

Oregon Department of **ENERGY**

Energy Facility Siting
Council Meeting

Virtual Webex Meeting

November 18-19, 2021



Opening Items:

- Call to Order
- Roll Call
- Announcements

Announcements:

- Reminder that this meeting is being held in its entirety via teleconference and webinar.
- Reminder to Council and to anyone addressing the Council to please remember to state your full name clearly, and do not use the speakerphone feature, as it will create feedback.
- You may sign up for email notices by clicking the link on the agenda or the Council webpage.
- You are also welcome to access the online mapping tool and any documents by visiting our website.

Announcements continued:

- Please silence your cell phones
- Please use the “Raise Your Hand” feature in Webex to speak during the public comment period, or press *3 to raise your hand if you are participating by telephone.
- 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 (Information Item)

HB 2064 Rulemaking Hearing

November 18-19, 2021

Christopher Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Overview

- Background
- Overview of Proposed Rules
- Conduct of Hearing
- Public Comment

Background

- The Energy Facility Siting Council (EFSC) consists of seven members appointed by the Governor and subject to confirmation by the Senate. ORS 469.450.
- A quorum must be present at a meeting for the Council to conduct business. When a quorum is not available, the Council may meet, but may not take formal action on any matter. ORS 469.460.
- HB 2064 changes the quorum requirement from “five members” to “a majority” of Council members, effective Jan. 1, 2022.

Proposed Rule

- Consistent with the current law, OAR 345-011-0005(1) provides:

“Five members of the Council constitute a quorum. The Council may meet to discuss any matter in the absence of a quorum but shall take no formal action on any matter unless a quorum is present.”
- The proposed rule would change the word “five” to “four” because four is a majority of the statutory seven-member body.
- No fiscal or economic impacts, or costs of compliance are expected.

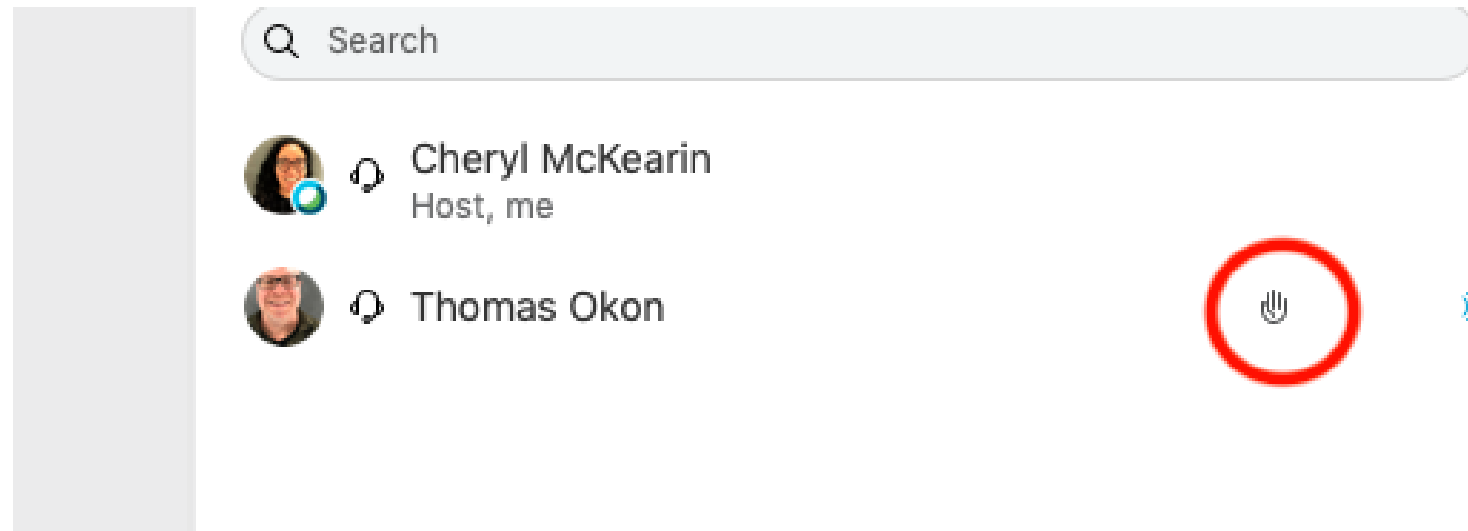
Conduct of Hearing

- If you wish to provide oral comments:
 - Please “raise your hand” at this time.
 - When your name is called, state your name and the name of any organization you represent for the record.
 - Summarize any written material and email it to the address below.
 - The Council will not respond to questions or comments during the hearing.
- Written comments must be received on **December 10 by 6:00 pm** to be considered. Email all written comments or materials to:
efsc.rulemaking@energy.oregon.gov

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the “Raise Your Hand icon”.



Agenda Item B (Information Item)

Trojan ISFSI Rulemaking Hearing

November 18-19, 2021

Christopher Clark, ODOE Siting Policy Analyst & EFSC Rules Coordinator

Overview

- Background
- Proposed Rules
- Conduct of Hearing
- Public Comment

Trojan Nuclear Power Plant

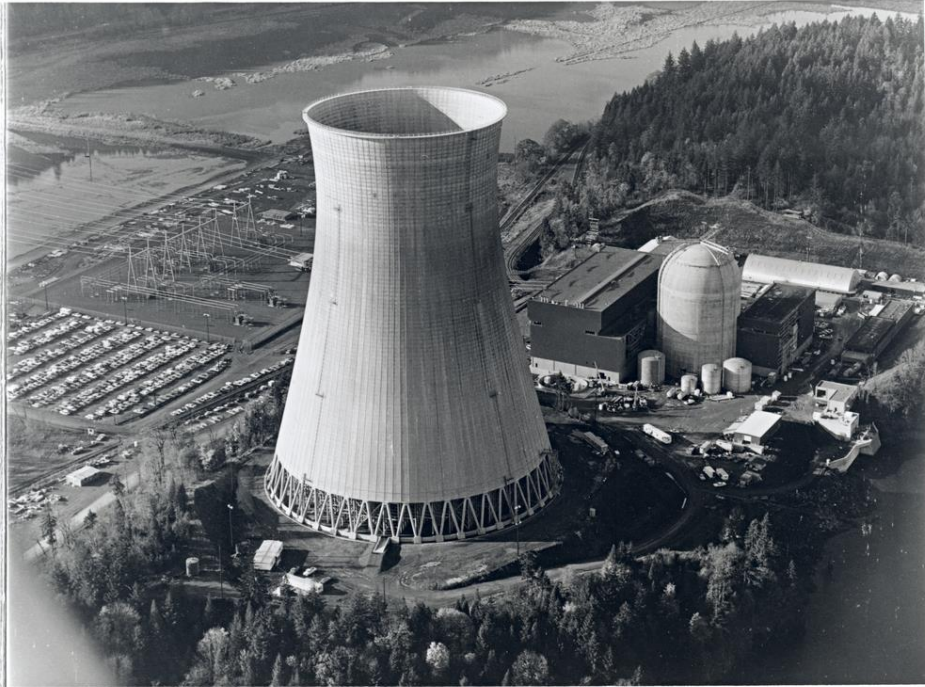


Photo: Oregon Historical Society

- Trojan was an 1,130-MW Nuclear Power Plant located in Columbia County, Oregon that operated from 1976 to 1993.
- The site certificate for Trojan was executed by Governor Tom McCall in 1971. PGE is the certificate holder.
- As part of the power plant decommissioning, all spent nuclear fuel from the plant was transferred to an Independent Spent Fuel Storage Installation (ISFSI)

ISFSI Location & Layout



Trojan ISFSI

- The ISFSI is intended to provide temporary storage of spent nuclear fuel until it is removed for permanent storage by the federal government.
- The ISFSI consists of:
 - Concrete Pad
 - 34 Concrete Casks containing loaded Multipurpose Containers (MPCs)
 - Transfer Station & Transfer Cask
 - Security Equipment
 - Ancillary Facilities



Federal License Renewal Process

1999: US Nuclear Regulatory Commission issues PGE a 20-year license to construct and operate the ISFSI in 1999.

2017: PGE submits License Renewal Application requesting to extend the license for another 40-years.

2019: NRC issues renewed license:

- No major alterations or repairs proposed as part of renewal
- The revised Safety Analysis Report (SAR) establishes new Aging Management Programs
- Renewed license expires on March 31, 2059

2022: Implementation of Aging Management Programs begins.

Aging Management Programs

- The revised SAR specifies Aging Management Programs for the MPCs, concrete casks, transfer cask, and transfer station.
- The Aging Management Programs will replace the Structural Inspection Program referred to under OAR 345-026-0390(5).
- The scope and timing of inspections will be similar, but there will be some changes to procedures, acceptance criteria, and potential corrective actions.

Staff Evaluation of Renewed License

- Staff found that the license renewal process did not result in reductions to commitments or programs described in staff's previous evaluations of the ISFSI.
- There were no changes to the underlying design or assumptions that would affect the certificate holder's compliance with Council rules.
- Aging Management Programs proposed by the certificate holder provide reasonable assurances that the ISFSI can continue to operate safely over the period of extended operation.

Notice of Proposed Rulemaking

- The site certificate does not contain conditions, instead it requires the certificate holder to abide by OAR 345-026-0300 to 345-026-0390.
- Rulemaking is needed to ensure these rules are consistent with renewed NRC license and current federal safety requirements and guidelines.
- The rulemaking is not expected to result in any significant fiscal or economic impacts to the certificate holder.

Proposed Rule Amendments

- Clarifying the applicability of OAR 345-026-0300 to 345-026-0390 to the Trojan ISFSI and consolidating rules where possible.
- Removing references to the 2002 Staff Evaluation and previous versions of the ISFSI Safety Analysis Report.
- Updating or replacing references to federal regulations where appropriate.
- Aligning criteria for when Council's approval and review is required with federal regulations.
- Replacing requirements for the Structural Inspection Program with the new Aging Management Programs.
- Clarifying terms in OAR 345-070.

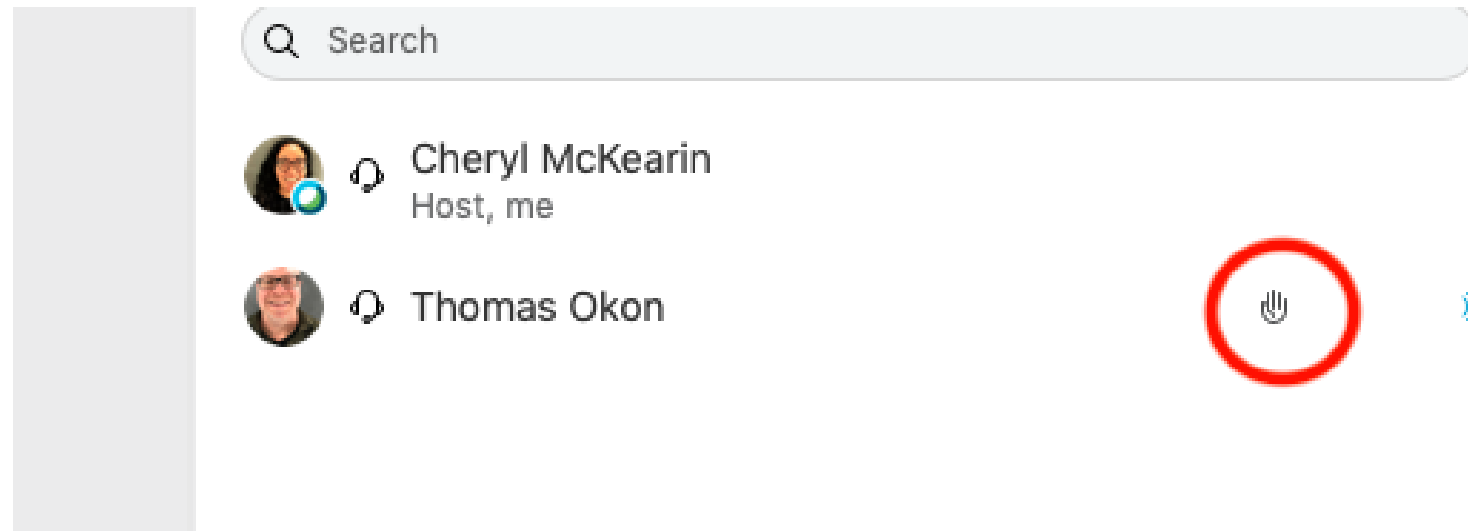
Conduct of Hearing

- If you wish to provide oral comments:
 - Please “raise your hand” at this time.
 - When your name is called, state your name and the name of any organization you represent for the record.
 - Summarize any written material and email it to the address below.
 - The Council will not respond to questions or comments during the hearing.
- Written comments must be received on **December 10 by 5:00 pm** to be considered. Email all written comments or materials to:
efsc.rulemaking@energy.oregon.gov

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the “Raise Your Hand icon”.



Agenda Item C (Action Item & Information Item)

Consent Calendar

November 18-19, 2021

- October Council Meeting Minutes
- Council Secretary Report

Agenda Item D (Action Item)

Bakeoven Solar Project, Review of the Proposed Order for the Request for Amendment 1 of the Site Certificate

November 19, 2021

Kellen Tardaewether, ODOE Senior Siting Analyst

Presentation Overview:

- Facility Overview
- Request for Amendment (RFA) 1 Procedural History
- Proposed Changes in RFA1
- Proposed Order (Action Item)

Bakeoven Solar Project RFA1

Approved Facility: Solar photovoltaic energy generation facility, occupying up to 2,717 acres (6.1 sq. miles), with a generating capacity of approximately 303 MW.

Operating Status: Under Construction

Location: Wasco County, near Maupin

Certificate Holder: Bakeoven Solar LLC (Avangrid Renewables LLC)



Bakeoven Solar Project RFA1

Amendment Request: Split the approved site certificate into an amended and two new site certificates:

1. Bakeoven Solar Project, 60 MW, existing certificate holder – Bakeoven Solar, LLC
2. Day Break Solar Project, 140 MW, new certificate holder – Day Break Solar, LLC
3. Sunset Solar Project, 103 MW, new certificate holder – Sunset Solar, LLC

→ No physical changes to approved facility or expansion to site boundary. Each facility would have separate certificate holders but Avangrid Renewables, LLC would remain parent company for all. Type B review request approved by Department.

Department Recommendation: Approve RFA1 and issue an amended and two original site certificates

Figure 1
Bakeoven Solar
Project Site Boundary
Micrositing Corridor by Phase

WASCO COUNTY, OREGON



Data Sources

Reference Map

*Avangrid-Project Infrastructure;
USDA-Aerial Imagery; Census Bureau-Tiger Roads*



101015, PROQUEST,TS/A, might have Overlooked At 20:23:00 PM,OV_Bake oven, FFA_1, Figure 1, Stradounsky, 11/17/2010 2:10:40 PM



Bakery

Sherman
County
Wasco
County



1:55,000

WGS 1984 UTM Zone 10N

NOT FOR CONSTRUCTION

Bakeoven Solar Project

Figure 2
Bakeoven Solar Project (Phase I)
Proposed Micrositing Corridor

WASCO COUNTY, OREGON

- Proposed Micrositing Corridor
- Proposed Site Boundary
- US Highway
- Local Road
- County Boundary

TETRA TECH

AVANGRID
RENEWABLES

Data Sources

Grid Project Infrastructure;
Aerial Imagery; Census Bureau Tiger Roads

Reference Map



Bakeoven Solar Project

Figure 3
Day Break Solar Project (Phase II)
Proposed Micrositing Corridor

WASCO COUNTY, OREGON

- Proposed Micrositing Corridor
- Proposed Site Boundary
- US Highway
- Local Road
- County Boundary

TETRA TECH

AVANGRID
RENEWABLES

Data Sources

Grid project infrastructure;
Aerial imagery; Census Bureau Tiger Roads

Reference Map



Bakeoven Solar Project

Figure 4
Sunset Solar Project (Phase III)
Proposed Micrositing Corridor

WASCO COUNTY, OREGON

- Proposed Micrositing Corridor
- Proposed Site Boundary
- US Highway
- Local Road
- County Boundary

TETRA TECH

AVANGRID
RENEWABLES

Data Sources

Avangrid Project Infrastructure
DA Aerial Imagery, Census Bureau Tiger Roads

Reference Map



RFA1 – Procedural History

| Requirement | Responsible Party | Date |
|--------------------------------------|--------------------|------------|
| Preliminary Request for Amendment 1 | Certificate Holder | 6/11/2021 |
| Complete RFA2 Received | Certificate Holder | 09/22/2021 |
| Type B Determination | ODOE | 9/27/2021 |
| Draft Proposed Order Issued (Type B) | ODOE | 9/27/2021 |
| Comment Period Deadline (30-days) | ODOE | 10/27/2021 |
| Proposed Order/Public Notice | ODOE | 11/05/2021 |
| Council review of Proposed Order | EFSC | 11/19/2021 |
| Final Order/Amended Site Certificate | EFSC | TBD |

Review of Proposed Order

Comments Received on Draft Proposed Order: The Department received one non-substantive reviewing agency comment on the record of the DPO from the Oregon Department of Aviation.

- No modifications were made in the Proposed Order in response to comment received.

Overview of Proposed Order

Standards Evaluated for Request for Amendment 1:

- General Standard of Review
- Organizational Expertise
- Land Use
- Retirement and Financial Assurance
- Fish and Wildlife Habitat

Overview of Proposed Order

General Standard of Review [OAR 345-022-0000]

Proposed Order, Section III.A. (Starting on page 26)

Recommended General Standard of Review Condition 7 for the Bakeoven, Daybreak, Sunset Solar Site Certificates (Page 30):

- Authorizes shared use of related or supporting facilities including the battery storage system, collector substation, operations and maintenance building, Supervisory, Control and Data Acquisition system, 230 kV transmission line, collection system, access roads, fencing, gates, and temporary staging areas.
- If any of the certificate holders of the Bakeoven, Daybreak, or Sunset Solar facilities propose to substantially modify a shared facility, then each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates.
- Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RT-02, for the operational facility, if facilities are decommissioned at different times.

Overview of Proposed Order

General Standard of Review [OAR 345-022-0000]

Proposed Order, Section III.A.

STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]

GEN-GS-01

The certificate holder shall begin and complete construction of the facility, ~~facility component or phase~~ or any phase of the facility by the dates specified in the site certificate.

- Construction of the facility, ~~facility component or phase~~ or any phase of the facility shall commence on or before April 24, 2023, three years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline.
- Construction of the last ~~phase of the facility~~, ~~facility component or phase~~ if ~~constructed in phases~~, shall commence on or before April 24, 2025, five years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline.
- Construction of all facility components shall be completed on or before April 24, 2026, six years after the date of Council action. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline.

[General Standard Condition 1, ~~Final Order on ASC (2020)~~, ~~AMD1 (2021)~~; Mandatory Condition OAR 345-025-0006(4)]

Table 3: Site Certificate Conditions with Proposed Language Modification

| General Conditions: Design, Construction and Operation | | |
|--|-----------|-----------|
| GEN-GS-01 | GEN-SP-01 | GEN-FW-04 |
| GEN-GS-02 | GEN-LU-01 | GEN-FW-05 |
| GEN-GS-03 | GEN-LU-02 | GEN-SR-01 |
| GEN-GS-04 | GEN-LU-03 | GEN-HC-01 |
| GEN-OE-01 | GEN-FW-01 | GEN-PS-01 |
| GEN-OE-02 | GEN-FW-02 | GEN-WM-01 |
| GEN-OE-05 | GEN-FW-03 | |
| Pre-Construction Conditions | | |
| PRE-GS-02 | PRE-LU-04 | PRE-RT-01 |
| PRE-OE-01 | PRE-LU-05 | PRE-RT-02 |
| PRE-SS-01 | PRE-FW-01 | PRE-PS-01 |
| PRE-LU-01 | PRE-FW-02 | PRE-NC-01 |
| PRE-LU-02 | PRE-FW-03 | PRE-RT-01 |
| PRE-LU-03 | PRE-TE-01 | |
| Construction Conditions | | |
| CON-PS-01 | | |
| Pre-Operational Conditions | | |
| PRO-SP-01 | | |
| PRO-ST-01 | | |
| Operational Conditions | | |
| OPR-GS-01 | | |
| OPR-GS-02 | | |
| OPR-LU-01 | | |
| OPR-LU-02 | | |

Overview of Proposed Order

General Standard of Review [OAR 345-022-0000]

Proposed Order, Section III.A. (Plans listed on on Page 33)

Attachment A-1: Draft Amended Bakeoven Solar Project Site Certificate
Attachment A-2: Draft Daybreak Solar Project Site Certificate
Attachment A-3: Draft Sunset Solar Project Site Certificate
Attachment B-1: pRFA1 Reviewing Agency Comments
Attachment B-2: [Reserved for Draft Proposed Order Comments]
Attachment C-1: Draft Amended Revegetation Plan (Bakeoven Solar Project)
Attachment C-2: Draft Revegetation Plan (Daybreak Solar Project)
Attachment C-3: Draft Revegetation Plan (Sunset Solar Project)
Attachment D-1: Draft Amended Habitat Mitigation Plan (Bakeoven Solar Project)
Attachment D-2: Draft Habitat Mitigation Plan (Daybreak Solar Project)
Attachment D-3: Draft Habitat Mitigation Plan (Sunset Solar Project)
Attachment E-1: Draft Amended Noxious Weed Control Plan (Bakeoven Solar Project)
Attachment E-2: Draft Noxious Weed Control Plan (Daybreak Solar Project)
Attachment E-3: Draft Noxious Weed Control Plan (Sunset Solar Project)
Attachment F: Draft Amended Wildlife Monitoring Plan (Bakeoven Solar Project)

Attachment G-1: Draft ESCP Drawings and BMPs (Bakeoven Solar Project)
Attachment G-2: Draft ESCP Drawings and BMPs (Daybreak Solar Project)
Attachment G-3: Draft ESCP Drawings and BMPs (Sunset Solar Project)
Attachment H-1: Draft Amended Inadvertent Discovery Plan (Bakeoven Solar Project)
Attachment H-2: Draft Inadvertent Discovery Plan (Daybreak Solar Project)
Attachment H-3: Draft Inadvertent Discovery Plan (Sunset Solar Project)
Attachment I-1: Draft Amended Construction Traffic Management BMPs (Bakeoven Solar Project)
Attachment I-2: Draft Construction Traffic Management BMPs (Daybreak Solar Project)
Attachment I-3: Draft Construction Traffic Management BMPs (Sunset Solar Project)
Attachment J-1: Draft Amended Operational Fire Protection and Emergency Response Plan (Bakeoven Solar Project)
Attachment J-2: Draft Operational Fire Protection and Emergency Response Plan (Daybreak Solar Project)
Attachment J-3: Draft Operational Fire Protection and Emergency Response Plan (Sunset Solar Project)
Attachment K-1: Forest-Farm Easement
Attachment K-2: Mediation Ordinance

Overview of Proposed Order

Organizational Expertise [OAR 345-022-0010]

Proposed Order, Section III.B. (Starting on page 35)

- Bakeoven Solar Project, 60 MW, existing certificate holder – Bakeoven Solar, LLC
- Day Break Solar Project, 140 MW, new certificate holder – Day Break Solar, LLC
- Sunset Solar Project, 103 MW, new certificate holder – Sunset Solar, LLC

Certificate Holder Owner → Avangrid Renewables LLC

- Avangrid is the certificate holder parent company for six EFSC-jurisdictional energy facilities.

Overview of Proposed Order

Land Use [OAR 345-022-0030]

Proposed Order, Section III.E. (Starting on page 37)

Based on review of the applicable substantive criteria from the WCLUDO zone provisions and WCCP goals and policies that apply to the administrative split of the Bakeoven Solar Project Site Certificate and new certificate holders, the Department recommends Council find that the provisions identified below (WCLUDO 19.030(C)(18) and (19)) may be applicable to the changes proposed in RFA1 and are evaluated in the Proposed Order.

- WCLUDO Section 19.030(C)(18): Coordination and Documentation (Addressed with Land Use Condition 9)
- WCLUDO Section 19.030(C)(19): Termination and Decommissioning (Addressed under Council's Retirement and Financial Assurance standard and conditions)

Overview of Proposed Order

Retirement and Financial Assurance [OAR 345-022-0050]

Proposed Order, Section III.G. (Starting on page 44; Table 5 begins on Page 47)

Table 5: Proposed Amended Facility Decommissioning Cost Estimate and Unit Costs

| Task or Action | Unit Cost(\$) ¹ | Unit | Bakeoven Solar | | Daybreak Solar | | Sunset Solar | |
|--|-----------------------------|-----------|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|----------------------------|
| | | | Quantity ³ | Estimate (\$) ² | Quantity ³ | Estimate (\$) ² | Quantity ³ | Estimate (\$) ² |
| Equipment Mobilization/Demobilization | | | | | | | | |
| Equipment Mobilization | 61,200 | Total | 1 | 61,200 | 1 | 61,200 | 1 | 61,200 |
| Site Facilities | 2,200 | Total | 1 | 2,200 | 1 | 2,200 | 1 | 2,200 |
| Crew Mobilization and Site Setup | 12,065 | Day | 3 | 36,195 | 3 | 36,195 | 3 | 36,195 |
| Crew Demobilization and Site Cleanup | 12,065 | Day | 2 | 24,130 | 2 | 24,130 | 2 | 24,130 |
| Home Office (5%)/Contractor Overhead and Fee (13%) | -- | % of Cost | 1 | 22,271 | 1 | 22,271 | 1 | 22,271 |
| Subtotal (Q1 2019) = | | | 145,996 | | 145,996 | | 145,996 | |
| Substation, O&M Building and Transmission Line | | | | | | | | |
| Task or Action | Unit Cost (\$) ¹ | Unit | Bakeoven Solar | | Daybreak Solar | | Sunset Solar | |
| | | | Quantity ³ | Estimate (\$) ² | Quantity ³ | Estimate (\$) ² | Quantity ³ | Estimate (\$) ² |
| Fence Removal | 1,202 | Day | 1 | 1,202 | 0 | -- | 0 | -- |
| Transformer/Oil Removal | 94,339 | Equip. | 2 | 188,678 | 0 | -- | 0 | -- |
| Remove Control Building | 2,432 | Equip. | 1 | 2,432 | 0 | -- | 0 | -- |
| Remove O&M Building | 150,000 | Each | 1 | 150,000 | | | | |
| Underground Utility and Ground Removal | 1,202 | Day | 2 | 2,404 | 0 | -- | 0 | -- |
| Remove Foundations to Subgrade | 27 | Cu. Yd. | 500 | 13,500 | 0 | -- | 0 | -- |
| Misc. Materials Disposal | 1,675 | Day | 1 | 1,675 | 0 | -- | 0 | -- |
| Restore Yard | 15,650 | Acres | 4 | 62,600 | 0 | -- | 0 | -- |
| Conductor Removal | 33,955 | Mile | 11 | 373,505 | 0 | -- | 0 | -- |
| Structure Removal | 4,467 | Each | 83 | 370,761 | 0 | -- | 0 | -- |
| Remove Foundations to Subgrade | 4,620 | Each | 83 | 383,460 | 0 | -- | 0 | -- |
| Home Office (5%)/Contractor Overhead and Fee (13%) | -- | % of Cost | 1 | 279,039 | 0 | -- | 0 | -- |

Overview of Proposed Order

Retirement and Financial Assurance [OAR 345-022-0050]

Proposed Order, Section III.G. (Starting on page 44; Table 5 begins on Page 47)

Table 5: Proposed Amended Facility Decommissioning Cost Estimate and Unit Costs

| Task or Action | Unit Cost(\$) ¹ | Unit | Bakeoven Solar | | Daybreak Solar | | Sunset Solar | |
|---|----------------------------|------|-----------------------|----------------------------|-----------------------|----------------------------|-----------------------|----------------------------|
| | | | Quantity ³ | Estimate (\$) ² | Quantity ³ | Estimate (\$) ² | Quantity ³ | Estimate (\$) ² |
| Increase due to inflation (Subtotal*Rate) | | | | 279,835 | | 438,307 | 329,322 | 21,829 |
| Subtotal in Q2 2021 dollar | | | | 5,661,282 | | 8,867,287 | 6,662,430 | 441,609 |
| <i>Council Applied Contingencies</i> | | | | | | | | |
| Performance and Payment Bond (1%) | | | | 56,613 | | 88,673 | 71,040 | NA |
| Department Project Management (10%) | | | | 566,128 | | 886,729 | 710,404 | NA |
| Future Development (10%/20%) ⁴ | | | | 566,128 | | 886,729 | 666,243 | 88,322 |
| Proposed Facility Decommissioning Cost (Q2 2021 Dollars) | | | | 6,850,151 | | 10,729,417 | | 8,640,048 |
| Rounded to Nearest 1,000= | | | | 6,850,000 | | 10,729,000 | | 8,640,000 |

Overview of Proposed Order

Retirement and Financial Assurance [OAR 345-022-0050]

Proposed Order, Section III.G. (Starting on page 44; Table 5 begins on Page 47)

Recommended Amended Retirement and Financial Assurance Condition 5

(Bakeoven Solar): Before beginning construction of the facility, ~~facility component or phase or any phase of the facility~~, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is \$6,850,000 ~~23,036,000~~ million dollars (Q21 ~~2021~~19 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:

- a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, ~~facility component or phase or any phase of the facility~~, by applying the unit costs, and general costs, and contingencies illustrated in Table 5 of the Final Order on RFA1 for the Bakeoven Solar Project the ASC, and the contingencies illustrated in ~~Table 6 of the Final Order on the ASC~~. The certificate holder may provide a bond or letter of credit for ~~any phase of the facility~~, facility component or phase, based on the unit costs and general costs illustrated in Table 5 of the Final Order RFA1 for the Bakeoven Solar Project on the ASC, and the contingencies illustrated in ~~Table 6 of the Final Order on the ASC~~. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b). Any modification to the unit costs presented in Table 5 of the Final Order RFA1 for the Bakeoven Solar Project on the ASC are subject to review and approval by the Council.
- b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:
 1. Adjust the amount of the bond or letter of credit (expressed in Q21 ~~2021~~19 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the second-first ~~second~~ quarter ~~2021~~19 index value and the quarterly index value for the date of issuance

Overview of Proposed Order

Retirement and Financial Assurance [OAR 345-022-0050]

Proposed Order, Section III.G. (RFA1 Attachments)



July 22, 2021

Ms. Sarah T. Esterson
Energy Facility Siting Analyst
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301

RE: Avangrid Renewables, LLC
Sunset Solar Project

Dear Ms. Esterson:

Avangrid Renewables, LLC is a highly regarded and valued client of Aon Risk Services and Liberty Mutual Insurance Company. Liberty Mutual Insurance Company (hereinafter, Liberty Mutual) is privileged to act as surety for Avangrid Renewables, LLC. Our surety relationship and experience with Avangrid Renewables, LLC has been superior in all respects and is qualified for issuance of a single bond in the amount of \$10,000,000 with an aggregate capacity of \$150,000,000.

Liberty Mutual is a national provider of surety bonds, enjoying an "Excellent" A.M. Best rating of "A". Liberty Mutual is listed in the Federal Register as a surety acceptable on government projects, and is approved by the Massachusetts Department of Insurance with authorization to issue surety

SITE CERTIFICATE BOND

Bond No. 019077670

KNOW ALL MEN BY THESE PRESENTS, THAT WE

Bakeoven Solar, LLC (Hereinafter called Principal), as Principal and Liberty Mutual Insurance Company, a corporation duly organized and existing under and by virtue of the laws of the State of Oregon (hereinafter called "Surety") as Surety, are held and firmly bound unto the STATE OF OREGON, acting by and through the ENERGY FACILITY SITING COUNCIL, (Hereinafter called "Obligee"), as Obligee, in the penal sum of SIX MILLION EIGHT HUNDRED AND NINETY FIVE and 00/100 Dollars, (\$6,895,000.00) good and lawful money of the United States of America, to be paid to the Obligee, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHERE AS, the said Principal has been granted a Site Certificate for the Bakeoven Solar facility, effective April 24, 2020 ("Site Certificate").

WHERE AS, the Principal is required to provide financial security to the Obligee in the amount of \$6,895,000.00 (1st Quarter 2021 Dollars) under Condition PRE-RT-02 in accordance with Condition PRE-RT-01 of said Site Certificate as specified by the Obligee to be an adequate amount to retire the Bakeoven Solar facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110 or OAR 345-025-0006(16).

NOW, THEREFORE THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall comply with the conditions of the Site Certificate as referenced above,
OR, if the Principal shall obtain and provide alternate financial assurance approved by the Council within 90 (ninety) days after the date of notice of cancellation is received by the Obligee from the Surety, then this obligation shall be void, otherwise to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Obligee that the Principal has failed to perform as guaranteed by this bond, the Surety will be obligated to pay monies to the Obligee limited to the penal sum of this bond to fund any work required.

PROVIDED, HOWEVER, THAT THIS BOND IS EXECUTED BY THE PRINCIPAL AND SURETY AND ACCEPTED BY THE OBLIGEE SUBJECT TO THE FOLLOWING EXPRESS CONDITIONS:

1. It is understood by all parties to the Site Certificate that the term of this bond shall begin on April 9, 2021 and is continuous in nature until canceled as provided below.

Overview of Proposed Order

Fish and Wildlife Habitat [OAR 345-022-0060]

Proposed Order, Section III.H. (Starting on page 55)

- **Fish and Wildlife Habitat Condition 2** (GEN-FW-02): finalization of draft Noxious Weed Control Plans for Bakeoven, Daybreak and Sunset Solar Projects; amendments are limited to changes in the name and description of the facility/facility components for which the plan would apply.
- **Fish and Wildlife Habitat Condition 9** (GEN-FW-05): implementation of the Wildlife Monitoring Plan (WMP); 1-2 year post construction fatality monitoring program. RFA1 proposes to remove the WMP from the two original site certificates for Daybreak and Sunset Solar, while maintaining the WMP and condition requirement in the amended Bakeoven Solar Project site certificate because the monitoring area originally proposed for the 303 MW facility is equal to the proposed microsite area for the amended Bakeoven Solar Project site certificate, therefore, once completed for Bakeoven, even with the split/sharing, the total survey area would be the same as originally proposed.

Council Deliberation

Approve (staff recommendation)

Approve Proposed Order
as Final Order and Issue
Amended/Two Original
Site Certificates

Modify

Approve Proposed Order,
with modifications, as
Final Order and Issue
Amended/Two Original
Site Certificates

Reject

Reject Proposed Order
and Issue Final Order
Denying Issuance of
Amended/Two Original
Site Certificates

Council Deliberation

Agenda Item E (Action Item)

Appointment of Special Advisory Group for the West End Solar Energy Project

November 18-19, 2021

Kellen Tardaewether, ODOE Senior Siting Analyst

West End Solar Energy Project

- Proposed Facility:
 - 50 megawatt solar photovoltaic energy facility
 - Up to 70 megawatt energy storage system
- Site boundary of approximately 324 acres of Exclusive Farm Use land
 - Thereof, 238 acres of high value farmland under ORS 195.300(10)(f) due to location within Columbia Valley American Viticulture Area (AVA)
- Location: Umatilla County, approximately 2 miles southeast of the City of Hermiston
- Applicant: EE West End Solar LLC (applicant), a subsidiary of Eurus Energy America Corporation



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 [**West End Solar Energy Project**]
 - > 1,280 acres on cultivated land or NRCS soil class I-IV
 - > 1,920 acres on “other land”

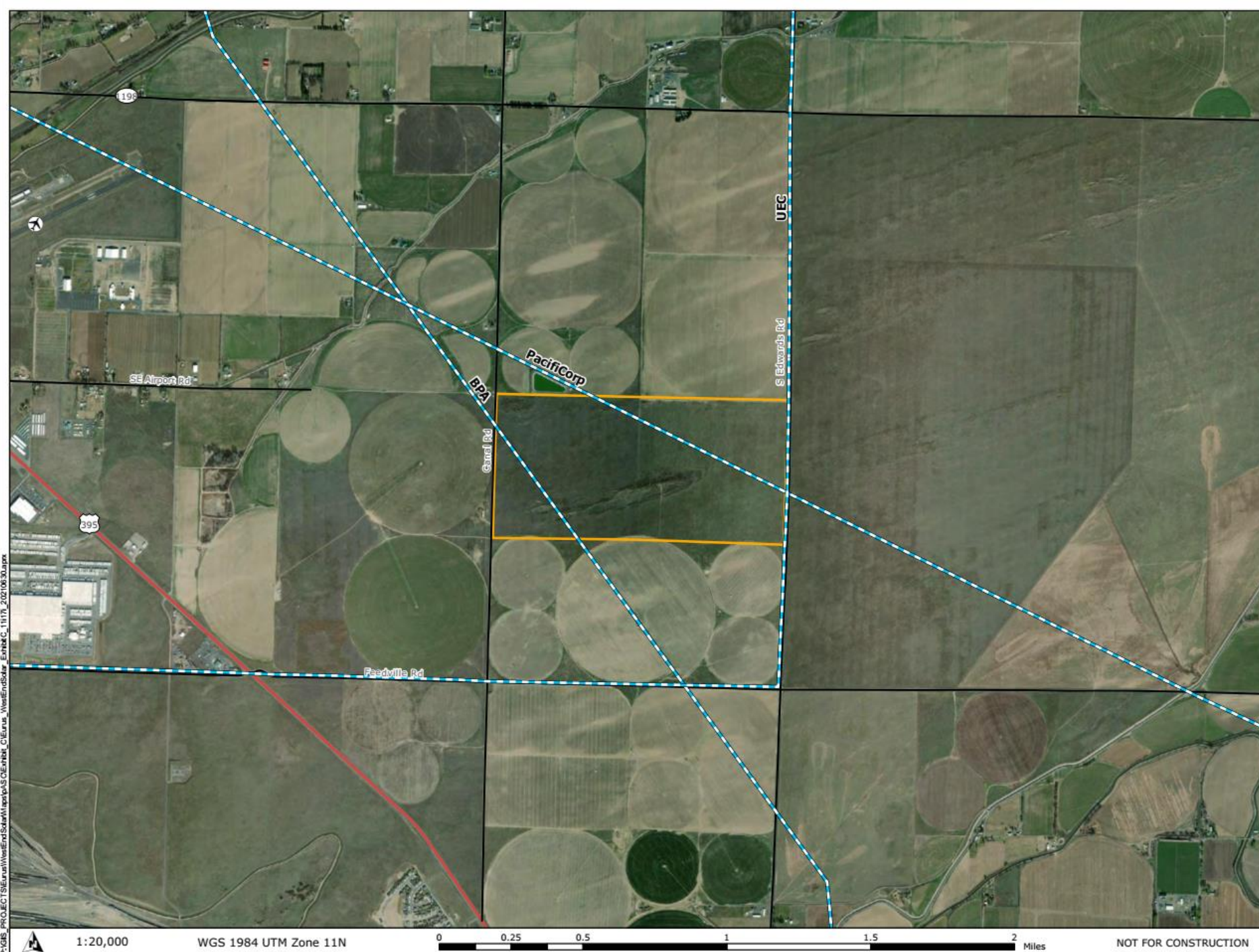
Figure C2
Site Boundary
(Micrositing Corridor)

UMATILLA COUNTY, OR

-  Proposed Site Boundary
 Existing Transmission Line
 Hermiston Municipal Airport
 City/Town
 US Highway
 County Highway
 Local Roads
 County Boundary



Reference Map



P:\GIS_PROJECTS\Ileus\WestEndSolar\MapAS\Exhibit_C\Ileus_WestEndSolar_Exhibit_C_11171_20210630.aprx



1:20,000

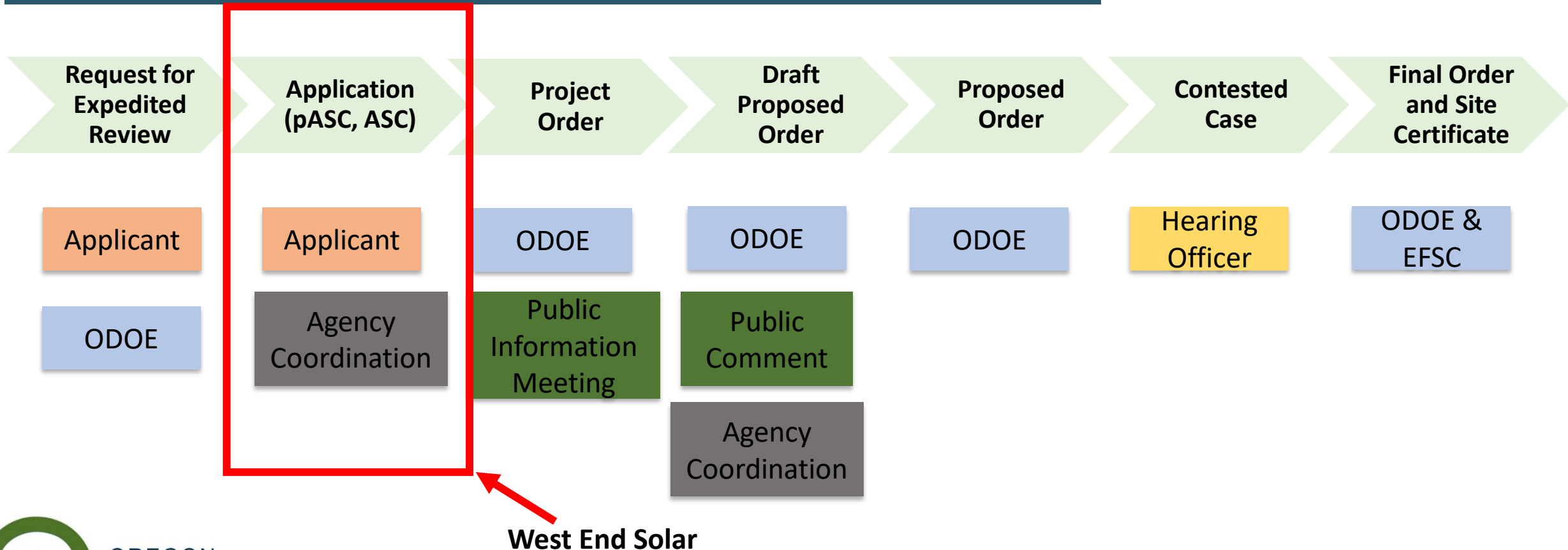
WGS 1984 UTM Zone 11N

0 0.25 0.5 1 1.5 2 Miles

NOT FOR CONSTRUCTION

Energy Facility Siting Process

Application for Site Certificate – Expedited Review process



Procedural History

- December 11, 2020: Request for expedited review submitted
- December 17, 2020: Request for expedited review approved
- November 5, 2021: preliminary Application for Site Certificate filed

Upcoming:

- November/December: Department issues Project Order
- November/December: Department sends reviewing agency memos, reviews pASC and may issue RAI's

Energy Facility Siting Process

Role of Special Advisory Groups (SAGs)

- Special Advisory Group (Board of Commissioners) may designate County Planning Department to comment on behalf of the County or provides comments formally as the Board of Commissioners.
- Submits a list of all applicable substantive criteria
- Submits local interpretations
- Submits comments regarding compliance with the applicable substantive criteria and other issues of interest/concern to the County

SAG Appointment

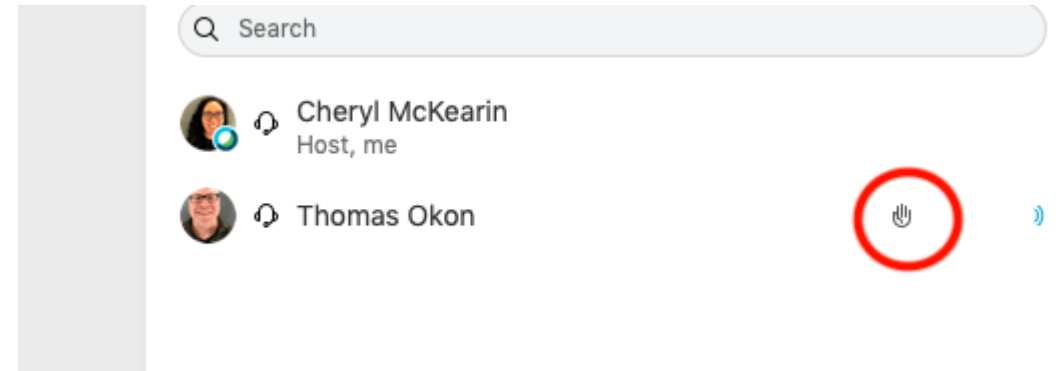
- ORS 469.480 “The EFSC shall designate as a Special Advisory Group the governing body of any local government within whose jurisdiction the facility is proposed to be located.”
- The Umatilla Board of County Commissioners is the governing body of Umatilla County, the location of the West End Solar Energy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

Agenda Item F

PUBLIC COMMENT

Phone Commenters: Press *3 to raise your hand to make comment, and *3 to lower your hand after you've made your comment.

Webinar Commenters: Open the Participant list, hover over your name and click on the “Raise Your Hand icon”.



How to Raise Your Hand in Webex:

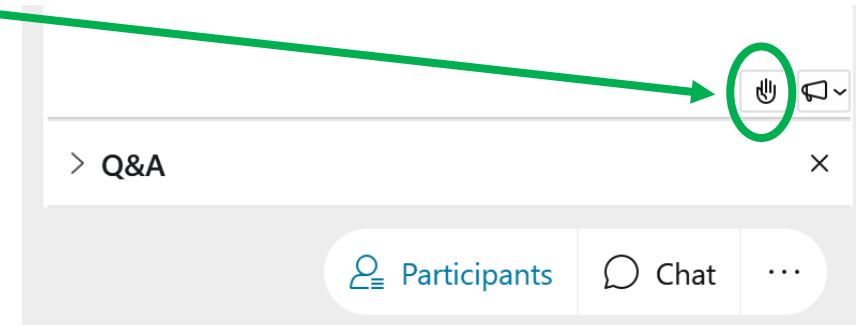
Webinar Participants

The bottom right of the main window is a set of icons:

Click on “Participants”

The bottom right of the participant window is a hand icon, click on the hand:

Clicking on it again will lower your hand.



Phone Participants

Press *3 on your telephone keypad to raise your hand.

Press *3 again on your telephone keypad to lower your hand.

BREAK

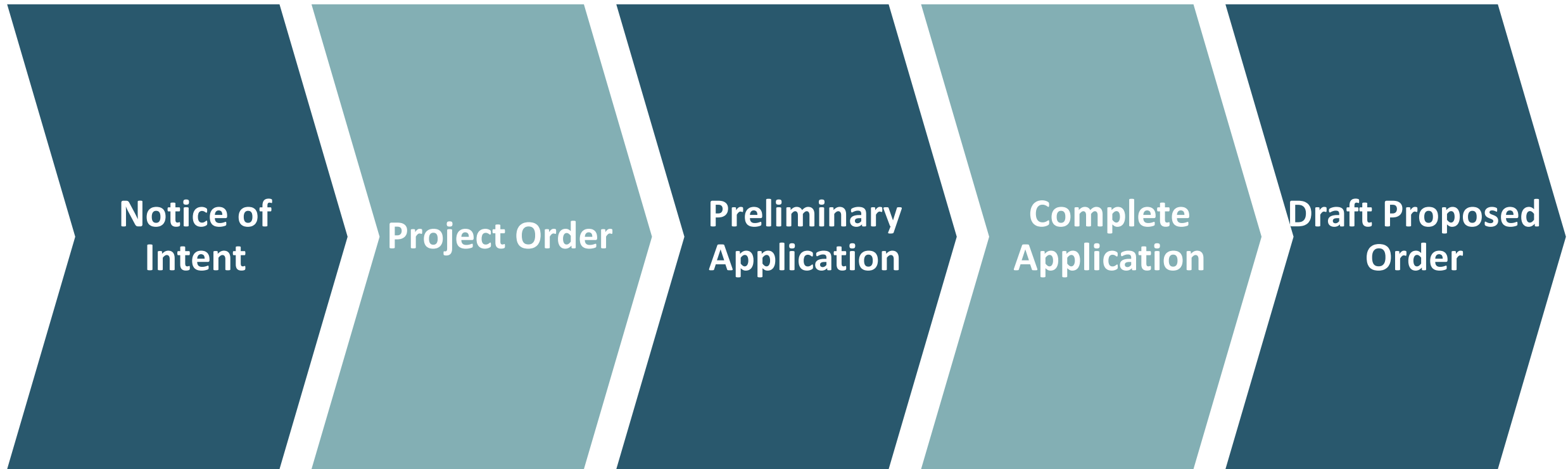
Agenda Item G (Information Item)

Land Use Standard Overview Part II

November 18-19, 2021

Todd Cornett, ODOE Assistant Director for Siting and Council Secretary

Land Use Standard Process



Land Use Standard Process



1. Applicant makes statement about land use path choice in Exhibit I:
 - Path A = local government land use process
 - Path B = EFSC land use standard
 - Hybrid = different reviews for energy facility and related and supporting facilities

Land Use Standard Process



2. EFSC appoints Special Advisory Group
3. ODOE Requests Applicable Substantive Criteria from local government(s)

Land Use Standard Process



1. Applicable Substantive Criteria or Goal Compliance
2. Directly Applicable Statutes and Rules (ORS 197.646(3))
3. Goal Exception

Land Use Standard Process



Applicant Requirements

- Final Land Use Choice (local government, EFSC or hybrid)
- All land use requirements from the project order and how the facility complies with them

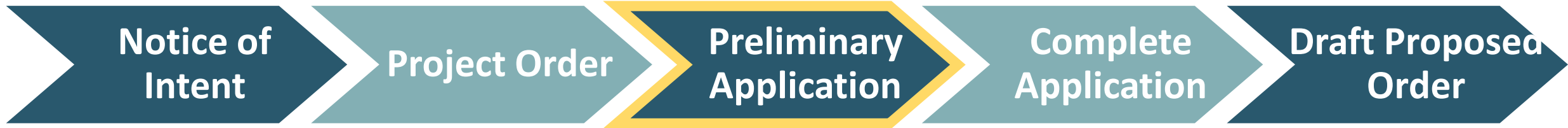
Land Use Standard Process



1. Applicable Substantive Criteria

- In effect on the date of the preliminary application
- Required by Land Use Goals
- EFSC Standards vs Applicable Substantive Criteria

Land Use Standard Process



2. Directly applicable statutes and rules

3. Goal Exception

Land Use Standard Process



ODOE Completeness Review Requirements

Reviewing agency Notice and Comment

- Special Advisory Group
- Department of Land Conservation and Development
- Department of Agriculture

Land Use Standard Process



Reviewing Agency Notice and Comment

- Compliance with land use requirements
- Recommended conditions

Public Notice and Information Meeting

Land Use Standard Process



ODOE Recommendation

- Findings of Facts
- Conclusion of Law
- Conditions of Approval

Notice, Comment and Public Hearing

Council's Review of the DPO and Comments

Land Use Standard Process

Local Government Obligations

- Permit Issuance
 - No review
 - No proceedings
 - Fees are allowed
- Compliance

Future Land Use Overview Items

- Goal Exceptions
- When applicable substantive criteria are required by the land use goals and when they are not
- Applicable case law

QUESTIONS

Adjourn

