

PUBLIC NOTICE



Obsidian Solar Center

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

Summary:

Notice Date: August 1, 2023

Site Certificate Amendment Request: Add approximately 169 acres to the site boundary to allow siting of a generation step-up (GSU) substation in an alternate location; and, increase length (2 miles to 3.2 miles) and voltage (115 kV to 138 kV) of aboveground transmission line.

Facility Location: North Lake County, Oregon

Amendment Review Type: Type A

Recommendation: The Oregon Department of Energy (Department) recommends that the changes proposed in Request for Amendment 1 (RFA1 or amendment request) comply with all required standards and should be approved by the Energy Facility Siting Council (EFSC or Council).

Public Comment Period: August 1, 2023 through August 24, 2023, at the close of the in person public hearing listed below, unless extended by Council.

In Person & Remote Public Hearing Information

Date: August 24, 2023
Start Time: 6:00 p.m. PDT
Location: Christmas Valley Parks and Recreation
57334 Christmas Tree Road
Christmas Valley, OR 97641

Webinar link:

<https://odoe.webex.com/odoe/j.php?MTID=m360ae064b35eb8b97b88bafcb5488dbf>

Webinar Number: 2330 916 5583

Webinar Password: EFSC (3372 from phones and video systems)

Join by Video System:

Dial: 23309165583@odoe.webex.com
You can also dial 173.243.2.68 and enter the webinar number.

Teleconference: +1-408-418-9388 (US Toll)

Teleconference Access code: 2330 916 5583

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.

Description of Facility (approved): Obsidian Solar Center is an approved solar photovoltaic (PV) energy generation facility with a nominal generating capacity of 400 megawatts (MW), located within a site boundary of approximately 3,921 acres (6.1 sq. miles). Approved related or supporting facilities include 50 MW of battery storage, a 34.5 kilovolt (kV) electrical collection system, up to four 1-acre collector substations, one 3-acre 115/500 kV GSU substation, 2 miles of 115 kV transmission line, up to 2 operations and maintenance building(s), supervisory control and data acquisition (SCADA) system, approximately 50 miles of internal/perimeter roads, and 7-foot-tall perimeter fencing.

Description of Changes Proposed in RFA1: Increase the site boundary from approximately 3,921 to 4,091 acres (increase of 169 acres) to allow siting of the GSU substation in an alternate location. Additionally, changes include increasing the voltage and length of the transmission line, from 115 to 138 kV and from 2 to 3.2 miles; and increasing the voltage of the electrical collection system from 34.5 to 138 kV.

Facility Location (approved): Lake County, approximately eight miles northwest of Christmas Valley. A map of the 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/OSC.aspx> or visit our online mapping tool at <https://geo.maps.arcgis.com/home/webmap/viewer.html?webmap=17c081fcb7fa43da87c13f8dca310e89&find=Obsidian%20Solar%20Center%20Amendment&mapOnly=true>

EFSC Review Process:

EFSC review is a consolidated, comprehensive permitting 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.

Obsidian Solar Center Request for Amendment 1 Process Overview:

Request for Site Certificate Amendment

Obsidian Solar Center, LLC, a wholly owned subsidiary of Obsidian Renewables, LLC (certificate holder) filed preliminary Request for Amendment 1 (pRFA1) on April 12, 2023. Based on the Department's review of pRFA1 and responses to its requests for additional information received, the Department notified the certificate holder that the amendment request was complete on July 28, 2023. A complete amendment request was received on August 1, 2023. RFA1 is available on the project webpage for review, as described in the More Information section below.

Draft Proposed Order Issuance

On August 1, 2023 the Department issued a Draft Proposed Order (DPO) on RFA1. The DPO, ODOE's first evaluation for the amendment request, includes recommended findings of fact, conclusions of law and recommends new and amended site certificate conditions, all of which are open for the public to comment on. The DPO recommends that Council approve the changes proposed in 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 RFA1 and the DPO on August 24, 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 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 August 24, 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 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, either at the hearing, 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

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 DPO on RFA1 after August 24, 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 EFSC 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 the 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 EFSC 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: 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 DPO 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, certificate holder responses, as well as comments from EFSC, and make any necessary changes to the Department's

recommended findings of fact, conclusions of law and conditions. These will be reflected in the Proposed Order, ODOE's second evaluation of whether the changes proposed in RFA1 comply with the applicable requirements. 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 DPO public hearing. 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 August 1, 2023 and August 24, 2023, the date the record closes, unless extended. 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 changes proposed in the amendment request, meets applicable laws and EFSC standards included in OAR Chapter 345 Divisions 22, 23, and 24. Under the Scope of Council's Review for RFA1, Council must determine whether the preponderance of evidence on the record supports the conclusion that the facility, with the proposed change, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change; and the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate. OAR 345-027-0375.

A ten minute video describing the Type A Amendment Contested Case threshold is available at <https://www.youtube.com/watch?v=uBBGGhRXHu8>.

For more information related to the Proposed Order process and Requests for Contested Case under Type A Review, see <https://tinyurl.com/OAR-345-027-0371>.

The Siting Division Public Guide contains information on the EFSC process, including the contested case process and is accessible via:

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

Final Order

Following the contested case proceeding, or the Proposed Order phase if no requests for a contested case are received and granted by EFSC, EFSC will issue a Final Order either approving or rejecting RFA1. If approved, an Amended Site Certificate will 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 Obsidian Solar Center. If you wish to be removed from this mailing list, please contact Kathleen Sloan.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to the Obsidian Solar Center 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 Obsidian Solar Center including RFA1 and ODOE's DPO are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/OSC.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 Obsidian Solar Center as well as any or all other energy facilities and events under EFSC jurisdiction. For more information, please visit:

<http://web.energy.oregon.gov/cn/a6n53/subscribe>

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 RFA1 or the DPO on RFA1. 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 RFA1 or the DPO 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: Approved and Proposed Amended Site Boundary

