

**BEFORE THE  
ENERGY FACILITY SITING COUNCIL  
OF THE STATE OF OREGON**

In the Matter of the Application for Site Certificate )  
for **Summit Ridge Renewable Energy Facility** ) **PROJECT ORDER**  
)

Issued  
June 10, 2024

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**Attachments:**

- Attachment 1: Public Comments
- Attachment 2: Special Advisory Group – Wasco County Comments
- Attachment 3: Reviewing Agency Comments



## ACRONYMS AND ABBREVIATIONS

AC	Alternating Current
ACDP	Air Contaminant Discharge Permit
Applicant	Summit Ridge Wind LLC
ASC	Application for Site Certificate
BLM	Bureau of Land Management
BOC	Board of Commissioners
BPA	Bonneville Power Administration
CWA	Clean Water Act
DC	Direct Current
DEQ	Oregon Department of Environmental Quality
DLCD	Oregon Department of Land Conservation and Development
DOGAMI	Department of Oregon Geology and Mineral Industries
DSL	Oregon Department of State Lands
EFSC or Council	Energy Facility Siting Council
EFU Zone	Exclusive Farm Use Zone
FAA	Federal Aviation Administration
facility	Summit Ridge Renewable Energy Facility
kV	Kilovolts
MW	Megawatt
LCDC	Oregon Land Conservation and Development Commission
LCIS	Legislative Commission on Indian Services
LLC	Limited Liability Company
NOI	Notice of Intent to File an Application for Site Certificate
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODAv	Oregon Department of Aviation
ODF	Oregon Department of Forestry
ODOE or Department	Oregon Department of Energy
ODOT	Oregon Department of Transportation
ODFW	Oregon Department of Fish and Wildlife
OPRD	Oregon Parks and Recreation Department
ORS	Oregon Revised Statute
Parent Company	Aypa Power, LLC
pASC	Preliminary Application for Site Certificate
PV	Photovoltaic
SCADA	Supervisory Control and Data Acquisition System
SHPO	Oregon State Historic Preservation Office
SRREF	Summit Ridge Renewable Energy Facility
WPCF	Water Pollution Control Facilities

1 **I. INTRODUCTION**

2  
3 On January 26, 2024, the Oregon Department of Energy (ODOE or Department) received a  
4 Notice of Intent (NOI) to File an Application for a Site Certificate (ASC) for the Summit Ridge  
5 Renewable Energy Facility (SRREF). The NOI was submitted by Summit Ridge Wind, LLC  
6 (Applicant), a wholly-owned subsidiary of Aypa Power LLC (Parent Company).

7  
8 This Project Order establishes the statutes, administrative rules, Energy Facility Siting Council  
9 (EFSC or Council) standards, local ordinances, ASC requirements and study requirements in  
10 accordance with ORS 469.330 and OAR 345-015-0160. As provided in ORS 469.330(4), this  
11 Project Order is not a final order. The Department or the Council may amend this Project Order  
12 at any time.

13  
14 **I.A. Facility Description**

15  
16 SRREF (proposed facility or facility) is a proposed 261-megawatt (MW) capacity energy  
17 generation facility comprised of combined wind (up to 32 turbines and 201 MW capacity) and a  
18 274-acre solar photovoltaic (PV) (up to 60 MW capacity), to be located within an approximately  
19 4,601-acre (7.19 sq. mile) site boundary on privately-owned land zoned for exclusive farm use  
20 (EFU) in Wasco County (See Figures 1 and 2 below). Such an “energy facility” is subject to EFSC  
21 jurisdiction.<sup>1</sup> The land within the proposed site boundary is currently used for agriculture.

22  
23 Under ORS 469.320, no “facility,” – i.e., an energy facility with related or supporting facilities,<sup>2</sup>  
24 may be constructed or operated in Oregon without a site certificate from the Council. Proposed  
25 related or supporting facilities include up to 201 MW capacity Battery Storage Energy System  
26 (BESS), one facility substation, one operations and maintenance (O&M) building, a Supervisory  
27 Control and Data Acquisition (SCADA) system, an above/below ground 34.5 kV collector system,  
28 approximately 8 mile 230-kV overhead transmission line, one Point of Interconnection (POI)  
29 with a capacity of 201 MW at the POI, new and improved access roads, a temporary batch  
30 plant, and construction laydown areas.

31  
32 *Facility Location*

33  
34 The facility would be sited entirely in Wasco County. Major roads near the proposed facility  
35 include Interstate 84 (I-84), US Route 30 (US-30) and US Route 197 (US-197) and local roads  
36 that would be used to access the facility (Boyd Market Road, Long Hollow Market Road, and  
37 Easton Canyon Road; or Eight Mile Road, Emerson Loop Road, Ward Road, Fax Road, and  
38 Hastings Ridge Road).

39  
40 The legal description for the proposed site boundary is shown in Table 1 below.

41

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<sup>1</sup> ORS 469.300(11)(J)

<sup>2</sup> ORS 469.300(14)

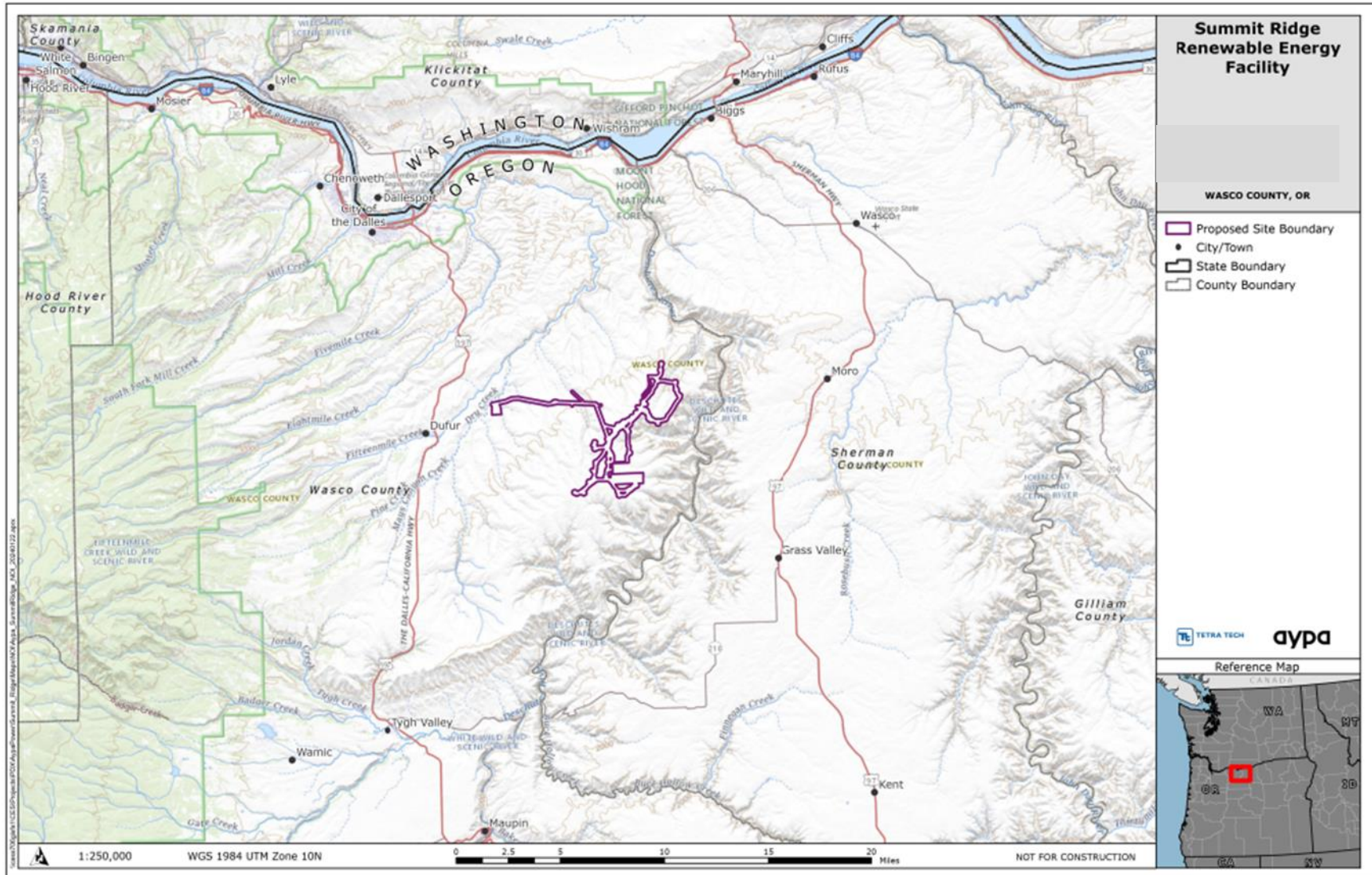
1

**Table 1: Facility Location by Township, Range and Section**

Township and Range	Section
1S 14E	15, 21, 22, 23, 24
1S 15E	11, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 31, 32, 33
2S 15E	3, 4, 5, 6, 7, 8, 9, 10

2

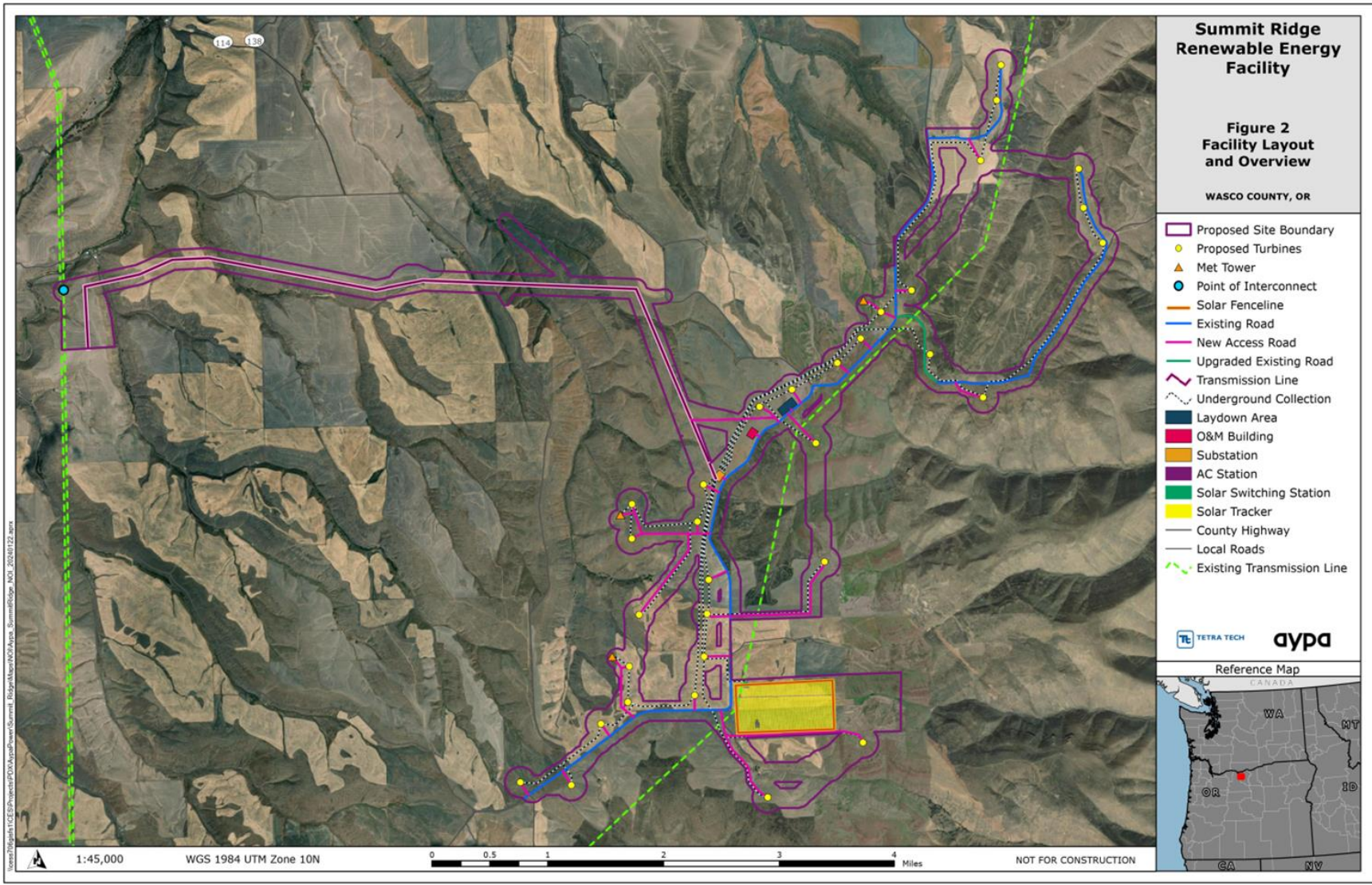
1 **Figure 1: Proposed Facility Location**



2



1 **Figure 2: Summit Ridge Renewable Energy Facility - Proposed Layout**



2

1 **I.A.1 Facility Components/Structures**

2

3 The number and dimension of facility components based on the information provided in the  
4 NOI are presented in Table 2 below. More specific details shall be included in the preliminary  
5 ASC (See example tables for ASC in Tables 7 & 8 in Section III.B of this Project Order).  
6

**Table 2: Proposed Energy Facility Components**

<b>Component</b>	<b>Quantity</b>	<b>Dimensions</b>
Wind Turbines	32	600-690 volts per turbine; max height 648 feet
Turbine Foundations	32	82 feet diameter
Pad Mounted Transformers	32	
Pad Mounted Foundations	32	7.5 x 8.5 ft area
PV Solar Area	1	274 acres
PV Solar Modules	178,507	18 feet tall at full tilt
Racking Systems	TBD*	Max height 18 ft.
Posts	TBD*	Max height 4-6 feet
Solar Inverters and Transformer	40	stations
Solar Perimeter Fencing	TBD*	8 feet tall
*TBD information not included in NOI but requested for ASC.		

7

8 **I.A.1.1 Wind Turbines**

9

10 The major wind generating components include:

- 11 • Turbines, including the nacelle, three blades, rotor, and tubular steel tower;
- 12 • Turbine foundations; and
- 13 • Pad mount transformers and transformer foundations.

14

15 *Wind Turbines*

16 The Applicant proposes to construct and operate up to 32 wind turbines within the site  
17 boundary. Each wind turbine would consist of a 3-bladed rotor mounted to a nacelle mounted  
18 to a tubular steel turbine tower and installed on a foundation. Each wind turbine would  
19 generate power ranging from approximately 600 volts to 690 volts (voltage could vary,  
20 depending on the turbine model ultimately selected for the facility). Turbines would be  
21 connected via electrical collection and fiber-optic communication lines, feeding turbine output  
22 into one shared onsite substation. The NOI states that the exact model of turbine has yet to be  
23 selected, however, for the ASC, the Applicant proposes to evaluate the maximum potential  
24 impact based on the following turbine dimensions:

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**Table 3: Wind Turbine Components**

<b>Turbine Type</b>	<b>Rotor Diameter</b>	<b>Blade Tip Height</b>	<b>Tower Hub Height</b>	<b>Blade Tip Clearance</b>
Under consideration	436-535 feet (133-163 m)	517 – 648 feet (157.5-197.5 m)	295-281 feet (90-116 m)	74-113 feet (22.5-34.5m)

*Turbine Foundations*

Each turbine tower would be secured to a reinforced concrete foundation made of steel reinforcing bars and concrete. The actual foundation type and design for each tower would be determined after onsite geotechnical studies are completed but are often either spread-footing or pier foundations. Typical spread-footing foundations reach a depth of 10 to 20 feet below grade and can be as large as 82 feet in diameter.

*Pad Mounted Transformers and Foundations*

For wind turbine models that do not have a step-up transformer in the nacelle, a pad-mounted transformer would be installed at each turbine to step up the output voltage from the turbine (575 – 900 volts) to the collector system voltage (34.5 kV). The applicant proposes to analyze the pad-mount transformer as a rectangular box with a footprint approximately 7.5 by 8.5 feet located adjacent to the base of the turbine tower.

I.A.1.2 Solar Array

The facility’s major solar components would include a solar array with an estimated total generating capacity of up to 60 MW. The solar array is a configuration of solar modules with racking systems, posts, cabling, and related electrical collector equipment. The exact number and size of modules, layout, and associated equipment specifications would be determined during final design, however the NOI states that the solar array layout would not exceed 274 acres within the proposed 474-acre solar micro-siting area (See Figure 2). The actual layout selected at final design would not exceed the area analyzed in the ASC within the proposed site boundary.

*Solar Modules*

An estimated 178,507 solar modules would be connected in series to form long rows, or “strings,” spaced approximately 12 to 25 feet apart (from the edge of the solar modules). The strings of modules would be connected via combiners, cables, and switchboards. The configuration of multiple strings (array) may vary depending on the equipment type selected and underlying topography. The actual number of modules and strings would vary depending on the module technology, energy output, spacing, mounting equipment (tracker systems), and other design criteria, and would be selected in final design. Maximum height of solar modules would be 18 feet at full tilt.

1 *Racking System, Trackers & Posts*

2 Strings of solar modules would be mounted on either a single-axis tracker (SAT) or fixed-tilt  
3 racking system. The length of each string may vary by topography and the number of modules  
4 that the racking system can hold, and the final number of strings and modules would depend  
5 on the racking system selected. Each rack would be supported by multiple steel posts, which  
6 could be round hollow posts, pile-type posts (i.e., H-pile, C-pile, S-pile) driven into the ground,  
7 ground screws, helical piles, or posts or piles that are set in concrete or grouted into a hole  
8 drilled into rock, if subsurface conditions warrant. Post depth may vary depending on soil  
9 conditions, but the posts are typically installed 6 to 10 feet below the surface and protrude  
10 approximately 4 to 6 feet above grade. The actual number of posts and post locations would be  
11 determined by the final layout of the racking system and geotechnical investigations.

12

13 *Inverters & Transformers*

14 The DC collected from the solar modules via combiner boxes would be inverted into AC before  
15 connecting to the substation. Applicant’s preliminary design estimates approximately 40  
16 inverter/transformer stations would be needed to invert the DC power from the modules to AC.  
17 Each station would include a 4,400-kilowatt inverter that consists of five integrated 880-watt  
18 individual units, for a total of approximately 200 units. The final number of inverters would vary  
19 depending on the actual generation output of the solar array, (estimated 60 MW), but may be  
20 higher with the maximum equipment and spatial footprint analyzed. Inverters may be co-  
21 located with transformers on the same concrete slab or string inverters could be used. The  
22 inverter specification shall comply with the applicable requirements of the National Electrical  
23 Code and Institute of Electrical and Electronics Engineers standards.

24

25 The AC from the inverters would be routed to transformers that would increase the output  
26 voltage from the inverter (660 to 1,500 volts per individual unit) to the desired substation  
27 voltage (34.5 kV). The transformers may be co-located with the inverters. Transformers at  
28 these locations would step up the voltage from the inverters. 34.5 kV collector lines would  
29 connect the transformers to the shared substation.

30

31 *Cabling & Switching Station*

32 The solar modules produce direct current (DC) electricity. Cables would collect and aggregate  
33 the DC before it is inverted to alternating current (AC) and sent to the shared facility substation.  
34 Approximately 10 miles total of low-voltage cabling would connect the solar modules of each  
35 tracker string in a series, and likely combine two to three strings to a single combiner box; the  
36 current design assumes one combiner box per string. Cabling from multiple combiner boxes  
37 would connect to a single inverter, which would invert the DC to AC and connect to the  
38 underground 34.5 kV collection system.

39

40 *Solar Facility Fencing*

41 A chain-link or security mesh perimeter fencing, up to 8 feet in height with no barbed wire,  
42 would enclose the solar array, with at least two gates sized to allow for emergency vehicle  
43 access. Applicant notes that additional pedestrian gates may be installed in consultation with



1 the Oregon Department of Fish and Wildlife (ODFW) to facilitate big game release in case of  
 2 accidental entry of big game into fenced areas.

3

4 I.A.1.3 Related or Supporting Facilities

5

6 Proposed related or supporting facilities include up to 201 MW capacity Battery Storage Energy  
 7 System (BESS), a shared 34.5 kV collection system, one facility 34.5 kV to 230 kV step-up  
 8 substation, and Point of Interconnection (POI) to the existing 230 kV BPA transmission line, one  
 9 operations and maintenance (O&M) building containing a Supervisory Control and Data  
 10 Acquisition (SCADA) system, up to 3 meteorological towers, new and improved facility access  
 11 roads, facility perimeter fencing, a temporary batch plant, and temporary construction staging  
 12 and laydown areas. As shown in the table and described below, the NOI states that the facility  
 13 to be analyzed for the SRREF Application for Site Certificate (ASC) would include the following  
 14 related or supporting facilities:  
 15

**Table 4: Proposed Related or Supporting Facilities**

Component	Quantity	Dimensions
Battery Energy Storage System	<ul style="list-style-type: none"> <li>• 268 containers (if centralized)</li> <li>• 40 locations (if distributed)</li> </ul>	10 acres
Batteries (Lithium Ion)	TBD*	TBD*
BESS Inverters	TBD*	TBD*
34.5 kV collection system	1	Below ground approx. 28 miles long.
Substation	1	3.6 acres
Substation Transformer(s) – Step Up (34.5 to 230 kV)	TBD*	TBD*
230 kV Transmission Line	1	Approx 8 miles
Operations & Maintenance Building	1	10,000 square feet
SCADA System	1	Located in O&M building
Meteorological Towers	3	1.1 acre area/per, 383 ft (117 m) H
Facility Access Roads - new	10.2 miles	20 ft wide permanent/ 40 ft wide temp
Facility Access Roads - improved	13 miles	20 ft wide permanent/ 40 ft wide temp
Temporary Batch Plant	1	2 acres
Temporary Staging and Laydown Area	1	8.3 acres
Temporary Turbine Laydown Areas	250-foot radius	Per turbine
*TBD indicates information not provided in NOI but requested for ASC.		

1  
2 I.A.1.4 Battery Energy Storage System (BESS)

3 The proposed facility includes an up to approximately 201-MW BESS either “centralized” as an  
4 AC-coupled system integrated with the facility components, or “distributed” with multiple units  
5 located throughout the solar array (Figure 2). If centralized as an AC-coupled system, the BESS  
6 is anticipated to be co-located in a 10-acre area with the solar facility switchyard, or with its  
7 own switching station within the 274-acre fenced proposed solar array micro-siting area. The  
8 lithium-ion battery systems are modular systems, with the same design as described for either  
9 centralized or distributed BESS.

10  
11 If a centralized BESS is installed, it is anticipated to be sited on an approximately 10-acre  
12 graveled yard collocated with the solar facility switchyard—or with its own switchyard in the  
13 case that solar generating equipment is not installed but a BESS system is installed—within the  
14 274-acre solar micro-siting area. It would consist of approximately up to 268 fabricated metal  
15 enclosures/containers. Each enclosure/container would hold approximately 72 racks containing  
16 lithium batteries. Approximately every four enclosures would be connected to an adjacent  
17 inverter/transformer pad.

18  
19 If a distributed BESS is installed, it would consist of up to 40 sites of lithium-ion batteries in  
20 fabricated metal enclosures throughout the solar array areas, located adjacent to each  
21 inverter/transformer pad. Modules are placed in anchored racks within metal enclosures;  
22 typically, each rack would house 12 battery modules along with a switchgear assembly. Integral  
23 cooling units would be placed within or on top of the metal enclosures. The units would be  
24 equipped with fire suppression systems.

25  
26 I.A.1.5 Shared Collection System

27 The proposed facility would share a 34.5 kV collection system that would collect and distribute  
28 the energy generated by the wind turbines, the solar array, and the BESS and route it to one  
29 shared facility substation where it would be stepped up to 230 kV and sent to the 230kV  
30 transmission line.

31  
32 The wind turbine generators would connect to the electrical collection system with 34.5-kV  
33 medium-voltage lines, approximately 28 miles of underground cable trench. The electrical  
34 collection system for the wind turbine generators would consist of a 34.5 kV collection system,  
35 which would collect energy generated by each wind turbine at approximately 600 to 690 volts,  
36 increase voltage through a generator step-up transformer either located in the nacelle or  
37 adjacent to the turbine (pad-mounted) to approximately 34.5 kV, and deliver it via electric  
38 collector cables to the shared facility step-up substation.

39  
40 The solar PV array would connect to the shared electrical collection system via a switching  
41 station located inside the solar array fence line. The switching station would gather power from  
42 34.5-kV collector lines leading from the distributed solar transformers and transmit to a single  
43 34.5-kV collector line at the switching station that would connect to the shared substation.

1 These 34.5-kV collection lines would be constructed underground to the extent possible. If any  
2 34.5-kV collector lines are installed overhead—for example, in order to minimize environmental  
3 impacts or accommodate terrain—they would be constructed with single- or double-circuit  
4 wood monopole structures. The structures would be up to 100 feet tall, depending on the  
5 terrain, with 3-foot-diameter poles spaced approximately 150 to 300 feet apart.  
6

#### 7 I.A.1.6 Step Up Substation

8 The facility would share one step-up substation where energy collected from the solar and  
9 wind generating components and 34.5 kV collector lines would feed into substation  
10 transformers to increase the voltage to approximately 230 kV. The step-up substation would  
11 occupy up to 3.6 acres as (See NOI Figure 2) and would be surrounded by a graveled, fenced  
12 area and including the transformer, control house with protective relaying, switching  
13 equipment, and an area to park utility vehicles.  
14

#### 15 I.A.1.7 230 kV Transmission Line and Point of Interconnect (POI)

16 A 230-kV high-voltage transmission line would deliver power from the shared facility step-up  
17 substation to the POI at the 230-kV BPA Big Eddy to Maupin-Redmond transmission line. The  
18 total length of onsite 230-kV overhead transmission feeder line would be up to 8 miles in length  
19 and constructed on wooden H-frame or steel poles.  
20

#### 21 I.A.1.8 Operations and Maintenance Building and SCADA

22 The permanent O&M building would be fenced and co-located with the Facility substation of  
23 3.6 acres. The O&M building would have up to approximately 10,000 square feet of enclosed  
24 space, which may include office and workshop areas, control room, kitchen, and sanitary  
25 facilities. Water for the bathrooms and kitchen would be acquired from an onsite well,  
26 constructed and permitted by a licensed contractor according to local and state  
27 requirements. Water use would not exceed 5,000 gallons per day. Domestic wastewater  
28 generated at the O&M building would drain into an onsite septic system, which would be  
29 permitted according to local and state requirements. The O&M building would have an  
30 adjacent graveled parking area and fenced storage area. The building area would be secured  
31 and would have outside lighting directed downward to limit night glare.  
32

33 The facility would include a Supervisory Control and Data Acquisition System (SCADA), which  
34 would monitor, in present time, all facility components: individual turbines, solar strings,  
35 BESS, substation, and meteorological towers and would connect to a central computer  
36 housed in the O&M building. If an issue arises with a turbine or solar string, it would alert the  
37 O&M staff so that the component can be shut down to minimize consequences of failure and  
38 potential safety risks. The fiber network would also connect and align with the underground  
39 collection system for the turbine layout. The turbines and solar array would be controlled and  
40 monitored remotely via the SCADA system.  
41

1 I.A.1.9 Meteorological Towers

2 The Applicant proposes a maximum of three permanent meteorological (met) towers, located  
3 throughout the site boundary (See NOI Figure 2). Each met tower would be an unguyed (free-  
4 standing) structure, with total height corresponding to the hub height of the associated  
5 turbines, for a total height of up to 117 meters (383 feet). Each met tower would have a  
6 concrete foundation approximately 15 to 20 feet deep, within a total disturbance area of  
7 approximately 1.1 acres. Each tower would be fitted with aviation lighting according to FAA  
8 requirements.

9  
10 I.A.1.10 Facility Roads

11 Approximately 10.2 miles of new access roads are proposed for access to wind turbines and  
12 related facilities. Access roads would also be installed inside the solar array fence line to  
13 facilitate vehicle access to the solar modules and racking systems. Additionally, the Applicant  
14 proposes improving up to 13 miles of existing road. The proposed wind turbine access roads  
15 would be designed to a total width of 20 feet, consisting of a 16-foot-wide graveled surface and  
16 2-foot vegetated drainage on either side. Existing unpaved roads within the site boundary  
17 would be utilized to the extent practicable to reduce new road construction. During  
18 construction, a total disturbance of 40 feet along all turbine access roads would be required to  
19 accommodate crane paths. Any temporary disturbance would be restored following  
20 construction.

21  
22 I.A.1.11 Temporary Batch Plant

23 The Facility would utilize one temporary concrete batch plant, set up on a graveled 2-acre site  
24 located within the site boundary, likely located within or adjacent to the centralized laydown  
25 yard.

26 I.A.1.12 Temporary Construction Laydown Areas

27 The Applicant anticipates using a single centralized temporary laydown yard occupying up to  
28 8.3 acres. During construction, portions of the permanently disturbed solar array site may also  
29 be temporarily used as a laydown area. Temporary disturbance also is anticipated at each of  
30 the turbine locations within a generally circular area extending approximately 250 feet from  
31 each turbine tower.

32  
33 I.B. Applicant Information

34  
35 The Applicant is Summit Ridge Wind, LLC (Applicant), a wholly owned subsidiary of Aypa Power,  
36 LLC (Parent Company).

37  
38 The officer responsible for submitting the NOI is:

39  
40 Samuel Littlefield, Authorized Signatory  
41 Aypa Power, LLC  
42 11801 Domain Blvd., Suite 450  
43 Austin, TX 78758

1  
2 Phone: 503-277-9240  
3 Email: slittlefield@aypa.com  
4

5 The Applicant’s primary contact person for the NOI is:

6  
7 Matt Hazard, Senior Manager Development  
8 Aypa Power LLC  
9 11801 Domain Blvd., Suite 450  
10 Austin, TX 78758  
11

12 Phone: 208-625-1126  
13 Email: mhazard@aypa.com  
14

15 **I.C. Procedural History**

16  
17 On January 26, 2024, the Applicant submitted a NOI with the fee required under OAR 345-020-  
18 0006.

19  
20 *Public Notice on NOI*

21 On March 14, 2024, the Department sent notice of the NOI to persons on the Council’s general  
22 mailing list, special mailing list, and to the owners of property located within the distances  
23 specified in OAR 345-020-0010(1)(f)(A).<sup>3</sup> Public notice appeared in The Dalles Chronicle, a  
24 newspaper of general circulation for Wasco County, on March 20, 2024. The public notice  
25 provided information regarding the proposed facility and the EFSC review process and  
26 announced that a public informational meeting on the NOI would be held in Dufur, Oregon on  
27 April 3, 2024. The public notice requested public comment on the NOI and established May 3,  
28 2024 at 5:00 PM Pacific Time as the public comment deadline.

29  
30 *Public Information Meeting*

31 The Department held an in-person and virtual public informational meeting on the NOI for the  
32 proposed facility on April 3, 2024. The in-person meeting was held at the Dufur K-12 Public  
33 School. The Department and the Applicant appeared at the informational meeting and provided  
34 information about the EFSC siting process and the proposed facility and responded to questions  
35 from the public. The public meeting was recorded and comments/questions from the public are  
36 summarized in Section I.D.1.1 and included in Attachment 2: *Public Comments on the NOI*.  
37 Additionally, the meeting materials and recording were made available to the public on the  
38 project webpage, and all public comments received in writing via email and through the  
39 Department’s online comment portal for the proposed facility were made available on the  
40 Department’s siting docket.

41  
42 All public comments received between March 14, 2024 through May 3, 2024, during the NOI

---

<sup>3</sup> Noticing conducted in accordance with OAR 345-015-0110, effective September 24, 2020.

1 public comment period, are also summarized in Section I.D.1.1 below and included in full in  
 2 Attachment 1 of this order.

3  
 4 As part of the Department’s review of the NOI and preparation of this Project Order, the  
 5 Department coordinated and notified reviewing agencies, local governments, the facility Special  
 6 Advisory Group (SAG), and tribal governments on March 14, 2024 via email with the Notice and  
 7 letters requesting review and comments on the NOI and proposed facility. The reviewing  
 8 agencies, SAGs, tribal governments, and other local governments for the proposed facility are  
 9 listed in Table 5 below:

10

**Table 5: Reviewing Agencies**

<b>State Agencies</b>	
<ul style="list-style-type: none"> <li>• Oregon Department of Agriculture</li> <li>• Oregon Department of Aviation</li> <li>• Oregon Department of Environmental Quality</li> <li>• Oregon Department of Fish and Wildlife</li> <li>• Oregon Department of Forestry</li> <li>• Oregon Department of Geology and Mineral Industries</li> </ul>	<ul style="list-style-type: none"> <li>• Oregon Department of Land Conservation and Development</li> <li>• Oregon Department of State Lands</li> <li>• Oregon Office of State Fire Marshal</li> <li>• Oregon Parks and Recreation Department</li> <li>• Oregon Public Utility Commission</li> <li>• Oregon State Historic Preservation Office</li> <li>• Oregon Water Resources Department</li> </ul>
<b>Special Advisory Groups (SAG)</b>	
<ul style="list-style-type: none"> <li>• Wasco County Board of Commissioners</li> </ul>	
<b>Local Jurisdictions for Public Services</b>	
<ul style="list-style-type: none"> <li>• Wasco County Planning Department</li> </ul>	
<b>Other Reviewing Agencies – Protected Area Managers</b>	
<ul style="list-style-type: none"> <li>• U.S. Bureau of Land Management</li> <li>• U.S. Forest Service</li> </ul>	<ul style="list-style-type: none"> <li>• The Nature Conservancy</li> <li>• Columbia Land Trust</li> </ul>
<b>Tribal Governments</b>	
<ul style="list-style-type: none"> <li>• Confederated Tribes of the Umatilla Indian Reservation</li> <li>• Confederated Tribes of the Warm Springs Reservation of Oregon</li> <li>• Burns Paiute Tribe</li> <li>• Confederated Tribes of the Grand Ronde</li> <li>• Confederated Tribe of Siletz Indians</li> </ul>	

11

12 *Special Advisory Group Coordination*

13 ORS 469.480(1) requires the Council to designate the governing body of any local government  
 14 within whose jurisdiction a facility is proposed to be located as a Special Advisory Group (SAG).  
 15 On March 14, 2024, the Department sent a letter to the Wasco County Board of Commissioners  
 16 and the Wasco County Planning Department, notifying Wasco County that through delegation  
 17 by Council, the Department had appointed both the Wasco County Board of Commissioners  
 18 (BOC) as a SAG for all EFSC proceedings associated with this proposed facility. The Department

1 sent that notification with a letter on March 14, 2024, and requested comments and  
2 recommendations from the County on applicable local substantive criteria. The letter included  
3 information on the public information meeting to be held in Dufur on April 3, 2024, and an offer  
4 to schedule a conference call with the BOC or the County planning department. Written  
5 comments received from Wasco County are summarized in Section I.D.1.2 below and included  
6 in Attachment 2 of this order.

7  
8 *Reviewing Agency Coordination*

9 In accordance with ORS 469.350 and OAR 345-020-0040(1), the Department prepared a  
10 distribution list of state agencies with regulatory or advisory responsibility related to the siting  
11 of the proposed facility and other (non-SAG) local governments and tribal governments that  
12 could be potentially affected by the proposed facility. The input from reviewing agencies is  
13 summarized in Section I.D.1.3 below and included in Attachment 3 of this order.

14  
15 In accordance with OAR 345-015-0120, the Department prepared a memorandum requesting  
16 comments from the reviewing agencies identified under OAR 345-001-0010. The Department  
17 electronically distributed the memorandum to state reviewing agencies reviewing agencies on  
18 March 14, 2024, in accordance with 345-020-0040<sup>4</sup>. The Department sent email notifications, a  
19 copy of the Public Notice, and review request emails on the NOI and requested review and  
20 comments from all reviewing agencies. On the same date, the Department also mailed the  
21 Public Notice and comment requests to Protected Area managers identified in the NOI: Bureau  
22 of Land Management (BLM), U.S. Forest Service (USFS), Oregon Parks and Recreation  
23 Department, Oregon Department of Fish and Wildlife, The Nature Conservancy, and the  
24 Columbia Land Trust.

25  
26 Follow up email requests for comments, offers for coordination calls and/or meetings to discuss  
27 the NOI were sent on April 10, 2024 by the Department to the following state agencies Oregon  
28 Department of Fish and Wildlife (ODFW), Oregon Department of Agriculture (ODAg),  
29 Department of State Lands (DSL), Department of Geology and Mineral Industries (DOGAMI),  
30 Oregon Department of Land Conservation and Development (DLCD), Oregon Department of  
31 Aviation (ODAv), Oregon Department of Environmental Quality (ODEQ) to offer coordination  
32 calls and request comments. Where written comments were provided, they are summarized in  
33 reviewing agency comments in Section I.D.1.3 of this order. All written comments received  
34 from reviewing agencies are included in Attachment 3 of this order.

35  
36 *Tribal Government Coordination*

37 On August 18, 2022, the Applicant consulted with the Legislative Commission on Indian Services  
38 (LCIS) to identify tribes that may be potentially affected by the proposed facility. LCIS  
39 recommended the Applicant consult with the following tribes:

- 40  
41
- Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

---

<sup>4</sup> On August 29, 2023, OAR 345-020-0040 was removed from OAR 345 Division 20. Distribution of the NOI and agency memos is established in OAR 345-015-0120, effective August 29, 2023.

- 1 • Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)
- 2 • Burns Paiute Tribe
- 3 • Confederated Tribes of the Grand Ronde
- 4 • Confederated Tribes of Siletz Indians (CTSI)

5  
6 On March 14, 2024, the Department initiated tribal government coordination on the NOI via  
7 email letters to each of the five Tribal Chairs/Leaders and the cultural and natural resources  
8 staff of each Tribe, requesting comments regarding historic, cultural, or archaeological  
9 resources, and other resources that may have significance to the Tribe. These letters provided  
10 additional information on the NOI, public information meeting, and included offers to meet in  
11 person or virtually or hold calls with those tribes to discuss the proposed facility and the EFSC  
12 review process. No tribal responses to the letters or tribal comments on the NOI were received.  
13

14 **I.D. Comments Received on the Notice of Intent**

15  
16 At the close of the comment period on May 3, 2024, the Department received written  
17 comments from 2 members of the public, the Wasco County Board of Commissioners, and  
18 several state reviewing agencies. No comments on the NOI were received from any of the five  
19 Tribes. In accordance with OAR 345-015-0140, the Department provided the Applicant with a  
20 copy of each comment received for their review and consideration in preparing the ASC. Copies  
21 of all public comments received were provided to the applicant via email on May 7, 2024, and  
22 copies of reviewing agency and SAG comments were provided to the applicant via email on  
23 May 8, 2024. Full copies of all written comments received are attached to this Project Order in  
24 Attachments 1-3. All comments received on the NOI during the comment period are  
25 summarized in the following sections.  
26

27 **I.D.1 Public Comments on NOI**

28  
29 The Department received a total of 3 public comments by the close of the NOI public comment  
30 period on May 3, 2024. Copies of written public comments and a summary of the transcript of  
31 the oral comments received at the Public Information Meeting are included in Attachment 1 of  
32 this Project Order.  
33

34 No written comments were received at or during the public information meeting held in person  
35 in Dufur, Oregon on April 3, 2024. The information meeting was also available to the public for  
36 participation via webinar and phone. During the oral comment period at the meeting, the  
37 people in the room, online and on the phone were provided the opportunity to comment. One  
38 person in the room made oral comments at the public meeting. No one on the webinar or on  
39 the phone requested to comment at that time. The audio recording of the Public Information  
40 Meeting including oral comments received during that meeting, is available on the ODOE  
41 project webpage. A transcript summary of the comments received during the oral comment  
42 period of the public meeting is included in Attachment 1 of this Project Order.  
43



1 The Department received 2 written public comments submitted via email to the Siting Analyst  
 2 for the Department assigned to the facility NOI (Kathleen Sloan). No comments were submitted  
 3 during the public comment period via the Department’s Public Comment Portal. All written  
 4 public comments received during the comment period were uploaded to the ODOE Siting  
 5 Docket<sup>5</sup> and are available for online review. Table 6 below presents a summary of issues raised  
 6 in public comments received on the NOI.  
 7

**Table 6: Summary of Issues Raised in Public Comments**

General Theme	# of Related Comments	Relevant Council Standard
EFSC Process and Public Participation, 230 kV transmission line structures	1	General Standards of Review, Siting Standards for Transmission Lines
Aviation Safety	1	Public Health and Safety of Wind, Siting Standards for Transmission Lines
Trails	1	Recreational Opportunities

8

9 **I.D.2 Special Advisory Group Comments on NOI**

10

11 *Wasco County SAG*

12 Wasco County Board of Commissioners (BOC) is the Special Advisory Group (SAG) for the  
 13 proposed facility. A representative of the BOC attended the public information meeting held in  
 14 Dufur on April 3, 2024 and made oral public comments summarized above (included as Public  
 15 Comments in Attachment 1). On April 17, 2024, the Department received written comments  
 16 from the Wasco County BOC on the proposed facility. A copy of the comment letter is provided  
 17 in Attachment 2 of this order.  
 18

19

20 County comments noted that the proposed facility is within the non-National Scenic Area  
 21 portions of Wasco County and a designated Natural Area. Overlay zones identify one Goal 5  
 22 resource, nearby mineral resources, sensitive wildlife habitat, sensitive birds, and proximity to a  
 23 fish-bearing stream. Required permits for the proposed facility include County: Utility Permit,  
 24 Road Use Agreement, New Road Approach permits, and other building code services including  
 25 inspections and permits. A Conditional Use Permit and a Comprehensive Plan Amendment  
 26 would also be required. Assessment of potential impacts to public services and sensitive  
 27 resources is requested. The applicable substantive criteria recommended by the SAG are  
 28 discussed further in Section III.K. Local permitting requirements are discussed in Section III.E.3  
 29 below.

29

---

<sup>5</sup> <https://odoe.powerappsportals.us/en-US/sitingdocket/> To view comments, select “Summit Ridge Renewable Energy Facility NOI” from the dropdown “Project” menu.

1 **I.D.3 Reviewing Agency Comments on NOI**

2

3 *State Reviewing Agency Comments*

4 All written comments received from reviewing agencies are included in Attachment 3 of this  
5 Project Order. A brief summary of these comments on the NOI is provided below:

6

7 Oregon State Historic Preservation Office (SHPO)

8 The Department received written comments from Koren Tippett, Special Projects Archaeologist  
9 with SHPO on April 10, 2024. There are known historic built environment resources in the  
10 analysis area previously identified in studies conducted for Summit Ridge Wind Farm. SHPO  
11 prior comments on Summit Ridge Wind Farm should apply to the proposed facility because  
12 they are in the same general location.<sup>6</sup> Applicant should consult with tribes.

13

14 Oregon Department of Aviation (ODAv)

15 The Department received written comments from Brandon Pike, Aviation Planner with ODAv on  
16 April 11, 2024. Comments noted that the proposed facility would require aeronautical  
17 evaluation and determination by Federal Aviation Administration and Oregon Department of  
18 Aviation per FAR Part 77.9 and OAR 738-070-0060.

19

20 Oregon Department of Agriculture (ODAg)

21 The Department received written comments from Jordan Brown, Native Plant Program Lead  
22 Conservation Biologist with ODAg on April 29, 2024. Written comments note that no threatened  
23 or endangered (T&E) plant species are likely to occur within the 5-mile analysis area. No T&E  
24 plant surveys are required.

25

26 Oregon Department of State Lands (DSL)

27 The Department received written comments from Peter Ryan, Aquatic Resource Specialist with  
28 DSL on May 6, 2024. Written comments note that a 2022 wetlands delineation report was  
29 submitted to DSL and was approved by DSL. A wetlands determination was made by DSL on  
30 April 25, 2023 (WD2022-04160) and concurred with the findings of the wetlands delineation  
31 report. A removal fill permit has not been submitted but if the facility would add, remove, or  
32 move more than 50 cubic yards of material in wetlands or waters, it would require a removal fill  
33 permit.

34

35 Department of Oregon Geology and Mineral Industries (DOGAMI)

36 The Department held a coordination call with Jason McClaughry, Geological Survey and Services  
37 Program Manager at DOGAMI on April 25, 2024, to discuss the NOI and DOGAMI review.  
38 DOGAMI followed up with written comments on May 7, 2024. DOGAMI comments identified  
39 the need for the applicant to include the following information in the Exhibit H of the ASC:

- 40 1) Site-specific landslide mapping should be performed and mitigated if necessary, prior  
41 to development.

---

<sup>6</sup> SRWAMD4Doc7-1 ASC Comments from SHPO 2009. Attached for reference to SHPO comments in Attachment 3. Prior SHPO Case number 09-1281.

- 1 2) Active faults and fault rupture should be evaluated on a site-specific basis and
- 2 mitigated if necessary, prior to development.
- 3 3) The site has extensive loess deposits. Loess is collapsible soil. The loess deposits on
- 4 the site should be evaluated using subsurface exploration and material testing to
- 5 determine collapse potential and site class. The findings should be used to determine if
- 6 mitigation is necessary prior to development.

7 DOGAMI also commented that there are no mapped landslides in SLIDO in this area because  
8 the area has not been mapped using lidar by DOGAMI yet. That does not mean it does not have  
9 landslides. If there are no existing maps, the consultants should perform their own mapping to  
10 confirm or not. DOGAMI also recommends that the applicant include a review that includes the  
11 latest geologic maps in this area for any new mapped faults and use the bare earth lidar data  
12 (not the highest hit) to map fault surface rupture.

13  
14 Oregon Department of Environmental Quality (DEQ)

15 The Department received written comments from Greg Svelund, Public Affairs Specialist with  
16 DEQ on May 7, 2024. DEQ comments focused on the requirements for a construction National  
17 Pollution Discharge Elimination System -1200-C permit and accompanying Erosion and  
18 Sediment Control Plan.

19  
20 Oregon Department of Fish and Wildlife (ODFW)

21 The Department held a coordination call with Andrew Myers, District Wildlife Biologist with  
22 ODFW on April 17, 2024, to discuss the NOI and ODFW review. ODFW followed up with written  
23 comments on April 22, 2024. ODFW recommends project consistency with the Oregon  
24 Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines that were  
25 established in conjunction with multiple state, federal and industry partners. ODFW comments  
26 specific to the proposed facility included recommendations and requests for the following in  
27 preparation of the ASC:

- 28 1) Avoidance of Category 1 habitat, if identified.
- 29 2) Category 2 Big Game Winter Range. No net loss, net benefit mitigation to offset
- 30 footprint of fenced facility.
- 31 3) Vegetation removal and ground nesting bird schedule for avoidance.
- 32 4) Preconstruction raptor nest surveys with 2-mile buffer of facility.
- 33 5) Requests acoustic bat surveys be conducted before and after construction.
- 34 6) Post construction fatality monitoring recommendations.

35  
36 ODFW requests that the placement of project infrastructure, including buildings and  
37 roads be sited within the project boundary in a manner to reduce the potential for disturbing  
38 wildlife outside of the project boundaries both during construction and in the operational  
39 phase. ODFW requests that the applicant limit construction activities outside of the project  
40 footprint during the winter period, December 1- April 1, to reduce disturbance to wintering  
41 wildlife. ODFW requests that presence surveys be conducted before and after construction for  
42 bats using acoustic survey methodology. Several species of bats (hoary bat, California myotis,  
43 little brown bat, canyon bat, and Yuma myotis) are known to occur near the proposed project.

1 **I.D.4 Tribal Government Comments on NOI**

2 On March 14, 2024, the Department sent letters via email to tribal Chairs and tribal Cultural and  
3 Natural Resources staff informing them of the NOI and requesting review and tribal comments.  
4 These letters included information about the proposed facility and an offer to schedule  
5 meetings or calls, if requested, to discuss the project and the EFSC review process to the  
6 following tribes, as identified by the Legislative Committee on Indian Services: Confederated  
7 Tribes of the Umatilla Indian Reservation (CTUIR), Confederated Tribes of the Warm Springs  
8 Reservation of Oregon (CTWSRO), The Burns Paiute Tribe, The Confederated Tribes of Siletz  
9 Indians (CTSI) and the Confederated Tribes of the Grand Ronde. No responses or comments  
10 were received from any of the five tribes on the NOI and the Department’s request for tribal  
11 comments.  
12

13 **II. EFSC REGULATORY FRAMEWORK**

14  
15 Under ORS 469.300(11)(a)(J) a wind generating facility with an average electric generating  
16 capacity of 50 MW, which equates to 150 MW nameplate capacity, or more is subject to the  
17 jurisdiction of the Council. Under ORS 469.320, no facility may be constructed or operated in  
18 Oregon without a Site Certificate from the Council. Issuance of a site certificate is governed by  
19 ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 and OAR chapter 345.  
20

21 The following divisions of OAR chapter 345 include rules related to ASC requirements, EFSC  
22 review of an ASC, and construction and operation of an approved facility:  
23

24 **OAR Chapter 345, Division 21** (Site Certificate Application Requirements) includes the primary  
25 ASC requirements. See Section III of this Project Order for specific information related to ASC  
26 requirements for the proposed facility.  
27

28 **OAR Chapter 345, Division 22** (Council Standards for Siting Facilities) establishes the General  
29 Standards which apply to all proposed energy facilities. The Applicant must ensure that  
30 information provided to satisfy the ASC requirements in Division 21 demonstrates compliance  
31 with the associated standard in Division 22.  
32

33 **OAR Chapter 345, Division 24** (Specific Standards for Siting Facilities) includes additional  
34 standards for specific categories of energy facilities. The Applicant must ensure that the  
35 information provided to satisfy the application requirements in Division 21 demonstrates  
36 compliance with any associated Division 24 standards that are applicable to the proposed  
37 facility. The Division 24 standards that applies to the proposed facility are OAR 345-024-0020  
38 Public Health and Safety for Wind Energy Facilities, OAR 345-024-0014 Cumulative Effects  
39 Standard for Wind Energy Facilities, and OAR 345-024-0090, Siting Standards for Transmission  
40 Lines.  
41

42 **OAR Chapter 345, Division 25** (Site Certificate Conditions) includes site certificate conditions  
43 that EFSC must include in all site certificates, as well as applicable site-specific and monitoring  
44 conditions. As provided in OAR 345-025-0006(10), the Council will include all representations

1 made in the ASC and supporting record that are necessary to either comply with and/or  
2 adequately mitigate a potentially significant impact to a resource protected by a Council  
3 standard as conditions of approval if the application is approved.  
4

5 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes the  
6 compliance plan requirements that will apply if the Council issues a site certificate for the  
7 proposed facility. In addressing the Division 21 application requirements, the applicant shall  
8 refer to the compliance plan requirements, described in OAR 345-026-0048, and reporting  
9 requirements, described in OAR 345-026-0080. Note that, if a site certificate is issued, the  
10 certificate holder must also comply with additional construction- and operation-related  
11 regulations that may apply to the proposed facility but that may not be covered by the site  
12 certificate, per ORS 469.401(4).  
13

### 14 **III. APPLICATION REQUIREMENTS**

15

16 The Applicant must include all information required under OAR 345-021-0010, including all  
17 information that would otherwise be required by any state agency or local government to issue  
18 a permit, license, or certificate that the Applicant proposes to be included in and governed by  
19 the site certificate.<sup>7</sup> The Applicant must also submit copies of the applications for federally  
20 delegated permits that are needed for construction or operation of the proposed facility.<sup>8</sup>  
21

22 OAR 345-021-0010(1) identifies the exhibits that must be included in the ASC. The specific  
23 subsections and paragraphs of OAR 345-021-0010(1) that apply to the proposed facility are  
24 indicated in the sections below. Each exhibit must include a table of contents.<sup>9</sup>  
25

#### 26 **III.A. Exhibit A – General Information about the Applicant and Participating Persons**

27

28 **Applicable Paragraphs:** OAR 345-021-0010(1)(a)(A), (B), (D) and (H)

29 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

30 **Discussion:** Under OAR 345-021-0010(1)(a)(A), Exhibit A must identify the legal name and  
31 address of the Applicant and any co-owners of the proposed facility. The ASC must provide the  
32 name, mailing address, email address and telephone number of at least one contact person for  
33 the Applicant, and if there is a contact person other than the Applicant, the name, title, mailing  
34 address, email address and telephone number of that person.  
35

36 Summit Ridge Wind, LLC is a wholly-owned subsidiary of Aypa Power, LLC, a portfolio company  
37 owned by Blackstone Energy Partners. Exhibit A must disclose any changes to the ownership or  
38 management of Summit Ridge Wind, LLC and/or Aypa Power, LLC.  
39

---

<sup>7</sup> OAR 345-021-0000(5)

<sup>8</sup> OAR 345-021-0000(6)

<sup>9</sup> OAR 345-021-0010(3)

1 As described above, the NOI identifies Summit Ridge Wind, LLC as the Applicant and Aypa  
2 Power as the Parent Company. The Applicant must notify the Department of any change in the  
3 legal name or business entity status of Summit Ridge Wind, LLC or Aypa Power, LLC. The  
4 Department may request that Exhibit A be amended or may accept an alternate form of  
5 documentation to document the change on the record of the ASC.

6  
7 Under OAR 345-021-0010(1)(a)(B), Exhibit A must identify any participating entities other than  
8 the Applicant, including but not limited to, the parent company of the Applicant and any  
9 persons upon whom the Applicant will rely for third-party permits or approvals related to the  
10 facility, and, if known, other persons upon whom the Applicant will rely in meeting any facility  
11 standard adopted by the Council.

12  
13 Under OAR 345-021-0010(1)(a)(D), Exhibit A must identify the legal name and business address  
14 of each of the Applicant’s full or partial owners. The NOI identifies Aypa Power, LLC as the  
15 Parent Company for the Applicant, Summit Ridge Wind, LLC. Exhibit A must either verify that  
16 Aypa Power, LLC continues to be the Sole Member of Summit Ridge Wind, LLC or provide an  
17 updated list identifying all LLC members.

18  
19 The Applicant must notify the Department of any change in the identity or ownership of the  
20 Applicant prior to the change.<sup>10</sup> This notification requirement continues to apply until the  
21 Council issues its Final Order on the ASC.

22  
23 Because the Applicant is a limited liability company, OAR 345-021-0010(1)(a)(H) applies. Under  
24 this paragraph, Exhibit A must include:

- 25 • The full name, official designation, mailing address, email address and telephone  
26 number of the officer responsible for submitting the application.
- 27 • The date and place of the LLC’s formation.
- 28 • A copy of the LLCs articles of organization and its authorization for submitting the  
29 application.
- 30 • Proof of registration to do business in Oregon.

31  
32 Summit Ridge Wind, LLC is not required to identify a resident attorney-in-fact because it is  
33 registered to do business in Oregon, however, it must still identify and maintain a registered  
34 agent that can accept legal service in this state.

### 35 36 III.B. Exhibit B – General Information about the Proposed Facility

37  
38 **Applicable Paragraphs:** OAR 345-021-0010(1)(b)(A)(i) through (v), (B), (C), (E) and (F).

39 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

40 **Discussion:** Exhibit B must provide information about the proposed facility, construction  
41 schedule and activities, operations and maintenance activities and inspections, and temporary

---

<sup>10</sup> Note that paragraph (B) calls for a list of “participating persons, other than individuals.” Please note the definition of “Person” in ORS 469.300(21).

1 disturbances of the site. Applicant must address all provisions applicable to transmission lines,  
 2 including the corridor assessment required under OAR 345-021-0010(1)(b)(E).

3  
 4 Under OAR 345-021-0010(1)(b)(A) through (C) and (E), Exhibit B must include a description of  
 5 the facility that includes, at a minimum:

- 6 • The nominal electric generating capacity and the average electrical generating capacity  
 7 of the proposed wind and solar photovoltaic power generating facility.
- 8 • A detailed description of all major components, structures and systems that will be part  
 9 of the proposed facility, including:
  - 10 ○ The capacity, dimensions, type, and configuration of equipment used to  
 11 generate, store, transmit, or transport electricity, and the dimensions and  
 12 configurations of any other related or supporting facilities, including but not  
 13 limited to roads, storage facilities, fences, or other structures.
- 14 • A site plan showing the general arrangement of buildings, equipment, and structures,  
 15 including any proposed temporary laydown or staging areas and any proposed  
 16 micro-siting corridors. Note that if the Applicant seeks flexibility to site proposed facility  
 17 components anywhere within the site boundary, or seeks approval of micro-siting areas,  
 18 the Applicant must evaluate impacts to resources within the entire site boundary or  
 19 micro-siting areas based on the maximum impact facility layout option within the site  
 20 boundary or micro-siting areas, if different.
- 21 • The capacity, dimensions, type, and configuration of related or supporting facilities,  
 22 including but not limited to the battery energy storage system, O&M building, collector  
 23 substation, transmission line, POI/interconnection facilities, met towers, access and  
 24 facility roads, and fences.
- 25 • Identification and description of any fuel and chemical storage facilities, including oil-  
 26 containing capacity and structures and systems for spill containment.
- 27 • Equipment and systems for fire prevention and control in any system components,  
 28 including water tanks, internal fire suppression systems, and access and egress points  
 29 for fire responders.

30  
 31 The description must be in both narrative and tabular format, like the example tables provided  
 32 in Tables 7 and 8 below.

33 **Table 7: Example Energy Facility Specifications and Details**

Component	PV Only	PV plus Storage (Dispersed)
3 MWac Block	160	
Modules	1,326,858	1,742,572
Module Rows (on trackers)	16,587 x 78 module rows	21,644 x 78 module rows
Posts	187,545	246,444
Inverters	160	
Transformers	160	

34

**Table 8: Example Related or Supporting Facilities Specifications and Details**

Component	PV plus Storage (Dispersed)
Direct current electrical system, above and belowground	Up to 2 million miles of cable; combiner boxes
34.5 kV ac electrical system	Inverters, step-up transformers and 160 home-run cables
Collector Substations, 1 acre each	4, with oil-containing step-up transformers; equipment height = 10'
115 kV generation-tie transmission line	2 miles, double circuit consisting of: <ul style="list-style-type: none"> <li>• 37 single steel monopole structures up to 6 feet in diameter, spaced approximately 300 feet apart, and approximately 70 feet in height.</li> <li>• Concrete foundations up to 20 feet deep, which may have directional anchoring system structures.</li> </ul>
115/500 kV step-up substation, 3 acres	1 substation consisting of: <ul style="list-style-type: none"> <li>• up to 2 115 to 500 kV transformers, each containing 50,000 gallons of transformer oil</li> <li>• one 115 kV input structure</li> <li>• two 115 kV circuit breakers</li> <li>• two 500 kV circuit breakers</li> <li>• 500 kV output structures</li> <li>• a control building for housing control and communication equipment.</li> <li>• 65–100-foot interconnection structures</li> </ul>
Operations and Maintenance Building, 0.5 acre	2 O&M buildings, 50 x 50 x 14', consisting of: <ul style="list-style-type: none"> <li>• warehouse-like storage area</li> <li>• human machine interface system</li> <li>• restrooms and employee work areas</li> <li>• an exempt groundwater well</li> <li>• septic system</li> </ul>
Perimeter Fence	Approx. 18 miles, chain link
Battery Storage Enclosures	134 steel framed structures: <ol style="list-style-type: none"> <li>i. approximately 50 feet wide, 67 feet long and up to 30 feet tall</li> </ol> Balance of Plant (BOP) consisting of: <ol style="list-style-type: none"> <li>ii. large polymer tanks on each side of the cell stack, pumps, piping (polyvinyl chloride), thermal controls, and power conversion hardware (single stage, bidirectional inverters).</li> <li>iii. Storage tanks with non-hazardous, water-based electrolyte/polymer.</li> <li>iv. Primary and secondary spill containment devices</li> </ol>



**Table 8: Example Related or Supporting Facilities Specifications and Details**

Component	PV plus Storage (Dispersed)
	<ul style="list-style-type: none"> <li>v. Thermal system control of a heating, ventilation, air conditioning (HVAC) air-to-air and glycol-to-air (non-toxic) heat exchanger</li> </ul>
Batteries	<ul style="list-style-type: none"> <li>vi. outdoor rated</li> <li>vii. negatively grounded, ground fault detection and interruption capable of detecting ground faults in the dc current carrying conductors and components</li> <li>viii. intentionally grounded conductors, insulation monitoring,</li> <li>ix. dc and ac overvoltage protection and lightning protection,</li> <li>x. humidity control</li> <li>xi. data acquisition and communication monitoring interface.</li> </ul>
Inverters	160
Redox Electrolyte Fluid	14,000 gallons per MW
Supervisory Control and Data Acquisition System	Fiber optic cables installed above- and below ground with collection system
Perimeter roads	50 miles <ul style="list-style-type: none"> <li>• Built with materials designed to act as fire breaks, sized for emergency vehicle access in accordance with Oregon Fire Code.</li> <li>• Internal roads of 12 x 20' with at least a 30-foot noncombustible, defensible space clearance for fire prevention</li> </ul>

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The information in Exhibit B must be as complete and accurate as possible. If the ASC is approved, the information will form the basis for the description of the facility in the site certificate. As provided under OAR 345-025-0006(3)(a), the site certificate will contain conditions requiring the certificate holder to design, construct, operate and retire the facility substantially as described in the site certificate.

Under OAR 345-021-0010(1)(b)(F), Exhibit B must include a construction schedule including a description of all primary construction activities that will be performed at the site and the estimated timing of those activities. "Construction activities" include all work performed at the site, excluding surveying, exploration, or other activities to define or characterize the site. The construction schedule must be provided in sufficient detail to ensure construction activities will be completed within any required work-windows required to avoid or minimize impacts on sensitive resources.

1 The construction schedule must specify the date by which the Applicant proposes to begin  
2 construction of the facility and the date by which the Applicant proposes to complete  
3 construction activities. If the Applicant proposes to construct the facility in phases, the  
4 construction schedule must describe the timing of construction activities for each phase.

5  
6 Exhibit B must also describe routine operations and maintenance activities, including tasks and  
7 actions associated with panel or part replacement.

### 8 9 III.C. Exhibit C – Location

10  
11 **Applicable Paragraphs:** All paragraphs apply.

12 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

13 **Discussion:** Exhibit C must include information about the proposed facility site.

14 Under OAR 345-021-0010(1)(c)(A), Exhibit C must include maps showing the proposed locations  
15 of the energy facility site, all related or supporting facility sites, and all areas that might be  
16 temporarily disturbed during construction of the facility in relation to major roads, water  
17 bodies, cities and towns, important landmarks and topographic features.

18  
19 Maps included in the ASC must provide enough information for property owners potentially  
20 affected by the proposed facility to determine whether their property is within or adjacent to  
21 property on which the site boundary is located. Major roads must be accurately named. Maps  
22 included in the ASC must use a scale of 1 inch = 2000 feet, or smaller when necessary to show  
23 detail.

24  
25 The maps must identify all proposed transmission line routes and corridors for which the  
26 Applicant seeks Council approval.

27  
28 If the Applicant seeks flexibility to site facility components anywhere within the site boundary  
29 or an established micrositing area, please identify in maps and include an evaluation to support  
30 the facility “micrositing area,” to be consistent with the intent of a “micrositing corridor” (OAR  
31 345-001-0010(32)).

32  
33 Under OAR 345-021-0010(1)(c)(B), Exhibit C must also include a narrative description of the  
34 proposed energy facility site, the proposed site of each related or supporting facility and areas  
35 of temporary disturbance, including the total land area (in acres) within the proposed site  
36 boundary, the total area of permanent disturbance, and the total area of temporary  
37 disturbance.

### 38 39 III.D. Exhibit D – Organizational Expertise

40  
41 **Applicable Paragraphs:** All paragraphs apply.

42 **Related Council and Other Standards:** Organizational Expertise [OAR 345-022-0010]

43 **Discussion:** Exhibit D must include information about the organizational expertise of the

1 Applicant to construct and operate the proposed facility, providing evidence to support a  
2 finding that the Applicant has the ability to construct, operate, and retire the proposed facility  
3 in compliance with Council standards and conditions of the site certificate; and, in a manner  
4 that protects public health and safety. If the Applicant will rely on the organizational expertise  
5 or financial capability of its parent company to construct and operate the proposed facility, the  
6 Parent Company must guarantee performance of the Applicant's obligations under the site  
7 certificate and must indemnify the Council against costs and expenses it may incur because of  
8 the enforcement of the Site Certificate. The Applicant must coordinate with the Department to  
9 obtain the appropriate form and content of this guarantee. The Applicant may rely on its parent  
10 company to fulfill the requirements of OAR 345-021-0010(1)(d)(A) through (D), and (G), as  
11 further explained below.

12  
13 Under OAR 345-021-0010(1)(d)(A), Exhibit D must describe the Applicant's previous experience,  
14 if any, in constructing and operating facilities like the proposed facility. The description must  
15 include, at a minimum, the size, location, and date of commercial operation for any facilities  
16 upon which the Applicant wishes to rely as evidence of organizational expertise. The  
17 description should also provide an analysis of similarities and differences between the sites of  
18 the facilities on which the Applicant is relying to demonstrate organizational expertise and the  
19 proposed facility site, including engineering and environmental constraints at each.

20  
21 Under OAR 345-021-0010(1)(d)(B) and (C), Exhibit D must describe the qualifications of the  
22 Applicant's personnel who will be responsible for constructing and operating the facility, and  
23 the qualifications of any architect, engineer, major component vendor, or prime contractor  
24 upon whom the Applicant will rely in constructing and operating the facility, to the extent that  
25 the identities of such persons are known when the application is submitted.

26  
27 Under OAR 345-021-0010(1)(d)(D), Exhibit D must describe the compliance history of the  
28 Applicant, its co-owners and their subsidiaries, and other participating entities, including  
29 disclosure of any regulatory citations in any jurisdiction received by the Applicant (parent or any  
30 other party on which the Applicant is relying to demonstrate organizational expertise) in the  
31 past 10 years in constructing or operating a facility similar to the proposed facility and a  
32 description of the status or resolution of those citations.

33  
34 Under OAR 345-021-0010(1)(d)(G), Exhibit D must include evidence that the Applicant can  
35 successfully complete any mitigation proposed to demonstrate compliance with any applicable  
36 Council standards, including reports documenting experience with other projects and the  
37 qualifications, experience, and contact information of personnel upon whom the Applicant will  
38 rely, to the extent that the identities of such persons are known at the date of submittal. The  
39 Applicant must provide evidence that past mitigation projects were completed successfully,  
40 such as final reports submitted to the permitting agency.

41  
42 III.E. Exhibit E – Permits

43  
44 **Applicable Paragraphs:** All paragraphs apply.

1 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

2 **Discussion:** Under OAR 345-021-0010(1)(e)(A) and (B), Exhibit E must identify all federal, state,  
3 and local government permits related to the siting of the proposed facility. ORS 469.310  
4 establishes the Council’s comprehensive licensing authority, which is referred to as a “one-  
5 stop” consolidated permitting process. Permits related to the siting of the proposed facility  
6 should be included in and governed by the site certificate to consolidate permitting processes,  
7 consistent with ORS 469.310; however, it is the Applicant that must identify whether permits  
8 should be governed by the site certificate. For each permit, Exhibit E must include:

- 9 • A description of the permit and the reasons the permit is needed.
- 10 • A legal citation of the statute, rule or ordinance governing the permit.
- 11 • The name, mailing address, email address and telephone number of the agency or office  
12 responsible for the permit.
- 13 • The Applicant’s analysis of whether the permit should be included in and governed by  
14 the site certificate.

15  
16 Under OAR 345-021-0010(1)(e)(C) for any state or local government agency permits, licenses or  
17 certificates that are proposed to be included in and governed by the site certificate, Exhibit E  
18 must also provide evidence to support findings by the Council that construction and operation  
19 of the proposed facility will comply with the statutes, rules, and standards applicable to the  
20 permit. Information about removal-fill permits must be provided in Exhibits J and information  
21 about any necessary water rights or permits in Exhibit O.

22  
23 Under OAR 345-021-0010(1)(e)(E), if the Applicant will rely on a contractor or third party to  
24 obtain a required state or local permit, license or certificate that would otherwise be governed  
25 by the site certificate, Exhibit E must also include evidence that the Applicant has, or has a  
26 reasonable likelihood of entering into, a contract or other agreement with the third party for  
27 access to the resource or service to be secured by that permit and evidence that the third party  
28 has, or has a reasonable likelihood of obtaining, the necessary permit.

29  
30 Although the Council does not have jurisdiction over federally delegated permits, the Council  
31 may rely on the determinations of compliance and the conditions in federally delegated permits  
32 in evaluating the application for compliance with Council standards. Under OAR 345-021-  
33 0010(1)(e)(D), Exhibit E must include evidence that the responsible agency for any federally  
34 delegated permitted program has received a permit application. The Applicant must provide  
35 the estimated date when the responsible agency will complete its review and issue a permit  
36 decision. If the Applicant relies on a contractor or third party to obtain a required state or local  
37 permit, license or certificate that will be governed by the site certificate, Exhibit E must also  
38 include the information required by OAR 345-021-0010(1)(e)(F).

39  
40 Table 9 lists permits the Applicant has identified, and the Department has confirmed, may be  
41 required for the proposed facility. Additional information is provided in the discussion that  
42 follows.

**Table 9: Potentially Required Permits**

Permitting Authority	Permit	EFSC Jurisdiction
<b>Federal and Federally Delegated Permits</b>		
U.S. Army Corps of Engineers	Clean Water Act Section 401, 404 Permit	Not Jurisdictional, but information required for completeness <sup>1</sup>
Federal Aviation Administration	Notice of Proposed Construction or Alteration (Form 7460-1)	Not Jurisdictional
	Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	Not Jurisdictional
Bonneville Power Administration	Interconnection Agreement National Environmental Policy Act (NEPA) Record of Decision (ROD) or Finding of No Significant Impact (FONSI)	Not Jurisdictional
Oregon Department of Environmental Quality	Clean Water Act NPDES Construction Stormwater 1200-A Permit	Not Jurisdictional, but information required for completeness <sup>1</sup>
	Clean Water Act NPDES Construction Stormwater 1200-C Permit	Not Jurisdictional, but information required for completeness <sup>1</sup>
	Basic Air Contaminant Discharge Permit	Not Jurisdictional, but information required for completeness <sup>1</sup>
<b>State (Oregon Only)</b>		
Oregon Department of State Lands	Removal-Fill Permit & Wetland Delineation Concurrence	Jurisdictional if proposed by Applicant
Oregon Department of Environmental Quality	Water Pollution Control Facilities Permit 1000, Gravel mining and Batch Plant	Not Jurisdictional
	Water Pollution Control Facilities Permit 1700-B	Not Jurisdictional
Oregon Department of Transportation	Oversize Load Movement Permit	Not Jurisdictional
	Access Management Permit	Not Jurisdictional
	Utility Encroachment Permit	Not Jurisdictional
Oregon Water Resources Department	Water Right Permit or Limited Water Use License	Jurisdictional if proposed by Applicant
State Historic Preservation Office	Oregon Archeological Excavation Permit	Jurisdictional if proposed by Applicant
Oregon Department of Aviation	Notice of Proposed Construction or Alteration (Form 7460-1)	Jurisdictional
<b>Local (Oregon)</b>		
Wasco County	Conditional Use Permit	Jurisdictional
	Zoning Permit	Jurisdictional

**Table 9: Potentially Required Permits**

Permitting Authority	Permit	EFSC Jurisdiction
	Building Permit	Not Jurisdictional
	Utility Permit	Not Jurisdictional
	Road Approach Permit/Road Use Agreement	Not Jurisdictional

Notes:  
<sup>1</sup> Under OAR 345-021-0010(1)(e) the application must identify all federal, state and local government permits related to the siting of the proposed facility. For federally delegated permits, the application must include evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision. The department requests this evidence be provided for all federal permits.  
<sup>2</sup> Under ORS 469.401(4), matters including but not limited to employee health and safety, building code compliance, wage and hour or other labor regulations, local government fees and charges or other design or operational issues that do not relate to siting the facility are not included in or governed by the site certificate.

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III.E.1.1 U.S. Army Corps of Engineers

*Section 404, 401 Permit: (Not Jurisdictional, but information required for completeness)*

**Statute and Rule References:** Clean Water Act, Section 404; Section 401; 33 CFR 1344.

**Discussion:** Section 404 of the Clean Water Act requires authorization from the Secretary of the Army, acting through the Corps of Engineers (Corps), for the discharge of dredged or fill material into all waters of the United States, including wetlands. Note that a Section 401 Water Quality Certification from the State of Oregon is generally required before a Section 404 permit may be granted. The Section 404 permit and the 401 Water Quality Certification are separate from the Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit Application that satisfies the information requirements for all three. The Applicant must provide a letter or other indication from the Corps stating that it has received a Joint Permit Application for the project, identifying any additional information it is likely to need from the Applicant based on the agency’s review of the application, and providing an estimated date for when it will complete its review and issue a permit decision.

III.E.1.2 Federal Aviation Administration

*Notice of Proposed Construction or Alteration (Form 7460-1); Supplemental Notice of Actual Construction or Alteration (Form 7460-2): (Not Jurisdictional)*

**Statute and Rule References:** Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77

**Discussion:** Any structures exceeding 200 feet in height are subject to compliance with Federal Aviation Administration (FAA) Part 77.9. Submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within five days after construction reaches its greatest height as specified in the No Hazard Determination. No permit is issued by the FAA. Therefore, this permit should not be included in or governed by the site certificate.

1 III.E.1.3 Bonneville Power Administration – Interconnection Agreement  
2 *NEPA Record of Decision or Finding of No Significant Impact: (Not Jurisdictional)*

3 **Statute and Rule Reference:** National Environmental Policy Act, Section 102  
4 (42 USC § 4332); 40 CFR 1500

5 **Discussion:** Interconnection to BPA’s transmission system is subject to review under  
6 NEPA. BPA will lead this process as a separate action from the site certificate process. This  
7 agreement is between the applicant and BPA is not included in or governed by the site  
8 certificate.  
9

10 III.E.1.4 Oregon Department of Environmental Quality

11  
12 *National Pollution Discharge Elimination System (NPDES) Construction Stormwater 1200-C*  
13 *permit: (Federally delegated. Not Jurisdictional, but information required for completeness)*

14  
15 *NPDES Stormwater and Mine Dewatering Discharge 1200-A permit: (Federally delegated. Not*  
16 *Jurisdictional, but information required for completeness)*

17  
18 **Statute and Rule References:** ORS Chapter 468B; OAR Chapter 340, Division 45 and 48

19 **Discussion:** The EPA has delegated authority to DEQ to issue NPDES Stormwater Discharge  
20 permits 1200-C and 1200-A for construction and operation activities. Based upon the  
21 information in the NOI, an NPDES 1200-C permit will be required for facility construction.  
22 Because the Applicant has identified a potential concrete batch plant during facility  
23 construction, a 1200-A permit is also required.  
24

25 In accordance with OAR 345-021-0000(6), the Applicant must submit to the Department one  
26 copy of all applications for federally delegated permits (including the NPDES permit) or provide  
27 a schedule of the date by which the Applicant intends to submit the application. Unless this  
28 permit will be obtained by a third-party (see Section III.E.4), the Department will not be able to  
29 find the application for site certificate complete before receiving a copy of the NPDES permit  
30 application and a letter or other indication from DEQ. The DEQ response must state that the  
31 agency has received a permit application from the Applicant and provide an estimated date  
32 when the agency will complete its review and issue a permit decision. The Applicant may  
33 incorporate this information into Exhibit I (Soils) or Exhibit BB (Other Information) of the ASC.  
34

35 Disposal of concrete batch plant wash water would require either an NPDES 1200-A permit or a  
36 WPCF General Permit 1000. If the batch plant was to discharge stormwater from a point source  
37 to surface water or to a conveyance system that discharges to surface water, the plant would  
38 require an NPDES 1200-A permit. The requirements of OAR 345-021-0000(6) (described in the  
39 preceding paragraph) would apply to the NPDES 1200-A permit. If the Applicant’s third-party  
40 contractor would instead obtain the NPDES 1200-A permit, the requirements described in the  
41 Third-Party Permits section below would apply. Alternatively, if the batch plant would be  
42 located within a construction staging yard for which the Applicant would seek coverage under  
43 an NPDES 1200-C permit described above, the Applicant may seek coverage for the batch plant  
44 under the same NPDES 1200-C permit.

1  
2 If the batch plant would not discharge to surface waters, a WPCF-1000 General Permit would  
3 instead be required to dispose of process wastewater and stormwater by recirculation,  
4 evaporation, and/or controlled seepage (see the State Permits discussion below).

5  
6 *Basic Air Contaminant Discharge Permit (ACDP): (Federally delegated. Not EFSC-jurisdictional,*  
7 *but information required for completeness)*

8  
9 **Statute and Rule References:** OAR Chapter 340, Division 216

10 **Discussion:** The United States Environmental Protection Agency (EPA) has delegated authority  
11 to the Oregon Department of Environmental Quality (DEQ) to administer air quality under the  
12 Clean Air Act. A Basic ACDP authorizes operation of a concrete manufacturing plant that  
13 produces more than 5,000 but less than 25,000 cubic yards per year output. ACDPs for mobile,  
14 temporary concrete batch plants are associated with the equipment itself. The requirements of  
15 OAR 345-021-0000(6) would apply to this federally delegated permit. If the Applicant’s third-  
16 party contractor would instead obtain the ACDP, the requirements described in the Third-Party  
17 Permits section below would apply.

## 18 19 **III.E.2 State Permits**

### 20 21 **III.E.2.1 Oregon Department of State Lands**

22  
23 *Wetland Delineation and Removal Fill Permit: (EFSC-jurisdictional)*

24  
25 **Statute and Rule References:** ORS 196.795-990; OAR Chapter 141, Division 85, 90

26 **Discussion:** A removal-fill permit is required if any removal or fill activities occur in streams  
27 designated as Essential Indigenous Anadromous Salmonid Habitat or 50 cubic yards or more of  
28 material is removed, filled, or altered within a jurisdictional water of the state [OAR 141-085-  
29 0520(2) and (5)].

30  
31 The Applicant must conduct a wetland delineation, to be sent to Department of State Lands  
32 (DSL) for concurrence, according to OAR chapter 141, division 90. The wetland delineation  
33 determines the location of “waters of this state,” as defined in OAR 141-085-0510(91), within  
34 the analysis area. A detailed discussion of the requirements for the wetland delineation report  
35 are included Section III.J and the comments provided by DSL in Attachment 3: Reviewing  
36 Agency Comments on NOI.

37  
38 Depending upon facility impacts to “waters of this state” a removal-fill permit may be  
39 necessary, and the application for site certificate must include information establishing whether  
40 a removal-fill permit is required. The information in the NOI indicates that a removal-fill permit  
41 is not likely to be required. If a removal-fill permit is required, the ASC must include a concurred  
42 delineation from DSL and a complete application for an individual permit which demonstrates



1 consistency with ORS 196.825(1) and provides enough information for determinations and  
2 considerations under ORS 196.825(3) and OAR 141-085-0565.

3  
4 A Compensatory Wetland Mitigation Plan which meets the requirements of OAR 141-085-0680  
5 through OAR 141-085-0715 must be provided to replace all lost functions and values previously  
6 provided by the impacted wetlands and waterways.

7  
8 III.E.2.2 Oregon Department of Environmental Quality

9  
10 *Water Pollution Control Facilities (WPCF) 1000 General Permit, Gravel mining and Batch Plant:*  
11 *(EFSC-jurisdictional unless obtained by third-party; see Third-Party Permits discussion)*  
12 *WPCF General Permit 1700-B: (EFSC-jurisdictional)*

13  
14 **Statute and Rule References:** ORS Chapter 468B; OAR Chapter 340, Division 45

15 **Discussion:** The NOI identifies a 2.0 acre temporary concrete batch plant will be used during  
16 construction. If a temporary batch plant is necessary, disposal of concrete batch plant wash  
17 water would require either a Water Pollution Control Facilities (WPCF) 1000 General Permit or a  
18 NPDES permit. Concrete batch plants that dispose of process wastewater and stormwater by  
19 recirculation, evaporation, and/or controlled seepage with no discharge to surface waters  
20 require a WPCF-1000 General Permit. A WPCF-1000 General Permit is a state permit under  
21 Council jurisdiction. If the Applicant's third-party contractor would obtain the necessary WPCF-  
22 1000 General Permit directly from DEQ, this permit would be related to the siting and operation  
23 of the proposed facility but would not be included in and governed by the site certificate (see  
24 the Third-Party Permits discussion below). If the batch plant was to instead discharge  
25 stormwater from a point source to surface water or to a conveyance system that discharges to  
26 surface water, the plant would require an NPDES 1200-A permit or coverage under the NPDES  
27 1200-C permit for the construction yard in which it would be located (as discussed under the  
28 federally delegated permits discussion of this Project Order).

29  
30 Disposal of solar panel wash water would require a WPCF 1700-B permit. The NOI indicates that  
31 either the Applicant or a third-party contractor who will conduct the solar panel washing  
32 activities may seek coverage under the WPCF-1700-B permit from ODEQ following completion  
33 of construction and before initiating any washing activities. DEQ has indicated to the  
34 Department that a WPCF General Permit 1700-B is not required for solar array washing  
35 activities that would not result in discharge to surface waters, storm sewers, or dry wells, and  
36 that would not use acids, bases, metal brighteners, steam, or heated water. The use of  
37 biodegradable, phosphate-free cleaners with cold water is allowed. However, cleaning only  
38 with cold water is recommended. Chemicals, soaps, or detergents must be used sparingly. The  
39 Applicant or its third-party contractor should seek guidance from DEQ prior to conducting solar  
40 module washing activities. A WPCF 1700-B and WPCF-1000 General Permit are state permits  
41 under Council jurisdiction. If the Applicant's third-party contractor would obtain the necessary  
42 WPCF 1700-B permit directly from DEQ, this permit would not be included in and governed by  
43 the site certificate (see the Third-Party Permits discussion below).

1 III.E.2.3 Oregon Water Resources Department

2  
3 *Water Right Permit or Water Use Authorization: (EFSC-jurisdictional)*

4  
5 **Statute and Rule References:** ORS chapter 537; OAR chapter 690 division 310, 340, and 410

6 **Discussion:** As represented in NOI Exhibit K, the Applicant proposes to obtain water from  
7 existing municipal water sources with valid water rights and truck it to the site. In the NOI, the  
8 Applicant states that no groundwater permit, surface water permit, or water right transfer is  
9 anticipated for the proposed facility because water would be procured from municipal sources,  
10 as near to the construction site as reasonably possible. Water right permits, limited water use  
11 licenses, and other water authorizations for energy facilities are subject to review and  
12 authorization by the Council, and any permit would be included in and governed by the site  
13 certificate.

14  
15 III.E.2.4 State Historic Preservation Office

16  
17 *Archaeological Excavation Permit: (Not EFSC-jurisdictional, unless proposed by the Applicant)*

18  
19 **Statute and Rule References:** ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51

20 **Discussion:** Per ORS 390.235 and 358.920 a person may not excavate, injure, destroy, or alter  
21 an archaeological site or object or remove an archaeological object located on public or private  
22 lands in Oregon unless that activity is authorized by an Archaeological Permit issued by the  
23 State Historic Preservation Office (SHPO). The Applicant has not proposed to have this permit  
24 be included and governed by the site certificate, and as such the Applicant will be required to  
25 obtain this permit from the State Historic Preservation Office prior to ground disturbing  
26 activities at the site. The Applicant must provide a letter or other indication from SHPO stating  
27 that it has received an application for an excavation permit for the project, identifying any  
28 additional information it is likely to need from the Applicant based on the agency's review of  
29 the application, and providing an estimated date for when it will complete its review and issue  
30 a permit decision. The Applicant must attach a copy of any archaeological report and  
31 inadvertent discovery plan prepared in support of the application to Exhibit S.

32  
33 ***Oregon Department of Aviation – Form 7460-1 Notice of Proposed Construction or Alteration***

34 **Statute and Rule References:** ORS 836.530 and OAR 738-070-0060 – 0100.

35 **EFSC Jurisdiction:** Jurisdictional.

36 **Discussion:** OAR 738-070-0100 establishes standards and notification requirements for objects  
37 affecting navigable airspace. Any structures exceeding 200 feet in height are subject to  
38 compliance with Federal Aviation Administration (FAA) Part 77.9. Applicant shall provide  
39 preliminary location data for facility components as indicated on FAA Form 7460-1 to aid in  
40 ODAV's determination of potential impacts to air navigation. This review and determination will  
41 be incorporated and governed by the site certificate.

1 **III.E.3 Local Permits**

2

3 III.E.3.1 Wasco County

4

5 *Conditional Use Permit (EFSC-jurisdictional)*

6 *Zoning Permit (EFSC-jurisdictional)*

7

8 **Statute and Rule References:** ORS Chapter 469.504; Wasco County Land Use and Development  
9 Ordinance

10 **Discussion:** At the time of the NOI, Wasco County has permitting requirements that relate to  
11 the siting, construction, or operation of the proposed facility: Conditional Use Permit and  
12 Zoning Permit. The Applicant is required to provide updated permit information, as applicable,  
13 at the time the ASC is submitted.

14

15 As stated in the NOI, the Applicant requests that the Council determine compliance with the  
16 statewide planning goals under ORS 469.504(1)(b). Accordingly, the conditional use and zoning  
17 permits would be included in and governed by the site certificate.

18

19 The other listed Wasco County permitting requirements include the Wasco County Building  
20 Permit, Utility Permit, and Road Approach Permit/Road Use Agreement. These are not related  
21 to the EFSC facility siting process and as such would not be included in or governed by the site  
22 certificate. Building permits are specifically excluded from EFSC jurisdiction by statute, ORS  
23 469.401(4).

24

25 **III.E.4 Third-Party Permits**

26

27 **Discussion:** As noted in the NOI, the Applicant may rely upon third-party permits for access to  
28 resources necessary for facility construction and operation. If the Applicant relies upon a state  
29 or local government permit issued to a third party that is related to the siting of the proposed  
30 facility, the Applicant must identify each third-party permit, and, for each, include evidence that  
31 the Applicant has, or has a reasonable likelihood of entering into, a contract or other  
32 agreement with the third party for access to the resource or service to be secured by that  
33 permit; evidence that the third party has or, has a reasonable likelihood of obtaining, the  
34 necessary permit; and, an assessment of the impact of the proposed facility on any permits that  
35 a third party has obtained and on which the Applicant relies to comply with any applicable  
36 Council standard (OAR 345-021-0010(1)(e)(E)).

37

38 If the Applicant relies on a federally delegated permit issued to a third party that is related to  
39 the siting of the proposed facility, the Applicant must identify the third-party permit and  
40 include evidence that the Applicant has, or has a reasonable likelihood of entering into, a  
41 contract or other agreement with the third party for access to the resource or service to be  
42 secured by that permit. The Applicant must provide evidence that the responsible agency has

1 received the permit application and provide the estimated date when the responsible agency  
2 will complete its review and issue a permit decision (OAR 345-021-0010(1)(e)(F)).

3  
4 In accordance with OAR 345-022-0010(4), if the Applicant relies on a permit or approval issued  
5 to a third party and the third party does not have the necessary permit or approval at the time  
6 the Council issues the site certificate, the Council may issue the site certificate subject to the  
7 condition that the certificate holder shall not commence construction or operation as  
8 appropriate until the third party has obtained the necessary permit or approval, and the  
9 Applicant has a contract or other arrangement for access to the resource or service secured by  
10 that permit or approval.

11  
12 **III.F. Exhibit F – Property Owners**

13  
14 **Applicable Paragraphs:** All paragraphs apply.

15 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

16 **Discussion:** Exhibit F must identify all tax lots or parcels located wholly or partially within the  
17 site boundary, and within the following distances of those tax lots or parcels:

- 18 • 500 feet, when the tax lot or parcel located within the site boundary is within a farm or  
19 forest zone.
- 20 • 250 feet, when the tax lot or parcel located within the site boundary is outside of an  
21 Urban Growth Boundary and not within a farm or forest zone.
- 22 • 100 feet, when the tax lot or parcel located within the site boundary is located wholly or  
23 partially within an Urban Growth Boundary.

24 The NOI states that the proposed facility is located in the Wasco County Exclusive Farm Use  
25 (EFU; A-1) zone.

26  
27 Tax lots must be identified in a consistent format that provides the Township, Range, Section  
28 and Tax lot number of each tax lot. If the local government uses a different tax lot identification  
29 system, please include the local tax lot identification number in a separate column.

30  
31 The preliminary ASC Exhibit F may omit mailing address information for the notification area  
32 described above because the Department is not required to issue a public notice reliant on the  
33 mailing address information until the ASC is deemed complete. pASC Exhibit F must, however,  
34 include a list of all tax lots within the notification area described above. The list must be  
35 accompanied by legible maps that clearly identify the site boundary, the notification buffer  
36 distances as described above, tax lot identification numbers as well as adjacent road names.  
37 Once the ASC is deemed complete by the Department, Exhibit F must include the mailing  
38 address information for the owner of record of each identified tax lot based on the tax  
39 assessment roll for the jurisdiction in which the tax lot is located. In addition to incorporating  
40 the list in the application, the Applicant must submit the list to the Department in Excel  
41 Workbook (.xlsx) or comma-separated values (.csv) format.

1 Following the submission of the complete application, the Applicant must submit an updated  
2 property owner list as requested by the Department to ensure that all public notices issued use  
3 the most recent tax assessment roll.

4

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O- Attn.	Address	City	State	Zip Code
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5

6 For record purposes, the Department requires the original information extracted from the tax  
7 assessment roll, including any duplicates.

8

9 Following the submission of the complete ASC, the Applicant must submit updated property  
10 owner lists and maps as requested by the Department to ensure that all public notices issued  
11 use the most recent tax assessment roll.

12

### 13 III.G. Exhibit G – Materials Analysis

14

15 **Applicable Paragraphs:** All paragraphs apply.

16 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; Soil  
17 Protection [OAR 345-022-0022]

18 **Discussion:** Exhibit G must include an inventory of substantial quantities of industrial materials  
19 flowing into and out of the proposed facility site during construction and operation of the  
20 proposed facility, including but not limited to, metals, oils and fuels. Quantities of waste  
21 materials must be inventoried, and methods of disposal should be described in Exhibits G and  
22 W. The Applicant must identify any hazardous materials that would be used or stored at the site  
23 and describe plans to manage those materials during construction and operation of the  
24 proposed facility, including measures to prevent and contain spills.

25

26 The Applicant must also describe plans to manage non-hazardous waste materials during  
27 construction and operation. Exhibit G must identify any proposed fuel storage areas, vehicle  
28 maintenance areas, or other areas that could be used to store hazardous materials.

29

### 30 III.H. Exhibit H – Geologic and Soil Stability

31

32 **Applicable Paragraphs:** All paragraphs apply.

33 **Related Council and Other Standards:** Structural Standard [OAR 345-022-0020]

34 **Discussion:** Exhibit H must include Information regarding the geological and soil stability within  
35 the analysis area. The contents of Exhibit H must be based on a consultation with the Oregon  
36 Department of Geology and Mineral Industries regarding the appropriate methodology and  
37 scope of the seismic hazards and geology and soil-related hazards assessments, the appropriate  
38 geotechnical work that must be performed at the site, and the guidelines for preparing the  
39 geologic report for the application required under OAR 345-021-0010(1)(h)(A). Under OAR 345-  
40 021-0010(1)(h)(B), Exhibit H must include a summary of this consultation.

1  
2 Under OAR 345-021-0010(1)(h)(A), (E), and (F), Exhibit H must include a geologic report meeting  
3 the Oregon State Board of Geologist Examiners current geologic report guidelines and an  
4 assessment of seismic hazards and appropriate mitigation consistent with the  
5 recommendations made by DOGAMI during the consultation and the requirements of the rule.  
6 The assessment must explain how the Applicant would design, engineer, construct and operate  
7 the facility to integrate disaster resilience design to ensure recovery of operations after major  
8 disasters and how future climate conditions, including changes in precipitation and stream flow,  
9 for the expected life span of the proposed facility would impact the proposed facility.

10  
11 Under OAR 345-021-0010(1)(h)(C) and (D), Exhibit H must provide a description and schedule of  
12 site-specific geotechnical work that would be performed before construction activities begin at  
13 the site, and a description of any locations where the Applicant proposes to perform site  
14 specific geotechnical work.

### 15 16 III.I. Exhibit I – Soils

17  
18 **Applicable Paragraphs:** All paragraphs apply.

19 **Related Council and Other Standards:** Soil Protection [OAR 345-022-0022]

20 **Discussion:** Exhibit I must include information from reasonably available sources regarding soil  
21 conditions and uses in the analysis area. Reasonably available sources include NRCS web-soil  
22 survey data, Wasco County Soil and Water Conservation District (SWCD) and adjacent  
23 landowners. Exhibit I shall include accurate references and hyperlinks to source data. Exhibit I  
24 must include the results of consultation with the County SWCD and adjacent landowners, as  
25 feasible, to inform existing agricultural practices, including harvest and rotation schedules,  
26 within and adjacent to the site boundary. This information shall be applied to the impact  
27 assessment, as discussed below.

28  
29 Under OAR 345-021-0010(1)(i)(C) through (E), Exhibit I must identify and assess potential  
30 adverse impacts of construction and operation of the proposed facility, including impacts such  
31 as erosion and soil compaction and include measures to minimize and prevent erosion and soil  
32 loss.

33  
34 Exhibit I must also include a soil reclamation plan that describes any measures the Applicant  
35 proposes to avoid or mitigate potential adverse impacts to soils during construction and  
36 operation of the proposed facility and any proposed monitoring program. Minimum measures  
37 shall include a phased grading plan, dust abatement plan, and coordinated construction and  
38 restoration schedule that aligns with participating landowner rotation schedules (for lands  
39 within the tracts associated with the facility) to minimize excessive bare ground impacts, when  
40 Applicant may be relying on landowners planting schedule for site stabilization. These measures  
41 can be incorporated into the Revegetation and Noxious Weed Control Plan or other similar plan  
42 that applies to ground-disturbing activities (to minimize the number of plans/conditions that  
43 apply).

1 For cultivated or arable lands, Exhibit I must contain sufficient evidence to demonstrate that  
2 temporary disturbances during construction or maintenance activities would not result in long-  
3 term losses of productivity. Any mitigation activities for permanent disturbance areas must also  
4 be described in Exhibit X and the soil reclamation plan. If the Applicant relies upon an erosion  
5 and sediment control plan to meet the Soil Protection Standard a draft of that plan must be  
6 included in the application.  
7

8 The Applicant can cross-reference any applicable information related to the federally delegated  
9 NPDES 1200-C permit application. Please note that an erosion and sediment control plan that  
10 meets the NPDES 1200-C requirements may not necessarily be sufficient to meet the EFSC Soil  
11 Protection standard. See Section III(e), Exhibit E – Permits, for additional discussion of federally-  
12 delegated permits.  
13

#### 14 III.J. Exhibit J – Waters of the State and Removal-Fill

15  
16 **Applicable Paragraphs:** All paragraphs apply.

17 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000];  
18 Removal of Material, Filling [ORS 196.795-.990]; Administrative Rules Governing the Issuance  
19 and Enforcement of Removal-Fill Authorizations Within Waters of Oregon Including Wetlands  
20 [OAR chapter 141, division 085]

21 **Discussion:** Exhibit J must include information based on literature and field study, as  
22 appropriate, about waters of this state, as defined under ORS 196.800, including, but not  
23 limited to all natural waterways, intermittent and perennial streams, lakes, and wetlands.  
24

25 Under OAR 345-021-0010(1)(j)(A), Exhibit J must include a description of all areas within the  
26 site boundary that might be waters of the state and maps showing the location of these  
27 features.  
28

29 A wetland delineation report that complies with OAR chapter 141, division 90 must be provided  
30 to the Department and DSL before the ASC will be determined to be complete. The wetland  
31 delineation must be conducted using the standard wetland delineation methodology as  
32 outlined in the 1987 Army Corps manual and relevant supplements. The Applicant must also  
33 provide GIS data including the study area boundary and the boundaries of all delineated  
34 wetlands and waters to both ODOE and DSL.  
35

36 Under OAR 345-021-0010(1)(j)(B), (C), and (F), Exhibit J must describe whether construction or  
37 operation of the proposed facility could result in potential adverse impacts to any waters of the  
38 state, assess the significance of those impacts, and describe proposed actions to avoid or  
39 mitigate adverse impacts and the Applicant’s proposed monitoring program, if any, for such  
40 impacts.  
41

42 If impacts to waters of the state cannot be avoided, Exhibit J must describe the amount and  
43 type of material that could be deposited or removed from any waters of the state, consistent

1 with the requirements of OAR 141-085-0525, and any other information needed to determine  
2 whether a removal-fill permit is required under OAR chapter 141, division 085.

3  
4 Under OAR 345-021-0010(1)(j)(D) and (E), Exhibit J must include an analysis of whether a  
5 removal-fill permit is required. If a removal-fill permit is necessary for the proposed facility,  
6 Exhibit J must include all information required for the Council to decide on the removal-fill  
7 permit application, including all information required under OAR chapter 141 division 85. This  
8 must include a completed and signed Joint Permit Application on the current form, including:

- 9 • A complete project description.
- 10 • An alternatives analysis including sites with lesser impacts to waters of this State and an  
11 analysis of alternative designs with lesser impacts to waters of this State.
- 12 • An explanation of how the proposed project minimizes adverse effects to waters of this  
13 State, including avoiding and minimizing activities outside of the ODFW-designated in-  
14 water-work window; avoiding and minimizing interference with fishing, navigation, and  
15 recreation; erosion control; avoiding and minimizing sediment suspension and  
16 dispersion; spill response measures; avoiding or minimizing impacts to shallow water  
17 habitats; avoiding and minimizing adverse effects to aquatic biota and habitats; avoiding  
18 or minimizing disturbance or destruction of native riparian vegetation;
- 19 • Figures depicting SWI wetlands and DSL compensatory mitigation sites.
- 20 • Functions and values assessments of permanently impacted sites, including SFAM for  
21 wadable streams, ORWAP for wetlands, and Best Professional Judgement for any other  
22 non-wadable streams.
- 23 • A rectification plan for restoring disturbed sites within 24-months of disturbance.
- 24 • A compensatory mitigation plan to mitigate for any unavoidable impacts to waters of  
25 this State; and
- 26 • A monitoring plan with performance standards for restoration of disturbed areas and  
27 performance of compensatory mitigation.

28  
29 If a removal-fill permit is necessary for the proposed facility, a draft removal-fill permit with  
30 draft conditions, must be submitted to the Department by DSL to be included as an attachment  
31 to the draft proposed order.

32  
33 Wetland delineation reports and removal-fill permit application materials can be sent directly  
34 by the Applicant to DSL; however, all materials as well as DSL's concurrence with the wetland  
35 delineation must also be submitted to the Department as part of Exhibit J. The Department will  
36 work closely with DSL in review of the removal-fill permit application, if applicable.

37  
38 When required for an energy facility, a removal-fill permit shall be included in and governed by  
39 the site certificate. The Department and DSL would maintain dual responsibility for compliance  
40 with any associated permit conditions. See Section III(e), Exhibit E – Permits, for additional  
41 discussion of state permits.



1 III.K. Exhibit K – Land Use

2

3 **Applicable Paragraphs:** (A) and (C).

4 **Related Council and Other Standards:** Land Use [OAR 345-022-0030]

5 **Discussion:** The Council’s Land Use standard requires an evaluation for compliance with the  
6 statewide planning goals. Under ORS 469.504(1), the Applicant may establish compliance with  
7 the applicable statewide planning goals either by obtaining local land use approval under ORS  
8 469.504(1)(a) or by obtaining Council approval under ORS 469.504(1)(b). The Applicant  
9 indicated in the NOI that it has elected to seek a Council determination of compliance under  
10 ORS 469.504(1)(b). Within Exhibit K, since the Applicant has elected to obtain a Council  
11 determination on land use under ORS 469.504(1)(b), paragraphs A and C of OAR 345-021-  
12 0010(1)(k) apply; paragraph B does not apply. The Department understands that the proposed  
13 facility is not located on federal land, so paragraph (D) does not apply.

14

15 Exhibit K must include information about the proposed facility’s compliance with the statewide  
16 planning goals adopted by the Land Conservation and Development Commission, providing  
17 evidence to support a finding by the Council as required by OAR 345-022-0030.

18

19 Under OAR 345-021-0010(1)(k)(A), Exhibit K must include a map showing the comprehensive  
20 plan designations and land use zones in the analysis area. Based on information provided in the  
21 NOI, the Department understands that the proposed facility site boundary is entirely within  
22 exclusive farm use (EFU) A-1 Zone in Wasco County.

23

24 The NOI states that based on a review of the County’s overlay zoning information, portions of  
25 the facility study area are also within the County’s Mineral and Aggregate (OZ-5), Sensitive  
26 Wildlife Habitat (EPD-8), and Military Airspace (OZ-15) overlay zones. In addition, a portion of  
27 the study area is located in the Natural Areas Overlay (which is part of the Natural Areas, Wild  
28 and Scenic River and Oregon Scenic Waterways Overlay (OZ-7). Applicable development  
29 standards for these zones and overlay zones should be addressed in Exhibit K of the ASC. Land  
30 within the site boundary is currently used for growing winter wheat and grazing.

31

32 Exhibit K must state the Applicant’s election to either obtain local land use approval under ORS  
33 469.504(1)(a) or to obtain a Council determination under ORS 469.504(1)(b). In the NOI, the  
34 Applicant indicated that it intends to satisfy the Council’s land use standard, OAR 345-022-  
35 0030, by seeking a Council determination under ORS 469.504(1)(b). Assuming the Applicant has  
36 not changed its election OAR 345-021-0010(1)(k)(B) does not apply to the application. Note that  
37 once the election is made in the preliminary ASC, it is final.

38

39 All applicable criteria and standards associated with any zone in which the facility site boundary  
40 is proposed to be located must be included, unless proposed micrositing corridors clearly  
41 demonstrate that no part of the facility would be located within that zone. The Applicant is  
42 encouraged to consult with the Wasco County Planning Departments to develop the list. Under  
43 OAR 345-021-0010(1)(k)(C), the Applicant must identify all applicable substantive criteria from  
44 the Wasco County Land Use and Development Ordinance (WCLUDO) or the Wasco County

1 Comprehensive Plan (WCCP) and any land use regulations adopted by Wasco County that are  
2 required by the statewide planning goals and that are in effect on the date the application is  
3 submitted. The Applicant should coordinate with the Special Advisory Group (SAG) prior to  
4 submittal of the application to ensure that they are applying the current (at date of submittal of  
5 application) applicable substantive criteria.  
6

7 Wasco County applicable substantive criteria are found in the WCLUDO and WCCP. Written  
8 comments from Wasco County identified applicable substantive criteria in effect at the time of  
9 their review of the NOI, but as noted above, the Applicant must identify applicable substantive  
10 criteria in effect at the time of the ASC submittal. (See Attachment 2: SAG Comments on NOI)  
11

12 Exhibit K must identify and discuss each applicable substantive criteria and must demonstrate  
13 how the proposed facility complies with those criteria. If the proposed facility would not  
14 comply with one or more of the applicable substantive criteria, the Applicant must demonstrate  
15 that the proposed facility nevertheless complies with the applicable statewide planning goals or  
16 that an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).  
17

18 Exhibit K shall also provide evidence that the proposed facility would comply with any directly-  
19 applicable Land Conservation and Development Commission (LCDC) administrative rules and  
20 statutory requirements related to the proposed facility, including ORS 215.243, 215.274,  
21 215.283, 215.296, and specifically including all requirements regarding the location of the  
22 proposed facility within the EFU zone. Exhibit K shall provide evidence that the proposed facility  
23 would comply with the applicable administrative rules at OAR 660-033-0130(38) related to  
24 development of solar power generation facilities, as well as rules related to associated  
25 transmission lines to energy generating facilities.  
26

27 As part of the evaluation of compliance with OAR 660-033-0130(38), Exhibit K must include  
28 evidence that demonstrates that the proposed facility would not make it more difficult for  
29 existing farms and ranches in the area extending one mile from the center of project to  
30 continue operation due to diminished opportunities to expand, purchase or lease farmland,  
31 acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that  
32 would destabilize the overall character of the study area, if required.  
33

34 The proposed facility would also require an exception to Statewide Planning Goal 3 (Agricultural  
35 Lands) for the 274-acre solar area sited in EFU A-1 Zoned land. The Council's goal exception  
36 process is described at ORS 469.504(2) and OAR 345-022-0030(4). Because the land within the  
37 site is not physically developed or irrevocably committed to non-agricultural use ORS  
38 469.504(2)(a) and (b) are not applicable to the proposed facility and Exhibit K must evaluate  
39 whether each of the standards listed under ORS 469.504(2)(c) are met:

- 40 • Reasons justify why the state policy embodied in the applicable goal should not apply.
- 41 • The significant environmental, economic, social and energy consequences anticipated  
42 because of the proposed facility have been identified and adverse impacts would be  
43 mitigated in accordance with rules of the council applicable to the siting of the proposed  
44 facility.

- The proposed facility is compatible with other adjacent uses or would be made compatible through measures designed to reduce adverse impacts.

Exhibit K must clearly demonstrate that all three standards are met and must provide site-specific evidence to support the evaluation. Evaluation of significant impacts to agriculture should include relevant information about specific uses and historic agricultural production on properties within and adjacent to the proposed facility, including agricultural revenue and number of workers employed for agricultural activities. Reasons that support a local economic benefit should provide specific and detailed information about how the proposed facility would provide agricultural-based economic benefits which differ from any other type of development. The Applicant should address comments by reviewing agencies, the SAG, and stakeholder groups about impacts to agriculture in the context of the Goal 3 exception request.

If the proposed facility would not comply with one or more of the applicable substantive criteria, the Applicant must demonstrate that the proposed facility nevertheless complies with the applicable statewide planning goals or that an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

### III.L. Exhibit L – Protected Areas

**Applicable Paragraphs:** All paragraphs apply.

**Related Council and Other Standards:** Protected Areas [OAR 345-022-0040]

**Discussion:** As shown in Table 10 below, Exhibit J of the NOI identifies 26 protected areas within the 20-mile study area for protected areas. All but four (Lower Deschutes Wild & Scenic River, the Lower Deschutes River State Scenic Waterway, the Lower Deschutes Wildlife Area, and the Columbia Basin Agricultural Research Center) of these protected areas are more than 7 miles from the proposed facility site at the closest point. Based on transportation routes and topographic location (NOI Figure 5) and the maximum height of facility components, the Department establishes the protected areas analysis area at 20 miles from the site boundary.

**Table 10: Protected Areas within 20 miles<sup>11</sup>**

Type	Area Name	Approx. Distance to Nearest Point of Site Boundary (miles)	Direction from Facility
<i>Wilderness Area OAR 345-001-0010(26)(c)</i>	Badger Creek Wilderness Area	17.3	SW
<i>Wild, Scenic, or Recreational River included in the National Wild and Scenic River System OAR 345-001-0010(26)(d)</i>	White Wild and Scenic River	12.7	SW
	Lower Deschutes Wild and Scenic River	1.0	E
	John Day Wild and Scenic River	17.4	E
	Fifteenmile Creek Wild & Scenic River	14.5	SW
<i>National Recreation Areas, Scenic Areas, or Special Resources Management Units OAR 345-001-0010(26)(g)</i>	Columbia River Gorge National Scenic Area	9.3	NW
<i>Wilderness Study Area OAR 345-001-0010(26)(h)</i>	Lower John Day Wilderness Study Area	15.3	E
<i>Federal Land Management Plan Designated Lands, Area of Critical Environmental Concern OAR 345-001-0010(26)(i)(A)</i>	Ferry Canyon Area of Critical Environmental Concern (ACEC)	19.0	E
<i>State parks, wayside, corridor, monument, historic, or recreation areas under the jurisdiction of the Oregon Parks and Recreation Department OAR 345-001-0010(26)(j)</i>	Deschutes River State Recreation Area	9.2	N
	White River Falls State Park	12.4	S
	Memaloose State Park	19.2	NW
	Mayer State Park	13.6	NW
	Heritage Landing (Deschutes)	9.3	N
	Cottonwood Canyon State Park	18.6	E
<i>Natural areas listed in the Oregon Register of Natural Areas OAR 345-001-0010(26)(l)</i>	Tom McCall Preserve at Rowena	17.8	NW
	Rowena Plateau State Natural Area (SNA)	17.8	NW
	Mill Creek Ridge Preserve	12.5	NW
	Mill Creek Ridge Research Natural Area (RNA)	17.6	W
	Squally Point Dunes SNA	14.8	NW
	Tygh Valley SNA	12.4	S
<i>State Scenic Waterways OAR 345-001-0010(26)(n)</i>	Lower Deschutes River State Scenic Waterway	1.2	E

	John Day River State Scenic Waterway	17.5	E
<i>State Wildlife Refuge or Management Area</i> OAR 345-001-0010(26)(o)	Lower Deschutes Wildlife Area	1.2	NW
	White River Wildlife Area	12.7	SW
<i>Fish hatchery operated by the Oregon Department of Fish and Wildlife</i> OAR 345-001-0010(26)(p)	Oak Springs Hatchery	13.9	S
<i>Oregon State University (OSU) Designated Agricultural Experiment Stations, Experimental Areas, or Research Centers</i> OAR 345-001-0010(26)(q)	Columbia Basin Agricultural Research Center (Moro Unit)	7	E

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Under OAR 345-021-0010(1)(L)(A) and (B), Exhibit L must include a list and map of the protected areas within the analysis area showing the distance and direction from the proposed facility. If any additional protected areas in the analysis area are identified during the development of the ASC or if the site boundary is amended, the table and map must be updated accordingly.

Under OAR 345-021-0010(1)(L)(C), Exhibit L must include a description of significant potential impacts of the proposed facility, if any, on the protected areas including, but not limited to, potential impacts such as:

- Noise resulting from facility construction or operation.
- Increased traffic resulting from facility construction or operation.
- Water use during facility construction or operation.
- Wastewater disposal resulting from facility construction or operation.
- Visual impacts of facility structures.
- Visual impacts from air emissions resulting from facility construction or operation.

A visual impact assessment is required as part of Exhibit L; while no specific methodology is required by EFSC rule, the applicant must submit evidence adequate to demonstrate how potential impacts from the proposed facility would not be likely to result in potentially significant, adverse impacts under the Protected Areas standard. Visual simulations or other visual representations are not required but can provide important evidence for use by the Department and Council in understanding the potential visual impact of the proposed facility to Protected Areas.

Please note that compliance with the DEQ noise rules does not correlate to compliance with the noise assessment considered in the Protected Areas standard. Particularly, while construction noise is exempt from the DEQ noise rules, construction noise must be considered under the Protected Areas standard. However, information developed to demonstrate

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<sup>11</sup> Table adapted from NOI Table L-1

1 compliance with the DEQ noise rules (such as noise modeling) included in Exhibit Y can be used  
2 in the assessment under the Protected Areas standard.

3  
4 If the Applicant becomes aware of any potential significant impacts to Protected Areas  
5 including impacts to wildlife or wildlife habitat in the protected areas, the impacts must be  
6 disclosed and evaluated in Exhibit L.

7  
8 **III.M. Exhibit M – Financial Capability**

9  
10 **Applicable Paragraphs:** All paragraphs apply.

11 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-0050]

12 **Discussion:** Exhibit M must include information about the Applicant’s financial capability and  
13 must include basic information about the Applicant’s financial condition. The Applicant is not  
14 required to provide information or records protected from public disclosure by any provision of  
15 state or federal law.

16  
17 Under OAR 345-021-0010(1)(m)(A), Exhibit M must include an opinion or opinions from legal  
18 counsel stating that, to counsel's best knowledge, the Applicant has the legal authority to  
19 construct and operate the facility without violating its bond indenture provisions, articles of  
20 incorporation, common stock covenants, or similar agreements.

21  
22 Under OAR 345-021-0010(1)(m)(B) and (C), Exhibit M must include the type and amount of the  
23 Applicant’s proposed bond or letter of credit. The proposed amount must be based on the  
24 information provided under Exhibit X, and the Applicant must explain any discrepancies  
25 between the proposed bond amount and the retirement estimate.

26  
27 Exhibit M shall include evidence that the Applicant has a reasonable likelihood of obtaining the  
28 proposed bond or letter of credit from a reputable financial institution in that amount before  
29 beginning construction of the facility. If Applicant chooses to provide a comfort letter from a  
30 financial institution as evidence to support Council’s review of this requirement, the letter must  
31 refer to the Applicant or facility, be on letterhead, and provide assurance that the financial  
32 would issue a bond or letter or credit to the Applicant in an amount greater than or equal to  
33 the estimated decommissioning amount.

34  
35 **III.N. Exhibit N – Need for Nongenerating Facility**

36  
37 **Applicable Paragraphs:** OAR 345-021-0010(1)(n) does not apply because the proposed facility is  
38 a generating facility. Exhibit N is not required.

39  
40 **III.O. Exhibit O – Water Use**

41  
42 **Applicable Paragraphs:** All paragraphs apply except (D).

1 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; OAR  
2 690, Divisions 310 and 380 (Water Resources Department permitting requirements)

3 **Discussion:** Exhibit O must include information about anticipated water use during construction  
4 and operation of the proposed facility.  
5

6 Under OAR 345-021-0010(1)(o)(A) through (C) and (G), Exhibit O must include a description of  
7 how water would be used during construction and operation of the proposed facility, and must  
8 describe each source of water and the estimated amount of water the facility would need from  
9 each source during construction and during operation under annual average and worst-case  
10 conditions, and a description of proposed actions to mitigate the adverse impacts of water use  
11 on affected resources.  
12

13 Under OAR 345-021-0010(1)(o) E) and (F), Exhibit O must provide an evaluation of whether the  
14 proposed facility would need a groundwater permit, surface water permit or a water right  
15 transfer. If the proposed facility would need a groundwater permit, a surface water permit or a  
16 water right transfer, Exhibit O information to support a determination by the Council that the  
17 Water Resources Department should issue the permit or transfer of a water use, including  
18 information in the form required by the Water Resources Department under OAR Chapter 690,  
19 Divisions 310 and 380. See Section III(e) Exhibit E – Permits, for a discussion of OWRD permits  
20 and Section III(u) – Public Services, for information requirements related to water service  
21 providers.  
22

### 23 III.P. Exhibit P – Fish and Wildlife Habitat 24

25 **Applicable Paragraphs:** All paragraphs apply.

26 **Related Council and Other Standards:** Fish and Wildlife Habitat [OAR 345-022-0060]

27 **Discussion:** Exhibit P must include Information about fish and wildlife habitat and the species  
28 that could be affected by the proposed facility, providing evidence to support a finding by the  
29 Council that the design, construction, and operation of the facility, taking into account  
30 mitigation, are consistent with the general fish and wildlife habitat mitigation goals and  
31 standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017.  
32

33 The Applicant must consult with the Oregon Department of Fish and Wildlife (ODFW) in  
34 developing the resources and methods used to develop materials for Exhibit P.  
35

36 The ODFW Habitat Mitigation Policy under OAR Chapter 635, Division 415 classifies six habitat  
37 categories and establishes a mitigation goal for each category. Under OAR 345-021-  
38 0010(1)(p)(B) and (C), Exhibit P must identify all fish and wildlife habitat in the analysis area,  
39 classified by both vegetation class and habitat category as set forth in OAR 635-415-0025 and  
40 describe the characteristics and condition of that habitat in sufficient detail to justify the  
41 categorizations. The habitat classification is subject to the Department and ODFW review.  
42 Exhibit P must include maps and a table of the areas of permanent disturbance and temporary  
43 disturbance (in acres) in each habitat category and subtype.  
44

1 **III.P.1 Required Surveys**

2

3 Under OAR 345-021-0010(1)(p)(A) through (E), Exhibit P must include a description of biological  
4 and botanical surveys performed or scheduled to support the habitat categorization and other  
5 information in Exhibit P. At a minimum, the timing, scope, methods, and sources for each  
6 survey must be discussed. Requirements for specific surveys are discussed in more detail  
7 below. Additional surveys may be required based on consultation with ODFW.

8

9 **III.P.1.1 Habitat Surveys**

10

11 Under OAR 345-021-0010(1)(p)(B), Exhibit P must include the methods used and results of  
12 habitat surveys identifying habitat type, vegetation and characteristics, habitat condition, and  
13 species use and presence.

14

15 Based on the results of the habitat surveys, the Applicant must categorize habitat in all areas  
16 within Oregon as provided under OAR 635-415-0025. The habitat categorization is subject to  
17 review and approval by ODFW. The habitat categories and the mitigation goals area  
18 summarized in Table 11 below.

19

**Table 11: Habitat Categories Under OAR 635-0415-0025**

Category	Description	Mitigation Goal
1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	No loss of either habitat quantity or quality.
2	Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.	If impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.
3	Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.	No net loss of either habitat quantity or quality.
4	Important habitat for fish and wildlife species.	No net loss in either existing habitat quantity or quality.
5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	If impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	Minimize impacts.

20



1 Under OAR 345-021-0010(C), Exhibit P must include tabular data and maps depicting the areas  
2 of permanent and temporary disturbance (in acres) in each habitat category, type and subtype  
3 based on the results of the habitat survey.  
4

### 5 III.P.1.2 Sensitive Species Surveys 6

7 Under OAR 345-021-0010(D), based on consultation with the ODFW and appropriate field study  
8 and literature review, Exhibit P must identify all state sensitive species that might be present in  
9 the habitat survey areas and a discussion of any site-specific issues of concern to ODFW. Exhibit  
10 P must include baseline surveys in appropriate habitats for these species, and any other  
11 identified state sensitive species within the analysis area and must provide a map showing the  
12 locations of the different species and habitats with respect to the proposed activities. If state  
13 sensitive species, or suitable habitat for state sensitive species, are identified within the analysis  
14 area that could be adversely affected as a result of the proposed facility, the Applicant shall  
15 include a description of the nature, extent, and duration of potential adverse impacts and a  
16 description of any proposed mitigation measures, consistent with the Exhibit P requirements,  
17 the EFSC Fish and Wildlife Habitat standard, and the ODFW Habitat Mitigation Policy. If  
18 sensitive species surveys are required by other jurisdictions, the Applicant is encouraged to  
19 provide a single survey report that identifies occurrences of all sensitive species.  
20

### 21 III.P.1.3 Raptor Nest Surveys 22

23 The Applicant must conduct surveys for raptor nests within one quarter mile of all proposed  
24 disturbance areas. The Applicant must also provide information on how it would avoid or  
25 minimize and monitor impacts to raptors and other avian species, including curtailing  
26 construction activities within one quarter mile of active raptor nests during the nesting season.  
27

## 28 **III.P.2 Assessment of Impacts to Habitat and Sensitive Species** 29

30 Under OAR 345-021-0010(1)(p)(F), Exhibit P must describe the nature, extent and duration of  
31 potential adverse impacts on the habitat and species identified in surveys that could result from  
32 construction, operation and retirement of the proposed facility. This assessment must discuss,  
33 at a minimum the temporary and permanent disturbance (during construction or maintenance  
34 activities).  
35

## 36 **III.P.3 Proposed Monitoring and Mitigation** 37

38 Under OAR 345-021-0010(1)(p)(G) and (H), Exhibit P must describe any monitoring and  
39 mitigation activities proposed by the Applicant to ensure that the construction, operation, and  
40 retirement of the facility would comply with the habitat mitigation goals and standards and to  
41 otherwise avoid, reduce, or otherwise mitigate adverse impacts to habitat and state sensitive  
42 species. At a minimum, mitigation measures discussed must include avoidance areas and  
43 implementation measures; and in-kind/in proximity mitigation as required by ODFW

1 regulations. This information must also be incorporated into a draft Revegetation and Noxious  
2 Weed Control Plan, a draft Habitat Mitigation Plan, and a draft Post Construction Monitoring  
3 Plan, which must be included as attachments to Exhibit P.

4  
5 The draft Habitat Mitigation Plan and associated information in Exhibit P must clearly  
6 demonstrate how the Applicant would provide mitigation for both short- and long-term habitat  
7 impacts in accordance with the ODFW Habitat Mitigation Policy. This includes identifying the  
8 location of a specific habitat mitigation area that could be used to provide in-kind, in-proximity  
9 mitigation for any impacts to Category 2 to 4 Habitat, as well as ecological uplift mitigation  
10 actions that could be implemented at the habitat mitigation area to provide the appropriate  
11 mitigation.

12  
13 The draft Habitat Mitigation Plan must include the results of the habitat categorization surveys  
14 as well as surveys of any proposed habitat mitigation areas and must provide the draft legal  
15 mechanism or mechanisms proposed for acquiring the legal right to maintain and enhance the  
16 habitat mitigation area. The Habitat Mitigation Plan must include draft success criteria for the  
17 proposed ecological uplift actions and describe a process for evaluating monitoring and  
18 reference site locations, prior to construction.

19  
20 III.Q. Exhibit Q – Threatened and Endangered Species

21  
22 **Applicable Paragraphs:** All paragraphs apply.

23 **Related Council and Other Standards:** Threatened and Endangered Species [OAR 345-022-  
24 0070]

25 **Discussion:** Exhibit Q must include information about threatened and endangered plant and  
26 animal species that may be affected by the proposed facility, providing evidence to support a  
27 finding by the Council as required by OAR 345-022-0070. The ASC will include a desktop analysis  
28 for 5 miles from the proposed site boundary and field survey data for within the site boundary.

29  
30 Under OAR 345-021-0010(1)(q)(A) through (G), Exhibit Q must include a list of all threatened  
31 and endangered species listed in OAR 635-100-0125 or 603-073-0070 that have the potential to  
32 occur in the analysis area. The Applicant shall identify these species based on a review of  
33 literature, consultation with knowledgeable individuals, and reference to the list of species  
34 maintained by the Oregon Biodiversity Information Center. For each species identified, Exhibit  
35 Q must describe the nature, extent, locations, and timing of its occurrence in the analysis area;  
36 how the facility might adversely affect the species; what measures the Applicant proposes to  
37 avoid or reduce and adverse impact; and the Applicant’s proposed monitoring program for  
38 impacts.

39  
40 For each threatened and endangered plant species, Exhibit Q must describe how the proposed  
41 facility, including any mitigation measures, complies with the protection and conservation  
42 program adopted by the Oregon Department of Agriculture (ODAg), or if there is no protection  
43 and conservation program in place for an identified threatened or endangered plant species,  
44 describe any significant potential impacts the proposed facility may have on the continued

1 existence of the species and on the critical habitat of such species, and must provide evidence  
2 that the proposed facility, including any mitigation measures, is not likely to cause a significant  
3 reduction in the likelihood of survival or recovery of the species.

4  
5 For each threatened and endangered animal species, Exhibit Q must describe any significant  
6 potential impacts of the proposed facility on the continued existence of such species and on the  
7 critical habitat of such species, and must provide evidence that the proposed facility, including  
8 any mitigation measures, is not likely to cause a significant reduction in the likelihood of  
9 survival or recovery of the species.

10  
11 Field surveys for any threatened and endangered species that may occur within the analysis  
12 area are required within or near suitable habitat that would be disturbed during construction  
13 and operation of the proposed facility. The Applicant must consult with ODFW and ODAg's  
14 Native Plant Conservation Program regarding appropriate field survey methods, survey areas,  
15 survey seasons, qualifications of field survey personnel, and the information to be included in a  
16 field survey report.

17  
18 III.R. Exhibit R – Scenic Resources

19  
20 **Applicable Paragraphs:** All paragraphs apply.

21 **Related Council and Other Standards:** Scenic Resources [OAR 345-022-0080]

22 **Discussion:** Exhibit R must include an analysis of potential significant visual impacts of the  
23 proposed facility on scenic resources identified as significant or important in local, state or  
24 regional land use plans, tribal land management plans and federal land management plans for  
25 any lands located within the analysis area. Based upon the underlying topography and the  
26 height and potential visibility of facility components beyond, the analysis area for Scenic  
27 Resources is set at 10 miles from the site boundary.

28  
29 For any scenic resources deemed “significant” or “important” in a local, state, regional tribal or  
30 federal land management plan, the Applicant shall include in the ASC an evaluation of the  
31 proposed facility’s consistency or compliance with any development or land use criteria  
32 included in the land management plan for the identified resource. ASC Exhibit R shall include a  
33 copy of the portion(s) of the management plan that identifies the resource as significant or  
34 important. The Applicant shall also describe the measures it proposes to avoid, reduce, or  
35 otherwise mitigate any significant adverse impacts to these scenic resources. A visual impact  
36 assessment is required as part of Exhibit R; while no specific methodology is required by EFSC  
37 rule, the Applicant must submit evidence adequate to demonstrate why the proposed facility is  
38 in compliance with the Scenic Resources standard. Visual simulations or other visual  
39 representations are not required but can provide important evidence for use by the  
40 Department and Council in understanding the potential visual impact of the proposed facility to  
41 Scenic Resources.

1 III.S. Exhibit S – Historic, Cultural and Archaeological Resources

2

3 **Applicable Paragraphs:** All paragraphs apply.

4 **Related Council and Other Standards:** Historic, Cultural, and Archaeological Resources [OAR  
5 345-022-0090]

6 **Discussion:** Exhibit S must include information about historic, cultural, and archaeological  
7 resources. As described under OAR 345-022-0090(2), the Council may issue a site certificate for  
8 a facility that would produce power from wind or solar energy without making the findings  
9 required under OAR 345-022-0090(1); however, the Applicant must still provide sufficient  
10 information for the Council to determine whether conditions of approval to ensure compliance  
11 with the Standard are appropriate.

12

13 Information concerning the location of archaeological sites or objects may be exempt from  
14 public disclosure under ORS 192.345(11). Such information, including archaeological survey  
15 reports, should be provided confidentially under separate cover in **hard copy only** format, and  
16 only after consultation with the Department. Confidential material shall also be provided  
17 directly to SHPO, following guidance from the Department and SHPO. Survey reports should  
18 meet current SHPO guidelines for field survey and reporting. Please contact the Department to  
19 discuss current practices regarding treatment and submittal of confidential material.

20

21 As described under OAR 345-021-0010(1)(s)(D)(i) to (iii), Exhibit S must describe survey  
22 methodology, survey areas, and the results of all surveys conducted for historic, cultural, and  
23 archaeological resources as well as an analysis of any significant adverse impacts anticipated  
24 and proposed mitigation measures.

25

26 Under OAR 345-021-0010(1)(s)(A) through (C), Exhibit S must include an inventory of all historic  
27 properties discovered in the analysis area, including any archaeological sites or objects on  
28 private land in the analysis area and archaeological sites on public land in the analysis area.  
29 Exhibit S must include an evaluation of whether the historic properties have been listed on, or  
30 would likely be listed on, the National Register of Historic Places, based on an evaluation of the  
31 National Register Evaluation Criteria as described in National Register Bulletin 15.

32

33 Under OAR 345-021-0010(1)(s)(D), Exhibit S must also include an impact assessment, and  
34 proposed measures to avoid or mitigate potential impacts to historic, cultural, or archaeological  
35 resources that have been listed on, or would likely be listed on the National Register of Historic  
36 Places.

37

38 Under OAR 345-021-0010(1)(s)(E), Exhibit S must include the Applicant’s proposed monitoring  
39 program, if any, for impacts to historic, cultural, and archaeological resources during  
40 construction and operation of the proposed facility, including a program to address inadvertent  
41 discovery of resources during ground disturbing activities at the site.

42

43 The Applicant is strongly encouraged to submit copies of survey reports and to discuss the  
44 proposed facility with all Tribes that could be potentially affected by the construction and

1 operation of the proposed facility, including but not limited to the tribes identified by the  
2 Legislative Commission on Indian Services: Confederated Tribes of the Umatilla Indian  
3 Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, the Burns Paiute  
4 Tribe, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians.  
5

6 III.T. Exhibit T – Recreation  
7

8 **Applicable Paragraphs:** All paragraphs apply.

9 **Related Council and Other Standards:** Recreation [OAR 345-022-0100]

10 **Discussion:** Exhibit T must include information about the impact the proposed facility would  
11 have on important recreational opportunities. Based upon the underlying topography and the  
12 height and potential visibility of facility components, the analysis area for Recreational  
13 Opportunities is set at 5 miles from the site boundary.  
14

15 Under OAR 345-021-0010(1)(t)(A), Exhibit T must include a description of recreational  
16 opportunities in the analysis area, and information identifying whether the opportunity is  
17 considered “important” under OAR 345-022-0100, and a map of the analysis area showing the  
18 locations of identified important recreational opportunities.  
19

20 Under OAR 345-021-0010(1)(t)(B), (C), and (E), Exhibit T must include a description of any  
21 potential significant adverse impacts to important recreation opportunities, and a description  
22 of measures the Applicant proposes to avoid, reduce, or otherwise mitigate and monitor those  
23 impacts. Impacts that must be evaluated in Exhibit T include:

- 24 • Direct or indirect loss of a recreational opportunity because of facility construction or  
25 operation.
- 26 • Noise resulting from facility construction or operation.
- 27 • Increased traffic resulting from facility construction or operation.
- 28 • Visual impacts of facility structures.  
29

30 Note that a visual impact assessment is required as part of Exhibit T. While no specific  
31 methodology is required, the Applicant must submit sufficient evidence to demonstrate how  
32 the proposed facility would comply with the Recreation standard. The Applicant should  
33 consider the extent of impacts and prior Council evaluations when designing the impact  
34 assessment methodology. Visual simulations or other visual representations are not required  
35 but can provide important evidence for use by the Department and Council in understanding  
36 the potential visual impact of the proposed facility to important recreational opportunities.  
37

38 Compliance with the DEQ noise rules (Exhibit Y) does not correlate to compliance with the noise  
39 assessment considered in the Recreation standard. Particularly, while construction noise is  
40 exempt from the DEQ noise rules, construction noise must be considered under the Recreation  
41 standard. However, information developed to demonstrate compliance with the DEQ noise  
42 rules such as noise modeling can be used in the assessment under the Recreation standard.  
43

1 If the Applicant becomes aware of any potentially significant impacts to the identified  
2 recreational opportunities other than those described above, the impacts must be disclosed  
3 and evaluated in Exhibit T.

4  
5 III.U. Exhibit U – Public Services

6  
7 **Applicable Paragraphs:** All paragraphs apply.

8 **Related Council and Other Standards:** Public Services [OAR 345-022-0110]

9 **Discussion:** Exhibit U must include information on how the construction and operation of the  
10 proposed facility would impact public services. Exhibit U must include sufficient evidence to  
11 support a finding by the Council that construction and operation of the proposed facility, taking  
12 into account mitigation, are not likely to result in significant adverse impact to the ability of  
13 public and private service providers to provide sewers and sewage treatment, water, storm  
14 water drainage, solid waste management, housing, traffic safety, police and fire protection,  
15 health care and schools. As described in the Public Services standard at OAR 345-022-0110(2),  
16 the Council may issue a site certificate for a facility that would produce power from wind or  
17 solar energy without making the findings of the Public Services standard at OAR 345-022-  
18 0110(1), though the Council may apply the requirements of OAR 345-022-0110(1) to impose  
19 conditions on a site certificate issued for such a facility.

20  
21 Under OAR 345-021-0010(1)(u)(A) through (D), Exhibit U must include an analysis identifying  
22 the public and private service providers in the analysis area that would likely be affected by  
23 construction and operation of the proposed facility, a description of any likely impacts on the  
24 ability of the service providers to provide their respective services, and evidence that any  
25 adverse impacts, taking into account any mitigation proposed by the Applicant, are not likely to  
26 be significant. The analysis must describe any important assumptions the Applicant used to  
27 evaluate potential impacts.

28  
29 The Applicant may include information developed in support of Exhibit V in its evaluation of  
30 impacts to fire protection providers, an evaluation of any potential impacts that may affect  
31 responders to structural fires at the proposed facility, including but not limited to fires involving  
32 Battery Energy Storage Systems or electrical equipment at the site should also be included as  
33 part of Exhibit U.

34  
35 In evaluating impacts to traffic safety, Exhibit U must contain sufficient evidence to  
36 demonstrate that the construction and operation of the proposed facility would not result in  
37 significant safety impacts to drivers along major roads near the proposed facility Interstate 84  
38 (I-84), US Route 30 (US-30) and US Route 197 (US-197) or the several local roads that would be  
39 used to access the facility (Boyd Market Road, Long Hollow Market Road, and Easton Canyon  
40 Road; or Eight Mile Road, Emerson Loop Road, Ward Road, Fax Road, and Hastings Ridge Road).

41  
42 Impacts that must be evaluated should include the impacts of vehicles entering and exiting the  
43 site during construction and the potential for glint or glare from solar modules and other  
44 surfaces during operation. Applicant must demonstrate that they consulted with local public

1 works department staff on potential haul and traffic routes to be used during construction and  
2 discussed existing conditions and capacity of those roads. If County Public Works Departments  
3 utilize road use agreements to manage traffic impacts on local roads, a draft of the road use  
4 agreement to be used for the project for each county shall be included in Exhibit U. Exhibit U  
5 should also evaluate whether any significant traffic delays would occur and whether these  
6 delays could affect ambulance services or other emergency responders. In addition, Exhibit U  
7 must evaluate the impacts that the construction and operation of the proposed facility would  
8 have on local aviation resources, sufficient to demonstrate compliance with OAR chapter 738,  
9 division 070.

10  
11 Exhibit U must evaluate the impact that the temporary and permanent workforce would have  
12 on housing in the analysis area, including the availability of hotels, RV parks, and other  
13 temporary accommodations. **This evaluation must assume that 100 percent of the temporary**  
14 **construction workforce would require temporary accommodations unless the Applicant can**  
15 **provide evidence to demonstrate the availability of local workers or can provide evidence of**  
16 **a local hiring program.**

17  
18 In addition to the analysis described above, the Applicant is encouraged to obtain letters from  
19 local public services providers to demonstrate that the proposed facility would not cause a  
20 significant adverse impact on their ability to provide their respective services. Including:

- 21  
22
- 23 • Local fire departments,
  - 24 • Police departments,
  - 25 • Public works departments,
  - 26 • Sewer and sewage treatment providers,
  - 27 • Water service providers
  - 28 • Solid waste providers

29 Letters obtained from public service providers include analysis indicating that their level of  
30 service would not be impacted. For instance, letters obtained from water service providers  
31 should include an evaluation of permit limits, permit or water right numbers, type of water use,  
32 and historical demand to demonstrate that it can meet proposed facility needs. Letters from  
33 fire service providers should explain how resources used by the facility, in the event of a fire-  
34 related issue, would not impact their ability to provide fire emergency response, rather than a  
35 conclusory statement without supporting analysis demonstrating a clear understanding of the  
36 facility. Letters from public works departments should demonstrate an understanding of  
37 proposed facility road use, including maximum number of vehicle miles travelled and vehicle  
38 weight, and confirmation of whether the use would impact local roads.

39  
40 As described in the Public Services standard at OAR 345-022-0110(2), the Council may issue a  
41 site certificate for a facility that would produce power from wind or solar energy without  
42 making the findings of the Public Services standard at OAR 345-022-0110(1), though the Council

1 may apply the requirements of OAR 345-022-0110(1) to impose conditions on a site certificate  
2 issued for such a facility.

3  
4 Under OAR 345-021-0010(1)(u)(E), Exhibit U must include the Applicant's proposed monitoring  
5 program, if any, for impacts to public services.  
6

### 7 III.V. Exhibit V – Wildfire Prevention and Risk Mitigation

8  
9 **Applicable Paragraphs:** All paragraphs apply.

10 **Related Council and Other Standards:** Wildfire Prevention and Risk Mitigation [OAR 345-022-  
11 0115]

12 **Discussion:** Exhibit V must include information about wildfire risk within the analysis area  
13 sufficient to support the Council findings required under OAR 345-022-0115. This must include  
14 a characterization of wildfire risk within the analysis area that identifies each of the following:  
15

- 16 • Baseline wildfire risk, based on factors that are expected to remain fixed for multiple  
17 years, including but not limited to topography, vegetation, existing infrastructure, and  
18 climate.
- 19 • Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple  
20 months but may be dynamic throughout the year, including but not limited to,  
21 cumulative precipitation and fuel moisture content.
- 22 • Areas subject to a heightened risk of wildfire, based on the Baseline and Seasonal risk  
23 information.
- 24 • High-fire consequence areas, including but not limited to areas containing residences,  
25 critical infrastructure, recreation opportunities, timber and agricultural resources, and  
26 fire-sensitive wildlife habitat.

27  
28 Wildfire mapping shall apply to the ½-mile buffer, but comprehensive wildfire risk will be based  
29 on county-wide data, if available. (For example, does Wasco County have County Hazard/Fire  
30 Risk Assessment/Plans that identify the entirety of the county as having high wildfire risk?) The  
31 characterization must also describe all data sources and methods used to model and identify  
32 risks. The Applicant may select data sources and methods as appropriate for the site, but all  
33 data must be current and from reputable sources.  
34

35 Exhibit V must also include a draft Wildfire Mitigation Plan for construction, and separately for  
36 operations and maintenance of the proposed facility. The Wildfire Mitigation Plan(s) must, at a  
37 minimum:

- 38 • Identify areas within the site boundary that are subject to a heightened risk of wildfire,  
39 using current data from reputable sources, and discuss data and methods used in the  
40 analysis.
- 41 • Describe the procedures, standards, and time frames that the Applicant would use to  
42 inspect facility components and manage vegetation in any identified areas of  
43 heightened risk of wildfire.



- 1 • Identify preventative actions and programs that the Applicant would carry out to  
2 minimize the risk of facility components causing wildfire, including procedures that  
3 would be used to adjust operations during periods of heightened wildfire risk. This  
4 should include a discussion of the use of defensible space, fire hardened infrastructure,  
5 and power shutoff protocols, as applicable.
- 6 • Identify procedures to minimize risks to public health and safety, the health and safety  
7 of responders, and damages to resources protected by Council standards if a wildfire  
8 occurs at the facility site, regardless of ignition source. This should include:
  - 9 ○ A description of who would respond to wildfires at the site and a plan for  
10 ensuring responders are aware of sensitive resources that should be avoided  
11 during fire suppression activities.
  - 12 ○ A description and maps of access and egress options for wildfire responders and  
13 emergency vehicles to enter and exit the site in a fire emergency.
  - 14 ○ Information about whether any specialized equipment or training would be  
15 needed to respond to fire events at the site involving solar arrays, battery  
16 systems, or other facility components.
- 17 • Describe methods the Applicant would use to ensure that updates of the plan  
18 incorporate best practices and emerging technologies to minimize and mitigate wildfire  
19 risk.

20  
21 **III.W. Exhibit W – Solid Waste and Wastewater**

22  
23 **Applicable Paragraphs:** All paragraphs apply.

24 **Related Council and Other Standards:** Waste Minimization [OAR 345-022-0120]; Public Services  
25 [OAR 345-022-0110]

26 **Discussion:** Exhibit W must describe the Applicant's plans to minimize the generation of solid  
27 waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence  
28 to support findings by the Council under OAR 345-022-0120. As provided in OAR 345-022-  
29 0120(2), the Council may issue a site certificate for a facility that would produce power from  
30 wind or solar energy without making the findings required by OAR 345-022-0120(1); however,  
31 the Applicant must still provide sufficient evidence in Exhibit W for the Council to determine  
32 whether conditions of approval are needed to ensure that waste generation would be  
33 minimized.

34  
35 Under OAR 345-021-0010(1)(w)(A), (B), and (D), Exhibit W must include a description of the  
36 major types and amount of solid waste and wastewater that construction, operation, and  
37 retirement of the facility are likely to generate; the structures, systems, and equipment for  
38 management and disposal of the wastes, including any plans to minimize, recycle or reuse the  
39 wastes. This should include a discussion of whether the Applicant has plans in place to recycle  
40 wind turbines, solar modules or other facility components.

41  
42 Under OAR 345-021-0010(1)(w)(C), Exhibit W must include a discussion of any actions or  
43 restrictions proposed by the Applicant to reduce consumptive water use during construction

1 and operation of the facility. This includes water needed for operation and maintenance of the  
2 facility and should include a discussion of wastewater and runoff generated from panel  
3 washing.

4  
5 Under OAR 345-021-0010(1)(w)(E) and (F), Exhibit W must include a description of any adverse  
6 impact on surrounding and adjacent areas from the accumulation, storage, disposal and  
7 transportation of solid waste, wastewater and stormwater during construction and operation of  
8 the facility and evidence that those impacts, taking into account any account any measures the  
9 Applicant proposes to avoid, reduce, or otherwise mitigate the impacts, would be minimal.

10  
11 Under OAR 345-021-0010(1)(w)(G), Exhibit W must include the Applicant's proposed  
12 monitoring program, if any, for minimization of solid waste and wastewater impacts.

13  
14 The Applicant is encouraged to reference information provided under other exhibits, including  
15 but not limited Exhibits O and U, in the development of this exhibit.

### 16 17 III.X. Exhibit X – Facility Retirement

18  
19 **Applicable Paragraphs:** All paragraphs apply.

20 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-0050]

21 **Discussion:** Exhibit X must provide information about site restoration, providing evidence to  
22 support a finding that the site can be restored adequately to a useful, non-hazardous condition  
23 following permanent cessation of construction or operation of the facility.

24  
25 Under OAR 345-021-0010(1)(x)(A) and (B), this information must include the estimated useful  
26 life of the proposed facility and a description of the specific actions and tasks to restore the site  
27 to a useful, non-hazardous condition.

28  
29 Under OAR 345-021-0010(1)(x)(C) and (D), Exhibit X must also include an estimate, in current  
30 dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition and  
31 a discussion and justification of the methods and assumptions used in preparing the estimate.  
32 The estimate should include sufficient detail to identify costs associated with individual tasks  
33 and units.

34  
35 Under 345-021-0010(1)(x)(E), Exhibit X must include a proposed monitoring plan for any  
36 potential site contamination by hazardous materials, including oils or fuels used or stored on  
37 site, such as periodic environmental site assessment and reporting. If the Applicant believes no  
38 monitoring for soil contamination is necessary, Exhibit X must provide evidence to support this  
39 position.

### 40 41 III.Y. Exhibit Y – Noise

42  
43 **Applicable Paragraphs:** All paragraphs apply.

1 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; DEQ  
2 Noise Control Regulations [ORS 467.020 and ORS 467.030; OAR 340, Division 35]

3 **Discussion:** Exhibit Y must include information about noise generated by construction and  
4 operation of the proposed facility, providing evidence to support a finding by the Council that  
5 the proposed facility complies with the Oregon Department of Environmental Quality’s noise  
6 control standards in OAR 340-035-0035.

7  
8 Under OAR 345-021-0010(1)(y)(A), Exhibit Y must include predicted construction noise levels  
9 and operational noise levels from all potential noise-generating components of the facility  
10 including, but not limited to the wind turbines, blades, transformers and inverters, substation  
11 and equipment, solar trackers, solar inverters and transformers, transmission lines,  
12 switchgears, and the Battery Energy Storage System including fans, heaters, and cooling  
13 systems.

14  
15 Under OAR 345-021-0010(1)(y)(B), Exhibit Y must include an analysis demonstrating that the  
16 predicted noise levels would not exceed the ambient antidegradation standards established  
17 under OAR 340-035-0035. Noise generated by the facility may not increase the ambient  
18 statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, and may not exceed  
19 the levels specified in Table 12 below.

20

**Table 12: New Industrial and Commercial Noise Source Standards Allowable  
Statistical Noise Levels in Any One Hour (OAR 340-035-0035, Table 8)**

7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L50 – 55 dBA	L50 – 50 dBA
L10 – 60 dBA	L10 – 55 dBA
L1 – 75 dBA	L1 – 60 dBA

21  
22 The analysis must include a discussion and justification of the methods and assumptions used,  
23 including methods used to measure ambient noise levels at the site. OAR 340-035-0035(3)  
24 provides that sound measurement procedures must conform to the procedures set forth in  
25 Sound Measurement Procedures Manual (NPCS-1). If the Applicant’s sound measurement  
26 procedures differ from the NPCS-1, please provide a discussion and basis for the variation. The  
27 analysis must evaluate noise impacts using the maximum expected noise levels from all noise-  
28 generating equipment during construction and operation. Operational noise shall be evaluated  
29 from both stationary sources and corona noise from transmission lines.

30  
31 Under OAR 345-021-0010(1)(y)(E), Exhibit Y must include a list of the names and addresses of  
32 all owners of all dwellings or other noise sensitive properties within one mile of the proposed  
33 site boundary; however, if the Applicant determines potential exceedances of the ambient  
34 antidegradation standards may occur beyond the 1-mile distance, impacts to noise sensitive  
35 properties within the area of potential exceedance must be evaluated. The Applicant is not  
36 required to conduct ambient noise monitoring at each noise sensitive property; however, the  
37 number of ambient monitoring sites shall be sufficient to reasonably represent the ambient  
38 noise conditions at noise sensitive receptor locations in closest proximity to the proposed site.

1  
2 Under OAR 345-021-0010(1)(y)(C) and (D), Exhibit Y must describe any measures the Applicant  
3 proposes to reduce noise levels or noise impacts or to address public complaints about noise  
4 from the facility and any measures the Applicant proposes to monitor noise generated by  
5 operation of the facility. This information must be provided regardless of whether any  
6 exceedances of the ambient antidegradation standards are expected.  
7

8 **III.Z. Exhibit Z – Cooling Tower Impacts**  
9

10 **Applicable Paragraphs:** OAR 345-021-0010(1)(z) does not apply because the Applicant has not  
11 proposed to construct an evaporative cooling tower in relation to the proposed facility.  
12

13 **III.AA. Exhibit AA – Electric and Magnetic Fields**  
14

15 **Applicable Paragraphs:** All paragraphs apply.  
16 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-  
17 0090]; General Standard of Review [OAR 345-022-0000]  
18 **Discussion:** As the proposed facility would have a transmission line as a related and supporting  
19 facility, the provisions of Exhibit AA apply.  
20

21 Exhibit AA must include sufficient information to support a finding that the Applicant:  
22 • Can design, construct, and operate the proposed transmission line so that alternating  
23 current electric fields do not exceed 9 kV per meter at one meter above the ground  
24 surface in areas accessible to the public.  
25 • Can design, construct, and operate the proposed transmission line so that induced  
26 currents resulting from the transmission lines would be as low as reasonably achievable.  
27

28 This must include the information about the expected electric and magnetic fields of the  
29 transmission line required under OAR 345-021-0010(1)(aa)(A), and information about any radio  
30 interference likely to be caused by the transmission line.  
31

32 **III.BB. Exhibit BB – Other Information**  
33

34 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]  
35 **Discussion:** No additional information is requested at this time.  
36

37 **III.CC. Exhibit CC – Other Law**  
38

39 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]  
40 **Discussion:** All requirements apply.  
41 (cc) Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and  
42 local government ordinances containing standards or criteria that the proposed facility must  
43 meet for the Council to issue a site certificate, other than statutes, rules and ordinances

1 identified in Exhibit E, and identification of the agencies administering those statutes,  
2 administrative rules, and ordinances. The Applicant must identify all statutes, administrative  
3 rules, and ordinances that the Applicant knows to be applicable to the proposed facility,  
4 whether identified in the Project Order. To the extent not addressed by other materials in the  
5 application, the Applicant must include a discussion of how the proposed facility meets the  
6 requirements of the applicable statutes, administrative rules, and ordinances.  
7

8 III.DD. Exhibit DD – Specific Standards  
9

10 **Applicable Paragraphs:** Paragraphs (A) and (C) apply.

11 **Related Council and Other Standards:** Public Health and Safety for Wind Energy Facilities [OAR  
12 346-024-0010]; Cumulative Effects Standard for Wind Energy Facilities [OAR 345-024-0015];  
13 and Specific Standards for Transmission Lines [OAR 345-024-0090].

14 **Discussion:** The Applicant should include in Exhibit DD information to support findings by the  
15 Council that the proposed facility complies with the Public Health and Safety Standards for  
16 Wind Energy Facilities (OAR 345-024-0010) and the Siting Standards for Wind Energy Facilities  
17 (OAR 345-024- 0015), or refer to other exhibits as appropriate.

18 The Council applies specific standards for transmission lines under its jurisdiction in OAR 345-  
19 024-0090. The applicant should provide analysis regarding compliance with OAR 345-024-0090  
20 in Exhibit DD or refer to Exhibit AA as appropriate.

21

22 **IV. ANALYSIS AREAS FOR THE PROPOSED FACILITY**  
23

24 The analysis areas are the areas that the Applicant must study for potential impacts from the  
25 construction and operation of the proposed facility. **Please Note:** If significant impacts  
26 associated with the applicable Council standards could occur beyond the analysis areas  
27 described here, then the Applicant must assess those impacts in the ASC and show how the  
28 facility would comply with the applicable standard with regard to the larger area where impacts  
29 could occur.  
30

31 For all potential impacts, the analysis area includes all the area within the site boundary. Most  
32 analysis areas also include an area extending a specified distance from the site boundary. The  
33 minimum required analysis areas are presented in the table below.

**Table 13: Analysis Areas**

Affected Standard or Resource	Exhibit	Analysis Area	ODOE's Basis for Analysis Area
Structural Standard	H	The area within the site boundary, notwithstanding the distances related to an assessment of seismic hazards required by OAR 345-021-0010(1)(h).	Default minimum of 50 miles for seismic risks per DOGAMI comments.
Soil Protection	I	The area within the site boundary.	Consistent with established study area distance.
Land Use	K	The area within and extending 0.5 mile from the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(c))
Wetlands	J	The area within the site boundary.	Consistent with applicability of removal-fill permit
Protected Areas	L	The area within and extending 20 miles from the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(e))
Fish and Wildlife Habitat	P	The area within and extending 0.5 mile from the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(c))
Threatened and Endangered Species	Q	The area within the site boundary.  Desktop review shall include the area within and extending 5-miles from the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(a))
Scenic Resources	R	The area within and extending 10 miles from the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(b)).
Historic, Cultural and Archaeological Resources	S	For direct impacts to archeologic sites and objects, the area within the site boundary.  For indirect impacts to aboveground resources, including Traditional Cultural Properties or Historic Properties of Religions and Cultural Significance to Indian Tribes, identified within 1-mile of the site boundary during the desktop review, the analysis	Consistent with SHPO guidance

**Table 13: Analysis Areas**

Affected Standard or Resource	Exhibit	Analysis Area	ODOE’s Basis for Analysis Area
		area shall include the area within and extending 1-mile from the site boundary.	
Recreation	T	The area within and extending 5 miles from the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(d)).
Public Services	U	<p>For all resources except housing during construction, the area within and extending 10 miles from the site boundary, to include Wasco County.</p> <p>For housing impacts during construction, analysis must be based on impacts to available RV/camping locations within 10-miles of the site.</p>	Consistent with established study area distance (OAR 345-001-0010(35)(b))
Wildfire Risk	V	<p>For wildfire mapping, the area within and extending 0.5 miles from the site boundary.</p> <p>For wildfire risk assessment, based on county risk assessment, if available.</p>	Consistent with established study area distance (OAR 345-001-0010(35)(c))
Noise Control Regulation	Y	The area within and extending 1-mile from the site boundary.	Consistent with distance identified in OAR 345-021-0010(1)(y)(E)

Notes:

- The Applicant should note that analysis areas defined in this Project Order are to be used for the assessment of impacts to the associated resource. The Applicant is not required to perform comprehensive field surveys of the entire analysis area if another method of impact assessment is suitable. However, the Department reserves the right to require field surveys if it is determined that a different method of analysis is insufficient to provide the level of information necessary to find the application complete. It is recommended that the Department be consulted if the Applicant wishes to propose alternative methods of analysis than field surveys.

1 **V. EXPIRATION DATE OF THE NOTICE OF INTENT**

2

3 The NOI will expire on January 25, 2026<sup>12</sup>, unless the Applicant submits a petition to extend the  
4 expiration date in accordance with OAR 345-020-0060 not less than 45 days before that date. If  
5 the Council finds that such a petition shows good cause, the Council may extend the expiration  
6 date for a period of up to one year. The Applicant's submission of a timely petition for an  
7 extension under this rule stays the expiration of the NOI until the Council's decision to grant or  
8 deny the extension.

9

10 **VI. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS**

11

12 As provided in ORS 469.330(4) and OAR 345-015-0160(3), the Council or the Department may  
13 amend this Project Order at any time. Amendments may include changes to the analysis areas.  
14 To issue a site certificate, the Council must determine that the proposed facility complies with  
15 Oregon statutes and administrative rules identified in the Project Order, as amended, as  
16 applicable to the issuance of a site certificate for the proposed facility (ORS 469.503(3)).

17

18 Under OAR 345-015-0190(5), when the Department determines the ASC contains adequate  
19 information for the Council to make findings or impose conditions on all applicable Council  
20 standards, the Department will issue a determination of completeness on the ASC. The  
21 Applicant may submit a written request to waive specific information requirements in OAR 345-  
22 021-0010 that are identified as applicable in this Project Order. If the Department grants the  
23 waiver, it will amend the Project Order accordingly. In accordance with OAR 345-015-0190(9),  
24 after a determination that an application is complete, the Department may require additional  
25 information from the Applicant if additional information is needed during its continued review  
26 of the application.

27

28 **VII. APPLICABILITY AND DUTY TO COMPLY**

29

30 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this  
31 Project Order does not render that statute, rule, ordinance, permit or other requirement  
32 inapplicable, nor in any way relieve Applicant from the duty to comply with the same.

33

34 OREGON DEPARTMENT OF ENERGY

35 Todd Cornett  
36 Todd Cornett (Jun 10, 2024 10:08 PDT)

37 Todd R. Cornett, Assistant Director, Siting Division  
38 Energy Facility Siting Division  
39 Oregon Department of Energy

40

41 Date of Issuance: June 10, 2024

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<sup>12</sup> Two years from Department receipt of NOI - January 26, 2024.



## **Attachment 1: Public Comments**

**SRREF NOI Public Comment Index**

<b>Organization (if Applicable)</b>	<b>Commenter</b>	<b>Relevant EFSC Standard(s)</b>	<b>Comment Summary</b>
U.S. Department of Navy	Kimberly Peacher, Community Planning & Liaison Officer, Northwest Training Complex	Required Permits, Div. 24, Public Health and Safety of Wind, Siting Standards for Transmission Lines	Any structures exceeding 200 feet in height are subject to compliance with Federal Aviation Administration (FAA) Part 77.9. Based on the height of proposed wind turbines, the facility will need review and determination by the FAA.
Oregon-California Trails Association (OCTA)	David Welch, Director Northwest Chapter	Recreational Opportunities, Protected Areas	Requests to be kept informed of process. No additional comments at this time.
Wasco County Board of Commissioners	Phil Brady, Wasco County Commissioner	General Standards of Review, Siting Standards for Transmission Lines	Oral comments and questions at Public Information Meeting in Dufur on April 3, 2024. Questions about project description and EFSC review process, questions about transmission line structures, public participation.

## RE: ODOE Request for Comments Summit Ridge Renewable Energy Facility Notice of Intent

Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)  
<kimberly.n.peacher.civ@us.navy.mil>

Wed 4/10/2024 5:01 PM

To:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hello Kathleen,

Thank you for the update and checking in.

In addition to IR 343 the proposal is located under the Redhawk MOA but that floor is 11k ft MSL. As such, the operational impact assessment remains the same as the review previously submitted.

Thanks again.

V/R,

Kimberly Peacher  
Community Planning & Liaison Officer  
Northwest Training Range Complex  
(360) 930-4085  
NIPR: [Kimberly.peacher@navy.mil](mailto:Kimberly.peacher@navy.mil)  
SIPR: [Kimberly.peacher@navy.smil.mil](mailto:Kimberly.peacher@navy.smil.mil)

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**From:** SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**Sent:** Wednesday, April 10, 2024 2:23 PM

**To:** Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>;  
kimberly.peacher@navy.mil

**Subject:** [Non-DoD Source] ODOE Request for Comments Summit Ridge Renewable Energy Facility Notice of Intent

Good Afternoon Kimberly,

I am reaching out to follow up on a request for reviewing agency comments (email March 14, 2024) on the **Summit Ridge Renewable Energy Facility Notice of Intent to Apply for an Energy Facility Council Site Certificate** (NOI). As an NOI, this is an entirely new and different process for approval of a site certificate and we are requesting reviewing agency comments on the NOI at this time.

The name "Summit Ridge" may sound familiar because we (ODOE siting division) have been reviewing more than one request for the existing and proposed facility over the past few months and you have recently also been asked to comment on the **Summit Ridge Wind Farm Application to Terminate Site Certificate** [ the existing site certificate]. You also were asked to comment on a preliminary Request for Amendment 6 (pRFA6) for the **Summit Ridge Wind Farm** site certificate in September 2023.

The pRFA6 was withdrawn by the certificate holder. The certificate holder is also requesting to terminate the existing site certificate and has chosen to submit a new application for a site certificate for a proposed facility in the same location and almost, but not quite, identical to what was requested in that pRFA6 (which is now withdrawn). Hence the NOI for the new proposed facility (**Summit Ridge**

## RE: Reviewing Agency Notice and Request for Review for the Summit Ridge Wind Farm preliminary request for Amendment 6

Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)  
<kimberly.n.peacher.civ@us.navy.mil>

Wed 11/1/2023 10:48 AM

To: SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Good morning Kathleen,

Thank you for including the military.

Based on our review, Summit Ridge is under IR-343 but the floor is 5000' MSL in the vicinity of the project, so no additional impacts are anticipated.

V/R,

Kimberly Peacher  
Community Planning & Liaison Officer  
Northwest Training Range Complex  
(360) 930-4085  
NIPR: [Kimberly.peacher@navy.mil](mailto:Kimberly.peacher@navy.mil)  
SIPR: [Kimberly.peacher@navy.smil.mil](mailto:Kimberly.peacher@navy.smil.mil)

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**From:** SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**Sent:** Tuesday, October 31, 2023 5:26 PM

**To:** Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>;  
kimberly.peacher@navy.mil

**Subject:** [Non-DoD Source] Reviewing Agency Notice and Request for Review for the Summit Ridge Wind Farm preliminary request for Amendment 6

Hi Kimberly,

I apologize for you not being notified when this notice originally went out, but we are still seeking input and comments on the preliminary Request for Amendment 6 for the Summit Ridge Wind Farm.

Given the requested change in turbine height (taller) we would definitely appreciate your review and comments on this one. The GIS shapefiles are attached.

The Notice and information are attached. The pRFA6 is available for download/viewing on the project webpage:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SRW.aspx>

Thank you,



OREGON  
DEPARTMENT OF  
ENERGY

Kathleen Sloan  
Senior Siting Analyst  
550 Capitol St. NE | Salem, OR  
97301  
P: 971-701-4913



Stay connected!

## Summit Ridge Renewable Energy Project

welchdj@comcast.net <welchdj@comcast.net>

Tue 4/30/2024 11:42 AM

To:SLOAN Kathleen \* ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from welchdj@comcast.net. [Learn why this is important](#)

Kathleen,

I am the preservation activities coordinator for the Northwest Chapter of the Oregon-California Trails Association. Did I previously submit any comments on the Summit Ridge Project? I am not seeing a record of it on my computer. I think I just said that we wanted to continue to receive communications on the project.

*Dave Welch*

*welchdj@comcast.net*

Transcript of Oral Public Comments Received on Summit Ridge Renewable Energy Facility  
Notice of Intent Public Information Meeting Held in Dufur, Oregon April 3, 2024.

Recording: 187 "Energy Siting" (562026752) 00:34:39.179 --> 00:34:59.179

[ODOE Opens Public Comment on NOI]

Public comments, so the way this is going to work is we are going to open it up for public comment or questions. You can ask questions to, um, to the people in the room if you do want to comment or ask a question, we do ask that you come up and use the microphone so that people on the webinar can hear as well.

And state your name, and the spelling of your name would be super helpful. If you're with an organization, if you can tell us the name of the organization that you are with or represent. And then once we're done with the commenters in the room, we go over to Nancy, and she will tell us if there are people that want to comment on the webinar or on the phone.

And we'll walk through that as well so there might be some webinar participants that want to ask questions or make comments. But our 1st priority is the people that actually came to the meeting in person and so we wanted to open it up to you. So, is there anybody in the room that would like to make a comment or ask a question.

Okay, please come, come up, have a seat. Speaking to....?

Recording: 192 "Energy Siting" (562026752)00:35:49.469 --> 00:35:55.919

Commenter1:

Good evening, Phil Brady, and I live in the Dalles, Oregon and I'm a Wasco County Commissioner.

So, yes, got a couple of questions. 1st as a comment, I find it interesting, and a good thing actually, that the applicant kind of drops out of the process, or takes a backseat to the process, in that latter half. And why I would say that is a good thing, from the public's understanding, it's, you know, the, it's now the [Dept] representing the applicant to them and so it's not like the applicants can't push in there. Is that the way it's designed? in my interpreting this?

ODOE:

I will let Todd take that one, okay. All right. I'm going to do my best enough. Todd will quickly correct me but we are support staff for the council [EFSC] so our role is not to represent the applicant. It's really to give an objective review of the application and whether or not it meets council standards. And that is our role from once the Location is submitted, the complete application is submitted.

Then our role is to do that evaluation and prepare that information for counsel. I guess what I would want to clarify is we're not there to represent the applicant from that process on. They have their role as well would they have a role in in later during the, like the proposed order and the contested case.

When we go to the public hearing on the draft proposed order, there's an opportunity for the applicant to make comments at that public hearing after the public has commented and they can also respond to comments that are made in that public hearing and then if it goes to contested case, there's also a role.

Commenter 1:

Okay. Got a couple more questions. Okay. Not drilling here. But, so as Wasco County Commissioner, we will be part of this special advisory group?

ODOE:

Yes.

Commenter 1:

This is it our turn to participate in the public hearing there in the middle block [referring to process slide]?

ODOE:

You can, but also as a, as a special advisory group, you're [represented] in those little Blue green boxes at the bottom [of the slide]. We have a responsibility and a role to coordinate with you throughout that process and you can provide us comments as you see fit.

It is important though if you have an issue that you might want to pursue through a contested case that you make those comments on the record of the draft proposed order.

Commenter 1:

In that order, in noticing that we did get noticed today so we're, we're on that. Okay. I'm following up on this is, can I respond? Yeah a little bit to that one as well. Just cause. It's, I think it's important. So, you know, at the notice of intent stage, which is where we're at right now is.

ODOE:

We're seeking public comment, you know. And that includes agencies, so the, the one slide, which had kind of the bulls eyes with the study area and analysis area. This is also something that, you know, the county, um, can be very valuable at cause you have, you know, a good geographic information system. You know, the maps, you know, the issues out there.

You could say, look your sort of predetermined area for this resource is a half a mile. We think you should go beyond that, or, you know, as Kate said, we can either increase those or shrink those based upon information that we get on the record. But that's what's helpful for us to



know what else is out there is there anything that we're not aware of that we could be missing. So, so it's sort of at the notice of intent stage, you know, we're going to be like, okay, what are your requirements? What are we [ODOE], what do we need to include in the project order from the county.

Then when we're reviewing the preliminary application, we want to know from the county - They submitted all this information about the local land use ordinances. Did they get it? Right? Is it complete? Is it not complete?

And then, when we get to the point where we're writing the draft proposed order, which is functionally, like a stack report, it's, you know, we're looking at the project against the standards. We want your input as well, particularly on the local land use ordinance. To say, not only did we have the right list of them but are we evaluating it properly? How would you evaluate it? If you were doing the review? w\We want your input to make sure that we're getting that right? Are we putting the right conditions on? Are we interpreting things correctly? That's where we want the county's input you can certainly participate kind of beyond that if you don't like what we did, if you don't agree with what we did, you can provide comments on the draft proposed order. You can participate in the contestant case.

But prior to that, where we really, really need you to help us, so, let me clarify and clarify for the sake of the public too.

Commenter 1:

So, when you say the county, I'm thinking of 2 kinds of things 1) is the very capable planning department and codes enforcement department. And so that for example: If this was located a little, slightly different land, that would include all the senior carrier codes that the county would be applying because that's what they do. But another meaning of the county is the Public, the people in the county, so I can imagine people would come to a County Commissioner and say, hey, this is what I think, and is that also a route that you invite people to participate, you know, the citizens input being drawn through, comes through the county, or would you prefer that to happen at the public hearing or both?

ODOE:

Oh, well, we certainly don't have any preference. So, if the, if the citizen to the county want to lobby, you know, you as county commissioners to provide comment on the record, they are, you know, more than willing to do that are more than able to do that and you, you can pursue those as well. They can also submit comments through our public comment timeframe.

Commenter 1:

Okay so that's really kind of a local. How the local process is going to work? Good. In order to have standing in a contested case, does the issue to be contested have to be an issue that is raised previously, or can you raise one issue and then learn something and can test something else?

ODOE:

That's right. Yeah, I didn't expect to... Yeah, I mean, the, the short answer is, it has to be raised at the draft proposal, order stage so we will, um, provide a notice, um, that the draft proposed order has been issued. And that timeframe, which will include an open public comment, time frame and a public hearing, you know, could be here could be in the Dallas. But in the vicinity of the project, you know, whether it's an oral comment or a written comment, that would have to be made within that comment timeframe and it's raise it or waive it. So you can't then later on try to participate in the contest a case on an issue. You didn't raise it has to be raised during that timeframe. And it has to be related to a council standard. So the standards that we included. And it has to be sufficiently specific enough. That between the draft proposed order stage and the proposed order stage we can evaluate it, you know, it can't just be a placeholder, you know, we don't think you met this. It has to be why? And that then gives us the staff the opportunity to make changes between the draft proposed order and the proposed order. It gives the applicant an opportunity to respond and provide new information in the record. And it also allows the council to evaluate that when they're reviewing the draft proposed order and providing feedback to staff. So, raise it or wave it at the draft proposed order stage.

Commenter 1:

Have 2 more questions, but this is for the team here. Okay Thank you. Very much. 1st, question is, so the tie-in the will be a 270, uh, 230[kV] line. What does that look like? Is that a wooden pole? Or is that a bigger power?

Applicant:

The bigger towers they'll either be wooden poles, steel polls.

Commenter 1:

Okay but it's not, it's not the big ones. It's the typical ones where no, you're not going to see, like, the big lattice types towers what you're referring to right? No? That's what I want to clarify.

Since you, and then this is kind of a personal question if I can, since you're working in Texas, how does Oregon's permitting process compared to Texas? Which I understand is kind of like, anarchy.

Applicant:

Hello. I guess I wouldn't characterize as...Texas is permitting, um, as an, I would characterize it as sort of ultimate local control. For example, the Project that we're, um, under construction on now, it just achieved mechanical completion, meaning it looks like it's going to look. We're just sort of tightening bolts and getting ready to energize, that one was a letter from the judge that said, "go forth and prosper". So, you know, there's a reason folks tend to start their developments in Texas when they form a new independent power producer. You tend to be able to move faster. The interconnection process with the utilities is still challenging and slow, but permitting is usually not. The largest hurdle operating there and, I mean, I think with the Oregon, being a standards based, highly procedural process with a known course of action and

responsibilities. Yes it's lengthy and expensive, but ultimately, I think it provides a ton of opportunity for public input, for the developers to respond to that that input and work with the approving agency. And ultimately, the Council to hopefully get to a successful outcome. So, advantages to each, I think that those are definitely bookends, though.

Commenter 1:

Yeah. Wow. So, we have a lot of good protections here. Thank you.

ODOE:

Thank you.

Was there anyone else in the room that wants to ask a question or make a comment.

And if not, we'll move on to the webinar.

And while she's doing that. I'll just say we're happy, you know, once we're kind of concluded, and we're starting to wrap up if anybody wants to stick around and ask any individual questions to Kate, or myself, or the applicant team, we'll be around as well to answer any questions you have.

All right, well, at this time, I don't see any hands raised, but let me just remind everyone who is participating online how they would go about raising a question or making a comment. So, um, if you are on the webinar, you're going to go ahead and look at the bottom of the main window on the right and there's a set of icons click on the participants and that will raise your hand. There's a little hand icon. So, that will raise your hand when you are finished, you can click it again to lower your hand. If you're on the phone, you're going to press star 3 on your key pad to raise your hand. And when you're finished commenting, go ahead and press star 3 again, to lower your hand.

I do not see anyone, so we're going to wait just a minute, just to see if anybody wants to raise their hand on the webinar, I'll, I'll make another round of calls if anybody wants to ask a question or make a comment. Anyone? Nope. nope. Okay. So why don't you go to the next slide?

I just wanted to show this next slide. We have an amazing Web site. There is a lot of information on there. Um, we have a project web page. We have information about our standards, we have a comment portal where you can go online and submit your comments on any siting project that's open for public comment. All of this information is also available on the handouts that are on the table out there. So if you have it, if I didn't hand you a copy of the notice, or offer you any of the handouts I would say, feel free to grab them on the way out. I really encourage people, if you're interested in this process, or this facility proposed facility that you familiarize yourself with, are very useful links and web based resources, cause there's a ton of good information there...

[No more public commenters in room, webinar or phone]

00:51:42.660 --> 00:52:02.660

All right, and with that, I am going to say, if there's no 1 raising their hand on the webinar, we're going to close this meeting it is now officially closed, but we're going to be here wrapping up. And if anybody wants to ask us any questions, or follow up on anything we cover tonight, please feel free to come talk to us.

All right, well, thank you. Okay.

[End of Meeting]

**Attachment 2:  
Special Advisory Group Comments**



**BOARD OF COUNTY COMMISSIONERS**

511 Washington St, Ste. 101 • The Dalles, OR 97058  
p: [541] 506-2520 • f: [541] 506-2551 • www.co.wasco.or.us

*Pioneering pathways to prosperity.*

Oregon Department of Energy  
ATTN: Kathleen Sloan, Senior Siting Analyst  
550 Capitol Street NE  
Salem, OR 97301  
(Sent by email to Kathleen.Sloan@energy.oregon.gov)

April 17, 2024

Subject: Summit Ridge Renewable Energy Facility

Dear Ms. Sloan;

Per your letter dated March 14, 2024, the Wasco County Board of Commissioners is responding to your request for information.

*1) The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.*

The application will be reviewed by the Wasco County Planning Director, Kelly Howsley Glover, who is available at 2507 E 2<sup>nd</sup> St, The Dalles, OR 97058 or via phone 541-506-2560.

*2) A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.*

The proposed project includes development in the non-National Scenic Area portions of Wasco County. As such, the following ordinances are applicable:

Wasco County Comprehensive Plan  
Wasco County Land Use and Development Ordinance

The project proposes development in the A-1 (160) Zone, an Exclusive Farm Use Zone. Per OAR 660-033-0120, this facility requires a conditional use review, and will be subject to Chapter 3, Chapter 5, 10, 19 and 20 of the Wasco County Land Use and Development Ordinance.

Development appears to be within the following Overlay Zones that will impact review and criteria:

- Wasco County Geological Hazard Overlay Zone (OZ 2) and may require a written report by a certified engineer that demonstrates proposed development can be completed without threat to public safety or welfare.
- There is one Goal 5 listed historical, cultural, or archaeological site within development. Impacts to the site will need to be reviewed consistent with Chapter 3 of the Wasco County Land Use and Development Ordinance, Cultural, Historic, and Archaeological Overlay (OZ 4).
- Development appears to include several significant mineral resource locations. Review will need to be consistent with Chapter 3 of the Wasco County Land Use and Development Ordinance, Mineral and Aggregate Overlay (OZ 5).

- Development appears to be within one of the designated Natural Areas (OZ 7). This requires the review to include evaluation against Chapter 5 (Conditional Use Permit) standards in the Wasco County Land Use and Development Ordinance.
- Development is within our Military Airspace Overlay Zone (OZ 15) and requires early coordination with NW Regional Coordination Team (Department of Defense) for possible mitigation measures. Chapter 3 (OZ 15) outlines additional steps for compliance with this overlay zone.
- Development appears to be within the Sensitive Wildlife Habitat (OZ 8) Overlay Zone for deer and elk within the National Scenic Area, which requires consultation with Oregon Department of Fish and Wildlife. See Chapter 3 of the Wasco County Land Use and Development Ordinance, OZ 8 for additional standards.
- Development appears to include several sensitive bird sites (Sensitive Birds Overlay Zone OZ 12) and requires consultation with the Oregon Department of Fish and Wildlife. See Chapter 3 of the Wasco County Land Use and Development Ordinance, OZ 12 for additional standards.
- The site transects or is adjacent to Fifteen Mile Creek, which is a fish bearing stream and listed on the State Wetlands inventory. This generally requires a 100 foot buffer from development.

It is important to note that, consistent with Goal 5 (OAR 660-023-0190) and Policy 13.1.7 (a) of the Wasco County Comprehensive Plan, we require a Comprehensive Plan Amendment at the time of application to list the facility as a significant energy facility resource. Comprehensive Plan Amendment criteria can be found in Chapter 15 of the Wasco County Comprehensive Plan (Wasco County 2040).

*3) A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.*

Public Works will require:

- A Utility Permit: Detailed information about the project proposal
- Road Use Agreement: Detailed information about the project proposal
- New Road Approach permits

Building Codes Services may require:

- Electrical connection/panel inspections
- Permits/inspections for any structures owned by the private entity. Depending on the structure type it could include: foundation, anchorage, structural, plumbing, and electrical hook ups.
- Any electrical/plumbing hook ups for job trailers would also require permits/inspections

Planning will require:

- A Comprehensive Plan Amendment: Proposal for inventory addition to include site name, details about the proposal
- A conditional use permit, which should include information that addresses criteria in Chapters 3, 10, and 19 of the Land Use and Development Ordinance. Permits require a detailed site plan, fire safety certification, fire and emergency response plan, and review by a certified engineer for hazards.

*4) Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.*

This proposal sites development within our Geological Hazard (OZ 2) Overlay Zone which requires a study by a certified engineer for impacts when development is within the identified hazard point.

This proposal sites development within our Sensitive Wildlife Habitat (OZ 8) Overlay Zone and Sensitive Birds (OZ 12) Overlay Zone which requires consultation with the Oregon Department of Fish and Wildlife. We encourage development to be moved to avoid the sensitive bird buffer zone.

This proposal sites development within our Military Airspace Overlay Zone (OZ 15) that requires early coordination with the NW Regional Coordination Team/Department of Defense.

We recommend the development plan be modified to no longer include Natural Areas (OZ 7), the historical resource (OZ 4), and meet 100 foot buffer requirements from riparian areas/wetlands. This area, the southwest portion of development, contains multiple resources and given the scale of development we believe it may be difficult to mitigate in this sensitive location.


*5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.*

- \*Housing Study
- \*EMS Impact Study
- \*Fire Response Plan
- \*Traffic Control Plan
- \*Private Security Plan
- \*Defined Work Schedule
- \*Construction Plans
- \*Defined Staging Area for Construction/Development
- \*Impact to Sensitive Species
- \*Impact to Historical Resources
- \*Impact to Riparian Areas/Wetlands
- \*Impact to Natural Areas
- \*Impact to Mineral/Aggregate Resources
- \*Impact to Military Airspace

Thank you for your coordination.

Wasco County Board of Commissioners

  
\_\_\_\_\_  
Steven D. Kramer, Board Chair

  
\_\_\_\_\_  
Scott C. Hege, Vice-Chair

  
\_\_\_\_\_  
Philip L. Brady, County Commissioner



## Summit Ridge Renewable Energy Facility

Kathy Clark <kathyc@co.wasco.or.us>

Wed 4/17/2024 9:23 AM

To:SLOAN Kathleen \* ODOE <Kathleen.Sloan@energy.oregon.gov>

Cc:Kelly Howsley - Glover <kellyg@co.wasco.or.us>

 1 attachments (737 KB)

WascoCountyBOCCSummitRidge SIGNED.pdf;

You don't often get email from kathyc@co.wasco.or.us. [Learn why this is important](#)

Greetings, Ms. Sloan-

Please accept the attached letter regarding the Summit Ridge Renewable Energy Facility on behalf of the Wasco County Board of Commissioners.

Thank you for your attention to this matter.



**Kathy Clark | *Executive Assistant***  
**ADMINISTRATIVE SERVICES**

[kathyc@co.wasco.or.us](mailto:kathyc@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2520 | Fax 541-506-2551

511 Washington Street, Suite 101 | The Dalles, OR 97058

## **Attachment 3: Reviewing Agency Comments**

**Comment Index: Reviewing Agency Comments Received on SRREF NOI**

Reviewing Agency	Commenter	Relevant EFSC Standard(s)	Comment Summary
Oregon Department of Aviation (ODAv)	Brandon Pike, Aviation Planner	Div. 24, Public Health and Safety of Wind, Siting Standards for Transmission Lines	Facility will require aeronautical evaluation and determination by Federal Aviation Administration and Oregon Department of Aviation per FAR Part 77.9 and OAR 738-070-0060.
Oregon State Historic Preservation Office (SHPO)	Koren Tippett, Special Projects Archaeologist	Div. 22, Historic, Cultural and Archaeological Resources	There are known historic built environment resources in the analysis area previously identified in studies conducted for Summit Ridge Wind Farm. SHPO prior comments on Summit Ridge Wind Farm should apply to the proposed facility. Applicant should consult with tribes.
Oregon Department of Agriculture (ODAg)	Jordan Brown, Program Lead Conservation Biologist	Div. 22, Threatened and Endangered Species	ODAg concurs that no threatened or endangered plant species are likely to occur within the analysis area.
Oregon Department of State Lands (DSL)	Peter Ryan, Aquatic Resource Specialist	Div 24, Removal Fill	DSL received, reviewed and approved the wetlands delineation report submitted by the applicant on April 25, 2023 (WD2022-0416). If the facility construction impacts more than 50 cubic yards of wetlands or waters of the state, a removal fill permit would be required.
Oregon Department of Environmental Quality (DEQ)	Greg Svelund, Public Affairs Specialist	Div. 22,	DEQ commented on requirements for a construction NPDES-1200-C permit and accompanying Erosion and Sediment Control Plan (ESCP).
Oregon Department of Geology and Mineral Industries (DOGAMI)	Jason McClaghry, Geological Survey and Services Program Manager	Div. 22, Structural	<ol style="list-style-type: none"> <li>1) Site-specific landslide mapping should be performed and mitigated if necessary, prior to development.</li> <li>2) Active faults and fault rupture should be evaluated on a site-specific basis and mitigated if necessary, prior to development.</li> </ol>

			<p>3) The site has extensive loess deposits. Loess is collapsible soil. The loess deposits on the site should be evaluated using subsurface exploration and material testing to determine collapse potential and site class. The findings should be used to determine if mitigation is necessary prior to development.</p>
<p>Oregon Department of Fish and Wildlife (ODFW)</p>	<p>Andrew Myers, District Wildlife Biologist</p>	<p>Div. 22, Fish and Wildlife Habitat, Threatened and Endangered Species</p>	<p>1) Avoidance of Category 1 habitat  2) Category 2 Big Game Winter Range. Recommends “No net loss, net benefit” mitigation to offset footprint of fenced facility.  3) Vegetation removal and ground nesting bird schedule for avoidance.  4) Preconstruction raptor nest surveys with 2-mile buffer of facility.  5) Requests acoustic bat surveys be conducted before and after construction.  5) Post construction fatality monitoring recommendations.</p>

## RE: ODOE on Request for ODAv Comments Summit Ridge Renewable Energy Facility Notice of Intent

PIKE Brandon <Brandon.PIKE@odav.oregon.gov>

Thu 4/11/2024 4:40 PM

To:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hi Kate,

I just left you a potentially convoluted voicemail along these lines, but please do include ODAV's comments from the last application (amendment 6) with this new application. The changes included in this version of the application likely won't change things too much for us, at least.

Thanks again for keeping me in the loop.

Best,

**BRANDON PIKE**  
OREGON DEPARTMENT OF AVIATION  
AVIATION PLANNER



**PHONE** 971-372-1339

**EMAIL** [brandon.pike@odav.oregon.gov](mailto:brandon.pike@odav.oregon.gov)

**3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302**

**[WWW.OREGON.GOV/AVIATION](http://WWW.OREGON.GOV/AVIATION)**

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**From:** SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**Sent:** Wednesday, April 10, 2024 1:49 PM

**To:** PIKE Brandon <Brandon.PIKE@odav.oregon.gov>

**Subject:** ODOE on Request for ODAv Comments Summit Ridge Renewable Energy Facility Notice of Intent

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good Afternoon Brandon,

I am reaching out to follow up on a request for reviewing agency comments (email March 14, 2024) on the **Summit Ridge Renewable Energy Facility Notice of Intent to Apply for an Energy Facility Council Site Certificate** (NOI). As an NOI, this is an entirely new and different process for approval of a site certificate and we are requesting reviewing agency comments on the NOI at this time.

The name "Summit Ridge" may sound familiar because we (ODOE siting division) have been reviewing more than one request for the existing and proposed facility over the past few months and you have recently also been asked to comment on the **Summit Ridge Wind Farm Application to Terminate Site Certificate** [ the existing site certificate]. You also were asked to comment on a preliminary **Request for Amendment 6 (pRFA6)** for the **Summit Ridge Wind Farm** site certificate in September 2023.

## ODAV Comments on ODOE File: Summit Ridge Wind Farm

PIKE Brandon <Brandon.PIKE@odav.oregon.gov>

Fri 9/15/2023 10:25 AM

To:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Good morning Kate,

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on file: Summit Ridge Wind Farm, preliminary Request for Amendment 6.

ODAV has reviewed the proposal and prepared the following comment(s):

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development will be required to undergo aeronautical evaluations by the FAA and ODAV. The aeronautical evaluations are initiated by the applicant providing separate notices to both the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

Please reach out if you have questions or concerns.

Best,

**BRANDON PIKE**  
OREGON DEPARTMENT OF AVIATION  
AVIATION PLANNER



OFFICE 503-378-2217 CELL 971-372-1339

EMAIL [brandon.pike@odav.oregon.gov](mailto:brandon.pike@odav.oregon.gov)

3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302

[WWW.OREGON.GOV/AVIATION](http://WWW.OREGON.GOV/AVIATION)

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# Oregon

Tina Kotek, Governor

## Parks and Recreation Department

Oregon Heritage/  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301-1266  
(503) 986-0690  
Fax (503) 986-0793  
oregonheritage.org



April 10, 2024

Matt Hazard  
Aypa  
, OR

RE: SHPO Case No. 24-0646  
AYPA Power, Summit Ridge Renewable Energy Facility  
construct renewable energy facility  
, Wasco County

Dear Matt Hazard:

Thank you for submitting information for the undertaking referenced above. According to our records, archaeological and historic built environment properties have been previously identified in the project area. The responses from our office regarding the Summit Wind Ridge Farm project (case #: 09-1281) should be considered, as applicable, for this new project.

If the project has a federal nexus (lands, funding, permitting, or oversight) coordinate with the lead federal agency to ensure compliance with Section 106 of the National Historic Preservation Act. There appears to be a federal nexus due to the need to connect to Bonneville Power Administration's Boyd Ridge Switchyard.

If you have not already done so, be sure to consult with all appropriate Native American tribes and interested parties regarding the proposed undertaking. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the undertaking accurately, reference the SHPO case number above in all correspondence.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

Koren Tippett  
Special Project Archaeologist, OPRD/SHPO Liasion  
(971) 304-4737  
Koren.Tippett@oprds.org

cc: Kathleen Sloan, Oregon Department of Energy

## SHPO Case No.: 24-0646, AYPa Power, Summit Ridge Renewable Energy Facility

TIPPETT Koren \* OPRD <Koren.TIPPETT@opr.oregon.gov>

Wed 4/10/2024 11:53 AM

To:mhazard@aypa.com <mhazard@aypa.com>

Cc:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

 1 attachments (29 KB)

SHPO Response Letter Case Nbr SHPO Case No\_ 24-0646.pdf;

Please find the SHPO's response to your request for comment on cultural resources at the above-identified project. This attachment serves as your file copy. If you have any questions, please feel free to contact me.

Koren Tippett  
Archaeologist, OPRD Liaison  
Oregon Heritage Division, Oregon Parks and Recreation Department  
Cell: (971) 304-4737  
725 Summer St NE, Ste C  
Salem, Oregon 97301



## RE: SHPO Review Requested on Notice of Intent for Summit Ridge Renewable Energy Facility

CLEARANCE ORSHPO \* OPRD <ORSHPO.Clearance@opr.oregon.gov>

Fri 3/15/2024 1:30 PM

To:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**THIS E-MAIL CONFIRMS RECEIPT OF AN ELECTRONIC SUBMISSION FOR AN HISTORIC RESOURCE/106 REVIEW  
....THIS E-MAIL DOES NOT REPRESENT CONCLUSION OF THE REVIEW/106 CONSULTATION.....**

-

We received a clearance submission on your above referenced project.

**The assigned SHPO Case Number is 24-0646. Refer to this case number on all future correspondence.**

**This case has been placed in the appropriate Review Staff queue.**

**The SHPO receipt date is the date the submittal was initially received 03/14/24.**

DO NOT RESPOND TO THIS EMAIL

---

**From:** SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**Sent:** Thursday, March 14, 2024 4:42 PM

**To:** CLEARANCE ORSHPO \* OPRD <orshpo.clearance@oregon.gov>

**Cc:** ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>

**Subject:** SHPO Review Requested on Notice of Intent for Summit Ridge Renewable Energy Facility

Good Afternoon,

The Department of Energy is initiating SHPO review on a new proposed facility and a Notice of Intent to Apply for Site Certificate for the Summit Ridge Renewable Energy Facility.

The attached memo includes additional information on this Notice of Intent and the Department's request for SHPO review and comment on the proposed facility.

Please let me know if you need additional information to complete your review.

Thank you,



# Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

725 Summer Street NE, Suite C

Salem, OR 97301-1266

(503) 986-0707

FAX (503) 986-0794

[www.oregonstateparks.org](http://www.oregonstateparks.org)



Ms. Sue Oliver  
Oregon Dept. of Energy  
245 Main St, Suite C  
Hermiston, OR 97838

RE: SHPO Case No. 09-1281  
Summit Ridge Wind Project  
Multiple Legals, Wasco County

Dear Sue:

Our office received two reports from AMEC regarding the project referenced above. I have reviewed the report and would concur that the project would have no effect on any known cultural resources if the above ground historic resources (historic structures, n=5) and below ground resources (archaeological sites, n=20) are avoided. If these above and below ground historic resources are avoided then no further research or work is needed with this project.

Attached are two working tables that list the archaeological site information and historic structure site information along with our concurrence with the consultant's recommendations regarding site eligibility (i.e., site significance), as you can understand, this is not for public distribution or access.

If the proponents reply that they are unable to avoid the 25 historic resources, please let them know that they will need to contact our office immediately. We cannot approve the project at this stage if the resources are to be impacted.

As you already know, if at any time during development activities the project proponents encounter any cultural material (i.e., historic or prehistoric), all activities should cease immediately and an archaeologist should be contacted to evaluate the discovery. Under state law (ORS 358.905-955) it is a Class B misdemeanor to impact an archaeological site on public or private land in Oregon. Impacts to Native American graves and cultural items are considered a Class C felony (ORS 97.740-760). If you have any questions regarding my letter, feel free to contact our office at your convenience.

Regards,

Susan Lynn White, RPA  
Asst. State Archaeologist  
(503) 986-0675  
[Susan.White@state.or](mailto:Susan.White@state.or)



## Re: ODOE on Request for ODAg Comments Summit Ridge Renewable Energy Facility Notice of Intent

BROWN Jordan A \* ODA <Jordan.A.BROWN@oda.oregon.gov>

Mon 4/29/2024 3:39 PM

To: SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Kate,

Thanks for bringing this back to my attention. After reviewing the Summit Ridge Renewable Energy Facility and 2023 rare plant survey results memorandum, I concur that no plants listed as threatened or endangered by the State of Oregon are likely to be impacted by the proposed project. Only three listed plants are known from Wasco County and all have restricted ranges: northern wormwood is restricted to the riparian zone along the Columbia River, Oregon fairy poppy is restricted to cliffs and seeps along the Columbia River, and Tygh Valley milkvetch is only known to occur in the Tygh Valley. Although Tygh Valley is located in the vicinity of the project area, we wouldn't expect to find Tygh Valley milkvetch beyond the bounds of that valley, so it is not surprising surveys of potential habitat didn't detect plants in the project area.

Thank you for consulting with ODA Native Plant Conservation Program!

**Jordan Brown, Program Lead Conservation Biologist**  
**Oregon Department of Agriculture – Native Plant Conservation**  
635 Capitol St NE, Salem, OR 97301-2532  
PH: 541.737.2346 | CELL: 541.224.2245 | WEB: Oregon.gov/ODA  
Pronouns: he, him, his

\*Please note my email address has changed to [jordan.a.brown@oda.oregon.gov](mailto:jordan.a.brown@oda.oregon.gov)

---

**From:** SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**Date:** Monday, April 29, 2024 at 12:15 PM

**To:** BROWN Jordan A \* ODA <Jordan.A.BROWN@oda.oregon.gov>

**Subject:** Fw: ODOE on Request for ODAg Comments Summit Ridge Renewable Energy Facility Notice of Intent

Hi Jordan,

I am just following up on this request for ODAg review/comments - see attached but the email below explains more

Can I get comments from you via email or written on this NOI sometime before May 3rd?

Let me know if we need to set up a call.

Kate

---

**From:** SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

**Sent:** Wednesday, April 10, 2024 1:32 PM

**To:** BROWN Jordan A \* ODA <Jordan.A.BROWN@oda.oregon.gov>

**Subject:** ODOE on Request for ODAg Comments Summit Ridge Renewable Energy Facility Notice of Intent

Good Afternoon Jordan,

## DSL comments on SRREF NOI

SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

Mon 5/6/2024 2:02 PM

To:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

---

**From:** RYAN Peter \* DSL <Peter.RYAN@dsl.oregon.gov>

Regarding the Summit Ridge Renewable NOI...see response below to the information request questions:

### Information Requests

In accordance with ORS 469.350 and OAR 345-015-0120, the Department requests the following information:

- 1) The name, address and telephone number of the contact person assigned to review the application for your agency. **DSL has not received a joint removal-fill permit application for the Summit Ridge Renewable project.**
- 2) Comments on aspects of the proposed facility that are within the responsibility or expertise of your agency. **DSL did review and approve the wetland delineation report prepared for this project, WD2022-0416, on April 25, 2023.**
- 3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance. **OAR 141-090 for wetland delineation rules, OAR 141-085 for removal-fill rules, and ORS 196 for the removal-fill law and statutes.**
- 4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application. **For the construction of the project a state removal-fill permit is required for projects that add, remove, or move more than 50 cubic yards of material in wetlands or waters.**
- 5) Recommendations regarding the size and location of analysis areas (see below for more information). **State law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design.**
- 6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures. **The delineation report for the project, WD2022-0416 was approved on April 25, 2023. DSL has not received a removal-fill permit application for this project and therefore cannot comment on potential impacts or mitigation matters.**
- 7) The NOI, announcements and notices about the proposed facility will be posted on ODOE's website at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SRREF.aspx> **Thank you.**

Peter Ryan, SPWS

Aquatic Resource Specialist

Oregon Department of State Lands | 775 Summer Street, NE, Ste. 100, Salem, Oregon 97301-1279  
503.779.4159 | **Workdays:** Monday-Thursday | **Out of Office:** Fridays

---

## **ODEQ Comments on SRREF Notice of Intent:**

A 1200-C Construction Stormwater Permit may be required for this site. As a part of the 1200-C Permit, an Erosion and Sediment Control Plan (ESCP) that meets the minimum requirements of the 1200-C permit and is site specific must be developed. See Section A.4.3-4 of the permit for site descriptions for each required construction phase. Here is a link to the DEQ 1200-C permit page <https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Construction.aspx>

Refer to the ESCP Narrative Forms that contains the 42 Standard notes as well as other information that is required when applying for the 1200-C permit. Per the Erosion and Sediment Control Plan Parts I through III narrative form, ESCP Part I and Part II Narrative Information need to be added to the ESCP drawings. This includes information about the Certified Visual Monitoring Inspector, Narrative site description, whether a Natural Buffer Zone exists or engineered soils will be used, and related information.

You must also clearly demonstrate on your plans, if applicable, compliance with Appendix B and the Natural Buffer Zone (NBZ) requirement. Please view appendix B at this link [1200-C Appendix B](#)

The ESCP must include a comprehensive plan for temporary and permanent stabilization per Schedule A 2.2.20 and 2.2.21. Plan must also include written and map details regarding phasing, how clearing, grading, and land disturbing activities will be sequenced to the maximum extent practicable across the site per Schedule A 2.2.2. Vegetation must be preserved where possible per Schedule A 2.2.5. A plan to control dust must be included that is appropriate for the phase of construction and amount of disturbance anticipated at the time. Ensure that an inspection report template that will adequately reflect the 14 day stabilization requirements is developed for all areas on the site.

A site specific and complete Erosion and Sediment Control Plan, all applicable permit fees, and ODOE issues site certificate must be submitted using the Your DEQ Online (YDO) system. The Erosion and Sediment Control Plan must be complete and ready for construction to be approved. A permit will not be issued without an approved Erosion and Sediment Control Plan.


For more information regarding YDO, including manuals for registering for a YDO account and submitting permit applications, please see this link: [Department of Environmental Quality : How to Enter Submittals in Your DEQ Online : Online Services : State of Oregon](#)

## FW: Reviewing Agency Comments Requested on Notice of Intent for the Summit Ridge Renewable Energy Facility

SVELUND Greg \* DEQ <Greg.SVELUND@deq.oregon.gov>

Tue 5/7/2024 12:19 PM

To:SLOAN Kathleen \* ODOE <Kathleen.SLOAN@energy.oregon.gov>

 1 attachments (31 KB)

ODOE Standard Comment Sheet.docx;

Kathleen,

I'm forwarding supplemental comments for the Summit Ridge project, related to stormwater. This includes more specifics than I previously provided, so it's more about expanding our comments than adding new regulatory hurdles, which remain the same. Thanks.

Greg

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**From:** SLOAN Kathleen \* ODOE <[Kathleen.SLOAN@energy.oregon.gov](mailto:Kathleen.SLOAN@energy.oregon.gov)>

**Sent:** Thursday, March 14, 2024 3:38 PM

**To:** BLEAKNEY Leann <[lbleakney@nwcouncil.org](mailto:lbleakney@nwcouncil.org)>; [jason.cane@state.or.us](mailto:jason.cane@state.or.us); [david.mills@state.or.us](mailto:david.mills@state.or.us); BROWN Jordan A \* ODA <[Jordan.A.BROWN@oda.oregon.gov](mailto:Jordan.A.BROWN@oda.oregon.gov)>; JOHNSON James \* ODA <[jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us)>; [Brandon.PIKE@aviation.state.or.us](mailto:Brandon.PIKE@aviation.state.or.us); KENNEDY Mike \* DEQ <[Mike.KENNEDY@deq.oregon.gov](mailto:Mike.KENNEDY@deq.oregon.gov)>; CRUSE Martha \* DEQ <[Martha.CRUSE@deq.oregon.gov](mailto:Martha.CRUSE@deq.oregon.gov)>; SVELUND Greg \* DEQ <[svlund.greg@deq.state.or.us](mailto:svlund.greg@deq.state.or.us)>; THOMPSON Jeremy L \* ODFW <[Jeremy.L.THOMPSON@odfw.oregon.gov](mailto:Jeremy.L.THOMPSON@odfw.oregon.gov)>; BOWLES Jamie L \* ODFW <[Jamie.L.BOWLES@odfw.oregon.gov](mailto:Jamie.L.BOWLES@odfw.oregon.gov)>; TOKARCZYK John A \* ODF <[John.A.TOKARCZYK@odf.oregon.gov](mailto:John.A.TOKARCZYK@odf.oregon.gov)>; MCCLAUGHRY Jason \* DGMI <[Jason.MCCLAUGHRY@dogami.oregon.gov](mailto:Jason.MCCLAUGHRY@dogami.oregon.gov)>; JININGS Jon \* DLCD <[Jon.JININGS@dlcd.oregon.gov](mailto:Jon.JININGS@dlcd.oregon.gov)>; [hilary.foote@dlcd.oregon.gov](mailto:hilary.foote@dlcd.oregon.gov); RYAN Peter \* DSL <[Peter.RYAN@dsl.oregon.gov](mailto:Peter.RYAN@dsl.oregon.gov)>; SALGADO Jessica \* DSL <[Jessica.SALGADO@dsl.oregon.gov](mailto:Jessica.SALGADO@dsl.oregon.gov)>; PETERS Scott <[scott.peters@odot.state.or.us](mailto:scott.peters@odot.state.or.us)>; RASHID Yassir \* PUC <[Yassir.RASHID@puc.oregon.gov](mailto:Yassir.RASHID@puc.oregon.gov)>; BJORK Mary F \* WRD <[Mary.F.BJORK@water.oregon.gov](mailto:Mary.F.BJORK@water.oregon.gov)>

**Cc:** ESTERSON Sarah \* ODOE <[Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)>

**Subject:** Reviewing Agency Comments Requested on Notice of Intent for the Summit Ridge Renewable Energy Facility

Good Afternoon,

The Department of Energy has issued a public notice on the Notice of Intent to Apply for a Site Certificate for the proposed Summit Ridge Renewable Energy Facility.

Additional information and the Notice of Intent (NOI) and Public Notice and a public informational meeting on the NOI are available on the project webpage via the link below:

[State of Oregon: Facilities - Summit Ridge Renewable Energy Facility](#)

Attached is a Reviewing Agency Request Memo from ODOE to assist you in your review and comments. The Department is requesting reviewing agency comments at this time on the NOI.

The public comment period is open through May 3, 2024 but we are requesting agency comments by April 19, 2024, if possible. If you need additional time, please let me know.

I will be reaching out to you to follow up on coordination calls and comments on the NOI in the next 1-2 weeks.

Please let me know if you have any questions about this request,



Kathleen Sloan  
Senior Siting Analyst  
550 Capitol St. NE | Salem, OR  
97301  
P: 971-701-4913



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OREGON  
DEPARTMENT OF  
ENERGY

ENERGY FACILITY SITING COUNCIL

## **Comments Requested on Notice of Intent for the Summit Ridge Renewable Energy Facility**

On January 26, 2024, the Oregon Department of Energy received a Notice of Intent to file an Application for a Site Certificate (NOI) for a proposed combined wind and solar energy generating facility, with battery storage and other related or supporting facilities. The facility would be located within a site boundary of approximately 4,061 acres (6.35 sq. miles) of private land zoned for Exclusive Farm Use in northeastern Wasco County. The NOI was submitted by Summit Ridge Wind, LLC, a wholly-owned subsidiary of Aypa Power, LLC.

Additional information, including a complete Public Notice on the Notice of Intent and Public Informational Meeting and a complete

copy of the Notice of Intent itself, is available on the [project page](#).

### **Public Comments:**

ODOE is now accepting public comments on the NOI. Comments must be submitted by **May 3, 2024** to be considered.

ODOE has an [online portal](#) for submitting public comments. The goal of the online portal is to provide members of the public with another convenient option to participate in Council rulemaking proceedings.

To [comment online](#), select "Summit Ridge Renewable Energy Facility NOI" from the drop-down menu and follow the instructions. You will receive an email confirmation after submitting your comment.

Written comments may be submitted in writing by mail, e-mail, or by fax. Please send comments to:

Oregon Department of Energy

ATTN: Kathleen Sloan, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (971) 701-4913

Fax: (503) 373-7806

Email: [kathleen.sloan@energy.oregon.gov](mailto:kathleen.sloan@energy.oregon.gov)

### **In Person and Remote Public Informational Meeting:**

The Department and applicant will also host a public informational meeting to provide an additional opportunity for the public to provide comments and ask questions about the proposed facility and review process. The public informational meeting will be held in



person and virtually on April 3, 2024. Details on how to attend or participate in the meeting are provided in the Public Notice, which is available on the [project page](#).

**Accessibility information:**

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or by email at [nancy.hatch@energy.oregon.gov](mailto:nancy.hatch@energy.oregon.gov).

*You received this notice either because you previously signed up for email updates related to specific siting projects or all Energy Facility Siting Council activities. You will automatically receive all future notices unless you unsubscribe via [ClickDimensions](#) or by contacting ODOE.*

*If you have any questions or comments about ClickDimensions please feel free to contact ODOE's Administrative Assistant Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to [Nancy.Hatch@energy.oregon.gov](mailto:Nancy.Hatch@energy.oregon.gov)*

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## Oregon Department of Energy

***Leading Oregon to a safe, equitable, clean, and sustainable energy future.***

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



[AskEnergy@oregon.gov](mailto:AskEnergy@oregon.gov) | 503-378-4040 | 550 Capitol St. NE in Salem

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# Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries

Administrative Offices  
800 NE Oregon St., Suite 965  
Portland, OR 97232-2162  
(971) 673-1555  
Fax: (971) 673-1562  
[www.oregon.gov/dogami](http://www.oregon.gov/dogami)

May 7, 2024

Kathleen Sloan

Senior Siting Analyst

ODOE 550 Capitol St. NE | Salem, OR 97301

RE: Resubmitting DOGAMI comments on preliminary Request for Amendment 6 on the Summit Ridge Wind Farm

Dear Kathleen:

Thank you for your request to review the new Summit Ridge Renewable NOI. I am resubmitting DOGAMI's comments on the previous pRFA6 for Summit Ridge Wind Farm, Wasco County, Oregon, with no additional changes. Jason McClaughry and Bill Burns of DOGAMI reviewed the original exhibit H on October 13, 2023.

Below are responses to key areas of the report that require additional follow-up.

- 1) Site-specific landslide mapping should be performed and mitigated if necessary, prior to development.
- 2) Active faults and fault rupture should be evaluated on a site-specific basis and mitigated if necessary, prior to development.
- 3) The loess deposits on the site should be evaluated using subsurface exploration and material testing to determine collapse potential and site class. The findings should be used to determine if mitigation is necessary prior to development.

### **ODOE question to DOGAMI 9/20/2023**

Per attached prelim drawings of proposed spread-footing and bedrock foundations for the potentially 648-foot max blade tip height wind turbines. Are there questions/comments on the adequacy of these foundations and/or proposed Geotech work given your understanding of seismic/non-seismic hazards in the project area?

### **DOGAMI response 10/13/2023**

*8.1 Landslides - The SLIDO-4.4 landslide database was used to overlay landslide areas or landslide-related features on Figure H-3; there are no mapped landslides within the amended site boundary.*

DOGAMI Response: There are no mapped landslides in SLIDO in this area because the area has not been mapped using lidar by DOGAMI yet. That does not mean it does not have landslides. If there are no existing maps, the consultants should perform their own mapping to confirm or not.

*7.2.5 Fault Rupture - Available DOGAMI Highest Hit LiDAR hillshade and slope data were reviewed for the area near and within the amended site boundary (DOGAMI 2023e; Figure H-4). No obvious evidence of fault rupture was observed.*

DOGAMI Response: We recommend reviewing the latest geologic maps in this area for any new mapped faults. We also recommend using the bare earth lidar data (not the highest hit) to map fault surface rupture.

*8.6 Collapsing Soils - Soil properties will be evaluated by laboratory testing and analysis. Subsurface soil conditions, such as loess or collapsing soils, will be identified during the site-specific geotechnical investigation and will inform the final design of the Facility. If collapsible soils are found, collapse potential will be mitigated by construction techniques (over-excavating and replacing with structural fill, wetting, and compacting) during subgrade preparation.*

DOGAMI Response: Earlier in exhibit H it states there are extensive loess deposits throughout the site. Loess is collapse prone. Why is it now stating, "if collapsible soils are found"? This is contradictory to statements made earlier in the same report.

*7.2.4 Seismic Shaking or Ground Motion - Site Class D represents the loess deposits that are predominant. Based on soil data provided by the Natural Resource Conservation Service Web Soil Survey (Exhibit I), and geologic information, the surficial and bedrock materials in the amended site boundary range from Site Class B to Class D. As described in Section 7.2, Site Class D (stiff soil) is the most conservative class appropriate for the proposed Facility (Attachments H-4, H-5, and H-6).*

DOGAMI response: The site has extensive loess deposits. Loess is collapsible soil. According to the NEHRP Provisions which is the method for determining site class, "F Soils requiring site-specific evaluations: 1. Soils vulnerable to potential failure or collapse under seismic loading such as liquefiable soils, quick and highly sensitive clays, collapsible weakly cemented soils." Therefore, the site class might be F and should be determined by geotechnical exploration and material testing.

If there are any additional questions about this review, please let us know. Thank you.

Best Regards,

A handwritten signature in black ink that reads "Jason McCloughry". The signature is fluid and cursive, with a long, sweeping tail on the "y".

Jason McCloughry, GS&S Program Manager

Cc: Bill Burns, Engineering Geologist

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# Oregon

Tina Kotek, Governor

## Department of Fish and Wildlife

Mid-Columbia Field Office

3561 Klindt Dr.

The Dalles, OR 97058

(541) 296-4628

FAX (541) 298-4993



April 22, 2024

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

RE: ODOE on Request for ODFW Comments Summit Ridge Renewable Energy Facility Notice of Intent

Dear Ms. Sloan:

The Oregon Department of Energy (ODOE) has requested review from the Oregon Department of Fish and Wildlife (Department) on the April 10, 2024 Summit Ridge Renewable Energy Facility Notice of Intent. This Letter contains: (1) Department contact information for the project; and (2) the Department's review comments and recommendations on the proposed amendment.

### **A. Contacts**

I will be the primary Department contact person for the Energy Facility Siting Council (EFSC) permitting process. My contact information is: Andrew Meyers, 3561 Klindt Dr. The Dalles, OR 97058. My phone number is (541) 705-0664. Please also copy the Department's Energy Program Coordinator: Jeremy Thompson, 4034 Fairview Industrial Drive SE, Salem, OR 97302; Office phone number (541) 980-8524.

### **B. Comments on the NOI**

#### General Comments

Please find below a listing of the most applicable statutes, administrative rules and policies administered by the Department that would pertain to the siting of this proposed facility. The Department will review and make recommendations for the proposed project based on the following applicable statutes and rules.

#### **Oregon Revised Statutes (ORS)**

- ORS 496.012 Wildlife Policy

- ORS 506.036 Protection and Propagation of Fish
- ORS 496.171 through 496.182 Threatened and Endangered Wildlife and Fish Species. A listing of State and Federal threatened, endangered and candidate species can be found on the Department's website at: [http://www.dfw.state.or.us/wildlife/diversity/species/threatened\\_endangered\\_candidate\\_list.asp](http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp)
- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509.140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways; Screening Devices. A listing of requirements under the Department's Fish Passage Program can be found on the Department's website at <http://www.dfw.state.or.us/fish/passage/>

### **Oregon Administrative Rules (OAR)**

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on the Department's website at: [http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL\\_by\\_category.pdf](http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL_by_category.pdf)
- OAR Chapter 635, Division 415 Fish and Wildlife Habitat Mitigation Policy can be found on the Department's website at: [http://www.dfw.state.or.us/lands/mitigation\\_policy.asp](http://www.dfw.state.or.us/lands/mitigation_policy.asp) describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Habitat Category 1 (irreplaceable, essential, limited) to Habitat Category 6 (non-habitat)
- The Mitigation Policy goal for Habitat Category 1 is avoidance of impacts through development alternatives ultimately resulting in a Department recommendation of no authorization of the proposed development action if impacts cannot be avoided. Habitat Categories 2-4 are essential or important for fish and wildlife, but not irreplaceable habitats. Habitat Category 5 is not essential or important habitat for fish and wildlife but has a high restoration potential. The application for a site certificate should identify the appropriate habitat categorization for all affected areas of the proposed project on mapping; provide basis for each habitat category selection; and provide an appropriate mitigation plan; all subject to ODOE and the Department's

review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.

- The Department also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-22-040, 060 and 070.
- The Department also recommends project consistency with the Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines that were established in conjunction with multiple state, federal and industry partners. The intent of these guidelines is to create a balance between the development of renewable energy and environmental protection.

**Department Specific Comments**

The Department has reviewed the Notice of Intent. Based on the current best available science, the Department has the following comments and recommendations:

- The project falls wholly within the ODFW mapped Big Game winter range habitat overlay (*Oregon Department of Fish and Wildlife 2013 Big Game Winter Habitat White Paper*). ODFW considers all habitats within winter range, with the exception Category 6 habitats and dryland wheat in the CPE, to be Category 2 as per the Oregon Habitat Mitigation Policy. The CPE contains several habitats that are rare and declining including sagebrush steppe and native grasslands. Although the larger footprint of the site has been determined, ODFW requests that micrositing within the larger footprint avoid impacts to native habitats and favors siting in previously disturbed areas to the maximum extent possible. As discussed with the applicant, ODFW recommends that mitigation be developed to offset the footprint of the fenced project area that will provide for “no net loss, net benefit” as outlined in the Mitigation Policy.
- ODFW requests that the applicant limit construction activities outside of the project footprint during the winter period, December 1- April 1, to reduce disturbance to wintering wildlife. In addition, ODFW requests that the placement of project infrastructure, including buildings and roads be sited within the project boundary in a manner to reduce the potential for disturbing wildlife outside of the project boundaries both during construction and in the operational phase.
- ODFW requests that any ground disturbance or vegetation removal within the project boundary be conducted prior to or after the critical period for ground nesting birds, April 15- September 1. Should ground disturbance occur during this period, ODFW requests that vegetative removal occur prior to the critical nesting period.
- ODFW recommends that raptor nest surveys be conducted within a two-mile buffer around the perimeter as well as within the proposed footprint of the project area. Impacts to all nests located should be avoided, and all activities prohibited during the timeframes and within the distances listed below for the species that may occur within the project boundary.

<b>Species</b>	<b>Spatial Buffer</b>	<b>Seasonal Restriction</b>	<b>Release Date if Unoccupied</b>
Western burrowing owl	0.25 mile	April 1 to August 15	31-May

Golden eagle	0.5 mile	Feb 1- Aug 15	15-May
Red-tailed hawk	300-500 ft	Mar 1- Aug 15	31-May
Ferruginous hawk	0.25 mile	Mar 15- Aug 15	31-May
Swainson's hawk	0.25 mile	April 1- Aug 15	31-May
Prairie Falcon	0.25 mile	Mar 15- Jul 1	15-May
Peregrine falcon	0.25 mile	Jan 1- Jul 1	15-May
American kestrel	0.25 mile	Mar 1- Jul 31	15-May

- The Department requests that presence surveys be conducted before and after construction for bats using acoustic survey methodology. Several species of bats (hoary bat, California myotis, little brown bat, canyon bat, and Yuma myotis) are known to occur near the proposed project. Additionally, ODFW is asking wind energy developers to consider placement of MOTUS towers adjacent to facility footprint to document migration timing of bat species. MOTUS towers should ideally be placed in a geographic area with high visibility (i.e., at the top of a hill or rise) and be located 20-50 ft. off the ground. ODFW is requesting that developers take a proactive approach to potential wind energy impacts on these species given the decline in bat populations realized across the western United States. ODFW requests collaboration on development on the design of these monitoring efforts.
- The Department requests that fatality monitoring at the site be conducted for the first two years of facility operation with long-term monitoring occurring on years ending in 5 (i.e., 2030, 2035, 2040, etc.).
- Finally, please continue to reach out to ODFW as early and often as needed for guidance on wildlife and habitat related issues as it pertains to the project.

The Department appreciates the opportunity to comment on this application and looks forward to working with ODOE and the Applicant.

Respectfully,



Andrew Meyers

Mid-Columbia District Wildlife Biologist

Cc: Jeremy Thompson, Salem  
 Jessica Clark, Bend  
 Sara Gregory, Bend  
 Applicant