

# **Notice of Intent to Apply for a Site Certificate**

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**Muddy Creek Energy Park  
May 2023**

**Submitted to  
Oregon Energy Facility Siting Council**

**Prepared for  
Hanwha Q CELLS USA Corp.**

**Prepared by**



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## Acronyms and Abbreviations

AC	alternating current
Applicant	Muddy Creek Energy Park LLC
ASC	Application for Site Certificate
BESS	battery energy storage system
DC	direct current
EFSC	Energy Facility Siting Council
FAA	Federal Aviation Administration
Facility	Muddy Creek Energy Park
kV	kilovolt
MW	megawatt
NHD	National Hydrography Dataset
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetlands Inventory
O&M	operations and maintenance
OAR	Oregon Administrative Rules
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
POI	Point of Interconnect

# Exhibit A. Applicant Information – OAR 345-020-0011(1)(a)

*(a) Exhibit A. Information about the applicant and participating persons, including:*

*(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the NOI, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person;*

**Response:**

**Name and mailing address of Applicant:**

Muddy Creek Energy Park LLC  
300 Spectrum Center Drive, Suite 1250  
Irvine, CA 92618

**Applicant contact person for the NOI with mailing address and telephone number:**

Brian Tran, Development Manager  
Hanwha Q CELLS USA Corp.  
300 Spectrum Center Drive, Suite 1250  
Irvine, CA 92618  
(626) 646-3560  
[brian.tran@qcells.com](mailto:brian.tran@qcells.com)

*(B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and persons upon whom the applicant will rely in meeting any facility standard adopted by the Council;*

**Response:**

**Parent Company:**

Hanwha Q CELLS USA Corp.  
300 Spectrum Center Drive, Suite 1250

Irvine, CA 92618

**Contact Name, Mailing Address, Email Address, and Telephone Number:**

Brian Tran, Development Manager  
Hanwha Q CELLS USA Corp.  
300 Spectrum Center Drive, Suite 1250  
Irvine, CA 92618  
(626) 646-3560  
[brian.tran@qcells.com](mailto:brian.tran@qcells.com)

**Contact persons other than the Applicant:**

Paul Hicks  
Tetra Tech, Inc.  
1750 SW Harbor Way, Suite 400  
Portland, OR 97213  
(503) 727-2273  
[paul.hicks@tetrattech.com](mailto:paul.hicks@tetrattech.com)

Sara Sayles  
Schwabe, Williamson & Wyatt  
1211 SW Fifth Avenue Suite 1900  
Portland, OR 97204  
(503) 796-2486  
[ssayles@schwabe.com](mailto:ssayles@schwabe.com)

*(C) If the applicant is a corporation:*

- (i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the NOI;*
- (ii) The date and place of its incorporation;*
- (iii) A copy of its articles of incorporation and its authorization for submitting the NOI; and*
- (iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.*

**Response:**

The Applicant is not a corporation.

*(D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), the full name and business address of each of the applicant's full or partial owners.*

**Response:**

The Applicant is a subsidiary of Hanwha Q CELLS USA Corp. The parent company name and business address are as follows:

Hanwha Q CELLS USA Corp.  
300 Spectrum Center Drive, Suite 1250  
Irvine, CA 92618  
(626) 646-3560

*(E) If the person submitting the NOI is an association of citizens, a joint venture or a partnership:*

- (i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the NOI;*
- (ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;*
- (iii) Proof of registration to do business in Oregon;*
- (iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and*
- (v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant must state that fact over the signature of each member.*

**Response:**

The Applicant is not an association of citizens, a joint venture, or partnership.

*(F) If the applicant is a public or governmental entity:*

- (i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the NOI; and*
- (ii) Written authorization from the entity's governing body to submit an NOI.*

**Response:**

The Applicant is not a public or governmental entity.

*(G) If the applicant is an individual, the individual's mailing address, email address and telephone number.*

**Response:**

The Applicant is not an individual.

*(H) If the applicant is a limited liability company:*

*(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the NOI;*

*(ii) The date and place of its formation;*

*(iii) A copy of its articles of organization and its authorization for submitting the NOI; and*

*(iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.*

**Response:**

The Applicant is a limited liability company. The Applicant contact submitting this Notice of Intent (NOI) is:

Brian Tran, Development Manager  
Muddy Creek Energy Park LLC  
300 Spectrum Center Drive, Suite 1250  
Irvine, CA 92618  
(626) 646-3560  
[brian.tran@qcells.com](mailto:brian.tran@qcells.com)

The officer for Muddy Creek Energy Park, LLC is:

Jae Kyu Lee, Sole Member and Manager  
Muddy Creek Energy Park LLC  
300 Spectrum Center Drive, Suite 1250  
Irvine, CA 92618

Muddy Creek Energy Park, LLC was formed with the Secretary of State of the State of Delaware on June 23, 2022 and was acknowledged and registered to do business in Oregon by the Oregon Secretary of State on July 19, 2022, in Salem, Oregon. The articles of organization and registration to do business in Oregon are provided in Attachment 1.

Muddy Creek Energy Park, LLC is registered in Oregon; therefore, information for the resident attorney-in-fact is not required.

# Exhibit B. Facility Description – OAR 345-020-0011(1)(b)

*(b) Exhibit B. Information about the proposed facility, including:*

*(A) A description of the proposed energy facility, including as applicable:*

**Response:**

The Applicant seeks to develop the Muddy Creek Energy Park (Facility). The Facility site boundary is approximately 1,588 acres of private land located on contiguous parcels approximately 8 miles south of Brownsville, Oregon in unincorporated Linn County (Figure 1). The Applicant proposes to construct and operate a 199-megawatt (MW) solar photovoltaic power generation facility with related or supporting interconnection facilities and an up to 199-MW battery energy storage system (BESS) within the Facility site boundary. The Facility's proposed point of interconnect (POI) to the regional electrical grid is PacifiCorp's existing Diamond Hill Substation located between the northern and southern portions of the Facility site boundary and abutting Interstate 5 (I-5) to the east (Figure 2).

The Applicant is in the process of planning studies that will be included in an Application for Site Certificate (ASC) to Oregon's Energy Facility Siting Council (EFSC). The Applicant intends to begin on-site construction in Q3 2024, pending issuance of a Site Certificate from EFSC, with commissioning completed and commercial operation targeted for Q4 2025.

*(i) For electric power generating plants, the nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300;*

**Response:**

The Facility will have up to 199 MW of nominal and average generating capacity, as defined in Oregon Revised Statute (ORS) 469.300(4)(c).

*(ii) Major components, structures and systems, including a description of the size, type and configuration of equipment used to generate, store, transmit, or transport electricity, useful thermal energy, or fuels;*

**Response:**

The Facility's major components consist of the solar array. A solar array is a configuration of solar modules, tracker systems, posts, and related electrical collector equipment. The ASC will analyze potential impacts associated with the largest solar array layout within the approximately 1,588-acre Facility site boundary. The actual solar array equipment and layout selected at final design will not exceed the potential impacts analyzed in the Facility site boundary. During pre-construction and final design engineering, the Applicant will specify the Facility components, equipment, and

layout in accordance with the reporting requirements of the Oregon Department of Energy (ODOE). The Applicant seeks flexibility to permit a range of solar array technology to accommodate market changes and to preserve design and layout flexibility.

The following description of major components is based on the best available design information at this time and may be modified in the ASC and at final design:

- **Solar Modules.** Solar modules use bifacial mono- or poly-crystalline cells to generate electricity by converting sunlight energy into direct current (DC) electrical energy. The electrical generation from a single solar module will vary by module size and the number of cells per module. The dimensions of each solar module will be approximately 8 feet long and 4 feet wide. Solar modules consist of antireflective glass, a metal frame, and wire connectors. The solar modules will be connected in strings with approximately 24 modules to a string. The module strings are connected via combiners, cables, and switchboards. The configuration of strings (the solar array) can vary depending on the equipment type and topography. The actual number of modules used will vary depending on the module technology, spacing, mounting equipment, and other design criteria, which are subject to change during final design.
- **Tracker Systems.** Strings of solar modules will be mounted on fixed tilt or single-axis tracker systems that optimize electricity production by rotating the solar modules to follow the path of the sun throughout the day. The length of each tracker string may vary by topography and the number of modules that the tracker can hold. The drive unit for the single-axis tracking system can control a single string or multiple strings of modules through a series of mechanical linkages and gearboxes. As the solar modules tilt throughout the day, the height of their top edges will shift accordingly (i.e., up to 12 feet high). The tracker system, and associated posts, will be specifically designed to withstand wind, snow, and seismic loads anticipated at the site.
- **Posts.** Each tracker will be supported by multiple driven steel posts, which could be round hollow posts, or pile-type posts (i.e., H-pile, C-pile, S-pile). Post depth may vary depending on soil conditions, but the posts are typically installed 6 to 10 feet below the surface and protrude approximately 5 feet above grade. Posts at the end of tracker strings are usually installed to greater depth to withstand wind uplift. In some soil conditions, concrete backfill is required for each post. For the purposes of the ASC, the Applicant will assume that posts will use concrete foundations, but site-specific conditions will determine whether concrete will be required for construction. Post locations will be determined by the final layout of the tracker system and geotechnical investigations of the solar array area within the Facility site boundary prior to final design.
- **Inverters and Transformers.** Direct current (DC) collected from the solar modules will be converted into alternating current (AC) before connecting to the Facility's collector substation. Low-voltage cabling will link each solar module to the inverters and transformers. Inverters serve the function of converting DC power supply to an AC power



supply in accordance with electrical requirements. The AC from the inverters is routed to transformers that will increase the output voltage from the inverter to the desired Facility collector substation feed voltage of 34.5-kilovolts (kV). The transformers could be collocated with the inverters and could be centrally located within the Facility site boundary or dispersed throughout the solar array. The number of inverters and transformers will vary depending on the final solar array layout. The inverter and transformer specifications will comply with applicable requirements of the National Electrical Safety Code and Institute of Electrical and Electronics Engineers standards.

- **Cabling.** The electrical current produced by solar modules is in the form of DC. Cables collect and aggregate the DC before it is converted to AC and sent to the Facility collector substation. Low-voltage cabling will connect the solar modules of each tracker string in series and combine multiple strings to a single combiner box. Cabling from multiple combiner boxes will connect to a single inverter, which will convert the DC to AC and connect to the buried collection system. Cabling can be mounted to the tracker system, placed in cable trays, or buried. Cable associated with the solar array will be located within the solar area fence line that will occur within the Facility site boundary.
- **Collection System.** The inverters and transformers will connect the generation output of the solar array to 34.5-kV collector lines which are anticipated to be underground. Underground AC electrical cables will be buried to a minimum of 3 feet. These will be located underground to the extent practicable. In areas where they must be overhead, the collector lines will be supported by wooden or steel pole structures. Specific locations and dimensions of overhead collector lines, if necessary, will not be known until site geotechnical work has been completed during pre-construction activities and prior to final design.

*(iii) Methods for waste management and waste disposal, including, to the extent known, the amount of wastewater the applicant anticipates, the applicant's plans for disposal of wastewater and storm water, and the location of disposal;*

**Response:**

The Facility will not use water in the generation of electricity, nor will it produce wastewater for disposal or significant quantities of solid waste. Waste and recyclable products will be hauled off site and disposed of at licensed waste management facilities. Further details of stormwater drainage and wastewater disposal during construction and operations are provided in Exhibit K of this NOI.

*(iv) For thermal power plants, combustion turbine power plants, or other facilities designed to generate electricity from any gas, liquid, or solid fuels:*

*(1) A discussion of the source, quantity and availability of all fuels proposed to be used in the facility to generate electricity or useful thermal energy;*

*(II) If the facility will generate electric power from natural gas, petroleum, coal or any form of solid, liquid or gaseous fuel derived from such material, a discussion of methods the facility will use to ensure that the facility does not emit greenhouse gasses into the atmosphere, and a description of any equipment the facility will use to capture, sequester, or store greenhouse gases;*

*(III) A discussion of the methods for the disposal of waste heat generated by the facility;*

**Response:**

The Facility is not a thermal power plant, combustion turbine power plant, or other facility designed to generate electricity from any gas, liquid, or solid fuels. The Facility will generate solar power; consequently, no waste heat will be generated.

*(v) For transmission lines, approximate transmission line voltage, load carrying capacity and type of current;*

**Response:**

The Applicant is not proposing a new transmission line. The Facility's proposed POI to the electrical grid is PacifiCorp's existing Diamond Hill Substation located between the northern and southern portions of the Facility site boundary and east of I-5 (Figure 2). The Facility's related or supporting 230-kV generation-tie line (gen-tie line) will connect the Facility's collector substation to the POI with PacifiCorp's existing Diamond Hill Substation.

*(vi) For pipelines, approximate operating pressure and delivery capacity in thousand cubic feet per day;*

**Response:**

The Facility is not a pipeline.

*(vii) For surface facilities related to underground gas storage, estimated daily injection and withdrawal rates, horsepower compression required to operate at design injection or withdrawal rates, operating pressure range and fuel type of compressors;*

**Response:**

The Facility does not involve underground gas storage.

*(viii) For facilities to store liquefied natural gas, the approximate volume, maximum pressure, liquefaction and gasification capacity in thousand cubic feet per hour;*

**Response:**

The Applicant does not propose the storage of liquefied natural gas.

*(B) A description of major components, structures and systems of each related or supporting facility; and*

**Response:**

Related or supporting facilities consist of the up to 199-MW BESS, collector substation, site access, service roads, perimeter fencing, gates, and temporary construction staging areas. The following descriptions are based on the best available information at this time and may be modified in the ASC and at final design prior to construction:

- **Battery Energy Storage System.** The Facility includes an up to 199 MW BESS centralized in an area near the Facility's collector substation (Figure 2). The BESS is capable of storing and later deploying energy generated by the Facility. Battery options under consideration include: Lithium-ion batteries, flow batteries, and DC coupled batteries. The battery options are anticipated to use a series of self-contained enclosures located on a concrete pad within a centralized fenced area. The BESS options under consideration include fire suppression systems.
- **Collector Substation.** One collector substation will be used for the proposed Facility and will be located within the Facility site boundary (Figure 2). Prior to construction, the collector substation site will be cleared and graded, with a bed of crushed rock applied for a durable surface. The collector substation is anticipated to consist of transformers, gen-tie line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment that will be determined at final design.
- **Gen-tie Line.** An approximately 0.5 mile long 230-kV gen-tie line will connect the Facility's collector substation to the POI with PacifiCorp's existing 230-kV transmission line at the Diamond Hill Substation (Figure 2).
- **Site Access, Service Roads, Perimeter Fencing, and Gates.** The Facility will use existing access roads to the extent practicable. The primary transportation corridor to the Facility is I-5 and the Facility will be accessed from Priceboro Road and Mount Tom Drive (Figure 2). New service roads will be constructed within the Facility site boundary to provide access to Facility infrastructure.

Newly constructed service roads will be graded and graveled as needed to meet load requirements for equipment. Service roads are anticipated to be approximately 20 feet wide and will be constructed to facilitate access within the Facility site boundary for construction and maintenance purposes. Internal service roads will meet applicable standards for emergency vehicle access. To the extent feasible, vegetation will be cleared and maintained along perimeter roads to provide a vegetation clearance area for fire safety. Use of the service roads may continue after construction, or new service roads may be removed, and the land reclaimed to pre-construction conditions.

The locations of specific access points and gates will depend on the final configuration of the solar array and related infrastructure. Chain-link perimeter fencing, 7 feet in height, will

enclose the solar array as well as other infrastructure within the Facility site boundary. The perimeter fencing will have lockable vehicle and pedestrian access gates.

- **Temporary Construction Staging Areas.** Temporary construction staging areas will be used for development of the proposed Facility to facilitate the delivery and assembly of materials and equipment. These temporary construction staging areas may contain temporary storage of diesel and gasoline fuels located in aboveground tanks and within designated secondary containment areas. In addition, the Applicant may use one or more temporary concrete batch plant areas, located within the temporary construction staging areas. The temporary construction staging areas will be within the Facility site boundary.

*(C) The approximate dimensions of major facility structures and visible features.*

**Response:**

The ASC will assess the maximum anticipated impacts of Facility structures and visible features. Preliminary estimates of dimensions for major Facility structures are summarized below and will be updated in the ASC:

- **Solar Array.** The solar modules will be aligned in strings. The maximum height of the solar modules will be 12 feet when the modules are fully tilted. The exact number and size of modules, layout, and associated equipment specifications will be determined during micro-siting at final design within the Facility site boundary.
- **Battery Energy Storage System.** As described above, the lithium-ion and flow battery types may use a series of self-contained enclosures measuring approximately 12 feet wide, 36 feet long, and 10 feet tall and located on a concrete pad within an approximately 10-acre centralized area near the Facility's collector substation inside the Facility site boundary fenced area. If selected, the DC coupled batteries typically use a series of self-contained enclosures (also measuring approximately 12 feet wide, 36 feet long, and 10 feet tall) distributed along the solar array tracker systems. Each container holds the batteries, a supervisory and power management system, and a fire prevention system. Cooling units will be placed either on top of the containers or along the side depending on the equipment selected at final design.
- **Collector Substation.** The collector substation will be located on an approximately one acre area within the Facility site boundary and will be enclosed by the locked chain-link fence surrounding the Facility.
- **Gen-tie line.** The Facility's 230-kV gen-tie line will be approximately 0.5 mile long within a 100 foot wide corridor. The 230-kV gen-tie line will be supported either by H-frame structures with two steel or wood poles or by a steel or wood monopole structure. The structures will rise to a height of approximately 50 to 60 feet above grade, depending on the terrain. The specific interconnection components will be described in further detail in the ASC and will be dictated by PacifiCorp during micro-siting at final design.

- **Collector Lines.** The 34.5-kV collector lines will run underground for improved reliability. The collector lines will be directly buried at a depth up to 3 feet; however, some portion of the lines may be above ground. If needed, overhead collector line segments will likely be placed on steel or wood monopoles approximately 50 to 60 feet high and subject to the requirements of the National Electrical Safety Code. Two approximately 0.5 mile long and 100 foot wide collection line corridors will connect solar array components in the northwest and northeast areas of the Facility site boundary to the collector substation (Figure 2).
- **Temporary Construction Staging Areas.** Temporary construction staging areas will occur within the Facility site boundary, will be further described in the ASC, and will be determined in final design and prior to construction.

# Exhibit C. Facility Location – OAR 345-020-0011(1)(c)

*(c) Exhibit C. A description of the location of the proposed energy facility site and the proposed site of each related or supporting facility and all areas that might be temporarily disturbed during construction of the facility, including the approximate land area of each.*

**Response:**

The Facility site boundary is approximately 1,588 acres of private land located on contiguous parcels approximately 8 miles south of Brownsville, Oregon in unincorporated Linn County (Figure 1). The Facility is located on three separate areas connected by 100 foot wide collector line easements Figure (2). The Facility site boundary is also the solar micro-siting area which provides flexibility for micro-siting the Facility’s major components and related or supporting facilities anywhere within the site boundary. The Facility site boundary encompasses some or all of the townships, ranges, and sections identified in Table C-1.

**Table C-1. Township, Range, and Section within the Facility Site Boundary**

Township and Range	Sections
15S 03W	13, 14, 21, 22, 23, 26, 27, 28, 33, 34

In the ASC, the Applicant will confirm the Facility site boundary shown on Figure 2. The Applicant requests micro-siting flexibility within the Facility site boundary to site the energy facility and related and supporting facilities using the most efficient and effective equipment and layout. The Facility site boundary provides the limits of the area that may be temporarily or permanently disturbed during construction of the Facility. The land area for full build-out of the Facility’s major components and related or supporting facilities is not expected to exceed the approximately 1,588-acre Facility site boundary. Maximum anticipated temporary and permanent acreage impacts will be provided by Facility component in the ASC.

## **Exhibit D. Alternative Locations – OAR 345-020-0011(1)(d)**

*(d) Exhibit D. If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a transmission line or pipeline that, by itself, is an energy facility under the definition in ORS 469.300, identification of at least two proposed corridors, as defined in OAR 345-001-0010, or identification of a single proposed corridor with an explanation of why alternate corridors are unlikely to better meet the applicant's needs and satisfy the Council's standards. The applicant must include an explanation of the basis for selecting the proposed corridors and, for each proposed corridor, the information described in subsections (e), (g), (i), (j), (k), (L), (o) and (q) that is available from existing maps, aerial photographs, and a search of readily available literature.*

**Response:**

The Facility is not a pipeline or a transmission line as defined by ORS 469.300. The Facility includes neither a pipeline nor transmission line that, by themselves, would be considered an energy facility under ORS 469.300(11)(a)(C).

# Exhibit E. Permits Needed for Construction and Operation – OAR 345-020-0011(1)(e)

*(e) Exhibit E. Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, address, email address and telephone number of the agency or office responsible for each permit. For each permit, the applicant must provide a preliminary analysis of whether the permit should or should not be included in and governed by the site certificate.*

**Response:**

Table E-1 identifies the federal, state, and local government permits required for construction and operation of the Facility.

**Table E-1. Permits or Other Approvals Required for Construction and Operation of the Facility**

Permit	Agency	Authority/Description
<b>Federal Permits</b>		
Clean Water Act, Section 404	U.S. Army Corps of Engineers, Portland District  Kirsten Hines, Linn County Contact 211 East 7th Avenue, Suite 105 Eugene, OR 97401-2763 (541) 465-6878 <a href="mailto:Kirsten.T.Hines@usace.army.mil">Kirsten.T.Hines@usace.army.mil</a>	Clean Water Act, Section 404 (33 USC § 1344); 33 CFR §§ 320, 323, 325-28, and 330  Description: A Section 404 permit will be required if dredge or fill occurs in waters of the United States. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.  The Facility is not anticipated to impact jurisdictional waters and/or wetlands of the United States.
Notice of Proposed Construction or Alteration (Form 7460.1)	Federal Aviation Administration (FAA)  Attn: Dan Shoemaker, Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Ave SW Renton, WA 98057 (425) 227-2791 <a href="mailto:Dan.shoemaker@faa.gov">Dan.shoemaker@faa.gov</a>	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77  Description: Proposed construction or alterations that may affect navigable airspace pertaining to potential glare from the Facility’s solar arrays, or for construction of structures within specified distances of runways or helipads, may be required to file this notice. No permit is issued by the FAA. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.



**Notice of Intent to Apply for a Site Certificate**

<b>Permit</b>	<b>Agency</b>	<b>Authority/Description</b>
Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	<p>FAA</p> <p>Attn: Dan Shoemaker, Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Ave SW Renton, WA 98057 (425) 227-2791 <a href="mailto:Dan.shoemaker@faa.gov">Dan.shoemaker@faa.gov</a></p>	<p>Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77</p> <p>Description: If a Notice of Proposed Construction or Alteration with the FAA is required, then submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within 5 days after construction reaches its greatest height as specified in the No Hazard Determination. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.</p>
Incidental Take Permit or Eagle Take Permit	<p>U.S. Fish and Wildlife Service (USFWS)</p> <p>Attn: Jeffrey A Dillon, Endangered Species Division Manager 2600 SE 98th Avenue, Suite 100 Portland, OR 970266 (503) 231-6179 <a href="mailto:Jeffrey.Dillon@fws.gov">Jeffrey.Dillon@fws.gov</a></p>	<p>Section 7, 9, and 10 Consultation under the Endangered Species Act; Bald and Golden Eagle Protection Act</p> <p>Description: The Facility is not anticipated to impact federally listed species or protected eagles. However, if impacts to federally listed species or eagles are determined not to be avoidable based on the results of field surveys and ongoing coordination with USFWS, the Applicant would pursue an Incidental Take Permit or Eagle Take Permit with the USFWS as applicable. This federal process is not within the jurisdiction of EFSC and therefore should not be included in the site certificate.</p>
<b>State Permits</b>		
Energy Facility Site Certificate	<p>Oregon Department of Energy and Energy Facility Siting Council</p> <p>Attn: Todd Cornett, Division Administrator 550 Capitol Street NE Salem, OR 97301 (503) 378-8328 <a href="mailto:todd.cornett@oregon.gov">todd.cornett@oregon.gov</a></p>	<p>ORS 469.300 et seq.; Oregon Administrative Rules (OAR) Chapter 345, Divisions 1, 21-24</p> <p>Description: This site certificate is the subject of this NOI.</p>
Removal/Fill Permit	<p>Oregon Department of State Lands, Western Region</p> <p>Attn: Charles Redon, Removal-Fill Coordinator 775 Summer St. NE, Suite 100 Salem, OR 97301-1279 (503) 986-5305 <a href="mailto:charles.redon@dsl.oregon.gov">charles.redon@dsl.oregon.gov</a></p>	<p>ORS 196; OAR Chapter 141, Division 85</p> <p>Description: A removal-fill permit is required if 50 cubic yards or more of material is removed, filled, or altered within a jurisdictional water of the State. The Facility is not anticipated to impact jurisdictional waters and/or wetlands of the state. If this is proposed or needed, the Removal-Fill Permit should be included in and governed by the EFSC Site Certificate under ORS 469.401(3).</p>

**Notice of Intent to Apply for a Site Certificate**

Permit	Agency	Authority/Description
<p>National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-A</p>	<p>ODEQ, Western Region</p> <p>Attn: Jeff Navarro Water Quality Program Analyst 4026 Fairview Industrial Drive SE Salem, OR 97302 503-229-5257 <a href="mailto:navarro.jeffrey@deq.state.or.us">navarro.jeffrey@deq.state.or.us</a></p>	<p>Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45</p> <p>Description: The NPDES 1200-A permit is required for concrete and asphalt mix batch plants which discharge stormwater to surface water. If needed, the Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.</p>
<p>National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-C</p>	<p>ODEQ, Western Region</p> <p>Attn: Jeff Navarro Water Quality Program Analyst 4026 Fairview Industrial Drive SE Salem, OR 97302 503-229-5257 <a href="mailto:navarro.jeffrey@deq.state.or.us">navarro.jeffrey@deq.state.or.us</a></p>	<p>Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45</p> <p>Description: The NPDES 1200-C permit is required for construction activities that will disturb one or more acres of land. The Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.</p>
<p>401 Water Quality Certification</p>	<p>ODEQ, Western Region</p> <p>Attn: Jeff Navarro Water Quality Program Analyst 4026 Fairview Industrial Drive SE Salem, OR 97302 503-229-5257 <a href="mailto:navarro.jeffrey@deq.state.or.us">navarro.jeffrey@deq.state.or.us</a></p>	<p>Clean Water Act, Section 401 (33 USC § 1341); OAR Chapter 340, Division 48</p> <p>Description: Water quality certification is required for projects that are processed under the U.S. Army Corps of Engineers Section 404 Nationwide Permits. The Facility is not anticipated to impact jurisdictional waters and/or wetlands of the United States. The Applicant will obtain this permit, if needed, directly from ODEQ as it is outside the jurisdiction of EFSC and should not be included in or governed by the site certificate.</p>
<p>General Water Pollution Control Facilities Permit, WPCF-1700-B</p>	<p>ODEQ, Western Region</p> <p>Attn: Jeff Navarro Water Quality Program Analyst 4026 Fairview Industrial Drive SE Salem, OR 97302 503-229-5257 <a href="mailto:navarro.jeffrey@deq.state.or.us">navarro.jeffrey@deq.state.or.us</a></p>	<p>ORS 468B; OAR Chapter 340, Division 45</p> <p>Description: If solar panel washing is determined to be needed, the Applicant or a third-party contractor who will conduct the solar panel washing activities may seek coverage under the WPCF-1700-B permit from ODEQ following completion of construction and before initiating any washing activities. Therefore, this permit should not be included in and governed by the site certificate.</p>

**Notice of Intent to Apply for a Site Certificate**

Permit	Agency	Authority/Description
<p>General Water Pollution Control Facilities Permit, WPCF-1000, Gravel Mining and Batch Plant</p>	<p>ODEQ, Western Region  Attn: Jeff Navarro Water Quality Program Analyst 4026 Fairview Industrial Drive SE Salem, OR 97302 503-229-5257 <a href="mailto:navarro.jeffrey@deq.state.or.us">navarro.jeffrey@deq.state.or.us</a></p>	<p>OAR Chapter 340, Division 45  A WPCF-1000 authorizes the permittee to operate a wastewater collection, treatment, control, and disposal system for sand, gravel, and other nonmetallic mineral quarrying and mining operations, including asphalt-mix batch plants, concrete batch plants, and other related activities. If a temporary batch plant is needed for Facility construction, the Applicant's third-party contractor will obtain a WPCF-1000 permit from the Oregon Department of Environmental Quality, which would therefore not be included in and governed by the site certificate.</p>
<p>Air Contaminant Discharge Permit (ACDP)</p>	<p>ODEQ, Western Region  Attn: Suzy Luttrell, Western Region Permit Coordinator 4026 Fairview Industrial Drive SE Salem, OR 97302 503-378-5305 <a href="mailto:Luttrell.Suzy@deq.state.or.us">Luttrell.Suzy@deq.state.or.us</a></p>	<p>OAR Chapter 340, Division 216  Description: A Basic ACDP authorizes the operation of a stationary or portable concrete manufacturing plant that produces more than 5,000 but less than 25,000 cubic yards per year output. If a stationary or portable concrete manufacturing plant is required for Facility construction, the Applicant's third-party contractor will obtain a Basic ACDP will be obtained from DEQ. This permit is outside the jurisdiction of EFSC and should not be included in and governed by the site certificate.</p>
<p>Oversize Load Movement Permit/Load Registration</p>	<p>Oregon Department of Transportation (ODOT)  Attn: Sonny Chickering, Region 2 Manager Region 2 Headquarters 455 Airport Road SE Salem, OR 97301 503-986-2631 <a href="mailto:Sonny.P.CHICKERING@odot.oregon.gov">Sonny.P.CHICKERING@odot.oregon.gov</a></p>	<p>ORS 818.030; OAR Chapter 734, Division 82  Description: Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If needed, the Applicant's third-party contractor will obtain this permit and load registration from ODOT and therefore this permit should not be included in and governed by the site certificate.</p>
<p>Water Right Permit or Water Use Authorization</p>	<p>Oregon Water Resources Department Water Rights Section, District 2  Attn: Lanaya Blakely, District 2 Watermaster 125 East 8th Avenue Eugene, OR 97401 541-682-3620 <a href="mailto:Lanaya.F.BLAKELY@water.oregon.gov">Lanaya.F.BLAKELY@water.oregon.gov</a></p>	<p>ORS 537; OAR 690 Divisions 310, 340, and 410  Description: If water for construction is not available from permitted sources, the Applicant will obtain the necessary water right permit or use authorization directly from the Oregon Water Resources Department. It is outside the jurisdiction of EFSC and should not be included in and governed by the site certificate.</p>

**Notice of Intent to Apply for a Site Certificate**

Permit	Agency	Authority/Description
Archaeological Excavation Permit	<p>Oregon Parks and Recreation Department, State Historic Preservation Office</p> <p>Attn: Koren Tippett, Archaeology Inventory &amp; Survey Coordinator 725 Summer Street NE, Suite C Salem, OR 97301 (971) 304-4737 <a href="mailto:arch.permits@opr.d.oregon.gov">arch.permits@opr.d.oregon.gov</a></p>	<p>ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51</p> <p>Description: Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. If needed, the Applicant will obtain it from the State Historic Preservation Office and therefore this permit should not be included in and governed by the site certificate.</p>
<b>Local Permits</b>		
Conditional Use Permit (CUP) and Comprehensive Plan Amendment for a Goal 3 Exception	<p>Linn County Planning Division</p> <p>Attn: Steve Wills, Planning Director Linn County Planning &amp; Building 300 SW 4th Avenue, Room 114 PO Box 100 Albany, OR 97321 (541) 967-3816 <a href="mailto:planoffice@co.linn.or.us">planoffice@co.linn.or.us</a></p>	<p>ORS Chapter 469.504(1)(b)</p> <p>Linn County Land Development Code Article 928.320(18) and 921.874.</p> <p>Description: Linn County Land Development Code requires a CUP and Comprehensive Plan Amendment for a Goal 3 Exception to Oregon’s Statewide Planning Goals on farmlands. The CUP and Goal 3 Exception is required for commercial utility facilities with greater than 12 acres of high-value farmland. In permitting through EFSC, local standards and review, including the Goal 3 exception request, are incorporated into the ASC. The Applicant elects to obtain an EFSC determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the site certificate, the County, upon the applicant’s submission or the proper application and fee, shall issue the permits addressed in the site certificate, subject only to the conditions set forth in the site certificate and without hearings or other proceedings. Because the Council will make the land use determination, this permit should be included in and governed by the site certificate.</p>

**Notice of Intent to Apply for a Site Certificate**

<b>Permit</b>	<b>Agency</b>	<b>Authority/Description</b>
Building Permit	Linn County Building Division  Attn: Rick Goff Building Official Linn County Planning & Building 300 SW 4th Avenue, Room 114 PO Box 100 Albany, OR 97321 (541) 967-3816 <a href="mailto:planoffice@co.linn.or.us">planoffice@co.linn.or.us</a> <a href="#">mailto:</a>	OAR Chapter 918, Divisions 309 & 780; Linn County Code Title 8 – Building Code  Description: A building permit is required for review and approval from the Linn County Building Division prior to construction of new structures. If needed, the Applicant’s third-party contractor will obtain these administrative permits from the County, which would therefore not be included in and governed by the site certificate.
Utility Placement in Right-of Ways and Access Approach Site Permit	Linn County Roads Department  Attn: Wayne Mink, Public Works Director Linn County Road Department 3010 Ferry Street SW Albany, OR 97322 (541) 967-3919 <a href="mailto:roads@co.linn.or.us">roads@co.linn.or.us</a>	ORS 374.305 to 374.325; Linn County Code Title 6, Chapter 690 Right-of-Way Regulation Code  Description: A Utility Crossing permit is required any time a utility is constructed within or across a County road right-of-way. An Approach Site Permit will be required for each location where Facility access roads intersect with county roads, or if necessary, upgrades to existing access roads affect a county road. If needed, the Applicant’s third-party contractor will obtain this administrative permit from the County, which would therefore not be included in and governed by the site certificate.
Right-of-Way Permit	Linn County Roads Department  Attn: Wayne Mink, Public Works Director Linn County Road Department 3010 Ferry Street SW Albany, OR 97322 (541) 967-3919 <a href="mailto:roads@co.linn.or.us">roads@co.linn.or.us</a>	ORS 758.010; Linn County Code Title 6, Chapter 690 Right-of-Way Regulation Code  Description: A construction permit is required to make improvements to access roads that intersect with county road rights-of-way or to make improvements to existing public roads. If needed, the Applicant’s third-party contractor will obtain this administrative permit from the County, which would therefore not be included in and governed by the site certificate.

## Exhibit F. Property Ownership – OAR 345-020-0011(1)(f)

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

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

*(i) Within 100 feet of property which the subject of the NOI, where the subject property is wholly or in part within an urban growth boundary;*

*(ii) Within 250 feet of property which is the subject of the NOI, where the subject property is outside an urban growth boundary and not within a farm or forest zone; or*

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

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

### **Response:**

In accordance with Oregon Administrative Rules (OAR) 345-020-0011(1)(f)(A), Attachment 2 lists the names and mailing addresses of property owners of record in Linn County that are within 500 feet of the property where the Facility site boundary is located. The entire Facility site boundary is within the Linn County Exclusive Farm Use (EFU) zoning district and OAR 345-020-0011(1)(f)(A)(iii) applies. The property owner information provided in Attachment 2 was obtained from the Linn County Assessor on May 5, 2023. An electronic list of property ownership is also provided to ODOE with the Applicant's submittal of this NOI.

# Exhibit G. Facility Maps – OAR 345-020-0011(1)(g)

*(g) Exhibit G. A map or maps showing:*

**Response:**

The required information appears on seven map figures, as follows:

*(A) The proposed locations of the energy facility site, all related or supporting facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features;*

**Response:**

Figure 1 shows the location of the Facility site boundary in relation to major roads, cities and towns, and important landmarks.

Figure 2 identifies the Facility site boundary and POI at PacifiCorp's existing Diamond Hill Substation located between the northern and southern portions of the Facility site boundary and east of Interstate 5. Areas that will be temporarily disturbed during Facility construction will occur within the Facility site boundary shown on Figure 2. A preliminary Facility site plan showing proposed locations of Facility components will be included in the ASC.

Figure 3 identifies the study areas as defined by OAR 345-001-0010(35).

Figure 4 shows the Facility site boundary in relation to nearby topographic features and illustrates the range of elevations within the vicinity of the Facility.

Figure 5 identifies protected areas as defined by OAR 345-001-0010(26) and described in Exhibit L.

Figure 6 shows the hydrology within the vicinity of the Facility based on National Wetlands Inventory (NWI) data and National Hydrography Dataset (NHD) data. This map also identifies the Federal Emergency Management Agency (FEMA) Flood Insurance Risk Management (FIRM) panels 100-year floodplain.

Figure 7 shows approximate locations of existing energy infrastructure known to the Applicant within 10 miles of the Facility site boundary, in accordance with OAR 345-001-0010(34)(b). No existing or permitted energy facilities are identified within 10 miles of the Facility site boundary.

*(B) The proposed locations of the corridors the applicant has identified under subsection (d) in relation to major roads, water bodies, cities and towns, important landmarks and topographic features;*

**Response:**

The Applicant has not identified proposed alternative corridors under subsection (d). As noted above, the Facility includes neither a pipeline nor transmission line that, by themselves, would be considered an energy facility under ORS 469.300(11)(a)(C).

*(C) The study areas for the proposed facility as defined in OAR 345-001-0010;*

**Response:**

Figure 3 shows the study areas as defined by OAR 345-001-0010(35) for land use (0.5 miles), fish and wildlife habitat (0.5 miles), wildfire risk (0.5 miles), recreational opportunities (5 miles), threatened and endangered species (5 miles), scenic resources (10 miles), public services (10 miles), and protected areas (20 miles), as defined by OAR 345-001-0010(26).

*(D) The topography of the study areas including streams, rivers, lakes, major roads and contour lines;*

**Response:**

As described above, Figure 4 shows the Facility site boundary in relation to nearby topographic features and illustrates the range of elevations in the vicinity of the Facility.

*(E) All protected areas in the study area as defined in OAR 345-001-0010 for impacts to protected areas;*

**Response:**

Figure 5 displays and labels protected areas in the study area as defined by OAR 345-001-0010(26).

*(F) The location of any potential waters of the state or waters of the United States that are on or adjacent to the site; and*

**Response:**

Figure 6 uses NWI and NHD data to show potential waters of the State or potential waters of the United States in the vicinity of the Facility site boundary. Based on available NHD data, there are mapped intermittent streams crossing through the Facility site boundary in multiple locations. Based on available NWI data, there are also multiple wetlands within the Facility site boundary. A comprehensive waters and wetlands field survey, including a formal wetland delineation, will be conducted to determine if there are waters of the State located within the Facility site boundary. Micrositing within the Facility site boundary will use 50-foot buffers between the Facility components and field delineated streams and wetlands to avoid these features. Detailed information regarding the findings of the waters and wetlands field survey will be submitted to Oregon DSL for concurrence and provided in the ASC.



*(G) For energy generation facilities, the approximate locations of any other energy generation facilities that are known to the applicant to be permitted at the state or local level within the study area as defined in OAR 345-001-0010 for impacts to public services.*

**Response:**

Based on review of publicly available information, the Applicant is not aware of other existing or to be permitted energy generation facilities within 10 miles of the Facility site boundary. Figure 7 shows approximate locations of existing energy infrastructure known to the Applicant within 10 miles of the Facility site boundary, in accordance with OAR 345-001-0010(34)(b) for impacts to public services. While no existing or permitted energy facilities are identified within 10 miles of the Facility site boundary, existing energy infrastructure includes the PacifiCorp 230-kV transmission line that runs north to south through the Facility site boundary, the Diamond Hill Substation, and a petroleum product pipeline that runs through the east side of the Facility site boundary.

# Exhibit H. Non-generating Energy Facility – OAR 345-020-0011(1)(h)

*(h) Exhibit H. If the proposed facility is a non-generating energy facility for which the applicant must demonstrate need under OAR 345-023-0005, identification of the rule in division 23 of this chapter under which the applicant intends to demonstrate need and a summary statement of the need and justification for the proposed facility.*

**Response:**

The Facility is not a non-generating energy facility. Therefore, this rule is not applicable.

# Exhibit I. Land Use – OAR 345-020-0011(1)(i)

*(i) **Exhibit I.** A statement indicating whether the applicant intends to satisfy the Council's land use standard, OAR 345-022-0030, by obtaining local land use approval under ORS 469.504(1)(a) or by seeking a Council determination under ORS 469.504(1)(b).*

**Response:**

The Applicant intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking an EFSC determination under ORS 469.504(1)(b). The Applicant seeks a determination by EFSC of Facility compliance with Linn County's land use standards.

# Exhibit J. Environmental Impacts – OAR 345-020-0011(1)(j)

*(j) Exhibit J. Identification of potential significant environmental impacts of construction and operation of the proposed facility on resources in the study areas, including those impacts affecting air quality, surface and ground water quality and availability, wildlife and wildlife habitat, threatened and endangered plant and animal species, historic, cultural and archaeological resources, scenic resources, recreation opportunities, land use, and wildfire risk.*

**Response:**

This exhibit presents potential environmental impacts from the Facility’s construction and operation on air quality; surface and groundwater quality and availability (including wetlands and waters of the State or of the United States); wildlife and wildlife habitat; threatened and endangered plant and animal species; historic, cultural, and archaeological resources; scenic and aesthetic areas (including protected areas); recreation; protected areas; land use; and wildfire risk. The analyses are based on the study area for each resource, as defined in OAR 345-001-0010(35) and shown in Table J-1.

**Table J-1. Study Areas for Environmental Impacts**

Resource	Study Area	Regulatory Requirement
Air Quality	Facility site boundary	Not applicable
Surface and Groundwater Quality and Availability (includes Wetlands and Waters of the State)	Facility site boundary	Not applicable
Fish and Wildlife Habitat	0.5 miles from Facility site boundary	OAR 345-001-0010(35)(c)
Threatened and Endangered Plant and Animal Species	5 miles from Facility site boundary	OAR 345-001-0010(35)(a)
Historic, cultural and archaeological resources	Facility site boundary	Not applicable
Scenic Resources	10 miles from Facility site boundary	OAR 345-001-0010(35)(b)
Recreational Opportunities	5 miles from Facility site boundary	OAR 345-001-0010(35)(d)
Land Use	0.5 miles from Facility site boundary	OAR 345-001-0010(35)(c)
Wildfire Risk	0.5 miles from Facility site boundary	OAR 345-001-0010(35)(c)

**Air Quality**

Air quality has the potential to be affected during construction, as well as during the operation and maintenance of the Facility, primarily due to vehicle emissions and fugitive dust generation. The solar modules, collector lines, and related or supporting facilities will not generate emissions of air contaminants, so they will consequently not have a negative impact on air quality. Because it is not

a potential emitter of air contaminants, the Facility will not require air quality permits, such as a Prevention of Significant Deterioration or Title V operating permit.

During construction, air quality impacts will be associated with gasoline and diesel engine exhaust from construction equipment and maintenance vehicles, fugitive dust resulting from vehicles driving on dirt and gravel roads, land clearing, and other construction-related activities such as rock crushing. Post-construction impacts on air quality will be limited to vehicle exhaust emissions and from dust emissions associated with vehicular traffic on dirt and gravel roads. Vehicle trips during operations will be limited to up to two Facility personnel and occasional equipment and maintenance deliveries. The Applicant will implement dust control measures during construction, which will be detailed in the ASC.

Because vehicles and dust generated during construction and operations are mobile, temporary, and non-point sources, they are not subject to air quality permitting. Facility-related vehicles, workers' vehicles, and vehicles used for delivery of construction supplies and equipment, or operational supplies, are subject to the Oregon Department of Transportation (ODOT) and United States Department of Transportation regulations for registration and emissions. Facility construction equipment will be subject to the federal non-road engine standards in 40 Code of Federal Regulations Part 89. These standards establish the maximum allowable emission rates for compression ignition non-road engines based on the model year of the engine.

## **Surface and Groundwater**

### ***Surface and Groundwater Quality***

The Facility will not discharge pollutants to surface water or groundwater. Temporary impacts due to construction stormwater runoff will be controlled in compliance with a National Pollutant Discharge Elimination System (NPDES) 1200-C permit to be issued by the Oregon Department of Environmental Quality (ODEQ), which will include an Erosion and Sediment Control Plan and NPDES 1200-A and WPCF-1000 permits for a concrete batch plant, if needed. During Facility operation, maintenance staff will use portable toilets. No operations and maintenance (O&M) building is proposed for the Facility. As a result, no on-site septic system is proposed.

### ***Surface and Groundwater Availability***

During Facility construction, up to approximately 20 million gallons of water will be used for dust suppression and road and earthwork compaction. Average water use during construction is estimated to be approximately 60,000 gallons of water per day. However, actual water needs would fluctuate daily depending on soil conditions, weather, and type of construction activity. The Applicant will confirm the estimated amount of water and will provide additional detail on water use in the ASC. Water use during construction will not adversely affect existing water rights because as described below, the amount of water used will be within the volumes authorized by existing municipal water rights.

During Facility construction, water is anticipated to be obtained from an existing municipal water source with valid water rights and trucked to the site. It is anticipated that water will be obtained from nearby municipalities in Linn County. In the ASC, the Applicant will refine the anticipated amount of water required for construction and confirm with nearby cities that one or more can provide enough water to meet the Facility requirements during construction.

If water is not available from these sources, the Applicant may apply to the Oregon Water Resources Department for a limited water use license, to allow either a new well or use of an existing well for Facility construction water. The Applicant's construction contractor will be responsible for identifying water sources and ensuring that any needed permits or approvals are obtained for water use. Water will either be used immediately or stored in a tank on site and an associated limited water use license for the storage of the water will be obtained, if necessary.

During Facility operations water will primarily be used for panel washing. Annual operational water use for the Facility is not expected to exceed approximately 300,000 gallons. The Applicant plans to obtain operations water from an existing municipal water source with valid water rights and truck the water to the Facility.

### **Wetlands and Waters of the State of Oregon**

A desktop analysis of the Facility site boundary was performed to identify potential impacts from construction and operation of the Facility on potentially jurisdictional wetlands and waters of the State or of the United States. Desktop tools included NWI and NHD data sets (USGS 2020 and USFWS 2021) and FEMA FIRM panels. The 100-year floodplain, NWI, and NHD locations and feature types are shown on Figure 6.

The NWI data indicated wetlands occur within the Facility site boundary and the NHD indicated the presence of intermittent streams in multiple locations within and adjacent to the Facility site boundary (Little Muddy Creek, Putnam Creek and Bishop Creek). The FEMA FIRM panels identified 100-year floodplain associated with Bishop Creek and Little Muddy Creek and its tributaries (FIRM panels 41043C 1145G (effective 09/29/2010) and 41043C 1435G (effective 09/29/2010)).

Wetland and water delineations will be conducted in the Facility site boundary. The delineation and assessment will be performed to meet the Oregon Removal/Fill Law (ORS 196; OAR Chapter 141, Division 85) and Section 404 of the Clean Water Act.

The wetland and water delineation report will be provided to Oregon DSL for review and concurrence and the ASC will provide more detail on the wetland and waters delineation and assessment.

### **Wildlife and Wildlife Habitat**

The Facility and 0.5-mile wildlife study area are located entirely within the Willamette Valley Ecoregion, which encompasses 5,308 square miles and runs between Portland to the north and Eugene to the south and is bound on the west by the Coast Range and on the east by the Cascade

Range. The Willamette Valley is a long, flat alluvial plain with low basalt hills, with a large area covering most of northwestern Oregon (ODFW 2016). Based on aerial imagery and National Land Cover Database (NLCD) data (NLCD 2019), habitat in the Facility site boundary is primarily hay/pasture (approximately 80 percent) followed by cultivated crops (approximately 18 percent) (Table J-2).

**Table J-1. NLCD within the Facility Site Boundary**

Land Cover Type	Area (acres)	Percent of Total Area
Cultivated Crops	289	18.2
Developed, High Intensity	<1	<0.1
Developed, Low Intensity	6	0.4
Developed, Medium Intensity	3	0.2
Developed, Open Space	6	0.4
Hay/Pasture	1,273	80.1
Woody Wetlands	12	0.7
<b>Total</b>	<b>1,588</b>	<b>100</b>

As identified in the *Wetlands and Waterways* section above, there are several streams running within and adjacent to the Facility site boundary. The Upper Willamette River does not run within or adjacent to the Facility site boundary, but is approximately 5 miles west of the Facility. The Upper Willamette River is known to harbor Chinook Salmon, Oregon Chub, Pacific lamprey and Steelhead, however, based on the lack of suitable fish-bearing streams present within the Facility site boundary, these species are unlikely to occur within the Facility site boundary.

The Facility and 0.5-mile wildlife study area are within Linn County’s “non-sensitive” habitat area (Linn County 2023) and within the big game year-round peripheral habitat according to the Conservation Biology Institute (CBI 2017 and ODFW 2017). Wildlife and habitat surveys will be performed to determine if federal or state threatened, endangered, candidate, or sensitive species are found in the Facility site boundary. Raptor nest surveys will be conducted to determine if raptor nests are found within 0.5-mile of the Facility site boundary. General information available on these species is provided in the section below.

Information collected in the wildlife and habitat reconnaissance surveys and raptor nest surveys will be used to analyze potential impacts to wildlife and wildlife habitat during construction and operation, as well as in the micrositing of Facility components to minimize impacts. The results of these surveys, including a site-specific habitat analysis and measures for avoiding, minimizing, and mitigating impacts, will be presented in the ASC.

**Sensitive, Threatened, and Endangered Species**

As noted above, wildlife and habitat surveys will be conducted within the Facility site boundary. The Applicant considered a variety of publicly available resources to determine the threatened,

endangered, and sensitive species, including listed plant species and state candidate plant species that may occur within the Facility site boundary and surrounding 5-mile study area. The information from these resources will inform the Applicant's surveys.

The Facility site boundary is within the ranges of the bald eagle and golden eagle. Based on ORBIC data, there are two known bald eagle nests within 5 miles of the Facility site boundary. The closest known golden eagle nest is approximately 1 mile south of the Facility site boundary in 2012 (Leal 2020).

Based on a desktop review of available information and knowledge of listed plant species in Oregon, there is potential for federally protected plant species and state listed or candidate plant species to occur in the vicinity of the Facility. Survey results and an analysis of potential impacts to sensitive, endangered, and threatened species will be provided in the ASC including minimization and mitigation measures developed as necessary in coordination with the ODFW.

### **Historic, Cultural, and Archaeological Resources**

Cultural resource surveys will be conducted for the Facility site boundary. This inventory will evaluate the presence or absence of historic properties and other cultural resources that may or may not meet the threshold of significance necessary to qualify them as historic properties. The study area for this field inventory consists of the entire Facility site boundary. The study methodology will follow applicable Oregon State Historic Preservation Office regulations and standards for cultural resource surveys and documentation under Section 106 of the National Historic Preservation Act (Public Law 89-665). The ASC will contain a detailed discussion of the potential impacts to potentially eligible resources.

### **Scenic Resources**

The scenic resources study area consists of the area within the Facility site boundary plus a 10-mile buffer around the Facility site boundary (Figure 3), in accordance with OAR 345-001-0010(35)(b). Pursuant to OAR 345-021-0010(1)(r) and 345-022-0080(1), scenic resources to be considered are those "identified as significant or important in a land use management plan adopted by one or more local, tribal, state, regional, or federal government or agency applicable to lands within the analysis area for scenic resources."

Local land use plans to be considered include the Linn County Comprehensive Plan, Linn County Land Development Code, and local comprehensive plans and development codes for jurisdictions within 10-miles of the Facility site boundary. Tribal land management plans will be identified and reviewed for significant or important visual resources. In addition, State plans include the Oregon Department of Forestry Western Oregon State Forest Management Plan. Federal plans such as the BLM Northwestern & Coastal Oregon Record of Decision and Resource Management Plan (BLM 2016), will be reviewed as part of the ASC. A visual assessment of scenic resources identified as significant or important in local land use plans, state land management plans and federal land management plans will be included in the ASC.



## **Recreational Opportunities**

The recreational opportunities study area consists of the Facility site boundary plus a surrounding 5-mile buffer (Figure 3), in accordance with OAR 345-001-0010(35)(d). In general, recreational activities in the study area consist of hiking, kayaking, fishing, camping, bicycling, photography, game and bird hunting, and sightseeing. These activities occur in numerous locations outside the study area, and therefore the recreational opportunities within the study area are not anticipated to rise to the level of uniqueness or irreplaceability that is required by OAR 345-022-0100(1).

Some specific recreational opportunities within the study area include boat ramps and day use areas associated with the Willamette Greenway and its multiple access points located west of the Facility site boundary. Exhibit T of the ASC will include more detailed analysis of the potential impacts to recreational resources.

## **Land Use**

The study area for land use consists of the area within the Facility site boundary plus a surrounding 0.5-mile buffer (Figure 3), in accordance with OAR 345-001-0010(35)(c). The Facility site boundary is entirely within the Linn County Exclusive Farm Use (EFU) zoning district. Land use in the Facility site boundary includes commercial farm activities, primarily dryland seed crops such as rye seed. The Facility's land use study area includes land within Linn County's EFU, Rural Residential 5-ac (RR-5) and Agribusiness (AB) zoning districts. The Facility will use and occupy more than 12 acres of high value farmland and will require an exception to Oregon Statewide Planning Goal 3, Agricultural Lands. The Goal 3 exception and other land use requirements will be evaluated in the ASC as required by OAR 345-022-0030.

## **Wildfire Risk**

The study area for wildfire risk consists of the area within the Facility site boundary plus a surrounding 0.5-mile buffer (Figure 3), in accordance with OAR 345-001-0010(35)(c). Review of the Oregon Wildfire Risk Explorer (ODF 2022) indicates that the Facility site boundary and wildfire risk study area are generally in an area associated with no to low fire risk based on annual burn probability wildfire simulation modeling. Exhibit V of the ASC will include more detailed analysis of baseline and seasonal wildfire risks, areas subject to heightened risk, and potential high-fire consequence areas in the wildfire study area pursuant to OAR 345-022-0115. If needed, the applicant will prepare a Wildfire Mitigation Plan to demonstrate the Facility will be designed, constructed, and operated in compliance with OAR 345-022-0115(b).

# Exhibit K. Community Service Impacts – OAR 345-020-0011(1)(k)

*(k) Exhibit K. Information about significant potential adverse impacts of construction and operation of the proposed facility on the ability of communities in the study area to provide the services listed in OAR 345-022-0110.*

**Response:**

Pursuant to OAR 345-001-0010(34)(b), the public services study area for impacts listed in OAR 345-022-0110 includes the Facility site boundary plus a surrounding 10-mile buffer. Public services that will be evaluated for potential impacts from the construction and operation of the Facility are listed in OAR 345-020-0011(1)(k) and outlined below:

- Sewers and sewage treatment;
- Water;
- Storm water drainage;
- Solid waste management;
- Housing;
- Traffic safety;
- Police and fire protection;
- Health care; and
- Schools.

## **Sewers and Sewage Treatment**

Sewage treatment in this rural area is limited to on-site septic systems. During construction and operation, sanitary waste will be collected on-site in portable toilets that will be provided and maintained by a licensed subcontractor. The Applicant does not anticipate requiring connection to sewers or sewage treatment facilities. Therefore, significant adverse impacts to community sewer systems are not anticipated.

## **Water**

Facility construction will require water for several activities, including concrete mixing for solar tracker system post foundations if concrete is needed, road construction, underground collection line installation, and dust control. Actual daily water use will vary depending on weather and the final construction schedule (e.g., the need for dust control will be greater in dry, windy summer

conditions than at other times of year). Construction water is anticipated to be obtained from an existing municipal water source with valid water rights and trucked to the site. It is anticipated that water will be obtained from nearby municipalities in Linn County. The Applicant plans to either obtain operations water from an existing municipal water source with valid water rights and truck the water to the Facility site, or use an exempt well allowed under ORS 537.545 to provide water to the Facility. The Facility is anticipated to use less than 5,000 gallons per day during operations, which will not require a new water right.

During the 18-month construction period, up to approximately 20 million gallons of water (66.3 acre feet) may be used for dust suppression. Average water use during construction is estimated to be approximately 60,000 gallons of water per day. However, actual water needs would fluctuate daily depending on soil conditions, weather, and type of construction activity.

During Project operation, water would be used for panel washing. Annual operational water use for the project is not expected to exceed approximately 300,000 gallons (less than 1 acre foot).

No water well will be constructed. The Facility will need to source water from private/municipal water sources. The Applicant will confirm the anticipated amount of water required for construction and operation in the ASC. Additionally, the Applicant will confirm that the identified sources can meet the Facility's water requirements during construction, and a detailed analysis of water use requirements for accessing a private or municipal source will be included. If the water sources are found to be insufficient, the Applicant will seek to obtain water from other licensed providers in nearby cities or from an existing or newly constructed well or wells permitted under a limited water use license.

During Facility construction and operation, water will only be obtained from permitted sources with adequate water rights. Therefore, public water systems will not be adversely affected by construction or operation of the Facility.

## **Stormwater Drainage**

No public stormwater facilities are proposed within the Facility site boundary. The proposed Facility will have no significant adverse impacts on stormwater drainage services or infrastructure. In the rural area in which the Facility is proposed, developed stormwater infrastructure is limited to minimal facilities associated with public roads maintained by Linn County. There are no communities located within the Facility site boundary; therefore, the Facility will have no impact on stormwater drainage services provided in urban areas.

Construction of the proposed Facility will add only a minimal amount of impervious surfaces within the Facility. Stormwater runoff generated in areas disturbed by Facility construction will be managed on-site, typically using retention and infiltration systems that will be described in the Facility NPDES 1200-C construction permit and accompanying Erosion and Sediment Control Plan. Most of the area within the Facility site boundary is vegetated, which will serve as a buffer to promote infiltration and minimize erosion. No impact on stormwater drainage is expected from the Facility.

## **Solid Waste Management**

Linn County and adjacent Benton County provide solid waste disposal and recycling services through franchise agreements with various private providers. Solid waste disposal for the Facility during construction and operations will be provided through a private contract with a local commercial hauler (or haulers) and is not anticipated to cause adverse impacts to services already being provided in the county or nearby communities. The public landfill closest to the Facility is the Coffin Butte Landfill, located approximately 33 miles north of the Facility in Benton County.

Concrete waste and packaging material will be produced during construction. Collector line construction will generate a variety of solid wastes, including concrete, scrap metal, wood, and plastics (the latter two used to secure and protect components during shipping). Excess soil from road construction and foundation excavation will be spread on-site to the extent practicable or disposed of in accordance with applicable regulations. Equipment and component replacement as well as packaging material will be produced during operations. Regular replacement of batteries will occur at the battery energy storage facilities, over the course of operations. Small amounts of office waste will also be produced during operations.

## **Housing**

### ***Construction***

An average of approximately 150 construction workers will be present on-site during Facility construction. This number will fluctuate during periods where multiple teams of contractors perform their work simultaneously. During the construction period, the Applicant estimates that a maximum of 300 employees will be on-site at one time, when multiple disciplines of contractors complete their work simultaneously during periods of the highest activity.

Construction workers will include a combination of local and nonlocally hired workers for road and facility construction, and specialized workers for certain types of specialized construction (e.g. solar array installation and testing). Some workers are expected to come from outside of the study area and will require temporary housing. The percentage of the construction workforce that is hired locally will depend on the availability of workers with appropriate skills. Additional workers may commute daily from communities outside the study area (e.g., Eugene, Corvallis, Albany, Lebanon, and Springfield), which will lessen impacts to housing associated with the in-migration of outside workers.

Construction workers hired from areas outside a commutable distance may choose to stay in local motels or other rental units for the duration of their stay, which could have temporary impacts on short-term housing if there is an inadequate supply of such short-term housing. Typical housing options for temporary workers include motels, hotels, apartments, short-term rental homes, and campgrounds or other areas where workers can park trailers or other mobile housing. Availability of temporary housing is best in larger communities within a commutable distance of the construction site, where hotels, motels, and trailer parking are available. Communities that could

potentially house temporary workers include Eugene, Corvallis, Albany, Lebanon, and Springfield. Because workers can spread out to many communities within a commutable distance, the impact to short-term housing in the immediate vicinity of the Facility will be minimal in each community. Workers from outside the area will also benefit the communities and local businesses by renting rooms, eating at local restaurants, and purchasing goods and services from local stores.

### ***Operations***

An estimated 1-2 operations and maintenance (O&M) personnel, including contract workers, will be permanently employed at the Facility at its full 199-MW capacity. Where possible, the O&M staff will be hired locally. Some outside contractors may also be required from time to time for specialized maintenance tasks, such as solar module inspections, electrical system maintenance, or the repair of solar panel and tracker equipment. The Applicant expects that the Facility will be in operation for up to 40 years. No significant adverse impacts to housing in the area are anticipated because of housing operational personnel.

### **Traffic Safety**

Primary transportation corridors are assumed to carry most construction-related heavy-duty and light-duty delivery vehicles, as well as some workforce traffic. These corridors include I-5 and Linn County roads (North Coburg Road, Coleman Drive, Diamond Hill Drive, Priceboro Drive and Mt. Tom Drive).

During the 18-month construction period, many trucks may be accessing the site on these transportation corridors. Heavy-duty trucks will carry facility components as well as gravel and other materials required to improve or construct access roads from existing roadways. Heavy-duty trucks will also provide concrete for the solar tracker system post foundations. Lighter-duty trucks will be required to deliver water, electrical equipment, and other materials. Peak volume of traffic will be providing the delivery of modules, beginning roughly 6 months prior to the completion of construction, and will continue for two months. Construction-related traffic impacts are not expected to result in significant adverse impacts to traffic safety. Improvements to county or state roads will be restricted to areas within the respective rights-of-way and subject to approval by the applicable agency.

The facility will not generate a significant traffic impact during operation, given that the facility will be managed by 1-2 full time employees. The Applicant intends to hire O&M personnel locally, where feasible. Employees will travel to work in their personal vehicles. One truck is expected to be driven to the site during operation once every few weeks. Specialized personnel responsible for inspections of the solar array may be hired from outside the area and may travel in light-duty trucks. Delivery trucks may also access the Facility during operation on an infrequent basis. Construction and operations related trips will be evaluated in the ASC.

Facility construction may temporarily increase traffic on local roads used during the construction period, including large trucks and construction equipment as well as construction workers'

vehicles. The primary transportation corridor will be I-5, and it is assumed it will carry, along with a few major state and county roads, most construction-related truck traffic and workforce traffic. Local roads anticipated to convey construction traffic include N Coburg Road and Priceboro Drive. A construction traffic management plan will be developed in cooperation with Linn County, and with nearby cities if necessary, to minimize impacts to traffic safety. If needed, the Applicant will enter into road use agreements with Linn County to ensure that public roads impacted by construction will be left in “as good or better” condition than that which existed prior to the start of construction.

## **Police and Fire Protection**

The Linn County Sheriff’s Office, located in Albany, serves the Facility site boundary. The Applicant will seek assistance from the county sheriff’s office for police services. The relatively small number of new temporary and permanent residents is not anticipated to place significant new demands on the providers of police protection in the area.

The Applicant will work with the Linn County Fire District to address potential needs for a construction phase fire prevention and management plan. The Applicant will also develop First Aid and Emergency Response procedures for the construction and operation phases for the Facility. Development of these plans will involve consultation with local emergency response agencies. The Applicant will notify the fire protection districts of construction plans, identify the location of and access to Facility facilities, and assist (if able) in the case of fire in or around the Facility. The Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code. Fire danger during construction will be reduced through implementation of safe working practices, such as maintaining adequate firefighting equipment and water supplies on hand during operations that carry a high fire risk, conducting welding within a cleared or graveled area, and preventing parking of vehicles in areas with high, dry grass. Given the inherent fire-safety features of Facility components and the relatively small number of new temporary and permanent residents, significant new demands on the fire protection forces that serve the area are not anticipated.

## **Health Care**

Because population density in the study area is relatively low, hospitals and health care services tend to be regional. The nearest hospitals are the PeaceHealth Sacred Heart Medical Center at Riverbend, approximately 18 miles south in Springfield and Samaritan Albany General Hospital, approximately 30 miles north in Albany. The nearest Level III trauma center is the McKenzie-Willamette Medical Center in Springfield (Oregon Health Authority 2023a). Ambulance service in the area is provided by Mid-Valley Ambulance of Springfield (Oregon Health Authority 2023b). Some of the nearby fire districts also have First Response Vehicles, with equipment and crew trained to stabilize a patient until the arrival of an ambulance for transport. In the event of a serious injury during construction or operation of the Facility, the patient may be flown by helicopter (operated by Life Flight) to one of the two Level 1 hospitals located in Portland: Oregon Health & Science University Hospital or Legacy Emmanuel Medical Center (Oregon Health Authority 2023a).

As per the Occupational Safety and Health Administration's regulations for sites with greater than 100 workers on-site, the Applicant anticipates the need to have a safety manager on-site for the Facility during construction. Fulfilling this requirement will be the responsibility of the Facility construction contractor hired by the Applicant. Having site-specific procedures and a dedicated individual on-site to deal with health and safety matters allows for appropriate oversight and timely response to potential incidents that may occur during Facility construction.

Impacts on health care would be entirely temporary in nature and would probably only occur in the event if an accident affecting multiple employees during construction. Impacts on local health care services will be minimized by careful management of site health and safety risks. The small number of new temporary and permanent residents is not expected to place significant new demands on the health care facilities that serve the area.

### **Schools**

The Facility is located within Harrisburg School District. The schools closest to the Facility are Harrisburg Elementary, Middle and High Schools, located 8 miles east from the Facility site boundary. Other nearby schools in the Linn County School District that are outside of the 10-mile analysis area that may experience an increase in enrollment due to the Facility include schools in Junction City, Coburg, Springfield, Eugene, or Albany. Because construction work for the Facility will be short-term and temporary, and because peak construction will occur during the summer months, no new students are anticipated in association with Facility construction. Only minimal demand is expected from the small increase in local population resulting from up to two new permanent employees during Facility operations. Actual impacts on schools will depend on the housing choices of new residents with children, which is unknown. Given the dispersed area in which new residents are likely to settle, the small number of new school children expected, and the number of schools available, it is unlikely that any one school will receive more new students than it can accommodate. As a result, no significant adverse impacts on the ability of communities to provide school services are anticipated because of Facility operation.

# Exhibit L. Protected Areas – OAR 345-020-0011(1)(I)

*(L) Exhibit L. A list of all protected areas in the study area for impacts to protected areas identifying:*

*(A) The distance and direction of the protected area from the proposed facility;*

*(B) The basis for protection of the area, by reference to a specific subsection of OAR 345-001-0010(26); and*

*(C) The name, mailing address, phone number, and email address of the land management agency or organization with jurisdiction over the protected area;*

**Response:**

The protected areas study area is the Facility site boundary plus a surrounding 20-mile buffer (Figure 5), in accordance with OAR 345-001-0010(35)(e). Protected areas are defined and listed in OAR 345-001-0010(26). Table L-1 lists known protected areas within the study area, which are shown on Figure 5. Exhibit L of the ASC will include more detailed analysis of the potential impacts to protected areas.



Table L-1. Protected Areas Inventory

Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	Area Name				
National Park or other unit of the National Park System OAR 345-001-0010(26)(a)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020).
National Monument OAR 345-001-0010(26)(b)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020).
Wilderness Area OAR 345-001-0010(26)(c)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020 and 2022).
Wild, Scenic, or Recreational River included in the National Wild and Scenic River System OAR 345-001-0010(26)(d)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020 and 2022).
National Wildlife Refuge included in the National Wildlife Refuge System OAR 345-001-0010(26)(e)	William L. Finley National Wildlife Refuge	15	Northeast	USFWS – William L. Finley National Wildlife Refuge 26208 Finley Refuge Road Corvallis, OR 97333-9533 (541) 757-7236 No email listed	Confirmed via USGS Protected Areas Database of the United States (USGS 2022).
National Fish Hatcheries OAR 345-001-0010(26)(f)	None	N/A	N/A	N/A	Confirmed none via Oregon Department of Fish and Wildlife - Natural Resources Information Management Program - Hatchery Data (ODFW 2014).
National Recreation area, National Scenic area, or Special Resources Management Unit OAR 345-001-0010(26)(g)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020 and 2022).
Wilderness Study Area OAR 345-001-0010(26)(h)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020 and 2022).
<b>Land designated in a federal land management plan or by an act of Congress as (includes Areas of Critical Environmental Concern, Outstanding Natural Areas, Research Natural Areas, Experimental Forests or Ranges, and Special Interest Areas)</b>					
Area of Critical Environmental Concern OAR 345-001-0010(26)(i)(A)	Ferguson Creek ACEC	15	West	BLM – Oregon/Washington State Office; Siuslaw Field Office	Confirmed via BLM Oregon Areas of Critical Environmental Concern (BLM 2023a).

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Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	Area Name				
Area of Critical Environmental Concern OAR 345-001-0010(26)(i)(A)	Nails Creek ACEC	15	West	3106 Pierce Parkway Suite E Springfield, OR 97477 (541) 683-6600 blm_or_eu_mail@blm.gov	
	Waterloo ACEC	18	Northeast		
	Oak Basin Prairies ACEC	5	Northeast, East		
	Grassy Mountain ACEC	12	East		
	McGowan Meadow ACEC	5	Southeast		
	Upper Willamette Valley Margin ACEC	19.5	Southeast		
	Willamette Valley Prairie Oak and Pine Area ACEC	18	Southeast		
	Lorane Ponderosa Pine ACEC	19.5	South		
	Long Tom ACEC	20	South		
Outstanding Natural Area OAR 345-001-0010(26)(i)(B)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020) and BLM website (BLM 2023b).
Research Natural Area OAR 345-001-0010(26)(i)(C)	Mohawk RNA	5	Southeast	Institute for Natural Areas (headquarters) Oregon State University 234 Strand Hall 170 SW Waldo Place Corvallis, OR 97331-8680 (541) 737-9918 inr@oregonstate.edu	Confirmed via Oregon Natural Area Plan of 2020 (ORBIC 2020).
	Fox Hollow RNA	20	Southwest		
	Horse Rock Ridge RNA	7	East		
	Maple Knoll RNA	16	Northwest		
	Pigeon Butte RNA	15	Northwest		
	Willamette Floodplain RNA	15	Northwest		
	Fern Ridge RNA	14	Southwest		
Experimental Forest or Range OAR 345-001-0010(26)(i)(D)	None	N/A	N/A	N/A	Confirmed none via Oregon State University GIS data for HJ Andrews Experimental Forest (OSU 2019) and BLM website (BLM 2023b).

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Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	Area Name				
Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values OAR 345-001-0010(26)(i)(E)	None	N/A	N/A	N/A	Confirmed using BLM website (BLM 2023b).
State park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the Oregon Parks and Recreation Department OAR 345-001-0010(26)(j)	Marshall Island Landing	5	West	OPRD 725 Summer Street NE, Suite C Salem, OR 97301 (800) 551-6949 park.info@oregon.gov	Confirmed via Oregon Parks and Recreation Department State Parks database (OPRD 2014).
	Washburne State Wayside	10	Northwest		
	Thompson's Mill State Heritage Site	10-15	North		
	Alderwood State Wayside	19	West		
	Jasper State Recreation Site	18	Southeast		
Willamette River Greenway OAR 345-001-0010(26)(k)	Beacon Landing; Blue Ruin Island; Blue Ruin Landing; Bristow Landing; Brown's Landing; Buckskin Mary Landing; Camas Swale Landing; Christensen's Boat Ramp; Glass Bar Access; Gravel Bar Landing; Green Island Landing; Halsey; Harkens Lake North Landing; Harkens Lake South Landing; Jasper Bridge Access; Kiger Island Landing; Log Jam Access; Log Jam Landing; Marshall Island Access; OPRD-W82; Pisgah Landing; River Jetty Landing; Roger's Bend Landing; Sam Daws Landing; Scandia Landing; Seavy Landing; Whitely Landing; Willis Refuge	5 at minimum	Northwest, West, Southwest, South, Southeast	N/A	Confirmed via Oregon Parks and Recreation Department State Parks database (OPRD 2014).
Natural area listed in the Oregon Register of Natural Areas OAR 345-001-0010(26)(l)	Coburg Ridge Preserve	8	South	NR-Corvallis (headquarters) Oregon State University 234 Strand Hall 170 SW Waldo Place Corvallis, OR 97331-8680 (541) 737-9918 inr@oregonstate.edu	Confirmed via Oregon Natural Area Plan of 2020 (ORBIC 2020).
	Willow Creek Preserve	16	Southwest		
	Willamette Confluence Preserve	16	South		
	Cogswell-Foster Preserve	7	Northwest		
	Courtney Creek Preserve	6	Northeast		
	Horse Rock Ridge Preserve	5	East		
	Rattlesnake Butte Preserve	16	West		
South Slough National Estuarine Research Reserve OAR 345-001-0010(26)(m)	None	N/A	N/A	N/A	Confirmed none via Oregon Natural Area Plan of 2020 (ORBIC 2020).

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Protected Areas within 20 Miles of Facility Site Boundary		Distance to Facility Site Boundary (miles)	Direction from Facility	Agency Contact Information	Data Source
Type	Area Name				
State Scenic Waterway OAR 345-001-0010(26)(n)	None	N/A	N/A	N/A	Confirmed none via USGS Protected Areas Database of the United States (PADUS 2020 and 2022).
State Wildlife Refuge or Management Area OAR 345-001-0010(26)(o)	Fern Ridge	12	Southwest	Fern Ridge Wildlife Area 26969 Cantrell Road Eugene, OR 97402 (541) 935-2591 <a href="https://myodfw.com/fern-ridge-wildlife-area-visitors-guide">https://myodfw.com/fern-ridge-wildlife-area-visitors-guide</a>	Confirmed via Oregon Department of Fish and Wildlife, Wildlife Areas Data Clearinghouse (ODFW 2022).
	Courtney Creek	10	north	ODFW 4034 Fairview Industrial Drive SE Salem, OR 97302 (503) 947-6000 <a href="https://dfw.state.or.us/habitat/wwmp/properties/courtney_creek.asp">https://dfw.state.or.us/habitat/wwmp/properties/courtney_creek.asp</a>	
	Junction City Pond and Archery Park	7	West	ODFW 4034 Fairview Industrial Drive SE Salem, OR 97302 (503) 947-6000	
Fish hatchery operated by the Oregon Department of Fish and Wildlife OAR 345-001-0010(26)(p)	South Santiam Hatchery	20	Northeast	ODFW 4034 Fairview Industrial Drive SE Salem, OR 97302 (503) 947-6000	Confirmed via Oregon Department of Fish and Wildlife - Natural Resources Information Management Program - Hatchery Data (ODFW 2014).
Agricultural experiment station, experimental area, or research center established by Oregon State University OAR 345-001-0010(26)(q)	None	N/A	N/A	N/A	Reviewed using OSU website and PDF maps (OSU 2022).
Research forest established by Oregon State University OAR 345-001-0010(26)(r)	None	N/A	N/A	N/A	Reviewed using OSU website and PDF maps (OSU 2023).

# Exhibit M. Water Sources and Use – OAR 345-020-0011(1)(m)

*(m) Exhibit M. Information about anticipated water use during construction and operation of the proposed facility, including:*

*(A) A description of each source of water and the applicant's estimate of the amount of water the facility will need from each source.*

**Response:**

Information regarding the anticipated water use during construction and operation of the proposed Facility is described below.

## **Construction**

During construction, the Applicant anticipates obtaining water from an existing municipal water source with valid water rights and trucked to the site. It is anticipated that water will be obtained from nearby municipalities in Linn County. If sufficient water is not available from these sources, the Applicant may apply to the Oregon Water Resources Department for a limited water use license, to allow either a new well or use of an existing well for Facility construction water.

In the ASC, the Applicant will verify the anticipated amount of water required for construction and confirm that the local utilities are capable of serving as a water source to meet the Facility requirements during construction. The construction contractor will be responsible for obtaining water for construction. An estimated 20 million gallons of water will be needed for dust control, road compaction, concrete mixing, and other construction uses. However, the amount of water applied daily is highly dependent on weather and varies between construction periods and duration. In addition, the Applicant is still determining the phasing of construction, solar panel vendor and quantity as well as overall Facility layout. The ASC will contain a detailed analysis of water use requirements during construction.

## **Operation**

During Facility operation, water would be used for panel washing. Annual operational water use for the project is not expected to exceed approximately 300,000 gallons (less than 1 acre foot). The Applicant plans to obtain operations water from an existing municipal water source with valid water rights and truck the water to the Facility site. The Facility is anticipated to use less than 5,000 gallons per day during operations

*(B) If a new water right is required, the approximate location of the points of diversion and the estimated quantity of water to be taken at each point; and*

**Response:**

At this time, it is not anticipated that the Facility will require new water rights.

*(C) For operation, the source of cooling water and the estimated consumptive use of cooling water, based on annual average conditions.*

**Response:**

The Facility is a solar photovoltaic power generation facility. No cooling water is required for operation.

# Exhibit N. Carbon Dioxide Emissions – OAR 345-020-0011(1)(n)

*(n) Exhibit N. If the proposed facility would emit carbon dioxide, an estimate of the gross carbon dioxide emissions that are reasonably likely to result from the operation of the facility and a statement of the means by which the applicant intends to comply with the applicable carbon dioxide emissions standard under OAR 345-024-500.*

**Response:**

The Facility will not emit carbon dioxide. Therefore, these rules are not applicable.

# Exhibit O. Evaluation of Statutes, Rules, and Ordinances – OAR 345-020-0011(1)(o)

*(o) Exhibit O. Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant must analyze and describe any problems the applicant foresees in satisfying the requirements of any such statute, rule or ordinance.*

**Response:**

Table O-1 identifies state statutes, administrative rules, and local government ordinances containing standards or criteria that the Applicant must meet for EFSC to issue a Site Certificate beyond the statutes, rules, and ordinances identified in Exhibit E. The Applicant does not anticipate problems in meeting specific requirements.

**Table O-1. Statutes, Rules, and Ordinances Containing Relevant Standards or Criteria**

Department	Legal Citation	Agency Address
Oregon Department of Agriculture	OAR 345-022-0070 Threatened and Endangered Species Plant Conservation Biology Program— ORS 564.105; OAR Chapter 603, Division 73-0070	Oregon Department of Agriculture 635 Capitol Street NE Salem, OR 97301 (503) 986-4550
Oregon Department of Fish and Wildlife	OAR 345-022-0060 Fish and Wildlife Habitat and OAR 345-022-0070 Threatened and Endangered Species Habitat Conservation - ORS 496.172(2); OAR Chapter 635, Divisions 100 and 415	Springfield Field Office 3150 E Main Street Springfield, OR 97478 (541) 726-3515
Oregon Water Resources Department – Water Rights Division	OAR 345-022-0020 General Standard of Review ORS Chapters 537, 540; OAR Chapter 690	Oregon Water Resources Department 725 Summer Street NE, Suite A Salem, OR 97301 (503) 986-0900
Oregon Department of State Lands	OAR 345-022-0020 General Standard of Review OAR Chapter 141	Oregon Department of State Lands 775 Summer St. NE, Suite 100 Salem, OR 97301 (503) 986-5200



**Notice of Intent to Apply for a Site Certificate**

<b>Department</b>	<b>Legal Citation</b>	<b>Agency Address</b>
ODEQ – Water Quality & Stormwater Control	OAR 345-022-0022 Soil Protection ORS 468 and 468B; OAR Chapter 340, Divisions 41, 45, and 55	Oregon Department of Environmental Quality 4026 Fairview Industrial Drive SE Salem, OR 97302 (503) 229-5257
ODEQ—Noise	OAR 345-022-0020 General Standard of Review ORS 467; OAR Chapter 340, Division 35	Oregon Department of Environmental Quality 4026 Fairview Industrial Drive SE Salem, OR 97302 (503) 229-5257
ODEQ—Hazardous Waste Management	OAR 345-022-0120 Waste Minimization ORS 465 and 466; OAR Chapter 340, Divisions 100-122	Oregon Department of Environmental Quality 4026 Fairview Industrial Drive SE Salem, OR 97302 (503) 229-5257
ODEQ—Solid Waste	OAR 345-022-0120 Waste Minimization ORS 459; OAR Chapter 340, Division 93	Oregon Department of Environmental Quality 4026 Fairview Industrial Drive SE Salem, OR 97302 (503) 229-5257
Oregon Department of Geology and Mineral Industries	OAR 345-022-0020 Structural Standard OAR Chapter 632, Division 1	Oregon Department of Geology and Mineral Industries 800 NE Oregon Street, Suite 965 Portland, OR 97232 (971) 673-1555
Oregon Parks and Recreation Department, State Historic Preservation Office —Archaeological	OAR 345-022-0090 Historic, Cultural and Archaeological Resources Native American Graves and Protected Objects—ORS 97.740-97.760 Archaeological Objects and Sites—ORS 358.90-358.955 Permit and Conditions for Excavation or Removal of Archaeological or Historical Materials on Private Lands (OAR 736-051-0090)	State Historic Preservation Office 725 Summer Street NE, Suite C Salem, OR 97301 (503) 986-0690
Oregon Office of State Fire Marshal— Emergency Planning and Community Right to Know Act	OAR 345-022-0115 Wildfire Prevention and Risk Mitigation ORS 453; OAR Chapter 837, Divisions 85 and 95; Fire and Life Safety Regulations, OAR 837, Division 40	Oregon Office of State Fire Marshal 3565 Trelstad Ave SE Salem, OR 97317 (503) 378-3473
Oregon Office of State Fire Marshal	OAR 345-022-0115 Wildfire Prevention and Risk Mitigation 2019 Oregon Fire Code; OAR Chapter 837, Division 40	Oregon Office of State Fire Marshal 3565 Trelstad Ave SE Salem, OR 97317 (503) 378-3473

**Notice of Intent to Apply for a Site Certificate**

<b>Department</b>	<b>Legal Citation</b>	<b>Agency Address</b>
Oregon Department of Land Conservation and Development	OAR 345-022-0030(2) and (3) Land Use Oregon Statewide Planning Goals, applicable sections of OAR Chapter 660, applicable substantive criteria of the Linn County Comprehensive Plan and land use ordinances, and any exceptions to the same may be granted by the Council under OAR 345-022-0030(4).	Department of Land Conservation and Development 635 Capitol Street NE, Suite 150 Salem, OR 97301 (503) 373-0050
Linn County Planning Department – Land Use <sup>1</sup>	OAR 345-022-0030(2)(a) Land Use Linn County Zoning Ordinance	Linn County Planning & Building 300 SW 4th Avenue, Room 114 PO Box 100 Albany, OR 97321 (541) 967-3816
<p>1. As stated in Exhibit I: The Applicant intends to satisfy EFSC's land use standard, OAR 345-022-0030, by seeking an EFSC determination under ORS 469.504(1)(b). The Applicant seeks a determination by EFSC of compliance with land use standards from Linn County.</p>		

# Exhibit P. Schedule for Application for Site Certificate – OAR 345-020-0011(1)(p)

*(p) Exhibit P. A schedule stating when the applicant expects to submit a preliminary application for a site certificate.*

**Response:**

The Applicant intends to submit the NOI and Preliminary ASC according to the schedule shown in Table P-1.

**Table P-1. Proposed Schedule for Application for Site Certificate Submittal**

Activity	Anticipated Date
Applicant submits the NOI to ODOE	May 2023
EFSC reviews the NOI, distributes public notice, conducts public information meeting as needed, facilitates comment period, and issues Project Order	May – July 2023
Applicant submits Preliminary ASC to ODOE	November 2023

## **Exhibit Q. Evidence of Consultation with State Commission on Indian Services – OAR 345-020-0011(1)(q)**

*(q) Exhibit Q. Evidence of consultation with the Legislative Commission on Indian Services to identify each appropriate tribe to consult with regarding the proposed facility's possible effects on Indian historic and cultural resources.*

**Response:**

The Applicant submitted a letter to the Oregon Legislative Commission on Indian Services to identify appropriate tribes to contact regarding possible effects of the Facility on Indian historic and cultural resources. On April 12, 2023 the Legislative Commission provided a letter identifying the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz, and the Confederated Tribes of Warm Springs Reservation as tribal governments that should be notified (Attachment 3).

# References

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# Figures

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# Muddy Creek Energy Park

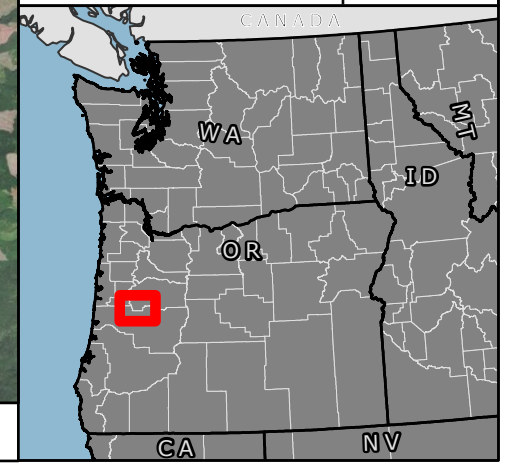
## Figure 1 Site Vicinity

LINN COUNTY, OR

- Facility Site Boundary
- City/Town
- County Boundary
- Interstate Highway
- US Highway
- State Highway
- County Highway



### Reference Map

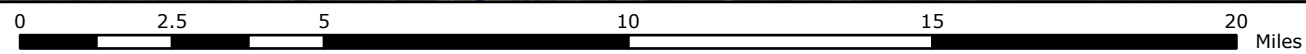


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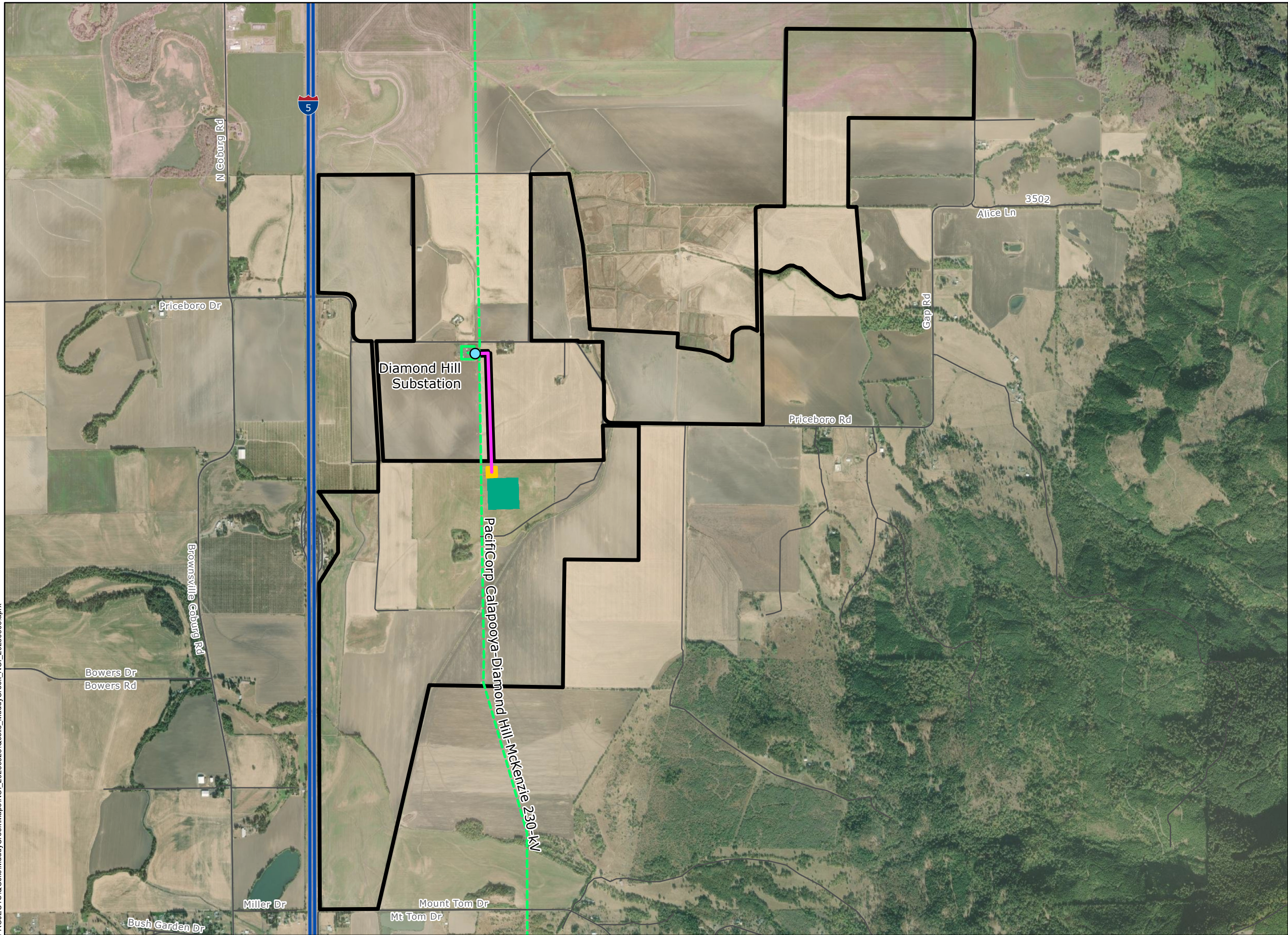
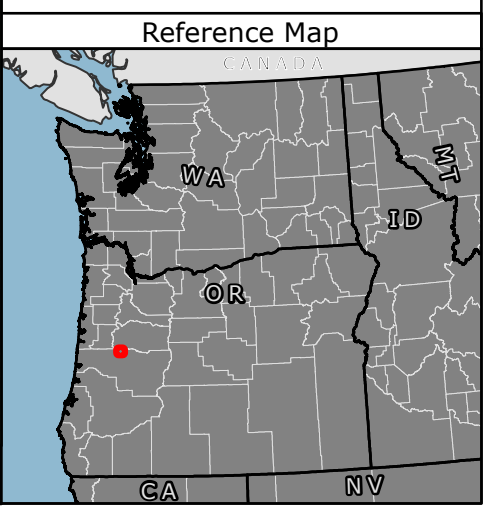


# Muddy Creek Energy Park

## Figure 2 Facility Site Overview

LINN COUNTY, OR

-  Facility Site Boundary
-  Point of Interconnect
-  Generation-tie Line
-  Collector Substation
-  Battery Energy Storage System
-  Interstate Highway
-  Local Roads
-  Existing Transmission Line
-  Existing Substation

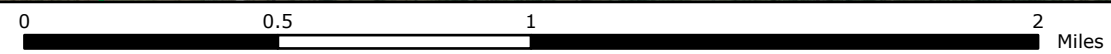


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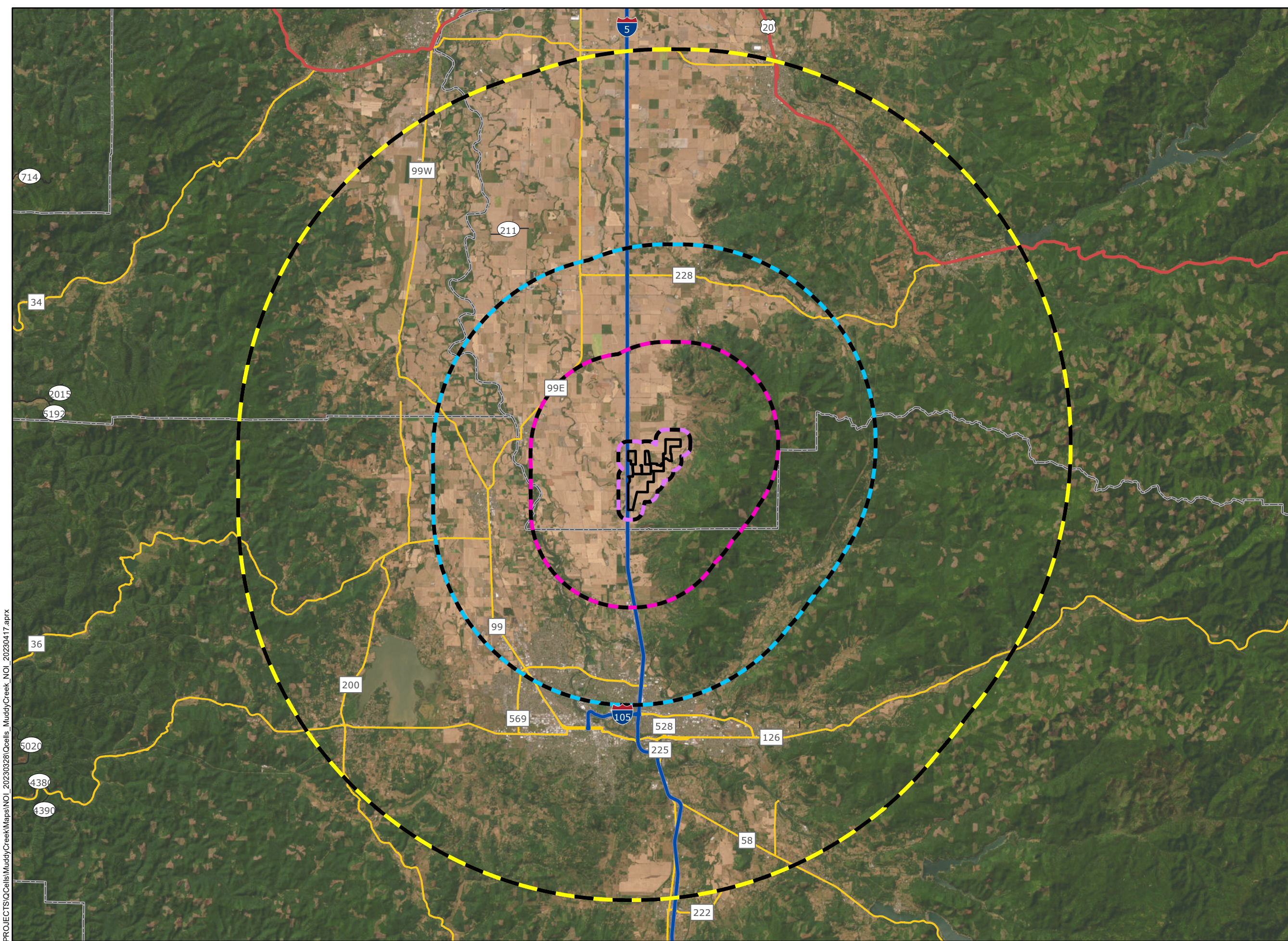
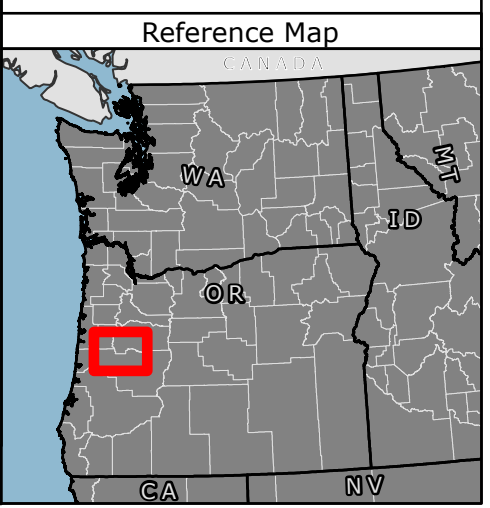


# Muddy Creek Energy Park

## Figure 3 Study Area Boundaries

LINN COUNTY, OR

-  Facility Site Boundary
  -  County Boundary
  -  Interstate Highway
  -  US Highway
  -  State Highway
  -  County Highway
- Study Areas
-  0.5 miles: Land Use; Wildfire Risk; Fish and Wildlife Habitat
  -  5 miles: Recreational Opportunities; Threatened and Endangered Plant and Animal Species
  -  10 miles: Scenic Resources and Public Services
  -  20 miles: Protected Areas






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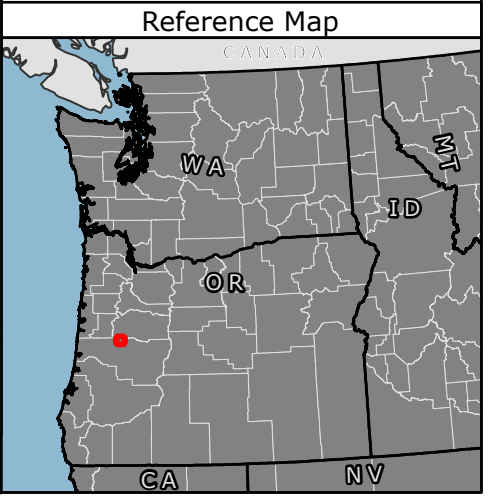
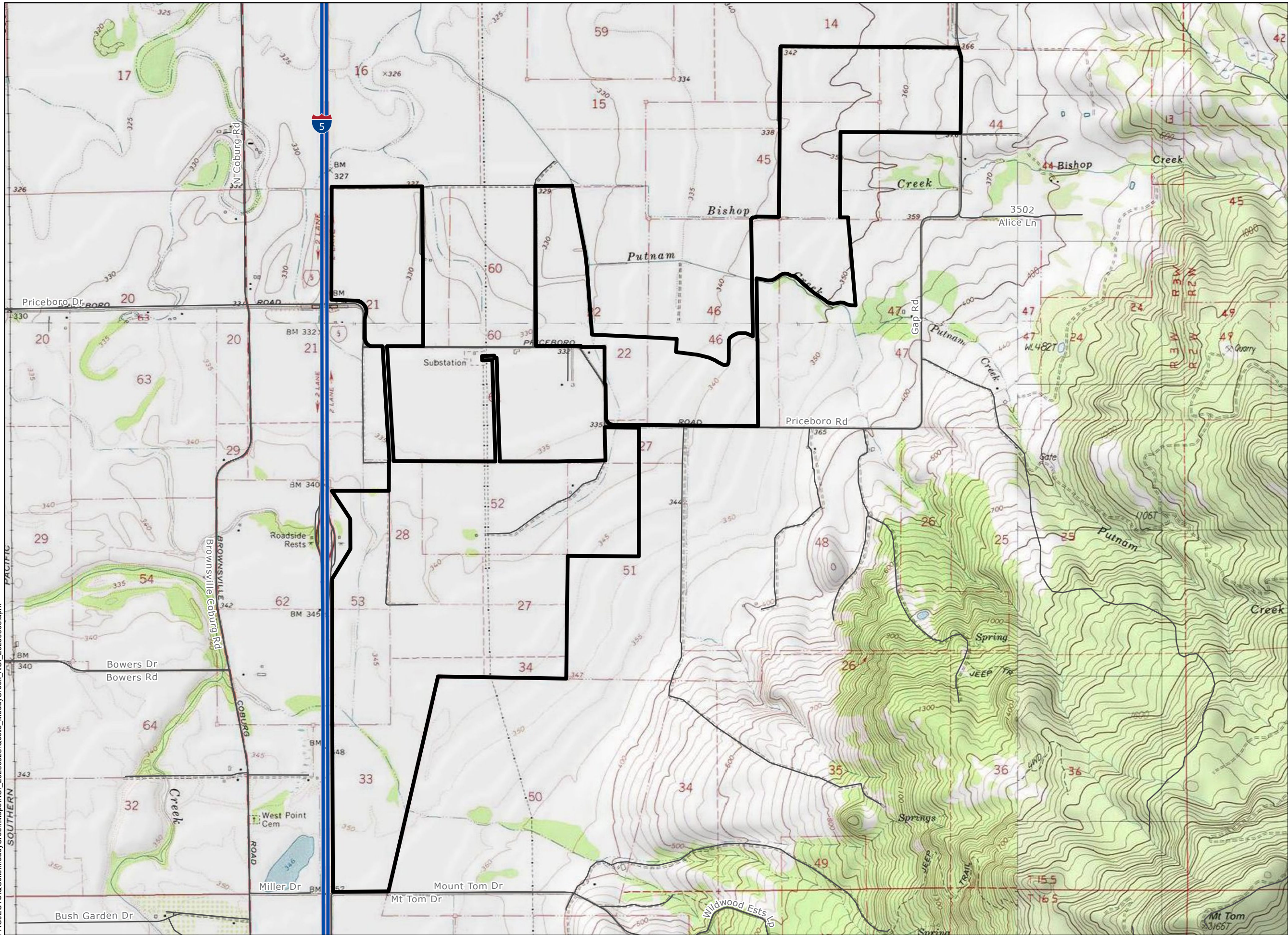


# Muddy Creek Energy Park

## Figure 4 Topography

LINN COUNTY, OR

-  Facility Site Boundary
-  Interstate Highway
-  Local Roads

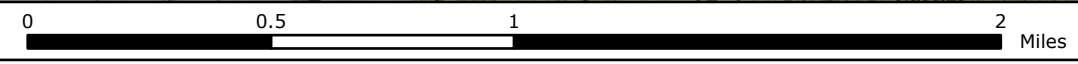


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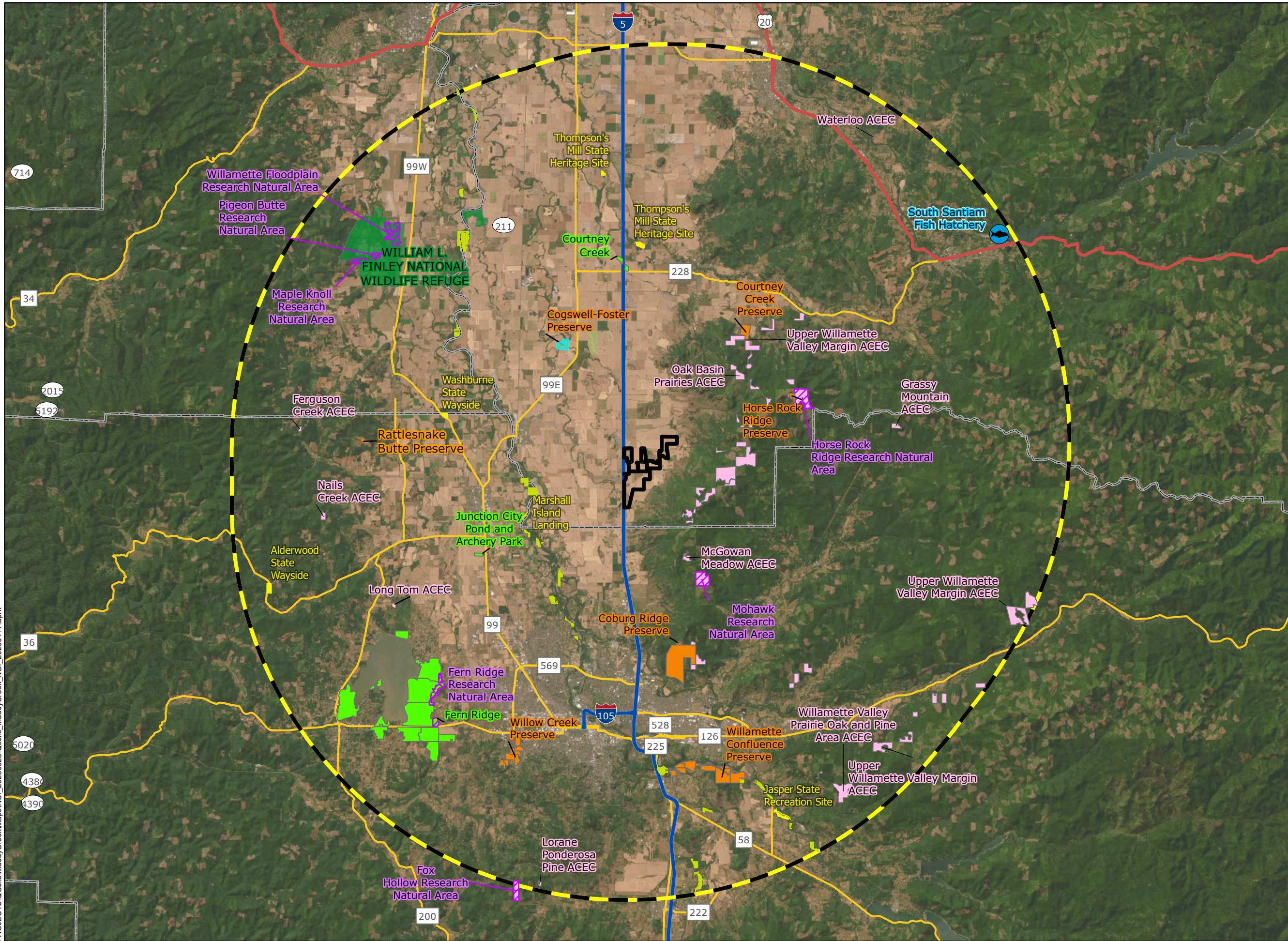
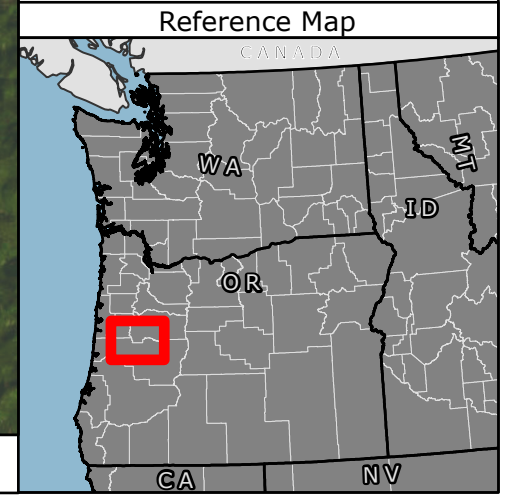


# Muddy Creek Energy Park

## Figure 5 Protected Areas

LINN COUNTY, OR

-  Facility Site Boundary
  -  Study Area (20-mile Buffer)
  -  County Boundary
  -  Interstate Highway
  -  US Highway
  -  State Highway
- Protected Areas
-  National Wildlife Refuge (USFWS)
  -  Area of Critical Environmental Concern (BLM)
  -  Research Natural Area
  -  State Heritage Site, Recreation Site, or Wayside (OPRD)
  -  Willamette River Greenway (OPRD)
  -  Oregon Natural Area
  -  State Wildlife Management Area (ODFW)
  -  Fish Hatchery (ODFW)
-  TETRA TECH  qcells

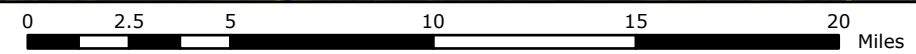


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





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# Muddy Creek Energy Park

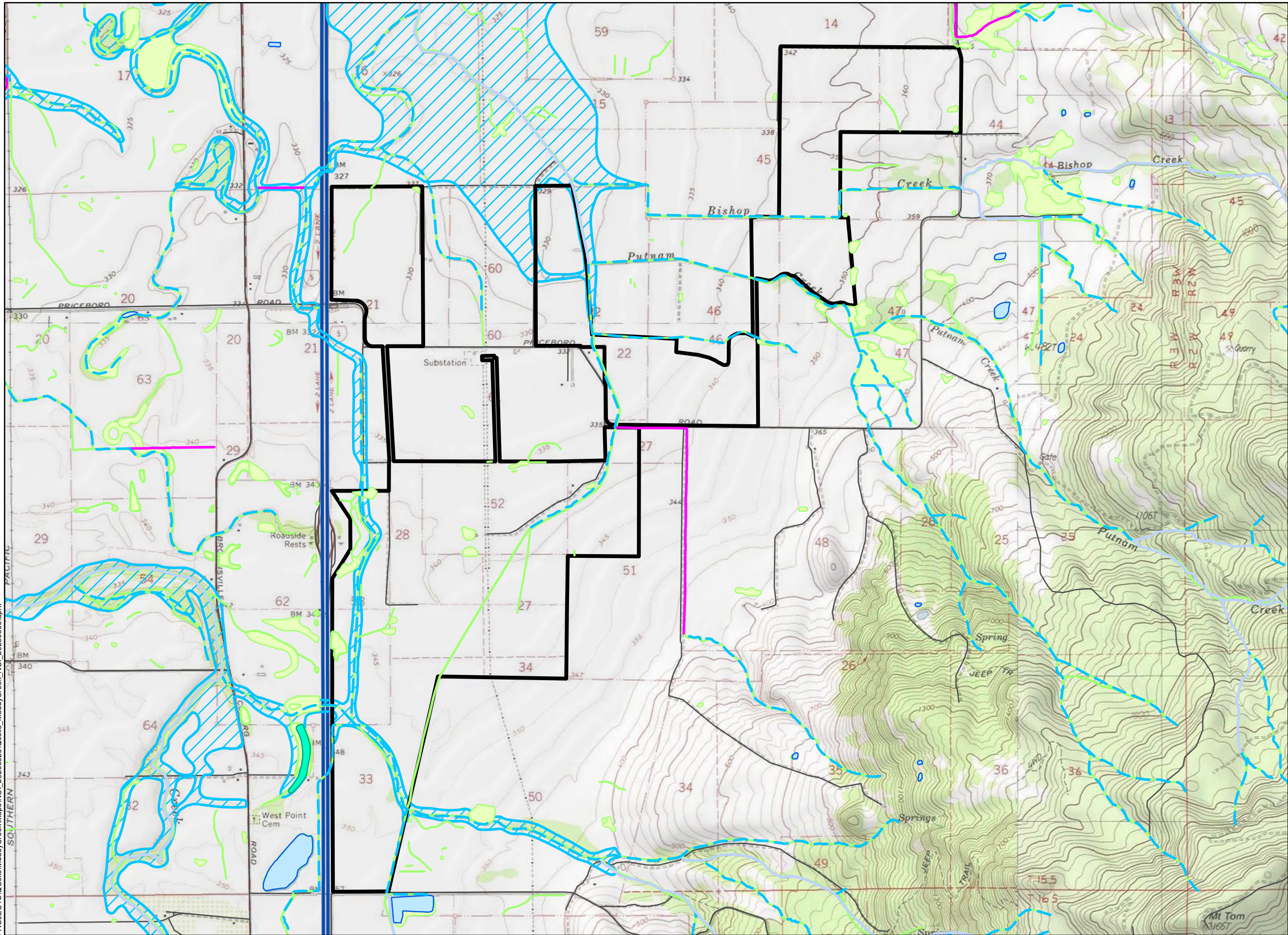
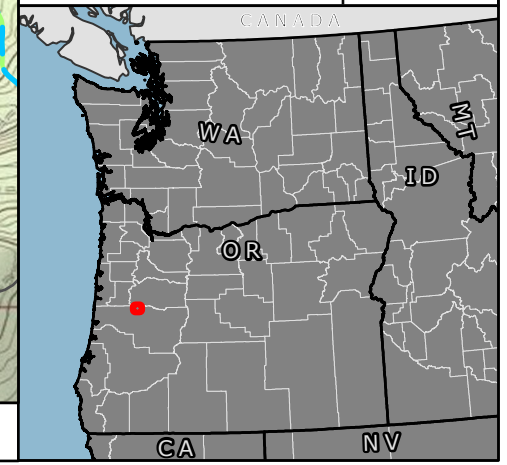
## Figure 6 National Wetlands Inventory and National Hydrography Data

LINN COUNTY, OR

-  Facility Site Boundary
-  Interstate Highway
-  Local Roads
- Wetlands (NWI)
-  Wetland
- Waters (NHD)
-  Canal/Ditch
-  Intermittent
-  Perennial
-  Lake/Pond
-  Swamp/Marsh
- Flood Hazard Areas (FEMA)
-  100-year Floodplain
-  (1% Annual Chance Flood Hazard)



### Reference Map

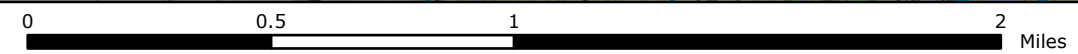


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







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# Muddy Creek Energy Park

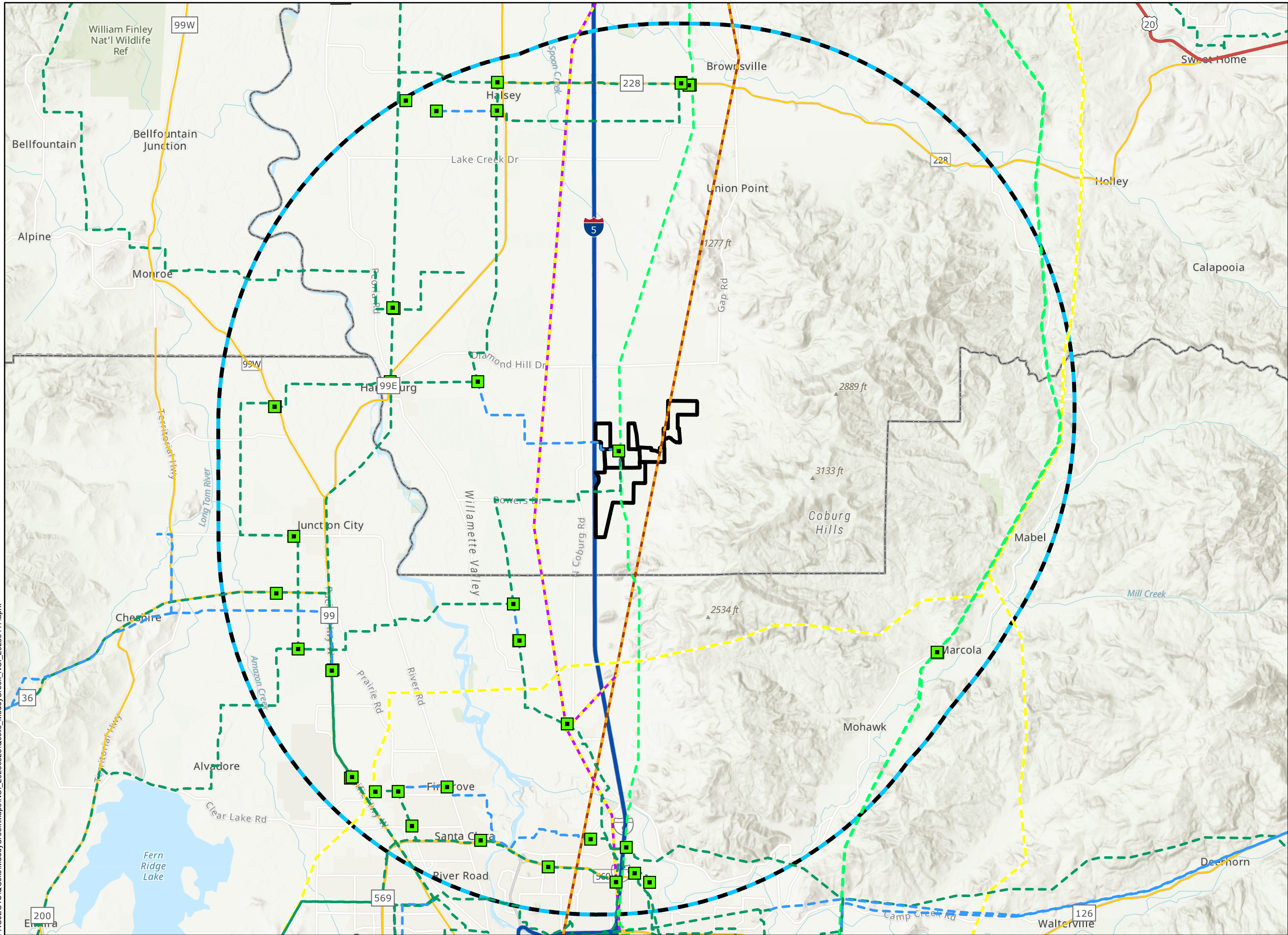
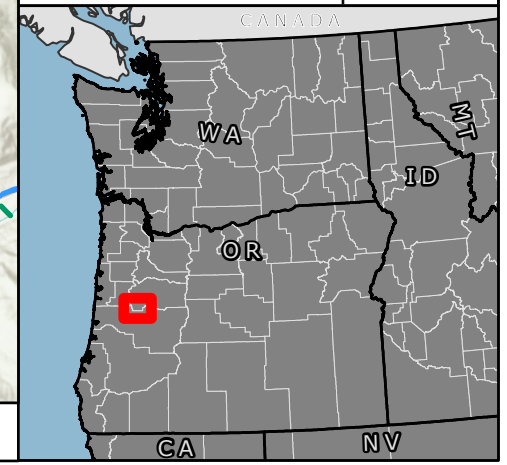
## Figure 7 Energy Facilities

LINN COUNTY, OR

-  Facility Site Boundary
-  Study Area (10-mile Buffer for Public Services)
-  County Boundary
-  Interstate Highway
-  US Highway
-  State Highway
-  County Highway
- Existing Energy Infrastructure**
-  Substation
-  Natural Gas Pipeline
-  Petroleum Product Pipeline
- Transmission Line Voltage**
-  500 kV
-  230 kV
-  100-161 kV
-  Under 100 kV



Reference Map



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# **Attachment 1. Articles of Incorporation**

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Secretary of State  
Corporation Division  
255 Capitol Street NE, Suite 151  
Salem, OR 97310-1327

Phone: (503) 986-2200  
FAX: (503) 378-4381  
sos.oregon.gov/business

**REGISTRY NUMBER: 199399297**  
**TYPE: FOREIGN LIMITED LIABILITY COMPANY**

**Next Renewal Date: 7/19/2023**

MUDDY CREEK ENERGY PARK LLC  
300 SPECTRUM CENTER DR STE 1250  
IRVINE CA 92618

### Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

<b>DOCUMENT</b>	<b>FILED ON</b>	<b>STATUS</b>
APPLICATION FOR AUTHORITY	7/19/2022	ACTIVE

**NAME**  
MUDDY CREEK ENERGY PARK LLC

**JURISDICTION**  
DELAWARE

**PRINCIPAL PLACE OF BUSINESS**  
300 SPECTRUM CENTER DR STE 1250  
IRVINE, CA 92618

**REGISTERED AGENT**  
C T CORPORATION SYSTEM  
780 COMMERCIAL ST SE STE 100  
SALEM, OR 97301

**MAILING ADDRESS**  
300 SPECTRUM CENTER DR STE 1250  
IRVINE, CA 92618

JENGRA  
ACK - NEWAUT  
07/19/2022



Application for Authority to Transact Business - Foreign Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200

REGISTRY NUMBER:

199399297

For office use only

FILED: JUL 19, 2022
OREGON SECRETARY OF STATE



199399297-23615797

MUDDY CREEK ENERGY PARK LLC

NEWAUT

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1) NAME: Muddy Creek Energy Park LLC

NOTE: (Must contain the words "Limited Liability Company" or the abbreviations "LLC" or "L.L.C.") Must be identical to the name of record in home jurisdiction.

2) REGISTRY NUMBER IN HOME JURISDICTION 6875457

OR: CERTIFICATE OF EXISTENCE (ATTACHED)

(Please provide a web-verifiable registry number from the entity's home jurisdiction. Certain states, such as Delaware and New Jersey, do not provide status information online. Entities from such places must instead attach an official certificate of existence, current within 60 days of delivery to this office.)

3) DATE OF ORGANIZATION: 06/23/2022 DURATION, IF NOT PERPETUAL: Perpetual

4) STATE OR COUNTRY OF ORGANIZATION: DE

5) THIS FOREIGN LIMITED LIABILITY COMPANY SATISFIES THE REQUIREMENTS OF ORS 63.714(3).

6) NAME OF OREGON REGISTERED AGENT: C T Corporation System

7) REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:

(Must be an Oregon Street Address, which is identical to the registered agent's business office.)

780 Commercial Street SE, STE 100,

Salem, OR 97301

8) ADDRESS OF PRINCIPAL OFFICE OF THE BUSINESS:

300 Spectrum Center Drive, Suite 1250

Irvine, California 92618, United States

9) ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

300 Spectrum Center Drive, Suite 1250

Irvine, California 92618, United States

10) HOW WILL THIS LIMITED LIABILITY COMPANY BE MANAGED?

[ ] This LLC will be member-managed by one or more members.

[X] This LLC will be manager-managed by one or more managers.

11) EXECUTION: (At least one member or manager must sign.)

I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any members, managers, employees or agents of the limited liability company. This filing has been examined by me and is, to the best of my knowledge and belief true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:

[Handwritten Signature]

Printed Name:

Jae Kyu Lee

Title:

President of Hanwha Q CELLS USA Corp., the sole member and manager of Muddy Creek Energy Park LLC

CONTACT NAME: (To resolve questions with this filing.)

PHONE NUMBER: (Include area code.)

FEES

Required Processing Fee \$275

Processing Fees are nonrefundable. Please make check payable to "Corporation Division,"

Free copies are available at sos.oregon.gov/business, using the Business Name Search program.

# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "MUDDY CREEK ENERGY PARK LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE EIGHTEENTH DAY OF JULY, A.D. 2022.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



6875457 8300

SR# 20223011280

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203938343

Date: 07-18-22

# Delaware

Page 1

The First State

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "MUDDY CREEK ENERGY PARK LLC", FILED IN THIS OFFICE ON THE TWENTY-THIRD DAY OF JUNE, A.D. 2022, AT 4:57 O`CLOCK P.M.*



  
Jeffrey W. Bullock, Secretary of State

6875457 8100  
SR# 20222811026

Authentication: 203810224  
Date: 06-30-22

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



STATE OF DELAWARE  
CERTIFICATE OF FORMATION  
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is \_\_\_\_\_  
Muddy Creek Energy Park LLC

2. The Registered Office of the limited liability company in the State of Delaware is located at 1209 Orange Street \_\_\_\_\_ (street), in the City of Wilmington \_\_\_\_\_, Zip Code 19801 \_\_\_\_\_. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is The Corporation Trust Company \_\_\_\_\_

By: \_\_\_\_\_

Authorized Person

Name: Jae Kyu Lee \_\_\_\_\_

Print or Type

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## **Attachment 2. Tax Lots and Property Owner Information**

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**Notice of Intent for the Muddy Creek Energy Project**  
Property Owner List and Tax Lot Map - Linn County Assessor Data from May 5, 2023






Map & Tax Lot	OWNER	Mail Address	Mail City	State	Zip Code	Full Address
15S03W24 00105	T WHITE LLC	1733 CRESCENT AVE	EUGENE	OR	97408	1733 CRESCENT AVE, EUGENE, OR 97408
15S03W24 00106	ELMBLADE MARK & DARBIE	22443 GAP RD	HARRISBURG	OR	97446	22443 GAP RD, HARRISBURG, OR 97446
15S03W21 00601	PACIFIC POWER & LIGHT CO	825 NE MULTNOMAH ST STE 1900	PORTLAND	OR	97232	825 NE MULTNOMAH ST STE 1900, PORTLAND, OR 97232
15S03W14 00200	MIDNIGHT SUN INC IV	PO BOX 53	NAMPA	ID	83653	PO BOX 53, NAMPA, ID 83653
15S03W28 00300	BOWERS DIANE L	21561 N COBURG RD	HARRISBURG	OR	97446	21561 N COBURG RD, HARRISBURG, OR 97446
15S03W13 00203	ANDERSON FAMILY REVOCABLE LIVING TRUST	34586 RANCH DR	BROWNSVILLE	OR	97327	34586 RANCH DR, BROWNSVILLE, OR 97327
15S03W27 00100	BOWERS DONALD E & LORENA J TRUSTEES	22009 COBURG RD	HARRISBURG	OR	97446	22009 COBURG RD, HARRISBURG, OR 97446
15S03W28 00100	MALPASS LAND INC	PO BOX 225	HARRISBURG	OR	97446	PO BOX 225, HARRISBURG, OR 97446
15S03W33 00203	MIDNIGHT SUN INC IV	PO BOX 53	NAMPA	ID	83653	PO BOX 53, NAMPA, ID 83653
15S03W15 00300	ESTERGARD PROPERTIES LLC	32022 PRICEBORO DR	HARRISBURG	OR	97446	32022 PRICEBORO DR, HARRISBURG, OR 97446
15S03W13 00202	LEABO EDWIN ROGER TR	22699 GAP RD	HARRISBURG	OR	97446	22699 GAP RD, HARRISBURG, OR 97446
15S03W21 00400	DC JONES ENTERPRISES LLC	PO BOX 8346	COBURG	OR	97408	PO BOX 8346, COBURG, OR 97408
15S03W14 00300	MUDDY CREEK FARMS	PO BOX 27	MILTON FREEWATER	OR	97862	PO BOX 27, MILTON FREEWATER, OR 97862
15S03W13 00201	LEABO EDWIN ROGER TR	22699 GAP RD	HARRISBURG	OR	97446	22699 GAP RD, HARRISBURG, OR 97446
15S03W16 00301	ESTERGARD PROPERTIES LLC	32022 PRICEBORO DR	HARRISBURG	OR	97446	32022 PRICEBORO DR, HARRISBURG, OR 97446
15S03W22 00300	SCHATZ TERRANCE D & NANCY	33525 PRICEBORO DR	HARRISBURG	OR	97446	33525 PRICEBORO DR, HARRISBURG, OR 97446
16S03W04 00209	SPURLOCK BOBBY GLENN ET AL	32860 MILLER DR	HARRISBURG	OR	97446	32860 MILLER DR, HARRISBURG, OR 97446
15S03W34 00300	MALPASS LAND INC	PO BOX 225	HARRISBURG	OR	97446	PO BOX 225, HARRISBURG, OR 97446
15S03W14 00100	ESTERGARD PHILLIP E	1649 W 13TH AVE	JUNCTION CITY	OR	97448	1649 W 13TH AVE, JUNCTION CITY, OR 97448
15S03W14 00101	ESTERGARD PROPERTIES LLC	32022 PRICEBORO DR	HARRISBURG	OR	97446	32022 PRICEBORO DR, HARRISBURG, OR 97446
15S03W24 00102	JONES MICHAEL TROY & KATHY L TRUSTEES	22335 GAP RD	HARRISBURG	OR	97446	22335 GAP RD, HARRISBURG, OR 97446
15S03W34 00200	MALPASS LAND INC	PO BOX 225	HARRISBURG	OR	97446	PO BOX 225, HARRISBURG, OR 97446
15S03W21 00100	GRIMES KIMBERLY	30309 LASSEN LN	JUNCTION CITY	OR	97448	30309 LASSEN LN, JUNCTION CITY, OR 97448
15S03W21 00101	LEGACY VALLEY FARMS LLC	29873 NIXON DR	HALSEY	OR	97448	29873 NIXON DR, HALSEY, OR 97448
15S03W21 00500	CRABTREE REVOCABLE TRUST	91465 N COBURG RD	EUGENE	OR	97408	91465 N COBURG RD, EUGENE, OR 97408
15S03W21 00301	BAKER RICHARD D & ARLENE F TR	32283 DIAMOND HILL DR	HARRISBURG	OR	97446	32283 DIAMOND HILL DR, HARRISBURG, OR 97446
15S03W21 00300	BAKER RICHARD D & ARLENE F TR	32283 DIAMOND HILL DR	HARRISBURG	OR	97446	32283 DIAMOND HILL DR, HARRISBURG, OR 97446
15S03W14 00103	ESTERGARD PHILLIP E	1649 W 13TH AVE	JUNCTION CITY	OR	97448	1649 W 13TH AVE, JUNCTION CITY, OR 97448
15S03W27 00300	DC JONES ENTERPRISES LLC	PO BOX 8346	COBURG	OR	97408	PO BOX 8346, COBURG, OR 97408
15S03W27 00400	DC JONES ENTERPRISES LLC	PO BOX 8346	COBURG	OR	97408	PO BOX 8346, COBURG, OR 97408
16S03W04 00202	ABATIE FRANK J & SHERRIE RAYE	32940 MOUNT TOM DR	HARRISBURG	OR	97446	32940 MOUNT TOM DR, HARRISBURG, OR 97446
15S03W13 00200	LEABO EDWIN R TR	22699 GAP RD	HARRISBURG	OR	97446	22699 GAP RD, HARRISBURG, OR 97446
15S03W24 00103	WHITE TRAVIS T	1733 CRESCENT AVE	EUGENE	OR	97408	1733 CRESCENT AVE, EUGENE, OR 97408
15S03W28 00301	BOWERS RICHARD G	21561 N COBURG RD	HARRISBURG	OR	97446	21561 N COBURG RD, HARRISBURG, OR 97446
15S03W27 00200	MIDNIGHT SUN INC IV	PO BOX 53	NAMPA	ID	83653	PO BOX 53, NAMPA, ID 83653
15S03W23 00101	LEABO ROBERT L & RETA J TR	33048 SE PEORIA RD	CORVALLIS	OR	97333	33048 SE PEORIA RD, CORVALLIS, OR 97333
15S03W33 00200	JAQUA PATRICIA O & SWANGO PAMELA A	21944 STRODA LN	HARRISBURG	OR	97446	21944 STRODA LN, HARRISBURG, OR 97446
15S03W21 00202	LANGDON PROPERTY LLC	30600 DIAMOND HILL DR	HARRISBURG	OR	97446	30600 DIAMOND HILL DR, HARRISBURG, OR 97446
15S03W26 00200	BOWERS DONALD E & LORENA J TRUSTEES	22009 COBURG RD	HARRISBURG	OR	97446	22009 COBURG RD, HARRISBURG, OR 97446
15S03W14 00102	MARR ROBERT E & KAY D	32022 PRICEBORO DR	HARRISBURG	OR	97446	32022 PRICEBORO DR, HARRISBURG, OR 97446
15S03W24 00101	JELDEN MONTY A & JOYCE C TRUSTEES	22225 GAP RD	HARRISBURG	OR	97446	22225 GAP RD, HARRISBURG, OR 97446
15S03W15 00101	ESTERGARD PROPERTIES LLC	32022 PRICEBORO DR	HARRISBURG	OR	97446	32022 PRICEBORO DR, HARRISBURG, OR 97446
15S03W22 00200	ESTERGARD PROPERTIES LLC	32022 PRICEBORO DR	HARRISBURG	OR	97446	32022 PRICEBORO DR, HARRISBURG, OR 97446
15S03W23 00100	GILBERT ROBERT L & LAURA D TR	590 NW 23RD ST UNIT 224	REDMOND	OR	97756	590 NW 23RD ST UNIT 224, REDMOND, OR 97756
15S03W22 00400	CRABTREE REVOCABLE TRUST	91465 N COBURG RD	EUGENE	OR	97408	91465 N COBURG RD, EUGENE, OR 97408
16S03W04 00222	MALPASS LAND INC	PO BOX 225	HARRISBURG	OR	97446	PO BOX 225, HARRISBURG, OR 97446
15S03W16 00300	BIEGLER WADE & STACY	22703 N COBURG RD	HARRISBURG	OR	97446	22703 N COBURG RD, HARRISBURG, OR 97446
15S03W21 00200	GRIMES MARITAL TRUST	30309 LASSEN LN	JUNCTION CITY	OR	97448	30309 LASSEN LN, JUNCTION CITY, OR 97448
15S02W00 00902	KAMPFER RANCH LLC	23511 GAP RD	HARRISBURG	OR	97446	23511 GAP RD, HARRISBURG, OR 97446
15S03W33 00100	MIDNIGHT SUN INC IV	PO BOX 53	NAMPA	ID	83653	PO BOX 53, NAMPA, ID 83653
15S03W22 00402	STONE PAUL B	41580 DEERHORN RD	SPRINGFIELD	OR	97478	41580 DEERHORN RD, SPRINGFIELD, OR 97478
15S03W28 00101	MIDNIGHT SUN INC IV	PO BOX 53	NAMPA	ID	83653	PO BOX 53, NAMPA, ID 83653
16S03W04 00203	BOLMAN BRIAN E & DEBRA M	32992 MOUNT TOM DR	HARRISBURG	OR	97446	32992 MOUNT TOM DR, HARRISBURG, OR 97446
15S03W24 00100	JELDEN MONTY A & JOYCE C TRUSTEES	22225 GAP RD	HARRISBURG	OR	97446	22225 GAP RD, HARRISBURG, OR 97446
15S03W22 00100	LANGDON & SONS INC ET AL	30600 DIAMOND HILL DR	HARRISBURG	OR	97446	30600 DIAMOND HILL DR, HARRISBURG, OR 97446
16S03W04 00100	MALPASS LAND INC	PO BOX 225	HARRISBURG	OR	97446	PO BOX 225, HARRISBURG, OR 97446

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# Muddy Creek Energy Park

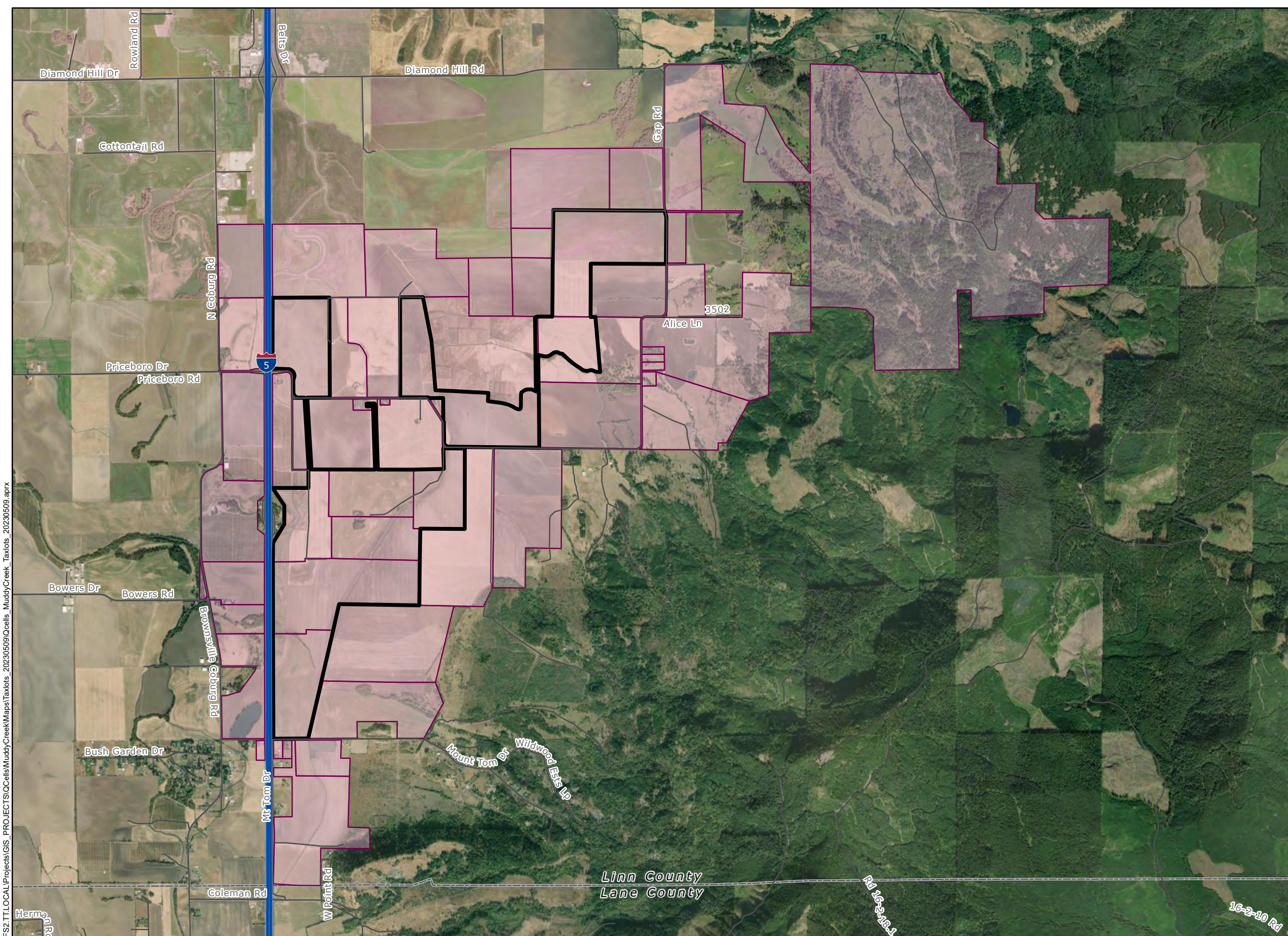
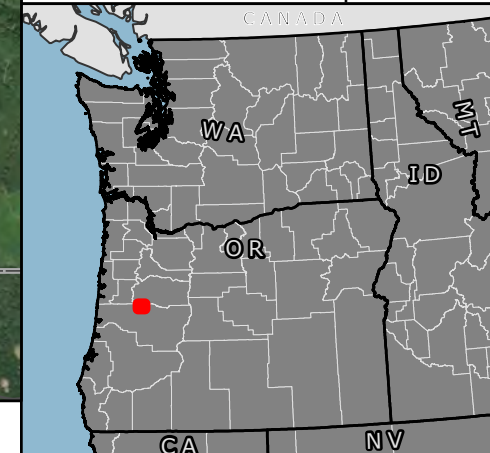
## Attachment 2 Figure 1 Tax Lot Boundaries within 500 feet of a Tax Lot that includes Site Boundary LINN COUNTY, OR

-  Facility Site Boundary
-  County Boundary
-  Interstate Highway
-  Local Roads
-  Linn County Taxlot Boundary<sup>1</sup>

<sup>1</sup>Data obtained from Linn County on 05/05/2023



### Reference Map







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# Muddy Creek Energy Park

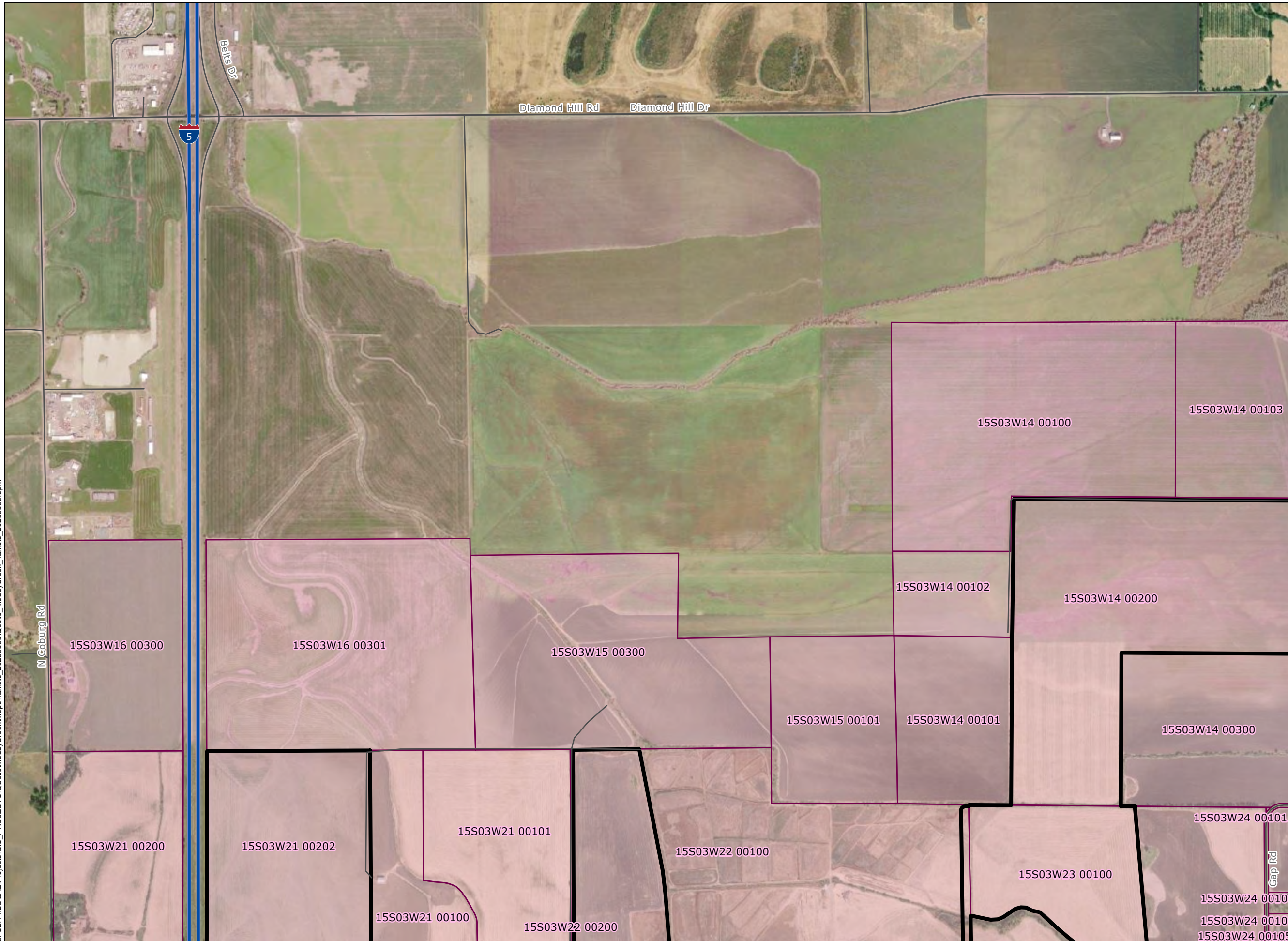
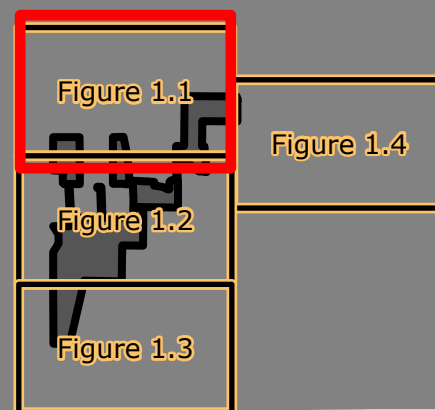
## Attachment 2 Figure 1.1 Tax Lot Boundaries within 500 feet of a Tax Lot that includes Site Boundary LINN COUNTY, OR

-  Facility Site Boundary
-  Interstate Highway
-  Local Roads
-  Linn County Taxlot Boundary<sup>1</sup>

<sup>1</sup>Data obtained from Linn County on 05/05/2023



Reference Map



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WGS 1984 UTM Zone 10N





0 0.25 0.5 1 Miles

NOT FOR CONSTRUCTION



# Muddy Creek Energy Park

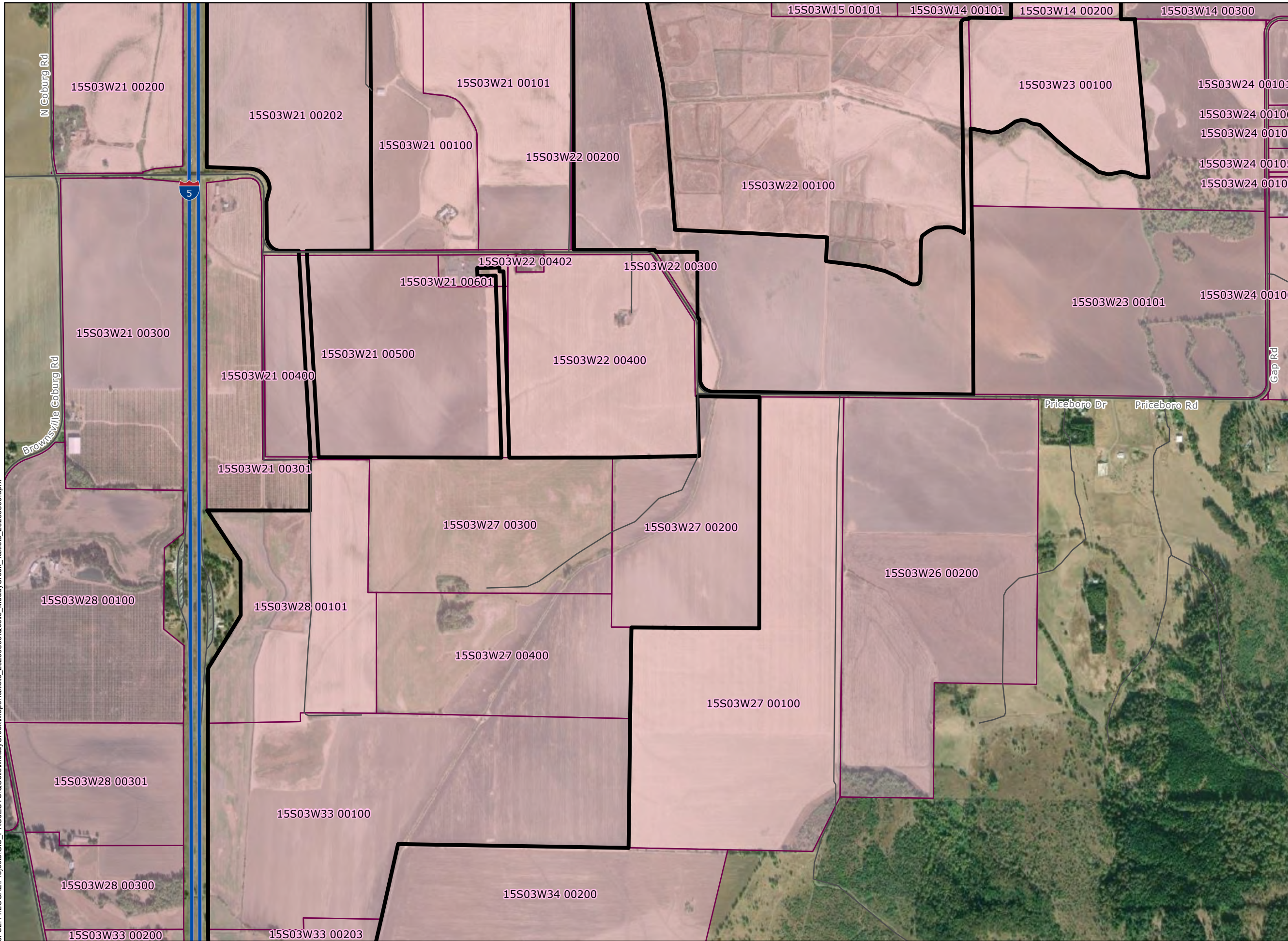
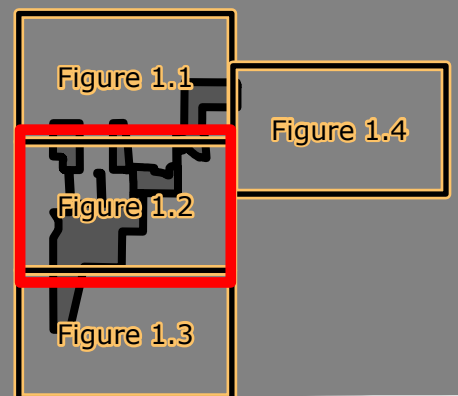
## Attachment 2 Figure 1.2 Tax Lot Boundaries within 500 feet of a Tax Lot that includes Site Boundary LINN COUNTY, OR

-  Facility Site Boundary
-  Interstate Highway
-  Local Roads
-  Linn County Taxlot Boundary<sup>1</sup>

<sup>1</sup>Data obtained from Linn County on 05/05/2023



### Reference Map

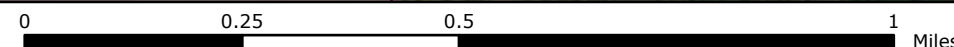


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WGS 1984 UTM Zone 10N







NOT FOR CONSTRUCTION



# Muddy Creek Energy Park

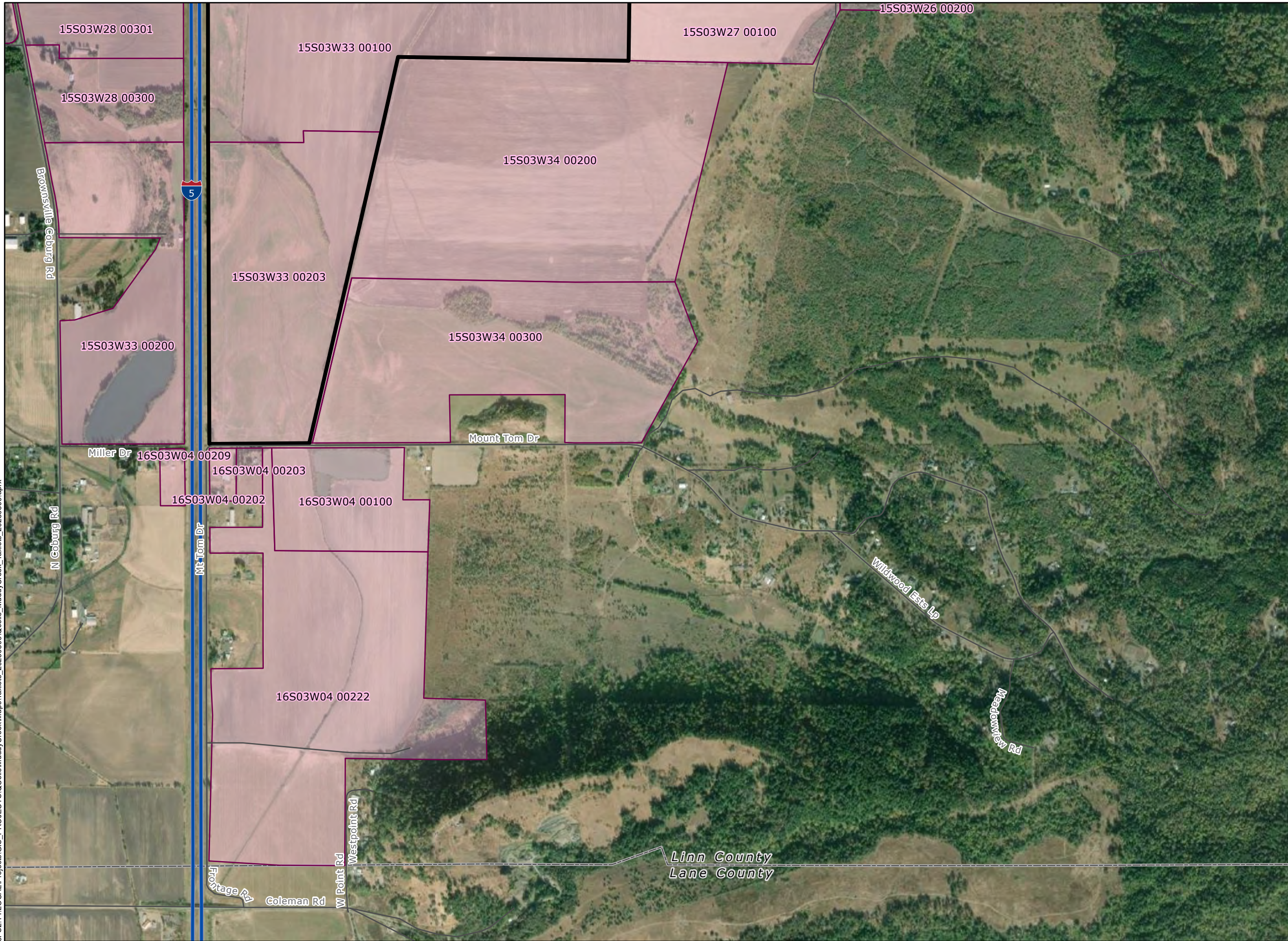
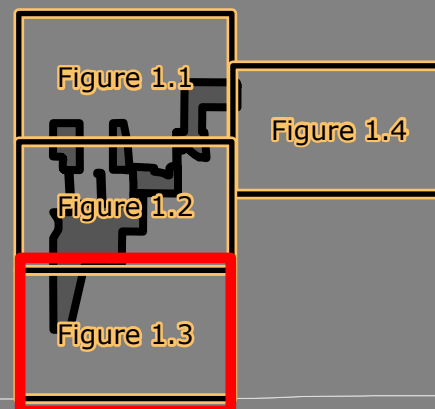
## Attachment 2 Figure 1.3 Tax Lot Boundaries within 500 feet of a Tax Lot that includes Site Boundary LINN COUNTY, OR

-  Facility Site Boundary
-  Interstate Highway
-  Local Roads
-  Linn County Taxlot Boundary<sup>1</sup>

<sup>1</sup>Data obtained from Linn County on 05/05/2023



### Reference Map

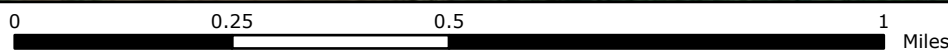


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# Muddy Creek Energy Park

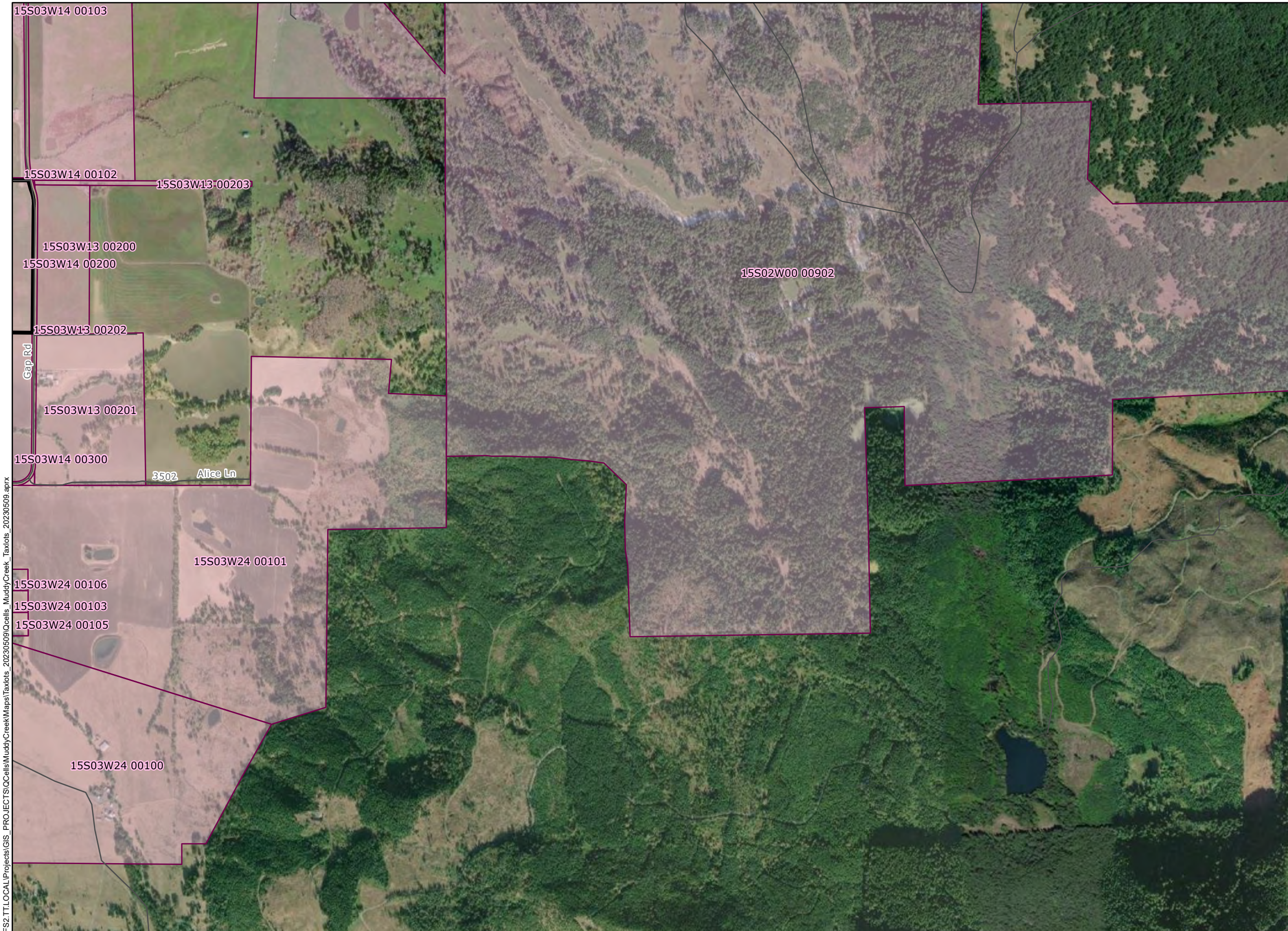
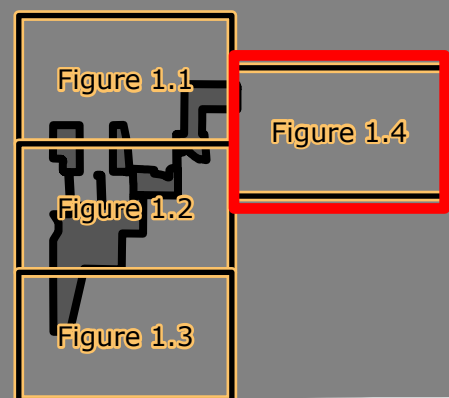
## Attachment 2 Figure 1.4 Tax Lot Boundaries within 500 feet of a Tax Lot that includes Site Boundary LINN COUNTY, OR

-  Facility Site Boundary
-  Local Roads
-  Linn County Taxlot Boundary<sup>1</sup>

<sup>1</sup>Data obtained from Linn County on 05/05/2023



### Reference Map

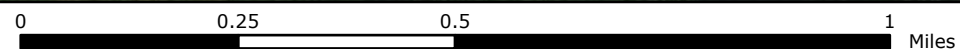


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WGS 1984 UTM Zone 10N



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## **Attachment 3. Correspondence with Legislative Commission on Indian Services**

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## McLaneGodwin, Linsey

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**From:** LCIS <LCIS@oregonlegislature.gov>  
**Sent:** Wednesday, April 12, 2023 10:34 AM  
**To:** McLaneGodwin, Linsey  
**Cc:** Hicks, Paul; Bullion Elissa  
**Subject:** RE: Consultation List for Solar Project, Linn County

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

Hi Linsey,

For a project in the area you note, I recommend consultation with the following Tribes:

**Confederated Tribes of Grand Ronde**  
**Confederated Tribes of Siletz**  
**Confederated Tribes of Warm Springs Reservation**

In general, I am responsible for responding to requests related to Tribal consultation and cultural resources at LCIS, so if you have any further questions, feel free to email me directly ([elissa.bullion@oregonlegislature.gov](mailto:elissa.bullion@oregonlegislature.gov)).

Cheers,  
Elissa

-----  
Dr. Elissa Bullion, PhD (she/her/hers)  
State Physical Anthropologist  
Legislative Commission on Indian Services  
Oregon State Capitol Building  
900 Court Street, NE, Room 167  
Salem, Oregon 97301  
Phone: 971-707-1372  
LCIS Office: 503-986-1067  
[Elissa.Bullion@oregonlegislature.gov](mailto:Elissa.Bullion@oregonlegislature.gov)



---

**From:** McLaneGodwin, Linsey <LINSEY.MCLANEGODWIN@tetrattech.com>  
**Sent:** Wednesday, April 12, 2023 8:59 AM  
**To:** LCIS <LCIS@oregonlegislature.gov>  
**Cc:** Hicks, Paul <Paul.Hicks@tetrattech.com>  
**Subject:** Consultation List for Solar Project, Linn County

**CAUTION: This email originated from outside the Legislature. Use caution clicking any links or attachments.**

Greetings,

I am assisting a client that is beginning the permitting process for a solar power generation project in Linn County, Oregon (Township 15S Range 3W, Sections 13, 14, 21, 22, 23, 26, 27, 28, 33, 34).

The project is subject to Oregon's Energy Facility Siting Council review for renewable energy facilities. I respectfully request your assistance in identifying appropriate tribes to consult with regarding tribal historic and cultural resources in the vicinity of this proposed project.

Thank you very much for your assistance.

Sincerely,

**Linsey McLane-Godwin** (she/her) | Environmental Planner | **Part-Time Remote: Hours 9AM to 2PM**  
Office +1 (503) 727-2251 | Mobile +1 (541) 714-3060 | [linsey.mclanegodwin@tetrattech.com](mailto:linsey.mclanegodwin@tetrattech.com)

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1750 S Harbor Way, Suite 400 | [tetrattech.com](http://tetrattech.com)

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