



Oregon

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To: Energy Facility Siting Council

From: Sarah Esterson, Senior Policy Advisor

Date: January 12, 2024

Subject: Agenda Item G (Action Item): Council Review and Decision on Amendments to Mitigation Plans for the January 26, 2024 EFSC Meeting

Attachments:

- Attachment 1: Wheatridge Renewable Energy Facility I and II - Amended Noxious Weed Plan/Agency Review
- Attachment 2: Biglow Canyon Wind Farm Amended Habitat Mitigation Plan/Agency Review
- Attachment 3: Shepherds Flat Central Amended Wildlife Monitoring and Mitigation Plan/Agency Review

BACKGROUND

The Energy Facility Siting Council (EFSC or Council) issues site certificates to certificate holders establishing terms and conditions applicable to the design, construction, operation and retirement of energy facilities, as defined in ORS 469.300(11)(a). Prior to Council's decision on whether to approve and grant issuance of a site certificate, Council reviews an Application for Site Certificate (ASC) and, as applicable, Requests to Amend Site Certificate. Council also reviews the Oregon Department of Energy's (Department) evaluation and recommendations on whether to approve or deny an ASC or amendment request. The information contained in an ASC or amendment request typically does not represent the final design of the facility nor final environmental but represents potential impacts to state protected resources necessitating mitigation.

Mitigation is imposed through site certificate conditions, typically through a mitigation plan. Generally, mitigation plans are not finalized at the time of Council review due to uncertainties in final design, final impact and even whether the facility will be constructed. Therefore, site certificate conditions imposing mitigation requirements often delegate final approval of the mitigation plan requirements to the Department, as authorized under ORS 469.402.

Under the same statutory authority, because mitigation plans are not guaranteed to be successful, there is often a clause that allows for the plan to be amended once finalized, with future review and approval of amendments delegated by Council to the Department. While

Council typically delegates future review and approval of mitigation plan amendments to the Department, the plans often maintain an obligation that the amended plan be presented to Council to provide an opportunity to approve, modify or reject the Department's recommendation.

This staff report provides Council an update on needed amendments to four mitigation plans associated with four operating facilities. The Council can approve, modify or reject the Department's recommendation.

SUMMARY OF RECOMMENDED CHANGES

Wheatridge Renewable Energy Facility I is a 100 megawatt (MW) wind energy generation facility in Morrow County. Council imposed Condition PRE-LU-03 requiring implementation and adherence to the requirements of a Noxious Weed Plan. Following the Department's May 2023 site inspection, non-compliance with the noxious weed plan requirements was identified. The Department recommends Council amend the Noxious Weed Plan to incorporate requirements for enhanced communication, monitoring and treatment (see Attachment 1). The proposal was provided by the certificate holder, Portland General Electric, and reviewed and concurred with by the Department, the Department's technical support from its environmental consultant (Haley-Aldrich) and Morrow County Weed Department (Corey Sweeney).

Wheatridge Renewable Energy Facility II is a 200 MW wind energy generation facility in Morrow County. Council imposed Condition PRE-LU-03 requiring implementation and adherence to the requirements of a Noxious Weed Plan. Following the Department's May 2023 site inspection, non-compliance with the noxious weed plan requirements was identified. The Department recommends Council amend the Noxious Weed Plan to incorporate requirements for enhanced communication, monitoring and treatment (see Attachment 1). The proposal was provided by the certificate holder, Portland General Electric (PGE), and reviewed and concurred with by the Department, the Department's technical support from its environmental consultant (Haley-Aldrich) and Morrow County Weed Department (Corey Sweeney).

Biglow Canyon Wind Farm is a 450 MW wind energy generation facility in Sherman County. Council imposed Condition 63 requiring implementation and adherence to the requirements of a Habitat Mitigation Plan (HMP). In January 2023, the certificate holder (PGE), proposed to amend the HMP to address failed plantings at the habitat mitigation area. The changes to the HMP include additional actions to promote further establishment of native woody species, increase efforts to treat noxious weeds, provide additional site access to water and increase monitoring at the site. The proposal was provided by PGE and reviewed and concurred with by the Department and Oregon Department of Fish and Wildlife (ODFW) (Attachment 2).

Shepherds Flat Central is a 290 MW wind energy generation facility in Gilliam County. Council imposed Condition 114 requiring implementation and adherence to the requirements of a Wildlife Monitoring and Mitigation Plan (WMMP). In 2023, the certificate holder reported that mitigation implemented to address an exceedance of a threshold of concern following the post-construction avian fatality study had failed (juniper planting). In November 2023, the certificate holder, South Hurlburt Wind, LLC, submitted a proposal for alternative mitigation. The proposal includes increasing funding to the Rowena Wildlife Clinic, from \$1,000 to \$2,000 per year. The

proposal is intended to result in an equitable amount to address conservation actions under the Oregon Conservation Strategy for sensitive species. Certificate holder explained that the cost was calculated based on initial costs incurred during the initial tree planning and nursing/monitoring efforts over the last 3 years. The proposal was provided by South Hurlburt Wind, LLC and reviewed and concurred with by the Department and ODFW (Attachment 3).

STAFF RECOMMENDATION

The Department recommends Council approve the following, based on this staff report/attachments and information presented by staff at the January 26, 2024 meeting:

- Amended Noxious Weed Plan for Wheatridge Renewable Energy Facility I
- Amended Noxious Weed Plan for Wheatridge Renewable Energy Facility II
- Amended Habitat Mitigation Plan for Biglow Canyon Wind Farm
- Amended Wildlife Monitoring and Mitigation Plan for Shepherds Flat Central