Oregon
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To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: November 6, 2026

Subject: Agenda Item F (Potential Action Item): Wheatridge Renewable Energy Facility East, Request for Amendment 2 – Review of the Draft Final Order and Possible Final Decision for the November 19-20, 2026 EFSC Meeting

Attachments: Attachment 1: Draft Final Order (to be provided in Supplemental Council packet materials)

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 Second Amended Wheatridge Renewable Energy Facility East Site Certificate and new site certificate for Wheatridge Renewable Energy Facility Northeast, subject to compliance with the existing and recommended amended site certificate conditions described in the Draft Final Order, to be provided in Attachment 1 to this Staff Report.

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 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 accepted comments on RFA2 and the Proposed Order on RFA2.

July 26, 2026: The Council conducted a public hearing on RFA2 and the Proposed Order on RFA2, with opportunities for remote or in-person participation. The hearing was 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 have been 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.

September 14, 2026, 5:00 p.m.: Extended deadline for the certificate holder and the Department to provide sur-replies to commenters, as approved by Council Chair on August 19, 2026.

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

November 20, 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.

Scope of Council Review

Under OAR 345-027-0375(2)(a), to issue an amended site certificate the Council must determine that the preponderance of evidence on the record supports the conclusion that the facility, as amended, complies with all applicable laws and Council standards.

Department Evaluation of Comments on RFA2 and Proposed Order on RFA2

In the Proposed Order, the Department recommends that the facility, with the changes proposed in RFA2, complies with all required standards and should be approved by the Council, subject to new and recommended amended site certificate conditions.

Four individuals provided comments on the record of the Proposed Order. Their comments, responses, replies and sur-replies provided on the record of the Proposed Order are evaluated below.

Issue GS-01 (Gilbert): Deadline Extension is not consistent with OAR 345-027-0385(5)

Comment Summary

Ms. Gilbert cited OAR 345-027-0385(5) and argued that the rule limits a new construction deadline to no more than two years beyond the deadline previously in effect. She therefore contended that the requested three-year extension was not authorized.

Department Evaluation

The rule citation referenced by Ms. Gilbert no longer exists. The rules were amended in October 2025. OAR 345-027-0385(3) applies and establishes that, if Council grants a site certificate amendment to extend the construction deadline(s), the new deadline(s) can be no more than three years from the deadlines in effect. The Proposed Order recommended that the current construction completion deadline be extended by three years, from May 24, 2026 to May 24, 2029. The Department considers this issue to be resolved.

Issue GS-02 (Gilbert): Objects to continued reliance on older wildlife surveys and other information prepared many years before construction.

Comment Summary

Ms. Gilbert expressed concern that developers could retain approved project areas for many years while wildlife surveys and other underlying information became outdated.

Department Evaluation

RFA2 Section 7.1.9 and the Proposed Order Section III.H Fish and Wildlife Habitat both describe that the entirety of the site boundary was surveyed in 2024 for wildlife habitat and species. There are also preconstruction conditions that would apply to the portion of the site boundary to be included in the new Wheatridge Renewable Energy Facility Northeast Site Certificate that require new wildlife habitat and species surveys, based on final design and current conditions (Condition PRE-FW-01). In its response to comments, the Department requested that Ms. Gilbert clarify which surveys or data is outdated and/or explain why the updated survey

information required under Condition PRE-FW-01 is inadequate. Ms. Gilbert did not provide a reply to the Department's response. The Department considers this issue to be resolved.

Issue GS-03 (King): Notice included a map of the site boundaries and proposed certificate split but did not include a legend explaining the map's colors. Ms. King requested a clearer graphic distinguishing existing turbines, proposed turbines, and the areas assigned to each certificate.

Comment Summary
Ms. King commented that the notice mailed to her family included a map of the site boundaries but did not include a legend explaining the map's colors. She found it difficult to determine which portions of the project belonged to each proposed certificate and where existing or future turbines might be located. Ms. King requested a clearer graphic distinguishing existing turbines, proposed turbines, and the areas assigned to each certificate.

Department Evaluation
The map included in the Public Notice issued on July 2 was obtained from RFA2. RFA2 Figure 1 includes the map with the legend. RFA2 Figure 1 and the Public Notice are available on the Department's project webpage, where all of the materials include a clear legend.

ODOE staff corresponded with Ms. King via email on July 26 and 28 to further evaluate the issue of the map included in the Notice she received. Ms. King demonstrated that the map printed in portrait rather than landscape, cutting off the legend. This was an inadvertent issue with ODOE's printer settings. The Department emailed Ms. King electronic copies of the figures referenced above and helped guide her through the layers in the Department's publicly available mapping tool to support her understanding of the splitting of the site boundaries. The Department considers this comment to be addressed.

Issue GS-04 (King): Requested that no additional turbines be placed on Gleason Butte.

Comment Summary
Ms. King requested that turbines not be allowed to be sited on Gleason Butte. She also acknowledged that she previously requested review of this issue through a request for contested case on Wheatridge Renewable Energy Facility East RFA1, which was denied.

Department Evaluation
RFA2 does not include any changes to the wind turbines or siting of the wind turbines. Ms. King has not provided any new facts or arguments that would change the Council's previous evaluation of potential visual impacts from wind turbines at Gleason Butte. Without new facts or arguments provided by Ms. King, the Department does not recommend any changes be made to the Order.

Issue GS-05 (Poole): Maps and materials are inadequate to allow the public to understand what a project will look, what the coverage will really be and proximately to nearby geographic features.

Comment Summary
Mr. Poole echoed Ms. King's comments on maps. He stated that the public should not have to struggle to understand maps and materials for projects that could permanently affect property

and regional landscapes. Mr. Poole clarified that he was not specifically opposing the Wheat Ridge amendment but was concerned that inadequate graphics make it difficult for the public and the Council to understand a project's geographic extent and impacts.

Department Evaluation
The Department will continue to review maps included in Public Notices to ensure that there are no print issues with legends and visibility of features. The Department considers this comment to be resolved.

Issue OE-01 (Healy): Requests that ODOE evaluate the current certificate holder's compliance with requirements applicable to restoration/reseeding, weed control, water runoff and erosion prior to approval of RFA2.

Comment Summary
Mr. Healy commented that current conditions at Wheatridge Renewable Energy Facility East site related to restoration, reseeding, weed control, water erosion and water runoff are not in compliance with site certificate conditions. He requested that ODOE postpone its review of RFA2 until the issues at the existing site are evaluated and resolved.

Department Evaluation
Mr. Healy's comments did not include any information beyond the allegation of potential non-compliance. In response to comments, the Department requested that Mr. Healy provide additional information to support his allegations of non-compliance, such as photos documenting the issue with some level of geographic reference (turbine number, street name), dates photos or issues were observed and/or documented, and the conditions or mitigation plans believed to be at issue.[1] Mr. Healy provided a reply, including dates and pictures of flooding, erosion, bare ground areas/unvegetated and noxious weeds within the facility site boundary.

The certificate holder provided sur-reply and acknowledged that there were valid concerns with stormwater ponding and drainage near Mr. Healy's haystack yard. Certificate Holder committed to additional measures to improve drainage performance and long-term maintainability. Specifically, measures offered by the Certificate Holder include:

- Continued evaluation of drainage features, including water-control structures and culvert performance;
- Additional grading of D Road;
- Installation of water bars on D Road in the appropriate direction to shed water off the slope to mitigate upslope water from reaching Mr. Healy's haystack yard. This measure requires additional negotiation and approval from another landowner.
- Repair and improve the water bars on Mr. Healy's access road to control any water that is delivered from the project upslope that would otherwise reach Mr. Healy's haystack yard.

[1] Mr. Healy submitted a Request for Inspection pursuant to OAR 345-026-0050(2) to the Department on August 3, 2026. The Department is simultaneously evaluating this issue through the site certificate amendment process and the Compliance Program.

- Contracting with their road maintenance contractor, Cory Miller, to work with Mr. Healy to provide rock at the haystack yard to return it to a usable and safe gravel surface.

As a result of this issue raised in the amendment process and through the Council's Request for Inspection process, the Department conducted three onsite inspections at the site (on September 2, September 10 and October 14, 2026) and reviewed 2025-26 erosion inspection and maintenance records, revegetation records and noxious weed treatment logs. Based on the onsite inspections and records review, on November 6, 2026, the Department determined that the certificate holder is not in compliance with three Condition OPR-SP-01 (erosion/maintenance), PRE-FW-05 and OPR-LU-02 (revegetation). The Department has requested a response/corrective action plan by November 16, 2026.

The Department will evaluate the corrective action plan for adequacy in addressing the environmental issues identified by Mr. Healy. The intent of this evaluation is to 1) ensure that the certificate holder is currently in compliance with its site certificate prior to approving a site certificate amendment through the proceeding on RFA2 and 2) applying lessons learned from the compliance issues to change and strengthen the applicable conditions and mitigation plans that will apply under the proposed new site certificate (Wheatridge Renewable Energy Facility Northeast) to limit future, similar issues. These changes will be included in the draft Final Order.