

Attachment 1: Summary of the NOI Extension Request and Supplemental Information

(March 31, 2025) – Applicant’s petition to extend the expiration date of the Notice of Intent to File an Application for Site Certificate:

Muddy Creek Energy Park, LLC (Applicant) submitted a Notice of Intent (NOI) to apply for a Site Certificate for Muddy Creek Energy Park (Facility) in Linn County, Oregon on May 19, 2023. As part of the NOI, the Applicant provided a schedule stating that it expected to submit a preliminary Application for Site Certificate (pASC) in November 2023. However, the Applicant conducted supplemental season-dependent field surveys in 2024 because precipitation in 2023 was well below average. The results of the 2024 surveys are required to adjust the planned location of Facility components. In addition, the Applicant is continuing to refine the agrivoltaics management plan with the participating landowner in order to most effectively retain agricultural production and minimize agricultural impacts within the Facility Site Boundary. Consequently, the Applicant decided to delay submitting the pASC until after 2023.

The Applicant remains confident in and committed to the Facility, while continuing to advance the design and collecting all data needed to move the Facility forward. Therefore, we request that the Energy Facility Siting Council grant the Applicant a 1-year extension of the NOI, such that it would expire on May 19, 2026. This would allow the Applicant sufficient time to complete resource studies and the agrivoltaics management plan, and to prepare and submit the pASC.

(April 17, 2025) – Applicant’s Response to Department’s information request (1):

- Wetlands and Waters Delineation Report (WD2023-0366) was submitted to ODSL and USACE in August 2023 and we received comments from these reviewing agencies in November 2023. At the request of ODSL and USACE, we coordinated agency site visits in early spring 2024 and then completed supplemental season-dependent field surveys requested by ODSL and USACE in 2024. The results of this work are anticipated to be submitted to ODSL and USACE for review in Q2 2025.
- The field results are being used to adjust the planned location of Facility components and will be used to complete the Joint Permit Application. Adjustments to Facility components is also being reflected in the preliminary site plan used for the pASC and analysis in corresponding exhibits which will be submitted prior to May 19, 2026.

(April 29, 2025) – Applicant’s Response to Department’s information request (2):

In August 2023, we submitted a wetland delineation to the Oregon Department of State Lands (DSL) and requested a Preliminary Jurisdictional Determination (PJD) from the U.S. Army Corps of Engineers (USACE). In November, DSL provided comments near the end of their 120-day review period and requested a site visit, which was initially scheduled for February 29, 2024. Due to heavy precipitation, the visit was postponed until March 28. During that visit, both DSL and USACE observed significantly more wet areas than had been captured in our original delineation, prompting their request for a new wetland delineation.

Fieldwork took place between March and May 2024, with some delays due to landowner coordination. The result of the fieldwork was the presence of considerably more wetlands than were identified in the initial wetland delineation.

Originally, this project was designed to entirely avoid all wetland impacts. However, with the revised delineation, we now have to move forward with a Joint Permit Application—introducing significant financial and permitting implications. From June 2024 through March 2025, we've developed four complete redesigns of the site plan. Each iteration required extensive involvement of civil and electrical engineers, environmental consultants, and permitting specialists. All of these efforts were done to minimize wetland impacts, formulate potential mitigation measures, and at its core, to determine whether we still have a viable project after the massive cost implications.

As described above, the decision by DSL and the Corps to require a second site visit was outside of the Applicant's control and resulted in approximately 17 months of delay to our schedule. At this time, we believe the project remains financially viable in light of these new wetland constraints, tariff implications, and the potential permitting costs.

Agency	Date	Notes
Tetra Tech	May 2023	Wetland field work conducted on site by Tetra Tech.
Tetra Tech	July 2023	Follow-up wetland field work conducted on site by Tetra Tech.
DSL	July 2023	Tetra Tech connected via phone with DSL Representative for Linn County on July 13 th to request a site visit to review preliminary field results. DSL told Tetra Tech that they would not make a site visit until after they had reviewed the wetlands delineation report.
DSL	August 2023	Wetland Delineation Report submitted to agency. <ul style="list-style-type: none">• DSL number WD2023-0366.• The 120-day review deadline would be 12/20/2023.
USACE	August 2023	PJD request submitted to agency. <ul style="list-style-type: none">• USACE number NWP-2023-259
DSL (USACE cc'd)	November 2023	11/29/24 - Email received from DSL (with USACE cc'd) requesting additional information and site visit in late February or early March <ul style="list-style-type: none">• Report reviewed and response received within the 120-day review deadline.
USACE/DSL	February 2024	2/29/24 - Original site visited scheduled but was cancelled because of precipitation. <ul style="list-style-type: none">• Rescheduled with DSL and USACE to 3/28/2024.
USACE/DSL	March 2024	3/28/24 - Site visit with Tetra Tech, DSL, and USACE.
Tetra Tech	March 2024	3/29/24 - Tetra Tech on site collecting additional data.

Tetra Tech	April 2024	4/1-2/24 - Tetra Tech on site collecting additional data
Tetra Tech	May 2024	5/24/24 - Tetra Tech on site collecting additional data
QCells/ Tetra Tech	June 2024	Tetra Tech sends first draft of wetland data to Qcells
Qcells	June 2024	Qcells engineering kicks off 10% and 30% re-design
Qcells	August 2024	Qcells constructability review meeting for new 10% design (V1)
Qcells/ Tetra Tech	October 2024	Qcells and Tetra Tech design review for 10% design (V2)
Qcells/Tetra Tech	November 2024	Qcells and Tetra Tech design review for 10% design (V3)
Tetra Tech	November 2024	Tetra Tech sends Qcells marks up on site plan
Qcells	January 2025	10% design (V4) complete
Qcells	March 2025	30% design complete