

**BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON**

)	
In the Matter of the Application for Site Certificate)	PROJECT ORDER
for the Heppner Wind Project)	

Issued

October 9, 2025

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ACRONYMS AND ABBREVIATIONS

ACDP	Air Contaminant Discharge Permit
Applicant	Heppner Lena Wind, LLC
ASC	Application for Site Certificate
CWA	Clean Water Act
DEQ	Oregon Department of Environmental Quality
DMS	degrees-minutes-seconds
DOGAMI	Department of Oregon Geology and Mineral Industries
DSL	Oregon Department of State Lands
EFSC or Council	Energy Facility Siting Council
EFU	Exclusive Farm Use
FAA	Federal Aviation Administration
GSU	Generator Step-Up
kV	Kilovolts
LCIS	Legislative Commission on Indian Services
LLC	Limited Liability Company
MCCP	Morrow County Comprehensive Plan
MCZO	Morrow County Zoning Ordinance
MW	Megawatt
NOI	Notice of Intent to File an Application for Site Certificate
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODAV	Oregon Department of Aviation
ODOE or Department	Oregon Department of Energy
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
Parent Company	NextEra Energy Resources
pASC	Preliminary Application for Site Certificate
POI	Point of Interconnection
Proposed facility	Heppner Wind Project
RFPD	Rural Fire Protection District
SAG	Special Advisory Group
SCADA	Supervisory Control and Data Acquisition
SHPO	State Historic Preservation Office
WPCF	Water Pollution Control Facilities
WREFE	Wheatridge Renewable Energy Facility East

I. INTRODUCTION

On March 27, 2025, the Oregon Department of Energy (ODOE or Department), as staff to the Energy Facility Siting Council (EFSC or Council) received a Notice of Intent (NOI) to File an Application for a Site Certificate (ASC) for the Heppner Wind Project (proposed facility). The NOI was submitted by Heppner Lena Wind, LLC (applicant), a wholly-owned subsidiary of NextEra Energy Resources, LLC.

As proposed, the Heppner Wind Project would be a 190-megawatt (MW) wind power generation facility with related or supporting facilities, to be located within an approximately 31,447 acre (49.14 sq. miles) site , on private land zoned for exclusive farm use (EFU) in Morrow County (See Figure 1).¹

Under ORS 469.300, any wind power generation facility that has a nominal generating capacity of more than 150 MW is an “energy facility” subject to EFSC jurisdiction, and the applicant must obtain a site certificate from the Council before it may construct and operate the proposed facility.² The applicant has indicated they intend to submit a preliminary ASC in December of 2025.³

This Project Order establishes the statutes, administrative rules, Council standards, local ordinances, application requirements and study requirements for the ASC in accordance with Oregon Revised Statute (ORS) 469.330 and Oregon Administrative Rule (OAR) 345-015-0160. As provided in ORS 469.330(3), this Project Order is not a final order. The Department or Council may amend this Project Order at any time.⁴

I.A. Facility Description

As described in the NOI, the proposed facility would include a 190 MW wind power generation facility and related or supporting facilities.

I.A.1 Energy Facility Components

Major components of the energy facility would include up to 67 wind turbines. Each turbine would have a generating capacity of between 2 to 4.2 MW and a maximum blade tip height up to 640 feet above ground level. Control devices, access ladders, and safety equipment would be located within the towers. Towers would be equipped with locking doors to prevent

¹ Under ORS 469.300 and OAR 345-001-0010(30), the “site” is the proposed location of the energy facility and related or supporting facilities and includes all land upon which the energy facility and related or supporting facilities would be located. OAR 345-001-0010(31) defines “site boundary” as the perimeter of the site...including all corridors and micrositing corridors proposed by the applicant.

² Under 2025 Oregon Laws, chapter 162, the jurisdictional threshold will increase to 300 MW effective January 1, 2026.

³ HWPNOIDoc01-00 Notice of Intent 2025-03-27, Exhibit P.

⁴ OAR 345-015-0160.

1 unauthorized access. Federal Aviation Administration (FAA) regulations require turbines to be
2 equipped with aviation lighting and be painted in approved colors (typically white or white with
3 orange markings). The specifications shown in Table 1 below represent the turbine
4 specifications under consideration.
5

Table 1: Proposed Turbine Specifications

Design Element	Specification
Nominal Generating Capacity (each)	2 to 4.2 MW
Rotor diameter	380 to 493 feet
Hub height	262 to 394 feet
Maximum Blade-tip height	640 feet
Cut-in/Cut-off Wind Speed	8 mph/55 mph
Turbine spacing - in row	1490 to 2980 feet
Turbine spacing – between rows	0.6 to 1.3 miles

6
7 Foundation design is dependent on geologic conditions at the site; but spread-footing
8 foundations up to 82 feet in diameter made of reinforced concrete are typical. After the
9 foundation is installed, the area immediately around the turbine would be covered with a
10 gravel pad that would be maintained for the life of the facility. Temporary staging areas may
11 also be installed beside each turbine tower base during construction.
12

13 Each turbine would be equipped with generator step-up (GSU) transformers to convert the low-
14 voltage output of the turbine generators to the collector system voltage (34.5 kV). Some
15 turbines have a step-up transformer integrated into the nacelle, but pad-mounted transformers
16 are most common.
17

18 Wind turbines would be organized into rows, or “strings,” of turbines connected by
19 underground electric and communications lines. Within strings, turbines would be spaced
20 between 1490 to 2980 feet apart, with approximately 0.6 to 1.3 miles between strings. A map
21 showing proposed primary and alternate turbine locations is provided in Figure 2, below.
22

23 **I.A.2 Related or Supporting Facilities**

24
25 Related or supporting facilities would include:
26

- 27 • A 34.5 kilovolt (kV) electrical collection system including buried 34.5 kV collector cables,
28 with overhead lines as needed. Where underground, collector cables would be buried to
29 a minimum lateral depth of 3 feet.
- 30 • A 34.5 to 230 kV step-up collector substation including transformers, transmission line
31 termination structures, a control building and other equipment. The substation would
32 be enclosed by 8-foot perimeter fencing topped with security wire equipped with
33 lockable gates. The collector substation would be located within an approximately 5-
34 acre site.

- An 11-mile, 230-kV overhead transmission line would connect the proposed energy facility to an existing substation at Wheatridge Renewable Energy Facility East (WREFE). The transmission line would be supported by 60- to 150-foot tall H-frame or monopole structures.
- One or two meteorological towers with height equal to hub height of the associated turbines. The towers would be unguyed (freestanding) structures fitted with aviation lighting. Towers would be mounted on concrete pads approximately 25 feet in diameter and 10 feet below ground level.
- Communication lines and SCADA systems and communication lines collocated with the electrical collection system to allow the turbines and collector substation to be monitored and controlled by a Supervisory Control and Data Acquisition (SCADA) system.
- Service roads would be constructed within the site to provide access to facility components. Roads would be compacted gravel and 20 to 24 feet wide, with wider temporary disturbance areas for crane paths and turnarounds for larger vehicles.
- A temporary laydown yard to facilitate the delivery and assembly of materials and equipment and may include aboveground gasoline or diesel tanks and within designated secondary containment areas, and if needed, a temporary concrete batch plant.⁵

I.A.3 Facility Location and Site Description

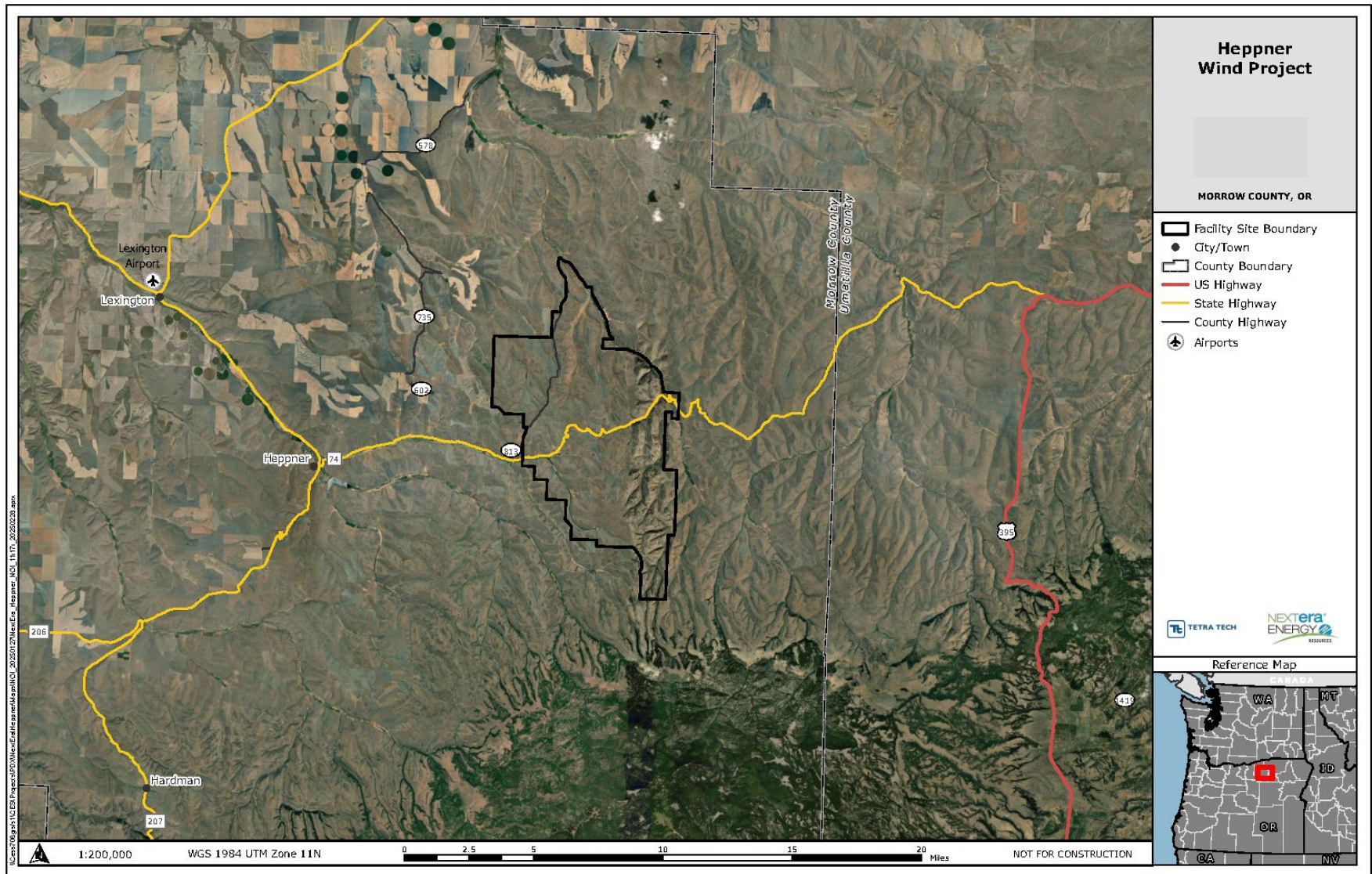
The proposed site includes approximately 31,477 acres of privately owned land in Morrow County, Oregon. The site is located approximately 6 miles east of Heppner on either side of OR-74. The site includes all or part of the sections listed in Table 2. A map of the proposed site boundary is provided in Figure 1, below.

**Table 2: Location of the Site by
Township, Range, and Section**

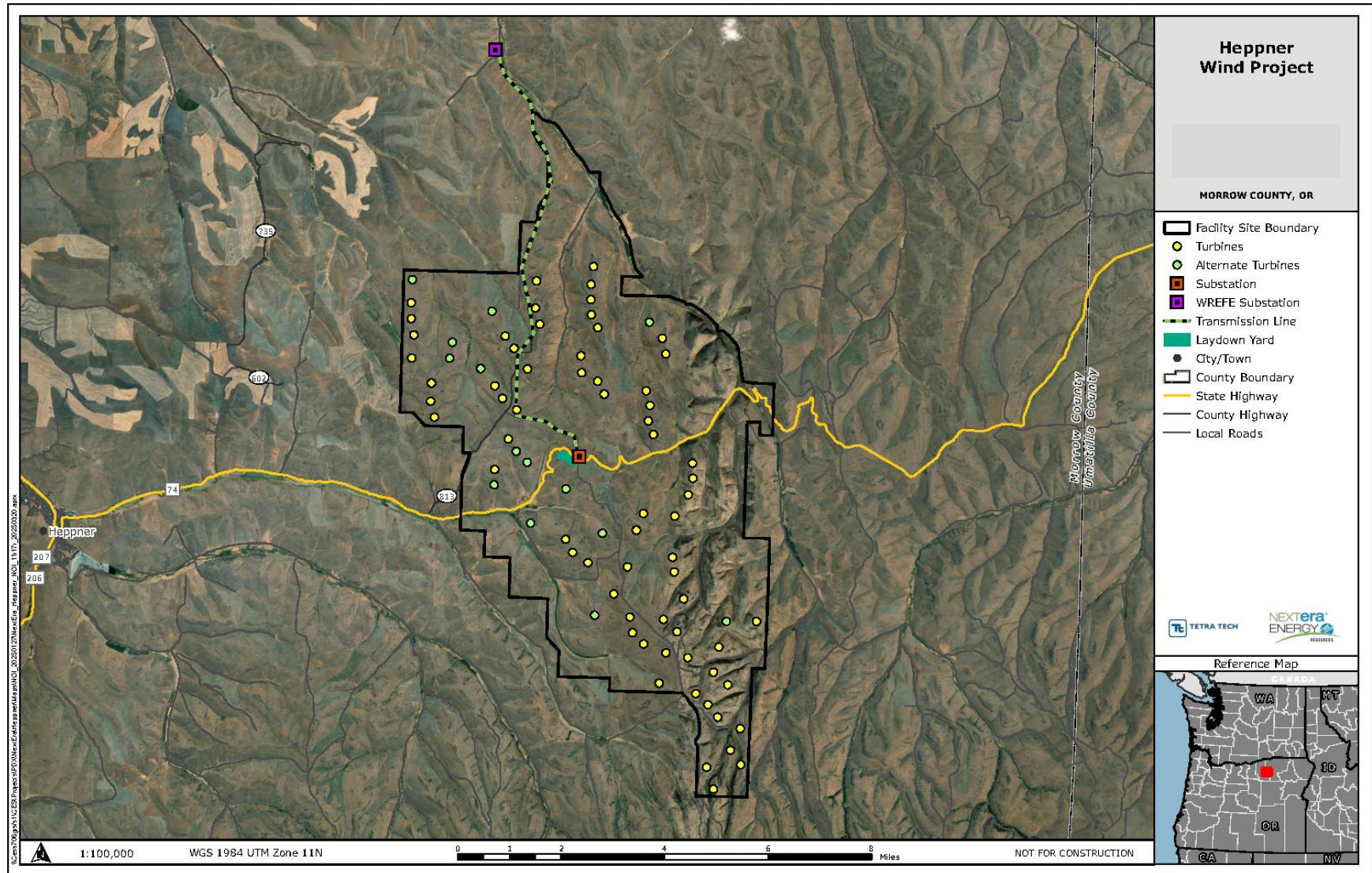
Township and Range	Section
1S 28E	17, 20-21, 28-29, 32-34
2S 27E	1-2, 11-12, 13-14
2S 28E	2-36
3S 28E	1-5, 8-14, 23-24

⁵ The applicant has indicated that the facility would utilize the existing O&M building constructed as part of the Wheatridge Renewable Energy Facility and as such, no O&M building is proposed as part of this facility.

Figure 1: Proposed Site Boundary and Vicinity



1 **Figure 2: Proposed Primary and Alternate Wind Turbine Locations**



1 **I.B. Applicant Information**

2
3 The applicant is Heppner Lena Wind, LLC (applicant), a wholly owned subsidiary of NextEra
4 Energy Resources, LLC (parent company).

5
6 The officer responsible for submitting the NOI is:

7
8 Christine Seal, Vice President
9 Heppner Lena Wind, LLC
10 c/o NextEra Energy Resources, LLC
11 A3A
12 700 Universe Blvd.
13 Juno Beach, FL 33408

14
15 The applicant's primary contact person for the NOI is:

16
17 Ryan Hill, Development Senior Project Manager
18 NextEra Energy Resources, LLC
19 A3A
20 700 Universe Blvd.
21 Juno Beach, FL 33408
22 Phone: (561) 831-9425
23 Email: Ryan.Hill@nexteraenergy.com

24
25 **I.C. Procedural History**

26
27 On March 27, 2025, the applicant submitted a NOI with the fee required under OAR 345-020-
28 0006. On April 24, 2025, the applicant requested that the Department stop the NOI review
29 process while the applicant reviewed the implications of measures pending before the Oregon
30 Legislature that could affect the project. On June 10, 2025, the applicant confirmed that it
31 wanted to proceed with EFSC's NOI process.

32
33 **I.C.1 Public Comment Period and Informational Meeting**

34
35 On July 8, 2025, the Department posted the NOI to a webpage created for the proposed facility.
36 On July 17, 2025, the Department issued a Public Notice of the NOI to persons on the Council's
37 general mailing list, the owners of property located within the distances specified in OAR 345-
38 020-0010(1)(f)(A), and to the managers of the protected areas identified in NOI Exhibit L, in
39 accordance with OAR 345-015-0110. Public notice also appeared in the Heppner Times-Gazette,
40 a newspaper of general circulation for Morrow County, on July 30, 2025. The public notice
41 provided information regarding the proposed facility and the EFSC review process and
42 announced the public informational meeting described below. The public notice opened the
43 public comment period on the NOI and established the deadline for public comments as 5:00
44 p.m. Pacific Time on August 22, 2025.

The Department held a public informational meeting on the NOI for the proposed facility on August 12, 2025. The meeting was held at the Willow Street Innovation Center in Heppner, Oregon and was open to both in-person and remote attendees. The Department and the applicant appeared at the informational meeting and provided information about the siting process and the proposed facility and responded to questions from the public. Members of the public were also invited to provide comment on the NOI.

The Department received three written public comments during the comment period. In addition, one person provided oral comment at the public informational meeting. Table 3, below, presents a summary of key issues raised in public comments received on the NOI, as they relate to relevant Council standards. Exact copies of all written comments and a summary of oral comments provided at the Public Information Meeting are included in Attachment 1.

Table 3: Summary of Key Issues in Public Comments

Commenter(s)	Summary of Comments/Issues/Concerns	Relevant EFSC Standard(s) OAR Reference
Laborers International Union Of America	Two Commenters expressed support for the project.	NA
US Department of Navy	Commenter indicated that the proposed facility is located within the Redhawk Military Operations Area, but that flight level is higher than expected turbine height.	Public Services, air traffic – OAR 345-022-0110
Informational Meeting	Commenter requested that the Department explore additional options for noticing in affected communities	NA

I.C.2 Reviewing Agency Coordination and Comments

I.C.2.1 Reviewing Agency Coordination

The reviewing agencies for the proposed facility are identified in Table 4, below.

Table 4: Reviewing Agencies

State Agencies	
<ul style="list-style-type: none">• Oregon Department of Agriculture• Oregon Department of Aviation• Oregon Department of Environmental Quality• Oregon Department of Fish and Wildlife• Oregon Department of Forestry• Oregon Department of Geology and Mineral Industries• Oregon Department of Transportation	<ul style="list-style-type: none">• Oregon Department of Land Conservation and Development• Oregon Department of State Lands• Oregon State Fire Marshal• Oregon Public Utility Commission• Oregon Water Resources Department• Oregon State Historic Preservation Office• Northwest Power and Conservation Council
Local Jurisdictions for Public Services	
<ul style="list-style-type: none">• City of Heppner	
Special Advisory Group	
<ul style="list-style-type: none">• Morrow County Board of Commissioners	
Tribal Governments	
<ul style="list-style-type: none">• Burns Paiute Tribe• Confederated Tribes of the Umatilla Indian Reservation• Confederated Tribes of the Warm Springs Reservation of Oregon	

State and Local Agencies

On July 17, 2025, the Department issued a memorandum requesting comments and recommendations on the NOI from state and local agencies with regulatory or advisory responsibility related to the siting of the proposed facility and other reviewing agencies in accordance with ORS 469.350 and OAR 345-015-0120. The memorandum established August 22, 2025, as the deadline for reviewing agency comments. A summary of key issues and recommendations in agency comments received is provided in Table 6, below. Copies of all comments are included in Attachment 2 of this order.

Special Advisory Group Coordination

Under ORS 469.480(1), the Council must designate the governing body of any local government within whose jurisdiction a facility is proposed to be located as a Special Advisory Group (SAG). On July 17, 2025, the Department issued a letter notifying the Morrow County Board of Commissioners that it had been designated as a SAG for all Council proceedings associated with this proposed facility. The letter also requested comments on the NOI and recommendations for applicable local substantive criteria. On August 6, 2025, the SAG submitted written comments, key issues and recommendations in the comment letter are summarized in Table 6, below. A copy of the letter is included in Attachment 2 of this order.

Tribal Government Coordination

On May 16, 2024, the applicant consulted with the Legislative Commission on Indian Services (LCIS) to identify Tribes that may be potentially affected by the proposed facility. LCIS recommended the applicant consult with the following Tribes:

- Burns Paiute Tribe
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of the Warm Springs Reservation of Oregon

On August 17, 2025, the Department sent letters to each potentially affected tribal government requesting comments regarding historic, cultural, or archaeological resources, and other resources that may have natural, cultural or economic significance to the Tribe. No comments were received from Tribal governments as of the date of this Order.

I.C.2.2 Reviewing Agency Comments Received

Reviewing agency comments and recommendations received are summarized in Table 5, below; reviewing agency recommendations within the scope of an applicable EFSC standard are incorporated into Section IV of this Order. Copies of all written reviewing agency comments received are included in Attachment 2.

Table 5: Summary of Key Issues in Reviewing Agency Comments

Reviewing Agency	Summary of Comments/Issues/Concerns	Relevant EFSC Standard(s) OAR Reference
State Agencies		
Oregon Department of Agriculture Native Plant Conservation Program	Recommended botanical surveys be conducted to determine whether listed plants (e.g. Lawrence's Milkvetch) occur at site so that appropriate avoidance and mitigation can be determined.	Threatened and Endangered Species – OAR 345-022-0070
Oregon Department of Fish and Wildlife	Recommended surveys be conducted to identify fish and wildlife habitat, raptor and eagle nests, sensitive and listed species that could be affected by the construction and operation of the proposed facility. Recommended measures for avoidance and minimization of impacts.	Fish and Wildlife Habitat – OAR 345-022-0060; Threatened and Endangered Species – OAR 345-022-0070
Oregon Department of Geology and Mineral Industry	Identified that the site is in an area subject to flood hazards and high landslide susceptibility and that these issues should be addressed in the ASC.	Structural – OAR 345-022-0020

Table 5: Summary of Key Issues in Reviewing Agency Comments

Reviewing Agency	Summary of Comments/Issues/Concerns	Relevant EFSC Standard(s) OAR Reference
Oregon Department of Aviation (ODAV)	Comment that applicant may be required to undergo aeronautical evaluations by the FAA and ODAV under FAR Part 77.9 and OAR 738-070-0060.	Public Services – OAR 345-022-0110; Other State Laws and Rules; OAR chapter 738, division 70
Morrow County Board of Commissioners	Recommended the analysis area for Public Services be expanded to the area within and extending 30-miles from the proposed site boundary, to include the communities of Boardman, Lone, Irrigon, Lexington, Umatilla, Hermiston, Stanfield, Ukiah, and Pilot Rock. Referenced specific impacts related to construction workforce occupying non-permitted camping areas.	Public Services – OAR 345-022-0110
	Recommended that wildlife and habitat studies; noxious and invasive weed mitigation plans; fire and emergency response plans; emergency services coordination plans; traffic impact analysis; transportation analysis; review of possible flood and other hazards; cultural resource analysis and assessment of socioeconomic impacts be included in ASC.	General Standard of Review – OAR 345-022-0000; Various
	Recommended applicable substantive criteria from the Morrow County Comprehensive Plan, Morrow County Ordinance, and other local regulations.	Land Use – OAR 345-022-0030; Public Services – OAR 345-022-0110
	Recommended permits and approvals that may be required for the construction and operation of the proposed facility.	Organizational Expertise – OAR 345-022-0010; Land Use – OAR 345-022-0030; Public Services – OAR 345-022-0110

II. REGULATORY FRAMEWORK

The following divisions of OAR chapter 345 include rules related to application requirements, the Council’s standards and procedures for the review of an application, and rules for the construction and operation of an approved facility:

1 **OAR chapter 345, division 21** (General Application Requirements) includes the general
2 application requirements. See Section IV of this Project Order for specific information
3 requirements for the proposed facility.
4

5 **OAR chapter 345, division 22** (Council Standards for Siting Facilities & Application
6 Requirements) establishes the General Standards which apply to all proposed energy facilities
7 and their respective information requirements.
8

9 **OAR chapter 345, division 24** (Specific Standards for Siting Facilities) includes additional
10 standards for specific categories of energy facilities. The Division 24 standards that apply to the
11 proposed facility are:

- 12 • OAR 345-024-0010, Public Health and Safety Standards for Wind Energy Facilities;
 - 13 • OAR 345-024-0015, Cumulative Effects Standard for Wind Energy Facilities; and
 - 14 • OAR 345-024-0090, Siting Standards for Transmission Lines.
- 15

16 **OAR chapter 345, division 25** (Site Certificate Conditions) includes site certificate conditions
17 that the Council must include in all site certificates, as well as applicable site-specific and
18 monitoring conditions. As provided in OAR 345-025-0006(10), if a site certificate is granted the
19 Council will include, as conditions of approval, all representations made in the application and
20 supporting record that are necessary to either comply with or adequately mitigate a potentially
21 significant impact to a resource protected by a Council standard.
22

23 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes the
24 ongoing compliance and reporting requirements that will apply if the Council issues a site
25 certificate for the proposed facility. In addressing the application requirements, the applicant
26 shall refer to the compliance plan requirements, described in OAR 345-026-0048, and reporting
27 requirements, described in OAR 345-026-0080. Note that under ORS 469.401(4), if a site
28 certificate is issued, the certificate holder must also comply with all applicable regulations that
29 are not included in or governed by the site certificate.
30

31 **III. APPLICATION REQUIREMENTS**

32

33 As described in ORS 469.503 and OAR 345-022-0000, to issue a site certificate for a proposed
34 facility, the Council must determine that the preponderance of evidence on the record supports
35 the following conclusions:
36

- 37 1. The facility complies with the requirements of ORS 469.300 to 469.570 and 469.590 to
38 469.619, and the standards adopted by the Council under OAR chapter 345, division 22
39 to 25, or the overall public benefits of the facility outweigh any adverse effects on a
40 resource or interest protected by the applicable standards the facility does not meet as
41 described in OAR 345-022-0000(2); and
42
- 43 2. Except for land use compliance and statutes and rules for which the decision on
44 compliance has been delegated by the federal government to a state agency other than

1 the Council, the facility complies with all other Oregon statutes and administrative rules
2 identified in the Project Order as applicable to the issuance of a site certificate for the
3 proposed facility.
4

5 This Project Order describes the laws, rules, ordinances, application requirements, and study
6 requirements that are applicable to the ASC for the proposed facility, including modifications to
7 applicable provisions of these rules identified as appropriate by the Department. The ASC must
8 address all applicable standards and information requirements as described in the sections that
9 follow. If the applicant does not agree with the requirements of this Project Order, the
10 applicant may submit a written request to the Department for waiver or modification under
11 OAR 345-021-0000(4). The Department may waive or modify any requirements it determines
12 are inapplicable to the proposed facility.
13

14 Before it submits the ASC, the applicant must request, from the Department, an estimate of the
15 costs expected to be incurred during the ASC review. The ASC must be submitted with 25
16 percent of the estimated cost, payable to the Oregon Department of Energy. The applicant
17 must pay the remaining balance of the fee periodically, as specified by the Department.⁶
18

19 The applicant must include all required information in exhibits corresponding with the
20 applicable standards, as described in the sections that follow. If the same information is
21 required in more than one exhibit the applicant may provide the required information in one
22 exhibit and include appropriate references in the others. Once the ASC is submitted, it is a
23 “preliminary application” (pASC) until the Department determines the pASC to be complete.
24 Under OAR 345-015-0190(5), a pASC is complete when the Department finds that the applicant
25 has submitted information adequate for the Council to make findings or impose conditions on
26 all applicable Council standards. After submittal, an application may be amended as provided
27 under OAR 345-021-0090.
28

29 A summary of the standards and information requirements that apply to the proposed facility,
30 as well as additional information requirements specific to the proposed facility is provided in
31 Table 8, below. Detailed discussion of the requirements for each exhibit is included in the
32 sections that follow.

⁶ ORS 469.421(3) and OAR 345-021-0000(8)

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
Background Information – OAR 345-021-0010(3) (Section IV.A)		
Facility Description – OAR 345-021-0010(3)(a)	All sections except OAR 345-021- 0010(3)(a)(A)(vi) to (vii).	See detailed discussion in Section.
Corridor Selection Assessment – OAR 345-021-0010(3)(a)(D)	Not applicable.	
Transmission Line Description – OAR 345-021-0010(3)(a)(E)	All sections except OAR 345-021- 0010(3)(a)(E)(iv).	See detailed discussion in Section.
Construction and Maintenance Schedule – OAR 345-021-0010(3)(a)(F)	All sections apply.	In addition to Construction schedule, exhibit must describe significant operations and maintenance activities anticipated to be performed during operation of the facility.
Site Description and Maps – OAR 345-021-0010(3)(b)	All sections apply.	<p>The Exhibit must include a site plan and proposed facility layout. The site plan must identify any proposed micrositing corridors for linear facilities or micrositing areas for other components. Please note that if micrositing corridors or areas are not clearly identified, the applicant will be required to fully evaluate impacts to resources throughout the entire site boundary.</p> <p>In addition to the maps, the Department requests shapefiles for the proposed site boundary, proposed locations of facility components, and any proposed micrositing corridors or micrositing areas.</p> <p>In addition to the narrative description of the site, the exhibit must include a description of the site using Township, Range, and Section (PLSS).</p>

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
Property Owners and Adjacent Properties – OAR 345-021-0010(3)(c)	All sections apply.	See detailed discussion in Section.
Applicable Laws, Rules, and Ordinances – OAR 345-021-0010(3)(d)	All sections apply.	See detailed discussion in Section.
Specific Standards – OAR 345-021-0010(3)(e)	Sections (3)(e)(A) and (C) apply.	See detailed discussion in Section.
Organizational Expertise – OAR 345-022-0010 (Section IV.B)		
Standard and Applicability – OAR 345-022-0010(1)-(4)	All sections apply.	See detailed discussion in Section.
Information Requirements – OAR 345-022-0010(5)	See below	See detailed discussion in Section.
Applicant Information – OAR 345-022-0010(5)(a)	Sections (5)(a)(A),(B),(D) and (H) apply.	<p>The applicant must notify the Department of any change in the legal name or entity prior to the change. This requirement continues to apply until the Council issues its Final Order on the ASC.</p> <p>Because Heppner Lena Wind, LLC was not formed in Oregon, the exhibit must include the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon under Section (5)(a)(H).</p> <p>Provide a letter from the LLC’s authorized representative authorizing submittal of the ASC on behalf of the applicant; and from an authorized representative of the parent company, authorizing applicant to make the representations related to its access to parent company’s technical and financial resources.</p>

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
Previous Experience and Qualifications – OAR 345-022-0010(5)(b)	All paragraphs except (5)(b)(E) apply.	Evidence of past experience successfully completing mitigation under Section (5)(b)(G) may include reports documenting experience with other projects. The applicant must provide evidence that past mitigation projects required as part of a land use approval or other permitting process were completed successfully, such as final reports submitted to the permitting agency. The applicant may rely on evidence provided in other exhibits with appropriate reference.
Permits – OAR 345-022-0010(5)(c)	All paragraphs apply.	See detailed requirements in Section.
Structural Standard – OAR 345-022-0020 (Section IV.C)		
Standard and Applicability – OAR 345-022-0020(1) - (3)	Sections (1) and (2) apply.	See detailed discussion in Section.
General Information Requirements and Analysis Areas – OAR 345-022-0020(4)	All sections apply.	The analysis area for seismic and geologic hazards is the area within the proposed site boundary . Any site-specific geotechnical work needed to address information requirements may be limited to micrositing corridors or areas for specific facility components, if micrositing corridors or areas are proposed in the ASC.
Geologic Report – OAR 345-022-0020(4)(a)-(d)		If the applicant cannot provide a Geologic Report as part of the ASC, it must request a written waiver of this requirement, to the Department, following the consultation with Oregon Department of Geology and Mineral Industries. All data sources identified by DOGAMI during the consultation must be identified and relied upon in the Exhibit and geologic report, as applicable.
Seismic and Geologic Hazard Assessment – OAR 345-022-0020(4)(e)-(f)		Exhibit must, at a minimum, an evaluation of onsite flood and landslide hazards.
Soil Protection – OAR 345-022-0022 (Section IV.D)		

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
Standard and Applicability – OAR 345-022-0022(1)	Section (1) applies.	See detailed discussion in Section.
General Information Requirements and Analysis Areas – OAR 345-022-0022(2)	All sections apply.	The analysis areas for impacts to soils is the area within the proposed site boundary . The applicant should utilize reasonably available sources to identify soil types in the analysis area, including but not limited to the Natural Resources Conservation Service’s Soil Survey Geographic Database (SSURGO).
Materials Analysis – OAR 345-022-0022(2)(a)		See detailed discussion in Section.
Soils Analysis – OAR 345-022-0022(2)(b)		See detailed discussion in Section.
Impact Assessment – OAR 345-022-0022(2)(b)(C)		See detailed discussion in Section.
Monitoring and Mitigation – OAR 345-022-0022(2)(b)(D)-(E)		Include a soil reclamation plan that describes any measures the applicant proposes to avoid or mitigate adverse impacts to soil productivity during construction and any proposed monitoring and restoration program. Applicant may consider combining soil reclamation, revegetation and noxious weed control plans into one comprehensive mitigation plan.
Land Use – OAR 345-022-0030 (Section IV.E)		
Standard and Applicability – OAR 345-022-0030(1)-(6)	All sections apply.	See detailed discussion in Section.
General Information Requirements and Analysis Area – OAR 345-022-0030(7)	See below.	Consistent with the study area established in OAR 345-001-0010(35), the analysis area for land use impacts is the area within and extending 0.5 miles from the proposed site boundary .
Land Use Evaluation – OAR 345-022-0030(7)(a)-(b)	Sections (7)(a), (7)(b)(A) and (C) apply.	If the applicant determines an exception may be needed, the applicant is encouraged to consult with the Department and local planning department in developing the exception request.

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
Materials Analysis – OAR 345-022-0030(7)(c)	All sections apply.	To the extent that it is addressed in other exhibits, the information need not be repeated in the Land Use Exhibit.
Protected Areas – OAR 345-022-0040 (Section IV.F)		
Standard and Applicability – OAR 345-022-0040(1)-(4)	Section (1) applies.	See detailed discussion in Section.
General Information Requirements and Analysis Area – OAR 345-022-0040(5)	All sections apply.	Consistent with the study area in OAR 345-001-0010(35), the analysis area for potential impacts to protected areas is the area within and extending 20 miles the proposed site boundary. To the extent that it is addressed in other exhibits, the Materials Analysis need not be repeated in the Protected Areas Exhibit.
Retirement and Financial Assurance – OAR 345-022-0050 (Section IV.G)		
Retirement – OAR 345-022-0050(1)-(2)	All sections apply.	See detailed discussion in Section.
Financial Assurance – OAR 345-022-0050(3)-(4)	All sections apply.	Provide a comfort letter from a financial institution as evidence to support Council’s review of this requirement; the letter must refer to the applicant and facility, be on letterhead, and provide assurance that the financial would issue a bond or letter or credit to the applicant in an amount greater than or equal to the estimated decommissioning amount.
Fish and Wildlife Habitat – OAR 345-022-0060 (Section IV.H)		
Standard and Applicability – OAR 345-022-0060(1)-(2)	Section (1) applies.	
General Information Requirements and Analysis Area – OAR 345-022-0060(3)	All sections apply.	The Exhibit should demonstrate that the applicant has consulted with the Oregon Department of Fish and Wildlife (ODFW) in developing the Fish and Wildlife Habitat Exhibit. The applicant should review and incorporate guidance from the 2008 Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines, which include the best available guidelines for avoiding and minimizing impacts to wildlife and their habitats.

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		Consistent with the study area under OAR 345-001-0010(35), the analysis area for fish and wildlife habitat and habitat impacts is the area within and extending 0.5 miles from the proposed site boundary . Unless specifically noted otherwise, the surveys and other field-based characterization may be limited to areas within proposed microsinning corridors or areas, if microsinning corridors or areas are proposed in the ASC, but the applicant must still identify habitat and potential habitat impacts within the entire analysis area through literature review and other desktop methods.
Surveys – OAR 345-022-0060(3)(a)		See detailed discussion in Section.
Fish and Wildlife Habitat – OAR 345-022-0060(3)(b)-(c)		See detailed discussion in Section. Habitat maps should show mapped Big Game Winter Range and Priority Wildlife Connectivity Areas in relation to surveyed habitat.
State Sensitive Species – OAR 345-022-0060(3)(d)-(e)		See detailed discussion in Section.
Impact Assessment – OAR 345-022-0060(3)(f)		See detailed discussion in Section.
Mitigation and Monitoring – OAR 345-022-0060(3)(g)-(h)		See detailed discussion in Section. A draft Habitat Mitigation Plan must be provided that includes the results of the habitat categorization surveys at the site and proposed habitat mitigation areas, and proposed enhancement actions suitable for uplift at the proposed habitat mitigation area. The draft plan must include success criteria for the proposed ecological uplift actions and describe a process for evaluating monitoring and reference site locations, prior to construction, and for the life of the proposed facility. The draft plan must include a draft

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		<p>legal mechanism or mechanisms proposed for acquiring the legal right to maintain and enhance the habitat mitigation area.</p> <p>A Wildlife Monitoring and Mitigation Plan must be provided that includes provisions for monitoring wildlife fatalities from the operation of Wind Turbines and other facilities during the operation of the proposed facility. The applicant is encouraged to consult with ODFW and the Department in the development of a Post-Construction Fatality Monitoring Program and potential mitigation strategies to monitor and minimize impacts to sensitive species during construction and operation of the facility.</p>
Threatened and Endangered Species – OAR 345-022-0070 (Section IV.I)		
Standard and Applicability – OAR 345-022-0070(1)-(2)	All sections apply.	See detailed discussion in Section.
General Information Requirements and Analysis Area – OAR 345-022-0070(3)		Consistent with the study area under OAR 345-001-0010(35), the analysis area for impacts to threatened and endangered species is the area within and extending 5 miles from the proposed site boundary . Unless specifically noted otherwise, the surveys and other field-based study may be limited to areas within proposed micrositing corridors or areas, if micrositing corridors or areas are proposed, but the applicant must still identify protected species and potential impacts to those species within the entire analysis area through literature review and other desktop methods.
Listed Species Surveys – OAR 345-022-0070(3)(a)-(b)		Washington Ground Squirrel surveys must be conducted following the protocol described in Washington Ground Squirrel Protections and Survey Requirements within 1000 feet of any ground disturbing activity in all terrestrial habitat within the species’ range that has not been developed (i.e. active agricultural lands).

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		Botanical surveys must be conducted using appropriate methods and at appropriate times to identify Lawrence’s Milkvetch. Survey results must be provided to the Oregon Biodiversity Information Center
Impact Assessment, Mitigation and Monitoring – OAR 345-022-0070(3)(c)-(g)		See detailed discussion in Section.
Scenic Resources – OAR 345-022-0080 (Section IV.J)		
Standard and Applicability – OAR 345-022-0080(1)-(4)	Sections (1) and (3) apply,	See detailed discussion in Section.
General Information Requirements and Analysis Areas – OAR 345-022-0080(5)	All sections apply.	Consistent with the study area in OAR 345-001-0010(35), the analysis area for impacts to scenic resources is the area within and extending 10 miles the proposed site boundary
Scenic Resources Inventory – OAR 345-022-0080(5)(a)-(b)		See detailed discussion in Section.
Visual Impacts Assessment – OAR 345-022-0080(5)(c)-(e)		See detailed discussion in Section.
Monitoring and Mitigation – OAR 345-022-0080(5)(f)-(g)		See detailed discussion in Section.
Historic, Cultural and Archaeological Resources – OAR 345-022-0090 (Section IV.K)		
Standard and Applicability – OAR 345-022-0090(1)-(3)	Sections (1) and (3) apply.	See detailed discussion in Section.
General Information Requirements – and Analysis Areas – OAR 345-022-0090(4)		The analysis area for historic, cultural or archaeological resources in the area within and extending one mile from the proposed site boundary . The exhibit must describe all known archaeological sites and any above-ground historic, cultural or archaeological resources in the entire analysis area. Pedestrian surveys or other field-based archaeological studies may be

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		limited to micrositing corridors or areas, if micrositing corridors or areas are proposed in the ASC. Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.345(11). Such information, including archaeological survey reports, should be provided confidentially under separate cover. Survey results and technical reports must also be provided directly to SHPO and affected Tribes identified by LCIS.
Resource Inventory – OAR 345-022-0090(4)(a)-(c)	Sections (4)(a) and (b) apply.	See detailed discussion in Section.
Impact Assessment – OAR 345-022-0090(4)(d)-(e)	All sections apply.	See detailed discussion in Section.
Recreation – OAR 345-022-0100 (Section IV.L)		
Standard and Applicability – OAR 345-022-0100(1)-(4)	Sections (1) and (2) apply.	See detailed discussion in Section.
General Information Requirements and Analysis Areas – OAR 345-022-0100(5)	All sections apply.	Consistent with the study area in OAR 345-001-0010(35), the analysis area for impacts to recreational opportunities is the area within and extending 5 miles the proposed site boundary.
Inventory of Recreational Resources – OAR 345-022-0100(5)(a)		See detailed discussion in Section.
Impact Assessment – OAR 345-022-0100(5)(b)-(f)		See detailed discussion in Section.
Public Services – OAR 345-022-0110 (Section IV.M)		
Standard and Applicability – OAR 345-022-0110(1)-(3)	Sections (1) and (2) apply.	See detailed discussion in Section.
General Information Requirements and Analysis Areas – OAR 345-022-0110(4)	All sections apply.	Based on recommendations by Morrow County, the analysis area for impacts to Public Services includes communities in the area within and extending 30 miles from the site boundary. The analysis area includes

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		<p>portions of unincorporated Morrow and Umatilla County, and the Cities of Heppner, Lexington, Lone, Boardman, Irrigon, Hermiston, Stanfield, Echo, Pendleton and Pilot Rock.</p> <p>Exhibit should identify minimization and mitigation measures for potential impacts to service providers of traffic/transportation, fire and health care/emergency response through the following: a draft Road Use Agreement with the Morrow County Public Works Department, showing how traffic impacts will be avoided or mitigated; an Emergency Response Plan demonstrating how the applicant will prepare for and respond to emergencies at the site to reduce impacts to police, fire, and health care providers.</p> <p>If the housing evaluation indicates that there may not be adequate temporary housing for construction workers, the exhibit must also explain how the applicant will ensure that workers are able to access appropriate housing options.</p>
Wildfire Prevention and Risk Mitigation – OAR 345-022-0115 (Section IV.N)		
Wildfire Risk Analysis – OAR 345-022-0115(1)(a)	All sections apply.	<p>Consistent with the study area in OAR 345-001-0010(35), the analysis area for wildfire risk is the area within and extending 0.5 miles from the site boundary. Mapping of wildfire risk and hazard provided to support the Wildfire Prevention and Risk Mitigation Exhibit must include the entire analysis area. Additional supporting information may be based on an analysis of county-wide data.</p> <p>Sources relied upon for the wildfire risk assessment should include, at a minimum, the Oregon Community Wildfire Protection Plan Planning Tool and the Oregon Wildfire Risk Explorer, in addition to any County-specific</p>

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		fire plans available at the time the ASC is submitted, including the Morrow County Community Wildfire Protection Plan and Natural Hazard Mitigation Plan.
Wildfire Mitigation Plan – OAR 345-022-0115(1)(b)	All sections apply.	<p>The certificate holder must consult with the Heppner Rural Fire Protection District (RFPD), or other fire department or district that would respond to a fire at the facility, and the Morrow County Emergency Manager in the development of the plan, and documentation of the consultation must be included in the exhibit.</p> <p>The plans should include a discussion of the use of fire breaks, defensible space and vegetation management, as well as restrictions on construction activities that will be implemented during Fire Weather Watches and Red Flag Warnings.</p> <p>Council reviewed templates for use in the developing the Plans are available from the Department upon request.</p>
Exceptions – OAR 345-022-0115(2)-(3)	Not applicable.	
Waste Minimization - OAR 345-022-0120 (Section IV.O)		
Standard and Applicability – OAR 345-022-0120(1)-(3)	Sections (1) and (2) apply.	See detailed discussion in Section.
Information Requirements – OAR 345-022-0010(5)	All sections apply.	See detailed discussion in Section.
State and Local Laws and Regulations – OAR 345-022-0160 (Section IV.P)		
Waters of the State – OAR 345-022-0160(1)(a)	All sections apply.	The Analysis Area for wetlands and waters of the state is the area within the proposed site boundary.

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		<p>A wetland delineation report that complies with OAR chapter 141, division 90 must be provided to the Department and DSL before the application is determined to be complete. The wetland delineation must be conducted using the standard wetland delineation methodology as outlined in the 1987 Army Corp manual and relevant supplements.</p> <p>Field delineation of wetlands and waters may be limited to areas within proposed micrositing corridors or areas, if micrositing corridors or areas are proposed in the ASC.</p> <p>Maps must also identify any areas of essential indigenous anadromous salmonid habitat (ESH) designated under ORS 196.810 and OAR chapter 141, division 102 within the site boundary).</p> <p>The applicant must also provide GIS data including the study area boundary and the boundaries of all delineated wetlands and waters to both ODOE and DSL.</p>
Water Use – OAR 345-022-0160(1)(b)	All sections except (b)(F) apply.	See detailed discussion in Section.
Noise – OAR 345-022-0160(2)	All sections apply.	See detailed discussion in Section.
Vapor Plumes – OAR 345-022-0160(3)	Not applicable.	
Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010 (Section IV.Q.1)		
Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010	All sections apply.	The exhibit should describe all design or safety features that will be installed to exclude members of the public from close proximity to the turbine blades and electrical equipment.

Table 6: Applicable Standards, Analysis Areas, and Information Requirements

Subsection	Applicable Sections	Notes/Additional Information Requirements
		The exhibit should also describe all design or safety features that will be installed, and inspection and maintenance programs that will be implemented to detect and prevent structural failure of the tower or blades. At a minimum, the exhibit should include a detailed description of turbine inspection protocols, including the methods, frequency, and decision criteria that will be used to determine when maintenance is needed.
Cumulative Effects Standard for Wind Energy Facilities – OAR 345-024-0015 (Section IV.Q.2)		
Cumulative Effects Standard for Wind Energy Facilities – OAR 345-024-0015	All sections apply.	<p>The exhibit must describe any devices, systems, or siting considerations incorporated into the design of the facility to reduce bird and bat collisions with turbines and turbine blades. The exhibit should specifically address vulnerable species, including but not limited to raptors, including ferruginous hawk, and tree-roosting migratory bats, including hoary and silver-haired bats.</p> <p>The exhibit should explain any siting considerations incorporated into the design of the facility to minimize visual impacts to nonparticipating landowners and surrounding areas accessible by the public.</p> <p>The exhibit must describe any light-mitigating technology systems that will be used on facility turbines, including but not limited to, Aircraft Detection Lighting Systems. If no such systems are proposed, the applicant must explain why no light-mitigation systems are appropriate or available for use at the proposed facility.</p>
Siting Standards for Transmission Lines – OAR 345-024-0090 (Section IV.Q.3)		
Siting Standards for Transmission Lines – OAR 345-024-0090	All sections apply.	While the exhibit must address magnetic and electric fields generated by all proposed transmission line, detailed information is only required for the proposed 230-kV overhead transmission line.

1 **III.A. Background Information – OAR 345-021-0010(3)**

2
3 *(3) In addition to the material required in OAR 345, divisions 22 through 24,*
4 *the applicant must submit in an exhibit called “Background Information*
5 *Exhibit” the following background information about the project to assist the*
6 *Council in its review of the application:*

7
8 The “Background Information Exhibit” must provide information about the proposed facility,
9 the proposed site, and applicable standards and laws.

10
11 **III.A.1 Facility Description – OAR 345-021-0010(3)(a)(A)-(C)**

12
13 *(a) Information about the proposed facility, construction schedule and*
14 *temporary disturbances of the site, including:*

15
16 *(A) A description of the proposed energy facility, including as applicable:*

17
18 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
19 Background Information Exhibit. The energy facility description must be as complete and
20 accurate as possible. If the ASC is approved, the information provided will form the basis for the
21 facility description in the site certificate. Under OAR 345-025-0006(3)(a), every site certificate
22 must contain conditions requiring the certificate holder to design, construct, operate and retire
23 a facility substantially as described in the site certificate.

24
25 *(i) For electric power generating plants, the nominal electric generating*
26 *capacity and the average electrical generating capacity, as defined in ORS*
27 *469.300;*

28
29 **Discussion:** Because the facility would generate electric power, this section is applicable and
30 must be addressed in the Background Information Exhibit.

31
32 *(ii) Major components, structures and systems, including a description of the*
33 *size, type and configuration of equipment used to generate, store, transmit, or*
34 *transport electricity, useful thermal energy, or fuels;*

35
36 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
37 Background Information Exhibit. The description of major components structures, and systems
38 must be provided in both narrative and tabular format. A template for the facility components
39 table is included in Attachment 3.

40
41 *(iii) A site plan and general arrangement of buildings, equipment and*
42 *structures;*

Discussion: This section is applicable to all proposed facilities and must be addressed in the Background Information Exhibit. The site plan must identify any proposed micrositings corridors for linear facilities or micrositings areas for other components. If the applicant seeks flexibility to site proposed facility components anywhere within the site boundary, or seeks approval of proposed micrositings areas, the applicant must evaluate impacts to resources within the entire site boundary or micrositings areas based on the maximum impact facility layout option within the site boundary or micrositings areas, if different.

(iv) Fuel and chemical storage facilities, including structures and systems for spill containment;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Background Information Exhibit.

(v) Equipment and systems for fire prevention and control;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Background Information Exhibit.

(vi) For thermal power plants, combustion turbine power plants, or other facilities designed to generate electricity from gas, liquid, or solid fuels:
(I) A discussion of the source, quantity and availability of all fuels proposed to be used in the facility to generate electricity or useful thermal energy;
(II) If the facility will generate electric power from natural gas, petroleum, coal or any form of solid, liquid or gaseous fuel derived from such material, a discussion of methods the facility will use to ensure that the facility does not emit greenhouse gases into the atmosphere, and a description of any equipment the facility will use to capture, sequester, or store greenhouse gases;
(III) A description of energy flows within the facility, including power cycle and steam cycle diagrams, as appropriate;
(IV) A description of equipment and systems for disposal of waste heat generated by the facility; and
(V) The fuel chargeable to power heat rate of the energy facility.

Discussion: This section is **not applicable** to the proposed facility.

(vii) For surface facilities related to underground gas storage, estimated daily injection and withdrawal rates, horsepower compression required to operate at design injection or withdrawal rates, operating pressure range and fuel type of compressors;

Discussion: This section is **not applicable** to the proposed facility.

1 (viii) For facilities to store liquefied natural gas, the volume, maximum
2 pressure, liquefaction and gasification capacity in thousand cubic feet per
3 hour;

4
5 **Discussion:** This section is **not applicable** to the proposed facility.

6
7 (B) A description of major components, structures and systems of each related
8 or supporting facility;

9
10 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
11 Background Information Exhibit. The description of related or supporting facilities must be
12 provided in both narrative and tabular format. Templates for facility component tables are
13 included in Attachment 3.

14
15 (C) The approximate dimensions of major facility structures and visible
16 features;

17
18 This section is applicable to all proposed facilities and must be addressed in tables submitted
19 under OAR 345-021-0010(3)(a)(A) and (B).

20
21 **III.A.2 Corridor Selection Assessment – OAR 345-021-0010(3)(a)(D)**

22
23 (D) If the proposed energy facility is a pipeline or a transmission line or has, as
24 a related or supporting facility, a transmission line or pipeline that, by itself, is
25 an energy facility under the definition in ORS 469.300, a corridor selection
26 assessment explaining how the applicant selected the corridors for analysis in
27 the application. In the assessment, the applicant must evaluate the corridor
28 adjustments the Department has described in the project order, if any. The
29 applicant may select any corridor for analysis in the application and may
30 select more than one corridor. However, if the applicant selects a new
31 corridor, then the applicant must explain why the applicant did not present
32 the new corridor for comment at an informational meeting under OAR 345-
33 015-0130. In the assessment, the applicant must discuss the reasons for
34 selecting the corridors, based upon evaluation of the following factors:

35
36 (i) Least disturbance to streams, rivers and wetlands during construction;

37
38 (ii) Least percentage of the total length of the pipeline or transmission line
39 that would be located within areas of Habitat Category 1, as described by the
40 Oregon Department of Fish and Wildlife;

41
42 (iii) Greatest percentage of the total length of the pipeline or transmission line
43 that would be located within or adjacent to public roads and existing pipeline
44 or transmission line rights-of-way;

1
2 (iv) Least percentage of the total length of the pipeline or transmission line
3 that would be located within lands that require zone changes, variances or
4 exceptions;

5
6 (v) Least percentage of the total length of the pipeline or transmission line
7 that would be located in a protected area as described in OAR 345-022-0040;

8
9 (vi) Least disturbance to areas where historical, cultural or archaeological
10 resources are likely to exist;

11
12 (vii) Greatest percentage of the total length of the pipeline or transmission line
13 that would be located to avoid seismic, geological and soils hazards; and

14
15 (viii) Least percentage of the total length of the pipeline or transmission line
16 that would be located within lands zoned for exclusive farm use.

17
18 **Discussion:** This section is **not applicable** to the proposed facility. Under ORS 469.400(11)(a)(C),
19 a transmission line is considered to be an “energy facility” if it has a length of more than 10
20 miles; has a capacity of 230-kV or more; and is located in more than one city or county in
21 Oregon. As described in the NOI, the proposed facility would include a 230-kV transmission line
22 with a length of more than 10 miles; however, the transmission line would not qualify as an
23 energy facility because it would be located entirely within Morrow County.

24 25 **III.A.3 Transmission Line Description – OAR 345-021-0010(3)(a)(E)**

26
27 (E) If the proposed energy facility is a pipeline or transmission line or has, as a
28 related or supporting facility, a transmission line or pipeline of any size:

29
30 (i) The length of the pipeline or transmission line;

31
32 **Discussion:** This section is applicable to the proposed 230-kV transmission line and must be
33 addressed in the Background Information Exhibit.

34
35 (ii) The proposed right-of-way width of the pipeline or transmission line,
36 including to what extent new right-of-way will be required or existing right-of-
37 way will be widened;

38
39 **Discussion:** This section is applicable to the proposed 230-kV transmission line and must be
40 addressed in the Background Information Exhibit.

41
42 (iii) If the proposed transmission line or pipeline corridor follows or includes
43 public right-of-way, a description of where the transmission line or pipeline
44 would be located within the public right-of-way, to the extent known. If the

1 *applicant proposes to locate all or part of a transmission line or pipeline*
2 *adjacent to but not within the public right-of-way, describe the reasons for*
3 *locating the transmission line or pipeline outside the public right-of-way. The*
4 *applicant must include a set of clear and objective criteria and a description of*
5 *the type of evidence that would support locating the transmission line or*
6 *pipeline outside the public right-of-way, based on those criteria;*
7

8 **Discussion:** This section is applicable to the proposed 230-kV transmission line and must be
9 addressed in the Background Information Exhibit.

10
11 *(iv) For pipelines, the operating pressure and delivery capacity in thousand*
12 *cubic feet per day and the diameter and location, above or below ground, of*
13 *each pipeline; and*
14

15 **Discussion:** This section is **not applicable** as the proposed facility would not include a pipeline.

16
17 *(v) For transmission lines, the rated voltage, load carrying capacity, type of*
18 *current, and a description of transmission line structures and their dimensions.*
19

20 **Discussion:** This section is applicable to the proposed 230-kV transmission line and must be
21 addressed in the Background Information Exhibit.

22
23 **III.A.4 Construction Schedule; Operations and Maintenance Activities – OAR 345-021-**
24 **0010(3)(a)(F)**

25
26 *(F) A construction schedule including the date by which the applicant proposes*
27 *to begin construction and the date by which the applicant proposes to*
28 *complete construction. Construction is defined in OAR 345-001-0010. The*
29 *applicant must describe in this exhibit all work on the site that the applicant*
30 *intends to begin before the Council issues a site certificate. The applicant must*
31 *include an estimate of the cost of that work. For the purpose of this exhibit,*
32 *“work on the site” means any work within a site or corridor, other than*
33 *surveying, exploration or other activities to define or characterize the site or*
34 *corridor, that the applicant anticipates or has performed as of the time of*
35 *submitting the application.*
36

37 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
38 Background Information Exhibit. The construction schedule must describe all primary
39 construction activities that would be performed at the site and the estimated timing of those
40 activities. The construction schedule must provide sufficient detail to ensure construction
41 activities would be completed within any required work-windows required to avoid or minimize
42 impacts on sensitive resources.
43

Additional Information Requested: The Background Information Exhibit must also describe significant operations and maintenance activities anticipated to be performed during the expected operating of the facility.

III.A.5 Site Description and Maps – OAR 345-021-0010(3)(b)

(b) Information about the location of the proposed facility, including:

(A) A map or maps showing the proposed locations of the energy facility site, all related or supporting facility sites and all areas that might be temporarily disturbed during construction of the facility in relation to major roads, water bodies, cities and towns, important landmarks and topographic features, using a scale of 1 inch = 2000 feet or smaller when necessary to show detail;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Background Information Exhibit. The maps must provide enough detail for property owners potentially affected by the proposed facility to determine whether their property is within or adjacent to property on which the site boundary is located. Major roads must be accurately named. If the applicant seeks flexibility to site facility components anywhere within a proposed micrositng corridor or area, the proposed corridors or areas must be clearly identified on the maps.

Additional Information Requested: In addition to the maps, the Department requests shapefiles for the proposed site boundary, proposed locations of facility components, and any proposed micrositng corridors or micrositng areas.

(B) A description of the location of the proposed energy facility site, the proposed site of each related or supporting facility and areas of temporary disturbance, including the total land area (in acres) within the proposed site boundary, the total area of permanent disturbance, and the total area of temporary disturbance. If a proposed pipeline or transmission line is to follow an existing road, pipeline or transmission line, the applicant must state to which side of the existing road, pipeline or transmission line the proposed facility will run, to the extent this is known; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Background Information Exhibit.

Additional Information Requested: In addition to the narrative description, a description of the site using Township, Range, and Section (PLSS) must be provided.

(C) For energy generation facilities, a map showing the approximate locations of any other energy generation facilities that are known to the applicant to be

1 *permitted at the state or local level within the study area as defined in OAR*
2 *345-001-0010 for impacts to public services.*

3
4 **Discussion:** Because the facility includes a wind power generation facility, this section is
5 applicable must be addressed in the Background Information Exhibit.
6

7 **III.A.6 Property Owners and Adjacent Properties – OAR 345-021-0010(3)(c)**
8

9 *(c) A list of the names and mailing addresses of property owners, as described*
10 *in this subsection:*

11
12 *(A) The list must include all owners of record, as shown on the most recent*
13 *property tax assessment roll, of property located:*

14
15 *(i) Within 100 feet of property which is the subject of the application, where*
16 *the subject property is wholly or in part within an urban growth boundary;*

17
18 *(ii) Within 250 feet of the property which is the subject of the application,*
19 *where the subject property is outside an urban growth boundary and not*
20 *within a farm or forest zone; or*

21
22 *(iii) Within 500 feet of the property which is the subject of the application,*
23 *where the property is within a farm or forest zone.*

24
25 *(B) The applicant must submit an updated list of property owners as requested*
26 *by the Department before the Department issues notice of any public hearing*
27 *on the application for a site certificate as described in OAR 345-015-0220; and*

28
29 *(C) In addition to incorporating the list in the application, the applicant must*
30 *submit the list to the Department in an electronic format approved by the*
31 *Department.*

32
33 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
34 Background Information Exhibit. Because the proposed site is entirely within an EFU Zone,
35 property owner information must be provided for all tax lots within 500 feet of the property
36 line for any tax lots wholly or partially within the site boundary.
37

38 Tax lots must be identified in a consistent format that provides the Township, Range, Section
39 and Tax lot number of each tax lot. If the local government uses a different tax lot identification
40 system, please include the local tax lot identification number in a separate column.
41

42 Because the Department requires the most recent tax assessment roll to be used when
43 noticing, the Department will require updated property owner information to be submitted
44 within 60 days of the determination of completeness. To avoid the duplication of work, the

applicant may omit specific property owner information from the pASC but must still include a list of all tax lots within the notification area described above. The list must be accompanied by legible maps that clearly identify tax lot identification numbers as well as adjacent road names. In addition to incorporating the list in the pASC, the applicant must submit the list to the Department in Excel (.xlsx) format.

Following the submission of the complete ASC, the applicant must submit updated property owner lists as requested by the Department to ensure that all public notices issued use the most recent tax assessment roll.

III.A.7 Applicable Laws, Rules, and Ordinances – OAR 345-021-0010(3)(d)

(d) Identification, by legal citation, of all state statutes and administrative rules and local government ordinances containing standards or criteria that the proposed facility must meet for the Council to issue a site certificate, other than statutes, rules and ordinances identified in Exhibit E, and identification of the agencies administering those statutes, administrative rules and ordinances. The applicant must identify all statutes, administrative rules and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant must include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules and ordinances.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Background Information Exhibit.

III.A.8 Specific Standards – OAR 345-021-0010(3)(e)

(e) If the proposed facility is a facility for which the Council has adopted specific standards, information about the facility providing evidence to support findings by the Council as required by the following rules:

(A) For wind energy facilities, OAR 345-024-0010 and 345-024-0015;

Discussion: Because the proposed facility includes a wind power generation facility, this section is applicable. See Section IV.Q for information requirements.

(B) For surface facilities related to underground gas storage reservoirs, OAR 345-024-0030, including information required by OAR 345-024-0030(3);

Discussion: The proposed facility does not include surface facilities related to an underground gas storage reservoir, this section is not applicable.

1
2 (C) For any transmission line under Council jurisdiction, OAR 345-024-0090;
3 and
4

5 **Discussion:** This section is applicable to the 230-kV overhead transmission line. See Section IV.Q
6 for information requirements.
7

8 (D) For a fossil-fueled power plant or other facility that emits carbon dioxide,
9 OAR 345-024-0500 to 345-024-0720.
10

11 **Discussion:** This section is **not applicable** to the proposed facility. The proposed facility does
12 not include a fossil-fueled power plant or other facility that emits carbon dioxide.
13

14 **III.B. Organizational Expertise – OAR 345-022-0010** 15

16 **III.B.1 Standard and Applicability – OAR 345-022-0010(1) -(4)** 17

18 (1) To issue a site certificate, the Council must find that the applicant has the
19 organizational expertise to construct, operate and retire the proposed facility
20 in compliance with Council standards and conditions of the site certificate. To
21 conclude that the applicant has this expertise, the Council must find that the
22 applicant has demonstrated the ability to design, construct and operate the
23 proposed facility in compliance with site certificate conditions and in a manner
24 that protects public health and safety and has demonstrated the ability to
25 restore the site to a useful, non- hazardous condition. The Council may
26 consider the applicant's experience, the applicant's access to technical
27 expertise and the applicant's past performance in constructing, operating and
28 retiring other facilities, including, but not limited to, the number and severity
29 of regulatory citations issued to the applicant.
30

31 (2) The Council may base its findings under section (1) on a rebuttable
32 presumption that an applicant has organizational, managerial and technical
33 expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and
34 proposes to design, construct and operate the facility according to that
35 program.
36

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

1
2 *(4) If the applicant relies on a permit or approval issued to a third party and*
3 *the third party does not have the necessary permit or approval at the time the*
4 *Council issues the site certificate, the Council may issue the site certificate*
5 *subject to the condition that the certificate holder shall not commence*
6 *construction or operation as appropriate until the third party has obtained the*
7 *necessary permit or approval and the applicant has a contract or other*
8 *arrangement for access to the resource or service secured by that permit or*
9 *approval.*

10
11 **Discussion:** The Organizational Expertise Exhibit must contain adequate information for the
12 Council to make the findings described in OAR 345-022-0010(1) to (4). Information
13 requirements applicable to the proposed facility are discussed below.
14

15 **III.B.2 Information Requirements – OAR 345-022-0010(5)**

16
17 *(5) To assist the Council in determining whether the standard outlined in (1)*
18 *through (4) has been met, the Applicant must submit:*
19

20 **III.B.2.1 Applicant Information - OAR 345-022-0010(5)(a)**

21
22 *(a) Information about the applicant and participating persons, including:*
23

24 *(A) The name and address of the applicant including all co-owners of the*
25 *proposed facility, the name, mailing address, email address and telephone*
26 *number of the contact person for the application, and if there is a contact*
27 *person other than the applicant, the name, title, mailing address, email*
28 *address and telephone number of that person;*
29

30 **Discussion:** This section is applicable to all applicants and must be addressed in the
31 Organizational Expertise Exhibit. As described above, the NOI identifies Heppner Lena Wind, LLC
32 as the applicant. The applicant must notify the Department of any change in the legal name or
33 entity prior to the change. This notification requirement continues to apply until the Council
34 issues its Final Order on the ASC.
35

36 *(B) The contact name, mailing address, email address and telephone number*
37 *of all participating persons, other than individuals, including but not limited to*
38 *any parent corporation of the applicant, persons upon whom the applicant*
39 *will rely for third-party permits or approvals related to the facility, and, if*
40 *known, other persons upon whom the applicant will rely in meeting any*
41 *facility standard adopted by the Council;*
42

1 **Discussion:** This section is applicable to all applicants and must be addressed in the
2 Organizational Expertise Exhibit. The NOI identified NextEra Energy Resources, LLC, as the
3 applicant's parent company.
4

5 **Additional Information Requested:** The applicant must disclose any changes to the ownership
6 or management in the Organizational Expertise Exhibit.
7

8 *(C) If the applicant is a corporation:*
9

10 *(i) The full name, official designation, mailing address, email address and*
11 *telephone number of the officer responsible for submitting the application;*
12

13 *(ii) The date and place of its incorporation;*
14

15 *(iii) A copy of its articles of incorporation and its authorization for submitting*
16 *the application; and*
17

18 *(iv) In the case of a corporation not incorporated in Oregon, the name and*
19 *address of the resident attorney-in-fact in this state and proof of registration*
20 *to do business in Oregon;*
21

22 **Discussion:** This section is **not applicable**. The applicant is not a corporation.
23

24 *(D) If the applicant is a wholly owned subsidiary of a company, corporation or*
25 *other business entity, in addition to the information required by paragraph (C),*
26 *the full name and business address of each of the applicant's full or partial*
27 *owners;*
28

29 **Discussion:** The NOI states that the applicant is a wholly-owned subsidiary of NextEra Energy
30 Resources, LLC; this section is applicable and must be addressed in the Organizational Expertise
31 Exhibit.
32

33 *(E) If the applicant is an association of citizens, a joint venture or a*
34 *partnership:*
35

36 *(i) The full name, official designation, mailing address, email address and*
37 *telephone number of the person responsible for submitting the application;*
38

39 *(ii) The name, business address and telephone number of each person*
40 *participating in the association, joint venture or partnership and the*
41 *percentage interest held by each;*
42

43 *(iii) Proof of registration to do business in Oregon;*
44

1 (iv) A copy of its articles of association, joint venture agreement or partnership
2 agreement and a list of its members and their cities of residence; and

3
4 (v) If there are no articles of association, joint venture agreement or
5 partnership agreement, the applicant must state that fact over the signature
6 of each member;

7
8 **Discussion:** This section is **not applicable**. The applicant is not an association of citizens, joint
9 venture or partnership.

10
11 (F) If the applicant is a public or governmental entity:

12
13 (i) The full name, official designation, mailing address, email address and
14 telephone number of the person responsible for submitting the application;
15 and

16
17 (ii) Written authorization from the entity's governing body to submit an
18 application;

19
20 **Discussion:** This section is **not applicable**. The applicant is not a public or governmental entity.

21
22 (G) If the applicant is an individual, the individual's mailing address, email
23 address and telephone number; and

24
25 **Discussion:** This section is **not applicable**. The applicant is not an individual.

26
27 (H) If the applicant is a limited liability company:

28
29 (i) The full name, official designation, mailing address, email address and
30 telephone number of the officer responsible for submitting the application;

31
32 (ii) The date and place of its formation;

33
34 (iii) A copy of its articles of organization **and its authorization for submitting**
35 **the application;** and

36
37 (iv) In the case of a limited liability company not registered in Oregon, the
38 name and address of the resident attorney-in-fact in this state and proof of
39 registration to do business in Oregon.

40
41 **Discussion:** The applicant is a limited liability company (LLC). This section is applicable and must
42 be addressed in the Organizational Expertise Exhibit.

NOTE: Because Heppner Lena Wind, LLC was not formed in Oregon, the exhibit must include the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.

Additional Information Requested: For the requirement to provide authorization for submitting the application under OAR 345-022-0010(5)(a)(H)(iii), provide a letter from the LLC's authorized representative, preferably the individual listed as the authorized representative in the Articles of Organization, authorizing submittal of the ASC on behalf of the applicant.

III.B.2.2 Previous Experience and Qualifications - OAR 345-022-0010(5)(b)

(b) Information about the organizational expertise of the applicant to construct and operate the proposed facility, including:

(A) The applicant's previous experience, if any, in constructing and operating similar facilities;

Discussion: This section is applicable to all applicants and must be addressed in the Organizational Expertise Exhibit. The description of previous experience must include, at a minimum, the size, location, and date of commercial operation for any facilities upon which the applicant wishes to rely as evidence of organizational expertise. The description should also explain similarities and differences between the sites of the facilities on which the applicant is relying to demonstrate organizational expertise and the proposed facility site, including engineering and environmental constraints at each.

Additional Information Requested: Provide a letter from an authorized representative of the parent company confirming representations related to its access to parent company's technical and financial resources.

(B) The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted;

Discussion: This section is applicable to all applicants and must be addressed in the Organizational Expertise Exhibit.

(C) The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted;

Discussion: This section is applicable to all applicants and must be addressed in the Organizational Expertise Exhibit.

1 (D) The past performance of the applicant, including but not limited to the
2 number and severity of any regulatory citations in constructing or operating a
3 facility, type of equipment, or process similar to the proposed facility;
4

5 **Discussion:** This section is applicable to all applicants and must be addressed in the
6 Organizational Expertise Exhibit.
7

8 **NOTE:** The response must describe the compliance history of the applicant, its parent company,
9 affiliates, and other participating entities, including disclosure of any regulatory citations,
10 including potential violations or corrective actions, in any jurisdiction received by the applicant,
11 parent, or affiliate, in the past 10 years in constructing or operating a facility similar to the
12 proposed facility and a description of the status or resolution of those citations.
13

14 (E) If the applicant has no previous experience in constructing or operating
15 similar facilities and has not identified a prime contractor for construction or
16 operation of the proposed facility, other evidence that the applicant can
17 successfully construct and operate the proposed facility. The applicant may
18 include, as evidence, a warranty that it will, through contracts, secure the
19 necessary expertise;
20

21 **Discussion:** Based upon information provided in the NOI it is **not applicable**. This section only
22 applies to applicants that have no previous experience in constructing or operating similar
23 facilities and have not identified a prime contractor for the construction or operation of the
24 proposed facility.
25

26 (F) If the applicant has an ISO 9000 or ISO 14000 certified program and
27 proposes to design, construct and operate the facility according to that
28 program, a description of the program; and
29

30 **Discussion:** This section is applicable to all applicants and must be addressed in the
31 Organizational Expertise Exhibit. If the applicant does not propose to rely upon an ISO 9000 or
32 ISO 14000 certified program to satisfy the Organizational Expertise Standard under OAR 345-
33 022-0010(2), no further response is needed.
34

35 (G) If the applicant relies on mitigation to demonstrate compliance with any
36 standards of Division 22 or 24 of this chapter, evidence that the applicant can
37 successfully complete such proposed mitigation, including past experience
38 with other projects and the qualifications and experience of personnel upon
39 whom the applicant will rely, to the extent that the identities of such persons
40 are known at the date of submittal.
41

42 **Discussion:** This section is applicable to all applicants and must be addressed in the
43 Organizational Expertise Exhibit. Evidence of past experience successfully completing mitigation
44 may include reports documenting experience with other projects.

Additional Information Requested: The applicant must provide evidence that past mitigation projects required as part of a land use approval or other permitting process were completed successfully, such as final reports submitted to the permitting agency. The applicant may rely on evidence provided in other exhibits with appropriate reference.

III.B.2.3 Permits - OAR 345-022-0010(5)(c)

(c) Information about permits needed for construction and operation of the facility, including:

(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit;

(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate;

(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. For permits related to wetlands and water rights the applicant may show this evidence in the State and Local Laws and Regulations Exhibit.

These sections are applicable to all proposed facilities and must be addressed in the Organizational Expertise Exhibit. ORS 469.310 establishes the Council's comprehensive licensing authority, which is referred to as a "one-stop" consolidated permitting process. Permits related to the siting of the proposed facility should be included in and governed by the site certificate to consolidate permitting processes, consistent with ORS 469.310; however, it is the applicant that must identify whether permits should be governed by the site certificate.

NOTE: Under OAR 345-021-0000(5) and (6), for any state or local government agency permits, licenses or certificates proposed by the applicant to be included in and governed by the site certificate, the applicant must include within the site certificate application all information that would otherwise be required by the state or local government agency in an application for such permit, license or certificate.

1 Information about removal-fill permits and any necessary water rights or permits in the State
2 and Local Laws and Regulations Exhibit. Table 9, below, lists permits that may be required for
3 the proposed facility. Additional information is provided in the discussion that follows.
4

Table 7: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
Federal and Federally Delegated Permits		
Federal Aviation Administration	Determination of No Hazard to Air Navigation	Not Jurisdictional, but information required for completeness
US Fish and Wildlife Service	Incidental Take Permit or Eagle Take Permit	Not Jurisdictional, but information required for completeness
U.S. Army Corps of Engineers	Section 404 Permit	Not Jurisdictional, but information required for completeness
Oregon Department of Environmental Quality	Clean Water Act (CWA), 401 Water Quality Certification	Not Jurisdictional, but information required for completeness
	NPDES Construction Stormwater 1200-C Permit	Not Jurisdictional, but information required for completeness
	NPDES Construction Stormwater 1200-A Permit	Not Jurisdictional, but information required for completeness
	Air Contaminant Discharge Permit	Not Jurisdictional, but information required for completeness
State		
Oregon Department of State Lands	Wetland Delineation and Removal Fill Permit	Jurisdictional if proposed by applicant
Oregon Department of Environmental Quality	Water Pollution Control Facilities Permit 1000, Gravel mining and Batch Plant	Not Jurisdictional
Oregon Water Resources Department	Water Right Permit or Limited Water Use License	Jurisdictional if proposed by applicant
State Historic Preservation Office	Archeological Excavation Permit	Jurisdictional if proposed by applicant
Oregon Department of Aviation	Notice of Proposed Construction or Alteration (Form 7460-1)	Jurisdictional
Oregon Department of Transportation	Access Management Permit	Not Jurisdictional
	Oversize Load Movement Permit	Not Jurisdictional
	Permit to Occupy or Perform Operations Upon a State Highway	Not Jurisdictional
	Utility Encroachment Permit	Not Jurisdictional
Local		
Morrow County Planning Department	Conditional Use Permit	Jurisdictional
	Zoning Permit	Jurisdictional
	Floodplain Development Permit	Jurisdictional
Morrow County Public Works Department	Temporary Access/Work in Road Right-of-Way Permits	Not Jurisdictional
	Oversize Load Movement Permit	Not Jurisdictional
	Utility Permit	Not Jurisdictional

Table 7: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
Oregon Building Codes Division	Building Permit	Not Jurisdictional
	Electrical Permit	Not Jurisdictional
	Road Approach Permit/Road Use Agreement	Not Jurisdictional
Notes: Under ORS 469.401(4), matters including but not limited to employee health and safety, building code compliance, wage and hour or other labor regulations, local government fees and charges or other design or operational issues that do not relate to siting the facility are not included in or governed by the site certificate.		

Federal Permits

Determination of No Hazard to Air Navigation:

Permitting Authority: Federal Aviation Administration

Statute and Rule References: Federal Aviation Act, 49 USC 44718; 14 CFR 77.

EFSC Jurisdiction: Not Jurisdictional, but information required for completeness.

Discussion: Required to construct or alter structures that may affect navigable airspace or navigation facilities, including structures taller than 200 feet above ground level. The applicant may be required to submit a Notice of Proposed Construction or Alteration (FAA Form 7460-1) to the Federal Aviation Administration (FAA) based on factors including, but not limited to, height, proximity to an airport, location, and frequencies emitted from the structure. If Form 7460-1 is required, the applicant may also be required to submit a Supplemental Notice of Actual Construction or Alteration (FAA Form 7460-2) prior to beginning construction. FAA would determine whether a hazard to air navigation exists based on the information in the notice and may impose conditions to ensure the safe and efficient use of navigable airspace, air navigation facilities, or equipment.

This federal process is outside of the Council's jurisdiction and would not be included in or governed by the site certificate; however, information may be required to demonstrate compliance with the requirements of the Oregon Department of Aviation (see below) and the Public Services standard. The applicant may also be required to address impacts to military operations or readiness under 10 USC 183a as part of, or in addition to the FAA process.

Incidental Take Permit or Eagle Take Permit

Permitting Authority: U.S. Fish and Wildlife Service

Statue and Rule Reference: Section 7, 9, and 10 of the Endangered Species Act; Bald and Golden Eagle Protection Act

EFSC Jurisdiction: Not jurisdictional

Discussion: Required for wind turbines, transmission lines, and other facilities that would impact federally listed species or protected eagles. This federal process is outside of the Council's jurisdiction and would not be included in or governed by the site certificate; however,

1 if applicable, information may be required to demonstrate compliance with the Fish and
2 Wildlife Habitat and Cumulative Impacts Standards.

3 4 **Section 404 Permit**

5
6 **Permitting Authority:** U.S. Army Corps of Engineers

7 **Statute and Rule References:** Clean Water Act (CWA), Section 404 (33 USC 1344)

8 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

9 **Discussion:** A Section 404 permit is required for the discharge of dredged or fill material into
10 waters of the United States, including wetlands. Note that a Section 401 Water Quality
11 Certification from the State of Oregon is generally required before a Section 404 permit may be
12 granted. The Section 404 permit and the 401 Water Quality Certification are separate from the
13 Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit
14 Application that satisfies the information requirements for all three.

15
16 If a Section 404 Permit will be required for the construction of the facility, the ASC must include
17 a copy of the complete Joint Permit Application and a letter or other evidence demonstrating
18 that the Corps has received a Joint Permit Application for the project, and identifying any
19 additional information it is likely to need from the applicant based on the agency's review of
20 the application, and providing an estimated date for when it would complete its review and
21 issue a permit decision.

22 23 **Section 401 Water Quality Certification**

24
25 **Permitting Authority:** Oregon Department of Environmental Quality (DEQ)

26 **Statute and Rule References:** CWA, Section 401 (33 USC 1341; OAR Chapter 340, Division 48

27 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

28 **Discussion:** Under Section 401 of the CWA federal agencies cannot issue a license or permit
29 before Oregon DEQ decides that the project can meet Oregon water quality standards. Any
30 conditions that DEQ sets then become conditions of the federal permit or license. The Section
31 401 Water Quality Certification and the Section 404 permitting decision it supports are separate
32 from the Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit
33 Application that satisfies the information requirements for all three. If applicable, the applicant
34 must provide the Joint Permit Application and proof of its submission to all relevant agencies to
35 the Department before the ASC will be determined to be complete.

36 37 **National Pollutant Discharge Elimination System (NPDES) 1200-C Permit**

38
39 **Permitting Authority:** Oregon Department of Environmental Quality

40 **Statute and Rule References:** CWA, Section 402 (33 USC 1342); 40

41 CFR 122; ORS 468 and 468B; OAR chapter 340, division 45

42 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

43 **Discussion:** Required for construction activities that would disturb more than one acre of land.
44 Based upon the information in the NOI, a NPDES 1200-C permit would likely be required for

1 facility construction. Under OAR 345-021-0000(6), the ASC must include a submit a copy of the
2 application for the permit or provide a schedule of the date by which the applicant intends to
3 submit the application. The Department will not be able to find the application for site
4 certificate complete before receiving a copy of the application and a letter or other evidence
5 from DEQ demonstrating that the agency has received a permit application from the applicant
6 and provide an estimated date when the agency will complete its review and issue a permit
7 decision.

8 9 **NPDES Stormwater and Mine Dewatering Discharge 1200-A permit**

10
11 **Permitting Authority:** Oregon Department of Environmental Quality

12 **Statute and Rule References:** CWA, Section 402 (33 USC § 1342); 40

13 CFR § 122; ORS 468 and 468B; OAR chapter 340, division 45

14 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

15 **Discussion:** Required for disposal of concrete batch plant wash water from a point source to
16 surface water or to a conveyance system that discharges to surface water, the plant would
17 require an NPDES 1200-A permit. The NOI indicates that, if required, this permit would be
18 obtained by the applicant's construction contractor. As such, the requirements described in the
19 Third-Party Permits section below would apply.

20 21 **Air Contaminant Discharge Permit**

22
23 **Statute and Rule References:** OAR Chapter 340, Division 216

24 **EFSC Jurisdiction:** Not Jurisdictional, but information required for completeness.

25 **Discussion:** Required for the operation of a concrete manufacturing plant that produces more
26 than 5,000 cubic yards per year output. Air Contaminant Discharge Permits (ACDP) for mobile,
27 temporary concrete batch plants are associated with the equipment itself. The NOI indicates
28 that, if required, this permit would be obtained by the applicant's construction contractor. As
29 such, the requirements described in the Third-Party Permits section below would apply.

30 31 *State Permits*

32 33 **Wetland Delineation and Removal Fill Permit**

34
35 **Permitting Authority:** Oregon Department of State Lands

36 **Statute and Rule References:** ORS 196.795-990; OAR chapter 141, division 85, 90

37 **EFSC Jurisdiction:** Jurisdictional

38 **Discussion:** Required for the removal or fill of 50 cubic yards or more of material within
39 jurisdictional waters of the state, as defined in OAR 141-085-0510(91), or any removal fill
40 activities in streams designated as Essential Salmonid Habitat. As described in Section IV.Q.1,
41 the application must contain adequate information to determine whether or not a Removal-Fill
42 permit is required, including a wetland delineation report prepared in accordance with OAR
43 chapter 141, division 90 and evidence that the report has been submitted to the Department of
44 State Lands (DSL) for concurrence. If a removal-fill permit is required, the ASC must include a

complete Joint Permit Application for an individual permit which demonstrates consistency with ORS 196.825(1) and provides enough information for determinations and considerations under ORS 196.825(3) and OAR 141-085-0565, including a Compensatory Wetland Mitigation Plan which meets the requirements of OAR 141-085-0680 through OAR 141-085-0715 must be provided to replace all lost functions and values previously provided by the impacted wetlands and waterways.

Water Pollution Control Facilities General Permit (WPCF-1000)

Permitting Authority: Oregon Department of Environmental Quality

Statute and Rule References: ORS Chapter 468B; OAR Chapter 340, Division 45

EFSC Jurisdiction: Jurisdictional

Discussion: Required for a temporary concrete batch plant that dispose of process wastewater and stormwater by recirculation, evaporation, and/or controlled seepage with no discharge to surface waters. A WPCF-1000 General Permit is a state permit under Council jurisdiction, however, the NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements described in the Third-Party Permits section below would apply.

Water Right Permit or Water Use Authorization

Permitting Authority: Oregon Water Resources Department

Statute and Rule References: ORS chapter 537; OAR chapter 690 division 310, 340, and 410

EFSC Jurisdiction: Jurisdictional.

Discussion: Required for the construction of a new non-exempt well or for use of water for construction purposes. The NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements described in the Third-Party Permits section below would apply.

Archaeological Excavation Permit

Permitting Authority: State Historic Preservation Office

Statute and Rule References: ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51

EFSC Jurisdiction: Not jurisdictional, unless proposed by the applicant.

Discussion: Required to excavate, injure, destroy, or alter an archaeological site or object or remove an archaeological object. The applicant has not proposed to have this permit be included and governed by the site certificate, and as such the applicant would be required to obtain this permit from the State Historic Preservation Office (SHPO) prior to ground disturbing activities at the site. The applicant must provide a letter or other indication from SHPO stating that it has received an application for an excavation permit for the project, identifying any additional information it is likely to need from the applicant based on the agency's review of the application, and providing an estimated date for when it would complete its review and issue a permit decision. The applicant must attach a copy of any archaeological report and

inadvertent discovery plan prepared in support of the application to the Historic, Cultural and Archaeological Exhibit.

Letter or Determination of No Hazard to Air Navigation

Permitting Authority: Oregon Department of Aviation

Statute and Rule References: ORS 836.530 and OAR 738-070-0060 to 0100.

EFSC Jurisdiction: Jurisdictional.

Discussion: Required to construct or alter any structure that exceeds the height thresholds described under 14 CFR Part 77. The ASC must include all data required for a complete FAA Form 7460-1 to aid in the evaluation of potential impacts to air navigation, including the coordinates of each turbine and meteorological tower location under consideration using degrees-minutes-seconds (DMS) format, the maximum above ground level height of each structure, and the site elevation at each location. This review and determination would be incorporated and governed by the site certificate. The ASC should evaluate any potential impacts to the private airport(s) near to the site in the public services section.

Access Management Permit

Permitting Authority: Oregon Department of Transportation

Statute and Rule References: OAR Chapter 734, Division 51

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required for the construction of an access to a state highway. The NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements described in the Third-Party Permits section below would apply.

Oversize Load Movement Permit

Permitting Authority: Oregon Department of Transportation

Statute and Rule References: ORS 818.030; OAR Chapter 734, Division 82

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required for movement of vehicles or loads exceeding legal dimension limits. The NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements described in the Third-Party Permits section below would apply.

Permit to Occupy or Perform Operations Upon a State Highway

Permitting Authority: Oregon Department of Transportation

Statute and Rule References: OAR Chapter 734, Division 55

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required for an activity along a state highway, or an activity that requires the use of the state highway for other than a normal transportation activity. The NOI indicates that, if

1 required, this permit would be obtained by the applicant's construction contractor. As such, the
2 requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.

3 4 *Local Permits*

5 6 **Conditional Use Permit**

7
8 **Permitting Authority:** Morrow County Planning Department

9 **Statute and Rule References:** ORS 469.504; Morrow County Comprehensive Plan; Morrow
10 County Zoning Ordinance Section 1.050, 3.010(C)-(D) and 3.010(K)(3), Article 6

11 **EFSC Jurisdiction:** Jurisdictional.

12 **Discussion:** Required to construct and operate a wind power generation facility in Morrow
13 County's Exclusive Farm Use Zone. The NOI indicates that the applicant intends to seek a
14 Council determination of land use compliance under ORS 469.504(1)(b). Accordingly, the
15 conditional use permit would be included in and governed by the site certificate.

16 17 **Zoning Permit**

18
19 **Permitting Authority:** Morrow County Planning Department

20 **Statute and Rule References:** Morrow County Zoning Ordinance Article 4.

21 **EFSC Jurisdiction:** Jurisdictional.

22 **Discussion:** Required for the construction, reconstruction, or alteration of any structure larger
23 than 100 square feet or for any change of use or establishment of a new use that is allowed
24 outright in the underlying zone or received prior land use approval. The Zoning Permit review is
25 intended to ensure compliance with building setbacks, lot coverage, maximum building height,
26 and similar provisions, as well as any related conditions of approval approved in the site
27 certificate. While this permit will be included in and governed by the site certificate, the County
28 will be responsible for conducting the administrative review and issuing the permit under ORS
29 469.401(3).

30 31 **Floodplain Development Permit**

32
33 **Permitting Authority:** Morrow County Planning Department

34 **Statute and Rule References:** Morrow County Comprehensive Plan; Morrow County Zoning
35 Ordinance Section 3.100

36 **EFSC Jurisdiction:** Jurisdictional.

37 **Discussion:** Required prior to construction or development within any special flood hazard area,
38 within the overlay zone. The NOI indicates that, if required, this permit would be obtained by
39 the applicant's construction contractor. As such, the requirements of OAR 345-022-
40 0010(5)(c)(E) and (F) discussed below would apply.

41 42 **Temporary Access/Work in Road Right-of-Way Permits**

43
44 **Permitting Authority:** Morrow County Public Works Department

Statute and Rule References: Morrow County Zoning Ordinance Article 4, Section 4.010(B)

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required to make improvements to access roads that intersect with county road rights-of-way or to make improvements to existing public roads.

The NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.

Oversize Load Movement Permit

Permitting Authority: Morrow County Public Works Department

Statute and Rule References: Morrow County Zoning Ordinance Section 4.010(B)

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required to transport loads that exceed standard size and/or weight limits on county roads. The NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.

Utility Permit

Permitting Authority: Morrow County Public Works Department;

Statute and Rule References: ORS 374.305 to 374.325; Morrow County Zoning Ordinance Article 4, Section 4.010(B)

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required to install a utility within or across a county road right of way. The NOI indicates that, if required, this permit would be obtained by the applicant's construction contractor. As such, the requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.

Building Permit

Permitting Authority: Oregon Building Codes Division

Statute and Rule References: OAR 734, Division 51; Chapter 918, Divisions 309 & 780; Oregon Structural Specialty Code

EFSC Jurisdiction: Not Jurisdictional

Discussion: Required for construction, reconstruction, alteration and repair of buildings and other structures, as well as the installation of mechanical devices and equipment. Building permits are not included in or governed by the site certificate under ORS 469.401(4).

Electrical Permit

Permitting Authority: Oregon Building Codes Division

Statute and Rule References: OAR 918, Division 309

EFSC Jurisdiction: Not Jurisdictional

1 **Discussion:** Required to install, alter, or repair permanent electrical systems. The NOI indicates
2 that, if required, this permit would be obtained by the applicant's construction contractor. As
3 such, the requirements of OAR 345-022-0010(5)(c)(E) and (F) discussed below would apply.
4

5 *(D) For federally-delegated permit applications, evidence that the responsible*
6 *agency has received a permit application and the estimated date when the*
7 *responsible agency will complete its review and issue a permit decision;*
8

9 **Discussion:** This section is applicable to all applicants and must be addressed in the ASC.
10 Although the Council does not have jurisdiction over federally delegated permits, the Council
11 may rely on the determinations of compliance and the conditions in federally delegated permits
12 in evaluating the application for compliance with Council standards. Under OAR 345-021-
13 0000(6), the applicant must submit to the Department one copy of each application for a
14 federally-delegated permit. The applicant may submit the pASC without a copy of a federally-
15 delegated permit application if the applicant submits a schedule of the date by which the
16 applicant intends to submit the permit application. The Department may not find the ASC to be
17 complete before receiving copies of all federally-delegated permit applications and a letter or
18 other indication from each agency responsible for issuing a federally-delegated permit stating
19 that the agency has received the permit application, identifying any additional information the
20 agency is likely to need from the applicant and estimating the date when the agency will
21 complete its review and issue a permit decision.
22

23 *(E) If the applicant relies on a state or local government permit or approval*
24 *issued to a third party, identification of any such third-party permit and for*
25 *each:*
26

27 *(i) Evidence that the applicant has, or has a reasonable likelihood of entering*
28 *into, a contract or other agreement with the third party for access to the*
29 *resource or service to be secured by that permit;*
30

31 *(ii) Evidence that the third party has, or has a reasonable likelihood of*
32 *obtaining, the necessary permit;*
33

34 *(iii) An assessment of the impact of the proposed facility on any permits that a*
35 *third party has obtained and on which the applicant relies to comply with any*
36 *applicable Council standard;*
37

38 **Discussion:** This section is applicable to all applicants and must be addressed in the ASC. If the
39 applicant would rely on a contractor or third party to obtain a required state or local permit,
40 license or certificate that would otherwise be governed by the site certificate, the
41 Organizational Expertise Exhibit must also include evidence that the applicant has, or has a
42 reasonable likelihood of entering into, a contract or other agreement with the third party for
43 access to the resource or service to be secured by that permit and evidence that the third party
44 has, or has a reasonable likelihood of obtaining, the necessary permit.

1
2 *(F) If the applicant relies on a federally-delegated permit issued to a third*
3 *party, identification of any such third-party permit and for each:*

4
5 *(i) Evidence that the applicant has, or has a reasonable likelihood of entering*
6 *into, a contract or other agreement with the third party for access to the*
7 *resource or service to be secured by that permit;*

8
9 *(ii) Evidence that the responsible agency has received a permit application;*

10
11 *(iii) The estimated the date when the responsible agency will complete its*
12 *review and issue a permit decision; and*

13
14 **Discussion:** This section is applicable to all applicants and must be addressed in the ASC. If the
15 applicant relies on a federally delegated permit issued to a third party that is related to the
16 siting of the proposed facility, the applicant must identify the third-party permit and include
17 evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or
18 other agreement with the third party for access to the resource or service to be secured by that
19 permit. The applicant must provide evidence that the responsible agency has received the
20 permit application and provide the estimated date when the responsible agency would
21 complete its review and issue a permit decision (OAR 345-022-0010(5)(c)(F)).

22
23 In accordance with OAR 345-022-0010(4), if the applicant relies on a permit or approval issued
24 to a third party and the third party does not have the necessary permit or approval at the time
25 the Council issues the site certificate, the Council may issue the site certificate subject to the
26 condition that the certificate holder shall not commence construction or operation as
27 appropriate until the third party has obtained the necessary permit or approval and the
28 applicant has a contract or other arrangement for access to the resource or service secured by
29 that permit or approval.

30
31 *(G) The applicant's proposed monitoring program, if any, for compliance with*
32 *permit conditions.*

33
34 **Discussion:** This section is applicable to all applicants and must be addressed in the ASC.

35
36 **III.C. Structural Standard – OAR 345-022-0020**

37
38 **III.C.1 Standard and Applicability – OAR 345-022-0020(1) - (3)**

39
40 *(1) Except for facilities described in sections (2) and (3), to issue a site*
41 *certificate, the Council must find that:*

42
43 *(a) The applicant, through appropriate site-specific study, has adequately*
44 *characterized the seismic hazard risk of the site.*

1
2 (b) The applicant can design, engineer, and construct the facility to avoid
3 dangers to human safety and the environment presented by seismic hazards
4 affecting the site, as identified in subsection (1)(a).
5

6 (c) The applicant, through appropriate site-specific study, has adequately
7 characterized the potential geological and soils hazards of the site and its
8 vicinity that could, in the absence of a seismic event, adversely affect, or be
9 aggravated by, the construction and operation of the proposed facility; and
10

11 (d) The applicant can design, engineer and construct the facility to avoid
12 dangers to human safety and the environment presented by the hazards
13 identified in subsection (c).
14

15 (2) The Council may not impose the Structural Standard in section (1) to
16 approve or deny an application for an energy facility that would produce
17 power from wind, solar or geothermal energy. However, the Council may, to
18 the extent it determines appropriate, apply the requirements of section (1) to
19 impose conditions on a site certificate issued for such a facility.
20

21 (3) The Council may not impose the Structural Standard in section (1) to deny
22 an application for a special criteria facility under OAR345-015-0310. However,
23 the Council may, to the extent it determines appropriate, apply the
24 requirements of section (1) to impose conditions on a site certificate issued for
25 such a facility.
26

27 **Discussion:** As described in OAR 345-022-0020(2), the Council may not impose the Structural
28 Standard to approve or deny an application for a wind facility but may apply the requirements
29 of the standard to impose conditions of approval. Accordingly, the Structural Standard Exhibit
30 must include adequate information for the Council to make the findings required under OAR
31 345-022-0020(1) and determine what, if any, conditions beyond those described under OAR
32 345-025-0006 are appropriate to address geologic and soils hazards at the site. The proposed
33 facility is not a special criteria facility; therefore section (3) is not applicable.
34

35 **III.C.2 Information Requirements – OAR 345-022-0020(4)** 36

37 **III.C.2.1 General Requirements and Analysis Areas - OAR 345-022-0020(4)** 38

39 (4) To assist the Council in determining whether the standard outlined in (1)
40 through (3) has been met, the Applicant must submit information from
41 reasonably available sources regarding the geological and soil stability within
42 the analysis area, including:
43

Discussion: As described above, the Structural Standard Exhibit must include adequate information for the Council to make the findings required under OAR 345-022-0020(1) and determine what, if any, conditions would be appropriate to address geologic and soils hazards at the site. Specific information requirements are provided below.

Analysis Area: The analysis area for seismic and geologic hazards is **the area within the proposed site boundary**. If the applicant is aware of potentially significant impacts to public health and safety or the environment associated with those hazards that could occur beyond the proposed site boundary, the Exhibit must assess those impacts and show how they would be avoided or minimized. Any site-specific geotechnical work needed to address information requirements may be limited to microsites corridors or areas for specific facility components, if microsites corridors or areas are proposed in the ASC.

III.C.2.2 Geologic Report – OAR 345-022-0020(4)(a)-(d)

(a) A geologic report meeting the Oregon State Board of Geologist Examiners geologic report guidelines. Current guidelines must be determined based on consultation with the Oregon Department of Geology and Mineral Industries, as described in paragraph (B) of this subsection;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit. Generally, the report should conform to the Geologic Report Guidelines, 2nd Edition published by the Oregon State Board of Geologist Examiners in 2014. At a minimum, the Structural Standard Exhibit should be prepared by an Oregon Registered Geologist and should provide sufficient information based on available sources to support the geologist's recommendation that the applicant can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by seismic and geologic hazards affecting the site.

Additional Information Requested: If the applicant cannot provide a Geologic Report as part of the ASC, it must request a written waiver of this requirement, to the Department, following the consultation with Oregon Department of Geology and Mineral Industries (DOGAMI) required under subsection (b).

(b) A summary of consultation with the Oregon Department of Geology and Mineral Industries regarding the appropriate methodology and scope of the seismic hazards and geology and soil-related hazards assessments, and the appropriate site-specific geotechnical work that must be performed before submitting the application for the Department to determine that the application is complete;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit. The Department recommends that the siting analyst assigned to this project be included in the required consultation with DOGAMI.

Additional Information Requested: All data sources identified by DOGAMI must be identified and relied upon in the Exhibit and geologic report, as applicable, required under subsection (a). Any discrepancy between the recommended data sources and the sources used to prepare the report must be identified and explained.

(c) A description and schedule of site-specific geotechnical work that will be performed before construction for inclusion in the site certificate as conditions;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit. The site-specific geotechnical work should be informed by the geologic report and should provide all recommendations on what design and engineering features are needed to address geologic, seismic, and soils hazards at the site.

(d) For all transmission lines, and for all pipelines that would carry explosive, flammable or hazardous materials, a description of locations along the proposed route where the applicant proposes to perform site specific geotechnical work, including but not limited to railroad crossings, major road crossings, river crossings, dead ends (for transmission lines), corners (for transmission lines), and portions of the proposed route where geologic reconnaissance and other site specific studies provide evidence of existing landslides, marginally stable slopes or potentially liquefiable soils that could be made unstable by the planned construction or experience impacts during the facility's operation;

Discussion: This section is applicable to the proposed 230-kV transmission line and must be addressed in the Structural Standard Exhibit.

III.C.2.3 Seismic and Geologic Hazard Assessment – OAR 345-022-0020(4)(e)-(f)

(e) An assessment of seismic hazards, in accordance with standard-of-practice methods and best practices, that addresses all issues relating to the consultation with the Oregon Department of Geology and Mineral Industries described in paragraph (B) of this subsection, and an explanation of how the applicant will design, engineer, construct, and operate the facility to avoid dangers to human safety and the environment from these seismic hazards. Furthermore, an explanation of how the applicant will design, engineer, construct and operate the facility to integrate disaster resilience design to ensure recovery of operations after major disasters. The applicant must include proposed design and engineering features, applicable construction codes, and any monitoring and emergency measures for seismic hazards, including tsunami safety measures if the site is located in the DOGAMI-defined tsunami evacuation zone; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit.

(f) An assessment of geology and soil-related hazards which could, in the absence of a seismic event, adversely affect or be aggravated by the construction or operation of the facility, in accordance with standard-of-practice methods and best practices, that address all issues relating to the consultation with the Oregon Department of Geology and Mineral Industries described in paragraph (B) of this subsection. An explanation of how the applicant will design, engineer, construct and operate the facility to adequately avoid dangers to human safety and the environment presented by these hazards, as well as:

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit.

Additional Information Requested: The exhibit must, at a minimum, evaluate risks within the site including flood hazard and high landslide susceptibility, as identified in comments from DOGAMI (see Attachment 2.)

(A) An explanation of how the applicant will design, engineer, construct and operate the facility to integrate disaster resilience design to ensure recovery of operations after major disasters; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit.

(B) An assessment of future climate conditions for the expected life span of the proposed facility and the potential impacts of those conditions on the proposed facility.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Structural Standard Exhibit.

Note: This section requires discussion of the potential impacts of changing climate conditions on the proposed facility, not a discussion of how the proposed facility may impact climate change.

III.D. Soil Protection – OAR 345-022-0022

III.D.1 Standard and Applicability – OAR 345-022-0022(1)

1 (1) To issue a site certificate, the Council must find that the design,
2 construction and operation of the facility, taking into account mitigation, are
3 not likely to result in a significant adverse impact to soils including, but not
4 limited to, erosion and chemical factors such as salt deposition from cooling
5 towers, land application of liquid effluent, and chemical spills.
6

7 **Discussion:** The Soil Protection Exhibit must contain adequate information for the Council to
8 make the findings described in OAR 345-022-0010(1). Information requirements applicable to
9 the proposed facility are discussed below.
10

11 **III.D.2 Information Requirements – OAR 345-022-0022(2)**

12

13 (2) To assist the Council in determining whether the standard outlined in (1)
14 has been met, the Applicant must submit, the Applicant must submit:
15

16 III.D.2.1 Materials Analysis – OAR 345-022-0022(2)(a)

17

18 (a) A materials analysis, including:
19

20 (A) An inventory of substantial quantities of industrial materials flowing into
21 and out of the proposed facility during construction and operation;
22

23 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the Soil
24 Protection Exhibit. Substantial quantities of industrial materials including but not limited to,
25 metals, concrete, aggregate, oils, and fuels needed for construction and operation must be
26 disclosed. Quantities of waste materials must be inventoried, and methods of disposal should
27 be described. The Soil Protection Exhibit must identify any proposed fuel storage areas, vehicle
28 maintenance areas, or other areas that could be used to store hazardous materials.
29

30 (B) The applicant's plans to manage hazardous substances during construction
31 and operation, including measures to prevent and contain spills; and
32

33 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the Soil
34 Protection Exhibit. The exhibit must include a proposed monitoring plan for any potential site
35 contamination by hazardous materials, including oils or fuels used or stored on site, such as
36 periodic environmental site assessment and reporting. If the applicant believes no monitoring
37 for soil contamination is necessary, the exhibit must provide evidence to support this position.
38 The applicant must identify any hazardous materials that will be used or stored at the site and
39 describe plans to manage those materials during construction and operation of the proposed
40 facility, including measures to prevent and contain spills.
41

42 (C) The applicant's plans to manage non-hazardous waste materials during
43 construction and operation.

Discussion: This section is applicable to all proposed facilities and must be addressed in the ASC; however, the Department recommends this information be included in the Waste Minimization Exhibit.

III.D.2.2 Soils Analysis - OAR 345-022-0022(2)(b)

(b) Information from reasonably available sources regarding soil conditions and uses in the analysis area, providing evidence to support findings by the Council as required by OAR 345-022-0022, including:

General Information and Analysis Area

Discussion: As described above, the Exhibit must contain sufficient information to demonstrate 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.

Analysis Area: The analysis areas for impacts to soils is **the area within the proposed site boundary**. If the applicant is aware of potentially significant impacts to soils that could occur beyond the proposed site boundary, the Exhibit must assess those impacts and show how they would be avoided or minimized.

(A) Identification and description of the major soil types in the analysis area;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Soil Protection Exhibit. Soil data should be presented in both maps and tabular format and should identify general soil characteristics, farmland and capability classification, erosion factors, and any relevant data regarding suitability or limitations for the proposed use. Reasonably available sources include Natural Resources Conservation Service's Soil Survey Geographic Database (SSURGO), which should be relied upon to identify soils types in the analysis area.

(B) Identification and description of current land uses in the analysis area, such as growing crops, that require or depend on productive soils;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Soil Protection Exhibit. If detailed information is included in the Land Use Exhibit it may be referenced rather than included in the Soil Protection Exhibit.

Impact Assessment – OAR 345-022-0022(2)(b)(C)

(C) Identification and assessment of significant potential adverse impact to soils from construction, operation and retirement of the facility, including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Soil Protection Exhibit. The assessment must address impacts that may occur during construction and operation of the facility including, but not limited to, erosion, soil compaction, and the potential for soil contamination from chemical spills.

Monitoring and Mitigation – OAR 345-022-0022(2)(b)(D)-(E)

(D) A description of any measures the applicant proposes to avoid or mitigate adverse impact to soils; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Soil Protection Exhibit. At a minimum, the exhibit must describe and provide plans for vegetation management, fugitive dust control, and erosion and sediment control during facility construction and operation. If the applicant relies upon an erosion and sediment control plan to meet all or part of the standard, a draft of that plan must be included in the application. The applicant can cross-reference any applicable information related to the federally delegated NPDES 1200-C permit application. Please note that an erosion and sediment control plan that meets the NPDES 1200-C requirements may not necessarily be sufficient to meet the EFSC Soil Protection standard. See Section IV.B.2.3. Permits, for additional information.

Additional Information Requested: If the construction of the facility will result in the disturbance of productive agricultural soils, the Soil Protection Exhibit must also include a soil reclamation plan that describes any measures the applicant proposes to avoid or mitigate adverse impacts to soil productivity during construction and any proposed monitoring and restoration program. The site reclamation plan should clearly describe all actions that would be taken to conserve, stabilize, and restore disturbed soils. This plan can be included in, or part of, other related mitigation plans, if applicable to the site (e.g., noxious weed plan, revegetation plan).

The plan or plans must be included as attachments to the Soil Protection Exhibit. The applicant is strongly encouraged to consult with participating landowners and the local Soil and Water Conservation District in the development of these plans. A draft template is provided in Attachment 5. Please contact the Department for templates that are consistent with current requirements and guidance.

(E) The applicant's proposed monitoring program, if any, for adverse impact to soils during construction and operation.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Soil Protection Exhibit. Monitoring programs should be described for any areas where soils restoration is required. In addition, the exhibit should explain how soil and erosion BMPs installed to prevent erosion from site access roads, graveled pads, and other infrastructure for the life of the proposed facility. The plan or plans must be included as attachments to the Soil

1 Protection Exhibit. A draft template is provided in Attachment 5. Please contact the
2 Department for templates that are consistent with current requirements and guidance.

3
4 **III.E. Land Use – OAR 345-022-0030**

5
6 **III.E.1 Standard and Applicability – OAR 345-022-0030(1)-(6)**

7
8 *(1) To issue a site certificate, the Council must find that the proposed facility*
9 *complies with the statewide planning goals adopted by the Land Conservation*
10 *and Development Commission.*

11
12 *(2) The Council shall find that a proposed facility complies with section (1) if:*

13
14 *(a) The applicant elects to obtain local land use approvals under ORS*
15 *469.504(1)(a) and the Council finds that the facility has received local land use*
16 *approval under the acknowledged comprehensive plan and land use*
17 *regulations of the affected local government; or*

18
19 *(b) The applicant elects to obtain a Council determination under ORS*
20 *469.504(1)(b) and the Council determines that:*

21
22 *(A) The proposed facility complies with applicable substantive criteria as*
23 *described in section (3) and the facility complies with any Land Conservation*
24 *and Development Commission administrative rules and goals and any land use*
25 *statutes directly applicable to the facility under ORS 197.646(3);*

26
27 *(B) For a proposed facility that does not comply with one or more of the*
28 *applicable substantive criteria as described in section (3), the facility otherwise*
29 *complies with the statewide planning goals or an exception to any applicable*
30 *statewide planning goal is justified under section (4); or*

31
32 *(C) For a proposed facility that the Council decides, under sections (3) or (6), to*
33 *evaluate against the statewide planning goals, the proposed facility complies*
34 *with the applicable statewide planning goals or that an exception to any*
35 *applicable statewide planning goal is justified under section (4).*

36
37 *(3) As used in this rule, the “applicable substantive criteria” are criteria from*
38 *the affected local government’s acknowledged comprehensive plan and land*
39 *use ordinances that are required by the statewide planning goals and that are*
40 *in effect on the date the applicant submits the application. If the special*
41 *advisory group recommends applicable substantive criteria, as described*
42 *under OAR 345-015-0180, the Council shall apply them. If the special advisory*
43 *group does not recommend applicable substantive criteria, the Council shall*
44 *decide either to make its own determination of the applicable substantive*

1 *criteria and apply them or to evaluate the proposed facility against the*
2 *statewide planning goals.*

3
4 *(4) The Council may find goal compliance for a proposed facility that does not*
5 *otherwise comply with one or more statewide planning goals by taking an*
6 *exception to the applicable goal. Notwithstanding the requirements of ORS*
7 *197.732, the statewide planning goal pertaining to the exception process or*
8 *any rules of the Land Conservation and Development Commission pertaining*
9 *to the exception process, the Council may take an exception to a goal if the*
10 *Council finds:*

11
12 *(a) The land subject to the exception is physically developed to the extent that*
13 *the land is no longer available for uses allowed by the applicable goal;*

14
15 *(b) The land subject to the exception is irrevocably committed as described by*
16 *the rules of the Land Conservation and Development Commission to uses not*
17 *allowed by the applicable goal because existing adjacent uses and other*
18 *relevant factors make uses allowed by the applicable goal impracticable; or*

19
20 *(c) The following standards are met:*

21
22 *(A) Reasons justify why the state policy embodied in the applicable goal*
23 *should not apply;*

24
25 *(B) The significant environmental, economic, social and energy consequences*
26 *anticipated as a result of the proposed facility have been identified and*
27 *adverse impacts will be mitigated in accordance with rules of the Council*
28 *applicable to the siting of the proposed facility; and*

29
30 *(C) The proposed facility is compatible with other adjacent uses or will be*
31 *made compatible through measures designed to reduce adverse impacts.*

32
33 *(5) If the Council finds that applicable substantive local criteria and applicable*
34 *statutes and state administrative rules would impose conflicting requirements,*
35 *the Council shall resolve the conflict consistent with the public interest. In*
36 *resolving the conflict, the Council cannot waive any applicable state statute.*

37
38 *(6) If the special advisory group recommends applicable substantive criteria*
39 *for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related*
40 *or supporting facility that does not pass through more than one local*
41 *government jurisdiction or more than three zones in any one jurisdiction, the*
42 *Council shall apply the criteria recommended by the special advisory group. If*
43 *the special advisory group recommends applicable substantive criteria for an*
44 *energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or*

supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:

(a) The number of jurisdictions and zones in question;

(b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and

(c) The level of consistency of the applicable substantive criteria from the various zones and jurisdictions.

Discussion: The Land Use Exhibit must contain adequate information for the Council to make the findings described in OAR 345-022-0010(1) to (6). Information requirements applicable to the proposed facility are discussed below.

III.E.2 Information Requirements – OAR 345-022-0030(7)

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

III.E.2.1 General requirements and Analysis Areas - OAR 345-022-0030(7)

Discussion: As described above, the Exhibit must contain sufficient information to demonstrate that the proposed facility would comply with Oregon’s statewide land use planning goals, in accordance with ORS 469.504.

Analysis Area: Consistent with the study area established in OAR 345-001-0010(35), the analysis area for land use impacts is **the area within and extending 0.5 miles from the proposed site boundary**. If the applicant is aware of potentially significant impacts to land uses or resources protected by land use laws or regulations applicable to the proposed facility that could occur beyond this analysis area, the Exhibit must assess those impacts and show how they would be avoided or minimized.

III.E.2.2 Land Use Evaluation - OAR 345-022-0030(7)(a)-(b)

(a) Information about the proposed facility’s compliance with the statewide planning goals adopted by the Land Conservation and Development

1 *Commission, providing evidence to support a finding by the Council as*
2 *required by OAR 345-022-0030.*

3
4 **Discussion:** The Land Use Exhibit must include information about the proposed facility's
5 compliance with the statewide planning goals adopted by the Land Conservation and
6 Development Commission, providing evidence to support a finding by the Council as required
7 by parts (1) and (2)(b).

8
9 *(b) The applicant must state whether the applicant elects to address the*
10 *Council's land use standard by obtaining local land use approvals under ORS*
11 *469.504(1)(a) or by obtaining a Council determination under ORS*
12 *469.504(1)(b). An applicant may elect different processes for an energy facility*
13 *and a related or supporting facility but may not otherwise combine the two*
14 *processes. Once the applicant has made an election, the applicant may not*
15 *amend the application to make a different election. In this subsection,*
16 *"affected local government" means a local government that has land use*
17 *jurisdiction over any part of the proposed site of the facility. In the application,*
18 *the applicant must:*

19
20 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
21 Land Use Exhibit. In the NOI, the applicant states that it intends to seek a Council determination
22 under ORS 469.504(1)(b). Note that once the election is made in the preliminary ASC, it cannot
23 be changed.

24
25 *(A) Include a map showing the comprehensive plan designations and land use*
26 *zones in the analysis area;*

27
28 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
29 Land Use Exhibit. The map must identify all zoning and plan designations, including overlay
30 zones and significant resource sites, in the analysis area.

31
32 *(B) If the applicant elects to obtain local land use approvals:*

33
34 *(i) Identify the affected local governments from which land use approvals will*
35 *be sought;*

36
37 *(ii) Describe the land use approvals required in order to satisfy the Council's*
38 *land use standard;*

39
40 *(iii) Describe the status of the applicant's application for each land use*
41 *approval; and*

42
43 *(iv) Provide an estimate of time for issuance of local land use approvals.*
44

1 **Discussion:** Unless the applicant elects to obtain local land use approvals under ORS
2 469.504(1)(a), this section is **not applicable**.

3
4 *(C) If the applicant elects to obtain a Council determination on land use:*

5
6 *(i) Identify the affected local governments;*

7
8 **Discussion:** In the NOI, the applicant states that it intends to seek a Council determination
9 under ORS 469.504(1)(b); based on this statement, this section is applicable and must be
10 addressed in the Land Use Exhibit. The proposed site is entirely within unincorporated Morrow
11 County.

12
13 *(ii) Identify the applicable substantive criteria from the affected local*
14 *government's acknowledged comprehensive plan and land use regulations*
15 *that are required by the statewide planning goals and that are in effect on the*
16 *date the application is submitted and describe how the proposed facility*
17 *complies with those criteria;*

18
19 **Discussion:** In the NOI, the applicant states that it intends to seek a Council determination
20 under ORS 469.504(1)(b); based on this statement, this section is applicable and must be
21 addressed in the Land Use Exhibit.

22
23 In its comments on the NOI, the Morrow County Board of Commissioners identifies policies of
24 the Morrow County Comprehensive Plan (MCCP) and specific provisions of Morrow County
25 Zoning Ordinance (MCZO) Section 3.010, 4.010, 4.040, 5.010, 6.020, 6.025, 6.030, and 6.040, as
26 applicable substantive criteria. The Department strongly encourages the applicant to consult
27 with the County Planning Department to identify and interpret applicable substantive criteria in
28 the development of the Land Use Exhibit. Note that under OAR 345-021-0000(9) all applicable
29 substantive criteria in effect on the date the preliminary application is received by the
30 Department must be considered.

31
32 In addition to the applicable provisions of the MCCP and MCZO, the Board of Commissioners
33 identified the following ordinances and plans as applicable to the construction and operation of
34 the proposed facility: Morrow County Transportation System Plan, Morrow County Public
35 Works Policy on Renewable Energy Development, Morrow County Solid Waste Ordinance,
36 Morrow County Code Enforcement Ordinance, Morrow County Weed Control Ordinance,
37 Morrow County Emergency Operations Plan, and the Morrow County Natural Hazard Mitigation
38 Plan. While not all these ordinances or plans contain land use regulations, they may inform the
39 Department's evaluation of compliance with applicable substantive criteria for the land use
40 review and with other Council standards.

41
42 *(iii) Identify all Land Conservation and Development Commission*
43 *administrative rules, statewide planning goals and land use statutes directly*

1 *applicable to the facility under ORS 197.646(3) and describe how the proposed*
2 *facility complies with those rules, goals and statutes;*
3

4 **Discussion:** In the NOI, the applicant states that it intends to seek a Council determination
5 under ORS 469.504(1)(b); based on this statement, this section is applicable and must be
6 addressed in the Land Use Exhibit. Under ORS 197.646(3), when a local government does not
7 adopt amendments to an acknowledged comprehensive plan or land use regulations
8 implementing the plan to comply with new requirements in land use statutes, statewide land
9 use planning goals, or rules implementing the statutes or the goals, the new requirements
10 apply directly. Requirements in statute or rule that are implemented through the local
11 comprehensive plan or zoning ordinance need not be separately addressed in the Land Use
12 Section; however, the evaluation of standards for wind energy facilities sited in an EFU Zone
13 under MCZO 3.010(M) must be consistent with the requirements of OAR 660-033-0130(37) and
14 the evaluation of potential impacts to accepted farm practices on surrounding lands must
15 comply with the requirements of OAR 660-033-0130(5)(c), as amended at the time the
16 preliminary Application is submitted.

17
18 *(iv) If the proposed facility might not comply with all applicable substantive*
19 *criteria, identify the applicable statewide planning goals and describe how the*
20 *proposed facility complies with those goals; and*
21

22 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
23 Land Use Exhibit.

24
25 *(v) If the proposed facility might not comply with all applicable substantive*
26 *criteria or applicable statewide planning goals, describe why an exception to*
27 *any applicable statewide planning goal is justified, providing evidence to*
28 *support all findings by the Council required under ORS 469.504(2).*
29

30 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
31 Land Use Exhibit. If the applicant determines an exception may be needed, the applicant is
32 encouraged to consult with the Department and local planning department in developing the
33 exception request.

34
35 *(D) If the proposed facility will be located on federal land:*
36

37 *(i) Identify the applicable land management plan adopted by the federal*
38 *agency with jurisdiction over the federal land;*
39

40 *(ii) Explain any differences between state or local land use requirements and*
41 *federal land management requirements;*
42

43 *(iii) Describe how the proposed facility complies with the applicable federal*
44 *land management plan;*

- 1
2 *(iv) Describe any federal land use approvals required for the proposed facility*
3 *and the status of application for each required federal land use approval;*
4
5 *(v) Provide an estimate of time for issuance of federal land use approvals; and*
6
7 *(vi) If federal law or the land management plan conflicts with any applicable*
8 *state or local land use requirements, explain the differences in the conflicting*
9 *requirements, state whether the applicant requests Council waiver of the land*
10 *use standard described under paragraph (B) or (C) of this subsection and*
11 *explain the basis for a waiver.*
12

13 **Discussion:** This section is **not applicable**. The proposed facility would not be located on federal
14 land.
15

16 III.E.2.3 Materials Analysis – OAR 345-022-0030(7)(c)
17

18 *(c) A materials analysis, including:*
19

20 *(A) An inventory of substantial quantities of industrial materials flowing into*
21 *and out of the proposed facility during construction and operation;*
22

23 *(B) The applicant's plans to manage hazardous substances during construction*
24 *and operation, including measures to prevent and contain spills; and*
25

26 *(C) The applicant's plans to manage non-hazardous waste materials during*
27 *construction and operation.*
28

29 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
30 ASC; however, to the extent that it is addressed in other exhibits, the information need not be
31 repeated in the Land Use Exhibit.
32

33 **III.F. Protected Areas – OAR 345-022-0040**
34

35 **III.F.1 Standard and Applicability – OAR 345-022-0040(1)-(4)**
36

37 *(1) To issue a site certificate, the Council must find:*
38

39 *(a) The proposed facility will not be located within the boundaries of a*
40 *protected area designated on or before the date the application for site*
41 *certificate or request for amendment was determined to be complete under*
42 *OAR 345-015-0190 or 345-027-0363;*
43

1 (b) The design, construction and operation of the facility, taking into account
2 mitigation, are not likely to result in significant adverse impact to a protected
3 area designated on or before the date the application for site certificate or
4 request for amendment was determined to be complete under OAR 345-015-
5 0190 or 345-027-0363.

6
7 (2) Notwithstanding section (1)(a), the Council may issue a site certificate for:

8
9 (a) A facility that includes a transmission line, natural gas pipeline, or water
10 pipeline located in a protected area, if the Council determines that other
11 reasonable alternative routes or sites have been studied and that the
12 proposed route or site is likely to result in fewer adverse impacts to resources
13 or interests protected by Council standards; or

14
15 (b) Surface facilities related to an underground gas storage reservoir that have
16 pipelines and injection, withdrawal or monitoring wells and individual
17 wellhead equipment and pumps located in a protected area, if the Council
18 determines that other alternative routes or sites have been studied and are
19 unsuitable.

20
21 (3) The provisions of section (1) do not apply to:

22
23 (a) A transmission line routed within 500 feet of an existing utility right-of-way
24 containing at least one transmission line with a voltage rating of 115 kilovolts
25 or higher; or

26
27 (b) A natural gas pipeline routed within 500 feet of an existing utility right of
28 way containing at least one natural gas pipeline of 8 inches or greater
29 diameter that is operated at a pressure of 125 psig.

30
31 (4) The Council shall apply the version of this rule adopted under
32 Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the
33 review of any Application for Site Certificate or Request for Amendment that
34 was determined to be complete under OAR 345-015-0190 or 345-027-0363
35 before the effective date of this rule. Nothing in this section waives the
36 obligations of the certificate holder and Council to abide by local ordinances,
37 state law, and other rules of the Council for the construction and operation of
38 energy facilities in effect on the date the site certificate or amended site
39 certificate is executed.

40
41 **Discussion:** The Protected Areas Exhibit must include adequate information for the Council to
42 make the findings required under section (1). Sections (2) to (4) are not applicable to the
43 proposed facility.
44

1 **III.F.2 Information Requirements – OAR 345-022-0040(5)**
2

3 (5) To assist the Council in determining whether the standard outlined in (1)
4 through (4) has been met, the Applicant must submit information about the
5 potential impacts of the proposed facility on protected areas in the analysis
6 area, providing evidence to support a finding by the Council as required by
7 this rule, including:
8

9 **III.F.2.1 General Requirements and Analysis Areas**
10

11 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
12 that the design, construction and operation of the facility, taking into account mitigation, are
13 not likely to result in significant adverse impact to any protected areas
14

15 **Analysis Area:** Consistent with the study area in OAR 345-001-0010(35), the analysis area for
16 potential impacts to protected areas **is the area within and extending 20 miles the proposed**
17 **site boundary.** If the applicant is aware of potentially significant impacts to protected areas that
18 may occur outside this analysis area, the Exhibit must assess those impacts and show how they
19 would be avoided or minimized.
20

21 **III.F.2.2 Inventory of Protected Areas OAR 345-022-0040(5)(a)-(b)**
22

23 *(a) A list of all protected areas within the analysis area identifying:*
24

25 *(A) The distance and direction of the protected area from the proposed facility*
26

27 *(B) The basis for protection by reference to a specific subsection of OAR 345-*
28 *001-0010(26); and*
29

30 *(C) The name, mailing address, phone number, and email address of the land*
31 *management agency or organization with jurisdiction over the protected area.*
32

33 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
34 Protected Areas Exhibit. The Department did not identify any protected areas that were not
35 included in NOI Table L-1 in the analysis area; however, if additional protected areas in the
36 analysis area are identified during the development of the ASC or if the site boundary is
37 amended, the table and map must be updated accordingly.
38

39 **Note:** that the Oregon National Historic Trail is not a Protected Area except where it crosses
40 land administered by the National Parks Service or another Land Management Agency under
41 one of the designations listed in OAR 345-001-0010(26).
42

1 (b) A map showing the location of the proposed facility in relation to the
2 protected areas;
3

4 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
5 Protected Areas Exhibit.
6

7 III.F.2.3 Impact Assessment – OAR 345-022-0040(5)(c)
8

9 (c) A description of significant potential impacts of the proposed facility, if any,
10 on the protected areas including, but not limited to, potential impacts such as:
11

12 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
13 Protected Areas Exhibit. If the applicant becomes aware of any potential significant impacts to
14 Protected Areas not listed below, including impacts to wildlife or wildlife habitat in the
15 Protected Areas, or of potential significant impacts to Protected Areas outside of the analysis
16 area, the impacts must be disclosed and evaluated in the exhibit.
17

18 (A) Noise resulting from facility construction or operation;
19

20 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
21 Protected Areas Exhibit. Compliance with the DEQ noise rules does not correlate to compliance
22 with the noise assessment considered in the Protected Areas standard. Particularly, while
23 construction noise is exempt from the DEQ noise rules, construction noise must be considered
24 under the Protected Areas standard. However, information developed to demonstrate
25 compliance with the DEQ noise rules (such as noise modeling) included in the Noise Exhibit can
26 be referenced in the assessment under the Protected Areas standard.
27

28 (B) Increased traffic resulting from facility construction or operation;
29

30 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
31 Protected Areas Exhibit.
32

33 (C) Water use during facility construction or operation;
34

35 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
36 Protected Areas Exhibit.
37

38 (D) Wastewater disposal resulting from facility construction or operation;
39

40 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
41 Protected Areas Exhibit.
42

43 (E) Visual impacts of facility structures or plumes, including, but not limited to,
44 changes in landscape character or quality; and

Discussion: This section is applicable to all proposed facilities and should be addressed in the Protected Areas Exhibit. While no specific methodology is required, the applicant must submit sufficient evidence to demonstrate how the proposed facility would comply with the standard. The applicant should consider the extent of impacts and prior Council evaluations when designing the impact assessment methodology. Visual simulations or other visual representations are not required but can be important tools to help the Department, Council, and general public understand the potential visual impacts of the proposed facility.

(F) Visual impacts from air emissions resulting from facility construction or operation, including, but not limited to, impacts on Class 1 Areas as described in OAR 340-204-0050.

Discussion: This section is applicable to all proposed facilities and should be addressed in the Protected Areas Exhibit. Air emissions, including dust emissions, generated during the construction of the facility should be discussed.

III.F.2.4 Materials Analysis – OAR 345-022-0040(5)(c)

(d) A materials analysis, including:

(A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;

(B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills; and

(C) The applicant's plans to manage non-hazardous waste materials during construction and operation.

Discussion: This section is applicable to all proposed facilities and should be addressed in the ASC; however, to the extent that it is addressed in other exhibits, the information need not be repeated in the Protected Areas Exhibit.

III.G. Retirement and Financial Assurance – OAR 345-022-0050

III.G.1 Retirement – OAR 345-022-0050(1)-(2)

III.G.1.1 Standard and Applicability – OAR 345-022-0050(1)

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

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

4
5 **Discussion:** The Retirement and Financial Assurance Exhibit must include adequate information
6 for the Council to make the findings required under section (1).

7
8 III.G.1.2 Information Requirements – OAR 345-022-0050(2)

9
10 *(2) To assist the Council in determining whether the standard outlined in (1)*
11 *has been met, the Applicant must submit information about site restoration,*
12 *providing evidence to support a finding by the Council as required by this rule.*
13 *The applicant must include:*

14
15 *(a) The estimated useful life of the proposed facility;*

16
17 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
18 Retirement and Financial Assurance Exhibit.

19
20 *(b) Specific actions and tasks to restore the site to a useful, non-hazardous*
21 *condition;*

22
23 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
24 Retirement and Financial Assurance Exhibit.

25
26 *(c) An estimate, in current dollars, of the total and unit costs of restoring the*
27 *site to a useful, non-hazardous condition;*

28
29 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
30 Retirement and Financial Assurance Exhibit. The estimate must include sufficient detail to
31 identify costs associated with individual tasks and units. A template for the estimate is provided
32 in Attachment 4.

33
34 *(d) A discussion and justification of the methods and assumptions used to*
35 *estimate site restoration costs; and*

36
37 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
38 Retirement and Financial Assurance Exhibit.

39
40 *(e) For facilities that might produce site contamination by hazardous*
41 *materials, a proposed monitoring plan, such as periodic environmental site*
42 *assessment and reporting, or an explanation why a monitoring plan is*
43 *unnecessary.*
44

Discussion: This section is applicable to all proposed facilities and must be addressed in the Retirement and Financial Assurance Exhibit. Monitoring, such as periodic environmental site assessment and reporting, must be sufficient to ensure that there will be no potential for site contamination by oils, fuels, or other hazardous materials used or stored on site. If the applicant believes no monitoring for soil contamination is necessary, the exhibit must provide evidence to support this position.

III.G.2 Financial Assurance – OAR 345-022-0050(3)-(4)

III.G.2.1 Standard and Applicability – OAR 345-022-0050(3)

(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.

Discussion: The Retirement and Financial Assurance Exhibit must include adequate information for the Council to make the findings required under section (3).

III.G.2.1 Information Requirements – OAR 345-022-0050(4)

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

(a) about the applicant's financial capability, providing evidence to support a finding by the Council as required by OAR 345-022-0050(2). Nothing in this section requires the disclosure of information or records protected from public disclosure by any provision of state or federal law. The applicant must include:

(A) An opinion or opinions from legal counsel stating that, to counsel's best knowledge, the applicant has the legal authority to construct and operate the facility without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Retirement and Financial Assurance Exhibit.

(B) The type and amount of the applicant's proposed bond or letter of credit to meet the requirements of OAR 345-022-0050; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Retirement and Financial Assurance Exhibit.

1 (C) Evidence that the applicant has a reasonable likelihood of obtaining the
2 proposed bond or letter of credit in the amount proposed in paragraph (B),
3 before beginning construction of the facility.
4

5 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
6 Retirement and Financial Assurance Exhibit.
7

8 **Additional Information Requested:** Provide a comfort letter from a financial institution as
9 evidence to support Council's review of this requirement; the letter must refer to the applicant
10 and facility, be on letterhead, and provide assurance that the financial would issue a bond or
11 letter or credit to the applicant in an amount greater than or equal to the estimated
12 decommissioning amount.
13

14 III.G.2.2 Materials Analysis – OAR 345-022-0050(4)(b)

15

16 (b) A materials analysis, including:

17
18 (A) An inventory of substantial quantities of industrial materials flowing into
19 and out of the proposed facility during construction and operation;
20

21 (B) The applicant's plans to manage hazardous substances during construction
22 and operation, including measures to prevent and contain spills; and
23

24 (C) The applicant's plans to manage non-hazardous waste materials during
25 construction and operation.
26

27 **Discussion:** This section is applicable to all proposed facilities and should be addressed in the
28 ASC; however, to the extent that it is addressed in other exhibits, the information need not be
29 repeated in the Retirement and Financial Assurance Exhibit.
30

31 **III.H. Fish and Wildlife Habitat – OAR 345-022-0060**

32

33 **III.H.1 Standard and Applicability – OAR 345-022-0060(1)-(2)**

34

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

38
39 (1) The general fish and wildlife habitat mitigation goals and standards of OAR
40 635-415-0025(1) through (6) in effect as of February 24, 2017; and
41

42 (2) For energy facilities that impact sage-grouse habitat, the sage-grouse
43 specific habitat mitigation requirements of the Greater Sage-Grouse

1 *Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-*
2 *0000 through -0025 in effect as of February 24, 2017.*

3
4 **Discussion:** The Fish and Wildlife Exhibit must include adequate information for the Council to
5 make the findings required under section (1). In Oregon, sage-grouse habitat is only present in
6 Baker, Crook, Deschutes, Harney, Lake, Malheur, and Union Counties. The proposed site is not
7 located within these counties; therefore section (2) is not applicable.

8
9 **Additional Information Requested:** The exhibit should demonstrate that the applicant has
10 consulted with the Oregon Department of Fish and Wildlife (ODFW) in developing the Fish and
11 Wildlife Habitat Exhibit. The applicant should review and incorporate guidance from the 2008
12 Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines, which
13 include the best available guidelines for avoiding and minimizing impacts to wildlife and their
14 habitats.

15 16 **III.H.2 Information Requirements – OAR 345-022-0060(3)**

17
18 *(3) To assist the Council in determining whether the standard outlined in (1)*
19 *through (2) has been met, the Applicant must submit information about the*
20 *fish and wildlife habitat and the fish and wildlife species, other than the*
21 *species addressed in OAR-022-0070(3) (the Threatened and Endangered*
22 *Species Exhibit) that could be affected by the proposed facility, providing*
23 *evidence to support a finding by the Council as required by this rule. The*
24 *applicant must include:*

25 26 **III.H.2.1 General Requirements and Analysis Areas**

27
28 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
29 that the design, construction, and operation of the facility, taking into account mitigation will
30 be consistent with general fish and wildlife habitat mitigation goals and standards of OAR 635-
31 415-0025.

32
33 **Analysis Area:** Consistent with the study area under OAR 345-001-0010(35), the analysis area
34 for fish and wildlife habitat and habitat impacts is **the area within and extending 0.5 miles from**
35 **the proposed site boundary**. Unless specifically noted otherwise, the surveys and other field-
36 based characterization may be limited to areas within proposed micrositing corridors or areas,
37 if micrositing corridors or areas are proposed in the ASC, but the applicant must still identify
38 habitat and potential habitat impacts within the entire analysis area through literature review
39 and other desktop methods. If the applicant becomes aware of potentially significant impacts
40 to fish and wildlife habitat outside this analysis area, the Exhibit must assess those impacts and
41 show how they would be avoided or minimized.

1 III.H.2.2 Surveys – OAR 345-022-0060(3)(a)

2
3 (a) *A description of biological and botanical surveys performed that support*
4 *the information in this exhibit, including a discussion of the timing and scope*
5 *of each survey;*
6

7 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the Fish
8 and Wildlife Habitat Exhibit. At a minimum, the timing, scope, methods, and sources for each
9 survey must be discussed. Requirements for specific surveys are discussed in more detail
10 below. Additional surveys may be required based on consultation with ODFW.

11
12 *Habitat Surveys*

13
14 Habitat Surveys must be conducted to support the habitat characterization required under
15 subsection (b) and post-construction revegetation plans. The surveys must be adequate to
16 identify general vegetation and land cover types, wildlife habitat, habitat quality, extent of
17 noxious weeds, and physical characteristics of the site.⁷ All habitat within the analysis area must
18 be mapped into specific, clearly defined habitat types, such as grassland, shrub-steppe,
19 woodland, cropland. Habitats within the site boundary or proposed microsite corridors must
20 be further defined to subtype by vegetation community and classified according to ODFW
21 Habitat Mitigation Policy based on field surveys. All habitat located within Big Game Winter
22 Range that is not cultivated or developed (e.g. Category 6) will be considered Category 2
23 Habitat regardless of functional quality for the purposes of determining appropriate mitigation,
24 however, the Exhibit should still report the category based on the functional quality of habitat
25 observed during the field surveys.

26
27 *Sensitive Species Surveys*

28
29 The exhibit must include baseline surveys in appropriate habitats for state sensitive species or
30 Oregon Species of Greatest Conservation Need under subsections (d) and (e). The applicant
31 must consult with ODFW to prepare a list of target species and appropriate methods prior to
32 conducting surveys.⁸

33
34 *Raptor Nest Surveys*

35
36 The applicant must conduct surveys to identify raptor and eagle nests within two miles of all
37 proposed turbine locations. Surveys must be conducted during the active nesting season using
38 best available standards. The applicant should consult with ODFW to prepare a list of target
39 species and appropriate survey periods and methods prior to conducting surveys. All potential
40 and confirmed raptor nests should be recorded, regardless of activity status. If possible, inactive
41 nests (without sign of use) should be assessed for nest age, species of use, and estimation of

⁷ HWPNOIDoc11-02 Reviewing Agency Comments ODFW 2025-08-22.

⁸ Id.

last season used. The surveys must be adequate to identify nest locations and species that will potentially be disturbed by construction activities. The surveys should also identify active, potentially active, and alternate or historic (active within the past five years) nest sites with the highest likelihood of impacts from the operation of the wind facility. Additional surveys may be required depending on resource agency guidance, site specific conditions, and preliminary findings.⁹

General Avian Use Surveys

In general, one full year of avian (including raptors, passerines, etc.) use surveys should be conducted in the project site, using best available standards. Surveys should be designed by species group and by season, as appropriate for the wind project area and its habitat types. Two or more years of seasonal data is recommended in the following cases: 1) use of the project site by the avian groups of concern is estimated to be high, 2) there is little existing relevant data regarding seasonal use of the wind project site or on nearby areas of similar habitat type, and/or 3) the wind project is especially large and/or complex. This additional avian use data should be collected to refine impact predictions and make decisions on project design. Survey durations may also be reduced dependent upon availability of pre-existing relevant survey data.

Bat Surveys

Bat surveys must be conducted at the site to identify what species are present at site, and the timing and locations of bat activity. Surveys should be conducted using the best available standards, based on consultation with ODFW. Guidance for survey methods and data standards are provided in the US Forest Service (2015) General Technical Report SRS-208, *A plan for the North American Bat Monitoring Program (NABat)*, available at: <https://research.fs.usda.gov/treesearch/48442>

Additional Information Requirement: All data collected must be submitted to the North American Bat Monitoring Program (NABat).

III.H.2.3 Fish and Wildlife Habitat – OAR 345-022-0060(3)(b)-(c)

(b) Identification of all fish and wildlife habitat in the analysis area, classified by the general fish and wildlife habitat categories as set forth in OAR 635-415-0025 and the sage-grouse specific habitats described in the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-140-0000 through 635-140-0025 (core, low density, and general habitats), and a description of the characteristics and condition of that habitat in the analysis area, including a table of the areas of permanent disturbance and temporary disturbance (in acres) in each habitat category and subtype;

⁹ Id.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. As shown in Table 10, below, the Oregon Fish and Wildlife Habitat Mitigation Policy under OAR Chapter 635, Division 415 classifies six habitat categories and establishes a mitigation goal for each category.

Table 8: Habitat Categories Under OAR 635-0415-0025

Category	Description	Mitigation Goal
1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	No loss of either habitat quantity or quality.
2	Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.	If impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.
3	Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.	No net loss of either habitat quantity or quality.
4	Important habitat for fish and wildlife species.	No net loss in either existing habitat quantity or quality.
5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	If impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	Minimize impacts.

The exhibit must identify all fish and wildlife habitat in the analysis area, classified by both vegetation class and habitat category as set forth in OAR 635-415-0025 and describe the characteristics and condition of that habitat in sufficient detail to justify the categorizations. The habitat classification is subject to the Department and ODFW review.

The data provided should provide detail about the observed functional quality of habitat within the analysis area, however, because the proposed site falls within mapped Big Game Winter Range all habitat will be considered, at minimum, Category 2.

(c) A map showing the locations of the habitat identified in (b);

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. Maps should show each habitat category, type and subtype based on the results of the habitat survey.

Additional Information Requested: Maps should also show Big Game Winter Range and Priority Wildlife Connectivity Areas in relation to surveyed habitat and this information should inform the discussion of proposed methods to avoid and minimize impacts under OAR 345-022-0060(3)(g)-(h).

III.H.2.4 State Sensitive Species – OAR 345-022-0060(3)(d)-(e)

(d) Based on consultation with the Oregon Department of Fish and Wildlife (ODFW) and appropriate field study and literature review, identification of all State Sensitive Species that might be present in the analysis area and a discussion of any site-specific issues of concern to ODFW;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. The applicant must consult with ODFW to prepare a list of target species and appropriate methods prior to conducting surveys.

(e) A baseline survey of the use of habitat in the analysis area by species identified in (d) performed according to a protocol approved by the Department and ODFW;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. The applicant must consult with ODFW to prepare a list of target species and appropriate methods prior to conducting surveys.

III.H.2.5 Impact Assessment – OAR 345-022-0060(3)(f)

(f) A description of the nature, extent and duration of potential adverse impacts on the habitat identified in (b) and species identified in (d) that could result from construction, operation and retirement of the proposed facility;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. This assessment must discuss, at a minimum, the temporary and permanent disturbances expected to result from the construction and operations/maintenance activities at the site. The exhibit must include maps and a table of the areas of permanent disturbance and temporary disturbance (in acres) in each habitat category and subtype.

If state sensitive species, or suitable habitat for state sensitive species, are identified within the analysis area that could be adversely affected as a result of the proposed facility, the applicant must also include a description of the nature, extent, and duration of potential adverse impacts.

III.H.2.6 Mitigation and Monitoring – OAR 345-022-0060(3)(g)-(h)

(g) A description of any measures proposed by the applicant to avoid, reduce, or mitigate the potential adverse impacts described in (f) in accordance with the general fish and wildlife habitat mitigation goals and standards described in OAR 635-415-0025 and a description of any measures proposed by the applicant to avoid, minimize, and provide compensatory mitigation for the potential adverse impacts described in (f) in accordance with the sage-grouse specific habitat mitigation requirements described in the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-140-0000 through 635-140-0025, and a discussion of how the proposed measures would achieve those goals and requirements; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. Mitigation measures should be considered in the following order of priority:

- Avoidance of impacts to sensitive species, rare or sensitive habitats, or habitat functions, including Priority Wildlife Connectivity Areas.
- Minimization of impacts by controlling construction activities and facility operations to limit the degree or magnitude impacts;
- Partially or completely rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;
- Partially or completely compensating for the impact by providing compensatory mitigation in accordance with the Fish and Wildlife Habitat Mitigation Policy.

All proposed mitigation measures must be incorporated into a draft Habitat Mitigation Plan which must be included as an attachment to the exhibit. The draft Habitat Mitigation Plan must clearly demonstrate how the applicant would provide mitigation for both short- and long-term habitat impacts in accordance with the Habitat Mitigation Policy. If compensatory mitigation for habitat impacts is proposed, the draft Habitat Mitigation Plan must identify the location of a specific habitat mitigation area that could be used to provide in-kind, in-proximity mitigation for any impacts to Category 2 to 4 Habitat, as well as ecological uplift mitigation actions that could be implemented at the habitat mitigation area to provide the appropriate mitigation.

Additional Information Requested: The draft Habitat Mitigation Plan must include the results of the habitat categorization surveys at the site and proposed habitat mitigation areas, and proposed enhancement actions suitable for uplift at the proposed habitat mitigation area. The draft plan must include success criteria for the proposed ecological uplift actions and describe a process for evaluating monitoring and reference site locations, prior to construction, and for the life of the proposed facility. The draft plan must include a draft legal mechanism or mechanisms proposed for acquiring the legal right to maintain and enhance the habitat mitigation area.

Additional Information Requested: If state sensitive species, or suitable habitat for state sensitive species, are identified within the analysis area that could be adversely affected by the construction and operation of the proposed facility, the applicant must also include a Wildlife Monitoring and Mitigation Plan. The Wildlife Monitoring and Mitigation Plan must include provisions for monitoring wildlife fatalities from the operation of Wind Turbines and other facilities during the operation of the proposed facility. The applicant is encouraged to consult with ODFW and the Department in the development of a Post-Construction Fatality Monitoring Program and potential mitigation strategies to monitor and minimize impacts to sensitive species during construction and operation of the facility.

Mitigation measures recommended in comments on the NOI provided by ODFW include:

- Siting facility components to avoiding impacts to migratory big game corridors and Priority Wildlife Connectivity Areas.
- Following seasonal restrictions on construction activities to avoid and minimize impacts to wintering big game.
- Establishing avoidance buffers around eagle and raptor nests during sensitive nesting periods.
- Restricting bird nest removal and ground disturbance during the general bird breeding season (March 1- July 15th).
- Consulting with US Fish and Wildlife Service on potential impact to eagles and raptors covered under the Golden and Bald Eagle Protection Act and Migratory Bird Treaty Act.

The Fish and Wildlife Habitat should address all these recommendations. If the mitigation measures are not incorporated into the draft Habitat Mitigation Policy or Wildlife Monitoring and Mitigation Plan, an explanation of why the measures are not necessary, or not practicable, should be provided in the Exhibit.

(h) A description of the applicant's proposed monitoring plans to evaluate the success of the measures described in (g).

Discussion: This section is applicable to all proposed facilities and must be addressed in the Fish and Wildlife Habitat Exhibit. See section about re: Habitat Mitigation Plan and Wildlife Monitoring and Mitigation Plan.

III.I. Threatened and Endangered Species – OAR 345-022-0070

III.I.1 Standard and Applicability – OAR 345-022-0070(1)-(2)

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

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

4
5 (a) Are consistent with the protection and conservation program, if any, that
6 the Oregon Department of Agriculture has adopted under ORS 564.105(3); or

7
8 (b) If the Oregon Department of Agriculture has not adopted a protection and
9 conservation program, are not likely to cause a significant reduction in the
10 likelihood of survival or recovery of the species.

11
12 (2) For wildlife species that the Oregon Fish and Wildlife Commission has listed
13 as threatened or endangered under ORS 496.172(2), the design, construction
14 and operation of the proposed facility, taking into account mitigation, are not
15 likely to cause a significant reduction in the likelihood of survival or recovery of
16 the species.

17
18 **Discussion:** The Threatened and Endangered Species Exhibit must include adequate
19 information for the Council to make the findings required under section (1) and (2). Specific
20 information requirements are discussed below.

21 22 **III.I.2 Information Requirements – OAR 345-022-0070(3)**

23
24 (3) To assist the Council in determining whether the standard outlined in (1)
25 through (2) has been met, the Applicant must submit information about
26 threatened and endangered plant and animal species that may be affected by
27 the proposed facility, providing evidence to support a finding by the Council as
28 required by OAR 345-022-0070. The applicant must include:

29 30 **III.I.2.1 General Requirements and Analysis Areas**

31
32 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
33 that the design, construction, and operation of the facility, taking into account mitigation will
34 be consistent with general fish and wildlife habitat mitigation goals and standards of OAR 635-
35 415-0025.

36
37 **Analysis Area:** Consistent with the study area under OAR 345-001-0010(35), the analysis area
38 for impacts to threatened and endangered species is **the area within and extending 5 miles**
39 **from the proposed site boundary.** Unless specifically noted otherwise, the surveys and other
40 field-based study may be limited to areas within proposed microsinning corridors or areas, if
41 microsinning corridors or areas are proposed, but the applicant must still identify protected
42 species and potential impacts to those species within the entire analysis area through literature
43 review and other desktop methods. If the applicant becomes aware of potentially significant

1 impacts to any threatened or endangered species that may occur outside this analysis area, the
2 Exhibit must assess those impacts and show how they would be avoided or minimized.

3
4 III.I.2.2 Listed Species Surveys – OAR 345-022-0070(3)(a)-(b)

5
6 *(a) Based on appropriate literature and field study, identification of all*
7 *threatened or endangered species listed under ORS 496.172(2) and ORS*
8 *564.105(2) that may be affected by the proposed facility;*
9

10 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
11 Threatened and Endangered Species Exhibit. The list of potentially affected species must
12 include a list of all threatened and endangered species listed in OAR 635-100-0125 or 603-073-
13 0070 that have the potential to occur in the analysis area. For the application, the analysis area
14 must include the area within and extending 5 miles from the site boundary. The applicant shall
15 identify these species based on a review of literature, consultation with ODFW and ODAg's
16 Native Plant Conservation Program, and reference to the list of species maintained by the
17 Oregon Biodiversity Information Center.

18
19 In its comments on the NOI, ODFW identified Washington Ground Squirrel (*Urocitellus*
20 *washingtoni*), a state listed endangered species as potentially occurring within the analysis
21 area.

22
23 In its comments on the NOI, the Native Plant Conservation Program identified one listed plant
24 species, Lawrence's milkvetch (*Astragalus collinus* var. *laurentii*), as potentially occurring within
25 the analysis area.

26
27 *(b) For each species identified under (a), a description of the nature, extent,*
28 *locations and timing of its occurrence in the analysis area and how the facility*
29 *might adversely affect it;*
30

31 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
32 Threatened and Endangered Species Exhibit. The description must be based on appropriate
33 literature review and field study that is adequate to determine whether the species occurs or
34 potentially occurs within the site.

35
36 **Additional Information Requested:** The exhibit must contain the results of Washington Ground
37 Squirrel surveys conducted following the protocol described in Washington Ground Squirrel
38 Protections and Survey Requirements within 1000 feet of any ground disturbing activity in all
39 terrestrial habitat within the species' range that has not been developed (i.e. active agricultural
40 lands).

41
42 In addition, the exhibit must contain the results of botanical surveys conducted using
43 appropriate methods and at appropriate times to identify Lawrence's Milkvetch.
44

Any information regarding the habitat, location or population of any threatened species or endangered species is protected from public disclosure under ORS 192.345(13) and 564.130, and must be provided under separate cover and clearly labelled as confidential.

In addition to providing this data in the exhibit, the applicant must provide evidence that data related to any observations of listed plant or wildlife species has been provided to the Oregon Biodiversity Information Center.

III.I.2.3 Impact Assessment, Mitigation and Monitoring – OAR 345-022-0070(3)(c)-(g)

(c) For each species identified under (a), a description of measures proposed by the applicant, if any, to avoid or reduce adverse impact;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Threatened and Endangered Species Exhibit. The mitigation measures must be considered in the following order of priority:

- Avoidance of impacts by avoiding siting facility components within occupied or suitable habitat.
- Minimization of impacts by controlling construction activities and facility operations to limit the degree or magnitude of direct or indirect impacts;
- Partially or completely rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;
- Partially or completely compensating for the impact by providing compensatory mitigation that benefits the affected species.

(d) For each plant species identified under (a), a description of how the proposed facility, including any mitigation measures, complies with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3);

Discussion: This section is applicable to all proposed facilities; however, the Oregon Department of Agriculture has not adopted a protection and conservation program for Lawrence's Milkvetch.

(e) For each plant species identified under paragraph (a), if the Oregon Department of Agriculture has not adopted a protection and conservation program under ORS 564.105(3), a description of significant potential impacts of the proposed facility on the continued existence of the species and on the critical habitat of such species and evidence that the proposed facility,

1 *including any mitigation measures, is not likely to cause a significant reduction*
2 *in the likelihood of survival or recovery of the species;*
3

4 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
5 Threatened and Endangered Species Exhibit.
6

7 *(f) For each animal species identified under (a), a description of significant*
8 *potential impacts of the proposed facility on the continued existence of such*
9 *species and on the critical habitat of such species and evidence that the*
10 *proposed facility, including any mitigation measures, is not likely to cause a*
11 *significant reduction in the likelihood of survival or recovery of the species;*
12 *and*
13

14 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
15 Threatened and Endangered Species Exhibit.
16

17 *(g) The applicant's proposed monitoring program, if any, for impacts to*
18 *threatened and endangered species.*
19

20 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
21 Threatened and Endangered Species Exhibit. Any information about monitoring and mitigating
22 impacts to threatened or endangered plant species must be incorporated into the Revegetation
23 and Noxious Weed Control Plan, as appropriate.
24

25 **III.J. Scenic Resources – OAR 345-022-0080**

26

27 **III.J.1 Standard and Applicability – OAR 345-022-0080(1)-(4)**

28

29 *(1) To issue a site certificate, the Council must find that the design,*
30 *construction and operation of the facility, taking into account mitigation, are*
31 *not likely to result in significant adverse visual impacts to significant or*
32 *important scenic resources.*
33

34 *(2) The Council may issue a site certificate for a special criteria facility under*
35 *OAR 345-015-0310 without making the findings described in section (1). In*
36 *issuing such a site certificate, the Council may impose conditions of approval*
37 *to minimize the potential significant adverse visual impacts from the design,*
38 *construction, and operation of the facility on significant or important scenic*
39 *resources.*
40

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

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

10
11 **Discussion:** The Scenic Resources Exhibit must include adequate information for the Council to
12 make the findings required under section (1) and (3). Section (2) and (4) are not applicable to
13 the proposed facility.

14 15 **III.J.2 Information Requirements – OAR 345-022-0080(5)**

16
17 (5) To assist the Council in determining whether the standard outlined in (1)
18 through (4) has been met, the Applicant must submit an analysis of potential
19 visual impacts of the proposed facility, if any, on significant or important
20 scenic resources within the analysis area, providing evidence to support a
21 finding by the Council under OAR 345-022-0080, including:
22

23 III.J.2.1 General Requirements and Analysis Areas

24
25 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
26 that the design, construction and operation of the facility, taking into account mitigation, are
27 not likely to result in significant adverse impact to any significant or important scenic resources.
28

29 **Analysis Area:** Consistent with the study area in OAR 345-001-0010(35), the analysis area for
30 impacts to scenic resources is **the area within and extending 10 miles the proposed site**
31 **boundary**. If the applicant is aware of potentially significant visual impacts to significant or
32 important scenic resources that are outside this analysis area, the Exhibit must assess those
33 impacts and show how they would be avoided or minimized.
34

35 III.J.2.2 Scenic Resources Inventory– OAR 345-022-0080(5)(a)-(b)

36
37 (a) An inventory of scenic resources identified as significant or important in a
38 land use management plan adopted by one or more local, tribal, state,
39 regional, or federal government or agency applicable to lands within the
40 analysis area for scenic resources. The applicant must provide a list of the land
41 management plans reviewed in developing the inventory and a copy of the
42 relevant portion of the plans;
43

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit. The inventory must be based on review of all local, state or regional land use plans, tribal land management plans and federal land management plans applicable to lands located within the analysis area. The analysis area for Scenic Resources includes the area within and extending 10 miles from the site boundary. Copies of the portions of the management plans that identify or discuss scenic resources must be attached to the exhibit.

(b) A map or maps showing the location of the scenic resources described under subsection (a), in relation to the site of the proposed facility;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit.

III.J.2.3 Visual Impacts Assessment – OAR 345-022-0080(5)(c)-(e)

(c) A description of the methodology the applicant used to identify and assess potential visual impacts to the scenic resources identified in subsection (a);

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit.

(d) Identification of potential visual impacts to the scenic resources identified in subsection (a), including, but not limited to:

(A) Loss of vegetation or alteration of the landscape as a result of construction or operation;

(B) Visual impacts of facility structures or plumes, including but not limited to, changes in landscape character or quality; and

(C) Loss of visibility due to air emissions or other pollution resulting from the construction or operation of the proposed facility;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit. While no specific methodology is required to be used for the visual impacts assessment, the applicant must submit evidence adequate to demonstrate why the proposed facility is in compliance with the Scenic Resources standard. Visual simulations or other visual representations are not required but can be an important tool to help the Department, Council, and general public understand the potential visual impacts of the proposed facility on scenic resources.

(e) An assessment of the significance of the visual impacts described under subsection (d);

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit. The evaluation of significance should consider the proposed facility's consistency or compliance with any development or land use criteria included in the land management plan for the identified resource.

III.J.2.4 Monitoring and Mitigation – OAR 345-022-0080(5)(f)-(g)

(f) A description of the measures the applicant proposes to avoid, reduce or otherwise mitigate any potential significant adverse visual impacts; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit. The response should describe any considerations that are incorporated into the design of the proposed facility to avoid or reduce visual impacts.

(g) The applicant's proposed monitoring program, if any, for impacts to scenic resources.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Scenic Resources Exhibit.

III.K. Historic, Cultural and Archaeological Resources – OAR 345-022-0090

III.K.1 Standard and Applicability – OAR 345-022-0090(1)-(3)

(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).

(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.

1 (3) The Council may issue a site certificate for a special criteria facility under
2 OAR 345-015-0310 without making the findings described in section (1).
3 However, the Council may apply the requirements of section (1) to impose
4 conditions on a site certificate issued for such a facility.
5

6 **Discussion:** The Historic, Cultural and Archaeological Resources Exhibit must include adequate
7 information for the Council to make the findings required under section (1); as described in
8 section (2), this information will be used to determine what, if any, conditions are appropriate
9 to address potentially significant adverse impacts to resources that could result from the
10 construction and operation of the proposed facility. The proposed facility is not a special
11 criteria facility; therefore section (3) is not applicable.
12

13 **III.K.2 Information Requirements – OAR 345-022-0090(4)** 14

15 (4) To assist the Council in determining whether the standard outlined in (1)
16 through (3) has been met, the Applicant must submit information about
17 historic, cultural and archaeological resources. Information concerning the
18 location of archaeological sites or objects may be exempt from public
19 disclosure under ORS 192.345(11). The applicant must submit such
20 information separately, clearly marked as “confidential,” and shall request
21 that the Department and the Council keep the information confidential to the
22 extent permitted by law. The applicant must include information in this exhibit
23 or in confidential submissions providing evidence to support a finding by the
24 Council as required by OAR 345-022-0090, including:
25

26 **III.K.2.1 General Requirements and Analysis Areas** 27

28 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
29 that the design, construction and operation of the facility, taking into account mitigation, are
30 not likely to result in significant adverse impacts to protected historic, cultural or archaeological
31 resources.
32

33 **Analysis Area:** The analysis area for historic, cultural or archaeological resources in **the area**
34 **within and extending one-mile from the proposed site boundary.** The exhibit must describe all
35 known archaeological sites and any above-ground historic, cultural or archaeological resources
36 in the entire analysis area. Pedestrian surveys or other field-based archaeological studies may
37 be limited to microsite corridors or areas, if microsite corridors or areas are proposed in the
38 ASC. If the applicant is aware of potentially significant impacts to protected resources outside
39 this analysis area, the Exhibit must assess those impacts and show how they would be avoided
40 or minimized.
41

42 **III.K.2.2 Resource Inventory – OAR 345-022-0090(4)(a)-(c)** 43

1 (a) *Historic and cultural resources within the analysis area that have been*
2 *listed, or would likely be eligible for listing, on the National Register of Historic*
3 *Places;*

4
5 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
6 Historic, Cultural and Archaeological Resources Exhibit. In addition to identifying any historic
7 and cultural resources identified, the exhibit must include an evaluation of whether the historic
8 properties have been listed on, or would likely be listed on, the National Register of Historic
9 Places, based on an evaluation of the National Register Evaluation Criteria as described in
10 National Register Bulletin 15.

11
12 **NOTE:** Information concerning the location of archaeological sites or objects is exempt from
13 public disclosure under ORS 192.345(11). Such information, including archaeological survey
14 reports, should be provided confidentially under separate cover in a manner approved by the
15 Department. Confidential material shall also be provided directly to SHPO, following guidance
16 from the Department and SHPO. Please contact the Department to discuss current practices
17 regarding treatment and submittal of confidential material.

18
19 (b) *For private lands, archaeological objects, as defined in ORS 358.905(1)(a),*
20 *and archaeological sites, as defined in ORS 358.905(1)(c), within the analysis*
21 *area;*

22
23 **Discussion:** Because the proposed site is located on private lands, this section is applicable and
24 must be addressed in the Historic, Cultural and Archaeological Resources Exhibit. Under ORS
25 358(1)(a), an archaeological object” is an object that (A) Is at least 75 years old; (B) is part of the
26 physical record of an indigenous or other culture found in the state or waters of the state; and
27 (C) is material remains of past human life or activity that are of archaeological significance
28 including, but not limited to, monuments, symbols, tools, facilities, technological by-products
29 and dietary by-products. An “archaeological site” is a geographic locality that contains
30 archaeological objects and the contextual associations of the archaeological objects with (i)
31 Each other; or (ii) Biotic or geological remains or deposits.

32
33 (c) *For public lands, archaeological sites, as defined in ORS 358.905(1)(c),*
34 *within the analysis area;*

35
36 **Discussion:** Because there are no public lands within the analysis area, this section is not
37 applicable.

38
39 III.K.2.3 Impact Assessment – OAR 345-022-0090(4)(d)-(e)

40
41 (d) *The significant potential impacts, if any, of the construction, operation and*
42 *retirement of the proposed facility on the resources described in subsections*
43 *(a), (b), and (c) and a plan for protection of those resources that includes at*
44 *least the following:*

Discussion: This section is applicable to all proposed facilities and must be addressed in the Historic, Cultural and Archaeological Resources Exhibit.

(A) A description of any discovery measures, such as surveys, inventories, and limited subsurface testing work, recommended by the State Historic Preservation Officer or the National Park Service of the U.S. Department of Interior for the purpose of locating, identifying and assessing the significance of resources listed in subsections (a), (b), and (c);

Discussion: This section is applicable to all proposed facilities and must be addressed in the Historic, Cultural and Archaeological Resources Exhibit. The applicant should coordinate with SHPO on the completion of surveys and studies needed to assess potential project impacts on historic, archaeological and cultural resources under the EFSC standard. All survey reports and documents submitted to SHPO for the proposed facility should include the SHPO case number as listed above. Applicant should submit survey reports to the SHPO directly and list the Department as contact on the submittal form.

(B) The results of the discovery measures described in paragraph (A), together with an explanation by the applicant of any variations from the survey, inventory, or testing recommended;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Historic, Cultural and Archaeological Resources Exhibit.

(C) A list of measures to prevent destruction of the resources identified during surveys, inventories and subsurface testing referred to in paragraph (A) or discovered during construction; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Historic, Cultural and Archaeological Resources Exhibit.

(e) The applicant's proposed monitoring program, if any, for impacts to historic, cultural and archaeological resources during construction and operation of the proposed facility.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Historic, Cultural and Archaeological Resources Exhibit. The program must, at a minimum, include an Inadvertent Discovery Plan that complies with the requirements of OAR chapter 736, division 051.

III.L. Recreation – OAR 345-022-0100

1 **III.L.1 Standard and Applicability – OAR 345-022-0100(1)-(4)**

2
3 *(1) To issue a site certificate, the Council must find that the design,*
4 *construction and operation of a facility, taking into account mitigation, are*
5 *not likely to result in a significant adverse impact to important recreational*
6 *opportunities.*

7
8 *(2) The Council must consider the following factors in judging the importance*
9 *of a recreational opportunity:*

10
11 *(a) Any special designation or management of the location;*

12
13 *(b) The degree of demand;*

14
15 *(c) Any outstanding or unusual qualities;*

16
17 *(d) The availability or rareness; and*

18
19 *(e) The irreplaceability or irretrievability of the opportunity.*

20
21 *(3) The Council may issue a site certificate for a special criteria facility under*
22 *OAR 345-015-0310 without making the findings described in section (1). In*
23 *issuing such a site certificate, the Council may impose conditions of approval*
24 *to minimize the potential significant adverse impacts from the design,*
25 *construction, and operation of the facility on important recreational*
26 *opportunities.*

27
28 *(4) The Council must apply the version of this rule adopted under*
29 *Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the*
30 *review of any Application for Site Certificate or Request for Amendment that*
31 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
32 *before the effective date of this rule. Nothing in this section waives the*
33 *obligations of the certificate holder and Council to abide by local ordinances,*
34 *state law, and other rules of the Council for the construction and operation of*
35 *energy facilities in effect on the date the site certificate or amended site*
36 *certificate is executed.*

37
38 **Discussion:** The Recreation Exhibit must include adequate information for the Council to make
39 the findings required under section (1) and (2). Sections (3) and (4) are not applicable to the
40 proposed facility.

41
42 **III.L.2 Information Requirements – OAR 345-022-0100(5)**

1 (5) To assist the Council in determining whether the standard outlined in (1)
2 through (4) has been met, the Applicant must submit information about the
3 impacts the proposed facility would have on important recreational
4 opportunities in the analysis area, providing evidence to support a finding by
5 the Council as required by OAR 345-022-0100, including:
6

7 III.L.2.1 General Requirements and Analysis Areas 8

9 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
10 that the design, construction and operation of the facility, taking into account mitigation, are
11 not likely to result in significant adverse impact to any important recreational opportunities.
12

13 **Analysis Area:** Consistent with the study area in OAR 345-001-0010(35), the analysis area for
14 impacts to recreational opportunities is **the area within and extending 5 miles the proposed**
15 **site boundary**. If the applicant is aware of potentially significant impacts to important
16 recreational opportunities outside this analysis area, the Exhibit must assess those impacts and
17 show how they would be avoided or minimized.
18

19 III.L.2.2 Inventory of Recreational Resources – OAR 345-022-0100(5)(a) 20

21 (a) A description of the recreational opportunities in the analysis area that
22 includes information on the factors listed in OAR 345-022-0100(1) as a basis
23 for identifying important recreational opportunities;
24

25 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
26 Recreation Exhibit.
27

28 III.L.2.3 Impact Assessment – OAR 345-022-0100(5)(b)-(f) 29

30 (b) A description of any potential adverse impacts to the important
31 opportunities identified in subsection (a) including, but not limited to:
32

33 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
34 Recreation Exhibit. If the applicant becomes aware of any potential significant impacts to a
35 significant or important recreational opportunity not listed below, or of potential significant
36 impacts to a significant or important recreational opportunity outside of the analysis area, the
37 impacts must be disclosed and evaluated in the exhibit.
38

39 (A) Direct or indirect loss of a recreational opportunity as a result of facility
40 construction or operation;
41

42 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
43 Recreation Exhibit.

1
2 *(B) Noise resulting from facility construction or operation;*
3

4 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
5 Recreation Exhibit. Compliance with the DEQ noise rules does not correlate to compliance with
6 the noise assessment considered in the Recreation standard. Particularly, while construction
7 noise is exempt from the DEQ noise rules, construction noise must be considered under the
8 Recreation standard. However, information developed to demonstrate compliance with the
9 DEQ noise rules such as noise modeling can be used in the assessment under the Recreation
10 standard.
11

12 *(C) Increased traffic resulting from facility construction or operation; and*
13

14 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
15 Recreation Exhibit.
16

17 *(D) Visual impacts of facility structures or plumes, including but not limited to,*
18 *changes in landscape character or quality.*
19

20 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
21 Recreation Exhibit. While no specific methodology is required for the visual impacts
22 assessment, the applicant must submit sufficient evidence to demonstrate how the proposed
23 facility would comply with the Recreation standard. The applicant should consider the extent of
24 impacts and prior Council evaluations when designing the impact assessment methodology.
25 Visual simulations or other visual representations are not required but are an important tool to
26 help the Department, Council, and general public understand the potential visual impact of the
27 proposed facility to important recreational opportunities.
28

29 *(c) An evaluation of the significance of the potential adverse impacts identified*
30 *under subsection (b);*
31

32 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
33 Recreation Exhibit.
34

35 *(d) A description of any measures the applicant proposes to avoid, reduce or*
36 *otherwise mitigate any significant adverse impacts identified in subsection (b);*
37

38 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
39 Recreation Exhibit.
40

41 *(e) A map of the analysis area showing the locations of important recreational*
42 *opportunities identified in subsection (a); and*
43

Discussion: This section is applicable to all proposed facilities and must be addressed in the Recreation Exhibit.

(f) The applicant's proposed monitoring program, if any, for impacts to important recreational opportunities.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Recreation Exhibit.

III.M. Public Services – OAR 345-022-0110

III.M.1 Standard and Applicability – OAR 345-022-0110(1)-(3)

(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.

(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.

(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). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

Discussion: The Public Services Exhibit must include adequate information for the Council to make the findings required under section (1). As described in section (2), this information will be used to impose conditions of approval as the Council determines to be appropriate to address potential impacts on public service providers. Section (3) is not applicable to the proposed facility.

III.M.2 Information Requirements – OAR 345-022-0110(4)

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

1 *(a) Information about significant potential adverse impacts of construction*
2 *and operation of the proposed facility on the ability of public and private*
3 *providers in the analysis area to provide the services listed in OAR 345-022-*
4 *0110, providing evidence to support a finding by the Council as required by*
5 *OAR 345-022-0110. The applicant must include:*
6

7 III.M.2.1 General Requirements and Analysis Areas
8

9 **Discussion:** As described above, the Exhibit must contain sufficient information to demonstrate
10 that the design, construction and operation of the facility, taking into account mitigation, are
11 not likely to result in significant adverse impact to any protected areas
12

13 **Analysis Area:** Based on recommendations by Morrow County, the analysis area for impacts to
14 Public Services includes communities in **the area within and extending 30 miles from the site**
15 **boundary**. The analysis area includes portions of unincorporated Morrow and Umatilla County,
16 and the Cities of Heppner, Lexington, Lone, Boardman, Irrigon, Hermiston, Stanfield, Echo,
17 Pendleton and Pilot Rock. If the applicant is aware of potentially significant impacts to public
18 service providers outside this analysis area, the Exhibit must assess those impacts and show
19 how they would be avoided or minimized.
20

21 *(A) The important assumptions the applicant used to evaluate potential*
22 *impacts;*
23

24 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
25 Public Services Exhibit. Assumptions should include:
26

- 27 • The number of workers anticipated to be present at the site during construction and
28 operation of the proposed facility. Unless the applicant can provide evidence of specific
29 policies or programs for local hiring, the applicant must assume that 100 percent of the
30 workforce will be hired from outside of the analysis area for the purposes of the
31 exhibit.
- 32 • The amount of water needed for facility construction and operation
- 33 • The rate and volume of solid waste generation expected to result from construction
34 and operation
- 35 • The number of daily vehicle trips to and from the site that will be generated by the
36 construction and operation of the proposed facility, including passenger vehicle (e.g.
37 workers commuting to the site) and heavy vehicle (Deliveries of components and
38 materials), and the routes that will be used for these trips.
39

40 *(B) Identification of the public and private providers in the analysis area that*
41 *would likely be affected;*
42

1 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
2 Public Services Exhibit. The evidence should both identify the providers in the analysis area and
3 their capacity to meet the demand for services generated by the construction and operation of
4 the proposed facility.

- 5
6 • **Sewer and Stormwater management:** In the NOI, the applicant indicates that the
7 proposed facility would not connect to a developed public or private sewer or
8 stormwater drainage system. The Public Services Exhibit must confirm whether this is
9 the case. If so, no further analysis of these services is needed.

10
11 **Water:** The Public Services Exhibit must disclose all potential sources of water for
12 construction and operation of the proposed facility, to the extent the sources are known
13 at the time the application is submitted.

14
15 **Solid Waste Management:** The Public Services Exhibit must identify the likely
16 transporters and receivers of hazardous and nonhazardous solid waste generated by the
17 construction and operation of the facility and evidence that the disposal source has the
18 legal ability to receive and dispose of the forecasted waste types and quantities.

- 19
20 • **Housing:** Due to the limited number of workers expected to be permanently employed
21 at the site during operations, the housing analysis should be limited to short-term
22 housing providers in the analysis area that would serve the housing needs of the
23 proposed facilities construction workforce, including motels, hotels, and RV parks.

- 24
25 • **Air Traffic Safety:** The exhibit must identify any air navigation facilities in the analysis
26 area, including civilian and military airports, flight paths, and radar facilities.

- 27
28 • **Road Traffic Safety:** The exhibit must identify major transportation routes likely to be
29 used by workers and heavy vehicles to access the site and the public bodies responsible
30 for maintaining them.

31
32 **Police, Fire Protection, and Emergency Response –** The exhibit must identify all
33 emergency services providers that may respond to a structural fire or wildfire at the site,
34 including but not limited to the Heppner Rural Fire Protection District.

- 35
36 • **Health Care –** The exhibit must identify health care providers and facilities likely to
37 receive workers with serious injuries if an accident occurred at the site and emergency
38 medical service providers needed to transport workers, including, but not limited to, the
39 Morrow County Health District.

40
41 *(C) A description of any likely adverse impact to the ability of the providers*
42 *identified in (B) to provide the services listed in OAR 345-022-0110;*
43

1 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
2 Public Services Exhibit. Adverse impacts that must be evaluated include the lack of capacity to
3 meet the demand for specific types or levels of service required for the construction or
4 operation of the facility, or a decrease in the quality or availability of services for local
5 communities in the analysis area.

- 6
- 7 • **Sewer and Stormwater management:** If the proposed facility would not connect to a
8 developed public or private sewer or stormwater drainage system, no further analysis of
9 these services is needed.
- 10
- 11 • **Water:** The Exhibit must include evidence that the water sources identified under (B)
12 have the legal ability to meet the assumed water demand of the proposed facility.
13 Evidence may include letters from proposed service providers confirming ability to
14 legally provide the forecasted quantity during the forecasted period. If the service
15 provider cannot provide a firm commitment, provide other evidence, such as water
16 right or permit information for private providers, demonstrating that there are sources
17 that can meet the forecasted demand.
- 18
- 19 • **Solid Waste Management:** The exhibit must include evidence demonstrating that the
20 disposal source has the legal ability to receive and dispose of the forecasted waste types
21 and quantities. Obtain letters from proposed service providers confirming ability to
22 receive and legally dispose of the forecasted type and quantity of solar waste during
23 construction and operation.
- 24
- 25 • **Housing:** The exhibit must include evidence demonstrating that there is adequate
26 housing supply for the expected temporary construction workforce, taking into account
27 other known demands on housing during the anticipated construction period.
- 28
- 29 • **Air Traffic Safety:** The exhibit must demonstrate that the proposed facility would not
30 present a hazard to air navigation or interfere with the operation of the air navigation
31 facilities identified under (B).
- 32

33 **Additional Information Required:** The applicant must provide coordinates of
34 proposed turbine locations, meteorological towers, and other tall structures
35 using DMS format, the ground elevation at that location, and the above ground
36 height of the structures, if less than the maximum identified in the facility
37 description.

- 38
- 39 • **Road Traffic Safety:** The exhibit must include evidence sufficient to demonstrate that
40 there will be minimal disruptions in level of service along access routes identified in (B).
41 The exhibit must include evidence of consultation with the Morrow County Public Works
42 Department.
- 43

- **Police, Fire Protection, and Emergency Response** – The exhibit must provide evidence that the emergency service providers identified in (B) capacity to respond to incidents at the site, including the number of existing staff and volunteers, available equipment, and any constraints on ability to respond. The applicant is encouraged to provide letters from the emergency service providers, as well as the Morrow County Emergency Manager, identifying any specific challenges, constraints, or concerns regarding their ability to police, fire, and emergency services.
- **Health Care** – The exhibit must provide evidence that the healthcare providers identified in (B) have the capacity to provide treatment to potential electric or mechanical injuries or falls, including the number of existing staff and volunteers, available equipment, and any constraints on ability to respond.

(D) Evidence that adverse impacts described in (C) are not likely to be significant, taking into account any measures the applicant proposes to avoid, reduce or otherwise mitigate the impacts; and

Discussion: This section is applicable to all proposed facilities and must be addressed in the Public Services Exhibit.

Additional Information Requested: The Public Services Exhibit must address any potential capacity issues identified, and should include, at a minimum, a draft Road Use Agreement with the Morrow County Public Works Department, showing how traffic impacts will be avoided or mitigated, and an Emergency Response Plan, demonstrating how the applicant will prepare for and respond to emergencies at the site to reduce impacts to police, fire, and health care providers.

If the housing evaluation indicates that there may not be adequate temporary housing for construction workers, the exhibit must also explain how the applicant will ensure that workers are able to access appropriate housing options.

(E) The applicant's proposed monitoring program, if any, for impacts to the ability of the providers identified in (B) to provide the services listed in OAR 345-022-0110.

Discussion: This section is applicable to all proposed facilities and must be addressed in the Public Services Exhibit.

(b) A materials analysis, including:

(A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;

1 (B) The applicant's plans to manage hazardous substances during construction
2 and operation, including measures to prevent and contain spills; and

3
4 (C) The applicant's plans to manage non-hazardous waste materials during
5 construction and operation.

6
7 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
8 ASC; however, to the extent that sections (A) and (B) are addressed in other exhibits, the
9 information need not be repeated in the Public Services Exhibit. The applicants' plans to
10 manage waste should be discussed in the exhibit.

11 12 **III.N. Wildfire Prevention and Risk Mitigation – OAR 345-022-0115**

13 14 **III.N.1 Wildfire Risk Analysis – OAR 345-022-0115(1)(a)**

15
16 (1) To issue a site certificate, the Council must find, by way of supporting
17 evidence from the applicant, that:

18
19 (a) The applicant has adequately characterized wildfire risk within the analysis
20 area using current data from reputable sources, by identifying:

21
22 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
23 Wildfire Prevention and Risk Mitigation Exhibit.

24
25 **Analysis Area:** Consistent with the study area in OAR 345-001-0010(35), the analysis area for
26 wildfire risk **is the area within and extending 0.5 miles from the site boundary.** Mapping of
27 wildfire risk and hazard provided to support the Wildfire Prevention and Risk Mitigation Exhibit
28 must include the entire analysis area. Additional supporting information may be based on an
29 analysis of county-wide data.

30
31 (A) Baseline wildfire risk, based on factors that are expected to remain fixed
32 for multiple years, including but not limited to topography, vegetation,
33 existing infrastructure, and climate;

34
35 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
36 Wildfire Prevention and Risk Mitigation Exhibit.

37
38 (B) Seasonal wildfire risk, based on factors that are expected to remain fixed
39 for multiple months but may be dynamic throughout the year, including but
40 not limited to, cumulative precipitation and fuel moisture content;

41
42 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
43 Wildfire Prevention and Risk Mitigation Exhibit.

1 (C) Areas subject to a heightened risk of wildfire, based on the information
2 provided under paragraphs (A) and (B) of this subsection;
3

4 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
5 Wildfire Prevention and Risk Mitigation Exhibit.
6

7 (D) High-fire consequence areas, including but not limited to areas containing
8 residences, critical infrastructure, recreation opportunities, timber and
9 agricultural resources, and fire-sensitive wildlife habitat; and
10

11 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
12 Wildfire Prevention and Risk Mitigation Exhibit.
13

14 (E) All data sources and methods used to model and identify risks and areas
15 under paragraphs (A) through (D) of this subsection.
16

17 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
18 Wildfire Prevention and Risk Mitigation Exhibit. Sources that should be consulted in the
19 development of the Wildfire Prevention and Risk Mitigation Exhibit include the Oregon
20 Community Wildfire Protection Plan Planning Tool and the Oregon Wildfire Risk Explorer, in
21 addition to any County-specific fire plans available at the time the ASC is submitted, including
22 the Morrow County Community Wildfire Protection Plan and Natural Hazard Mitigation Plan.
23

24 **III.N.2 Wildfire Mitigation Plan – OAR 345-022-0115(1)(b)** 25

26 (b) That the proposed facility will be designed, constructed, and operated in
27 compliance with a Wildfire Mitigation Plan approved by the Council. The
28 Wildfire Mitigation Plan must, at a minimum:
29

30 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
31 Wildfire Prevention and Risk Mitigation Exhibit. The exhibit also include separate draft Wildfire
32 Mitigation Plans for construction and operations of the proposed facility.
33

34 **Additional Information Requested:** The exhibit must include evidence of consultation with the
35 Heppner Rural Fire Protection District (RFPD), or other fire department or district that would
36 respond to a fire at the facility, and the Morrow County Emergency Manager in the
37 development of the plan, and documentation of the consultation must be included in the
38 exhibit. Templates for the draft Plans are provided in Attachment 6. Please contact the
39 Department during the development of the Wildfire Mitigation Plans for current templates or
40 guidance prior to ASC submittal.
41

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

Discussion: This section is applicable to all proposed facilities and must be addressed in the Wildfire Prevention and Risk Mitigation Exhibit.

(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;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Wildfire Prevention and Risk Mitigation Exhibit.

(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;

Discussion: This section is applicable to all proposed facilities and must be addressed in the Wildfire Prevention and Risk Mitigation Exhibit.

Additional Information Requested: The plans should include a discussion of the use of fire breaks, defensible space and vegetation management, as well as restrictions on construction activities that will be implemented during Fire Weather Watches and Red Flag Warnings.

(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

Discussion: This section is applicable to all proposed facilities and must be addressed in the Wildfire Prevention and Risk Mitigation Exhibit. The plans must include:

- A description of who would respond to wildfires at the site and a plan for ensuring responders are aware of sensitive resources that should be avoided during fire suppression activities.
- A description and maps of access and egress options for wildfire responders and emergency vehicles to enter and exit the site in a fire emergency; the locations of stationary water sources, firefighting equipment, emergency shutoffs, or other safety features; and the locations of any hazardous materials or fuels storage, battery components, or other hazards.
- Information about whether any specialized equipment or training would be needed to respond to fire events at the site.

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

4
5 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
6 Wildfire Prevention and Risk Mitigation Exhibit.

7
8 (2) The Council may issue a site certificate without making the findings under
9 section (1) if it finds that the facility is subject to a Wildfire Protection Plan
10 that has been approved in compliance with OAR chapter 860, division 300.

11
12 **Discussion:** The applicant is not a public utility subject to the requirements of OAR chapter 860,
13 division 300, this section is not applicable.

14
15 (3) This Standard does not apply to the review of any Application for Site
16 Certificate or Request for Amendment that was determined to be complete
17 under OAR 345-015-0190 or 345-027-0363 on or before the effective date of
18 this rule.

19
20 **Discussion:** This section is **not applicable**.

21 22 **III.O. Waste Minimization – OAR 345-022-0120**

23 24 **III.O.1 Standard and Applicability – OAR 345-022-0120(1)-(3)**

25
26 (1) Except for facilities described in sections (2) and (3), to issue a site
27 certificate, the Council must find that, to the extent reasonably practicable:

28
29 (a) The applicant's solid waste and wastewater plans are likely to minimize
30 generation of solid waste and wastewater in the construction and operation
31 of the facility, and when solid waste or wastewater is generated, to result in
32 recycling and reuse of such wastes;

33
34 (b) The applicant's plans to manage the accumulation, storage, disposal and
35 transportation of waste generated by the construction and operation of the
36 facility are likely to result in minimal adverse impact on surrounding and
37 adjacent areas.

38
39 (2) The Council may issue a site certificate for a facility that would produce
40 power from wind, solar or geothermal energy without making the findings
41 described in section (1). However, the Council may apply the requirements of
42 section (1) to impose conditions on a site certificate issued for such a facility.

1 (3) The Council may issue a site certificate for a special criteria facility under
2 OAR 345-015-0310 without making the findings described in section (1).
3 However, the Council may apply the requirements of section (1) to impose
4 conditions on a site certificate issued for such a facility.
5

6 **Discussion:** The Waste Minimization Exhibit must include adequate information for the Council
7 to make the findings required under section (1). As described in section (2), this information will
8 be used to impose conditions of approval as the Council determines to be appropriate to
9 address solid waste and wastewater generated by the construction and operation of the
10 facility. Section (3) is not applicable to the proposed facility.
11

12 **III.O.2 Information Requirements – OAR 345-022-0010(5)**

13

14 (4) To assist the Council in determining whether the standard outlined in (1)
15 through (3) has been met, the Applicant must submit:
16

17 (a) Information about the applicant's plans to minimize the generation of solid
18 waste and wastewater and to recycle or reuse solid waste and wastewater,
19 providing evidence to support a finding by the Council as required by OAR 345-
20 022-0120. The applicant must include:
21

22 (A) A description of the major types of solid waste and wastewater that
23 construction, operation and retirement of the facility are likely to generate,
24 including an estimate of the amount of solid waste and wastewater;
25

26 (B) A description of any structures, systems and equipment for management
27 and disposal of solid waste, wastewater and storm water;
28

29 (C) A discussion of any actions or restrictions proposed by the applicant to
30 reduce consumptive water use during construction and operation of the
31 facility;
32

33 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
34 Waste Minimization Exhibit.
35

36 (D) The applicant's plans to minimize, recycle or reuse the solid waste and
37 wastewater described in (A);
38

39 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
40 Waste Minimization Exhibit.
41

42 (E) A description of any adverse impact on surrounding and adjacent areas
43 from the accumulation, storage, disposal and transportation of solid waste,
44 wastewater and stormwater during construction and operation of the facility;

1
2 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
3 Waste Minimization Exhibit.

4
5 *(F) Evidence that adverse impacts described in (E) are likely to be minimal,*
6 *taking into account any measures the applicant proposes to avoid, reduce or*
7 *otherwise mitigate the impacts; and*
8

9 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
10 Waste Minimization Exhibit. The applicant is encouraged to reference information provided
11 under other exhibits, including but not limited to the Soil Protection Exhibit, Water Use Exhibit,
12 and Public Services Exhibit, in the development of this exhibit.

13
14 *(G) The applicant's proposed monitoring program, if any, for minimization of*
15 *solid waste and wastewater impacts.*
16

17 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
18 Waste Minimization Exhibit.

19
20 *(b) A materials analysis, including:*

21
22 *(A) An inventory of substantial quantities of industrial materials flowing into*
23 *and out of the proposed facility during construction and operation;*

24
25 *(B) The applicant's plans to manage hazardous substances during construction*
26 *and operation, including measures to prevent and contain spills; and*

27
28 *(C) The applicant's plans to manage non-hazardous waste materials during*
29 *construction and operation.*
30

31 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
32 Waste Minimization Exhibit.

33
34 **III.P. State and Local Laws and Regulations – OAR 345-022-0160**

35
36 *To assist the Council in determining compliance with all state and local laws*
37 *and regulations applicable to EFSC and the siting process, submit the*
38 *following, as directed by the project order described in OAR 345-015-0160:*
39

40 The State and Local Laws and Regulations Exhibit must identify, by legal citation, all state
41 statutes and administrative rules and local government ordinances containing standards or
42 criteria that the proposed facility must meet for the Council to issue a site certificate, other
43 than statutes, rules and ordinances identified in the Organizational Expertise Exhibit, and
44 identification of the agencies administering those statutes, administrative rules, and

ordinances. The applicant must identify all statutes, administrative rules, and ordinances that the applicant knows to be applicable to the proposed facility, whether or not identified in the project order. To the extent not addressed by other materials in the application, the applicant must include a discussion of how the proposed facility meets the requirements of the applicable statutes, administrative rules, and ordinances.

III.P.1 Waters of the State – OAR 345-022-0160(1)(a)

(1) Regarding Water

(a) Information based on literature and field study, as appropriate, about waters of this state, as defined under ORS 196.800, including:

(A) A description of all areas within the site boundary that might be waters of this state and a map showing the location of these features;

Discussion: This section is applicable to all proposed facilities and must be addressed in the State and Local Laws and Regulations Exhibit. The Exhibit must identify waters of the state, as defined under ORS 196.800, including, but not limited to all natural waterways, intermittent and perennial streams, lakes, and wetlands within the proposed site boundary.

NOTE: A wetland delineation report that complies with OAR chapter 141, division 90 must be provided to the Department and DSL before the application is determined to be complete. The wetland delineation must be conducted using the standard wetland delineation methodology as outlined in the 1987 Army Corp manual and relevant supplements.

Analysis Areas: The Analysis Area for wetlands and waters of the state is **the area within the proposed site boundary**. Field delineation of wetlands and waters may be limited to areas within proposed microsinning corridors or areas, if microsinning corridors or areas are proposed in the ASC.

Additional Information Requested: Maps must also identify any areas of essential indigenous anadromous salmonid habitat (ESH) designated under ORS 196.810 and OAR chapter 141, division 102 within the site boundary).

Additional Information Requested: The applicant must also provide GIS data including the study area boundary and the boundaries of all delineated wetlands and waters to both ODOE and DSL.

(B) An analysis of whether construction or operation of the proposed facility would adversely affect any waters of this state;

Discussion: This section is applicable to all proposed facilities and must be addressed in the State and Local Laws and Regulations Exhibit.

1
2 *(C) A description of the significance of potential adverse impacts to each*
3 *feature identified in (A), including the nature and amount of material the*
4 *applicant would remove from or place in the waters analyzed in (B);*
5

6 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
7 State and Local Laws and Regulations Exhibit. If impacts to waters of the state cannot be
8 avoided, the Waters of the State and Removal-Fill Exhibit must describe the amount and type of
9 material that could be deposited or removed from any waters of the state, consistent with the
10 requirements of OAR 141-085-0525, and any other information needed to determine whether a
11 removal-fill permit is required under OAR chapter 141, division 085.
12

13 *(D) If the proposed facility would not need a removal-fill authorization, an*
14 *explanation of why no such authorization is required for the construction and*
15 *operation of the proposed facility;*
16

17 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
18 State and Local Laws and Regulations Exhibit.
19

20 *(E) If the proposed facility would need a removal-fill authorization,*
21 *information to support a determination by the Council that the Oregon*
22 *Department of State Lands should issue a removal-fill permit, including*
23 *information in the form required by the Department of State Lands under OAR*
24 *Chapter 141 Division 85; and*
25

26 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
27 State and Local Laws and Regulations Exhibit. If a removal-fill permit is necessary for the
28 proposed facility, the Exhibit must include a complete and signed Joint Permit Application on
29 the current form, including:
30

- 31 • A complete project description.
- 32 • An alternatives analysis including an analysis of alternative sites with lesser impacts to
33 waters of this State and an analysis of alternative designs with lesser impacts to waters
34 of this State.
- 35 • An explanation of how the proposed project minimizes adverse effects to waters of this
36 State, including avoiding and minimizing activities outside of the ODFW-designated in-
37 water-work window; avoiding and minimizing interference with fishing, navigation, and
38 recreation; erosion control; avoiding and minimizing sediment suspension and
39 dispersion; spill response measures; avoiding or minimizing impacts to shallow water
40 habitats; avoiding and minimizing adverse effects to aquatic biota and habitats; avoiding
41 or minimizing disturbance or destruction of native riparian vegetation;
- 42 • Figures depicting SWI wetlands and DSL compensatory mitigation sites.

- Functions and values assessments of permanently impacted sites, including SFAM for wadable streams, ORWAP for wetlands, and Best Professional Judgement for any other non-wadable streams.
- A rectification plan for restoring disturbed sites within 24-months of disturbance.
- A compensatory mitigation plan to mitigate for any unavoidable impacts to waters of this State; and
- A monitoring plan with performance standards for restoration of disturbed areas and performance of compensatory mitigation.

A draft removal-fill permit with draft conditions must be submitted to the Department by DSL to be included as an attachment to the draft proposed order.

Wetland delineation reports and removal-fill permit application materials can be sent directly by the applicant to DSL. The Department will work closely with DSL in review of the removal-fill permit application, if applicable.

When required for an energy facility and requested by an applicant to be governed by the site certificate, the procedural requirements for a removal-fill permit will be included in the Council's site certificate process. The Department and DSL would maintain dual responsibility for compliance with any associated permit conditions.

(F) A description of proposed actions to mitigate adverse impacts to the features identified in (A) and the applicant's proposed monitoring program, if any, for such impacts.

Discussion: This section is applicable to all proposed facilities and must be addressed in the State and Local Laws and Regulations Exhibit.

III.P.2 Water Use – OAR 345-022-0160(1)(b)

(b) Information about anticipated water use during construction and operation of the proposed facility. The applicant must include:

(A) A description of the use of water during construction and operation of the proposed facility;

Discussion: This section is applicable to all proposed facilities and must be addressed in the State and Local Laws and Regulations Exhibit.

(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions;

1 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
2 State and Local Laws and Regulations Exhibit.

3
4 *(C) A description of each avenue of water loss or output from the facility site*
5 *for the uses described in (A), the applicant's estimate of the amount of water*
6 *in each avenue under annual average and worst-case conditions and the final*
7 *disposition of all wastewater;*

8
9 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
10 State and Local Laws and Regulations Exhibit.

11
12 *(D) For thermal power plants, a water balance diagram, including the source*
13 *of cooling water and the estimated consumptive use of cooling water during*
14 *operation, based on annual average conditions;*

15
16 **Discussion:** The proposed facility is not a thermal power plant; therefore, this section is **not**
17 **applicable.**

18
19 *(E) If the proposed facility would not need a groundwater permit, a surface*
20 *water permit or a water right transfer, an explanation of why no such permit*
21 *or transfer is required for the construction and operation of the proposed*
22 *facility;*

23
24 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
25 State and Local Laws and Regulations Exhibit.

26
27 *(F) If the proposed facility would need a groundwater permit, a surface water*
28 *permit or a water right transfer, information to support a determination by*
29 *the Council that the Water Resources Department should issue the permit or*
30 *transfer of a water use, including information in the form required by the*
31 *Water Resources Department under OAR Chapter 690, Divisions 310 and 380;*
32 *and*

33
34 **Discussion:** This section is **not applicable**. The applicant has proposed that, if water needed for
35 construction is not available from permitted sources, the applicant's construction contractor
36 will obtain the necessary water right permit or use authorization directly from the Oregon
37 Water Resources Department.

38
39 *(G) A description of proposed actions to mitigate the adverse impacts of water*
40 *use on affected resources.*

41
42 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
43 State and Local Laws and Regulations Exhibit.

1 **III.P.3 Noise – OAR 345-022-0160(2)**

2
3 *(2) Information about noise generated by operation of the proposed facility,*
4 *providing evidence to support a finding by the Council that the proposed*
5 *facility complies with the Oregon Department of Environmental Quality's noise*
6 *control standards in OAR 340-035-0035, including:*

7
8 *(a) Predicted noise levels resulting from construction and operation of the*
9 *proposed facility;*

10
11 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
12 State and Local Laws and Regulations Exhibit. The response must include predicted noise levels
13 from all potential noise-generating components of the facility including, but not limited to the
14 turbines, substations, and transmission lines. Please note that while construction noise is
15 exempt from the requirements of OAR 345-035-0035, this information is used to inform the
16 evaluation of compliance with other standards.

17
18 *(b) An analysis of the proposed facility's compliance with the applicable noise*
19 *regulations in OAR 340-035-0035, including a discussion and justification of*
20 *the methods and assumptions used in the analysis;*

21
22 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
23 State and Local Laws and Regulations Exhibit. Noise generated by the facility may not increase
24 the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, and may
25 not exceed the levels specified in Table 12 below.

26
27 **Table 9: New Industrial and Commercial Noise Source Standards Allowable**
Statistical Noise Levels in Any One Hour (OAR 340-035-0035, Table 8)

7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L50 – 55 dBA	L50 – 50 dBA
L10 – 60 dBA	L10 – 55 dBA
L1 – 75 dBA	L1 – 60 dBA

28 The analysis must include a discussion and justification of the methods and assumptions used,
29 including methods used to measure ambient noise levels at the site. OAR 340-035-0035(3)
30 provides that sound measurement procedures must conform to the procedures set forth in
31 Sound Measurement Procedures Manual (NPCS-1). If the applicant's sound measurement
32 procedures differ from the NPCS-1, please provide a discussion and basis for the variation. The
33 analysis must evaluate noise impacts using the maximum expected noise levels from all noise-
34 generating equipment during construction and operation. Operational noise shall be evaluated
35 from both stationary sources and corona noise from transmission lines.

1 (c) Any measures the applicant proposes to reduce noise levels or noise
2 impacts or to address public complaints about noise from the facility;
3

4 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
5 State and Local Laws and Regulations Exhibit. This information must be provided regardless of
6 whether or not any exceedances of the ambient antidegradation standards are expected.
7

8 (d) Any measures the applicant proposes to monitor noise generated by
9 operation of the facility; and
10

11 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
12 State and Local Laws and Regulations Exhibit. This information must be provided regardless of
13 whether or not any exceedances of the ambient antidegradation standards are expected.
14

15 (e) A list of the names and addresses of all owners of noise sensitive property,
16 as defined in OAR 340-035-0015, within one mile of the proposed site
17 boundary.
18

19 **Discussion:** This section is applicable to all proposed facilities and must be addressed in the
20 State and Local Laws and Regulations Exhibit. If the noise analysis indicates that potential
21 exceedances of the noise standards may occur beyond 1-mile, impacts to noise sensitive
22 properties within the area of potential exceedance must be evaluated. The applicant is not
23 required to conduct ambient noise monitoring at each noise sensitive property; however, the
24 number of ambient monitoring sites shall be sufficient to reasonably represent the ambient
25 noise conditions at noise sensitive receptor locations in closest proximity to the proposed site.
26

27 **III.P.4 Vapor Plumes – OAR 345-022-0160(3)** 28

29 (3) If the proposed facility has an evaporative cooling tower, information
30 about the cooling tower plume, including:
31

32 (a) The predicted size and frequency of occurrence of a visible plume and an
33 assessment of its visual impact;
34

35 (b) The predicted locations and frequency of occurrence of ice formation on
36 surfaces and ground level fogging and an assessment of significant potential
37 adverse impacts, including, but not limited to, traffic hazards on public roads;
38

39 (c) The predicted locations and rates of deposition of solids released from the
40 cooling tower (cooling tower drift) and an assessment of significant potential
41 adverse impacts to soils, vegetation and other land uses;
42

43 (d) Any measures the applicant proposes to reduce adverse impacts from the
44 cooling tower plume or drift;

1
2 (e) The assumptions and methods used in the plume analysis; and

3
4 (f) The applicant's proposed monitoring program, if any, for cooling tower
5 plume impacts.
6

7 **Discussion:** The Proposed Facility would not have an evaporative cooling tower; this section is
8 **not applicable.**
9

10 **III.Q. Specific Siting Standards – OAR chapter 345, division 024**
11

12 **III.Q.1 Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010**
13

14 *To issue a site certificate for a proposed wind energy facility, the Council must*
15 *find that the applicant:*
16

17 *(1) Can design, construct and operate the facility to exclude members of the*
18 *public from close proximity to the turbine blades and electrical equipment.*
19

20 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
21 addressed in the Specific Standards Exhibit. The exhibit should describe all design or safety
22 features that will be installed to exclude members of the public from close proximity to the
23 turbine blades and electrical equipment.
24

25 *(2) Can design, construct and operate the facility to preclude structural failure*
26 *of the tower or blades that could endanger the public safety and to have*
27 *adequate safety devices and testing procedures designed to warn of*
28 *impending failure and to minimize the consequences of such failure.*
29

30 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
31 addressed in the Specific Standards Exhibit. The exhibit should describe all design or safety
32 features that will be installed, and inspection and maintenance programs that will be
33 implemented to detect and prevent structural failure of the tower or blades. At a minimum, the
34 exhibit should include a detailed description of turbine inspection protocols, including the
35 methods, frequency, and decision criteria that will be used to determine when maintenance is
36 needed.
37

38 **III.Q.2 Cumulative Effects Standard for Wind Energy Facilities – OAR 345-024-0015**
39

40 *To issue a site certificate for a proposed wind energy facility, the Council must*
41 *find that the applicant can design and construct the facility to reduce*
42 *cumulative adverse environmental effects in the vicinity by practicable*
43 *measures including, but not limited to, the following:*

1
2 (1) Using existing roads to provide access to the facility site, or if new roads
3 are needed, minimizing the amount of land used for new roads and locating
4 them to reduce adverse environmental impacts.

5
6 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
7 addressed in the Specific Standards Exhibit.

8
9 (2) Using underground transmission lines and combining transmission routes.

10
11 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
12 addressed in the Specific Standards Exhibit.

13
14 (3) Connecting the facility to existing substations, or if new substations are
15 needed, minimizing the number of new substations.

16
17 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
18 addressed in the Specific Standards Exhibit.

19
20 (4) Designing the facility to reduce the risk of injury to raptors or other
21 vulnerable wildlife in areas near turbines or electrical equipment.

22
23 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
24 addressed in the Specific Standards Exhibit. The exhibit must describe any devices, systems, or
25 siting considerations incorporated into the design of the facility to reduce bird and bat collisions
26 with turbines and turbine blades.

27
28 **Additional Information Requested:** The exhibit should specifically the design features or
29 operational considerations that will be implemented to address potential impacts to vulnerable
30 species, including but not limited to raptors, including ferruginous hawk, and tree-roosting
31 migratory bats, including hoary and silver-haired bats.

32
33 (5) Designing the components of the facility to minimize adverse visual
34 features.

35
36 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
37 addressed in the Specific Standards Exhibit. The exhibit should explain any siting considerations
38 incorporated into the design of the facility to minimize visual impacts to nonparticipating
39 landowners and surrounding areas accessible by the public.

40
41 (6) Using the minimum lighting necessary for safety and security purposes and
42 using techniques to prevent casting glare from the site, except as otherwise
43 required by the Federal Aviation Administration or the Oregon Department of
44 Aviation.

Discussion: This standard is applicable to all proposed wind energy facilities and must be addressed in the Specific Standards Exhibit. The exhibit must describe any light-mitigating technology systems that will be used on facility turbines, including but not limited to, Aircraft Detection Lighting Systems. If no such systems are proposed, the applicant must explain why no light-mitigation systems are appropriate or available for use at the proposed facility.

Note: During the 2025 Session, the legislature passed House Bill 2375, requiring any person applying to Federal Aviation Administration for a determination of hazard or no hazard to air navigation with regard to a wind energy facility on or after January 1, 2028, to request approval for the installation and use of light-mitigating technology systems on the turbines. While the bill has not yet taken effect, the Department recommends substantive compliance with its provisions would likely be adequate to demonstrate compliance with the standard.

III.Q.3 Siting Standards for Transmission Lines – OAR 345-024-0090

III.Q.3.1 Standard and Applicability – OAR 345-024-0090(1)-(2)

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

(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.

Discussion: The Specific Standards Exhibit must include adequate information for the Council to make the findings required under section (1) and (2). While the exhibit must address magnetic and electric fields generated by all proposed transmission line, detailed information is only required for the proposed 230-kV overhead transmission line.

III.Q.3.2 Information requirements – OAR 345-024-0090(3)

(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:

(a) Information about the expected electric and magnetic fields, including:

(A) The distance in feet from the proposed center line of each proposed transmission line to the edge of the right-of-way;

1 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
2 addressed in the Specific Standards Exhibit.

3
4 *(B) The type of each occupied structure, including but not limited to*
5 *residences, commercial establishments, industrial facilities, schools, daycare*
6 *centers and hospitals, within 200 feet on each side of the proposed center line*
7 *of each proposed transmission line;*

8
9 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
10 addressed in the Specific Standards Exhibit.

11
12 *(C) The approximate distance in feet from the proposed center line to each*
13 *structure identified in (3);*

14
15 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
16 addressed in the Specific Standards Exhibit.

17
18 *(D) At representative locations along each proposed transmission line, a graph*
19 *of the predicted electric and magnetic fields levels from the proposed center*
20 *line to 200 feet on each side of the proposed center line;*

21
22 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
23 addressed in the Specific Standards Exhibit.

24
25 *(E) Any measures the applicant proposes to reduce electric or magnetic field*
26 *levels;*

27
28 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
29 addressed in the Specific Standards Exhibit.

30
31 *(F) The assumptions and methods used in the electric and magnetic field*
32 *analysis, including the current in amperes on each proposed transmission line;*

33
34 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
35 addressed in the Specific Standards Exhibit.

36
37 *(G) The applicant's proposed monitoring program, if any, for actual electric*
38 *and magnetic field levels; and*

39
40 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
41 addressed in the Specific Standards Exhibit.

1 (b) An evaluation of alternate methods and costs of reducing radio
2 interference likely to be caused by the transmission line in the primary
3 reception area near interstate, U.S. and state highways.
4

5 **Discussion:** This standard is applicable to all proposed wind energy facilities and must be
6 addressed in the Specific Standards Exhibit.
7

8 **IV. EXPIRATION DATE OF THE NOTICE OF INTENT**
9

10 The NOI will expire on March 27, 2027 unless the applicant submits a petition to extend the
11 expiration date in accordance with OAR 345-020-0060, not less than 45 days before that date. If
12 the Council finds that such a petition shows good cause, the Council may extend the expiration
13 date for a period of up to one year. The applicant's submission of a timely petition for an
14 extension under this rule stays the expiration of the NOI until the Council's decision to grant or
15 deny the extension.
16

17 **V. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS**
18

19 This Project Order is not a Final Order. As provided in ORS 469.330(4) and OAR 345-015-
20 0160(3), the Council or the Department may amend this Project Order at any time.
21 Amendments may include changes to the analysis areas.
22

23 **VI. APPLICABILITY AND DUTY TO COMPLY**
24

25 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this
26 Project Order does not render that statute, rule, ordinance, permit or other requirement
27 inapplicable, nor in any way relieve applicant from the duty to comply with the same.
28

29 OREGON DEPARTMENT OF ENERGY

30 
31

32 [Todd Cornett \(Oct 10, 2025 06:54:39 PDT\)](#)

33 Todd R. Cornett, Assistant Director, Siting Division
34 Energy Facility Siting Division
35 Oregon Department of Energy
36

37 Date of Issuance: October 9, 2025
38
39
40
41
42
43
44

Attachment 1:
Public Comments

From: [Peacher, Kimberly N CIV USN NAVFAC NW SVD WA \(USA\)](#)
Sent: Friday, July 18, 2025 9:30 AM
To: [CLARK Christopher](#) * [ODOE](#)
Subject: RE: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for the Heppner Wind Project

Good morning Chris,

Thank you for the NOI and associated shapefiles.

It is within the Redhawk MOA but the FL is 11k MSL.

Please let me know if you need anything additional in support of our review.

V/R,

Kimberly Peacher
Community Planning & Liaison Officer
Northwest Training Range Complex
(360) 930-4085
NIPR: Kimberly.peacher@navy.mil
SIPR: Kimberly.peacher@navy.smil.mil

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Thursday, July 17, 2025 4:30 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Subject: [Non-DoD Source] FW: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for the Heppner Wind Project

Hello Kim,

We are reviewing a Notice of Intent for a proposed wind facility in Morrow County. Please see the notice below for more information. I have attached a shapefile with the proposed site boundary as well. Please let me know if you have any questions or concerns about the project that you would like to discuss, otherwise please provide any comments you wish to submit on the record by August 22, 2025.

Thank you,



Christopher M. Clark

Senior Siting Analyst

he/him

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254

P (In Oregon): 800-221-8035



Stay connected!

From: [Comms User](#)
Sent: Friday, August 22, 2025 12:36 PM
To: [CLARK Christopher](#) * [ODOE](#)
Subject: Heppner Wind Project - Public Comment

You don't often get email from comms@osidcl.org. [Learn why this is important](#)

On behalf of the Oregon and Southern Idaho District Council, Laborers International Union of America (LIUNA), we want to thank you for the opportunity to provide comments regarding the Notice of Intent for the Heppner Wind Project. We urge this Council to support this project and move it forward as soon as possible.

If Oregon wants to meet its clean energy goals, wind farm production will need to be a critical component. The Heppner project provides an opportunity to move closer to achieving these goals. We have increasing electricity demands throughout the State making every renewable project important for Oregon businesses and residents to have reliable, affordable power.

Our Union also supports this project because the developer, NextEra Energy Resources LLC, and many other developers have previously utilized the skilled workers from the local and surrounding communities in Eastern Oregon. It is important to highlight these efforts, as we have encouraged developers to explore the opportunities for creating hundreds of jobs for local workers, providing economic benefit back to the communities in which these workers live.

We are committed to helping make this project successful. Our members are trained and skilled in wind energy technologies, being part of the trade unions that have built most of the utility scale wind farms in Oregon dating back over twenty years. We take pride in every project we are a part of and know that we can add value to this one as well. We also operate the largest apprenticeship program for construction craft laborers in Oregon. Our training center provides certified instructors that train our members and apprentices. Along with the on-the-job training our employer partners provide, this creates a safe and skilled work environment ensuring the job is done safely and on time.

I support the approval of this NOI, as this project will bring good jobs to the communities our members live in, and also help with meeting the energy goals of Oregon. We ask the Commission to approve the Heppner Wind project NOI and move this project forward. Thank you for your consideration of my comments.

Sincerely,

Ben Nelson, Assistant Business Manager
OSIDCL

17230 NE Sacramento Street
Ste. 201 Portland, Or 97230
541-801-2220

**Submission on behalf of the Oregon and Southern Idaho District Council of Laborers
to the Oregon Energy Facility Siting Council**

Comments regarding the Heppner Wind Project

On behalf of the Oregon and Southern Idaho District Council, Laborers International Union of America (LIUNA), we want to thank you for the opportunity to provide comments regarding the Notice of Intent for the Heppner Wind Project. We urge this Council to support this project and move it forward as soon as possible.

If Oregon wants to meet its clean energy goals, wind farm production will need to be a critical component. The Heppner project provides an opportunity to move closer to achieving these goals. We have increasing electricity demands throughout the State making every renewable project important for Oregon businesses and residents to have reliable, affordable power.

Our Union also supports this project because the developer, NextEra Energy Resources LLC, and many other developers have previously utilized the skilled workers from the local and surrounding communities in Eastern Oregon. It is important to highlight these efforts, as we have encouraged developers to explore the opportunities for creating hundreds of jobs for local workers, providing economic benefit back to the communities in which these workers live.

We are committed to helping make this project successful. Our members are trained and skilled in wind energy technologies, being part of the trade unions that have built most of the utility scale wind farms in Oregon dating back over twenty years. We take pride in every project we are a part of and know that we can add value to this one as well. We also operate the largest apprenticeship program for construction craft laborers in Oregon. Our training center provides certified instructors that train our members and apprentices. Along with the on-the-job training our employer partners provide, this creates a safe and skilled work environment ensuring the job is done safely and on time.

I support the approval of this NOI, as this project will bring good jobs to the communities our members live in, and also help with meeting the energy goals of Oregon. We ask the Commission to approve the Heppner Wind project NOI and move this project forward. Thank you for your consideration of my comments.

Sincerely,



Jeffrey D. Gritz, Business Mgr./Sec-Treas.
17230 NE Sacramento Street
Ste. 201 Portland, Or 97230
503-760-2933 Office / 541-968-5998 Work Cell

From: [Energy Siting](#) * [ODOE](#)
Sent: Monday, August 25, 2025 8:32 AM
To: [CLARK Christopher](#) * [ODOE](#)
Subject: FW: Public Comment-Heppner Wind
Attachments: 2025.08.22 Heppner Wind - Pub Comment.pdf

Categories: Tracked To Dynamics 365

From: Jeff Gritz <jgritz@osidcl.org>
Sent: Friday, August 22, 2025 12:27 PM
To: Energy Siting * ODOE <energy.siting@oregon.gov>
Subject: Public Comment-Heppner Wind

You don't often get email from jgritz@osidcl.org. [Learn why this is important](#)
Please see attached, thank you for the opportunity to make comment.

Fraternally,

Jeffrey D. Gritz
Business Mgr./Sec-Treas.
17230 NE Sacramento Street
Ste. 201 Portland, Or 97230
503-760-2933 Office
541-968-5998 Work Cell



Attachment 2:
Reviewing Agency Comments

From: [BROWN Jordan A](#) * [ODA](#)
Sent: Tuesday, July 22, 2025 4:19 PM
To: [CLARK Christopher](#) * [ODOE](#)
Cc: [MARSHALL Danielle](#) * [ODA](#)
Subject: Re: Comments on Notice of Intent to Apply for a Site Certificate for the Heppner Wind Project Requested by August 22, 2025

Hello Christopher,

As always, we recommend steps be taken to avoid impacts to Oregon's listed plants. In Morrow County that only includes Lawrence's milkvetch (*Astragalus collinus* var. *laurentii*). To avoid impacts we recommend conducting botanical surveys prior to project planning so that avoidance can be included in the design.

Jordan Brown, Program Lead Conservation Biologist
Oregon Department of Agriculture – Native Plant Conservation
635 Capitol St NE, Salem, OR 97301-2532
CELL: 541.224.2245 | **WEB:** Oregon.gov/ODA/Plant-Conservation
Pronouns: he, him, his

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Date: Thursday, July 17, 2025 at 4:25 PM
To: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>, ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Comments on Notice of Intent to Apply for a Site Certificate for the Heppner Wind Project Requested by August 22, 2025

Dear agency partners,

On March 27, 2025, the Oregon Department of Energy (Department), staff to the Energy Facility Siting Council (Council), received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Heppner Wind Project (facility). The NOI was submitted by Heppner Lena Wind, LLC, (applicant) a subsidiary of NextEra Energy Resources, LLC (parent company). In the NOI, the applicant proposes to construct and operate a wind power generation facility and related or supporting facilities in Morrow County. The proposed wind facility would consist of up to 67 wind turbines with a combined generating capacity of up to 190 megawatts (MW). Related or supporting facilities would include a collector substation, an operations and maintenance building, an up to 11-mile overhead 230-kV transmission line, meteorological towers, electrical collection, communication, and monitoring systems, and access roads. The proposed site boundary encompasses approximately 31,477 acres of privately-owned land zoned for exclusive farm use. The site is located approximately six miles east of Heppner. A map of the proposed site and its vicinity is attached to this memo. Additional details about the proposed facility and its location are provided in the NOI. The NOI and other supporting documents are available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/HWPP.aspx>

Your agency has been identified as a "reviewing agency" for the EFSC review of this project. Accordingly, the Department requests your comments and recommendations on the NOI by August 22, 2025. Additional details and specific information requests are included in the attached letter. Please reach out at any time if you have questions regarding this project, the information requests, or if you need additional time to prepare your comments.

Thank you,



OREGON
DEPARTMENT OF
ENERGY

Christopher M. Clark

Senior Siting Analyst

he/him

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254

P (In Oregon): 800-221-8035



Stay connected!



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

John Day Watershed
East Region
73471 Mytinger Lane
Pendleton, Oregon 97801
(541) 276-2344
FAX (541) 276-4414

August 12, 2025

Christopher M. Clark
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

RE: Request for comments on Notice of Intent to Apply for a Site Certificate for Heppner Wind Project

Dear Christopher,

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the Notice of Intent (NOI) to apply for a Site Certificate for Heppner Wind Project which is located near Lena, OR. This letter contains 1) ODFW contact information for the project; and 2) ODFW's comments on the NOI.

Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Lindsay Somers, 73471 Mytinger Lane, Pendleton, OR 97801. My phone number is 541-276-2344, Lindsay.n.somers@odfw.oregon.gov. In addition, please copy Steve Cherry, District Wildlife Biologist, Steve.p.cherry@odfw.oregon.gov on communications.

General Comments

ODFW reviews and makes recommendations for the proposed project based on the following Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), and associated plans.

Oregon Revised Statutes

- ORS 496.012 Wildlife Policy
- ORS 506.036 Protection and Propagation of Fish

- ORS 496.171 through 496.192 Threatened and Endangered Wildlife and Fish Species. A listing of State and Federal threatened, endangered and candidate species can be found on ODFW's website at: http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp
- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509-140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways: Screening Devices- a listing of requirements under ODFW's Fish Passage Program can be found on ODFW's website at <http://www.dfw.state.or.us/fish/passage/>

Oregon Administrative Rules

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan, and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on ODFW's website at: https://www.dfw.state.or.us/wildlife/diversity/species/sensitive_species.asp
- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: https://www.dfw.state.or.us/habitat/mitigation_policy.asp) describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Category 1 (irreplaceable, essential, limited) to Category 6 (non-habitat). The Policy goal for Category 1 habitat is no loss of either habitat quantity or quality via avoidance of impacts through development alternatives, or an ODFW recommendation of denial of the proposed development action if impacts cannot be avoided. Categories 2-4 are essential or important but not irreplaceable habitats. Category 5 habitat is not essential or important habitat, but has a high restoration potential. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project on mapping; provide basis for each habitat category selection; and provide an appropriate mitigation plan; all subject to ODOE and ODFW review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.
- ODFW also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-22-040, 060 and 070.

- ODFW also advocates for project proponents to site wind facilities in a manner consistent with Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines (2008). Which includes the best available guidelines for avoiding and minimizing impacts to wildlife and their habitats.

Specific Comments

- ODFW recommends that the Applicant produce a map of the vegetation classifications within the project area to help identify potential wildlife occurrences and further classify the habitat available within the project area based on ODFW's Mitigation Policy. To better assess post-construction revegetation plans for project areas that are within ODFW mapped big-game winter range, ODFW recommends documenting underlying vegetation communities in addition to general Habitat Category.

- ODFW recommends that preconstruction surveys conducted for Washington Ground Squirrels (WGS) be conducted following the protocol described in [Washington Ground Squirrel Protections and Survey Requirements](#), or within 1000 feet of any ground disturbing activity in suitable WGS habitat. Suitable WGS habitat can be defined as any terrestrial habitat within the range of the WGS that has not been developed (i.e. active agricultural lands).

- ODFW recommends that the Applicant conduct raptor and eagle nest surveys within 2 miles of the project area during the active nesting season and that no construction activities occur within the specified distance and seasonal restrictions for active raptor nests (specific dates listed below). Additionally, ODFW recommends the Applicant consult with US Fish and Wildlife Service on potential impact to eagles and raptors covered under the Golden and Bald Eagle Protection Act and Migratory Bird Treaty Act.

DISTURBANCE-FREE DATES AND BUFFERS FOR RAPTOR NESTS IN OREGON.

Dates cover territory establishment through fledging. Release dates can be used for unoccupied or failed nests.

Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
Golden eagle	0.5 – 1 mile	Feb 1 – Aug 15	May 15
Bald eagle	0.5 mile	Jan 1 – Aug 15	May 31
Ferruginous hawk**	0.5 mile	Mar 15 – Aug 15	May 31
Northern goshawk**	0.5 mile	May 1 – Aug 15	June 30
Peregrine falcon**	0.25 mile	Jan 1 – Jul 1	May 15
Swainson's hawk**	0.25 mile	Apr 1 – Aug 15	May 31
White-tailed kite	0.25 mile	Jan 1 – Aug 15	
Osprey	0.25 mile	Mar 1 – Sep 15	
Burrowing owl**	0.25 mile	Apr 1 – Aug 15	May 31
Red-tailed hawk	0.10 mile	Mar 1 – Aug 15	May 31
Other hawks and owls	0.25 mile	Mar 1 – Aug 15	May 31

** Indicates Oregon Conservation Strategy Species

- ODFW recommends the Applicant record observations of State [Sensitive species](#) or [Oregon Species of Greatest Conservation Need](#) occurring within the project boundary. The sharing of species observation data (including date, species, location, indication of breeding activity, age/sex if known) allows ODFW the opportunity to fill in data gaps for these species.
- ODFW recommends the Applicant report pre-construction bat species occurrence within the project boundary and submit collected data to the North American Bat Monitoring Program ([NABat](#)).
- In order to avoid and/or minimize impacts to wildlife during construction of the project ODFW requests that the applicant avoid removal of bird nests and minimize disturbance to nesting birds during the general bird breeding season (March 1- July 15th).
- The proposed project boundary falls within ODFW mapped winter range for mule deer and elk. ODFW recommends that facility infrastructure be micro-sited to avoid migratory big game corridors and that construction activities follow seasonal restrictions to avoid and minimize impacts to wintering big game.

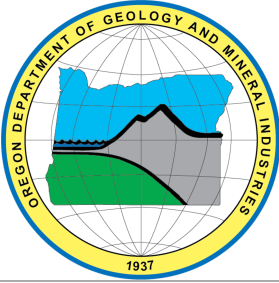
Sincerely,




Lindsay Somers
Regional Habitat Biologist

Cc: Steve Cherry, District Wildlife Biologist

Eduardo Francisco Guerrero, Ph.D., G.I.T.
Geology Hazard Specialist
 I go by my nickname, pronounced LAA-Lo (he/him)



Geological Survey and Services Program
Oregon Department of Geology and Mineral Industries
Address: 800 NE Oregon St., Suite 965, Portland, OR 972332-2162
Mobile: 971-438-7968
Email: lalo.guerrero@dogami.oregon.gov

 [Book time to meet with me](#)

From: [PIKE Brandon](#)
Sent: Tuesday, September 9, 2025 2:27 PM
To: [CLARK Christopher](#) * [ODOE](#)
Subject: RE: Comments on Notice of Intent to Apply for a Site Certificate for the Heppner Wind Project Requested by August 22, 2025

Hi Christopher,

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on this application.

I understand the comment period has ended, but this message is intended to alert the applicant that *notice of construction* may be required to the FAA and ODAV. Thus, we prepared the following comment:

1. In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development may be required to undergo aeronautical evaluations by the FAA and ODAV. The applicant can use the FAA's [Pre-Screening Tool](#) to determine which proposed structures warrant a *notice of construction*. If so, they are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.

Please reach out if you have questions or concerns.

Best,

BRANDON PIKE
OREGON DEPARTMENT OF
AVIATION (ODAV)
AVIATION PLANNER



PHONE 971-372-1339

EMAIL brandon.pike@odav.oregon.gov

3040 25TH STREET SE, SALEM, OR 97302

WWW.OREGON.GOV/AVIATION

Alternative Contacts:

COAR Grants: Grants@ODAV.Oregon.Gov

Procurement / Contracts: Contracts@ODAV.Oregon.Gov

Pavement (PEP/PMP): Pavement@ODAV.Oregon.Gov

Land Use / Tall Structures: LandUse@ODAV.Oregon.Gov

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Sent: Thursday, July 17, 2025 4:25 PM
To: CLARK Christopher * ODOE <Christopher.CLARK@energy.oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Comments on Notice of Intent to Apply for a Site Certificate for the Heppner Wind Project Requested by August 22, 2025

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Dear agency partners,

On March 27, 2025, the Oregon Department of Energy (Department), staff to the Energy Facility Siting Council (Council), received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Heppner Wind Project (facility). The NOI was submitted by Heppner Lena Wind, LLC, (applicant) a subsidiary of NextEra Energy Resources, LLC (parent company). In the NOI, the applicant proposes to construct and operate a wind power generation facility and related or supporting facilities in Morrow County. The proposed wind facility would consist of up to 67 wind turbines with a combined generating capacity of up to 190 megawatts (MW). Related or supporting facilities would include a collector substation, an operations and maintenance building, an up to 11-mile overhead 230-kV transmission line, meteorological towers, electrical collection, communication, and monitoring systems, and access roads. The proposed site boundary encompasses approximately 31,477 acres of privately-owned land zoned for exclusive farm use. The site is located approximately six miles east of Heppner. A map of the proposed site and its vicinity is attached to this memo. Additional details about the proposed facility and its location are provided in the NOI. The NOI and other supporting documents are available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/HWPP.aspx>

Your agency has been identified as a “reviewing agency” for the EFSC review of this project. Accordingly, the Department requests your comments and recommendations on the NOI by August 22, 2025. Additional details and specific information requests are included in the attached letter. Please reach out at any time if you have questions regarding this project, the information requests, or if you need additional time to prepare your comments.

Thank you,



Christopher M. Clark

Senior Siting Analyst

he/him

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254

P (In Oregon): 800-221-8035



Stay connected!



BOARD OF COMMISSIONERS

110 N Court St. • P.O. Box 788
Heppner, OR 97836
541-676-5613
www.co.morrow.or.us

David Sykes, Chair
Jeff Wenholtz, Commissioner
August Peterson, Commissioner

August 6, 2025

Christopher Clark, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

RE: Request for Comments on the Notice of Intent
submitted for the proposed Heppner Wind Project in
Morrow County.

Dear Mr. Clark:

Thank you for the opportunity to comment on the Notice of Intent (NOI) and to provide the applicable substantive criteria for the Heppner Wind Project (Heppner Wind). The Morrow County Board of Commissioners also acts as the Special Advisory Group (SAG) as appointed by the Energy Facility Siting Council (EFSC). As requested in your letter dated July 17, 2025, Morrow County provides a response in accordance with OAR 345-015-0120, below.

Description: The Heppner Wind Project is a proposed wind energy generation facility paired with related and supporting facilities. The facility is anticipated to generate up to 190 megawatts of wind energy and consist of up to 67 wind turbines. The related or supporting facilities proposed include a collector substation, operations and maintenance building, an 11-mile overhead 230-kV transmission line, meteorological towers, electrical connections, communication and monitoring systems, and access roads. The facility proposes to connect to the Wheatridge Renewable Energy Facility East Substation via an approximately 11-mile overhead 230-kV transmission line. The facility will occupy approximately 31,477 acres located roughly six miles east of the City of Heppner. The facility has been proposed on land zoned Exclusive Farm Use (EFU). The applicant is Heppner Lena Wind LLC, a subsidiary of NextEra Energy Resources LLC.

OAR 345-015-0120 Memorandum on a Notice of Intent:
standards are shown below in bold, followed by a response in standard font.

(a) The name, address and telephone number of the agency contact person assigned to review the application.

The local contact person is Tamra Mabbott, Planning Director.
tmabbott@morrowcountyor.gov, (541) 922-4264 X 5505

(b) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of the reviewing agency.

Morrow County has responsibility for land use planning and regulation, county road maintenance, construction and access management, weed control and prevention, and solid waste. As part of the land use review process, the county coordinates with local, state, and federal agencies.

(c) Recommendations regarding the size and location of analysis area.

In Figure 4 (Study Area Boundaries), Morrow County recommends expanding the Public Services boundary to include Boardman, Ione, Irrigon, Lexington, Umatilla, Hermiston, Stanfield, Ukiah, and Pilot Rock, as they offer additional services such as food, dining, hotel and RV camping and will likely be impacted. The project is located in a rural area, and based on experience with other renewable energy construction projects in Morrow County, it is expected that all towns within a 30-mile radius will be impacted. Some of those impacts are positive, for example, additional commerce for grocery and lodging businesses. Some of the impacts have had negative impacts, for instance temporary construction workers occupying non-permitted camping areas, which present public health and fire and safety concerns. Other analysis areas proposed appear to be adequate.

(d) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

Based on adopted Morrow County ordinances, policies and plans, the following is recommended: wildlife and habitat studies; an analysis of current noxious and invasive weeds and a mitigation plan for the construction period and post-construction; fire and emergency response plan; emergency services coordination plan; traffic impact analysis; transportation analysis; a review of possible flood and other hazards; a cultural resource analysis of the lands; an assessment of socioeconomic impacts.

(e) If the applicant has identified one or more proposed corridors in Exhibit D of the NOI as required by OAR 345-020-0011(1)(d), a discussion of the relative merits of the corridors described in the NOI and recommendations, if any, on the selection of a corridor.

Regarding transmission lines, the NOI states “[t]he Facility is not a pipeline nor a transmission line as defined by ORS 469.300. The Facility includes neither a pipeline nor transmission line that, by themselves, would be considered an energy facility under ORS 469.300(1)(a)(C).” The Heppner Wind project application includes a specific transmission interconnect to the Wheatridge Renewable Energy Facility East Substation.

(f) A list of statutes, administrative rules and local government ordinances administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

Morrow County applicable ordinances include the following: Morrow County Comprehensive Plan, Morrow County Zoning Ordinance, Morrow County Transportation System Plan, Morrow County Public Works Policy on Renewable Energy Development, Morrow County Solid Waste Ordinance, Morrow County Code Enforcement Ordinance, Morrow County Weed Control Ordinance, Morrow County Emergency Operations Plan, and the Morrow County Natural Hazard Mitigation Plan. A detailed list is attached and is also accessible on the county website.

(g) A list of any permits administered by the agency that might apply to the construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

- Plan Amendment for Exception to Statewide Planning Goal 3
- Conditional Use Permit (including MCZO Articles 3, 4 and 6 standards)
- Building Permits for the proposed structures
- Zoning Permit (for each parcel)
- Facility Maintenance and Operation Plan
- Road Use Agreement (to be provided by County after completion of traffic impact analysis)

- Access Permits (to all county roadways)
- Weed Mitigation Plan to apply during construction and post-construction

(h) For tribes affected by the proposed facility, a list of tribal codes that the tribe recommends to the Council for its review of the application and specific information regarding the proposed facility or study areas described in the NOI that is necessary for determining compliance with those tribal codes.

Morrow County is not a tribal entity. This standard does not apply.

Thank you for your consideration of the comments regarding the Notice of Intent submitted by Heppner Lena Wind for the Heppner Wind Project in Morrow County.

If you have any comments or questions about this or the Ordinances, Plans and Policies referenced herein, please contact me at (541) 922-4624 X 5505, tmabbott@morrowcountyor.gov or Eric Imes, Morrow County Public Works Director, eimes@morrowcountyor.gov, (541) 989-9500 or Corey Sweeney, Morrow County Weed Program Manager, csweeney@morrowcountyor.gov, (541) 989-9500.

Sincerely,

MORROW COUNTY BOARD OF COMMISSIONERS



David Sykes, Chair



Jeff Wenholtz, Commissioner



August Peterson, Commissioner

Attachment: List of applicable Ordinances, Codes, etc.

Applicable Plans, Ordinances, Policies, Morrow County

Morrow County Comprehensive Plan (MCCP)

<https://www.co.morrow.or.us/planning/page/comprehensive-plan>

- Citizen Involvement Policies
- General Land Use Policies
- Agricultural Lands Policies
- Economic Policies
- Housing Policies
- Public Facilities and Services Policies
- Energy Policies

Morrow County Zoning Ordinance (MCZO)

<https://www.co.morrow.or.us/planning/page/zoning-ordinance>

Article 3 Section 3.010 Exclusive Farm Use Zone

- Section 3.010 (D)(9) Utility facilities necessary for public service, including associated transmission lines as defined in Article 1 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection F.10.
- Section 3.010(E)(16) Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection M.2.
- Section 3.010(M)(1) Commercial Generating Power Facility
- Section 3.010(M)(2) Wind Power Generation Facility
- Section 3.010(P) Transportation Impacts

Article 4 Supplementary Provisions (relative to access, parking and related measure)

- Section 4.010 Access
- Section 4.040 Off-street Vehicle Parking Requirements

Article 5 Development Permits

- Section 5.010 Zoning Permit

Article 6 Conditional Uses

- Section 6.020 General Criteria
- Section 6.025 Resource Zones Standards for Approval (same as ORS 215.296)
- Section 6.030 General Conditions
- Section 6.040 Permit and Improvement Assurance

Oregon Revised Statutes and Oregon Administrative Rules

https://www.oregonlegislature.gov/bills_laws/ors/ors215.html

- ORS 215.243 Agricultural Lands Policy
- ORS 215.446 Renewable energy facility; application; standards; notices
- ORS 215.296 standards for approval of certain uses in EFU Zones

OAR 660-033-0130(37) Standards for wind power generation facilities.

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3083>

OAR 660-004 Exception Process for Goal 3 Exception

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3054>

Morrow County Transportation System Plan (TSP)

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/981/final_clean_copy_april_2022_tsp_complete_document_compiled_changes_002_gn.pdf

Chapter 6 Transportation System Plan Appendix C Traffic Impact Analysis Guidelines

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/981/final_clean_copy_april_2022_tsp_complete_document_compiled_changes_002_gn.pdf

Road Use Agreement (sample to be provided)

Morrow County Public Works Renewable Energy Project Development Policy

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/1141/renewable_energy_development_policy_september2010.pdf

Morrow County Solid Waste Management Ordinance Section 5.000 Public Responsibilities

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2181/ordinance2008update-1.pdf

Morrow County Code Enforcement Ordinance

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/16373/07052021_effective_2021_code_enforcement_ordinance.pdf

Morrow County Weed Control Ordinance

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2361/morrow_county_weed_ordinance.pdf

Morrow County Emergency Management Plan

https://www.co.morrow.or.us/sites/default/files/fileattachments/emergency_management/page/16297/morrow_county_eop_2022.pdf

Morrow County Multi-Jurisdictional Natural Hazard Mitigation Plan

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/16616/final_adopted_version_2024.pdf

Attachment 3:
Facility Components Table Templates

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
Site Boundary		
Site Boundary		acres
Micrositing Area		acres
Maximum Footprint ¹		acres
Solar Components		
PV Solar Modules		
Approx. total number		modules
Max Height at full-tilt		feet
Posts		
Approx. total number (assumes XXX concrete foundation)		posts
Cabling		
Combiner Boxes		each
Inverter Step Up Transformer Units		
Approx. total number		each
Noise level		dBA
Transformer oil-containing capacity		gallons
Related or Supporting Facility Components		
34.5 kV Collection System		
Collector line length, belowground		miles
Collector line length, overhead (OH)		miles
Wood Monopoles (max estimate for OH)		each
Collector Substations		
Substations w SCADA; Generator step-up transformers, each		each
Site size		acres
Transformer oil-containing capacity		gallons/each
Transformer noise level		dBA
Max height of structures		feet
Switchyards		
Stations; transformers, each		each
Site size (northern and/or within solar fence line); with foundations and graveled areas		acres
230 kV Transmission Line		
Length (total; northern line; southern line)		miles
Structures: Type (Wood or Galvanized Steel); quantity		each
Height of structures		feet

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
Battery Energy Storage System (Lithium-ion/Zinc)		
Zinc		
Approx. total batteries/containers on foundations with fans/heating systems; SCADA		each
Site size		acres
Approx. container dimensions		H x W x L; feet
Noise level (broadband)		dBA
Lithium-ion		
Approx. total batteries/containers on foundations with HVAC and fire suppression systems; SCADA		each
Site size		acres
Approx. container dimensions		H x W x L; feet
Noise level (broadband)		dBA
O&M Building		
Quantity		each
Site size		acres
Height		feet
Appurtenances	On-site well, septic system, SCADA System	
Storage for Replacement Solar Panels		
Containers		each
Approx. container dimensions		H x W x L; feet
Location		
Facility Roads		
Length		miles
Width		feet
Perimeter Fence		
Length		miles
Height		feet
Access/gates		each
Temporary Construction Areas		
Quantity		each
Site size		acres
Description		
Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition		
Notes:		

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
1. The proposed energy facility would occupy approximately XXX acres within fenced micro siting areas. The entire energy facility footprint is considered a permanent disturbance area for the purposes of evaluating Fish and Wildlife Habitat; however, facility components would not occupy the entire area and under Council's Soil Protection standard, impacts within the micro siting area are not considered permanent.		

Attachment 4:
Facility Decommissioning Spreadsheet

Table X: Proposed Facility Decommissioning Tasks and Cost Estimate

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
1.1 Mobilization / Demobilization				
1.1.1 Equipment Mob		Lump Sum		0.00
1.1.2 Site Facilities		Lump Sum		0.00
1.1.3 Crew - Mob & Site Setup		Day		0.00
1.1.4 Crew - Demob & Site Cleanup		Day		0.00
<i>Subtotal</i>				0.00
1.2 Project Site Support				
1.2.1 Site Facilities		Month		0.00
1.2.2 Field Management		Month		0.00
<i>Subtotal</i>				0.00
1.3. Substation Retirement				
1.3.1 Fence Removal		Day		0.00
1.3.2 Transformer Removal		Each		0.00
1.3.3 Control Building Removal		Each		0.00
1.3.4 UG Utility & Ground Removal		Day		0.00
1.3.5 Remove Foundations		Cubic Yard		0.00
1.3.6 Misc. Material Disposal		Each		0.00
1.3.7 Restore Yard		Each		0.00
<i>Subtotal</i>				0.00
1.4. Switchyard Retirement				
1.4.1 Fence Removal		Day		0.00
1.4.2 UG Utility & Ground Removal		Day		0.00
1.4.3 Dismantle/Loadout Racks & Switching		Each		0.00
1.4.4 Remove Foundations to Subgrade		Cubic Yard		0.00
1.4.5 Misc. Material Disposal		Each		0.00
1.4.6 Restore Yard		Each		0.00
<i>Subtotal</i>				0.00
1.5 230 kV Transmission Line Retirement				
Conductor Removal		Feet		0.00
1.5.1 Remove Structures		Each		0.00
1.5.2 Remove Foundations to Subgrade		Each		0.00
<i>Subtotal</i>				0.00
1.6 34.5 kV Overhead Collector Line Removal				
1.6.1 Conductor Removal		Feet		0.00
1.6.2 Utility Pole Removal		Each		0.00
<i>Subtotal</i>				0.00
1.7 O&M Building Removal				
1.7.1 Structure Demo		Ton		0.00
1.7.2 Remove Foundations To Subgrade		Cubic Yard		0.00
1.7.3 Material T&D		Ton		0.00
<i>Subtotal</i>				0.00
1.8 BESS Removal				

1.8.1 Battery Removal & Disposal		Each		0.00
1.8.2 Structure & Components Removal		Each		0.00
Subtotal				0.00
1.9 Solar Array Retirement				
1.9.1 Fence Removal		Feet		0.00
1.9.2 Solar Panel Removal & Disposal		Panels		0.00
1.9.3.1 Solar Rack & Post Removal		Posts		0.00
1.9.3.2 Solar Rack & Post Trans. & Disposal		Truck Loads		0.00
Subtotal				0.00
1.10 Inverter/Transformer Removal				
1.10.1 Disconnect Electrical		Each		0.00
1.10.2 Loadout Inverter & Transformer		Each		0.00
1.10.3 Trucking - Per Load		Each		0.00
Subtotal				0.00
1.11 Inverter/Transformer/BESS Foundation Removal				
1.11.1 Excavate/Remove Foundations		Cubic Yard		0.00
1.11.2 Concrete Transport and Disposal		Each		0.00
Subtotal				0.00
1.12 Site Restoration				
1.12.1 Site Roads - Removal and Restoration		Feet		0.00
1.12.2 Remove Conex Storage and Gravel Pads		Each		0.00
1.12.3 Spot Grade Disturbed Areas		Acre		0.00
1.12.4 Re-Seed Disturbed Areas		Acre		0.00
Subtotal				0.00
Total Decommissioning Cost				0.00
Contractor Markups				
Home Office, Project Management			0.05	0.00
Contractor OH & Fee			0.15	0.00
Subtotal				0.00
Total Decommissioning Cost				0.00
Performance Bond			0.01	0.00
Gross Cost				0.00
	Basis (% of Cost)	Basis (\$)	Contingency	Estimate (\$)
Administration and Project Management	100%	-	0.10	0.00
Future Development (Exclude Battery)	#DIV/0!	#DIV/0!	0.10	#DIV/0!
Future Development (Battery Only)	#DIV/0!	#DIV/0!	0.20	#DIV/0!
Subtotal				#DIV/0!
TOTAL ESTIMATED COST (\$Q12023)				#DIV/0!
ROUNDED				#DIV/0!

1. See ASC Exhibit X Attachment X-1 for detailed breakdown of tasks, actions and unit costs for the sum total costs presented in this Table.

2. To allow continued use of the land for agricultural or other purposes deemed appropriate at the time of

decommissioning purposes, all subsurface features including underground collector lines and concrete foundations associated with the O&M, Substation, Solar, Battery, Transmission Line, and Met towers will be removed under the Final Order on ASC, or as agreed with the landowner, in a final Retirement Plan.

3. Tasks associated with a Lump Sum unit cost may be calculated using a fraction (in decimal form) of the actual quantities constructed or by using the more detailed breakdown of unit costs associated with the Lump Sum task identified in the cost estimating worksheet in ASC Exhibit X, Attachment X-1.

4. Added or modified by Department.

Attachment 5:

Wildfire Mitigation Plan/Landowner Letter Templates

5A: Construction Wildfire Mitigation Plan/Landowner Letter Template

5B: Operations Wildfire Mitigation Plan/Landowner Letter Template

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Draft Construction Wildfire Mitigation Plan

ODOE Template

Instructions for Siting Analyst during review of an ASC/RFA:

XXX Energy Facility

- Provide template to applicant/certificate holder. To the extent it can be determined during review of an ASC/RFA, determine facility design features such as setbacks, road widths and locations, vegetation management etc. This information should be reflected in Section 3.0 and should be consistent with the facility description in ASC/RFA exhibits and in other mitigation plans (Noxious Weed Plan, Reveg Plan, and Dust Control Plan).
- Provide WMP to County and fire department(s), and ask if the measures (setbacks, fire protection equipment) are sufficient. If comments indicate or request additional measures, work with analyst team and Senior Policy Advisor to determine if any changes should be made to the WMP.
- Delete this prior to sending to applicant/certificate holder.

Instructions for Applicant's and Certificate Holders:

- This template includes preventative actions, procedures, and standards commonly proposed to meet the requirements of OAR 345-022-0115(1)(b) and reflects practices the Department and EFSC have identified as appropriate to minimize wildfire risk at solar photovoltaic power generation facilities. **Use of the template is not required**, and provisions in this template may be modified depending on the type of energy facility under review. Use of the template does not guarantee satisfaction with the Council's Wildfire Prevention and Risk Mitigation Standard. Use of the template does not establish a defense for any enforcement action for violation of a site certificate, Council order or rule. Use of the template or a separately-developed Wildfire Mitigation Plan does not relieve a certificate holder from proactively managing wildfire risk and taking steps to protect against wildfire beyond the measures included in the template or a separately-developed Plan.
- Areas in **yellow highlight** to be update based on the applicant/certificate holder facility proposal and should be filled out to the extent known at the time of review of the ASC/RFA. This information will also be updated/finalized based on facility design and the construction plan prior to construction of the facility.
- All changes to this template must be made in track changes for the Department to determine the scope of changes made.

Applicable EFSC Site Certificate Conditions

Wildfire Prevention and Risk Mitigation Condition 1 (PRE): Prior to construction of the facility or phase, as applicable, the certificate holder shall:

- a. Finalize the Construction Wildfire Mitigation Plan, as provided in Attachment XX to the Final Order on ASC. The final Construction Wildfire Mitigation Plan shall be submitted to the Department for review and approval.
- b. Complete pre-construction tasks and actions designated in the Construction Wildfire Mitigation Plan approved under sub a of PRE-WF-01.
[PRE-WF-01, Final Order on ASC]

Wildfire Prevention and Risk Mitigation Condition 2 (CON): During construction of the facility or phase, as applicable, the certificate holder shall:

- a. Implement and require all onsite contractors and employees to adhere to, the Construction Wildfire Mitigation Plan required under PRE-WF-01.
- b. After the first six months of construction; and then semi-annually during construction, review and update Construction Wildfire Mitigation Plan as designated in the Plan, and submit the results in the semi-annual construction report.

- c. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

[CON-WF-01, Final Order on ASC]

1.0 Finalizing Wildfire Mitigation Plan Prior to Construction (PRE)

1.1 Update Applicable Sections of WMP

To finalize this WMP prior to construction of the facility:

Update Section 3.1 with a summary of construction phasing including vegetation removal and grading based on areas of construction work or facility component.

Update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

Update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

Update section 3.7 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

2.0 Prior to Construction Task List (PRE)

Prior to construction of the facility, complete the activities in Sections 2.1 and 2.2.

2.1 Training (PRE):

Before beginning construction, the certificate holder will hold an on-site training for contractors and construction personnel, inviting specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- Description of construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
 - Designation of individual(s) responsible for Fire Watch Service;

- Designation of individual(s) responsible for checking fire danger/designations for the day.
- Rescue, Alarm, Contain and Extinguish RACE procedures including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.

2.2 Facility Site Map(s) Submission (PRE):

Submit updated site maps from Section 3.2 concurrently to local fire department(s), County emergency management office, and the Department.

3.0 Construction Wildfire Mitigation Plan (CON)

3.1 Summary of Construction Phasing

Provide a summary of construction phasing including vegetation removal and grading based on areas of construction work or facility component.

3.2 Facility Site Map(s):

This Construction WMP includes facility site maps as Attachment XX that identify:

- The phasing for construction, including location of vegetation removal and grading, for facility features and components;
- Location and dimensions of facility roads. Facility perimeter roads are XX feet wide and service roads are XX feet wide;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
- The location of facility access points. Primary access points are located at XX road at the N/S/E/W portion of the facility;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite (e.g. The facility will be gated

and accessible by access codes. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire);

- The type and location of fire protection equipment on site;
- The location(s) of water source(s) that will be on-site during construction. (e.g. Water trucks on site during construction will be staged at the O&M building and moved to locations where construction/hot work will be conducted).
-

3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building at all times:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pound), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable to provide a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended.
- Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.4 Facility Contact Information and Emergency Response Procedures

Describe fire detection, fire suppression, and emergency procedures that will be implemented in the event of a fire.

Local fire department and county emergency management contact information:

- X
- X

Fire department response times to the site:

- X
- X

Certificate holder primary contact and contact of construction contractor manager(s):

- X
- X

Provide list of residence addresses within the site boundary and 0.5 miles from the site boundary.

Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 4.0, Plan Updates and Reporting Requirements.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
 - To the extent that construction personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

3.5 Use of Vehicles and Power Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during construction:

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designate din this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the


vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.


- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.


3.6 Fire Precaution Levels and Restrictions during Fire Season

Definitions:

 **Non-Fire Season** – Approximately October - May

 **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

 **Fire Weather Watch** - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

 **Red Flag Weather Warning** - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work - Any cutting, grinding, welding, or other activity that creates spark or open flame.

Fire Watch Service -

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the facility where equipment activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate holder shall maintain a log when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

Non-Fire Season

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.



Fire Season

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.



Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.



Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Table 1: Fire Prevention Measures During Fire Season Summary









Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
Fire weather advisory	Not required	Check for fire weather advisory	Check for fire weather advisory	Check for fire weather advisory

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
		daily before work begins.	daily before work begins.	daily before work begins. On-site personnel must be aware of Red Flag Warning.
On-site water source	N/A	As specified in Section 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Hot work	Only permitted on roads or on non-combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.
Driving and Parking	As described in Section 3.5.	As described in Section 3.5.	Only permitted on roads or on non-combustible surfaces and Section 3.5.	Only permitted on roads or on non-combustible surfaces and Section 3.5.
Smoking	Designated areas only	Designated areas only	Not permitted	Not permitted

3.7 Vegetation Management

3.7.1 Vegetation-free, Noncombustible Space, and Vegetation Standards

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation and Reclamation Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s), shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible “burn piles” on site.

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- XX foot wide service roads within solar fence line - graveled
- XX wide perimeter roads – graveled
- 10- foot noncombustible, defensible space clearance along the fenced perimeter of the site boundary – vegetation free
- Within and a 10-foot perimeter of the inverter/transformer pads, collector substation and battery energy storage system (BESS) – graveled, similar noncombustible base, or vegetation free
- Parking and O&M building perimeter - graveled
- Vegetation along service roads will be managed by mowing or other vegetation removal

Vegetation in these areas will be managed by the following techniques:

- XX
- XX

3.8 Construction Training(s)

3.8.1 Safety Training

Once a year after construction begins, organize and hold an on-site training with certificate holder and construction personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency that covers:

- The location of electrical facility components and the fire safety measures associated with each component that have been constructed;
- Description of remaining construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;

- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction activities during Fire Season, Fire Weather Watches, and Red Flag Warnings designated in this Plan;
 - Designation of individual(s) responsible for Fire Watch Service;
 - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Rescue, Alarm, Contain and Extinguish (RACE) procedures including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees County’s emergency management notification system.

4.0 Plan Updates: Amendments and Reporting Requirements:

The following information must be provided to the Department in the semi-annual construction report required per OAR 345-026-0080:

- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- A copy of the Fire Season Restriction Log identified in Section 3.6.

Information from the semi-annual construction reporting may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

Attachment 1: Residence/Landowner Outreach Letter

COMPANY LOGO/LETTERHEAD

DATE

RE: Community Outreach Letter for XXX Energy Facility

My name is XXX and I'm the XXX for XX LLC. We are the certificate holder of the XXX Energy Facility, approved by the Oregon Energy Facility Siting Council (EFSC). Construction of the facility will start/was completed in XX. The facility is a XX megawatt solar facility located XX. You are receiving this letter because your address is within 0.5 miles from the facility site boundary and we want to make sure you are aware of the following information:

- Safety at the facility is our highest priority. We have emergency procedures in place in the event of an emergency on site or off site that may impact the facility and adjacent areas. This includes an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, facility inspections, and maintenance protocols to ensure that the facility minimizes fire risk. The WMP also requires fire protection equipment to be on site and allows for emergency access for fire departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by facility personnel, local emergency and law enforcement will be contacted and procedures designated by the XX County's Office of emergency management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for XX County emergency notification system. You may sign up via the County's webpage or directly via this link:
Link: XX

Please contact me if you have any questions about the facility, XX company, or any other concerns regarding construction and operation of the facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

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

Thank you,

NAME

TITLE

CONTACT INFORMATION

DATE

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Draft Operational Wildfire Mitigation Plan
ODOE Template

Instructions for Siting Analyst during review of an ASC/RFA:

- Provide template to applicant/certificate holder. To the extent it can be determined during review of an ASC/RFA, determine facility design features such as setbacks, road widths and locations, vegetation management etc. This information should be reflected in Section 3.0 and should be consistent with the facility description in ASC/RFA exhibits and in other mitigation plans (Noxious Weed Plan, Reveg Plan, and Dust Control Plan).
- Provide WMP to County and fire department(s), and ask if the measures (setbacks, fire protection equipment) are sufficient. If comments indicate or request additional measures, work with analyst team and Senior Policy Advisor to determine if any changes should be made to the WMP.
- Delete this prior to sending to applicant/certificate holder.

Instructions for Applicants and Certificate Holders:

- This template includes preventative actions, procedures, and standards commonly proposed to meet the requirements of OAR 345-022-0115(1)(b) and reflects practices the Department and EFSC have identified as appropriate to minimize wildfire risk at solar photovoltaic power generation facilities. **Use of the template is not required**, and provisions in this template may be modified depending on the type of energy facility under review. Use of the template does not guarantee satisfaction with the Council's Wildfire Prevention and Risk Mitigation Standard. Use of the template does not establish a defense for any enforcement action for violation of a site certificate, Council order or rule. Use of the template or a separately-developed Wildfire Mitigation Plan does not relieve a certificate holder from proactively managing wildfire risk and taking steps to protect against wildfire beyond the measures included in the template or a separately-developed Plan.
- Areas in **yellow highlight** to be updated based on the applicant/certificate holder facility proposal and should be filled out to the extent known at the time of review of the ASC/RFA. This information will also be updated/finalized based on final design prior to operation of the facility.
- All changes to this template must be made in track changes for the Department to evaluate the scope of changes made.

Applicable EFSC Site Certificate Conditions

Wildfire Prevention and Risk Mitigation Condition 3 (PRO): Prior to operation of the facility or phase, as applicable, the certificate holder shall:

- a. Finalize the Operational Wildfire Mitigation Plan, as provided in Attachment XX to the Final Order on ASC. The final Operational Wildfire Mitigation Plan shall be submitted to the Department for review and approval.
- b. Complete pre-operational tasks and actions designated in the Operational Wildfire Mitigation Plan approved under sub a of PRO-WF-01.

[PRO-WF-01, Final Order on ASC]

Wildfire Prevention and Risk Mitigation Condition 4 (OPR): During operation, the certificate holder shall:

- a. Implement the Operational Wildfire Mitigation Plan required under PRO-WF-01, included as Attachment XX to the Final Order on ASC.

- b. After the first operational year, annually review and update Operational Wildfire Mitigation Plan as designated in the Plan, and submit the results in the annual report for that year.
- c. Updates to the Wildfire Mitigation Plan may be required if determined necessary by the certificate holder or the Department to address wildfire hazard to public health and safety. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

[CON-WF-01, Final Order on ASC]

1.0 Finalizing Wildfire Mitigation Plan Prior to Operation (PRO)

1.1 Update Applicable Sections of WMP

To finalize this WMP prior to operation of the facility:

Update Section 3.1 based on final facility design including a brief description of the facility.

Update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

Update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Describe fire detection, fire suppression, and emergency shut off systems that will be activated in the event of a fire. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

Update section 3.6 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

Update Section 3.7 and Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan; and include an appendix with excerpts of manufacturer recommendations.

Update Section 3.10 with any additional details about facility monitoring.

Update Section 4.0 with any additional standards for future review and plan updates. Note that Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, will be used as a compliance checklist by the Department to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation.

2.0 Prior to Operation Task list (PRO)

Prior to operation of the facility, complete the activities in Sections 2.1 and 2.2.

2.1 Training (PRO)

Before beginning operation, the certificate holder will hold an on-site training for operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
 - Designation of individual(s) responsible for Fire Watch Service;
 - Designation of individual(s) responsible for checking fire danger/designations for the day.
- Overview of procedures for Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.

2.2 Facility Site Map(s) Submission (PRO):

Submit updated site maps from Section 3.2 concurrently to local fire department(s), County emergency management office, and the Department.

3.0 Operational Wildfire Mitigation Plan (OPR)

3.1 Summary of As-Built Facility Description with Design Features

Include a brief summary of the facility.

3.2 Facility Site Map(s):

This Operational WMP includes facility site maps as Attachment XX that identify:

- Location and dimensions of facility roads. Facility perimeter roads are XX feet wide and service roads are XX feet wide;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site and date;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
- The location of facility access points. Primary access points are located at XX road at the N/S/E/W portion of the facility;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite. (e.g. The facility will be gated and accessible by access codes. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire);
- The type and location of fire protection equipment on site;
- The location(s) of water source(s) that will be on-site during operations. (e.g. Water trucks on site during fire season will be staged at the O&M building).

3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pounds), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable of providing a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended. Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrester; and must be kept in good operating condition.

All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.4 Facility Contact Information and Emergency Response Procedures

Describe fire detection, fire suppression, and emergency shut off systems that will be activated in the event of a fire.

Local fire department and county emergency management contact information:

- X
- X

Fire department response times to the site:

- X
- X

Certificate holder primary contact and contact of operational manager(s):

- X
- X

Provide list of residence addresses within the site boundary and 0.5 miles from the site boundary.

Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 4.0, Plan Updates and Reporting Requirements.


Contact 911 in the event of:



- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
 - To the extent that operational personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

3.5 Fire Precaution Levels and Restrictions during Fire Season

Definitions:

 **Non-Fire Season** – Approximately October - May

 **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

  **Fire Weather Watch** - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the

purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.



Red Flag Weather Warning - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work -Any cutting, grinding, welding, or other activity that creates spark or open flame.

Fire Watch Service:

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, Firewatch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate holder shall maintain a log when operational activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.



Non-Fire Season

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.



Fire Season

- Before the start of each daily shift, at approximately 07:00 a.m. local time, a designated individual will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.

- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.



Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.



Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Table 1: Fire Prevention Measures During Fire Season Summary









Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
Fire weather advisory	Not required	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning.
On-site water source	N/A	As specified in Section 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Hot work	Only permitted on roads or on non-combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.
Driving and Parking	As described in Section 3.9.	As described in Section 3.9.	Only permitted on roads or on non-combustible surfaces and Section 3.9.	Only permitted on roads or on non-combustible surfaces and Section 3.9.
Smoking	Designated areas only	Designated areas only	Not permitted	Not permitted

3.6 Vegetation Management

3.6.1 Vegetation-free, Noncombustible Space

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- XX foot wide service roads within solar fence line - graveled
- XX wide perimeter roads – graveled
- 10- foot noncombustible, defensible space clearance along the fenced perimeter of the site boundary – vegetation free
- Within and a 10-foot perimeter of the inverter/transformer pads, collector substation and battery energy storage system (BESS) – graveled, similar noncombustible base, or vegetation free
- Parking and O&M building perimeter - graveled
- Vegetation along service roads will be managed by mowing or other vegetation removal

Vegetation in these areas will be managed by the following techniques:

- XX
- XX
-

3.6.2 Vegetation Standards, Surveys and Management

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s), shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible “burn piles” on site.

A vegetation assessment survey of the fenced area will be completed at least twice a year to monitor for vegetation clearances and maintenance of fire breaks, and wildfire hazards. One survey will occur before the fire season begins, in May or June. The second survey will occur in October or November. Additional vegetation surveys and management may be required throughout the year based on seasonally heightened fire risk, vegetation growth, or observations from operational maintenance staff.

The survey will be conducted by the a vegetation specialist and will be used to assess the frequency of upcoming vegetation maintenance and will assess and document the following:

- Location;
- Species;
- Height;
- Proximity to facility components;
- Estimated growth rate;
- Abundance;
- Clearance/setbacks; and
- Risk of fire hazard.

Results of surveys shall be provided in the annual updates to this WMP, designated in Section 4.0.

Vegetation control includes: (to be consistent with this WMP, Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan.)

- XXX
- XXX

3.7 Inspections and Maintenance

Facility components will be inspected and maintained as designated in Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results* below. Update Table 2 based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan.

Table 2 includes an operational check list that will be filled out designating which personnel conducted inspections and maintenance, the dates of inspections and maintenance, and results. As designated in Section 4.0, of this WMP, this table checklist will be submitted to demonstrate compliance with the WMP and used to determine if changes to the WMP are necessary. Other checklist may be provided prior to operation and in the annual review of the WMP, as approved by the Department.

Manufacturers' recommendations, or excerpts for inspections and maintenance are included as Appendix XX to plan.

Lock Out/Tag Out Program:

During maintenance activities, electrical equipment is de-energized and physically locked or tagged in the de-energized positions to avoid inadvertent events that could result in arc flash.

- Ensure equipment is maintained to prevent and control sources of ignition.

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
System Protection	Protection Relays <ul style="list-style-type: none"> Verify calibration and check functionality. Breaker Trip Testing <ul style="list-style-type: none"> Verify the ability to trip breakers via coil. 	X	Manufacturer's maintenance recommendations	Repair or replace once every 5 years	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
System Protection	System Protection Potential Transducers ("PTs") and Current Transducers ("CTs") <ul style="list-style-type: none"> Verify calibration and check functionality. 	X	Manufacturer's maintenance recommendations	Repair or replace once every 11 years	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
Solar Inverter	<ul style="list-style-type: none"> Visual inspection of inverter and surrounding area. Verify torque specifications. For alternating current (AC)/direct current (DC), perform inspection of communication and control power terminations. Cycle AC/DC disconnects, inspect AC/DC contactors and cooling fans. Perform infrared scan. Inverter Testing and Preventative Parts Replacement <ul style="list-style-type: none"> Preventative maintenance replacement of inverter parts (e.g.: cooling system and power supplies that are operating effectively but scheduled for replacement per manufacturer's recommendations). 		Spill Prevention, Control, and Countermeasures (SPCC) Plan ³ Manufacturer's maintenance recommendations	<ul style="list-style-type: none"> Monthly SPCC Plan Bi-annual Preventative Maintenance Per manufacturer's recommendations 	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above.	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
Tracker System	<ul style="list-style-type: none"> Perform visual inspection of tracking components; sync data with the Applicant's Operations Center. Perform visual inspection of module clamps and rail fasteners for integrity. Perform visual inspection of gear drives and shaft assemblies for alignment. Grease gear boxes and/or drive shaft. Verify wind stow functionality and lubricate slew ring. 		Manufacturer's maintenance recommendations	<ul style="list-style-type: none"> Per manufacturer's recommendations 	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
Solar Array Structures	<ul style="list-style-type: none"> Perform visual inspection of mounting structures, 		Manufacturer's	Repair or replace annually	Date:	Date:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	grounding, and cabling.		maintenance recommendations		Personnel:	Personnel:
					Results:	Results:
					Notes:	Notes:
Solar Array Panels, Harnesses, and Combiner Boxes	At Applicant’s sole discretion, to perform one of the following options: <ul style="list-style-type: none">• Infra-red (“IR”) Flyovera. IR scan of Site providing DC health of the Facility down to string level reporting; or <ul style="list-style-type: none">• Physical DC Health Inspectiona. Perform visual inspection of whips and wires connectors for damage or exposed conductors in gutters of harness combiner boxes.b. Measure and record current of each whip using clamp-on meter and identify low performing whips.		Applicant’s discretion	Repair or replace annually	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
					Notes:	Notes:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components	Vegetation: Vegetation under solar arrays will be maintained to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Methods include manual removal, mowing, or as designate din this Plan.	Vegetation: Twice a year, or more often, as designate din this Plan.	Date:	Date:
					Personnel:	Personnel:
Collector Substation	<ul style="list-style-type: none">• Perform visual inspection of the grounding system.• Perform thermographic and visual inspection.• Perform uninterrupted power supply (UPS) inspection and maintenance.		Manufacturer’s maintenance recommendations North American Electric Reliability Corporation (NERC)	Repair or replace annually	Date:	Date:
					Personnel:	Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections.	Results:	Results:
					Notes:	Notes:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
BESS	<ul style="list-style-type: none">Set battery maintenance (system check, cell balancing).Battery cable, appearance, grounding, dust removal.Inspect battery management system alarms.Visual inspection of electrical terminations using thermal imager.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections.	Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	<ul style="list-style-type: none">Check for correct operations of battery monitoring system and battery charging system.Perform visual inspection of the battery room, mounting rack, batteries, and connections.		Manufacturer's maintenance recommendations	Repair or replace monthly	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	<ul style="list-style-type: none">Perform individual cell float charge and specific gravity checks.		Manufacturer's maintenance recommendations	Repair or replace quarterly	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	<ul style="list-style-type: none">Measure float cell voltage, pilot cell voltage, and electrolyte temperature of pilot cell.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Supervisory, Control and Data Acquisition (SCADA) & Network Equipment	<ul style="list-style-type: none">Plant equipment will be evaluated every 5 years to determine state of health and provide recommendations to Savion.		Manufacturer's maintenance recommendations	Upgrade, repair, or replace every 5 years	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS Junction Box/ Auxiliary System/Miscellaneous	<ul style="list-style-type: none">Auxiliary equipment maintenance and inspection.Enclosure dust removal.Inspect cable entry, grounding, sealing, dust removal.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	<ul style="list-style-type: none">Critical sensor calibration check.Maintenance report.				Results: Notes:	Results: Notes:
BESS Fire Safety System	<ul style="list-style-type: none">Fire alarm and detection system inspection.Fire alarm and detection system maintenance.Fire suppression System Inspection.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS Thermal Management System	<ul style="list-style-type: none">Thermal management system inspection.Thermal management system maintenance.Motor Lubrication.Clean Filters by rinsing with water.Electric Heater - Dust accumulation on the coil, signs of overheating on the heater frame, traces of water or rust on the electric heater control box.		Manufacturer's maintenance recommendations	Repair or replace semi-annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS Thermal Management System	<ul style="list-style-type: none">Coolant tester visual inspection.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS General	<ul style="list-style-type: none">System configuration check.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Medium Voltage (MV) and High Voltage (HV) Breaker	<ul style="list-style-type: none">Clean out dirt and debris.Perform a manual operation test.Perform an electrical test.Perform a gas leakage test.		Manufacturer's maintenance recommendations	Repair or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
			NERC		Results: Notes:	Results: Notes:
Generator Step-Up (GSU) Transformer	<ul style="list-style-type: none">Perform a visual inspection and check for proper operation of fan motor, oil pump motor, and breather.Inspect and maintain substation transformer bushings		SPCC Plan ³	Repair, overhaul, refurbish, or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	and control panel. <ul style="list-style-type: none">Perform visual inspection of bushings for indications of local heating, oil leaks, proper oil level and indication of contaminants.		Manufacturer's maintenance recommendations		Results: Notes:	Results: Notes:
Inverter Step-up Transformer	<ul style="list-style-type: none">Perform infrared scans on low side of transformer when power is >80%.Verify temperature and pressure sync with the contractor's Operations Center.Perform visual inspection of the physical integrity of the enclosure and check for oil leakage.Perform visual inspection for damage or discoloration of bushings.Perform oil sample analysis on MV transformer(s).Collect MV transformer oil sample(s) for 3rd party analysis.Perform electrical test of transformer.Verify integrity of surge arresters and check for proper tap position.		SPCC Plan ³ Manufacturer's maintenance recommendations	Replace or repair per manufacturer's recommendation	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above.	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Overhead electrical lines	Visual inspection of components, grounding and APLIC measures.		APLIC		Date: Personnel:	Date: Personnel:
	Vegetation: Visual inspection of vertical clearance distance between conductor and vegetation.		Vegetation: National Energy Reliability Corporation (NERC) - Vegetation maintenance standard FAC-003-0. Mow vegetation to achieve clearance requirements between conductor and ground.	Vegetation: Yearly, depending on vegetation condition.	Results: Notes:	Results: Notes:
1. The Operational SPCC Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.						

3.8 Use of Vehicles and Power Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during operational activities:

- The movement of vehicles will be planned and managed to minimize fire risk.
- As necessary, contractor(s) or operational personnel will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designate din this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.9 Operational Training(s)

3.9.1 Annual or Biannual Safety Training

Organize and hold an on-site training with operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency, that covers:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan; Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;

- Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

3.9.2 Electrical Safety Program

All operational workers will be trained in electrical safety and the specific hazards of the facility. This training will address:

- Minimum experience requirements to work on different types of electrical components;
- Lockout/tagout procedures
- Electrical equipment testing and troubleshooting;
- Switching system;
- Provisions for entering high voltage areas (e.g., substation);
- Minimum approach distances; and
- Required personal protective equipment.

3.10 Facility Monitoring

Facility components that are monitored via the supervisory, control, and data acquisition (SCADA) system are the solar inverters, collector substation, battery energy storage system (BESS), and overhead electrical lines associated with the alternate gen-tie line.

Facility components will be monitored remotely with the SCADA system 24 hours a day, 7 days a week.

Smoke and fire detectors are placed throughout the facility, will be connected to the SCADA system, and will contact local firefighting services if needed. The BESS will also have integrated fire safety and monitoring systems to detect and alarm if a fire condition is detected.

Facility has remote shutdown capabilities that involve XXX.

4.0 Plan Updates: Amendments and Reporting Requirements

The following information must be provided to the Department in the annual report required per OAR 345-026-0080::

- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- Fill out Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, with the dates, personnel, and results of inspections and maintenance performed. A different form or checklist of operational inspection, vegetation

management, and maintenance may be used if approved by the Department.

- A copy of the Fire Season Restriction Log identified in Section 3.5.

The certificate holder must review this WMP annually to determine if updates to the WMP are necessary. In its annual review, the certificate holder will evaluate changes in standards, policies, future technologies or best practices that could be implemented at the facility to address wildfire prevention or protection, including but not limited to those identified in Table 3, below.

Information from the annual reporting and from the certificate holder or Department review of sources in Table 3 may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

Table 3: Standards for Future Review

Reference	Description	Method
American Clean Power	Industry ground that establishes best practices for renewable energy projects.	The applicant is a member of ACP and participates in best practice development ¹ .
National Electric Reliability	National Energy Reliability Corporation develops electrical standards for large energy facilities.	The applicant will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines ² , or updates to this standard as approved by NERC.
Oregon Specialty Building Codes	Building codes applicable to inhabitable spaces, including the O&M building and the substation enclosure.	Remodeling to the O&M and enclosure structure that requires permits will follow any updates to the OSPC at that time.
Oregon Fire Code	The Oregon State Fire Marshal adopts the Oregon Fire Code, establishing minimum fire prevention and protection systems requirements applicable to certain structures, including but not limited to, energy systems.	The certificate holder will adhere to any applicable standards of the Oregon Fire Code and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to

Table 3: Standards for Future Review

Reference	Description	Method
NFPA Codes and Standards	The National Fire Protection Association publishes codes and standards intended to minimize the possibility and effects of fire and other risks/	The certificate holder will identify and adhere to any applicable codes and standards and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.
APLIC	Avian protection methods for electrical facility reduce fires related to bird/mammal nests on electrical equipment.	The certificate holder is a member of APLIC ³ . An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA).
ORS chapter 477, OAR chapter 629-043	Standards and rules for fire prevention in forest and range land administered by Oregon Department of Forestry	The certificate holder will be familiar with and operate consistently with the applicable standards, including any updates to rules or standards and will provide a summary of standards that are updated and implemented at the facility.
OAR chapter 860, division 024	Safety standards for transmission lines adopted by Oregon PUC	The certificate holder will maintain consistency with any applicable vegetation clearance requirements, pruning standards, and high fire risk zone safety standards and will provide a summary of standards that are updated and implemented at the facility.
<p>1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.</p> <p>2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.</p> <p>3. Link to APLIC member organization: https://www.aplic.org/member_websites.php.</p>		

Attachment 1: Residence/Landowner Outreach Letter

COMPANY LOGO/LETTERHEAD

DATE

RE: Community Outreach Letter for XXX Energy Facility

My name is XXX and I'm the XXX for XX LLC. We are the certificate holder of the XXX Energy Facility, approved by the Oregon Energy Facility Siting Council (EFSC). Construction of the facility will start/was completed in XX. The facility is a XX megawatt solar facility located XX. You are receiving this letter because your address is within 0.5 miles from the facility site boundary and we want to make sure you are aware of the following information:

- Safety at the facility is our highest priority. We have emergency procedures in place in the event of an emergency on site or off site that may impact the facility and adjacent areas. This includes an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, facility inspections, and maintenance protocols to ensure that the facility minimizes fire risk. The WMP also requires fire protection equipment to be on site and allows for emergency access for fire departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by facility personnel, local emergency and law enforcement will be contacted and procedures designated by the XX County's Office of emergency management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for XX County emergency notification system. You may sign up via the County's webpage or directly via this link:
Link: XX

Please contact me if you have any questions about the facility, XX company, or any other concerns regarding construction and operation of the facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

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

Thank you,

NAME

TITLE

CONTACT INFORMATION

DATE