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Fax to: Katie Clifford, Senior Siting Analyst  
Oregon Deptment of Energy  
(503) 373-7806

October 28, 2020

To Katie Clifford,

Construction of the Bonanza Solar Energy Plant in Bonanza, Oregon is wrong. The 2733 acre site is located close to the town of Bonanza. The impact of that much electricity that close to the K through 12 Bonanza school could be detrimental. The location of the proposed solar energy plant of that magnitude should not be located that close to a rural community or school. Don't be in a rush to fast tract this construction at the risk of the people in this community. This Solar Energy plant should not be allowed to be built in Bonanza, Oregon.

Thank you,

John Moxley  
President of Klamath, Lake County Farm Bureau





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October 29, 2020

VIA EMAIL ONLY

Katie Clifford  
Senior Siting Analyst  
Oregon Department of Energy  
550 Capital Street NE  
Salem OR 97301  
E-mail: [katie.clifford@oregon.gov](mailto:katie.clifford@oregon.gov)

Re: **Notice of Intent – Bonanza Energy Facility**  
Our File No. 47908-34060

Dear Ms. Clifford:

I represent Langell Valley Irrigation District (“LVID”) and Horsefly Irrigation District (“HID”). LVID delivers irrigation water to approximately 18,600 acres of land, including a portion of the acreage proposed for the site of the Bonanza Energy Facility (“Facility”) as well as much of the land within the study area for the Facility. HID delivers irrigation water to approximately 10,000 acres of land, including a portion of the acreage proposed for Facility siting. LVID and HID hereby timely submit comments on the Notice of Intent (“NOI”) for the Bonanza Energy Facility pursuant to the Public Notice issued by the Oregon Department of Energy on September 29, 2020.

As we understand the filing, the proposed Facility, including the proposed generation-tie transmission line corridor, encompasses approximately 2,733 acres of land in Klamath County, OR, approximately one mile southeast of the town of Bonanza. The facility will be a flexible power generation and storage center that will generate electricity from solar arrays consisting of solar photovoltaic (PV) modules connected to electrical infrastructure. The electric output from the solar arrays will be stepped up to 500 kilovolts (kV) and transferred approximately eight miles south to the Captain Jack Electric Substation via a 500-kV generation-tie transmission line.

Per the NOI, a desktop analysis of the National Wetlands Inventory concluded that several wetlands and water bodies exist within the facility site boundary, most of which “are associated with irrigation practices.” The NOI also notes that since the Facility is proposed on land zoned for agricultural use, conversion of the agricultural use will occur, and this impact will be fully analyzed in the Application for Site Certificate (“ASC”) anticipated to be filed in February 2021. The NOI also concludes that the land under the solar arrays will remain pervious, resulting in no large new impervious areas that would generate stormwater runoff.

47908-34060 4812-7824-0464.3

LVID and HID comment on the NOI as follows:

**1. The Facility may not impact irrigation infrastructure.**

The proposed site contains infrastructure used by LVID and HID to deliver and manage irrigation water on the proposed site and on nearby properties. This includes federal, district, and private conveyance structures and wells. To the extent the Facility would impact those facilities, if the projects moves forward, LVID and HID (and we suspect the United States Bureau of Reclamation) would insist on the inclusion of an approval condition that requires the applicant cooperate with LVID and HID to eliminate such impacts through piping, relocation, and other necessary means.

**2. The Facility may not result in loss of irrigated acreage.**

The Applicant has elected to obtain an Energy Facility Siting Council (“EFSC”) determination pursuant to ORS 469.504(1)(b) that the Facility complies with the substantive criteria from the affected local government’s comprehensive plan and land use regulations. Klamath County’s Comprehensive Plan, Goal 3, Policy 1 provides that presently irrigated land “shall be designated as Agricultural and subject to the regulations of the [Exclusive Farm Use] zones contained in the Land Development Code.”

Klamath County Land Development Code Article 54 addresses Exclusive Farm Use (“EFU”). Article 54.075 provides, “For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.” Article 54.075 goes on to set forth the determinations that must be made before approving a permit for a Facility like the one at issue here, including that the Facility will not create “unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components.”

The proposed Facility is anticipated to convert 2,733 acres from agricultural use. This is clearly more than the 12 acres of loss permitted by the Klamath County Land Development Code. Even if some portion of those 2,733 acres remains in agricultural use, the fragmentation of the irrigated area and the associated cost of rerouting irrigation infrastructure and modifying irrigation operations to avoid interruption of the water supply to the surrounding agricultural lands constitute “unnecessary negative impacts on agricultural operations” in contravention of the Klamath County Land Development Code.

**3. The Facility may not result in loss of any portion of a water right.**

The land on which the Facility is proposed is irrigated under a combination of state and federal water rights. In accordance with Oregon water law, the failure to irrigate a designated place of use for more than five consecutive years subjects the water right to forfeiture. Conversion of agricultural land to a non-agricultural use, as proposed in the NOI, will eliminate the need to irrigate that land, which in turn could lead to forfeiture of the water right with respect to that acreage. The water rights in question are held in part, by LVID and HID. As such, they have a constitutionally protected property interest in those rights. Any approval that impacts those rights would be inconsistent with their ownership interest and could be deemed a taking under Oregon and U.S. law. Therefore, if the project moves forward, LVID and HID would insist on the inclusion of an approval condition that requires the

applicant to cooperate with LVID and HID to preserve the water rights and to pay the necessary exit fees related to the removal of the irrigated lands from the irrigation district boundaries.

**4. The Facility must not increase drainage or stormwater runoff from the affected lands.**

The NOI notes that the land under the solar arrays (approximately 1,851 acres) will remain pervious, and that gravel will be placed around the proposed Facility substation, operations and maintenance support structures, and point of interconnect, such that stormwater will infiltrate rather than result in increased drainage or runoff. The NOI also states, "Stormwater management infrastructure installed during construction on the solar array sites will be left in place as needed to continue functioning throughout the life of the Facility and support O&M activities." NOI at page K-2. Ditches along access roads located on private property are provided as an example of this infrastructure. LVID and HID ditches and canals that are part of its irrigation infrastructure may not be used in this capacity. Likewise, any private agricultural drainage infrastructure leading to the Lost River cannot be used to convey non-agricultural stormwater to the Lost River or other waters of the state.

The reason for this prohibition is that the project would result in non-agricultural stormwater runoff. This removes that runoff from protections of the Clean Water Act agricultural runoff NPDES permitting exemption and the Oregon Agricultural Water Quality Act. For this reason, no runoff from the project site can be permitted to intermingle with agricultural runoff from surrounding properties. Instead, the non-agricultural runoff would have to be contained on site or otherwise delivered to waters of the state via a dedicated collection and delivery system, and authorized by all appropriate permits.

**5. Irrigation facilities are not waters of the state.**

The NOI states, "A desktop analysis of the Facility site boundary was performed to identify potential impacts to potentially jurisdictional wetlands and waters of the State/United States...several wetlands and waterbodies exist within the Facility site boundary. According to NWI, wetlands include emergent and shrub-scrub wetlands and ponds. *Most of the waterbodies are associated with irrigation practices.*" NOI at page J-2 (emphasis added).

LVID and HID desire to make it clear in the record that LVID's and HID's irrigation infrastructure does not constitute waters of the State and/or waters of the United States. The inclusion of that infrastructure in national and state databases and inventories as waters of the State and/or waters of the United States is an error resulting from inaccurate assumptions built into the development of those databases. LVID and HID are working with the appropriate agencies to address this error. ODOE and the Applicant should not include irrigation infrastructure in their wetlands and waters of the State and/or waters of the United States analysis for purposes of facility siting.

Nonetheless, as noted above, certain irrigation drainage facilities in the project area may contribute runoff to the Lost River, which is a water of the State and/or water of the United States. To the extent the project would take the property outside the scope of the Clean Water Act agricultural

Katie Clifford  
October 29, 2020  
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runoff NPDES permitting exemption or the Oregon Agricultural Water Quality Act, all runoff from the project site would have to be managed as discussed in item 4 above.

LVID and HID appreciate the opportunity to comment on the facility siting process. Should you have any questions, you may reach me at (541) 647-2979 or [steven.shropshire@jordanramis.com](mailto:steven.shropshire@jordanramis.com).

Sincerely,

JORDAN RAMIS PC



Steven L. Shropshire

cc: Client (via email)

**From:** [Mary Kelley](#)  
**Sent:** Thursday, October 29, 2020 3:28 PM  
**To:** [CLIFFORD Katie \\* ODOE](#)  
**Subject:** Bonanza Energy Project Comment  
**Attachments:** Bonanza Solar Farm DOE Letter.pdf

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have attached a letter from the Klamath Basin Audubon Society regarding the Bonanza Energy Project. Please use Darrel Samuels, [dsamuels@charter.net](mailto:dsamuels@charter.net) or myself for further contacts.

Mary Kelley  
[Mkelley@blc.edu](mailto:Mkelley@blc.edu)

Sent from my iPad

October 29, 2020

Katie Clifford, Senior Siting Analyst  
Oregon Department of Energy  
katie.clifford@oregon.gov

Comment on Notice of Intent for Bonanza Energy Facility  
Klamath Basin Audubon Society

Klamath Audubon generally supports the development of alternative renewable energy projects in our region. Our major concern is with the proper upfront planning to minimize environmental and other adverse impacts on both humans and wildlife. The proposed site of this facility is much larger than any built in our area to date and for this reason it is even more important that the siting consider the environmental impacts.

The first problem with this site is the impact on humans with the loss of well over 1000 acres of productive farmland for which the Langell Valley is well known.

Second, the proposed site includes several wetlands, a pond, and riparian areas along the Lost River. Wetlands are premium wildlife locations, especially in such arid areas. We are still losing wetlands and this project, as planned, will cause another chunk to be lost.

Siting of such a large facility should consider if there are better locations and other alternatives which minimize these impacts. If we are to have solar facilities, we should build them on the marginal lands of desert shrubs and rocks close to already established power corridors. It appears on the map that some of the proposal is to be on such lands, even closer to the Captain Jack Substation to which the power is slated to go. Alternative sites closer to the substation with less negative impact should be considered.

Klamath Basin Audubon objects to the siting of the project as proposed and encourages looking for a suitable site nearby with fewer impacts on humans and wildlife. If the proposed site goes forward, we recommend that the existing wetlands and riparian areas along with as much green space as possible, be preserved. We also would like to see the county and



state develop energy siting plans for both wind and solar and put in place appropriate zoning and required mitigation for future sites to avoid wetlands, riparian zones, and other sensitive habitats.

Klamath Basin Audubon Society  
Board of Directors  
Darrel Samuels, President  
dsamuels@charter.net

**FOR IMMEDIATE RELEASE**

Contact Information:

Stan Gorden

President, Klamath Cattlemen's Association

[bargx1@gmail.com](mailto:bargx1@gmail.com)

530.515.3995



**KCA Opposes the Proposed Bonanza Energy Facility**

Klamath Falls, OR – October 29, 2020. The Klamath Cattlemen's Association does not support and is in opposition of the proposed Bonanza Energy Facility.

On October 26, 2020, it was brought to our attention that there is intent for a Bonanza Energy Facility that would occupy 1,851 acres of private land that is zoned for agricultural use and forest use lying in Klamath County, southeast of Bonanza. Of the 1,851 acres, 91 acres would house battery storage systems in enclosed structures.

The proposed Bonanza Energy Facility would negatively and disproportionately impact the agricultural and forest sectors within Langell Valley and the Klamath Basin. There is a limited land base in the Bonanza area of agricultural land, especially suited for cattle grazing, farming and forest on one piece of property, such as the proposed land. The photovoltaic solar energy generation facility would not only have a negative impact on prime agricultural land, but multiple species of migrating and native wildlife in the area.

The proposed site, is agricultural land that is contributing to our nation's food supply and should continue to do so well into the future. Since the future of agriculture depends on each and every decision, the Klamath Cattlemen's Association strongly urges the Klamath County government and the Energy Facility Siting Council to not make a determination of compliance for the Bonanza Energy Facility.

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The Klamath County Cattlemen's Association, an affiliate of the Oregon Cattlemen's Association, works to promote environmentally and socially sound industry practices, improve and strengthen the economics of the industry, and protect its industry communities and private property rights.





**OREGON**  
**FARM**  
**BUREAU**

*Locally Grown*  
and  
**GROWING STRONG**

November 30, 2020

Katie Clifford  
Senior Siting Analyst  
Oregon Department of Energy  
550 Capital Street NE Salem, OR 97301

VIA Email: [katie.clifford@oregon.gov](mailto:katie.clifford@oregon.gov)

Thank you for the opportunity to provide comment today on the NOI for the proposed Bonanza Energy Facility. By way of background, the Oregon Farm Bureau (OFB) is the state's largest agricultural trade association, representing nearly 7,000 farm and ranch families around the state. The Klamath County Farm Bureau (KCFB) consists of farmers and ranchers in Klamath County, many of whom actively farm in areas near the proposed energy facility.

OFB and KCFB have a strong interest in the process and potential impacts of the Bonanza Energy Facility on agriculture in Klamath County. As a general principle, we oppose the siting of solar panel facilities on productive agricultural lands when alternative sites are available. We define productive agricultural lands as lands that are locally significant for the agricultural economy, have high productive value for that region, or have other qualities that make them valuable for that region. This analysis should account for factors such as presence of irrigation or drainage infrastructure, soil class, large tracts of intact farmland, or other regionally relevant factors. Moreover, counties and agencies should not authorize projects that could result in forfeiture of irrigation rights.

The U.S. Department of the Interior has designated the Klamath Basin as a "treasured landscape" important to wildlife, natural resources, and agricultural production. Klamath County specializes in fresh market potatoes, sugar beets, hay, and beef cattle, which are all important commodities for Oregon's domestic and export markets. Unfortunately, water rights have long been an issue in the Klamath Basin. Agricultural interests need water for irrigation, while tribal and commercial fishing interests want water levels in the river for fish populations. Increased drought has resulted in rotating shutdowns, significantly impacting irrigators and agricultural production in the basin.

Because of the precarious nature of water rights in the Klamath Basin, farmed areas that have irrigation or are capable of being irrigated need to be protected and preserved for agricultural use. At the same time, because of the uncertainty around water rights in the basin, valuable agricultural lands that do not require irrigation to be productive, such as those used as rangeland for livestock, need to also be preserved for future agricultural use.

As the Bonanza Energy Facility moves through the EFSEC process, we strongly urge the Department to ensure that the proposed energy facility does not impact lands that are locally significant for the agricultural economy. If it is determined that the Bonanza Energy Facility will convert productive agricultural lands away from farm use, we urge the department to not grant certification to the facility, and to encourage the applicant to find alternative sites.

Thank you for the opportunity to provide these comments today. Please let us know if you have any questions or concerns.

Sincerely,

John Moxley  
President  
Klamath County Farm Bureau  
[Moxhay2003@gmail.com](mailto:Moxhay2003@gmail.com)

Samantha Bayer  
Policy Counsel  
Oregon Farm Bureau  
[samantha@oregonfb.org](mailto:samantha@oregonfb.org)

**From:** [Richard Koesan](#)  
**Sent:** Thursday, October 29, 2020 4:33 PM  
**To:** [CLIFFORD Katie \\* ODOE](#)  
**Subject:** Bonanza Energy Facility

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Clifford

On behalf of the members of the Oregon Sheep Growers Association (OSGA), we would like to express our strong opposition to the proposed Bonanza Energy Facility.

It is our understanding the proposed facility would encompass approximately 2,700 - 2,800 acres in the Langell Valley. We believe it is critical to note that many of the acres designated represent productive agricultural lands. We believe strongly such acreage should be retained as productive agricultural land, rather than converted to the proposed facility.

As most individuals are keenly aware, the availability of adequate water resources has been a significant issue for those residing within the boundaries of the Klamath Basin. Enhanced water usage for the proposed project will only serve to exacerbate the ongoing problems surrounding the availability of water resources.

Additionally, we understand the proposed project would remove very significant wetland areas within the project. We do not believe the loss of such wetlands can be appropriately mitigated by any means.

Please advise if there is an extended comment period.

Thank you,