

Amendment Determination Request for Wheatridge Renewable Energy Facility II

Prepared for



Prepared by



August 2020

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1.0 Introduction and Request

Wheatridge Wind II, LLC (Certificate Holder) is submitting this Amendment Determination Request (ADR) for the Wheatridge Wind Energy Facility II (WREFII) in Morrow and Umatilla counties, Oregon. Construction commenced in January 2020 for 200 megawatts (MW) of wind within the Wheatridge West portion of WREFII, and it is anticipated to be completed by October 2020. In late July 2020, the Certificate Holder determined the need to reroute a short extent of underground collection line (approximately 1500 feet) that will be located outside of the Site Boundary (the Site Boundary represents the micrositing corridors). This minor reroute of the underground collector line will add approximately 4 acres of new Site Boundary to WREFII (proposed change).

Increasing the Site Boundary by 4 acres (between existing areas already designated as part of the 12,432-acre Site Boundary) increases the overall area of the Site Boundary by only 0.03 percent. No new facilities or changes to the dimensions of the permitted facilities are being proposed.

Therefore, the Certificate Holder is requesting a written determination under Oregon Administrative Rules (OAR) 345-027-0357(1)(b) for concurrence that the proposed change to the Site Boundary does not require a Site Certificate amendment because WREFII is being constructed substantially as described in the Site Certificate. The Certificate Holder provides an amendment determination evaluation (Section 3.0) and demonstrates that the proposed change complies with the requirements of all applicable standards and all existing Site Certificate Conditions (Section 4.0), and could be included in and governed by the Site Certificate without an amendment.

2.0 Description of Proposed Change (OAR 345-027-0357(4)(a & b))

The Site Boundary between Turbines 92 and 111 has been determined by the construction contractor to have terrain that is too steep for the trenching and boring equipment to operate safely. The terrain had a grade that exceeded 15%. The trenchers can only operate at grades of 15% or less. In addition, the support equipment (water trucks, etc.) would not be able to operate safely on that steep of grade. The support equipment for the construction crews are heavy and have a high chance of tipping over on such steep terrain. Therefore, the Certificate Holder seeks to add approximately 4 acres of Site Boundary to the approved 12,432 acres of Site Boundary for construction modifications for an extent of rerouted underground collector line (see Figure 1). The proposed reroute is not as steep, so can be constructed safely. In addition, it provides a more direct and thus shorter system of collection corridor between turbine strings. Trenching and boring activities for the rerouted underground collection line would require a 60-foot wide by 1,500-foot long corridor. A fifty foot buffer was added to the limits of trenching and boring activities to provide the maximum limits of disturbance for the rerouting, which is the proposed additional Site Boundary (see Figure 2).

3.0 Amendment Determination Evaluation (OAR 345-027-0357(4)(c))

Pursuant to OAR 345-027-0357(1)(b), the purpose of this ADR is to obtain the Oregon Department of Energy's (ODOE) determination that the proposed change to WREFII's Site Boundary do not require a Site Certificate amendment. OAR 345-027-0353 provides exemptions for changes not requiring an amendment. Only one of these exemptions applies to wind energy facilities and is related to an increase in electrical energy generating capacity. The proposed change isn't proposing a change to electrical energy generating capacity, therefore the proposed change is not exempt under OAR 345-027-0353. OAR 345-027-0350 identifies the types of changes that would require the Certificate Holder to amend its Site Certificate. This section demonstrates that the modifications proposed in this ADR are not subject to a Site Certificate amendment based on the OAR 345-027-0350 factors.

(1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0400;

The proposed change does not affect the ownership of the facility or Certificate Holder as described in OAR 345-027-0400. Therefore, a Site Certificate amendment is not required based on this factor.

(2) Apply later-adopted law(s) as described in OAR 345-027-0390;

The proposed change is not the result of a later-adopted law, as described in OAR 345-027-0390. Therefore, a Site Certificate amendment is not required based on this factor.

(3) Extend the construction beginning or completion deadline as described in OAR 345-027-0385;

The proposed change will not extend the previously approved construction's beginning or completion deadlines. Therefore, a Site Certificate amendment is not required based on this factor.

(4) Design, construct or operate a facility in a manner different from the description in the site certificate, if the proposed change:

(a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by a Council standard;

No new facilities or changes to the dimensions of the permitted facilities are being proposed. The proposed change will not result in a significant impact because it is only adding 4 acres of Site Boundary in between areas of the existing Site Boundary; 4 acres out of 12,432 acres of existing Site Boundary is only a 0.03 percent increase area.

Section 4 demonstrates that the proposed change will neither result in significant adverse impact the Oregon Energy Facility Siting Council (Council) has not addressed in an earlier order, nor an impact that affects a resource or interest protected by a Council standard. The analysis provided in

Section 4 demonstrates that the change to the Site Boundary will not result in any adverse impacts to any resources protected by Council standards, as described under OAR 345-027-0050(4)(a).

(b) Could impair the certificate holder's ability to comply with a Site Certificate condition; or

Section 4 describes how the proposed change will not impair the Certificate Holder's ability to comply with any Site Certificate condition.

(c) Could require a new condition or a change to a condition in the site certificate.

The proposed change will neither require a new condition, nor change a condition in the Site Certificate.

The Certificate Holder concludes the proposed change does not meet any of the factors indicated above, and that a Site Certificate amendment is not required. Section 4 further demonstrates how the proposed change is consistent with Council's previous findings, applicable laws, and Council standards, and will not require changes to the Site Certificate. Therefore, this evaluation confirms that the proposed change could be included in and governed by the Site Certificate without an amendment to the Site Certificate.

4.0 Additional Information – Standards Evaluation (OAR 345-027-0357(4)(d))

The proposed change does not require a Site Certificate amendment because it does not add a significant increase to the Site Boundary; adding 4 acres in between areas of the existing 12,432-acre of Site Boundary is only an increase of 0.03 percent. No new facilities or changes to the dimensions of the permitted facilities is being proposed. Table 1 provides an evaluation of the proposed change compliance with the Division 22 and Division 24 standards, and identifies the associated Site Certificate Conditions that the proposed change will comply with, as applicable, to support the conclusion that no Site Certificate amendment is required for the proposed change.

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Table 1. Standards, Laws and Site Certificate Evaluation

Standard	Evaluation	Related Site Certificate Conditions
<p>OAR 345-022-0000 General Standard of Review</p>	<p>The Council previously found that the Facility complies with the General Standard of Review. The proposed change does not affect this finding and complies with the related Site Certificate Conditions. No new facilities or changes to the dimensions of the permitted facilities is being proposed. The proposed change will not result in a significant impact not previously reviewed by the Council because it is only adding 4 acres of Site Boundary in between areas of the existing 12,432 acres of Site Boundary - a 0.03% increase in Site Boundary. With the proposed change, the Facility is still being designed and constructed, and will be operated and retired substantially as described in the Site Certificate; in compliance with ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances; and, in compliance with all applicable permit requirements of other state agencies (see also review of other standards).</p>	<p>GEN-GS-01: Commencement of construction GEN-GS-02: Completion of construction GEN-GS-03: Compliance during all phases GEN-GS-04: Permission to construct GEN-GS-05: Notification of environmental impacts GEN-GS-06: Inclusion of representations GEN-GS-07: Vegetation restoration GEN-GS-08: Construct to prioritize human safety GEN-GS-09: Notification of foundation changes GEN-GS-10: Notification of other geological observations GEN-GS-11: Notification of new owners GEN-GS-12: Specification of corridor OPR-GS-01: Submission of legal description</p>
<p>OAR 345-022-0010 Organizational Expertise</p>	<p>The Council has previously determined that NEER has adequate organizational expertise to construct, operate and retire a wind energy facility. There is no proposed change to organizational expertise. The Certificate Holder management team and the NEER family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MWs of wind energy projects and solar energy facilities in the Oregon. The contractor expressed safety concerns regarding constructability and the NEER team promptly began coordinating with ODOE to implement a safe solution that would be in compliance with the Site Certificate, and all applicable rules, laws and ordinances.</p>	<p>GEN-OE-01: Responsibility of non-compliance GEN-OE-02: Report of Site Certificate violations GEN-OE-03: Report of change in corporate structure GEN-OE-04: Compliance with laws for battery disposal & transport PRE-OE-01: Notification of contractor identities PRE-OE-02: Notification of construction manager PRE-OE-03: Compliance of construction workers PRE-OE-04: Notification of non-surveying activities PRE-OE-05: Proof of aggregate source and county permits PRE-OE-06: Proof of third-party approvals and permits</p>
<p>OAR 345-022-0020 Structural Standard</p>	<p>The Certificate Holder complied with all pre construction Site Certificate conditions related to the Structural Standard including those related to steep slopes. Although the collector line could be constructed as is in compliance with the pre construction conditions, the temporary construction activities can be completed more safely for the rerouted section of collector line in the proposed new area of Site Boundary. Therefore, the proposed change does not change the Council's earlier findings and the Facility is being constructed avoid dangers to human safety.</p>	<p>GEN-SS-01: Compliance with building codes PRE-SS-01: Geological investigation reporting PRE-SS-02: Investigation of active faults PRE-SS-03: Investigation of slope instability PRE-SS-04: Investigation of loess soil</p>
<p>OAR 345-022-0022 Soil Protection</p>	<p>The Certificate Holder complied with all pre construction Site Certificate conditions related to the Soil Protection Standard including those related to steep slopes. Construction including the rerouted collection line will comply with the Conditions CON-SP-01 and CON-SP-02. The Certificate Holder will notify DEQ of the proposed change in accordance with the National Pollutant Discharge Elimination System 1200-C. The area disturbed by the rerouted collection line will be restored consistent with the approved Revegetation Plan. Therefore, the proposed change does not change the Council's earlier findings regarding the Soil Protection standard and compliance with the existing conditions during construction for the proposed change demonstrates that the proposed change can be included in and governed by the Site Certificate without an amendment.</p>	<p>PRE-SP-01: Spill Prevention, Control, and Countermeasure construction plans PRE-SP-02: Restoration of agricultural soils PRE-SP-03: Septic system permitting CON-SP-01: Erosion and Sediment Control Plan CON-SP-02: Best management practices to be included in the Erosion and Sediment Control Plan PRO-SP-01: Submission of operational Spill Prevention, Control, and Countermeasure plan OPR-SP-01: Prevention of erosion, soil disturbance</p>

Standard	Evaluation	Related Site Certificate Conditions
<p>OAR 345-022-0030 Land Use</p>	<p>The proposed change would not result in any land use impacts that have not been addressed by the Council. No new facilities or changes to the dimensions of the permitted facilities are being proposed. The proposed change is internal to other areas of approved Site Boundary. Consistent with CON-LU-03, the collection system in the new Site Boundary is being constructed underground and installed at a depth of 3 feet or deeper. Therefore, the proposed change makes no changes that would alter the basis for the Council's earlier findings under OAR 345-022-0030 that the Land Use Standard is satisfied.</p>	<p>GEN-LU-01: Compliance with county setbacks GEN-LU-02: County road permits and standards GEN-LU-03: Meteorological tower requirements GEN-LU-04: Usage of minimum land area GEN-LU-05: Blending with natural surroundings PRE-LU-01: Obtain local permitting PRE-LU-02: Obtain Conditional Use Permit PRE-LU-03: Preparation of Weed Control Plan PRE-LU-04: Recording of a Covenant Not to Sue for Morrow County PRE-LU-05: Consultation with landowners PRE-LU-06: Identification of construction traffic concerns PRE-LU-08: Installation of gates and signs to private access roads CON-LU-01: Minimization of footprint CON-LU-02: Installation of bird deterring devices CON-LU-03: Installation of underground cable system OPR-LU-01: Submission of as-built surveys for construction phases OPR-LU-02: Restoration of disturbed areas OPR-LU-03: Completion of final retirement plan OPR-LU-04: Preparation of Operating and Facility Maintenance Plan OPR-LU-06: Retirement restoration activities</p>
<p>OAR 345-022-0040 Protected Areas</p>	<p>The proposed change is within the existing analysis area for Protected Areas Standard. No new facilities or changes to the dimensions of the permitted facilities are being proposed. The proposed change is internal to other areas of approved Site Boundary. Therefore, the proposed change makes no changes that would alter the basis for the Council's earlier findings that under OAR 345-022-0040 the Protected Areas Standard is satisfied.</p>	<p>N/A</p>
<p>OAR 345-022-0050 Retirement and Financial Assurance</p>	<p>The proposed change will not alter the Certificate Holder's ability to restore the site to a useful, nonhazardous condition following permanent cessation of construction or operation of the facilities. A cost estimate and retirement bond was provided for the Facility being constructed as part of pre-construction compliance. Underground collector lines are 'left in place' at retirement of the Facility; there is no associated cost. Therefore, the proposed change does not change the cost of restoring the site to non-hazardous condition. The proposed change would not alter the basis for the Council's earlier findings that the OAR 345-022-0050 Retirement and Financial Assurance Standard is satisfied.</p>	<p>GEN-RF-01: Prevention of non-restorable site PRE-RF-01: Letter of credit to restore site to non-hazardous condition PRE-RF-02: Letter of credit naming State as payee OPR-RF-01: Evidence of monthly inspections of battery storage and insurance for high loss catastrophic events RET-RF-01: Compliance with retirement plan RET-RF-02: Retirement of Facility upon cessation of activities</p>

Standard	Evaluation	Related Site Certificate Conditions
<p>OAR 345-022-0060 Fish and Wildlife Habitat</p>	<p>The new area of Site Boundary was included in the pre-construction surveys for Washington ground squirrel and raptor nests. No Washington ground squirrels were identified, and this new area of Site Boundary does not fall within a raptor nest buffer. Part of the new area of Site Boundary was surveyed for Laurent’s milkvetch. The survey identified areas of Laurent’s milkvetch near the rerouted collection line that are flagged and will be avoided by construction. A biologist surveyed (August 6, 2020) the remaining new area of Site Boundary and didn’t identify any evidence of the plant species. The entire new Site Boundary area is in the Mule Deer Winter Range. Consistent with CON-FW-01 construction of the rerouted underground collector line will occur during summer.</p> <p>The area of new Site Boundary is revegetated grassland and native perennial grassland. The approved Habitat Mitigation Plan does require mitigation for temporary impacts in grasslands. Revegetation will be successful for the temporary disturbed areas. Therefore, the proposed change won't modify the mitigation requirements. Ultimately, the proposed change will be covered under the Habitat Mitigation Plan and Wildlife Monitoring and Mitigation, Conditions PRG-FW-02 and PRG-FW-04, without requiring any changes to those approved plans.</p>	<p>GEN-FW-01: Mule Deer Winter Range GEN-FW-02: Avian protection PRE-FW-01: Confirmation of habitat categories, nests via habitat survey PRE-FW-02: Implementation of Wildlife Monitoring and Mitigation Plan PRE-FW-03: Flagging of environmentally sensitive areas PRE-FW-04: Approval of Habitat Mitigation Plan PRE-FW-05: Approval of Revegetation Plan CON-FW-02: Buffer zones for nest sites CON-FW-03: Environmental training by professional CON-FW-04: Appointment of on-site environmental inspector</p>
<p>OAR 345-022-0070 Threatened and Endangered Species</p>	<p>The new area of Site Boundary was included in the pre-construction surveys for Washington ground squirrel and raptor nests. No Washington ground squirrels were identified, and this new area of Site Boundary does not fall within a raptor nest buffer. Part of the new area of Site Boundary was surveyed for Laurent’s milkvetch. The survey identified areas of Laurent’s milkvetch near the rerouted collection line that are flagged and will be avoided by construction. A biologist surveyed (August 6, 2020) the remaining new area of Site Boundary and didn’t identify any evidence of the plant species. The proposed change will be covered under the Habitat Mitigation Plan and Wildlife Monitoring and Mitigation, Conditions PRG-FW-02 and PRG-FW-04, without requiring any changes to those approved plans.</p>	<p>PRE-TE-01: Determination of Washington ground squirrel (WAGS) boundaries PRE-TE-02: Implementation of Wildlife Monitoring and Mitigation Plan for WAGS PRE-TE-03: Avoidance of Laurent’s milkvetch impacts</p>
<p>OAR 345-022-0080 Scenic Resources</p>	<p>The proposed change is within the existing analysis area for the Scenic Resources Standard. No new facilities or changes to the dimensions of the permitted facilities are being proposed. The proposed change is internal to other areas of approved Site Boundary. Therefore, the proposed change makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0080 Scenic Resources Standard is satisfied.</p>	<p>GEN-SR-01: Reduction of lighting Facility visual impacts GEN-SR-02: Minimization of visual impacts</p>
<p>OAR 345-022-0090 Historic, Cultural and Archaeological Resources</p>	<p>A cultural survey was conducted for the new area of Site Boundary on August 3, 2020. (The survey report is being submitted to ODOE under a separate cover). No historic, cultural or archaeological resources were identified. Consistent with CON-HC-02, work will cease if potential resources are identified during construction and appropriate procedures followed. Therefore, the proposed change makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0090 Historic, Cultural and Archaeological Resources is satisfied.</p>	<p>PRE-HC-01: Submission of final design PRE-HC-02: Marking of buffer areas PRE-HC-03: Training by qualified archeologist CON-HC-01: Flagging of 200-foot avoidance buffer CON-HC-02: Work cease due to historical find</p>
<p>OAR 345-022-0100 Recreation</p>	<p>The proposed change is within the existing analysis area for the Recreation standard. The proposed change will not be any closer or make any change that would alter the basis for the Council’s earlier findings that the OAR 345-022-0100 Recreation Standard is satisfied.</p>	<p>N/A</p>

Standard	Evaluation	Related Site Certificate Conditions
<p>OAR 345-022-0110 Public Services</p>	<p>The proposed change is within the existing analysis area for Public Services. The proposed change will be underground and will not alter the Facility's 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.</p>	<p>GEN-PS-01: Coordination with solid waste handler GEN-PS-02: Installation of security measures GEN-PS-03: Fire prevention and response training GEN-PS-04: 100-foot vegetation free zone around battery storage systems PRE-PS-01: Preparation of Traffic Management Plan PRE-PS-02: Road Use Agreements with counties PRE-PS-03: Access road and private road modification approvals PRE-PS-04: FAA and ODA aeronautical studies and determinations PRE-PS-05: Preparation of Emergency Management Plan PRE-PS-06: Development of health and safety plan PRE-PS-07: Assurance of first aid/CPR/AED personnel CON-PS-01: Waste management plan protocols CON-PS-02: Establish on-site security CON-PS-03: Assurance of fall, high angle, confined space trained personnel CON-PS-04: Usage of concrete pads, nonflammable ground cover CON-PS-05: Maintenance of non-vegetated area PRO-PS-01: Fall protection/tower rescue training PRO-PS-02: Submission of site plan to fire protection officials PRO-PS-03: Assurance of current first aid/CPR/AED personnel OPR-PS-01: Discharge of wastewater OPR-PS-02: On-site well water usage OPR-PS-03: Implementation of waste management plan OPR-PS-04: Current contact information for personnel</p>
<p>OAR 345-022-0120 Waste Minimization</p>	<p>The proposed change will not increase the amount of solid waste and wastewater generated by the Facility. Therefore, the proposed changes makes no changes that would alter the basis for the Council's earlier findings that the OAR 345-022-0120 Waste Minimization Standard is satisfied.</p>	<p>PRE-WM-01: Minimum waste management plan requirements PRE-WM-02: Confirmation of no surface/ground/drinking water impacts CON-WM-01: Requirements of off-site soil disposal CON-PS-01: Waste management plan protocols</p>
<p>OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities</p>	<p>The proposed change is on private land not accessible to the public and does not propose any changes to the turbines or turbine locations. The NEER family of companies has expertise, derived over years of successfully and safely constructing and operating thousands of MWs of wind energy. The proposed changes does not alter the basis for the Council's prior findings regarding public and safety for the Facility and does not alter the Certificate Holder's ability to comply with the Site Certificate conditions.</p>	<p>GEN-WF-01: Following handling instructions GEN-WF-02: Notification of accidents/failures PRE-PS-04: FAA and ODA aeronautical studies and determinations CON-WF-01: Installation of step-up transformers CON-WF-02: Maintenance of self-monitoring devices OPR-WF-01: Assurance of operation security fencing and gates</p>
<p>OAR 345-024-0015 Siting Standards for Wind Energy Facilities</p>	<p>The proposed change provides a more direct route for a section of underground collector line that avoids steep slopes and combines underground collector line routes. Therefore, the proposed change does not alter the basis for the Council's prior findings for OAR 345-024-0015 Siting Standards for Wind Energy Facilities and does not alter the Certificate Holder's ability to comply with the Site Certificate conditions.</p>	<p>N/A</p>

Standard	Evaluation	Related Site Certificate Conditions
OAR 345-024-0090 Transmission Lines	There will be no change to the approved Intraconnection Line.	GEN-GS-12: Specification of corridor PRE-TL-01: Oregon Public Utility Commission (OPUC) Safety, Reliability, and Security Division Staff briefing CON-TL-01: Management of human exposure to electromagnetic fields OPR-TL-01: Final Facility design operations information provided to OPUC Safety Staff
OAR 340-035-0035 Noise	The proposed change will be all underground and there will be no changes to the physical components of the Facility that would change the noise impact already assessed for the Facility.	PRE-NC-01: Final Facility design noise analysis and noise waiver if applicable CON-NC-01: Measure to reduce noise impacts during construction OPR-NC-01: Noise Reduced Operating mode turbines operating noise level documentation. OPR-NC-02: Certificate Holder to maintain a noise complaint response system OPR-NC-03: Certificate Holder will provide a monitoring plan for noise levels in response to a noise complaint
Removal-Fill Law	The proposed change doesn't change that a removal-fill permit is not needed for the Facility because the Facility will not temporarily or permanently impact waters of the state.	N/A
Water Rights	The proposed change does not change the water volumes and sources as previously approved by Council for use during construction and operation of the Facility.	N/A

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5.0 Conclusion

The Certificate Holder provides this ADR to demonstrate that the proposed change does not fall under a factor requiring amendment under OAR 345-027-0350. Furthermore, as established by the findings and conclusions discussed in this ADR, WREFII, including the proposed change:

1. Complies with the requirements of the Oregon energy facility siting statutes, Oregon Revised Statutes (ORS) 469.300 to ORS 469.570 and ORS 469.590 to ORS 469.619;
2. Complies with the applicable standards adopted by the Council pursuant to ORS 469.501; and,
3. Complies with all other Oregon statutes and administrative rules applicable to the amendment of the Site Certificate that are within the Council's jurisdiction.

Therefore, ODOE may provide a written determination that no amendment of the Site Certificate is required for the proposed change.

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Figures

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Wheatridge Renewable Energy Facility II

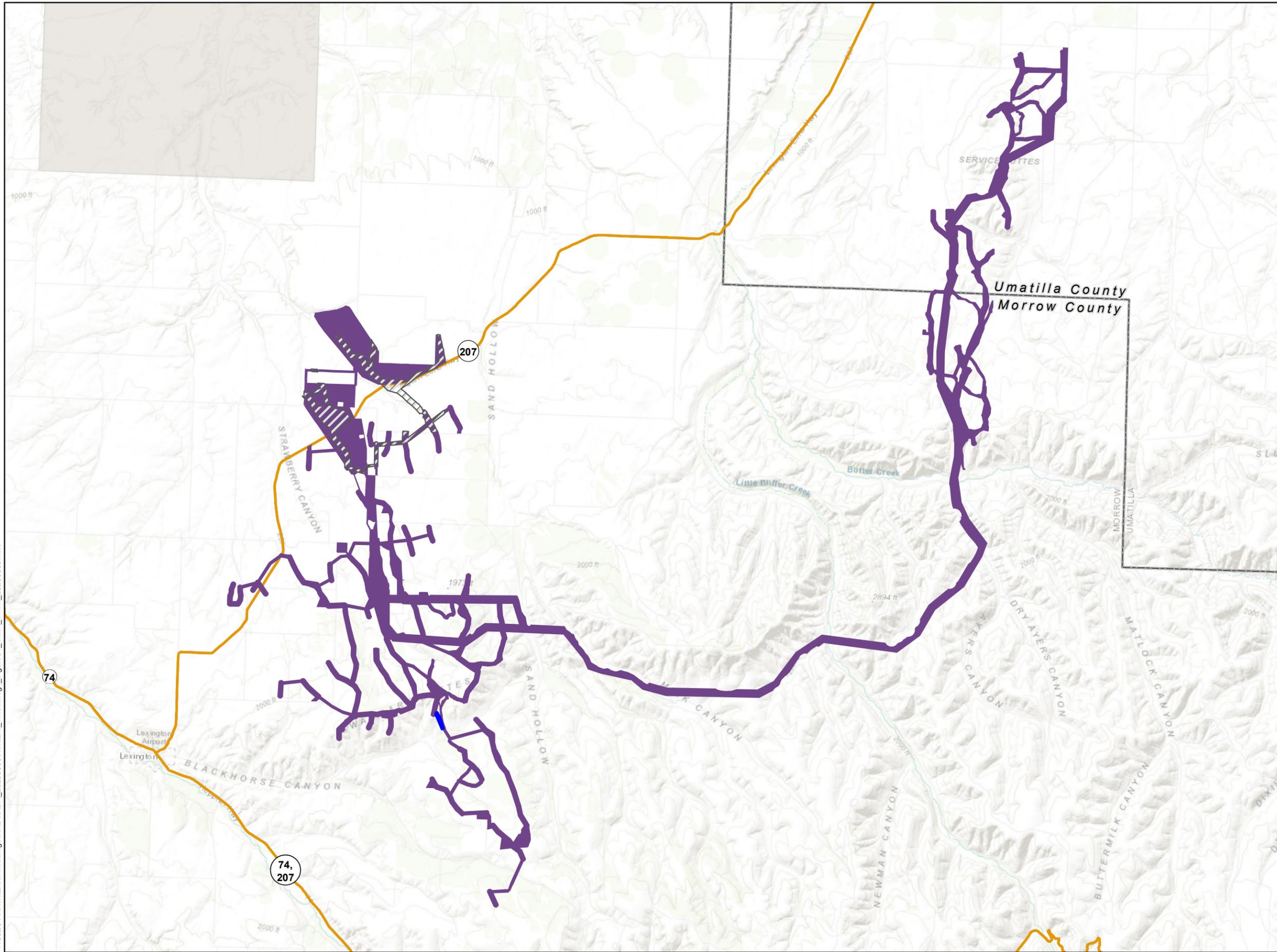
Figure 1 Site Boundary (August 2020)

MORROW AND UMATILLA COUNTIES, OR

- Wheatridge Renewable Energy Facility II
- Site Boundary Overlap with Wheatridge Renewable Energy Facility I
- Collector Line 50 ft Disturbance Buffer - Proposed New Site Boundary
- State Highway
- County Boundary



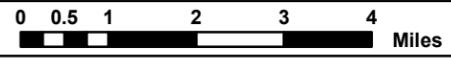
Reference Map



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1:132,000 WGS 1984 UTM Zone 11N



Wheatridge Renewable Energy Facility II

Figure 2 Collector Line Adjustment (August 2020)

MORROW COUNTY, OR

- Collector Line (2020)
- Collector Line 50 ft Disturbance Buffer-Proposed New Site Boundary
- Collector Line 50 ft Disturbance Buffer-Within Existing Site Boundary

Survey Areas

- WAGS (2019)
- Rare Plants (2019)

*Area entirely within Raptor Nest Survey Area (2019)

NWI Waterbodies

- Freshwater Emergent Wetland

Project Infrastructure

- Wheatridge Renewable Energy Facility II Site Boundary
- Access Road
- Collection Line

Constraints

- Laurent's Milkvetch Observations

**Area entirely within Mule Deer Winter Range

Habitat Subtype

- Exotic Annual
- Native Perennial
- Revegetated or Other Planted Grassland



Reference Map



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