



OPALCO

Co-op Run. Community Powered.

Board of Directors Regular Meeting

Monday, October 15, 2026

Members may participate in the regular board meetings via Zoom. The first part of the meeting is reserved for member questions and comments. For security purposes, staff will be checking Zoom identities so please use your first and last name or you may not be let into the meeting. Please follow the protocols listed below:

- Mute yourself unless talking,
- Use your first and last name in your Zoom identity,
- Chat if you have a question/comment and the monitor will put you in the queue,
- OPALCO's Policy 17 - Member Participation at OPALCO Meetings decorum must be followed.

The Zoom link will be updated monthly. Members can get the link to the meeting, submit any comments and questions in writing no less than 24 hours in advance of each meeting to: communications@opalco.com

Sequence of Events

- OPALCO Board Meeting
- Executive Session



Board of Directors
Regular Board Meeting
October 15, 2026, 8:30 A.M.*
Virtual Meeting via Zoom

**Time is approximate; if all Board members are present, the meeting may begin earlier or later than advertised. The Board President has the authority to modify the sequence of the agenda.*

WELCOME GUESTS/MEMBERS

Members attending the board meeting acknowledge that they may be recorded, and the recording posted to OPALCO's website. Members are expected to conduct themselves with civility and decorum, consistent with Member Service Policy 17. If you would like answers to specific questions, please email communications@opalco.com for post-meeting follow-up.

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EXECUTIVE SESSION

Legal, Personnel, Competitive, Other

ADJOURNMENT

ACTION ITEMS

Consent Agenda

All matters listed on the Consent Agenda are considered routine and will be enacted by one motion of the Board with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed as an Action Item at the request of a Board member.

The Consent Agenda includes:

- **Approval of New Members** – attached {as required by Bylaws Article I Section 2 (d)}
- **Capital Credit Retirements** – attached
- **RUS Form 219 Inventory of Work Orders** – attached
- **Minutes** of the previous meeting – attached.

NEW MEMBERS – August 2026

District 1 (San Juan, Pearl, Henry, Brown, Spieden)

ARNO, VERNON & ARNO, LYNN
AULDAY, MICHELLE
BLANCH, JESSICA & APPLETON, MICHAEL
BRROWN, CHLOE
DAY, ELLIOTT
HELLER, SAM
HOPE HARBOR ENTERPRISES
HUBER, SEBASTIAN & ELLIS, HALEY
JOHNSON, BONNIE & JOHNSON, LEE
KLUDING, STELLA & KLUDING, CARTER
MARTINEZ CASAREZ, ALMA
MELIC, AMER
MURPHY, ROXANNE & MURPHY, BRITTANI
O'HERREN, PATRICK
PALL, GURDEEP
PIVOT PHYSICAL THE, RAPHY
POSENJAK, DYLAN
SHEPARD, ALEXANDRA & SOTO, RUBEN
STEWART, THOMAS & STEWART, KIRA
TAUSCHER, MARLA
THOMPSON, SARAH & TOM, BOHARSKI
WEBER, GERHARD & NIKRAVAN, SARA

District 2 (Orcas, Armitage, Blakely, Obstruction, Double,

ADAMS, LAURA
ANNIS, ALEXIS

ARREGUIN, ANGELINA & MOENA, MARK
BEIERLE, MEGAN & BEIERLE, JOHN
BLACK, BRINNAN
DIEFFENBACH, SARIAH & GREB, DONALD
DILLON-SHORE, ANGIE & DILLON-SHORE, NANCY
EMERALD SEISIN LL,C
GLY CONSTRUCTION, INC
GWERDER, DEBRA & GWERDER, DAVID
HORN, KATHERINE & BAVIKATTE, SANJAY KABIR
LAURSEN, TOD & LAURSEN, JENNIFER
MELIKOV, MISHA
THELANDER, ANNA HELENA & ROGERS, KENNETH
KYLE
VINSON, JOHN
WILLIAMS, MARK
ZANNA SULLIVAN DV, M PLLC

District 3 (Lopez, Center, Decatur, Charles)

BAILEY, CATHERINE & PETRAVIC, ROBIN
DAVID, LLOYD & DAVID, MICHELLE
LANGDON, TRACY
LINDE, MELISSA
METCALF PLACE LLC
PAMATIAN, URSULA

District 4 (Shaw, Crane, Canoe, Bell)

ROUND TREE HOUSE, LLC
SCHMIDT, CHRISTINE



NEW MEMBERS – September 2026

District 1 (San Juan, Pearl, Henry, Brown, Spieden)

1208 ARGYLE LLC
 BLOMBERG, JUNIPER
 GOODSSELL, KATHY & GOODSSELL, NELSON
 HENRY ISLAND HOME, STEAD LLC & MACLEAN, JEFFREY
 JOHNSON, MICHAEL
 MCKAY, CASEY
 MORRIS, ROGER & CAVAYE, MARGARITA
 NASH KILLE, AMY & NASH, DAVID
 ODEN, ZACKARY & MARTINEZ, DAVID
 PETERSON, ROBERT
 RASMUSSEN, KASEY
 SHAW, DAVID & SHAW, HILARY
 TOMASSINI, KADI
 TRICO COMPANIES L, LC & WOLFE, NATE

District 2 (Orcas, Armitage, Blakely, Obstruction, Double,

BROADWAY, JAMES WYATT
 CAYETANO AVILA, VICTOR
 DICK, GREG & DICK, DAVID
 ELANDER, THOMAS
 FRALICK, M CAMERON & FRALICK, CHIARA ALINA

HUTCHINSON, SARA & HUTCHINSON, MATTHEW
 MCINTURFF, KATHRYN & MCINTURFF, REGINALD
 NIEHOFF, MANDY & NIEHOFF, KURT
 ORCAS ISLAND COVE, LLC
 PRUETT, HOLLY & PRUETT, DON
 RANKIN, CARLIE & SMITH, DANIEL
 ROBERT & MARIA NU, TT REV TRUST
 SANDERS, ANIKA
 STAHL, ROD
 STREHLOW, JOHN & STREHLOW, KIMBERLEY
 WILDMAN, AUGUST

District 3 (Lopez, Center, Decatur, Charles)

REYNOLDS, JACK & HAM, SOOYYUN
 SELVIG, GRACE & TRONSDAL, JACK
 SILBERSTEIN, OORI & FRADKIN, JACKIE
 WHYTE, LINDSEY & WHYTE, OLIVIER

District 4 (Shaw, Crane, Canoe, Bell)

ODLE, FALLON & EGAN, KEI
 SPENGLER, ELIZABETH

RUS Form 219

Inventory of Work Orders of projects completed from the Construction Work Plan. These forms are submitted to RUS for approval of loan funds.

Inventory	Amount	Description
202607	\$20,634.62	Construction Work Orders
AV2607	\$127,274.94	Construction Work Orders (Minor Projects)
202608	\$156,956.67	Construction Work Orders
Total	\$304,866.23	

Orcas Power & Light Cooperative

Rev: 202303050744

08/27/2026 12:40:20 pm
RUS Form 219 Inventory Of Work Orders
Page: 1

Period: JUL 2026
System Designation: WA O9

Inventory: 202607

Loan		Work Order		Bdgt (3)	Gross Funds Required		Deductions		Contrib In Aid Of Constr and Previous Advances (8)	Loan Funds Subject To Advance By RUS (9)
Project	Year	Construction (1)	Retirement (2)		Cost Of Construction: New Constr Or Replacements (4)	Cost Of Removal: New Constr Or Replacements (5)	Salvage Relating To New Construction Or Replacements (6)	Retirements Without Replacements (7)		
1600	2023 4033			1	22,759.62	0.00	0.00	0.00	0.00	20,634.62
					22,759.62	0.00	0.00	AFUDC: 2,125.00 0.00	0.00	20,634.62
Grand Totals:					\$ 22,759.62	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 20,634.62

Minor Construction Work Orders:

Work Order: 4033 - REPLACE TWO TRANSCLOSURES



Orcas Power & Light Cooperative

Rev: 202303050744

08/27/2026 12:40:20 pm

RUS Form 219 Inventory Of Work Orders
Period: JUL 2026

System Designation: WA O9

Page: 4

Inventory : 202607

Budget		Amount
Loan	Project	
1	1600	20,634.62
Total:		20,634.62

ENVIRONMENTAL CERTIFICATION

- 1 ☐ WE CERTIFY THAT CONSTRUCTION REPORTED ON THE LISTED WORK ORDERS (EXCEPT CERTIFICATION "2" BELOW), IS A CATEGORICAL EXCLUSION OF A TYPE DESCRIBED IN 7 CFR 1970 WHICH NORMALLY DOES NOT REQUIRE PREPARATION OF A BORROWER'S ENVIRONMENTAL REPORT.
- 2 ☐ WE CERTIFY THAT CONSTRUCTION REPORTED ON WORK ORDERS _____ IS A CATEGORICAL EXCLUSION OF A TYPE THAT NORMALLY REQUIRES A BORROWER'S ENVIRONMENTAL REPORT WHICH IS ATTACHED.

SIGNATURE (MANAGER)

DATE

BORROWER CERTIFICATION

WE CERTIFY THAT THE COSTS OF CONSTRUCTION SHOWN ARE THE ACTUAL COSTS AND ARE REFLECTED IN THE GENERAL ACCOUNTING RECORDS. WE FURTHER CERTIFY THAT FUNDS REPRESENTED BY ADVANCES REQUESTED HAVE BEEN EXPENDED IN ACCORDANCE WITH THE PURPOSES ON THE LOAN, THE PROVISIONS OF THE LOAN CONTRACT AND MORTGAGE, RUS BULLETINS, AND THE CODE OF FEDERAL REGULATIONS RELATIVE TO THE ADVANCE OF FUNDS FOR WORK ORDER PURPOSES. WE CERTIFY THAT NO FUNDS ARE BEING REQUESTED FOR REIMBURSEMENT OF CONSTRUCTION WORK IN A CBRA AREA.

SIGNATURE (MANAGER)

DATE

SIGNATURE (BOARD APPROVAL)

DATE

ENGINEERING CERTIFICATION

I HEREBY CERTIFY THAT SUFFICIENT INSPECTION HAS BEEN MADE OF THE CONSTRUCTION REPORTED BY THIS INVENTORY TO GIVE ME REASONABLE ASSURANCE THAT THE CONSTRUCTION COMPLIES WITH APPLICABLE SPECIFICATIONS AND STANDARDS AND MEETS APPROPRIATE CODE REQUIREMENTS AS TO STRENGTH AND SAFETY. THIS CERTIFICATION IS IN ACCORDANCE WITH ACCEPTABLE ENGINEERING PRACTICE.

INSPECTION PERFORMED BY

FIRM

LICENSE NUMBER

DATE

SIGNATURE OF LICENSED ENGINEER

Orcas Power & Light Cooperative

Rev: 202303050744

08/27/2026 12:40:20 pm

RUS Form 219 Inventory Of Work Orders
Period: JUL 2026

System Designation: WA O9

Page: 3

Inventory: AV2607

Loan		Work Order		Bdgt	Gross Funds Required		Deductions		Contrib In Aid Of Constr and Previous Advances	Loan Funds Subject To Advance By RUS
Project	Year	Construction (1)	Retirement (2)		Cost Of Construction: New Constr Or Replacements (4)	Cost Of Removal: New Constr Or Replacements (5)	Salvage Relating To New Construction Or Replacements (6)	Retirements Without Replacements (7)		
601	2023 4268	4268		1	102,981.69	141.84	0.00	0.00	0.00	102,035.57
					102,981.69	141.84	0.00	0.00	0.00	102,035.57
							AFUDC: 1,087.96			
606	2023 4565			1	25,340.28	0.00	0.00	0.00	0.00	25,239.37
					25,340.28	0.00	0.00	0.00	0.00	25,239.37
							AFUDC: 100.91			
Grand Totals:					\$ 128,321.97	\$ 141.84	\$ 0.00	\$ 0.00	\$ 0.00	\$ 127,274.94



Orcas Power & Light Cooperative

Rev: 202303050744

08/27/2026 12:40:20 pm

RUS Form 219 Inventory Of Work Orders
Period: JUL 2026 System Designation: WA O9

Page: 6

Inventory : AV2607

Budget		
Loan	Project	Amount
1	601	102,035.57
1	606	25,239.37
Total:		127,274.94

BORROWER CERTIFICATION

WE CERTIFY THAT THE COSTS OF CONSTRUCTION SHOWN ARE THE ACTUAL COSTS AND ARE REFLECTED IN THE GENERAL ACCOUNTING RECORDS. WE FURTHER CERTIFY THAT FUNDS REPRESENTED BY ADVANCES REQUESTED HAVE BEEN EXPENDED IN ACCORDANCE WITH THE PURPOSES ON THE LOAN, THE PROVISIONS OF THE LOAN CONTRACT AND MORTGAGE, RUS BULLETINS, AND THE CODE OF FEDERAL REGULATIONS RELATIVE TO THE ADVANCE OF FUNDS FOR WORK ORDER PURPOSES. WE CERTIFY THAT NO FUNDS ARE BEING REQUESTED FOR REIMBURSEMENT OF CONSTRUCTION WORK IN A CBRA AREA.

SIGNATURE (MANAGER)

DATE

SIGNATURE (BOARD APPROVAL)

DATE

ENGINEERING CERTIFICATION

I HEREBY CERTIFY THAT SUFFICIENT INSPECTION HAS BEEN MADE OF THE CONSTRUCTION REPORTED BY THIS INVENTORY TO GIVE ME REASONABLE ASSURANCE THAT THE CONSTRUCTION COMPLIES WITH APPLICABLE SPECIFICATIONS AND STANDARDS AND MEETS APPROPRIATE CODE REQUIREMENTS AS TO STRENGTH AND SAFETY. THIS CERTIFICATION IS IN ACCORDANCE WITH ACCEPTABLE ENGINEERING PRACTICE.

INSPECTION PERFORMED BY

FIRM

LICENSE NUMBER

DATE

SIGNATURE OF LICENSED ENGINEER



Orcas Power & Light Cooperative

Rev: 202303050744

09/29/2026 2:41:47 pm	RUS Form 219 Inventory Of Work Orders	Page: 1
Period: AUG 2026		System Designation: WA 09

Inventory: 202608

Loan		Work Order		Bdgt (3)	Gross Funds Required		Deductions		Contrib In Aid Of Constr and Previous Advances (8)	Loan Funds Subject To Advance By RUS (9)
Project	Year	Construction (1)	Retirement (2)		Cost Of Construction: New Constr Or Replacements (4)	Cost Of Removal: New Constr Or Replacements (5)	Salvage Relating To New Construction Or Replacements (6)	Retirements Without Replacements (7)		
519	2023 3758			1	153,294.70	0.00	0.00	0.00	0.00	145,870.02
								AFUDC: 7,424.68		
					153,294.70	0.00	0.00	0.00	0.00	145,870.02
603 - 4	2023 3663			1	12,744.49	0.00	0.00	0.00	0.00	11,086.67
								AFUDC: 1,657.82		
					12,744.49	0.00	0.00	0.00	0.00	11,086.67
Grand Totals:					\$ 166,039.19	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 156,956.69

55009

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09/29/2026 2:41:47 pm

RUS Form 219 Inventory Of Work Orders
Period: AUG 2026 System Designation: WA O9

Page: 3

Inventory : 202608

Budget		
Loan	Project	Amount
1	519	145,870.02
1	603 - 4	11,086.67
Total:		156,956.69

BORROWER CERTIFICATION

WE CERTIFY THAT THE COSTS OF CONSTRUCTION SHOWN ARE THE ACTUAL COSTS AND ARE REFLECTED IN THE GENERAL ACCOUNTING RECORDS. WE FURTHER CERTIFY THAT FUNDS REPRESENTED BY ADVANCES REQUESTED HAVE BEEN EXPENDED IN ACCORDANCE WITH THE PURPOSES ON THE LOAN, THE PROVISIONS OF THE LOAN CONTRACT AND MORTGAGE, RUS BULLETINS, AND THE CODE OF FEDERAL REGULATIONS RELATIVE TO THE ADVANCE OF FUNDS FOR WORK ORDER PURPOSES. WE CERTIFY THAT NO FUNDS ARE BEING REQUESTED FOR REIMBURSEMENT OF CONSTRUCTION WORK IN A CBRA AREA.

SIGNATURE (MANAGER)

DATE

SIGNATURE (BOARD APPROVAL)

DATE

ENGINEERING CERTIFICATION

I HEREBY CERTIFY THAT SUFFICIENT INSPECTION HAS BEEN MADE OF THE CONSTRUCTION REPORTED BY THIS INVENTORY TO GIVE ME REASONABLE ASSURANCE THAT THE CONSTRUCTION COMPLIES WITH APPLICABLE SPECIFICATIONS AND STANDARDS AND MEETS APPROPRIATE CODE REQUIREMENTS AS TO STRENGTH AND SAFETY. THIS CERTIFICATION IS IN ACCORDANCE WITH ACCEPTABLE ENGINEERING PRACTICE.

INSPECTION PERFORMED BY

FIRM

LICENSE NUMBER

DATE

SIGNATURE OF LICENSED ENGINEER

55009

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mbeal

Capital Credits

Staff request payment of capital credits to the estates of the following deceased members and/or to organizations no longer in business by way of approval of the consent agenda:

October	
Customer #	Amount
64297	351.08
62605	1,625.39
69154	1,465.47
79249	419.48
84982	436.19
67225	849.43
61896	1,637.83
Total	\$ 6,784.87



Staff requests a motion to approve the Consent Agenda.

Minutes

Staff request approval of the minutes from the prior meeting upon review.

Orcas Power & Light Cooperative Minutes of the Board of Directors Meeting Thursday, August 31, 2026

Streaming through Zoom attendees were Board members, Laura Derevensky, Wendy Hiester, Mark Madsen, Tom Osterman, Brian Silverstein, Laura Stern and Dr. Jerry Whitfield. Staff present were General Manager Foster Hildreth; Manager of Engineering and Operations Russell Guerry; Communications Manager Krista Bouchey; Communications Specialist Jo Lange; Manager of Finance and Member Services Travis Neal; Special Projects Beth Stanford (serving as recording secretary), OPALCO employees: Katherine Santos Santana, Brett Deines, and Taylor Smith. Also present were Legal Counsel Joel Paisner, consultant Jay Kimball; Ali Boe, Craig Hanson & Kristine Neitman from Rock Island Communications; and from Bonneville Power Administration: Jack Smith.

Members in attendance: Norris Palmer, Dawni Cunnington, Darrell Kirk, Kendra Lamb, Michelle Ross, Brian Grant, Lili Clark, Sara Gartner, Jill Rullkoetter, Charles Greene, Luann Garvey, Alan Fantel, Janet Wheeler, Roslyn Solomon, Alan Mizuta, Rob Grant, Dennis Jenkins, Rob Osterman, Chuenchom Greacen, Chris Greacen, Karen Pearsom, Magali Cota, Jennifer Gastineau and Bill Hurley

Meeting commenced at 9:31 AM

Member Comment Period: Member comments were received during the open comment period. A full recording of this portion of the meeting is available on the OPALCO website.

ACTION ITEMS

CONSENT AGENDA

MOTION was made by Silverstein to accept the minutes from the consent agenda, seconded by Madsen and passed by voice vote with one abstention from Stern.

WRECA VOTING DELEGATES RESOLUTION

MOTION was made by Heister to add Foster Hildreth as an additional delegate for the Washington Rural Electric Cooperative Association (WRECA), seconded by Stern and passed unanimously by voice vote.

CLIMATE COMMITMENT ACT (CCA) NO-COST ALLOWANCES RESOLUTION

MOTION was made by Madsen to accept staff's recommendation and approve Resolution 5-2026 regarding OPALCO's carbon credits process giving the approval to auction off Department of Ecology greenhouse gas allowances under the CCA with those proceeds used to benefit low income rate payers, seconded by Derevensky, and passed unanimously by voice vote.

DISCUSSION ITEMS



Q2 2026 FINANCIAL UPDATE

Staff walked the board through budget-to-actual variances, including member re-lending debt tracking, contractor availability on underground programs, and the new Eastsound substation transformer sourced for roughly \$500,000 versus a \$3 million replacement cost.

MEMBER SERVICE POLICY 4: SERVICE CONDITIONS UPDATES-FIRST READ

Staff presented the first read of Policy 4 cleanup. The board was asked to send comments to staff ahead of the final read at the next regular meeting.

INTEGRATED RESOURCE PLAN: PART 3 – BPA 2028-2044 RATE STRUCTURE

Staff, joined by BPA's Jack Smith, explained BPA's shift away from the old tier-rate methodology toward a structure that removes contracted demand quantity and shifts more cost into energy and hourly peak demand. Board members raised follow-up questions and whether this creates a pricing signal that makes battery storage economical and whether OPALCO should start moving toward time-of-use rate design and metering ahead of the 2028 transition.

REPORTS

Staff reviewed reports, dashboards, grant and budget tracking, ongoing cooperative-wide safety measures and training, and projects.

Regular Session: 9:31-10:37 AM; 10:50-11:39 AM; 12:28-12:30 PM

Break: 10:37 AM – 10:50 AM

Executive Session: 11:50 AM – 12:28 PM

Meeting Closed: 12:30 PM

Tom Osterman , President

Wendy Hiester, Secretary-Treasurer



Board and Annual Meeting Dates – 2027

The 2027 Board and Rock Island Communications (RIC) meetings will continue to be held via Zoom with the exception of the Annual Member Festival. Following successful two-part Annual Meetings in 2025 and 2026, staff recommends continuing this format in 2027. Staff proposes holding the official Annual Meeting of the Members as a virtual event to conduct the business portion of the meeting, including bylaw-required items, the State of the Co-op address, and announcement of election results. Members will be invited to participate via Zoom. The following day, OPALCO will host an in-person member event featuring informational booths, family-friendly activities, safety demonstrations, and other member engagement opportunities. The 2027 Annual Member Festival will be in Eastsound.

Proposed Annual Meeting/Festival Dates:

- April 22, 2027: Annual Meeting
- April 23, 2027: Annual Member Festival – Eastsound

Staff is proposing regular monthly Board Meeting dates as follows. All regular Board Meeting will be via Zoom unless agreed upon by Board.

Board Meeting dates:

- January 21, 2027
- February 18, 2027
- March 18, 2027* - Year End Financial Review
- April 22-23, 2027 – Annual Meeting/Member Festival
- May 20, 2027 – Auditor presentation
- June 17, 2027*
- July 2027: No Meeting
- August 19, 2027
- September 16, 2027*
- October 21, 2027
- November 18, 2027* - Budget
- December 9, 2027 – Youth Presentation

*Includes Rock Island Communications meetings.

The Annual Meeting date determines the full election timeline pursuant to the Bylaws.

Staff recommends that the Board make a motion to confirm the Annual Meeting date listed above, virtual format, and Joel Paisner, OPALCO Legal Counsel, as the Parliamentarian.

Member Services Policy 4: Service Conditions Updates - Final Read

At the August 2026 Board meeting, the Board had the first read of the modifications suggested to Member Services Policy 4: Service Conditions. The policy is in need of some modernizing to clarify submetering and miscellaneous updates. Here is the final read of previously discussed updates for the Board to review.

ORCAS POWER AND LIGHT COOPERATIVE

MEMBER SERVICE POLICY 4

SERVICE CONDITIONS

4.1 APPLICATION FOR SERVICE

Each member requesting service shall sign OPALCO's standard Membership and Member Information form and may be required to fill out a **New or Altered Service form**. ~~In the absence of an application for service, the delivery or termination of service by OPALCO and its acceptance by the member shall be deemed to constitute an agreement to and acceptance of OPALCO's Member Service Policies as interpreted and administered by OPALCO's Engineering Department.~~ Responsible parties **Members** of the property desiring new service or the alteration of existing service are required to pay 100% of the actual costs associated with the work involved. Prior to OPALCO granting the property owner new or altered service, OPALCO shall determine what property easements are required to accommodate the property owners request and ensure that existing facilities have adequate easements. Failure to provide OPALCO with adequate easements to maintain new or existing facilities will result in denial of membership ~~and/or~~ **application. Signed easements must be received before any work begins.**

All contribution in aid of construction (CIAC) estimates are given in good faith ~~and are made with information available to OPALCO at the time, and with information supplied to OPALCO by the responsible party~~ **Member**. OPALCO has the right to re-issue a ~~contribution in aid of construction~~ **CIAC** estimate if and when more accurate information becomes available. The ~~responsible party~~ **Member** is always legally responsible for the actual cost(s) of providing new electrical service(s). When the work is complete, any difference in the paid CIAC to actual projects costs resulting in \$250 or more will be adjusted in an as-built re-bill or refund (see Member Service Policy 5.2).

The ~~Contribution In Aid of Construction (CIAC)~~ includes the *estimated* costs for OPALCO to provide and install the primary facilities. Full payment of the estimated CIAC initiates ~~an easement (if applicable) and a~~ work order or service order to formalize design and begin construction. ~~The Responsible party~~ **member** should expect a *minimum* of two weeks, from OPALCO's receipt of payment, for any material delivery or construction activity to begin.

4.1.1 Required information ~~may~~ includes the following:

- 4.1.1.1 Name or names of the applicants
- 4.1.1.2 Tax parcel number
- 4.1.1.3 Local contact and/or work and home telephone number
- 4.1.1.4 Billing address
- 4.1.1.5 Previous service address, if applicable
- 4.1.1.6 Date service is desired
- 4.1.1.7 Information as to whether service location previously had electric service
- 4.1.1.8 ~~Statement as to whether applicant is the owner, tenant, or agent; if tenant, the name of the owner or property manager~~
- 4.1.1.98 If new **or altered** service, information as to anticipated use of service and anticipated energy and demand requirements of member
- 4.1.1.109 Life support equipment, if any, to be used within the premises
- 4.1.1.101 Name and address of any third party the member wishes to be informed of any termination notice



4.1.1.121 Statement as to whether applicant is the owner, tenant, or agent; if tenant, the name of the owner or property manager. If applying for service in any name other than the property owner(s), the property owner(s) shall certify the authority of the responsible party in writing to OPALCO. If this authorized member responsible party is allowed to agree to placement of facilities on behalf of the property owner(s), this must also be certified in writing.

4.1.1.12 Other information required by OPALCO to complete the application process and install the member's service.

4.1.2 Proof of Identity

Each applicant for service will be required to present sufficient proof of identity to allow OPALCO to determine the identity of the person.

4.1.3 Right to Refuse Service

OPALCO may refuse to provide service to any member responsible party not providing the information required by this section. The right to refuse service under this section does not limit OPALCO's right or authority to refuse service or terminate service on any other basis set forth in this member service policy. The member may be required to certify the accuracy and correctness of information provided.

4.1.4 New Member Information

OPALCO shall furnish all new members responsible parties with the following information via electronic communication provided through our welcome email, unless otherwise requested:

4.1.4.1 ~~Copy of signed membership application~~

4.1.4.2 OPALCO bylaws

4.1.4.3 Copy of rate schedules under which member is to be served

4.1.4.4 Member packet

4.1.4.5 Form Utility Easement in the case of a new or altered service as determined by the staking technician.

4.2 CONTRACTS OR WRITTEN AGREEMENTS

OPALCO may require a member, as a condition of service, to sign a contract or agreement acknowledging additional conditions of service. OPALCO may also require a contract as a condition of providing specific services. These contracts or agreements will normally remain with the property served and will be recorded with the San Juan County Auditor's office, as required. As such they shall transfer to any successor property owner, and be binding upon any successors. By obtaining service from OPALCO, each member consents to the recording of all necessary contracts, agreements and easements.

~~4.3 MINIMUM TERM OF SERVICE~~

~~Unless otherwise provided in a specific contract for service, the minimum term for which service will be rendered is one month of thirty (30) days.~~

4.4 FEES

4.4.1 Membership Fee

All applicants for service will be required to become a member of Orcas Power and Light Cooperative (see Schedule of Deposits and Charges in the OPALCO tariff book).

4.4.2 Service Transfer Fee

~~Each member, upon application for service, shall pay a fee to cover the initial expense of incorporating the new account data into OPALCO's billing and member records system.~~ Each member will pay a transfer fee in the instance power is transferred into their membership at any location on the first billing following the service transfer. (see Schedule of Deposits and Charges in the OPALCO tariff book).

4.4.3 Disconnect/Reconnect Service Fee

Each member (or members service agent) who has requested a disconnect /reconnect of meter service over same day or multiple days, to facilitate repair or update of equipment past the point of distribution (meter) shall be charged a fee. In the event of transfer of a service request, and no receiving party has been identified, the member may choose to disconnect the service. (see Schedule of Deposits and Charges in the OPALCO tariff book).

4.5 EASEMENTS

The member responsible party shall execute an easement in a form as determined by OPALCO, providing a suitable legally binding right for OPALCO's and/or its subsidiaries' distribution, transmission and communications lines and other facilities, equipment and other appurtenances to be located on, under or above the member's property to furnish the member with electric energy and/or communications service, to serve other members and customers of OPALCO and its subsidiaries (see Member Service Policy 3.5.5), to provide improved safety and data communications in the field for the Cooperative's operations staff, and to provide more efficient energy usage, and more reliable electric service to its members. Members may also be required to increase the size of existing easements and rights of way consistent with Member Service Policy: Right of Way.

4.6 ACCESS

4.6.1 Access to Premises

Any properly identified employee or agent of OPALCO shall have access to the premises of the member at all reasonable times for the purpose of reading meters, utility right-of-way maintenance, testing and/or inspecting load and service entrance equipment, repairing, removing or exchanging any or all equipment belonging to OPALCO. Service and meter locations shall be kept free of brush or other obstructions by the member at all times. Locked gates and barricades shall have an OPALCO lock in addition to the member's lock so that the gate or barricade can be opened by OPALCO.

4.6.2 Accessibility of Electric Meter

OPALCO determines the location of all facilities owned by OPALCO including the electric meter location. OPALCO shall locate electric meters in an area accessible to OPALCO employees. Access must not require opening a door, lock, etc. unless OPALCO gives written permission allowing it. The area containing the meter must have at least one open wall. Except for transformer rated meter installations, no energy shall enter a dwelling or other closed room before it is metered. OPALCO employees shall have access to member's electric meters at all times. The member is responsible for providing a clear pathway from the driveway, street or alley to the meter for monthly meter reading purposes. If the member fails to provide a clear pathway to the electric meter, OPALCO may clear



the area with the cost of such clearing to be paid by the member.

4.7 ESTABLISHMENT OF CREDIT

Each member will be required to establish and maintain credit satisfactory to OPALCO as a condition of receiving service. OPALCO reserves the right to check the member's credit with an established credit reporting agency **as it relates to the average monthly bill.**

4.7.1 Deposits

OPALCO may require a separate deposit for each meter installed. The amount of the deposit required by OPALCO will normally be the amount specified in the Schedule of Deposits and Charges in the OPALCO tariff book. OPALCO may require a larger deposit for a new account to be set up as a business entity.

4.7.1.1 OPALCO will waive the requirement for a deposit for electric service if the applicant is able to meet any of the following requirements:

4.7.1.1.1 The applicant has previously established a good payment record with OPALCO; or

4.7.1.1.2 The applicant provides a letter or other written verification from a utility (electric, gas or telephone) which last provided service to the applicant stating that the applicant had credit history equal to OPALCO's "B" rating at the prior location, or

4.7.1.1.3 The applicant signs up for one of the automatic payment methods, either monthly payments drawn directly from their bank account or authorization to charge the monthly payments to the applicant's credit card, or

~~4.7.1.1.4 The applicant provides a third party guarantee. Since a third party guarantee is a transfer of liability from one party to another, the acceptability of the third party guarantor is at the sole discretion of OPALCO. The third party guarantor shall be an active OPALCO member and must have established credit under similar usage and amounts. The third party guarantor must acknowledge their responsibilities in writing. The third party guarantor may revoke the guarantee by giving OPALCO thirty (30) days' notice in writing and OPALCO may then collect a deposit regardless of the payment record of the account. The third party guarantor will remain liable for all amounts until the effective date of the revocation.~~

4.7.1.1.4⁵—In the case of a business, please refer to the Schedule of Deposits and Charges in the OPALCO tariff book.

4.7.1.2 OPALCO will issue to the applicant a written receipt **bill statement** for the amount of the deposit. OPALCO will not require a member to produce a deposit receipt in order to receive a refund of the deposit.

4.7.1.3 Unless otherwise requested by the member, OPALCO will apply the deposit to the residential account within 30 days after the earlier of:

4.7.1.3.1 Twelve (12) months continuous service if the member has not received more than one disconnect notice, ~~has not had more than one Automated Clearing House (ACH) return or credit card decline,~~ and has not been disconnected for



non-payment during the previous twelve (12) month period **or is registered with autopay**; or

4.7.1.3.2 Termination of service, to the extent the deposit amount exceeds any balance due the utility for electric service and late fee for that account.

4.7.1.3.3 If the billing is current at the time of review, the member may be issued a check for payment of the deposit refund.

4.7.1.4 OPALCO may institute or adjust a deposit for an established member consistent with Section 4.7.1 if the member becomes delinquent in payment. See Member Service Policy 7.5.8.

4.7.1.5 OPALCO will provide deferred deposit payment arrangements in cases of residential economic hardship. OPALCO may disconnect a member in accordance with Member Service Policy 7.5 if the member does not maintain the agreed upon deposit payment arrangements.

4.7.2 Interest on Deposits

OPALCO will not pay interest on deposits.

4.7.3 Deposits To Be Applied

Upon disconnection of service, OPALCO will apply all held deposits towards payment of the member's outstanding balance. The member will continue to be liable to OPALCO for the balance.

4.7.4 ~~Former Indebtedness Paid~~ **Outstanding Balances Paid**

If a former **member, or person responsible for debt, who is indebted to** **has an outstanding balance owed to** OPALCO **attempts by some agency, relationship, or otherwise, to obtain service, by some other relationship or otherwise,** OPALCO reserves the right to refuse service until payment is made of all ~~money~~ **outstanding balances** due. Any monies due from the member need to be collected before any payments are made to the member, including applying any capital credit general retirement payments.

4.7.5 Not to Receive Benefit

A person who has been disconnected for non-payment of a bill may not receive benefit of service by having the account transferred into another name if there has been no change in occupancy in the location.

4.7.6 Disconnect Requested By Others

At the request of a landlord who has the account in his name, OPALCO may refuse to initially connect a tenant's electric service. OPALCO will not disconnect a tenant who holds the account in his name at the request of a landlord. OPALCO will reconnect a tenant who has been disconnected for non-pay ~~if the tenant makes acceptable payment arrangements~~ **if the tenant brings their account to current status.**

~~4.8~~ **APPLICABLE RATE**

~~Where more than one rate schedule is applicable, the applicant shall be advised of the lowest applicable rate.~~

~~4.8.1~~ **Alternate Rate Schedule**

~~When a member desires service on an applicable rate schedule other than that on which he is being billed, he shall so notify OPALCO in writing and, after review, the change in schedule will become effective after the next regular meter reading. Unless there has been a change in use, rate class changes shall remain in effect for twelve (12) months.~~

4.98 RESALE OF ELECTRICITY

The member shall not sell to others any of the electric service furnished by OPALCO, with the exception of Policy Section 4.9.4 and 4.9.5. Services in violation of this policy shall be disconnected until remedied.

4.98.1 Master Meters/Sub-Meters

No service will be supplied through a master meter for sub-metering for resale. This rule does not prohibit a landlord or manager from including a fixed amount as part of the rental charge to cover the cost of electric service to marinas or rental units. Services upgraded after November 1, 2026, shall conform to this policy.

4.98.2 Combined Billing

The rates set forth in the individual rate schedules are based upon the supply of service to one member through one meter on one premise and service measured through two or more meters on the same premise will not be combined for billing purposes. Upon request of an applicant, OPALCO may install more than one meter, but in such instances the bill for service through each meter will be computed separately and billed in accordance with the applicable rate schedule.

4.98.3 Multiple Occupant Commercial Buildings

Primary service will be supplied only to one location for each building. All metering and service entrance equipment will be located at this point. ~~Each separate commercial unit separated by permanent load-bearing walls must be metered separately.~~ No master metering will be permitted. ~~Laundry, furnaces, and other common use areas will be metered and charged according to the appropriate rate schedules.~~

4.98.4 Marina Service

~~Marinas, boat floats or moorings are metered at the point of delivery secondary connection on the. The serving transformer's secondary lugs shall not be extended beyond the shoreline and be located no closer than five (5) feet horizontally above the electrical datum plane. These services shall be billed under the appropriate commercial tariff schedule.~~

The moorage owner may either install an OPALCO approved master meter base or meter the individual slips with an approved OPALCO meter. ~~In both of these cases, the point of delivery shall remain the secondary lugs of the serving transformer, but OPALCO will read the meters and bill the individual slips under the appropriate tariff.~~

Slips which are occupied for residential purposes shall be billed under the residential schedule only if an OPALCO approved and installed meter is metering the slip. The moorage owner is responsible for all maintenance from the shoreline serving transformer secondary lugs connection. Resale of energy to others may be reviewed as needed for recuperation of the cost to provide the charging services.

NOTE: ~~Electrolysis may be a major problem for those receiving electric service in the marine environment. Isolation transformers or other means to prevent or reduce electrolysis are the sole responsibility of those taking service. OPALCO assumes no responsibility for electrolysis or similar problems.~~

4.98.5 Electric Vehicle Supply Equipment

Members may resell energy exclusively for the purpose of providing publicly accessible electric vehicle charging services. Resale of energy to other members shall solely be per the provisions in the Commercial Tariffs. Resale of energy to others may be reviewed as needed for recuperation of the cost to provide the



charging services.

OPALCO reserves the right to disconnect the electric service that feeds the Electric Vehicle Charger if in violation of this policy.

4.109 PROTECTION OF OPALCO PROPERTY

The member shall be responsible for the safekeeping of OPALCO's property on his premises and shall take all reasonable precaution against unlawful interference with OPALCO's property.

4.110 TAMPERING WITH OPALCO'S PROPERTY

In order to protect its equipment and service, OPALCO may seal the service switch and/or other devices or enclosures on the member's premises to prevent access by unauthorized persons. The member shall not in any way interfere with or alter the meters, seals, or other property used in connection with rendering electric service, or permit same to be done by others, other than the authorized agents or employees of OPALCO. Damage to or loss of this OPALCO property shall be paid for by the member. Damage to or removal of OPALCO's meters, seals or other property may be considered sufficient reason for discontinuance of service to a member until OPALCO has received satisfactory assurance that its equipment will be free from future interference and until all damages, fines and bills for metered or unmetered electricity have been paid.

Strategic Directive – Updated – Final Read

At the September Board of Directors work session, the Board requested staff to update the Strategic Directives to include the highlighted sections below.

Staff is requesting a motion to approve the updated Strategic Directives as amended.

OPALCO Board of Directors Strategic Directives

The Board of Directors shall maintain a long-range vision for the future of the Co-op that addresses the evolution, maintenance and operation of the power and communications grid with a focus on sustainable communities, healthy environment and local resiliency.

OPALCO serves a unique 20-island territory where geography and infrastructure significantly influence the cost of providing safe, reliable electric service. The Cooperative maintains 11 substations, 25 submarine electric cables, and approximately 1,095 miles of distribution line, about 86% of which is underground or underwater, to serve approximately 16,000 meters. These unique system characteristics require long-term planning and a sustainable financial model that fairly reflects the cost of maintaining and operating the grid.

The following Strategic Directives establish the Board's priorities and guide the Cooperative's long-range planning and decision-making:

Safety

Safety is our highest priority. Safety programs will be implemented to engage all staff members and to promote OPALCO's high standards for safety with a goal of no accidents.

Reliability of Electric Service

Maintain reliability of electric service. Preserve our connection to the mainland power supply, support



the federal hydro system and optimize locally generated power. Develop local resiliency for emergency conditions.

Sustainable Power Supply Strategy

Maintain a long-term strategy to provide safe, adequate, reliable power which balances source risk, economics, climate and energy policy uncertainties and environmental impact. Leverage collaboration to access cost-effective and environmentally sensitive generation in our service territory and beyond.

Rate Adequacy

OPALCO will maintain an equitable and financially sustainable rate structure that appropriately reflects costs while balancing affordability, equity, conservation, and long-term financial stability consistent with our complex island service territory.

Personnel

Attract and retain top quality employees by actively cultivating a workplace culture based on mutual respect that embraces diversity, encourages high team functionality and harmony, promotes personal and professional development and maintains high employment satisfaction. Maintain wage rates that are competitive within the industry and for our region. Include apprenticeship and training programs for all positions and succession planning for key positions.

Member Satisfaction

Sustain high levels of member satisfaction as evidenced through periodic member surveys.

Communications with Members

Provide regular communication outreach to inform members of relevant issues and to encourage member participation and engagement in co-op affairs. Maintain transparency for co-op governance and operations. Cultivate a culture of listening and provide opportunities for member feedback.

Cash and Debt Fund Availability

Ensure revenue and financial stability and have cash and debt availability to provide for foreseeable demands and to mitigate the impacts of potential significant damaging events including storm damage, loss of electric supply, equipment or cable failure.

Debt & Equity

Maintain appropriate levels of debt and equity that support the long-range strategic plans while maintaining all loan covenants and meeting regulatory requirements.

Guiding Documents and Cooperative Principles

Conduct the business of the Cooperative consistent with the [Mission Statement](#), [Strategic Directives](#), [Bylaws](#), [Policies](#), and [seven cooperative principles](#).

Communication Backbone

Maintain fiber optic and wireless communications infrastructure to support grid operations for OPALCO and its subsidiary.

Rock Island Communications

Manage OPALCO's wholly owned subsidiary to provide our membership high quality, reliable internet, voice and communications services. Prioritize communications to emergency responders and fiber to the home deployment while continually improving wireless services and maintaining key partnerships.

Tom Osterman, President

Date



IRS Form 990

The draft 2025 IRS Form 990 will be reviewed during Executive Session. The IRS requires the OPALCO Board to review and approve the form 990 filing.

These 990 figures were reviewed in March 2026 during the 2025 year-end review and again in May 2026 during the 2025 Baker Tilly audit. The 2025 return is consistent with last year's filings and is based on the 2025 financial statements (including quarterly reviews), which were audited by Baker Tilly and approved by the Board of Directors at the May 21, 2026, board meeting. No material adjustments have been made in the compilation of this tax filing.

Staff will publish the OPALCO 990 when the IRS has made it publically available. NRECA has published a useful infographic for how to read a co-op Form 990: <https://www.electric.coop/990-2/>.

Upon review in executive session, Staff recommends the Board make a motion to approve the submittal of the 2025 Form 990.

2026 Audit and Tax Engagement Letters

Staff is proposing for the Board to have a discussion in Executive Session to review the 2026 audit and tax engagement letters and afterwards to authorize the General Manager to execute the letters.

Pursuant to OPALCO Policy 1 – *Functions of the Board of Directors*, Section 9, “Board Interaction with Auditors” and the OPALCO Bylaws, Article III – *Directors*, Section 8, “Accounting Systems and Reports”, the OPALCO Board is responsible for the selection of a certified public accounting firm that is acceptable to the Rural Utilities Service.

Every five years or so, OPALCO completes a comprehensive review of the bids for audit services. In 2022, OPALCO completed a full review of competitive audit firms who were qualified to satisfy RUS requirements. Of the firms reviewed, Moss Adams LLP was selected with the provision that field auditors are to be rotated. The next comprehensive review should take place in the October 2027 executive session meeting.

In the summer of 2025 Moss Adams merged with Baker Tilly, another leading advisory, tax and assurance firm under the Baker Tilly name. The proposed audit team performing the fieldwork may include some of the same people we have worked with at Moss Adams and different quality control (QC) methodologies of Baker Tilly.

Staff recommends that the Board bring forward the 2026 audit and tax engagement decision made in Executive Session.

DISCUSSION ITEMS

2027 Budget Power Purchase Forecast

Staff kicks off budget season by reviewing OPALCO's projected loads in October. This is the cornerstone of OPALCO's budget that will be reviewed in detail at the November Board meeting. Weather cannot be predicted with certainty, so OPALCO draws on a range of tools and resources to make informed estimates.

Background

NOAA's Climate Prediction Center is carrying an El Niño Advisory, with a greater than 90% chance of a very strong El Niño through the 2026-27 fall and winter. For October–December 2026, CPC puts the odds at 75% that this becomes a historic event — stronger than any since records began in 1950. (*CPC ENSO Diagnostic Discussion, 10 September 2026*)

El Niño winters in the Pacific Northwest tend to run warmer and drier than normal, suppressing both mountain snowpack and heating load. A below-normal snowpack going into spring 2027 would leave the hydro system with less to work with.

The 2027 budget has to carry both a reduced-energy scenario and an undiminished peak-demand scenario, in the case of any extreme demand events.

What this means for load and revenue

A very strong El Niño has the potential to significantly reduce heating degree days and heating load. OPALCO is winter-peaking, a shortfall in kWh sales leaves the co-op's fixed operating costs underfunded. In 2025, the Board established a revised Energy Charge Adjustment (ECA) calculation tied to operating margins which will help stabilize revenues and align with approved budgeted margins.

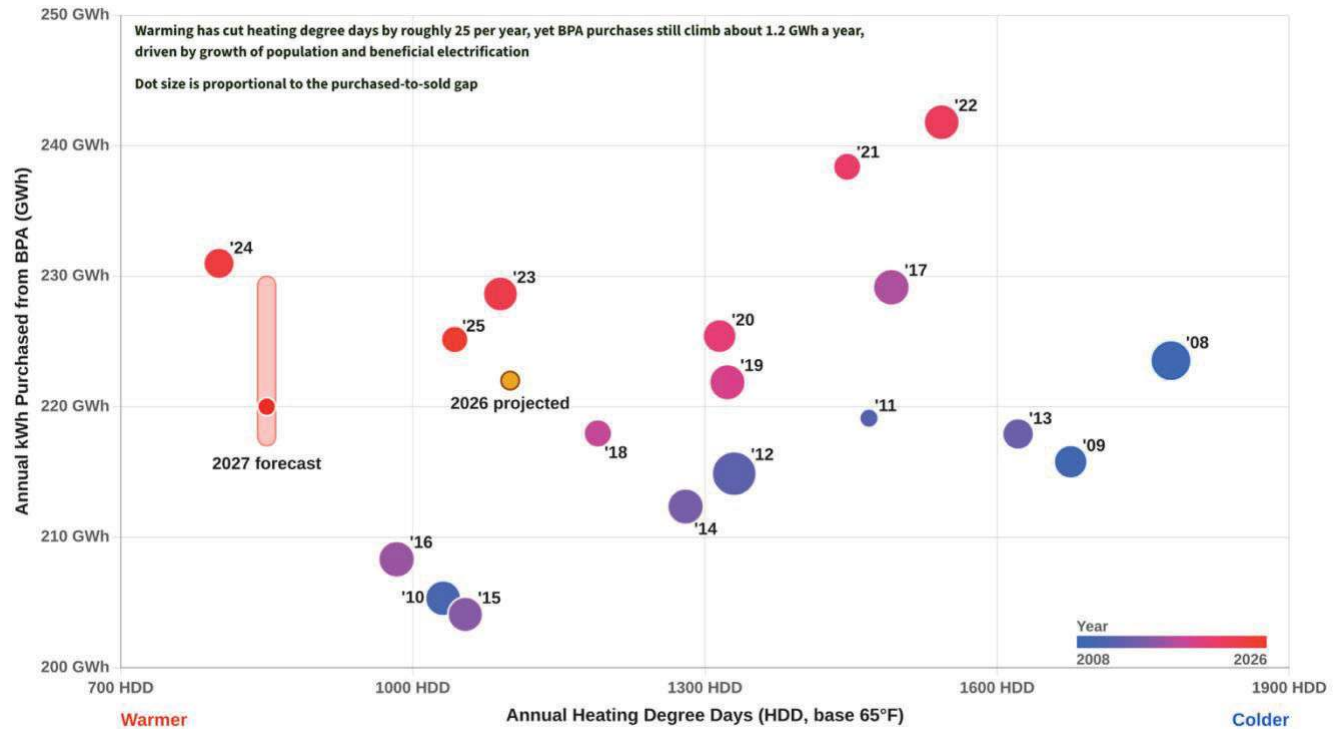
Load Forecast

Staff projects energy purchases within a range of approximately 215 million kWh and 230 million kWh.

The chart below shows OPALCO energy and peak purchases from BPA load. The 2026 to-date peak is ~56 MW. Even in an otherwise mild winter, a single arctic outflow event could exceed it.

Over the last 15 years the trend is growing winter loads with negligible change in summer (June through September) loads. Increasing behind-the-meter solar is the likely driver, suppressing net summer load even as underlying consumption grows.

Below you will find scatter plots for historical energy and peak purchases from BPA, along with the PNGC/BPA and OPALCO forecasts. Modeling shows a probable peak range of 66 MW to 92 MW.



OPALCO meter counts increase by an average of ~150 meters per year. We expect 2027 loads to be similar to 2015-16 on a per meter basis. Our meter counts have increased by 8% since 2015 (1,191 additional meters) which would project kWh purchases of about ~220M kWh.

REPORTS

General Manager

Dashboards

Please review the dashboards at <https://www.opalco.com/dashboards>. Note that all the dashboards are tracked to the board approved strategic directives.

Finance

- Budget Variance
- TIER/Margin
- Expense
- Cash
- Power Cost
- Purchased Power
- Annual Power Metrics
- Capital
- Debt/Equity
- WIP
- Income Statement Trends

Member Services

- Disconnects
- Uncollectable Revenue
- Members per District
- PAL
- EAP
- Members per District
- Service Additions
- Annual Service Additions
- Revenue Dist. By Rate

Outage

- Historical SAIDI - Graph
- Historical SAIDI - Figures
- Outage Stats – Rolling 12 Mo
- Outage Stats – Monthly
- SAIDI by Category
- Outage Summary

Member Generation

- [\(https://www.opalco.com/save/solar-interconnect/\)](https://www.opalco.com/save/solar-interconnect/)
- Member Generation (to Grid) by Month
- Member Generation Map



Engineering, Operations and Information Technologies

WIP

As of October 5, 2026, there are 289 work orders open totaling \$15.9M. Operations has completed construction on 105 work orders, totaling \$3.4M.

Safety

Northwest Safety Service conducted Pole Top/Bucket Rescue in September. The total current hours worked without a loss time accident is 166,466 hours.



Finance

2026 Budget Tracking

Through September 2026, total revenue is approximately \$103K above budget. We are projecting a warmer winter in 2026, which would reduce heating load, kWh sales and corresponding revenue. Cost of purchased power is favorable to budget by \$304K, largely consistent with the lower kWh purchase volume. Operating expenses and financial ratios are monitored closely and remain at healthy levels, well above RUS covenant requirements. The table presents the full year 2026 projection with actuals for prior months where available.

Income Statement Summary (in thousands)	2026 Projection (actuals for prior months)		
	Budget	Projected	Variance
Operating Revenue	\$ 43,176	\$ 43,449	\$ 273
ECA Surcharge / (Credit)*	-	(170)	\$ (170)
Revenue	\$ 43,176	\$ 43,279	\$ 103
Expenses:			
Cost of Purchased Power	10,848	10,544	\$ (304)
Transmission & Distribution Expense	9,308	9,373	65
General & Administrative Expense	7,390	7,138	(252)
Depreciation, Tax, Interest & Other	10,971	10,419	(552)
Total Expenses	\$ 38,517	\$ 37,474	(1,043)
Operating Margin	4,659	5,805	1,146
Non-op margin	1,060	1,063	3
Net Margin*	\$ 5,719	\$ 6,868	1,149
OTIER	2.68	3.27	0.59
TIER	3.02	3.69	0.67
Equity %	38.2%	38.6%	0.4%
HDD	1,081	1,180	99
kWh Purchases	230,000	219,675	(10,325)
kWh Sales	218,500	213,107	(5,393)

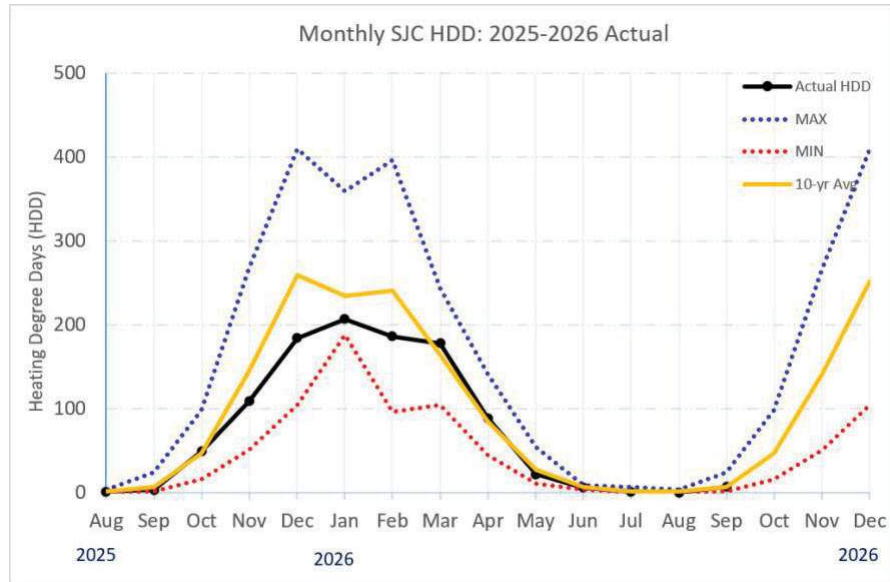
*The ECA has returned a net \$170k through September 2026

Monthly Energy Charge Adjustment (ECA)

The September 2026 ECA returned ~\$161K to members, or \$12.93 per 1,000 kWh. The October billing period ECA will be calculated once the final power bill for September is received from PNGC. The exact amount of the ECA is an estimation based on known kWh sold and a recalculation of our contractual power bill, which may occasionally include other one-time factors or adjustments.

Heating Degree Days (HDD)

The 2025-2026 heating season came in consistently below the 10 year average across nearly every month. December 2025 was the most notable departure with actual HDDs around 185 vs. a 10-year average of closer to 260, representing a significantly warmer than normal start to winter. 2026 has continued the warm to mild trend. We continue to monitor weather trends monthly.

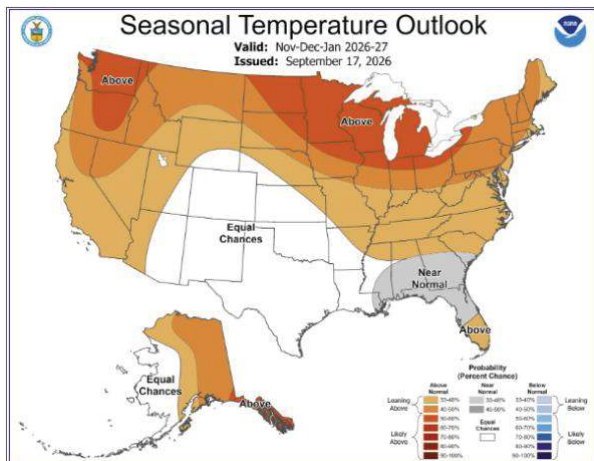


*max, min, avg is based on 10 year average

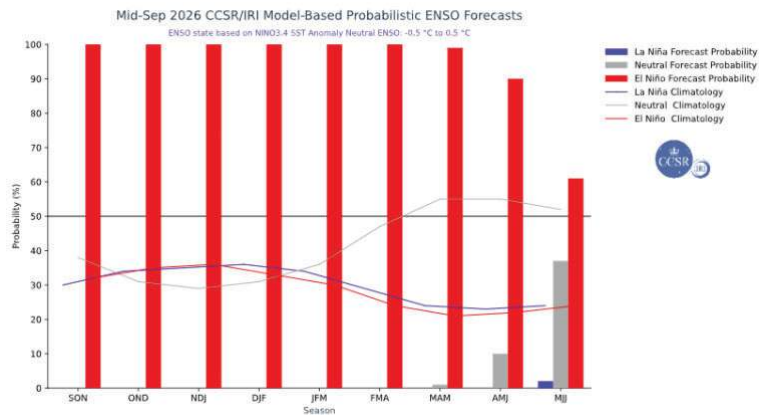
Weather Forecast

Original predictions for 2026 budgetary assumptions included a neutral weather pattern, which anticipated average kWh usage. NOAA is now predicting strong El Niño conditions. The models in the International Research Institutes' (IRI) ENSO (weather) prediction also forecasts a strong El Niño condition into the summer months. We continue to monitor these predictors monthly.

2026-27 Nov-Dec-Jan Outlook



Source: NOAA National Weather Service





Member Services

Annual History of Energy Assistance Funding

All values are as of first of the month reported.

Assistance History

		2023	2024	2025	2026	Grand Total
Energy Assist Credit	# of Accounts	519	524	564	597	906
	Total Assistance	141,748	164,175	209,260	204,257	719,440
PAL	# of Accounts	268	264	275	180	612
	Total Assistance	80,500	74,750	87,289	54,600	297,139
Grand Total	# of Accounts	584	566	603	612	981
	Total Assistance	222,248	238,925	296,548	258,857	1,016,579

Note: EAP funds are collected, primarily, from a program OPALCO created by including a line item on all OPALCO member bills. Additional funds are directed to the EAP from the Decatur Solar Project (10% of all production credits). The “# of Accounts” are the distinct accounts assistance was provided to over the year or as a total. The “Total Assistance” varies based on single account adjustments.

Project PAL

OPALCO is appreciative of the generous donations from OPALCO members through capital credit donations. The PAL 2026-2027 will begin providing member credits in November 2026.

Energy Assistance Program (EAP)

During September 2026, 405 members received ~ \$21.1k from the Energy Assist program, compared to 370 members who received ~ \$16.7k in assistance in September 2025.

Energy Savings

During September there were 14 rebates paid out to members totaling \$12.4k. This includes 4 EV charging stations.

Member Benefits from Energy Efficiency and Fuel Switching Programs

OPALCO is committed to helping members prepare for an efficient and sustainable energy future with programs, incentives, and rebates. All values are as of first of the month reported.

		2023	2024	2025	2026	Totals
EE Rebates*	# of Accounts	261	210	137	137	745
	Total Awards	\$313,945	\$259,445	\$191,931	\$145,679	\$911,000
	Total Energy Savings (annual kWh)	440,382	253,675	258,738	153,774	1,106,569

**BPA includes the cost of the Conservation (Rebate) program in the power bills that OPALCO pays. When members utilize the rebates and OPALCO documents it, the Co-op then gets credited back that amount. In essence, we are overbilled for the rebate program and only get credited if members utilize the rebates. OPALCO is unique in the pool of BPA utilities for consistently using all or most of the available conservation dollars in this program. We have often used conservation funds allocated to other Co-ops that they were unable to use through their member rebate programs.*

Interconnects

There were 5 new interconnect applications submitted in September, with 4 members interconnected with solar for a total of 1,066. (<https://energysavings.opalco.com/member-generated-power/>). There are an additional 14 pending connections.

Energy Audits

Since the relaunch of OPALCO's Home Energy Audit program in 2026, 109 audits have been conducted for residential and commercial members. There were 5 audits completed in September.



Switch It Up

OPALCO can utilize \$46.8M in Rural Energy Savings Program (RESP) funds to provide on-bill financing for co-op members for energy efficiency measures. OPALCO is reimbursed for the funds once member measures are installed. There are now 1,194 projects completed and billing for a total of \$24.8M net outstanding (total projects less member pay-offs). There are another 100+ projects in various stages of the process. Current project details are as follows:

Measure	Project Origination Year								Grand Total	Project Count
	2019	2020	2021	2022	2023	2024	2025	2026		
Appliance					36,112	54,463	43,939	19,758	\$ 154,272	20
Energy Storage				39,510	27,159	47,766	120,071	51,586	\$ 286,091	14
Ductless Heat Pump	729,431	610,352	646,476	1,581,317	1,830,308	2,433,936	2,042,150	1,224,643	\$ 11,098,614	701
EV Charger						34,031	2,948	-	\$ 36,979	7
Fiber		30,725	48,681	29,301	41,929	85,080	18,883	-	\$ 254,598	29
Ducted Heat Pump	7,874	30,000	15,000	18,127	956,659	520,872	434,186	174,307	\$ 2,157,025	77
Heat Pump Water Heater	9,315	12,752		5,012	67,612	13,700	506,695	40,662	\$ 655,747	19
Insulation			-	256,935	58,228	244,969	704,402	45,145	\$ 1,309,678	45
Other		24,996		92,649	188,075	31,981		-	\$ 337,701	8
Solar + Storage				480,057	474,806	766,179	1,487,014	1,190,988	\$ 4,399,042	72
Solar				1,930,830	3,253,980	2,738,875	2,078,663	815,832	\$ 10,818,180	270
Windows				563,557	459,573	551,874	1,369,471	168,931	\$ 3,113,407	76
Grand Total	\$ 746,620	\$ 708,825	\$ 710,157	\$ 4,997,295	\$ 7,394,440	\$ 7,523,724	\$ 8,808,422	\$ 3,731,852	\$ 34,621,335	1,338

The following table shows the utilization of the RUS Rural Energy Savings Program (RESP) loan funds, used to fund the Switch It Up program. The amount of funds listed below will be prioritized for projects that will be built and completed within the year of 2026. We are unable to commit funds to projects for future years. Given the decreasing remaining balance of Switch It Up funds, we are keeping to the \$100k limit for residential members and reviewing other curtailment measures as appropriate.

	Total (in millions)	Project Committed	Remaining Available
RESP 1.0	5.80		-
RESP 2.0	15.00		-
RESP 3.0	26.00	3.10	9.08
	<u>\$ 46.80</u>	<u>\$ 3.10</u>	<u>\$ 9.08</u>

Member Communications

Co-op Month



October is National Cooperative Month, and OPALCO is taking this time to give back to its members and celebrate all that is great about being a co-op.

Members can tune in to OPALCO's social media pages for informational videos all month long to learn more about their local electric co-op. Members can also visit www.opalco.com/coopmonth for more information on both of our events this month – a photo contest and grand prize giveaway!

Be sure to join in on the fun, enter to win a prize, and submit any beautiful photos of the San Juan Islands for a chance to be featured in next year's calendar (available for free for OPALCO members)!

OPALCO Leadership Chats

Starting in July, OPALCO introduced a series of informal chats around the islands for a new way for members to interact with their co-op. Board members from each district are invited to attend the meetings (not mandatory) in their district as availability allows. Members were invited to come ask questions about incoming rate increases, the Decatur Community Solar Expansion, OPALCO's renewable energy future, renewable energy siting or any other questions or concerns. Meeting participation has been good:

- Orcas Island: ~20 in attendance.
- San Juan Island: ~ 25 in attendance
- Lopez Island: ~20 in attendance.

Staff will be present to discuss the October 14 leadership chat on Orcas Island. Visit www.opalco.com/events to view upcoming meetings and events.

Civic Clubs

The OPALCO team attended two civic club meetings on San Juan Island – the Rotary Club and Kiwanis. There were approximately 35 community members in attendance. The team answered questions about solar, rates, energy efficiency, Switch It Up, and energy assistance programs.

Ruralite Articles

This month's Ruralite magazine features five pieces of original content for members to enjoy. The magazine articles this month are:

- Co-op Month
- Outage Tips
- Co-ops Vote – San Juan County Council Candidates
- Fire prevention from San Juan Fire District

View the digital edition here: <https://issuu.com/utilitypioneers/stacks/e83d7c1432cb4d9ab31defc5ee09973d>

Marketing Engagement Stats

Staff now has an automated notification system listing all the digital outreach in the last month. See below:

OPALCO Social Media Highlights

Fall 2026 • Facebook Performance Summary (Sep 1 – Oct 8, 2026)

POSTS	VIEWS	REACH	ENGAGEMENT	CLICKS	AVG REACH
8	30,343	15,813	247	2,628	1,977

Date	Post Highlight	Views	Reach	Engagement	Clicks
10/8/26	Co-op Month — calendar photo contest launch	92	57	0	3
10/7/26	Easements — response to King 5 article	17,873	9,613	158	2,053
10/5/26	Leadership chat invite — Oct 14, Eastsound	5,011	2,071	30	134
10/1/26	Happy Co-op Month — member appreciation	751	506	9	11
9/25/26	Unplanned outage update — Orcas (Sept 25)	2,439	1,180	29	341
9/16/26	Planned maintenance outage — Orcas (Sept 16)	2,732	1,468	13	61
9/14/26	No public Board meeting in September	822	511	3	17
9/9/26	Orcas Historical Museum — power history exhibit	623	407	5	8
TOTAL		30,343	15,813	247	2,628

Engagement = reactions + comments + shares. Gold figures = top-performing post per metric. Source: OPALCO Facebook page insights export.

Blog/Newsroom/Quick Fact Posts

Date	Title	Category	Focus
10/7/26	<u>Easements Keep the Co-op Running</u>	Co-op Updates	Clarifies how easements enable reliable service, responding to a recent news report.
10/6/26	<u>Co-ops Vote! San Juan County Council 2026 Candidates</u>	Elections	Council candidates answer questions on the county's energy future.
10/6/26	<u>Pepper's Outage Tips</u>	Safety	Member-friendly outage-prep tips from OPALCO's dog mascot, Pepper.
10/6/26	<u>Quick Fact: Decatur Island Solar Expansion — August 2026 Update</u>	Renewables	Why completing the Decatur solar expansion is key to avoiding costly Tier 2 power.
10/5/26	<u>National Co-op Month: Photo Contest & Giveaway</u>	Member Events	October Co-op Month: a member photo contest and grand-prize giveaway.
9/11/26	<u>Youth In Action</u>	Youth Programs	Six county students return from the ICUA Youth Rally with new leadership skills.
9/11/26	<u>Orcas Island Gets a New</u>	Co-op Updates /	A 1970-era transformer is replaced to

Date	Title	Category	Focus
	<u>Transformer</u>	Linework	prepare for expected load growth.
9/11/26	<u>Making Waves</u>	Member Profile	Lopez Swim Center brings year-round, energy-efficient swimming to the community.

E-Newsletters

Date	Email Title	Sends	Open	Open Rate	Clicks
9/15/26	Community Meetings and Spaces	13,728	2630	19.2%	160



Appendix

Member Communications

Easements Article

OPALCO does not comment on active legal matters, but some misinformation in a recent King 5 article needs to be addressed. The pole site in question was on the property mentioned, with the previous owner's permission, prior to the current owners' purchase of the land. The pole was upgraded in 2023 and is 103 feet – approximately 20 feet higher than the one that was there when the property was purchased.

As a member-owned cooperative, OPALCO relies on easements to deliver critical infrastructure across the islands. Read on to learn about how easements work and why OPALCO relies on them.

Why does OPALCO need easements?

In order to provide electrical and internet service throughout San Juan County, OPALCO needs to have critical infrastructure in place to deliver these services to every person residing in or visiting the San Juan Islands.

Electricity and internet are essential to modern life from lifesaving medical care to high-quality education services to remote work – these services are used day in and day out. This infrastructure is installed overhead and underground throughout all parts of the islands.

Easements make it so we can install and maintain this infrastructure. This is a standard practice for electric co-ops and historically does NOT involve compensation. If easements required compensation, those costs would fall on every member in San Juan County through higher electricity rates.

OPALCO operates on a cost-of-service basis. OPALCO is a non-profit with the goal to give members the best value for their money. Members agree to grant OPALCO easements when they join the cooperative. If you have a meter to your home, it is because there are easements in place to bring you electricity through your own property and your neighbors' properties.

What does it mean if OPALCO has an easement on my property?

Every easement is a little bit different but often it allows OPALCO the right to use a specific part of your property for a specific purpose, usually to access and maintain our equipment. We do not own that piece of your property, but OPALCO will have the right to use as the easement allows. It also gives access to our wholly owned subsidiary Rock Island Communications.

Why is Rock Island involved?

Rock Island is OPALCO's wholly owned subsidiary. This robust communication system solves multiple critical needs in our remote service territory including improving public safety and allowing OPALCO to have more control over the reliability of the electrical system.

Before 2015, internet and cellular service across San Juan County were unreliable and no major phone company



wanted to invest in expanding service. Many areas had little to no service at all. In 2013, a major outage took down phone lines, internet, and even 911 connectivity across the county.

The OPALCO Board at the time decided to get involved and invest in Rock Island Communications. Since then, OPALCO and Rock Island have built a broadband network that reaches across the difficult terrain of the San Juan Islands which supports emergency services, health care, education, and the local economy.

OPALCO is proud to be a cooperative and serve our island community. Here are some fact sheets with more detailed information about these subjects:

<https://www.opalco.com/quick-fact/quick-fact-rock-island-communications/>

<https://www.opalco.com/quick-fact/quick-fact-privileges-and-obligations-of-electric-utility-distribution-cooperative-members/>

If you would like more information about this topic or any topic, email communications@opalco.com.

Decatur Solar Expansion Project

Orcasonian Opinion Piece: Decatur Solar

Shannon Welinske published an opinion piece in the Orcasonian on October 8, 2026, titled “Covenant-smuvadent – the deforestation of Decatur Island.” There was some misinformation about the batteries currently on site. OPALCO responded to correct the misunderstanding and direct readers to accurate project information:

“OPALCO does not have the type of battery storage mentioned in this article. Lithium iron phosphate batteries like our existing battery on Decatur have a more thermally stable chemistry than the nickel-based batteries used in many electric vehicles and power walls.”

Decatur Permitting Update

Simple Land Division Revision: San Juan County issued its staff report and decision on the Simple Land Division Revision (LANDUSE-26-0123) on October 1, 2026.

Condition 8 (Townsend’s big-eared bat): On October 9, 2026, the County notified OPALCO by email that Condition 8 of the Conditional Use Permit (CUP) has been satisfied. The County’s determination reads:

“ESA’s July 16, 2026 memorandum and September 29, 2026 supplemental memorandum, when considered together, substantially address both the roosting and feeding components of Condition 8. ESA concludes that the identified large dead trees do not provide suitable roosting habitat and that removal of those trees would not adversely affect Townsend’s big-eared bat roosting or feeding activity. While staff previously identified questions regarding feeding habitat, ESA has now directly responded to those concerns and provided a biological basis for its conclusions. Therefore, based on the information submitted and the professional opinions provided by ESA, staff concludes that the requirements of Condition 8 have been satisfied and that the identified large dead trees do not constitute suitable Townsend’s big-eared bat roosting habitat and are unlikely to adversely affect Townsend’s big-eared bat roosting or feeding activity on the property if removed.”

Permits: If all CUP conditions and building code requirements are met, the County expects to issue the clearing and grading permit and the building permit at the same time, after the 21-day appeal period for LANDUSE-26-0123 ends. Once the County issues these permits, OPALCO can resume its Forest Practices Application (FPA) with the Washington State Department of Natural Resources (DNR).



Condition 11 (fire response plan): Staff continues to work through the requirements of Condition 1

Background Material

OPALCO's mission has not changed: safe, reliable, affordable electricity for San Juan County. What has changed is how hard that mission is getting to deliver. OPALCO's low-cost power comes from a capped allocation of BPA Tier 1 hydropower. Once system load exceeds that allocation, additional kilowatt-hour purchases come from Tier 2 or market-rate power — at significantly higher cost, borne by every member through rates.

The County is growing, and OPALCO is obligated to serve every approved connection regardless of where or when development happens. San Juan County issues new building permits every year, and electricity usage is projected to grow approximately 30% over the next 20 years — a trend expected to continue as electrification (EVs, heat pumps, water heaters) accelerates.

OPALCO has historically managed this growth from the demand side: conservation, efficiency, rooftop solar, battery storage, and Switch It Up financing. These tools have kept OPALCO under its Tier 1 allocation but there is now a real need to add utility scale generation to keep us within our allocation.

Utility Scale Solar Projects

In recent years, OPALCO has begun to purchase the more expensive Tier 2 power from BPA to cover our needed electricity. Bringing Decatur's expansion online — and, eventually, Bailer Hill — is the direct way to stop those Tier 2 purchases from growing and keeping costs lower for the long-term benefit of the community. Additionally, Tier 2 power comes from carbon-based resources which add to the cost and move away from key sustainability goals.

The existing Decatur Island Community Solar project (2018) is OPALCO's proof of concept: 504 kW DC, a 1 MW / 2.6 MWh battery, roughly 570,000 kWh generated annually. It was financed by member subscriptions and grants. The ~270 member-investors have fully recovered their investment, and a portion of the project goes towards OPALCO's energy assistance program helping low-income members.

The Cost of Delays

OPALCO's two recent utility-scale solar projects have both been delayed. Bailer Hill has been on hold pending further study per the Department of Ecology. Decatur's expansion only cleared its Conditional Use Permit in May 2026, after a contested review, and OPALCO is now working through the permit's remaining conditions. This local generation is what OPALCO is counting on to stay inside its Tier 1 allocation but permitting delays continue to push this timeline back.

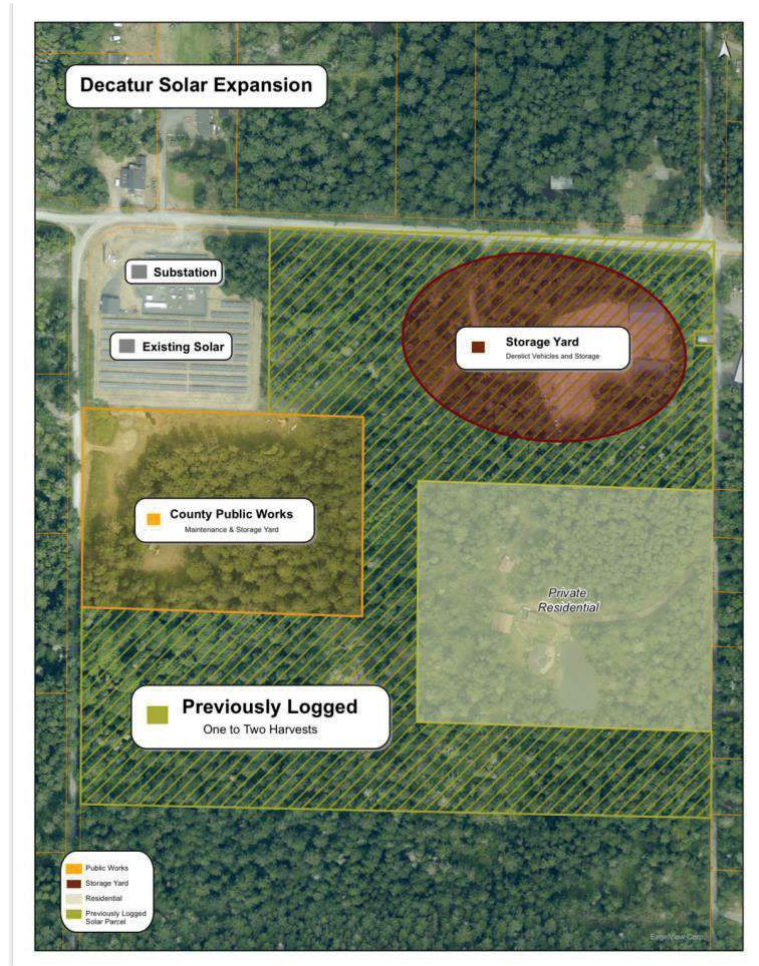
Independent Cooperative Finance Corporation benchmarking puts OPALCO's 2025 total cost of electric service per member at \$2,259 — below the Washington co-op median, the national median, and the median for co-ops OPALCO's size. OPALCO's five-year cost growth (about 15%) has also run well behind state and national co-op medians (21–29%). The reason we need utility scale projects today is that the power supply cushion behind those good numbers is thinning. With the BPA hydropower contract renewal in 2028 there is no new Tier 1 hydropower available so at that point rates will continue to go up.

Decatur Island Solar Expansion Project

Why locate solar on Decatur? The Decatur Island Expansion parcel is designated Rural General Use which allows for solar (renewable) generation. Most land in San Juan County does not allow for renewable generation projects as SJC permitting of utility scale electricity generation is still based on old, dirty, loud and noisy diesel generating facilities.

The proposed site parcel is adjacent to an OPALCO substation and OPALCO's existing solar and battery project. It is also next to a San Juan County Public Works maintenance and storage yard. The storage yard (including delineated Natural Growth Area) has historically been used for derelict vehicle storage (OPALCO removed over 14 derelict vehicles from

the site since purchasing in 2025). The forest has been previously logged. The map below shows what is on and around the site today.



Decatur Solar Expansion parcel: existing substation, existing solar, county public works yard, storage yard, previously logged area, and adjoining private residential parcel.

The Decatur Island Solar Expansion is one part of a broader, necessary strategy to protect power affordability, manage growth responsibly, and strengthen the resilience the community OPALCO serves. The project reflects more than a year of community engagement, environmental studies for permitting, and project changes made in response to input from local community and data collected.

Completing the Decatur Solar Expansion project will allow OPALCO to drop below buying expensive Tier 2 power that OPALCO purchases from BPA, avoid purchasing carbon based electricity and partially offsets electricity load growth specific to Decatur Island.



Previously, the OPALCO Board approved the purchase of 6,400 solar panels for \$2.4M that are staged on San Juan and awaiting installation in the islands (as pictured).



Background Info on Work Done on Project To Date

Community Engagement:

- [February 2025 Zoom Meeting Introducing the Project Idea](#)
- [May 2025 Town Hall Meeting on Decatur Island](#)
- [Comment Log](#)
- [Presentation Materials May 10](#)
- [Press Release May 2025](#)
- [June 8 Position Paper by Decatur Residents](#)
- [October 2025 Community Meeting on Decatur Island](#)
- [Questions and Answers with Table of Contents](#)
- [Information Boards from October Meeting](#)
- [Conditional Use Permit Legal Notice](#)
- [April 16 2026 Presentation by Decatur Residents](#)

Conditional Use Hearing

On Tuesday, May 12, OPALCO was notified that they were granted the Conditional Use Permit for the Decatur Island Solar Expansion Project. The Decatur Island Solar Expansion project is a proposed ~1.6 MW AC Community Solar project. It's adjacent to OPALCO's substation and the current Community Solar project that was installed in 2017.

OPALCO has undergone extensive environmental review and project planning to include a site plan, critical area and wetland delineation, National Environmental Policy Act, State Environmental Policy Act, a stormwater plan, Cultural Resources Assessment, clearing and grading checklist, land use checklist, and a native landscaping plan. In February 2026, OPALCO presented the prepared material to the San Juan County Hearing Examiner in order to proceed with the permitting requirements and conditions.



There were two appeals to the State Environmental Policy Act (SEPA) determination of non-significance (DNS). OPALCO prepared a detailed and prescribed SEPA checklist and San Juan County staff gave the checklist a DNS, which means there is nominal environmental impact. Both appeals to the DNS ruling were denied by the Hearing Examiner.

Decatur residents have brought forward concerns about this project during various community engagement meetings. OPALCO has made efforts to meet community requests when possible. There are no legal reasons the project cannot move forward as all requirements were found to be met by the Hearing Examiner. OPALCO hopes to continue to work with the community as the project proceeds.

- CUP Hearing and SEPA Appeal Opening
Remarks: <https://sanjuancowa.portal.civicclerk.com/event/3775/media>
- Continued SEPA Appeal Hearing Part 1: <https://sanjuancowa.portal.civicclerk.com/event/4130/media>
- Continued SEPA Appeal Hearing Part 2: <https://sanjuancowa.portal.civicclerk.com/event/4161/media>

Decatur Load Growth Rationale

The Decatur Solar project will help address the approximately 30% projected load growth on Decatur Island, reducing reliance on mainland power imports. Developing local renewable generation improves energy resilience, reduces dependence on transmission from the mainland, and positions OPALCO to better manage future load growth across the island system.

As regional energy supply challenges continue to grow, projects like Decatur Solar Expansion present an important step toward responsibly developing local energy resources while maintaining the cooperative's commitment to thoughtful planning and community engagement.

Project Evolution

As the Decatur Solar project has moved forward, OPALCO has worked closely with San Juan County and the Decatur community to reduce impacts and incorporate local feedback. The project has evolved significantly from the original concept.

The original concept considered maximized the ~23 acres (plus 3 acres on San Juan County parcel) for solar development to account for environmental constraints. The current proposal has been significantly scaled back to approximately 8.5 acres, with the County parcel removed from the project entirely. This redesign represents a meaningful effort to respond to community concerns while maintaining the project's core purpose of providing local renewable energy.

Environmental Protections

The project has undergone comprehensive environmental review through the San Juan County Conditional Use Permit process, as well as SEPA and NEPA environmental review. Studies and plans include a Critical Areas and Wetland Delineation Report, a Stormwater Management Plan addressing site drainage and runoff, a Cultural Resources Assessment, a Landscaping Plan to buffer the project and improve visual integration and fire mitigation planning in coordination with local fire response needs. These studies ensure the project is designed to meet applicable environmental protections and regulatory requirements.

Community Benefits for Decatur Island

OPALCO is dedicated to protecting the local environment, responding to community concerns, and coverage of future load growth. OPALCO held several community meetings with the Decatur Island community and incorporated feedback into the project planning. In response to feedback from the Decatur community, OPALCO has incorporated several improvements that directly benefit the island. Including:

- Proving why utility-scale solar is needed in San Juan County. See the following documents:



- [Reliable Energy in San Juan County](#)
- [Why Local Renewable Energy](#)
- [Local Energy Forecast](#)
- New power generation required to meet expected Decatur Island load growth (depending on final project size)
- Abandon plans for developing the San Juan County Public Works Parcel
- Opt-out of future battery storage
- [Alternate Site Feasibility Study](#)
- Let the community use the available water for fire mitigation
- Avoiding wetlands and wetland buffers
- Decommissioning Plan will be made public as available
- [Stormwater Management Plan that meets County Code](#)
- [Archeological and Cultural Resources Report](#)
- Removal of derelict vehicles
- [Fire Mitigation Plan](#)
- Construction sequencing plan
- Landscape buffers

Fire Mitigation Plan

Based on the selected equipment, applicable safety certifications, proposed installation standards, commissioning procedures, and long-term maintenance practices, the fire risk associated with the Decatur Solar Expansion is considered low and consistent with accepted industry experience for modern utility-scale photovoltaic facilities.

The combination of certified photovoltaic equipment, code-compliant electrical design, rigorous quality assurance, ongoing maintenance, and active vegetation management provides multiple independent layers of protection intended to minimize both electrical ignition hazards and wildfire risk throughout the operational life of the project.

Industry experience has shown that fires associated with photovoltaic facilities are uncommon. When they do occur, investigations have generally determined that they are associated with installation deficiencies or failures of balance-of-system electrical equipment—such as conductors, connectors, inverters, disconnect switches, or transformers—rather than failures of the photovoltaic modules themselves. For this reason, proper engineering, quality construction, equipment certification, commissioning, and long-term maintenance are the primary means of reducing fire risk.

The Decatur Island Community Solar Expansion Project incorporates multiple independent layers of fire prevention, including:

- Photovoltaic modules certified to nationally recognized safety standards.
- Electrical equipment listed and labeled by Nationally Recognized Testing Laboratories (NRTL).
- Electrical design compliant with the National Electrical Code and applicable Washington State requirements.
- Utility-grade protective relaying.
- Ground-fault and overcurrent protection.
- Continuous monitoring through OPALCO's Supervisory Control and Data Acquisition (SCADA) system.
- Remote shutdown capability.
- Comprehensive commissioning and acceptance testing.



- Routine inspection and preventive maintenance.
- Infrared thermographic inspection of energized electrical equipment.
- Active vegetation management.
- Maintained emergency access and defensible space around critical equipment.

The project will remain under continuous inspection and maintenance throughout its operational life. Routine vegetation management, periodic inspection of electrical equipment, preventive maintenance, and continuous monitoring substantially reduce the likelihood of equipment failures while improving emergency access for utility personnel and responding fire agencies.

APRIL 2026 – OPALCO Project Approval

The Board of Directors dedicated two meetings to the Decatur Island expansion. They reviewed the various materials and directed staff to move forward on the project with specifications.

- Watch the meeting with an information presentation and public comment: <https://www.youtube.com/watch?v=SMx2RSfKCLA>
- Watch the special meeting where the Board discusses and votes on the project: <https://www.youtube.com/watch?v=Nq4vj7LJZnU>

Board Materials for April:

- <https://www.opalco.com/wp-content/uploads/2026/04/April-2026-Regular-Board-Materials-7.pdf>
- <https://www.opalco.com/wp-content/uploads/2026/04/April-21-2026-Special-Board-Meeting-4.pdf>

Environmental and Permitting Reports:

- Critical Areas and Wetland Delineation Report
- NEPA (National Environmental Policy Act) Compliance Documentation for Area A
- NEPA (National Environmental Policy Act) Compliance Documentation for Area B
- SEPA (State Environmental Policy Act) Checklist
- SEPA Determination
- Site Plan
- Clearing and Grading Checklist
- Stormwater Plan for Area A
- Stormwater Plan for Area B
- Landscaping Plan
- Arborist Report (please note this is for Area A with a slight variation on acres that was based on earlier plans)
- Cultural Resources Assessment Letter
- Land Use Checklist
- Hearing Examiner Decision May 2026



- [Townsend's Big-Eared Bat Survey](#)

Quick Facts Library

Co-op Governance

- [OPALCO General Manager / CEO Compensation](#)
- [OPALCO vs a Typical Mainland Electric Utility](#)
- [OPALCO Rates](#)
- [Cost of Service](#)
- [Industry Association Memberships and Co-op Benefits](#)
- [Staff Compensation](#)
- [National Rural Electric Cooperatives Association \(NRECA\)](#)
- [OPALCO Election Process](#)
- [OPALCO Debt and Capital Projects](#)

Member Programs

- [Privileges and Obligations of Electric Utility Distribution Cooperative Members](#)
- [Surge Protection](#)
- [Wildfire Mitigation](#)
- [Inflation Reduction Act](#)
- [OPALCO's Right-of-Way \(ROW\) Program](#)
- [Rock Island Communications](#)
- [Wireless Services](#)

Our Energy Future

- [Tidal Energy in the Salish Sea](#)
- [Where Does OPALCO Stand on Regional Power and the Dams?](#)
- [Essential Public Facilities](#)
- [Local Energy Forecast](#)
- [San Juan County Comprehensive Plan](#)
- [Our Energy Future – Why is OPALCO Concerned?](#)
- [Why Local Renewable Projects? Mainland Power Demand Will Soon Exceed Supply](#)
- [Data Centers](#)
- [2024 OPALCO Docket Requests to San Juan County](#)
- [OPALCO Needs a New Submarine Cable to Meet Growing Demand](#)
- [Climate Change News Review – September 2022](#)
- [OPALCO's Plan for our Energy Future](#)
- [Decarbonization – Part 1](#)
- [Decarbonization – Part 2: Energy Generation](#)
- [Decarbonization – Part 3: Energy Consumption](#)
- [Decarbonization – Part 4: Energy Shortages](#)
- [WA 2021 Energy Strategy](#)
- [Simpson Proposal and the Northwest Energy Evolution](#)
- [Will There Be Enough Power?](#)
- [Energy Independence? Not entirely.](#)
- [2025 Renewable Energy Survey](#)

Renewables

- [Renewable Energy Siting Criteria](#)
- [OPALCO's Rate for Members Who Have Rooftop Solar](#)
- [Rooftop Solar and our Local Energy Future](#)



[Bailer Hill Microgrid \(on hold\)](#)
[OPALCO Solar Rate for Residential Members](#)
[OPALCO Tidal Energy Pilot Project](#)
[Understanding the Change in Solar Rates](#)
[Decatur Island Battery Storage Project](#)
[Why Hydropower is Important to our Power Supply](#)

Regional Issues

[Northwest Resource Adequacy in a Rapidly Decarbonizing World](#)
[Preparing for Mainland Power Outages](#)
[Future Power Purchase Strategy](#)
[Ocean Health](#)
[Land for Renewable Energy Projects](#)
[Pacifica Northwest Generating Cooperative \(PNGC\)](#)
[Feb Town Hall Recap FAQ Comprehensive list of every question](#)

Decatur Island Solar Project

Decatur Island Solar Project – Overview

[Find out about the Decatur Island Solar Project here.](#)

Decatur Island Solar Project – Site Plans

[Visual Site Plan](#)
[Detailed Site Design](#)
[Alternate Sites Reviewed](#)

Decatur Island Solar Project – Permit Plans & Reports

[Critical Areas and Wetland Delineation Report](#)
[NEPA \(National Environmental Policy Act\) Compliance Documentation for Area A](#)
[NEPA \(National Environmental Policy Act\) Compliance Documentation for Area B](#)
[SEPA \(State Environmental Policy Act\) Checklist](#)
[SEPA Determination](#)
[Site Plan](#)
[Clearing and Grading Checklist](#)
[Stormwater Plan for Area A](#)
[Stormwater Plan for Area B](#)
[Landscaping Plan](#)
[Arborist Report](#)
[Land Use Checklist](#)

Decatur Island Solar Project – Project Timeline

[Review the project timeline here.](#)

Decatur Island Solar Project – Public Engagement

[February 2025 Zoom Meeting Introducing the Project Idea](#)
[May 2025 Town Hall Meeting on Decatur Island](#)
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[Presentation Materials May 10](#)
[Press Release May 2025](#)
[October 2025 Community Meeting on Decatur Island](#)
[Questions and Answers with Table of Contents](#)



[Information Boards from October Meeting](#)

[Conditional Use Permit Legal Notice](#)

Decatur Island Solar Project – Community Commitments

[Review community commitments here.](#)

OPALCO Response to Critical Areas Ordinance

The following are Orcas Power & Light Cooperative's written comments on the August 13, 2026 draft Critical Areas Ordinance, submitted within the October 9 comment period.

Table 18.35.100-1 and the land use intensity tiers

Comment of Orcas Power & Light Cooperative on the August 13, 2026 draft

To: Colin Maycock, Planner IV, San Juan County Department of Community Development

Date: October 9, 2026

Re: Comment on the draft Critical Areas Ordinance regulations dated August 13, 2026 — SJCC 18.35.100 and Chapter 18.20 SJCC

Mr. Maycock,

Orcas Power & Light Cooperative submits this comment on the August 13, 2026 draft Critical Areas Ordinance. We ask the Planning Commission and the County Council to adopt the seven amendments set out in Part V.

The draft classifies "Solar farms (utility scale)" as a high-intensity land use. For a Category I or II wetland that assigns a 300-foot buffer rather than the 225 feet of the moderate tier or the 150 feet of the low tier. OPALCO is a member-owned cooperative serving roughly 16,000 meters across the San Juan Islands, and the Comprehensive Plan the Council adopted in December directs the County to support local renewable generation. The classification affects our ability to do that. We say so at the outset so the Commission can weigh everything that follows accordingly.

But the issue we ask the Commission to examine is broader than solar, and we would raise it even if the solar entry were not there — it impacts local farmers. The table that assigns every land use in the county to a tier was replaced between the draft that went out for public comment and the draft now going to hearing. One of those changes increases the required buffer on ordinary working farmland countywide. We have not been able to locate, in the published record, a best available science review supporting any of the tier assignments the August draft added or moved.

I. What changed, and when

The February 11, 2026 draft was released for public comment. Its land use intensity table contained 19 entries across three tiers, which it titled High, Medium and Low. The County's own Best Available Science Crosswalk, dated February 11, 2026, reproduces that table in full.

The August 13, 2026 draft contains 23 entries, and the tiers were not merely added to. Exhibit A sets the two versions side by side.

EXHIBIT A – TABLE 18.35.100-1, FEBRUARY 11 DRAFT COMPARED TO AUGUST 13 DRAFT

TIER	FEBRUARY 11, 2026 DRAFT <i>as reproduced in the County BAS Crosswalk</i>	AUGUST 13, 2026 DRAFT <i>CAO V7 Clean, p. 25</i>
High	Commercial Urban Industrial Institutional Retail sales Residential at more than 1 unit per acre High intensity agriculture (dairies, nurseries, greenhouses, annual tilling, raising animals, etc.) High intensity recreation (golf courses, ball fields, etc.) — (8 entries)	Commercial Urban Industrial Institutional Mixed-use developments Retail sales Residential at more than 1 unit per acre High intensity agriculture (dairies, nurseries, greenhouses, annual tilling, raising animals, etc.) High intensity recreation (golf courses, ball fields, etc.) Roads: federal and state highways, including on-ramps and exits, state routes, and other roads associated with high-impact land uses Solar farms (utility scale) (11 entries)
Moderate	Residential at not more than 1 unit per acre Moderate intensity open space (parks with biking, jogging, etc.) Paved trails Logging roads Utility corridors with access road Hobby farms — (6 entries, tier titled "Medium")	Residential at not more than 1 unit per acre Moderate intensity open space (parks with trails made of impervious surfaces or playgrounds, biking, jogging, etc.) Trails made of impervious surfaces Logging roads and roads associated with moderate-impact land uses Utility corridors or right-of-way by one or more utilities and including access/maintenance road Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.) Wind farm (7 entries; "Hobby farms" removed)
Low	Forestry (limited to cutting of trees) Low intensity agriculture (orchards, hay fields, etc.) Low intensity open space (hiking, bird watching, etc., allowed) Unpaved trails Utility corridors without access road and little or no vegetation management — (5 entries)	Forestry (limited to cutting of trees) Low intensity open space (hiking, bird watching, etc., allowed) Trails made of pervious surfaces Utility corridors without access road and little or no vegetation management Cell tower (5 entries; agriculture entry removed)

Green bold marks an entry with no counterpart in the February draft. **Red bold** marks the agricultural entry that moved to a higher tier. Both columns are quoted verbatim.

The change that impacts the most landowners

In the February draft, the Low tier included "*Low intensity agriculture (orchards, hay fields, etc.)*." In the August draft that entry is gone from Low, and the Moderate tier instead reads "*Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.)*."

For a Category I or II wetland, that is the difference between a 150-foot buffer and a 225-foot buffer. The reclassification applies to orchards, hay fields and light or rotational grazing throughout the county; the buffer consequence falls on those parcels where a regulated wetland is present or adjacent.

The limits of this point as we understand them. SJCC 18.35.100(G)(1) allows, without a critical area report, "Existing and ongoing agricultural activities in and around critical areas that are addressed by the implementation of Individual Stewardship Plans (ISP) under the Voluntary Stewardship Program work plan," and SJCC 18.35.125(D)(4) and (5) provide comparable allowances for fish and wildlife habitat conservation areas. Existing and ongoing agricultural activities addressed through an Individual Stewardship Plan may therefore avoid the critical area report requirement, although the extent of protection depends on the applicable code provisions and the activities proposed. The reclassification appears to reach new or expanded agricultural activity, agricultural structures — which the chapter expressly subjects to the same provisions as other structures — and development proposals on parcels where a regulated wetland lies near the proposed development area. We raise it because those consequences are real and because the basis for the change is not apparent.

We are not suggesting the County acted improperly, and we are not suggesting the public has had no opportunity to comment. Revising a draft in response to agency comment is ordinary, lawful, and precisely what a comment period is for. Ecology commented in March and the County was right to respond. The current comment period is open and we are using it.

Our point is a practical one about awareness, and we do not raise it as a procedural defect. An owner of orchard or hay-field land who read the February draft saw their use classified in the Low tier. Nothing in that draft would have prompted them to comment on a reclassification that had not yet been proposed; the change appeared for the first time in the hearing draft. We think that makes it the more important that the basis for the change be explained during this review and identified clearly on the record, rather than carried into a recommendation as a settled matter. That is what we ask for in Part VII.

II. What the record shows about the basis for the tier assignments

SJCC 18.35.025(D) of the draft states that *"Development of these regulations included a review of the best available science pursuant to WAC 365-195-900 through 365-195-925."* The County documented that review in its Best Available Science Crosswalk.

We have read the Crosswalk in full. Its entry covering SJCC 18.35.100 Subsection A gives this rationale:

BAS CROSSWALK, RATIONALE COLUMN, SJCC 18.35.100 SUBSECTION A
Gap Analysis, Subsection 6.4.1, ECY Publication No. 22-06-014. Update site-specific buffer sizing procedure consistent with best available science.

That rationale addresses the buffer sizing procedure — the consolidation of the former two-table system, a separate Water Quality Buffer table and a Habitat Buffer table, into the single Wetland Buffer Widths table now numbered 18.35.100-2. We do not dispute that this restructuring is documented, nor that Ecology Publication 22-06-014 supports it.

What the rationale does not address is which land uses belong in which intensity tier. And the version of the intensity table that the Crosswalk itself reproduces is the February version: 19 entries, with orchards and hay fields in Low, and with no entry for solar, wind or cell towers. We have found no updated Crosswalk entry, and no other document in the published package, addressing the tier assignments that the August draft added or moved. If such a document exists, we ask that it be placed in the record.

The obligation is the County's, not Ecology's. Ecology's guidance offers model buffer tables that a county may adopt, and we do not question the science behind them. But WAC 365-195-905(3) provides that cities and counties "must conduct a best available science review" when updating critical area regulations, and that the complexity of that review should reflect the scope of the amendment. WAC 365-195-905(2)

provides that scientific information should be reviewed for local applicability. And WAC 365-195-900(3) provides that development regulations "must substantively reflect the results of a valid weighing of scientific evidence."

We do not contend that the County was obliged to reach any particular conclusion. We contend that assigning a specific generation technology to the most restrictive tier, and moving the county's orchards and hay fields up a tier, is a determination about local land uses of sufficient scope that the required review should address it — and that the review, if conducted, should appear in the record.

III. The code does not define the tiers, and now defaults to the most restrictive one

No definition exists

Table 18.35.100-1 is titled "Land Use Intensity by Type." Table 18.35.100-2 sets buffer widths by "Land Use with Low Impact," "Moderate Impact" and "High Impact," and its footnote directs the reader back: "*See Table 18.35.100-1 for types of land uses that can result in low, moderate, or high impacts to wetlands.*" Each table points to the other. Neither defines anything.

We have read Chapter 18.20 SJCC, the definitions chapter, in its entirety as proposed in the August 13 Definitions V4 draft. It contains no definition of "land use intensity," "high intensity," "moderate intensity" or "low intensity," and no criteria by which a use is assigned to a tier. The nearest entry is SJCC 18.20.090, which defines "Intensive" as "highly concentrated, very large, or considerable, in terms of San Juan County standards and environment." That is not a test anyone can apply to a project.

Nor does the chapter define "solar farm," "solar energy facility," "wind farm" or "cell tower." All three of the technology entries added to the table in August are undefined terms. An applicant cannot determine in advance which tier a proposal falls in, and a property owner cannot determine what buffer applies to their parcel.

The term also appears outside Chapter 18.35. SJCC 18.35.130(E)(5) permits the department to require an increased freshwater habitat buffer where "the adjacent land contains a high intensity land use." That provision depends on the same undefined term.

The County has shown it knows how to write a measurable impact test. SJCC 18.80, in the same code package, assigns impact levels for provisional versus conditional use review using quantified thresholds — square feet of impervious surface, vehicle round trips per day, new parking spaces, decibel increase over background, foot-candles of illumination, lot coverage. A project can be measured against that. The intensity table offers nothing comparable.

And the draft now resolves every ambiguity against the applicant

Step 3 of SJCC 18.35.100(A) in the August draft reads in full:

SJCC 18.35.100(A), STEP 3 – AUGUST 13, 2026 DRAFT

Step 3. Land Use Intensity. The land use intensity of the proposed development will be determined by a qualified wetland professional using Table 18.35.100-1. If the level of impact from the adjacent use is not referenced, the director will assume the impact of the land use is high.

The second sentence is new. An undefined set of tiers, combined with a rule that any unlisted or arguable use receives the widest buffer, is not a neutral default. It requires no project-specific comparison to the uses the table does list, and no express written finding stating why the assignment was made. General administrative appeal procedures may remain available to challenge the underlying permit decision, but

there is no reasoned determination on the face of the record for an applicant to engage with. And because the tiers are undefined, the set of uses that fall through to this default is itself undefined.

IV. Placing solar in the High tier is inconsistent with the table's own structure

The table never states its reasoning. But several uses appear in more than one tier, separated only by a modifier, and those pairs show what the drafters were sorting on. The following is our reading of the table's internal logic, not a characterization of any County statement:

- **Impervious surface** — trails made of impervious surfaces are Moderate; trails made of pervious surfaces are Low.
- **Permanent access road** — a utility corridor including an access/maintenance road is Moderate; a utility corridor without an access road is Low.
- **Vegetation management** — "little or no vegetation management" appears in the Low tier entry.
- **Soil disturbance** — agriculture involving annual tilling is High; orchards, hay fields and rotational grazing are Moderate.
- **Human density** — residential above 1 unit per acre is High; at or below 1 unit per acre is Moderate.
- **Traffic and road class** — federal and state highways are High; logging roads are Moderate.

A ground-mounted photovoltaic array on driven piles, maintained under pervious vegetated cover and grazed, sits on the low side of each of those six axes in its operating condition. It creates minimal impervious surface — the ground beneath an array remains pervious and precipitation infiltrates (typically at the edge of each panel, which are typically 4' x 8'), requires no permanent access road beyond that of a utility corridor, involves no annual tilling, carries no resident population and generates almost no traffic once built.

Two objections we anticipate

Construction-phase disturbance. Building such a facility involves grading, trenching for collection circuits, equipment access and temporary laydown. We do not minimize that. But every entry in Table 18.35.100-1 describes an ongoing land use rather than a construction event, and each is evaluated on its operating character: a golf course, a dairy, a highway and a logging road are all built before they are used. Construction-phase impacts are addressed elsewhere in this chapter — by mitigation sequencing under SJCC 18.35.030(D), by the critical area report and mitigation plan requirements of SJCC 18.35.045 and 18.35.105, and by the stormwater and erosion control requirements of Chapter 18.60. If construction disturbance were the basis for a High classification, it would apply with at least equal force to uses the table places in Moderate and Low.

Fencing and habitat fragmentation. Perimeter fencing is a genuine consideration, and it is one the table already encounters: a cell tower, classified Low, is routinely secured by fencing, and SJCC 18.35.100(I)(3) contemplates permanent fencing as a buffer-protection measure rather than treating it as an impact that raises intensity. Where fragmentation is a concern on a particular site, the critical area report and the increased-buffer provision at SJCC 18.35.100(C) already give the director the tools to address it project by project. We would not object to wildlife-permeable fencing being added as a condition of the Low classification if the Commission thinks it necessary.

The comparison that makes the point most directly is internal to the table. A wind farm — concrete foundations, a crane pad, a permanent graded road — is classified Moderate. A cell tower — a concrete

foundation, security fencing, a graded access road, often a backup generator — is classified Low. A solar array with vegetation growing beneath it and no permanent lighting is classified High.

We therefore ask the Commission to put one question to staff: what physical characteristic of a ground-mounted photovoltaic facility places it in a more restrictive tier than a wind farm or a cell tower? If there is a sound answer grounded in the table's own logic, we would want to hear it and would weigh it seriously. If there is not, the entry should move to Low.

V. Requested amendments

Each of the seven amendments below stands alone. The Commission or Council may adopt any one without the others. For each we give the document, the section, and the exact language to delete or insert.

We request adoption of all seven. Amendment 1 is OPALCO's highest practical priority, because it corrects a classification we believe is inconsistent with the table's own structure. But Amendments 2, 3 and 5 address questions of regulatory clarity and Comprehensive Plan implementation that stand entirely apart from OPALCO's interest, and we would not want their independent merit discounted because Amendment 1 is the one that affects us most directly. Amendments 6 and 7 are offered for the Commission's consideration alongside them — Amendment 7 addresses a use the table does not mention at all.

AMENDMENT 1

Classify low-disturbance ground-mounted solar by its actual impacts

Document: SJCC 18.35, draft Critical Area Regulations (CAO V7, August 13, 2026)

Section: SJCC 18.35.100(A), Table 18.35.100-1, page 25

IN THE HIGH TIER, REPLACE THIS ENTRY
Solar farms (utility scale)

WITH THIS ENTRY
Solar farms (utility scale), except as provided in the low intensity row

AND ADD TO THE LOW TIER
Solar farms (utility scale) that maintain pervious vegetated ground cover, are managed without the routine use of synthetic chemicals, and include no permanent exterior lighting or permanent access road except as required by an applicable fire, building, life-safety or noxious weed control requirement and limited to the minimum that requirement imposes

This amendment is drafted to be comprehensive. Every utility-scale solar facility retains an express classification: those meeting the stated conditions are Low, and all others remain High exactly as the draft now provides. Nothing falls through to the default rule in Step 3. We draft it this way deliberately — an amendment that deleted the High entry and replaced it with a conditioned Low entry would leave non-qualifying facilities unlisted, and would therefore route them into the very default-to-high rule we ask the Commission to replace in Amendment 2. Amendment 1 does not depend on Amendment 2 being adopted.

Basis. The conditions make the lower tier earned rather than given, and each is drawn from language already in this code package. "Pervious surface" is defined in Chapter 18.20 as a surface that allows stormwater to infiltrate, with pasture and native vegetation given as examples. "Without the use of synthetic chemicals" is the County's own phrasing at SJCC 18.35.125(D)(7). The access-road condition tracks the distinction the table already draws between utility corridors with and without an access road. Exterior lighting in wetland buffers is already restricted by SJCC 18.35.100(L). A facility that does not meet these conditions does not qualify.

On the closing proviso. A classification should turn on how a facility is designed and operated, not on whether another agency has imposed a requirement the applicant cannot decline. A fire official may require apparatus access; a noxious weed control requirement may compel treatment the operator would not otherwise use. Without the proviso, a condition met in design could be defeated by a determination

made elsewhere, and the applicant would lose the classification for complying with another body of law. The proviso is deliberately narrow: it reaches only features an applicable code requires, and only to the minimum that code imposes. A facility that adds lighting or roads beyond that does not qualify.

This classification does not displace site-specific review. SJCC 18.35.105(E) requires a wetland report and boundary delineation, prepared by a qualified wetland professional, with any project permit application located within 300 feet of a wetland. Step 2 of SJCC 18.35.100(A) requires a qualified wetland professional to determine the wetland rating, and SJCC 18.35.100(C) permits the director to increase a buffer case by case on documented grounds. A facility classified under this row is still delineated, still rated, still reported on, and still subject to an increased buffer where the record supports one. The classification sets the starting width; it does not decide the outcome.

We use the County's existing term "Solar farms (utility scale)" to keep the change minimal. As noted in Part III, that term is undefined in Chapter 18.20. We would not object to the County defining it, and Amendment 6 would in any event supply the criteria by which the tiers are distinguished.

If the Commission is unwilling to place the conditioned entry in Low, we ask that the same language be placed in the Moderate tier instead, alongside wind farms, with the High row carved out in the same way. That is the tier the table assigns to utility corridors with permanent access roads, which disturb more ground than the facility described above.

AMENDMENT 2

Replace the default-to-high rule with a comparability test and a written finding

Document: SJCC 18.35, draft Critical Area Regulations (CAO V7)

Section: SJCC 18.35.100(A), Step 3

DELETE THIS SENTENCE

If the level of impact from the adjacent use is not referenced, the director will assume the impact of the land use is high.

REPLACE WITH

If a proposed use is not listed in Table 18.35.100-1, the director shall determine its intensity by comparison to listed uses producing similar disturbance to wetland functions, and shall issue a written finding stating the basis for the determination. The determination may be appealed under SJCC 18.80.140.

Basis. A written finding costs the County very little and gives an applicant something to respond to. Comparison to listed uses is the method the table already implies. This amendment does not lower any buffer; it requires that the assignment be reasoned and reviewable.

AMENDMENT 3

Add the Comprehensive Plan's agrisolar definition to the code

Document: Chapter 18.20 SJCC Definitions (Definitions V4, August 13, 2026)

Section: SJCC 18.20.010, "A" definitions — insert in alphabetical order

INSERT

"Agrisolar" means a ground-mounted photovoltaic system that has been intentionally designed with agricultural producers, and is constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products through the duration of the project.

Basis. This is the definition the Council adopted. Policy U 5.9 of the Comprehensive Plan adopted by Ordinance 22-2025 directs the County to "Define agrisolar as a ground-mounted photovoltaic system that has been intentionally designed with agricultural producers, and is constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products through the duration of the project." The language above is that sentence, with the directive form converted to the definitional form used throughout Chapter 18.20. We have changed no other word, and we would not ask the County to adopt a rewritten version of its own policy.

The Plan defines the term; the code does not use it at all. A county cannot direct a combined agricultural and solar use in its plan and then regulate the two components separately in its implementing code without ever naming the combination. Adding the definition costs nothing, creates no entitlement on its own, and gives the County a term to attach standards to later. It is the most direct expression of the Plan-conformance point in Part VI, because it asks the County to implement its own adopted policy without altering it.

AMENDMENT 4

Add a buffer reduction for demonstrated impact minimization

Document: SJCC 18.35, draft Critical Area Regulations (CAO V7)

Section: SJCC 18.35.100, new subsection following (B) Buffer Averaging

INSERT

Buffer Reduction Through Impact Minimization. The buffer width required for a high-intensity land use may be reduced to the moderate-intensity width where the applicant demonstrates, through a critical area report prepared by a qualified wetland professional, that the following measures are implemented:

(1) Impact minimization measures. All applicable measures to minimize the impacts of high-intensity land uses are implemented, addressing lighting, noise, toxic runoff, stormwater runoff, domestic animals and human disturbance, and dust; and

(2) Habitat corridor. Where the wetland is a Category I, II or III wetland scoring six points or more for habitat functions under the applicable Washington State Wetland Rating System, a relatively undisturbed vegetated corridor with a minimum width of 100 feet is permanently protected, connecting the wetland to another wetland, a fish and wildlife habitat conservation area, or a protected buffer. Where the wetland scores fewer than six points for habitat functions, subsection (1) alone satisfies this subsection.

No reduction shall be granted where it would result in a net loss of wetland functions and values.

Basis. As drafted, buffer width is fixed by a label and good project design earns nothing. The structure above is adapted from Snohomish County Code 30.62A.320(4), which offers two optional mitigation measures reducing the buffer widths otherwise required for high-intensity land uses. Snohomish's corridor measure applies to Category I, II or III wetlands scoring "six points or more for the habitat functions" and requires a corridor of "minimum width of 100 feet"; its minimization measures are listed in its own Table 4 and carry no habitat-score threshold.

This is a proposed local adaptation, not a verbatim reproduction of Snohomish's requirements.

Snohomish applies a graduated reduction: its buffer table gives one width where a single measure is

satisfied and a further reduced width where both are. San Juan County's Table 18.35.100-2 has only three columns, so there is no intermediate width to step down to. Our proposal therefore adapts the graduated approach to a three-column table: it requires both measures where the habitat-corridor criterion applies, and allows impact minimization alone for wetlands scoring fewer than six habitat points, for which Snohomish's corridor measure is unavailable by its own terms. We note the consequence candidly — relative to Snohomish, this is more demanding for higher-scoring wetlands and more permissive for lower-scoring ones. We have drafted it this way so that the provision is not unavailable precisely where wetland habitat impacts are smallest, but the Commission may prefer a different balance.

Two further notes. The no-net-loss proviso keeps the provision consistent with SJCC 18.35.025(A) and WAC 365-196-830. And the minimization categories listed in (1) are drawn from the Snohomish table rather than from Ecology Publication No. 22-06-014; we would not object to the County substituting an equivalent list of its own or Ecology's, or to the Commission adopting a graduated structure if it prefers to add an intermediate width to Table 18.35.100-2.

AMENDMENT 5

Conform the essential public facility definition to the adopted Comprehensive Plan

Document: Chapter 18.20 SJCC Definitions (Definitions V4, August 13, 2026)

Section: SJCC 18.20.050, definition of "Essential public facility (EPF)"

FIND THIS PHRASE

primary electrical transmission and distribution systems including systems owned and operated by OPALCO

CHANGE TO

primary electrical transmission and distribution systems, utility-scale renewable generation facilities, and energy storage facilities, including systems and facilities owned and operated by OPALCO

Basis. Policy U 6.5 of the Comprehensive Plan adopted by Ordinance 22-2025 identifies utility-scale renewable generation and energy storage facilities as essential public facilities. The code has not caught up: the definition at SJCC 18.20.050 still reaches only transmission and distribution, and "Utility facilities" is likewise defined in Chapter 18.20 as facilities for distribution or transmission. Generation is absent from the code's utility vocabulary. SJCC 18.30.055(B) provides that new essential public facilities are identified by amendment to the Comprehensive Plan and to that chapter. The Plan half is complete; this is the other half.

This amendment waives no critical area requirement. SJCC 18.80.190 already provides that an essential public facility permit may not waive critical area regulations, and Policy LU 4.4 directs avoiding critical areas absent no practicable alternative. The designation goes to RCW 36.70A.200(5), which provides that no comprehensive plan or development regulation may preclude the siting of essential public facilities.

AMENDMENT 6

Define land use intensity

Document: SJCC 18.35, draft Critical Area Regulations (CAO V7)

Section: SJCC 18.35.100(A), insert before Step 3

INSERT

"Land use intensity" means the relative degree of disturbance that the ongoing character of a proposed use imposes on an adjacent wetland and its buffer. Land use intensity shall be determined primarily by the physical characteristics and ongoing impacts of the use, including: (a) the share of the site converted to impervious surface; (b) permanent vegetation removal and ongoing vegetation management; (c) soil disturbance, including tilling, grading and compaction; (d) stormwater, sediment, nutrient or chemical inputs, including pesticides, herbicides and fertilizers; (e) permanent exterior lighting; (f) noise and routine human or vehicle presence; (g) permanent access roads; and (h) such other physical characteristics of the use bearing on wetland function as the director identifies in writing. Project acreage alone shall not determine the intensity classification.

For a use expressly listed in Table 18.35.100-1, the classification stated in that table governs, including any performance conditions stated in the listing. The director shall not assign a land use intensity other than the one Table 18.35.100-1 states for that use, and shall not on the basis of this subsection require a buffer width greater than the width that classification produces under Table 18.35.100-2. This subsection does not limit the director's authority under subsection (C) of this section to increase a buffer width on a case-by-case basis where that determination is supported by the documentation subsection (C) requires.

For a use not expressly listed in Table 18.35.100-1, the director shall determine its intensity under Step 3 using the factors stated above, and shall state the basis for the determination in writing.

Basis. The listed factors are not imported from another jurisdiction. They are the axes on which the County's own table already sorts uses, as set out in Part IV. Stating them makes the table administrable, lets an applicant design to a standard, and lets a property owner determine what applies to their land before they buy or build.

On three drafting choices. Factor (h) is included so the list does not become a ceiling. A characteristic bearing on wetland function that the list does not anticipate — wildlife movement through a site, for instance — should remain available to the director, and requiring that it be identified in writing preserves the transparency the rest of the definition is meant to create. On project area: a larger development can of course produce greater cumulative effects, and we do not suggest otherwise. What the sentence forecloses is classification by acreage alone, which is consistent with how Table 18.35.100-1 already operates — no entry in it is scaled by project size, and residential uses are distinguished by density, agricultural uses by practice, and utility corridors by whether a permanent access road is present.

The last two paragraphs are the important ones, and we ask that they not be dropped if the rest is adopted. Without them, a definition framed around "a proposed use" and its actual characteristics could be read to permit project-by-project reclassification of uses the table already lists expressly — which would undo the certainty Table 18.35.100-1 exists to provide. The definition is meant to govern uses the table does not address and to make the reasoning behind its existing assignments legible. It is not meant to reopen them case by case, and we have drafted it as an express limitation rather than relying on implication.

We have deliberately preserved the director's existing authority. SJCC 18.35.100(C) already allows a buffer width to be increased case by case where a wider buffer is necessary to protect wetland functions and values and the determination is supported by appropriate documentation. Nothing in this amendment touches that. The limitation applies only to reassigning a listed use to a different intensity tier — which is a classification decision the table has already made — and not to the site-specific judgments subsection (C) exists to accommodate.

We note what this amendment does not do. Defining the tiers would not by itself resolve the classification of any particular use. The County could adopt these factors and still place utility-scale solar in the High tier by weighing construction-phase disturbance, fencing or vegetation removal differently than we do. We ask for this amendment because it makes every tier assignment transparent and reviewable, not because it produces a particular outcome. It is independent of Amendment 1 and we ask for both.

AMENDMENT 7

Classify energy storage facilities

Document: SJCC 18.35, draft Critical Area Regulations (CAO V7)

Section: SJCC 18.35.100(A), Table 18.35.100-1, page 25

ADD TO THE MODERATE TIER
Energy storage facilities

The table does not address energy storage at all. Neither the February nor the August draft contains any entry for a battery or other energy storage facility. Under Step 3 as drafted, such a facility is therefore an unlisted use and receives the high-intensity buffer automatically, with no analysis — 300 feet for a Category I or II wetland. That outcome is not the product of a judgment about storage facilities. It is the product of the table's silence.

Basis. Moderate is where Table 18.35.100-1 already places the closest analogue it contains: "Utility corridors or right-of-way by one or more utilities and including access/maintenance road." An energy storage facility is a utility installation served by a permanent access and maintenance road, and that is the physical signature the County itself assigned to the moderate tier. The wind farm entry, also Moderate, is comparable in the same respects — concrete foundations, a permanent graded approach, no resident population.

Measured against the six axes set out in Part IV, an energy storage facility carries no resident population, involves no tilling or ongoing soil disturbance, supports no retail or commercial activity, and generates almost no traffic once commissioned. Its impervious footprint and permanent access requirements are real, and they are what distinguish it from the low tier — but they are the same characteristics the table already treats as moderate, not as high.

We apply our own test consistently. We do not ask that energy storage be classified Low. A storage facility ordinarily requires permanent access, exterior lighting for safety and fire-code compliance, and surfaces that would not satisfy the conditions stated in Amendment 1. Moderate reflects what the facility is. Amendment 7 and Amendment 1 are independent of one another, and adopting either does not commit the Commission to the other.

Policy U 6.5 of the adopted Comprehensive Plan identifies energy storage facilities, alongside utility-scale renewable generation, as essential public facilities. A classification that assigns the widest available buffer to those facilities by default — because the table does not mention them — is in tension with that designation, and Amendment 5 addresses the parallel gap in the definitions chapter.

VI. The draft does not implement the Plan the Council adopted

The Comprehensive Plan adopted by Ordinance 22-2025 on December 9, 2025, effective March 13, 2026, directs the County to do several things the draft code does not do. RCW 36.70A.040 requires that development regulations implement the comprehensive plan, and WAC 365-196-800(1) provides that to

implement means to have "sufficient scope to fully carry out the goals, policies, standards and directions" of the plan.

- **Policy U 5.9** defines agrisolar as a ground-mounted photovoltaic system intentionally designed with agricultural producers to produce solar energy and marketable farm products together for the life of the project. The draft code contains no definition of agrisolar and no provision recognizing the combined use. Instead, the table assigns ground-mounted solar to the most restrictive tier while placing the agricultural activities it would be paired with in a lower one. Amendment 3 addresses this.
- **Policy U 6.5** designates utility-scale renewable generation and energy storage as essential public facilities. The code's definition does not. Amendment 5 addresses this.
- **Policy U 6.4** supports a transition to up to 30 percent local renewable energy production on an annual GWh basis by 2035. Land-based renewable generation is an important pathway toward that target. A classification that applies the widest available buffer to the facilities the target depends on works against it.
- **Policy U 5.10** directs the County to develop streamlined permitting for renewable energy projects meeting established design standards. The draft moves the other way: it creates an undefined classification and defaults unlisted uses to the most restrictive outcome.

We raise Plan conformance not as a threat of appeal but because it identifies the standard against which these amendments should be judged. The question before the Commission is not whether OPALCO prefers a smaller buffer. It is whether this chapter carries out the Plan the Council adopted ten months ago.

VII. Two procedural requests

1. That the County place in the record the best available science review supporting the revisions to Table 18.35.100-1 between the February 11 and August 13 drafts — specifically, the addition of "Solar farms (utility scale)," "Wind farm," "Cell tower," "Mixed-use developments" and the highways entry, and the reassignment of orchards, hay fields and light or rotational grazing from Low to Moderate. If no such review was prepared, we ask that the record so state.
2. That the Commission take up the August revisions to Table 18.35.100-1 as a distinct item before forwarding a recommendation — identifying the changes from the February draft on the record, disclosing any best available science review supporting them, and allowing meaningful comment on any such material that is newly disclosed. Agricultural landowners reading the February draft saw their use classified in the Low tier and had no occasion to comment on a reclassification that had not yet been proposed.

We recognize that the joint hearing with Ecology is scheduled for October 16 and that the County is working to a schedule. Neither request requires reopening the package or delaying the hearing. The first is a records matter. The second asks only that one table be addressed explicitly, and that if supporting analysis surfaces for the first time, the public be able to respond to it before a recommendation issues.

VIII. Conclusion

OPALCO supports a Critical Areas Ordinance grounded in best available science, and we do not ask the County to weaken wetland protection. We ask that a classification that can increase the required buffer from 150 to 300 feet rest on a documented record and a defined standard, and that the chapter implement

the Plan the Council adopted. Amendment 1 corrects a classification we believe is inconsistent with the table's own logic. Amendments 2 and 6 would make the table administrable for every applicant, not only for us.

We would welcome the opportunity to meet with staff before the October 16 hearing, and we are prepared to provide any technical detail the Commission would find useful on the physical characteristics of ground-mounted photovoltaic facilities.

Thank you for your consideration.

Respectfully submitted,



Foster Hildreth

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Sources. Every quotation in this comment is verbatim from one of the following: the draft Critical Area Regulations and draft Chapter 18.20 Definitions, both dated August 13, 2026 (CAO V7 Clean and Definitions V4); the San Juan County Best Available Science Crosswalk dated February 11, 2026; the Comprehensive Plan adopted by Ordinance 22-2025; WAC 365-195-900 and -905; WAC 365-196-800; and Snohomish County Code 30.62A.320.

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The document has been completed.

The source of the land use intensity tiers

Supplement to the previously submitted written comment of Orcas Power & Light Cooperative

To: Colin Maycock, Planner IV, San Juan County Department of Community Development

Date: October 9, 2026

Re: Supplement to OPALCO's written comment on the draft Critical Areas Ordinance regulations dated August 13, 2026 — SJCC 18.35.100, Table 18.35.100-1

Mr. Maycock,

This supplements OPALCO's previously submitted written comment on the August 13, 2026 draft, and is itself submitted within the comment period. It does two things: it places a document in the record, and it restates one of our seven requested amendments on a better foundation. We withdraw nothing.

That comment stated that we had been unable to locate, in the published package, a best available science review addressing the tier assignments the August draft added or moved, and asked that any such document be placed in the record. We have since identified the source of those assignments. We would rather identify it ourselves, in writing, than have it supplied for the first time at the October 16 hearing.

Department staff confirmed the source by email at 12:53 p.m. today, directing OPALCO to Table 2 at pages C-6 and C-7 of that publication and stating that Ecology Publication No. 22-06-014 "is considered BAS for Wetland Critical Area regulations." We are grateful for the prompt and specific response. It materially improves the question we are asking, and the balance of this supplement is addressed to that question rather than to the one we posed yesterday.

I. The source

The tier assignments in draft Table 18.35.100-1 are drawn from **Washington State Department of Ecology Publication No. 22-06-014, *Wetland Guidance for CAO Updates*** (October 2022), Appendix C — Buffer Approaches for Western Washington, at pages C-6 and C-7. That appendix sets out three alternative approaches to sizing wetland buffers. The second of them, **Option 2**, consists of two tables: a table of buffer widths, and a table titled "Levels of impacts from proposed land use types."

Option 2's buffer widths are identical to those in draft Table 18.35.100-2 — Category I and II at 150, 225 and 300 feet; Category III at 75, 110 and 150; Category IV at 25, 40 and 50. Option 2's use table contains, verbatim, the entries "**Solar farms (utility scale)**" in the high tier, "**Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.)**" and "**Wind farm**" in the moderate tier, and "**Cell tower**" in the low tier. The County has adopted Ecology's Option 2.

That resolves the factual question we raised. That observation was accurate as to the County's own published package — the Best Available Science Crosswalk is dated February 11, 2026, and the intensity table it reproduces at page 35 is the pre-amendment version, with orchards and hay fields in the low tier. But the absence of a County document is no longer the right question to put to the Commission, and we do not press it.

Nor do we dispute staff's position that Ecology Publication No. 22-06-014 is best available science for wetland critical area regulations. It is, and our comment relied on it. The question this supplement raises is narrower, and it arises on the face of the two pages staff provided. Appendix C offers *three* alternative approaches — the heading "Option 3" appears at the foot of page C-7 — and the County selected one of them. And the bracketed sentence at the head of Table 2 on page C-6 encourages local governments to

adapt the use list in the approach they select. Neither the selection nor the adaptation is documented in the record. Parts II and III set that out.

II. The County did not adopt Ecology's table — it adapted it, except in one place

Exhibit B sets Ecology's table beside the County's. Both columns are quoted verbatim from the source documents.

EXHIBIT B — ECOLOGY PUBLICATION 22-06-014, APPENDIX C, OPTION 2, TABLE 2, COMPARED TO DRAFT TABLE 18.35.100-1

TIER	ECOLOGY PUBLICATION 22-06-014 <i>Appendix C, Option 2, Table 2, pp. C-6 to C-7</i>	AUGUST 13, 2026 DRAFT <i>Table 18.35.100-1, CAO V7 Clean, p. 25</i>
High	Commercial Urban Industrial Institutional Mixed-use developments — Residential (more than 1 unit/acre) Roads: federal and state highways, including on-ramps and exits, state routes, and other roads associated with high-impact land uses Railroads Agriculture with high-intensity activities (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling, raising and maintaining animals, etc.) Open/recreational space with high-intensity uses (golf courses, ball fields, etc.) Solar farms (utility scale)	Commercial Urban Industrial Institutional Mixed-use developments Retail sales Residential at more than 1 unit per acre Roads: federal and state highways, including on-ramps and exits, state routes, and other roads associated with high-impact land uses — <i>(omitted)</i> High intensity agriculture (dairies, nurseries, greenhouses, annual tilling, raising animals, etc.) High intensity recreation (golf courses, ball fields, etc.) Solar farms (utility scale)
Moderate	Residential (1 unit/acre or less) Roads: Forest Service roads and roads associated with moderate-impact land uses Open/recreational space with moderate-intensity uses (parks with paved trails or playgrounds, biking, jogging, etc.) — Utility corridor or right-of-way used by one or more utilities and including access/maintenance road Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.) Wind farm	Residential at not more than 1 unit per acre Logging roads and roads associated with moderate-impact land uses Moderate intensity open space (parks with trails made of impervious surfaces or playgrounds, biking, jogging, etc.) Trails made of impervious surfaces Utility corridors or right-of-way by one or more utilities and including access/maintenance road Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.) Wind farm
Low	Natural resource lands (forestry/silviculture—cutting of trees only, not land clearing and removing stumps) Open/recreational space with low-intensity uses (unpaved trails, hiking, birdwatching, etc.) — Utility corridor without a maintenance road and little or no vegetation management Cell tower	Forestry (limited to cutting of trees) Low intensity open space (hiking, bird watching, etc., allowed) Trails made of pervious surfaces Utility corridors without access road and little or no vegetation management Cell tower

Bold red marks an entry the County adopted from Ecology word for word. *Italic grey* marks an entry present in one table and absent from the other. Plain text marks an entry the County wrote in its own terms. Em dashes indicate no corresponding entry.

What the comparison shows

The County went through Ecology's list and conformed it to San Juan County. It **omitted** "Railroads," which has no application here. It **retained** "Retail sales," which Ecology does not list, from its own existing table. It wrote "Logging roads" where Ecology wrote "Forest Service roads." It kept "Forestry (limited to cutting of trees)" rather than Ecology's "Natural resource lands (forestry/silviculture — cutting of trees only, not land clearing and removing stumps)." It kept its own "High intensity agriculture" and "High intensity recreation" phrasings. It rewrote both trails entries in terms of pervious and impervious surfaces, a distinction Ecology's table does not draw. And it deleted "Hobby farms," which appeared in its own February draft and appears nowhere in Ecology's list.

Those changes show that the County adapted Ecology's example to its own terminology and circumstances. We do not criticize the adaptation — it is what a county should do with a statewide model, and it is consistent with Ecology's encouragement to match the example to local regulations.

But it was not performed everywhere, and the pattern of where it stops is the point of this supplement. **Every entry Ecology's table contains for a use the County's code already addressed was rewritten in the County's own terms. Every entry for a use the County's code does not address — "Solar farms (utility scale)," "Wind farm," "Cell tower" — was adopted verbatim.** The agricultural entry is the single exception in the other direction: the County did have its own wording for it, and replaced that wording with Ecology's, moving the use up a tier in the process.

Five entries came across word for word: the federal- and state-highway entry, "Solar farms (utility scale)," "Wind farm," "Cell tower," and "Agriculture with moderate-intensity uses (orchards, hay fields, light or rotational grazing, etc.)." We raise a question about four of them. The highway entry we do not question, and we note it only so that the count is complete. *(The single-word category labels — Commercial, Urban, Industrial, Institutional, Mixed-use developments — are also identical in both tables, as one would expect; there is nothing in them to adapt.)*

III. Ecology encourages local governments to adapt the table

Printed in brackets, in the publication itself, immediately beneath the heading of the very table the County adopted:

[Local governments are encouraged to ensure the uses in this table match the uses specified in their development and land use regulations and are consistent with the principles in this example.]

Ecology Publication No. 22-06-014, Appendix C, p. C-6, Option 2, Table 2

What Ecology encourages is that its table be matched to the County's own regulations. As set out in our earlier comment, neither Chapter 18.20 SJCC as proposed nor Title 18 anywhere else defines "solar farm," "utility scale," "wind farm" or "cell tower," and none of the three tier labels is defined either. We read the draft definitions chapter in full to confirm this. **Three of the five entries adopted verbatim are therefore precisely the entries with no "use specified in [the County's] development and land use regulations" for them to be matched against.** That is the circumstance Ecology's bracketed note exists to address.

This matters under state rule as well as good practice. WAC 365-195-905(3) provides that counties "must conduct a best available science review," and WAC 365-195-905(2) provides that scientific information

“should be reviewed for local applicability.” WAC 365-195-900(3) requires that development regulations “must substantively reflect” that science. Exhibit B shows that the County did not treat Ecology’s list as binding: it exercised judgment about which entries fit San Juan County and restated them accordingly. What the published record does not contain, for the four entries carried over unchanged, is the local-applicability review itself. We ask the Commission to require it before forwarding a recommendation.

IV. Ecology offers three approaches; the County selected the only one with no performance-based reduction

Appendix C presents three options. Exhibit C summarizes them, drawn from pages C-1 through C-7.

EXHIBIT C – THE THREE BUFFER APPROACHES IN ECOLOGY PUBLICATION 22-06-014, APPENDIX C

OPTION	BUFFER WIDTH TURNS ON	CATEGORY I / II WIDTHS	PERFORMANCE-BASED REDUCTION
Option 1	The wetland’s own habitat score (3–5, 6–7, 8–9 points). Land use type is not used.	Table 3 (standard): 100 / 150 / 300. Table 1 (reduced): 75 / 110 / 225.	Yes. Table 1 applies where minimization measures are implemented and, above 5 habitat points, a protected 100-foot corridor is provided.
Option 2	The land use intensity tier assigned to the proposed use by Table 2.	150 / 225 / 300 by tier (low / moderate / high impact).	None.
Option 3	Wetland category alone.	300 for Category I and II; 150 for III; 50 for IV.	None.

Under **Option 1**, land use intensity plays no part. Buffer width turns on the wetland’s own habitat score, and the applicant can earn the narrower of two tables by implementing specified measures to minimize impacts and, where the wetland scores six or more habitat points, by permanently protecting a relatively undisturbed vegetated corridor at least 100 feet wide. Under **Option 3**, buffer width turns on wetland category alone. Under **Option 2**, the option the County selected, the label applied to a proposed use determines the buffer, and no reduction for performance is available at any width.

Three consequences follow, and we state them plainly.

- 1. The high-tier assignment for utility-scale solar is not compelled by best available science.** Two of the three approaches Ecology offers do not classify solar at all, because neither uses land use type as an input. The County’s choice among the three is a policy choice, lawfully made, but it is a choice — and the Commission should understand it as one rather than as a scientific requirement.
- 2. Amendment 4’s conditions are Ecology’s own, though Amendment 4 is not Option 1.** Our earlier comment drew the structure of Amendment 4 — a buffer reduction conditioned on impact minimization, with a six-point habitat threshold and a 100-foot corridor — from Snohomish County Code 30.62A.320(4). Those conditions appear in Ecology’s Option 1 in identical terms, at Appendix C pages C-2 through C-5, and we restate the amendment on that footing rather than on another county’s code. We are explicit about what the restatement is and is not. It is not an adoption of Option 1: Option 1 would replace land use intensity altogether with habitat-score-based widths, and we are not asking the County to rebuild the chapter a week before hearing. It is an adaptation — Ecology’s Option 1 minimization and corridor conditions applied to the Option 2 buffer table the County has selected. Part V sets out the language and says so there as well.

3. Option 1 would not always produce a narrower buffer than the one we are seeking, and we say so.

For a Category I or II wetland scoring 8 or 9 habitat points, Option 1's reduced width is 225 feet — wider than Option 2's low-impact 150 feet. Option 1 is more favorable where a project is well mitigated and adjacent to a lower-scoring wetland, and less favorable adjacent to the highest-functioning wetlands. We raise it because it ties buffer width to the wetland in front of the applicant and to what the applicant actually does, not to a label, and because it is the approach Ecology presents first.

V. Amendment 4, restated

This replaces the text of Amendment 4 in our earlier comment. Amendments 1, 2, 3, 5, 6 and 7 stand as filed. *What follows is an adaptation, not a transplant: it applies Ecology's Option 1 impact-minimization and habitat-corridor conditions to the Option 2 buffer table the County has chosen. It states those conditions more completely than our earlier draft did, including the confirmation requirement at Ecology's condition 1(c), which we had omitted.*

Document: SJCC 18.35, draft Critical Area Regulations (CAO V7)

Section: SJCC 18.35.100, new subsection following subsection (C)

ADD A NEW SUBSECTION

Buffer Reduction Through Impact Minimization. The director shall reduce the wetland buffer width otherwise required by Table 18.35.100-2 by twenty-five percent where the applicant demonstrates, in a critical area report prepared by a qualified wetland professional, that:

1. The applicable impact minimization measures identified in Department of Ecology Publication No. 22-06-014, Appendix C, Option 1, Table 2 (Impact minimization measures), pages C-2 through C-3, or as revised, have been incorporated into the proposal to the extent applicable and practicable, as determined by the director in coordination with the applicant; and
2. Where the wetland scores six points or more for habitat function under the Washington State Wetland Rating System for Western Washington (Ecology Publication No. 23-06-009, or as revised by Ecology):
 - a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and an area described in Ecology Publication No. 22-06-014, Appendix C, "Conditions for implementing Tables 1, 2, and 3," subsection 1(a), page C-5;
 - b. The corridor is permanently protected for its entire length between the wetland and that area by conservation easement, deed restriction, or other legal site protection mechanism; and
 - c. The presence of the shoreline or priority habitat to which the corridor connects is confirmed by a qualified biologist or by the

shoreline administrator.

Where the wetland scores five or fewer points for habitat function, subsection (1) alone applies.

No reduction under this subsection shall produce a buffer narrower than the width Table 18.35.100-2 assigns to the same wetland category for a land use with low impact. Nothing in this subsection limits the director's authority under subsection (C).

Basis for the twenty-five percent figure

The figure is not ours, and it is deliberately the conservative end of Ecology's own range. Option 1's Table 3 (no minimization measures) sets Category I and II at 100, 150 and 300 feet; Table 1 (measures implemented) sets them at 75, 110 and 225. For Category III, 80, 150 and 300 against 60, 110 and 225. Those pairings are reductions of twenty-five to roughly twenty-seven percent. We propose a uniform twenty-five percent rather than reproducing Ecology's figures exactly: a single percentage is simpler to administer against the County's Option 2 table, and rounding to the smaller figure resolves the difference in favor of the wetland.

The floor, and why the amendment is not limited to the high tier

The reduction is available in every intensity tier, and that is deliberate. It is driven by what an applicant does on the ground — minimization measures, a protected corridor, professional confirmation — and those things do not become less effective because of the label attached to the use. A provision available only in the high tier would be a rule drawn to fit the tier OPALCO happens to occupy, and we would not ask the Commission to adopt one.

The floor keeps that breadth from producing an unintended number. No reduction may produce a buffer narrower than the width the County's own Table 18.35.100-2 already assigns to that wetland category for a low-impact use. In practice: a Category I or II wetland can go from 300 to 225 feet, or from 225 to 169, but never below 150. A Category III can go from 150 to 113, or 110 to 83, but never below 75. A Category IV can go from 50 to 38, or 40 to 30, but never below 25. **A use already in the low tier receives no reduction at all.** Every outcome the amendment can produce is a width the County has already adopted as adequate for some use adjacent to that wetland, or wider.

It follows that Amendments 1 and 4 do not compound. If the Commission adopts Amendment 1 and a qualifying solar facility is classified low intensity, Amendment 4 produces no further reduction, because the low-impact width is the floor. The two amendments reach the same destination by different routes rather than stacking into a third.

Both measures are required under Ecology's Option 1 only where the wetland scores six or more habitat points; for wetlands scoring five or fewer, Ecology requires the minimization measures alone — Appendix C, page C-5, condition 2. The amendment above follows that threshold structure.

VI. What we ask of the Commission

1. Place Ecology Publication No. 22-06-014, Appendix C, pages C-1 through C-7, in the record, and ask staff to state which of the three options the County selected and on what basis. Staff's email of October 9 supplies C-6 and C-7; we ask that C-1 through C-5, which set out Option 1, be included so

the Commission sees the alternatives. The Crosswalk cites the publication but does not identify the option — and the option determines how every wetland buffer in the county is sized.

2. Ask staff what local-applicability review was conducted for four of the five entries adopted verbatim — “Solar farms (utility scale),” “Wind farm,” “Cell tower,” and the agricultural entry — given that the balance of the table was conformed to County terminology.
3. **Adopt Amendment 1 as filed.** It asks the County to do for utility-scale solar exactly what it has already done, in this same table, for railroads, retail sales, logging roads, forestry, recreation and trails: state the entry in terms that fit San Juan County. Ecology’s bracketed note asks for the same thing.
4. Adopt Amendment 4 in the form set out in Part V above, in place of the version previously filed.
5. Treat the balance of our earlier comment as unchanged, including the request that the Commission take up the Table 18.35.100-1 revisions as a distinct item.

VII. Closing

Every quotation in our comments is verified against the source. Part II of our earlier comment has been overtaken by a document Colin supplied to us on in reply to our CAO Comment Letter sent today (9 October 2026).

What the document shows is a stronger case than the one we filed. The County read Ecology’s table with care and adapted it to San Juan County nearly throughout, which is what Ecology asked for. The entries where that did not happen govern utility-scale solar, and the orchards, hay fields and rotational grazing of every farm in the county. Those four entries are the whole of what we ask the Commission to look at. The question is not whether Ecology’s table is best available science. It is whether the County can recognize real differences in wetland impact among projects sharing a broad land use label, while keeping the protections that science requires. Thank you for your work on this update, and for accepting this supplement within the comment period.

Respectfully submitted,



Foster Hildreth

General Manager

Orcas Power & Light Cooperative

Sources. Every quotation is verbatim from Ecology Publication No. 22-06-014, Appendix C, pp. C-1 to C-7; the August 13, 2026 draft regulations (CAO V7 Clean), p. 25; the County BAS Crosswalk, pp. 34–37; and WAC 365-195-900 and -905.

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