

ENERGY FACILITY SITING COUNCIL

CINDY CONDON, CHAIR ~ ANN BEIER, VICE CHAIR
MARCY GRAIL, KENT HOWE, RICHARD DEVLIN, PATRICIA PERRY

Energy Facility Siting Council March 2026 Meeting Minutes

The Sage Center
1001 Olson St
Boardman, OR

Thursday March 19, 2026, 5:30 PM

Friday March 20, 2026, 9:00 AM

- A. Wheatridge Renewable Energy Facility III Amendment 1 – Public Hearing on Proposed Order (Public Hearing)¹
- B. Well Springs Solar Facility Notice of Intent (Public Information Meeting)²
- C. Consent Calendar (Action & Information Item)³ – Approval of January 15, 2026, and February 13, 2026 Meeting Minutes; Council Secretary Report; and other routine Council business.
- D. Tribal Communications Rulemaking (Public Hearing)⁴
- E. Leaning Juniper IIB Wind Power Facility Amendment 4 (Site Certificate Transfer Hearing and Action Item)⁵
- F. Public Comment Period⁶
- G. Biglow Canyon Wind Project Amendment 4 - Review/Possible Decision of Draft Final Order (Action Item)⁷

¹ Audio/Video for Agenda Item A = 00:03:59 – 2026-03-19-EFSC-Meeting-Audio/Video

² Audio/Video for Agenda Item B = 00:53:38 – 2026-03-19-EFSC-Meeting-Audio/Video

³ Audio/Video for Agenda Item C = 00:04:01 – 2026-03-20-EFSC-Meeting-Audio/Video

⁴ Audio/Video for Agenda Item D = 00:29:10 – 2026-03-20-EFSC-Meeting-Audio/Video

⁵ Audio/Video for Agenda Item E = 00:37:37 – 2026-03-20-EFSC-Meeting-Audio/Video

⁶ Audio/Video for Agenda Item F = 01:00:49 – 2026-03-20-EFSC-Meeting-Audio/Video

⁷ Audio/Video for Agenda Item G = 01:29:38 – 2026-02-13-EFSC-Meeting-Audio/Video

- H. Klamath Cogeneration Facility Amendment 6 – Request to waive in person Public Hearing (Action Item)⁸
- I. Appointment of Hearing Officers for Future Contested Case Proceedings for the proposed Umatilla Morrow County Connect Project, Heppner Wind Energy Project, Klamath Falls Energy Center, Sunrise Solar and Storage Project, Buckley Solar Facility, Cascade Renewable Transmission System, Muddy Creek Energy Park, and the Deschutes Solar and Battery Energy Storage System Facility (Action Items)⁹

The meeting materials presented to Council are available online at:

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

Thursday March 19, 2026, 5:30 pm

Call to Order: Chair Condon called the meeting to order at 5:30 pm

Roll Call: Chair Cindy Condon, Vice-Chair Ann Beier, Council Members Kent Howe, Richard Devlin and Patty Perry were present in person.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary Todd Cornett, Senior Siting Analysts Chase McVeigh-Walker and Chris Clark, and Administrative Assistant Nancy Hatch. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe was also present.

Agenda Modification: There were no agenda modifications.

- A. Wheatridge Renewable Energy Facility III Amendment 1 – Public Hearing on Proposed Order (Public Hearing)¹⁰- The Wheatridge Renewable Energy Facility III is an operational 50 MW solar power generation facility on 357 acres (0.5 sq. miles) of private land within an approximately 2,294-acre site boundary. Request for Amendment 1 seeks to: 1) extend the construction deadline for the unbuilt portion of the approved facility; and 2) split the site certificate into two, one to cover the built, operational facility and the other to cover the remaining approved, unbuilt portions of the approved facility.

Vice Chair Beier, regarding the recommended changes to the removal fill condition 1, questioned whether the desktop analysis alone would verify if and where any newly identified wetlands or waters of the state are located.

Mr. McVeigh-Walker stated if it is determined that there are newly identified wetlands or waters of the state, Staff would want to seek concurrence with Department of State Land.

⁸ Audio/Video for Agenda Item H = 02:08:40 – 2026-02-13-EFSC-Meeting-Audio/Video

⁹ Audio/Video for Agenda Item I = 02:28:20 – 2026-03-19-EFSC-Meeting-Audio/Video

¹⁰ Audio/Video for Agenda Item A = 00:03:59 – 2026-03-19-EFSC-Meeting-Audio/Video

Later in the presentation, Mr. McVeigh-Walker provided if newly identified wetlands or waters of the state were identified, the recommended new condition language would require that a new wetland delineation be conducted and requires Department of State Lands concurrence.

Secretary Cornett, acting as the Presiding Officer called the public hearing to order at 6:01 pm.

Sarah Jaber

Ms. Jaber, representing the certificate holder parent company, NextEra Energy Resources, thanked Council for the opportunity to speak. She confirmed that the Request for Amendment 1 (RFA1) seeks Energy Facility Siting Council (EFSC) approval to extend the construction completion deadline for the unbuilt portion of the facility, and split the approved facility into two facilities, each with their own site certificate.

Johnathan Talman

Mr. Talman stated he is a landowner in Morrow County. Acknowledging that transmission line infrastructure exists and is carrying power, he requests EFSC to not treat the line as a normal, uncontested background infrastructure for the evaluation of RFA1. A portion of the line crosses his property under condemnation and advanced occupancy, not a clean, voluntary easement, and those property rights remain in dispute. The issue is not just the physical line, but the unresolved legal authority to place it on his land. Before EFSC uses this line as part of the baseline for approving RFA1, the record should clearly state that the line exists, but the underlying property rights for part of the route were not fully settled. The Olsen Road PDDI 90 line and related substation infrastructure should not be treated as neutral, undisputed background conditions, especially given that the load served by this system includes the Amazon data facilities. Records already show that portions of the route relied on condemnation and advanced occupancy rather than voluntary easements. He objects to the Proposed Order's use of this transmission line and associated infrastructure as an established baseline for land use and facility evaluation. He further requested that all related documents, case numbers, and depositions be added to the record so the Council can fully review the facts supporting his objection. Mr. Talman also submitted written comments concurrent with his oral testimony, as part of the record, during the public comment period on the Proposed Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility III.

Chair Condon suggested, regarding the recommended change to the Organizational Expertise Condition 6 requiring incidents and potential violations be reported with a root cause and corrective actions, that a specific timeframe for reporting should be included in the language. She clarified that within the report of an issue, the certificate holder should identify a specific time frame within which to correct the issue in their response, noting that the Department has a robust compliance program that can follow up on the response.

Vice Chair Beier questioned, with the recommendation to delete the reference to Department of Environmental Quality (DEQ) and Spill Prevention Plans, who with review the Soil Protection Plan.

Mr. McVeigh-Walker stated as the DEQ does not review such plans, Staff will and has been reviewing and finalizing the plan.

Secretary Cornett added any condition where the Department does not have the expertise to review the plan, Staff would rely on the expertise from one of our reviewing agencies.

The Public Hearing was closed at 6:23 pm.

- B. Well Springs Solar Facility Notice of Intent (Public Information Meeting)**¹¹- The proposed facility includes up to 750 MW of solar photovoltaic power generation components located within a 7,365-acre (11.5 sq. miles) site located on privately owned land zoned Exclusive Farm Use, approximately 5 miles northwest of Ione, in Morrow County.

Mr. Clark provided an update on the Well Springs Solar Facility. He noted the applicant has notified the Department that they are withdrawing the project from the EFSC process and will be moving to a county review in the future as allowed by HB 4031.

Matt Hutchinson and Sarah Polachek provided an overview of the project and their plans to move to the county review on behalf of MN8 Energy, LLC.

Mr. John Langdon

Mr. Landon stated he is a fourth-generation Oregon farmer and shared that the recent solar project site tour was well-received and notably transparent. He spoke with the landowner, who farms 15,000 acres with only two employees, about future opportunities. The farmer expressed interest in agrivoltaics as a way to support long-term agricultural viability and benefit the community. Mr. Langdon emphasized that involving farmers early in discussions about agricultural use and mitigation is essential. He praised the developer for engaging openly and collaboratively, noting that this project reflects a positive direction for the community and its relationship with solar development.

The March 19th EFSC meeting was recessed at 6:37 pm.

Friday, March 20, 2026, 9:00 AM

Call to Order: Chair Condon called the meeting to order at 9:11 am

Roll Call: Chair Cindy Condon, Vice-Chair Ann Beier, Council Members Kent Howe, Richard Devlin and Patty Perry were present in person.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary Todd Cornett, Senior Siting Analysts Chase McVeigh Walker and Chris Clark, and Administrative Assistant Nancy Hatch. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe was also present.

Agenda Modification: There were no agenda modifications.

¹¹ Audio/Video for Agenda Item B = 00:53:38 – 2026-03-19-EFSC-Meeting-Audio/Video

C. Consent Calendar (Action & Information Item)¹²- Approval of January 15, 2026, and February 13, 2026, Meeting Minutes; Council Secretary Report; and other routine Council business.

1. January 15, 2026, and February 13, 2026, Meeting Minutes

Council Member Devlin motioned that the Council approve the minutes of the January 15, 2026, meeting as presented and recommended by staff.

Council Member Howe seconded the motion.

The motion carried unanimously.

Council Member Howe motioned that the Council approve the minutes of the February 13, 2026, meeting as presented and recommended by staff.

Council Member Devlin seconded the motion.

The motion carried unanimously.

2. Council Secretary Report - Secretary Cornett offered the following comments during his report to the Council:

Project Updates

Boardman to Hemingway Transmission Line (B2H)

Idaho Power Corporation (IPC) has entered into an agreement to sell their Oregon distribution system to Oregon Trail Electric Cooperative. If the sale is approved by state and federal regulators, a process that is anticipated to take ten months or longer, Oregon Trail Electric Cooperative would take over the distribution infrastructure that delivers power directly to roughly 20,000 Oregon customers. IPC will continue to own and operate transmission (including B2H) and generation resources that provide power to customers in Idaho, Oregon, and across the region. B2H was always meant to serve Idaho and Oregon customers and that is still the case. This transaction does not change the need for the line. Some people may suggest otherwise, but the Oregon Department of Energy Department (ODOE) is not aware of anything, legal or otherwise, that would support those claims. The Oregon Public Utility Commission has approval authority over the transaction. If they have concerns, they will have the opportunity to raise them during their review. The process gives the Department time to respond and make adjustments well before anything could affect B2H. This information was provided by IPC and is not a statement by the Department.

Summit Ridge Renewable Energy Facility

This is a combined wind and solar photovoltaic power generation facility with a nominal generating capacity of 261 MW and 201 MW of battery storage on up to 4,061 acres (6.25 sq miles) in Wasco County. The facility is proposed by Summit Ridge Wind, LLC, a subsidiary of Aypa Power, LLC. The Notice of Intent was submitted in January 2024 which meant the original deadline to submit a preliminary application was January 2026. In November 2025 the applicant submitted a request to extend the Notice

¹² Audio/Video for Agenda Item C = 00:04:01 – 2026-03-20-EFSC-Meeting-Audio/Video

of Intent by a year. That request was approved by Council in January of this year resulting in the new deadline to submit a preliminary application being January 2027. Last week the Department received a request by the applicant to terminate the Notice of Intent as a result of an issue with a key landowner that they were unable to resolve. This project will therefore not be moving forward.

Compliance Updates - Incidents

Trojan Nuclear Plant

This was a 1,130-megawatt nuclear-fueled power plant in Columbia County that was decommissioned in 2004. There is an Independent Spent Fuel Storage Installation on the plant site comprised of thirty-four dry casks of spent nuclear fuel. The site is owned and managed by Portland General Electric (PGE). On February 19, 2026, there was a report of suspicious activity at the facility due to threats made by a former contractor. PGE notified local law enforcement agencies, the Federal Bureau of Investigation, the Nuclear Regulatory Commission, and the state.

Stateline Wind Project

This is a wind energy facility consisting of two geographic units, Stateline 1 & 2 and Vansycle II. Stateline 1 & 2 are composed of 186 wind turbines and have a combined peak generating capacity of 123 megawatts. Vansycle II consists of 43 wind turbines with a peak generating capacity of 101.9 MW. The Parent Company is NextEra Energy Resources, LLC. On February 27, 2026, site personnel identified two blade bolts and associated hardware on the ground beneath a turbine in the Vansycle II unit. On March 11, two more blade bolts and associated hardware were found under a different Vansycle II turbine. Following the second incident, the certificate holder conducted follow up inspections of the other Vansycle II turbines and found another blade bolt at a third location on March 13. The certificate holder timely reported all three incidents. All three turbines are still operating. The certificate holder is investigating the cause of the hardware failures and will submit a follow-up report outlining the findings of the investigation and corrective actions moving forward.

Legislative Updates - The 2026 Legislative Session has now concluded, and the following EFSC specific and related bills have been approved.

HB 4031

Amended EFSC's exemption statute (469.320) to allow developers to opt out of EFSC jurisdiction and apply to the applicable city or county for any solar, wind or geothermal projects until December 31, 2028. The bill has been signed by the Governor and is effective 91 days after the end of session, which is June 5th. As Council previously heard, the Well Springs Solar project has already chosen to withdraw from the EFSC review and moving to the county review.

HB 4076

Creates a new concept of surplus interconnection capacity and appears to allow new projects or amendments to existing project that would use up that surplus interconnection capacity as long as it was within 2 miles of the point of interconnect and would effectively give them a pass on a reasons exception, no matter the type of farmland soils that the new project or amended project was located on. While the bill was not yet signed by the Governor earlier this week, it is anticipated she will sign it. This bill would also be effective 91 days after the end of session which is June 5th.

HB 4084

Establishes a Joint Permitting Council made up of agency representatives with the purpose of directing the applicable regulatory entity to expedite permit reviews for up to 15 projects at any one time. Eligibility criteria include but are not limited to: 1) Projects must exceed \$100 million in capital improvement if located in an urban area; 2) Projects must exceed \$50 million in capital improvement if not located in an urban area; 3) Projects must exceed \$25 million in capital improvement if located in a non-urban county; 4) Project must meet whatever eligibility criteria are established by the Joint Permitting Council. This bill was also not yet signed by the Governor earlier this week. That is anticipated, and this bill would also be effective 91 days after the end of session, or June 5th.

Chair Condon, regarding HB 4084 and the establishment of a Joint Permitting Council (JCP), questioned whether the development of the Council could affect the EFSC process and EFSC role.

Secretary Cornett stated technically a site certificate falls under the definition of a permit in statute. He explained that if someone believes that a project that is EFSC jurisdictional should be expedited, they will take it to the Joint Permitting Council. EFSC will provide an overview of the steps in our process, the timelines and the legal requirements. The JCP will do an analysis and make a determination. He noted as there are specific timeframes in statute and rule such as comment periods, so there would be limited opportunities for expediting.

Upcoming Meeting Dates

April 17, 2026- to be held in Salem at the ODOE office

May 14- 15, 2026- TBD

Chair Condon, after reviewing the February meeting recording, expressed her approval of the Compliance team and their passion for the compliance work. The compliance work and the development of the compliance team are in the interest of public health and safety.

Secretary Cornett noted his appreciation for the comment and for Sarah Esterson, Senior Operations and Policy Analyst, and her hard work identifying the needs and developing a robust compliance program.

Council Member Beier noted her appreciation for the addition of the “root cause analysis” included in the compliance reporting plan as it informs Council the reasons for compliance issues and that the operator is really tracking any compliance issue on their site.

Chair Condon, in reference to how often Council would like to have compliance report presentations, stated she would like to have monthly presentations.

Secretary Cornett acknowledged the comment. Council will be provided with monthly compliance reports in whatever format it wants.

D. Tribal Communication Rulemaking (Public Hearing)¹³- This rulemaking was intended to encourage and improve communication between applicants and all tribes who might be affected by the siting of an energy project.

¹³ ¹³ Audio/Video for Agenda Item D = 00:29:10 – 2026-03-20-EFSC-Meeting-Audio/Video

Secretary Cornett, acting as the Presiding Officer, opened the Public Hearing at 9:45 am.
There were no public comments provided.
The Public Hearing was closed at 9:48 am.

E. Leaning Juniper IIB Wind Power Facility Amendment 4 (Site Certificate Transfer Hearing and Action Item)¹⁴ - The Leaning Juniper IIB Wind Power Facility is an operational, 111 MW wind power generation located within a 7,962 acre site boundary in Gilliam County. Request for Amendment 4 proposes to transfer ownership of the Leaning Juniper IIB Wind Power Facility Site Certificate from Leaning Juniper II, LLC to Leaning Juniper 2B, LLC.

Secretary Cornett, acting as the Presiding Officer, opened the Public Hearing at 9:56 am.

Mr. Darren Cavanaugh representing Avangrid Power
Mr. Cavanaugh, noting his appreciation for the presentation, reiterated this is an administrative housekeeping amendment to facilitate financing for the Leaning Juniper to be repowered. Avangrid needs to separate it from the existing LLC because the existing LLC houses both Leaning Juniper IIA and IIB.

There were no public comments provided.

Chair Condon requested that Staff add a presentation to a future meeting that would address the impact these transfers may have on liability and how that liability follows up related to the transfers for administrative and financial reasons in order for Council to become more educated in the process. She questioned if there are other risks involved. She questioned whether Mr. Cavanaugh could provide additional information regarding the hierarchy of liability for Avangrid.

Secretary Cornett provided the Organization Expertise Rulemaking is currently being reviewed by Staff and Council which would be the appropriate area to review organizational expertise related questions.

Vice Chair Beier reminded there is a rulemaking advisory committee for the Organizational Expertise Rulemaking and encouraged members of the public to participate. It is important as many different corporate structure transfers for different reasons such as to take care of tax issues or financial issues and additional issues that weren't considered when the administrative rules and the original standard were created. There is an opportunity for the public to participate in the process.

Secretary Cornett provided a summary of the process for rulemaking and the opportunities for members of the public to become involved or provide comments.

Mr. McVeigh-Walker provided Avangrid has the surety from Liberty Mutual for 3.5 million included in the Organizational Expertise Standard.

Chair Condon noted the surety is for retirement and financial assurance. Her concern is for issues outside of the scope of retirement, such as a major fire.

¹⁴ Audio/Video for Agenda Item E = 00:37:37 – 2026-03-20-EFSC-Meeting-Audio/Video

Mr. Cavanaugh stated his understanding is that the certificate holder remains liable under this site certificate. Avangrid is moving the project from one LLC to another and that does not change the profile of the liability.

The Public Hearing was closed at 10:09 am.

Council Member Howe motioned that the Council approve the request to amend the Leaning Juniper IIB Wind Power Facility site certificate and transfer it from Leaning Juniper II, LLC to Leaning Juniper 2B, LLC as presented by staff.

Vice Chair Beier seconded the motion.

The motion carried unanimously.

F. Public Comments (Information Item)¹⁵ – This time was reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment.

Mr. John Langdon

Mr. Langdon stated he is a fourth-generation Oregon farmer and shared a farmer’s perspective on how agriculture and solar can work together. He stated his family has closely followed this issue for over 20 years because of a project near their land. On their 120-year-old farm, they have made long-term changes to keep the farm viable. They have planted hazelnuts with 20-foot spacing, which required new practices, smaller equipment, and permanent changes to land use. On wetter, low-productivity ground, they took a risk and shifted from annual grass to wild rice—a major change that transformed those fields and brought abundant wildlife.

Given that context, the proposed solar project near their land—with 24-foot single-axis tracker spacing—looks very compatible with farming. They already dual-use their land with sheep grazing and grass seed, and farming between solar rows appears easier than working in a hazelnut orchard. They believe the shade and spacing will benefit grass seed production and grazing, creating a true multi-use system. Mr. Langdon invited the Council to visit his farm to see the rice fields, wildlife habitat, and how they have adapted equipment and practices. From their experience, solar and agriculture can successfully coexist and even improve the overall system.

Mr. Robert Wilson

Robert Wilson, senior developer with Hanwha Renewables, introduced himself as the lead on the Muddy Creek project in Linn County. He explained that the team is preparing to submit their preliminary application for a site certificate after receiving a one-year extension. Over the past year, they have completed additional surveys, studies, and site plan revisions to reduce impacts on wetlands and wildlife. They have also advanced their agrivoltaics plan to ensure the project supports both agriculture and energy production. The team is finalizing their application and continues to outreach to local officials and community members to share updates, answer questions, and gather feedback.

Mr. Troy Jones

¹⁵ Audio/Video for Agenda Item F = 01:00:49 – 2026-03-20-EFSC-Meeting-Audio/Video

Mr. Jones, representing Friends of Gap Road, shared a slide presentation of aerial photos of the Muddy Creek area lands and commented about the proposed Muddy Creek Energy Park. There has not been the need to speak before the Council over the last year due to the lack of activity by Muddy Creek Energy Park applicants. Friends of Gap Road are aware that the applicant maybe attempting to file their application prior to the May 19, 2026 deadline. Muddy Creek Energy Park is unlike any project previously brought before this Council. Although the site was chosen for its proximity to a substation, it lies on high-value, exclusively zoned farmland and on designated farmed wetlands at the base of the Coburg Hills. These soils create extensive seasonal wetlands, and developing this area would require major drainage changes that risk soil disruption, increased runoff, and potential contamination.

Historically, this entire area was a marsh, and it remains a vital habitat. Elk, deer, bald eagles, golden eagles, raptors, and tens of thousands of migratory waterfowl rely on these fields every year. Nearby conservation efforts, including the Diamond Hill Wetland Refuge, were created specifically to protect these species and this habitat.

The drainage and soil disturbance needed for a project of this magnitude would alter the hydrology, mix fragile topsoil with underlying clays, and create long-term impacts that current ODOE and EFSC regulations do not require developers to repair. Thirty years of weed control and managed drainage would further degrade the land.

Consideration of alternative locations has been a staunch requirement for decades in Oregon. A project of this magnitude in this proposed area would be a descent for the irreplaceable land and wetlands and should not even be considered for this reason.

Secretary Cornett noted that the application for a site certificate for the Muddy Creek Energy Park is technically in the Notice of Intent phase. He clarified the public comment and information provided is not on the record for the project.

Mr. Les Pool

Mr. Pool stated he is a Wasco County property owner with about 30 years of experience working with Oregon's land use system. He is concerned about the current approval process for large renewable energy projects. There is a lot of ambiguity, conflicting rules, and a sense of urgency that has created what feels like a "land rush," with roughly 90 square miles of Oregon under consideration for development. This rush may be leading to misapplication of land use laws, prolonged decision-making, higher costs, and community conflict.

One major issue is water. Large solar projects in Eastern and Central Oregon require reliable long-term water sources, yet applications often include vague or unverified water plans. He would support a rule requiring applicants to secure a certified water source within 18–24 months of submitting an NOI, or else pause the project. Other concerns include the lack of consistent local standards for setbacks, fire breaks, and fire response. Projects often propose inadequate setbacks or surround existing homes, and fire safety is unclear in areas without accessible water.

Finally, dual use of farmland and the rapid shift in policy over the last five years raise environmental and community questions. Clearer local standards and more predictable procedures would help reduce controversy. He will be submitting written testimony and appreciates the Council's time and attention.

- G. Biglow Canyon Wind Project Amendment 4 - Review/Possible Decision of Draft Final Order (Action Item)¹⁶- The facility is an operational 450-MW wind power generation facility within a 25,000-acre (39 sq. mile) site boundary. The amendment request includes construction and operation of up to 125 MW of solar photovoltaic power generation, battery energy storage system components, and other related or supporting facilities within a proposed 1,924-acre Solar Micrositing Area.

Chair Condon questioned if the Rural Fire Protection Department's recommendation that the Council amend the project description to authorize the revision in road dimensions was a written recommendation.

Mr. Clark provided the recommendation was received verbally.

Chair Condon, regarding the recommended changes to Condition 68, questioned whether there is an opportunity to review and revise the condition if an issue occurs with the ground disturbance on slopes.

Mr. Clark stated the certificate holder is still required to avoid non seismic geologic hazards. If their civil engineering team or the geotechs found that there would be an issue constructing in places, they would have to avoid the area. If something significant were discovered, they would be expected to remediate it through site preparation.

Vice Chair Beier questioned whether the condition needs to be modified to specify an engineering report is needed anytime there is a slope of over 20%.

Mr. Clark clarified that Staff did not think the certificate holder's proposed modification was appropriate because there are other conditions that already require the certificate holder to give the Department a final geotechnical engineering report during preconstruction that would disclose any hazards that were found at the site.

Vice Chair Beier noted her appreciation for the inclusion of the county's own natural hazard combining zone in the plan.

Chair Condon, in reference to a public comment on vegetation height limits under the Wildfire Mitigation Plan, questioned whether the plan was for the life of the facility.

Mr. Clark provided the requirements for vegetation height limits would be incorporated into the comprehensive revegetation soil management plan which will be in place for the life of construction and operation of the facility. He further noted that plans are meant to be living documents which allow for adaptive management.

Vice Chair Beier stated this is one of the most complex amendment decisions to come before Council with the new amendment rules. It is a good example of how the back and forth between the commenters, the Department and the applicant work. It allows the public to see that their comments are really considered and responded to by both the Department and the applicant.

¹⁶ Audio/Video for Agenda Item G = 01:29:38 – 2026-02-13-EFSC-Meeting-Audio/Video

Council Member Perry questioned whether the plan for a location change for the substation requires a local land use review.

Mr. Clark provided the Council is making the substantive land use decision for this project, but the certificate holder will still need to obtain a Site Plan approval from the county, which requires them to submit the complete permit application including a site plan and provides the County an opportunity to review the plan.

Council Member Devlin motioned that the Council issue a Final Order approving the certificate holder's request for amendment 4 to the site certificate for the Biglow Canyon Wind Project, utilizing the Department's Draft Final Order as the basis for the Final Order, and issue the 4th amended site certificate, consistent with the Final Order.

Council Member Howe seconded the motion.

The motion was carried unanimously.

- H. Klamath Cogeneration Facility Amendment 6 – Request to Waive the In-Vicinity Public Hearing (Action Item)¹⁷-** The Klamath Cogeneration Project is an operational 535 MW natural gas fired, combined-cycle cogeneration facility. Request for Amendment 6 seeks to change a condition related to the cooling tower blowdown water.

Vice Chair Beier questioned whether the request to waive the in-vicinity public hearing would be different if it involved a facility that had been operating but had unrelated issues.

Secretary Cornett stated it would depend upon the frequency, the significance and amount of interest from the public.

Chair Condon stated while forecasting public sentiment is difficult, this facility has been operational for 29 years without any public health or safety risk.

Council Member Howe, pursuant to OAR 345-027-0367, motioned that Council waive the in the vicinity public hearing for the Klamath Cogeneration Facility Amendment 6 for the following reasons: 1) Scope of the amendment is limited to a partial to change to a single condition; 2) The facility has been operational for approximately 29 years.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

- I. Appointment of Hearing Officers for Future Contested Case Proceedings for the proposed Umatilla Morrow County Connect Project, Heppner Wind Energy Project, Klamath Falls Energy Center, Sunrise Solar and Storage Project, Buckley Solar Facility, Cascade Renewable Transmission System, Muddy**

¹⁷Audio/Video for Agenda Item H = 02:08:40 – 2026-02-13-EFSC-Meeting-Audio/Video

Creek Energy Park, and the Deschutes Solar and Battery Energy Storage System Facility (Action Items)¹⁸

Council Member Howe questioned the process for project approval for the Cascade Renewable Transmission System project when Oregon, Washington and the Federal Government are all involved.

Secretary Cornett provided in order for that project to move forward, it would have to have a consistent approval by Washington, by Oregon and by the federal government. Coordination and communication is critical for these types of projects.

Chair Condon questioned how the Department acquires the list of administrative judges.

Secretary Cornett provided Staff works with the manager of the Oregon Office of Administrative Hearings. The project information and timelines are provided. The manager reviews the areas of expertise and qualifications of the administrative judges and compiles a list of choices.

Umatilla Morrow County Connect Project

Vice Chair Beier motioned that Council appoint Administrative Law Judge Joe Allen from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Umatilla Morrow County Connect Project, as recommended by staff.

Council Member Howe seconded the motion.

The motion was carried unanimously.

Heppler Wind Energy Project

Council Member Devlin motioned that Council appoint Administrative Law Judge Kate Triana from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Heppler Wind Energy Project, as recommended by staff.

Council Member Perry seconded the motion.

The motion was carried unanimously.

Klamath Falls Energy Center

Council Member Howe motioned that Council appoint Administrative Law Judge Bradley Schmidt from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Klamath Falls Energy Center, as recommended by staff.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

¹⁸Audio/Video for Agenda Item I = 02:28:20 – 2026-03-19-EFSC-Meeting-Audio/Video

Sunrise Solar and Storage Project

Vice Chair Beier motioned that Council appoint Administrative Law Judge Samantha Fair from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Sunrise Solar and Storage Project, as recommended by staff.

Council Member Howe seconded the motion.

The motion was carried unanimously.

Buckley Solar Facility

Council Member Devlin motioned that Council appoint Administrative Law Judge Joe Allen from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Buckley Solar Facility, as recommended by staff.

Council Member Howe seconded the motion.

The motion was carried unanimously.

Cascade Renewable Transmission System

Council Member Howe motioned that Council appoint Administrative Law Judge Jennifer Rackstraw from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Cascade Renewable Transmission System, as recommended by staff.

Council Member Perry seconded the motion.

The motion was carried unanimously.

Muddy Creek Energy Park

Council Member Howe motioned that Council appoint Administrative Law Judge Dove Gutman from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Muddy Creek Energy Park, as recommended by staff.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

Deschutes Solar and Battery Energy Storage System Facility

Council Member Howe motioned that Council appoint Administrative Law Judge Elizabeth Jarry from the Oregon Office of Administrative Hearings as the Hearing Officer for the contested case proceeding on the Application for Site Certificate for the Deschutes Solar and Battery Energy Storage System Facility, as recommended by staff.

Vice Chair Beier seconded the motion.

The motion was carried unanimously.

The March 19-20, 2026, EFSC meeting was adjourned at 12:05 pm.

FINAL