

**Request for Amendment No. 1
to the Site Certificate for the
Madras Solar Energy Facility**

Submitted to:
Oregon Department of Energy

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Acronyms and Abbreviations

ASC	Application for Site Certificate
Certificate Holder	Madras PV1, LLC
Council	Oregon Energy Facility Siting Council
dBA	A-weighted decibels
DC	direct current
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industriesef
EFU	Exclusive Farm Use
Facility	Madras Solar Energy Facility
GW	gigawatt
IBC	International Building Code
IDP	Inadvertent Discovery Protocol
ITP	Incidental Take Permit
JCCP	Jefferson County Comprehensive Plan
JCZO	Jefferson County Zoning Ordinance
LCD	Department of Land Conservation and Development
kV	kilovolt
MW	megawatt
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
OAR	Oregon Administrative Rule
ODAV	Oregon Department of Aviation
ODEQ	Oregon Department of Environmental Quality
ODOE	Oregon Department of Energy
ODSL	Oregon Department of State Lands
ODFW	Oregon Department of Fish and Wildlife
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statutes

PV	photovoltaic
RFA	Request for Amendment
RNA	Research Natural Area
USFWS	U.S. Fish and Wildlife Service

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1.0 Introduction

The Madras PV1, LLC (the Certificate Holder) holds the site Certificate for Madras Solar Energy Facility (Facility).¹ As approved, the Facility is capable of generating up to 63 megawatts (MW) of electrical power on 284 acres (0.09 square miles) located approximately 5.5 miles west of the City of Madras in Jefferson County, Oregon.

The Oregon Energy Facility Siting Council (Council) originally issued a site certificate to Ecoplexus for the Facility on June 25, 2021.² Electrical power produced by the Facility will be collected and routed via a new 34.5-kilovolt (kV) collector line to a new substation and routed from the new substation via a new 230-kV transmission line approximately 200 feet to connect to the existing Portland General Electric (PGE) Pelton Dam-Round Butte 230-kV transmission line located north of the proposed solar array. The Facility occurs entirely within a site boundary approved in the Site Certificate and shown on Figure 1 (Madras Solar Site Boundary).

The Certificate Holder files this Request for Amendment (RFA) 1 to the Facility Site Certificate seeking approval from the Council to extend the start date of construction and construction completion deadline. The proposed change is described in further detail in Section 3.0. This RFA 1 is required by Oregon Administrative Rule (OAR) 345-027-0350 (3) because the Certificate Holder seeks to extend the construction beginning and completion deadline. No other changes requiring an amendment to the Site Certificate per OAR 345-027-0350 are proposed in this RFA 1.

¹ Site Certificate for Madras Solar. 2021. Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-08-02-MSEF-Final-Order-SIGNED-Attachments.pdf>

² Final Order, p 208 (June 2021)

1.1 Amendment Determination Request, Type B Review – OAR 345-027-0357

OAR 345-027-0357 Amendment Determination Request

(3) For any request for amendment described under OAR 345-027-0350(3) or (4), the certificate holder may submit an amendment determination request to the Department for a written determination of whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3).

(4) A request described in section (1), (2), or (3) of this rule must be submitted in writing to the Department and must include:

(a) A narrative description of the proposed change;

Response: See Sections 1.0 and 3.0 of this amendment request.

(b) Maps and/or geospatial data layers representing the effects and/or location of the proposed change;

Response: Figure 1 depicting the approved site boundary and area subject to RFA 1 is provided at the end of this application. The Certificate Holder has submitted related geospatial data layers to the Oregon Department of Energy (ODOE or Department) concurrently with this amendment request.

(c) The certificate holder's evaluation of the determinations it is requesting under sections (1), (2), or (3) of this rule; and

Response: A request for a Type B review process is provided below, along with an analysis of why this process is appropriate for this amendment request.

(d) Any additional information the certificate holder believes will assist the Department's evaluation.

Response: A detailed analysis of how the Facility continues to comply with relevant standards is provided in Sections 2 through 7 of this amendment request.

(8) In determining whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3), the Department and the Council may consider factors including, but not limited to:

Response: As allowed under OAR 345-027-0351(3), the Certificate Holder requests a Type B review process for this amendment request. The following items are identified for consideration of a Type B review request in OAR 345-027-0057(8):

(a) The complexity of the proposed change;

Response: This RFA 1 seeks only to extend the start date of construction and construction completion deadline for the Facility and its related or supporting facilities as defined in Section 3 of the Site Certificate. This RFA 1 also seeks to change the parent company of the Certificate Holder entity to Fresh Air Power Development, LLC, from Ecoplexus Inc. This amendment request does not

change the Facility site boundary as shown on Figure 1. This RFA 1 makes no changes to the Facility, its related or supporting components, or the permanent or temporary disturbance areas identified in the Final Order³. The Council previously concluded that the Facility complied with the applicable substantive criteria of Council standards and Jefferson County's comprehensive plan and zoning ordinance.⁴ Sections 4, 6, and 7 of this RFA 1 demonstrate that standards and facts have not substantively changed since the Site Certificate. This amendment request makes two changes to Site Certificate Conditions GEN-GS-01 (a), GEN-GS-01 (b), and GEN-GS-05 identified in Section 3.0. The proposed changes to the construction deadlines do not affect the Certificate Holder's ability to comply with any of the other previously imposed Site Certificate Conditions. Therefore, the change to extend the start date of construction and construction completion deadline for the Facility is not complex and requires only minor revisions to the Site Certificate.

(b) The anticipated level of public interest in the proposed change;

Response: The Application for Site Certificate (ASC) had four public comments.⁵ As detailed above, the change is not complex and seeks only to extend the start date of construction and construction completion deadline for the Facility. Therefore, the anticipated level of public interest in this amendment request is low.

(c) The anticipated level of interest by reviewing agencies;

Response: There were two reviewing agency comments on the Proposed Order related to the Facility, all of which were considered and addressed as part of Final Order.⁶ Prior to submittal of this RFA 1, the Certificate Holder contacted the Jefferson County Planning Department (Attachment 1), Oregon Department of Fish and Wildlife (ODFW; Attachment 6 Agency Correspondence), and local service providers (Jefferson County Fire District 1 for fire service and the Jefferson County Sheriff's Office) (Attachment 3) to identify the proposed amendment, seek input on the request, and answer any questions or concerns raised. The level of interest from reviewing agencies was low because the change is not complex and there is no change to resource impacts resulting from the extension to construction deadlines.

(d) The likelihood of significant adverse impact; and

Response: This RFA 1 makes no changes to the Facility, its related or supporting components, or the permanent or temporary disturbance areas identified in the Final Order.⁷ RFA 1 does not change the Facility Site Boundary. All previously imposed conditions related to construction and operation of the Facility apply to RFA 1. There will be no changes to the conditions, and the

³ Final Order, Table 4 (June 2021). Available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-08-02-MSEF-Final-Order-SIGNED-Attachments.pdf>

⁴ Final Order, p. 86 (June 2021).

⁵ Final Order, p. 4 and Attachment B (June 2021).

⁶ Final Order, p. 4 and Attachment B (June 2021).

⁷ Final Order, Table 4 (June 2021). Available at:

proposed change to extend the construction deadlines for the Facility does not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for construction and operation. Following initial coordination with agencies and service providers (listed above), there were no changes identified from extending the start date of construction and construction completion for the Facility that would alter the Council's previous evaluation and determination of impacts. Therefore, there is little to no likelihood of significant adverse impacts related to this request.

(e) The type and amount of mitigation, if any.

Response: There is no mitigation resulting from the proposed amendment because there are no new impacts that will occur as a result of the construction deadline extension. All previously imposed conditions and plans related to mitigation apply to RFA 1. There will be no changes to the conditions or plans, and the proposed change to extend the construction deadlines for the Facility does not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions or plans related to mitigation. Following initial coordination with the agencies and service providers (listed above), there were no changes identified that would alter the Council's previous evaluation and determination of impacts. Therefore, there is no change to the type and amount of mitigation related to this request.

1.2 Need for Amendment – OAR 345-027-0385

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

(1) The certificate holder may request an amendment to the site certificate to extend the deadlines for beginning or completing construction of the facility, or portion/phase of the facility, that the Council has approved in a site certificate or an amended site certificate by submitting a preliminary request for amendment in accordance with OAR 345-027-0360. The preliminary request for amendment must include an explanation of the need for an extension and must be submitted to the Department before the applicable construction deadline, but no earlier than the date twelve months before the applicable construction deadline.

Response: The Certificate Holder is requesting an amendment to the Site Certificate to extend the deadline for completing construction of the Facility. The Certificate Holder's explanation of the need for the extension is provided below. The Certificate Holder is submitting this RFA 1 in accordance with OAR 345-027-0360 before the applicable construction deadline of (June 25, 2024) and no earlier than 12 months before the applicable construction deadline.

The extensions of the construction start and completion deadlines are needed because development planning and permitting could not be completed early enough to start construction by June 25, 2024. Since the critical development and permitting milestones are anticipated to be complete by late 2026 a new construction start deadline of June 25, 2027, would be appropriate,

(2) A preliminary request for amendment received by the Department within the time allowed under section (1) of this rule to extend the deadlines for beginning and completing construction suspends expiration of the site certificate or amended site certificate until the

Council acts on the request for amendment. If the Council denies the extension request after the applicable construction deadline, the site certificate is deemed expired as of the applicable construction deadline specified in the site certificate or amended site certificate.

Response: The Certificate Holder understands and acknowledges this rule.

(3) If the Council grants an amendment under this rule, the Council must specify new deadlines for beginning or completing construction that are the later of:

*(a) Three years from the deadlines in effect before the Council grants the amendment;
or*

(b) Following a contested case proceeding conducted pursuant to OAR 345-027-0371, two years from the date the Council grants the amendment.

Response: The Certificate Holder requests that the new deadline for the start of construction be June 25, 2027, and the new deadline for completing construction be December 28, 2028. These dates are three years from the deadlines currently in effect under the Site Certificate for the Facility. The Certificate Holder recognizes, however, that if there is a contested case on this RFA, the Council must select the latter of the two dates under OAR 345-027-0385(3).

(4) For requests for amendment to the site certificate received under this rule to extend construction deadlines for facilities or portions of the facility the Council may not grant more than two amendments to extend the deadline for beginning construction of a facility or a phase of a facility.

Response: This is the first request to extend the deadline for beginning construction of the Facility.

(5) For requests for an amendment to the site certificate to extend construction deadlines for facilities, or portions/phases of facilities, not yet in construction, but already approved for construction in the site certificate or amended site certificate prior to October 24, 2017:

Response: The construction deadlines in effect for the Facility under the Site Certificate were originally approved in July 2021, after October 24, 2017. Therefore, OAR 345-027-0385(5) does not apply.

2.0 Certificate Holder Information – OAR 345-027-0360(1)(a)

OAR 345-027-0360(1)(a) – The name of the facility, the name and mailing address of the certificate holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request;

2.1 Name of the Facility

Madras Solar Energy Facility

2.2 Name and Mailing Address of Certificate Holder

Madras PV1, LLC c/o Fresh Air Power Development, LLC
600 Park Offices Dr, Ste. 285
Durham, NC 27709

2.3 Name and Address of Individual Responsible for Submitting Request

Paul Szewczykowski
Title: Permitting Director
Company: Ecoplexus
Address: 600 Park Offices Dr, Ste. 285
Durham, NC 27709
Phone: 480-262-8910
Email pszewczykowski@ecoplexus.com

3.0 Description of Proposed Change – OAR 345-027-0360(1)(b)

OAR 345-027-0360 Preliminary Request for Amendment

(1) To request an amendment to the site certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

(b) A detailed description of the proposed change, including:

Proposed Change: Extension of Facility Construction Start and Completion Deadlines

The current deadline for the start of construction for the Madras Solar Facility is June 25, 2024. The Certificate Holder requests the Council amend GEN-GS-01 (a) and GEN-GS-01 (b) to extend construction start and completion deadlines by 3 years, respectively.

3.1 Effect of Proposed Changes on the Facility – OAR 345-027-0360(1)(b)(A)

(A) a description of how the proposed change affects the facility,

This request does not change the Facility as described in the Site Certificate. It only seeks to change the Facility construction start deadline from June 25, 2024, to June 25, 2027, and to change the deadline for construction completion 18 months, or December 28, 2028. An explanation of the need for the extension is described in Section 1.2.

3.2 How Proposed Change Affects Protected Resources and Interests – OAR 345-027-0360(1)(b)(B)

(B) a description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and

The change proposed in this RFA 1 will not create significant new impacts affecting those resources and interests protected by the Council's siting standards and will not alter the basis of the Council's previous findings that the Facility complies with all applicable laws and standards. To the extent that the proposed change could affect protected resources and interests, the Certificate Holder demonstrates that the Facility will continue to comply with all applicable laws and Council standards in Sections 4 through 7 of this amendment request.

3.3 Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)

(C) the specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change.

Figure 1 shows the approved Facility site boundary. The extension of the construction deadlines will not alter the approved Facility site boundary and no change to the site boundary is proposed as part of RFA 1. In addition, RFA 1 makes no changes to the previously approved Facility, its related or supporting components, or the associated permanent and temporary disturbance areas (EFSC 2021). Related geospatial data layers have been provided to ODOE concurrently with this request.

4.0 Applicable Division 21 Requirements – OAR 345- 027-0360(1)(c)

OAR 345-027-0360 Preliminary Request for Amendment

(1) To request an amendment to the site certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

(c) References to any specific Division 21 information that may be required for the Department to make its findings.

Response: Given the limited nature of the proposed changes, the Certificate Holder maintains that new Division 21 exhibits are not necessary for this RFA 1. The Certificate Holder provides updated evidence to demonstrate that the Facility, as modified, still complies with the applicable Council standards, including the standards that have been updated following the Council's approval of the ASC in 2021. In particular, this RFA 1 provides updated findings for OAR 345-022-0040, Protected Areas, as amended in December 2022; OAR 345022-0100, Recreation, as amended in December 2022; and OAR 345-022-0115, Wildfire Prevention and Risk Mitigation, as adopted in July 2022 (these changes are discussed in Section 5).

5.0 Site Certificate Revisions – OAR 345-027-0360(1)(d)

OAR 345-027-0360(1)(d) The specific language of the site certificate, including conditions, that the certificate holder proposes to change, add or delete through the amendment.

Response: Attachment 1 provides a proposed redlined version of the current Site Certificate for the Facility. The Certificate Holder has proposed modifications to the Site Certificate to reflect the proposed change described in this RFA 1, to update information that has changed since the issuance the Site Certificate for the Facility, as needed. The proposed substantive changes to the Site Certificate are identified with strikethrough and underlined text as follows:

Amended Condition GEN-GS-01(a):

The certificate holder shall:

(a) Construction of the facility or facility component(s) shall commence within three years after the date of Council action [June 25, ~~2024~~2027]. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline by satisfying applicable preconstruction conditions and completing at least \$250,000 work at the site.

Amended Condition GEN-GS-01 (b):

The certificate holder shall:

(b) Construction of the facility shall be completed within 18-months after the construction commencement date, or by ~~December 28, 2028~~. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline.

6.0 Analysis of Council Standards and Other Laws

OAR 345-027-0360(1)(e) A list of the Council standards and all other laws, including statutes, rules and ordinances, applicable to the proposed change, and an analysis of whether the facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is “applicable” if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2); and

Response:

The Council standards that are relevant to the changes proposed in this RFA 1 are presented in Sections 6 and 7 together with a response from the Certificate Holder that provides analysis of compliance with those standards. Where applicable, supporting information from the original ASC, and the Final Order is provided or incorporated by reference.

6.1 OAR 345-022-0000 General Standard of Review

(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

Response: The Council has previously found that the Facility complies with the General Standard of Review under OAR 345-022-0000. The standards under OAR 345-022 have changed since the ASC was approved by the Council in 2021, and the Certificate Holder notes where such changes are addressed in the following analysis. The information presented in the following sections demonstrates that RFA 1 does not change the Facility's ability to comply with the Council's siting standards, including OAR 345-022-0000. In this amendment request, the requirements of OAR 345-022-0000 are addressed in the findings, analysis, and conclusions discussed in the following Sections 6.0 and 7.0, as previously determined in the Council's findings of fact and conclusions of law in the Final Order.

Under this standard, the Council previously adopted Conditions GEN-GS-01 (a) and GEN-GS-01 (b) to establish construction beginning and completion dates for the Facility in accordance with OAR 345-025-0006(4).⁸ The Council acknowledged in the Final Order that there are unforeseen factors that can delay a Certificate Holder's commencement and completion of construction which may include but are not limited to financial, economic, and technological changes.⁹ The Certificate Holder's need for this amendment is provided in Section 1.2 and is consistent with these factors previously identified by the Council. The Certificate Holder does not propose to add any new conditions; rather, it proposes updates to Conditions GEN-GS-01 (a) and GEN-GS-01 (b) to reflect

⁸ Site Certificate for the Madras Solar Energy Facility. 2021.

⁹ Final Order, p. 15 (June 2021).

the changes proposed in this amendment request. The Certificate Holder does not propose changes to the balance of Conditions in the Site Certificate.

In addition, the sections below demonstrate that RFA 1 does not change the Facility's ability to comply with requirements of the siting statutes and standards adopted by the Council and imposed in the Site Certificate. This amendment request also demonstrates how the Facility complies with relevant Oregon statutes and administrative rules including those identified in the Final Order. Therefore, the Council may find that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0000.

6.2 OAR 345-022-0010 Organizational Expertise

OAR 345-022-0010 Organizational Expertise

- (1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.*
- (2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.*
- (3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.*
- (4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the Certificate Holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a*

contract or other arrangement for access to the resource or service secured by that permit or approval.

Response: The Council previously found that the Certificate Holder has the ability to design, construct, operate, and retire the Facility, in compliance with all Council standards and conditions, as required by the Organizational Expertise standard.¹⁰ The standards under OAR 345-022-0010 have not changed since the Final Order.¹¹ Specifically, the Council found that the Certificate Holder has demonstrated, through construction of previous energy facilities, that it is capable of designing and constructing the Facility in compliance with Site Certificate conditions.¹²

The proposed amendment to Conditions GEN-GS-01(a) and GEN GS-01(b) to extend the construction start and completion deadlines for the Facility does not alter the organizational expertise needed for the Certificate Holder to comply with Council standards and conditions of the Site Certificate. Ecoplexus Inc., is the 100 percent owner of Fresh Air Power Holdings, LLC and Fresh Air Power Development, LLC. Fresh Air Power Development, LLC holds Ecoplexus' operating solar project assets. Fresh Air Power Development, LLC holds 100 percent ownership interest in Ecoplexus' development project. Articles of Organization are included in Attachment 2.

Ecoplexus Inc. is a leading global developer of solar photovoltaic (PV) generation facilities for the commercial, municipal, and utility markets. The Company's central development focus is on utility scale solar PV facilities in the 20-100-megawatt range and utility scale battery energy storage systems in the 5-50 MW range. By the end of 2024, the Company will have a development pipeline of 17.1 gigawatts (GW) of utility scale renewable energy projects. Ecoplexus maintains quality in house GIS, permitting, land, interconnection, legal, and analytics teams to help contribute to this development pipeline. As of the beginning of 2024, the Company has more than 1 GW(direct current [DC]) of power offtake and contracts executed, as well as around \$1 billion of capital raised to build over 1 GW of utility scale renewable energy projects. Ecoplexus' operation and management team currently managing 238MW(DC) across 25 operating projects in the U.S. The Council previously found that the Certificate Holder has demonstrated the ability to design, construct, and operate a facility and determined they had the ability to operate the project in compliance with the conditions of the Site Certificate. The Certificate Holder remains committed to maintaining compliance with all the conditions included in Exhibit D of the existing site certificate, including requiring all contractors and consultants to comply with all applicable laws and regulations and terms and conditions of the site certificate.

Given the Certificate Holder's successful operation of their renewable energy generation portfolio, and given the limited scope of this request to extend the construction start and completion

¹⁰ Final Order, p. 28 (June 2021).

¹¹ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77076>

¹² Final Order, p. 28 (June 2021).

deadlines for the Facility, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0010.

6.3 OAR 345-022-0020 Structural Standard

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that:

(a) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site; and

(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in s[u]bsection (1)(a);

(c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and

(d) The applicant can design, engineer and construct the facility to avoid dangers to human safety and the environment presented by the hazards identified in subsection (c).

Response: The Council previously found that the Facility complies with the Structural Standard under OAR 345-022-0020.¹³ Based on the evidence provided existing Site Certificate conditions imposed, the Certificate Holder has the ability to design, construct, and operate the Facility in a manner that avoids danger to human safety presented by the non-seismic hazards identified at the site.¹⁴ As of this RFA 1 submittal, the Exhibit H requirements under OAR 345-021-0010(1)(h) have not changed since October 18, 2017. Minor corrections to spelling were made to OAR 345-022-0020 in May 2019¹⁵ but these corrections did not substantively change the standards considered and approved by the Council under this Structural Standard. The Council's previously imposed Site Certificate Conditions GEN-SS-01 through 05 to ensure compliance with this Structural Standard. Furthermore, Condition PRE-SS-01 will continue to apply to the Facility, which requires pre-construction site-specific geotechnical investigations based upon a protocol reviewed and approved by ODOE in consultation with the Oregon Department of Geology and Mineral Industries (DOGAMI).¹⁶ A Site-Specific Geotechnical Investigation was submitted for the Facility based on an

¹³ Final Order, p. 37 (June 2021).

¹⁴ Final Order, p. 34 (June 2021).

¹⁵ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=257893>.

¹⁶ Final Order, p. 34 (June 2021).

ODOE and DOGAMI approved protocol in September 2021. The Certificate Holder addressed the comments on the report received by ODOE and DOGAMI and was finalized in December 2023.

This RFA 1 does not seek to enlarge the existing Site Boundary, does not change the physical components of the Facility, and makes no changes to the analysis area where development of the Facility components will occur. Based on evidence provided in ASC Exhibit H, the Council concurred with the Certificate Holder that risks of seismic hazards within the analysis area from a potential seismic event would be low. No mapped active faults are located within 20 kilometers of the site, and risk of fault rupture is low.¹⁷ The Certificate Holder will address seismic resiliency by adhering to current seismic building codes, which incorporate the latest, widely-accepted earthquake data and science. At the time of the original Site Certificate, the State of Oregon had adopted the 2012 International Code Council (IBC). The State of Oregon has since adopted the 2021 IBC (International Code Council 2021) with current amendments by the Oregon Structural Specialty Code and local agencies. The specific codes that address seismic hazards are included in IBC Chapter 16 Section 1613. According to the updated IBC requirements, the determination from the Council to design the Facility for Site Class B soil conditions and from the recommendations of the site-specific geotechnical report will not be changed. Geotechnical issues identified for the Facility present minor geotechnical concerns (landslides, volcanic eruptions, erosion and collapsing soils) and can be mitigated for during final design and construction phases of the Facility.¹⁸ Condition GEN-SS-05 requires that the Certificate Holder to demonstrate Facility components have a minimum setback of 30 feet from basalt rim rock areas to lessen landslide hazards.

The extension of the construction deadlines proposed in this RFA 1 does not affect the Council's previous finding that the construction and operation of the Facility will be consistent with the requirements of the Council's Structural Standard. The proposed amendment makes no changes to the Facility or Site Certificate conditions related to the Structural Standard, and any potential change in site risks will be identified prior to construction in compliance with the existing Site Certificate Condition PRE-SS-01 as noted above. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0020.

6.4 OAR 345-022-0022 Soil Protection

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.

Response: The Council previously found that the Facility complies with the Soil Protection standard.¹⁹ The Soil Protection standard requires the Council to find that the design, construction,

¹⁷ Final Order, p. 30 (June 2021).

¹⁸ Final Order, p. 34 (June 2021).

¹⁹ Final Order, p. 31 (June 2021).

and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to soils. The standards under OAR 345-022-0022 have not changed since the Final Order.²⁰ The Certificate Holder identified existing soil conditions within the analysis area for the Facility and its related or supporting components in ASC Exhibit I and determined the Facility would permanently disturb approximately 270 acres of soil (EFSC 2021)²¹. The Council determined that when taking into account mitigation, the design, construction, and operation of the Facility are not likely to result in significant adverse impact to soils. The Facility and its interconnection area (described in Exhibits B, C, and K) are classified as 55 percent Cullius Loam and 45 percent Madras Loam. The Certificate Holder reviewed the Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database and verified that soils underlying the Facility and its related or supporting components, such as the interconnection, have not changed since the approval (NRCS 2024).

Based on the Certificate Holder's assessment of potential impacts to soils that could result from construction and operation of the Facility, the Council determined that erosion control measures will be implemented during construction in accordance with Site Certificate Conditions GEN-SP-01, PRO-SP-02, and OPR-SP-02. In particular, Condition GEN-SP-01 requires the Certificate Holder to conduct inspections of erosion and sediment control measures and best management practices in compliance with the Oregon Department of Environmental Quality (ODEQ) approved National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Discharge General Permit 1200-C. The Certificate Holder's draft Erosion and Sediment Control Plan was provided as Attachment E to the Final Order.²² The Council also imposed Site Certificate Condition PRO-SP-02 to develop and implement a Spill Prevention, Control, and Countermeasures Plan based on the template provided in Attachment D of the Final Order on the ASC, and a Hazardous Business Plan if the final Facility design includes battery storage.

The extension of the construction deadlines proposed in this RFA 1 does not affect the Council's previous findings of compliance with the Council's Soil Protection standard.²³ RFA 1 makes no changes to the previously approved Facility, its related or supporting components, or the associated permanent and temporary disturbance areas (EFSC 2021)²⁴. RFA 1 does not change the ability of the Facility to comply with soil protection conditions previously imposed for the Facility, such as Site Certificate Conditions GEN-SP-01, PRO-SP-02, and OPR-SP-02. No new conditions or changes to existing conditions related to soil protection are proposed as a result of this amendment request.

²⁰ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77078>.

²¹ Final Order, p. 37 (June 2021)

²² Final Order, p. 41 (June 2021).

²³ Final Order, p. 41 (June 2021).

²⁴ Final Order, p. 129 (June 2021)

Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0022.

6.5 OAR 345-022-0030 Land Use

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

(2) The Council shall find that a proposed facility complies with section (1) if:

(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:

(A) The proposed facility complies with applicable substantive criteria as described in section

(3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);

(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or

(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).

Response: The Council previously found that the Facility complies with the Land Use Standard.²⁵ The Certificate Holder elected to have the Council make the land use determination for the Facility, under Oregon Revised Statutes (ORS) 469.504(1)(b) and OAR 345-022-0030(2)(b). Minor corrections to rule references were amended to OAR 345-022-0030 in August 2023²⁶ but these corrections did not substantively change the standards considered and approved by the Council in the ASC under this Land Use Standard. The following sections describe how the Facility remains consistent with statewide planning goals and the applicable comprehensive plan and zoning ordinances of Jefferson County.

²⁵ Final Order, p. 106 (June 2021).

²⁶ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=304594>

6.5.1 Jefferson County Applicable Substantive Criteria and Comprehensive Plan

The Council previously concluded that the Facility complied with the applicable substantive criteria of Jefferson County’s comprehensive plan and zoning ordinance.²⁷ The Jefferson County Planning Department verified that, with the exception of one difference identified in Table 1, there have been no substantive modifications to the Jefferson County Zoning Ordinance (JCZO; Jefferson County 2018) or to the Jefferson County Comprehensive Plan (JCCP; Jefferson County 2013) that were reviewed in Exhibit K of the ASC and approved by the Council (Attachment 3). Specifically, the Certificate Holder has reviewed and confirmed there have been no changes to the applicable JCCP Goals that were identified in the Final Order²⁸. As such, applicable sections of JCCP have not changed in ways that would impact the Council’s prior findings under the land use standard.

The Facility site remains within the Jefferson County Exclusive Farm Use (EFU) A-1 zone as analyzed by the Council in the Final Order²⁹. JCZO Section 301.4(H) establishes “commercial utility facilities for the purpose of generating power for public use by sale” (commercial utility facility) as a permitted conditional use within EFU A-1 zone. JCZO Section 301.4(H) remains the same as reviewed in Exhibit K of the ASC and approved by the Council. The Council found that a commercial utility facility comprises a PV solar power generation facility, which includes solar modules and other accessory components (including storage devices” as defined in OAR 660-033-130(38)(f)), and therefore determined that it is appropriate to assess the Facility under JCZO Section 301.4(H). JCZO Section 301.4(H) also requires that an exception to Statewide Planning Goal 3 be taken if the “commercial utility facilities for the purpose of generating power for public use by sale” uses more than 12 acres of high-value farmland. The Council approved the Goal 3 exception for the Facility as summarized further below in this section.

JCZO Section 301.5(A) and (B) establish review criteria for all conditional uses within EFU-zoned land. JCZO Section 301.5(A) and (B) are identical provisions to the requirements of ORS 215.296(1) and OAR 660-033-0130(5). The Council determined that the Facility complies with JCZO 301.5(A) and (B) since it will not (A) force a significant change in accepted farm practices on surround lands devoted to farm use; nor will it (B) significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use. No lands cultivated for farm use occur within the Facility site boundary or surrounding 0.5-mile land use analysis area. The closest cultivated agricultural land occurs approximately 0.6 mile north of the Facility site boundary on the opposite side of Willow Creek Canyon. Since 1995, properties within the site boundary have been used for pasture grazing only once and no cultivation or other farm practices have occurred within approximately 25 years. The Facility site does not have any water rights and there is no realistic potential for water rights in the future. Construction, operation, and maintenance of solar panels and associated equipment at the Facility will not change existing land use practices on lands surrounding the

²⁷ Final Order, p. 106 (June 2021).

²⁸ Final Order, Table 1 (June 2021).

²⁹ Final Order, p. 43 (June 2021).

Facility site boundary. The Facility will not necessitate relocating any access routes or farm infrastructure on neighboring properties within the land use analysis area, and will not result in changes to practices for planting, irrigating, fertilizing, or harvesting. Because the Facility will not change farm practices on surrounding lands, the Facility will not increase the cost of farm practices on surrounding lands. These baseline conditions of the Facility site and surrounding lands have not changed since being reviewed in Exhibit K of the ASC and approved by the Council. The one revision made to the JCZO since it was reviewed in Exhibit K of the ASC and approved by the Council, was an amendment to the Floodplain Overlay Zone in Section 316. In July 2022, Jefferson County amended JCZO 316 to follow floodplain code developed by the Federal Emergency Management Agency (FEMA) and the Department of Land Conservation and Development (DLCD) (Jefferson County 2024)³⁰. The Council previously determined that the flood hazard area requirements would not apply to the Facility because the proposed site boundary is not within a flood hazard area and are therefore not included in the Land Use evaluation (EFSC 2021).³¹ As part of RFA 1, the Certificate Holder proposes no changes to the Facility, its related or supporting components, or the permanent or temporary disturbance areas identified in the Final Order on (EFSC 2021)³². The Certificate Holder reviewed the location of the Floodplain Overlay Zone in relation to the Facility location on the Jefferson County GIS Public Mapping Application (Jefferson County 2024) and it remains where it was previously identified on Figure K-3 in Exhibit K of the ASC. The applicable articles and sections of the JCZO and JCCP have not changed in ways that would impact the Council’s prior findings under the land use standard.

The Council previously found that the Facility would be consistent with applicable criteria of the JCZO and JCCP the proposed change to extend construction deadlines does not affect the findings provided in the Final Order and summarized in Table 1.

Table 1. Jefferson County Applicable Substantive Criteria

Section/Subsection	Name	Effect of Proposed Change
Jefferson County Zoning Ordinance (JCZO)		
<i>Chapter 3 Land Use Zones</i>		
Section 301	Exclusive Farm Use Zones	No Change. The Facility is a commercial utility facility for the purpose of generating power for public use by sale, which is permitted as a conditional use in the Exclusive Farm Use (EFU) zone. The Council previously found the Facility consistent with the applicable substantive criteria in Jefferson County Zoning Ordinance (JCZO) 301.4, 301.5, and 301.10.

³⁰ Jefferson County. 2024. Email communication with documentation provided by Phil Stenbeck, Jefferson County Planning Director. June 18, 2024.

³¹ Final Order, p. 45 (June 2021).

³² Final Order , Table 4 (June 2021).

Section/Subsection	Name	Effect of Proposed Change
		Specifically, the Council determined that the Facility complies with JCZO 301.5(A) and (B) and the identical provisions of OAR 660-033-0130(5) and ORS 215.296(1). A more detailed description of compliance with of OAR 660-033-0130(5) is provided in the next section below this table. The proposed change to construction dates does not affect compliance with the standards of the EFU zones.
Section 316	Floodplain Overlay Zone	Change. In 2022, Jefferson County adopted revisions to Section 316.,However, as described in the Final Order, the Facility site boundary is not within a flood hazard area, and therefore Section 316 was not included in the Land Use evaluation ³³ . As part of RFA 1, the Certificate Holder is not proposing any changes to the Facility or its disturbance areas and the location of the Floodplain Hazard Overlay has not changed relative to the Facility location.
Section 322	Sensitive Bird Habitat Overlay	No Change. The Facility is within the Sensitive Bird Habitat Overlay. The Council found the Facility consistent with, JCZO 322.2, 322.5, and 322.6. The Council also found the Facility consistent with JCZO 322.4, assuming compliance with Land Use Condition 2. The proposed change to construction dates does not affect compliance with standards of the Sensitive Bird Habitat Overlay or the Certificate Holder's ability to comply with Land Use Condition 2.
<i>Chapter 4 Supplementary Provisions</i>		
Section 401	Access	No Change. The Council found the Facility consistent with, JCZO 401.3, 401.4, and 401.5. The proposed change to construction dates does not affect compliance with this section of the JCZO.
Section 402	Transportation Improvements	No Change. The Council found the Facility consistent with, JCZO 402.4, 402.6, and 402.8. The Council also found the Facility consistent with 402.7, assuming compliance with Land Use Condition 1. The proposed change to construction dates

³³ Final Order, p.45 (June 2021).

Section/Subsection	Name	Effect of Proposed Change
		does not affect compliance with this section of the JCZO or the Certificate Holder's ability to comply with Land Use Condition 1.
Section 403	Clear-Vision Areas	No Change. The Council found the Facility consistent with, JCZO 403. The proposed change to construction dates does not affect compliance with this section of the JCZO.
Section 404	Fences	No Change. The Council found the Facility consistent with, JCZO 404. The proposed change to construction dates does not affect compliance with this section of the JCZO.
Section 405	Outdoor Lighting	No Change. The Council found the Facility consistent with, JCZO 405, assuming compliance with Land Use Condition 3. The proposed change to construction dates does not affect compliance with this section of the JCZO or the Certificate Holder's ability to comply with Land Use Condition 3.
Section 406	Sign Regulations	No Change. The Council found the Facility consistent with, JCZO 406.3. The Council determined that JCZO 406.2 does not apply to the Facility. The Council also found the Facility consistent with 406.1, assuming compliance with Land Use Condition 4. The proposed change to construction dates does not affect compliance with this section of the JCZO or the Certificate Holder's ability to comply with Land Use Condition 4.
Section 414	Site Plan Review	No Change. The Council found the Facility consistent with, JCZO 414.3, 414.4, 414.5, 414.6, and 414.7. The proposed change to construction dates does not affect compliance with this section of the JCZO.
Section 415	Soil or Rapid Moving Landslide Hazard Procedures	No Change. The Council found the Facility consistent with, JCZO 415. The proposed change to construction dates does not affect compliance with this section of the JCZO.
Section 416	Grading, Fill and Removal	No Change. The Council found the Facility consistent with, JCZO 416. The proposed change to construction dates does not

Section/Subsection	Name	Effect of Proposed Change
		affect compliance with this section of the JCZO.
Section 417	Historic Resource Protection	No Change. The Council found that JCZO 417 does not apply to the Facility. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 418	Airport Protection	No Change. The Council found the Facility consistent with, JCZO 418, assuming compliance with Public Services Condition 2. The proposed change to construction dates does not affect compliance with this section of the JCZO or the Certificate Holder's ability to comply with Public Services Condition 2.
Section 419	Riparian Protection	No Change. The Council concurred, that JCZO 419 does not apply to the Facility. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 420	Endangered Species	No Change. Exhibit Q demonstrated, and the Council concurred, that JCZO 420 does not apply to the Facility. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 421	Traffic Impact Studies	No Change. The Council found that JCZO 421 does not apply to the Facility. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 422	Temporary Uses	No Change. The Council determined that JCZO 422 does not apply to the Facility. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 423	Off-Street Parking Requirements	No Change. The Council found that JCZO 423 does not apply to the Facility. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 426	Fire Safety Standards	No Change. The Council found the Facility consistent with JCZO 426, assuming compliance with Land Use Condition 5 and Public Services Conditions 3 and 4. The proposed change to construction dates does not affect compliance with this

Section/Subsection	Name	Effect of Proposed Change
		section of the JCZO or the Certificate Holder's ability to comply with Land Use Condition 5 and Public Services Conditions 3 and 4.
Section 429	Archeological Preservation	No Change. The Council found the Facility consistent with JCZO 429, assuming compliance with Historic, Cultural, and Archeological Condition 1. The proposed change to construction dates does not affect compliance with this section of the JCZO or the Certificate Holder's ability to comply with Historic, Cultural, and Archeological Condition 1.
Section 433	Photovoltaic Facilities	No Change. The Council determined that the Facility is consistent with JCZO 433, as this provision is tied to compliance with OAR 660-033-0130(38), JCZO Chapter 6, and all other applicable JCZO criteria. The Certificate Holder demonstrates throughout this RFA 1 that the Facility remains consistent with the applicable substantive criteria from the JCZO and the proposed change to construction dates does not affect compliance.
<i>Chapter 6 Conditional Uses</i>		
Section 601	Authorization to Grant or Deny Conditional Uses	No Change. The Council found that the Facility is consistent with JCZO 601. This provision is tied to JCZO 602 which is discussed directly below. The proposed change to construction dates does not affect the applicability of this JCZO section.
Section 602	Approval Criteria	No Change. The Council determined that, with approval of an exception to Goal 3 to impact more than 12 acres of high-value farmland, the Facility complies with all conditional use provisions of JCZO 602. The proposed change to construction dates does not affect the applicability of this JCZO section, nor does it affect the justification for an exception to Statewide Policy Goal 3.
Section 603	Conditions of Approval	No Change. The Council imposed an additional condition, Land Use Condition 6, consistent with JCZO 603. The proposed change to construction dates does not affect the applicability of this JCZO section or the Certificate Holder's ability to comply with Land Use Condition 6.

Section/Subsection	Name	Effect of Proposed Change
Jefferson County Comprehensive Plan		
Goal 3: Agricultural Lands Goal 5: Natural Resources, Scenic and Historic Area, and Open Spaces Goal 6: Air, Water, and Land Resources Quality Goal 7: Areas Subject to Natural Hazards Goal 8: Recreational Needs Goal 9: Economic Development Goal 11: Public Facilities and Services Goal 12: Transportation Goal 13: Energy Conservation		No Change. The Council determined that the Facility is consistent with the applicable goals and policies of the JCCP, as implemented by the applicable substantive criteria from JCZO. The proposed change to construction dates does not affect the Facility's consistency with the goals and policies of the JCCP.

6.5.2 Directly Applicable Statutes and Administrative Rules

The Council determined that the Facility complies with the applicable Oregon revised statutes and administrative rules applicable to the Land Use standard (EFSC 2021).³⁴ The applicable statutes and rules and how they apply to the Facility have not changed since they were reviewed in Exhibit K of the ASC and approved by the Council. Table 2 summarizes the Facility's continued compliance.

Table 2. Oregon Revised Statutes and Oregon Administrative Rules Applicable to the Facility

Statute/Rule	Title	Effect of Proposed Change
ORS 215.283. Uses permitted in exclusive farm use zones in nonmarginal lands counties; rules.		
ORS 215.283(2)(g)	Commercial utility facilities for the purpose of generating power for public use by sale	No Change. Pursuant to ORS 215.283(2)(g), the Facility can be established in the EFU zone as a "commercial utility facilities for the purpose of generating power for public use by sale" and "subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296." This statute and its applicability to the Facility has not changed since it was reviewed in Exhibit K of the ASC and approved by the Council. JCZO 301.4(H) lists this same use as a conditional use in the Jefferson County EFU zone. The Jefferson County approval criteria for a conditional use in the EFU zone are set forth in JCZO 301.5 and 602, and are similar to ORS 215.296(1) and to OAR 660-033-0130(5). The proposed change to construction dates does not affect compliance with this statute.
ORS 215.283(1)(c)	Utility facilities necessary for public service	No Change. Pursuant to ORS 215.283(1)(c), an "associated transmission line" can be established in the EFU zone as "utility facilities necessary for public service" if it complies with ORS 215.274. This statute

³⁴ Final Order, pgs. 86-99 (June 2021).

Statute/Rule	Title	Effect of Proposed Change
		and its applicability to the Facility has not changed since it was reviewed in Exhibit K of the ASC and approved by the Council. As part of RFA 1, the Certificate Holder proposes no changes to the Facility or its related or supporting components, identified in the Final Order. In the Final Order, the Council determined that the Facility's 200 feet of overhead 230 kV cable, connecting the facility substation to the point of interconnect, meets the definition of "associated transmissions lines" because it would ultimately connect to the Northwest power grid. Compliance with ORS 215.274 is summarized below in this table.
ORS 215.274. Associated transmission lines necessary for public service		
ORS 215.274	Associated transmission line	<p>No Change. Pursuant to ORS 215.274, an "associated transmission line" can still be established in the EFU zone subject to the requirements of ORS 215.274. As described above, the Council determined that the Facility's 200 feet of overhead 230 kV cable, meets the definition of "associated transmissions line" and the Certificate Holder proposes no changes to this overhead cable (i.e., associated transmission line). Jefferson County has not adopted local code provisions to implement ORS 215.274. Thus, the requirements of the statute still apply directly to the proposed 200-foot overhead cable segment. ORS 215.274 requires a demonstration that the associated transmission line would meet the requirements of either ORS 215.274(3) or (4). The Council determined the Facility's associated transmission line is locationally dependent under ORS 215.274(4)(a)(B) and that there is a lack of available existing right of way for a linear facility under ORS 215.274(4)(a)(C). Thus, the Council found that the associated transmission line is "necessary for public service."</p> <p>The proposed change to construction dates does not affect compliance with this statute.</p>
OAR 660-033-0130. Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses		
OAR 660-033-0130(5)	Minimum Standards for Conditional Uses in EFU Zones	<p>No Change. The requirements under OAR 660-033-0130(5) are identical to JCZO Section 301.5(A) and (B) and the requirements of ORS 215.296(1). The Facility's continued compliance with JCZO Section 301.5(A) and (B) was previously described above.</p> <p>The proposed change to construction dates does not affect compliance with this administrative rule.</p>
OAR 660-033-0130(38)	Standards for approval of Photovoltaic Solar Power Generation Facility in EFU Zones	<p>No Change. OAR 660-033-0130(38) provides specific requirements for siting a photovoltaic solar power generation facility as defined in OAR 660-033-</p>

Statute/Rule	Title	Effect of Proposed Change
		<p>0130(38)(f) in an EFU zone. Jefferson County has not adopted local code provisions to implement OAR 660-033-0130(38) requirements. Thus, the requirements under the rule still apply directly to the Facility. The requirements under OAR 660-033-0130(38) that are applicable to the Facility have not changed since they were reviewed in Exhibit K of the ASC and approved by the Council.³⁵</p> <p>The baseline conditions of the Facility site and surrounding lands have not changed since being previously reviewed by the Council. In the Final Order, it is described that the entire 284 acres within the Facility site boundary are defined as high-value farmland under ORS 195.300(10)(c)(B) because the entire Facility site is within the North Unit Irrigation District, which is an irrigation district as defined by ORS 540.505(1). Thus, the Council assessed the entire Facility as high-value farmland under the applicable requirements and determined that with approval of a Goal 3 exception, it complies with OAR 660-033-0130(38)(g)(A)-(B) and (h)(A)-(G). Although the area within the Facility site boundary was assessed as high-value farmland because it is within the boundary of an irrigation district, there are no high-value farmland soils (capability classes I and II) as determined by a site-specific soil survey. Thus, the Council assessed the Facility against the arable lands requirements and determined it to be in compliance with OAR 660-033-0130(38)(i)(A)-(E).</p> <p>The proposed change to construction dates does not affect compliance with this administrative rule.</p>

6.5.3 Statewide Planning Goal 3–Agricultural Lands

The Facility will preclude more than 12 acres of high value farmland and more than 20 acres of arable land from use as a commercial agricultural enterprise, which requires a Goal 3 exception under JCZO 301 and OAR 660-033-0130(38).. The solar rules under OAR 660-033-0130(38), require that for the Facility to preclude more than 12 acres of high value farmland and more than 20 acres of arable land from use as a commercial agricultural enterprise, an exception must first be taken pursuant to ORS 197.732 and OAR Chapter 660, Division 4. Noncompliance with a statewide

³⁵ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280453>

planning goal requires a determination by Council that an exception to Goal 3 is warranted under ORS 469.504(2) and the implementing rule at OAR 345-022-0030(4).

Section IV.E.3 of the Final Order states the Council's findings that an exception to Goal 3 is justified under OAR 345-022-0030(4)(c) and ORS 469.504(2)(c); and that therefore the proposed Facility and its related or supporting facilities comply with the applicable statewide planning goal (Goal 3).³⁶ In summary, the Council found that the Facility met the goal exception reasons standard OAR 345-022-0030(4)(c)(A) due to the site's locational dependency (i.e., the point of interconnect is with an existing 230-kV transmission line within the Facility), avoidance of direct impacts to agriculture (e.g., no existing agricultural uses or water rights and a predominance of nonarable soils), and uniqueness (e.g., lack of cultural resources, jurisdictional wetlands or other waters, and special-status species).³⁷ The Council also found the Facility would not cause significant adverse environmental consequences or impacts, would result in a net economic benefit compared to the site's existing uses and economic value, would not cause significant adverse social consequences, would provide a positive energy consequence (i.e., producing clean, renewable electricity) would not cause a significant change to accepted farm practices nor significantly increase the cost of accepted farm practices within the surrounding area, and would be compatible with other adjacent land uses and land use zones.³⁸

The provisions under ORS 469.504 and requirements under OAR 660-033-0130(38) have not changed since the Certificate Holder addressed them in Exhibit K of the ASC, and Section 6.5 also demonstrates that no substantive changes have occurred to OAR 345-022-0030. Furthermore, this RFA makes no changes to the previously approved Facility, its related or supporting components, or the associated permanent and temporary disturbance areas³⁹ In addition, the baseline conditions within the Facility site boundary and surrounding 0.5-mile land use analysis area have not changed since they were assessed in Exhibit K of the ASC. No lands cultivated for farm use occur within the Facility site boundary or surrounding 0.5-mile. Since 1995, properties within the site boundary have been used for pasture grazing only once and no cultivation or other farm practices have occurred within approximately 25 years. The Facility site does not have any water rights and there is no realistic potential for water rights in the future. A site-specific soil survey prepared for the area within the Facility site boundary showed there are no high-value farmland soils. For these reasons, the extension of the construction deadlines proposed in this RFA does not affect the Council's previous finding that an exception to Goal 3 is justified for the Facility under OAR 27 345-022-0030(4)(c) and ORS 469.504(2)(c).⁴⁰ Therefore, the Council may conclude that the Facility, as amended by this RFA, will continue to comply with the Council's Land Use Standard.

³⁶ Final Order, p. 106 (June 2021).

³⁷ Final Order p. 101-103 (June 2021).

³⁸ Final Order, p. 104-105 (June 2021).

³⁹ Application for Site Certificate, Exhibit C, Table C-1, and Figures C-2A and C-2B.

⁴⁰ Final Order p. 106 (June 2021).

6.5.4 Conclusions and Compliance with Existing Site Certificate Conditions

The Site Certificate for the Facility issued in 2021 included five site certificate conditions for land use to ensure consistency with the land use standard. The Site Certificate for the Facility did not alter the conditions applied to land use. This amendment request does not propose modifications to existing conditions or new conditions associated with land use. Therefore, the extension of the construction deadlines proposed in this RFA 1 will not alter the Council's basis for its previous findings that an exception to the statewide planning goal is justified and the Council may conclude that the Facility will continue to comply with OAR 345-022-0030.

6.6 OAR 345-022-0040 Protected Areas

(1) To issue a site certificate, the Council must find:

(a) The proposed facility will not be located within the boundaries of a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363;

(b) The design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363.

...

Response: The Council previously found that the Facility complies with the Protected Areas Standard. In December 2022, the Council updated the Protected Areas Standard (as well as redefined protected areas under OAR 345-001-0010(26)), and the following analyses update the prior findings to demonstrate that notwithstanding the amended standard and proposed changes, the Facility still complies with the Protected Areas Standard.⁴¹ The Protected Areas Standard requires the Council to find that, taking into account mitigation, the design, construction, and operation of a facility are not likely to result in significant adverse impacts to a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363.

Twelve protected areas were previously identified within the 20-mile analysis area (per OAR 345-001-0010(35)(e); Figure 2); note that one previously identified protected area, the Warm Springs Wildlife Management Area, is not currently classified as a national or state wildlife refuge and thus is not included in this analysis (Google Earth 2023; ODFW 2024a; USFWS 2024a; USGS 2024). Based on the Certificate Holder's review of protected areas defined in OAR 345-001-0010(26), there are three new protected areas located within the 20-mile analysis area subject to RFA 1:

⁴¹ Final Order, p 117 (June 2021)

Haystack Butte Research Natural Area (RNA), Lower Deschutes River State Scenic Waterway, Upper Deschutes River State Scenic Waterway, and Round Butte Hatchery (Figure 2). Note that no protected areas are located within the Facility site boundary. Table 3 provides a summary of the protected areas and references used to review the protected areas that occur within the 20-mile analysis area that are subject to RFA 1.

Table 3. Protected Areas within the Analysis Area

Basis for Protection under OAR 345-001-0010(26)	Agency Contact Information	Protected Area	Distance (miles) and Direction from Site Boundary	References
National Parks OAR 345-001-0010(26)(a)	N/A	N/A	N/A	Google Earth 2023, NPS 2024a, USGS 2024
National Monuments OAR 345-001-0010(26)(b)	N/A	N/A	N/A	Google Earth 2023, NPS 2024a, USGS 2024
Wilderness Areas OAR 345-001-0010(26)(c)	N/A	N/A	N/A	Google Earth 2023, USFS 2024a, USFS 2024b, USFS 2024c, USGS 2024, Wilderness Connect 2024
National Wild, Scenic, or Recreational Rivers OAR 345-001-0010(26)(d)	Bureau of Land Management (BLM) Oregon/Washington State Office; Prineville District Office 3050 NE 3 rd Street Prineville, OR 97754 (541) 416-6700 BLM_OR_PR_Mail@blm.gov	Lower Deschutes Wild and Scenic River	4.2 N	Google Earth 2023, NPS 2024b, National Wild and Scenic Rivers System 2024, USGS 2024
		Middle Deschutes Wild and Scenic River	11.6 S	
		Lower Crooked Wild and Scenic River	12.8 S	
	U.S. Forest Service (USFS) Deschutes National Forest; Bend-Fort Rock Ranger District 63095 Deschutes Market Road Bend, OR 97701 (541) 383-5300 Sm.fs.bfr_fd@usda.gov	Metolius Scenic and Recreation River	12.0 W	

Basis for Protection under OAR 345-001-0010(26)	Agency Contact Information	Protected Area	Distance (miles) and Direction from Site Boundary	References
National Wildlife Refuges OAR 345-001-0010(26)(e)	N/A	N/A	N/A	Google Earth 2023, USFWS 2024a, USGS 2024
National Fish Hatcheries OAR 345-001-0010(26)(f)	U.S. Fish and Wildlife Service (USFWS) 1 Fish Hatchery Road Warm Springs, OR 97761 (541) 553-1692 No email listed	Warm Springs National Fish Hatchery	13.4 N	Google Earth 2023, USFWS 2024b
National Recreation Areas, Scenic Areas, or Special Resources Management Areas OAR 345-001-0010(26)(g)	N/A	N/A	N/A	Google Earth 2023, USFS 2024a, USFS 2024b, USFS 2024c, USGS 2024
Wilderness Study Areas OAR 345-001-0010(26)(h)	BLM Oregon/Washington State Office; Prineville District Office 3050 NE 3 rd Street Prineville, OR 97754 (541) 416-6700 BLM_OR_PR_Mail@blm.gov	Deschutes Canyon-Steelhead Falls Wilderness Study Area	8.9 S	BLM 2024d, Google Earth 2023, USGS 2024
Federally Land Management Plan Designated Lands OAR 345-001-0010(26)(i)	BLM Oregon/Washington State Office; Prineville District Office 3050 NE 3 rd Street Prineville, OR 97754 (541) 416-6700 BLM_OR_PR_Mail@blm.gov	The Island Area of Critical Environmental Concern/Research Natural Area (RNA)	6.3 S	BLM 2024a, BLM 2024b, BLM 2024c, BLM 2024e, Google Earth 2023, OPRD 2020, USFS 2024a, USGS 2024
	USFS Pacific Northwest Research Station Headquarters 1220 SW 3 rd Avenue Suite 1400	Hay Stack Butte RNA	13.10 SE	

Basis for Protection under OAR 345-001-0010(26)	Agency Contact Information	Protected Area	Distance (miles) and Direction from Site Boundary	References
	Portland, OR 97204 (503) 808-2100 No email listed			
State Parks, Waysides, Corridors, Monuments, Historic, or Recreation Areas OAR 345-001-0010(26)(j)	Oregon Parks and Recreation Department (OPRD) 725 Summer Street NE, Suite C Salem, OR 97301 (541) 546-3412 park.info@oregon.gov	The Cove Palisades State Park	3.0 S	Google Earth 2023, OPRD 2024c, USGS 2024
	OPRD 725 Summer Street NE, Suite C Salem, OR 97301 (541) 546-3412 park.info@oregon.gov	Peter Skene Ogden State Scenic Viewpoint	18.4 S	
	OPRD 725 Summer Street NE, Suite C Salem, OR 97301 (541) 548-7501 park.info@oregon.gov	Smith Rock State Park	19.6 S	
Willamette River Greenway OAR 345-001-0010(26)(k)	N/A	N/A	N/A	Google Earth 2023, OPRD 2024d
Oregon Register of Natural Areas Designated Natural Areas OAR 345-001-0010(26)(l)	N/A	N/A	N/A	Google Earth 2023, OPRD 2020, USGS 2024
South Slough National Estuarine Research Reserve OAR 345-001-0010(26)(m)	N/A	N/A	N/A	Google Earth 2023, NOAA 2024

Basis for Protection under OAR 345-001-0010(26)	Agency Contact Information	Protected Area	Distance (miles) and Direction from Site Boundary	References
State Scenic Waterways OAR 345-001-0010(26)(n)	OPRD 725 Summer Street NE, Suite C Salem, OR 97301 (503) 986-0707 park.info@oregon.gov	Lower Deschutes River State Scenic Waterway	4.2 N	Google Earth 2023, OPRD 2024a, OPRD 2024b, USGS 2024
		Upper Deschutes River State Scenic Waterway	11.6 S	
State Wildlife Areas and Management Areas OAR 345-001-0010(26)(o)	N/A	N/A	N/A	Google Earth 2023, ODFW 2024a, USGS 2024
State Fish Hatcheries OAR 345-001-0010(26)(p)	Oregon Department of Fish and Wildlife (ODFW) Round Butte Hatchery 6825 SW Belmont Lane Madras, OR 97741 (541) 325-5327 odfw.info@odfw.oregon.gov	Round Butte Hatchery	4.1 S	Google Earth 2023, ODFW 2024b
Oregon State University (OSU) Designated Agricultural Experiment Stations, Experimental Areas, or Research Centers OAR 345-001-0010(26)(q)	Central Oregon Agriculture Research and Extension Center 850 NW Dogwood Lane Madras, OR 97741 (541) 475-7107 Jeremiah.dung@oregonstate.edu	Central Oregon Experiment Station, Madras	3.5 E	Google Earth 2023, OSU 2022
OSU Designated Research Forests OAR 345-001-0010(26)(r)	N/A	N/A	N/A	Google Earth 2023, OSU 2024

The Certificate Holder identified four protected areas— Haystack Butte RNA, Lower Deschutes River State Scenic Waterway, and Upper Deschutes River State Scenic Waterway and Round Butte Hatchery, —that are not newly added to OAR 345-001-0010(26), but were not previously identified

in the initial protected areas analysis in Exhibit L of the ASC. The Haystack Butte RNA, Lower Deschutes River State Scenic Waterway, and Upper Deschutes River State Scenic Waterway, and Round Butte Hatchery meet the Protected Areas designation criteria under OAR 345-001-0010(26)(i) (n) and (p), respectively. Haystack Butte RNA and the Upper Deschutes River State Scenic Waterway are located 13.1 miles and 11.6 miles from the Facility; at these distances, the Facility is not anticipated to introduce any unevaluated impacts to the Haystack Butte RNA and the Upper Deschutes River State Scenic Waterway.⁴² Haystack Butte RNA is reserved for research and conservation and purposes as opposed to public usage (USFS 2023). Additionally, the portion of the Upper Deschutes River State Scenic Waterway within the analysis area is collocated with the previously analyzed Middle Deschutes Wild and Scenic River; thus, any impacts are anticipated to be the same as previously analyzed and approved for the ASC.⁴³ Similarly, the Lower Deschutes River State Scenic Waterway is collocated with the previously analyzed Lower Deschutes Wild and Scenic River; thus, any impacts are anticipated to be the same as previously analyzed and approved for the ASC.⁴⁴ Note that the Round Butte Hatchery is also predominately managed for conservation purposes and public access is available only by advance arrangement only (ODFW 2024c). The Hatchery is also collocated with The Cover Palisades State Park, thus any impacts are anticipated to be the same as previously analyzed and approved for the ASC.⁴⁵

Solar modules are placed low to the ground and do not make noise. The associated facilities (i.e. electrical equipment) will create some limited operational noise that will attenuate to be indistinguishable from the background ambient noise levels at the Haystack Butte RNA, Lower Deschutes State Scenic Waterway, Upper Deschutes State Scenic Waterway, and Round Butte Hatchery, located 13.1, 4.2, and 11.6 miles, and 4.1 miles away, respectively. Both US Route 97 and US 26 would likely be the most significant sources of visual and noise impacts to the Haystack Butte RNA, Lower Deschutes State Scenic Waterway, and Upper Deschutes State Scenic Waterway. Therefore, no further visual and noise impact analyses are necessary. Additionally, both interstates provide access to the three aforementioned protected areas and, although they would also be utilized as part of the Facility transportation routes, Facility traffic is not anticipated to affect their Level of Service due to their average daily traffic volumes.⁴⁶ Water use and wastewater disposal will remain unchanged from what was previously evaluated for the ASC.⁴⁷

There will be no change to predicted noise levels, transport or haul routes, water use or wastewater disposal, predicted visual impacts, from what was previously approved by the Council.⁴⁸ The

⁴² Final Order, p 111-117 (June 2021)

⁴³ Final Order, p 111-117 (June 2021)

⁴⁴ Final Order, p 111-117 (June 2021)

⁴⁵ Final Order, p 111-117 (June 2021)

⁴⁶ Final Order, p 112-113 (June 2021)

⁴⁷ Final Order, p 113-114 (June 2021)

⁴⁸ Final Order, p 117 (June 2021)

Facility as proposed by RFA 1 does not seek to enlarge the previously approved Site Boundary and there are no proposed changes to the previously approved facilities or resources used during construction or operations. Therefore, RFA 1 makes no changes that alter the basis for the Council's earlier findings, and the Facility as proposed by RFA 1 does not alter the basis for the Council's prior findings that the Facility complies with the Protected Areas Standard.

6.7 OAR 345-022-0050 Retirement and Financial Assurance

To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

Response: The Council previously found that the Facility could be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation of the Facility if the Certificate Holder is in compliance with the mandatory Site Certificate Conditions GEN-RF-01, RET-RF-01, RET-RF-02, PRE-RF-01, and the recommended conditions presented in Section IV.D. Soil protection in the ASC.⁴⁹ The standards under OAR 345-022-0050 have not changed since the Final Order.⁵⁰ Exhibit W of the 2021 ASC and Exhibit W detail actions to restore the Facility to a useful, nonhazardous condition upon retirement per OAR 345-027-0110.

The Certificate Holder described the tasks and actions necessary to restore the site of the Facility to a useful, nonhazardous condition. The Council found that, based on compliance with the mandatory conditions presented in the Final Order of the Site Certificate, the Facility and its related or supporting facilities can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation.⁵¹ The proposed changes in this amendment request are specific to the extension of construction deadlines and do not include modifications to conditions related to retirement and financial assurance. The previous site restoration cost estimate in the ASC for Fourth Quarter (Q4) 2019 was approximately \$4,093,387 for the Facility including maximum battery storage totals. Attachment 4 of RFA 1 provides an updated retirement cost estimate for the current Q4 2024 in dollars. The updated cost in Q4 2024 in dollars is \$5,168,314.

Attachment 5 of RFA 1 provides an updated financial assurance letter from Arch Insurance Company based on the updated retirement cost estimate. On June 1, 2023, EFSEC approved ODOE's

⁴⁹ Final Order p. 126 (June 2021).

⁵⁰ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77085>.

⁵¹ Final Order , p.126 (June 2021)

recommendation to add Arch Insurance Company to the Council’s list of pre-approved financial institutions authorized to act as insurers of financial instruments to meet this standard. The assurance letter for RFA 1 shows the Certificate Holder is pre-qualified to obtain a letter of credit for the full amount to retire the Facility. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0050.

6.8 OAR 345-022-0060 Fish and Wildlife Habitat

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:

(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and

(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.

Response: The Council previously found that the Facility would comply with the Council’s Fish and Wildlife Habitat standard.⁵² The standards under OAR 345-022-0060 have not changed since the Final Order.⁵³ The Final Order identifies estimated temporary and permanent habitat impacts for the Facility and related or supporting facilities.⁵⁴ The Council found that, based on the Habitat Management Plan prepared during preconstruction planning, the Certificate Holder would meet the habitat mitigation goals for temporary habitat impacts.⁵⁵ The Council also found that the Certificate Holder’s proposed habitat mitigation area would satisfy the ODFW’s habitat mitigation goals and Council’s Fish and Wildlife Habitat standard.

The Certificate Holder performed a desktop review of aerial imagery within the analysis area (0.5-mile buffer of the Area Subject to RFA 1 shown on Figure 1) and did not identify any significant land use changes. Therefore, the characterization of habitat described the ASC is still applicable. The Certificate Holder will review sensitive species lists (ODFW 2024c) and occurrences based on updated Oregon Biodiversity Information Center (ORBIC) data⁵⁶ once the data are received. The Certificate Holder has also requested verification from ODFW that additional surveys or conditions regarding future surveys do not need to be completed for the proposed amendment to extend the completion date of the Facility (Attachment 6)

⁵² Final Order, p. 137 (June 2021).

⁵³ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77086>.

⁵⁴ Final Order, Table 4, p. 129 (June 2021).

⁵⁵ Final Order, p. 137 (June 2021).

⁵⁶ ORBIC. 2024. ORBIC data request for the Madras Solar Facility. Requested June 21, 2024

In addition to the habitat mitigation requirements, Site Certificate Condition GES-FW-01 required preparation of a Revegetation Plan approved by ODFW.⁵⁷ During 2023 preconstruction planning, the Certificate Holder coordinated with ODOE and ODFW to incorporate revegetation and noxious weed control into the HMP. Therefore, a standalone Revegetation Plan and Noxious Weed Control plan were not prepared. With the exception of GEN-FW-01 and GEN-FW-02, all previously imposed Council conditions for fish and wildlife habitat apply to RFA 1. There will be no changes to the conditions, and the proposed change to extend the construction deadlines for the Facility do not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for fish and wildlife habitat. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0060.

6.9 OAR 345-022-0070 Threatened and Endangered Species

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:

(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or

(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and

(2) For wildlife that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

Response: The Council previously found that the Facility complies with the Council's Threatened and Endangered Species standard.⁵⁸ The standards under OAR 345-022-0070 have not changed since the Final Order.⁵⁹ The results of the Certificate Holder's analysis in the ASC confirmed that there are no state listed threatened or endangered plants or mammal species with potential or suitable habitat within the analysis area. The results also indicated that there were two federally listed fish species (bull trout [*Salvelinus confluentus*] and Middle Columbia River ESU steelhead [*Oncorhynchus mykiss*]) with suitable habitat within the analysis area; however, there is no suitable

⁵⁷ Final Order, p. 130 (June 2021).

⁵⁸ Final Order, p. 139 (June 2021).

⁵⁹ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77087>.

habitat for these species within the Facility site boundary (i.e., there are no waters or wetlands within the site boundary).

The Certificate Holder is reviewing the ODFW threatened and endangered species list (ODFW 2024d), the Oregon Department of Agriculture (ODA) threatened and endangered plant species list (ODA 2024), and updated threatened and endangered species occurrences (ORBIC 2024). The Certificate Holder has not identify any new information that would modify the characterization of threatened and endangered species presented in the ASC. The Certificate Holder has also requested verification from ODFW that additional surveys or conditions regarding future surveys does not need to be completed for the proposed amendment to extend the completion date of the Facility (Attachment 2). The Council found that the Certificate Holder would comply with the Council's Threatened and Endangered Species standard as is and did not impose any Site Certificate conditions for threatened and endangered species. RFA 1 will not alter the basis for the Council's previous findings.

There have been no changes in facts that would impact Council's previous evaluation. The only change to the Facility is the request to extend the construction beginning and completion deadline. There have been no changes to environmental conditions or to regulatory requirements since the Final Order was issued.

Raptor nest surveys are also conducted to satisfy Site Certificate Condition GEN-FW-04. In compliance with terms and conditions of the Incidental Take Permit (ITP)⁶⁰ permit and Site Certificate, the Certificate Holder contracted Western EcoSystems Technology, Inc. (WEST) to conduct 2023 golden eagle (*Aquila chrysaetos*) nest monitoring of the Willow Creek Territory and raptor nest surveys within the leased lands for the Facility and a surrounding 0.25-mile buffer. WEST visits the site annually to conduct eagle nest monitoring associated with the USFWS ITP⁶¹ which authorizes potential disturbance to the Willow Creek Territory during construction activities in the breeding season. An Eagle Incidental Take Annual Report for calendar year 2023 was submitted to the USFWS on January 31, 2024. An ITP permit amendment, and any appropriate mitigation, will be pursued when an updated construction schedule is defined. There have been no observed changes to the condition and type of the natural communities onsite that would impact the type of threatened and endangered species present, and no listed species have been observed beyond those considered in the ASC.

As noted above, the Certificate Holder has not identified any new information that would modify the characterization of threatened and endangered species presented in the ASC but is still awaiting updated ORBIC data. This literature review identified no state listed plant or wildlife species as having potential to be affected by the Facility, consistent with the findings of literature reviews previously conducted for the Facility. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0070.

⁶⁰ USFWS ITP Permit MB60191D-1

⁶¹ USFWS ITP Permit MB60191D-1

6.10 OAR 345-022-0080 Scenic Resources

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.

Response: The Council previously found that the Facility would comply with the Council’s Scenic Resources standard.⁶² The standards under OAR 345-022-0080 have not changed since the Final Order.⁶³ The surrounding site conditions have not changed. The Facility remains the same as previously approved in 2021. The Certificate Holder did not identify any new or previously unevaluated land use management plans in the 10-mile analysis area subject to RFA 1. Corresponding with the analysis area in the ASC, the Certificate Holder evaluated eight land use management plans listed in Table 4 to determine whether scenic resources were identified as significant or important.

Table 4. Identification of Applicable Local, State, Tribal, and Federal Land Use and Management Plans for Lands within 10-Mile Scenic Resources Analysis Area

Jurisdiction	Plan Title
<i>Local (City)</i>	
City of Madras	City of Madras Comprehensive Plan (revised through periodic review in 2003, amended in 2018)
<i>Local (County)</i>	
Jefferson County	Jefferson County Comprehensive Plan (adopted in 2006, amended 2013)
<i>State</i>	
Oregon Parks and Recreation Department	The Cove Palisades State Park Master Plan (2002)
Oregon Parks and Recreation Department	Madras Mountain Views Scenic Bikeway Management Plan (2013)
<i>Tribal</i>	
Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)	Management Plan (1995)
<i>Federal</i>	
United States Department of Agriculture Forest Service	Record of Decision for the Land and Resource Management Plan for the Ochoco National Forest and Crooked River National Grassland (1989)

⁶² Final Order, p. 155 (June 2021).

⁶³ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77088>.

Jurisdiction	Plan Title
United States Department of Agriculture Forest Service	Record of Decision for the Land and Resource Management Plan for the Ochoco National Forest and Crooked River National Grassland (1989)
Bureau of Land Management, Central Oregon Resource Area	Lower Deschutes River Management Plan Record of Decision (1993)

The 10-mile analysis area for this amendment request applied to the area subject to RFA 1 incorporates the same jurisdictions and plans identified above. None of the previously evaluated land use management plans have been amended or changed since the Final Order. The Certificate Holder has not identified any new or previously unevaluated land use management plans in the 10-mile analysis area for the area subject to RFA 1. Accordingly, no new resources are identified or discussed as a result of this amendment request.

The Council reviewed scenic resources and determined the Facility and its related or supporting facilities would result in limited to no visual impacts on these resources. RFA 1 makes no changes to the previously approved Facility, its related or supporting components, or the associated permanent and temporary disturbance areas⁶⁴. RFA 1 does not change the ability of the Facility to comply with conditions imposed to reduce visual impacts. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0080.

6.11 OAR 345-022-0090 Historic, Cultural and Archaeological Resources

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

- (a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;*
- (b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and*
- (c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).*

Response: The Council previously found that the Facility would comply with the Council's Historic, Cultural, and Archaeological Resources standard.⁶⁵ The standards under OAR 345-022-0090 have not received substantive changes since the Final Order.⁶⁶ The ASC provided information regarding

⁶⁴ Final Order, Table 4 (June 2021)

⁶⁵ Final Order p. 158 (June 2021).

⁶⁶ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=259971>.

historic, cultural, and archaeological resources within the site boundary expansion that included Facility.

The Council imposed a condition in the Site Certificate for the Facility that require the Certificate Holder to prepare and implement Inadvertent Discovery Protocol (IDP). The Certificate Holder's combined approach of cultural resources awareness training and robust IDP will guide staff and contractors in conducting work in this area. The Certificate Holder prepared an updated IDP during preconstruction planning with current contact information.. In addition, RFA 1 makes no changes to the previously approved Facility, its related or supporting components, or the associated permanent and temporary disturbance areas⁶⁷. RFA 1 does not change the ability of the Facility to comply with historical, cultural and archaeological conditions previously imposed for the Facility. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0090.

6.12 OAR 345-022-0100 Recreation

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area as described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:

- (a) Any special designation or management of the location;*
- (b) The degree of demand;*
- (c) Outstanding or unusual qualities;*
- (d) Availability or rareness;*
- (e) Irreplaceability or irretrievability of the opportunity.*

Response: The Council previously found that the Facility compiles with the Council's Recreation standard.⁶⁸ In December 2022, the Council updated the Recreation Standard (as well as redefined protected areas under OAR 345-001-0010(26)), and the following analyses update the prior findings to demonstrate that notwithstanding the amended standard and proposed changes, the Facility still compiles with the Recreation Standard. In the Final Order, the Council found that the Facility is not likely to result in a significant adverse impact to identified important recreational opportunities. In ASC Exhibit T, the Certificate Holder evaluated the five factors under OAR 345-022-0100(2) and provided an overall assessment of importance for each recreational opportunity. Based on this evaluation, 7 important recreational opportunities were identified in the analysis area, while 14 identified recreational opportunities do not meet the criteria of important. The

⁶⁷ Final Order, Table 4 (June 2021)

⁶⁸ Final Order, p. 176 (June 2021).

resources listed in Table 8 of the Final Order determine whether scenic resources were identified as significant or important.⁶⁹

The site conditions have not changed, and the Facility remains the same as previously approved. The Certificate Holder did not identify any new or previously unevaluated recreational opportunities in the 5-mile analysis area subject to RFA 1. None of the resources evaluated with RFA 1 have been amended or changed between the submission of the ASC.

No new important recreational opportunities, not previously evaluated by the Council, occur within the 5-mile analysis area from the area subject to the ASC. The requested extension of the deadlines to begin and complete construction of Facility will not alter the basis for the Council's previous findings. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0100.

6.13 OAR 345-022-0110 Public Services

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

Response: The Council previously found that the Facility would comply with the Council's Public Services Resources standard.⁷⁰ The standards under OAR 345-022-0110 have not changed since the Final Order.⁷¹ RFA 1 is submitted to extend the construction beginning and completion deadline. No changes were proposed for the Facility, its related or supporting components, or the permanent or temporary disturbance areas identified in the Final Order on RFA 1.

ASC Exhibit U provided a detailed overview of service providers in and around the analysis area. The analysis of potential impacts to services was based on the maximum number of workers anticipated during construction (200) and operation.⁷² The Council concluded that through previously imposed conditions, the Madras Solar Facility will not result in significant adverse impacts to the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, and schools.⁷³

⁶⁹Final Order, Table 8(June 2021).

⁷⁰ Final Order, p. 189(June 2021).

⁷¹ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77106>.

⁷² Final Order, p. 177 (June 2021).

⁷³ Final Order, p. 189 (June 2021).

The Final Order has existing Site Certificate Conditions that address construction and operational impacts on public service providers. Condition GEN-PS-01 requires the Certificate Holder to develop a Construction Traffic Management Plan and provide it to Jefferson County Public Works prior to construction. Condition GEN-PS-02 requires the Certificate Holder to submit and receive responses from the Oregon Department of Aviation (ODAV) on 7460-1 Notice of Proposed Construction, which was completed in 2023 during preconstruction planning. ODAV agreed with the Certificate Holder that the Facility would not trigger notice to the FAA and ODAV (Attachment 6).

Regarding traffic, Site Certificate Condition GEN-PS-01 requires that the Certificate Holder develop a Construction Traffic Management Plan, to be reviewed and approved by the Department in consultation with Jefferson County prior to construction. The Construction Traffic Management Plan should include a proposed measure to evaluate the road conditions survey detailing the condition of NW Elk Drive for the portion of roadway that is located within the site boundary.

The Certificate Holder consulted with the Jefferson County Sherriff and Jefferson County Fire District #1 as part of RFA 1 (Attachment 7). In addition, the Certificate Holder has completed the Emergency Contingency Plan per Condition GEN-PS-03. Traffic is expected to remain the same as previously described in Exhibit U of the ASC.

Water use is expected to remain the same as previously described in Exhibit U and Exhibit O of the ASC. Stormwater would infiltrate to the ground, and there continues to be no community/public stormwater collection system at the site.

Solid waste is expected to remain the same as previously described in Exhibit U. The same landfills or transfer stations are in operation in the vicinity of the project as at the time of ASC.

Housing options are unchanged or slightly improved in the area since the ASC. At the time of the ASC, housing units in Jefferson County in 2020 numbered 24,502. In 2023, housing units in Jefferson County were 10,783; however, the population of the County also increased from 24,502 to 25,454 (US Census 2020). More than 500 hotel and motel rooms in communities within a commutable distance, and additional temporary housing in overnight facilities located at Oregon state parks and private recreational vehicle campgrounds. Lodging vacancy rates in Central Oregon were estimated at approximately 58 percent (Oregon Tourism Commission 2024). Considering similar occupancy rates during the construction phase of the Facility, adequate supplies are available in relation to the number of temporary workers (Oregon Tourism Commission 2024). Health care facilities evaluated in the ASC are still in operation and still provide the same trauma levels of care as at the time of RFA 1 (ATS 2024).

As discussed in the ASC, the Facility will have no significant adverse impact on the ability of any community in the area to provide sewers or sewage treatment. Portable toilet will be used during construction and operation.

In addition, the Certificate Holder obtained annexation into Jefferson County Fire District 1 in 2023 as required by Condition PRE-PS-01. An updated letter of service assurance from the Jefferson County Fire District #1 and Jefferson County Sheriff's Office for fire and police service (Attachment 7).

The important assumptions used to evaluate potential impacts in Exhibit U for the ASC have been verified and there have been no to little changes in fact that would impact the Council's previous evaluation. Since no changes are proposed to the Facility (aside from construction start/end dates), the Certificate Holder maintains that the existing Site Certificate Conditions referenced above are adequate to ensure that demand would not impact current service/supply levels. Therefore, based on the findings of fact in the Final Order will not alter the basis for EFSC's earlier findings, nor change the Certificate Holder's ability to comply with the intent of any requirements and conditions issued by the Council regarding public health and safety, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0110.

6.14 OAR 345-022-0115 Wildfire Prevention and Risk Management

(1) To issue a site certificate, the Council must find that:

(a) The applicant has adequately characterized wildfire risk within the analysis area using current data from reputable sources, by identifying:

(A) Baseline wildfire risk, based on factors that are expected to remain fixed for multiple years, including but not limited to topography, vegetation, existing infrastructure, and climate;

(B) Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple months but may be dynamic throughout the year, including but not limited to, cumulative precipitation and fuel moisture content;

(C) Areas subject to a heightened risk of wildfire, based on the information provided under paragraphs (A) and (B) of this subsection;

(D) High-fire consequence areas, including but not limited to areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire sensitive wildlife habitat; and

(E) All data sources and methods used to model and identify risks and areas under paragraphs (A) through (D) of this subsection.

(b) That the proposed facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan approved by the Council. The Wildfire Mitigation Plan must, at a minimum:

(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;

(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and

(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.

(2) The Council may issue a site certificate without making the findings under section (1) if it finds that the facility is subject to a Wildfire Protection Plan that has been approved in compliance with OAR chapter 860, division 300.

(3) This Standard does not apply to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 on or before the effective date of this rule.

Response: Since the Council approved the ASC, the Council has adopted the new Wildfire Fire and Risk Prevention Standard. The standard requires the Council to find that a certificate holder has adequately characterized wildfire risk associated with a facility, and that a facility would operate in compliance with a Council-approved wildfire mitigation plan.

Previously, the Council approved the Facility and imposed Condition GEN-PS-03 requiring that Certificate Holder develop and implement Emergency Contingency Plan during construction operations, in consultation with Jefferson County Fire District #1. The Certificate Holder will continue to comply with these conditions. In addition, the Certificate Holder demonstrates that the Facility, as amended, will also comply with Council's new wildfire standard. The Certificate Holder characterized the entire site boundary (approximately 284 acres) for wildfire risk. The Certificate Holder used data from the Oregon Community Wildfire Planning Tool, the Wildfire Risk Explorer, and the Jefferson County Natural Hazards Mitigation Plan Baseline to assess wildfire risk within the analysis area, including consideration of site topography, vegetation, existing infrastructure, regional climate, and burn probability.

The Certificate Holder developed draft construction and operations Wildfire Mitigation Plans, included as Attachment 8. The plans identify the regional and site characteristics considered in wildfire risk and management of that risk (Figures 3 through 8). It also illustrates the overall fire risk for the Facility (Figure 8), indicating approximately than 65 percent of the area within the Facility site boundary has a high/very high wildfire risk, and approximately 0.5 percent of the site boundary has a low wildfire risk. The remaining area within the Facility site boundary has no wildfire risk. High and very high risk areas are associated with the existing PGE Pelton Dam to Round Butte 230-kV transmission line from the northeast to southwest of the Facility site boundary. Another linear feature contributing to high risk in the eastern portion of the site

boundary is not viewable in current aerial imagery. Other areas with high risk to assets include the area along NW Elk Drive bisecting the site boundary.

Wildfire risk conditions associated with existing vegetation, residential and commercial structures, and the relatively dry climate in the region outside the site boundary could result in fast-moving wildfires across agricultural areas that could enter the site boundary.

The Certificate Holder has considered wildfire risk and will implement, the procedures, inspections, preventative actions, and personnel training protocol during operations as described in the Wildfire Mitigation Plans.

The Certificate Holder proposes to continue to comply with Condition GEN-PS-03 and proposes additional condition language to ensure ongoing coordination with ODOE and Jefferson County Fire District #1, in the development and implementation of final Wildfire Mitigation Plans, similar to what was adopted for the Wagon Trail Solar project. For these reasons, and the reasons supporting the ASC Site Certificate approval, the Council may find that with the implementation of the Wildfire Mitigation Plans, and ongoing compliance with Site Certificate conditions, the Facility, as amended in RFA 1, will comply with OAR 345-022-0115.

6.15 OAR 345-022-0120 Waste Minimization

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:

(a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;

(b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.

Response: The Council previously found that the Facility complies with the Council's Waste Minimization standard.⁷⁴ The standards under OAR 345-022-0120 have not changed since the Final Order.⁷⁵ Exhibit V of the ASC for the Facility addressed the potential for plans to minimize the generation of solid waste and wastewater during construction and operation, and to recycle and reuse such wastes if generated. As documented in the Final Order, the Council again found that, with the inclusion of Condition GEN-WM-01, the Facility would continue to comply with OAR 345-022-0120. Condition GEN-WM-01 requires that the Certificate Holder, during construction and operation, develop Waste Management Plans that would implement waste reducing measures including training employees to segregate and recycle recyclable materials. Potential wastewater

⁷⁴ Final Order, p. 193 (June 2021).

⁷⁵ Oregon Administrative Rules Database. Available at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77107>.

generated from stormwater runoff during construction would be managed in accordance with the best management practices described in the NPDES 1200-C/Erosion and Sediment Control Plan until that permit is terminated. These conditions would continue to apply to the Facility, with proposed changes. Therefore, the proposed changes do not affect the Council's previous findings on Waste Minimization and the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0120.

6.16 OAR 345-024-0090 Siting Standards for Transmission Lines

The standards under OAR 345-024-0090 have not changed since the ASC (State of Oregon 2022). OAR 345-024-0090(1) sets a limit for electric fields from transmission lines of not more than 9 kV per meter at one meter above the ground surface in areas that are accessible to the public. Section (2) requires the Certificate Holder design, construct and operate the line in a manner that reduces the risk posed by induced current. Based on the Certificate Holder's point of interconnect switching station, would be located directly adjacent to the Pelton Dam to Round Butte 230-kV transmission line, overhead cables connecting the two components will be located near the middle of the Facility layout, directly adjacent to the existing 230-kV transmission line, and will be inaccessible to the public behind multiple security fences. The interconnection transmission would not exceed 9-kV per meter at one meter above ground level. The Council's previously imposed Condition GEN-GS-08 ensure that the Certificate Holder can construct and operate the proposed transmission line so that induced currents would be as low as reasonably achievable (EFSC 2021).

7.0 Other Applicable Requirements – OAR 345-027-0360(1)(e)

7.1 Noise Control Regulations

OAR 340-035-0035 Noise Control Regulations for Industry and Commerce

(1) Standards and Regulations:

(b) New Noise Sources: (A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 8, except as otherwise provided in these rules. For noise levels generated by a wind energy facility including wind turbines of any size and any associated equipment or machinery, subparagraph (1)(b)(B)(iii) applies.

Response: The Council previously found that the Facility satisfies the ODEQ noise control regulations.⁷⁶ Based on the acoustic noise modeling assessment completed for Exhibit X, the proposed Facility maximum operational noise levels is low. ⁷⁷ The predicted sound levels from the proposed Facility at the closest residence R-2 (less than 1 mile away) would be less than 30 dBA. Therefore, the Council found that operational noise generated from the proposed Facility would comply with OAR 340-035-0035. No other changes to OAR 340-035-0035 have occurred since the Final Order that would alter the Council's previous findings. Extension of the construction start and completion deadlines for the Facility as proposed in this RFA 1 will not change any of the predicted sound levels from the proposed Facility, and no new residences or other sensitive noise receptors are located closer than the previously analyzed locations in RFA 1. The Certificate Holder used the Jefferson County GIS Public Mapping Application (Jefferson County 2024) to review tax lots within 1 mile of the Facility site boundary for potential noise sensitive receptors since the noise analysis was previously approved by the Council. The mapping application provides both aerial photography and the County Assessor's detailed property assessment for each tax lot including the real market value of improvements made to the property. The Certificate Holder did not find any new improvements on tax lots within 1 mile of the Facility site boundary. Figure 9 (Noise Sensitive Receptors) shows current site conditions and confirms no new noise sensitive receptors occur within 1 mile from the Facility since the ASC. Therefore, the Council may rely on its previous findings. RFA 1 does not alter the Council's basis for its previous findings and the Facility, as amended by RFA 1, will continue to comply with ODEQ's noise control regulations.

7.2 Removal-Fill Law

Response: A removal-fill permit will not be required because no impacts to waters of the State are expected. As noted in the Final Order, the Oregon Department of State Lands (ODSL) reviewed the wetland delineation report prepared in support of Madras Solar Facility and provided concurrence with the delineation and classifications on March 5, 2019. The ODSL concurrence is valid for 5 years from the date of the concurrence. The Certificate Holder has requested a concurrence renewal from ODSL, which is pending. RFA 1 does not add or change any Facility components, which as approved do not occur in water features, and no removal-fill in waters of the state will be necessary to construct or operate the Facility or related or supporting facilities. A desktop review of the site comparing current Google Earth imagery to data from the 2018 Delineation Report indicates site conditions appear consistent with the findings of the Delineation Report. Figure 10 (Wetlands and Waters) shows current National Wetland Inventory (USFWS 2024) and National Hydrography Dataset (USGS 2024) information within the Area Subject to RFA 1. The mapped features are consistent with the deviations from the National Wetlands Inventory described in the 2018 Delineation Report that received concurrence from ODSL. There are no changes to the approved Facility, there have been no observed changes to on-site conditions that would require a removal-

⁷⁶ Final Order, p. 203 (June 2021).

⁷⁷ Final Order, p. 201 (June 2021)

fill permit, and the Facility area approved for temporary and permanent disturbances has a valid ODSL concurrence for wetland delineation and classifications.⁷⁸

RFA 1 does not impede the Certificate Holder's ability to comply with updated evidence that a removal-fill permit is not required. Therefore, the Council may conclude that the Facility will continue to comply with the Oregon Removal-Fill Law (ORS 196.795 through 196.990) and regulations (OAR 141-085-0500 through 141-085-0785).

7.3 Water Rights

Response: The proposed change detailed in this RFA 1 does not increase the quantity of water used and wastewater generated during construction and operations from what was originally authorized in the Site Certificate because no changes to the Facility footprint or construction and operation activities are proposed. Water uses and sources for the Facility will remain the same as described in ASC Exhibit O and the Final Order (IV.Q.3. Water Rights).

In regard to wastewater usage for the Facility, the ASC stated that Madras PV1, LLC expects the volume of water used during construction of the Facility to be approximately 12,800,000 gallons, the majority used for site preparation and dust control. Other construction activities that would produce small amounts of wastewater include washing equipment and vehicles, washing concrete trucks after delivery of concrete loads, and fire suppression during construction.

Water for construction will be sourced from an off-site source and trucked to the site. Water would be supplied by the Deschutes Valley Water District (Water District) from its water supply system. The applicant maintains that no groundwater permit, surface water permit, or water right transfer is needed for the construction and operation of the facility because the Water District already has the permits and water rights to the sources of the water⁷⁹.

Water for solar panel washing during operations will be obtained from a third-party contractor from an off-site source. Potable water used during operations will be obtained from either an existing onsite well, hauled in from nearby water systems, or a private provider. Therefore, the proposed change does not affect the Certificate Holder's ability to comply with the Site Certificate, and OAR Chapter 690 Divisions 310 and 380. The Council may conclude that the Facility, as amended in RFA 1, does not need a groundwater permit, surface water permit, or water right transfer.

8.0 Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027-0360(1)(f)

(f) A list of the names and mailing addresses of property owners, as described in this rule:

⁷⁸ DSL WD# 2018-671 Wetland Concurrence letter, March 5, 2019

⁷⁹ Final Order, p. 206 (June 2021)

(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

(iii) Within 500 feet of property which is the subject of the request for amendment, where the subject property is within a farm or forest zone; and

(B) In addition to incorporating the list in the request for amendment, the applicant must submit the list to the Department in an electronic format acceptable to the Department.

Response: A list of the names and mailing addresses of property owners located within 500 feet of the property underlying the area subject to RFA 1 is provided in Attachment 9. The Certificate Holder requested the most recent property tax assessment roll from the Jefferson County Assessor on June 20, 2024 and the property owner information provided in Attachment 9 reflects information received on June 21, 2024.

9.0 Conclusion

This amendment request demonstrates that the proposed extensions to the construction start and completion deadlines comply with all applicable laws and Council standards. For the reasons stated above, the Certificate Holder respectfully requests approval of RFA 1.

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Figures

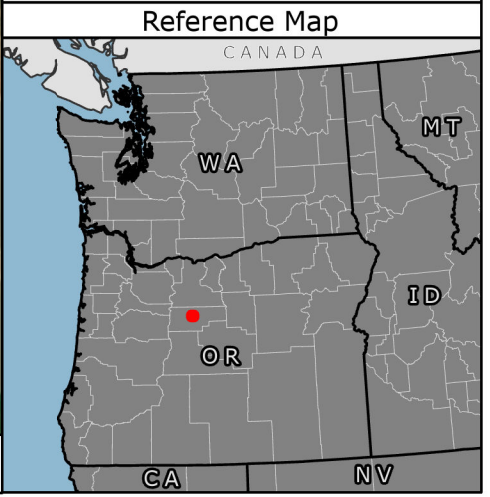
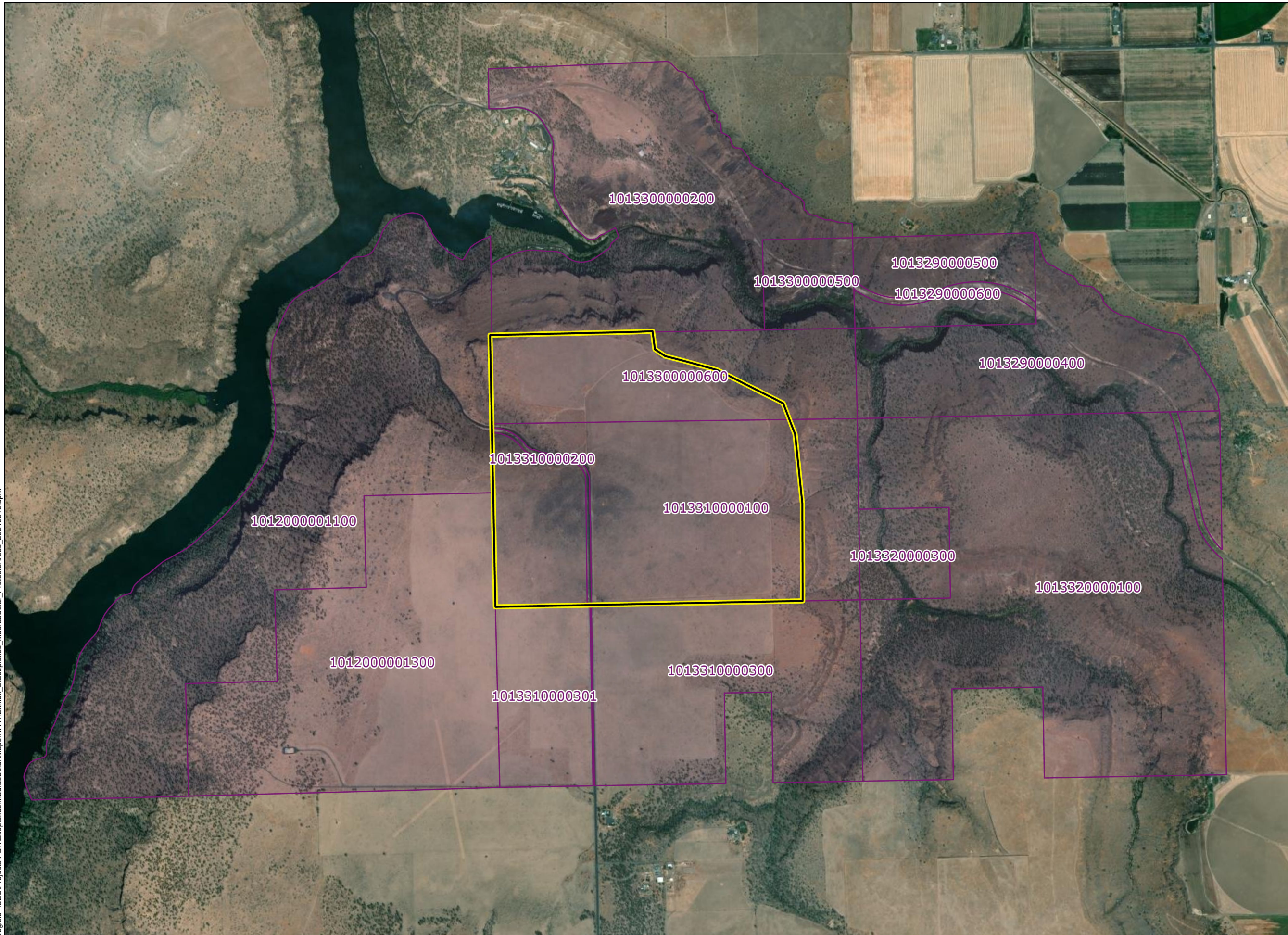
Madras Solar

Figure 1 Area Subject to Request for Amendment 1

JEFFERSON COUNTY, OR

-  Site Boundary
-  Taxlot Boundary*

*Data obtained from Jefferson County on June 21, 2024

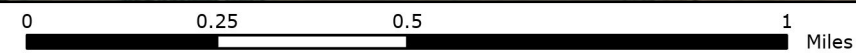


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WGS 1984 UTM Zone 10N
















NOT FOR CONSTRUCTION

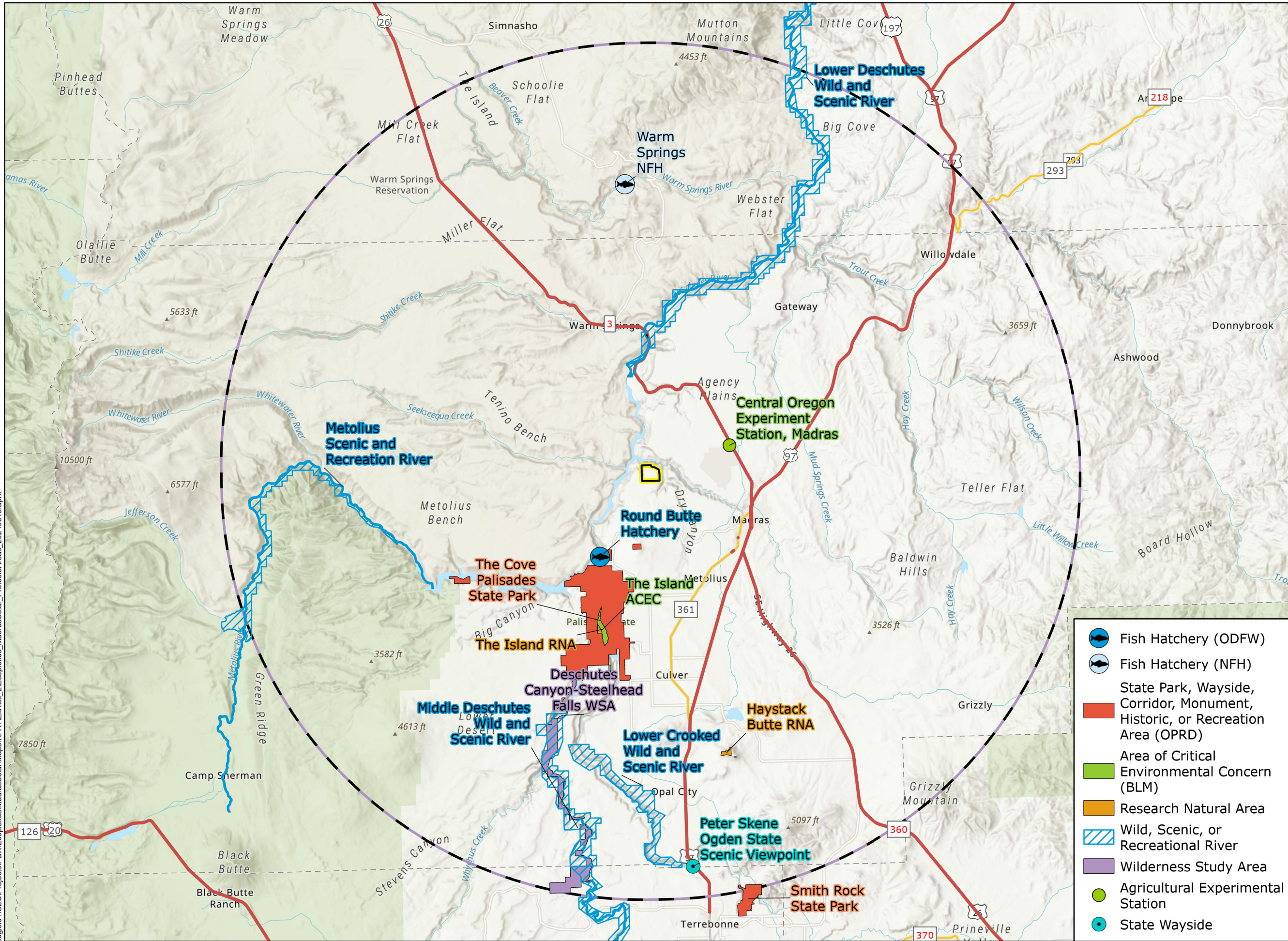
Madras Solar

Figure 2 Protected Areas

JEFFERSON COUNTY, OR

-  Site Boundary
-  Analysis Area (20-mile Buffer)
-  US Highway
-  State Highway

-  Fish Hatchery (ODFW)
-  Fish Hatchery (NFH)
-  State Park, Wayside, Corridor, Monument, Historic, or Recreation Area (OPRD)
-  Area of Critical Environmental Concern (BLM)
-  Research Natural Area
-  Wild, Scenic, or Recreational River
-  Wilderness Study Area
-  Agricultural Experimental Station
-  State Wayside









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Madras Solar

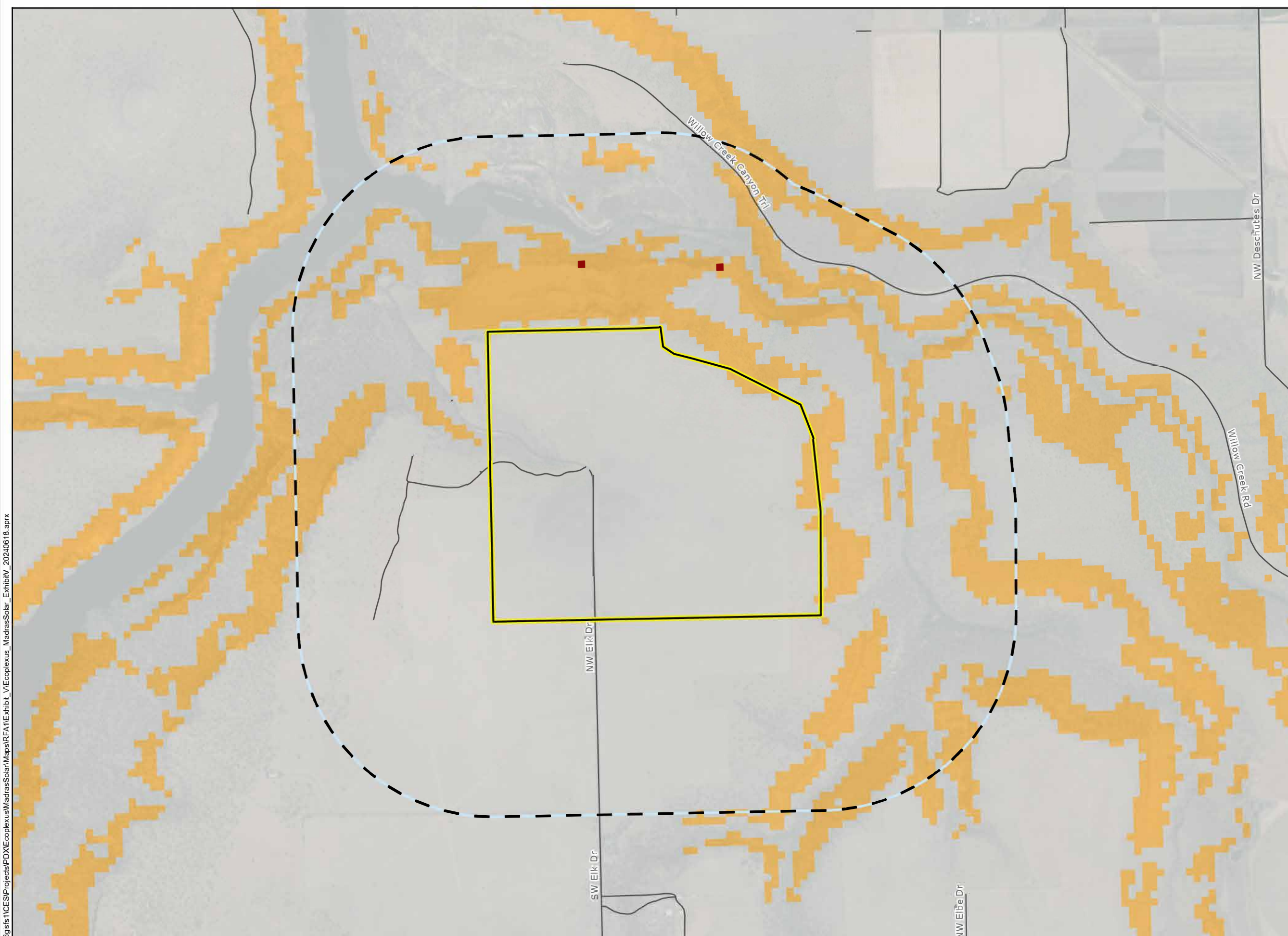
Figure 3 Slope

JEFFERSON COUNTY, OR

-  Site Boundary
 -  Local Roads
 -  Analysis Area (0.5-mile Buffer)
- Slope
-  0 - 25
 -  25-50
 -  50-76



Reference Map

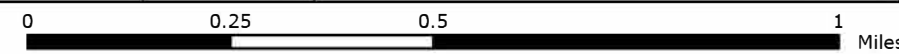


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NOT FOR CONSTRUCTION

Madras Solar

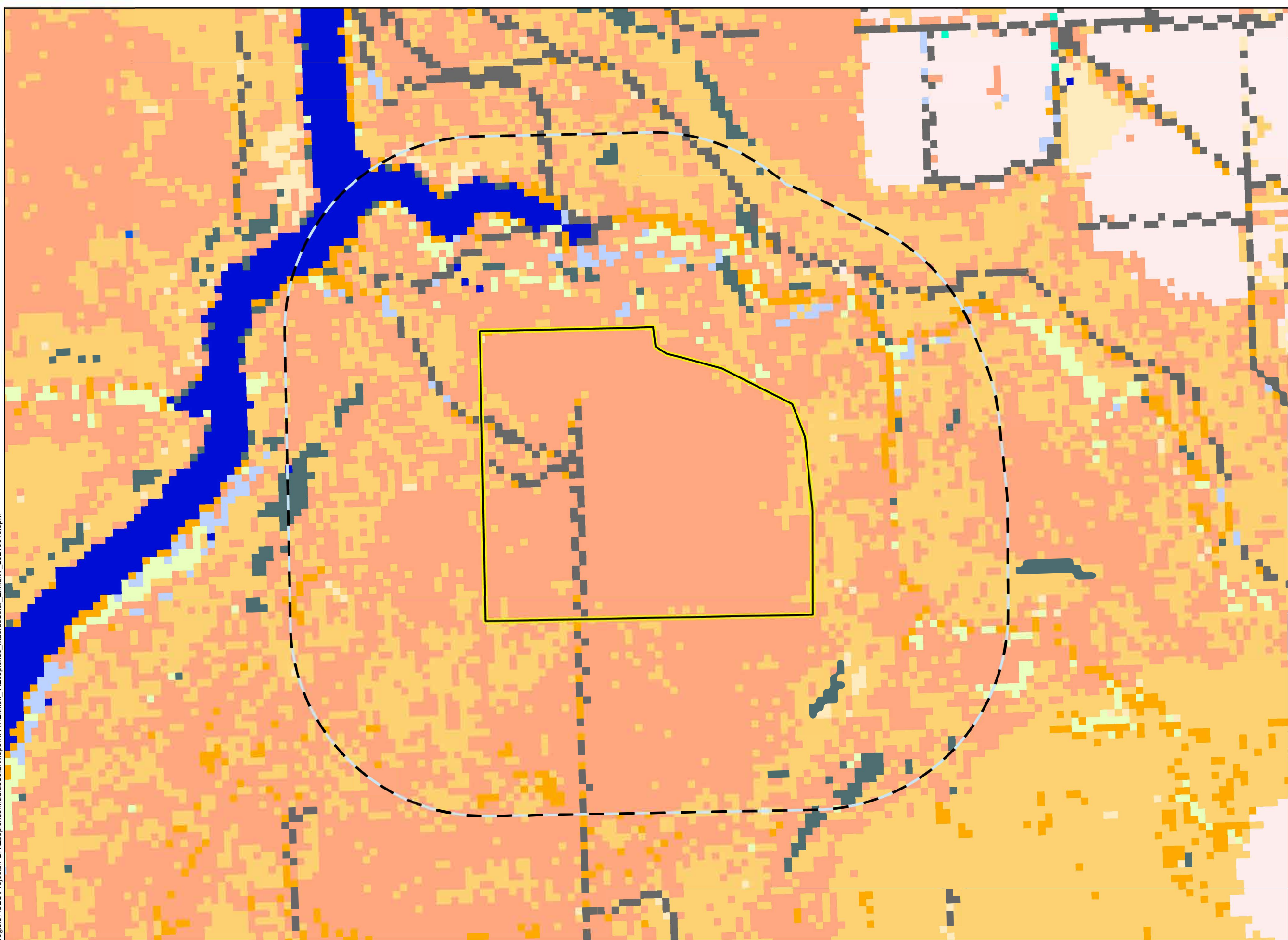
Figure 4 Fuel Models

JEFFERSON COUNTY, OR

- Site Boundary
- Analysis Area (0.5-mile Buffer)
- Fuel Models
 - Fm101, GR1
 - Fm102, GR2
 - Fm121, GS1
 - Fm122, GS2
 - Fm142, SH2
 - Fm161, TU1
 - Fm182, TL2
 - Fm183, TL3
 - Fm91, NB1
 - Fm93, NB3
 - Fm98, NB8
 - Fm99, NB9



Reference Map



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WGS 1984 UTM Zone 10N

0 0.25 0.5 1 Miles

NOT FOR CONSTRUCTION

Madras Solar

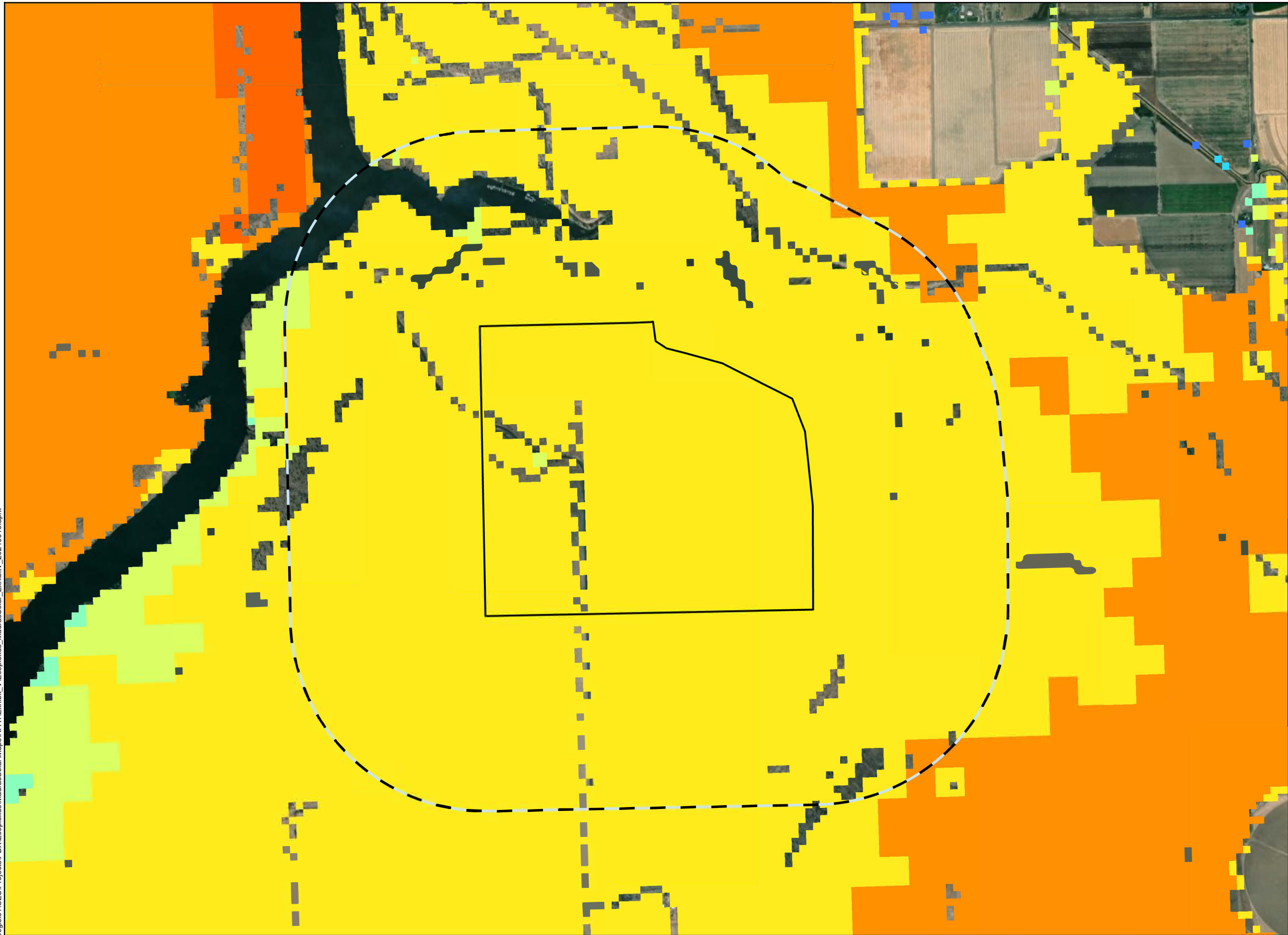
Figure 5 Burn Probability

JEFFERSON COUNTY, OR

- Site Boundary
 - Analysis Area (0.5-mile Buffer)
- Burn probability
- 0
 - 0 - 0.0001 Low (\leq 1-in-10,000)
 - 0.0001 - 0.0002 Low (1-in-10,000 to 1-in-5,000)
 - 0.0002 - 0.001 Moderate (1-in-5,000 to 1-in-1,000)
 - 0.001 - 0.002 Moderate (1-in-1,000 to 1-in-500)
 - 0.002 - 0.01 High (1-in-500 to 1-in-100)
 - 0.01 - 0.02 High (1-in-100 to 1-in-50)
 - 0.02 - 0.04 Very High (1-in-50 to 1-in-25)



Reference Map

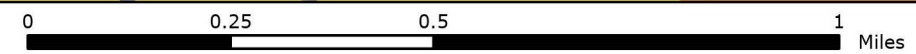


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






NOT FOR CONSTRUCTION

Madras Solar

Figure 6 Average Flame Length

JEFFERSON COUNTY, OR

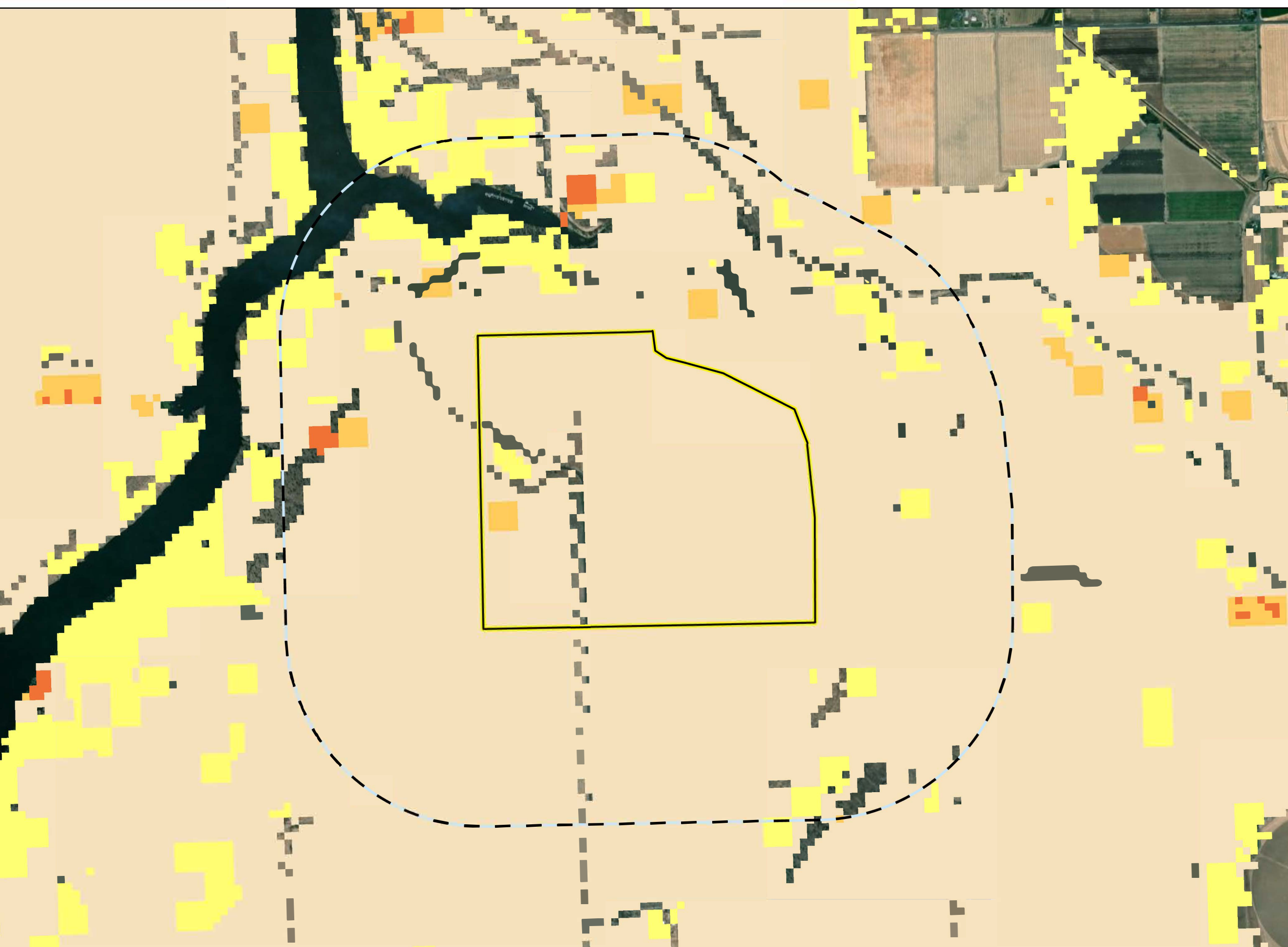
-  Site Boundary
 -  Analysis Area (0.5-mile Buffer)
- Average flame length (ft)
- 0
 -  >0 - 4 ft
 -  4 - 8 ft
 -  8 - 11 ft
 -  > 11 ft



Reference Map

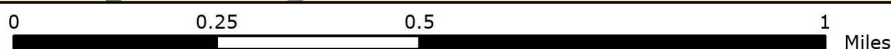


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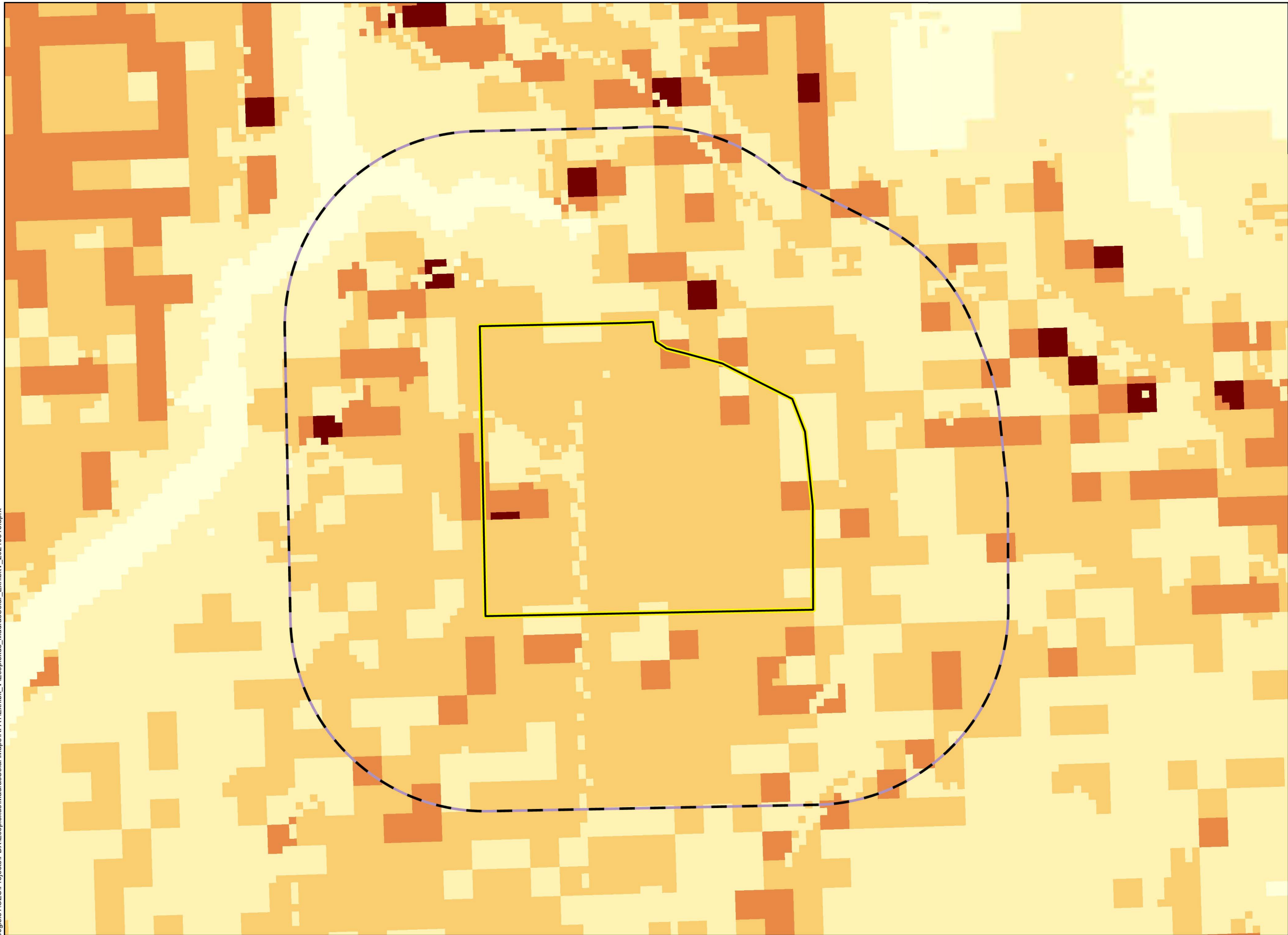
NOT FOR CONSTRUCTION

Madras Solar

Figure 7 Hazard to Structures

JEFFERSON COUNTY, OR

-  Site Boundary
 -  Analysis Area (0.5-mile Buffer)
- Potential Impact to Structures
-  Very High
 -  High
 -  Moderate
 -  Low
 -  Non-burnable/Very Low

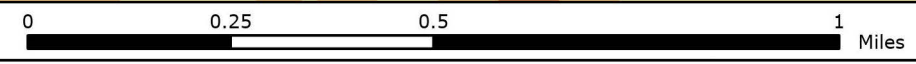


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NOT FOR CONSTRUCTION

Madras Solar

Figure 8 Overall Risk

JEFFERSON COUNTY, OR

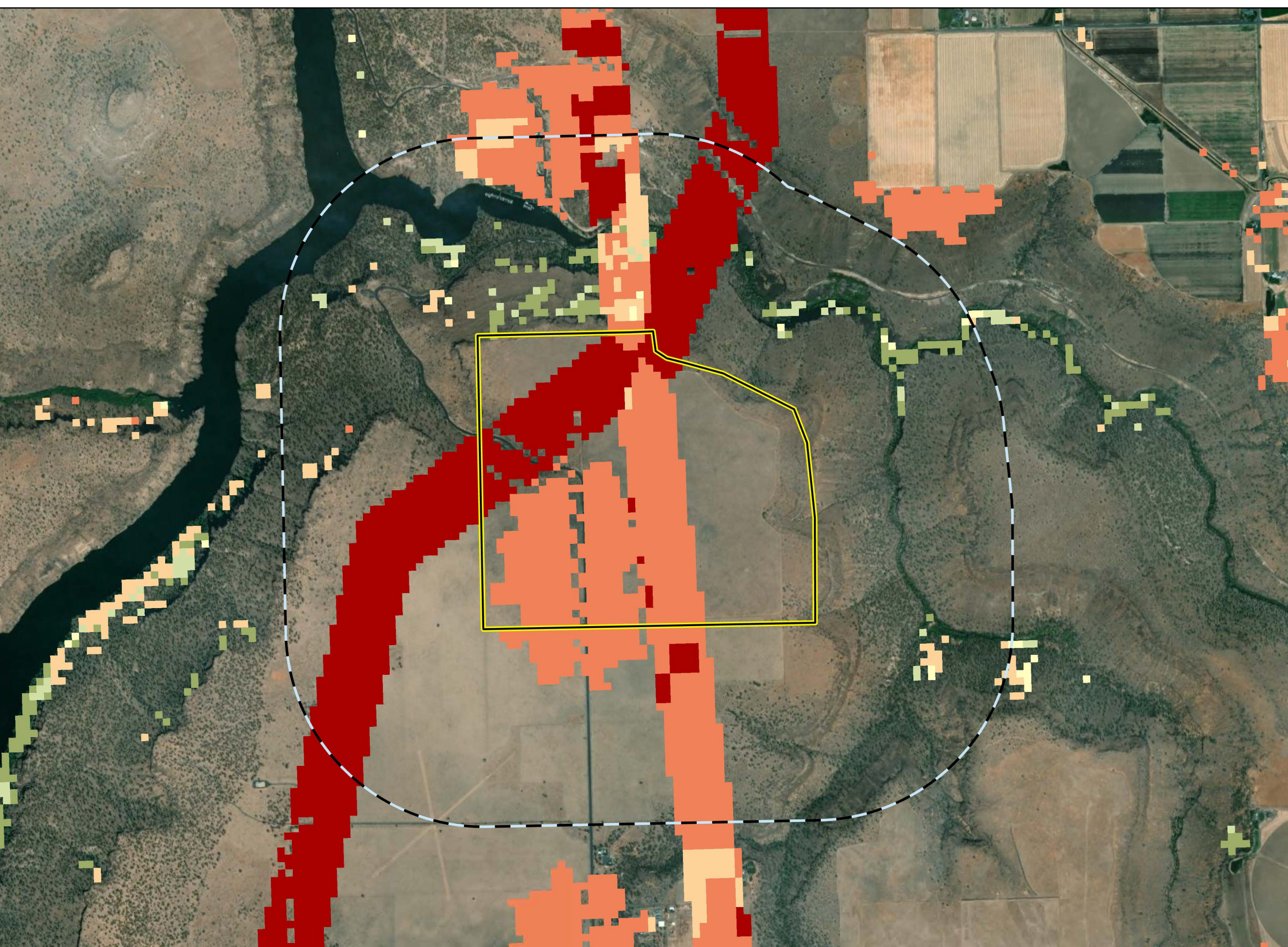
-  Site Boundary
 -  Analysis Area (0.5-mile Buffer)
- Overall Conditional Impact
-  Very High (>95th)
 -  High (80-95th)
 -  Moderate (50-80th)
 -  Low (30-50th)
 -  Low Benefit (15-30th)
 -  Benefit (0-15th)



Reference Map



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NOT FOR CONSTRUCTION

Madras Solar

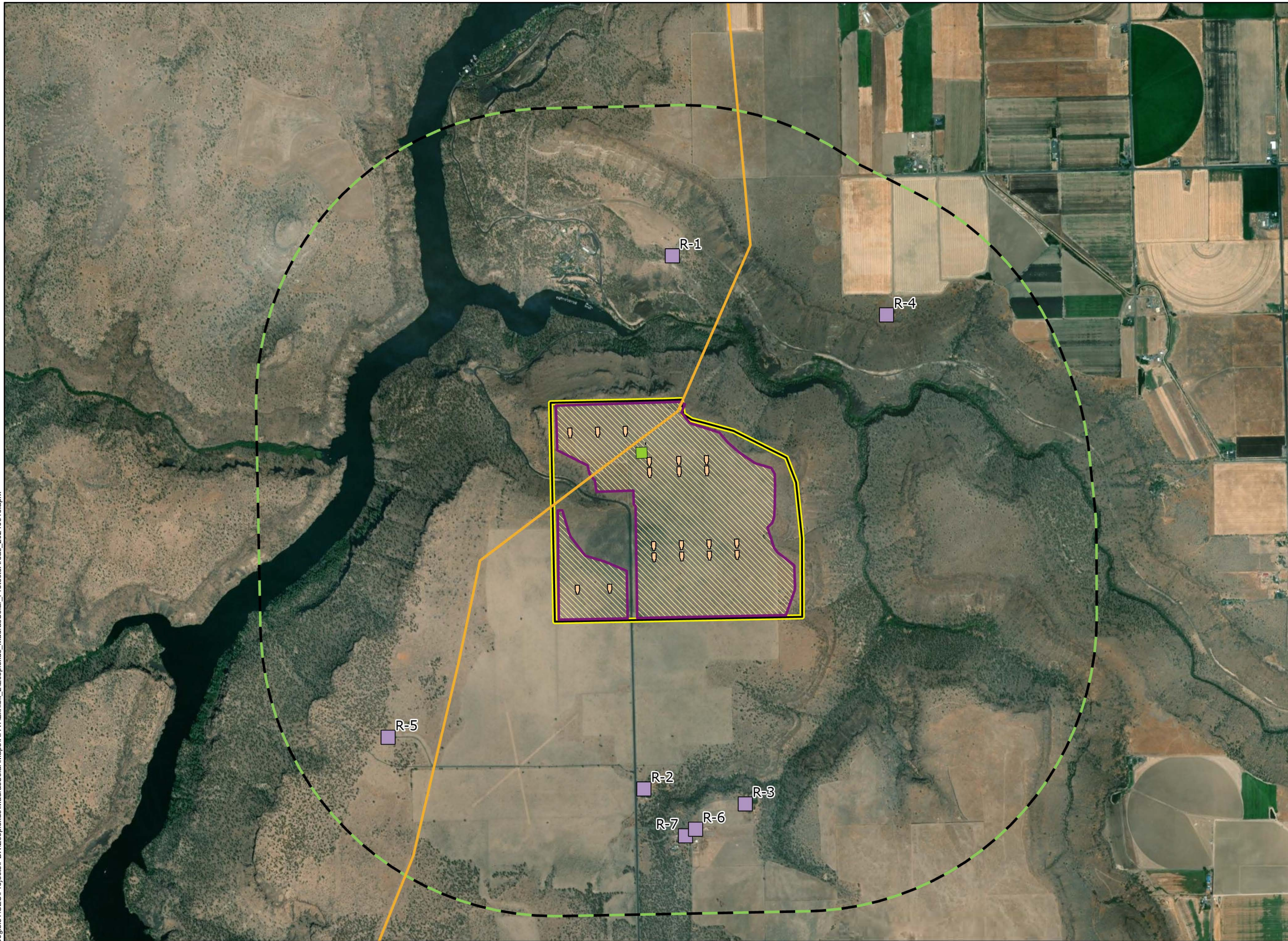
Figure 9 Noise Sensitive Receptors

JEFFERSON COUNTY, OR

-  Site Boundary
-  Analysis Area (1-mile Buffer)
-  Solar Array
-  Existing Pelton Dam to Round Butte 230-kV Transmission Line
-  Fence Line
-  Substation
-  Battery Storage and Inverters
-  Potential Residences



Reference Map

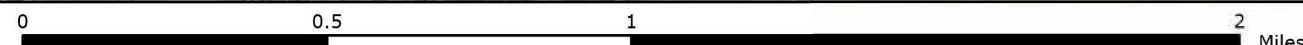


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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION

Madras Solar

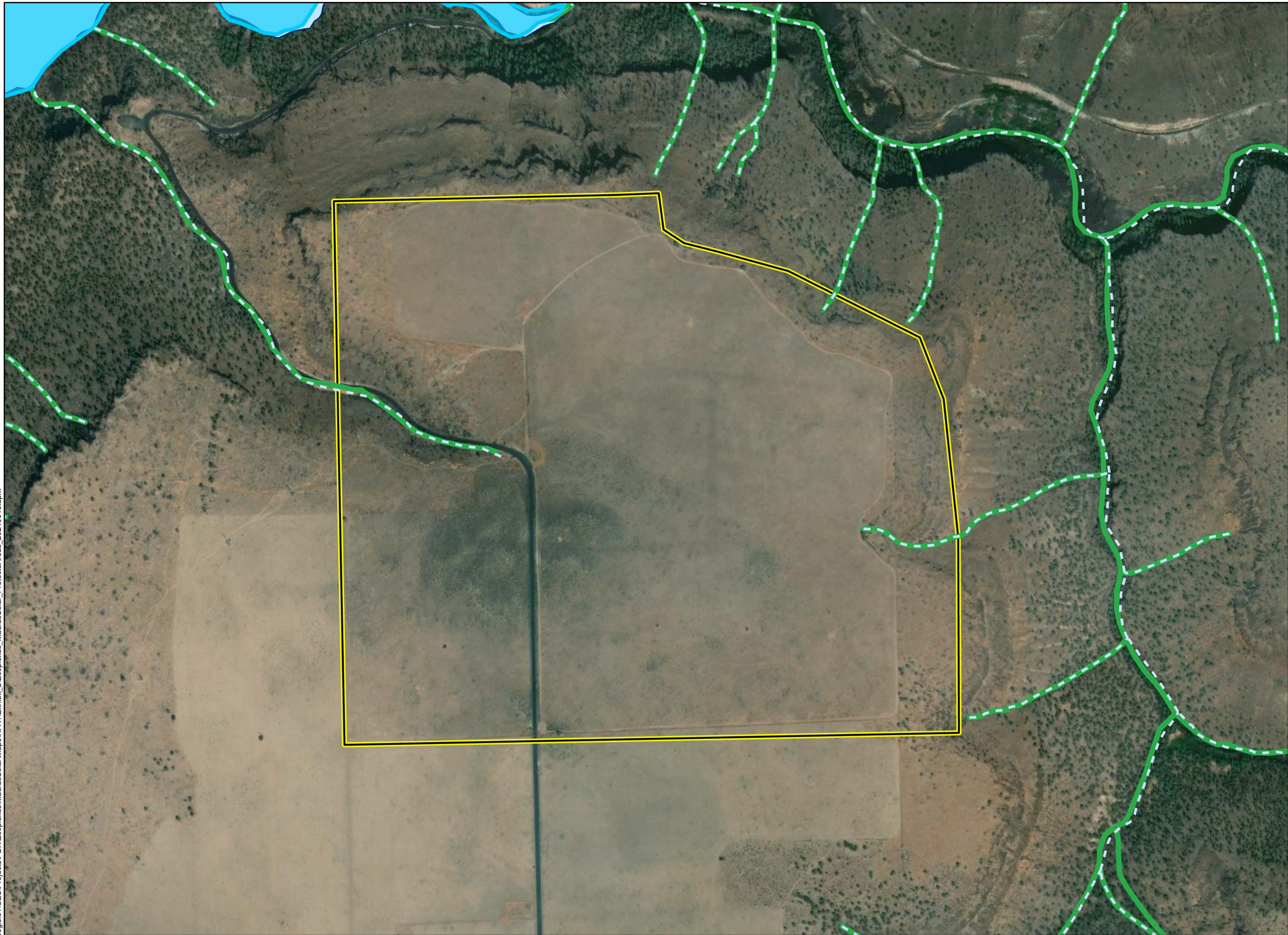
Figure 10 Wetlands and Waters

JEFFERSON COUNTY, OR

-  Site Boundary
- National Hydrography Dataset
 -  Intermittent Stream
 -  Waterbody
- National Wetland Inventory
 -  Lake
 -  Riverine



Reference Map



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WGS 1984 UTM Zone 10N

0 0.13 0.25 0.5 Miles

NOT FOR CONSTRUCTION

Attachment 1. Proposed Revisions to the Madras Solar Site Certificate

Attachment 2. Articles of Organization

**MADRAS PV1, LLC
WRITTEN CONSENT OF THE SOLE MEMBER**

The undersigned, being an Authorized Officer of Ecoplexus Inc., a Delaware corporation, which is the sole member and manager of Fresh Air Power Development, LLC, a Delaware limited liability company (the "Member"), which in turn is the sole member and manager of Madras PV1, LLC, an Oregon limited liability company (the "Company"), adopts and consents to the adoption of the following resolutions effective June 20, 2024:

WHEREAS, the Company desires to file a Notice of Intent with the Oregon Energy Facility Siting Council;

WHEREAS, the Member is authorized to grant signing authority and authority to conduct business to certain persons on behalf of the Company;

NOW THEREFORE, BE IT RESOLVED, that the Company is hereby authorized and directed to file Notice of Intent with the Oregon Energy Facility Siting Council;

RESOLVED FURTHER, John Gorman and Erik Stuebe (collectively, the "Authorized Signatories"; each, an "Authorized Signatory") are each authorized to execute, deliver and cause the Company to perform all tasks necessary in accordance with this Consent, and such actions hereby in all respects are ratified, approved and confirmed; and

RESOLVED FURTHER, that the authority given hereunder shall be deemed retroactive and any and all acts authorized hereunder performed prior to the passage of this resolution are hereby ratified and affirmed.

[SEPARATE SIGNATURE PAGE FOLLOWS]

**SEPARATE SIGNATURE PAGE TO
WRITTEN CONSENT**

IN WITNESS WHEREOF, the undersigned has executed this Consent effective as of the date written above.

**SOLE MEMBER AND MANAGER OF
MADRAS PV1, LLC:**

**FRESH AIR POWER DEVELOPMENT, LLC
By: Ecoplexus Inc., its sole member and manager**

John Gorman

By: _____
John Gorman, Chief Executive Officer

**AMENDED AND RESTATED
LIMITED LIABILITY COMPANY AGREEMENT**

of

FRESH AIR POWER DEVELOPMENT, LLC
Delaware Limited Liability Company
(Single Member/Member Managed)

This Amended and Restated Limited Liability Company Agreement (this “**Agreement**”) of Fresh Air Power Development, LLC, a Delaware limited liability company (the “**Company**”), is entered into as of November 9, 2021, by Ecoplexus Inc., a Delaware corporation (the “**Member**”), as the sole member. The Member executed that certain Limited Liability Company Agreement of the Company effective as of March 8, 2019 (the “**Original Agreement**”) for the purposes of operating the Company pursuant to the provisions of the Delaware Limited Liability Company Act (6 Del. C. § 18-101 et seq.) (as amended from time to time, the “**Act**”) and the laws of the State of Delaware

The Member wishes to amend and restate the Original Agreement in its entirety as set forth herein.

1. Name. The name of the limited liability company is “Fresh Air Power Development, LLC”. The business of the Company may be conducted under that name or such other name or names as the Member deems appropriate. The Member shall make all appropriate filings on behalf of the Company to enable the Company to conduct business under an assumed name or a different name, and to secure the Company’s proprietary rights to such a name.

2. Formation and Term. The Company was formed on March 8, 2019, the date that the Certificate of Formation of the Company was filed with the Office of the Secretary of State of Delaware. The Company will continue indefinitely unless terminated pursuant to this Agreement. The rights and obligations of the Member are as provided in the Act, except as provided herein.

3. Principal Place of Business; Qualification in Foreign Jurisdiction. The principal office of the Company is c/o Ecoplexus Inc., 101 Second Street, Suite 1250, San Francisco CA 94105 or such other location as may hereafter be determined by the Member. The Company may locate its place of business at any other place as the Member deems advisable; provided, that the Company shall at all times maintain a registered agent within the State of California and the state of the Company’s principal place of business, if different. The Member shall execute and file on behalf of the Company all necessary or appropriate documents required to qualify the Company to transact business within any state in which the nature of the activities or property ownership requires qualification.

4. Registered Agent. The name and address of the registered agent of the Company for service of process on the Company in the State of Delaware are Corporation Service Company, located at 251 Little Falls Drive, in the City of Wilmington, Delaware.

5. Purpose. The Company has been formed and is authorized to engage in any and all lawful business, purpose, or activity in which a limited liability company may be engaged under applicable law (including, without limitation, the Act), as determined by the Member.

6. Ownership of Company Property. All property and other assets owned by the Company shall be owned by the Company as an entity and held in the name of the Company. The Member shall have no ownership interest in any Company property in its own name or right. The Member's interest in the Company is personal property for all purposes.

7. Limited Liability. Except as otherwise provided by the Act, the debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise, are solely the debts, obligations and liabilities of the Company, and the Member shall not be personally obligated for any such debts, obligations or liabilities of the Company solely by reason of being the Member of the Company.

8. Capital. The Member will contribute to the Company such amounts as it shall determine, in its sole discretion, from time to time. Such capital may be provided by way of capital contributions, loans or both, and if by loans on such terms as the Member shall determine. The Member is not required to provide any additional capital contributions to the Company.

9. Allocation of Profits and Losses. The Company's profits and losses shall be allocated to the Member.

10. Distributions. Distributions shall be made to the Member at the times and in the amounts determined by the Member. Notwithstanding any other provision to the contrary in this Agreement, the Company shall not make a distribution to the Member on account of its interest in the Company if such distribution would violate the Act or any other applicable law.

11. Officers. The Member may, from time to time as it deems advisable, appoint persons as officers of the Company (the "**Officers**") and assign in writing titles (including, without limitation, President, Vice President, Secretary, and Treasurer) to any such person. Unless the Member decides otherwise, if the title is one commonly used for officers of a corporation formed under the Delaware General Corporation Law, the assignment of such a title constitutes the delegation to such person of the authorities and duties that are normally associated with that office, including, without limitation, the execution of documents, instruments and agreements in the name of and on behalf of the Company. Any delegation pursuant to this Section may be revoked at any time by the Member in writing.

12. Indemnification. The Member, the officers, employees, directors, and agents of the Company and the members and partners of the Member (collectively, the "**Indemnified Parties**") shall be indemnified and held harmless by the Company from and against any and all claims, demands, liabilities, costs, damages, expenses and causes of action of any nature whatsoever arising out of or incidental to any act performed or omitted to be performed by any one or more of the Indemnified Parties (including, without limitation, to the extent permitted by law, acts performed or omitted which constitute ordinary negligence) in connection with the business of the Company; provided, however, that such act was taken or such omission (a) was made in good faith and (b) did not constitute fraud or willful misconduct on behalf of such Indemnified Party; and provided further, that any obligation to an Indemnified Party under this Section 12 shall be paid solely out of Company assets and shall not be a personal obligation of any member of the Company. In no event will any member of the Company be required, without the written consent of all of the members of the Company, to contribute additional capital to enable the Company to satisfy any obligation under this Section 12.

13. Transfers. A member of the Company may transfer its interest in the Company in whole or in part except to the extent restricted by the provisions of any agreement entered into by the Company. If a member transfers its interest in the Company, the transferee shall be admitted to the Company upon its execution of an instrument whereby it becomes bound by the terms and conditions of this Agreement. If a member transfers its entire interest in the Company and there are no other members of the Company, the admission of the transferee as a member of the Company shall be deemed effective concurrent with the termination of the transferor as a member of the Company.

14. Withdrawal. A member of the Company may withdraw from the Company so long as there is only one member of the Company. Otherwise, a member of the Company may not withdraw from the Company without the written consent of all other members of the Company.

15. Admission of Additional Members. One (1) or more additional members of the Company may be admitted to the Company with the written consent of the Member. If the Company subsequently has more than one member, then all references in this Agreement to the singular “**Member**” will refer to all of the members of the Company, and any matter requiring the consent of the “**Member**” under this Agreement will require the consent of a majority in interest of the members of the Company.

16. Dissolution.

(a) The Company shall dissolve, and its affairs shall be wound up upon the first to occur of the following: (1) the expiration of the term or the occurrence of any dissolution event set forth in the Certificate of Formation of the Company, as the same may be amended from time to time, (2) the written consent of the Member, (3) the withdrawal or dissolution of all the members of the Company or the occurrence of any other event which terminates the continued membership of all the members in the Company unless the business of the Company is continued in a manner permitted by the Act, or (4) the entry of a decree of judicial dissolution under the Act.

(b) The bankruptcy of a member of Company will not cause such member to cease to be a member of the Company, and upon the occurrence of such an event, the business of the Company shall continue without dissolution.

(c) In the event of dissolution, the Company shall conduct only such activities as are necessary to wind up the affairs of the Company (including the sale of the assets of the Company in an orderly manner), and the assets of the Company shall be applied in the manner, and in the order of priority, set forth in the Act.

17. Severability of Provisions. Each provision of this Agreement is severable, and if for any reason any provision or provisions herein are determined to be invalid, unenforceable or illegal under any existing or future law, such invalidity, unenforceability or illegality does not impair the operation of or affect those portions of this Agreement which are valid, enforceable and legal.

18. Entire Agreement; Amendment. This Agreement and the exhibits to this Agreement constitute the entire agreement of the Member with respect to the subject matter hereof. This Agreement may be modified, altered, supplemented or amended only pursuant to a

writing executed and delivered by the Member.

19. Governing Law. This Agreement shall be governed by, and construed under, the laws of the State of Delaware, all rights and remedies being governed by said laws.

20. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. It is necessary to account for only one fully executed counterpart in order to prove this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Member has executed this Agreement as of the date set forth above.

MEMBER:

Ecoplexus Inc.



Name: Erik Stuebe

Title: President

Attachment 3. Jefferson County Correspondence

From: [Phil Stenbeck](#)
To: [Seilo, Paul](#)
Cc: [Andrews, Carrie](#)
Subject: RE: Madras Solar RFA 1
Date: Tuesday, June 25, 2024 11:20:40 AM
Attachments: [image001.png](#)

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Hi Paul,

I checked all the way back to 2019 and did not find any code changes pertaining to the items listed below except the Floodplain Code as previously mentioned.

I hope this is helpful.

If you have anymore questions, please feel free to contact me.

Cordially,

Phil



Phil Stenbeck, CFM
Interim Director
Jefferson County Community Development Department
85 S.E. "D" Street
Madras, Oregon 97741
(541) 475-4462

From: Seilo, Paul <PAUL.SEILO@tetrattech.com>
Sent: Tuesday, June 25, 2024 10:16 AM
To: Phil Stenbeck <Phil.Stenbeck@jeffersoncountyor.gov>
Cc: Andrews, Carrie <CARRIE.ANDREWS@tetrattech.com>
Subject: RE: Madras Solar RFA 1

Hi Phil-

As we discussed, I am working on the Request for Amendment (RFA) to the Oregon Energy Facility Siting Council (EFSC) for the Madras Solar Facility, to extend the project's construction start and end dates. Can you please reply to this email and tell us if there have been any revisions adopted to the applicable criteria from the Jefferson County Zoning Ordinance (JCZO) or Jefferson County Comprehensive Plan (JCCP) since **October of 2020** when the original EFSC Application for Site Certificate was deemed complete? I've pasted in a table below with the

JCZO criteria applicable to the Facility. I've also included a bulleted list of the applicable goals from the JCCP below the table. Please let me know if you have any questions or want to discuss. Thanks so much in advance.

<i>Chapter 3 Land Use Zones</i>	
Section 301	Exclusive Farm Use Zones
Section 316	Flood Plain Overlay Zone
Section 322	Sensitive Bird Habitat Overlay Zone
<i>Chapter 4 Supplementary Provisions</i>	
Section 401	Access
Section 402	Transportation Improvements
Section 403	Clear-Vision Areas
Section 404	Fences
Section 405	Outdoor Lighting
Section 406	Sign Regulations
Section 414	Site Plan Review
Section 415	Soil or Rapid Moving Landslide Hazard Procedures
Section 416	Grading, Fill and Removal
Section 417	Historic Resource Protection
Section 418	Airport Protection
Section 419	Riparian Protection
Section 420	Endangered Species
Section 421	Traffic Impact Studies
Section 422	Temporary Uses
Section 423	Off-Street Parking Requirements
Section 426	Fire Safety Standards
Section 429	Archeological Preservation
Section 433	Photovoltaic Facilities
<i>Chapter 6 Conditional Uses</i>	
Section 601	Authorization to Grant or Deny Conditional Uses
Section 602	Approval Criteria
Section 603	Conditions of Approval

Jefferson County Comprehensive Plan

- Goal 3: Agricultural Lands
- Goal 5: Natural Resources, Scenic and Historic Area, and Open Spaces
- Goal 6: Air, Water, and Land Resources Quality
- Goal 7: Areas Subject to Natural Hazards
- Goal 8: Recreational Needs
- Goal 9: Economic Development
- Goal 11: Public Facilities and Services
- Goal 12: Transportation
- Goal 13: Energy Conservation

Senior Project Manager
Mobile +1 (503) 200-0005 | paul.seilo@tetrattech.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attachment 4. Updated Retirement Cost Estimate

RETIREMENT AND RESTORATION

OAR 345-021-0010(1)(w)

TABLE OF CONTENTS

W.1	USEFUL LIFE	1
W.2	RETIREMENT AND RESTORATION ACTIONS	1
W.3	RETIREMENT AND RESTORATION COST ESTIMATE	2

ATTACHMENTS

Attachment 1 Madras Solar Energy Facility Retirement and Restoration Cost Estimate

OAR 345-021-0010(1)(w) *Information about site restoration, providing evidence to support a finding by the Council as required by OAR 345-022-0050(1). The applicant shall include:*

W.1 USEFUL LIFE

OAR 345-021-0010(1)(w)(A) *The estimated useful life of the proposed facility.*

Response: The estimated useful life of the proposed Madras Solar Energy Facility (Facility) is 40 years. However, the Facility may operate for as long as there is a market for the production of electrical energy. Facility upgrades may be implemented to prolong operation well beyond 40 years.

Madras PV1, LLC (Applicant) plans to secure a Power Purchase Agreement to sell the energy and environmental attributes from the Facility to a reputable entity. The Applicant will use the Power Purchase Agreement to secure financing for Facility construction.

W.2 RETIREMENT AND RESTORATION ACTIONS

OAR 345-021-0010(1)(w)(B) *Specific actions and tasks to restore the site to a useful, non-hazardous condition.*

Response: The Facility will be constructed largely with recyclable, salvageable, or reusable materials consisting of steel, aluminum, concrete, solar modules, electrical cables and wires, as well as specialized pieces of electrical equipment, including large transformers and lithium-ion batteries or flow batteries. The site will feature steel fencing along its perimeter and gravel placed on access road segments and in the substation and laydown areas. When the Facility reaches the end of its operational life, the components will be disassembled, and component materials will be disposed of based on their demand as scrap, depending on the material composition and market for recyclables at that time. Retirement and restoration will be accomplished using conventional construction equipment with the objective of maximizing the recycling of materials and minimizing the amount of waste to be disposed of. Materials with known demand for scrap (solar panels, large electrical transformers, and small battery units) will be staged at an onsite laydown area or loaded to the recycler's trucks, at which time the recycler takes title and is responsible for shipping costs in exchange for the salvage value of the materials. The main stages of the retirement and restoration process are as follows:

- 1) Assess existing site conditions and prepare the Facility site for retirement and restoration. Maintain internal service roads and access roads, fencing, and electrical power in place for use by the retirement and restoration workers until no longer needed. Obtain all necessary permits, and disconnect the Portland General Electric transmission line before mobilization of crews, field office, and equipment. Conduct safety, training, and project orientations with work crews.
- 2) Remove solar panels from trackers and load onto recycler's trucks. Remove steel trackers from posts, extract steel posts, and stage for recycling from site. Disconnect electrical equipment from underground cables. Maintain the underground cables in place except where they surface, then cut and remove to 3 feet below grade and transport to Jefferson County Transfer Station (JCTS). Stage large transformers, drained of oil, onsite or load onto scrap recycler trucks Free On Board (FOB).¹ Truck substation electrical equipment and inverters to JCTS (recycling decision by JCTS). Remove concrete equipment foundations to a minimum depth of 3 feet and truck to the county transfer station.
- 3) Remove internal gravel access road segments and gravel from substation and laydown yards. This will result in stockpiling of reusable gravel onsite for loading by recycler/reuser. Stage steel fences and gates onsite and load onto scrap recycler trucks. Stage copper cable from substation grounding grid onsite for recycler.
- 4) Restore the original grading minimally and revegetate with plants or plant seed mix consistent with the landowner's needs and the Facility's *Habitat Mitigation Plan*.

¹ The term "Free On Board" indicates the transfer of title from seller to buyer at a specific point in time and place.

W.3 RETIREMENT AND RESTORATION COST ESTIMATE

OAR 345-021-0010(1)(w)(C) *An estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition.*

Response: Attachment W-1 provides a detailed cost estimate for retirement and restoration of the Facility. The estimated costs, in fourth quarter 2024 dollars, are approximately \$5.17 million including 10 percent contingency. The estimate to decommission the proposed Facility is applicable to the completed installation, assumed to be substantially finished in the fourth quarter of 2024, thus the estimate includes escalation to allow for decommissioning to occur largely in 2025.

OAR 345-021-0010(1)(w)(D) *A discussion and justification of the methods and assumptions used to estimate site restoration costs.*

Response: The Applicant made the following assumptions to estimate site restoration costs:

- Each major component of the Facility is broken down to an item or operation level and estimated for hourly crew production rates for disassembly, loading onto truck or staging on site, and trucking to local transfer station, as applicable. Each crew cost is derived from fully burdened labor costs (wages, benefits, payroll taxes, insurances, and small tools) and equipment costs (derived from published hourly operating costs including rent, fuels, oil, maintenance, and wearable parts), which are also factored for additional rent based on percent of time idle. Each component breakdown is summarized for cost by the three major operational divisions: disassembly, loading, and trucking. Additional costs for disposal (also known as tipping) fees, permits, disconnects, mobilizations, site reclamation, regulations, management, site indirect costs, overhead, profit, and contingency are then added for a project total cost.
- Labor wages and benefits costs are based on prevailing wage determination in effect as of December 12, 2023, for Jefferson County, Oregon. Payroll taxes are based on 12 percent of wages.
- JCTS disposal fee is \$110 per ton delivered to JCTS, and the estimate assumes 5,050 tons will be so disposed.
- The estimate assumes no salvage value recovery for the 16,927 tons of material to be disposed of by way of recycling. This material is valued at approximately \$3 million, using values provided by <http://www.scrapregister.com>, accessed December 12, 2023, less costs to ship and process for recycling. The solar panels are known to be of value to We Recycle Solar, 4742 N. 24th Street, Suite 300 Phoenix, AZ 85016, phone (480) 482-7050. Discussions with We Recycle Solar reveal the economics of solar panel recycling support shipping costs paid by recycler.
- All recyclable steel (equipment, structures, and fencing), copper, aluminum, large transformers, and small battery units, and all reusable gravel, are disposed of by way of providing materials FOB free of charge with loading to recycler trucks.
- All concrete and substation electrical equipment (other than transformers) is trucked to JCTS for a recycling decision and disposed of by JCTS and their recycling partners.
- Miscellaneous mixed waste and operational oils, fluids, and parts are taken to JCTS for disposal, hazardous waste processing, or recycling where feasible.
- Underground material below 3 feet will be left in place. This will include underground cables, concrete foundations for the solar module posts, and a portion of the posts themselves.
- Transformer insulating oils will be removed by a subcontractor and disposed of legally.
- Bare ground portions will be seeded in accordance with the *Habitat Mitigation Plan* once retirement and restoration are complete. Site grading will not be required prior to seeding. During Facility operations, noxious weeds will be controlled to promote establishment of native vegetation. During Facility retirement and restoration, care will be taken to minimize the disturbance to existing vegetation. To be conservative, this estimate assumes that the

entire area occupied by the solar modules (approximately 300 acres) will be reseeded (or likely overseeded).

- The operations and maintenance enclosure will be removed, and the surrounding graveled areas, service roads, and access road will be removed, regraded, and reseeded as part of retirement and restoration activities. During retirement and restoration of the module blocks, the internal service roads and access road will be used to minimize the disturbance to the surrounding areas.
- Total salvage value of Facility materials is referenced but is not included as an offset to the estimate total. Although the salvage value of Facility materials is not included, it should be considered if the Energy Facility Siting Council policy or rules change to allow credit for these values.
- The estimate includes a 10 percent contingency allowance.

Attachment 1
Madras Solar Energy Facility Retirement
and Restoration Cost Estimate

Table 3: Proposed Facility Decommissioning Cost Estimate and Sum Total Costs

Task or Action ¹	Quantity	Unit Cost (\$)	Unit	Estimate (\$)
<i>Solar Photovoltaic Energy Generation Components</i>				
Solar PV Panel	175,446	\$2.02	Panel	\$354,681
Tracker	569,980	\$2.26	Linear Ft.	\$1,289,733
Power Conversion Station (PCS)	19	\$7,880	Location	\$149,727
Underground Cable	56	\$269	Tail	\$15,072
<i>Substation, POI Station and Switching Station</i>				
POI Station	1	\$13,007	Location	\$13,007
Switching Station	1	\$6,824	Location	\$6,824
Substation	1	\$67,256	Location	\$67,256
Substation Auxiliary Equipment	1	\$27,060	Location	\$27,060
<i>Other Structures</i>				
O&M Enclosure[1]	1	\$2,369	Each	\$2,369
Staging/Laydown	1	\$4,704	Location	\$5,647
Perimeter Fence	28,681	\$3.86	Linear Ft.	\$116,576
Roads	3,564	\$4.72	Sq. Yd.	\$20,271
<i>Other Tasks and Actions</i>				
Stored Materials	1	\$787	Lump Sum	\$787
Tipping Fees	5,050	\$110	Tons	\$555,930
Site Reclamation	400	\$200	acre	\$80,000
Utility disconnect	1	\$5,000	Each	\$5,000
Surveys	1	\$25,000	Lump Sum	\$25,000
Environmental	1	\$50,000	Lump Sum	\$50,000
Safety	1	\$25,000	Lump Sum	\$25,000
OSHA sanitary	1	\$50,000	Lump Sum	\$50,000
Field Office	10	\$1,250	months	\$12,500
Proj Mgmt	10	\$12,500	months	\$125,000
Mobilization	1	\$200,000	Lump Sum	\$200,000
Demobilization	1	\$150,000	Lump Sum	\$150,000
Subtotal =				\$3,347,440
<i>General Costs</i>				
Contingency	10		Percent	\$334,744
Overhead, Profit	15		Percent	\$502,116
Subtotal =				\$836,860
Subtotal- Tasks/Actions & Applicant Contingencies				\$4,184,300
<i>Department Applied Contingencies</i>				
Performance Bond	1		Percent	\$41,843
Department Administration and Project Management	10		Percent	\$418,430
Future Development Contingency ¹	10		Percent	\$418,430
Total Site Restoration Cost with Department Adjusted Contingencies (Q4 2023 Dollars)				\$5,063,003
Additional Cost to bring costs to Q4 2024 Dollars 2.08% (Start Decommission, 1 yr duration)				\$105,310
Total Site Restoration Cost with Department Adjusted Contingencies (Q4 2024 Dollars)				\$5,168,314
Notes:				
1. A 10% future development contingency is applied to all tasks, actions and applicant contingencies.				
2. Escalation from Q4 2023 to Q4 2024 Dollars is based on Standard & Poor's forecast for the projects PPI basket, assuming decommission start 12/12/24 and complete 12/12/25				

[1] The unit cost and estimate for the O&M Enclosure was revised and included in both Revised Attachment W-1 and Revised Attachment W-2 provided to the Department as supplemental information on January 13, 2021.

Attachment 5. Financial Assurance Letter



June 21, 2024

Ecoplexus, Inc.
600 Park Offices Dr., Ste. 285
Durham, NC 27709

Re: Surety Prequalification – Madras Decommissioning Bond

Arch Insurance Company will consider surety credit for Ecoplexus, Inc. Currently, there is approximately \$20 Million in available capacity. Arch is rated "A+" by AM Best with a financial size category of XV (\$2 billion +) and an authorized surety with the United States Department of the Treasury. Ecoplexus maintains sufficient bonding capacity for the subject bond requirement.

Based upon our knowledge of the management team, experience, and financial condition, we have every confidence in the firm's ability to successfully complete engineering, procurement, and construction contracts for photovoltaic and energy storage projects throughout the United States and abroad.

Please note final bond approval is subject to our underwriting review and approval at the time the bond is required, and this letter is not an assumption of liability.

We trust that this information meets with your satisfaction.

Sincerely,

Arch Insurance Company

A handwritten signature in blue ink, appearing to read "RHallett".

Richard Hallett
Attorney-in-Fact



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Note, Loan, Letter of Credit, Currency Rate, Interest Rate or Residential Value Guarantees.

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Gabriel Erle, Leona Evangelista, Marissa Robinson, Ray Canto, Rebekah Eads and Richard Hallett of San Diego, CA (EACH)

its true and lawful Attorney(s)in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed: Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding One Hundred Fifty Million Dollars (\$150,000,000.00). This authority does not permit the same obligation to be split into two or more bonds In order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on August 31, 2022, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on August 31, 2022:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on August 31, 2022, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 18th day of June, 2024.

Attested and Certified

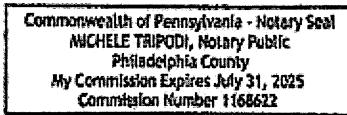
Regan A. Shulman, Secretary



Arch Insurance Company
Stephen C. Ruschak, Executive Vice President

STATE OF PENNSYLVANIA SS
COUNTY OF PHILADELPHIA SS

I, Michele Tripodi, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Michele Tripodi, Notary Public
My commission expires 07/31/2025

CERTIFICATION

I, Regan A. Shulman, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated June 18, 2024 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 21st day of June, 2024.

Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance Company Claims Department
Surety Claims
P.O. Box 542033
Omaha, NE 68154
suretyclaims@archinsurance.com



To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at SuretyAuthentic@archinsurance.com
Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.

Attachment 6. Agency Correspondence



From: SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>
Sent on: Monday, June 17, 2024 10:32:48 PM
To: Stebbins, Lauren <LAUREN.STEBBINS@tetrattech.com>
Subject: RE: WD2018-0671 Reissuance

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

No, you can request reissuances for all concurrences, as long as conditions haven't changed.

Jessica Salgado, PWS (*she/her*)
 Wetland Ecologist | Central & Eastern Oregon
[Department of State Lands](#) | 541-408-1892

From: Stebbins, Lauren <LAUREN.STEBBINS@tetrattech.com>
Sent: Monday, June 17, 2024 3:18 PM
To: SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>
Subject: RE: WD2018-0671 Reissuance

One more question, does it matter if it is an EFSC project? I didn't think so but was told to ask.

Thanks,
Lauren

From: SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>
Sent: Monday, June 17, 2024 2:42 PM
To: Stebbins, Lauren <LAUREN.STEBBINS@tetrattech.com>
Subject: RE: WD2018-0671 Reissuance

⚠ **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. ⚠

Hi Lauren,

Thanks for checking in on this! I chatted with Pete and if a valid concurrence is needed, the site would need to be inspected to confirm that conditions haven't changed.

For this site, I would expect to see site photos and representative SDAM forms. I probably would've required the original delineation to include a sample plot, but the reissuance process is more about confirming that the documented conditions haven't changed, so I don't think it's needed here.

The requirements for reissuances are listed in [OAR 141-09-0045\(5\)](#) and the request form is [here](#).

Thanks,

Jessica Salgado, PWS (*she/her*)
 Wetland Ecologist | Central & Eastern Oregon
[Department of State Lands](#) | 541-408-1892

From: Stebbins, Lauren <LAUREN.STEBBINS@tetrattech.com>
Sent: Monday, June 17, 2024 10:50 AM
To: SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>
Subject: WD2018-0671 Reissuance

Hi Jess-
 A project manager here at Tetra Tech wanted me to look into getting this WD reissued. They had originally reached out to Chris Stevenson (she reviewed the original report) and she directed them to reach out to you. There are three ephemeral drainages. I think they may need a valid concurrence for ODOE. With nothing being jurisdictional does the site still need to be inspected prior to reissuance. Please let me know what is needed for reissuance at this site.

Thank you-

Lauren Stebbins, PWS | Wetland Scientist
 Cell: 503.410.6572
Lauren.Stebbins@tetrattech.com





Rosalie Annand <rannand@ecoplexus.com>

Fwd: Coordination for EFSC Facility - Upcoming structure review

1 message

Travis Gasnier <tgasnier@ecoplexus.com>

Tue, Apr 4, 2023 at 5:00 PM

To: Rosalie Annand <rannand@ecoplexus.com>

Conversation with Brandon Pike at ODA regarding compliance with FAA notification (GEN-PS-02). We have not submitted 7460 forms to the FAA because the notice criteria tool says the project does not exceed the notification threshold. Currently, we are waiting on ODOE to confirm the condition has been met.

Travis Gasnier**Permitting Specialist II | Ecoplexus, Inc.***United States, Central Time Zone*

919-813-7587

----- Forwarded message -----

From: **Andrews, Carrie** <Carrie.Andrews@jacobs.com>

Date: Thu, Feb 16, 2023 at 6:43 PM

Subject: RE: Coordination for EFSC Facility - Upcoming structure review

To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>, Travis Gasnier <tgasnier@ecoplexus.com>

Cc: pszewczykowski <pszewczykowski@ecoplexus.com>

Thank you Brandon!

Carrie Andrews (she/her) | [Jacobs](#) | Senior Project Manager | Client Account ManagerO:503.736.4270 | M:503.348.9500 | carrie.andrews@jacobs.com2020 SW 4th Ave, Suite 300 | Portland, Oregon 97201 | USA

From: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>**Sent:** Thursday, February 16, 2023 4:01 PM**To:** Travis Gasnier <tgasnier@ecoplexus.com>**Cc:** pszewczykowski <pszewczykowski@ecoplexus.com>; Andrews, Carrie <Carrie.Andrews@jacobs.com>**Subject:** [EXTERNAL] RE: Coordination for EFSC Facility - Upcoming structure review

Hi Travis,

Absolutely; thank you for your coordination!

I agree with this assessment. It appears that the proposed development *will not* trigger notice to the FAA and ODAV. Unless the parameters of the development change over time (including taller structures, for instance), no further action with the FAA and ODAV is necessary.

Let me know if you have further questions.

Best,

BRANDON PIKE

OREGON DEPARTMENT OF AVIATION

AVIATION PLANNER



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

EMAIL brandon.pike@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

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From: Travis Gasnier <tgasnier@ecoplexus.com>
Sent: Thursday, February 16, 2023 2:34 PM
To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Cc: pszewczykowski <pszewczykowski@ecoplexus.com>; Andrews, Carrie <carrie.andrews@jacobs.com>
Subject: Re: Coordination for EFSC Facility - Upcoming structure review

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Hi Brandon,

Thanks again for discussing the Madras project with us today. I spoke to our engineers and they estimated the tallest stick capacity of a crane used for construction, specifically for the towers of the gen-tie, would be between 160-175 feet. I ran the notice criteria tool for a crane height of 175 feet at the site substation/gen-tie location as well as in the middle of the PV site and both did not exceed notice criteria (see attached). Please let me know if you would like for me to submit any other locations for your review or if these will suffice.

Thanks,

Travis Gasnier

Permitting Specialist

United States, Central Time Zone

919-813-7587

On Fri, Feb 10, 2023 at 11:38 AM PIKE Brandon <Brandon.PIKE@odav.oregon.gov> wrote:

Carrie,

OK, that's helpful. It may be that notice is simply not triggered for this project, as these results from the notice criteria tool seem to indicate.

I can make time really any day next week to confirm this or walk you through the notice process, whichever the case may be. Late mornings and afternoons usually work for me.

Best,

BRANDON PIKE**OREGON DEPARTMENT OF AVIATION**

AVIATION PLANNER

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

From: Andrews, Carrie <Carrie.Andrews@jacobs.com>
Sent: Friday, February 10, 2023 8:58 AM
To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Cc: BOBE Elizabeth * ODOE <Elizabeth.Bobe@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Travis Gasnier <tgasnier@ecoplexus.com>; pszewczykowski <pszewczykowski@ecoplexus.com>; Grace, Jordan <Jordan.Grace@jacobs.com>
Subject: RE: Coordination for EFSC Facility - Upcoming structure review

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Hi Brandon

The solar energy related structures that would typically be submitted for 7460-1 have been corners of the fence line, the highest point of the array, and the point of transmission interconnection. For this project Ecoplexus used the FAA Notification Criteria Tool for 17 structures this week, and the recommendation was none exceeded the criteria tool. I've attached a zip file of those responses.

Is there a day and time next week we can talk through next steps in the ODA notification process?

Thank you

Carrie Andrews (she/her) | [Jacobs](#) | Senior Project Manager | Client Account Manager

O:503.736.4270 | M:503.348.9500 | carrie.andrews@jacobs.com
2020 SW 4th Ave, Suite 300 | Portland, Oregon 97201 | USA

From: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Sent: Wednesday, February 8, 2023 11:57 AM
To: Andrews, Carrie <Carrie.Andrews@jacobs.com>
Cc: BOBE Elizabeth * ODOE <Elizabeth.BOBE@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Travis Gasnier <tgasnier@ecoplexus.com>; pszewczykowski <pszewczykowski@ecoplexus.com>; Grace, Jordan <Jordan.Grace@jacobs.com>
Subject: [EXTERNAL] RE: Coordination for EFSC Facility - Upcoming structure review

Good morning Carrie and Sarah,

I appreciate you reaching out to coordinate this. One thing I would recommend which sort of conflicts with the timeline identified in that Condition is: generally it's a good idea to file notice with the FAA as early as possible (while keeping in mind the expiration date) since their determinations can take significantly longer than ODAV's. It doesn't matter to us which is filed first (I recommend doing them concurrently), but just something to note.

Carrie, I have to apologize because I'm somewhat new to this position and you probably already discussed this with my predecessor, but would you confirm how many individual structures within this project trigger notice under FAR Part 77.9 and OAR 738-070-0060? I see seven letters of determination, so I'm assuming there are seven structures which trigger notice—is that still accurate? If you're unsure, you can check which ones require notice by using the FAA's Notice Criteria Tool: <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

I'll be glad to walk you through our notice process once I know how many structures we're dealing with—the process changes based on how many structures there are.

Best,

BRANDON PIKE

OREGON DEPARTMENT OF AVIATION

AVIATION PLANNER



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

EMAIL brandon.pike@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

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From: Andrews, Carrie <Carrie.Andrews@jacobs.com>
Sent: Wednesday, February 8, 2023 10:58 AM
To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Cc: BOBE Elizabeth * ODOE <Elizabeth.Bobe@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Travis Gasnier <tgasnier@ecoplexus.com>; pszewczykowski <pszewczykowski@ecoplexus.com>; Grace, Jordan <Jordan.Grace@jacobs.com>
Subject: RE: Coordination for EFSC Facility - Upcoming structure review

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Hi Brandon

As Sarah indicated, the Madras Solar project is working on completing preconstruction site certificate conditions. One of these includes input from ODA in regard to FAA obstruction hazard determinations. Ecoplexus (developer) submitted 7460-1 forms in 2019 during the application for an EFSC site certificate. I've attached the 2019 determinations and the facility layout. Since the 2019 determinations have expired, we plan to submit them again, after ODA review.

Please let me know if you need additional information for your review or would like to jump on a call to discuss. We'd appreciate ODA input by Feb. 15.

Thank you

Carrie Andrews (she/her) | [Jacobs](#) | Senior Project Manager | Client Account Manager

O:503.736.4270 | M:503.348.9500 | carrie.andrews@jacobs.com
2020 SW 4th Ave, Suite 300 | Portland, Oregon 97201 | USA

From: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Sent: Tuesday, February 7, 2023 2:35 PM
To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Cc: BOBE Elizabeth * ODOE <Elizabeth.BOBE@energy.oregon.gov>; Andrews, Carrie <Carrie.Andrews@jacobs.com>
Subject: [EXTERNAL] Coordination for EFSC Facility - Upcoming structure review

Hi Brandon,

Hope all is well! We have an upcoming structure review for an EFSC facility – Madras Solar Energy Facility. The facility is a solar facility in Jefferson County – planning to commence construction in April. Their site certificate, issued by the Energy Facility Siting Council, requires the following:

Public Services Condition 2: The certificate holder shall:

- a. First, submit to and receive responses from Oregon Department of Aviation (Aviation) of 7460-1 Notice of Proposed Construction or Alteration Forms for all aboveground facility components. The certificate holder shall provide copies of Aviation responses, which must be consistent with ORS 836.535(2), to the Department, and shall respond to Aviation marking and lighting recommendations, if applicable.
- b. Second, once Aviation responses on the 7460-1 forms are received, submit to and receive determinations from the Federal Aviation Administration (FAA) for all aboveground facility components. The certificate holder shall provide copies of FAA determinations to the Department.
- c. Within 5-days of construction, certificate holder shall submit 7460-2 forms to FAA and Aviation and shall report both timing of submission and any results to the Department.

Carrie Andrews with Jacobs will be following up with you soon to complete (a) of the above. If there are forms or any new process to be aware of, please let us know.

Thank you,

Sarah



Sarah T. Esterson
Senior Policy Advisor
550 Capitol St. NE | Salem, OR
97301
M: 503-385-6128
P (In Oregon): 800-221-8035



Stay connected!

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Andrews, Carrie

From: JACKLE Greg S * ODFW <Greg.S.JACKLE@odfw.oregon.gov>
Sent: Tuesday, June 25, 2024 5:53 AM
To: Andrews, Carrie
Cc: Rosalie Annand; Paul Szewczykowski
Subject: RE: Madras Solar- EFSC Request for Amendment 1

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. **⚠**

Hello Carrie,

I would think the only surveys relevant to keep performing prior to construction are the pre construction raptor surveys and the continued monitoring of the golden eagle sites (although I am sure someone from OSU is doing that). I don't feel like any other wildlife habitat surveys are necessary unless a major event occurs (wildfire, etc.).

I am attending a pronghorn workshop all week in Redmond, but can jump on a call for more clarification if needed.

Thanks for the note and talk to you soon,

Greg Jackle

From: Andrews, Carrie <CARRIE.ANDREWS@tetrattech.com>
Sent: Tuesday, June 18, 2024 10:56 AM
To: JACKLE Greg S * ODFW <Greg.S.JACKLE@odfw.oregon.gov>
Cc: Rosalie Annand <rannand@ecoplexus.com>; pszewczykowski <pszewczykowski@ecoplexus.com>
Subject: Madras Solar- EFSC Request for Amendment 1

You don't often get email from carrie.andrews@tetrattech.com. [Learn why this is important](#)

Hi Greg

I hope your summer is going well. Madras Solar will be requesting an amendment to the 2021 ODOE Site Certificate to extend the construction start date (June 2027) and end date for the project. We don't anticipate any additional wildlife/habitat studies will be needed for the RFA. Can you confirm our assumption on this?

Thank you

Carrie Andrews | Senior Project Manager

Pronouns: she/her

Direct +1 (503) 721-7228 | Mobile +1 (503) 348-9500 carrie.andrews@tetrattech.com

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Climate positive and carbon negative by 2030. [Read more](#)

Andrews, Carrie

From: Rooke, Lara
Sent: Thursday, June 20, 2024 1:27 PM
To: John.Pouley@opr.oregon.gov
Subject: FW: Madras Solar project

Good Morning John,

Tetra Tech is initiating an EFSC Request for Amendment for the Madras Solar project to extend the construction start date. The Project was surveyed by Jacobs in 2019 (Report #30878) and there will be no changes to the Project footprint under this amendment.

The Project Manager would like to ensure that this survey effort is still valid and sufficient for our EFSC submittal. Could you please provide confirmation of this?

Regards,

Lara

From: FRENCH Jamie * OPRD <Jamie.French@stateoforegon.mail.onmicrosoft.com>
Sent: Thursday, June 20, 2024 11:22 AM
To: Rooke, Lara <LARA.ROOKE@tetratech.com>
Subject: Automatic reply: Madras Solar project

You don't often get email from jamie.french@stateoforegon.mail.onmicrosoft.com. [Learn why this is important](#)

⚠ CAUTION: This email originated from an external sender. Verify the source before opening links or attachments. **⚠**

You have reached Jamie French, Assistant State Archaeologist with Oregon SHPO.

I will be less available and may not respond to messages promptly until July 1 due to training new staff and site visits.

In my absence please contact:

Case submissions, how to send things to our office, or the status of your case - Dylan Tsolakos
(Dylan.Tsolakos@opr.oregon.gov)

OARRA, site forms, archaeological permits, Qualified archaeologist - Josh Henderson
(Josh.Henderson@opr.oregon.gov)

General archaeology inquiries, inadvertent discoveries, human remains - John Pouley (John.Pouley@opr.oregon.gov)

Thank you,

Jamie French - Assistant State Archaeologist

Attachment 7. Updated Public Service Letters



Jefferson County Fire & EMS
PO BOX 30 – 765 S. 5th
Madras, OR 97741
P: 541-475-7274

To: Madras PV1, LLC
Re: Madras Solar Energy Project on Elk Dr.
Date: June 24th, 2024

Madras PV1, LLC,

As you are aware, Jefferson County Fire and EMS provides emergency response services from our main fire station in Madras – 765 South 5th St, with a substation in Culver, 200 1st Ave. We appreciate your continued communication regarding your location.

Effective March 22, 2023, your location at the following address has been permanently annexed into our fire district:

South Half of South half, section 30, township 10 south, range 13 east of the Willamette Meridian, Jefferson County, Oregon. 10-13-31 100, account #192.

North half, section 31, Township 10 south, Range 13 East of the Willamette Meridian, Jefferson County, Oregon, excepting county road #630. 10-31-31 100, Account 193.

We will ensure ongoing fire and life safety services to your location as part of our commitment to community safety.

If you have any questions, please call the district. Thank you for your cooperation and partnership in enhancing public safety within our district.

Best regards,

Jeff Blake
Fire Chief
Jefferson County Fire & EMS



From: Rosalie Annand <rannand@ecoplexus.com>
Sent on: Tuesday, June 18, 2024 2:49:12 PM
To: jpollock@jcsolaw.com; jpollocksheriff@jcsolaw.com; jeffersoncountryor.gov
CC: Andrews, Carrie <CARRIE.ANDREWS@tetrattech.com>;
pszewczykowski <pszewczykowski@ecoplexus.com>
Subject: Updated Service Provider Letter
Attachments: JC Sherriff Office Letter.pdf (38.05 KB)

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Hello Sheriff Pollock,

I just spoke to one of your administrative assistants on the phone, Kate. She said to email you directly. We are in the process of updating an EFSEC Site Certificate for our Madas Solar Project that is in early development. We received a letter from Chief Adkins back in 2019, see attached. We are looking for the same thing, just with an updated date and signature from you. Is this something you would be able to provide this week?

Please let us know if you have any questions.

Thank you,

--

Rosalie Annand
Permitting Specialist | [Ecoplexus, Inc.](#)
United States, Eastern Time Zone
530-545-3149

[Ecoplexus, Inc.](#) | [LinkedIn](#)



Attachment 8. Draft Wildfire Mitigation Plans

Madras Solar Energy Facility

Draft Construction Wildfire Mitigation Plan

Madras Solar Energy Facility
June 2024

Prepared for
Madras PV1, LLC
600 Park Offices Drive, Ste. 285
Durham, NC, 27709

Prepared by



Tetra Tech, Inc.

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Acronyms and Abbreviations

Certificate Holder	Madras PV1 LLC
CFR	Code of Federal Regulations
CWPP	Community Wildfire Protection Plan
EMP	Emergency Management Plan
Facility	Madras Solar Energy Facility
NHMP	Jefferson County Multi-Jurisdictional Natural Hazards Mitigation Plan
OAR	Oregon Administrative Rules
Plan	Construction Wildfire Mitigation Plan

1.0 Introduction

This Construction Wildfire Mitigation Plan (Plan) was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(v), including providing evidence that the Madras Solar Energy Facility (Facility) complies with the approval standard in OAR 345-022-0115.

2.0 Wildfire Risk Minimization Procedures

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source;

In addition to the measures described in this plan, the risk of a wildfire affecting the public safety, first responders, or Oregon Energy Facility Siting Council-protected resources would be minimized by the procedures listed in Table 1. Additionally, the Applicant will incorporate guidance as outlined in the wildfire annex of the Jefferson County Multi-Jurisdictional Natural Hazard Mitigation Plan (NHMP; Jefferson County 2022a), which is the Jefferson County Community Wildfire Protection Plan (CWPP; Jefferson County 2022b) as applicable to Facility construction.

Madras PV1 LLC (Certificate Holder) will consult with local fire districts, as well as local emergency management agencies to receive and incorporate input into the final Plan, as appropriate, about the location and types of temporary fire breaks needed in the event of a fire on or off site. The final Plan shall:

- Designate estimated response times for on-site staff and local emergency service providers,
- Designate protocols for staff or emergency providers to erect or create fire breaks in the event of a fire, and
- Identify and provide maps of priority areas where fire breaks would be prioritized to protect fires spreading off site or impacting the facility site.

During construction, the Certificate Holder or its contractor will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. The final Plan will identify the best notification procedures of adjacent landowners/property owners to provide to local and regional emergency services for emergency notifications, in the event of an ignition or fire at the Facility.

Table 1. Procedures to Wildfire Risk

Topic	Procedures
Public health and safety	The public will be excluded from the solar and substation facilities by fencing. Ground mounted inverters, and junction boxes will be surrounded by bollards to minimized inadvertent vehicle/farm equipment collisions with electrical equipment.
First Responders	Response to fires in the facility should focus on controlling spread to adjacent lands. Construction personnel will be trained in the use of fire extinguishers for responding to incipient stage fires on site.
Resource Protection	Resources covered by Oregon Energy Facility Siting Council standards near the project area include agricultural land, shrub steppe habitat, and cultural resources. The existing county roads will form a fire break between fields that will discourage the spread of wildfire between fields into wildlife habitat or cultural resources.

3.0 Wildfire Risk Assessment

This Plan has been prepared to meet the approval standard under OAR 345-022-0115(1)(b), which requires:

- (5) *Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;*

Prior to construction of the Facility, provide a summary update of wildfire risk at the site as designated under OAR 345-022-0115, if significantly different from Final Order on Amendment 1.

4.0 Inspection and Management

- (B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;*

4.1 Vegetation Management

The Certificate Holder and contractor(s) will maintain vegetation within the Site Boundary and will also maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle.

During construction clearing, grubbing, and grading, the Contractor will create noncombustible space for at least 10 feet within the fence line and another minimum 10-foot Limits of Disturbance buffer outside the fence line for a total of a minimum of 20 feet of noncombustible buffer around the perimeter of the site. In addition, it is not anticipated that any Hot Work permit will be required in the construction of the photovoltaic (PV) field.

The following best management practices to minimize fire risk from vehicle travel and fueling activities would be implemented at the site during construction:

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- Smoking shall only be allowed in designated smoking areas at the Facility.

5.0 Preventative and Minimization Actions for Wildfire Risk

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

5.1 Preventative Actions

Unless already paved, access roads will be graveled. The fenced areas around the collector substation, operations and maintenance structure, and meteorological stations, will be graveled, with no vegetation present. All newly constructed roads will be graded and graveled to meet load requirements for all equipment. Service roads, approximately 14 feet wide with 2-foot shoulders on each side, will be constructed within the solar array fence line, to facilitate access for construction and maintenance purposes. Vegetation will be cleared and maintained along service roads to

provide a vegetation clearance area for fire safety. Service roads will be all-weather, compacted soil or gravel. Vegetation maintenance along service roads will include mowing as needed for fire safety requirements. Facility access roads will be sufficiently sized for emergency vehicle access. All road specifications, vegetation management practices, and other fire safety requirements will be reviewed with and designed in compliance with the fire district.

5.2 Preventative Programs

The Certificate Holder will implement the following programs to minimize fire risk during operations of the Facility.

5.2.1 OSHA-Compliant Fire Prevention Plan

All workers, contracting employees, and other personnel performing official duties at the Facility will conduct work under a Fire Prevention Plan that meets applicable portions of 29 Code of Federal Regulations (CFR) 1910.39, 29 CFR 1910.155, and 29 CFR 1910, subpart L. The plan will ensure that:

- Workers are trained in fire prevention, good housekeeping, and use of a fire extinguisher
- Workers are trained in the evacuation procedures in the event in a fire occurs in a wind turbine while workers are inside the turbine.
- Necessary equipment is available to fight incipient stage fires. Fire beyond incipient stage shall be managed using local fire response organizations.
- Provide necessary safety equipment for handling and storing combustible and flammable material.
- Ensure equipment is maintained to prevent and control sources of ignition.
- Do not allow smoking or open flames in an area where combustible materials are located.
- Implement a Hot Work Procedure and permit program.

5.2.2 Fire Weather Monitoring and Hot Work

Burn probability, expected flame length, and overall risk may increase during periods of the fire season. Personnel on site will monitor Fire Weather Watches and Red Flag Warnings. A fire weather watch indicates the potential for weather conducive to large fire spread in the next 12 to 72 hours. A Red Flag Warning is issued when current weather conditions are conducive to large fire growth in the next 24 hours. Personnel monitoring these conditions shall halt work in high risk locations, designated in this Plan, and employ additional mitigation measures designated in this plan.

Mitigation measures during a Red Flag Warning include, but are not limited to, communicating to on-site staff of the Red Flag Warning, communicating with local fire protection agency personnel of on-going conditions, driving or parking on roads to avoid sparking a fire in grass or brush, and

halting construction activities that may increase fire risk such as hot work. All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces, and fire suppression equipment will be immediately available during hot work activities. Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.

5.2.3 Emergency Management Plan

The Emergency Management Plan (EMP) will be prepared prior to construction by the Applicant and construction contractor and will contain policies and procedures for preparing for and responding to a range of potential emergencies, including fires. Implementation of the EMP will ensure risks to public health and safety and risks to emergency responders are minimized. Any potential fires inside the solar array will be controlled by trained staff who will be able to access the Facility around the clock. These measures will help keep external fires out or internal fires in. The EMP will cover response procedures that consider the dry nature of the region and address risks on a seasonal basis. The plan will also specify communication channels the Certificate Holder intends to pursue with local fire protection agency personnel, for example, a construction kick-off meeting to discuss emergency planning, and invitations to observe any emergency drill conducted at the Facility.

In addition to the emergency responses to be stipulated in the EMP, personnel will be trained on the RACE procedure to implement in the event of a fire start. The RACE procedure includes:

- **Rescue** anyone in danger (if safe to do so);
- **Alarm** – call the control room, who will then determine if 911 should be alerted;
- **Contain** the fire (if safe to do so); and
- **Extinguish** the incipient fire stage (if safe to do so).

Personnel on site will carry fire suppression equipment during the fire season in their vehicles. This equipment shall include, at a minimum:

- Fire Extinguisher: Dry chemical. 2.5 or 2.8 pound. 1A-10B: C U/L rating, properly mounted or secured;
- Pulaski Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

Another safety mitigation measure during construction is to have available on-site a water truck, water buffalo, or tank with minimum 500-gallon capacity.

Personnel will receive training on use of suppression equipment. All personnel shall also be equipped with communication equipment capable of reaching the control room from all locations within the Site Boundary.

6.0 References

Jefferson County. 2022a. Multi-Jurisdictional Natural Hazard Mitigation Plan. Report for: Jefferson County, Culver, Lake Chinook Fire District, Madras and Metolius. Jefferson County, Oregon: Jefferson County, Central Oregon Intergovernmental Council.

<https://www.jeffco.net/media/27581>

Jefferson County. 2022b. 2022 Jefferson County Community Wildfire Protection Plan. Central Oregon Intergovernmental Council. <https://www.jeffco.net/media/26456>

Madras Solar Energy Facility

Draft Operations Wildfire Mitigation Plan

Madras Solar Energy Facility
June 2024

Prepared for
Madras PV1, LLC

Prepared by



Tetra Tech, Inc.

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Acronyms and Abbreviations

APLIC	Avian Power Line Interaction Committee
Certificate Holder	Madras PV1 LLC
CFR	Code of Federal Regulations
CWPP	Community Wildfire Protection Plan
EMP	Emergency Management Plan
Facility	Madras Solar Energy Facility
NHMP	Jefferson County Multi-Jurisdictional Natural Hazards Mitigation Plan
OAR	Oregon Administrative Rules
Plan	Operations Wildfire Mitigation Plan
SCADA	supervisory, control, and data acquisition

1.0 Introduction

This Wildfire Mitigation Plan (Plan) was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(v), including providing evidence that the Madras Solar Energy Facility (Facility) complies with the approval standard in OAR 345-022-0115.

2.0 Wildfire Risk Minimization Procedures

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source;

In addition to the measures described in this plan, the risk of a wildfire affecting the public safety, first responders, or Oregon Energy Facility Siting Council-protected resources would be minimized by the procedures listed in Table 1. Additionally, the Applicant will incorporate guidance as outlined in the wildfire annex of the Jefferson County Multi-Jurisdictional Natural Hazard Mitigation Plan (NHMP; Jefferson County 2022a), which is the Jefferson County Community Wildfire Protection Plan (CWPP; Jefferson County 2022b) as applicable to facility construction.

Madras PV1 LLC (Certificate Holder) will consult with local fire districts, as well as local emergency management agencies to receive and incorporate input into final WMP, as appropriate, about the location and types of temporary fire breaks needed in the event of a fire on or off site. The final WMP shall:

- Designate estimated response times for on-site staff and local emergency service providers,
- Designate protocols for staff or emergency providers to erect or create fire breaks in the event of a fire, and
- Identify and provide maps of priority areas where fire breaks would be prioritized to protect fires spreading off site or impacting the facility site.

During construction, the Certificate Holder or its contractor will work directly with local emergency responders to compile and maintain a current list of adjacent landowners/property owners with contact information. The final Plan will identify the best notification procedures of adjacent landowners/property owners to provide to local and regional emergency services for emergency notifications, in the event of an ignition or fire at the Facility.

Table 1. Procedures to Wildfire Risk

Topic	Procedures
Public health and safety	The public will be excluded from the solar and substation facilities by fencing. Ground mounted inverters, and junction boxes will be surrounded by bollards to minimized inadvertent vehicle/farm equipment collisions with electrical equipment.
First Responders	Response to fires in the facility should focus on controlling spread to adjacent lands. Construction personnel will be trained in the use of fire extinguishers for responding to incipient stage fires on site.
Resource Protection	Resources covered by Oregon Energy Facility Siting Council standards near the project area include agricultural land, shrub steppe habitat, and cultural resources. The existing county roads will form a fire break between fields that will discourage the spread of wildfire between fields into wildlife habitat or cultural resources.

3.0 Wildfire Risk Assessment Update

This Plan has been prepared to meet the approval standard under OAR 345-022-0115(1)(b), which requires:

- (5) *Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;*

Prior to construction of the Facility, provide a summary update of wildfire risk at the site as designated under OAR 345-022-0115, if significantly different from Final Order on Amendment 1.

4.0 Inspection and Management

- (B) *Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;*

4.1 Facility Inspections

Facility components will be inspected quarterly. The supervisory, control, and data acquisition (SCADA) system collects operating and performance data from the facility as a whole and allows remote operation. The Certificate Holder will monitor the Facility components, such as the substation and solar arrays, 24 hours a day, 7 days a week including shutdown capabilities. These operational monitoring and maintenance measures are also discussed in Section 5.2.

On-site inspections of Facility equipment will occur quarterly. On-site inspections will include checklists provided by the original equipment manufacturer and the use of utility industry best practices. Smoke/fire detectors will be placed around the site that will be tied to the SCADA system and will contact local firefighting services as needed.

The Facility components that could cause electrical fires are solar inverters, substation, and overhead electrical lines. The Applicant will inspect these components during operations as outlined in Table 2.

Table 2. Operational Inspections for Electrical Components

Inspection	Procedure	Standard	Time frame
Solar Inverter	Visual inspection of inverter and surrounding area.	SPCC Plan ¹ Manufacturer’s maintenance recommendations	Monthly SPCC Bi-annual Preventative Maintenance
Substation	Visual inspection of MPT, Avian Power Line Interaction Committee (APLIC) measures, and surrounding area.	Manufacturer’s maintenance recommendations APLIC ²	Monthly Yearly (APLIC)
Overhead electrical lines	Visual inspection of components, grounding, APLIC measures, vertical clearance distance between conductor and vegetation.	National Energy Reliability Corporation (NERC) ³ APLIC	Bi-annual
<p>1. The Operational SPCC Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.</p> <p>2. Certificate Holder will develop an inspection checklist and program of electrical equipment based on manufacturer’s recommendations for individual components.</p> <p>3. Vegetation maintenance standard FAC-003-0 .</p>			

4.2 Vegetation Management

The Certificate Holder will maintain vegetation within the fence line and will also maintain a 10-foot noncombustible, defensible space clearance along the fenced perimeter of the Site Boundary. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle.

A physical vegetation survey assessment of the fenced area will be completed at least twice a year to monitor for vegetation clearances, maintenance of fire breaks, and monitor for wildfire hazards. Additionally, the Certificate Holder will incorporate guidance regarding the fuel breaks for defensible/survivable space per the Jefferson County adopted NHMP and OAR 629-044-1085, as applicable.

One of the vegetation survey assessments will occur in May or June, prior to the start of the dry season, a time when wildfire risk is heightened. The survey will be conducted by the Site Operations Manager and will be used to assess the frequency of upcoming vegetation maintenance and identify areas that may need additional attention. The Site Operations Manager will visually assess and document vegetation height, abundance, and areas where vegetation should not be present such as crushed rock bed around collector substations. The vegetation survey assessment will determine

that clearances and fire breaks (vegetative clearance areas and areas determined to remain clear to act as permanent fire breaks or areas where temporary fire breaks may be deployed in the event of a fire) are satisfactory, and if not, the mitigation procedures will be implemented (e.g., vegetation management) to ensure clearances and fire breaks are satisfactory. The vegetation survey will document:

- Location;
- Species;
- Estimated growth rate;
- Abundance;
- Clearance/setbacks; and
- Risk of fire hazard.

Additional vegetation surveys may be required throughout the season based on seasonally heightened fire risk. Vegetation maintenance procedures and best management practices will be followed during operation of the Facility to ensure that vegetation does not grow in a manner that blocks or reduces solar radiation reaching the solar panels and reduce the risk of starting a fire. Vegetation control will employ best management practices and techniques that are most appropriate for the local environment. These may include physical vegetation control such as mowing or introduction of a non-invasive species that is low growing. In rare circumstances where it is necessary to use herbicides, an effort will be made to minimize use and only apply bio-degradable, U.S. Environmental Protection Agency-registered, organic solutions that are non-toxic to wildlife. Any herbicides used for vegetation management the site will be selected and used in a manner that fully complies with all applicable laws and regulations.

Vegetation within the fence line and below the solar arrays will be maintained to a height of 18-inches and provide a minimum of 24-inch clear distance to any exposed electrical cables. Exposed electrical wires should be running under the solar panels at the midpoint or higher than the center of the panel. Vegetation will be removed within 10-foot perimeter of the inverter/transformer pads. Gravel or similar noncombustible base will be located within the 10-foot perimeter of these pads. Vegetation will be removed from inside the Facility collector substation fence line. Gravel or similar noncombustible base shall be used.

To reduce the availability of fuels for wildfire near electrical components, the Certificate Holder will install a non-flammable gravel base around solar inverters substations, and implement ongoing vegetation management outlined in Table 3 to ensure that vegetation does not grow in these graveled areas.

Table 3. Vegetation Management Procedures by Facility Component

Vegetation Management	Procedure	Standard	Time frame
Solar Inverter	Herbicide application on gravel pad around inverter to prevent vegetation growth.	IEEE 80 NEC 70	Yearly, depending on vegetation condition.
Substation	Herbicide application on substation gravel pad. Highly compacted gravel foundations of substation are not suitable for vegetation ground.	IEEE 80 NEC 70	Yearly, depending on vegetation condition.
Overhead electrical lines	Mow vegetation to achieve clearance requirements between conductor and ground.	NERC	Yearly, depending on vegetation condition.

5.0 Preventative and Minimization Actions for Wildfire Risk

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

5.1 Preventative Actions

The Certificate Holder will minimize risk of Facility components causing wildfire through preventative actions. In the design of the Facility, the Certificate Holder will implement the design considerations and best practices outlined in Table 4 to minimize electrical fire risk from facility components.

Table 4. Design Considerations for Fire Safety by Facility Component

Consideration	Solar Inverter	Substation	Overhead Lines
Electrical connections by qualified electricians	X	X	X
Inspections for mechanical integrity prior to energizations	X	X	X
Lighting protection	X	X	X
Corrosion protection	X	X	X
Strain relief of connecting cabling	X	X	X
Protection against moisture	X	X	X
Grounding systems	X	X	X
Limits on input voltage and power	X	X	X
Safety setback from structures	X ¹	X ¹	X ²
Technology specific design standards	X ³	X ⁴	X ³
1. 50-foot setback from structures. 2. Vertical and horizontal clearances from structures depends on voltage of conductor. 3. NFPA 70.			

Consideration	Solar Inverter	Substation	Overhead Lines
4. IEEE 979.			

5.1.1 Facility Design Features

During Facility operations, the areas within the Site Boundary that are subject to a heightened risk of wildfire include the solar array areas. The solar array areas will have low-growing vegetation maintained below the solar arrays during the operational period of the Facility. Measures for reducing the risk of fire ignition and reducing the risk of equipment damage were a wildfire to occur are discussed further in Section 5.2, including the Facility’s vegetation management program (see Section 4.2), and through the emergency response procedures that will be described in the Emergency Management Plan (EMP). The EMP will be developed for the Facility and is outlined below in Section 5.2.5. The collector substation area, transformer pads, and the permanent, fenced parking and storage area will have reduced risk for fire due to the fact that these areas will have a gravel base with no vegetation within a 10-foot perimeter to reduce fire risk.

The Facility components will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards and will not pose a significant fire risk. The solar array will have shielded electrical cabling, as required by applicable code, to prevent electrical fires. In addition, the collector system and substation will have redundant surge arrestors to deactivate the Facility during unusual operational events that could start fires. The collector substation and the switchyard will have also sufficient spacing between equipment to prevent the spread of fire.

Unless already paved, access roads will be graveled. The fenced areas around the collector substation, operations and maintenance (O&M) building, meteorological stations, and energy storage system will be graveled, with no vegetation present. All newly constructed roads will be graded and graveled to meet load requirements for all equipment. Service roads, approximately 14 feet wide with 2-foot shoulders, will be constructed within the solar array fence line, to facilitate access for maintenance purposes. Approximately 20-foot-wide service roads will be constructed outside the solar array fence line to reach the separately fenced substations. Vegetation will be cleared and maintained along service roads to provide a vegetation clearance area for fire safety. Service roads will be all-weather, compacted soil or gravel, with an internal turning radius of 60 feet. Vegetation maintenance along service roads will include mowing as needed for fire safety requirements. Facility access roads will be sufficiently sized for emergency vehicle access. Vegetation free areas such as gravel pads or base and facility perimeter and interior roads act as a permanent fire break which could minimize the spread of fires on site or impacts from an external wildfire.

Smoke/fire detectors will be placed around the site that will be tied to the SCADA system and will contact local firefighting services. The SCADA system collects operating and performance data from the solar array and from the facility as a whole and allows remote operation from the O&M building. The limited vegetation present within the Site Boundary during operations will also help to minimize spread of fire. Any potential fires inside the Site Boundary will be controlled by trained

staff who will be able to access the Facility around the clock. These measures will help keep external fires out or internal fires in.

5.2 Preventative Programs

The Certificate Holder will implement the following programs to minimize fire risk during operations of the Facility.

5.2.1 OSHA-Compliant Fire Prevention Plan

All workers, contracting employees, and other personnel performing official duties at the Facility will conduct work under a Fire Prevention Plan that meets applicable portions of 29 Code of Federal Regulations (CFR) 1910.39, 29 CFR 1910.155, and 29 CFR 1910, subpart L. The plan will ensure that:

- Workers are trained in fire prevention, good housekeeping, and use of a fire extinguisher.
- Necessary equipment is available to fight incipient stage fires. Fire beyond incipient stage shall be managed using local fire response organizations.
- Provide necessary safety equipment for handling and storing combustible and flammable material.
- Ensure equipment is maintained to prevent and control sources of ignition.
- Do not allow smoking or open flames in an area where combustible materials are located.
- Implement a Hot Work Procedure and permit program.

5.2.2 Electrical Safety Program

All operational workers will be trained in electrical safety and the specific hazards of the facility. This training will address:

- Minimum experience requirements to work on different types of electrical components;
- Electrical equipment testing and troubleshooting;
- Switching system;
- Provisions for entering high voltage areas (e.g., substation);
- Minimum approach distances; and
- Required personal protective equipment.

5.2.3 Lock Out/Tag Out Program

During maintenance activities on electrical equipment is the de-energized and physically locked or tagged in the de-energized positions to inadvertent events that could result in arc flash.

5.2.4 Fire Weather Monitoring and Hot Work

Burn probability, expected flame length, and overall risk may increase during periods of the fire season. Personnel on site will monitor Fire Weather Watches and Red Flag Warnings. A fire weather watch indicates the potential for weather conducive to large fire spread in the next 12 to 72 hours. A Red Flag Warning is issued when current weather conditions are conducive to large fire growth in the next 24 hours. Personnel monitoring these conditions shall halt work in high risk locations, designated in this plan, and employ additional mitigation measures designated in this plan.

Mitigation measures during a Red Flag Warning include, but are not limited to, communicating to on-site staff of the Red Flag Warning, communicating with local fire protection agency personnel of on-going conditions, driving or parking on roads to avoid sparking a fire in grass or brush, and halting construction activities that may increase fire risk such as hot work. All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces, and fire suppression equipment will be immediately available during hot work activities. Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.

5.2.5 Emergency Management Plan

Emergency management will cover response procedures that consider the dry nature of the region and address risks on a seasonal basis. The final Plan will specify communication channels the Certificate Holder intends to pursue with local fire protection agency personnel, for example, annual meeting to discuss emergency planning, and invitations to observe any emergency drill conducted at the Facility. At the beginning of Facility operations, a copy of the site plan indicating the arrangement of the Facility structures, access points, and fire breaks will be provided to the local fire district. The Certificate Holder will incorporate guidance from Chapter 4: Emergency Operations of the Jefferson County NHMP regarding wildland fire suppression procedures as needed (Jefferson County 2016).

Personnel will be trained on the RACE procedure to implement in the event of a fire start. The RACE procedure includes:

- **Rescue** anyone in danger (if safe to do so);
- **Alarm** – call the control room, who will then determine if 911 should be alerted;
- **Contain** the fire (if safe to do so); and
- **Extinguish** the incipient fire stage (if safe to do so).

Personnel on site will carry fire suppression equipment during the fire season in their vehicles. This equipment shall include, at a minimum:

- Fire Extinguisher: Dry chemical. 2.5 or 2.8 pound. 1A-10B: C U/L rating, properly mounted or secured;

- Pulaski Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

Another safety mitigation measure is to have available onsite during operational activities in times of heightened wildfire risk a water truck, water buffalo, or tank with minimum 500-gallon capacity.

Personnel will receive training on use of suppression equipment. All personnel shall also be equipped with communication equipment capable of reaching the control room from all locations within the Site Boundary.

6.0 Plan Updates and Future Best Management Practices

6.1 Plan Updates and Modification

(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.

This Plan will be updated by the Certificate Holder every 5 years. Updates to this Plan will account for changes in local fire protection agency personnel and changes in best practices for minimizing and mitigating fire risk. It is recommended to consult with Jefferson County, Jefferson County Fire District #1, and the Jefferson County Emergency Manager including updates to the Jefferson County NHMP (Jefferson County 2022a) and Jefferson County CWPP (Jefferson County 2022b).

After each 5-year review, a copy of the updated plans will be provided to the Oregon Department of Energy with the annual compliance report required under OAR 345-026-008(2). If, after the 5-year review of the Plan, a determination is made that no updates are required, an explanation of this determination will be provided in the annual compliance report.

Every 5 years, the Certificate Holder will review wildfire risk and update this Plan for the Site Boundary. Evaluation of wildfire risk will be consistent with the requirements of OAR 345-022-0115(1) using current data from reputable sources.

The Applicant may consider revisions to this plan at its sole discretion to incorporate future best practices or emerging technology depending on whether the new technology is cost effective and suitable for the site conditions. The Certificate Holder will track the industry groups and applicable design standards outlined in Table 5 to identify future technologies or best practices that could be implemented at the Facility.

Table 5. Resources for Future Best Practices

Reference	Description	Method
American Clean Power	Industry ground that establishes best practices for renewable energy projects.	The Applicant is a member of ACP and participates in best practice development ¹ .
National Electric Reliability Corporation (NERC)	National Energy Reliability Corporation develops electrical standards for large energy facilities.	The Applicant will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines ² , or updates to this standard as approved by NERC.
Oregon Specialty Building Codes	Building codes applicable to inhabitable spaces, including the O&M building and the substation enclosure.	Remodeling to the O&M and enclosure structure that requires permits will follow any updates to the OSPC at that time.
APLIC	Avian protection methods for electrical facility reduce fires related to bird/mammal nests on electrical equipment.	The Applicant is a member of APLIC ³ . An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA).
<p>1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.</p> <p>2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.</p> <p>3. Link to APLIC member organization: https://www.aplic.org/member_websites.php.</p>		

7.0 References

Jefferson County. 2022a. Multi-Jurisdictional Natural Hazard Mitigation Plan. Report for: Jefferson County, Culver, Lake Chinook Fire District, Madras and Metolius. Jefferson County, Oregon: Jeferson County, Central Oregon Intergovernmental Council,.

<https://www.jeffco.net/media/27581>



Jefferson County. 2022b. 2022 Jefferson County Community Wildfire Protection Plan. Central Oregon Intergovernmental Council. <https://www.jeffco.net/media/26456>

Attachment 9. Property Owners Within 500 feet and Tax Lot Map

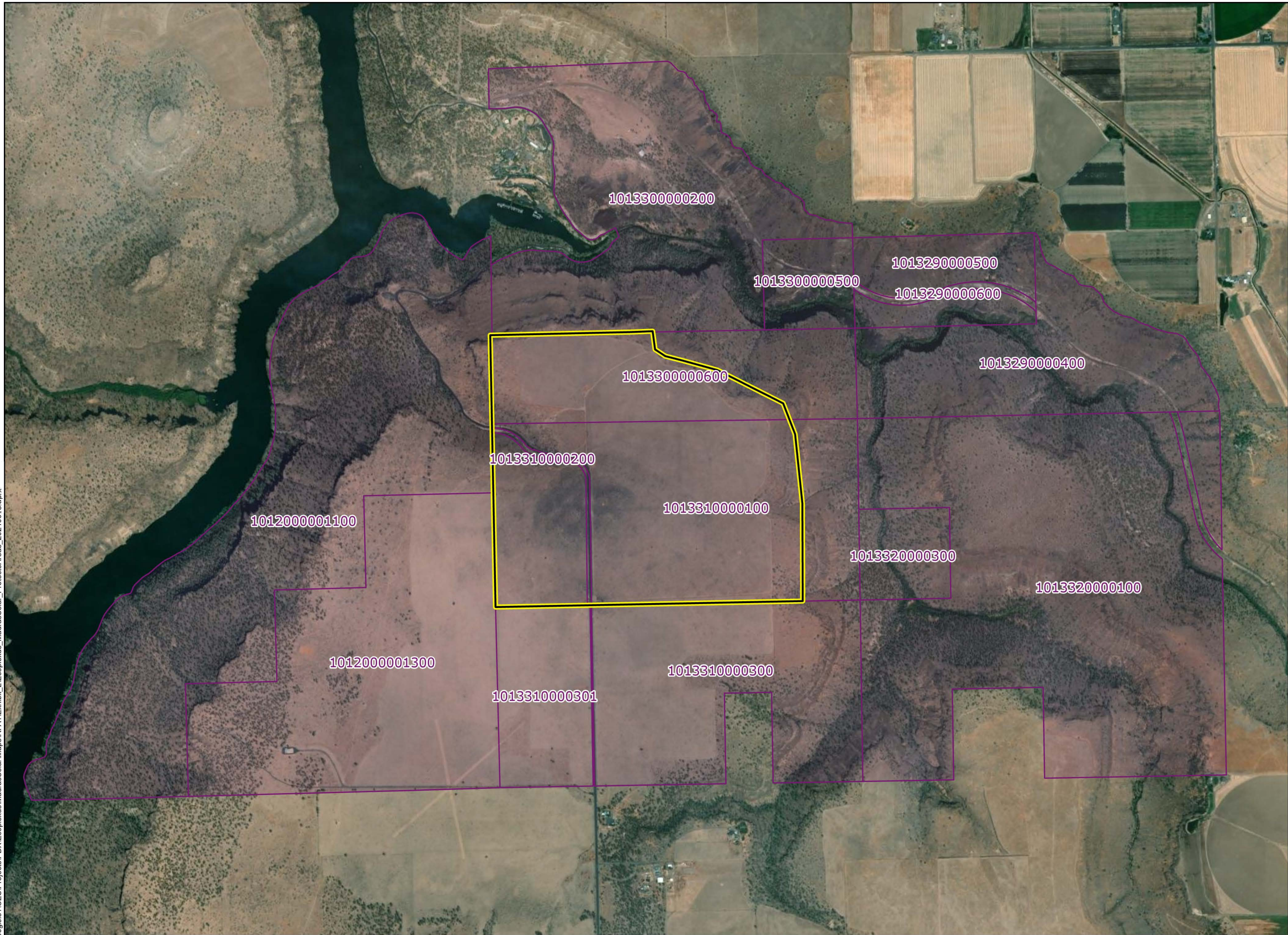
Madras Solar

Figure 1 Taxlots Subject to Request for Amendment 1

JEFFERSON COUNTY, OR

-  Site Boundary
-  Taxlot Boundary*

*Data obtained from Jefferson County on June 21, 2024



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