for being here

50:08

Nancy See, sorry. All right. Uh, so at this point there is one person with their hand raised, but

50:14

let me just go ahead and remind everyone how to raise their hand and you see it on the screen in front of you. Um, if

50:21

you are on the webinar, you're going to click on the participant window at the bottom of the screen. You're going to

50:27

push the hand icon and that will raise your hand. When you're finished commenting, you're going to click it again to lower it. If you are on the

50:34

phone, push star three on your keypad to raise your hand and star three again to lower your hand.

So, at this moment, I

50:41

will unmute. I have Miss Irene Gilbert. I'm going to go ahead and unmute your mic.

50:47

And you are ready to leave your comment. Okay. Thank you. Thank you for allowing me to speak. Can you hear me?

50:54

Yes. Okay, great. Um, I wanted to comment on a couple of things. One is um as I've

51:00

followed the council over several years, I've noted that the opportunity for the

51:06

public to actually access the council members has become less and less easy

51:11

and available. And um one one thing I sent a a couple of notices a couple of

51:19

information items to specifically to the council regarding the um wildlife

51:25

mitigation plan for because of the exceedences. Basically, I said that I felt that with an error rate, um, doing

51:33

mitigation that was projected to only bring the bat deaths down to 1/100ths of

51:39

a percentage below the threshold of concern, uh, should be of concern to the to the council. and also that um there's

51:48

nothing that I can see in terms of a follow-up uh evaluation or surveys to

51:54

determine whether or not they actually stayed below the 2.5

51:59

standard. So I am concerned about that kind of thing. I also wanted to comment on the decision regarding an amendment

52:05

to the whether or not an amendment was needed due to the sale of the B2

52:10

interest in the um transmission line to a private enterprise. Um issues include

52:19

uh this is a non-energy uh organization which was has never done

52:25

this before. They were created just to uh have this sale.

52:30

um they they don't fall they are not going to fall under the authority of the

52:35

PUC uh because they're not an energy uh company and so there's going to be no

52:41

control over how much they're charging for energy or any of those kinds of things that are controlled that way. um

52:49

the fact that there is no longer going to be um the stated customers and or

52:56

owners that were in the original certificate for public convenience and necessity has resulted in at least three

53:03

appeals of the uh the uh PUC determination that they were not going

53:09

to resend that uh certificate of public convenience and necessity. I'm also

53:14

concerned because Pacific Core is basically wanting to sell this because

53:20

their um financing rating has fallen so much and I'm concerned about the ability

53:27

to access even access any funds from this Shell company if it is needed to

53:33

restore the site. So, lots and lots of concerns that should be of concern to

53:39

the council. Um and the PUC has not approved this sale. Uh they're going to

53:45

have to have full contested cases because of the the substantial impacts

53:51

and the unusual nature of this sale. So to think that the um energy facility

53:58

sighting council does not believe that you should have a full amendment process

54:04

uh really is a real surprise to me and

54:09

frankly I'll be really surprised if there isn't you know some kind of legal

54:14

um response to it just given the fact that it's no longer the same owner. It's

54:21

no longer to the same customers. Um the there's a question about whether or not

54:27

they should even be condemning property to build this. And part of that question

54:33

is related to the fact that these this new company has no experience and and

54:40

nobody's going to control what they do to the customers. So, um I encourage you

54:46

to uh have some more discussion about this and perhaps decide that a decision

54:52

to not provide an amendment isn't the wisest choice given I mean this is a big

55:00

deal, a big deal legally, a big deal um publicly and it's not going to go away.

55:07

So that's my comment about B2. Be careful what you do. Um, and I wanted

55:13

to say I'm sorry to see Katie gone. She was asking questions that needed to be asked, especially since the public has

55:21

such a hard time getting to the council with information. I was really surprised

55:27

to see the email that I sent to the council members returned saying, "We

55:33

aren't taking comments on this." And I'm assuming you never saw my email, but uh to have that kind of a blockade between

55:40

the public and and FSAC, it seems to um

55:46

defeat your entire reason for existing. So, thank you.

55:53

Any questions? Thank you, Miss Gilbert. Any questions

55:58

from the council or comments?

56:07

Thank you very much. Um Nancy, any any more hands raised?

56:18

There are no more hands raised at this time. We'll do a last call. If you'd like to make a comment, please raise

56:23

your hand.

56:40

I think that'll do it for us. So, we will move on. Thank you, Miss Miller. Thank you, Miss Gilbert, for your

56:47

comments. And we'll move on to our next item, which is the state line wind

56:52

project wildlife monitoring and mitigation plan amendment. And this is

56:58

an action item for the council. Christopher Clark, senior sighting analysis, will be guiding us through the

57:04

review. Thank you. Thank you, Chair Condan. Council members, for the record, my name is

57:10

Christopher Clark. I'm a senior sighting analyst with the department. Uh, and I've been assigned to monitor compliance

57:16

for the state line wind project. Um, so Nancy, if I could get the next slide,

57:21

please. Uh so the state line wind project is an operational wind power facility uh

57:29

located in Umatillaa County, Oregon and Walawala County, Washington. Um the council has jurisdiction over the

57:36

components cited in Oregon. Um as shown on the slide, the facility consists of

57:42

three phases um that are separated into two distinct geographic and operational

57:48

units. um those are state line one and two which are the black dots and um the

57:54

vansickle 2 portion of the facility which are the red dots. I'm going to be talking mostly about vansickle 2 today

58:00

um as that's what this mitigation proposal is for. And I also just wanted

58:06

to point out that there's different certificate holders for each of the

58:11

geographic units. Um but both certificate holder LLC's are um

58:16

subsidiaries of Nextera Energy Resources LLC. Um so moving specifically into the

58:24

discussion of Vancicle 2, that portion of the facility includes 43 Seammens

58:30

2.3 megawatt turbines. Um the council approved the final order on request for

58:37

seven uh in 2022 and that authorized that um the uh turbines which had been

58:44

commissioned in 2009 can be repowered with larger diameter rotors. If I could get the next slide please.

58:52

Um so that repowering was completed uh in 2023, sorry. And then a
58:59

postrepowering fatality monitoring study that was required by the um

59:05

wildlife monitoring and mitigation plan that was included as part of that final order on request
for amendment 7 uh

59:11

required one year of postrepowering fatality monitoring uh which was completed between 2023
and 2024.

59:19

Um after the monitoring was complete in April of last year, the certificate holder notified us that
there was an

59:25

exceedence of the threshold of concern for bat fatalities. Um and based on the estimation
methods

59:33

uh required by the WMP, the report estimated that there were approximately 5.86 bat fatalities
per megawatt

59:41

attributable to the facility in the monitor year compared with the threshold of 2.5 fatalities per
megawatt. Uh, no

59:48

other thresholds of concern were exceeded. And I did want to note um that all reported bat
fatalities were from

59:54

two migratory bat species. That's the Hory bat and silveredhaired bat.

1:00:00

Um, after an opportunity for public comment uh on the monitoring results and

1:00:06

consultation with the Oregon Department of Fish and Wildlife or ODFW, the department
notified the certificate

1:00:12

holder that based on the magnitude of the exceedence and the species effective that mitigation
was necessary.

1:00:18

We received the mitigation proposal um that is included as attachment one to

1:00:24

your staff report in October. Um, I'll go into the details and that in the next slide, but I did want
to remind the

1:00:30

council that the approved wildlife monitoring and mitigation plan authorizes the department to
agree to

1:00:35

mitigation actions and changes to the WMP, but it requires us to notify the

1:00:41

council of any agreements. Uh, and the council retains the authority to approve, reject, or modify the actions

1:00:46

or or agreements. Okay. So, uh, any questions so far?

1:00:53

Sorry, going a little fast. Okay. So in the mitigation proposal

1:00:59

itself um the certificate holder proposes to curtail operations

1:01:04

of all variable 2 turbines for the life of the facility. Curtailment would occur when wind speeds are below the

1:01:10

manufacturer's recommended cut-in speed of 3 meters/s year round and then the

1:01:16

cut-in speed would increase to 5 meters/s in July and October and 6 meters per

1:01:21

second in August and September. Um, curtailment essentially means feathering

1:01:26

or breaking turbine blades so that the rotation of the blade slows. Um, I can

1:01:32

go into exactly the definition of curtailment that we've worked out or received from the certificate holder in

1:01:39

a couple slides, but I just wanted to make sure that was clear. Um and then I wanted to kind of illustrate what this

1:01:45

graph is showing is that um we have studies showing that curtailment is an

1:01:52

effective strategy to reduce bat mortality associated with wind um wind

1:01:58

facility operations and that mortality rates are um or reductions in mortality

1:02:04

rates are positively associated with increased curtailment wind speed. So the more you curtail, the less likely it is

1:02:10

that there will be fatalities. Um I don't uh want to presume myself as

1:02:16

an expert on all the science on this, but um the general idea is that bats are

1:02:21

more active at lower wind speeds um since very windy conditions uh make it harder for them to fly and hunt. So

1:02:28

stopping or slowing blades to um less than dangerous speeds at these low wind

1:02:34

speeds is a really good strategy to reduce mortality without impacting um

1:02:40

the power production of the wind farm as much as other things might.

1:02:45

Um and then I wanted to point out that the yellow line on this graph is showing

1:02:50

the proposed cutin speed for wind. Um so

1:02:55

if winds are below 3 meters per second year you round it shows the flat part of the line. Um that's when the the wind

1:03:04

turbines would not rotate as quickly. Um that wind speed increases during the months when the most fatalities were

1:03:11

reported. Um those months also coincide with the migration periods for the two

1:03:16

bat species um that are affected.

1:03:25

So this uh proposal was based on the threshold of concern and based on the

1:03:31

statistical analysis provided in a metaanalysis of a number of different

1:03:36

curtailment studies. There's a link to that meta analysis in your staff report. The proposal would be expected to reduce

1:03:43

fatalities to 2.49 fatalities per megawatt per year uh which is just below

1:03:49

the threshold. Um we did consult with our colleagues at ODFW on the review of

1:03:54

the proposal um and whether it would be effective in addressing the concern and

1:03:59

they provided support for curtailment as a strategy to minimize and mitigate bat mortality risks.

Uh and they noted that

1:04:06

if this proposal was accepted it would be the first time that curtailment was implemented at an Oregon facility.

1:04:12

Um as I did want to note uh one thing is that there are no uh follow-up

1:04:19

requirements for monitoring of the effectness effectiveness of this proposal but ODFW um outside of the

1:04:25

regulatory process is working to connect an independent researcher with the facility um to conduct a study of

1:04:33

fatalities after curtailment is implemented. Um so based on the comments we received

1:04:41

from ODFW and review of the evidence provided uh the department notified the certificate holder that we agreed with

1:04:46

the proposal in December. Um and if I could get the next slide.

1:04:52

We are still in the process of working with the certificate holder to document the specifics and details of the

1:04:59

agreement as an amendment to the WMP. um specific items that we've discussed

1:05:05

or have resolved so far as the standard for containment, which is that they would um reduce the speeds of turbines

1:05:14

turbine blade rotation to less than one rotation per minute when the 10-minute average of wind speed is below the

1:05:20

applicable cutting speed. Um, we are still working to solidify the reporting

1:05:26

and validation requirements, although they've informed us that their SCAT system can um give a report of whether

1:05:34

or not the containment was implemented to the minute and that they're working on a way to include that into the annual

1:05:40

compliance report that would be submitted to us um each April. They're also um looking at a way to notify us if

1:05:48

there was a significant failure of the system and curtailment didn't happen when it was supposed to for a prolonged

1:05:53

amount of time. Um the certificate holder also notified us that they

1:05:59

intended for this mitigation proposal to only be implemented from dusk to dawn

1:06:04

because it is a proposal uh related to that mitigation. Um, we let them know

1:06:10

that we thought that was a material change since it wasn't specified in the original thing.

Although we don't necessarily object to it, we wanted to

1:06:16

talk to our colleagues at ODFW again and make sure there weren't any additional concerns. Um, they're also working on

1:06:24

getting the specifics of what dusk to dawn means and how that will be determined. So, um, all that to say on

1:06:31

this slide is that we don't have a red line for you at this time. We thought it

1:06:36

would still be valuable to get additional feedback. Um, if the council's comfortable with uh moving

1:06:42

forward with this information, I think it would still make sense to make a vote. I'll leave that up to you. Um, but

1:06:49

if you have any questions, I'm happy to answer them. Council members, any questions or

1:06:56

comments about the presentation? Councilor H. Yeah, this is Kent. I um great staff

1:07:03

report, good explanation. When I was going through it, it w it's kind of a

1:07:10

what's the word for when it's um not

1:07:16

straightforward in in the way you're thinking in the way I'm thinking anyway.

1:07:21

And so it was like when I was reading the in November to June when the blade

1:07:27

rotation would be limited when the wind speed is below 3 m/s.

1:07:33

I looked that up. That's about 7 miles an hour then the manufacturer is going

1:07:39

to cut the speed of the blade I think is what that means.

1:07:45

Um thank you council member. Ow. Uh, so when the the manufacturer's cutting

1:07:51

speed is the speed at which the um wind has to be blowing for the turbine to

1:07:58

begin producing electricity. Okay. Um so if the wind is not that fast, they

1:08:04

will feather it out of the wind so that the blades don't spin as fast. Okay. Yeah. Okay. So on that graph where when

1:08:12

the winds are higher uh in those months it seemed like it was

1:08:23

it the way it was showing with Nancy. Can you go back to that slide? Yeah. Thank you.

1:08:29

It looks like it allows them to go faster because the line goes up as

1:08:34

opposed to dipping down. Uh, and that just confused me. And it's not you. It's

1:08:41

not the It's just my brain was looking at it um and thinking, okay, I think

1:08:50

what I wanted to do is have it show a reduction in the speed of the blade, but that's showing how much it's going to

1:08:57

reduce the speed of the blade. Council member How, I'd say what the line on the graph represents is how fast

1:09:05

the wind has to be blowing before the turbine starts spinning. Um, it's not

1:09:10

related to the speed of the turbine itself. It's related to the speed of the wind. And once the wind starts blowing,

1:09:19

if it starts for most of the year outside of the migration period, if the

1:09:24

winds at 2.9 m/s based on their meteorological towers,

1:09:30

yeah, the turbines will be stopped from spinning as quickly. Okay. Once it hits 3 m/s or more, they will

1:09:38

feather the the blades back into the wind and it'll start spinning normally.

1:09:43

Okay. And I I do not know how fast those turbine blades go, but it is it is fast

1:09:50

when they are into the wind. So yeah,

1:09:56

Secretary Cornet, so just just for clarification because so to me this graph represents the fatalities.

1:10:03

Is that right? It's a two axis graph. So the axis on the left, the y- axis on the left is the

1:10:09

number of fatalities and that'd be the bar graph and then the wine graph is the cut in speed.

1:10:14

Right. Right. Yeah. And so the you know obviously August, September, October, that's where

1:10:20

the majority or much higher levels of bad fatalities are occurring, right?

1:10:25

And so trying to adjust the cut in speed during those months to a different level

1:10:31

to reduce those fatalities. Is that the the basic concept? That's correct. Yeah. And in the meta

1:10:38

analysis, it it kind of indicates that for each additional meter per second of wind

1:10:44

speed that you allow per certain to continue basically um you get a greater

1:10:50

number of uh le you get fewer and fewer reductions. So bats are still active

1:10:57

above 3.0 meters per second. Um so if you increase it to five or six uh more

1:11:03

bats or less bats will be negatively impacted by the lines. So so the yellow line is the

1:11:09

proposed cut in speed and so theoretically a year from now if you showed this graph

1:11:15

the yellow line would be the same because that's their established cut in speed. Yeah. But if it works as it's

1:11:21

supposed to work, those numbers probably in July, August, September, October.

1:11:27

Yeah. Those should be reduced um below that because those cutting speeds

1:11:32

changed according to that yellow line. Right. Yeah. I knew that's what it all was saying,

1:11:39

but intuitively it it seemed like the

1:11:45

to reduce the wind speed, the graph shouldn't go up. It ought to be reducing

1:11:51

the wind speed, you know, the speed of the blade. But I get it and I think you

1:11:56

did a great job. Okay. Thanks. That's my I'll take full credit for this graph and it made sense in my

1:12:02

brain, but I understand why it's not intuitive. But just can you go back to the graph? I

1:12:07

just want to make sure. And so from November,

1:12:13

well, as it says from November to June, the turbons are basically still

1:12:19

right. All right. Council member Conan, between November and June June, curtailment

1:12:27

would only occur when wind speeds are below 3 meters per second. So that's actually the most they would be

1:12:34

operating. They would be operating most of the time between November and June.

1:12:39

So that's don't that's in higher wind at higher wind speeds.

1:12:44

Yeah. And I don't know exactly where that ceiling is for them. But um they are more active at low wind speeds.

1:12:51

That's correct. Yes. Okay. That helps too. I didn't understand that.

1:12:56

Okay. I think I was kind of thinking about this backwards. too.

1:13:02

So, and I have a question related to curtailment and um is has curtailment

1:13:08

been used in I mean I'm presuming that the Oregon Department of Fish and Wildlife has lots of information about

1:13:15

this issue. Is curtailment used in other states effectively and therefore

1:13:22

this should be meaningful curtailment here should be meaningful to

1:13:28

decrease fatalities chair condan yes the I don't know how

1:13:35

often it has been used as a regulatory instrument but the um metaanalysis

1:13:41

provided is actually based on real studies that happened across the United States including including studies I

1:13:47

think in the Northwest but definitely studies that uh included the two species that um are present here were present in

1:13:56

those studies um and they look at both a pre-cretailment study and a

1:14:01

postretailment study um to a certain extent and then um see how the reductions played out. So I think there

1:14:08

are um I couldn't tell you the exact number of studies but it being a a um

1:14:14

meta analysis it does include several that were conducted over a decade so

1:14:19

empirically supported to be an effective strategy. Yes. Okay. Thank you. And um a final question

1:14:26

for me um on it is given the higher than

1:14:31

anticipated uh fatalities before is there any um mitigation you know post

1:14:36

mitigation you know we've seen contributions to wildlife centers or

1:14:42

whatever to to speak to the over fatalities. Um

1:14:48

when we uh had our initial consultation with ODFW um we kind of asked about that. Uh they

1:14:55

there's two reasons why that sort of compensatory mitigation

1:15:00

um was not preferred and and this sort of operational curtailment that's

1:15:06

actually designed to reduce future fatalities was um the option that we push for and in in what was um proposed.

1:15:15

So there's not a lot of data available about migratory bats. Um there's not a
1:15:21
lot of science on them. So not a lot of studies. Um and biologists don't even know a ton about
their migration
1:15:28
patterns. Um so we see them when they show up uh in a fatality study, but it's
1:15:34
hard to kind of estimate what would really help them um as far as um that
1:15:40
sort of mitig compensatory mitigation. And the other thing is where raptors might be able to go
to a rehabilitation
1:15:48
study. Um bats are both very small and and I think any interaction they have
1:15:54
with a wind turbine that results in an injury or fatalities is almost always a fatality. So there's not
a lot of like
1:16:02
opportunities for rehabilitation of injured bats just because of the nature of how they are affected
by the
1:16:09
turbines. Yes. And to be clear, I wasn't suggesting that um I think the
1:16:15
mitigation approach as it is here going forward is much better than a compensatory approach, but
it was the
1:16:21
compensatory compensation for the higher than expected that
1:16:27
I I was questioning but just a question. Thank you, Chair Con. One comment on the
1:16:33
thresholds of concern is they are a signpost. So it's, you know, we have
1:16:39
requirements for post construction fatality monitoring often and then if a threshold's exceed is
exceeded, it's not
1:16:45
necessarily like they need to meet the threshold like that triggers a
1:16:51
conversation with us and then we see if this is a impact that wasn't considered in the permitting
that needs to be
1:16:57
addressed. Um, and that's what we found was the case in this case. A lot of times there will just
be another year
1:17:03
monitoring and it'll be found to be an anomaly. So, um, it is, uh, you know, a
1:17:09
little more nuanced than we just need them to get down to 2.5. Okay. Thank you. Any other
comments or

1:17:16

questions? Seeing we're hearing none,

1:17:22

Chair Condan, I move that the council approve the proposed amendments to the state line

1:17:28

wind project wildlife monitoring and mitigation plan to curtail turbine operations at the Benickle

1:17:35

2 unit below specified wind speeds to address an exceedence of the threshold

1:17:40

of concern for bat fatalities as presented in the staff report. Thank you, councilor. House

1:17:47

second. Um, we have a second from councilor

1:17:54

de secretary.

1:18:00

Yes, there's Perry seconds the motion.

1:18:05

Oh, we had a second from councilor Dellet. Okay. Thank Thank you, Councilor Perry

1:18:11

and Secretary Cornette that can you please call Patty Perry?

1:18:18

Yes. Richard Delin. Yes.

1:18:24

Kent How? Yes. Cindy Condan. Yes.

1:18:30

Marcy Grill. Yes. Yes. Motion carries. Chair Condan.

1:18:35

Thank you, Secretary Cornette and counselors. Chair Condan. Thank you. Yes,

1:18:40

this is Marcy and Christopher, I just got to tell you, thank you for what you're doing, but I tell you everybody

1:18:47

every year, this is the hardest thing for me to do on FSE. I can the whole bat

1:18:54

thing just wigs me out. So, good on you for getting in there and and pulling it

1:18:59

together for us, Christopher, because if I had to read very much, I don't I don't think I'd be pulling my weight. So,

1:19:04

thanks as always for a great presentation. Yeah. Yes. Thank you.

1:19:11

Is it the picture that wigs you out? The uh when I see you again, I will amuse

1:19:18

you with all my nuance fears and paranoia and all the things bat related.

1:19:23

Bats and rats, all the things just I can't even tell you. I can't look at them on TV without getting the

1:19:30

heebiejibbies. Yes, technical term heebie-jebies. Uh I turn into a 5-year-old child. I just I'm sitting

1:19:36

here with my eyes kind of open like squinting trying to not be a child about it, but Oh, that's a rough one.

1:19:45

Well, thanks for sticking with us. Okay, next item on the agenda is the

1:19:50

Oregon Trail Solar Facility Reveitiation and Noxious Weed Plan amendments. It's

1:19:55

an action item and Sarah is with us once again, policy advisor and you'll for a

1:20:02

presentation. Thank you. Thank you. Good evening, Chair Condan, Vice Chair Byer, and members of the

1:20:08

council. Um, so the site certificate for the Oregon Trail Solar Facility

1:20:13

authorizes up to 41 You can go back just one second. It authorizes up to 41

1:20:19

megawatts of a combination of wind and solar power generation components within an approved site located in Gillum

1:20:26

County. The certificate holder is Oregon Trail Solar LLC, which is a wholly owned

1:20:31

subsidiary of Avengrid Power LLC. So for this facility, the

1:20:38

preconstruction and construction is being phased and it's currently in both

1:20:43

phases um with plans to move forward with construction 41 megawatt solar facility

1:20:50

and 20 megawatt battery energy storage system um on Monday.

1:20:56

So as you know as we talk about um compliance that preconstruction compliance is a phase where the

1:21:02

certificate holders required to comply with preconstruction conditions that are established in the site certificate that

1:21:09

you've issued prior to moving forward with construction. And this is a process where the certificate holder is

1:21:15

submitting information to the department for review and approval orurrence.

1:21:20

Mitigation plans are almost always pre-construction requirements that have to be finalized and approved prior to

1:21:27

construction. So in this instance for this facility, we're here to discuss changes related to two mitigation plans,

1:21:34

the reveation and noxious weed plans. So as part of pre-construction compliance

1:21:40

of for this facility for these two plans, the s the certificate holder requested changes that are beyond the

1:21:46

scope of changes contemplated in the draft plan. So, while we're we've reviewed for approval for finalization,

1:21:53

they've requested substantive changes that we want to bring back to um the council for transparency to make sure

1:22:00

that you would agree with these types of changes. And as we've discussed in a couple of meetings over the last year,

1:22:05

if if not a lot, that mitigation plans do have an amendment clause that allows

1:22:11

for changes to be reviewed outside of the amendment process, but maintains an obligation that we bring it forward to

1:22:18

council for concurrence, modification, or rejection.

1:22:23

Okay. So, let's move into the substantive changes that they that the certificate has proposed. So first um

1:22:31

the reveation plan the reveation plan applies to temporary temporary impacts

1:22:38

to habitat predominantly and then it has general requirements for restoration of

1:22:43

temporary impacts to crop land. So the proposal is to remove all requirements

1:22:49

that apply to temporarily impacted habitat because based on the solar

1:22:54

facility, there really isn't temporary impacts outside the fence line that are

1:22:59

considered habitat. What they have is a little sliver of a collector line that is it has grass land dispersed

1:23:07

throughout other a land in between the patchway facility and active a. So when

1:23:14

if if you look at it on its own, it's grassland that's considered habitat. But when you look at it overall and you

1:23:22

consider habitat function and value based on consultation with ODFW, we

1:23:27

agree to categorize it as category six, which relieves the obligation to do a

1:23:33

habitat restoration level plan that is within the reveation plan.

1:23:39

Um so just to note general reveitation requirements still apply. You have a

1:23:44

mandatory condition that applies to all temporary impacts and it says you have to restore temporarily impacted land

1:23:50

commensurate with adjacent lands and then they have an obligation under the

1:23:56

1200 C permit that DEEQ issues. All FSE facilities have to get this permit that

1:24:01

also has a vegetation uh stabilization requirement before they can close that permit out. So while the proposal is to

1:24:09

basically remove this habitat restoration level requirement because there's no real habitat, know that

1:24:15

reveation is still a requirement. Okay. So and then we we are going to

1:24:22

lift the general restoration of crop land temporarily impacted crop land over

1:24:28

into the noxious weed plan. So now we can go over into the noxious weed plan. That noxious weed plan also has um a a

1:24:36

seeding and weed treatment obligation. So you're going to get reveation through the noxious weed plan as well. But the

1:24:44

substantive change here that was beyond finalization requires amendment is that they again want to use sheep grazing as

1:24:51

a vegetation management strategy at this site. Um, you have evaluated this

1:24:56

request for several solar to date, including the Montag Solar, also known as Patchway, as well as Bake Oven and

1:25:03

Daybreak. And as you know, with ODFW coming forward, you received a

1:25:08

presentation a few months ago, their biggest concern with sheep grazing is the potential for disease transmission

1:25:14

to big game or to um big horn sheep. Um, and so we did consult with the regional

1:25:20

biologist Lindsey Summers at ODFW to confirm whether that disease transmission risk concern existed for

1:25:27

this site and they confirmed that it did not. But they do have a set of best management practices they've recommend

1:25:34

be included in the plan. So that is included in red line and the attachment to for your consideration. but it

1:25:40

includes um doing fence checks to make sure that the the the fence is intact

1:25:46

and that sheep can't escape. Um and that they would be monitoring and reporting to evaluate if there are um big horn

1:25:53

sheep identified or if any of sheep escape from the site should they choose to use it. Um and then we've recommended

1:26:01

that the noxious weed plan make clear that use of sheep grazing and the success thereof is reported annually to

1:26:08

the department as we do want to understand if this is working or what type of problems are occurring and that

1:26:13

they are following through with those ODFW notification elements

1:26:20

and yeah I summarized that on the slide too. Okay. So, those are the substantive

1:26:26

changes proposed that would necessitate an amendment of both the reveation plan and the noxious weed plan. And we are

1:26:32

recommending that council concur with staff and agree that these changes can be incorporated.

So, I'll hand it over

1:26:39

to you for deliberation and decision.

1:26:44

Council members, any comments or questions? No questions. This is Marcy.

1:26:54

Thank you. Thank you, Miss Esther, for um the presentation. And I think we

1:27:00

might be ready for a motion. Chair Condan, I move that the council approve the proposed amendments to the

1:27:06

Oregon Trail Solar Project Revitation Plan and the Noxious Weed Plan as presented in the staff report.

1:27:13

Thank you, Councilor. How? Do we have a second?

1:27:19

This is council member Gra. I second the motion. Thank you, councilor Grail. Any

1:27:25

discussion? Secretary Cornett, I think we're ready for a vote.

1:27:32

Richard Delin. Hi. Kent Hal, yes.

1:27:39

RC Gra, yes. Patty Perry,

1:27:44

yes. Cindy Condan. Yes. Motion carries. Chair condan.

1:27:51

Again, thank you Miss Esterson for the presentation. And now we have on the schedule a break.

1:28:00

Um so we'll take a break at this point. And our next agenda item

1:28:06

um is at six o'clock. And so this will be a longer break than our our normal

1:28:13

break. Sorry about that. We don't have a circus animals or anything. So with us,

1:28:19

we do have some refreshments and um some people to talk to. So thank you very

1:28:25

much. We'll break until 6:00.

1:28:40

Good evening. My name is Cindy Condan. It is now 6 5:59 almost 6:00 and I would

1:28:46

like to call the meeting back from recess and continue on with our next agenda item which is Big Low Canyon

1:28:54

Amendment 4 the public hearing and with us tonight is Chris Clark senior

1:28:59

sighting analyst will provide an overview of the sighting process and the proposed amendment as the hearing

1:29:05

progress and the hearing will progress. Thank you, Chris. You have

1:29:12

Thank you, Chair Condan. Council members, for the record, my name is Chris Clark. I'm a senior sighting analyst with the department, and we are

1:29:19

uh here tonight for the public hearing on propo on the proposed order for request for amendment four of the site

1:29:25

certificate of the Biglo Canyon wind farm. Um I am going to start the

1:29:31

presentation uh tonight with a overview of the um proposed amendment and the

1:29:37

proposed order. I'll then turn it over to our senior sighting analyst Sarah Esther who will be serving as the

1:29:43

presiding officer for tonight's hearing. Um Sarah will give an overview of the hearing process itself and then um open

1:29:50

the floor to public hearing and oral testimony. Um the order of testimony will be the

1:29:57

certificate will be given an opportunity to speak followed by members of the public and then um the council will have an opportunity to ask clarifying

1:30:03

questions. Um uh to get into the overview of the

1:30:11

proposed order. Uh this project the Biglo Canyon wind farm is an operating

1:30:16

wind power generation facility in Sherman County. Uh the facility includes 217 Vestus and Seaman's turbines and

1:30:24

related and supporting facilities including a collector substation and an O andM facility. Uh the facility is

1:30:31

located within an approximately 39 square mile site located about 2 miles from the city of Wasco at its closest

1:30:38

point. Um, in request for amendment four, the

1:30:44

certificate holder proposes to construct and operate a 125 megawatt solar

1:30:49

photovoltaic power generation facility, 500 megawatt hour battery energy storage system or bests and new related or

1:30:56

supporting facilities uh at the existing site. The proposed facility components

1:31:01

would be located within a proposed solar micro sighting area which is represented by the pink hash outline on this map. Um

1:31:10

the proposed solar micro sighting area includes approximately 1,924

1:31:15

acres uh which is uh that is located entirely within the

1:31:21

approved site boundary. Um that proposed microighting area is located approximately 4.8 miles northeast of the

1:31:28

city of Wasco.

1:31:33

This request for amendment is being processed under the amendment rules that were adopted by the council last

1:31:39

October. Um the department received the preliminary application or preliminary

1:31:45

request for amendment, excuse me, on April 21st, 2025. Uh we com conducted a

1:31:50

completeness review in coordination with reviewing agencies and after receiving responses to requests for additional

1:31:57

information between July and September of last year and then in a revised amendment request in November, we issued

1:32:03

a determination that the request was complete on December 5th, 2025.

1:32:08

On December 16th, we issued the proposed order as well as a public notice establishing the common period on the

1:32:15

proposed order and tonight's hearing. After the close of the public comment period, the certificate holder will be

1:32:21

required to respond in writing to comments and the department will have the option to respond as well and then

1:32:26

there will be an opportunity for com commenters to reply to those responses and certificate holder to provide s

1:32:32

replies to those replies. Uh Sarah Esterson will go over this process in more detail during her presentation.

1:32:41

Um, no later than 21 days after the deadline for sir replies, the department must issue a draft of the final order

1:32:47

with written analysis of any comments on the proposed order, including analysis of responses and replies and s replies

1:32:53

and whether we recommend any changes to the proposed order. Um, and then if we recommend any changes, we will include

1:33:00

them in a draft final order which we'll present to the council. The council can review and then um modify, reject or

1:33:07

approve as their final order. Um, if the council grants issuance of an amendment site certificate, uh, the

1:33:14

council will then issue an amended site certificate effective upon execution by the council chair and by the site

1:33:19

certificate holder.

1:33:27

So this uh request would add new energy facilities to the existing site in the

1:33:33

existing site certificate. Um and for that reason there were a lot of existing conditions in the um approved site

1:33:40

certificate which were applicable to pre-construction and construction phases of the existing facility which while no

1:33:46

longer applicable to the existing facility could be updated and amended to apply to the proposed facility

1:33:52

components. Um some of those conditions particularly mandatory conditions would also apply to both the operation um of

1:33:59

existing and proposed components. Uh to make applicability of the existing and proposed conditions more clear,

1:34:06

departments recommended that the site certificate be reorganized and that all conditions be renumbered with an

1:34:12

identifier that includes phase and standards similar to more recent site certificates. Um but many of those

1:34:17

conditions aren't changing. Uh and some of the conditions that are new or proposed to be amended are very similar

1:34:23

to conditions that um have been imposed or adopted by the council in recent proceedings. So, I'm not going to go

1:34:30

into um the standards which only have those kinds of conditions in them in a

1:34:35

lot of detail during this presentation. Um they are shown on this slide. These standards that I won't cover more here,

1:34:42

but I did want to give the opportunity um to the council to ask questions. Now, if you want um just so you know that

1:34:49

there are findings and conditions associated with all these, I just don't have more in my presentation about them

1:34:55

at this time. Yeah. Is that better?

1:35:04

Okay. Um, I'll hear questions. I'm going to go over some select issues and

1:35:10

conditions in the proposed order. I do know we have a lot of interest tonight, so I will try to keep it brief.

1:35:15

Um for the general standard of review, um the department is recommending that

1:35:21

the council find that this facility or the request for amendment would comply with the applicable standards and that

1:35:28

the council approve this. It's part of the general standard review. As far as conditions, um we do have two fairly

1:35:33

standard conditions for construction deadlines that I did just want to highlight. Um these are similar to what

1:35:39

the council has done recently, but um given some legislative changes recently, I thought it would be worth um just

1:35:45

pointing out that our recommended general standards one and two would recommend um that the council uh impose

1:35:54

construction deadlines that for the beginning of construction, uh construction would be required to start

1:35:59

within six years after the date the amended site certificate is issued. And then um construction would be required

1:36:06

to complete be completed within three years after the date that construction actually begins. Um this is uh again

1:36:13

consistent with the mandatory condition language that requires the council to set deadlines and with the requirements

1:36:19

of HB 3681 uh which requires the council to give at least six years to the start of

1:36:25

construction. Um but I did want to point out that in the request for amendment the certificate holders indicated that they intend to begin construction in the

1:36:31

second quarter of this year. uh and that construction would take 17 to 19 months.

1:36:39

Okay, moving to organizational expertise. Uh we wanted to highlight that this um project is somewhat unique

1:36:46

in that the certificate holder which is Portland General Electric Company would construct and operate the solar

1:36:52

components in partnership with a another entity um Big LNLC.

1:36:57

Big L which is a subsidiary of Bright Knight LLC under a build transfer agreement. Um so given this partnership

1:37:07

um we are both looking at the expertise of Coral and General Electric and Brightite. Um Bright Knight as it says

1:37:13

on the slide is based in Florida and has designed and constructed over 6 gawatts of solar and storage projects in the

1:37:19

United States. and that um in the request for amendment, Bright Knight and PG have committed to having stringent

1:37:26

contracting standards to ensure the selected contractors and vendors can adequately support the construction and

1:37:31

operation of facility components proposed in the request for amendment. Um

1:37:38

to ensure that this happens, uh the department has recommended the council

1:37:43

adopt and amend several conditions. Recommended amen amended condition one

1:37:48

would require the certificate holder to provide notice of the identity identity and qualifications of all primary

1:37:55

contractors and vendors involved in the construction of the solar facility which is a fairly standard condition and

1:38:01

similar to what is in current condition one. Um the change is that the condition would also require uh PGE to identify

1:38:08

the individuals at big L that will manage and oversee the selected vendors and contractors. So there's an

1:38:14

additional layer of oversight included. Um similarly

1:38:20

recommended amended condition two which currently only applies to construction would require the certificate holder and

1:38:26

big L to contractually require all contractors and subcontractors for the construction uh and operation it should

1:38:33

say on the slide of the solar facility to comply with all applicable laws and regulations uh and the terms and

1:38:39

conditions of the site certificate.

1:38:47

Um, next we just wanted to highlight, and I think this is one of the things you will hear about during the hearing

1:38:53

tonight, is that the existing wind facility has experienced substantial appointment and maintenance issues over

1:38:58

the past few years. Um, and that we have uh been documenting incidents since

1:39:04

2022, including a blade detachment, uh, oil and grease releases, multiple

1:39:09

transformer failures, u multiple turbine door and hatch malfunctions. Um, those

1:39:15

are things that have been reported to the council and your regular compliance reports. Um, they are also things that are being addressed through corrective

1:39:21

action plans and other compliance actions at the site. Um but we have um

1:39:27

given those um issues and the lessons learned identified by the certificate

1:39:32

holder in the request recommended a few additional conditions um new conditions

1:39:38

be imposed uh to enhance the oversight of operations and maintenance activities

1:39:44

at the site. Recommended organizational expertise condition ones and two would

1:39:50

require finalization and implementation of a draft framework operations

1:39:55

maintenance plan prior to and during operations. Um that plan outlines the

1:40:01

operational responsibilities, long-term maintenance protocols, quality assurance processes, environmental compliance

1:40:07

measures, and emergency response and monitoring systems that would be relied upon to safely operate and maintain the

1:40:12

solar components. A version of that draft framework plan that includes

1:40:18

information the department believes will be required to be included prior to operation is included as a C to the

1:40:24

proposed order. Um the additional inquir information requirements included by the

1:40:30

department include things like budgeting, community outreach and reporting protocols.

1:40:37

Recommended organizational expertise condition three would incorporate construction progress reporting

1:40:44

requirements which are established in OAR chapter 345 division 26. Um but

1:40:50

where those reports are typically provided semianually the recommended condition would um increase the

1:40:56

frequency of reporting to every 3 months to allow the department to track uh progress and compliance more closely.

1:41:03

And then recommended and the last bullet should read recommended amended condition for would impose enhanced

1:41:10

incident reporting requirements similar to the requirements provided in OAR chapter 345 division 29.

1:41:22

Moving to land use, we just wanted to highlight um that there are numerous land use conditions uh intended to um

1:41:31

ensure compliance with the uh Sherman County zoning ordinance and other local land use uh criteria. Um but we wanted

1:41:38

to focus on the goal exception and recommended land use condition six, which would be uh implementing part of

1:41:45

that exception request. Um so in the um goal exception request, the

1:41:53

certificate holder provides several reasons uh why the re policy underlying

1:42:00

statewide planning goal three should not apply. And the department recommends that the council grant a goal exception

1:42:05

based on two of those reasons which are locationational dependence uh to uh both

1:42:11

existing in energy infrastructure including transmission and transportation infrastructure a as well

1:42:17

as a rural economic development reason. Um and the council or the department has recommended the council reject proposed

1:42:23

minimal impacts to other resources in consistency with state climate goals and policy reasons.

1:42:29

Um, as part of the local rural economic development benefit reasons, the
1:42:35
certificate holder has represented that it will finalize and implement a draft
1:42:40
community investment plan um, and contribute \$1,600
1:42:46
per acre of cultivated land that would be occupied by the solar components to a community
investment plan that would be
1:42:52
administered by the Mid Columbia Economic Development District. um recommended land use
condition six would
1:42:58
require the um certificate holder to implement those representations
1:43:12
for fish and wildlife habitat. the um
1:43:18
and my apologies for not having the exact number, but um the uh facility would occupy mostly
1:43:27
cultivated farmland, but there would be I think around 24 acres. Um my apologies
1:43:33
again for that not being the exact number of category two um sage brush uh
1:43:40
sage brush shrubland habitat uh and other habitat areas. Um to mitigate for
1:43:47
those impacts, they recommended fish and wildlife habitat conditions one and two
1:43:52
would require the certificate holder to finalize and implement a draft habitat mitigation plan and
provide in kind in
1:44:00
proximity mitigation for habitat impacts. Um this is a pretty standard
1:44:05
approach for mitigation to habitat impacts. And one thing we wanted to flag here is that the
habitat mitigation area
1:44:12
that was identified in consultation with the Oregon Department of Fish and Wildlife is a habitat
mitigation area
1:44:18
adjacent to the Cardi generation facility in Mororrow County. Um, we understand that that site is
preferred
1:44:25
because it provides high-quality grassland habitat of a similar kind to the habitat that would be
impacted and
1:44:31
is adjacent to other um habitat mitigation areas which would enhance the conservation of value
of the habitat
1:44:38

mitigation area. Um

1:44:44

we also have a condition which is fairly similar to um standard conditions uh

1:44:50

requiring seasonal restrictions on construction work near active net sites. Uh and those were uh recommended in

1:44:58

accordance with recommendations from ODFW.

1:45:19

Um, we have several uh public services conditions

1:45:25

that are amended from uh conditions that would be in the existing site

1:45:30

certificate as well as new conditions for public services. Um I want to

1:45:35

highlight in particular recommended amended conditions 74 and 76 and then recommended new public services

1:45:41

conditions 1 and two. Um recommended amended conditions 74 and 76 would

1:45:47

require the certificate holder to demonstrate that an adequate water supply for construction operation has

1:45:52

been secured. Then that all water for construction will be legally obtained. that's similar to the conditions the

1:45:58

council has adopted um in other water constrained areas in the state. Um for

1:46:05

recommended public services conditions one and two, they would require the certificate holder to develop and

1:46:10

implement a construction worker housing plan um to provide strategies to minimize impacts to the local housing

1:46:16

supply. Um that is in part due to the limited nature of RV parking here in Sherman County um and the potential for

1:46:23

um adverse impacts uh if there's not a coordinated effort to to make sure construction workers get to appropriate

1:46:30

housing options.

1:46:35

Um, in addition to organizational expertise, as I mentioned earlier, I think one of the the things the council

1:46:41

will hear a lot about tonight and the thing the council has heard about in uh comments already submitted on the record

1:46:47

is wildfire prevention and risk mitigation. Um, we just wanted to uh

1:46:52

summarize some of the findings in the proposed order. Uh so conditions in in Sherman County are conducive to large

1:46:59

and fastmoving fires um grass fires and the probability of a fire in the

1:47:05

proposed solar microighting area is high particularly in this summer months according to data from the community uh

1:47:11

wildlife the community wildfire protection planning tool um as well as

1:47:16

the Oregon wildfire explorer map data. um areas of elevated fire risk in the

1:47:23

proposed solar microitarian area which are um shown by the darker red areas on

1:47:29

the map on the slide are concentrated around addition add existing residential structures and infrastructure. We also

1:47:37

want to point out that um damage to agricultural lands and um other areas is

1:47:43

is possible. Um you can see in this map too that there are some areas within canyons that um are mapped as having you

1:47:50

know white benefits from fire. Um those are really ecosystem benefits and don't reflect the the hazard of fire spread.

1:48:02

um design features and maintenance standards to reduce wildfire risk that

1:48:08

are discussed both in the um request for amendment as well as the draft

1:48:15

construction wildfire management wildfire mitigation plan that's attached to the proposed order and the proposed

1:48:20

order itself in um orienting arrays adjacent and parallel to existing RS

1:48:26

existing roads for access and fire brakes setting perimeter fences back at least 50 ft f feet from property lines

1:48:33

and facility components 20 ft back from those fences. Installing 20ft service

1:48:38

roads with 10ft vegetation clearance zones on either side. Maintaining 20 foot vegetation clearance areas around

1:48:45

the outside of all perimeter fences. Uh and maintaining 20 foot gravel or compacted soil buffers around the ODM

1:48:52

building uh collector substation and a proposed battery energy storage system.

1:48:59

Um and to show in a little bit more detail inside those areas called uh

1:49:04

vegetation clearance zones and areas within the solar array fence vegetation would be limited to height of 10 to 12

1:49:10

in during the rainy season uh when fires are less likely and then 1 to 3 in during the dry season.

Um a minimum

1:49:18

vegetation clearance of 12 in would also be maintained from electrical equipment at all times.

1:49:27

Uh, as far as the conditions, um, wildfire prevention and risk mitigation

1:49:32

conditions one and two would require the certificate holder to develop and implement a construction wildfire

1:49:37

mitigation plan, whereas wildfire prevention risk mitigations conditions three and four um would apply to the

1:49:44

operation of the facility. Um, the certificate holder would be required to develop and implement a operational

1:49:51

wildfire mitigation plan. Um but the condition as recommended would allow the certificate holder to rely on the um

1:49:59

public utility commission reviewed wildfire protection plan or other plans included in the um final order or

1:50:06

approved by the department to satisfy the requirement. Um and I'm highlighting this. I do want to point out that there

1:50:11

is a draft construction wildfire mitigation plan attached to the proposed order. Um but there is not an

1:50:17

operational wildfire mitigation plan at this time. Although some of the um

1:50:23

requirements and vegetation standards have been incorporated into other plans.

1:50:33

Um in particular um vegetation management uh conditions

1:50:40

would be incorporated into a draft comprehensive revitation and soil management plan which is required under

1:50:47

recommended soil protection conditions 1 to four. Um and then I wanted to just

1:50:52

highlight that the setbacks from the property lines um are uh being

1:50:57

recommended under a land use condition recommended land use condition one.

1:51:05

Okay. Um that concludes my review of uh the things that we thought would be most

1:51:11

important for the council to be aware of and things that the public might be interested in before this. Um, I do want

1:51:16

to go quickly over a review of the comments that we've received to date and then I'll turn things over to Sarah. But

1:51:22

I'll just pause for a second in case there's any questions.

1:51:31

Okay. Um, so I my site is a little out of date. I I put this together at about

1:51:38

noon today, but um, since that time we received one additional comment. So, as of today, the department has received

1:51:44

nine written comments. Six of those comments are from Kathern Mcola. Um, one

1:51:49

of the comments was from the Mid Columbia Economic Development District. Uh, the certificate holder provided

1:51:54

comments and then we also received comments from the Confederated Tribes of the Warm Springs Reservation of Oregon.

1:52:00

Um, I believe uh most of the folks who provided comments are here tonight, so

1:52:06

I'm going to go over what's in there very very briefly. Um I did I do not have a a slide for the Mid Columbia

1:52:12

Economic Development District's comments and I'll just summarize that they explain their um relationship with the

1:52:18

community investment plan and their um their uh partnership in implementing it.

1:52:23

So good comments to review. Um issues raised in comments by Miss

1:52:30

McCulla include concerns about the certificate holders ability to safely operate and maintain the proposed

1:52:35

facility components. Uh and those comments provide documentation of ongoing maintenance issue at the

1:52:41

existing wind facility. Um the comments provide concerns about the certificate holder's ability to maintain vegetation

1:52:47

equipment on site uh in a manner that provides protection from wildfire. Concerns about potential liability for

1:52:54

damages uh to the solar facility from a wildfire arising from farm practices. Um

1:53:02

uh concern over the lack of the operational wildfire mitigation plan. uh a comment that exhibit P which is the

1:53:10

wildlife uh habitat exhibit and the biological assessment in the request do not adequately address impacts to

1:53:16

mammals and other species that could be present at the site such as pong horn and mu deer uh concern and agg and and

1:53:23

concern about the accuracy of a single hearing again I'm summarizing this very quickly there's obviously more detail in

1:53:29

those comments and the commenter herself I believe will be touching on a lot of these topics tonight uh but I just

1:53:35

wanted to give a overview of what was in there. Um the certificate holder um also

1:53:42

provided fairly extensive comments requesting corrections to the facility description, minor corrections to

1:53:48

certain findings and conditions in the site certificate. Um I'm sure you will hear in more detail from them about

1:53:53

those tonight. Um they've requested additional flexibility in transmission corridor sighting under the proposed

1:53:59

recommended condition Gen T05. um request for changes on timing of

1:54:05

compliance with water rights conditions preWR1 and operations WR1 relating to the

1:54:13

timing of providing a well log for new wells and flow meter readings for existing wells um based on when it's

1:54:19

possible to get that information u and request for uh release of the

1:54:25

prohibition on vegetation removal for during critical periods for ground nesting birds um if clearance surveys

1:54:32

are conducted prior to removal. Um, and then I will I don't have a slide

1:54:40

for the comments from the Confederated Tribes of Warm Springs, but um I do think it's important just to raise those that they uh requested

1:54:47

uh specific uh review of a condition related to the scope of when um cultural

1:54:54

resource monitoring would be required. Um they've asked that it be required during all ground uh disturbing

1:55:00

activities, not just in ground disturbing activities within a avoidance buffer.

1:55:06

Um yeah, and so that concludes my presentation. Um and unless there's

1:55:11

questions for me, I will turn it over to the presiding officer to give an overview of the hearing process.

1:55:32

Okay, good evening and welcome. This is the public hearing on the proposed order

1:55:37

on request for site certificate amendment 4 for Biglo Canyon Wind Farm.

1:55:43

I Sarah Esther, senior policy adviser for the Oregon Department of Energy Sighting Division, am serving as the

1:55:49

presiding officer for this hearing. Today is January 15, 2026. The time is

1:55:56

6:27. This public hearing is being held at an

1:56:02

energy facility sighting council meeting in person here at the Grass Valley Pavilion in Grass Valley, Oregon. This

1:56:09

hearing is also being held via WebEx webinar with a call-in option for those who cannot participate in person or via

1:56:17

webinar. Please note that this hearing is being recorded and the presentations,

1:56:23

written comments, and all verbal testimony are part of the decision record for this amendment request.

1:56:35

Okay. So hopefully you're aware the comment period on the department's proposed order on request for amendment

1:56:42

4 extends through January 30th at 5:00 p.m.

1:56:47

It is important that you know the following information.

1:56:53

A person who contends that the council should reject the request to amend this site certificate or that council and its

1:57:00

final order should reject or revise certain aspects of the department's proposed order must meet the following.

1:57:08

You must comment in person or in writing prior to the close of the comment period. Again, that January

1:57:14

30th, 2026 5:00 p.m. deadline. You must raise your issue with sufficient

1:57:20

specificity to afford the council, the department, and the certificate holder an adequate opportunity to respond.

1:57:27

To raise an issue with sufficient specificity, you must in your comments identify the recommended findings of

1:57:34

fact, conclusion of law, or conditions of approval that are included in the proposed order to which you object. You

1:57:41

need to specify the council standard or other applicable state or local requirement on which your objection is

1:57:47

based and present facts or statements that support your objection.

1:57:53

If your comment is not made with sufficient specificity, the council will not be able to make changes in its final

1:57:59

order based on your comments.

1:58:07

Okay. So um if if you comment during this comment period which started

1:58:13

December 5th again extends through January 30th you will automatically be part of a subsequent process um which is

1:58:22

designed to further evaluate the issues that you raise. This is a new process for us so it's

1:58:29

going to be interesting. So uh the certificate holder which is Portland General Electric is required to respond

1:58:37

to all comments. The department may respond but the holder is required to

1:58:42

respond to all comments and the so certificate holder and the department

1:58:47

have a deadline of February 13 to respond to your comments. These responses are going to be provided to

1:58:54

you in the same method that you commented. So, if you email your comments and we have your email address,

1:59:00

that's how you're going to receive responses. If you submit your comments in hard copy with a physical address, we

1:59:06

and we don't have an email, we will respond. Certificate holder will respond in writing to your physical address.

1:59:14

If you don't provide an address, no email, no physical address, you will not be able to participate in this

1:59:20

subsequent process. We will have no way to communicate with you and respond.

1:59:25

So, what to expect? Um, so first and foremost, certificate holder and the

1:59:32

department are going to be trying to determine if your comments have been raised with sufficient specificity. So,

1:59:38

I just read through that. Did you identify recommended findings of fact that you have an issue with? Have you

1:59:44

identified a council standard or applicable requirement that you believe is not being met? And have you provided

1:59:50

facts or supporting information to support your objection? If you haven't met any of those, the response is going

1:59:57

to identify that one one or all of those things. If you have provided comments

2:00:02

that meet the sufficient specificity criteria, certificate holder in the department are are going to say that and

2:00:10

we are going to either identify where your issue is believed to be addressed and potentially already resolved within

2:00:17

the proposed order or it's going to provide a resolution to your issue if it's not yet addressed. Um, so it's kind

2:00:25

of a big step. Again, February 13th, you will be getting this response that has all of these words or may not be

2:00:33

familiar with, but that's coming. In the department's response, we plan to provide, you know, helpful information

2:00:40

to help you understand how to navigate through this process. Um, and this, you know, this is intended

2:00:46

to help further evaluate your comments and make sure that we understand and

2:00:52

that we get it right. Um,

2:00:57

okay. So then that's not the end of it. So February 13th, certificate holder and

2:01:03

the department are responding. Then you as a commenter will have an opportunity to reply to those responses and you have

2:01:11

a deadline that's already been established in the department's notice. That deadline is February 27th. So you

2:01:18

don't have to, but you can choose if if the department and or the certificate holder has said your comments were not

2:01:25

raised with sufficient specificity. We don't know what standard your comments are related to. You didn't provide any

2:01:30

facts. You can then take that and identify the council standard and provide facts. Um you can disagree. It's

2:01:39

it's a process designed to sort of continue evaluating those comments.

2:01:45

And then after you respond, if you choose to respond, both certificate holder and department have a final

2:01:51

opportunity to provide sir reply. Um again, ideally it's a resolution. Um we

2:01:58

will see how that works out. I believe our deadline for sir reply is March 6th.

2:02:04

So that's kind of the whole extent of the comment process.

2:02:09

And feel free to ask any of us questions after the meeting. Chris Clark's information will be on a slide later.

2:02:16

You're free to reach out to him at any time and and ask how this is going to work or how it's working once it gets

2:02:22

once that February 13th date uh comes forward.

2:02:28

Okay. So, there are several acceptable means for submitting comments on the record. You can submit comments

2:02:35

electronically through our comment portal. This is a link to our comment portal. Um, if you submit through our

2:02:41

comment portal, you will get an email confirmation that you have submitted comments. So, please make sure you get

2:02:47

that. It is important that you include your contact information and comments you submit on the comment portal so that

2:02:53

you have an opportunity to get a response and further the evaluation.

2:02:58

You can also submit comments in hard copy by mailing to the department's Salem office, 550 Capitol Street

2:03:05

Northeast, Salem, Oregon. Attention, Chris Clark. And of course, you can provide comments verbally tonight. As I

2:03:13

said, this meeting, this hearing is being recorded. We will have the recording transcribed and that

2:03:18

information will be available on our website.

2:03:24

Okay. So, we're almost getting started with your turn. The order tonight will start with an opportunity for the

2:03:31

certificate holder. Then, we'll open it up to members of the council. After

2:03:36

that, I'm sorry. Then we'll open it up to members of the public. And after that, we'll open it up to members of the

2:03:42

council. And then we'll return to the certificate holder. We may establish a time limit on members of the public

2:03:48

depending on how many individuals are interested in commenting tonight.

2:03:53

So, let's go ahead and start with the certificate holder. Is the certificate

2:03:59

holder interested in providing comments?

2:04:21

testing. That sounded good. Okay, great. Uh, good evening everyone. Um, uh, Chair

2:04:28

Condan, members of the council. For the record, my name is Kristen Sharon. I'm vice president for public policy and

2:04:33

resource planning for Portland General Electric. Uh PG is a fully integrated um electric utility that's has a service

2:04:40

population of um nearly two million Oregonians and twothirds of the state's

2:04:45

economic activity occurs within our service area. Can you hear me all now? That's better. Okay, great. Um as owner

2:04:52

and operator of the Biglo Canyon wind farm, PG has a long-standing history and connection to Sherman County. Uh in

2:04:58

2024, PG Yeah, I can. There we go.

2:05:07

All right, let's try that again. In 2024, PG contributed \$7.3 million in

2:05:14

property taxes, about a third of the county's property tax base, helping to support schools, parks, infrastructure.

2:05:20

Sherman County is a very special place, and the opportunity to represent PGE in the community here tonight is not lost

2:05:26

on me. But I'm here today to discuss the the importance of the Biglo Canyon Wind Farm RFA4 site certificate amendment to

2:05:34

PGE's resource portfolio to our customers and to Oregon's clean energy and economic development goals. We

2:05:40

appreciate the Oregon Department of Energy staff recommendation to FSE to approve this amendment. The Big Low

2:05:47

Canyon Wind Farm has supplied clean affordable energy to Oregonians since 2007.

2:05:52

Being one of the first major wind operations in the state, there were learning lessons along the way,

2:05:57

including around maintenance and performance. And since that time that we began Biglo Canyon, we have added

2:06:03

thousands of megawatts of clean energy to our system PG and our partners, including wind farm in southeast

2:06:09

Washington, um a wind farm in Montana, uh a combined wind, solar, and battery

2:06:16

uh here in Oregon. Uh the largest of its scale to uh open in the United States.

2:06:22

Um, but we are committed to continuously improving and upgrading equipment to increase efficiency and reduce costs for

2:06:29

our customers. An ongoing maintenance and overhaul project at Biglo Canyon Wind Farm to continue safe and reliable

2:06:35

plant operations for years to come is well underway as we pursue now adding solar and battery storage to the site.

2:06:42

Through this amendment that we're proposing, the addition of solar and battery storage at the site will help to

2:06:47

optimize clean energy generation and delivery in support of our customers growing electricity,

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clean energy, and emissions reductions requirements. As we plan our system, affordability for

2:07:00

customers remains top of mind. And PGE has aggressively pursued federal production and investment tax credits

2:07:06

that have reduced the cost of clean energy projects on our system by at least 20 to 40%. To date, PG and its

2:07:13

partners have secured over a billion dollars in federal tax credits for our clean energy portfolio to the benefit of

2:07:19

our customers. However, recent changes in federal policy will rapidly sunset clean energy tax credits, escalating the

2:07:27

long-term cost of renewable energy and storage and threatening customer affordability and the pace of achieving

2:07:32

the state's clean energy and economic development objectives. An amended site

2:07:37

certificate allows this project to move forward on a timeline that can capture the value of those existing federal tax

2:07:43

credits while they're still available for our customers before they're phased out, aligning with PGE and the state's

2:07:49

focus on delivering affordable, reliable, and increasingly clean power while acknowledging while achieving the

2:07:55

directives outlined in Governor Cotek's recent executive order to accelerate renewable energy sighting.

2:08:01

Collocating solar and wind power generation equipment allows us to take advantage of the existing infrastructure

2:08:06

on the site like transmission lines and substations and to reduce the overall impact to the land and to the

2:08:12

environment. Adding solar capacity complements the existing wind capacity since wind and solar typically produce

2:08:18

peak power production at different times of the day. This allows both renewable energy resources to work together to

2:08:24

meet a broader range of our customers energy needs, increasing PGE's overall system reliability and the value of the

2:08:31

site overall to our customers. The addition of battery storage will also provide flexibility to the grid,

2:08:37

allowing energy storage when demand is low and its use when demand is high. The right mix of energy resources in the

2:08:43

right locations can help reduce reliance on fossil fuels and drive a cleaner, more affordable and reliable energy

2:08:49

resource mix. Fiji has already made strong progress toward achieving the state's emissions targets with an

2:08:56

overall resource portfolio that is 45% non-emitting as of the close of 2024.

2:09:02

And this includes um uh projects like the Big Low Canyon wind farm. The site

2:09:08

certificate we're seeking today to add solar and storage will further PG's progress toward meeting our 2030 state

2:09:14

emission targets to identify the least cost least risk portfolio of resources that are needed

2:09:21

to meet our customers current and future energy needs as well as state clean energy requirements as overseen by the

2:09:26

Oregon Public Utility Commission. PG engages in long-term integrated resource planning. In our most recent integrated

2:09:33

resource plan updated in July of 2025, PG identified a need to procure an

2:09:39

additional 4,500 megawatts of clean energy resources. This represents about a 16% increase

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since PGE's prior that had been filed only in 2023.

2:09:51

Projects like the proposed addition of 125 megawatts of solar and 125 megawatts

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of storage at Biglo are critical contributors to this growing clean energy need.

2:10:02

PG's all source request for proposals is a transparent, regulated, competitive process by which interested developers

2:10:09

submit detailed project proposals for consideration as we plan to meet our customers energy needs. the 1600

2:10:16

megawatts of resources that PG identified on the final short list of projects that resulted from our 2023 all

2:10:22

source request for proposals competitive bidding process included the big low solar project was acknowledged by the

2:10:29

Oregon public utility commission and the projects were selected for their potential to deliver affordable reliable

2:10:35

and cleaner energy by selecting projects through this competitive process verified by an independent evaluator PG

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can add high value responsible projects that capture significant federal incentives and reduce costs while

2:10:48

meeting the state's growing energy needs. Given the shortened timeline that now exists to capture tax credits, the

2:10:55

importance of maintaining a project schedule is paramount. We have partnered with Bright Knight to ensure responsible

2:11:01

and timely delivery of this project that recognizes that this is a critical opportunity in time for Portland

2:11:07

Generals, the state, and Sherman County. The certificate amendment will allow critical energy need and capacity to

2:11:14

meet Oregon's economic development needs and the state's emission targets. So, we urge the energy facility sighting

2:11:21

council to approve the site certificate amendment recommended by staff, thereby maintaining the development schedule

2:11:26

with a final decision in March 2026. And with that, I want to thank you for

2:11:31

your time and I want to hand this over to our project partners at Bright Knight to provide more details on the project

2:11:36

itself as proposed. Thank you, Kristen. And thank you, Chair Condan and members of the council. My

2:11:42

name is Jess Molen. I'm executive vice president of development at Brightnrite. I've spent nearly 20 years developing

2:11:49

renewable power projects across the United States. Earlier in my career, I served as a US Air Force pilot, an

2:11:56

experience that continues to shape how I approach complex infrastructure development, balancing creativity and

2:12:02

innovation with discipline, precision, and an unwavering focus on safety and

2:12:07

reliability. Those same principles guide Bright Knight as a company. Bright Knight is developing over 30 gawatts of

2:12:14

clean energy projects nationw nationwide with 11 gawatts located in the Pacific

2:12:19

Northwest. Across our portfolio, we are committed to safety, responsible cost

2:12:25

management, and building durable partnerships with the communities where we operate.

2:12:30

Our team consists of some of the most accomplished energy project development and operation professionals within the

2:12:35

entire industry. The team at Brightonite is like-minded. We want to be part of a company that is a reliable partner and

2:12:43

committed to the communities we invest and operate in and one that has a strong financial backing with leading edge

2:12:49

system design. Our ability to deliver projects responsibly and on schedule is

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validated by our backing by investment partners at Goldman Sachs, global infrastructure partners now owned by

2:13:00

Black Rockck and Cordelio Power, providing the financial strength and stability our utility partners and their

2:13:07

customers expect. Optimizing project to projects to

2:13:12

deliver maximum value to customers and communities while minimizing impacts is central to how it operates. We have

2:13:20

taken those lessons learned and built on that track record here with the Biglo solar and energy storage project. You

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will hear this evening in detail the innovative planning and design that has gone into this project, the increased

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efficiencies and output BigLow will add to the grid and the best-in-class features to improve operational safety

2:13:37

and resilience. Bright Knight is pleased to be here this evening in partnership with PGE to speak with council about the

2:13:44

Biglo solar and storage project and the steps that our teams have taken to develop a thoughtful responsibly cited

2:13:50

project. Thank you. And now we'll bring up the actual experts.

2:14:10

Thank you, Chair Condan and members of the council. We also want to thank the Oregon Department of Energy staff for

2:14:16

their thorough review and the work reflected in the proposed order. For the record, my name is Kathleen Campanella

2:14:22

and I'm senior director of development for Bright Knight and I'm responsible for the development of the Biglo Solar

2:14:28

and Storage Project. I'd like to begin this evening with a simple question. What does it mean to

2:14:34

site a project responsibly? For this project, responsible sighting

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wasn't a single decision or a single mitigation measure.

2:14:48

It's a it's a principle, excuse me for that. It's a principle that affected nearly every aspect of the project's development and engineering. It shaped

2:14:55

where the project is located, how the site boundary was drawn, how impacts

2:15:00

were avoided and minimized, and how remaining impacts are addressed.

2:15:06

I want to briefly summarize that approach and how it is reflected in the department's analysis.

2:15:17

I'll start by discussing collocation. This is a renewable energy project and

2:15:22

by definition it delivers an environmental benefit. But like any infrastructure project, it also has
2:15:29

impacts. Responsible siting means acknowledging that reality and finding the option with
2:15:36

the least impacts. Collocation is just that. For this
2:15:41

project, it integrates solar and battery storage with the existing Biglo Canyon wind farm,
therefore reducing the need

2:15:48

for new transmission lines, new access roads, and disturbing additional land.

2:15:58

Is that good? Another core element of our approach to responsible siting is community
engagement and listening. This allowed

2:16:06

us to better understand and address local concerns, resulting in a design that is responsive

2:16:11

to the community's voice. We participated in dozens of one-on-one conversations with local
leaders,

2:16:19

neighboring land owners, agricultural producers, and community members.

2:16:29

Finally, I want to highlight our outreach and coordination with local organizations and public
service

2:16:34

providers, including county departments, agricultural and conservation groups,

2:16:40

economic development entities, and emergency service providers.

2:16:45

These discussions are reflected in project plans and in the conditions of the proposed order that
ensure ongoing

2:16:52

coordination with public service providers. Taken together, these efforts reflect

2:16:57

the same responsible siting approach I referenced at the outset, anticipating

2:17:02

impacts, engaging early, and responding in a way that aligns with local priorities.

2:17:09

With that, I'll pass it on to Todd to discuss vegetation and wildfire management and project
safety

2:17:14

considerations. Thank you, Kathleen. Chair condan, counselors, my name is

2:17:20

Todd Elwood. I'm the senior permitting director for Bright Knight. Bright night and PGE have
heard from the

2:17:26

very beginning how important vegetation management and wildfire risk are for this project. We appreciate the input

2:17:32

received from ODO staff, the reviewing agencies, and the community that have all informed the design of the project

2:17:39

and the draft plans before you today. Rather than relying on any single

2:17:44

measure, the project uses an integrated approach. Project design, construction planning, long-term operations, and

2:17:51

community coordination investment all work together to support long-term landscape resilience.

The goal is to

2:17:58

reduce ignition risk, limit fuel buildup, support early detection and response, and strengthen regional

2:18:04

wildfire preparedness. The project is designed to reduce risk from the outset. The layout, materials, access roads are

2:18:12

all planned to minimize ignition sources, break up fuel continuity, and create defensible space around solar

2:18:18

panels, the best, the substation, and related infrastructure. The project has

2:18:24

been designed to exceed fire code requirement by maintaining no less than a 20 foot non-combustible buffer around

2:18:30

the perimeter of the site. This conservative approach reflects our commitment to fire safety and directly

2:18:36

responds to input received through outreach with local fire agencies and local and neighboring land owners.

2:18:44

Wildfire mitigation is addressed during every phase of the project. There will be dedicated wildfire mitigation plans

2:18:50

for both construction and operations, including equipment standards, weather-based work restrictions, active

2:18:56

monitoring, and coordination with fire agencies and local responders. There will also be emergency response plans

2:19:02

for each phase of the project and training for all contractors as well as local responders. The project will use

2:19:08

low fuel vegetation. Restoration seed mixes are comprised of native native

2:19:14

grasses and forbes that produce less biomass, cure more slowly, and do not create continuous fine fuels. Our

2:19:21

proposed seed mix will reduce the need for repeated mowing or treatment, which in turn lowers ignition risk from

2:19:28

maintenance activities. We also take a proactive approach to noxious weed prevention. Rapid reveation, clean

2:19:35

equipment practices, and ongoing monitoring help prevent invasive weeds that increase fire risk and reduce land

2:19:41

productivity. Over the long term, vegetation management continues through the operation and ma maintenance plan.

2:19:47

This includes regular inspections, adaptive management, and ongoing fuel load control for the life of the

2:19:53

project. Soil stability and erosion control are also key parts of this strategy. Proper soil handling,

2:20:00

restoration. Proper soil handling and restoration will reduce weed invasion and help

2:20:05

prevent conditions that can worsen wildfire behavior. Reveitation and weed

2:20:10

control contractors will be held to stringent qualification standards. All of these measures help protect adjacent

2:20:16

agricultural and rain uses by reducing the potential for wildfire spread beyond

2:20:21

the project site. Did advance? Um, taken as a whole, our

2:20:29

commitment to a comprehensive management program demonstrates the project will coexist with and not undermine ongoing

2:20:35

agricultural use in the area. As previously mentioned, the use of setbacks and micro sighting also help

2:20:41

ensure the project will be compatible with neighboring farming operations. Brightite has implemented setbacks

2:20:47

buffers and will have three 2,000galon firewater tanks outside the perimeter fence that can be used by by our

2:20:55

neighbors. The proposed order contains numerous conditions to require accountability and long-term

2:21:00

enforcement, and we support staff's recommendations. Thank you for your time, and I'll hand it off to Lena to

2:21:08

discuss goal three.

2:21:30

Chair, are you guys always going to forget the microphone? Chair condan, council members, my name is Lennena Cop.

2:21:36

I am an environmental specialist with Portland General Electric and we wanted to cover a couple things regarding the

2:21:44

um goal three exception and a little bit more information about the community investment plan.

2:21:50

As you heard from Chris's presentation, the staff is recommending that the goal three exception uh be approved based on

2:21:56

the location dependency and the creation of rural economic benefits. As Kathleen

2:22:02

spoke to earlier, collocating the solar uh facilities with this particular location is very important to take

2:22:09

advantage of the existing transmission lines, surplus capacity on those transmission lines and existing BPA um

2:22:17

substations. The real economic benefits will be realized through the implementation of a

2:22:24

community investment plan um which was developed from extensive community engagement and listening. The plan

2:22:30

includes pre-screening projects identified through outreach such as dryland wheat agrovotayics agricultural

2:22:38

wildfire risk minimization and capacity building funding fund matching for soil

2:22:43

and water conservation district programs for wheat farmers next generation farming innovation and technology

2:22:50

training program and capacity building for wheat growers. So those are the

2:22:55

pre-screen projects included in the community investment plan. The plan also includes provisions for additional

2:23:00

projects to request funding and a local governance structure through the Midcolia Economic Development District.

2:23:08

The analysis of indirect economic impacts uh performed during our amendment preparation indicate that 1600

2:23:15

acres per acre of farmland taken out of production prior to starting construction will be applied to the

2:23:21

fund. This is in addition to the projected \$40 million in property tax revenue.

2:23:27

And we also estimate that on average there will be 165 union workers on site each day during the approximately 18

2:23:33

months construction period generating additional spending in the local community.

2:23:39

In addition to staff's acceptance of RFA's location dependency and rural economic benefit

2:23:46

reasons, PG will be advocating for the council to recognize the project's consistency with state climate goals and

2:23:52

policies. As Kristen discussed in her comments, the site amendment to add

2:23:58

solar and storage will further PG's progress towards meeting our 2030 mission targets mandated by the state.

2:24:04

And for that reason, we will be requesting the council recognize an additional reason to support the goal three exception. And we will provide

2:24:10

additional evidence in the written record to support that request.

2:24:22

Okay. I also wanted to touch on operations and maintenance. Uh we know that there are community concerns with

2:24:28

the past maintenance and performance of the Biglo phase 1 wind assets. PG's ongoing maintenance and overall project

2:24:34

has been addressing those concerns and route issues and Dan will be speaking to those in just a moment. But regarding

2:24:40

the solar battery, um, as has been mentioned by previous speakers and the staff's presentation, the proposed order

2:24:47

requires a standalone onm plan to be approved by the department with review and updates if needed on an annual

2:24:54

basis. The onm plan covers ongoing inspection, monitoring, reporting, and
2:24:59
enforcement by the department at a level not previously specified in the existing big site
certificate or any site
2:25:05
certificate issued by the council previously. The plan will also integrate commitments
2:25:11
from the other major operational plans such as the comprehensive reveation and
2:25:17
soil management plan and the operational wildfire mitigation plan. The content of all the plans is
informed by the
2:25:23
department's involvement in other recent solar and battery projects and addresses the challenges
faced at those sites with
2:25:29
the goal to reduce those challenges at future sites. The development and approval of the
2:25:34
plans are mandated by the site certificate and will be reported on for the life of the project at
varying
2:25:39
frequencies. In addition to all those improved details and specific requirements, the
2:25:45
department itself has put significant efforts into their compliance program, has additional
compliance staff and
2:25:50
retains the authority to inspect the facility and require corrective action if anything is found to
not meet the
2:25:56
requirements. And now I will hand it over to Dan.
2:26:01
Thank you, Lena. For the record, my name is Dan Wilson and I'm the director of renewable
operations for Portland
2:26:07
General Electric. In addressing the age and the material condition of the Bigalow wind farm at its
18-year age and
2:26:14
after a long period of stable operation, the Bigalow wind farm has shown an
2:26:20
increase in equipment failures over the past four years. And this has signaled a
2:26:25
condition of age related degradation, a trend that we confirmed by benchmarking
2:26:30
against other industry leaders. In direct response, we have implemented a comprehensive and
proactive enhancement
2:26:37
plan to secure the asset's future reliability. The key strategic actions include first

2:26:44

to operate and maintain we have hired a new service provider that is an industry

2:26:49

leader for all wind generation. The performance of the service is reviewed by PGE's leadership to ensure top-notch

2:26:56

compliance to the maintenance standards. Second, we have increased inspection frequencies for key components. Third,

2:27:04

we are executing a critical redesign and replacement program for the obsolete and

2:27:09

failureprone V82 pitch systems which have been a primary source of downtime.

2:27:16

Fourth, after completing of the pitch system replacements, we are cleaning the towers, hubs, and blades. In summary,

2:27:24

the wind farm's current condition reflects its age, but we are actively mitigating those risks through a

2:27:31

targeted capital enhancement and maintenance strategy. The centerpiece of this effort, the pitch system overhaul

2:27:38

directly addresses most of the significant historical failure mode positioning an asset of improved

2:27:44

reliability and extended operational life. Thank you very much and we look

2:27:49

forward to hearing from public comments and will return after our closing. Thank you.

2:28:01

Thanks.

2:28:09

Is there a separate presentation that goes on now? Why is it the last slide?

2:28:21

Okay. Okay. Thank you, certificate holder representatives. We'll now move

2:28:27

to members of the public. Nancy, could you confirm how many comment cards we

2:28:32

have? While she's doing that, is there anyone in the room that would like to provide

2:28:38

verbal testimony tonight that has not filled out a comment card? If you could

2:28:43

raise your hand, seeing none. Okay. Five.

2:28:51

And if you are on the webinar or on the phone, could you raise your hand if you're interested in providing uh verbal

2:28:58

testimony

2:29:06

or she can call you do a time limit on five?

2:29:11

Do you want to do a time limit?

2:29:19

Let's

2:29:26

let's do seven. Okay. So, we have eight individuals that are interested in

2:29:31

providing uh testimony and the council an opportunity to provide comments and

2:29:37

questions and the certificate holder can come back. So, we're going to put a 7 minute time limit on your comments. Note

2:29:43

this is you can provide comments all the way through January 30th. Um, can you put a timer on the screen?

2:29:52

Okay. So, will you stand up and wave your hands when your timer goes off?

2:30:00

Okay. So, I'm going to let you call the commenter since you have the cards. Okay. So again, just as a reminder for

2:30:06

any individuals that wish to provide testimony tonight, please state your name, identify if you're representing

2:30:13

anyone other than yourself, and confirm your physical mail or email address or make sure that it's written on the

2:30:19

comment card. Okay, now we'll turn it over to you.

2:30:26

Okay, our first commenter is Kathy McCulla. Come on up, Kathy.

2:30:32

Okay. Okay. And just so you know, go ahead and come on up. I'll start the timer when

2:30:38

you start to present. Um, and then I'll just raise my hand

2:30:44

when you're at one minute left to go.

2:30:51

And then just a note, if you're going to use the pictures as part of your comments, we'll just take photos of

2:30:57

them. So, but we need to do that before you take them away because once you enter them into the record, they're part of the record.

2:31:09

Should I sit down or stand up? I mean, probably sit down standing up

2:31:14

that's going to pick up on Okay, I can talk.

2:31:20

There you go. Um, you closer.

2:31:32

Stand just like this.

2:31:37

Okay. It's a whole lot. Okay. Thanks.

2:31:43

So, pick up the whole thing. You're gonna stand. You need to hook up here. I think I can sit.

2:31:51

Kathy McCulla and I live right under the project about a half mile from the PG building

2:32:00

and I'm a retired 747 captain for Delta

2:32:07

and I'm also a microbiology environmental health graduate from

2:32:12

Colorado State. When this project was first started, you wouldn't have found

2:32:19

anybody more excited about it than I was because to me, these looked like giant

2:32:26

propellers. I loved it. I I wanted clean energy and

2:32:31

wind and we could farm around them. That was the best. It in fact, it helped us.

2:32:37

We got new roads. We got in and out of fields we could never get into before. It was amazing.

2:32:45

We were probably the biggest proponents of this project

2:32:50

until it construction was great. The first

2:32:56

five years, great manager, uh, new equipment, everything was perfect. The

2:33:03

next 10 years, horrible. I mean, horrible. We were picking up

2:33:09

pieces in our field. There were nose cones dropping. They all started leaking, all of them in

2:33:17

phase one. And the culmination was when a blade dropped

2:33:24

February 2022, waking up my husband and my dog. I wasn't home at the time.

2:33:31

This is the blade down here on the ground there. This is our house across

2:33:39

the road. Was really close. It was really loud. We had been complaining for a while because there had been so many

2:33:45

pieces. PGE wouldn't listen to us. They really would not listen and we didn't

2:33:52

know what else to do. I mean, even after the blade fell and PGE got Allight to

2:33:59

come in and start inspecting all the bolts in all 76 of the first Vestus

2:34:04

towers. Nothing changed. All tight came. All tight went uh one

2:34:13

company before them said it was the greasiest mess that they had ever seen and it was unsafe and they quit. They

2:34:19

had to throw their coveralls away after one day. It was it was one of those things that

2:34:26

we knew would happen. We we'd been watching. This is what they still all

2:34:31

look like that they haven't they haven't gotten better. They aren't cleaner. None

2:34:37

of them have. There's one that has the new prototype on it, but four years after the blade drop, nothing has been

2:34:45

fixed. They have all the parts ordered, but nothing is different to us. And in fact, the old

2:34:55

um Brad Jenkins, who was in charge of the project before, lied to the

2:35:01

newspaper and said, "Just because they're dirty outside doesn't mean they're dirty inside."

2:35:07

Well, I have a picture of the inside. It's horrible. The wiring's cracked. It

2:35:15

It's really bad. And And they flat out lied to us.

2:35:21

So, my problem is, how do I trust this company for solar in a county that is so

2:35:30

fireprone, you would not believe it? Our fires, this is under big loaf. This is

2:35:35

one of the fires we've had. We have six to 10 fires a year during harvest and

2:35:40

around the dry season. And they're scary. I mean, they are they they move

2:35:45

fast. My neighbor barely got in the car and out of her house as a wall of flames was coming towards her. We all run to

2:35:53

fight them. We all have water um on the back of our pickups. We have shovels. We

2:35:58

have hose. We have everything like that. But they still move fast. And I mean

2:36:04

fast. There were probably 50 pickups and farmers fighting this fire. And this was

2:36:10

this was a couple years ago. It's just one of the many. And if I trusted PGE
2:36:17
with their with their wind,
2:36:23
I I can't trust them with their solar. I can't trust that I'm safe in my house if
2:36:28
they're not going to be honest.
2:36:35
And if they're going to tell people that we lie, there's a whole new regime at PGE now. I
2:36:43
I admit that because I like Dan. I like the people who are there now.
2:36:49
And I think we're on a different tap. I think we're going a different direction.
2:36:55
But unless it's in the site certificate, they're not going to do anything. And
2:37:01
most of this most of this amendment is construction. Very little of it concerns
2:37:09
actual operation once the construction phase is over. We really need a strong
2:37:15
site certificate. Even with PGE knowing all that, they never reported anything
2:37:22
until I went to the paper and got the Oregonian to write four months after. No,
2:37:28
wait. February is when the blade dropped and I think the paper maybe September
2:37:36
came out and there was no change, nothing. They knew pieces were dropping
2:37:43
and I just I'm glad they have new maintenance. I really am. Or new, you
2:37:49
know, new people. But we've got to have a strong sight certificate. We could not
2:37:54
get them to give us a holdless clause for farming. So if we accidentally start a fire and it burns
into their facility,
2:38:01
that's like a that that's a two billion dollar facility we don't have money for.
2:38:08
The only other thing I was going to say is bright night's got great ideas. I mean for fire and and
as 747 captain
2:38:17
lithium ion batteries are scary. They are just plain scary. My my vinyl sighting on my house
melted in 2021 to
2:38:26
the west side. That's how hot it gets there. So if you don't have good,
2:38:32

you know, good protection, you're in trouble. So this is how they look. They say, "Oh no, they look great.

2:38:38

They're They're white. They're clean. Yes, they are. This is how the transform

2:38:44

boxes look that PGE has under the towers. How am I supposed to think that

2:38:49

the batteries are going to look okay? I I just So, I hope I understand we have

2:38:55

to have this green energy mandated, etc.

2:39:01

Can we get some real teeth in this site certificate? Can we get some real

2:39:08

help out where we are? And if there's a fire,

2:39:14

please don't let them sue us so that we can't farm anymore because we only have

2:39:19

5 million liability. We can't pay for that facility.

2:39:24

We've never started a fire during harvest, but we fight four to six a year. Well, no, six to 10. So, they

2:39:31

happen all the time. One of these days it's going to be our turn. Okay. Thank you so much for your

2:39:38

comments. Appreciate it.

2:39:46

Let's see if I can take it all away. Ask questions whenever you want. You will get a designated time, but you

2:39:53

can ask whenever you want.

2:40:03

All right. So, our next commenter is Kevin McCulla.

2:40:17

Obviously, I'm Kathy's wife or hus Oh, excuse me. Kathy Kathy's husband. Uh,

2:40:25

I farm I farm underneath the the project. PGE has not done what they said

2:40:31

they were going to do and now that we have new management, this is a good thing. But they need to they need to

2:40:38

prove that they can operate this. I don't know why you would give them a certificate to put in a solar farm when

2:40:44

they have not proven that they they can operate what they have. They keep saying

2:40:49

they need more green power. You know how many towers we have sitting every day out of those 217?

2:40:56

40 to 50. Every day. Makes no sense to me why you would be willing to give them

2:41:02

a certificate to build a solar thing until they fix this problem over here.

2:41:07

It's it's bizarre to me. And the other thing is the fires. Like

2:41:12

she just said, it's not if we start a fire, it's when we start a fire. and

2:41:19

your setbacks aren't even close to deep enough to keep us from having to pay,

2:41:25

they're going to sue us and we will no longer be in business.

2:41:30

So, thank you for your time and hopefully you take some of this into

2:41:35

account.

2:41:46

Okay, my next commenter is Colt McCola.

2:41:58

Good evening everyone. Um, should be the last McCulla commenting I think must some that I don't know about. U, my name

2:42:04

is Colton McCulla and I am the current farmer on the land that the proposed project would be built on. As some of

2:42:10

you know from experience and have learned recently, Sherman County is extremely wildfire prone from late May

2:42:16

through October. My main concern with the proposed project is both fire starting within the project and fire

2:42:21

starting outside the project and burning into the project. I farm on nearly every side of the project and potentially in

2:42:27

the middle if approved. Sherman County is agricultural community with the primary crop going being wheat. Wheat is

2:42:33

typically harvested wheat typically wheat harvest typically happens in July and August. This is when the crop dries

2:42:40

out and can be harvested, but it is also when it is most likely to burn. We do a lot to prevent and stop fire from always

2:42:46

having a fire fighting pickup and tractor with a disc in the field to preventive maintenance on our combines

2:42:51

and other equipment to putting fire brakes around houses and other infrastructure to shutting down on days of extreme heat and high wind.

2:42:59

Even taking these precautions, there is no way to eliminate the chance that we will start a fire. As they've said, it's

2:43:05

not if, it's winds. I do my best to prevent fire and will continue to do so, but I am very worried about starting a

2:43:12

fire and having it burn into the solar facility. I carry a large liability policy, but not even close to large

2:43:18

enough if I burn up a solar facility. There is no economical way to carry a large enough policy. I don't want to

2:43:24

lose the farm or have my son lose the farm because we burn solar facility cited in

2:43:31

the middle of wheat fields where seasonal fire risk is extremely high. I have been told that the panels will not

2:43:38

burn and that may or may not be true, but that doesn't mean that they won't be damaged or melted by the heat of the

2:43:44

vegetation burning below them. The best way to reduce the fire risk in the solar project is to reduce the amount of

2:43:50

vegetation available to burn. Under the request for amendment for currently

2:43:56

submitted, it is suggested that the maximum height of the vegetation be 12 in year round. This is far too tall and

2:44:03

would be a significant wildfire risk during fire season. Under the proposed order submitted by ODOE, it is suggested

2:44:10

the vegetation be kept to a maximum height of 12 in during the rainy season November to May and 1 to 3 in during the

2:44:16

dry season June to October for all areas within the solar fence line along with

2:44:22

several other stipulations on page 233 of the proposed order. I strongly support Odoe's suggestions

2:44:29

and feel that it would make the project a safer and far less likely to have a wildfire. The small change in management

2:44:35

practice would drastically reduce the wildfire potential within the solar facility.

2:44:42

From what I can tell, ODOE changes would go under the comprehensive

2:44:47

solar reveation and soil management plan. although redlined in by ODOE.

2:44:56

If this is the case, I would like to see some other language addressed in that section as it currently states this is

2:45:01

only the plan in the interimm until an operational wildfire management plan is

2:45:07

put in place. It concerns me that there is no operational wild wildfire plan to

2:45:12

be reviewed yet and PGE system wild systemwide wildfire mitigation plan may

2:45:19

be used. PG systemwide wildfire with WMP primarily focuses on power transmission

2:45:25

and some limited information on the generating generating facilities. It is not a sightsp specific plan that

2:45:32

considers specific wildfire risks for a project like this in a location like

2:45:38

here. I would like to see language saying ODOE's vegetation height and

2:45:43

clearances suggestion would be implemented into the operation wildfire mitigation plan and remain a basic

2:45:49

requirement for the life of the operation of the facility if not included into the operational wildfire

2:45:56

mitigation plan. Basically, I want to see the vegetation height suggested by ODOE be a permanent, not easily amended

2:46:03

part of the facility requirement throughout the operation of the project and not be ignored because the operation

2:46:10

wildfire mitigation plan says something different or doesn't specify vegetation height.

2:46:16

My intent of publicly coming is not to show support for or against the project but to ensure the critical wire file

2:46:22

fire preventive strategies are used during building and operation of the project. I would like to see the project

2:46:28

be an asset to fire prevention in the county not a risk. I would like to see see it be a fire break where people know

2:46:34

when the fire gets to the actual project that it is going to be stopped. But there has to be stuff in the site certificate that puts teeth that make

2:46:41

them maintain it to this standard. But if vegetation isn't managed properly, it's not fair to ask the

2:46:48

farmers and community members around the project to take the risk associated with the solar facility. I want the council

2:46:53

to realize that this is this proposed project is being cited in the middle of wheat country that is associated with

2:47:00

very high seasonal fire risk. Setting a standard of vegetation management and making sure that standard is upheld

2:47:06

throughout the operations of the facility would address a large part of the fire concern with the solar budget.

2:47:15

Thank you.

2:47:23

Okay, our next commenter is Mr. Hildebrand.

2:47:34

Greetings. Uh, Orund Hildred is my name and I am not a makulla.

2:47:40

Um, I manage my family's farm which is near

2:47:48

the proposed Bigalow renewable power project and have been involved with

2:47:54

Oregon's environmental and land use issues for years. I am submitting this

2:48:00

pro this statement for the record regarding the Bigalow renewable power project. Um I approach

projects like

2:48:08

this with a clear understanding that development has impacts. The question is

2:48:14

not whether impacts exist because they do but whether they are acknowledged,

2:48:20

responsibly mitigated and managed through a rigorous public process.

2:48:27

Even farming has impacts on on our land. You know, some may argue that our land

2:48:34

shouldn't have been put to the plow back in the 1880s, but it was done. Impacts

2:48:39

happen. Um, but

2:48:45

based on my experience, I am confident that the impacts associated with this

2:48:51

project can be addressed appropriately. And I'm confident that after 50 to 70

2:48:57

years of the project being a major solar producer, if we get to that point and we

2:49:02

need to have the land back for agriculture production, it can come back to agriculture production

with an

2:49:10

improved soil health. That is critical. I'm a strong believer in clean energy.

2:49:16

I've been a director of the community renewable energy association, Korea, for

2:49:22

many years. Korea is a strong advocate advocate for shaping policy to benefit

2:49:29

rural Oregon and I'm personally have been involved in a development my own renewable energy

project wind farm which

2:49:37

is a 9 megawatt 6G 1.5 SLE turbines that

2:49:42

are adjacent to Portland General Electric's Big Low Canyon. I supply

2:49:48

power to over 3,000 homes in the Portland area.

2:49:55

That experience has given me a practical understanding of what responsible project planning looks like, including

2:50:02

the importance of environmental review, mitigation commitments, and ongoing

2:50:07

accountability. You we must hold companies accountable for what they say

2:50:13

they're going to do. The Bigalow project reflects this level of responsibility.

2:50:19

The developer has engaged seriously with the permitting process and has demonstrated a willingness to address

2:50:25

environmental considerations. I have attended several of the discussions myself, including a presentation of the

2:50:32

North Sherman County Fire District that discussed these fire mitigation procedures.

2:50:38

Used to be that we on the east side felt that we had the fire risk to ourselves. Now that you on your west with the

2:50:45

climate change, you had the fire risk too. So I think everybody can appreciate, especially in a rural county

2:50:52

where the land and agriculture, natural resources are deeply inter interconnected, the importance of this

2:50:59

fire mitigation. I also believe it's important to consider projects like this in a broader long-term context. Sherman

2:51:07

County's economy has changed significantly over time and the pressures facing agriculture and rural

2:51:13

communities continue to evolve. We had in 1920s we had over 4,000 people living

2:51:20

in the county. That's more than twice what we have right now. We had hotels in

2:51:26

the towns and restaurants and theaters and I've read even roofers had a golf course. That's all most of that is gone

2:51:34

now. um and primarily due to consolidation of

2:51:40

farms enabling our producers to reduce their production costs and they've done

2:51:45

a damn good job of it. They've really driven down their cost to to compete in

2:51:51

a tight environment and I appreciate people young farmers like Colton coming on because we need them to continue this

2:51:59

into the future but it's going to become tougher. uh our farmers have to

2:52:06

consolidate and they have to become larger and those that don't are not going to be with us anymore. Um and can

2:52:14

anybody doubt that the drive for more that we will see

2:52:20

more capital intensive equipment uh powered by artificial intelligence

2:52:27

that's will continue and further fuel consolidation amongst the farms in

2:52:32

Sherman County. Thoughtfully planned energy projects represent one step in a

2:52:38

more diversified and resilient future. uh one that balances environmental stewardship with an econ economic

2:52:45

stability. In this case, it is true that solar saves farms.

2:52:51

Last month, Governor Cotch issued an executive order to state agencies to move faster on clean energy projects.

2:52:58

And recently, even Representative Bence acknowledged that Oregon will have a

2:53:04

critical short shortfall in energy unless drastic steps are taken,

2:53:10

including expansion of our transmission facilities. The Bigalow The Bigalow

2:53:15

renewable energy project is lowhanging fruit with the existing underutilized

2:53:20

PGE transmission. While recognizing the project is not without impact, I view

2:53:25

the Bigalow renewable project as a positive contribution when evaluated through the established FSE process and

2:53:33

supported by enforceable mitigation measures. Thank you for the opportunity

2:53:39

to provide the statement and for your careful consideration, positive consideration of these issues as

2:53:46

part of the record. Thank you.

2:53:57

Okay, our next commenter in the room is Chad Higgins.

2:54:11

Audio check. Honorable committee, uh, my name is, uh,

2:54:17

thank you for the opportunity for me to present testimony and comments. My name is Chad Higgins. I'm an associate

2:54:24

professor at Oregon State UN University, and a farmer in Lynn County. My area of

2:54:29

expertise is in integrated farming and energy systems, agricultural sustainability, and egg tech. I spent

2:54:36

more than the past decade working on ways to integrate solar energy production and agricultural practice and

2:54:43

uh mitigate the conflict between the renewable energy and agricultural production so-called agic systems. I'll

2:54:50

keep my testimony um to the agricultural aspects that pertain to goal three. Uh

2:54:56

broadly speaking, I care deeply about agricultural land protection and agree

2:55:01

with the principle that protection of agricultural land is of critical importance. Indeed, my entire research

2:55:07

portfolio and a good part of my life's work has been devoted to serving farmers in local rural communities. There would

2:55:15

be no farms without the land to support them. But farming is an in incredibly

2:55:21

challenging and requires brilliant folks to do it under the current conditions.

2:55:27

It isn't sufficient to simply protect land um as it's only one piece of the puzzle

2:55:33

that makes farming possible. an economically v vigorous agricultural system depends on the land and soil of

2:55:39

course but it also depends on the skilled farmers access to the needed agricultural inputs access to

2:55:46

sufficiently developed agricultural markets and enough regulatory freedom to allow land managers uh to adapt to new

2:55:53

economic uh and resource availability conditions. I'm an advocate for balancing

2:55:59

agricultural land use trade-offs with energy trade-offs wherever possible and I applaud your efforts in doing that in

2:56:06

a uh respectful and sensitive manner. My research on agrivoltaic systems has

2:56:12

shown that the benefits of shade to cropping systems most critically depend on the dry soil's fertility. That is

2:56:20

crops generally benefit more in water limiting conditions and with uh the benefit of good soil.

This means that

2:56:27

agrialttics are appropriate in some locations and not appropriate in others. Uh note that the proposed project is not

2:56:34

an aggravate project. I will say that the three most common criticisms of my

2:56:39

research are one that I haven't tested any particular crop in a particular region. Uh ported to this uh particular

2:56:47

region it would be you haven't tried say wheat in central Oregon which is true. It's fair criticism.

Um, the second

2:56:55

major criticism of my work is that my experimental trials are small compared to proposed commercial projects. That's

2:57:00

also fair. I don't have the money to build a multi-billion dollar large project for my research. They tend to be

2:57:07

uh of the multiple acres size as opposed to multiple thousands of acres. And third is uh I just don't believe you

2:57:14

Chad that this is possible. Um and uh if you are a critical thinker, you first

2:57:19

have to be critical and I take that uh challenge on. Uh these are fair critiques. Even though I endeavor to

2:57:26

perform transferable re transferable research for maximum social benefits, my research team and I have done most of

2:57:32

our work in the Wamut Valley, a location with drastically different hydrology and soil to here.

I will note that we

2:57:39

have done a trial in Madress on irrigated carrot seed production that showed consistent results with all of

2:57:45

our other studies and the carrot seed benefited um from the energy system. But that

2:57:50

trial was limited in scope and it was a not a dryland crop as the situation is

2:57:56

on the point of scaling. Um, I'll I'll take issue and say if I can make it work

2:58:02

profitably at a small scale, economies of scale dictate that it should work at the larger scale because you just turn

2:58:08

the tractor around less. Um, the main point is that more research is

2:58:14

targeted to the local region, specific crops and unique conditions like the

2:58:19

fire risk condition that's unique to this area and so critical here. um more

2:58:24

research would help inform future development in a sustainable way and I uh really support the inclusion of the

2:58:31

competitive research funding to be managed by the economic development district. Um in full disclosure, I will

2:58:38

uh absolutely com enter that competition. Um and my approach would be to work with the community to address

2:58:44

their most precient concerns and questions. But should I not win, I'll applaud anyer because I believe that

2:58:52

that work would strongly uh help the community. Um because it's no secret

2:58:57

that there's many projects proposed for this area. Uh solar sighting tends to be

2:59:04

local in scope as as you know, but when you find a good spot, there tends to be a concentration in that spot as you

2:59:11

know. and um uh Gillum County here, sorry, Sherman County here, I misspoke,

2:59:17

is uh one of those Goldilock zones. Um may the best researcher win. I welcome

2:59:23

the competition. Uh secondly, I do want to say that these projects are longived but ultimately temporary installations.

2:59:30

A natural question that a farmer may ask is what's the agricultural potential of so of the soil at the end of the

2:59:36

project's life? To answer that, my research team in collaboration with soil scientists at OSU are in a third year of

2:59:42

a multi-deadal study where we rest the soil under solar uh panels to see the

2:59:48

change in soil condition. As part of that project, we're monitoring the soil's health annually. And thus far at

2:59:54

this early stage, we've we've observed increased soil carbon and fertility relative to the non-solarized control

3:00:01

under the same management practice. Of course, there are many years of observation ahead of us here, but the preliminary observations are promising.

3:00:08

Finally, I understand if anyone is skeptical of my science, you don't believe that this is possible or that

3:00:15

the benefits are there. Um, but I tr I ask you to believe the evidence of your own eyes and I invite you to come to my

3:00:22

research facilities and tour it for yourself. Anyone here on the committee, anyone in the community, I welcome uh

3:00:28

please come out. I know it's a bit of a drive from here. Um, but I I would hope to make it worth worth your while. I I'm

3:00:35

open to the public the second Tuesday of every month at 1 1 p.m. The location is

3:00:41

the North Wamut Research and Extension Center in Aurora, Oregon. Um,

3:00:46

please come out. Um, you're you're most welcome. Um, and I will answer I'll make myself available to answer any questions

3:00:52

that the committee has or the community has based on my research in these systems. And um, yeah, thank you very

3:00:59

much.

3:01:08

Okay. Anybody in the room that would like to make a comment that has not turned a foreman in? Okay. Go ahead and

3:01:15

step up to the mic. Just be sure to give us your name and your address, please. Thank you. My name is uh Chair Condan,

3:01:22

Secretary Cornett. We uh my name is John Langden and I filled out a form and

3:01:30

mishandled the uh application process. I apologize Sarah. So I do believe Chad

3:01:36

and I do believe Orman that solar saves farms. And so I am a fourth generation

3:01:42

farmer. My address is 30574 Diamond Hill Drive in Harrisburg. I have

3:01:49

some property that has a particular uh interest for solar. So, I've been

3:01:55

approached many many times over the years and that's led me to have solar companies come to us with proposals.

3:02:03

And there's always been a level of understanding and education there. But I got to go to a

3:02:10

uh meeting like the one last night, a letter of intent meeting where I got to see Todd in action. It was pretty

3:02:16

impressive. And in that meeting, I decided that I needed to educate myself on the A and solar world. And so, for

3:02:24

the last 30 months, there's rarely been a day where I me and my partners haven't taken that path.

We were at Chad's

3:02:32

facility on Tuesday, and I think that was our 30th tour in 30th month. And and

3:02:37

every time we learn something new. We bring a lot of solar developers, a lot of VIPs. We actually had some
3:02:44
shepherdesses out there last time and our mission is to
3:02:49
learn all we can about a and solar working together, communities, agricultural
3:02:55
systems, agricultural uh neighbors, all of those things together and try to educate myself to be
3:03:02
um qualified to speak to it and help other people whether it's this council
3:03:08
or farmers or developers. So we also
3:03:14
one of my partners likes to travel so we went to Europe. We heard that they do it better over there or they're ahead of
3:03:20
us. So we went to Europe. We've been to a multitude of cu uh countries and saw a lot of different projects. A lot of
3:03:26
those were farm projects. And quite frankly after dozens and dozens of conversations with developers in
3:03:33
multitude of countries, Bright Night is great. They've done a
3:03:39
great job. I've been in multiple conversations with them about vegetation management. One of the things that we've
3:03:44
done in our learning is we've had the opportunity to become vegetation managers. So, we are vegetation managers
3:03:50
in Oregon. The best way to learn something is to go do it. So, we've done that. And we've looked at every system
3:03:57
we can find where agriculture and solar works together in a communities and with farmers and with those systems. And I
3:04:04
can tell you that the conversations with Bright Knight have been as outstanding and as advanced as anyone I've had in
3:04:11
the world. I would trust them with my land. So, what I'm telling you is
3:04:17
these guys seem to be listening to the farmer. Todd and Kathleen have been
3:04:23
I think they're genuinely interested in the community, the farmer, making it work, making it great, and making it a
3:04:29

win-winwin for everybody. And so I would encourage the council to look upon them favorably.

3:04:35

So thank you.

3:04:43

Okay. Anybody else in the room that would like to make a comment?

3:04:49

Okay. Seeing none, we're going to go ahead and move on to the people on the webinar.

3:04:55

Uh just as a reminder, if you are in the webinar um and you would like to raise your hand, at the bottom of the ic or

3:05:01

the main window, excuse me, is a set of icon, click on that participant and you'll see a hand icon.

You're going to

3:05:08

click on that to raise your hand and you will click it again to lower your hand after you have commented. If you're on

3:05:14

the phone, press star three on your keypad to raise your hand and then again press star three to lower your hand.

3:05:26

Okay, so our first commenter is Dan Hilderbrand.

3:05:34

Oh no, he lowered his hand. Okay, if you need to, you can raise your hand

3:05:39

again, Dan, if you if that was a mistake. So, we're going to move on to Miss Irene Gilbert.

3:05:49

Okay. All right, let's see.

3:06:00

Okay, Irene, don't touch your button. I'm unmuting you. We're playing a game back and forth right now.

3:06:23

Okay, she's working. All right. Can't get Irene on. So, Dan,

3:06:28

I see your mic is open. You go ahead with your comment. Okay. Thank you. Uh, can you hear me?

3:06:34

Okay. Hello. Can you hear me? Okay.

3:06:41

Yes, we can hear you just fine. Oh, I'm sorry. Okay. Um, I'm representing uh my brother and I, Randy.

3:06:48

Uh, he's the since we inherited the ranch from my father. He's now the general manager of our operation. Uh, we

3:06:56

represent the fourth generation of Hilderbrands farming our ranch. And uh,

3:07:02

it's been a struggle as it always has been since Orman and I grew up on the ranch as kids. our family every year

3:07:09

worrying that we were going to have enough uh yield with with the price of wheat combined together and uh it's

3:07:15

always been a struggle um to to be efficient farmer. Now with the exponential increase in not only

3:07:21

equipment but the inputs of the trimming practices um it's been that much more of

3:07:27

a struggle. Um, the nice thing about this project is going to give us some more flexibility and and continuity as

3:07:33

far as the dependability of uh our e economical strength to keep the farm

3:07:39

going and make a sustainable career rather than a constant financial gamble. Um, approving the Bigalow renewable

3:07:46

project is a decision to keep the farmland in production and diversify the economic base of Eastern Oregon. And uh

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we want to be responsible stewards of the of the of the ranch and the and the

3:07:59

farming in general. And this will provide a more predictable revenue stream that we can depend on. And uh

3:08:07

this is not going to replace farming. It's just going to help uh support and diversify it. Um in the past uh

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had very very few opportunities to improve. The wind turbines were one of the first ones. A lot of people were

3:08:22

skeptical of the wind turbines and we still do to this day. Um, and one of my

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first concerns when I've heard about this is I I was very positive on it. I thought it was a very good uh thing for

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us and I went to one of the public uh comment meetings at the Wasco um

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activity center there in uh in Wasco and was pretty confident in what I heard

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coming from Bright Night and the and where they were going with it and they want to be good in this project and I

3:08:50

really feel um with the input as far as the wildfires go. Yes, we do have them from time to time.
It's only in the

3:08:59

summer and it's something that farmers we grew up as kids that's something that you always had to concern yourself with

3:09:05

and it's just something we've grown up with along along with the wind and everything else. Uh the project itself

3:09:12

the 1400 acres represents about according to Randy about 1 half% of the total acreage and uh so it's not going

3:09:20

to replace farming in any of the imagination. Uh originally when Randy

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and I were talking about it, he was actually quite skeptical about it. And I said, "Randy, look at it like this. We're not farming wheat farming photons

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or electrons coming from the sun. We're just farming something else." Um our dad was behind the wind turbines. My dad and

3:09:40

uh our uncle John Orman's dad uh were very uh strong advocates of it. and I

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see what it's done for the county and the uh the income that has helped the entire county, the businesses in Wasco

3:09:52

and Mororrow and surrounding areas. It's been a very beneficial opportunity. And

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I had to remind Randy once, I said, Randy, the solar panels are going to look really good outside the windshield or as you're looking at them through the

3:10:04

windshield of your new combine. So, um I think we can look at this as very valuable partnership for everybody and

3:10:11

uh and I think with the wildfire, yes, that is a huge concern. It is a very huge concern. I understand that. Um but

3:10:18

that's something the farmers have always had to fight that about every summer. Um

3:10:25

it's just something that we've always had to learn to live with. If there's any questions, uh, any correspondence

3:10:30

can be directed my and care of my brother Randy at Post Office Box 326, West Oregon.

3:10:40

I'm sorry, Dan. Could you repeat your address for the record? Uh, you can uh almost said email.

You

3:10:47

can send any correspondence in care of Randy Hilderbrand, Post Office Box 326, WAS, Oregon 97065.

3:10:55

Thank you. I also one last comment. I do share council member um Royal's uh ick factor

3:11:04

towards the bats and the rat. They're nothing large flying rats. So I stand in solidarity with her and her.

3:11:10

Thank you, sir.

3:11:18

All right. Thank you very much, Miss Philbrand. Uh looks like our next commenter is going to be Amanda Whitman.

3:11:25

Amanda, I'm gonna go ahead and unmute your mic. You are ready to comment.

3:11:30

Can you hear me? Yes, we can hear you. Okay. Hi, I'm Amanda Whitman and I am

3:11:37

the district manager for Sherman County Soil and Water Conservation District. Um, I have lived in Sherman County for

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about 16 years now. And one of my concerns is that um no one from this

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project has contacted the district as far as conservation issues that would

3:11:55

arise with the construction of this project or um the outcome of the

3:12:02

construction of this project. Um, in the past we have been very involved with the

3:12:07

original wind farm projects in Sherman County and I have noticed um with the

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solar that that is not the case. Uh they like to meet with me once and listen to what

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I have to say but they're not listening to what I have to say. So that is a concern. Um

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we had significant erosion issues with the one solar project that has been um

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implemented in this county and there was damage to neighboring uh land from that

3:12:42

project. Um all a lot of this land is prime farmland and it is also highly

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erodable land. So no matter how much rainfall we get in the county, we still have major erosion issues that go

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along with that rain. Um I have asked multiple solar companies

3:13:05

about the long-term effects of solar on our soil and water tributaries

3:13:11

um long-term effects and no one has given me any answers on that. Um, so

3:13:20

there there's a lot of concerns that the district has with these projects, especially these large larger scale

3:13:26

projects that could really affect our watersheds in the county. Um the other

3:13:32

thing as far as fire goes, um we have been working for over a year now with

3:13:39

Natural Resource Conservation Services, NRCS to incorporate a uh fire break um

3:13:47

project in the county to help with these fires that come through our county every year. And I you mentioned that you were

3:13:56

going to put in 20 foot buffers. Um the minimum for NRCS is 30 foot.

3:14:02

Um and that is the absolute minimum that they're suggesting. So it's imperative that I think they

3:14:10

talk to the our part the partners in this about what they are suggesting. Um,

3:14:17

USDA has been active in this county for many years and we know the land. We know

3:14:23

the vegetation. We know how fire moves and I think that's very important.

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Another issue is the weeds and annual grasses. We've seen that with other

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solar projects and wind farms. There's no um immediate control over weeds. The

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Russian thistles in this county, for instance, grow rapidly. Um, they don't

3:14:48

need water. They catch on fire very quickly. So, if we don't have weed and

3:14:55

annual grass control around these projects, it's going to be detrimental.

3:15:00

Um, trying to think what else. I I think um

3:15:07

those are the main my main concerns. I I did not plan on talking tonight, but I felt like those were a few things that I

3:15:13

needed to bring up. The conservation district has been in this county for 75 years now. We've had um over \$2 million

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worth of conservation work implemented in this county and a lot of these projects take out those conservation

3:15:29

practices. And then what do we do to fix that? We're going back in time on all of

3:15:36

the work that we've put in to fix our riparian areas. And I know you think it's upland, but upland affects riparian

3:15:44

and the streams and the rivers. So, um, those are my main concerns tonight. And

3:15:50

I will submit a letter before the comment period is over. Thank you.

3:16:00

All right. Thank you, Miss Whitman. All right. Well, I'm going to circle back to Miss Gilbert. I do not see your hand

3:16:07

raised, Miss Gilbert, but if you are interested in commenting, please just raise your hand and that will bring me

3:16:14

Oh, she's got her hand up and she's unmuted. Go ahead, Miss Gilbert. Hello. Are we talking now?

3:16:21

We are talking. Okay. Um, Irene Gilbert, 2310 Adams Avenue, Lrand, Oregon. Um, I'm co-chair

3:16:30

of the STBH group and I've spent quite a bit of time representing the public interest before FSAC. So, I do have a

3:16:37

few I haven't done a thorough review of this, but um I will say that the people who did the presentation did a very

3:16:44

professional uh job and I appreciate that. Um, my concerns rely along the

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lines of the fact that this this group has a really poor track record in terms

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of compliance or um holding their people accountable for following the uh site

3:17:04

certificate conditions. And specifically, the ones that that really jump out to me are the fire plan and the

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noxious weed plan. Um now the statutes require monitoring and mitigation plans

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and um what has been happening with these site certificates is that they're

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approved with a lack of details regarding what is to be included in the monitoring and mitigation plan and site

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certificates are issued but those plans are not finalized until after the public

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process has ended. So I based on that I believe there's a really an important

3:17:42

issue in that the the draft plans need to be very detailed very specific and
3:17:49
include the requests that are being made for specific um mitigation methods and I
3:17:57
don't I have not found that to be this the case so far. Um, it becomes even
3:18:02
more important since the Oregon Department of Energy has been making changes to monitoring
and mitigation
3:18:09
plans without amendments to site certificates. So, it's making it difficult for uh land owners and
the
3:18:16
public to trust that the site certificates are actually going to be complied with. Um, one thing that
I'm
3:18:24
really very concerned about is the fact that this site certificate references the use of the public
utilities
3:18:31
commission fire uh wildfire plan once the operation of the development begins.
3:18:37
So, you're working on this for the construction period and getting a lot of feedback. But if you're
using the PUC um
3:18:46
fire mitigation plan without adding specific local criteria, what ends up
3:18:52
happening is for example, developers rate fire hazard differently oftentimes
3:18:59
than local areas. So, for example, with the B2 transmission line, Idaho Power
3:19:05
found no high-risk areas for fire across any of the five counties that that
3:19:11
transmission line crosses. So, I think it's important that it be more or less
3:19:17
cast in stone that this area will be treated as a high-risk area in terms of fire. Um the other thing
um the the
3:19:26
issue of landowner liability for damages um to their facilities as a result of
3:19:32
fires. Um and I I was glad to hear the last person comment on this 20 ft is not
3:19:38
providing the protection or the mitigation for that risk to the the property owners that are facing
the risk
3:19:46
of being sued for damages to the develop to the area. I personally think 30 feet
3:19:52

is not enough. I I would say that in order to issue a site certificate that mitigates for that risk. Um there needs

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to be some research into how far do these fires jump when they are in uh

3:20:05

wheat area and assure that the uh the no fire zone is wide enough to actually

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provide that. uh the FSAC makes a determination about significance of

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impacts and it's not going to be a significant impact but um I just wanted to remind you that that does not exclude

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the fact that the developer is supposed to mitigate for all of the all the impacts they are to leave these

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agricultural um land owners basically at the same

3:20:38

point as they are going into this by addressing the increased risks that are

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created by this development. Certainly, one of those increased risks is that

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they could be sued for a fire um that happens on their area jumping into a um

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into this new development. I um at any rate, I'm going to spend

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some more time looking through these and we'll make some specific comments uh and reference the mitigation and and u plan

3:21:09

statutes which I understand is required for this. But I do think that while it's a good start, this draft, the drafts of

3:21:17

the fire and also the noxious weed plans are not developed to the extent that the

3:21:22

public can have any kind of assurance that you're actually going to be uh

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number one implementing mitigation that leaves the the public free of risk of or

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addresses the increased risk or that the monitoring is going to be adequate to

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assure long-term protection. action. Um the plans don't address, for instance,

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state requirements for weed management. And there's been a lot of concern from

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the tribes, from individuals about the level of weeds that are being uh spread

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by these renewable energy projects. And I I would really encourage you to

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require the developer to comply with the state requirements and to leave the land

3:22:09

owners uh financially free of the consequences of having to go to the

3:22:15

county and and file against a developer because they're failing to manage the weeds according to the state statutes.

3:22:23

Um I guess that's enough for once. I didn't use my seven minutes. I don't believe. Anyway, thank you for your

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time. Any questions?

3:22:36

No, there are no questions. Thank you for your comments. All right. So, at this point, I see no

3:22:42

other hands raised. Is there anyone else in the room that would like to provide a comment?

3:22:50

Last call.

3:22:57

Okay. So now we're going to provide an opportunity to members of the council to

3:23:03

ask questions or make any recommendations to staff.

3:23:09

Chair Condan, this is Marcy. Thank you, Marcy.

3:23:16

Uh, first of all, I would like to say uh I wish I had been there in person, but

3:23:21

nonetheless, thank you to everyone who took the time to so clearly state your

3:23:28

concerns. One of the things that I've most appreciated about serving on this council is it has been absolutely

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educational for me, not just as an Oregonian, but professionally. Um Sarah

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to directly um respond to your your request about you know comments to

3:23:48

staff. I'm well aware of the separation between the Department of Energy and the Oregon

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Public Utility Commission, but I strongly um encourage and ask whether

3:24:01

it's just to and I'm happy to do some of my own research, but I'm I'm really

3:24:06

concerned about our limits that I'm aware of that may or may

3:24:13

not align with what can be done elsewhere. So for example like I know we

3:24:19

can't say oh you must have blank number of people or we can't say you must
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double whatever the the average you know standards are or exceed minimum
3:24:31
standards but I just I really like to know that there's a way to provide some more assurance to the
public. Um it's no
3:24:39
secret I've said it probably every meeting since we've started talking about wildfire. Um,
someone mentioned
3:24:45
that PGE's plan um tends to lean towards
3:24:50
trans or I don't know if they said transmission or distribution, but um anyway, I really just am
curious if
3:24:56
there are things that we can glean from other areas that can align and help the
3:25:02
public get some of the reassurance they need. And um I would just encourage the
3:25:08
developer to really think about how they can invest to the public to to meet some
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of these things because while you as a you know as a developer have a lot of risk, this is their
livelihood. This is
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their their legacy, their communities as well. So, I believe, you know, I I have
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to believe people are operating in good intent, but I really hope that the comments around the
noxious weeds and
3:25:38
the wildfires are really, really taken to heart. And lastly, I'll just say that
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anyone who's participated over the last couple years has heard this council talk a lot about
operational
3:25:51
uh or excuse me, organizational expertise. And I think we heard a lot of comments
3:25:57
directed at that today. So I hope the developer plans to address those things to preside provide
reassurance to the
3:26:05
public and to our council. Thank you.
3:26:11
Thank you. Uh councilor Gra. Uh any other comments or questions from
3:26:18
council members? I have a question. Madam Chair,
3:26:24
um I'll be second. Yes. Uh, no. Go ahead, Councilor Delin.

3:26:31

Okay, Madam Chair, um, I don't know if I have a statement or a question. Um, it

3:26:39

seems to me that, you know, some of the things that people are talking about in terms of uh, past performance, there's

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actually some agreement on. I mean uh within the statements from staff there was some statements about uh the fact

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that the actual performance particularly on the first phase over time has not been what was expected. Obviously some

3:27:03

of the people that are critical of the proposal um are saying that very clearly and even

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the applicant is now admitting that some of that performance has been less than desirable.

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Now, the problem I have is I don't have an answer for this. I'm not an attorney.

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I am not our obviously our um our representative from the attorney

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general's office, but we have specific criteria that we view every project in.

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And I'm not sure that we can actually apply or create a new criteria that in a sense

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tries to enforce perhaps some shortcoming from a past approval or the

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performance in a past area. I'm just not sure of that how you would do that or if it if it even could be done in a

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matter that would be um let's say uh where litigation would be limited.

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The second thing is I clearly doubt that this body has any authority and I'm not

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even sure the legislature would have authority um to limit the liability of various

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parties that might be involved in something that would cause damages to another. I mean that's clearly u outside

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the purview of of this council. Um, and I not even sure about all the

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ramifications of that, if that would even be uh within the legislator's

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purview on a statutory basis. I just want to put those comments on the record. I I do think the concerns are

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real. Um, I do think that uh turbons wear out. Uh

I do believe there have been quite a number of issues with them particularly that sort of uh first phase and I don't know if which generation of turbines that was. I know turbines are actually under an enormous amount of stress over time. It's interesting that one of the speakers is a former 747 pilot and she's

obviously probably aware of the uh metal fatigue in aircraft over time and the fatigue in the blades of that those turbons. There are significant issues there also and I just wanted to put all that on the record. Uh, I'll be probably thinking about what our actual authorities are, but I clearly

believe people have made some clear and to a large degree some compelling arguments.

3:29:42

Thank you, Councilor Develin. Councilor Perry, do you do you have your hand

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raised? I can't see it, but yes, I did. Thank you. Yes, feel free. Yes.

3:29:56

Thank you. I I did have a couple of points and along the same lines as

3:30:02

councilor Deon um was mentioning first of all about the

3:30:09

fire concerns. **It seems like when there's a concern with property owners and developers as a as a planner, you know, there's there's been situations where, you know, a covenant not to sue would be in order, but that's not something that this council has any um purview over.** That's more like uh

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like councilor Delin was saying a legal matter between the owners and the

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developer to uh work that out on who's responsible for what on the property. But uh on the

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other the other uh point I wanted to make was about you know and as a planner I've you

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know had situations before where we have a property that you know may have a

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violation on it of some sort and then then they want to come in and apply for a land use application to do something

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else. And if if there's a violation on the

3:31:18

property, then you wouldn't necessarily want to approve or be able to approve

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based on the regulations of that local jurisdiction to to approve

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um an a new thing on our property if there is some kind of a compliance

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issue. And I'm new to this. I'm not as familiar with the um administrative

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rules and the and the sighting standards as our experts are in the staff and and

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secretary and our legal office. But I was just uh I guess a question now to

3:32:00

um this the staff uh Chris would **would**

there be some kind of regulation that I may not be aware of that would prohibit the approval of an amendment to an existing site certificate when the existing site certificates requirements may or may not be satisfactory. But in looking through the staff report, it looks like you have addressed those and with the addition of some additional amendments to the conditions that were placed on there that would remedy some of that. And I was just wondering if there was anything that um uh the sighting council needs to consider on that situation where we have um if if we look at if if the existing facility is in compliance with everything then there isn't an issue with um moving forward with looking at specifically this in relationship to that with the addition of the solar to this sighting certificate. Um, I just wanted to make sure that that we're covering all those bases. Thank you.

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Thank you, Councilor Perry. And we have Christopher now at the mic.

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Thank you, Council Member Perry. For the record, this is Christopher Clark, senior sighting analyst. Um, just since

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you called out me specifically, I will respond um with two things. uh one I

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think the relevant standard is the organizational expertise standard and so I'll just read that at least in part um

so the standard provides that to issue a site certificate the council must find that the applicant or in this case certificate holder has the organizational expertise to construct operate and retire the proposed facility in compliance with council standards and conditions of the site certificate. I am not aware of a separate rule that would um prohibit the council from approving a facility if there were a violation in place or or something like that or a requirement secure. Um I do want to point out though and I think this is important for the record. **Uh at this point in time the certificate holder has not been issued any notice of violation or um I maybe can be corrected but even a notice of non-compliance for these issues, um they have been responsive to the department's um requests for corrective action plans and and things like that. So there there have been a number of compliance issues at the facility and and that is well documented but not violations themselves.**

Thank you, Christopher.

3:35:07

Councilor Perry, sorry. Was that a thank you or did you have something further? No, I think we just kind of talked

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over each other. I was just thanking Chris for that response. Okay. Thank you very much. Um, and I do

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have a question, but I'm wondering if the makullas can come up to the microphones.

3:35:29

Oh, okay. Thank you. Yeah, you can go first. Um, this is Kent and um, tonight we

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heard a lot about organizational expertise. Hold on just one second.

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Did you Oh, sorry. I thought I had a question of that. No, no, no. Sorry. Um, organizational expertise while or the

noxious weeds and vegetation management, but um, we did hear regarding wildfire a

3:35:59

recommendation from the S SWCD to I think **it was 35 ft and that probably has some science behind it uh, that um, could withstand a challenge or whatever.**

3:36:09

So I think we ought to kind of look into that. That's all. Thank you, councilor. How and now a

3:36:17

question for you. And um I think uh one of the things this meeting has

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really brought into focus is our work on compliance. Uh the wildfire um rules are

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pretty new to us. I think we're now in our third year of wildfire rules and

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working through projects and what's appropriate, what are compliance issues. Um, and every step we go, we we

3:36:44

learn more. But one of the things that is has been very opaque to me and it sounds like you're big supporters of renewable energy and certainly went into this project with um uh great um uh uh enthusiasm enthusiasm. Yes, passion and enthusiasm and um and you it worked well and then then it didn't. And so I am wondering one some of the uh uh issues you have as underlying property owners of the project. You I guess I have operated on the on the um thought that all the underlying property owners have an agreement with the with the developer and in those agreements there are some provisions that we guess asked about here there. simply not not necessarily open to us to we we don't have the authority to do much with it. So could you enlighten just I know some of it is proprietary information but um speak a little bit about the leases and do your lease agreements speak anything speak to anything that you spoke to us about today? What do you think?

3:38:04

If you're looking at me blank, you probably know more. You're talking about the Are you talking about the leases or the soul?

3:38:11

Well, um Okay. Well, right right now it sounds to me I guess the premise for my question is it

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sounds like um it's just um a matter of understanding and coming to some

3:38:24

agreement. Sounds like uh the developer has is really now concerned with

3:38:29

compliance. You've certainly suggested that they've been more pro proactive, but in the your agreements with them, right, um does it call for action um of compliance that or are you dependent depending on on us?

We're depending on you because after 10 years of reporting pieces and and our concerns and having them ignore us and lie to us, we don't trust them anymore. And since the blade fell four years ago, there the now more towers are down than ever. And we're just stymied. We don't know. We're not signed up for solar because we would not sign up for them period after what we've seen with the wind. Okay? And it's not really addressed in the lease, but it's in the site certificate. And no, there are no violations on PGE because they never told you guys.

Hello. Well, and as I see at this meeting, we've talked a lot about it and the last, I don't know, five meetings. Some of these issues have come up and are now being addressed and there seems to be a plan going forward. And I'm wondering if you are aware of that, you know, part of your are you included in those conversations with the developer and Okay. All right. I um you can answer that. Yeah. Well, I Yeah. Yes, we we are. and and the PGE crew that is there now have been very open and coming and talking to us and wanting our opinions on how things are. But it's just we have lack of faith in PG right now. They haven't proven anything to me. They are a disappointment, unfortunately. they need to keep moving forward and figure out how to fix this and then prove to me that this is going to work because they haven't done anything yet other than shut the towers off because they're dangerous. Well, you presented your message well, right? Or at least in in my opinion and I thank you for um for being here um and and sharing one your experience. But I also uh just given the wildfire mitigation risk, if you have um some ideas that um you don't see in the mitigation, the draft mitigation plans uh for construction or that should be there on the solar project um that is now proposed. um um you know the the more detail you can give to us and staff the better it informs us for our decision- making. Okay. And since Colt is actually farming now he's my biggest issue my biggest issue there now. Yeah. My biggest issue is there's no operational wildfire mitigation plan to even look at right now. So, how am I even supposed to comment on something that doesn't even ex I Yeah, I don't have privy to it. So, all I'm going off is what the OdoE is saying that they're they're going to put in in the interimm, but then I'm not going to have any say when it actually comes out. Okay. Um Okay. Thank you.

And it's, you know, I know it's coming. We've heard that and just keep your ear. Okay. Yes. And just as an aside, even Bright Night hasn't been forthcoming with us. This is like the fourth or fifth representatives that have come through that, you know, that are now the experts. And we were told that the panels weren't going to be within view of our house. And then they were right across the road. So, we just panicked. And the our landlord is the one that got them to move them back.

Everything we've been promised, somebody reneges on. And it's getting really frustrating because we feel like we're just in a wave that we can't stop. We keep hearing the right things. We just haven't seen them. It's not in writing. Until I see it in writing from now on, I will not believe it. It needs to be put in writing and signed by whoever the proper authority is. And that's what needs to happen. I used to do business on a handshake. Not going to happen ever again. I had really good intentions with PGE and there's their wind project and they kept telling us they're going to do it, but they kept cutting their maintenance budget on the project. How do you how do you I don't know how you run anybody's farm or you do anything. We spend money on our equipment to keep it up and make it work. So, we're not going to be out there intentionally starting fires. Their solution was not to do anything with this new management team. I have great hopes. Well, thank you. Thank you for being here and coming up twice.

3:43:41

Thanks. And having such strong representation. And I'm wondering if um PGE wants to

3:43:48

come come and respond or

3:43:54

you don't have to. It's just our final comment. Okay. Yeah. Okay.

3:44:00

Thank you. Um Yeah. Thanks for listening.

3:44:05

Okay. Yeah. Listen. And and I will say and you've heard from all

3:44:11

of the C Yeah. Every all of the council members spoke today and these are of

3:44:16

real concern to us. The issues that came up today are of concerns with this project, but overall they have been a

3:44:23

real area of focus for us. So, um, thank you for being here for the hearing. And

3:44:29

if there are no more comments from the council, I'll turn this over.

3:44:35

Yes. Thank you very much. Okay. So to close us out, would the certificate holder like to respond to any comments you've received to date or evening,

3:44:53

Chair Condan, um uh members of the council, and folks in the room this evening, thank you very much for your time and energy and for the for the input. Um uh I'll just say two things, then I'll hand it over to Lenna to to to wrap us up here. um in response to what we've heard tonight. So, one um you know, I think to reiterate um we recognize that some of the concerns raised about the operation of the Biglow Canyon Wind Farm do not meet the uh standards for excellence that PGE expects of all of its sites. Um and we are taking appropriate actions. Um we also operate thousands of megawatts of clean energy across this region with an excellent track record of safety and reliability. Uh, with regards to wildfire, let me reiterate the safety and well-being of the communities we serve is paramount and we recognize the existential risk of operating a utility today in the West amidst growing wildfire risk from climate change. We maintain and implement robust wildfire mitigation plans as required by the state um and

submitted to the Oregon Public Utility Commission on a regular basis. Those plans are evaluated by an independent evaluator by the safety staff at the Oregon Public Utility Commission and it is through a very public process with robust stakeholder input. We just submitted our most recent wildfire mitigation plan um in December and it is currently under review. Uh right now we're forecasting about \$120 million annually in wildfire mitigation um investments uh to protect the safety uh and well-being of the communities we serve. And that includes things that have been discussed tonight such as grid hardening and vegetation management. Uh situational awareness so think risk modeling as well as the use of like AI panoramic cameras. It includes operational procedures across our system distribution, transmission and generation um and and it includes um the work that we do with our communities around education and outreach. So wildfire safety is important and we continue to evolve our wildfire mitigation plans um in response to changing technology, improving technology as well as evolving industry best practice and unfortunately the growing risk of wildfire in this region.

3:47:10

Thank you. Thank you. Uh we just want to again uh

3:47:16

say that we appreciate all the comments and people taking the time to review these documents. Come here in person to

3:47:21

provide your testimony. Um we will review all the comments and provide written responses. Um but we do want to

3:47:29

reiterate that the level of detail in the plans and the monitoring, the inspection, the reporting and the

3:47:35

enforcement by the department in these plans is at a much greater level than any previous plan. Um the department

3:47:43

staff and the staff that we have supporting the development of these plans have identified these improvements

3:47:48

to the site certificate and associated plans and they have teeth. We heard you know we we want teeth and we believe these plans do have that. Um

3:48:00

additionally in the written comment we will be submitting um our communications log with stakeholders into the record to

3:48:06

show our outreach to stakeholders. Okay, with that, thank you again for

3:48:12

your time and get home safe tonight.

3:48:19

Any final comments or questions from council to the certificate holder?

3:48:27

Thank you again, certificate holder. Um, I need to amend one statement that I

3:48:32

previously made about the comment deadline. So, all comments must be

3:48:37

received by January 30th at 5:00 PM. Not submitted by, but received. So, if

3:48:43

you're paper mailing your comments to the department, make sure you've mailed them in a manner that they can be

3:48:48

received by our office on January 30th at 5:00 p.m.

3:48:54

Okay. So, it is now 8:20 p.m. on January 15, 2026, and the public hearing portion

3:49:01

of the comment period on the proposed order for request for amendment four of Biglo Canyon wind farm site certificate

3:49:08

has concluded. I'm going to hand it over to Chair Condan to close the meeting. Chair Condan, if I may.

3:49:15

Secretary Cordet. Yeah, I just want to take the opportunity to thank everybody for coming out tonight. Really appreciate it. Our process is designed to include

3:49:22

public participation, local participation. That's why we're here. It works better if there is good robust

3:49:29

participation. So, I encourage you if you have comments, please do submit those comments. As you've heard from the

3:49:35

council, we take them very seriously. So, please do comment. Thank you.

3:49:40

I want to add my thanks again uh for everyone who came to the hearing tonight and especially those who sat through the

3:49:47

whole the whole meeting tonight. So, thank you. Um, the time is now 8:21 and

3:49:54

the January 15, 2026 meeting of the Energy Facility Siting Council is now

3:49:59

adjourned. Thank you. Thank you. Nice job, Cindy.

3:50:08

Yeah.

Kathy McCullough and I live right under the project, about a half mile from the PG building, and I'm a retired 747 captain for Delta, and I'm also a microbiology and environmental health graduate from Colorado State. When this project was first started, you wouldn't have found anybody more excited about it than I was, because to me, these looked like giant propellers. I loved it. I wanted clean energy and wind ... we could farm around them. That was the best. In fact, it helped us. We got new roads. We got in and out of fields we could never get into before. It was amazing. We were probably the biggest proponents of this project until...

Construction was great. The first five years, great manager, new equipment, everything was perfect. The next 10 years, horrible. I mean, horrible. We were picking up pieces in our field. There were nose cones dropping. They all started leaking, all of them in phase one. And the culmination was when a blade dropped February 2022, waking up my husband and my dog. I wasn't home at the time.

This is the blade down here on the ground there. This is our house across the road. Was really close. It was really loud.

We had been complaining for a while because there had been so many pieces. PGE wouldn't listen to us. They really would not listen, and we didn't know what else to do. I mean, even after the blade fell and PGE got Alltite to come in and start inspecting all the bolts in all 76 of the first Vestas towers. Nothing changed. Alltite came. Alltite went. One company before them said it was the greasiest mess that they had ever seen, and it was unsafe and they quit. They had to throw their coveralls away after one day. It was one of those things that we knew would happen. We had been watching.

This is what they still all look like... they haven't they haven't gotten better. They aren't cleaner. None of them have. There's one that has the new prototype on it, but four years after the blade drop, nothing has been fixed. They have all the parts ordered, but nothing is different to us. And in fact, the old (project manager) Brad Jenkins, who was in charge of the project before, lied to the newspaper and said, "Just because they're dirty outside doesn't mean they're dirty inside."

Well, I have a picture of the inside. It's horrible. The wiring's cracked. It It's really bad. And they flat-out lied to us.

So, my problem is, how do I trust this company for solar in a county that is so Fire-prone, you would not believe it? Our fires, this is under BIGLOW.

This is one of the fires we've had. We have six to 10 fires a year during harvest and around the dry season. And they're scary. I mean, they are... they move fast. My neighbor barely got in the car and out of her house as a wall of flames was coming towards her.

We all run to fight them. We all have water on the back of our pickups. We have shovels. We have hoes. We have everything like that. But they still move fast. And I

mean fast. There were probably 50 pickups and farmers fighting this fire. And this was this was a couple years ago. It's just one of the many. And if I trusted PGE with their with their wind, I can't trust them with their solar. I can't trust that I'm safe in my house if they're not going to be honest.

And if they're going to tell people that we lie?

There's a whole new regime at PGE now. I admit that because I like Dan. I like the people who are there now. And I think we're on a different tack. I think we're going a different direction.

But unless it's in the site certificate, they're not going to do anything. And most of this most of this amendment is construction. Very little of it concerns actual operation once the construction phase is over.

We really need a strong site certificate. Even with PGE knowing all that, they never reported anything until I went to the paper and got the Oregonian to write... four months after. No, wait. February is when the blade dropped, and I think the paper may have been September, and there was no change, nothing.

They knew pieces were dropping and I just I'm glad they have new maintenance. I really am. Or new, you know, new people. But we've got to have a strong site certificate.

We could not get them to give us a holdless clause for farming. So if we accidentally start a fire and it burns into their facility, that's like a that that's a two billion dollar facility we don't have money for.

The only other thing I was going to say is BrightNight's got great ideas. I mean for fire. As 747 captain, lithium ion batteries are scary. They are just plain scary. My vinyl sighting on my house melted in 2021 to the west side. That's how hot it gets there. So if you don't have good, you know, good protection, you're in trouble.

So this is how they look. They say, "Oh no, they look great. They're white. They're clean. Yes, they are. This is how the transformer boxes look that PGE has under the towers. How am I supposed to think that the batteries are going to look okay?

So I hope... I understand we have to have this green energy mandated, etc. Can we get some real teeth in this site certificate? Can we get some real help out where we are? And if there's a fire, please don't let them sue us so that we can't farm anymore, because we only have \$5 million liability. We can't pay for that facility.

We've never started a fire during harvest, but we fight four to six a year. Well, no, six to 10. So, they happen all the time. One of these days it's going to be our turn.

Okay. Thank you so much for your

comments. Appreciate it.

All right. So, our next commenter is Kevin McCullough.

Obviously, I'm Kathy's wife. Oh, excuse me. Kathy's husband.

I farm underneath the the project. PGE has not done what they said

They were going to do, and now that we have new management, this is a good thing.

But they need to prove that they can operate this. I don't know why you would give them a certificate to put in a solar farm when they have not proven that they can operate what they have. They keep saying they need more green power.

You know how many towers we have sitting every day out of those 217?

40 to 50. Every day. Makes no sense to me why you would be willing to give them a certificate to build a solar thing until they fix this problem over here.

It's it's bizarre to me. And the other thing is the fires. Like she just said, it's not if we start a fire, it's when we start a fire, and your setbacks aren't even close to deep enough to keep us from having to pay, they're going to sue us and we will no longer be in business.

So, thank you for your time and hopefully you take some of this into account.

2:41:46

Good evening, everyone. Um, should be the last McCullough commenting.

My name is Colton McCullough and I am the current farmer on the land that the proposed project would be built on.

I'll put Colt's comments on later, but they are on this You Tube:

<https://www.youtube.com/watch?v=XEXStXCgWTQ>

I am writing you concerning the NOI for the Speedway Energy facility proposed for Sherman County Oregon.

I am a 4th-generation farmer/rancher in Sherman and Wasco Counties, working with my son, who is the 5th generation. Our ranch is in direct proximity to or borders portions of the Bakeoven approved solar (1,270 ac), Daybreak approved solar (1817ac), Sunset approved solar (1817ac), and Yellow Rosebush under review solar (8075ac). We also border the Buckley under-review solar project (7852ac) and the Speedway NOI solar project (14000ac solar with wind, totaling 25000ac).

In addition to these solar projects, Avangrid is leasing property extending east from the Speedway project to the John Day River to develop another solar project, which could easily match the Speedway project in size. Keep in mind the acreage listed above is only the acres to be covered with actual solar panels. The total acres included in these projects and removed from agricultural production are estimated to be greater than 100,000 acres of F-1, exclusive farm use acres, and do not include proposed solar projects in the north end of Sherman County, such as the Biglow solar project. Please keep in mind the total effect of all of these projects combined will have on wildlife, wildfire, the agriculture community, and supporting Ag industries. The precedent set on these individual projects will have far-reaching and permanent consequences.

If all of these projects are allowed to continue to move forward unchecked, I fear a collapse of the ag sector in Sherman County and possibly beyond. Sherman County has always been referred to as "the land of wheat," grown from river to river. Some on your EFSC council and our CREA group (Community Renewable Energy Association) have been quoted as saying that we "produce low-quality wheat that is undesirable." As a past president of the Oregon Wheat Growers League (OWGL), I can testify that is completely false and would enjoy a public debate with those members. World wheat consumption has exceeded production five out of the last 6 years.

The United States loses 4.3 acres of farmland every minute (USDA DATA), of which much of this is highly productive land. We also continue to lose irrigated acres to loss of water availability through water rights litigation. These Sherman County acres are "dryland" acres, non-irrigated, and don't use river or groundwater or electricity to produce.

The U.S. is experiencing an extreme shortage of beef production, much of which is caused by state and Federal regulations removing cattle from public as well as private lands. Many of the acres in these projects are range land used for cattle ranching.

As a 5th-generation farm and ranching operation, we are extremely concerned about the viability of our operation should these projects be approved. The loss of this many acres to solar will make it very difficult for local agricultural businesses to survive. We will lose these businesses and their labor force while increasing the cost to those of us remaining in agricultural production.

We have continued to see a decline in mule deer in this region, and fencing off tens of thousands of acres will only accelerate this decline. It will also divert the remaining population of deer, elk, and antelope to the remaining farm and range land, thus damaging crops and range.

According to the U.S. Forest Service (USFS), Sherman County's risk of wildfires is higher than 98% of counties in the entire United States (wildfirerisk.org). Brookfield claims it can control wildfires on its projects. As a 66-year-old Sherman County native and volunteer firefighter, I will tell you that it is absolutely false.

First of all, once these wildfires are started, typically by dry lightning, they are extinguished by the local farming community and volunteer fire districts using millions of dollars of large-scale farm tillage and industrial equipment, all donated by farmers. Where terrain allows, these fires are stopped by creating fire breaks with tillage equipment or bulldozers and starting backfires. Where terrain prohibits these practices, volunteer foot crews descend into the canyons to extinguish the flames, often at night when winds are light and humidity is up.

Once these solar sites are fenced off, both of these mechanical options will be off the table. The toxic fumes emitted from a burning solar site will prohibit entry and may well prohibit ground crews from engaging the fires downwind. The potential for these fires to grow exponentially is real. The historic Oregon Substation fire that burned from The Dalles, Oregon, across Wasco and Sherman Counties, burning thousands of acres in a matter of hours and taking human life along the way, will not be the last. This entire area is composed of large, deep canyons, and only foot crews and aerial support can combat the fires. I recently served, at Governor Kotek's pleasure, on the Oregon Wildfire Funding Committee to help come up with new funding mechanisms to fund a shortfall in an ever-increasing firefighting budget. These solar sites will only increase the need for state resources to fight fires once controlled by local funds and

volunteers.

This area is 100% exclusive farm use, and we have historically been able to extinguish fires relatively fast, thus preventing large losses. I carry liability insurance to cover the risk that our farm machinery might accidentally start a fire and spread to neighboring property. If these solar sites are permitted, the potential for catastrophic losses is very probable and real. I cannot afford a policy to cover such exposure. Brookfield has publicly stated that we can't be sued for accidental fires. From past experience, I know this to be absolutely false. They have refused to agree to a hold harmless agreement for historic and ordinary agricultural operations. This refusal tells me that they and/or their insurance companies fully intend to recoup losses any way they can.

These energy companies are being allowed by the Oregon State administration to intrude into an exclusive agricultural-use community, ignore all land-use policies, and extensively change the long-held practices of that area. The Agricultural community needs protection at the state level to safeguard our right to farm and prevent undue hardship from extreme liability exposure. These solar sites will be worth billions of dollars.

Because of the current wildfire risk, our fire insurance has increased substantially to the point that some companies won't even quote a policy for this area anymore. If these solar projects are eventually built, this will only increase the risk level, insurance rates, and insurability.

I find it extremely frustrating that Green Energy companies are being subsidized and given state and federal tax breaks, through enterprise zones, and state and county property tax relief through SIP agreements. These same SIP agreements prohibit reductions in local tax rates. So while we subsidize the energy companies, which are mostly foreign-owned, with our tax dollars, long-standing residents and businesses keep paying more. Everyone involved in these green energy projects is getting extremely rich. Currently, solar companies are paying 10 to 20 times the current rental rates for these farm and ranch acres. They are driving long-standing renters out of their leases and out of business.

I recently flew over Hawaii and noticed that most residential and commercial rooftops and parking lots were covered with solar panels, while very few areas were covered with solar farms. Oregon has plenty of public and private options that don't pose such a high risk and destroy farmland.

I urge you to deny the construction of any proposed solar facility based on its adverse effects on the area's cultural, historic, and scenic values. I further urge you to deny based on the extreme wildfire risk, risk to wildlife, and the devastating economic effects this will have on the current and long-standing "Ag Use" community. If you allow this to continue, it will destroy Sherman County, "The Land of Wheat," forever.

Alan von Borstel

Sent from my iPad



Speedway NOI

From Alan von Borstel <vonborstelranch@gmail.com>

Date Tue 1/20/2026 1:31 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

 1 attachment (17 KB)

2 Alan's NOI for Speedway and Bglow .docx;

[You don't often get email from vonborstelranch@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please see attached comments.

Alan von Borstel
56712 von Borstel Road
Grass Valley, Or 97029
541-233-3514

New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Thu 1/22/2026 2:16 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Cranston Farms//Moro Fire Department

Submitted by: Bryan Cranston

Email: cranstonfarms1@gmail.com

Zip Code: 97039

Siting Project Phase: NOI

Comment Summary:

Concerns that I have being a Sherman County Resident.

Please Click on the following link to view the full [Comment Details](#)

Comment Title

Concerns that I have being a Sherman County Resident.

Comment Date

1/22/2026

source

Siting Project Phase: NOI

Comment Details: Adverse impacts to Public Services

This project could adversely impact our community. If 25000 acres are taken out of production, that is 10 percent of the tillable land in our county. This not only will affect the number of farms but our local ag vendors, cooperatives, right down to the local grocery store. The wind aspect of this project I am good with. The solar and batteries is what concerns me. As a farmer that will be a neighbor to this project, my main concern is my liability and the inability to insure for that. My other concern is as a volunteer fireman, is our county's lack of infrastructure and training in dealing with a solar farm fire or a battery fire. This scares the hell out of me because right now our stance would be to step away and watch it burn. I'm am not one to tell someone what to do with their land, but I feel these are valid concerns and need to be addressed before moving forward with this project. If you have any questions please feel free to contact me.

Thank you,

Bryan Cranston

Notice of Intent Exhibit

Page Number(s)

No Attachments

Speedway Energy Facility

From Jamie Wilson <j30wilson@hotmail.com>

Date Thu 1/22/2026 4:24 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

 1 attachment (19 KB)

Speedway Energy.pdf;

You don't often get email from j30wilson@hotmail.com. [Learn why this is important](#)

Kathleen,

We would like to submit this to the public comments for the Speedway Energy Facility.

Thank you,
Jamie Wilson

The 25,000 acre Speedway Energy Facility would be absolutely devastating to the town of Grass Valley and the surrounding area. Who will want to live in or near Grass Valley when all that you can see for miles are chain link fences, solar panels and wind turbans? We feel that this facility would also be detrimental to the vast wildlife that inhabit the huge area.

Our number one concern is fire. All of Sherman County and especially this particular area is notorious for wildfires. According to the US Forest Service, Sherman County's risk of wildfire is higher than 98% of counties in the United States. A draft map can be seen on "Oregon Wildfire Risk Explorer". In our small community it is primarily the farmers and ranchers that fight wildfires. Through a very efficient communication system our local farmers, ranchers, and rural fire departments are able to respond quickly and in most cases get these fires under control in a timely manner. In the event that a fire were to start in or burn into a solar facility of this size it will take hours if not days for specialized fire crews to respond to our remote location. With our counties commonly dry and windy conditions this could be a recipe for disaster. The battery storage area is also a great concern until self fire suppression on these huge batteries can be better proven and tested.

It was stated in your public notice and on your website that this proposed facility will be on land zoned F-1 (Exclusive Farm Use) so how is it okay to cover it in solar panels? We are nearing a global food crisis and no agricultural zoned land should be succumbed to green energy when it can produce food or be grazed by livestock that in return feed our Nation and the World. A majority of this proposed land is utilized for dry land wheat farming, cattle grazing, and all of this land provides a high quality habitat and forage for all types of game and wildlife.

With the great risk of wildfires, dusty and foggy conditions we feel that Sherman County is not a suitable location for solar facilities. A solar facility of this size would take valuable farm and grazing land out of production and devastate our vast wildlife population. Given our rural location it would take hours if not longer for specialized fire crews to respond for emergencies. This solar facility would take a huge toll on the recreation in our area and turn our majestic rural landscapes into a complete eyesore. A huge part of Sherman County's history, the Barlow Cutoff Trail, would be lost if the Speedway Energy Facility project is allowed to move forward.

Sincerely,

Cathy Brown
Jamie Wilson

Fw: Speedway Energy Facility Public Comment

From BARTLEY Bibi * ODOE <bibi.bartley@energy.oregon.gov>

Date Fri 1/23/2026 9:09 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hi Kate,

I recieved the below email today, I did let them know we recieved the email and that I have forwarded it to you, and I can upload it to the docket later today.

Cheers,
Bibi



Bibi Bartley

Operations & Policy Analyst

(she/her)

550 Capitol St. NE | Salem, OR 97301

P: 503-428-9716

P (In Oregon): 800-221-8035



Stay connected!

From: Nicholas von Borstel <nvbswcd@gmail.com>

Sent: Thursday, January 22, 2026 7:27 PM

To: BARTLEY Bibi * ODOE <bibi.bartley@energy.oregon.gov>

Subject: Speedway Energy Facility Public Comment

You don't often get email from nvbswcd@gmail.com. [Learn why this is important](#)

To Whom It May Concern,

Until now, the Sherman County Soil and Water Conservation District (SWCD) has not expressed any opposition nor support for any renewable energy company or project being proposed within it's district borders, only concerns. The district has instead chosen to remain neutral but vigilant in it's duty to work with these companies in addressing natural resource concerns that pertain to their projects.

However, following our meeting with Brookfield Renewable U.S., the district would like to at this time express their opposition to their Speedway Energy Facility near Grass Valley, Oregon for concerns pertaining to the possible damage to natural resources and the environment.

After the construction of a solar project in 2018 that resulted in the catastrophic loss of irreplaceable topsoil, the county saw fit to add Sherman County SWCD to the list of organizations for the renewable energy companies to consult with before proceeding with the construction of their projects. Sherman County SWCD has 75 years of experience in working with the state of Oregon, federal agencies, public interest groups and landowners/operators to implement soil and water conservation practices for the better protection of our natural resources. It was the county's hope that the district's vast experience with the management of local natural resources could also work with renewable energy companies to help them implement practices in their construction and continued management process to help such an environmental failure from happening again in the future.

Since then, the district has enjoyed the privilege of working with these companies as they move forward with their projects. Although we recognize that these companies are now required by the county to meet with us, the companies have seemed interested in our concerns and open and cooperative in our suggestions on how to best alleviate them.

This was not necessarily the district's experience with Brookfield Renewable U.S. when discussing the Speedway Energy Facility. It was evident that the district and Brookfield did not share the same concerns nor did Brookfield seem engaged in the recommendations given to them by Sherman County SWCD. It was not the district's impression that Brookfield was really interested in working with Sherman County SWCD to help prevent the wrecks of the past from happening again. Especially given the sheer size of, and the location next to many existing water ecosystems, the district is severely concerned that without proper practices implemented, the speedway project could bring irreversible damage to our soil, watersheds, and environment. It is our belief that when it comes to protecting our natural resources, being proactive is much better than reactive.

Although Brookfield and the Speedway project are the only company and project that Sherman County SWCD currently expresses opposition to, the district has shared general concerns with the overall volume of current renewable energy projects being proposed in Sherman County in such a short timeline. To our best estimate there are approximately 35,000 acres of green energy projects entering their first phases to be approved to start construction in coming years, with reports of this eventually growing to a total of 81,000 acres. Should the latter acreage be met, this would mean that over 15% of the county would be converted to green energy production not including the large amount of acreage already in production. Of these acres Brookfield and the Speedway project account for 25,000 acres or approximately 71% of the acres in their first phases waiting approval. It is our opinion that this level of increase in such a concentrated area should not be taken lightly. Sherman County's geographical location being bordered by three major rivers and many more smaller tributaries rises risk for disaster. There are many unknowns to the public associated with newer solar technology. It is to our knowledge that in the event of a fire, there is increased need for caution for the safety of fire crews due to toxins present in the panels and batteries. One of our concerns is toward the consequences of panels or batteries being damaged, either by fire or other means, and releasing toxins into the soil and into the waterways. Once toxins enter the waterways, it is too late to stop the damage. Sherman County records a risk of wildfire 98% higher than the counties in the entire United States according to the U.S. Forest Service raising the likelihood of damage occurring.

Even if no damage were to occur, Sherman County SWCD has been repetitively told by the renewable energy companies that their projects will have no measurable effects on the environment and natural resources without any extra steps taken. Sherman County SWCD finds that even with the proper steps taken, it is impossible to construct projects of this size and not have some measurable effect on the wildlife, natural plant species, soil, and local watersheds. It is the district's goal to work with these companies to reduce this effect as much as possible knowing that there will be some level of interference into our natural ecosystems.

The district would also like to express that over its 75 years of existence it has had the pleasure working with a population of involved and dedicated landowners and managers towards natural resource conservation. This population will very clearly be reduced with these projects, as a large area of land and many owners/managers transfers to the management of just a few large renewable energy companies. It is with this knowledge, the district expresses concerns that there are few laws in

place and the ones that exist are not readily enforced to hold these companies accountable to managing the land in a way that protects the environment and natural resources for all in the coming years. It is Sherman County SWCD's wish that as long as these projects exist, the state holds the companies accountable, for any mismanagements in controlling weeds, preventing soil erosion, promoting fire prevention, and any other practices that ensure the health of the surrounding community.

The decision to oppose this project was not taken lightly by Sherman County SWCD's board of directors and is not necessarily final, but was seen as the right choice after the level of disagreement on natural resource conservation shown. It is the board's wish that the state does not rush the Speedway Energy Facilities approval and construction before proper natural resource protection management plans can be put in place. Our hope is to develop a strong working relationship with Brookfield Renewable U.S. in order to help them in the effort to maintain our natural resources at a healthy level for the good of all of the community. Thank you for your attention to this matter.

Sincerely,

Sherman County Soil and Water Conservation District Board of Directors

Chair: Jesse Stutzman

Vice Chair: Josh Hilderbrand

Treasurer: Brian Simantel

Secretary: Nick von Borstel

Member: Ryan Thompson

Speedway Energy Project:

From Debra Bates <debates553@gmail.com>

Date Fri 1/23/2026 1:31 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from debates553@gmail.com. [Learn why this is important](#)

(I attempted to use the Comment Portal but the Speedway Project was not available in the dropdown menu at 1:00 on Friday afternoon.)

To: Oregon Department of Energy Energy Facility Siting Commission

My name is Debra Bates, and I am an owner of a portion of our family farm in Sherman County, Oregon. Although my husband, Bruce Bates (Originally from Condon Oregon, Gilliam County), and I currently live in Burley, Idaho, where Bruce is a retired agricultural pilot. Sherman County will always be home to me. Our family land near Grass Valley has been in our family for generations, and it represents far more than acreage on a map. It is where my roots are firmly planted, and it is deeply important to me that this land be preserved so my children and grandchildren will always have a place to return to and a clear connection to their family heritage.

I am writing to express my strong support for the proposed Speedway Solar Project. The project is planned to be sited on a mix of scablands that are not used for crop production, as well as on Dryland farm ground where current agricultural markets make wheat grown in a summer fallow rotation increasingly unviable (Crop income every other year). Under today's yields, costs, and commodity prices, this land cannot reliably sustain long-term farming through traditional practices alone. Responsible renewable energy development provides a realistic and necessary opportunity for diversification that helps keep family-owned land intact.

Projects like Speedway Solar allow families to stabilize farm income while maintaining ownership of their land for future generations. For families who no longer live full-time on the farm but still care deeply about its future, this diversification can mean the difference between holding onto a generational legacy and being forced to sell land due to economic pressures. Supporting this project is, for me, a way to protect a place my family can always call home.

I also want to clarify an important point about the scale of the project. While the Speedway Solar Project encompasses a study area of approximately 25,000 acres, it is not a "fence-to-fence" development. Thousands of acres within that footprint have been excluded by landowners and will remain in crop production, wildlife habitat, and other uses. The larger project area allows Brookfield's engineers to responsibly design the project, carefully siting solar arrays and wind turbines to minimize impacts while optimizing placement. This thoughtful planning approach reflects an effort to balance renewable energy development with agricultural, environmental, and community priorities.

In addition to helping preserve family farms, the Speedway Solar Project will bring substantial benefits to Sherman County as a whole. The project is expected to generate tens of millions of dollars in tax revenue, supporting essential county services, schools, roads, and infrastructure. These investments will strengthen the local economy while contributing clean, renewable energy for Oregon's future.

For these reasons, I respectfully urge the Energy Facility Siting Commission to approve the Speedway Solar Project. I believe it represents a responsible, well-planned opportunity to support rural families, preserve generational land ownership, and provide lasting economic benefits to Sherman County.

Sincerely,
Debra Bates, Bruce Bates
Burley, Idaho

New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 11:03 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Twin Lakes Ranch

Submitted by: Johnny (Fred) Buether

Email: jfbuether@gmail.com

Zip Code: 97029

Siting Project Phase: NOI

Comment Summary:

Letter of support for Brookfield group and Speedway Energy Project

Please Click on the following link to view the full [Comment Details](#)

*Oregon Department of Energy
Oregon's Energy Facility Siting Council
550 Capital Street NE
Salem, OR 97301*

Dear Sirs and Madams:

Our family has been farming and ranching in Sherman County, Oregon for over 3 generations. The location, soils, topography and rainfall provide extremely limited options for agricultural use. However the proximity of power distribution infrastructure, reliable sunlight, and suitable topography may allow diversification of a portion of our property for solar or other power generation and / or storage. We believe solar and / or wind power generation represents a major opportunity for our family, our community, Sherman County, Oregon State and the region.

My family have leased a portion of our property to Brookfield that is included in the proposed Speedway Energy Facility. Based on research and meetings with several alternative energy developers we, in conjunction with several neighbors, elected to work with the Brookfield group. That decision considered a variety of factors including Brookfield's strong track record of similar successful developments, their financial strength, their staff's willingness to negotiate terms of contract to protect the environment and the rights of land owners, Brookfield's considerations of local communities, the environment and responsiveness in communications. Based on our work with Brookfield, we continue to believe we have made an excellent choice and the Brookfield group is a reputable, reliable, responsive organization committed to long-term relationships with the land owners and the community.

We strongly support the involvement of the Energy Facility Siting Council (EFSC). We expect EFSC will leverage a wide range of local, state, regional and national resources and expertise using comprehensive, fair and unbiased processes to make effective, efficient, fact-based and timely decisions to enable this very important project to move forward to best meet the near and long-term needs of all involved. Given the nature and scope of this and similar projects, we believe there will be many valid local concerns. We expect the EFSC process and the Brookfield group will address most or all of those concerns and help address any misinformation, bias, prejudices or conflicts of interest that may arise.

We urge the Oregon EFSC to approve the Speedway Energy Facility to move to the next phase.

Thank you for your consideration.
Johnny (Fred) Buether

Sherman County Speedway Solar Project

From Brenda Padget <brendapadget@gmail.com>

Date Fri 1/23/2026 11:07 AM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

Cc Kathryn McCullough <Captainkathymccullough@gmail.com>; Darren Padget <ddpadget@gmail.com>; Deanna Padget <padgetdeanna@gmail.com>

Kathleen Sloan,

I am wholeheartedly opposed to the Speedway Solar project because of the adverse effects it will have on our way of life, our livelihood, and the natural beauty we hold dear here in Sherman County. I have signed my name to the letter written by Capt. Kathryn McCullough who has done extensive research into all of the data and potential risks that this solar project entails. I am adding to that by briefly describing my objections to solar in my own words and detailing my concerns.

- Agriculture production—This project will take 14,000 acres out of grain production for eternity. Think about that...ETERNITY! We provide quality grain to feed the world, contributing to food security in many nations, not just the U. S.
-
- Beginning Farmers—will be denied the ability to farm as ag acres are taken out of production. Our son is the 5th generation on our wheat farm and his children will be the 6th. Generations of families will be negatively affected.
-
- Risk of devastating fire—potentially costing lives, livelihoods, homes, outbuildings and equipment. Annual rainfall is 7"-11" and winds up to 80 miles per hour in an already high fire risk area. Volunteer firefighters are not equipped or trained for lithium battery fire fighting. Fire suppression does not eliminate the risk of fire.
-
- Liability of fire risk will trickle down to the farmers and ranchers because insurance providers will argue it out in the courts and we all know the "little guy" doesn't always have the resources prevail.
-
- Denial/Increased Cost of Insurance—many farms would be put at risk without access to/high cost of hail/fire insurance.
-
- ORS 215.243 states that Oregon has maintained a strong policy of protecting farmland. Every solar project is in direct opposition to Oregon's stated goal of farmland protection.
-
- GREED—without government kickbacks, solar projects would not be able to get started. Will they be sustainable once the funding ends? The effects are forever.
-

- Solar is attractive for the wrong reasons—to farmers near retirement who get paid 5 times what a farmer can make, without having to do the farming. Happy retirement for them, but no ag production on that land ever again. It is attractive to landowners who lease farmland and live out of eyesight of the project but gain financially from it.
-
- Solar companies, like wind companies, are here today and gone tomorrow. There will be no way to decommission if the solar company goes bankrupt and its insurance policy has lapsed. Landowners have been here for generations.
-
- Ethically wrong—I believe it is wrong to build solar projects on a large scale such as this. There is a cost to the earth in mining the rare earth minerals that go into the production of panels. There is no foreseeable way to recycle solar panels. There are unused turbines in the Columbia River dams that can generate power more reliably, cost effectively and without the visual impact of solar projects. As a Christian, I believe God created the earth and we are to take care of it. Solar has a devastating impact on the earth, on its beauty and its ability to produce food to a growing population for generations to come.

In closing, I urge everyone to look at the bigger picture of the impact this solar project will have on our land and to the future of Sherman County. This is our home. Our view of Mt. Hood will be impaired by a field solar panels but more than that, I do not wish to incur the risks that await us because of them. Would you like it in your back yard? I think not.

Sincerely,

Brenda Padget

Speedway solar comments

From Darren Padget <ddpadget@gmail.com>

Date Fri 1/23/2026 9:01 AM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

[You don't often get email from ddpadget@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Ms. Sloan,

I would like to submit the following comments concerning the proposed Speedway solar project located near Grass Valley:

To Whom it May Concern:

My name is Darren Padget. I am a fourth generation wheat farmer in Grass Valley, Oregon. My family has farmed since 1910.

I have concerns about the proposed Speedway solar project that will be sited next to our ranch. First and foremost, is the fire and toxic fume danger. My parents, ages 84 and 87, live across the road from the proposed site. They are directly down wind. Solar projects have an earned reputation of fire issues. The Shutler Flat project had 3 last year alone! That is according to the landowner. If proper weed control is not practiced, it will be a tinder box waiting for an ignition source. Lightning storms are prevalent in South Sherman County in the summer. I have personally fought more fires than I can recall over the years.

I attended the Brookfield meeting on January 14th in Grass Valley. The half truths I witnessed are troubling. Brookfield makes it sound like the project is approved and ready to go, when they are in the permitting process, and that has not been approved by BPA.

We live in an EFU area, yet all the rules seemed to be circumvented in this situation. Once solar is installed, the land is useless for anything else and will never be farmed again. At least with wind turbines, the land around can still be productive and feed people. The wind blows at night. I doubt much power is generated from a solar project at night. The battery installations have fire issues frequently.

I love where I live and the view of the Cascades is stunning. The ugliness of a solar project will destroy that view.

We live in an area prone to occasional hail storms. I have heard about hail storms destroying solar panels and leaking toxins onto the ground. The clean up is horrendous. What will this potentially do to our drinking water if this scenario unfolds? The hail insurance tables show the further south you go in Sherman County, the higher the risk for storms. The actuary tables reflect this, and I live in the high rent district in this county.

It has been said that our land is low value and somewhat worthless, so paving it over with solar would be a good thing. This region produces soft white wheat, a unique, high quality class of wheat that is only grown in this region of the world! It cannot be duplicated anywhere else, or it would have been done by now. We export to many overseas countries, and they depend on the Oregon farmer for a steady, reliable supply of this class of wheat. Once again, it is NOT duplicated anywhere else in the world. As a Past President of US Wheat Associates, I have traveled extensively and can personally attest to this fact! Soft white wheat brings a premium to the other classes grown in the US, if not the world!

I did the math once. Just our family farm, produces enough wheat, when converted to calories, to feed 25,000 people calorically for a year! Just one farm! If those that are pushing this project have any humanitarian tendencies, they need to take this into consideration.

It is my observation living in this area, that many of the participating landowners don't necessarily agree with the whole notion, but the money is too big to ignore. I hope they are not the victims of snake oil salesman. Just my observation.

Solar is unreliable, expensive, and potentially hazardous and is being sold as "clean energy". As long as you don't take into the consideration of the millions of tons of earth that have to be mined to produce the final product. A lot of it done with not so environmentally friendly techniques, that is also done with questionable labor practices that appear to overlooked, in foreign countries that are not held to US standards. Then there is the transportation and installation process. There is a dirty side to clean energy, if it is truthfully examined, which does not seem to be happening. From trashing EFU laws, to the production and potential toxic threats, a blind eye is being turned.

Respectfully submitted,

Darren Padget
Past President U.S. Wheat Associates
Grass Valley, OR

ddpadget@gmail.com



New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 10:44 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Earl Ranch

Submitted by: Stan Earl

Email: stanearl55@yahoo.com

Zip Code: 97029

Siting Project Phase: NOI

Comment Summary:

Support for Speedway Project NOI

Please Click on the following link to view the full [Comment Details](#)

Comment Title
Support for Speedway Project NOI
Comment Date
1/23/2026
source
Siting Project Phase
Comment Details

Notice of Intent Exhibit

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Council Standards

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Comment

To the Oregon Department of Energy
Energy Facility Siting Commission

My name is Stan Earl. I am part of the Earl Family and a partner in the Earl Ranch Partnership, and Earl Ranch LLC, based in Grass Valley, Oregon. I was born and raised here and am part of the third generation to live, work, and farm this family-owned and operated farm in Sherman County. My father and grandfather moved here seeking life and opportunity for themselves and their family over seventy five years ago. More generations follow my brothers and me that we hope will one day have the opportunity to work this land as well. Preserving the long-term viability of our farm is very important to me.

I strongly support the proposed Speedway Solar Project in Sherman County. With the economic pressures that surround all aspects of farming today, this land struggles to support long-term farm sustainability through traditional cropping alone. Diversification of production into solar farming will allow us to ride out the lows that often accompany our wheat cropping that are related to drought, low yields, high input costs and low market prices. It will give us the year to year assurance of income predictability from the solar side of the farming endeavor. Farmers in our region need realistic, practical options for diversification, and responsibly sited solar development provides exactly that opportunity. This kind of diversification is not about abandoning agriculture; it is about ensuring farms can survive, adapt, and remain locally owned and operated.

Our family has leased a portion of our land to Brookfield for inclusion in the Speedway Solar Project. We have spent years evaluating multiple developers, carefully reviewing numerous contracts with the guidance of legal counsel. Brookfield is one of the best companies in the solar industry. They are forward thinking, conscientious, committed to the betterment of the communities they invest in and capable of following through with the

commitments they make to the farmers, the environment and the community. We trust that they will be a great partner for us and a good neighbor in the community.

Brookfield 's willingness to listen, collaborate, and compromise made them stand out from other companies. They sought to engage locally, seeking meetings with locals, like the fire department, schools, FFA, Soil and Water Conservation District, the county fair and others. Brookfield people are consistently accessible and responsive, even at the executive level. This openness and follow through give us confidence that Brookfield will be a strong, long-term partner not only for our family, but for the town of Grass Valley and Sherman County as a whole.

Beyond the benefits to individual farms, the Speedway Solar Project will bring substantial economic value to the county. The project is expected to make available tens of millions of dollars for the local community:

- local government through taxes and related revenues
- supporting improved county services
- better funded education
- investment in roads and infrastructure.
- benefits will extend throughout the local economy
- strengthen rural businesses
- while contributing clean, renewable energy to the region.

For these reasons, we respectfully urge the Energy Facility Siting Commission to approve the Speedway Solar Project.

Sincerely,

Stan Earl
The Earl Family
Earl Ranch
Earl Ranch LLC
60906 Hwy 216
Grass Valley, Oregon 97029

Attachments

No files were attached.



Outlook

New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Thu 1/22/2026 8:29 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Earl Ranch Partnership / Earl Ranch LLC

Submitted by: Daniel Earl

Email: dan@earlranch.com

Zip Code: 97029

Siting Project Phase: NOI

Comment Summary:

Speedway Project

Please Click on the following link to view the full [Comment Details](#)

My name is Daniel Earl. I am a partner and owner representing the Earl Family, Earl Ranch Partnership, and Earl Ranch LLC, based in Grass Valley, Oregon. Our operation is a 100% family-owned and operated farm. I am the third generation to live, work, and farm this land in Sherman County, the same land on which I was born and raised. My nephews represent the fourth generation, and they are now raising a fifth generation that we hope will one day have the opportunity to work this land as well. Preserving the long-term viability of our farm and community is deeply personal to us.

I am writing to express our strong support for the proposed Speedway Solar Project in Sherman County. This project is planned to be sited on a mix of scablands that are not used for crops and on marginal farm ground where current agricultural markets and production realities make wheat grown in our summer fallow rotation increasingly unviable. Given today's yields, operation and input costs and commodity prices, this land struggles to support long-term farm sustainability through traditional cropping alone. Farmers in our region need realistic, practical options for diversification, and responsibly sited solar development provides exactly that opportunity.

Solar and wind energy projects offer a proven way to diversify farm income while preserving agricultural operations for future generations. Leasing marginal ground for renewable energy helps stabilize revenue, reduce exposure to volatile commodity markets, and sustain farms through difficult economic cycles. This kind of diversification is not about abandoning agriculture; it is about ensuring farms can survive, adapt, and remain locally owned and operated.

Our family has leased a portion of our land to Brookfield for inclusion in the Speedway Solar Project. This decision came after a years long process of evaluating multiple developers and carefully reviewing numerous contracts with the guidance of legal counsel. From the outset, our attorney noted that Brookfield's initial contract was the most farmer and agriculture friendly renewable energy agreement he had reviewed, stronger at the starting point than many companies ever reach. We were able to further tailor the agreement to meet the needs of all parties, including specific protections for the land we value so deeply, such as weed management and erosion control.

What ultimately set Brookfield apart was their willingness to listen, collaborate, and compromise. While other companies offered higher payments, none demonstrated the same level of commitment to our family, our land, and our community. Brookfield has made a genuine effort to engage locally, meeting with stakeholders such as the fire department, schools, FFA, Soil and Water Conservation District, the county fair, and others. Their team has been consistently accessible and responsive, even at the executive level. Based on our experience, this openness and follow through give us confidence that Brookfield will be a strong, long-term partner not only for our family, but for the town of Grass Valley and Sherman County as a whole.

Beyond the benefits to individual farms, the Speedway Solar Project will bring substantial economic value to the county. The project is expected to inject tens of millions of dollars into local government through taxes and related revenues, supporting improved county services, better funded education, and much needed investment in roads and infrastructure. These benefits will extend throughout the local economy, strengthening rural businesses while contributing clean, renewable energy to the region.

For these reasons, we respectfully urge the Energy Facility Siting Commission to approve the Speedway Solar Project.

I am available to answer any questions you may have.

Sincerely,
The Earl Family
Daniel Earl
Earl Ranch
Earl Ranch LLC
Grass Valley, Oregon 97029



New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Thu 1/22/2026 9:21 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Earl Ranch

Submitted by: Dave Earl

Email: oregonfarmdad@gmail.com

Zip Code: 97029

Siting Project Phase: NOI

Comment Summary:

Please Click on the following link to view the full [Comment Details](#)

To the Oregon Department of Energy
Energy Facility Siting Commission

My name is David Earl. I am a partner and owner representing the Earl Family, Earl Ranch Partnership, and Earl Ranch LLC, based in Grass Valley, Oregon. Our operation is a 100% family-owned and operated farm. I am the third generation to live, work, and farm this land in Sherman County, the same land on which I was born and raised. Preserving the long-term viability of our farm and community is deeply personal to us.

I am writing to express our strong support for the proposed Speedway Solar Project in Sherman County. Farmers in our region need realistic, practical options for diversification, and responsibly sited solar development provides exactly that opportunity.

Solar and wind energy projects offer a proven way to diversify farm income while preserving agricultural operations for future generations. Leasing marginal ground for renewable energy helps stabilize revenue, reduce exposure to volatile commodity markets, and sustain farms through difficult economic cycles. This kind of diversification is not about abandoning agriculture; it is about ensuring farms can survive, adapt, and remain locally owned and operated.

What ultimately set Brookfield apart was their willingness to listen, collaborate, and compromise. While other companies offered higher payments, none demonstrated the same level of commitment to our family, our land, and our community. Brookfield has made a genuine effort to engage locally, meeting with stakeholders such as the fire department, schools, FFA, Soil and Water Conservation District, the county fair, and others. Their team has been consistently accessible and responsive, even at the executive level. Based on our experience, this openness and follow through give us confidence that Brookfield will be a strong, long-term partner not only for our family, but for the town of Grass Valley and Sherman County as a whole.

Beyond the benefits to individual farms, the Speedway Solar Project will bring substantial economic value to the county. These benefits will extend throughout the local economy, strengthening rural businesses while contributing clean, renewable energy to the region.

For these reasons, we respectfully urge the Energy Facility Siting Commission to approve the Speedway Solar Project.

Sincerely,
David Earl
Earl Ranch
Earl Ranch LLC
91634 Earl Lane
Grass Valley, Oregon 97029



New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 8:13 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Oregon Wheat Growers League

Submitted by: Thad Eakin

Email: info@owgl.org

Zip Code:

Siting Project Phase: NOI

Comment Summary:

Please Click on the following link to view the full [Comment Details](#)

OREGON WHEAT GROWERS LEAGUE115 SE 8th Street 📍 Pendleton, OR 97801 📞 541.276.7330 🌐 www.owgl.org

Oregon Department of Energy
Attn: Energy Facility Siting
550 Capital Street NE
Salem, OR 97301

Re: Speedway Energy Facility

Dear Oregon Department of Energy,

The Oregon Wheat Growers League is a nonprofit trade association supporting the wheat industry throughout the state. We appreciate the opportunity to comment on the public Notice of Intent (NOI) to file an Application for a Site Certificate (ASC) for the Speedway Energy Facility (proposed facility) solar project in Sherman County. Given the scale of the project and potential impacts to the industry, we offer comments for your consideration, with the intent to minimize negative impacts to neighboring properties and impacts that would reduce viability of the wheat industry overall.

The League supports protection of private property rights and the ability to enhance agricultural land, to the extent it remains compatible with neighboring uses and the ability for the wheat industry to remain viable. We further support studies and assessments during the review process to ensure that a non-agricultural use proposed for an area zoned for exclusive farm use will not force a significant change to, or significantly increase the costs of, farm practices on neighboring lands. In regard to the proposed 25,000 acre Speedway solar project, we request consideration of the following items:

- **Weed Control/Management.** Soil disturbed in construction becomes a favorable environment for noxious and invasive species. Farms must actively manage weeds and are heavily adversely impacted by weed banks from neighboring properties. The review should include an appropriate weed management plan that can be reasonably enforced, completed in consultation with the County weed department.
- **Neighboring property access.** Changes to access points can both positively and negatively impact neighboring parcels. If access points become constrained or disrupted for time-sensitive agricultural operations, those alterations can prevent a farmer from efficiently planting, raising and harvesting crops. A review of current access, and any positive or negative changes that would result, is necessary to include.
- **Fire:** As the state struggles heavily with impacts from wildfire, fire management and response is critical. Assessment of the project's fire safety plan, with adequate fire access and effective management of areas in and around projects to minimize fire risk must be coordinated with the local fire district.
- **Transmission:** Verification that additional transmission is not required across unwilling landowners is important.
- **Runoff and erosion:** Solar construction clears and grade lands which leads to soil compaction and increased erosion. That practice impacts not only the ground the project is on but leads to degradation in waterways and adverse impacts to neighboring

OREGON WHEAT GROWERS LEAGUE115 SE 8th Street 📍 Pendleton, OR 97801 📞 541.276.7330 🌐 www.owgl.org

properties dealing with the erosion runoff. Ensuring any project consideration includes a robust site restoration plan, with a no bare-earth policy, is necessary. In addition, it should include a long-term plan to address impacts for precipitation runoff being concentrated and avoiding resulting erosion that would adversely impact neighboring properties.

- **Conservation/Restoration.** Conservation and restoration projects take place on a large scale in the county and represent a significant public and private investment. Assessment should include consultation with the Soil and Water Conservation District and NRCS on the impact of conservation practices installed in the county.
- **Industry investment:** In addition to the areas commonly considered in reviews, one that is unique to agricultural production are assessments. Each bushel of wheat produced is assessed and those funds are collectively used to primarily fund research and market development, as well as grower services through the League. The scale of the acres proposed to be taken out of wheat production, unless mitigated, would have an adverse impact on the ability of the industry to invest in itself and its long-term sustainability.
- **Proximity to other properties, houses:** Farms are also homes and the lands are part of communities. Without buffers, neighboring farmers experience a degradation of their quality of life. Setbacks to avoid reducing the degradation of quality of life for neighbors should be considered.

Thank you for the opportunity to provide comment.

Sincerely,
Thad Eakin
Oregon Wheat Growers League President



New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 11:13 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Private Citizen

Submitted by: David Gross

Email: davidgross606@gmail.com

Zip Code: 97021

Siting Project Phase: NOI

Comment Summary:

Land Use Designation

Please Click on the following link to view the full [Comment Details](#)

Comment Title
Land Use Designation
Comment Date
1/23/2026
source
Siting Project Phase
Comment Details

Notice of Intent Exhibit

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Page Number(s)

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Council Standards

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Comment

I am concerned that land currently designated as Exclusive Farm Use is being converted to energy production. I wonder what the legal basis is for this conversion. With more and more of these types of facilities proposed, and so many already built, I worry about the impact on farming, ranching, the character of rural communities, and the appearance that if one has enough money, one can get whatever one wants. Please explain the rationale for using Exclusive Farm Use land for a purpose that does not seem to me to fall within the realm of agriculture, at least as I understand it.

Attachments

No files were attached.



New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 1:08 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: PaTu Wind

Submitted by: Ormand Hilderbrand

Email: ormandh@gmail.com

Zip Code: 97065

Siting Project Phase: NOI

Comment Summary:

Speedway Energy Facility - Project Support

Please Click on the following link to view the full [Comment Details](#)

Comment Title
Speedway Energy Facility - Project Support
Comment Date
1/23/2026
source
Siting Project Phase
Comment Details

Notice of Intent Exhibit: Project Location Exhibit

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Council Standards

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Comment

Attachments

2 minutes ago

Microsoft CRM Portals

EFSC Statement - Speedway Solar.pdf (127.35 KB)



January 23, 2026

Stakeholder Statement for the Record
Oregon Energy Facility Siting Council (EFSC)
Oregon Department of Energy
Speedway Energy Facility

My name is Ormand Hilderbrand. I manage my family's farm 3 miles east of Wasco and have been involved in Oregon's environmental and land use issues for years. I am submitting this statement for the record regarding the Speedway Energy Facility.

The Speedway Energy Facility will have a much-needed positive impact on the Sherman County community. Yes, there will be impacts to the community as any project has and they can be successfully managed.

I am a strong believer in clean energy, and I have been a director of the Community Renewable Energy Association (CREA) for many years. CREA is a strong advocate for shaping energy policy to benefit rural Oregon. And I personally have been involved in the development of my own renewable energy project, PáTu Wind Farm – that supplies renewable energy to approximately 3,000 Oregon homes. That experience has given me a practical understanding of what responsible project planning looks like, including the importance of environmental review, mitigation commitments, and ongoing accountability.

Recently, I have heard concerns expressed over the long-term effects of solar panels on our agricultural land. Concerns regarding leaching heavy metals into the soils resulting in contamination of our soil and water. In my opinion, these concerns have arisen over the use of some of the earlier manufactured solar panels and are not valid for today's solar panels.

The Sierra Club roundly disputes the soil contamination claims, even in damaged panels. There 2024 solar supporting article states "Roughly 40% of new solar panels in the United States and 5% of new solar panels in the world contain cadmium,³⁹ but this cadmium is in the form of cadmium telluride, which is non-volatile, non-soluble in water, and has 1/100th the toxicity of free cadmium.⁴⁰ Most solar panels, like many electronics, contain small amounts of lead.⁴¹ However, the Massachusetts Department of Energy Resources (DER) has assessed that "because PV panel materials are enclosed, and don't mix with water or vaporize into the air, there is little, if any, risk of chemical releases to the environment during normal use."⁴² The Massachusetts DER has further assessed that, even in the unlikely event of panel breakage, releases of chemicals used in solar panels are "not a concern."⁴³"¹

In a 2019 study of heavy metal leaching from solar panels, published in The Journal of Natural Resources and Development found that "There were no significant differences in lead or cadmium levels near vs. far from the PV systems. PV systems thus remain a cleaner alternative to traditional energy sources, such as coal, especially during the operation of these energy production systems."²

PáTu Wind Farm
1003 Boyer Avenue
Walla Walla, WA 99362

All developments have impacts, even farming. Some would argue that the native tall bunch grasses present in Sherman County in the 1880's should never have been ploughed under. But we did.

Our farmers have always adapted to new methods. Recently we have seen a push to "no till" farming that bring many positive benefits to the soils but also has our area dependent on "Roundup" herbicides. I would much rather see native tall bunch grasses replanted within the solar panels and not being Roundup dependent. And if we do replant the native grasses, I am confident that after 50-70 years of the Speedway Energy Facility being a major solar producer that if needed the land can go back to agriculture production with improved soils.

I also believe it is important to consider projects like the Speedway Energy Facility in a broader, long-term context. Sherman County's economy has changed significantly over time, and the pressures facing agriculture and rural communities continue to evolve. In the 1920's Sherman Co had twice the population as it does today. We had hotels in towns, restaurants, and theaters, and I have read that Rufus even had a golf course. Most of this has evaporated – primarily due to consolidation of farms enabling our producers to reduce their production costs. Our farmers have had to consolidate and become larger. The ones that did not are no longer with us. Can there be any doubt that the drive to more capital-intensive equipment, powered by AI, will continue and further fuel more consolidation of farms in Sherman County. Thoughtfully planned clean energy projects represent one step toward a more diversified and resilient future; one that balances environmental stewardship with economic sustainability. In this case it is true that "Solar Saves Farms".

Last month Governor Kotek issued an executive order to state agencies to move faster on clean energy projects. And recently Representative Bentz recently acknowledged that Oregon will have a critical shortfall in energy unless drastic steps are taken – including expansion of our transmission lines.

I view the Speedway Energy Facility as a positive contribution when evaluated through the established EFSC process and supported by enforceable mitigation measures.

Thank you for the opportunity to provide this statement and for your careful consideration of these issues as part of the record.

Sincerely,



Ormand Hilderbrand

¹<https://www.sierraclub.org/tennessee/blog/2024/11/false-claim-2-about-solar-energy>

²Robinson, S., & Meindl, G. A. (2019). Potential for leaching of heavy metals and metalloids from crystalline silicon photovoltaic systems. *JNRD - Journal of Natural Resources and Development*, 9, 19-24. <https://doi.org/10.5027/jnrd.v9i0.02>



New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 12:37 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Individual

Submitted by: Matthew Earl

Email: mearl88@gmail.com

Zip Code: 97039

Siting Project Phase: NOI

Comment Summary:

Speedway Project

Please Click on the following link to view the full [Comment Details](#)

Comment Title
Speedway Project
Comment Date
1/23/2026
source
Siting Project Phase
Comment Details

Notice of Intent Exhibit

—

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Council Standards

—

Comment

Hello, I'm Matthew Earl, a local resident of Sherman county who has lived my entire life here and now raising kids of my own.

I grew up on a farm south of Grass Valley, part of which is being considered for the Speedway Project. Part of the reality of my life is that I had to leave the farm because the income margin was so small, the farm could not support the addition of my getting married and starting my own family.

On a very personal level, this project will allow enough margin that I could finally return, and assist my aging family with continuing to run the farm alongside the project, to continue to grow crops for local use and exports. An old joke out here is that you farm until your money is gone. With the number of family farms that I've seen age out, be sold, and get absorbed into other farms because they couldn't afford to keep up in recent years, it's true.

I'd love the opportunity for our family farm to continue for at least a few more generations. For my kids to have the opportunity to be part of the rural backbone of Oregon. And without something like the Speedway Project, I only see our family farm dying in the next five to ten years and those chances evaporating.

Outside of the personal reasons, Sherman County's local economy would receive a massive boost with the influx of traffic, workers, and permanent addition of skilled tradespeople to the local population. All of which would be very welcome in an aging population and small local businesses.

I sincerely hope that the Speedway Project receives the needed approval. Thank you for your time and wisdom.

- Matthew Earl

Attachments

No files were attached.

Speedway Energy Facility

From scott susi <scotttsusi@gmail.com>

Date Fri 1/23/2026 1:20 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>; vincent.esposito@brookfieldrenewable.com <vincent.esposito@brookfieldrenewable.com>; Tonya Susi <tonyalaleff@gmail.com>

 1 attachment (1 MB)

Susi Property Map.pdf;

You don't often get email from scotttsusi@gmail.com. [Learn why this is important](#)

Dear Kathleen Sloan, Vincent Esposito and review committee,

My name is Scott Susi. I live and own property south of Grass Valley Oregon in Sherman County. I am writing to you with grave concern for the planned Speedway Energy Facility.

I have owned my property 15 years. I bought and moved to my location for the solitude, wildlife and natural beauty my unique property offers. My wife and I have our life savings invested in this property. This project will not only reduce my current real estate value as no one wants to live next to solar farm. But also, any future capital we would have earned without a solar farm surrounding us. How are you going to go about this loss?

I am a conservationist by trade. Deer, elk, pheasants, quail, doves, waterfowl all use my land and surrounding parcels. This planned project will absolutely kill connectivity for wildlife. I bought my place, so I had a beautiful view of Mt. Hood, the Cascades, rolling wheatfields and hunting on my property. This project will ruin my view, stop all hunting opportunities as fences will be put up and create wildlife passage issues.

New high fences around my property. New large transmission lines sound devastating. What about wildfire? How is that going to work. Noise during construction. Increased traffic. I could go on.

I'm extremely disappointed I have not heard from anybody about this. Nick Weis, my neighbor, is the only person to give me a heads up. This is unacceptable.

I understand you have a job to do. As the project moves forward, I would like to be include each step of the way.

Thank you for your time.

I have included a map for my property.

Scott & Tonya Susi
92722 Rutledge Ln
Grass Valley, Oregon 97029
541 980-5988



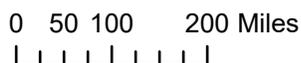
Map data sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

92722 Rutledge Ln
 Susi Property ·
 2S 15E Sec 2 Lot 200 13.62 acres

Legend

 Susi Property 92722 Rutledge Ln

By Scott Susi



Speedway Letter for the Siting docket

From Kathryn McCullough <captainkathymccullough@gmail.com>

Date Thu 1/22/2026 7:43 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

Cc Brad Lohrey <bradlohrey@yahoo.com>; Kathy McCullough <captainkathymccullough@gmail.com>; Carol von Borstel <stucarvb@hotmail.com>; ddpadget@gmail.com <ddpadget@gmail.com>; brendapadget@gmail.com <brendapadget@gmail.com>; merlevon2@gmail.com <merlevon2@gmail.com>; Colton McCullough <mcculloctloc@gmail.com>; cdub8668@gmail.com <cdub8668@gmail.com>; kristinlwhitley@gmail.com <kristinlwhitley@gmail.com>; nicholasvonborstel@gmail.com <nicholasvonborstel@gmail.com>; jaleenavonborstel@gmail.com <jaleenavonborstel@gmail.com>; Jesse_Lee14@hotmail.com <Jesse_Lee14@hotmail.com>; Kayla_marie_vb@hotmail.com <Kayla_marie_vb@hotmail.com>; Cvonborstel24@hotmail.com <Cvonborstel24@hotmail.com>; loganpadget@hotmail.com <loganpadget@hotmail.com>; joebib7@gmail.com <joebib7@gmail.com>; joshmacnab@yahoo.com <joshmacnab@yahoo.com>; jmacnab12@hotmail.com <jmacnab12@hotmail.com>

 1 attachment (22 KB)

Speedway letter many names.docx;

Kathleen,

This is a joint effort. We want to make sure we can all continue to comment as this project progresses.

ODOE/EFSC

The Speedway Project will greatly impact surrounding farming operations. Farmers cannot buy enough insurance to insure their way out of a bad situation. Hot bearings, hot brakes, and equipment issues can start fires during harvest, generally the hottest and driest time of the year. Who will be considered “negligent” or at fault if the solar project catches fire, even if it was by accident? Insurance companies and lawyers take charge, and even the best intentions won’t stop them from suing and bankrupting the farmer whose equipment malfunctioned.

We have a major fire problem. Fires in Sherman County are dangerous because of the high winds and dry conditions. There is a reason there are so many wind turbines in Sherman County. Winds often exceed 50 mph. Our county lies at the end of the Columbia Gorge - the opening of a big venturi. (An increase in pressure that results when the wind speeds up as it flows through the constricted section to the east, then decreases as it opens up.) The Substation Fire of 2018 was unstoppable because of these winds and burned 78,000 acres in Wasco and Sherman counties.

We are a small, agricultural county. Our rural fire departments are all volunteer and are not equipped to handle lithium battery fires. Will the solar companies be required to have some sort of fire suppression in place? It could be disastrous, even with suppression, but it would help. **Also, we would like the companies to be required to keep the weeds down to ODOE’s recommended 1-3 inches during fire season.**

Many of us have spoken with our insurance agents about fire risk, which, from a landowner’s perspective, is a major liability. In this area, we’ve gone from about twenty companies willing to write farm liability policies down to three. Some of these are so costly that people are choosing to go without insurance, taking their chances, or selecting what to insure. **The agents said there is NO WAY the solar companies can offer or guarantee no litigation because their insurance providers won’t agree, and the top executives won’t accept a loss like that. The investors and insurance companies will definitely pursue your policy and then liquidate your farm.** One of the agents was involved in a liquidation process (not solar-related) and knows this firsthand. We already suspected this. This just confirms it.

ODOE, EFSC, and our county court need to answer the question: If you force us into this situation and it affects MY rights on my land, will you personally take responsibility for fixing it? With your funds and influence, you have the power to make a decision that could put me in harm’s way—and potentially destroy me; what is your plan to prevent that?

There is a major problem in the stated goals of DLCD, the Oregon Department of Energy, EFSC, and Oregon law regarding siting solar projects. It is hard to site a solar project (they are *not* farms) on agricultural ground because it has to be reclassified as industrial. It may never go back to *Agricultural* use. Once an industrial power plant is sited and built, it affects surrounding agricultural uses. The only way to circumvent the law is to declare land in eastern Oregon as a lower-class of farm ground. **Then you can ignore the fact that the soft, white winter wheat we grow is a commodity that is prized in Asia for its consistency and quality.**

Solar “farms” (misnomer) in the middle of agricultural areas are an accident waiting to happen. **Fourteen thousand acres will be fenced off out of the 25,000-acre project.** Not only does vegetation grow under the panels, but batteries are now being added to the mix. Sixty acres of lithium batteries at the Speedway Project is their estimate, not ours. Will the acreage of panels affect our local weather patterns? They gather a lot of heat and reflect light. During the winter, our temperatures drop to minus 15 degrees. Lithium batteries are known for their cold-soaking and performance issues at low temperatures.

The country of Italy has banned the placement of solar projects on agricultural land due to food security and other issues, such as the fact that these companies are all LLCs that aren't liable for much.

Just because the batteries have “fire suppression” does not mean they are safe. Thermal runaways are fact, not fiction. Look up the UPS 2010 747 crash in Dubai that occurred twenty-two minutes after takeoff. Lithium batteries do not belong in aircraft, and they don't belong in regions where there are only rural fire departments and high winds. We could look into sodium-ion batteries... There are safer alternatives.

<https://www.flyingmag.com/news-ups-747-crash-highlights-lithium-battery-danger/>

Solar companies are not doing well in the stock market. They make money upfront with government kickbacks. The contracts with landowners are five times what a farmer can make farming. Are these contracts sustainable? Solar companies have been placing liens on the landowner's land. Are these companies being vetted? **If you have the power to permit, you should have some responsibility to ensure that we are protected.** It was very telling to hear so many serious issues raised that have not even been considered.

The Department of Energy (ODOE) holds a bond or letter of credit for each facility to ensure site restoration. The amount of the bond or letter of credit is based on an initial

decommissioning estimate and adjusted for inflation annually. The bonding requirement is established under the Council's Retirement and Financial Assurance Standard and the mandatory conditions under OAR 345-025-0006.

Will the bond still be covered if the solar company goes bankrupt? Will it be feasible to collect money from a defunct company if its insurance policy lapses? It is irresponsible to ignore the issues of bonds, insurance, and accountability. **It feels like a land grab.**

Off your website: "For more than four decades, Oregon has maintained a strong policy to protect farmland. The state legislature adopted the policy in 1973. It calls for the 'preservation of a maximum amount of the limited supply of agricultural land'. ([Oregon Revised Statutes 215.243](#)).

The main tool for carrying out that policy is the statewide planning program. Oregon's [Land Conservation and Development Commission](#) (LCDC) sets standards and criteria for protecting farmland. The cities and counties then apply these state requirements through local comprehensive plans and land-use ordinances. Under this system, all counties in Oregon have adopted planning and zoning measures to protect agricultural land."

There are now **81,000 acres slated for solar** in Sherman County. This will take out over a quarter of our current farmland. Try to imagine the impact this will have on our communities. We will lose some of our critical businesses, and our COOP, Northwest Grain Growers, will lose wheat revenue. **Not only will our grain handlers be affected, but every supplier to the local agriculture economy and their employees will be negatively impacted.** Equipment dealerships, fertilizer suppliers, fuel companies, stores, and restaurants will all be affected. All support businesses will be hurt, as we are a small, agricultural county. Even what you and the state of Oregon consider "useless" scrub ground supports local businesses and the beef industry. This irresponsible push by the state for solar will devastate our county.

https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Oregon/cp41055.pdf

What about young and beginning farmers who will be displaced? Many of FSA's (Farm Service Agency) programs revolve around young and beginning farmers, so this must be important to the state of Oregon.

Finally, agrivoltaics are being touted as the next latest and greatest development in solar. Some of our equipment is 150 feet wide, and solar panels that pivot to allow a

tractor don't begin to address this issue. Planning in the western part of the state at OSU in agrivoltaics does not apply here. We get 7-10 inches of rain per year! Total!

Obviously, our small county in eastern Oregon is a completely different story when it comes to fire risks and solar feasibility. Agriculture is our backbone. We are very concerned.

Respectively submitted,

Sheriff Brad Lohrey, retired bradlohrey@yahoo.com

Donna Lohrey bradlohrey@yahoo.com

Captain Kathryn McCullough captainkathymccullough@gmail.com

James Kevin McCullough jameskevinmccullough@gmail.com

Stuart & Carol von Borstel stucarvb@hotmail.com

Darren Padget ddpadget@gmail.com

Brenda Padget brendapadget@gmail.com

Lee & Merrie von Borstel merlevon2@gmail.com

Colton McCullough mcculloctloc@gmail.com

Christopher William Whitley cdub8668@gmail.com

Kristin L. Whitley kristinlwhitley@gmail.com

Nick von Borstel nicholasvonborstel@gmail.com

Jaleena von Borstel jaleenavonborstel@gmail.com

Jesse von Borstel Jesse_Lee14@hotmail.com

Kayla von Borstel Kayla_marie_vb@hotmail.com

Caitlin & Chance Cruickshank Cvonborstel24@hotmail.com

Logan Padget loganpadget@hotmail.com

Joe Bibby joebib7@gmail.com

Josh & Ashley Macnab joshmacnab@yahoo.com

Jim & Dorene Macnab jmacnab12@hotmail.com

Speedway Energy Facility

From Nick Weis <ncweis00@gmail.com>

Date Fri 1/23/2026 9:07 AM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from ncweis00@gmail.com. [Learn why this is important](#)

Kathleen,

I'm sending this email regarding the Speedway Energy Facility and its negative effect on us as landowners. My name is Nick Weis. My wife Kristi and I own 10 acres just south of Grass Valley Oregon 64001 Stradley Road. We purchased this 10-acre parcel to pursue our dreams. We had waited years for the right place and thought we had found it. Beautiful views, quiet, relaxing, wildlife surrounding us this was our dream property for us to raise our kids, grandchildren, and horses. After finding out about the Speedway Project that is going to be surrounding us on 3 sides completely ruining our

ent to...

✕
Oregon Energy Facility Siting Council (EFSC)
Facilities
 County: Sherman
 Project Name: Speedway Solar Facility
 Developer: BGTF Speedway Project LLC a subsidiary of
 Type: Solar, Wind, and Battery
 Status: Proposed/Under Review
 Capacity: 1400 MW
[More Info](#)



Stradley, R.

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Oak Ridge National Laboratory (ORNL), DOE - Office of Cybersecurity, Energy Security, and Emergency Response (CESER) | [Epi Community Maps](#)

le 18113 ▾

[Resources](#) | [Contact Us](#)

Re: Speedway Energy Facility

From Nick Weis <ncweis00@gmail.com>

Date Fri 1/23/2026 12:03 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

You don't often get email from ncweis00@gmail.com. [Learn why this is important](#)

I didn't realize half of my email was cut off. Here is the whole thing in case you didn't get it all.

Kathleen,

I'm sending this email regarding the Speedway Energy Facility and its negative effect on us as landowners. My name is Nick Weis. My wife Kristi and I own 10 acres just south of Grass Valley Oregon 64001 Stradley Road. We purchased this 10-acre parcel to pursue our dreams. We had waited years for the right place and thought we had found it. Beautiful views, quiet, relaxing, wildlife surrounding us this was our dream property for us to raise our kids, grandchildren, and horses. After finding out about the Speedway Project that is going to be surrounding us on 3 sides completely ruining our beautiful views and running wildlife off, it's very disappointing that nobody has reached out to us whatsoever. This is something that will impact us in ways that are hard to describe. Just the stress and anxiety of the project and fears of the negative effects it brings is heart wrenching. Our beautiful place of tranquility will now be marred by chain link fence and solar panels. Not only does this ruin our views the construction alone will be troublesome with the noise, dust, fire potential, horses being spooked through fences among other things. We pulled retirement money out to purchase this land as an investment for our children, the value will decrease immensely upon installation of the project. I hope moving forward with this project someone will be in contact with us, so we know our rights and options. Attached is a photo of our property and part of the potential project. The yellow arrow is us.

Sent from my iPhone

On Jan 23, 2026, at 9:27 AM, SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi Nick,

I am confirming receipt of your email comment below.

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

<Outlook-sdbqkysp.png>

<Outlook-4aroyvbs.png>

From: Nick Weis <ncweis00@gmail.com>

Sent: Thursday, January 15, 2026 12:09 PM

To: SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

Subject: Speedway Energy Facility

You don't often get email from ncweis00@gmail.com. [Learn why this is important](#)

Kathleen,

I'm sending this email regarding the Speedway Energy Facility and its negative effect on us as landowners. My name is Nick Weis. My wife Kristi and I own 10 acres just south of Grass Valley Oregon 64001 Stradley Road. We purchased this 10-acre parcel to pursue our dreams. We had waited years for the right place and thought we had found it. Beautiful views, quiet, relaxing, wildlife surrounding us this was our dream property for us to raise our kids, grandchildren, and horses. After finding out about the Speedway Project that is going to be surrounding us on 3 sides completely ruining our

<image0.jpeg>

Speedway Energy Project

From Jean Luxford Hulbert <jhjeanhulbert@gmail.com>

Date Fri 1/23/2026 2:56 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from jhjeanhulbert@gmail.com. [Learn why this is important](#)

My name is Jean Hulbert, I'm a retired registered nurse, and resident landowner in Sherman County, Oregon.

I respectfully submit this comment in support of the Brookfield Speedway Energy Project. I own a parcel of land that includes a few hundred acres of wheat ground, Conservation Reserve Program (CRP) acres, and additional scab land with shallow soils that cannot produce crops. With annual rainfall averaging only 10 to 11 inches, our area relies on an a wheat/summer fallow rotation, meaning crop income is realized only every other year. My CRP contract has ended this year, and with it I am losing an important source of annual income stability. After expenses and taxes, the remaining agricultural income from this property is limited and increasingly uncertain.

The Speedway Energy Project would allow me to responsibly diversify and stabilize my income by placing marginal land into productive use without removing high quality agricultural ground from production. Solar energy is particularly well suited for dryland regions such as Sherman County, where shallow soils and low rainfall limit consistent crop yields. For landowners like myself, projects of this nature provide an opportunity to remain on our land, continue long-term stewardship, and maintain our place in the community. At the county level, the project offers significant revenue benefits for local businesses, employment opportunities, and new energy related permanent jobs. Long term tax revenue are critical for state and local government. A state that has significant renewable energy resources attract companies utilize large amounts of power. The "trickle down effect" for Oregon is enormous. Jobs, better programs for education, health care, and roads, the need is endless. Oregon can't meet its 2040 Clean Energy Goal without renewable energy.

Brookfield has consistently demonstrated a willingness to listen, engage constructively, and work collaboratively with landowners and the broader Sherman County community. Other developers may have offered higher financial terms, Brookfield distinguished itself through transparency, responsiveness, and a focus on long-term partnership.

Their team has actively engaged with local stakeholders, including the fire department, schools, County Extension, 4-H, FFA, the Soil and Water Conservation District, and the county fair.

. In addition, Brookfield has been highly responsive to landowner requests regarding weed management, erosion control, fire prevention, and wildlife management. These concerns were addressed and clearly incorporated into the lease and project agreements we signed.

Speedway Project landowners and Brookfield are actively working with Dr. Chad Higgins of Oregon State University to investigate the inclusion of Agrivoltaics into the project's design. I'm confident that Brookfield will follow through, and honor their commitment to the landowners, EFSC, and Sherman County during the lifetime of the Speedway Energy Project.

It's my opinion that the Brookfield Speedway Energy Project is compatible with existing land uses, serves the public interest, and represents a thoughtful and appropriate use of marginal agricultural land in Sherman County.

Thank you to the Energy Facility Sighting Council for tirelessly working to ensure that Oregon maintains the highest standards in renewable energy grow.

Jean Hulbert,

Grass Valley, Oregon

jhjeanhulbert@gmail.com

360-430-1146

New Public Comment submitted for project : Speedway Energy Facility NOI

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>

Date Fri 1/23/2026 2:13 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Justesen Ranches

Submitted by: Fred Justesen

Email: fredjustesen@gmail.com

Zip Code: 97029

Siting Project Phase: NOI

Comment Summary:

Speedway Energy Facility project

Please Click on the following link to view the full [Comment Details](#)

Comment Details
Speedway Energy Facility

Notice of Intent Exhibit

—

Page Number(s)

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Council Standards

—

Comment

Oregon Department of Energy
Oregon's Energy Facility Siting Council
550 Capital Street NE
Salem, OR 97301

January 23, 2026

To All Those Concerned:

Our family has been farming and ranching in Sherman County, Oregon for 6 generations. The short growing season, marginal soils, and low rainfall provide limited options for agricultural use. The close proximity to power distribution infrastructure, reliable sunlight, suitable topography and a sparse population, however, are attributes that may allow diversification into solar, wind, and storage. We believe solar and or wind generation with battery storage represents a major opportunity for our family, our community, Oregon, and the region. We want to be part of the solution to the looming energy crisis.

My family have leased a portion of our property to Brookfield that is included in the proposed Speedway Energy Facility. Based on research and meetings with several alternative energy developers we, in conjunction with several neighbors, elected to work with the Brookfield group. That decision considered a variety of factors including Brookfield's strong track record of similar successful developments, their financial strength, their staff's willingness to negotiate terms of contract to protect the environment and the rights of land owners, Brookfield's considerations of local communities, the environment and responsiveness in communications. Based on our work with Brookfield, we continue to believe we have made an excellent choice and the Brookfield group is a reputable, reliable, responsive organization committed to long-term relationships with the land owners and the community.

We strongly support the involvement of the Energy Facility Siting Council (EFSC). We expect EFSC will leverage a wide range of local, state, regional and national resources and expertise using comprehensive, fair and unbiased processes to make effective, efficient, fact-based and timely decisions to enable this very important project to move forward to best meet the near and long-term needs of all involved. Given the nature and scope of this

and similar projects, we believe there will be many valid local concerns. We expect the EFSC process and the Brookfield group will address most or all of those concerns and help address any misinformation, bias, prejudices or conflicts of interest that may arise.

We urge the Oregon EFSC to approve the Speedway Energy Facility to move to the next phase.

Thank You for your consideration,

Jon Justesen

Fred Justesen

Judy Justesen

Zack Justesen

Austin Justesen

Amanda Justesen

Attachments

No files were attached.

Speedway Energy Facility Comment Submission

From Steven Stradley <srstradley@gmail.com>

Date Fri 1/23/2026 3:47 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from srstradley@gmail.com. [Learn why this is important](#)

January 23, 2026

Energy Facility Siting Council

Oregon Department of Energy

550 Capitol St. NE

Salem, OR 97301

Re: **Public Comment on Proposed Energy Facility – Concerns Regarding Compliance With EFSC Siting Standards**

Dear Chair and Members of the Energy Facility Siting Council,

I write on behalf of our family farm, which has been in our family since the early 1900's and is an adjacent property to this project.

I am submitting these comments regarding the proposed energy facility currently under review. I believe the project does *not* demonstrate compliance with multiple mandatory criteria required for issuance of a Site Certificate.

The following comments are organized according to EFSC's published standards, as listed by the Oregon Department of Energy's Siting Division. The standards require the Council to determine whether the applicant has the appropriate abilities to build and operate the facility; whether the site is suitable; and whether the facility would cause unacceptable environmental or community impacts.

1. Organizational Expertise (OAR 345-022-0010)

EFSC's published standards require applicants to demonstrate their "appropriate abilities" to construct and operate a facility.

The applicant has not provided sufficient evidence of:

- Experience with projects of comparable scale.
- Demonstrated financial and managerial capacity to ensure long-term safe operation and decommissioning.

These deficiencies indicate the applicant cannot meet the threshold required for certification.

2. Structural Standard (OAR 345-022-0020)

The Council must ensure the project is structurally sound under foreseeable hazards. EFSC's standards emphasize public safety in relation to facility design.

Given Oregon's increasing wildfire, seismic, and extreme wind events, the project should be required to demonstrate significantly more robust structural modeling. The current application does not provide enough detail to ensure safe operation over the facility's lifespan.

3. Soil Protection (OAR 345-022-0022)

OAR 345-022-0022 prohibits approving a facility that is “likely to result in a significant adverse impact to soils,” including erosion and chemical contamination.

The proposal includes grading, road construction, and operations that risk:

- Soil destabilization and erosion.
- Contamination from stormwater runoff, operational chemicals, or materials degradation.

Without stronger mitigation commitments, the project cannot meet this standard.

4. Land Use (OAR 345-022-0030)

A project must comply with statewide planning goals and local comprehensive plans.

The proposed conversion of farmland appears inconsistent with local land-use designations and protections. Such conflicts constitute grounds for denial under this rule.

5. Protected Areas (OAR 345-022-0040)

EFSC requires evaluation of whether a site is “suitable” in relation to protected natural, scenic, or recreational areas.

This project’s proximity to protected areas could result in:

- Visual intrusion
- Noise and nighttime illumination impacts
- Degradation of recreational experiences

These issues undermine the suitability of the proposed site.

6. Fish and Wildlife Habitat (OAR 345-022-0060)

Standards require avoidance of adverse impacts to key habitats.

The facility may disrupt migration corridors, fragment habitat, and alter hydrology, all of which risk irreversible ecological harm.

7. Threatened and Endangered Species (OAR 345-022-0070)

Applicants must show they will avoid harm to listed species.

The submitted biological assessments appear incomplete, outdated, or insufficient. Without updated surveys and stronger mitigation, EFSC cannot make the findings required by rule.

8. Scenic Resources (OAR 345-022-0080)

EFSC requires protection of scenic landscapes.

The project’s highly visible structures, glare, and industrial footprint would materially degrade local scenic values. The views of Mt Hood, Mt Adams and Mt Jefferson will be obstructed.

9. Cultural, Historic & Archaeological Resources (OAR 345-022-0090)

Applicants must avoid or adequately mitigate impacts to cultural sites.

The application does not sufficiently document tribal consultation or resource surveys, leaving the Council without the information needed to ensure compliance.

10. Recreation (OAR 345-022-0100)

EFSC must prevent unreasonable interference with recreational use.

The facility could restrict public access or diminish experiences through noise, traffic, or visual disruption.

11. Public Services (OAR 345-022-0110)

The project must demonstrate adequate fire, emergency response, transportation, and waste capacity.

Given strained local service levels, the application does not convincingly show that these systems can support the facility without harming community safety.

12. Wildfire Prevention & Risk Mitigation (OAR 345-022-0115)

EFSC’s standards explicitly require wildfire-safe design and operations.

The facility includes extensive electrical systems that elevate ignition risk, yet the applicant’s mitigation plan does not match the severity of current statewide wildfire conditions.

13. Waste Minimization (OAR 345-022-0120)

The applicant must minimize waste across the facility’s full lifecycle. The disposal of panels, batteries, and industrial equipment is insufficiently addressed, posing long-term environmental and financial risks.

14. Carbon Dioxide Emissions Standard (OAR 345-024-0500)

EFSC requires accurate accounting and mitigation of lifecycle CO₂ emissions. The modeling presented in the application lacks transparency and does not adequately justify compliance with required offsets.

15. General Standard of Review (OAR 345-022-0000)

EFSC cannot issue a Site Certificate unless *all* applicable standards are met. Because the application fails to meet multiple standards, the Council is obligated under rule to deny certification unless the applicant provides substantial new evidence and revisions.

Conclusion

Based on the deficiencies outlined above and the requirements under ORS 469.401 for EFSC to include conditions ensuring public health, safety, and compliance with siting standards, I respectfully request that the Council withhold approval of this Site Certificate.

Thank you for the opportunity to comment. I appreciate the Council’s careful review and commitment to protecting Oregon’s environmental, cultural, and community resources.

Sincerely,

Steven Stradley

--

Steven Stradley

This communication, including attachments, is for the exclusive use of addressee and may contain proprietary, confidential or legally privileged information. If you are not the intended recipient, any use, copying, disclosure, dissemination or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this communication and destroy all copies.

Re: Grass Valley/Brookfield

From Sheri Carlson <slcarlson48@gmail.com>

Date Fri 1/23/2026 4:02 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

You don't often get email from slcarlson48@gmail.com. [Learn why this is important](#)

Yes, sorry I should have indicated that project by name.

Sheri C

On Jan 23, 2026, at 3:55 PM, SLOAN Kathleen * ODOE
<Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi Sheri,

I am confirming receipt of your comments.

Is this for Speedway Energy Facility?

Thanks,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!



OREGON
DEPARTMENT OF
ENERGY

From: Sheri Carlson <slcarlson48@gmail.com>

Sent: Friday, January 23, 2026 3:49 PM

To: SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

Subject: Grass Valley/Brookfield

You don't often get email from slcarlson48@gmail.com. [Learn why this is important](#)

Good afternoon,

I am sending a short e-mail in support of the Brookfield Solar project near Grass Valley.

Our farm is currently signed with Brookfield and are confident in the information and contract with them. Our farm is leased to an operator who is both a wheat and cattle operation. This is a typical 1/3-2/3 lease agreement with the operator expecting his 2/3 would be enough to cover the expenses of farming the 1300 acres, on a 2 yr rotation. He is finding that nearly impossible with the current wheat market. The expenses have constantly increased while markets have decreased. Being able to diversify the income and include some alternative energy on our farm could keep the farm with the family ownership that our parents worked so hard to keep. The income derived from this project could also help our community with small businesses currently just able to keep the doors open, the local volunteer fire department and facility, Sherman County Sheriffs Department, the city of Grass Valley and numerous volunteer not for profit entities within the county; Education Foundation, Sherman county Museum, Athletic Foundation, Fire and First Responder entities and more. Construction work alone could help our grocery store/restaurant. Managers at completion of the projects could increase family populations here and in our school. Concerns I hear about the solar projects are the same we heard when the Conservation Reserve Program came into South Sherman County in the early 1980's. Farmers should continue farming the land their grandfathers farmed.

The truth is many of those acres should never have been broken out of grazing land. Our soil is not in the productive level that north end soils are.

Thank you for your consideration.

Sheri Carlson, co owner

Rolfe Land and Cattle Co LLC

Speedway Project

From S. Briar <s_briar7@yahoo.com>

Date Fri 1/23/2026 4:02 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

[You don't often get email from s_briar7@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To: Oregon Department of Energy; Energy Facility Siting Commission

My name is Terri Earl. I came to Sherman County as a teenager in the 1970s. At that time the population was higher than it is now. Even so, my Willamette-Valley eyes saw shades of the Great Depression: business buildings sitting empty, dusty farm buildings huddled against the wind, miles of empty acres where farmers had sold their land to their neighbors and gone on to greener places.

After nearly fifty years of living here and becoming more involved with this community, I don't just see desolation any more, but I know Sherman still struggles economically. Our poor soil, our lack of water and excess of wind make all but the most hardy crops impossible to grow.

Bringing energy generation into this area seems a logical - even hopeful - idea.

We do have sunshine, far more than my Valley siblings see. And that wind!

We have been told that the Speedway Solar Project is interested in our marginal land.

I see it as a light, a "sunbeam" of hope for our poor community.

I do encourage you to approve the Speedway Solar Project for Sherman County.

Public Comment - Speedway Energy Facility - Sherman County Oregon

From Kristi Weis <kristiaw519@gmail.com>

Date Fri 1/23/2026 4:54 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

Cc vincent.esposito@brookfieldrenewable.com <vincent.esposito@brookfieldrenewable.com>

 3 attachments (1 MB)

IMG_9565.jpg; IMG_9564.jpg; IMG_9563.jpg;

You don't often get email from kristiaw519@gmail.com. [Learn why this is important](#)

Dear Chair and Members of the Energy Facility Siting Council,

I submit this comment regarding the proposed Brookfield Speedway Project to address concerns related to statewide land use planning goals, Sherman County's acknowledged Comprehensive Plan, and the fairness principles set forth in ORS 469.501. My husband and I are the owners of property located at 64001 Stradley Road, Grass Valley, OR 97029, where we maintain horses as part of our equine operation. While I recognize Oregon's interest in renewable energy development, that interest does not obviate the Council's obligation to ensure strict compliance with applicable land use standards and to minimize adverse impacts on affected communities and landowners.

Attached are snapshots of our parcel, 03S16E0200401, in relation to the proposed Brookfield Speedway Project footprint. Our property is adjacent on three sides, with our residence and horse facilities located along the northern and eastern boundaries. This proximity increases vulnerability to noise, visual intrusion, and fire risk, which directly affects the safety and welfare of the animals and the operational integrity of our equine activities.

Additionally, equine operations depend on safe pastures, access to water, and quiet surroundings—conditions that would be compromised by the industrial-scale development. These impacts are neither temporary nor fully reversible, inconsistent with Goal 3 protections.

Industrial-scale wind, solar and battery infrastructure would permanently alter the scenic character of the area, including expansive views from our property used for pasture management and equine exercise. Proposed mitigation measures, such as vegetative screening, are insufficient to address the scale, visibility, and long-term nature of the facilities, particularly for adjacent non-participating landowners.

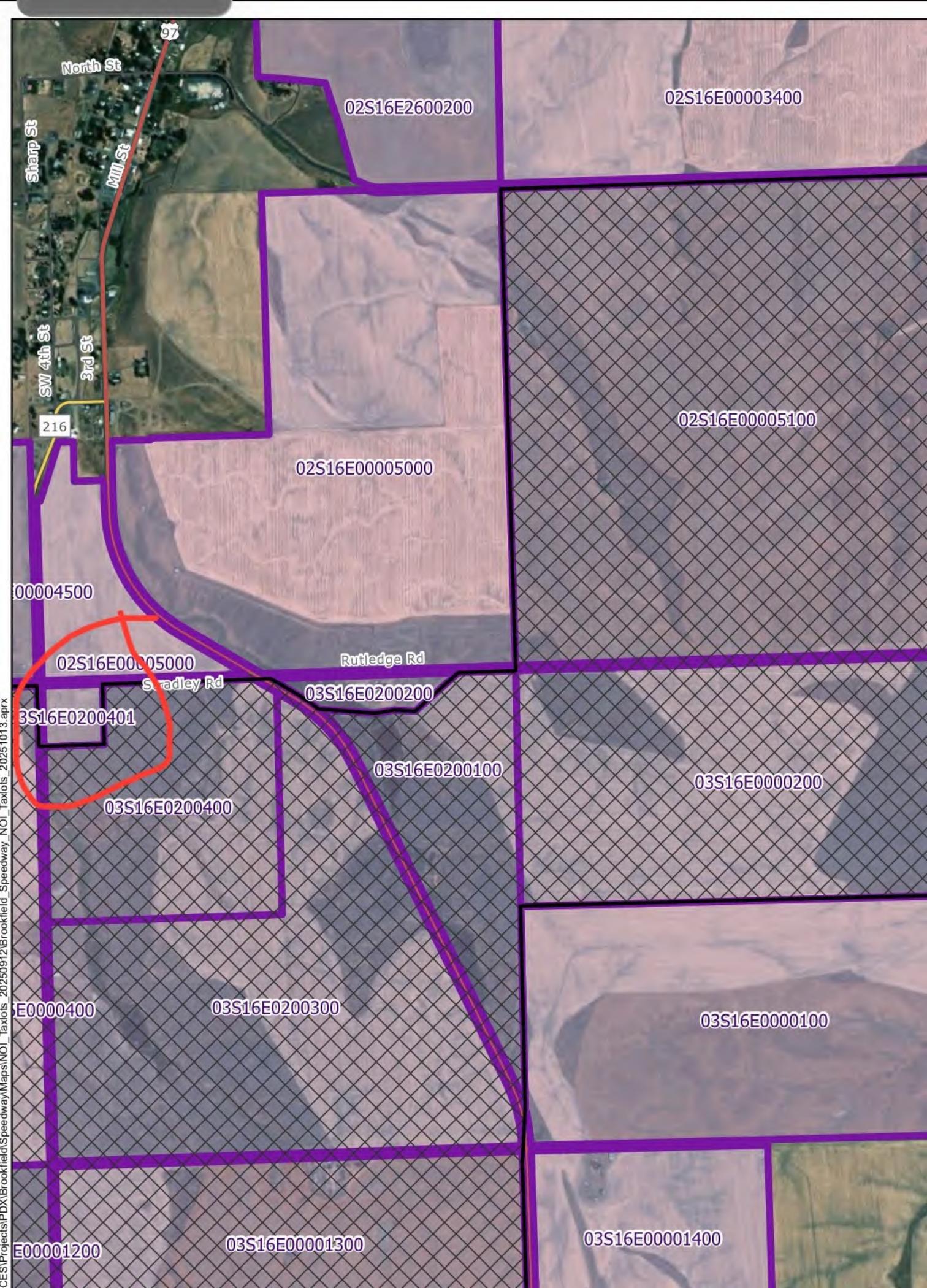
Sherman County's Comprehensive Plan emphasizes preservation of agricultural lands, maintenance of rural character, orderly development, and stability of long-term land use patterns. The proposed project conflicts with these policies by introducing an industrial land use that fundamentally alters the character and function of the area surrounding my property. This is especially significant for equine operations, which require undisturbed land, safe pastures, and minimal stress to animals.

ORS 469.501 requires that energy facilities be sited to minimize adverse impacts on surrounding property owners. The project would disproportionately burden non-participating landowners, including ourselves, through permanent loss of scenic views, reduced agricultural and equine viability, increased fire and safety risks, and diminished use and enjoyment of the property. These impacts are not adequately mitigated and fall primarily on landowners who receive none of the project's economic benefits, raising serious fairness and equity concerns.

For these reasons, I urge the Council to carefully evaluate whether the applicant has met its burden to demonstrate compliance with statewide planning goals, Sherman County's Comprehensive Plan, and the fairness requirements of ORS 469.501. Absent such a showing, the Council cannot lawfully approve the proposed site certificate.

Thank you for the opportunity to comment.

Kristine Weis



97

North St

Sharp St

Mill St

02S16E2600200

02S16E00003400

SW 4th St

3rd St

216

02S16E00005100

02S16E00005000

00004500

02S16E00005000

Rutledge Rd

Stradley Rd

03S16E0200200

03S16E0200401

03S16E0200100

03S16E0000200

03S16E0200400

E0000400

03S16E0200300

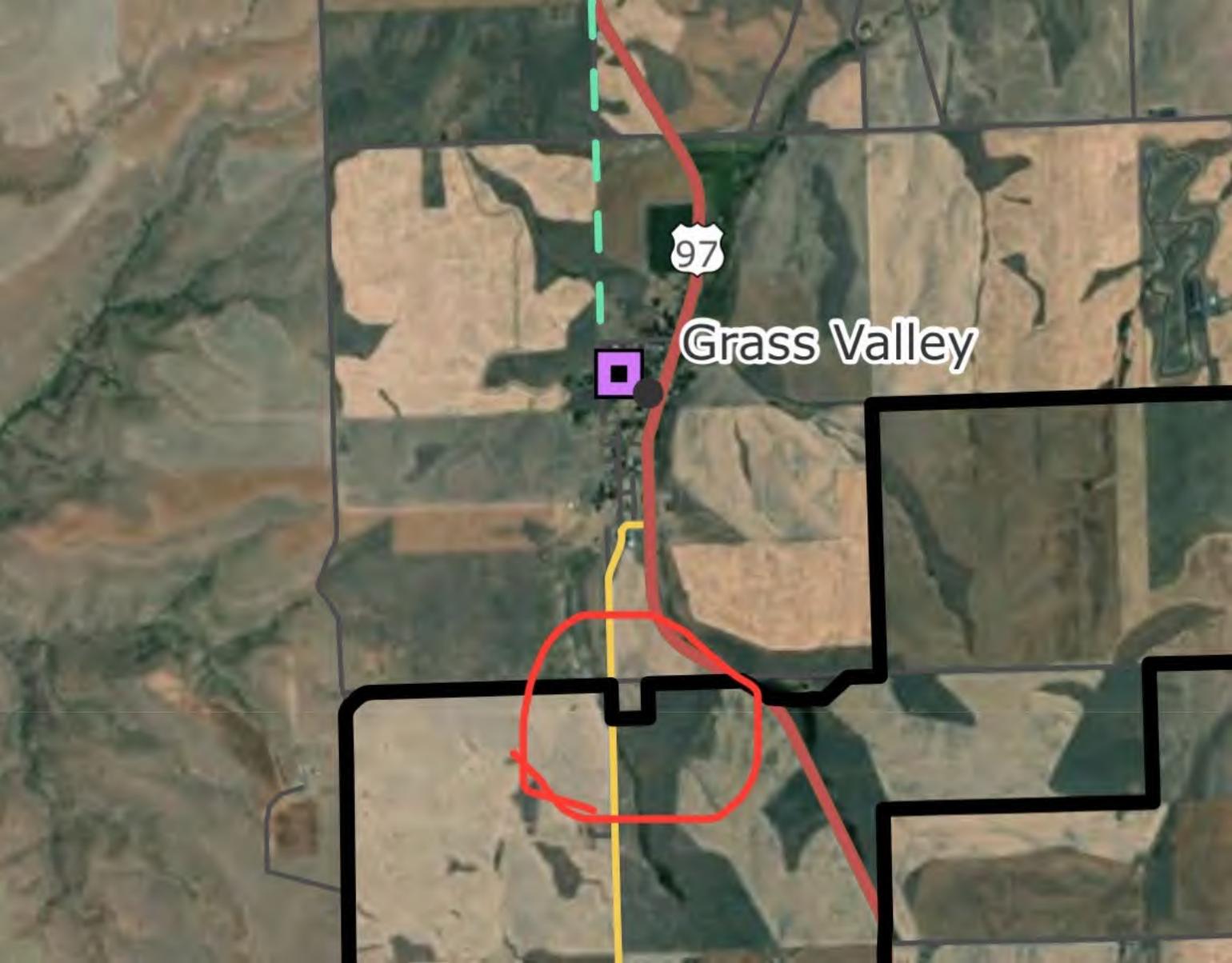
03S16E0000100

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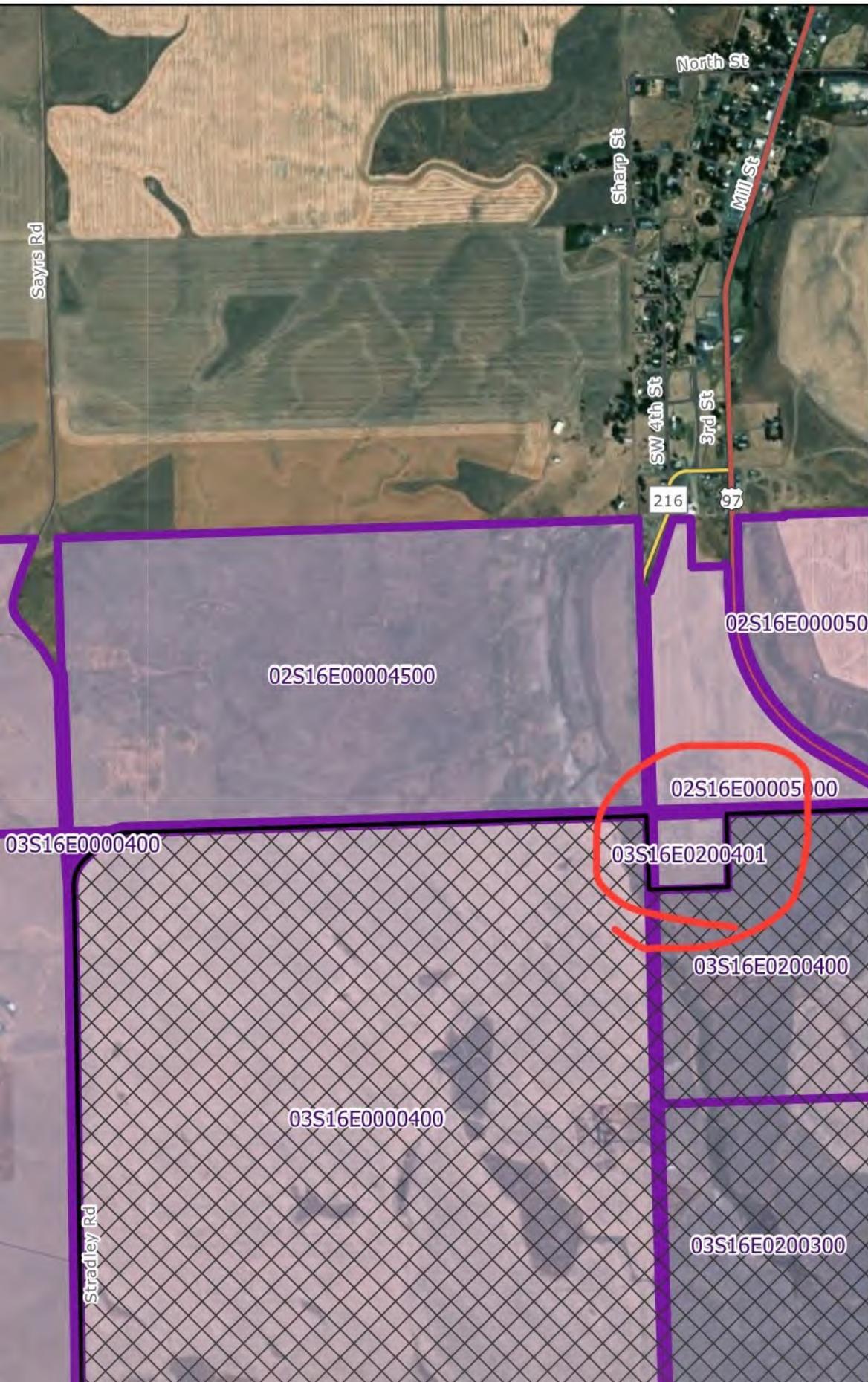
CES\Projects\PDX\Brookfield\Speedway\MapInfo\Taxlots_2025\013.aprx



97

Grass Valley





Speedway Ener

**Figure 1.10
Taxlots**

SHERMAN COUNTY, O

-  Facility Site Bounda
-  Taxlot Boundary¹
-  US Highway
-  State Highway
-  Local Roads

¹Data received from Sherman
09/10/2025



Reference Map

| | |
|-----|-----|
| 1.1 | 1.2 |
| 1.3 | 1.4 |

Speedway SUPPORT

From Debra Bates <harpinger11@yahoo.com>

Date Fri 1/23/2026 4:56 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from harpinger11@yahoo.com. [Learn why this is important](#)

The Energy Facilities Siting Council

Oregon Department of Energy

Re: Notice of Intent of The Speedway Project

Adam Bates

Family member of Earl Farms

2020YALE Ave.

Burley, Idaho 83318

1/23/2026

TO:Oregon Department of Energy, Energy Facilities Siting Council

Salem, Oregon

Dear Members of the Citing Council,

My name is Adam Bates, and I am the grandson of the founders of Earl Farms, a family-owned ranch that has been operating for many decades. I am writing to you on behalf of my family to protect and preserve the future of our farm and to state my SUPPORT OF the SPEEDWAY PROJECT . my grandfather and great-grandfather were entrepreneurial nearly one hundred years ago, and if the Speedway project, and its ability to preserve our land, and future through diversification of non-productive agricultural land, while preserving our affinity for productive ag uses on fertile soil, Grandfather would have unequivocally supported this economic enhancement of the survival of the family HOME. We oppose policies that squelch our ability to diversify and adapt our operations. Our family has always valued stewardship of the land and commitment to our community, and we believe

that embracing new opportunities is key to sustaining those values for future generations.

We hope , along with many, many neighbors, to secure approval for the Speedway Project which will empower us all, to responsibly expand and innovate, while maintaining the heritage and integrity of our ranches. I appreciate your time and consideration, and I look forward to sharing more details about our plans as you review this request.

Sincerely,

Adam Bates

Generational Earl Farms

Urgent for the meeting tonight

From 10565resTorahation <carolynjoyous@gmail.com>
Date Fri 1/23/2026 4:57 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

[You don't often get email from carolynjoyous@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Sent from my iPhone To the Oregon Department of Energy
Energy Facility Siting Commission:

I AM Carolyn Bates Emery, daughter of Debra (Earl) Bates, and I'm writing because I'd like to invite you to help write a new chapter of my story. Not just a story but a legacy.

This story stretches three generations before I was born. The Grass Valley farmland of Oregon was a destined dream come true for my great grandparents James and Grace Earl, They relocated on a new adventure from Carlisle, Iowa in the 1940s bringing their Sons, Don and Dick with them on a joint venture. The Earl Farm would be the grounds to cultivate land, family, community, innovation and create a living legacy. They were successful against the odds in their endeavors, of which innovation was always my grandfather's passion. He purchased one of the first computers ever made, and I remember he bought a calculator as soon as they came out. He was a risk taker: He grew sunflowers against the backdrop of Mount Hood. The neighbors laughed and said it wouldn't work, but it did. He was also the first in the area to use a no till drill. Nobody was quite sure if that was going to work out either. But it did. And it became a standard method of production in Sherman County because of superior moisture conservation. He ran various other Enterprises to supplement the farm income, including a hunting preserve and installing an airstrip at the farm to cut cost for the whole county in aerial application for weed control.

I'll keep this short... I watched the third generation continue to push for diversification and innovation with harvesting the sunshine and the wind. I believe this is in line with those who first came out to Oregon to push the limits of possibility. I know that my family has been honored to feed thousands and would love the honor to provide energy to those same families.

Lastly, Who knows, this diversification may make it possible for me to bring my children and grandchildren and many more generations out to the Earl farm in Grass Valley. This energy project would provide Economic stability; a gift to the future of Sherman county and our farming families. I asked the commission to move forward with this project and beyond. Thank you for your time.

Sincerely, Carolyn Emery
24385 Freezeout Rd.
Caldwell, Idaho. 83607

SPEEDWAY PROJECT - Comment in support of Speedway Project in Sherman County, Oregon

From Tate Justesen <tjustesen@hotmail.com>

Date Fri 1/23/2026 5:00 PM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

Cc Tate Justesen <tjustesen@hotmail.com>

You don't often get email from tjustesen@hotmail.com. [Learn why this is important](#)

To: Oregon Department of Energy, Energy Siting Commission

This comment is in support of Brookfield's proposed Speedway Project near Grass Valley, Oregon.

I am a current Sherman County/Grass Valley, Oregon landowner and a long-time former resident of Sherman County, Oregon. I grew up near Grass Valley, Oregon and continue to spend much time there as that is where my family is located.

My family owns and operates a multi-generational agricultural operation located in Sherman County, Oregon (in part, near Grass Valley).

The Speedway Project represents a valuable/important opportunity for Sherman County in multiple ways. The tax base will benefit Sherman County by providing the ability of the County to offer services to its citizens, including roads, critical infrastructure and schools.

The project will also benefit local landowners by allowing diversification of their family owned and operated agricultural businesses.

It is my understanding, from both personal knowledge and from speaking with other Sherman County landowners, that Brookfield has engaged in extensive outreach to potentially affected landowners and community stakeholders, and engaged in a thorough and extensive contract negotiation process with landowners.

For these reasons, and for those articulated by other commenters in support of the Speedway Project, I respectfully urge the Energy Facility Siting Commission to approve the Speedway Solar Project.

Sincerely,
Tate Justesen

comments on Speedway SC

From Roger Bonne Whitley <rbngv@hotmail.com>

Date Mon 1/26/2026 9:03 AM

To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from rbngv@hotmail.com. [Learn why this is important](#)

We are proud to support the Speedway project for SC. This initiative is vital for our county's survival, as we need new businesses and new residents to invigorate our community. By diversifying our income sources and enhancing overall well-being, we are ensuring a prosperous future for everyone.

- Home
- Threat intelligence
- Trials
- Email & collaboration
- Review
- Reports
- Settings
- Customize navigation



comments on Speedway SC



View message headers Preview message ...

Quarantine details

Received

Jan 23, 2026 2:13:41 PM

Expires

Feb 22, 2026 2:13:41 PM

Subject

comments on Speedway SC

Quarantine reason

Spam

Policy type

Anti-spam policy

Recipient count

1

Recipients

kathleen.sloan@energy.oregon.gov

Sender address override reason

None

Released by

kathleen.sloan@energy.oregon.gov

Email details

Sender address

rbngv@hotmail.com

Time received

Jan 23, 2026 2:13:41 PM

Network Message ID

d49817dd-c5f1-4779-3658-08de5accaac7

Recipients

kathleen.sloan@energy.oregon.gov

**Attachment 2:
Reviewing Agency Comments**

Speedway Energy Facility Project Order: Reviewing Agency NOI Comment Index

| Commenter | Agency | Date(s) Received |
|---|---|---|
| Amy Phelps, Sherman County Planning Director | Sherman County Planning Department for Special Advisory Group: Sherman County Court | 12/23/2025, 01/28/2026, 02/20/2026, 02/25/2026 |
| Daniel Evans, Wetland Ecology Specialist | Oregon Department of State Lands | 12/04/2025 |
| John Pouley, State Archaeologist | Oregon State Historic Preservation Office | 12/17/2025 |
| Jamie Bowles, Regional Wildlife Habitat Biologist | Oregon Department of Fish and Wildlife | 12/19/2025 |
| Brandon Pike, Aviation Planner | Oregon Department of Aviation | 12/18/2025 |
| Danielle Marshall, Conservation Biologist | Oregon Department of Agriculture Native Plant Conservation Program | 12/24/2025 |
| Lalo Guerrerro, Geology Hazard Specialist | Oregon Department of Geology and Mineral Industries | 01/06/2025 |
| Kimberly Peacher, Community Planning & Liaison Officer | Northwest Training Range Complex | 12/17/2025 |
| Teara Farrow Ferman, Cultural Resources Program Manager | Confederated Tribes of the Umatilla Indian Reservation | 02/11/2026 |



December 23, 2025

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971-701-4913

RE: Speedway Energy Facility, NOI Comment

Dear Ms. Sloan,

Thank you for the opportunity to provide comments on the proposed Speedway Energy project. Please find below the comments submitted on behalf of the Sherman County Court:

1. The name, address, and telephone number of the contact person assigned to review the application for your agency:

Amy Phelps
Sherman County Planning Director
PO Box 381
Moro, OR 97039

2. Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

The Sherman County Court has received concerns from residents living near the proposed solar farm regarding potential impacts of the facility. These concerns include:

- Visual impacts to nearby residents.
- Increased risk of wildfires, given the area's history of wildfire incidents and the potential for rapid spread.
- Long-term damage to the ground, including loss of farmland and grazing pasture.

Fire safety is a significant concern for Sherman County. The developer is strongly encouraged to collaborate with the South Sherman Fire Department and Moro Fire Department to develop a comprehensive fire plan that addresses the needs of the department and the community.

Additionally, the county recommends implementing setbacks from surrounding residences to mitigate potential impacts. We would recommend reviewing Ordinance No. 39-2007 as this project is set around one of our towns and close to the urban growth boundary line.

3. Applicable Statutes, Rules, and Ordinances The following statutes, administrative rules, and local ordinances may apply to the construction and operation of the proposed facility:

- Article 3, Section 3.1: Exclusive Farm Use Zone 1, Conditional Uses Permitted:
 - Commercial Utility Facilities
 - Transmission Lines over 200 Feet in Height
- Section 3.7: Natural Hazards Combining Zone
 - Portions of the proposed site appear to border a Natural Hazards Combining Zone, which will require further assessment.

Regulations regarding Conditional Use Permits are outlined in the Sherman County Zoning Ordinance (SCZO):

- Article 5:
 - Section 5.1: Authorization to Grant or Deny Conditional Uses
 - Section 5.2: General Criteria
 - Section 5.3: General Conditions
 - Section 5.8: Standards Governing Specific Conditional Uses, including:
 - Radio or Television Transmitter Tower, Utility or Substation
 - Public Facilities and Services
 - Non-Farm Uses in an F-1 Zone

4. Applicable Permits The following permits may be required for the construction and operation of the proposed facility:

- Sanitation Permits: Administered by North Central Public Health District, located in The Dalles, OR.
- Road Approach Permit: Administered by Sherman County Road Department.
- Road Use Agreement: Administered by Sherman County Road Department.
- Building Permits: Administered by Oregon State Building Codes, Pendleton Regional Office.
- Conditional Use Permit: Administered by Sherman County Planning.

5. Recommendations for Analysis Areas Sherman County recommends expanding the analysis area beyond the proposed 0.5-mile radius for the following:

- Wildfire risk assessment, given the county's history of wildfires.
- Land use impacts, including potential effects on surrounding farmland and grazing areas.

6. Recommended Studies The following studies should be conducted to identify potential impacts and mitigation measures:

- Consultation with Sherman County Emergency Services to assess impacts on ambulance services.
- Collaboration with South Sherman Rural Fire Protection District and Moro Fire Department to address wildfire concerns and develop a wildfire plan.
- Coordination with Sherman County Weed Department for weed control measures on the site.
- Conducting a Soils Impact Analysis/Study, including watershed impacts, in collaboration with Sherman County Soil and Water Conservation District (SWCD) and the Natural Resources Conservation Service (NRCS).
- Traffic Impact Analysis Study, as required by ODOT.

If you have any questions or require further information, please do not hesitate to contact me at 541-565-3601.

Sincerely,

Amy Phelps
Sherman County Planning Director
cc: Sherman County Court

RE: Speedway Energy Facility Notice of Intent to Apply for an EFSC Site Certificate

From Amy Phelps <aphelps@shermancountyor.gov>

Date Wed 1/28/2026 2:03 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Good afternoon Kathleen,

We are recommending the analysis area beyond the 0.5 miles since this project is very close to a town and there is a concern surround wildfires. The community of Grass Valley is the closest town. I would appreciate the additional conversation about this proposed facility if you have the schedule availability.

Thank you,



Amy Phelps
Sherman Community Development Director/County Planner
Pronouns: she/her

PO Box 381
Moro, OR 97039
aphelps@shermancountyor.gov
phone- 541-565-3601
Fax- 541-565-3078

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, January 21, 2026 2:11 PM
To: Amy Phelps <aphelps@shermancountyor.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Re: Speedway Energy Facility Notice of Intent to Apply for an EFSC Site Certificate

Hi Amy,

Thank you for your comments. We appreciate your time and review.

I do have a couple of follow up questions about your recommendation that the analysis area for Wildfire and Land Use extend beyond the standard 0.5 miles from the proposed site boundary. Can you provide more detail for that comment and a recommendation for an analysis area beyond that 0.5 miles? Are there specific communities that should be included for Land Use or Wildfire that are beyond the 0.5 miles?

I also wanted to see if you want to set up a call to discuss the proposed facility in more detail. I can set up a teams meeting or call, if there is interest.

Thanks,

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!



From: Amy Phelps <aphelps@shermancountyor.gov>

Sent: Tuesday, December 23, 2025 8:46 AM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; Joan Bird <jbird@co.sherman.or.us>; Justin Miller <jmiller@co.sherman.or.us>; Joe Dabulskis <jdabulskis@co.sherman.or.us>

Cc: CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Patrick G Rowe <Patrick.G.Rowe@doj.oregon.gov>

Subject: RE: Speedway Energy Facility Notice of Intent to Apply for an EFSC Site Certificate

Good morning,

Please see the attached response and comments regarding the proposed project.

Thank you,



Amy Phelps
Sherman Community Development Director/County Planner
Pronouns: she/her

PO Box 381
Moro, OR 97039
aphelps@shermancountyor.gov
phone- 541-565-3601
Fax- 541-565-3078

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Friday, November 21, 2025 3:27 PM
To: Joan Bird <jbird@co.sherman.or.us>; Justin Miller <jmiller@co.sherman.or.us>; Joe Dabulskis <jdabulskis@co.sherman.or.us>
Cc: Amy Phelps <aphelps@shermancountyor.gov>; CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Rowe Patrick G <Patrick.G.Rowe@doj.oregon.gov>
Subject: Speedway Energy Facility Notice of Intent to Apply for an EFSC Site Certificate

Good Afternoon,

Attached, please find a letter to the Sherman County Board of Commissioners (BOC) on the designation of the BOC as the Special Advisory Group (SAG) for the proposed Speedway Energy Facility, located in Sherman County, near Grass Valley.

[State of Oregon: Facilities - Speedway Energy Facility](#)

The Department received the Notice of Intent to Apply for an Energy Facility Siting Council (EFSC) Certificate for the proposed facility on October 24, 2025 and is in the process of reviewing the NOI,

coordinating with reviewing agencies, and preparing the Project Order.

We are requesting County review and comment from the SAG on the proposed facility. The review request is also attached to this email.

We are requesting comments by Dec 30, 2025, but if you need more time, please let me know.

We are also available to discuss this proposed facility and the NOI and EFSC process, and role of the SAG, if there is interest. Please just let me know and I can arrange what works best for you.

Thank you,

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!



ESTERSON Sarah * ODOE

From: Amy Phelps <aphelps@shermancountyor.gov>
Sent: Friday, February 20, 2026 9:50 AM
To: SLOAN Kathleen * ODOE
Cc: ESTERSON Sarah * ODOE
Subject: RE: Speedway Energy Facility NOI - Sherman County Land Use/SAG Comments
Attachments: Wind Ord 39-2007.pdf; Sherman Co Coprehensive plan zoning map.pdf

Hi Kathleen,

Thank you for letting me know that this wasn't on our website. I have attached the document to the email.

Sherman County opted out of section 44 in December.

For this project, it would be the same impact assessment under the Soil Protection Standard. One of our concerns since this is in EFU and parts of this project look like it is close to areas of soil erosion on the combined hazards map which I have also attached to this email for your review.

Thank you,



Amy Phelps
Sherman Community Development Director/County Planner
Pronouns: she/her

PO Box 381
Moro, OR 97039
aphelps@shermancountyor.gov
phone- 541-565-3601
Fax- 541-565-3078

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Thursday, February 19, 2026 1:59 PM
To: Amy Phelps <aphelps@shermancountyor.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Speedway Energy Facility NOI - Sherman County Land Use/SAG Comments

Hi Amy,

I wanted to reach out on our review of your comment letter on the Speedway Energy Facility Notice of Intent. You submitted written comments on Dec 23, 2025 and we have a couple of follow up questions for you to clarify those comments so we can incorporate them as applicable in the Project Order, which are preparing at this time.

- You recommend reviewing Ordinance 39-2007. I am unable to find a copy of this ordinance online. Could you provide a copy and confirmation of the specific setbacks you are either recommending or believe apply?
- In your comments, you reference Article 3 Section 3.1, Commercial Utility Facilities. It does not appear that SCZO has been amended to incorporate LCDC OAR 660-033-0130(37) for wind, or (44) for solar. Can you confirm?
- In your comments, you requested a Soils Impact Analysis Study. Could you clarify, provide an example (ie: is this is a requirement under the County CUP?) If yes, do you have an example you could share? Or confirm whether this is different or the same as the impact assessment we would get in the applicant under our Soil Protection Standard?

Thank you!

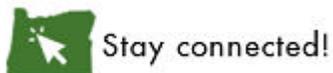
Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)





OREGON
DEPARTMENT OF
ENERGY

h

IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF SHERMAN

IN THE MATTER OF AN ORDINANCE)
SETTING BOUNDARIES FOR WIND)
POWER GENERATION SITING, AND) ORDINANCE NO. 39 - 2007
DECLARING AN EMERGENCY)

WHEREAS, Sherman County has become a desirable area for the placement of wind turbines for the purpose of generating electrical power; and

WHEREAS, Sherman County has an interest in insuring that the current and future wind generation projects are compatible with each other; that they protect the health, safety, and welfare of Sherman County citizens, as well as the property rights of Sherman County property owners; and

WHEREAS, to accomplish clear, timely, predictable conditions of the permitting process in Sherman County, boundary set backs for wind projects are desirable;

NOW, THEREFORE, the County Court of the COUNTY OF SHERMAN, OREGON, hereby ORDAINS as follows:

Section 1. Purpose. It is the intention of Sherman County to encourage the collaboration and cooperation of neighboring property owners and project developers to establish appropriate set back requirements between neighboring projects. The purpose of this Ordinance is to establish standards which shall be applied to boundaries where the developers of adjacent, separate wind projects cannot agree on set back requirements for the wind towers of their respective projects. The requirements of this ordinance are intended to apply to all wind power projects in the County whether sited pursuant to Energy Facility Siting Council (EFSC) under ORS Chapter 469 or County Conditional Use Permit.

Section 2. Definitions.

a. **Boundary Set Backs.** The minimum distance measured from an operating wind turbine in a project to the outer boundary lines of said project.

*Sherman County
Wind Power Set Back Ordinance
November 2007*

b. **Mutually Negotiated Set Back.** A set back boundary which is negotiated between developers of a project with adjacent project developers and land owners outside the project.

Section 3. Procedure.

a. Prior to application for a permit for wind power projects in Sherman County, the project developer is encouraged to negotiate set back distances from wind turbines on the outer edges of the project to the outer boundary lines of the project with owners or developers of adjacent projects or adjacent property owners outside the project.

b. In the event the project developer is unable or unwilling to negotiate boundary set backs, then the Sherman County wind power siting set back requirements of this ordinance shall apply.

Section 4. Set Back Distances.

a. Set back from property lines in all East-West upwind and downwind directional property line installation shall be no less than 7.5 times the rotor diameter and no less than 1.5 times the rotor diameter for all North-South property line delineations. These requirements shall only apply to project boundaries and will not be required for towers installed internally within the project.

b. A variance may be issued to set back standards in cases where extraordinary topographical or geographical conditions would justify the granting of a variance. A variance may be applied for pursuant to Article 7, Variances, of the Sherman County Zoning Ordinance.

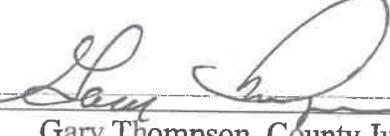
Section 5. Set Backs From Pre-Existing Wind Turbines. The minimum set back requirements from pre-existing wind turbines shall be 15 times the rotor diameter upwind and downwind for all East-West set back considerations and 3 times the rotor diameter for all North-South set back considerations.

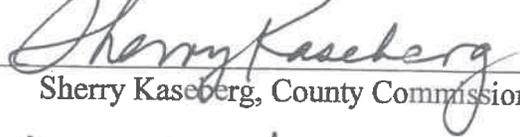
Section 6. Set Backs From City Boundaries. The minimum set back distance from an operating wind turbine to the boundary lines of any incorporated city in Sherman County shall be a distance of one (1) mile, unless a variance to such distance is obtained through the city council of an affected city, after public hearing.

Section 7. Emergency Clause. This Ordinance, being essential to the preservation of the health, safety, welfare and financial integrity of the County, an emergency is hereby declared to exist and this Ordinance is effective upon its adoption.

PASSED AND ADOPTED by the County Court on the 21st day of November, 2007.

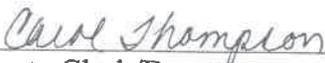
SHERMAN COUNTY COURT

By 
Gary Thompson, County Judge

By 
Sherry Kaseberg, County Commissioner

By 
Steve Burnet, County Commissioner

ATTEST:


County Clerk/Deputy

IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF SHERMAN

IN THE MATTER OF AN ORDINANCE)
AMENDING SHERMAN COUNTY WIND)
POWER SET BACK ORDINANCE) ORDINANCE NO. 11-2009
NO. 39-2007 BY REMOVING SMALL)
WIND GENERATOR TOWERS FROM)
ITS APPLICABILITY AND DECLARING)
AN EMERGENCY)

WHEREAS, on November 21, 2007, Sherman County adopted an ordinance setting boundaries for wind power generation siting, as Ordinance No. 39-2007; and

WHEREAS, the purpose of Ordinance No. 39-2007 was to establish boundaries for large wind towers being then proposed for siting by wind tower companies; and

WHEREAS, it was not the intention of the County to include small wind tower generators which do not present the impact on neighboring properties or city boundaries that are presented by the larger towers;

NOW, THEREFORE, the County Court of the **COUNTY OF SHERMAN, OREGON**, hereby **ORDAINS** as follows:

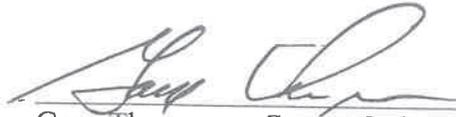
Section 1. Amendment. The following language is added to Ordinance No. 39-2007 as an amendment and addition to Section 2. Definitions:

“c. Wind Towers Subject to This Ordinance. Only wind towers which measure a minimum height of 200 feet from ground surface, including the top of the rotor diameter, shall be subject to the set back requirements under this ordinance. All towers for net metering or otherwise which do not reach a height of 200 feet from ground surface shall not be subject to the set back requirements and shall be exempt from set back requirements of city boundaries.”

Section 2. Emergency Clause. This Ordinance, being essential to the preservation of the health, safety, welfare and financial integrity of the County, an emergency is hereby declared to exist and this Ordinance is effective upon its adoption.

PASSED AND ADOPTED by the Sherman County Court on the 15th day of July, 2009.

SHERMAN COUNTY COURT



Gary Thompson, County Judge

ATTEST:


County Clerk/Deputy

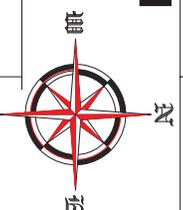
Steve Burnet, County Commissioner



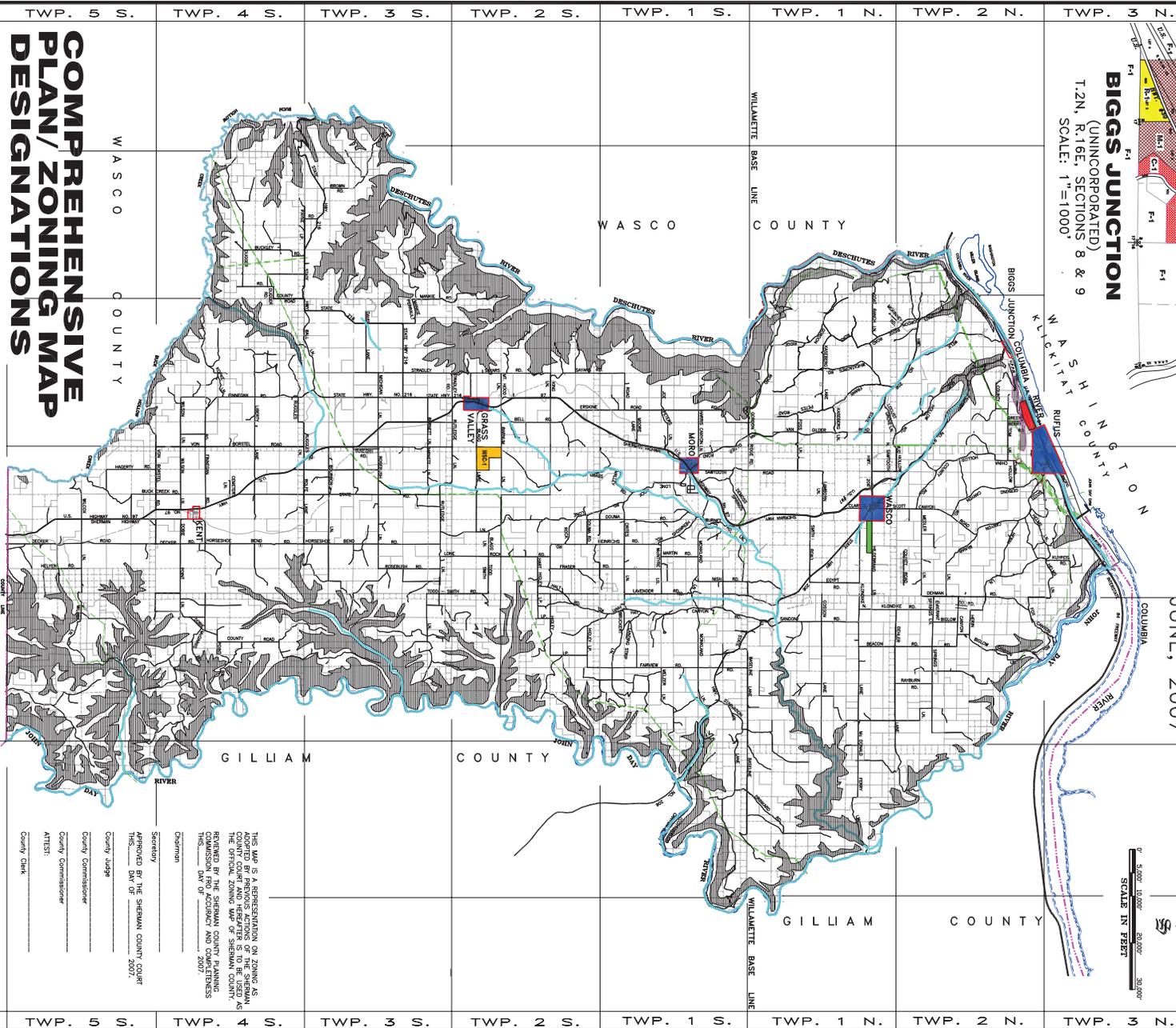
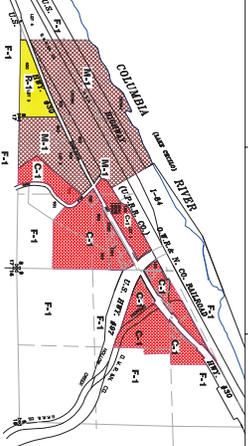
Michael Smith, County Commissioner

SHERMAN COUNTY, OREGON

JUNE, 2007

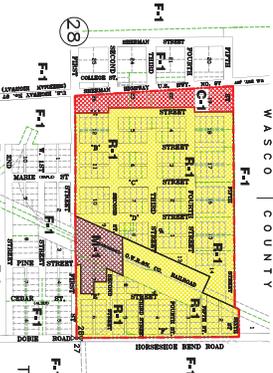


BIGGS JUNCTION
(UNINCORPORATED)
T.2N, R.16E, SECTIONS 8 & 9
SCALE: 1"=1000'



COMPREHENSIVE PLAN/ ZONING MAP DESIGNATIONS

- F-1 EXCLUSIVE FARM USE
- A-1 AGRICULTURAL/AIRPORT
- R-1 GENERAL RESIDENTIAL
- C-1 GENERAL COMMERCIAL
- M-1 LIGHT INDUSTRIAL+
- MSC-1 MOTOR SPORT COMPLEX
- NATURAL HAZARDS COMBINING
- 100-YR FLOOD PLAN BOUNDARY
- INCORPORATED TOWN



KENT
(UNINCORPORATED)
T.4S, R.17E, SECTION 28
SCALE: 1"=500'

ENGINEER / SUPERVISOR
TENISON ENGINEERING CORP.
1000 N. 10th Street, Suite 100
The Dalles, Oregon, 97158
Ph: (541) 298-9177
Fax: (541)298-0657

THIS MAP IS A REPRESENTATION OF ZONING AS ADOPTED BY PREVIOUS ACTIONS OF THE SHERMAN COUNTY BOARD OF COMMISSIONERS AND IS NOT TO BE CONSIDERED AS THE OFFICIAL ZONING MAP OF SHERMAN COUNTY. FOR THE OFFICIAL ZONING MAP OF SHERMAN COUNTY, REFER TO THE SHERMAN COUNTY PLANNING COMMISSION FOR ACCURACY AND COMPLETENESS. THIS DATE: 6/29/2007

Chairman _____
Secretary _____
Approved by THE SHERMAN COUNTY CLERK
THIS DATE OF _____ 2007.

County Judge _____
County Commissioner _____
County Commissioner _____
County Commissioner _____
ATTEST: _____
County Clerk _____

ESTERSON Sarah * ODOE

Subject: FW: Speedway Energy Facility NOI - Sherman County Land Use/SAG Comments

Call Notes Summary from 2/25/26

- Attendees: Amy Phelps, Sarah Esterson, Kathleen Sloan

From: ESTERSON Sarah * ODOE

Sent: Friday, February 20, 2026 3:47 PM

To: 'Amy Phelps' <aphelps@shermancountyor.gov>; SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Subject: RE: Speedway Energy Facility NOI - Sherman County Land Use/SAG Comments

Hi Amy,

Thank you so much for the Ordinance and additional clarification. Sorry for all the questions, but we have a few more:

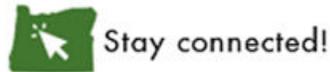
- In your 12/23 comments re the ordinance, consideration of the setbacks is recommended. Do you view the setbacks to be a requirement or a recommendation? **Amy confirmed that the setbacks in the Ordinance are requirements, and that the setback of most concern is the 1-mile setback applicable from the site boundary to the boundary of the city of Grass Valley.**
- In your 12/23 comments, Article 5.8 (10) “..Substation” is identified as applicable to the proposed facility. The substation will be on the same taxlot/parcel as the proposed 230 kV transmission line that would interconnect it to the BPA substation. Would you consider the substation an accessory use to the transmission line, where then the transmission line is subject only to 215.283/215.275? And this provision would not apply? **Amy confirmed that she agreed.**
- In your 12/23 comments, Article 5.8 (14) Public Facilities and Services is identified as applicable to the proposed facility. This facility would not be a public facility in that it is not interconnecting to any existing local public service/utility. The proposed facility would have a 230 kV transmission line that interconnects a substation serving the project to a BPA substation. Would the proposed facility still fall under this category? **Amy confirmed that it would not, but that this provision was a close fit. Sarah confirmed that they would not apply this provision.**
- In your 12/23 comments, Article 5.8 (2) Non Farm Uses in an F-1 Zone is identified. The proposed facility includes a solar facility and a wind facility. We will assume to evaluate the solar and wind facilities components/impacts separately under LCDC OAR 660-033-0130(37) and (38). For the purpose of Article 5.8 (2), would you recommend we also evaluate the solar and wind facilities separately? Because I think the answers would differ per footprint of wind versus solar (wind will not materially alter the landscape, solar will). And then, the transmission line and substations would not be included in this evaluation because they are evaluated under 215.283/215.275. Do you agree? **Amy, Sarah and Kate agreed to request that for 5.8(2), the applicant should be required evaluate 1) impacts from the wind facility; 2) impacts from the solar facility; 3) impacts from the entire proposed facility. They agreed that 3) could be dropped if the areas where solar and wind facility components would be located were separate and distinct (not interspersed).**

Again apologies for my confusion and if easier to talk through, please let us know if we can schedule a quick call next week. Or, if its easy enough to respond/help me understand, that is perfect.

Thank you!



Sarah T. Esterson
Senior Policy Advisor
550 Capitol St. NE | Salem, OR 97301
P: 503-559-9218
1-800-221-8035



From: Amy Phelps <aphelps@shermancountyor.gov>
Sent: Friday, February 20, 2026 9:50 AM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: RE: Speedway Energy Facility NOI - Sherman County Land Use/SAG Comments

Hi Kathleen,

Thank you for letting me know that this wasn't on our website. I have attached the document to the email.

Sherman County opted out of section 44 in December.

For this project, it would be the same impact assessment under the Soil Protection Standard. One of our concerns since this is in EFU and parts of this project look like it is close to areas of soil erosion on the combined hazards map which I have also attached to this email for your review.

Thank you,



Amy Phelps
Sherman Community Development Director/County Planner
Pronouns: she/her

PO Box 381
Moro, OR 97039
aphelps@shermancountyor.gov
phone- 541-565-3601
Fax- 541-565-3078

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Thursday, February 19, 2026 1:59 PM
To: Amy Phelps <aphelps@shermancountyor.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Speedway Energy Facility NOI - Sherman County Land Use/SAG Comments

Hi Amy,

I wanted to reach out on our review of your comment letter on the Speedway Energy Facility Notice of Intent. You submitted written comments on Dec 23, 2025 and we have a couple of follow up questions for you to clarify those comments so we can incorporate them as applicable in the Project Order, which are preparing at this time.

- You recommend reviewing Ordinance 39-2007. I am unable to find a copy of this ordinance online. Could you provide a copy and confirmation of the specific setbacks you are either recommending or believe apply?
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- In your comments, you requested a Soils Impact Analysis Study. Could you clarify, provide an example (ie: is this a requirement under the County CUP?) If yes, do you have an example you could share? Or confirm whether this is different or the same as the impact assessment we would get in the applicant under our Soil Protection Standard?

Thank you!

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!



OREGON
DEPARTMENT OF
ENERGY

RE: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

From EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>

Date Thu 12/4/2025 3:29 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hi Kathleen,

Thanks for sending in the Sherman County EFSC Speedway Energy Facility. I have conducted DSL's NOI review for the record:

1. The name, address and telephone number of the contact person assigned to review the application for your agency.

Wetland Delineation: Chris Stevenson 503-798-7622 would be assigned review of a wetland delineation, once submitted.

Removal – Fill Permit: Richard Fitzgerald 541-910-4565 would be assigned review of a removal-fill permit, once submitted.

2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

There may be wetlands or waters within the Site Boundary. DSL will require submission of a wetland delineation report for determining which are Waters of the State. If DSL's jurisdictional determination indicates that Waters of This State are present, review of the construction plan set as part of a Wetland Removal-Fill permit application will confirm if Waters of the State are avoided (No State Permit Required letter issued) or what requirements of the Oregon Removal-Fill law apply (Wetland Removal-Fill Permit issued once permit conditions satisfied).

3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

Wetland delineations will be reviewed per OAR 141-090

Wetland Removal-Fill applications, if required, will be reviewed per OAR 141-085

4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

Wetland Removal-Fill Permit

5) Recommendations regarding the size and location of analysis areas (see below for more information).

Based on the proposed project area, it appears many potential resources, as mapped on the Statewide Wetland Inventories are present. A wetland delineation will determine the on-the-grounds extent of wetlands and waters. Once approved by DSL, a wetland delineation will provide project designers the footprint of wetlands and waters and allow for avoidance and minimization of impacts to Waters of the State to the extent practicable.

6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

Wetland Delineation, which may include additional supporting studies, depending on the site. These may include but are not limited to Stream Duration Assessment Method, identification of Aquatic Resources of Special Concern (e.g.: vernal pools)

Wetland Removal-Fill Permit, which may include additional supporting studies, depending on the site. These may include but are not limited to the Oregon Rapid Wetland Assessment Protocol, Stream Function Assessment Method, and Wetland Mitigation.

Thank you,

Daniel Evans, PWS

He/him/his

Wetland Ecology Specialist

[Oregon Department of State Lands](#)

Mobile: 503-428-8188

DSL's updated Removal-Fill Program fee schedule takes effect January 1, 2026. Applications received by December 31, 2025 will be charged current 2025 rates. **Learn more about the new fees [here](#).** Questions? [Submit questions to the Contact Us form](#).

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, November 21, 2025 3:35 PM

To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; ODA_listedplants <listedplants@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; GUERRERO Lalo * DGMI <Lalo.GUERRERO@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; MULDOON Matt * PUC <Matt.MULDOON@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>; SVELUND Greg * DEQ <Greg.SVELUND@deq.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

Good Afternoon,

As a state reviewing agency for the proposed Speedway Energy Facility Notice of Intent (NOI) to Submit an Application for an Energy Facility Siting Council (EFSC) Site Certificate, the Department is requesting your agency's review and comment on the proposed facility and NOI. The NOI was submitted to the Department on October 24, 2025. The Department is reviewing the NOI and coordinating with reviewing agencies while preparing the Project Order. The NOI is available on the project webpage via the link below:

[State of Oregon: Facilities - Speedway Energy Facility](#)

We are requesting your agency comments by December 30, 2025 on the NOI. The attached letter outlines the information requested for your review.

I will be following up with specific agencies in the next couple of weeks. If you would like to schedule a call or teams meeting to discuss, please let me know your availability and I will arrange it.

Thank you,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!





SHPO Case No.: 25-1323, ODOE, Speedway Energy Facility

From POULEY John * OPRD <John.POULEY@opr.oregon.gov>

Date Wed 12/17/2025 2:10 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

 1 attachment (212 KB)

SHPO Response Letter Case Nbr SHPO Case No._ 25-1323.pdf;

Please find the SHPO response to your request for information on the above referenced project. This attachment serves as your file copy. If you have any questions, please feel free to contact me.

Thanks,
-John

John O. Pouley | State Archaeologist

State Historic Preservation Office
725 Summer Street NE, Suite C, Salem, OR 97301
Office: 503.480.9164



Oregon

Tina Kotek, Governor

Parks and Recreation Department

Oregon Heritage/
State Historic Preservation Office
725 Summer St. NE, Suite C
Salem, OR 97301-1266
(503) 986-0690
Fax (503) 986-0793
oregonheritage.org



December 17, 2025

Ms. Kathleen Sloan
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97391

RE: SHPO Case No. 25-1323

ODOE, Speedway Energy Facility

ODOE is requesting your review and comment on the proposed facility and NOI. EO 25-25.

, Sherman County

Dear Kathleen Sloan:

Please find SHPO comments below regarding the Notice of Intent to Apply for a Site Certificate for the Speedway Energy Facility located in Sherman County. The comments address the six topics for the information request.

1) The name, address and telephone number of the contact person assigned to review the application for your agency.

John Pouley, State Archaeologist, State Historic Preservation Office, 725 Summer Street NE, Suite C, Salem, OR 97301 (503-480-9164)

2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

Based on the Site Boundary in the NOI, there are important things to consider regarding compliance with Oregon Revised Statutes (ORS) relating to Native American human remains, funerary objects, sacred objects and objects of cultural patrimony, archaeological objects and sites, and National Register of Historic Places (NRHP) eligible properties. Currently, aside from a few mostly linear archaeological surveys, the vast majority of the Site Boundary has not been inventoried for historic properties (including those just mentioned). For the few surveys within the Site Boundary, historic properties that may be eligible to the NRHP individually, or collectively as a district (e.g., Criterion A pattern of events) were recorded. While some of the archaeological objects are currently recommended as "not eligible", there has been no assessment of (e.g.), broader patterns of events or application of all four NRHP criteria. In addition, eligibility recommendations to the NRHP are not "set in stone" and can change based on additional information or application of the criteria.

The Site Boundary also appears to partially be within and/or adjacent to a battle from the Cayuse War. The area of the battle does not appear to have been surveyed, and its overall extent is currently unknown. These types of properties and others need to be recorded and evaluated based on an understanding of their historic context and evaluated under each of the NRHP criteria with support and justification. This is important so SHPO is able to clearly understand why they are or are not individually eligible or collectively as a district. The resulting information provides the basis for any statements on potential impacts from the project.

The above in part (as well as in 3 below) addresses requirements of OAR 345-022-0090(4)(d)(A) Historic, Cultural and Archaeological Resources which states: *A description of any discovery measures, such as*

surveys, inventories, and limited subsurface testing work, recommended by the State Historic Preservation Officer or the National Park Service of the U.S. Department of Interior for the purpose of locating, identifying and assessing the significance of resources listed in subsections (a), (b), and (c). For the National Park Service, they offer guidance on “assessing significance” in National Register Bulletins, such as #15 *How to Apply the National Register Criteria for Evaluation*, # 16A *How to Complete the National Register Registration Form*, and # 38 *Identifying, Evaluating, and Documenting Traditional Cultural Places*. Oregon SHPO recommends using the guidance in the bulletins cited here, in addition to NPS guidance addressed below.

The most up-to-date SHPO guidelines should also be consulted to assist with inventory and NRHP evaluations. The Oregon Archaeological Guidelines (currently in draft form) will be finalized in 2026 and provide additional archaeological guidance on State (and Federal) laws, Research, Field Methods, National Register of Historic Places Evaluations, and Documentation Standards. The Oregon Archaeological Guidelines additionally include references to Standard I of the NPS Guidelines for Archaeology and Historic Preservation. The NPS Guidelines for Archaeology and Historic Preservation are intended to provide technical advice. As with SHPO guidance, the NPS standards may serve as recommendations to assist with their similar role to SHPO in the OAR 345-022-0090(4)(d)(A) Historic, Cultural and Archaeological Resources requirements. These NPS standards in part include:

- Preservation Planning:
 - Standard I. Preservation Planning Establishes Historic Contexts.
 - Standard II. Preservation Planning Uses Historic Contexts To Develop Goals and Priorities for the Identification, Evaluation, Registration and Treatment of Historic Properties.
 - Standard III. The Results of Preservation Planning Are Made Available for Integration Into Broader Planning Processes.
- Identification:
 - Standard I. Identification of Historic Properties Is Undertaken to the Degree Required To Make Decisions.
 - Standard II. Results of Identification Activities are Integrated Into the Preservation Planning Process.
 - Standard III. Identification Activities Include Explicit Procedures for Recording-Keeping and Information Distribution.
- Evaluation:
 - Standard I. Evaluation of the Significance of Historic Properties Uses Established Criteria.
 - Standard II. Evaluation of Significance Applies the Criteria Within Historic Contexts.
 - Standard III. Evaluation Results in A List of Inventory of Significant Properties That is Consulted in Assigning Registration and Treatment Priorities.
 - Standard IV. Evaluation Results Are Made Available to the Public.
- Registration:
 - Standard I. Registration Is Conducted According To Stated Procedures.
 - Standard II. Registration Information Locates, Describes and Justifies the Significance and Physical Integrity of a Historic Property.
 - Standard III. Registration Information is Accessible to the Public.
- Historic Documentation:
 - Standard I. Historical Documentation Follows a Research Design That Responds to Needs Identified in the Planning Process.
 - Standard II. Historical Documentation Employs an Appropriate Methodology to Obtain the Information Required by The Research Design.
 - Standard III. The Results of Historical Documentation Are Assessed Against the Research Design and Integrated Into the Planning Process.
 - Standard IV. The Results of Historical Documentation Are Reported and Made Available to the Public.
- Architectural Engineering:
 - Standard I. Documentation Shall Adequately Explicate and Illustrate What is Significant or

Valuable About the Historic Building, Site, Structure or Object Being Documented.

- Standard II. Documentation Shall be Prepared Accurately From Reliable Sources With Limitations Clearly Stated to Permit Independent Verification of the Information.
- Standard III. Documentation Shall be Prepared on Materials That are Readily Reproducible, Durable and in Standard Sizes.
- Standard IV; Documentation Shall be Clearly and Concisely Produced.
- Archaeological Documentation:
 - Standard I. Archaeological Documentation Activities Follow an Explicit Statement of Objectives and Methods That Responds to Needs Identified in the Planning Process.
 - Standard II. The Methods and Techniques of Archaeological Documentation are Selected to Obtain the Information Required by the Statement of Objectives.
 - Standard III. The Results of Archaeological Documentation are Assessed Against the Statement of Objectives and Integrated Into the Planning Process.
 - Standard IV. The Results of Archaeological Documentation are Reported and Made Available to the Public.

Each of the above are described in much more detail in the applicable Department of the Interior, NPS Federal Register publication *Archaeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines*. Collectively, they address developing historic contexts that assist with application of the four NRHP criteria, in addition to inventory and documentation standards. Applying all four NRHP criteria to any identified historic, cultural or archaeological resource (which NPS identify in National Register Bulletin 15 as buildings, sites, districts, structures and objects) based on established historic contexts makes it clear why any of the criteria are met.

Combined with the above and assisting with addressing areas of expertise of SHPO and related NPS guidance is the importance of including support and justification for NRHP eligibility statements for identified properties under all four criteria. As an example, a report stating that an archaeological site is not eligible under Criterion D because it is “disturbed” or “lacks intact subsurface deposits” would be difficult for SHPO to concur with because the statements fail to address the “why?”. Since Criterion D is about important information yield or potential, based on the established historic context, there needs to be an explanation of why (in this example) Criterion D information yield/potential is not met. Disturbance or lack of intact subsurface deposits are not automatic disqualifiers for information yield/potential, so in this example, support and justification would need to rely on the established historic context, consultation with Tribes and descendant communities, and an understanding of the place where an archaeological site exists, and relationships with other archaeological sites in the area. To address whether the site is eligible to meet statute and rule requirements, the other criteria would also need to be applied. Even if a case can be made that important information yield/potential for Criterion D is not met, the site could still be (e.g.,) part of a pattern of events (Criterion A) individually or as part of a district.

A final point of discussions is that archaeological objects are not needed for places to be eligible to the NRHP. So, if the battle location referenced earlier is within the project area, whether or not related objects are identified (although there should be efforts to look for any), if the place is the location of a (e.g.,) significant event (Criterion A), or is associated with an important person (Criterion B), lacking objects would not affect that eligibility if enough integrity remains.

3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

Statutes and administrative rules are listed below and include quotes which are meant to provide examples that illustrate their purpose but also to demonstrate their applicability with parts 5) and 6) below. For each, SHPO is named as having a specific role, or has been delegated a role.

ORS 97.740-760 (Native American Cairns, Burials, Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony) *"Except as provided in ORS 97.750 (Permitted Acts), no person shall willfully remove, mutilate, deface, injure or destroy any cairn, burial, human remains, funerary object, sacred object or object of cultural patrimony of any native Indian. Persons disturbing native Indian*

cairns or burials through inadvertence, including by construction, mining, logging or agricultural activity, shall at their own expense reinter the human remains or funerary object under the supervision of the appropriate tribe" (ORS 97.745[1]).

ORS 358.905-961 (Archaeological Objects and Sites) "A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands in Oregon unless that activity is authorized by a permit issued under ORS 390.235 (Permits and conditions for excavation or removal of archaeological or historical material)" (ORS 358.920[1][a]).

"Site of archaeological significance" means: Any archaeological site on, or eligible for inclusion on, the National Register of Historic Places as determined in writing by the State Historic Preservation Officer; or Any archaeological site that has been determined significant in writing by an Indian tribe" (ORS 358.905 [b] [A-B]).

"The Legislative Assembly hereby declares that: Archaeological sites are acknowledged to be finite, irreplaceable and nonrenewable cultural resource, and are an intrinsic part of the cultural heritage of the people of Oregon...The State of Oregon shall preserve and protect the cultural heritage of this state embodied in objects and sites that are of archaeological significance" (ORS 358.910 [1-2]).

ORS 358.653 (Protection of Publicly Owned Historic Properties) Oregon Revised Statute (ORS) 358.653 is a state law that requires state agencies and political subdivisions of the state (public entities) to conserve "historic properties" and consult with the State Historic Preservation Office (SHPO) to, whenever possible, avoid and minimize negative impacts as a result of project actions. The public entity leads and retains full responsibility for the consultation process and final decision.

ORS 390.235 and OAR 736-051-0000 to 0090 (Archaeological Excavation and Collection Permits) "A person may not excavate or alter an archaeological site on public lands (or private per ORS 358.920), make an exploratory excavation on public lands to determine the presence of an archaeological site or remove from public lands any material of an archaeological, historical, prehistorical or anthropological nature without first obtaining a permit issued by the State Parks and Recreation Department" (delegated to SHPO).

OAR 345-022-0090 (General Standards for Siting Facilities - Historic, Cultural and Archaeological Resources) (4) ... the Applicant must submit information about historic, cultural and archaeological resources. (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, as defined in ORS 358.905(1)(a), and archaeological sites, as defined in ORS 358.905(1)©, within the analysis area; (c) For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area. (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 that includes at least the following:

(A) A description of any discovery measures, such as surveys, inventories, and limited subsurface testing work, recommended by the State Historic Preservation Officer or the National Park Service of the U.S. Department of Interior for the purpose of locating, identifying and assessing the significance of resources listed in subsections (a), (b), and (c).

4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

The State Historic Preservation Office issues archaeological permits required for archaeological excavation and collection of archaeological objects. The permits are not for project clearance. They assist with compliance with some of the statutes listed in 3 above. As previously discussed, the project area is in an area known to contain archaeological objects from a few narrow linear surveys. Their presence increases the probability that the Site Boundary contains additional archaeological objects and sites. That also increases the probability for Native American human remains, funerary objects, sacred objects and objects of cultural patrimony (see statutes above). Efforts to identify these types of properties must begin early and be completely addressed prior to project related ground altering activities. After these efforts have been addressed, and SHPO agrees in writing with well thought out and supported NRHP eligibility recommendations, it is possible to develop later monitoring plans for Inadvertent Discoveries during project related ground altering activities.

Refer to ORS 97.740-760, ORS 358.905, ORS 358.920, ORS 390.235 and OAR 736-051-0000 to 0090 for more information related to archaeological permits. Such permits may only be issued to persons meeting the requirements of an "Oregon Qualified Archaeologist" (ORS 390.235 [6][b][A-C]) and (OAR 736-051-0070 [23]).

5) Recommendations regarding the size and location of analysis areas.

Based on the Notice of Intent (NOI), it is currently unknown if the analysis areas should be increased or decreased. Since ORS 358.905(b), ORS 358.653, and OAR 345-22-0090 connect to the NRHP, and the NOI intends to identify impacts of the proposed facility, identifying direct and indirect adverse effects to eligible and listed properties is necessary. Adverse effects to properties that may be eligible or listed in the NRHP fall into two categories, direct and indirect. For the former, a 2019 D.C. Circuit Court issued an opinion that direct means at the time of an undertaking (project), while indirect means later in time or farther removed from the project. For these reasons, the following is recommended to assist with determining the size and location of the analysis area.

Through consultation with the State Historic Preservation Office and appropriate Tribes (determined by the Legislative Commission on Indian Services), identify the area that will have the most likely potential to directly or indirectly effect any qualifying characteristics for eligibility or listing in the NRHP. According to the NRHP, such properties include any building, site, district, structure or object that meet one or more of four criteria.

While this could just be the "Site Boundary" as it's called in the NOI, it is still possible for "direct" effects from the construction of the facility to include existing NRHP eligible properties beyond its extent. After the size of the analysis area is determined, inventories for NRHP eligible buildings, sites, districts, structures and objects, per "OAR 345-022-0090 (a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places" need to be identified, evaluated against the four NRHP criteria, and if eligible, assessed in terms of adverse impacts (per OAR 345-022-0090 [1]).

6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

To identify potential impacts, any property that meets the age criteria and qualifies as a building, site, district, structure, or object should be identified and evaluated under the four NRHP criteria. For all historic properties, targeted research should occur to develop the historic context of the project area. Due to the size, targeted historic context development should, in places, be specific to areas based on (e.g.), resource procurement, seasonal mobility, storied or cultural landscapes, etc. as opposed to more general overviews. Development should include Tribal consultation, along with (e.g.), primary and secondary references, ethnographic accounts, documentation of place names, patterns of events etc. The historic context is necessary for applying the NRHP criteria with support and justification. It needs to be developed prior to any fieldwork to assist with field methods.

In addition to development of a historic context, efforts to identify NRHP property types should include inventories (surveys). Inventories for archaeological sites should include both surface and subsurface methods. Inventories should also occur in areas previously surveyed. New archaeological sites should be recorded on State of Oregon Archaeological Site Forms. Previously recorded archaeological sites should be re-recorded, noting any differences from the initial recording.

Mitigation methods for NRHP property types should be based on NRHP qualifying characteristics and involve consultation with Tribes, descendant communities as applicable, and the SHPO. Archaeological sites most often meet the Site and District NRHP property types. They can also be eligible under any of the four NRHP criteria. As stated above, establishing the historic context is an important part of evaluating archaeological objects and sites for NRHP eligibility.

Please feel free to reach out if you have any questions. Thanks.

Sincerely,

A handwritten signature in cursive script that reads "John D. Pouley".

John Pouley
State Archaeologist
(503) 480-9164
john.pouley@opr.d.oregon.gov

cc:

RE: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

From CLEARANCE ORSHPO * OPRD <ORSHPO.Clearance@opr.oregon.gov>

Date Mon 11/24/2025 10:53 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

This email acknowledges that the Oregon State Historic Preservation Office (SHPO) received this request for consultation on [11/21/2025] and assigned SHPO Case Number [25-1323].

For more information visit: <https://www.oregon.gov/opr/OH/Pages/lawsrules.aspx>.

Do not respond to this email.

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, November 21, 2025 3:35 PM

To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; ODA_listedplants <listedplants@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; GUERRERO Lalo * DGMI <Lalo.GUERRERO@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; MULDOON Matt * PUC <Matt.MULDOON@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>; SVELUND Greg * DEQ <Greg.SVELUND@deq.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

Good Afternoon,

As a state reviewing agency for the proposed Speedway Energy Facility Notice of Intent (NOI) to Submit an Application for an Energy Facility Siting Council (EFSC) Site Certificate, the Department is requesting your agency's review and comment on the proposed facility and NOI. The NOI was submitted to the Department on October 24, 2025. The Department is reviewing the NOI and coordinating with reviewing agencies while preparing the Project Order. The NOI is available on the project webpage via the link below:

[State of Oregon: Facilities - Speedway Energy Facility](#)

We are requesting your agency comments by December 30, 2025 on the NOI. The attached letter outlines the information requested for your review.

I will be following up with specific agencies in the next couple of weeks. If you would like to schedule a call or teams meeting to discuss, please let me know your availability and I will arrange it.

Thank you,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!





Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

East Region

61374 Parrell Road

Bend, Oregon 97702

(541) 388-6363

FAX (541) 388-6281

December 19, 2025

Oregon Department of Energy
ATTN: Kathleen Sloan, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301

RE: Request for comments on the Notice of Intent submitted by BGTF Speedway Project LLC (applicant) a subsidiary of Brookfield Renewable U.S (parent company) in Sherman County.

Dear Ms. Sloan:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the Notice of Intent (NOI) to apply for a Site Certificate for Speedway Energy Facility in Sherman County. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the NOI.

A. Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Jamie Bowles, 61374 Parrell Road, Bend, OR 97702. My phone number is (541) 777-1185, jamie.l.bowles@odfw.oregon.gov. ODFW requests that as applicable, all correspondence for this project be conveyed electronically.

B. Comments on the NOI

General Comments

Please find below a listing of the most applicable statutes, administrative rules and policies administered by ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and rules.

Oregon Revised Statutes (ORS)

- ORS 496.012 Wildlife Policy
- ORS 506.036 Protection and Propagation of Fish
- ORS 496.171 through 496.192 Threatened and Endangered Wildlife and Fish Species. A listing of State and Federal threatened, endangered and candidate species can be found on ODFW's website at:

http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp

- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509-140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways: Screening Devices- a listing of requirements under ODFW's Fish Passage Program can be found on ODFW's website at <http://www.dfw.state.or.us/fish/passage/>

Oregon Administrative Rules (OAR)

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan, and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on ODFW's website at:
http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL_by_category.pdf
- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: http://www.dfw.state.or.us/lands/mitigation_policy.asp describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Category 1 (irreplaceable, essential, limited) to Category 6 (non-habitat)
- The Policy goal for Category 1 habitat is no loss of either habitat quantity or quality via avoidance of impacts through development alternatives, or an ODFW recommendation of denial of the proposed development action if impacts cannot be avoided. Categories 2-4 are essential or important but not irreplaceable habitats. Category 5 habitat is not essential or important habitat, but has a high restoration potential. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project on mapping; provide basis for each habitat category selection; and provide an appropriate mitigation plan; all subject to ODOE and ODFW review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.
- ODFW also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-22-040, 060 and 070.
- ODFW also advocates for project proponents to site solar facilities in a manner consistent with the Oregon Columbia Plateau Ecoregion (CPE) Wind Energy Siting and Permitting Guidelines that were established in conjunction with multiple state, federal and industry partners. The intent of these guidelines were to create a balance between the development of renewable energy and environmental protection. While these guidelines were developed for wind facilities, they are also applicable to solar projects within the CPE.

Specific Comments

Although the long-term benefits of renewable energy development should aid in the prevention of climate and ocean change, the local impacts in the short-term could include habitat loss, habitat fragmentation, fish and wildlife mortality, or population decline. To minimize potential negative impacts to fish and wildlife in the proposed location, ODFW has the following recommendations:

- The proposed renewable energy facility would incorporate wind, solar and battery energy storage spanning 25,000 acres. Wind and solar energy facility infrastructure and operation impact types of wildlife species differently and depends on the location and species present in that area. Therefore, having more information about the general location of wind versus solar facilities would help shape our comments.
- The project location has potential to compound habitat fragmentation in this area, especially given the existence of other nearby facilities. ODFW strives to reduce fragmentation of the landscape and to protect connectivity corridors by preventing barriers to movement, such as fencing and development. ODFW's Priority Wildlife Connectivity Areas (PWCAs) serve as a guiding tool to identify areas on the landscape that best facilitate wildlife movement between patches of habitat. Habitat connectivity cannot be replaced, therefore ODFW recommends avoidance to the maximum extent possible, especially where the project overlaps designated PWCA corridors. In addition, strategically placing fencing gaps within the project boundary footprint to facilitate wildlife passage through facility footprint could minimize lost connectivity.
- Due to certain characteristics of the proposed project location (i.e., overlap with wildlife movement corridors and intact sagebrush habitats), this project has the potential to impact habitats for a myriad of species. Species that would be impacted include game species (e.g., mule deer, elk, pronghorn), raptors, and Species of Greatest Conservation Need (SGCN; e.g., Brewer's sparrow, sagebrush sparrow, white-tailed jack rabbits, North American porcupine). Species of Greatest Conservation Need are defined as having small or declining populations, are at-risk, and/or are of management concern. ODFW recommends measures be employed to avoid or minimize impacts to these species, and for impacts that cannot be avoided ODFW encourages the developer to engage early with local staff to develop appropriate mitigation.
- Portions of the project overlaps the ODFW mapped Big Game winter range habitat overlay (*Oregon Department of Fish and Wildlife 2013 Big Game Winter Habitat White Paper*). ODFW considers all habitats within winter range, with the exception of areas designated as Category 6 in the Columbia Plateau Ecoregion (CPE), to be Category 2 as per the Oregon Habitat Mitigation Policy. For Category 2 habitats, ODFW's policy is to have "no net loss of habitat quantity or quality," and asks for "in-kind, in-proximity mitigation" (OAR Chapter 635, Division 415). The CPE contains several habitats that are rare and declining including wetlands, sagebrush steppe and native grasslands. Although the larger footprint of the site has been determined, ODFW encourages the applicant avoid these rare intact habitats when it comes to micro-siting and favor siting in previously disturbed areas. We recommend a 2:1 mitigation ask for functioning, intact Category 2 habitats (i.e., sagebrush steppe, grasslands, wetlands) that would be impacted by this project.
- ODFW recommends the Applicant conduct pre-construction bat surveys in areas where wind power is proposed, particularly for migratory bat species (e.g., hoary and silver-haired bats) and for resident bat populations in the summer. ODFW is available to assist

with guiding survey methodology. In addition, ODFW recommends the Applicant report species occurrence and submit collected data to the North American Bat Monitoring Program ([NABat](#)).

- ODFW recommends the Applicant record observations of State Sensitive species or SGCNs occurring within the project boundary and share with ODFW if possible. The sharing of species observation data (including date, species, location, indication of breeding activity, age/sex if known) allows ODFW the opportunity to fill in data gaps for these species.
- ODFW recommends that the Applicant produce a map of the vegetation classifications within the project area to help identify potential wildlife occurrences and further classify the habitat available within the project area based on ODFW’s Mitigation Policy. To better assess post-construction revegetation plans for project areas that are within ODFW mapped big-game winter range, ODFW recommends documenting underlying vegetation communities in addition to general Habitat Category.
- ODFW requests that the applicant limit construction activities outside of the project footprint during the winter period, December 1- April 1, to reduce disturbance to wintering mule deer and other big game outside of the project area. In addition, ODFW requests that the placement of project infrastructure, including buildings and roads be sited within the project boundary in a manner to reduce the potential for disturbing wildlife outside of the project boundaries both during construction and in the operational phase.
- Other projects in the immediate area have begun to employ the use of domestic sheep for vegetation control. Where wild bighorn sheep populations and domestic sheep herds come into contact there is a serious risk of disease transmission (from diseases such as *Mycoplasma ovipneumoniae*) that could negatively impact bighorn herds. ODFW has run a preliminary risk of contact model based on the current facility footprint. This resulted in an annual herd contact rate of 4.23 (Table 1). This indicates that we can expect ~4 contacts between bighorn sheep and the perimeter of the facility each year. These results put the current facility footprint into the high risk category. ODFW recommends against the use of domestic sheep at this facility and requests that alternative means of vegetation control, if required, be used at this site that does not include domestic sheep. If domestic sheep absolutely must be used, ODFW requests that a site-specific plan including best management practices developed collaboratively with ODFW to avoid risk of disease transmission.

| Probabilty of contact per individual | | Annual number of expected contacts | | |
|--------------------------------------|-----------|------------------------------------|-----------|-------------|
| Ram | Ewe | Rams | Ewes | Entire Herd |
| 0.0104565 | 0.0005305 | 3.9525757 | 0.2769262 | 4.2295019 |

Table 1. Output from risk of contact model between domestic sheep within the proposed facility footprint and bighorn sheep populations.

- Where feasible, ODFW encourages retention of native vegetation to the maximum extent possible within project boundaries given the challenges revegetation has presented in similar development scenarios in the region. The Department recommends a rigorous monitoring and management plan to control and prevent the spread of noxious weeds.

- If vegetation removal must occur within the project boundary, ODFW requests that these activities be conducted prior to or after the critical period for ground nesting birds, April 15- September 1. Should ground disturbance occur during this period, ODFW requests that vegetative removal occur prior to the critical nesting period.
- ODFW recommends that raptor nest surveys be conducted within a two-mile buffer around the perimeter as well as within the proposed footprint of the project area, which is larger than the proposed 0.5 mile survey buffer included in the application (page 34). If nests are identified, we recommend observing temporal and spatial activity restrictions to avoid disturbing occupied nests within the project boundary and buffer (Table 1). Additionally, ODFW recommends the Applicant consult with US Fish and Wildlife Service on potential impact to eagles and raptors covered under the Golden and Bald Eagle Protection Act and Migratory Bird Treaty Act.

| Species | Spatial Buffer | Seasonal Restriction | Release Date if Unoccupied |
|-----------------------|-----------------------|-----------------------------|-----------------------------------|
| Western burrowing owl | 0.25 mile | April 1 to August 15 | 31-May |
| Golden eagle | 0.5 mile | Feb 1- Aug 15 | 15-May |
| Red-tailed hawk | 300-500 ft | Mar 1- Aug 15 | 31-May |
| Ferruginous hawk | 0.25 mile | Mar 15- Aug 15 | 31-May |
| Swainson's hawk | 0.25 mile | April 1- Aug 15 | 31-May |
| Prairie Falcon | 0.25 mile | Mar 15- Jul 1 | 15-May |
| Peregrine falcon | 0.25 mile | Jan 1- Jul 1 | 15-May |
| American kestrel | 0.25 mile | Mar 1- Jul 31 | 15-May |

Table 1. Recommended seasonal and spatial activity restrictions for raptor species.

- ODFW recommends that the applicant work with the county weed department, Oregon State Extension, the Oregon Department of Agriculture, or other qualified agencies to develop a revegetation and weed control plan that will be successful within the project area, given the challenges realized within this ecoregion with revegetation projects.
- ODFW encourages the applicant to develop a mitigation plan that will effectively offset the impacts to big game winter range and habitat loss within the project boundary. ODFW encourages the applicant to minimize fragmenting habitat due to fencing construction, to lessen potential impacts on species such as, but not limited to, mule deer, pronghorn and white-tailed jackrabbit. Utilization of wildlife-friendly fencing designs is encouraged in areas where appropriate. ODFW is willing to assist the applicant with the development of the plan.

ODFW appreciates the opportunity to comment on this NOI and looks forward to working with ODOE and the Applicant on this proposed project.

Respectfully,



Jamie Bowles
 Regional Wildlife Habitat Biologist
 Deschutes Watershed District
Jamie.l.bowles@odfw.oregon.gov

541-777-1185

cc: Sara Gregory – ODFW Deschutes Watershed District Manager
Andrew Meyers – ODFW Mid-Columbia District Wildlife Biologist
Applicant

RE: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

From PIKE Brandon <Brandon.PIKE@odav.oregon.gov>

Date Thu 12/18/2025 3:35 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hi Kathleen,

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on this application. ODAV has reviewed the proposal and prepared the following comment(s):

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development may be required to undergo aeronautical evaluations by the [FAA](#) and [ODAV](#). The applicant can use the FAA's [Pre-Screening Tool](#) to determine which proposed structures (including any cranes or other tall equipment used during development or maintenance) warrant a *notice of construction*. If so, they are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

At these locations, any structures (including cranes) exceeding 200 feet above ground level (AGL) will warrant a notice of construction to the FAA and ODAV.

Please reach out if you have questions or concerns. I'm available if the applicant has any questions or wants our input at this stage.

Best,

BRANDON PIKE
OREGON DEPARTMENT OF AVIATION
(ODAV)
AVIATION PLANNER



PHONE 971-372-1339

EMAIL brandon.pike@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

Alternative Contacts:

COAR Grants: Grants@ODAV.Oregon.Gov

Procurement / Contracts: Contracts@ODAV.Oregon.Gov

Pavement (PEP/PMP): Pavement@ODAV.Oregon.Gov

Land Use / Tall Structures: LandUse@ODAV.Oregon.Gov

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From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, November 21, 2025 3:35 PM

To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; ODA_listedplants <listedplants@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; GUERRERO Lalo * DGMI <Lalo.GUERRERO@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; MULDOON Matt * PUC <Matt.MULDOON@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.Cruse@deq.oregon.gov>; SVELUND Greg * DEQ <greg.svelund@deq.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; BJORK Mary F * WRD <mary.f.bjork@water.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good Afternoon,

As a state reviewing agency for the proposed Speedway Energy Facility Notice of Intent (NOI) to Submit an Application for an Energy Facility Siting Council (EFSC) Site Certificate, the Department is requesting your agency's review and comment on the proposed facility and NOI. The NOI was submitted to the Department on October 24, 2025. The Department is reviewing the NOI and coordinating with reviewing agencies while preparing the Project Order. The NOI is available on the project webpage via the link below:

[State of Oregon: Facilities - Speedway Energy Facility](#)

We are requesting your agency comments by December 30, 2025 on the NOI. The attached letter outlines the information requested for your review.

I will be following up with specific agencies in the next couple of weeks. If you would like to schedule a call or teams meeting to discuss, please let me know your availability and I will arrange it.

Thank you,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!



Re: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

From MARSHALL Danielle * ODA <Danielle.MARSHALL@oda.oregon.gov>

Date Wed 12/24/2025 2:50 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc ODA_listedplants <listedplants@oda.oregon.gov>

Hi Kate,

Upon review, no known state-listed (threatened or endangered) plant occurrences overlap with the Speedway Project site location. Two listed plants are known from Sherman County: northern wormwood and Lawrence's milkvetch. Northern wormwood is restricted to the riparian zone along the Columbia River, and Lawrence's milkvetch is not known to occur in the area of Sherman County where the site is located. Therefore, it is unlikely for listed plants to be impacted by the proposed project.

Dani

Danielle Marshall, Conservation Biologist

Oregon Department of Agriculture – Native Plant Conservation Program

635 Capitol St NE, Salem, OR 97301-2532

971.388.8895 | Oregon.gov/ODA | Pronouns: she, her, hers

→ Sign up for NPCP [GovDelivery updates](#)

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Date: Friday, November 21, 2025 at 3:35 PM

To: BLEAKNEY Leann <lbleakney@nwcouncil.org>, ODA_listedplants <listedplants@oda.oregon.gov>, PIKE Brandon <Brandon.PIKE@odav.oregon.gov>, WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>, MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>, THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>, FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>, MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>, GUERRERO Lalo * DGMI <Lalo.GUERRERO@dogami.oregon.gov>, JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>, FOOTE Hilary * DLCD <Hilary.FOOTE@dlcd.oregon.gov>, EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>, SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>, RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>, MULDOON Matt * PUC <Matt.MULDOON@puc.oregon.gov>, CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>, SVELUND Greg * DEQ <Greg.SVELUND@deq.oregon.gov>, CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>, BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Reviewing Agency Request for Speedway Energy Facility Notice of Intent

Good Afternoon,

As a state reviewing agency for the proposed Speedway Energy Facility Notice of Intent (NOI) to Submit an Application for an Energy Facility Siting Council (EFSC) Site Certificate, the Department is requesting your agency's review and comment on the proposed facility and NOI. The NOI was submitted to the Department on October 24, 2025. The Department is reviewing the NOI and coordinating with reviewing

agencies while preparing the Project Order. The NOI is available on the project webpage via the link below:

[State of Oregon: Facilities - Speedway Energy Facility](#)

We are requesting your agency comments by December 30, 2025 on the NOI. The attached letter outlines the information requested for your review.

I will be following up with specific agencies in the next couple of weeks. If you would like to schedule a call or teams meeting to discuss, please let me know your availability and I will arrange it.

Thank you,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!





Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries

Administrative Offices

800 NE Oregon Street, Suite 965

Portland, OR 97232-2162

(971) 673-1555

Fax: (971) 673-1562

www.oregon.gov/dogami

MEMORANDUM

To: Energy Facility Siting Council, Oregon Department of Energy

From: Jason McClaughry,
Geological Survey and Services Program Manager
Oregon Department of Geology and Mineral Industries

CC: **Lalo Guerrero, PhD, GIT, Geology Hazard specialist**

Date: Tuesday, January 6th, 2026

Subject: Speedway Energy Facility NOI

Greetings,

The Oregon Department of Geology and Mineral Industries (DOGAMI) prepared this memo for the Energy Facility Siting Council (EFSC), Oregon Department of Energy (ODOE), regarding a Notice of Intent to File an Application for a Site Certificate (NOI) for the Speedway Energy Facility, a proposed facility in Sherman County. After a review of the project area in the DOGAMI databases, there weren't any landscape features of geohazard concern.

The Oregon Geologic Data Compilation (OGDC

8, <https://www.oregon.gov/dogami/pubs/pages/dds/p-ogdc-8.aspx>) contains the publicly available published geologic mapping for the entire state.

Additionally, the following publications include a mix of new hazard data, such as permanent ground deformation susceptibility (e.g., liquefaction and landslide) and multi-hazard risk reports that include communities in Sherman County. Additionally, we wanted to alert project representatives about a recent publication related to Sherman County:

- [**Open-File Report O-21-06, Natural hazard risk report for Sherman County, Oregon, including the Cities of Grass Valley, Moro, Rufus, and Wasco**](#) by Matt C. Williams and Ian P. Madin; 62 p. report, 6 tabloid size map plates, one Esri® geodatabase with internal metadata, external metadata in .xml format.

Additionally, DOGAMI recommends reviewing the geologic hazard data available through the Oregon Hazard Viewer (HazVu : <https://www.oregon.gov/dogami/hazvu/pages/index.aspx>). The data compiled in HazVu is the best publicly available data for the state on geologic hazards, including earthquakes, landslides, and floods. The seismic hazard data in this viewer come from the Oregon Seismic Hazard Database v 1.0, the most recent statewide earthquake hazard dataset included in HazVu, and are accessible for download here: <https://pubs.oregon.gov/dogami/dds/p-OSHD-1.htm>.



Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries

Administrative Offices

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Fax: (971) 673-1562

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The USGS Quaternary Faults Database (Q-Faults) shows no active fault near the proposed Speedway Energy Facility; the nearest set of mapped faults is located east, along the John Day River, and to the north, near The Dalles. However, the fault traces as shown in Q-faults were mapped in 1995, and last updated in 2012, prior to the widespread availability of lidar data. We do note that the facility lies within the ashfall hazard zone for Mt. Hood, and the White River includes lahar hazards sourced from the same volcano.

We look forward to supporting the EFSC process and remain available to answer questions related to DOGAMI datasets or other geo-hazard information.

Sincerely,

Jason D. McClaughry, RG

RE: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Speedway Energy Facility

From Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>

Date Wed 12/17/2025 1:09 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc ESTERSON Sarah * ODOE <sarah.esterson@energy.oregon.gov>

 1 attachment (789 KB)

Speedway Wind Image.png;

Hello Kathleen,

Thank you for reaching out.

As shown in the attached, the southern edges of the project footprint are under IR344/346 with a floor of 500AGL. The section to the north has a floor is 5000 MSL – we don't see any potential concerns in this portion.

Regarding next steps, can you provide an email intro or the contact info for the developer so we can address the overlap of the project to our military assets in the southern portion?

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085
NIPR: Kimberly.peacher@navy.mil
SIPR: Kimberly.peacher@navy.smil.mil

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Wednesday, December 17, 2025 10:47 AM

To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>

Subject: [Non-DoD Source] Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Speedway Energy Facility

Hi Kimberly,

If you can review this one for us, that would be great. It is a proposed combined wind and solar facility to be sited on 25k acres in Sherman County, OR.

Thanks!

Click [here](#) if you are having trouble viewing this message.



Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Speedway Energy Facility

On October 24, 2025, the Oregon Department of Energy (ODOE or Department) received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Speedway Energy Facility (facility). The NOI was submitted by BGTF Speedway Project, LLC. (applicant), a subsidiary of Brookfield Renewable U.S. (parent company).

The NOI proposes the construction and operation of a 1,400 megawatt (MW) solar photovoltaic and wind power generation facility, and related or supporting facilities, including up to 500 MW of battery storage, substations, and a 34.5 kV collection system.

The proposed site boundary is 25,000 acres located entirely within Sherman County, near Grass Valley and approximately 3.3 miles southeast of the city of Moro.

Additional information, including a complete Public Notice on the Notice of Intent and Public Informational Meeting and a complete copy of the Notice of Intent itself is available on the [project page](#).

Public Comments

ODOE is now accepting public comments on the NOI. Comments are encouraged to help ODOE and the applicant identify issues and concerns early in the process. All comments must be received by **5:00 p.m. Pacific Time (PT), January 23, 2026**, to be considered in the development of the Project Order.

ODOE has an [online portal](#) for submitting public comments. The portal is intended to provide members of the public with another convenient option to participate in Council rulemaking proceedings.

To comment on this project, select "Speedway Energy Facility" from the drop-down menu and follow the instructions. You will receive an email confirmation after submitting your comment.

Written comments may be submitted in writing by mail, e-mail, or by fax. Please send comments to:

Oregon Department of Energy

ATTN: Kathleen Sloan, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (971) 701-4913

Fax: (503) 373-7806

Email: kathleen.sloan@energy.oregon.gov

Public Informational Meeting: The Department will host an in-person and online public informational meeting in the vicinity of the project to provide an additional opportunity for the public to provide comments and ask ODOE and the applicant questions about the proposed facility and review process. The informational meeting is not a public hearing, and participation is not required to establish eligibility to participate in the contested case proceeding later in the process. Time limits on individual questions or comments may be established based on attendance and participation at the meeting. The meeting can be attended in person and virtually via an online webinar. More details are available in the Public Notice available on the [project page](#).

The informational meeting will be held at the **Grass Valley Pavillion in Grass Valley, Oregon on January 14, 2026**. An in-person meet and greet will begin at 5:30 p.m. PT. Presentations and the online webinar will begin at 6:00 p.m. PT followed by a public Q&A. Details on how to attend or participate in the meeting are provided in the Public Notice available on the [project page](#).

Accessibility information

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or by email at nancy.hatch@energy.oregon.gov

You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.

If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov.

Oregon Department of Energy

Leading Oregon to a safe, equitable, clean, and sustainable energy future.

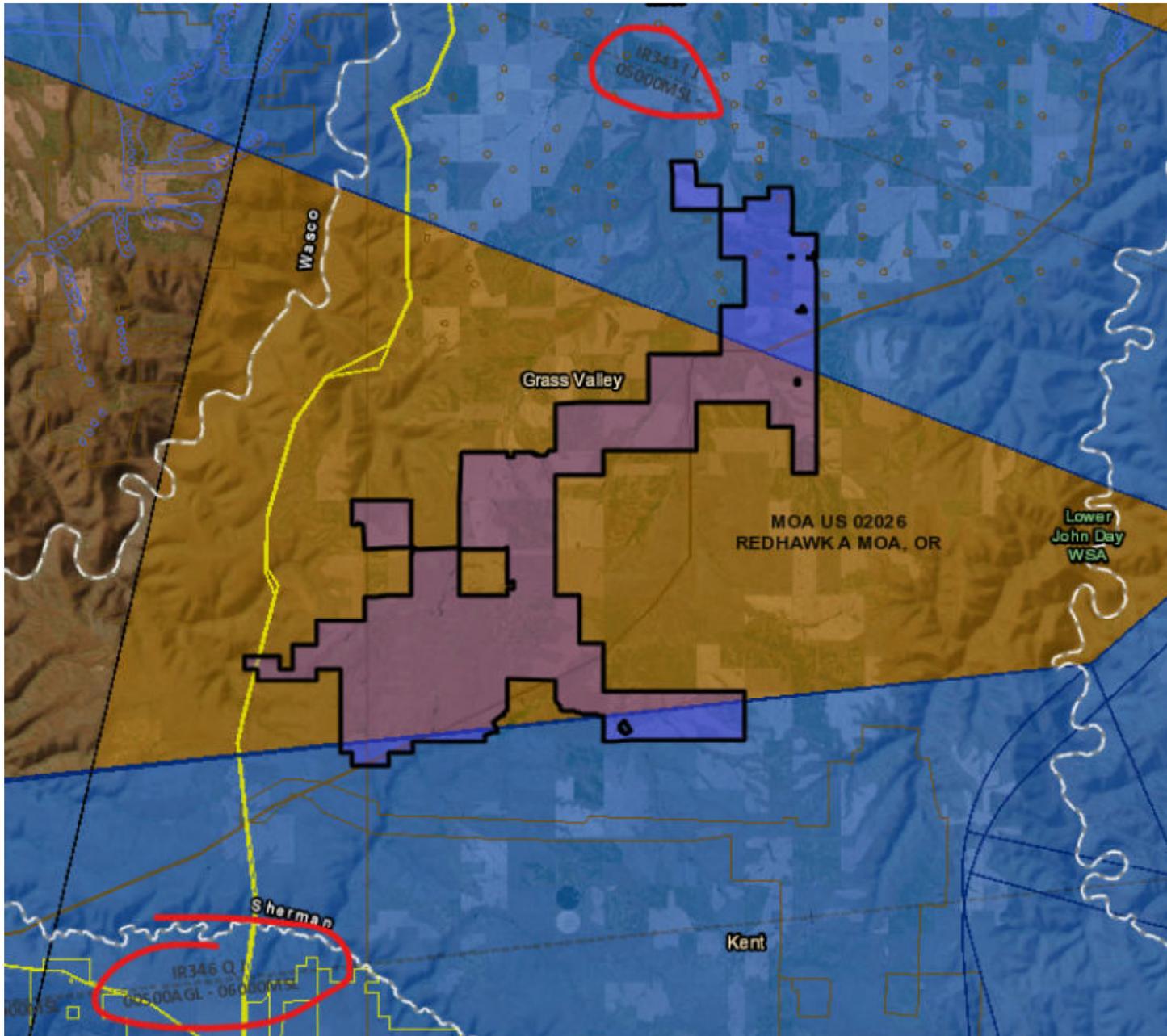
The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an

equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



AskEnergy@oregon.gov | 503-378-4040 | 550 Capitol St. NE in Salem

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RE: Tribal Review Request for Speedway Energy Facility Notice of Intent

From Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>

Date Wed 2/11/2026 11:30 AM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; Bambi Rodriguez <BambiRodriguez@ctuir.org>

Cc Kirsten Lopez-Picklesimer <KirstenLopez-Picklesimer@ctuir.org>

Good morning Kate,
The CTUIR defers to the Confederated Tribes of Warm Springs Reservation of Oregon regarding this project.



Teara Farrow Ferman

DNR CRPP Program Manager
Natural Resources, Confederated Tribes of the Umatilla Indian
Reservation

541-429-7230

46411 Timíne Way, Pendleton, Oregon, 97801

TearaFarrowFerman@ctuir.org

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Wednesday, December 31, 2025 12:46 PM

To: Bambi Rodriguez <BambiRodriguez@ctuir.org>

Cc: Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>

Subject: Fw: Tribal Review Request for Speedway Energy Facility Notice of Intent

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Wednesday, December 31, 2025 12:35 PM

To: Kat Brigham <katbrigham@ctuir.org>; Teara Farrow Ferman <tearafarrowferman@ctuir.org>

Subject: Fw: Tribal Review Request for Speedway Energy Facility Notice of Intent

Good Afternoon and Happy New Year,

I am sending this to follow up on an earlier Departmental request for tribal review and comments on the Speedway Energy Facility Notice of Intent (NOI) (See email below and attached Tribal Review Request letter).

I am also attaching, for your reference, a letter the Department received on the NOI from SHPO State Archaeologist John Pouley that references to potential associations to the Cayuse War.

At this phase in the siting process, the applicant has submitted a notice of intent to apply for a site certificate for this proposed combined wind and solar power generation facility. The applicant has indicated studies and surveys are being completed and are underway.

There will be a public information meeting in Grass Valley on the evening of Jan 14, 2026 and can be attended remotely (online or by phone).

Information on the proposed facility, a copy of the NOI and the Public Notice for the Public Meeting are all available on the project webpage via the link below.

[State of Oregon: Facilities - Speedway Energy Facility](#)

If the Tribe has comments or concerns, or would like to schedule a call or meeting to discuss this request, the NOI, the potential for significant tribal resources, or the siting process, please let me know and I will be happy to arrange it.

If you do have written tribal comments, can you provide your timeline for submitting them to us? We are preparing the Project Order which will include recommendations and requirements for a preliminary Application for Site Certificate (pASC). The applicant has indicated they intend to submit a pASC in 2026.

Thank you,

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, November 21, 2025 3:42 PM

To: Eric Quaempts <ericquaempts@ctuir.org>; Tera Farrow Ferman <tearafarrowferman@ctuir.org>;

Audie Huber <audiehuber@ctuir.org>; garyburke@ctuir.org <garyburke@ctuir.org>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Tribal Review Request for Speedway Energy Facility Notice of Intent

Good Afternoon,

As a Tribal Government identified by the Legislative Commission on Indian Services for the proposed Speedway Energy Facility, the Department is requesting review and comment on the Notice of Intent (NOI) to Submit an Application for an Energy Facility Siting Council (EFSC) Site Certificate, for the proposed facility.

The NOI was submitted to the Department on October 24, 2025. The Department is reviewing the NOI and coordinating with reviewing agencies and Tribes while preparing the Project Order. The NOI is available on the project webpage via the link below:

[State of Oregon: Facilities - Speedway Energy Facility](#)

We are requesting your comments by December 30, 2025 on the NOI. The attached letter outlines the information requested as part of your review. If you need more time to prepare your comments, please let me know.

I will be following up in the next 1-2 of weeks. If you would like to schedule a call or teams meeting to discuss, please let me know your availability and I will arrange it.

Thank you,

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Stay connected!



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the

Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

**Attachment 3:
Facility Components Table Templates**

Table 1: Facility Component Summary

Commented [KT1]: Remember that this table should be modified based on what is being proposed. Not all items in this table will apply to each facility and this table should be modified based on what is being proposed by an applicant/certificate holder.

| Component and Design Standard | No. | Unit |
|--|-----|--------------|
| Site Boundary | | |
| Site Boundary | | acres |
| Micrositing Area | | acres |
| Maximum Footprint ¹ | | acres |
| Solar Components | | |
| PV Solar Modules | | |
| Approx. total number | | modules |
| Max Height at full-tilt | | feet |
| Posts | | |
| Approx. total number (assumes XXX concrete foundation) | | posts |
| Cabling | | |
| Combiner Boxes | | each |
| Inverter Step Up Transformer Units | | |
| Approx. total number | | each |
| Noise level | | dBA |
| Transformer oil-containing capacity | | gallons |
| Related or Supporting Facility Components | | |
| 34.5 kV Collection System | | |
| Collector line length, belowground | | miles |
| Collector line length, overhead (OH) | | miles |
| Wood Monopoles (max estimate for OH) | | each |
| Collector Substations | | |
| Substations w SCADA; Generator step-up transformers, each | | each |
| Site size | | acres |
| Transformer oil-containing capacity | | gallons/each |
| Transformer noise level | | dBA |
| Max height of structures | | feet |
| Switchyards | | |
| Stations; transformers, each | | each |
| Site size (northern and/or within solar fence line); with foundations and graveled areas | | acres |
| 230 kV Transmission Line | | |
| Length (total; northern line; southern line) | | miles |
| Structures: Type (Wood or Galvanized Steel); quantity | | each |
| Height of structures | | feet |

Table 1: Facility Component Summary

Commented [KT1]: Remember that this table should be modified based on what is being proposed. Not all items in this table will apply to each facility and this table should be modified based on what is being proposed by an applicant/certificate holder.

| Component and Design Standard | No. | Unit |
|--|---|-----------------|
| Battery Energy Storage System (Lithium-ion/Zinc) | | |
| <i>Zinc</i> | | |
| Approx. total batteries/containers on foundations with fans/heating systems; SCADA | | each |
| Site size | | acres |
| Approx. container dimensions | | H x W x L; feet |
| Noise level (broadband) | | dBA |
| <i>Lithium-ion</i> | | |
| Approx. total batteries/containers on foundations with HVAC and fire suppression systems; SCADA | | each |
| Site size | | acres |
| Approx. container dimensions | | H x W x L; feet |
| Noise level (broadband) | | dBA |
| O&M Building | | |
| Quantity | | each |
| Site size | | acres |
| Height | | feet |
| Appurtenances | On-site well, septic system, SCADA System | |
| Storage for Replacement Solar Panels | | |
| Containers | | each |
| Approx. container dimensions | | H x W x L; feet |
| Location | | |
| Facility Roads | | |
| Length | | miles |
| Width | | feet |
| Perimeter Fence | | |
| Length | | miles |
| Height | | feet |
| Access/gates | | each |
| Temporary Construction Areas | | |
| Quantity | | each |
| Site size | | acres |
| Description | | |
| Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition | | |
| Notes: | | |

Table 1: Facility Component Summary

| Component and Design Standard | No. | Unit |
|---|------------|-------------|
| 1. The proposed energy facility would occupy approximately XXX acres within fenced micro siting areas. The entire energy facility footprint is considered a permanent disturbance area for the purposes of evaluating Fish and Wildlife Habitat; however, facility components would not occupy the entire area and under Council's Soil Protection standard, impacts within the micro siting area are not considered permanent. | | |

Commented [KT1]: Remember that this table should be modified based on what is being proposed. Not all items in this table will apply to each facility and this table should be modified based on what is being proposed by an applicant/certificate holder.

SAMPLE Facility Components Table for Wind

Table 1: Wind Micrositing Area Facility Component Summary

| Component and Design Standard | No. | Unit |
|---|------------|----------------------------|
| Wind Components | | |
| Wind micrositing area | | acres |
| Wind turbines | | total |
| Max. blade tip height | | Feet (above pedestal) |
| Min. aboveground blade tip clearance | | feet |
| Max. hub height | | feet |
| Max. rotor diameter | | feet |
| Max. noise Level, per turbine | | dBA |
| Turbine Foundations -area | | acres |
| Turbine Pads - area | | acres |
| Transformers, pad- or nacelle mounted | | total |
| Transformer oil-containing capacity | | Gallons, mineral/synthetic |
| Wind Related or Supporting Facility Components | | |
| <i>Access Roads - Wind</i> | | |
| Access Roads (length, width) | | mile/feet |
| Permanent Improved Roads (length, width) | | miles/feet |
| Temporary Improved Roads (length, width) | | miles/feet |
| Crane Paths (width) | | feet |
| <i>34.5 kV Collector lines</i> | | |
| Aboveground | | miles |
| Structure Type/Height | | Type, feet |
| Belowground | | miles |
| Notes: | | |

Attachment 4:
Facility Decommissioning Spreadsheet

Table X: Proposed Facility Decommissioning Tasks and Cost Estimate

| Task or Component | Quantity | Unit Cost (\$) | Unit | Estimate (\$) |
|---|-----------------|-----------------------|-------------------------|----------------------|
| Mobilization / Demobilization | | | | |
| <i>Equipment Mob</i> | | | Lump Sum | \$0.00 |
| <i>Site Facilities</i> | | | Lump Sum | \$0.00 |
| <i>Crew Mob & Site Setup</i> | | | Day | \$0.00 |
| <i>Crew Demob & Site Cleanup</i> | | | Day | \$0.00 |
| <i>Mob-Erection Sub</i> | | | Lump Sum | \$0.00 |
| | | | <i>[1.2] Subtotal =</i> | \$0.00 |
| Site Facilities | | | Month | \$0.00 |
| Field Management | | | Week | \$0.00 |
| Substation & Switchyard Removal | | | | |
| <i>Fence Removal</i> | | | Day | \$0.00 |
| <i>Transformer & Switchyard Equip Removal</i> | | | Each | \$0.00 |
| <i>Remove Control Building</i> | | | Each | \$0.00 |
| <i>UG Utility & Ground Removal</i> | | | Day | \$0.00 |
| <i>Remove Foundations to Subgrade</i> | | | Cubic Yd. | \$0.00 |
| <i>Misc. Material Disposal</i> | | | Each | \$0.00 |
| <i>Restore Yard</i> | | | Each | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Construct & Remove Temporary Crane Pads | | | | |
| <i>Crane Pad</i> | | | Ton | \$0.00 |
| <i>Remove stone after erection</i> | | | Each | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Wind Turbine Generation Removal | | | | |
| <i>Remove Top, Nacelle, Rotor</i> | | | Each | \$0.00 |
| <i>Remove Base & Mid</i> | | | Each | \$0 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Wind Turbine Generation Sizing & Loadout | | | | |
| <i>Oil Removal & Disposal</i> | | | Each | \$0.00 |
| <i>Demo & Prepare for Shipment Offsite</i> | | | Ton | \$0.00 |

| | | | | |
|--|--|--|-------------------|---------------|
| <i>Blade T&D</i> | | | Ton | \$0.00 |
| <i>Scrap Trucking Cost</i> | | | Ton | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Wind Turbine Generation Foundation Removal | | | | |
| <i>Remove Cylindrical Pedestal</i> | | | Cubic Yd. | \$0.00 |
| <i>Remove Top 2' of Octagonal Base</i> | | | Cubic Yd. | \$0.00 |
| <i>Concrete Transport Offsite</i> | | | Cubic Yd. | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Pad Mount Transformer Removal | | | | |
| <i>Oil Removal & Disposal</i> | | | Each | \$0.00 |
| <i>Remove & Loadout Transformer</i> | | | Each | \$0.00 |
| <i>Scrap Trucking Cost</i> | | | Ton | \$0.00 |
| <i>Remove Foundations to Subgrade</i> | | | Each | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| MET Tower Removal | | | | |
| <i>Structure Demo</i> | | | Each | \$0.00 |
| <i>Remove Foundation</i> | | | Cubic Yd. | \$0.00 |
| <i>Concrete Transport Offsite</i> | | | Cubic Yd. | \$0.00 |
| <i>Scrap Trucking Cost</i> | | | Ton | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Solar Array Removal | | | | |
| <i>Fence Removal</i> | | | LF | \$0.00 |
| <i>Inverter / Transformer Removal</i> | | | Each | \$0.00 |
| <i>Remove Foundations To Subgrade</i> | | | Cubic Yd. | \$0.00 |
| <i>Solar Panel Removal</i> | | | Each | \$0.00 |
| <i>Solar Rack (Trackers) & Post Removal</i> | | | Each | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| DC Storage System Removal | | | | |
| <i>Battery Removal & Disposal</i> | | | Each | \$0.00 |
| <i>Structure & Components Removal</i> | | | Each | \$0.00 |
| <i>Remove Foundations to Subgrade ¹</i> | | | Cubic Yd. | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Collector Line Removal (OH, 34.5 KV) | | | | |

| | | | | |
|---|---|--|--|---------------|
| Collector Line – Wind | | | Lump Sum | \$0.00 |
| Collector Line – Solar | | | Lump Sum | \$0.00 |
| Remove Wood 2-pole H frames | | | Each | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Transmission Line Removal (OH, 230 KV) | | | | |
| Conductor Removal | | | Mile | \$0.00 |
| Remove Wood 2-pole H-frames | | | Each | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| O&M Building Removal | | | | |
| Structure Demo | | | Ton | \$0.00 |
| Remove Foundations To Subgrade | | | Cubic Yd. | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Private Access Road Removal (New Roads) | | | | |
| Private Access Road Removal (New Roads) – Wind | | | Mile | \$0.00 |
| Private Access Road Removal (New Roads) – Solar | | | Mile | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| Spot Grade Disturbed Areas – Solar Array | | | Acre | \$0.00 |
| Re-Seed with Native Vegetation – Roads & Areas Disturbed by Construction | | | | |
| Re-Seed with Native Vegetation – Roads & Areas Disturbed by Construction – Wind | | | Lump Sum | \$0.00 |
| Re-Seed with Native Vegetation – Roads & Areas Disturbed by Construction – Solar | | | Lump Sum | \$0.00 |
| | | | <i>Subtotal =</i> | \$0.00 |
| | | | XXX Facility Max Potential Decommissioning Cost (Cost) <i>Subtotal =</i> | \$0.00 |
| | | | Decommissioning Subtotal for Wind and Solar (98% of Total Cost) | \$0.00 |
| | | | Decommissioning Total for Battery (BESS) (2% of Total Cost) | \$0.00 |
| Applicant Applied Contingencies | | | | |
| Home Office, Project Management (5% Of Cost) | 5 | | Percent | \$0.00 |
| Contractor Contingency (3% Of Cost) | 3 | | Percent | \$0.00 |

| | | | | |
|--|-----------------|--|---------|---------------|
| <i>Contractor OH & Fee (13% Of Cost)</i> | 13 | | Percent | \$0.00 |
| Applicant Contingency Subtotal = | | | | \$0.00 |
| Total Applicant Contingencies for Wind and Solar (98% of total contingencies) | | | | \$0.00 |
| Total Applicant Contingencies for Battery (BESS) (2% of total contingencies) | | | | \$0.00 |
| Subtotal of Cost and Applicant Contingencies (Q4 2020 Dollars) ³ - <i>Rounded to nearest \$1</i> | | | | \$0 |
| Total Applicant Contingencies for Wind and Solar (98% of total contingencies) | | | | \$0 |
| Total Applicant Contingencies for Battery (BESS) (2% of total contingencies) | | | | \$0 |
| Subtotal of Cost and Applicant Contingencies (Q1 2022 Dollars) ⁴ | | | | \$0.00 |
| <i>Performance Bond</i> | 1 | | Percent | \$0.00 |
| Adjusted Gross Cost | | | | \$0.00 |
| Department Applied Contingencies | | | | |
| <i>Department Administration and Project Management</i> | 10 | | Percent | \$0.00 |
| | 10 | | percent | \$0.00 |
| <i>Future Development Contingency</i> | 20 (BESS) | | percent | \$0.00 |
| | <i>subtotal</i> | | | \$0.00 |
| ODOE Contingency Subtotal = | | | | \$0.00 |
| Total Site Restoration Cost with Department Adjusted Contingencies (Q1 2022 Dollars) <i>Rounded to nearest \$1</i> | | | | \$0 |

Notes:

1. See ASC Exhibit X Attachment X-1 for detailed breakdown of tasks, actions and unit costs for the sum total costs presented in this Table.
2. To allow continued use of the land for agricultural or other purposes deemed appropriate at the time of decommissioning purposes, all subsurface features including underground collector lines and concrete foundations associated with the O&M, Substation, Solar, Battery, Transmission Line, and Met towers will be removed under the Final Order on ASC, or as agreed with the landowner, in a final Retirement Plan.
3. Tasks associated with a Lump Sum unit cost may be calculated using a fraction (in decimal form) of the actual quantities constructed or by using the more detailed breakdown of unit costs associated with the Lump Sum task identified in the cost estimating worksheet in ASC Exhibit X, Attachment X-1.
4. Added or modified by Department.

Attachment 5:

Wildfire Mitigation Plan/Landowner Letter Templates

5A: Construction Wildfire Mitigation Plan/Landowner Letter Template

5B: Operations Wildfire Mitigation Plan/Landowner Letter Template

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Draft Construction Wildfire Mitigation Plan

ODOE Template

Instructions for Siting Analyst during review of an ASC/RFA:

XXX Energy Facility

- Provide template to applicant/certificate holder. To the extent it can be determined during review of an ASC/RFA, determine facility design features such as setbacks, road widths and locations, vegetation management etc. This information should be reflected in Section 3.0 and should be consistent with the facility description in ASC/RFA exhibits and in other mitigation plans (Noxious Weed Plan, Reveg Plan, and Dust Control Plan).
- Provide WMP to County and fire department(s), and ask if the measures (setbacks, fire protection equipment) are sufficient. If comments indicate or request additional measures, work with analyst team and Senior Policy Advisor to determine if any changes should be made to the WMP.
- Delete this prior to sending to applicant/certificate holder.

Instructions for Applicant's and Certificate Holders:

- This template includes preventative actions, procedures, and standards commonly proposed to meet the requirements of OAR 345-022-0115(1)(b) and reflects practices the Department and EFSC have identified as appropriate to minimize wildfire risk at solar photovoltaic power generation facilities. **Use of the template is not required**, and provisions in this template may be modified depending on the type of energy facility under review. Use of the template does not guarantee satisfaction with the Council's Wildfire Prevention and Risk Mitigation Standard. Use of the template does not establish a defense for any enforcement action for violation of a site certificate, Council order or rule. Use of the template or a separately-developed Wildfire Mitigation Plan does not relieve a certificate holder from proactively managing wildfire risk and taking steps to protect against wildfire beyond the measures included in the template or a separately-developed Plan.
- Areas in **yellow highlight** to be update based on the applicant/certificate holder facility proposal and should be filled out to the extent known at the time of review of the ASC/RFA. This information will also be updated/finalized based on facility design and the construction plan prior to construction of the facility.
- All changes to this template must be made in track changes for the Department to determine the scope of changes made.

Applicable EFSC Site Certificate Conditions

Wildfire Prevention and Risk Mitigation Condition 1 (PRE): Prior to construction of the facility or phase, as applicable, the certificate holder shall:

- a. Finalize the Construction Wildfire Mitigation Plan, as provided in Attachment XX to the Final Order on ASC. The final Construction Wildfire Mitigation Plan shall be submitted to the Department for review and approval.
- b. Complete pre-construction tasks and actions designated in the Construction Wildfire Mitigation Plan approved under sub a of PRE-WF-01.
[PRE-WF-01, Final Order on ASC]

Wildfire Prevention and Risk Mitigation Condition 2 (CON): During construction of the facility or phase, as applicable, the certificate holder shall:

- a. Implement and require all onsite contractors and employees to adhere to, the Construction Wildfire Mitigation Plan required under PRE-WF-01.
- b. After the first six months of construction; and then semi-annually during construction, review and update Construction Wildfire Mitigation Plan as designated in the Plan, and submit the results in the semi-annual construction report.

- c. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

[CON-WF-01, Final Order on ASC]

1.0 Finalizing Wildfire Mitigation Plan Prior to Construction (PRE)

1.1 Update Applicable Sections of WMP

To finalize this WMP prior to construction of the facility:

Update Section 3.1 with a summary of construction phasing including vegetation removal and grading based on areas of construction work or facility component.

Update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

Update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

Update section 3.7 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

2.0 Prior to Construction Task List (PRE)

Prior to construction of the facility, complete the activities in Sections 2.1 and 2.2.

2.1 Training (PRE):

Before beginning construction, the certificate holder will hold an on-site training for contractors and construction personnel, inviting specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- Description of construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
 - Designation of individual(s) responsible for Fire Watch Service;

- Designation of individual(s) responsible for checking fire danger/designations for the day.
- Rescue, Alarm, Contain and Extinguish RACE procedures including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.

2.2 Facility Site Map(s) Submission (PRE):

Submit updated site maps from Section 3.2 concurrently to local fire department(s), County emergency management office, and the Department.

3.0 Construction Wildfire Mitigation Plan (CON)

3.1 Summary of Construction Phasing

Provide a summary of construction phasing including vegetation removal and grading based on areas of construction work or facility component.

3.2 Facility Site Map(s):

This Construction WMP includes facility site maps as Attachment XX that identify:

- The phasing for construction, including location of vegetation removal and grading, for facility features and components;
- Location and dimensions of facility roads. Facility perimeter roads are XX feet wide and service roads are XX feet wide;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
- The location of facility access points. Primary access points are located at XX road at the N/S/E/W portion of the facility;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite (e.g. The facility will be gated

and accessible by access codes. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire);

- The type and location of fire protection equipment on site;
- The location(s) of water source(s) that will be on-site during construction. (e.g. Water trucks on site during construction will be staged at the O&M building and moved to locations where construction/hot work will be conducted).
-

3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building at all times:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pound), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable to provide a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended.
- Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrestor that meets U.S. Forest Service Standard 5100-1.

All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.4 Facility Contact Information and Emergency Response Procedures

Describe fire detection, fire suppression, and emergency procedures that will be implemented in the event of a fire.

Local fire department and county emergency management contact information:

- X
- X

Fire department response times to the site:

- X
- X

Certificate holder primary contact and contact of construction contractor manager(s):

- X
- X

Provide list of residence addresses within the site boundary and 0.5 miles from the site boundary.

Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 4.0, Plan Updates and Reporting Requirements.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
 - To the extent that construction personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

3.5 Use of Vehicles and Power Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during construction:

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designate din this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the

vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.

- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.6 Fire Precaution Levels and Restrictions during Fire Season

Definitions:

 **Non-Fire Season** – Approximately October - May

 **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

 **Fire Weather Watch** - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

 **Red Flag Weather Warning** - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work - Any cutting, grinding, welding, or other activity that creates spark or open flame.

Fire Watch Service -

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the facility where equipment activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate holder shall maintain a log when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

 **Non-Fire Season**

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.

 **Fire Season**

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.

 **Fire Weather Watch**

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

 **Red Flag Weather Warning**

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Table 1: Fire Prevention Measures During Fire Season Summary

| Requirement |  Non-Fire Season |  Fire Season |  Fire Weather Watch |  Red Flag Warning |
|-----------------------|--|--|---|---|
| Fire weather advisory | Not required | Check for fire weather advisory | Check for fire weather advisory | Check for fire weather advisory |

Table 1: Fire Prevention Measures During Fire Season Summary

| Requirement |  Non-Fire Season |  Fire Season |  Fire Weather Watch |  Red Flag Warning |
|----------------------|---|---|--|--|
| | | daily before work begins. | daily before work begins. | daily before work begins. On-site personnel must be aware of Red Flag Warning. |
| On-site water source | N/A | As specified in Section 3.2 | As specified in Section 3.2 and 3.3. | As specified in Section 3.2 and 3.3. |
| Hot work | Only permitted on roads or on non-combustible surfaces. | Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion | Not Permitted | Not Permitted |
| Fire Watch Service | Not required | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. |
| Driving and Parking | As described in Section 3.5. | As described in Section 3.5. | Only permitted on roads or on non-combustible surfaces and Section 3.5. | Only permitted on roads or on non-combustible surfaces and Section 3.5. |
| Smoking | Designated areas only | Designated areas only | Not permitted | Not permitted |

3.7 Vegetation Management

3.7.1 Vegetation-free, Noncombustible Space, and Vegetation Standards

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation and Reclamation Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s), shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible “burn piles” on site.

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- XX foot wide service roads within solar fence line - graveled
- XX wide perimeter roads – graveled
- 10- foot noncombustible, defensible space clearance along the fenced perimeter of the site boundary – vegetation free
- Within and a 10-foot perimeter of the inverter/transformer pads, collector substation and battery energy storage system (BESS) – graveled, similar noncombustible base, or vegetation free
- Parking and O&M building perimeter - graveled
- Vegetation along service roads will be managed by mowing or other vegetation removal

Vegetation in these areas will be managed by the following techniques:

- XX
- XX

3.8 Construction Training(s)

3.8.1 Safety Training

Once a year after construction begins, organize and hold an on-site training with certificate holder and construction personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency that covers:

- The location of electrical facility components and the fire safety measures associated with each component that have been constructed;
- Description of remaining construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;

- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction activities during Fire Season, Fire Weather Watches, and Red Flag Warnings designated in this Plan;
 - Designation of individual(s) responsible for Fire Watch Service;
 - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Rescue, Alarm, Contain and Extinguish (RACE) procedures including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees County’s emergency management notification system.

4.0 Plan Updates: Amendments and Reporting Requirements:

The following information must be provided to the Department in the semi-annual construction report required per OAR 345-026-0080:

- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- A copy of the Fire Season Restriction Log identified in Section 3.6.

Information from the semi-annual construction reporting may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

Attachment 1: Residence/Landowner Outreach Letter

COMPANY LOGO/LETTERHEAD

DATE

RE: Community Outreach Letter for XXX Energy Facility

My name is XXX and I'm the XXX for XX LLC. We are the certificate holder of the XXX Energy Facility, approved by the Oregon Energy Facility Siting Council (EFSC). Construction of the facility will start/was completed in XX. The facility is a XX megawatt solar facility located XX. You are receiving this letter because your address is within 0.5 miles from the facility site boundary and we want to make sure you are aware of the following information:

- Safety at the facility is our highest priority. We have emergency procedures in place in the event of an emergency on site or off site that may impact the facility and adjacent areas. This includes an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, facility inspections, and maintenance protocols to ensure that the facility minimizes fire risk. The WMP also requires fire protection equipment to be on site and allows for emergency access for fire departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by facility personnel, local emergency and law enforcement will be contacted and procedures designated by the XX County's Office of emergency management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for XX County emergency notification system. You may sign up via the County's webpage or directly via this link:
Link: XX

Please contact me if you have any questions about the facility, XX company, or any other concerns regarding construction and operation of the facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Compliance-Program.aspx>

Thank you,

NAME

TITLE

CONTACT INFORMATION

DATE

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Draft Operational Wildfire Mitigation Plan
ODOE Template

Instructions for Siting Analyst during review of an ASC/RFA:

- Provide template to applicant/certificate holder. To the extent it can be determined during review of an ASC/RFA, determine facility design features such as setbacks, road widths and locations, vegetation management etc. This information should be reflected in Section 3.0 and should be consistent with the facility description in ASC/RFA exhibits and in other mitigation plans (Noxious Weed Plan, Reveg Plan, and Dust Control Plan).
- Provide WMP to County and fire department(s), and ask if the measures (setbacks, fire protection equipment) are sufficient. If comments indicate or request additional measures, work with analyst team and Senior Policy Advisor to determine if any changes should be made to the WMP.
- Delete this prior to sending to applicant/certificate holder.

Instructions for Applicants and Certificate Holders:

- This template includes preventative actions, procedures, and standards commonly proposed to meet the requirements of OAR 345-022-0115(1)(b) and reflects practices the Department and EFSC have identified as appropriate to minimize wildfire risk at solar photovoltaic power generation facilities. **Use of the template is not required**, and provisions in this template may be modified depending on the type of energy facility under review. Use of the template does not guarantee satisfaction with the Council's Wildfire Prevention and Risk Mitigation Standard. Use of the template does not establish a defense for any enforcement action for violation of a site certificate, Council order or rule. Use of the template or a separately-developed Wildfire Mitigation Plan does not relieve a certificate holder from proactively managing wildfire risk and taking steps to protect against wildfire beyond the measures included in the template or a separately-developed Plan.
- Areas in **yellow highlight** to be updated based on the applicant/certificate holder facility proposal and should be filled out to the extent known at the time of review of the ASC/RFA. This information will also be updated/finalized based on final design prior to operation of the facility.
- All changes to this template must be made in track changes for the Department to evaluate the scope of changes made.

Applicable EFSC Site Certificate Conditions

Wildfire Prevention and Risk Mitigation Condition 3 (PRO): Prior to operation of the facility or phase, as applicable, the certificate holder shall:

- a. Finalize the Operational Wildfire Mitigation Plan, as provided in Attachment XX to the Final Order on ASC. The final Operational Wildfire Mitigation Plan shall be submitted to the Department for review and approval.
- b. Complete pre-operational tasks and actions designated in the Operational Wildfire Mitigation Plan approved under sub a of PRO-WF-01.

[PRO-WF-01, Final Order on ASC]

Wildfire Prevention and Risk Mitigation Condition 4 (OPR): During operation, the certificate holder shall:

- a. Implement the Operational Wildfire Mitigation Plan required under PRO-WF-01, included as Attachment XX to the Final Order on ASC.

- b. After the first operational year, annually review and update Operational Wildfire Mitigation Plan as designated in the Plan, and submit the results in the annual report for that year.
- c. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

[CON-WF-01, Final Order on ASC]

1.0 Finalizing Wildfire Mitigation Plan Prior to Operation (PRO)

1.1 Update Applicable Sections of WMP

To finalize this WMP prior to operation of the facility:

Update Section 3.1 based on final facility design including a brief description of the facility.

Update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

Update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Describe fire detection, fire suppression, and emergency shut off systems that will be activated in the event of a fire. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

Update section 3.6 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

Update Section 3.7 and Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan; and include an appendix with excerpts of manufacturer recommendations.

Update Section 3.10 with any additional details about facility monitoring.

Update Section 4.0 with any additional standards for future review and plan updates. Note that Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, will be used as a compliance checklist by the Department to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation.

2.0 Prior to Operation Task list (PRO)

Prior to operation of the facility, complete the activities in Sections 2.1 and 2.2.

2.1 Training (PRO)

Before beginning operation, the certificate holder will hold an on-site training for operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
 - Designation of individual(s) responsible for Fire Watch Service;
 - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Overview of procedures for Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.

2.2 Facility Site Map(s) Submission (PRO):

Submit updated site maps from Section 3.2 concurrently to local fire department(s), County emergency management office, and the Department.

3.0 Operational Wildfire Mitigation Plan (OPR)

3.1 Summary of As-Built Facility Description with Design Features

Include a brief summary of the facility.

3.2 Facility Site Map(s):

This Operational WMP includes facility site maps as Attachment XX that identify:

- Location and dimensions of facility roads. Facility perimeter roads are XX feet wide and service roads are XX feet wide;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site and date;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
- The location of facility access points. Primary access points are located at XX road at the N/S/E/W portion of the facility;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite. (e.g. The facility will be gated and accessible by access codes. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire);
- The type and location of fire protection equipment on site;
- The location(s) of water source(s) that will be on-site during operations. (e.g. Water trucks on site during fire season will be staged at the O&M building).

3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pounds), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable of providing a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended. Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrester; and must be kept in good operating condition.

All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.4 Facility Contact Information and Emergency Response Procedures

Describe fire detection, fire suppression, and emergency shut off systems that will be activated in the event of a fire.

Local fire department and county emergency management contact information:

- X
- X

Fire department response times to the site:

- X
- X

Certificate holder primary contact and contact of operational manager(s):

- X
- X

Provide list of residence addresses within the site boundary and 0.5 miles from the site boundary.

Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 4.0, Plan Updates and Reporting Requirements.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
 - To the extent that operational personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

3.5 Fire Precaution Levels and Restrictions during Fire Season

Definitions:

 **Non-Fire Season** – Approximately October - May

 **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

 **Fire Weather Watch** - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the

purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.



Red Flag Weather Warning - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work -Any cutting, grinding, welding, or other activity that creates spark or open flame.

Fire Watch Service:

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, Firewatch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate holder shall maintain a log when operational activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

 **Non-Fire Season**

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.



Fire Season

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.

- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.



Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.



Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Table 1: Fire Prevention Measures During Fire Season Summary

| Requirement |  Non-Fire Season |  Fire Season |  Fire Weather Watch |  Red Flag Warning |
|-----------------------|--|---|---|--|
| Fire weather advisory | Not required | Check for fire weather advisory daily before work begins. | Check for fire weather advisory daily before work begins. | Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning. |
| On-site water source | N/A | As specified in Section 3.2 | As specified in Section 3.2 and 3.3. | As specified in Section 3.2 and 3.3. |
| Hot work | Only permitted on roads or on non-combustible surfaces. | Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion | Not Permitted | Not Permitted |

Table 1: Fire Prevention Measures During Fire Season Summary

| Requirement |  Non-Fire Season |  Fire Season |  Fire Weather Watch |  Red Flag Warning |
|---------------------|---|---|--|--|
| Fire Watch Service | Not required | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. |
| Driving and Parking | As described in Section 3.9. | As described in Section 3.9. | Only permitted on roads or on non-combustible surfaces and Section 3.9. | Only permitted on roads or on non-combustible surfaces and Section 3.9. |
| Smoking | Designated areas only | Designated areas only | Not permitted | Not permitted |

3.6 Vegetation Management

3.6.1 Vegetation-free, Noncombustible Space

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- XX foot wide service roads within solar fence line - graveled
- XX wide perimeter roads – graveled
- 10- foot noncombustible, defensible space clearance along the fenced perimeter of the site boundary – vegetation free
- Within and a 10-foot perimeter of the inverter/transformer pads, collector substation and battery energy storage system (BESS) – graveled, similar noncombustible base, or vegetation free
- Parking and O&M building perimeter - graveled
- Vegetation along service roads will be managed by mowing or other vegetation removal

Vegetation in these areas will be managed by the following techniques:

- XX
- XX
-

3.6.2 Vegetation Standards, Surveys and Management

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s), shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible “burn piles” on site.

A vegetation assessment survey of the fenced area will be completed at least twice a year to monitor for vegetation clearances and maintenance of fire breaks, and wildfire hazards. One survey will occur before the fire season begins, in May or June. The second survey will occur in October or November. Additional vegetation surveys and management may be required throughout the year based on seasonally heightened fire risk, vegetation growth, or observations from operational maintenance staff.

The survey will be conducted by the a vegetation specialist and will be used to assess the frequency of upcoming vegetation maintenance and will assess and document the following:

- Location;
- Species;
- Height;
- Proximity to facility components;
- Estimated growth rate;
- Abundance;
- Clearance/setbacks; and
- Risk of fire hazard.

Results of surveys shall be provided in the annual updates to this WMP, designated in Section 4.0.

Vegetation control includes: (to be consistent with this WMP, Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan.)

- XXX
- XXX

3.7 Inspections and Maintenance

Facility components will be inspected and maintained as designated in Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results* below. Update Table 2 based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan.

Table 2 includes an operational check list that will be filled out designating which personnel conducted inspections and maintenance, the dates of inspections and maintenance, and results. As designated in Section 4.0, of this WMP, this table checklist will be submitted to demonstrate compliance with the WMP and used to determine if changes to the WMP are necessary. Other checklist may be provided prior to operation and in the annual review of the WMP, as approved by the Department.

Manufacturers' recommendations, or excerpts for inspections and maintenance are included as Appendix XX to plan.

Lock Out/Tag Out Program:

During maintenance activities, electrical equipment is de-energized and physically locked or tagged in the de-energized positions to avoid inadvertent events that could result in arc flash.

- Ensure equipment is maintained to prevent and control sources of ignition.

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

| Facility Component(s) | Inspection Procedure | Inspection Frequency | Standard ¹ | Maintenance Schedule | Date and Personnel Completing Inspection(s); Inspection Results | Date and Personnel Completing Maintenance; Maintenance Results | |
|------------------------|--|--|---|---|---|--|--------|
| System Protection | Protection Relays <ul style="list-style-type: none"> Verify calibration and check functionality. Breaker Trip Testing <ul style="list-style-type: none"> Verify the ability to trip breakers via coil. | X | Manufacturer's maintenance recommendations | Repair or replace once every 5 years | Date: | Date: | |
| | | | | | Personnel: | Personnel: | |
| | | | | | Results: | Results: | |
| System Protection | System Protection Potential Transducers ("PTs") and Current Transducers ("CTs") <ul style="list-style-type: none"> Verify calibration and check functionality. | X | Manufacturer's maintenance recommendations | Repair or replace once every 11 years | Date: | Date: | |
| | | | | | Personnel: | Personnel: | |
| | | | | | Results: | Results: | |
| Solar Inverter | <ul style="list-style-type: none"> Visual inspection of inverter and surrounding area. Verify torque specifications. For alternating current (AC)/direct current (DC), perform inspection of communication and control power terminations. Cycle AC/DC disconnects, inspect AC/DC contactors and cooling fans. Perform infrared scan. Inverter Testing and Preventative Parts Replacement <ul style="list-style-type: none"> Preventative maintenance replacement of inverter parts (e.g.: cooling system and power supplies that are operating effectively but scheduled for replacement per manufacturer's recommendations). | | Spill Prevention, Control, and Countermeasures (SPCC) Plan ³ Manufacturer's maintenance recommendations | <ul style="list-style-type: none"> Monthly SPCC Plan Bi-annual Preventative Maintenance Per manufacturer's recommendations | Date: | Date: | |
| | | | | | Personnel: | Personnel: | |
| | | | | | Results: | Results: | |
| | | | | | | Notes: | Notes: |
| | | Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year. | Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components. | Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70 | Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above. | Date: | Date: |
| | | | | | Personnel: | Personnel: | |
| | | | | | Results: | Results: | |
| Tracker System | <ul style="list-style-type: none"> Perform visual inspection of tracking components; sync data with the Applicant's Operations Center. Perform visual inspection of module clamps and rail fasteners for integrity. Perform visual inspection of gear drives and shaft assemblies for alignment. Grease gear boxes and/or drive shaft. Verify wind stow functionality and lubricate slew ring. | | Manufacturer's maintenance recommendations | <ul style="list-style-type: none"> Per manufacturer's recommendations | Date: | Date: | |
| | | | | | Personnel: | Personnel: | |
| | | | | | Results: | Results: | |
| | | | | | Notes: | Notes: | |
| Solar Array Structures | <ul style="list-style-type: none"> Perform visual inspection of mounting structures, | | Manufacturer's | Repair or replace annually | Date: | Date: | |

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

| Facility Component(s) | Inspection Procedure | Inspection Frequency | Standard ¹ | Maintenance Schedule | Date and Personnel Completing Inspection(s); Inspection Results | Date and Personnel Completing Maintenance; Maintenance Results |
|---|--|---|--|--|---|--|
| | grounding, and cabling. | | maintenance recommendations | | Personnel: Results: Notes: | Personnel: Results: Notes: |
| Solar Array Panels, Harnesses, and Combiner Boxes | At Applicant's sole discretion, to perform one of the following options: <ul style="list-style-type: none"> • Infra-red ("IR") Flyover <ol style="list-style-type: none"> a. IR scan of Site providing DC health of the Facility down to string level reporting; or • Physical DC Health Inspection <ol style="list-style-type: none"> a. Perform visual inspection of whips and wires connectors for damage or exposed conductors in gutters of harness combiner boxes. b. Measure and record current of each whip using clamp-on meter and identify low performing whips. | | Applicant's discretion Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| | Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year. | Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components | Vegetation: Vegetation under solar arrays will be maintained to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Methods include manual removal, mowing, or as designate din this Plan. | Vegetation: Twice a year, or more often, as designate din this Plan. | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| Collector Substation | <ul style="list-style-type: none"> • Perform visual inspection of the grounding system. • Perform thermographic and visual inspection. • Perform uninterrupted power supply (UPS) inspection and maintenance. | | Manufacturer's maintenance recommendations North American Electric Reliability Corporation (NERC) | Repair or replace annually | Date: Personnel: | Date: Personnel: |
| | Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year. | Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components. | Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70 | Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections. | Results: Notes: | Results: Notes: |

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

| Facility Component(s) | Inspection Procedure | Inspection Frequency | Standard ¹ | Maintenance Schedule | Date and Personnel Completing Inspection(s); Inspection Results | Date and Personnel Completing Maintenance; Maintenance Results |
|---|---|---|---|--|---|--|
| BESS | <ul style="list-style-type: none"> Set battery maintenance (system check, cell balancing). Battery cable, appearance, grounding, dust removal. Inspect battery management system alarms. Visual inspection of electrical terminations using thermal imager. | | Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: | Date: Personnel: |
| | Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year. | Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components. | Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70 | Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections. | Results: Notes: | Results: Notes: |
| Unit Control Enclosure Battery | <ul style="list-style-type: none"> Check for correct operations of battery monitoring system and battery charging system. Perform visual inspection of the battery room, mounting rack, batteries, and connections. | | Manufacturer's maintenance recommendations | Repair or replace monthly | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| Unit Control Enclosure Battery | <ul style="list-style-type: none"> Perform individual cell float charge and specific gravity checks. | | Manufacturer's maintenance recommendations | Repair or replace quarterly | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| Unit Control Enclosure Battery | <ul style="list-style-type: none"> Measure float cell voltage, pilot cell voltage, and electrolyte temperature of pilot cell. | | Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| Supervisory, Control and Data Acquisition (SCADA) & Network Equipment | <ul style="list-style-type: none"> Plant equipment will be evaluated every 5 years to determine state of health and provide recommendations to Savion. | | Manufacturer's maintenance recommendations | Upgrade, repair, or replace every 5 years | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| BESS Junction Box/ Auxiliary System/Miscellaneous | <ul style="list-style-type: none"> Auxiliary equipment maintenance and inspection. Enclosure dust removal. Inspect cable entry, grounding, sealing, dust removal. | | Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: | Date: Personnel: |

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

| Facility Component(s) | Inspection Procedure | Inspection Frequency | Standard ¹ | Maintenance Schedule | Date and Personnel Completing Inspection(s); Inspection Results | Date and Personnel Completing Maintenance; Maintenance Results |
|---|---|----------------------|--|--|---|--|
| | <ul style="list-style-type: none"> Critical sensor calibration check. Maintenance report. | | | | Results: Notes: | Results: Notes: |
| BESS Fire Safety System | <ul style="list-style-type: none"> Fire alarm and detection system inspection. Fire alarm and detection system maintenance. Fire suppression System Inspection. | | Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: Results: Notes: | Date: Personnel: Results: Notes: |
| BESS Thermal Management System | <ul style="list-style-type: none"> Thermal management system inspection. Thermal management system maintenance. Motor Lubrication. Clean Filters by rinsing with water. Electric Heater - Dust accumulation on the coil, signs of overheating on the heater frame, traces of water or rust on the electric heater control box. | | Manufacturer's maintenance recommendations | Repair or replace semi-annually | Date: Personnel: Results: Notes: | Date: Personnel: Results: Notes: |
| BESS Thermal Management System | <ul style="list-style-type: none"> Coolant tester visual inspection. | | Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: Results: Notes: | Date: Personnel: Results: Notes: |
| BESS General | <ul style="list-style-type: none"> System configuration check. | | Manufacturer's maintenance recommendations | Repair or replace annually | Date: Personnel: Results: Notes: | Date: Personnel: Results: Notes: |
| Medium Voltage (MV) and High Voltage (HV) Breaker | <ul style="list-style-type: none"> Clean out dirt and debris. Perform a manual operation test. Perform an electrical test. Perform a gas leakage test. | | Manufacturer's maintenance recommendations NERC | Repair or replace per manufacturer's recommendations | Date: Personnel: Results: Notes: | Date: Personnel: Results: Notes: |
| Generator Step-Up (GSU) Transformer | <ul style="list-style-type: none"> Perform a visual inspection and check for proper operation of fan motor, oil pump motor, and breather. Inspect and maintain substation transformer bushings | | SPCC Plan ³ | Repair, overhaul, refurbish, or replace per manufacturer's recommendations | Date: Personnel: | Date: Personnel: |

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

| Facility Component(s) | Inspection Procedure | Inspection Frequency | Standard ¹ | Maintenance Schedule | Date and Personnel Completing Inspection(s); Inspection Results | Date and Personnel Completing Maintenance; Maintenance Results |
|------------------------------|--|---|--|---|---|--|
| | and control panel. <ul style="list-style-type: none"> Perform visual inspection of bushings for indications of local heating, oil leaks, proper oil level and indication of contaminants. | | Manufacturer's maintenance recommendations | | Results: Notes: | Results: Notes: |
| Inverter Step-up Transformer | <ul style="list-style-type: none"> Perform infrared scans on low side of transformer when power is >80%. Verify temperature and pressure sync with the contractor's Operations Center. Perform visual inspection of the physical integrity of the enclosure and check for oil leakage. Perform visual inspection for damage or discoloration of bushings. Perform oil sample analysis on MV transformer(s). Collect MV transformer oil sample(s) for 3rd party analysis. Perform electrical test of transformer. Verify integrity of surge arresters and check for proper tap position. | | SPCC Plan ³ Manufacturer's maintenance recommendations | Replace or repair per manufacturer's recommendation | Date: Personnel: | Date: Personnel: |
| | Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year. | Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components. | Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70 | Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above. | Date: Personnel: | Date: Personnel: |
| | | | | | Results: Notes: | Results: Notes: |
| Overhead electrical lines | Visual inspection of components, grounding and APLIC measures. | | APLIC | | Date: Personnel: | Date: Personnel: |
| | Vegetation: Visual inspection of vertical clearance distance between conductor and vegetation. | | Vegetation: National Energy Reliability Corporation (NERC) - Vegetation maintenance standard FAC-003-0. Mow vegetation to achieve clearance requirements between conductor and ground. | Vegetation: Yearly, depending on vegetation condition. | Results: Notes: | Results: Notes: |

1. The Operational SPCC Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.

3.8 Use of Vehicles and Power Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during operational activities:

- The movement of vehicles will be planned and managed to minimize fire risk.
- As necessary, contractor(s) or operational personnel will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designate din this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.9 Operational Training(s)

3.9.1 Annual or Biannual Safety Training

Organize and hold an on-site training with operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency, that covers:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan; Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;

- Contain the fire (if safe to do so); and
- Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

3.9.2 Electrical Safety Program

All operational workers will be trained in electrical safety and the specific hazards of the facility. This training will address:

- Minimum experience requirements to work on different types of electrical components;
- Lockout/tagout procedures
- Electrical equipment testing and troubleshooting;
- Switching system;
- Provisions for entering high voltage areas (e.g., substation);
- Minimum approach distances; and
- Required personal protective equipment.

3.10 Facility Monitoring

Facility components that are monitored via the supervisory, control, and data acquisition (SCADA) system are the solar inverters, collector substation, battery energy storage system (BESS), and overhead electrical lines associated with the alternate gen-tie line.

Facility components will be monitored remotely with the SCADA system 24 hours a day, 7 days a week.

Smoke and fire detectors are placed throughout the facility, will be connected to the SCADA system, and will contact local firefighting services if needed. The BESS will also have integrated fire safety and monitoring systems to detect and alarm if a fire condition is detected.

Facility has remote shutdown capabilities that involve XXX.

4.0 Plan Updates: Amendments and Reporting Requirements

The following information must be provided to the Department in the annual report required per OAR 345-026-0080::

- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- Fill out Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, with the dates, personnel, and results of inspections and maintenance performed. A different form or checklist of operational inspection, vegetation

management, and maintenance may be used if approved by the Department.

- A copy of the Fire Season Restriction Log identified in Section 3.5.

The certificate holder must review this WMP annually to determine if updates to the WMP are necessary. In its annual review, the certificate holder will evaluate changes in standards, policies, future technologies or best practices that could be implemented at the facility to address wildfire prevention or protection, including but not limited to those identified in Table 3, below.

Information from the annual reporting and from the certificate holder or Department review of sources in Table 3 may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

Table 3: Standards for Future Review

| Reference | Description | Method |
|---------------------------------|---|--|
| American Clean Power | Industry ground that establishes best practices for renewable energy projects. | The applicant is a member of ACP and participates in best practice development ¹ . |
| National Electric Reliability | National Energy Reliability Corporation develops electrical standards for large energy facilities. | The applicant will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines ² , or updates to this standard as approved by NERC. |
| Oregon Specialty Building Codes | Building codes applicable to inhabitable spaces, including the O&M building and the substation enclosure. | Remodeling to the O&M and enclosure structure that requires permits will follow any updates to the OSPC at that time. |
| Oregon Fire Code | The Oregon State Fire Marshal adopts the Oregon Fire Code, establishing minimum fire prevention and protection systems requirements applicable to certain structures, including but not limited to, energy systems. | The certificate holder will adhere to any applicable standards of the Oregon Fire Code and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to |

Table 3: Standards for Future Review

| Reference | Description | Method |
|--|--|--|
| NFPA Codes and Standards | The National Fire Protection Association publishes codes and standards intended to minimize the possibility and effects of fire and other risks/ | The certificate holder will identify and adhere to any applicable codes and standards and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility. |
| APLIC | Avian protection methods for electrical facility reduce fires related to bird/mammal nests on electrical equipment. | The certificate holder is a member of APLIC ³ . An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA). |
| ORS chapter 477, OAR chapter 629-043 | Standards and rules for fire prevention in forest and range land administered by Oregon Department of Forestry | The certificate holder will be familiar with and operate consistently with the applicable standards, including any updates to rules or standards and will provide a summary of standards that are updated and implemented at the facility. |
| OAR chapter 860, division 024 | Safety standards for transmission lines adopted by Oregon PUC | The certificate holder will maintain consistency with any applicable vegetation clearance requirements, pruning standards, and high fire risk zone safety standards and will provide a summary of standards that are updated and implemented at the facility. |
| <p>1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.</p> <p>2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.</p> <p>3. Link to APLIC member organization: https://www.aplic.org/member_websites.php.</p> | | |

Attachment 1: Residence/Landowner Outreach Letter

COMPANY LOGO/LETTERHEAD

DATE

RE: Community Outreach Letter for XXX Energy Facility

My name is XXX and I'm the XXX for XX LLC. We are the certificate holder of the XXX Energy Facility, approved by the Oregon Energy Facility Siting Council (EFSC). Construction of the facility will start/was completed in XX. The facility is a XX megawatt solar facility located XX. You are receiving this letter because your address is within 0.5 miles from the facility site boundary and we want to make sure you are aware of the following information:

- Safety at the facility is our highest priority. We have emergency procedures in place in the event of an emergency on site or off site that may impact the facility and adjacent areas. This includes an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, facility inspections, and maintenance protocols to ensure that the facility minimizes fire risk. The WMP also requires fire protection equipment to be on site and allows for emergency access for fire departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by facility personnel, local emergency and law enforcement will be contacted and procedures designated by the XX County's Office of emergency management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for XX County emergency notification system. You may sign up via the County's webpage or directly via this link:
Link: XX

Please contact me if you have any questions about the facility, XX company, or any other concerns regarding construction and operation of the facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Compliance-Program.aspx>

Thank you,

NAME

TITLE

CONTACT INFORMATION

DATE

Attachment 6:
Staff Memo to EFSC RE Goal 3 Exception



Oregon

Tina Kotek, Governor



550 Capitol St. NE
Salem, OR 97301
Phone: 503-378-4040
Toll Free: 1-800-221-8035
FAX: 503-373-7806
www.oregon.gov/energy

To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: November 27, 2024

Subject: Agenda Item C (Information Item): [Land Use Standard](#) (OAR 345-022-0030) – Goal 3 Exceptions (Part I) for the December 13, 2024 EFSC Meeting

OVERVIEW

This staff report and agenda item is the first in a 3-part series intended to establish clear guidance for applicants/certificate holders and Council on the evolving land use evaluation for state-jurisdictional solar, photovoltaic energy generation facilities.

Each proposed solar facility in Exclusive Farm Use (EFU) zoned land is unique, with site specific environmental conditions and historic information regarding agricultural use, or the lack thereof. ORS 469.504(2)(c) establishes the requirements that apply to the Energy Facility Siting Council's (EFSC or Council) review of a Goal 3 exception request. ORS 469.504(2)(c) includes three substantive requirements: evaluation of reasons that justify an exception; evaluation of the environmental, economic, social and energy (ESEE) consequences from use of the site by the proposed facility; and an evaluation of how the proposed facility would be compatible with adjustment lands uses. This staff report presents Council's past decisions and analysis on one part of the Goal 3 exception – evaluation of reasons that justify an exception. The next two staff reports, to be presented during 2025 Council meetings, will present Council's past decision and analysis on the additional substantive requirements (ESEE and land use compatibility); and will provide guidance and recommendations for Council consideration to support consistency in decision making, and to ensure that analysis and information are appropriately evaluated within the applicable legal framework.

BACKGROUND

The foundation of land use planning in Oregon is a set of 19 Statewide Land Use Planning Goals adopted by the Land Conservation and Development Commission (LCDC). The goals “express the state's policies on land use and related topics, like citizen involvement, housing, and natural resources.”¹ In order to issue a site certificate, the Energy Facility Siting Council (EFSC or Council) must determine that a preponderance of evidence on the record supports a conclusion

¹ <https://www.oregon.gov/lcd/op/pages/goals.aspx>

that the facility complies with these statewide planning goals² or that an exception to a goal is justified. The Council implements these goals, where applicable, through its Land Use standard, Oregon Administrative Rule (OAR) 345-022-0030.

The vast majority of EFSC-jurisdictional solar photovoltaic energy generation facilities are proposed in EFU zoned lands. For Council to approve an energy facility in an EFU zone, it must find the facility complies with Goal 3, to preserve and maintain Agricultural Lands, or that substantial evidence in the record supports granting an exception to Goal 3.³

According to the 2022 Census of Agriculture issued by the United States Department of Agriculture, between 2017 and 2022, the number of farms in Oregon declined by 6% and the acreage of land in farms in Oregon declined by 4%.⁴ During that same time period, in Morrow County the number of farms declined by 9% and the amount of land in farms declined by 7%, whereas in Umatilla County, the number of farms declined by 6% but the amount of land in farms increased by 10%.⁵ (In the last few years, a significant number of energy facilities that Council has reviewed have been located in these two counties). Given the generally declining amount of farmland in Oregon, Council's consideration of requests for exceptions to Goal 3 is even more significant than it has been in the past.

The criteria for Council to take an exception to a goal are set forth in ORS 469.504(2), including:

(c) The following standards are met:

- A. Reasons justify why the state policy embodied in the applicable goal should not apply;*
- B. The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility; and*
- C. The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*

The focus of this staff report is on (c)(A) – reasons that, to date, Council has found justify why Goal 3 should not apply.⁶

² ORS 469.503(4)

³ The Supreme Court of Oregon reviews final orders of the Council “for errors of law, abuse of agency discretion, and lack of substantial evidence in the record to support the challenged findings of fact.” *Matter of Site Certificate for Boardman to Hemingway* 370, Or. 792, 800 (2023), quoting *Save our Rural Oregon v. Energy Facility Siting Council*, 339 Or. 353, 356 (2005) and citing ORS 469.403(6) and ORS 183.482(7).

⁴ https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Oregon/cp99041.pdf

⁵ https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Oregon/cp41049.pdf and

https://www.nass.usda.gov/Publications/AgCensus/2022/Online_Resources/County_Profiles/Oregon/cp41059.pdf

⁶ Staff intends to prepare a separate memorandum evaluating ORS 469.504(2)(c) in its entirety, including subsections (B) and (C), as well as how Council's goal exceptions analysis fits within and relates to its overall analysis of the land use standard and compliance with statewide land use planning goals.

REASONS DETERMINED JUSTIFIABLE BY COUNCIL

Council has recently relied on some combination of the following arguments to justify reasons exception to Statewide Planning Goal 3, *Agricultural Lands*: 1) no or minimal impacts to agriculture; 2) local economic benefits, in particular benefits to the local agricultural economy; 3) locational dependency; and 4) limited impacts to the environment and/or to other resources protected by Council standards.

1. No or Minimal Impacts to Agriculture

Council has agreed that a justifiable reason for granting an exception to Goal 3 includes use of a site that would result in minimal impacts to agriculture. Applicants and certificate holders have evaluated this reason based on direct and indirect impacts: a) at the site of the non-farm use (i.e., land to be used or occupied by the proposed solar facility as well as the remaining farm operation located on the underlying tract on which the non-farm use (proposed facility site) is located; b) on the surrounding agricultural area; and c) based on water use/water right history.⁷

a) Solar Facility Site Impact on Agriculture and the Remaining Farm Operation

This evaluation has typically included the following:

- Description of entire land holdings
- Description, and percentage, of the farm operation by use, acreage and soil type(s).⁸
- Description, and percentage, of the farm operation by use, acreage and soil type(s) that would be removed and/or have the potential to be indirectly impacted⁹

⁷ In the West End Solar Project Final Order on Application for Site Certificate, Council found “minimal direct impacts to agriculture within the subject tracts” and “minimal indirect impacts to agriculture within the surrounding area” as separate reasons justifying an exception to Goal 3. See analysis on pages 81-95 of the Final Order. <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2023-03-24-WES-APP-Final-Order-on-ASC.pdf>

⁸ If there are lands within the established Land Use analysis area that are currently being farmed and of similar soil classification to a proposed solar site, Staff may ask the applicant/certificate holder to analyze the differences in the site conditions that allow viable farming for seemingly the same conditions as the proposed site. Such an analysis helps to build the record in support of justifying why the proposed site may be converted to a non-farm use.

⁹ In the Wheatridge Wind Energy Facility Amendment 4 Final Order, Council rejected an argument that because the farmland acreage to be impacted by proposed RFA4 facility components was a small percent (0.07) of total farm use in Morrow County, which justified a Goal 3 exception based on a minimal impacts to agriculture reason. Council rejected the argument because it was solely based on the amount of agricultural land being taken out of production, and the proposed RFA4 components would take approximately 813 acres of dryland winter wheat out of production, significantly more than the goal exception thresholds. Council noted that it would not consider an argument for an exception based on acreage, given that the goal exception requirement threshold is based on acreage (that is much lower than that which would be taken out of production). In comparison, in the Final Orders on Montague Wind Power Facility Amendment 4 and Bakeoven Solar Project the Council relied on specific information related to minimal impacts to the remaining farming operation within the tract as part of their justification for granting a Goal 3 exception.

- Number of existing people/jobs operating on the land proposed to be converted to non-farm use; evaluation of job loss, including number of jobs lost and the income lost
- Estimated annual agricultural output (market value) generated by the land to be converted to non-farm use and that would be lost as a result of the conversion.
- Evaluation of potential direct/indirect impacts to farming practices on the total farming operation.

b) Impacts on Surrounding Agricultural Lands

Adverse changes / a reduction in farm practices on farmland to be converted for use as an energy facility could lead to reductions in the supply of operating, productive agricultural land in the surrounding area over time. This evaluation is typically informed by the following:

- The number of people indirectly employed in ancillary businesses and the amount of their income related to lands proposed to be converted to non-farm use.
- Quantities of inputs and types of services serving the land proposed to be converted; description of suppliers or service providers (e.g., tractor repair companies).
- Impact on suppliers and service providers if inputs are no longer purchased and services no longer needed after the land is converted.
- Impact on operability or pricing of suppliers and service providers.
- Availability of inputs and services at roughly comparable prices to remaining farm operations on agricultural lands.

c) Water Availability

Water rights on agricultural lands for a proposed solar facility site and for underlying tracts inform the evaluation of soil classification, soil suitability for agricultural use, and irrigation history. Agricultural lands with historic or current water rights have a higher soil classification and are therefore potentially suitable for a higher value per acre for agricultural use. Conversely, agricultural lands without water rights will have a lower soil classification and have a lower value per acre for agricultural use.

This evaluation has typically included the following:

- Water right history including actual water use of: 1) the proposed solar facility site; and 2) other lands within the same tract as the proposed solar facility site.
- Water rights appurtenant to a proposed site and whether the use of the water right is limited due to restricted water allocations in the area.
- Status of any pending or planned water right transfers by the underlying landowners of the proposed site.
- Identification of any water restrictions, designations or moratoriums issued by Oregon Department of Water Resources.

- Evidence from underlying landowners on the viability of the lands for non-irrigated agricultural use.

2. Local Economic Benefits / Benefits to the Local Agricultural Economy

Local economic benefits can be realized from a proposed solar facility. Local economic benefits typically include lease payments to underlying landowners, direct economic tax benefits to the local government in which the facility is proposed to be located, as well as direct and indirect economic benefits to the local economy in a variety of ways.

Recently, Council has taken a harder look at economic benefits under the “reasons” exception and required applicants / certificate holders to demonstrate not just benefits to the local economy in general but to demonstrate how the local agricultural economy will benefit as a result of conversion of the use for agriculture to an energy facility over the life of the proposed facility.¹⁰

To inform this reason, recent applicants have provided an analysis of the direct and indirect economic impact of removing the land to be occupied by the proposed solar facility on the local agricultural economy.

These analyses have included:

- the current annual agricultural productivity value of the land to be removed from resource production,
- its value relative to the local agricultural economy,
- economic impacts to surrounding farms and to the local agriculture sector and sectors that are related to/support agriculture.¹¹

The purpose and goal of the analysis has been to quantify and offset the agricultural, economic impacts of a proposed facility.

a) Landowners

Council has accepted landowner lease payments, as part of the evidence in support of the reason, when the underlying landowner has affirmed that lease payment would be used to support agricultural operations.

During review of several facilities the Council has considered written and oral testimony from the participating landowner(s) stating that leasing the land for solar development would be a

¹⁰ See, e.g., Madras Solar Energy Facility, Final Order on Application for Site Certificate, p. 104 (<https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-08-02-MSEF-Final-Order-SIGNED-Attachments.pdf>); Sunstone Solar Project, Final Order on Application for Site Certificate, pp. 121-124 (<https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2024-11-18-SSPAPP-Final-Order.pdf>)

¹¹ See, e.g., analysis provided in the Sunstone Solar Complete Application for Site Certificate, Exhibit K, Attachment K-2, Economic and Agricultural Impact Analysis and attachment K-3 Agricultural Mitigation Plan (<https://www.oregon.gov/energy/facilities-safety/facilities/Facility%20Exhibits/SSP/2024-05-16-SSPAPPDoc25-11-ASC-Exhibit-K-Land-Use.pdf>).

net economic benefit to the landowner(s).¹² The Council has in the past evaluated the landowner information as part of a proposed larger reason (containing either estimated job and tax revenue increases or a discussion of minimal impacts to agriculture) and concluded that the reason, in part, justified a goal exception. However, in the Wheatridge Wind Energy Facility Amendment 4 Final Order and the West End Solar Project Final Order the Council determined that lease payments to the landowners alone do not support a Goal 3 exception.¹³ The fact that an agricultural landowner will profit from lease payments, or even may make more money leasing their property for a solar facility than it would farming does not in and of itself justify an exception to the State's goal to preserve farmland.

b) Local Government

If tax incentives are part of the argument, applicants/certificate holders have provided specific information about the program, evidence or an agreement, the dollar amount to be received by the local government and any information regarding how the local government will use the tax revenue, including whether the tax revenue will be earmarked for agricultural projects/uses.

c) Local Economy

If local economic benefits, generally, are part of the argument, similar to a. and b. above, specificity is needed, for example, through identifying the wage ranges of facility related jobs/positions and including a description and estimate of how those jobs relate directly and indirectly to the local economy. Applicants/certificate holders have explained how the proposed facility or amendment would benefit the local agricultural economy specifically and, have committed to establishing a fund to mitigate for estimated impacts to the local agricultural economy including the proposed dollar amount and whether and to what extent the fund will provide a benefit above and beyond the anticipated impacts.

3. Locational Dependency

Locational dependency refers to proximity and interrelatedness of operations of a proposed solar facility and existing energy infrastructure or proximity to / ability to take advantage of uncommon geographical attributes. Certain locational dependency characteristics have been considered justified by Council in several Goal 3 exception justifications.

¹² See, e.g., Final Order on the ASC for the Nolin Hills Wind Power Project (July 19, 2023), pp. 128-129, discussing statements from the landowner that lease payments would allow his family to intensify agricultural practices on land surrounding the project boundary, including improvement of housing for sheep herders and farm employees. <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2023-08-30-NHW-APP-Final-Order.pdf>

¹³ Wheatridge Wind Energy Facility – Final Order on Request for Amendment 4 (November 22, 2019), p. 64 - <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-22-WRWAMD4-Final-Order-on-Request-for-Amendment-4.pdf>; West End Solar Project – Final Order; West End Solar Project Final Order on Application for Site Certificate (March 24, 2023), pp. 94-95 <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2023-03-24-WES-APP-Final-Order-on-ASC.pdf> The fact that an agricultural landowner will profit from lease payments, or even may make more money leasing their property for a solar facility than it would farming does not in and of itself justify an exception to the State's goal to preserve farmland.

a) Proximity to the Regional Transmission Grid

Applicants/certificate holders have explained and demonstrated graphically the proposed facility interconnection options and needs within the region; and, unique characteristics of the proposed interconnection location and proposed facility site.

b) Proximity to Major Transportation Corridors/Infrastructure

Applicants/certificate holders have explained and demonstrated graphically the regional transportation access route options to the proposed facility site and unique characteristics of the proposed transportation access routes and proposed facility site. The analysis typically includes whether a proposed facility site would eliminate or minimize the need to construct new external access roads; and whether the proposed facility site and access to existing transportation routes have sufficient carrying capacity for the proposed facility traffic impacts.

c) Proximity to Existing Energy Infrastructure

Applicants/certificate holders have provided commitments to have shared use agreements or otherwise agreed upon access to existing, proximate infrastructure needed for a proposed facility, but that would be shared with an existing facility. Applicants/certificate holders have provided descriptions/maps that demonstrate the unique characteristics and operational/resource benefits of siting the proposed facility adjacent to existing energy infrastructure.

4. Minimal Impacts to Other Resources Protected by Council Standards

Applicants/certificate holders rely upon the evaluation of all Council standards and other requirements evaluated through the EFSC process to justify whether the proposed facility site would have minimal or no impacts to the other resources protected by all other standards/requirements (e.g., cultural resources, wetlands and other waters of the state, threatened and endangered species).

REASONS DENIED BY COUNCIL

Council has denied the following arguments as reasons to justify an exception to Statewide Planning Goal 3, *Agricultural Lands*:

1. Temporary Land Use Conversion

Several applicants have presented, as a reason, that an exception is justified because the conversion of land from agricultural use to use by an energy facility is not permanent. The argument is that the land would be returned to agricultural use following retirement and restoration of the facility.

The Council has consistently rejected this reason finding that while removal of land from agriculture may not be “permanent,” the solar facilities would remove the site from agriculture for such a long-time scale (30 + years), that it was not a sufficient reason to justify a Goal 3 exception.

2. Consistency with State and Local Policies

Several applicants have presented, as a reason, that an exception is justified because the facility supports Goal 13, the policy to identify, protect, and develop potential renewable resources within counties; and Oregon House Bill 2021 (large investor-owned utilities and electricity service suppliers must reduce greenhouse gas emissions by 100 percent by 2040). The Council has consistently rejected these arguments finding that neither Goal 13 nor HB 2021 requires new renewable energy facilities or directs such facilities to be located on EFU zoned land.

Several applicants have also presented that a reason justifying an exception is because of Oregon’s Renewable Portfolio Standard (RPS) requirements of 50 percent renewable energy for the state by 2040. The Council has consistently rejected this reason finding that there is no requirement in the state RPS requirements that renewable energy be procured from Oregon-based resources, nor directs facility development on agricultural lands. Council has also determined that the reason was not supported by evidence because applicants have not provided a power purchase agreement or other documentation that would demonstrate that the proposed facility would provide power to an Oregon utility in support of its RPS requirements.

3. Certain Site Characteristics

Several applicants/certificate holders have presented, as a reason, that an exception is justified due to unique site characteristics, such as:

- Availability of solar radiation
- Flat topography
- Enough space to site a large solar facility
- Minimal trees to clear/minimal site shading

The Council has consistently rejected this reason finding that because these site characteristics are not unique and are available at other locations in the region, their presence did not justify a Goal 3 exception.