

Oregon Department of **ENERGY**

Energy Facility Siting
Council

Virtual Meeting

February 25, 2022



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 (Action Item & Information Item)

Consent Calendar

February 25, 2022

- January Council Meeting Minutes
- Council Secretary Report

Agenda Item B

(Information, Hearing & Action Items)

Obsidian Solar Center

- **Proposed Order on Application for Site Certificate**
- **Proposed Contested Case Order**
- **Hearing**
- **Council Decision**

Presented by:

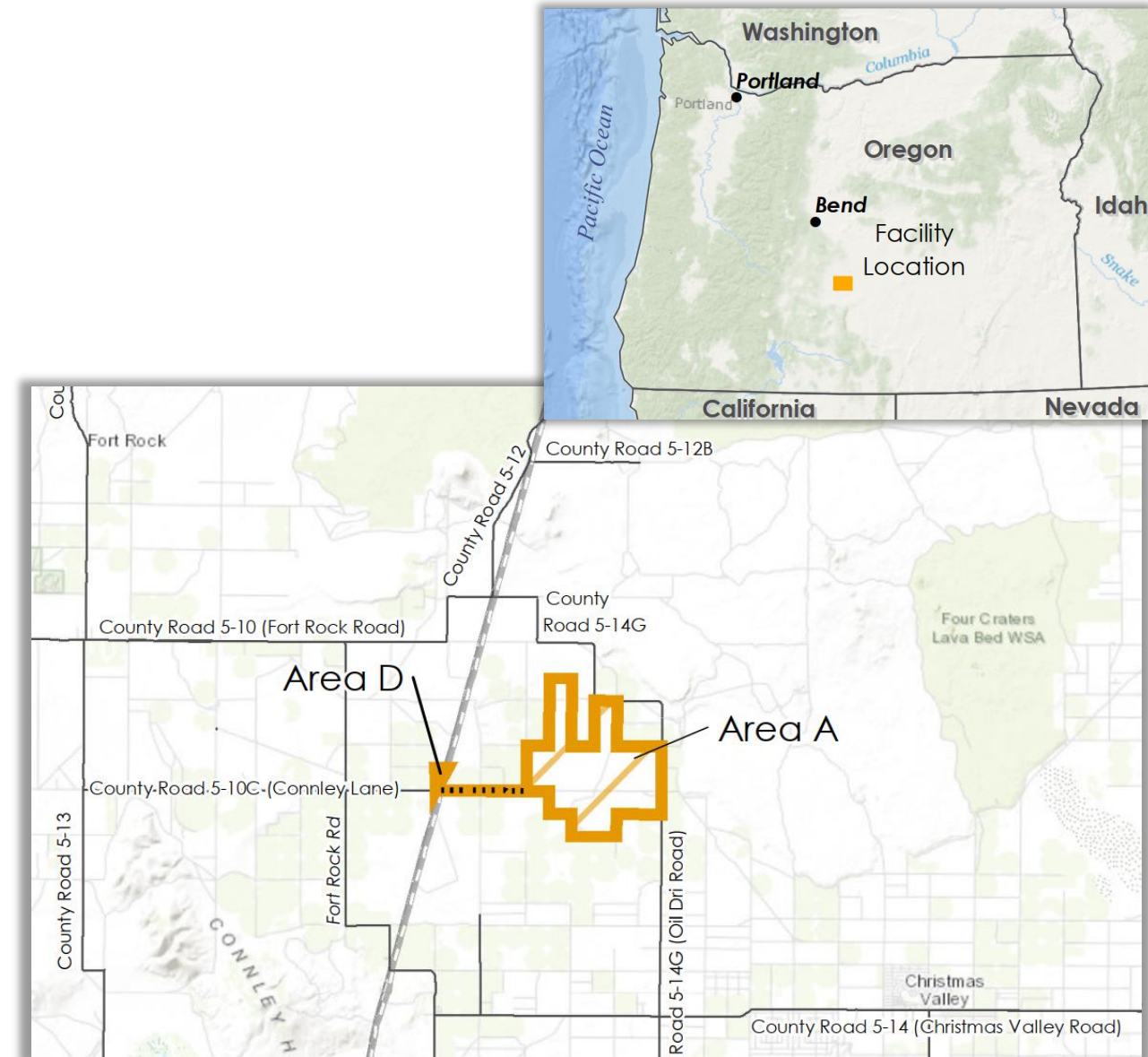
Kellen Tardaewether, Senior Siting Analyst, Oregon Department of Energy

Jesse Ratcliffe, Senior Assistant Attorney General, counsel to Council

Council Review of Proposed Order

Location of Proposed Facility

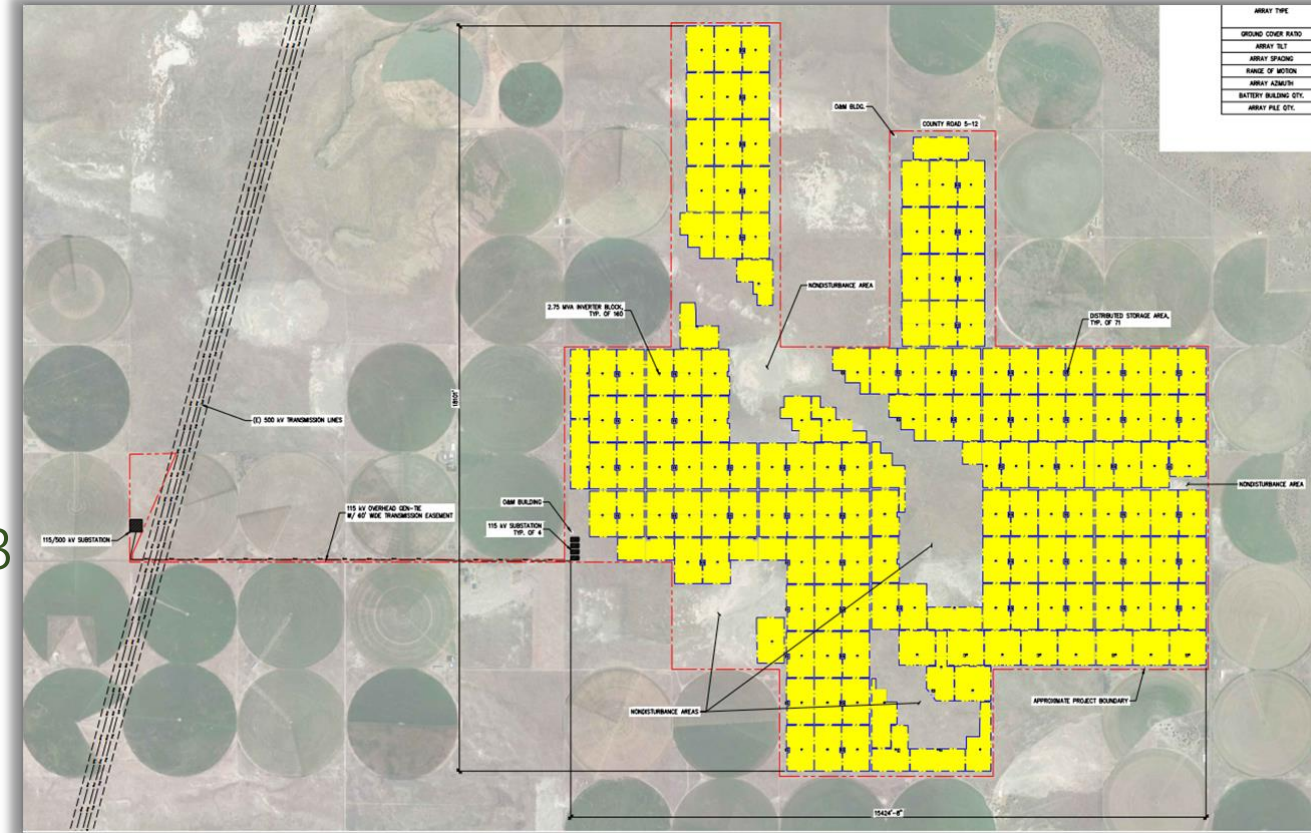
- Applicant: Obsidian Solar Center LLC
- Proposed Facility: 400 MW solar facility
- Location: 3,921-acre (6.1 sq. mile) site boundary in north Lake County



Council Review of Proposed Order

Description of Proposed Facility

- Solar Photovoltaic (PV) Energy Facility
- Related or Supporting Facilities:
 - dispersed or centralized flow battery storage systems;
 - up to four collector substations (1 acre/each);
 - 115/500 kilovolt (kV) step-up substation (3 acres);
 - up to two O&M buildings;
 - perimeter fencing and security gates;
 - approximately two-mile 115 kV generation-tie (gen-tie) transmission line.



Council Review of Proposed Order

Procedural History Summary for Obsidian Solar Center ASC		
Milestone	Responsible Party	Date
Notice of Intent	Applicant	Jan 16, 2018
Preliminary Application for Site Certificate	Applicant	Sep 25, 2018
Application for Site Certificate	Applicant	Oct 30, 2019
Draft Proposed Order (DPO)	Department	Mar 12, 2020
Public Hearing on the DPO	EFSC/Department	Jul 20, 2020
Review of DPO and Comments	EFSC	Aug 21, 2020
Proposed Order and Notice of Contested Case	Department	Oct 9, 2020
Contested Case Proceeding	Hearing Officer/Parties	Nov 9, 2020 – Jan 26, 2022
Review of Proposed Order and Proposed Contested Case Order	EFSC	Feb 25, 2022
Final Decision on Approval/Denial of Site Certificate	EFSC	Feb 25, 2022 or TBD

Council Review of Proposed Order

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 Proposed Order

Section IV.A. General Standard of Review: OAR 345-022-0000 (Page 20)

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. (Page 23)

Recommended General Standard Condition 3: The certificate holder shall design, construct, operate, and retire the facility: Substantially as described in the site certificate; in compliance with applicable Council rules, state and local laws, rules and ordinances in effect at the time the site certificate is issued; and all applicable permit requirements of other state agencies. (Page 24)

Recommended General Standard Condition 6: Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. (Page 24)

Council Review of Proposed Order

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

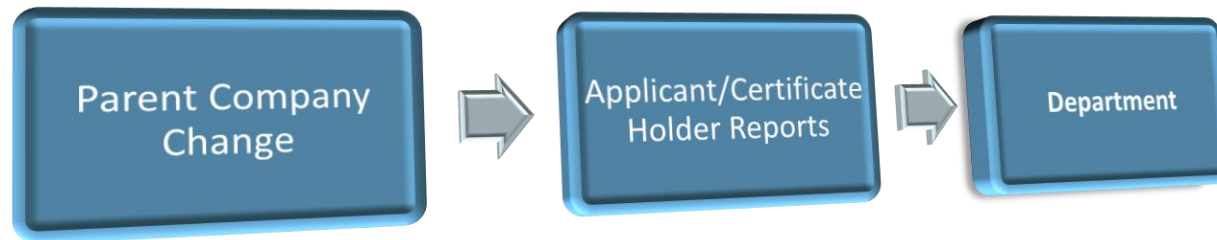
Subsections (1) and (2) of the Council's Organizational Expertise standard require that the applicant demonstrate its ability to design, construct and operate the proposed facility in compliance with Council standards and all site certificate conditions, and in a manner that protects public health and 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 Proposed Order

Section IV.B. Organizational Expertise: OAR 345-022-0010 (Page 27)

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. (Page 29)

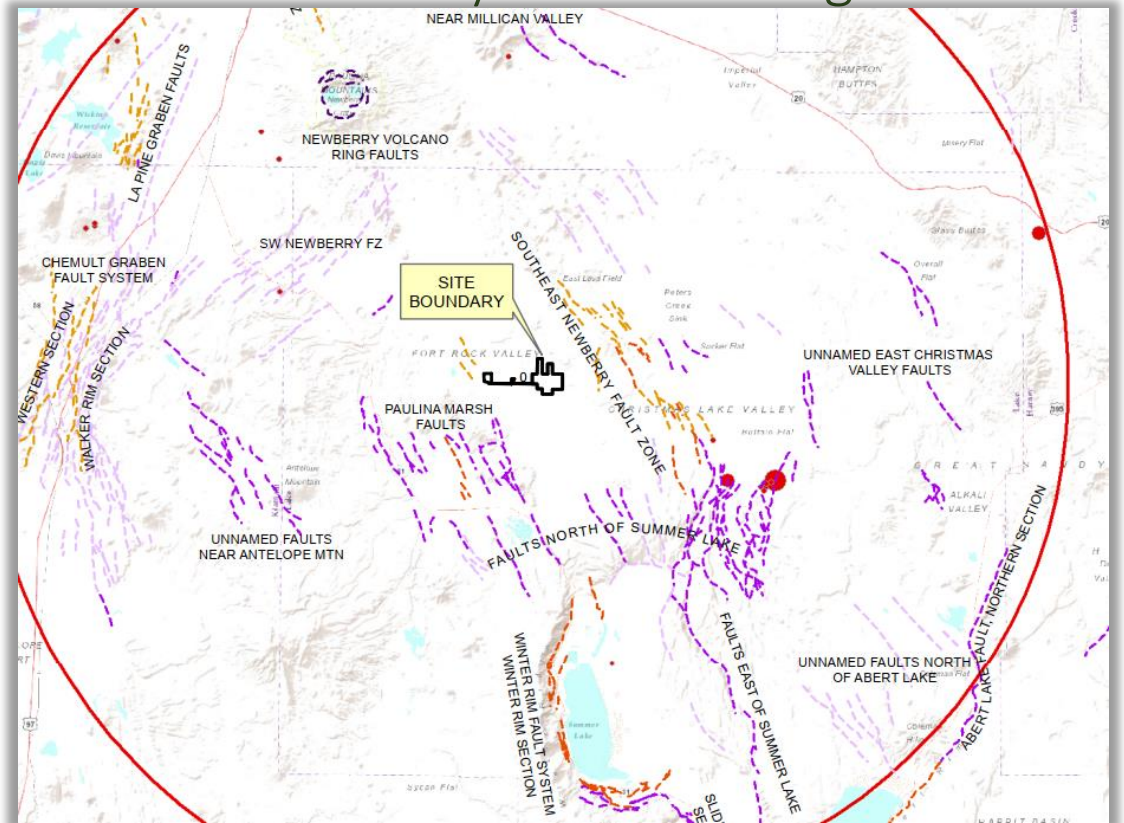
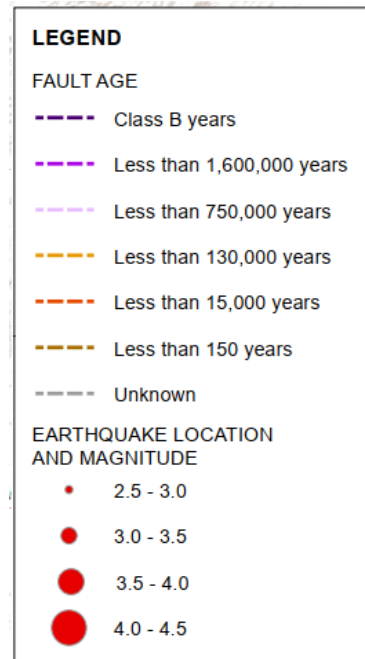
Recommended Organizational Expertise Condition 3, 4, and 5: relates to contractor compliance and certificate holder accountability for compliance with all site certificate conditions, and reporting requirements for any violations of conditions and incidents. (Page 30)



Council Review of Proposed Order

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 Proposed Order

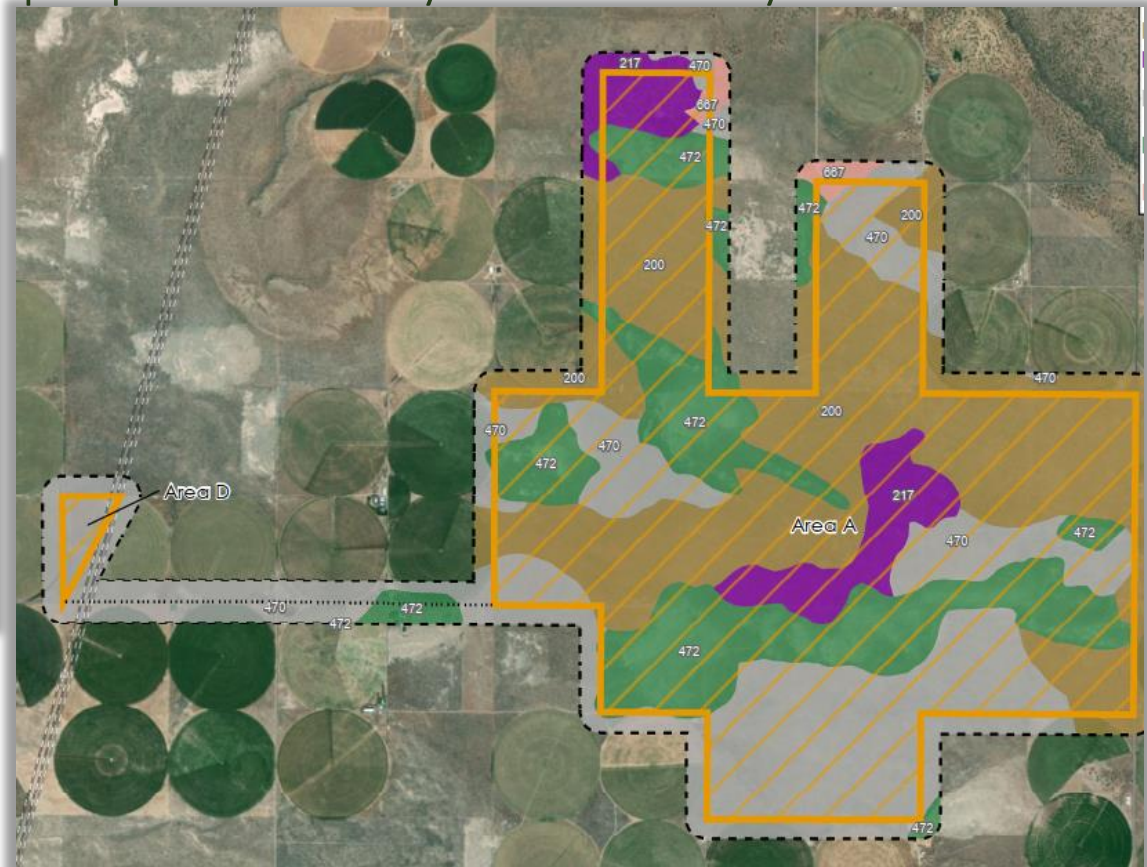
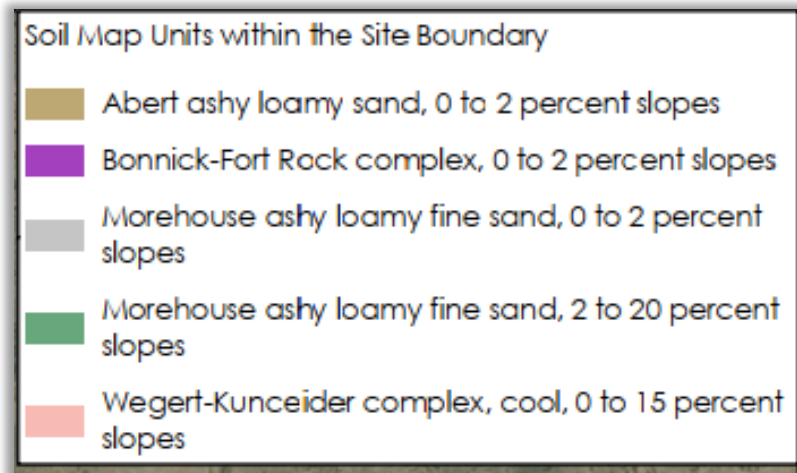
Section IV.C. Structural Standard: OAR 345-022-0020 (Page 32)

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. (Page 36)

Council Review of Proposed Order

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

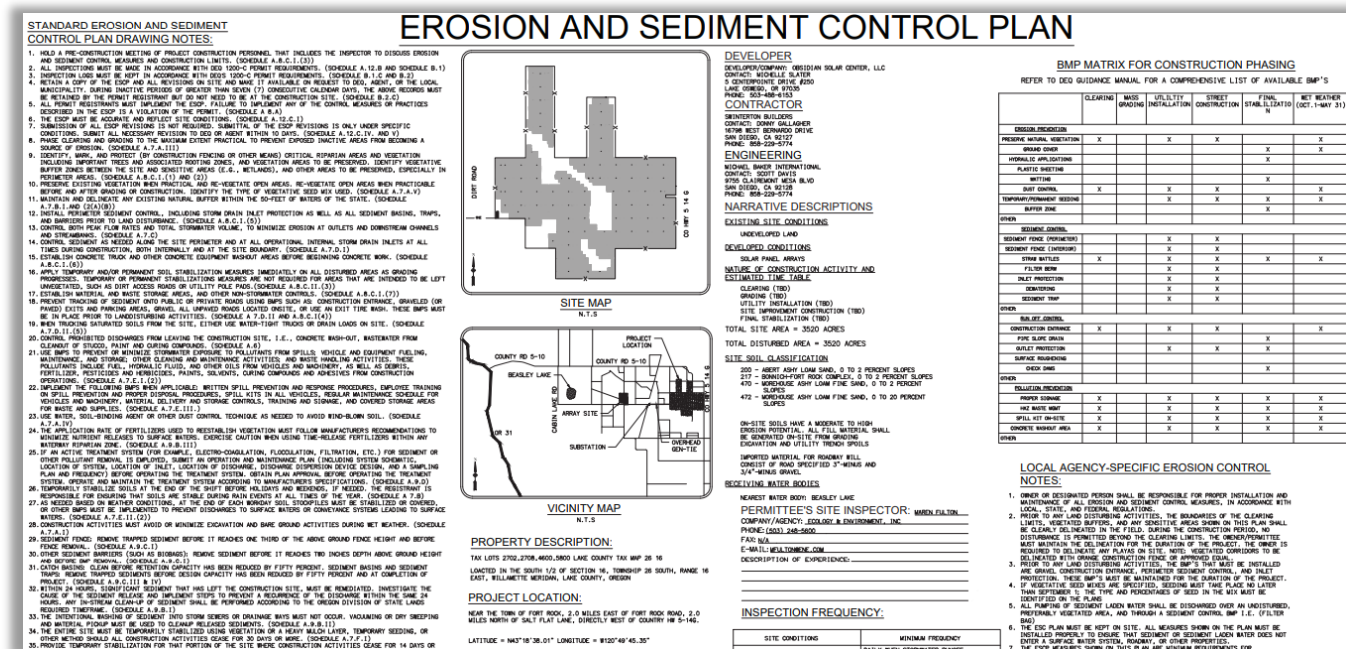
The Soil Protection standard requires the Council to find that, taking into account mitigation, the design, construction, and operation of a proposed facility are not likely to result in a significant adverse impact to soils.



Section IV.D. Soil Protection: OAR 345-022-0022 (Page 38)



OREGON
DEPARTMENT OF
ENERGY



Council Review of Proposed Order

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 (Attachment I-2). (Page 43)

The Plan describes material handling and management procedures, training requirements, response procedures, and reporting requirements for both facility construction and operation and includes language to serve as the language regarding a Spill Prevention Control and Countermeasure Plan (SPCC).

2. Record of Review & Reporting

The primary contact or designee shall administer this plan and will be responsible for updating and including any required documentation. This SPCC Plan will be amended when there is a change in the facility design, construction, operation, or maintenance that materially affects the potential for a discharge to navigable waters or adjoining shorelines. Examples include adding or removing containers, reconstruction, replacement, or installation of piping systems, changes to secondary containment systems, changes in product stored at this facility, or revisions to standard operating procedures. Any technical amendments to this Plan will be re-certified in accordance with Section 1 of this plan.

Plan Management (Five-Year Review)

Complete a review and evaluation of this SPCC Plan at least once every five years. As a result of the review, amend this Plan within six months to include more effective prevention and control measures for the facility, if applicable. Implement any SPCC Plan amendment as soon as possible, but no later than six months following Plan amendment. Document completion of the review and evaluation, and complete the Five Year Review Log in Attachment D. If the facility no longer meets Tier I qualified facility eligibility, the owner or operator must revise the Plan to meet Tier II qualified facility requirements, or complete a full PE certified Plan

3. Plan Requirements

General Requirements

The following describes general elements of the spill control plan at the facility:

- Ensure all hazardous substances are properly labeled.
- Store, dispense, and/or use hazardous substances in a way that prevents releases.
- Provide secondary containment when storing hazardous substances in bulk quantities (~55 g).
- Maintain good housekeeping practices for all chemical materials at the facility.
- Routine/Daily checks in the hazardous substance storage area to be performed by _____
- Monthly inspections of the hazardous substance storage area, secondary containment, and annular space (interior cavity of double wall tank) on any Above-ground Storage Tanks (AST) or Underground Storage Tanks (UST) need to be logged in this plan.

Facility Specific Requirements

List all facility-specific requirements. Update facility-specific requirements as-needed.

Council Review of Proposed Order

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 Proposed Order

Section IV.E. Land Use: OAR 345-022-0030 (Page 47)

Table 2: Lake County Applicable Substantive Criteria

Lake County Zoning Ordinance (LCZO)	
<i>Article 3 Agricultural Use Zone: A-2</i>	
Section 3.02	Permitted Uses – Subsection C
Section 3.04	Conditional Uses – Subsection B
Section 3.05	Dimensional Standards – Subsections F, G and H
<i>Article 18 Significant Resource (SR) Combining Zone</i>	
Section 18.05	Reduced Preservation Review Criteria – Subsection D
<i>Article 20 Supplementary Provisions</i>	
Section 20.01	Supplementary Provisions
Section 20.08	Vision Clearance Area
Section 20.09	Riparian Habitat – Subsections A, B and C
Section 20.12	Fences
Section 20.13	Compliance with and Consideration of State and Federal Agency Rules and Regulations
<i>Article 24 Conditional Uses</i>	
Section 24.01	Authorization to Grant or Deny Conditional Uses – Subsections A
Section 24.18	Renewable Energy Facilities
Section 24.19	Criteria for Nonfarm Uses, Excluding Farm Related or Accessory Uses, in an A-1 or A-2 Zone
Lake County Comprehensive Plan	
Goal 2 Planning Process – Policies 17 and 18	
Goal 3 Agricultural Lands – Policy 12	
Goal 5 Open Space, Scenic and Historic Areas and Natural Resources – Policies 3, 4, 5, 8, 10, 13, 14 and 16	
Goal 6 Air, Water and Land Resource Quality – Policies 1, 3, 4, 5 and 11	
Goal 9 Economic Development – Policies 1, 6 and 8	
Goal 11 Public Services and Facilities – Policies 1, 4 and 6	
Goal 12 Transportation – Policy 8	
Goal 13 Energy Conservation – Policies 1 and 3	
Goal 14 Urbanization – Policy 9	

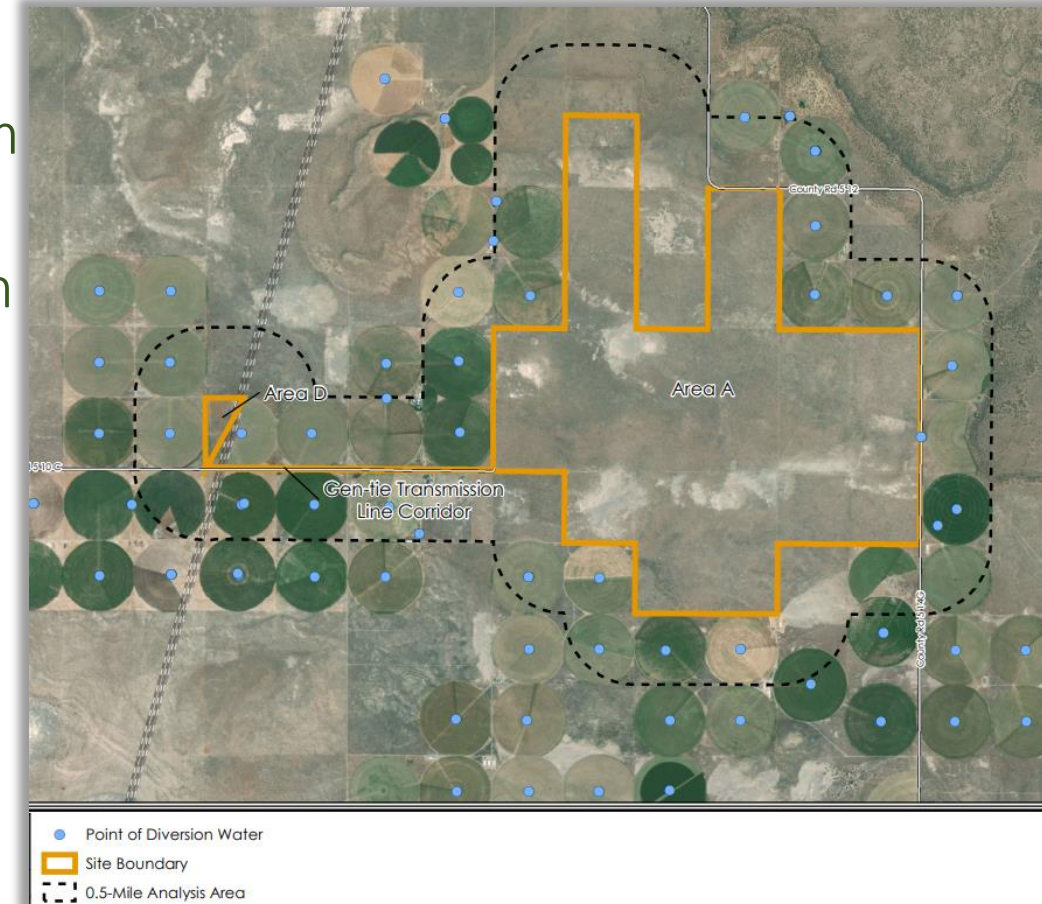
Council Review of Proposed Order

Section IV.E. Land Use: OAR 345-022-0030 (Page 60)

Article 24: Conditional Uses

Section 24.19 Criteria for Nonfarm Uses, Excluding Farm Related or Accessory Uses, in an A-1 or A-2 Zone. Nonfarm uses, excluding farm related or farm accessory uses, may be approved in an A-1 or A-2 zone upon findings that each such use:

- A. Is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes set forth in ORS 215.243;
- B. Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c), on adjacent lands devoted to farm use



Council Review of Proposed Order

Section IV.E. Land Use: OAR 345-022-0030 (Page 75)

Pursuant to ORS 469.504(1)(b)(B), non-compliance with a statewide planning goal requires a determination by the Council that an exception to Goal 3 is warranted under ORS 469.504(2) and the implementing rule at OAR 345-022-0030(4).

- Recommended Reasons Supporting an Exception
 - Minimal Impacts to Agriculture
 - Local Economic Benefits (Recommended Land Use Condition 7)
- Significant Environmental, Economic, Social and Energy Consequences
- Compatibility of Adjacent Uses

Council Review of Proposed Order

Section IV.F. Protected Areas: OAR 345-022-0040 (Page 84)

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.

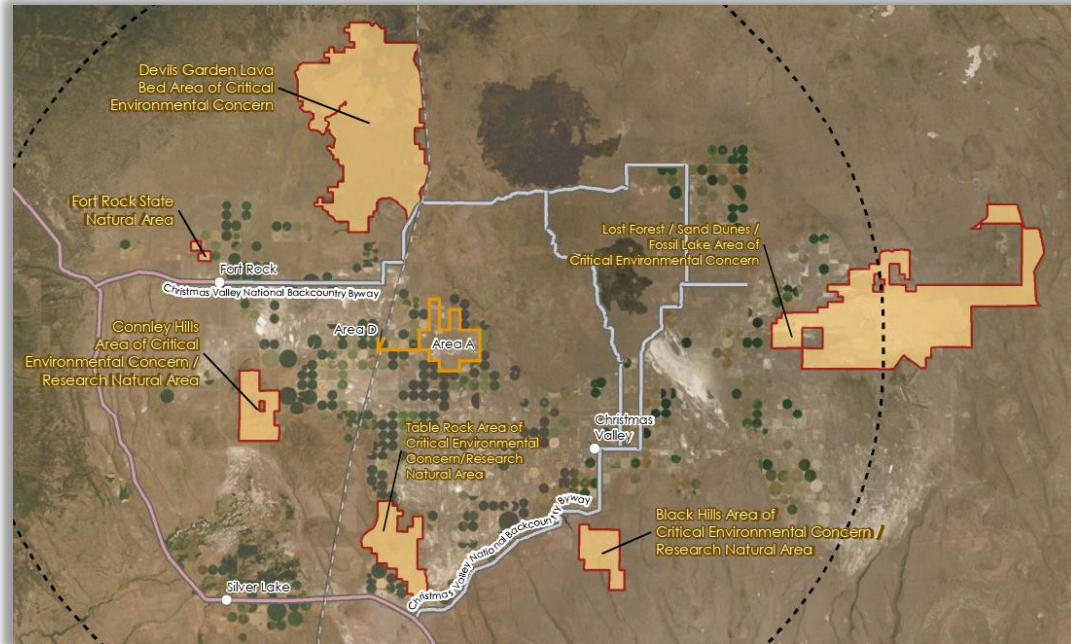


Table 3: Protected Areas within the Analysis Area

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 Proposed Order

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 Proposed Order

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

Restoration of the Site Following Cessation of Construction or Operation:

- 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). Under recommended **Retirement and Financial Assurance Condition 2** a retirement and decommissioning plan would have to be reviewed and approved by Council which would establish the conditions that constitute compliance with the retirement standard. (Page 95)

Council Review of Proposed Order

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

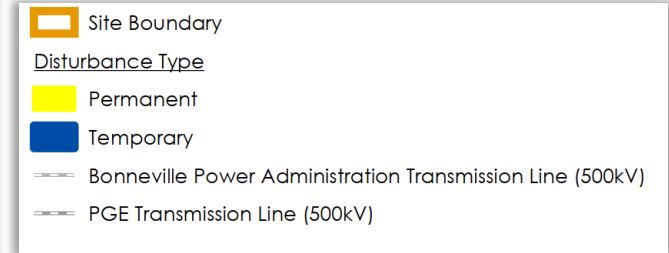
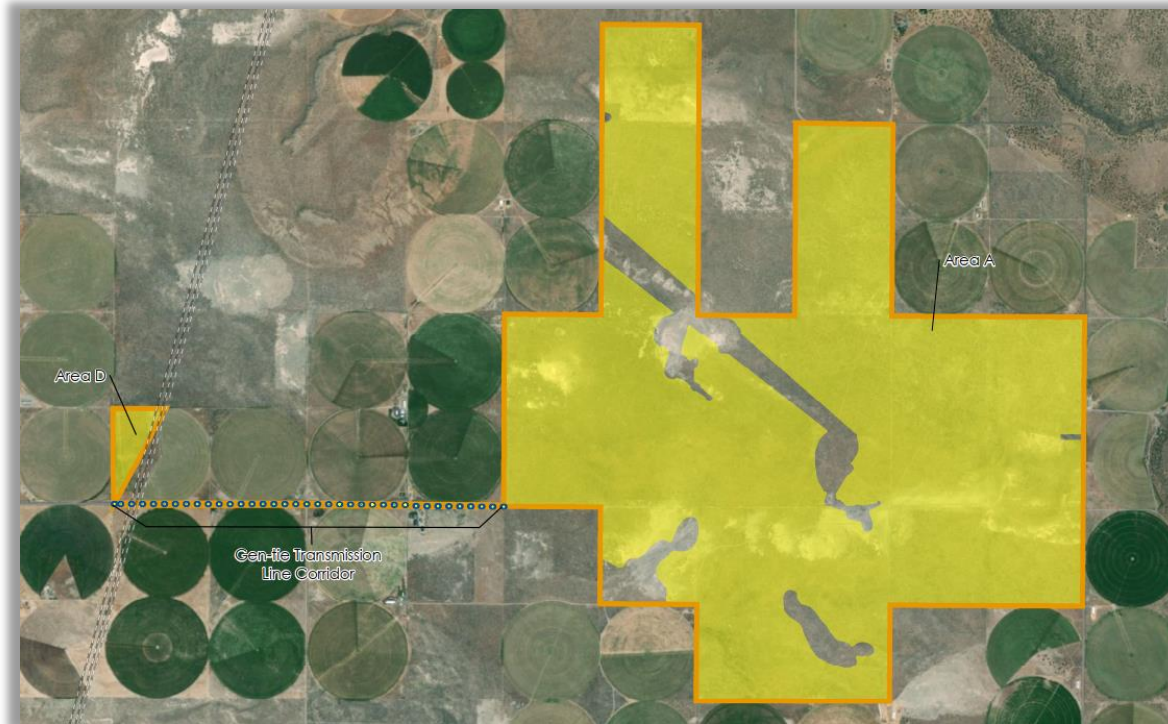
Estimated Cost of Site Restoration:

Recommended Retirement and Financial Assurance Condition 5: Before beginning construction 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 \$28.8 million dollars (Q3 2018 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:***

Council Review of Proposed Order

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.



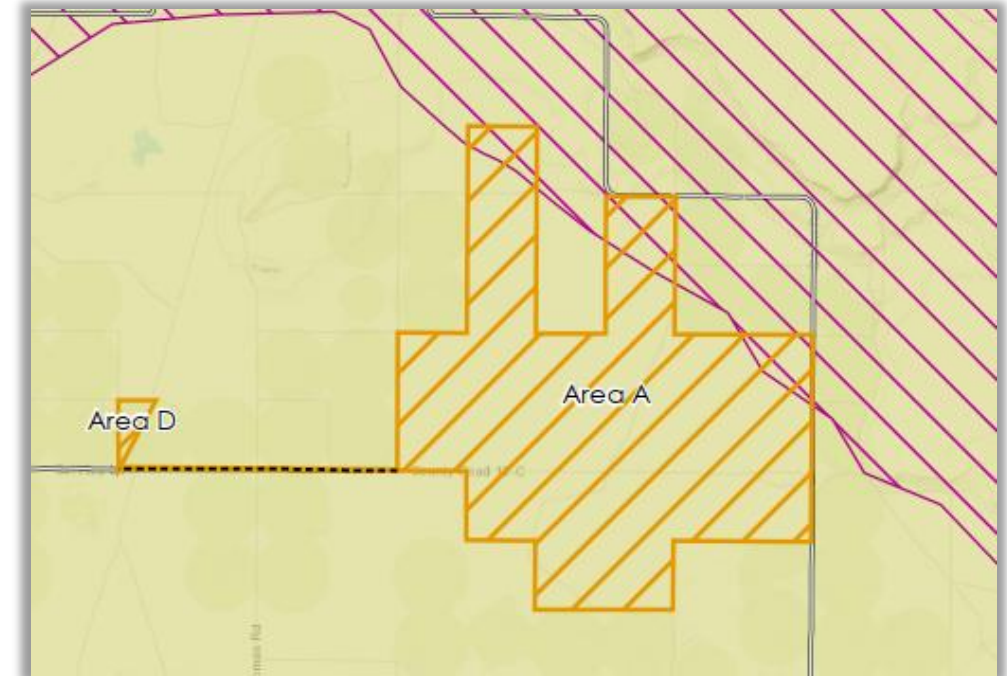
Council Review of Proposed Order

Section IV.H. Fish and Wildlife Habitat: OAR 345-022-0060 (Pages 108-110)

Habitat Types and Categories in the Analysis Area and Potential Impacts to Fish and Wildlife Habitat:

Table 5: Summary of Habitat Types within Site Boundary and Estimated Permanent and Temporary Habitat Impacts from Proposed Facility

Habitat Type	Perm.	Temp.
	Acres	
Category 2		
Sagebrush Shrubland	3,419.21	0.00
Playa	16.91	0.00
Sand Dune	108.78	0.03
Non-sagebrush Shrubland	0.00	0.15
Non-native Forb	42.77	0.05
Category 6		
Agricultural Lands	1.00	0.56
Developed	0.00	0.21
Habitat Impact Summary		
Estimated Category 2 Impacts =	3,587.67	0.23
Estimated Category 6 Impacts =	1.0	0.77
Notes: Perm. = Permanent; Temp. = Temporary		



- Town
- Highways/Roads
- Gen-tie Transmission Line
- ▨ Site Boundary
- ODFW designated Big Game Range
- ▨ Mule Deer Winter Range
- ▨ Elk Winter Range

Council Review of Proposed Order

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. (Page 111)

Obsidian Solar Center Revegetation and Noxious Weed Control Plan

Prepared by:
Obsidian Solar Center LLC

5 Centerpointe Drive, Suite 250
Lake Oswego, Oregon 97035

mulch or otherwise treated to minimize erosion, if necessary, until seeding can be conducted. Applicant will implement measures to prevent the establishment and spread of noxious weeds (refer to Section 3.0) in conjunction with re-seeding efforts.

2.2.1 Seed Mixture

Applicant will consult the ODFW to develop a final seed mixture appropriate for revegetation efforts on the Facility site. Table 1 provides Applicant's preliminary proposed revegetation seed mixture developed by consulting the Natural Resources Conservation Service office in Lakeview, Oregon (Coming 2019) and the Lake County CWMA (Jaeger 2019). Applicant may modify this preliminary seed mixture ahead of revegetation at the request of landowners, Lake County, or further coordination with the CWMA or ODFW. The seed mixture may be modified in consultation with ODFW and LCCWA if nonnative seeds (like Crested Wheatgrass and/or Covar sheep fescue) may be needed to more aggressively respond to noxious weeds. The preliminary seed mixture uses four native and one non-native species that are adapted to the conditions of the Facility site to help ensure the greatest probability of germination and long-term survival. All plant materials shall meet the following requirements:

- Seeds will be "source identified." The original source for the seed mixture(s) should be the Northern Basin and Range ecoregion. The seed should be a locally adapted biotype, adapted to conditions similar to the Facility site.
- Seed will be certified "weed-free."
- Seed application rates presented in Table 1 assume that drill seeding methods will be employed. If broadcast seeding methods are used, the seed application rates in Table 1 will be doubled.

Table 1 Preliminary Revegetation Seed Mixture

Common Name	Latin Name	Variety	Pure Live Seed Pounds per Acre ¹	Purpose
Bluebunch wheatgrass	<i>Pseudoregneria spicata</i>	Secar	4	(N) (EC)
Thickspike wheatgrass	<i>Elymus lanceolatus</i>	Critana	4	(N) (EC)
Indian ricegrass	<i>Achnatherum hymenoides</i>	Nezpar	3	(N) (EC)
Basin wildrye	<i>Elymus cinereus</i>	Magnar	4	(N) (EC)
Crested Wheatgrass	<i>Agropyron desertorum</i>	Hyerest	4	(I) (EC)
TOTALS			19	

Council Review of Proposed Order

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). (Pages 114-116)

Obsidian Solar Center LLC

Obsidian Solar Center

Habitat Mitigation Plan

July February 2020

Obsidian Solar Center LLC

5 Centerpoint Drive, Suite 250
Lake Oswego, Oregon 97035

implement Option 2 without an HMP amendment as discussed above.

3.3 Option 3: Working Lands Improvement Program (in-kind, in-proximity)

Option 3 involves habitat protection and enhancement measures on lands proximate to the Facility. Specifically, Applicant would secure land in proximity to the Facility and implement a Working Lands Improvement Program (WLIP). The WLIP is twofold: it ensures that (1) there is no net loss in quantity or quality of habitat for the life of the Facility, and (2) there is a net benefit of habitat quality for the life of the Facility. Applicant will carry out the WLIP on suitable land located two to 20 miles from the Facility and within the ODFW-mapped Big Game Winter Range. These sites are considered "in-proximity" to the Facility because the identified acres are within the home range of elk and mule deer that may also use the land within the Facility site boundary.

The WLIP is a habitat protection program and a western juniper (*Juniperus occidentalis*) treatment and management program on working rangeland. The juniper removal and thinning, which is consistent with the Oregon Department of Forestry recommended approaches for conservation of sagebrush habitats. The program controlling encroaching junipers by chipping or cutting for firewood settlement juniper stands and juniper trees with old-age characteristics nesting habitat for birds and other wildlife (ODFW 2016b). Removal, result in redistribution of water budget components in the range canopy interception, in turn influencing soil moisture and vegetation Big Game Winter Range, juniper removal can improve the quality of shrubland forage while preserving effective cover habitat (such as juniper).

Working Lands Improvement Program Agreement Easements

Applicant will enter into enforceable and recordable Working Lands (WLIP) Agreements ~~working land leases~~ with the underlying property owner.

Habitat Mitigation Plan
Obsidian Solar Center 5

enrolled in Applicant's WLIP. A copy template of the WLIP Agreement is included as Attachment Appendix 1. The WLIP Agreement is a binding agreement, authorizing Applicant to implement the WLIP, and obligating the property owner to manage and operate the land in accordance with the WLIP. The term of the WLIP Agreement ~~working lands lease~~ is 10 years. The terms of the WLIP Agreements ~~working lands leases~~ are to achieve a no net loss of habitat quality or quantity. The implementation and management program on lands subject to WLIP Agreements ~~will~~ achieve mitigation results in a net benefit of habitat quality for the life of the Facility. Applicant is obligated to maintain in good standing the Agreement for the life of the Facility.

WLIP Sites

Juniper Treatment Plan
(Appendix 2 to the Habitat Mitigation Plan)

Prepared For:
Obsidian Solar Center LLC
5 Center Point Drive, Suite 250
Lake Oswego, OR, 97035

Prepared By:
Fosters Natural Resource Contracting
16981 Highway 395, Lakeview, OR, 97630.
541-219-0252
fostersnrc@gmail.com.

Council Review of Proposed Order

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 and successors 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.



Working Lands ~~Improvement Program Agreement Easements~~

Applicant will enter into enforceable and recordable Working Lands Improvement Program (WLIP) Agreements ~~working land leases~~ with the underlying property owners for land

Habitat Mitigation Plan 5
Obsidian Solar Center July February 2020

enrolled in Applicant's WLIP. A copy template of is included as ~~Attachment Appendix 1~~. The WLIP / binding agreement, authorizing Applicant to imple and obligating the property owner to manage and of the WLIP. The term of the WLIP Agreement work Facility.² The terms of the WLIP Agreements work to achieve a no net loss of habitat quality or quantity treatment and management program on lands subject ~~leases will~~ achieve mitigation results in a net benefit copies of the executed WLIP Agreements working of the Facility. Applicant is obligated to maintain in Agreement for the life of the Facility.

WLIP Sites

Applicant performed a juniper phase desktop analysis Game Winter Range near the Facility site. The desk succession phases (Phase 1, Phase 2, Phase 3) and p areas unsuitable for mitigation (e.g., lava beds or qu From this information, Applicant identified two pro participation in the WLIP: the Morrison Ranch at al

² "For the life of the Facility" is defined at the point pursuant to OAR 345-027-0010. Before EFSC term holder must apply to EFSC to terminate the site cert retirement plan consistent with OAR 345-027-0110 the information about how certificate holder will ad

WORKING LANDS IMPROVEMENT AGREEMENT

This Working Lands Improvement Agreement ("Agreement") is entered into this day of _____, 2020, ("Effective Date"), between _____, ("Property Owner"), and Obsidian Solar Center, LLC, an Oregon limited liability company ("Obsidian").

Recitals

A. Obsidian is developing a solar photovoltaic energy facility on approximately 3,900 acres of rangeland in northern Lake County, Oregon ("Facility").

B. The Facility is subject to review and approval by the Oregon Energy Facility Siting Council ("EFSC"). As a part of the EFSC permitting process, Obsidian is required to develop a Habitat Mitigation Plan ("HMP") to mitigate for impacts to habitat, including area mapped by the Oregon Department of Fish and Wildlife ("ODFW") as big game winter range.

C. The HMP requires Obsidian to secure land in proximity to the Facility and implement the mitigation measures described in the HMP, which include a Working Lands Improvement Program ("WLIP"). The WLIP is a western juniper (*Juniperus occidentalis*) treatment and management program on working rangeland and involves juniper removal and thinning, controlling encroaching junipers by chipping or cutting for firewood, and maintaining pre-settlement juniper stands and juniper trees with old-age characteristics, which are important nesting habitat for birds and other wildlife.

D. The purpose of the WLIP is to ensure that there is no net loss in quantity or quality of habitat for the life of the Facility and there is a net benefit of habitat quality for the life of the Facility.

E. This Lease facilitates Obsidian's implementation of the WLIP under the HMP and obligates Property Owner to manage and operate the Property (as defined below) consistent with the goals of the WLIP for the life of the Facility as described herein.

NOW THEREFORE, for good and adequate consideration, the parties agree as follows:

1. **Description of Property.** Property Owner grants Obsidian the non-exclusive right to use approximately 1,870 acres of working rangeland in north Lake County, as further described in Exhibit A and shown in Exhibit B ("Property"), for the purposes described herein and subject to the restrictive covenants described herein. Property Owner grants Obsidian a non-exclusive license of ingress and egress to and from the Property over the routes and easements historically and customarily used or hereafter constructed or useful to access the Property. The Agreement excludes oil and gas rights and the improvements consisting of barns, shops, residence, all of which are reserved for the continued use of Property Owner and excluded from the Property. Property Owner is responsible for maintaining all existing improvements on the Property.

Council Review of Proposed Order

Section IV.I. Threatened and Endangered Species: OAR 345-022-0070 (Page 122)

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).

Council Review of Proposed Order

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. (Page 125)

Scenic Resources:

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

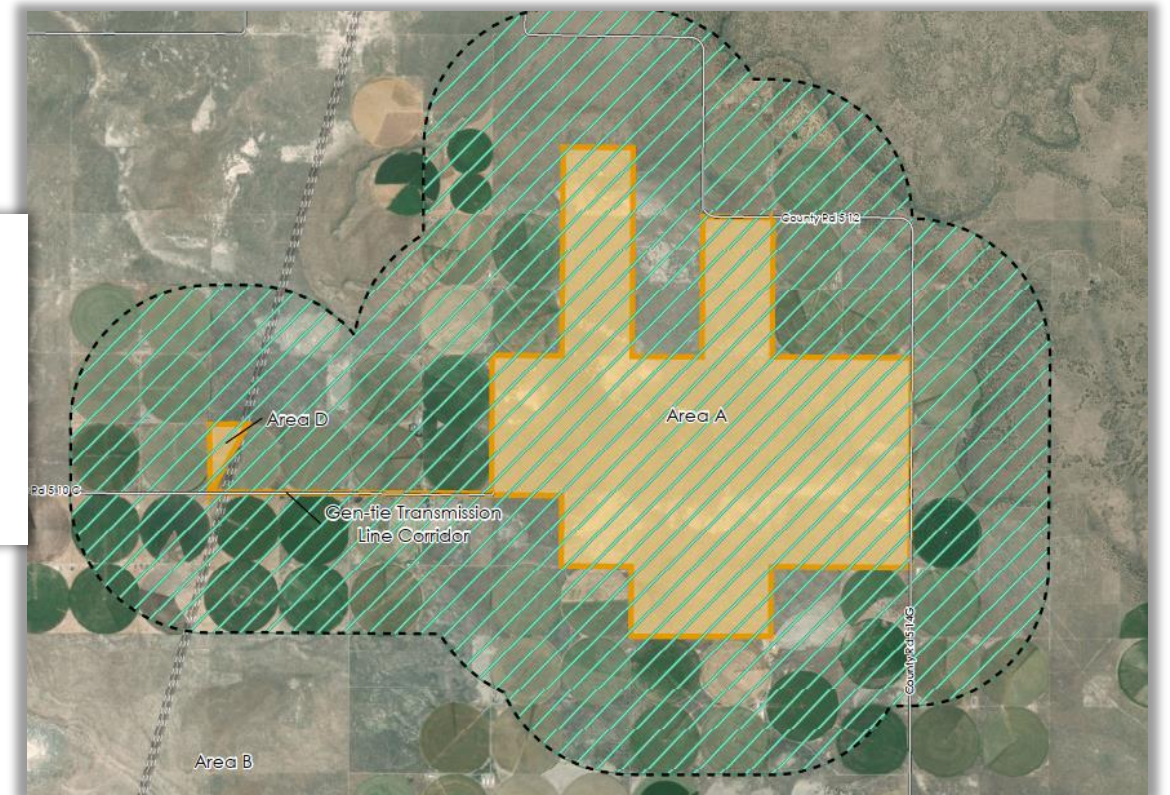
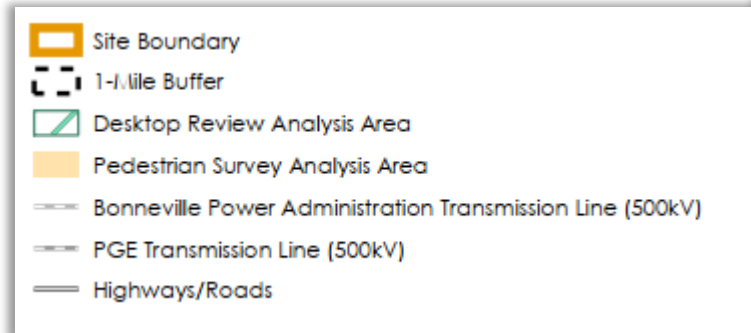
Table 6: Local, State, Tribal, and Federal Land Use Management Plans that Address Lands within the Analysis Area

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 Proposed Order

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.



Council Review of Proposed Order

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

Recommended Historic, Cultural and Archeological Condition 1 requires the certificate holder to implement the Archeological Testing and Excavation Methodologies Plan and the finalization of provisions in the draft Cultural Mitigation and Monitoring Plan (CMMP). (Page 136)



Archaeological Investigations Northwest, Inc.

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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 archeological 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.

RECITALS

1. The provisions below are based on currently available work associated with the Project.
2. The Klamath Tribes, Burns Paiute Tribe, and Confederated Tribes of Warm Springs, were contacted, and provided the opportunity to comment on tribal cultural interests.
3. The Methodologies treat the recorded archaeological resources to avoid, minimize, mitigate, and monitor for impacts to cultural resources from the Project-related impacts.
4. The Methodologies do not address instances if human cultural patrimony are encountered (ORS 97.740-760). If time, all work must stop, the area must be protected and a Tribal Position Paper on the Treatment of Human Remains must be submitted.

Methodologies

1. Archaeological Site Boundaries

Without a full horizontal and vertical understanding of project area, Oregon SHPO and Obsidian agree to place a 30-meter buffer around the archaeological site boundary in terms of assessed archaeological isolates within a buffered site, will become part of the site boundary. If an additional isolate is identified, the buffer will be extended out from the isolate. If an additional isolate is identified, the buffer will be extended out from the isolate. If an additional isolate is identified, the buffer will be extended out from the isolate. Per SHPO Guidelines, testing may still be conducted to determine whether the 30-meter buffer may be removed.

In the event of discoveries that demonstrate a continuous distribution (m) between two or more previously recorded archaeological sites, the site record forms will be revised and the boundaries. If the combined sites are classified in two different categories (Density), then the original separate site areas will be treated as a single site.

Cultural Mitigation and Monitoring Plan (CMMP)

I. INTRODUCTION

This Cultural Mitigation and Monitoring Plan (CMMP) describes how Obsidian Solar Center LLC (Applicant) will avoid, minimize, mitigate, and monitor for impacts to cultural resources from the Obsidian Solar Center (Facility) located in Lake County, Oregon. The CMMP was developed in consultation with the Oregon Department of Energy (ODOE), the Oregon State Historic Preservation Office (SHPO), the Klamath Tribes, Burns Paiute Tribe, and Confederated Tribes of Warm Springs. Applicant will implement this CMMP during Facility construction.

Prior to and during construction, the applicant shall implement the Archeological Testing and Excavation Methodologies Plan during excavation and ground disturbing activities, included as Attachment S-1 to the Final Order.

II. AVOIDANCE AND MINIMIZATION MEASURES

ASC Exhibit S:

The below information is preliminary and shall be updated when finalizing this Cultural Mitigation and Monitoring Plan based on the pre-construction surveys defined in Final Order on ASC, Attachment S-1: Archeological Testing and Excavation Methodologies Plan, and SHPO and Tribal coordination.


Applicant ~~will~~ has taken the following measures to prevent destruction of historical, cultural and archaeological resources, ~~all with the agreement of the Klamath Tribes and in accordance with the CMMP:~~

- Eliminated 2,430 acres originally included in the Facility site boundary after it was determined that approximately 850 acres may contain eligible or potentially eligible resources.
- Revised site layout to avoid archaeological sites on Excluding isolated finds, eligible or potentially eligible sites cover approximately 202.24 acres within the site boundary. Applicant will avoid approximately 156 acres within Area A – represents more than three quarters of the areas identified with archaeological resources. Including revisions to the site layout to avoid topographical features (specifically, an area of sandy dune ridges), identified by the Klamath Tribes as an area of particular concern that human remains may be uncovered during construction, which amounts to almost 80% of the total acres not

Council Review of Proposed Order

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 administratively renew or extend the permits as necessary. (Page 137)




Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org

STATE OF OREGON
ARCHAEOLOGICAL EXCAVATION PERMIT NO. AP-2816

The State of Oregon, acting by and through its Parks and Recreation Department, hereinafter called STATE, under authority of ORS 390.235, hereby grants to Terry L. Ozbun, hereinafter called PERMITTEE, a permit for purposes of excavation and removal of archaeological, historical, prehistoric, or anthropological materials. This permit is granted subject to the following terms and conditions.

- 1. Term** PERMITTEE may conduct survey, excavation, and collection work from date of signature to one year from date of signature provided that reasonable supervision, as provided hereinafter, is exercised.
- 2. Location** This permit shall apply to lands owned by the State of Oregon, a city, county, district, or municipal corporation in Oregon, or private property, more particularly described as follows:

- 3. Supervision** The design and work in connection with the survey or excavation, including exploratory excavation and collection, shall be personally supervised by John L. Fagan, Eva Hulse, Terry L. Ozbun, Jo Reese, Nicholas Smitz, Lucie Tisdale, Maureen Zehndner, Jason Cowan, Kristen Fuld, Karla Hotze, Kelley Martinez, Marci Monaco, Carmen Sarjeant, Ryan W. Swanson, Alexandra Williams-Larson.
- 4. Compliance** PERMITTEE shall comply with all applicable federal, state and local laws, rules, regulations and ordinances.
- 5. Exploration shall consist of:**
See attached.
- 6. Indemnification** PERMITTEE agrees to defend and hold STATE, its officers, agents, and employees harmless, and shall require its contractors to do the same, from any and all claims, damages, or expenses of any kind suffered or alleged to be suffered on the lands described in paragraph 2 or arising out of or in connection with the activities of PERMITTEE or its contractors pursuant to this Permit.
- 7. Insurance** PERMITTEE shall obtain at PERMITTEE's expense, and keep in effect during the term of the Permit, comprehensive or commercial general liability insurance covering personal injury and property damage. This insurance shall include contractual liability coverage for the indemnification provided under this Permit. Coverage limits shall not be less than the limits of liability set forth in the provisions of ORS 30.270(1) as now in effect or as hereinafter amended. Such provisions now require that the coverage limits not less than \$500,000 combined single limit per occurrence. The insurance shall be in a form and with compliance acceptable to STATE. Such insurance may be evidenced by certificates or copies of policies. Such evidence shall be provided to STATE prior to the commencement of any operations or activities under this Permit.
- 8. Records** PERMITTEE shall submit a final excavation report by two years from signature to the State

Council Review of Proposed Order

Section IV.L. Recreation: OAR 345-022-0100 (Page 141)

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: OSCAPDoc4 ASC 20 OSC ASC Exhibit T 2019-10-17, Table T-1.

Council Review of Proposed Order

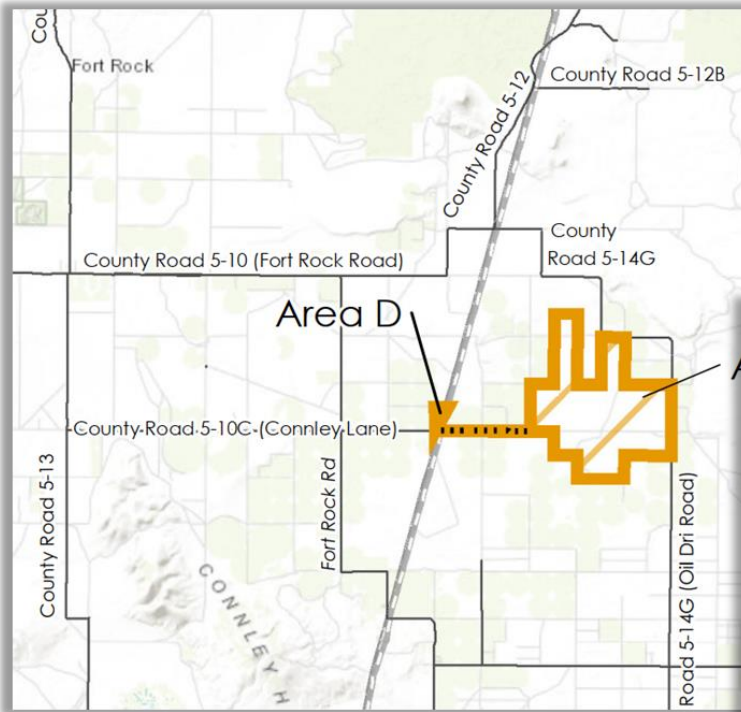
Section IV.M. Public Services: OAR 345-022-0110

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.

Council Review of Proposed Order

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

Traffic Safety:
Recommended Public Services
Condition 1 and 2 include requirements for notification and complaints for fugitive dust issues and the finalization and implementation Dust Abatement and Management Control Plan of a (Page 154)



Obsidian Solar Center
Fugitive Dust Abatement and Management Plan (Draft)

The objective of the fugitive Dust Abatement and Management Plan (the “DAMP”) is to detail the range of practices and tools designed to address potential impacts from construction and operation of Obsidian Solar Project (the “Facility”). The DAMP provides guidance to construction and field personnel on measures intended to minimize effects during construction activities and adapt management and abatement techniques in real-time from the field to respond to the dynamic environment. It will be the responsibility of the Facility and its contractors, working with designated environmental monitors, to comply with measures identified in this document and to be responsive to current and changing conditions on and around the development site.

The DAMP is intended to supplement and support the Facility’s Erosion and Sediment Control Plan, which will be included in the National Pollution Discharge Elimination System (NPDES) 1200-C Construction Stormwater Permit, together with the required erosion and sediment control best management practices (BMPs).

Dust Control Coordinator

There Facility’s construction contractor shall be the designated fugitive dust control coordinator and shall manage implementation of the DAMP for the Facility and be responsible for implementing the fugitive dust control measures specific in the DAMP during construction. The dust control coordinator shall also:

- Have the DAMP available at the construction site at all times during Facility construction and operation;
- Implement the DAMP and ensure that all employees, workers and subcontractors know their responsibilities regarding dust control;
- Monitor construction activity to ensure compliance with the DAMP;
- Promptly log and respond to reports on the DAMP hotline;
- Identify when reasonably available control measures are not adequate and when standby control measures (e.g., increased watering) shall be implemented.

Fugitive Dust Sources and Reasonable Available Control Measures

Fugitive Dust Source	RACM(s)
General	Contractor will maintain the natural topography and vegetation of the site to the extent possible, including by limited grading and limited establishment of temporary access roads.



Council Review of Proposed Order

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

Traffic Safety:

Recommended Public Services Condition 3

requires review, approval, and implementation of a Traffic Management Plan, which includes the execution of a county road use agreement between Lake County Public Works Department and the applicant, which include traffic BMPs, County road use agreement, and traffic sign coordination provided. (Page 156)

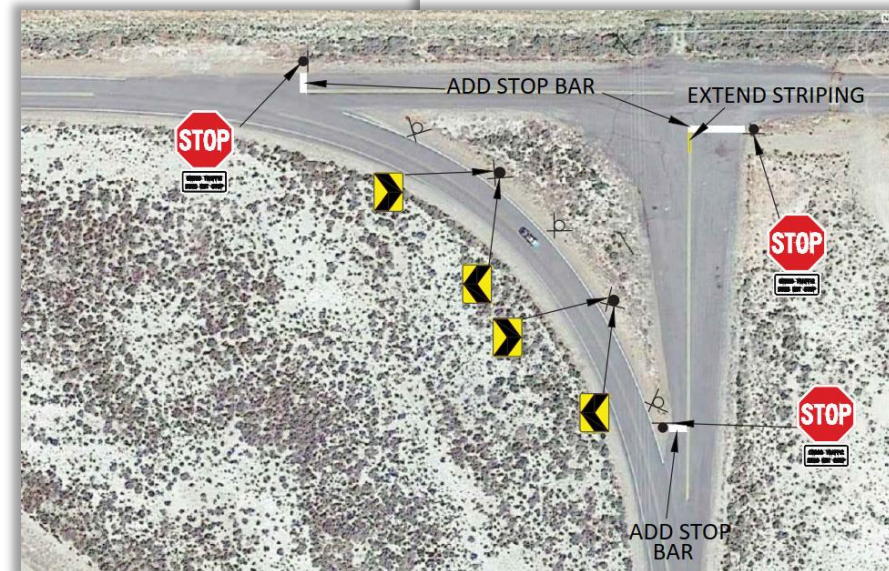
Table 1: Expected Trip Generation During Peak Construction Levels

Trip Description	Daily Trips (round trip)	Trips During AM Commute (one way)	Trips During PM Commute (one way)
Worker Trips	240	120	120
Delivery Trips	160	80	80
Total	400	200	200

2.0 Best Management Practices to Reduce Traffic Impacts

Construction is expected to take up to two years to complete, with up to 250 construction workdays per year. In addition, the applicant expects that dust abatement crews will also work on the remaining 115 days when no other construction is scheduled (i.e., "non-construction days"). Water will be applied daily to areas with unstable soils that are prone to wind-blown erosion via water trucks. During construction, water will primarily be sprayed on disturbed areas for dust abatement in accordance with the NPDES 1200-C Construction Stormwater Permit. Generally, the quantity of water used for dust suppression will range from about 30,000 to 60,000 gallons per day. Best management practices (BMPs) proposed by the applicant in the ASC and in the 1200-C Permit are listed below and would be employed during construction.

BMPs and other avoidance or minimization measures to traffic service providers and surrounding roadways are provided in the Erosion and Sediment Control Plan (ESCP), include, but are not limited to, the following.



ity will be addressed by limiting
as for dust abatement, and re-
suppression, especially during dry

Council Review of Proposed Order

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

Fire Safety (Page 157)

Recommended Public Services Condition 4 (Page 159): requires that the applicant submit a Final Construction/Operation Fire Protection and Emergency Response Plan to the Department. The plan includes;

- 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.

3.0 Fire Prevention Measures: Construction and Operation

To reduce the risk of fire during construction and operation:

- Personnel will be trained in proper fire prevention and control procedures;
- Personnel will be instructed to not leave vehicles and equipment running when not in use (i.e., no idling);
- Any potential incipient fires during construction or operation will be controlled by trained Facility staff. In most cases, Applicant expects to contain fires (but not extinguish) and let them burn out. If needed, additional fire prevention measures will be coordinated with the local service providers;
- Fire suppression: Although stringent fire prevention measures will be in place during construction, the certificate holder is planning for approximately 1 percent of the total consumed water (up to 343,000 gallons total over two years, assuming worst-case conditions, or 686 gallons per construction workday) to be used for fire suppression during Facility construction activities. If more water is required for fire suppression, the certificate holder will halt other activities and divert water amounts to this activity, as needed.

During construction and operation, facility personnel will follow the SOLV Vegetation Management and Fire Prevention Plan (included below), by SOLV, Swinerton Builder's. Provisions in the SOLV Vegetation Management and Fire Prevention Plan include:

2

- Before the start of each daily shift, at approximately 07:00 a.m. local time, the Technician in charge will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day. If there is a Red Flag Warning for that day, all mowing activities done with power mowers using metal blades will be halted. The only vegetation mitigation that is allowed during a Red Flag Warning is that done with a string trimmer using nylon string that won't cause sparks.
- If SOLV is performing light work (eg one to two mowers per site), one operator will be

Council Review of Proposed Order

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.
(Page166)

Council Review of Proposed Order

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. (Page 169)

Council Review of Proposed Order

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 Proposed Order

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

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

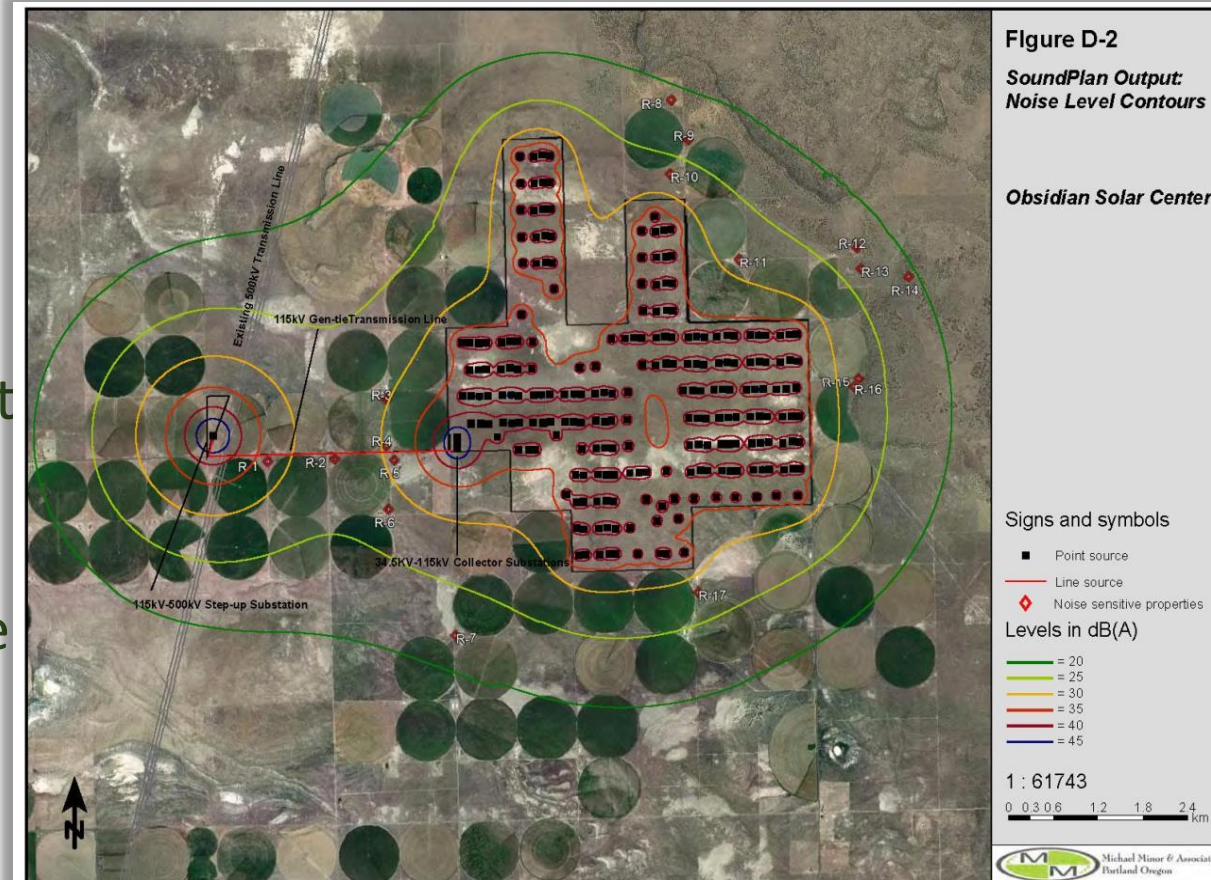
Recommended Noise Control Condition 1: based on applicant-representations for reducing construction-related noise, requires the applicant to develop a noise complaint response system which includes notification to nearby residents, location of noise-generating equipment away from residences, and time restrictions for use of the pneumatic pile. (Page 174)

Council Review of Proposed Order

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

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

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. (Page 183)

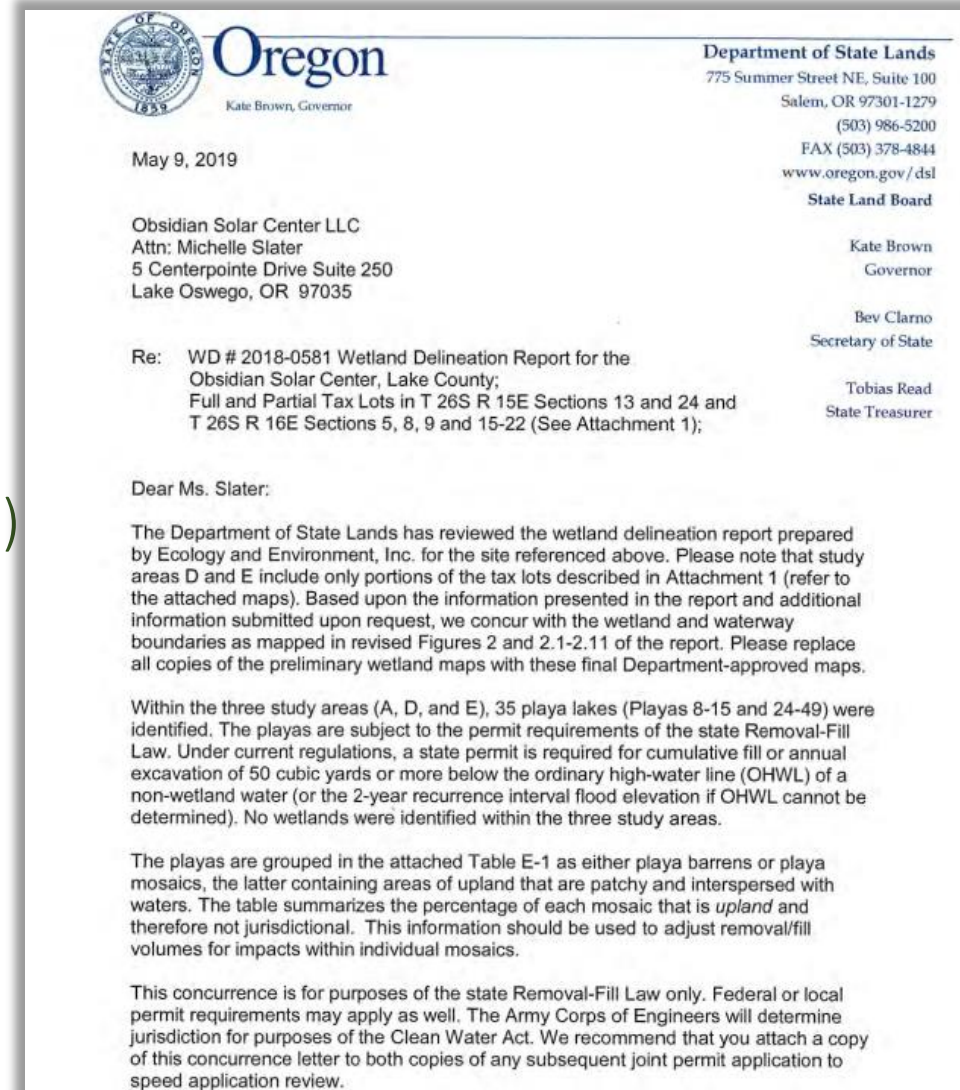


Council Review of Proposed Order

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

IV.Q.2. Removal-Fill (Page 184)

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 Proposed Order

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

IV.Q.3. Water Rights Page 185

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.

Table 16: Estimated Worst-Case Annual Water Use from Construction and Operation

Water Use Description	Quantity/Units
Construction	Gallons/Year
Dust Suppression	16,208,500
Soil Maintenance	677,500
Equipment Washing	8,500
Fire Suppression	171,500
Potable Water (bottled/tap drinking water)	84,000
Annual Estimated Construction Water Use =	17,150,000
Operation	Gallons/Year
O&M Building/Septic Systems	875,000
Solar Panel Washing	489,000
Annual Estimated Operational Water Use =	1,364,000
Source: OSCAPDoc4 ASC 15 OSC ASC Exhibit O 2019-10-17, Tables O-1 and O-2.	

Council Review of Proposed Order

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

IV.Q.3. Water Rights Page 185

Water for construction and operation would be obtained from the Christmas Valley Domestic Water Supply District

Recommended Water Rights Condition 1: applicant must submit:

- Water provider, water permit or water right number or copy of, and letter from provider confirming water availability to meet construction water demand;
- Confirmation from water provider that water can be used at the facility site given any applicable restrictions of the water right or permit;
- Confirmation whether applicant would need to amend the site certificate to incorporate a water permit/right under Council jurisdiction or provide evidence that its third-party contractor has obtained a water right or permit for water use at the site

Council Deliberation on Material Changes to Proposed Order

Option 1 **Staff Recommendation**

Make no material changes to Proposed Order not related to the PCCO.

Option 2

Conduct straw poll(s) on any desired material changes to the Proposed Order not related to the PCCO. Any desired material changes would need to part of the material change hearing.

Council Review of Hearing Officer's Proposed Contested Case Order (PCCO)

- General Overview of Contested Case Proceeding
- Parties
- Issues
- Hearing Officer's PCCO – Findings of Facts, Conclusions of Law and Conditions of Approval
- Council's authority to adopt, modify or reject the PCCO

Council Review of Hearing Officer's PCCO

Issue 1 – Whether the ASC impermissibly includes development within the Fort Rock Planning Area that is more than 600 feet from existing roads in violation of Lake County Zoning Ordinance (LCZO) §24.01(A)(1) and Lake County Comprehensive Plan (LCCP) Goal 2, Policies 10 and 11.

HO Conclusions of Law – The limited parties failed to show that the ASC impermissibility includes development within the Fort Rock Planning Area that is more than 600 feet from existing roads in violation of Lake County Zoning Ordinance (LCZO) §24.01(A)(1) and Lake County Comprehensive Plan (LCCP) Goal 2, Policies 10 and 11.

Issue 1

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 2 – Whether the ASC failed to demonstrate compliance with the conditional use permit requirements for non-farm use in the A-2 zone as required by LCZO 24.19 because the potential impacts including fugitive dust, invasive weeds, competition for water resources, wildlife displacement, and increased thermal energy (heat blooms) would result in a failure to demonstrate that the proposed facility is compatible with farm uses, consistent with the intent and purposes of ORS 215.243, does not seriously interfere with accepted farming practices on adjacent lands, and does not materially alter the stability of the overall land use pattern of the area.

Council Review of Hearing Officer's PCCO

HO Conclusions of Law – The ASC as conditioned in the Department's Proposed Order complies with the conditional use permit requirements for non-farm use in the A-2 zone as required by LCZO §24.19. The limited parties failed to establish the proposed facility, as conditioned, will seriously interfere with accepted farming practices on adjacent lands, or that the facility will materially alter the stability of the overall land use patterns of the area.

Issue 2

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 3 – Whether the ASC failed to demonstrate the proposed development will not unduly diminish agriculture from impacts of fugitive dust, invasive weeds, and wildlife displacement caused by removal of native vegetation, as well as heat blooms caused by the proposed facility, or unduly increase related public service costs in violation of LCZO §24.01(A)(1) and LCCP, Goal 2, Policy 17.

HO Conclusions of Law – LCCP Goal 2 Policy 17 is implemented through LCZO §24.01 and 24.19. The In the Matter of the Application for Site Certificate for the Obsidian Solar Center - OAH Case No. 2020-ABC-03504 Page 62 of 110 ASC, as conditioned, demonstrates the proposed facility will comply with LCZO §24.01 and 24.19.

Issue 3

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 4 – Whether the ASC failed to demonstrate grounds justifying an exception to LCCP Goal 3, identifying a preference for the preservation of agricultural land, as required by the LCCP and ORS 469.504(2).

HO Conclusions of Law – The ASC provides sufficient information regarding Applicant's purported bases to allow Council to take an exception to LCCP Goal 3, in accordance with ORS 469.504.

Issue 4

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 5 – Whether the proposed project as identified in the ASC diminishes the value of the limited parties' private property and business interests in violation of LCZO §24.01(A)(1) and LCCP Goal 2, Policy 18.

HO Conclusions of Law – The limited parties failed to establish that the proposed facility as set forth in the ASC and conditioned in the Department's Proposed Order will result in diminution of value to their private property and/or business interests.

Issue 5

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 6 – Whether the ASC failed to demonstrate that the design, construction, and operation of the proposed facility is not likely to result in significant adverse impacts to soil, taking into account Applicant's proposed mitigation, in violation of OAR 345-022-0022.

HO Conclusions of Law – The proposed facility as set forth in the ASC and conditioned in this Proposed Order complies with the Council's Soil Protection standard.

Issue 6

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 7 – Whether the application proposes development that exceeds the existing capacity of public and private utilities or facilities, including county roads to provide water needed for the construction of the facility, without Applicant providing funds for the increased services, in violation of LCZO §24.01(A); LCCP Goal 11, Policy 1; and LCCP Goal 13, Policy 14.

HO Conclusions of Law – The proposed facility as set forth in the ASC and conditioned in this Proposed Order is not likely to exceed the capacity of public or private utilities, roads, or local emergency services

Issue 7

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 8 – Whether the application failed to demonstrate that the proposed development is compatible with existing uses and will not diminish living conditions in violation of LCZO §24.01(A)(1) and LCCP Goal 9, Policy 1.

HO Conclusions of Law – The ASC, as conditioned in the Department's Proposed Order, demonstrates the proposed facility will comply with LCZO §24.01, Statewide Planning Goal 9, and LCCP Goal 9 Policy 1.

Issue 8

Questions & Straw Poll

Council Review of Hearing Officer's PCCO

Issue 9 – Whether the Department's Proposed Order erred by imposing a condition limiting the Applicant to 5,000 gallons of water per well per day rather than limiting the Applicant's water use to a total of 5,000 gallons per day

HO Conclusions of Law – The Department's Proposed Order erroneously permits excessive water use from wells within the project site and should be corrected to limit Applicant's use to no more than 5,000 gallons per day from all wells within the project site.

Issue 9

Questions & Straw Poll

PCCO Scrivener Error Review

- Applicant's Request for Correction of Scrivener's Errors to PCCO
- Department's Request for Correction of Scrivener's Errors to PCCO

PCCO Scrivener Error Questions & Straw Poll

Material Change Hearing

- Scope of Hearing
- Oral Comments
 - Limited Parties
 - Department
 - Applicant

Material Change Hearing Questions & Straw Poll

Council Decision on the Final Order

Option 1 Staff Recommendation	Option 2	Option 3
Approve Proposed Order & PCCO, with Scrivener Error Corrections, as the Final Order, as Recommended and Issue Site Certificate Approving Request	Approve Proposed Order & PCCO with Scrivener Error Corrections as Recommended, but with Additional Modifications, as the Final Order and Issue Site Certificate Approving Request	Reject Specific Findings of Facts, Conclusions of Law and Conditions of Approval in Proposed Order and/or PCCO, and Issue Final Order Denying Request

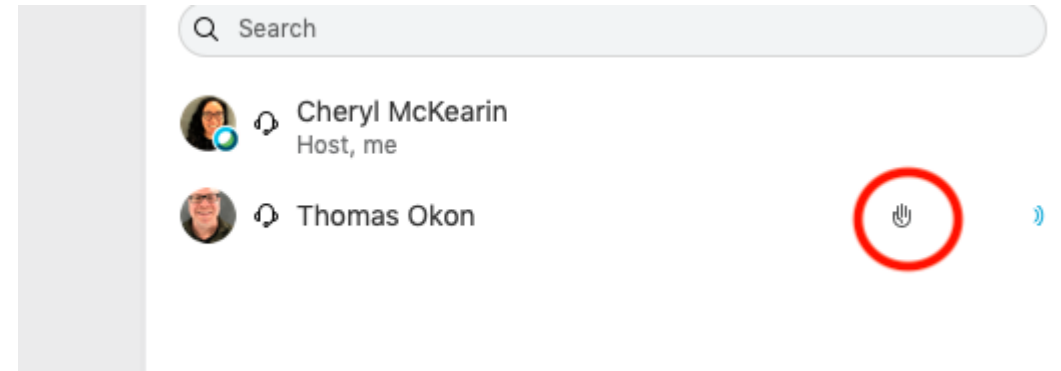
Council Deliberation

Agenda Item C

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:

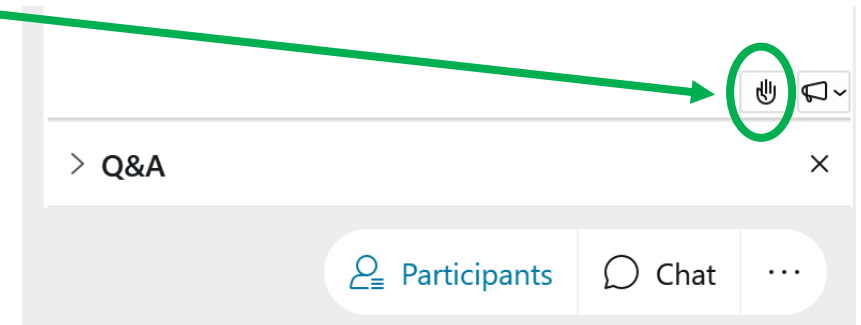
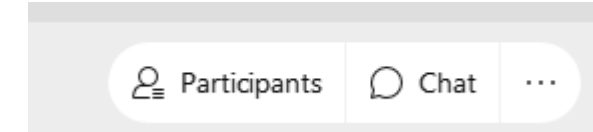
Webinar Participants

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.

Agenda Item D (Information Item)

Protected Areas, Scenic Resources and Recreation Standards Rulemaking Project Update

February 25, 2022

Christopher M. Clark, Siting Policy Analyst & EFSC Rules Coordinator, ODOE

Presentation Overview

- Background and Procedural History
- Discussion of Issues, Recommendations & Stakeholder Feedback
- Next Steps



(NOTE: The Council will be asked to provide preliminary input on each issue but is not being asked to make a final decision on any issue at this Meeting.)

Background

- **Scope:** Address issues related to the Protected Areas, Scenic Resources, and Recreation Standards and associated rules.
- **Objectives:**
 - Ensure that the standards clearly identify the resources and values they are intended to protect.
 - Ensure that the standards are consistent with ORS 469.310.
 - Improve efficiency and effectiveness of Council's review processes and procedures by resolving ambiguity, lack of clarity, and inconsistency in rule.

Rulemaking Process



Procedural History

Item	Date
Council initiates rulemaking	October 22, 2020
Staff solicits written comments	November 6, 2020
Council review of preliminary feedback	April 23, 2021
	July 28, 2021
Staff Conducts Rulemaking Workshops	August 18, 2021
	October 14, 2021
Council provides feedback on preliminary analysis and recommendations	February 2022

Summary of Issues & Recommendations

#	Description	Staff Recommendation
1	Rules do not require the department or applicant to give notice to or request comment from the manager of a protected area that may be affected by a proposed facility.	Require public notice to be sent to Protected Area Managers. Amend NOI and ASC rules to require Applicant to identify protected area managers.
2	The Scenic Resources and Recreation Standards limit the scope of Council's findings to resources in the appropriate analysis area identified in the project order. This is inconsistent with the Protected Area Standard, which contains no similar limitation.	Amend the Recreation and Scenic Resources Standards to allow the Council to consider evidence related to resources outside the analysis area.

Summary of Issues & Recommendations

#	Description	Staff Recommendation
2.1*	Some stakeholders recommend that the study areas for impacts to Protected Areas, Recreation, and Scenic Resources are too large, especially for renewable energy facilities.	Make no changes at this time.
2.2*	A stakeholder recommended that the Council limit study areas for impacts to Protected Areas, Recreation, and Scenic Resources to areas within the borders of Oregon.	Make no changes at this time

*Issue raised in whole or part by stakeholders

Summary of Issues & Recommendations

	Description	Staff Recommendation
3	The Protected Areas standard refers to “designations in effect as of May 11, 2007.” A number of new areas have been designated for protection since that time.	Remove the effective date for designations, allowing the Council to consider impacts to protected areas that are established during the review of a proposed facility.
4	The Protected Areas standard contains a list of designation categories and specific protected areas that may be incomplete or out of date.	Update and simplify the list and remove specific examples to reduce the need for future rulemaking.

Summary of Issues & Recommendations

	Description	Staff Recommendation
5	The Protected Areas standard does not list Outstanding Resource Waters as Protected Areas.	Make no changes
6	The current rule may permit a transmission line or natural gas pipeline to be sited in a protected area when other lesser impact alternatives are available.	Amend rule to clarify OAR 345-022-0040(2)
7	The Scenic Resources standard does not specify that resources and values identified as significant or important in state land management plans are protected.	Amend standard to require assessment of visual impacts to State Scenic Resources.

Summary of Issues & Recommendations

	Description	Staff Recommendation
8*	The application of new rules or standards to an application for Site Certificate that is under review on or before the effective date of the rules could prejudice the applicant.	Specify that amended standards will only apply to applications or requests for amendment filed on or after the effective date of the rules.
9*	More specificity may be needed in how the Council evaluates visual	Consider in future rulemaking
10*	A stakeholder recommended the Council clarify the criteria for identifying important recreational opportunities.	Make no changes at this time

*Issue raised in whole or part by stakeholders

Notice to Protected Area Managers (Issue 1)

Issue description: Rules do not require the department or applicant to give notice to or request comment from the manager of a protected area that may be affected by a proposed facility.

Alternatives:

1. Take no action. Rely on existing public notification requirements to provide information to managers of protected areas.
2. Amend OAR 345-001-0010(51) or provide policy direction to specify that the managing agency of a protected area that could be impacted by a proposed facility is a “reviewing agency.”
3. Amend rules to require public notice to be given to the managers of a protected area identified in the NOI, ASC, or Request for Amendment.

Notice to Protected Area Managers (Issue 1)

Federal	State	Local/Private
U.S. National Parks Service	Oregon Department of Parks and Recreation	The Nature Conservancy
U.S. Bureau of Land Management	Oregon Department of State Lands*	Private Landowners
U.S. Forest Service	Oregon Department of Fish and Wildlife*	
U.S. Fish and Wildlife Service		

Notice to Protected Area Managers (Issue 1)

Staff Recommends Alternative 3:

- Adopt interim policy to provide public notice to protected area managers during siting review. Formally amend rules in future rulemaking.
- Amend information requirements to require an applicant to identify protected area manager and contact information in the notice of intent and application for site certificate. (See Att. 3, pages 6, 10.)
- Consider options to collect and publish general information about protected area managers outside of rulemaking.

Questions & Deliberation

Scope of Required Findings (Issue 2)

Issue description: The Scenic Resources and Recreation standards both limit the scope of Council's findings to resources in the analysis area identified in the project order. This is inconsistent with the Protected Area standard, which contains no similar limitation.

Alternatives:

1. Make no changes.
2. Amend the Protected Areas standard to limit the scope of Council's findings to impacts to protected areas within the analysis area.
3. Amend the Recreation and Scenic Resources standards to remove the limitation and allow the Council to consider impacts to scenic resources and recreational opportunities outside the analysis area.

Scope of Required Findings (Issue 2)

Council must find that, taking into account mitigation, the design, construction and operation of the facility are:

OAR 345-022-0040: * * * not likely to result in significant adverse impact to the areas listed below.”

OAR 345-022-0080: * * * not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans *for any lands located within the analysis area described in the project order.*

OAR 345-022-0100: * * * not likely to result in a significant adverse impact to important recreational opportunities *in the analysis area as described in the project order.*

Scope of Required Findings (Issue 2)

Staff Recommends Alternative 3:

- Many stakeholders agreed that there should be consistency in the scope of findings required by Council standards, but there was not consensus on which approach should be pursued.
- Staff recommends Council amend the Recreation and Scenic Resources standards to allow the Council to consider impacts to scenic resources and recreational opportunities outside the analysis area.

Questions & Deliberation

Size of Study Areas (Issue 2.1)

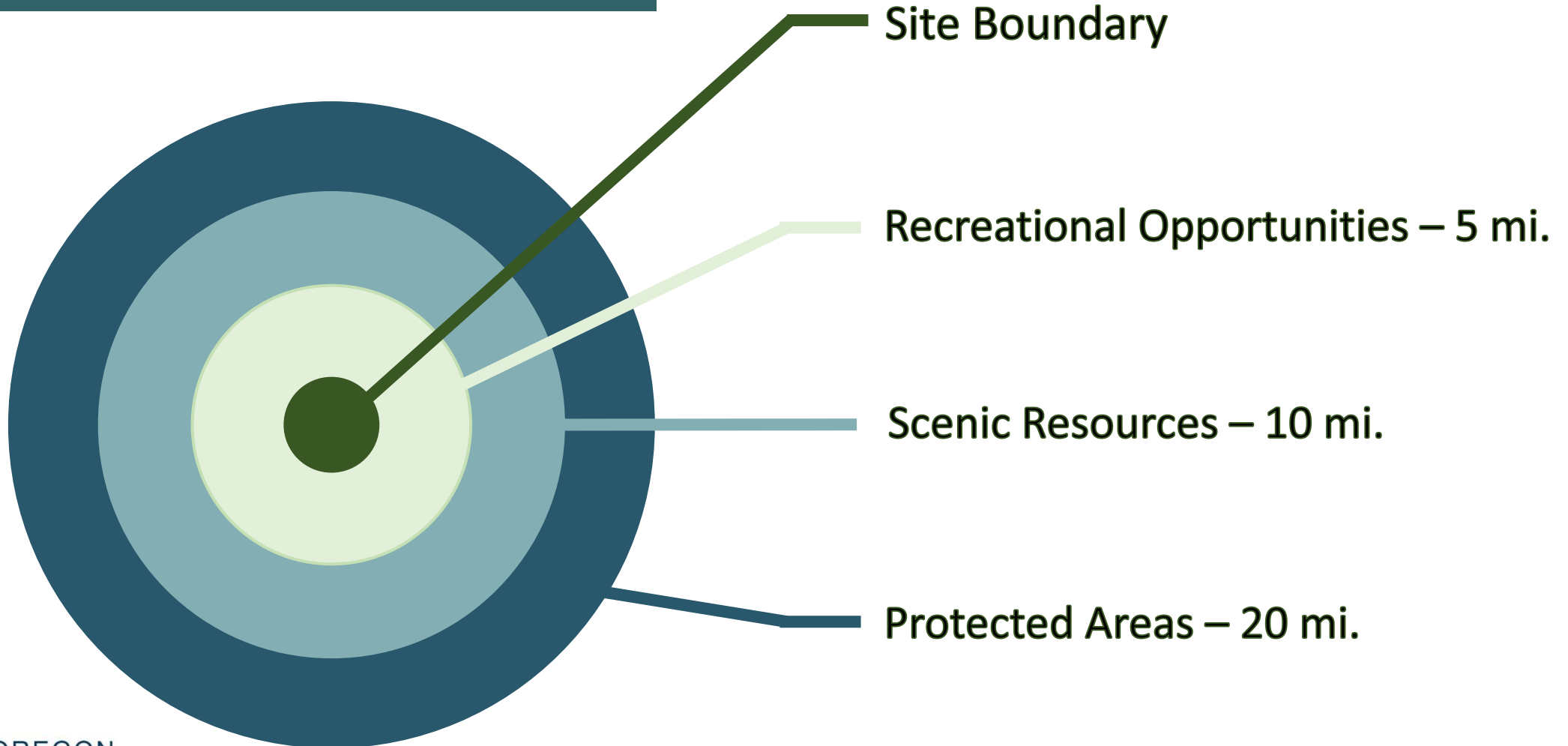
Issue: Some stakeholders recommend that the study areas for impacts to Protected Areas, Recreation, and Scenic Resources are too large, especially for renewable energy facilities.

Alternatives:

1. Make no changes
2. Reduce the study area for protected areas to 10 miles, or another distance, for all facilities
3. Reduce the study areas for impacts to protected areas, scenic resources, and recreational opportunities to 1 miles, for solar photovoltaic facilities

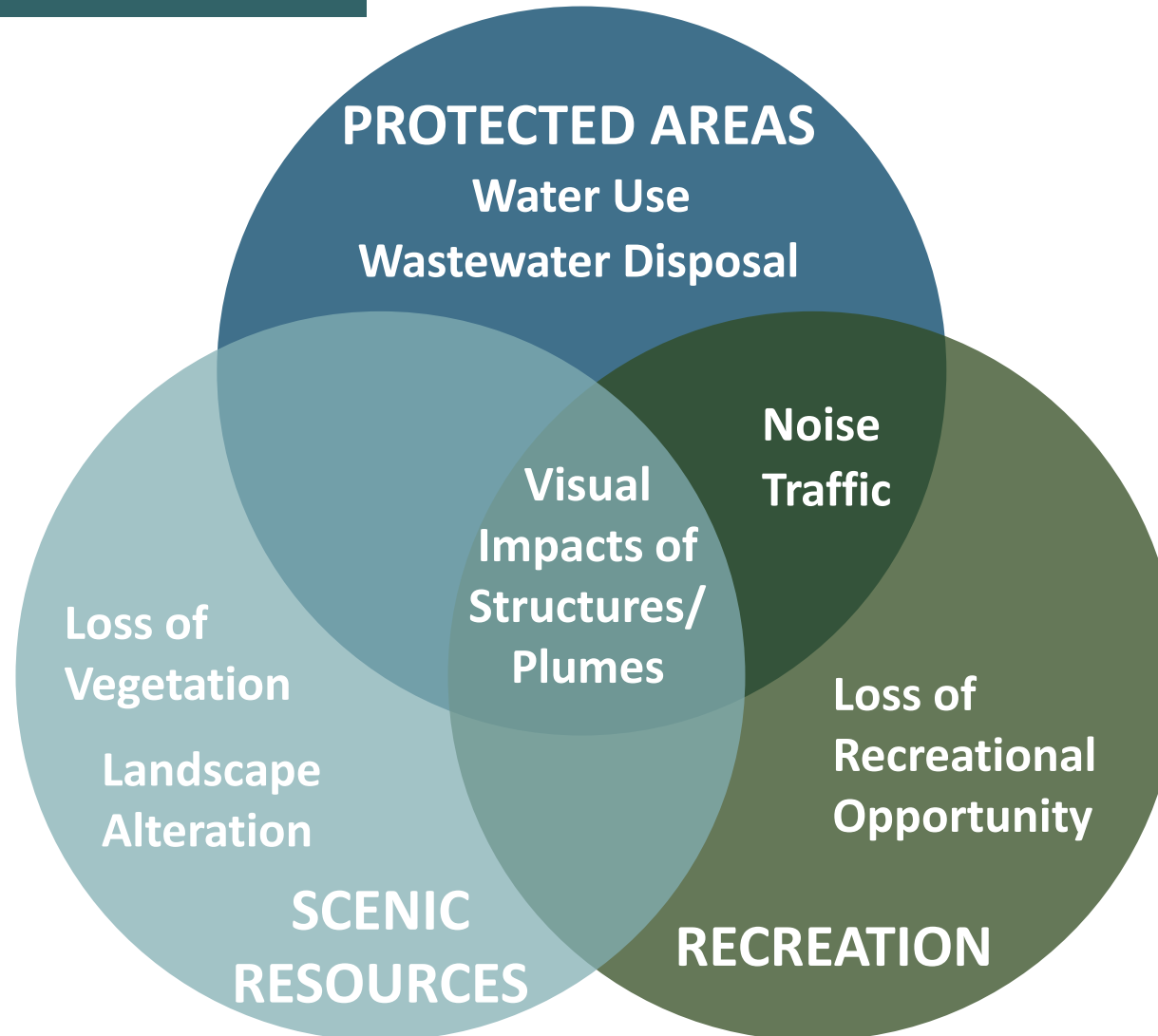
Size of Study Areas (Issue 2.1)

Current Study Areas - OAR 345-001-0010



Size of Study Areas (Issue 2.1)

Required Analyses - OAR 345-021-0010



Size of Study Areas (Issue 2.1)

Staff Recommends Alternative 1:

- Many stakeholders agreed that impacts may differ for different types of facilities, but there was no clear consensus on how this should be addressed.
- Some stakeholders commented that current study areas may not be adequate to address visual impacts from larger wind turbines.
- Staff does not have an appropriate empirical basis to recommend changes to the study areas and recommends Council make no changes and consider this issue further in future rulemaking.

Questions & Deliberation

Extent of Study Areas (Issue 2.2)

Issue: A stakeholder recommended that the Council limit study areas for impacts to Protected Areas, Recreation, and Scenic Resources to areas within the borders of Oregon.

Alternatives:

1. Make no changes
2. Amend rules to specify that study and analysis areas only extend to Oregon's borders.

Extent of Study Areas (Issue 2.2)

Alternative 1: Study area extends into Washington



Alternative 2: Study area clipped to border



Extent of Study Areas (Issue 2.2)

Staff Recommends Alternative 1:

- Some stakeholders questioned whether Council could, or should, consider resources outside of its jurisdiction. Others recommended that protected areas, scenic resources, and recreation opportunities may be used and valued by Oregonians, regardless of their location.
- Some state and local level resources outside of Oregon may not be protected by standards. Rules still allow for adjustment of Analysis Area, based on information provided in NOI.
- Staff recommends Council make no changes.

Questions & Deliberation

Effective Date of Designations (Issue 3)

Issue description: The Protected Areas standard refers to “designations in effect as of May 11, 2007.” A number of new areas have been designated for protection since that time.

Alternatives:

1. Amend rule to update the rule to reference the date of adoption of the new rules.
2. Amend rule to remove the date.
3. Amend rule to specify that Council must make findings based on designations in effect on the date the project order is issued.

Effective Date of Designations (Issue 3)

- Omnibus Public Land Management Act of 2009 designated over 100,000 acres of wilderness in Oregon.
- John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 established Devil's Staircase Wilderness and designated over 280 river miles of Wild and Scenic Rivers.
- Nehalem River State Scenic Waterway designated in 2019. A candidate study is currently underway for a 27-mile section of the South Umpqua River.
- OFWC approved establishment of 15,000 acre Minam River Wildlife Area in 2021
- Proposal for Elliott State Research Forest currently under consideration.

Effective Date of Designations (Issue 3)

Staff Recommends Alternative 2:

- Staff recommends that Council remove the date to allow the Council to address protected areas that are designated or established while a facility is under review.
- Additional work may be needed to address uncertainty for applicants and clarify process for addressing potential impacts to a protected area established during a review.

Questions & Deliberation

List of Protected Areas (Issue 4)

Issue description: The Protected Areas standard contains a list of designation categories and specific protected areas that may be incomplete or out of date.

Alternatives:

1. Make no changes.
2. Amend rule to provide updated lists that identify all current protected areas.
3. Amend rule to remove specific protected areas and list only specific categories and designations.

List of Protected Areas (Issue 4)

Staff Recommends Alternative 3:

- Because protected areas may be added, renamed, or redesignated at any time, staff recommends Council remove the specific protected areas from the rule.
- Consider providing more detailed lists as an informational resource that can be updated outside of the formal rulemaking process.
- Amend categories to align with current law, clarify ambiguity, and to add additional categories that are comparable to protected areas included on the current list.

List of Protected Areas (Issue 4)

Federally Designated Areas

- | | | |
|---|---|---|
| <ul style="list-style-type: none">• National Parks• National Monuments• Wilderness Areas• Wilderness Study Areas• Wild and Scenic Rivers• National Wildlife Refuges• National Coordination | <p>Areas</p> <ul style="list-style-type: none">• National Fish Hatcheries• National Scenic and Recreation Areas• <u>Special Resources Management Units</u>• Areas of Critical Environmental Concern | <ul style="list-style-type: none">• Outstanding Natural Areas• Research Natural Areas• <u>Special Interest Areas</u>• <u>Experimental Forests and Ranges</u> |
|---|---|---|

List of Protected Areas (Issue 4)

State Designated Areas

- State Parks & Waysides
 - The Willamette River Greenway
 - State Natural Heritage Areas
 - The South Slough National Estuarine Research Reserve
 - State Scenic Waterways
 - State Wildlife Areas, Refuges, and
- Management Areas
 - State Fish Hatcheries
 - OSU Agricultural Experimental Areas, Experiment Stations, and Research Centers
 - OSU Research Forests
 - Elliot State Research Forest?

Questions & Deliberation

Outstanding Resource Waters (Issue 5)

Issue Description: The current rule does not list Outstanding Resource Waters as Protected Areas.

Alternatives:

1. Make no changes.
2. Add Outstanding Resource Waters to the list of protected areas.

Staff Recommends Alternative 1: Because Outstanding Resource Waters are part a federally delegated program under the Clean Water Act, staff recommends Council make no changes.

Questions & Deliberation

Linear Facilities in Protected Areas (Issue 6)

Issue description: The current rule may permit a transmission line or natural gas pipeline to be sited in a protected area when other lesser impact alternatives are available.

Alternatives:

1. Make no changes.
2. Amend rule to allow Council to issue a site certificate when Council finds that no alternative routes or sites that would have lesser impacts are practicable.
3. Amend rule to allow Council to issue a site when Council finds that other reasonable routes or sites have been studied and determined to have greater impacts.

Linear Facilities in Protected Areas (Issue 6)

Staff Recommends Alternative 2 (with modification):

- (2) Notwithstanding section (1), the Council may issue a site certificate for:*
- (a) A facility that includes a transmission line or a natural gas pipeline or water pipeline proposed to be located in a protected area, if the Council determines that reasonable alternative routes or sites that would avoid the protected area have been studied and that the proposed route is likely to result in fewer adverse impacts to resources or interests protected by Council standards.*
 - (b) * * * (See markup in Att. 3, page 15)*

Questions & Deliberation

Identification of Scenic Resources (Issue 7)

Issue: The Scenic Resources standard does not specify that scenic resources and values identified as significant or important in state land management plans are protected under the standard.

Alternatives:

1. Make no changes
2. Specify that scenic resources identified in state land management plans are protected by the Scenic Resources Standard.
3. Specify that scenic resources identified as significant or important in state *and regional* land management plans are protected.
4. Specify that any scenic resource identified as significant or important by a reviewing agency is protected by the Scenic Resources Standard.

Identification of Scenic Resources (Issue 7)

Staff recommends Alternative 3:

- Amend the rule to include significant or important scenic resources identified in state or regional land management plans:
“A scenic resource is considered to be significant or important if it is identified as significant or important in a land use management plan adopted by one or more local, tribal, state, or federal government or agency.” (Att. 3, page 16.)
- Alternative 4 may also be appropriate, but we do not have enough information at this time to recommend Council pursue this option and recommend it be considered further in future rulemaking.

Questions & Deliberation

Applicability of Updated Rules & Standards (Issue 8)

Issue description: A stakeholder recommended that the application of new rules or standards to an application for Site Certificate that is under review on or before the effective date of the rules could prejudice the applicant.

Alternatives:

1. Take no specific action
2. Amend OAR 345-001-0020 to clarify that the Council will review an application based on the rules in effect on the date of filing.
3. Adopt a provision in each affected rule or division of rules explaining that applicability of rules and Council standards is determined by the date of filing.

Applicability of Updated Rules & Standards (Issue 8)

Staff recommends Alternative 3:

- Adopt a provision specifying applicability in each affected standard. As an example, staff recommends the following section be added to OAR 345-022-0040:

(4) The Council shall apply the standard adopted under Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. (Att. 3, page 16)

- Staff recommends the Council consider adopting a general applicability rule in future rulemaking.

Questions & Deliberation

Methodology for Visual Impacts Analyses (Issue 9)

Issue: Several stakeholders recommended that more specificity is needed in how the Council evaluates visual impacts under the Protected Areas, Scenic Resources, and Recreation Standards.

Alternatives:

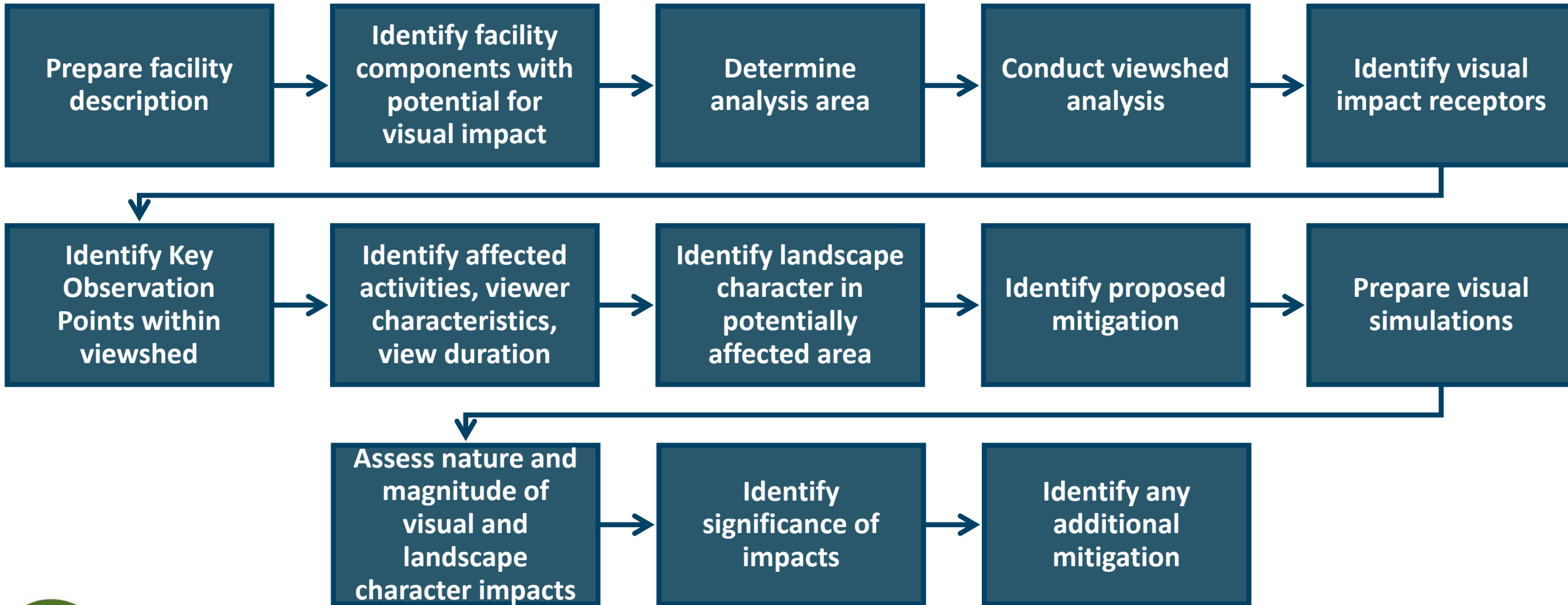
1. Make no changes
2. Specify that one or more established methodologies must be used for visual impacts assessments
3. Adopt new rules specifying methods for assessing the visual impacts of energy facilities.

Methodology for Visual Impacts Analyses (Issue 9)

Examples of Established Visual Impact Methodologies

- USFS Scenery Management System
- BLM Visual Resource Management System
- FHWA's Guidelines for the Visual Impact Assessment of Highway Projects
- OCTA Trails Setting Classifications

Methodology for Visual Impacts Analyses (Issue 9)



Methodology for Visual Impacts Analyses (Issue 9)

Staff recommends Alternative 1:

- There could be significant improvements to the way visual impacts are identified and evaluated within the siting review process.
- Requiring one or more established methodologies to be used in visual impact assessments prepared for an application for site certificate, as described in Alternative 2, may be desirable but warrants a separate rulemaking process.
- Staff recommends Council make no changes at this time, and establish a new rulemaking project to identify and fully vet appropriate visual impact assessment methods.

Questions & Deliberation

Criteria for Important Recreational Opportunities (Issue 10)

Issue: A stakeholder recommended the Council clarify the criteria for identifying important recreational opportunities.

Alternatives:

1. Make no changes
2. Clarify the criteria used to judge importance

Criteria for Important Recreational Opportunities (Issue 10)

Current Criteria – OAR 345-022-0100

- Any special designation or management of the location
- The degree of demand
- Outstanding or unusual qualities
- Availability or rareness
- Irreplaceability or irretrievability of the opportunity

Criteria for Important Recreational Opportunities (Issue 10)

Staff recommends Alternative 1:

- No specific recommendations were provided during stakeholder engagement process.
- Further consideration of this issue may be appropriate, but Staff does not have enough information at this time to recommend any specific rule changes at this time.

Questions & Deliberation

Next Steps

Item	Date
Council provides feedback on preliminary analysis and recommendations	February 2022
Staff publishes revised analysis and recommendations, solicits additional informal comments	March 2022
Council considers proposed rules and issues NOPR	April 2022
Public Comment Period on Proposed Rules	May-June 2022
Consideration of Permanent Rules	July 2022

Agenda Item E (Information Item)

Public Comments Web Portal Update

February 25, 2022

Wally Adams, Operations and Policy Analyst, ODOE



OREGON
DEPARTMENT OF
ENERGY

EFSC Public Comments Portal and Docket System

February 25, 2022

Topics

- Background, Purpose and Scope
- Demo of Comment Portal for a DPO
- Demo of Docket

Business Problem

- Public comment periods are required by statute and administrative rules to occur at several points in the Site Certificate process as well as the Rulemaking process. Comments are currently captured in several channels: emails are most common, but also by written letter, fax and verbally. There is no online system for submitting comments.
- Comments that are received are not readily available to view by the public. They are only available through a public records request or once a comment summary is published.
- Comments must be processed after they are received, meaning that they are catalogued in a single .pdf file with an index. Any attachments received must be included with the comments. In some cases – generally when a large number of comments are received – a summary of the issues must be generated. An index of comments must be generated manually.

Objectives

The primary objective of the project was to create an online comment portal to capture and display comments submitted by the public. Other objectives included:

- Use existing software platforms for which the State already has licenses and in-house IT resources to develop the system, thereby keeping our costs low.
- Provide people who submit comments with an email acknowledgement.
- Have the ability to generate an index of comments received.
- Have the ability to generate a list of comments in pdf format.
- **Create a docket to provide public access to the comments received for a particular project.**

Objectives (Continued)

- Through the web-based input form, enable the commenter to associate their comments with specific citations to Council standards, application or DPO sections and page references. The intent is for the system to improve the ability of citizens to provide meaningful content that Staff, the Council, and Applicants can utilize, without crossing the line of providing legal advice.
- Scope:
 - NOI
 - DPO
 - DPO – Type A Amendment
 - DPO – Type B Amendment
 - Formal Rulemaking
 - Informal Rulemaking

Comment Portal and Docket Demo

- The Siting Comments Portal can be found here:

<https://odoe.powerappsportals.us/en-US/SitingPublicComment/>

- The Siting Docket can be found here:

<https://odoe.powerappsportals.us/en-US/sitingdocket/>

BREAK

Council Deliberation

Adjourn

