

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Virtual Meeting
via Webex

May 15, 2026



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and do not use the speakerphone feature, as it will create feedback.
- You may sign up for email notices by clicking the link on the agenda or the Council webpage.
- You are also welcome to access the online mapping tool and any documents by visiting our website.

Announcements continued:

- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press *3 to raise your hand if you are participating by telephone.
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

Agenda Item A (Action Item & Information Item)

Consent Calendar

- April 17, 2026 Council Meeting Minutes
- Council Secretary Report

May 15, 2026

Agenda Item B (Action Item)

Wheatridge Energy Facility III Amendment 1 Final Decision

Chase McVeigh Walker, Senior Siting Analyst

May 15, 2026

Wheatridge Renewable Energy Facility III

Existing Facility Overview

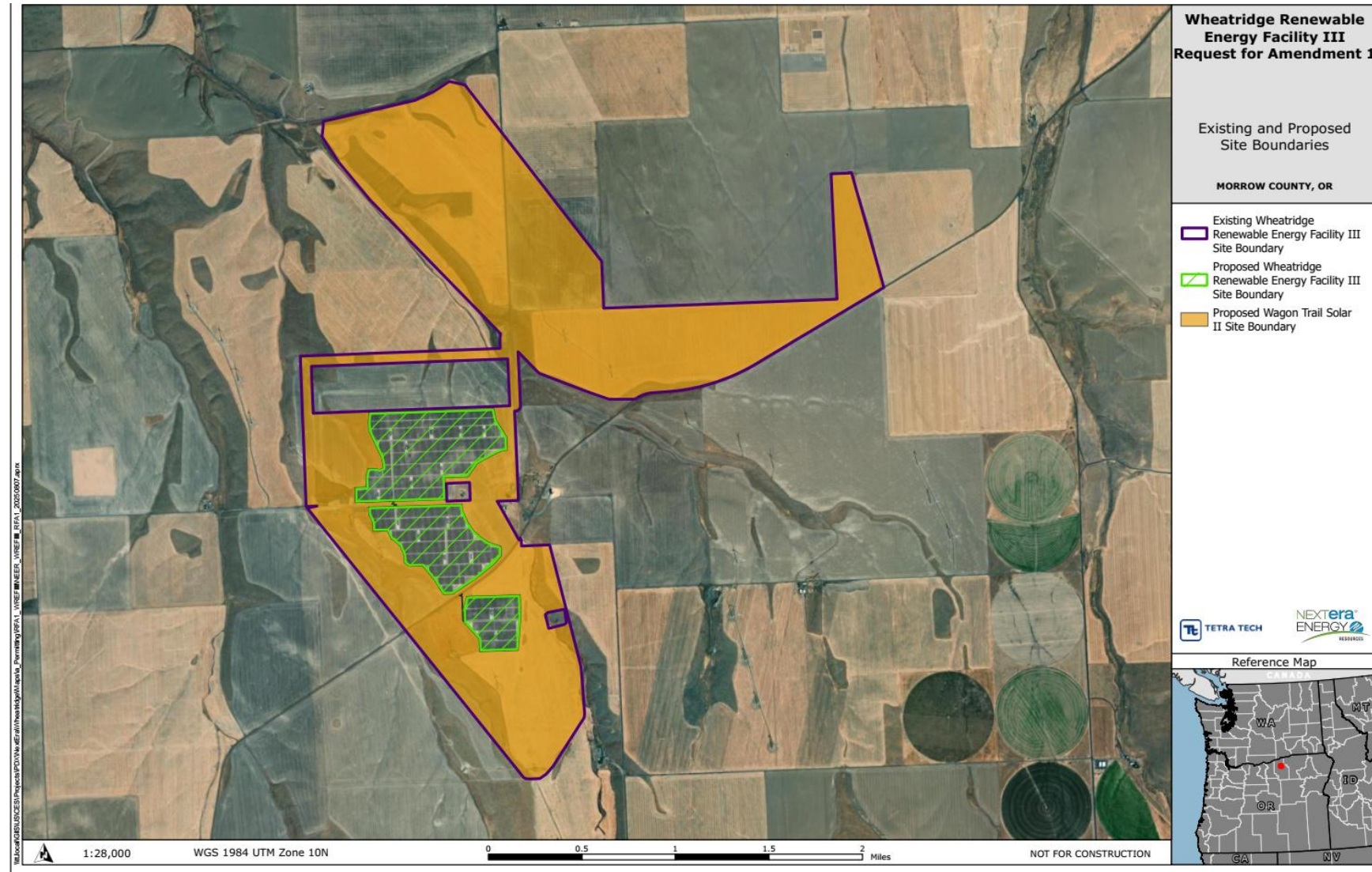
Approved Facility: 150 MW solar photovoltaic power generation facility with related or supporting facilities on 2,294 acres (3.5 square miles)

- Operational – 50 MW on 357 acres (.5 square miles)
- Unbuilt – 100 MW on 1,937 acres (3 square miles) with 100 MW of Battery Energy Storage

Certificate Holder: Wheatridge Solar Energy Center, LLC, a project-specific LLC wholly owned by NextEra Energy Resources, LLC (parent company)

Wheatridge Renewable Energy Facility III Existing Facility Overview

Location: Morrow County, approx. 5 miles NE of Lexington and 7 miles NW of Heppner.



Wheatridge Renewable Energy Facility III RFA1

Proposed Amendment Overview

1. Split the operational facility and remaining approved unbuilt portions of the facility into two separate site certificates; each with its own site boundary and certificate holder.
 - Wheatridge Renewable Energy Facility III Site Certificate: 50 MW solar facility located on 359 acres.
 - Wagon Trail Solar II Site Certificate: remaining, approved unbuilt 100 MWs of solar photovoltaic power generation components located on 1,937 acres.
2. Extend the construction completion deadline for Wagon Trail Solar II by three years from November 22, 2025 to November 22, 2028.
3. Amend site certificate conditions to be consistent with the site certificate split.

Wheatridge Renewable Energy Facility III RFA1 Amendment Process

Preliminary
Request for
Amendment

Complete
Request for
Amendment

Proposed
Order

Draft Final
Order

Final Order

Certificate
Holder

Certificate
Holder

ODOE

ODOE

EFSC

ODOE

Public
Comment &
Hearing

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Agency
Coordination

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Coordination

Wheatridge Renewable Energy Facility III RFA1

Comment Review Process

Date		
April 3, 2026	Deadline for Public Comments on Proposed Order and RFA1	<ul style="list-style-type: none"> • 4 Written Comments Received • 1 Oral Comments at March 19 Hearing • 5 Issues Identified by Department
April 10, 2026	Deadline for Department and Certificate Holder to respond to Public Comments	<ul style="list-style-type: none"> • Department provided response identifying issues • Certificate holder responded to individual commenters
April 17, 2026	Deadline for Commenters to reply to Department and Certificate Holder Responses	<ul style="list-style-type: none"> • 1 Reply received
April 24, 2026	Deadline for Certificate Holder and Department to Sur-Reply to Commenter Replies	<ul style="list-style-type: none"> • Certificate holder sur-replied to commenter reply

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Draft Final Order recommends significant changes to findings or conditions of approval associated with with the standards in **Bold**:

- General Standard of Review
- **Organizational Expertise**
- Structural Standard
- **Soil Protection**
- Land Use
- Protected Areas
- Retirement and Financial Assurance
- **Fish and Wildlife Habitat**
- Threatened and Endangered Species
- Scenic Resources
- Historic, Cultural and Archaeological Resources
- Recreation
- Public Services
- Waste Minimization
- Wildfire Prevention and Risk Mitigation
- Noise
- **Wetlands**
- Water Use
- Siting Standards for Transmission Lines

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Administrative Updates

- Amendment to Mandatory Condition 5 (GEN-GS-04) to reflect updated condition language resulting from Council's April 17, 2026 approval of the modernization rulemaking.
- Correct an error by undeleting Fish and Wildlife Habitat Condition 1 (PRE-FW-01) in the WTSII site certificate. It was inadvertently marked as deleted (shown in strikethrough, track changes).

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue OE-01 (Certificate Holder): Reporting Clarification for Incidental Wildlife Observations

- Proposed Order recommended Organizational Expertise Condition 6 (GEN-OE-02) be amended to include greater detail of when and what kind of incidents need to be reported to the Department, and details of what needs to be included in the written report be submitted to the Department.
- Certificate holder requested changes to recommended Amended Organizational Expertise Condition 6 (GEN-OE-02) to provide clarification for the intent of the wildlife response and reporting system section included as sub(a).
- Department recommends Recommended Amended Organizational Expertise Condition 6 (GEN-OE-02) be revised consistent with the Certificate Holders request, but additionally establish and clarify the area for which the observations apply.

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue OE-01 (Certificate Holder): Reporting Clarification for Incidental Wildlife Observations

Recommended Amended Organizational Expertise Condition 6: ~~In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. The certificate holder shall, as soon as reasonably possible:~~

- a. Report incidents of ~~incidental~~ wildlife ~~observations~~ injury or fatality discovered within the facility perimeter fence line....

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue FW-01 (ODFW): Request for additional information be included in the draft Habitat Mitigation Plan

- Proposed Order evaluated mitigation of permanent and temporary habitat impacts and existing Fish and Wildlife Habitat Condition 10 (Pre-FW-04), requiring the certificate holder submit a final Habitat Mitigation Plan for review and approval by the Department, prior to construction.
- ODFW requested revisions be made to the draft Habitat Mitigation Plan (HMP) for WTSII, including a description of the location, physical and operational characteristics, and duration of the facility impacts; and requirements that a legal instrument (easement or similar) be submitted.
- Certificate holder indicated that a map and a monitoring report outline will be included in the draft HMP.



Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue FW-01 (ODFW): Request for additional information be included in the draft Habitat Mitigation Plan

- Department recommends revision to the draft HMP to include:
 - a description of the location, physical and operational characteristics, and duration of the proposed development action in Section 1.0;
 - a figure of the facility site as Figure 2;
 - A requirement to finalize a legal instrument, subject to ODOE review, in coordination with ODFW in Section 2.0;
 - The consolidation of monitoring, reporting, and evaluation of success criteria from Sections 6.2 through 6.4. into a single Table (Table 6); and,
 - Inclusion of a monitoring report outline as Appendix A.
- Additionally, Department recommends Fish and Wildlife Habitat Condition 12 (OPR-FW-01) to require implementation of the HMP during facility operations.

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue FW-01 (ODFW): Request for additional information be included in the draft Habitat Mitigation Plan

Recommended Fish and Wildlife Habitat Condition 12: During operation of the solar facility, the certificate holder shall implement the Habitat Mitigation Plan finalized under Condition PRE-FW-04. The HMP may be amended from time to time, subject to Department approval.

[OPR-FW-01; Final Order on Amendment 1]

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue SP-01 (Certificate Holder): Request changes to VSMP

- Proposed Order included the recommendation to consolidate requirements of Noxious Weed Plan, Fugitive Dust Plan, and Revegetation Plan into a single draft plan, the draft Vegetation and Soil Management Plan (VSMP).
- Certificate holder requested draft VSMP be revised to include revisions to preconstruction and construction requirements for noxious weed surveys, monitoring and reporting, and removal of Appendix C (NPDES 1200-C and ESCP).

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue SP-01 (Certificate Holder): Request changes to VSMP

- Department recommends draft VSMP be revised to include:
 - Removal of 1200-C and ESCP as attachments to the VSMP
 - Clarification on actions associated with VSMP finalization (updates to Tables 1, 3, 4, and 5); and
 - Clarification on timing of noxious weed surveys, monitoring and reporting (updates to Appendix D).
- Department recommends the draft VSMP be revised, consistent with the Certificate Holders requests.

Wheatridge Renewable Energy Facility III RFA1

Draft Final Order Review

Issue RL-01 (DSL): Confirmation that no further delineation is needed

- Proposed Order included recommended Removal Fill Condition 1 (PRE-RFL-01), requiring the certificate holder conduct a preconstruction desktop evaluation to determine if wetlands or waters of the state are present within the site boundary.
- DSL confirmed that the previous wetland delineation expired on April 18, 2024, but found no jurisdictional wetlands or waters of the state within the site boundary. Therefore, no further review would be required.
- Department recommends Removal Fill Condition 1 (PRE-RFL-01) be removed as a result of DSL's comments.

Council Options

Option 1 - Recommended

**Approve RFA1 and
adopt draft Final Order
as Final Order**

Option 2

**Approve RFA1 and
adopt draft Final Order,
with changes**

Option 3

**Deny RFA1 and issue a
Final Order with denial
reasoning**

Council Deliberation

Agenda Item C (Information Item)

PUBLIC COMMENT

Time Limit – 7 Minutes per commentor

How to Raise Your Hand in Webex:

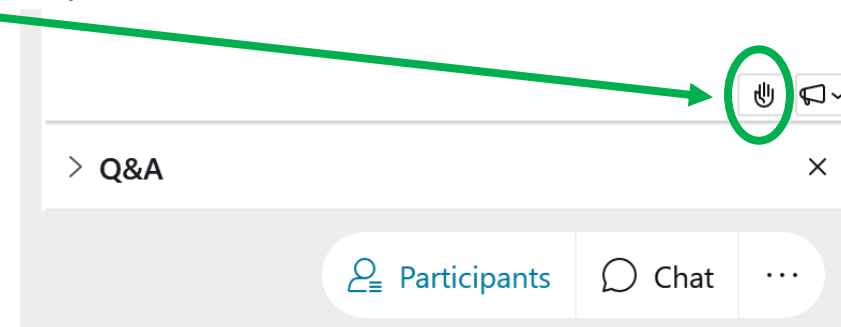
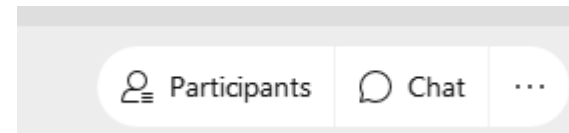
Webinar Participants

The bottom right of the main window is a set of icons:

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



Phone Participants

Press *3 on your telephone keypad to raise your hand.

Press *3 again on your telephone keypad to lower your hand.

BREAK

Agenda Item D (Action Item)

Termination of West End Solar Site Certificate

Sarah Esterson, Senior Policy Advisor

May 15, 2026

Project Overview

- 50 MW solar PV facility on 324 acres and related and supporting facilities
- In Umatilla County, 1 mile east of Hermiston
- Certificate holder is EE West End Solar, LLC, a subsidiary of Eurus Energy America

Project Timeline

Date	Action
March 2023	Final Order and Site Certificate with beginning construction deadline of March 24, 2026
February 18, 2026	Kellen Tardaewether sent an email reminder to Certificate Holder about beginning construction deadline. Certificate Holder acknowledged the deadline.
March 24, 2026	Site Certificate expiration
March 31, 2026	Kellen Tardaewether sent an email to Certificate Holder that site certificate had expired and Department would move forward to terminate the site certificate at a future meeting. Certificate Holder acknowledged the plan and timing to terminate the site certificate.

Applicable Council Rules

345-027-0110 - Termination of a Site Certificate

(9) When the Council finds that the site certificate has expired as described in OAR 345-027-0313, the Council shall issue an order terminating the site certificate.

345-027-0313 - Certificate Expiration

If the certificate holder does not begin construction of the facility by the construction beginning date specified in the site certificate or amended site certificate, the site certificate expires on the construction beginning date specified, unless expiration of the site certificate is suspended pending final action by the Council on a request for amendment to a site certificate under OAR 345-027-0385(2).

Council Options

Option 1 - Recommended

**Terminate the site
certificate as
recommended**

Option 2

**Terminate the site
certificate with
modifications to the
recommendation**

Council Deliberation

Agenda Item E (Action Item)

Radioactive Transport Fee Consideration for Notice of Proposed Rulemaking

**Mark Reese, Nuclear Emergency & Radioactive Material Transportation
Program Coordinator**

May 15, 2026

Background

- Large numbers of radioactive material shipments historically occurred without dedicated oversight or emergency response funding
- 1981 – Legislature established permitting and fee requirements for radioactive material transportation
- Fees support emergency responder training related to radiation and transportation safety
- ODOT issues permits; ODOE collects fees and administers training programs

Background

Oregon Administrative Rules 345, Division 60 rules requires transporters of radioactive materials to pay a fee for permit to do so. Permits are issued by the Oregon Department of Transportation, and the fees collected by ODOE are used to train emergency response personnel on issues of radiation and transportation safety.

Background Cont.

Oregon Revised Statute 469.605

- (1) No person shall ship or ***transport radioactive material*** identified by the Energy Facility Siting Council by rule as posing a significant hazard to public health and safety or the environment if improperly transported into or within the State of Oregon ***without first obtaining a permit from the State Department of Energy.***

- (4) The director ***shall collect a fee*** from all applicants for permits under this section ***in an amount reasonably calculated to provide for the costs to the department of performing the duties of the department*** under ORS 469.550 (3), 469.563, 469.603 to 469.619 and 469.992.

- (6) The director may delegate the authority to issue permits for the transportation of radioactive material to the Department of Transportation.

Emergency Responder Training

- The fees are the primary source of funding for ODOE's emergency responder training and preparedness activities for radiological shipments
- ODOE helps coordinate response plans for potential radioactive material transportation accidents, developing localized strategies for on-scene management
- Trainings are held annually or more frequently
- Trainings are conducted in partnership with Oregon Health Authority Radiation Protection Services and Oregon State University Radiation Center.
- Grants are provided to OHA and OSU for these services, using the transportation fee revenue

Goals of Rulemaking

1. Update radioactive material transport fees established in 1983
2. Ensure long-term funding for first responder radiation transportation training
3. Evaluate whether rail shipments should be included in the fee structure
4. Consider updated fee structure for Highway Route Controlled Quantity (HRCQ) shipments

Why Now?

1. Current truck shipment fee remains at \$70 per shipment since 1983
2. Existing reserves projected to support operations for only 3–5 more years
3. Training and operational costs have increased significantly over time
4. Current rules exclude rail shipments despite similar emergency response risks

Rulemaking Advisory Committee Overview

- Convened in 2025
- Meetings held:
 - May 28, 2025,
 - September 29, 2025 and
 - October 24, 2025
- Discussion topics included funding adequacy, rail inclusion, emergency preparedness, and implementation structure

Members

- Oregon Department of Transportation (Hazardous rail and truck material inspectors from Commerce and Compliance)
- Oregon Health Authority - Radiation Protection Services Division
- Oregon State Fire Marshall
- Oregon Department of Environmental Quality
- Oregon State University - Radiation Science Center
- Umatilla County Emergency Management
- Lane County Emergency Management
- Oregon Emergency Management
- CAST Transport
- HITTMAN Transport
- Oregon Trucking Association
- Columbia River Keepers
- Burlington Northern Railroad Company
- Union Pacific Railroad Company

Rulemaking Advisory Committee Feedback Overview

1. General support for updating fees after nearly forty years without adjustment
2. Most members supported inclusion of rail shipments for parity and preparedness
- 3. Rail carrier representatives opposed rail shipment fees**
4. Supported continued use of fees for emergency responder training programs

Rail Shipment Considerations

1. Radioactive material transported by rail presents emergency response risks similar to truck transport
2. Staff recommend including rail shipments in updated fee requirements
3. Federal requirements limit advance permitting for rail shipments but not fees
4. Recommended approach: collect fees after shipment, similar to Department of Environmental Quality oil-by-rail processes

Recommended New Fee Schedule

- Increase truck shipment fee from \$70 → \$125 per shipment
- Increase annual maximum permit fee from \$500 → \$750 for specified placarded shipments
- Apply equivalent fees to rail shipments
- Establish \$1,250 fee for HRCQ shipments
- Staff recommend that EFSC formalize a four-year cycle for future fee schedule review

Council Options

Option 1 - Recommended

**Approve initiation of the
radioactive transport
fee rulemaking as
recommended**

Option 2

**Approve initiation of
the radioactive
transport fee
rulemaking as
recommended with
modifications**

Option 2

**Deny initiation of the
rulemaking**

Council Deliberation

ADJOURN

