



Oregon

Kate Brown, Governor



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September 27, 2021

Matt Hutchinson, Senior Permitting and Environmental Manager
Avangrid Renewables, LLC, 1125 NW Couch Street, Suite 700
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*Sent via email: brian.walsh@avangrid.com; matthew.hutchinson@avangrid.com;
carrie.konkol@tetrattech.com*

RE: Determination on Type B Review Amendment Determination Request for Bakeoven Solar Project, Request for Amendment 1 of the Site Certificate

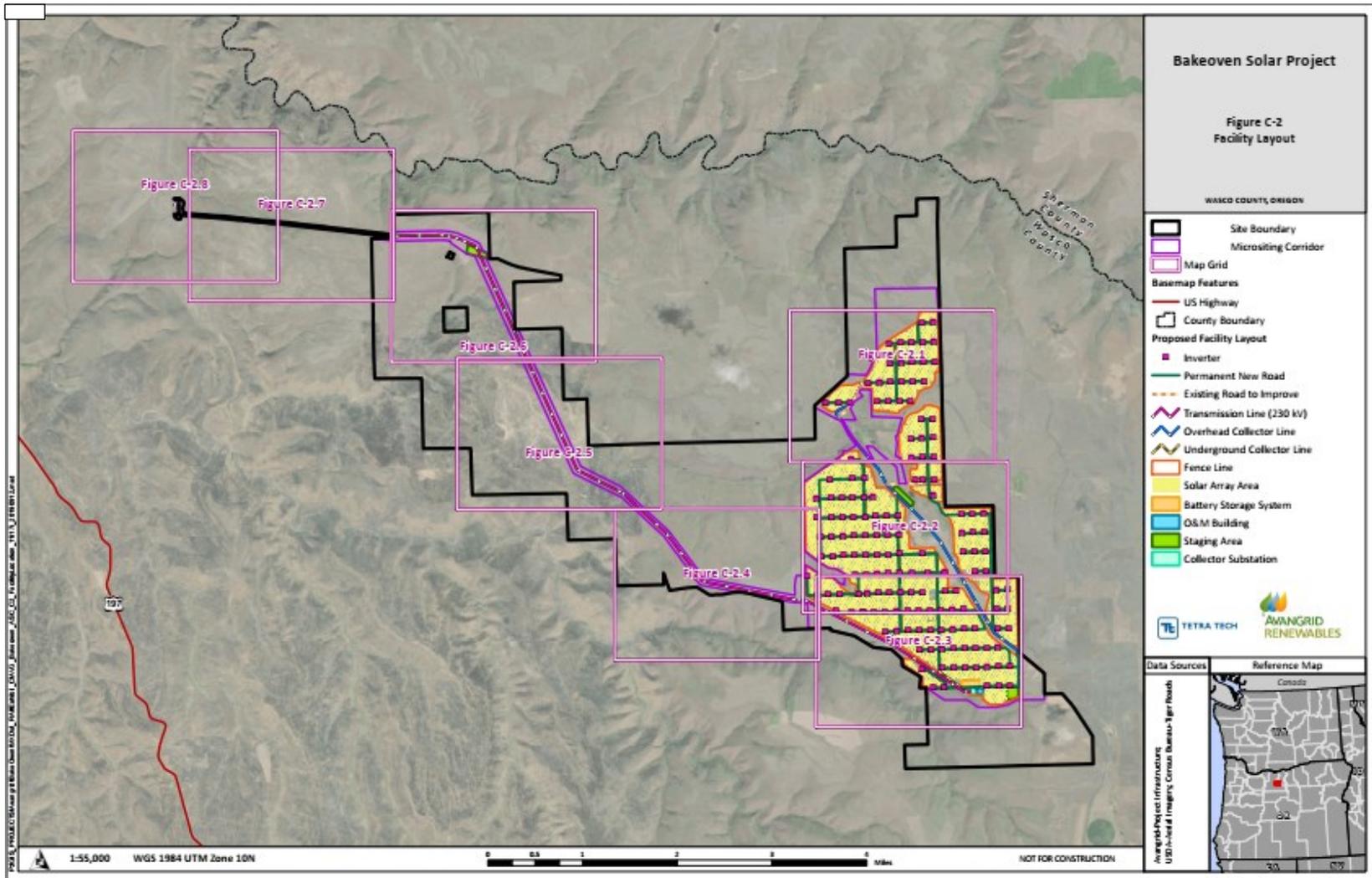
Dear Mr. Hutchinson,

The Oregon Department of Energy (Department) concludes that the Type B Amendment review process is justified for Boardman Solar Energy Request for Amendment 1.

On June 11, 2021 the Department received preliminary Request for Amendment 1 of the Bakeoven Solar Project Site Certificate (pRFA1 or preliminary amendment request), inclusive of a Type B Review Amendment Determination Request (Type B Review ADR) from Bakeoven Solar, LLC (certificate holder). The Department's evaluation of pRFA1 completeness will be issued under separate cover. When determining whether to process an amendment request under Type B review, the Department may consider, but is not limited to, the factors identified in OAR 345-027-0357(8). As is referenced in the pRFA1 Type B Review ADR, the certificate holder requests that the Department consider the information contained in pRFA1 to substantiate the evaluation of the OAR 345-027-0357(8) factors.

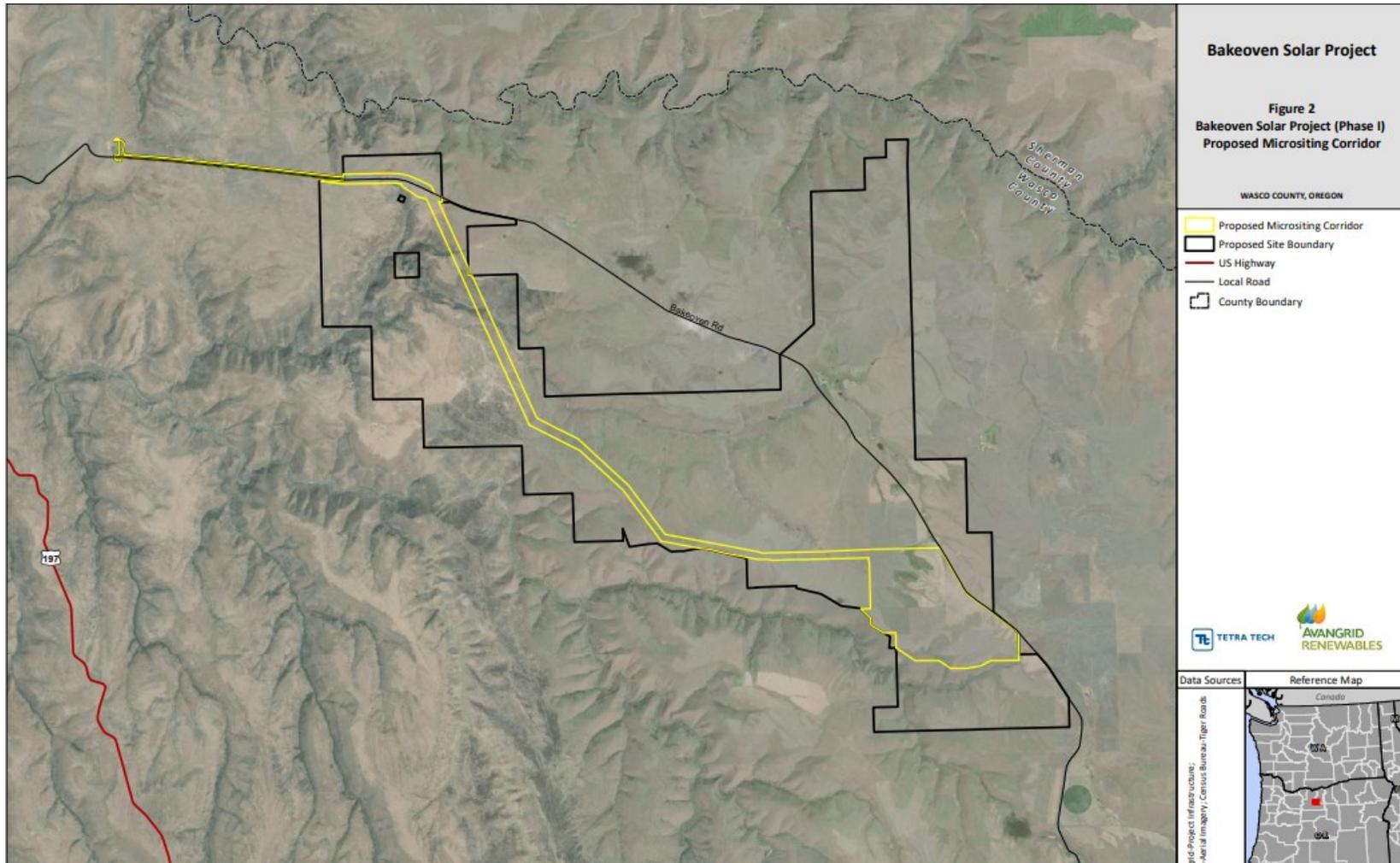
In pRFA1, the certificate holder seeks Energy Facility Siting Council (EFSC) approval to split the previously approved site certificate, including 303 megawatts (MW) of solar photovoltaic energy generation equipment and related or supporting facilities, into an amended and two original site certificates but does not propose any physical changes to the approved facility or an expansion to the site boundary. Each of the three facilities would have separate certificate holders, under the existing certificate holder owner, Avangrid Renewables, LLC. The Department provides descriptions and figures to demonstrate the proposed allocation of previously approved facility components, within previously approved micrositing area and site boundary, across an amended and two original site certificates, below.

Bakeoven Solar Project, as approved: 303 MW solar photovoltaic energy generation facility within 4,160 acres (6.5 sq. miles) of micro-siting area (dark purple outline), located within 10,640 acre site boundary (black outline). Bakeoven Solar, LLC is the certificate holder.



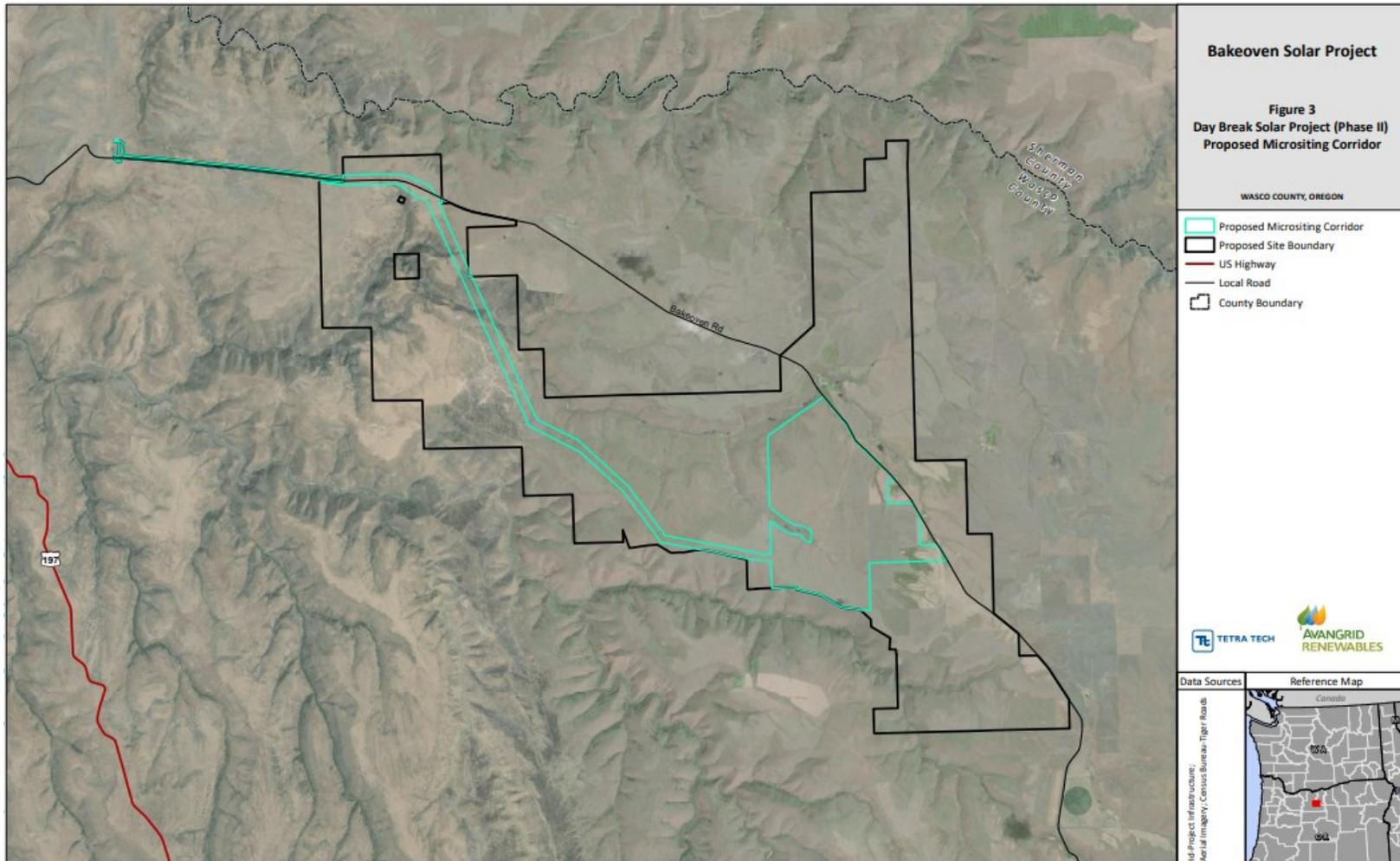
Bakeoven Solar Project, as proposed to be amended: 60 MW solar photovoltaic energy generation facility within 1,270 acres (1.9 sq. miles) of previously approved micrositing area (yellow outline), located within the previously approved site boundary (black outline). The existing certificate holder, Bakeoven Solar, LLC, would be maintained.

Figure 1: Bakeoven Solar Project – Site Boundary and Micrositing Area



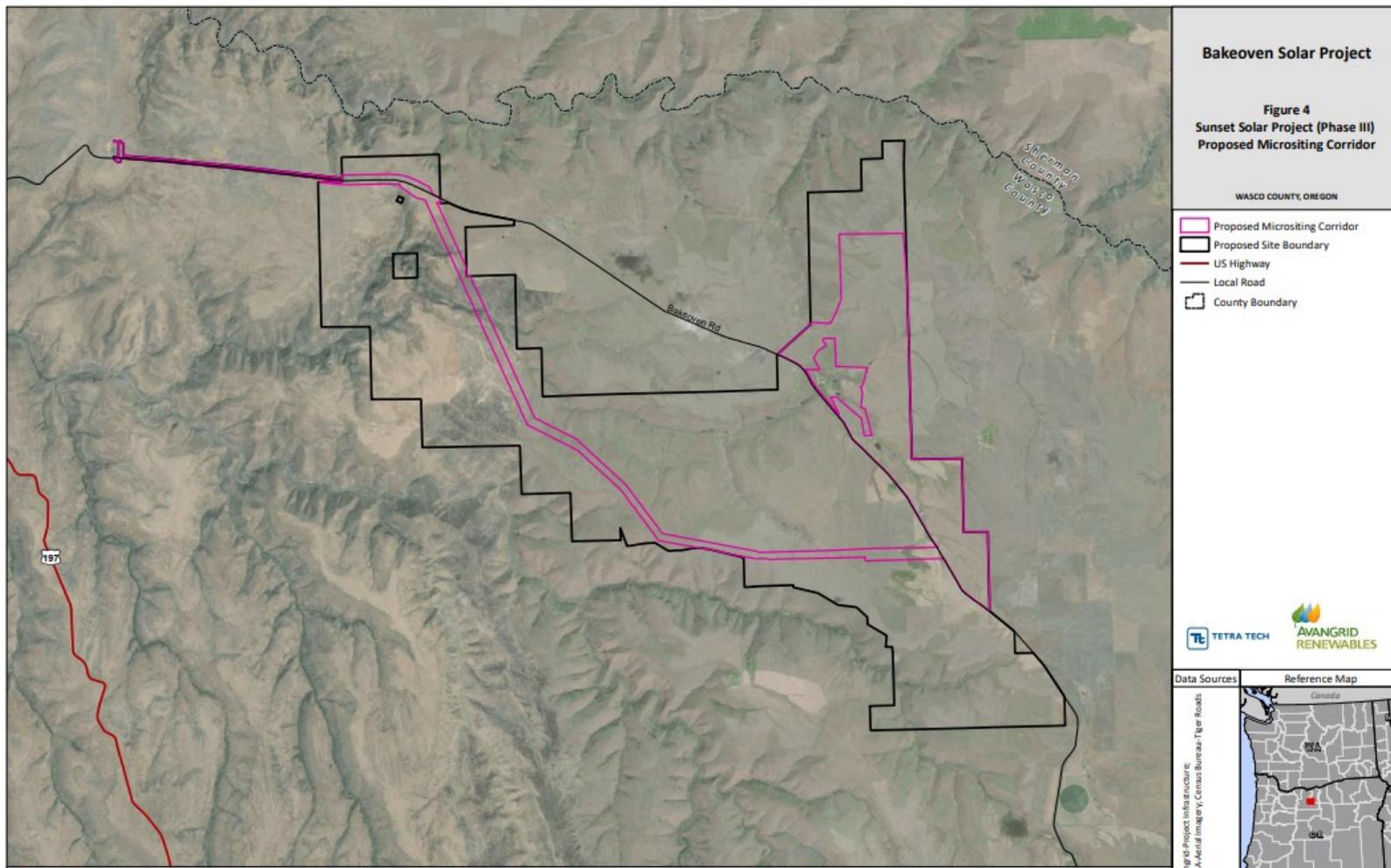
Day Break Solar Project, proposed, new original site certificate: 140 MW of solar photovoltaic energy generation equipment within 1,818 acres (2.8 sq. miles) of previously approved micrositing area (blue outline), located within the previously approved site boundary (black outline). A new certificate holder is proposed – Day Break Solar, LLC, owned by the existing certificate holder owner, Avangrid Renewables, LLC.

Figure 2: Day Break Solar Project Map



Sunset Solar Project, proposed, new original site certificate: 103 MW of solar photovoltaic energy generation equipment within 2,196 acres (3.4 sq miles) of previously approved micrositeing area (pink outline), located within the previously approved site boundary (black outline). A new certificate holder is proposed – Sunset Solar, LLC., owned by the existing certificate holder owner, Avangrid Renewables, LLC.

Figure 3: Sunset Solar Project Map



Considerations for Determining Whether to Process an Amendment Request as Type B Review

OAR 345-027-0357(8) provides a non-exhaustive list of factors the Department may consider in determining whether to process an amendment request under Type B review. When evaluating whether Type B review is warranted, the Department may consider these factors individually or in combination along with information provided in the preliminary amendment request, if submitted in tandem.

The listed factors are evaluated as follows:

(a) The complexity of the proposed change;

The certificate holder requests that the Department consider the proposed facility and site certificate splits in pRFA1 to be non-complex because the proposed allocation of facility components was presented in the Application for Site Certificate (ASC) and aligns with previously represented phases of construction. The certificate holder explains that, therefore, the proposed changes are administrative in nature and notes that pRFA1 does not propose expansion of the approved site boundary or micrositing corridors; or changes to energy generating or storage technology, construction deadline extensions, or substantive changes to site certificate conditions.

The certificate holder proposes the following site certificate condition amendments to align with the allocation of facility components across an amended and two original site certificates:

- Introductory language of preconstruction conditions is proposed to be amended to remove reference to phases (I, II, III) and replaced with “facility, facility component or phase.”
- Condition PRE-RT-02 is proposed to be amended to reflect the updated decommissioning costs for the three phases/facilities as well as update the estimate quarter and year to Q2 2021.
- New Condition GEN-GS-07 is proposed to clarify the shared related or supporting facilitates and decommissioning requirements associated with each facility.

Evaluation

The Department notes that even where a proposed change is not technologically complex, there may be complexity in conducting the evaluation of applicable facts and law. Based on review of the facts and applicable law, the Department anticipates a low level of complexity in assessing the proposed new certificate holders (Organizational Expertise), proposed condition to share ownership responsibility of related or supporting facilities, and changes in decommissioning amounts and bonding requirements for the proposed amended and new site certificates. Based on experience in the evaluation of similar site certificate amendment

requests, the Department considers that this low level of complexity is a supporting factor to justify the Type B review process.

(b) The anticipated level of public interest in the proposed change;

The certificate holder requests that the Department consider the potential level of public interest in RFA1 to be low because the proposed changes are administrative in nature and would not modify the site boundary or technologies already reviewed by the public and Council. The certificate holder notes that any public interest would likely be in support of the amendment, similar to public comments on the ASC.

Evaluation

When assessing the public interest factor, the Department considers whether previous Council proceedings for the subject facility or other similar facilities included comments raising issues related to the changes proposed. During the comment period on the Draft Proposed Order (DPO) on the Application for Site Certificate (ASC) for the Bakeoven Solar Facility that closed on February 25, 2020, the Department received 11 comments from the public and two reviewing agency comments. The majority of the public comments were in favor of the facility and the comments that voiced concerns were addressed in the Proposed and Final Orders. No petitions or request for a contested case proceeding were received by the Hearing Officer by the April 20, 2020 deadline and the contested case proceeding on the March 20, 2020 Proposed Order concluded on April 22, 2020. For other site certificate amendments of similar scope, the Department and Council have received minimal comments on the record of the DPOs.¹

Based on the low level of participation during the review of the ASC and on previous amendments of similar scope, the Department anticipates there to be a low level of public interest in RFA1. The Department considers that the anticipated low level of public interest is a supporting factor to justify the Type B review process.

(c) The anticipated level of interest by reviewing agencies;

The certificate holder requests that the Department consider the potential level of reviewing agency interest in RFA1 to be low because, as noted above, modifications to the site boundary or facility components are not proposed.

Evaluation

The reviewing agencies that participated in the review of the ASC by commenting on the DPO were Wasco County Board of Commissioners as the Special Advisory Group (SAG) and the

¹ Request for Amendment 5 of Wheatridge Wind Energy Facility; Request for Amendment 2 of the Wheatridge Renewable Energy Facility I; and Request for Amendment 5 of the Montague Wind Energy Facility.

Oregon Department of Fish and Wildlife (ODFW). Their comments were addressed in the Proposed and Final Order.

The Department received comments from these reviewing agencies on RFA1; however, the comments were not substantive because the RFA1 is not making any substantive changes to the approved facility and therefore their level of interest and the level of interest for other reviewing agencies who may provide comments would be low. The Department considers that the anticipated low level of reviewing agency interest is a supporting factor to justify the Type B review process.

(d) The likelihood of significant adverse impact;

The certificate holder requests that the Department consider there to be little likelihood of significant adverse impacts from the proposed changes.

Evaluation

The proposed changes would result in new impacts under the Council's Organizational Expertise and Retirement and Financial Assurance standards. The Department will evaluate and recommend findings of fact for the proposed new certificate holders and their ability to satisfy the referenced standards. However, because the proposed new certificate holders are owned by the existing certificate holder owner, the Department does not anticipate the outcome of this review to change the significance of previously evaluated impacts. Therefore, the Department agrees with the certificate holder's assertion that there is a low likelihood of significant adverse impacts from changes proposed in RFA1 and considers this a supporting factor to justify the Type B review process.

(e) The type and amount of mitigation, if any.

The certificate holder requests that the Department consider the changes proposed in pRFA1 not to result in new impacts or require new or different habitat mitigation.

Evaluation

The Department agrees that the changes proposed in pRFA1 would not result in changes to habitat type or quantity impacted or subsequent habitat mitigation requirements. However, because the term "mitigation" applies to numerous Council standards, and is not limited to the Fish and Wildlife Habitat standard, the Department also evaluates the certificate holder's proposed site certificate condition changes within the context of this factor. As described above, the certificate holder proposes a condition to address shared facilities, where the "mitigation" is a proposed shared use agreement to document ownership, control and responsibility of operations, maintenance and decommissioning. While the proposed condition represents a new and different type of mitigation from Council's previous evaluation, it is relatively limited in scope and scale and therefore would not represent a substantial reason to

maintain Type A review. The Department considers this a supporting factor to justify the Type B review process.

Amendment Type Determination

As presented in *Table 1: Type A Review – Factor Assessment*, the Department considers **Type B review appropriate** for RFA1 because it is not considered complex; there is a low level of anticipated public and reviewing agency interest; there is little likelihood of a significant adverse impact; and, there are no changes to required mitigation expected.

Table 1: Type A Review – Factor Assessment		
OAR 345-027-0357(8) Factors	Type A	Type B
(a) The complexity of the proposed change		X
(b) The anticipated level of public interest in the proposed change		X
(c) The anticipated level of interest by reviewing agencies		X
(d) The likelihood of significant adverse impact		X
(e) The type and amount of mitigation, if any		X

If there are any questions or comments, please feel free to contact me per the information below.

Sincerely,



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