

ENERGY FACILITY SITING COUNCIL

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

Energy Facility Siting Council May 2026 Meeting Minutes

Friday May 15, 2026 8:30 AM
Virtual Meeting Only - via Webex

- A. Consent Calendar (Action & Information Item)¹ - Approval of April 17, 2026, Draft Meeting Minutes; Council Secretary Report; and other routine Council business.
- B. Wheatridge Renewable Energy Facility III – Site Certificate Amendment 1 Final Decision (Action Item)²
- C. Public Comment Period³
- D. West End Solar Project – Site Certificate Termination (Action Item)⁴
- E. Radioactive Material Transport Fees Rulemaking – Formal Rulemaking Initiation (Action Item)⁵

The meeting materials presented to Council are available online at:

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

Call to Order: Chair Condon called the meeting to order at 8:30 am

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

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary Todd Cornett, Senior Operations and Policy Advisor Sarah Esterson, Senior Siting Analyst Chase McVeigh-Walker, Rules Coordinator Tom Jackman, Operations and Policy Analyst Bibi Bartley, Nuclear Emergency and Radioactive Material Transportation Program Coordinator, Mark Reese and Radioactive

¹ Audio/Video for Agenda Item A = 00:03:32 – 2026-05-15-EFSC-Meeting-Audio/Video

² Audio/Video for Agenda Item B = 00:39:24 – 2026-05-15-EFSC-Meeting-Audio/Video

³ Audio/Video for Agenda Item C = 01:17:27 – 2026-05-15-EFSC-Meeting-Audio/Video

⁴ Audio/Video for Agenda Item D = 01:45:40 – 2026-05-15-EFSC-Meeting-Audio/Video

⁵ Audio/Video for Agenda Item E = 01:51:48 – 2026-05-15-EFSC-Meeting-Audio/Video

Waste Remediation Specialist, Matt Henrickson. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe was also present.

Roll Call

Secretary Cornett conducted roll call:

- Chair Cindy Condon – Present
- Vice Chair Ann Beier – Present
- Council Member Kent Howe – Present
- Council Member Richard Devlin – Present
- Council Member Patty Perry – Present

A quorum was confirmed.

Agenda Modifications

Secretary Cornett reported **no agenda modifications**.

Announcements

Chair Condon provided standard meeting instructions regarding audio etiquette, muting, Webex participation, comment procedures, and reminders of respectful conduct pursuant to OAR 345-011-0080.

- A. **Consent Calendar (Action & Information Item)**⁶ - Approval of April 17, 2026, Draft Meeting Minutes; Council Secretary Report; and other routine Council business.

Motion

Council Member Howe moved to approve the April 17, 2026 minutes as presented and recommended by staff.

Council Member Devlin seconded.

Chair Condon noted a small typographical error referencing “Vice Chair Condon” and requested correction. Staff acknowledged.

Motion carried unanimously.

- Council Secretary Report

Project Updates

1. Boardman-to-Hemingway (B2H) Transmission Line
 - Multiple Amendment Determination Requests (ADRs) reviewed or pending:
 - ADR 002 – Temporary access road disturbance increases to support construction on >15% slopes. Determination issued May 8: No amendment required.

⁶ Audio/Video for Agenda Item A = 00:03:32 – 2026-05-15-EFSC-Meeting-Audio/Video

- ADR 006 – 16 new access roads (4.26 miles) and 0.63-acre corridor shift. Determination pending.
- ADR 001 & ADR 011 – New/modified access road segments requested due to landowner coordination; both under review.
- Staff reiterated ADR review applies the “Three Could’s” test (impact, compliance, conditions).
- Council may request any ADR be elevated for Council review.

Council & Staff Discussion

- Council requested clarity on landowner involvement and stream-crossing review processes.
- Staff confirmed resource agencies (e.g., ODFW) are consulted when thresholds apply, and easement language is typically flexible.

2. Yellow Rose Bush Energy Center – Contested Case Update

- ALJ provided summary determination briefing; order expected by June 12.

3. Muddy Creek Energy Park – NOI Deadline

- Preliminary Application for Site Certificate due May 19, 2026; not yet received.

Compliance Updates

1. Annual Operating Reports - All reports received and under review; expected completion by end of 2026.
2. Trojan ISFSI - 2024–2025 biennial report approved.
3. Stateline Wind Facility – Blade Bolt Failures
 - Four broken blade bolts discovered since March at Vancycle 2 units (post repowering).
 - Certificate holder must provide root-cause analysis and proposed corrective actions.
 - Landowners notified; warning signage posted for 60 days.
 - Council questioned reporting timelines and landowner engagement; staff explained 72-hour notification and standard review processes.
4. Boardman to Hemingway Transmission Line
 - Noxious Weed Compliance Issue
 - Vehicle wash stations found clogged with mud, reducing weed control effectiveness.
 - Certificate holder given 30 days to clean and document corrective action.
 - Request for Inspection
 - A landowner, via their legal counsel, alleged non-compliance with cultural resources conditions and ORS 358.920.
 - ODOE coordinating with BLM and SHPO. Investigation ongoing.

Boardman to Hemingway Transmission Line Litigation Update

Senior AAG Patrick Rowe briefed Council on a Morrow County Circuit Court challenge related to changes to the Fire Prevention & Suppression Plan

- Petitioners argued plan revisions should have been an amendment.

- Court found it lacked jurisdiction because EFSC's 2022 Final Order allowed the plan to be modified without an amendment.
- Appeal deadline: June 5, 2026.

Upcoming Meetings

Next EFSC meeting scheduled for June 25–26, 2026. Location TBD.

Staff anticipates needing both days.

- B. Wheatridge Renewable Energy Facility III – Site Certificate Amendment 1 Final Decision (Action Item)**⁷ - Council received a presentation on the changes proposed in Request for Amendment 1 (construction deadline extension for the unbuilt components and site certificate split) and changes recommended by the Department as a result of the comment evaluation process. Wheatridge Renewable Energy Facility III is an approved 150 megawatt (MW) solar photovoltaic power generation facility on 2,294 acres (3.5 sq. miles) of private land in Morrow County (50 MW is operational, and 100 MW has not yet been constructed). The parent company is NextEra Energy.

Key elements included:

- Splitting the original facility into two site certificates:
 - Wheatridge Renewable Energy Facility III – built components
 - Wagon Trail Solar 2 – unbuilt components
- Proposed updates to:
 - Wildlife reporting requirements
 - Habitat mitigation plan
 - Vegetation & soil management plan
 - Wetlands / DSL determinations
- Council discussed reinstating the 72-hour wildlife incident reporting requirement (consistent with OAR).
- Revised language was drafted live during meeting and is captured in the motion below.

Motion

Vice Chair Beier moved to issue a Final Order approving the certificate holder's request for amendment 1 to the site certificate for Wheatridge Renewable Energy Facility III, utilizing the Department's draft Final Order as the basis for the Final Order with the following changes:

- *Organizational Expertise Condition 6 (Gen)*
 - *Retain the 72-hour notification after discovery related to (a) & (b).*
 - *Ensure the 30-day report requirement relate to (c) and (d).*

And issue the 1st amended site certificate consistent with the Final Order.

Council Member Howe seconded.

⁷ Audio/Video for Agenda Item B = 00:39:24 – 2026-05-15-EFSC-Meeting-Audio/Video

Motion carried unanimously.

C. Public Comments (Information Item)⁸

The following public comments were received:

- Dan Solitz – Supported the idea that radioactive waste transport fees in the state should be structured based on the waste form (liquid or solid).
- Troy Jones, Friends of Gap Road – Expressed concern over the continued siting of large-scale solar on farmland and cautioned Council of significant public opposition regarding the Muddy Creek Energy Project.
- Simone Anter, Columbia River Keeper – Offered support for the rulemaking initiation for radioactive waste transport fees and acknowledged the potential increase in shipments through Oregon and the challenges associated with long term radioactive waste management.
- Kathy Sampson Kruse, member of the Walla Walla Tribe of the Confederated Tribes of the Umatilla Indian Reservation – Conveyed concern regarding radioactive waste shipments and support for the Council.

D. West End Solar Project – Site Certificate Termination (Action Item)⁹ - Council received a presentation on the site certificate termination request. The Site Certificate authorized construction and operation of a 50 MW solar photovoltaic power generation facility and 70 MW battery energy storage system in Umatilla County. The parent company is Eurus Energy America Corporation. The construction commencement deadline has expired.

Senior Policy Advisor Sarah Esterson reported:

- Project failed to begin construction by March 24, 2026 (deadline).
- Certificate holder chose not to seek a beginning construction extension date.
- Staff recommended termination of site certificate.

Motion:

Council Member Devlin moved to terminate the West End Solar site certificate.

Council Member Howe seconded.

Motion carried unanimously.

E. Radioactive Material Transport Fees Rulemaking – Formal Rulemaking Initiation (Action Item)¹⁰ - Council considered staff's recommendation to initiate the rulemaking by filing a Notice of Proposed Rulemaking with the Secretary of State

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Presentation by Tom Jackman, Mark Reese, and Matt Hendrickson.

Key points included:

- Fee schedule unchanged since 1983; fee reserves projected to run out in 3–5 years.
- Proposal includes:
 - Increasing truck shipment fees
 - Adding rail shipment fees
 - Establishing 4-year review cycle
- Tribal engagement and RAC feedback discussed.

Motion:

Council Member Howe moved to initiate rulemaking and authorize staff to file a Notice of Proposed Rulemaking and schedule hearing(s).

Council Member Devlin seconded.

Motion carried unanimously.

The meeting was adjourned at 11:33 am