



Oregon

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To: Energy Facility Siting Council

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Date: November 6, 2025

Subject: Agenda Item H: Request for authorization to form a Technical Advisory Committee on Wind-Wildlife Conflicts (Action Item) for the November 21, 2026 EFSC Meeting

RECOMMENDED COUNCIL ACTION

The Department recommends the Council authorize the formation of a Technical Advisory Committee (TAC) to review existing policies and procedures regarding bird and bat mortality monitoring and mitigation and provide general recommendations on how best to address the potential impacts of wind energy development on wildlife and wildlife habitat based on the best available science.

BACKGROUND

Wind energy is an important part of Oregon's clean energy transition, but the construction and operation of wind facilities can have potentially significant impacts on wildlife and wildlife habitat. Collisions with wind turbine blades can result in fatalities of birds and bats, and while the total footprint of wind facilities is small relative to other types of energy generation, the presence of turbines, other infrastructure, and humans on the landscape can displace some species from habitat in a much larger area.

Under ORS 469.310, the Energy Facility Siting Council is tasked, in part, with ensuring that the siting, construction and operation of energy facilities is accomplished in a manner that complies with Oregon's environmental protection policies, including policies to protect fish and wildlife and their habitat. To carry out this duty, the Council has adopted several siting standards to address the potential effects of wind energy development on wildlife and habitat.

The Fish and Wildlife Habitat Standard (OAR 345-022-0060) requires the Council to find that the design, construction and operation of any facility, taking into account mitigation, are consistent with the Oregon Department of Fish and Wildlife (ODFW) Habitat Mitigation Policy (OAR 635-415-0025) and the Greater Sage-Grouse Conservation Strategy for Oregon (OAR chapter 635, division 140). The Oregon Fish and Wildlife Habitat Mitigation Policy establishes goals and strategies to avoid, minimize or mitigate the impact from a development action on fish and wildlife habitat, including habitat used for nesting and foraging by bird and bat species.

Generally, mitigation obligations are greater for impacts to habitat that is essential or important to a particular species based on that habitat's quality or type. Energy facilities can also have adverse impacts on greater sage-grouse and their habitat, although to date, wind energy development has mostly been located outside of mapped sage-grouse habitat.

The Threatened and Endangered Species Standard (OAR 345-022-0070) requires the Council to find that the design, construction and operation of a facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of a wildlife or plant species listed as threatened or endangered under ORS 496.172 or 564.105. Many site certificates contain conditions intended to identify and address potential adverse impacts on listed wildlife and plant species like Washington Ground Squirrel (*Urocitellus washingtoni*), and Lawrence's Milkvetch (*Astragalus collinus var. laurentii*). While there are currently no state-listed threatened or endangered bird or bat species that are known to occur in the Columbia Plateau Ecoregion where wind energy development is the most common, this could change in the future.

Finally, the Cumulative Effects Standard for Wind Energy Facilities (OAR 345-024-0015) requires that the Council find that a wind facility can be designed to reduce cumulative adverse environmental effects, including in relevant part, the risk of injury to raptors, bats, and other vulnerable wildlife in areas near turbines or electrical equipment. The cumulative effects of wind energy development on bird and bat populations are not fully understood; however, there is increasing evidence suggesting that along with other factors, turbine-collision related mortality may be contributing to population level declines of some raptor species with small populations and low reproductive rates, such as ferruginous hawk, and tree-roosting migratory bat species, including hoary bat and silver-haired bat. There is also increasing evidence that there are mitigation strategies available that can reduce bird and bat mortality without significant impacts on facility operations.

Other standards, such as the Land Use Standard (OAR 345-022-0030), Protected Areas Standard (OAR 345-022-0040), and Recreation Standard (OAR 345-022-0100), may also require the Council to consider impacts to wildlife or habitat during the siting review.

To ensure the standards above are met, and to incorporate applicant proposals to address proposed facilities' potential impacts on bird and bat species, the Council has imposed conditions of approval when granting site certificates for proposed wind energy facilities. Notably, most wind facility site certificates include conditions requiring the certificate holder to comply with an approved Wildlife Monitoring and Mitigation Plan (WMMP) that provides methods and protocols for monitoring impacts to wildlife. Most WMMPs have required one or two years of post-construction fatality monitoring to identify wildlife mortality rates associated with a facility, and if specified fatality rates, or "thresholds of concern," for certain categories of birds and bats are exceeded, require consultation with the Department and ODFW to determine when additional mitigation may be required.

The Council first established the "thresholds of concern" in 2006 in the Final Order on the Application for Site Certificate for the Klondike III Wind Project. That order established "thresholds of concern" for raptors, raptor species of special concern, grassland species, and state sensitive avian species. The Final Order on the Application for Site Certificate for the Biglow Canyon Wind Project, which was issued on the same date, included these thresholds, as

well as an additional threshold for bats. As described in the Orders, the thresholds were intended to “provide a rough measure for deciding whether the Council should be concerned about observed fatality rates” and were not intended to be relied upon as a scientific indicator that operation of the facility would result in range-wide population level decline of any species. The same thresholds have subsequently been incorporated into the Wildlife Monitoring and Mitigation Plans for most operating wind facilities.

On June 5, 2024, the Council issued its Final Order on Request for Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East. In the Final Order, the Council found that recent wind facility fatality data suggested that the 2006 thresholds of concern may allow for higher rates of fatality for some categories than would be expected at a typical wind facility in the Columbia Plateau ecoregion.¹ Based on this finding, the Council directed the certificate holder to update the thresholds of concern for bird and bat fatalities prior to beginning construction based on direction from the Department and ODFW. While efforts to update the thresholds were made, the certificate holder, Department and ODFW ultimately agreed that it would be appropriate to leave the current thresholds in place until a more robust analysis could be completed.

The Department and ODFW reported this agreement to the Council at its July 2025 meeting in Salem. The Council concurred with the Department, and Council members directed staff to work with agency partners to identify a process to develop review the thresholds of concern and propose meaningful, actionable, and empirically supported strategies to address bird and bat fatalities at wind facilities.

STAFF RECOMMENDATION

To leverage the expertise and experience of our agency partners, the Department recommends the Council authorize the Department to form a TAC to review current evidence and practices regarding bird and bat mortality, including the existing thresholds of concern, and provide general recommendations on how best to address the potential impacts of wind energy development on wildlife and wildlife habitat and improve conservation outcomes based on the best available science. The TAC would build on the work of a similar taskforce convened by ODFW to develop the Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines published in 2008 and other efforts in the region.

The TAC would be asked to review the Council’s current policies, engage in a review of the relevant scientific literature, and make recommendations on measures to avoid or minimize impacts to sensitive wildlife species and habitat that can be incorporated into the siting review process, potential revisions to the Council’s monitoring and mitigation requirements and plans, and potential rulemaking actions to be considered in future Council rulemaking.

Recommended Scope

The Department recommends the TAC be tasked with developing recommendations for addressing the impacts of wind energy development on wildlife and wildlife habitat in the Columbia Plateau Ecoregion.

¹ Final Order on Request for Amendment 1 of the Site Certificate for Wheatridge Renewable Energy Facility East, (June 5, 2024), pg. 269-270.

- Focus on Wind Facilities: Each type of energy facility presents different benefits and environmental challenges, however, given the unique nature of impacts associated with wind turbines, the Department recommends the scope of the TAC be specifically tasked with evaluated issues associated with wind energy development.
- Focus on Columbia Plateau Ecoregion: While recommendations may be applicable to any part of the state, the Department recommends the TAC focus specifically on recommendations most likely to benefit species and habitats in the Columbia Plateau Ecoregion. To date, most large-scale wind energy development has been located in this area due to its reliable wind resource and proximity to the Bonneville Power Administration's regional transmission grid. While it is possible that other wind resources in other areas may eventually be developed, in the near term, any new or repowered facilities subject to the Council's jurisdiction are likely to be in this region.
- Focus on Wildlife and Wildlife Habitat Impacts: To maintain a focused scope and composition of the committee, the Department recommends the committee focus specifically on impacts of wind energy development wildlife and wildlife habitat, including but not limited to wildlife fatalities, habitat loss, and displacement. While this scope may include impacts to other species, it is anticipated that the committee's work would primarily focus on bird and bat species.

Recommended Composition

To maintain a neutral and flexible forum for interagency coordination, the Department recommends that membership on the TAC be limited to state, federal, and tribal agencies. Specifically, the Department would extend invitations to participate to the following agencies:

- Oregon Department of Energy (ODOE)
- Oregon Department of Fish and Wildlife (ODFW)
- Washington Energy Facility Site Evaluation Council (WAEFSEC)
- Washington Department of Fish and Wildlife (WDFW)
- U.S. Fish and Wildlife Service (USFWS)
- Burns Paiute Tribe Natural Resources Department
- Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources
- Confederated Tribes of the Warm Springs Reservation of Oregon Branch of Natural Resources
- Yakima Nation Department of Natural Resources
- Nez Perce Tribe Natural Resources Department

The Department would seek guidance from these government partners, as subject matter experts, to review the current scientific literature relevant to the adopted scope and to provide insight into the significance and/or reliability of the available research as needed. The Department would participate in the coordinated literature review effort and synthesize the findings into a comprehensive narrative. The TAC would then be tasked with providing recommendations to the Council on program and policy changes that could affect numerous stakeholders, including natural resource agencies, energy developers, conservation interests, and the general public. The Department recommends that the Council provide an opportunity

for interested persons to review and provide comment on any recommendations produced by the TAC before a final report is issued. It is also possible that some recommendations would require adoption through rulemaking or another public process before they can be implemented, which would provide additional opportunities for public participation.

Projected Timeline for Completion

The Department anticipates that this project would take approximately 12 months from initiation to publication of a final report. A projected timeline is provided below:

- **Formation of Committee (Month 1-2):**
 - Identify and invite key stakeholders.
 - Establish the scope and responsibilities for committee members' participation in accordance with their expertise, capacity, and availability.

- **Initial Assessment and Data Collection (Month 3-6):**
 - Gather data on current practices and wildlife impacts related to wind energy development.
 - Review available literature related to wind-wildlife impacts and mitigation strategies.
 - Conduct comparative assessments of other states' policies and outcomes.

- **Development of Guidelines and Recommendations (Month 7-9):**
 - Draft and present initial recommendations to Council.
 - Provide opportunity for public review and comment.

- **Final Report and Future Planning (Month 10-12):**
 - Review and refine recommendations through stakeholder consultations.
 - Compile a report detailing final findings and recommendations.
 - Develop a long-term plan for implementation.