

ENERGY FACILITY SITING COUNCIL

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

Energy Facility Siting Council June 2026 Meeting Minutes

ODOE Office/ Meitner Room
550 Capitol St. NE
Salem, Oregon

- A. Consent Calendar (Action & Information Item) - Approval of May 15, 2026, Draft Meeting Minutes; Council Secretary Report; and other routine Council business.¹
- B. Executive Order 25-29 – Reducing Greenhouse Gas Emissions and Advancing Oregon’s Clean Energy Future – Oregon Department of Energy Draft Reports Presentation (Information Item & Public Comment Period)²
- C. Sunstone Solar Project Request for Amendment 1 to Transfer – (Transfer Hearing and Potential Action Item)³
- D. Public Comment Period⁴
- E. Oregon Trail Solar Facility Construction Update (Information Item)⁵
- F. Compliance Rulemaking (Action Item)⁶
- G. 2026 Carbon Dioxide Emissions Offset Rate Rulemaking (Action Item)⁷
- H. Boardman to Hemingway Transmission Line Quarterly Construction Update (Information Item)⁸
- I. Hearing Officer Reassignments for Future Contested Case Proceedings for the Muddy Creek Energy Park and the Heppner Wind Project (Action Items)⁹

¹ Audio/Video for Agenda Item A = 00:02:30 – 2026-06-25-EFSC-Meeting-Audio/Video

² Audio/Video for Agenda Item B = 00:43:21 – 2026-06-25-EFSC-Meeting-Audio/Video

³ Audio/Video for Agenda Item C = 02:29:46 – 2026-06-25-EFSC-Meeting-Audio/Video

⁴ Audio/Video for Agenda Item D = 02:58:52 – 2026-06-25-EFSC-Meeting-Audio/Video

⁵ Audio/Video for Agenda Item E = 03:01:28 – 2026-06-25-EFSC-Meeting-Audio/Video

⁶ Audio/Video for Agenda Item F = 03:59:34 – 2026-06-25-EFSC-Meeting-Audio/Video

⁷ Audio/Video for Agenda Item G = 04:45:00 – 2026-06-25-EFSC-Meeting-Audio/Video

⁸ Audio/Video for Agenda Item H = 03:23:40 – 2026-06-25-EFSC-Meeting-Audio/Video

⁹ Audio/Video for Agenda Item I = 05:06:16 – 2026-06-25-EFSC-Meeting-Audio/Video

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

Secretary Cornett conducted roll call:

- Chair Cindy Condon – Present in person
- Vice Chair Ann Beier – Present in person
- Council Member Patty Perry – Present in person
- Council Member Denice Calderon – Present in person
- Council Member Marcy Grail – Present virtually

A quorum was confirmed.

Oregon Department of Energy representatives present were Assistant Director for Siting/Council Secretary Todd Cornett, Senior Operations and Policy Advisor Sarah Esterson, Rules Coordinator Thomas Jackman, Operations and Policy Analyst Bibi Bartley. Oregon Department of Justice Senior Assistant Attorney General Patrick Rowe .

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. She also reminded attendees that the meeting audio and video were being recorded and may be posted online following the meeting.

- A. Consent Calendar (Action & Information Item)**¹⁰ - Approval of May 15, 2026, Draft Meeting Minutes; Council Secretary Report; and other routine Council business.

Motion

Council Member Perry moved to approve the May 2026 meeting minutes as presented, noting support for the use of artificial intelligence as a tool in preparing the minutes.

Council Member Beier seconded.

Council Member Grail abstained from the vote, noting she had not attended the previous meeting. Motion carried.

Following the vote, Council and staff discussed:

- Use of AI technology to assist with meeting minutes preparation.

¹⁰ Audio/Video for Agenda Item A = 00:02:30 – 2026-06-25-EFSC-Meeting-Audio/Video

- Preference for including timestamps in future minutes to help locate discussion points in recordings. Staff confirmed timestamps would be included going forward.

Staff also provided updates on:

- Appointment of new Council Member Denise Calderón.
- Recognition of outgoing Council Member Marcy Grail for nearly ten years of service.
- Recent staffing changes within ODOE's Siting Division.

B. Executive Order 25-29 – Reducing Greenhouse Gas Emissions and Advancing Oregon's Clean Energy Future – Oregon Department of Energy Draft Reports Presentation (Information Item & Public Comment Period)¹¹

Secretary Cornett and Senior Clean Electricity and Markets Joni Sliger, presented ODOE's draft reports required under Executive Order 25-29, including:

- Streamlining Clean Energy Siting Report (Section 2(c))
- Reducing Barriers to Clean Energy Deployment Report (Section 2(a))

Staff provided an overview of the Governor's directives, noting:

- Multiple state agencies are required to produce reports on expediting renewable energy and transmission siting.
- Public comment periods were held earlier in the year, and additional comment opportunities remain open.
- The reports must be submitted to the Governor by September 1, 2026.

Streamlining Clean Energy Siting Report – Staff Presentation

Secretary Cornett summarized the structure of the EFSC siting program and described existing authorities, roles, and practices. Topics included:

- Historical context of siting rules and continuous improvement efforts.
- Council's consolidated review process involving state agencies, local governments, tribes, and the public.
- Challenges associated with large-scale transmission projects and renewable energy development.

Cornett also highlighted future focus areas, including:

- Contested case review
- Application clarity
- Use of artificial intelligence to assist staff with applicable time-consuming administrative tasks such as organizing public comment.
- Modernizing staff structure and increasing agency capacity.
- Enhancing public engagement tools.
- Improving alignment between federal, state, and local review processes.
- Updating EFSC rules through Phase 3 rulemaking.

¹¹ Audio/Video for Agenda Item B = 00:43:21 – 2026-06-25-EFSC-Meeting-Audio/Video

Reducing Barriers to Clean Energy Deployment – Staff Presentation

Senior Policy Analyst Joni Sigler presented the companion report analyzing why some approved energy projects do not move forward into construction. Sigler reviewed barriers such as:

- High project costs and financing challenges.
- Unpredictable delays in permitting and federal coordination.
- Limited availability of equipment and supply chain constraints.
- Workforce and staffing gaps affecting project timelines.
- Grid capacity limitations and interconnection queue delays.

Recommended actions outlined included:

- Facilitating communication among interconnection queue participants to reduce cascading delays.
- Hosting regular statewide cross-agency energy siting forums.
- Conducting future analysis once new market data (e.g., day-ahead markets) becomes available.
- Exploring barriers and opportunities for sub-20 MW clean energy projects.

Public Comments

Troy Jones

- Expressed concern about continued siting of large-scale solar facilities on farmland.
- Noted significant and growing community opposition, especially regarding projects like Muddy Creek Energy Park.
- Urged the Department to ensure local land-use compatibility and rural community perspectives are fully integrated into the Streamlining Report.
- Cautioned that streamlined processes should not diminish opportunities for meaningful community involvement.

Les Poole

- Encouraged improved and earlier public-notification processes during project development.
- Recommended establishing baseline readiness requirements for applicants (e.g., verified water availability, fire response planning) before entering EFSC review.
- Highlighted the need for transparency in how project delays and barriers are analyzed and communicated.
- Supported efforts to streamline the siting process but stressed that public safety and community awareness must remain central.

Council Questions & Discussion

Council members asked questions regarding:

- Project notification processes for the public.
- Impacts of wildfire risk and grid constraints.
- Opportunities to brief Council on emerging topics such as day-ahead markets and BPA interconnection processes.
- Ensuring robust public participation while exploring streamlining options.

Chair Condon noted Council would revisit the draft reports in July to consider possible Council statements prior to final submission.

- C. Sunstone Solar Project Request for Amendment 1 to Transfer – (Transfer Hearing and Potential Action Item)¹²** – The facility is an approved but not yet constructed 1,200 MW solar power generation facility that would use or occupy up to 9,442 acres (14.7 sq. miles) in Morrow County. Request for Amendment 1 proposes to transfer ownership of the site certificate from Sunstone Solar 1, LLC to Oregon Solar 1, LLC, a wholly owned subsidiary of Amazon.com, Inc.

Staff Presentation

Senior Policy Advisor Sarah Esterson explained:

- The request is limited in scope to updating ownership; **no changes** are proposed to facility components or site certificate conditions.
- Under EFSC rules, Council must evaluate compliance with two standards:
 - Organizational Expertise
 - Retirement & Financial Assurance
- Staff reviewed experience, financial resources, and compliance history of the proposed owner and its parent company (Amazon).
- Staff confirmed the proposed new owner has provided all required documentation, including updated decommissioning cost estimates and proof of bonding capacity.

Transfer Hearing

The hearing was opened at 11:28 AM. Ms. Esterson outlined the procedural steps:

- Existing certificate holder and proposed certificate holder were invited to testify.
- Public comment was taken both in person and virtually.
- Council members were provided an opportunity to ask questions.

Certificate Holder Comments

Representatives from Amazon and Gallatin Power stated:

- Amazon is committed to the project and to Oregon's clean-energy goals.
- Sunstone Solar will support regional grid reliability and continue economic contributions in Morrow County.
- Amazon has experience operating more than 270 solar arrays associated with its facilities nationwide.

Public Comment

Les Poole provided comments believing this was the General Public Comment time under Agenda Item D. His comments were recorded under that agenda item instead.

Council Questions & Discussion

Council members asked questions regarding:

- Amazon's prior Department of Environmental Quality compliance actions.
- Construction timelines and expectations for pre-construction amendments.
- Ensuring appropriate fire prevention and stormwater controls during construction.

¹² Audio/Video for Agenda Item C = 02:29:46 – 2026-06-25-EFSC-Meeting-Audio/Video

Motion

Vice-Chair Beier moved to approve the transfer request for the Sunstone Solar Project Site Certificate to Oregon Solar One LLC.

Council Member Grail seconded.

Motion carried unanimously.

The transfer hearing was closed at 11:42 AM.

- D. Public Comments (Information Item)¹³** – This time is reserved for the public to address the Council regarding any item within Council jurisdiction that is not otherwise closed for comment. Pending applications for which a comment period has not yet begun or for which the oral comment period has been completed are closed for comment. Those include, among others, the Muddy Creek Energy Park preliminary Application for Site Certificate.

Per OAR 345-011-0020 the Chair establishes the duration of the time for individual commenters at 7 minutes but may lengthen or shorten that timeframe as the length of the meeting and timing and duration of other Council business dictate.

In-Person Comments

No members of the public present in the room requested to speak.

Virtual Comments

Les Pool

- Expressed concerns about ensuring public safety related to issues such as blade failures and wildfire risks.
- Encouraged rulemaking that improves public awareness and clarifies contested case processes.
- Suggested establishing benchmarks for applicants, including requiring certified water sources early in the application process to prevent prolonged uncertainty.
- Encouraged broader notification distances (from 500 ft to 2,000 ft) to ensure neighbors are aware of proposed projects.
- Requested guidance for submitting written comments for future rulemaking.

Staff confirmed his comments would be reassigned to the appropriate agenda item within the meeting record.

Chair Condon closed the public comment period.

- E. Oregon Trail Solar Facility Construction Update (Information Item)¹⁴** – Jennifer Casler, Senior Client Leader with Haley and Aldrich and Sarah Esterson, Senior Policy Advisor. The project is an approved 41 MW solar or wind facility with battery energy storage in Gilliam County.

¹³ Audio/Video for Agenda Item D = 02:58:52 – 2026-06-25-EFSC-Meeting-Audio/Video

¹⁴ Audio/Video for Agenda Item E = 03:01:28 – 2026-06-25-EFSC-Meeting-Audio/Video

Construction is occurring in two phases:

- Phase 1A – BESS foundations (currently installed; awaiting battery delivery expected in Fall 2026).
- Phase 2 – Solar Facility, which is actively under construction.

Construction Progress

Ms. Casler reported the following Phase 2 construction milestones:

- Road construction largely complete.
- Perimeter wildlife-friendly fencing installed.
- Sediment and erosion control fencing in place.
- Torque tubes and piping installation underway.
- Solar panel installation progressing, with approximately 20% completion as of June 18.

Cupertino Electric is overseeing on-site construction, with coordination from Vegetation Solutions for ongoing weed management.

Compliance Monitoring

Haley & Aldrich provides monthly compliance inspections, confirming:

- All field inspectors are erosion and sediment-control certified.
- Pre-inspection checklists are coordinated with ODOE staff.
- Inspection findings are documented and addressed promptly by the certificate holder.

Noted Compliance Issues & Corrections

Ms. Casler reported several resolved issues:

- Erosion fence installed backward (corrected within two days).
- Trash hopper lids left open (corrected).
- Hydraulic fluid spill from equipment – contaminated soil removed, containerized, permitted, and disposed at a Subtitle D landfill.
- Track-out concerns – gravel rumble mats cleaned, and new stanchions placed to ensure vehicles pass through mats.

Weed Management

- Vegetation Solutions conducts regular monitoring and mowing of Russian thistle and other weeds, followed by herbicide treatment.
- Weed control is coordinated with construction sequencing and access routes.

Fire Prevention Measures

- Construction crews have completed fire-prevention coordination with Gilliam County Fire Services.
- Cupertino Electric is planning an **unannounced fire drill** in early July to test site readiness.
- Red-flag procedures are being followed during high-risk periods.

Council Questions & Comments

Council members asked questions regarding:

- Weed management consistency across projects.
- Fire-response readiness, noting the importance of rapid containment during fire season.
- Ensuring clear documentation of construction progress and compliance actions.

Chair Condon and Council thanked Ms. Casler for the thorough report.

- F. Compliance Rulemaking (Action Item)¹⁵** – Thomas Jackman, EFSC Rules Coordinator. Council will consider whether to formally initiate the rulemaking by directing staff to file a Notice of Proposed Rulemaking with the Oregon Secretary of State.

Staff Presentation

Mr. Jackman explained that the rulemaking effort:

- Updates rules that have remained largely unchanged for nearly 20 years.
- Improves clarity and consistency for certificate holders.
- Defines how phased or component-based construction compliance review should be conducted.
- Formalizes corrective action plan options to address compliance issues before escalating to enforcement.
- Clarifies public participation steps when requesting compliance review or inspections.
- Ensures reporting requirements are clearly defined and applicable to all existing and future site certificates unless contradicted by site-specific conditions.

Mr. Jackman noted the Rulemaking Advisory Committee (RAC) met three times and provided thoughtful, constructive feedback incorporated into the draft rules. Council Member Beier participated in the RAC discussions.

Mr. Jackman reminded Council that approving initiation does **not** enact the rules; it simply begins the formal process, including:

- Filing a Notice of Proposed Rulemaking with the Secretary of State.
- Issuing public notice and opening the comment period.
- Scheduling a public hearing (likely in August).
- Bringing final rules back to Council for adoption after reviewing all public comments.

Council Discussion

Council members discussed:

- Benefits of clarifying expectations for developers and the public.
- Efficiency gained by standardizing compliance report formats.
- Improvements in public understanding of compliance processes, including contested case thresholds.
- Value of RAC participation and continued transparency in rulemaking.

Chair Condon emphasized appreciation for the thoroughness of the rulemaking effort and the clarity of staff's presentation.

Motion

Council Member Perry moved that Council:

- Approve initiation of formal rulemaking proceedings;

¹⁵ Audio/Video for Agenda Item F = 03:59:34 – 2026-06-25-EFSC-Meeting-Audio/Video

- Authorize staff to file a Notice of Proposed Rulemaking with the draft rules included in Attachment 1 of the staff report; and
- Authorize staff to schedule a public hearing during the public comment period.

Council Member Grail seconded.

Motion carried unanimously.

G. 2026 Carbon Dioxide Emissions Offset Rate Rulemaking (Action Item)¹⁶ – Thomas Jackman, EFSC Rules Coordinator. Council will consider whether to formally initiate the rulemaking by directing staff to file a Notice of Proposed Rulemaking with the Oregon Secretary of State. The Council's carbon dioxide emissions offset rate may be increased or decreased by no more than 50% every two years.

Mr. Jackman presented the proposed 2026 CO₂ Emissions Offset Rate rulemaking, noting this adjustment is required periodically under statute and ensures Oregon's CO₂ monetary offset rate reflects current market conditions.

Staff Presentation

Mr. Jackman explained:

- The offset rate applies to new fossil-fuel generating facilities and certain non-generating natural-gas facilities.
- Statute allows the Council to adjust the rate by up to 50% every two years.
- Staff recommended increasing the rate from \$6.40 to \$9.60 per ton, the maximum allowable adjustment.
- Market data from regional programs (RGGI, California, Washington) show CO₂ prices substantially higher than Oregon's current rate, supporting the increase.
- The adjustment aligns the rate more closely with market realities while maintaining economic achievability.

Mr. Jackman emphasized the rulemaking initiation does **not** finalize the rate; it begins the formal rulemaking process including:

- Filing a Notice of Proposed Rulemaking.
- Opening a public comment period (anticipated to run through late August).
- Scheduling a public hearing during that period.
- Returning to Council for a final decision following review of comments.

Council Discussion Topics

- The importance of maintaining an offset rate that keeps pace with market data.
- Ensuring the rate is regularly updated to avoid falling behind market conditions.
- The role of the Oregon Climate Trust and its Offset Committee, including Council representation.
- Scenarios where new natural gas-related facilities could trigger offset payments in the future.

¹⁶ Audio/Video for Agenda Item G = 04:45:00 – 2026-06-25-EFSC-Meeting-Audio/Video

Chair Condon noted she participates on the Climate Trust Offset Committee and confirmed that recent Oregon project offsets have been purchased at significantly higher rates than the EFSC CO₂ offset rate.

Motion

Council Member Beier moved that Council:

- Approve initiation of formal proceedings for the 2026 Carbon Dioxide Emissions Offset Rate rulemaking;
- Approve filing of a Notice of Proposed Rulemaking with the draft rules included in Attachment 1 of the staff report; and
- Authorize staff to schedule a public hearing during the public comment period.

Council Member Grail seconded.

Motion carried (Chair Condon recused herself).

H. Boardman to Hemingway Transmission Line Quarterly Construction Update (Information Item)¹⁷ –

Wally Adams, Senior Technical Expert with Haley and Aldrich and Sarah Esterson, Senior Policy Advisor. The project is an approved 300 mile 500 kV transmission line in 5 counties in Oregon.

Mr. Adams presented the quarterly construction noting significant progress across access roads, foundations, structure installation, and environmental compliance activities.

Construction Progress Overview

Mr. Adams summarized the current status:

- Construction began one year earlier and is now in its peak build period.
- Substantial completion (energization) is projected for October 2027.
- Final completion, including reclamation activities, is expected roughly one year later.
- Over 400 personnel are engaged across foundation work, structure assembly, environmental monitoring, and project management.

Current completion estimates (as of June 7):

- Access roads: Over 50% constructed.
- Structure pads: Over 50% complete.
- Foundations: Approximately 40% complete.
- Towers erected: Approximately 25% complete.

Idaho Power representative Joe Stipple attended and was available to answer Council questions.

Environmental Compliance & Monitoring

Monthly inspections are performed by Anderson Perry, evaluating:

- Erosion and sediment control
- Weed management practices
- Cultural resource protection
- Fire response readiness

¹⁷ Audio/Video for Agenda Item H = 03:23:40 – 2026-06-25-EFSC-Meeting-Audio/Video

- Foundation concrete washout practices

Mr. Adams noted:

- A previously identified cultural resource buffer violation (BLM jurisdiction) has been corrected and closed.
- Weed wash station maintenance (compressed air cleaning systems) has been a recurring challenge, especially after wet conditions. Dedicated crews now service wash stations to prevent debris overflow.
- Concrete washout spills have occurred intermittently; crews have been retrained and incidents have decreased, though monitoring continues.

Wildlife & Habitat Management

- Winter range restrictions for elk and mule deer ended with no compliance issues reported.
- Sage-grouse habitat restrictions (with ODFW consultation) remain in effect until June 30; all best-management practices are being followed.
- Approximately 172 active raptor and migratory bird nests are currently flagged along the right-of-way, limiting construction in multiple segments.

Fire Prevention & Recent Incidents

Mr. Adams reported:

- A 400-acre grass fire occurred in Idaho in late May, started by construction equipment striking a rock under windy conditions. The incident is under BLM jurisdiction; a reclamation plan is being developed.
- Idaho Power crews have assisted with multiple local fires not started by the project, including structure protection efforts near Pilot Rock.
- Given high vegetation levels this season, crews are treating all workdays as “red-flag-risk” days.

Mr. Stipple added that BLM considered the project in compliance with its federal plan of development and did not require a formal corrective action review. He emphasized the increasing wildfire risks statewide and Idaho Power’s ongoing coordination with ranchers and responders.

Reclamation Planning

- Reclamation of temporary disturbance areas is expected to begin in August, starting with federally managed land.
- Reclamation Implementation Forms will track pre-construction conditions, post-construction disturbance, and final reclamation actions.
- BLM review and approval of initial reclamation plans is anticipated to take roughly 60 days.

Council Questions & Discussion

Council members asked questions about:

- Weed wash station efficacy under wet soil conditions.
- Safety protocols associated with fire response.
- Nest-related construction restrictions.
- How contractor training is reinforcing proper concrete washout practices.

Chair Condon thanked Mr. Adams for the comprehensive update

- I. **Hearing Officer Reassignments for Future Contested Case Proceedings for the Muddy Creek Energy Park and the Heppner Wind Project (Action Items)**¹⁸ – Sarah Esterson, Senior Policy Advisor. Council considered reassignment of Oregon Office of Administrative Hearings Senior Administrative Law Judges, in accordance with ORS 469.470, as Hearing Officers for contested proceedings associated with the referenced proposed facilities.

Ms. Esterson explained that EFSC must appoint hearing officers for contested case proceedings and requested reassignment of previously appointed Administrative Law Judges (ALJs) from the Oregon Office of Administrative Hearings due to workload balancing.

Staff Recommendation

- ALJ Kate Triana — recommended for reassignment to the Muddy Creek Energy Park contested case.
- ALJ Dove Gutman — recommended for reassignment to the Heppner Wind Project contested case.

Ms. Esterson noted both ALJs were previously appointed by Council for other projects, and reassignment ensures coverage and timely scheduling.

Council Discussion

Council briefly discussed the reassignment process.

- Council Member Perry confirmed support for realigning hearing officer workloads.
- No concerns were raised regarding qualifications or reassignment.

Motion 1:

Council Member Perry moved to assign ALJ Kate Triana as hearing officer for the Muddy Creek Energy Park contested case.

Council Member Grail seconded.

Motion carried.

Motion 2:

Council Member Beier moved to assign ALJ Dove Gutman as hearing officer for the Heppner Wind Project contested case.

Council Member Grail seconded.

Motion carried.

Chair Condon adjourned the meeting at **2:14 PM**

¹⁸ Audio/Video for Agenda Item I = 05:06:16 – 2026-06-25-EFSC-Meeting-Audio/Video