ASC Supplement: Exhibits K and U

(provided to the Department after the ASC Completeness Determination)

April 1, 2024



Chase McVeigh-Walker
Energy Facility Siting Analyst
Oregon Department of Energy
550 Capital Street, NE, 1st Floor
Salem, OR 97301

Re: Morrow County Comment on Wagon Trail Solar (WTS) Project Goal 3 Exception

Dear Mr. McVeigh-Walker,

Wagon Trail Energy Center LLC, c/o NextEra Energy Resources, LLC (Applicant) is providing this letter in response to comments received from the Morrow County Board of Commissioners Special Advisory Group (SAG) in a letter addressed to Oregon Department of Energy (Department) on February 7, 2024, specifically regarding the SAG's comments on the Wagon Trail Solar Project's (Project) Goal 3 exception request. Responses to other comments raised in the SAG letter (i.e. traffic management, housing) were addressed under a separate cover (February 2024).

The SAG's letter references the ECONorthwest Agricultural Impact Analysis prepared for the Project (Attachment K-4 of Exhibit K in the Application for Site Certificate) and notes how it is similar to one conducted for another project who has proposed a special fund be set aside for agricultural mitigation. Our understanding is that the SAG is referring to the Sunstone Solar Project and its agricultural mitigation fund is meant to address the indirect economic impacts or "supply chain impacts" from the lost spending from the farms currently in agricultural production at the Sunstone site. This letter, in part, provides additional details that distinguishes the Wagon Trail Solar and Sunstone Solar projects within Morrow County.

The Applicant acknowledges that the loss of wheat production from approximately 3,700 acres of cultivated land in the Wagon Trail Solar site boundary will have indirect economic impacts as detailed in the ECONorthwest report. This primarily translates to reduction in spending on typical wheat farming inputs such as seed, fertilizer, chemicals, fuel, and contract services (such as harvesting or spraying) with local agricultural suppliers in the County, such as Morrow County Grain Growers (MCGG).

However, based on the Applicant's experience operating facilities in Morrow County, and in particular, operating an existing solar facility (Wheatridge Solar III), the Applicant can demonstrate that it will more than replace the annual wheat farmer spending at MCGG through our annual chemical purchases for

NextEra Energy Resources, LLC

weed management at the Project site. Furthermore, the Applicant has been working with a local small business, Butter Creek Spraying owned by Mike Brosnan, for weed management of the Applicant's facilities in Morrow County (including Wheatridge Wind I, Wheatridge Wind II, Wheatridge Solar III, and the proposed Wheatridge Renewable Energy Facility East).

Mr. Brosnan provided a cost estimate for weed management of Wagon Trail Solar based on what he is doing at the adjacent existing solar site (Wheatridge Solar III) and anticipates spending \$500,000 or more at MCGG or other local agricultural suppliers each year on chemicals alone. A copy of Mr. Brosnan's cost estimate is included as Attachment 1. Mr. Brosnan indicated this estimate would be for a typical operational year, but costs/spending would likely be higher in the first 1 to 2 years of operations (post construction). Based on Mr. Brosnan's estimate, the Applicant anticipates spending approximately \$136 per acre in chemical costs each year of the Project's operations. Based on consultations with Chris Rauch of North Lex Power and Land (who owns 6,355 acres of land in Morrow County, with approximately 2,500 within the site boundary associated with Tract 7) and Corey Miller (tenant farmer for tracts 2, 4, 5, 6, and 8), dry land wheat farming in the Project site boundary ranges from \$102 to \$150 per acre in combined spending on fuel/seed/fertilizer/chemicals each year, with an average cost of \$119 per acre (see Attachment 2). This means that on average, the Project will outspend the farmers on agricultural supplies at about \$16 per acre each year and results in over \$60k in more spending at MCGG (or similar agricultural provider) each year (compared to farmers' current average spending).

Unlike other renewable energy developers in the area, the Applicant has an existing contractual relationship with Butter Creek Spraying and experience with weed management in this area. As part of our proposed mitigation plan, the Applicant is willing to commit to using local weed contractors and purchasing weed chemicals locally – therefore we can commit to annual expenditures that will more than replace the lost spending from the farmers in the Wagon Trail Solar site boundary.

In addition to the annual spending at MCGG (or other similar local agricultural suppliers), the Applicant's commitment to use local weed contractors such as Butter Creek Spraying will directly create jobs (Mr. Brosnan anticipates hiring additional staff to support the additional workload from the Project) and supports other businesses in the Heppner area. For example, Mr. Brosnan works with a local mechanic to design and install custom spray booms for his all-terrain vehicles.

Although the Project's commitment to use local weed contractors and purchasing weed chemicals from local suppliers would more than compensate for the reduced spending by the landowners/farmers in the site boundary and thereby mitigate the Project's indirect economic impacts, the Applicant understands that the type of spending will change (i.e., spending will change to primarily chemicals vs spending on seed, fertilizer, etc.) and that this spending on chemical doesn't directly benefit other wheat farmers in the region.

Therefore, as a second component to our proposed mitigation plan, the Applicant is committing to a \$500,000 agricultural mitigation fund that will be provided to two key stakeholders:

- OSU Agricultural Research Program, Morrow County Extension Office: \$170,000 will be provided to Larry Lutcher's agricultural research program in Morrow County to fund equipment needed to expand his research program. The purpose of Mr. Lutcher's research is to develop alternative dryland farming methods that will benefit wheat producers in Morrow County. Details regarding the equipment Mr. Lutcher needs for this program is included in Attachment 3.
- o **Morrow County Grain Growers (MCGG)**: \$330,000 will be provided to MCGG to fund needed improvements to the North Lexington Grain Elevator. These improvements at the North Lexington elevator will decrease the time it takes for wheat farmers to dump grain loads at the elevator during harvest time (thus saving farmer's time and fuel costs) and will also increase efficiencies for MCGG.

The combination of these programs that benefit the Morrow County dryland wheat farmers and key stakeholders (MCGG and other agricultural suppliers), and the commitment to annual local spending on chemicals and using local weed contractors will more than compensate for indirect economic impacts the Project may have on the local agricultural economy. As such, the Applicant requests the Department consider this additional information and find the Project adequately mitigates the impacts to the farmland and the farming economy. If the Department agrees with this mitigation plan, the Applicant suggests the following conditions of approval:

- Prior to construction, the Applicant will submit evidence to the Department showing one or more contractual agreements with a Morrow County based contractor for weed control services. As part of that agreement, the contractor will be required to purchase chemicals from a local supplier.
- Prior to construction, the Applicant will provide agricultural mitigation funding up to \$170,000 to the OSU Agricultural Research Program, Morrow County Extension Office.
- Prior to construction, the Applicant will provide agricultural mitigation funding up to \$330,000 to Morrow County Grain Growers.

Thank you,

DocuSigned by:

40795D309B8F49F...

Senior Project Manager, Development

NextEra Energy Resources

Cc: David Lawlor, NextEra
Sara Twitchell, NextEra
Sarah Curtiss Stauffer, Stoel Rives
Carrie Konkol, Tetra Tech
Leslie McClain, Tetra Tech

Attachments:

- 1. Butter Creek Spraying Weed Management Quote
- 2. Landowner Average Annual Spending for Wheat Farming
- 3. Equipment Needs, Larry Lutcher Agricultural Research Program, Morrow County Extension Office



BUTTER CREEK SPRAYING

59017 Little Butter Creek Road Heppner, Oregon 97836

Mike Brosnan owner/operator 541-676-5273/541-256-0214

March 24, 2024

RE: Wagon Trail Solar Weed Abatement/ Cost estimate

Attn: Ryan Hill

THIS IS NOT A BID; this is an estimate for Wagon Trail Solar for chemical and labor based on actual usage on Wheatridge Solar this year (2024).

Chemical prices in this estimate are 2024 prices.

Chemical

\$500,000

Labor

\$700,000

Cost can change based on weed pressure, types of weeds, cost of actual chemical and type of chemical needed.

Any question please feel free to reach out.

Regards,

Mike Brosnan

Attachment 2: Landowner Average Annual Spending for Wheat Farming

NextEra Energy Resources, LLC

Annual Farming Costs Provided by Chris Rauch of North Lex Power and Light (Tract 7) via email dated 4/1/24 - attached

	TOTAL Annual		
	ACRES	\$ Spent	\$/ACRE
FUEL	6400	\$64,704	\$10.89
SEED	3200	\$66,208	\$20.67
FERTILZER	3200	\$78,080	\$24.40
CHEMICALS	6400	\$199,681	\$46.43
TOTAL			\$102.39

Annual Farming Costs Provided by Corey Miller tenant farmer for tracts 2, 4, 5, 6, and 8 via email dated 3/25/24 - attached

	\$/ACRE
All inputs - low range	\$100
All inputs - high range	\$150
All inputs - average	\$125

Average Annual Farming Costs

	\$/ACRE Acres	Total \$
Rauch	\$ 102.39	3684 \$ 377,204.76
Miller	\$ 100.00	3684 \$ 368,400.00
Miller	\$ 125.00	3684 \$ 460,500.00
Miller	\$ 150.00	3684 \$ 552,600.00
AVFRAGE	\$ 119 35	3684 \$ 439 676 19

From: Chris Rauch
To: Hill, Ryan

Subject: Re: Dryland Wheat Farming Cost Confirmation

Date: Monday, April 1, 2024 8:21:52 AM

Caution - Suspicious External Email (ckr41158@gmail.com) Report this Email Quick response Emergency response Why is this email suspicious? Tips

updated \$'s
Fuel / Ac \$10.89
Seed / Ac \$20.67
Fertilizer / Ac \$24.40
Chemicals / Ac \$46.43
Total / \$ 102.39

On Mon, Mar 25, 2024 at 6:23 AM Hill, Ryan < Ryan.Hill@nexteraenergy.com > wrote:

Chris,

Can you please confirm or update the table below based on your cost?

	ACRES	TOTAL \$	\$/ACRE
FUEL	6400	\$64,704	\$10.11
SEED	3200	\$66,208	\$20.69
FERTILZER	3200	\$78,080	\$24.40
CHEMICALS	6400	\$199,681	\$31.20
TOTAL		\$408,673	\$86.40

I hope you and your family are having a great vacation!

Thanks,

Ryan Hill

Senior Project Manager, Development

NextEra Energy Resources

ryan.hill@nexteraenergy.com

Cell (561)831-9425



Hill, Ryan

From: Corey Miller <millercf2@hotmail.com>
Sent: Monday, March 25, 2024 12:03 PM

To: Hill, Ryan

Subject: Re: Dryland Wheat Farming Cost

Caution - External Email (millercf2@hotmail.com)

Report this Email

Quick response

Emergency response

Tips

I would say \$100-150 depends on your rainfall, sometimes the wet years actually get more expensive chasing that yield with additional fertilizers and fungicides. But I'd say total cost might be closer to \$150 this year, depending especially if you have to borrow money.

Sent from my iPhone

On Mar 25, 2024, at 6:29 AM, Hill, Ryan <Ryan.Hill@nexteraenergy.com> wrote:

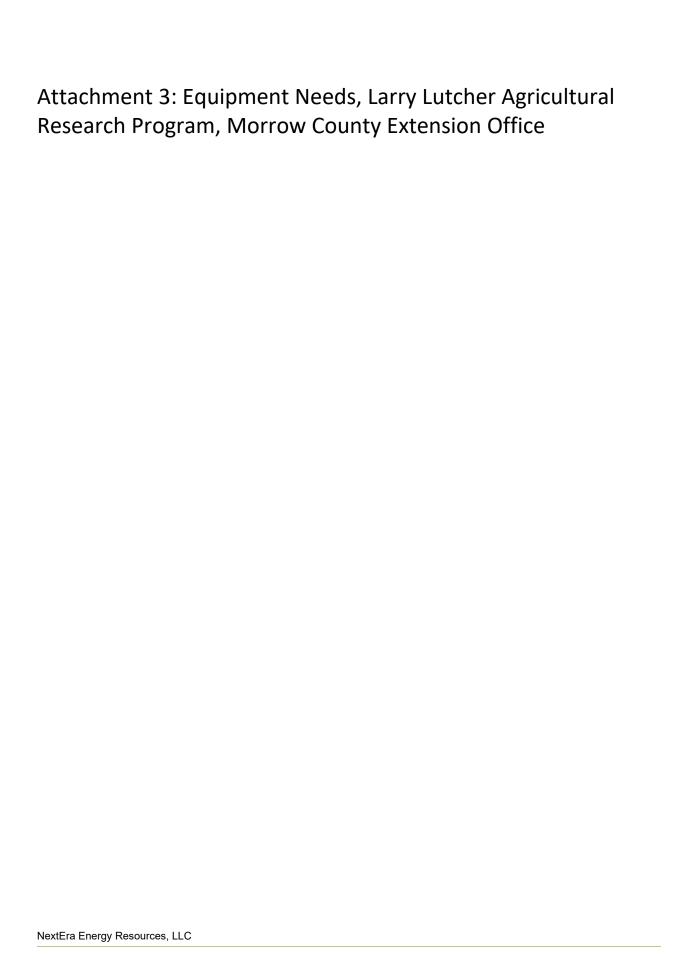
Corey,

I am following up to make sure I am using the correct figures. Can you confirm that your cost is approximately \$100/acre for Dryland Wheat?

Thanks,

Ryan Hill
Senior Project Manager, Development
NextEra Energy Resources
ryan.hill@nexteraenergy.com
Cell (561)831-9425

<image001.jpg>



Equipment Needs Larry Lutcher Agricultural Research Program Morrow County Extension Office

Larry Lutcher is employed by Oregon State University. He conducts agricultural research in a remote area (Morrow County) 270 miles from the main campus in Corvallis. Mr. Lutcher is an experienced researcher who experiments with alternative farming methods for the benefit of his customers—local families and wheat producers. There are limitations to what he can do because of the limited availability of small-scale, research-grade equipment. He could "grow his program" and "add value" to his efforts if our local Morrow County Extension Office owned three pieces of equipment.

Plot Drill (\$50,000): This piece of equipment places seed and fertilizer into the soil. Plot drills are constructed using tubular steel, a customized hydraulic system, and precise seed and fertilizer metering devices. Seed is placed at varying depths below the soil surface. Fertilizer is banded below and beside the seed. Seed and fertilizer are positioned in furrows that run the length of individual plots. There are 40 to 120 plots in each experiment.

Stationary Thresher (\$58,000): This does the same thing as a mobile, small-plot combine, but at one-third the cost. Good quality stationary threshers are unavailable in Oregon. They can be purchased from one of two U.S. companies that specialize in the manufacture of field research equipment. Wheat samples are typically collected from three locations in each experimental plot. Samples are placed into the stationary thresher where they are processed. The mass of collected grain is used to determine yield.

Small (60 hp) Case-IH Tractor (\$62,500): This piece of equipment could be purchased from our Morrow County farm cooperative—a local community-owned business that will lose money as a result of farmland that is "taken out" of production. This tractor would be used to pull the plot drill. It would also be used to move the stationary thresher into various locations within experimental boundaries. It would be used to pull sprayers and tillage equipment.



Larry Lutcher (left foreground) conducting an in-the-field presentation of applied field research.

Reviewing Agency Comments for Wagon Trail Solar

Comment #	Related Subject	Regulatory Text	fASC Exhibit/Section	RAI/Comment	Response		
Morrow County	Morrow County Board of Commissioners (02/07/24)						
1	Noxious Weed Control Plan	OAR 345-021-0010(1)(p)(G)	Exhibit P	County notes that compliance with a weed plan, per Condition #Pre-LU-04, is problematic to enforce and to that end recommends that EFSC also require that the final noxious weed plan be reviewed and approved by county Weed Supervisor. That plan will, at minimum, require the certificate holder to fund at least one FTE County position to implement the weed abatement program and ensure compliance with planned noxious weed and native revegetation requirements. In addition, the noxious weed plan may require the certificate holder to employ personnel, hire a third party or fund additional county employee(s) to carry out the weed abatement program. The certificate holder's annual monitoring report required per EFSC's operational conditions should include a report identifying the ratio of noxious weeds to native vegetation to ensure compliance with the noxious weed plan.	Noted. The Noxious Weed Control Plan will be provided to the County Weed Supervisor prior to construction for review and approval. As addressed previously for the October 12, 2022 letter from Morrow County, it is within ODOE's authority to provide the Reclamation/Revegetation and Noxious Weed Control plans to Morrow County for review if necessary. The Applicant's construction and operations contractors will be responsible for implementing appropriate weed control methods according to the Noxious Weed Control Plan, and revegetating/monitoring site conditions according to the Reclamation and Revegetation Plan. This will be done in coordination with the County Weed Supervisor as applicable. See Exhibit P attachments. Progress of weed control and revegetation/reclamation (including approximate percentages of noxious weeds and native vegetation) during both construction and operations will be reported in the semiannual reports (during construction) and annual reports (during operations). The Applicant appreciates the request that the Certificate Holder fund at least one FTE County position. The Applicant will work with the County on ways to address weed abatement on-site and throughout the County. Currently, the Applicant does not anticipate a proposal to fund one FTE County position.		
2	Traffic Management Plan/Road Use Agreements	OAR 345-021-0010(1)(u)(B) and (D)	Exhibit U	To ensure appropriate coordination of construction traffic, County recommends EFSC include a condition requiring a Traffic Management Plan (TMP) and Road Use Agreement (RUA) to be approved by Morrow County. As part of the TMP and RUA, County will require the developer conduct a pre-construction survey of anticipated construction routes and implement road improvements identified in the survey prior to construction.	Please see Section 2.4.7.1, Exhibit U, of the Final Application for Site Certificate (fASC). Based on the traffic count estimates outlined in Exhibit U, the Applicant will develop a Construction Traffic Management Plan as part of a Road Use Agreement in consultation with the Morrow County Road Department. The Applicant will be obtaining a Road Use Agreement prior to construction. Please also see Sections 2.3.2.6 and 2.4.7.1, Exhibit U, of the fASC for an assessment of the anticipated construction routes and proposed mitigation measures as applicable. Note that no county or local roadways are anticipated to require improvement.		
3	Dust management/water suppliers	OAR 345-021-0010(1)(o)(A) and (B)	Exhibit O	Additional detail about dust management during construction is warranted. Specifically, application should provide documentation about source of water supply to ensure water is from an appropriate source (well or city supply). Relatedly, developer claims no adverse impacts to water supply yet estimates 40-70 million gallons of water per phase during construction, and 1 million gallons per year after construction. Water is also required during drought conditions to wash solar panels. County recommends a condition of approval requiring the certificate holder to verify local capacity.	Section 2.0, Exhibit O of the fASC outlines specific water uses during both construction and operations, which includes site dust control (i.e., the primary use of water during construction, and the driver for solar panel washing during operation); a description of water use for dust control during both average and worst-case conditions (including drought) is also provided. Please see Section 3.0, Exhibit O, of the fASC. All water providers (i.e., Boardman Public Works, Hermiston Water Department, Stanfield Public Works, or the Port of Morrow) have indicated they can provide sufficient water for Facility construction as well as operations (up to 10.8 million gallons [Mgal]/month, i.e., 129.6 Mgal/year). The quantities available shown in Table O-2, Exhibit O, of the fASC are based on written correspondence from the water suppliers and demonstrate that an adequate supply of water for both Facility construction and operation are available. This is assuming worst-case conditions (including drought), for a maximum water demand of 71.4 Mgal/year during construction and 965,008 gallons/year during operation for solar panel washing; note that the remaining water required during operations will be supplied by a new exempt well located near the operations and maintenance (0&M) building (if a new 0&M building is constructed). Alternatively, the existing well at the O&M building for the Wheatridge Renewable Energy Facilities I, II, and III may be used. Either well will provide no more than 5,000 gallons per day for use at the O&M buildings.		

Wagon Trail Solar 1

Comment #	Related Subject	Regulatory Text	fASC Exhibit/Section	RAI/Comment	Response
4	Housing	OAR 345-021-0010(1)(u)(B) and (D)	Exhibit U	Exhibit U Socioeconomic Impacts includes a summary of housing Impacts that is not substantiated with current data. Morrow County, like much of Oregon, is experiencing a serious housing shortage. While temporary workforce housing may be permitted through the county CUP process, the ASC does not specify properties. Further, while county supports allowing temporary workforce housing on lands zoned Exclusive Farm Use, as part of the county CUP process, there Is no evidence in the record that quantifies expected number of specific RV sites. Housing vacancy information is outdated. County recommends developer conduct a housing needs and impacts analysis specifically for temporary construction period and a mitigation plan for any downstream impacts to the local housing supply. The application does not identify cumulative impacts of multiple major construction projects. Several pending energy projects are claiming "no significant impact" to local housing/water/services and are relying on the same baseline data. In addition to providing updated and current housing data, county recommends developer consult with cities in Morrow County and identify housing specifically for the Wagon Trail project.	Please see Section 2.4.6, Exhibit U, of the fASC. The Applicant does not propose RV-usage at the Facility (and in turn, within the Exclusive Farm Use Zone), but rather proposes that temporary employees may seek RV access at existing RV parks and campgrounds in the vicinity; please see previous response/Comment 11 to the Morrow County Board of Commissioner's letter dated October 12, 2022. However, as necessary to accommodate construction staff and to mitigate impacts to the local housing supply, the Applicant will pursue a permit for an RV park through Morrow County prior to construction. Note that the number of RV sites and their corresponding locations required would be provided during the permitting process. The housing data outlined in Section 2.3.2.5, Exhibit U, of the fASC were current at the time of pASC submittal (August 31, 2022) and ODOE did not provide any Requests for Additional Information or revisions prior to submittal of the fASC (January 3, 2024). Please see previous response/Comment 10 to Morrow County Board of Commissioner's letter dated October 12, 2022. Prior to construction, the Applicant and their construction subcontractors will: • Confirm housing availability for the actual number of staff required (including consultation with relevant cities outlined in Table U-2, Section 2.3.2.5, Exhibit U, of the fASC, not to exceed the staffing amounts provided in Section 2.2.1.1, Exhibit U, of the fASC. As stated in Section 2.4.6, Exhibit U of the fASC, consultation with cities will occur as necessary regarding temporary housing options prior to construction. • Work closely with Morrow County, Willow Creek Valley Economic Development Group, and the City of Heppner to determine housing solutions that benefit their jurisdictions. Additionally, as stated in Section 2.4.6, Exhibit U, of the fASC, experience with energy facility construction, for example during the peak of wind power construction in 2009 and 2010 near the community of Arlington, Oregon, demonstrates that multiple facilities can be b

Wagon Trail Solar

From: Konkol, Carrie

Monday, March 4, 2024 1:40 PM Sent: MCVEIGH-WALKER Chase * ODOE To:

Cc: ESTERSON Sarah * ODOE; Hill, Ryan; Lawlor, David; Twitchell, Sara; Mater, Megan; Gulick, Kristen

Subject: WTSAPP Reviewing Agency Comments (SAG) - Applicant Responses

Attachments: WTSAPP SAG Morrow Agency Comment Table Applicant Response March2024.pdf

Hello Chase,

Attached please find responses to the non-Goal 3 related Morrow County SAG comments on the Wagon Trail Solar Project ASC. We will follow-up with the Goal 3 related responses in the next few weeks.

Thanks. Carrie

Carrie Konkol | Vice President, Pacific Offshore Energy Lead Direct (503) 721-7225 | Mobile (503) 830-8587 | carrie.konkol@tetratech.com

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From: MCVEIGH-WALKER Chase * ODOE < Chase. MCVEIGH-WALKER@energy.oregon.gov>

Sent: Wednesday, February 14, 2024 10:05 AM

To: Hill, Ryan <Ryan.Hill@nexteraenergy.com>; Lawlor, David <David.Lawlor@nexteraenergy.com>; Konkol, Carrie

<Carrie.Konkol@tetratech.com>; Twitchell, Sara <Sara.Twitchell@nexteraenergy.com>

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

Subject: Reviewing Agency Comment (SAG)

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Good morning Wagon Trail Solar Team,

Last Friday (2/9/24) the Department received a comment letter from the Morrow County Board of Commissioners (the Special Advisory Group - or SAG- for the Wagon Trail project). I have attached their comment letter to this email. Before the Department addresses their comments in the DPO, I wanted to provide you with the letter and see if you wanted to provide a response memo. If so, would you please provide a response by 2/28/24 (two weeks from today).

Regards, -Chase



Chase McVeigh-Walker

Senior Siting Analyst pronouns: he/him/his

550 Capitol St. NE | Salem, OR 97301

P: 971-600-5323

P (In Oregon): 800-221-8035

