



Oregon

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Michael DeRuyter, Director
Development Environmental Permitting
Avangrid Power, LLC
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Sent via email: michael.deruyter@avangrid.com; marcella.patrick@avangrid.com

RE: Oregon Department of Energy's Determination on Type B Review Amendment Determination
Request for Request for Amendment 1 of the Sunset Solar Project Site Certificate

Mr. DeRuyeter,

On April 24, 2025, the Oregon Department of Energy (ODOE or Department) received Sunset Solar, LLC's (certificate holder) preliminary Request for Amendment 1 (pRFA1) for Sunset Solar Project Site Certificate. The Site Certificate authorizes construction and operation of a 103 megawatt (MW) solar photovoltaic power generation facility on up to 2,196 acres within a 10,640-acre site boundary. The pRFA1 includes a Type B Review Amendment Determination Request (Type B Review ADR), requesting a written determination from the Department that the changes proposed in pRFA1 justify review under the Type B review process. The Department reviewed the ADR and, for the reasons discussed below, has determined that Type B review is justified.

In RFA1, the certificate holder seeks Energy Facility Siting Council (Council or EFSC) approval to:

- extend the construction commencement deadline by 3 years, from April 24, 2025 to April 24, 2028;
- change the completion deadline from April 24, 2026 to a date extending 3-years from the commencement date; and
- reduce the area within the approved 10,640-acre site boundary and 2,196 acre micro-siting area to 1,870 acres.

Type B Review

Under OAR 345-027-0357(8), in determining whether a request for amendment justifies review under the Type B process, the Department and the Council may consider factors including, but not limited to:

- The complexity of the proposed change;
- The anticipated level of public interest in the proposed change;
- The anticipated level of interest by reviewing agencies;
- The likelihood of significant adverse impact; and
- The type and amount of mitigation, if any.

Each of these factors is evaluated in the sections that follow.

Evaluation of Factors

The complexity of the proposed change

The certificate holder considers the proposed changes not to be complex because there are no significant changes to facility components or layout; there are no changes proposed outside of the approved site boundary or micrositings areas; and there have been no substantive changes in rules or onsite environmental conditions. The Department agrees and determines that the changes proposed in pRFA1 are not complex.

The anticipated level of public interest in the proposed change;

The certificate holder does not believe that the public will be interested in this amendment request, given the administrative nature of the proposed changes and the low level of public interest in 2020 and 2021 for prior reviews.

The Department reviewed the record to determine prior level of public interest in proceedings related to this facility and site certificate. During prior proceedings, the level of public interest ranged up to five commenters. Based upon the nature of the requested changes and the public's prior interest in the facility, the Department agrees and determines that the level of public interest is likely to be low for this amendment request.

The anticipated level of interest by reviewing agencies;

The Department is required to consult with reviewing agencies during the review of an application or amendment. The Department believes that, given its regulatory obligation to seek review and comments from reviewing agencies, that this factor is predetermined at moderate to high. The Department, therefore, recommends Council not apply or rely on this factor for the evaluation.

The likelihood of significant adverse impacts

The certificate holder contends the likelihood of significant adverse impacts from the changes proposed in RFA1 is low because based on the requested changes, there would be no additional impacts from the facility not previously evaluated by Council.

Based upon the Department's review of RFA1, the Department agrees and determines that the proposed changes are not likely to result in any significant adverse impacts. However, there are 2 standards where additional evaluation and possible avoidance or mitigation measures may be required to ensure the facility will not have adverse impacts: Threatened & Endangered Species Standard for the potential for Tygh Valley Milkvetch (based on discovery in Daybreak Solar Project site boundary during preconstruction surveys in 2021); and Historic, Cultural and Archaeological Resources Standard for the previously identified but left unevaluated historic homestead within the Sunset site boundary (due to more recent changes to SHPO guidance).

The type and amount of mitigation, if any.

The certificate holder asserts that changes proposed in RFA1 will not require any additional mitigation or changes to draft mitigation plans.

The Department disagrees. Council has adopted a new standard (Wildfire Prevention and Risk Mitigation) since the last Council review of this site certificate, that requires additional assessment, and new mitigation plans for construction and operations.

Mitigation, in the form of recommended new and amended conditions, is needed to meet the requirements of new standards, and maintain impacts below a level of significance. The Department determines that the proposed changes would require new and different mitigation.

Determination

As presented in *Table 1: Type A Review – Factor Assessment Summary*, the certificate holder **has justified** Type B review for RFA1 because the proposed changes are not complex, anticipated level of public interest and likelihood of significant adverse impacts are both low.

Table 1: Type A Review – Factor Assessment Summary		
OAR 345-027-0357(8) Factors	Type A	Type B
(a) The complexity of the proposed change		X
(b) The anticipated level of public interest in the proposed change		X
(c) The anticipated level of interest by reviewing agencies	--	--
(d) The likelihood of significant adverse impact		X
(e) The type and amount of mitigation, if any	X	--
“—” Department recommends Council not rely on or apply the factor for the reasons presented above.		

Per OAR 345-027-0357(7), the certificate holder may request the Department refer this determination to the Council for concurrence, modification or rejection. Please let the Department know if you would like to request Council review, and feel free to contact me with any questions or comments.

Respectfully,

Kathleen Sloan /s/

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Encl.

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Sarah Esterson, Senior Policy Advisor - Oregon Department of Energy
Patrick Rowe, Assistant Attorney General - Oregon Department of Justice