

**January 19-20, 2023 EFSC Meeting**

**Agenda Items B and H – Oregon Trail Solar Facility**

Staff Report Attachment 2: Draft Proposed Order Comments (received by the Oregon Department of Energy as of January 12, 2023)

## SLOAN Kathleen \* ODOE

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**From:** Hutchinson, Matthew <matthew.hutchinson@avangrid.com>  
**Sent:** Thursday, January 12, 2023 4:34 PM  
**To:** ESTERSON Sarah \* ODOE; SLOAN Kathleen \* ODOE  
**Cc:** Albrich, Elaine; Goland, Kristen; PATRICK, MARCELLA; Walsh, Brian; Hicks, Paul  
**Subject:** Avangrid/Oregon Trail Solar - Certificate Holder Comments  
**Attachments:** Oregon Trail Solar\_Comments on DPO\_11222.pdf

Kate and Sarah,

Please see the attached comment letter on the Oregon Trail Solar Draft Proposed Order.

Thanks,  
Matt



**Matt Hutchinson**  
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Matt Hutchinson  
Business Developer

January 12, 2023

Kathleen Sloan  
Senior Siting Analyst  
Oregon Department of Energy  
550 Capitol Street, NE  
Salem, OR 97301

**Re: Oregon Trail Solar – Certificate Holder Comments on the Draft Proposed Order on Request for Amendment 1**

Dear Kathleen:

Oregon Trail Solar, LLC (“Oregon Trail”), a subsidiary of Avangrid Renewables, LLC, supports the Oregon Department of Energy’s (“ODOE”) recommendation in the Draft Proposed Order (“DPO”) to the Energy Facility Siting Council (“EFSC”) for the approval of Request for Amendment 1 (“RFA”) on the Oregon Trail Solar Project Site Certificate to extend the construction commencement deadline. We appreciate ODOE’s thorough review of the RFA and believe the Oregon Trail Solar supports Oregon’s decarbonization goals outlined in House Bill 2021 towards a 100 percent clean energy standard.

We offer the following comments on the DPO.

- 1) Update on the Community Donations.** Since the release of the DPO, Oregon Trail has decided to direct its community donation to the Port of Arlington instead of the Pioneer Community Development Corporation. This change was based on input from Gilliam County Court regarding their preference on ways to support worker housing the county. The Port of Arlington is a county-wide special district and has near-term projects to create new housing. In addition, Oregon Trail has offered a portion of the donation upfront, within 60 days of EFSC approval of the RFA, to allow the Port of Arlington to use the funds for matching grant opportunities before construction begins.
- 2) Goal 3 reasons are still valid and justify the land use goal exception.** The Goal 3 exception granted by EFSC for the solar project is still based on valid reasons and justifications, and there has been no change in the law or facts change EFSC’s prior exception. We have responded to the County Court’s concerns by offering evidence of economic benefit from the construction of the Montague Solar project and offering community donations to benefit housing and

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agricultural in the county. We have also clarified that the size the project will be less than 400 acres, rather than the 1,228 acres that was previously granted for the Goal 3 exception.

- 3) Remove the 5-year review of wildlife risk from Recommended Amended Condition 60.** The DPO provides a new analysis on wildfire risk to address the recently adopted Wildfire Prevention and Risk Management standard (OAR 345-022-0115 and evaluates the Wildfire Mitigation Plan proposed by Oregon Trail. However, the requirement to provide a 5-year review is inconsistent with OAR 345-022-0115 (Wildfire Standard), OAR 345-026-0080 (Annual Report), and ORS 460.401(2) (“Goal Post” Rule). First, there is no part of the Wildfire Prevention and Risk Mitigation standard that requires reassessment of wildfire risk during the operations of the facility. The closest to an update requirement is OAR 345-022-0115(1)(b)(E) which says that a Wildfire Mitigation Plan should include a description of the “methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk” but this does not mention updating the wildlife risk assessment. Therefore, we believe the Recommended Amended Condition 60 is a misinterpretation OAR 345-022-0115(1)(b)(E) in that it requires a reassessment of wildfire risk and not consideration of best practices and emerging technologies, and requires it be removed from the amended site certificate.

Second, the annual report requirements of OAR 345-026-0080 require a Certificate Holder to provide information on facility status and production data, status of surety bonds, monitoring reports, compliance report, and facility modification report, and none of these reporting requirements mention wildfire risk or, more generally, the reconsideration of facts or conditions described in a Final Order. We believe the DPO incorrectly relies on OAR 345-026-0080 as justification for Oregon Trail to perform a reevaluation of wildfire risk every 5-years.

Lastly, ORS 469.401(2) sets forth the binding terms of the site certificate, and states “the site certificate or amended site certificate shall require both parties to abide by local ordinances and state law and the rules of the council in effect on the date the site certificate or amended site certificate is executed, except that upon a clear showing of a significant threat to the public health, safety or the environment that requires application of later-adopted laws or rules, the council may require compliance with such later-adopted laws or rules” and the DPO should consider applicable local ordinances and state laws that in effect at the time of the RFA. For wildfire matters, the compliance with applicable standards and laws are described in Oregon Trail’s Wildlife Mitigation Plan and there should be no need to reoccurring reevaluation of this plan as suggested by the Recommended Amended Condition 60 because this would have the effect of making EFSC’s finding on the Wildfire Prevention and Risk Mitigation standard as open-ended, unresolved, and subject to interpretation every 5 years.

- 4) **Revise Recommended Amended Condition 67 to mirror other projects.** We request that Condition 67 on turbine safety be revised to match Condition PRO-PH-01 from the Site Certificate on the Golden Hills Wind Farm, which states, “(a) Submit to the Department materials or other documentation demonstrating the facility’s operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower turbine manufacturer recommended frequency. (b) The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility’s annual compliance report. (c) In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation.” Avangrid Renewables also owns and operates the Golden Hills Wind Farm and matching conditions across projects will allow for a streamlined compliance by operational staff and internal processes. Therefore, Oregon Trail request that Amended Condition 67 be revised as suggested.
- 5) **Update Avangrid Renewables, LLC (parent company) leadership.** Since Council’s prior review, the leadership of the parent company changed with Jose Antonio Miranda appointed as the sole Avangrid Renewables Onshore President and CEO in October 2021.

Thank you for your consideration.

Sincerely,

Matt Hutchinson  
Avangrid Renewables

Cc. Brian Walsh – Avangrid  
Kristen Goland – Avangrid  
Elaine Albridge – DWT  
Paul Hicks – Tetra Tech