

EXHIBIT BB
OTHER INFORMATION
OAR 345-021-0010(1)(bb)

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BB.1 INFORMATION REQUESTED IN PROJECT ORDER

OAR 345-021-0010(1)(bb) *Any other information that the Department requests in the project order or in a notification regarding expedited review.*

Response: Madras PV1, LLC (Applicant) proposes to construct and operate the Madras Solar Energy Facility (Facility) in Jefferson County, Oregon. The Facility will consist of approximately 63 megawatts of alternating current nominal and average electric generating capacity.¹ The Applicant filed a Notice of Intent (NOI) with the Oregon Department of Energy (ODOE) on May 16, 2019. On June 12, 2019, ODOE issued a public notice of the NOI to the Energy Facility Siting Council (EFSC) mailing list and to adjacent property owners as defined at OAR 345-020-0011(1)(f). ODOE also published the notice in the *Madras Pioneer* newspaper that ran on June 19, 2019, and in the *Bend Bulletin* newspaper that ran on June 20, 2019. The public notice included information regarding the Facility and the EFSC review process, and set July 19, 2019, as the comment deadline for the NOI.

BB.2 COMMENTS RECEIVED ON THE NOTICE OF INTENT

ODOE received comments on the NOI from six reviewing agencies; no comments were received from members of the public. Comments submitted are “on-the-record” and were required to be provided in written form, such as an email or letter. ODOE issued the Project Order on September 12, 2019, and provided the agency comments to the Applicant under separate cover. The issues raised in the comments are documented in Table BB-1, along with the Applicant’s response and direction on where relevant information can be found in the Application for Site Certificate.

¹ Based on the Oregon Revised Statute 469.300(4) definition of average generating capacity for all energy facilities besides wind and geothermal.

Table BB-1. Comment Response Table for the Madras Solar Energy Facility Notice of Intent

No.	Agency (Comment Letter Page)	Comment	Response
1	Jefferson County Board of Commissioners (Page 1)	Sections 301.4, 301.5, 401, 405, and 602 of the Jefferson County Zoning Ordinance (JCZO) might apply to construction or operation of the proposed Facility.	The Applicant has provided responses to the applicable sections of the JCZO in Section K.5.1.1 of Exhibit K.
2	Jefferson County Board of Commissioners (Page 1)	A site plan and full set of structural and electrical plans will be required for application of permits. A value of the structural portions of work (footings, poles, racking system for the solar portion and separate values for any other structures that are not exempt from permitting) will need to be included in the application. A submittal fee is required with the application. The fee/s will be based on the value of structural portion of work.	The Applicant has included a site plan as Figure C-2 in Exhibit C. Full sets of structural and electrical plans will be submitted prior to construction for applicable Jefferson County permits. In addition, values for the structural portions of work and payment for the applicable submittal fee will be included with the permit applications.
3	Department of State Lands (Page 1)	DSL typically does not comment on notices if not submitted in one of three formats: (1) wetland delineation reports, (2) wetland land use notices, or (3) wetland determination requests.	The Applicant acknowledges this comment. The Applicant submitted a wetland delineation report to DSL under separate cover. DSL issued a letter of concurrence on the wetland delineation report (dated March 5, 2019). The letter of concurrence is included as Attachment J-2 in Exhibit J.
4	Department of Environmental Quality (Page 1)	DEQ believes the facility will need to obtain an NPDES 1200-C construction stormwater permit prior to construction.	The Applicant has prepared an NPDES 1200-C construction stormwater permit application. The permit application is included as Attachment I-1 in Exhibit I. In addition, the Applicant submitted the NPDES 1200-C application under separate cover to DEQ in November 2019.
5	Department of Environmental Quality (Page 1)	Some solar facilities have chosen to apply for 1700-B permits related to washwater disposal. The applicant should discuss issues related to washwater disposal with DEQ if any permits could apply.	As discussed in Exhibit E, the solar modules may be washed twice annually and the washwater will be released to the ground and allowed to evaporate and infiltrate. If coverage under the 1700-B is deemed necessary, the Applicant's third-party contractor responsible for conducting the washing activities will seek coverage under the 1700-B permit from DEQ following completion of construction and before initiating any washing activities.
6	Oregon Department of Fish and Wildlife (Page 2, General Comments)	OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan, and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on ODFW's website at: http://www.dfw.state.or.us/wildlife/diversity/species/sensitive-species.asp	The Applicant addresses the State-listed threatened and endangered species applicable to the Facility in Exhibit Q.
7	Oregon Department of Fish and Wildlife (Page 2, General Comments)	OAR Chapter 635, Division 415 ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: http://www.dfw.state.or.us/lands/mitigation_policy.asp describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Category 1 (irreplaceable, essential, limited) to Category 6 (non-habitat)	The Applicant addresses ODFW's Fish and Wildlife Mitigation Policy, as it applies to the Facility, in Exhibit P.
8	Oregon Department of Fish and Wildlife (Page 2, Specific Comments)	1) The Department requests that the applicant submit, as part of EFSC's siting standards, a detailed habitat mitigation plan, and revegetation plan for areas of temporary impact, that addresses any unavoidable impacts to wildlife and their habitats according to the	In Exhibit P, the Applicant includes a habitat mitigation plan as Attachment P-9 and a revegetation plan as Attachment P-6. Exhibit P also addresses the Facility's compliance with the ODFW Wildlife Habitat Mitigation Policy.

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		ODFW Wildlife Habitat Mitigation Policy (OAR 63 5, Division 415) and EFSC's Siting Permit Conditions for Approval.	
9	Oregon Department of Fish and Wildlife (Page 2, Specific Comments)	1a) Mitigation options were discussed at the field tour on 7/23/19. As discussed, ODFW is currently working on a long term mitigation plan with existing solar developments in Crook County and this project may have the ability to add on to that. Although ODFW is not currently accepting Payment to Provide (PTP) mitigation options right now, there may be opportunities for this project to work with our third party (Deschutes Land Trust) and provide funding to that entity as credit for mitigation. If there is interest in this option please let us know and we can set up a meeting with the Deschutes Land Trust.	The Applicant's habitat mitigation plan (see Attachment P-9 in Exhibit P) relies on Payment to Provide mitigation to the Deschutes Land Trust.
10	Oregon Department of Fish and Wildlife (Page 3, Specific Comments)	1b) The Department recommends that raptor nest surveys be completed within a 2 mile radius of the project area. In the event that active raptor nests are discovered within the project area, the Department recommends avoiding disturbance of those sites during construction. The Department also recommends the habitat surrounding raptor nests be given some additional consideration in terms of habitat categorization according to the Fish and Wildlife Habitat Mitigation Policy. Categorization and buffer distances can be discussed after surveys are completed. If construction activities are unavoidable during the nesting season in proximity to active nests, the following table provides recommendations for disturbance buffer distances on various species that may be found in or near the project site: [see Page 3 of the ODFW comment letter]	<p>The Applicant contracted Western EcoSystems Technology, Inc. (WEST) to conduct two rounds of aerial eagle (<i>Aquila chrysaetos</i> and <i>Haliaeetus leucocephalus</i>) nest surveys, and two rounds of ground-based nest surveys for the Facility in Jefferson County in 2019. The survey results are documented in WEST's technical memorandum titled <i>Madras Solar 2019 Eagle Nest Surveys</i> included as confidential Attachment P-5 to Exhibit P. In addition, Section P.7.2 in Exhibit P describes potential impacts to raptors and Section P.8.2 describes proposed minimization measures to address potential impacts to raptors.</p> <p>Discussions about potential adverse impacts to golden eagles are ongoing with ODFW and USFWS. The Applicant has submitted an application to USFWS for an Incidental Eagle Take Permit to address potential disturbance take of golden eagles during construction. Attachment P-8 (<i>submitted separately under confidential cover</i>) contains the Applicant's application. In coordination with USFWS, the Applicant has applied for this voluntary permit to document and formalize avoidance, minimization, mitigation, and monitoring measures to be implemented for potential construction disturbance.</p>
11	Oregon Department of Fish and Wildlife (Page 3, Golden Eagle Comments)	The Department is aware of a long standing Golden Eagle territory located within the site boundary. Portland General Electric (PGE) had been studying one female Golden Eagle associated with this territory until May of 2014. Please reference the attached map of data provided by PGE and titled Willow Creek Golden Eagle. This map should serve as a starting point to negotiate potential impacts to current Eagles using the Willow Creek canyon as part of their home range.	The Applicant contracted WEST to conduct two rounds of aerial eagle (<i>Aquila chrysaetos</i> and <i>Haliaeetus leucocephalus</i>) nest surveys, and two rounds of ground-based nest surveys for the Facility in Jefferson County in 2019. The survey results are documented in WEST's technical memorandum titled <i>Madras Solar 2019 Eagle Nest Surveys</i> included as confidential Attachment P-5 to Exhibit P. In addition, Section P.7.2 in Exhibit P describes potential impacts to raptors and Section P.8.2 describes proposed minimization measures to address potential impacts to raptors.
12	Oregon Department of Fish and Wildlife (Page 3, Golden Eagle Comments)	The Department would recommend that the applicant survey for small mammal populations within the site boundary and report on whether or not they predict if the construction of this facility will increase or decrease the existing condition. Greater effort should be placed in surveying in proximity to the northern edge of the facility and in relation to the cluster of blue points referenced on the Willow Creek Golden Eagle map. There is concern that the site boundary may still be a viable hunting area for Golden Eagles and if	The Applicant contracted WEST to conduct two rounds of aerial eagle (<i>Aquila chrysaetos</i> and <i>Haliaeetus leucocephalus</i>) nest surveys, and two rounds of ground-based nest surveys for the Facility in Jefferson County in 2019. The survey results are documented in WEST's technical memorandum titled <i>Madras Solar 2019 Eagle Nest Surveys</i> included as confidential Attachment P-5 to Exhibit P. The last sentence in the Discussion section of WEST's technical memorandum states: "The proposed infrastructure footprint of the Project area does not contain preferred nesting or foraging habitat for golden eagles..." In addition, the Applicant's biological surveys show that more than half the area within the Facility site boundary is exotic annual grassland. The

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		that is the case, what minimization measures would be placed to prevent Eagles from colliding with panels, wires or any device within the facility.	description of this habitat category in Section P.4.2 of Exhibit P states, "The recent fire, dense non-native herbaceous cover, and lack of native grasses limit the ability of most wildlife species to use this area for forage or cover."
13	Oregon Department of Fish and Wildlife (Page 3, Golden Eagle Comments)	From the Willow Creek Golden Eagle map it appears that this female eagle had utilized the rim habitat. Is there potential to "buffer" this project away from North rim to keep this important part of the home range and minimize this impact? It will be important to look at this data at a finer scale and compare it to the site boundary. This should be considered when categorizing the habitat.	The Applicant contracted WEST to conduct two rounds of aerial eagle (<i>Aquila chrysaetos</i> and <i>Haliaeetus leucocephalus</i>) nest surveys, and two rounds of ground-based nest surveys for the Facility in Jefferson County in 2019. The survey results are documented in WEST's technical memorandum titled <i>Madras Solar 2019 Eagle Nest Surveys</i> included as confidential Attachment P-5 to Exhibit P. The last sentence in the Discussion section of WEST's technical memorandum states: "The proposed infrastructure footprint of the Project area does not contain preferred nesting or foraging habitat for golden eagles..." In addition, the Applicant specifically positioned the Facility to comply with Jefferson County's Scenic and Natural Hazard Rim Set Back (JCZO Section 412), which requires that structures be set back at least 30 feet from the canyon rim.
14	Oregon Department of Fish and Wildlife (Page 3, Golden Eagle Comments)	It is strongly recommended that in future meetings, the Department meet with the applicants, ODOE, and the USFWS when negotiating impacts to this species. The Department wishes to make our recommendations in line with the Federal agency and that is best accomplished when negotiations are held together.	The Applicant acknowledges this comment and will include ODFW in future meetings with USFWS.
15	Oregon Water Resources Department (Page 1)	With respect to Table E-1 and the Water Right Permit or Water Use Authorization information in the Notice of Intent, cited Oregon Administrative Rule OAR 690 Division 507 (Umatilla Basin Program) is in error for the proposed project location provided, the correct Oregon Administrative Rules are OAR 690 Division 505 (Deschutes Basin Program) and OAR 690 Division 521 (Deschutes Basin Mitigation Bank and Mitigation Credit Rules).	The Applicant acknowledges this comment and has updated Table E-2 in Exhibit E to reflect this revised information.
16	Oregon Water Resources Department (Page 1)	Additionally, with respect to Table N-1 and the Department and Agency Address columns, the Department name should be listed as Oregon Water Resources Department-Water Rights Services Division, and the Agency Address listed is outdated, the current address for the Department is as follows: Oregon Water Resources Department 725 Summer St NE Ste A Salem, OR 97301-1266 503-986-0900	The Applicant acknowledges this comment and has updated Table E-2 in Exhibit E to reflect this revised information.
17	State Historic Preservation Office (Page 1)	In the absence of sufficient knowledge to pinpoint the exact location of archaeological sites within your proposed project area, and due to the high likelihood of significant archaeological sites being present, we suggest that the applicant contact a professional archaeologist to conduct a archaeological survey of the project area.	The Applicant's contracted professional archaeologist completed a cultural resources survey, which is described in the <i>Results of Phase I Cultural Resources Survey for the Madras Solar Energy Facility</i> (Cultural Resources Report) included as Attachment S-1 (confidential) to Exhibit S. The survey team of archaeologists included Larry Squiemphen, an archaeological technician with Geo Visions, Inc., which is a cultural resource consulting enterprise of the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO). No cultural resources were found within the Facility's site boundary.

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18	State Historic Preservation Office (Page 1)	If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project.	As described in Section 3 of the Cultural Resources Report) (confidential Attachment S-1 to Exhibit S), the Applicant has consulted with the following three tribes identified by the Legislative Commission on Indian Services: CTWSRO; Klamath Tribes; and the Burns Paiute Tribe. Letters detailing the Facility along with a map figure were sent to these area tribes on November 8, 2018. The Applicant did not receive a response from the Klamath Tribes and the Burns Paiute Tribe to the consultation outreach. On November 19, 2018, Mr. Christian Nauer with the CTWSRO Tribal Historic Preservation Office responded with general regional comments and with the Facility-specific comments described in Section 3 of the cultural resources report. The survey team of archaeologists included, Larry Squiemphen, an archaeological technician with Geo Visions, Inc., which is a cultural resource consulting enterprise of the CTWSRO. Finally, the complete cultural resources report was emailed to Mr. Nauer on September 6, 2019. On the same day (September 6, 2019), Mr. Nauer emailed a response that stated: "Thank you very much for providing this office with the Madras Solar Energy Facility cultural resources report. We have no questions or comments at this time."