

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

ODOE Office
Meitner Room
550 Capitol St. NE
Salem Or

April 19, 2024



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 Council Meeting Minutes
- Council Secretary Report

April 19, 2024

Agenda Item B (Action Item)

Carbon Offset Rate Informal Rulemaking

Thomas Jackman, Rulemaking Coordinator

April 19, 2024



Background - Rulemaking Process



Background and Scope

1. This update is intended to address historic increases in carbon offset costs. Per ORS 469.503(2)(c)(C), the rate may be increased by up to 50% as of every two years.
2. Due to years of failing to increase this rate, regular increases are needed to ensure the rate is at intended amounts.
3. The last increase took place on 7/1/2022 which raised the rate to \$4.27 per ton of carbon dioxide emission.
4. The next increase can take place on 7/1/2024 and could increase the rate up to \$6.40. If this rulemaking is initiated now, the rate increase would go in place not long after this date.

Why Bother?

1. Council cannot approve any fossil fueled facility in the future and is limited in authorizing changes to CO2 generating facilities.
 - a. 345-024-0500 – “the Council must find that the facility [under review] will only generate electricity in a manner that does not emit greenhouse gasses into the atmosphere”
2. BUT - we do not know what the future will hold.

Request to Consider RAC

Possible RAC:

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

Council Options

Option 1 - Recommended

Approve the request for the start of rulemaking and direct staff as to creation of RAC

Option 2

Approve the request for the start of rulemaking as described with changes

Option 3

Take no action

Council Deliberation



Agenda Item C (Action Item)

Application Process Phase 2 Informal Initiation of Rulemaking

Thomas Jackman, Rulemaking Coordinator

April 19, 2024



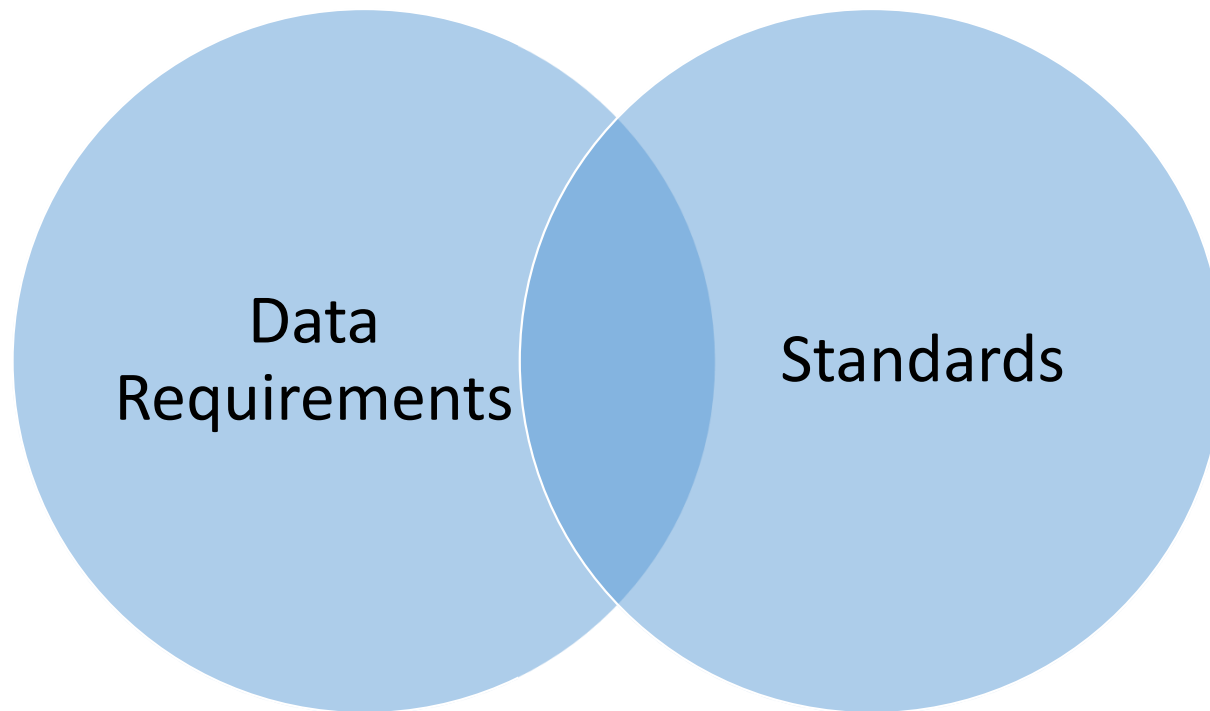
Background - Rulemaking Process



Scope and Objectives

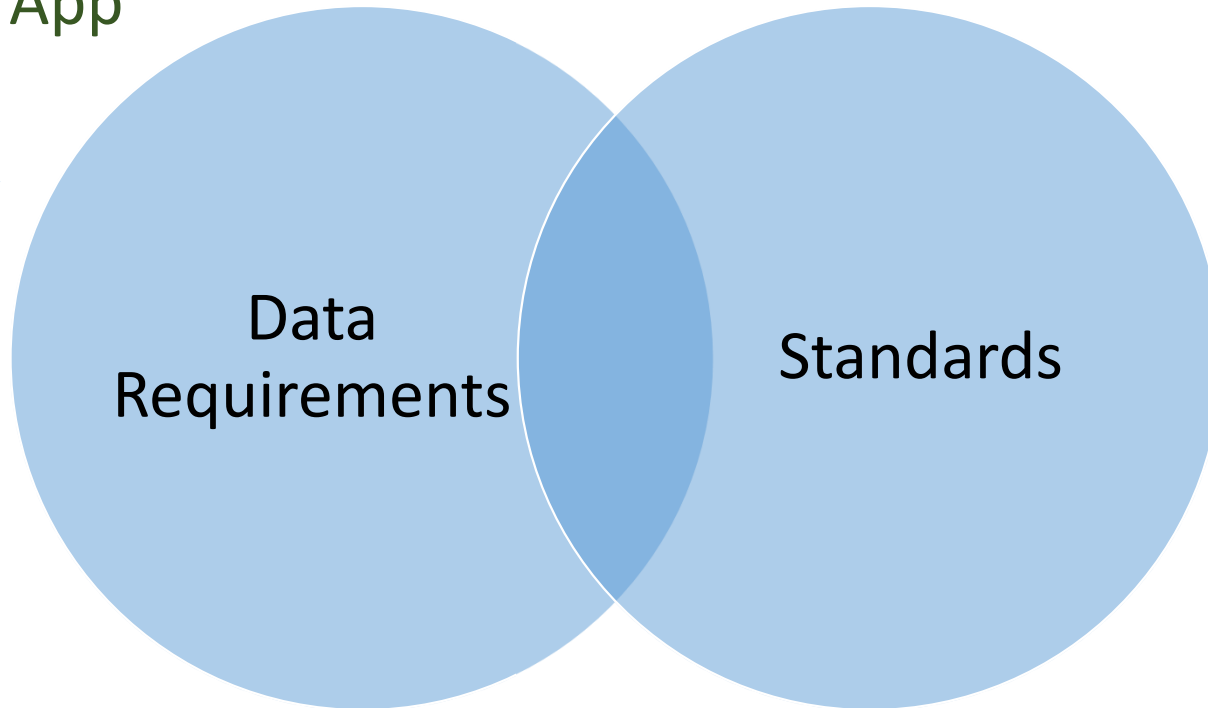
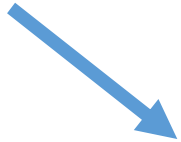
1. Ensure that the siting application requirements and the data submission requirements are as close to a 1:1 as we can get them.
2. Improve the clarity of the rules by resolving ambiguities.
3. Update the rules to ensure compliance with new statutes, revised rules, and recent direction of the courts.

Two Related Issues at Heart of Phase 2



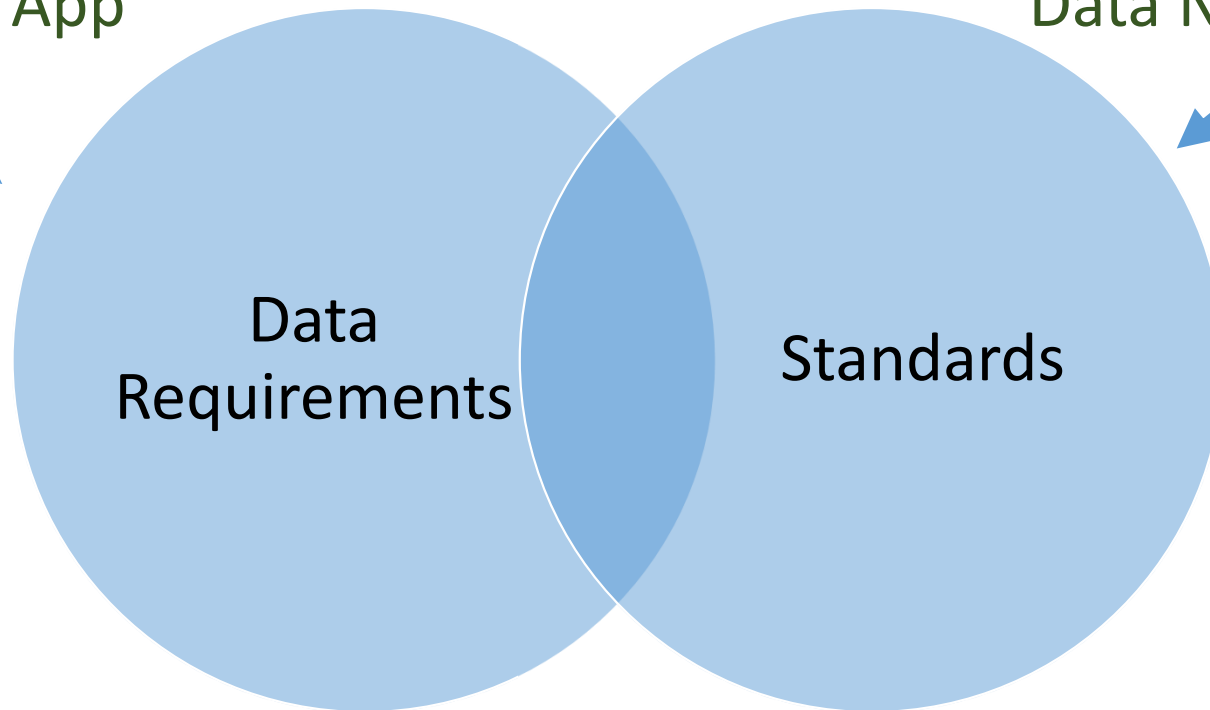
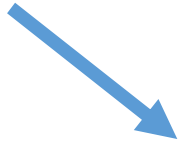
Two Issues at Heart of Phase 2

Issue 1 – Data
Not Used For App



Two Issues at Heart of Phase 2

Issue 1 – Data
Not Used For App



Issue 2 – Needed
Data Not Submitted



In a Perfect (not real) World



Data
Requirements
&
Standards

Request to Approve RAC

12 Total RAC Members

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

Council Options

Option 1 - Recommended

Approve the request for the start of rulemaking and formation of RAC as proposed

Option 2

Approve the request for the start of rulemaking and formation of RAC as proposed, with changes

Option 3

Take no action

Council Deliberation



BREAK

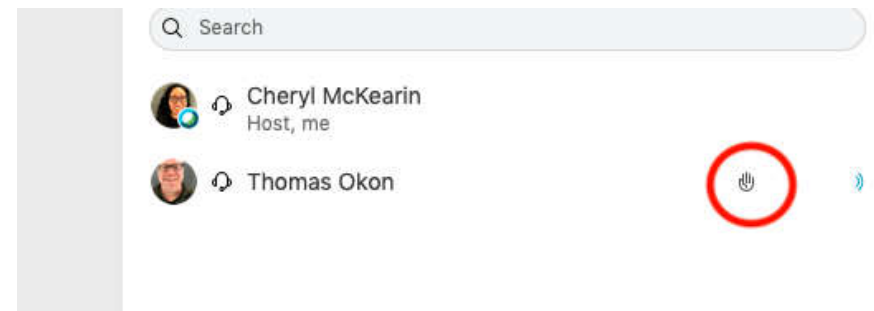


Agenda Item D

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:

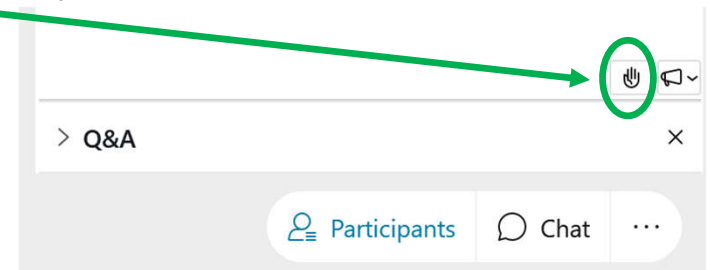
Webinar Participants

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 E (Information Item)

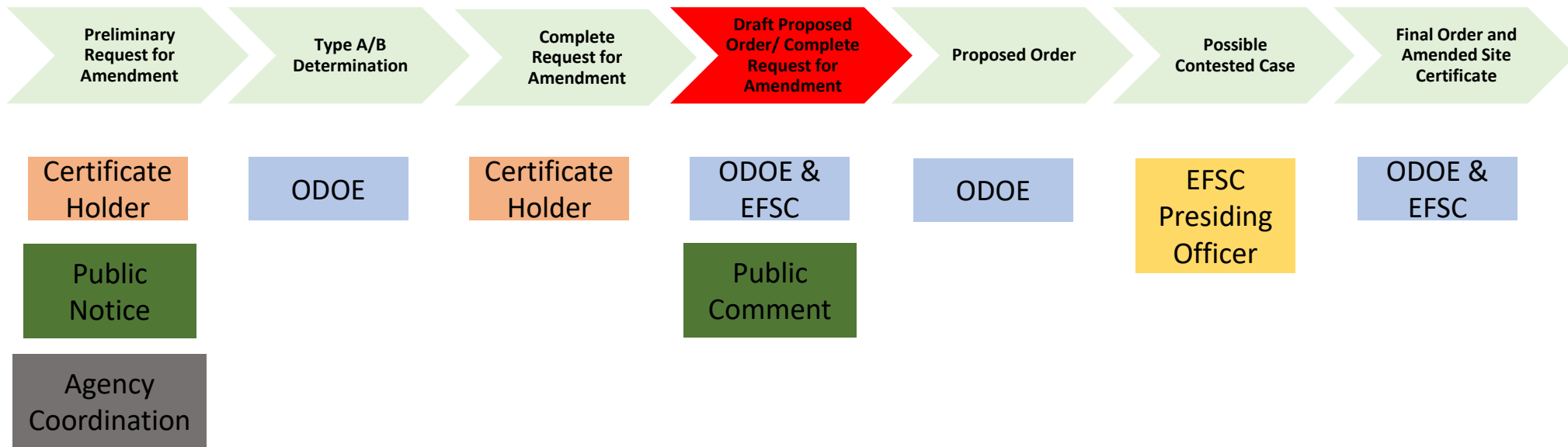
Wheatridge Renewable Energy Facility East: Review of Draft Proposed Order on Request for Amendment 1

Christopher Clark, Senior Siting Analyst

April 19, 2024



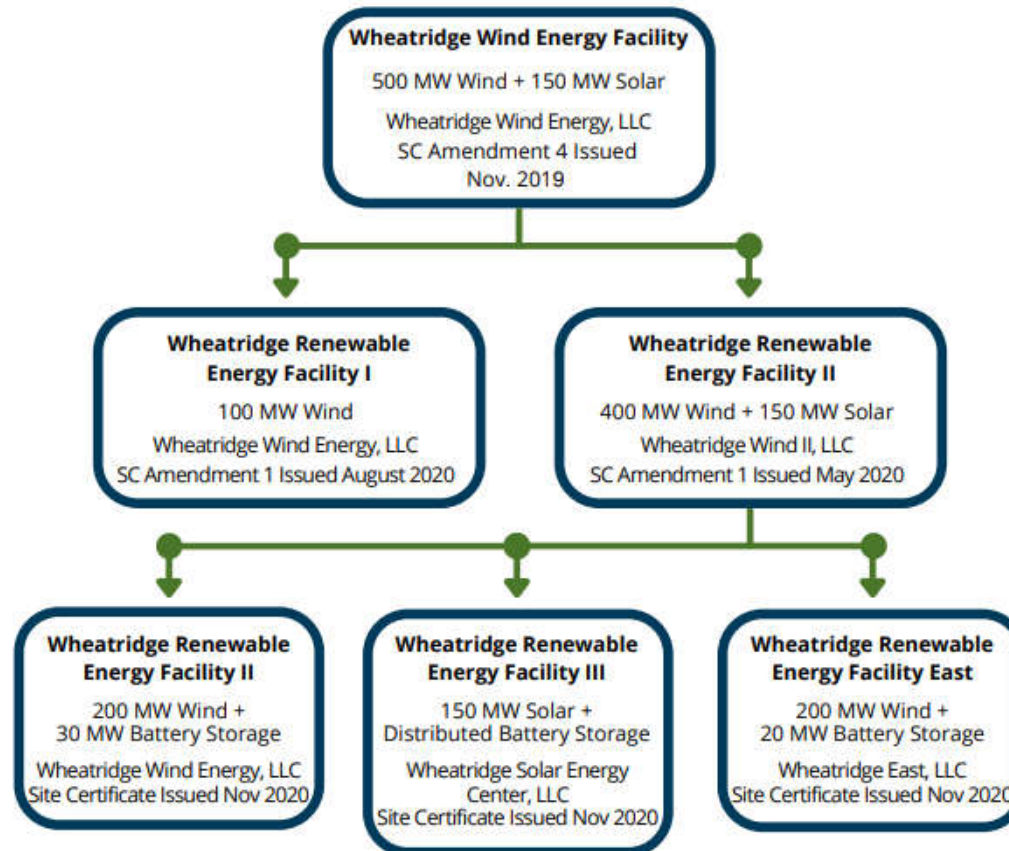
Energy Facility Siting Amendment Process



Request for Amendment 1 Procedural History

Milestone	Responsible Party	Date
Preliminary RFA1	Cert Holder	5/16/2023
Request for Additional Information (RAI)	ODOE	7/14/2023
Complete RFA1	Cert Holder	1/30/2024
Draft Proposed Order	ODOE	2/29/2024
Draft Proposed Order Public Hearing	EFSC	3/21/2024
Close of Public Comment Period	Public	4/4/2024
EFSC Review of DPO, Public Comments, and Responses	EFSC	4/19/2024
Proposed Order	ODOE	4/26/2024*
Deadline for Contested Case Requests	EFSC	5/27/2024
Potential Final Decision	EFSC	5/31/2024

Wheatridge Site Certificate History



Approved Facility Overview

Certificate Holder

Wheatridge East Wind, LLC

Parent Company

NextEra Energy Resources, LLC

Facility Type

Wind + Battery

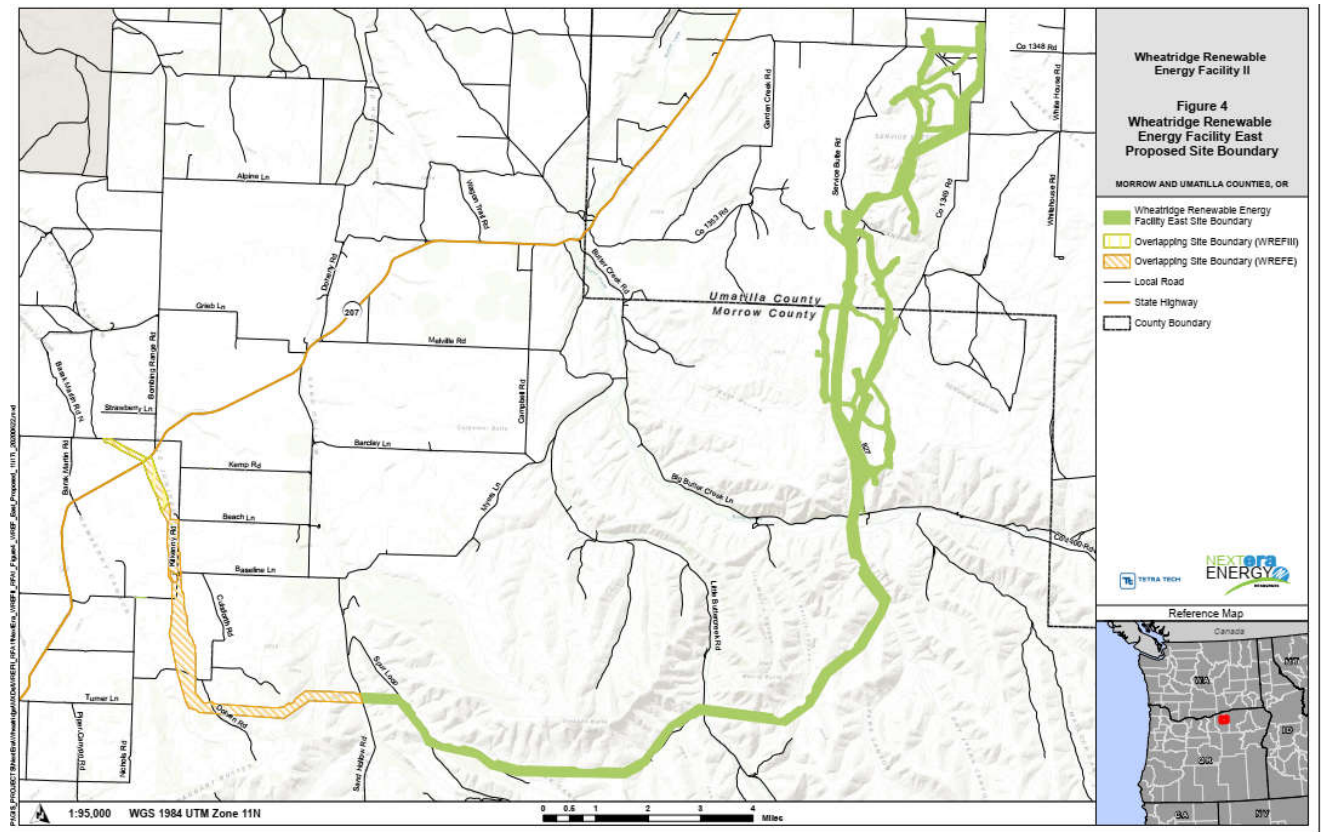
Capacity

200 MW Wind

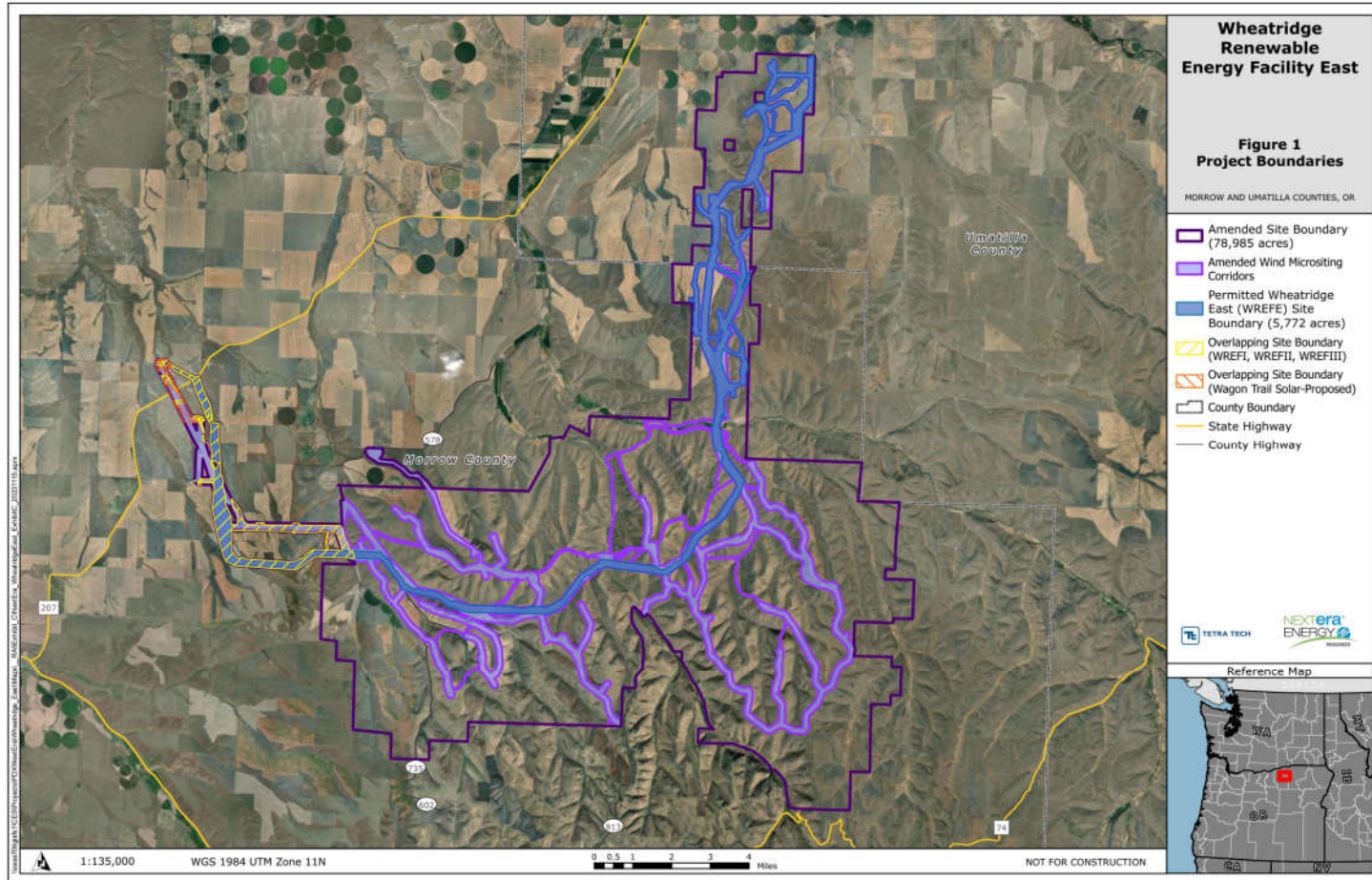
20 MW Battery Storage

Site Boundary

4,582-acre site in Morrow and Umatilla counties



WREFE RFA1 Expansion Areas



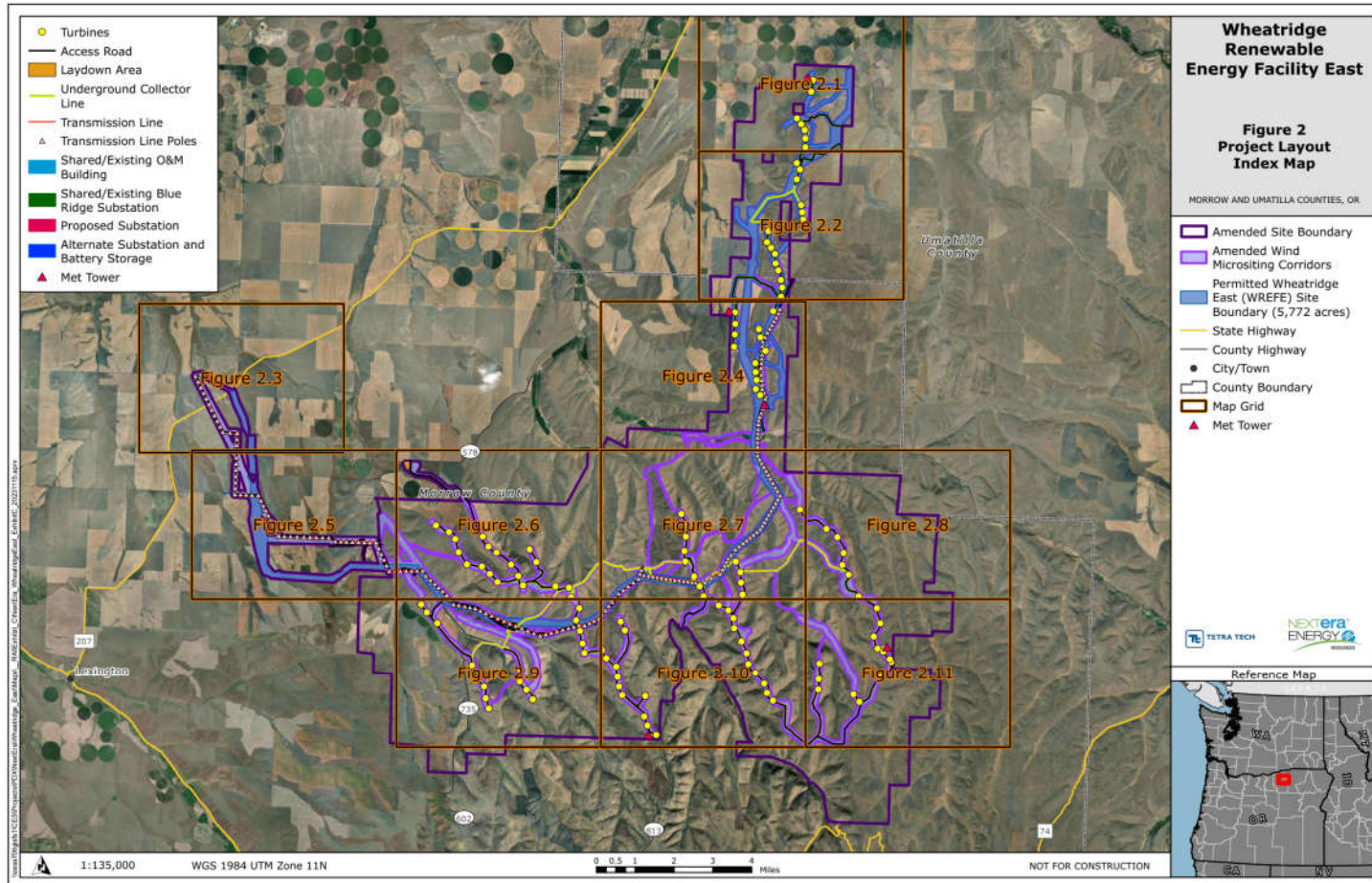
RFA1 Expansion Areas

Area	Approved	Proposed	Change
Site Boundary (acres)	4,582	78,985	74,403
Micrositing Corridor (acres)	4,582	14,640	10,058
Temp. Disturbance Area (acres)	486	1,121	635
Perm. Disturbance Area (acres)	47	165	118

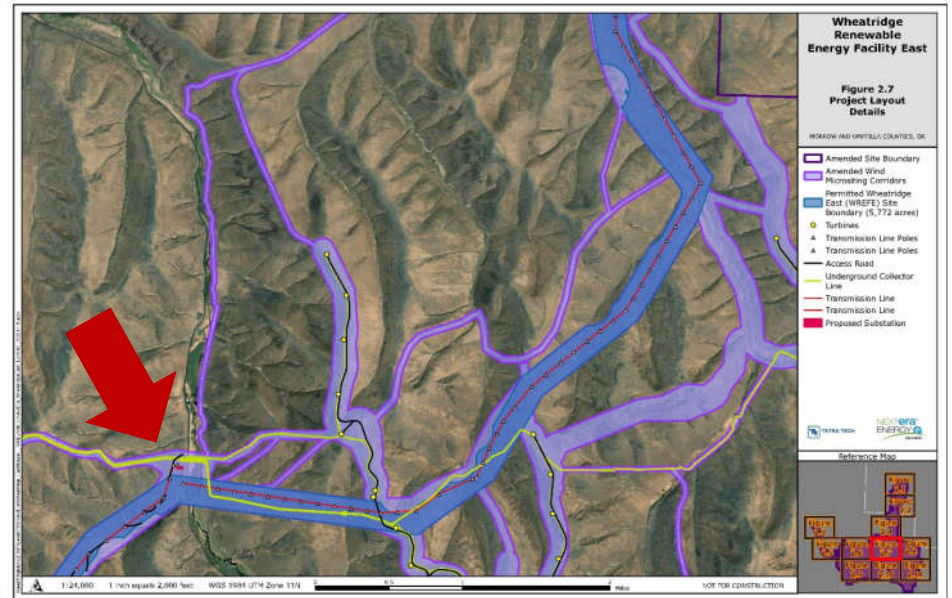
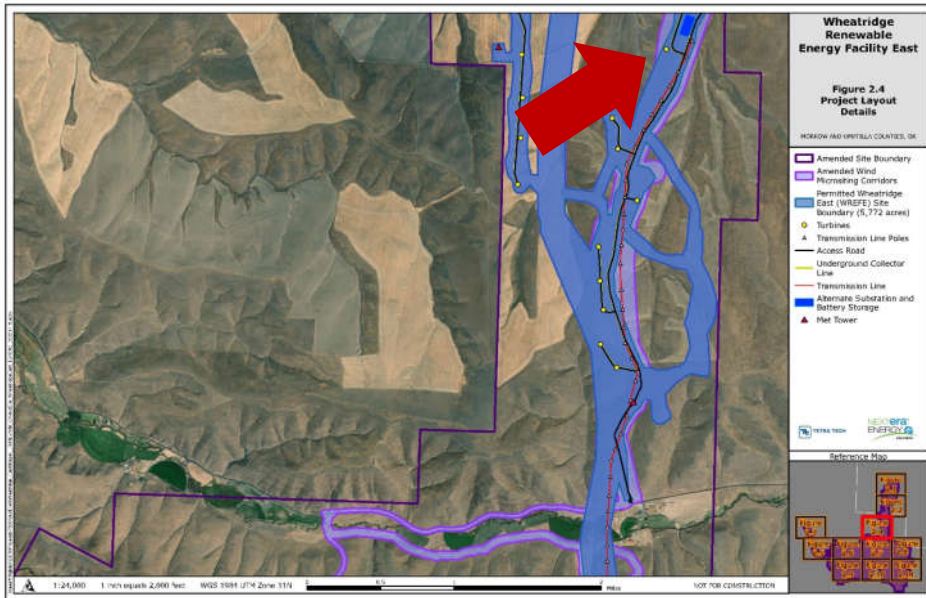
RFA1 Facility Expansion

Components	Approved	Proposed	Change
Max. Number of Turbines	66	107	41
Max. Total Nameplate Capacity (MW)	200	300	100
Overhead (OH) 34.5 kV Collector Line (mi.)	11	0	-11
Underground Collector Line (mi.)	30	95	65
OH 230kV Transmission Line (mi.)	32	26	-5
Permanent Access Roads (mi.)	20	76	56
Temporary Access Roads (mi.)	31	15	-16

WREFE Request for Amendment 1

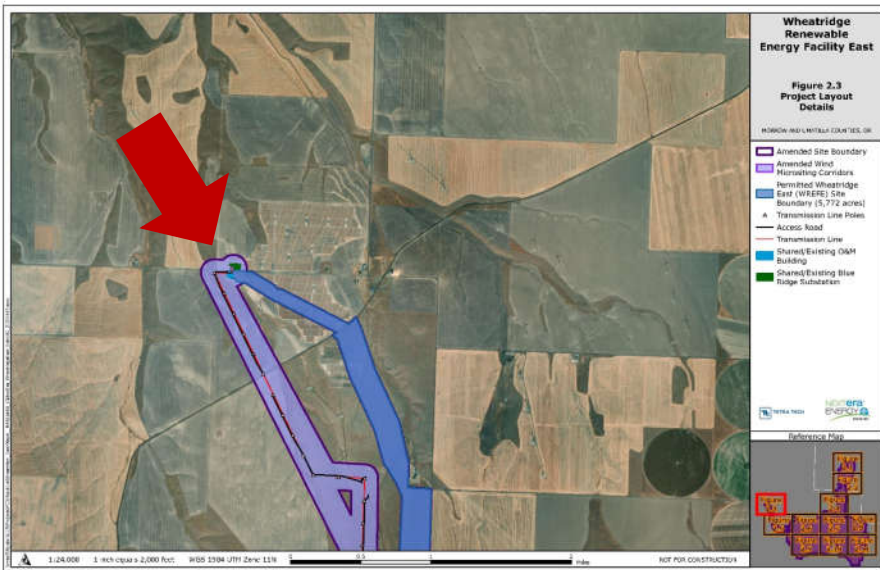


WREFE Request for Amendment 1

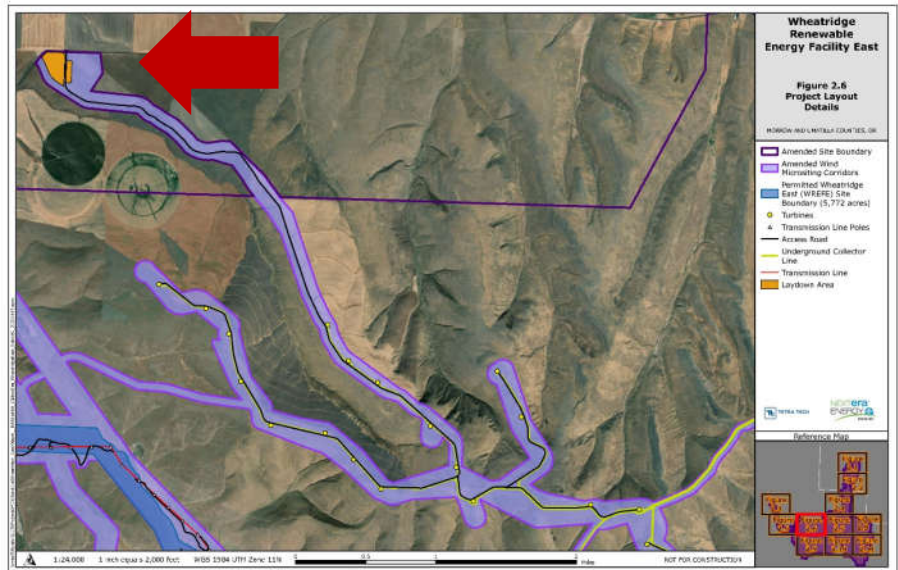


Expand Battery Energy Storage capacity by 10 MW, for a total of 30 MW and expand project substations to accommodate new generating capacity at two proposed sites.

WREFE Request for Amendment 1



Utilize the existing O&M Building at Wheatridge Renewable Energy Facility II.



Add a new temporary construction yard with up to 60 acres of temporary disturbance area.

WREFE RFA1

Scope of Review & Comments

Scope of Council Review for Amendments – OAR 345-027-0375

- Because RFA1 proposes to add area to the site boundary, and extend the construction completion deadline, the Council must determine that the preponderance of evidence on the record supports the following conclusions:
 - The portion of the facility within the area added to the site by the amendment complies with all laws and Council standards applicable to an original site certificate application.
 - After considering any changes in facts or law since the date the current site certificate was executed, the entire facility complies with all laws and Council standards applicable to an original site certificate application.
 - The amount of the bond or letter of credit required under OAR 345-022-0050 is adequate

Public Comments on DPO

- 4 public comments at March 21 hearing
- 20 written comments submitted before April 4 deadline
 - 16 public comments
 - 3 reviewing agency comments (ODAv, ODFW, Morrow County)
 - Certificate holder comments
- Certificate holder responses provided on April 8



Issues Raised in Comments

- Wildfire risk assessment and Wildfire Mitigation Plan
- Noxious Weed Control
- Emergency Communications Infrastructure
- Visual Impacts of Turbines on Gleason Butte
- Raptor Nest Buffers
- Wildlife Monitoring and Mitigation
- Lawrence milkvetch mitigation
- Economic Benefits & Workforce Development
- Crop Loss Payments for Transmission Line Siting
- Codes and standards for facility design
- Visual Impacts on the Oregon Historic National Trail
- Road Use Agreements and Traffic Impacts

WREFE Request for Amendment 1 Draft Proposed Order

General Standard of Review (Section III.A, pg. 21-31)

- Condition GEN-GS-02 – DPO recommends Council extend the deadline for the completion of construction by two years, consistent with the requirements of OAR 345-027-0385(5)(d). (DPO pg. 29)
 - Certificate Holder requested reconsideration, asks for three-year extension under OAR 345-027-0385(3).
 - Upon review, Department recommends:
 - Three-year extension for previously approved components
 - New construction commencement and completion deadlines for newly proposed components.

WREFE Request for Amendment 1 Draft Proposed Order

345-027-0385 Request for Amendment to Extend Construction Deadlines

- OAR 345-027-0385(3) – Council may grant up to two extensions of three-years each.
- OAR 345-027-0385(5) – For “deadlines for facilities, or portions/phases of facilities, not yet in construction, but already approved for construction in the site certificate or amended site certificate prior to October 24, 2017”, the Council may grant unlimited two-year extensions.

- Wheatridge Wind Energy Facility was approved on April 28, 2017.
- Wheatridge Wind Energy Facility (Wheatridge West) began construction on January 15, 2020.
- Wheatridge II Split from Wheatridge Wind Energy Facility in May 2020.

WREFE Request for Amendment 1 Draft Proposed Order

Soil Protection (Section III.D, pg. 46-57)

- Public Comment raised concerns that potential impacts of wildfire on agricultural soils (e.g. loss of organic matter and permeability) were not addressed in DPO.
 - Department recommends Council find that risk of widespread fire in agricultural areas is low, but further revision of the Wildfire Mitigation Plan and Emergency Management Plan is needed to identify wildfire suppression and containment strategies to protect agricultural areas if a fire were to occur at the site.

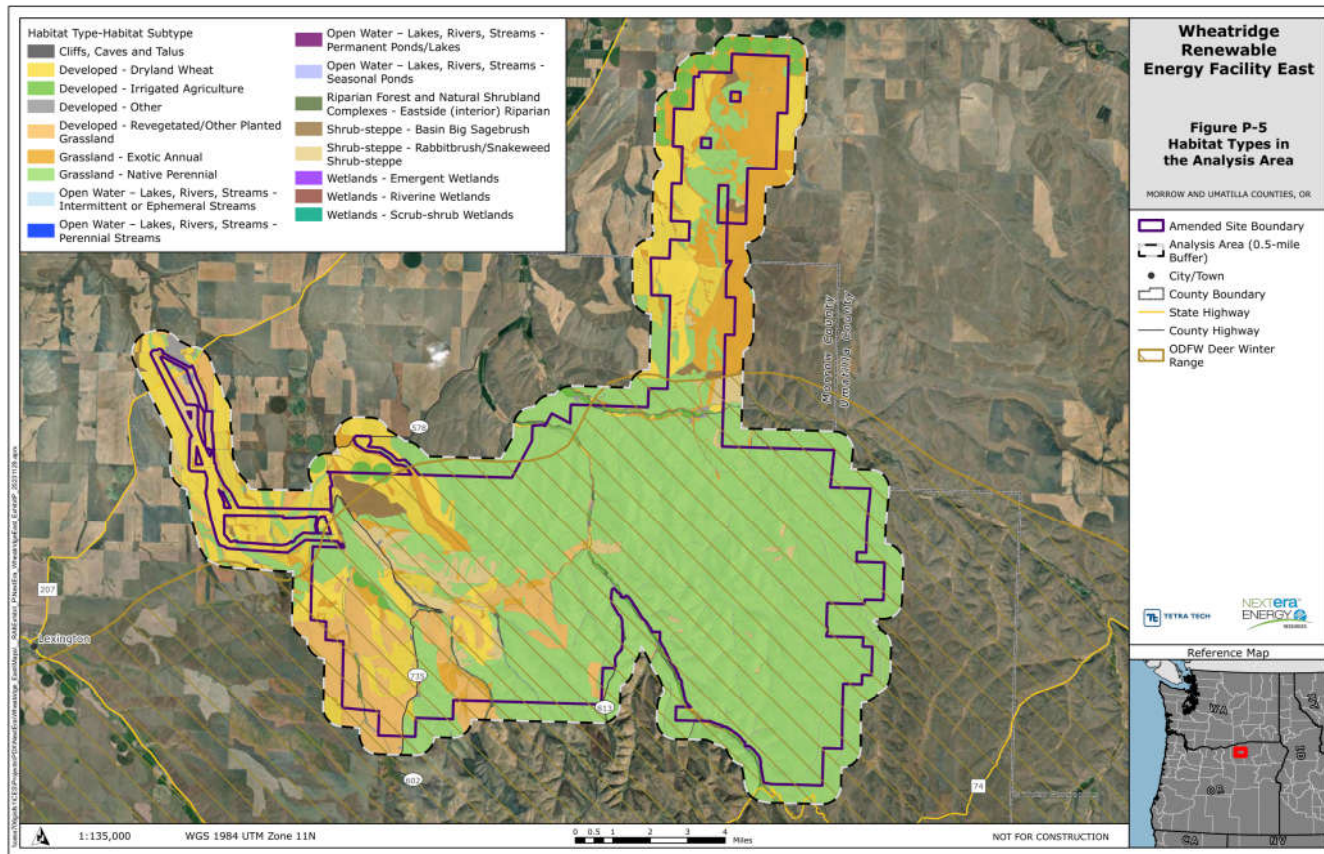
WREFE Request for Amendment 1 Draft Proposed Order

Fish and Wildlife Habitat (Section III.H, pg. 137-172)

- The areas proposed to be added to the site boundary consist primarily of grassland and shrub steppe habitat.
- The DPO recommends the Council amend conditions PRE-FW-04, PRE-FW-05, PRE-LU-04 to incorporate revisions to the Habitat Mitigation Plan, Revegetation Plan, and Weed Control Plan to address temporary and permanent disturbances in these areas.
- Several public comments raised concerns that Noxious Weed Control Plan does not contain adequate provisions for implementation.

WREFE Request for Amendment 1 Draft Proposed Order

Fish and Wildlife Habitat (Section III.H, pg. 137-172)



Noxious Weeds

Scientific Name	Common Name	State Status	Morrow County		Umatilla County	
			Status	Status	Status	Frequency
<i>Centaurea diffusa</i>	diffuse knapweed	B	B	B**		Abundant (>100 observations)
<i>Centromadia (Hemizonia) pungens</i>	common spikeweed	B	A	A		Abundant (>100 observations)
<i>Bassia (Kochia) scoparia</i>	kochia	B	B	B**		Abundant (>100 observations)
<i>Onopordum acanthium</i>	Scotch thistle	B	A	B**		Abundant (>100 observations)
<i>Secale cereale</i>	cereal rye, rye	-	B	B		Common (>20 observations)
<i>Convolvulus arvensis</i>	field bindweed	B*	B	-		Common (>20 observations)
<i>Rhaponticum (Acroptilon/Centaurea) repens</i>	Russian knapweed	B	B	B		Common (>20 observations)
<i>Centaurea solstitialis</i>	yellow starthistle	B*	A	B**		Common (>20 observations)
<i>Chondrilla juncea</i>	rush skeletonweed	B*/T	A	A		Common (>20 observations)
<i>Hypericum perforatum</i>	common St. John's wort	B*	B	B		Common (>20 observations)
<i>Taeniatherum caput-medusae</i>	medusahead; medusahead rye	B	B	-		Common (>20 observations)
<i>Aegilops cylindrica</i>	jointed goatgrass	B	B	B**		Infrequent (<20 Observations)
<i>Cirsium arvense</i>	Canada thistle	B*	B	B**		Infrequent (<20 Observations)
<i>Conium maculatum</i>	poison hemlock	B	B	B		Infrequent (<20 Observations)
<i>Tribulus terrestris</i>	puncture vine, land caltrop, goat's head	B*	B	B		Rare (<5 observations)
<i>Centaurea stoebe ssp. micranthos</i>	spotted knapweed	B*/T	B	A**		Rare (<5 observations)
<i>Crupina vulgaris</i>	common crupina	B	A	A		Rare (<5 observations)
<i>Cuscuta indecora</i>	bigseed dodder, collared dodder	B	-	-		Rare (<5 observations)
<i>Hieracium spp.*</i>	Hawkweed spp.	A	-	-		Rare (<5 observations)
<i>Solanum rostratum</i>	buffalo bur, spiny nightshade	B	-	-		Rare (<5 observations)
<i>Cirsium vulgare</i>	bull thistle	B	-	-		Rare (<5 observations)



* Post-field review of photos and supplemental taxonomic keys identified the hawkweed observed was likely the native Scouler's hawkweed (*Hieracium scouleri*); however, this hawkweed species is retained here and in Figure 1 for field verification prior to any noxious weed treatment.

Kochia (*Bassia scoparia*)

- Common Names: Fireweed, Mexican fireweed; summer cypress, burning bush, mock cypress
- Kochia is a fast-growing annual supported by a deep taproot and will grow up to six feet tall.
- It thrives on pasture, rangeland, roadsides, ditch banks, wastelands and cultivated fields.
- It provides a significant challenge to right-of-way maintenance professionals because of its ability to rapidly develop resistance to many herbicides.
- Kochia produces about 14,600 seeds per plant. Seeds are dispersed in the fall when the plant tumbles.



Noxious Weed Control Plan

- The County requests Council require Certificate holder to fund a full time County compliance officer for 3 years, or for the life of the facility if there is noncompliance with Weed Control Plan during the first 3-year period
- Department recommends that additional oversight of noxious weed control at the site is justified, will coordinate with the County to ensure the annual compliance fee provides for adequate inspections and oversight.
- Department recommends Noxious Weed Control plan require a pre-construction treatment plan to be submitted before the beginning of construction of the facility.

WREFE Request for Amendment 1 Draft Proposed Order

Fish and Wildlife Habitat (Section III.H, pg. 137-172)

- Condition CON-FW-02 requires seasonal avoidance buffers of 0.25 around sensitive raptor nest sites during breeding seasons.
- The DPO recommends the Council amend site certificate condition CON-FW-02 to incorporate updated guidance on avoidance buffers for active ferruginous hawk nests by increasing the buffer from 0.25 to 0.6

Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season:
Western burrowing owl	0.25 mile	April 1 to August 15
Ferruginous hawk	0. 25 <u>6</u> mile	March 15 to August 15
Swainson's hawk	0.25 mile	April 1 to August 15

- In public comments:
 - ODFW recommends the proposed buffer be reduced to 0.5 miles.
 - Certificate holder requests clarification on whether buffers can be released for unoccupied nests.

WREFE Request for Amendment 1 Draft Proposed Order

Threatened and Endangered Species (Section III.I, pg. 172-182)

- Surveys identified extensive occurrences of Washington Ground Squirrel and Lawrence's Milkvetch throughout the proposed site boundary.
- The DPO recommends the Council amend site certificate condition PRE-TE-03 and impose a new site certificate condition PRE-TE-04 to require mitigation for impacts to occupied Lawrence's milkvetch habitat, including the loss of up to 2,604 plants. Mitigation would include seed collection, propagation, and planting implemented by the Oregon Department of Agriculture.
- In comments on the DPO, certificate holder requests additional clarification of requirement to complete surveys and finalize mitigation plan prior to beginning construction.

WREFE Request for Amendment 1 Draft Proposed Order

Historic, Cultural, and Archaeological Resources (Section III.K, pg. 188-196)

- Public Comment raised concern about potential adverse visual impacts on the Bartholomew-Myers Farm, a designated Century Farm (CFR1093).
- Department agrees the farm meets the definition of Historic, Cultural, and Archaeological Resource.
- Department recommends Section 106 Documentation as mitigation, consistent with recommendations for visual impacts to other historic resources.

WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Section III.N, pg. 221-234)

- The Council adopted its Wildfire Prevention and Risk Mitigation Standard after the approval of the site certificate.
- The DPO recommends the Council impose new site certificate conditions PRO-WP-01 and OPR-WP-01 requiring compliance with a Wildfire Mitigation Plan during construction and operation of the facility.

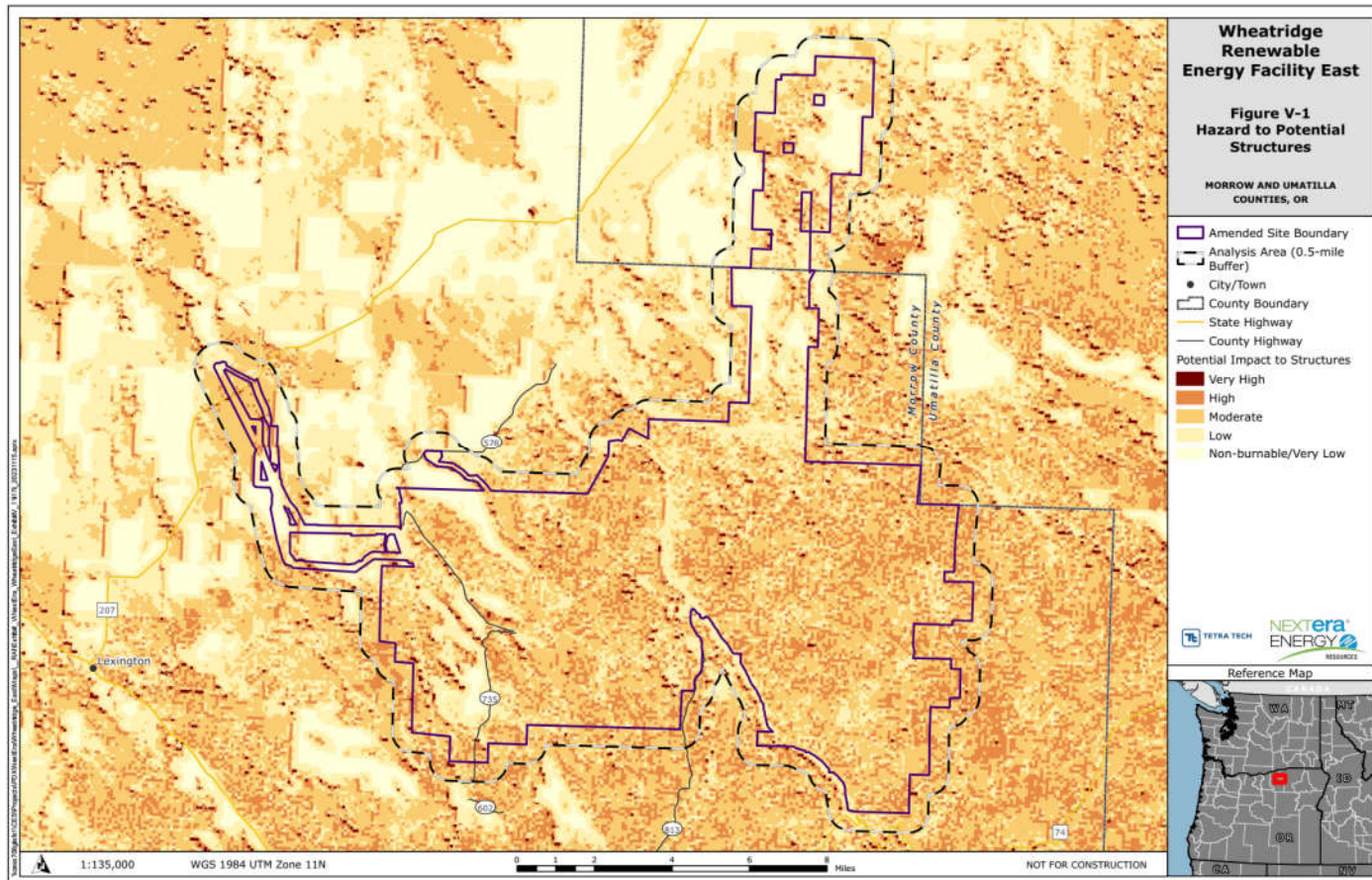
WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Section III.N, pg. 221-234)

- Public comments raised concerns regarding the adequacy of the Wildfire Mitigation Plan:
 - Lack of specificity for procedures, standards, and timeframes for inspections and vegetation management
 - Lack of provisions for routine anchor bolt-inspection
 - Lack of provisions to address hazard from lightning strikes and monitoring during lightning events
 - Inadequate consideration of fire-spread potential during high-wind events, and potential impacts to residencies, agricultural buildings and equipment, cropland and cropland soils.
 - Inadequate coordination with local fire service providers

WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Section III.N, pg. 221-234)



WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Attachment I, Table 1)

Inspection	Procedure	Standard	Time Frame
Turbines	Visual inspection of turbine components and foundations as well as the surrounding area. SCADA data is observed to determine how the turbine's structural components are withstanding stresses.	SPCC Plan ¹ Manufacturer's maintenance recommendations	Quarterly Annual
Substations	Visual inspection of MPT, Avian Power Line Interaction Committee (APLIC) measures, and surrounding area.	Manufacturer's maintenance recommendations APLIC ²	Monthly Quarterly
Overhead electrical lines	Visual inspection of components, grounding, APLIC measures, vertical clearance distance between conductor and vegetation.	National Energy Reliability Corporation (NERC) ³ APLIC	Annual
BESS	Visual inspection of BESS, PCS, and surrounding areas	SPCC Plan Manufacturer's maintenance recommendations	Monthly

WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Attachment I, Table 2)

Vegetation Management	Procedure	Standard	Time Frame
Turbine	Herbicide application on gravel pad surrounding turbines.	IEEE 80, 2015 NFPA 70, 2023	Yearly, depending on vegetation condition.
Substations	Herbicide application on substation gravel pads.	IEEE 80, 2015 NEC 70, 2023	Yearly, depending on vegetation condition.
Battery energy storage system	Herbicide application on gravel pad surrounding the BESS.	IEEE 80, 2015 ¹ NEC 70, 2023	Yearly, depending on vegetation condition.
Overhead electrical lines	Mow vegetation to achieve clearance requirements between conductor and ground.	NERC, 2009	Yearly, depending on vegetation condition.

WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Section III.N, pg. 221-234)

- Public comment raised concern that revised Wildfire Mitigation Plan does not address hazard from lightning strikes
 - Not referenced in plan, but RFA1 indicates lightning protection systems will be built into the turbine blades and tower to reduce the potential for lightning-caused fires.
 - Wildfire Mitigation Plan calls for monitoring during Red Flag Warnings but more specificity may be needed.

WREFE Request for Amendment 1 Draft Proposed Order

Wildfire Prevention and Risk Mitigation (Section III.N, pg. 221-234)

- Inadequate consideration of fire-spread potential during high-wind events, and potential impacts to residencies, agricultural buildings and equipment, cropland and cropland soils.
 - Department recommends Council require wildfire suppression and containment protocols to be included in Emergency Response Plan.
- Inadequate coordination with local fire service providers
 - Department recommends conditions requiring local review of Wildfire Mitigation Plan and Emergency Management Plan be added.

WREFE Request for Amendment 1 Draft Proposed Order

Cumulative Effects Standard for Wind Energy Facilities (OAR 345-024-0015)

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant can design and construct the facility to reduce cumulative adverse environmental effects in the vicinity by practicable measures including, but not limited to, the following:

- (1) Using existing roads to provide access to the facility site, or if new roads are needed, minimizing the amount of land used for new roads and locating them to reduce adverse environmental impacts.
- (2) Using underground transmission lines and combining transmission routes.
- (3) Connecting the facility to existing substations, or if new substations are needed, minimizing the number of new substations.
- (4) Designing the facility to reduce the risk of injury to raptors or other vulnerable wildlife in areas near turbines or electrical equipment.
- (5) Designing the components of the facility to minimize adverse visual features.
- (6) Using the minimum lighting necessary for safety and security purposes and using techniques to prevent casting glare from the site, except as otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation

WREFE Request for Amendment 1 Draft Proposed Order

Cumulative Effects Standard for Wind Energy Facilities (Section III.Q, pg. 244-252)

- The certificate holder provided evidence suggesting that the cumulative effects of wind development in the Columbia Plateau Ecoregion may result in adverse population level impacts to some sensitive bird and bat species.
- The DPO recommends the Council amend conditions PRE-FW-02 to require bird and bat fatality thresholds be revised to address potential cumulative effects and impose a new condition GEN-CE-01 to impose setback requirements based on certificate holder representations.
 - Certificate Holder requests setbacks from Little Butter Creek and Butter Creek be reduced from 0.8 to 0.5 miles.
 - Since setbacks were based on representations in RFA1, Department does not recommend changes.

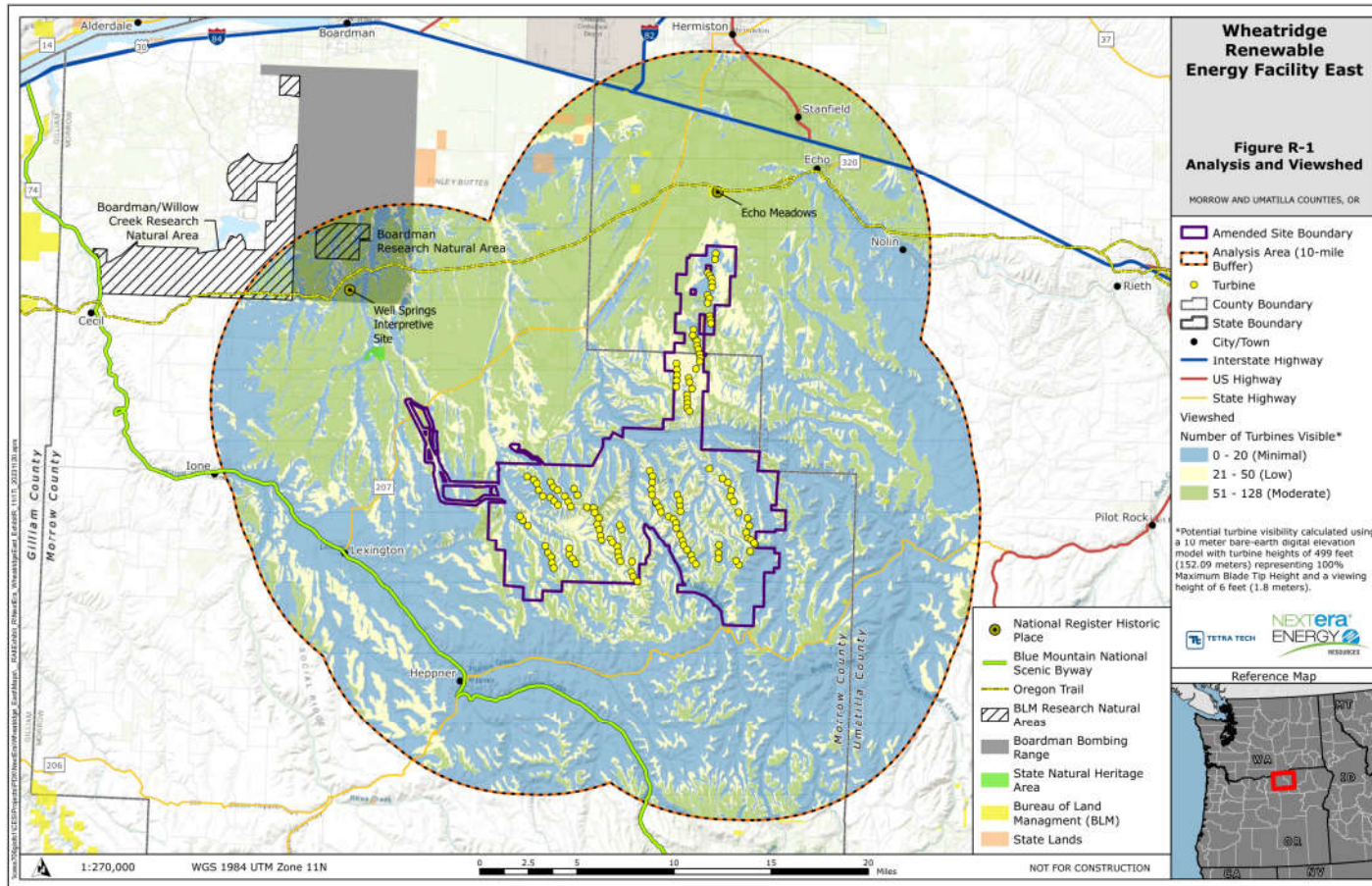
WREFE Request for Amendment 1 Draft Proposed Order

Cumulative Effects Standard for Wind Energy Facilities (Section III.Q, pg. 244-252)

- Several commenters raised concerns about visual impacts of Turbines sited on Gleason Butte on the area.
 - Gleason Butte is not identified as significant or important scenic resource in the Morrow County Comprehensive Plan and is on private land not subject to any special management designation.
 - The Department does not recommend that views of the Butte are protected under the Scenic Resources, Protected Areas, or Recreation Standard.
- Commenters recommend certificate holder be required to address adverse visual impacts of the facility from turbines and lighting under Cumulative Effects Standard

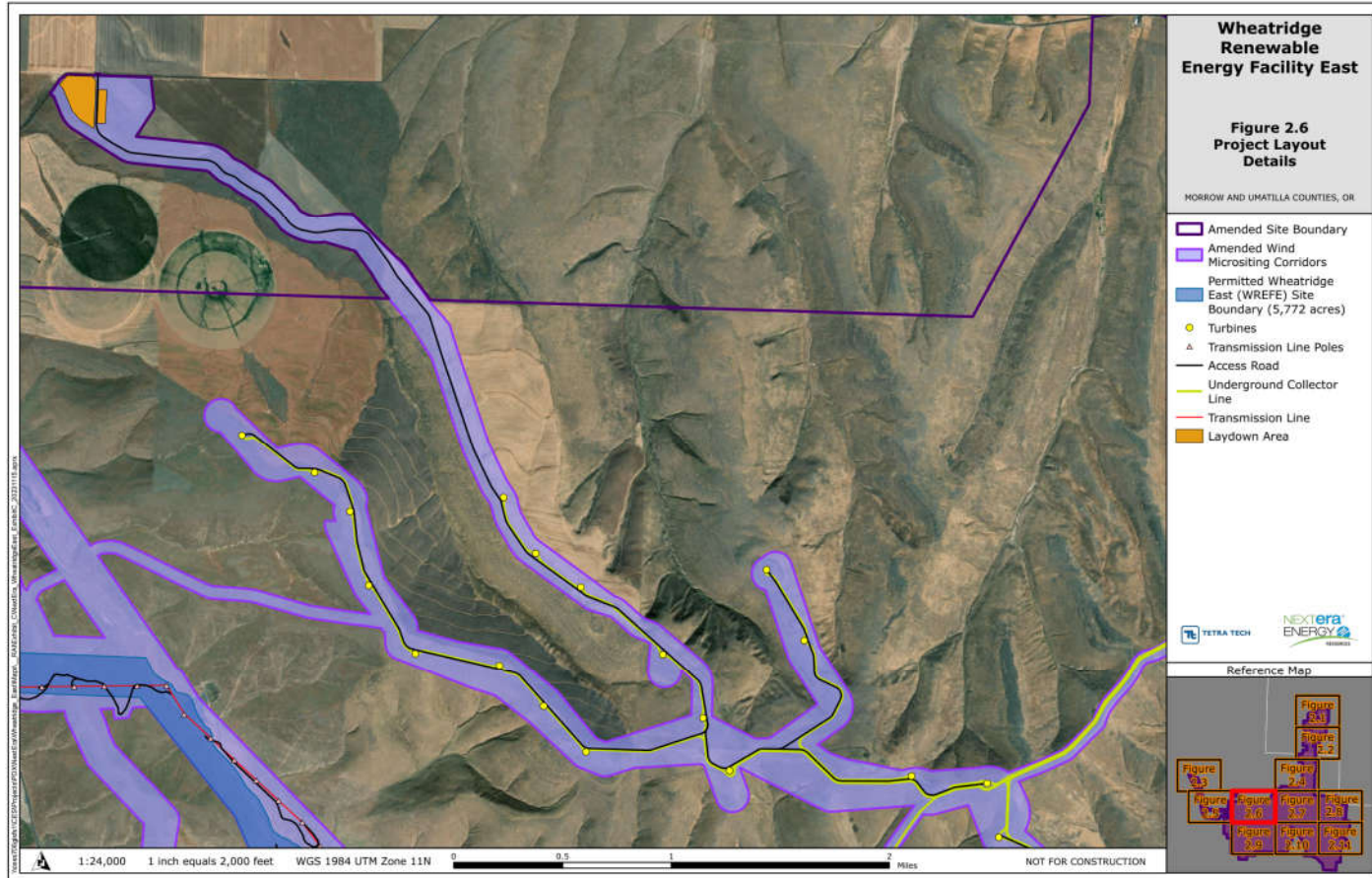
WREFE Request for Amendment 1 Draft Proposed Order

Cumulative Effects Standard for Wind Energy Facilities (Section III.Q, pg. 244-252)



WREFE Request for Amendment 1 Draft Proposed Order

Cumulative Effects Standard for Wind Energy Facilities (Section III.Q. pg. 244-252)



WREFE Request for Amendment 1 Draft Proposed Order

Cumulative Effects Standard for Wind Energy Facilities (Section III.Q, pg. 244-252)



EXISTING CONDITIONS



SIMULATED CONDITIONS

**WHEATRIDGE
EAST WIND
ENERGY**

Morrow County, OR

Figure R-6
Visual Simulation from
KOP 4



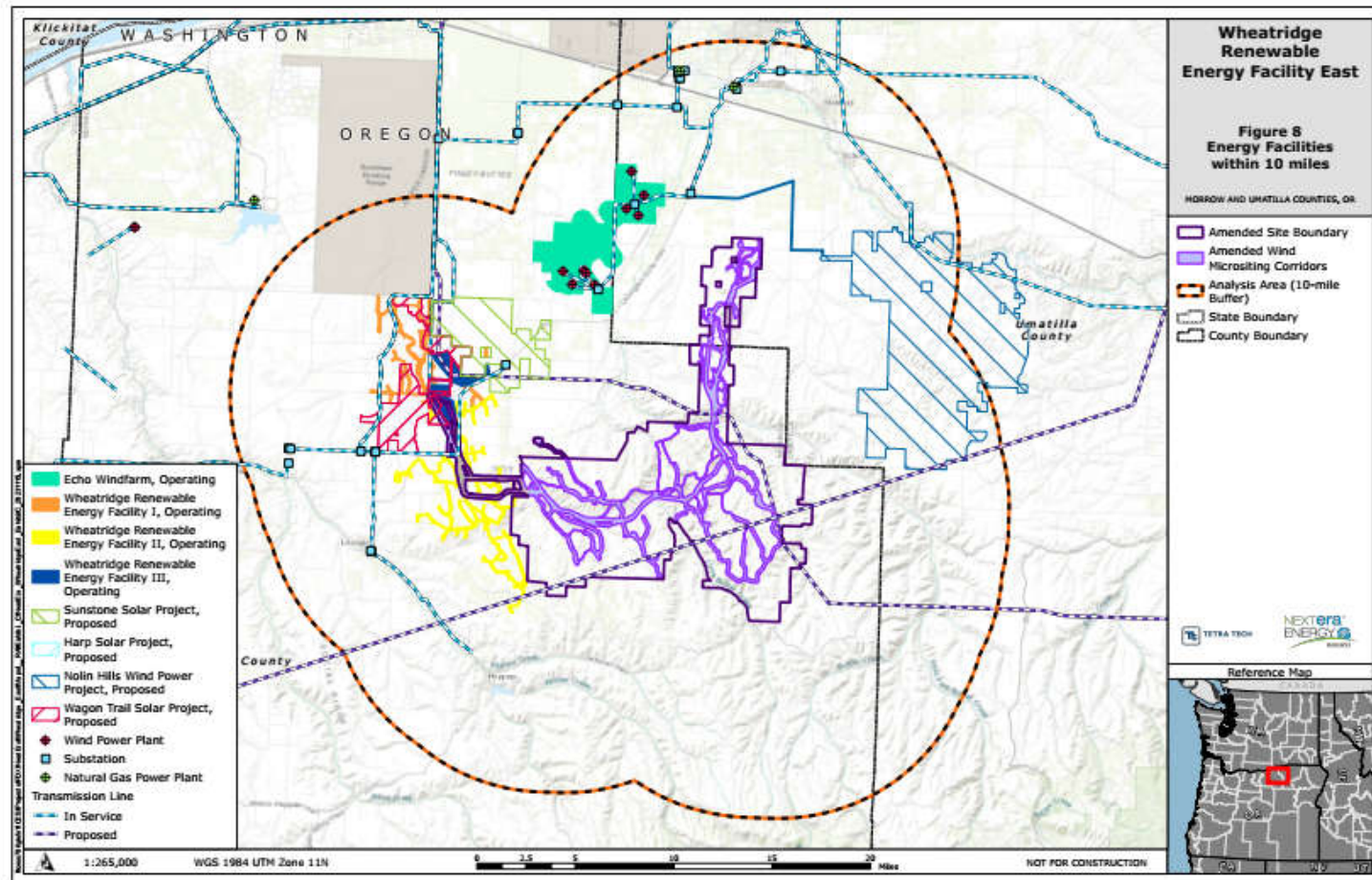
Photograph Information:

Date of photograph:	12/20/16	Elevation:	4920.025'
Date of photograph:	8/28/2011	Longitude:	-120.178348°
Weather condition:	Partly Cloudy	Distance to Project:	12.75
Viewing direction:	South		

Disclaimer:
Preliminary visualizations
are for reference only.
Not for construction.

Page 6 of 6
EXHIBIT A
TETRA

Cumulative Effects



Agenda Item F (Information Item)

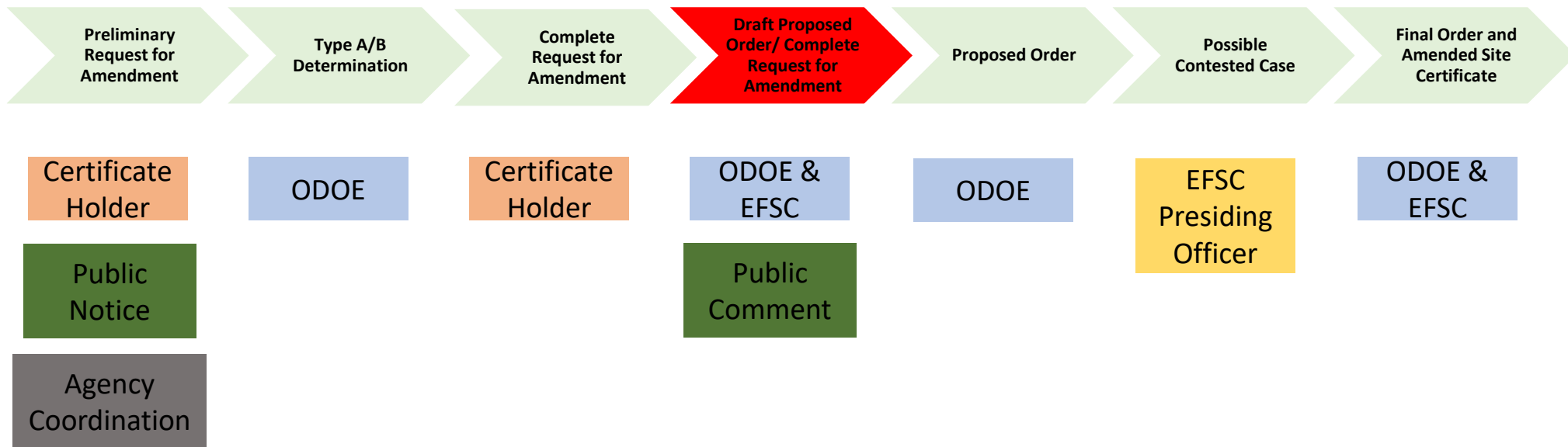
Leaning Juniper IIA Wind Power Facility: Review of the Draft Proposed Order on Request for Amendment 3

Chase McVeigh-Walker, Senior Siting Analyst

April 19, 2024



Energy Facility Siting Amendment Process



LJIIA Request for Amendment 3 Procedural History

Milestone	Responsible Party	Date
Preliminary RFA3	Cert Holder	9/22/2023
Request for Additional Information (RAI)	ODOE	11/21/2023
Complete RFA3	Cert Holder	2/14/2024
Draft Proposed Order	ODOE	2/29/2024
Draft Proposed Order Public Hearing	EFSC	3/21/2024
Close of Public Comment Period	Public	3/29/2024
EFSC Review of DPO, Public Comments, and Responses	EFSC	4/19/2024
Proposed Order	ODOE	TBD
Final Decision	EFSC	TBD

LJIIA Approved Facility Overview

Certificate Holder

Leaning Juniper Wind Power II, LLC

Parent Company

Avangrid Renewables, LLC

Facility Type

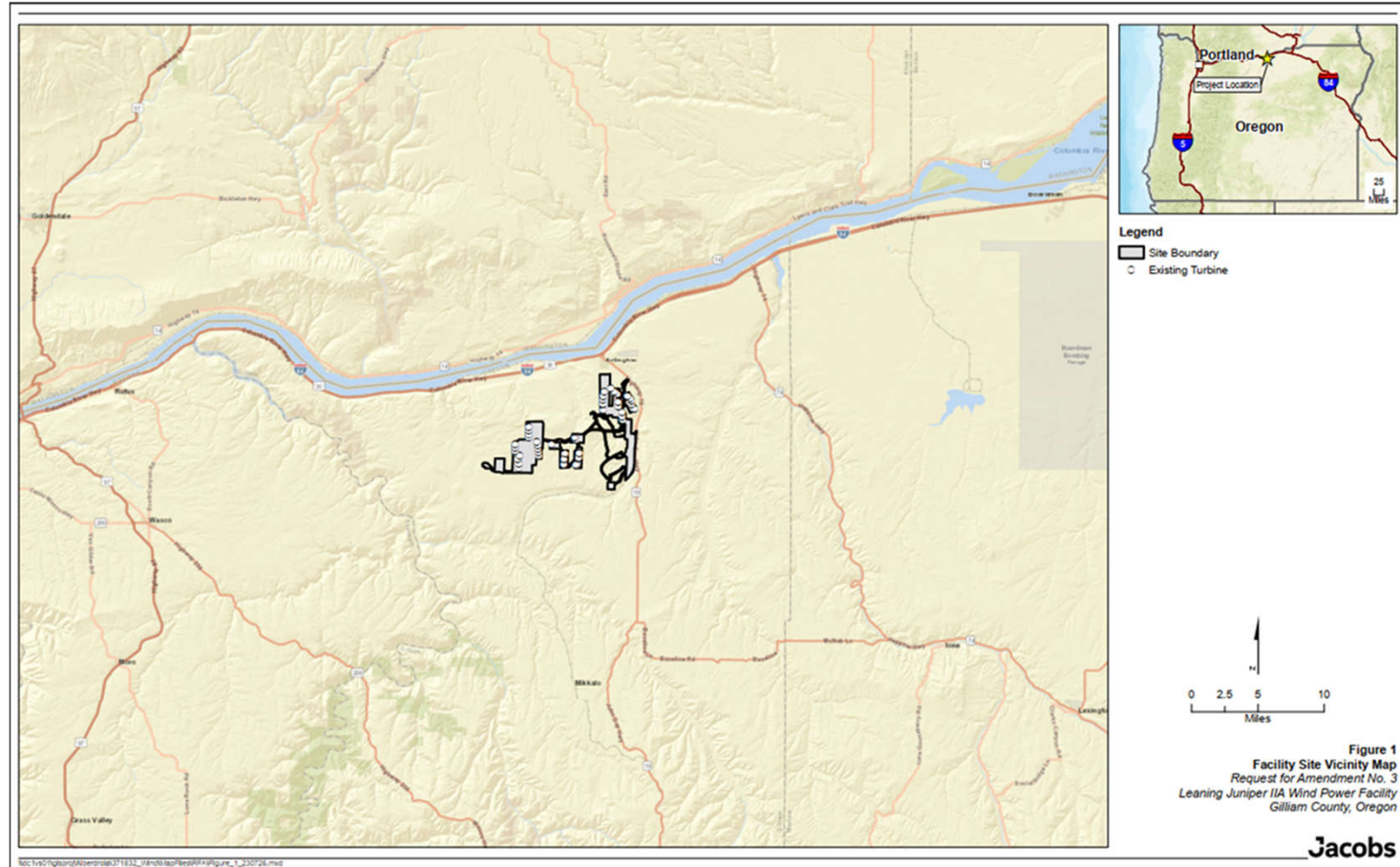
Wind

Capacity

90.3 MW

Site Boundary

6,404 acres in Gilliam County, south of the City of Arlington, and west of State Highway 19



LJIIA Request for Amendment 3

In RFA3, the certificate holder seeks authorization to:

- Repower 36 wind turbines (replacement of rotors, nacelles and generator; and foundation reinforcement); increase blade tip height from 404 to 453 feet.
- Temporarily disturb approximately 396.2 acres within a proposed RFA3 repower corridor.
- Install approximately 19 miles of a new underground, 34.5 kilovolt (kV) collector line system.
- Reduce quantity of operating turbines at the facility from 43 to 40 (includes the already decommissioned Turbine “Z2”, and the decommissioning of turbines “Z1” and “M3”)
- New conditions

LJIIA Request for Amendment 3

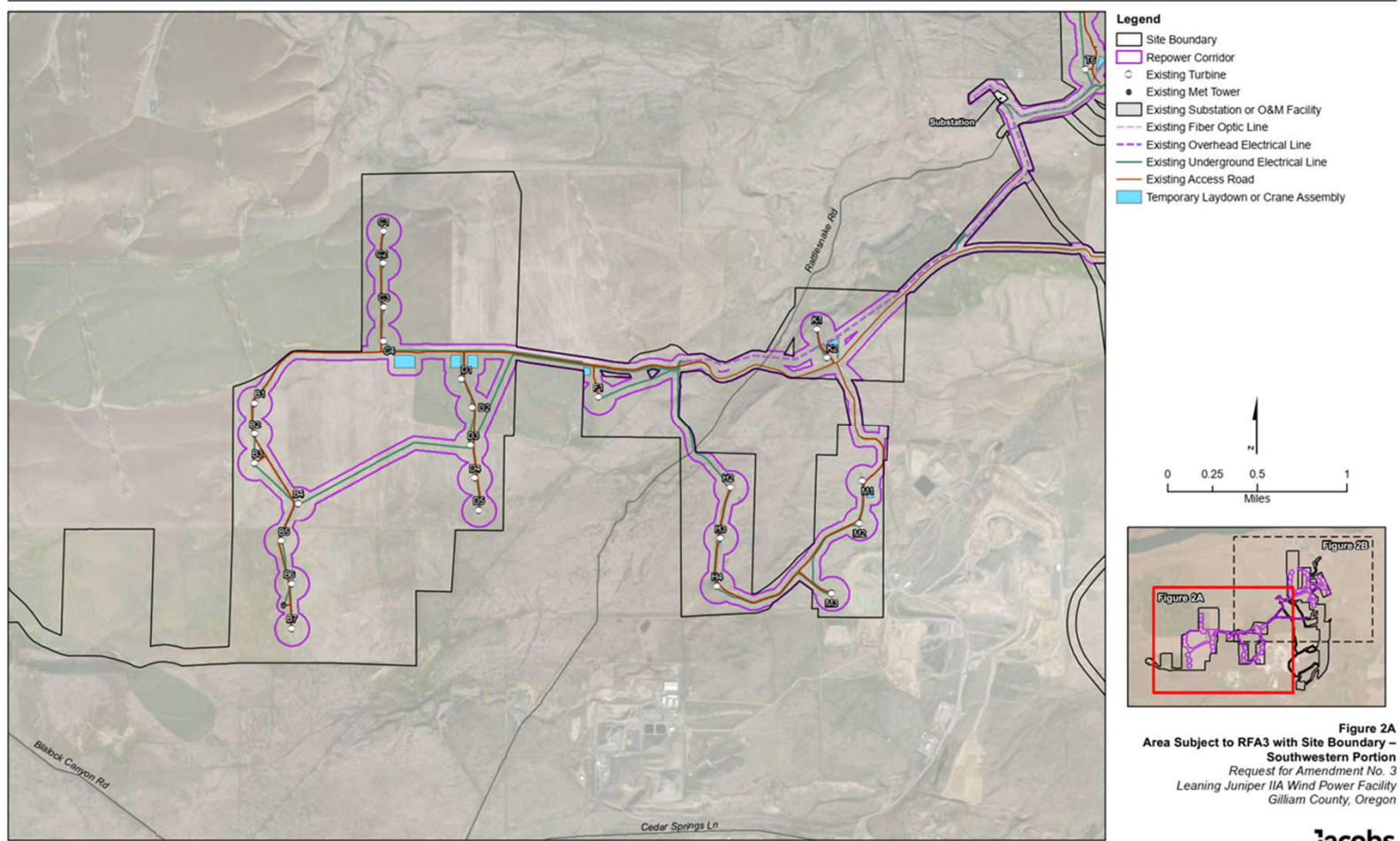
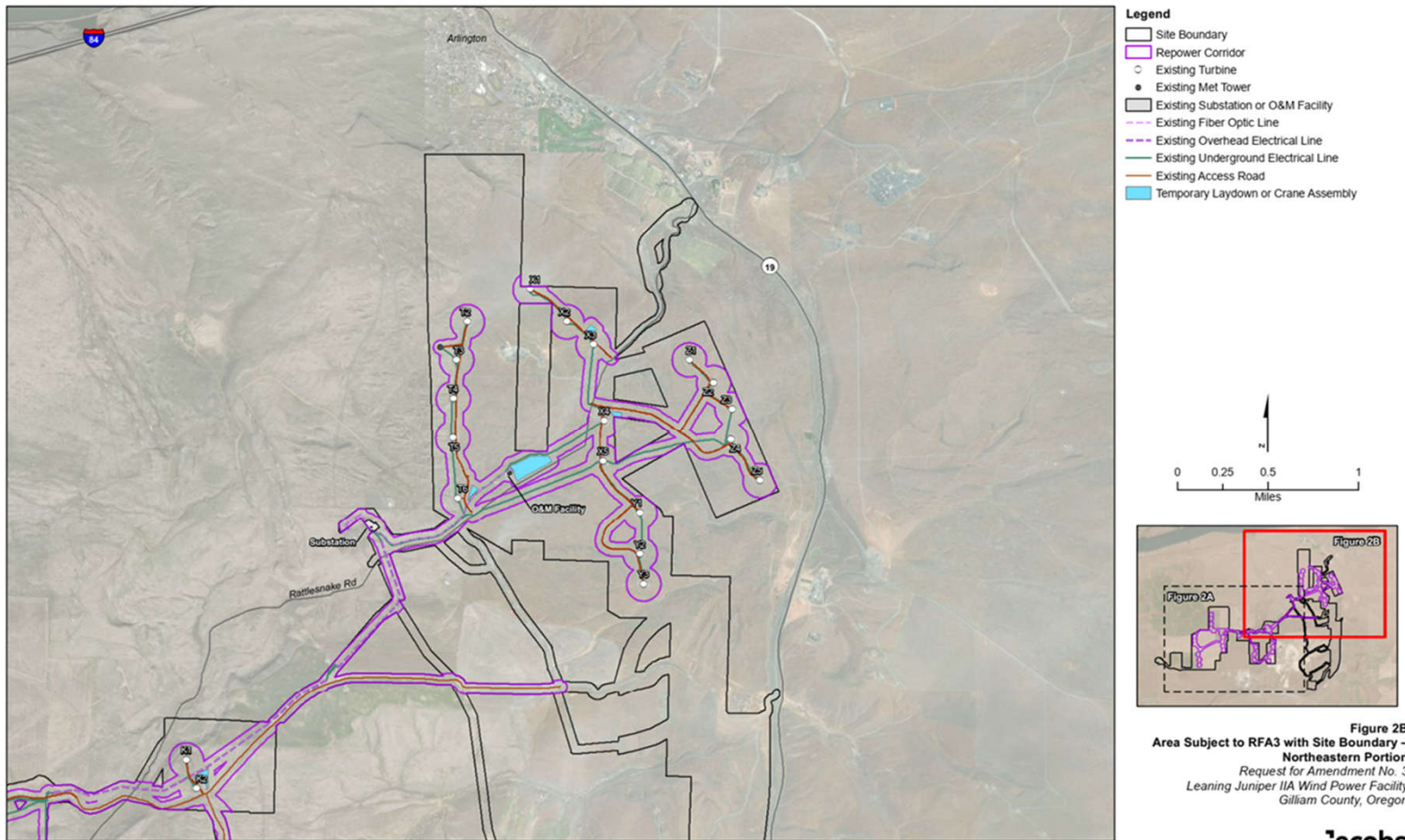


Figure 2A
Area Subject to RFA3 with Site Boundary –
Southwestern Portion
 Request for Amendment No. 3
 Leaning Juniper IIA Wind Power Facility
 Gilliam County, Oregon

LJIIA Request for Amendment 3



file:///C:/Users/robert/OneDrive/Desktop/371832_WindMapFiles/RFA/figure_2b_230828.mxd

LJIIA Request for Amendment 3: Scope of Review & Comments

Scope of Council Review for Amendments – OAR 345-027-0375

- The Council must determine that the preponderance of evidence on the record supports the following conclusions:
 - The facility, with the proposed change, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change
 - For all requests for amendment, the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate

Public Comments on DPO

- 3 written comments submitted before **March 29** deadline
 - 1 public comment
 - 1 reviewing agency comment (ODAv)
 - Certificate holder comments
- Certificate holder responses provided on **April 1**



LJIIA Request for Amendment 3: Council Review of DPO/Comments

Based on the Department's review of information on the record of RFA3, including *public comments received on the record of the DPO*, the Department does not identify additional substantive changes or recommend amended or new conditions for the following Council standards:

- **Structural Standard** (DPO Section III.C, pg. 21-28)
- **Soil Protection** (DPO Section III.D, pg. 28-33)
- **Land Use** (DPO Section III.E, pg. 33-42)
- **Protected Areas** (DPO Section III.F, pg. 42-52)
- **Threatened and Endangered Species** (DPO Section III.I, pg. 68-70)
- **Historic, Cultural, and Archaeological Resources** (DPO Section III.K, pg. 76-81)
- **Scenic Resources** (DPO Section III.J, pg. 70-76)
- **Recreation** (DPO Section III.L, pg. 82-86)
- **Public Services** (DPO Section III.M, pg. 86-89)
- **Public Health and Safety Standards for Wind Energy Facilities** (DPO Section III.P, pg. 101-103)
- **Cumulative Effects Standard for Wind Energy Facilities** (DPO Section III.Q, pg. 103-105)
- **Noise Control Regulations** (DPO Section IV.A, pg. 105-110)
- **Removal-Fill** (DPO Section IV.B, pg. 110-114)
- **Water Rights** (DPO Section IV.C, pg. 114)

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Certificate Holder Comment re: Consistency in Recommended Amended Condition 27 language between the DPO and redline Site Certificate.

General Standard of Review (DPO Section III.A, pg. 12-16)

- Condition 27 - Continue to require that the facility be designed and operate consistently with the dimensions currently under review but relieve the automatic amendment in the future if there were to be minor dimensional changes during final engineering. (DPO pg. 15)

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Council Comment re: the information provided for both the Wildfire Prevention and Risk Mitigation and Organizational Expertise Standards remain consistent with recent Council decisions.

Organizational Expertise (DPO Section III.B, pg. 16-21)

Wildfire Prevention and Risk Mitigation (DPO Section III.N, pg. 90-98)

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Certificate Holder Comment re: clarification and understanding of the frequency and discretion for ODOE and Council to make adjustments “as appropriate and necessary” to the contingencies of the bond or letter of credit.

Retirement and Financial Assurance (DPO Section III.G, pg. 52-59)

- Condition 122 - require the certificate holder to describe the status of the bond or letter of credit in the semi-annual report submitted to the Council under Condition 21(a). Additionally, Condition 122 clarifies that 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. (DPO pg. 58)
- Condition 30 - delineate the applicability of condition requirements based on phase of repower (preconstruction, construction, operation). (DPO pg. 58-59)

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Retirement and Financial Assurance (DPO Section III.G, pg. 52-59)

Recommended Retirement and Financial Assurance Condition 122: During the facility repower, the certificate holder shall describe the status of the bond or letter of credit in the semi-annual report submitted to the Council under Condition 21(a). If repower activities extend for more than 12 months, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in Condition 30(b). 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. *(DPO pg. 58)*

Recommended Amended Retirement and Financial Assurance Condition 30:

...

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. *(DPO pg. 59)*

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Certificate Holder Comment re: the evaluation and imposition of a maximum temporary disturbance limit within the repower corridor.

Certificate Holder Comment re: the Category 2 temporary impact mitigation ratio.

Fish and Wildlife Habitat (DPO Section III.H, pg. 59-68)

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Council Comment re: additional details and information to be required by Condition 130.

Waste Minimization (DPO Section III.O, pg. 98-100)

- Condition 130 - require the certificate holder to submit copies of any agreements or contracts with contractors who will manage the recycling or reuse of wind turbine components. If there is no feasible recycling or reuse options for the wind turbines, then the condition requires the certificate holder to explain the reasons why it is not available and document the process and final disposal of the components. (DPO pg. 100)

LJIIA Request for Amendment 3: Council Review of DPO/Comments

Department Recommendations for the Proposed Order based on Public Comments:

The Department recommends that the Council find, based on a preponderance of the evidence on the record, and with recommended new, amended and existing site certificate conditions, that the site certificate may be amended as requested.

The Department also recommends that the Council find that with existing, and recommended amended and new conditions, the facility, with proposed RFA3 changes, will continue to comply with the General Standard of Review OAR 345-022-0000 and OAR 345-027-0375.

The Department has reviewed all comments received on the record of the DPO and proposes potential changes from the DPO to a Proposed Order to the six standards that received applicable, substantive comments. However, Council may make comments and request additional changes for the Department to consider in the preparation of a Proposed Order.

Council Comments/Discussion



WORKING LUNCH BREAK



Agenda Item G (Action Item)

Summit Ridge Wind Farm: Council Review of Proposed Retirement Plan and Request for Site Certificate Termination

Sarah Esterson, Senior Policy Advisor

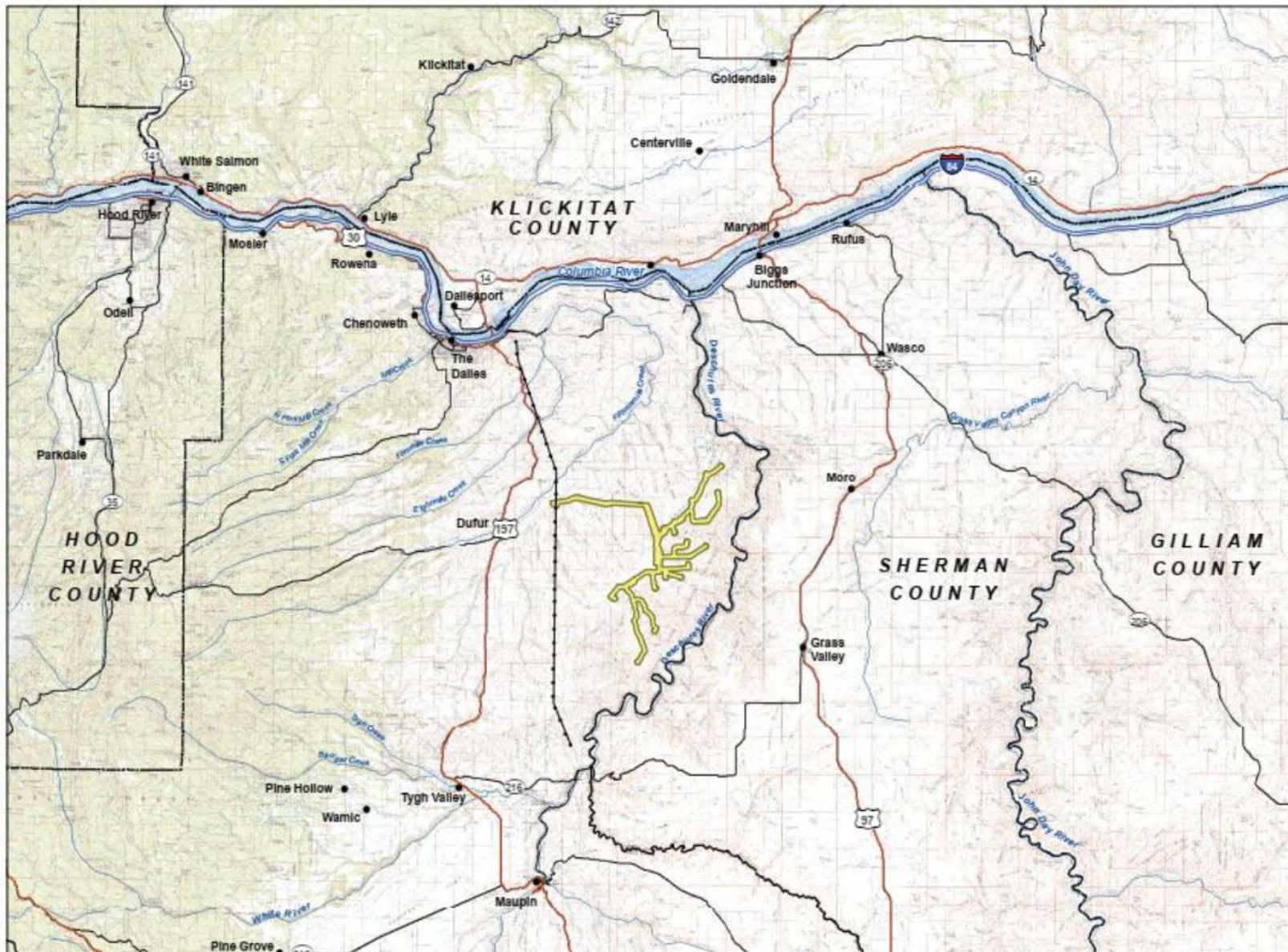
April 19, 2024



Summit Ridge Wind Farm

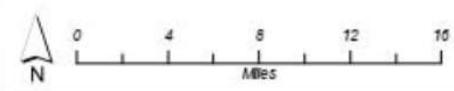
Approved Facility:	194.4 MW wind energy generation facility
Constructed Facility:	Related or supporting facilities (existing road substantially modified to serve the facility)
Site Boundary:	11,000 acres
Location:	Wasco County, 17 miles southeast of The Dalles; 8 miles east of Dufur
Certificate Holder:	Summit Ridge Wind, LLC, wholly owned subsidiary of Aypa Power LLC





Legend

-  Site Boundary
-  County Line
-  Interstate Highway
-  Other Highway
-  Major Road
-  Bonneville 230 KV Line



Location Map



Data Sources:
 LotusWorks, 2009
 USGS 30x60 Ortho Quadrangles: (Oregon) Condon, Goldendale, Hood River, and Mt. Hood

Procedural History

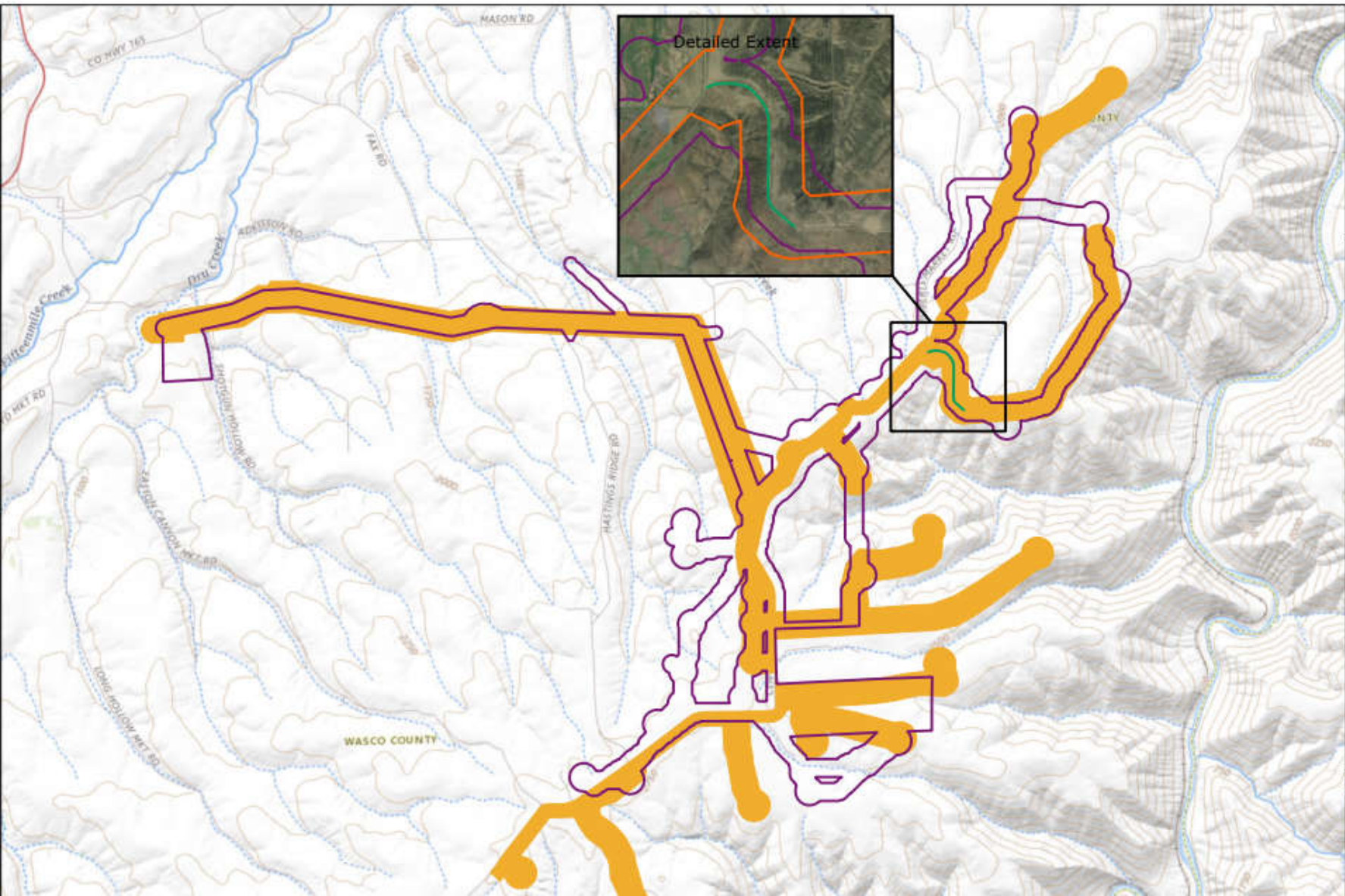
Milestone	Responsible Party	Date
Submittal of Application to Terminate	Cert. Holder	03/08/2024
Issuance of Public Notice	Department	03/13/2024
Comment Deadline		04/01/2024
Council Review of Application to Terminate/Possible Decision	Council	04/19/2024

Proposed Final Retirement Plan

Background

- Construction commenced in August 2020
 - Access road improvements (gravel/base on approx. 0.8-mile road segment)
- Site stabilization and construction monitoring continued through 2023
 - DEQ concurs with site stabilization/permit expiration
 - ODFW concurs site has been revegetated/controlled for noxious weeds
- Retirement plan seeks approval of no further actions at the site; retain road improvements





Summit Ridge Wind Farm

Exhibit 1 Road Improvement

WASCO COUNTY, OR

- Amended Site Boundary (RFA6)
- Permitted Site Boundary (RFAS)
- Upgraded Existing Road
- Taxlot Boundary



Reference Map





Image 1. Road Improvement View 1.



Proposed Final Retirement Plan

Does the proposed retirement plan result in a useful, non-hazardous condition at the site?

Council Considerations:

Zoning: Exclusive Farm Use

Surrounding Uses: Exclusive Farm Use

Allowable within the zone: Yes; supported by Wasco County Planning and Public Works Department as accessory use within the zone



Council Review of Comments

Summary of Comments from Friends of the Columbia Gorge, Oregon Wild, and Central Oregon LandWatch

	Friends Comment	Evaluation
1	Prior to any Council Order in this matter, ODOE should procure a final, dated copy of the undated letter from Wasco County included in the Termination Application.	In the Department’s review of the Application for Termination, it consulted with Wasco County Planning Department and the Board of Commissioners and obtained a signed letter, dated April 4, 2024. That letter is included on the record and relied upon in this order.
2	The Site Certificate expired under its own terms and the applicable law when the Site Certificate Holder failed to lawfully commence construction of the Project prior to the Site Certificate’s construction start deadline.	The Council makes no findings or conclusions regarding Comments 2, 3 and 4 as those comments are not specific to the certificate holder’s proposed retirement plan, but rather focus on issues not under review by Council.
3	The Council never approved “phased construction” of the Project; and ODOE lacked authority to retroactively approved “phased construction” without oversight and approval by the Council.	
4	Because the Site Certificate Holder never applied to the Council for a site certificate amendment to extend the August 19, 2020 construction commencement deadline prior to that deadline, the certificate expired on that deadline and is null and void.	
5	The Site Certificate expired under its own terms and the applicable law when the Site Certificate Holder failed to complete construction of the Project prior to the Site Certificate’s construction completion deadline.	Because the certificate holder did not complete construction by August 19, 2023 and withdrew pRFA6 seeking to extend that deadline, the site certificate is expired. Because site certificates include obligations even after a site certificate expires, it is still necessary to analyze the certificate holder’s Application for Termination.

Proposed Final Retirement Plan

Council Options

- Approve the plan, as proposed by certificate holder
- Approve the plan, with modifications, to comply with rules and site certificate conditions

Site Certificate Termination

Council Scope of Review

- Find that the certificate holder satisfied/complied with Council's approved retirement plan
 - Council would be finding that authorizing the road to be left in place results in a useful, non-hazardous condition at the site

Council Decision on Summit Ridge Wind Farm Application to Terminate Site Certificate

Option 1 - Recommended

Issue Final Order Approving
Final Retirement Plan and
Terminating Site Certificate

Option 2

Issue Final Order Approving
Final Retirement Plan, with
Modifications and
Terminating Site Certificate

Option 3

Issue Final Order Approving
Final Retirement Plan with
Modifications

Council Deliberation



Agenda Item H (Action Item)

Hydrogen Electrolyzer Jurisdictional Determination

**Todd Cornett, Assistant Director for Siting
& Michael Freels, Senior Policy Analyst**

April 19, 2024



Agenda Item H Overview

1. Staff presentation
2. Public comment
3. Council deliberation and possible decision

Agenda Item H – Staff Presentation

Question

Do hydrogen electrolyzers, by themselves, constitute an “Energy Facility” as included in ORS 469.300(11)(a)(F) below, and are therefore within the jurisdiction of the EFSC?

A synthetic fuel plant which converts a natural resource including, but not limited to, coal or oil to a gas, liquid or solid product intended to be used as a fuel and capable of being burned to produce the equivalent of two billion Btu of heat a day.

Agenda Item H – Staff Presentation

ORS 469.300(11)(a)(F)

- a. *is a synthetic fuel plant*
- b. *converts a natural resource including but not limited to coal or oil*
- c. *to a gas, liquid or solid product*
- d. *intended to be used as a fuel*
- e. *and capable of being burned to produce the equivalent of two billion Btu of heat a day*

Agenda Item H – Staff Presentation

What are synthetic fuels?

- Alternative or replacement for fossil fuels
- Typically created from coal, natural gas, or biomass feedstocks
- Production consists of mixing hydrogen (H) and carbon monoxide (CO) into a hydrocarbon fuel

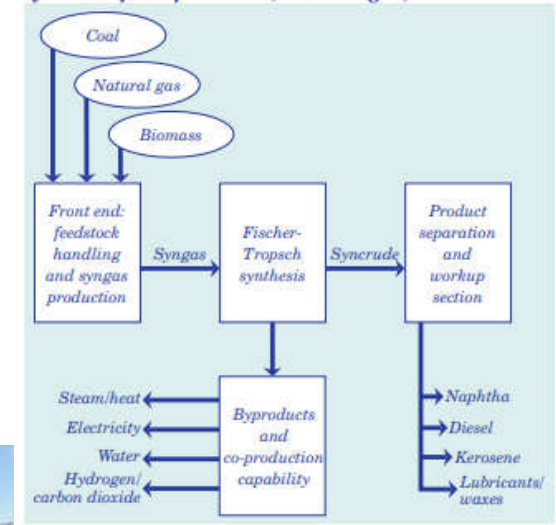


Agenda Item H – Staff Presentation

What is a synthetic fuel plant?

- Large industrial facilities that convert coal, natural gas, or biomass feedstocks into a synthetic gas and then a liquid fuel.
- General Production Categories
 - Coal-to-Liquids
 - Gas-to-Liquids
 - Biomass-to-Liquids
- Waste streams need to be managed to mitigate environmental harm

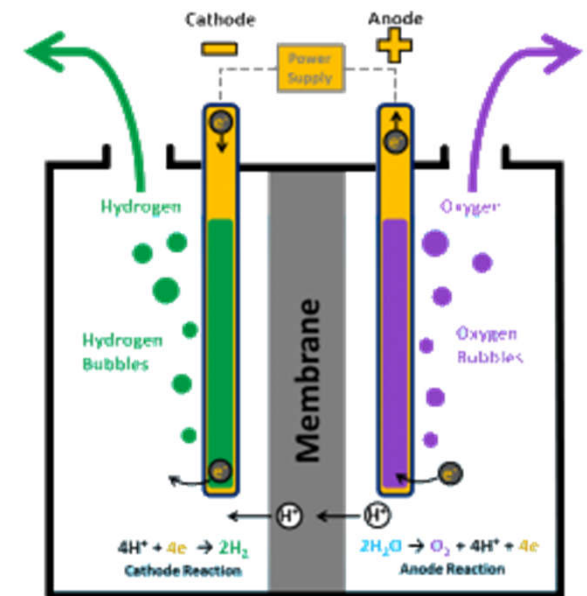
Figure 19. System elements for production of synthetic fuels from coal, natural gas, and biomass



Agenda Item H – Staff Presentation

What is a hydrogen electrolyzer?

- Uses electricity to split water molecules into hydrogen and oxygen
- Collected hydrogen can be used as a fuel or for energy storage.
- Collected oxygen gas can be used for industrial applications or vented into the air.
- It is not a combustion process and GHG emissions do not come from the electrolyzer or the chemical reaction.



Agenda Item H – Staff Presentation

What are the feedstocks or byproducts of a hydrogen electrolyzer?

- Electrolysis uses water as the primary feedstock and electricity as the primary energy source.
- Electrolyzers can use recycled water from wastewater treatment plants or desalinated seawater.
- Water used by an electrolyzer should be tested.
- The GHG footprint is determined by the source of the electricity.



Agenda Item H – Staff Presentation

Dictionary definitions

1984 Webster’s II New Riverside University Dictionary definition of “synfuel”:

“A liquid, gaseous or solid hydrocarbon fuel derived from naturally occurring fossil fuels as coal, shale or tar sand.”

Oxford English Dictionary online, the word “synfuel” first appeared in the dictionary in 1976 and since then Oxford has defined it without making any changes, as:

“Any fuel made from coal, oil shale, or the like as a substitute for a petroleum product.”

Based on these definitions, at the time the term “synfuel” was first used in EFSC statutes suggests the legislature likely considered “synthetic fuel plants” to be facilities that convert carbon containing natural resources to fuels.

Agenda Item H – Staff Presentation

Legislative Record

HB 2260 - 1981 – Added “synthetic fuel plant” to definition of “Energy Facility”

- ODOE Director – Discussed the land use and environmental concerns and referenced coal gasification plants
- Oregon Environmental Council – Discussed the release of pollutants and harmful byproducts
- House Staff – Discussed water consumption, release of pollutants in the air and the creation of other byproducts

The environmental concerns over “synthetic fuel plants” discussed in the testimony should not arise with present-day hydrogen production from electrolysis. Based on this testimony, it was likely the legislature was thinking of fossil fuel-based plants when they included “synthetic fuel plants”



Agenda Item H – Staff Presentation

Technology

Synthetic fuel plants

- Feedstocks are typically coal, gas and biomass
- Mixes hydrogen and carbon monoxide to produce synthetic gas
- Synthetic gas can then be processed into a hydrocarbon fuel
- Byproducts can include greenhouse gases and other pollutants

Hydrogen Electrolyzers –

- Feedstocks are electricity and water
- Electrolysis uses electricity to split water into hydrogen and oxygen
- End product is hydrogen gas
- No harmful gases or other byproducts



Agenda Item H – Staff Presentation

Recommendation

Hydrogen electrolyzers, by themselves, do not constitute an “Energy Facility” as included in ORS 469.300(11)(a)(F) below, and are therefore not within the jurisdiction of EFSC

Agenda Item H – Public Comment

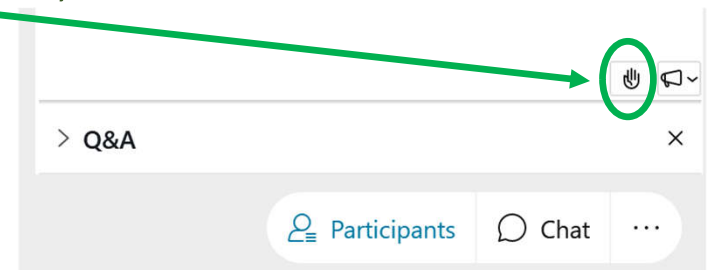
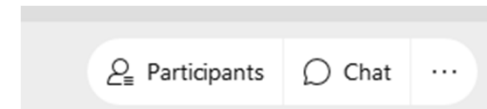
Webinar Participants

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.

Council Options

Option 1 - Recommended

Determine a Hydrogen Electrolyzer, by itself, does not constitute and “Energy Facility” as described in ORS 469.300(11)(a)(F)

Option 2

Determine a Hydrogen Electrolyzer, by itself, does not constitute and “Energy Facility” as described in ORS 469.300(11)(a)(F), with modifications to the reasoning provided by staff

Option 3

Determine a Hydrogen Electrolyzer, by itself, does constitute and “Energy Facility” as described in ORS 469.300(11)(a)(F), with modifications to the reasoning provided by staff

Council Deliberation



Adjourn

