



Oregon

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To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: July 10, 2026

Subject: Agenda Item B (Public Hearing):
Wheatridge Renewable Energy Facility East Request for Amendment 2 – Public
Hearing on Proposed Order for the June 26, 2026 EFSC Meeting

Attachments: Attachment 1: Proposed Order on Amendment 2
Attachment 2: Placeholder (comments on the Proposed Order, if received)

SUMMARY

On July 2, 2026, the Oregon Department of Energy (Department) issued a Proposed Order on Request for Amendment 2 of the Wheatridge Renewable Energy Facility East Site Certificate (RFA2). The Proposed Order recommends the facility, with the changes proposed in RFA2, complies with all required standards and should be approved by the Energy Facility Siting Council (Council), subject to existing and recommended amended site certificate conditions.

On the same date, the Department issued a Public Notice of the Proposed Order and Complete Request for Amendment as required by OAR 345-027-0365 and -0367. The Public Notice of the Proposed Order initiated a public comment period on RFA2 and the Proposed Order and established an opportunity to provide written and verbal comments at the July 26, 2026 public hearing, starting at 8:50 a.m. Written comments may also be submitted to the Department through the close of the public comment period, July 31, 2026, at 5:00 p.m.

EXISTING FACILITY DESCRIPTION

Wheatridge Renewable Energy Facility East (facility) is an operational 200-megawatt (MW) wind power generation facility, with related or supporting facilities, located within a 78,985 acre site boundary in Morrow County. The site is located approximately 6 miles northeast of Heppner.

PROPOSED FACILITY MODIFICATIONS

RFA2 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.
 - Wheatridge Renewable Energy Facility East Site Certificate would include the operational 200 MW wind power generation facility located within a 67,367 acre site boundary.

- Wheatridge Renewable Energy Facility Northeast Site Certificate would include the remaining approved, unbuilt 100 MWs of wind power generation (37 wind turbines) located within a 14,722 acre site boundary.
- 2. Extend the construction completion deadline for Wheatridge Renewable Energy Facility East (WRENE) by three years from May 24, 2026 to May 24, 2029.
- 3. Amend site certificate conditions to be consistent with the site certificate split.

PROCEDURAL STEPS

The procedural steps for this site certificate amendment request initiated on March 11, 2026. The timeline and description of procedural steps are presented below.

March 11, 2026: Certificate holder submitted preliminary Request for Amendment 2 (pRFA2).

March 25, 2026: The Department issued Public Notice that pRFA2 had been received as required by OAR 345-027-0360(2).

April 23, 2026: Department notified the certificate holder that pRFA2 was incomplete and issued requests for additional information (RAIs) needed to recommend findings and conditions on applicable standards to the Council.

June 2, 2026: Department informed the certificate holder that it had completed its review of the RAI responses and notified the certificate holder that pRFA2, with RAI responses, was complete.

June 3, 2026: Certificate holder filed a complete RFA2.

July 3, 2026: Department issued the Proposed Order on Request for Amendment 2 (Proposed Order on RFA2) and Public Notice of the Proposed Order on RFA2 and Complete RFA2.

July 3 - July 31, 2026: Department is accepting comments on RFA2 and the Proposed Order on RFA2.

July 26, 2026: The Council will conduct a public hearing on RFA2 and the Proposed Order on RFA2, with opportunities for remote or in-person participation. The hearing will be held at the Oregon Department of Energy – Meitner Room in Salem, Oregon and also via TEAMS.

July 31, 2026, 5:00 p.m.: Deadline for which all comments on RFA2 and Proposed Order on RFA2 must be received by the Department.

August 5, 2026, 5:00 p.m.:* Deadline for the certificate holder and the Department to provide responses to comments, if received.

August 14, 2026, 5:00 p.m.: * Deadline for commenters to provide replies to responses provided by the certificate holder and the Department.

August 19, 2026, 5:00 p.m.:* Deadline for the certificate holder and the Department to provide sur-replies to commenters, as applicable.

By September 9, 2026: Department will issue a Notice of draft Final Order and draft Final Order.

September 18, 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.

*If no comments are received between July 3 – July 31, 2026, these dates will not apply.

SCOPE OF COUNCIL REVIEW

OAR 345-027-0375(2)(b) provides that an amendment, which seeks a timeline extension, must be evaluated "after considering any changes in facts or law since the date the current site certificate was executed." The Council interprets OAR 345-027-0375(2)(b) as requiring the review of changes to the existing environment, baseline information and changes in law.

The request to extend the construction completion deadline does not apply to the operating facility to be governed by the amended WREFE Site Certificate. Proposed changes to the operating facility are limited to an administrative split and update of the facility description. Therefore, the Department recommends that the Council find that changes in fact or law are not relevant and not necessary to be evaluated for the portions of the operational facility to be covered under the amended WREFE Site Certificate.

DEPARTMENT EVALUATION OF RFA2 AND SUMMARY OF PROPOSED ORDER

As presented in the Proposed Order, the Department recommends that Council find that the changes proposed in RFA2 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. 26-28)
- Soil Protection OAR 345-022-0022 (Section III.D., pg. 28-29)
- Land Use OAR 345-022-0030 (Section III.E., pg. 29-34)
- Protected Areas OAR 345-022-0040 (Section III.F., pg. 34-38)
- Threatened and Endangered Species OAR 345-024-0070 (Section III.I., pg. 46-48)
- Scenic Resources OAR 342-022-0080 (Section III.J., pg. 48-50)
- Historic, Cultural and Archaeological Resources OAR 345-022-0090 (Section III.K., pg. 50-52)
- Recreation OAR 345-022-0100 (Section III.L., pg. 52-54)
- Wildfire Prevention and Risk Mitigation OAR 345-022-0115 (Section III.N., pg. 64-73)
- Waste Minimization OAR 345-022-0120 (Section III.O., pg. 73-74)
- Public Health and Safety Standards for Wind Energy Facilities OAR 345-0254-0010 (Section III.P., pg. 74-76)
- Cumulative Effects Standard for Wind Energy Facilities OAR 345-024-0015 (Section III.Q., pg. 76-78)
- Siting Standards for Transmission Lines OAR 345-024-0090 (Section III.P., pg. 78-79)
- Noise Control Regulation OAR 340-035-0035 (Section IV.A., pg. 79-82)

The Proposed Order recommends the Council find that with existing, amended and/or deleted conditions, the facility, with proposed construction completion deadline extension, will continue to comply with the following standards:

GENERAL STANDARD OF REVIEW: OAR 345-022-0000 (Section III.A., pg. 18-22)

The Department recommends Council amend the following conditions:

- Amend General Standard Condition 2 (GEN-GS-02) (completion deadline) to reflect the extension of the construction completion deadline for the unbuilt portions of the previously approved facility (referred to in the order as Wheatridge Renewable Energy Facility Northeast) from May 24, 2026 to May 24, 2029.

ORGANIZATIONAL EXPERTISE: OAR 345-022-0010 (Section III.B., pg. 21-26)

The Department recommends Council make the following new findings of fact:

- Proposed new certificate holder is Wheatridge Northeast Wind, LLC, a project-specific LLC wholly owned by NextEra Energy Resources, LLC (parent company).
- Wheatridge Northeast Wind, LLC relies upon the organizational expertise and experience of its parent company to meet the standard.
- Vice President of NEER affirmed that, "Wheatridge Northeast Wind, LLC, will have access to sufficient resources and expertise to construct, own, operate, and maintain the Facility, which resources and expertise may be obtained as services provided by NextEra Energy Resources, LLC."
- NEER's Oregon subsidiaries (certificate holders) have received two recorded citations within the last three years.

Based on the above recommended findings of fact, the Department recommends that Council amend Organizational Expertise Condition 6 (GEN-OE-02) to require that incidents and potential site certificate violations not only be reported, but that they be reported with an evaluation of the root cause of the issue and any corrective actions and that, depending on the severity of the issue and adequacy of the corrective action, that Council be authorized to adjust the contingency applied to the facility decommissioning estimate, in the event it is no longer adequate for site restoration given compliance issues.

RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050 (Section III.G., pg. 38-42)

The Department recommends Council make the following new findings of fact:

- Based on the methods and justification provided, updated decommissioning cost estimate for Wheatridge Renewable Energy Facility of \$11.3 million, in first quarter 2026 dollars, is satisfactory to restore the site to a useful, non-hazardous condition.
- New certificate holder demonstrates a likely ability to obtain a bond or letter of credit in the above reference amount based on a February 2, 2026 financial assurance letter from Travelers Casualty and Surety Company of America and its affiliates (Travelers) stating Wheatridge Northeast Wind, LLC is qualified to perform for the project, and it would be favorable to providing the bond with an estimated value of approximately \$10,000,000.

FISH AND WILDLIFE HABITAT: OAR 345-022-0060 (Section III.H., pg. 54-62)

The Department recommends Council make the following new findings of fact:

- Permanent habitat impacts within the amended site boundary for Wheatridge Renewable Energy Facility East include 11.1, 0.8, and 5.7 acres of Category 2, 3 and 4.
- A draft Habitat Mitigation Plan is provided in Attachment B of the Order and presents a mitigation obligation of 80 acres based on a 2:1 acreage ratio for Category 2 impacts; and, 1:1 acreage ratio for Category 3 and 4 impacts.
- Certificate holder indicates they have an executed conservation easement covering the habitat mitigation area.
- The draft Habitat Mitigation Plan (HMP) also includes proposed enhancement actions that include restricted grazing practices; weed control; seeding/planning of native species and fire response planning.
- The Department recommends Council amend the draft HMP to include parameters for plan finalization.

PUBLIC SERVICES: OAR 345-022-0010 (Section III.M., pg. 54-64)

The Department recommends Council impose the following new conditions:

- Public Services Condition 24 (GEN-PS-04) requiring identification of water quantity and source and demonstration of legal ability to obtain quantity from the source during construction.

The Department recommends Council amend and delete previously imposed conditions that contained duplicate requirements now covered by the Wildfire Mitigation Plans (WMPs) discussed below (deleted condition include Public Services Condition 18 and 20).

PUBLIC COMMENT PERIOD AND NEXT STEPS

The Department has not yet received any comments on RFA2 or the Proposed Order. Any comments received in advance of the hearing will be provided via email to Council and made available through the Department's comment portal.