

# Oregon Department of **ENERGY**

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## Energy Facility Siting Council Meeting

ODOE Offices  
550 Capitol St. NE  
Salem, Oregon

June 26, 2026



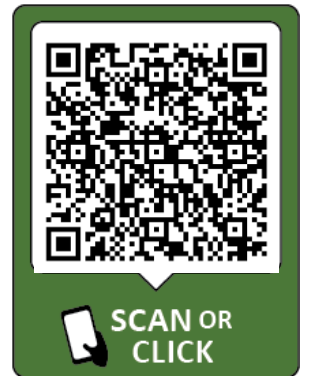
## Opening Items:

- Call to Order
- Roll Call
- Announcements

# Announcements

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- Reminder to Council and anyone addressing the Council:
  - State your full name clearly at the start of your comment or question
  - Do not use the speakerphone feature, as it will create feedback
- You may sign up for email notices by clicking the link on the agenda or the Council webpage
- You can access the online mapping tool and any documents by visiting our website



# Announcements Continued

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- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press \*3 to raise your hand if you are participating by telephone.
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.

# Agenda Item A

Action Item & Information Item

## Consent Calendar

- May 15, 2026 Council Meeting Minutes
- Council Secretary Report

Todd Cornett, Secretary

June 26, 2026

# Compliance-Incident Updates

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| Facility               | Incident                                          | Status                                                                                                                           |
|------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Stateline Wind Project | Blade Fall                                        | Open – Request for root cause analysis report. Sheared bolts on the blade collar, not the studs which attach the blade directly. |
| Stateline Wind Project | Fallen Blade Bolts (Six incidents since February) | Open – Pending Report                                                                                                            |

# Incident Update: Stateline Fallen Blade

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**Damaged blade on the ground**

# Incident Update: Stateline Fallen Blade

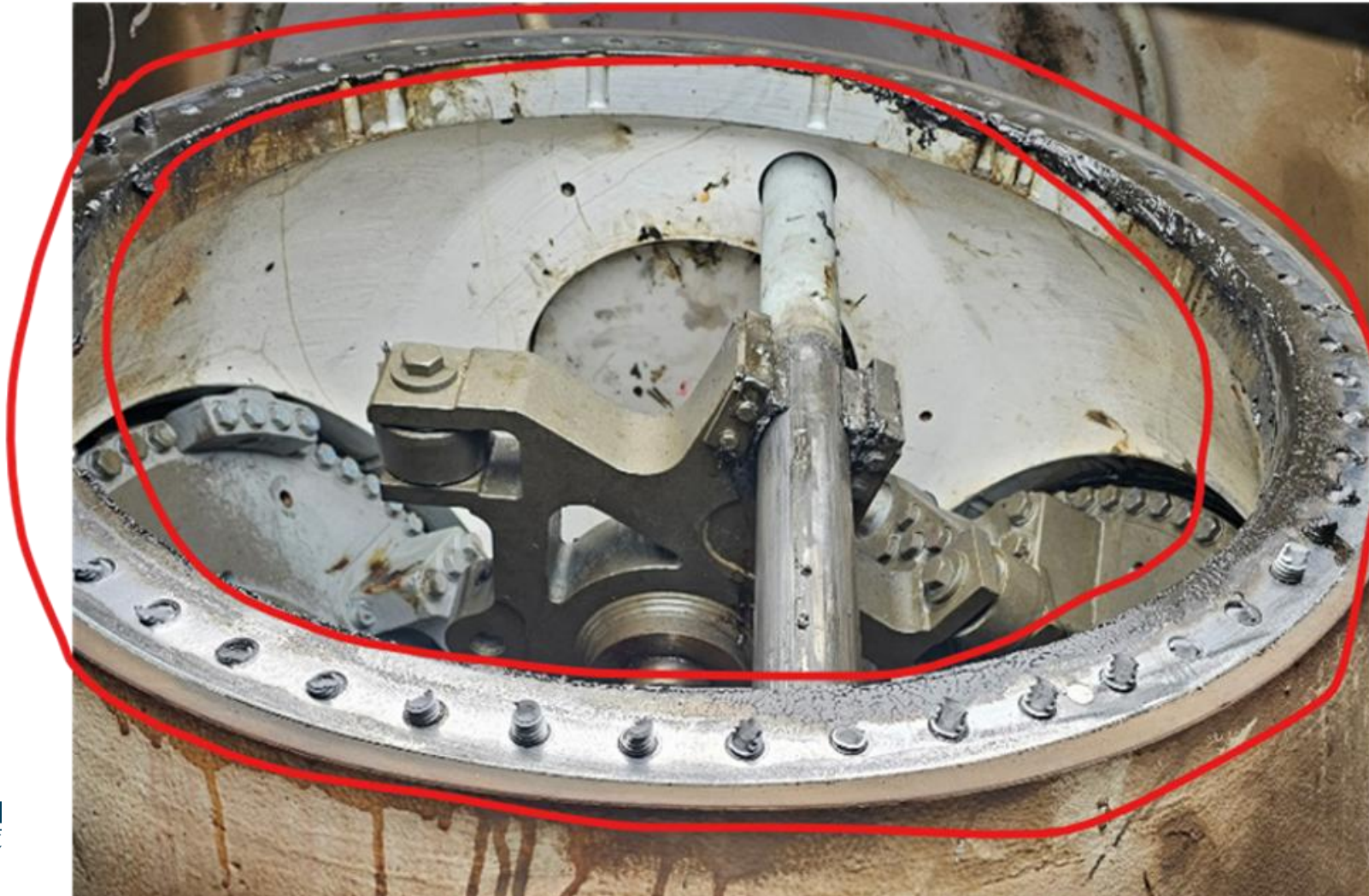
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**Blade Collar with  
blade attached**

# Incident Update: Stateline Fallen Blade

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**Blade Collar  
(tower side) with  
sheared bolts**

# Incident Update: Stateline Fallen Blade

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**Dent caused by the  
blade striking the  
tower**

# Compliance-Incident Updates

| Facility                                | Incident                                        | Status                                                                                                                               |
|-----------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Wheatridge Renewable Energy Facility I  | Broken Blade Bolt (Single incident)             | Open – Pending Report due to relatedness to other broken blade bolts                                                                 |
| Wheatridge Renewable Energy Facility II | Broken Blade Bolt (Three incidents since March) | Open – Pending Report due to relatedness to other broken blade bolts                                                                 |
| Pachwaywit Fields Solar Facility        | Fire inside fenceline                           | Open – No equipment damage other than MC4 electrical connector. 2 acres of vegetation burned. Same cause as prior fires at facility. |
| Klondike III Wind Project               | Transformer Oil Spill                           | Closed                                                                                                                               |

# Wildlife Memos

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- Provision of annual wildlife monitoring results to public
  - Six sites have requirement in their Wildlife Monitoring and Mitigation Plans:
    - Biglow Canyon Wind Farm
    - Stateline Wind Project
    - Pachwáywit Fields Solar Facility
    - Montague Wind Power Facility
    - Leaning Juniper IIA Wind Power Facility
    - Klondike III Wind Project
  - Staff memos with results available on Department website
  - 30 days for public comment: June 12 to July 12, 2026

# Agenda Item B

Information Item

## **Executive Order 25-29 Reducing Greenhouse Gas Emissions and Advancing Oregon's Clean Energy Future Oregon Department of Energy Draft Reports**

Todd Cornett, Assistant Director for Siting  
Joni Sliger, Senior Clean Electricity Markets Analyst

June 26, 2026

# Agenda Item Overview

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- Overview of Executive Order 25-29
- ODOE Streamlining Report
- ODOE Reduce Barriers Report
- Public Comment Period
- Council Deliberation and Comments

# Executive Order 25-29 Overview

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- Prioritize Implementation of the Oregon Energy Strategy Pathways published by ODOE in November 2025.
- Agencies are directed to develop and implement a coordinated, proactive, approach to streamline land use and environmental reviews, siting and permitting, and interconnection processes.

# Executive Order 25-29

## Agency Directives

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1. ODOE – Report on Siting and Permitting Large-Scale Electricity Infrastructure (Sept. 1, 2026)
2. ODOE – Report on Reducing Barriers to Clean Energy Deployment (Sept. 1, 2026)
3. DLCD – Report on Opportunities and Barriers to Clean Energy Development (July 1, 2026)
4. PUC/ODOE – Review progress toward achieving HB 2021's clean energy targets
5. ODOE/PUC – Framework for strategic transmission siting
6. Goal to establish 8 GW of energy storage capacity in Oregon by 2045

# ODOE Reports – Public Input

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- February – March 2026 – Joint public comment period with listening sessions
- Comment Period associated with this agenda item
- June 29, 2026, at 4:30 p.m. – Joint listening session
- June 1 – July 2, 2026, at 5:00 p.m. – Comment period for *Draft Report on Reducing Barriers to Clean Energy Deployment*  
Portal: <https://odoe.powerappsportals.us/en-US/EO-Public-Comment/>
- June 12 – July 24, 2026, at 5:00 p.m. – Comment period for *Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure*  
Portal: <https://odoe.powerappsportals.us/en-US/siting-eo25-29/>

# EO 25-29 I(2)(c)

## “Streamline Clean Energy Siting”

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- Directs ODOE to:
  - “evaluate existing authorities, rules, and practices to identify opportunities to streamline or increase the efficiency of siting and permitting processes...”
  - “Where opportunities are found to exist, ... recommend actions”
- In brief, the *Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure* evaluates EFSC’s processes for opportunities for increased efficiency.

# Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure

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## Report Organization

- Siting Program Overview
- Renewable Energy Projects
- Transmission Line Projects
- Siting Program Streamlining Efforts
- Energy Facility Siting Council Statement

### *Draft Report on Siting and Permitting Large-Scale Electricity Infrastructure*



**DRAFT**  
*for Public Comment*

by the  
**OREGON  
DEPARTMENT OF  
ENERGY**

June 12, 2026



# Siting Program Overview

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- Decision Making Authority – Energy Facility Siting Council
- Standards Based Review
  - 16 standards applicable to all facilities
  - Wind specific standards
  - Transmission specific standards
  - Need standards for transmission and pipelines

# Siting Program Overview

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- Participation by Other Agencies/Consolidated Review
  - Natural resource state agencies
  - Local governments
  - Tribal governments
  - 4 notices/memos with opportunities to review and comment
  - Continuing compliance
- Participation by the Public
  - 5 Notices
  - 2 Opportunities to comment
  - Two public information meetings in vicinity of project
  - One public hearing in vicinity of project
  - Opportunity to participate in contested case step

# Siting Program Overview

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- Appeal Path – Directly to Oregon Supreme Court with six-month mandatory timeline
- Funding – fully fee funded
- Siting Program Review Steps
  - Notice of Intent
  - Application
  - Draft Proposed Order
  - Proposed Order
  - Contested Case
  - Final Order

# Siting Program Overview

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- Compliance
  - Pre-construction
  - Construction
  - Operation
  - Decommissioning
- Rulemaking
  - Procedural rules
  - Substantive rules
  - Annual schedule

# Renewable Energy Projects

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## Notable Project Numbers

- 13,275 MW – Total amount of electrical production of active EFSC jurisdictional projects
- 7,967 MW – Total amount of storage capacity of battery energy storage components associated with active EFSC jurisdictional projects. Note the EO 25-29 goal of deploying 8,000 MW of energy storage capacity in Oregon by 2045.
- 9,363 MW – Total amount of electrical production of EFSC jurisdictional projects that either terminated their site certificates without constructing, or withdrew prior to a final decision

# Renewable Energy Projects

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## Notable Project Timelines

- 375 days – Average time to submit preliminary application after submitting Notice of Intent
- 303 days – Average time to determine application complete
- 427 days – Average to complete contested case step when there are parties
- 187 days – Average time from complete application to final order without a full contested case
- 795 days – Average time from complete application to final order with a full contested case
- 3.5 years – Average time for projects to begin construction after approval, for those that begin construction (See Appendix 1)

# Transmission Line Projects

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- 6 – Number of transmission line projects submitted to EFSC
  - 2 approved (1 operational & 1 under construction)
  - 2 withdrawn
  - 2 under review
- Need standard
  - Least cost plan rule
  - System reliability rule
- Notable issues
  - Multiple counties and zoning designations
  - Numerous resource impacts
  - Multiple reviewing authorities
  - Road construction
  - Eminent domain

# Past and Current Streamlining Efforts

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- Governor
  - Executive Orders
  - Reports
- Legislative
  - Statutory Changes
  - Reports
  - Working Groups/Committees
- Siting Division
  - Rulemaking
  - Process Improvement
  - Program Evaluations

# EO 25-29 Streamlining Efforts

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- Contested Case Step Review
- Artificial Intelligence
- Streamlining Information Requirements
- Modernization of Staff Organizational Structure
- Meaningful Engagement on Focused Issues
- Oregon Energy Strategy Policy Actions
- ODOE's 2026-2029 Strategic Plan

# EO 25-29 I(2)(a) – “Reduce Barriers to Clean Energy Deployment”

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- Directs ODOE to
  - “inventory, assess, and analyze barriers to the permitting, construction and interconnection of clean energy projects and associated infrastructure”
  - “recommend actions to overcome those barriers ...”
- Implements Oregon Energy Strategy [Electricity Action 5](#)
- In brief, the *Draft Report on Reducing Barriers to Clean Energy Deployment* evaluates clean energy deployment after the EFSC process (or county process).

# Draft Report on Reducing Barriers to Clean Energy Deployment

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- Evaluates clean energy deployment after the EFSC process (or county process)
  - Focus on wind, solar, battery facilities over 20 megawatts
- Identifies barriers to permitting, construction, interconnection
- Recommends actions to overcome barriers

## Draft Report on Reducing Barriers to Clean Energy Deployment



**DRAFT**  
for Public Comment



by the  
**OREGON  
DEPARTMENT OF  
ENERGY**

June 2026

# Initial Inventory of Barriers

| Barrier                                        | Permitting | Construction | Interconnection |
|------------------------------------------------|------------|--------------|-----------------|
| Cost                                           | Yes        | Yes          | Yes             |
| Unexpected delays                              | Yes        | Yes          | Yes             |
| Limited cross-jurisdictional coordination      | Yes        | -            | Yes             |
| Limited availability of equipment and supplies | -          | Yes          | Yes             |
| Limited staffing capacity                      | Yes        | -            | -               |
| Unmet workforce needs                          | -          | Yes          | -               |
| Limited grid capacity                          | -          | -            | Yes             |

# Recommendations

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## Draft report

- Highlights relevant policy actions from Oregon Energy Strategy (such as [Cross-Cutting Action 8](#), Federal support and advocacy)
- Proposes four additional recommendations

# Additional Recommendations

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- Encourage interconnection applicants to voluntarily report plans to withdraw from any generator interconnection process before withdrawing. This would offer an opportunity for other interested persons to pay to avoid the withdrawal when that is preferred to facing potential delays due to a withdrawal.
- Convene an annual or semi-annual forum to discuss and evaluate opportunities to improve alignment across different processes, including permitting, interconnection, and construction. Issue a forum report summarizing potential concerns and any recommended near-term actions that were identified at the event.

# Additional Recommendations – Cont'd.

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- Analyze new day-ahead market operations data to inform potential mechanisms for the state to support the prioritization and funding of different interconnection costs.
- Undertake similar investigations into the barriers affecting the deployment of clean energy facilities in Oregon under 20 MW in size, including rooftop solar and behind-the meter storage resources, and into the barriers affecting the continued operations of existing small-scale energy resources, including small-scale hydroelectric and biomass facilities.

# EO 25-29 ODOE Draft Reports Public Comment

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## **Time Limit**

- 3 Minutes per commentor

## **Please State**

- Name – with Spelling
- Affiliation

# How to Raise Your Hand in Webex

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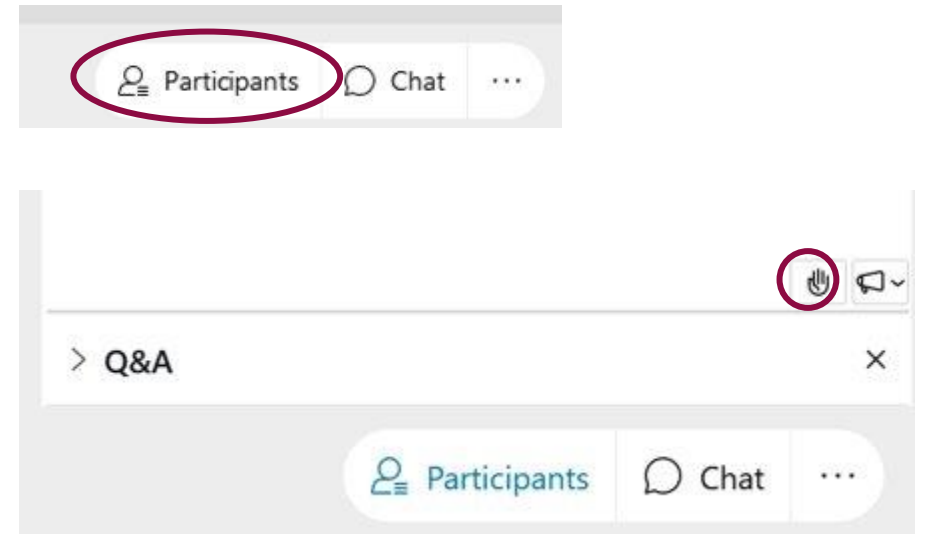
## Phone Participants

- Press \*3 on your telephone keypad to raise your hand
- Press \*3 again on your telephone keypad to lower your hand

## Webinar Participants

The bottom right of the main window is a set of icons:

- Click on “Participants”
- Click on the hand
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# Council Deliberation, Comments & Potential Statement

# Break

# Agenda Item C

Transfer Hearing and Possible Action Item

## **Sunstone Solar Project Request for Amendment 1 Hearing on Request to Transfer Site Certificate**

Sarah Esterson, Senior Policy Advisor

June 26, 2026

# Background

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|                                  |                                                       |
|----------------------------------|-------------------------------------------------------|
| <b>Facility:</b>                 | Sunstone Solar Project                                |
| <b>Type:</b>                     | 1,200 MW solar photovoltaic power generation facility |
| <b>Site size:</b>                | 10,960 acres (17.1 sq. miles)                         |
| <b>Location:</b>                 | Morrow County                                         |
| <b>Site Certificate History:</b> | Approved Nov 18, 2024                                 |

# Ownership Details

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## **Existing Certificate Holder**

Sunstone Solar, LLC (subsidiary of Pine Gate Renewables)

## **Proposed New Certificate Holder**

Oregon Solar 1, LLC (subsidiary of Amazon.com, Inc)

# Proposed New Owner's Ability to Meet Organizational Expertise Std.

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## **Recommended findings of fact:**

- Experience of 300+ utility scale wind/solar projects
- Extensive data center and energy infrastructure experience
- Parent company letter assuring access to expertise and financial resources
- Demonstrated responsiveness to compliance issues with DEQ

# Proposed New Owner's Ability to Meet Retirement and Financial Assurance Std.

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## Recommended findings of fact:

- Commitment to submit a bond/LOC matching the approved decommissioning amount
- Deutsche Bank letter of support
- Legal counsel opinion confirming lawful authority

# Department Recommendations

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## **New owner**

- Meets OAR 345-022-0010 (Organizational Expertise)
- Meets OAR 345-022-0050 (Retirement & Financial Assurance)
- Satisfies OAR 345-027-0400(8)(b) (Possession/Control)
- Transfer does not impact compliance with standards

# Public Hearing on Request to Transfer

# How to Raise Your Hand in Webex

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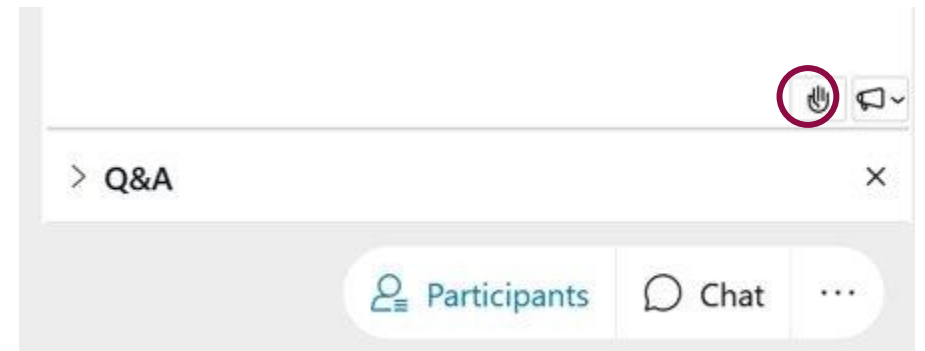
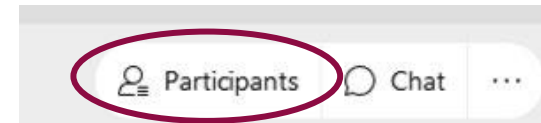
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# Council Options

## Option 1 Recommended

Approve the  
transfer  
request as  
recommended

## Option 2

Approve the  
transfer  
request with  
changes

## Option 3

Deny the  
transfer  
request



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# Council Deliberation

# Agenda Item D

## Public Comment

### Items Closed for Public Comment

- Muddy Creek Energy Park preliminary Application for Site Certificate
- Deschutes Solar and Battery Energy Storage System preliminary Application for Site Certificate

**Time Limit** - 7 Minutes per commentor

# How to Raise Your Hand in Webex

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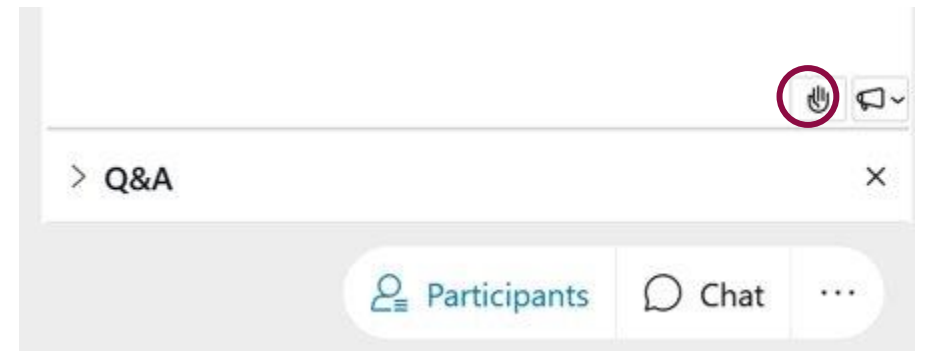
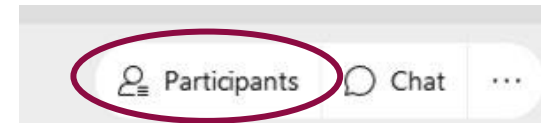
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# Agenda Item E

Information Item

## Oregon Trail Solar Facility Construction Update

Sarah Esterson, Senior Policy Advisor

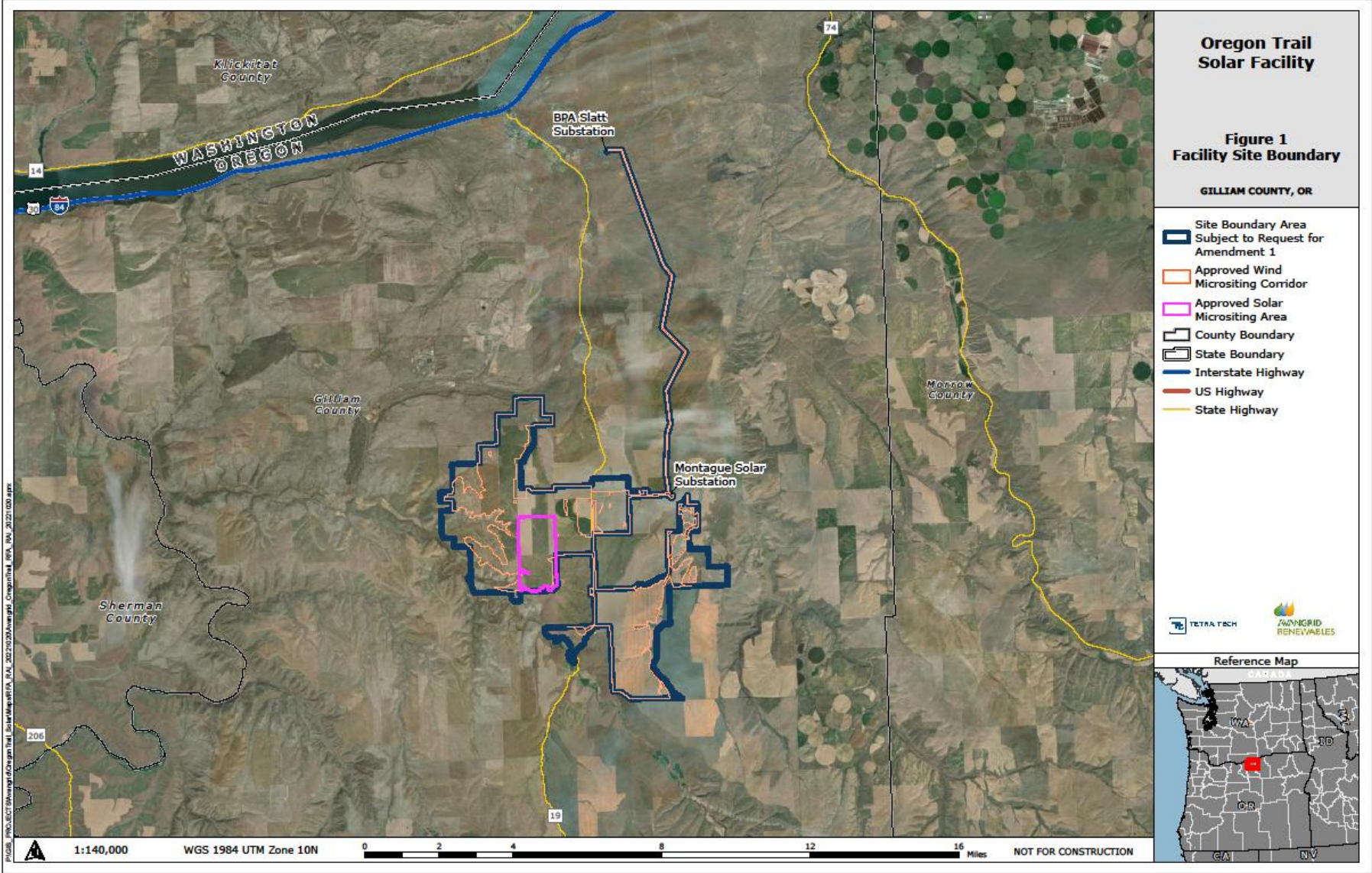
Jennifer Casler, Senior Client Leader, Haley and Aldrich

June 26, 2026

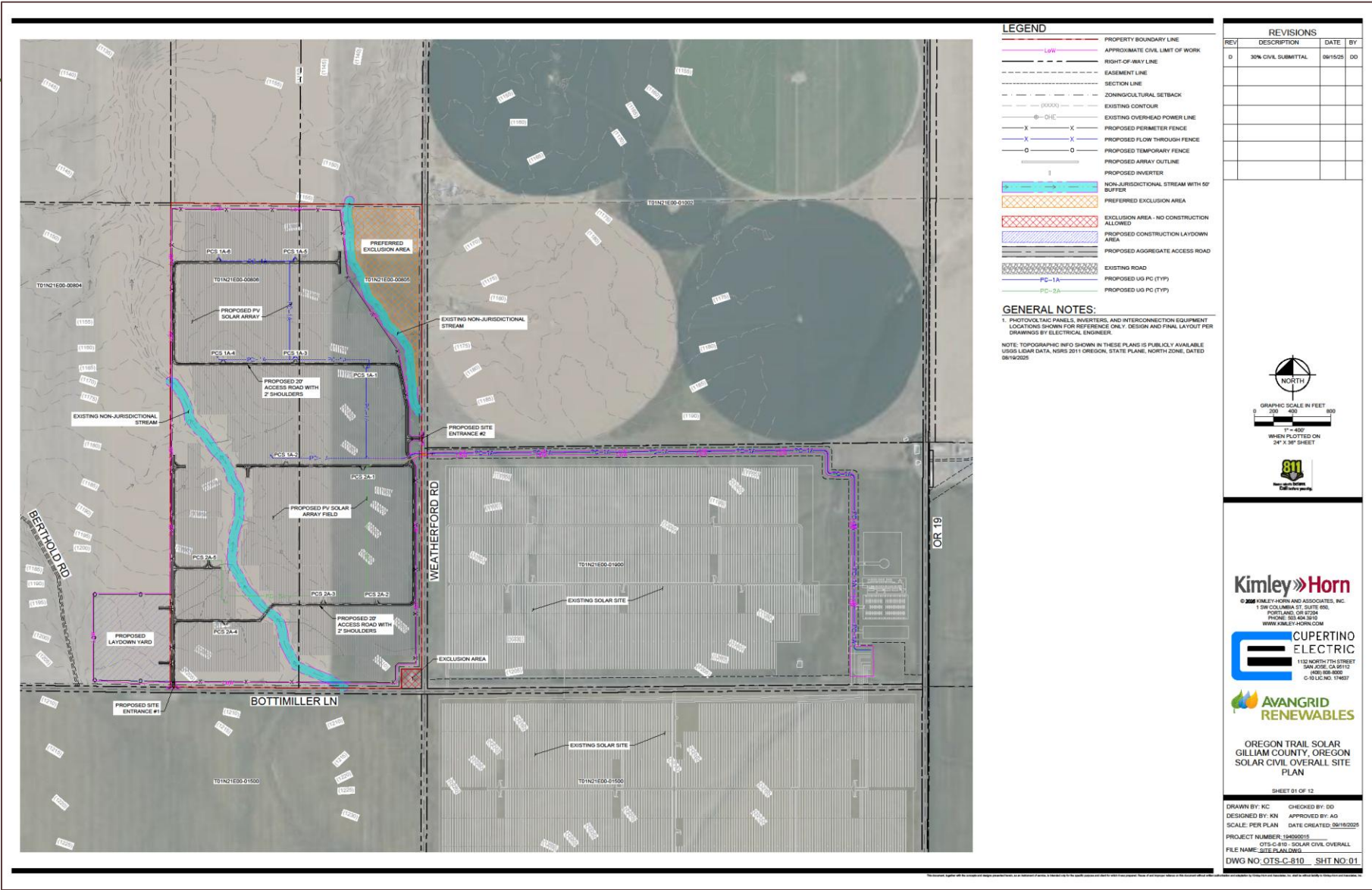
# Topics

- 1 Construction Status
- 2 Site Inspections
- 3 Compliance Issues
- 4 Q&A

# Oregon Trail Solar: Approved Facility Overview



# Oregon Trail Solar: Approved Facility Overview



# Oregon Trail Solar: Approved Facility Overview

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## Certificate Holder

Oregon Trail Solar, LLC, a wholly owned subsidiary of Avangrid Power, LLC

## Approved Facility

Up to 41 MW of solar photovoltaic energy generation within a 1,288-acre micrositing area, with a 20 MW lithium-ion battery energy storage system (BESS). Facility is constructed in two phases: Phase I – BESS (on hold) and Phase 2 - Solar Facility (under construction)

## Facility Location:

Gilliam County

# Construction Sequence

## Phase I – BESS

### Phase IA – Completed

Site prep, foundation installation

### Phase I B – On Hold

Battery Installation

## Phase 2 – Solar Facility Road Construction – completed



# Construction Progress and Schedule

- Construction start = July 10, 2025 (passed \$250K threshold)
- Anticipated Completion - October 2027
  - BESS on hold awaiting battery delivery. Solar facility start up will likely be before BESS is completed.

| Roads     | Exterior Fencing | Pile Installation | Torque Tube Installation | Solar Panel Installation |
|-----------|------------------|-------------------|--------------------------|--------------------------|
| 100       | 99%              | 99%               | 57%                      | 6%                       |
| 1400/2700 | 733/1300         | 14,299/14,335     | 431/753                  | 5,279/82,360             |

Estimated percent complete as of June 5, 2026



# Site Inspections

# Compliance Process – Brief Overview

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- **Review of weekly reporting, bi-weekly CON meeting**
- **Monthly on-site inspection**
  - Noxious weed control measures
  - Erosion and sediment control
  - Fire prevention
  - Hazardous materials and waste handling
- **Non-compliance tracking and reporting**
- **Semi-annual reports**

Haley & Aldrich field staff are CESCL-trained environmental staff conducting monthly site inspections. Prior to inspections, a list of focus areas and conditions are provided to Avangrid up to a week prior to the inspection.

After site inspections an inspection report that includes a summary of site certificate conditions inspected, areas/issues that require correction, and timeline for opportunity to correct. Conditions/items for correction are requested up to 7 days, with subsequent site inspections the following month to check on the corrected condition.

# Compliance Inspections

| Condition Number | Description                                            | Questions/Inspection items                                                                                                                    |
|------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 42               | Construction setback requirements                      | Construction staying 25 ft from property lines and 5 feet from roads                                                                          |
| 43               | Noxious Weed Plan                                      | Weed issues? Is weed control being done? Are there weeds in BESS area that was reseeded?                                                      |
| 50               | Cultural Resource Monitoring Plan                      | Any potential resources observed during ground disturbance?                                                                                   |
| 55               | Hazardous Material Storage                             | Check monthly SPCC inspections. Check materials storage conditions.                                                                           |
| 56               | Spill Notification                                     | Any spills? Tracking method for spills/notification?                                                                                          |
| 62               | Fire prevention and response training                  | Check training records                                                                                                                        |
| 72               | Access road construction                               | Access roads no wider than 20 feet? Check conditions so far                                                                                   |
| 73/74            | Traffic Impact Mitigation                              | Roads free of gravel? Traffic control signage in place<br>Vehicles not parked on county roads?                                                |
| 76               | HASP Implementation                                    | Training records showing training? H&S signage in trailer?                                                                                    |
| 78               | On-site Security                                       | Check on-site security setup.                                                                                                                 |
| 80               | 1200-C permit implementation                           | Check BMPs, review 1200-C inspections.                                                                                                        |
| 81               | Truck traffic limitations                              | Check (as applicable or as available) that trucks are sticking to improved road surfaces to the extent practicable.                           |
| 82               | Dust mitigation                                        | Check for dust generation from construction activities                                                                                        |
| 88               | Bury collector line minimum of 3-feet deep             | Check trench depth and top of collector line depth in trench                                                                                  |
| 91               | Wildlife Monitoring and Mitigation Plan Implementation | H&A doesn't have copy of condition 91 submittal for pre-construction review. Need to verify with CH which version is being used and get copy. |
| 100              | Environmental training                                 | Review training records                                                                                                                       |
| 109              | Provide and service toilets                            | Check cleaning schedule on toilets                                                                                                            |
| 111              | Waste Management Plan                                  | Check for segregated waste containers for metal, wood and cardboard/paper.                                                                    |

# Completed Site Inspections and Non-Compliance Tracking

| Date       | Focus                                 | Non-compliance an/or opportunities to correct                          |
|------------|---------------------------------------|------------------------------------------------------------------------|
|            | General/ESCP                          | None                                                                   |
| 04/08/2026 | General/ESCP                          | 15-gallon hydraulic fluid release.                                     |
| 05/28/2026 | General/ESCP/Weeds                    | 1. Track-out control and track-out mat maintenance.<br>2. Weed Control |
| 06/18/2026 | Weeds/Fire Prevention and Suppression |                                                                        |

# Track In-Track Out

## Before

## After



# Weed Management

**Before Mowing**



**After Mowing**



# Noxious Weed Control

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## Positives

**Noxious weed populations have been surveyed and clearly marked**

**Two weed treatment crews actively spraying**

**Ongoing coordination with county weed supervisors**

**In compliance with the site certificate and Noxious Weed Control Plan**

## Areas of Concern

**Weed wash stations reduce the spread of noxious weeds but are not 100% effective**

**Weeds are starting to emerge in disturbed areas**

**Revegetation is a challenge in eastern Oregon**

# Thank you!



**Jen Casler**

*Senior Technical Expert*

*Haley & Aldrich Program Manager*

[jcasler@haleyaldrich.com](mailto:jcasler@haleyaldrich.com)

971.979.5089

Haley & Aldrich

# Agenda Item F

Action Item

## **Compliance Rulemaking**

Tom Jackman, Rules Coordinator

June 26, 2026

# Background - Rulemaking Process

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# Compliance Rulemaking - Background

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- **Energy facilities under EFSC review cannot be sited unless they meet – among other things – Council’s standards, applicable local and state laws, etc.**
- **One of the main tools for ensuring that these are adhered to is with the use of siting and operation conditions, which are detailed in the site certificate.**
  - For example, a site certificate might require a certain setback for clearing vegetation to meet the wildfire prevention standard. This requirement is a **condition** of the site certificate.
- **Ensuring these conditions are complied with is the heart of the compliance rules (and the related program run by the Compliance team).**
- **Some compliance rules were updated as recently as 2021, but quite a few have not been updated since 2007 and even 1999.**

# Compliance Rulemaking - Background

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- **Existing compliance rules address:**
  - Construction and operation reporting
  - Inspections
  - Correspondence with other agencies
  - Incident notification
- **Existing enforcement rules address:**
  - Reports by responsible parties
  - Notices of violation
  - Civil penalties
  - Suspension or revocation of site certificates

# Compliance Rulemaking - Background

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- **Implementation of the current rules has revealed gaps and ambiguities.**
- **Current rules identify many compliance obligations, but do not always clearly explain:**
  - What must be submitted
  - When submittals are required
  - How Department review occurs
  - How compliance issues should be addressed before formal enforcement
- **This can create uncertainty for certificate holders and make consistent administration more difficult.**

# Compliance Rulemaking - RAC

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## Energy Provider or Investor-Owned Utility

Lenna Cope – Portland General Electric

Andrew Bauer – NW Natural

David Lawlor – NextEra Energy

## Energy Advocacy or Trade

Dugan Marieb (Since Left) – OSSIA

Diane Brandt – Renewable Northwest

## Agency / Government

Jorden Smith – ODFW

Ann Beier – Council Representative

## Public Interest

Wendy King

Martha Dibblee

## Resource Interest

None Requested to Join

# Compliance Rulemaking – Three RACs

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- December 2025 – Discussed existing rules and implementation issues
- February 2026 – Reviewed potential solutions and rule concepts
- May 2026 – Reviewed proposed draft language

# Compliance Rulemaking - Scope

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1. Improve the clarity of the rules by resolving ambiguities
2. Fill process gaps where rules identify obligations but do not provide sufficient direction
3. Provide additional tools to address compliance issues in a predictable, graduated, and efficient manner

# Compliance Rulemaking – Three Categories

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The proposed changes can be grouped into three categories:

1. Minor
2. Modest
3. Significant

# Compliance Rulemaking – Minor

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- Rename Division 26 from “Construction and Operation Rules for Facilities” to “Site Certificate Compliance”
- Remove purpose and legislative authority rules that restate authority found elsewhere
- Remove language restating independent federal law obligations
- Update terminology from “conditions and warranties” to “site certificate terms and conditions”
- Update cross-references
- Correct grammar and outdated language
- Improve readability and organization

# Compliance Rulemaking – Modest

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- Clarify applicability to existing and future site certificates, subject to controlling site certificate conditions
- Clarify phased or component-based pre-construction compliance review
- Clarify the scope of inspections
- Replace “requests for inspections” with “requests for compliance review”
- Add written notice requirements for Department determinations

# Compliance Rulemaking – Modest

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- Reduce duplicative reporting
- Clarify report format and submittal requirements
- Clarify use of reports submitted to other agencies or the Department
- Clarify incident notification requirements

# Compliance Rulemaking – Pre-Construction Compliance

OAR 345-026-0048

- Proposed OAR 345-026-0048 clarifies how pre-construction compliance review applies to facilities built by component or phase.
- Before construction of a facility, component, or phase, the certificate holder would need to demonstrate compliance with applicable pre-construction site certificate terms and conditions.
- If construction will occur in phases, the certificate holder must identify:
  - Conditions applicable to each component or phase
  - Conditions that should be addressed on a facility-wide basis

# Compliance Rulemaking – Pre-Construction Compliance

OAR 345-026-0048

- The proposed rule preserves flexibility for phased construction, but allows for facility-wide review when phased review would result in:
  - Duplicative review
  - Fragmented mitigation or monitoring
  - Incomplete evaluation of a condition
  - Insufficient information to determine compliance
- The rule also requires written Department authorization before construction may begin on the component or phase reviewed.

# Compliance Rulemaking – Inspections

## OAR 345-026-0050

- Existing OAR 345-026-0050 assumes that the primary response to a public request is an inspection.
- In practice, not every concern requires a site inspection.
- A concern may be resolved through:
  - Review of existing records
  - Request for information
  - Referral to another agency
  - Site inspection
  - Other compliance review
- The proposed rule retitles the rule “Inspections and Compliance Review.”

# Compliance Rulemaking – Public Requests

OAR 345-026-0050

- A person may request Department review if they believe:
  - A violation of a Council order or site certificate term or condition has occurred or may imminently occur; or
  - A situation exists that may lead to unnecessary exposure to hazardous materials or unsafe or dangerous conditions
- The request must identify the relevant requirement, provide supporting facts, and state whether a site inspection is requested.
- The Department must provide written notice of its determination and whether a site inspection is warranted.

# Compliance Rulemaking – Corrective Action Plans

OAR 345-026-0050

Proposed rules create a corrective action plan process, which:

- Provides a clearer tool for resolving compliance issues before formal enforcement is necessary
- Preserves the Department's and Council's ability to pursue enforcement under Division 29 when warranted

# Compliance Rulemaking – Reporting Requirements

OAR 345-026-0080

- The proposed rule reorganizes reporting requirements around the facility lifecycle:
  - Construction compliance reports
  - Final construction compliance and facility design reports
  - Annual reports
  - Facility modification reports
  - Mixed phasing or stages
- The rule include a new “form and manner” requirement, which mirrors language recently utilized in the “modernization” rulemaking

# Compliance Rulemaking – Annual Reports

OAR 345-026-0080

- The proposed rule moves the annual report deadline from April 30 to January 31, unless the Council Secretary and certificate holder agree to a different date.
- The proposed rule removes general facility-status reporting and reliability/capacity-factor reporting for electric power plants as this is duplicative or low value.
- Annual reports are focused more directly on compliance with site certificate conditions, monitoring plans, mitigation plans, and condition-specific requirements.

# Compliance Rulemaking – Phasing / Staging

OAR 345-026-0080

- The proposed rule addresses facilities where different components are in different compliance statuses during the same reporting period.
- A certificate holder may identify the status of each component and address the conditions applicable to each component during that reporting period.
- This is intended to address phased construction, repowering, component replacement, staged development, and staged retirement

# Compliance Rulemaking – Administrative Update of Facility Description

## OAR 345-026-0088 (NEW)

- Proposed OAR 345-026-0088 is a new rule allowing administrative updates to the facility description in a site certificate.
- Site certificates often approve multiple components, routes, corridors, alternatives, dimensions, and design options.
- Over time, the facility as constructed may differ from the full range of options approved in the site certificate.
- This can make long-term compliance review more difficult.

# Compliance Rulemaking – Administrative Update of Facility Description

OAR 345-026-0088

- The rule is intended to maintain the site certificate as an accurate compliance document.
- It is not intended to:
  - Authorize new construction
  - Expand facility authorization
  - Approve new impacts
  - Substitute for the amendment process
- If the certificate holder seeks authority to construct or operate something not previously approved, it must use the applicable Division 27 process.

# Compliance Rulemaking – Other Agency Communication

OAR 345-026-0105

Updated OAR 345-026-105 to:

- Clarify what circumstances a certificate holder would consider submitting information to EFSC that it previously submitted to another agency.
- Clarify how a certificate holder would assert that certain information is security-sensitive or restricted

# Compliance Rulemaking – Other

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- **Additional updates include:**
  - Clarifying what a reportable incident could include (e.g. spills, mechanical failures, etc.)
  - Clarifying the relationship between Division 26 incident notification and Division 29 responsible party reporting
    - Unifying reporting periods for both to 72 hours.

# Compliance Rulemaking – Pre-Enforcement Notice

OAR 345-029-0015 (NEW)

- This rule creates a pre-enforcement notice process for site certificate and related energy facility violations.
- The proposed rule is intended to:
  - Improve consistency
  - Encourage early correction of compliance issues
  - Give responsible parties a clear opportunity to respond
  - Allow proposed corrective action
  - Allow an enforcement conference when appropriate

# Compliance Rules – Applicability

OAR 345-026-0015 and OAR 345-029-0003

- The proposed rules add **applicability language** in OAR 345-026-0015 and OAR 345-029-0003.
- The intent is for the revised rules to apply to all site certificates and amendments issued after adoption.
- The intent is for the revised rules to also apply to existing site certificates and amendments, **except to the extent the rules conflict or are inconsistent** with a site certificate condition or amendment.
  - No intent to reopen past compliance determinations

# Compliance Rulemaking - RAC Feedback

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- Staff incorporated changes responsive to RAC feedback.
- Examples include:
  - Clarifying phased or component-based pre-construction review
  - Allowing facility-wide treatment when phased review would be duplicative, fragmented, incomplete, or insufficient
  - Adding anti-duplication and cross-reference language in OAR 345-026-0080
  - Adding language addressing legally restricted or security-sensitive information
  - Focusing OAR 345-026-0105 to avoid duplicating other agency compliance programs
  - Retaining a fixed 72-hour deadline for incident and potential violation reporting

# Compliance Rulemaking – Next Steps

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- If Council authorizes staff to proceed:
  - Staff will prepare and file the Notice of Proposed Rulemaking with the Secretary of State
  - Staff will provide required notice of the proposed rulemaking
  - A public comment period and rulemaking hearing will be held
- Staff will return to Council after the public comment period with:
  - Summary of comments received
  - Any recommended changes to the proposed rules
  - Proposed final rule adoption package
- Filing the Notice of Proposed Rulemaking begins the formal process. It does not adopt the rules

# Council Options

## Option 1 Recommended

Approve  
initiation of  
the  
rulemaking as  
recommended

## Option 2

Approve  
initiation of  
the  
rulemaking  
with changes

## Option 3

Deny initiation  
of the  
rulemaking



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# Council Deliberation

# Working Lunch Break

# Agenda Item G

Action Item

## **2026 Carbon Dioxide Emissions Offset Rate Rulemaking**

Tom Jackman, EFSC Rules Coordinator

June 26, 2026

# CO2 Monetary Offset Rulemaking: What?

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- Applicants for gas energy facilities are required by law and rule to meet certain efficiency requirements.
- This is measured in allowable CO2 per kwh or per horsepower hour, depending on the application.
- Compliance can be demonstrated in several ways, including through a monetary offset, calculated in dollars per ton of CO2.

# CO2 Monetary Offset Rulemaking: What?

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OAR 345-024-0580

**“The monetary offset rate is \$6.40 per ton of carbon dioxide emissions.”**

# CO2 Monetary Offset Rulemaking: What?

ORS 469.503(c)(C) (emphasis added)

“[T]he council may by rule increase or decrease the monetary offset rate [which] shall be based on:

- 1) [the] empirical evidence of the cost of offsets; and
- 2) the council’s finding that the standard will be economically achievable with the modified rate for natural gas-fired power plants.”

# CO2 Monetary Offset Rulemaking: What?

## Rate Increase Limitations

- The rate increase or decrease can be no more than fifty percent in a two-year period.
- On October, 2026, two years will have passed since the last rate change, and a maximum increase would take the existing rate to \$9.60.

# CO2 Monetary Offset Rulemaking: Why?

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- Years of failing to increase the offset rate means the rate is still relatively low despite recent rate increases (in 2020, 2022, and 2024).
- Due to statutory limitations, failure to correct the offset rate on a regular interval renders the Council unable to timely “true up” the rate to an amount where it has the intended effect.

# CO2 Monetary Offset Rulemaking: Why?

## Reasons to Increase Rate

- Despite existing restrictions on generating facilities, the future is unknown – the failure to raise rates when the Council can do so will render the offset meaningless should future emissive energy facilities be allowed again.
- Nongenerating gas facilities are still allowed. Solely for these facilities, it is important that the offset rate be kept up to date.

# CO2 Monetary Offset Rulemaking

## Staff Proposal

Staff is proposing that the Council approve a rate increase of **50%**, which will take the existing rate of **\$6.40 → \$9.60** per ton of carbon.

# Empirical Evidence of Offset Costs

| Who                                       | Rate Per Ton |
|-------------------------------------------|--------------|
| Staff's Proposed Rate                     | \$9.60       |
| NA Voluntary Carbon Markets (2025)        | \$3.50-14.80 |
| Regional Greenhouse Gas Initiative (2026) | \$25-50      |
| California Cap and Trade (2026)           | \$27.94      |
| Washington Cap and Trade (2023)           | \$50-70      |

# Economically Achievable

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- Calculations based on a typical 480MW natural gas plant show that the total cost of compliance of this proposed rate increase represents **just 0.6% of the retail value of the energy produced.**
- NOTE: This only applies to new energy facilities, and thus the rate increase will affect zero existing facilities.

# CO2 Monetary Offset Rulemaking: Economically Achievable

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- Given that the cap-and-trade pricing for CO2 at auction is **3X** to **5X** higher than the proposed rate:
- There is **strong evidence that the proposed rate is economically achievable.**

# CO2 Monetary Offset Rulemaking: When?

|                                                                                             |                  |
|---------------------------------------------------------------------------------------------|------------------|
| Possible Council approval of proposed rules and authorization Notice of Proposed Rulemaking | June 26, 2026    |
| Issue Notice of Proposed Rulemaking                                                         | June 30, 2026    |
| Rulemaking hearing                                                                          | August 21, 2026  |
| Public comment deadline                                                                     | August 30, 2026  |
| Earliest possible adoption of permanent rules (two years from prior rate increase)          | October 30, 2026 |

# Council Options

## Option 1 Recommended

Approve  
initiation of  
CO2 Monetary  
Offset  
rulemaking as  
recommended

## Option 2

Approve  
initiation of CO2  
Monetary Offset  
rulemaking as  
recommended  
with changes

## Option 3

Deny initiation  
of CO2 Offset  
Rulemaking



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# Council Deliberation

# Agenda Item H

Information Item

## **Boardman to Hemingway Transmission Line Quarterly Construction Update**

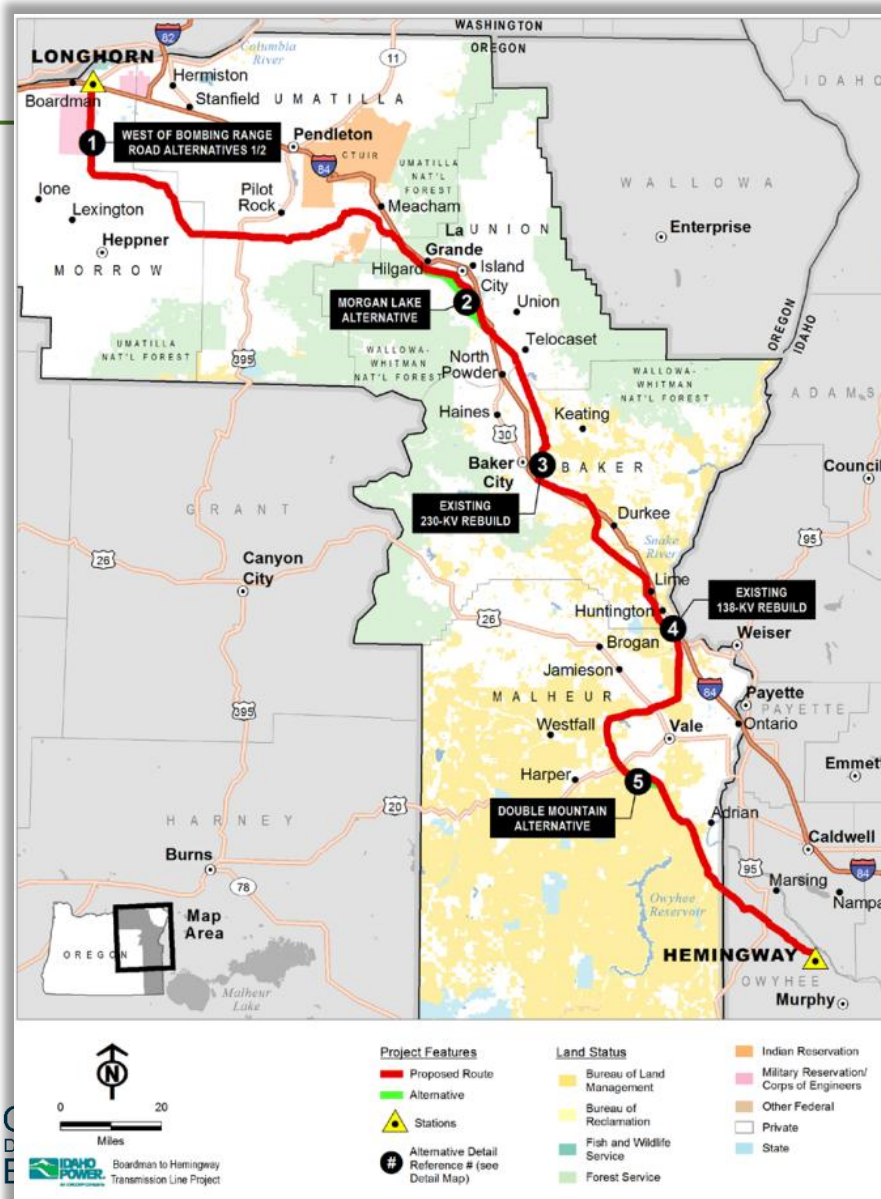
Wally Adams, Senior Technical Expert, Haley and Aldrich  
Sarah Esterson, Senior Policy Advisor

June 26, 2026

# Topics

- 1 Construction Status
- 2 Site Inspections
- 3 Compliance Issues
- 4 Removal Fill Updates
- 5 Q&A

# Boardman to Hemingway: Approved Facility Overview



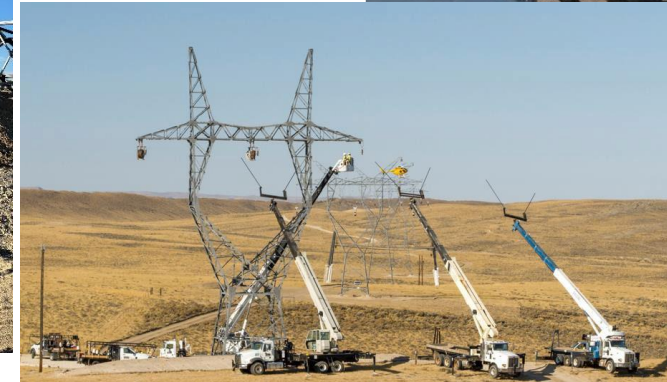
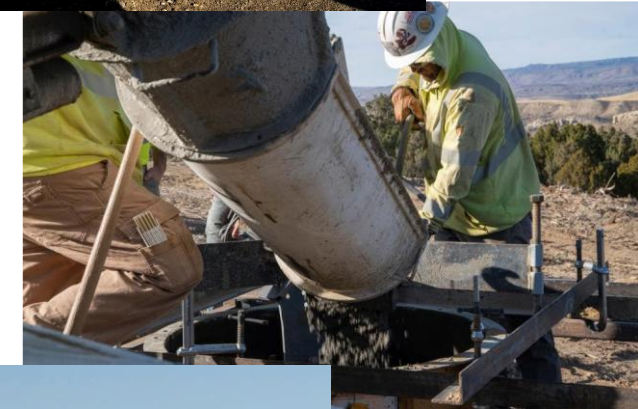
Certificate Holder  
Idaho Power Company

Approved Facility  
Approximately 273 miles of 500 kV transmission line, plus 2 substations, communications stations, access roads, multi-use areas and pulling and tensioning sites

Facility Location:  
Morrow, Umatilla, Union, Baker and Malheur Counties

# Construction Sequence

- 1) Clearing
- 2) Access Roads and Pads
- 3) Foundations
- 4) Tower Assembly
- 5) Wire Pulling
- 6) Reclamation



# Construction Progress and Schedule

- **Construction start = July 10, 2025 (passed \$250K threshold)**
- **Peak Build Years – 2026 and 2027**
  - Civil and foundation work scheduled to be completed by the end of 2026
- **Substantial Completion – October 2027**
  - Mechanically complete and energized
- **Final Completion – August 2028**
  - Everything complete including reclamation

| Roads     | Pads     | P&T Sites | MUAs | Foundations | Structures | Reclamation |
|-----------|----------|-----------|------|-------------|------------|-------------|
| 52%       | 56%      | 12%       | 22%  | 39%         | 23%        | 0%          |
| 1400/2700 | 733/1300 | 42/354    | 4/18 | 508/1300    | 295/1300   | 0/1300      |

Estimated percent complete as of June 7, 2026

# Construction Activity – Snapshot as of early June

| Activity                                                                    | Contractors | Crews | Personnel |
|-----------------------------------------------------------------------------|-------------|-------|-----------|
| Support Tasks: Surveying, Staking, Environmental Controls, Mowing, Backfill | 3           | 10    | 31        |
| Access Roads and Pads                                                       | 1           | 4     | 34        |
| Timber Clearing                                                             | 1           | 1     | 20        |
| Weed Treatment                                                              | 1           | 2     | 6         |
| Foundations                                                                 | 5           | 37    | 150       |
| Structure Spotting, Assembly and Erection                                   | 2           | 16    | 180       |

*Over 400 people are actively working on construction tasks, with additional personnel engaged in other support tasks such as environmental monitoring and project management.*

# Site Inspections

# Compliance Process – Brief Overview

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- **Review of weekly reporting, weekly CON meeting**
- **Monthly on-site inspection**
  - Noxious weed control measures
  - Erosion and sediment control
  - Fire prevention
  - Hazardous materials and waste handling
- **Non-compliance tracking**
- **Semi-annual reports**

We have a subcontract with **Anderson Perry**, an engineering services firm with an office in La Grande.

Anderson Perry personnel are conducting most of the site inspections on behalf of ODOE. We provide technical guidance and support for the inspections:

- Focus areas
- Checklists
- Technical resources (GIS, etc.)
- Report review

# Completed Site Inspections

| Date          | Focus                                | Non-compliances |
|---------------|--------------------------------------|-----------------|
| 7/29/2025     | General/ESCP                         | None            |
| 8/19/2025     | General/ESCP                         | None            |
| 9/23/2025     | Ag Assessment and Mitigation Plan    | None            |
| 10/22-23/2025 | General/ESCP                         | Two             |
| 11/20/2025    | Right-of-Way Clearing Plan           | None            |
| 12/16/2025    | Elk and Mule Deer Winter Range/ESCP  | None            |
| 1/21/2026     | Elk and Mule Deer Winter Range/ESCP  | None            |
| 2/19/2026     | Elk and Mule Deer Winter Range/ESCP  | None            |
| 3/20/2026     | Elk and Mule Deer Winter Range/ESCP  | None            |
| 4/21-22/2026  | Noxious Weed Control Plan            | One             |
| 5/20/2026     | Site-Specific ESCPs                  | None            |
| June 2026     | Fire Prevention and Suppression Plan | TBD             |



# Noncompliance Tracking

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| Tracking Number | Date of Incident | Description                                                                                                            | Self-Reported?                        | BLM NC? | Status |
|-----------------|------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------|--------|
| 2026-01         | 1/10/2026        | Cultural resource buffer for an isolate near 143/4 was removed in error, resulting in unauthorized ground disturbance. | Yes, in weekly report                 | Yes     | Open   |
| 2026-03         | 4/22/2026        | Failure to maintain weed wash station – mud and debris allowed to accumulate and overflow catch basins.                | No, discovered during site inspection | No      | Closed |

# Weed Wash Stations



# Weed Wash Stations



# Noxious Weed Control

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## Positives

**Noxious weed populations have been surveyed and clearly marked**

**Two weed treatment crews actively spraying**

**Ongoing coordination with county weed supervisors**

**In compliance with the site certificate and Noxious Weed Control Plan**

## Areas of Concern

**Weed wash stations reduce the spread of noxious weeds but are not 100% effective**

**Weeds are starting to emerge in disturbed areas**

**Revegetation is a challenge in eastern Oregon**

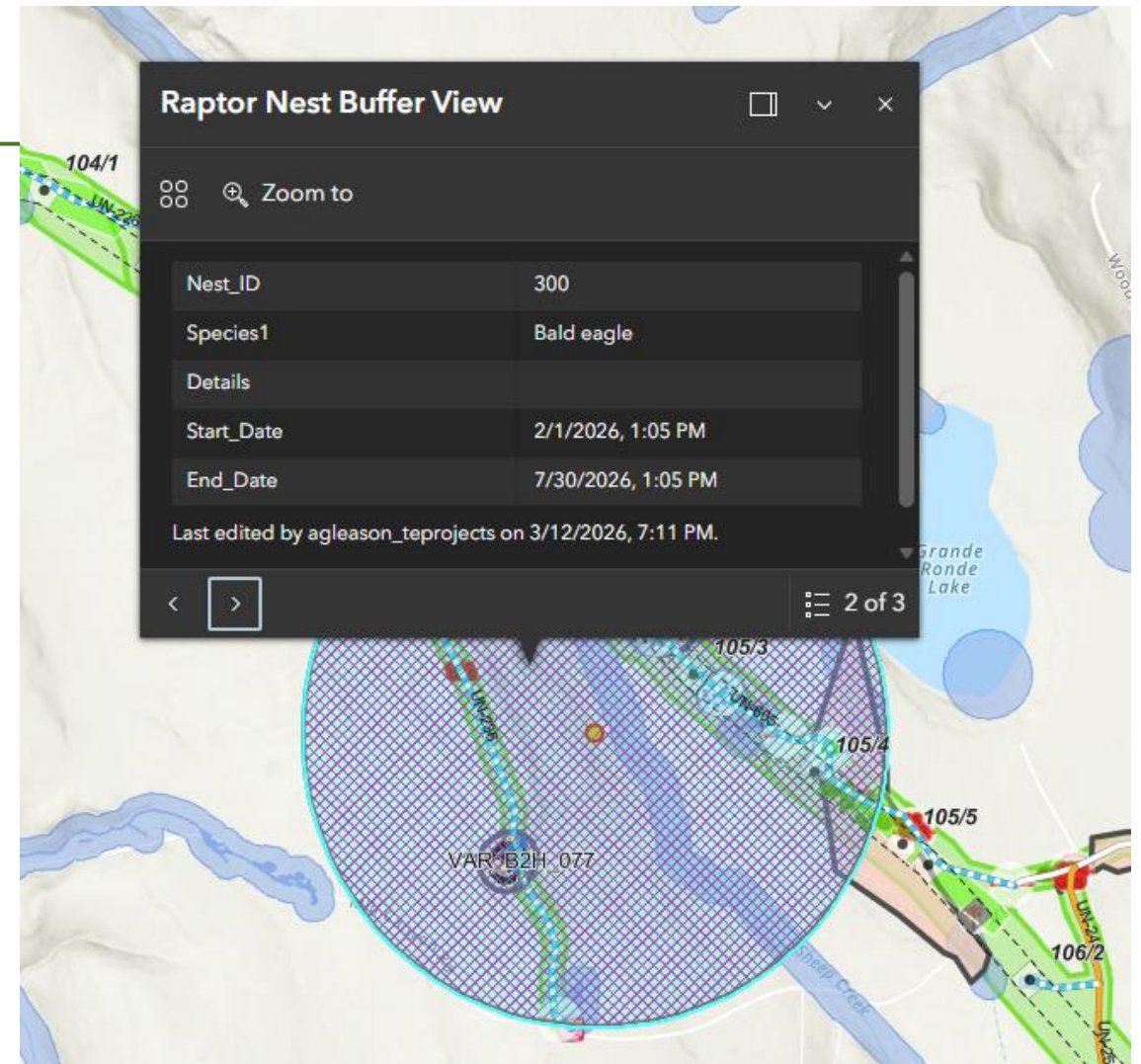
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| SITE INFORMATION                       |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                  |      |                              |                                    |                                                |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------------------|------------------------------------|------------------------------------------------|
| Project Facility:                      | Structure 216/3                                                                                                                                                                   | Total Acres:                                                                                                                                                                                                                                                                     | 0.59 | Ownership:                   | PVT                                | Federal Land Mgmt Agency Office:               |
| Additional Site Details:               | This area has an irrigated alfalfa field on the west and an irrigation ditch on the east. An ephemeral stream is delineated through the central-eastern portion of the work area. |                                                                                                                                                                                                                                                                                  |      |                              | Site Location:                     | SW 1/4 of the NE 1/4 of Section 24, T17S, R44E |
| PRECONSTRUCTION CONDITIONS             |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                  |      |                              |                                    |                                                |
| Mapped Habitat Type:                   | Primary: Desert Shrub 50%                                                                                                                                                         | Field Verified Habitat Type:                                                                                                                                                                                                                                                     | N    | Field Assigned Habitat Type: | Primary: Desert scrub- 90%         |                                                |
|                                        | Secondary: Agriculture-40%, Intermittent Stream-10%                                                                                                                               |                                                                                                                                                                                                                                                                                  |      |                              | Secondary: Intermittent stream-10% |                                                |
| Field Assigned Habitat Type and Notes: |                                                                                                                                                                                   | This area is introduced vegetation (pepperweed ( <i>Lepidium</i> sp.), tumble mustard ( <i>Sisymbrium altissimum</i> ), cheatgrass ( <i>Bromus tectorum</i> ), prostrate pigweed ( <i>Amaranthus blitoides</i> ) with some desert shrub (rabbit brush ( <i>Ericameria</i> sp.)). |      |                              |                                    |                                                |
| PRECONSTRUCTION PHOTOS                 |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                  |      |                              |                                    |                                                |
| N:                                     |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                  |      |                              |                                    |                                                |
|                                        |                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                  |      |                              |                                    |                                                |

# Biological/Avian

- Elk and Mule Deer winter range restrictions ended March 31
- Limited exceptions for Greater Sagegrouse were granted in consultation with ODFW per CON-FW-06
  - Restrictions end June 30
- Currently 172 occupied nests for raptors and migratory birds with active buffers



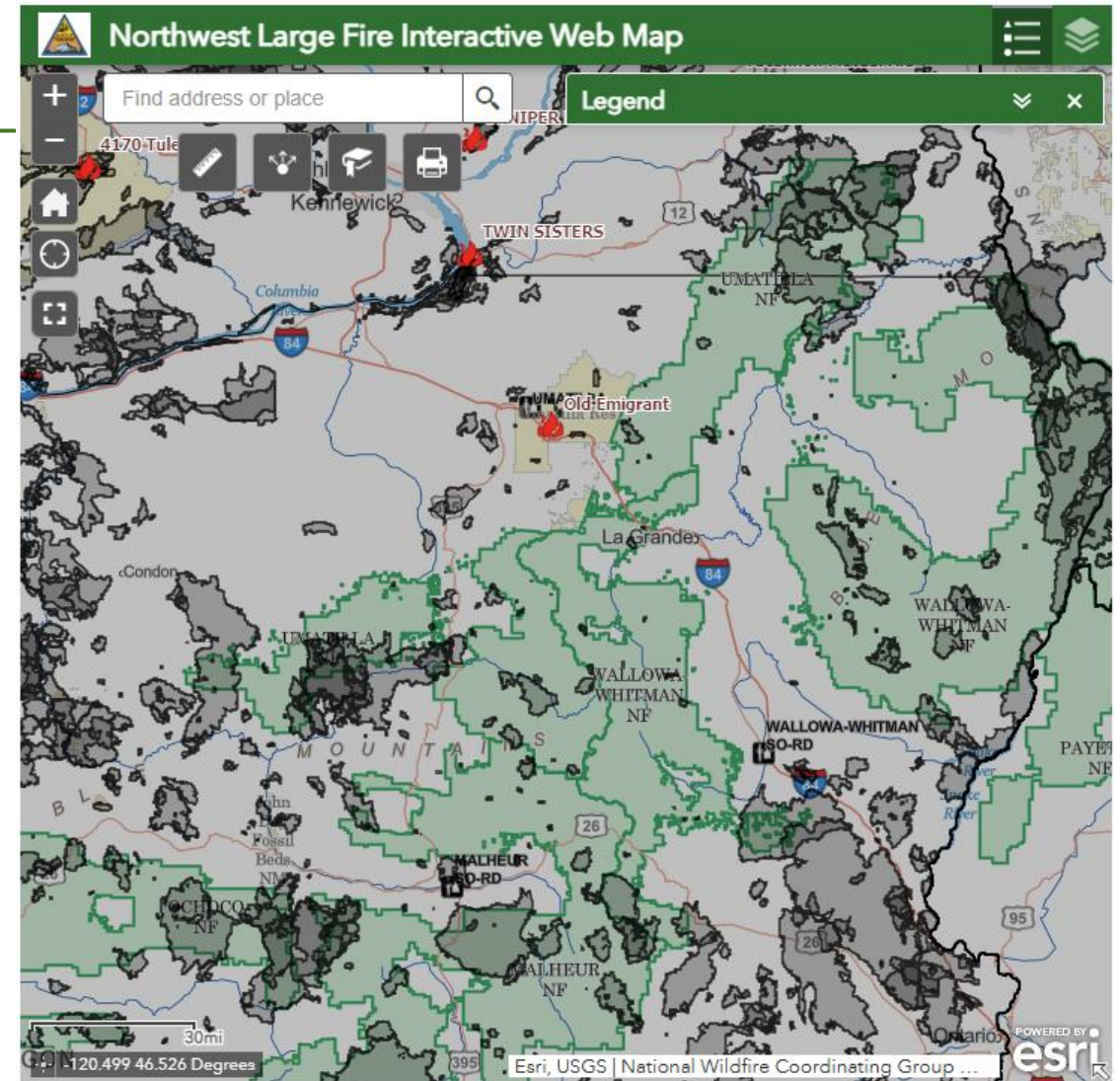
# Watch List

## Fire season

- 400-acre grass fire was started by construction operations in Idaho
- Construction crews have assisted with extinguishing fires NOT started by project activities

## Concrete washout

- The Environmental Inspection Contractor (EIC), Eocene, is finding evidence of uncontrolled concrete washout
- Incidents that are discovered are documented and cleaned up
- If we find evidence of an issue during a site inspection, we WILL issue a finding of non-compliance



# Thank you!



**Wally Adams**

*Senior Technical Expert*

wadams@haleyaldrich.com

971.493.2324

Haley & Aldrich

# Agenda Item I

## Action Items

### **Hearing Officer Reassignments for Future Contested Case Proceedings**

- Muddy Creek Energy Park
- Heppner Wind Project

Sarah Esterson, Senior Policy Advisor

June 26, 2026

# Reassigned Hearing Officer Recommendation

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ALJ Kate Triana (Muddy Creek Energy Park)

- **Education:** B.A. in Psychology (Colorado State University) and J.D (Willamette University)
- **Experience:** Administrative Law Judge since 2013, presiding contested case proceedings for numerous state agencies.
- **Professional Involvement:** Oregon State Bar

# Reassigned Hearing Officer Recommendation

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ALJ Dove Gutman (Heppner Wind)

- **Education:** BA. Marketing (University of Oregon) and J.D. (Willamette University).
- **Experience:** Administrative Law Judge since 2003, presiding over contested cases for multiple Oregon state agencies.
- **Professional Involvement:** Oregon State Bar

# Council Options

## Option 1

Approve HO  
reassignments  
as  
recommended

## Option 2

Deny HO  
reassignments



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# Council Deliberation



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