December 17, 2020

Rob Curulla
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9255 Towne Center Drive, Suite 840
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Sent via email: rcurulla@eurusenergy.com; carrie.konkol@tetratech.com; anneke.solsby@tetratech.com

RE: Department Review and Approval of Request for Expedited Review for West End Solar Energy Project

Dear Mr. Curulla,

The Oregon Department of Energy (Department) received a Request for Expedited Review for a Small Capacity Facility for the West End Solar Energy Project (proposed facility) via email on December 4, 2020, from Eurus Energy America Corporation (applicant) and received the filing fee on December 11, 2020.

Pursuant to OAR 345-015-0300(1), any person proposing to construct and operate an energy facility with an average electric generating capacity of less than 100 megawatts (MW) may request from the Department an expedited review of an application for site certificate (ASC). As stated in the request for expedited review, the proposed facility would have a peak generating capacity of 45 MW. The Council’s definition of “average electric generating capacity” is found at ORS 469.300(4). The definition states that the average electric generating capacity for non-wind and non-geothermal facilities is the peak generating capacity of the facility divided by 1.00. As such, the average electric generating capacity of the proposed facility, as defined by ORS 469.300(4), would be 45 MW. As this is under 100 MW, the proposed facility is eligible to request expedited review for small capacity facilities.

According to OAR 345-015-0300(1), if the proposed facility has as a related or supporting facility, a transmission line (or pipeline) that by itself would meet the definition of energy facility, then the proposed facility would not be eligible for expedited review. As described in the request for expedited review, the point of interconnection (POI) for the proposed facility would be to an Umatilla Electric Cooperative (UEC) transmission line at the east end of the proposed site, therefore, there is not a proposed transmission or gen-tie line associated with the proposed facility.
Pursuant to OAR 345-015-0300(2) the request for expedited review must contain the following information:

(a) A description of the facility and the proposed site, OAR 345-015-0300(2)(a);

As included in the request for expedited review, the proposed facility would be a solar photovoltaic energy facility capable of producing up to 45 MW peak and average generating capacity. The proposed facility would include a substation, collector lines, point of interconnect, roads and distributed battery storage as related or supporting facilities.

The proposed facility would be located on approximately 324 acres of Exclusive Farm Use zoned land in Umatilla County, approximately two miles southeast of the City of Hermiston. Of the 324 acres, the proposed facility site includes approximately 238 acres of high-value farmland under ORS 195.300(10)(f) because of the location within the designated Columbia Valley American Viticulture Area (AVA). The proposed facility site does not include high-value farmland as defined under ORS 195.300(10)(a) (soils) or ORS 195.300(10)(c) (water rights). Because more than 160 acres of high value farmland would be impacted, under ORS 469.300(11)(a)(D)(i), this is an Energy Facility Siting Council (EFSC) jurisdictional facility that also qualifies for an expedited review because of its proposed generating capacity.

(b) The applicant’s name and address, OAR 345-015-0300(2)(b);

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(c) A schedule stating when the applicant expects to submit a preliminary application for a site certificate, OAR 345-015-0300(2)(c);

As stated in the request for expedited review, the preliminary application for site certificate is expected to be submitted in March or April 2021.

(d) A list of all statutes, rules, and ordinances applicable to the facility, OAR 345-015-0300(2)(d);

The required list of statutes, rules, and ordinances applicable to the proposed facility are included in the request for expedited review and includes a list and discussion of local, state, federal, and third-party permits.

(e) A statement indicating whether the applicant intends to satisfy the Council’s land use standard, OAR 345-022-0030, by obtaining local land use approval pursuant to ORS
The request for expedited review states that the applicant will seek Council determination of compliance with the land use standard, pursuant to ORS 469.504(1)(b).

(f) The reason and justification for any request for exception to an analysis area as provided under section (3), OAR 345-015-0300(2)(f).

The applicant states it will not seek an exception to an analysis area. As such, for purposes of submitting the preliminary application, the analysis areas are the study areas as defined in OAR 345-001-0010(59) as presented in Table 2 of the expedited review request. Please note that OAR 345-015-0300(3) allows that the Department to modify the analysis areas in the project order, and the project order will be issued following the submission of a preliminary application.

Department Determination, OAR 345-015-0300(4):

Under OAR 345-015-0300(4), the Department reviewed the request for expedited review from Eurus Energy America Corporation for the West End Solar Energy Project and determines that the request for expedited review satisfies the requirements of OAR 345-015-0300(2), therefore, the Council grants expedited review for the proposed 45 MW small capacity energy facility under OAR 345-015-0300(1). This is the notification letter to the applicant of the Department’s determination required under OAR 345-015-0300(4).

Next Steps

In accordance with OAR 345-015-0300(3), following submission of the preliminary application for site certificate, the Department will issue a project order. Also in accordance with OAR 345-015-0300(3), the applicant’s submission and Department’s review of the preliminary site certificate application will be the same for expedited review as for other site certificate applications. Please note, after the preliminary application is submitted it will be reviewed by the Department and reviewing agencies under the provisions of OAR 345-015-0190. Until the Department determines the application to be complete, it is a preliminary application; the Department may request additional information before determining that the application is complete, and an application is complete when the Department finds that the applicant has submitted information adequate for the Council to make findings or impose conditions on all applicable Council standards.

After receipt of this letter, the Department recommends the applicant contact the Department to organize a coordination call to discuss the next steps and for the Department to provide the applicant with recommendations and suggestions for preparing the preliminary application.
**Cost Recovery**

ORS 469.421 requires the applicant for a site certificate to pay all costs associated with the review and decision by the Council of an application for site certificate. ORS 469.421(3) states that before submitting a site certificate application, the applicant shall request from the Department an estimate of the costs expected to be incurred in processing the application. In a non-expedited review process, at the time of preparing a cost estimate the Department would already possess fairly detailed facility information obtained through the Notice of Intent (NOI) phase. However, because an expedited review does not include the NOI phase, the Department has limited information related to the West End Solar Energy Project and site certificate application contents. In order to prepare a more accurate cost estimate, the Department requests that Eurus Energy America Corporation, in its request for a cost estimate under ORS 469.421(3), provide the Department with more information about the proposed facility, such as a draft Exhibits B, C, K, P, and S, or details from these draft exhibits.

If you have any questions, please do not hesitate to contact myself or Todd Cornett, Assistant Director.

Regards,

Kellen Tardaewether

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