Request for Amendment No. 1 to the Site Certificate for the Sunset Solar Project

Submitted to:

Oregon Department of Energy

April 24, 2025

Prepared for:

Sunset Solar, LLC

2701 NW Vaughn St., Suite 300
Portland, OR 97210

Prepared by:

TETRA TECH

Table of Contents

List of Tables

List of Figures

List of Attachments

Acronyms and Abbreviations

ASC	Application for Site Certificate
BESS	battery energy storage system
BMPs	Best management practices
BPA	Bonneville Power Administration
Council	Oregon Energy Facility Siting Council
dBA	A-weighted decibels
Department	Oregon Department of Energy
DEQ	Oregon Department of Environmental Quality
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMA	Habitat Mitigation Area
IPaC	Information for Planning and Consultation
kV	Kilovolts
MW	Megawatts
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O&M	Operations and maintenance
OAR	Oregon Administrative Rule
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statutes
RFPA	Rural Fire Protection Association
WCCP	Wasco County Comprehensive Plan
WCLUDO	Wasco County Land Use Development Ordinance

1.0 Introduction

Sunset Solar, LLC (Certificate Holder), a wholly owned subsidiary of Avangrid Power, LLC (Avangrid), holds the Site Certificate for the Sunset Solar Project (Facility) from the Oregon Energy Facility Siting Council (Council) to construct and operate the Facility in Wasco County, Oregon.[1] The Facility is approved to generate up to 103 megawatts (MW) of solar photovoltaic energy within 2,196 acres (3.4 sq. miles) of previously approved micrositing corridor.[2] This is the first Request for Amendment (RFA 1) for the Facility.

The Certificate Holder seeks the following change in this RFA 1 that requires an amendment pursuant to Oregon Administrative Rule (OAR) 345-027-0350: Condition GEN-GS-01 of the Facility Site Certificate identifies the construction beginning deadline as April 24, 2023; construction of the last facility deadline as April 24, 2025; and the construction completion deadline as April 24, 2026. The construction beginning deadline was met by the construction of shared facilities for Bakeoven Solar, Daybreak Solar, and Sunset Solar. The Certificate Holder seeks to extend the construction start and completion deadline of the Sunset Solar Project by three years, respectively. The Certificate Holder seeks to extend the construction start deadline from April 24, 2025, to April 24, 2028; and the construction completion deadline to three years from the construction start date. This proposed change requires an amendment under OAR 345-027-0350(3). As a part of this extension request, the Certificate Holder also seeks to reduce the site boundary to align with the proposed build-out and document for the record the areas now intended for construction.

The Facility is tied to the procedural history of the Bakeoven Solar Project as described in Section I of the Sunset Solar Project Site Certificate[3] and summarized below:

- **April 24, 2020 – Bakeoven Solar Project Site Certificate Issued.**[4] The original Bakeoven Solar Project Site Certificate was issued for up to 303 MW of solar photovoltaic energy generation within a site boundary of approximately 10,640 acres.

[1] Sunset Solar Project Site Certificate. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

[2] Bakeoven Solar Project Final Order for Amendment 1. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

[3] Sunset Solar Project Site Certificate. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

[4] Bakeoven Solar Project Site Certificate. April 24, 2020. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-Site-Certificate.pdf.

- **September 22, 2021 – Bakeoven Solar Project Request for Amendment 1 Submitted.**[5] The Certificate Holder filed a Request for Amendment 1 to request Council approval to split the previously approved site certificate into an amended site certificate for the Bakeoven Solar Project, a new original site certificate for the Daybreak Solar Project, and an original site certificate for the Sunset Solar Project. Each facility would have separate certificate holders, with Avangrid as the parent company for existing certificate holder.
- **November 19, 2021 – Final Order on RFA 1 and Sunset Solar Project Site Certificate Issued.**[6] The Council issued a Final Order on RFA 1, granting issuance of an amended and two original site certificates for the Bakeoven Solar Project, Daybreak Solar Project, and Sunset Solar Project, respectively.
- **December 20, 2021 – Amended Project Order on Bakeoven Solar Project Issued.**[7] The Oregon Department of Energy (Department) issued an Amended Project Order under OAR 345-015-0160(3) for the Bakeoven Solar Project as a result of Council's Final Order on RFA 1, so that each approved facility has its own project order.

Accordingly, the Certificate Holder will rely on this procedural history to support RFA 1 along with new information presented in the following sections. The Bakeoven RFA 1 split the Bakeoven Project into three separate facilities: Phase 1 became Bakeoven Solar with up to 60 MW; Phase 2 became Daybreak Solar with up to 140 MW; and Phase 3 became Sunset Solar with up to 103 MW. Bakeoven Solar and Daybreak Solar began construction in 2021 and will be entering commercial operations in 2025. The Certificate Holder demonstrated compliance with applicable Site Certificate Conditions throughout the Bakeoven Solar and Daybreak Solar construction process and is now preparing for development of the Sunset Solar Project. This aligns with the previously approved schedule as part of Bakeoven RFA1 in which the three facilities would be constructed over time as phases: Bakeoven Solar was constructed first, Daybreak was second, and Sunset Solar will be the third and last facility to go to construction. The Certificate Holder requests an extension to the construction deadline to allow time for the Facility to reach commercial readiness and to prepare for construction activities (Section 1.2).

[5] Bakeoven Solar Project Request for Amendment #1. September 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-09-22-BSPAMD1Doc2-Bakeoven-Solar-Complete-RFA 1.pdf.

[6] Sunset Solar Project Site Certificate. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

[7] Bakeoven Solar Project Amended Project Order. December 23, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-23-BSP-AMD1-Amended-Project-Order.pdf.

1.1 Amendment Determination Request, Type B Review – OAR 345-027-0357

OAR 345-027-0357 Amendment Determination Request

(3) For any request for amendment described under OAR 345-027-0350(3) or (4), the certificate holder may submit an amendment determination request to the Department for a written determination of whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3).

Response: The Certificate Holder requests review of this RFA 1 as a Type B Review as provided under OAR 345-027-0351(3) and OAR 345-027-0357(3). This RFA 1 proposes one minor change to extend the Facility construction deadlines. The construction deadline extension does not change the approved physical components to the Facility. In addition, the Certificate Holder proposes to reduce the approved Facility site boundary and micrositing corridor within the area previously analyzed and approved with the Bakeoven Solar Project Application for Site Certificate (ASC). The reduction removes approximately 326 acres from the approved micrositing corridor. The reduced Facility site boundary (proposed site boundary) and micrositing corridor shown on Figure 1 is 1,870 acres.

(4) A request described in section (1), (2), or (3) of this rule must be submitted in writing to the Department and must include:

(a) A narrative description of the proposed change;

Response: See Section 1.0 and 3.0 of this RFA 1.

(b) Maps and/or geospatial data layers representing the effects and/or location of the proposed change;

Response: There are no proposed changes to the approved Facility components and related or supporting facilities. The Certificate Holder proposes a reduced site boundary (proposed site boundary) and micrositing corridor which is within the previously approved site boundary and micrositing corridor. Figures 1 and 2 depict the approved Facility site boundary and site boundary area subject to this RFA 1, respectively. The Certificate Holder also submits related geospatial data layers for Figure 1 and 2 to the Department concurrently with this amendment request. Figure 3 shows earthquake, seismic risk, flood hazards, and landslide data, respectively. Figure 4 shows soil data, Figure 5 shows land use data, and Figure 6 shows protected areas in the vicinity of the Facility. Figure 7 shows habitat information. Figures 8 and 9 respectively show scenic resources and recreational opportunities in the vicinity of the Facility. Figure 10 shows wildfire data.

(c) The certificate holder's evaluation of the determinations it is requesting under sections (1), (2), or (3) of this rule; and

Response: The Certificate Holder's request for a Type B review process is based on OAR 345-027-0357(3) and provided in response to OAR 345-027-0357(8) below, along with analysis that justifies why a Type B review is appropriate for this amendment request.

(d) Any additional information the certificate holder believes will assist the Department's evaluation.

Response: Analysis of how the Facility continues to comply with relevant standards is provided in Sections 2.0 through 8.0 of this amendment request.

(8) In determining whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3), the Department and the Council may consider factors including, but not limited to:

(a) The complexity of the proposed change;

Response: This RFA 1 has one proposed change to amend the Sunset Solar Project Site Certificate Condition GEN-GS-01 to extend the construction deadlines for the Facility and its related or supporting facilities as defined in the Sunset Solar Project Site Certificate. As a part of this RFA, Certificate Holder also proposes to reduce the previously approved site boundary, as shown on Figure 1, as the Facility nears construction and Certificate Holder is refining the final Facility layout. The Certificate Holder proposes no changes to Facility components or its related or supporting facilities. The Council previously concluded that the Facility, as proposed, complied with the applicable Council standards when it issued the Sunset Solar Project Site Certificate.[8] The Certificate Holder has reviewed applicable land use plans and environmental conditions of the site and concludes there have been no substantive changes in fact or circumstances that would affect the Council's prior findings under the applicable Council standards. The Certificate Holder has also reviewed revisions to applicable Council standards since 2021 (i.e., OAR 345-022-0040, 345-022-0080, 345-022-0100, 660-033-0130(5), and 340-035-0035) and concludes there have been no substantive changes to these rules that would affect Council's prior findings under the applicable Council standards (Section 6.0 and 7.0). The Certificate Holder also demonstrates in Section 6.14 that the design, construction, and operation of the Facility, taking into account mitigation, is not likely to result in significant adverse impacts on areas subject to a heightened risk of wildfire or high-fire consequence areas addressed under OAR 345-022-0115, which was not adopted in 2021. The proposed change to the construction deadlines does not affect the Certificate Holder's ability to comply with any of the Sunset Solar Project Site Certificate Conditions, with the exception of Condition GEN-GS-01, that the Certificate Holder seeks to amend. Therefore, the Certificate Holder maintains that the proposed change is not complex, and the Council may find that this factor supports a Type B review.

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

Response: The Certificate Holder does not anticipate that this amendment request will generate much public interest given the administrative nature of the proposed change and the level of public interest in prior amendments related to the Bakeoven and Daybreak facilities. The Bakeoven Solar Project RFA 1, which resulted in the approved Sunset Solar Project Site Certificate, underwent a

[8] Bakeoven Solar Project Final Order for Amendment 1, p. 66. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

Type B review process.[9] As a means of comparison, the Bakeoven Solar Project RFA 1 included more complex changes (see Section 1.0), splitting the previously approved Bakeoven Solar Project Site Certificate into three individual site certificates. The change proposed in this RFA 1 is not complex and seeks only to extend the construction deadlines. For these reasons, the anticipated level of public interest in this RFA 1 is low and is not expected to exceed the low level of public interest received on the Bakeoven Solar Project RFA 1 for a comparatively more complex request. Accordingly, the Council may find that consideration under this factor supports a Type B review.

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

Response: Ahead of filing this RFA 1, the Certificate Holder contacted local service providers (Wasco County Landfill, the Wasco County Sheriff's Office, and the Bakeoven-Shaniko Rural Fire Protection Association) to identify the proposed amendment and seek input on the request. Attachment 1 demonstrates that the Wasco County Landfill maintains capacity for 25 more years and the amendment request does not affect the Bakeoven-Shaniko Rural Fire Protection Association (RFPA). The Bakeoven-Shaniko RFPA verified that this RFA 1 does not change their ability to service the Facility and surrounding area, and that they will continue to protect the current grasslands in the surrounding area from fire. The Certificate Holder will continue to coordinate with the Bakeoven-Shaniko RFPA prior to construction, as requested, to inform them of the construction and Facility details so that they may be compensated for increased fire risk the construction activities may present.

Prior to submittal of this amendment request, the Certificate Holder contacted the Wasco County Sheriff's Office and an updated comment letter was received on April 23, 2025. Certificate Holder is reviewing the comment letter and will follow up with the Wasco County Sheriff's Office imminently. The level of interest from reviewing agencies on this amendment request is anticipated to be low because the change is not complex, there is no change to resource impacts resulting from the extension to construction deadlines, and the Certificate Holder is reducing the approved Facility site boundary and micrositing corridor. Therefore, the Council may deem that this factor supports a Type B review.

(d) The likelihood of significant adverse impact; and

Response: This RFA 1 does not propose any new impact that was not previously addressed by the Council. Following initial coordination with agencies and service providers listed above, no changes were identified from extending the construction deadlines that would alter the Council's previous evaluation and determination of impacts. The Certificate Holder is also reducing the approved Facility site boundary and micrositing corridor to correspond with the Facility's revised lease area. Figure 1 shows that the reduced Facility site boundary and micrositing corridor occur entirely within the previously approved micrositing corridor. For this reason, the previously imposed conditions and plans continue to apply to RFA 1. Therefore, there is little to no likelihood of

[9] Bakeoven Solar Project Final Order for Amendment 1, p. 23. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

significant adverse impacts related to this request and the Council may find that this factor supports a Type B review.

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

Response: None. All previously imposed conditions and plans related to mitigation apply to RFA 1. There will be no changes to the conditions or plans resulting from the proposed change to extend the Facility construction deadlines, and RFA 1 does not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions or plans related to mitigation. The Certificate Holder is reducing the approved Facility site boundary and micrositing corridor to correspond with the Facility's revised lease area. Figure 1 shows that the reduced Facility site boundary and micrositing corridor occur entirely within the previously approved micrositing corridor. For this reason, the previously imposed conditions and plans related to mitigation continue to apply to RFA 1. Following initial coordination with the agencies and service providers listed above, no changes were identified that would alter the Council's previous evaluation and determination of impacts. Therefore, consideration of this factor supports Type B review.

1.2 Need for Amendment – OAR 345-027-0385

OAR 345-027-0385 Request for Amendment to Extend Construction Deadlines

(1) The certificate holder may request an amendment to the Site Certificate to extend the deadlines for beginning or completing construction of the Facility, or portion/phase of the Facility, that the Council has approved in a Site Certificate or an amended Site Certificate by submitting a preliminary request for amendment in accordance with OAR 345-027-0360. The preliminary request for amendment must include an explanation of the need for an extension and must be submitted to the Department before the applicable construction deadline, but no earlier than the date twelve months before the applicable construction deadline.

Response: Sunset Solar was originally approved as part of Bakeoven Solar, along with Daybreak Solar. Bakeoven Solar and Daybreak Solar began construction in 2021 and will be entering commercial operations in 2025. Sunset Solar is not yet ready to start construction as the Facility has not reached commercial readiness; therefore, the Certificate Holder needs an extension to the construction deadline. In order for a utility-scale renewable energy facility to be constructed, it must obtain a long-term contract (i.e., Power Purchase Agreement) for the sale of the energy generated by the facility to a regional utility or other off-taker. The Certificate Holder needs an extension to the construction deadline because the Facility has not finalized an off-take agreement.

The Certificate Holder has taken steps to advance the commercial readiness of the Facility by performing surveys, selecting equipment, and advancing engineering. If Sunset Solar is selected by an off-taker, the Certificate Holder will be in the position to move forward with the project and begin construction within the revised construction time. This is Certificate Holder's first request for a construction extension.

2.0 Certificate Holder Information – OAR 345-027-0360(1)(a)

OAR 345-027-0360(1)(a) – The name of the Facility, the name and mailing address of the certificate holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request;

Response:

2.1 Name of the Facility

Sunset Solar Project

2.2 Name and Mailing Address of Certificate Holder

Sunset Solar, LLC
2701 NW Vaughn St., Suite 300
Portland, OR 97210

2.3 Parent Company of Certificate Holder

Avangrid Power, LLC
2701 NW Vaughn St, Suite 300
Portland, OR 97210

2.4 Name and Address of Individuals Responsible for Submitting Request

Michael DeRuyter
Director, Development Environmental Permitting
Avangrid Power, LLC
2701 NW Vaughn St, Suite 300
Portland, OR 97210
michael.deruyter@avangrid.com
(612) 619-7405

Marcella Patrick
Permit Manager
Avangrid Power, LLC
2701 NW Vaughn St, Suite 300
Portland, OR 97210
marcella.patrick@avangrid.com
(801) 946-1092

3.0 Description of Proposed Change – OAR 345-027-0360(1)(b)

OAR 345-027-0360 Preliminary Request for Amendment

(1) To request an amendment to the Site Certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

(b) A detailed description of the proposed change, including:

Response: The proposed change is the extension of Facility construction start and completion deadlines. The current deadline for the start of constructing the Sunset Solar Project ("last facility component") is April 24, 2025. The current deadline for the completion of construction is April 24, 2026. The Certificate Holder requests the Council amend Condition GEN-GS-01 to extend the construction start deadline by three years and change the construction completion deadline to three years from the date of construction commencement. As a part of this extension request, the Certificate Holder also seeks to reduce the site boundary to align with the proposed build-out and document for the record the areas now intended for construction.

3.1 Effect of Proposed Changes on the Facility – OAR 345-027-0360(1)(b)(A)

(A) a description of how the proposed change affects the Facility,

Response: This request does not change the Facility as described in the Sunset Solar Project Site Certificate. It seeks to extend the Facility construction start and completion deadlines.

3.2 How Proposed Change Affects Protected Resources– OAR 345-027-0360(1)(b)(B)

(B) a description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and

Response: The changes proposed in this RFA 1 will not create significant new impacts affecting those resources protected by the Council's siting standards and will not alter the basis of the Council's previous findings that the Facility complies with all applicable laws and standards. To the extent that the proposed change could affect protected resources, the Certificate Holder demonstrates that the Facility will continue to comply with all applicable laws and Council standards in Sections 4.0 through 8.0 of this amendment request.

3.3 Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)

(C) the specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change.

Response: The extension of the construction deadlines does not alter the approved Facility site boundary (Figure 1) or approved micrositing corridor. However, the Certificate Holder is reducing

the approved Facility site boundary and micrositing corridor to correspond with the Facility's revised lease area. Figure 1 shows that the reduced Facility site boundary and micrositing corridor occur entirely within the previously approved micrositing corridor. For the purpose of this RFA 1, the Certificate Holder evaluates the portion of the site boundary that excludes the already constructed 230-kilovolt (kV) transmission line from the operating Bakeoven substation (Figure 1). The existing 230-kV transmission line is excluded because there are no changes proposed in this RFA 1 related to the existing shared 230-kV transmission line. The Certificate Holder discussed this approach with the Department in a pre-application conference on February 19, 2025. Geospatial data layers for the area subject to RFA 1 have been provided to the Department concurrently with submittal of this RFA 1.

4.0 Applicable Division 21 Requirements – OAR 345- 027-0360(1)(c)

OAR 345-027-0360 Preliminary Request for Amendment

(1) To request an amendment to the Site Certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

*****

(c) References to any specific Division 21 information that may be required for the Department to make its findings.

Response: Given the limited nature of the proposed change, the Certificate Holder maintains that new Division 21 exhibits are not necessary for this RFA 1.

The Certificate Holder incorporates by reference the Division 21 exhibits provided in the original Bakeoven Solar Project Application for Site Certificate.[10] The Bakeoven Solar Project RFA 1 addressed the applicable Division 21 requirements in a consolidated narrative format.[11] This RFA 1 proposes one minor change to extend the Facility construction deadlines. The construction deadline extension does not change the approved physical components to the Facility. In addition, the Certificate Holder proposes to reduce the approved Facility site boundary and micrositing corridor within the area previously analyzed and approved with the Bakeoven Solar Project ASC. Since the Council's approval of the Sunset Solar Project Site Certificate, the following substantive standards have been updated and are addressed in Section 6.0: OAR 345-022-0040 (Protected Areas), OAR 345-022-0080 (Scenic Resources), OAR 345-022-0100 (Recreational Opportunities), OAR 660-033-

[10] Bakeoven Solar Project Application for Site Certificate. November 4, 2019. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BSP.aspx.

[11] Bakeoven Solar Project Request for Amendment #1. September 2021, Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-09-22-BSPAMD1Doc2-Bakeoven-Solar-Complete-RFA 1.pdf.

0130(5) regarding farm practices on surrounding lands, and OAR 340-035-0035 (noise control regulations). Additionally, the Certificate Holder demonstrates in Section 6.14 that the design, construction, and operation of the Facility, taking into account mitigation, is not likely to result in significant adverse impacts on areas subject to a heightened risk of wildfire or high-fire consequence areas addressed under OAR 345-022-0115 (Wildfire Prevention and Risk Mitigation), which was not adopted in 2021.

The Certificate Holder also notes that the former Division 21 requirements were reorganized under Division 22, effective April 2, 2025. The Certificate Holder references the approved Division 21 exhibits from the Bakeoven ASC in Sections 6.0 and 7.0 when addressing the reorganized Division 22 standards. Therefore, Council may rely on the same findings of fact and conclusions of law that served as the basis for approving the Sunset Solar Project Site Certificate.[12]

5.0 Site Certificate Revisions – OAR 345-027-0360(1)(d)

OAR 345-027-0360(1)(d) The specific language of the Site Certificate, including conditions, that the certificate holder proposes to change, add or delete through the amendment.

Response: Attachment 2 provides a redlined version of the Sunset Solar Project Site Certificate to incorporate the revisions proposed by this RFA 1. The proposed substantive changes to the Site Certificate are identified with strikethrough and underlined text as follows:

Condition GEN-GS-01

The certificate holder shall begin and complete construction of the facility, facility component or phase by the dates specified in the site certificate.

~~a. Construction of the facility, facility component or phase shall commence on or before April 24, 2023, three years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline.~~

~~b~~a. Construction of the ~~last~~ facility~~, facility component or phase,~~ shall commence on or before April 24, ~~2025~~2028~~, five years after the date of Council action~~. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline.

~~c~~b. Construction of all facility components shall be completed on or before three years from the date of construction commencement ~~April 24, 2026, six years after the date of Council action~~. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline.

[12] Bakeoven Solar Project Final Order for Amendment 1. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

[General Standard Condition 1, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(4)]

6.0 Analysis of Council Standards and Other Laws

OAR 345-027-0360(1)(e) A list of the Council standards and all other laws, including statutes, rules and ordinances, applicable to the proposed change, and an analysis of whether the Facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is "applicable" if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2); and

Response: The Council standards that are relevant to the changes proposed in this RFA 1 are presented in Sections 6.0 and 7.0 together with a response from the Certificate Holder that provides analysis of compliance with those standards. Where applicable, supporting information from prior Bakeoven Solar Project reviews are provided or incorporated by reference.

6.1 OAR 345-022-0000 General Standard of Review

(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

*****

(4) In making determinations regarding compliance with statutes, rules and ordinances normally administered by other agencies or compliance with requirements of the Council statutes if other agencies have special expertise, the Department of Energy shall consult with such other agencies during the notice of intent, site certificate application and site certificate

amendment processes. Nothing in these rules is intended to interfere with the state's implementation of programs delegated to it by the federal government.

Response: The Council previously found that the Facility complies with the General Standard of Review under OAR 345-022-0000.[13] The standards under OAR 345-022-0000 listed above have not changed since the Bakeoven Solar Facility Final Order on RFA 1 was issued on November 19, 2021.[14] In this amendment request, the requirements of OAR 345-022-0000 are addressed in the findings, analysis, and conclusions discussed in the following Sections 6.0 and 7.0, as previously incorporated into the exhibits of the Bakeoven Solar Project ASC, and as previously determined in the Council's findings of fact and conclusions of law in the Bakeoven Solar Project Final Order on Amendment 1.

Under this standard, the Council previously adopted Condition GEN-G5-01 to establish construction beginning and completion dates for the Facility in accordance with OAR 345-025-0006(4).[15] The Certificate Holder's need for this amendment to extend the construction deadline is provided in Section 1.2. The Certificate Holder does not propose to add any new conditions; rather, the Certificate Holder proposes updates to Condition GEN-G5-01 to reflect the changes proposed in this amendment request.

In addition, the sections below demonstrate that this RFA 1 does not change the Facility's ability to comply with requirements of the siting statutes and standards adopted by the Council and imposed in the Sunset Solar Project Site Certificate. This amendment request also demonstrates how the Facility complies with relevant Oregon statutes and administrative rules including those identified in the Bakeoven Solar Project Final Order for Amendment 1. Therefore, the Council may find that the Facility, as amended by this RFA 1, will continue to comply with OAR 345-022-0000.

6.2 OAR 345-022-0010 Organizational Expertise

OAR 345-022-0010 Organizational Expertise

(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to

[13] Bakeoven Solar Project Final Order for Amendment 1, p. 35. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

[14] OAR 345-022-0000 General Standard of Review. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=304592.

[15] Site Certificate for Sunset Solar Project, p. 11. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.

(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.

(3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.

(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.

(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the parent company for the Sunset Solar Project Certificate Holder, Avangrid, has the ability to design, construct, operate, and retire the Facility, in compliance with all Council standards and conditions, as required by the Organizational Expertise standard.[16] The Division 21 standards amended under OAR 345-022-0010 on April 2, 2025, have not changed since the Final Order for Amendment 1 was issued on November 19, 2021, for the

[16] Bakeoven Solar Project Final Order for Amendment 1, p. 36. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

Bakeoven Solar Project.[17] The Council also previously found that the Facility, as modified with the Bakeoven Solar Project RFA 1, complies with the Organizational Expertise standard under OAR 345-022-0010.[18]

Avangrid has operated renewable energy projects in Oregon since 2001. At the time of the Bakeoven RFA 1, Avangrid owned more than 1,483 MW of utility-scale wind and solar generation in the state and was the parent company backing the certificate holders of four Council-jurisdictional facilities (Klamath Cogeneration Project, Klondike III Wind Project, Leaning Juniper IIA Wind Power Facility, and Leaning Juniper IIB Wind Power Facility), and one of Oregon's largest operating photovoltaic solar facilities, the Gala Solar Project in Crook County. The Council found that no regulatory citations had been issued by the Oregon Department of Energy (the Department) for any Council-jurisdictional Avangrid-operated facility.[19] The Oregon Department of Environmental Quality (ODEQ) issued two notices to Golden Hills Wind, LLC (an Avangrid subsidiary) related to erosion control issues during the construction of the Golden Hills Wind Project in Sherman County, but the issues were promptly addressed and no enforcement action or penalty was imposed by ODEQ. Therefore, the Certificate Holder confirms that its parent company has not received any regulatory citations in Oregon over the last 5 years.

The proposed amendment to extend the Facility construction start and completion deadlines does not alter the organizational expertise needed for the Certificate Holder to comply with Council standards and conditions of the Sunset Solar Project Site Certificate. Attachment 3 includes the Articles of Incorporation for the Certificate Holder. Sunset Solar, LLC was formed by the Oregon Secretary of State on January 19, 2021, with Avangrid as the sole member of the company. Sunset Solar, LLC filed amended annual reports with the Oregon Secretary of State in 2022, 2023, 2024, and 2025 that reaffirmed Avangrid as the sole member of the company (Attachment 3). Therefore, there has been no change in ownership structure of the Certificate Holder since 2021.[20]

According to its Articles of Incorporation, Sunset Solar, LLC is a "Member-Managed Limited Liability Company" with Avangrid as the sole member (Attachment 3). ORS 63.001 defines "Member" as "a person with both an ownership interest in a limited liability company and all the rights and obligations of a member specified under this chapter," and ORS 63.130(1)(a) states that members of a limited liability company have "equal rights in the management and conduct of the limited

[17] OAR 345-022-0010 Organizational Expertise. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=77076

[18] Bakeoven Solar Project Final Order for Amendment 1, p. 35. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

[19] Bakeoven Solar Project Final Order for Amendment 1, p. 35. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

[20] Note: on March 3, 2025, Avangrid Renewables, LLC completed a name change to Avangrid Power, LLC which is documented in Attachment 3.

liability's business." In this case, Avangrid has the control of the management and conduct of Sunset Solar, LLC because Avangrid is the sole member of the company. Avangrid is directing Sunset Solar, LLC, in its capacity as the Certificate Holder, to permit, design, construct, and operate a renewable energy facility.

Since 2021, Avangrid has fully funded and directed Sunset Solar, LLC—under the powers granted by ORS 63.077(2)—to enter into real estate transactions for the site control of wind and solar assets, hire qualified environmental consultants to perform environmental due diligence, fund interconnection agreements, obtain a site certificate from the Council, and enter into negotiations for the sale of power generated by the Facility. These activities were carried out by the Sunset Solar, LLC but relied on the capital investment, expertise, and direction of Avangrid to implement development of the project. For example, in 2021 Avangrid directed Sunset Solar, LLC to execute the Site Certificate for the Sunset Solar Project which obligated Sunset Solar, LLC to certain guarantees, obligations, and liabilities under the terms of the Site Certificate. In doing so, Sunset Solar, LLC relied on the technical expertise of Avangrid in permitting, engineering, real estate, and construction to determine if Sunset Solar, LLC could fulfill its obligations under the Site Certificate. Avangrid will continue to manage and control the business activities of Sunset Solar, LLC because it remains the sole member of the company and there are no changes in facts or law since 2021 that would alter this arrangement.

Avangrid respects the duties and standard of conduct of member-managed limited liability companies outlined in ORS 63.155 and is acting in good faith to meet its fiduciary responsibilities as the sole member of Sunset Solar, LLC. For example, Avangrid will carefully evaluate the financial commitments, potential revenues, legal obligations, and market risk—among other factors—before allowing Sunset Solar, LLC to enter into a long-term power purchase agreement, or contracts to purchase equipment. Avangrid has decades of experience providing reliable, renewable energy to dozens of counterparties using identical corporate structure, including Northwest investor-owned utilities Portland General Electric, Puget Sound Energy, and Avista, and Avangrid will use this experience for guiding the business activities of Sunset Solar. For example, Avangrid's wholly owned subsidiary Montague Solar, LLC contracted with Portland General Electric to service its Green Future program (Attachment 3) from energy generated from the Montague Solar Project under the same limited liability company to parent company arrangement as the Certificate Holder. This deal required Avangrid, and its subsidiary Montague Solar, LLC, to meet PGE's technical qualifications for financing, technology, credit rating, site control, permitting, interconnection, transmission, and labor standards. The list of qualification requirements are provided in Attachment 3. This example demonstrates how Avangrid has the technical experience to develop a qualifying project to serve regional utilities as a member of a limited liability company, and it is one of many similar projects which are currently operating and supplying power within the state of Oregon.

For the design of the Sunset Solar Project, Avangrid will direct Sunset Solar, LLC to hire Oregon licensed and bonded engineers and contractors to design the Facility to applicable engineering standards. Similarly, Avangrid will direct Sunset Solar, LLC to hire qualified contractors to build the

project that can meet the minimum standards for insurance coverage, safety programs, environmental programs, and labor standards. For example, all contractors working for Sunset Solar, LLC will be required have a "A" or "B" grade with ISNetworld, which is a clearinghouse for construction safety incidents (available at https://www.isnetworld.com/en/).

During operations, Sunset Solar, LLC will own the installed Facility which will likely exceed approximately $65 million in value and will generate revenue from a power purchase agreement or from selling power into the wholesale spot market to operate the Facility consistent with the Site Certificate. In addition, Avangrid's National Control Center will monitor the performance and operation of the facility including the following activities:

- Satisfying North American Electric Reliability Corporation (NERC) cyber and physical security standards.
- Maintaining compliance with NERC operations standards, including generation and voltage set points, maintaining required communications, and data systems.
- Supporting safe operations in the field, by notifying field personnel in advance of severe weather such as lightning so that workers may safely remove themselves from turbines.
- Acting as a point of contact and information flow when emergencies occur in the field.
- Fulfilling required Federal Aviation Administration notifications.
- Providing field services to remotely operate and reset wind turbines in compliance with proscribed protocols.
- Handling planned and unplanned outages.

For retirement of the Facility, Sunset Solar, LLC would submit a retirement plan for the Council's approval and, similar to construction of the project, Avangrid would direct Sunset Solar, LLC to hire qualified contractors to decommission and remove the Facility per the approved retirement plan, including security for ensuring decommissioning will be sufficiently secured with a bond or other guaranty.

Furthermore, the Certificate Holder's parent company has implemented habitat mitigation and historic resource mitigation for other Council-jurisdictional projects and has satisfied the payment terms of the Habitat Mitigation MOU with the Deschutes Land Trust, as confirmed by the Deschutes Land Trust email correspondence provided in Attachment 4.

Exhibit E of the Sunset Solar Project Order issued on December 23, 2021, lists federal permits, state permits, local permits, and third-party permits required for construction and operation.[21] This RFA 1 to extend the construction start and completion deadlines does not change the permits needed for

[21] Sunset Solar Project Order, Exhibit E (December 2021). Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-23-SSP-Project-Order.pdf.

construction and operation of the Facility and does not require any new permits, nor any new conditions for permits, which were not previously considered by the Council.

Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0010.

6.3 OAR 345-022-0020 Structural Standard

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that:

(a) The applicant, through appropriate site-specific study, has adequately characterized the seismic hazard risk of the site.

(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site, as identified in subsection (1)(a).

(c) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and

(d) The applicant can design, engineer and construct the facility to avoid dangers to human safety and the environment presented by the hazards identified in subsection (c).

(2) The Council may not impose the Structural Standard in section (1) to approve or deny an application for an energy facility that would produce power from wind, solar or geothermal energy. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(3) The Council may not impose the Structural Standard in section (1) to deny an application for a special criteria facility under OAR 345-015-0310. However, the Council may, to the extent it determines appropriate, apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(4) To assist the Council in determining whether the standard outlined in (1) through (3) has been met, the Applicant must submit information from reasonably available sources regarding the geological and soil stability within the analysis area, including:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility complies with the Structural Standard under OAR 345-022-0020.[22] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found the Structural Standard to be among the standards not likely to be impacted by the request for amendment.[23] Based on the evidence provided in the Bakeoven Solar Project RFA 1, the Council also previously found that with existing and amended Site Certificate Conditions imposed in Amendment 1, Sunset Solar, LLC (a subsidiary of Avangrid) has the ability to design, engineer, and construct the Facility in a manner that avoids danger to human safety presented by identified hazards.[24]

The Division 21 standards amended under OAR 345-022-0020 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[25] The extension of the construction deadlines does not affect the Council's previous finding that the construction and operation of the Facility will be consistent with the requirements of the Council's Structural Standard. The proposed amendment makes no changes to the Facility or Site Certificate Conditions related to the Structural Standard, and any potential change in site risks will be identified prior to construction in compliance with the existing Site Certificate Conditions. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0020.

There are no changes to the seismic hazards conclusions documented in the original Bakeoven Solar Project RFA 1 and as updated in Figures 3A and 3B. No potentially active faults are mapped within the site boundary (USGS 2018a, USGS 2018b; Figure 3A). The Oregon Department of Geology and Mineral Industries (DOGAMI) Oregon HazVu: Statewide Geohazards Viewer earthquake hazard layer (DOGAMI 2025) and the USGS Geologic Hazards Science Center (USGS 2019; Figure 3A) show active faults near the Facility area. These faults depicted on Figure 3A, which are mapped within 50 miles of the Facility site boundary, present the largest potential for seismic contribution to the Facility. However, no evidence of recent seismic activity has been identified within the site boundary and the seismic risk within the site boundary is rated moderate as shown in Figure 3B.

Figure 3A displays the location and approximate magnitude of all recorded earthquakes within 50 miles of the Facility site boundary. The historical seismic events are grouped by magnitude and are displayed using different-sized icons based on the strength of the event. Because of the high number of events in the vicinity of the Facility site, several of the icons overlap in the figure. The National Earthquake Information Center data show three earthquakes at magnitudes between 2.6

[22] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 37. April 24, 2020. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf.

[23] Bakeoven Solar Project Final Order for Amendment 1, p. 57

[24] Bakeoven Solar Project Final Order for Amendment 1, p. 13

[25] OAR 345-022-0020 Structural Standard. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=257893.

and 3.2 have occurred within the site boundary (Figure 3A). Two earthquakes at magnitudes between 3.9 to 5.0 occurred in 1976 near the site boundary and one earthquake in this range occurred near the linear portion of the Facility. The most recent earthquake recorded in 2021 within 50 miles of the site boundary was magnitude 3.2 to 3.6, located approximately 45 miles northwest of the site boundary in Hood River County.

No 100-year floodplains are mapped within the site boundary or micrositing corridor as shown on Figure 3C.

No active landslides are identified in the Statewide Landslide Information Database for Oregon (Burns et al. 2014) within the site boundary (Figure 3D). The closest mapped landslides on the SLIDO database are located approximately 1.5 miles to the west/northwest of the site boundary (see Figure 3D) as the uplands slope downward towards the Deschutes River and the town of Maupin, Oregon. No existing landslides were observed during the original site reconnaissance conducted for the Bakeoven Solar RFA 1. The siting of Facility structures would either avoid or provide mitigation in these areas. The potential for a seismic event to trigger a landslide is considered low because of the flat terrain of the site and the shallow, stable bedrock.

Liquefaction is a phenomenon in which saturated, cohesionless soils temporarily lose their strength and liquefy when subjected to dynamic forces such as intense and prolonged ground shaking and seismic activity. The soils in the site boundary are not saturated and are generally clastic (loess) in nature. Along with the relatively low seismic event potential, this indicates that the liquefaction of soils within the site boundary is considered unlikely.

The solar modules and roads, including the access road and service roads, will be situated on flat-lying areas and avoid steep slopes. If slope stability issues are identified during the final design geotechnical investigations, either the structures will be relocated during the micrositing process or remedial measures to improve slope stability will be implemented.

The following conditions regarding the Structural Standard were imposed by the Council in the Sunset Solar Project Site Certificate issued in November 2021. The responses below demonstrate how the Certificate Holder will continue to comply with these conditions.

> **GEN-SS-01.** *The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.* [Structural Standard Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(12)].

Response: The risk of seismic hazards to human safety at the Facility is considered low as previously described in the most recent review and updated data. The Certificate Holder has adequately characterized the area within the Facility site boundary and surrounding vicinity in accordance with OAR 345-022-0020(1)(a) and has considered seismic events and amplification for

the Facility's specific subsurface profile. The probability of a large seismic event occurring while the Facility is occupied is much lower than for a normal building or facility. This very low probability results in minimal risk to human safety.

The Certificate Holder has demonstrated that the Facility can be designed, engineered, and constructed to avoid dangers to human safety in case of a seismic event by adhering to recently updated IBC requirements, per OAR 345-022-0020(1)(b). These standards require that the factors of safety used in the Facility design exceed certain values. For example, in the case of slope design, a factor of safety of at least 1.1 is normally required during the evaluation of seismic stability. This factor of safety is introduced to account for uncertainties in the design process and to ensure that performance is acceptable. Given the relatively low level of risk for the Facility, adherence to the IBC requirements will ensure that appropriate protection measures for human safety are taken.

The Certificate Holder has provided appropriate site-specific information and demonstrated (in accordance with OAR 345-022-0020[1][c]) that the construction and operation of the Facility, in the absence of a seismic event, will not adversely affect or aggravate the geological or soil conditions within the Facility site boundary or surrounding vicinity. The risks posed by non-seismic geologic hazards are considered to be low because the Facility can be designed to avoid or minimize the hazards of landslides and soil erosion. Landslide and slope stability issues will be identified during final design and mitigated. Erosion hazards resulting from soil and wind action will be minimized with the implementation of an engineered erosion control plan.

Finally, the Certificate Holder has demonstrated that the Facility can be designed, engineered, and constructed to avoid dangers to human safety resulting from the geological and soil hazards within the Facility site boundary, pursuant to OAR 345-022-0020(1)(d). Site-specific studies will be conducted, geotechnical work will be completed to inform final design, and adequate measures will be implemented to control erosion. Accordingly, given the relatively small risks these hazards pose to human safety, standard methods of practice (including implementation of the current IBC) will be adequate for the design and construction of the Facility

> **GEN-SS-02**. *The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.* [Structural Standard Condition 3, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(13)].

Response: The Certificate Holder will meet the requirement to notify DOGAMI promptly if site investigations (site-specific geotechnical study) reveal geologic and/or soil conditions that were previously unknown. The site-specific study will be conducted prior to construction of the Facility.

> **GEN-SS-03**. *The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones,*

artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Structural Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(14)].

Response: The Certificate Holder will meet the requirement to notify the Department, the State Building Codes Division and DOGAMI promptly if site investigations (site-specific geotechnical study) reveal geologic and/or soil conditions that were previously unknown. The site-specific study will be conducted prior to construction of the Facility.

PRE-SS-01. *At least 60-days prior to the commencement of construction of the facility, facility component or phase, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with the 2014 Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available*. [Structural Standard Condition 1, Final Order on ASC (2020); AMD1 (2021)].

Response: The Certificate Holder will conduct a site-specific geotechnical investigation at least 60 days prior to construction of the Facility and based on consultation with DOGAMI. The site-specific geological and geotechnical investigation, which will be conducted as a condition to the Site Certificate, will indicate which seismic design parameters to use in the final Facility layout and design.

Based on geotechnical and geological information, a Site Class for the soil/bedrock at the site is assigned. In this case, Site Class D (stiff soil) will be assigned to the Facility until a site-specific geotechnical investigation has taken place. Based on site-specific analyses, the original equipment manufacturer will provide the structural engineer with site-specific foundation loads and requirements. The structural engineer then completes the foundation analyses based on the design site-specific parameters. Generally, these include the following loads for solar foundation design: extreme loads, load cases for up-lift, shear failure, tension loads (for pile foundations), earthquake loads, fatigue loads, subsoil properties, spring constants, verification procedures, and maximum allowable inclination.

The geotechnical studies and analyses will provide site-specific parameters including but not necessarily limited to moisture content and density, soil/bedrock bearing capacity, bedrock depth, settlement characteristics, structural backfill characteristics, soil improvement (if required), and dynamic soil/bedrock properties including shear modulus and Poisson's Ratio of the subgrade. The foundation design engineer then uses these parameters to design a foundation suitable for the Facility and verifies that the foundation/soil interaction meets or exceeds the minimum requirements stated by the original equipment manufacturer for the Facility.

6.4 OAR 345-022-0022 Soil Protection

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.

(2) To assist the Council in determining whether the standard outlined in (1) has been met, the Applicant must submit:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility complies with the Soil Protection standard.[26] The Soil Protection standard requires the Council to find that the design, construction, and operation of the Facility, taking into account mitigation, are not likely to result in significant adverse impacts to soils. The Division 21 standards amended under OAR 345-022-0022 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[27] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found OAR 345-022-0022 to be among the standards not likely to be impacted by the request for amendment.[28]

The following conditions regarding soil protection were imposed by the Council in the Sunset Solar Project Site Certificate issued in November 2021. The responses below demonstrate how the Certificate Holder will continue to comply with these conditions.

GEN-SP-01.
a. Prior to construction of the facility, facility component or phase, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan and associated drawings (as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Site Certificate). Prior to operation of the facility, facility component or phase, the certificate holder shall provide a copy, to the Department, of an operational Spill Prevention Control and Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to -0240. [Soil Protection Condition 2, Final Order on ASC (2020); AMD1 (2021)].

[26] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 43

[27] OAR 345-022-0022 Soil Protection. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=77078.

[28] Bakeoven Solar Project Final Order for Amendment 1, p. 58

b. During construction of the facility, facility component or phase, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Soil Protection Condition 1, Final Order on ASC (2020); AMD1 (2021)].

Response: The Certificate Holder reviewed the Natural Resources Conservation Service Soil Survey Geographic Database and verified that the soils underlying the site boundary have not changed since the approval of Bakeoven Solar Project Final Order for Amendment 1. The main soil types within the site boundary are Condon silt loam, with smaller areas of the Condon-Bakeoven complex, and Bakeoven-Condon complex soils as shown in Figure 4. These soils have a K factor (erosion factor that indicates the susceptibility of a soil to sheet and rill erosion by water) that ranges from 0.10 to 0.37, which could be considered moderately to highly erodible, and subject to sheet erosion and rill erosion by water (NRCS 2025). However, precipitation is limited in the analysis area and heavy rains and related erosion are not expected and would be rare in occurrence. There are no soils identified in the site boundary with potential for shrinking and swell.

Prior to construction, the Certificate Holder will include, as part of the geotechnical investigation, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the Certificate Holder will include mitigation measures including, as necessary: over-excavating and replacing loess soil with structural fill; wetting and compacting; deep foundations; or avoidance of specific areas. The solar structures will be supported by steel posts; post depth will vary depending on soil conditions but is typically 8 feet below the surface. If soil conditions require it, concrete foundations will be used. Assuming steel posts are used, they will be driven into bedrock.

To reduce the potential for soil erosion, a construction Erosion and Sediment Control Plan (ESCP) will be developed for the Facility. The ESCP will include both structural and nonstructural best management practices (BMPs). Examples of structural BMPs include the installation of silt fences or other physical controls to divert flows from exposed soils, or otherwise limit runoff and pollutants from exposed areas within the Facility site boundary. Examples of nonstructural BMPs include management practices such as implementation of materials handling, disposal requirements, and spill prevention methods. The Certificate Holder's application for a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Discharge General Permit 1200-C was attached to the Bakeoven Solar Project Final Order for Amendment 1 and includes the draft ESCP.

In addition, the following is a comprehensive list of mitigation measures to avoid wind and water erosion and soil impacts:

- Preserve Existing Vegetation – To the extent practicable, existing vegetation will be preserved. Where vegetation clearing is necessary, root systems will be conserved if possible.
- Erosion Control Measures – During construction, the Certificate Holder will implement BMPs for erosion, including perimeter controls (e.g., silt fence), soil stabilization (e.g.,

mulching or tackifiers), and dust control as outlined in the project specific ESCP and the Construction Stormwater NPDES General Permit 1200-C.

- Revegetation – The Certificate Holder will provide long-term soil stability by reseeding disturbed areas to reestablish vegetation. Temporarily impacted areas that are reseeded will be monitored for restoration success according to the Certificate Holder's Revegetation Plan.
- Pollutant Management – During construction, source control measures will be implemented to reduce the potential of chemical pollution to soil during construction. SPCC plans for construction and operation will be prepared for each phase of the project that outline the site-specific handling and reporting measures.

6.5 OAR 345-022-0030 Land Use

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

(2) The Council shall find that a proposed facility complies with section (1) if:

(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or

(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:

(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);

(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or

(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).
*****

(7) To assist the Council in determining whether the standard outlined in (1) through (6) has been met, the Applicant must submit:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that

there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility complies with the Land Use standard.[29] The Division 21 standards amended under OAR 345-022-0030 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[30] The proposed amendment makes no changes that would alter the basis for the Council's earlier findings under OAR 345-022-0030. Therefore, the Council may conclude that the proposed changes in RFA 1 comply with the Council's Land Use standard. The following sections describe how the Facility remains consistent with statewide planning goals and the applicable comprehensive plan and zoning ordinances of Wasco County.

6.5.1 Wasco County Applicable Substantive Criteria

In Exhibit K of the Bakeoven Solar Project ASC submitted on November 4, 2019[31], the Certificate Holder demonstrated compliance with applicable substantive criteria from the 2016 update of the Wasco County Land Use Development Ordinance (WCLUDO; Wasco County 2016)[32] and the 2010 update of the Wasco County Comprehensive Plan (WCCP; Wasco County 2010).[33] In the Final Order for Amendment 1 of the Bakeoven Solar Project, the Council concluded that there have been no substantive changes to the applicable substantive criteria from the WCLUDO and the WCCP that was previously evaluated, and that the Facility continues to comply with these criteria.[34] Since the Final Order for Amendment 1 of the Bakeoven Solar Project was issued, the WCLUDO (Wasco

[29] Bakeoven Solar Project Final Order for Amendment 1, p. 44. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

[30] OAR 345-022-0030 Land Use. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=304594.

[31] Bakeoven Solar Project Application for Site Certificate, Exhibit K (November 2019). Available at: oregon.gov/energy/facilities-safety/facilities/Facilities library/2019-11-01-BSP-ASC-Exhibit-K.pdf.

[32] Wasco County Land Use and Development Ordinance. (July 2016). Available at: https://cms5.revize.com/revize/wascocounty/document_center/Planning/FullWCLUDO_3_2021.pdf.

[33] Wasco County Comprehensive Plan. (June 2010). Available at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CompPlan_Ch1-20_MERGED_Searchable.pdf.

[34] Bakeoven Solar Project Final Order for Amendment 1, p. 44. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

County 2022a) and WCCP (Wasco County 2022b) were both updated in 2022.[35] [36]The Certificate Holder has reviewed and confirmed the underlying zone and comprehensive plan designations for the Facility have not changed (Figure 5A) and there have been no significant changes to Wasco County's applicable substantive criteria from its comprehensive plan and zoning ordinance since the 2016 WCLUDO update and 2010 WCCP update. Based on Figure 5A and the findings summarized in Tables 1 and 2, the Facility would be consistent with applicable criteria of the WCLUDO and WCCP and the proposed change to extend construction deadlines does not affect the findings previously provided in the Bakeoven Solar Project Final Order on Amendment 1.

[35] Wasco County Land Use and Development Ordinance. (December 2022). Available at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/FULL_LUDO_12.05.22_UPDATED_05.15.23.pdf.

[36] Wasco County 2040 Comprehensive Plan. (2022). Available at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/WascoCounty2040_2022Update.pdf.

Table 1. Wasco County Land Use Development Ordinance (WCLUDO) Applicable Substantive Criteria

WCLUDO Section/Subsection	WCLUDO Section Title	Changes between 2016 and 2022 WCLUDO	Assessment of 2022 WCLUDO on Sunset Solar RFA 1
Chapter 1 Introductory Provisions			
1.030	Severability (Legal Parcel Status)	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
Chapter 3 Basic Provisions, Section 3.210 Exclusive Farm Use (A-1) Zone			
3.214	Uses Permitted Subject to Standards/Type II Review	Minor formatting change	None. There have been no substantive changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
3.215	Uses Permitted Subject to Standards/Type III Review	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
3.216	EFU Property Development Standards	Added property line setback requirements for dwellings in conjunction with farm use. The change is not applicable to the Facility.	None. There will be no changes to Facility structures. Therefore, the Council may rely on its previous findings.
3.218	Agricultural Protection	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
3.219(G)	Additional Standards	Minor formatting change	None. There have been no substantive changes to this chapter. Therefore, the council may rely on its previous findings.

WCLUDO Section/Subsection	WCLUDO Section Title	Changes between 2016 and 2022 WCLUDO	Assessment of 2022 WCLUDO on Sunset Solar RFA 1
Chapter 5 Conditional Use Review			
5.020	Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on itsr previous findings.
Chapter 10 Fire Safety Standards			
10.020	Applicability of Fire Safety Standards	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
10.110	Siting Standards – Locating Structure for Good Defensibility	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
10.120	Defensible Space – Clearing and Maintaining a Fire Fuel Break	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
10.130	Construction Standards For Dwellings And Structures – Decreasing The Ignition Risks By Planning For A More Fire-Safe Structure	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
Chapter 19 Standards for Non-Commercial Energy Facility, Commercial Energy Facilities & Related Uses			
19.030(C)	Commercial Power Generating Facilities Review Process & Approval Standard: General Standards	Minor formatting changes	None. There have been no substantive changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.

WCLUDO Section/Subsection	WCLUDO Section Title	Changes between 2016 and 2022 WCLUDO	Assessment of 2022 WCLUDO on Sunset Solar RFA 1
19.030(D2)	Commercial Power Generating Facilities Review Process & Approval Standard: Specific Standards, Solar Energy Facilities	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
Chapter 20 Site Plan Review			
20.040	Approval Standards	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
20.050	Off Street Parking	Minor formatting changes	None. There have been no substantive changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
20.055	Bicycle Parking Requirements	Minor formatting changes	None. There have been no substantive changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
20.070	Off Street Loading	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.
20.080	General Provisions – Off Street Parking and Loading	No change	None. There have been no changes to this section of the WCLUDO. Therefore, the Council may rely on its previous findings.

Table 2. Wasco County Comprehensive Plan (WCCP) Applicable Substantive Criteria

Section	WCCP 2010 Policy	WCCP 2022 Policy	Changes Between 2010 and 2022	Effect of Proposed Change in Sunset Solar RFA 1
Scenic and Recreational Areas	Chapter 5, Section J, Subsection 3, Table 11	Goal 5, Figure 5.14a	No change	None. There have been no changes to the contents of this policy. Therefore, the Council may rely on its previous findings.
Agricultural Lands	Goal 3, Policy 1	Policy 3.1.1	Minor changes in ORS chapters referenced.	None. The minor change in the text does not impact the Facility. Therefore, the Council may rely on its previous findings.
Wild and Scenic Rivers	Goal 5, Policy 5	Policy 5.5.1	Minor changes in formatting and addition of reference to OAR 660-023-0130.	None. OAR 660-023-0130 is directed towards local governments and does not apply to the Facility. Therefore, the Council may rely on its previous findings.
Fish and Wildlife	Goal 5, Policy 9	Policy 5.1.1	Minor changes in wording and formatting.	None. There have been no substantive changes to this policy. Therefore, the Council may rely on its previous findings.
Historic, Cultural, and Archaeological Resources	Goal 5, Policy 10	Policy 5.11.1	No change	None. There have been no changes to this policy. Therefore, the Council may rely on its previous findings.
Air Quality	Goal 6, Policy 1	Policy 6.1.1	No change	None. There have been no changes to this policy. Therefore, the Council may rely on its previous findings.

Section	WCCP 2010 Policy	WCCP 2022 Policy	Changes Between 2010 and 2022	Effect of Proposed Change in Sunset Solar RFA 1
Noise Levels	Goal 6, Policy 4	Policy 6.1.4	Minor changes, including the addition of encouraging more noisy development in less populated areas and considering Overlay Zones as noise sensitive areas.	None. The changes are not applicable to the Facility. Therefore, the Council may rely on its previous findings.
Agriculture and the Rural Economy	Goal 9, Policy 1	Policy 9.1.1	Removed "forestry" from the policy.	None. The changes are not applicable to the Facility. Therefore, the Council may rely on its previous findings.
Commercial and Industrial Development	Goal 9, Policy 2	Policy 9.1.2	Removed "forestry" from the policy.	None. The changes are not applicable to the Facility. Therefore, the Council may rely on its previous findings.
Local and Regional Economic Development	Goal 9, Policy 3	Policy 9.1.3	Minor change in wording.	None. There have been no substantive changes to this policy. Therefore, the Council may rely on its previous findings.
Fire Protection	Goal 11, Policy 1	Policy 11.1.1	Minor changes in wording.	None. There have been no substantive changes to this policy. Therefore, the Council may rely on its previous findings.
Power Line Corridor and Utility Development	Goal 11, Policy 3	Policy 11.1.3	Minor formatting change.	None. There have been no substantive changes to this policy. Therefore, the Council may rely on its previous findings.

Section	WCCP 2010 Policy	WCCP 2022 Policy	Changes Between 2010 and 2022	Effect of Proposed Change in Sunset Solar RFA 1
Energy Sources	Goal 13, Policy 1	Policy 13.1.1	No change	None. There have been no changes to this policy. Therefore, the Council may rely on its previous findings.
Non-Renewable Energy	Goal 13, Policy 2	Policy 13.1.2	No change	None. There have been no changes to this policy. Therefore, the Council may rely on its previous findings.
Renewable Energy	Goal 13, Policy 6	Policy 13.1.6	No change	None. There have been no changes to this policy. Therefore, the Council may rely on its previous findings.

6.5.2 Directly Applicable Statutes and Administrative Rules

OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses

The Council previously determined in the Bakeoven Solar Project Final Order on Application for Site Certificate that the Facility satisfied the requirements of OAR 660-033-0130 and warranted a Goal 3 exception under ORS 469.504.[37] The Certificate Holder does not propose to increase the size of the Facility micrositing corridor or propose changes that would undermine the Council's previous findings justifying a Goal 3 exception. However, there have been changes to OAR 660-033-0130(5) decision criteria that must be addressed.

> *(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:*
>
> > *(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*
> >
> > *(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

Response: The criteria above were addressed by the Certificate Holder in Exhibit K of Bakeoven Solar Project ASC submitted on November 4, 2019[38] in the response to WCLUDO 5.020(J) and 5.020(K), as these decision criteria closely reflect the OAR criteria provided above. As discussed in Section 6.5.1 in the Final Order for Amendment 1 of the Bakeoven Solar Project, the Council concluded that there have been no substantive changes to the applicable substantive criteria from the WCLUDO and the WCCP that was previously evaluated, and that the Facility continued to comply with these criteria.[39] As shown in Table 1 above, these WCLDO criteria were not amended during the 2022 WCLDO update. This would indicate that the Council could continue to conclude that the Facility continues to comply with these criteria. However, in January 2025, the Department of Land Conservation and Development added a code section, OAR 660-033-0130(5)(c), to clarify the analysis needed to show compliance with OAR 660-033-0130(5)(a) and (b). As a result, the Certificate Holder is directly addressing OAR 660-033-0130(5) here. The new language from the Department of Land Conservation and Development and the amended response from the Certificate Holder is provided below:

[37] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 106. April 24, 2020. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf0.

[38] Bakeoven Solar Project Application for Site Certificate, Exhibit K (November 2019). Available at: oregon.gov/energy/facilities-safety/facilities/Facilities library/2019-11-01-BSP-ASC-Exhibit-K.pdf.

[39] Bakeoven Solar Project Final Order for Amendment 1, p. 44. November 19, 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf.

(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:

(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;

(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and

(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.

(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).

(F) In the consideration of potentially mitigating conditions of approval under ORS 215.296(2), the governing body may not impose such a condition upon the owner of the affected farm or forest land or on such land itself, nor compel said owner to accept payment to compensate for the significant changes or significant increases in costs described in subsection (a) and (b).

Response:

Surrounding Lands, Farm Operations and Farm Practices [OAR 660-033-0130(5)(c)(A)]

For purposes of evaluating OAR 660-033-0130(5), "surrounding lands" are defined as the Land Use Analysis area, meaning parcels within Wasco County immediately adjacent to the Facility site boundary plus tax lots within an area 0.5 miles from the Facility site boundary (see "Analysis Area" within Wasco County on Figure 5B).

As shown on Figure 5B and described below, the surrounding lands consist of a mixture of proposed and constructed solar energy facilities, undeveloped rangeland, and dryland wheat cultivation. There are no forest practices on surrounding lands. The proposed Yellow Rosebush Energy Center is located northwest, north, and east of the Facility site boundary, while the Bakeoven Solar Project and Daybreak Solar Project (both under construction) are located to the

southwest of the Facility site boundary. An inventory of accepted farming practices occurring on farm operations within the surrounding lands is provided in Table 3 below.

Table 3. Farm Operations within Surrounding Lands

Landowner	Map and Tax Lot (MTL)	MTL in Lease Agreement with Facility	Farm Practices within Surrounding Lands
Steven L Ashley et al. (aka A & K Ranches)	5S 15E 0 100 5S 15E 0 101 4S 15E 0 1500	Yes No Yes	**Farm Operation: Cattle.** A portion of the surrounding lands within these tax lots is in review for the siting of the Yellow Rosebush Energy Center. Figure 5B and 2023 aerial imagery indicate no agricultural activities. As discussed in Exhibit K of the pASC Yellow Rosebush Energy Center, portions of these tax lots are used for cattle grazing for five months out of the year. Irrigation water rights: Permit G17321.
Don Phillips et al.	4S 16E 0 300 5S 16E 0 900 5S 16E 0 1000 5S 16E 0 1100	No (all)	**Farm Operation: Cattle.** A portion of the surrounding lands within these tax lots is in review for the siting of the Yellow Rosebush Energy Center. Figure 5B and 2023 aerial imagery indicate no agricultural activities. As discussed in Exhibit K of the pASC Yellow Rosebush Energy Center, while portions of these tax lots are used for cattle grazing, the portion of these operations within the surrounding lands will cease once the proposed solar facility is in construction. No irrigation water rights.
A & K Ranches	5S 16E 0 2000	No	**Farm Operation: None.** Figure 5B and 2023 aerial imagery indicate no agricultural activities. This tax lot contains a mineral aggregate site (#154). No irrigation water rights.
Vicki Ashley	5S 16E 0 1201 5S 16E 0 2200 5S 15E 0 1100	No (all)	**Farm Operation: Dryland wheat production.** The portion of these tax lots located within the surrounding lands is used for both the siting of solar energy facilities and limited crop production, or is undeveloped rangeland. Figure 5B and 2023 aerial imagery show development of the Bakeoven and Daybreak Solar Projects west of Bakeoven Road. No irrigation water rights.
Lawson Place Partners LLC	5S 15E 0 102	No	**Farm Operation: Unknown.** The portion of this tax lot located within the surrounding lands is used primarily for the siting of solar energy facilities. Figure 5B and 2023 aerial imagery show development of the Bakeoven and Daybreak Solar Projects west of Bakeoven Road. No irrigation water rights.

As described in Table 3, the outright permitted uses within the surrounding lands are undeveloped rangeland, agricultural uses (primarily periodic grazing and limited crop cultivation), and ranch homesites. Cattle grazing, ranching, and crop cultivation (dryland wheat) constitute the "accepted farming practice" for purposes of analysis this standard.

Potential Impacts to Farm Practices During Facility Construction and Operation [OAR 660-033-0130(5)(c)(B),(D)&(E)]

The following paragraphs address each of the potential impacts from construction and operation[40] of the Facility listed in OAR 660-033-0130(5)(c)(D), with the addition of fire risk and noise.

Traffic

Some increase in traffic on Bakeoven Road and Wilson Road is anticipated during construction; the temporary increase in the level of traffic should not interfere with surrounding agricultural activities as only a small portion of the micrositing corridor is actively farmed and this area is primarily on the south side of Bakeoven Road where tractor and harvest-related traffic does not use Bakeoven Road. A very small number of trucks related to cattle transport may use Bakeoven Road a few times a year, but even if this were to coincide with the construction window, any impacts to these ongoing agricultural activities would be insignificant.

Water Availability and Delivery

There is one irrigation place of use water right within the surrounding lands (Oregon Permit G 17321, discussed in Exhibit K Section 3.2.2 in the Bakeoven Solar Project ASC).[41] This water right is associated with the land owned by Steven L Ashley et al. (map and tax lot 5S 15E 0 100) and is being used to create artificial hunting habitat for fee-for-hunting use. The authorized use of this permit is for the irrigation of 125.7 acres and pond maintenance for six reservoirs (OWRD 2014). All crops grown within the surrounding lands are dryland crops and do not require irrigation. There are no crops within the surrounding lands supported by water delivery; as a result, water delivery will not be significantly impacted.

No change is proposed in the source of water during construction or operation of the Facility.[42] This water will be obtained from a local municipality using existing water rights and trucked to the site. The Certificate Holder may also source some water from an on-site exempt well provided such use of well water would not cause the rate of extraction to exceed the 5,000 gallons per day threshold.

Due to water either being trucked in from off-site or within the 5,000 gallon per day exemption threshold and the crops within the surrounding lands being dryland crops, there is no expectation that water availability will be significantly impacted.

[40] as required by OAR 660-033-0130(5)(c)(E).

[41] https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-K.pdf.

[42] https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-O.pdf.

Weeds and Pests

The Certificate Holder shall control the introduction and spread of noxious weeds in accordance with the methods, monitoring procedures, and success criteria set forth in the Sunset Solar Project (Phase III) Noxious Weed Plan (Bakeoven Solar Project RFA 1[43]). The Certificate Holder has coordinated with the Wasco County Weed Department Supervisor to develop the Noxious Weed Control Plan included with the Bakeoven Solar Project RFA 1.[44] This plan includes BMPs such as flagging and treating areas of noxious weed infestations prior to construction, cleaning vehicles and equipment prior to entry into revegetation areas, and revegetation of disturbed soils. Noxious weeds will be removed mechanically or with the use of herbicides. Post-construction, noxious weed control will involve monitoring areas of disturbance for noxious weeds for the first three years of operation. Using these BMPs during construction and operation will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.

Damage to Crops or Livestock

The farm operators in the surrounding lands have experience operating alongside the construction of the Bakeoven Solar Project and the Daybreak Solar Project. As discussed in the Yellow Rosebush Energy Center pASC Exhibit K, cattle operations have been in operation on lands west of the Facility for the past several years and will continue to operate. No significant impacts to their operations were expressed as part of the landowner testimony.

Litter and Trespass

Waste generated from construction will be minimized through detailed estimating of materials needs and through efficient construction practices. Construction will not require the use of specialized structures, systems, or equipment for waste management or disposal. Standard construction waste bins will be kept on site to keep construction debris until it is hauled off site. Separate containers for small quantities of hazardous materials, such as oily rags or contained soil from minor spills, will be provided according to the contractor's spill prevention, containment, and countermeasures plan.

The Facility is designed to operate without replacement parts, but some repair or replacement of electrical, solar, or battery equipment is expected over the life of the Facility. Damaged equipment will be removed and disposed of at the nearby Wasco County Landfill, or other approved disposal facility. Waste from the operations and maintenance (O&M) building and other solid waste generated on site will be collected and recycled as feasible. Non-recyclable wastes will be collected and transported to a local landfill. Disposal of materials for routine maintenance and housekeeping, such as lubrication oils and cleaning supplies, will be managed according to the pertinent regulations.

[43] https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-09-22-BSPAMD1Doc2-Bakeoven-Solar-Complete-RFA 1.pdf.

[44] https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-09-22-BSPAMD1Doc2-Bakeoven-Solar-Complete-RFA 1.pdf.

The incorporated communities near the Facility will provide solid waste management services to their respective incorporated areas. Waste Connections, Inc. provides collection, transfer, and recycling services in the Wasco County area. Solid waste disposal for the Facility will be provided through a private contract with local commercial haulers. The public landfill nearest to the site boundary is the Wasco County Landfill, owned by Waste Connections, Inc., in The Dalles.

The Certificate Holder has coordinated and will continue to coordinate with the Wasco County Sheriff's Office prior to construction (see Section 6.13). After construction is complete, full-time employees are anticipated to be visiting the site daily. The Facility is not open to the public, nor do customers visit the site as part of daily operations. The Facility site boundary will be entirely fenced with security gates at vehicle entry points and will contain all Facility-related activities.

Reduction in Crop Yields

There is no anticipated reduction in crop yields within the surrounding lands as the Facility components will be entirely enclosed within the perimeter fencing of the Facility site boundary. As evidenced by the active crop cultivation between Bakeoven Road and the Bakeoven Solar Project and Daybreak Solar Project, there is no indication that locating a solar facility adjacent to dryland wheat crops results in crop yield reduction. Traffic will be managed during construction to prevent disruptions in adjacent farm management schedules and the introduction and spread of noxious weeds will be prevented through methods set forth in the Sunset Solar Project (Phase III) Noxious Weed Plan (Bakeoven Solar Project RFA 1[45]).

Flooding

No portion of the surrounding lands is located within the regulated floodplain (Wasco County 2025). The Certificate Holder will monitor construction stormwater impacts in accordance with a NPDES 1200-C construction stormwater permit issued by ODEQ, and an associated ESCP. The ESCP describes BMPs for erosion and sediment control, spill prevention and response procedures, proper disposal procedures, regular maintenance for vehicles and equipment, and employee training on spill prevention. During operation, stormwater runoff will be contained within the Facility site boundary and infiltrate into the soils. Solar panel washing may occur during the summer and will use quantities of water that will evaporate or will infiltrate into the ground within the immediate vicinity of its use.

Noise

Potential noise impacts have been analyzed in Exhibit X of the Bakeoven Solar Project Application for Site Certificate through an acoustic modeling analysis. The results of the noise analysis indicate compliance with OAR 340-035-0035 at all noise sensitive receptors (e.g., the ranch dwellings). There are no anticipated impacts to agricultural uses from Facility noise given the Facility's compliance with OAR 340-035-0035 and the noise reduction measure provided in Exhibit X that

[45] https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-09-22-BSPAMD1Doc2-Bakeoven-Solar-Complete-RFA 1.pdf.

will be considered and incorporated into the Facility's contract specifications. On this basis, the Facility will be compatible with the surrounding area from a noise impact perspective.

Facility components have been set back from the ranch homesite located within the site boundary (owned by Facility property owners) to minimize visual and noise impacts to these residential uses.

Fire Risk

The Facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code, and a Fire Plan will be developed for the Facility. Through compliance with fire safety standards and the implementation of a fire protection and prevention plan, the Certificate Holder will minimize the risk of wildland fire during construction and operation. The construction contractor will be trained in fire prevention awareness and have on-site fire extinguishers to respond to small fires. In the event of a large fire, emergency responders will be dispatched.

Facility roads will be sufficiently sized for emergency vehicle access in accordance with 2014 Oregon Fire Code requirements, including Section 503 and Appendix D - Fire Apparatus Access Roads. Specifically, roads will be 16 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles. The fenced areas around the O&M building, collector substation, and battery energy storage system (BESS) will be graveled, with no vegetation present.

A 50-foot fire fuel break will be cleared and maintained around the O&M building, BESS, and substation. The BESS will be located within an approximately 8.4-acre area, and fire prevention and control measures specific to the BESS will be implemented (see Section 2.4 of Bakeoven Solar Project Exhibit B[46]). The fenced areas around the O&M building, collector substation, and BESS will be graveled, with no vegetation present. Unmanaged vegetation beyond the 50-foot fuel break located around the O&M building, BESS, and substation will be minimal, as these facilities are located in an area of low-growing shrubs and grass. Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), will be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.

Summary of Potential Impacts to Individual Farm Practices

As described in Table 3, farm practices within the surrounding lands include cattle grazing and dryland crop cultivation. These farm practices have continued alongside the construction activities for Bakeoven Solar Project and Daybreak Solar Project. None of the impacts discussed above rise to a threshold of significant due to either a lack of impact or mitigation measures implemented to prevent more than minimal impact. The potential impacts either do not impact the farm operations within the surrounding lands or are mitigated such that the impacts remain minimal.

Cumulative Impacts to Farm Operations [OAR 660-033-0130(5)(c)(C)]

[46] https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-B.pdf.

As described in the *Potential Impacts to Farm Practices During Facility Construction and Operation* section, none of the impacts have risen to the level significant enough to have an important influence or effect on that operation. Collectively, prevention, mitigation and monitoring efforts discussed above and in Bakeoven Solar Project Application for Site Certificate Exhibits G, K, O, P, U, V, and X will alleviate potential impacts from traffic, water availability and delivery, weeds and pests, damage to crops or livestock, litter and trespassing, reduction in crop yields, flooding, noise, and fire risk. There are no unique farm practices within the surrounding lands.

Further, the participating landowners will sign and record a Farm-Forest Management Easement as required per WCLUDO Section 3.218. This easement binds the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. Through this easement farm practices in the surrounding lands are protected from litigation.

Limitations to Conditions [OAR 660-033-0130(5)(c)(F)]

OAR 660-033-0130(5)(c)(F) is directed to the County/ Council and does not require findings from the Certificate Holder.

OAR 660-033-0130(5) Conclusion

The Facility will be compatible with adjacent agricultural uses (including grazing and dryland wheat cultivation) in the surrounding lands, as it will not limit or impact current or future farm activities on the surrounding land and will not diminish the opportunity for neighboring parcels to expand, purchase, or lease any vacant land available for agricultural uses. For the above stated reasons, the Council may find that the Facility will not significantly change the accepted farming practices within the surrounding area. Because the Facility will not result in significant impacts, the Council can draw the conclusion that the Facility will also not result in significant costs to accepted farming practices.

6.5.3 Conclusions and Compliance with Existing Site Certificate Conditions

RFA 1 does not propose modifications to existing conditions or require new conditions associated with land use. Therefore, the extension of the construction deadlines proposed in this RFA 1 will not alter the Council's basis for its previous findings that the Facility, as amended in RFA 1, will continue to comply with OAR 345-022-0030.

6.6 OAR 345-022-0040 Protected Areas

(1) To issue a site certificate, the Council must find:

a. The proposed facility will not be located within the boundaries of a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363;

b. The design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to a protected area designated on or before the date the application for site certificate or request for amendment was determined to be complete under OAR 345-015-0190 or 345-027-0363.

(2) Notwithstanding section (1)(a), the Council may issue a site certificate for:

a. A facility that includes a transmission line, natural gas pipeline, or water pipeline located in a protected area, if the Council determines that other reasonable alternative routes or sites have been studied and that the proposed route or site is likely to result in fewer adverse impacts to resources or interests protected by Council standards; or

b. Surface facilities related to an underground gas storage reservoir that have pipelines and injection, withdrawal or monitoring wells and individual wellhead equipment and pumps located in a protected area, if the Council determines that other alternative routes or sites have been studied and are unsuitable.

(3) The provisions of section (1) do not apply to:

a. A transmission line routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts or higher; or

b. A natural gas pipeline routed within 500 feet of an existing utility right of way containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 psig.

(4) The Council shall apply the version of this rule adopted under Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. Nothing in this section waives the obligations of the certificate holder and Council to abide by local ordinances, state law, and other rules of the Council for the construction and operation of energy facilities in effect on the date the site certificate or amended site certificate is executed.

(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit information about the potential impacts of the proposed facility on protected areas in the analysis area, providing evidence to support a finding by the Council as required by this rule, including:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility complies with the Protected Areas standard.[47] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found the Protected Areas standard to be among the standards not likely to be impacted by the request for amendment.[48] The Protected Areas standard requires the Council to find that, taking into account mitigation, the design, construction, and operation of a facility are not likely to result in significant adverse impacts to any protected area as defined by OAR 345-001-0010.

OAR 345-022-0040 was amended in December 2022. The definition of "protected area," which was formerly located in OAR 345-022-0040, was replaced and amended in OAR 345-001-0010. The amendment in OAR 345-001-0010 includes updating the categories of protected areas, removing specific area references and replacing them with references to authorizing law or statute for designation; expanding the list to include Wilderness Study Areas, Special Interest Areas, and special resource management areas administered by a Federal Agency other than the Bureau of Land Management; and additional editorial changes for clarity and consistency.[49]

Exhibit L of the Bakeoven Solar Project Application for Site Certificate presents an assessment of protected areas within 20 miles of the site boundary and demonstrates that the Facility can comply with the approval standard in OAR 345-022-0040[50]. The Certificate Holder conducted a desktop analysis to identify protected areas within the 20-mile analysis area, based on the updated categories of protected areas listed in OAR 345-001-0010. These protected areas are displayed in Figure 6 and listed in Table 4.

[47] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 127

[48] Bakeoven Solar Project Final Order for Amendment 1, p. 58

[49] Oregon Secretary of State. Amendment of Protected Areas, Scenic Resources, and Recreation Standards and Associated Rules. December 16, 2022. Accessed January 2025. Available at: https://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9316687.

[50] Bakeoven Solar Project Application for Site Certificate, Exhibit L

Table 4. Protected Areas Databases Review

Protected Area, as Defined in OAR 345-001-0010	Protected Area Within 20 Miles of Site	References
(a) A National Park or other unit of the National Park System described under 54 U.S.C. 100501;	None	NPS 2024a
(b) A National Monument established under 54 U.S.C. 320301 or by an act of Congress;	None	NPS 2025
(c) A Wilderness Area established under 16 U.S.C 1131 et seq. or by an act of Congress;	Lower White River Wilderness	BLM 2024a, Wilderness Connect 2024
(d) A Wild, Scenic, or Recreational River included in the National Wild and Scenic River System under 16 U.S.C. 1271 et seq.;	Deschutes River, White Wild and Scenic River, John Day River	NPS 2024b, National Wild and Scenic Rivers System 2024
(e) A National Wildlife Refuge included in the National Wildlife Refuge System described under 16 U.S.C. 668dd;	None	USFWS 2024a
(f) A National Fish Hatchery established under 16 U.S.C. 760aa;	None	USFWS 2024b
(g) A National Recreation area, National Scenic area, or Special Resources Management Unit established by an act of Congress;	None	NPS 2024c, USFS 2025a
(h) A Wilderness Study Area established under 43 U.S.C. 1782;	North Pole Ridge, Lower Thirty Mile, Lower John Day	BLM 2024a
(i) Land designated in a federal land management plan or by an act of Congress as: (A) An Area of Critical Environmental Concern;	Armstrong Canyon	BLM 2024b
(B) An Outstanding Natural Area;	Tygh Valley State Natural Area, Lawrence Memorial Grassland	BLM (undated)
(C) A Research Natural Area;	None	USFS 2025b
(D) An Experimental Forest or Range; or	None	USFS 2024a
(E) A Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values;	Lower Deschutes Wildlife Area, White River Wildlife Area	USFS 2024b
(j) A state park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the	Deschutes-Oregon Wildlife Heritage Foundation, White River Falls State Park, Tygh Valley State Natural Area	OPRD 2024a

Protected Area, as Defined in OAR 345-001-0010	Protected Area Within 20 Miles of Site	References
Oregon Parks and Recreation Department;		
(k) The Willamette River Greenway created under ORS 390.310 to 390.368;	None	OPRD 2024b
(L) A natural area listed in the Oregon Register of Natural Areas under ORS 273.581;	Tygh Valley State Natural Area	OPRD 2020
(m) The South Slough National Estuarine Research Reserve, described under ORS 273.553;	None	NOAA 2024a
(n) A State Scenic Waterway designated under ORS 390.805 to 390.925 and related adjacent lands;	Deschutes River, White Wild and Scenic River, John Day River	OPRD 2024c, OPRD 2024d
(o) A state wildlife refuge or management area identified in OAR chapter 635, division 008;	None	OAR 635-008
(p) A fish hatchery operated by the Oregon Department of Fish and Wildlife;	Oak Springs Fish Hatchery	ODFW 2024a
(q) An agricultural experiment station, experimental area, or research center established by Oregon State University under ORS chapter 567; or	None	OSU 2022
(r) A research forest established by Oregon State University under ORS 526.215.	None	OSU 2024

The following previously identified and evaluated protected areas are identified in the 20-mile analysis area shown in Figure 6:

- Lower White River Wilderness;
- Deschutes River;
- White Wild and Scenic River;
- John Day River;
- Lower Deschutes Wildlife Area;
- White River Wildlife Area;
- Deschutes-Oregon Wildlife Heritage Foundation;
- White River Falls State Park;
- Tygh Valley State Natural Area; and
- Oak Springs Fish Hatchery.

The changes proposed in RFA 1 will not contribute any additional impacts to those already reviewed and approved by the Council. The following additional protected areas were identified based on the updated definition of protected areas in OAR 345-001-0010 and are shown in Figure 6:

- Lawrence Memorial Grassland (12 miles from Area Subject to RFA 1);
- Lower John Day Wilderness Study Area (14 miles from Area Subject to RFA 1);
- Lower Thirty Mile Wilderness Study Area (15 miles from Area Subject to RFA 1);
- North Pole Ridge Wilderness Study Area (16 miles from Area Subject to RFA 1); and
- Armstrong Canyon (19 miles from Area Subject to RFA 1).

None of the protected areas identified above are within the area subject to RFA 1. Due to their distance from the Facility (12 to 19 miles from the Area Subject to RFA 1), the proposed change is not anticipated to have any noise, traffic, or visual impacts on these protected areas.

RFA 1 does not seek to enlarge the existing approved site boundary or physical components of the Facility. No conditions specific to the Protected Areas standard have been applied by the Council[51]. RFA 1 makes no changes that alter the basis for the Council's earlier findings. Therefore, the proposed changes do not affect the Council's previous findings on Protected Areas and the Council may conclude that the Facility, as amended by RFA 1, will not result in significant adverse impacts to protected areas and will continue to comply with OAR 345-022-0040.

6.7 OAR 345-022-0050 Retirement and Financial Assurance

To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) To assist the Council in determining whether the standard outlined in (1) has been met, the Applicant must submit information about site restoration, providing evidence to support a finding by the Council as required by this rule. The applicant must include:

(a) The estimated useful life of the proposed facility;

(b) Specific actions and tasks to restore the site to a useful, non-hazardous condition;

(c) An estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition;

(d) A discussion and justification of the methods and assumptions used to estimate site restoration costs; and

[51] Sunset Solar Project Site Certificate. 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

(e) For facilities that might produce site contamination by hazardous materials, a proposed monitoring plan, such as periodic environmental site assessment and reporting, or an explanation why a monitoring plan is unnecessary.

(3) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

(4) To assist the Council in determining whether the standard outlined in (3) has been met, the Applicant must submit information:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility complies with the standards of OAR 345-022-0050.[52] The Division 21 standards amended under OAR 345-022-0050 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021. In the Sunset Solar Project Site Certificate, the Council imposed several conditions (GEN-RT-01, PRE-RT-01, PRE-RT-02, RET-RT-01, and RET-RT-02) to ensure the Certificate Holder would restore the site of the Facility to a useful, nonhazardous condition in accordance with the Retirement and Financial Assurances standard.[53] The proposed change to construction dates does not change compliance with existing and amended conditions. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0050.

6.8 OAR 345-022-0060 Fish and Wildlife Habitat

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:

*(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017***; and*

(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.

[52] Bakeoven Solar Project Final Order for Amendment 1, p. 55

[53] Sunset Solar Project Site Certificate. 2021. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

(3) To assist the Council in determining whether the standard outlined in (1) through (2) has been met, the Applicant must submit information about the fish and wildlife habitat and the fish and wildlife species, other than the species addressed in OAR-022-0070(3) (the Threatened and Endangered Species Exhibit) that could be affected by the proposed facility, providing evidence to support a finding by the Council as required by this rule. The applicant must include:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]….

Response: The Council previously found that the Facility would comply with the Council's Fish and Wildlife Habitat standard in the Bakeoven Solar Project Final Order for Amendment 1.[54] The Division 21 standards amended under OAR 345-022-0060 on April 2, 2025, have not changed since the Final Order for Amendment 1 was submitted on November 19, 2021.[55] The proposed change to extend construction deadlines for the Facility does not affect the Certificate Holder's ability to comply with any of the other previously imposed Site Certificate Conditions for fish and wildlife habitat.[56]

The Certificate Holder conducted field surveys in May 2021 within portions of the Facility micrositing corridor and in June and July 2018 within the Bakeoven Energy Project micrositing corridor, which includes the Facility (Tetra Tech 2018a, 2018b, 2018c, 2018d, 2021a). The survey objective was to map and classify habitat according to Oregon Department of Fish and Wildlife (ODFW) guidelines set forth in Oregon Administrative Rule 635-415-0025. Observations of state-designated noxious weeds, state sensitive, threatened, and endangered wildlife species, and state-threatened, endangered, and candidate vascular plant species were recorded if observed (OCS 2016; ODFW 2013; ODFW 2016; ODFW 2017, ORBIC 2018). The predominant habitat types at the Facility are Category 4 and 5 Eastside Grasslands (39 percent and 13 percent, respectively) and Category 3 Planted Grasslands (34 percent) (Tetra Tech 2018b, 2018d, 2021a). Other notable habitat types at the Facility include Category 3 Eastside Grasslands, and Category 3 and 4 Shrub-steppe. Mitigation for permanent impacts to Category 3, 4, and 5 habitats are required under the ODFW Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0010).

[54] Bakeoven Solar Project Final Order for Amendment 1, p.56

[55] OAR 345-022-0060 Fish and Wildlife Habitat. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/view.action;JSESSIONID_OARD=DcQlUBUctGXYiUin0vChlsLCejElgP3eQtioCAxHKKwhNZ_emN5w!-608281216?ruleNumber=345-022-0060.

[56] Note: the Certificate Holder makes a minor administrative correction to Site Certificate condition PRE-FW-02 to remove "and during" as shown in Attachment 2 and previously approved by ODOE via email communication on February 28, 2023.

The Certificate Holder reviewed state sensitive wildlife species (ODFW 2024b) and occurrences based on Oregon Biodiversity Information Center data (ORBIC 2018, ORBIC 2025) and did not identify any new information that would modify the characterization of state sensitive fish and wildlife species presented for the Facility.

The Certificate Holder prepared habitat categorization maps (Figure 7A and 7B) within the Facility based on the 2021 Sunset Solar Project (Phase III) Pre-construction Habitat Survey Report (Tetra Tech 2021b) and the 2018 Bakeoven Energy Project Special-Status Wildlife and Habitat Survey Report (Tetra Tech 2018b). The habitat categorization shown within the site boundary area subject to RFA 1 was reviewed consistent with current available 2025 aerial imagery. Aerial imagery was applied under the 2021 and 2018 mapped habitat categories to demonstrate that habitat categories within the previously approved micrositing corridor appear substantively similar to current aerial imagery. In addition, the Certificate Holder reviewed wildfire perimeter data between 2018 and 2025 (NIFC 2024, NIFC 2025) and verified that no wildfires occurred within the Facility that would alter previously mapped habitat categories.

The Certificate Holder proposed three mitigation options to meet the Facility's compensatory habitat mitigation obligation: 1) mitigation banking with ODFW; 2) payment to provide option with Western Rivers Conservancy or Deschutes Land Trust; and 3) acquisition of a conservation easement to protect and enhance a compensatory mitigation area. These mitigation options are described in the Facility Draft Habitat Mitigation Plan.[57]

Proposed changes to construction deadlines do not affect the Certificate Holder's ability to comply with any previously imposed Site Certificate Conditions for fish and wildlife habitat. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0060.

6.9 OAR 345-022-0070 Threatened and Endangered Species

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:

(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or

(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

[57] Bakeoven Solar Project Final Order for Amendment 1. Attachment D-3.

> *(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.*
>
> *(3) To assist the Council in determining whether the standard outlined in (1) through (2) has been met, the Applicant must submit information about threatened and endangered plant and animal species that may be affected by the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0070. The applicant must include:*
>
> *[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...*

Response: The Council previously found in the Final Order on Application for Site Certificate for the Bakeoven Solar Project that the Facility complies with the Council's Threatened and Endangered Species standard.[58] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found OAR 345-022-0070 to be among the standards not likely to be impacted by the request for amendment.[59] The Division 21 standards amended under OAR 345-022-0070 on April 2, 2025, have not changed since the Final Order for Amendment 1. Based on compliance with existing Site Certificate Conditions, the Council determined the Facility is not likely to cause a significant reduction in the likelihood of survival of any threatened or endangered species. According to the USFWS Information for Planning and Consultation (IPaC) resource list, the Facility micrositing corridor does not overlap with critical habitat for any species (Attachment 5).

IPaC identified two federal listed species with potential to occur in the Facility micrositing corridor: monarch butterfly (*Danaus plexippus*, proposed threatened) and Suckley's cuckoo bumble bee (*Bombus suckleyi*, proposed endangered) (Attachment 5). There are 53 state or federally listed wildlife species in Oregon according to the ODFW list updated in March 2024 (ODFW 2024b). The Facility micrositing area contains potentially suitable habitat for three listed wildlife species: Canada lynx (*Lynx canadensis*, federally threatened), gray wolf (*Canis lupis*, federally endangered), and wolverine (*Gulo gulo*, state and federally threatened). The Certificate Holder evaluated habitat conditions in the site boundary (Tetra Tech 2018b) and data on species range and occurrence (ORBIC 2018, ORBIC 2025) to confirm that no other listed species are likely to occur in the site boundary. No listed wildlife species were observed during surveys (Tetra Tech 2018b). The Certificate Holder did not identify any new information that would modify the characterization of threatened and endangered wildlife species previously evaluated for the Facility. No additional

[58] Bakeoven Solar Project Final order on Application for Site Certificate, p. 157

[59] Bakeoven Solar Project Final Order for Amendment 1, p. 60

surveys or conditions regarding future surveys are required for the proposed amendment to extend the completion date of the Facility.

Oregon Department of Agriculture lists 76 plant species as threatened or endangered, and 3 of those species are known to occur in Wasco County: northern wormwood (*Artemisia campestris* var. *wormskioldii*), Tygh Valley milkvetch (*Astragalus tyghensis*), and white fairy poppy (*Meconella oregana*) (ODA 2024a, ODA 2024b). The Facility micrositing corridor contains potentially suitable habitat for one listed plant, Tygh Valley milkvetch (state threatened). The Certificate Holder conducted botanical surveys in 2018 within the Facility micrositing area and no listed plants were observed (Tetra Tech 2018a). A small population of Tygh Valley milkvetch was mapped at the adjacent Daybreak Solar Project in May 2021, west of Bakeoven Road (Tetra Tech 2021a). Site Certificate Condition PRE-TE-01 requires that the Certificate Holder conduct a pre-construction field survey for threatened and endangered plants including Tygh Valley milkvetch. There were no listed plant occurrences in the ORBIC database within 5 miles of the Facility micrositing corridor (ORBIC 2018, ORBIC 2025).

All previously imposed Site Certificate Conditions for threatened and endangered species apply to RFA 1. Changes proposed in RFA 1 do not affect the Certificate Holder's ability to comply with any of the previously imposed Site Certificate Conditions for threatened and endangered species. RFA 1 will not alter the basis for the Council's previous findings. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0070.

6.10 OAR 345-022-0080 Scenic Resources

(1) To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse visual impacts to significant or important scenic resources.

(2) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). In issuing such a site certificate, the Council may impose conditions of approval to minimize the potential significant adverse visual impacts from the design, construction, and operation of the facility on significant or important scenic resources.

(3) A scenic resource is considered to be significant or important if it is identified as significant or important in a current land use management plan adopted by one or more local, tribal, state, regional, or federal government or agency.

(4) The Council shall apply the version of this rule adopted under Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. Nothing in this section waives the obligations of the certificate holder and Council to abide by local ordinances, state law, and other rules of the Council for the construction and operation of energy facilities in effect on the date the site certificate or amended site certificate is executed.

(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit an analysis of potential visual impacts of the proposed facility, if any, on significant or important scenic resources within the analysis area, providing evidence to support a finding by the Council under OAR 345-022-0080, including:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found in the Final Order on the Application for Site Certificate for the Bakeoven Solar Project that the Facility would comply with the Council's Scenic Resources standard.[60] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found Scenic Resources to be among the standards not likely to be impacted by the request for amendment.[61] OAR 345-022-0080 was amended in December 2022, with the following changes: removal of a reference to the analysis area, addition of scenic resources identified as significant or important under state or multi-jurisdictional land management plans, and additional editorial changes for clarity and consistency.[62]

In Exhibit R of the Bakeoven Solar Project Application for Site Certificate, the Certificate Holder evaluated the land use and management plans listed below to determine whether scenic resources were identified as significant or important. The Certificate Holder did not identify any new or previously unevaluated land use management plans in the 10-mile analysis area subject to this RFA 1.

- Wasco County Comprehensive Plan (Wasco County 2010). The Wasco County Comprehensive Plan was updated in 2022. There have been no changes to the designated scenic areas identified in the plan.
- Sherman County Comprehensive Land Use Plan (Sherman County 2007). No changed or amended versions of the Sherman County Comprehensive Plan were identified during desktop review prior to submittal of this RFA 1.
- City of Maupin Comprehensive Land Use Plan (City of Maupin 2005). No changed or amended versions of the City of Maupin Comprehensive Land Use Plan were identified during desktop review prior to submittal of this RFA 1.

[60] Bakeoven Solar Project Final order on Application for Site Certificate, p. 166

[61] Bakeoven Solar Project Final Order for Amendment 1, p. 60

[62] OAR 345-022-0080 Scenic Resources. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=A6SqcEtOLFUxyknHMGoCuQEjPt5mgGOBsxKHcCW41IbSaP5rvWcS!38215369?ruleVrsnRsn=293415.

- City of Shaniko Comprehensive Land Use Plan (City of Shaniko 1978). No changed or amended versions of the City of Shaniko Comprehensive Land Use Plan were identified during desktop review prior to submittal of this RFA 1.
- Two Rivers Resource Management Plan (BLM 1986). No changed or amended versions of the Two Rivers Resource Management Plan were identified during desktop review prior to submittal of this RFA 1.
- Lower Deschutes River Management Plan Record of Decision (BLM 1993). An errata and plan maintenance document (BLM 2016) was published in 2016 to provide clarification to minor inconsistencies in the original Lower Deschutes River Management Plan. These clarifications are related to BLM's transfer policies and do not impact the identification of scenic resources.
- White River National Wild and Scenic River Management Plan (USFS 1994). No changed or amended versions of the White River National Wild and Scenic River Management Plan were identified during desktop review prior to submittal of this RFA 1.

After assessing the seven applicable land use plans and federal land management plans (listed above) that pertained to lands within the analysis area, the following scenic and aesthetic areas were identified as shown on Figure R-1 of the Bakeoven Solar Project Application for Site Certificate:

- Deschutes River Canyon;
- White River Canyon; and
- Designated Scenic Routes: Specific segments along US-97, US-197, OR-216, and OR-218.

No changes are proposed to the Facility (aside from construction start/completion dates). Based on the Certificate Holder's review of scenic resources listed in OAR 345-022-0080, there are no new scenic resources located within the 10-mile analysis area for RFA 1 that were not previously evaluated in the Bakeoven Solar Project Application for Site Certificate (Figure 8). The 10-mile analysis area for this amendment request applies to the site boundary area subject to RFA 1 (Figure 2) and incorporates the same jurisdictions and plans identified above. The Certificate Holder has not identified any new or previously unevaluated land use management plans in the 10-mile analysis area for the site boundary area subject to RFA 1, and none of the plan amendments or updates listed above have changed, added, or removed scenic resources that were deemed as important or significant. Accordingly, no new resources are identified or discussed as a result of this amendment request. Figure 8 shows the previously identified and evaluated significant and important scenic resources within the 10-mile analysis area from the site boundary area subject to RFA 1. The scenic resources identified on Figure 8 include the White River and Deschutes River Scenic Waterways, segments of the County Scenic Highway, and a segment of the Journey Through Time Scenic Byway. These three resources were previously evaluated in the Bakeoven Solar Project Application for Site Certificate. The Council found in the Bakeoven Solar Project Final Order on the Application for Site Certificate that the design, construction, and operation of the solar components that are now approved under the Sunset Solar Project Site Certificate are, subject to compliance

with the BMPs listed in Condition GEN-SR-01, not likely to result in significant adverse impacts to any scenic resources.[63] Zone of Visual Influence (ZVI) analysis was prepared for the Bakeoven Solar Project to assess the potential visibility of Facility components from the significant and important scenic resources identified above.[64] No new visual impacts are anticipated, as RFA 1 does not seek to enlarge the existing site boundary or physical components of the Facility.

RFA 1 does not seek to enlarge the existing site boundary or physical components of the Facility. There are no proposed changes to the previously approved facilities, phasing or resources, such as roads, water, or construction resources. Temporary vegetation loss would be restored through the Certificate Holder's implementation of a final Habitat Mitigation and Revegetation Plan, to be reviewed and approved by the Department prior to construction, and in accordance with previously imposed Conditions GEN-FW-01 and GEN-FW-03. In order to reduce potential visual impacts to Scenic Resources, the Council also previously imposed Condition GEN-SR-01, which will continue to apply to the Facility. The RFA 1 does not change the ability of the Facility to comply with conditions imposed to reduce visual impacts. Therefore, the Council may continue to find that Facility design, construction, and operation is not likely to result in significant adverse impacts to the scenic resources identified above and that RFA 1 complies with the Council's Scenic Resources standard.

6.11 OAR 345-022-0090 Historic, Cultural and Archaeological Resources

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;

(b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and

*(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c). ****

(4) To assist the Council in determining whether the standard outlined in (1) through (3) has been met, the Applicant must submit information about historic, cultural and archaeological resources. Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.345(11). The applicant must submit such information separately, clearly marked as "confidential," and shall request that the

[63] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 166. April 24, 2020. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf

[64] Bakeoven Solar Project Application for Site Certificate, Exhibit R (November 2019). Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-R.pdf.

Department and the Council keep the information confidential to the extent permitted by law. The applicant must include information in this exhibit or in confidential submissions providing evidence to support a finding by the Council as required by OAR 345-022-0090, including:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found in the Final Order on the Application for Site Certificate for the Bakeoven Solar Project that the Facility would comply with the Council's Historic, Cultural, and Archaeological Resources standard.[65] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found Historic, Cultural, and Archaeological Resources to be among the standards not likely to be impacted by the request for amendment.[66] The Division 21 standards amended under OAR 345-022-0090 on April 2, 2025, have not received substantive changes since the Final Order for Amendment 1 was issued on November 19, 2021.[67]

The Bakeoven Solar Project was surveyed in 2018. The results of the cultural resources surveys are documented in the confidential cultural resources survey report provided as Bakeoven Solar Project ASC Attachments S-1 through S-3. Two built environment resources and 38 archaeological resources were identified within the analysis area for that project. No National Register of Historic Places (NRHP)-listed or eligible sites have been identified within the analysis area. However, four sites could not be properly evaluated for NRHP-eligibility and are considered "unevaluated." The site boundary area subject to RFA 1 is within the previously approved boundary for the Bakeoven Solar Project cultural resources survey. Within the site boundary area subject to RFA 1, there are nine archaeological resources. These include one homestead in-ruin, three stacked rock features, one refuse scatter, three check dam features, and one isolated piece of farm equipment (Table 5). Only one of these resources is potentially eligible for listing on the NRHP; 35WS 00782, a homestead in-ruin, has been left unevaluated pending further testing and research.

[65] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 172

[66] Bakeoven Solar Project Final Order for Amendment 1, p. 60

[67] OAR 345-022-0090 Historic, Cultural and Archaeological Resources. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=259971.

Table 5. Archaeological Resources in the Site Boundary Area Subject to RFA 1

Field No.	Type	Description	Date Range	NRHP Status
Archaeological sites				
35WS 00775	Stacked rock feature	Roughly one meter in height, stacked in a rectangular plan. Heavily eroded and collapsed.	Indeterminate	Not eligible
35WS 00777	Stacked rock feature	Two similarly sized basalt cobble rock stacks with sheet metal refuse nearby.	Historic	Not eligible
35WS 00778	Stacked rock feature	Three similarly sized volcanic rock and basalt cobble rock stacks with sheet metal refuse nearby.	Historic	Not eligible
35WS 00780	Check Dam	Basalt cobble dam between two earthen berms. Nearby associated artifacts include one metal bucket with crimped solder seems and one crushed can fragment.	Historic	Not eligible
35WS 00781	Check Dam	Cobble dam with associated artifacts, which include: one handmade horseshoe, two square cut nails, wood fence post fragments, and one small length of baling wire.	Historic	Not eligible
35WS 00782	Homestead	Twelve features, including a dwelling, barn, foundations, dams, and walls. It also contains thousands of metal, glass (including solarize amethyst), and ceramic fragments.	Historic	Unevaluated
35WS 00783	Historic-period Road and Check Dam	The road is an unimproved road with rock-lined borders. The check dam spans a drainage and is constructed with approximately 200 basalt boulders. Associated artifacts include a dozen steel cans.	Historic	Not eligible
35WS 00786	Refuse Scatter	The artifact scatter consists of two barrel straps, a large bucket, a lard pale, a cake pan, a gas can, an ornate handled lid, three crushed cans, four brown glass fragments, and two aqua glass fragments.	Historic	Not eligible
Isolates				
SY05	Sickle	Sickle bar mower	Historic	Not eligible

The Sunset Solar Project Site Certificate lists the following conditions for the protection of Historic, Cultural and Archaeological Resources (GEN-HC-01).

> **GEN-HC-01**. *The certificate holder shall:*
>
> *a. Prior to construction of the facility, facility component or phase, finalize the draft Inadvertent Discovery Plan, as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, based on review and concurrence from the Department, in consultation with SHPO or the Department's third-party contractor.*
>
> *b. During construction of the facility, facility component or phase, require all onsite personnel to complete a Worker Environmental Awareness Training provided by a qualified archeologist as defined in OAR 736-051-0070 to properly identify sensitive historic, cultural and archeological resources that could be inadvertently uncovered during construction, and on measures to avoid accidental damage to such resources. Records of all trainings shall be maintained onsite during construction.*
>
> *c. During construction of the facility, facility component or phase, ensure its contractors utilize constraint maps to avoid direct impacts from facility components to archeological resources 18-344-002, 18-344-008, 18-344-014, 18-344-044. Constraint maps shall also identify the entirety of the areas not included in the pedestrian level ground surveys, if beyond 20-meters, and shall preclude placement of facility components or disturbance impacts unless appropriate field surveys are conducted.*
>
> *d. During construction and operation of the facility, facility component or phase, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as reviewed and finalized per sub(a) of this condition.*
>
> [Historic, Cultural and Archeological Condition 1, Final Order on ASC (2020); AMD1 (2021)]

If this condition is met, impacts to significant resources such as site 35WS 00782 will be avoided. The Certificate Holder does not propose changes to this condition in the Site Certificate. The Certificate Holder will continue to comply with Site Certificate Conditions, and as such, commits to pre-construction surveys in any disturbance areas that would lie outside of previously surveyed areas, if needed based on final design. Therefore, the Council may conclude that the Facility, as amended by RFA 1, is not likely to result in significant adverse impacts on resources protected by the Council's Historic, Cultural and Archaeological Resources standard and will continue to comply with OAR 345-022-0090.

6.12 OAR 345-022-0100 Recreation

(1) To issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities.

(2) The Council must consider the following factors in judging the importance of a recreational opportunity:

a. Any special designation or management of the location;

b. The degree of demand;
c. Any outstanding or unusual qualities;
d. The availability or rareness; and
e. The irreplaceability or irretrievability of the opportunity.

(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). In issuing such a site certificate, the Council may impose conditions of approval to minimize the potential significant adverse impacts from the design, construction, and operation of the facility on important recreational opportunities.

(4) The Council must apply the version of this rule adopted under Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 before the effective date of this rule. Nothing in this section waives the obligations of the certificate holder and Council to abide by local ordinances, state law, and other rules of the Council for the construction and operation of energy facilities in effect on the date the site certificate or amended site certificate is executed.

(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit information about the impacts the proposed facility would have on important recreational opportunities in the analysis area, providing evidence to support a finding by the Council as required by OAR 345-022-0100, including:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility compiles with the Council's Recreation standard.[68] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found the Recreation standard to be among the standards not likely to be impacted by the request for amendment.[69] OAR 345-022-0100 was amended in December 2022, with editorial changes for clarity and consistency. The changes also specify that the amended standards only apply to applications or RFAs filed on or after the effective date of this amendment.[70] Due to the minor and administrative nature of these changes, they do not impact the Council's previous determinations. The Bakeoven Solar Project Final Order on Application for Site Certificate identifies recreational opportunities previously evaluated within 5 miles from the approved site boundary for the

[68] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 182

[69] Bakeoven Solar Project Final Order for Amendment 1, p. 61

[70] OAR 345-022-0100 Scenic Resources. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=293416.

Bakeoven Solar Project, which includes the site boundary area subject to this RFA 1. Based on the Certificate Holder's review, there are no new recreational opportunities located within the 5-mile analysis area for this RFA 1 (Figure 9).

Table T-1 in the Bakeoven Solar Project RFA 1 provided an inventory of recreational resources in the Bakeoven Solar Project analysis area, which included:

- Sage Canyon Outfitters;
- White Wild and Scenic River;
- Deschutes River campgrounds (Oasis, Oak Springs, Blue Hole, White River);
- Deschutes Wild and Scenic River;
- Sherar's Falls Scenic Bikeway;
- Oak Springs Fish Hatchery;
- White River Falls State Park; and
- Maupin City Park.

Of the recreational resources listed above, Sage Canyon Outfitters, a private hunting preserve, is the only one within the 5-mile analysis area for this RFA 1. In the Bakeoven Solar Project Final Order on the Application for Site Certificate, the Council did not find Sage Canyon Outfitters to be an "important" recreational opportunity under the Council's standards.[71]

The Certificate Holder did not find any new recreational opportunities within the analysis area that were not previously identified with the Bakeoven Solar Project Application for Site Certificate and the Bakeoven Solar Project RFA 1.

RFA 1 does not seek to enlarge the existing site boundary or physical components of the Facility. There are no proposed changes to the previously approved facilities, phasing or resources, such as roads, water, or construction resources. In addition, no new recreational facilities have been identified within the analysis area. As such, there is no change in the discussion of potential impacts to previously evaluated recreational opportunities within the analysis area. Therefore, the Council may conclude that the Facility as amended by RFA 1 is not likely to result in a significant adverse impact on important recreational opportunities and will continue to comply with OAR 345-022-0100.

6.13 OAR 345-022-0110 Public Services

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

[71] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 175

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.
*****

(4) To assist the Council in determining whether the standard outlined in (1) through (3) has been met, the Applicant must submit:

[Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Sunset Solar Project would meet the Council's Public Services Resources standard based on compliance with conditions OPR-PS-01, OPR-PS-02, GEN-PS-01, CON-PS-01, and PRE-PS-01.[72] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found the Public Services standard to be among the standards not likely to be impacted by the request for amendment.[73] The Division 21 standards amended under OAR 345-022-0110 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[74] The proposed changes in this RFA 1 do not alter the Facility's construction, use, or reliance on sewers and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, or schools, and there are no other circumstances that would alter the basis for the Council's earlier determination.

This RFA 1 is submitted to extend construction deadlines. RFA 1 does not seek to enlarge the existing site boundary or physical components of the Facility. There are no proposed changes to the previously approved facilities, phasing or resources, such as roads, water, or construction resources. RFA 1 will not impact the Facility's ability to comply with existing Site Certificate Conditions as they relate to public services. The following service providers were contacted to confirm the proposed amendment would not impact current service/supply levels:

- Wasco County Landfill;
- Wasco County Sheriff; and
- Bakeoven-Shaniko Rural Fire Protection Association (RFPA).

[72] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 190

[73] Bakeoven Solar Project Final Order for Amendment 1, p. 62

[74] OAR 345-022-0110 Public Services. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=77106.

On April 10, 2025, the Bakeoven-Shaniko RFPA confirmed that their services would not be impacted by the revised construction deadlines proposed in this RFA 1. In their email correspondence with the Certificate Holder, the RFPA noted that once construction for the Facility begins, the RFPA must be notified and compensated for the increased fire risk (Attachment 1).

On April 17, 2025, Wasco County Landfill confirmed with the Certificate Holder that the landfill has a life span of 25 more years and has the adequate capacity to handle waste generated by the Sunset Solar Facility throughout the revised construction period (Attachment 1).

Prior to submittal of this amendment request, the Certificate Holder contacted the Wasco County Sheriff's Office and an updated comment letter was received on April 23, 2025. Certificate Holder is reviewing the comment letter and will follow up with the Wasco County Sheriff's Office imminently.

Based on the above discussion, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0110.

6.14 OAR 345-022-0115 Wildfire Prevention and Risk Mitigation

(1) To issue a site certificate, the Council must find that, by way of supporting evidence from the applicant, that:

(a) The applicant has adequately characterized wildfire risk within the analysis area using current data from reputable sources, by identifying:

Response: This section demonstrates that the design, construction, and operation of the Facility, taking into account mitigation, is not likely to result in significant adverse impacts on areas subject to a heightened risk of wildfire or high-fire consequence areas addressed under OAR 345-022-0115. This section provides an overview of potential wildfire risks from the Facility and outlines recommended steps to mitigate the potential risk. The Certificate Holder prepared the Facility's draft Construction and Operational Wildfire Mitigation Plans (WMP) which will be provided under separate cover as Attachments 6 and 7, respectively, to meet OAR 345-022-0115(1)(b).

6.14.1 Baseline Fire Risk

(A) Baseline wildfire risk, based on factors that are expected to remain fixed for multiple years, including but not limited to topography, vegetation, existing infrastructure, and climate;

Response: The baseline wildfire risk within the site boundary area subject to RFA 1 and wildfire analysis area (the area 0.5 miles from site boundary area subject to RFA 1) is moderate, based on the existing vegetation, relatively flat overall topography with steep slopes along the northeast, existing infrastructure, and a semi-arid climate (Misachi 2017). The following subsections describe the risks of wildfire for the site boundary area subject to RFA 1 and wildfire analysis area in further detail.

<u>Topography</u>

The Project is located parallel to Bakeoven Road, west of US-97, east of US-197, and south of the Deschutes River in Wasco County. The site boundary area subject to RFA 1 is located approximately nine miles east of Maupin, Oregon, and approximately nine miles west of Kent, in Wasco County (see Figure 2). Slopes within the wildfire analysis area and area subject to RFA range from 0 percent to 25 percent (Table 6; Figure 10A).

Table 6. Slope

Slope (degrees)	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
0-25	100	5,409	100	1,402
25-50	0	0	0	0
50-75	0	0	0	0
Total Acreage	100%	**5,409**	100%	**1,402**

Vegetation

As discussed in Section 6.8, the predominant habitat types at the Facility are Category 4 and 5 Eastside Grasslands (39 percent and 13 percent, respectively) and Category 3 Planted Grasslands (34 percent). Other notable habitat types at the Facility include Category 3 Eastside Grasslands, and Category 3 and 4 Shrub-steppe. The habitat categorization shown within the area subject to RFA 1 was reviewed consistent with current available 2025 aerial imagery. In addition, the Certificate Holder reviewed wildfire perimeter data between 2018 and 2025 (NIFC 2024, NIFC 2025) and verified that no wildfires occurred within the Facility that would alter previously mapped habitat categories.

Fuel model groups describe the fire-carrying fuel type of the surface fuels. The broad fuel model groups (reflective of vegetation type) are derived from data from the Oregon Community Wildfire Protection Plan (CWPP) Planning Tool (Oregon Explorer 2025b). Fuel model groups within the wildfire analysis area consist of grass, grass/shrub, non-burnable-other, and timber-understory. As shown on Figure 10B and described below in Table 7, the majority of the vegetation within the site boundary area subject to RFA 1 is Fuel Model (FM) 122 – moderate load, dry climate grass-shrub (64 percent) and FM 102 – low load, dry climate grasses (29 percent). Within the wildfire analysis area, the most prominent fuel models are also FM 122 (58 percent) and FM 102 (35 percent).

Table 7. Fuel Models

Fuel Model #	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
91	1	60	1	7
93	3	156	2	34
98	0	0	0	0
101	1	64	2	33
102	35	1,917	29	404
121	0	14	0	3
122	58	3,148	64	897
161	1	48	2	24
183	0	0	0	0
Total Acreage	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

FM 93 (also known as NB3) is "agricultural land maintained in a non-burnable condition; examples include irrigated annual crops, mowed or tilled orchards" (NWCG 2024). However, in cases where agricultural fields are not kept in NB condition such as when "wheat or similar crops are allowed to cure before harvest," the NWCG (2024) states to "use a fuel model other than NB3." After further analysis, most of the area within the site boundary area subject to RFA 1 that is categorized as FM 93 above can be more accurately categorized to represent wildfire risk as either FM 1 (short grass) or FM 104 (moderate load dry climate grass), with only a small portion remaining as FM 93 (agriculture). Table 8 shows the refined analysis that reflects the wildfire risk within the site boundary area subject to RFA 1 that takes into account the landowner's agricultural practices.

Table 8. Reassessed Fuel Models

Fuel Model #	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
1	1	62	1	15
91	1	60	1	7
93	1	32	0	4
98	0	0	0	0
101	1	64	2	33
102	35	1,917	29	404
104	1	62	1	15
121	0	14	0	3
122	58	3,148	64	897
142	1	48	2	24
161	0	0	0	0
Total Acreage	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

FM 104 more accurately represent wildfire risk of the agricultural areas within the site boundary area subject to RFA 1 that include dryland wheat. FM 104 also uses dynamic transfer of herb fuel load from live to dead. The primary carrier of fire is continuous, dry-climate grass (NWCG 2024). This FM represents approximately 1 percent of the site boundary area subject to RFA 1 within FM 93 from Table 8 above.

The areas that are fallowed and only contain stubble more accurately represent wildfire risk within the site boundary area subject to RFA 1 as FM 1. FM 1 (short grass) includes annual grasses, cured or nearly cured fine herbaceous fuels, and stubble with very little shrub or timber present (NWCG 2024). FM 1 represents 1 percent of the site boundary area subject to RFA 1 within FM 93 from Table 7 above that are left as fallowed.

The small portion of areas that are tilled (and not simply fallowed) remain as FM 93. Tilled areas are considered NB (NWCG 2024) and are associated with one landowner who tills 50 percent of their land every summer.

The increased wildfire risk also likely applies to the areas in the wildfire analysis area that do not appear to be irrigated. Therefore, it is possible the wildfire risk is slightly higher in the wildfire analysis area than is represented in Table 7 and Figure 10B because the NB agricultural fields (FM 93) could be fallowed or dryland wheat agriculture, which are burnable.

A further discussion of Fuel Model Groups and Fuel Models which describe the composition and characteristics of fire fuels is provided below under the evaluation of Seasonal Fire Risk.

Existing Infrastructure

Existing infrastructure within the wildfire analysis area includes the Bakeoven Substation, the existing 230-kV transmission line, farming operations, and various businesses such as a hunting preserve. Three energy facilities are located outside the site boundary area subject to RFA 1, but within the wildfire analysis area: the Bakeoven Solar Project, Daybreak Solar Project, and the proposed Yellow Rosebush Energy Center.

Paved roads within the wildfire analysis area include Bakeoven Road and Wilson Road. There are several unnamed graveled roads within the vicinity of the site boundary as well. There is an existing gas transmission pipeline within 10 miles of the site boundary area subject to RFA 1, south of the wildfire analysis area (NPMS 2023).

Residences and businesses are located outside of the site boundary area subject to RFA 1, but within the wildfire analysis area. Most residences and businesses in this area use Bakeoven Road.

Climate

The area has a cooler, semi-arid climate. Due to the lack of precipitation data for Kent, climate data was used for Antelope, Oregon, which is located approximately 15 miles southeast of the site boundary. Based on available monthly normals of climate data between 1991 to 2020 for Antelope, the driest months on average are July, August, and September (NOAA 2025). These months have average monthly precipitation rates of 0.34 inches (July), 0.34 inches (August), and 0.50 inches (September). Overall, these months are also the hottest months of the year, with average temperatures of 87.3 degrees Fahrenheit (°F) (July), 86.5°F (August), and 78.2°F (September). The total average annual precipitation for Antelope is 14.54 inches per year (NOAA 2025), which is indicative of a semi-arid climate (Misachi 2017). Additionally, Antelope receives approximately 6.6 inches of snow in the winter months, with the coldest month (December) having approximately 3.6 inches of snowfall, an average daily maximum temperature of 41.6°F, and an average daily minimum temperature of 23.7°F (Table 9; NOAA 2025)

Table 9. Summary of Monthly Normal Temperature and Precipitation at Antelope, OR (1991 – 2020)

Month	Max Temp (°F)	Avg Temp (°F)	Precipitation (inch)
January	42.9	34.2	1.50
February	46.1	36.2	1.29
March	52.8	41.1	1.22
April	58.7	45.6	1.52
May	68.4	53.6	1.99
June	75.7	60.2	1.04
July	87.3	68.9	0.34
August	86.5	68.3	0.34
September	78.2	61.2	0.50
October	63.5	49.8	1.23

Month	Max Temp (°F)	Avg Temp (°F)	Precipitation (inch)
November	49.7	39.5	1.73
December	41.6	32.7	1.81
Source: NOAA 2025			

Burn Probability

Burn probability is the likelihood of a wildfire greater than 250 acres burning a given location based on wildfire simulation modeling. This is an annual burn probability, adjusted to be consistent with the historical annual area burned. The burn probability classes range from non-burnable (a majority of non-burnable fuel types such as water, agriculture, or urban) to very high burn probability, which indicates greater than a 1-in-50 chance of a wildfire greater than 250 acres in a single year.

As shown in Table 10, 96 percent of the wildfire analysis area (5,409 acres) has a high (1-in-500 to 1-in-100 and 1-in-100 to 1-in-50) burn probability. Similarly, 97 percent of the site boundary area subject to RFA 1 (1,402 acres) has a high (1-in-500 to 1-in-100 and 1-in-100 to 1-in-50) burn probability. The remaining acres of the wildfire analysis area and the site boundary area subject to RFA 1 have no to moderate burn probability.

Table 10. Burn Probability

Burn Probability	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA	Acres of Area Subject to RFA 1
0	4	217	3	42
Low (<= 1-in-10,000)	0	0	0	0
Low (1-in-10,000 to 1-in-5,000)	0	0	0	0
Moderate (1-in-5,000 to 1-in-1,000)	0	0	0	0
Moderate (1-in-1,000 to 1-in-500)	0	0	0	0
High (1-in-500 to 1-in-100)	55	2,953	64	892
High (1-in-100 to 1-in-50)	41	2,239	33	468
Very High (1-in-50 to 1-in-25)	0	0	0	0
Total Acreage	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

However, based on pre-delineated habitat data for the site boundary area subject to RFA 1, the areas categorized as NB, or burn probability of 0, as shown above in Table 10 and Figure 10C do not accurately represent the burn probability within the Area Subject to RFA 1. These NB areas are mostly burnable areas, and the burn probability is higher than 0. Based on the pre-delineated habitat data and as described above in Section 6.5, the landowners do not irrigate and have limited wheat production.

Burn probability of 0 includes fuel types such as water, urban, agriculture, barren rock, or glacial areas (CBI 2020). After further analysis, most of the area within the site boundary area subject to RFA 1 that is categorized as burn probability of 0 above can be more accurately categorized to represent wildfire risk as moderate burn probability, either as Moderate (1-in-5,000 to 1-in-1,000) or Moderate to High (1-in1,000 to 1-in-500), with only a small portion remaining as burn probability of 0. Table 11 shows the refined analysis for consideration that more accurately reflects the burn probability within the site boundary area subject to RFA 1 that takes into account the landowner's agricultural practices.

Table 11. Reassessed Burn Probability

Burn Probability	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
0	2	80	1	11
Low (<= 1-in-10,000)	0	0	0	0
Low (1-in-10,000 to 1-in-5,000)	0	0	0	0
Moderate (1-in-5,000 to 1-in-1,000)	1	69	1	15
Moderate (1-in-1,000 to 1-in-500)	1	69	1	15
High (1-in-500 to 1-in-100)	55	2,953	64	892
High (1-in-100 to 1-in-50)	41	2,239	33	468
Very High (1-in-50 to 1-in-25)	0	0	0	0
Total Acreage	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

Based on the refined analysis, the area categorized with a burn probability of 0 was reduced from 3 percent to 1 percent of the site boundary area subject to RFA 1. Although typically areas of cultivated crops are given a burn probability of 0, there is a portion of the area in dryland wheat that is left fallow in alternating years. Therefore, it is more accurately represented by Moderate burn probability (1-in-1,000 to 1-in-500) and Moderate-High burn probability (1-in-1,000 to 1-in-500). Overall, 64 percent of the site boundary area subject to RFA 1 still has a High (1-in-500 to 1-in-100) burn probability and 33 percent has a High (1-in-100 to 1-in-50) burn probability.

6.14.2 Seasonal Fire Risk

> *(B) Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple months but may be dynamic throughout the year, including but not limited to, cumulative precipitation and fuel moisture content;*

Precipitation

Refer to Section 6.14.1 for an assessment of precipitation within the site boundary.

Fuel Moisture Content

Fuel moisture content is a primary variable when observing wildfire behavior. Fuel moisture content "is a measure of the amount of water in a fuel (vegetation) available to a fire and is

expressed as a percent of the dry weight of that specific fuel" (NOAA 2024b). Fuel moisture content varies with weather, both seasonally and during short periods. The higher the fuel moisture content, the greater difficulty for fires to ignite and propagate. Living plants and dead fuels respond differently to weather changes; the drying and wetting processes of dead fuels is such that the moisture content of these fuels is strongly affected by weather changes. These moisture contents are influenced by precipitation, air moisture, air and surface temperatures, wind, cloudiness, as well as by fuel factors such as surface to volume ratio, compactness, and arrangement. Fuel moisture content within the wildfire analysis area and the site boundary area subject to RFA 1 is dependent on current weather conditions, fuel moisture data, and seasonal weather patterns.

Fuel moisture varies with vegetation type. For instance, annual grasses are highly flammable whereas broadleaf vegetation is less flammable (USFS 1970). Additionally, live evergreen trees and shrubs can burn despite having a moisture content of over 100 percent.

Fuel model groups within the wildfire analysis area consist of grass, grass/shrub, non-burnable-other, and timber-understory. As shown on Figure 10B and described in Table 7, the majority of the vegetation within the site boundary area subject to RFA 1 is Fuel Model (FM) 122 – moderate load, dry climate grass-shrub (64 percent) and FM 102 – low load, dry climate grasses (29 percent). Within the wildfire analysis area, the most prominent fuel models are also FM 122 (58 percent) and FM 102 (35 percent). The primary carrier of fire in FM 122 is grass and shrubs; they also have an overall high spread rate. The moisture of extinction for this fuel type is low. The primary carrier of fire in FM 102 is grass and small amounts of dead fuel. If there are shrubs present, they typically do not affect fire behavior (Scott and Burgan 2005). However, as noted above in Section 6.14.1 and Table 8, FM 104 more accurately represents wildfire risk of the agricultural areas within the site boundary area subject to RFA 1 that include dryland wheat, and FM 1 more accurately represents wildfire risk for areas that are fallowed and only contain stubble.

Flame Length

Average flame length shows the average length of flames expected, given local fuel and weather conditions (Oregon Explorer 2025b). Flame lengths have potential to exceed the mapped values shown, even under normal weather conditions. Flame length is commonly used as a direct visual indication of fire intensity and is a primary factor to consider for firefighter safety and for gauging potential impacts to resources and assets.

As shown in Table 12 and Figure 10D, 93 percent (1,305 acres) of the site boundary area subject to RFA 1 has an average flame length of 4-8 feet. This indicates that the rate of fire spread could potentially be quick within the site boundary. Within the wildfire analysis area, 5,029 acres (93 percent) are anticipated to have 4-8 foot average flame lengths. In the wildfire analysis area, 173 acres (3.2 percent) have an average flame length of 0-5 feet, and 111 acres (2.1 percent) of the wildfire analysis area have an average flame length of 8-11 feet.

Table 12. Average Flame Length

Average Flame Length (feet)	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
0	4	217	3	42
>0-4	2	104	4	55
4-8	92	4,960	92	1,290
8-11	2	111	1	16
>11	0	17	0	0
Total Acreage	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

However, based on pre-delineated habitat data for the site boundary area subject to RFA 1, the areas categorized as NB, or average flame length of zero feet, as shown above in Table 12 and Figure 10D do not accurately represent the average flame length within the site boundary area subject to RFA 1. These NB areas are mostly burnable areas, and the average flame length is greater than 0 feet. Based on the pre-delineated habitat data and as described above in Section 6.5, the landowners do not irrigate and have limited wheat production.

Average flame length of 0 feet, or NB areas, includes fuel types such as water, urban, agriculture, barren rock, or glacial areas (CBI 2020). After further analysis, most of the area within the site boundary area subject to RFA 1 categorized above with an average flame length of 0 feet can be more accurately categorized to represent wildfire risk with average flame lengths of either 4 to 8 feet or 0 to 4 feet, with only a small portion remaining with an average flame length of 0 feet. Table 13 shows the refined analysis for consideration that more accurately reflects the average flame length within the site boundary area subject to RFA 1 that takes into account the landowners' agricultural practices.

Table 13. Reassessed Average Flame Length

Average Flame Length (feet)	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
0	2	80	1	11
>0-4	3	173	5	70
4-8	93	5,029	93	1,305
8-11	2	111	1	16
>11	0	17	0	0
Total Acreage	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

6.14.3 Areas of Heightened Risk

> *(C) Areas subject to a heightened risk of wildfire, based on the information provided under paragraphs (A) and (B) of this subsection;*

Areas of heightened risk are described using the CWPP Planning Tool Hazard to Potential Structures analysis layer (Table 14, Figure 10E; Oregon Explorer 2025b). Risk to assets includes the likelihood and consequences of wildfire on mapped highly valued assets including critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, and historic structures. People and property data take into account housing density based on Where People Live and U.S. Forest Service private inholdings (USFS 2018).

As discussed in Section 6.14.1, existing infrastructure within the wildfire analysis area includes areas of the Bakeoven Solar Project, Daybreak Solar Project, Bakeoven Substation, the existing 230-kV transmission line, farming operations, various businesses, and paved and gravel roads. Forty-six percent of the site boundary area subject to RFA 1 has a moderate hazard to potential structures, 30 percent has a high hazard to potential structures, and 1 percent has a very high hazard. As shown on Figure 10E, the areas that have a very high potential impact to structures are generally along Bakeoven Road and around the existing Bakeoven Substation.

Table 14. Areas of Heightened Risk (Hazards to Potential Structures)

Potential Impact to Structures	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
Very High	2	82	1	13
High	31	1,689	30	421
Moderate	46	2,505	46	646
Low	21	1,125	23	322
Non-Burnable/Very Low	0	9	0	0
Total	**100%**	**5,409**	**100%**	**1,402**
Note: All quantities may not result in 100 percent due to rounding adjustments.				

6.14.4 High-Fire Consequence Areas

(D) High-fire consequence areas, including but not limited to areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat; and

The CWPP data on overall wildfire risk (Figure 10F) is used to identify high-fire consequence areas (Oregon Explorer 2025b). The CWPP data for wildfire risk are based on the Pacific Northwest Quantitative Wildfire Risk Assessment Report, which outlines overall wildfire risk that is determined by combining the likelihood and impact of the fire on all significant resources and assets that have been mapped (USFS 2018). Risk ratings range from low to very high to all mapped resources and assets combined: critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, historic structures, timber, municipal watersheds, vegetation condition, and terrestrial and aquatic wildlife habitat. The percent of the site boundary and the wildfire analysis area that falls into each Fire Risk Rating is identified in Table 15 and displayed on Figure 10F, although the majority of the site boundary and wildfire analysis area do not have data available. The site boundary and wildfire analysis area have a 2 percent and 4 percent (respectively) very high overall fire risk rating. As shown on Figure 10F, the areas with very high-risk ratings are where there is existing infrastructure, such as roads, buildings, transmission lines, and substations. In addition, Wasco County-specific wildfire hazard information from the data provided by the recently released Oregon Statewide Wildfire Hazard Map, Oregon Wildfire Risk Explorer (Oregon Explorer 2025a), shows that the site boundary area subject to RFA 1 and the 0.5-mile analysis area are within a mapped high hazard area.

Table 15. Overall Fire Risk Rating

Overall Fire Risk Rating	Percent of Wildfire Analysis Area	Acres of Wildfire Analysis Area	Percent of Area Subject to RFA 1	Acres of Area Subject to RFA 1
Very High (>95th)	0	24	0	1
High (80-95th)	4	204	2	32
No Data[1]	96	5,181	98	1,369
Total	**100%**	**5,409**	**2%**	**33**

Note: All quantities may not result in 100 percent due to rounding adjustments.

1. There are no highly valued resources or assets (such as critical infrastructure, developed recreation, or housing unit density) mapped in the area, or simulated wildfires did not burn the area due to low historical occurrence/absence of burnable fuel (G).

6.14.5 Data Sources and Methods

(E) All data sources and methods used to model and identify risks and areas under paragraphs (A) through (D) of this subsection.

Data from the CWPP Planning Tool (Oregon Explorer 2025b) was used for the analyses provided in response to OAR 345-022-0115(1)(a). The CWPP tool provides a range of data for fire behavior and effects to help communities assess wildfire risk in their area. Additionally, the Wildfire Risk Explorer is another tool that shows the burn probability data, average flame length, fire history, and active fires. This map shows the assigned risk classification (extreme, high, moderate, low and no risk) for every tax lot in the state.

The following Oregon CWPP datasets were used throughout this analysis (Oregon Explorer 2025b):

- Burn probability;
- Average flame length;
- Hazard to potential structures;
- Overall wildfire risk;
- Slope; and
- Fuel models.

As discussed in Section 6.9, the Certificate Holder conducted field surveys in May 2021 within portions of the Facility micrositing corridor and in June and July 2018 within the Bakeoven Energy Project micrositing corridor, which includes the Facility (Tetra Tech 2018a, 2018b, 2018c, 2018d, 2021a). The survey objective was to map and classify habitat according to ODFW guidelines set forth in OAR 635-415-0025. This data was used to inform the refined tables included in Sections 6.14.1 and 6.14.2.

6.14.6 Wildfire Mitigation Plan

(b) That the proposed facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan approved by the Council. The Wildfire Mitigation Plan must, at a minimum:

(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;

(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and

(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.

(2) The Council may issue a site certificate without making the findings under section (1) if it finds that the facility is subject to a Wildfire Protection Plan that has been approved in compliance with OAR chapter 860, division 300.

(3) This Standard does not apply to the review of any Application for Site Certificate or Request for Amendment that was determined to be complete under OAR 345-015-0190 or 345-027-0363 on or before the effective date of this rule.

Response: The Certificate Holder prepared the Facility's draft Construction and Operational Wildfire Mitigation Plans (WMP), which will be provided under separate cover as Attachments 6 and 7, respectively, to meet OAR 345-022-0115(1)(b).

6.14.7 Wildfire Risk Assessment Conclusion

Per the data reviewed and presented here, wildfire risk and consequences of fire in the site boundary area subject to RFA 1 are typical for the vegetation type and fire regime encountered in Wasco County. Within the site boundary area subject to RFA 1 and wildfire analysis area, assets that could currently be impacted include residential structures, agricultural areas and farming operations, roads, existing substation, and existing transmission lines. If a wildfire did ignite near

those assets, they could be at risk. After construction of the Facility, the number of assets at risk such as the solar arrays and associated infrastructure within the site boundary and wildfire analysis area would increase. It is anticipated that due to hazards to potential structures, high burn probability, moderate expected intensity as measured by average flame length, fuels, weather, and topography, that post-construction overall fire risk would be moderate. Therefore, the Council may conclude that the Facility will comply with OAR 345-022-0115.

6.15 OAR 345-022-0120 Waste Minimization

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:

(a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;

(b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.

*****

(4) To assist the Council in determining whether the standard outlined in (1) through (3) has been met, the Applicant must submit:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Waste Minimization standard requires that the Council find that the accumulation, storage, disposal, and transportation of waste generated by construction and operation of the Facility are not likely to have an adverse impact on surrounding and adjacent areas as defined by OAR 345-022-0120. In the Bakeoven Solar Project Final Order for Amendment 1, the Council found the Waste Minimization standard to be among the standards not likely to be impacted by the request for amendment.[75] In the Bakeoven Solar Project Final Order on the Application for Site Certificate issued on April 24, 2020, the Council found that the Certificate Holder had sufficiently addressed the Council's Waste Minimization standard and had imposed condition GEN-WM-01, which states that the certificate holder shall develop and implement a Solid Waste Management

[75] Bakeoven Solar Project Final Order for Amendment 1, p. 61.

Plan during the construction, operation, and decommissioning phases.[76] Condition GEN-WM-01 remains in the Sunset Solar Project Site Certificate issued on November 19, 2021.[77] The Division 21 standards amended under OAR 345-022-0120 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[78]Continued implementation of the following Site Certificate Conditions will ensure that waste minimization efforts will remain enforced: Site Certificate Conditions GEN-OE-05 (battery waste disposal), GEN-WM-01 (Solid Waste Management Plan), PRE-LU-06 (sewage disposal construction-installation permit), PRO-SP-01 (SPCC Plan), and OPR-PS-01 (wastewater discharge/handling).

The changes proposed for RFA 1 will not affect the quantities of materials used and removed during Facility construction and operations from what was previously approved by the Council. The RFA 1 does not seek to enlarge the existing approved Facility site boundary or physical components of the Facility. There are no proposed changes to the previously approved facilities, phasing or resources from what is authorized in the Sunset Solar Project Site Certificate. The RFA 1 will also not impact the Facility's ability to comply with existing Sunset Solar Project Site Certificate Conditions for waste management and will not increase the amount of solid waste and wastewater generated by the Facility during construction and operations.

The proposed changes in RFA 1 do not affect the Council's previous findings on Waste Minimization and the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-022-0120.

6.16 OAR 345-022-0160 State and Local Laws and Regulations

To assist the Council in determining compliance with all state and local laws and regulations applicable to EFSC and the siting process, submit the following, as directed by the project order described in OAR 345-015-0160:

[Oregon rules regarding waters of the state under ORS 196.800, and the former Division 21 requirements for OAR 345-021-0010(1)(o) and (y) were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

[76] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 192. April 24, 2020. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-04-24-BSP-ASC-Final-Order.pdf.

[77] Sunset Solar Project Site Certificate, p.19. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-06-SSP-Site-Certificate.pdf.

[78] OAR 345-022-0120 Waste Minimization. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=77107.

The Certificate Holder addresses OAR 345-022-0160(1)(a) in Section 6.16.1 (see Removal-Fill Law), (b) in Section 6.16.2 (see Anticipated Water Use), and (2) in Section 6.16.3 (see Noise Control Regulations).

6.16.1 Removal-Fill Law

The Oregon Removal-Fill Law (ORS 196.795 through 196.990) and Department of State Lands (ODSL) regulations (OAR 141-085-0500 through 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within the jurisdictional boundary of any "waters of this state." The Council, in consultation with ODSL, must determine whether a removal-fill permit is needed and if so, whether a removal-fill permit should be issued.

Response: As noted in the Bakeoven Solar Project Final Order of the Application for Site Certificate, the Council found that a removal-fill permit is not needed for the proposed facility because the facility will not temporarily or permanently impact waters of the state such that a removal-fill permit is required.[79] There are no previously imposed Council conditions that are applicable to the removal-fill law because the Facility has been designed to avoid impacts to "waters of the state".[80] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found OAR 340-035-0035 to be among the standards not likely to be impacted by the request for amendment.[81]

Since the Bakeoven Solar Final Order for Amendment 1 was issued on November 19, 2021, there were minor changes to the Oregon Removal-Fill Law: ORS 196.800, 196.815, 196.818. and 196.850 were amended during the Oregon Laws 2023 Regular Session.[82] However, these changes have no impact on the requirements for a removal-fill permit and therefore does not affect the Council's finding that a removal-fill permit is not needed for the Sunset Solar Project.

This RFA 1 does not seek to enlarge the approved Facility site boundary or locate physical components of the Facility on or within jurisdictional waters of the state. There are no proposed changes to the previously approved facilities, phasing, or resources from what is authorized in the Sunset Solar Project Site Certificate. This RFA 1 will also not impact the Facility's ability to comply with existing Sunset Solar Project Site Certificate Conditions for wetlands and makes no changes that alter the basis for the Council's earlier findings. Therefore, the Council may conclude that the Facility complies with OAR 345-022-0160(1)(a) and will continue to comply with the Oregon Removal-Fill Law (ORS 196.795 through 196.990) and regulations (OAR 141-085-0500 through 141-085-0785).

[79] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 203

[80] Bakeoven Solar Project Request for Amendment #1, p. 26

[81] Bakeoven Solar Project Final Order for Amendment 1, p. 64

[82] Oregon Legislature. 2023. Oregon Laws 2023 Regular Session. ORS Sections Amended, Repealed or "Added To." Accessed January 2025. Available at: https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2023OrLawAR.pdf.

6.16.2 Anticipated Water Use

The Council previously found that the Sunset Solar Project is not likely to result in significant adverse impacts to the ability of water service providers to provide water based on compliance with condition OPR-PS-02.[83] As described in the Sunset Solar Project Site Certificate, construction-related water will be obtained from the City of Maupin and/or new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the Certificate Holder through the site certificate amendment process). The Division 21 standards amended under OAR 345-022-0160 on April 2, 2025, have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[84] The proposed changes in this RFA 1 do not alter the Facility's source of water during construction or operation of the Facility. This water will be obtained from a local municipality using existing water rights and trucked to the site. The Certificate Holder may also source some water from an on-site exempt well provided such use of well water would not cause the rate of extraction to exceed the 5,000 gallons per day threshold. Therefore, the Council may conclude that the Facility will comply with OAR 345-022-0160(1)(b).

6.16.3 Noise Control Regulations

OAR 340-035-0035 Noise Control Regulations for Industry and Commerce

(1) Standards and Regulations:

*****

(b) New Noise Sources:

(B) New Sources Located on Previously Unused Site:

(i) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule, except as specified in subparagraph (1)(b)(B)(iii).

(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which

[83] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 185

[84] OAR 345-022-0110 Public Services. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=Wzj6TQrGgRTBQcPOpuRytN_y7g95SanhJ_FiTXemhWWEGV-DO3tp!-211748414?ruleVrsnRsn=77106.

are identified in subsections (5)(b)–(f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.

(iii) For noise levels generated or caused by a wind or solar energy facility:

(I) The increase in ambient statistical noise levels is based on an assumed background L50 ambient noise level of 26 dBA or the actual ambient background level. The person owning the wind or solar energy facility may conduct measurements to determine the actual ambient L10 and L50 background level.

(II) The "actual ambient background level" is the measured noise level at the appropriate measurement point as specified in subsection (3)(b) of this rule using generally accepted noise engineering measurement practices. Background noise measurements shall be obtained at the appropriate measurement point, and for wind energy facilities synchronized with wind speed measurements of hub height conditions at the nearest wind turbine location. "Actual ambient background level" does not include noise generated or caused by the proposed wind or solar energy facility.

(III) The noise levels from a wind or solar energy facility may increase the ambient statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits specified in Table 8), if the person who owns the noise sensitive property executes a legally effective easement or real covenant that benefits the property on which the wind or solar energy facility is located. The easement or covenant must authorize the wind or solar energy facility to increase the ambient statistical noise levels, L10 or L50 on the sensitive property by more than 10 dBA at the appropriate measurement point.

(IV) For purposes of determining whether a proposed wind energy facility would satisfy the ambient noise standard where a landowner has not waived the standard, noise levels at the appropriate measurement point are predicted assuming that all of the proposed wind facility's turbines are operating between cut-in speed and the wind speed corresponding to the maximum sound power level established by IEC 61400-11 (version 2002-12). These predictions must be compared to the highest of either the assumed ambient noise level of 26 dBA or to the actual ambient background L10 and L50 noise level, if measured. The facility complies with the noise ambient background standard if this comparison shows that the increase in noise is not more than 10 dBA over this entire range of wind speeds.

(V) For purposes of determining whether an operating wind energy facility complies with the ambient noise standard where a landowner has not waived the standard, noise levels at the appropriate measurement point are measured when the facility's nearest wind turbine is operating over the entire range of wind speeds between cut-in speed and the wind speed corresponding to the maximum sound power level and no turbine that could contribute to the noise level is disabled. The facility complies with the noise ambient background standard if the increase in noise over either the assumed ambient noise level of 26 dBA or to the actual ambient background L10 and

L50 noise level, if measured, is not more than 10 dBA over this entire range of wind speeds.

(VI) For purposes of determining whether a proposed wind energy facility would satisfy the Table 8 standards, noise levels at the appropriate measurement point are predicted by using the turbine's maximum sound power level following procedures established by IEC 61400-11 (version 2002-12), and assuming that all of the proposed wind facility's turbines are operating at the maximum sound power level.

(VII) For purposes of determining whether an operating wind energy facility satisfies the Table 8 standards, noise generated by the energy facility is measured at the appropriate measurement point when the facility's nearest wind turbine is operating at the wind speed corresponding to the maximum sound power level and no turbine that could contribute to the noise level is disabled.

Response: The Council previously found that the Facility, operating under condition PRE-NC-01, complies with Noise Control Regulations.[85] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found OAR 340-035-0035 to be among the standards not likely to be impacted by the request for amendment.[86]

OAR 340-035-0035 was updated since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021. The amendment updated the language in the standard to include solar facilities in addition to wind facilities.[87] This minor change in language has no impact on RFA 1.

Extension of the construction start deadline as proposed in this RFA 1 will not change the predicted sound levels from the proposed Facility, and no new residences or other sensitive noise receptors are located in the analysis area previously analyzed in Exhibit X of the Bakeoven Solar Project ASC.[88] Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with ODEQ's noise control regulations and with OAR 345-022-0160(2).

6.17 OAR 345-024-0090 Siting Standards for Transmission Lines

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

[85] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 202

[86] Bakeoven Solar Project Final Order for Amendment 1, p. 62

[87] Oregon Secretary of State. Permanent Administrative Order: Solar Noise 2024. October 17, 2024. Accessed January 2025. Available at: https://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/10518256.

[88] Bakeoven Solar Project Application for Site Certificate, Exhibit X (November 2019). Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-X.pdf.

(1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;

(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.

(3) If the proposed energy facility is a transmission line or has, as a related or supporting facility, a transmission line of any size, the applicant must submit the following:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA 1 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits in the Bakeoven ASC, and therefore the OAR text for the former Division 21 requirements are not included herein]. ...

Response: The Council previously found that the Facility complies with the Siting Standards for Transmission Lines.[89] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found the Siting Standards for Transmission Lines to be among the standards not likely to be impacted by the request for amendment.[90] The standards under OAR 345-024-0090 have not changed since the Bakeoven Solar Project Final Order for Amendment 1 was issued on November 19, 2021.[91] The Sunset Solar Facility is also authorized to share related and supporting facilities between Bakeoven Solar, Daybreak Solar, and Sunset Solar, including the constructed and operating 230-kV transmission line between the existing Bakeoven substation and Maupin Substation. This shared 230-kV transmission line is existing and is not subject to this proposed RFA 1. OAR 345-024-0090(1) sets a limit for electric fields from transmission lines of not more than 9-kV per meter at one meter above the ground surface in areas that are accessible to the public. Section (2) requires implementation of measures to reduces the risk posed by induced current. Based on the modeling provided in the Bakeoven Application for Site Certificate Exhibit AA, the Council found that the Facility transmission and collector lines would remain below the 9-kV per meter threshold set forth in OAR 345-024-0090(1).[92] Because the Sunset Solar Project will share the high voltage transmission that is already built, the Council can find that RFA 1 complies with this standard. In the Sunset Solar Project Site Certificate issued in November 2021, the Council implemented condition PRO-ST-01 for siting standards for transmission lines. The condition states that prior to

[89] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 194

[90] Bakeoven Solar Project Final Order for Amendment 1, p. 62

[91] 345-024-0090 Siting Standards for Transmission Lines. Accessed January 2025. Available at: https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=77236.

[92] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 194.

operation of a facility or facility component, the Certificate Holder shall provide landowners within 500 feet of the site boundary a map of the 230-kV transmission line and aboveground 34.5-kV collector lines and inform landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.[93]

This RFA 1 will not impact the Facility's ability to comply with this existing Site Certificate Condition for siting standards for transmission lines and makes no changes that alter the basis for the Council's earlier findings. Therefore, the Council may conclude that the Facility, as amended by RFA 1, will continue to comply with OAR 345-024-0090.

7.0 Other Applicable Requirements – OAR 345-027-0360(1)(e)

7.1 Water Rights

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department (OWRD) administers water rights for appropriation and use of the water resources of the state. Under OAR 345-022-0000(1)(b), the Council must determine whether the facility would comply with these statutes and administrative rules. OAR 345-021-0010(1)(o)(F) requires that if a facility needs a groundwater permit, surface water permit, or water right transfer, that a decision on authorizing such a permit rests with the Council.

Response: In the Final Order on the Application for Site Certificate for the Bakeoven Solar Project, the Council concluded that the Facility does not need a groundwater permit, surface water permit, or water right transfer.[94] In the Bakeoven Solar Project Final Order for Amendment 1, the Council found Water Rights to be among the standards not likely to be impacted by the request for amendment.[95] The proposed changes detailed in this RFA 1 do not increase the quantity of water used and wastewater generated during construction and operations from what was originally authorized in the Sunset Solar Project Site Certificate because no changes to the Facility footprint or construction and operation activities are proposed. This RFA 1 does not change the Certificate Holder's ability to provide adequate water for construction and operation. Therefore, the Council can conclude that this RFA 1 will maintain compliance with the State's applicable water rights regulations and will not result in the need for a groundwater permit, surface water permit, or water right transfer.

[93] Sunset Solar Project Site Certificate, p. 27

[94] Bakeoven Solar Project Final Order on Application for Site Certificate, p. 205

[95] Bakeoven Solar Project Final Order for Amendment 1, p. 65

8.0 Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027-0360(1)(f)

(f) A list of the names and mailing addresses of property owners, as described in this rule:

(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

*****

(iii) Within 500 feet of property which is the subject of the request for amendment, where the subject property is within a farm or forest zone; and

(B) In addition to incorporating the list in the request for amendment, the applicant must submit the list to the Department in an electronic format acceptable to the Department.

Response: A list of the names and mailing addresses of property owners located within 500 feet of the property underlying the area subject to RFA 1 is provided in Attachment 8, along with a map showing the location of the properties. The property owner information provided in Attachment 8 reflects information received from the Wasco County Assessor on April 17, 2025.

9.0 Conclusion

This amendment request demonstrates that the proposed extension to the construction deadlines complies with all applicable laws and Council standards. For the reasons stated above, the Certificate Holder respectfully requests approval of this RFA 1.

10.0 References

BLM (U.S. Department of the Interior, Bureau of Land Management). 1986. Two Rivers Resource Management Plan Record of Decision. Prineville District Office. Prineville, Oregon. Available online at: https://eplanning.blm.gov/public_projects/lup/36343/80557/93705/1986_Two_Rivers_RMP_ROD.pdf. Accessed March 2025.

BLM. 1993. Lower Deschutes River Management Plan Record of Decision. Prineville, Oregon. February. Available online at: https://www.rivers.gov/documents/plans/lower-deschutes-rod.pdf. Accessed March 2025.

BLM. 2016. Lower Deschutes River Management Plan 2016 Errata & Plan Maintenance. Prepared for the Bureau of Land Management and Lower Deschutes Manager's Group by Jeff Kitchens, Deschutes Field Office Manager. Available online at:

https://eplanning.blm.gov/public_projects/nepa/55145/74552/82109/2016LDRMPErrata_Final.pdf. Accessed March 2025.

BLM. 2024a. Wilderness and Wildness Study Areas. https://www.blm.gov/programs/national-conservation-lands/wilderness.

BLM. 2024b. Areas of Critical Environmental Concern. https://www.blm.gov/programs/planning-and-nepa/planning-101/special-planning-designations/acec.

BLM. Undated. National Monuments and National Conservation Areas GIS Layer. https://gbp-blm-egis.hub.arcgis.com/datasets/BLM-EGIS::blm-natl-nlcs-national-monuments-national-conservation-areas-polygons/aboutBurns, W.J., K.A. Mickelson, and E.C. Saint-Pierre. 2014. SLIDO-2: Statewide Landslide Information Database for Oregon, Release 2. Oregon Department of Geology and Mineral Industries. December 29.

CBI (Conservation Biology Institute). 2020. Wildfire Risk Assessment Data Layer Descriptions Spreadsheet. DataLayerDescriptions_04_01_2019.Xlsx. Conservation Biology Institute. Available online at: https://databasin.org/datasets/31cc2ca6bebe4efab3b139c50dd79722/

City of Maupin. 2005. City of Maupin Comprehensive Land Use Plan Update. Prepared for the Maupin Planning Commission by Dan Meador, Planning Consultant, Tenneson Engineering Corporation. Available online at: https://cityofmaupin.org/wp-content/uploads/2020/04/Maupin-Comprehensive-Land-Use-Plan.pdf. Accessed March 2025.

City of Shaniko. 1978. Shaniko Comprehensive Land Use Plan. Available online at: https://scholarsbank.uoregon.edu/items/b6a6a9de-0d2e-4979-9b39-0bb3fd5bc448. Accessed April 2025.

DOGAMI (Department of Geology and Mineral Industries). 2025. Oregon HazVu: Statewide Geohazards Viewer: https://gis.dogami.oregon.gov/maps/hazvu/. Accessed April 2025.

Misachi, John. 2017. "What Are The Characteristics of Semi-Arid Climate Pattern?" https://www.worldatlas.com/articles/what-are-the-characteristics-of-a-semi-arid-climate-pattern.html.

National Wild and Scenic Rivers System. 2024. Oregon. https://www.rivers.gov/oregon.php.

NIFC (National Interagency Fire Center). 2024. "InterAgencyFirePerimeterHistory All Years View." National Interagency Fire Center. Available online at: https://data-nifc.opendata.arcgis.com/.

NIFC. 2025. "WFIGS Interagency Fire Perimeters." National Interagency Fire Center. Available online at: https://data-nifc.opendata.arcgis.com/.

NOAA (National Oceanic and Atmospheric Administration). 2024a. South Slough National Estuarine Research Reserve. https://coast.noaa.gov/nerrs/reserves/south-slough.html.

NOAA. 2024b. Dead Fuel Moisture. Available online at: https://www.ncei.noaa.gov/access/monitoring/dyk/deadfuelmoisture#:~:text=Fuel%20m. Accessed April 2025.

NOAA. 2025. U.S. Climate Normals Quick Access. Station: Antelope 6 SSW, OR US USC00350197. Available online at: https://www.ncei.noaa.gov/access/us-climate-normals/#dataset=normals-monthly&timeframe=30&location=OR&station=USC00354411. Accessed April 2025.

NPMS (National Pipeline Mapping System). 2023. Public Viewer. Available online at: https://pvnpms.phmsa.dot.gov/PublicViewer/. Accessed April 2025.

NPS (National Park Service). 2024a. Oregon, Find a Park. https://www.nps.gov/state/or/index.htm.

NPS. 2024b. Wild and Scenic Rivers. https://nps.maps.arcgis.com/apps/View/index.html?appid=ff42a57d0aae43c49a88daee0e353142

NPS. 2024c. National Park System. https://www.nps.gov/aboutus/national-park-system.htm

NPS. 2025. National Monument Facts and Figures. https://www.nps.gov/subjects/archeology/national-monument-facts-and-figures.htm.NRCS (National Resources Conservation Service). 2025. USDA Web Soil Survey database and map viewer. https://websoilsurvey.nrcs.usda.gov/app/.

NWCG (National Wildfire Coordinating Group). 2024. Fuels: Surface Fuel Model Descriptions. Available online at: https://www.nwcg.gov/publications/pms437/fuels/surface-fuel-model-descriptions. Accessed April 2025.

OCS (Oregon Conservation Strategy). 2016. Oregon Conservation Strategy species. Oregon Department of Fish and Wildlife, Salem, Oregon.

ODA (Oregon Department of Agriculture). 2024a. Listed Plants. Available online at: https://www.oregon.gov/oda/plant-conservation/pages/listed-plants.aspx. Accessed February 2025.

ODA (Oregon Department of Agriculture).2024b. Listed Plants by County. Available online at: https://www.oregon.gov/oda/plant-conservation/Pages/listed-plants-by-county.aspx. Accessed February 2025.

Oregon Explorer. 2025a. Oregon Wildfire Risk Explorer. Available online at: https://oregon-explorer.apps.geocortex.com/webviewer/?app=665fe61be984472da6906d7ebc9a190d&viewer=wildfire. Accessed April 2025.

Oregon Explorer. 2025b. Oregon CWPP Planning Tool. Available online at: https://oregon-explorer.apps.geocortex.com/webviewer/?app=fccd4dfc5a974213aa1fa6a01b9c07e1&viewer=wildfireplanning. Accessed April 2025.

ODFW (Oregon Department of Fish and Wildlife). 2013. ODFW Winter Range for Eastern Oregon. GIS dataset available online at: https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml.

ODFW (Oregon Department of Fish and Wildlife). 2016. ODFW Sensitive Species List. Available online at: http://www.dfw.state.or.us/wildlife/diversity/species/docs/2016_Sensitive_Species_List.pdf. Accessed March 2019.

ODFW. 2017. Threatened, endangered and candidate fish and wildlife species. Available online at: http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp. Accessed March 2019.

ODFW. 2024a. Visit ODFW Hatcheries. https://myodfw.com/visit-odfw-hatcheries.

ODFW. 2024b. ODFW Threatened, Endangered, and Candidate Fish and Wildlife Species in Oregon. Available online at: https://www.dfw.state.or.us/wildlife/diversity/species/docs/Threatened_and_Endangered_Species.pdf.

ODOE. 2021. Bakeoven Solar Project Amendment Project Order. Available online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-23-BSP-AMD1-Amended-Project-Order.pdf

ODOE. 2021. Sunset Solar Project Order. Available online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-12-23-SSP-Project-Order.pdf

OPRD (Oregon Parks and Recreation Department). 2020. Draft Oregon Natural Areas Plan. https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2020_nap_draft.pdf.

OPRD. 2024a. Find a Park. https://stateparks.oregon.gov/index.cfm?do=visit.find.

OPRD. 2024b. Willamette River Greenway and Water Trail. https://stateparks.oregon.gov/index.cfm?do=park.profile&parkId=194.

OPRD. 2024c. List of Scenic Waterways. https://www.oregon.gov/oprd/bwt/pages/ssw-list.aspx.

OPRD. 2024d. Oregon State Scenic Waterway Water Courses. https://www.arcgis.com/home/webmap/viewer.html?url=https%3A%2F%2Fmaps.prd.state.or.us%2Farcgis%2Frest%2Fservices%2FAdmin_boundaries%2FAD_SCENIC_WATERWAYS%2FFeatureServer%2F0&source=sd.

ORBIC (Oregon Biodiversity Information Center). 2018. Element Occurrence Record Digital Data Set for Rare, Threatened or Endangered Species for Wasco County. ORBIC, Institute for Natural Resources, Portland State University. Portland, OR. Received May 2018.

ORBIC. 2023. 2023 Vascular Plant List. Available online at: https://inr.oregonstate.edu/orbic/rare-species/oregon-rare-species-publications.

ORBIC. 2025. Element Occurrence Record Digital Data Set for Rare, Threatened or Endangered Species within 5 Miles of the Facility. ORBIC, Institute for Natural Resources, Portland State University. Portland, OR. Received April 2025.

OSU (Oregon State University). 2022. Research and Experiment Stations. https://agsci.oregonstate.edu/home/outreach/research-experiment-stations#experiment

OSU. 2024. Welcome to the OSU Research Forests. https://cf.forestry.oregonstate.edu/.OWRD (Oregon Water Resources Department). 2014. Permit G-17321. Permit to Appropriate the Public Waters. December 11, 2024. Available online at: https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=182417. Accessed April 2025.

Scott, Joe H., Burgan, Robert E. 2005. "Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model." Available online at: https://www.fs.usda.gov/rm/pubs_series/rmrs/gtr/rmrs_gtr153.pdf. Accessed April 2025.

Sherman County. 2007. Comprehensive Land Use Plan Sherman County Oregon 1994, as updated through 2007. Available online at: https://www.co.sherman.or.us/documents/comprehensive-land-use-plan/. Accessed March 2025.

Tetra Tech. 2018a. Botanical Survey Report for the Bakeoven Energy Project. Bakeoven Solar Project Application for Site Certificate Exhibit P. Available Online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-P.pdf. Accessed February 2025.

Tetra Tech. 2018b. Special-Status Wildlife and Habitat Survey Report for the Bakeoven Energy Project. Bakeoven Solar Project Application for Site Certificate Exhibit P. Available Online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-P.pdf. Accessed February 2025.

Tetra Tech. 2018c. Supplemental 2018 Botanical Report for the Bakeoven Solar Project. Bakeoven Solar Project Application for Site Certificate Exhibit P. Available Online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-P.pdf. Accessed February 2025.

Tetra Tech. 2018d. Supplemental 2018 Wildlife and Habitat Categorization Report for the Bakeoven Solar Project. Bakeoven Solar Project Application for Site Certificate Exhibit P. Available Online at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-11-01-BSP-ASC-Exhibit-P.pdf. Accessed February 2025.

Tetra Tech. 2021a. Daybreak Solar Project Rare Plant Survey Report.

Tetra Tech. 2021b. Sunset Solar Project (Phase III) Pre-construction Habitat Survey Report.

USFS (U.S. Department of Agriculture, Forest Service). 1994. White River National Wild and Scenic River Management Plan. Pacific Northwest Region. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_036576.pdf. Accessed March 2025.

USFS. 2018. Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results. Prepared by J.W. Gilbertson-Day, R.D. Stratton, J.H. Scott, K.C. Vogler, and A. Brough. Quantum Spatial, Pyrologix, and BLM and USFS Fire, Fuels and Aviation Management. Available online at: https://oe.oregonexplorer.info/externalcontent/wildfire/reports/20170428_PNW_Quantitative_Wildfire_Risk_Assessment_Report.pdf.

USFS. 2024a. Experimental Forests and Ranges. https://www.fs.usda.gov/research/forestsandranges.

USFS. 2024b. Wildernesses in the Pacific Northwest. https://www.fs.usda.gov/detail/r6/specialplaces/?cid=stelprdb5227694.

USFS. 2025a. Interactive Visitor Map. https://www.fs.usda.gov/ivm/

USFS. 2025b. Research Natural Areas Locations. https://research.fs.usda.gov/rmrs/rnas/locations USGS (U.S. Geological Survey). 2018a. Earthquake Hazards Program, National Seismic Hazard Mapping Project Web Page. Golden, Colorado. Available online at: http://earthquake.usgs.gov/hazards/products. Accessed April 2025.

USFWS (U.S. Fish and Wildlife Service). 2024a. Our Facilities. https://www.fws.gov/our-facilities?type=%5B%22National%20Wildlife%20Refuge%22%5D.

USFWS. 2024b. Visit National Fish Hatcheries. Accessed March 18, 2024. https://www.fws.gov/visit-us/hatcheries?type=%5B%22National%20Fish%20Hatchery%22%5D.USGS. 2018b. Quaternary Fault and Fold Database. http://earthquake.usgs.gov/regional/qfaults/ . Accessed April 2025.

USGS. 2019. Faults. Quaternary Fault and Fold Database of the United States. Earthquake Hazards Program. https://earthquake.usgs.gov/hazards/qfaults/. Accessed April 2025.

Wasco County. 2010. Wasco County Comprehensive Plan. Available online at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CompPlan_Ch1-20_MERGED_Searchable.pdf. Accessed March 2025.

Wasco County. 2016. Wasco County Land Use and Development Ordinance. Available online at: https://cms5.revize.com/revize/wascocounty/document_center/Planning/FullWCLUDO_3_2021.pdf. Accessed March 2025.

Wasco County. 2022a. Wasco County Land Use and Development Ordinance. Available online at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/FULL_LUDO_12.05.22_UPDATED_05.15.23.pdf. Accessed March 2025.

Wasco County. 2022b. Wasco County 2040 Comprehensive Plan. Available online at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/WascoCounty2040_2022Update.pdf. Accessed March 2025.

Wasco County. 2025. Wasco County Public Basemap. Available online at: https://public.co.wasco.or.us/gisportal/apps/webappviewer/index.html?id=80a942ec81da4dd2bcc16032cc329459. Accessed April 2025.

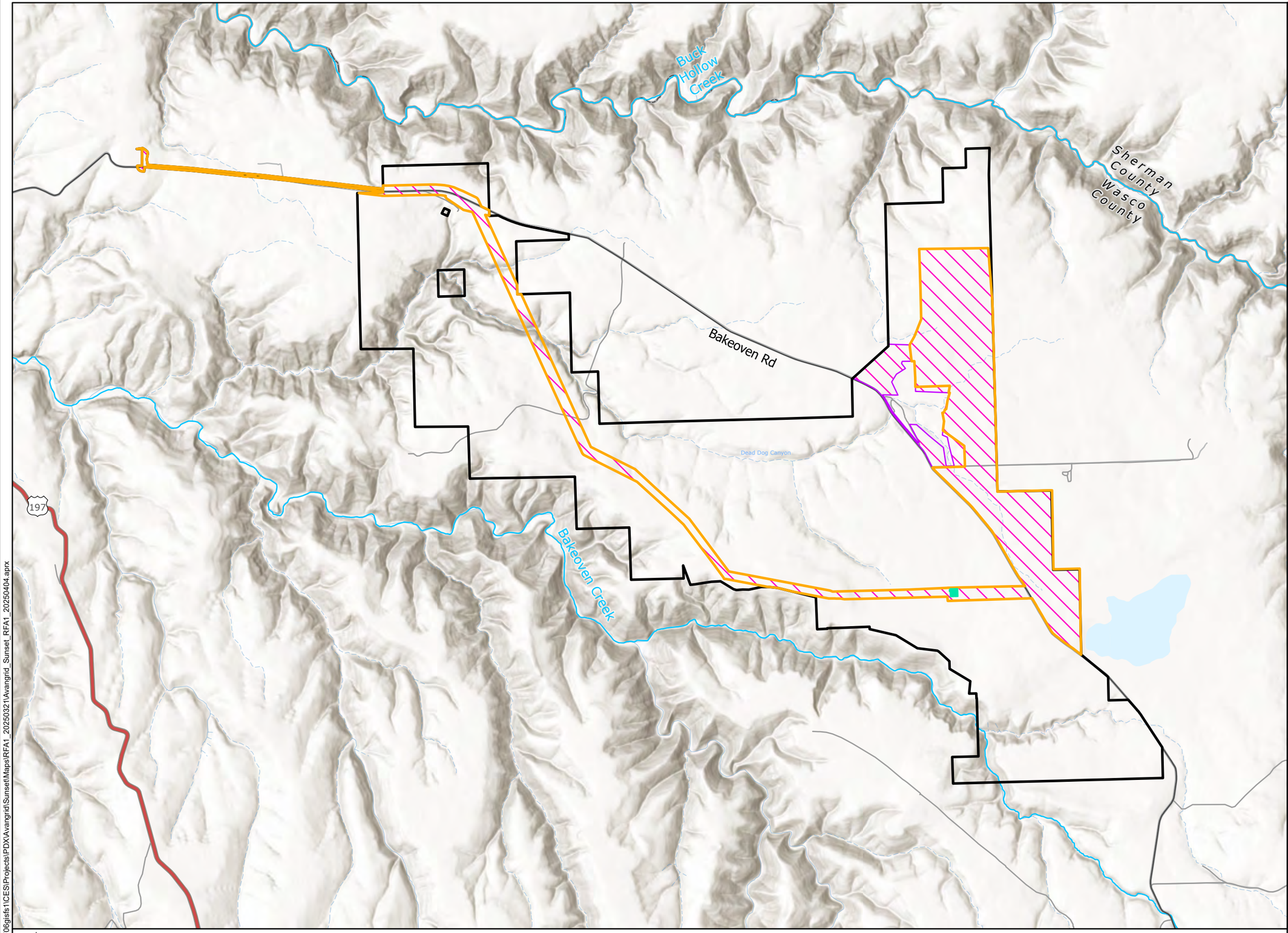
Wilderness Connect. 2024. Wilderness Areas of the United States. https://umontana.maps.arcgis.com/apps/webappviewer/index.html?id=a415bca07f0a4bee9f0e894b0db5c3b6.

Figures

Sunset Solar Project

Figure 1
Approved and Proposed Site Boundary

WASCO COUNTY, OR



- Approved Site Boundary
- Approved Micrositing Corridor
- Approved Bakeoven Substation
- Proposed Facility Site Boundary and Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

Wetlands and Waters

- Streams/Rivers (NHD)

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

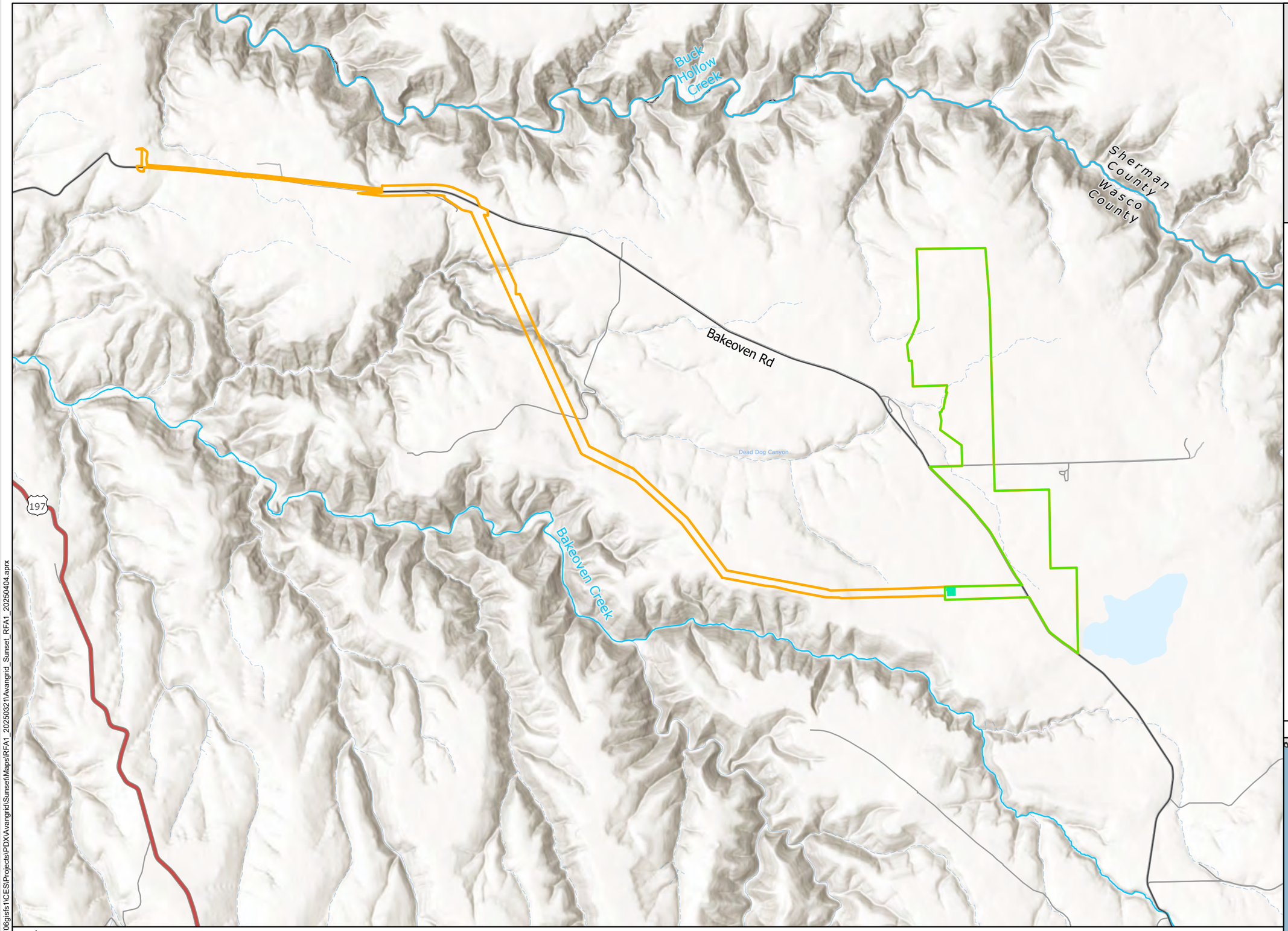
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx

Sunset Solar Project

Figure 2
Area Subject to Request For Amendment 1

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Proposed Facility Site Boundary and Micrositing Corridor
- Approved Bakeoven Substation
- County Boundary
- US Highway
- Local Roads
- Streams/Rivers (NHD)

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx

Sunset Solar Project

Figure 3A
Historical Earthquakes and Faults

WASCO COUNTY, OR

Site Boundary Area Subject to Request for Amendment 1

Approved Micrositing Corridor

Analysis Area (50-mile buffer)

County Boundary

Quaternary Faults and Associated Folds

Age

- Late Quaternary
- Latest Quaternary
- Middle and Late Quaternary
- Undifferentiated Quaternary

Class B

Historical Earthquakes

Magnitude

- 2.5 - 2.7
- 2.7 - 3.2
- 3.2 - 3.6
- 3.6 - 3.9
- 3.9 - 5.0

MMI (Intensity)

- II
- III
- IV

TETRA TECH

AVANGRID RENEWABLES

Reference Map

Clark County
Skamania County
Klickitat County
Umatilla County
Multnomah County
Hood River County
Sherman County
Gilliam County
Morrow County
Clackamas County
Wasco County
Marion County
Jefferson County
Wheeler County
Linn County
Crook County
Deschutes County

1:700,000

WGS 1984 UTM Zone 10N

0 4 8 16 24 32 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 3B
Seismic Risk

WASCO COUNTY, OR

Sherman County
Wasco County
Bakeoven Rd
Dead Dog Canyon
197

- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

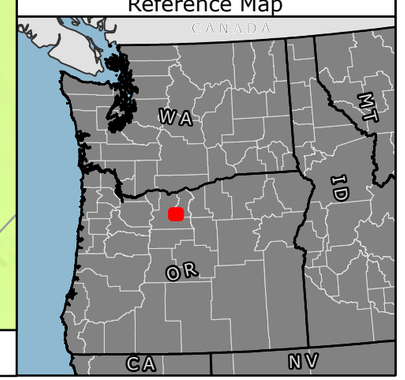
Cascadia Earthquake Expected Shaking

- Violent
- Severe
- Very Strong
- Strong
- Moderate
- Light

TETRA TECH

AVANGRID RENEWABLES

Reference Map



1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\ess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 3C
Flood Hazards

WASCO COUNTY, OR

Sherman County
Wasco County
Bakeoven Rd
Dead Dog Canyon
197

- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- 100-Year Floodplain*

**Effective FEMA Special Flood Hazard Areas digital data not available for this area; Non-effective data presented for guidance only*

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

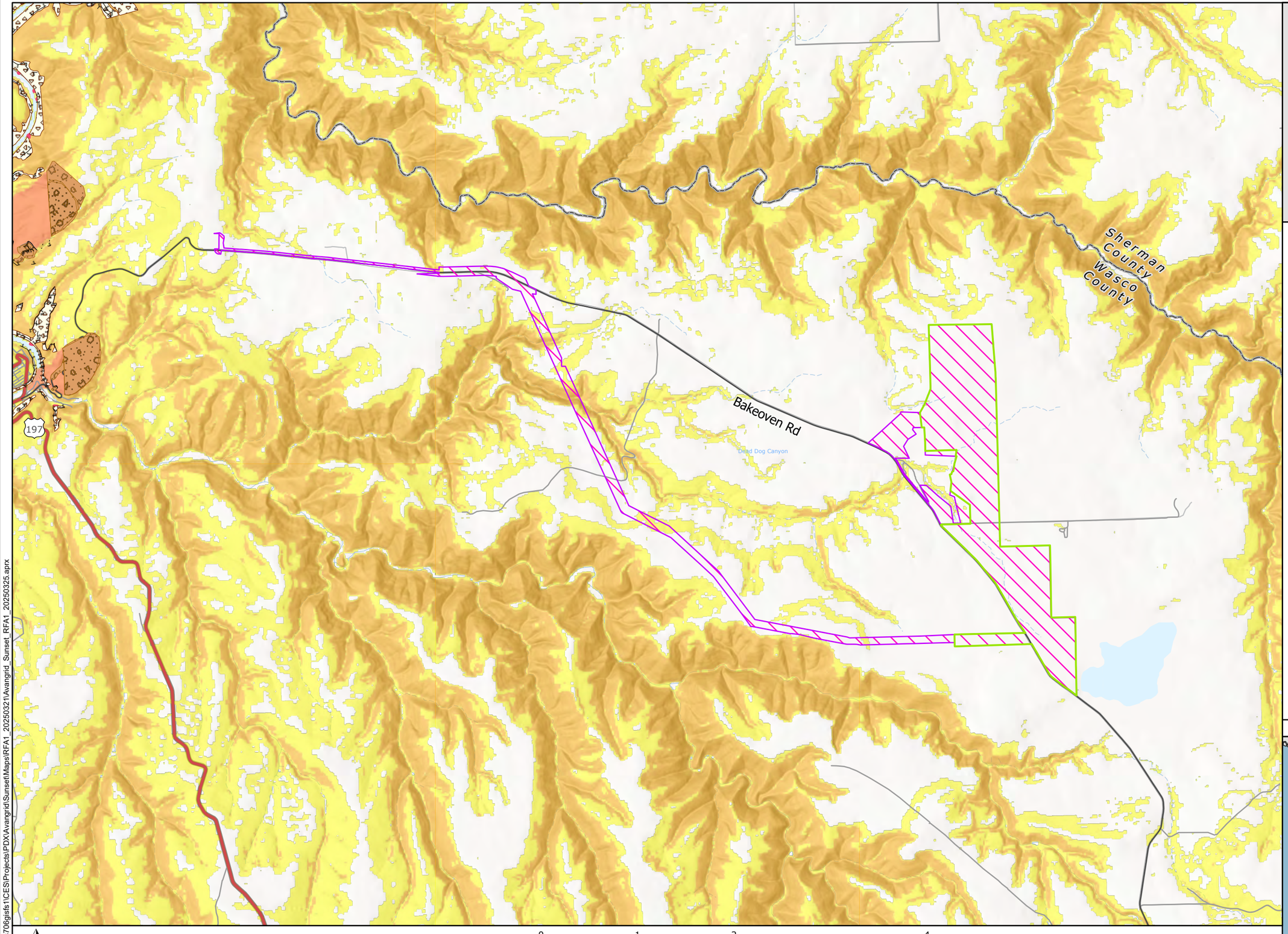
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 3D
Landslide Hazards

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- Scarps
- Head Scarp

Deposits

- Fan
- Landslide
- Talus-Colluvium

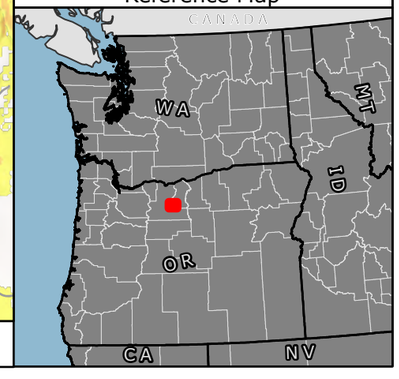
Landslide Hazard

- Low
- Moderate
- High

TETRA TECH

AVANGRID RENEWABLES

Reference Map



1:60,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

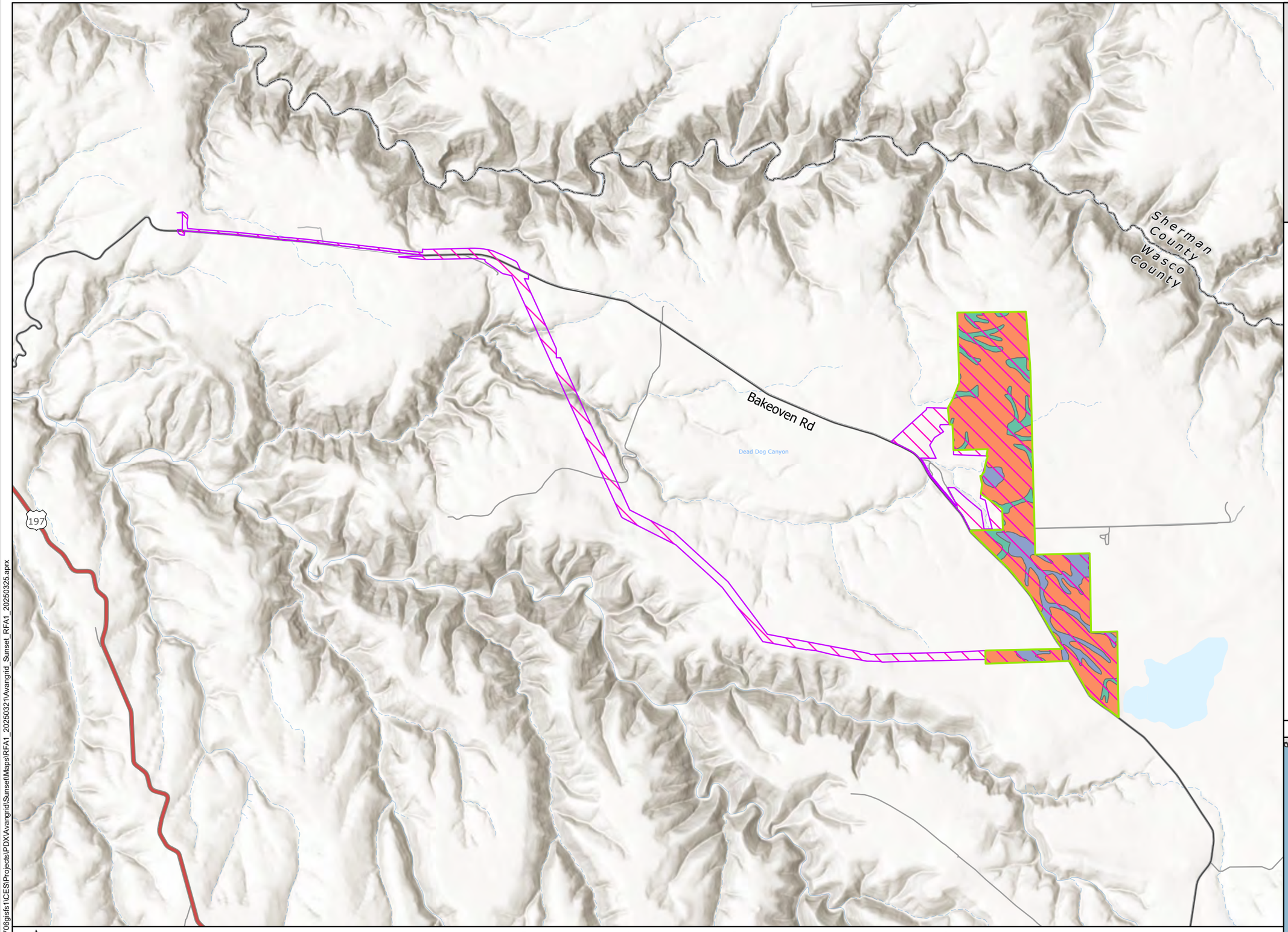
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 4
Soils

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

Soil Map Unit Name

- BcC, Bakeoven-Condon complex, 2 to 20 percent slopes
- CnC, Condon silt loam, 2 to 12 percent slopes
- CoC, Condon-Bakeoven complex, 2 to 20 percent slopes

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

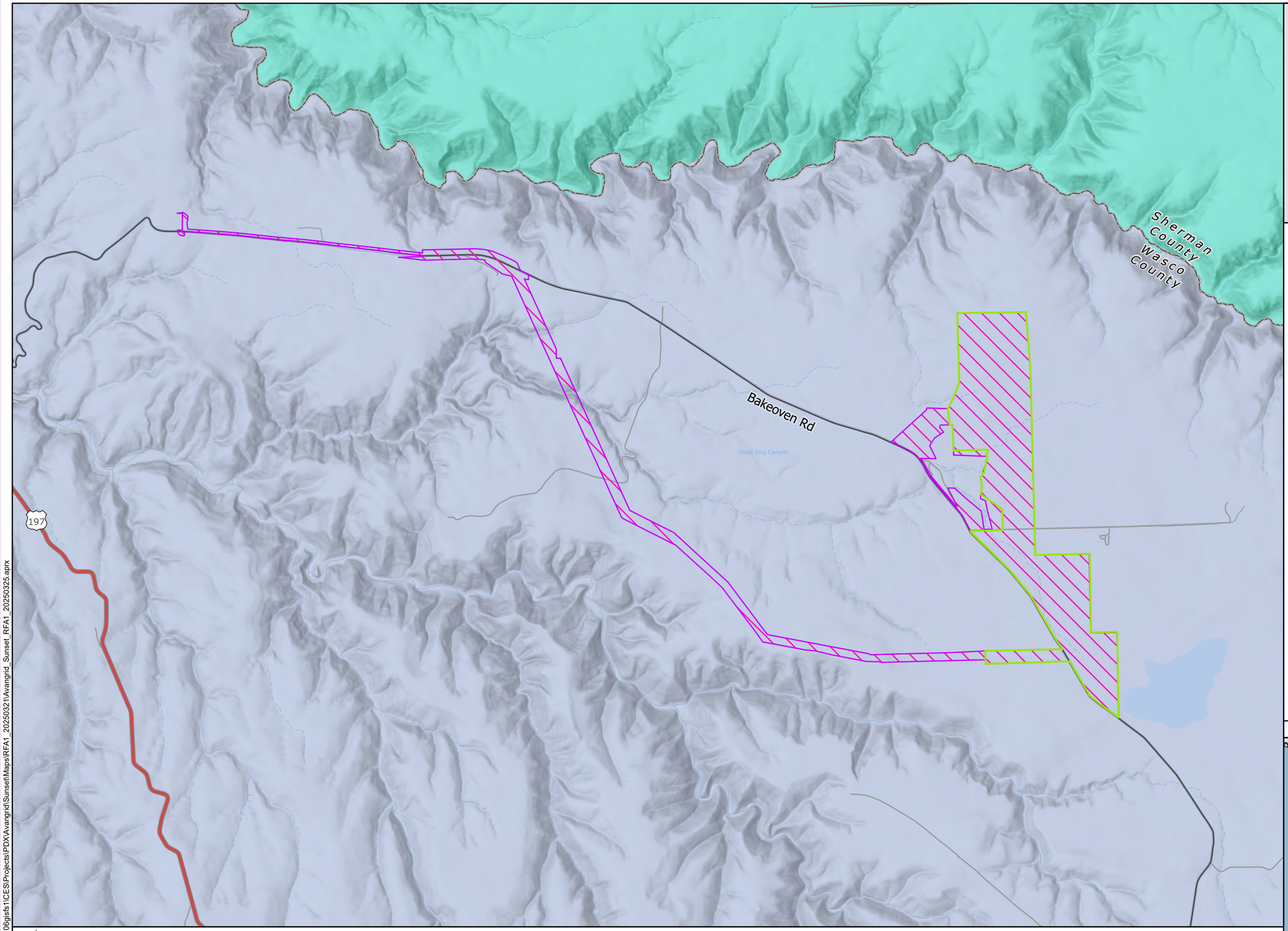
NOT FOR CONSTRUCTION

\\cess706glsfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 5A
Zoning

WASCO COUNTY, OR

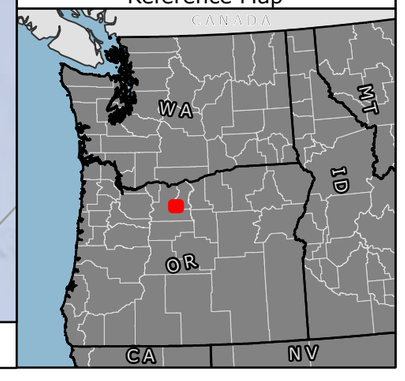


- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- Wasco County Exclusive Farm Use Zone A-1 (160)
- Sherman County Exclusive Farm Use Zone F-1

TETRA TECH

AVANGRID RENEWABLES

Reference Map



1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

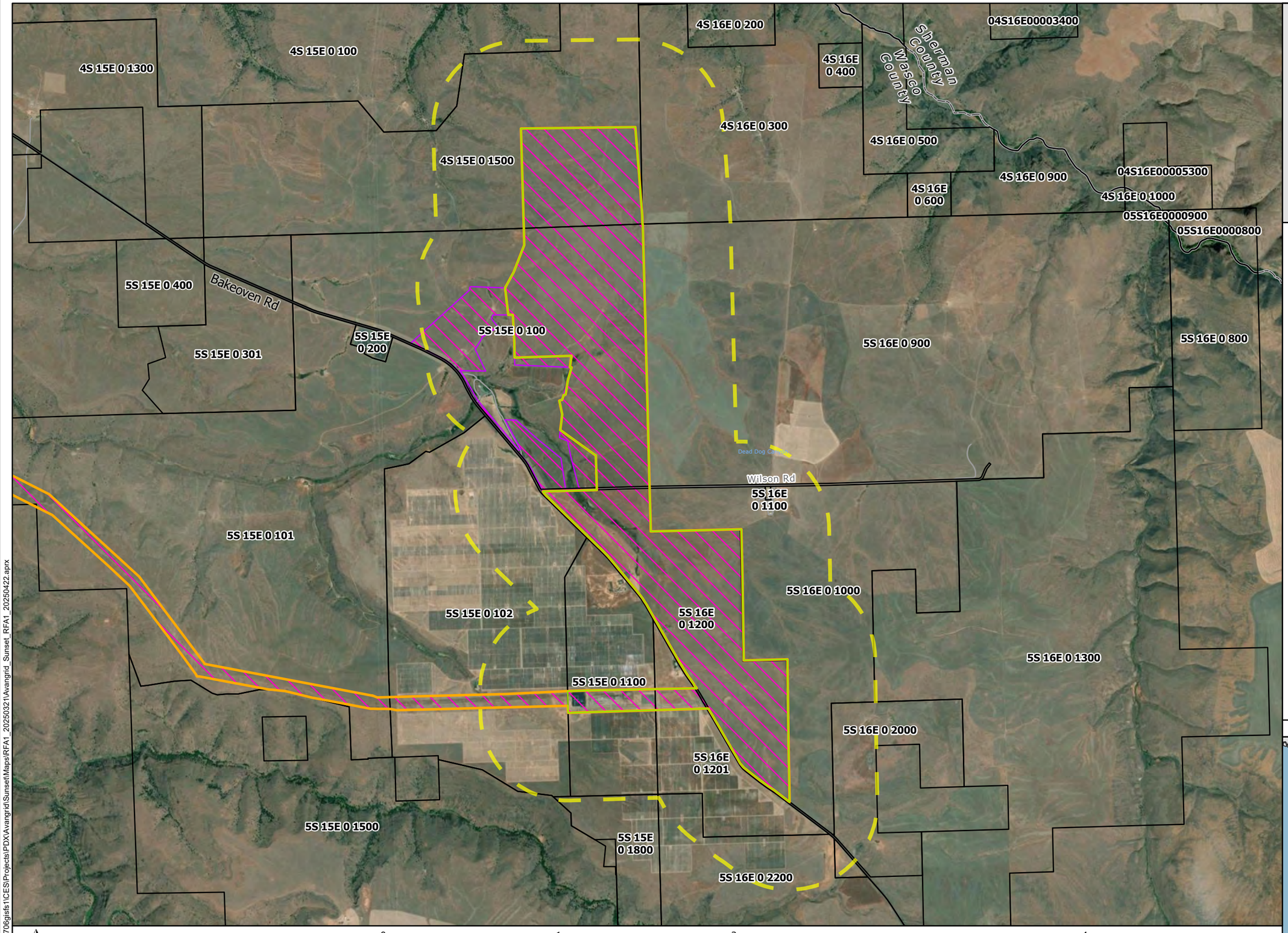
NOT FOR CONSTRUCTION

\\cess706glsfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 5B Surrounding Lands

WASCO COUNTY, OR



Site Boundary Area Subject to Request for Amendment 1

Proposed Facility Site Boundary and Micrositing Corridor

Approved Micrositing Corridor

Analysis Area (0.5-mile buffer)

County Boundary

Local Roads

Taxlot Boundary

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:33,000 WGS 1984 UTM Zone 10N 0 1 2 4 Miles NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250422.aprx

Sunset Solar Project

Figure 6
Protected Areas

WASCO COUNTY, OR

Protected Areas
- Area of Critical Environmental Concern (BLM)
- Oregon Natural Area
- State Park, Wayside, Corridor, Monument, Historic, or Recreation Area (OPRD)
- State Scenic Waterway (OPRD)
- State Wildlife Refuge or Management Area (ODFW)
- Wild, Scenic, or Recreational River (BLM)
- Wilderness Study Area
- Fish Hatchery

- Analysis Area (20-mile buffer)
- Site Boundary Area Subject to Request for Amendment 1
- County Boundary
- US Highway
- State Highway
- County Highway
- Local Roads

Deschutes River State Recreation Area
Deschutes River State Scenic Waterway
Lower Deschutes Wildlife Area
White River Wildlife Area
White River Falls State Park
Tygh Valley SNA
OAK SPRINGS
Lower Deschutes State Scenic Waterway
Lower John Day WSA
Thirtymile WSA
Armstrong Canyon ACEC
North Pole Ridge WSA
John Day State Scenic Waterway
Lawrence Memorial Grassland
Pine Hollow
Pine Grove
Eightmile Creek
Fifteenmile Creek Wild and Scenic River
Dry Creek
Badger Creek
Bakeoven Rd
Buck Hollow
Dog Canyon
Deep Creek
Antelope Creek
Pine Creek
Beaver Creek
Mill Creek
Hood River County
Sherman
Sherman County
Wasco
Wasco County
Wheeler County
Jefferson County
MUTTON MOUNTAINS
4453 ft
3656 ft
SCHOOLIE FLAT
MILL CREEK FLAT
BIG COVE
115
114
97
206
120
197
216
26
218
19
293

TETRA TECH
AVANGRID RENEWABLES

Reference Map

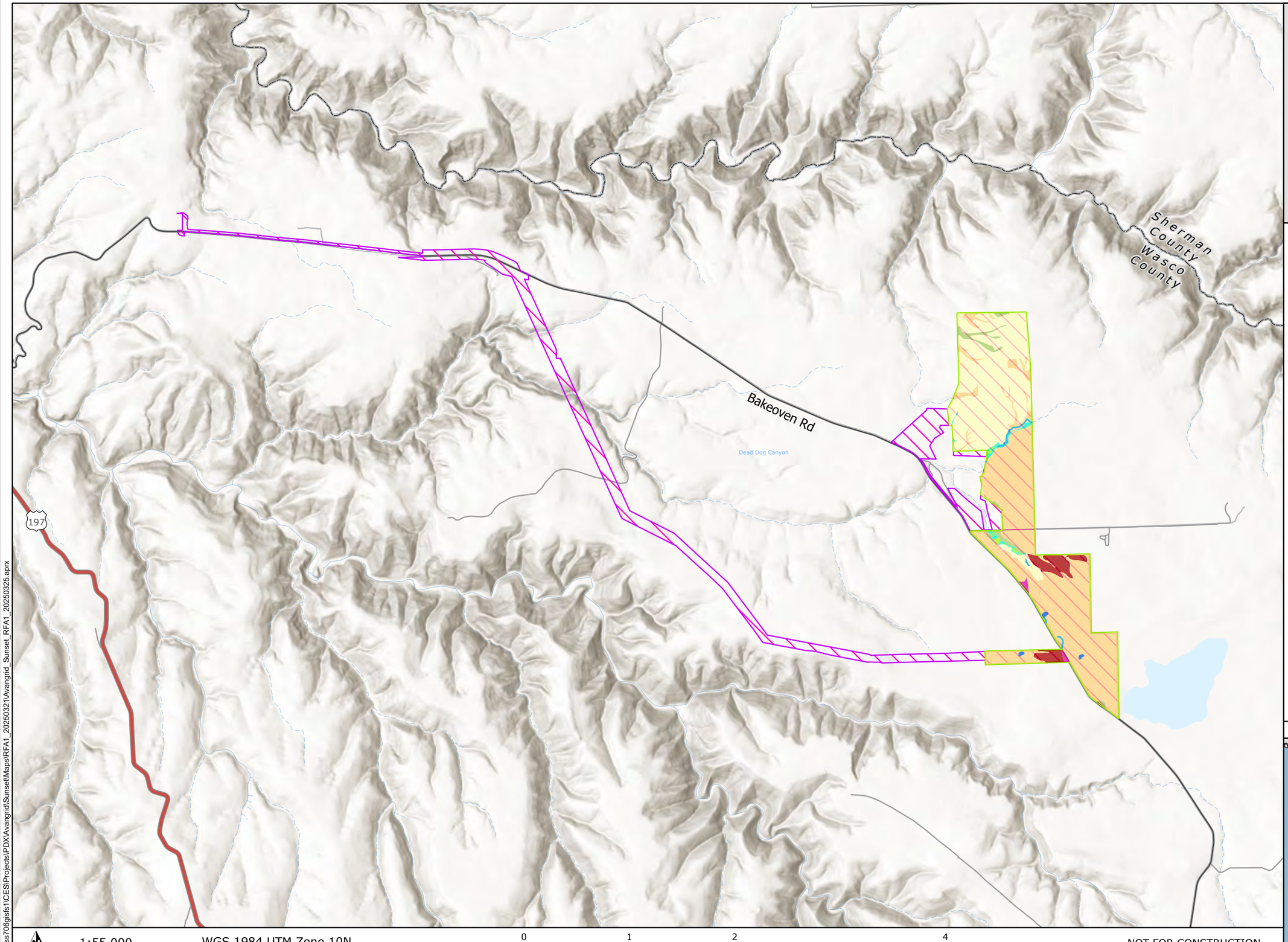
1:300,000 WGS 1984 UTM Zone 10N 0 4 8 16 24 Miles NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx

Sunset Solar Project

Figure 7A
Habitat Types

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

Habitat Subtype

- Seasonal Pond
- Intermittent/Ephemeral Streams
- Emergent Wetlands
- Eastside Riparian
- Eastside Grasslands
- Shrub-steppe
- Planted Grasslands
- Orchards, Vineyards, Wheat Fields, Row Crops
- Urban and Mixed Environs

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

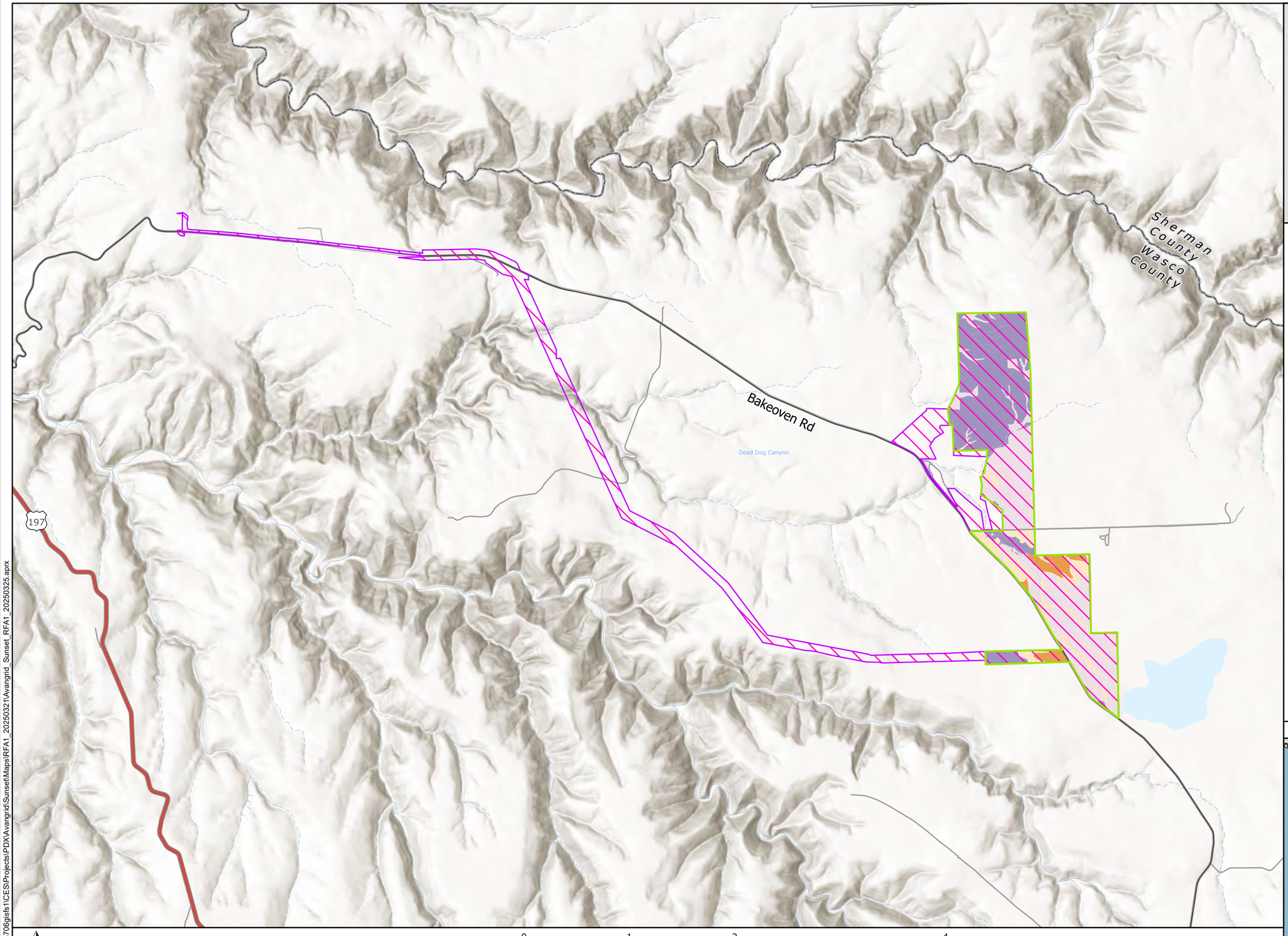
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 7B
Habitat Categories

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

Habitat Category

- 2
- 3
- 4
- 5
- 6

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000 WGS 1984 UTM Zone 10N 0 1 2 4 Miles

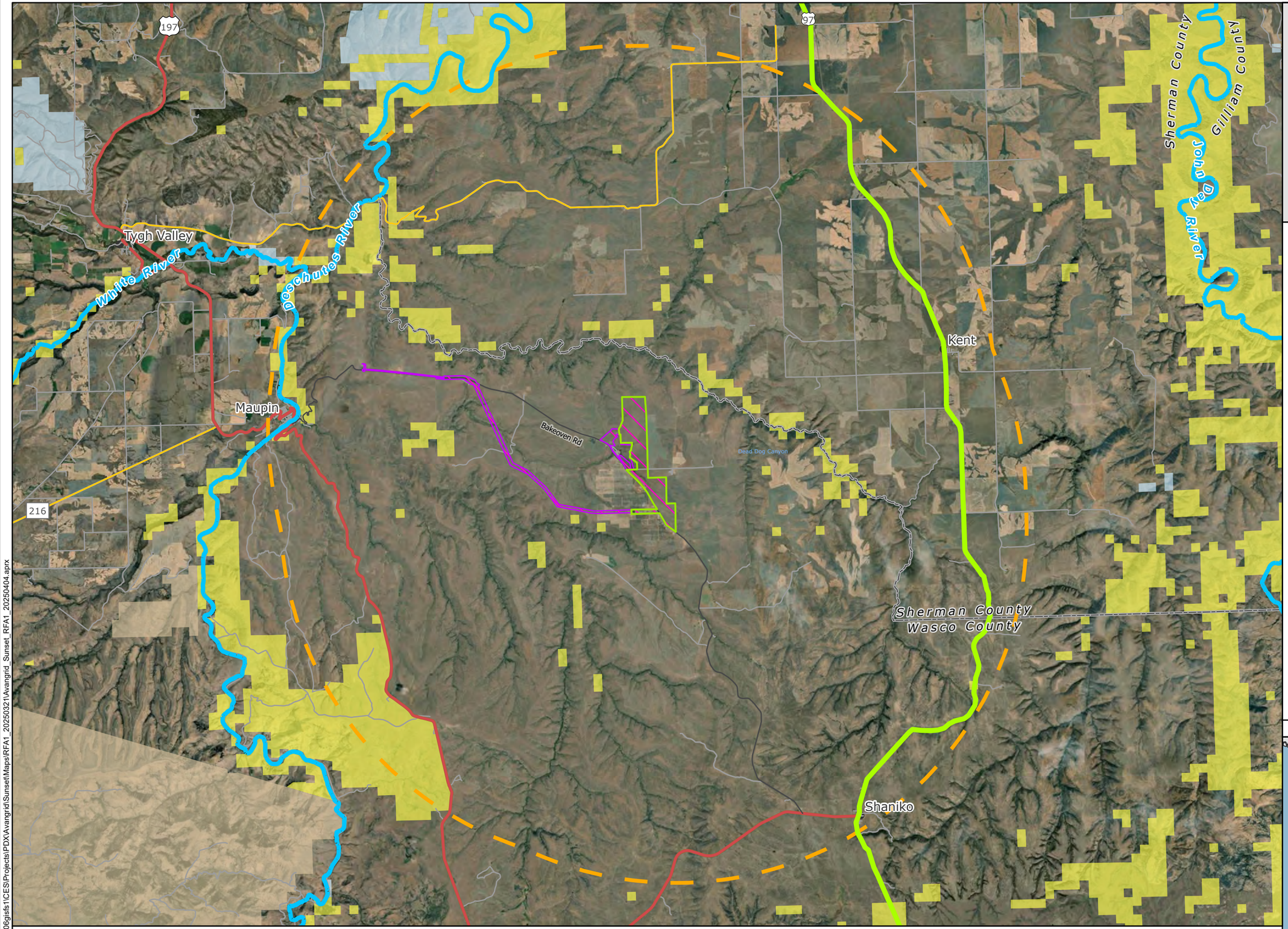
NOT FOR CONSTRUCTION

\\ess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 8
Scenic Resources

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- Analysis Area (10-mile buffer)
- City/Town
- County Boundary
- US Highway
- State Highway
- Local Roads

Surface Management Agency

- Indian Reservation (BIA)
- Bureau of Land Management (BLM)
- State Lands

Important Scenic Resources

- County Scenic Highway Segment
- Scenic Waterway
- Journey Through Time Scenic Byway

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:165,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx

Sunset Solar Project

Figure 9
Recreational Opportunities

WASCO COUNTY, OR

- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- Analysis Area (5-mile buffer)
- US Highway
- State Highway
- Local Roads
- County Boundary
- Private Hunting

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:95,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

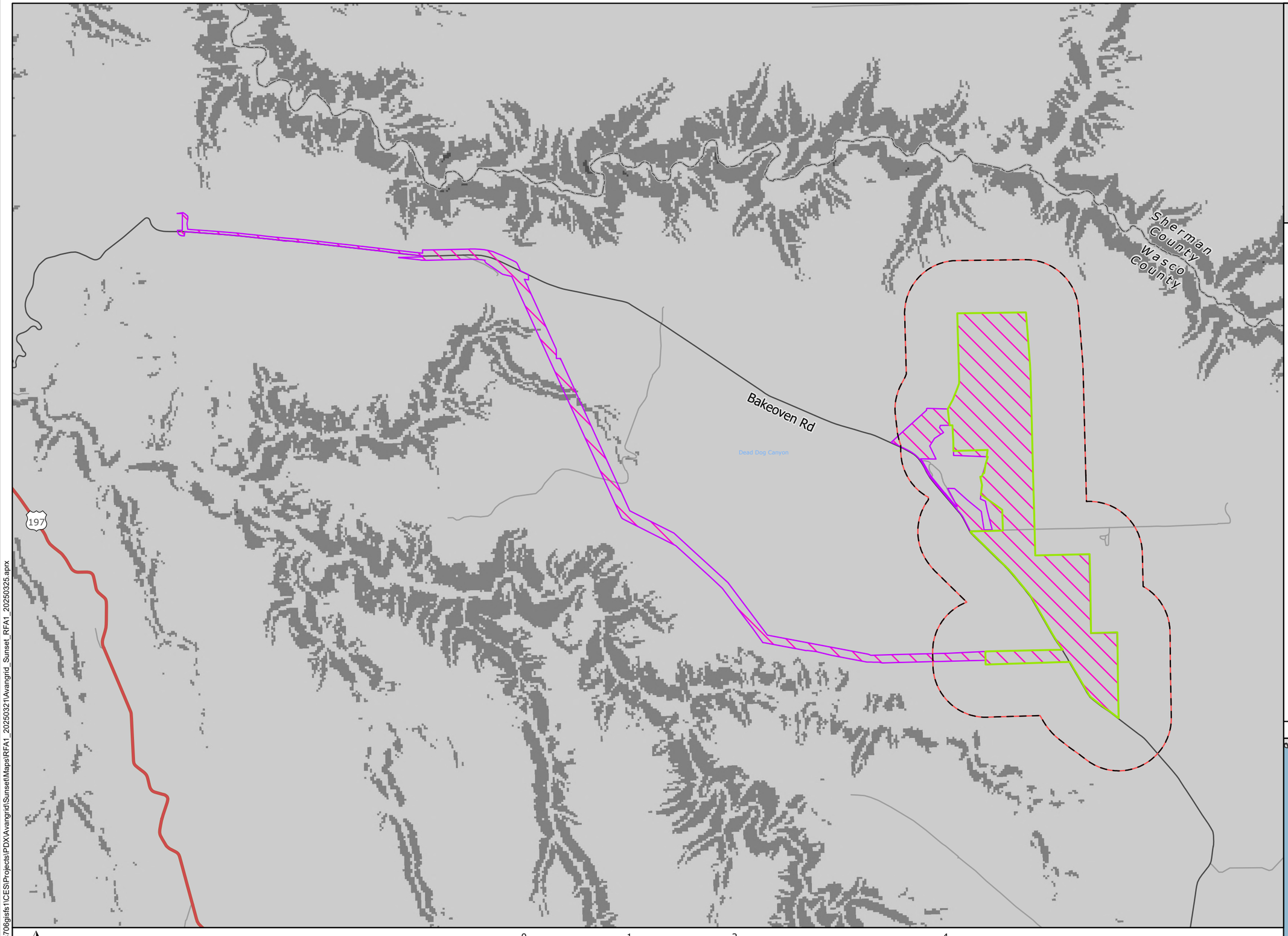
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx

Sunset Solar Project

Figure 10A
Slope

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Analysis Area (.5 mile Buffer)
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

Slope

- 0 - 25
- 25-50
- 50-76

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

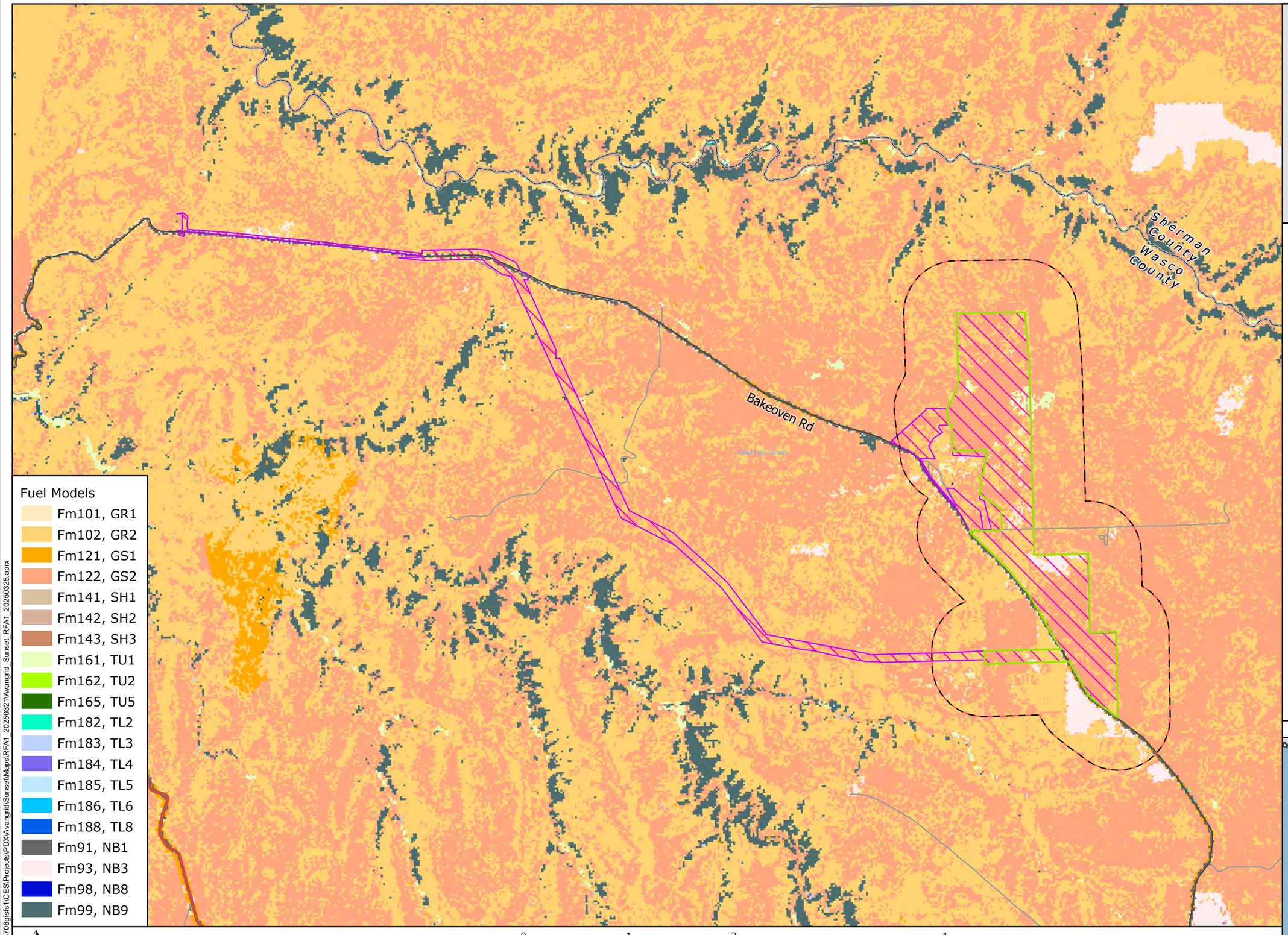
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 10B
Fuel Models

WASCO COUNTY, OR



Site Boundary Area Subject to Request for Amendment 1

Analysis Area (.5 mile Buffer)

Approved Micrositing Corridor

County Boundary

US Highway

Local Roads

*See RFA1 regarding analysis considerations for areas with Fuel Model 93

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706glsfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 10C
Burn Probability

WASCO COUNTY, OR

Sherman County
Wasco County
Bakeoven Rd
Dead Dog Canyon
197

- Site Boundary Area Subject to Request for Amendment 1
- Analysis Area (.5 mile Buffer)
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads

Burn probability

- 0*
- 0.0002 - 0.001 Moderate (1-in-5,000 to 1-in-1,000)
- 0.001 - 0.002 Moderate (1-in-1,000 to 1-in-500)
- 0.002 - 0.01 High (1-in-500 to 1-in-100)
- 0.01 - 0.02 High (1-in-100 to 1-in-50)

*See RFA1 regarding analysis considerations for areas with a Burn Probability of 0

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 10D
Average Flame Length

WASCO COUNTY, OR

Site Boundary Area Subject to Request for Amendment 1

Analysis Area (.5 mile Buffer)

Approved Micrositing Corridor

County Boundary

US Highway

Local Roads

Average flame length (ft)

0*

>0 - 4 ft

4 - 8 ft

8 - 11 ft

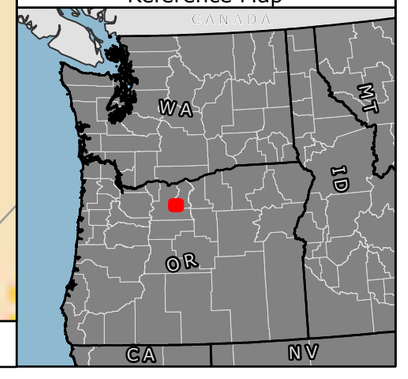
> 11 ft

*See RFA1 regarding analysis considerations for areas with an Average Flame Length of 0 feet

TETRA TECH

AVANGRID RENEWABLES

Reference Map



Sherman County

Wasco County

Bakeoven Rd

Dead Dog Canyon

197

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Sunset Solar Project

Figure 10E
Hazard to Potential Structures

WASCO COUNTY, OR

Site Boundary Area Subject to Request for Amendment 1

Analysis Area (.5 mile Buffer)

Approved Micrositing Corridor

County Boundary

US Highway

Local Roads

Potential Impact to Structures

Very High

High

Moderate

Low

Non-burnable/Very Low

TETRA TECH

AVANGRID RENEWABLES

Reference Map

Sherman County

Wasco County

Bakeoven Rd

Dead Dog Canyon

197

1:55,000

WGS 1984 UTM Zone 10N

0 1 2 4 Miles

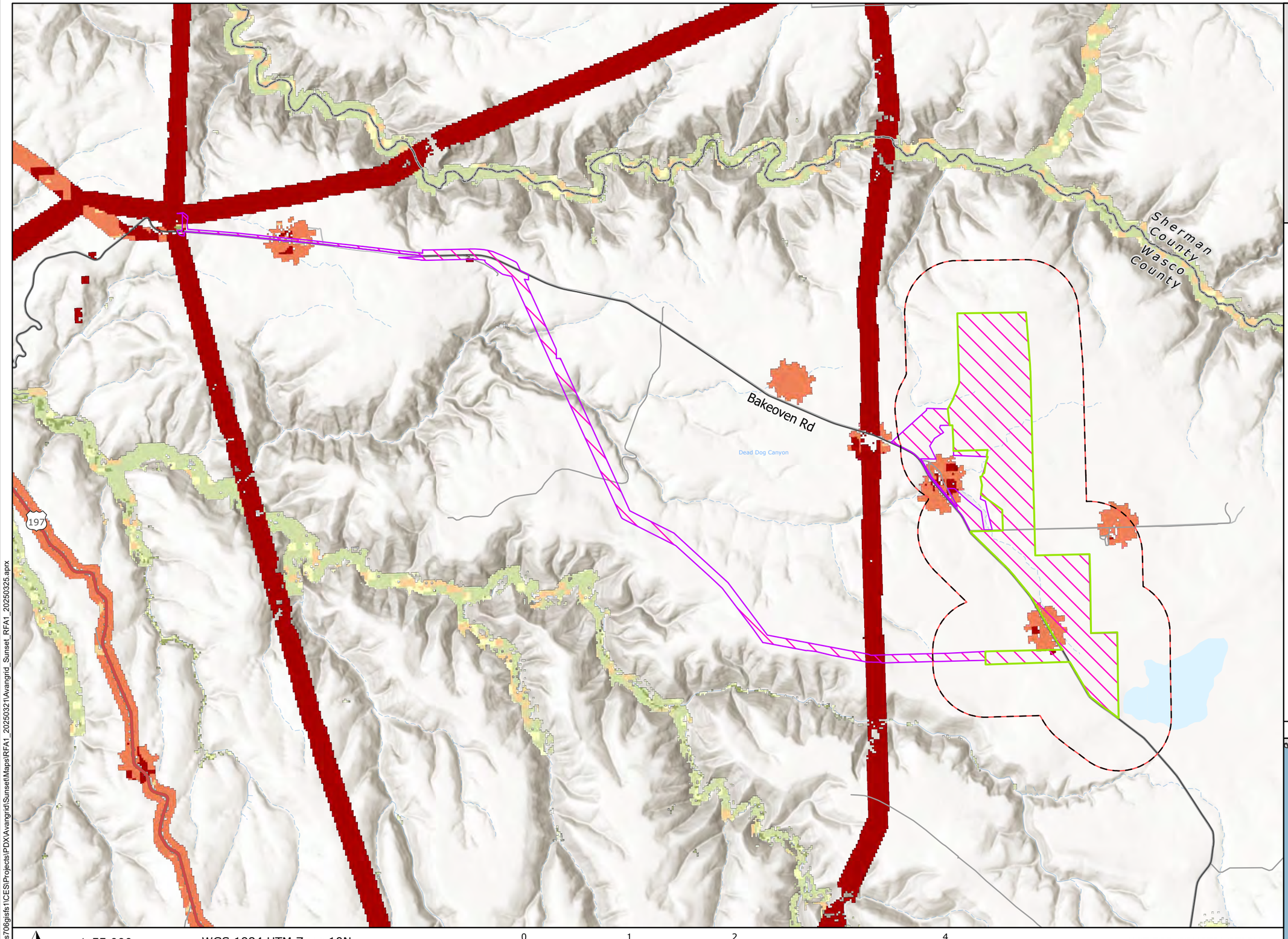
NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\SunsetMaps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx

Sunset Solar Project

Figure 10F
Wildfire Hazard

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- Analysis Area (.5 mile Buffer)

Overall Wildfire Risk

- Very High
- High
- Moderate
- Low
- Low Benefit
- Benefit

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:55,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250325.aprx

Attachment 1.

PATRICK, MARCELLA

From: Blaine Carver <carvermag@yahoo.com>
Sent: Thursday, April 10, 2025 11:31 AM
To: PATRICK, MARCELLA
Subject: Re: Avangrid/Sunset Solar - Change of Construction Schedule

Good Morning,

The postponed deadline for Sunset solar in Bakeoven, doesn't affect the Bakeoven-Shaniko RFPA. As far as we are concerned nothing has changed, and we will attempt to protect the current grasslands from fire, just like we always have. When constuction begins, that is when we need to be informed, and compensated for the increased fire risk.
Thanks, Blaine Carver,
BS-RFPA chairperson

On Tuesday, April 8, 2025 at 03:07:42 PM PDT, PATRICK, MARCELLA <marcella.patrick@avangrid.com> wrote:

Good afternoon Blaine,

I am contacting you regarding the Sunset Solar Project, an approved solar photovoltaic energy generation facility and supporting facilities in Wasco County, Oregon. The facility will consist of up to 103 megawatts of solar generation and include a battery storage system capable of storing up to 100 MW of energy. Documentation of the Sunset Solar Facility was originally processed as part of the Bakeoven Solar Project. On September 22, 2021, the Energy Facility Siting Council approved Request for Amendment 1 of the Bakeoven Solar Project site certificate, which split previously approved facility components across three site certificates for Bakeoven Solar Project, Daybreak Solar Project, and Sunset Solar Project, respectively. More information on the Sunset Solar Project can be found here: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SSP.aspx

As part of the Oregon Energy Facility Siting Council (EFSC) permitting process, we are seeking coordination with Bakeoven-Shaniko RFPA to confirm this construction deadline amendment does not change your ability service the Facility and surrounding area through the revised construction period extended through April 24, 2029.

Please let me know if you would like to set up a call to discuss the amendment; or, if you have no questions, provide an email or updated letter confirming the change in construction deadlines does not impact service to the Sunset Solar Project area.

Sincerely,

Marcy

Marcy Patrick (*she/her/Ms.*)
Permit Manager
marcella.patrick@avangrid.com

2701 NW Vaughn St., Suite 300, Portland, OR 97210
☏ 801.946.1092

Internal Use

PATRICK, MARCELLA

From: Jocelyn Jones <Jocelyn.Jones@WasteConnections.com>
Sent: Thursday, April 17, 2025 11:43 AM
To: PATRICK, MARCELLA
Cc: DERUYTER, MICHAEL; Eilers, Mark
Subject: Re: Avangrid/Sunset Solar - Change of Construction Schedule

Yes. Wasco has a life span of 25 more years.

Jocelyn

> On Apr 17, 2025, at 11:38 AM, PATRICK, MARCELLA <marcella.patrick@avangrid.com> wrote:
>
> Good morning Jocelyn, checking in to see if you've had a chance to review the email below. Please let me know if you have any questions or require additional information prior to your confirmation that the Wasco County Landfill will have the adequate capacity to handle waste generated by the Sunset Solar Facility throughout the revised construction period from April 24, 2026 to April 24, 2029
>
> Thank you!
> Marcy

Cell: 801.946.1092
Marcy Patrick (*she/her/Ms.*)
Permit Manager

Internal Use

From: PATRICK, MARCELLA
Sent: Tuesday, April 8, 2025 2:54 PM
To: Jocelyn.Jones@WasteConnections.com
Cc: DERUYTER, MICHAEL <michael.deruyter@avangrid.com>; Eilers, Mark <mark.eilers@avangrid.com>
Subject: Avangrid/Sunset Solar - Change of Construction Schedule

Good afternoon Jocelyn,

I am contacting you regarding the Sunset Solar Project, an approved solar photovoltaic energy generation facility with supporting facilities in Wasco County, Oregon. The facility will consist of up to 103 megawatts of solar generation and include a battery storage system capable of storing up to 100 MW of energy. Documentation of the Sunset Solar Project was originally processed as part of the Bakeoven Solar Project. On September 22, 2021, the Oregon Energy Facility Siting Council (EFSC) approved Request for Amendment 1 of the Bakeoven Solar Project site certificate, which split previously approved facility components across three site certificates for Bakeoven Solar Project, Daybreak Solar Project, and Sunset Solar Project, respectively. More information on the Sunset Solar Project can be found here: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/SSP.aspx

As part of the original Oregon EFSC application in 2019, we had received confirmation from Wasco County Landfill via email that it can accommodate the waste from the Bakeoven Solar Project (Attachment U-2). The Sunset Solar Project site boundary is located within the previously evaluated Bakeoven Solar Project site boundary and site conditions have not changed. The Certificate Holder will file a Request for Amendment (RFA1) to the Sunset Solar Project Site Certificate seeking approval from the Council to extend the start date of construction and construction completion deadline by three years.

As part of the proposed request to EFSC, we request your confirmation that the Wasco County Landfill will have the adequate capacity to handle waste generated by the Sunset Solar Facility throughout the revised construction period from April 24, 2026 to April 24, 2029. Construction would generate a rough estimate of 40 cubic yards per week over the course of 12 months construction time during the construction period.

Thank you,
Marcy

<image001.png>

Marcy Patrick (*she/her/Ms.*)
Permit Manager

2701 NW Vaughn St., Suite 300, Portland, OR 97210
☏ **801.946.1092**
marcella.patrick@avangrid.com

Attachment 2.

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

Site Certificate for the

Sunset Solar Project

ISSUANCE/EFFECTIVE DATES

Site Certificate (Bakeoven Solar Project)	April 24, 2020/May 8, 2020
Site Certificate (Sunset Solar Project)	November 19, 2021/December 6, 2021

THIS PAGE INTENTIONALLY LEFT BLANK

Table of Contents

Attachments

Attachment A	Facility Site Boundary and Micrositing Corridor

Acronyms and Abbreviations

ASC	Application for Site Certificate
BPA	Bonneville Power Administration
Certificate Holder	Sunset Solar, LLC
Council	Oregon Energy Facility Siting
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
Facility	Sunset Solar Project
HMP	Habitat Mitigation Plan
HV	High voltage
Li-ion	Lithium Ion
MWac	Megawatt alternating current
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
Parent Company	Avangrid ~~Renewables~~Power, LLC
RFA	Request for Amendment
SCADA	Supervisory Control and Data Acquisition
State	State of Oregon

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council) and Sunset Solar, LLC (certificate holder), a subsidiary of Avangrid ~~Renewables~~Power, LLC (certificate holder owner). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing the certificate holder to construct, operate and retire the Sunset Solar Project (facility) at the below described site within Wasco County, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on Request for Amendment 1 of the ~~Bakeoven~~ Sunset Solar Project* issued on [DATE]; (b) the *Final Order on Request for Amendment 1 of the Bakeoven Solar Project*, issued on November 19, 2021; (~~b~~c) the *Final Order on the Application for Site Certificate for the Bakeoven Solar Project* issued on April 24, 2020 ~~(hereafter, *Final Order on the Application*)~~. Any ambiguity will be clarified by reference to the following, in order of priority: (1) th~~is~~ *Final Order on Request for Amendment 1 of the Sunset Solar Project*; (2) *Final Order on Request for Amendment 1 of the Bakeoven Solar Project*; (~~2~~3) the *Final Order on the Application for the Bakeoven Solar Project;~~,~~* and (~~2~~4) the record of the proceedings that led to the above referenced orders.

As authorized in *Final Order on Amendment 1*, the Bakeoven Solar Project certificate holder obtained approval to split the Bakeoven Solar Project site certificate into three site certificates – Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project. Each of these certificate holders is a wholly owned subsidiary and LLC created by Avangrid ~~Renewables~~Power, LLC resulting in each certificate holder owned by the same parent company. In addition, these facilities share facility components and are interconnected for the duration of long-term operation. Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of the site certificate are ~~as~~ set forth in the 2020 *Final Order on the Application* and subsequent *Final Order on Amendment 1* for the Bakeoven Solar Project, which are incorporated by reference into the site certificate, these underlying findings, including any findings establishing the predevelopment condition of the site and impacts of approved facility components continue to have bearing on the analysis and findings required to approve any future changes to the site certificates for the successor facilities. ~~In other words, compliance with Council standards requiring an environmental impact analysis should be based on 2020 predevelopment conditions. This clarification is intended to establish that, with the splitting of facility components under three site certificates, baseline conditions (2020) and subsequent environmental impacts of the facilities, based on final design, shall not be adjusted in a way~~

~~that results in greater overall impacts than the level of impacts that would be authorized under one site certificate. Future requests to amend the Bakeoven Solar Project site certificate shall evaluate compliance with Council standard requirements based on overall impacts from the operational components as approved in the *Final Order on the Application,* and as represented in the *Final Order on Amendment 1 of the Bakeoven Solar Project*.~~

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as

appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0313 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to the terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable facility, facility component or phase, as applicable, based on final design and configuration.

2.0 Facility Location, Site Boundary and Micrositing Corridor

The facility site is located within southeastern Wasco County, approximately 5 miles east of the City of Maupin and U.S. Highway 97; and, 5 miles south of State Highway 216. The facility "site boundary" includes approximately 1,870~~10,640~~ acres entirely within private property. A "site boundary" means the perimeter of the site of an energy facility and its related or supporting facilities, all temporary laydown and staging areas and all corridors proposed by the applicant.[1]

The approved site boundary encompasses some or all of the townships, ranges and section identified in Table 1 below.

Table 1: Township, Range and Section within the Facility Site Boundary

Township	Range	Sections
4S	14E	25, 26, 27, 36
4S	15E	25, 29, 30, 31, 32, 36
4S	16E	30
5S	15E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25
5S	16E	7, 18, 19, 20, 29, 30

The approved micrositing corridor includes approximately 1,870~~2,196~~ acres within the site boundary. ~~As defined in OAR 345-001-0010, a "micrositing corridor" means a continuous area~~

[1] OAR 345-001-0010(55)

~~of land within which construction of facility components may occur, subject to site certificate conditions. Micrositing corridors are intended to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. In order for Council to authorize a micrositing corridor, allowing placement of facility components anywhere within, the Council must find that the applicant can comply with requirements of all Council standards and applicable rules and requirements based on siting of facility components anywhere within the micrositing corridor. As presented in the *Final Order on the Application* Section IV. *Evaluation of Council Standards* of this order, based on the certificate holder's methodology, where surveys and analysis encompassed the entirety of a micrositing corridor to inform the evaluation of impacts under each Council standard, the Council evaluated the permanent occupation of, and potential impacts from, the facility anywhere within an approximately 2,196 acre micrositing corridor within the site boundary. Based on this evaluation, Council approved the micrositing corridor.~~

The approved facility site boundary and micrositing corridor are presented in Attachment 1 of this site certificate.

~~3.0 Construction, Operation and Maintenance, and Retirement~~

~~The following sections provide information about the construction, operation and retirement phases of the facility, as represented in the ASC and RFA1.~~

~~3.1Construction~~

~~Construction of solar photovoltaic energy components generally includes: preparation of the site and staging areas, including grading and access road construction; installation of array foundations, conductors, the operations and maintenance building, and the control enclosure; assembly of solar panels and electrical connection components; construction of the inverter pad, substation, cabling, terminations, and transmission lines; and commissioning of the array and interconnection, revegetation, and waste removal and recycling facilities. Construction of the transmission line generally includes site preparation and access road construction; structure foundation installation; erection of support structures; and, stringing of conductors, shield wire and fire optic ground wire.~~

~~The estimated construction workforce includes 250 (average) to 400 (peak) workers. Interstate Highway 84 (I-84), U.S. Highway (US) 197 near The Dalles, and Bakeoven Road are the primary transportation routes. Additional transportation routes include I-84 to US 97 (Sherman Highway) at Biggs Junction, southbound through the town of Shaniko and US 97 north/northeast to Bakeoven Road.~~

~~Construction-related water is obtained from City of Maupin and/or new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).~~

3.2Operations and Maintenanc

Routine operations and maintenance (O&M) activity would potentially include solar panel washing (approximately 1 million gallons of water per year); infrequent repair and replacement of solar arrays and associated electrical equipment; battery replacement every 7 years; and, replacement of electrolyte solution every 20 years at a rate of 7,000 gallons per 1 megawatt (MW) of electrolyte solution, if flow battery storage systems are selected in final design.

The vegetation in the area under and around each solar module installation would be mowed annually and maintained sufficiently low, in accordance with the certificate holder's Operational Fire Protection and Emergency ResponseWildfire Mitigation Plan, to reduce fire-related fuels. Vegetation along the transmission line will be managed as needed to reduce fuels for wildfire. Operational related water is obtained from a new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).

The estimated operational workforce is 5 to 10 workers.

3.3Retirement

Retirement/decommissioning of the facility generally would involve dismantling the solar and battery components, and related aboveground equipment (O&M building, transmission and overhead collector lines, transformer/inverter pads, and substation).

Solar modules would be separated from anchored steel poles, and directly loaded onto trucks or roll-off containers for off-site disposal. Steel poles would then be removed and recycled. After oil is removed from the transformers, they would be decommissioned, hauled and disposed off-site. Liquids from flow batteries would be drained then the remains would be transported to an off-site facility for recycling. Decommissioning and disposal of lithium ion batteries would be accomplished in the same manner as routine battery replacement. The battery storage containers and associated components would be disassembled and transported off site via truck for disposal or recycling, and the footprint of the battery storage system would be regraded and seeded for final stabilization.

Concrete pads and foundations (solar panel posts, substation, O&M building and battery storage systems) would be removed to a minimum of 3 feet below grade. Portions of underground electrical and communication cable buried below 3 feet would be left in place. Disturbed areas would be regraded and reseeded with native seed mix, based on landowner consultation. Access roads would then be removed. Access road areas would be restored to surface grade and soil to a condition useful for agriculture or grazing, depending on the use of surrounding lands. Roads also may be left in place based on landowner preference.

43.0 Facility Description

A facility includes the energy facility together with any related or supporting facilities. Related or supporting facilities means any structure proposed by the applicant to be constructed or substantially modified in connection with the construction of an energy facility.[2] The facility includes solar photovoltaic power generation equipment and related or supporting facilities, with a nominal and average generating capacity of approximately 103 megawatt alternating current (MWac). The certificate holder has flexibility in final facility layout, number of equipment, and technology type selected because the *Final Order on the Application* analyzed maximum impacts within a designated micrositing corridor.

43.1 Energy Facility

The energy facility includes solar modules (mono- or poly-crystalline cells), tracker systems, posts (approx. 51,102 posts, steel or pile-type, assumed concrete foundations), and related electrical equipment (cabling; approx. 56 inverter/transformer stations; and, approx. 3.30 miles of above and 8.60 miles of belowground 34.5 kV collection system. The solar array will be enclosed with a chain-link perimeter fence, up to 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate.[3]

The solar array includes shielded electrical cabling, as required by applicable code, to prevent electrical fires.

43.2 Related or Supporting Facilities

Related or supporting facilities, as further described below, include:

- 230 kV Transmission Line
- Collector Substation and Operations and Maintenance (O&M) Building/Onsite Sewage Disposal System
- Communication and SCADA System
- Site Access, Service Roads, Perimeter Fencing, and Gates
- Temporary Staging Areas
- Battery Storage System, including 10,000-gallon water tank

230 kV Transmission Line

The 230 kV transmission line is approved to extend approximately 11 miles from the facility collector substation to Bonneville Power Administration's (BPA) existing Maupin Substation, which interconnects to BPA's 230 kV Big-Eddy to Redmond transmission line. The 230 kV transmission line route extends northwest from the facility collector substation for

[2] OAR 345-001-0010(21) and – (50)
[3] BSPAPPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 4.1.

approximately 7.5 miles, and then for approximately 3.5 miles parallels Bakeoven Road to terminate at BPA's Maupin Substation. The approved 230 kV transmission line structures include two galvanized steel or wood pole H-frame or galvanized steel or wood monopole structures ranging from 80 to 100 feet in height, spaced approximately 700 feet apart (see ASC Exhibit B Figure B-7, B-8 and B-9).

Collector Substation and O&M Building

The facility collector substation operates to combine and step up the voltage of energy generated by the energy facility to the desired transmission voltage. The facility collector substation likely includes two non-polychlorinated biphenyl oil-containing transformers (49,385 gallons total); circuit-breakers; power transformer(s); bus and insulators; disconnect switches; relaying, battery and charger; surge arresters; alternating current and direct current supplies; control enclosure; metering equipment; grounding; and associated control wiring. The facility collector substation site is an approximately 3 acre fenced, graveled area, within the fenced solar array area, within the transmission line corridor, at the southeastern end of the site boundary (see ASC Exhibit C, Figure C-2). The facility collector substation will have sufficient spacing between equipment to prevent the spread of fire and will also be located on a gravel surface with no vegetation present to reduce any risk of fire from and to the facility. All electrical equipment will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.[4]

The O&M building includes a single-story building, approximately 20 feet in height, within an approximately 5,000 square foot area, and includes office space, storage, bathroom, and breakroom facilities. Water is supplied via an existing or newly constructed on-site permit exempt groundwater well (see ASC Exhibit O). The O&M building has an on-site, state permitted septic system, permitted by the Oregon Department of Environmental Quality, with a discharge capacity of up to 7,500 gallons. Electric power and telephone service is provided via local service providers. A gravel parking and storage area is located adjacent to the building. The O&M building is located near the solar array, within the solar array perimeter fence. To reduce any risks of fire, the fenced areas around the O&M building is graveled, with no vegetation present. The O&M building has basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.

Communication and Supervisory Control and Data Acquisition System

A communication and SCADA system collects operating and performance data from the solar array. The SCADA system allows for remote operation of the facility from the O&M building and the certificate holder's national control center in Portland, Oregon. Fiber optic cables for the SCADA system are installed with the collection system. In areas where the collection system is

[4] BSPAPPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 2.7.

buried, the fiber cables are installed in the same trench. Where the collection system is above ground, the fiber cables are mounted on overhead poles along with conductors.

Site Access, Service Roads, Perimeter Fencing, and Gates

The facility is accessed from Bakeoven Road east of Maupin, Oregon. Within the site boundary, there are approximately 10.0 miles of service roads for access and maintenance purposes. New service roads within the site boundary are up to 20 feet wide with an internal turning radius sufficiently sized for emergency vehicle access. Facility roads are sized for emergency vehicle access in accordance with 2014 Oregon Fire Code requirements, including Section 503 and Appendix D - Fire Apparatus Access Roads. Specifically, roads are 16 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles.[5] Chain-link perimeter fencing, up to 8 feet in height, encloses the solar array. The perimeter fencing has vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate (see ASC Exhibit C, Figure C-2).

Temporary Staging Areas

Two temporary staging areas used for equipment and supply storage, including one or more temporary concrete batch plant staging area~~s~~, may be needed during construction~~. One temporary staging area will be shared with Phase I and II~~. The temporary staging areas are located with the approved micrositing corridor. Employees are required to keep vehicles on roads and off dry grassland during the dry months of the year, unless such activities are required for emergency purposes, in which case fire precautions will be observed.

Battery Storage System

The 100 MW battery storage system is comprised of either lithium-ion (Li-ion) or flow batteries and include the following elements[6]:

- Battery storage equipment, including batteries and racks or containers, inverters, isolation transformers, and switchboards.
- Balance of plant equipment (more advanced systems required for Li-ion), which may include a warehouse-type building, medium-voltage and low-voltage electrical systems, fire suppression, heating, ventilation, and air-conditioning systems, building auxiliary electrical systems, and network/SCADA systems.
- Cooling system (more advanced systems required for Li-ion), which may include a separate chiller plant located outside the battery racks with chillers, pumps, and heat exchangers.

[5] BSPAPPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 2.7.

[6] Megawatt (MW) capacity is presented to describe the system and is not binding unless increased MW, based on changes in technology prior to the established construction deadlines, results in changes to previously evaluated or unevaluated components as presented in the Final Order on RFA1.

- High-voltage (HV) equipment, including a step-up transformer, HV circuit breaker, HV current transformers and voltage transformers, a packaged control building for the HV breaker and transformer equipment, HV towers, structures, and HV cabling.
- Aboveground, cylindrical water storage tank, approximately 14 feet tall and 12 feet in diameter, with a 10,000-gallon capacity to supplement water for fire-fighting and solar panel washing.

Both the Li-ion and flow battery technologies are often placed in standard-sized shipping containers on a concrete slab, as represented in ASC Exhibit B, Figure B-10. Each container would hold batteries, a supervisory and power management system, cooling system (if needed), and a fire prevention system. By connecting multiple containers, the battery storage system could be scaled to the desired capacity. Containers may be stacked up to two levels with an estimated maximum height of approximately 20 feet.

43.3 Shared Related or Supporting Facilities

The site certificates for the Bakeoven Solar Project ~~(Phase I)~~, Dayb ~~B~~reak Solar Project, ~~(Phase II)~~ and Sunset Solar Project ~~(Phase III)~~ were originally approved as one site certificate for the Bakeoven Solar Project (April 2020). In April 2021, facility components were split or allocated into three separate site certificates, but identified that certain related or supporting facilities would be shared or used by each facility. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under each site certificate, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the Bakeoven Solar Project ~~(Phase I)~~, Dayb ~~B~~reak Solar Project, ~~(Phase II)~~ and Sunset Solar Project ~~(Phase III)~~, including the collector substation, 230 kV transmission line, O&M building, battery storage system, collection system, temporary laydown areas, access roads, fencing and gates. These related or supporting facilities are included in each site certificate. Compliance responsibility with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between site certificates and certificate holders. In accordance with Condition GEN-GS-07, if any certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, each certificate holder would be obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a share use agreement has been executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

4.0 Construction, Operation and Maintenance, and Retirement

The following sections provide information about the construction, operation, and retirement phases of the facility.

4.1 Construction

Construction of solar photovoltaic energy components generally includes: preparation of the site and staging areas, including grading and access road construction; installation of array foundations, conductors, the operations and maintenance building, and the control enclosure; assembly of solar panels and electrical connection components; construction of the inverter pad, substation, cabling, terminations, and transmission lines; and commissioning of the array and interconnection, revegetation, and waste removal and recycling facilities. Construction of the transmission line generally includes site preparation and access road construction; structure foundation installation; erection of support structures; and, stringing of conductors, shield wire and fire optic ground wire.

The estimated construction workforce includes 250 (average) to 400 (peak) workers. Interstate Highway 84 (I-84), U.S. Highway (US) 197 near The Dalles, and Bakeoven Road are the primary transportation routes. Additional transportation routes include I-84 to US-97 (Sherman Highway) at Biggs Junction, southbound through the town of Shaniko and US-97 north/northeast to Bakeoven Road.

Construction-related water is obtained from City of Maupin and/or new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).

4.2 Operations and Maintenance

Routine operations and maintenance (O&M) activity would potentially include solar panel washing (approximately 1 million gallons of water per year); infrequent repair and replacement of solar arrays and associated electrical equipment; battery replacement every 7 years; and, replacement of electrolyte solution every 20 years at a rate of 7,000 gallons per 1 megawatt (MW) of electrolyte solution, if flow battery storage systems are selected in final design.

The vegetation in the area under and around each solar module installation would be mowed annually and maintained sufficiently low, in accordance with the certificate holder's Operational Wildfire Mitigation Plan, to reduce fire-related fuels. Vegetation along the transmission line will be managed as needed to reduce fuels for wildfire. Operational-related water is obtained from a new or existing onsite well (any new, onsite well is limited to 5,000

gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).

The estimated operational workforce is 5 to 10 workers.

4.3 Retirement

Retirement/decommissioning of the facility generally would involve dismantling the solar and battery components, and related aboveground equipment (O&M building, transmission and overhead collector lines, transformer/inverter pads, and substation).

Solar modules would be separated from anchored steel poles, and directly loaded onto trucks or roll-off containers for off-site disposal. Steel poles would then be removed and recycled. After oil is removed from the transformers, they would be decommissioned, hauled and disposed off-site. Liquids from flow batteries would be drained then the remains would be transported to an off-site facility for recycling. Decommissioning and disposal of lithium ion batteries would be accomplished in the same manner as routine battery replacement. The battery storage containers and associated components would be disassembled and transported off-site via truck for disposal or recycling, and the footprint of the battery storage system would be regraded and seeded for final stabilization.

Concrete pads and foundations (solar panel posts, substation, O&M building, and battery storage systems) would be removed to a minimum of 3 feet below grade. Portions of underground electrical and communication cable buried below 3 feet would be left in place. Disturbed areas would be regraded and reseeded with native seed mix, based on landowner consultation. Access roads would then be removed. Access road areas would be restored to surface grade and soil to a condition useful for agriculture or grazing, depending on the use of surrounding lands. Roads also may be left in place based on landowner preference.

5.0 Site Certificate Conditions

5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).[7] The table below presents a "key" for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

Some conditions are coded for more than one phase of implementation.

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as "GS"; the Soil Protection standard is represented in the condition numbering as "SP" and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council's General Standard of Review, and is condition number 1. The condition language also includes in brackets [ ] the name of the condition and the Council order for which it was imposed or amended (i.e. General Standard of Review Condition 1, Final Order on ASC (2020)).

[7] The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

5.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin and complete construction of the facility, facility component or phase by the dates specified in the site certificate. ~~a. Construction of the facility, facility component or phase shall commence on or before April 24, 2023, three years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline.~~ ~~b.~~ a. Construction of the ~~last~~ facility ~~, facility component or phase,~~ shall commence on or before April 24, ~~2025~~2028~~, five years after the date of Council action~~. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. ~~c.~~ b. Construction of all facility components shall be completed on or before three years from the date of construction commencement~~April 24, 2026, sixyears after the date of Council action~~. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline. [General Standard Condition 1, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall design, construct, operate, and retire the facility, facility component or phase: a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. [General Standard Condition 3, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(3)]
GEN-GS-03	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, facility component or phase, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions. [General Standard Condition 5, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(6)]
GEN-GS-04	Before any transfer of ownership of the facility, facility component or phase, or ownership of the site certificate holder, the certificate holder shall inform the

	Department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [General Standard Condition 7, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(15)]
GEN-GS-05	The certificate holder shall: a. Design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and b. The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. [General Standard Condition 8, Final Order on ASC (2020); Site Specific Condition OAR 345-025-0010(4)]
GEN-GS-06	The certificate holder is authorized to construct a 230 kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor extends approximately 11 miles from the micrositing corridor containing the solar arrays and other related or supporting facilities, along the transmission corridor route, to the interconnection point at the BPA Maupin Substation, as further described in ASC Exhibit B and C and as presented in Figure 1 of the site certificate. [General Standard Condition 9, Final Order on ASC (2020); Site Specific Condition OAR 345-025-0010(5)]
GEN-GS-07	The site certificate authorizes shared use of related or supporting facilities of the Day Break Solar Project (Phase II) and Sunset Solar Project (Phase III) including the battery storage system, collector substation, operations and maintenance building, Supervisory, Control and Data Acquisition system, 230 kV transmission line, collection system, access roads, fencing, gates, and temporary staging areas. a. Within 90 days of shared use, the certificate holder must provide evidence to the Department that the certificate holders have an executed agreement for shared use of facilities. b. If any of the certificate holders of the Bakeoven Solar Project (Phase I), Day Break Solar Project (Phase II), or the Sunset Solar Project (Phase III) propose to substantially modify a shared facility listed in sub(a) of this condition, then each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates. If certificate holders opt to submit an amendment determination request, the requirement may be satisfied through submittal of a single amendment determination request with authorization (or signature) provided from all three certificate holders. c. Prior to facility decommissioning or if facility operations cease, each

	certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RT-02, for the operational facility, if facilities are decommissioned at different times. [General Standard of Review Condition 7, AMD1 (2021)]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	During construction and operation of the facility, facility component or phase, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, Avangrid PowerRenewables, LLC, such as changes within the Board of Directors, President or Chief Executive Officer, where the certificate holder considers such change to impact the certificate holder's access to the financial resources or expertise of Avangrid RenewablesPower, LLC, as relied upon in the ASC. [Organizational Expertise Condition 1, Final Order on ASC (2020), AMD1 (2021)]
GEN-OE-02	During design, construction, operation, and retirement of the facility, facility component or phase, the certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Organizational Expertise Condition 3, Final Order on ASC (2020), AMD1 (2021)]
GEN-OE-03	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Organizational Expertise Condition 4, Final Order on ASC (2020)]
GEN-OE-04	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. [Organizational Expertise Condition 5, Final Order on ASC (2020)]
GEN-OE-05	During construction and operation of the facility, facility component or phase, the certificate holder shall contractually require its third-party contractor used to transport and dispose battery and battery waste to comply with all applicable federal regulations and manufacturer recommendations related to the transport and handling of battery related waste. [Organizational Expertise Condition 6, Final Order on ASC (2020), AMD1 (2021)]
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards

	affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. [Structural Standard Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(12)]
GEN-SS-02	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Structural Standard Condition 3, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(13)]
GEN-SS-03	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Structural Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(14)]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
GEN-SP-01	a. Prior to construction of the facility, facility component or phase, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan and associated drawings (as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Site Certificate). b. During construction of the facility, facility component or phase, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Soil Protection Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, provide written notification to residences located on land within 1,000 feet of the facility micrositing corridor, identifying the type, duration and frequency of construction activities. Notification materials shall also identify a mechanism for residents to

	register complaints with the facility if construction noise levels or overly intrusive. b. During construction of the facility, facility component or phase, implement the following noise reduction measures: 1. All construction equipment shall be equipped with noise-reduction devices such as mufflers to minimize construction noise, and all internal combustion engines shall be equipped with exhaust and intake silencers in accordance with manufacturer specifications. 2. Construction site and haul road speed limits shall be established and enforced. 3. The use of bells, whistles, alarms and horns shall be restricted to safety warning purposes only. [Land Use Condition 5, Final Order on ASC (2020); AMD1 (2021)]
GEN-LU-02	a. Prior to construction of the facility, facility component or phase, the certificate holder shall submit a Construction Fire Prevention and Emergency Response Plan to the Department, for review and approval, in consultation with Wasco County Planning Department. b. Prior to operation of the facility, facility component or phase, the certificate holder shall submit an Operational Fire Prevention and Emergency Response Plan, consistent with the components included in the draft plan provided in Attachment J-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project. c. The certificate holder shall demonstrate that the draft plans submitted under (a) and (b) of this condition were developed in consultation with the Oregon State Fire Marshal, Bakeoven Shaniko Rangeland Fire Protection Association, and Juniper Rural Flat Protection District. The plans shall, at a minimum, identify: 1. Fire-related risks associated with construction, operation and maintenance of facility components, during winter and summer conditions; and of the area, during both summer and winter conditions, based on specific terrain and dry nature of the area. 2. The plans shall address emergency response by local service providers, and include emergency responders contact name and telephone number; a description of and map of the location of onsite fire-fighting equipment; address, map and directions to the nearest hospitals; and, shall describe first aid techniques that could be implemented by trained onsite personnel if fire-related injuries occur onsite. 3. The plans shall address public safety through access restrictions, via perimeter fencing, and any other measures included in facility design that minimize public safety risk from hazardous areas within the facility area. [Land Use Condition 7, Final Order on ASC (2020); AMD1 (2021)]]
GEN-LU-03	During construction and operation of the facility, facility component or phase, the certificate holder shall prohibit posting of any advertising signs. If the facility posts

	external signage (i.e. outdoor displays, signs or billboards), such signage shall be limited to safety signs and no more than two signs presenting the facility name. [Land Use Condition 8, Final Order on ASC (2020), AMD1 (2021)]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RT-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Retirement and Financial Assurance Condition 1, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(7)]
STANDARD: FISH AND WILDLIFE HABITAT [OAR 345-022-0060]	
GEN-FW-01	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Revegetation Plan, based upon the draft plan provided in Attachment C-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. The scope of finalizing the plan shall, at a minimum, include the following: 1. Final assessment of temporary habitat impacts (in acres), based on habitat quality of habitat subtype, and final facility design, presented in tabular format. 2. Survey and sampling protocol for evaluating the success criteria against paired monitoring and reference sites determined to represent a statistically significant number of sites based on pre-disturbance habitat quality and diversity of habitat temporarily impacted. 3. Description of deep soil decompaction measures to be implemented. b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan; monitor and report results of revegetation activities to the Department, as required by the plan. [Fish and Wildlife Habitat Condition 1, Final Order on ASC (2020); AMD1 (2021)]
GEN-FW-02	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment E-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum: 1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted. 2. Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.

	b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan. [Fish and Wildlife Habitat Condition 2, Final Order on ASC (2020); AMD1 (2021)]
GEN-FW-03	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Habitat Mitigation Plan, based upon the draft plan provided in Attachment D-3 ~~H~~ of the Final Order Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW. In the finalization of the plan, the Department may request specific reporting requirements including specific information, frequency and format. Components of the plan to be finalized shall include, at a minimum, a final assessment of permanent habitat impacts (in acres) based on habitat quality of habitat subtype, and final facility design, presented in tabular format. b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan. [Fish and Wildlife Habitat Condition 3 Final Order on ASC (2020); AMD1 (2021)]
GEN-FW-04	During design of the facility, facility component or phase, the certificate holder shall ensure that: a. Aboveground transmission lines, including the 230 kV transmission line and aboveground segments of 34.5 kV collector line, adhere to current APLIC guidelines for minimizing avian electrocution risk associated. b. Spiral markers are installed on the 230 kV transmission line ground wire, in locations where the line crosses over canyons or would be located within 2 miles of a known eagle nest. c. New or modified vertical pipe and piles are capped to prevent entrance or use by cavity dwelling and nesting birds. d. Extra gates are installed within the perimeter fenceline to allow big game to escape if trapped. [Fish and Wildlife Habitat Condition 4, Final Order on ASC (2020); AMD1 (2021)]
GEN-FW-05	[Fish and Wildlife Habitat Condition 9, Final Order on ASC (2020); Deleted AMD1 (2021)]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	During design of the facility, facility component or phase, the certificate holder shall demonstrate to the Department that the following best management practices have been incorporated: a. Solar modules with antireflective coating will be selected to minimize potential for glare. b. The length of overhead collector line will be minimized. c. Permanent lighting fixtures will contain downward shielding to limit off-site lighting. d. The O&M building will be painted using a low-reflectivity, neutral color to blend with the surrounding landscape.

	e. Onsite signage will be limited to those needed for manufacturer or installer identification, warning signs, or owner identification. [Scenic Resources Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
GEN-HC-01	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, finalize the draft Inadvertent Discovery Plan, as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, based on review and concurrence from the Department, in consultation with SHPO or the Department's third-party contractor. b. During construction of the facility, facility component or phase, require all onsite personnel to complete a Worker Environmental Awareness Training provided by a qualified archeologist as defined in OAR 736-051-0070 to properly identify sensitive historic, cultural and archeological resources that could be inadvertently uncovered during construction, and on measures to avoid accidental damage to such resources. Records of all trainings shall be maintained onsite during construction. c. During construction of the facility, facility component or phase, ensure its contractors utilize constraint maps to avoid direct impacts from facility components to archeological resources 18-344-002, 18-344-008, 18-344-014, 18-344-044. Constraint maps shall also identify the entirety of the areas not included in the pedestrian level ground surveys, if beyond 20-meters, and shall preclude placement of facility components or disturbance impacts unless appropriate field surveys are conducted. d. During construction and operation of the facility, facility component or phase, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as reviewed and finalized per sub(a) of this condition. [Historic, Cultural and Archeological Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
GEN-PS-01	a. Prior to construction of the facility, facility component or phase, the certificate holder shall: 1. Consult with Wasco County Road Division and ODOT to determine whether any segments of roadway or bridges are restricted for travel, and to obtain any heavy haul permits required to allow transport of these loads. 2. Execute a Road Use Agreement with Wasco County Public Works Roads Division to ensure that any unusual damage or wear to state or county roads that is caused by facility construction related traffic and road use is repaired by the certificate holder. The Road Use Agreements shall establish and provide financial security regarding county road use, maintenance, and repair from construction-related impacts. Regardless of existing pavement

	conditions, the road use agreements shall establish that roadway segments will be reviewed prior to any added construction traffic, and establish a system for monitoring safety or degradation to pavement prior to and during construction. The certificate holder shall complete a Road Impact Assessment/Geotechnical Report for public roads to be used during construction, pursuant to WCLUDO Section 10.030(C)(9), and shall incorporate the report/results into the Road Use Agreement to identify appropriate improvement and/or level of restoration. 3. Coordinate with local transportation officials to make improvements where necessary to accommodate facility construction traffic, and improvements will be restricted to areas within the respective rights-of-way. 4. Submit to the Department for review in consultation with Wasco County Public Works Roads Division, City of Maupin, ODOT, and Bureau of Land Management a Construction Traffic Management Plan that includes, at a minimum, the best management practices provided in Attachment J-3 of the Final Order on the ASC. b. During construction of the facility, facility component or phase, the certificate holder shall implement the Construction Traffic Management Plan, as approved by the Department under sub(a)(iv) of this condition. [Public Services Condition 3, Final Order on ASC (2020); AMD1 (2021)]]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
GEN-WM-01	During construction, operation and decommissioning of the facility, facility component or phase, the certificate holder shall develop and implement a Solid Waste Management Plan that includes but is not limited to the following measures: a. Recycling steel and other metal scrap b. Recycling wood waste c. Recycling packaging wastes such as paper and cardboard d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler e. Segregating all hazardous wastes such as oil, oily rags and oil-absorbent materials, mercury containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous waste. [Waste Minimization Condition 1, Final Order on ASC (2020); AMD1 (2021)]

5.3 Pre-Construction (PRE) Conditions

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
PRE-GS-01	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For the transmission line associated with the energy facility if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line occurs during the certificate holder's negotiations to acquire construction rights on another part of the site. [General Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(5)]
PRE-GS-02	At least 90 days prior to beginning construction of the facility, facility component or phase (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance. [General Standard Condition 10, Final Order on ASC (2020); AMD1 (2021)]; OAR 345-026-0048]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction of the facility, facility component or phase, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any changes of major contractors. [Organizational Expertise Condition 2, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
PRE-SS-01	At least 60-days prior to the commencement of construction of the facility, facility component or phase, the certificate holder shall conduct a site-specific geotechnical

	investigation and shall report its findings to the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with the 2014 Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available. [Structural Standard Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County through mapping or other engineering drawing that the final facility, facility component or phase layout, complies with the following county setback requirements: a. 25-foot minimum setback distance from permanent foundations (posts if in concrete, substation, O&M building) to all water bodies (seasonal or permanent) not identified on any federal, state or local inventory. Waterbodies not identified on a federal, state or local inventory within the micrositing corridor include a portion of Salt Creek (which flows through Dead Dog Canyon) and 10 unnamed ephemeral or intermittent streams. b. 50-foot minimum setback distance from structures (posts if in concrete, O&M building, substation) to the centerline of an irrigation ditch or pipeline, if the ditch or pipeline continues past the subject parcel to provide water to other nonparticipating property owners. c. 30-foot vision clearance at access road driveways constructed by the facility that provide access to a public roadway. [Land Use Condition 1, Final Order on ASC (2020); AMD1 (2021)]]
PRE-LU-02	Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County that all outdoor lighting at the O&M building and substation would be limited in intensity, shielded and hooded using non-reflective, opaque materials. [Land Use Condition 2, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-03	Prior to construction of the facility, facility component or phase, the certificate holder shall obtain a road approach permit for any new or substantially modified road approaches accessing a county road. Copies of Road Approach Permits obtained from Wasco County Public Works Department and/or ODOT shall be provided to the Department. [Land Use Condition 3, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-04	Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County that the following actions have been completed: a. Sign and record with the Wasco County Clerk a completed Forest-Farm Management Easement for each participating landowner (Attachment K-1 ~~F~~ of this order).

	b. Provide a copy of the "Protection for Generally Accepted Farming and Forestry Practices – Complaint and Mediation Process" document (Attachment K-2 ~~G~~ of this order) to participating landowners. [Land Use Condition 4, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-05	Prior to construction of the facility, facility component or phase, the certificate holder shall provide written confirmation to the Department, based on final design, engineering and geotechnical investigation, that the O&M building, substation and battery storage system would be located on land with less than a 40 percent slope and setback at a minimum of 50 feet from the top of slopes greater than 30 percent. [Land Use Condition 6, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-06	Prior to construction of facility components necessitating state or local permits, the certificate holder shall provide evidence to the Department that: a. All local permits and approvals have been obtained including a zoning permit, building permit, utility crossing permit, access approach site permit, and road use agreement. b. Any necessary state and local permits have been obtained by its third-party contractors, specifically and as applicable, a DEQ-issued onsite sewage disposal construction-installation permit (O&M building), a DEQ-issued General Water Pollution Control Facilities Permit (temporary concrete batch plant), Department of Water Resources-issued limited water use license (O&M well). c. Proof that certificate holder has filed the conditional use permit and site plan applications and filing fees pursuant to ORS 469.401(3). [Land Use Condition 9, Final Order on ASC (2020)]
PRE-LU-07	Unless a written waiver of the condition is received by the Department, in consultation with the Oregon Department of Land Conservation and Development and Wasco County Planning Department, a. Prior to the construction of the facility, the certificate holder shall submit a Goal Exception Application form to Wasco County Planning Department and necessary fees to amend the Wasco County Comprehensive Plan (WCCP) to reflect the Energy Facility Siting Council's (Council) findings and approval of the exception taken to the statewide policy embodied in Goal 3 due to the solar facility's use, occupation or coverage of more than 20 acres of arable land. [WCLUDO Section 3.215(M); OAR 660-033-0130(3)] b. The WCCP amendment requested by the certificate holder under (a) of this condition shall be subject to the county's administrative procedures in WCCP Chapter 11(J). c. The county's WCCP Chapter 11(J) administrative procedures do not represent a permit or land use decision or approval necessary for the siting or approval of the facility and cannot result in changes to the findings and approval of the goal exception taken by Council, or impact the certificate holder's ability to comply with the terms and conditions of the site certificate or any local or state permit governed by the site certificate.

	d. The certificate holder shall notify the Department once the Wasco County Board of Commissioners amends the WCCP. [Land Use Condition 12 Final Order on ASC (2020)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRE-FW-01	Prior to construction of the facility, facility component or phase, the certificate holder shall conduct a raptor nest survey within 0.5 mile of the defined work area to identify the location of raptor nests that could be affected by construction. The certificate holder shall submit to the Department, for review and concurrence, a survey protocol that identifies the survey area and methods to be used to identify raptor nests. [Fish and Wildlife Habitat Condition 5, Final Order on ASC (2020); AMD1 (2021)]
PRE-FW-02	Prior to ~~and during~~ construction of the facility, facility component or phase, the certificate holder shall: a. Conduct surveys to identify active burrowing owl burrows, using a qualified biologist, within suitable habitat within the micrositing corridor. b. If there are any active burrows identified per (a) of this condition, a qualified biologist shall ensure that these nest locations are covered outside of the breeding season. c. To the extent practical, schedule vegetation clearing activities to occur before the critical period for ground-nesting birds (April 15 – September 1), to avoid disturbing active nests. 1. Any burrowing owl burrows identified inside the facility perimeter fenceline will be removed during vegetation clearing. d. If vegetation clearing activities are necessary between April 15 to September 1, the certificate holder shall hire a qualified biologist to conduct a clearance survey for nesting birds prior to vegetation removal. The certificate holder shall ensure that active nest sites identified during the clearance survey are flagged and marked as sensitive areas on construction maps. [Fish and Wildlife Habitat Condition 7, Final Order on ASC (2020); AMD1 (2021)]
PRE-FW-03	Prior to and during construction of the facility, facility component or phase, the certificate holder shall: a. Develop constraint maps for construction contractors and facility personnel presenting the location of streams, wetlands, and other sensitive habitat features (e.g., mature trees, intact sagebrush) within the micrositing corridor that are not proposed to be impacted. These maps should also show buffer zones and temporal restrictions of sensitive resources. b. Install flagging around all sensitive resources identified under (a) of this condition. c. Educate construction workers on avoidance of sensitive resources and instruct workers to avoid and conduct work outside of the sensitive areas.

	d. Limit construction activities outside of the facility perimeter fenceline during mule deer winter range sensitive season (December 1 through April 1). e. Impose a 20 mile per hour speed limit on all facility access roads (excluding public roads). [Fish and Wildlife Habitat Condition 8, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	Prior to construction or operation of the facility, facility component or phase, the certificate holder shall: a. Conduct botanical surveys to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to the Department for review, in consultation with the Oregon Department of Agriculture or third-party consultant. b. If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary. [Threatened and Endangered Species Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RT-01	Before beginning construction of the facility, facility component or phase, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [Retirement and Financial Assurance Condition 4, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(8)]
PRE-RT-02	Before beginning construction of the facility, facility component or phase, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is $8,640,000 million dollars (Q2 2021 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition: a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, facility component or phase, by

	applying the unit costs, general costs and contingencies illustrated in Table 5 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project. The certificate holder may provide a bond or letter of credit for the facility, facility component or phase based on the unit costs and general costs illustrated in Table 5 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b). Any modification to the unit costs presented in Table 5 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, are subject to review and approval by the Council. b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: 1. Adjust the amount of the bond or letter of credit (expressed in Q2 2021 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the first quarter 2021 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust second quarter 2021 dollars to present value. 2. Round the result total to the nearest $1,000 to determine the financial assurance amount. c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council, based on the Council's pre-approved financial institution list. d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Retirement and Financial Assurance Condition 5, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
PRE-PS-01	Prior to construction of the facility, facility component or phase, the certificate holder must coordinate with the Oregon State Fire Marshal's Office to determine if the facility is compliant with applicable Oregon Fire Code requirements for facility components (e.g. emergency access roads, substation, battery storage). A statement from the Oregon State Fire Marshal's office demonstrating their concurrence that the facility complies with their requirements shall be provided to the Department and Wasco County Planning Department. [Public Services Condition 5, Final Order on ASC (2020); AMD1 (2021)]
NOISE CONTROL REGULATIONS (NC) [OAR 340-035-0035]	

PRE-NC-01	Prior to construction of the facility, facility component or phase, the certificate holder shall: a. Submit to the Department a noise summary report presenting the sound power levels (in dBA) of noise generating equipment including solar array inverters and transformers, substation transformers, and battery system inverters and cooling systems, as applicable to final design. The sound power levels shall be supported by equipment manufacturer specifications and noise warranty data. The certificate holder shall provide, in tabular format, a comparison of the sound power levels used in ASC Exhibit X for noise generating equipment and sound power levels validated by manufacturer specifications. b. If the sound power levels used in ASC Exhibit X to evaluate compliance with DEQ's noise rules are lower than sound power levels of final equipment selected, the certificate holder shall provide an updated noise analysis to demonstrate compliance with the ambient degradation standard and maximum allowable threshold. The ambient noise level utilized in ASC Exhibit X may be used for the updated noise analysis, if required. [Noise Control Regulations, Final Order on ASC (2020); AMD1 (2021)]

5.4 Construction (CON) Conditions

<table>
<tr><th>Condition Number</th><th>General (GEN) Conditions</th></tr>
<tr><td colspan="2">STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</td></tr>
<tr><td>CON-FW-01</td><td>If active raptor nests are identified during the pre-construction surveys completed in accordance with Fish and Wildlife Habitat Condition 6, the certificate holder shall adhere to the spatial buffer and seasonal restrictions, for state-sensitive species, presented in the table below. For non-state sensitive species, the certificate holder shall adhere to the spatial buffer and seasonal restrictions, to the extent feasible.
<table>
<tr><th colspan="4">ODFW Raptor Nest Buffers and Seasonal Restrictions</th></tr>
<tr><th>Species</th><th>Spatial Buffer</th><th>Seasonal Restriction</th><th>Release Date if Unoccupied</th></tr>
<tr><td>Western Burrowing Owl</td><td>0.25 mile</td><td>April 1 to August 15</td><td>May 31</td></tr>
<tr><td>Golden eagle</td><td>0.5 mile</td><td>Feb 1- Aug 15</td><td>May 15</td></tr>
<tr><td>Red-tailed hawk</td><td>100-500 feet</td><td>Mar 1 – Aug 15</td><td>May 31</td></tr>
<tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>Mar 15 – Aug 15</td><td>May 31</td></tr>
<tr><td>Swainson's hawk</td><td>0.25 mile</td><td>Apr 1 – Aug 15</td><td>May 31</td></tr>
<tr><td>Prairie falcon</td><td>0.25 mile</td><td>Mar 15 – Jul 1</td><td>May 15</td></tr>
</table>
</td></tr>
</table>

	Peregrine falcon	0.25 mile	Jan 1 – Jul 1	May 15
	American kestral	0.25 mile	Mar 1 – Jul 31	May 15
	If a nest becomes active during construction that was not identified as active during the pre-construction surveys, the certificate holder may request review by the Department, in consultation with ODFW, of an exception to the spatial buffer and seasonal restrictions. [Fish and Wildlife Habitat Condition 6, Final Order on ASC (2020)]			
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]				
CON-PS-01	During construction of the facility, facility component or phase, the certificate holder shall: a. Provide onsite security and maintain good communication between onsite security personnel and the Wasco County Sherriff Office. b. Coordinate with Maupin Ambulance Service and South Wasco County Ambulance Service Area to determine whether a service agreement between certificate holder and service provider is needed. The certificate holder shall notify Wasco County Planning Department and the Department on the outcome of the agreement (WCLUDO Section 5.020(C)). c. Notify Wasco County 911 Operations Manager of construction commencement and provide facility location and access information (maps, site address, onsite safety contact information). [Public Services Condition 4, Final Order on ASC (2020); AMD1 (2021)]			

5.5 Pre-Operational (PRO) Conditions

Condition Number	General (GEN) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRO-SP-01	Prior to operation of the facility, facility component or phase, the certificate holder shall provide a copy, to the Department, of an operational Spill Prevention Control and Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to -0240. [Soil Protection Condition 2, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]	
PRO-ST-01	Prior to operation of the facility, facility component or phase, the certificate holder shall provide landowners within 500 feet of the site boundary a map of the 230 kV transmission line and aboveground 34.5 kV collector lines and inform landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. [Siting Standards for Transmission Lines Condition 1, Final Order on ASC (2020); AMD1 (2021)]

5.6 Operational (OPR) Conditions

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility, facility component or phase. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [General Standard Condition 2, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(2)]
OPR-GS-02	Upon completion of construction of the facility, facility component or phase, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [General Standard Condition 6, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(11)]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	Within 90-days of commercial operation of the facility, facility component or phase, the certificate holder shall provide to the Department and Wasco County GIS Department the actual latitude and longitude location or Oregon State Plan NDA83 HARN (international feet) coordinate of all facility components. GIS layers may be provided consistent with the datum reference above or any other datum deemed acceptable by the Department. [Land Use Condition 10, Final Order on ASC (2020); AMD1 (2021)]
OPR-LU-02	During operation of the facility, facility component or phase, the certificate holder shall provide to the Department and Wasco County copies of the Chemical Safety Data Sheets (SDS) for cleaning chemicals and solvents to be used in solar panel washing. The SDSs must demonstrate that the cleaning product is low in volatile organic compounds and, to the extent feasible, is a recyclable or biodegradable product. If the product is non-recyclable or non-biodegradable, the certificate holder shall provide an explanation and demonstrate that an evaluation of the availability of recyclable and biodegradable products was completed. During any year of operation, the certificate holder shall notify and provide updated SDSs to the Department if the cleaning products change. [Land Use Condition 11, Final Order on ASC (2020); AMD1 (2021)]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
OPR-PS-01	During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M building to a licensed on-site septic systems in compliance with State permit requirements (DEQ issued Onsite Sewage Disposal Construction-Installation Permit). The certificate holder shall design the septic system for a discharge capacity of less than 7,500 gallons per day. [Public Services Condition 1, Final Order on ASC (2020)]
OPR-PS-02	During facility operation, the certificate holder shall ensure that if a new well is constructed to provide water to the O&M building, the certificate holder shall follow the recording requirements under OAR 690-190-0100. The certificate holder shall not use more than 5,000 gallons of water per day from the onsite well. [Public Services Condition 2, Final Order on ASC (2020)]

5.7 Retirement Conditions (RET)

Condition Number	General (GEN) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RT-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Retirement and Financial Assurance Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(9)]
RET-RT-02	The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.

	Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Retirement and Financial Assurance Condition 3, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(16)]

6.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

7.0 Severability and Construction

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid.

8.0 Execution

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Sunset Solar, LLC (certificate holder), a subsidiary of Avangrid ~~Renewables~~Power, LLC (certificate holder owner).

ENERGY FACILITY SITING COUNCIL

By: _____

Marcia L. Grail Chair

Date: _____

Sunset Solar, LLC

By: _____

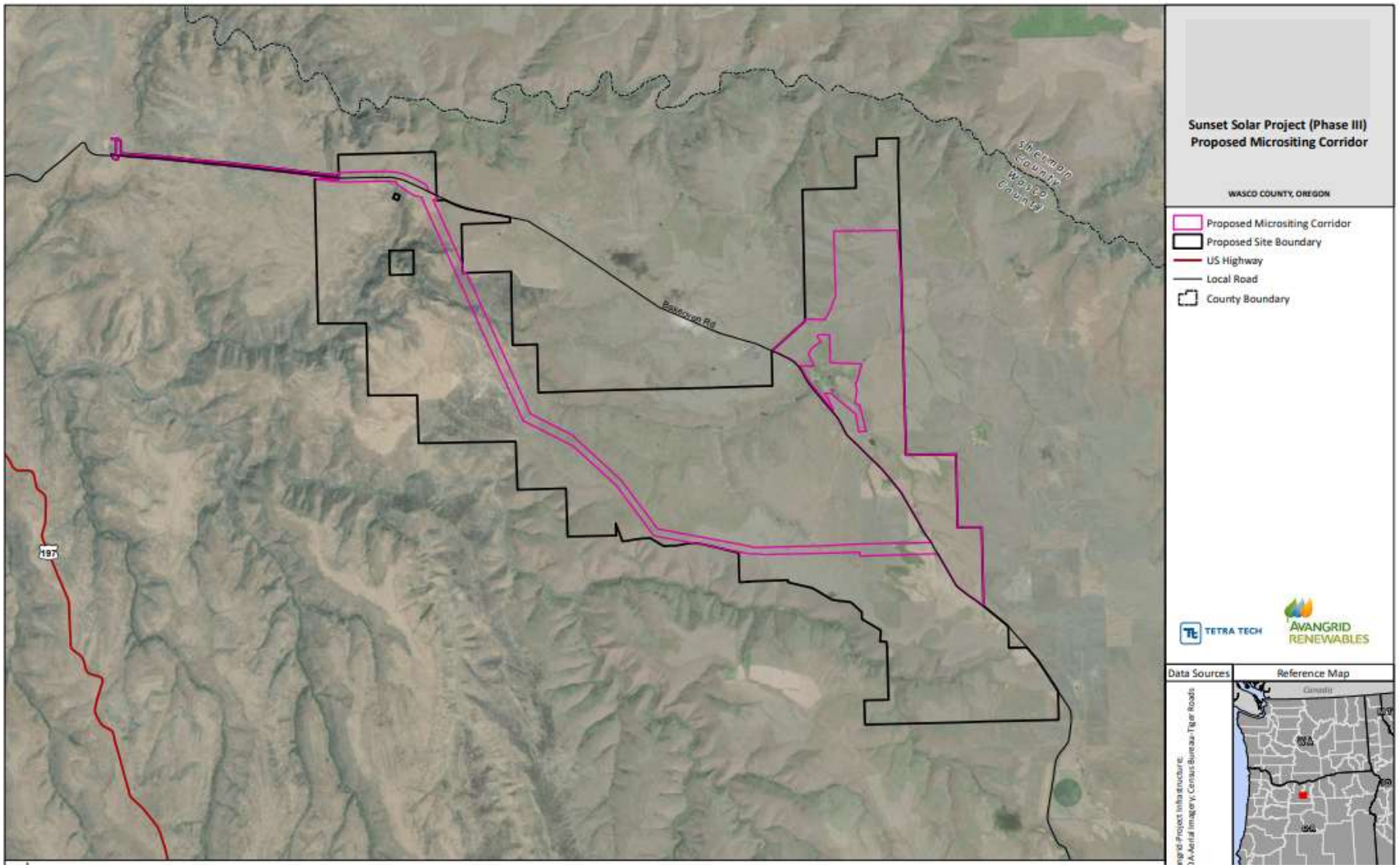
Sara Parsons, Authorized Representative

Date:_____

By: _____

Date:_____

Attachment 1: Facility Site Boundary and Micrositing Corridor


Sunset Solar Project (Phase III)
Proposed Micrositing Corridor
WASCO COUNTY, OREGON
Proposed Micrositing Corridor
Proposed Site Boundary
US Highway
Local Road
County Boundary
Sherman County
Wasco County
Bakeoven Rd
197
TETRA TECH
AVANGRID RENEWABLES
Data Sources
Reference Map

Attachment 3.

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Jan 06, 2022
OREGON SECRETARY OF STATE

REGISTRY NUMBER

176976893

REGISTRATION DATE

01/19/2021

BUSINESS NAME

SUNSET SOLAR, LLC

BUSINESS

HOLDING COMPANY FOR SOLAR ASSET

MAILING ADDRESS

1125 NW COUCH ST STE 700
PORTLAND OR 97209 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

1125 NW COUCH ST STE 700
PORTLAND OR 97209 USA

JURISDICTION

OREGON

REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE APT 310
SALEM OR 97301 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

44852689 - AVANGRID RENEWABLES, LLC

1125 NW COUCH ST STE 700
PORTLAND OR 97209 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

W. BENJAMIN LACKEY

TITLE

AUTHORIZED PERSON

DATE

01-06-2022

AMENDED ANNUAL REPORT

Corporation Division
www.filinginoregon.com

E-FILED
Jan 10, 2023
OREGON SECRETARY OF STATE

REGISTRY NUMBER

176976893

REGISTRATION DATE

01/19/2021

BUSINESS NAME

SUNSET SOLAR, LLC

BUSINESS

HOLDING COMPANY FOR SOLAR ASSET

MAILING ADDRESS

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

JURISDICTION

OREGON

REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE APT 310
SALEM OR 97301 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

44852689 - AVANGRID RENEWABLES, LLC

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

W. BENJAMIN LACKEY

TITLE

AUTHORIZED SIGNER

DATE

01-10-2023

AMENDED ANNUAL REPORT

Corporation Division
sos.oregon.gov/business

E-FILED
Jan 08, 2024
OREGON SECRETARY OF STATE

REGISTRY NUMBER

176976893

REGISTRATION DATE

01/19/2021

BUSINESS NAME

SUNSET SOLAR, LLC

BUSINESS ACTIVITY

HOLDING COMPANY FOR SOLAR ASSET

MAILING ADDRESS

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

JURISDICTION

OREGON

REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE APT 310
SALEM OR 97301 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

44852689 - AVANGRID RENEWABLES, LLC

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

LEONARD RODRIGUEZ

TITLE

AUTHORIZED PERSON

DATE

01-08-2024

AMENDED ANNUAL REPORT

Corporation Division
sos.oregon.gov/business

E-FILED
Dec 16, 2024
OREGON SECRETARY OF STATE

REGISTRY NUMBER

176976893

REGISTRATION DATE

01/19/2021

BUSINESS NAME

SUNSET SOLAR, LLC

BUSINESS ACTIVITY

HOLDING COMPANY FOR SOLAR ASSET

MAILING ADDRESS

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

PRIMARY PLACE OF BUSINESS

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

JURISDICTION

OREGON

REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE APT 310
SALEM OR 97301 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

MEMBER

44852689 - AVANGRID RENEWABLES, LLC

2701 NW VAUGHN STREET
SUITE 300
PORTLAND OR 97210 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

LEONARD RODRIGUEZ

TITLE

AUTHORIZED PERSON

DATE

12-16-2024

State of Oregon

OFFICE OF THE SECRETARY OF STATE
Corporation Division

Certified Copy 327W427V7

I, TOBIAS READ, Secretary of State of Oregon, and Custodian of the Seal of said State, do hereby certify:

That the attached

Document File

for

AVANGRID POWER, LLC

is a true copy of the original document(s).

In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.

TOBIAS READ, SECRETARY OF STATE

3/6/2025

Articles of Amendment/Dissolution - Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327

(X) ARTICLES OF AMENDMENT (Complete only 1, 2, 3, 4, .

( ) ARTICLES OF DISSOLUTION (Complete 6,7, 8)

FILED: MAR 3, 2025
OREGON SECRETARY OF STATE

44852689-27441953

REGISTRY NUMBER: 448526-89

AVANGRID POWER, LLC

AMDART

For office use only

In accordance with Oregon Revised Statute 192.410-192.490, the information on this applicatio
We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in **Black** Ink. Attach Additional Sheet if Necessary.

ARTICLES OF AMENDMENT ONLY

1. **ENTITY NAME:** Avangrid Renewables, LLC

2. **THE FOLLOWING AMENDMENT(S) TO THE ARTICLES OF ORGANIZATION IS MADE HEREBY:** (State the article number(s) and set forth the article(s) as it is amended to read.) --

Article 1

The name of the Limited Liability Company (the "Company") is Avangrid Power, LLC

3. **PLEASE CHECK THE APPROPRIATE STATEMENT:**

( ) This amendment was adopted by the manager(s) without member action. Member action was not required.

Date of adoption of each amendment: _____

(X) This amendment(s) was approved by the members. 100 percent of the members approved the amendment(s).

Date of adoption of each amendment: February 27,2025

4. **PRINCIPAL PLACE OF BUSINESS** (Physical Street Address)

2701 NW Vaughn Street Suite 300

Portland OR, 97210

5. **INDIVIDUAL WITH DIRECT KNOWLEDGE** (Name and Address)
List the name and address of at least one individual who is a member or manager of the LLC or an authorized representative with direct knowledge of the operations and business activities of the LLC.

Jose Antonio Miranda Soto

2701 NW Vaughn Street Suite 300

Portland OR 97210

ARTICLES OF DISSOLUTION ONLY

6. **NAME OF LIMITED LIABILITY COMPANY:** _____

7. **DATE DISSOLUTION OCCURRED:** _____
Future date not allowed.

8. **EXECUTION:** I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any members, managers, employees or agents of the limited liability company. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:	Printed Name:	Title:
Leonard Rodriguez FB55F0AF981B43D...	Leonard Rodriguez	Secretary

CONTACT NAME: (To resolve questions with this filing)

Olivia Liebnick

PHONE NUMBER: (Include area code)

203-215-0761

FEES
Required Processing Fee $100
Processing Fees are nonrefundable. Please make check payable to "Corporation Division".
Free copies are available at sos.oregon.gov/business using the Business Name Search program.

PGE Green Future Impact Phase 2 Customer Supplied Option

Material Terms and Conditions

Table of Contents

1. Non-Binding Indicative Term Sheet for Renewable Energy PPA

Subject to Mutual NDA

Note: The following represents a summary of certain material terms and conditions for seeking to execute a Renewable Energy Power Purchase Agreement (PPA). The following is not an exhaustive list of all material terms, nor does it purport to comprehensively express PGE's expectations for any of the terms herein mentioned. Capitalized terms not otherwise defined in this Term Sheet will be defined in the PPA.

Buyer:	Portland General Electric Company ("PGE")
Seller:	[Name of Seller]
Description of Facility:	[type of technology] generating facility (the "Facility"), located in [Name of County] County, in the State of [Name of State].
Facility Nameplate Capacity:	[*For solar resources:* _____MW_{DC}] [*For non-solar resources:* _____MW_{AC}]
Net Available Capacity:	"Net Available Capacity" means the full (maximum) net Energy the Facility is capable of delivering to the interconnecting Balancing Authority Area continuously for at least sixty (60) minutes, which is equivalent to the Nameplate Capacity of the Facility's generating unit less station service (parasitic power and electrical losses) and inverter limitations, expressed in MW_{AC}.
Product:	The Product includes the following: "Energy": any Energy generated by the Facility, scheduled in hourly increments, and delivered by Seller to Buyer on eligible long-term firm, conditional firm, or short-term firm transmission from the Facility to the Delivery Point, during the Delivery Term, including all necessary Ancillary Services. Energy shall be delivered to Buyer pursuant to the Scheduling Procedures set forth below.

	"Environmental Attributes": any and all claims, credits, benefits, emissions reductions, offsets and allowances, however named, resulting from the avoidance of the emission of any gas, chemical, or other substance to the air, soil or water or otherwise arising as a result of the generation of electricity from the Facility, regardless of whether or not (i) such environmental attributes have been verified or certified, (ii) such environmental attributes are creditable under any applicable legislative or regulatory program, or (iii) such environmental attributes are recognized as of the Effective Date or at any time during the Delivery Term. Environmental Attributes include but are not limited to: (a) any avoided emissions of pollutants to the air, soil, or water such as (subject to the foregoing) sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), and other pollutants; (b) all Emissions Reduction Credits; and (c) any avoided emissions of carbon dioxide (CO2), methane (CH4), nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and other greenhouse gases (GHGs) that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law, to contribute to the actual or potential threat of altering the Earth's climate by trapping heat in the atmosphere; and (d) the reporting rights to these avoided emissions, such as the carbon content of the energy generated by the Facility and REC Reporting Rights. Environmental Attributes do not include: (i) any PTCs, ITCs, or any other tax credits, deductions, or tax benefits associated with the Facility, or (ii) any state, federal, local, or private cash payments, grants, or costs relating in any way to the Facility or the electric power output of the Facility. "Capacity Attributes": any current or future attribute, as may be currently defined or otherwise defined in the future, including but not limited to a characteristic, certificate, tag, credit, ancillary service or attribute thereof, or accounting construct, associated with the electric generation capability and capacity of the Facility or the Facility's capability and ability to produce or curtail energy, including any attribute counted towards any current or future resource adequacy or reserve requirements. Capacity Attributes are measured in MW. Capacity Attributes do not include: (i) any PTCs, ITCs,

	or any other tax credits, deductions, or tax benefits associated with the Facility, or (ii) any state, federal, local, or private cash payments, grants, or costs relating in any way to the Facility or the electric power output of the Facility.
Delivered Energy Quantity:	"Delivered Energy Quantity" means the sum of the Energy delivered to Buyer by or on behalf of Seller to the Delivery Point each hour during the Delivery Term as represented on the final e-Tag.
No Sales to third parties:	Seller shall sell one hundred percent (100%) of the Facility Output to Buyer and may not sell any Energy, Capacity Attributes, Environmental Attributes or any other Facility capability to Buyer and may not sell the same to any other party or purchaser, unless such sale is expressly allowed by the PPA. "Facility Output" means all electric energy, produced by the Facility, less station service (parasitic power and electrical losses), if any, all as measured at the Facility meter.
Delivery Term:	"Delivery Term" means no less than fifteen (15) Contract Years after the Commercial Operation Date. "Contract Years" means a period of twelve (12) consecutive months beginning on January 1st and continuing through December 31st of each calendar year, except that the first Contract Year shall commence on the Commercial Operation Date and the last Contract Year shall end at the end of the day prior to the anniversary of the Commercial Operation Date.
Interconnection Point:	The Facility shall interconnect to [XX substation] (the "Interconnection Point"). Seller shall be responsible for all costs of interconnecting the Facility to the Interconnection Point.
Delivery Point:	PGE scheduling point [BPAT.PGE or PGE BA] PGE will not accept delivery at PacifiCorp West or at Pelton Round Butte.
Commercial Operation Date:	"Commercial Operation Date" means the date on which the total Nameplate Capacity of the Facility is fully operational and reliable, and the Facility is fully interconnected, fully integrated, and synchronized with the transmission system.

Scheduled Commercial Operation Date:	"Scheduled Commercial Operation Date" means [Date]. In no event shall the Scheduled Commercial Operation Date be later than December 31, 2024. If the Commercial Operation Date is not achieved on or before the Scheduled Commercial Operation Date, Seller shall pay Delay Damages to PGE from and after the Scheduled Commercial Operation Date up to, but not including the first to occur of (i) the date on which the Facility achieves Commercial Operation, and (ii) the Guaranteed Commercial Operation Date. "Delay Damages" are equal to $100 per MW of Nameplate Capacity per day beginning on the first day through the 30th day after the Scheduled Commercial Operation Date, $200 per MW of Nameplate Capacity of the Facility per day beginning on the 31st day through the 60th day after Scheduled Commercial Operation Date, and $300 per MW of Nameplate Capacity of the Facility per day beginning on the 61st day after Scheduled Commercial Operation Date until the Commercial Operation Date is actually achieved or the Guaranteed Commercial Operation Date, whichever occurs first.
Guaranteed Commercial Operation Date:	"Guaranteed Commercial Operation Date" means the date that is one hundred twenty (120) days after the Scheduled Commercial Operation Date. Buyer shall have the right to terminate the PPA if the Commercial Operation Date is not achieved by the Guaranteed Commercial Operation Date and Seller shall forfeit the development security.
Pre- COD Progress Reporting:	Seller shall provide a monthly report to Buyer that (a) describes the progress towards meeting the Facility development milestones set forth in the PPA; (b) identifies any missed Facility development milestones, including the cause of the delay; and (c) provides a detailed description of Seller's corrective actions to achieve the missed Facility development milestones and all subsequent Facility development milestones by the Guaranteed Commercial Operation Date.
Contract Price:	_____ ($/MWh)

	Control Area Service costs may not be included in the Contract Price.
Market Index Price:	The EIM real-time pre-dispatch nodal price for the Delivery Point. In the event Buyer is participating in an organized market other than the EIM, then the Market Index Price will mean the Locational Marginal Price associated with the Pricing Node or Aggregate Pricing Node for the Delivery Point within such organized market.
Test Energy:	"Test Energy" means all Facility Output generated by the Facility prior to achieving the Commercial Operation Date. Seller may elect to sell Test Energy to its transmission provider, to a third-party or to an organized market via its transmission provider's system. Seller shall be entitled to any and all compensation received from its transmission provider or any third-party or organized market for such Test Energy. Otherwise, Seller shall Schedule in accordance with the Scheduling Procedure and deliver Test Energy to Buyer in order to complete Start-Up Testing. In such case, the parties shall coordinate in good faith to Schedule deliveries of Test Energy to Buyer that minimizes the burden to each of the parties, and Buyer shall receive the Test Energy. The price for such Test Energy received by Buyer shall be zero dollars ($0.00) and Seller shall pay any costs or additional expenses that are required for Buyer to receive the Test Energy, including but not limited to reimbursement for negative pricing and any necessary capacity costs or reserves costs.
Transmission Requirements:	For Off-system Facilities: Seller shall pay for and maintain eligible Long-Term Transmission, for a minimum of 80% of the Net Available Capacity, for delivery of Energy from the Facility's point of interconnection/point of receipt (POR) identified in the Interconnection Agreement to the Delivery Point for the entire Delivery Term, commencing on the Commercial Operation Date. Seller may deliver up to 20% of the Net Available Capacity on short term firm transmission. If the Seller has a transmission service request that utilizes Newpoint as the POR, the transmission service request must

	reference the specific generation interconnection request number for the resource in the comments field. Curtailment or a transmission provider's cancelation of conditional firm reassessment transmission service shall not be a Force Majeure event. If the reassessment service is terminated or the number of curtailment hours is increased, Seller default and failure to perform provisions would be triggered would be triggered. If Seller is participating in a BPA TSEP process which includes completing any and all actions necessary to keep the transmission service request(s) in an active OASIS status, Seller has the commercial obligation to participate in and fund all requirements in the TSEP process necessary to be granted long term firm or conditional firm bridge if those are the services elected. Seller with conditional firm reassessment does not have any participation requirements beyond the cluster study.[1] Seller shall be responsible for making all arrangements and paying all costs related to transmission, including but not limited to Ancillary Services costs and EIM costs, required to deliver the Product(s) to the Delivery Point. For On-System Facilities: Seller must have requested NRIS interconnection service for Facility Output and Buyer must be able to designate the Facility as a network resource and. In such case, Buyer will be responsible for all costs associated with the delivery of Facility Output to PGELOAD.
Control Area Services and other costs:	Seller shall procure and Buyer will reimburse Seller for all Control Area Services from an entity that is mutually agreed upon by the parties that may be required by its transmission provider or balancing authority area as a condition of interconnection. Control Area Services include, but are not limited to, generation imbalance, variable energy resource balancing service and any EIM costs associated with interconnection.

[1] See BPA TSEP Business Practice Manual: bpa.gov/transmission/Doing%20Business/bp/tbp/TSR-Study-Expansion-Process-BP.pdf

	Control Area Services do not include ancillary service costs associated with the transmission provider's provision of firm transmission service. For off-system resources, Control Area Services do not include real power losses.
Forecasting:	Seller shall provide Buyer with (i) a rolling generation forecast, updated hourly, for the next fourteen (14) days, (ii) a rolling generation forecast for five (5) minute and fifteen (15) minute intervals, updated every five (5) and fifteen (15) minutes respectively, for the next 24 hours, and (iii) an updated hourly generation forecast ninety (90) minutes prior to each delivery hour for the balance of the delivery day (collectively, "Generation Forecast"). Each Generation Forecast shall be performed by a third-party forecasting agent that is mutually agreed to by Buyer and Seller ("Forecasting Agent"). At Buyer's request, Seller will cause the Forecasting Agent to provide Buyer with an application program interface from which Buyer may access raw forecasting files. Seller shall ensure that the Forecasting Agent provides Buyer real time access to information and forecasts concerning the Facility's availability status.
Scheduling:	Seller shall schedule and deliver Energy to Buyer at the Delivery Point, commencing on the Commercial Operation Date and continuing through the end of the Delivery Term. Seller's Energy delivery may not intentionally exceed the Generation Forecast. For On-System Facilities: For each day during the Delivery Term, Seller shall comply with the following scheduling procedure: Seller shall, by 5:00 a.m. PPT of the customary WECC Pre-Scheduling Day, communicate to Buyer's pre-schedule desk via an Application Program Interface (API) or as directed by Buyer, the expected Energy to be delivered each hour at the Delivery Point for the delivery day, consistent with the Generation Forecast. Seller shall communicate to Buyer's real-time desk via API, or as otherwise directed by Buyer, Energy deliveries consistent

	with the Generation Forecast no later than ninety (90) minutes prior to the flow hour. Seller and Buyer agree that the intent of these scheduling provisions is for Seller to schedule and deliver Energy resembling actual production from the Facility for each interval. For Off System Facilities: For each day during the Delivery Term, Seller shall comply with the following scheduling procedure: Seller shall, by 5:00 a.m. PPT of the customary WECC Pre-Scheduling Day, communicate to Buyer's pre-schedule desk via an application program interface (API) or as directed by Buyer, the expected Energy to be delivered each hour at the Delivery Point for the delivery day, consistent with the Generation Forecast. Seller shall schedule the Energy by submitting a NERC e-Tag ("e-Tags") prior to 1:00 p.m. PPT of the applicable WECC pre-scheduling day for all hours of the applicable delivery day(s); and Seller shall schedule the Energy with e-Tags according to prevailing WECC pre-scheduling provisions and protocols. Seller shall schedule the Facility as the identified e-Tag source. Seller may not net or otherwise combine schedules from resources other than the Facility, except as necessary for Ancillary Services. Seller shall not schedule any energy to be delivered to Buyer using a dynamic or pseudo-tie e-tag as such terms are defined and used by NERC. Seller shall make adjustments to the pre-scheduled energy scheduled from the Facility each hour in real-time ("Real-time Adjustments") consistent with the Generation Forecast. For such Real-time Adjustments, Seller will: Submit and receive approval of e-Tag adjustment no later than seventy-five (75) minutes prior to the flow hour, in accordance with the requirements of the applicable transmission provider. Make all NERC e-Tag adjustments.

	Seller's e-tag shall match the adjustment communicated to the Buyer. Be responsible for any costs, charges, or fees associated with adjustments to the e-tag after seventy-five (75) minutes prior to the flow hour. In the event that the regional market design, balancing authority, reliability entity or regulatory entity (e.g., PGE Transmission, BPA, WECC, NERC, RC West, FERC) causes or otherwise reasonably requires Buyer's scheduling practices to change after the effective date of the PPA, Buyer and Seller shall meet within thirty (30) days after written notice to Seller of such proposed change and mutually agree on updated Scheduling Procedures. Seller shall not unreasonably withhold agreement to proposed changes to the Scheduling Procedures.
Output Guarantee:	Seller guarantees that during the Delivery Term, the Delivered Energy Quantity, shall meet or exceed the Guaranteed Output Threshold. The "Guaranteed Output Threshold" is equal to [90%] of the Annual Expected Output. The "Performance Measurement Period" is equal to a monthly period. The initial Performance Measurement Period will commence on the Commercial Operation Date. The "Expected Output" is equal to the Facility's P50 expected monthly output. After each Performance Measurement Period, Seller shall provide Buyer sufficient detail of the Facility's performance to substantiate its calculation of Energy deliveries for the Guaranteed Output Threshold. The Guaranteed Output Threshold shall be adjusted for energy that was not delivered during Excused Hours. "Excused Hours" means hours when the Facility was not available due to Force Majeure, excused curtailments, or Buyer's failure to perform. It shall be a Seller event of default if, commencing on the Commercial Operation Date, Seller fails to deliver [*for wind resources:* seventy-five percent (75%) of the annual sum of the Guaranteed Output Threshold to Buyer during two (2) out of three (3) Contract Years during the Delivery Period]

	[*for non-wind resources:* fifty percent (50%) of the annual sum of the Guaranteed Output Threshold to Buyer during any Contract Year during the Delivery Period].
Mechanical Availability Guarantee:	Beginning with the first full calendar year following the Contract Year in which the Commercial Operation Date has occurred, Seller's failure to maintain a minimum Mechanical Availability Percentage for the Facility of [ninety-seven percent (97%)] for any two (2) out of three (3) Contract Years on a rolling basis. The Mechanical Available Percentage of the Facility shall be determined by Seller by dividing the total Operational Hours for such calendar year *[non-solar resources:* by the total number of hours in the calendar year*] [solar resources:* by the total number of daylight hours in the calendar year.*]* On or before January 31st of each year, Seller shall provide Buyer written documentation, which shall be subject to audit by Buyer, to verify or otherwise substantiate Seller's calculation of the Mechanical Available Percentage of the Facility for the prior calendar year. The operational hours for the Facility shall be the hours that the Facility is potentially capable of producing power at Nameplate Capacity regardless of actual weather conditions or season, without any mechanical operating constraint or restriction, and potentially capable of delivering such power to the point of interconnection with the Transmission Provider.
Failure to Deliver Facility Output:	In the event Seller fails to deliver Facility Output, Seller shall pay Buyer the following damages: The replacement cost for such deficiency calculated by multiplying the amount of the deficiency by the positive difference, if any, of the Replacement Price less the Contract Price; provided, however, such amount shall not be less than zero dollars ($0.00). The "Replacement Price" shall be the average day-ahead Intercontinental Exchange Mid-C Physical Peak (bilateral) or Mid-C Physical Off-Peak (bilateral) indices ("ICE DA Indices") for such month; plus The incremental cost associated with Carbon Emissions costs incurred by the Buyer as a result of Seller's failure to deliver Facility Output; plus Any incremental Ancillary Services and transmission costs incurred by Buyer; plus

	Any penalties or fines imposed by a Reliability Entity as a result of Seller's failure to deliver. "Reliability Entity" may include, without limitation, NERC, WECC, the Balancing Authority, Transmission Provider, regional transmission organization, independent system operator, reliability coordinator or any other entity that has, or that may have in the future, (i) responsibility over the reliability of the bulk power system and (ii) by virtue of such responsibility the legal authority to affect the operations of the Facility or delivery of the Product. In the event Seller fails to deliver Environmental Attributes, including Bundled RECs, associated with the Facility Output, Seller shall settle any such shortfall as follows: deliver an equivalent amount of Qualifying Replacement RECs that are generated in the same calendar year; or If Seller elects not to deliver an equivalent amount of Qualifying Replacement RECs and Buyer elects in its sole discretion to purchase Qualifying Replacement RECs, Seller shall owe PGE the price that PGE actually pays for Qualifying Replacement RECs; or If Seller elects not to deliver an equivalent amount of Qualifying Replacement RECs and Buyer does not elect, in its sole discretion, to purchase replacement bundled RECs under subpart (b), Seller shall owe Buyer the Qualifying Replacement REC Price identified by Buyer, multiplied by the number of Bundled RECs Seller failed to deliver. "Qualifying Replacement RECs" means environmental attributes (including renewable energy credits and renewable energy credit reporting rights) that are delivered to Buyer bundled with energy produced simultaneously by a generating source that (A) is an Oregon Renewable Portfolio Standard eligible renewable energy resource, (B) produces environmental attributes (including renewable energy credits and renewable energy credit reporting rights) of the same type and quality as Environmental Attributes (including Bundled RECs and REC Reporting Rights), (C) is located in [Oregon or Washington], and (D) achieves commercial operation after the Commercial Operation Date.

	"Qualifying Replacement REC Price" means the price for Qualifying Replacement RECs as determined by taking the lower of two dealer quotes representing a live offer to sell Qualifying Replacement RECs for the entire quantity of Bundled RECs that are being replaced and subtracting the value of the energy component of such quantity (as specified in the applicable dealer quotes) of such Qualifying Replacement RECs.
Excess Energy:	If during the Performance Measurement Period, the Delivered Energy Quantity is in excess of [110%] of the Guaranteed Output Threshold, then for each MWh of Delivered Energy Quantity in excess of [110%] of the Guaranteed Output Threshold ("Excess Energy"), the applicable price paid by Buyer for such Excess Energy shall be equal to the lesser of (a) [93%] of the Market Index Price applicable to the interval in which such Excess Energy was delivered, or (b) [75%] of the Contract Price.
Curtailment:	In the event the Facility is curtailed due to a System Emergency, Force Majeure, or by the transmission provider (excluding curtailment hours as a result of Seller's utilization of conditional firm transmission), Seller shall not be liable for failure to deliver such curtailed Energy and Buyer shall not be obligated to pay for such curtailed Energy. Notwithstanding the foregoing, Buyer shall have the right to curtail deliveries of scheduled Energy, up to [400 hours] each Contract Year (or a prorate amount for any partial Contract Year during the Delivery Term) without compensation, and all such events shall be defined as "Buyer Curtailment". The Guaranteed Output Threshold will be reduced by the number of MWhs subject to Buyer Curtailment.
REC Tracking System:	Seller shall transfer RECs associated with the Facility Output from the Facility for each month via WREGIS pursuant to the timelines in WREGIS Operating Rules.
Negative Price Event:	When the Market Index Price is less than zero ("Negative Price Event"), Seller shall have the right, but not the obligation, to suspend part or all of its Energy deliveries ("Seller Curtailment"). Seller's obligation to deliver the Guaranteed Output Threshold shall be reduced by one (1)

	MWh for each substantiated MWh reduced due to a Negative Price Event.
Monthly Settlement and Invoice:	All invoices shall be due on the tenth (10th) day of each month and payable on or before the later of the twentieth (20th) day of each month, or the tenth (10th) day after receipt of the invoice or, if such day is not a Business Day, then on the next Business Day. The payment for each month during the Delivery Term is equal to the sum of: the lesser of (i) the hourly Delivered Energy Quantity, or (ii) hourly Facility Output, each up to [110%] of the Guaranteed Output Threshold, multiplied by the Contract Price; plus hourly Excess Energy multiplied by the lesser of (i) [93%] of the Market Index Price, or (ii) [75%] of the Contract Price; plus (c) for each hour that the Market Index Price is negative, the hourly Delivered Energy Quantity multiplied by [107%] of the Market Index Price.
Operations and Maintenance:	Seller shall not schedule any non-emergency maintenance that reduces the energy generating capability of the Facility by more than ten percent (10%) during the months of June through September, unless (i) such outage is required to avoid damage to the Facility, (ii) such maintenance is necessary to maintain equipment warranties and cannot be scheduled outside the months of June through September, (iii) such outage is required in accordance with prudent electrical practices, or (iv) the parties agree otherwise in writing. Seller shall provide its outage schedule no later than September 1st of each year preceding such outage(s). The outage schedule for each Contract Year shall not exceed 200 hours.
Labor Requirements:	Union labor must be utilized for major construction activities related to the Facility and must include a Project Labor Agreement requirement in any related construction agreements.

	The labor group that constructs and maintains the Facility must have policies in place that are designed to limit or prevent workplace harassment and discrimination. Additionally, such labor group must have policies in place that are designed to promote workplace diversity, equity and inclusion of communities who have been traditionally underrepresented in the renewable energy sector including, but not limited to, women, veterans and black, indigenous and People of Color, with an aspirational goal of having at least fifteen percent (15%) of the total work hours performed by individuals from those communities.
Buyer Conditions Precedent:	Buyer's obligations shall be conditioned and will become effective only upon the occurrence of each and every one of the following conditions: (i) receipt of approval from the Oregon Public Utility Commission, in form and substance satisfactory in Buyer's sole discretion; and (ii) written approval of the PPA by Buyer's Board of Directors.
Seller Conditions Precedent	[CPs TBD]
Security Requirements:	Within thirty (30) days after the Effective Date of the PPA, Seller shall deliver development security to Buyer in an amount equal to $200/kW of Nameplate Capacity and Seller shall maintain such development security until COD. On or before COD, Seller shall deliver delivery term security to Buyer in an amount equal to $100/kW of Nameplate Capacity and shall maintain such delivery term security through the end of the Delivery Term. Within five (5) Business Days following any draw by Buyer on the delivery term security, Seller shall replenish the amount drawn such that the delivery term security is restored to the full amount. All security shall be in the form of cash or a letter of credit from a Qualified Institution as defined below and in a form reasonably acceptable to Buyer. "Qualified Institution" means a major U.S. commercial bank or a U.S. ibranch office of a major foreign commercial bank which is acceptable to PGE, organized under the laws of the United States (or any state or political subdivision thereof)

	with such bank having shareholders' equity of at least $10 billion (U.S. Dollars) and a Credit Rating of at least A- by S&P or A1 by Moody's, or an insurance company with assets of $2 billion or greater, an A.M. Best financial strength rating of an A or greater and authorized to issue surety bonds in the state in which the project will be located. On a case by case basis, PGE will accept banks as Qualified Institutions if they have received an endorsement from an institution that meets the criteria in the Qualified Institution definition.
Termination Settlement Amount:	In the event the PPA is terminated due to an event of default, the non-defaulting party shall calculate the Settlement Amount. The defaulting shall pay the Settlement Amount to the non-defaulting party. The Gains or Losses resulting from the termination of the PPA shall be determined by calculating the amount that would be incurred or realized to replace or to provide the economic equivalent of the remaining payments or deliveries in respect of the PPA. The Gains or Losses shall be calculated for a period equal to the remaining Term ("Settlement Period"). The quantity of Energy in each month of the Settlement Period shall be equal to the Expected Output for such month. "Settlement Amount" means the Losses or Gains, and Costs, expressed in USD, which the non-defaulting party incurs as a result of the termination and liquidation of the PPA. If the non-defaulting party's Costs and Losses exceed its Gains, then the Settlement Amount shall be an amount owing to the non-defaulting party. If the non-defaulting party's Gains exceed its Costs and Losses, then the Settlement Amount shall be zero dollars ($0). The Settlement Amount shall not include consequential, punitive, exemplary or indirect or business interruption damages. "Gains" means, with respect to a party, an amount equal to the present value of the economic benefit to it, if any (exclusive of Costs), resulting from the termination of its obligations with respect to the PPA determined in a commercially reasonable manner. "Losses" means, with respect to a party, an amount equal to the present value of the economic loss to it, if any (exclusive

	of Costs), resulting from termination of its obligations with respect to the PPA determined in a commercially reasonable manner. "Costs" means, with respect to a party, brokerage fees, commissions and other similar third party transaction costs and expenses reasonably incurred by such Party in entering into new arrangements which replace this Agreement and all reasonable attorneys' fees and expenses incurred by a Party in connection with enforcing its rights under the Agreement. Costs shall not include any expenses incurred by such Party in either entering into or terminating any arrangement pursuant to which it has hedged its obligations.
Compliance with Law	Seller shall comply with all applicable local, state and federal laws, including but not limited to obtaining and maintaining all requisite legal authority to sell power and be able to schedule power and operate under industry standards established by FERC, WECC, NERC and all other applicable regulatory and government agencies.
RPS Compliance:	Seller shall ensure the Facility obtains Oregon RPS Certification within ninety (90) days after the Commercial Operation Date and shall maintain such certification during the Delivery Term. If a change in law occurs after execution of the PPA that impacts the Facility's Oregon RPS Certification, then the Seller shall use commercially reasonable efforts to comply with such change of law as necessary to maintain the Oregon RPS Certification.
Assignment:	Neither party may assign the PPA without prior written consent of the other party, which consent may not be unreasonably withheld or delayed. Any direct or indirect change of control of Seller (whether voluntary or by operation of law) will be deemed an assignment and will require the prior written consent of the Buyer. Seller shall pay Buyer's reasonable expenses incurred to provide consents, estoppels, or other required documentation in connection with Seller's financing for the Facility.

Other Standard Contract Terms to be included in the PPA:	The PPA will include additional terms and conditions that are usual and customary in transactions of its nature.
Confidentiality:	This Term Sheet and all information exchanged during negotiations of the PPA are confidential, subject to the Non-Disclosure Agreement between Buyer and Seller dated [Date].

2.Non-Binding Indicative Term Sheet for Renewable Energy & Storage PPA

Subject to Mutual NDA

Note: The following represents a summary of certain material terms and conditions for seeking to execute a Renewable Energy and Storage Power Purchase Agreement (PPA). The following is not an exhaustive list of all material terms, nor does it purport to comprehensively express PGE's expectations for any of the terms herein mentioned. Capitalized terms not otherwise defined in this Term Sheet will be defined in the PPA.

Buyer:	Portland General Electric Company ("PGE")
Seller:	[Name of Seller]
Description of Facility:	A [XX] MW_{AC} [type of technology] generating facility (the "Generating Facility"), which includes a [XX] MW/[XX] MWh [co-located][hybrid] battery energy storage facility (the "Storage Facility"), located in [name of County] County, in the State of [Name of State]. The Generating Facility and the Storage Facility are collectively referred to herein as the "Facility."
Generating Facility Nameplate Capacity:	[*For solar resources:* _____MW_{DC}] [*For non-solar resources:* _____MW_{AC}]
Storage Facility Nameplate Capacity:	[XX] MW_{AC}
Storage Contract Capacity:	The Storage Facility will have an initial Storage Contract Capacity of [XX] MW_{AC} for [XX] hour discharge. The Storage Contract Capacity shall be adjusted during the Delivery Term in accordance with periodic storage capacity tests.
"Net Available Capacity:	"Net Available Capacity" means the full (maximum) net Energy the Facility is capable of delivering to the interconnecting Balancing Authority Area continuously for at least sixty (60) minutes, expressed in MW_{AC}; limited by the

	interconnection limit identified in the interconnection agreement.
Product:	The Product includes the following: "Energy": Energy generated and/or discharged by the Facility, scheduled in hourly increments, and delivered by Seller to Buyer on eligible firm, conditional firm or short-term firm transmission from the Facility to the Delivery Point, during the Delivery Term, including all necessary Ancillary Services. Energy shall be delivered to Buyer pursuant to the Scheduling Procedures set forth below; "Environmental Attributes": any and all claims, credits, benefits, emissions reductions, offsets and allowances, however named, resulting from the avoidance of the emission of any gas, chemical, or other substance to the air, soil or water or otherwise arising as a result of the generation of electricity from the Facility, regardless of whether or not (i) such environmental attributes have been verified or certified, (ii) such environmental attributes are creditable under any applicable legislative or regulatory program, or (iii) such environmental attributes are recognized as of the Effective Date or at any time during the Delivery Term. Environmental Attributes include but are not limited to: (a) any avoided emissions of pollutants to the air, soil, or water such as (subject to the foregoing) sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), and other pollutants; (b) all Emissions Reduction Credits; and (c) any avoided emissions of carbon dioxide (CO2), methane (CH4), nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and other greenhouse gases (GHGs) that have been determined by the United Nations Intergovernmental Panel on Climate Change, or otherwise by law, to contribute to the actual or potential threat of altering the Earth's climate by trapping heat in the atmosphere; and (d) the reporting rights to these avoided emissions, such as the carbon content of the energy generated by the Facility and REC Reporting Rights. Environmental Attributes do not include: (i) any PTCs, ITCs, or any other tax credits, deductions, or tax benefits associated with the Facility, or (ii) any state, federal, local, or

	private cash payments, grants, or costs relating in any way to the Facility or the electric power output of the Facility; "Capacity Attributes": any current or future attribute, as may be currently defined or otherwise defined in the future, including but not limited to a characteristic, certificate, tag, credit, ancillary service or attribute thereof, or accounting construct, associated with the electric generation capability and capacity of the Facility or the Facility's capability and ability to produce or curtail energy, including any attribute counted towards any current or future resource adequacy or reserve requirements. Capacity Attributes are measured in MW. Capacity Attributes do not include: (i) any PTCs, ITCs, or any other tax credits, deductions, or tax benefits associated with the Facility, or (ii) any state, federal, local, or private cash payments, grants, or costs relating in any way to the Facility or the electric power output of the Facility; Storage Capacity: All rights and products and attributes associated with the maximum dependable operating capability of the Storage Facility to be charged with, store and discharge electric energy; and Ancillary Services: All ancillary services, products, and other attributes, if any that may be obtained from the Facility.
Delivered Energy Quantity:	"Delivered Energy Quantity" means the sum of the Energy delivered to Buyer by or on behalf of Seller to the Delivery Point each hour during the Delivery Term as represented on the final e-Tag.
No Sales to third parties:	Seller shall sell one hundred percent (100%) of the Facility capability and Facility Output to Buyer and may not sell any Energy, Storage Capacity, Capacity Attributes, Environmental Attributes or any other Facility capability to any other party or purchaser, unless such sale is expressly allowed by the PPA. "Facility Output" means all electric energy, generated and/or discharged by the Facility, less station service (parasitic power and electrical losses), if any, all as measured at the Facility meter. Facility Output does not include energy used to charge the Storage Facility or lost due to round trip efficiency at the Storage Facility.

Delivery Term:	"Delivery Term" means no less than fifteen (15) Contract Years after the Commercial Operation Date. "Contract Years" means a period of twelve (12) consecutive months beginning on January 1st and continuing through December 31st of each calendar year, except that the first Contract Year shall commence on the Commercial Operation Date and the last Contract Year shall end at the end of the day prior to the anniversary of the Commercial Operation Date.
Interconnection Point:	The Facility shall interconnect to [XX substation] (the "Interconnection Point"). Seller shall be responsible for all costs of interconnecting the Facility to the Interconnection Point.
Delivery Point:	PGE scheduling point [BPAT.PGE or PGELOAD] PGE will not accept delivery at PacifiCorp West or at Pelton Round Butte.
Commercial Operation Date:	"Commercial Operation Date" means the date on which the total Nameplate Capacity of both the Generating Facility and Storage Facility is fully operational and reliable, and the Facility is fully interconnected, fully integrated, and synchronized with the transmission system.
Scheduled Commercial Operation Date:	"Scheduled Commercial Operation Date" means [Date]. In no event shall the Scheduled Commercial Operation Date be later than December 31, 2024. If the Commercial Operation Date is not achieved on or before the Scheduled Commercial Operation Date, Seller shall pay Delay Damages to PGE from and after the Scheduled Commercial Operation Date up to, but not including the first to occur of (i) the date on which the Facility achieves the Commercial Operation Date, and (ii) the Guaranteed Commercial Operation Date. "Delay Damages" are equal to $100 per MW of Nameplate Capacity for each of the Generating Facility and the Storage Facility per day beginning on the first day through the 30th day after the Scheduled Commercial Operation Date, $200 per MW of Nameplate Capacity for each of the Generating Facility and the Storage Facility per day beginning on the 31st day through the 60th day after Scheduled Commercial Operation Date, and $300 per MW of Nameplate Capacity

	for each of the Generating Facility and the Storage Facility per day beginning on the 61st day after Scheduled Commercial Operation Date until the Commercial Operation Date is actually achieved or the Guaranteed Commercial Operation Date, whichever occurs first.
Guaranteed Commercial Operation Date:	"Guaranteed Commercial Operation Date" means the date that is one hundred twenty (120) days after the Scheduled Commercial Operation Date. Buyer shall have the right to terminate the PPA if the Commercial Operation Date is not met by the Guaranteed Commercial Operation Date and Seller shall forfeit the development security.
Pre-COD Progress Reporting:	Seller shall provide a monthly report to Buyer that (a) describes the progress towards meeting the Facility development milestones set forth in the PPA; (b) identifies any missed Facility development milestones, including the cause of the delay; and (c) provides a detailed description of Seller's corrective actions to achieve the missed Facility development milestones and all subsequent Facility development milestones by the Guaranteed Commercial Operation Date.
Contract Price:	The Contract Price shall be the sum of the Generation Contract Price and the Storage Contract Price. The Generation Contract Price shall be $(XX) /MWh. Control Area Services costs may not be included in the Generation Contact Price. The Storage Contract Price shall be $(XX)/kW.
Test Energy:	For the Generating Facility: Generating Facility Test Energy means energy generated by the Generating Facility prior to achieving the Commercial Operation Date. Seller may elect to sell Generating Facility Test Energy to its transmission provider, to a third-party or to an organized market via its transmission provider's system. Seller shall be entitled to any and all compensation received from its transmission provider or any third-party or organized market for such Generating Facility Test Energy. Otherwise, Seller shall Schedule in accordance with the Scheduling Procedure and deliver Generating Facility Test

	Energy to Buyer in order to complete Start-Up Testing of the Generating Facility. In such case, the parties shall coordinate in good faith to Schedule deliveries of Generating Facility Test Energy to Buyer that minimizes the burden to each of the parties, and Buyer shall receive the Generating Facility Test Energy. The price for such Generating Facility Test Energy received by Buyer shall be zero dollars ($0.00) and Seller shall pay any costs or additional expenses that are required for Buyer to receive the Generating Facility Test Energy, including but not limited to reimbursement for negative pricing and any necessary capacity costs or reserves costs. For the Storage Facility: Seller is responsible for all energy necessary for charging the Storage Facility in order to complete Start-Up Testing for the Storage Facility. Storage Facility Test Energy means all energy discharged by the Storage Facility prior to achieving the Commercial Operation Date. Seller may elect to sell Storage Facility Test Energy to its transmission provider, to a third-party or to an organized market via its transmission provider's system. Seller shall be entitled to any and all compensation received from its transmission provider or any third-party or organized market for such Storage Facility Test Energy. Otherwise, Seller may schedule and deliver Storage Facility Test Energy to Buyer in accordance with the Scheduling Procedure in order to complete Start-Up Testing for the Storage Facility. In such case, the parties shall coordinate in good faith to schedule deliveries of Storage Facility Test Energy to Buyer that minimizes the burden to each of the parties, and Buyer shall receive the Storage Facility Test Energy. The price for such Storage Facility Test Energy received by Buyer shall be zero dollars ($0.00) and Seller shall pay any costs or additional expenses that are required for Buyer to receive the Storage Facility Test Energy, including but not limited to reimbursement for negative pricing, and any necessary capacity costs or reserves costs.
Transmission Requirements:	For Off-System Facilities: Seller shall pay for and maintain eligible Long-Term Transmission, for a minimum of 80% of the Net Available

	Capacity, for delivery of Energy from the Facility's point of interconnection/point of receipt (POR) identified in the interconnection agreement to the Delivery Point for the entire Delivery Term, commencing on the Commercial Operation Date. Seller may deliver up to 20% of the Net Available Capacity on short term firm transmission. If the Seller has a transmission service request that utilizes Newpoint as the POR, the transmission service request must reference the specific Generation Interconnection Request number for the resource in the comments field. Curtailment or a transmission provider's cancelation of conditional firm reassessment transmission service shall not be a Force Majeure event. If the reassessment service is terminated or the number of curtailment hours is increased, default and failure to perform provisions in the PPA would be triggered. If Seller is participating in a BPA TSEP process, which includes completing any and all actions necessary to keep the transmission service request(s) in an active OASIS status, Seller has the commercial obligation to participate in and fund all requirements in the TSEP process necessary to be granted long term firm or conditional firm bridge if those are the services elected. If Seller has a conditional firm reassessment, its participation requirements do not extend beyond the cluster study.2 Seller shall be responsible for making all arrangements and paying all costs related to transmission, including but not limited to Ancillary Services costs required to deliver the Product(s) to the Delivery Point. For On-System Facilities: PGE must be able to designate the Facility as a network resource and Seller must have requested NRIS interconnection for Facility Output. In such case, Buyer will

[2] See BPA TSEP Business Practice Manual: bpa.gov/transmission/Doing%20Business/bp/tbp/TSR-Study-Expansion-Process-BP.pdf

	be responsible for all costs associated with the delivery of Facility Output to PGELOAD.
Control Area Services and Other Costs:	Seller shall procure and Buyer will reimburse Seller for all Control Area Services from an entity that is mutually agreed upon by the parties that may be required by the transmission provider or balancing authority area as a condition of interconnection. "Control Area Services" include, but are not limited to, generation imbalance, variable energy resource balancing service and any EIM costs associated with interconnection. Control Area Services do not include ancillary service costs associated with the transmission provider's provision of firm transmission service. For off-system resources, Control Area Services do not include real power losses.
Forecasting:	Seller shall provide Buyer with: (i) a rolling generation forecast, updated hourly, for the next fourteen (14) days, (ii) a rolling generation forecast for five (5) minute and fifteen (15) minute intervals, updated every five (5) and fifteen (15) minutes respectively, for the next 24 hours, and (iii) an updated hourly generation forecast ninety (90) minutes prior to each delivery hour for the balance of the delivery day ("Generation Forecast"). Each Generation Forecast shall be performed by a third-party forecasting agent that is mutually agreed to by Buyer and Seller ("Forecasting Agent"). At Buyer's request, Seller will cause the Forecasting Agent to provide Buyer with an application program interface from which Buyer can access raw forecasting files. Seller shall ensure that the Forecasting Agent provides Buyer real time access to information and forecasts concerning the Facility's availability status.
Charging Energy:	During the Delivery Term, Seller shall be responsible, at its sole cost, for generating, managing, and delivering all Charging Energy (as measured at the Storage System metering point) necessary to charge the Storage Facility to supply the discharge schedule (defined in the Scheduling Procedure).
Scheduling:	Seller shall schedule and deliver Energy to Buyer at the Delivery Point commencing on the Commercial Operation Date and continuing through the end of the Delivery Term.

	Seller's Energy delivery may not intentionally exceed the Generation Forecast plus discharge Energy. For each day during the Delivery Term, Seller shall comply with the following scheduling procedure: Seller shall, by 5:00 a.m. PPT of the customary WECC Pre-Scheduling Day, communicate to Buyer's pre-schedule desk via an Application Program Interface (API) or as directed by Buyer, the expected Energy to be delivered each hour at the Delivery Point for the delivery day, consistent with the Generation Forecast net of Charging Energy; Seller shall schedule the Energy by submitting a NERC e-Tag ("e-Tags") prior to 5:00 a.m. PPT of the applicable WECC pre-scheduling day for all hours of the applicable delivery day(s); and Seller shall, by 5:00 a.m. PPT of the customary WECC Pre-Scheduling Day communicate to Buyer's pre-schedule desk via an Application Program Interface (API) or as directed by Buyer, Seller's optimal charging schedule for the WECC Pre-Schedule Day. At a minimum, the charging schedule will include: the hours in which Seller proposes to charge the Storage System; and the total capacity and state-of-charge Seller proposes to charge the Storage System to, by the end of the last hour in which Seller shall charge the Storage System. Buyer shall, by 8:00 a.m. PPT of the customary WECC Pre-Scheduling Day communicate to Seller via an Application Program Interface (API) or as directed by Buyer, Buyer's adjusted discharge schedule for the WECC Pre-Schedule Day if different from the discharge schedule in Seller's expected Energy communicated to Buyer by 5:00 a.m. PPT of the customary WECC Pre-Scheduling Day. At a minimum, the discharge schedule will include: the hours in which Seller shall discharge the Storage System; and

	the MW amount at which Seller shall discharge the Storage System for each hour. Seller shall Schedule the Energy with e-Tags according to prevailing WECC pre-scheduling provisions and protocols and the terms of the PPA. Seller shall schedule the Facility as the identified e-Tag source. Seller may not net or otherwise combine schedules from resources other than the Facility, except as necessary for Ancillary Services. Seller shall make adjustments to the pre-scheduled energy scheduled from the Facility each hour in real-time ("Real-time Adjustments") consistent with the Generation Forecast net of charging energy and account for Facility Net Available Capacity. For such Real-time Adjustments: Buyer reserves the right to adjust its discharge schedule. To make Real-time Adjustments, the Buyer shall communicate to Seller's real-time desk via API, or as otherwise directed by Buyer, Buyer's revised discharge schedule. Buyer shall communicate the Real-time Adjustments no later than one-hundred and twenty (120) minutes prior to the flow hour. Seller will submit and receive approval of e-Tag adjustment no later than seventy-five (75) minutes prior to the flow hour, in accordance with the requirements of the applicable Transmission Provider(s). Seller will make all NERC e-Tag adjustments. Seller's e-tag shall match the adjustment communicated to the Buyer. Seller will be responsible for any costs, charges, or fees associated with adjustments to the e-tag after seventy-five (75) minutes prior to the flow hour. Buyer discharge schedule shall be followed by Seller so long as such discharge schedule remains feasible and total Facility Output does not exceed Net Available Capacity. Seller shall not schedule any energy to be delivered to Buyer pursuant to this Agreement using a dynamic or pseudo-tie e-tag as such terms are defined and used by NERC. In the event that the regional market design, balancing authority, reliability entity or regulatory entity (e.g., PGE

	Transmission, BPA, WECC, NERC, RC West, FERC) causes or otherwise reasonably requires Buyer's scheduling practices to change after the Effective Date, Buyer and Seller shall meet and mutually agree on updated Scheduling Procedures within thirty (30) days after written notice to Seller of such proposed change. Seller shall not unreasonably withhold agreement to proposed changes to the scheduling practices.
Output Guarantee:	Seller guarantees that during the Delivery Term, the Delivered Energy Quantity, shall meet or exceed the Guaranteed Output Threshold. The "Guaranteed Output Threshold" is equal to [90%] of the Expected Output. The "Performance Measurement Period" is equal to a monthly period. The initial Performance Measurement Period will commence on the Commercial Operation Date. The "Expected Output" is equal to the Facility's P50 expected monthly output. After each Performance Measurement Period, Seller shall provide Buyer sufficient detail of the Facility's performance to substantiate its calculation of Energy deliveries for the Guaranteed Output Threshold. The Guaranteed Output Threshold shall be adjusted for energy that was not delivered during Excused Hours. "Excused Hours" means hours when the Facility was not available due to Force Majeure, excused curtailments, or Buyer's failure to perform. It shall be a Seller event of default if, commencing on the Commercial Operation Date, Seller fails to deliver [*for wind resources:* seventy five percent (75%) of the annual sum of the Guaranteed Output Threshold to Buyer during two (2) out of three (3) Contract Years during the Delivery Term] [*for non-wind resources:* fifty percent (50%) of the annual sum of the Guaranteed Output Threshold to Buyer during any Contract Year during the Delivery Term].
Generating Facility Mechanical	Beginning with the first full calendar year following the Contract Year in which the Commercial Operation Date has occurred, Seller's failure to maintain a minimum Generating Facility Mechanical Availability Percentage for the Generating Facility of [ninety-seven percent (97%)] for any

Availability Guarantee:	two (2) out of three (3) Contract Years on a rolling basis. The Generating Facility Mechanical Available Percentage of the Generating Facility shall be determined by Seller by dividing the total Operational Hours for such calendar year *[non-solar resources:* by the total number of hours in the calendar year*] [solar resources:* by the total number of daylight hours in the calendar year.*]* On or before January 31st of each year, Seller shall provide Buyer written documentation, which shall be subject to audit by Buyer, to verify or otherwise substantiate Seller's calculation of the Generating Facility Mechanical Available Percentage of the Generating Facility for the prior calendar year. The operational hours for the Generating Facility shall be the hours that the Generating Facility is potentially capable of producing power at Generating Facility Nameplate Capacity regardless of actual weather conditions or season, without any mechanical operating constraint or restriction, and potentially capable of delivering such power to the point of interconnection with the transmission provider.
Excess Energy:	If during the Performance Measurement Period, the Delivered Energy Quantity is in excess of [110%] of the Guaranteed Output Threshold, then for each MWh of Delivered Energy Quantity in excess of [110%] of the Guaranteed Output Threshold ("Excess Energy"), the applicable price paid by Buyer for such Excess Energy shall be equal to the lesser of (a) [93%] of the Market Index Price applicable to the interval in which such Excess Energy was delivered, or (b) [75%] of the Generation Contract Price.
Curtailment:	In the event the Facility is curtailed due to a System Emergency, Force Majeure, by the transmission provider (excluding curtailment hours as a result of utilization of conditional firm transmission), Seller shall not be liable for failure to deliver such curtailed energy and Buyer shall not be obligated to pay for such curtailed energy. Notwithstanding the foregoing, Buyer shall have the right to curtail deliveries of Energy, up to [400 hours] each calendar year (or a prorate number of hours for any partial year during the Delivery Term) without compensation, and all such events shall be defined as "Buyer Curtailment".

	The Guaranteed Output Threshold will be reduced by the number of MWhs subject to Buyer Curtailment. Curtailment hours as a result of utilization of conditional firm transmission do not qualify as a Buyer Curtailment.
Storage Capacity Guarantee:	During the Delivery Term, Seller shall maintain the Storage Facility with guaranteed storage contract capacity of not less than [___MW, representing 90% of the Storage Contract Capacity as of the Commercial Operation Date] ("Guaranteed Storage Contract Capacity"). If the Storage Contract Capacity for the Facility is determined during a storage capacity test to be less than the Guaranteed Storage Contract Capacity, Seller shall pay to Buyer as liquidated damages for such deficiency an amount determined by multiplying the number of months since the last storage capacity test (including the month in which the most current storage capacity test was completed) by (i) Storage Contract Price multiplied by [125%] multiplied by (ii) the difference between the Guaranteed Storage Contract Capacity and the Storage Contract Capacity for the Storage Facility as determined during the most recent storage contract capacity test ("Guaranteed Storage Contract Capacity LDs"). Payment of Guaranteed Storage Contract Capacity LDs is Seller's sole and exclusive liability, and Buyer's sole and exclusive remedy, in connection with the Storage Contract Capacity being less than the Guaranteed Storage Contract Capacity for a Contract Year. Additionally, it will be an event of default if the Storage Contract Capacity, as determined by the most recent storage contract capacity test, is less than the Guaranteed Storage Contract Capacity, which remains uncured for a period of thirty (30) days as shown by a new Storage Capacity Test.
Actual Round-Trip Efficiency:	The round-trip efficiency for each month is calculated as a percentage, based on the amount of MWhs used to charge the Facility and the amount of MWhs discharged from the Facility, as measured by the Storage Facility meter at the Interconnection Point.

<table>
<tr><td>Guaranteed Round-Trip Efficiency:</td><td>“Guaranteed Round-Trip Efficiency” means [ninety percent (90%)].
<table><tr><th>Contract Year</th><th>Guaranteed Round-Trip Efficiency</th></tr><tr><td>1</td><td>90.0%</td></tr><tr><td>2 - XX</td><td>[Seller to fill out rest of table]</td></tr></table>
It will be an event of default if the Round-Trip Efficiency is less than the Guaranteed Roundtrip Efficiency and such failure continues for [90] days after Seller’s receipt of written notice or discovery of such failure.</td></tr>
<tr><td>Guaranteed Round-Trip Efficiency Adjustment:</td><td>If during any month during the Delivery Term, the Actual Round-Trip efficiency for such month is less than the Guaranteed Round-Trip Efficiency, the Seller shall pay the Buyer the following amount: (i) the total Charging Energy for such month, multiplied by (ii) the percentage amount by which the Actual Round-Trip Efficiency is less than the Guaranteed Round-Trip Efficiency, multiplied by (iii) average day-ahead Intercontinental Exchange Mid-C Physical Peak (bilateral) or Mid-C Physical On-Peak (bilateral) indices.</td></tr>
<tr><td>Maximum Annual Discharge MWh:</td><td>Buyer may discharge a maximum of [MWhs] per year, subject to the Daily Dispatch Limits.</td></tr>
<tr><td>Daily Dispatch Limits:</td><td>Full Charging limits (if any): [XX] times per day
Full Discharging limits (if any): [XX] times per day
Partial Charging limits (if any): [XX] times per day
Partial Discharging limits (if any): [XX] times per day</td></tr>
<tr><td>Other Operating Limits and Parameters:</td><td>[Seller to describe all applicable operating limits on dispatch of the Storage Facility, if any]</td></tr>
<tr><td>Guaranteed Storage Monthly Availability:</td><td>Seller guarantees the Storage Facility availability shall be no less than [98 %] for each month during the Delivery Term. Storage Facility availability shall be calculated using a methodology that is generally consistent with the method prescribed by the Storage Facility’s equipment manufacturers. The Storage Contract Price shall be adjusted</td></tr>
</table>

	if the Storage Facility fails to meet the Guaranteed Storage Monthly Availability in any month during the Delivery Term. In the event Seller fails to meet the Guaranteed Storage Monthly Availability during [2] months during any [12] month rolling period during the Delivery Term, Buyer may terminate the PPA.
Guaranteed Storage Monthly Availability Adjustment:	If the Storage Facility does not meet the Storage Guaranteed Monthly Availability, the Storage Contract Price shall be adjusted by multiplying it by the following adjustment, which shall be calculated after any Guaranteed Round-Trip Efficiency Adjustment, if any, has been applied to the Storage Contract Price: (i) If the monthly storage availability is less than the Guaranteed Storage Availability, but greater than or equal to 70%, then: AA = 100% - [(98% - monthly storage availability) × 2] (ii) If the monthly storage availability is less than 70%, then: AA = 0%
Grid Charging of Storage Facility:	The Storage Facility shall not receive charging energy from any source other than the Generating Facility prior to [the expiration of the ITC recapture period]. Following the ITC recapture period, if the Storage Facility is capable of receiving charging energy from the Generating Facility and in the form of grid energy and Buyer elects to provide charging energy from a source other than the Generating Facility, including grid energy (i) Buyer will be responsible for all costs relating to the charging of the Storage Facility from a source other than the Generating Facility, including the cost of energy used to charge the Storage Facility and (ii) the Parties will amend the PPA to the extent necessary so that Generating Facility Energy delivered by Seller to the Delivery Point is fully paid for by Buyer (unless Buyer is otherwise not required to pay for such Generating Facility Energy hereunder).

Failure to Deliver Facility Output:	In the event Seller fails to deliver Facility Output, Seller shall pay Buyer the following damages ("Failure to Deliver Damages"): The replacement cost for such deficiency calculated by multiplying the amount of the deficiency by the positive difference, if any, of the Replacement Price less the Generation Contract Price; provided, however, such amount shall not be less than zero dollars ($0.00). The "Replacement Price" shall be the average day-ahead Intercontinental Exchange Mid-C Physical Peak (bilateral) or Mid-C Physical Off-Peak (bilateral) indices ("ICE DA Indices") for such month; plus The incremental cost associated with Capacity Attributes, and/or carbon emissions costs incurred by the Buyer as a result of Seller's failure to deliver Facility Output; plus Any incremental Ancillary Services and transmission costs incurred by Buyer; plus Any penalties or fines imposed by a Reliability Entity as a result of Seller's failure to deliver. "Reliability Entity" may include, without limitation, NERC, WECC, the Balancing Authority, Transmission Provider, regional transmission organization, independent system operator, reliability coordinator or any other entity that has, or that may have in the future, (i) responsibility over the reliability of the bulk power system and (ii) by virtue of such responsibility the legal authority to affect the operations of the Facility or delivery of the Product. In the event Seller fails to deliver Environmental Attributes, including Bundled RECs, associated with the Facility Output, Seller shall settle any such shortfall as follows: deliver an equivalent amount of Qualifying Replacement RECs that are generated in the same calendar year; or If Seller elects not to deliver an equivalent amount of Qualifying Replacement RECs and Buyer elects in its sole discretion to purchase Qualifying Replacement RECs, Seller shall owe PGE the price that PGE actually pays for Qualifying Replacement RECs; or

	If Seller elects not to deliver an equivalent amount of Qualifying Replacement RECs and Buyer does not elect, in its sole discretion, to purchase replacement bundled RECs under subpart (b), Seller shall owe Buyer the Qualifying Replacement REC Price identified by Buyer, multiplied by the number of Bundled RECs Seller failed to deliver. "Qualifying Replacement RECs" means environmental attributes (including renewable energy credits and renewable energy credit reporting rights) that are delivered to Buyer bundled with energy produced simultaneously by a generating source that (A) is an Oregon Renewable Portfolio Standard eligible renewable energy resource, (B) produces environmental attributes (including renewable energy credits and renewable energy credit reporting rights) of the same type and quality as Environmental Attributes (including Bundled RECs and REC Reporting Rights), (C) is located in [Oregon or Washington], and (D) achieves commercial operation after the Commercial Operation Date. "Qualifying Replacement REC Price" means the price for Qualifying Replacement RECs as determined by taking the lower of two dealer quotes representing a live offer to sell Qualifying Replacement RECs for the entire quantity of Bundled RECs that are being replaced and subtracting the value of the energy component of such quantity (as specified in the applicable dealer quotes) of such Qualifying Replacement RECs.
Monthly Settlement and Invoice:	All invoices shall be due on the tenth (10th) day of each month and payable on or before the later of the twentieth (20th) day of each month, or the tenth (10th) day after receipt of the invoice or, if such day is not a Business Day, then on the next Business Day. The payment for all Products shall be the sum of the Energy Payment and Storage Capacity Payment. The Energy Payment for each month during the Delivery Term is equal to the sum of: the lesser of (i) the hourly Delivered Energy Quantity, or (ii) hourly Facility Output, each up to [110%] of the Guaranteed Output Threshold, multiplied by the Generation Contract Price; plus

	hourly Excess Energy multiplied by the lesser of (i) [93%] of the Market Index Price, or (ii) [75%] of the Generation Contract Price; plus for each hour that the Market Index Price is negative, the hourly Delivered Energy Quantity multiplied by [107%] of the Market Index Price. The Storage Capacity Payment for each month during the Delivery Term will be equal to: the Storage Contract Price multiplied by the Storage Contract Capacity; adjusted by the Guaranteed Round-Trip Efficiency Adjustment and Guaranteed Storage Monthly Availability Adjustment, if any; minus any Guaranteed Storage Contract Capacity LDs and Failure to Deliver Damages.
Market Index Price:	The EIM real-time pre-dispatch nodal price for the Delivery Point. In the event Buyer is participating in an organized market other than the EIM, then the Market Index Price will mean the Locational Marginal Price associated with the Pricing Node or Aggregate Pricing Node for the Delivery Point within such organized market.
Negative Price Event:	When the Market Index Price is less than zero ("Negative Price Event"), Seller shall have the right, but not the obligation, to suspend part or all of its deliveries, via a reduction in Energy. Seller's obligation to deliver the Guaranteed Output Threshold shall be reduced by one (1) MWh for each substantiated MWh reduced due to a Negative Price Event.
REC Transfer:	Seller shall transfer all RECs generated by the Facility during each month of the Delivery Term to Buyer via WREGIS pursuant to the timelines in WREGIS Operating Rules.
Operations and Maintenance:	Seller shall not schedule any non-emergency maintenance that reduces the energy generation and/or storage capability of the Facility, as applicable, by more than ten percent (10%) during the months of June through September, unless (i) such outage is required to avoid damage to the Facility, (ii) such maintenance is necessary to maintain equipment warranties and cannot be scheduled

	outside the months of June through September, (iii) such outage is required in accordance with prudent electrical practices, or (iv) the parties agree otherwise in writing. Seller shall provide its outage schedule no later than September 1st of each year preceding such outage(s). The outage schedule for each Contract Year shall not exceed 200 hours.
RPS Compliance:	Seller shall ensure the Facility obtains Oregon RPS Certification within ninety (90) days of the Commercial Operation Date and shall maintain such certification during the Delivery Term.
Labor Requirement:	Union labor must be utilized for major construction activities related to the Facility and must include a Project Labor Agreement requirement in any related executed Engineering, Procurement and Construction Agreements. The labor group that constructs and maintains the Facility must have policies in place that are designed to limit or prevent workplace harassment and discrimination. Additionally, such labor group must have policies in place that are designed to promote workplace diversity, equity and inclusion of communities who have been traditionally underrepresented in the renewable energy sector including, but not limited to, women, veterans and Black, Indigenous and People of Color, with an aspirational goal of having at least fifteen (15) percent of the total work hours performed by individuals from those communities.
Buyer Conditions Precedent:	Buyer's obligations shall be conditioned and will become effective only upon the occurrence of each and every one of the following conditions: [(i) receipt of approval from the Oregon Public Utility Commission, in form and substance satisfactory in Buyer's sole discretion; and (ii) written approval of the PPA by Buyer's Board of Directors.]
Seller Conditions Precedent:	[Seller CPs]

Security Requirements:	Within thirty (30) days after the Effective Date of the PPA, Seller shall deliver development security to Buyer in an amount equal to $200/kW of Generating Facility Nameplate and $200/kW of Storage Facility Nameplate Capacity and shall maintain such development security until the Commercial Operation Date. On or before Commercial Operation Date, Seller shall deliver delivery term security to Buyer in an amount equal to $100/kW of Generating Facility Nameplate and $100/kW of Storage Facility Nameplate Capacity and shall maintain such delivery term security through the end of the Delivery Term. Within five (5) Business Days following any draw by Buyer on the delivery term security, Seller shall replenish the amount drawn such that the delivery term security is restored to the full amount. All security shall be in the form of cash or a letter of credit from a Qualified Institution as defined below and in a form reasonably acceptable to Buyer. "Qualified Institution" means a major U.S. commercial bank or a U.S. branch office of a major foreign commercial bank which is acceptable to PGE, organized under the laws of the United States (or any state or political subdivision thereof) with such bank having shareholders' equity of at least $10 billion (U.S. Dollars) and a Credit Rating of at least A- by S&P or A1 by Moody's, or an insurance company with assets of $2 billion or greater, an A.M. Best financial strength rating of an A or greater and authorized to issue surety bonds in the state in which the project will be located. On a case by case basis PGE will accept banks that do not meet the above criteria as Qualified Institutions if they have received an endorsement from an institution that does meet the criteria in the Qualified Institution definition.
Assignment:	Neither party may assign the PPA without prior written consent of the other party, which consent may not be unreasonably withheld or delayed. Any direct or indirect change of control of Seller (whether voluntary or by operation of law) will be deemed as an assignment and will require the prior written consent of the Buyer.

	Seller shall pay Buyer's reasonable expenses incurred to provide consents, estoppels, or other required documentation in connection with Seller's financing for the Facility.
Other Standard Contract Terms and Conditions to be included in the PPA:	The PPA will include additional terms and conditions that are usual and customary in transactions of its nature.
Termination Settlement Amount:	In the event the PPA is terminated due to an event of default, the non-defaulting party shall calculate the Settlement Amount. The defaulting shall pay the Settlement Amount to the non-defaulting party. The Gains or Losses resulting from the termination of the PPA shall be determined by calculating the amount that would be incurred or realized to replace or to provide the economic equivalent of the remaining payments or deliveries in respect of the PPA. The Gains or Losses shall be calculated for a period equal to the remaining Term ("Settlement Period"). The quantity of Energy in each month of the Settlement Period associated with Generating Facility shall be equal to the Expected Output for such month. The storage capacity in each month of the Settlement Period shall be equal to the Storage Contract Capacity as of the Termination Date. "Settlement Amount" means the Losses or Gains, and Costs, expressed in USD, which the non-defaulting party incurs as a result of the termination and liquidation of the PPA. If the non-defaulting party's Costs and Losses exceed its Gains, then the Settlement Amount shall be an amount owing to the non-defaulting party. If the non-defaulting party's Gains exceed its Costs and Losses, then the Settlement Amount shall be zero dollars ($0). The Settlement Amount shall not include consequential, punitive, exemplary or indirect or business interruption damages. "Gains" means, with respect to a party, an amount equal to the present value of the economic benefit to it, if any (exclusive of Costs), resulting from the termination of its

	obligations with respect to the PPA determined in a commercially reasonable manner. "Losses" means, with respect to a party, an amount equal to the present value of the economic loss to it, if any (exclusive of Costs), resulting from termination of its obligations with respect to the PPA determined in a commercially reasonable manner. "Costs" means, with respect to a party, brokerage fees, commissions and other similar third party transaction costs and expenses reasonably incurred by such Party in entering into new arrangements which replace this Agreement and all reasonable attorneys' fees and expenses incurred by a Party in connection with enforcing its rights under the Agreement. Costs shall not include any expenses incurred by such Party in either entering into or terminating any arrangement pursuant to which it has hedged its obligations.
Confidentiality:	This Term Sheet and all information exchanged during negotiations of the PPA are confidential, subject to the Non-Disclosure Agreement between Buyer and Seller dated [Date].

1. Qualifications

Entity Requirement	As applicable, entities must be authorized under the law to sell power, and able to schedule power and operate under industry standards established by the Federal Energy Regulatory Commission (FERC), Western Electricity Coordinating Council (WECC), and the North American Energy Reliability Council (NERC), or other applicable regulatory body or government agency.
Financing Requirement	As applicable, counterparty must provide a reasonable plan to obtain project financing. Those counterparties who are unable to internally or balance sheet finance the proposed project (supported by appropriate financial statements) must provide evidence of a good faith commitment from a financial institution or lender.
Technology Eligibility	PGE will accept resource core technologies that are commercially proven and deployed at large scales within the North American utility industry. Renewable resources must be RPS eligible.
Qualifying Product	PGE shall be the offtake for all output from the facility or portion of the facility. Projects must include all power attributes including associated renewable energy credits, environmental attributes, energy benefits, and capacity benefits. Counterparty is responsible for ensuring RECs are established in WREGIS.
Nameplate Requirement	Resources must be large enough to qualify for contracting under PGE's Schedule 202 for qualifying facilities.[3] Solar resources must be larger than 3 MW and all other facilities must be larger than 10 MW. If a Counterparty already has a Schedule 202 agreement with PGE, they are welcome to include such the resource subject of agreement, but PGE does not guarantee that the Counterparty will be excused from the existing agreement.

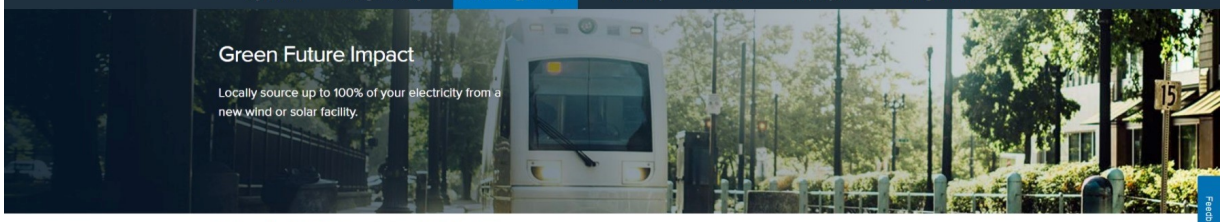
[3] This requirement is consistent with OAR 860-089-0250(4).

Term Length	PGE requires a 15-year minimum term and a 30-year maximum term for those agreements.
Tax Credit Eligibility	Renewable resources must be eligible for the federal PTC or ITC and must provide a narrative on how the project will obtain the tax credits.
Credit	Counterparties must meet PGE's credit eligibility thresholds. For investment grade Counterparties, their long-term, senior unsecured debt must be rated BBB- or higher by Standard & Poor's and Fitch, BBB (low) or higher by DBRS, or Baa3 or higher by Moody's Investor Services, Inc. For non-investment grade Counterparties, they must demonstrate that a qualified institution will secure the Counterparties performance obligations through a letter of credit or guaranty, in a form acceptable to PGE.
Site Control	Counterparties must demonstrate dependable site control, for both the location of the resource and any gen-tie path that is required. Counterparties must possess at least one of the following: title to the site an executed lease agreement an executed easement an executed option agreement applicable to a minimum of 80% of the project site The site control documents should reflect the resource type. Counterparties will be required to demonstrate site control for 100% of the project site.
Permitting	Please see the chart in Exhibit A that denotes permitting requirements.
Acceptable Delivery Points	PGE will accept delivery within PGE's balancing authority area and at BPAT.PGE. PGE will not accept delivery at Pelton Round Butte or at PacifiCorp West. The BPAT.PGE Point of Delivery is associated with the following substations or "sinks": PGE Contiguous Pearl 230 kV (Sherwood) McLoughlin 230 kV Keeler 230 kV (St. Marys)

	Rivergate 230 kV Bethel 230 kV [4] Troutdale 230 kV (Blue Lake)
Interconnection	Counterparties must have completed an interconnection facilities study before entering into negotiations with PGE If interconnection involves a 3rd party other than the transmission provider, the bid must also include an interconnection request to the 3rd party and all associated studies. Resources located on PGE's system must be studied as Network Resource Interconnection Service. Resources located off-system can be studied as Energy Resource Interconnection Service or Network Resource Interconnection Service.
Transmission Requirements	Renewable Resources Eligible transmission service products include: long-term firm transmission service, long-term conditional firm bridge, number of hours, or long-term conditional firm reassessment, number of hours To qualify, a counterparty must have eligible transmission service described above that is equivalent to at least 80 percent of the facility's interconnection limit. The eligible transmission service must originate at the POR/POI and provide delivery to one of the acceptable points of delivery, defined above, prior to project COD. Counterparties relying on BPA for transmission service are required to have either: 1) previously granted eligible transmission service, or 2) an eligible and active OASIS status Transmission Service Request (TSR) participating in the BPA TSR Study and Expansion Process. PGE's will determine if there are additional costs or risks to deliver the resource to PGE load. If a Counterparty has a TSR that utilizes Newpoint as the POR, the TSR must reference the specific Generation

[4] At this time the Bethel 230 kV POD has been determined to have insufficient available capacity and is unavailable for new transmission service requests. However, Counterparties that have already been granted long-term service at this POD may use this POD.

	Interconnection Request number for the resource in the comments field.
Integration	For projects located outside of PGE's Balancing Authority Area, PGE will determine and elect integration services necessary to ensure delivery of energy to the Point of Delivery. For a third party owned project, PGE will reimburse projects for integration services elected by PGE. Integration Services include, but are not limited to, generation imbalance, variable energy resource balancing service and any EIM costs associated with interconnection. Integration Services do not include ancillary service costs associated with the transmission provider's provision of firm transmission service.
Labor Requirement	Union labor must be utilized for major construction activities related to the resource and must include a Project Labor Agreement requirement in any related executed Engineering, Procurement and Construction Agreements. PGE requires that the labor group has policies in place that are designed to limit or prevent workplace harassment and discrimination. PGE will be asking that the labor group has policies in place that are designed to promote workplace diversity, equity and inclusion of communities who have been traditionally underrepresented in the renewable energy sector including, but not limited to, women, veterans and Black, Indigenous and People of Color, with an aspirational goal of having at least 15 percent of the total work hours performed by individuals from those communities. PGE requires that counterparties recognize this requirement upon bidding and affirm their commitment to meet the requirement. However, PGE does not expect a counterparty to have secured a PLA prior to contract execution with PGE as it is customary to negotiate such labor agreements closer to construction activities.
Accepted equipment manufacturers for utility owned resources	All major equipment manufacturers must be PGE preferred vendors.



Green Future Impact

Locally source up to 100% of your electricity from a new wind or solar facility.

Green Future Impact helps your business, city or county meet its ambitious sustainability and carbon reduction goals with the opportunity to source up to 100% of your electricity from a new regional wind or solar facility that you make possible.

PGE has two options for enrollment in Green Future Impact, phase 2. To learn more about each of these options, click on the links below.

October 2022

1. PGE Supplied Option (PSO) is expected to open a queue to participate in Q1 2023
2. Customer Supplied Option (CSO) is fully subscribed as of Feb. 14, 2022

Please email us at greenfutureimpact@pgn.com if you have any questions.

Program participants

Cities and businesses are leading the way to a clean energy future here in Oregon. We're proud to offer more ways to meet the demand for renewables, which is stronger than ever.

Currently, the following businesses and municipalities are leading the way with Green Future Impact:

- Adobe
- Comcast
- Daimler Trucks North America
- Digital Realty
- Intel
- Multnomah County
- Oregon Health & Science University
- Portland State University
- Portland Community College
- The City of Beaverton
- The City of Hillsboro
- The City of Lake Oswego
- The City of Milwaukie
- The City of Portland
- The City of Salem
- The City of West Linn
- The City of Wilsonville
- Washington County

What you get

- Additional options for sourcing up to 100% renewable energy.
- The ability to purchase full output of a facility or just a share of it.
- The knowledge that you're helping to bring a new, local renewable resource online.
- A more tangible connection with your renewable power resource.
- Predictable, energy prices through a long-term contract.

Oregon's largest solar facility gets named

Customers that subscribed to Green Future Impact had the opportunity to name their new solar facility. By overwhelming support, they picked Pachwáywit Fields. The project is located on ceded lands of the Confederated Tribes of the Warm Springs in Gilliam County. The name pays homage to lands traditionally stewarded by the Warm Springs and Umatilla Tribes.

Pachwáywit, pronounced Patch-Why-Wit, means "sun" in the Sahaptin language and ties Oregon's largest solar facility with the land's rich history and stewardship.

Newest participant catalyzes second major solar facility

Intel has signed up as the single largest participant in Green Future Impact, catalyzing a second renewable solar facility in Wasco County, Oregon. This new facility will produce a significant portion of the energy needed to power its advanced technology development and manufacturing facilities in Hillsboro, Oregon.

Together, Green Future Impact customers are bringing more and more renewable energy facilities online, more than tripling the amount of solar installed in Oregon.

Attachment 4.

Marcy Patrick (*she/her/Ms.*)
Permit Manager
Cell: 801.946.1092

Internal Use

From: Natasha Bellis <natasha@deschuteslandtrust.org>
Sent: Friday, October 28, 2022 11:58 AM
To: Hutchinson, Matthew <matthew.hutchinson@avangrid.com>
Cc: Goland, Kristen <Kristen.Goland@avangrid.com>; PATRICK, MARCELLA <marcella.patrick@avangrid.com>
Subject: Re: Avangrid/Oregon Trail Solar - Letter of Support

Hi Matt,
I am confirming that Bakeoven Solar, LLC and Day Break Solar, LLC have satisfied the payment terms of the Habitat Mitigation MOU with the Deschutes Land Trust.

Regards,
Natasha

Natasha Bellis
Pronouns: she/her/hers
Conservation Director
Deschutes Land Trust
210 NW Irving Avenue, Suite 102
Bend, Oregon 97703
O. (541) 330-0017
M. (971) 235-2010
deschuteslandtrust.org

On Oct 28, 2022, at 10:58 AM, Hutchinson, Matthew <matthew.hutchinson@avangrid.com> wrote:

Nataha,

Avangrid is amending Site Certificate for the Oregon Trail Solar project in Gilliam County to delay the start of construction, and ODOE is requiring is us to re-verify Avangrid's organizational experience for implementing habitat mitigation. Can you help us by confirming that Bakeoven Solar, LLC and Day Break Solar, LLC have satisfied the payment terms of the Habitat Mitigation MOU with Deschutes Land Trust? A simple response to this email will help and be much appreciated.

Thanks,
Matt

<image001.jpg>

Matt Hutchinson
Senior Energy Developer
2701 NW Vaughn St, Suite 300
Portland, OR 97210
503-701-0665
matthew.hutchinson@avangrid.com

Attachment 5.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Wasco County, Oregon

Local office

Oregon Fish And Wildlife Office

(503) 231-6179
(503) 231-6195

2600 Southeast 98th Avenue, Suite 100
Portland, OR 97266-1398

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

---

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).

2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
California Condor Gymnogyps californianus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8193	EXPN

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Suckley's Cuckoo Bumble Bee Bombus suckleyi No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10885	Proposed Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The data in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the Supplemental Information on Migratory Birds and Eagles document to determine if your project is in a poorly surveyed area. If it is, you may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle (Bald and Golden Eagle Protection Act requirements may apply).

Proper interpretation and use of your eagle report
On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help

you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:
The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

---

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases birds of concern, including Birds of Conservation Concern (BCC), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the Nationwide avoidance and minimization measures for birds document, and any other project-specific avoidance and minimization measures suggested at the link Measures for avoiding and minimizing impacts to birds for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles document, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Northern Harrier *Circus hudsonius* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8350	Breeds Apr 1 to Sep 15

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

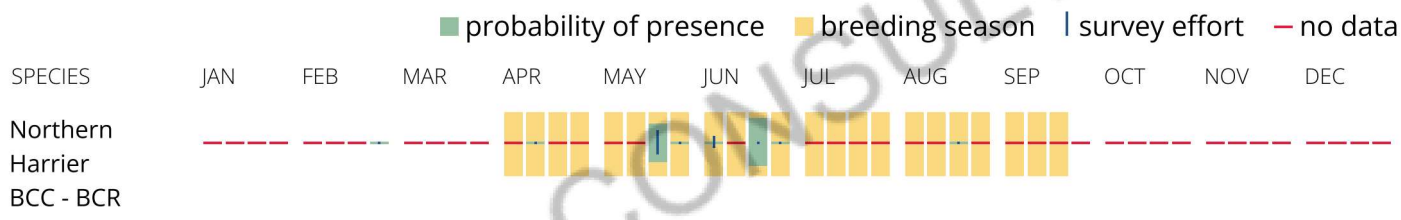
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and

3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Bald and Golden Eagle Protection Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs
Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:
The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER POND

- PUSAh
- PUSCh

A full description for each wetland code can be found at the National Wetlands Inventory website

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or

submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Attachment 6.

Provided under Separate Cover

Attachment 7.

Provided under Separate Cover

Attachment 8.

Attachment 8

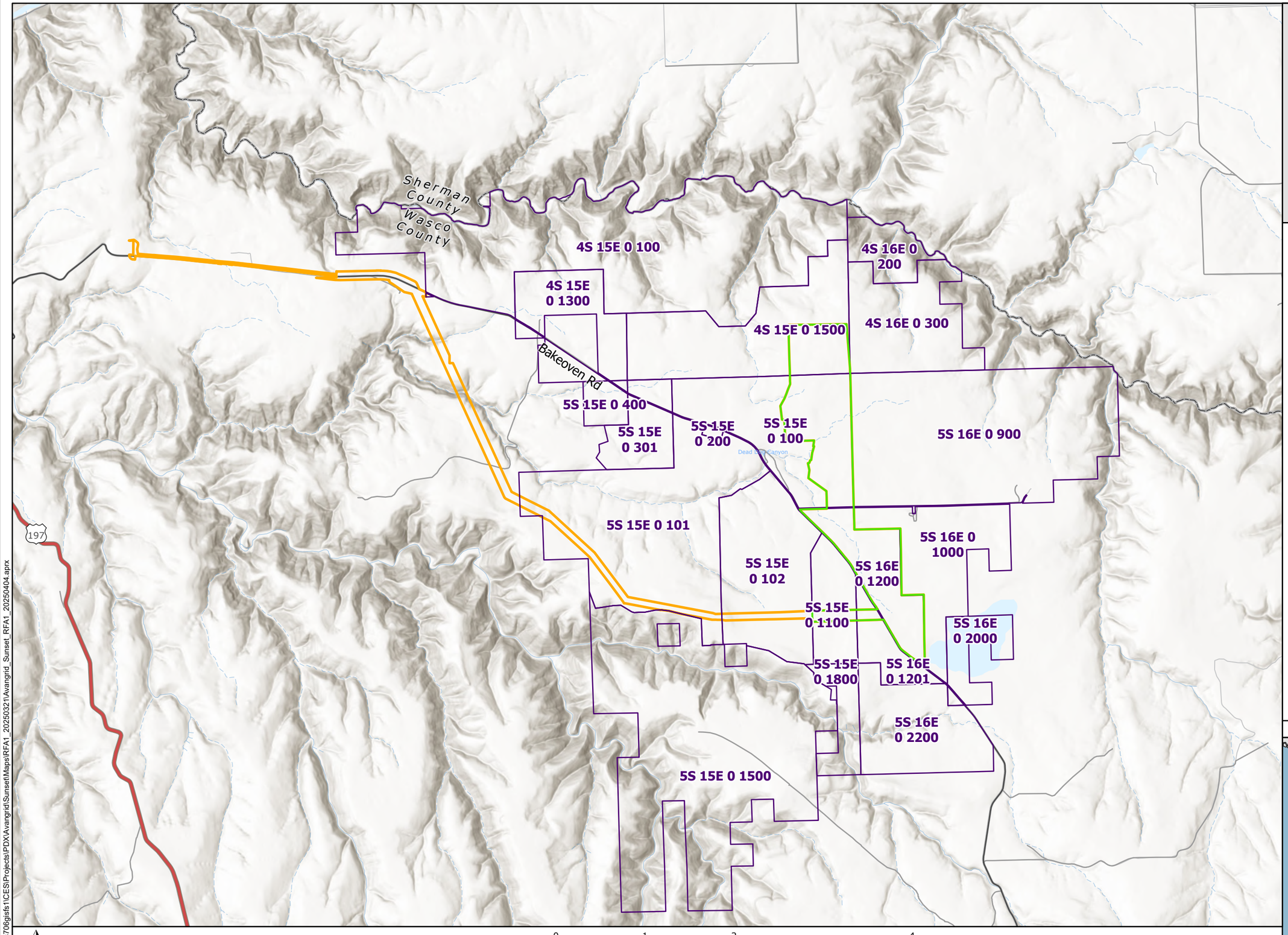
Property Owner List and Tax Lot Map - Wasco County Assessor Data (Obtained April 17, 2025)

Map Tax Lot	Owner	Mail Address	Mail City	State	Zip Code	Full Mailing Address
4S 15E 0 100	ODOM BETTY J ET AL	55133 JUNIPER FLAT RD	MAUPIN	OR	97037	55133 JUNIPER FLAT RD MAUPIN OR
4S 15E 0 1300	BROWN LONNY & PAMELA	PO BOX 879	FAIRVIEW	OR	97024	PO BOX 879 FAIRVIEW OR
4S 15E 0 1500	ASHLEY L STEVEN ET AL	PO BOX 158	MAUPIN	OR	97037	PO BOX 158 MAUPIN OR
4S 16E 0 200	BIBBY DOUGLAS	92018 KOPKE LANE	GRASS VALLEY	OR	97029	92018 KOPKE LANE GRASS VALLEY OR
4S 16E 0 300	PHILLIPS DON W ET AL	PO BOX 689	BEAVERCREEK	OR	97004-0689	PO BOX 689 BEAVERCREEK OR
5S 15E 0 100	ASHLEY L STEVEN ET AL	PO BOX 158	MAUPIN	OR	97037	PO BOX 158 MAUPIN OR
5S 15E 0 101	ASHLEY L STEVEN ET AL	PO BOX 158	MAUPIN	OR	97037	PO BOX 158 MAUPIN OR
5S 15E 0 102	LAWSON PLACE PARTNERS LLC	3633 WASHINGTON ST	SAN FRANCISCO	CA	94118	3633 WASHINGTON ST SAN FRANCISCO CA
5S 15E 0 1100	ASHLEY VICKI	90530 BAKEOVEN RD	MAUPIN	OR	97037	90530 BAKEOVEN RD MAUPIN OR
5S 15E 0 1500	CONROY KEVIN E	91450 BAKEOVEN RD	MAUPIN	OR	97037	91450 BAKEOVEN RD MAUPIN OR
5S 15E 0 1800	ASHLEY VICKI	90530 BAKEOVEN RD	MAUPIN	OR	97037	90530 BAKEOVEN RD MAUPIN OR
5S 15E 0 200	UNITED STATES OF AMERICA	3050 NE 3RD ST	PRINEVILLE	OR	97754	3050 NE 3RD ST PRINEVILLE OR
5S 15E 0 301	ASHLEY L STEVEN	3633 WASHINGTON ST	SAN FRANCISCO	CA	94118	3633 WASHINGTON ST SAN FRANCISCO CA
5S 15E 0 400	BROWN LONNY & PAMELA	PO BOX 879	FAIRVIEW	OR	97024	PO BOX 879 FAIRVIEW OR
5S 16E 0 1000	PHILLIPS DON W ET AL	PO BOX 689	BEAVERCREEK	OR	97004-0689	PO BOX 689 BEAVERCREEK OR
5S 16E 0 1200	A & K RANCHES	PO BOX 158	MAUPIN	OR	97037	PO BOX 158 MAUPIN OR
5S 16E 0 1201	ASHLEY VICKI	90530 BAKEOVEN RD	MAUPIN	OR	97037	90530 BAKEOVEN RD MAUPIN OR
5S 16E 0 2000	A & K RANCHES	PO BOX 158	MAUPIN	OR	97037	PO BOX 158 MAUPIN OR
5S 16E 0 2200	ASHLEY VICKI	90530 BAKEOVEN RD	MAUPIN	OR	97037	90530 BAKEOVEN RD MAUPIN OR
5S 16E 0 900	PHILLIPS DON W ET AL	PO BOX 689	BEAVERCREEK	OR	97004-0689	PO BOX 689 BEAVERCREEK OR

Sunset Solar Project

Attachment 8
Taxlots

WASCO COUNTY, OR



- Site Boundary Area Subject to Request for Amendment 1
- Proposed Facility Site Boundary and Micrositing Corridor
- Interstate Highway
- US Highway
- State Highway
- County Highway
- Local Roads
- County Boundary
- Taxlot Boundary*

*Taxlot data received from Wasco County Assessor's office on 4/4/2025 & 4/17/2025

TETRA TECH

AVANGRID RENEWABLES

Reference Map

1:65,000 WGS 1984 UTM Zone 10N

0 1 2 4 Miles

NOT FOR CONSTRUCTION

\\cess706gisfs1\CES\Projects\PDX\Avangrid\Sunset\Maps\RFA1_20250321\Avangrid_Sunset_RFA1_20250404.aprx