

Oregon Department of **ENERGY**

Energy Facility Siting Council Meeting

Oregon Department of Energy
550 Capitol St NE
Salem, Oregon

March 24, 2023



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- Reminder that this meeting is being held in its entirety via teleconference and webinar.
- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and 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 are also welcome to access the online mapping tool and any documents by visiting our website.

Announcements continued:

- 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

March 23, 2023

- **January 2023 Council Meeting Minutes**
- **Council Secretary Report**

Compliance Updates - Incidents

| Facility | Incident Date | Incident Type | Findings and/or Comments |
|---|---------------|-------------------------------|--|
| Leaning Juniper Wind Power Facility IIB | 3/18/2023 | Transformer failure | <ul style="list-style-type: none"> Pad-mount transformer failed, spill of 497 gallons non-PCB mineral oil. Associated fire that burned approximately 1/10 acre; extinguished by facility staff. |
| Montague Solar Facility (Pachwaywit Fields) | 3/6/2023 | Fire in electrical equipment | <ul style="list-style-type: none"> Smoke observed from a combiner box after an arcing of the internal components; no open flames present. Arlington Fire Department responded to the incident. No injuries, no spills, and the fire did not spread to land. Facility is under construction. |
| Leaning Juniper IIA Wind Power Facility | 2/18/2023 | Wind Turbine Fire | <ul style="list-style-type: none"> LJIIA turbine M3 caught fire at approximately 18:00. Police and fire personnel responded. After approx. 3 hours of monitored burning, the fire was out by 21:30. There were no injuries nor any wild land fire due to the incident. Turbine M3 was destroyed. |
| Reed Research Reactor | 1/12/2023 | Negative pressure fan failure | Negative pressure fan failed and a short was found in the fan motor. On January 31 st , the negative pressure fan was fully operable. On February 1 st , the Reed Research Reactor resumed reactor operations. |



Bond Template Question from Jan Meeting

*The Surety shall become liable on this bond obligation if **the Principal fails to fulfill its obligations to comply with the conditions of the Site Certificate (emphasis added)** referenced above. Upon notification by the Obligee that the Principal has failed to perform as guaranteed by this bond, the Surety will be obligated to pay monies to the Obligee, limited to the penal sum of this bond, within 60 days.*

Bond Template Question from Jan Meeting

PROVIDED, HOWEVER, THAT THIS BOND IS EXECUTED BY THE PRINCIPAL AND SURETY AND ACCEPTED BY THE OBLIGEE SUBJECT TO THE FOLLOWING EXPRESS CONDITIONS:

5. The Surety may cancel this bond at any time by giving the Principal and Obligee one hundred twenty (120) days written notice of the Surety's intent to cancel this bond...

*6. If the Surety provides notice of intent to cancel this bond prior to the Principal fulfilling its obligation to retire the facility and restore the site, but Principal does not provide alternate financial assurance approved by the Council within 90 (ninety) days after the date the notice of intent to cancel is received by the Obligee from the Surety, **the Surety will be obligated to pay monies to the Obligee (emphasis added)**, limited to the penal sum of this bond, upon demand by the Obligee prior to the effective date of the cancellation.*

Bond Template Question from Jan Meeting

Day 0

Surety (financial institution) provides 120 notice of bond cancellation to Obligee (EFSC/Department).

Day 7

No later than one week after notification, Department provides notification to Principal (certificate holder) that they have until 90 days after notification by Financial Institution to submit a replacement bond.

Day 90

Certificate holder provides Department with replacement bond on or prior to day 90.

Day 91

If Certificate holder fails to provide Department with replacement bond by the 91st day after the 120 cancellation notification by the financial institution, the Department will call on the bond to obtain the bond amount, and if necessary initiate site certificate termination and decommissioning.

Day
120

Day the original bond becomes null and void.

If certificate holder submits a replacement bond after the Department has called on the bond and obtained the bond amount, the Department will return the bond amount to the certificate holder.

Agenda Item B (Action Item)

West End Solar Project Council Review/Decision on Proposed Order on Application for Site Certificate

March 24, 2023

Kellen Tardaewether, Senior Siting Analyst, ODOE

Presentation Overview

- Overview of applicant, proposed facility and location
- Procedural history
- Review of Proposed Order on ASC: focus on changes made following EFSC's DPO review, including DPO comments and applicant responses
- Material Change Hearing: to be conducted if there are Council directed substantive changes to conditions

Procedural History

| Milestone | Responsible Party | Date |
|--|----------------------------|---------------------|
| Request for Expedited Review for Small Capacity Facilities and Department Approval | Applicant/ODOE | Dec 4 and 17, 2020 |
| Preliminary Application for Site Certificate (pASC) | Applicant | Nov 5, 2021 |
| Project Order | ODOE | Feb 10, 2022 |
| Application for Site Certificate (ASC) | Applicant | Sept 28, 2022 |
| Draft Proposed Order (DPO) | ODOE | Oct 26, 2022 |
| DPO Hearing | ODOE/EFSC/Public/Applicant | Nov 17, 2022 |
| Deadline for Applicant Supplemental DPO Responses | Applicant | Dec 2, 2022 |
| EFSC Review of DPO | EFSC | Dec 16, 2022 |
| Proposed Order | Department | Jan 13, 2023 |
| Close of Contested Case | Hearing Officer | Feb 17, 2023 |
| EFSC Review of Proposed Order & Possible Final Decision | EFSC | Mar 24, 2023 |

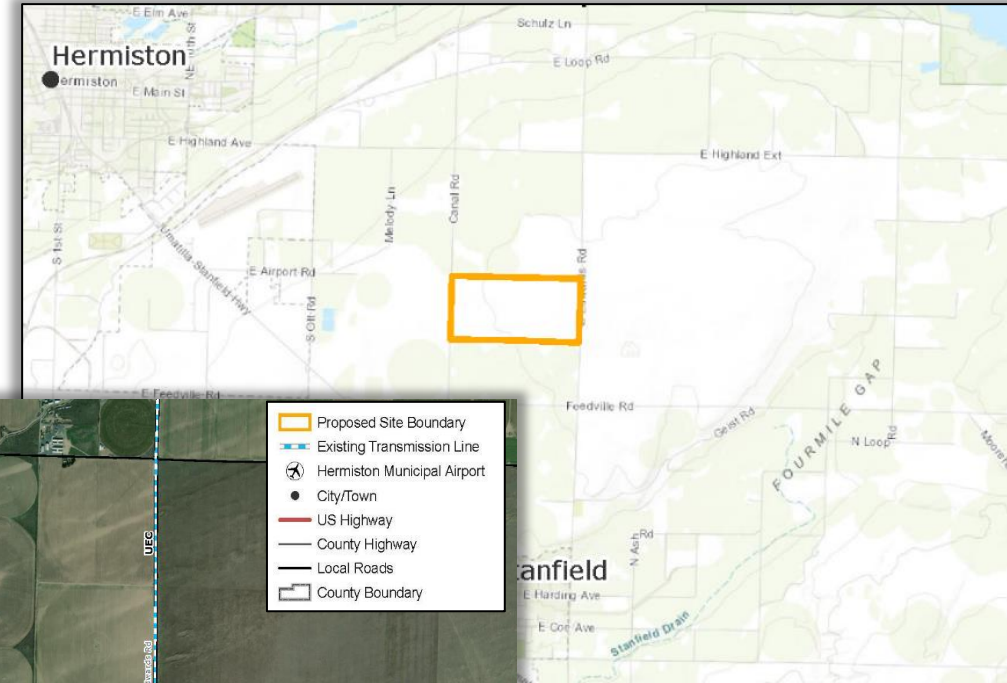
Council Scope of Review

ORS 469.370(7)

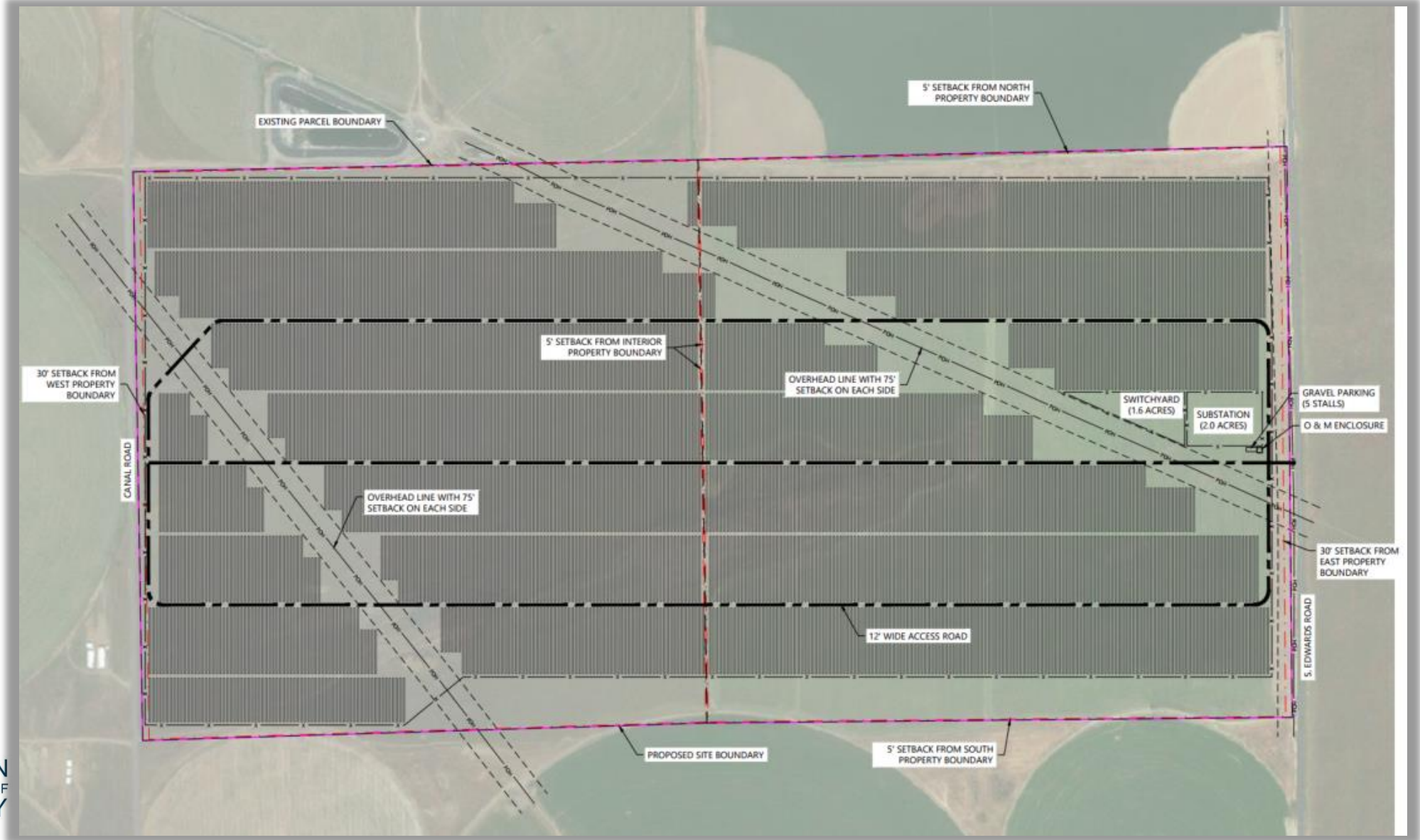
- Council may approve the proposed order; or Council may amend or reject the proposed order, so long as the Council provides public notice of its hearing to adopt a final order, and provides an opportunity for the applicant comment on material changes to the proposed order, including material changes to conditions of approval resulting from the Council's review.
- At the conclusion of the contested case, Council shall issue a final order, either approving or rejecting the application based upon the standards adopted under ORS 469.501 and any additional statutes, rules or local ordinances determined to be applicable to the facility by the project order.

West End Solar Project: Project Overview

- Applicant: EE West End Solar, LLC (Applicant) subsidiary of Eurus Solar Holdings, LLC.
- Proposed Facility: A 50-megawatt (MW) solar energy facility. 324-acre site boundary.
- Related or supporting facilities include dispersed or centralized battery energy storage systems collector substation, switchyard substation, O&M enclosure, and service roads, etc.



West End Solar Project: Project Overview



Council Review of Proposed Order/Final Decision

Section IV.B. Organizational Expertise: OAR 345-022-0010

Subsections (1) and (2) of the Council's Organizational Expertise standard require that the applicant demonstrate its ability to design, construct and operate the proposed facility in compliance with Council standards and all site certificate conditions, and in a manner that protects public health and safety, as well as its ability to restore the site to a useful, nonhazardous condition. Subsections (3) and (4) address third party permits.

Council Review of Proposed Order/Final Decision

Section IV.B. Organizational Expertise: OAR 345-022-0010

- The applicant is a wholly owned subsidiary of Eurus Solar Holdings, LLC.
- Parent company has developed over 700 megawatts (MW) of renewable energy generation in the United States.
- Applicant is covered by comprehensive business, property and liability insurance. Applicant will own the proposed facility, which will have an estimated value of \$80 million dollars, and will generate revenue from a power purchase agreement or from selling power into the wholesale market

Table D-1. Summary of Projects Developed and/or Operated by the Applicant's Parent Company in the United States

| Facility Name | Type | Location | Capacity | Operational Year |
|-------------------|-------|--------------------------|----------|------------------|
| Waianae | Solar | Waianae, HI | 27.6 MW | 2017 |
| Avenal | Solar | Avenal, CA | 45 MW | 2011 |
| Spearville 3 | Wind | Dodge City, KS | 100.8 MW | 2012 |
| Combine Hills II | Wind | Milton-Freewater, OR | 63 MW | 2009 |
| Bull Creek | Wind | Borden County, TX | 180 MW | 2009 |
| Combine Hills I | Wind | Milton-Freewater, OR | 41 MW | 2003 |
| California Desert | Wind | Tehachapi and Mojave, CA | 250 MW | 1987-2004 |

Council Review of Proposed Order/Final Decision

Section IV.B. Organizational Expertise: OAR 345-022-0010

Recommended Organizational Expertise Condition 34 (GEN): The certificate holder shall, as soon as reasonably possible:

- a. Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, or the terms or conditions of any order issued under OAR 345-027-0230, to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;
- b. Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;
- c. Submit a written report within 30 days of discovery to the Department. The report must refer to the language in (d) of the condition and contain:
 - i. A discussion of the cause of the reported conditions or circumstances;
 - ii. The date of discovery of the conditions or circumstances by the responsible party;
 - iii. A description of immediate actions taken to correct the reported conditions or circumstances;
 - iv. A description of actions taken or planned to minimize the possibility of recurrence; and
 - v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.
- d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on ASC Table 4 and shall request and receive an updated bond or letter of credit from certificate holder in the adjusted amount.

Recommended Retirement and Financial Assurance Condition 4 (PRE): Before beginning construction of the facility or a facility component, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is \$5.7 million dollars (Q3 2022 dollars), to be adjusted to the effective date, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:

- a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, or any phase of the facility, by applying the unit costs presented in Table 4 of the Final Order on the ASC, and the contingencies illustrated in Table 4 of the Final Order on the ASC and may further make adjustments based on unit costs for task and actions presented in ASC Exhibit X Attachment X-1. Any revision to the restoration costs should be adjusted to the effective date as described in (b). Any modification to the unit costs presented in Table 4 of the Final Order on the ASC are subject to review and approval by the Council. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.
- b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:
 - i. Adjust the amount of the bond or letter of credit (expressed in Q3 2022 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the third quarter 2022 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2022 dollars to present value.
 - ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount.
- c. The financial institution issuing of the bond or letter of credit must be on the Council's pre-approved financial institution list. The bond or letter of credit form approved by the Council is included as Attachment X-1 to the Final Order on ASC.
[Mandatory Condition OAR 345-025-0006(8)]



Council Review of Proposed Order/Final Decision

Section IV.E. Land Use: OAR 345-022-0030

Land Use standard requires the Council to find that a proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). Under ORS 469.504(1)(b)(A), the Council may find compliance with statewide planning goals if the Council finds that a proposed facility “complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted...”

Council Review of Proposed Order/Final Decision

Section IV. E Land Use: OAR 345-022-0030

Goal 3 Exception request or Solar Facility in EFU Zone

The Department recommends Council make the following findings of fact related to the request to take an exception to the Statewide Policy embodied in Goal 3, Agricultural Lands:

- Locational Dependency
- Minimal Direct Impacts to Agriculture within Subject Tracts
- Minimal Indirect Impacts to Agriculture within Surrounding Area
- Minimal Impacts to Resources Protected by Council Standards

Recommended Land Use Condition 6 (PRO): Prior to operation, the certificate holder shall provide to the Department:

- An executed interconnection agreement with Umatilla Electric Cooperative, Bonneville Power Administration or PacifiCorp demonstrating that the facility has an interconnection agreement for the life of the facility, to one of the existing transmission lines, as presented in the Site Certificate,
- An executed interconnection agreement with Umatilla Electric Cooperative, Bonneville Power Administration or PacifiCorp (third party substation....



Council Review of Proposed Order/Final Decision



Council Review of Proposed Order/Final Decision

Section II.D., Council Review Process and Section IV.E.3., Goal 3 Exception

- To address the Council's comments:
 - Department consulted with Oregon Department of Agriculture to determine an approach in evaluating soil capability on a regional basis.
 - Department consulted with Oregon Department of Water Resources on water availability, and lack thereof, at the site
 - Conducted internal review
 - Consulted with its consultant land use specialists
 - Department evaluated Council's prior findings and analysis for past exceptions taken for solar facilities where "minimal impacts to agriculture"
- Department recommends Council maintain consistency with the relevant findings and analysis in this order and of its past orders, as applicable to the "minimal impacts to agriculture" reason, and pursue clarification on the exception reason through policy, rulemaking, or other avenue that includes stakeholders
- Include and incorporate evidence and findings of fact into the Land Use section as applicable and presented in proposed order

Council Deliberation

Material Change Hearing (If applicable)

Applicant opportunity to comment on any material changes from the Proposed Order to the Draft Final Order (based on EFSC review of Proposed Order)

Council Adoption of Final Order

- ORS 469.370(7): At the conclusion of the contested case, the council shall issue a final order, either approving or rejecting the application based upon the standards adopted under ORS 469.501 and any additional statutes, rules or local ordinances determined to be applicable to the facility by the project order, as amended.
 - The Council shall make its decision by the affirmative vote of at least four members approving or rejecting any application for a site certificate.
 - The Council may amend or reject the proposed order, so long as the council provides public notice of its hearing to adopt a final order, and provides an opportunity for the applicant and any party to the contested case to comment on material changes to the proposed order, including material changes to conditions of approval resulting from the council's review.
 - The Council's order shall be considered a final order for purposes of appeal.
- ORS 469.370(9): The Council shall either approve or reject an application for a site



Council Options

Option 1 - Recommended

Approve the Proposed Order as the Final Order, as presented, and issue a Site Certificate

Option 2

Approve the Proposed Order as the Final Order, as presented but with changes, and issue a Site Certificate

Option 3

Deny the request and issue a Final Order, with amended findings of facts and conclusions of law

Agenda Item C (Information Item)

2023 Legislative Session Update (Information Item)

Slides to be Provided Later



OREGON
DEPARTMENT OF
ENERGY

Session and Siting So Far

Christy Splitt, ODOE Government Relations Coordinator
March 24, 2023

2023 LEGISLATIVE DATES

Session Deadlines and Timeline

- January 17: Session convenes
- February 21: Deadline for measure introduction
- March 17: Deadline first chamber to post work session
- April 4: Deadline first chamber to hold work session
- May 5: Deadline second chamber to post work session
- May 19: Deadline second chamber to hold work session
- June 15: Target Sine Die
- June 25: Constitutional Sine Die



BILLS LEFT BEHIND AT LAST DEADLINE

- HB 2215 - would have removed adequate repository provision for nuclear
- SB 676 - would have removed adequate repository provision for nuclear
- SB 831 - would have removed adequate repository provision for nuclear
- SB 832 – would have made small modular reactors not EFSC jurisdictional
- SB 833 – would have established study on thorium as nuclear fuel

STILL ALIVE: THE SITING-RELATED BILLS

- HB 2989: Placeholder bill
 - *expected to become “EFSC streamlining”*
- HB 3179: Placeholder bill, -2 amendment
 - *not expected to move forward at this point*
- HB 3180: Placeholder bill, -1 amendment
 - *expected to become land use related provisions*
- HB 3181: Placeholder bill
 - *expected to become low-conflict siting process*

Agenda Item D (Action Item)

Oregon Trail Solar Facility, Council Review of Proposed Order/Decision On Request for Amendment 1

March 24, 2023

Kathleen Sloan, Senior Siting Analyst

Presentation Overview

- Facility Overview and Site Certificate History
- Request for Amendment 1 (RFA1) Proposed Changes and Procedural History
- Comments Received on Draft Proposed Order
- Review of Proposed Order and Staff Recommendation to approve as Final Order
- Council Deliberation/Decision

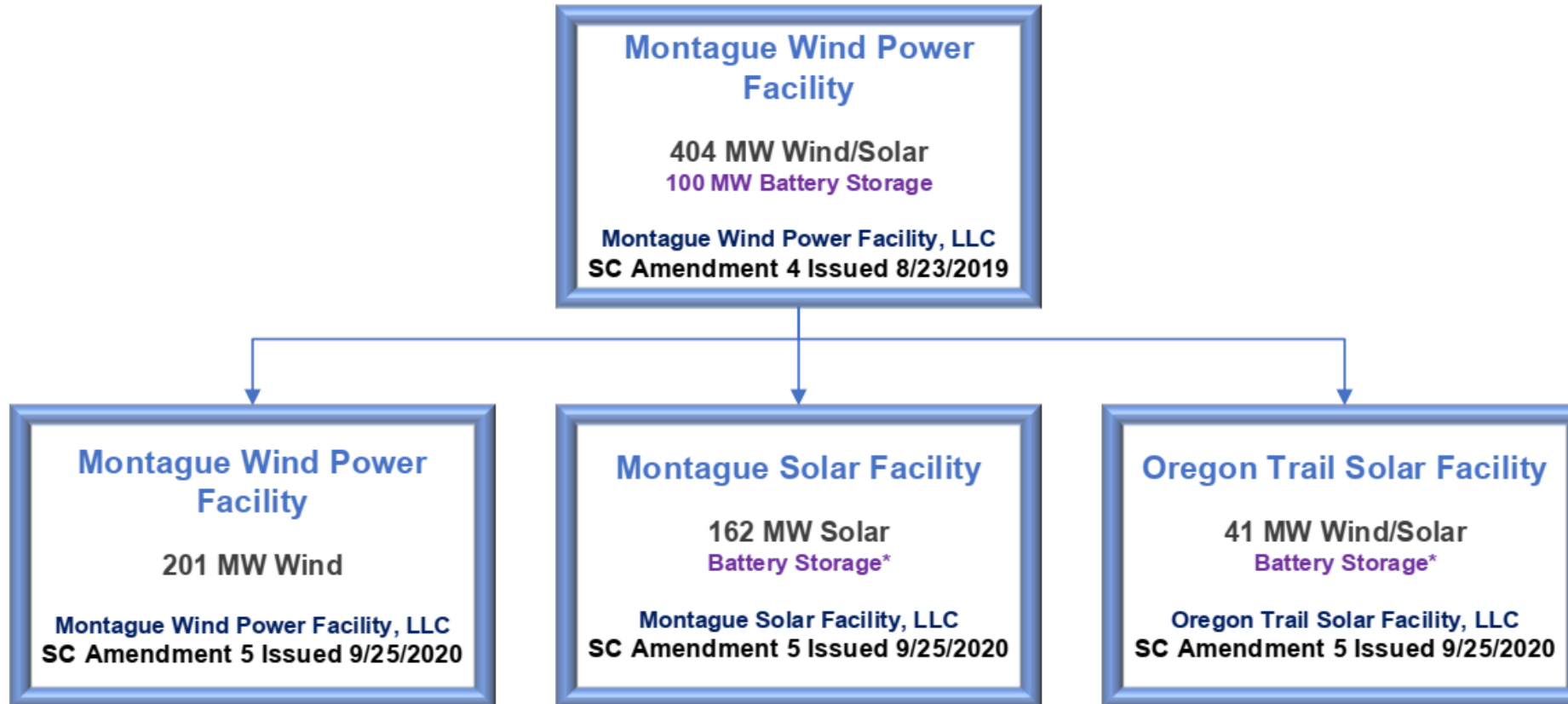
Facility Overview

Certificate Holder: Oregon Trail Solar, LLC

Parent Company: Avangrid Renewables, LLC, the U.S. division of parent company Iberdrola, S.A.

Type of Facility
(Not yet constructed): Wind/solar/battery (41 MW)

Oregon Trail Solar Facility: Site Certificate History

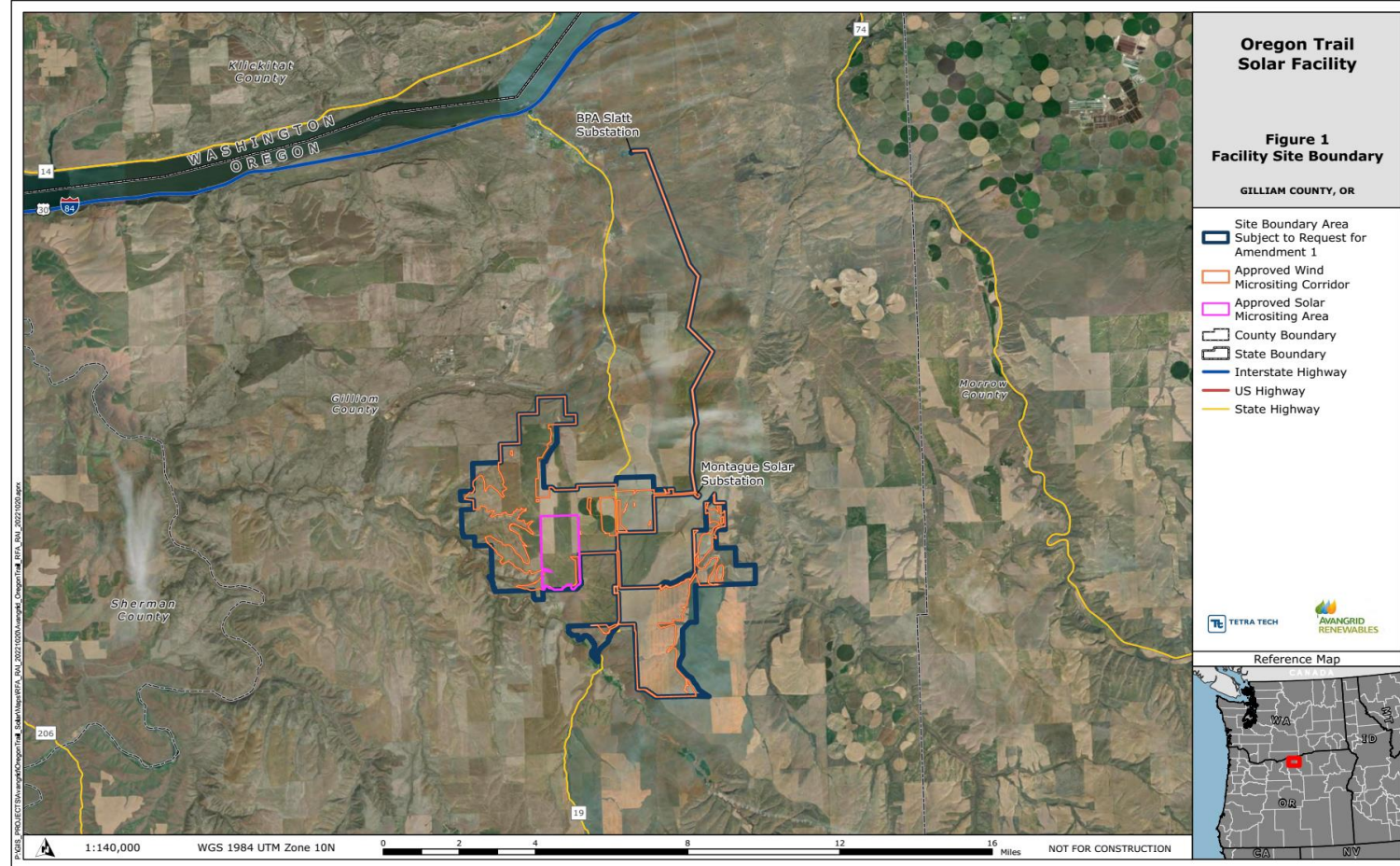


* Maximum combined Battery Storage for Montague Solar and Oregon Trail Solar not to exceed 100 MW

Facility Site/Site Boundary Location

Site Boundary

- Private land, within Gilliam County, near Condon.
- 13,866-acre site boundary:
 - Approved micrositing corridor for wind – 12,638 acres
 - Approved micrositing corridor for solar – 1,228 acres (perm. footprint not to exceed 400 acres)



Oregon Trail Solar: RFA1 Procedural History

| Milestone | Responsible Party | Date |
|--|-------------------|-----------------------|
| Preliminary RFA1 and Type B Review ADR | Cert Holder | Aug 19, 2022 |
| Type B Review ADR Determination | ODOE | Nov 10, 2022 |
| Complete RFA1 | Cert Holder | Dec 19, 2022 |
| Draft Proposed Order | ODOE | Dec 23, 2022 |
| Draft Proposed Order Public Hearing | EFSC | Jan 19, 2023 |
| EFSC Review of DPO and Public Comments | EFSC | Jan 20, 2023 |
| Proposed Order and Notice of Opportunity for Contested Case | ODOE | Jan 25, 2023 |
| Contested Case Opportunity Closes | ODOE | Feb 24, 2023 |
| EFSC Review of Proposed Order & Possible Final Decision | EFSC | March 24, 2023 |

Oregon Trail Solar Facility: Request for Amendment 1

Request for Amendment 1 (RFA1) seeks approval from EFSC for the following changes:

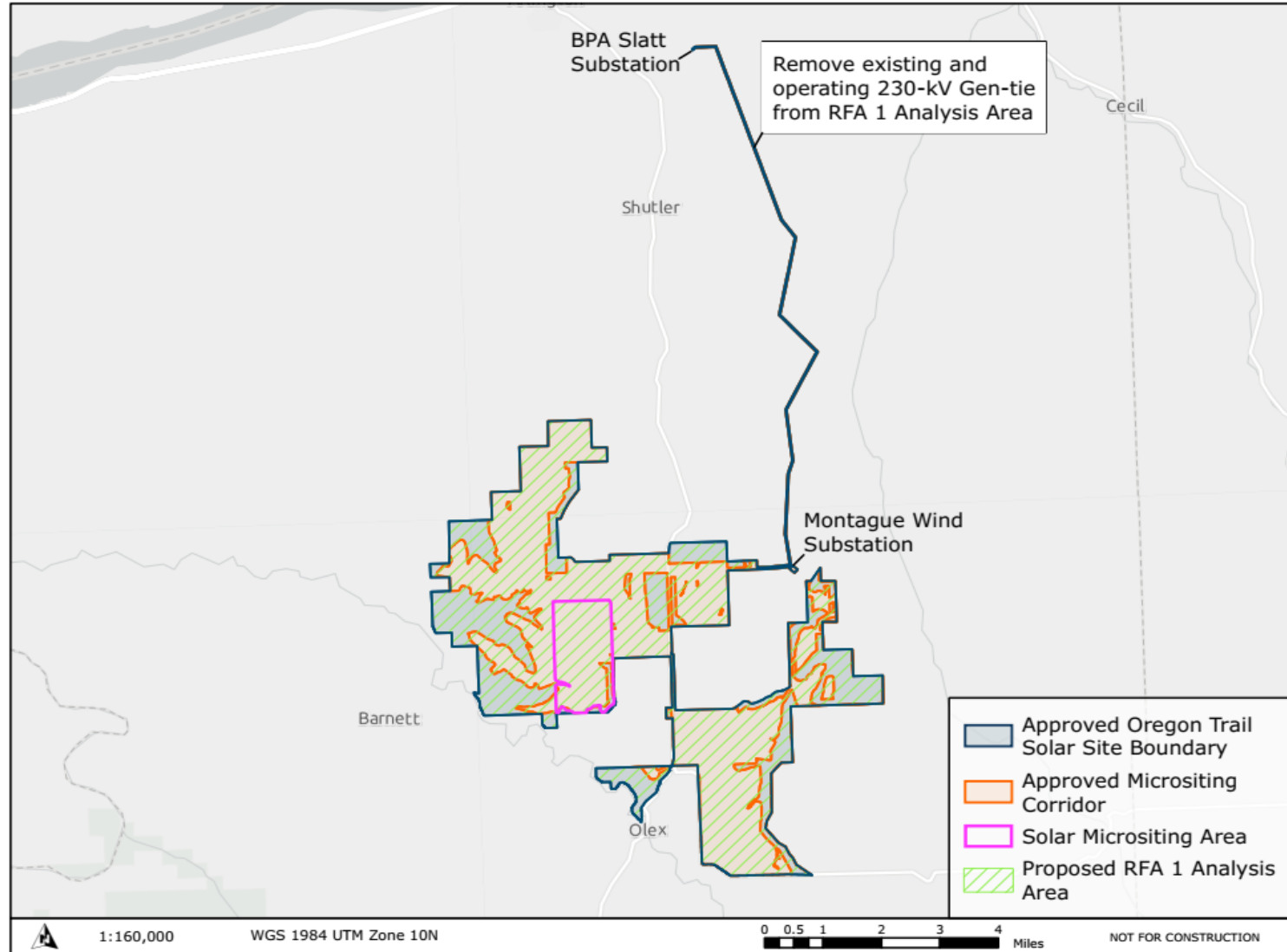
- Amend Condition 24 to extend the construction commencement deadline from August 30, 2022 to August 30, 2025.
- Revise Condition 50(b) to modify the cultural resources monitoring requirement.

Oregon Trail Solar RFA1- Scope of Review

OAR 345-027-0375(2)(a) – Scope of Council’s Review for Time Extension Request

*For a request for amendment to extend the deadlines for beginning or completing construction, **after considering any changes in facts or law (emphasis added)** since the date the current site certificate was executed, the facility complies with all laws and Council standards applicable to an original site certificate application.*

Oregon Trail Solar Facility: Applicable Site Boundary Area Under Review for RFA 1



Proposed Order Overview

DPO Comments: 9 commenters

- Members of the Public
- Landowner
- Members of Trade Unions
- Gilliam County
- Certificate Holder
- EFSC Councilmembers

Overview of Proposed Order

Standards where there were no new impacts or where no new/substantive amended conditions were recommended in the Draft Proposed Order or Proposed Order:

- Structural Standard
- Soil Protection
- Protected Areas
- Scenic Resources
- Recreation
- Public Services
- Waste Minimization
- Divisions 23 Standards
- Cumulative Effects Standard for Wind Energy Facilities
- Noise Control Regulations
- Removal-Fill Law
- Water Rights

Overview of Proposed Order

Standards where there were no new impacts or no new/substantive amended conditions were recommended or made from the Draft Proposed Order to the Proposed Order:

- General Standard of Review
- Organizational Expertise
- Retirement and Financial Assurance
- Fish and Wildlife Habitat
- Threatened and Endangered Species
- Historic, Cultural, and Archaeological Resources

Overview of Proposed Order

Based on Council's review of the DPO and comments received, the Department issued the Proposed Order which made additional findings of fact to support changes to the following recommended conditions under three standards:

- Land Use (Condition 120)
- Wildfire Prevention & Risk Mitigation (Condition 60)
- Public Health and Safety of Wind Facilities (Condition 67)

Overview of Proposed Order

III.E. LAND USE: OAR 345-022-0030

See Redline Version Pages 38-47

Recommended Additional Findings of Fact:

- In response to Gilliam County Comments on DPO re: Local Economic Benefit and Goal 3 Exception.
- Requires Memorandum of Agreement (MOA) between Certificate Holder and County for Community Donation.
- MOA with the Port of Arlington and Gilliam County Soil and Water Conservation District totaling \$922,500 (\$461,250 to each entity in a lump sum payment within 60 days of the start of facility construction) are sufficient resolution of the concerns identified by the County.
- Gilliam County has approved these MOAs to resolve County concerns raised on the record of the DPO.

Overview of Proposed Order

III.E. LAND USE: Recommended Final Condition Language

Recommended Land Use Condition (Condition 120): If the final facility design includes solar photovoltaic energy generation components, the certificate holder shall:

- a. Within 60-days of approval of Final Order on Amendment 1, provide to the Department copies of fully executed Memorandums of Agreement (MOA) substantially similar to the draft MOAs provided in Attachment F of Final Order on Amendment 1 and consistent with the pre-construction payment requirement under (b) of this condition. Substantive changes to the MOA shall be reviewed and approved by Council.
- b. Prior to construction, provide to the Department evidence that the Community Donation Funds have been issued to the Port of Arlington and Gilliam County Soil and Watershed Council consistent with the findings presented in the Final Order on Amendment 1.
- c. In the annual report to the Department (Condition 21), for the first 10-years of operation, unless Donation Funds are expended prior to the 10-year period, provide copies of the annual reports obtained under the executed MOAs per sub (b) that demonstrate the status of projects completed during the reporting year and the schedule and description of projects to be completed in the next reporting year.

Overview of Proposed Order

III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115 See Redline Version Pages 121-143

Additional Recommended Findings of Fact in the Proposed Order:

In order for the Department to evaluate the frequency for future amendments to the Wildfire Mitigation Plan (WMP), the Council requires that the certificate holder submit an updated wildfire risk assessment and WMP prior to facility operations; and

The certificate holder shall be required to provide an updated wildfire risk assessment and WMP (or justification for why no WMP revisions are necessary) annually, and included as part of the annual report submitted to the Department.

Overview of Proposed Order

III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115

Final Recommended Amended Condition 60

(a) During construction and operation of the facility, the certificate holder shall develop and implement fire safety plan(s) in consultation with the North Gilliam County Rural Fire Protection District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis.

(b) Prior to operation of the facility, the certificate holder shall submit to the Department and the North Gilliam County Rural Fire Protection District, a final Wildfire Mitigation Plan (WMP) based on final facility design, new information from the data sources identified in WMP Table 5 and

- i. An updated wildfire risk assessment, taking into account the facility on the landscape.
- ii. Information substantially similar to those included in the WMP (Attachment E of the Final Order on RFA1), listed under OAR 345-022-0115(1)(b), taking into account wildfire risk with the facility on the landscape.

Overview of Proposed Order

III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115 Recommended Amended Condition 60 (Cont)

- (c) During operation, the certificate holder shall:
- i. Meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.
 - ii. Implement the measures in the WMP.
 - iii. In every annual report required under Condition 21 (OAR 345-026-0080), provide an updated WMP based on review of WMP Table 5 or confirm that WMP updates are not required because there have been no changes to the recommendations from the data sources identified in WMP Table 5 during the reporting year.
 - iv. Submit an updated WMP to North Gilliam County Rural Fire Protection District if substantive changes are made to the WMP as a result of the review under sub (c)(ii) of this condition.

[AMD5, Sept 2020, OTSAMD1 Date]

Overview of Proposed Order

III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115

Wildfire Mitigation Plan: Table 5: (See Attachment E of Proposed Order)

| Reference | Description | Method |
|---|--|---|
| American Clean Power | Industry ground that establishes best practices for renewable energy projects | The Certificate Holder's parent company is a member of ACP and participates in best practice development.(1) |
| National Electric Reliability Corporation (NERC) | National Energy Reliability Corporation develops electrical standards for large energy facilities | The Certificate Holder will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines (2), or updates to this standard as approved by NERC. |
| Oregon Specialty Building Codes (OSBC) | Building codes applicable to inhabitable spaces, including the O&M building and the substation enclosure | Remodeling to the O&M and enclosure structure that requires permits will follow any updates to the OSBC at that time |
| APLIC | Avian protection methods for electrical facility reduce fires related to bird/mammal nests on electrical equipment | The Certificate Holder's parent company is a member of APLIC(3). An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA). |

1. Link to ACP Standards & Practices: <https://cleanpower.org/resources/types/standards-and-practices/>
2. NERC FAC-003-0: <https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf>
3. Link to APLIC member organization: https://www.aplic.org/member_websites.php

Overview of Proposed Order

III.P. PUBLIC HEALTH AND SAFETY OF WIND ENERGY FACILITIES: OAR 345-024-0010 See redline Pages:146-149

Additional Recommended Findings of Fact in the Proposed Order:

Based on increased awareness of potential hazards for energy infrastructure in general, and potential structural issues for wind components, the Council finds that the Department requires more information on monitoring, inspections and safety protocols for operations of the facility.

In order to allow the Department to better evaluate and track a facility's monitoring, maintenance, inspection, response and reporting protocols due to increased awareness of potential safety and structural issues associated with wind facilities, the Department recommends Council amend Condition 67.

Overview of Proposed Order

III.P. PUBLIC HEALTH AND SAFETY OF WIND ENERGY FACILITIES: OAR 345-024-0010

Final Recommended Amended Condition 67

During operation of the facility, the certificate holder shall develop and implement an operational safety-monitoring program that includes **regular inspections, maintenance, and reporting program to prevent structural or electrical failure of wind turbine foundations, towers, blades, or electrical equipment.** Required elements of the operational safety-monitoring program include:

- (a) Identify and conduct inspections and testing of wind facility components, including but not limited to foundations, towers, blades, nacelle, pad-mounted transformers, and SCADA system, consistent with manufacturers' recommendations and recognized and generally accepted good engineering practices (RAGAGEP) for frequency and process.
- (b) Maintain records of each inspection and test performed. Records shall:
 - (i) Identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.
 - (ii) Identify testing or inspection results that show deficiencies in equipment or operation issues that are outside acceptable limits or recommendations identified by the manufacturer. These issues must be corrected before further use, or in a safe and timely manner if precautions are taken to assure safe operation.
 - (iii) Be made available for inspection by the Department's Compliance Officer during site visits, or upon request from the Department.

Overview of Proposed Order

III.P. PUBLIC HEALTH AND SAFETY OF WIND ENERGY FACILITIES: OAR 345-024-0010 Final Recommended Amended Condition 67 (Cont)

(c) In the event of blade or tower failure, a structural or electrical issue that causes a fire or other safety hazard the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 30 days of the event, submit a report which contains:

- (i) A discussion of the cause of the reported incident including results of on-site or remote inspections or investigations;
- (ii) A description of immediate actions taken to correct the reported conditions or circumstances; and
- (iii) A description of actions taken or planned to minimize the possibility of recurrence and a description of manufacturers' recommendations and recognized and generally accepted good engineering practices to avoid instances in the future.

Department Recommendation

The Department Recommends that Council make the above-noted additional findings of fact, as presented in the Proposed Order, for each applicable EFSC Standard.

The Department recommends that Council approve the Proposed Order as the Final Order, with new, existing, and amended conditions, and issue an amended site certificate, for the Oregon Trail Solar Facility.

Council Options

Option 1 - Recommended

Approve the Proposed Order as the Final Order, as presented, and Issue an Amended Site Certificate

Option 2

Approve the Proposed Order as the Final Order, as presented but with changes, and issue an Amended Site Certificate

Option 3

Deny the request and issue a Final Order, with amended findings of facts and conclusions of law

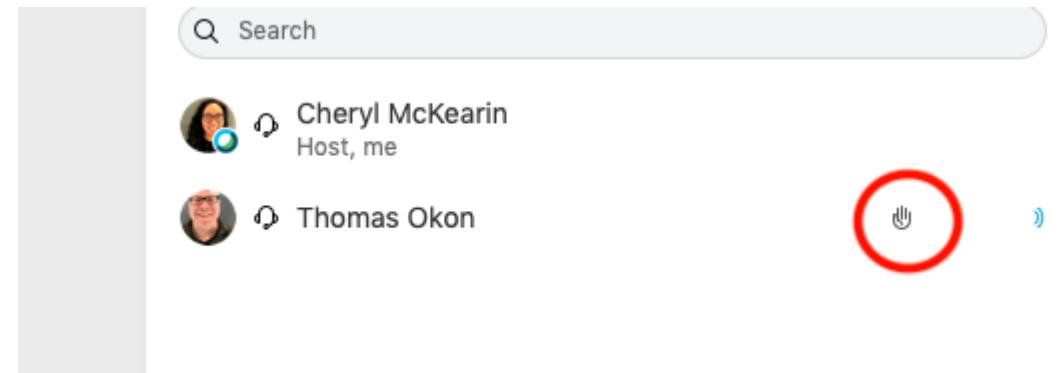
Council Deliberation and Decision

Agenda Item E (Information Item)

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the "Raise Your Hand icon".



How to Raise Your Hand in Webex:

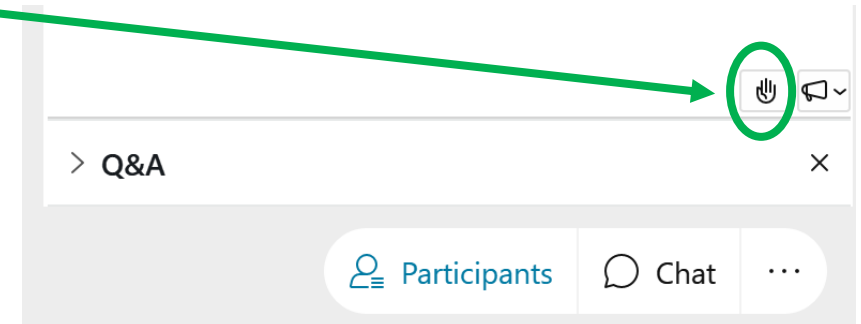
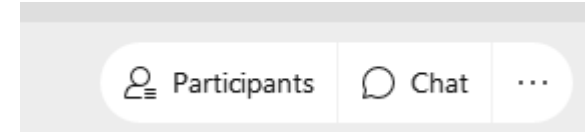
Webinar Participants

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

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



Phone Participants

Press *3 on your telephone keypad to raise your hand.

Press *3 again on your telephone keypad to lower your hand.

Agenda Item F (Action Item)

Rulemaking Alignment Phase 1

March 24, 2023

Tom Jackman, Rulemaking Coordinator, Oregon Department of Energy



Presentation Overview

- Background and Procedural History
- Overview of Preliminary Draft Rules
- Overview of suggested Rules Advisory Committee (RAC)
- Council Consideration of the Phase 1 Application Process Review Rulemaking and the creation of a RAC

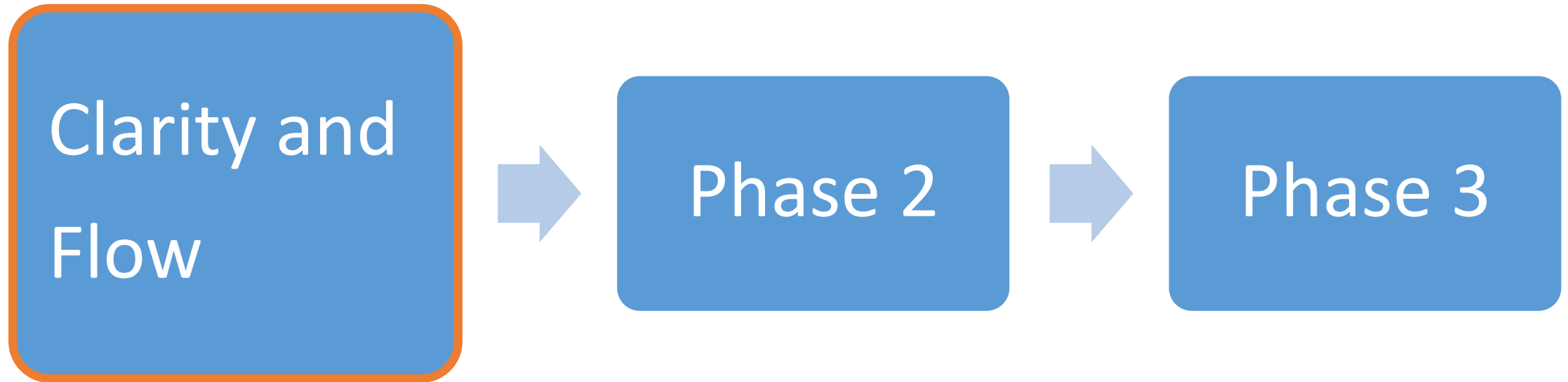
Background - Rulemaking Process



Three Phased Approach



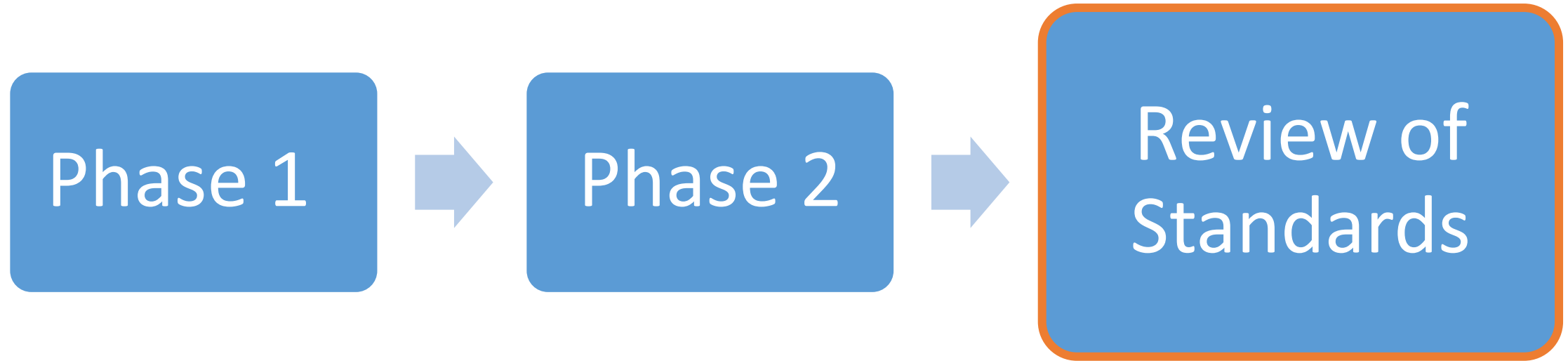
Phase 1 – Application Process



Phase 2 – Application Content



Phase 3 – Council Standards



Background – Scope and Objectives of Phase 1

- **Scope:** Update rule language in Divisions 015 – 026 (currently only 015 – 022)
- **Objectives:**
 - Ensure that procedural rules are internally consistent and flow logically
 - Remove ambiguity about which party is responsible for various application processes
- **Outside Scope:** Substantively altering any existing process, or modifying the standards applied by the Council in determining whether to grant a site certificate

Summary of Phase 1 Draft Rules

Three Categories of Changes in Phase 1:

1. Consolidating references to Department responsibilities into Division 15
2. Modifying the structure of division 15 to be consistent across the different stages of the siting process
3. Making editorial changes to rule language throughout 15, 20, and 21 to improve clarity and consistency.

Consolidating Department Responsibilities

- Language from Division 20 and 21 directed at the Department (“**The Department must/shall**”) has been moved into Division 15.
- Example 1:
 - “The **Department must** issue public notice . . . of any amendment”
 - Originally found at OAR 345-020-0016(2)
 - Now moved to a subsection of 345-015-0110

Consolidating Department Responsibilities

- Language from Division 20 and 21 directed at the Department (“**The Department must/shall**”) has been moved into Division 15.
- Example 2:
 - OAR 345-021-0050 (Distribution **by Department** of a preliminary application and the accompanying memorandum)
 - Removed from Division 021
 - Merged with OAR 345-015-0180 (Describing the content of the Department’s memorandum on the preliminary application)

Division 15 Better Internal Consistency

Siting process has stages:

- The notice of intent
- The project order
- The preliminary application
- Etc.

Division 15 Better Internal Consistency

Current Rules:

- The notice of intent
 - Rules organized one way
- The project order
 - Rules organized a second way
- The preliminary application
 - Rules organized a third way

Division 15 Better Internal Consistency

Draft Rules:

- The notice of intent
 - Subset of rules
- The project order
 - Subset of rules
- The preliminary application
 - Subset of rules

Division 15 Better Internal Consistency

Current Rules:

- OAR 345-0110 – Public Notice of a Notice of Intent
 - No corresponding rule exists for the Preliminary Application or Complete Application stages
 - Notice procedures are currently in OAR 345-021-0050 and 345-015-0190

Division 15 Better Internal Consistency

DRAFT VERSION:

- OAR 345-015-0110 – Public Notice of a Notice of Intent
- OAR 345-015-XXXX – Public Notice of a Preliminary Application
- OAR 345-015-XXXX – Public Notice of a Complete Application for Site Certificate

Clarity and Consistency

Removal of now redundant references to rules that have been combined with the rules they used to reference:

- Deleting the reference “under OAR 345-021-0055” from rule language that has been combined with OAR 345-021-0055 and would now be redundant

Clarity and Consistency

Making rules internally consistent:

- Modifying OAR 345-015-0120(3) to add the word “time” and remove the word “agenda” to match corresponding language used in OAR 015-0110(2)(f)
 - 345-015-0120(3): “State the date, time, location, ~~agenda~~ and **purpose** of any informational meeting that the Department has scheduled on the NOI and encourage the recipient to attend and participate in the informational meeting.”
 - 345-015-0110(2)(f): “**The date, time, and location, and purpose** of any informational meeting on the NOI that the Department has scheduled”

Clarity and Consistency

Conforming language to longstanding practice:

- Removed “in coordination with the applicant” from OAR 345-015-0180(2):
 - “After receiving the preliminary application the Department must, ~~in coordination with the applicant,~~ determine a distribution date and compile a distribution list that includes, but is not limited to, the reviewing agencies for the proposed facility.”
 - Note this language was originally found in OAR 345-021-0050(1)

Request to Approve RAC

15 Total RAC Members

- 2 – Investor-owned utilities
- 3 – Independent power producers and their representation
- 5 – Reviewing agencies (which includes the counties, state agencies, and the nine tribal governments)
- 3 – The public
- 2 – Resource interest groups and environmental justice groups

Recommended Council Action

- Staff recommends that the Council initiate formal proceedings on Phase 1 of the Application Process Review Rulemaking, which was approved for the 2023-2025 Rulemaking Schedule.
- Staff recommends that Council approve the scope and general direction of the changes that staff has drafted.
- Staff requests that the Council approve the creation of a Rulemaking Advisory Committee (RAC), and delegate the authority to appoint specific members to Staff.

Council Options

Option 1 - Recommended

Approve the Initiation
of Application Process
Review Rulemaking

Option 2

Approve the Initiation
of Application Process
Review Rulemaking,
with Changes

Option 3

Deny the Initiation of
Application Process
Review Rulemaking

Council Deliberation and Decision

BREAK

Agenda Item G (Action Item)

Mist Underground Storage Facility, Request to Amend Habitat Mitigation Plan

March 24, 2023

Chase McVeigh-Walker, Senior Siting Analyst, Oregon Department of Energy

Purpose/Intent

- Present Council's Fish and Wildlife Habitat standard within context of actual habitat mitigation for operational facility
- Inform Council on Department's process of evaluating proposed mitigation during permitting phase and necessary changes following approval/implementation
- Request Council input on Department's process and recommendations

Fish and Wildlife Standard Overview

The Fish and Wildlife Habitat Standard [OAR 345-022-0060] requires Council to find that the design, construction and operation of a facility is consistent with the Oregon Department of Fish and Wildlife's (ODFW) habitat mitigation goals and standards, as set forth in OAR 635-415-0025.

ODFW's Mitigation Goals and Standards

- Habitat Categories (6 categories: Cat 1: no impacts allowed; Cat 6: no mitigation required)
- Goals/standards (example):
 - Category 1: No loss of habitat quantity/quality
 - Category 2: No net loss of habitat quantity or quality and net benefit in habitat quantity/quality
 - Category 3 and 4: No net loss of habitat quantity or quality

Department/ODFW Review Process

Habitat Quantity: Acreage Ratio (acres impacted to acres in mitigation area)

- No net loss and net benefit (Cat 2) = 1:1+
- No net loss (Cat 3 & 4) = 1:1

Habitat Quality

- No net loss and net benefit (Cat 2) = larger suite/suitability of enhancement actions at mitigation area
- No net loss (Cat 3 & 4) = lesser suite/suitability of enhancement actions at mitigation area

Site Certificate Requirements

EFSC site certificates typically contain a requirement to finalize and implement, for the life of the facility, a Habitat Mitigation Plan (HMP) to satisfy the standard.

Finalizing an HMP typically requires coordination between the Department and ODFW for the detailed review scope and scale of enhancement actions to be implemented, habitat mitigation area location, and the implementation and monitoring schedule. Final HMP's typically include a provision of that allows for the plan to be amended, subject to Department review, without necessitating an amendment of the site certificate.

Condition VII.C.6.e(7)(e):

“(e) The *HMP may be amended from time to time* by agreement of the certificate holder and the department. Such amendments may be made *without amendment to the site certificate*. The Council authorizes the department to agree to amendments of this plan and to mitigation actions that may be required under this plan; however, the Council retains the authority to approve, reject or modify any amendment of this plan agreed to by the department.”

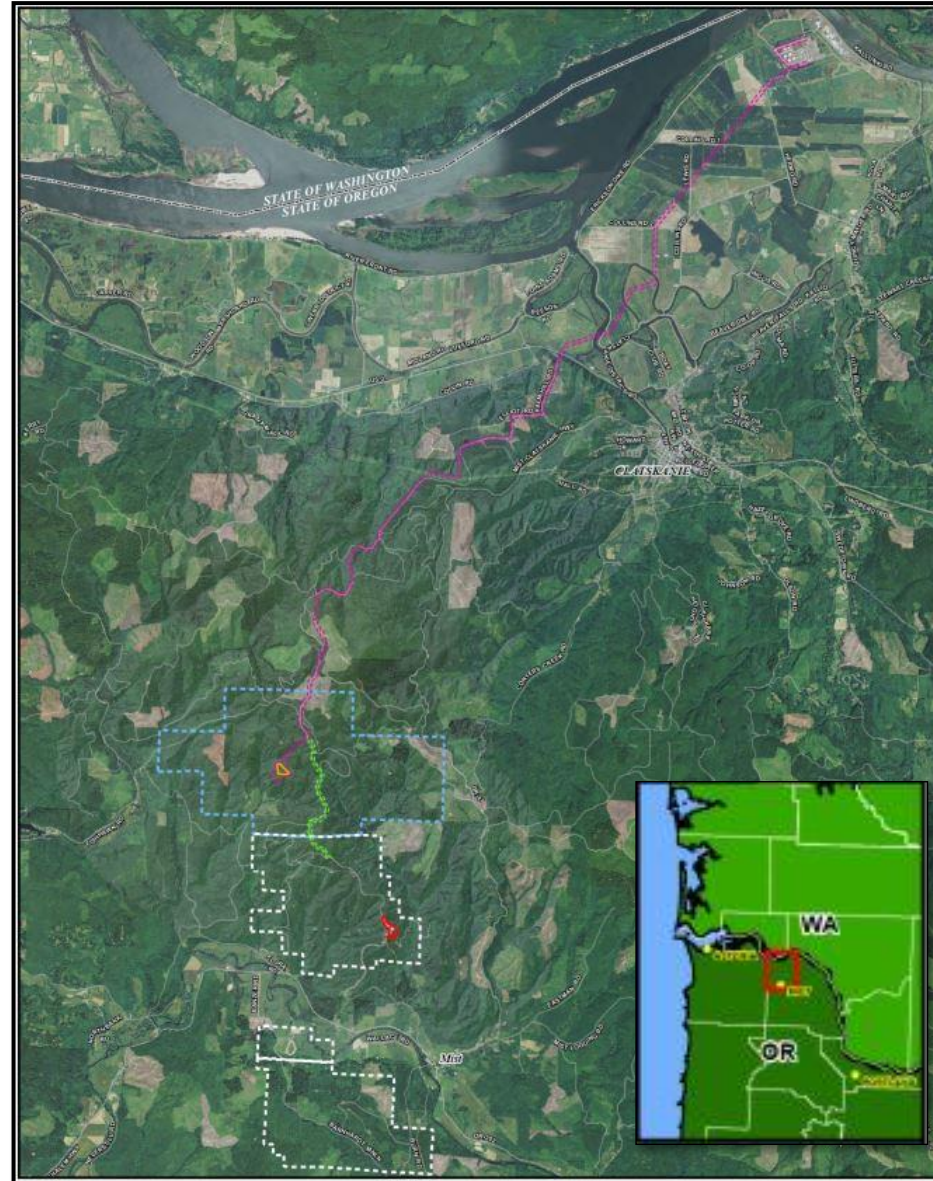
Mist Underground Natural Gas Storage Facility

Certificate Holder: Northwest Natural Gas Company

Location: Columbia County

Site Certificate: Approved in 1981, and amended 12 times (most recently in 2017)

Habitat Mitigation (AMD 11):
Approx. 10 acres forestland



Approved 2017 HMP

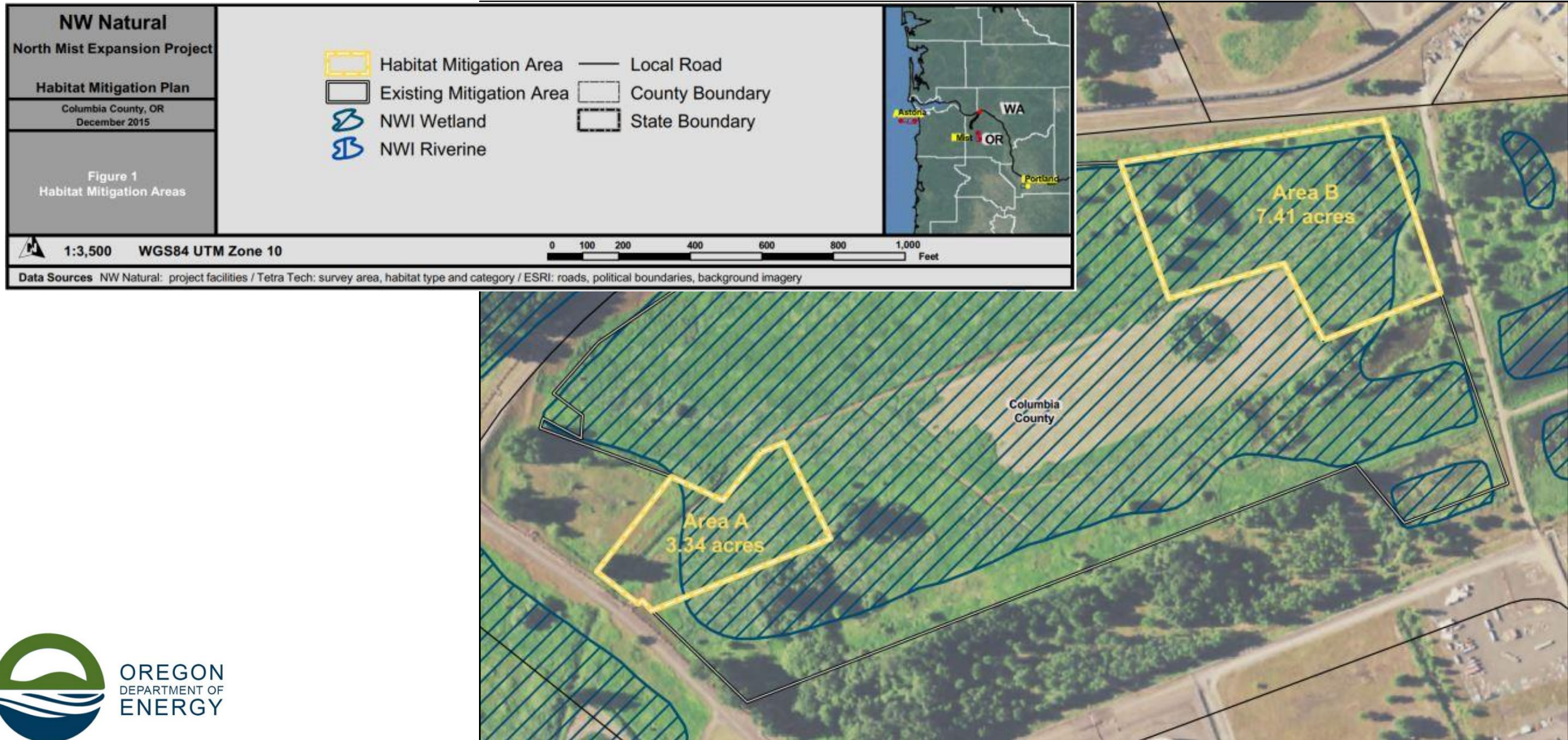
Impacts = 9.6 acres

- Habitat Category: 4
- Mitigation Goal: No net loss in habitat quantity or quality

Approved Mitigation

- Habitat Quantity: 10.8 acres (1:1)
- Habitat Quality: Implementation and 5-years of monitoring for
 - Creation of vertical wood elements (snag)
 - Placement of downed wood
 - Planting of native species
 - Removal of non-native species

Approved 2017 HMP



Request to Amend HMP



Himalayan blackberry in Area B



Nootka Rose in Area A

Request to Amend HMP

Scotch Broom in Area A; location of native species plantings



Creation of vertical wood elements (snag) in Area B

Request to Amend HMP



January 19, 2023 mitigation site visit (Area B)

Proposed 2023 HMP Amendments

- Detailed plan for control of non-natives (Himalayan blackberry and Scotch Broom)
- Two additional wood actions: vertical wood elements (snag) and downed wood
- Long-term monitoring + maintenance obligation
 - ODOE Rec: Every 3-years for the life of the facility, unless otherwise agreed to by ODOE/ODFW
 - NWN Request: Every 3-years for the life of facility or lesser frequency based on successful reporting and probability of success

Council Review

Are the additional actions adequate to address the limited success from 2017 habitat impacts?

- Department's recommendation:
 - Based on recommendations of subject matter experts, ODFW and consultant, following Jan 2023 site visit
 - Includes more detailed/aggressive plan for spraying/mowing across 3 Springs (2023-2025) for non-natives
 - Removes actions with limited likelihood of success (i.e. plantings)
 - Added high success actions (placement of wood, and installation of snag for additional habitat)
 - Long-term monitoring and maintenance requirement

Council Options

Option 1 - Recommended

Approve the Amended
Habitat Mitigation Plan

Option 2

Approve the Amended
Habitat Mitigation Plan,
with Changes

Option 3

Deny the Amended
Habitat Mitigation Plan

Council Deliberation and Decision

Agenda Item H (Action Item)

Coyote Springs Cogeneration: Request to Amend the Ecological Monitoring Program

March 24, 2023

Elizabeth Bobe, Siting Compliance Officer, Oregon Department of Energy



Purpose/Intent of this Presentation

Inform Council on Department's process of evaluating proposed mitigation during permitting phase and necessary changes following approval/implementation

Request Council input on Department's process and recommendations

Overview/Background

Facility: Coyote Springs Cogeneration, 442 MW natural-gas

Location: Morrow County

F&W Habitat Requirement (Category 4 impacts): Implement Ecological Monitoring Program at Messner Pond

- Water Quality Testing – No longer required
- Raptor Nest Monitoring – No longer required
- Aerial Monitoring – No longer required

The tree stand

Condition of Hybrid Poplars in 2017



Condition of Hybrid Poplars in 2021



Proposed Changes to Ecological Monitoring Plan

(July 2023 through November 2024)

- 1) Treat and remove olive trees, dead/dying trees and noxious weeds.
- 2) Assess and amend soils.
- 3) Seed understory with native grasses.
- 4) Install irrigation drip system.
- 5) Monitor plant establishment and irrigation system performance.
- 6) Plant a total of 100-120 trees, native shrubs and grasses.

Recommended tree species

Hybrid poplar



Black cottonwood
(*Populus trichocarpa*)



White alder (*Alnus
rhombifolia*) – nitrogen
fixing



Douglas hawthorn
(*Crataegus douglasii*)



Recommended Native Plant Species

- Great Basin wildrye (*Leymus cinereus*)
- Thickspike wheatgrass (*Elymus lanceolatus*)
- Needle and thread (*Hesperostipa comata*)

Council Review

Are the additional actions adequate to replace declined poplar stand and maintain new trees/shrubs?

Department's recommendation:

- Based on ODFW concurrence
- Includes water supply (drip irrigation)
- Long-term monitoring and ongoing maintenance requirement, with agency review/approval authority

Council Options

Option 1 - Recommended

Approve the Amended
Ecological Monitoring
Program

Option 2

Approve the Amended
Ecological Monitoring
Program, with Changes

Option 3

Deny the Amended
Ecological Monitoring
Program

Council Deliberation and Decision

Agenda Item I (Information Item)

WHEATRIDGE RENEWABLE ENERGY FACILITY II Council Update on Lawrence's Milkvetch Mitigation

March 24, 2023

Jordan Brown, Oregon Department of Agriculture, Native Plant Program

Kathleen Sloan, Senior Siting Analyst, ODOE

WREFII Lawrence's Milkvetch Mitigation

Facility Overview:

- Operational 200 MW wind energy generation facility, including up to 80 wind turbines (maximum blade tip height of 499.7 feet),
- Located within a site boundary containing approximately 7,850 acres
- Located within Morrow and Umatilla counties.
- Certificate holder is Wheatridge Wind II LLC, a subsidiary of NextEra Energy Resources LLC.
- Approved on May 22, 2020.
- Amended once on Nov. 19, 2020.
- Commenced operation on November 25, 2020.

WREFII Lawrence's Milkvetch Mitigation

EFSC Threatened & Endangered Species Standard OAR 345-022-0070

(Following excerpts specific to plants and ODA, bolded for emphasis)

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:

(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or

(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and...

WREFII Lawrence's Milkvetch Mitigation



Lawrence's milkvetch, (*Astragalus collinus* var. *laurentii*), is a tap-rooted perennial in the pea (Fabaceae) family and is listed as **threatened** under the Oregon Endangered Species Act and falls under EFSC standard for Threatened and Endangered Species.

It has a narrow distribution, limited to western Umatilla and Morrow and minor populations in Sherman and Gilliam counties in Oregon.

WREFII Lawrence's Milkvetch Mitigation

Site Certificate Condition PRE-TE-03 (iv): (excerpt bolded for emphasis)

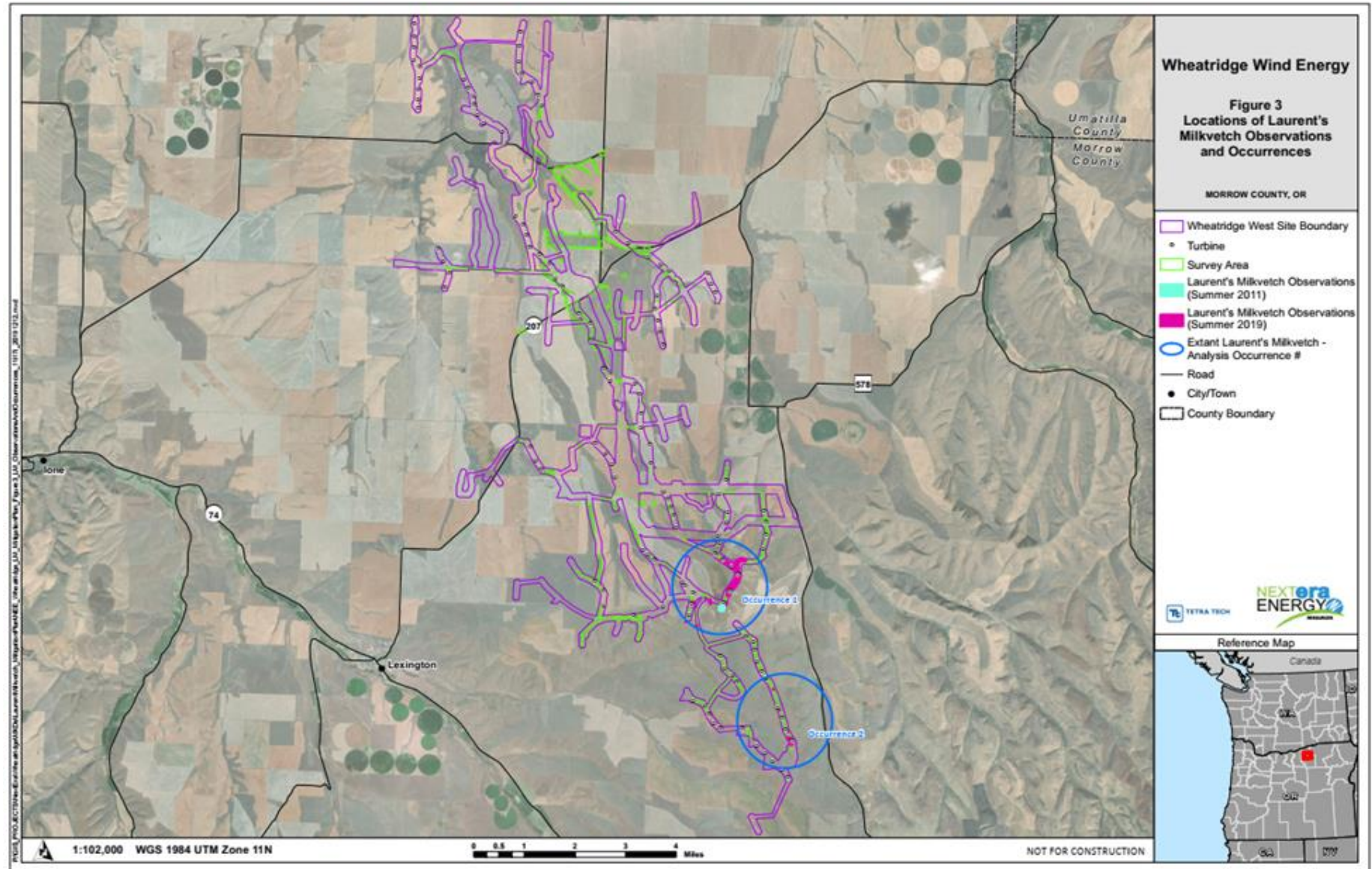
If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to:

- Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance;
- A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted;
- An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard;
- **Proposed mitigation measures** such as: funded studies that improve understanding of reproductive biology and pollination; **development of seed germination, propagation, and transplanting protocols**; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species.

WREFII Lawrence's Milkvetch Occurrences Detected in 2019 Surveys

2019 Surveys detected 2 occurrences not previously identified.

Approx 61.6 acres (total) and estimated 428 plants to be impacted.



WREFII Lawrence's Milkvetch Mitigation

- Completed required pre-construction field surveys in 2019 and detected Lawrence's milkvetch in areas that had not been previously identified and within the micro-siting area.
- Certificate holder has coordinated with ODA and Department on detection, avoidance, impacts, exception request and mitigation proposal (2019-2023).
- Certificate holder determined that due to topography and existing distribution of the species, that total avoidance was not possible so per Condition PRE-TE-03 sub part (iv) certificate holder submitted an *exception request* in March 2020. Council approved this request.

WREFII Lawrence's Milkvetch Mitigation

Mitigation Proposal Prepared and Implemented by ODA (2021-2023):

- Seed Collection – estimated need for 2,000 seeds for germination trials and 1,500 seeds for seed banking
- Germination Trials
- Large-scale Germination for Cultivation
- Cultivation Trials
- Large-scale Transplant Cultivation
- Soil Salvage Monitoring and Transplant Site Selection
- Transplanting Trials
- Monitoring
- Reporting

WREFII Lawrence's Milkvetch Mitigation

- The **ODA Native Plant Conservation Program** is responsible for the protection and regulation of state-listed Threatened and Endangered plants.
- We work with state and federal agencies to promote the conservation and recovery of Oregon's rarest plants.
- ODA permitting and consultation is legally required for projects that can impact listed plants on non-federal public.
- Recently, ODA's capacity to consult with fellow state agencies has grown, allowing for regular consultation with ODOE.



WREFII Lawrence's Milkvetch Mitigation

OBJECTIVES

- Help preserve localized diversity for the species through seed banking
- Research reintroduction capabilities that have the ability to contribute to the species on the whole by conducting germination, cultivation, and transplanting trials
- Attempt to reestablish the 428 plants lost as a result of development

WREFII Lawrence's Milkvetch Mitigation

MITIGATION TASKS – Offsite Conservation and Transplanting Feasibility Study

- Seed collection
- Seed extraction and cleaning
- Seed banking (ex situ conservation)
- Germination trials
- Cultivation trials
- Large-scale germination for cultivation
- Large-scale transplant cultivation
- Soil salvage monitoring
- Transplant site selection
- Transplanting trial
- Transplant monitoring

WREFII Lawrence's Milkvetch Mitigation

OBSERVATIONS & FINDINGS:

- Small numbers of plants can reestablish following disturbance.
- Increased presence of weeds following disturbance is a major concern.
- We can grow these plants and reintroduce them into the wild.
- The effectiveness of reintroductions (survival) has not yet been determined.

WREFII Lawrence's Milkvetch Mitigation

SEED COLLECTION & BANKING:

- Pods and seeds were bagged in mesh in late May of 2021 and 2022.
- Collected in late July 2021, yielding 3,919 seeds total, and again in 2022.
- There are likely to be over 5,000 seeds for long-term banking.
- Seed production is highly variable – 2020 & 2021 had low seed production due to drought and grazing - on a “good” year, many seeds are likely produced.
- About 16% of the seeds in the 2021 collection were visibly underdeveloped; they were not used in the study.
- Pods do tend to drop off the plant at maturity.
- Developing pods and seeds can be bagged in mesh for later collection.
- Removing seeds from the pods is difficult.

WREFII Lawrence's Milkvetch Mitigation

SEED PROCESSING FOR GERMINATION:

- An air-powered seed tumbler was used to scarify seeds.
- Sufficient scarification was determined by visual inspection of abraded seed coats and their ability to imbibe water.
- Seeds were scarified in groups of 10 seeds on 150 grit sandpaper in a seed tumbler at 20 PSI for 15 seconds.
- Higher numbers of seeds in the air tumbling scarification chamber seemed to decrease effectiveness.



WREFII Lawrence's Milkvetch Mitigation

GERMINATION TRIALS:

- A total of 8 treatments: scarified and non-scarified seeds with no cold stratification, scarified and non-scarified seeds with 15 days of cold stratification at 5°C, scarified and non-scarified seeds with 28 days of cold stratification at 5°C, and scarified seeds with 3 days of cold stratification at 5°C before transferring to soil and being placed inside and outside the greenhouse.
- Scarification (breaking the seed coat) and cold stratification (at 5°C) improve germination.
- Scarification and cold stratification for 15 or 28 days yielded the highest germination rates of 53.3% and 56.67%, respectively.

WREFII Lawrence's Milkvetch Mitigation

CULTIVATION:

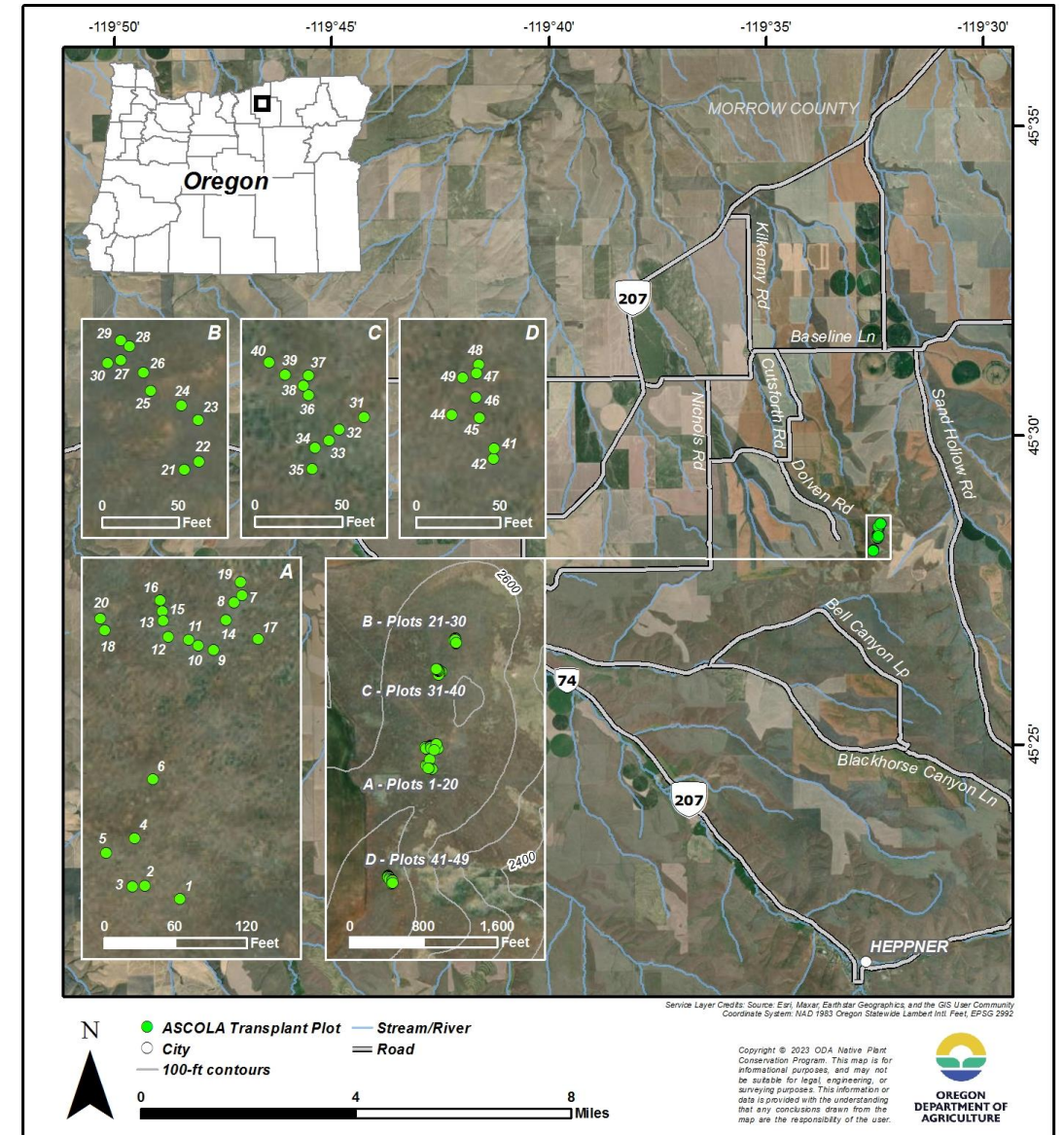
- Plants grew relatively well in potting soil and perlite mix – better drainage.
- About 50% of germinated seeds survived to transplanting.
- Damping off, aphids, and fungus gnats contributed to losses.
- Triggering dormancy was difficult – it led to losses and we don't recommend it for the future.



WREFII Lawrence's Milkvetch Mitigation

TRANSPLANTING:

- Planting took place in early November 2022.
- A total of 420 plugs were brought out for planting (final sorting before planting identified 40 transplants that had died while senescing) in addition to scarified seeds to supplement the transplants and serve as a trial seed introduction.
- A total of 50 plots, containing a total of 380 transplants (additional transplant mortality was detected during planting) and 500 seeds, were planted in four areas of suitable habitat in the vicinity of the impact site.



WREFII Lawrence's Milkvetch Mitigation

MEASURING EFFECTIVENESS & SUCCESS:

ODA is scheduled to monitor transplants and seeding efforts in May 2023 to assess winter survival, and another late season monitoring to observe summer survival may also occur.



WREFII Lawrence's Milkvetch Mitigation

MEETING GOALS & TARGETS:

- The preservation of our collected seeds long-term storage helps secure this species' future and conserve some of its localized diversity – SUCCESS.
- Research results provide extremely valuable insights into the biology of the target species and our ability to produce them, and this understanding can benefit the species as a whole – SUCCESS.
- The difficulty of maintaining healthy transplant stock resulted in 380 transplants being reintroduced, but an additional 500 scarified seeds were introduced to supplement; with germination rates nearing 50% under optimal conditions, an additional 250 plants could establish from seed - SUCCESS.

Council Q&A

Agenda Item J (Action Item)

Lone Pine to Whetstone Transmission Line Project: Council Appointment of Special Advisory Groups

March 24, 2023

Sarah Esterson, Senior Policy Advisor, Oregon Department of Energy

Lone Pine to Whetstone Transmission Line Project

- Proposed Facility:
 - 230 kV transmission line
 - West alternative - 10 miles in length
 - East alternative – 12.1 miles in length
 - Primarily H-frame towers using wooden poles, 75-105 feet high with 600-700 foot spans
 - Maximum 125 feet right of way width
- Site Boundary: 500 feet wide
- Location: Jackson County, north and east of the City of Medford and City of Medford
- Applicant: PacifiCorp, a wholly owned subsidiary of Berkshire Hathaway Energy

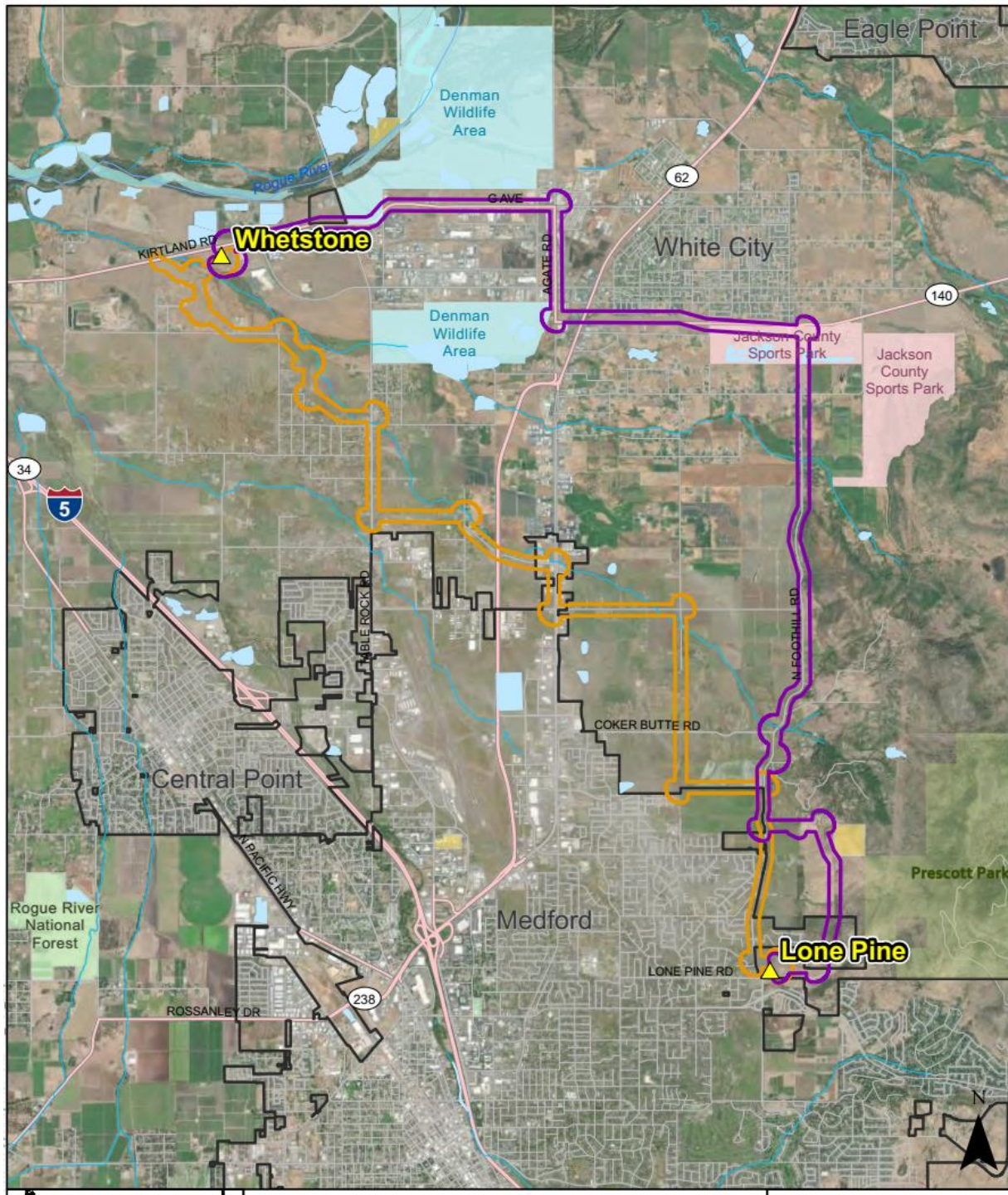
Oregon's Energy Facility Siting Program











Energy Facilities, Defined

- ORS 469.300(11)(a) defines “energy facility” subject to EFSC jurisdiction
 - Energy facilities that do not meet the definition are subject to local permitting requirements
- A high voltage transmission line:
 - more than 10 miles in length; and
 - with a capacity of 230,000 volts or more; and
 - to be constructed in more than one city or county in Oregon

Exceptions

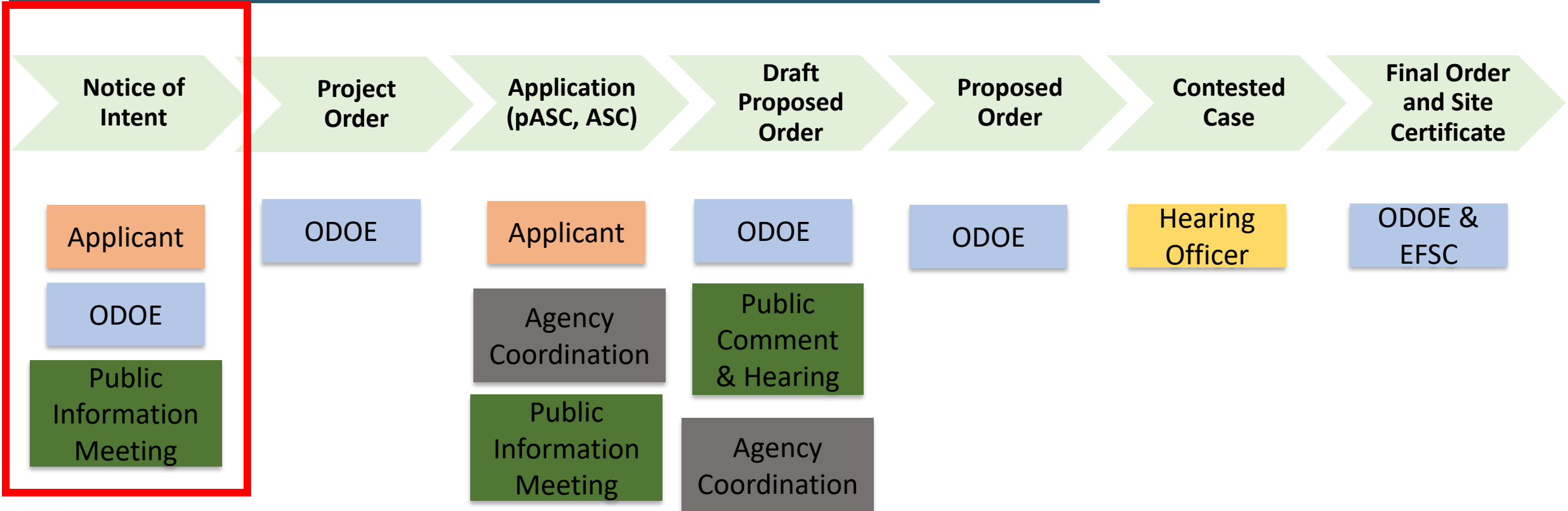
- (i) Lines proposed for construction entirely within 500 feet of an existing corridor occupied by high voltage transmission lines with a capacity of 230,000 volts or more;
- (ii) Lines of 57,000 volts or more that are rebuilt and upgraded to 230,000 volts along the same right of way; and
- (iii) Associated transmission lines



| Project Components | | Jurisdiction | |
|---|---|---|---------------------------|
|  | Substation |  | Bureau of Land Management |
|  | West Alternative Route Site Boundary (500 feet) |  | US Forest Service |
|  | East Alternative Route Site Boundary (500 feet) |  | State |
| | |  | Private |
| | |  | City/Town Boundary |
| Water Resources | | | |
|  | Stream | | |
|  | Pond | | |

Energy Facility Siting Process

Application for Site Certificate



Procedural History

- March 1, 2023: NOI Submitted (NOI fee not received yet)

Upcoming:

- Public notice
 - Adjacent Property Owner
 - Email List
 - Newspaper
- Reviewing Agency Memo
- Public Information Meeting
- Project Order – Within 140 days of receipt of NOI and fee

Energy Facility Siting Process

Role of Special Advisory Groups (SAGs)

- Special Advisory Group (Board of Commissioners) may designate County Planning Department to comment on behalf of the County or City or provides comments formally as the Board of Commissioners & City Council.
- Submits a list of all applicable substantive criteria
- Submits local interpretations
- Submits comments regarding compliance with the applicable substantive criteria and other issues of interest/concern to the County & City

Council Options

Option 1

Appoint the Jackson County Board of Commissioners and the City of Medford City Council as Special Advisory Groups in One Motion

Option 2

Appoint the Jackson County Board of Commissioners and the City of Medford City Council as Special Advisory Groups in Separate Motions

Council Deliberation & Decision

Adjourn

