

PUBLIC NOTICE

Oregon Trail Solar Facility

Request for Comments on the Complete Request for Amendment 1 and Draft Proposed Order

Notice Summary:

Notice Dates:

- Mail - December 22, 2022
- Email - December 23, 2022

Site Certificate Amendment Request: Extend the construction commencement and completion dates and amend Condition 50(b).

Facility Location: Gilliam County

Amendment Review Type: Type A

Recommendation: The Oregon Department of Energy Staff (Department) recommends that Request for Amendment 1 (RFA1) meets all required standards and should be approved by the Energy Facility Siting Council (EFSC or Council).

Public Comment Period: December 22, 2022 through January 19, 2023, at the close of the in person public hearing listed below, unless extended by Council.

In Person & Remote Public Hearing Information

Date: January 19, 2023
Start Time: 5:30 p.m.
End Time: 7:00 p.m.
Location: Hotel Condon (Conference Room)
202 S. Main Street
Condon, OR 97823

Webinar link:

<https://odoe.webex.com/odoe/j.php?MTID=m0dc3a039e4928ecc4c3c2d1bc3c767d0>

Webinar Event Number: 2336 649 4486

Webinar Event Password: EFSC (3372 from phone)

Teleconference: 408-418-9388

Teleconference Access code: 2336 649 4486

If using Webex, please use your full name to sign in to help staff manage public comments. Additional information will be provided at the hearing about

how to provide an oral comment using Webex features.

Facility Location: The facility site boundary is primarily located east and west of Highway 19, approximately 7.5 miles south of the City of Arlington.

A map of the facility site boundary is included in this notice. For detailed maps, please see RFA1 Figures 1 and 2 at <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/OTS.aspx> or visit our online mapping tool at <https://tinyurl.com/EFSCmap>.

Description of Facility (Approved): The Oregon Trail Solar Facility is an approved (September 25, 2020), but not yet constructed, energy facility to include any combination of wind and solar energy generation components not to exceed 41 megawatts (MW), including up to 16 wind turbines within an approximately 12,638 acre micrositing area or up to 1,228 acres of solar photovoltaic components. Facility components would be located within an approved 13,866 acre site boundary.

Description of Amendment Request:

The certificate holder seeks Council approval to amend Condition 25 to extend the beginning construction date by three years (from August 30, 2022 to August 30, 2025). This change also results in a three-year extension of the construction completion deadline from August 30, 2025 to August 30, 2028. The amendment request also seeks approval to amend Condition 50(b) to clarify that construction monitoring for cultural resources only be required during grading, trenching or drilling at depths 12 inches or greater, rather than during all ground disturbance extending 12 inches or more below ground surface.

EFSC Review Process:

The site certificate amendment process is a consolidated, comprehensive siting process. The certificate holder must demonstrate that the proposed amendment meets all applicable EFSC standards established under Oregon Revised Statute

(ORS) 469.501 and set forth in Oregon Administrative Rule.

Oregon Trail Solar Request for Amendment 1 Process Overview:

Request for Amendment of Site Certificate

The certificate holder filed a preliminary Request for Amendment 1 (pRFA1) for the OTS site certificate on August 19, 2022. Based on Departmental review and requests for additional information, and certificate holder responses, the Department notified the certificate holder that the pRFA was determined to be complete on December 14, 2022. A complete request for amendment (RFA1) was received on December 19, 2022 and has been reviewed by the Department. pRFA1 and the RFA1 are posted on the project webpage as described in the More Information section below and are available for review.

Draft Proposed Order Issuance

On December 22-23, 2022 the Department issued a Draft Proposed Order (DPO) on the RFA1. The DPO, ODOE's first evaluation for the amendment request, which includes findings of fact and consultations of law and conditions, and recommendations for amended conditions, recommends that Council approve the amendment request. The DPO is not a final order. The purpose of this DPO notice is to inform the public of an open comment period and a public hearing, with opportunities for in-person and remote participation.

Public Hearing and Comment Period

EFSC will hold the public hearing on the DPO on January 19, 2023 which will be both in person and remote. See in person meeting details and Webex login information on Page 1 of this notice for more details. The hearing will be conducted by EFSC.

During the hearing there will first be a brief overview by ODOE on the siting process, facility and requested amendment, followed by an overview of the hearing format and finally an opportunity to provide oral comments on the RFA1 and the DPO.

To raise an issue on the record of the public hearing, a person must raise an issue either in person at the public hearing, or in a written comment submitted after the date of this notice of the public hearing,

and received by ODOE before the record closes on January 19, 2023 at the end of the public hearing, unless extended by Council.

A person's failure to raise an issue in person or in writing on the record of the public hearing precludes the Council's consideration of whether to grant that person's subsequent contested case request.

Failure to raise an issue in person or in writing prior to the close of the record of the public hearing with sufficient specificity to afford the decision maker (EFSC), the Department, and the Certificate Holder an opportunity to respond to the issue precludes the Council from considering whether that issue justifies a contested case proceeding. To raise an issue with sufficient specificity, a person must present facts that support the person's position on the issue.

Written comments to be included on the record of the public hearing must be received by the comment deadline, submitted at the hearing, through ODOE's online comment portal described below or by mail, email or fax to:

Kathleen Sloan, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301
Email: kathleen.sloan@energy.oregon.gov
Fax: 503-373-7806
Phone: 971-701-4913

Written or oral comments may be submitted remotely or in-person at the public hearing, or via the online comment portal. EFSC will not accept or consider comments on RFA1 or the Draft Proposed Order on RFA1 after January 19, 2023; at the close of the public hearing.

Online Comment Portal

ODOE has an online portal for submitting comments on projects. The goal of the online comment portal is to provide members of the public with another convenient option to submit input on projects, and to provide additional resources that will enable meaningful participation in the Site Certificate approval process.

The comment portal can be accessed via the link below:

<https://odoe.powerappsportals.us/SitingPublicComment/>

To get started, choose a project from the drop-down menu. Only projects that have a comment period which is currently active will be listed. Choose your project, click "Next", and follow the instructions on screen. You will receive an email confirmation after submitting your comment.

ODOE also has a new docket system available which displays comments that have been submitted on Siting projects. Comments for this project will be posted to the docket and will normally be available to view within 3 business days of receipt. The docket can be accessed via the following link:

<https://odoe.powerappsportals.us/en-US/sitingdocket/>

Please note: All comments submitted to ODOE may be disclosed to the public, subject to Oregon Public Records Laws (ORS Chapter 192). Public comments may be available on the ODOE webpage for the Oregon Trail Solar Facility as an attachment to the Proposed Order on RFA1 to be issued at a later date.

Comment submission does not register your contact information to receive future notices. If you would like to receive notices for this facility or any other EFSC facility, and have not already done so, please follow the information in this notice to subscribe to the ClickDimensions email notification list as described below.

Council Review of the Draft Proposed Order

Following the close of the record of the public hearing on the DPO, and during a Council meeting, EFSC will review the DPO, comments received on the record of the DPO and provide any comments they have to ODOE.

Proposed Order

After EFSC has reviewed the Draft Proposed Order and considered all comments received on the record of the public hearing as described in this notice, ODOE will issue a Proposed Order. ODOE will evaluate the comments received on the record of the DPO as well as those by EFSC, and make any necessary changes to findings of fact, conclusions of

law and conditions. These will be reflected in the Proposed Order, ODOE's second evaluation of the proposed facility. The Proposed Order shall recommend approval, modification, or denial of the first amended site certificate.

Contested Case

Along with the issuance of the Proposed Order, ODOE will issue a notice of an opportunity to request a contested case to all persons who commented on the record of the public hearing of the Draft Proposed Order. To be eligible to participate in a Contested Case proceeding, a person must raise an issue either in person at the public hearing or in a written comment submitted between December 22, 2022 and January 19, 2023, the date the record closes, unless extended. Even if a person commented before January 19, 2023, that person must raise an issue(s), either via oral comment at the public hearing or in writing during the comment period to be eligible to participate in the Contested Case. Contested case requests must be submitted in writing to ODOE by a deadline that will be specified within that notice.

To properly raise an issue in a request for a contested case proceeding, the issue must be within the jurisdiction of EFSC and must be raised with sufficient specificity to afford EFSC, the Department and the certificate holder an opportunity to respond to the issue. The issue must raise a significant issue of fact or law that is reasonably likely to affect EFSC's determination that the facility, with the change proposed by the amendment, meets applicable laws and EFSC standards included in OAR Chapter 345 Divisions 22, 23, and 24.

For more information related to the Proposed Order process and Requests for Contested Case under Type A Review, see [Oregon Administrative Rule 345-027-0371](#).

The Siting Division Public Guide contains information on the EFSC process, including the contested case process.

To view this information on ODOE's website, please use the following link:

<https://www.oregon.gov/energy/facilities-safety/facilities/Documents/Fact-Sheets/EFSC-Public-Guide.pdf>

Final Order

Following the Contested Case proceeding, EFSC will issue a Final Order either approving or rejecting RFA1. If approved, an Amended Site Certificate will also be issued.

For more information relating to EFSC standards, please visit:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx>

Receipt of this Notice:

Please note that you may be receiving this notice for multiple reasons:

1. You own property within or adjacent to (within 500 feet) the property on which the facility is located. You will automatically receive all future notices on this facility.
2. You have requested to receive paper notices on the Oregon Trail Solar Facility. If you wish to be removed from this mailing lists, please contact Kathleen Sloan.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to the Oregon Trail Solar Facility or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions or by contacting ODOE.

More Information:

Please contact Kathleen Sloan, Senior Siting Analyst, at the email address or mailing address listed in this notice. More information about the facility and updates on the review process is available using any of the following options.

1) Oregon Department of Energy's webpage:

More details on Oregon Trail Solar Facility including the certificate holder's pRFA1, Type B Review Amendment Determination Request, ODOE's Type A Review Determination, complete RFA1, and ODOE's Draft Proposed Order are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/OTS.aspx>

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

<http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx>

2) Updates by email/mail:

Subscribe to ClickDimensions, a self-managed, automated email system that sends notices and updates on Oregon Trail Solar Facility as well as any or all other energy facilities and events under EFSC jurisdiction. For more information, please visit: <http://tinyurl.com/EFSC-email>. To receive notices by U.S. Mail, please contact Kathleen Sloan.

3) In hardcopy:

Hard copies of RFA1 and the DPO are available for public inspection at:

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Please contact Kathleen Sloan if you wish to arrange a time to inspect the RFA1 or DPO. Hard copies will be provided at reasonable cost upon request to the Department.

Accessibility information:

The Oregon Department of Energy is committed to accommodating people with disabilities. For review of the RFA1 or attendance at the public hearing, if you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov For any other accommodation needed to attend the public hearing, please contact ODOE as soon as possible so we may provide the accommodation.

Figure 1: Oregon Trail Solar Facility – Facility Location and Site Boundary

