

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Veterans Memorial Hall
120 S. Main St.
Condon, OR

July 23-24, 2020



Opening Items:

- Call to Order
- Roll Call
- Announcements



Announcements:

- For those attending in person:
 - Please wear a mask or face covering.
 - Please maintain a distance of 6 feet from others. This venue has been appropriately set up to maintain this social distancing.
 - Hand sanitizer is provided on the tables.
 - During the public hearing staff will ask for a show of hands of those who want to comment and will call on you one at a time.
 - Please silence your phone.
- Reminder to Council and to anyone addressing the Council to please remember to state your first and last name clearly, and please do not use the speaker phone feature, as it will create feedback.



Announcements continued:

- Please mute your phone and if you receive a phone call, please hang up from this call and dial back in after finishing your other call.
- For those signed onto the webinar, please sign in using your first and last name. Public participants will be in listen-only mode.
- The Department will indicate the order in which public comments are provided for a hearing on a draft proposed order. Individuals may provide comments in-person, via the webinar, or via the phone-in option.
- Please use the “Raise Your Hand” feature in WEBEX to speak during the non-hearing public comment period.



Announcements continued:

- You may sign up online to receive future email notifications for Council meetings, project milestones and rulemakings through our ClickDimensions program by clicking on the link in the agenda or on the Council webpage. Look for the green box on the right-hand side of the page that says “sign up for emails updates.”
- You are also welcomed to access the online mapping tool and any documents by visiting the Department website.
- Energy Facility Council meetings shall be conducted in a respectful and courteous manner where everyone is allowed to state their positions at the appropriate times consistent with Council rules and procedures. Willful accusatory, offensive, insulting, threatening, insolent, or slanderous comments which disrupt the Council meeting are not acceptable. Pursuant to Oregon Administrative Rule 345-011-0080, any person who engages in unacceptable conduct which disrupts the meeting may be expelled.



Agenda Item A

- June Meeting Minutes
- Council Secretary Report



Agenda Item B (Hearing)

Montague Wind Power Facility - Public Hearing on Draft Proposed Order on Request for Amendment 5 of the Site Certificate

July 23, 2020

Sarah Esterson, Senior Siting Analyst
Chair Hanley Jenkins, II, Public Hearing Presiding Officer



Overview of Hearing

1. Brief summary of the facility, amendment request and amendment review process (S. Esterson)
2. Public Hearing Process Overview and Hearing Opening (H. Jenkins)
3. Close Hearing, Unless Extension Requested and Granted (H. Jenkins)



Facility Overview

Certificate Holder: Montague Wind Power Facility, LLC

Parent Company: Avangrid Renewables, LLC; subsidiary of AVANGRID

Type of Facility: 404 MW wind and solar facility, to be built in phases
Phase 1 (operational): 201 MW wind (56 wind turbines)
Phase 2 (approved): 203 MW wind/solar (up to 81 wind turbines or 1,189 acres of solar facility components, or any combination not to exceed 203 MW)



Facility Site/Site Boundary Location

Site Boundary

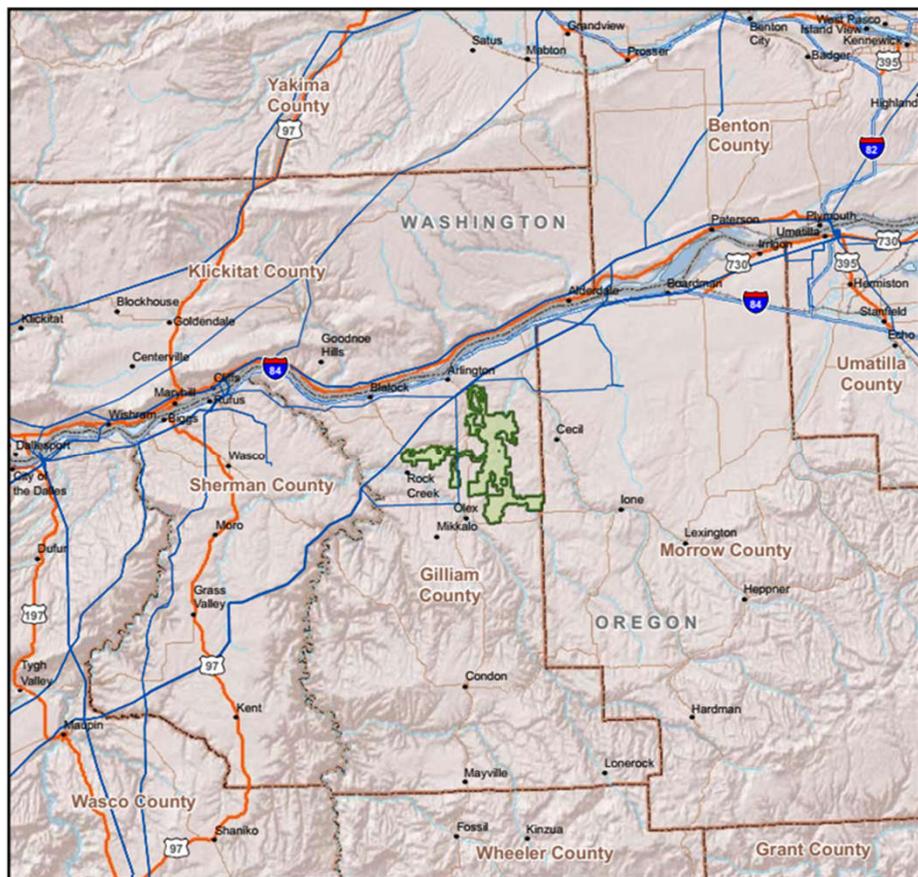
- Contains approximately 47,056 acres
- Private land, within Gilliam County

Site Certificate History

Site Certificate effective Sept. 10, 2010

Site Certificate Amended Four Times:

- June 2013
- December 2015
- July 2017
- September 2019

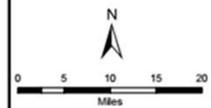


File: Z:\Projects\OR\Montague\MapDocuments\Report Figures\EFSC\Figure C-1 - Site Map.mxd

**Figure C-1
Site Map
Montague Wind
Power Facility**

Legend

- Site Boundary
- Micrositing Corridor
- Cities
- Limited Access Highway
- Highway
- Major Road
- Major Railroad Line
- Existing Transmission Line
- Water
- County Boundary
- State Boundary

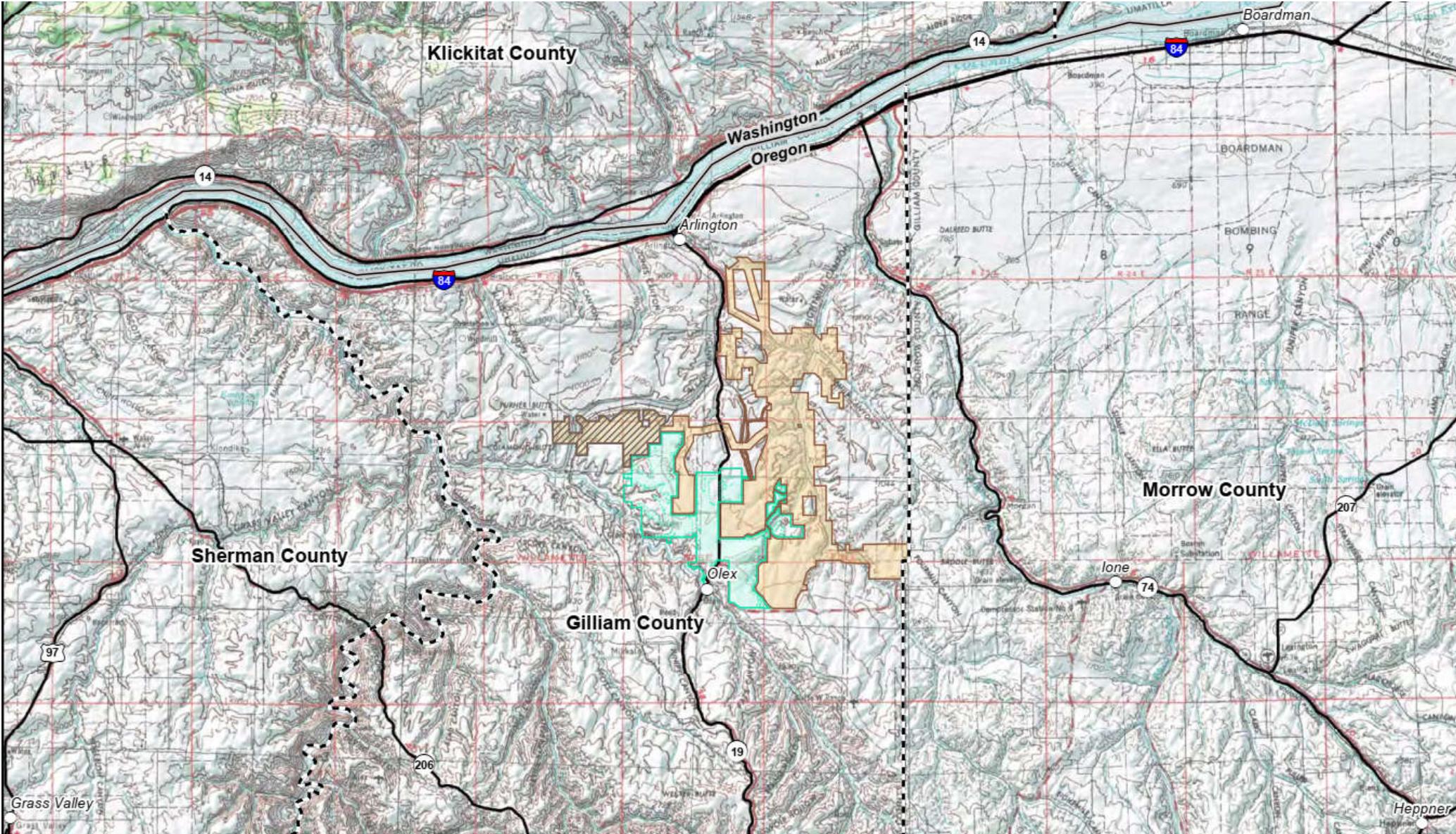


Modify Date: 1/8/2010

Requested Amendment Components

- Split previously approved facility components into three site certificates
 - Montague Wind Power Facility (201 megawatt (MW) wind) (Fifth Amended Site Certificate)
 - Montague Solar Facility (162 MW solar) (Original Site Certificate)
 - Oregon Trail Solar Facility (41 MW wind and solar) (Original Site Certificate)
- Construct and operate new equipment;
- Use an alternative route for a transmission line segment;
- Increase solar micro-siting area;
- Reduce site boundary;
- And, modify site certificate conditions





Klickitat County

Washington
Oregon

Arlington

Boardman

Sherman County

Gilliam County

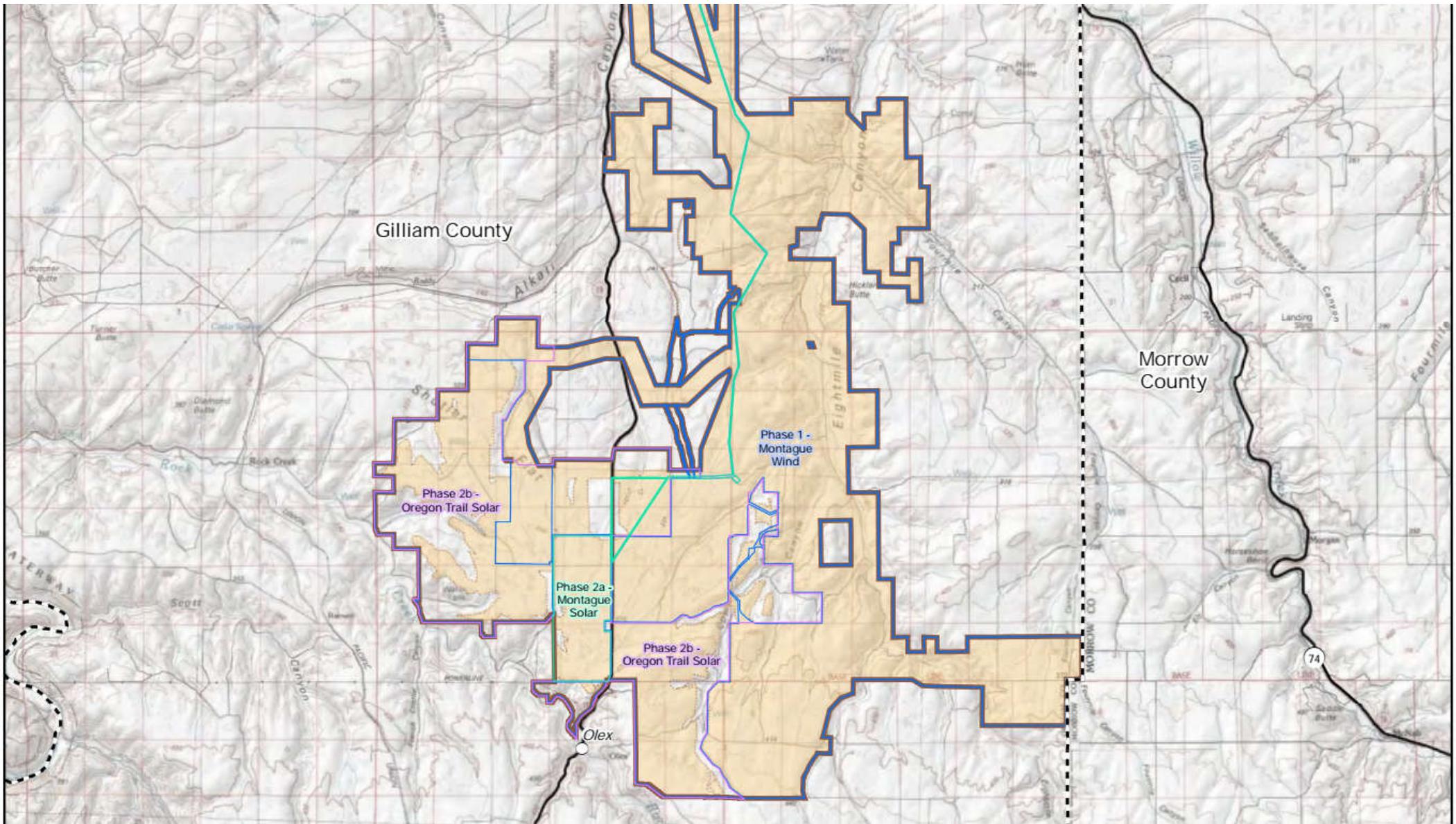
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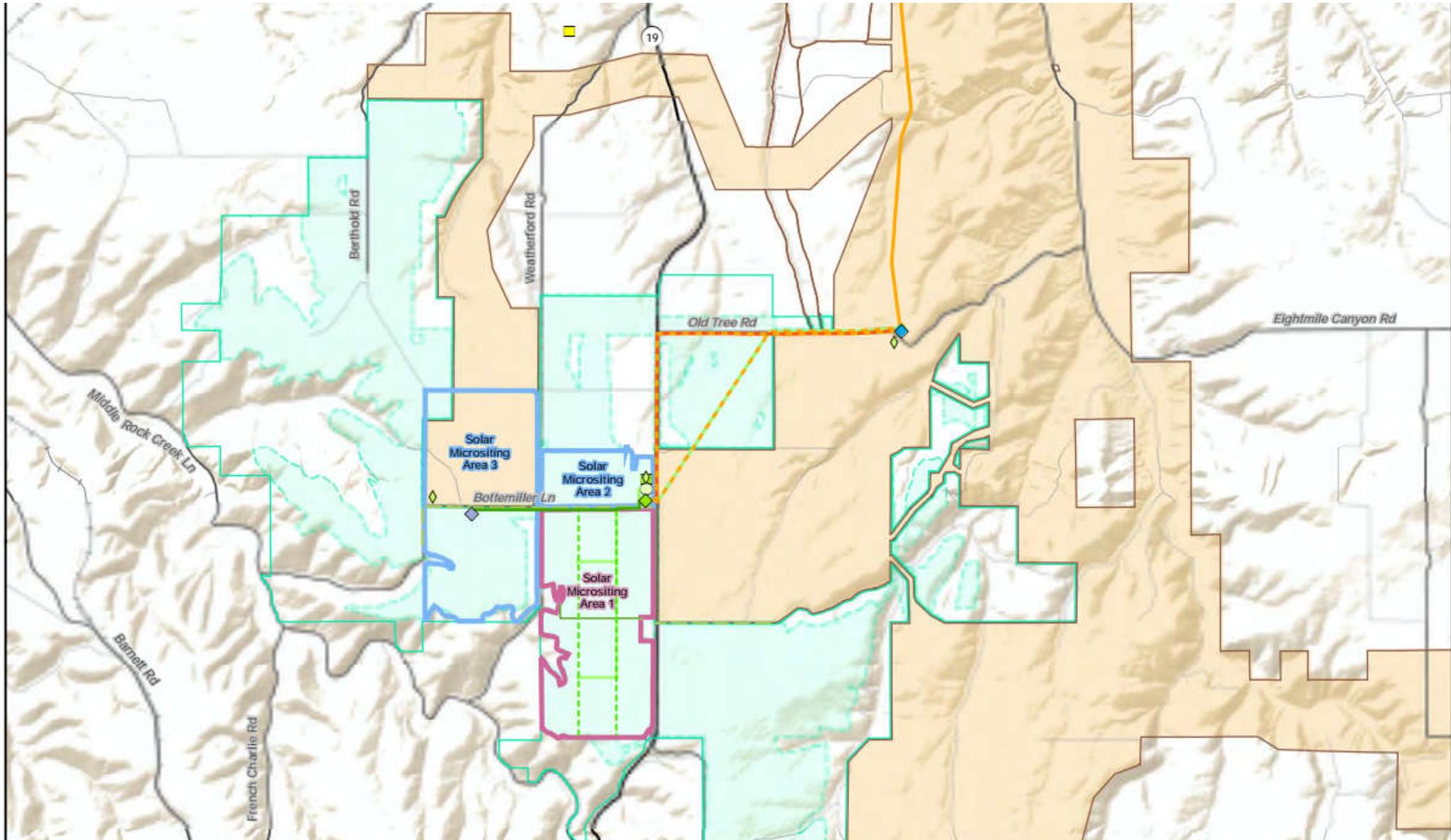
Morrow County

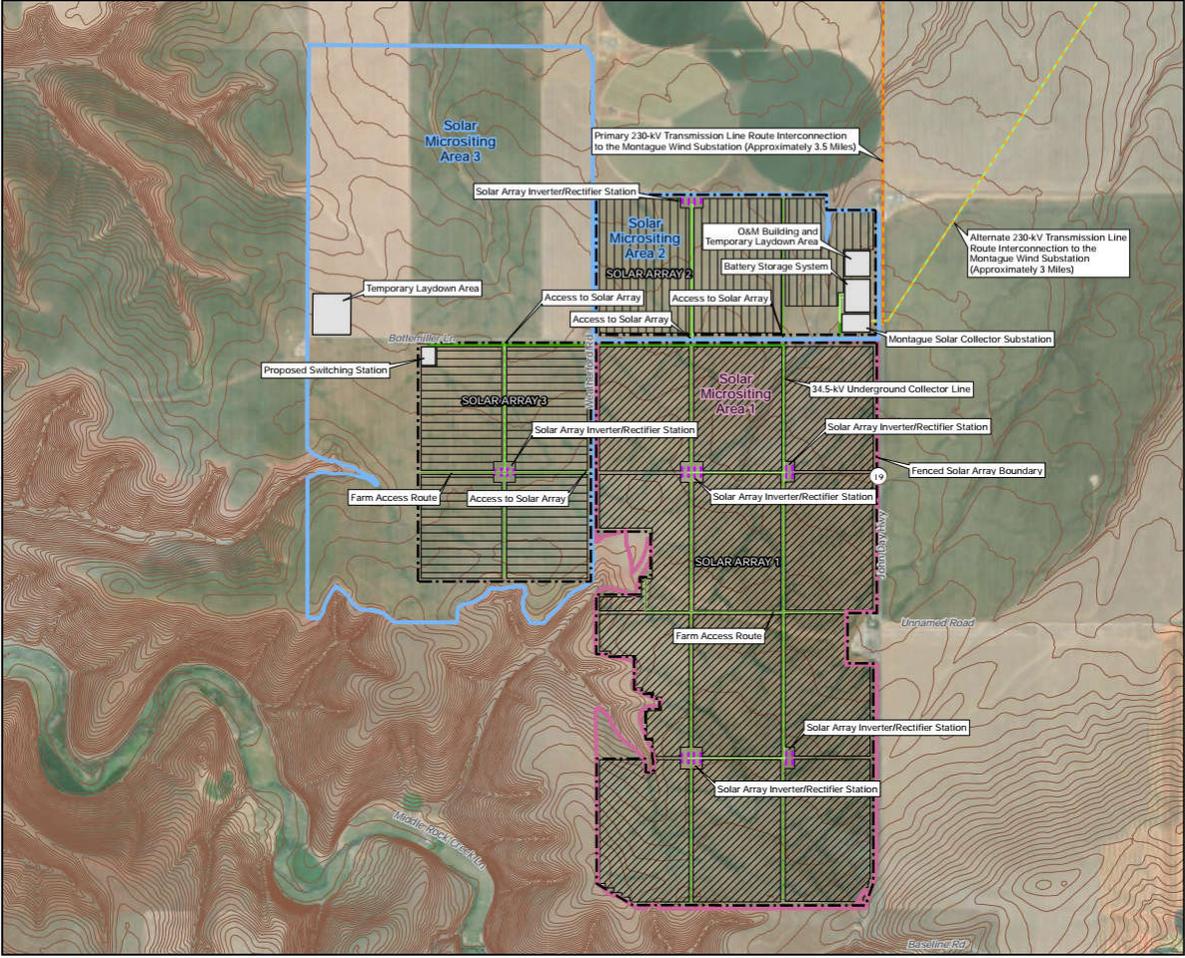
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Grass Valley

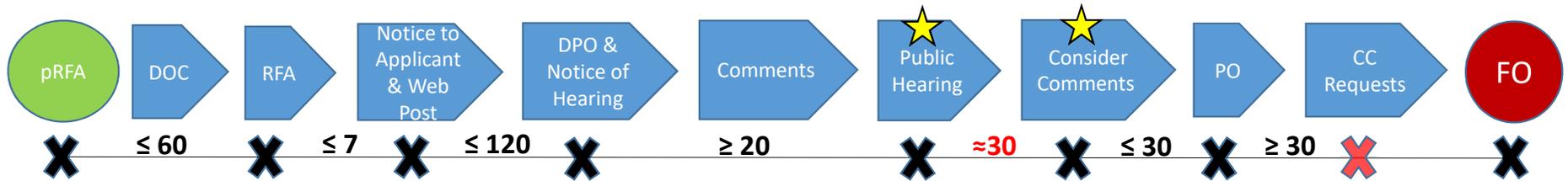
Heppner







Type A Amendment Review Process



RFA5 - Type A Amendment Review

Milestone	Entity	Date
pRFA5 with Type B Review ADR Submittal	Certificate Holder	April 20, 2020
pRFA5 Public Notice Issued	ODOE	April 27, 2020
Type A Review Determination	ODOE	May 19, 2020
Complete RFA5 Filed	Certificate Holder	May 29, 2020
Draft Proposed Order Issued (27-day comment period)	ODOE	June 26, 2020
Draft Proposed Order Public Hearing	Council	July 23, 2020

Next Steps

July 24, 2020:

- Council review of draft proposed order and comments received
- Council comments and input provided to ODOE

August 24, 2020 or earlier:

- ODOE issuance of proposed order, addressing substantive comments within EFSC jurisdiction
- ODOE issuance of public notice and notice of opportunity to request a contested case

Consideration of Issues in a Contested Case

To raise an issue in a contested case proceeding, the issue must be:

- Within the jurisdiction of the Council;
- Raised in person or in writing before the deadline (close of tonight's hearing, July 23, 2020)
- Raised with sufficient specificity to afford the Council, the Department of Energy, and the certificate holder an adequate opportunity to respond to the issue.
- To raise an issue with sufficient specificity, a person must present facts, on the record of the hearing, that support the person's position on the issue.
- OAR 345-027-0367(5), OAR 345-027-0371(5)



Draft Proposed Order Public Hearing: Montague Wind Power Facility Request for Amendment 5



Format for Public Testimony

Order of Events

- First, individuals in the room
- Second, Webex participants
- Third, call-in participants
- Last call for commenters – applicant opportunity to respond

When Commenting – for the record

- State your name and physical mail or email address



Adjourn



Agenda Item C (Action Item)

Wheatridge Renewable Energy Facility II – Council Review of Request to Amend Wildlife Monitoring and Mitigation Plan

July 24, 2020

Sarah Esterson, Senior Siting Analyst



Facility Overview

Certificate Holder: Wheatridge Wind II, LLC

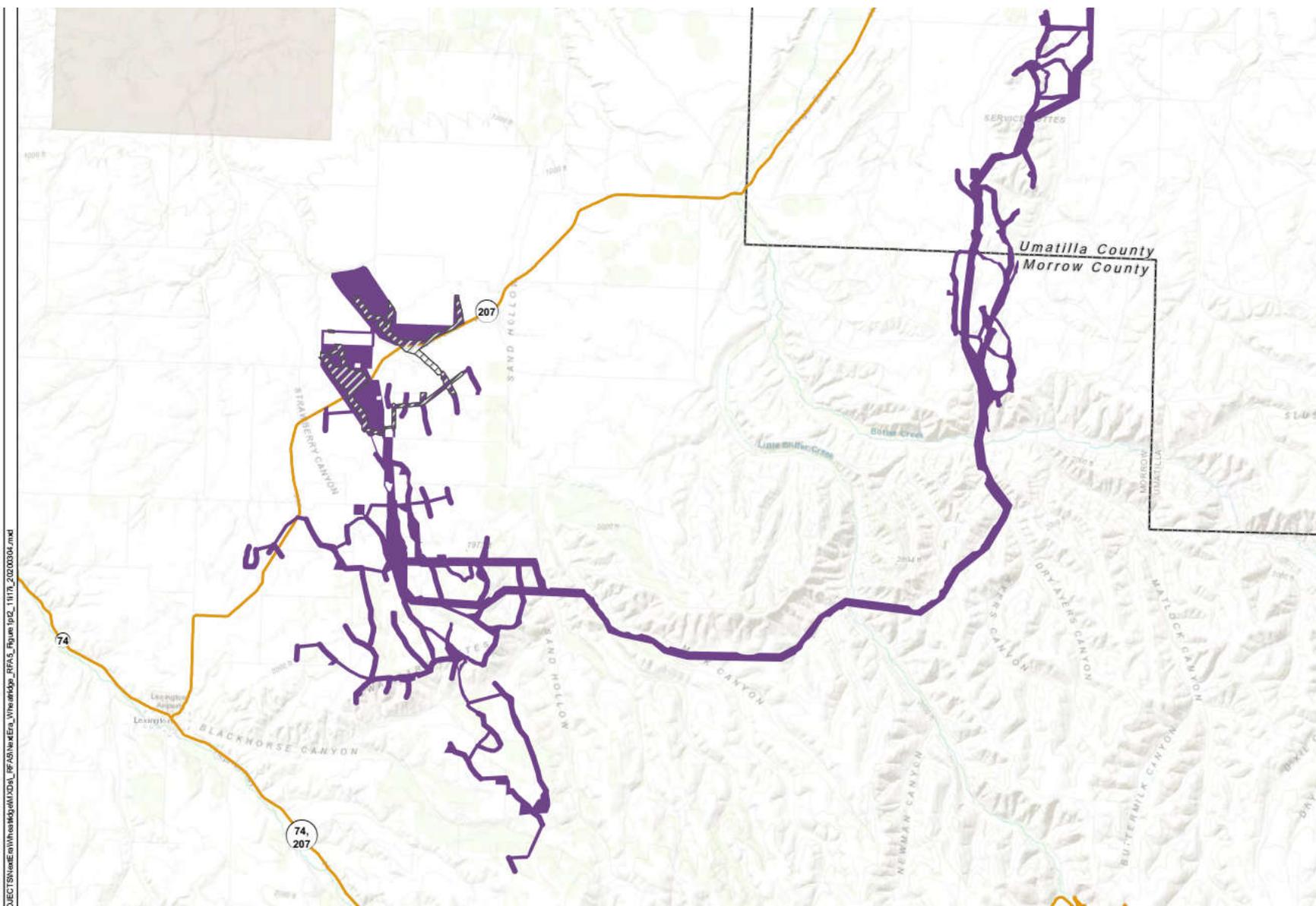
Parent Company: NextEra Energy Resources, LLC

Type of Facility: 550 MW wind and solar facility, to be built in phases
Phase 1 (under construction): 200 MW (80 wind turbines)
Phase 2 (approved): 350 MW wind/solar (up to 172 wind turbines or 900 acres of solar facility components, or any combination not to exceed 350 MW)

Facility Location: Morrow and Umatilla counties (approved)
Morrow (under construction)



S:\ECT\SiteEIS\Wheatridge\Map\XDAL_RFA5\NewEIS_Wheatridge_BFA5_Figure 1p2_11173_210203014.mxd



Wheatridge Renewable Energy Facility II

**Figure 1.2
Site Boundary**

MORROW AND UMATILLA COUNTIES, OR

- Wheatridge Renewable Energy Facility II
- Site Boundary Overlap with Wheatridge Renewable Energy Facility I
- State Highway
- County Boundary

TETRA TECH

NEXTERA ENERGY RESOURCES

Reference Map

Request to Amend WMMP

Post Construction Bird/Bat Fatality Monitoring (PCFM) Program

- Update terminology to reflect current industry standard descriptions of post construction monitoring methods;
- More detail on the standardized carcass search methods and search strategy proposed for each target size classes;
- Update searcher efficiency trial language and update number of carcasses placed for each target size class;
- Update incidental finds language to clarify how those finds would be incorporated into fatality rates;
- Update the fatality estimator from Shoenfeld to the United States Geological Survey's Generalized Mortality Estimator (GenEst) tool

Staff Recommendation

Process

- ODOE and certificate holder consulted with ODFW on proposed changes
- ODOE and ODFW reviewed citations, literature and GenEst

Recommendations

- Based on review, ODOE and ODFW recommend approval of the updated methodology for the PCFM Program, and approval of amended WMMP

Agenda Item D (Possible Action Item)

Rulemaking to Clarify Standard for Contested Case Requests for Type A Amendments, Council Review of Comments and Possible Final Decision

July 24, 2020

Christopher Clark, Rules Coordinator



Agenda Item E

PUBLIC COMMENT



Agenda Item F (Action Item)

Archway Solar Energy Facility, Appointment of Lake County Board of Commissioners as Special Advisory Group

July 24, 2020

Maxwell Woods, Senior Policy Advisor



Archway Solar Energy Facility

- Proposed Facility: 400 megawatt solar photovoltaic energy facility
- Permanent Disturbance: Up to 3,650 acres of agricultural-use zoned land
- Proposed Facility Site: North Lake County, east of Christmas Valley (~70 miles SE of Bend)
- Applicant: Archway Solar Energy LLC, subsidiary of Invenergy Solar Development North America LLC

Archway Solar Energy Facility

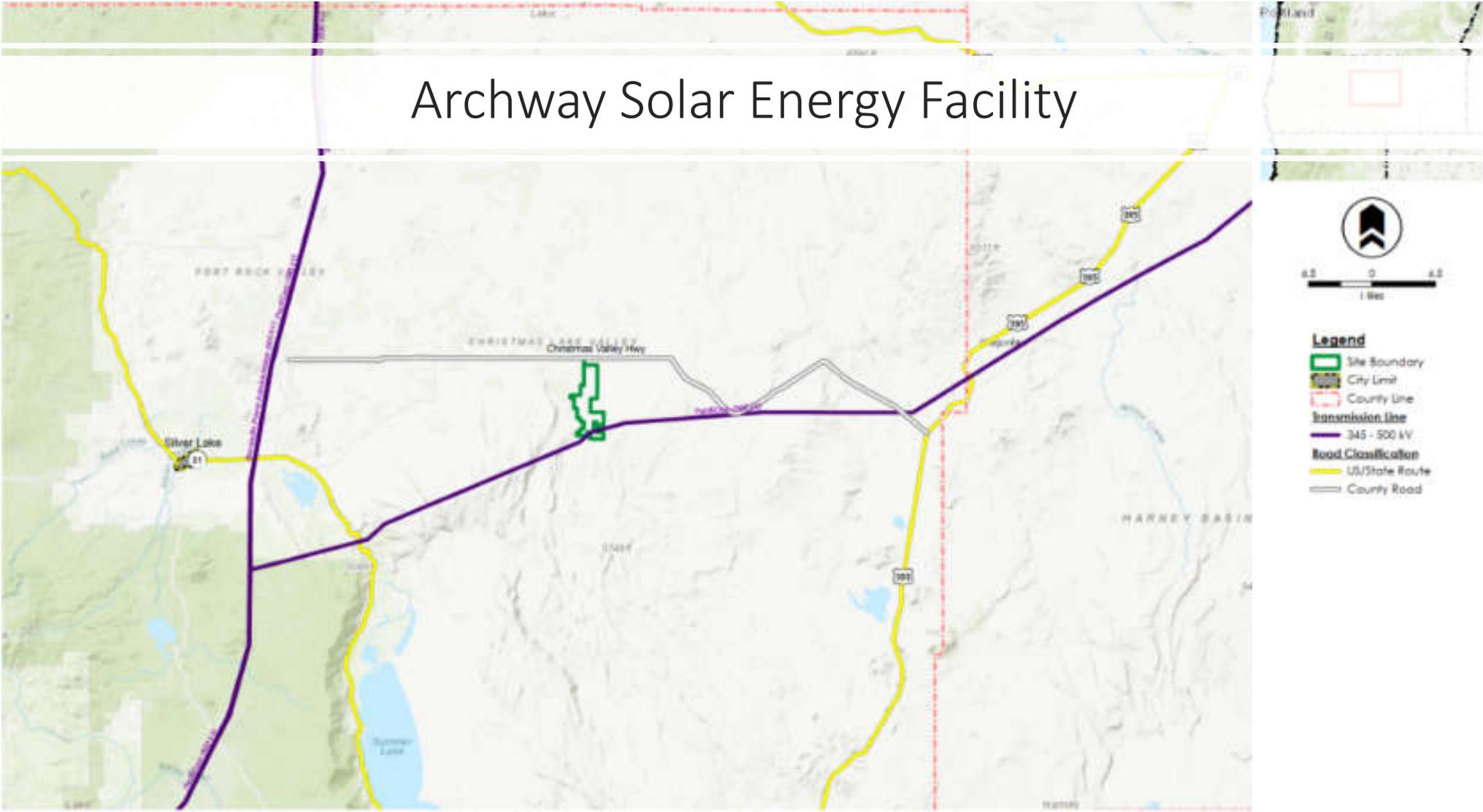


Figure G-1 - Regional Vicinity Map

Oregon's Energy Facility Siting Program

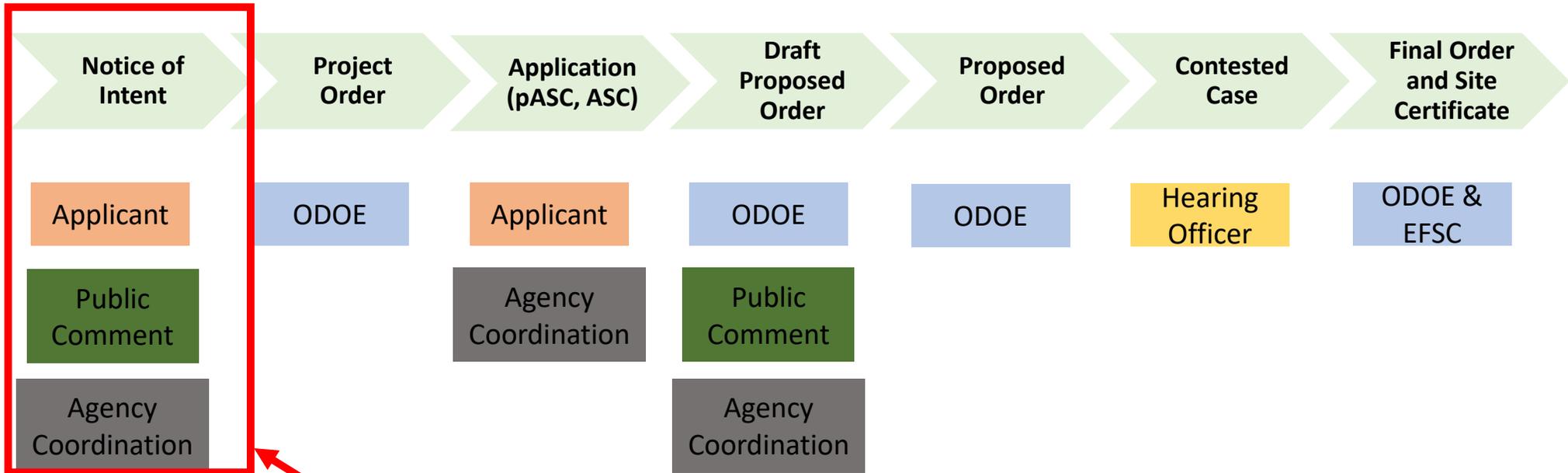
Energy Facilities, Defined

- ORS 469.300(11)(a) defines “energy facility” subject to EFSC jurisdiction
 - Energy facilities that do not meet the definition are subject to local permitting requirements
- Solar PV energy facilities using:
 - > 160 acres on high-value farmland
 - > 1,280 acres on cultivated land or NRCS soil class I-IV
 - > 1,920 acres on “other land” [**Archway Solar Energy Facility**]



Energy Facility Siting Process

Application for Site Certificate process



Archway Solar

Archway Solar Energy Facility

- June 23, 2020: Notice of Intent submitted
- July 14, 2020: Department presented to Lake County Board of Commissioners
- July 22, 2020: Public Notice on NOI issued; comment period open until Sept 4
- Sept 2020: Department issues Project Order
- October 2020: Anticipated receipt of preliminary Application for Site Certificate



Energy Facility Siting Process

Role of Special Advisory Groups (SAGs)

- Submit a list of all applicable substantive criteria
- Submit local interpretations
- Submit comments regarding compliance with the applicable substantive criteria and other issues of interest/concern to the County
- Consultation with the County Planning Department



SAG Appointment

- ORS 469.480 “The EFSC shall designate as a special advisory group the governing body of any local government within whose jurisdiction the facility is proposed to be located.”
- Lake County Board of Commissioners is the governing body of Lake County, the location of the Archway Solar Energy Facility
- Council motion and vote to appoint Lake County Board of Commissions as Special Advisory Group for the Archway Solar Energy Facility



Agenda Item G (Information Item)

Obsidian Solar Center - Council Review of Draft Proposed Order and Public Comments

July 24, 2020

Kellen Tardaewether, Senior Siting Analyst and Sarah Esterson, Senior Siting Analyst
Oregon Department of Energy



Council Scope of Review

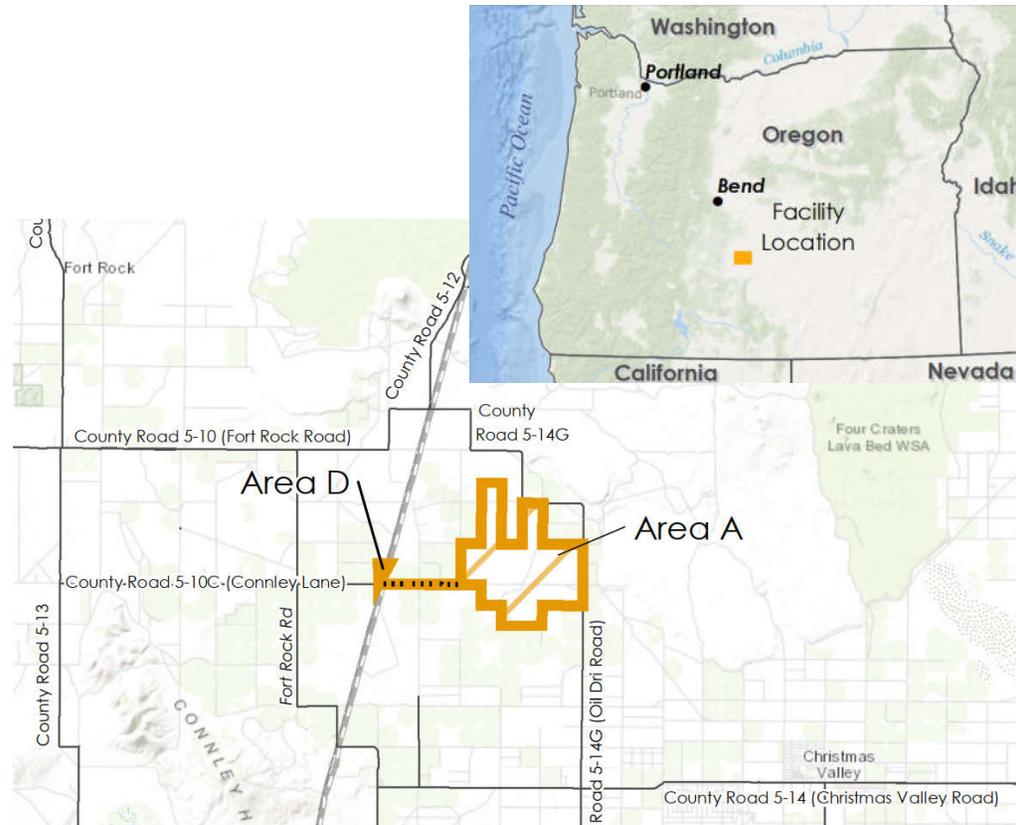
OAR 345-015-0230

- Review DPO, DPO Comments by issue/standard, Applicant's response to issues raised; Department recommendations
- Provide comments for Department consideration in proposed order
 - Provide comments individually, consensus, or vote at EFSC meeting
 - Provide comments by issue or standard as staff presents

Council Review of DPO/Comments

Description of Proposed Facility

- Applicant: Obsidian Solar Center LLC
- Proposed Facility: 400 MW solar facility, to cover or occupy up to 3,590 acres
- Location: 3,921 acre site boundary in Lake County

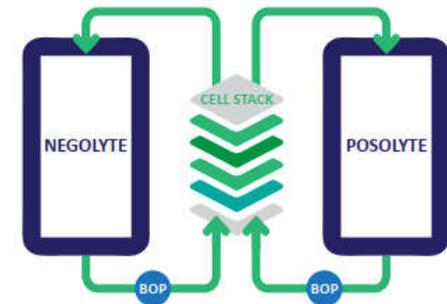
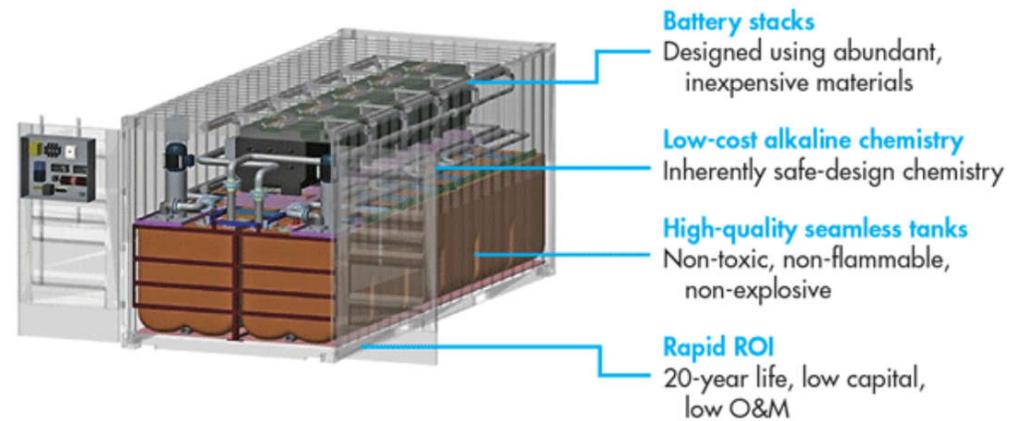


Council Review of DPO/Comments

Description of Proposed Facility

- Related or Supporting Facilities:
 - dispersed or centralized battery storage systems;
 - up to four collector substations (1 acre/each);
 - 115/500 kilovolt (kV) step-up substation (acres);
 - up to two operations and maintenance (O&M) buildings;
 - perimeter fencing and security gates;
 - approximately two mile 115 kV generation-tie (gen-tie) transmission line.

GRIDSTAR® FLOW ENERGY STORAGE SYSTEM



CELL STACK:	ACTIVE MATERIALS:	BALANCE OF PLANT (BOP):
<ul style="list-style-type: none">• Membranes• Electrodes• Bipolar plates	<ul style="list-style-type: none">• Redox-active compounds (Posolyte, Negolyte)	<ul style="list-style-type: none">• Pumps, tanks, piping• Control & power conversion hardware

Obsidian Solar Center: Procedural History

Milestone	Responsible Party	Date
Notice of Intent (NOI)	Applicant	January 16, 2018
Preliminary Application for Site Certificate (pASC)	Applicant	September 25, 2018
Application for Site Certificate (ASC)	Applicant	October 30, 2019
Draft Proposed Order (DPO)	ODOE	March 12, 2020
Public Hearing on the DPO	ODOE/EFSC	July 20, 2020
EFSC Review of DPO and Comments	EFSC	July 24, 2020*
Proposed Order and Notice of Contested Case	ODOE	TBD
Final Decision	EFSC	TBD

Council Review of DPO/Comments

Section IV.A. General Standard of Review: OAR 345-022-0000

Council's General Standard of Review requires the Council to find that a preponderance of evidence on the record supports the conclusion that a proposed facility would comply with the requirements of EFSC statutes and the siting standards adopted by the Council and that a proposed facility would comply with all other Oregon statutes and administrative rules applicable to the issuance of a site certificate for the proposed facility.



Council Review of DPO/Comments

Section IV.A. General Standard of Review: OAR 345-022-0000

Applicant represents two-year construction duration in ASC. (DPO page 19)

Recommended General Standard Condition 1 allots up to three-years after the date of Council action for the applicant to begin construction, and three years from that date to complete construction.

Applicant DPO comments request a construction completion deadline six years from the effective date of the site certificate, consistent with other site certificates.



Council Review of DPO/Comments

Section IV.B. Organizational Expertise: OAR 345-022-0010

Subsections (1) and (2) of the Council's Organizational Expertise standard require that the applicant demonstrate its ability to design, construct and operate the proposed facility in compliance with Council standards and all site certificate conditions, and in a manner that protects public health and safety, as well as its ability to restore the site to a useful, non-hazardous condition. Subsections (3) and (4) address third party permits.



Council Review of DPO/Comments

Section IV.B. Organizational Expertise: OAR 345-022-0010

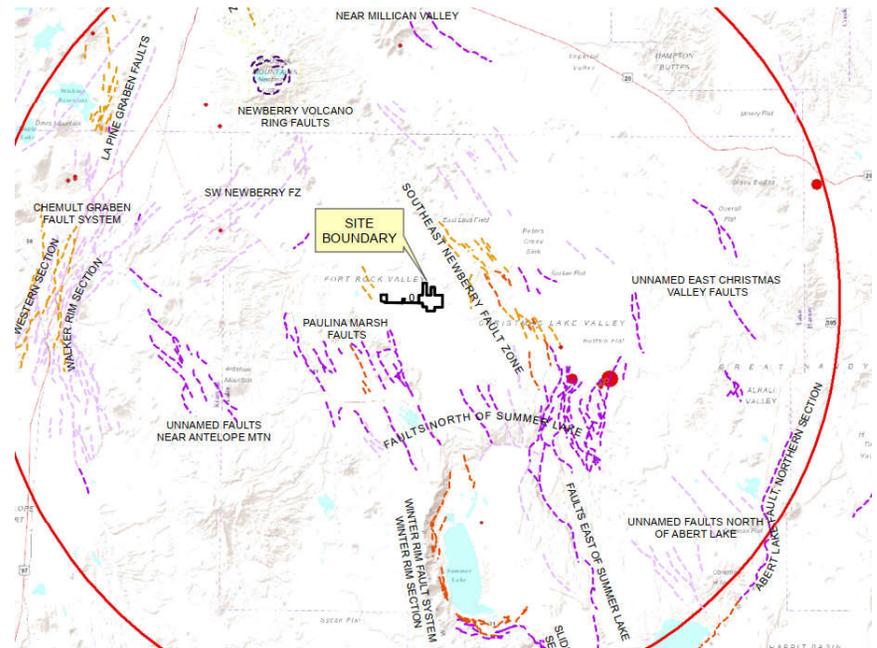
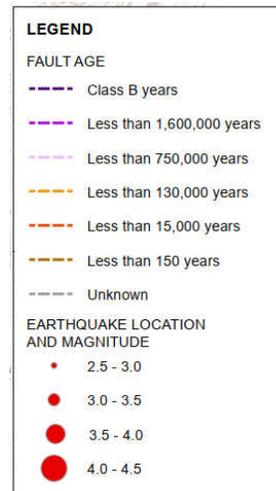
Recommended Organizational Expertise Condition 1 requires reporting to the Department any changes of the parent company that could impact the certificate holder's access to the resources or expertise of the parent companies. (DPO page 26)

Applicant DPO comments request added language providing an example of changes in parent company, such as changes within the Board of Directors, President or Chief Executive Officer, and adds if the certificate holder considers such change to impact its access to the resources or expertise of the parent companies.

Council Review of DPO/Comments

Section IV.C. Structural Standard: OAR 345-022-0020

Council's Structural Standard generally requires the Council to evaluate whether the applicant has adequately characterized the potential seismic, geological and soil hazards of the site, and whether the applicant can design, engineer and construct the facility to avoid dangers to human safety and the environment from these hazards.



Council Review of DPO/Comments

Section IV.C. Structural Standard: OAR 345-022-0020

Subsections; *DOGAMI Consultation and Potential Seismic, Geologic, and Soil Hazards within Analysis Area:*

- Based on ASC and reviewing agency coordination
- Applicant DPO comments request removing ASC summary and commentary

Recommended Structural Standard Condition 1 requires that a site-specific geotechnical investigation in accordance with the 2014 version of the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available, and lists the information to be included in report based on applicant representation. (DPO page 32)

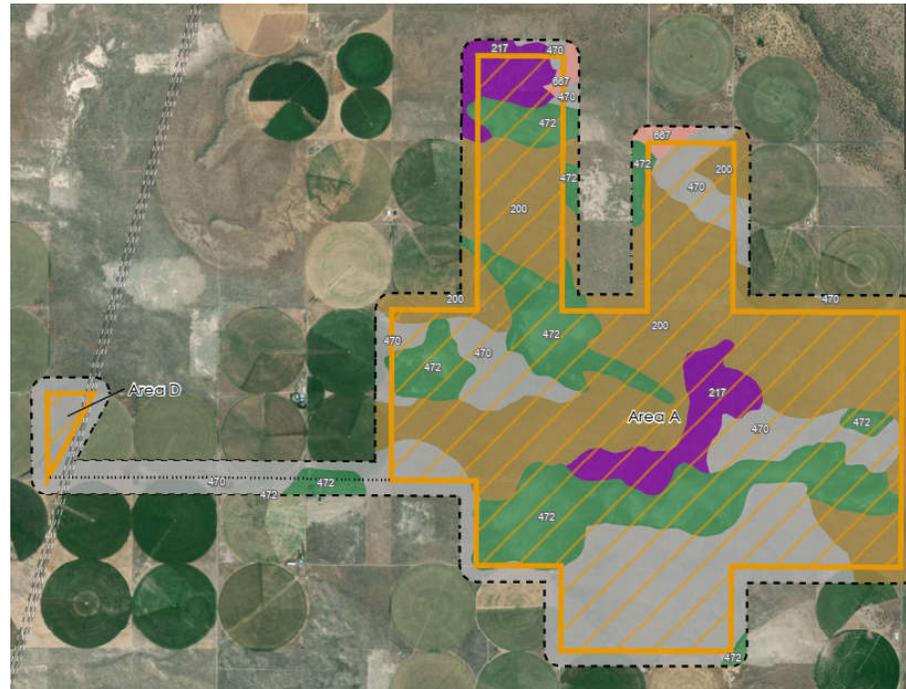
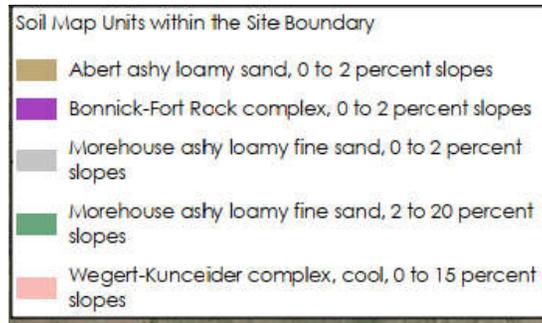
Applicant DPO comments request removal of list of requirements from condition.



Council Review of DPO/Comments

Section IV.D. Soil Protection: OAR 345-022-0022

The Soil Protection standard requires the Council to find that, taking into account mitigation, the design, construction, and operation of a proposed facility are not likely to result in a significant adverse impact to soils.



Council Review of DPO/Comments

Section IV.D. Soil Protection: OAR 345-022-0022

Recommended Soil Protection Condition 1 requires DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan, and evidence of compliance with the permit to be reported to the Department. (DPO page 36)

Applicant DPO comments request removal of the requirement to submit compliance evidence in its semi and annual reports because it is not necessary as they are already required to report violations and that a similar condition requirement was not required for a separate EFSC-approved facility.



Council Review of DPO/Comments

Section IV.D. Soil Protection: OAR 345-022-0022

Recommended Soil Protection Condition 2 requires that the applicant, prior to construction, finalize a Spill Management Plan. (DPO page 38)

Applicant DPO comments suggests that the plan is final and therefore a finalization step should not be included in the condition.

Council Review of DPO/Comments

Section IV.D. Soil Protection: OAR 345-022-0022

Public Comments from the Fort Rock/Silver Lake Soil and Water Conservation District (SWCD)

Comments evaluate soil types within the proposed facility site, along with the best management practices proposed by the applicant, and provide additional recommendations for erosion impacts.

Applicant response to SWCD explain the measures the applicant proposes to avoid, minimize, and mitigate for impacts from wind erosion, mixing of soils, soil compaction, noxious weeds, and monitoring.



Council Review of DPO/Comments

Section IV.E. Land Use: OAR 345-022-0030

The Land Use standard requires the Council to find that a proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). Under ORS 469.504(1)(b)(A), the Council may find compliance with statewide planning goals if the Council finds that a proposed facility “complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted...”



Council Review of DPO/Comments

Section IV.E. Land Use: OAR 345-022-0030

Recommended Land Use Condition 2 requires the applicant to ensure compliance with LCZO Section 3.05(G) which establishes minimum setback distances from nonfarm uses to adjacent farm uses, including 50-feet for sideyards, 20 feet for front and rear yards, and at the intersection of any two streets maintain a 2.5-foot height restriction and a 20-foot minimum triangular vision clearance area at access road driveways constructed by the facility that provide access to a public roadway. (DPO page 45)

Applicant DPO comment requests to remove “streets” for condition because it could be interpreted to apply to “roads” like the internal access roads.



Council Review of DPO/Comments

Section IV.E. Land Use: OAR 345-022-0030

Recommended Land Use Condition 3 requires the applicant to ensure compliance with LCZO Section 18.05(D)(3)(c) which describes uses allowed in the county's Goal 5 mapped big game winter range and requires that the access road or road approach length represents a minimal length from the county road to the facility perimeter fenceline. (DPO page 47)

Applicant DPO comments request to remove reference to the county's mapped Goal 5 Big Game Winter Range habitat.



Council Review of DPO/Comments

Section IV.F. Protected Areas: OAR 345-022-0040

The Protected Areas standard requires the Council to find that, taking into account mitigation, the design, construction and operation of a proposed facility are not likely to result in significant adverse impacts to any protected area as defined by OAR 345-022-0040.

Table 3: Protected Areas within the Analysis Area

Protected Area and Rule Reference	Distance and Direction from Proposed Facility
Devil's Garden Lava Bed, BLM Area of Critical Environmental Concern (ACEC) OAR 345-022-0040(o)	4 miles, north
Connley Hills BLM ACEC and Research Natural Area (RNA) OAR 345-022-0040(o)	5.3 miles, southwest
Table Rock BLM ACEC and RNA OAR 345-022-0040(o)	6.9 miles, south
Fort Rock State Natural Area OAR 345-022-0040(i)	9.2 miles, northwest
Black Hills BLM ACEC/RNA OAR 345-022-0040(o)	9.7 miles, southeast
Lost Forest/Sand Dunes/Fossil Lake BLM ACEC OAR 345-022-0040(o)	14.4 miles, east
Summer Lake Wildlife Area OAR 345-022-0040(p)	19 miles, south



Council Review of DPO/Comments

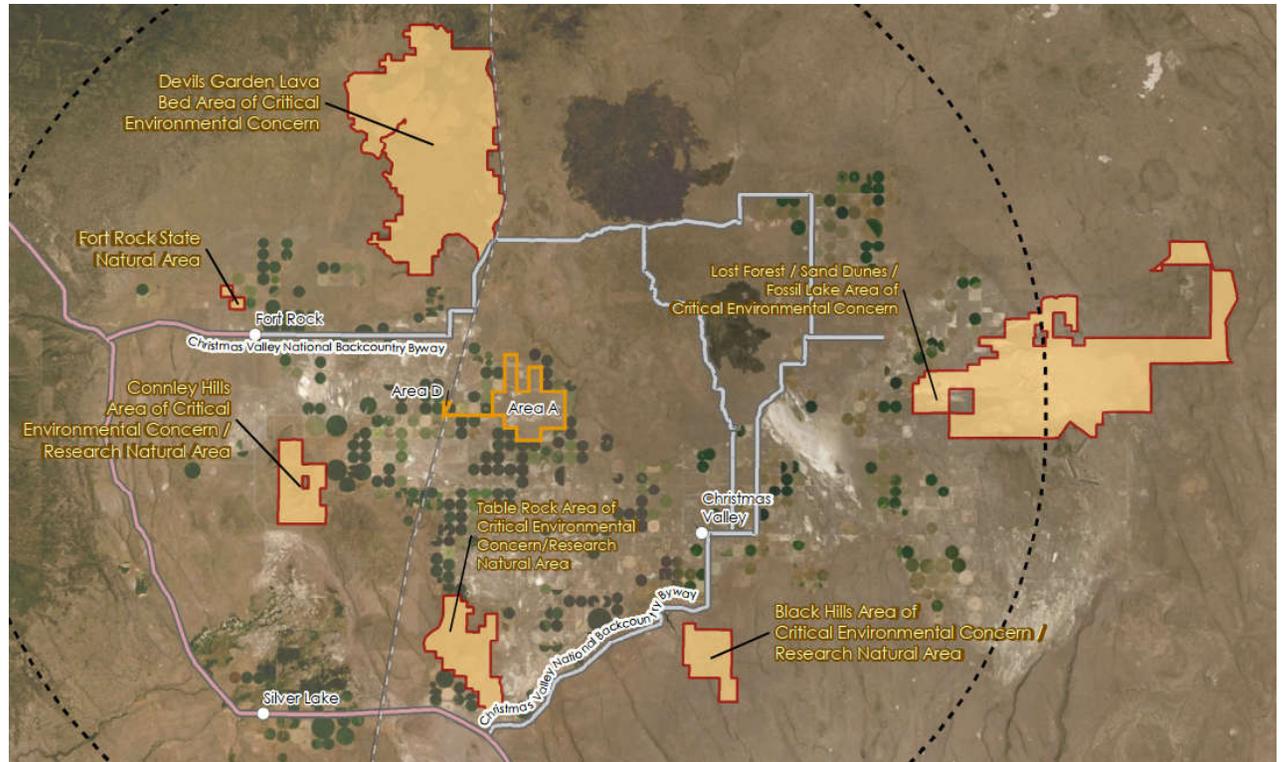
Section IV.F. Protected Areas: OAR 345-022-0040

Devil's Garden Lava Bed ACEC (including Derrick Cave)

Connley Hills ACEC/RNA

Table Rock Area ACEC/RNA

Black Hills ACEC/RNA



Council Review of DPO/Comments

Section IV.G. Retirement and Financial Assurance: OAR 345-022-0050

The Retirement and Financial Assurance standard requires a finding that the proposed facility site can be restored to a useful, non-hazardous condition at the end of the facility's useful life, should either the applicant (certificate holder) stop construction or should the facility cease to operate. In addition, it requires a demonstration that the applicant can obtain a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.



Council Review of DPO/Comments

Section IV.G. Retirement and Financial Assurance: OAR 345-022-0050

Subsection; *Restoration of the Site Following Cessation of Construction or Operation:*

- Department explains that the proposed facility is located entirely within Agricultural Use (A-2) zoned land and is within ODFW's mapped big-game winter range habitat (Category 2), therefore site restoration must be suitable for cattle grazing and big game foraging.(DPO page 83)
- Applicant DPO comments request removing language referring to ODFW's mapped big-game winter range habitat and states that EFSC's retirement standard has never been interpreted this way before and there are no findings in the DPO to support an interpretation that "restored adequately to a useful, nonhazardous condition" means restoration meeting ODFW's habitat mitigation policy.



Council Review of DPO/Comments

Section IV.G. Retirement and Financial Assurance: OAR 345-022-0050

Subsection; *Restoration of the Site Following Cessation of Construction or Operation:*

- DPO describes how the applicant would restore the site to a useful, non-hazardous condition based on information in the ASC.
- Applicant DPO comments request replacing the descriptions with a different EFSC-approved facility.

Subsection; *Estimated Cost of Site Restoration:*

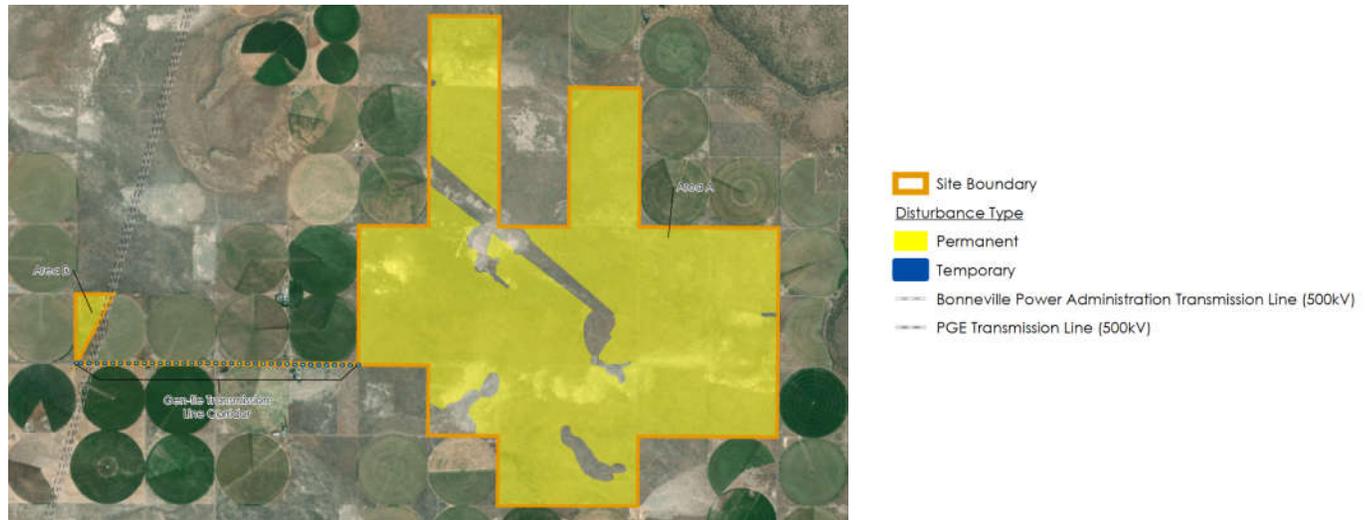
- 20 percent future development contingency applied in DPO to the battery storage system is based on the contingency value typically applied to technologies using potentially hazardous materials such as battery storage equipment. (DPO page 85)
- Applicant DPO comments request 10 percent because the recommended findings for the 20 percent are related to lithium ion technology and not flow battery technology.
- Additional applicant comments regarding future changes in law or Council policy, particularly with respect to decommissioning.



Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

The EFSC Fish and Wildlife Habitat standard requires the Council to find that the design, construction and operation of a facility is consistent with the Oregon Department of Fish and Wildlife's (ODFW) habitat mitigation goals and standards, as set forth in OAR 635-415-0025. This rule creates requirements to mitigate impacts to fish and wildlife habitat, based on the quantity and quality of the habitat as well as the nature, extent, and duration of the potential impacts to the habitat.



Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Comments received from:

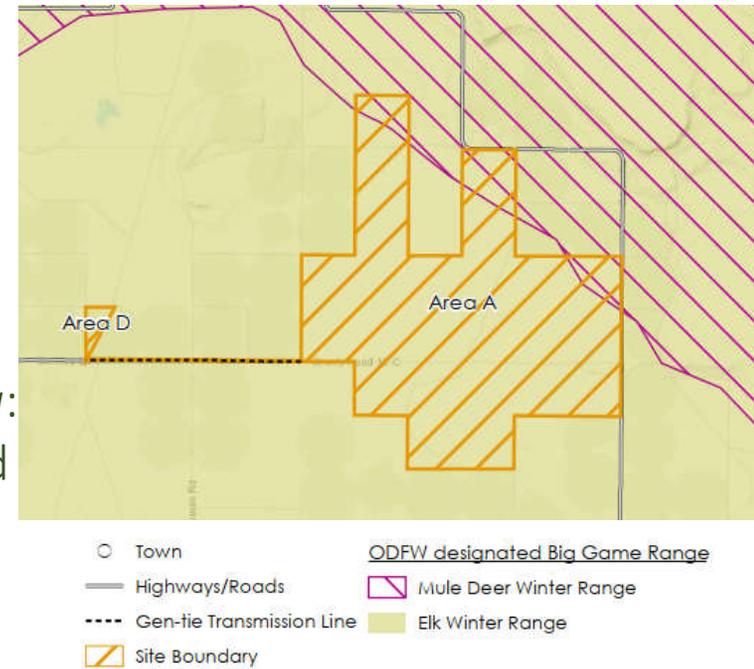
Applicant

ODFW

Members of the public: Gibson, Eagle

Subsection; *Habitat Types and Categories in the Analysis Area:*

- DPO describes habitat types within ODFW's designated Category 2 Big Game Winter Range habitat. (DPO page 96)
- ODFW DPO comments recommend removal of the applicant's sub-habitat categorization to avoid confusion. Applicant agrees to remove the sub habitat descriptions.



Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Recommended Fish and Wildlife Habitat Condition 1 requires the applicant to submit the Revegetation and Noxious Weed Control Plan for review and approval. (DPO page 99)

Applicant DPO comments request the findings and condition be modified to remove details specifying plan finalization requirements because those specific requirements were provided or are addressed in the draft plan.

Lake County
Weed Management Plan
March 1, 2015

Prepared by: Jason Jaeger, Lake County Noxious Weed Supervisor
Date: _____

Reviewed and approved by:

Weed Advisory Committee:

John O'Keefe, Chairman _____ Date _____

Road Department:

Rick DuMilleu, Road Master _____ Date _____

Approved by:

Lake County Board of Commissioners:

Bradley J. Winters, 2015 Chair _____ Date _____

Ken Kestner, 2015 Vice-Chair _____ Date _____

Dan Shoun, Commissioner _____ Date _____



Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Recommended Fish and Wildlife Habitat Condition 2 requires the submission and finalization of the Habitat Mitigation Plan (HMP), based upon Option 3 (Working Lands Improvement Program, WLIP, covering lands equivalent to 1.1 acre for every 1 acre of Category 2 habitat permanently impacted).

(DPO page 100)

ODFW recommends Category 2 habitat mitigation goal under Option 3 rely on an acreage ratio of 2 acres of mitigation area for every 1 acre permanently impacted by the facility (2:1 acre ratio). Applicant proposes to increase the mitigation ratio from 1.1 to 1.2 in response to ODFW's Comments, and maintains that a 2:1 mitigation ratio is not required to satisfy the Category 2 mitigation goal under the ODFW mitigation policy.



Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Section 3.3 of the Habitat Mitigation Plan (HMP) describes the Working Lands Improvement Program (WLIP) Agreements which are legally binding agreements, authorizing Applicant to implement the WLIP consistent with the HMP and obligate the property owner to manage and operate the land consistent with the goals of the WLIP for the life of the facility to provide for mitigation to achieve a no net loss of habitat quality or quantity, and provide a net benefit of habitat quality.

ODFW comments express concerns about how the WLIP Agreements may be used to demonstrate reliability and durability of the proposed mitigation under ODFW's Habitat Mitigation Policy. ODFW makes several recommendations about revisions to the WLIP Agreements and HMP.



Council Review of DPO/Comments

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060

Recommended Fish and Wildlife Habitat Condition 9 requires pre-construction pygmy rabbit surveys; and, development of an incidental wildlife mitigation plan for pygmy rabbits, burrowing owls and white-tailed jackrabbits, which also includes a stop work/agency consultation requirement. (DPO page 103)

Applicant DPO comments requests removal of the pre-construction pygmy rabbit survey and condition details related to the incidental wildlife mitigation plan (pending submission).

ODFW DPO Comments concur with the condition based on standard survey recommendations for burrowing mammals and recommends alternative requirement that the applicant implement a temporary 3-meter avoidance buffer around any active burrows or complexes identified during construction.



Council Review of DPO/Comments

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070

The Threatened and Endangered Species standard requires the Council to find that the design, construction, and operation of the proposed facility are not likely to cause a significant reduction in the likelihood of survival or recovery of a fish, wildlife, or plant species listed as threatened or endangered by Oregon Department of Fish and Wildlife (ODFW) or Oregon Department of Agriculture (ODA).

Based on the applicant's literature review, as confirmed by ODFW and the Oregon Department of Agriculture, suitable habitat for state-listed threatened or endangered fish or wildlife species was not identified within the analysis area. DPO page 106.

Council Review of DPO/Comments

Section IV.J. Scenic Resources: OAR 345-022-0080

The Scenic Resources standard requires the Council to find that visibility of proposed facility structures, plumes, vegetation loss and landscape alterations would not cause a significant adverse impact to identified scenic resources and values. To be considered under the standard, scenic resources and values must be identified as significant or important in local land use plans, tribal land management plans, and/or federal land management plans. (DPO page 108)

Scenic Resources:

- Table Rock ACEC
- Oregon Outback National Scenic Byway
- Christmas Valley National Backcountry Byway

Table 6: Local, State, Tribal, and Federal Land Use Management Plans that Address Lands within the Analysis Area

Jurisdiction	Plan
Lake County	Lake County Comprehensive Plan (Lake County Planning Commission, 1980)
Oregon Department of Transportation	1999 Oregon Highway Plan: Including Amendments November 1999 through May 2015 (ODOT 1999)
Bureau of Land Management, Lakeview Resource Management Area	Lakeview Resource Management Plan and Record of Decision (BLM 2003)
Bureau of Land Management	Areas of Critical Environmental Concern Nomination Analysis Report for the Lakeview Resource Area Resource Management Plan (BLM 2000)
Bureau of Land Management	BLM Handbook 8357-1 Byways (BLM 1993)
ASC Exhibit R	

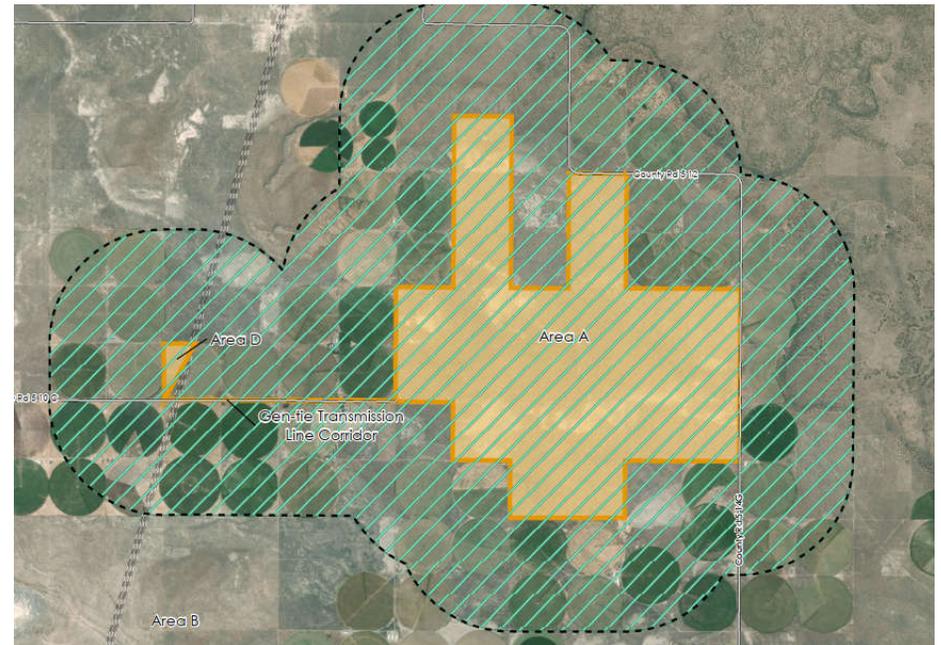


Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

Section (1) of the Historic, Cultural and Archaeological Resources standard generally requires the Council to find that a proposed facility is not likely to result in significant adverse impacts to identified historic, cultural, or archaeological resources.

-  Site Boundary
-  1-mile Buffer
-  Desktop Review Analysis Area
-  Pedestrian Survey Analysis Area
-  Bonneville Power Administration Transmission Line (500kV)
-  PGE Transmission Line (500kV)
-  Highways/Roads



Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

DPO comments received from:

- Oregon State Historic Preservation Office (SHPO)
- General public: Gail Carbiener
- Applicant



Archaeological Investigations Northwest, Inc.

3510 N.E. 122nd Ave. • Portland, Oregon 97230
Phone (503) 761-6685 • Fax (503) 761-6620

Vancouver Phone (604) 696-7473
E-mail: ainw@ainw.com
Web: www.ainw.com

Obsidian Solar Center

Archeological Testing and Excavation Methodologies Plan

This Archeological Testing and Excavation Methodologies Plan document confirms the testing and excavation methodologies (Methodologies) agreed upon by Obsidian Solar Center LLC ("Obsidian") and the Oregon State Historic Preservation Office ("SHPO") to address archaeological permits and mitigation for potential impacts to identified archaeological isolates and sites for the development of solar energy facility in northern Lake County, Oregon on approximately 3,900 acres ("Project").

RECITALS

1. The provisions below are based on currently available information from previous archaeological work associated with the Project.
2. The Klamath Tribes, Burns Paiute Tribe, and Confederated Tribes of Warm Springs have been contacted, and provided the opportunity to comment and participate in Project planning as it relates to tribal cultural interests.
3. The Methodologies treat the recorded archaeological sites and isolates as a district and focuses on Project-related impacts.
4. The Methodologies do not address instances if human remains, burials, sacred objects, or objects of cultural patrimony are encountered (ORS 97.740-760 items). In the event any are encountered at any time, all work must stop, the area must be protected, and the Inadvertent Discovery Plan (IDP) and Tribal Position Paper on the Treatment of Human Remains followed.

Methodologies

1. Archaeological Site Boundaries

Without a full horizontal and vertical understanding of previously recorded archaeological sites in the project area, Oregon SHPO and Obsidian agree to place a 30-meter (m) buffer around each site. The buffer will constitute the archaeological site boundary in terms of assessing Project-related effects. Any previously recorded isolate within a buffered site, will become part of the larger site. In such cases, the buffer will need to be extended out from the isolate. If an additional isolate is within the new buffer, the process will be repeated. Per SHPO Guidelines, testing may still be conducted to determine site boundaries if preferred to determine whether the 30-meter buffer may be removed.

In the event of discoveries that demonstrate a continuous distribution of artifacts (lacking gaps of at least 30 m) between two or more previously recorded archaeological sites, the sites will be combined into a single archaeological site. The site record forms will be revised and submitted to SHPO to document the new site boundaries. If the combined sites are classified in two different categories (High-Density versus Low-Density), then the original separate site areas will be treated according to their original classifications and the



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Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

Recommended Historic, Cultural and Archeological Condition 1 requires the applicant to verify that any surveys conducted prior to and during construction are conducted consistent with the Archeological Testing and Excavation Methodologies Plan, also requires the finalization of provisions in the draft Cultural Mitigation and Monitoring Plan (CMMP). (DPO page 117)

Applicant DPO comments request to remove details to the findings and condition that the Department included specifying the review, approval, and finalization of surveys and Plans;

- Removing language requiring pre-construction surveys or archaeological testing be completed.
- Removing submission and review procedures to Tribes and SHPO for results of archaeological surveys or testing.
- Removes review and approval finalization step of the CMMP (assumes CMMP is final).



Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

SHPO DPO comments provide clarification for assumptions of the applicants study and proposal for impacts to historic, cultural, and archaeological resources including;

- Archaeological sites and objects (isolates) would be eligible under Criterion A as a district (pattern of events) and D (ability to address important research questions).
- The Archeological Testing and Excavation Methodologies Plan, if followed, is meant to guide the project now, with site recordings, updates, and reports submitted to SHPO later. Archaeological work in the plan will occur “prior to and during construction

SHPO does not consider the agreement between the applicant and the Klamath Tribes as mitigation. SHPO must be part of any mitigation. No indication that the Tribes were notified that the contractor was recommending all of the archaeological sites in the “allowed” impacts area as not eligible



Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

Cultural Mitigation and Monitoring Plan (CMMP) DPO Attachment S-3; applicant descriptions and representations from ASC Exhibit S and conditions specified in the SHPO Archaeological Permits.

Applicant DPO comments request to restructure the organization of CMMP as well as revisions consistent with requests remove details the Department included specifying the review, approval, and finalization of surveys and Plans (similar top previous slide).

SHPO DPO comments provide descriptions of SHPO role in eligibility recommendations for listing on the National Register of Historic Places (NRHP). Some archaeological excavations may serve as mitigation, if nothing is found from the archaeological excavations in an area, that would not be mitigation. If something is found, the next steps can be considered mitigation that include consultation with Tribes and SHPO.



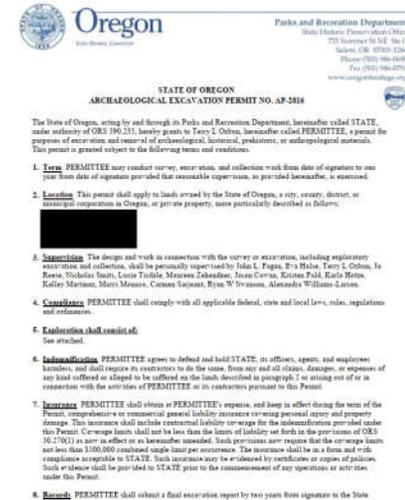
Council Review of DPO/Comments

Section IV.K. Historic, Cultural, and Archaeological Resources:

OAR 345-022-0090

Recommended Historic, Cultural and Archeological Condition 2 requires the applicant to comply with the conditions listed in the SHPO Archaeological Permits and require that the duration of the permit governance be consistent with the construction timeframes identified in recommended General Standard of Review Condition 1 and to coordinate with SHPO to amend or extend the permits as necessary. (DPO page 120)

Applicant DPO comments request to remove the coordination with SHPO to amend, renew or extend the permits as necessary as the applicant maintains that this is issued by EFSC and the site certificate. The applicant requests similar edits to remove language to the Conclusions of Law section of the DPO.



Council Review of DPO/Comments

Section IV.L. Recreation: OAR 345-022-0100

The Recreation standard requires the Council to find that the design, construction, and operation of a facility would not likely result in significant adverse impacts to “important” recreational opportunities. Therefore, the Council’s Recreation standard applies only to those recreation areas that the Council finds to be “important,” utilizing the factors listed in the subparagraphs of section (1) of the standard.

Table 7: Analysis of Potential Important Recreational Opportunities within the Analysis Area

Recreational Opportunity	Distance and Direction from Site Boundary	Special Designation/ Management	Degree of Demand	Outstanding/ Unusual Recreational Quality	Availability/ Rareness	Irreplaceable / Irretrievable
Devil’s Garden Lava Bed	4.0 miles to north	Area of Critical Environmental Concern/ Wilderness Study Area by BLM	Low	Off-highway vehicle use; day use; Derrick Cave lava tube and other lava tubes within the ACEC.	Recreational opportunities are somewhat common in the area.	Relatively irreplaceable
Connley Hills	5.3 miles to southwest	ACEC / Research Natural Area by BLM	Low	Off-highway vehicle use; day use.	Recreational opportunities are somewhat common in the area.	Replaceable

Source: OSCAPPDoc4 ASC 20 OSC ASC Exhibit T 2019-10-17, Table T-1.



Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

The Council's Public Services standard requires the Council to find that a proposed facility is not likely to result in significant adverse impacts on the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, and schools.

DPO comments received from:

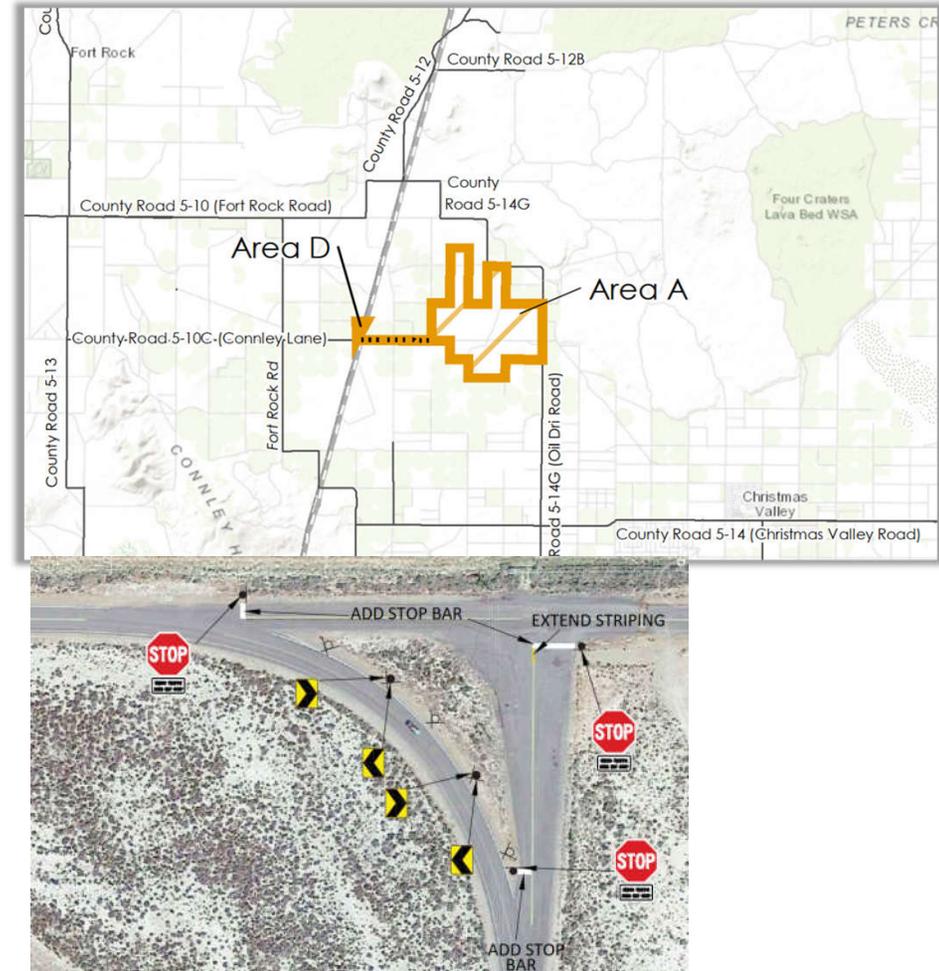
- General Public
 - Mike and Dorothy Ferns
 - Brad Thorsted
- Special Advisory Group (Lake County Board of Commissioners)



Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

Recommended Public Services Condition 1 requires review, approval, and implementation of a Traffic Management Plan, which includes the execution of a county road use agreement (which may address dust abatement, road condition inventory and improvements) between Lake County Public Works Department and the applicant. It further describes best management practices (BMPs) to reduce potential impacts to public and private traffic service providers from construction activities. (DPO page 135)



Council Review of DPO/Comments

Section IV.M. Public Services: OAR 345-022-0110

Recommended Public Services Condition 2 requires that prior to construction and operation of the facility, the applicant submit a Final Construction/Operation Fire Protection and Emergency Response Plan to the Department, included in the draft plan provided in Attachment U-3, for review and approval. (DPO page 139) The plan includes;

- Provide evidence to the Department of its participation in the High Desert RFPA or annexation into the CVRFPD, including the provisions of any agreement and the term of the agreement an updated.
- Fire Prevention Measures.
- Notification to Sherriff's Office.
- Emergency and Fire contact list.



Council Review of DPO/Comments

Section IV.N. Waste Minimization: OAR 345-022-0120

The Waste Minimization Standard requires the Council to find that the applicant would minimize the generation of solid waste and wastewater, and that the waste generated would be managed to minimally impact surrounding and adjacent areas.

Recommended Waste Minimization Condition 1 requires a Solid Waste Management Plan be developed and implemented during construction, operation, and retirement of the facility.
(DPO page 145)



Council Review of DPO/Comments

Section IV.P. Division 24 Standards

IV.P.1. Siting Standards for Transmission Lines: OAR 345-024-0090

The Siting Standards for Transmission Lines address issues associated with alternating current electric fields and induced currents generated by high-voltage transmission lines. OAR 345-024-0090(1) sets a limit for electric fields from transmission lines of not more than 9 kV per meter at one meter above the ground surface in areas that are accessible to the public. Section (2) requires implementation of measures to reduce the risk of induced current.

Recommended Siting Standards for Transmission Lines Condition 1 requires the applicant to provide landowners within 500 feet of the site boundary a map of the 115-kV transmission line and inform landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. (DPO page 149)



Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

IV.Q.1. Noise Control Regulations: OAR 340-035-0035

OAR 340-035-0035 provides the Oregon Department of environmental Quality (DEQ) noise rules for industry and commerce and establishes noise limits for new industrial or commercial noise sources based upon whether those sources would be developed on a previously used or previously unused site.



Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

IV.Q.1. Noise Control Regulations: OAR 340-035-0035

Recommended Noise Control Condition 1, based on applicant-representations for reducing construction-related noise, requires the applicant to develop a noise complaint response system which includes notification to nearby residents, location of noise-generating equipment away from residences, and time restrictions for use of the pneumatic pile. (DPO page 154)

Recommended Noise Control Condition 2 requires the submission of a noise summary report presenting the sound power levels (in dBA) of noise generating equipment and provide an updated noise analysis to demonstrate compliance with the ambient degradation standard and maximum allowable threshold. (DPO page 163)



Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

IV.Q.2. Removal-Fill

The Oregon Removal-Fill Law (ORS 196.795 through 196.990) and Department of State Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within any “waters of the state.”



Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

IV.Q.2. Removal-Fill

35 non-wetland “playas” in the site boundary, and no wetlands, or other waters of the state. Playas are considered waters of the state and subject to regulation under the DSL removal-fill permit requirements. The proposed facility will be built on playas. However, only solar module rack support posts will be installed in playas, not other facility components for an estimated removal-fill impact of 14 cubic yards. (DPO page 164)



Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

State Land Board

May 9, 2019

Obsidian Solar Center LLC
Attn: Michelle Slater
5 Centerpointe Drive Suite 250
Lake Oswego, OR 97035

Kate Brown
Governor

Bev Clarno
Secretary of State

Re: WD # 2018-0581 Wetland Delineation Report for the
Obsidian Solar Center, Lake County;
Full and Partial Tax Lots in T 26S R 15E Sections 13 and 24 and
T 26S R 16E Sections 5, 8, 9 and 15-22 (See Attachment 1);

Tobias Read
State Treasurer

Dear Ms. Slater:

The Department of State Lands has reviewed the wetland delineation report prepared by Ecology and Environment, Inc. for the site referenced above. Please note that study areas D and E include only portions of the tax lots described in Attachment 1 (refer to the attached maps). Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figures 2 and 2.1-2.11 of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the three study areas (A, D, and E), 35 playa lakes (Playas 8-15 and 24-49) were identified. The playas are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more below the ordinary high-water line (OHWL) of a non-wetland water (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). No wetlands were identified within the three study areas.

The playas are grouped in the attached Table E-1 as either playa barrens or playa mosaics, the latter containing areas of upland that are patchy and interspersed with waters. The table summarizes the percentage of each mosaic that is *upland* and therefore not jurisdictional. This information should be used to adjust removal/fill volumes for impacts within individual mosaics.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will determine jurisdiction for purposes of the Clean Water Act. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.



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Council Review of DPO/Comments

Section IV.Q. Other Applicable Regulatory Requirements Under Council Jurisdiction

IV.Q.3. Water Rights

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department (OWRD) administers water rights for appropriation and use of the water resources of the state.

Recommended Water Rights Condition 1, because applicant proposes to use water from the up to two on-site wells during construction and operation of the facility, to ensure compliance with statutory requirements under ORS Chapters 537, the applicant shall follow the recording requirements for wells. (DPO page 167)



Agenda Item H (Information Item)

Montague Wind Power Facility - Council Review of Draft Proposed Order and Public Comments on RFA5

July 24, 2020

Sarah Esterson, Senior Siting Analyst



Presentation Overview

- Facility Overview and Site Certificate History
- Request for Amendment 5 (RFA5) Procedural History
- Changes Proposed in RFA5
- Comments on RFA5/Draft Proposed Order



Facility Overview

Certificate Holder: Montague Wind Power Facility, LLC

Parent Company: Avangrid Renewables, LLC; subsidiary of AVANGRID

Type of Facility: 404 MW wind and solar facility, to be built in phases
Phase 1 (operational): 201 MW wind (56 wind turbines)
Phase 2 (approved): 203 MW wind/solar (up to 81 wind turbines or 1,189 acres of solar facility components, or any combination not to exceed 203 MW)



Facility Site/Site Boundary Location

Site Boundary

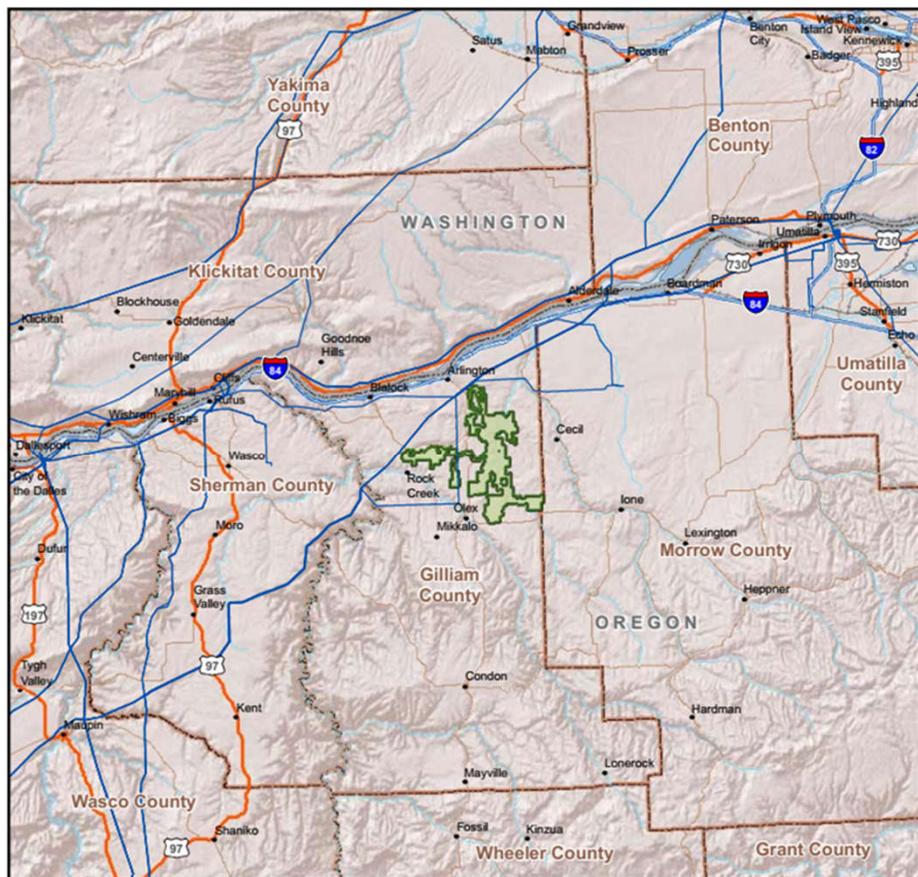
- Contains approximately 47,056 acres
- Private land, within Gilliam County

Site Certificate History

Site Certificate effective Sept. 10, 2010

Site Certificate Amended Four Times:

- June 2013
- December 2015
- July 2017
- September 2019

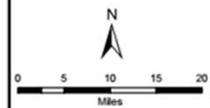


File: Z:\Projects\OR\Montague\MapDocuments\Report Figures\EFSC\Figure C-1 - Site Map.mxd

**Figure C-1
Site Map
Montague Wind
Power Facility**

Legend

- Site Boundary
- Micrositing Corridor
- Cities
- Limited Access Highway
- Highway
- Major Road
- Major Railroad Line
- Existing Transmission Line
- Water
- County Boundary
- State Boundary



Modify Date: 1/8/2010

RFA5 Procedural History

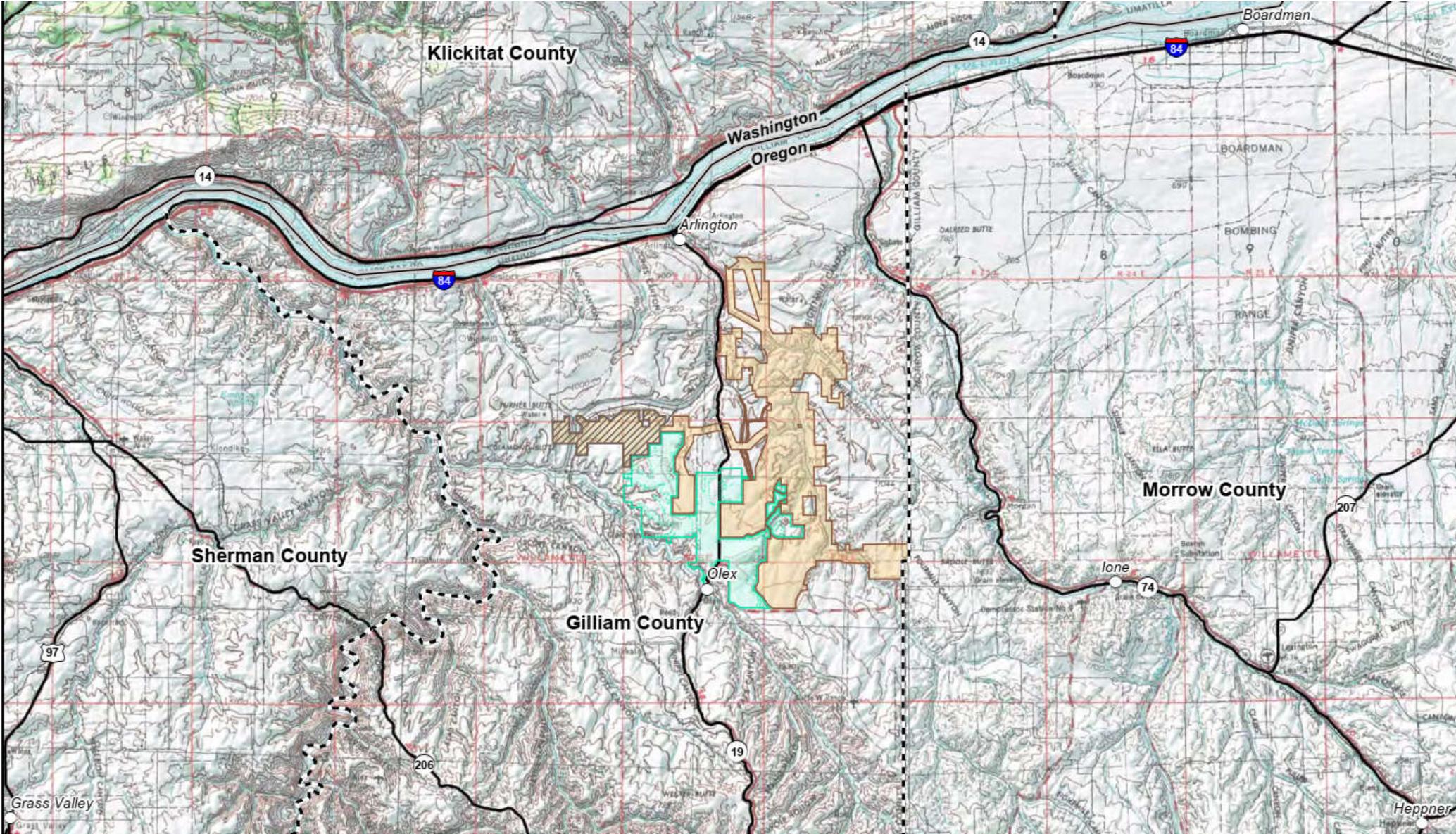
Requirement	Responsible Party	Date
Complete RFA5 Received	Certificate Holder	May 29, 2020
Draft Proposed Order Issued	ODOE	June 26, 2020
Comment Period (27-days)	ODOE	June 26 – July 23, 2020
Public Hearing	EFSC	July 23, 2020
Council Review of Draft Proposed Order	EFSC	July 24, 2020
Proposed Order/Public Notice and Notice of Contested Case Issued	ODOE	TBD
Contested Case Proceeding	EFSC	TBD
Final Order/Amended Site Certificate	EFSC	TBD



Requested Amendment Components

- Split previously approved facility components into three site certificates:
 - Montague Wind Power Facility (201 megawatt (MW) wind) (Fifth Amended Site Certificate)
 - Montague Solar Facility (162 MW solar) (Original Site Certificate)
 - Oregon Trail Solar Facility (41 MW wind and solar) (Original Site Certificate)
- Construct and operate new equipment (switching station);
- Use an alternative route for a transmission line segment;
- Increase solar micrositing area from 1,189 to 2,725 acres (Goal 3 exception request);
- Reduce site boundary;
- And, modify site certificate conditions.





Klickitat County

Washington
Oregon

Arlington

Boardman

BOARDMAN

BOMBING

RANGE

Sherman County

Morrow County

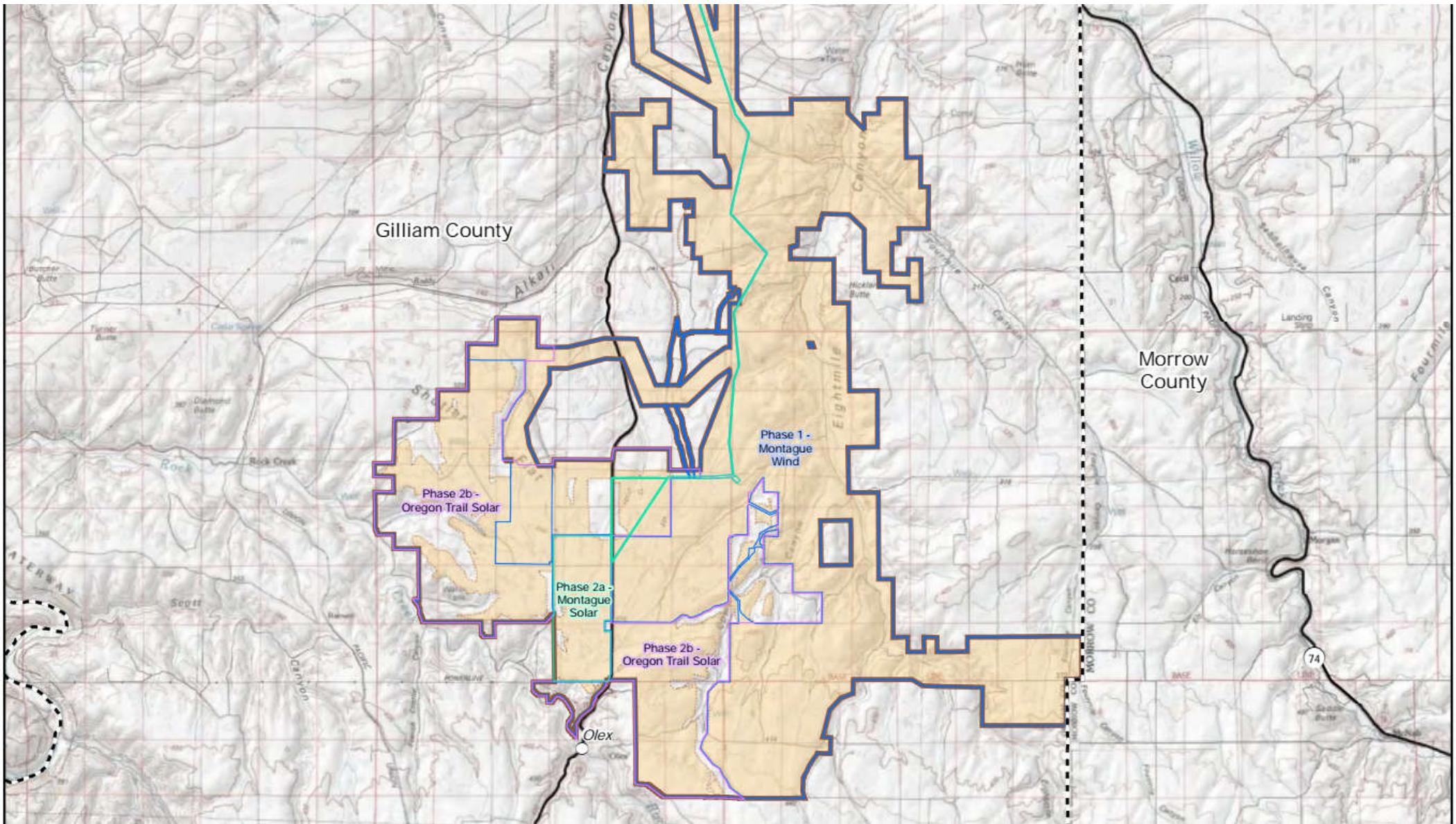
Gilliam County

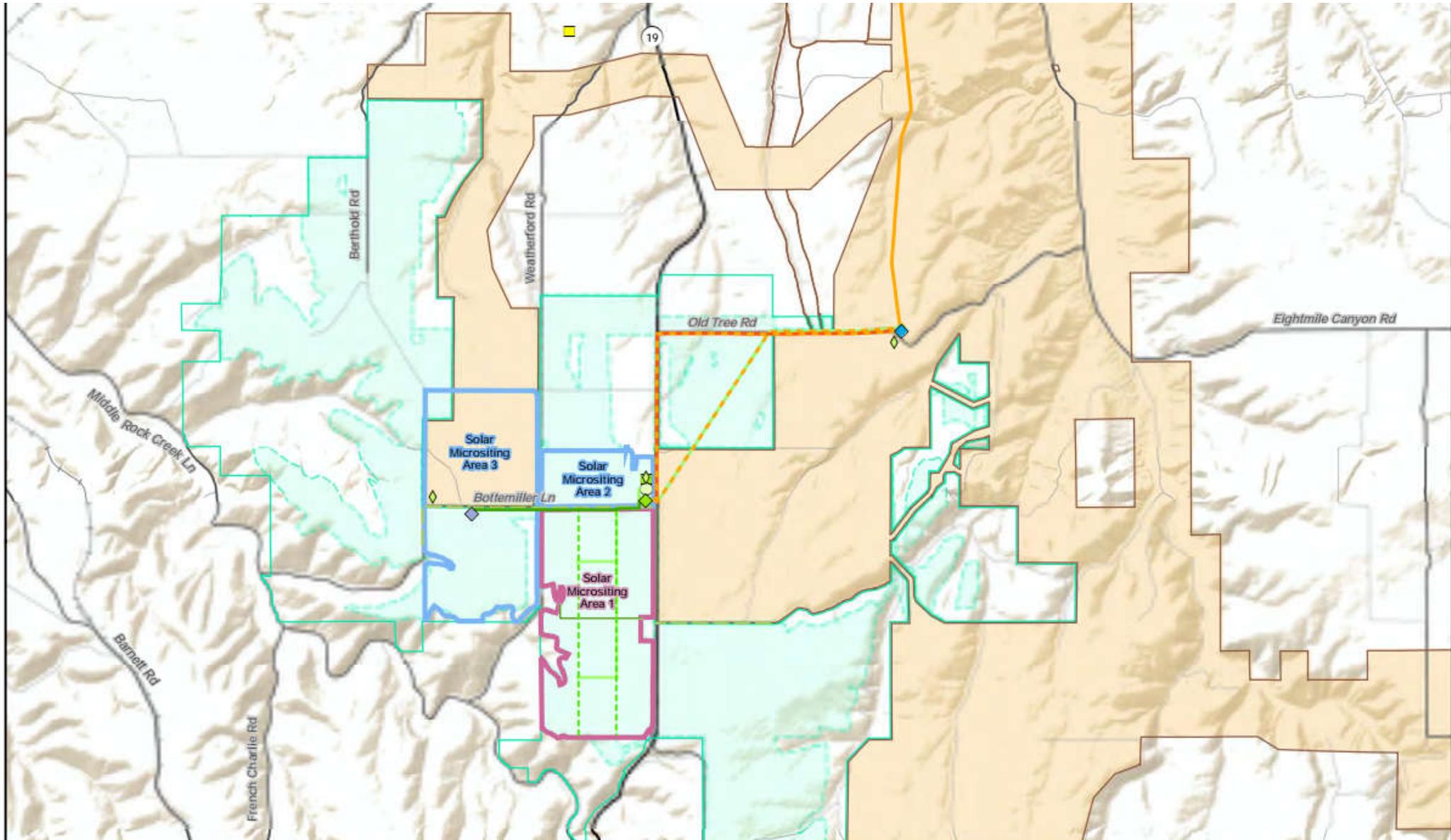
Olex

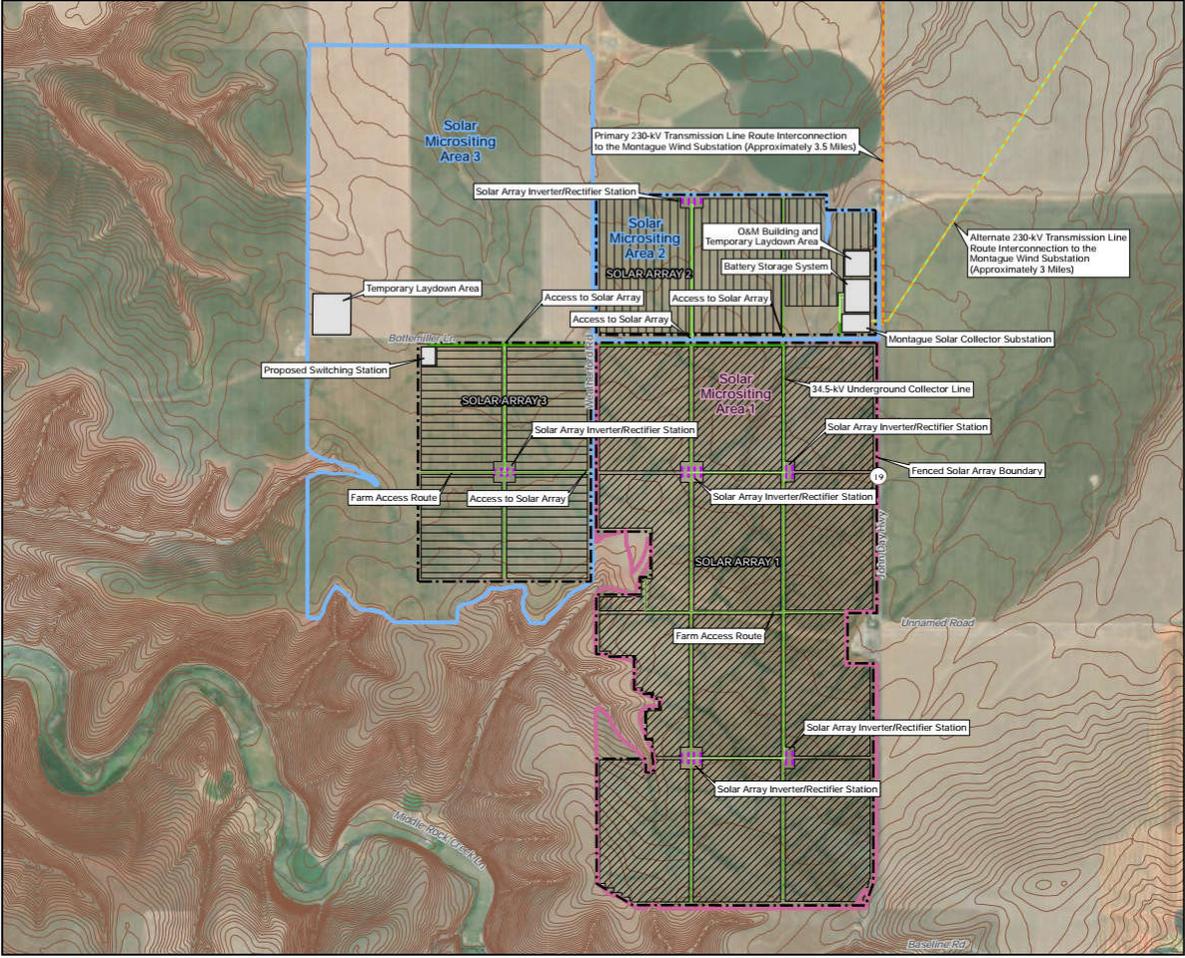
Ione

Grass Valley

Heppner







Council Scope of Review for Draft Proposed Order on Amendment Requests

Pursuant to OAR 345-027-0371, Council shall:

- Review draft proposed order
 - Evaluate compliance with applicable standards, laws that could be impacted by change
- Consider all comments received
- Provide comments to staff for consideration in the proposed order



DPO Comment Summary

Non-substantive replies to Public Notice from state agencies:

- Oregon Department of Fish and Wildlife
- Oregon Department of Aviation
- Oregon Department of State Lands



Review of Draft Proposed Order

No substantive changes in previous Council findings; administrative condition/mitigation plan amendments:

- Section III.A.1 General Standard of Review (DPO p. 23-24)
- Section III.A.3 Soil Protection (DPO p. 34-35)
- Section III.A.6 Fish and Wildlife Habitat (DPO p. 98-99, Attachments D-G)
- Section III.A.7 Historic, Cultural and Archeological Resources (DPO p. 99-102, Attachment H)

Standards Not Likely to Be Impacted:

> Structural Standard > Protected Areas > Threatened and Endangered Species > Scenic Resources > Recreation > Waste Minimization > Public Health and Safety Standards for Wind Facilities > Cumulative Effects Standard for Wind Facilities > Water Rights



Review of Draft Proposed Order

Example Amended Condition – Considered Non-substantive/Administrative

Section III.A.1 General Standard of Review (DPO p. 23-24)

Recommended Amended Condition 24: The certificate holder shall ~~begin~~ begin construction of ~~Phase 1~~ of the facility by September 14, 2017. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [ASC; AMD2; AMD4; AMD5]

~~i. Begin construction of Phase 2 of the facility by August 30, 2022. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [AMD4]~~



Review of Draft Proposed Order

Substantive Changes to Findings and Conditions

Section III.A.2 Organizational Expertise (DPO p. 31-32)

- Recommended Condition: certificate holder requirements for shared facility components to verify access and decommissioning/site restoration responsibility

Section III.A.4 Land Use (DPO p. 62; 89-95)

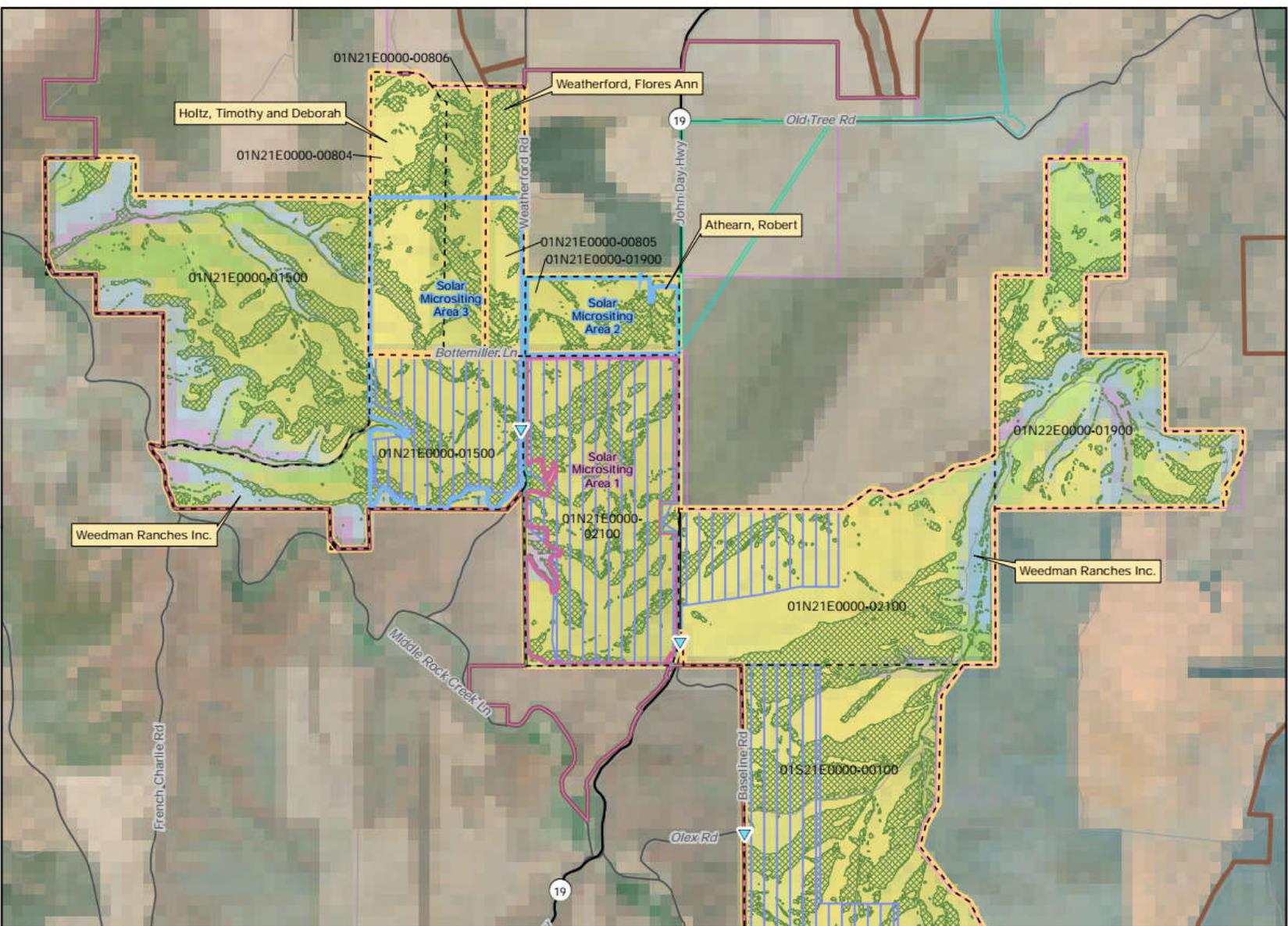
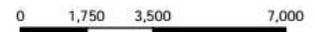
- Recommended Condition: Demonstrate facility signage adheres to GCZO Section 8.050
- Recommended findings of compliance for exception to Goal 3
 - Reasons: local economic benefit; minimal impacts to agriculture; lack of water rights; proximity to previously approved and operational facility components

Figure 11
Land Use
Montague Wind Power Facility

Legend

-  Approved Site Boundary
-  Phase 2a - Montague Solar Site Boundary
-  Phase 2b - Oregon Trail Solar Site Boundary
-  Approved Solar Micrositing Area 1
-  Proposed Expanded Solar Micrositing Area
 - Solar Micrositing Area 2
 - Solar Micrositing Area 3
-  Tax Lot Boundary
-  Tract Boundary
-  High-Value Farmland Per Oregon Revised Statute (ORS) 195.300(10)(f)(C)
-  Water Rights - Groundwater
-  Point of Diversion
-  Place of Use: Water Right Permit G-151B7 (Expired)
- Nonirrigated Soil Capability Classes**
 -  Capability Class 3
 -  Capability Class 4
 -  Capability Class 6
 -  Capability Class 7

- Notes:
1. High-Value Farmland is land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within the Columbia Valley American Viticulture Area (AVA).
 2. The general boundary for the Columbia Valley AVA encompasses the entire area shown on this figure.
 3. Elevation for entire area < 3,000 feet.



Review of Draft Proposed Order

Substantive Changes to Findings and Conditions

Section III.A.5 Retirement and Financial Assurance (DPO p. 97-98)

- Recommended Amended Condition: to reference updated retirement amount, from \$21.5 to \$7.7 million (Montague Wind); and from \$10.4 to \$8.1 million (Montague Solar) and \$3.1 million (Oregon Trail Solar)

Section III.A.8 Public Services (DPO p. 103)

- Recommended Amended Condition: fire prevention and response requirements for solar facility components to include vegetation management and identification of any executed mutual assistance agreements

Review of Draft Proposed Order

Substantive Changes to Findings and Conditions

Section III.A.9 Siting Standards for Transmission Lines (DPO p. 105)

- Recommended Amended Condition: Remove 200 foot setback for transmission line structures to occupied structures

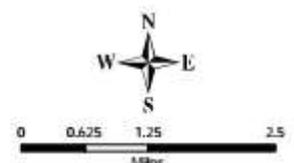
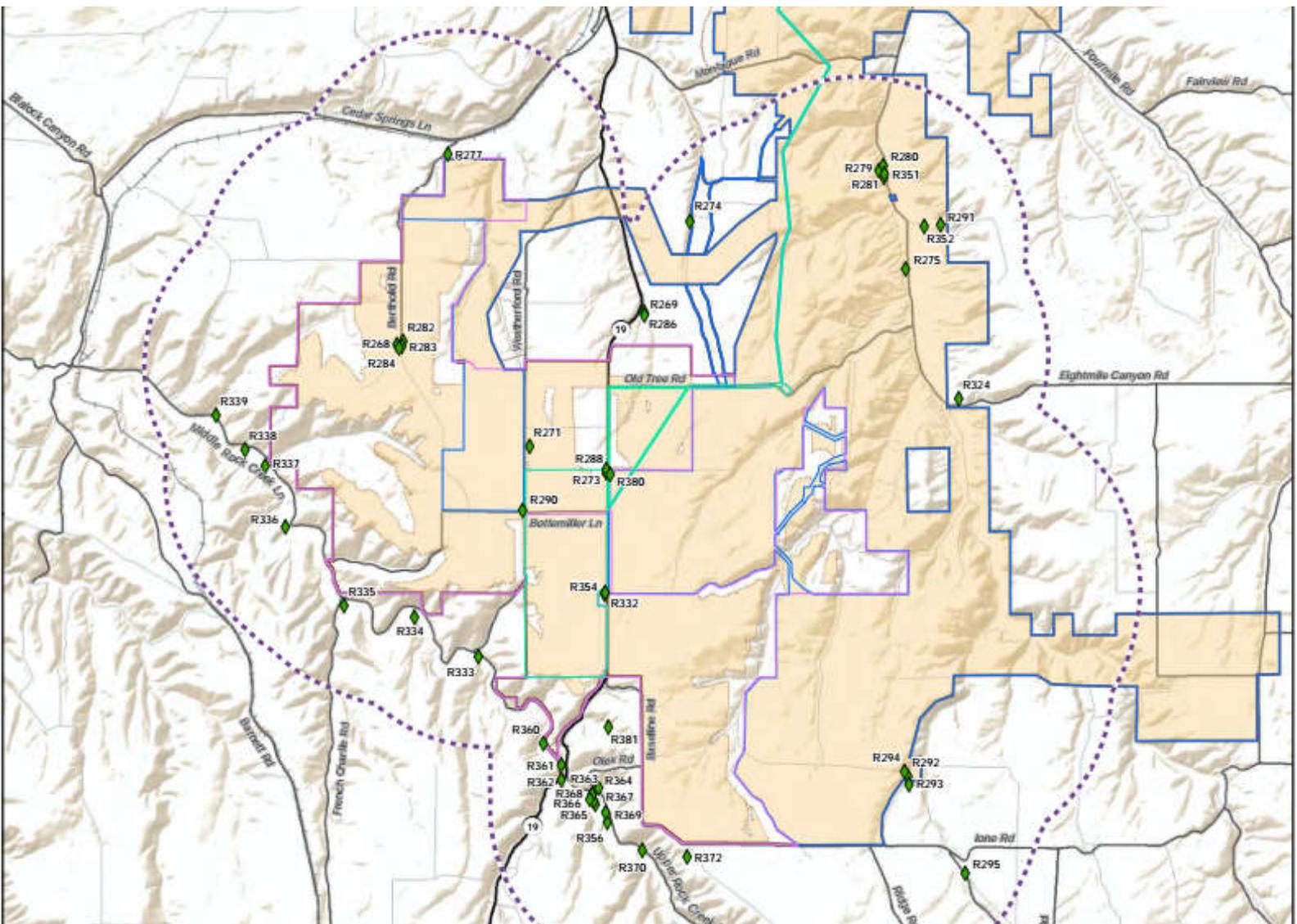
Section III.A.10.1 Noise Control Regulation (DPO p. 112-113)

- Recommended Amended Findings: Predicted noise levels from solar facility components exceed ambient antidegradation standard – allowable with wind noise waiver

Figure 12
 Noise-sensitive Receptors within 2 Miles
 of Turbine Locations
 Montague Wind Power Facility

Legend

-  Approved Site Boundary
-  Approved Micrositing Corridor
-  Phase 1 - Montague Wind Site Boundary
-  Phase 2a - Montague Solar Site Boundary
-  Phase 2b - Oregon Trail Solar Site Boundary
-  Noise-sensitive Receptor
-  2-mile Buffer of Turbine Locations
- Basemap Features
-  Interstate/Highway
-  Public Road
-  Other Road
-  Major Railroad Line



Recommended Modifications in Proposed Order

1. Administrative conversion, edits and corrections; procedural history updates
2. Address comments received
3. Proposed Order Section III.A.5 R&FA: include updated facility decommissioning estimate tables in order and further amend Condition 32 to reference updated tables
4. Proposed Order Section III and in amended/original site certificates: include explanation of baseline conditions for amended and original site certificates

Council Deliberation



Next Steps

August 24, 2020 or earlier:

- ODOE issuance of proposed order, addressing substantive comments within EFSC jurisdiction; and,
- ODOE issuance of public notice and notice of opportunity to request a contested case

Followed by:

- Council review of requests for contested case, and grant or denial of requests
- Contested case proceeding; or approval, modification or rejection of proposed order



Adjourn



BREAK



Council Deliberation

