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Greetings Katie,

We defer to the Klamath Tribes on this issue. Perry Chocktoot, Cultural Director, should be contacted if he hasn't been already.

Thank you.

Sincerely,

Diane

On Tue, Sep 29, 2020 at 5:44 PM CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov> wrote:

Dear Ms. Teeman:

On August 7, 2020, the Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council (EFSC or Council), received a Notice of Intent (NOI) from Hecate Energy to submit an application for site certificate for the Bonanza Energy Facility. This proposed solar facility would have a generating capacity between 150 MW and 300 MW (depending on the solar module technology selected at final design) and would be located in Klamath County, approximately 1 mile southeast of the town.
of Bonanza. The solar array would be constructed on approximately 1,851 acres (2.89 square miles) and, together with its related or supporting facilities, would have a boundary totaling approximately 2,733 acres.

The attached memo provides more information about the proposed facility and the EFSC process. It also announces a public informational meeting that we will hold remotely on Tuesday, October 13th at 5:30 pm.

We are seeking the Burns Paiute Tribe’s input and comments on the proposed facility. The memo mentions a requested date of October 29th for providing this input, but this is not a firm deadline and we are seeking an ongoing conversation.

I would be happy to schedule a call with you at your earliest convenience.

Thank you.

Katie
Katie Clifford

Senior Siting Analyst

550 Capitol St. NE | Salem, OR 97301

Phone: 503-302-0267

Stay connected!

--
Tribal Council Secretary-Treasurer;
Director, Culture & Heritage Department
Burns Paiute Tribe
100 Pasigo St.
Burns, Oregon. 97720
541-413-1190
diane.teeman@burnspaiute-nsn.gov

Doctoral Candidate
Dept. of Anthropology
University of Nevada, Reno
dlteeman@nevada.unr.edu
WARNING AND CONFIDENTIALITY NOTICE:
The information contained in this e-mail message, including any attachments, is confidential, may be subject to the attorney-client privilege or other privileges, may constitute inside information, and is intended only for the use of the intended addressees. In the event this communication was received by you in error, please notify the sender immediately; return this communication to the sender; and permanently delete this communication from your computer storage systems. Any unauthorized review, use, disclosure or distribution of this communication is strictly prohibited and may be unlawful.
Hi Katie,

Thank you very much for the opportunity to provide comment on the Bonanza Energy Facility Notice of Intent.

General Comment:

As the technical reviewer for NHPA Section 106 and other cultural resource issues for the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the CTWSRO Tribal Historic Preservation Office (THPO) has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects (APE). The Project APE is within the areas of concern for the CTWSRO.

Project-specific Comment(s):

This office would like to defer comment on cultural resource issues related to this Project to our neighbors to the east. Please contact the Klamath Tribes Cultural Resources Department for comment.

Thank you for your efforts to protect cultural resources.

Best Regards, and Stay Safe,

Christian

Christian Nauer, MS
Archaeologist
Confederated Tribes of the Warm Springs Reservation of Oregon
Branch of Natural Resources

christian.nauer@ctwsbnr.org
Office 541.553.2026
Cell 541.420.2758

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.
On Sep 29, 2020, at 5:53 PM, CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov> wrote:

Good evening Christian,

On August 7, 2020, the Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council (EFSC or Council), received a Notice of Intent (NOI) from Hecate Energy to submit an application for site certificate for the Bonanza Energy Facility. This proposed solar facility would have a generating capacity between 150 MW and 300 MW (depending on the solar module technology selected at final design) and would be located in Klamath County, approximately 1 mile southeast of the town of Bonanza. The solar array would be constructed on approximately 1,851 acres (2.89 square miles) and, together with its related or supporting facilities, would have a boundary totaling approximately 2,733 acres.

The attached memo provides more information about the proposed facility and the EFSC process. It also announces a public informational meeting that we will hold remotely on Tuesday, October 13th at 5:30 pm.

We are seeking the Confederated Tribes of Warm Springs’ input and comments on the proposed facility. The memo mentions a requested date of October 29th for providing this input, but this is not a firm deadline and we are seeking an ongoing conversation. I would be happy to schedule a call with you at your earliest convenience, to contact additional Tribal Government staff as appropriate, and/or to give a presentation on the project and process.

Hope you are doing okay with the wildfires.

Katie

Katie Clifford
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
Phone: 503-302-0267
CLIFFORD Katie * ODOE

From: Les Anderson <les.anderson@klamathtribes.com>
Sent: Wednesday, October 14, 2020 4:21 PM
To: CLIFFORD Katie * ODOE
Cc: Perry Chocktoot; Mandy Roberson; Joseph Allen; ESTERSON Sarah * ODOE; Seilo, Paul/PDX; Sheldon, David/PDX; Steve Rondeau; Stan Swerdloff; Mark Buettner; pturner@hecateenergy.com; PULEY John * OPRD
Subject: FW: Bonanza Energy Facility
Attachments: BEFNOI NOI Review Memo Klamath Tribes 2020-09-29.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Please consider this an official comment from the Klamath Tribes, Culture and Heritage Department.

Date: 10/14/2020

RE: Memorandum, Request for comment on the Notice of Intent (NOI) submitted by Hecate Energy Bonanza LLC for the Proposed Bonanza Energy Facility in, Bonanza, Klamath County, Oregon.

Dear Ms. Katie Clifford

Thank you for sending the notification memo and invite to the Klamath Tribes to participate in the Oregon Department of Energy (ODOE), on the Notice of Intent (NOI) to obtain a site certificate from Oregon Energy Facility Siting Council (EFSC). Regarding Hecate Energy NAF LLC for the Hecate Bonanza Energy Facility in Bonanza Oregon. Please note, Hecate Energy did meet with Klamath Tribes, Culture and Heritage Department (KTCHD) staff in September 2019. At that time the project design was for use of a natural gas-fired power plant and not photovoltaic solar facility, still a battery storage project. In which now, the footprint of the project facility has increased significantly for the solar facility. KTCHD will be requesting a new presentation from Hecate Energy to our Culture and Heritage Committee and Department staff before addressing the Klamath Tribes, Tribal Council regarding the project, as in moving forward with our Tribal Administration review process.

In reviewing the memo;

The Klamath Tribes are extremely interested in participating in the review process of NOI from EFSC. And will be giving/add comments regarding concerns of the Klamath Tribes. The Section 106 review process of the National Historic Preservation Act (NHPA) 36 Part CFR 800 and its implementing regulations, will apply due to Cultural/Historic Resources findings regarding the project, with SHPO, EFSC and The Klamath Tribes in consultation.
We do have a Natural Resource and Aquatic Departments and have included them on the response. In moving forward with comments on Wildlife and Fish habitat on the project area, those tribal departments may weigh in with their own responses.
Information Needed from Tribal Government:

As KTCHD moves forward in reviewing the NOI and commenting to EFSC. A complied list information requested from EFSC on Tribal Government information, will follow.

Evaluation of Study/Analysis Area:
Per the discussion on project planning, location and design. I will be enclosing to you what KTCHD is requesting in way of Cultural/Archaeological protocol(s) regarding this project. As well as, requesting to have Tribal Cultural Monitor(s) present during all phases of Cultural/Archaeological work on the project; Pedestrian Survey, Archaeological Testing and Construction activities if and when needed for the project.

In the planning phase of the project, there will needs to be a new cultural/archaeological pedestrian survey completed before any ground disturbing activities start. And the sharing of those results from the survey for review and consultation with both Oregon Heritage, State Historic Preservation Office (SHPO) and KTCHD. I am suggesting for Hecate Energy NAF LLC to not use the old COB Energy Facility Project Report 2005 as part of this process. As the facility site has been increased significantly and the old report and survey will need to be revisited and updated regarding the findings from the new report generated by the new project area. Also adding, there will be potentially eligible resources affected and lost by construction and operations of the new facility.

Any sensitive resources or known within the background research or new inadvertent discoveries during the pedestrian survey will need to be recorded, avoided and flagged out of the Area of Potential Effects (APE). As well as consultation on those resources and areas and known during the survey phase before implementation of the project with SHPO, EFSC and KTCHD.

For the ground disturbing activities due to Archaeological/Construction needs, will need to be monitored for cultural resources and if within confluences of springs, streams and wet lands added measures may apply. Also protection activities may include significant botanicals areas and areas used for traditional use by the Klamath Tribes. During the recording of a significant cultural area(s) to the Tribes. Hecate Energy/consulting firm must take into count, recording of a negative impact(s) to the cultural landscape(s) and view shed. Also protection activities may include significant botanical(s) areas for traditional use by the Klamath Tribes.

The KTCHD will be adding comments as we continue to review and coordinate with EFSC staff with the Hecate Energy Bonanza Project.

Thank you again for the outreach and should you have question, please feel free to contact the Culture and Heritage Department for discussion.

Respectfully
Les Anderson
Dear Perry and Les,

Thank you for taking the time to meet with us in August about the Energy Facility Siting Council review process. At that time I briefly mentioned that we would be reaching out again soon about the Bonanza Energy Facility.

Hecate Energy Bonanza LLC submitted a Notice of Intent (NOI) to file an application for site certificate for the proposed photovoltaic solar energy facility. The site boundary encompasses approximately 2,733 acres in Klamath County approximately 1 mile southeast of Bonanza. The applicant must obtain a site certificate from EFSC in order to construct and operate the proposed facility.

The attached memo provides more information about the proposed facility and the EFSC process. It also announces a public informational meeting that we will hold remotely on Tuesday, October 13th at 5:30 pm.

We are seeking the Klamath Tribes’ input and comments on the proposed facility. The memo mentions a requested date of October 29th for providing this input, but this is not a firm deadline and we are seeking an ongoing conversation. To that point, I do apologize that I was unable to attend the September meeting of the Culture and Heritage Committee. I ended up having to evacuate due to the Clackamas County wildfires (but am now home again).

I would be happy to discuss our review of this proposed facility when it is convenient for you, such as at a future Culture and Heritage Committee meeting or directly.

I hope you both have been safe and well this wildfire season.

Katie

Katie Clifford
Senior Siting Analyst
550 Capitol St. NE | Salem, OR 97301
Phone: 503-302-0267

Stay connected!
Ms. Clifford,

I have just learned about a massive solar/hybrid energy project that is being discussed for my district. My constituents strongly oppose it. Moreover, from what I've heard the comment period ends tomorrow?

Who can I formally write to make sure my comments are on the record? Also who can I talk with to learn more about this project? I have spoken with Senator Linthicum and he also just learned about this project. How can this be, that the people’s representatives are not informed clearly and directly by EFSC concerning a project of this magnitude in their district? Was a message left at my office? Was an email sent, was a letter sent informing me that an energy company wished to build a power plant in my district and was going through the EFSC proceed?

Thank you for your time. I look forward to your timely response.

Best regards,
-Werner

E. WERNER RESCHKE
State Representative, House District 56
Southern Klamath & Lake Counties
State Capitol: H384
(503) 986-1456 - Office
(541) 891-0799 - Cell/Mobile
Hello Ms. Clifford,

Attached please find my comments for the public record with regard to the proposed Bonanza Energy Facility.

Regretfully, I was unaware of this proposal until constituents in my area started asking questions and sending e-mail messages. I was surprised that a facility of this capacity and size could remain under wraps without, apparently, any notifications being sent to county commissioners, state house members or senate members.

I am concerned about this proposal given the Energy Facility Siting Council's standards for new energy facilities, that must align with requirements to protect natural resources, ensure public health and safety, and protect against adverse environmental impacts.

I am anxious to see how EFSC determines the answers to the three fundamental questions for evaluating new proposals:

1. Does the applicant have the appropriate abilities to build this energy facility?
2. Is the site suitable?
3. Would the facility have adverse impacts on the environment and the community?

In closing, I curious about next steps and staying informed on the proposed review timeline. Is it possible to get my eMail address placed on a notification list for any changes, meetings, or review details for this project?

Thanks, in advance, for your help in keeping me informed about this proposal.

Best Regards,

Dennis Linthicum
Oregon Senate
District 28
(O) (503) 986-1728
900 Court Street, Office S-305 | Salem OR,97301
www.oregonlegislature.gov/Linthicum

Please note that all emails sent to and from this email address may be shared among Senator Dennis Linthicum and his staff and may be subject to disclosure under Oregon public records laws.
October 28, 2020

Dear Ms. Clifford,

As the current Senator for Oregon’s District 28, wherein the proposed Bonanza Energy Facility will be located, I am shocked at the poor notification methodologies employed by the Energy Facility Siting Council EFSC with regard to the size, scope and scale of this project and the number of lives that will be impacted.

I realize that this is one of the first steps in the siting process, yet, the lack of concrete details about the proposed facility and the technologies which might be employed is quite frightening and should require more information, further review and public engagement before proceeding to the next step.

As the online documentation suggests, the facility might:

- generate between 150 megawatts (MW) and 300 MW
- need 1,100 MW storage system (without any technical details or specifications)
- need several collector lines (without any technical details or specifications)
- need several conversion stations (without any technical details or specifications)
- require an onsite facility substation (without any technical details or specifications)
- require another 500-kV generation-tie transmission line
- need various points of system interconnects
- need multiple roads, perimeter security, fencing, and access points
- cover an area that is over 4.25 square miles in the heart of a rural agricultural community
The paucity of facts at this point, when the public comment period is set to terminate on October 28, 2020 means that no one in the community, let alone members of EFSC have enough valid details to make any sort of determination as to the appropriateness of this project.

In fact, the 2020-10-13 Webex Video Recording of the Bonanza Energy Facility NOI Informational Meeting apparently had no EFSC commission members present, had no public participation, and as of today only has been viewed 13 times.

In general, I would express the need for extreme caution as the proposal area encompasses a natural habitat that has significant features that could be adversely affected. The natural forestland setting alongside expansive areas of wetlands that provides a haven for fish and migratory waterfowl is extremely important. During these trying times of drought, the areas water resources need to be protected, for the preservation of the existing watershed and subterranean aquifers. Additionally, the clean air, quiet environment, and peaceful wilderness areas are all resources worth conserving.

Lastly, the EFSC protocol for informing adjacent property owners (within 500 feet of a boundary line) illustrates a shameful disregard for the greater community. After all, the total area encompassed in this project is the equivalent of 4.25 square miles, which is far larger than the entire municipal boundary of Bonanza. Yet, only those neighbors on a handful of adjacent fence lines received any notification.

Further, as details get disclosed, I hope that EFSC comes to understand that this is an entirely inappropriate site for a facility of this capacity and size. I urge the commission to enforce the land-use protections that are in place to preserve the natural habitat within this rural domain.

Respectfully submitted,

Senator Dennis Linthicum
Oregon Senate District 28
October 7, 2020

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

Re: Notice of Intent for Bonanza Energy Facility – ODA Comments

Dear Katie Clifford:

The Oregon Department of Aviation (ODA) appreciates the opportunity to review and comment on the Notice of Intent for Bonanza Energy Facility. The ODA has reviewed the site proposal and provides the following comments:

The Bonanza Energy Facility includes related or supporting facilities such as collector lines, power conversion stations, an onsite facility substation and a 500-kV generation-tie transmission line.

For these reasons, the Bonanza Energy Facility may require airspace review by the FAA and ODA subject to the standards in Code of Federal Regulations: Title 14. Aeronautics and Space: PART 77—Safe, Efficient Use, and Preservation of the Navigable Space.

All project elements are subject to compliance with FAA Part 77.9 Construction or alteration requiring notice (a-d), FAA Part 77.17 Obstruction standards (a-b) and Obstruction Standards of OAR 738-70-0100 if they exceed 200 feet in height or are:

- within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft.
- within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft.
- within 5,000 ft of a public use heliport which exceeds a 25:1 surface

To make this determination, any collector lines, transmission lines or structures more than 200 feet in height or within the distances provided above must undergo airspace analysis through submittal of a completed FAA Form 7460-1, attached for reference.

ODA appreciates the opportunity to comment on this proposal. The Department requests to be identified as a party of record for any future land use application.
If you have any questions or need clarification on these comments, please feel free to contact me at 503-378-2529 or Seth.Thompson@aviation.state.or.us.

Sincerely,

Seth Thompson
Aviation Planner

CC: Heather Peck
Planning & Projects Manager
Oregon Department of Aviation
§ 77.7 Form and time of notice.
(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460–1, Notice of Proposed Construction or Alteration. FAA Form 7460–1 is available at FAA regional offices and on the Internet.
(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.
(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.
(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA assumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.
(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460–1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

§ 77.9 Construction or alteration requiring notice.
If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:
(a) Any construction or alteration that is more than 200 ft. AGL at its site.
(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
   (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.
   (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
(c) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
(d) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.
(e) Any construction or alteration on any of the following airports and heliports:
   (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
   (2) A military airport under construction, or an airport under construction that will be available for public use;
   (3) An airport operated by a Federal agency or the DOD.
   (4) An airport or heliport with at least one FAA-approved instrument approach procedure.
(f) You do not need to file notice for construction or alteration of:
   (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;
   (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
   (3) Any construction or alteration for which notice is required by any other FAA regulation.
(4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177
Fax: (817) 222-5920
Website: https://oeaaa.faa.gov
INSTRUCTIONS FOR COMPLETING FAA FORM 7460-1

PLEASE TYPE or PRINT

ITEM #1. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #2. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #3. New Construction would be a structure that has not yet been built.

Alteration would be a change to an existing structure such as the addition of a side mounted antenna, a change to the marking and lighting, a change to power and/or frequency, or a change to the height. The nature of the alteration shall be included in ITEM #21 “Complete Description of Proposal”.

Existing would be a correction to the latitude and/or longitude, a correction to the height, or if filing on an existing structure which has never been studied by the FAA. The reason for the notice shall be included in ITEM #21 “Complete Description of Proposal”.

ITEM #4. If Permanent, so indicate. If Temporary, such as a crane or drilling derrick, enters the estimated length of time the temporary structure will be up.

ITEM #5. Enter the date that construction is expected to start and the date that construction should be completed.

ITEM #6. Please indicate the type of structure. DO NOT LEAVE BLANK.

ITEM #7. In the event that obstruction marking and lighting is required, please indicate type desired. If no preference, check “other” and indicate “no preference” DO NOT LEAVE BLANK. NOTE: High Intensity lighting shall be used only for structures over 500’ AGL. In the absence of high intensity lighting for structures over 500’ AGL, marking is also required.

ITEM #8. If this is an existing tower that has been registered with the FCC, enter the FCC Antenna Structure Registration number here.

ITEM #9 and #10. Latitude and longitude must be geographic coordinates, accurate to the nearest second or to the nearest hundredth of a second if known. Latitude and longitude derived solely from a hand-held GPS instrument is NOT acceptable. A hand-held GPS is only accurate to within 100 meters (328 feet) 95 percent of the time. This data, when plotted, should match the site depiction submitted under ITEM #20.

ITEM #11. NAD 83 is preferred; however, latitude and longitude may be submitted in NAD 27. Also, in some geographic areas where NAD 27 and NAD 83 are not available other datum may be used. It is important to know which datum is used. DO NOT LEAVE BLANK.

ITEM #12. Enter the name of the nearest city and state to the site. If the structure is or will be in a city, enter the name of that city and state.

ITEM #13. Enter the full name of the nearest public-use (not private-use) airport or heliport or military airport or heliport to the site.

ITEM #14. Enter the distance from the airport or heliport listed in #13 to the structure.

ITEM #15. Enter the direction from the airport or heliport listed in #13 to the structure.

ITEM #16. Enter the site elevation above mean sea level and expressed in whole feet rounded to the nearest foot (e.g. 17’ 3” rounds to 17’, 17’ 6” rounds to 18’). This data should match the ground contour elevations for site depiction submitted under ITEM #20.

ITEM #17. Enter the total structure height above ground level in whole feet rounded to the next highest foot (e.g. 1’ 3’ rounds to 1’). The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.

ITEM #18. Enter the overall height above mean sea level and expressed in whole feet. This will be the total of ITEM #16 + ITEM #17.

ITEM #19. If an FAA aeronautical study was previously conducted, enter the previous study number.

ITEM #20. Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2” x 11” non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey (USGS) Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, contact USGS at -888-275-8747 or via internet at “http://store.usgs.gov”. If available, attach a copy of a documented site survey with the surveyor’s certification stating the amount of vertical and horizontal accuracy in feet.

ITEM #21.
- For transmitting stations, include maximum effective radiated power (ERP) and all frequencies.
- For antennas, include the type of antenna and center of radiation (Attach the antenna pattern, if available).
- For microwave, include azimuth relative to true north.
- For overhead wires or transmission lines, include sizes and configuration of wires and their supporting structures (Attach depiction).
- For each pole/support, include coordinates, site elevation, and structure height above ground level or water.
- For buildings, include site orientation, coordinates of each corner, dimensions, and construction materials.
- For alterations, explain the alteration thoroughly.
- For existing structures, thoroughly explain the reason for notifying the FAA (e.g. corrections, no record or previous study, etc.).

Filing this information with the FAA does not relieve the sponsor of this construction or alteration from complying with any other federal, state or local rules or regulations. If you are not sure what other rules or regulations apply to your proposal, contact local/state aviation’s and zoning authorities.

Paperwork Reduction Act Statement: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number. The OMB control number for this information collection is 2120-0001. Public reporting for this collection of information is estimated to be approximately 13 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory for anyone proposing construction or alteration that meets the criteria contained in 14 CFR 77. This information is collected to evaluate the effect of proposed construction or alteration on air navigation and is not confidential. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer; Federal Aviation Administration, 10001 Hillwood Parkway, Fort Worth, TX 76177-1524.

Form 7460-1 (02/20) Superseded Previous Edition Electronic Version (Adobe) NSN: 0552-00-012-0009
### Failure To Provide All Requested Information May Delay Processing of Your Notice

#### Notice of Proposed Construction or Alteration

1. **Sponsor (person, company, etc. proposing this action):**
   - **Attn. of:**
   - **Name:**
   - **Address:**
   - **City:**
   - **State:**
   - **Zip:**
   - **Telephone:**
   - **Fax:**

2. **Sponsor’s Representative (if other than #1):**
   - **Attn. of:**
   - **Name:**
   - **Address:**
   - **City:**
   - **State:**
   - **Zip:**
   - **Telephone:**
   - **Fax:**

3. **Notice of:**
   - [ ] New Construction
   - [ ] Alteration
   - [ ] Existing

4. **Duration:**
   - [ ] Permanent
   - [ ] Temporary (___ months, ___ days)

5. **Work Schedule:**
   - Beginning: __________
   - End: __________

6. **Type:**
   - [ ] Antenna Tower
   - [ ] Crane
   - [ ] Building
   - [ ] Power Line
   - [ ] Landfill
   - [ ] Water Tank
   - [ ] Other

7. **Marking/Painting and/or Lighting Preferred:**
   - [ ] Red Lights and Paint
   - [ ] Dual - Red and Medium Intensity
   - [ ] White-Medium Intensity
   - [ ] Dual - Red and High Intensity
   - [ ] White - High Intensity
   - [ ] Other

8. **FCC Antenna Structure Registration Number (if applicable):**

9. **Latitude:**
   - __________
   - __________

10. **Longitude:**
    - __________
    - __________

11. **Datum:**
    - [ ] NAD 83
    - [ ] NAD 27
    - [ ] Other

12. **Nearest:**
    - City: __________
    - State: __________

13. **Nearest Public-use (not private-use) or Military Airport or Heliport:**

14. **Distance from #13, to Structure:**

15. **Direction from #13, to Structure:**

16. **Site Elevation (AGL):**
    - ________ ft.

17. **Total Structure Height (AGL):**
    - ________ ft.

18. **Overall Height (#16 + #17) (AMSL):**
    - ________ ft.

19. **Previous FAA Aeronautical Study Number (if applicable):**
    - ________ OE

20. **Description of Location:**
    - (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey)

21. **Complete Description of Proposal:**

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<th>Frequency/Power (kW)</th>
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</table>

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I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking & lighting standards as necessary.

**Date**

**Typed or Printed Name and Title of Person Filing Notice**

**Signature**

---

FAA Form 7460-1 (02/20) Supersedes Previous Edition

NSN: 0052-00-012-0009
FILED ELECTRONICALLY

Katie.Clifford@oregon.gov

RE: Notice of Bonanza Energy Facility Notice of Intent to submit an application

Katie Clifford, Senior Siting Analyst
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Dear Katie:

On September 29, 2020, the Oregon Department of Energy (ODOE) sent an email notifying the Klamath Falls Resource Area of the Lakeview District Bureau of Land Management (BLM) of a proposed photovoltaic solar energy facility from Hecate Energy Bonanza LLC. The site boundary encompasses approximately 2,733 acres of private and federal land in Klamath County approximately 1 mile southeast of Bonanza. Pursuant to Oregon Administrative Rule (OAR) 345-001-0010(52), ODOE identified the BLM as a potential "reviewing agency." ODOE requested that the BLM provide comments on the Notice of Intent (NOI) and submit any regulatory requirements administered by the BLM applicable to this proposal. Comments were requested by October 29, 2020.

BLM-administered lands have been identified as potentially or directly impacted by the proposed project. The BLM expects project impacts to these public lands and resources from the proposal. Resources potentially affected include, but are not limited to, soils, water, vegetation, wildlife and wildlife habitat, and archaeological resources. Recreational use and facilities, transportation systems, and visual quality would also be potentially affected.

The information received pertaining to this project is limited at this time to what is in the NOI. The BLM requires the proponent of the project, Hecate Energy Bonanza LLC, file an SF-299 Application for Transportation and Utility System and Facilities on Federal Lands in accordance with 43 CFR 2800 and the Federal Land Policy and Management Act. The BLM decision-making process specific to the project proponent's application for a right-of-way (SF-299) will follow issuance of the ODOE site certificate. Should the project eventually proceed to issuance of a right-of-way grant, the cost for all work performed by the BLM related to the proposed
project would be paid by Hecate Energy Bonanza LLC in accordance with BLM’s cost reimbursement regulations (43 CFR 2800). The applicant will be required to provide environmental documentation to meet BLM’s requirements under the National Environmental Policy Act (NEPA) and BLM’s right-of-way regulations. In addition, the BLM requires the applicant to identify other non-BLM lands and routes considered but not selected for the proposed project.

Upon receipt of a completed application from the proponent, as well as other information identified, the BLM can consider and further evaluate the proposed project.

Thank you for the opportunity to comment.

Sincerely,

[Signature]

Kevin B. Heatley
Field Manager
Paul,

I am contacting you, the Applicant / Certificate Holder for the proposed solar PV energy facility project located in Bonanza, Oregon. I attempted to contact you by phone, and left a message on October 26th, but have not heard from you.

The Bureau of Reclamation has just become aware of the project, and based on available information, it appears that its location intersects with and is within boundaries of the Klamath Project. Specifically, your project appears to intersect with Reclamation's Rights of Way along the Lost River, Hubbard Ditch, Dry Lake No. 2, and Langell Valley Irrigation District.

You will need to apply for a Use Authorization with Reclamation to use the lands and/or crossings mentioned. Other areas within the Klamath Project that may be within your proposed project will also need to be included. I have attached an SF 299-09f application for a Use Authorization (UA), and a brochure to help you understand the application process. Please fill it out in as much detail as possible, including maps, location, distances, materials, etc. If you can, we request that you send a GIS shapefile of the proposed project so we can more clearly see how the proposed energy project intersects the Klamath Project.

If you have any questions, please feel free to contact me.

Thank you,
Amber

Amber Olsson
Water and Lands Specialist
Klamath Basin Area Office
Interior Region 10- California-Great Basin
Klamath Office: 541-880-2575
Email: aolsson@usbr.gov
Tips for Success

Please understand every project is different. The more detail you can provide in your application, the faster and less expensive the process will be.

When applying, assume your project will require full environmental compliance and engineering review. Please don’t assume that because your project is small or on pre-disturbed ground it will only take the minimum 3 months or less. Plan to submit your application with plenty of lead time.

It will not be possible to dewater the irrigation system or interrupt water delivery operations for most applicant construction projects. Reclamation water delivery features are often in full operation during the irrigation season, and some facilities have water year-round.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Land, Facilities, and Waterbodies
Use Authorizations

Klamath Basin Area Office
6600 Washburn
Klamath Falls, Oregon 97603
Phone: 541-883-6935
Before You Apply

To use Reclamation lands, facilities, or waterbodies, you must obtain a Use Authorization (UA) pursuant to 43 CFR §429.10 (Subpart C). You will use one of three application forms:

**SF-299** - For placement, construction, transportation, or installation of non-Federal assets on Reclamation lands, such as bridges, culverts, communication towers, fiber-optic cables, pipelines, roads, etc.

**Form 7-2540** - For activities such as commercial filming and photography, commercial guiding and outfitting, commercial or organized sporting events, agricultural uses, etc.

**MP-620** - For alteration of Project facilities. Contact your local irrigation district.

For more information, visit [https://www.usbr.gov/lands/AuthorizedUses.html](https://www.usbr.gov/lands/AuthorizedUses.html)

Please contact us at 541-883-6935 early in your planning stages so we can provide information on the application process and tips to help you in your planning. Processing your application will take some time; we’ll do our best to streamline your request as much as possible, but some timelines are required by law and cannot be changed to expedite your project. Please plan ahead!

In an emergency caused by a natural disaster or other situation posing an immediate threat to life or property, we will try to expedite the UA process within the requirements of the law; in such a case, please contact us immediately.

Engineering review and environmental and cultural resources compliance are required in most cases. Because of this, UA’s may take anywhere from 3 months to a year to complete.

Applicants must cover the processing cost of the UA, as well as a $100 non-refundable application fee.

Use of Reclamation facilities CANNOT commence until the UA is approved.

How to Apply

Determine the correct type of application form.

Applications are available online: [https://www.usbr.gov/lands/ApplyingforUse.html](https://www.usbr.gov/lands/ApplyingforUse.html) or we can email you an application. Email is usually the best method so we can help make sure you get the right application for your project.

Be as descriptive as possible and provide as many details as you can. Fill out the application completely and include map(s) of the project area (containing township, range, section, north arrow, proposed action boundaries, map legend, etc.), technical drawings, construction methodologies and proposed equipment use, measurements and dimensions of the area(s) impacted, and material type and size. The more details provided, the fewer questions (and delays) we will have.

Submit the appropriate application with $100 non-refundable application fee to Reclamation’s Klamath Basin Area Office at 6600 Washburn Way, Klamath Falls, Oregon 97603. You can mail in your application or drop it off, and you can make payment by cashier’s check, business check, or money order.

General Process

All timelines provided here are tentative; your UA may take less or more time to process depending on the circumstances.

Reclamation will review your application to identify possible concerns and to determine whether additional information is needed. If Reclamation finds your application to be acceptable, we will prepare an estimate of the cost to process your UA and a Letter of Agreement (LOA) for you to review. The LOA acknowledges the cost estimate, Reclamation’s agreement to process your application, and your agreement to provide additional funds upon request. The LOA does not guarantee approval of your UA. This stage takes about 30 days.

Note the cost estimate is just that, an estimate. You will be notified if additional funds are required to complete the process, and work may be delayed until they are provided. Any unused funds will be returned to you when the UA is complete.

If you choose to proceed, you will sign the LOA and submit the requested funds to Reclamation. Other forms may be requested at this time. Reclamation will perform a final review, approve your LOA, set up an account to hold your funds, and charge the cost of processing your application to it. This stage can take about 2 weeks. Subsequent work on your UA will not commence until this step is complete.

An initial engineering and environmental review will then take place. This process can take approximately 2-4 weeks.

If additional engineering reviews and plans are required, site visits and additional time will likely be needed. This process can take approximately 2-4 weeks.

If needed, the environmental compliance process will be initiated. In this case a more extensive review and site visit may take place. This process can take anywhere from 3-12 months, depending on the need for site visits, the cultural sensitivity of the project area, project description, scope, and methods.

After finalization and approval of environmental compliance, Use Authorization execution can be completed within 2 weeks.
**Enclosure 2**

**APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS AND FACILITIES ON FEDERAL LANDS**

<table>
<thead>
<tr>
<th>Form Approved OMB Control Number: 0596-0082</th>
<th>Expiration Date: 8/31/2020</th>
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**FOR AGENCY USE ONLY**

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Date Filed</th>
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<tr>
<th>1. Name and address of applicant (include zip code)</th>
<th>2. Name, title, and address of authorized agent if different from Item 1 (include zip code)</th>
</tr>
</thead>
</table>

4. As applicant are you? (check one)
   - [ ] Individual
   - [ ] Corporation
   - [ ] Partnership/Association
   - [ ] State Government/State Agency
   - [ ] Local Government
   - [ ] Federal Agency

5. Specify what application is for: (check one)
   - [ ] New authorization
   - [ ] Renewing existing authorization number
   - [ ] Amend existing authorization number
   - [ ] Assign existing authorization number
   - [ ] Existing use for which no authorization has been received
   - [ ] Other

6. If an individual, or partnership, are you a citizen(s) of the United States? [ ] Yes [ ] No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: [ ] Attached [ ] Applied for [ ] Not Required

10. Nonreturnable application fee: [ ] Attached [ ] Not required

11. Does project cross international boundary or affect international waterways? [ ] Yes [ ] No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.
13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.
GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Alaska Regional Office
709 West 9th Street
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Alaska State Office
Bureau of Land Management
222 West 7th Avenue #13
Anchorage, Alaska 99513
Public Room: 907-271-5960
FAX: 907-271-3684
(or a local BLM Office)

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 786-3440

Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Officer, P.O. Box 120, 1675 C Street, Anchorage, Alaska 99513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.

8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.

9, 10, and 12 The responsible agency will provide additional instructions.

13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.

14 The responsible agency will provide instructions.

15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.

16 through 19 Providing this information with as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.
**SUPPLEMENTAL**

**NOTE:** The responsible agency(ies) will provide instructions

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| **I - PRIVATE CORPORATIONS** | **BLCK**
| ATTACHED | FILED* |
| a. Articles of Incorporation |   | |
| b. Corporation Bylaws |   | |
| c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State |   | |
| d. Copy of resolution authorizing filing |   | |
| e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate. |   | |
| f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications. |   | |
| g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal. |   | |

**II - PUBLIC CORPORATIONS**

| a. Copy of law forming corporation |   | |
| b. Proof of organization |   | |
| c. Copy of Bylaws |   | |
| d. Copy of resolution authorizing filing |   | |
| e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above. |   | |

**III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY**

| a. Articles of association, if any |   | |
| b. If one partner is authorized to sign, resolution authorizing action is |   | |
| c. Name and address of each participant, partner, association, or other |   | |
| d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above. |   | |

*If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.
NOTICES

Note: This applies to the Department of Agriculture/Forest Service (FS)

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

BURDEN AND NONDISCRIMINATION STATEMENTS

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.
Please accept this email as DLCD’s comments on the Notice of Intent to Apply for a Site Certificate (NOI) submitted by Jacobs Engineering Group, Inc. on behalf of Hecate Energy Bonanza LLC.

It is our understanding that the proposed project site is located in the Langell Valley of Klamath County, Oregon near the city of Bonanza. It is also our understanding that the subject property is protected for Exclusive Farm Use under statewide planning goal 3 and that it includes active water rights for irrigation purposes.

The project appears notable both for its large size and for the selected location on productive agricultural lands capable of producing high-value crops. As we read the NOI, photovoltaic solar panels will occupy over 1,800 acres. Additional area devoted to energy storage facilities and the eight mile associated transmission line bring the total project size to over 2,700 acres. This size would make the Bonanza Energy Facility one of the larger solar projects that we have observed in the state. It would also be many times larger than other solar projects proposed for arable or high-value farmland that we are familiar with. Given the project site characteristics an exception to applicable statewide planning goals will need to be justified.

Since this is the very beginning of the process, we will defer making any detailed comments until more information is available for review. However, we believe that the following types of information would assist us in better understanding the project proposal.

- How many photovoltaic solar facilities have been constructed, approved or are otherwise under consideration in Klamath County and nearby or adjacent counties?

- What is the nature of farming, ranching and forestry activities (currently and historically) on the subject site and the surrounding area?
  - How would the stability of the existing land use pattern be described?
  - What are the soil types and crop or livestock production patterns?

- What are the applicable provisions of the Klamath County Comprehensive Plan and Zoning Ordinance?

- Can the provisions of ORS 215.296 be satisfied?
  - This statute has been interpreted by the Oregon Supreme Court. Please see Stop the Dump v. Yamhill Co., 364 Or

- What reasons justify why the state policy embodied in the applicable goal not apply?
  - The provisions of statewide planning goal 13 do not include reasons to justify an exception. Neither do the state’s Renewable Portfolio Standards, or any other state statute, administrative rule or Executive Order that we are aware of.
In this case, at least one applicable goal is statewide planning goal 3 (Agricultural Lands). Why shouldn’t the legislative policy statement is at ORS 215.243 apply? Why does this site have a comparative advantage over other locations? What other sites, inside and outside of Klamath County, were considered and why were they rejected?

- What are the significant environmental, social and energy consequences anticipated as a result of the proposed facility?
  - What measures to avoid these consequences have been employed?
  - How has the project been minimized to reduce on-site and off-site impacts?
  - What compensatory mitigation measures are proposed to offset any on-site or off-site impacts that cannot be avoided or minimized?

- What measures, if any, are proposed to ensure that the proposed facility is compatible with other adjacent uses?

Thank you for providing this opportunity to offer our thoughts. Please let me know if you have any questions.

Respectfully

Jon

Jon Jinings
Community Services Specialist
Department of Land Conservation and Development
From: MCCLAUGHRY Jason * DGMI
Sent: Monday, November 30, 2020 11:43 AM
To: CLIFFORD Katie * ODOE
Subject: RE: Notice of Bonanza Energy Facility Notice of Intent to submit an application

Comments on Bonanza Energy Facility, Notice of Intent to Apply for Site Certificate
Jason D. McLaughry, Oregon RG#2087, November 30, 2020

The notice of intent does not specify any examination or discussion of potential seismic or other geologic hazards related to siting the facility. Based on data sets used to build DOGAMI HazVu (https://gis.dogami.oregon.gov/maps/hazvu/), a number of geologic hazards should be considered in upcoming site plans. Seismic hazards -- The proposed project area lies within an area of possible moderate to strong to very strong shaking hazard related to Cascadia Earthquakes. The greater Klamath Falls area is also marked by a number of active NW-striking faults and located earthquake epicenters. Other geologic hazards to consider include landslides occurring at the transition of upland areas to flat basins. Moderate to high landslide hazards should be considered in upland areas. Flood hazards exist along major drainages. DOGAMI understands that the applicant will need to contact DOGAMI to request consultation prior to submittal of the application for site certificate.

Best Regards,
Jason

Jason D. McLaughry, RG
Eastern Oregon Regional Geologist
National Cooperative Geologic Mapping Program (STATEMAP) Coordinator for Oregon
Oregon Department of Geology and Mineral Industries | Baker City Field Office
1995 3rd Street, Suite 130 | Baker City, Oregon 97814
Cell: (541) 519-3419
jason.mclaughry@oregon.gov | https://www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, “Published” according to State of Oregon statute and administrative policy.

From: CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov>
Sent: Tuesday, November 10, 2020 2:54 PM
To: MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@oregon.gov>
Subject: RE: Notice of Bonanza Energy Facility Notice of Intent to submit an application

Thanks Jason. I was about to leave you a voicemail but then my cell service dropped, so I figured I would send you an email. I’m around this afternoon if you have time to talk; otherwise, when would be a good time to talk on Thursday? My calendar is open any time after 9:30 am.

Katie Clifford
Senior Siting Analyst
Phone: 503-302-0267
Hi Katie,

As you are probably aware, DSL will require an on-site wetland determination of the project area by a wetland professional to determine whether wetlands or waters that may be regulated are present. If wetlands or waters are identified, a wetland delineation would be needed, producing a map of the waters that may be impacted. The determination or delineation should be submitted to DSL for review and approval. This will determine whether a site plan may need revisions to avoid jurisdictional waters and whether a permit will be needed. A list of wetland consultants can be found on our website. Please contact me if you need further details.

Thank you.

Lynne

Lynne McAllister
Jurisdiction Coordinator, Southwest Region
Oregon Department of State Lands
Aquatic Resource Management Program
775 Summer Street NE, Ste. 100
Salem, OR 97301
503-986-5300
503-378-4844 (Fax)
www.oregonstatelands.us

Good afternoon,
On August 7, 2020, the Oregon Department of Energy received a Notice of Intent (NOI) to file an application for site certificate for a proposed photovoltaic solar energy facility from Hecate Energy Bonanza LLC. The site boundary encompasses approximately 2,733 acres in Klamath County approximately 1 mile southeast of Bonanza. Hecate Energy Bonanza LLC must obtain a site certificate from the Oregon Energy Facility Siting Council (EFSC) in order to construct and operate the proposed facility.

Under Oregon Administrative Rule (OAR) 345-001-0010(52), ODOE has identified your organization as a “reviewing agency.” ODOE requests that your agency provide comments on the NOI and submit any regulatory requirements administered by your agency that are applicable to this proposal. We request that comments be submitted by **October 29, 2020**; if you require additional time, please let me know.

We will be hosting a public informational meeting on October 13, 2020 at 5:30 pm via WebEx. Additional information is available on the [project website](#) and in the attached memo. Feel free to contact me with any comments or questions.

Katie

Katie Clifford  
Senior Siting Analyst  
550 Capitol St. NE | Salem,  
OR 97301  
Phone: 503-302-0267  
Stay connected!
Morning Katie,

I reviewed the solar project in relation to the military training/operating areas and the nearest MTR is the VR-1251 which is approx. 25nm from Bonanza, OR. The closest military equity is the Goose North MOA which is 7nm laterally and has a floor of 3000’AGL.

I have included LtCol Gaudinski and Todd Farmer in case I missed anything from the operational perspective.

Did ODOE do a review to see if this crossed military training areas? If not, I want to encourage the team to reach out and also encourage developers to reach out early on in the project development phase.

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

Hi Kimberly,

Just in case the .zip file didn’t make it through, I’ve attached the individual files themselves. Hopefully this works.

Katie
Good afternoon Kimberly,

Please find the shapefiles attached. Please confirm if this email and the attachment goes through. We sometimes have difficulty transmitting and receiving .zip files, so if I don’t hear from you I will try to transmit the files another way.

Katie

Katie Clifford
Senior Siting Analyst
Phone: 503-302-0267

Good Afternoon Katie,

Can you please forward the shapefiles for the Bonanza project? I would like to review and map the location in relation to military utilized airspace. In looking at the map it looks like it is close but it’s hard to say.

Thank you.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: Oregon Department of Energy <ODOE@cd.energy.oregon.gov>
Sent: Tuesday, September 29, 2020 1:00 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Subject: [EEMSG: Marketing][Non-DoD Source] Email Summary of Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility
Email Summary of Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

Description:

Hecate Energy Bonanza LLC (a wholly owned subsidiary of Hecate Energy NAF LLC) submitted to the Oregon Department of Energy a Notice of Intent to submit an application for site certificate to construct and operate the Bonanza Energy Facility. The proposed facility would be a photovoltaic (PV) solar power generation facility with a generating capacity ranging between 150 megawatts (MW) and 300 MW (depending on the solar module technology selected at final design) that would be located on approximately 2,733 acres of private and federal land in Klamath County, Oregon near the town of Bonanza. The Oregon Department of Energy is accepting public comments on the Notice of Intent. Public comments are due by October 29, 2020.

The Department and applicant will host a public informational meeting on October 13, 2020 at 5:30 pm via WebEx. To participate, you may use one of the options below:

WebEx Link:
https://odoe.webex.com/odoe/onstage/g.php?MTID=ea1d74ea5185c111d90afdef86d73e131

By phone:
1-408-418-9388
Access Code: 173 675 5135

Additional Information:

Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility is available at https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BEF.aspx

Please contact the lead siting analyst if you have questions:
Katie Clifford, Senior Siting Analyst  
Oregon Department of Energy  
550 Capital Street NE  
Salem, OR 97301  
Phone: 503-373-0076  
Email: katie.clifford@oregon.gov

Additional resources to help you participate in the state siting process can be found at:  

You received this notice either because you previously signed up for email updates through  
GovDelivery/ClickDimensions related to specific siting projects, all Energy Facility Siting  
Council activities (the "General List") or Rulemaking activities. You may manage your  
subscriptions to updates on various ODOE and Energy Facility Siting Council projects by  
logging in to our ClickDimensions page at: https://tinyurl.com/ODOE-EFSC. If you have any  
questions or comments about ClickDimensions please feel free to contact  
michiko.mata@oregon.gov

Oregon Department of Energy  
Leading Oregon to a safe, equitable, clean, and sustainable energy future.

The Oregon Department of Energy helps Oregonians improve the energy efficiency of their  
homes, provides policy expertise to prepare for Oregon’s future energy needs, staffs the  
Energy Facility Siting Council, provides technical and financial assistance to encourage  
investments in energy efficiency and renewable energy resources, promotes the cleanup of the  
Hanford nuclear site, and ensures state preparedness to respond to emergencies at energy  
facilities.
Good Afternoon Emilio,

Thank you for reaching out.

I’m glad we were able to touch base re the proposed project and military training/operating areas in the region.

Also, appreciate the updates as the project evolves.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

Hi Kim,

Thank you for the discussion this morning. Per our conversation, the Hecate project team will follow-up with more detailed information as we get further along with the site development. This will include sharing the site development plans, transmission line tower shape files and solar array glare analysis.

My contact information is provided below.

Regards,

Emilio Candanoza, P.E.
Jacobs
Project Manager
541.768.3509 direct
541.760.9416 mobile
emilio.candanoza@jacobs.com
Good morning,

The Department of Defense encourages Hecate to reach out to discuss the Bonanza Energy Facility. Please see the email thread below. Kim Peacher, Community Planning & Liaison Officer with the Navy, provided the attached figure showing the proposed facility in relationship to military airspace. It probably makes the most sense to call her first. For email, she cc’d other military contacts that should be included in email discussions.

Katie

Katie Clifford
Senior Siting Analyst
Phone: 503-302-0267

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Sent: Friday, October 2, 2020 12:29 PM
To: CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.Cornett@oregon.gov>; adam.j.gaudinski.mil@mail.mil; Farmer, Todd E NFG NG ORARNG (USA) (todd.e.farmer.nfg@mail.mil) <todd.e.farmer.nfg@mail.mil>
Subject: RE: Follow up re Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

Katie,

We encourage sharing the military contacts and the military overview with the developer. It would be great to loop in the developer.

Appreciate your support.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov>
Sent: Friday, October 2, 2020 11:58 AM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Cc: CORNETT Todd * ODOE <Todd.Cornett@oregon.gov>; adam.j.gaudinski.mil@mail.mil; Farmer, Todd E NFG NG ORARNG (USA) (todd.e.farmer.nfg@mail.mil) <todd.e.farmer.nfg@mail.mil>
Subject: [Non-DoD Source] RE: Follow up re Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

Good morning Kim,
Thank you for your review and the helpful figure. Would it be okay if I forwarded this to the Bonanza Energy Facility applicant?

Fortunately we are at the very first stage in the EFSC process (the Notice of Intent phase) so we are early on in the review, but we absolutely agree that the best practice is for ODOE to encourage developers to reach out early in the project development stage. At this point I’m working on gathering relevant GIS data to assist in ODOE’s review of the proposed facility. Once the ORESA tool is deployed that of course should contain helpful information for ODOE and developers.

Katie

Katie Clifford
Senior Siting Analyst
Phone: 503-302-0267

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Sent: Friday, October 2, 2020 10:16 AM
To: CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.Cornett@oregon.gov>; adam.j.gaudinski.mil@mail.mil; Farmer, Todd E NFG NG ORARNG (USA) (todd.e.farmer.nfg@mail.mil) <todd.e.farmer.nfg@mail.mil>
Subject: Follow up re Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

Morning Katie,

I reviewed the solar project in relation to the military training/operating areas and the nearest MTR is the V/R-1251 which is approx. 25nm from Bonanza, OR. The closest military equity is the Goose North MOA which is 7nm laterally and has a floor of 3000’AGL.

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Thank you.

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Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085

From: CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov>
Sent: Tuesday, September 29, 2020 2:07 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Cc: CORNETT Todd * ODOE <Todd.Cornett@oregon.gov>
Subject: RE: [EEMSG: Marketing][Non-DoD Source] Email Summary of Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

Hi Kimberly,
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Katie

Katie Clifford
Senior Siting Analyst
Phone: 503-302-0267

From: CLIFFORD Katie * ODOE
Sent: Tuesday, September 29, 2020 1:56 PM
To: 'Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)' <kimberly.peacher@navy.mil>
Cc: CORNETT Todd * ODOE <Todd.Cornett@oregon.gov>
Subject: RE: [EEMSG: Marketing][Non-DoD Source] Email Summary of Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

Good afternoon Kimberly,

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Katie Clifford
Senior Siting Analyst
Phone: 503-302-0267

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.peacher@navy.mil>
Sent: Tuesday, September 29, 2020 1:23 PM
To: CLIFFORD Katie * ODOE <Katie.Clifford@oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.Cornett@oregon.gov>
Subject: FW: [EEMSG: Marketing][Non-DoD Source] Email Summary of Public Notice of the Notice of Intent to Submit an Application for Site Certificate for the Bonanza Energy Facility

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**Additional Information:**

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Please contact the lead siting analyst if you have questions:

Katie Clifford, Senior Siting Analyst
Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301
Phone: 503-373-0076
Email: katie.clifford@oregon.gov

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**Oregon Department of Energy**

*Leading Oregon to a safe, equitable, clean, and sustainable energy future.*

The Oregon Department of Energy helps Oregonians improve the energy efficiency of their homes, provides policy expertise to prepare for Oregon’s future energy needs, staffs the Energy Facility Siting Council, provides technical and financial assistance to encourage investments in energy efficiency and renewable energy resources, promotes the cleanup of the Hanford nuclear site, and ensures state preparedness to respond to emergencies at energy facilities.
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October 23, 2020

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

RE: Comments on the Notice of Intent to Apply for a Site Certificate for Bonanza Energy Facility

Dear Katie:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW, The Department) on the Hecate Bonanza Energy, LCC’s (applicant’s) Notice of Intent (NOI) to Apply for a Site Certificate for the Bonanza Energy Facility in Klamath County.

A. Contacts

ODFW will be represented in this matter by myself (Tom Collom, District Wildlife Biologist) and Sarah Reif (Energy Program Coordinator). Contact Information is listed below. Future project documentation can be delivered electronically.

Tom Collom
1850 Miller Island Road, West
Klamath Falls, OR 97603
541-883-5732
thomas.r.collom@state.or.us

Sarah Reif
4034 Fairview Industrial Drive, SE
Salem, OR 97302
503-947-6082
sarah.j.reif@state.or.us

B. Comments on the NOI

General Comments

Please find below a listing of the most applicable statues, administrative rules and policies administered by the ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and administrative rules.
Oregon Revised Statutes (ORS)

- ORS 496.012 Wildlife Policy
- ORS 506.036 Protection and Propagation of Fish
- ORS 496.171 through 496.192 Threatened and Endangered Wildlife and Fish Species.
  - A listing of State and Federal threatened, endangered and candidate species can be found on ODFW’s website at: http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp
- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy ORS 509.140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways: Screening Devices.
  - A listing of requirements under ODFW's Fish Passage Program can be found on ODFW's website at: http://www.dfw.state.or.us/fish/passage/

Oregon Administrative Rules (OAR)

- 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
- 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 Policy goal for Category 1 habitat is no loss of either habitat quantity or quality via avoidance of impacts through development alternatives, or an ODFW recommendation of no authorization of the proposed development action if impacts cannot be avoided. Categories 2-4 are essential or important, but not irreplaceable habitats. Category 5 habitat is not essential or important habitat, but has a high restoration potential. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project, provide justification for each habitat category selection, and provide an appropriate mitigation plan. All aspects are subject to ODOE and ODFW review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.

ODFW also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-022-040, 060 and 070.

Specific Comments

The Department recognizes that the project area falls within mapped ODFW Big Game Winter Range habitats (Oregon Department of Fish and Wildlife 2013 Big Game Winter Habitat White Paper - attached). All areas mapped as big game winter ranges are deemed to be sensitive, critical to the species, and limited in geographical size and scope. In alignment with the avoid-minimize-mitigate hierarchy of the ODFW Fish and Wildlife Habitat Mitigation Policy (OAR 635, Division 415; hereafter, ODFW mitigation policy), the Department recommends that all efforts be made to evaluate relocation of the project to areas outside those designated as big game winter range habitats. In lieu of avoidance, minimization of impacts to wintering big game is recommended, which might include construction timing restrictions, road density restrictions, and standards associated with the design of the facility itself (primarily as that relates to
exterior fencing). In addition, as discussed previously with the applicant, mapped winter range habitats are considered Category 2 habitats per the ODFW mitigation policy. This categorization recommends that any removal of acreage from full functionality as winter range will be mitigated to meet the standard of no net loss, net benefit in habitat quantity and quality.

The Department requests that the applicant produce a vegetation map of the project area, including the PV solar facility as well as the 500-kV transmission line, verified by on-site ground-truthing. This will aid the Department in identifying potential wildlife issues in areas of development across the project area, and will be useful for categorization of habitats according to the ODFW mitigation policy.

The Department is not aware of any state threatened or endangered species that would be impacted by this project. The Department recommends the applicant use ODFW’s COMPASS mapping tool (https://www.dfw.state.or.us/maps/compass/index.asp) to produce a state sensitive species list for the project area to inform on-site wildlife and habitat surveys. On-site surveys will inform site layout to help avoid impacts, and inform habitat categorizations per the ODFW mitigation policy.

In particular, because the project footprint is along the Lost River the Department requests that the applicant survey for western pond turtle and assess potential impacts to western pond turtles and their habitats. Western pond turtles are on the state sensitive species list as well as an Oregon Conservation Strategy Species for the East Cascades Ecoregion (www.oregonconservationstrategy.org). In addition, greater sandhill cranes are known to use the Lost River area in Langell Valley for nesting and foraging. Greater sandhill cranes are on the state sensitive species list as well as a conservation strategy species for the East Cascades Ecoregion. The Department requests the applicant survey for greater sandhill cranes and assess potential impacts to cranes and their habitats.

The Department recommends that raptor nest surveys be completed within a 0.5 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. Additionally, the Department recommends the applicant consult with the US Fish and Wildlife Service on any potential impacts to eagles and raptors (US Golden and Bald Eagle Protection Act, US Migratory Bird Treaty Act). 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:

<table>
<thead>
<tr>
<th>Species</th>
<th>Spatial Buffer</th>
<th>Seasonal Restrictions</th>
<th>Release Date if Unoccupied</th>
</tr>
</thead>
<tbody>
<tr>
<td>bald eagle</td>
<td>0.5 mile</td>
<td>Jan 1 – Aug 31</td>
<td>31-May</td>
</tr>
<tr>
<td>ferruginous hawk</td>
<td>0.25 mile</td>
<td>Mar 15 - Aug 15</td>
<td>31-May</td>
</tr>
<tr>
<td>golden eagle</td>
<td>0.5 mile</td>
<td>Feb 1-Aug 15</td>
<td>15-May</td>
</tr>
<tr>
<td>red-tailed hawk</td>
<td>300-500 ft</td>
<td>Mar 1-Aug 15</td>
<td>31-May</td>
</tr>
<tr>
<td>prairie falcon</td>
<td>0.25 mile</td>
<td>Mar 15 - July 1</td>
<td>15-May</td>
</tr>
<tr>
<td>Swainson's hawk</td>
<td>0.25 mile</td>
<td>April 1 - Aug 15</td>
<td>31-May</td>
</tr>
<tr>
<td>short-eared owl</td>
<td>0.25 mile</td>
<td>April 1 - Aug 15</td>
<td>15-May</td>
</tr>
</tbody>
</table>
The Department requests that the applicant provide a detailed plan for monitoring and treatment of invasive and noxious plant species within the project area. Klamath County weed species lists are available from the Klamath County Weed Program.

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 ODFW mitigation policy (in particular, see OAR 635-415-0020 (8)) and the Energy Facility Siting Council's Fish and Wildlife Habitat Standard (OAR 345-022-0060).

The Department appreciates the opportunity to comment on this NOI and looks forward to working with the ODOE and the applicant on this proposed project.

Respectfully,

Tom Collom
District Wildlife Biologist
Klamath Watershed District

cc: Jon Muir, Sarah Reif, Trevor Watson
October 29, 2020

Ms. Katie Clifford
Oregon Dept of Energy
550 Cappitol St NE
Salem, OR 97301

RE: SHPO Case No. 20-1524
ODOE EFSC Project 87066, Bonanza Energy Facility
Solar facility with transmission line, battery storage and supporting facilities
None provided see shapefiles, Bonanza, Klamath County

Dear Ms. Clifford:

We have reviewed the Notice of Intent (NOI) for the above solar project and provide the following with regard to historic, built resources.

A review of the project area itself indicates what may be standing structures within the project area. We request that all standing structures within the project area be identified, and those that are over 50-years old evaluated for eligibility for listing in the National Register of Historic Places, as a first step to avoiding adversely affecting historic built resources.

If you have any questions regarding the contents of this letter regarding the historic, built environment, please feel free to contact our office. Review for archaeological resource identification is underway, and you will receive response from our office regarding that aspect of the cultural resources review by separate letter.

Sincerely,

[Signature]

Robert Olguin
National Register Program Coordinator
(503) 986-0668
Robert.Olguin@oregon.gov
November 24, 2020

Katie Clifford, Senior Siting Analyst
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: Notice of Intent Comments: Bonanza Energy Facility, Hecate Energy Bonanza LLC

Dear Ms. Clifford:

Thank you for including Klamath County in your early notification of the proposed Bonanza Energy Facility. Klamath County understands that this project is in the beginning stage of seeking approval and at this time, the applicant and Department of Energy are generating a list of concerns. It our understanding this facility will be approximately 1,851 acres consisting of a solar array, and battery storage system, plus all the accessory uses and equipment to make the project work. Overall the project is 2,700 acres. The project is located 1 mile from the City of Bonanza in the Langell Valley. Below are some background information and general concerns that need to be addressed in an application if submitted. Some of these concerns are not directly tied to a specific criterion, but these concerns are never the less important to the residents of the Langell Valley and the Citizen of Klamath County.

Langell Valley is an agricultural valley consisting mainly of cattle ranches and forage production. This valley has been settled and farmed for years. Many of the farms have been passed down for generations. The development of solar array may disturb the quality of life in the valley for those farming and ranching families by affecting the aesthetic of the valley. How does the applicant proposed not only to mitigate but to enhance the quality of life for the residents of the Langell Valley?

Langell Valley is high-density deer winter range and mapped as crucial deer winter range. The protection of the deer winter range is critical to maintain a stable population of deer. The removal of 2,700 acre of habitat will have an affect on the deer herd in the area. How does the applicant propose not only to mitigate but to enhance the Deer Habitat?

Langell Valley is also home to many other wildlife species including those that are not protected such as badgers and squirrels. Has a study been conducted to determine what other wildlife species will be affected, and how those effects can be mitigated?
The soils on the subject tract of land consist of soils ranging from class 2 to 7. Soils in class 2 thru 4 are the most productive soil in the valley. There is a concern with the removal of these soil from agriculture production. How is the applicant proposing to develop this project and have these productive soils remain in agricultural production?

The subject tract of land is in the Horsefly Irrigation District, and receives irrigation water from the District. If irrigation water is not used on the subject tract of land in a beneficial manner or the use of the irrigation water is not transferred to another property, the water rights to the Horsefly Irrigation District may be injured. How does the applicant propose to manage the irrigation water right applied to the subject tract of land by Horsefly Irrigation District?

Klamath Falls is home to the 173rd Fighter Wing of the Oregon National Guard whose mission is to train pilots on the F-15 and various other aircraft. There are flight paths throughout Klamath County. The 173rd is the third largest employer in Klamath County, so it is imperative that the 173rd mission is not compromised. Will the proposed project be compatible with the 173rd mission?

Langell Valley was used by Native People. Will this project disturb archeological sites?

The review of an application will be conducted by Erik Nobel, Planning Director, 305 Main Street, Klamath Falls, OR 97601; Phone 541-851-3648 in coordination with the Klamath County Public Works Department. The County review will be reviewing the County’s Comprehensive Plan, Land Development Code and Public Works Standards.

Klamath County has not adopted any local ordinances that differ from state laws in regards to process or criterion for Goal 3 or Goal 4 exception, or standards regarding the siting of Solar Facilities.

The criteria for approving a Solar Power Generating Facility on land zoned EFU are found in Klamath County Land Development Code Article 54.075(C) which states in section 54.075(C)(6): for high valued farmland described in ORS 195.300(10) a solar facility shall not preclude more than 12 acres for use.... unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. And section 54.075(C)(7) for arable lands, a photovoltaic solar power generation facility shall not preclude 20 acres from use..... unless a exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

The subject property of the proposed project consists of soils 2 thru 4, which are arable high valued farmland, the County would expect an application to demonstrate compliance with goal exception criteria ORS 197.732 and OAR chapter 660 division 4.

In determining compliance with ORS 197.732, Klamath County will rely heavily on ORS 197.732(2)(c)(B) – Area that do not require a new exception cannot reasonably accommodate the use, and OAR 660-004-00200(2)(b) – “Areas that do not require a new exception cannot reasonably accommodate the use”. Within an application, the county expects a robust alternative sites analysis of other potential area in which a solar facility could be placed without an exception.
With a project this big, the County expects the applicant to review the entire County for potential alternative locations. For example, approximately 25 mile north of the proposed project site is an area referred to as Knot Table Land. Knot Table Land is a large plateau with shallow soils (class 7). The area is poor rangeland and wildlife habitat. The Knot Table Lands Area is zoned Non-Resource which would permit the proposed solar facility without an exception. Approximately 3 miles to the east of Knot Table Lands is the same electrical transmission line the proposed project plans to connect with. This is just one example. There may be several other areas within Klamath County that are low quality agriculture, or forestry land that have low quality wildlife habitat that can accommodate the subject project.

An application will be reviewed against Klamath County Land Development Code Chapter 70 which is Public Work Development Standards. Chapter 70 addresses road design, drainage, and utilities. The applicant may need to obtain a right of way permit to conduct work into the right of way. Klamath County is concerned with damage to the existing roads during the construction of the project. The applicant will need to document the condition of the road in the area and agree to return the road to the same or better condition after construction of the project. A drive way permit will be required for any new driveways being proposed.

Klamath County looks forward to working with the Department of Energy on this project if it moves forward.

If you have any questions, please feel free to contact our Planning Director at 541-851-3648 or by email ENoebel@klamathCounty.org.

Sincerely,

Donnie Boyd
Commissioner

Kelley Minty Morris
Chair

Derrick DeGroot
Vice Chair
Please view the attached document pertaining to NWP-2020-393. Direct all inquiries and comments to the Project Manager listed below.

Anita Andazola, Project Manager
U.S. Army Corps of Engineers
Portland District, Eugene Regulatory Branch

Contact me at:
211 East Seventh Avenue, Suite 105
Eugene, Oregon 97401-2722
541-465-6894
anita.m.andazola@usace.army.mil

Portland District Regulatory Program:
Ms. Katie Clifford  
Oregon Department of Energy  
550 Capitol Street NE  
Salem, Oregon 97301  
Katie.Clifford@oregon.gov

Dear Ms. Clifford:

The U.S. Army Corps of Engineers (Corps) has received your request to provide comments and identify regulatory requirements administered by the Corps regarding a Notice of Intent (NOI) submitted to your office by Hecate Energy Bonanza LLC (Hecate). The proposed project is the Bonanza Energy Facility near Bonanza, Klamath County, Oregon. The 1,851 acre solar facility would include collector lines, power conversion stations, a facility substation, 500 kilovolt (kV) generation tie transmission line, point of interconnection, operation and maintenance building, service roads and access roads, construction areas, and a maximum 1,100 megawatt (MW) 91 acre battery storage system.

Your letter identifies five information requests:

1. The point of contact for any application from Hecate Energy Bonanza LLC in Klamath County is Anita Andazola. Ms. Andazola can be reached at 541-465-6894 or via email at anita.m.andazola@usace.army.mil. The office address is 211 East 7th Avenue, Suite 105, Eugene, Oregon 97401-2763. The Regulatory Branch has been accepting electronic applications since 2016.

2. We have reviewed the Notice of Intent pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act (RHA). Under Section 404 of the CWA, the Corps regulates the discharge of dredge or fill material into waters of the United States. Under Section 10 of the RHA, the Corps regulates work in or affecting navigable or historically navigable waters of the United States.

The Lost River and its tributaries are not regulated under Section 10 of the RHA therefore, based on the maps included in the Draft Plan-EA, it appears a Section 10 Department of the Army (DA) permit would not be required for the Project.

Section 404 of the CWA, 33 U.S.C. § 1344, prohibits discharges of dredged or fill material into waters of the United States, including adjacent wetlands, unless the work has been authorized by a DA permit or has been determined by the Corps to
be exempt from regulation under Section 404. The Navigable Waters Protection Rule (NWPR), which became final on June 22, 2020, defines the limits of jurisdictional waters.

The following three paragraphs discuss Corps jurisdiction and NWPR elements that may apply to the Project and which are provided to assist in project planning and to assist in minimization of impacts to jurisdictional waters.

The NWPR defines a “tributary” as a naturally occurring surface water channel that contributes surface water flow to the territorial sea or to waters which currently are used, were used, or may be susceptible to use in interstate or foreign commerce (including waters subject to the ebb and flow of the tide). A tributary would not lose its jurisdictional status if it contributes surface water flow to downstream jurisdictional waters in a typical year through a channelized, non-jurisdictional surface water feature, a culvert, dam, tunnel or similar artificial feature, a debris pile or boulder field or through any other excluded feature under paragraph b of the NWPR (33 CFR 328.3(b)).

The term “tributary” would also apply to any ditch that is either a relocated tributary, is constructed in a tributary, or is constructed in an adjacent wetland as long as the ditch is perennial or intermittent and contributes surface water flow to a Traditional Navigable Water (TNW) or territorial seas in a typical year. A ditch may also be considered an adjacent wetland where a ditch was constructed in an adjacent wetland that contributes less than perennial or intermittent flow to a territorial sea or traditional navigable water in a typical year and meets the definition of wetlands and adjacent wetlands of the NWPR.

Prior to or concurrent with an application to the Corps, we encourage you to submit a wetland and other waters delineation. The delineation must be prepared in accordance with the Corps of Engineers Wetland Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0 (2008). The wetland delineation report must include a map of the delineated wetlands, data sheets, description of vegetation, hydrology, and soils in wetland and upland areas, and a rationale on how the wetland boundaries were determined.

The NOI states that coordination with the Corps would occur prior to implementation of each site-specific project to ensure the proposed action either meets exemption criteria or that proper authorizations are obtained.

3. The applicant should be aware of 33 CFR 325 in its entirety as it provides what is required in all applications, alternatives evaluation criteria, treatment of related activities
and the scope of analysis for individual projects. In addition, you can find additional information on applications and our program at the website listed below.

4. The project would require review by the Oregon Department of Environmental Quality (DEQ). Review would also likely be required under Section 106 of the National Historic Preservation Act (NHPA) and may require field surveys. If an application is submitted, the Corps would also notify several Native American tribes for their comments on any proposed activity. The project would require consultation with the U.S. Fish and Wildlife Service for Endangered Species Act (ESA) compliance. There are no fish species regulated by the National Marine Fisheries Service in the areas above Iron Gate Dam at this time.

The Corps will consider the need for compensatory mitigation based on the 2008 Mitigation Rule (33 CRF part 322), depending on the extent of impacts to aquatic habitat and function. Should the applicant need to provide compensatory mitigation for unavoidable impacts, the applicant is encouraged to reach out to the Corps for details on development of a plan.

5. As outlined above, the Corps administers Section 404 of the Clean Water Act. This would be applicable to the construction of the facility. The Corps does not directly regulate the operation of energy generation facilities. A description of our program and information on obtaining authorization, please visit: https://www.nwp.usace.army.mil/Missions/Regulatory/.

I encourage coordination with my staff regarding the applicability of the Corps jurisdiction and authority over non-exempt activities associated with your Project. If you have any questions, please contact Ms. Anita Andazola at the letterhead address, by telephone at (541) 465-6894, or email anita.m.andazola@usace.army.mil.

Sincerely,

William D. Abadie
Chief, Regulatory Branch
Attached is a letter to be submitted as public comment. Thank you, Cheri.

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Town of Bonanza
Phone: 541.545.6566
Fax: 732.453.7252
Betty Tyree
Mayor, Town of Bonanza

10/27/2020

31847 Mission Street
Bonanza, OR 97623

RE: Hecate Energy Bonanza LLC and Bonanza Energy Facility

Dear Katie Clifford and Oregon Department of Energy:

I am writing to urge you to deny the application for The Bonanza Energy Facility with Hecate Energy Bonanza LLC, a wholly owned subsidiary of Hecate Energy NAF LLC. As Mayor of The Town of Bonanza for almost 40 years, I have historical knowledge of Bonanza and the outlying areas including the area in Langell Valley where The Bonanza Energy Facility is proposed.

Currently, Bonanza is surrounded by one solar facility to the north of us on McCartie Lane; another solar field to the west approximately 10 miles; and one more facility 15 miles to the south of Bonanza. I personally do not see the need for yet another facility in our rural area this close to the Town of Bonanza especially one of this size.

The Town of Bonanza has a history of ground water shortage since the 1990's and during dry, hot weather the ground water is in even more jeopardy. All residents in the Town of Bonanza are on their own independent wells and are dependent on the ground water to supply those wells. Our town is approximately 20 miles east of Klamath Falls and is a small rural community with a population of 415 with no financial means to install a centralized water system. My concern is that the enormous amount of water needed for construction and operation of this facility outlined in their Notice of Intent to Apply for a Site Certificate, combined with the farming and agricultural purposes
that require irrigation water will limit our natural springs, and lower the ground water, contaminating personal wells.

I see no benefit in a facility that will take away prime farming and agricultural land that has historically had the same water shortage problems in the past that the Town of Bonanza has had.

I stand in support of our neighbors in Langell Valley who are at risk of loss of land value, the damage to the natural wetlands, the depletion of our beautiful rural scenery, and of course the limited water resources.

Sincerely,

[Signature]

Betty Tyree
Mayor, Town of Bonanza