



# Oregon

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**To:** Energy Facility Siting Council

**From:** Chase McVeigh-Walker, Senior Siting Analyst

**Date:** April 30, 2026

**Subject:** Agenda Item B (Potential Action Item):  
Wheatridge Renewable Energy Facility III, Request for Amendment 1 –  
Review of the Draft Final Order and Possible Final Decision for the May 15,  
2026 EFSC Meeting

**Attachments:** Attachment 1: Public Comments, Responses, Replies, and Sur-Replies on  
Proposed Order  
Attachment 2: Staff Evaluation of Public Comments  
Attachment 3: Draft Final Order

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## STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends the Energy Facility Siting Council (EFSC or Council) approve the requested site certificate amendment and grant issuance of the First Amended Wheatridge Renewable Energy Facility III Site Certificate, subject to compliance with the existing, recommended and amended, and new site certificate conditions described in the Draft Final Order provided in Attachment 3 to this Staff Report.

## EXISTING FACILITY DESCRIPTION

Wheatridge Renewable Energy Facility III (facility) is an operational 50-megawatt (MW) solar photovoltaic power generation facility, with related or supporting facilities, located within a 2,294 acre site boundary in Morrow County. The site is located approximately 5 miles northeast of Lexington and 7 miles northwest of Heppner. The parent company is NextEra Energy Resources, LLC.

## PROPOSED FACILITY MODIFICATIONS

RFA1 seeks Council authorization for the following changes to the site certificate:

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.
  - o Wheatridge Renewable Energy Facility III (WREFIII) Site Certificate would include the operational 50 MW solar facility located on 359 acres.
  - o Wagon Trail Solar II (WTSII) Site Certificate would include the remaining approved, unbuilt 100 MWs of solar photovoltaic power generation components located on 1,935 acres.

2. Extend the construction completion deadline for WTSII by three years from November 22, 2025 to November 22, 2028.
3. Amend site certificate conditions to be consistent with the site certificate split.

**PROCEDURAL HISTORY**

November 21, 2025	Certificate holder submitted preliminary Request for Amendment 1 (pRFA1).
December 19, 2025	Department notified the certificate holder that pRFA1 was incomplete and issued requests for additional information (RAIs)
February 10, 2026; February 11, 2026; February 20, 2026; February 23, 2026	Certificate Holder provided RAI responses.
February 25, 2026	Department notified the certificate holder that pRFA1, with RAI responses, was complete.
February 27, 2026	Certificate holder filed a complete RFA1.
February 27, 2026	Department issued the Proposed Order on Request for Amendment 1 and Public Notice of the Proposed Order on RFA1 and Complete RFA1.
February 27, 2026 – April 3, 2026 (35-days)	Comment Period on RFA1 and the Proposed Order on RFA1.
March 19, 2026	The Council conducted a public hearing on RFA1 and the Proposed Order on RFA1
April 3, 2026, 5:00 p.m.	Deadline for comments on RFA1 and Proposed Order on RFA1.
April 10, 2026, 5:00 p.m.	Deadline for the certificate holder and the Department to provide responses to comments.
April 17, 2026, 5:00 p.m.	Deadline for commenters to provide replies to responses provided by the certificate holder and the Department.
April 24, 2026, 5:00 p.m.	Deadline for the certificate holder and the Department to provide sur-replies to commenters, as applicable.
April 30, 2026	Department issued the draft Final Order, and a Notice of draft Final Order.
May 15, 2026	Council will review the Department’s written analysis of the comments, responses, replies, and sur-replies, along with the draft of the final order and, based on the considerations described in OAR 345-027-0375, will either grant or deny issuance of an amended site certificate in a written final order.

**DEPARTMENT EVALUATION OF COMMENTS ON RFA1 AND THE PROPOSED ORDER**

In the Proposed Order, the Department recommends that the facility, with the changes proposed in RFA1, complies with all required standards and should be approved by the Council, subject to new and recommended amended site certificate conditions.

As presented in the Proposed Order, the Department recommends that Council find that the changes proposed in RFA1 would not result in new or different impacts not previously evaluated by Council for the following Council standards:

- Structural OAR 345-022-0020 (Section III.C., pg. 28-30)
- Land Use OAR 345-022-0030 (Section III.E., pg. 40-46)
- Protected Areas (Section III.F., pg. 46-50)
- Threatened and Endangered Species OAR 345-022-0070 (Section III.I., pg. 65-67)
- Scenic Resources OAR 342-022-0080 (Section III.J., pg. 67-70)
- Historic, Cultural and Archaeological Resources OAR 345-022-0090 (Section III.K., pg. 70-72)
- Recreation OAR 345-022-0100 (Section III.L., pg. 72-74)
- Waste Minimization OAR 345-022-0120 (Section III.O., pg. 102-104)
- Siting Standards for Transmission Lines OAR 345-024-0090 (Section III.P., pg. 104-105)
- Removal-Fill Law ORS 196.795 through 196.990 and OAR chapter 141, division 08 (Section IV.B., pg. 116-118)
- Water Rights OAR 690 Divisions 310 and 380 (Section IV.C.2., pg. 118-120)

The Proposed Order recommends the Council find that with existing, new, amended and/or deleted conditions, the facility, with the changes proposed in RFA1, will continue to comply with the following standards:

- General Standard of Review: OAR 345-022-0000 (Section III.A., pg. 19-23)
- Organizational Expertise: OAR 345-022-0010 (Section III.B., pg. 23-28)
- Soil Protection: OAR 345-022-0022 (Section III.D., pg. 30-40)
- Retirement and Financial Assurance: OAR 345-022-0050 (Section III.G., pg. 50-57)
- Fish and Wildlife Habitat: OAR 345-022-0060 (Section III.H., pg. 57-65)
- Public Services: OAR 345-022-0110 (Section III.M., pg. 74-89)
- Wildfire Prevention and Risk Mitigation: OAR 345-022-0115 (Section III.N., pg. 89-102)
- Noise Control Regulations: OAR 340-035-0035 (Section IV.A., pg. 105-116)

During the public comment process, the Department received comments from 4 commenters. Each issue raised in comments has been assigned a unique ID number based on the standard the comment was determined to be associated with (as presented below and in Attachment 1 of this Staff Report). This report focuses on the issues raised in comments received on the record of the Proposed Order that have resulted in material changes to conditions to be included in the draft Final Order.

The summary of material changes provided below includes a summary of recommended administrative edits, which are included in included in the draft Final Order (Attachment 3 of this Staff Report). Please note a full evaluation of all changes in recommended findings of fact and conditions based on comments received and issues raised is provided as Attachment 2 of this Staff Report.

Administrative edits:

- Amendment to Mandatory Condition 5 (GEN-GS-04)<sup>1</sup> 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).

Material Changes based on the evaluation of public comments, responses, replies, and sur-replies:

- Recommended Amended Organizational Expertise Condition 6 (GEN-OE-02) (Section III.B. and Attachment A) revised to clarify the intent of the wildlife response and reporting system, and the area for which the response and reporting system apply.
- Draft Habitat Mitigation Plan (Attachment B of the Draft Final Order) revised to include additional details and description of the location, physical and operational characteristics, and duration of the facility. Additionally, as part of plan finalization, the draft plan includes a requirement to finalize a legal instrument to be reviewed and approved by ODOE, in consultation with ODFW. Lastly, a figure of the facility site has been added to the plan, and the monitoring, reporting, and evaluation of success criteria from Sections 6.2 through 6.4 have been consolidated into a single table (Table 6). Additional recommended changes to the draft HMP include the addition of a figure representing temporary and permanent impacts to habitat (Figure 2), and a monitoring report outline (Appendix A).
- Recommended Fish and Wildlife Condition 12 (OPR-FW-01) (Section III.H. and Attachment A) added to require implementation of the HMP during facility operations.
- The Draft Vegetative Management and Soil Management Plan (Attachment C) revised to include revisions to preconstruction and construction requirements for noxious weed surveys, monitoring and reporting.
- Recommended removal of Removal Fill Condition 1 (Section IV.B. and Attachment A) as a result DSL comments, and duplicative requirements imposed by Fish and Wildlife Habitat Condition 8 (PRE-FW-03).

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<sup>1</sup> OAR 345-025-0006(5)