BEFORE THE

ENERGY FACILITY SITING COUNCIL

OF THE STATE OF OREGON

In the Matter of the Application for Site Certificate for **Deschutes Solar and Battery Energy Storage System Facility**	)))	**AMENDED PROJECT ORDER**

Issued

November 19, 2025

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Attachment 1: Oral Public Comment Summary & Comment Cards - Public Information Meeting
Attachment 2: Written Public Comments - Summary Index and Full Copies
Attachment 3: Reviewing Agency Comments - Index and Full Copies
Attachment 4: Special Advisory Group Comment Letter - Wasco County Board of Commissioners
Attachment 5: Tribal Comments – CTUIR Letter
Attachment 6: Draft Templates – Examples for pASC/ASC:

- Facility Components Table
- Facility Decommissioning Spreadsheet
- Habitat Mitigation Plan Template
- Dust Control Plan Template
- Construction Vegetation and Soil Management Plan Template
- Operational Revegetation, Vegetation Management, Soil Reclamation and Noxious Weed Plan Template
- Construction Wildfire Mitigation Plan Template
- Operations Wildfire Mitigation Plan Template
- Landowner Letter Template – Wildifre Mitigation Plan

Attachment 7: Correspondence with Juniper Flat District Improvement Company

ACRONYMS AND ABBREVIATIONS

AC	Alternating Current
ACDP	Air Contaminant Discharge Permit
Applicant	DECH bn LLC
ASC	Application for Site Certificate
BLM	Bureau of Land Management
BOC	Board of Commissioners
BPA	Bonneville Power Administration
CTWS	Confederated Tribes of the Warm Springs
CTWSRO	Confederated Tribes of the Warm Springs Reservation of Oregon
CWA	Clean Water Act
DC	Direct Current
DECH bn	Applicant
DEQ	Oregon Department of Environmental Quality
DLCD	Oregon Department of Land Conservation and Development
DOGAMI	Department of Oregon Geology and Mineral Industries
DSL	Oregon Department of State Lands
EFSC or Council	Energy Facility Siting Council
EFU Zone	Exclusive Farm Use Zone
JFDIC	Juniper Flat District Improvement Comany
kV	Kilovolts
MW	Megawatt
LCDC	Oregon Land Conservation and Development Commission
LCIS	Legislative Commission on Indian Services
LLC	Limited Liability Company
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
ODF	Oregon Department of Forestry
ODOE or Department	Oregon Department of Energy
ODOT	Oregon Department of Transportation
ODFW	Oregon Department of Fish and Wildlife
OPRD	Oregon Parks and Recreation Department
ORS	Oregon Revised Statute
Parent Company	BrightNight, LLC
pASC	Preliminary Application for Site Certificate
Proposed facility	Deschutes Solar and BESS Facility
SHPO	Oregon State Historic Preservation Office
USFWS	U.S. Fish and Wildlife Service
WCCP	Wasco County Comprehensive Plan
WCLUDO	Wasco County Land Use and Development Ordinance
WPCF	Water Pollution Control Facilities

I. INTRODUCTION

On February 21, 2025, the Oregon Department of Energy (ODOE or Department) received a Notice of Intent (NOI) to File an Application for a Site Certificate (ASC) for the proposed Deschutes Solar and Battery Energy Storage System Facility (proposed facility). The NOI was submitted by DECH bn, LLC (applicant), a wholly-owned subsidiary of BrightNight, LLC.

This Amended Project Order establishes the statutes, administrative rules, Energy Facility Siting Council (EFSC or Council) standards, local ordinances, ASC requirements and study requirements in accordance with ORS 469.330 and OAR 345-015-0160. As provided in ORS 469.330(4), this Project Order is not a final order. The Department or the Council may amend this Project Order at any time.

On November 19, 2025, the Department issued an Amended Project Order to specify the requirements for the land use evaluation of potential impacts from proposed facility construction and operation to the irrigation system located within the site (see Section IV.E Land Use of this Order).

I.A. Facility Description

The Deschutes Solar and Battery Energy Storage System Facility is a proposed 1,000 megawatt (MW) solar photovoltaic (PV) power generation facility to be located within an approximately 13,626-acre (21.3 sq. mile) site boundary on private land predominately zoned for exclusive farm use (EFU) in Wasco County (See Figure 1)[1]. Such an "energy facility" is subject to EFSC jurisdiction.[2]

Under ORS 469.320, no "facility," – i.e., an energy facility with related or supporting facilities,[3] may be constructed or operated in Oregon without a site certificate from the Council. Major facility components would include solar arrays composed of solar modules, tracking systems and posts, inverters, transformers and a collector system. In addition to the proposed solar photovoltaic arrays, the proposed facility would include related or supporting facilities including a 1,000 MW Battery Energy Storage System (BESS) with up to 4 hours of storage capacity, an Operations and Maintenance Building, a 34.5 kilovolt (kV) collector system, an approximately 0.5 mile 500-kV generation tie line to a proposed 500 kV switchyard connecting to the existing 500-kV Bonneville Power Administration (BPA) Marion-Buckley transmission line, perimeter fencing, access roads, and staging areas.

The legal description for the proposed site boundary is shown in Table 1.

[1] The proposed site boundary is comprised of parcels zoned A-1 Exclusive Farm Use except for tax parcel number 5S12E04700, which is split zoned A-1 Exclusive Farm Use and R-R 2 Rural Residential (See NOI Figure 10).

[2] ORS 469.300(11)(a)(D)(i)-(iii)

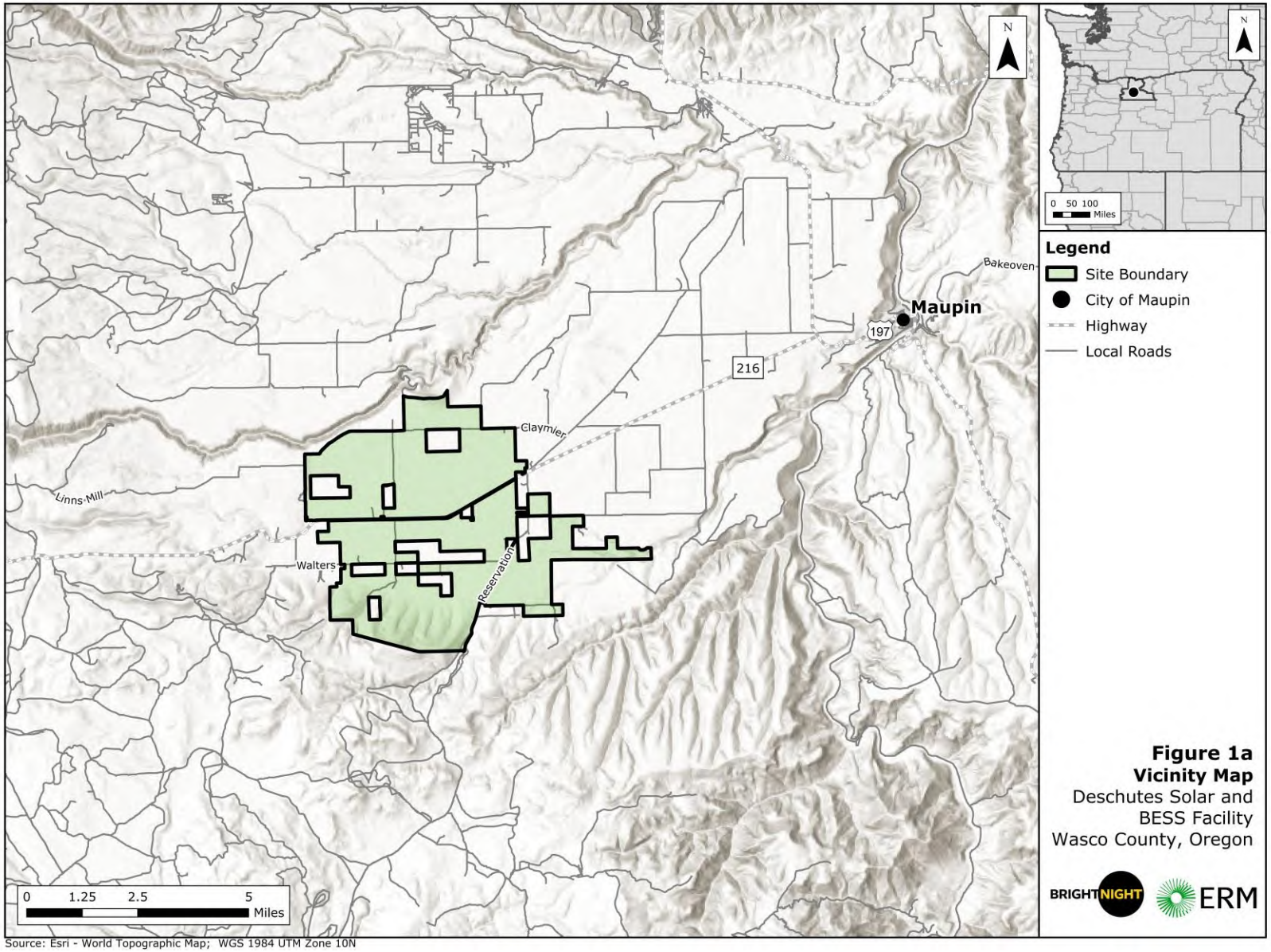
[3] ORS 469.300(14)

Table 1: Legal Description for Proposed Site Boundary

Township and Range	Section(s)	Tax Lots
Wasco County		
5S 12E	9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	[Provide in pASC]
5S 13E	29, 30	[Provide in pASC]
6S 12E	1, 2, 3, 4, 5, 6	[Provide in pASC]

1
2

Figure 1: Regional Location of Proposed Facility Site Boundary



Source: Esri - World Topographic Map; WGS 1984 UTM Zone 10N

I.A.1 Facility Components/Structures

The information on the number and dimension of facility components, as provided in the NOI, is presented in Table 2 and described below. Specific details on proposed facility components and related or supporting facilities shall be included in the preliminary ASC (pASC) and should include quantities and dimensions and a description in narrative format, as applicable, as provided in Example Component Tables 7 and 8 of this Project Order (a facility component table template is provided in Attachment 6). The pASC shall include this additional information in both narrative and table formats.

Table 2: Proposed Energy Facility Components

Component	Quantity	Dimensions
Site Boundary	13,626	acres
Solar Array Footprint	8,157	acres
PV Solar Modules	TBD	PV modules – 7.47 x 3.7 feet Module mounting – 5 feet off ground, maximum height of 12.5 feet at full tilt
Trackers	Options TBD: 52 78 104	TBD: modules per two-string rack modules per three-string rack modules per four-string rack
Posts	TBD	Posts 7 to 15 feet below ground surface and 5 feet above grade
34.5 kV Collector Line System	TBD	Buried underground 3 feet. Where above ground, structures would be approximately 20 to 40 feet high
Inverters/Transformers	263	Integrated Inverter Step Up Transformers approximately 8x9x8 (WxLxH) feet

I.A.1.1 Solar Array

The primary energy facility is a solar PV facility, which would generate electric power using solar panels, or modules, and other components including tracker systems, posts, and related electrical equipment.

Solar Modules

An unspecified number of solar modules would be installed to comprise the solar arrays and would occupy up to an estimated 8,157 acres within the site boundary. As described in the NOI,

the applicant anticipates using solar modules that may consist of monocrystalline, polycrystalline or thin-film solar cells, antireflective coating, a metal frame, and factory installed wire connectors that would be connected in series to form rows or strings. The rows of modules are then connected via combiners, cables, and switchboards. The configuration of multiple rows (i.e., an array) can vary depending on the module technology, topography, spacing, mounting equipment, and other final facility design criteria.

Tracker Systems & Posts

An unspecified number of trackers and posts would be installed to hold the solar modules. The exact length and width of each string of panels would depend on topography and layout, and the exact spacing between strings of panels would depend on the racking configuration and manufacturer's specifications, which would be determined during final facility design. The strings of panels would be spaced and mounted on a tracking system, which would optimize electricity production by rotating the solar modules to follow the sun throughout the day. Each tracker system would be supported by multiple steel posts, which could be hollow steel sections, screw piles, or pile-type posts. The final number of posts and the installation method would depend on the final tracker system, ground coverage ratio, topography, height of the solar modules, and site-specific geological conditions. The applicant proposes that open space between strings of panels would be revegetated (after construction) unless gravel is required (e.g., access roads, equipment pads).

Collector Line System 34.5 kV

A 34.5 kV collector line system would connect solar module strings and route power generated via underground and overhead 34.5 kV collector lines and route it to the collector substation. While the collector lines are anticipated to run under ground at a depth of approximately 3 feet below ground surface, there are areas where it may require being run overhead and would require above ground structures estimates to range 20 to 40 feet in height. Buried cables located within the solar area fence would collect and aggregate the DC and connect to inverters via a centralized trunk bus system, an aboveground aluminum trunk system that combines the functionality of cable assemblies and combiner boxes into one system.

Inverters/Transformers

The solar modules produce DC electrical current, which must be converted to AC by inverters. The AC power from the modular inverters would then be routed to inverter step-up transformers to increase the output voltage from the inverter (typically 660 volts) to match the collector substation feed voltage (34.5-kV). After the voltage is increased, the AC electric current is aggregated via underground cables (34.5-kV) to underground collector lines, which carry power to the collector substation. Each modular inverter would be positioned on a concrete pad with an integrated step-up transformer. Applicant proposes using an estimated 263 integrated inverters/transformers to collect and step up energy generated from the solar modules. Each transformer would be an estimated 9x8x8 feet (L/W/H).

As shown in the table and described below, the NOI describes the proposed facility would also include the following related or supporting facilities:

Table 3: Proposed Related or Supporting Facilities

Component	Quantity	Dimensions
Battery Energy Storage System	1 BESS/ TBD Containers	Estimated area of 25 acres. Containers measuring approximately 19x11x10 feet (L/W/H) each.
Batteries (Lithium Ion and/or Flow)	TBD	TBD
BESS Inverters	TBD	TBD
34.5 kV Collector Substation	1	400 x 540 feet
500 kV Switchyard	1	730 x 540 feet
500 kV Gen-Tie Line/POI	1	0.5 miles long
Operations & Maintenance Building	1	80 feet long by 40 feet wide building 40 by 8-foot storage containers
Supervisory Control and Data Acquisition (SCADA) System	1	
Facility Access Roads	TBD	TDB in linear feet/ width/length
Facility Fencing	56 linear miles/ 295,443 linear feet perimeter fence	8 feet tall
Temporary Staging and Laydown Areas	2 @ 8.8 acres total	1 - Small temporary laydown area: 250 feet by 500 feet (2.9 acres) 1 - Main temporary laydown area: 400 feet by 650 feet (5.9 acres)

I.A.1.2 Battery Energy Storage System (BESS)

The proposed BESS would be designed to store up to 1,000 MW for up to 4 hours and would include a series of modular enclosures, battery units with enclosure-integrated inverters, and transformers. Each enclosure would be a metal container measuring approximately 19x11x10 feet (L/W/H) each that would be installed on a concrete slab-on-grade or pier foundation. The battery enclosures used would be rated for outdoor environments and hold the batteries and a battery management system. The BESS would also include Inverter Step-Up transformers to increase the output voltage from the BESS inverters (typically 660 volts) to match the substation feed voltage (34.5-kV AC). Based upon the description in the NOI, it is anticipated that the BESS would be consolidated within a 25-acre fenced enclosure next to the substation.

I.A.1.3 Collector Substation

The 35.kV collector line system would feed into the proposed 34.5 kV substation where it would be stepped up to 500 kV for transmission to the BPA grid. Energy generated and stored at the facility would be sent via the 34.5-kV collection systems to the facility collector substation. The collector substation would be located next to the BESS and would use a generator step up transformer to step up the voltage from 34.5 kV to 500 kV before connecting to the proposed new switchyard. Additional collector substation and switchyard equipment may include a 34.5-

kV switch, 34.5-kV feeder breakers, 500-kV breakers, 500-kV switches, surge arrestors, control enclosure, metering equipment, grounding, and associated control wiring. The substation control building would be approximately 20x40 feet, maximum structure height in the substation yard would be 35 feet and enclosed in an 8-foot-tall perimeter fence.

I.A.1.4 Switchyard

A new 500 kV switchyard would route the energy from the 500kV transformer at the substation to connect with the existing BPA Marion-Buckley 500 kV transmission line that crosses through the site boundary. The switchyard would be within the substation enclosure.

I.A.1.5 500 kV Gen-Tie Line/Point of Interconnect (POI)

A 500 kV generation-tie (gen-tie) line would connect the switchyard to the BPA Marion-Buckley transmission line. The applicant estimates that the 500 kV gen-tie line would extend approximately 0.5 miles and would be within the site boundary.

I.A.1.6 Operations and Maintenance (O&M) Building

The proposed O&M building would include workspace for operations staff, with electricity, water, septic system and internet and would house the SCADA System. The proposed location for the O&M building is shown in NOI Figure 2. Adjacent to the O&M building would be space for parking, a service staging zone and clearance area, and storage containers to house spare parts and maintenance equipment. Water for the O&M building would be supplied by an exempt groundwater well, which is expected to provide no more than 5,000 gallons per day. The NOI estimates that the O&M building would measure approximately 80 feet long x 40 feet wide and include 40 x 8-foot storage containers.

I.A.1.7 SCADA System

The facility will be monitored remotely through a SCADA system consisting of fiber optic and copper communication lines (buried or overhead) that would connect the solar arrays, BESS, and substation to the SCADA system and the internet service provider. The SCADA system would be accessible from the collector substation and off-site at a remote operation center which would meet all compliance requirements, and the system would be monitored remotely 24 hours per day, 7 days per week.

I.A.1.8 Facility Site Access and Service Roads

The NOI identifies primary existing transportation routes to access the site and internal facility access roads for construction and operations. The primary transportation corridors to the site would be US-97 onto Bakeoven Road, I-26, I-197, Highway 216. Alternative transportation corridors to the site include Reservation Road and Claymier Lane from the east and Walters

Road and Linns Mill Road from the west. Where new internal access roads are required, the applicant states that they would be at least 20 feet in width and would be sufficiently sized for emergency vehicle access. Locations of specific access points and lockable vehicle access gates would depend on the final configuration of the solar arrays and related infrastructure.

I.A.1.9 Facility Fencing and Gates

The solar array and related or supporting facilities would be enclosed in an 8-foot-tall perimeter fence estimates to be 56 miles long or 295,443 linear feet with gates to provide access in locations to be determined in final facility design.

I.A.10 Temporary Construction Staging Areas and Laydown Yards

The NOI identifies 2 temporary laydown or staging areas to be used during construction: one small temporary laydown area: 250 feet by 500 feet (2.9 acres) and one main temporary laydown area: 400 feet by 650 feet (5.9 acres) for a total area of 8.8 acres combined. Temporary areas would be restored upon construction completion.

I.B. Applicant Information

The applicant is DECH bn, LLC (applicant), a wholly owned subsidiary of BrightNight, LLC. (parent company). The officer responsible for submitting the NOI is:

Martin Hermann, CEO
BrightNight, LLC
13123 E Emerald Coast Parkway
Suite B #158
Inlet Beach, FL 32461
Email: martin@brightnightpower.com
Phone: (408) 221-9390

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

Bijan Damavandi, Director, Development
BrightNight, LLC
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Suite B #158
Inlet Beach, FL 32461
Email: bijan@brightnightpower.com
Phone: (850) 842-1855

I.C. Procedural History

On January 17, 2025, the applicant submitted a NOI with the fee required under OAR 345-020-0006. The Department created a project webpage and posted the NOI on February 4, 2025. The Department initiated reviewing agency coordination on the NOI on February 5, 2025. The applicant submitted a revised NOI on February 21, 2025.[4] This version replaced the prior version and was posted to the webpage.

Public Notice on NOI

On February 26, 2025, the Department issued a Public Notice of the NOI to persons on the Council's general mailing list, special mailing list, and to the owners of property located within the distances specified in OAR 345-020-0010(1)(f)(A). The public notice also appeared in The Dalles Chronicle/Columbia Gorge News, a newspaper of general circulation for Wasco County, on March 12, 2025. The public notice provided information regarding the proposed facility and the EFSC review process and announced that a public informational meeting on the NOI would be held in Maupin, Oregon on March 27, 2025. The public notice opened the public comment period on the NOI, requested public comment on the NOI, and established April 25, 2025 (5:00 pm Pacific Time) as the public comment deadline.

Public Information Meeting

The Department held an in-person and virtual public informational meeting on the NOI for the proposed facility on March 27, 2025. The in-person meeting was held at the Maupin Civic Center in Maupin. The Department and the applicant appeared at the informational meeting and provided information about the EFSC siting process and the proposed facility and responded to questions from the public. Additionally, the meeting materials were made available to the public on the project webpage.

Comments from the public meeting are summarized in Section I.D.1 and included in a summary table in Attachment 1. All written public comments received via mail, hand-delivery, email, or through the Department's online comment portal, were made available on the Department's siting docket and copies are included in Attachment 2 of this Project Order. All public comments received from February 26, 2025 through April 25, 2025, during the NOI comment period, are summarized in Section I.D.1 below.

Special Advisory Group Coordination

ORS 469.480(1) requires the Council to 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 February 5, 2025, the Department sent a letter via email notifying Wasco County that through delegation by Council, the Department had appointed the Wasco County Board of Commissioners (BOC) as the SAG for all EFSC proceedings associated with this proposed facility.

[4] Applicant revised the NOI to correct an erroneous reference to the name of the BPA line the proposed facility would interconnect to, revised from Ashe-Marion Transmission Line to Marion-Buckley Transmission Line.

The Department also sent a reviewing and comment request letter to the BOC and the Wasco County Planning Department on February 5, 2025 requesting comments and recommendations on applicable local substantive criteria. The letter also requested to schedule a conference call with the County planning department. A coordination call was held by the Department with the Wasco County Planning Department on February 19, 2025, and followed up with a presentation to the Wasco County Board of Commissioners on March 5, 2025. On April 17, 2025 the Wasco County Planning Department submitted via email a comment letter from the SAG, a comment letter from the Juniper-Flat Rural Fire Protection District and a letter submitted by a local resident (also included in Public Comments – see Gallegly comments in Attachment 2). Comments received from Wasco County SAG/Planning Department are summarized in Section I.D.3 below and included in Attachment 4 of this order.

Reviewing Agency Coordination

In accordance with ORS 469.350 and OAR 345-015-0120(4), the Department prepared a distribution list of state agencies with regulatory or advisory responsibility related to the siting of the proposed facility and other (non-SAG) local governments and tribal governments that could be potentially affected by the proposed facility. The input from reviewing agencies is summarized in Section I.D.2 below and included in Attachment 3 of this order.

In accordance with OAR 345-015-0120, the Department prepared a memorandum requesting comments from the reviewing agencies identified under OAR 345-001-0010. The Department electronically distributed the memorandum to reviewing agencies on February 5, 2025. The Department sent email notifications and review request letters on the NOI and requested comments from all reviewing agencies on or before March 7, 2025.

Follow up requests were sent with the Public Notice on February 26, 2025 with offers of coordination calls or meetings to the Department to Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Agriculture (ODAg), Oregon Department of Aviation (ODAv), Department of State Lands (DSL), Department of Geology and Mineral Industries (DOGAMI), Oregon Parks and Recreation Department (OPRD) and the Oregon State Historic Preservation Office (SHPO), the Wasco County Planning Department, the Juniper Flat Rural Fire Protection District (RFPD), and the City of Maupin. Coordination calls were held with ODFW, DOGAMI, ODAg and Wasco County Planning Department. Public Notice was also sent to Protected Area Managers identified in the NOI. Any written comments received are summarized in reviewing agency comments in Section I.D.2 of this order. All written reviewing agency comments received are included in Attachment 3 of this order.

Tribal Government Coordination

On October 11, 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:

- Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)
- Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

- Burns Paiute Tribe
- Confederated Tribes of Grande Ronde
- Confederated Tribes of Siletz Indians

On February 5, 2025 the Department initiated tribal government coordination on the NOI via email letters to each tribal government requesting comments regarding historic, cultural, or archaeological resources, and other resources that may have natural, cultural or economic significance to the Tribe. The proposed facility is adjacent to the Warm Springs Reservation and within the ceded lands of the CTWSRO. The Department followed up with additional information on the proposed facility and offered coordination calls and meetings on the proposed facility with the CTWSRO on February 12, 2025. All five tribes were also sent the Public Notice of the NOI and Public Information Meeting on February 26, 2025.

On March 6, 2025, the CTWSRO Branch of Natural Resources (BNR) and Tribal Historic Preservation Office (THPO) requested a meeting to discuss the NOI. An in person meeting was held at the Warm Springs Tribal Offices in Warm Springs on March 27, 2024 and was attended by Siting Division staff and CTWSRO cultural and natural resources staff. No comments from CTWSRO were received on the NOI at the time of issuance of this Project Order.

On May 8, 2025, the CTUIR submitted written comments that they would defer to the CTWSRO for this project. A copy of this letter is in Attachment 5.

The reviewing agencies, SAG, tribal governments, and other local agencies as identified by the Department for the proposed facility are listed in Table 4 below.

Table 4: Reviewing Agencies

Agencies	
• 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 Land Conservation and Development • Oregon Department of State Lands • Oregon Office of State Fire Marshal • Oregon Parks and Recreation Department • Oregon Public Utility Commission • Oregon State Historic Preservation Office • Oregon Water Resources Department • Pacific Northwest Electric Power and Conservation Planning Council
Special Advisory Group (SAG)	
• Wasco County Board of Commissioners	
Local Jurisdictions for Public Services	
• City of Maupin • Wasco County	• City of Shaniko
Other Agencies Identified by the Department	
• Wasco County Sheriff Department • Juniper Flat Rural Fire Protection District • Department of Defense, Department of Navy – Aviation • Federal Protected Area Managers: Bureau of Land Management, U.S. Forest Service • Bureau of Reclamation (Wapinitia Irrigation District)	
Tribal Governments	
• Confederated Tribes of the Warm Springs Reservation of Oregon • Confederated Tribes of the Umatilla Indian Reservation • Burns Paiute Tribe • Confederated Tribes of Grande Ronde • Confederated Tribes of Siletz Indians	

I.D. Comments Received on the Notice of Intent

I.D.1 Public Comments on NOI

The Department received 52 public comment submissions: 14 oral commenters at the Public Information Meeting and 38 commenters who submitted written public comments. (Note that multiple written comments submitted by one commenter are compiled and counted as a single, combined comment submission). Included in the written comments submitted were copies of a signed petition against the proposed facility submitted via the comment portal. Although counted as one submittal, the Department acknowledges that the petition has multiple signatories – both versions of the petition submitted are included in the comments submitted by Lee on April 22, 24 and 25, 2025, respectively. A summary of oral comments received at the

Public Information Meeting are included in Attachment 1 and a comment summary index and full copies of all written comments received are included in Attachment 2. Table 5 below presents a summary of key issues raised in public comments received on the NOI, as they relate to relevant Council standards.

Table 5: Summary of Key Issues in Public Comments and Relevant EFSC Standards

Summary of Comments/Issues/Concerns	Relevant EFSC Standard(s) OAR Reference
Concerns about adverse Impacts to Local Agriculture	Land Use, OAR 345-022-0030
Comments about lack of agricultural potential of Project lands	Land Use, OAR 345-022-0030
Economic Benefit from Project	Land Use, OAR 345-022-0030
Support for agrivoltaics or dual use	Land Use, OAR 345-022-0030
Concerns about lack of Local Economic Benefit /adverse economic impacts from Project	Land Use, OAR 345-022-0030
Concerns about conversion of EFU-zoned land to Commercial Solar facility & Goal 3 exception request	Land Use, OAR 345-022-0030
Concerns about impacts on water resources and water used for irrigation	Land Use, OAR 345-022-0030
Concerns about facility setbacks, impacts on residences – nearby and non participating landowners	Land Use OAR 345-022-0030
Concerns about structural impacts and water table, drinking wells, non seismic risks such as flooding.	Structural Standard, OAR 345-022-0020
Concerns about potential impacts to fish and wildlife, species and habitats, rare and endangered species, migratory species that use the area,	Fish & Wildlife Habitat, OAR 345-022-0060, Threatened & Endangered Species OAR 345-022-0070
Concerns about potential impacts to important recreational areas, Deschutes and White Rivers, scenic resources, Mount Hood, adverse visual impacts on surrounding area and residences.	Protected Areas, OAR 345-022-0040 Scenic Resources, OAR 345-022-0080, Recreation, OAR 345-022-0100
Concerns about potential impacts to soil, loss of soils, compaction, erosion, dust, construction and long term impacts, potential for soil contamination from facility components and BESS	Soil Protection, OAR 345-022-0022 Waste Minimization, OAR 345-022-0120
Concerns about potential impacts to important cultural resources, traditional foods, historical significance of area, importance of area to Confederated Tribes of the Warm Springs, archaeological resources known to exist in Project area.	Historic, Cultural & Archaeological Resources OAR 345-022-0090
Concerns about recent history of wildfire in vicinity, increased risk of wildfire from facility, increased demand on public services and emergency responders,	Wildfire Prevention and Risk Mitigation OAR 345-022-0115,

Table 5: Summary of Key Issues in Public Comments and Relevant EFSC Standards

Summary of Comments/Issues/Concerns	Relevant EFSC Standard(s) OAR Reference
concerns about wildfire impacts and increased wildfire risks from facility on neighboring residences.	Public Services, OAR 345-022-0110
Concerns about potential impacts on traffic and other local impacts from construction and operation of the facility, influx of temporary work crews, housing demand and potential adverse impacts on local recreational and seasonal economy.	Public Services OAR 345-022-0110
Concerns about solid waste, hazardous waste, materials, long term and short-term disposal and management, potential contamination from facility	Public Services OAR 345-022-0110, Waste Minimization OAR 345-022-0120
Concerns about parent company, organizational capacity and lack of experience in constructing and operating large commercial solar projects	Organizational Expertise OAR 345-022-0010
Concerns about parent company and financial capacity to construct, operate and decommission a large solar facility.	Organizational Expertise OAR 345-022-0010, Retirement and Financial Assurance OAR 345-022-0050
Concerns about noise and light disturbance from facility, glare and heat islands from solar arrays.	DEQ Noise Regulation OAR 340-035-0035
Concerns about electromagnetic fields and public health and safety	Siting Standards for Transmission Lines OAR 324-024-0090
Concerns about adverse impacts on local property values or increased energy costs	Not covered under EFSC standards

I.D.2 Reviewing Agency Comments on NOI

State Reviewing Agency Comments

The following reviewing agencies submitted written comments on the NOI. All written comments received from reviewing agencies are included in Attachment 3 of this Project Order. A summary of comments received is provided below:

Oregon Department of Agriculture (ODAg)

The Department held a coordination call on the NOI with ODAg staff: Jordan Brown and Danielle Marshall, conservation biologists with the Native Plant Conservation Program on February 20, 2025. ODAg provided written comments via email on March 13, 2025. Based on a review of the NOI and location, ODAg identified one state-listed threatened and endangered plant species as a known, recorded occurrence in the site boundary and analysis area: Tygh Valley milkvetch (*Astragalus tyghensis*). For this reason, ODAg recommends that the applicant

conduct field surveys in May-June when the species is in flower. If detected, ODAg recommends avoidance. If avoidance is not possible, mitigation would be recommended. The applicant should consult with ODAg on survey methods and potential mitigation measures prior to completion. These recommendations are incorporated as exhibit requirements in Section IV.I. The Department forwarded this comment and all other reviewing agency comments to the applicant as received so that they could incorporate the input into ongoing studies and surveys for the preliminary application.

Department of State Lands (DSL)

The Department received written comments on the NOI from DSL Wetlands Specialist, Daniel Evans, on February 11, 2025 and March 11, 2025. Written comments identified that there are waters of the state, including streams, essential salmonid habitat and National Wetlands Inventory wetlands within the proposed site. The DSL recommends a Wetlands Delineation per OAR 141-090 and the avoidance of all jurisdictional wetlands and WOS, or a wetland removal-fill permit may be required.

Department of Oregon Geology and Mineral Industries (DOGAMI)

The Department held a coordination call on the NOI with DOGAMI geologists, Jason McClaughry and Lalo Guerrero on February 20, 2025. The Department received written comments via email on March 13, 2025. DOGAMI comments provided recommendations for sources and publications relevant to the analysis area for the applicant to review and include in the pASC and their assessment of seismic and non-seismic hazards. DOGAMI comments also identified potential volcanic hazards associated with the White-Deschutes corridor. Applicant should engage in additional consultation with DOGAMI on the development of methods for geotechnical studies and findings used to prepare exhibits for the pASC. These recommendations are incorporated as exhibit requirements in Section IV.C.

Oregon Department of Fish and Wildlife (ODFW)

The Department held a coordination call on the NOI with ODFW habitat and wildlife biologists Jeremy Thompson, Jessica Wilkes and Andrew Meyers on February 21, 2025. The Department received written comments on March 13, 2025. ODFW comments identified the potential to impact habitats for a myriad of species including special-status species (i.e., Tygh Valley Milkvetch, Vernal Pool Fairy Shrimp, summer steelhead [ESA listed], redband trout, Lewis's Woodpecker, etc.) and locally important species such as mule deer and elk. The site boundary includes important habitats: Big Game Winter Range, wetlands, vernal pools, flowing water and riparian habitats, sagebrush steppe and native grasslands. These recommendations related to species and habitat types to be evaluated are incorporated as exhibit requirements in Section IV.H.

The site boundary partially overlaps ODFW mapped Big Game winter range. ODFW considers all habitats within winter range, except for areas designated as Category 6 in the Columbia Plateau Ecoregion (CPE), to be Category 2 as per the Oregon Habitat Mitigation Policy.

ODFW provides recommended measures to be employed to avoid or minimize impacts to these species and habitat, and for impacts that cannot be avoided ODFW encourages the developer to engage early with local staff to develop appropriate mitigation. Applicant should continue to coordinate with ODFW on field inventory methods and findings, any proposed avoidance measures or potential mitigation requirements, including preparation of any draft Habitat Mitigation Plans or identification of proposed Habitat Mitigation Areas for any permanent impacts identified in the pASC exhibits.

Oregon State Historic Preservation Office (SHPO)

The Department submitted the reviewing agency request memo through the SHPO submittal portal on February 5, 2025 and received an automated confirmation of the submittal. On February 6, 2025 the Department received a response with an assigned Case Number for future SHPO submittals which was passed on to the applicant. A follow up email submittal of the Public Notice was sent to SHPO, as required, on February 26, 2025. On March 7 2025 the Department received an email from SHPO assigning a **SHPO Case Number 25-1423** with a request that future submittals use that case number.

Federal Agency Comments

Department of Defense, US Navy

The Department received written comments via email from Kimberly Peacher, Community Planning and Liaison Officer for the Northwest Training Range Complex on March 12, 2025. Based on initial review, recommendations for a Glint/Glare analysis due to the facility's proximity to a low altitude training airspace in the vicinity. This comment is included in the written public comments in Attachment 3.

Other Agencies Identified by the Department

Juniper Flat Rural Fire Protection District (RFPD)

The Department held a coordination call on the NOI with Juniper Flat RFPD Chief Eugene Walters on February 27, 2025 to provide information about the NOI. A comment letter from Juniper Flat RFPD was submitted on April 16, 2025. The same letter from the RFPD was included in email comments from the Wasco County Planning Department on April 17, 2025. The comments identified additional resource needs and anticipated impacts on the RFPD and its capacity to provide services for the proposed facility, and as a result of the proposed facility. This comment letter is included in Attachment 3.

I.D.3 Special Advisory Group Comments on NOI

Wasco County Board of Commissioners - Special Advisory Group (SAG)

The proposed facility site would be entirely within Wasco County. The Department initiated coordination with Wasco County Board of Commissioners (BOC) with the notification of the proposed facility and the designation of the Wasco County BOC as the Special Advisory Group

(SAG) for the EFSC review process on February 5, 2025. The Department held a coordination call on February 19, 2025 with Wasco County Planning Department staff to review the NOI, proposed facility and discuss potential concerns or issues for the county. The Department also made a virtual presentation to the Wasco County BOC on the NOI and the EFSC review process on March 5, 2025. Written comments on the NOI were received from Wasco County Board of Commissioners as a SAG for the proposed facility on April 16, 2025. In addition to the SAG letter, the Planning Department submitted via email the comment letter from the Juniper Flat RFPD, and a comment letter (included in the Written Public Comments in Attachment 2 - See Gallegly) on April 17, 2025. A copy of the SAG letter is included in Attachment 4.

Wasco County commented that the proposed facility includes development in the non-National Scenic Area portions of Wasco County. The County identified the following ordinances/plans as applicable:

- Wasco County Comprehensive Plan (WCCP)
- Wasco County Land Use and Development Ordinance (WCLUDO).

Because the proposed facility includes development in the A-1 (160) Zone, an EFU Zone, and Rural Residential (R-R (2)) Zone, per OAR 660-033-0120, the facility would require a conditional use review, and would be subject to WCLUDO Chapters 3, 5, 10, 19 and 20:

The County also noted that, consistent with WCCP Goal 5 (OAR 660-023-0190) and Policy 13.1.7 (a), the county would require a Comprehensive Plan Amendment at the time of the ASC to add/list the facility as a significant energy facility resource (Goal 5 Resource). Comprehensive Plan Amendment criteria can be found in Chapter 15 of the Wasco County Comprehensive Plan (Wasco County 2040).

Potentially applicable local permit requirements were identified in the SAG letter and included the County's Public Works utility permit and road use agreement (RUA), road approach permit, building permits for electrical or structural, conditional use permit per Chapters 3, 10 and 19 of the WCLUDO.

In their comment letter, Wasco County SAG recommended that the applicant conduct the following studies/assessments and prepare the following mitigation plans or measures:

Because the proposed site is within the vicinity of the unincorporated community of Pine Grove, where there are 50+ registered addresses associated with dwelling located within residential and rural industrial zones. The proposed site is also within the vicinity (approximately 0.25 miles) of the White River and the White River Wildlife Management Area. State and/or local inventories provide that the White River contains: Redband trout fish, and that the White River Wildlife Management Area contains the Northern Bald Eagle, Ring-Necked Duck, Bufflehead, Ferruginous Hawk, Golden Eagle, Western Burrowing Owl, Gray Crowned Rosy Finch, White-Tailed Jackrabbit, Sagebush Vole, Band-Tailed Pigeon Mineral Springs, Elk Critical Winter Range. The Notice of Intent to Apply for a Site Certificate Deschutes Solar and Battery Energy Storage System Facility, Figure 4 Study Area Boundaries Map, provides for only a

0.5 miles study area for Land Use and Fish and Wildlife Habitat. This study area appears not to cover the entirety of the Pine Grove community or the lands within the White River Wildlife Management Area/White River. If the Land Use and Fish and Wildlife Habitat study area does not incorporate all the Pine Grove and Natural Areas, the SAG requests that the study area should be extended.

Additional studies or evaluation were recommended for the following areas of potential impact:

- Housing Study
- EMS Impact Study
- Fire Response Plan
- Traffic Control Plan
- Defined Work Schedule
- Construction Plans
- Defined Staging Area for Construction/Development
- Impact to Sensitive Species
- Impact to Military Airspace

The applicable substantive criteria recommended by the SAG and affected local government agencies are discussed further in Section III.K. Local permitting requirements are discussed in Section III.E.3 below.

I.D.4 Tribal Government Comments on NOI

<u>Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)</u>
The Department sent a request for tribal review and comment on the NOI and proposed facility to the CTWSRO on February 5, 2025. A follow up email was sent with the Public Notice on the NOI when it was issued on February 26, 2025, to provide additional information and offer to coordinate a call or meeting to discuss the proposal. The proposed facility is adjacent to the Warm Springs Reservation and within the ancestral and ceded lands of the CTWSRO. The CTWSRO responded to the notice and requested additional time to prepare and submit comments on the proposed facility, and requested an in-person meeting, on March 6, 2025.

The Department met with CTWSRO Brach of Natural Resources (BNR) and Cultural Resources staff on March 27, 2025 at the BRN offices in Warm Springs. At the meeting ODOE staff provided an overview of the EFSC process, the NOI and the proposed facility. Tribal staff at the meeting emphasized concerns over traditional first foods, cultural and natural resources with sensitive habitats within and around the proposed facility and in proximity to the reservation, including mule deer and several traditional plants. They also expressed the desire for the applicant to work with the tribe directly in the identification of important cultural resources and natural resources of concern within analysis areas. The Tribe has an approved Integrated Resource Management Plan that applies to reservation lands. Additional coordination meetings

with ODOE, if the application process moves forward, were requested by BNR and cultural resources staff at the end of the in person meeting. The Department followed up to offer to coordinate future meetings in April- May 2025, however no responses were received from the Tribe. No written comments on the NOI were submitted by the close of the public comment period. The Department strongly recommends the applicant continue to coordinate with the CTWSRO on the proposed facility and the identification and evaluation of potential impacts on resources of importance to the CTWSRO.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR)

The Department sent a request for tribal review and comment on the NOI and proposed facility to the CTUIR on February 5, 2025. A follow up email was sent when the Public Notice on the NOI was issued on February 26, 2025 to provide additional information and offer to coordinate a call or meeting to discuss the proposal. Written comments received on May 8, 2025 stated the CTUIR will defer to the CTWSRO for this proposed facility.

Burns Paiute Tribe

The Department sent a request for tribal review and comment on the NOI and proposed facility to the Burns Paiute Tribe on February 5, 2025. A follow up email was sent when the Public Notice on the NOI was issued on February 26, 2025 to provide additional information and offer to coordinate a call or meeting to discuss the proposal. No comments or requests for additional information were received.

Confederated Tribes of Grand Ronde (CTGR)

The Department sent a request for tribal review and comment on the NOI and proposed facility to the CTGR on February 5, 2025. A follow up email was sent when the Public Notice on the NOI was issued on February 26, 2025 to provide additional information and offer to coordinate a call or meeting to discuss the proposal. No comments or requests for additional information were received.

Confederated Tribes of Siletz Indians (CTSI)

The Department sent a request for tribal review and comment on the NOI and proposed facility to the CTSI on February 5, 2025. A follow up email was sent when the Public Notice on the NOI was issued on February 26, 2025 to provide additional information and offer to coordinate a call or meeting to discuss the proposal. No comments or requests for additional information were received.

II. EFSC ANALYSIS AREAS FOR THE PROPOSED FACILITY

The analysis areas are the areas that the applicant must study for potential impacts from the construction and operation of the proposed facility. **Please Note:** If significant impacts associated with the applicable Council standards could occur beyond the analysis areas described here, then the applicant must assess those impacts in the ASC and show how the facility would comply with the applicable standard with regard to the larger area where impacts could occur.

For all potential impacts, the analysis area includes all the area within the site boundary. Most analysis areas also include an area extending a specified distance from the site boundary. The applicant should coordinate directly with the CTWSRO Tribal Council, Branch of Natural Resources, and Tribal Historic Preservation Office on review of any standards with analysis areas that extend onto lands owned by the CTWSRO, the Warm Springs Reservation, or tribally-ceded lands for cultural, historic and archaeological resources.[5] The minimum required analysis areas are presented in the table below.

Table 6: Analysis Areas

Exhibit	Analysis Area
Property Owners	The area within the site boundary and extending: • 500 feet from tax lot or parcel located within the site boundary and within a farm or forest zone. • 250 feet, when the tax lot or parcel located within the site boundary is located outside of an Urban Growth Boundary and not within a farm or forest zone. • 100 feet, when the tax lot or parcel located within the site boundary is located wholly or partially within an Urban Growth Boundary.
Geologic and Soil Stability	The area within the site boundary.
Soil Protection	The area within the site boundary.
Waters of the State and Removal-Fill	The area within the site boundary.
Land Use	The area within and extending ½ mile from site boundary.
Protected Areas	The area within and extending 20 miles from the site boundary.
Fish and Wildlife Habitat	The area within and extending ½ mile from the site boundary.
Threatened and Endangered Species	The area within and extending 5 miles from the site boundary.
Scenic Resources	The area within and extending 10 miles from site.
Historic, Cultural and Archaeological Resources	• The area within the site boundary (for all resources) • The area extending 1 mile from the site boundary (for above-ground resources)
Recreation	The area within the site boundary and extending 5 miles from the site boundary.
Public Services	Communities within and extending 10 miles from site boundary
Wildfire Prevention and Risk Mitigation	The area within and extending ½ mile from the site boundary.
Noise	The area within and extending 1-mile from the site boundary.

[5] Warm Springs Ceded Lands Map. Available at: https://fisheries.warmsprings-nsn.gov/2016/05/ceded-lands-2016/

Table 6: Analysis Areas

Exhibit	Analysis Area
Electric and Magnetic Fields	The area within any transmission line rights-of-way.

III. REGULATORY FRAMEWORK

The following divisions of OAR chapter 345 include rules related to ASC requirements, EFSC review of an ASC, and construction and operation of an approved facility:

OAR Chapter 345, Division 21 (General Application Requirements) includes the general ASC requirements. See Section IV of this Project Order for specific information related to ASC requirements for the proposed facility.

OAR Chapter 345, Division 22 (Council Standards for Siting Facilities & Application Requirements) establishes the General Standards which apply to all proposed energy facilities and their respective information requirements.

OAR Chapter 345, Division 24 (Specific Standards for Siting Facilities) includes additional standards for specific categories of energy facilities. The Division 24 standard that applies to the proposed facility is OAR 345-024-0090, Siting Standards for Transmission Lines.

OAR Chapter 345, Division 25 (Site Certificate Conditions) includes site certificate conditions that EFSC must include in all site certificates, as well as applicable site-specific and monitoring conditions. As provided in OAR 345-025-0006(10), the Council would include all representations made in the ASC and supporting record that are necessary to either comply with and/or adequately mitigate a potentially significant impact to a resource protected by a Council standard as conditions of approval if the application is approved.

OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities) includes the ongoing compliance and reporting requirements that will apply if the Council issues a site certificate for the proposed facility. In addressing the application requirements, the applicant shall refer to the compliance plan requirements, described in OAR 345-026-0048, and reporting requirements, described in OAR 345-026-0080. Note that, if a site certificate is issued, the certificate holder must also comply with additional construction- and operation-related regulations that may apply to the proposed facility but that may not be covered by the site certificate, per ORS 469.401(4).

IV. APPLICATION REQUIREMENTS

The applicant has indicated they intend to submit a preliminary application in Q3 2025. The applicant must include all information required under OAR 345-021-0010, including all information that would otherwise be required by any state agency or local government to issue a permit, license, or certificate that the applicant proposes to be included in and governed by

the site certificate.[6] The applicant must also submit copies of the applications for federally delegated permits that are needed for construction or operation of the proposed facility.[7]

OAR 345-021-0010(1) identifies the exhibits that must be included in the ASC. The specific subsections and paragraphs of OAR 345-021-0010(1) that apply to the proposed facility are indicated in the sections below. Each exhibit must include a table of contents.[8]

IV.A. General Information about the Proposed Facility

Applicable Sections: OAR 345-021-0010(3)(a)(A)(i) through (v), (B), (C), (D), (E) and (F); (3)(b), (3)(c) (3)(d), (3)(g), (3)(h), (3)(i)

Discussion: The General Information Exhibit must provide information about the proposed facility, construction schedule and activities, operations and maintenance activities and inspections, and temporary disturbances of the site, and adjacent properties.

IV.A.1 Facility Description - OAR 345-021-0010(3)(a)

Under sub (A) through (C) and (E), the General Information Exhibit must include a description of the facility that includes, at a minimum:

- The nominal electric generating capacity and the average electrical generating capacity of the proposed solar photovoltaic power generating facility.
- A detailed description of all major components, structures and systems that would be part of the proposed facility, including:
    - A site plan showing the general arrangement of buildings, equipment, and structures, including any proposed temporary laydown or staging areas and any proposed micrositing corridors/areas. Note that if the applicant seeks flexibility to site proposed facility components anywhere within the site boundary, or seeks approval of micrositing areas, the applicant must evaluate impacts to resources within the entire site boundary or micrositing areas based on the maximum impact facility layout option within the site boundary or micrositing areas, if different.
    - The capacity, dimensions, type, number, and configuration of related or supporting facilities, including but not limited to the battery energy storage system, collector substation, transmission line, POI/interconnection facilities, roads, and fences.
    - Identification and description of any fuel and chemical storage facilities, including oil-containing capacity and structures and systems for spill containment.

[6] OAR 345-021-0000(5)
[7] OAR 345-021-0000(6)
[8] OAR 345-021-0010(3)

- Equipment and systems for fire prevention and control in any system components, including water tanks, internal fire suppression systems, and access and egress points for fire responders.

- Cite applicable requirements and standards of the National Electric Code and Institute of Electrical and Electronics Engineers standards.

The description must be in both narrative and tabular format, like the examples provided in Tables 7 and 8 below with templates included in Attachment 6.

Table 7: Example Energy Facility Specifications and Details

Component	PV Only	PV plus Storage (Dispersed)
3 MWac Block	160	
Modules	1,326,858	1,742,572
Module Rows (on trackers)	16,587 x 78 module rows	21,644 x 78 module rows
Posts	187,545	246,444
Inverters	160	
Transformers	160	

Table 8: Example Related or Supporting Facilities Specifications and Details

Component	PV plus Storage (Dispersed)
Direct current electrical system, above and belowground	Up to 2 million miles of cable; combiner boxes
34.5 kV ac electrical system	Inverters, step-up transformers and 160 home-run cables
Collector Substations, 1 acre each	4, with oil-containing step-up transformers; equipment height = 10’
115 kV generation-tie transmission line	2 miles, double circuit consisting of: • 37 single steel monopole structures up to 6 feet in diameter, spaced approximately 300 feet apart, and approximately 70 feet in height. • Concrete foundations up to 20 feet deep, which may have directional anchoring system structures.
115/500 kV step-up substation, 3 acres	1 substation consisting of: • up to 2 115 to 500 kV transformers, each containing 50,000 gallons of transformer oil • one 115 kV input structure • two 115 kV circuit breakers • two 500 kV circuit breakers • 500 kV output structures • a control building for housing control and communication equipment.

Table 8: Example Related or Supporting Facilities Specifications and Details

Component	PV plus Storage (Dispersed)
	• 65–100-foot interconnection structures
Operations and Maintenance Building, 0.5 acre	2 O&M buildings, 50 x 50 x 14', consisting of: • warehouse-like storage area • human machine interface system • restrooms and employee work areas • an exempt groundwater well • septic system
Perimeter Fence	Approx. 18 miles, chain link
Battery Storage Enclosures	134 steel framed structures: • approximately 50 feet wide, 67 feet long and up to 30 feet tall Balance of Plant (BOP) consisting of: • large polymer tanks on each side of the cell stack, pumps, piping (polyvinyl chloride), thermal controls, and power conversion hardware (single stage, bidirectional inverters). • Storage tanks with non-hazardous, water-based electrolyte/polymer. • Primary and secondary spill containment devices • Thermal system control of a heating, ventilation, air conditioning (HVAC) air-to-air and glycol-to-air (non-toxic) heat exchanger
Batteries	• outdoor rated • negatively grounded, ground fault detection and interruption capable of detecting ground faults in the dc current carrying conductors and components • intentionally grounded conductors, insulation monitoring, • dc and ac overvoltage protection and lightning protection, • humidity control • data acquisition and communication monitoring interface.
Inverters	160
Redox Electrolyte Fluid	14,000 gallons per MW
Supervisory Control and Data Acquisition System	Fiber optic cables installed above- and below ground with collection system
Perimeter roads	50 miles • Built with materials designed to act as fire breaks, sized for emergency vehicle access in accordance with Oregon Fire Code.

Table 8: Example Related or Supporting Facilities Specifications and Details

Component	PV plus Storage (Dispersed)
	• Internal roads of 12 x 20' with at least a 30-foot noncombustible, defensible space clearance for fire prevention

The information in the General Information Exhibit must be as complete and accurate as possible. If the ASC is approved, the information would form the basis for the description of the facility in the site certificate. As provided under OAR 345-025-0006(3)(a), the site certificate would contain conditions requiring the certificate holder to design, construct, operate and retire the facility substantially as described in the site certificate.

IV.A.2 Corridor Selection Assessment - OAR 345-021-0010(3)(a)(D)

Because the proposed 0.5-mile transmission line does not meet the definition of an energy facility by itself, therefore sub (D) does not apply.

IV.A.3 Construction and Maintenance Schedule - OAR 345-021-0010(3)(a)(F)

Under sub (F), the General Information Exhibit must include a construction schedule including a description of all primary construction activities that would be performed at the site and the estimated timing of those activities. "Construction activities" include all work performed at the site, excluding surveying, exploration, or other activities to define or characterize the site. The construction schedule must be provided in sufficient detail to ensure construction activities would be completed within any required work-windows required to avoid or minimize impacts on sensitive resources.

The General Information Exhibit must also describe routine operations and maintenance activities, including tasks and actions associated with panel or part replacement, that will be performed during operation of the facility, including any anticipated need to replace or repower facility components.

IV.A.4 Site Description and Maps - OAR 345-021-0010(3)(b)

Under sub (A), the General Information Exhibit must include 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. Legal description in Township/Range/Section should be provided in table format and tax lot information for any parcels included in the site boundary and the micrositing corridor.

Maps included in the ASC must provide enough information 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. Maps included in the ASC must use a scale of 1 inch = 2000 feet, or smaller when necessary to show detail. GIS map files for the facility should be included in the ASC.

If the applicant seeks flexibility to site facility components anywhere within the site boundary or an established micrositing area, please clearly identify in maps and include an evaluation to support the facility "micrositing area," to be consistent with the intent of a "micrositing corridor" (OAR 345-001-0010(32)).

Under sub (B), the General Information Exhibit must also include a narrative description 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. While all areas within the proposed energy facility footprint would be considered permanent disturbance for the purposes of the Fish and Wildlife Habitat Standard, the exhibit should identify the estimated areas that would be affected by temporary (e.g. grading, temporary vegetation clearing) and permanent (i.e. graveling, foundation installation) disturbance activities separately.

In addition to the maps and narrative described above, the Department requests GIS data showing the site boundary and any micrositing areas proposed by the applicant and the general location of facility components to the best knowledge of the applicant at the time the application is submitted.

IV.A.5 Adjacent Properties

The General Information Exhibit must identify all tax lots or parcels located wholly or partially within the site boundary, and within 500 feet, when the tax lot or parcel located within the site boundary is within a farm or forest zone.

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

The General Information Exhibit must also include the contact information for the owner of record of each identified tax lot based on the tax assessment roll for the jurisdiction in which the tax lot is located. Because the Department requires the most recent tax assessment roll to be used, the Department will require updated property owner information to be submitted within 60 days of the determination of completeness. To avoid the duplication of work, the applicant may omit specific property owner information from the preliminary Application for Site Certificate 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 application,

the applicant must submit the list to the Department in Excel Workbook (.xlsx) or comma-separated values (.csv) format.

Following the submission of the complete application, 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.

IV.B. Organizational Expertise (OAR 345-022-0010)

Applicable Sections: OAR 345-022-0010(1) to (4); (5)(a)(A), (B), and (H); (5)(b) and (c), all paragraphs.

Discussion: The Organizational Expertise Exhibit must include information about the applicant, as well as the organizational expertise of the applicant to construct and operate the proposed facility, providing evidence to support a finding that the applicant has the ability to construct, operate, and retire the proposed facility in compliance with Council standards and conditions of the site certificate; and, in a manner that protects public health and safety. The exhibit must also include information about the permits needed for the facility (see Section IV.B.3 below).

IV.B.1 Applicant Information - OAR 345-022-0010(5)(a)

Under sub (A), the Organizational Expertise Exhibit must identify the legal name and address of the applicant and any co-owners of the proposed facility. The application must provide the name, mailing address, email address and telephone number of at least one contact person for the applicant, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person.

As described above, the NOI identifies DECH bn, LLC as the applicant. The applicant must notify the Department of any change in the legal name or entity prior to the change. This notification requirement continues to apply until the Council issues its Final Order on the ASC.

Under sub (B), the Organizational Expertise Exhibit must identify any participating entities other than the applicant, including but not limited to, the parent company of the applicant and any persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and, if known, other persons upon whom the applicant will rely in meeting any facility standard adopted by the Council.

The NOI identifies DECH bn LLC (applicant) as a wholly-owned subsidiary of BrightNight, LLC (parent company). The applicant must disclose any changes to the ownership or management in this Exhibit.

Because the applicant is a limited liability company, sub (H) applies. Under this paragraph, the Organizational Expertise Exhibit must include:

- The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application.
- The date and place of the LLC's formation.
- A copy of the LLCs articles of organization and its authorization for submitting the application.
- Proof of registration to do business in Oregon.

DECH bn LLC is not required to identify a resident attorney-in-fact because it is registered to do business in Oregon, however, it must still identify and maintain a registered agent that can accept legal service in this state.

IV.B.2 Previous Experience and Qualifications - OAR 345-022-0010(5)(b)

Under sub (A), the Organizational Expertise Exhibit must describe the applicant's previous experience, if any, in constructing and operating facilities like the proposed facility. The description 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 provide an analysis of 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.

Under sub (B) and (C), the Organizational Expertise Exhibit must describe the qualifications of the applicant's personnel who would be responsible for constructing and operating the facility, and the qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant would rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted.

Under sub (D), the Organizational Expertise Exhibit must describe the compliance history of the applicant, its co-owners and their subsidiaries, and other participating entities, including disclosure of any regulatory citations in any jurisdiction received by the applicant (parent or any other party on which the applicant is relying to demonstrate organizational expertise) in the past 10 years in constructing or operating a facility similar to the proposed facility and a description of the status or resolution of those citations.

Under sub (G), Organizational Expertise Exhibit must include evidence that the applicant can successfully complete any mitigation proposed to demonstrate compliance with any applicable Council standards, including reports documenting experience with other projects and the qualifications, experience, and contact information of personnel upon whom the applicant would rely, to the extent that the identities of such persons are known at the date of submittal. 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 Organizational Expertise Exhibit must also include drafts of any plans needed to comply with Council standards, including plans for wildfire mitigation and response, emergency management, and erosion control and spill prevention if those plans are not included in another exhibit.

IV.C. Structural Standard (OAR 345-022-0020)

Applicable Sections: OAR 345-022-0020(1),(4)

Discussion: The Structural Standard Exhibit must include Information regarding the geological and soil stability within the analysis area sufficient to demonstrate compliance with OAR 345-022-0020(1).

The contents of the Structural Standard Exhibit must be based on a consultation with the Oregon Department of Geology and Mineral Industries (DOGAMI) regarding the appropriate methodology and scope of the seismic hazards and geology and soil-related hazards assessments, the appropriate geotechnical work that must be performed at the site, and the guidelines for preparing the geologic report for the application required under OAR 345-021-0010(4)(a). Under OAR 345-022-0020(4)(b), the exhibit must include a summary of this consultation.

Currently available sources that must, at a minimum, be relied upon to evaluate seismic hazards within the analysis area include:

- Published geologic mapping data from Oregon Geologic Data Compilation (OGDC 7)
- Geology mapping based on DOGAMI's 2021 GMS-127 Geologic Map of the Dufur area, Wasco County
- Geology hazard data review using Oregon Hazard Viewer
- Johnson, A.K., 2011. Dextral shear and north-directed crustal shortening defines the transition between extensional and contractional provinces in north-central Oregon.
- Braunmiller, J., Nabelek, J.L and Trehu, A.M., 2014. A seasonally modulated earthquake swarm near Maupin, Oregon. Geophysical Journal International, 197(3), pp. 1736-1743.

Volcanic hazards within the analysis area must be evaluated using data and publications from the Cascade Volcano Observatory.

Under OAR 345-021-0010(1)(h), and OAR 345-022-0020(4)(a), (e), and (f), the Structural Standard Exhibit must include a geologic report meeting the Oregon State Board of Geologist Examiners geologic report guidelines and an assessment of seismic hazards and appropriate mitigation consistent with the recommendations made by DOGAMI during the consultation and the requirements of the rule. The assessment must explain how the applicant would design, engineer, construct and operate the facility to integrate disaster resilience design to ensure recovery of operations after major disasters and how future climate conditions, including

changes in precipitation and stream flow, for the expected life span of the proposed facility would impact the proposed facility.

Under OAR 345-022-0020(4)(c) and (d), the Structural Standard Exhibit must provide a description and schedule of site-specific geotechnical work that would be performed before construction activities begin at the site, and a description of any locations where the applicant proposes to perform site specific geotechnical work.

IV.D. Soil Protection (OAR 345-022-0022)

Applicable Sections: All sections apply.

Discussion: The Soil Protection Exhibit must include information from reasonably available sources regarding soil conditions and uses in the analysis area and demonstrate compliance with sub (1). Under (2)(a), the Soil Protection Exhibit must include an inventory of substantial quantities of industrial materials flowing into and out of the proposed facility site during construction and operation of the proposed facility, including but not limited to, metals, oils, and fuels. Quantities of waste materials must be inventoried, and methods of disposal should be described.

The Soil Protection Exhibit must include a proposed monitoring plan for any potential site contamination by hazardous materials, including oils or fuels used or stored on site, such as periodic environmental site assessment and reporting. If the applicant believes no monitoring for soil contamination is necessary, the exhibit must provide evidence to support this position. The applicant must identify any hazardous materials that will be used or stored at the site and describe plans to manage those materials during construction and operation of the proposed facility, including measures to prevent and contain spills.

The Soil Protection Exhibit must identify any proposed fuel storage areas, vehicle maintenance areas, or other areas that could be used to store hazardous materials. The exhibit must also describe plans to manage non-hazardous waste materials during construction and operation.

Under (2)(b)(A) and (B), the Soil Protection Exhibit must identify and describe major soil types in the analysis area. Data should be presented in 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.

The exhibit must identify and describe current land uses in the analysis area, such as growing crops, that require or depend on productive soils. The exhibit must include the results of consultation with the County Soil and Water Conservation District (SWCD) and adjacent landowners, as feasible, to inform the description of existing agricultural and conservation practices, including existing soil conservation and erosion control features, harvest and rotation schedules, and grazing practices, on lands within and adjacent to the site boundary. This information shall be applied to the impact assessment, as discussed below.

Under (2)(b)(C) through (E), the Soil Protection Exhibit must identify and assess potential adverse impacts of construction and operation of the proposed facility, including impacts such as erosion, and soil compaction.

If the applicant relies upon an erosion and sediment control plan to meet the Soil Protection 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.3.1. Permits, for additional discussion of federally-delegated permits.

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 soils during proposed facility construction and any proposed monitoring program. The site reclamation plan should clearly describe all actions that would be taken to conserve, stabilize, and revegetate disturbed soils within the energy facility site.

The exhibit should also explain how vegetation, graveled surfaces, and erosion and sediment control Best Management Practices would be managed during facility construction. Minimum measures shall include a phased grading plan, dust abatement plan, and coordinated construction and restoration schedule to minimize excessive bare ground impacts.

The plan or plans must be included as attachments to the Soil Protection Exhibit. The applicant is strongly encouraged to consult with the SWCD in the development of these plans. Please contact the Department for templates that are consistent with current requirements and guidance.

IV.E. Land Use (OAR 345-022-0030)

Applicable Sections: All Sections apply.

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

Under part (7)(b)(A), the Land Use Exhibit must include a map showing the comprehensive plan designations and land use zones in the analysis area.

Based on information provided in the NOI, the Department understands that the proposed facility is mostly within the Exclusive Farm Use (EFU) Zone in Wasco County. The proposed site

boundary is comprised of parcels zoned A-1 EFU Zone except for tax parcel number 5S 12E 04700, which is split zoned A-1 EFU and R-R 2 Rural Residential (See NOI Figure 10).

The Land Use Exhibit must state the applicant's election to either obtain local land use approval under ORS 469.504(1)(a) or to obtain a Council determination under ORS 469.504(1)(b). In the NOI, the applicant indicated that it intends to seek a Council determination under ORS 469.504(1)(b). Assuming the applicant has not changed its election OAR 345-022-0030(7)(b)(B) does not apply to the application. Note that once the election is made in the preliminary ASC, it is final.

Under part (7)(b)(C), the applicant must identify all applicable substantive criteria from the Wasco County Land Use and Development Ordinance (WCLUDO) and any land use regulations adopted by Wasco County that are required by the statewide planning goals and that are in effect on the date the preliminary application is submitted. The applicant should coordinate with the Special Advisory Group (SAG) prior to submittal of the application to ensure that they are applying the current (at date of submittal of application) applicable substantive criteria. All applicable criteria and standards associated with any zone in which the facility site boundary is proposed to be located must be included. Wasco County applicable substantive criteria are found in the WCLUDO and Wasco County Comprehensive Plan (WCCP).

In their comment letter (See Attachment 4: SAG Comments) Wasco County identified the following ordinances/plans as applicable:

- Wasco County Comprehensive Plan (WCCP)
- Wasco County Land Use and Development Ordinance (WCLUDO)

Because the proposed facility includes development in the A-1 (160) Zone, an EFU Zone, and Rural Residential (R-R (2)) Zone, per OAR 660-033-0120, the facility would require a conditional use review, and would be subject to WCLUDO Chapters 3, 5, 10, 19 and 20:

The County further identified that the proposed facility location is within the following Overlay Zones:

- Flood Hazard Overlay Zone (OZ-1) – if the O&M building is proposed within the OZ-1 overlay zone, additional plans may be required to demonstrate no risk to public safety or welfare from facility.
- Geological Hazard Overlay Zone (OZ 2) - may require a written report by a certified engineer that demonstrates proposed development can be completed without threat to public safety or welfare.
- Cultural, Historic & Archaeological Overlay Zone (OZ-4) -may require protection of historic and cultural resources within project area.
- Wild & Scenic Rivers and Oregon Scenic Waterways Overlay Zone (OZ-7)- Due to proximity to White River Wildlife Management Area, Natural Areas and Wild & Scenic Rivers may require notification of Bureau of Land Management, Oregon Department of Transportation, and Confederated Tribes of Warm Springs Reservation of Oregon.

- Sensitive Wildlife Habitat (OZ 8) Overlay Zone for deer and elk (Big Game Winter Range) within the National Scenic Area - requires consultation with Oregon Department of Fish and Wildlife.
- Sensitive Bird Sites Overlay Zone (OZ 12) multiple sensitive bird sites in vicinity and requires consultation with the Oregon Department of Fish and Wildlife.
- Military Airspace Overlay Zone (OZ 15) - requires early coordination with the NW Regional Coordination Team (Department of Defense) for possible mitigation measures.

The County also noted that, consistent with WCCP Goal 5 (OAR 660-023-0190) and Policy 13.1.7 (a), the county would require a Comprehensive Plan Amendment at the time of the ASC to add/list the facility as a significant energy facility resource (Goal 5 Resource). Comprehensive Plan Amendment criteria can be found in Chapter 15 of the Wasco County Comprehensive Plan (Wasco County 2040).

The Land Use Exhibit must identify and discuss each applicable substantive criteria and must demonstrate how the proposed facility complies with those criteria. If the proposed facility would not comply with one or more of the applicable substantive criteria, the applicant must demonstrate that the proposed facility nevertheless complies with the applicable statewide planning goals or that an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

Under part (2)(a)(A), the Land Use Exhibit shall also provide evidence that the proposed facility would comply with any Land Conservation and Development Commission (LCDC) administrative rules and statutory requirements that are directly applicable to the proposed facility under ORS 197.646, including ORS 215.243, 215.274, 215.283, 215.296, and specifically including all requirements regarding the location of the proposed facility within the EFU zone.

The Land Use Exhibit shall provide evidence that the proposed facility would comply with the applicable administrative rules at OAR 660-033-0130(38) related to development of solar power generation facilities, as well as rules related to associated transmission lines to energy generating facilities. If the proposed facility would not comply with one or more of the applicable substantive criteria, the applicant must demonstrate that the proposed facility nevertheless complies with the applicable statewide planning goals or that an exception to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

As part of the evaluation of compliance with OAR 660-033-0130(38), the Land Use Exhibit must include the following:

- An evaluation of whether the proposed facility site is high-value farmland under ORS 195.300(10)(c)(B) due to its location within the boundaries of a district, as defined in ORS 540.505.
- Site maps obtained from Juniper Flat District Irrigation Company (JFDIC) with clearly marked locations of the existing system of canals, laterals and ditches and all current access routes; and identification of easement boundaries.

- Description of all potential construction and operation activities that could impact the existing irrigation system, including temporary ditch/canal crossings, boring, dust/dirt/oil contamination, use of irrigation water, any work planned within easement areas, and any work that would limit existing access by JFDIC to the system.
    - For construction, identify any short-term restrictions to JFDIC access to the existing system. All potential impacts must be minimized with minimization measures and/or mitigation.
    - For operations, evaluate and demonstrate how the site will be designed to minimize long-term impacts to access by JFDIC for operations and maintenance. All potential impacts must be minimized with minimization measures and/or mitigation.

OAR 660-033-0130(38) also requires evidence that demonstrates that the proposed facility would not make it more difficult for existing farms and ranches in the area extending one mile from the center of project to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that would destabilize the overall character of the study area, if required.

The Land Use Exhibit should include evaluation as required under OAR 660-033-0130(5)(c), as amended Under January 1, 2025. Specific to this evaluation, the applicant must, at a minimum, provide an evaluation of indirect impacts to downstream users of the irrigation water. Include the following:

- Number of customers;
- Water use per customer;
- Existing quantity and quality of water per user; and
- Evaluation of impacts to the end user if quantity or quality of water is impacted by proposed facility construction and/or operations.

All potential impacts must be minimized with minimization measures and/or mitigation.

Because the proposed facility would use more farmland than allowed under OAR 660-033-0130(38), the proposed facility would also require an exception to Statewide Planning Goal 3 (Agricultural Lands). The Council's goal exception process is described at ORS 469.504(2) and OAR 345-022-0030(4). Because the land within the site is not physically developed to the extent that the land is no longer available for uses allowed by the applicable goal, or irrevocably committed to non-agricultural use ORS 469.504(2)(a) and (b) are not applicable to the proposed facility and the Land Use Exhibit must evaluate whether each of the standards listed under ORS 469.504(2)(c) are met:

- Reasons justify why the state policy embodied in the applicable goal should not apply
- The significant environmental, economic, social and energy consequences anticipated because of the proposed facility have been identified and adverse impacts would be mitigated in accordance with rules of the council applicable to the siting of the proposed facility
- The proposed facility is compatible with other adjacent uses or would be made compatible through measures designed to reduce adverse impacts

The Land Use Exhibit must clearly demonstrate that all three standards are met and must provide site-specific evidence to support the evaluation. Evaluation of significant impacts to agriculture should include relevant information about specific uses and historic agricultural production on properties within and adjacent to the proposed facility, including agricultural revenue and number of workers employed for agricultural activities. Applicant must incorporate the evaluation of impacts to the JFDIC irrigation system, and provide all avoidance, minimization and mitigation measures applicable to access and water quality impacts. Reasons that support a local economic benefit should provide specific and detailed information about how the proposed facility would provide agricultural-based economic benefits which differ from any other type of development. The applicant should address comments by reviewing agencies, the SAG, and stakeholder groups about impacts to agriculture in the context of the Goal 3 exception request.

IV.E.1 Directly Applicable LCDC Rules

The Land Use Exhibit must provide evidence that the proposed facility would comply with directly applicable rules or statutory requirements administered by the Land Conservation and Development Commission, including, but not limited to, any provisions associated with agricultural lands.

IV.E.2 Permits - OAR 345-022-0010(5)(c)

Under sub (A) and (B), the Organizational Expertise Exhibit must identify all federal, state, and local government permits related to the siting of the proposed facility. 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. For each permit, the exhibit must include:

- A description of the permit and the reasons the permit is needed.
- A legal citation of the statute, rule or ordinance governing the permit.
- The name, mailing address, email address and telephone number of the agency or office responsible for the permit.
- The applicant's analysis of whether the permit should be included in and governed by the site certificate.

Under sub (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, the Organizational Expertise Exhibit must also provide evidence to support findings by the Council that construction and operation of the proposed facility would comply with the statutes, rules, and standards applicable to the permit. Information about removal-fill permits must be provided in the

Removal-Fill Exhibit and information about any necessary water rights or permits in the Water Rights Exhibit.

The amended Project Order directs the applicant to evaluate the potential impacts to the existing system of canals, laterals and ditches from the proposed use (i.e., use as a commercial energy facility) to a BOR facility, referred to as the Wapanitia Project. In this evaluation, the applicant must identify whether reviews or approvals, such as a BOR authorization, are needed for the site based on the extent of potential impacts. The applicant must also identify whether potential impacts to a BOR facility, or whether a BOR authorization triggers federal permit review under the National Environmental Policy Act (NEPA). If a NEPA review is required, If NEPA review is required, the Department requests that the applicant identify their schedule for initiating the federal review process in advance of submitting the pASC.

Under sub (E), if the applicant would rely on a contractor or third party to obtain a required state or local permit, license or certificate that would otherwise be governed by the site certificate, the Organizational Expertise Exhibit must also include evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit and evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.

Although the Council does not have jurisdiction over federally delegated permits, the Council may rely on the determinations of compliance and the conditions in federally delegated permits in evaluating the application for compliance with Council standards.

Under sub (D), the Organizational Expertise Exhibit must include evidence that the responsible agency for any federally delegated permitted program has received a permit application. The applicant must provide the estimated date when the responsible agency would complete its review and issue a permit decision. If the applicant relies on a contractor or third party to obtain a required state or local permit, license or certificate that would be governed by the site certificate, the Organizational Expertise Exhibit must also include the information required by sub (F).

Potentially applicable local permit requirements were identified in the SAG letter and included the County's Public Works utility permit and road use agreement (RUA), road approach permit, building permits for electrical or structural, conditional use permit per Chapters 3, 10 and 19 of the WCLUDO See Attachment 4: SAG Comments).

Table 9 lists permits that may be required for the proposed facility. Additional information is provided in the discussion that follows.

Table 9: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
Federal and Federally Delegated Permits		

Table 9: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
Bonneville Power Administration	Interconnection Agreement	Not Jurisdictional
U.S. Army Corps of Engineers	Section 404 Permit	Not Jurisdictional, but information required for completeness
U.S. Bureau of Reclamation	Use Authorization Permit/Easement Encroachment Agreement	Not Jurisdictional, but information required for completeness
Federal Aviation Administration	Notice of Proposed Construction or Alteration (Form 7460-1)	Not Jurisdictional
	Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	Not Jurisdictional
Oregon Department of Environmental Quality	Clean Water Act, 401 Water Quality Certification	Not Jurisdictional, but information required for completeness
	NPDES Construction Stormwater 1200-A Permit	Not Jurisdictional, but information required for completeness
	NPDES Construction Stormwater 1200-C Permit	Not Jurisdictional, but information required for completeness
	Basic Air Contaminant Discharge Permit	Not Jurisdictional, but information required for completeness
State (Oregon Only)		
Oregon Department of State Lands	Removal-Fill Permit & Wetland Delineation Concurrence	Jurisdictional if proposed by applicant
Oregon Department of Environmental Quality	Onsite Sewage Disposal Construction-Installation Permit	Not Jurisdictional
Oregon Department of Environmental Quality	Water Pollution Control Facilities Permit 1000, Gravel mining and Batch Plant	Not Jurisdictional
Oregon Department of Transportation	Oversize Load Movement Permit	Not Jurisdictional
	Access Management Permit	Not Jurisdictional
	Utility Encroachment Permit	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
Local (Oregon)		
Wasco County	Conditional Use Permit	Jurisdictional
	Zoning Permit	Jurisdictional

Table 9: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
	Building Permit	Not Jurisdictional
	Utility 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.		

IV.E.2.1 Federal Permits

Bonneville Power Administration

Interconnection Agreement:

Statute and Rule References: National Environmental Policy Act, 42 USC 4332; 40 CFR 1500.
EFSC Jurisdiction: Not Jurisdictional.

Discussion: As proposed, the facility would interconnect with the existing BPA Transmission Line which is owned and operated by the Bonneville Power Administration (BPA). To issue an Interconnection Agreement, BPA must comply with the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the Endangered Species Act (ESA). This federal process is outside of the Council's jurisdiction and would not be included in or governed by the site certificate.

U.S. Army Corps of Engineers

Section 404 Permit

Statute and Rule References: Clean Water Act, Section 404; 33 CFR 1344.
EFSC Jurisdiction: Not Jurisdictional, but information required for completeness.

Discussion: Section 404 of the Clean Water Act requires authorization from the Secretary of the Army, acting through the Corps of Engineers (Corps), for the discharge of dredged or fill material into all waters of the United States, including wetlands. Note that a Section 401 Water Quality Certification from the State of Oregon is generally required before a Section 404 permit may be granted. The Section 404 permit and the 401 Water Quality Certification are separate from the Removal-Fill permit required under Oregon State Law, however, there is a Joint Permit Application that satisfies the information requirements for all three. The applicant must provide a letter or other indication from the Corps stating that it has received a Joint Permit Application 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.

U.S Bureau of Reclamation

Use Authorization Permit and/or Easement Encroachment Agreement
Statute and Rule References: 43 CFR 429
EFSC Jurisdiction: Not Jurisdictional but Required for Completeness, if applicable.

Discussion: The Juniper Flat District Improvement Company (JFDIC) manages the irrigation project within the site boundary. The JFDIC is part of the Wapinitia Project[9]. The Wapanitia Project was authorized by Congress in 1956 and is a federally regulated water storage and irrigation project under the Bureau of Reclamation (BOR). As such, any action that could impact any easements, or access to easements, to the JFDIC would likely require BOR evaluation and an approved BOR Use Authorization Permit. For easements or right of way, an Easement Encroachment Agreement from BOR may be required.[10]

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 any applicable requirements of the BOR, or Oregon Water Resources Department per ORS Chapter 545, and required for completeness of the application.

Federal Aviation Administration

Determination of No Hazard to Air Navigation:

Statute and Rule References: Federal Aviation Act, 49 USC 44718; 14 CFR 77.
EFSC Jurisdiction: Not Jurisdictional.

Discussion: Federal Aviation Administration (FAA) regulations require a person proposing to construct or alter structures that may affect navigable airspace or navigation facilities to submit a Notice of Proposed Construction or Alteration (FAA form 7460-1). Filing requirements are 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 (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. The applicant may be

[9] https://libcat.colorado.edu/Record/b5460473

[10] Water Conveyance Easements/Right of Ways (owned by the BOR and managed by the Irrigation District) are "not for public use", therefore, landowners with a prescriptive water conveyance easement (both above and below ground) within a district's boundaries are subject to BOR rules and policies. Source: https://www.waidwy.org/irrigation-districts-formed-within-bureau-of-reclamation-projects

required to address impacts to military operations or readiness under 10 USC 183a as part of, or in addition to the FAA process. (See written comments from Department of Navy).

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).

Oregon Department of Environmental Quality

Section 401 Water Quality Certification

Statute and Rule References: CWA, Section 401; OAR Chapter 340, Division 48
EFSC Jurisdiction: Not Jurisdictional, but information required for completeness.

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

NPDES Construction Stormwater 1200-C permit

Statute and Rule References: ORS Chapter 468B; OAR Chapter 340, Division 45
EFSC Jurisdiction: Not Jurisdictional, but information required for completeness.

Discussion: The EPA has delegated authority to DEQ to issue NPDES Stormwater Discharge permits for construction and operation activities. Based upon the information in the NOI, a NPDES 1200-C permit would likely be required for facility construction.

In accordance with OAR 345-021-0000(6), the applicant must submit to the Department one copy of all applications for federally delegated permits (including the NPDES permit) or provide a schedule of the date by which the applicant intends to submit the application. Unless this permit will be obtained by a third-party (see Section), the Department will not be able to find the application for site certificate complete before receiving a copy of the NPDES permit application and a letter or other indication from DEQ. The DEQ response must state that the agency has received a permit application from the applicant and provide an estimated date when the agency will complete its review and issue a permit decision.

NPDES Stormwater and Mine Dewatering Discharge 1200-A permit

Disposal of concrete batch plant wash water (if a temporary batch plant is necessary) would require either an NPDES 1200-A permit or a WPCF General Permit 1000. If the batch plant was to discharge stormwater from a point source to surface water or to a conveyance system that discharges to surface water, the plant would require an NPDES 1200-A permit. If the applicant's third-party contractor would instead obtain the NPDES 1200-A permit, the requirements described in the Third-Party Permits section below would apply. Alternatively, if the batch plant would be located within a construction staging yard for which the applicant would seek coverage under an NPDES 1200-C permit described above, the applicant may seek coverage for the batch plant under the same NPDES 1200-C permit.

If the batch plant would not discharge to surface waters, a WPCF-1000 General Permit would instead be required to dispose of process wastewater and stormwater by recirculation, evaporation, and/or controlled seepage (see the State Permits discussion below).

Basic Air Contaminant Discharge Permit

Statute and Rule References: OAR Chapter 340, Division 216
EFSC Jurisdiction: Not Jurisdictional, but information required for completeness.

Discussion: The United States Environmental Protection Agency (EPA) has delegated authority to the Oregon Department of Environmental Quality (DEQ) to administer air quality under the Clean Air Act. A Basic ACDP authorizes operation of a concrete manufacturing plant that produces more than 5,000 but less than 25,000 cubic yards per year output. ACDPs for mobile, temporary concrete batch plants are associated with the equipment itself. The requirements of OAR 345-021-0000(6) would apply to this federally delegated permit. If the applicant's third-party contractor would instead obtain the ACDP, the requirements described in the Third-Party Permits section below would apply.

IV.E.2.2 State Permits

Oregon Department of State Lands

Wetland Delineation and Removal Fill Permit

Statute and Rule References: ORS 196.795-990; OAR chapter 141, division 85, 90
EFSC Jurisdiction: Jurisdictional

Discussion: A removal-fill permit is required if any removal or fill activities occur in streams designated as Essential Indigenous Anadromous Salmonid Habitat or 50 cubic yards or more of material is removed, filled, or altered within a jurisdictional water of the state [OAR 141-085-0520(2) and (5)].

The applicant must conduct a wetland delineation, to be sent to Department of State Lands (DSL) for concurrence, according to OAR chapter 141, division 90. The wetland delineation determines the location of "waters of this state," as defined in OAR 141-085-0510(91), within the analysis area. A detailed discussion of the requirements for the wetland delineation report is included Section IV.Q.1 and the comments provided by DSL in Attachment 3: Reviewing Agency Comments on NOI.

Depending upon facility impacts to "waters of this state" a removal-fill permit may be necessary, and the application for site certificate must include information establishing whether a removal-fill permit is required. The information in the NOI indicates that a removal-fill permit may be required. If a removal-fill permit is required, the ASC must include a concurred delineation from DSL and a complete 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.

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.

If the proposed facility also requires a Section 401 permit from the Army Corps of Engineers and a Section 401 Water Quality Certification from the Oregon Department of Environmental Quality, these approvals are separate from the Removal-Fill permit, however, there is a Joint Permit Application that satisfies the information requirements for all three. As discussed above, **if applicable**, the applicant must provide a copy of the complete Joint Permit Application with the ASC in addition to documentation that it has been submitted to the Corps and DEQ, as described above.

Oregon Department of Environmental Quality

Water Pollution Control Facilities (WPCF) 1000 General Permit, Gravel mining and Batch Plant: **(EFSC-jurisdictional unless obtained by third-party; see Third-Party Permits discussion)**

WPCF General Permit 1700-B:

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

Discussion: If a temporary batch plant is necessary, disposal of concrete batch plant wash water would require either a Water Pollution Control Facilities (WPCF) 1000 General Permit or a NPDES permit. Concrete batch plants that dispose of process wastewater and stormwater by recirculation, evaporation, and/or controlled seepage with no discharge to surface waters require a WPCF-1000 General Permit. A WPCF-1000 General Permit is a state permit under Council jurisdiction. If the applicant's third-party contractor would obtain the necessary WPCF-1000 General Permit directly from DEQ, this permit would be related to the siting and operation

of the proposed facility but would not be included in and governed by the site certificate (see the Third-Party Permits discussion below). If the batch plant was to instead discharge stormwater from a point source to surface water or to a conveyance system that discharges to surface water, the plant would require an NPDES 1200-A permit or coverage under the NPDES 1200-C permit for the construction yard in which it would be located (as discussed under the federally delegated permits discussion of this Project Order).

Disposal of solar panel wash water would require a WPCF 1700-B permit. The NOI indicates that either the applicant or a third-party contractor who would conduct the solar panel washing activities may seek coverage under the WPCF-1700-B permit from ODEQ following completion of construction and before initiating any washing activities. DEQ has indicated to the Department that a WPCF General Permit 1700-B is not required for solar array washing activities that would not result in discharge to surface waters, storm sewers, or dry wells, and that would not use acids, bases, metal brighteners, steam, or heated water. The use of biodegradable, phosphate-free cleaners with cold water is allowed. However, cleaning only with cold water is recommended. Chemicals, soaps, or detergents must be used sparingly. The applicant or its third-party contractor should seek guidance from DEQ prior to conducting solar module washing activities. A WPCF 1700-B and WPCF-1000 General Permit are state permits under Council jurisdiction. If the applicant's third-party contractor would obtain the necessary WPCF 1700-B permit directly from DEQ, this permit would not be included in and governed by the site certificate (see the Third-Party Permits discussion below).

Oregon Water Resources Department

Water Right Permit or Water Use Authorization

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

Discussion: As represented in the NOI Exhibit J the applicant proposes to obtain water from existing municipal water sources with valid water rights and truck it to the site. Additionally, the applicant states that if water is not available from nearby municipalities, they could apply for a limited water use license to allow either a new well or use of an existing well for facility construction water. Water right permits, limited water use licenses, and other water authorizations for energy facilities are subject to review and authorization by the Council, and any permit would be included in and governed by the site certificate.

State Historic Preservation Office

Archaeological Excavation Permit

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: Per ORS 390.235 and 358.920 a person may not excavate, injure, destroy, or alter an archaeological site or object or remove an archaeological object located on public or private lands in Oregon unless that activity is authorized by an Archaeological Permit issued by the State Historic Preservation Office (SHPO). 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 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.

Oregon Department of Aviation

Form 7460-1 Notice of Proposed Construction or Alteration

Statute and Rule References: ORS 836.530 and OAR 738-070-0060 – 0100.
EFSC Jurisdiction: Jurisdictional.

Discussion: OAR 738-070-0100 establishes standards and notification requirements for objects affecting navigable airspace. Any structures exceeding 200 feet in height are subject to compliance with Federal Aviation Administration (FAA) Part 77.9. Applicant shall provide preliminary location data for facility components as indicated on FAA Form 7460-1 to aid in ODAv's determination of potential impacts to air navigation. This review and determination would be incorporated and governed by the site certificate. The pASC should evaluate any potential impacts to the private airport(s) near to the site boundary.

IV.E.2.3 Local Permits

Wasco County

Conditional Use Permit

Statute and Rule References: ORS Chapter 469.504; Wasco County Land Use and Development Ordinance
EFSC Jurisdiction: Jurisdictional, information needed for completeness.

Discussion: At the time of the NOI, Wasco County has permitting requirements that relate to the siting, construction, or operation of the proposed facility: Conditional Use Permit and Zoning Permit. The applicant is required to provide updated permit information, as applicable,

at the time the ASC is submitted.

As stated in the NOI, the applicant requests that the Council make a determination under ORS 469.504(1)(b). Accordingly, the conditional use permit would be included in and governed by the site certificate.

The other listed Wasco County permitting requirements include the Wasco County Building Permit, Utility Permit, and Road Approach Permit/Road Use Agreement. These are not related to facility siting and as such would not be included in or governed by the site certificate. Building permits are specifically excluded from EFSC jurisdiction by statute, ORS 469.401(4).

IV.E.2.4 Third Party Permits

Discussion: As noted in the NOI, the applicant may rely upon third-party permits for access to resources necessary for facility construction and operation. If the applicant relies upon a state or local government permit issued to a third party that is related to the siting of the proposed facility, the applicant must identify each third-party permit, and, for each, include evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit; evidence that the third party has or, has a reasonable likelihood of obtaining, the necessary permit; and, an assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard (OAR 345-022-0010(5)(c)(E)).

If the applicant relies on a federally delegated permit issued to a third party that is related to the siting of the proposed facility, the applicant must identify the third-party permit and include evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit. The applicant must provide evidence that the responsible agency has received the permit application and provide the estimated date when the responsible agency would complete its review and issue a permit decision (OAR 345-022-0010(5)(c)(F)).

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

IV.F. Protected Areas (OAR 345-022-0040)

Applicable Sections: All sections apply.

Discussion: Under (5)(a) and (b), the Protected Areas Exhibit must include a list and map of the protected areas within the analysis area showing the distance and direction from the proposed facility. For the application, the analysis area must include the area within the site boundary and extending 20 miles. If any additional protected areas in the analysis area are identified during the development of the ASC or if the site boundary is amended, the table and map must be updated accordingly

As shown in Table 10 below, the Protected Areas Exhibit of the NOI identifies 21 protected areas within the 20-mile study area for protected areas ranging from less than 0.05 miles to 18.58 miles from the site boundary. The Oregon National Historic Trail is also a Protected Area under 345-001-0010(26)(a) and should be added to the evaluation in the pASC, for a total of 22 protected areas. Due to the number, extent, and potential visibility of the facility from protected areas, the Department retains the protected areas analysis area at 20-miles from the site boundary. Because Protected area managers must be noticed in the EFSC process, the pASC shall include valid mailing addresses and email addresses for each protected area manager in the analysis area.

Table 10: Protected Areas within 20 miles

Type	Area Name	Approx. Distance to Site Boundary (miles)	Direction from Facility
National Park Management Area 345-001-0010(26)(a)	Oregon National Historic Trail	3.0	Northwest
Wilderness Area OAR 345-001-0010(26)(c)	Lower White River Wilderness Area	0.05	West
	Badger Creek Wilderness	8.05	North
	Mt. Hood Wilderness	13.91	Northwest
	Salmon-Huckleberry Wilderness	18.18	Northwest
Wild, Scenic, or Recreational River included in the National Wild and Scenic River System OAR 345-001-0010(26)(d)	Deschutes Wild and Scenic River	3.19	Northwest
	White Wild and Scenic River	9.46	Northwest
	Fifteen-mile Creek Wild and Scenic River	15.06	Northwest
	East Fork Hood Wild and Scenic River	16.41	Northwest
	Salmon Wild and Scenic River	18.58	Northwest
National Recreation area, National Scenic area, or Special Resources Management Unit OAR 345-001- 0010(26)(g)	Badger Creek National Recreation Area	8.05	Northwest
	Mount Hood National Recreation Area	10.89	Northwest

Table 10: Protected Areas within 20 miles

Type	Area Name	Approx. Distance to Site Boundary (miles)	Direction from Facility
Research Natural Area OAR 345-001-0010(26)(i)(C)	Gumjuwac-Tolo Research Natural Area	13.10	Northwest
Experimental Forest or Range OAR 345-001-0010(26)(i)(D)	Happy Ridge Hazard Experimental Research Area	8.48	Northwest
Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values OAR 345-001-0010(26)(i)(E)	Pacific Crest National Trail	17.34	West
State park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the Oregon Parks and Recreation Department OAR 345-001-0010(26)(j)	White River Falls State Park	10.28	Northeast
	Barlow Creek Campground	14.71	West
Natural area listed in the Oregon Register of Natural Areas OAR 345-001-0010(26)(l)	Tygh Valley State Natural Area	10.35	Northeast
State Scenic Waterway OAR 345-001-0010(26)(n)	Deschutes River State Scenic Waterway	3.36	East
State Wildlife Refuge or Management Area OAR 345-001-0010(26)(o)	White River Wildlife Area	0.01	Northwest
Fish hatchery operated by the Oregon Department of Fish and Wildlife OAR 345-001-0010(26)(p)	Oak Springs Hatchery	9.97	Northeast
	Warm Springs National Fish Hatchery	14.44	Southeast

Under part (5)(c), the Protected Areas Exhibit must include a description of significant potential impacts of the proposed facility, if any, on the protected areas including, but not limited to, potential impacts such as:

- Noise resulting from facility construction or operation.
- Increased traffic resulting from facility construction or operation.
- Water use during facility construction or operation.
- Wastewater disposal resulting from facility construction or operation.
- Visual impacts of facility structures.
- Visual impacts from air emissions resulting from facility construction or operation.

Note that a visual impact assessment is required as part of 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 Recreation 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 provide important evidence for use by the Department and Council in understanding the potential visual impact of the proposed facility to Protected Areas.

Please note that compliance with the DEQ noise rules does not correlate to compliance with the noise assessment considered in the Protected Areas standard. Particularly, while construction noise is exempt from the DEQ noise rules, construction noise must be considered under the Protected Areas standard. However, information developed to demonstrate compliance with the DEQ noise rules (such as noise modeling) included in the Noise Exhibit can be used in the assessment under the Protected Areas standard.

If the applicant becomes aware of any potential significant impacts to Protected Areas including impacts to wildlife or wildlife habitat in the protected areas, the impacts must be disclosed and evaluated in the exhibit,

IV.G. Retirement and Financial Assurance (OAR 345-022-0050)

Applicable Sections: All sections apply.

Discussion: The Retirement and Financial Assurance Exhibit must provide evidence to support a finding that the site can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility; an estimate of the total cost of site restoration; and evidence that the applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council.

IV.G.1 Facility Retirement - OAR 345-022-0050

The Retirement and Financial Assurance Exhibit must provide information about site restoration, providing evidence to support a finding that the site can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility, in accordance with part (1).

Under part (2)(a) and (b), this information must include the estimated useful life of the proposed facility and a description of the specific actions and tasks to restore the site to a useful, non-hazardous condition.

Under part (1)(c) and (d), the Retirement and Financial Assurance Exhibit must also include an estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-

hazardous condition and a discussion and justification of the methods and assumptions used in preparing the estimate. The estimate must include sufficient detail to identify costs associated with individual tasks and units.

Under part (1)(e), the Retirement and Financial Assurance Exhibit must include a proposed monitoring plan for any potential site contamination by hazardous materials, including oils or fuels used or stored on site, such as periodic environmental site assessment and reporting. If the applicant believes no monitoring for soil contamination is necessary, the exhibit must provide evidence to support this position.

IV.G.2 Ability to Obtain Financial Assurance

The Retirement and Financial Assurance Exhibit must also provide evidence to support a finding that 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, in accordance with part (3).

Under part (4)(a)(A), the Retirement and Financial Assurance Exhibit must include 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.

Under part (4)(a)(B), the Retirement and Financial Assurance Exhibit must include the type and amount of the applicant's proposed bond or letter of credit. The applicant must explain any discrepancies between the proposed bond amount and the retirement estimate required under part (2)(c). If the applicant would like to reserve the option to construct the facility in phases, the applicant must provide sufficient detail to allow the Council to determine an appropriate bond or letter of credit amount based on phase.

Under part (4)(a)(C), the Retirement and Financial Assurance Exhibit must include evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit from a reputable financial institution in that amount before beginning construction of the facility. If applicant chooses to 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 or 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.

Under part (4)(b), the Retirement and Financial Assurance Exhibit must include an inventory of substantial quantities of industrial materials flowing into and out of the proposed facility site during construction and operation of the proposed facility, including but not limited to, metals, oils, fuels. Quantities of waste materials must be inventoried, and methods of disposal should be described. The applicant must identify any hazardous materials that will be used or stored at the site and describe plans to manage those materials during construction and operation of the proposed facility, including measures to prevent and contain spills.

IV.H. Fish and Wildlife Habitat (OAR 345-022-0060)

Applicable Sections: All sections apply.

Discussion: The Fish and Wildlife Habitat Exhibit must include Information about fish and wildlife habitat and the species that could be affected by the proposed facility, providing evidence to support a finding by the Council that the design, construction, and operation of the facility, taking into account mitigation, are consistent with the general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017.

The applicant must consult with the Oregon Department of Fish and Wildlife (ODFW) in developing the resources and methods used to develop materials for the Fish and Wildlife Habitat Exhibit.

The applicant is strongly encouraged to coordinate and consult with the Confederated Tribes of Warm Springs (CTWS) in identifying any fish or wildlife habitats within the analysis area, where those analysis areas overlap with CTWS reservation or tribally-owned or managed lands. The exhibit should document those coordination efforts.

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. 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 exhibit must include maps and a table of the areas of permanent disturbance and temporary disturbance (in acres) in each habitat category and subtype.

IV.H.1 Required Surveys - OAR 345-022-0060(3)

Under sub (a) through (e), the Fish and Wildlife Habitat Exhibit must include a description of biological and botanical surveys performed or scheduled to support the habitat categorization and other information in the exhibit. At a minimum, the timing, scope, methods, and sources for each survey must be discussed. Requirements for specific surveys are discussed in more detail below. Additional surveys may be required based on consultation with ODFW.

IV.H.1.1 Habitat Surveys

Under sub (b), the Fish and Wildlife Habitat Exhibit must include the results of habitat surveys identifying habitat type, vegetation and characteristics, habitat condition, and species use and presence. The site boundary includes important habitats: Big Game Winter Range, wetlands,

vernal pools, flowing water and riparian habitats, sagebrush steppe and native grasslands. These habitat types and categories must be evaluated within the exhibit.

Based on the results of the habitat surveys, the applicant must categorize habitat in all areas within Oregon as provided under OAR 635-415-0025. The habitat categorization is subject to review and approval by ODFW. The habitat categories and the mitigation goals are summarized in Table 11 below.

Table 11: 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.

Under sub (c), the Fish and Wildlife Habitat Exhibit must include tabular data and maps depicting the areas of permanent and temporary disturbance (in acres) in each habitat category, type and subtype based on the results of the habitat survey.

IV.H.1.2 Sensitive Species Surveys

Under sub (d), based on consultation with the ODFW and appropriate field study and literature review, the Fish and Wildlife Habitat Exhibit must identify all state sensitive species that might be present in the habitat survey areas and a discussion of any site-specific issues of concern to ODFW. Known special-status species within the analysis area include Vernal Pool Fairy Shrimp, summer steelhead [ESA listed], redband trout, Lewis's Woodpecker, etc.); locally important species include mule deer and elk. The exhibit must include baseline surveys in appropriate habitats for these species, and any other identified state sensitive species within the analysis

area and must provide a map showing the locations of the different species and habitats with respect to the proposed activities. 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 shall include a description of the nature, extent, and duration of potential adverse impacts and a description of any proposed mitigation measures, consistent with the exhibit requirements, the EFSC Fish and Wildlife Habitat standard, and the ODFW Habitat Mitigation Policy. If sensitive species surveys are required by other jurisdictions, the applicant is encouraged to provide a single survey report that identifies occurrences of all sensitive species.

IV.H.1.3 Raptor Nest Surveys

The applicant must conduct surveys for raptor nests within one quarter mile of all proposed disturbance areas. The applicant must also provide information on how it would avoid or minimize and monitor impacts to raptors and other avian species, including curtailing construction activities within one quarter mile of active raptor nests during the nesting season.

IV.H.2 Assessment of Impacts to Habitat and Sensitive Species

Under sub (f), the Fish and Wildlife Habitat Exhibit must describe the nature, extent and duration of potential adverse impacts on the habitat and species identified in surveys that could result from construction, operation and retirement of the proposed facility. This assessment must discuss, at a minimum, the temporary and permanent disturbance (during construction or maintenance activities).

IV.H.3 Proposed Monitoring and Mitigation

Under sub (g) and (h), the Fish and Wildlife Habitat Exhibit must describe any monitoring and mitigation activities proposed by the applicant to ensure that construction and operation of the facility would comply with the habitat mitigation goals and standards and to otherwise avoid, reduce, or otherwise mitigate adverse impacts to habitat and state sensitive species. At a minimum, mitigation measures discussed must include avoidance areas and implementation measures; and in-kind/in proximity mitigation as required by ODFW regulations. This information must also be incorporated into a draft Habitat Mitigation Plan which must be included as attachments to the exhibit.

The draft Habitat Mitigation Plan and associated information in the Fish and Wildlife Habitat Exhibit must clearly demonstrate how the applicant would provide mitigation for both short- and long-term habitat impacts in accordance with the ODFW Habitat Mitigation Policy. This includes identifying 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.

The draft Habitat Mitigation Plan must include the results of the habitat categorization surveys as well as surveys of any proposed habitat mitigation areas and must provide the draft legal mechanism or mechanisms proposed for acquiring the legal right to maintain and enhance the habitat mitigation area. The Habitat Mitigation Plan must include draft success criteria for the proposed ecological uplift actions and describe a process for evaluating monitoring and reference site locations, prior to construction.

IV.I. Threatened and Endangered Species (OAR 345-022-0070)

Applicable Sections: All sections apply.

Discussion: The Threatened and Endangered Species Exhibit must include information about threatened and endangered plant and animal species that may be affected by the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0070.

Under part (3), the Threatened and Endangered Species Exhibit must include a list of all threatened and endangered species listed in OAR 635-100-0125 or 603-073-0070 that have the potential to occur in the analysis area. For the application, the analysis area must include the area within and extending 5 miles from the site boundary. The applicant shall identify these species based on a review of literature, consultation with knowledgeable individuals, and reference to the list of species maintained by the Oregon Biodiversity Information Center. For each species identified, the exhibit must describe the nature, extent, locations, and timing of its occurrence in the analysis area; how the facility might adversely affect the species; what measures the applicant proposes to avoid or reduce an adverse impact; and the applicant's proposed monitoring program for impacts.

For each threatened and endangered plant species, the exhibit must describe how the proposed facility, including any mitigation measures, complies with the protection and conservation program adopted by the Oregon Department of Agriculture (ODAg), or if there is no protection and conservation program in place for an identified threatened or endangered plant species, describe any significant potential impacts the proposed facility may have on the continued existence of the species and on the critical habitat of such species, and must provide evidence that the proposed facility, including any mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

For each threatened and endangered animal species, the exhibit must describe any significant potential impacts of the proposed facility on the continued existence of such species and on the critical habitat of such species, and must provide evidence that the proposed facility, including any mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

ODAg identified one state-listed threatened and endangered plant species as a known,

recorded occurrence in the site boundary and analysis area: Tygh Valley milkvetch (*Astragalus tyghensis*). The applicant must conduct field surveys for this species in May-June when the species is in flower. The applicant should consult with ODAg on survey methods, survey areas, survey seasons, qualifications of field survey personnel, and the information to be included in a field survey report.

ODFW did not identify and state list fish or wildlife species known or expected to occur within the analysis area; desktop review of reasonably available sources must be conducted. Field surveys for threatened and engaged wildlife species are not excepted to be necessary for the site.

The Threatened and Endangered Species Exhibit must include maps showing appropriate habitats for all identified species and a map showing the locations of the different species and habitats with respect to the proposed activities. If special status species surveys are required by other jurisdictions, the applicant is encouraged to provide a single survey report that identifies occurrences of all listed species.

The applicant is strongly encouraged to coordinate and consult with the Confederated Tribes of Warm Springs (CTWS) in identifying any T&E species within the analysis area, where those analysis areas overlap with CTWS reservation or tribally-owned or managed lands. The exhibit should document those coordination efforts.

Any information about monitoring and mitigating impacts to threatened or endangered plant species must be incorporated into the Revegetation and Noxious Weed Control Plan, as appropriate.

IV.J. Scenic Resources (OAR 345-022-0080)

Applicable Sections: All Sections Apply.

Discussion: The Scenic Resources Exhibit must include an analysis of potential significant visual impacts of the proposed facility on scenic resources identified as significant or important in local, state or regional land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area. The analysis area for Scenic Resources is set at 10 miles from the site boundary.

For any scenic resources deemed “significant” or “important” in a local, state, regional, tribal or federal land management plan, the applicant shall include in the ASC an evaluation of the proposed facility’s consistency or compliance with any development or land use criteria included in the land management plan for the identified resource. The exhibit shall include a copy of the portion(s) of the management plan that identifies the resource as significant or important. The applicant shall also describe the measures it proposes to avoid, reduce, or otherwise mitigate any significant adverse impacts to these scenic resources. A visual impact assessment is required as part of the exhibit. While no specific methodology is required by EFSC

rule, 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 provide important evidence for use by the Department and Council in understanding the potential visual impact of the proposed facility to Scenic Resources.

The applicant is strongly encouraged to coordinate with the Confederated Tribes of the Warm Springs Reservation to determine if their land use management plans identify any Scenic Resources under this standard within the analysis area that overlaps with the Warm Springs reservation. The exhibit should document those coordination efforts.

IV.K. Historic, Cultural and Archaeological Resources (OAR 345-022-0090)

Applicable Sections: (1), (4)

Discussion: The Historic, Cultural and Archaeological Resources Exhibit must include information about historic, cultural, and archaeological resources.

Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.345(11). Such information, including archaeological survey reports, should be provided confidentially under separate cover in **hard copy only** format, and only after consultation with the Department. Confidential material shall also be provided directly to SHPO, following guidance from the Department and SHPO. Please contact the Department to discuss current practices regarding treatment and submittal of confidential material.

As described under part(4)(d)(A) to (C), the Historic, Cultural and Archaeological Resources Exhibit must describe survey methodology as recommended by the State Historic Preservation Officer or the National Park Service of the U.S. Department of Interior, or must provide an explanation of any variation from the agency recommended methodology. The Exhibit must describe survey areas and the results of all surveys conducted for historic, cultural, and archaeological resources as well as an analysis of any significant adverse impacts anticipated and proposed mitigation measures.

Under part (4)(a) through (c), the Historic, Cultural and Archaeological Resources Exhibit must include an inventory of all historic properties discovered in the analysis area, including any archaeological sites or objects on private land in the analysis area and archaeological sites on public land in the analysis area. The exhibit must include an evaluation of whether the historic properties have been listed on, or would likely be listed on, the National Register of Historic Places, based on an evaluation of the National Register Evaluation Criteria as described in National Register Bulletin 15.

Under part (4)(d), the Historic, Cultural and Archaeological Resources Exhibit must also include an impact assessment, and proposed measures to avoid or mitigate potential impacts to

historic, cultural, or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places.

Under part (4)(e), the Historic, Cultural and Archaeological Resources Exhibit must include the applicant's proposed monitoring program, if any, for impacts to historic, cultural, and archaeological resources during construction and operation of the proposed facility, including a program to address inadvertent discovery of resources during ground disturbing activities at the site.

The applicant is strongly encouraged to discuss the proposed facility with all Tribes that could be potentially affected by the construction and operation of the proposed facility, including but not limited to the tribes identified by the Legislative Commission on Indian Services: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the Burns Paiute Tribe, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians. All these tribes have been noticed on the NOI.

Applicant should continue to 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.

The proposed facility is adjacent to the Confederated Tribes of Warm Springs Reservation and is within their treaty-ceded lands. There are reservation lands within the indirect analysis area (1-mile from site boundary for historic resources). The tribe has identified past and on-going cultural uses of the project area. The applicant should coordinate with the Confederated Tribes of the Warm Springs tribal government and the ASC should include documentation of such coordination, as applicable.

IV.L. Recreation (OAR 345-022-0100)

Applicable Sections: (1), (2), (5)

Discussion: The Recreation Exhibit must include information about the impact the proposed facility would have on important recreational opportunities. For the ASC, the analysis area for Recreational Opportunities includes the area within and extending 5 miles from the site boundary.

Under part (5)(a), the Recreation Exhibit must include a description of recreational opportunities in the analysis area, and information identifying whether the opportunity is considered "important" under OAR 345-022-0100(2).

Under part (5)(b) through (e), the Recreation Exhibit must include a map of the analysis area showing the location of important recreational opportunities; a description of any potential significant adverse impacts to important recreation opportunities; and a description of measures the applicant proposes to avoid, reduce, or otherwise mitigate and monitor those impacts. Impacts that must be evaluated in the exhibit include:

- Direct or indirect loss of a recreational opportunity because of facility construction or operation.
- Noise resulting from facility construction or operation.
- Increased traffic resulting from facility construction or operation.
- Visual impacts of facility structures.

Note that a visual impact assessment is required as part of the exhibit. While no specific methodology is required, the applicant must submit sufficient evidence to demonstrate how the proposed facility would comply with the Recreation 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 provide important evidence for use by the Department and Council in understanding the potential visual impact of the proposed facility to important recreational opportunities.

Compliance with the DEQ noise rules does not correlate to compliance with the noise assessment considered in the Recreation standard. Particularly, while construction noise is exempt from the DEQ noise rules, construction noise must be considered under the Recreation standard. However, information developed to demonstrate compliance with the DEQ noise rules such as noise modeling can be used in the assessment under the Recreation standard.

If the applicant becomes aware of any potentially significant impacts to the identified recreational opportunities other than those described above, the impacts must be disclosed and evaluated in the Recreational Exhibit.

The applicant is strongly encouraged to coordinate with the Confederated Tribes of the Warm Springs Reservation to determine if their land use management plans identify any Recreational resources under this standard within the analysis area that overlaps with the Warm Springs reservation. The exhibit should document those coordination efforts.

IV.M. Public Services (OAR 345-022-0110)

Applicable Sections: (1), (4)

Discussion: The Public Services Exhibit must include information on how the construction and operation of the proposed facility would impact public services. The Public Services Exhibit must include sufficient evidence to support a finding by the Council that construction and operation of the proposed facility, taking into account mitigation, are not likely to result in

significant adverse impact to the ability of public and private service providers to provide sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

Under part(4)(a)(A) through (D), the Public Services Exhibit must include an analysis identifying the public and private service providers in the analysis area that would likely be affected by construction and operation of the proposed facility, a description of any likely impacts on the ability of the service providers to provide their respective services, and evidence that any adverse impacts, taking into account any mitigation proposed by the applicant, are not likely to be significant. The analysis must describe any important assumptions the applicant used to evaluate potential impacts. The impact assessment approach and assumptions must be consistent with Table 12 below.

Table 12: Analytical Approach for Public Services Standard

Public Services	Minimum Requirements for Analytical Approach	Comments
Sewers/Sewage Treatment	State whether proposed facility would rely on new or existing public or private infrastructure for stormwater drainage.	If there is no interconnection to a public or private system, the analysis can be limited to a statement.
Water	Identify the quantity and source of water to be used during construction and operation. Provide evidence that the source has the legal ability to meet the demand of the proposed facility.	Obtain letters from proposed service providers confirming ability to legally provide the forecasted quantity during the forecasted period. If the service provider cannot provide a firm commitment, provide other evidence that there are sources that can meet the forecasted demand. Evidence may include the water right/water permit number or copy of permit.
Storm Water Drainage	State whether proposed facility would rely on new or existing public or private infrastructure for stormwater drainage.	If there is no interconnection to a public or private system, the analysis can be limited to a statement.
Solid Waste Management	Identify the type and quantity of hazardous and non-hazardous wastes to be generated during construction and operation. Provide evidence that the disposal source has the legal ability to receive and dispose of the forecasted waste types and quantities.	Obtain letters from proposed service providers confirming ability to receive and legally dispose of the forecasted type and quantity of solar waste during construction and operation.
Housing	Identify available RV parks within the analysis area, and any limitations on number of nights per stay. Identify peak and low season for the RV parks.	Assume, for a maximum impact scenario, all construction workers stay at local/regional RV parks. If there are not enough RV parks/spaces within the region, identify a housing plan and/or contractor requirements to reduce capacity impacts.

Public Services	Minimum Requirements for Analytical Approach	Comments
Air Traffic Safety	Identify public and private airports/heliports/military training routes within 3-miles of the site. Identify military training routes (MTR) within the analysis area. Evaluate potential impacts to navigable airspace through FAA or ODAv review of obstructions/construction through 7460-forms; evaluate potential glint/glare impacts to military aircraft through a glint/glare analysis.	The site is within an MTR, therefore the analysis should include review of a glint/glare analysis to determine if any military airports/heliports or MTRs would be impacted. Glint/glare impact conclusions may be based on concurrence from DOD.
Vehicle Traffic Safety	Identify level of service for any local roads to be used during construction. Identify any bridges or turn locations. Coordinate with Wasco County Public Works to determine weight limitations or radius issues that would require alternate routes or road improvements. Obtain draft road use agreement from county with any specifics identified by the county based on roads and road use impacts.	Obtain letter from Public Works Department demonstrating that predicted routes and roads to be used during construction; potential road impacts; and road use agreement were discussed.
Police	**Coordinate with ODOE and Sheriff's Office on the following:** 1. Identify service providers' number of existing staff that would respond to the site in the event of an emergency (note any constraints	Obtain letters from Sheriff's office demonstrating that discussions regarding proposed facility construction and operation occurred, and that any concerns on police staffing demand to patrol roads or the site were discussed and considered within the analysis.

Public Services	Minimum Requirements for Analytical Approach	Comments
	such as understaffing, outdated equipment, etc.). 2. Evaluate whether LEO personnel would require new training or specialized equipment to respond to calls re: the proposed facility. 3. Evaluate potential impacts of the proposed facility on response time or existing service and response levels. 4. Propose mitigation or minimization measures if there is an impact on the ability of the Sheriff's Department to respond to calls associated with proposed facility.	Review and address, based on analysis and ongoing coordination with Wasco County Sheriff Department.
Fire Protection	**<u>Coordinate with ODOE and Juniper Flats RFPD to obtain the following:</u>** 1. Identify the service providers' number of existing staff and volunteers, and fire fighting equipment inventory (note any constraints such as understaffing, outdated equipment, etc). 2. Evaluate whether fire personnel would require new training or specialized equipment to handle facility specific hazards. 3. Evaluate whether the facility, in consideration of WMPs, would impact response time or reduce existing service levels. 4. Propose mitigation measures: If the fire department has low staffing levels and/or lack of equipment and facility would result in potentially significant impacts to fire service	Review and address, based on analysis and ongoing coordination, Juniper Flats RFPD letter provided in Attachment 3. Obtain letter from Juniper Flats RFPD demonstrating coordination and resolution of potential impacts.

Public Services	Minimum Requirements for Analytical Approach	Comments
	providers ability to respond to the site because an increased wildfire risk or increased emergency services, taking into account the facilities WMPs, propose any necessary mitigation, based on consultation with fire service providers.	
Health Care	Identify ambulatory services that would respond to the site. Identify the capacity of ambulatory services to respond to the site. Identify any issues of capacity and any services agreements necessary to ensure that ambulatory services can be provided to the site during construction without impacting the service providers' ability to maintain its current service level in the county.	Obtain letter from local ambulatory services demonstrating coordination and resolution of potential impacts.
Schools	The evaluation of potential impacts to schools can be omitted. Solar projects do not result in permanent relocation of temporary workers, therefore, impacts to schools from temporary worker families is not expected.	

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IV.N. Wildfire Prevention and Risk Mitigation (OAR 345-022-0115)

Applicable Sections: All sections apply.

Discussion: The Wildfire Prevention and Risk Mitigation Exhibit must include information about wildfire risk within the analysis area sufficient to support the Council findings required under OAR 345-022-0115. The analysis area for wildfire risk would consist of the area within and extending ½-mile from the site. 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. Under OAR 345-022-0115(1), the Wildfire Prevention and Risk Mitigation Exhibit must include a characterization of wildfire risk within the analysis area that identifies each of the following:

- Baseline wildfire risk, based on factors that are expected to remain fixed for multiple years, including but not limited to topography, vegetation, existing infrastructure, and climate.
- Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple months but may be dynamic throughout the year, including but not limited to, cumulative precipitation and fuel moisture content.
- Areas subject to a heightened risk of wildfire, based on the Baseline and Seasonal risk information.
- High-fire consequence areas, including but not limited to areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat.

Wildfire mapping shall apply to the 5-mile analysis area, but comprehensive wildfire risk would be based on county-wide data, if available. The characterization must also describe all data sources and methods used to model and identify risks. The applicant may select data sources and methods as appropriate for the site, but all data must be current and from reputable sources. Sources that should be consulted in the development of the Wildfire Prevention and Risk Mitigation Exhibit include the Oregon Community Wildfire Protection Plan Planning Tool and the Oregon Wildfire Risk Explorer, in addition to any County-specific fire plans available at the time the ASC is submitted.

The exhibit must also include separate draft Wildfire Mitigation Plans for construction and operations of the proposed facility. The certificate holder must consult with the local Juniper Flat Rural Fire Protection District (RFPD), or other fire department or district that would respond to a fire at the facility, and Wasco County Emergency Services Department in the development of the plan, and documentation of the consultation must be included in the exhibit.

Under part (2), the Wildfire Prevention and Risk Mitigation Exhibit must also include a draft Wildfire Mitigation Plan for the proposed facility. The Wildfire Mitigation Plan must, at a minimum:

- Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis.
- Describe the procedures, standards, and time frames that the applicant would use to inspect facility components and manage vegetation in any identified areas of heightened risk of wildfire.
- Identify preventative actions and programs that the applicant would carry out to minimize the risk of facility components causing wildfire, including procedures that would be used to adjust operations during periods of heightened wildfire risk. This should include a discussion of the use of fire breaks, defensible space and vegetation management, fire hardened infrastructure, and power shutoff protocols, as applicable.
- Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards if a wildfire occurs at the facility site, regardless of ignition source. This should 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 involving solar arrays, battery systems, or other facility components.
    - Information about whether facility components, including solar panels and battery components, have the potential to release hazardous materials during a fire and what, if any, protocols would be used to avoid hazards to public health and safety and site contamination.
- Describe methods the applicant would use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.

Examples of plan templates available at the time of the Project Order issuance are included in Attachment 6 for informational purposes. Please contact the Department during the development of the Wildfire Mitigation Plans for current guidance prior to ASC submittal.

IV.O. Waste Minimization (OAR 345-022-0120)

Applicable Sections: (1), (4).

Discussion: The Waste Minimization Exhibit must describe the applicant's plans to minimize the generation of solid waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence to support findings by the Council under OAR 345-022-0120.

Under part (4)(a)(A), (B), and (D) and (b)(C), the Waste Minimization Exhibit must include a description of the major types and amount of solid waste and wastewater that construction and operation of the facility are likely to generate; the structures, systems, and equipment for management and disposal of the wastes, including any plans to minimize, recycle or reuse the wastes. This should include a discussion of whether the applicant has plans in place to recycle solar modules or other facility components.

Under part (4)(a)(C), the Waste Minimization Exhibit must include a discussion of any actions or restrictions proposed by the applicant to reduce consumptive water use during construction and operation of the facility. This includes water needed for operation and maintenance of the facility and should include a discussion of wastewater and runoff generated from panel washing.

Under part (4)(a)(E) and (F), the Waste Minimization Exhibit must include a description of any adverse impact on surrounding and adjacent areas from the accumulation, storage, disposal and transportation of solid waste, wastewater and stormwater during construction and operation of the facility and evidence that those impacts, taking into account any account any measures the applicant proposes to avoid, reduce, or otherwise mitigate the impacts, would be minimal.

Under part (4)(G), the Waste Minimization Exhibit must include the applicant's proposed monitoring program, if any, for minimization of solid waste and wastewater impacts.

The applicant is encouraged to reference information provided under other exhibits, including but not limited to the Soil Protection Exhibit, Water Use Exhibit, and Public Services Exhibit, in the development of this exhibit.

IV.P. Specific Standards for Transmission Lines (OAR 345-024-0090)

Applicable Sections: All sections apply.

Discussion: The proposed facility includes aboveground collector line and 0.5-mile of a transmission line as related or supporting facilities. Therefore, the provisions of OAR 345-024-0090 apply.

The Specific Standards for Transmission Lines Exhibit must include sufficient information to support a finding that the applicant:

- Can design, construct, and operate the proposed transmission lines 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.
- Can design, construct, and operate the proposed transmission lines so that induced currents resulting from the transmission lines will be as low as reasonably achievable.

This must include the information about the expected electric and magnetic fields from collector lines and each transmission line (including inter-tie lines) required under part (3)(a), and information about any radio interference likely to be caused by the transmission line.

IV.Q. State and Local Laws and Regulations (OAR 345-022-0160)

Discussion: All requirements apply.
The State and Local Laws and Regulations Exhibit mut identify, by legal citation, 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 the Organizational Expertise Exhibit, 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.

IV.Q.1 Waters of the State and Removal-Fill (ORS 196.795-990; OAR chapter 141, division 085)

Applicable Sections: OAR 345-022-0160(1)(a), all paragraphs.

Discussion: The Waters of the State and Removal-Fill Exhibit must include information based on literature and field study, as appropriate, about waters of this state, as defined under ORS 196.800, including, but not limited to all natural waterways, intermittent and perennial streams, lakes, and wetlands.

Under sub (A), the exhibit must include a description of all areas within the site boundary that might be waters of the state and maps showing the location of these features. Maps must also identify areas of essential indigenous anadromous salmonid habitat (ESH) designated under ORS 196.810 and OAR chapter 141, division 102 within the site boundary.). Any activities that may fall within or affect compensatory mitigation areas should be identified and analyzed. Generally, such impacts should be avoided. Impacts that cannot be avoided may require mitigation.

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. 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.

Under subs (B), (C), and (F), the Waters of the State and Removal-Fill Exhibit must describe whether construction or operation of the proposed facility could result in potential adverse impacts to any waters of the state, assess the significance of those impacts, and describe proposed actions to avoid or mitigate adverse impacts and the applicant's proposed monitoring program, if any, for such impacts.

If impacts to waters of the state cannot be avoided, the Waters of the State and Removal-Fill Exhibit must describe the amount and type of material that could be deposited or removed from any waters of the state, consistent with the requirements of OAR 141-085-0525, and any other information needed to determine whether a removal-fill permit is required under OAR chapter 141, division 085.

Under subs (D) and (E), the Waters of the State and Removal-Fill Exhibit must include an analysis of whether or not a removal-fill permit is required. If a removal-fill permit is necessary for the proposed facility, the Exhibit must include all information required for the Council to make a decision on the removal-fill permit application, including all information required under OAR chapter 141 division 85. This must include a completed and signed Joint Permit Application on the current form, including:

- A complete project description.
- An alternatives analysis including an analysis of alternative sites with lesser impacts to waters of this State and an analysis of alternative designs with lesser impacts to waters of this State.
- An explanation of how the proposed project minimizes adverse effects to waters of this State, including avoiding and minimizing activities outside of the ODFW-designated in-water-work window; avoiding and minimizing interference with fishing, navigation, and recreation; erosion control; avoiding and minimizing sediment suspension and dispersion; spill response measures; avoiding or minimizing impacts to shallow water habitats; avoiding and minimizing adverse effects to aquatic biota and habitats; avoiding or minimizing disturbance or destruction of native riparian vegetation;
- 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 the Deschutes River and 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; however, all materials as well as DSL's concurrence with the wetland delineation must also be submitted to the Department as part of the exhibit. 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.

As described in Section IV.B, the applicant will also need to obtain proprietary authorization from the Department of State Lands under OAR chapter 141, divisions 80, 82, and 123. Proprietary decisions are not within the Council's jurisdiction; however, the exhibit must provide evidence that the proposed facility can obtain the required authorizations, including a discussion of:

- Whether the project has independent utility.
- Whether the project is consistent with the protection, conservation, and best use of the water resources of this state.
- Whether the project would unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation, including identification of public needs for or social, economic, or other public benefits of the project and identification of economic costs to the public if the project is not accomplished; and

IV.Q.2 Water Use (OAR chapter 690, Divisions 310 and 380)

Applicable Sections: OAR 345-022-0160(1)(b)

Discussion: The Water Use Exhibit must include information about anticipated water use during construction and operation of the proposed facility.

Under subs (A) through (C) and (G), the Water Use Exhibit must include a description of how water will be used during construction and operation of the proposed facility, and must describe each source of water and the estimated amount of water the facility will need from each source during construction and during operation under annual average and worst-case conditions, and a description of proposed actions to mitigate the adverse impacts of water use on affected resources.

Under subs (E) and (F), the Water Use Exhibit must provide an evaluation of whether or not the proposed facility would need a groundwater permit, surface water permit or a water right transfer. If the proposed facility would need a groundwater permit, a surface water permit or a water right transfer, the Water Use Exhibit must include information to support a determination by the Council that the Water Resources Department should issue the permit or transfer of a water use, including information in the form required by the Water Resources Department under OAR Chapter 690, Divisions 310 and 380. See Section IV.B.3, for a discussion of OWRD permits and Section IV.M, for information requirements related to water service providers.

IV.Q.3 Noise (OAR 340-035-0035)

Applicable Sections: OAR 345-022-0160(2)

Discussion: The Noise Exhibit must include information about noise generated by construction and operation of the proposed facility, providing evidence to support a finding by the Council that the proposed facility complies with the Oregon Department of Environmental Quality's noise control standards in OAR 340-035-0035.

Under sub (a), the Noise Exhibit must include predicted noise levels from all potential noise-generating components of the facility including, but not limited to the solar inverters, transformers, transmission lines, switchgears, and the Battery Energy Storage System.

Under sub (b), the Noise Exhibit must include an analysis of demonstrating that the predicted noise levels will not exceed the ambient antidegradation standards established under OAR 340-035-0035. Noise generated by the facility may not increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, and may not exceed the levels specified in Table 12 below.

Table 13: 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

The analysis must include a discussion and justification of the methods and assumptions used, including methods used to measure ambient noise levels at the site. OAR 340-035-0035(3) provides that sound measurement procedures must conform to the procedures set forth in Sound Measurement Procedures Manual (NPCS-1). If the applicant's sound measurement procedures differ from the NPCS-1, please provide a discussion and basis for the variation. The analysis must evaluate noise impacts using the maximum expected noise levels from all noise-

generating equipment during construction and operation. Operational noise shall be evaluated from both stationary sources and corona noise from transmission lines.

Under sub (e), the Noise Exhibit must include a list of the names and addresses of all owners of all dwellings or other noise sensitive properties within one mile of the proposed site boundary; however, if the applicant determines potential exceedances of the ambient antidegradation standards may occur beyond the 1-mile distance, impacts to noise sensitive properties within the area of potential exceedance must be evaluated. The applicant is not required to conduct ambient noise monitoring at each noise sensitive property; however, the number of ambient monitoring sites shall be sufficient to reasonably represent the ambient noise conditions at noise sensitive receptor locations in closest proximity to the proposed site.

Under OAR subs (c) and (d), the Noise Exhibit must describe any measures the applicant proposes to reduce noise levels or noise impacts or address public complaints about noise from the facility and any measures the applicant proposes to monitor noise generated by operation of the facility. This information must be provided regardless of whether or not any exceedances of the ambient antidegradation standards are expected.

V. EXPIRATION DATE OF THE NOTICE OF INTENT

The NOI will expire on **February 21, 2027** unless the applicant submits a petition to extend the expiration date in accordance with OAR 345-020-0060, not less than 45 days before that date. If the Council finds that such a petition shows good cause, the Council may extend the expiration date for a period of up to one year. The applicant's submission of a timely petition for an extension under this rule stays the expiration of the NOI until the Council's decision to grant or deny the extension.

VI. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS

As provided in ORS 469.330(4) and OAR 345-015-0160(3), the Council or the Department may amend this Project Order at any time. Amendments may include changes to the analysis areas. To issue a site certificate, the Council must determine that the proposed facility complies with Oregon statutes and administrative rules identified in the Project Order, as amended, as applicable to the issuance of a site certificate for the proposed facility (ORS 469.503(3)).

Under OAR 345-015-0190(5), when the Department determines the ASC contains adequate information for the Council to make findings or impose conditions on all applicable Council standards, the Department would issue a determination of completeness on the ASC. The applicant may submit a written request to waive specific information requirements that are identified as applicable in this Project Order. If the Department grants the waiver, it would amend the Project Order accordingly. In accordance with OAR 345-015-0190(9), after a determination that an application is complete, the Department may require additional information from the applicant if additional information is needed during its continued review of the application.

VII. APPLICABILITY AND DUTY TO COMPLY

Failure to include an applicable statute, rule, ordinance, permit or other requirement in this Project Order does not render that statute, rule, ordinance, permit or other requirement inapplicable, nor in any way relieve applicant from the duty to comply with the same.

OREGON DEPARTMENT OF ENERGY

Signature: Todd Cornett
Todd Cornett (Nov 19, 2025 14:11:35 PST)

Email: todd.cornett@energy.oregon.gov

Todd R. Cornett, Assistant Director, Siting Division
Energy Facility Siting Division
Oregon Department of Energy

Date of Issuance: November 19, 2025

Attachment 1:
Oral Comment Summary from Public Meeting

Deschutes Solar and BESS
Notice of Intent
Public Information Meeting
Maupin Civic Center, Maupin, OR
March 27, 2025

Oral Public Commenters & Comment Summary

Name of Commenter	Address	Comment Summary
Ken Chitwood	79434 Hwy 216 No city or zip listed	In support of the project.
Tara Aschoff	53228 Reservation Road Maupin, OR 97037	Expressed concerns about onsite water use and impacts to water reserved for irrigation; impacts of windstorms to the facility; impacts of construction worker housing. Expressed concerns about impacts to habitat, and of the adequacy of onsite and local firefighting equipment to be able to respond to a wildfire within or near the site.
Delson Suppah Sr.	PO Box 325 Warm Springs, OR 97761	Requested more coordination with CTWS on the project. Expressed concerns about the type of materials used in the battery energy storage system. Concerns about potential impacts to traditional foods and first foods animals and plants in project area that are important to the CTWS.
Paula Latasa	206 Elrod Ave No city or zip listed	Inquired as to whether the applicant has considered agrovoltaics for the site.
Constance Lee	None listed	Resident of Juniper Flat. Expressed concerns that their energy bill has increased after recent energy facilities have been built – believes that energy facilities are being built locally, with energy being sent to the Portland area, but increasing local costs. Expressed concerns about wildfire risk from the facility, and that there isn't an amount of defensible space that would minimize risk. Expressed concerns that this project would decrease their property value while increasing their property taxes and insurance rates.
Jean Hulbert	59021 Finnegan Road Grass Valley OR 97029	No comment

Name of Commenter	Address	Comment Summary
Elizabeth Turner	PO Box 434 No city or zip listed	Worked for 15 years with Wasco County and has concerns about the Goal 3 exception. Identified that ODOE's presentation did not identify agricultural impacts as a key issue, but that it should. Inquired as to why subject matter experts from other agencies, like ODFW and ODAg, were not present to help inform the public about the type of issues/questions they should be asking. Expressed concerns that the project is more about financial gain, than any real concern that the U.S. needs energy resources.
Mike Alldrott Iron Workers Local 29	145 West Water Street Lexington, OR 97839	Supports the project for the opportunities for work/apprenticeships.
Margaret Holmes Tibbets	1513 Fishtail Maupin, OR	Is part of the Lloyd Woodside Ranch – located in the SW portion of Juniper Flat. Is an underlying landowner for the project site. Land within her property is very rocky, with little water. Over time, the area has gotten drier. Viability of ranching has been reduced significantly – in 1978, there were 6 families that used the land for grazing. By 1992, there was only 1 family, with 192 heads of cattle remaining.
Richard E Dodge	78888 Walters Road Maupin, OR 97037	In support of the project.
Isaac Yanez	52237 Reservation Road Maupin, OR 97037	Is an underlying landowner for the project site; land has not been farmed in 25-40 years.
Garth Bachman IBEW Local 48	15937 NE Airport Way Portland, OR 97230	In support of project; it would provide opportunities for electrical technicians and apprenticeships.
Randy Davis IBEW Local 48	15937 NE Airport Way Portland, OR 97230	No comment
Bill Cameron	80163 Pioneer Street Wamic, OR 97063	Written comment on comment card in support of proposed project
Henry Watson		Expressed concerns about the project, where it could be as close as 150 feet from his property line.
Donald Kruger		Stated that Juniper Flat is a remarkable area. Expressed concerns about the Goal 3 exception – inquiring about how a solar facility could possibly be sited in EFU land when it is impossible to get approval to build something like an attached dwelling in EFU land. Requested that visual screening be considered – berms or trees. Inquired as to why rooftop solar isn't being considered over these large scale projects.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Ken Chitwood

Address: 79434 Hwy 216

I represent (if applicable) _____

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT
*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Tara Aschoff

Address: 53228 Ros Rd Maupin

I represent (if applicable) _____

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

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PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT
*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Delson Suppah Sr.

Address: PO Box 325, Warm Springs, OR 97761

I represent (if applicable) Tribal Elder

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Paula Hatasa

Address: 206 Elrod Ave

I represent (if applicable) Paula Hatasa, South Wasco Times

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Constance Lee

Address: _____

I represent (if applicable) _____

Print your name OR your organization/business name.

☐ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: JEAN HULBERT

Address: 59021 FINLEYSON RD GRASS VALLEY 97029

I represent (if applicable) _____

Print your name OR your organization/business name.

☑ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Elizabeth Turner

Address: PO Box 434

I represent (if applicable) Planning Lead | previous experience

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Mike Aldrett

Address: 145 west water Street Lexington OR 97839

I represent (if applicable) Iron Workers Local 29

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Margaret Holmes Tibbets

Address: 1513 Fish Tail Maupin / Lloyd Woodside Ranch - Wapinitia / 252 goldenstar Blvd Bakken Ct.

I represent (if applicable) Lloyd Woodside Ranch

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Richard E Dodge

Address: 78888 Walters Rd. Maupin Ore 97037

I represent (if applicable) Bright Night – Dodge Family

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

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Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: ISAAC YANEZ

Address: 52237 Reservation Rd Maupin OR 97037

I represent (if applicable) _____

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Garth Bachman

Address: 15937 NE Airport Way Portland, OR 97230

I represent (if applicable) IBEW Local 48

Print your name OR your organization/business name.

☒ I wish to provide verbal comments on the proposed project and/or

☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT
*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Randy Davis

Address: 15937 NE Airport Way, Portland, OR. 97230

I represent (if applicable) IBEW Local 48

Print your name OR your organization/business name.

☐ I wish to provide verbal comments on the proposed project and/or

☒ I wish to submit the following written comment:

As a Representative of IBEW Local 48 we support this project and the jobs and opportunities it will provide to this local economy.

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT
*See reverse for tips on giving testimony

Deschutes Solar and BESS project

Date: March 27, 2025 Location: Maupin, Oregon

REGISTRATION FOR PUBLIC COMMENT

Name: Bill Cameron

Address: 80163 Pioneer St. Wamic, Or. 97063

I represent (if applicable) _____

Print your name OR your organization/business name.

☐ I wish to provide verbal comments on the proposed project and/or

☑ I wish to submit the following written comment:

I am very much in favor of this project. Will be a significant plus for the local economy

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

Attachment 2:
Written Public Comments

Deschutes Solar and BESS – Notice of Intent

Written Public Comments Received - Comment Index

(Full copies of written comments are attached)

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
Andrew Lewis	2/27/2025	General letter of support. Participating landowner. Land has limited agricultural or economic potential-even with irrigation and water rights, poor soils. Potential economic benefit.	Land Use
Camille Gallegly	3/4/2025, 4/22/2025	General letter of opposition. Not a participating landowner. Concerns about impacts on non-participating landowners, cultural and archaeological resources, adverse local economic impacts, lack of economic benefit, adverse impacts on protected areas, scenic resources and recreational uses. Concerns about potential impacts to fish and wildlife habitat and T&E species, increased wildfire risks and public services and potential for environmental contamination of water resources, risks to public safety from battery, increased risk of fire and potential impacts on public services. Lack of economic benefit and questions about organizational and financial capacity of applicant.	Organizational Expertise, Protected, Areas, Land Use, Scenic Resources, Recreation, Fish & Wildlife Habitat, Threatened & Endangered Species, Historic, Cultural and Archaeological Resources, Public Services, Wildfire Prevention & Risk Mitigation, Soil Protection
Jeanne Capps	3/4/2025, 4/25/2025	General letter opposition. Not a participating landowner. Concerns about potential impacts on non-participating landowners, adverse impacts to agriculture and local economy, recreational and scenic resources and protected areas, wild and scenic rivers. Potential for adverse environmental impacts to fish and wildlife, habitat and T&E species. Need for setbacks for neighboring landowners and residences. Increased risk of fire and wildfire, potential risk to water resources, water table and wells. Potential impacts to cultural and archaeological resources and sites. Deschutes Wild & Scenic river with T&E and sports fish, important	Soil Protection, Land Use, Protected Areas, Scenic Resources, Recreation, Fish & Wildlife Habitat, Threatened & Endangered Species, Historic, Cultural and Archaeological Resources,

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		recreational area. Electromagnetic fields and potential impacts on human health, hazardous waste and potential contamination from components. Concerns about parent company and their organizational and financial capacity, potential soil erosion and loss of soils, building in an existing floodplain, bedrock geology and impacts to water table.	Public Services, Wildfire Prevention & Risk Mitigation, Structural, Soil Protection, Organizational Expertise, Retirement and Financial Assurance,
Tom Ambrose	3/24/2025	General letter of support. Participating landowner. Land has limited agricultural or economic potential. Potential economic benefit.	Land Use
Kim and Bill Mead	3/27/2025	General letter of support. Not a participating landowner. Land has limited agricultural or economic potential. Lack of good agricultural soils. Potential economic benefit. Potential local benefit if promised improvements are made to local fire response and prevention by applicant.	Land Use, Wildfire Prevention & Risk Mitigation, Public Services
Dixie Holmes-Bergin	4/2/2025	General letter of support. Participating landowner. Land has limited agricultural or economic potential. Potential economic benefit.	Land Use
Margaret Tibbets	4/2/2025, 4/7/2025, 4/24/2025, 4/25/2025	General letters of support. Participating landowner. Land has limited agricultural or economic potential. Potential economic benefit. Benefits of solar and climate change. Local economic benefits to landowners, lack of viable agriculture, poor soil quality & lack of water, overgrowth of juniper trees. Historic significance of area and agriculture. General support for solar. Demonstrated capacity of applicant to manage solar facility. 4/25 comment on concerns about incorrect ownership maps being circulated regarding who opposes or supports the proposed facility.	Land Use
Salena LaFaver	4/7/2025	General letter opposition. Not a participating landowner. Potential visual impacts on Mount Hood, increased fire risk from solar facility & impacts	Protected Areas, Scenic Resources, Recreation, Fish & Wildlife Habitat,

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		on public services, potential adverse impacts to wildlife and the Deschutes River as a recreational and scenic resource.	Threatened & Endangered Species, Public Services, Wildfire Prevention & Risk Mitigation, Public Services
Neil Fullington	4/9/2025	General letter of support. Participating landowner. Land has limited agricultural or economic potential. Potential economic benefit. Benefits of solar. Potential benefit through increased funding support for Juniper Fire RFPD by applicant.	Land Use, Public Services
Donna Barton	4/12/2025	General letter of support. Limited agricultural potential of lands in proposed project area.	Land Use
Nancy Carter	4/14/2025	General letter of opposition. Impacts to local agriculture, exclusive farm use and concerns about conversion of EFU land for solar, historical and cultural significance of Juniper Flat area, Deschutes and White Rivers and recreation, wildfire history of area, increased wildfire risk and high fire area, BESS and facility components, and impacts on public services, impacts to scenic resources and protected areas including Mount Hood, recreation and fishing are economic resources for the area, visual impacts & adverse impacts on local recreation-based tourist economy.	Land Use, Protected Areas, Scenic Resources, Recreation, Wildfire Prevention & Risk Mitigation, Public Services, Historic, Cultural and Archaeological Resources
Cora Lee Groce	4/17/2025	General letter of opposition. Potential adverse impacts on agriculture and soils. Concerns about fish and wildlife impacts, to migrating birds, deer and elk habitat, protected fish in Deschutes and White Rivers – steelhead and salmon. Impacts to scenic resources- Juniper Flat area. Historic, Cultural and Archaeological resources in the area and potential impacts – particularly to the CTWSRO. Impacts to public services and water resources – construction and operations, waste minimization. Wildfire risk in area is high – 2 recent and destructive fires – potential risks to landowners and property. Lack of organizational expertise and	Soil Protection, Fish & Wildlife Habitat Threatened & Endangered Species, Historic, Cultural and Archaeological Resources, Wildfire Prevention & Risk Mitigation, Public Services, Waste

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		track record of parent company. Impacts on residences within site boundary.	Minimization, Land Use, Organizational Expertise
John & Virginia Tolentino	4/17/2025	General letter of opposition. Size and scale of project and impact on residences within & next to the site boundary. Adjacent and non participating landowner. Facility will have economic adverse impacts on them. Also impacts on soil and water resources, concerns about increased risk of flooding and erosion, loss of agriculture and ag lands, impacts to T&E species and impacts to F&W habitat. Impacts to scenic resources. Impacts to public services, especially for fire and wildfire, increased fire risk – need for inspections and guarantees for landowners by applicant.	Land Use, Soil Protection, Water Resources, Fish & Wildlife Habitat, Threatened & Endangered Species, Public Services, Wildfire Prevention & Risk Mitigation
Jim Burgett	4/18/2025	General letter of opposition. Impacts on Deschutes River and lack of local economic benefit, impacts on water resources and fishery on Deschutes River.	Land Use, Protected Areas, Recreation, Fish & Wildlife Habitat
Bernice Fetz, Trustee	4/17/2025	General letter of opposition. Nearby landowner. Concerns about land use and impacts to agriculture, wetlands, loss of agriculture and food security, impacts to soils and potential loss of soils, impacts on fish and wildlife habitat, migratory species, increased wildfire risk in the area and risk posed by the facility and potential loss of viable agriculture due to increased fire risk and heat islands. Solar panels and potential for hazardous waste from facility. Impacts on scenic resources and juniper flat area. Concerns about impacts to water and lands from potential pollutants from the facility, decommissioning concerns after 30 years of operations, Potential impacts to known historic, cultural and archaeological resources in the project area and importance to the CTWSRO. Impacts to water resources, Deschutes and White rivers.	Land Use, Soil Protection, Fish & Wildlife Habitat, Wildfire Prevention & Risk Mitigation, Scenic Resources, Protected Areas, Historic, Cultural and Archaeological Resources, Recreation, Public Services, Waste Minimization, Removal-Fill, Retirement and Financial Assurance
Jeremiah Mageo	4/19/2025	General letter of opposition. Impact on family honeybee farm. Non participating landowner would be surrounded. Impacts to soils and	Land Use, Soil Protection, Noise, Scenic Resources, Recreation.

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		arable lands, impacts to agriculture and pollinators, increased noise and light pollution, visual impacts on scenic resources, impacts on recreation.	
Katie Joy	4/19/2025	General letter of opposition. Environmental impacts on fish and wildlife and habitat, scenic impacts, cultural resources, Land Use impacts, impacts to agriculture, ecosystem, cultural and rural character of area, water resources, dust, visual impacts, glare, increased fire risk, lack of local economic benefit.	Land Use, Fish & Wildlife Habitat, Historic, Cultural and Archaeological Resources, Scenic Resources, Recreation, Wildfire Prevention & Risk Mitigation, Soil Protection, Public Services
Darla Sult	4/20/2025	General letter of opposition. Adverse impacts to Fish & Wildlife habitat, impacts to water resources and soils, impacts to agriculture and wildlife, lack of long term local benefit, increased risk of wildfire in a high risk area, impacts on public services	Land Use, Fish & Wildlife Habitat, Wildfire Prevention & Risk Mitigation, Public Services, Soil Protection
Tara Aschoff	4/21/2025	General letter of opposition. Facility would impact their working horse farm and surrounded by facility. Impacts to agriculture, soils, increased wildfire risk, impacts to public services and lack of wildfire services already, impacts to roads and public services, water resources, noise impacts, background and capacity of applicant and assurances, long term economic impacts on local farms.	Land Use, Public Services, Wildfire Prevention & Risk Mitigation, Soil Protection, Noise, Organizational Expertise, Retirement and Financial Assurance
Sharon and Dale Johnson	4/21/2025	General letter of opposition. Concerns about adverse local economic impacts, non participating landowner who will be surrounded by facility. Concerns about impacts to soils, grading, dust abatement and air quality impacts and public health issues, concerns about battery storage and potential increased risk of fire and increased risk of wildfires, high fire area with small fire department and impacts to public services, lack of	Land Use, Organizational Expertise, Soil Protection, Public Services, Wildfire Prevention & Risk Mitigation, Fish and Wildlife Habitat, Historic,

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		experience of parent company, potential impacts on water resources, impacts to agriculture, impacts to soils, impacts to birds and wildlife, historical resources and historical significance of the area. Land use, setbacks and concerns about water resources, ground water, irrigation water, wells, and waterways and concerns about potential contamination.	Cultural and Archaeological Resources
Donald Kruger	4/21/2025	General letter of opposition. Concerns about impacts to local agriculture, soils, conversion of valuable ag land that is suitable for farming to commercial industrial-scale solar.	Land Use, Soil Protection
Hank Watson	4/21/2025	General letter of opposition. Concerns about impacts to local agriculture and community economy. Concerns about impacts to scenic resources and recreational areas like Mt Hood and White & Deschutes Rivers, impacts to property values, increased risks of wildfire and impacts to fish and wildlife species and habitat, CTWS ceded lands, lots of cultural and archaeological resources in project area.	Land Use, Protected Areas, Scenic Resources, Recreation, Wildfire Prevention & Risk Mitigation, Fish and Wildlife Habitat, Historic, Cultural and Archaeological Resources
Michelle Wolcott	4/21/2025	General letter of opposition. Non participating landowner near proposed facility. Concerns about noise impacts, set backs and impacts on wildlife, vegetation management and possible adverse impacts if sheep grazing were proposed, traffic impacts, impacts to scenic resources and recreational areas, impacts to cultural resources and archaeological resources, impacts to Deschutes and White rivers,	Land Use, Protected Areas, Scenic Resources, Recreation, Wildfire Prevention & Risk Mitigation, Fish and Wildlife Habitat, Historic, Cultural and Archaeological Resources
Constance Lee	4/22/2025, 4/24/2025, 4/25/2025	General letter of opposition. Impacts on agricultural lands and EFU-zoned lands & active agricultural uses and opposition to conversion of agricultural lands for solar development. Negative impacts on non	Land Use, Organizational Expertise, Structural, Soil Protection, Public

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		participating landowners, setbacks and residences. Lack of parent company experience and past history of performance on other projects, financial capacity for construction, operations and retirement, potential geological hazards, soils and erosion and runoff, fragile and collapsible soils in project area, potential for runoff and impacts to water resources, soil erosion dust and dust abatement, wildfire risk and impacts on public services. Deschutes and White Rivers are nearby and designated wild and scenic rivers, protected areas, scenic resources and recreational areas. Mount Hood also a protected, scenic and recreational area. Impacts to fish and wildlife habitat and sensitive species, potential for T&E species, Cultural and archaeological resources associated with the CTWS. Potential impacts on public services and emergency responders, increased risk of wildfire from BESS, vegetation management and fuel load concerns, waste and waste disposal concerns, wetlands and water resources and potential impacts. Signed Petitions submitted as an attachment to comments submitted by Ms. Lee on 4/24 and 4/25/25 as a public comment specific to agricultural impacts and impacts to the local community, wildfire risk, cultural impacts and Land Use. Signed petition in opposition, opposition to conversion of farmland to industrial solar, impacts to wildlife and habitat, impacts to cultural and archaeological resources, importance of Goal 3 preservation of farmland, requesting denial or dual-use (agro-voltaics) to preserve agriculture in area.	Services, Wildfire Prevention & Risk Mitigation, Fish and Wildlife Habitat, Threatened and Endangered Species, Historic, Cultural and Archaeological Resources, Protected Areas, Scenic Resources, Recreation, Retirement and Financial Assurance, Removal-Fill, Waste Minimization
Betty Odom	4/22/2025	General letter of opposition. Potential impacts on agriculture, economy and soils, water resources and irrigation, fish & wildlife habitat and species, White and Deschutes rivers. Cultural resources and archaeological resources in area. Wildfire history and increased risk,	Land Use, Soil Protection, Organizational Expertise, Fish and Wildlife Habitat, Protected Areas, Historic, Cultural and

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
		financial capacity and experience of the parent company, impacts on homes and residences in and around project.	Archaeological Resources Wildfire Prevention & Risk Mitigation, Retirement and Financial Assurance
Emily Williamson	4/22/2025	General letter of opposition. Wildfire risk, impacts to agriculture & irrigation, impacts to soils, wildlife, water resources on neighboring lands, noise impacts, potential for loss of water resources or contamination of water or soils, impacts to scenic resources, concerns about lack of experience and financial capacity of parent company.	Land Use, Organizational Expertise, Retirement and Financial Assurance, Soil Protection, Fish & Wildlife Habitat, Scenic Resources, Wildfire Prevention & Risk Mitigation, Noise
Bob Larsell	4/23/2025	General letter of opposition. Impacts on Fish & Wildlife, local economic impacts, increased risk of wildfire, impacts to Deschutes & White Rivers and their fisheries, impacts on property values.	Land Use, Fish & Wildlife Habitat, Threatened & Endangered Species, Wildfire Prevention & Risk Mitigation
Gary Wassenmiller	4/23/2025	General letter of opposition. Impacts on non participating lands & residences, water resources and impacts on water table and irrigation, risks of erosion and flooding	Land Use, Soil Protection, Structural Standard
Misty Duling	4/24/2025	General letter of opposition. Impacts on wildlife species and habitat, risks of wildfire, impacts on local agricultural economy, potential environmental risks of EMF, Deschutes & White Rivers and important water resources and potential impacts from contamination of water and soils, experience and financial capacity of the parent company, visual impacts and glare, impacts on migrating wildlife, impacts on cultural and archaeological resources, impacts from soil erosion and dust, runoff and potential loss of soils, impacts to public services as a result of crews.	Land Use, Soil Protection, Fish and Wildlife Habitat, Protected Areas, Historic, Cultural and Archaeological Resources Wildfire Prevention & Risk Mitigation, Organizational Expertise,

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
			Retirement and Financial Assurance, Public Health & Safety of Transmission Lines, Public Services.
Patty Johnson	4/24/2025	General letter of opposition. Lack of experience or capacity of parent company, impacts on non participating lands, negative economic impacts, wildlife habitat impacts from fencing and vegetation removal, Impacts to soils and natural hydrology in the area, including Wapanitia Creek, increased risk of wildfire,	Organizational Expertise, Soil Protection, Land Use, Fish & Wildlife Habitat, Wildfire Prevention & Risk Mitigation
Justin Barron	4/24/2025	General letter of opposition. Impacts to White river, wildlife areas, agricultural impacts.	Land Use, Protected Areas, Scenic Resources
Dan Lauren	4/24/2025	General letter of support. Pro solar.	N/A
Melinda Young	4/24/2025	General Letter of Support. Support for participating landowners.	N/A
Ailee Aschoff	4/25/2025	General letter of opposition. Concerns about lack of experience and capacity of parent company, impacts to soils and water resources, increased erosion and loss of soils, setback and wildfire risks, changes in land use zoning from agriculture to solar, retirement and financial assurance and financial capacity of parent company.	Land Use, Soil Protection, Wildfire Prevention & Risk Mitigation, Organizational Expertise, Retirement and Financial Assurance
Shelly Dean	4/25/2025	General Letter of Support. Lack of agricultural potential on participating lands. Economic benefits to landowners.	Land Use
Julie Thompson	4/25/2025	General letter of opposition. Concerns about land use and impacts on agriculture and recreation in the area. Wild and Scenic Rivers – Deschutes and White Rivers are close to site boundary . Impacts on fish and wildlife – species and habitats, migratory species use the area. Scenic impacts on surrounding landscape, increased fire risk and wildfire risk in the area, risks to public health and safety if facility burned, lack of local economic benefit, public health and safety concerns, EMF.	Land Use, Protected Areas, Scenic Resources, Recreation, Fish and Wildlife Habitat, Wildfire Prevention & Risk Mitigation, Public Health and Safety of

Name of Commenter	Date Received	General Summary of Comments	Relevant EFSC Standards
			Transmission Lines, Public Services.
Michelle Van Eynde	4/25/2025	General letter of opposition. Impacts on local agriculture. Concerns about parent company experience and organizational capacity, financial capacity, concerns about ability to pay for construction and decommissioning, concerns about setbacks from nearby residences and water resources, concerns about run off and erosion and impacts on soil and water table/water resources, potential contamination of soils, conversion of exclusive farm use zoned land to industrial solar, impacts to scenic resources, Deschutes and White Rivers important areas for fishing and recreation, cultural and archaeological resources in the area, potential impacts on public services and providers, increased wildfire risk and the battery storage system. Concerns about waste, hazardous waste management and disposal, and need to engage the larger area.	Land Use, Organizational Expertise, Retirement and Financial Assurance, Soil Protection, Structural, Protected Areas, Scenic Resources, Recreation, , Wildfire Prevention & Risk Mitigation, Public Services, Waste Minimization, Historic, Cultural and Archaeological Resources
Carol Workman	4/25/2025	General letter of opposition. Impacts on surrounding landowners, visual impacts, increased flood potential, concerns about parent company and experience, ability to decommission the project, impacts on public services, fire and increased wildfire risks, soil contamination impacts to fish and wildlife habitat and species, including migratory species that use the area, cultural and archaeological resources are in the area.	Land Use, Scenic Resources, Organizational Expertise, Retirement and Financial Assurance, Soil Protection, Fish & Wildlife Habitat, Wildfire Prevention and Risk Mitigation, Public Services, Historic, Cultural and Archaeological Resources

Outlook

Deschutes Solar and BESS Facility Comments

From Andrew <andrewl97037@gmail.com>
Date Thu 2/27/2025 3:47 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from andrewl97037@gmail.com. Learn why this is important

I would like to have my comments below added in favor of the Deschutes Solar project. (sorry for the length)

My wife and I purchased our 200 acre farm roughly 17 years ago. We elected this location due to its proximity to Portland. I was working full time in the Johns Landing area of Portland as a Certified Financial Planner, and she was and continues to work full time as a Chief Master Sergeant with the Oregon Air National Guard at PDX. We were both raised around agriculture and farming, and the purchase of our property seemed to be the next chapter in our lives together.

The property is lovely at times, and horrible at others. It's either dry as a bone or muddy as hell. We have virtually no top soil, which makes productive agriculture difficult. Even with our 20 acres of water rights, growing crops for profit is at best a hit or miss endeavor. We started to look at agriculture options shortly after purchasing the property. We put in 100+ apple and other fruit trees, 100 blueberry bushes, 150 feet of raspberry bushes, and approximately 200 feet of table/juice grapes of various types. This seemed to be working well until early November 2014 when we had an early and extended hard freeze. For approximately 4 nights in a row, the temperature dropped into the negative numbers, causing a 100% loss of all plants listed above. We, as well as a lot of the newly planted cherry orchards to our north were wiped out. That was our first set back.

Since then, we have leased out the tillable ground (approx. 110 acres) for wheat, barley, and hay. We had one decent triticale hay harvest which fed our animals and allowed us to sell the excess to cover costs. The grain crops were all a failure. While we have usable farm ground, the soil is so shallow and our precipitation is so unreliable, that cropping those acres is futile at best.

We have found that our ground is pretty much only suitable for dry land pasture. We raise a few sheep and steers, which keep the fields mowed (fire danger) and keep our freezers full of meat.

Up until recently, we had been discussing selling the property when my wife retires at the end of 2025 and moving out of state. When we were approached by Brightnight and two other solar project companies, we decided to put the sale of the property on hold until there is a final determination as to the viability of the Deschutes project.

In our opinion, this solar proposal is much like the gold rush of days past. We live comfortably and have a descent retirement plan in place. If the project doesn't happen, we will be fine, but if it does happen, it will allow us to make improvements to the property, travel a bit, and more so, create a monetary legacy for my step son and our nieces and nephews.

As stated above, we own a piece of ground that has virtually no economic worth. We pay taxes on acreage that has returned virtually nothing to us. We did not buy the property expecting to make a fortune in agriculture. We bought it so that we could get ourselves out of the Willamette Valley and enjoy our lives in a manner we deemed more suited to our personal ambitions.

We personally feel that this is an opportunity we cannot pass up. We would be able to place a portion of our range land into the program and also keep another portion out for our horses and sheep. We would generate supplemental income for us, and allow for the establishment of accounts for future generations to enjoy as well.

Thank you for allowing us to add our comments into the public record.

Andrew Lewis
78451 Walters Rd
Maupin OR 97037

Camille Gallegly

January 31, 2024

Marcy Grail
Oregon Energy Facility Citing council
ODE
550 Capitol St NE
Salem, OR 97301

Dear Ms. Grail,
I am writing out of great concern over the proposed Deschutes Solar and Battery Storage Project to be installed by Brightnight solar. This project is in the Juniper Flats area (Pine Grove) of Oregon. A community of farmers and ranchers that is bound by the Mt. Hood national forest on one side and the Warm Springs Indian Reservation, The Deschutes River and The White River. This area has an abundance of Wildlife including some sensitive species as well as some great archeological areas because of proximity to the Warm Springs Reservation. This is known to be Ceded land per the treaty of 1855.
The following are my concerns regarding the Deschutes Solar Project:

Environmental Disaster and health risk:

- Per the Oregon State wildfire map this area is at a severe risk for environmental disaster due to wildland fire with an Augurisk score of 86%. This is one of the riskiest places to live in Oregon with regards to wildland fire.
- Fire could discharge cadmium either into the water or airborne
- Photovoltaic panels can contain led and cadmium, cadmium telluride, copper indium selenide, cadmium gallium (di)selenide, copper indium gallium (di)selenide, hexafluoroethane, poly vinyl fluoride, silicon tetrachloride. Decomposing or broken panels release this into the environment.
- The community does not have the resources to extinguish a fire at a solar facility or the planned battery storage facility. This would destroy the entire community.
- High-tension power lines, cause long term exposure to electromagnetic fields and, can cause health risk to elderly and people with sensitivities to EMF or disorders such as epilepsy.
- Solar panels radiate heat and can cause a rise in temperature of between 5 and 7 degrees increasing the risk of fire.
- Noise emitted from Inverters and transformers converting the DC to AC current that is compatible with the power grids is around 120 hertz . at about 70 db. This Humming noise can cause behavior changes in children and be a constant irritant to people living in the area as well as causing hearing loss or neurological issues. In the higher ranges this noise will be noticeable by wildlife that are more sensitive to the high frequencies than humans causing the wildlife to have behavior changes, possibly becoming confused or aggressive. Also, the solar farm infrastructure in itself makes noise. Causing a constant humming noise that local residents and

animals can be subject to. This does not take into consideration the noise put out at a battery storage facility

- Radiation of heat and cause rise in local temperature 5 to 7 degrees. In a severe risk fire disaster area this could be devastation for the community.

Environmental Impact:

- Changes in migration patterns of wildlife: Placing the solar panels in fields and areas where birds normally travel will cause confusion and changes to the migration routs. As quoted in Scientific American: "Much of the problem appears to lie in the "lake effect," in which birds and their insect prey can mistake a reflective solar facility for a water body, or spot water ponds at the site, then hone in on it. Because of the power of the lake effect, the federal investigators described such solar farms as "mega-traps" in their report." When birds land on the panels they are burned and die.
- Sensitive bird species on Victor road – (Waine – Capps property) The Grasshopper Sparrow is listed as a sensitive species and Has a known nesting location's on Victor Rd Per East Cascades Bird Alliance. This area is also well known to include Wild Turkey, Mountain Quail (a species of special concern) Bald Eagle (especially sensitive to human activity), Anna's Hummingbird among other species
- Effect on well water and seep wells: installation necessitates clearing and grading causing changes to drainage of land, increase runoff and erosion. Particulate matter produced during solar facility construction and operation has potential to be a major pollutant.

Economic Impact:

- Economic impact on Maupin and Tourism: Majority of rafters and fishermen come to Maupin Via HWY 26 turning on to 216 to get there. Maupin has its history based around the Deschutes and the activities there. Fly-fishing, white-water adventures, paddle boarding on the lower Deschutes, White River falls, Shearer falls, Bear springs campground and it's an easy trip from Portland. No one wants to go on a vacation and endure driving through solar fields to get there. People will not come as there are a lot of other places in Oregon to go that are just as nice and don't have the hot ugly solar fields.
- This project will also have an economic impact on the Warm Springs reservation as there are many tourists that enjoy the drive to their resort Kah-nee-ta via the Juniper flats, Wapinitia route, sometimes stopping at the 3 Warriors Market in Shimnasho. Solar panels will destroy the scenery and economic opportunity for a small business.
- The community does not have the infrastructure to carry the electricity to the Amazon project it is sold to . The new infrastructure will have to be installed by our utility companies and the average electricity consumer will pay the expense in the increased rates.

- The profit produced off this project will ultimately go to Brightnight which is a company out of India.
- Solar panels will be shipped to the US from China and many will have been made with slave labor.
-

Cultural Impact:

- Of most importance is the cultural impact this project will have. The area where the battery storage facility is slated to be placed is of high cultural importance because of the artifacts found there belonging to the local tribes. Our society can not afford to destroy this important area. The entire project is to be built on Ceded land and should be protected from the corporate destruction and greed by the treaty of 1855.

These are just but a few of my concerns regarding this project. Please hep us stop the destruction of our beautiful area.

Camille Gallegly

Respectfully yours,
Camille Gallegly
PO Box 441
Tygh Valley, OR 970558
971-219-3317

Camille Gallegly

Oregon Department of Energy
Energy Siting Council
RE: Public comments

April 22, 2025

Regarding the Deschutes Solar and Battery Storage project to be installed by Brightnight Solar, LLC. Although my letter of January 31, 2025 has been entered into comments, I would like to add the following concerns.

- Economic Factors:

Having researched Brightnight Solar I have found that although Brightnight Solar was founded in 2019, and they have several projects in the works, only one has actually been completed and that project is in India. Brightnight does not have any completed projects on record in the United States. I have also found Brightnight to have some high dollar investors, which means they have a large amount of Debt in the United States which is of great concern for the company stability. All of these investors are expecting interest and a rate of return for their dollar from a company that once again has yet to complete a project on American Soil.

Although the sales reps that have been in the area have spent money on restaurants and accommodations, that will not be the case for the workers that come to do the installation. We know from experience at Bakeoven the installation crew will not be local. The contractor will bring their crew from multiple states and they will live in camp trailers. The Maupin / Tygh valley area does not have the camp sights to make available for these crews. If they use the few campsites that are in Maupin, they will then take away from the tourism industry that is essential to the community. These workers are trained with specific skills that people in the Maupin / Juniper flats area generally do not have, so these jobs will not be available to them. We also know from experience the workers will eat and consume their beverages primarily at their camp sights when they go home at the end of the work day and the local restaurants will only see a small uptick in the customers.

The only economic advantage is to the property owners who have leased their property to Brightnight and many of them have said they plan to use the money gained from this project to live elsewhere because they do not want to live near the solar fields. This will cause further economic harm to the town of Maupin when there is no one there to support the businesses when tourism is low.

Hwy 216 is one of the primary routs' tourists take to Maupin for their camping, fishing and rafting that makes Maupin thrive. The visitors love the peaceful drive through the country side to their destination. Going from a forest full of Doug Fir to a Pine Forest and open fields, and farms, this area has unique geology and a rich history with views of Mt Hood,

Mount Jefferson and the rolling hills. That drive is part of the unique Oregon vacation experience that brings people to Maupin and the Deschutes River. If they have to drive through solar fields, they will find another place for their vacations, and take their money with them.

- Ecology

Research clearly shows Solar Facilities have a direct impact on the mortality rate of wildlife in particular Birds, bats, mammals, insects, amphibians and reptiles in the area. Direct causes can be Solar Flux, impact trauma, electrocution, entrapment and unidentified trauma. A solar facility has a direct and an indirect impact on species habitat. Electromagnetic fields created by buried and aerial cables transporting energy can affect orientation of some organisms, impairing habitat use and causing psychological harm. (*Wiley, Conservation and science practice September 7, 2020*) Migratory birds suffer a disproportionately higher mortality rate from solar facilities, particularly those located on migratory routes and/or near breeding and wintering grounds (*Walston et al 2016*). Deer and elk are known to suffer low birth weights near solar facilities and along with other foraging animals will be forced to migrate to suboptimal habitats. The predator prey balance will be negatively affected, increasing the need for prey. This puts livestock and humans at risk.

- Property Rights

This solar project will have a negative effect on the property rights of the neighboring properties. There are approximately 25 or more properties that are not involved in this project but will be affected. The neighbors, their livestock and wildlife will be forced to listen to noise pollution 24-7. This noise is proven to emit at 120 hertz at 70 db. This is a similar level that is put out by a refrigerator. I know from experience that exposure to this level of noise can cause seizures in children and negative / aggressive behavior changes in domestic animals and wildlife. Many of the people in this area are seniors and this will have a negative effect on their behavior, needs and care, especially for those who are developing memory issues. The photovoltaic pollution and pollution caused by the construction of this project will also have a negative effect. For the property owners to impose negative health and welfare changes on their neighbors, will cause several lawsuits (this is already being discussed with lawyers) against the property owners who have leased their property for solar and once again impact the community economically.

- Financial impropriety

Many of the land owners are currently accepting money from the USDA for their property and that money has to be paid back to the USDA going to the beginning of the contract now that the property has been leased to the solar companies. This has already caused an economic liability to the land owners who leased their property to the Brightnight.

Camille Gallegly

- Engineering

The properties involved in this project are not all connected and negotiations will have to be made with landowners who do not want to be involved to connect to the grid through their properties.

There is currently not a property slated for a substation to transmit the power to the Bonneville Power grid.

- Environmental / pollution of water

The project will have to be engineered through and around the irrigation ditches causing potential for water pollution not only during construction but after installation. This will have a wide spread negative effect on crops and animals. Not just locally but the crops are sold, and wheat that is polluted could get into the general wheat supply that feeds thousands of people. If the drinking water or forage for livestock were to be polluted this could cause harm to the animals or the people who eat the livestock. This waterway needs to be protected.

- Safety

Once again – the local fire departments are not equipped, nor do they have the personnel to fight a fire from the BESS. These systems consist of multiple lithium-ion battery cells that can experience thermal runaway which causes them to release very hot flammable, toxic gasses. In the larger utility storage systems failure of one cell can cascade into hundreds of individual cells. This can result in an explosion and very difficult to extinguish fire (*FEMA Emerging Hazards of Battery Energy Storage System fires, Ofodike Ezekoye PH.D., PE*). The (volunteer) fire crews will need specialized training and grant money to pay for the training. This will affect the Fire departments at Juniper Flat, Maupin, Tygh Valley and Wamic, and Warm Springs. There will also have to be a warning system put into place for the residents of Juniper Flat, Maupin and the Warm Springs Reservation due to the high fire risk in the area and historically high winds and fast spread of fire. The gasses alone will affect the health and welfare of a large area because of the winds.

In conclusion, I am personally against the Deschutes Solar and Battery Energy Storage System Facility. The area is too populated and the distance between the different properties and local homes will not make it a productive site. A project such as this should be located and a less populated area.

Thank you,

Camille Gallegly

Dear Richard Devlin . February 11, 2025

I am writing to express my strong opposition to the proposed Deschutes Solar Project, on Juniper Flat in South Wasco County. While I recognize the importance of pursuing renewable energy solutions to combat climate change and ensure a sustainable future, I believe this particular project raises significant concerns that cannot be overlooked.

Juniper Flat is a community of farmers and ranchers between the community of Pine Grove and the town of Maupin. It is a unique area due to its combination of geological, ecological, and cultural features. It is part of Oregon's high desert, characterized by its arid climate, rolling hills and rugged terrain. Despite the challenging environment, that land has been utilized for centuries to raise wheat, hay products, hemp and graze livestock. The area is a **watershed** to the nearby Deschutes River, renowned for its world-class fishing and recreation.

The loss of thousands of acres of farm and range land this project would require is unacceptable. The development of this project will lead to negative outcomes including loss of agricultural land, soil degradation, and disruption to water resources, impact on livestock, reduction of biodiversity, economic challenges, and destruction of cultural heritage, and quality of life for neighbors.

First and foremost, the Deschutes solar project would require significant tracts of land, degrading productive farm and range land, as well as isolating wildlife populations, reducing genetic biodiversity, and disrupting migratory pathways. It is proven that removing native vegetation and grasses lowers water tables and destroys the biodiversity in any environment. It is more devastating in an arid area such as Juniper Flat. A large solar infrastructure such as this would negatively impact pollinators, birds, **elk**, quail, grouse, turkeys, hummingbirds fox, coyotes, deer, and other native plants and wildlife in the area. **There are several protected Birds (Ball Eagles, Grasshopper Sparrow, Ravens and Crows) besides all the migratory birds that go south rest on their way.**

Although lease agreements may offer some residents short-term financial gains, this project will create long-term uncertainties, challenges and economic hardships for neighbors who wish to remain residents on their land. Although setback distances between a solar installation and a residence is determined by local regulations and can vary by city and county there are several factors that **would impact neighbors if the set-back is not maintained as a mile.** Solar facilities would reduce visibility, as well as cause solar glare, noise, safety and fire risk, and possibly reduce equity in property while raising property taxes in the area. Since most residents are less than a mile from any of the property that has been initially signed up for the project it is assumed that the solar company managing the installation is planning to build within less than a ¼ of a mile of some residences. This would disenfranchise neighbors significantly.

Community members are also concerned about disruption to water resources. It is a known fact that water resources are scarce on Juniper Flat. The county has restricted well drilling due to the low water table in the area. Installation of a solar facility including drilling and removal of native grasses and plants will invariably lower our water table even more. Living in an arid and rural community, most families obtain water from wells. The contamination of wells, as well as the potential for wells drying up are both negative outcomes of this proposed solar project.

Furthermore, as the climate has become more arid in summer months in this part of Oregon, fire danger has risen. The Deschutes, proposed solar project will be built in one of the highest fire danger areas of the United States. Our community has experienced two large wildfires in the last five years. The financial burden of resident and community resources was significant. Farmers and ranchers lost millions of dollars in fences, crops, livestock, and structures due to these fires. It has been proven that solar panels can create localized temperature increases, known as the "heat island" effect potentially altering the climate to become even hotter and drier. Many of my neighbors have had their homeowner's insurance cancelled or increased dramatically due to the high fire danger. Our community does not have the infrastructure or financial resources to support a fire agency to mitigate large fires, especially fires involving solar farms and the large Battery Storage. Adding thousands of acres of a solar farm will make it impossible for community members to reside here due to costs and loss of water.

Juniper Flat has an enormous cultural and historical legacy. The area has significance for Indigenous tribes, who have used the land for hunting, gathering, and spiritual practices for thousands of years. **Artifacts and culturally significant sites can be found throughout the area.** In addition, Juniper Flat represents the quintessential slice of Oregon's rural character with ranching and farming traditions that have persisted for generations.

The site that is being proposed for the Battery Storage Facility is in an area where many **Indian artifacts** have been known to be. **This storage area also is close to a creek that feeds into the Deschutes River which has been designated as Wild and Scenic and is a major Salmon and Steelhead River; as well as Rainbow Trout and other fish.**

The long-term outcomes must be seriously considered. I urge you to take these concerns seriously and advocate for a more thorough review of this project. Alternative, less impactful methods of providing renewable energy benefits without the detrimental impacts associated with the current proposal must be developed. It is unacceptable to displace residents whose families have lived in the area for generations, as well as destroy biodiversity and cultural heritage for a short-sighted solution.

Thank you for your attention to this matter and reading this very overwritten and long letter! I am passionate about our community and the land. My family has lived in South Wasco County for over six generations. My great, great grandparents moved to this area with only a wagon and a team of horses. I belong to a long line of homesteaders, ranchers, and farmers that believe that our jobs are to be stewards of the land. The health and vitality of the land is more important than personal or financial gain, and it is our responsibility as landowners to care for and pass the land on to future generations. I understand that there are many factors when weighing in on an important decision as to move forward with the Deschutes Solar and Battery Storage project. I hope you will stand with the members of our community in ensuring that development projects align with both our environmental and societal values. All one has to do is look at the fire at **Moss Landing** in California and realize the same thing could happen here.

I know that you are extremely busy, but these solar projects are covering thousands of acres of productive Farm Ground and most of them are owned by companies from out of the United States. This project will be owned by a company from India and the one on Bakeoven which is 15 miles from me is owned by a company from Spain. Another fact is most of this land they are proposing is in a Flood plain. Also when they drive the steel post into the ground which I am told will be 20ft or more they will break into the Basalt layer in which there are lots of fissures

and the water will contaminate wells in the area, as wells are only suppose to case 20feet. This will also affect the water supply for Pine Grove Community and Maupin Water Supply. And possibly the Oak Springs Fish Hatchery. I only have to dig 2 feet and I hit water, making putting in wood fence post a real problem and the Hard Pan is about 3ft from the top of soil, basically this whole area is sort of a wet land. For years I had a seep well and just about everyone in this area had seep wells. My house was built somewhere 1870-1890 and there were two seep wells here. The main road went right through my barnyard and one well was for the travelers to water their livestock and horses that pulled wagons. I now have a well which is 680ft deep and when drilling the well they had to put 6 loads of cement in the well to fill the fissures. My house and 14 other houses will be completely surrounded by Solar. One house on Hwy 216 is for sale and there was an interested buyer but they backed out as soon as they found out that there might be a Solar field surrounding the place. Property values will go down and no one will even buy the property.

Sincerely,

Jeanne Capps

Jeanne Capps
78769 Victor Rd
desertrosequarterhorses@gmail.com
541-993-8910

Outlook

Deschutes Solar and Battery Storage

From Jeann Capps <desertrosequarterhorses@gmail.com>
Date Fri 4/25/2025 3:26 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

1 attachment (16 KB)
Oregon Department of Energy Jean Letter.docx;

My personnal comment for this Deschutes Solar and Battery Storage

Oregon Department of Energy
Energy Siting Council
RE: Public Comments

April 25, 2025

Regarding the Deschutes Solar and Battery Storage project to be installed by Brightnight Solar, LLC. I would like to add the following comments.

Brightnight Solar has only been in operation since 2019 and are headquartered in West Palm Beach Florida.
These are the projects they have currently with only one project in East India that is operational. None of their other projects are completed or operational.
Box Canyon Solar, Arizona 300MW, Not operational yet.
Hop Hill Renewable Power Project, 500MW, Washington under construction
Starfire Renewable Energy Center, 810MW, Kentucky Construction anticipated to start 2025
Gage Solar Project, 240MW Kentucky expected to start operating in 2026
Pioneer Clean Energy Center, 300MW, Arizona, Construction anticipated to start in Sept 2025
Mayfield Solar Project, 200MW, Kentucky, Expected to start operation in 2027
Ragland Solar Project, 125MW, Kentucky, Under development
Frontier Solar Project,120MW, Kentucky, construction expected to be completed 2026
Greenwater Storage Project 200MW, Washington Operations set to start in 2027

While BrightNight has a pipeline of projects in development, The Dharashiv Hybrid Renewable Project in India is currently it sole operational facility. BrightNight has had two projects one near Davis, California and another in Rolling Hills, Wyoming where community members strongly opposed the project due to the fact that it was not cited well with similar issues as Deschutes Solar Project such as: potential environmental impacts, BrightNights ability to adequately decommission the project and the project being in close proximity to a river. Those projects fell through. BrightNight is also working on a project in Sherman County whereas they have approximately 66,000 acres being proposed for solar.

BrightNight has currently raised 1.5billion dollars to complete their projects. It cost between $800,000 to 1.3 million/per KW to develop a solar farm in the United States. Therefore, the Deschutes River Project will cost at least 100 million dollars to construct. Currently BrightNight has projects totaling 2855 NW in the pipeline. The cost for completing these projects is conservatively over 2 billion dollars. Add $100,000,000 for the Deschutes project, BrightNight is conservatively needing almost 2.1 Billion dollars to meet their obligations not including their current operational overhead expenses and payroll of employees. Since they have no projects running to bring in revenue through power they are running in a deficit of at least 6 million dollars. And this does not include the bonds required to decommission projects.
Questions:
How are they going to demonstrate they have the expertise to operate the Deschutes River Project when they are not operating and have not decommissioned any projects? What assurances do we have as community members that they do what they say they are going to do. Since they have yet to operate a site in the USA and the number of projects they have in the pipeline in the next three years does BrightNight have the resources, experienced operational staff, and organizational operation systems to efficiently and effectively complete this project.

When constructing and operating a solar farm, potential geological and soil hazards can pose risks to human safety and the environment even in the absence of a seismic event. These hazards can affect the structural stability, water quality, and long-term sustainability of the facility.
SOIL EROSION AND SEDIMENTATION—Large-scale land clearing and grading can increase soil erosion, leading to sediment runoff into nearby water bodies.
The main Irrigation ditch for Juniper Flat District Improvement Company and almost all the lateral ditches are within the proposed site. Contamination during development and maintenance will affect the quality of the water for the downstream food crops. The irrigation water is currently used for hay, grain, vegetables crops and a water source for livestock and wildlife. Also within the proposed site boundaries is a waterway (Wapitinia Creek) that feeds into the Deschutes River. Paquet Creek which is going to be right next to the Proposed Battery Storage feeds into the Deschutes River which is designated a Wild and Scenic River and is a main spawning river for the Rainbow Trout, Steelhead and Salmon Fish. On the North side of the site is White River another Wild and Scenic River which has many small streams and runoff from Juniper Flats and it feeds into the Deschutes River. Spring water exits the ground in many places along the hillsides and the flat into White River. How will these waterways be protected to ensure the habitat of the fish and other aquatic species?

The effect of the proposed solar project on water is one major concern. Water wells on the proposed site are usually over seven hundred feet deep and it would seem the water would not be contaminated by surface water. However under the surface of the soil are many fissures and voids (caves and tunnels). When drilling a well, it is not uncommon to need concrete poured into the drilled area and then re-drill to get past these voids to reach water. My well is 680 feet and it took 6 loads of concrete. Water is an endangered resource. Please reference Oregon Senate Bills 76 and 427 and House Bill 2988 and 3372 which are currently addressing the need for water stewardship. It is my understanding that the solar posts are driven 10 to 20 ft into the ground, whereas they will break the "hardpan" and the basalt layers causing the ground water to filter down into existing wells and springs, therefore causing contamination. It is a known geological fact that Maupin water supply comes from a spring that has traveled under the area and it will be contaminated.

An abundant variety of wildlife is in this area. Many species are migratory but we have several species with permanent homes. Birds that are migratory will no longer have the necessary habitat. Large numbers of elk and deer migrate from the surrounding forest and hills and only a narrow corridor will be available for the migrating animals and since they graze as they travel the forage in this narrow corridor will be destroyed. There are several species that are on the endangered or protected lists. The Bald Eagles nest in this area in the Juniper Trees and along the White River Wildlife area and use this area for hunting. The Grasshopper Sparrow is known to nest in trees along Victor Rd and this bird is listed as sensitive and they depend on the grasslands for survive per the Oregon Conservation Strategy. The Sandhill Crane is not listed on the threatened and endangered list in the NOI, but it uses the ponds and water ways on Juniper Flats. The Turkeys that travel from the South area of the Flat across to White River will only have county roads to travel on..

The entire project will sit on Ceded Lands of the Confederated Tribes of the Warm Springs Reservation which is listed in the Treaty of 1855. The Battery Storage Facility will be on a known cultural site that was an Indian Village is known to have artifacts and Teepee holes. The treaty ceded over 10 million acres of Tribal lands, primarily in central Oregon, to the U.S. in exchange for the reserved lands and the right to hunt fish and gather in tradition areas. Juniper flat has many gathering sites for different roots and wild celery which is mostly in the area of the Brightnight Solar project. Juniper Flat within the boundaries of this solar project are littered with Native American Artifacts such Grinding Bowls, arrowheads and other artifacts are easily found with minor excavations. Grading will potentially bury arrowheads, grinding bowls and disturb Native American sites and culture. Is it the nature of the Oregon Energy Board to once again break the treaty with the Warm Springs Tribes?

My house will be completely surrounded by solar panels. For your information my house was built in 1870 and is the oldest standing house on Juniper Flats. To have solar panels within 150ft from my house is not acceptable. This whole area is considered a flood plain and we are required to carry flood insurance. This area is also considered water shed for the Deschutes and White River.

This area is considered in an extreme fire danger area, with high winds as regular occurrence and we only have volunteer fire departments that are not trained, nor have the proper equipment to fight a fire in a solar field or a Battery Storage.

The Deschutes solar project will have a long term impact on property values in or near the project. Many of the smaller properties adjacent to and within the site boundaries were purchased for the sole purpose of retirement homes with desired visual and noise aesthetics. There are 25 homes inside the project that will be affected.

In conclusion, I am against the Deschutes Solar and Battery Energy Storage Facility.

Thank You
Jeanne Capps
78769 Victor Rd, Maupin Oregon 97037

Comment Summary

I want to express my full support for the Deschutes River Solar and BESS project. My letter of support is in the detailed comment section

Comment Date

3/24/2025

source

portal

Siting Project Phase

NOI

Comment Details

Notice of Intent Exhibit

Exhibit A - Applicant and Participating Persons

Page Number(s)

—

Council Standards

—

Comment

To Whom It May Concern,

My name is Tom Ambrose, and I am writing to express my full support for the Deschutes River Solar Project near Maupin, Oregon.

I grew up on Juniper Flat and continue to visit frequently, as I have family that live there. My parents are active participants in this project, and it offers a vital opportunity for our family to keep ownership of the land on Juniper Flat for generations to come.

My parents purchased their farm in 1966 and have dedicated countless years of hard work and effort to maintaining it, often struggling to generate sufficient income from it. I have personally farmed some of the land that is now enrolled in this project and can attest to the poor soil quality. Farming had become unsustainable, with costs outweighing profits, and as a result, my parents, like many neighbors, enrolled in the Conservation Reserve Program. This program helps cover the taxes, insurance, and other costs associated with land ownership.

The reality is that while my parents are land-rich, they are financially strained. They are facing significant expenses related to long-term memory care, which can range from $12,000 to $15,000 per month. Before their Medicare coverage can assist, they may be forced to sell all of their assets—including the land on Juniper Flat. This project provides a critical opportunity for my parents to afford the care they need without losing their property.

While this is a deeply personal matter for me, I believe it is important to emphasize that, as long-time property owners, my parents should have the right to develop their land as they see fit. They have always been responsible stewards of the land, carefully managing weeds and controlling wild juniper trees. The Deschutes River Solar Project allows them to continue this responsible stewardship while helping to meet their financial needs.

Please accept this letter as my formal support for the Deschutes River Solar Project.

Respectfully,

Thomas M. Ambrose

Attachments

No files were attached.

Bill and Kim Mead
78901 Victor Rd
Maupin, OR 97037
541-993-48862 or 541-993-3332
kimmead10@yahoo.com

March 22, 2025

To Whom It May Concern,

My name is Kim Mead, and I am a 7th-generation resident of Juniper Flat, located 15 miles west of Maupin, OR. I was born and raised here, 63 years ago, and have a deep connection to the land. My husband and I chose not to participate in the Deschutes River Solar Project, however, we want to express our full support for its installation and offer our reasoning for doing so. Our property is bordered on the east, west, and south sides by the proposed project, a development led by Bright Night.

1. **Land Conditions and Crop Viability**: The soils in the proposed project area are of poor quality, and there have been no crops grown south of us for 39 years. When crops were grown, yields averaged only 25 to 30 bushels per acre—far below profitable levels. Given these conditions, we believe the land would benefit from this renewable energy initiative.
2. **Local Financial Impact and Support**: Our neighbors, along with ourselves have long paid taxes, insurance, and for weed control on lands with minimal financial returns, often receiving only modest reimbursements through the Conservation Reserve Program. This project promises a more sustainable and beneficial use of the land, offering job creation and increased tax revenue for our community.
3. **Fire Hazard Mitigation**: The areas on Juniper Flat enrolled in the Conservation Reserve Program contribute to an annual fire hazard, with high grass fuels and juniper trees that burn quickly. Bright Night has proactively worked with local fire departments and agencies to

Submitted in person @ public meeting 3/27/25

develop a fire break strategy, ensuring that their investment and our community are well protected.

4. **Property Rights and Community Support**: It is frustrating to see a small group of individuals trying to dictate what private landowners can or cannot do with their property. There has been a lot of misinformation spread through social media, and I want to clarify that my neighbors and I have never imposed restrictions on one another's land use. A land owners right to manage and develop their land should be respected.

Additionally, Bright Night has been a strong community partner, contributing to memorial projects, scholarships, and local events like the county fair. They have supported local businesses such as restaurants, bakeries, and gas stations. I have no doubt that they will continue to do so as the project progresses, strengthening our community and economy.

5. **Transparency and Long-Term Vision**: Bright Night has consistently been transparent with the community, providing information to those willing to engage. I recall when the BPA electrical towers were first installed across Juniper Flat, and residents were initially resistant. Over time, we adapted, and now they are hardly noticed. I believe the same will happen with the solar project, as its benefits unfold.

For these reasons, my husband, Bill Mead, and I want to officially voice our support for the Deschutes River Solar Project. We trust that Bright Night will continue to be a responsible partner, and we welcome this opportunity for our community to grow sustainably.

Thank you for your time and consideration.

Sincerely,
Kim and Bill Mead

Kimberly S Mead

William C. Mead

Outlook

FW: Support for Deschutes Solar and BESS Project

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Thu 4/3/2025 11:59 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

From: Margaret Tibbets <mhtibbets58@gmail.com>
Sent: Wednesday, April 2, 2025 5:53 PM
To: Energy Siting * ODOE <energy.siting@oregon.gov>
Cc: Dixie Bergin <beeme56@gmail.com>
Subject: Support for Deschutes Solar and BESS Project

You don't often get email from mhtibbets58@gmail.com. Learn why this is important

To whom it may concern.

I am very impressed with the people who are working for Brightnight solar. They have answered all the hard questions and if they didn't have an answer they found out and got back to our family.
For the Woodside ranch, it is no longer viable for the means that my great grandfather, grandfather and uncle used the ranch for. It was a working cattle ranch that was sustainable and was a good living for them. Since I have been an owner, I barely made enough to pay the bills. Now after two major fires and no one was interested in continuing the families cattle ranch. We as a family had to make hard choices.
So when they first approached us, we agreed as a whole family to continue to own the land and sign with Brightnight.
So I am very happy to have signed with Brightnight Solar on the Deschutes Project. The whole process has been very interesting.
I always look forward to dealing with the Brightnight family.
Dixie Holmes-Bergin
Maupin, Oregon

Outlook

FW: Support for Deschutes Solar and BESS Bright Night

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Thu 4/3/2025 11:59 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (29 KB)
Letter for ODOE on Deschutes Solar Project 4.2.2025.docx;

From: Margaret Tibbets <mhtibbets58@gmail.com>
Sent: Wednesday, April 2, 2025 5:42 PM
To: Energy Siting * ODOE <energy.siting@oregon.gov>
Cc: Margaret Tibbets <mhtibbets58@gmail.com>; Shelly Dean <barbie3fan@msn.com>; Dixie Bergin <beeme56@gmail.com>; zekeholmes@att. net <zekeholmes@att.net>; Mark Alan Holmes Jr <markbbqholmes@gmail.com>
Subject: Support for Deschutes Solar and BESS Bright Night

You don't often get email from mhtibbets58@gmail.com. Learn why this is important

Dear Sirs:

Please accept this letter as support for the siting of the Deschutes Solar Project & BESS on Juniper Flat in Maupin, Oregon.

I also spoke at the Maupin Civic Center in support of the siting of this Bright Night project.

Best Regards,
Margaret Holmes Tibbets
503-419-8540
mhtibbets58@gmail.com

Margaret Holmes Tibbets
PO Box 194
Maupin, OR 97037

Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

April 2, 2025

Dear Sirs:

I am writing today to express my support for the **Deschutes Solar Project** which is a proposed 1-gigawatt solar development with a transmission facility and battery backup on a 14,000 acre site in South Wasco County near the BPA Detroit/Marion high line from McNary Dam. Bright Night, a private US-based company, is the developer.

The proposed site sits between the unincorporated community of Pine Grove and the "ghost" town of Wapinitia and near the border of the Confederated Tribes of the Warm Springs (CTWS) reservation. My family has operated a cattle ranch in this area since 1875 through our ancestors and to the present day, commonly known as the **Lloyd Woodside Ranch** (*Wasco County Tax Base Map: Mickey Snodgrass et. al.*) We have entered an option contract with Bright Night to place solar panels on portions of our ranch in the Wapinitia area should the solar project be approved. Richard Dodge of Dodge Logging Inc. is the anchor tenant for the project, and the Lloyd Woodside Ranch is the second largest ranch under the option contract.

Becoming "energy" farmers is the best solution for this family to keep the 150-year-old ranch in the family, given it is no longer viable as a stand-alone cattle operation or for farming purposes due to loss of grazing leases on forest service and tribal land, lack of water, poor soil, and high operating costs. We can either "go solar" or sell to someone else who will "go solar." We choose to keep our land and legacy in our family, and "go solar."

Overview-Why go Solar?

Due to changing times, economic conditions, loss of the thriving timber industry, drought, population loss, and cost to farm, the farming and ranching communities on Juniper Flat and population have been gradually decreasing over the past 50-70 years, with much of the farmland placed into federal CRP programs at one point or another beginning in the 1970's.

The areas which are currently included in the Deschutes Solar Project application are largely range land areas which support only limited grazing due to lack of water or areas which have not been farmed in 25-40 years because of cost to produce and low yields. Very few people live on the land targeted for solar development, and many landowners do not even live on Juniper Flat. With the loss of farm families and population, Wapinitia became a ghost town by about 1960, and the former settlement of Victor is completely non-existent. Pine Grove remains a small unincorporated

community, with no retail businesses, and with the old school converted to a community center-*the only civic building left on all of Juniper Flat.* The cultural heritage and spirit of South Wasco County and Juniper Flat remains in the lives, hearts, and minds of the descendants of the early pioneers, but the civic activity is now largely housed in the nearby community of Maupin where there are schools and businesses.

A little about our Ranch

The Lloyd Woodside Ranch was self-contained for most of its existence. With 4,300 acres to graze, plus over 10,000 acres of Forest Service land leased in the Mt. Hood National Forest, hay grown and "put up" for winter feeding each year, and oats grown to fatten calves, the annual cycle of breeding, managing a herd and raising calves for market was a profitable business, supporting 3 generations/ and up to 3 families in a proud tradition. Our ranch is currently just over 3,000 acres of largely range land, with under 88 acres of irrigated pasture, and no industrial wells. Over the past three years, 1,300 acres of range land and forest property (some in-holdings on CTWS) have been sold due to fires and to reduce overhead of the ranch for the owners due to limited earnings and high maintenance expenses (S-503 Fire- 2021 and Miller Road Fire- 2022, amongst others)

Much of the farmland on our ranch is low soil quality with corresponding low yields for crops-about 20-30 bushels an acre on the approximately 300 acres that were under cultivation per year. Some barley was also grown and oats were always grown to fatten the calves before sale. But first and foremost, we have always been a cattle operation.

With the passage of the McQuinn Strip Act of 1972 in Congress, which realigned the tribal boundary along the proper 1855 treaty agreement, access to drive and graze cattle to forest service lands in the Mt. Hood National Forest would continue for only 20 more years. The Woodside family requested permission from the CTWS to continue the cattle drive across the new boundary of the Reservation in 1992, but we were denied permission.

In 2003, all farming ceased. Our operator of 50 years, Scott Woodside said "no more farming" at the age of 70. With losses in the several years prior on the wheat crop, and due to his age and health, he agreed to place our agricultural acreage into CRP through the Farm Services Agency (FSA). We were one of the last families on Juniper Flat to enter a CRP program. Additionally, we entered an ecological program with FSA to fence the extensive creek lines (Wapinitia, Nena, and Rice Creeks) on the ranch called CREP, to help bring back spawning fish to these Deschutes River tributaries. These programs have enabled the family to pay basic bills-taxes, water, insurance, etc.

Beginning in 1998, our Aunt Mickey Snodgrass and her husband Herb Snodgrass (now 82 and 81 years of age, respectively) have operated a small cattle operation with our Aunt Carlotta Woodside on the ranch of typically 50-80 cows, which they have grazed on lands not covered by the CRP/CREP programs. The operation is no longer self-contained, as even for this small number of cows additional pasture is rented and hay must be purchased to get through the winter. The drier climate, lack of water, and frequent fires have made ranching a challenge in this area. And our operators are rapidly "aging out" as it relates to ranch management.

Our family was advised nearly 30 years ago by a well-known agricultural appraiser that the "highest and best" use of our ranch was no longer farming, but energy and recreation would be the "waves of the future" for land with 300 days of sunshine and limited water. That day has finally come.

But Wait-There is more! The Wapinitia Cattle Association

During most of the 20th Century, the Woodside family was part of a larger group of families who worked together to make raising cattle successful on Juniper Flat, called the Wapinitia Cattle Association. Large cattle operations were really only possible on Juniper Flat when large tracts of forest service land were leased for summer grazing in the Mt. Hood National Forest. There is not enough range land on Juniper Flat to make a large cattle operation viable on a large scale.

When the Wapinitia Cattle Association was formed, riders were hired to look after the herds for the various families who ranged together in the mountains. To get a Forest Service permit, various families had to have commensurate owned land to support the herd when they are not grazing on forest service land. It was these large tracts of summer grazing land that made running cattle viable for ranchers on Juniper Flat. Before there were farm trucks, riders would ride from home and camp with their bedrolls. Cattle would be turned out by May 15th through Sunflower Flat (Owned by the Woodside Family). By July 1st, the cattle would be driven higher in the mountains up to Clackamas Meadow, near Little Crater Lake. By late September or early October, the colder weather would start the cows heading for home. A good snow storm would have them headed for home easily, and they would be easy to drive on horseback. By the 1960's, it was no longer cost effective to hire a man to "ride the lines", and each family took care of salting and moving their own cattle.

In the early part of the century, there were actually more sheep in the mountains than cattle in the summer months according to Dolly Claymier.[1] In 1906 there were 37 cattle permittees with over 2,600 head of cattle. By contrast, there were 7 sheep permittees and over 21,000 head of sheep. By 1946, there were 23 cattle permitees. By 1978 there were 6 cattle permitees (Lloyd & Scott Woodside, Lloyd Claymier, Anna Hundley, Dan Petroff, and Elmer Wilson) running over 600 head of cattle. The sheep had long since been banished from the mountains by the Forest Service.

With the passage of the McQuinn Strip Act in 1972, most of the land leased by the Woodside family could only be leased for 20 more years, as it was now within the boundaries of the CTWS reservation. This act also left the family timber property, Sunflower Flat, as "inholdings" on the reservation. In 1992, the final year of grazing in the mountains, there was one cattle permittee left from the Association-our operator, Scott Woodside, with 185 head of cattle. With loss of summer grazing land and continuous drought, the Woodside family culled their herd to 104 by 2000. Today, the ranch supports an even smaller number of cattle, and is not a profitable operation. Most of the labor for branding and shipping of cattle to sale is provided by out-of-town family members free of charge just to keep things moving.

Many of the ranching families that participated in the Wapinitia Cattle Association have also entered option contracts with Bright Night, or whoever they sold their ranch to before they retired

[1] Grazing Cattle on Public Land by Dolly Claymier, from "Chaff in the Wind-Gleanings of the Maupin Community" by Friends of the Maupin Public Library. 1986.

has entered an option contract for solar. My mother said "Cattle driving in the mountains was one of the most memorable times of her life." [2] It is a cherished memory in the history of Southern Wasco County; it is our hope to make good memories and provide a legacy for our children and grandchildren as we move forward with this solar project.

Conclusion-It's only the Beginning....

As children, my sisters and I grew up at the Riverside Hotel in Maupin, Oregon, which was owned and operated by our parents. With the development of The Dalles Dam, the Celilo Converter Station, and the high lines that go all the way to Sylmar, California, we were front and center watching the development of transportation for power throughout the 1960's. Our hotel housed BPA workers. Our mom made lunches and dinners for these workers, and we made good friends with the various workers and their families who stayed at our hotel even if it was only for a short time. **We were raised on energy.**

We are excited about the prospects of participating in the new types of clean energy development as landowners, and of being part of the solution to our country's energy needs. To bring back manufacturing and provide for the energy needs of a growing population and a growing tech sector, more power is needed now. While there is no perfect energy solution, and no form of power is completely "benign", we feel solar power is the quickest to market, and the cleanest form of energy. We need all forms of power to fuel our country's growth and economy. This is the type of development that makes sense for our ranch, now, and we are excited to get the ranch back to productivity once again.

We look forward to a favorable outcome to the Bright Night Deschutes Solar Project application.

Best Regards,

Margaret Holmes Tibbets,
Co-Owner, the Lloyd Woodside Ranch
Located in Wapinitia, Oregon (Maupin)

[2] Cattle Driving in the Mt. Hood Forest by Skip Woodside Dunlap, from "Chaff in the Wind-Gleanings of the Maupin Community" by Friends of the Maupin Public Library. 1986.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/7/2025 6:46 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Lloyd Woodside Ranch
Submitted by: Margaret Tibbets
Email: mhtibbets58@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
The manufacturing of Solar Panels is prolific in the United States! Bright Night is an American Company, funded by $1.3 billion in private equity, based in Florida. Bright Night develops solar projects all over the world. At full capacity, American solar module factories can now produce enough PV panels to meet nearly all demand for solar in the U.S.

Please Click on the following link to view the full Comment Details

Comment Summary

Comment Date

source

Select email portal manual

Siting Project Phase

Select EXEMPTION REQUEST NOI DPO CC FORMAL RULEMAKING INFORMAL RULEMAKING AMD-A AMD-B

Comment Details

Notice of Intent Exhibit

Select Exhibit A - Applicant and Participating Persons Exhibit B - Proposed Facility Description Exhibit C - Proposed Facility Location Exhibit D - Transmission or Pipeline Exhibit E - Permits Required Exhibit F - Adjacent Property Owners Exhibit G - Maps Exhibit H - Non-Generating Facility Need Exhibit I - Choice of Land Use Standards Exhibit J - Identification of Potentially Significant Environmental Impacts Exhibit K - Information about Potentially Significant Adverse Impacts to Public Services Exhibit L - Water Use Exhibit M - Carbon Dioxide Exhibit N - Applicable OARs, ORS and Land Use Requirements Exhibit O - Schedule to Submit an Application Exhibit P - Consultation with State Commission on Indian Services

Page Number(s)

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Council Standards

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Comment

The PV panels used in the Deschutes Solar Project on Juniper Flat are very likely to be manufactured right here in the United States of America! Manufacturing is back!

In 2017, the U.S. ranked 14th in the world for solar panel manufacturing capacity. Starting in 2018 and then accelerating in 2022, additional factories started springing up left and right throughout the country, with a focus in the South. Major investments poured into building factories and expanding existing facilities. Today, the U.S. has leapfrogged competitors and ranks 3rd in manufacture of solar panels, passing large solar manufacturing countries like Malaysia, Thailand, Vietnam, and Turkey.

Companies are investing billions of dollars to produce American-made solar panels in states like Georgia, Ohio, Texas, Washington, South Carolina, and Alabama, to name just a few. One of the most interesting attributes is the varying sizes of the facilities. Many are expansive, spanning the dimensions of several football fields. Some companies are building in multiple states or multiple cities and towns, seeking to meet the country's rapidly growing energy needs.

There is more that goes into a solar project than just the panels. One of the most common and important components is solar trackers. These pieces of machinery turn solar panels to, as the name suggests, "track" the sun. They are manufactured to specification to withstand key wind speeds, and, most importantly, lead to the production of a lot more energy. Major facilities produce trackers in Arizona, Florida, New Mexico, Texas, Nevada, and beyond. One manufacturer even re-opened a shuttered Bethlehem Steel facility outside Pittsburgh.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/7/2025 6:20 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Lloyd Woodside Ranch
Submitted by: Margaret Tibbets
Email: mhtibbets58@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
Solar Panels such as those to be deployed at the Deschutes Solar Project on Juniper Flat do not cause substantial heat and do not contribute to climate change.

Please Click on the following link to view the full Comment Details

Comment Summary

Solar Panels such as those to be deployed at the Deschutes Solar Project on Juniper Flat do not cause substantial heat and do not contribute to climate change.

Comment Date

4/7/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

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Council Standards

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Comment

Some people are claiming that the solar panels to be deployed with the Deschutes Solar project on Juniper Flat will raise the temperature of the surrounding area by 5-7 degrees. I have owned three homes with solar panels-all in high fire danger areas. Solar panels do nothing to create opportunity for fire…if they did, they would not be safe to have on my homes.

I think there is some confusion some people may have between the Deschutes Solar Project, and an old plant built in the Mojave desert called Ivanpah. The Ivanpah project, which is being decommissioned and will be replaced with Photo Voltaic panel technology, was a concentrated solar power (CSP) technology. Unlike PV solar, which has seen massive cost reductions and efficiency improvements, CSP systems use mirrors to concentrate sunlight and generate steam, a process that has proven less scalable and cost-effective for large-scale commercial use, and had side effects to the environment and bird life due to the heat it produced.

While PV solar panels absorb sunlight and can raise the temperature of their immediate surroundings, the overall effect on the environment is minimal and localized, and they do not contribute significantly to the raising the temperature of the local area. The facts are:

• Local Temperature Increase:

Solar panels, being dark surfaces, absorb a significant amount of sunlight, which can lead to a slight increase in the temperature of the panels and the surrounding area.

• Global Warming:

Solar panels themselves do not contribute to global warming because they don't emit greenhouse gases, and their overall effect on the climate is negligible.

• Reflection

The reflection of solar panels is lower than that of some natural surfaces, meaning they absorb more sunlight, but this difference does not significantly impact the overall temperature.

• Cooling Effect:

In fact, solar panels can have a mild cooling effect, as they are the only form of electricity generation with a significant overall cooling effect.

• Photovoltaic Heat Island Effect:

Research has shown that large solar farms may have a slight warming effect on the surrounding area, but this effect is localized and dissipates quickly.

• Latent Heat:

Solar panels can reduce the amount of latent heat (heat associated with evaporation and transpiration) released by vegetation and soil, which could potentially lead to slightly higher soil temperatures, but this effect is also localized.

• Rooftop Solar Panels:

Rooftop solar panels can help keep your roof and attic cooler in the summer, which can make your house more comfortable and reduce the need for air conditioning.

Birds do not "fry" if they land on a PV solar panel. This is a myth. Pigeons nest on my roof…they actually were nesting under the solar panels until we "fenced" them out. They sit on and near them frequently, and we ensure the panels are washed frequently.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/7/2025 5:42 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Lloyd Woodside Ranch
Submitted by: Margaret Holmes Tibbets
Email: mhtibbets58@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
I am excited at the prospect of the removal of the over growth of Juniper Trees on our family ranch to support the solar panels for the Deschutes Project. Juniper Trees are a noxious weed according to the State of Oregon. While they are naturally to the area, human agriculture has caused an overgrowth due to irrigation practices over the past 150 years. An 8-inch Juniper Tree consumes 35 gallons of water a day. In this dry area, they are impacting the water table.

Please Click on the following link to view the full Comment Details

Comment Summary

I am excited at the prospect of the removal of the over growth of Juniper Trees on our family ranch to support the solar panels for the Deschutes Project. Juniper Trees are a noxious weed according to the State of Oregon. While they are naturally to the area, human agriculture has caused an overgrowth due to irrigation practices over the past 150 years. An 8-inch Juniper Tree consumes 35 gallons of water a day. In this dry area, they are impacting the water table.

Comment Date

4/7/2025

source

Siting Project Phase

Comment Details

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Council Standards

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Comment

Juniper Flat has been in drought for the past 30 years. We own 3,000 acres, with only one viable well. It is difficult to get a permit for a well, and even if you get one, you must drill 600-800 feet to reach water on most of our ranch. It is impossible to get an industrial well permit-and without more water, our cattle ranch is not viable. The cost of drilling for wells is astounding. All of our old seep wells have gone dry, or are no longer potable. We cannot occupy or rent our grandparents house because there is no well. And the Miller Road fire of 2022 took our Great Grandfather's house, and damaged the only well we have, and it will cost thousands of dollars to make it serviceable again.

Removal of the overgrowth of Juniper Trees, which is allowed and encouraged under state law, will improve the water table on Juniper Flat, and benefit the 3-5 farm families who actively continue to farm in areas where there is good soil and available water. We are excited about helping to improve water conditions on Juniper Flat via the Deschutes Solar Project, with the removal of the overgrowth of Junipers.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 10:55 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Lloyd Woodside Ranch
Submitted by: Margaret Tibbets
Email: mhtibbets58@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
We must change with the times, and Solar Energy is our best way to get our Ranch productive again.

Please Click on the following link to view the full Comment Details

Comment Summary

We must change with the times, and Solar Energy is our best way to get our Ranch productive again.

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

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Council Standards

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Comment

Our family is fully supportive of the Deschutes Solar and BESS project. We have lived through great change on Juniper Flat and in the Wapinitia and Maupin communities in the past 150 years, and we believe that we need to change with the times. Our ranch has always been, first and foremost, a business. Our ancestors were ranchers, farmers, and community-oriented businessmen. This is the right business at the right time for our family.

We and our ancestors have seen the growth of Wapinitia from a Native Village to a frontier boom town to what is now a "ghost" town. Our family saw the development of railroads and passenger travel, to the demise of that methodology in favor of the automobile. And we lived through the time of the first electrical power plant on White River by the Woodcock Brothers, to its demise in favor of the huge dam in The Dalles which buried Celilo Falls. My sisters and I were raised on electrical power as the Bonneville Power Administration built the highlines from the Celilo Converter station through Maupin and all the way to Sylmar, California. The Riverside Hotel housed and fed many of the BPA workers during the 1960's.

And as dams continued to be built on the Columbia, we saw the development of the highlines across our own Woodside Ranch property on Juniper Flat, which come all the way from McNary Dam and end in Detroit/Marion County across the Cascades. We have seen the growth and death of schools, and the shrinking population of families with children in favor of retired residents and recreational enthusiasts with only a handful of very accomplished farmers and ranchers left on Juniper Flat.

Our country needs electrical power. We have a President that has promised to bring back manufacturing to the USA. That won't happen without substantial investment in the generation of electricity. Since 1965, our population has doubled in the USA, but over the past 40 years we have off-shored our manufacturing. As a country, we must invest in all forms of power to drive the change needed to support our greater goals for industrial and technology development. While there is no form of power which is totally benign, solar power is one of the least impactful to the environment, and the transportation lines which already exist on Juniper Flat along with 300 or more days of sunshine make it an ideal place for a utility scale development. The areas targeted for the development have not been under any substantial cultivation for 25-40 years, due to poor soil quality and lack of water, in addition to high cost of production, equipment, and low crop prices. Our cattle operation is no longer self contained, and hay must be bought and pasture rented. And just as the lumber mills closed and changed the character of the community, the number of acres allowed for cattle grazing in the mountains has been substantially limited, and in the case of the Woodside Ranch, most of the leased land was eliminated with the realignment of the Tribal Boundary along the proper 1855 boundary through the passage of the McQuinn Strip Congressional Act in 1972. The "heyday" of the Woodside Cattle Ranch was in the mid-20th Century. Times have changed. Juniper Flat no longer has a Cattleman's Association chapter or a Cattleman's barbeque. We are faced now with a ranch that is no longer viable as it was originally envisioned. We either go solar, or sell the ranch. And if we sell the ranch, whoever buys it will "go solar."

The ranch is a business-not a recreational park. In fact, there is no public or park land on Juniper Flat. It's all private land, except for a couple of parcels owned by public utilities or county road programs. We appreciate that people from out of town enjoy the view of the mountains as they drive across the Flat headed to Central Oregon for recreational opportunities. Solar panels will not change the view of Mt. Hood as they drive along, which is one of the benefits of solar over wind turbines. However, they need to keep moving, as this is all private property, and unless they have been invited to someone's ranch or home,

they may be trespassing if they stop or venture off HWY 216 or 197, or if they try to hunt on private property. It is an area of great beauty, but it is not a National Park-and unless you live here and own property, visitors need to stay on the main roads and move along.

The Woodside family chooses to move with the times and become an "energy ranch", and keep the legacy of our private property, our business and our ranch for the benefit of our entire family. We look forward to a positive outcome for this project.

Attachments

No files were attached.

Outlook

Deschutes Solar and BESS Project-Map Posted in Comments

From Margaret Tibbets <mhtibbets58@gmail.com>
Date Fri 4/25/2025 1:47 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>; Margaret Tibbets <mhtibbets58@gmail.com>; Shelly Dean <barbie3fan@msn.com>; holmesmolly13 <Holmesmolly13@gmail.com>; Dixie Bergin <beeme56@gmail.com>

You don't often get email from mhtibbets58@gmail.com. Learn why this is important

Hi, Kathleen:

There is a map prepared by a commenter attached to some of the "AGAINST" letters for the Deschutes Solar project that contains many inaccuracies. I have no problem with a map, but it must contain accurate information. For instance, highlighted in yellow are landowners they say are against the project. One of our parcels is included as "against". Our family is NOT against the development. Also, they indicate many areas where people live that are actually abandoned properties or properties that are in ruins. Also, there are properties that are included in the development that the map shows are excluded. Whoever prepared this map does not have accurate information, and should not be making representations about who is "in" or "out" and who "supports" or "does not support" the project. Those are matters of fact that must be represented accurately, and are not subject to other people's "opinions."

People can give their point of view about all sorts of issues....even though they may be inaccurate, it's their point of view or opinion. A map is a different story. If the map is not factual, that is not an opinion. I do not want people posting things about my family or property that are inaccurate on a map. If any map is posted, it should be the map provided by Bright Night, not something cooked those who are not in command of the facts.

Thanks for your time,
--
Margaret Holmes Tibbets
503-419-8540
mhtibbets58@gmail.com

3/5/2025

Re: Deschutes Solar and Battery Energy Storage Facility

Dear Kathleen Sloan,

As a lifetime resident of South Wasco County, mainly the Maupin and Tygh Valley areas, I am just appalled at the idea of a solar farm going in amongst my neighbors. This area is known for its pristine landscape and amazing wildlife. I do not agree that this project is appropriate for this area. I feel they could pick a less densely populated area. There are few residents among this area, but I can't image them having to sit at their kitchen tables to look at Mt. Hood and have fields of solar panels among their sight. They won't even be able to go outside in the summer when we get to 100 degrees with the added heat the panels will bring to their front yards. The Deschutes River is a huge tourism attraction for many visitors to the area, and they will all have to drive through these fields of panels that will stretch out on both sides of the state highway. I can't imagine driving through the area and having to see them. There are some great areas in the way south county where there are no residents at all. Why should their home values go down due to the neighbors agreeing to have these solar panels installed? Also why do we need all this extra power? The power these panels will provide won't even stay in our area. Have the panels installed in those peoples back yards; in California or wherever they sell it to. We live in a very high-risk fire danger zone, these panels will only increase that risk. We have a completely volunteer fire department who are already tasked with too much. All these towns in the area do not need this added risk. What about wildlife migration? And ground water effects? Again, the Deschutes River, what impact will these have on it. There are just too many unknowns for me to back this project.

Thank you for your time and reading about my concerns.

Salena LaFaver

Salena LaFaver

Received 3/10/25
Scanned

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Wed 4/9/2025 11:30 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Neil Fullington
Email: neilfullington@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
Letter of Support for Deschutes Solar and BESS Project

Please Click on the following link to view the full Comment Details

LETTER OF SUPPORT

79704 HWY 216
MAUPIN, OR, 97037

April 7, 2025

TO WHOM IT MAY CONCERN,

Hello!! I wanted to write a quick letter of support for this Deschutes Solar Project. The land we included in this project is very low quality farming/ranching land. I am excited for the opportunity to have my land be more productive by creating/supplying clean, efficient, renewable energy. Of course, I don't know where this energy will end up being utilized, but I'll always know that the energy produced from this land will be far more efficient and productive than ranching/farming it.

I believe The Deschutes Solar Project creates an opportunity to positively impact Juniper Flat Rural Fire Protection District. Strengthening our fire department and it's abilities will be beneficial to our community as well as protecting Bright Night's investments.

This project will be an amazing blessing for my family. I sincerely thank you for allowing us the decisions in stewarding our land. We trust in Bright Night and The Deschutes Solar Project.

Kind Regards-

Neil Fullington

Outlook

Solar panels on Juniper Flat Oregon

From Donna Barton <donna@bartonsr.us>
Date Sat 4/12/2025 2:37 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from donna@bartonsr.us. Learn why this is important

Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

To Whom It May Concern,

My husband and I are writing to express our strong support for the proposed BrightNight Solar and Battery Storage Project on Juniper Flat, west of Maupin.
As someone who grew up on Juniper Flat and continues to return frequently to visit family, I am deeply familiar with the land where this project is proposed. I can say with confidence that the land is not viable for cropland, making it an appropriate location for a renewable energy installation.

More significantly, I am compelled to speak out in defense of the rights of property owners. My family has lived on Juniper Flat for eight generations, and I have witnessed firsthand how land use decisions have always been — and should remain — in the hands of those who own and care for the land. It is concerning that individuals who do not own property in the area are attempting to dictate what landowners can and cannot do on their own property.

Whether or not I personally supported other developments — such as the emergence of cannabis farms in the area — I respected the rights of landowners to make those decisions. The same principle applies here. The effort to block this solar project undermines fundamental property rights, and I believe that should not be taken lightly.

For these reasons, I respectfully urge the Oregon Department of Energy to support the BrightNight Solar and Battery Storage Project on Juniper Flat. It represents a responsible use of the land and upholds the rights of those who live and invest in this community.

Sincerely,
Randy and Donna Barton

April 14, 2025

RE: Opposition to BrightNight Power's Proposed Deschutes Solar and Battery Storage System Facility

TO: The Oregon State Energy Siting Committee

I am writing to you as a concerned citizen and resident on Juniper Flat, near Maupin, Oregon, where the abovementioned solar and battery storage system facility is projected to be developed. I stand in opposition to this project for several reasons.

I am the owner and operator of my family's farm, which has supported us for five generations. We have produced wheat and alfalfa, in addition to raising cattle on our generational farm on Juniper Flat. We also lease additional acres for crops and cattle pasture on the lands we own and manage. If the owners of my leased acreage decide to lease their lands to BrightNight Power, the property owners will cancel my leases. If that happens, my son and I can no longer afford to operate our generational farm.

I understand and appreciate the importance of renewable energy and its' *intended* benefits; however, my primary concerns, and reasons for opposition, are connected to my ability to maintain my livelihood, as well as *save the land that we have been stewards of for over 100 years.*

It is anticipated that the proposed facility will cover approximately 13,626 acres of Exclusive Farm Use (EFU) land. This land has been designated for agricultural preservation under Oregon law. Industrial solar developments the size of the proposed Deschutes Solar and Battery Storage System undermine Oregon's commitment to agricultural sustainability and threaten the long-range viability of farming and ranching practices on Juniper Flat. The loss of productive farmland sets a precedence that compromises Oregon's ability to balance clean energy development with essential land use protections. Other states across our nation are facing this same crisis and the ability of our country to produce most of our own foods is declining,

Juniper Flat is a community of farmers and ranchers between the hamlet of Pine Grove and the town of Maupin. It is a unique area due to its combination of geological, ecological, and cultural features. It is part of Oregon's high desert, characterized by its arid climate, rolling hills and rugged terrain. Despite the challenging environment, the land has been utilized for centuries to raise wheat and graze livestock. The area is a watershed to the nearby White River and the Deschutes River, renowned for its world-class fishing and recreation.

I would like to address three of the 14 general standards that this project must meet:

Siting Standards

4. Land Use

The loss of thousands of acres of farm and range land this project would require is unacceptable. The development of this project will lead to negative outcomes including loss of agricultural land, soil degradation, erosion, sedimentation and the disruption to water resources, impact on livestock, reduction of biodiversity, economic challenges, destruction of cultural heritage, and the quality of life for those living in the 25 homes within the project, or the 50 homes less than a mile outside of the project.

"Clearing land for a power plant or solar farm may have long-term effects on the habitats of native plants and animals." (Architecturaldigest.com 2024 guide) Without native plants and animals, and with the displacement of the wildlife populations in our ecosystems on Juniper Flat, I also take issue with the damage to our croplands. From our research, it appears that returning croplands damaged from solar installations to its original state is nearly impossible. Even attempting to restore the land's health would be extremely costly with no guarantees.

7. Wildfire Risk

I also have great concern about the impact of the proposed Deschutes Solar and Battery Energy Storage System Facility given climate change and the frequency of wildfires in our area. This proposed solar project will be built in one of the highest fire danger areas of the United States. Our community has experienced two large wildfires in the last five years. The financial burden of resident and community resources was significant.

Farmers and ranchers lost millions of dollars in fences, crops, livestock, and structures due to these fires. It has been proven that solar panels can create localized temperature increases, known as the "heat island" effect potentially altering the climate to become even hotter and drier. Many of my neighbors have had their homeowner's insurance cancelled or increased dramatically due to the high fire danger. Our community does not have the infrastructure or financial resources to support a fire agency to mitigate large fires, especially fires involving solar farms and the chemicals that are contained within the panels. I understand that if a fire breaks out on the Bakeoven Solar Project in Wasco County, local fire agencies do not respond to fire within the locked compound. Our local fire agencies, who are comprised of volunteers, would only be able to fight the fire after it has spread beyond the solar compounds.

9. Scenic Resources

The beauty of Juniper Flat, located at the base of Mt. Hood and the Mt. Hood National Forest, draws visitors from all over the world to our area. It is my opinion that the proposed Deschutes Solar and Battery Energy Storage System Facility on Juniper Flat will have a declining effect on the people who own property, live, or visit here. Families will move away leaving us with the question of whether we have enough students to continue offering our schools in this remote

area of Oregon. Possible adverse effects on the health and well-being of our communities are concerning, along with the negative visual impact of the solar farms on our landscape. With the potential negative impact to water quality and habitats to our local rivers and streams, tourism could also be reduced. In addition to our scenic rivers that offer fishing and white water rafting, many hunters visit the Juniper Flat region, which also adds to the tourism income for our stores, hotels, restaurants, and service businesses.

Solar farms bring nighttime light pollution, which will hamper our "dark sky" views. Juniper Flat is known for its "dark sky" which prompts many visitors from around the world seeking the unobstructed views of planets, stars, and constellations. The tourism industry is a mainstay for the livelihoods for many of our residents. A 13,626 acre (more than 25 square miles) solar farm will only detract from all of these scenic resources in our region.

Given these concerns, I respectfully ask that you deny the proposed Deschutes Solar and Battery Energy Storage System Facility. I urge you to consider the "track record" of BrightNight LLC, a relatively new and inexperienced company from West Palm Beach, Florida, established in 2019, and think about their lack of transparency. Their website currently lists nine projects; however, only one is operational and it is in India. The people of Oregon and South Wasco County deserve better – better protection from big business whose main desire is to profit off landowners in a rural, economically disadvantaged area.

Thank you for considering my concerns.

Respectfully,

Nancy Carter

Nancy Carter
Carter Ranches

Comment Portal Comment 2025-326

Comment Summary

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Comment Date

source

Select email portal manual

Siting Project Phase

Select EXEMPTION REQUEST NOI DPO CC FORMAL RULEMAKING INFORMAL RULEMAKING AMD-A AMD-B

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Comment

Comment Portal Comment 2025-326

Dear Council Members

I am writing in opposition of the Deschutes River Solar Project. My family has been in Wasco County.First and foremost, the land use is zoned agricultural. Taking agricultural land to develop a solar facility will impact generations of future farmers once the solar farm is decommissioned. The top-soil will have been eroded from grading and development of the project. Although BrightNight is claiming they will put back exactly the way it is the damage will be done and the land will never return to previous condition.

The development of this facility will negatively impact the fish and wildlife in the area. A 25 square mile solar field will disrupt the migration of the Canadian Geese, eliminate grazing habitat for deer and elk, disrupt the nesting of sandhill cranes and other birds, and impact other wildlife by removing habitat. The fish in the White and Deschutes Rivers will be impacted from erosion of topsoil that will be disturbed during the construction phase of the project. The steelhead trout and salmon runs are already in a deep decline. Adding sediment and run-off in the rivers may eliminate them all together.

I am also concerned about the scenic resources. Adding a large scale facility such as this, will change the scenic landscape of Juniper flat. The rural feel will be eliminated replacing it with an industrial park. Juniper Flat is known for its' scenic beauty, adding a large solar facility would ruin the scenic beauty of the area.

Being an avid lover of history, I am very concerned about how this project would impact the historical, cultural, and archeological resources in the area. These are ceded lands of the Warm Springs Tribes. They used this area for thousands of years. The area is covered in artifacts and resources that may be disrupted or destroyed during the construction and decommissioning phases of the project.

Furthermore, recreation in the area will be negatively affected. Erosion of soils and possible contaminates from the develop of the project will impact recreational fishing on the Deschutes and White River. Recreation is the main industry in the nearby town of Maupin. This area is also know for hunting. If habitat is removed, recreational hunting will also be negatively affected.

In addition, the public services in this area are not equipped to handle 300 to 500 additional people in the area during the development of the project. Both ambulance and fire departments are 100% volunteer based. They do not have the people or the resources to deal with injuries and catastrophes that occur in a 25 mile area construction site. Furthermore, most people in this area use groundwater well. It is well know that the water table has receded in the last 10 years. Construction and operation of the project could potentially contaminate community members wells and drinking water.

In addition to being concerned about clean drinking water, I am also concerned about the amount of garbage this project is going to create. Thousands of solar panels, miles and miles of cables and other construction materials will come packed in an enormous amount of garbage. Where is all that garbage going? How will BrightNight ensure that Juniper Flat does not become a junk yard of garbage, broken panels, and old batteries?

In the last two years this area has experienced two large wildfires. One fire burned 70 to 80 percent of our family property. Over 40 miles of fencing at the cost of $350,000 was destroyed. What guarantees do we have as landowners that BrightNight will be held responsible for the fires they will set during the construction, operation, and decommissioning of this project? The only time BrightNight will be able to develop the solar facility is in the hot dry summer months as it is to wet and muddy in the winter and spring months.

This large scale project will have to be managed well so that it does not negatively impact the land, wildlife and people that live in the community. I am not sure BrightNight has the track record to complete a project of this scale. They have only been in existence for 6 years and have only operated one facility that is located in India. How can the State of Oregon and the citing council guarantee that the land and Juniper Flat will be respected and cared for as BrightNight is not a proven company? There are horror stories all over the United States of these want to be energy companies getting in over their heads and leaving a solar field in shambles with the landowners and the community paying for the clean-up.

For these reasons, I Along with the fact that there are 25 houses situated in the middle of the boundaries of the proposed project, and for the reasons above do not believe that BrightNight can meet the siting councils standards. I would strongly urge the siting council to urge BrightNight to find a more suitable place for a solar facility of this size.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Wed 4/16/2025 6:18 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Virginia & John Tolentino
Email: vjtino@yahoo.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:

Please Click on the following link to view the full Comment Details

Comment Portal Comment 2025-327

Comment Summary

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Comment Date

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Comment

Dear Siting Commission
We are writing this letter to express our strong opposition to the proposed Deschutes Solar

Project, on Juniper Flat in South Wasco Count. The size of this project is immense engulfing over 25 homes and several farms that have been here for generations. This project will completely change life as we know here on Juniper Flat.

The proposed project will border us on three maybe four sides. We bought our 40 acres over 40 years ago. We are now retired and have invested our life's savings and work into this piece of property. This project will destroy our quiet home and the value of our property that we worked our entire lives to pay for.

Other than the fact that this project will affect us financially and possibly our health, there are other reasons why this project should be denied by the State of Oregon.

1. Degradation and potential contamination of the soil and water: Solar panels and the battery storage facility will be uphill of our home and property. I am very concerned about contamination of the soil and water affecting my ground water well. The winter run off from the proposed area flows direct through our property. Any contaminates will be carried right on our land and into our water.
2. Possible flooding: Grading of rock breaks will increase water run-off. Currently our place floods in the winter and spring from the run off of the from the hills to the south of us.
3. Loss of farm land: The loss of farm land in this area will change the rural feel and the pioneering history that has been on Juniper Flat for generations.
4. Threatened and Endangered Species: It is my understanding that BrightNight does studies on the wildlife and provides solutions to not disturb their habitat. Can you explain how this will happen when they are taking 25 square miles of wildlife habitat and resources?
5. Scenic Resources: Many families live in the area for the beauty and views. The views of the surrounding hills and mountains are incredible. Having solar panels on every side of our property will completely destroy the view changing the rural feel and landscape of the area.
8. Public Services & Wildfire: I am particularly concerned about wildfire. How will firefighters access the solar facility if there is a wildfire? How often are safety inspections done? How will we be guaranteed as homeowners that if a fire starts due to the fault of BrightNight or their contractors that our homes and outbuildings will be replaced?

The long term outcomes of this project are too catastrophic to the environment, wildlife and residents that live here. I do not believe that BrightNight has met the standards set forth by the siting council. I would urge the council to work with BrightNight to find an area that is more suitable for a project of this magnitude.

John & Virginia Tolentino

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/17/2025 8:54 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Jim Burgett
Email: fishyguy13@yahoo.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
This project is being built on top of the water supply for the City of Maupin, Oregon and the Oak Springs Fish Hatchery, all of which ends up in the Deschutes Riiver. Numerous wells on the lower end of Juniper Flat will also be affected. Ther is also nothing in place for the removal of these solar panels when the project is over. They claim they are getting government funding to build this but the will get millions in subsidies. Totally not worth it. It will never pay for itself. But the

Please Click on the following link to view the full Comment Details

Comment Summary

This project is being built on top of the water supply for the City of Maupin, Oregon and the Oak Springs Fish Hatchery, all of which ends up in the Deschutes Riiver. Numerous wells on the lower end of Juniper Flat will also be affected. Ther is also nothing in place for the removal of these solar panels when the project is over. They claim they are getting government funding to build this but the will get millions in subsidies. Totally not worth it. It will never pay for itself. But the [message cut off because it was enter in the comment summary box]

Comment Date

source

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Comment

No comments in comment box

Attachments

No files were attached.

Outlook

FW: Letter of Opposition to Deschutes Solar and BESS Facility

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Thu 4/17/2025 8:37 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (18 KB)
Fetz Opposition Letter to OR Dept of Energy_Deschutes Solar Facility_04142025.docx;

From: Howard & Bernie Fetz <hb.juniperflat@gmail.com>
Sent: Wednesday, April 16, 2025 4:02 PM
To: Energy Siting * ODOE <energy.siting@oregon.gov>
Subject: Letter of Opposition to Deschutes Solar and BESS Facility

You don't often get email from hb.juniperflat@gmail.com. Learn why this is important

Hello,

I am a resident of Juniper Flat near Maupin, Oregon where BrightNight LLC is planning to build a large solar farm and battery energy storage system in my neighborhood.

Please find my letter attached. If you have any questions, I can be reached via email at hb.juniperflat@gmail.com or at PO Box 282 Maupin, OR 97037. My cell phone is included in this email.

Thank you for your time.

Bernice Fetz, Trustee
Bernice E. Fetz Living Trust
541-980-1542

--

Bernie Fetz
541-980-1542

April 16, 2025

RE: Opposition to BrightNight Power's Proposed Deschutes Solar and Battery Storage System Facility

TO: The Oregon State Energy Siting Committee

My name is Bernie Fetz, and I am the Trustee of a property on Juniper Flat near Maupin, Oregon. The property belongs to the Bernice E. Fetz Living Trust. Though my land is not located within the boundaries of the proposed Deschutes Solar and Battery Storage System Facility, it is close by. Representatives of BrightNight LLC have been pressuring landowners on Juniper Flat to lease their farm and ranch land to their solar company to construct a 13,626 acre facility.

Because there are a substantial number of residents and landowners who are not in favor of converting this beautiful and diverse area of Oregon into a massive solar farm and storage facility, I understand that the representatives for BrightNight LLC have offered some of these people anywhere from $5,000.00 to $9,000.00 if they sign a non-disclosure agreement stating they will NOT say anything negative about the company, or publicly voice their opposition to the Deschutes project. BrightNight calls this a "Good Neighbor Agreement;" I call this "hush money!" This tactic is just one example that would indicate that BrightNight LLC is not as transparent with their business practices as we might hope.

I would like to address several of the Siting Standards:

4. Land Use:

Solar farms are another form of speculation that are eating up acres of cropland. Many solar investors claim their solar farms are built on "less productive" croplands, but generational farmland is leased to sizable solar energy corporations with frightening regularity. The best land for solar is the land that's already cleared. The push to go solar is strong, especially in economically disadvantaged areas, such as our rural community. Nationally, losing millions of farm acres used for cultivating food may force our food production to other countries. If another event like COVID hits, where do we secure our food supplies, especially if borders are closed, or shipping of imports are slowed. With the current situation of newly imposed tariffs set to take effect, the costs of imported foods will be driven up.

Oregon is a leader in Land Use Planning, and has worked to protect forests, wetlands, and agricultural lands. Other states have done the same kind of work. For example, the Essex County Conservation Alliance states "farmland lost is farmland lost forever." The chances to revert cropland to production is minimal due to the cost of removal and disposal of the solar infrastructure, and the lengthy reconditioning of the soil and vegetation. One example of this challenge is the galvanized metals inserted into the soil can result in high levels of zinc. Soil samples have reflected this trend – and it is impossible to remove this extra zinc to restore the health of the soil.

Solar farms will also compromise the native grasses and other natural vegetation of our area, as well as harm the native animal species such as deer, elk, upland game birds and ducks. Migratory birds, like Canadian Geese, visit Juniper Flat on their annual migration each year, stopping in our fields to rest and nourish themselves. These migratory birds will be affected by the reduction of the ecosystem they depend on. In its NOI, BrightNight has listed 41 endangered or threatened species that could be affected by this project.

BrightNight LLC is not securing thousands of acres of farmland as an "unselfish civic duty." Largely due to "green energy" initiatives, BrightNight LLC can make huge profits. In 2020, the global solar market reached $422 billion. In the past decade, solar has experienced an average annual growth rate of 24%. The US Department pf Energy estimates 5 million acres of land will end up covered in solar panels.

7. Wildfire Risks:

With the history of wildfires in our area, I am concerned about the damage to solar panels during wildfire events, and the potential of hazardous chemicals and pollutants leaching into our soils, water, and air. This is a real threat. As the climate has become more arid in summer months in this part of Oregon, fire danger has risen. The proposed Deschutes Solar and Battery Energy Storage System Facility will be built in one of the highest fire danger areas of Oregon. Our community has experienced multiple wildfires, two of the largest were in the last five years, with cleanup efforts still ongoing. The financial burden of resident and community resources was significant. Personally, over two years after the Miller Road Fire, I am still immersed in the cleanup and repairs to my property, unable to produce any farm income for the past two years.

Farmers and ranchers lost millions of dollars in fences, crops, livestock, and structures due to these fires. It has been proven that solar panels can create localized temperature increases, known as the "heat island" effect potentially altering the climate to become even hotter and drier. Some homeowners have had their property insurance cancelled or have had their insurance premiums increased dramatically due to the high fire danger. Our community does not have the infrastructure or financial resources to support a fire agency to mitigate large fires, especially fires involving solar farms behind locked compounds containing panels filled with hazardous chemicals.

9. Scenic Resources:

Trading one environmental hazard for another may not be sensible. Furthermore, I'd much prefer retaining the beautiful panoramic views of Juniper Flat nestled at the foothills of Mt. Hood. Besides, these views enhance the value of my home and property. As a widow, the value of my real estate is a significant portion of my financial picture. In the event I need to sell my

home, I am sure that most prospective buyers would bypass my beautiful Juniper Flat home if it were surrounded by, or bordering, industrialized, barren views of solar farms. Aesthetically, our magnificent landscape on Juniper Flat will be ruined.

The night sky of Juniper Flat is magnificent. It is known as a "dark sky" region which attracts visitors from far and near to see and study the spectacular views of planets, stars, and constellations. We are a recreational area where visitors come to fish our rivers, raft them, and hunt our lands during the appropriate seasons. These activities contribute to the tourism industry of our community. We depend on this influx of activities for the financial health of our town and business owners. I understand that only 10 landowners have signed up to take part in the Deschutes Solar and Battery project – leaving approximately 65 landowners/residents in opposition, yet the impact of this project will be more far reaching. Is it right for 10 landowners to benefit monetarily when far more will experience a negative impact? Besides, the BrightNight LLC will be the biggest winner monetarily, and they are from Florida, not Oregon.

10. Historic, Cultural, and Archaeological Resources:

The areas around Maupin are rich in history and cultural significance to Native American culture. Juniper Flat is an important part of this history. My own property lies near the Warm Springs Reservation border and is on the travel route to the tribal fishing grounds at Sherar's Bridge on the Deschutes River. Many artifacts have been found in our area that reflect the history of the Confederated Tribes of the Warm Springs. One of my concerns is the solar installations will destroy the irreplaceable relics such as ethnographic artifacts, including beadwork, basketry, fishing and food processing tools, and arrowheads that are found on Juniper Flat.

14. Wastewater Management Concerns:

Another concern is that the installation of solar farms on Juniper Flat will compromise the health of the Deschutes River, as well as White River, creeks, and ponds because of pollutants and sediments that can be released by damaged solar panels. These pollutants may affect the health of our rivers and streams, thus damaging the salmon and trout species. I worry, too, about my own water source, a deep well, that has supplied our drinking water since the 1970's.

In conclusion, although solar energy systems do produce electricity with few carbon emissions, they can have negative environmental impact. Solar panels contain toxic chemicals, including cadmium compounds, silicon tetrachloride, hexafluoroethane and lead. With these solar panels having a lifespan of about 25-30 years, there is a great potential of toxic spills or emissions when spent panels need to be disposed of, which is also very costly to do.

The long-term outcomes must be seriously considered. I urge you to deny the Deschutes Solar and Battery Energy Storage System Facility, and advocate for the development of alternative, less impactful methods of providing renewable energy benefits without the detrimental

impacts associated with this current proposal. It is unacceptable to displace so many residents whose families have lived in the area for generations, as well as destroy biodiversity and cultural heritage for a short-sighted solution. Time is of the essence; these companies are pushing their agendas forward now!

Thank you for considering my perspective.

Sincerely,

Bernie Fetz, Trustee
The Bernice E. Fetz Living Trust

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sat 4/19/2025 6:38 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Deschutes River Solar
Submitted by: Jeremiah Mageo
Email: vvsproductions4242@gmail.com
Zip Code: 85044

Siting Project Phase: *NOI*

Comment Summary:

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Council Standards

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Comment

Jeremiah Mageo
3861 E Tano Street
Phoenix, AZ 85044
Vvsproductions4242@gmail.com
APRIL 19, 2025

To Whom It May Concern,

I am writing to express my strong opposition to the Deschutes River Solar Project. As the grandson of a landowner whose 240-acre farm will be surrounded on four sides by this solar facility, I am deeply concerned about the impact this project will have on our family's land.

Our farm has been in the family for generations, and a cherished piece of our heritage. The proposed solar project threatens to disrupt the natural landscape, agricultural productivity of our property, and the overall quality of life for those who live and work on the farm. My mother was in the process of setting up an apiary when this project was proposed. There is a lot of research that pollinators do not do well around solar fields.

Firstly, the construction and operation of the solar facility will significantly alter the environment. The installation of solar panels and associated infrastructure will lead to the loss of arable land, which is essential for our honeybee farming activities. This reduction in usable farmland will directly affect our yields and, consequently, our financial stability.

Secondly, the presence of the solar facility will likely lead to increased noise and light pollution. The constant hum of machinery and the glare from solar panels will disturb the apiary and the tranquility of our farm, making it difficult for us to maintain the peaceful rural lifestyle we have always enjoyed.

Furthermore, the visual impact of the solar facility cannot be overlooked. The expansive array of solar panels will mar the scenic beauty of the area, which is not only important to us but also to the local community and visitors recreating who appreciate the natural landscape.

I urge you to reconsider the location of the Deschutes River Solar Project. While I understand the need for renewable energy, it is crucial to balance this with the preservation of agricultural land and the well-being of local residents. There are alternative sites that could be explored which would not have such a detrimental impact on our farm and the surrounding area.

Thank you for taking the time to consider my concerns. I hope that you will take action to protect our family's land and the future of our farming operations.

Sincerely,

Jeremiah Mageo

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sun 4/20/2025 7:39 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Darla Sult
Email: darlamama66@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:

Please Click on the following link to view the full Comment Details

Comment Summary

Comment Date

source

Select email portal manual

Siting Project Phase

Select EXEMPTION REQUEST NOI DPO CC FORMAL RULEMAKING INFORMAL RULEMAKING AMD-A AMD-B

Comment Details

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Comment

Dear Sitin Council of the Oregon Department of Energy,
I am writing to express my strong opposition to the proposed Deschutes River Solar Project. I have several concerns regarding this specific project.

First and formost is the impact to the environment. The proposed site is home to diverse wildlife and sensitive ecosystems. The construction and operation of the solar facility could disrupt these habitats, leading to a decline in local biodiversity. Additionally, the project may affect water resources and soil

in the area, which are crucial for both wildlife and agricultural activities.

The loss of farm and range land would impact the area greatly. The project site includes valuable agricultural land that supports local farmers and contributes to the region's economy. Converting this land for solar energy production could have long-term negative effects on local food production and the livelihoods of farmers.

The development of this project would negatively impact the community. Over 20 homes are located within the boundries of the project, and another fifty plus homes would be impaced by the project. The construction phase of the project is likely to generate significant noise and light pollution, which could disturb nearby residents. Furthermore, the presence of a large solar facility may negatively impact property values in the surrounding area.

While the project may create temporary construction jobs, the long-term economic benefits for the local community are unclear. It is essential to consider whether the potential economic gains justify the environmental and social costs.

The safety of the community would be at risk if this project moves forward. Integrating the solar project into the existing power grid may pose challenges, potentially affecting the reliability of electricity supply in the region. Additionally, there are safety concerns related to the risk of fires and other hazards associated with large-scale solar installations as Juniper Flat has been designated as a high risk area for wildfires.

I urge the Oregon Department of Energy to consider alternative locations for the project that would have less impact on the environment and local communities.

I believe the Deschutes River Solar Project, as currently proposed, poses significant risks to the environment, local economy, and community well-being. I respectfully request that the Oregon Department of Energy reconsider the approval of this project and explore alternative solutions.

Thank you for considering my comments.
Sincerely,
Darla Sult

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Sat 4/19/2025 8:13 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Katie Joy
Email: onewyatt10@gmail.com
Zip Code: 97086

Siting Project Phase: *NOI*

Comment Summary:
Please read below in regards to Juniper flats solar project.

Please Click on the following link to view the full Comment Details

Comment Summary

Please read below in regards to Juniper flats solar project.

Comment Date

source

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Comment

I am writing to express my strong opposition to the proposed solar panel installation in Juniper Flats. While I support renewable energy and responsible environmental stewardship, this project raises serious concerns about ecological disruption, land use compatibility, and long-term

consequences for our rural community.

Juniper Flats is a unique high desert ecosystem with delicate wildlife habitats, open vistas, and cultural significance. Industrial-scale solar development threatens to permanently alter this landscape, impacting local biodiversity, displacing wildlife, and potentially harming native vegetation that takes decades to regenerate in arid climates.

Moreover, this project risks undermining the rural character of our region. Juniper Flats is not an industrial zone—it is a quiet, sparsely populated area valued for its solitude, natural beauty, and historical connection to land stewardship. Transforming this space into a commercial energy operation disregards the values and voices of the community members who call it home.

Water usage is also a critical issue. Maintenance of solar panels and dust control in these installations can require significant water resources—resources that are already scarce and increasingly precious in our region. Additionally, concerns remain regarding fire risk, glare, and the lack of local economic benefit from such projects, which are often built and operated by out-of-area corporations.

In summary, while renewable energy is an important goal, it must not come at the cost of the very landscapes we seek to preserve. I respectfully urge you to reject the solar development in Juniper Flats and prioritize land use decisions that reflect the character, ecology, and will of the community.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/21/2025 9:57 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Tara Aschoff Aschoff Quarter Horses Bar R Racing LLC
Submitted by: Tara Aschoff
Email: aschoffquarterhorses@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
I would like to add a little of our family history in the area as well. My husband lived in Nena Canyon and ran cattle here in the 1950's and 1960s. We bought this piece of property in 1993 and started developing it for our ranch program of breeding, and training horses and cattle. A quiet, safe setting is necessary for our operation and the Solar and Battery System will cause stress and dangerous situations for our business.

Please Click on the following link to view the full Comment Details

Comment Summary

#1 Overview My family has 120 acres that lie within the proposed DSBESSF and will be surrounded on 2.5 sides. The irrigation water we use will flow across the DSBESSF sites and our ground water will flow under the sites. Our arena and foaling calving pastures are up against the site as well. We raise, train and breed horses and cattle and make a living doing so. We also employ youth and have outside horses and buyers frequent our property.

Comment Date

source

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Following is a list that I am hoping to get addressed or get directed for contacts to get more information. At the meeting I attended on 3/27/2025 these points were stated and not factual.

The reference to the soils maps almost all being class 3 or very poor is not true. There are many deep soils and areas where the farmers have grown high production and yields on the crops or have had good hay and grasses in the past.

We are an area with extreme winds. These gusts cause extensive damage to our facilities, trees and have blown down fences and blown off roofing. How can these panels withstand the extreme winds? How do we keep the Solar materials off our property?

We are an extremely high lightning strike area and when strikes hit around and under the panels the high winds blow and fan the fires. We have fought some extreme fires in this area, lost livestock, pasture, fencing and trees. The neighbors have lost facilities and homes as well. We typically fight our own fires because there are no people out here to fight these fires. Friends and fellow ranchers come down from Sherman county and from North Wasco and Warm Springs to help us. The fire station may help but is undermanned and is at or near other structures and may not be of help until mop up. The Deschutes Solar Company did not have a fire mitigation plan that is adequate.

We struggle to get property/fire insurance. How will we get insured with this increased danger and being surrounded by the panels? I have read studies and listened to podcasts referring to the micro winds and temperature changes that occur from panels. Also there is an increase in fire fuels and weed distribution because the land is not being farmed or grazed.

Our property value will decrease significantly. It is very difficult to find property buyers that want to live surrounded by industry while ranching. Who will pay the loss I will sustain if I am forced to move? Who will cover loss of breeding or livestock health when they are stressed by the industry surrounding us? Who will insure that the industrial site will respect our work? Who will help us find insurance or pay the increased premiums?

We live where the elk frequently come through our property, also deer, wolves, coyotes etc. Who will fix my fences when these large animals are forced off their range through my land? Who will stop or help when my livestock is spooked by industrial work and run through the fence or over the top of the handlers? Also what about the expansive geese, duck and sandhill cranes that are forced off their habitat? Will I be providing their feed ground?

What happens to the solar panel electricity when we are in the winds or fires and it needs to be paused until the storms pass? There is research showing that panels build up power and may combust.

The irrigation flows through the Solar Panels, their roads, energy storage and all the rock, gravel

and cement they will need to get across those lands during flooding and spring runoff. Our ariel maps show where the main water flows across the proposed energy sites and onto my land. Reports show that there is pollution near and around the panels, during building etc. Our water will pick up the pollutants and come through our properties. This is where our stock drinks and this is the water that irrigates our land. There is no possible way the pollutants can be kept from us. How toxic is it? How will it impact my livestock and family?

Also the water flows through this area, flows onto our property and seeps into our groundwater and aquifer. How much pollutants will get into the groundwater? Wells? Maupin water source? The Deschutes River? There is no way to address that without longitudinal studies and then it is too late.

Who maintains, fights the fires, monitors when storms hit? We have a significant lack of housing for anyone in this area. We cannot staff our school, restaurants or businesses adequately because people cannot find a place to live. How does Bright Night house their long term staff that will be needed to keep their business safe?

How does the high frequency noise that is emitted or the noise of building and maintaining the plant keep to an acceptable level? This is farm land not industrial land.

Why are they turning farmland into industrial land? This land has good value for both farming, and livestock? The owners cannot build unless they have large tracts of land, how can the state approve industry?

Once this company sells or files bankruptcy, the landowners no longer have the assured support they had from the initial company. Who will be responsible to do maintenance and cleanup? I see many references to abandoned Solar Farms and the pollution and waste is extensive. Who is responsible for the cleanup when the business files bankruptcy? When they sell out to a less reputable company? When the government quits funding for green energy, carbon trade off or the program is outdated?

It is my worry , many of my neighbors' worries and a concern and a tragedy that we are willing to put our farm lands into industry. Our understanding and technology regarding green energy has not advanced to the point of keeping its citizens, wildlife and livestock in the area safe. Are we also willing to tie up land for 30 years, destroy soils and opportunities for future generations to

farm and not understand the implications of this HUGE program?

With Concerns,
Tara Aschoff
Aschoff Quarter Horses
Bar R Racing LLC

Comment

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/21/2025 9:57 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Tara Aschoff Aschoff Quarter Horses Bar R Racing LLC
Submitted by: Tara Aschoff
Email: aschoffquarterhorses@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
#1 Overview My family has 120 acres that lie within the proposed DSBESSF and will be surrounded on 2.5 sides. The irrigation water we use will flow across the DSBESSF sites and our ground water will flow under the sites. Our arena and foaling calving pastures are up against the site as well. We raise, train and breed horses and cattle and make a living doing so. We also employ youth and have outside horses and buyers frequent our property.

Please Click on the following link to view the full Comment Details

Comment Summary

I would like to add a little of our family history in the area as well. My husband lived in Nena Canyon and ran cattle here in the 1950's and 1960s. We bought this piece of property in 1993 and started developing it for our ranch program of breeding, and training horses and cattle. A quiet, safe setting is necessary for our operation and the Solar and Battery System will cause stress and dangerous situations for our business.

Comment Date

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Comment

Our frustration with this Industry is multi faceted.
This is farm and ranch land that is productive and provides food, jobs and a living for families.
It is going to destroy our ability to make a living and have a safe pollution free environment. In addition it will destroy the land for future generations.
Why are we turning farm land into industrial land?

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 8:54 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Patty Johnson
Email: patjj@hotmail.com
Zip Code:

Siting Project Phase: *NOI*

Comment Summary:
The notice intent for this project does not include enough information to adequately assess the merits of the project. This leads me to question the the applicants ability to handle a project of this magnitude. I do not agree with this project moving forward anymore until the applicant can provide a better package/service to the public. See below for more of the summary and the attached for details.

Please Click on the following link to view the full Comment Details

Comment Summary

The notice intent for this project does not include enough information to adequately assess the merits of the project. This leads me to question the the applicants ability to handle a project of this magnitude. I do not agree with this project moving forward anymore until the applicant can provide a better package/service to the public. See below for more of the summary and the attached for details.

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

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Comment

My main concerns are as follows;

There are errors in the statements made in the notice of intent, misinformation, and many things left out that are important for the county, state, and public to understand this project thoroughly. There seems to be a lack of knowledge and understanding by the applicant of the area and issues. The applicant has lost any trust by putting together a poor notice of intent.

The project will impact all landowners, most in a negative way. A few will benefit financially, but most will negatively.

- This project completely surrounds other properties with permanent dwellings and would have an impact to quality of life, visuals, ability continue to farm and make money.

- This project will reduce property values and increase taxes for other landowners in the area

The ability for landowners to make money on their land is important but not at the expense of other landowners. This is counter to the principles of community.

Wildlife habitat will be impacted. Removing the native vegetation and putting up an 8' fence for 55 miles will limit wildlife from migrating and having access to critical forage. The result will be that the wildlife will leave the area. We have to remember ecosystems are a pyramid and when you loose species, the ecosystem stops functioning.

Soils and hydrology will be impacted. Grading the rock breaks and land will remove the natural system that controls the flow of water and thus flooding. There will be more flooding in this area with this project that will significantly impact those homeowners that live near Wapinitia Creek. It will also remove critical soil components and allow both invasive and erosion to occur.

Wildfire is a significant concern for this area that seems to be underestimated by the applicant. I'm not sure why a company would want to invest millions of dollars in a project in an area where it will be burned up at some point. Not if, just when. That is how fire dependent ecosystems work. No amount of fire equipment will prevent that.

The way this company has presented itself to the public is unprofessional. Offering large sums of money to landowners without fully disclosing impacts, not engaging with other landowners that will be severely impacted, harassing landowners to sign up, providing misinformation, bribing land owners to not oppose it.

If I were a business person and this is what was presented to me to fund a project, I would immediately reject it based on the fact that it is similar to a middle school report that really

says nothing in depth, has errors, misinformation and is poorly assembled. The county and state should not even consider the next step in this project based on this notice of intent.

Attachments

4 days ago

Microsoft CRM Portals

Comments on Deschutes Solar Project.docx (3.05 MB)

I am submitting comments on the Deschutes Solar Project proposal. There are several reasons that I am in opposition to the project including the change in zoning, impacts to the environment, impacts to the local community, and lack of specificity in the notice of intent that indicates this project has not been well thought out. Additionally, the notice of intent is very inadequate in providing details about this project which reflects on the company's ability to disclose correct information, professionalism in planning the project, and knowledge of planning and implementing a project. The details of these reason are as follows;

Facility Description

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

(i) For electric power generating plants, the nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300.

The notice of intent does not speak to generating capacity in any detail outside of stating it is capable of generating up to 1,000 MW of solar generation. There is no information about how this number was derived. The quantification of solar energy begins with irradiance measurements, which gauge the solar power received per unit area at a specific location. None of this was discussed in the notice. How is the public and the board reviewing this project supposed to know whether this operation can be successful in generating enough solar energy in this location to be economical. This is the very basics of a solar project and it's not even included in the proposal. The local residents know that the topography of the area and location of the mountains create a depression where air sinks and settles in for long periods of time. There are often weeks of foggy weather in the winter and smoke from wildfires in the summer that would reduce solar panel efficiency. The upper part of Juniper Flat near Pine Grove is even worse due to air not being able to rise with the mountains on one side. The number of solar days for this area is estimated at 116 days; that is 44% of the days in the year. The hills that are to the north, south and west of this area also create shorter days as the hills and mountain blocks the sun. Is that really adequate to be considered efficient, a good location, and worth the investment? This project will have significant impacts on the community and adjacent landowners so it should at least be a site where solar energy is readily available! The capacity to generate adequate solar energy to offset costs, the most critical component of a solar project, is lacking in the notice of intent. On this merit alone, this project should not be allowed to proceed. If a company can't provide the basic information on whether the project is viable, then the county and state should not waste it's time reviewing it.

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

The notice of intent states, *"The Applicant seeks to permit a range of technologies to preserve design flexibility. The solar modules and associated equipment, and precise layout of the solar arrays, have not been determined yet"*, and *"Because technology evolves, final module specification maybe in flux until late in the design and development process the final number of posts and the installation method will depend on the final*

tracker system, ground coverage ratio, topography, height of the solar" and *"The final number of posts and the installation method will depend on the final tracker system, ground coverage ratio, topography, height of the solar modules, and site-specific geological conditions. Post locations will be determined during detailed design of the tracker system and future geotechnical investigations."*

I understand having flexibility is important in this age of rapid technology advances. However, there must be some description of the technology, configuration, layout. To simply say it will all be figured out in the future is not adequate to determine the scope of the project and the impacts to the area. The type of equipment, components and system that will be installed makes a difference in the impacts of a solar farm from runoff to potential for toxic pollution to noise and light impacts to neighbors, just to name a few. At a minimum, a general plan could have been outlined, subject to changes that can be approved by the state or county if needed.

(iii) Methods for waste management and waste disposal, including to the extent known, the amount of wastewater the applicant anticipates, the applicant's plans for disposal of wastewater and storm water, and the location of disposal.

The notice of intent states *"The Facility will not produce significant quantities of solid waste or wastewater…"* and "*Waste and recyclable products will be disposed of off-site at licensed waste management facilities."*
Discarded solar panels contribute are considered electronic waste (e-waste). Many of the materials used in solar panels are difficult to recycle, and improper disposal can release hazardous substances into the environment.

- Currently, a large percentage of end-of-life solar panels end up in landfills, where they pose a long-term risk of leaching toxins into soil and water. '
- Furthermore, the current recycling infrastructure for solar panels is not adequate to handle the projected increase in the coming years as panels reach their end-of-life.
- Improper removal of equipment at solar farms including solar panels and the infrastructure to support the panes have the potential to leach minerals and toxins into the ground; some of those minerals and toxins (such as zinc) can not be removed once in the soil.

There are no specifics on hazardous waste disposal in the notice of intent. Stating it will be taken to an off-site licensed place tells without details about that is NOT A Plan. At the very least potential locations and some indication that research has been done to address this could have been provided. Projects like this that do not have an agreed upon plan and financial set aside for that end up leaving the property owners stuck with the byproducts, the taxpayers money to clean up sites or worse a hazardous materials waste land that can not be used again for any sort of business venture and detriment to the environment. This demonstrates the unprofessional and inexperience of this company. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms? The notice of intent did not address the type and the amount of waste from the project, nor the plan for discarding and disposal of the equipment on the solar farm when it is no longer function-able.

The lack on information about in the facility description of the notice of intent demonstrates the unprofessionalism and inexperience of this company. Does the county and local residents really

want this type of company working on a large project that impacts a thousands of acres, a community and neighboring farms?

(B) *A description of major components, structures and systems of each related or supporting facility.*

BESS

The notice of intent states "*The BESS will be designed to store up to 4,000 MW-hours and will include a series of modular enclosures, battery units with enclosure-integrated inverters, and transformers*". It is well known that the batteries used for storage contain toxins and can create toxic waste. The notice of intent provided inadequate information about the batteries that will be use to understand the potential impacts to the area if those were to leak, start on fire, and how they will be disposed of.

Access Roads, Perimeter Fencing, and Gates

The notice of intent states "*To the extent practical, existing roads within the site boundary will also be used to provide access throughout the Facility. Where new internal access roads are required, they will be at least 20 feet in width and will be sufficiently sized for emergency vehicle access."* To the extent practical does not provide much information for the county and the public to understand impacts from roads. To install the solar panels and have access to them, some road construction would be necessary. And, the impacts of the roads in term of compaction, runoff, displacement of vegetation will occur. The notice of intent lacks important information about potential roads and road impacts.

The notice of extent states "*The solar arrays (or blocks) and most related or supporting facilities will be surrounded with perimeter fencing. Locations of specific access points and lockable vehicle access gates will depend on the final configuration of the solar arrays and related infrastructure".* Access points and lockable gates?? What does this mean in terms of landowners having access to their property. And what does it mean for access for those landowners that are surrounded by this project? The notice of intent lacks vital information about the fencing, gates and access for this project that should have been address in the notice of intent.

(C) *The approximate dimensions of major facility structures and visible features.*

The notice of intent states *"Posts will be buried 7 to 15 feet below ground surface and will extend approximately 5 feet above grade".* Is this even possible with the geography of the area? Farmers in the area know that getting a fence post to go 3 feet deep due to the compacted clay soils and rock is difficult. Has the geology of the area been assessed? How will these post be installed to ensure they will be stable in the types of soils that are in the project area? The notice of intent does not indicate an assessment of the geology and specific soil properties of the area that can impact the installation of solar panels.

The notice of intent states that "up to 8 feel high and approximately 55 miles long of perimeter fencing would be needed". This height and amount of fencing is alarming in terms of impacts to visuals, access by landowners, and wildlife. An 8-foot-high fence running along Hwy 216 for miles will have visual impacts!! Additionally, there is abundant wildlife in the area that would not be able to move through area with that type of fence including deer, elk, coyotes, and small mammals. This will significantly

impact wildlife in the area!! The notice of intent lacks information about the exact locations and impacts of fencing.

The lack of information concerning the system and structure of the system demonstrates the unprofessionalism and inexperience of this company. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms?

Facility Location

(c) A description of the location of the proposed energy facility site and the proposed site of each related or supporting facility and all areas that might be temporarily disturbed during construction of the facility, including the approximate land area of each.

The notice of intent states that the site boundary includes 13,626 acres but also states the solar design acreage is 8,157 acres. The notice of intent does not describe the difference between the site boundary acreage and the design acreage which does not give the county and the public a clear idea of the area really being impacted. Additionally, if the area identified on the map in the notice of intent is measured using GIS and looking at the county parcel information, the site boundary would be approximately 16,300 acres. This includes the 1,608 acres of property that landowners did not sign leases. So, the design acres could be up to approximately 14,600 acres. The notice of intent has discrepancies in the acreage amounts. Additionally, there are properties on the map showing as having signed a lease that have not. This is a grave error considering those property owners are opposed to this project. This seems like it would be important information be accurate about when proposing a solar project near communities and private landowners. There is a lack of information in the notice of intent to understand the acreage, exact boundaries and area that will be impacted. This seems important to get right for a project like this.

Land Use/Zoning

The area this project is proposed in is zoned Exclusive Farm Use. *The purpose of the Exclusive Farm Use (A-1) Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs. This includes economic needs related to the production of agricultural products.*

This area this project is proposed in has been used for agriculture for decades. Generations of families in the area have made a living on this land through farming. A solar far would destroy the farm nature of the area, the history of that use and make the land unusable for farming in the future. Additional, I do not see the exceptions to this being met by the solar project as noted below.

The Land Conservation and Development Commission may take an exception for land uses if the council finds:

- ***(a)*** *The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;*
  This does not apply to the project area. The land can still be used for agriculture.
- ***(b)*** *The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;*

This does not apply to the proposed project area. There are minimal other land uses nearby this area. And, as stated above, the land can still be used for agricultural purposes.

or

(c) *The following standards are met:*

(A) *Reasons justify why the state policy embodied in the applicable goal should not apply;*
There is no reason why this area should not continue to be used for agricultural purposes. Families have made a living off this land for generations, there is no adjacent uses that are threatening the ability to use the land, it is far enough away from larger population centers that other developments are not needed.

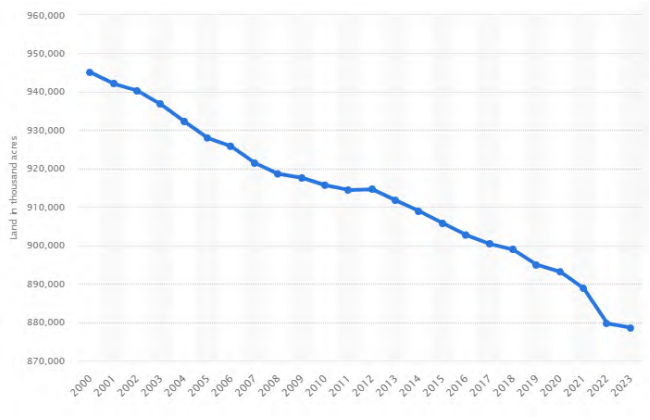
(B) *The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility;*
Although energy is a nation-wide issue and developing alternative energy sources is important and a priority, there are many other locations in the state where solar farms would be more practical in terms of solar efficiency, impacts to the environment and impacts to the community. Currently, the BLM is working on plans to lease over 1 million acres of federal land in central and southern Oregon for solar energy production.

and

(C) *The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*
I do not believe the facility is compatible with other adjacent uses since this is a rural area with little development.

Local landowners, farmers and ranchers have been held to the zoning standards of this are for decades, despite whether it is in the best interest of the property owners from and economic, financial, environmental stance. There is no reason this should be different for potential business to the area. Just because an outside company can make a large profit does not warrant an exemption. If this were the only place or one of the only places in Oregon this could occur, it would be different but there are many other, more suitable places for a solar farm than this area.

The amount of farmland is shrinking annually in the US. From 2000 onwards, the total area of land in U.S. farms has decreased annually, aside from a small increase in 2012. The total farmland area has decreased by over 66 million acres, reaching a total of 878.6 million acres as of 2023. (M. Shahbandeh, May 24, 2024). Continuing to allow productive farmland to be used for solar farms sets a precedent in the county and the majority of Wasco County is zone for Exclusive Farm use.



(Statitista 2025)

The notice of intent lacks the information to understand why zoning should change for this area just for this project.

The lack of information concerning the facility location demonstrates the unprofessional and inexperience of this company. There is also misinformation provided which shows a lack of transparency and ability to give attention to the details of the project. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms?

Environmental Impacts

Surface and Ground Water Quality

The notice of intent states *"The Facility will not discharge pollutants to surface water or groundwater during operation".* However, it is documented that solar farms have the potential of discharging pollutants if managed improperly. This area has streams and creeks that feed into larger tributaries and rivers that contain sensitive species and provide recreation opportunities that support the community economically. At a minimum the notice of intent could have included what the likelihood of this happening on a solar farm and what the company would do to prevent that from happening.

Surface and Ground Water Availability

The notices of intent states "Facility construction is expected to require approximately 1,400 to 2,000 acre-feet of water. The applicant is exploring different sources of water to accommodate construction, including dust control, road compaction, and concrete mixing, in a way that minimizes any impact to water resources. Options include municipal supplies, temporary licenses for the duration of construction, or a temporary transfer from an existing water right. Daily water use will fluctuate based on weather conditions and specific construction activities. The Applicant will conduct a detailed analysis in the ASC to confirm the amount of water needed for construction and ensure that either the local wells or local municipality can meet these requirements." Once again, the applicant has been vague on specifics for this protect that are important. This area is an arid area that is very dry in the summer; water availability and water rights are a very sensitive issue in the area; farmers and ranchers rely on what water supply there is through irrigation rights. Drilling wells has implications for the overall water table in the area and has specifications that need to be met per county regulations. Not including more specific information on the source of water supplies, if that will meet the needs of the project, and the impacts on other farmers and ranchers should have been addressed and is a grave oversight. It implies the applicant has a huge lack of understanding of the area, the issues, and the potential impacts.

Soils

Solar farms alter everything from sun exposure to surface temperatures, which can have vast and unexpected impacts on plants even alter the area's soils and hydrology. The dark surfaces of solar panels absorb most of the light and heat that reaches them. However, only a fraction (estimates are around 15%) of incoming energy is converted to electricity. The rest is returned to the environment as heat. Because the panels are so much darker than the surrounding vegetation, large swathes of solar fields will absorb and emit heat at higher rates. There is debate how much that impacts the larger landscape and temperatures of an area. Most the solar projects that have been installed are much smaller in nature and the impact of the refraction of heat does not appear to be an issue to the larger landscape. However, there are few solar projects that are as large as the proposed project that have been in operation long enough to understand the effects in terms of heat. This is still an unknown. Regardless, there is impacts from this to the micro environments around the solar panels.

The following impacts are of concern that are missing.

- **Compaction of soils** – soils experience significant compaction based on the volume and type of construction activity (drill rigs installing thousands of piles, graders/dozers working the fields, excavators, boom trucks installing racking, numerous trucks, ATVs and other vehicles, etc.); the resulting increase in compaction of soil may cause an increase in runoff and sediment transport until the site is fully re-vegetated, if it can be revegetated. The soils in this area can be easily impacted taking years to recover.
- **Topsoil** – The removal of topsoil from a site may result in the loss of vital organic matter required for plant growth and issues with runoff. This may result in much less vegetation and/or increased time to re-vegetate the site and most importantly, the introduction of invasive species. Dry, arid areas of the western states have been significantly impact by conversion to cheat grass which takes significant money, time, and effort to get rid of. Additionally, on sites where topsoil is not replaced, or is contaminated with subsoil, the lag in full vegetation establishment could extend for years. During this time, the bare or partially bare soils can experience erosion and washouts. This may result in the need to re-start the vegetation process: fix the erosion, add topsoil and vegetation (seeding) and/or apply erosion and sediment control measures such as erosion control blankets.
- **Soils / depth to bedrock** – Often, geotechnical information is provided at the onset of a project. The vast majority of sites are constructed based on soils information from limited soil testing that provides only a high level understanding of site soils that may be impacted when completing grading, preparing a rock profile for the site or balancing the site based on the cut/fill required. This type of testing often misses pockets of differing soil types found over a site of this size. This are does have a very diverse soil provide that changes from acre to acre. That diverse soil pattern is what provides stability and hydrological functioning in the area. A lack of understanding of this will most likely lead to erosion and excessive run off.
- **Construction methods** – Contractors must be careful not to "open up" (remove vegetation and topsoil) an entire site all at once. When severe weather occurs, such a site may experience significant erosion issues and, in some cases, may not possess sufficient erosion and sediment controls to combat the increase in flow from a bare soil surface. The phasing of construction is of great significance with projects of this magnitude and must be addressed during the design stage and implemented during

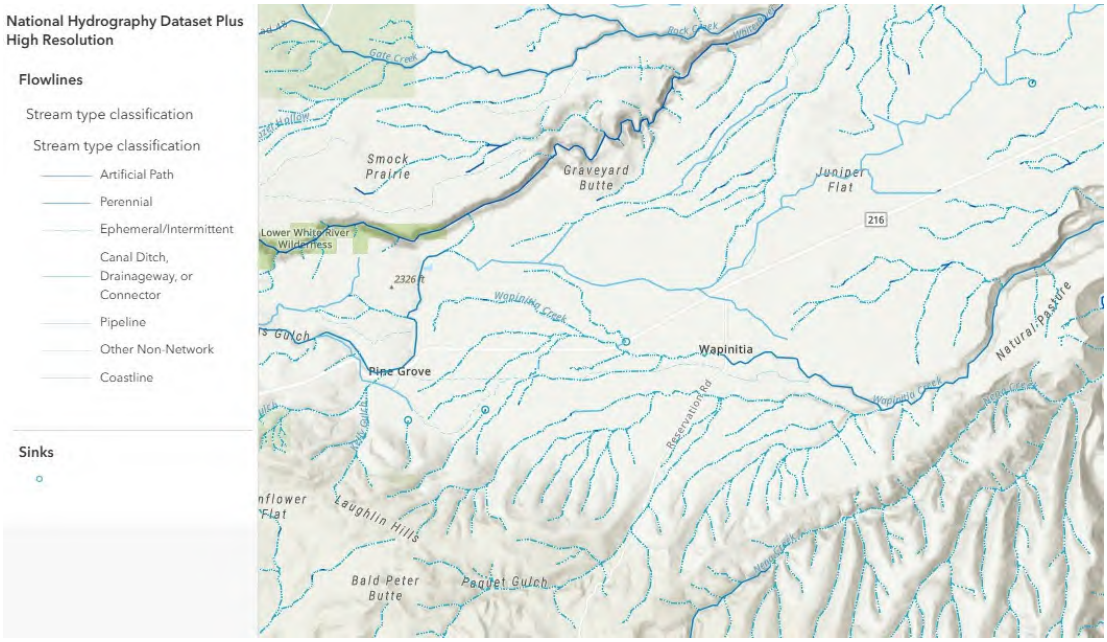
construction. There is a lack of information in the notice of intent about construction menthols.

- **Concentrating flow (roadways)** – The requirement to access transformers and inverter houses may result in the need to develop an on-site road network. A road network is typically laid out on a plan and each transformer is apportioned a "block" of arrays which make up one-tenth of the area of the project. The road network may not account for the topography, sometimes resulting in roads being located in the least desirable areas, specifically, around the perimeter of the site. This may result in the need to direct runoff via culverts or other means across the roadway and into a ditch or adjacent field with limited opportunity to spread the flow.
- **Concentrated flow (long reaches)** – As a function of the work environment and grading activities, relatively long distances (or reaches) of solar developments may be smoothed out to permit the piles/panels to be installed and to promote effective transportation networks. The challenge with this is that the combination of long reaches and the smooth surfaces may result in an increased runoff velocity. Under pre-development conditions, the areas may have had generally similar characteristics, however, without the grading activities, small pockets, depressions, etc. may have existed that would capture runoff, reduce flow velocities, provide opportunity for infiltration and/or ensure that not all runoff left the site. Once smoothed out, runoff may not have had these same opportunities, resulting in more flow running off, collecting and then eroding the soils.

Wetlands and Waters of the United States

The notice of intent states *"The National Wetlands Inventory (Figure 7) and National Hydrologic Dataset (Figure 8) identify multiple streams and wetlands throughout the study area. Wetland and waters delineations and assessments within the site boundary will be conducted in accordance with the administrative rules governing the issuance and enforcement of removal-fill authorizations within waters of Oregon including wetlands (ORS 196, Chapter 141, Division 85), as well as Section 404 of the Clean Water Act."*

The hydrology of the project area is unique in that there is one main creek that runs through it (Wapinitia Creek) that is fed by runoff from very small streams around it. Additionally, the area has lower depressions that create seasonal wetlands and rock outcrops that hold water in the spring and help prevent run off and flooding. Most importantly, Wapinitia Creek sits in a slight depression on the "flats" and provides the only source of excess runoff (see map below). It is not unusual for it to flood in years of high rainfall amounts. Right now, the creek can handle that excessive run off that occurs with limited impacts to the land and landowners. Changing the nature of the land by grading, removing rock breaks, compaction of soils, lack of vegetation will significantly impact the runoff hydrology of the area. This will result in major impacts to those landowners whose property the creek runs through, which right now includes at least 3 landowners who are opposed to the project. For the landowners that have seen the current flooding that occurs, this is of great concern. If that creek were to flood even more than it does, houses and infrastructure would begin to be impacted, current farmland being used for agriculture and grazing would be negatively impacted.

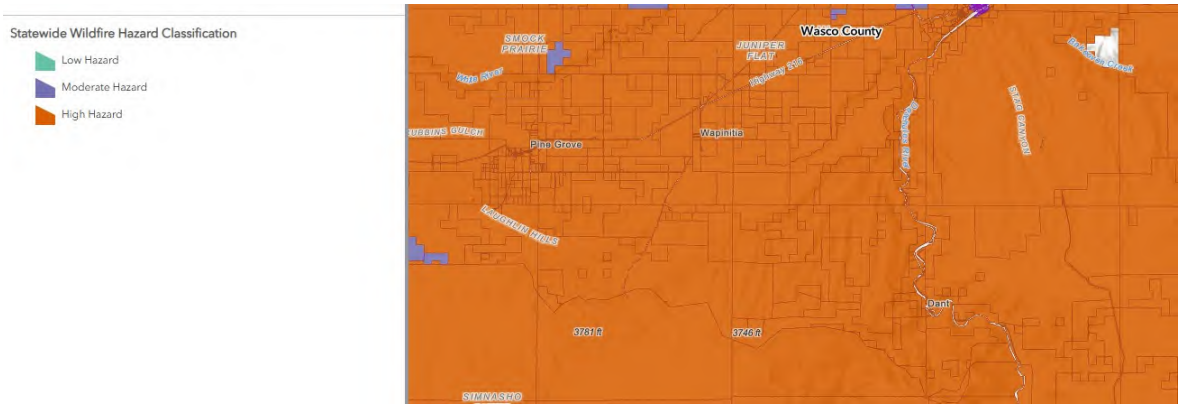


The lack of information concerning the impacts to soils and hydrology of the area which is diverse, sensitive, and plays a major role in the overall hydrological functioning of the area demonstrates the unprofessional and inexperience of this company. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms?

Wildfire Risk

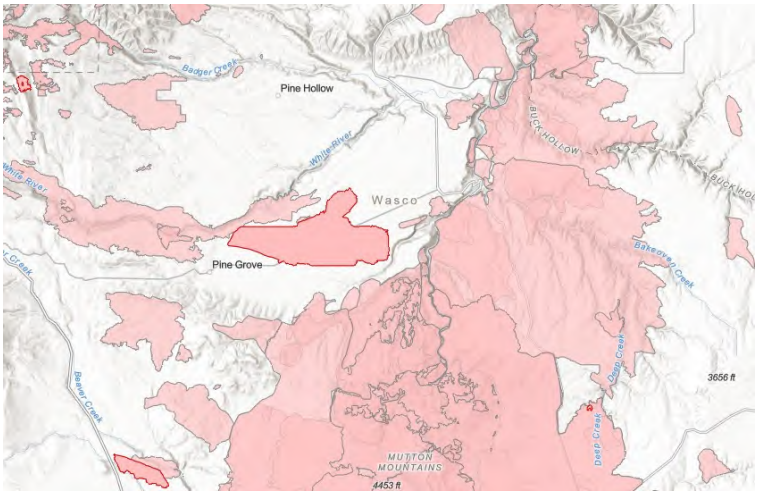
The notice of intent states “The Oregon Wildfire Risk Explorer shows most of the study area within a high hazard area for burn probability, with a few small areas in a moderate hazard area for burn probability. Water trucks will be at the Facility for dust management and will provide water to support fire control. The Applicant will coordinate closely with Rural Protection Associations including the Maupin Fire Department, Tygh Valley Rural Fire Protection District, and the Bakeoven-Shaniko Rural Fire Protection Association. The ASC will provide a detailed analysis of the baseline fire risk, seasonal fire risk, heightened risk area, and high fire consequence areas for the study area. The Facility will develop and implement a Wildfire Mitigation Plan for construction and operation in compliance with OAR 345-022-0115(1)(b).”

Not only is Pine Grove, Wapinitia and Juniper Flat considered a high fire hazard (see map below); it is one of the highest fire hazard areas in the state, if not the highest. The dry summer climate coupled with the high loading of cured grass fuels, abundant amount of lightning and human starts, adjacent forest fuel hazards and east wind events has created high fire hazard conditions for the area.

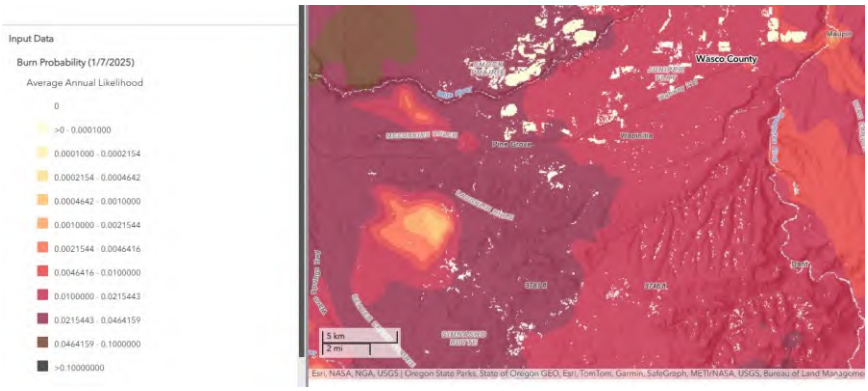


[Oregon Wildfire Risk Explorer]

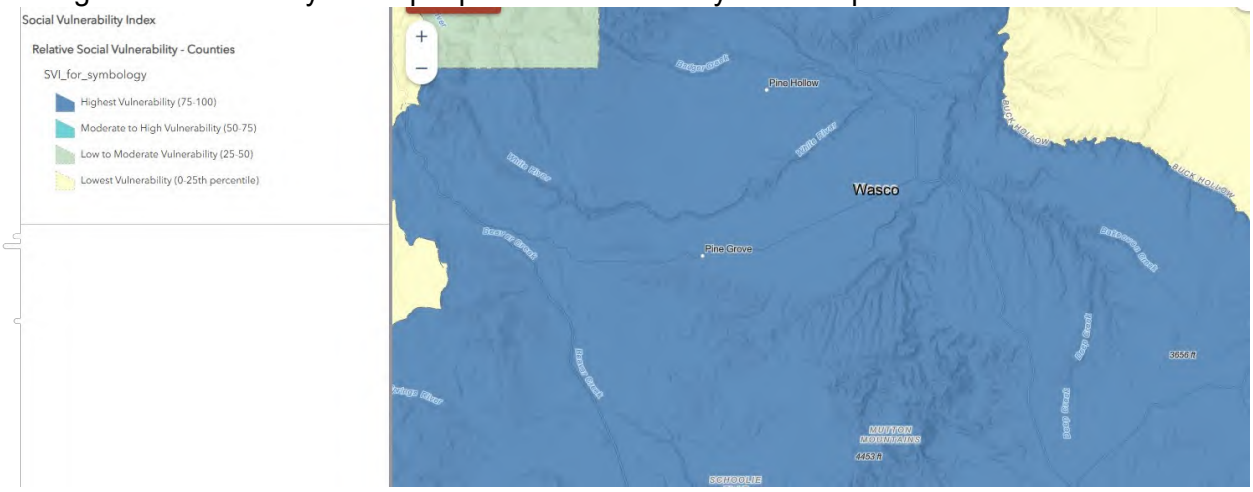
Several fires have burned in this area over the last 50 years. Fires are general fast moving, driving by high winds. These fires are typically difficult to control until weather conditions change. Average fire sizes range from 50-20,000 acres in size. See the fire history map below for reference. More fires will occur in this area in the future, it's only a question of when and not if one will occur. The ecosystem in this are is fire adapted and fire dependent. The ecosystem in the area historically burned on a 15 year average prior to human habitation. The vegetation became adapted to fire and developed traits to survive fire and even to becomes dependent on it. For example, many native vegetation seeds from the top and the seeds become imbedded in the soils which can stay there for years until a fire occurs and then then they emerge. That native vegetation (such as grasses) grows in bunches which when it catches fire can create enough energy to spread to the next bunch. What I am saying is the native ecosystem is set up to burn regularly and it will burn again. As much as we try to keep fires from burning, weather sometimes dominates and humans cannot control the weather. We can stage equipment and that means, maybe the fires can be caught sooner and extinguished when the are small. We can do fuel reduction treatments which means fire behavior will be lessened but with high wind evens in light grass fuels, that sometimes is not enough; it just means there isn't as much intensity so the impacts to the land and infrastructure can be lessened. But even attempts to do this fail because there are multiple fire starts, the equipment fails, the right equipment isn't available in the right place at the right time. Or, the weather just over powers the ability to control it by human means.



Climate change is expected to escalate the scope and intensity of wildfires in the future. Predictions are the increase in wildfire probability will be highest in western states of CA, NV, ND, MT, OR and TX. The potential for large fires that are difficult to control is extremely high in the area proposed for the solar farm. The following map shows the probability of large fire occurrence for the area being very high. This is due to the vegetation type and local weather events.



Additionally, this area has a high social vulnerability rating from wildfires meaning the impacts are significant financially to the people in the community. See map below.



The majority of wildfires are human caused (90%) in the US. Solar Panel farms increase the risk of wildfires even more. It is well documented that equipment issues have led to fires at solar farms. Electrical issues such as faulty wiring, inverter malfunctions, human accidents, or animal intrusion can cause electrical sparking. A fire within a solar farm can escalate quickly due to the dense arrangement of panels and the flammable materials used in their fabrication. “A study conducted by European testing and certification company TÜV Rheinland, titled Assessing Fire Risks in Photovoltaic Systems and Developing Safety Concepts for Risk Minimization found that in approximately half of 430 cases of fire or heat damage in photovoltaic (PV) systems, the PV system itself was considered the “cause or probable cause.” The Firetrace study highlighted three major causes of solar farm fires. These are an error in the system design, a faulty product (a design or quality issue), and poor installation practices. Among components, DC isolators pose the highest fire risk, being involved in the outbreak of around 30% of studied fires. Other components that are likely to cause a fire are DC connectors

and inverters". The notice of intent does not mention the selection of equipment, project design, or layout in term of reducing fire risk. Has wildfire risk been factored into the design of this project, including the type of system being put in, fire suppression systems, access to the area?

Of specific concern is fire starts from individuals working on equipment in this area. The last large wildfire that burned in the Pine Grove/Wapinitia/Juniper Flat area was the result of work being done on an irrigation system. The fire resulted in burning all my cousin's property including barns, fences, hay, and equipment; a portion of that he was not compensated for and months to years to fix the damage. This can be a huge loss to farmers in the area and the solar company would be liable for the cost of suppression and damage caused. Because of the high fire danger and the experiences insurance companies have had with large wildfires impacting areas, obtaining insurance has become a problem in high fire danger areas. Many people are in the area have recently been denied homeowner insurance due to the high fire danger rating of the area. There is no mention of insurance, liabilities, and compensations in the notice of intent. How will the company ensure there is adequate fire insurance to cover these types of costs when a wildfire occurs that is the result of a fire from the solar farm? There needs to be proof of this type of insurance prior to the project being approved. Not just for the infrastructure at the solar farm but also for impacts to adjacent landowners. These types of fires easily cost several million dollars just for the suppression costs alone. If damaged infrastructure of the solar farm is included there will be several million more needed. Add damage to the landowners infrastructure and assets for several million more.

There is no mention of a prevention plan with the solar farm in the notice of intent. If something on the solar farm needed mechanical work and it is high fire danger, how will this be addressed? A fire prevention plan for what activities can occur at what times need to be developed and adhered to. There will be many days in the summer when certain types of equipment and machinery should not be used in this type of vegetation. How will this type of down time for the system factored into efficiency of the solar production?

What will be the impacts to the local community when a wildfire occurs and solar panels and battery facilities caught on fire? This is not mentioned in the notice of intent.

- It is known that wildfires in solar farms can produce harmful toxins into the air, requiring local communities to stay inside. Since this project is near the community of Pine Grove, Wamic, Tygh Valley, and Maupin, a large area of people and businesses could be impacted. This is also high recreation area with people dispersed on the Mt Hood National Forest and Bureau of Land Management sites. How will toxic air situations created from wildfires in the solar farm be dealt with considering that amount of people?
- Stormwater runoff has been highlighted as one of the most noticeable impacts of wildfire. After vegetation has been destroyed by fire, the ground's soil becomes hydrophobic – meaning its ability to absorb water decreases resulting in more runoff. Since the infrastructure in solar farms are built with materials that can release toxics, were they to burn, this could be released into the water table in the area. How will potential toxic leaks into soil and ground water be dealt with?

There seems to be no recognition of the types of fires, the resources available and how to manage the fires that occur in this area. Fires in this area are fast moving, pushed by high winds. Typically ground resources (engines, crews, and heavy equipment) is ineffective with

these types of wildfires. Large aircraft may be effective; however, the availability and access to that type of resource can be limited depending on other wildfire activity in the area. And the response times are 30 minutes considering they are based out of Redmond. How do you propose to have that type of resource available to respond to that type of situation?

The local area (and even adjacent fire districts) are served by a fire department that is all volunteer. This type of department can deal with small fires but not larger fires, let alone wildfires that have potential hazardous materials involved.

- Even if there were an investment in new equipment for the fire department, there is often not people to run some of that equipment because they have full time jobs or they are retired and not fit for that type of work. There would need to be a full time funded fire department and where is that funding going to come from?
- Hazmat teams would be needed to deal with these types of fires, not your typical local volunteer fire department.
- Most wildland fire qualified resources from the state and federal agencies in the area are not trained for hazmat types of fires and do not engage in them.
- With the potential for toxic smoke, the smoke issues would limit access and the response time for wildland firefighters to deal with the wildfire which could mean large fires.
- The presence of a live electrical current makes it difficult for firefighters and first responders to safely extinguish a solar farm fire without increasing the risk of electrocution. Because of these hazards, it often takes firefighters more time to assess and address the situation—which increases the potential for the fire to get out of control and grow larger.
- With the solar project being located along Hwy 216, the smoke and impacts of a solar farm burning would such down traffic on this highway. To close highways, local law enforcement is require.

How is the company going to ensure the right resources will be able to respond when this type of wildfire occurs, in a timely manner? The notice of intent does not mention any of these potential impacts and resources that would be required to manage a wildfire in a solar farm.

Smoke produced by wildfires can travel hundreds of miles or more from the site of a wildfire and impact the air quality and sunlight available in an area. The buildup of ash and particulate matter in the atmosphere and on PV modules can disrupt the power generation of these systems resulting in reduced power output and lost revenue. It is estimated power production could drop 10-30% from smoke. This area has seen summers with smoke for days on end. How has this been accounted for when determining the efficiency of solar panels in the area? This is not acknowledged in the notice of intent, as solar energy availability and efficiency for this project was not included.

Solar farms often remove the existing vegetation and plant to grasses that are easier to maintain. This would require the removal of a lot of juniper trees, sagebrush, and brush from the area. The types of vegetation planted are typically not native, fire adapted, require more water to maintain, and create as much if not more fire danger. The plan for how vegetation would be managed in the solar farm was not addressed in the notice of intent. If vegetation is being clear to create space for the solar farm, what is the plan for disposing of those materials?

I'm not sure the severity of the fire risks and consequences of a wildfire are understood by the company proposing this project. Why would a business want to invest millions of dollars in infrastructure in a high fire risk area that has a history of wildfire? It just doesn't make sense. A fire in this area could easily destroy all the solar infrastructure.

Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms? The county and local citizen will be the ones that pick up the pieces from a wildfire when company doesn't.

Wildlife

The notice of intent states

- *"The Oregon Department of Fish and Wildlife (ODFW) Compass report identifies grasslands, late successional mixed conifer forests, oak woodlands, ponderosa pine woodlands, flowing water and riparian habitats, sagebrush habitats, and wetlands as strategy habitats within the study area."*
- *"Deer winter range is mapped to the south and west of the site boundary, and elk winter range is mapped to the west of the site boundary. Wildlife and habitat surveys will be conducted in coordination with ODFW; an analysis of habitat and potential impacts will be detailed in the ASC."*
- *"A total of 37 special status species of concern to the United States Fish and Wildlife Service and ODFW were identified that should be evaluated as potentially occurring within the study area."*

These statements point out the potential wildlife that could be but doesn't not go into any detail for where these species are, what their habitat is and what the potential impacts could be. There are many obvious impacts this project will have on wildlife which I believe make this a poor location for a solar farm.

- A perimeter fencing Up to 8 feet high and approximately 55 miles long will impact wildlife. The elk and deer that move through this are have migration paths which will be disrupted by this fencing. They also tend to avoid developed areas such as solar farms. The most probable impact will be that these herds will move out of the area.
- The grading, leveling of the area will displace the native plants which the wildlife relies on as a main source of food. Removing forage over a large area (which we really don't know the true extend but could be anywhere from 8,000-16,000 acres) will have impacts on the health of these hears and they will most likely move out of the area.
- Where the project is being proposed is the primary winter habitat, grazing grounds, and migration area for the elk herd in the area. If this are is fences and solar panels are put up, then their primary winter habitat will be taken away and that herd will leave the area.
- The fencing may also impact smaller mammals and their ability to move through their habitats, depending on the type of fencing. And leveling the land, removing native vegetation, and replanting to other species of grasses will definitely affect habitat in terms of forage, cover, denning sites, and much more.
- Disturbing the vegetation, duff, and soil layers will open the area to invasive. Of most concern is cheat grass which is known to take over disturbed areas and takes a lot of effort in terms of time, money and effort to remove from a site.
- There are several properties and hundreds of acres in the project area that have been part of the Crop Rotation Program in the past. The Conservation Reserve Program (CRP), administered by the Farm Service Agency (FSA), is a voluntary

program that encourages farmers and landowners to convert agricultural land to vegetative cover, such as native grasses, trees, and riparian buffers to promote healthy ecosystem, reduce soil losses and erosion, and protect wildlife habitat. This has promoted a healthy ecosystem and supports wildlife. Certain species have benefited, increased in population and/or returned to the area due to this program (quail, white tail deer, elk, turkey, geese, ducks, various pollinators to name a few). From 2017 to 2022 Waco County was granted over 17 million dollars for the CRP. It seems counter productive to encourage the promote wildlife habitat and then turn around and allow it to be destroyed and replace by a solar farm.

When one species is gone from a system it is a cascading effect to others species. Even removing the native plant species will impact insects that nest and feed off of them. If this were a couple hundred acres of the habitat, it would not be much of a concern, but due to the size of the project, this will impact whole populations of plants and animals. The notice of intent does not address specific information related to the species that will be impacted nor any mitigations for those impacts. These potential impacts are obvious to the landowners of the area that observe and value the wildlife and therefore it should have been identified in the notice of intent. It appears that the applicant was negligent in listening to those who have knowledge of the area and concerns about wildlife.

Historic, Cultural and Archaeological Resources
The notice of intent states "The Applicant will complete a cultural resources field survey and submit the results in the ASC. Any archaeological or historic sites discovered during the field investigation will be officially recorded and filed with the Oregon State Historic Preservation Office. If an archaeological or historic site is identified, the Applicant will undertake the appropriate avoidance or mitigation actions to avoid significant impacts."

Pine Grove, Wapinitia and Juniper Flat were inhabited by the Warm Springs, Wasco, and Paiute Tribes before they were relocated to the Warm Springs Indian Reservation through the 1855 Treaty. The area was used for hunting, fishing, and gathering, particularly along the Deschutes River and its tributaries. Therefore the area is now considered ceded lands of the Confederate Tribe of Warm Springs to the U.S. and in exchange for the reserved lands and the tribe keeps the right to hunt, fish, and gather in traditional areas. This solar project will have impacts on wildlife and the plants in the area that were traditionally hunted and gathered. There are known artifacts throughout this project area and I'm sure there is probably traditional gathering grounds, locations of camps, and spiritual places unknown to even the local residents. The notice of intent did provide a letter saying they were consulting with the Confederated Tribes of Warm Springs to do archeological surveys. It did not however mention any other consultation that was completed with the tribes.

This area also has a long history of ranching and farming. There are many historic building; some being barns on private property, ranch houses, a hotel, and schools. People move to and retire to this community due to the nature of this small community. Having a large solar farm in this area would forever change the historical feel of the community. The applicant for this notice of intent failed to include this important feature of the area.

Scenic Resources
In accordance with to OAR 345-021-0010(1)(r) and 345-022-0080(1), scenic resources to be considered are those "identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area…" The notice of intent states "*The Wasco County Land Use and Development*

Ordinance (WCLUDO) was used to identify scenic resources within the study area. The Wasco County Comprehensive Plan designates the White River as an Outstanding Scenic and Recreation Area, located near the northern site boundary. The Lower White River Wilderness Area and Lower Deschutes Wild Scenic River areas are identified to the west and east of the site boundary, respectively. The Lower Deschutes River Back Country Byway also parallels the river. A visual assessment will be included with the ASC and will provide avoidance, minimization, and mitigation measures, if needed, for significant potential impacts identified through the ASC process."

There are many other scenic resources of concern within and near this project that were not identified in the notice of intent, nor were impacts or mitigations included.

- The large size of this project and infrastructure including solar panels, battery storage systems, and supporting facilities like substations, access roads, and fencing will dominate the natural landscape, altering the visual character of the area. Some may say that over time, people will become accustomed to this view as they do a power line. However that comparison is not the same. A whole landscape will be effected by this project not just an strip where a powerline runs and where the lines are not visible unless close up so it is the poles that are visible.
- The project is located in South Wasco County, near areas valued for their scenic beauty, such as the Deschutes River, Mount Hood National Forest, and surrounding hills. This will impact the viewsheds of those areas that are visible from Pine Grove, Wapinitia and Juniper Flats.
- The Lower White River Backcountry Scenic byway is directly to the north of this project. The solar project would be on both sides of this scenic byway.
- This project would completely surround several properties; 18 in total. The notice of intent does not provide information about screening or set backs. The minimum set back recommended is 50-100 but depending on the solar farm and visuals, it could be up to 1640 feet. In terms of screening, the arid nature of the area would make it almost impossible to support a vegetation screen and considering how large the project is, it can be seen from every road and property in the area. In my opinion, there is no amount of screening that can mitigate the visual impacts of this project.
- Nighttime Light Pollution: The facility may require lighting for safety and operations, which could contribute to light pollution in an otherwise rural area that is similar to a dark-sky area. One of the reasons people like to live and recreate here is because of the amazing night skies. Nighttime light pollution can also affect local residents health and animal populations. The handful of farms that will be surrounded by this solar farm will be particularly impacted.

The notice of intent failed to explain the nature of the scenic areas, did not even consider many of them. Of even more concern is the applicant fails to state to mention those landowners where the project will completely surround their property. Stating only that a visual assessment will be included does not adequately address this subject for the county and public to fully understand the impacts to visual and scenic integrity from the project. With scenery being a hot topic issue associated with solar projects, this is a gross oversight by the applicant!!

Recreational Opportunities

The notice of intent states "Recreational activities within the study area include hiking, fishing, boating, camping, bicycling, and sightseeing along the Deschutes and White Rivers. The ASC will include more detailed analysis of the potential impacts to recreational resources and whether the recreational opportunities within the study area meet the level of uniqueness or irreplaceability that is required by OAR 345-022-0100(1)."

Hwy 216, the main route to Mt Hood National Forest going west and to Maupin and the Deschutes River Recreation Area to the east runs through the middle of the proposed project area. The solar farm would be a visual eye sore fore people driving through. Potential impacts could effect recreation opportunities such as run off, water pollution, and wildfire. These impacts should explored thoroughly to understand the economic and scenic impacts to the community. The notice of intent failed to recognize the impacts to recreation on the Mt. Hood National Forest.

Protected Areas

Wilderness

The Lower White River Wilderness area, established in 2009, is adjacent to this project.Mount Hood Wilderness protects upper portions of the White River, while the 2,873-acre Lower White River Wilderness, southeast of the Mount Hood Wilderness and east of Highway 26, provides a buffer for a lower segment of the river. The upper portion is managed by the US Forest Service and the lower section by the Bureau of Land Management. This wilderness is in a unique vegetation transition zone from mixed conifer forest to arid steppe, and centered on a deep and rugged gorge which, as it descends, holds onto firs and pines on north facing slopes while south facing slopes become dominated by junipers and oaks. The river is home to the genetically distinct White River race of redband rainbow trout.

The Wilderness Act intended wilderness areas to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character… Wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

BLM regulation require an analysis of Impacts to Wilderness Character from Activities Outside of Wilderness Areas a. In general, the BLM does not prohibit uses outside a wilderness on public lands solely to protect the wilderness character of the designated lands. When activities on adjacent public lands are proposed, the potential impacts, if any, of those activities upon the

wilderness resource and upon public use of the adjacent wilderness area must be analyzed in the applicable NEPA document.

In authorizing new uses, as long as the purpose and need can be met, a reasonable effort must be made to protect the character and values of the nearby wilderness. b. If allowed by law and regulation, the BLM may require actions to mitigate potential impacts on public lands (such as minor changes to location, limited timing restrictions, using certain paint schemes on equipment, or requiring shades on lights) as identified through the NEPA process if they would not impose additional undue financial burden on the operator.

BLM Manual 6340—Management of BLM Wilderness 1-65 BLM MANUAL Rel. No. 6-135 7/13/2012

White River Wildlife Area: This unit is managed by the Oregon Department of Fish and Wildlife and is approximately ¼ mile away from the project, to the west. It provides hunting, fishing, camping, and hiking opportunities.

Community Service Impacts

Water for Construction

During Facility construction, water will be sourced from a municipal water supply or other licensed and permitted providers with adequate water rights through a temporary license or transfer, ensuring that public water systems are not adversely impacted. The Applicant will thoroughly confirm the water requirements for both construction and operation in the ASC. The analysis will include detailed assessments of whether the identified water sources can meet the Facility's needs. Should these sources prove insufficient, alternative water supplies will be sought from other licensed providers.

There are no municipal water supplies capable of providing a supply of water; Pine Grove has one but that often runs low in the summer months. Water rights are a sensitive issue and most of the people who have water rights use them for irrigation. This may be a limiting factor for this project.

Stormwater Drainage

The notice of intent states *"No adverse impacts to public stormwater services are anticipated from the construction or operation of the Facility."* I'm not sure if facility refers to just the handful of buildings needed or in terms of all the infrastructure as it is not stated clearly in the notice of intent. If it is reference, all the infrastructure, then there is a potential for excessive storm runoff were the soil to be impacted as mentioned several pages before this.

Housing

The notice of intent states "*During construction, approximately 300 workers will be present on-site on an average day, though this number may rise to approximately 500 workers at peak times when multiple teams are working simultaneously… The non-local workforce may need temporary housing. Temporary housing for non-local workers is expected to include motels, hotels, rental units, and RV parks. Larger communities within a commutable distance, such as Eugene, Madras and Corvallis, offer a range of accommodation options, which will help minimize the impact on local housing. Approximately half of the construction workforce may stay locally in RV parks or motels, with the other half of the workforce commuting daily from locations up to one hour away."* Housing is an issue in this area as it is in all areas of the country at this

time. There is only one small hotel and short term cabin rentals in Maupin and they are often filled up in the summer from recreation visitors. There is some RV parks, but with limited availability for parking RVs and campers. There is very few rental properties in the area. There is no way there will be housing for even 25% of the out of area workers for this project. In terms of commuting distances, Eugene is a one way four hour drive, Madras a one and half hour and Corvallis a three and half hour. The closest and most practical location for commuting is from The Dallas, an hour drive one way. The fact that the applicant would list Eugene and Corvallis as options shows a total lack of understanding of the area. It does seem that what was included in the notice of intent related to housing was not well researched.

Medical
Maupin has one "volunteer" ambulance and a clinic. The plan to rely on that source for medical response is not a feasible plan. Once again, the lack of research and planning for this project does not reflect well on the applicant.

Community/Adjacent Landowner Impacts

One important impact, community and other landowner impacts were not required to be covered in the notice of intent. However, this is probably the largest issue with this project and needs to be taken into consideration. These impacts include;

- This project is within ½ mile of the community of Pine Grove. The area is primarily composed of lower to medium income residents. Solar farms have been known to reduce property values and increase property taxes. Many residents retire here because property values are still reasonable for moderate income families. These individuals would loose financially if they were to need or want to sell their property.
- This project will completely surround several farms and landowners; 18 properties would be affected like this. The income of those people on those properties could be significantly impacted through potential flooding, impacts to local vegetation, water and soil pollution which could effect the potential for income from crops and grazing. The loss of habitat and habitat fragmentation associated with this large of a project can disrupt natural cycles of animals, such as pollination or pest control, and have indirect consequences for agricultural productivity.
- Human Health: Some solar panels contain toxic materials such as lead, cadmium, and selenium. If these materials leak into soil and water due to improper disposal or damage, they can pose significant health risks. Exposure to these heavy metals can cause a range of health problems, including kidney damage, neurological disorders, and developmental issues. It's crucial to implement robust recycling and waste management systems that can effectively capture and safely process these harmful materials.

Overall, this project is not good for the community as a whole. Some may benefit but many will not and the impacts to those who will not benefit could be significant in terms of quality of life, financially, potential exposure to toxins, and impacts to the natural environment. I understand landowners rights to make decisions on their property and generally agree with that. However, when an activity on private property is taking place that has a negative impact on other landowners, then some consideration needs to be taken for others that will be impacted.

Size of Project

The true acres of the project are unclear but from what I can gather from the notice of intent and my own mapping is that it will be anywhere from around 8,000 to 13,000 acres. There are no other solar farms in the US near this size that are currently operating to compare what this project look like and what the potential impacts could be.

The following is a list of some of the largest solar project in the US that are currently operational in terms of acreage.

- Orion SB, TX – 4,000 acres
- Edwards & Sanborn, CA – 4600 acres
- Copper Mountain, AZ – 4000 acres
- Solar Star, CA – 3200 acres
- Desert Sunlight, CA – 4200 acres

This project being proposed is twice the size as the largest solar farm operating in the US. Therefore, it is hard to even estimate what the impacts may be. But we can safely say any negative impacts from solar farm that have occurred (fires, noise pollution, night pollution, visual impacts, soil contamination, vegetation and wildlife, soil impacts, potential flooding) could significantly more than what we have seen happen at current solar farms. There are other project in other countries larger than the one proposed in this notice of intent (up to 38,000 acres) but the exact specification and impacts are hard to understand due to different regulations and sources of information available.

This should be seriously taken into consideration with this project. Does the county and local residents really want to be home to one of the largest future solar project in the US and be a test case for what the potential impacts are? Especially considering the location near communities, surrounding other landowners, where recreation use is high and scenery is highly valued. I think both the county and all local citizens should think hard about this. Considering the land will never return to what it was prior to a solar farm.

Applicant

The notice of intent does not give much information on the applicant nor their experience with projects like this. This is the information from their website.

BrightNight Solar Company:

- Started in 2019. The company is 7 years old.
- Based out of Florida. This raises some concern in that it is not familiar with the location of this project. How does a company in Florida's supervise and run a solar farm?
- Shows 6 projects on it's website which are all under development. It does not appear that the company has actually fully installed, operated and decommissioned a solar farm.

The way the applicant has approached this project is similar to another project they proposed in Clark County, Kentucky. The company was able to get many landowners to sign up for leases with the promise of financial benefits to both the landowners and the community but failed to adequately assess the impacts to all landowners. They were purposing a project that would completely surround other property owners. This project was denied by the county. https://www.wave3.com

Some landowners have had negative interactions with the representative of the company which has eroded any trust I may have in this company. The public meetings seemed to be geared towards promoting the project and not actually listening to the public concerns; it seemed as if the representatives think the local residents aren't informed or understand the project and if they just keep explaining the benefits then their concerns will just go away. Additionally, several landowners that were not interested in leasing their properties were approach and offered $5000 if they signed a non-disclosure agreement that they would not oppose the project. A company that really wants to work with a community, provide a good product, and maintain in good standing should listen to it's customers and do what they can to take their input into consideration. In the world of scams, large companies looking only at the bottom line, and the pressure to produce a product, it is hard to trust a company from the other side of the country that comes into an area trying to sell something based only on the benefits which has money as a bottom line.

Summary

I am a strong supporter of alternative energy but I am also a strong advocate for the environment and communities.

- In my mind a good energy project does not negatively impact people in the community. The fact that there is benefits do not outweighs the losses to others. A strong and supportive community looks out for the welfare of all, just not a select few.
- A good energy project will also minimize impacts to the extent possible and the start to minimizing impacts starts with the site the project is located at. The area this project is proposed in is not a good site environmentally for a solar farm. Fire danger, high potential for impacts to soil, water, wildlife, recreation opportunities, scenic integrity, and the historical nature of the landscape all add up to this not being a good site.
- The size of this proposed project is alarming considering no other solar project is operating in the US of this size currently so understand effects of large scale solar project is hard to determine. The location of the community, the nature of the land, and the current land uses does not line up with this size of a project. This seems more appropriate for a landscape without communities and other landowners with homes nearby and so many environmental factors at risk.

I question the integrity, professionalism and expertise of the applicant. The lack of details, inaccurate information, exclusion of important information, and generalizations in the notice of intent do not show a company capability of managing a project like this, nor does it show a company that cares about the community.

I hope the county, state and other landowners take these comments into account. I have tried to be factual in my statements and research the topics well, provide thoughtful non confrontational opinions, and minimize dramatic vocabulary to make my points. As one can tell, this is an important issue for me. My great grandfather came to the area over 150 years ago and established a ranch. My grandparents continued to build that ranch and my cousins now manages it. My mother grew up on Juniper Flats, made a home as a single parent off four children by purchasing land and a home. She loved the land and believed in taking care of the land. This is now both my and my children's legacy from her. My sister now lives there and follows that land ethic my mother had. I spend at least 25% of my time there and plan to retire there. My children have spent weeks there and see it in their future as either a place to live or visit. The sense of place and attachment to the land is deep in our family. I do believe that a

solar farm surrounding this piece of land and across the landscape would be very detrimental to our family.

Patty Johnson

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 8:52 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Patty Johnson
Email: patjj@hotmail.com
Zip Code:

Siting Project Phase: *NOI*

Comment Summary:
See attachment for comments.

Please Click on the following link to view the full Comment Details

Comment Summary

See attachment for comments.

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

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Comment

Attachments

No files were attached.

Outlook

BrightNight Solar Project

From Donald Kruger <farmerdon2853@gmail.com>
Date Mon 4/21/2025 5:16 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from farmerdon2853@gmail.com. Learn why this is important

April, 21, 2025

Dear Ms. Sloan,

I am writing to formally express my opposition to the proposed development of the Bright Night solar farm on or near land adjacent to my property located at 78974 Back Walters Road. As the owner and active steward of this land for the past five years, I believe this proposed project is not in the best interest of the community or the long-term health of our local agricultural economy.

The land in question is exceptionally fertile and has consistently supported a variety of productive crops. On my 5-acre property, I have successfully grown pumpkins, tomatoes, corn, cucumbers, and beans each season. This is a testament not only to the high quality of the soil, but also to the value this land brings in contributing to local food supply and sustainable agriculture.

Contrary to the project's claim that the farmland is not suitable for agriculture, my experience has proven otherwise. Before owning this property, I farmed 100 acres on Sauvie Island outside of Portland, an area renowned for its rich, fertile soil. Surprisingly, the soil on my farm along Back Walters Road has proven to be even better. The climate here offers warm days that cool off in the evenings, creating ideal growing conditions. Additionally, the area benefits from a remarkably long growing season. In my firsthand experience, this land is highly productive and well-suited for farming.

Replacing prime farmland with industrial-scale solar infrastructure would mean a permanent loss of land that is irreplaceable in its agricultural potential. While I understand the need for renewable energy, I believe it must be pursued in a balanced and thoughtful manner—one that does not sacrifice some of the best farming land in the region when other less viable lands may be available for solar development.

I respectfully urge you to reconsider this proposal and explore alternative locations that do not compromise viable farmland. Our community deserves both clean energy and the preservation of agricultural resources for current and future generations.

Thank you for your attention to this matter. I would appreciate the opportunity to discuss this further and will make myself available for any upcoming meetings or hearings on this topic.

Sincerely,

Donald Kruger

78974 Back Walters Road

Maupin, Oregon 97037

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/21/2025 5:39 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Hank Watson
Email: hankwatson47@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
I am submitting your comments

Please Click on the following link to view the full Comment Details

Comment Summary

I am submitting your comments

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Comment Details – see attachments (3)

Comment

Attachments

about 18 hours ago

Microsoft CRM Portals

Watson Letter.pdf (4.39 MB)

about 18 hours ago

Microsoft CRM Portals

spotted deer.pdf (256.60 KB)

about 18 hours ago

Microsoft CRM Portals

Dons farm.pdf (168.19 KB)

"Letter of Opposition"

April 19th, 2025

To: Oregon State Energy Siting Committee

From: Henry Watson/Landowner

79118 Back Walters Road

Maupin, Oregon 97037

RE: Deschutes Solar and Battery Energy Storage System Facility Proposed Development In Wasco County

Dear Committee,

I and my Family live within the boundaries of the solar facility along with many neighbors. We oppose this project for so many reasons

1. We will be surrounded on three sides of our property with 150' set backs.
2. This will destroy our property values and our enjoyment of living in a rural area. This would greatly affect the quality of life we have aspired to have and ruin our enjoyment that we have worked so hard for. The solar field will stretch around us and my neighbors for as far as eyes can see. From all of my research the panels need to be at least 1 mile from affected properties not to be an adverse effect.
3. Juniper Flat is a beautiful area located at the base of Mt Hood and laying in between the White and Deschutes rivers.
4. The ground and Farmland in this area is fertile. Many crops are grown here including hay and wheat. Several farmers raise cattle here and they graze on all of this land. If the soil is worked you can grow anything.

This is totally the wrong area for this project. There are so many small farms and residential acreages in or next to this project. There are to many people who will be adversely affected.

The historic settlement of Wapinitia is in the project boundary and the community of Pine Grove borders it to the west. We have lived on Juniper flat for 25 years and it is amazing.

Wildlife is abundant in this area. We have had Elk, Deer, Bobcat, Lynx, Cougar, Bear and yes Wolves on our property. The Deer in this area can be seen daily. There is a great amount of wildlife that feed in this area. There is every bird of prey including eagles, falcons, redwing and sparrow and many other hawks. It is a haven for the screech and the great horned owls. The Heron and Osprey are also abundant. All of these feed in this area. The sheer immense amount of solar fields will completely cut off their natural feeding habits and migratory patterns. We also have the annual migration of Ducks of all kinds, several species of birds of all kinds that spend time in the area before traveling to their destinations. There are also bees that form nests of themselves and move on the next day. These important patterns will be completely displaced by the immense number of solar fields.

Juniper Flat is named for the high presence of the Western Juniper tree. They are a permanent feature of the landscape. Many of these trees will be gone and the area will become Solar Flat with the beauty of the area destroyed forever. Please read Mount Hoods Juniper forests by Tom Kloster.

Indians have lived here for hundreds of years. We are adjacent to the Warm Springs Reservation and this is considered ceded land as part of the treaty. They still come here to hunt and gather roots. We have found on our property and surrounding properties numerous artifacts of arrow heads and mortars and pestles. I have included some photos of findings.

To sum things up. Please do not allow this project to be located on the historic and beautiful Juniper Flat. There are numerous other areas east of here that have far less impact on the land and people of this area. There are several other projects proposed or built in the Bake Oven area which is foar more suited for solar.

Sincerely,

Henry Watson

Henry Watson

FOUND ON JUNIPER FLAT
BY WES WATSON

- PRODUCTIVE FARMLAND THAT WILL BECOME SOLAR FIELDS
- GREAT SCENIC VIEWS

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Mon 4/21/2025 5:46 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Michelle Wolcott
Email: stylinkatie@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
Opposition Letter for the Deschutes River Solar and Battery Facility

Please Click on the following link to view the full Comment Details

Comment Summary

Opposition Letter for the Deschutes River Solar and Battery Facility

Comment Date

source

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Comment – see attachments

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about 18 hours ago

Microsoft CRM Portals

spotted deer.pdf (256.60 KB)

about 18 hours ago

Microsoft CRM Portals

Letter of Opposition-Michelle.docx (17.87 KB)

“Letter of Opposition”

April 20th, 2025

To: Oregon State Energy Siting Committee

From: Michelle Wolcott

79118 Back Walters Road

Maupin, Oregon 97037

RE: Deschutes Solar and Battery Energy Storage System Facility Proposed Development

in Wasco County

Dear Committee,

My family and myself moved to this area over 25 years ago. We live within the boundaries

of the proposed solar project.

In my research on the largest solar farms in the United States including Colorado, California ,Arizona, New Mexico, Indiana and Nevada. They range in 140 to 13,000 acres. The Mojave Desert Solar farm is not included.

The proposed solar site for Juniper Flats has tied up over 16,000.00 acres. This would completely destroy the entire Juniper Flat area.

There is the issue of the humming constant noise which the panels will have. This will also affect the quality of life of those forced to have them close to there properties. The proposed 150’ distance from houses is not only a danger it is also destroying the peace and quiet this area is known for. I would much rather hear a great horned owl. Most studies show that panels should be at least a mile or more away from these residences.

In the meetings it has been brought up about sheep being brought in to maintain the grass around these panels. This would create another problem for those of us who would have these panels near our properties. Sheep unlike almost any other animal bring in the predators including cougars etc. This would create problems for us and our animals.

These panels convert most of the incident solar radiation into heat and can alter the air-flow and temperature profiles near the panels. Such changes, may subsequently affect the thermal environment of near-by populations of humans and other species.

I am concerned that the wildlife in this area which is far ranging and extensive would be completely destroyed by the significant land they would no longer have to feed in and breed in.

This area is located right at the base of the Mt Hood national forest where the amount of all species of wildlife a bound.

I am including some pictures of what is called a Piebald deer. Each Piebald deer has its own unique coloration, like a fingerprint, which makes no two Piebald's exactly alike. In that sense, Piebald colorations could be considered the "rarest" since every individual's pattern is different per the experts.

This Piebald appeared in the area last year before he had antlers. I sent his pictures to avid hunters I knew to see if they had ever seen one. Even my friends with 50 years of hunting all over the pacific NW had never seen one. With luck he turned into a buck and in the fall was breeding with the does. This particular deer stayed in a very close proximity to my place and the surrounding fields until winter hit. We could possibly have the start of a very rare group of deer.

The placement of this proposed solar field would be much better suited in an area not affecting so many residences. This area has an average of 160 to 177 days of sunshine a year. Winters can vary from weeks of snow to intermittent snow. This is a high wind area and winds can be fierce. I would assume this could affect the solar panels. There are so many other areas in other parts of Oregon far better suited such as Klamath Falls or Eastern Oregon.

There is also the matter of this project taking two years or more to complete. This would cause a tremendous amount of stress for those having to hear the constant noise and the unending trucks and equipment surrounding them.

Vacationers have been coming to this area for years to camp right up Hwy 216 where several campgrounds are located. Then you have the White River recreation area as well as the Deschutes river area. This area is one of the most scenic areas for hikers, rafters etc. The surrounding views are of Mt Hood and Mt Adams. This area is also surrounded by the Warm Springs reservation. This land holds countless artifacts within its ground.

In closing I would just say to consider every residence that would be affected by this and what it would do for many of us who live here.

Thank you

Michelle Wolcott

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Comment Summary

I am submitting this letter in opposition of the Deschutes River Solar and Battery Storage Project

Comment Date 4/22/2025 source

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Comment – see attached letter

Attachments

about 16 hours ago

Microsoft CRM Portals

Constance Lee-Deschutes River Solar Comments.pdf (482.24 KB)

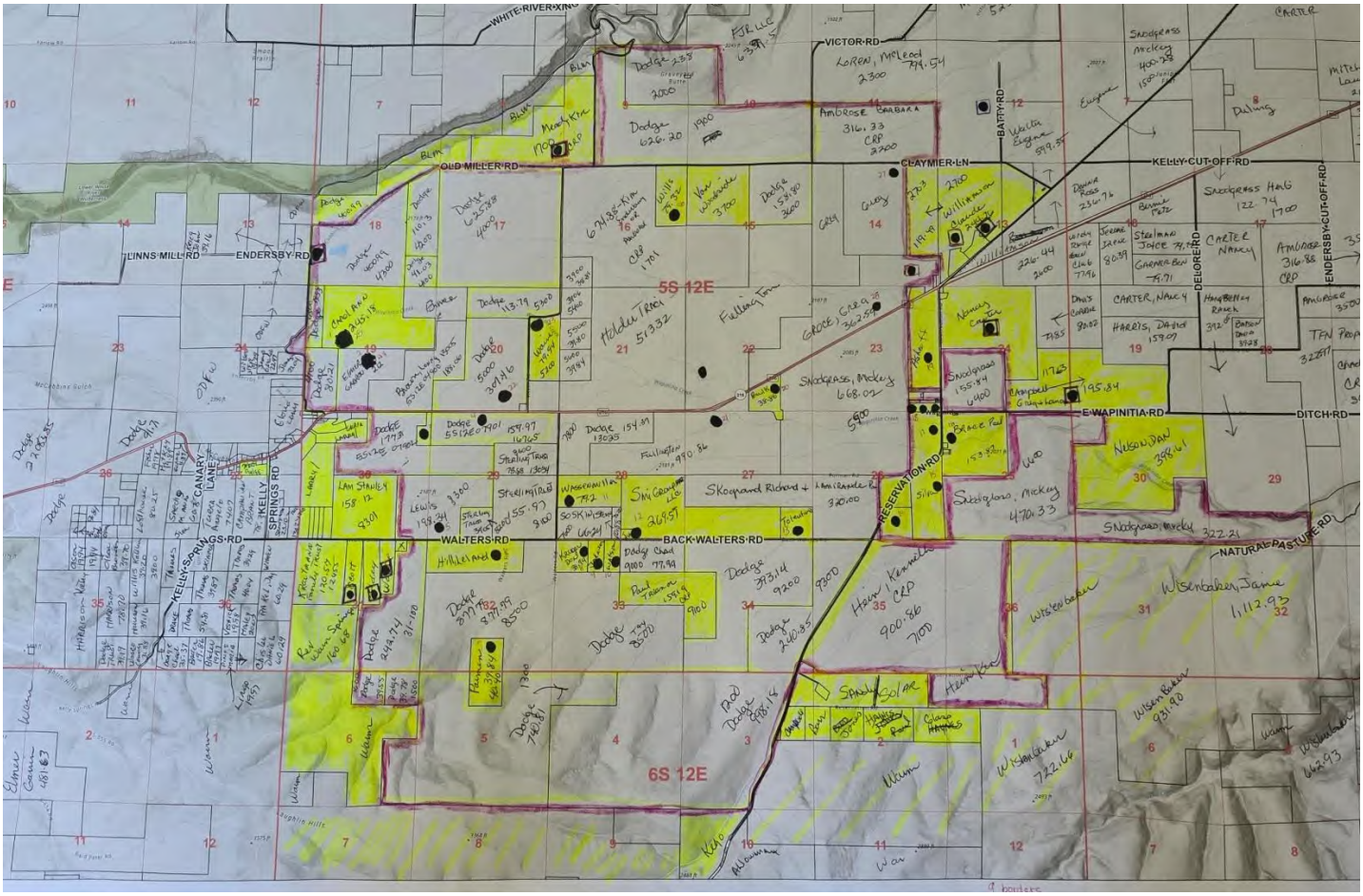
Constance Lee
52973 Endersby Rd, Maupin Oregon 97037
Constanceannettelee@gmail.com
480-316-8574
Subject: Opposition to Deschutes Solar and Battery Energy Storage System Facility

To the Oregon State Energy Siting Committee,

I am writing to formally express my opposition to the Deschutes Solar and Battery Energy Storage System Facility proposed for development in South Wasco County. While renewable energy is a critical part of Oregon's future, this project fails to align with established standards for land use, environmental protection, responsible energy siting as well as fails to ensure the safety and well-being of the residence that call Juniper Flat their home.

My family has lived in Wasco County since the 1850's. I have strong roots in the land, agriculture, and want to ensure that conservation efforts are put in place to ensure that our property is passed down to future generations. That the land is healthy, and it is safe for future generations. The proposed facility would cover approximately 13,626 acres of Exclusive Farm Use (EFU) land—land designated for agricultural preservation under Oregon law. Large-scale industrial solar developments on EFU land contradict Oregon's commitment to agricultural sustainability and threaten the long-term viability of farming and ranching operations on Juniper Flat. The loss of productive farmland sets a precedent that compromises Oregon's ability to balance clean energy development with essential land use protections.

First and foremost, this project is a poor site selection for a solar facility. Below is a map of the proposed solar project including homes and landowners that are not participating. There is at least **28 homes** that will be encapsulated inside the boundaries of the proposed solar project, **7** on the boundary of the project, and at least **25 more** in the community of Pine Grove that is less than ½ of a mile from the project boundaries. **This is more than 1 house every square mile that is within or on the project boundaries!** This does not include the homes and farms on the lower half of Juniper Flat that will be impacted by this project. How can the state approve a project in the middle of a community/neighborhood? How will the state ensure that community members continue to live a healthy lifestyle engulfed in a 25 square mile solar farm? My additional comments below relate to the standards set forth by the Oregon State Department of Energy.



Homes inside of the boundary are marked with a black dot. Homes on the boundary are marked with a black dot inside of a red square. Properties shaded in yellow are not included in the project. Please note how close the project is to the community of Pine Grove.

Siting Standards

1. **Organizational Expertise**
   BrightNight Solar has only been in operation since 2019 (less than 6 years) and is headquartered in West Palm Beach Florida. According to their website they have 9 projects in their pipeline for development and operations. There has been some criticism of BrightNight that the projects they tout on their websites were actually developed by their staff while working at other companies. While BrightNight has a pipeline of projects in development, the Dharashiv Hybrid Renewable Power Project in India is currently its sole operational facility. In my opinion this does not demonstrate their experience to develop, operate, or decommission a project of this size with the magnitude of obstacles they are going to face. There is a real potential danger if they are approved and the project fails, the community will be devastated economically, and the agricultural land will be forever compromised.

In fact, BrightNight Solar has faced criticism and challenges in some of its projects. For example, in Davis, California, BrightNight entered into a controversial no-bid lease agreement for a solar farm project. This decision was met with public opposition due to concerns about the lack of transparency, low lease rates, and bypassing of advisory commissions. (https://davisvanguard.org/2020/04/letter-failure-of-city-to-perform-due-diligence-on-bright-night-energy/).

BrightNight Solar faced another setback in Clark County, Indiana, where its proposal to build a solar farm on 3,900 acres of farmland was denied by the zoning board. The company had entered lease agreements with 53 property owners and planned to install solar panels on the properties. However, neighboring landowners raised concerns about potential flooding, property value impacts, and the disruption caused by construction. (www.whas11.com, www.wlky.com). Residents have the same and additional concerns here on Juniper Flat. In my opinion, BrightNight Solar has not proven that they have the ability to properly select sites that do not impact the wildlife, environment, and the surrounding community. They are overzealous and not realistic about the challenges they will face or the environmental impacts on Juniper Flat and the surrounding rivers.

Furthermore, I don't believe that BrightNight has the financial backing to properly develop, build, maintain, operate, and decommission The Deschutes Solar Project. According to web searches, BrightNight has currently raised 1.5 billion dollars to complete their projects. Although I am not a specialist in the area of building renewable power facilities, the information I could find estimates costs for developing, operating, and decommissioning the Deschutes Solar and Battery Energy Storage System would include:

1. Development Costs: For a 1,000 MW solar farm, the cost typically ranges from $890 million to $1.54 billion. This includes land acquisition, solar panel installation, battery storage systems, and supporting infrastructure.
2. Operational Costs: Annual operation and maintenance costs for large-scale solar farms are usually around $15,000 to $25,000 per MW. For a 1,000 MW facility, this could amount to $15 million to $25 million per year. Over the twenty-year lease this equals $300,000,000 to $500,000,000.
3. Decommissioning Costs: Decommissioning involves dismantling solar panels, recycling materials, and restoring the land. Costs can range from $20,000 to $50,000 per MW, totaling $20 million to $50 million for a 1,000 MW facility.

The total estimated cost of the project would be: $1.2 million to 2 billion dollars. My questions for the committee and Bright Night:

1. Does BrightNight actually have the funding to pull off this project with nine other projects in the pipeline and only have raised 1.5 billion dollars currently raised?

2. If BrightNight is financially overcommitted and cannot pay landowner leases or maintain the solar farm, how will our community rebuild if the annual bond is not maintained?
3. What if BrightNight cannot adequately operate the Deschutes River Project to ensure the health and safety of the community? Is the state then liable to the citizens for the undesired outcomes such as pollution in our ground and drinking water (please note that most of the homeowners here operate off of ground water wells), contamination of the soil, stress and mental health caused by noise pollution and glare of solar panels that may cause citizens to become anxious and adversely affecting their health?

Overall, I question BrightNight's ability to construct, operate and decommission the proposed Deschutes River project in compliance with the site certificate conditions and in a manner that projects the public health and safety, and has demonstrated the ability to restore the site to useful, non-hazardous condition is in serious question. I would urge the Council to take a deep dive into BrightNight's Financial viability. On the surface it does not seem as though they have the funding to carry out this project as they are already committed to 9 projects that are in planning and/or development.

2. Structural Standards
   BrightNight has not accounted for proper set-backs from homes, streams, creeks, and rivers; characterized the potential geological and soil hazards of the site and its vicinity that could adversely affect or be aggravated by the construction and operation of the proposed facility, as well as avoid dangers to human safety and the environment in the NOI. BrightNight repeatedly asks for flexibility when developing the solar field. It is unacceptable for BrightNight to fly by the seat of their pants in the development of this project. Due to the fact that many homes, farms, wildlife, and the environment may potentially be affected by the project a very precise and thoughtful plan is needed to ensure safety to the residence, as well as ensure that the natural resources on Juniper Flat are not compromised.

   There are an enormous number of structural risks associated with the Deschutes Solar Project site and its vicinity. Some are listed below:

   1. Soil Erosion and Sedimentation
   Risk: Large-scale land clearing and grading can increase soil erosion, leading to sediment runoff into nearby water bodies.
   Environmental Impact: Sediment can degrade local water quality, harming aquatic ecosystems in the creeks on Juniper Flat. Although the creeks in this area dry up in the summer they act as significant watershed to both the White and Deschutes River that feeds into the Columbia River. Degrading the water quality will further endanger the salmon and steelhead in the Deschutes River.

2. Erosion

Risk: The site's topography includes a downward slope to the White and Deschutes River. Erosion will result from grading, excavation, or excessive water infiltration.

Environmental Impact: Erosion can damage infrastructure, disrupt habitats, and block waterways.

3. Expansive or Collapsible Soils

Risk: Juniper Flat is VERY wet in the winter and EXTREMELY dry in the summer causing the soils to expand and shrink.

Environmental Impact: Can lead to structural damage to solar panel foundations and surrounding infrastructures. This is the case on the Bakeoven Project, and is proven to be a challenge in this area.

4. Ground Subsidence and Settlement

Risk: Over-extraction of groundwater or natural soil compaction could lead to gradual sinking of land.

Environmental Impact: Can cause misalignment of solar panels and stress on electrical connections leading to potential fires.

5. Flooding and Water Infiltration

Risk: Poor drainage can lead to standing water, flooding, or high water tables that undermine solar panel supports.

Environmental Impact: Increased runoff can alter natural drainage patterns and harm local ecosystems and nearby farms. Livestock and wildlife range, homes, outbuildings, and other structures that don't typically flood may flood.

6. Wind Erosion and Dust Hazards

Risk: Solar farm construction may disturb dry, loose soils, leading to dust storms and reduced air quality.

Environmental Impact: Dust deposition on panels reduces efficiency, while airborne particles pose respiratory risks.

7. Wildfire Risk

Risk: The site may be in an area prone to wildfires, which can be aggravated by construction activity or faulty electrical systems.

Environmental Impact: Fire hazards can threaten workers, infrastructure, and surrounding vegetation.

Questions for BrightNight and the Siting Council:

- How is BrightNight going to mitigate soil erosion and the destruction of streams and rivers in the area as Juniper Flat is a watershed? The proposed project is less than 1/4 to White River and 8 miles to the Deschutes River. Both of these rivers have been classified as Wild and Scenic Rivers.

- How is BrightNight going to prevent wildfires during the construction, operations, and decommissioning phases as most of the fires caused in Wasco County in the last five years have been caused by machinery or maintenance? Due to the fact that Juniper Flat has been designated to be a high fire hazard, who is going to approve this plan? Who will review the plan other than the local fire department? Does the council evaluate the plan for completeness and effectiveness, or do they just check a box that they have completed a plan?
- Will the Council take feedback from specialists outside the area that do not have a vested interest in the project regarding fire danger including HAZMAT specialists?
- How is BrightNight going to grade the existing land to ensure flooding of community members homes, pastures, and outbuildings are not damaged?
- How is BrightNight going to ensure that the local residents are not affected by toxic fumes if a fire is started inside of the solar field?
- How are BrightNight and the State going to ensure the health and safety of community members as there isn't any long-term research regarding the effects of solar panels on the health of people and livestock? If over time it is proven, the proximity to the solar field caused health issues or impacts livestock, who will be liable?

3. Soil Protection

   The proposed Deschutes River Project will likely result in significant adverse impacts to the soil, including but not limited to, erosion, degradation of the soil, and chemical pollution from the development of the project. Below is a list of concerns I have regarding protecting Juniper Flat's soils:

   - Soil Erosion & Compaction
     - Causes:
       - Land Clearing & Grading: Large-scale vegetation removal increases exposure to wind and water erosion.
       - Heavy Machinery Use: Construction equipment compacts soil, reducing water infiltration and increasing runoff.
       - Stormwater Runoff: Altered drainage patterns due to panel installations and access roads can intensify erosion.
     - Impacts:
       - Loss of topsoil, reducing soil fertility.
       - Sedimentation in nearby water bodies, harming aquatic ecosystems and nearby properties.
   - Chemical Contamination from Liquid Effluent & Chemical Spills
     - Causes:
       - Cleaning Agents & Solvents: Solar panels require periodic cleaning, which may involve chemical detergents.

        - Battery Storage Leaks: Energy storage facilities (such as lithium-ion batteries) can introduce heavy metals into the soil if leaks occur.
        - Transformer Oil Spills: Electrical substations and transformers may contain insulating oils, which can spill during maintenance. Transformer oils are extremely toxic containing cancer causing agents.
    - Impacts:
        - Toxic chemicals can degrade soil health and leach into groundwater.
        - Long-term contamination may require costly soil remediation efforts.
- Displacement of Native Soil & Long-Term Land Degradation
    - Causes:
        - Construction often involves soil excavation and grading, which can disrupt natural soil horizons.
        - Some sites may require gravel or concrete foundations, leading to long-term degradation of agricultural land.
- Impacts:
        - Reduces land productivity, making it difficult to restore for future agricultural use.
        - Alters natural water infiltration and drainage patterns.

Juniper Flat is a poor site as it is a watershed from the Mount Hood and Mt Jefferson Forest Areas and surrounding hills into the White (on the project boundary) and Deschutes Rivers (8 miles or less from the project boundary). Ultimately, water ends up in the Columbia River and out to the Pacific Ocean. It is a very windy area! If the topsoil is disturbed during construction through the act of grading, erosion will happen through both water run-off and wind. The climate is very wet in the winter with standing water in the rock-breaks and ponds, and extremely dry in the summer. In this climate it can take over a hundred years to naturally create one inch of topsoil. Grading the nolls and removing the rock breaks is going to cause more run-off into the surrounding rivers endangering the steelhead, trout, and salmon runs. Along with the oil and chemicals put off by machinery in the development phase this project would destroy the soils here for hundreds of years. BrightNight is claiming that the soil on the west part of Juniper Flat is substandard for farming. Regardless, the natural topography of the land works to prevent flooding and erosion. The soil in our area is already stressed from dryer and warmer summers we have been experiencing in the last ten years. Grading and development of the project would further degrade them. Overall, our soils and rivers are in serious jeopardy if this project goes forward.

4. Land Use:

Currently all the land on Juniper Flat is zoned agricultural or residential. As landowners, the county is very strict regarding adding any structures, drilling wells (because the water table is so low no wells are being approved), and how the land is utilized. The design, construction and operation of this facility will adversely impact the farm and grazing land forever. A change in

zoning from agricultural land should not be allowed to retain the cultural and historical feel of the area.

5. Protected Areas
   Juniper Flat in South Wasco County, Oregon, is situated near several protected areas that contribute to the region's ecological diversity and recreational opportunities. Notable protected areas in the vicinity include:
   1. Lower White River Wilderness
   - Location: on the border of the proposed solar installation.
   - Description: This 2,806-acre wilderness area protects a segment of the White River and its surrounding ecosystems. Managed jointly by the U.S. Forest Service and the Bureau of Land Management, it offers opportunities for camping, fishing, hiking, and wildlife viewing.

   2. White River Wildlife Area
   - Location: Directly west of Juniper Flat. (less than ½ from the proposed solar installation)
   - Description: Managed by the Oregon Department of Fish and Wildlife, this area provides habitat for diverse wildlife species and supports activities such as hunting, fishing, and birdwatching.

   3. Badger Creek Wilderness
   - Location: Approximately 15 miles northwest of Juniper Flat.
   - Description: Encompassing over 29,000 acres, this wilderness area features diverse ecosystems ranging from dense forests to alpine meadows. It offers recreational opportunities including hiking, camping, and horseback riding.

   4. Mount Hood National Recreation Area
   - Location: To the northwest of Juniper Flat.
   - Description: This 34,550-acre area within the Mount Hood National Forest provides a range of recreational activities and includes significant natural landscapes. Additionally, the Oregon Conservation Strategy identifies Conservation Opportunity Areas (COAs) throughout the state, which are regions prioritized for fish and wildlife conservation efforts. While specific COAs near Juniper Flat are not detailed in the provided sources, these areas are essential for maintaining biodiversity and ecological health.

   The installation of the Deschutes Solar project will significantly and adversely affect wildlife and recreation in these areas.

6. Retirement and Financial Assurance
   I believe that the Deschutes River Solar Projects lacks transparency and measurable guarantees for soil remediation, vegetation restoration, and long-term monitoring to protect the ecological balance and agricultural viability on Juniper Flat. In addition, BrightNight has

not proven they have the ability to decommission a project of this magnitude in a very complex ecosystem. They have yet to operate a project completely and decommission it.

Questions for the Council and BrightNight:

1. BrightNight maintains that they will not be applying gravel to the land except for access roads. During the wet parts of the year (November through the beginning of May) it is not possible to drive on fields without sinking. How will workers access the panels in fields without laying hundreds of tons of gravel? BrightNight is unrealistic on how they will develop the project.
2. Establishing strong stands of native grasses that can compete with invasive weed species takes decades. How will BrightNight ensure that the native grasses are replaced to their original state? How long will they be responsible for monitoring and nurturing the landscape back to its original state?
3. Does BrightNight actually have financial means to ensure decommissioning takes place?
4. Are they underestimating the cost of decommission?
5. How are they going to regrade and replace rock breaks and nolls that act as water retention areas in the wet winters?

I am sure there isn't an exact number of improperly decommissioned solar projects in the United States. However, concerns about improper decommissioning have grown as more large-scale solar farms reach the end of their operational life. Issues often arise due to inadequate financial assurance, lack of clear decommissioning plans, or failure to restore land to its original state. Other than a bond paid annually, what assurances do the community members have that this will actually take place?

7. Fish and Wildlife Habitat

   As stated in previous sections of this comment document, this proposed project would be detrimental to the wildlife and fish in the area. Fencing of 25 square miles of wildlife habitat, grading the landscape removing rock breaks, water run-off channels, ponds, and trees may cause species in our area to become endangeed due to significantly and adversely impacting water and feed resources for wildlife, and destruction of wildlife habitat.

   State forestry, Oregon Department of Fish and Wildlife, and Farm Service Agencies both at the county and state level are actively engaging in conservation programs in efforts of improving habitat and resources for wildlife through the use of taxpayer monies. Isn't it counterproductive to these projects to grade, remove shrubs and trees, and water resources for wildlife? Does the Council not recognize that by approving this project there would be a significant waste of the tax payers money and resources that have already been spent in the last 25 years on conservation?

8. Threatened and Endangered Species

There are many species that live in our area that may not be on the endangered list but are considered threatened. One example is the Oregon White Oak (Quercus garryana) trees. These oaks are native to the Pacific Northwest and thrive in areas with well-drained soils and moderate climates. They play a vital role in supporting local ecosystems, providing habitat for various wildlife species. These oaks are found on the west boundary of the proposed project. Oregon White Oaks (Quercus garryana) are not officially listed as endangered, but their habitats are considered threatened due to factors like urban development, agricultural expansion, and fire suppression. In regions like the Willamette Valley, less than 3% of historic oak habitat remains, highlighting the urgent need for conservation efforts. (willamettepartnership.org/wdfw.wa.gov.). The Oregon State Forestry is actively involved in conserving Oregon White Oak habitats through various initiatives. These efforts include:

1. Restoration Projects: Collaborating with local landowners and organizations to restore oak woodlands and savannas. For example, the Oak Accord is a voluntary conservation agreement aimed at protecting and restoring oak habitats in the Willamette Valley.
2. Fire Management: Implementing controlled burns and fire management practices to maintain oak ecosystems. Historically, fire played a crucial role in sustaining oak habitats, and these practices help mimic natural processes.
3. Education and Outreach: Providing resources and guidance to landowners on how to manage and preserve oak habitats. Publications like Managing Northwest Oregon Oak Ecosystems offer insights into sustainable practices. Collaborative Efforts: Partnering with tribes and conservation groups to integrate cultural burning practices and enhance habitat resilience.
   (willamettepartnership.org, wdfwa.wa.gov)

The Oregon Watershed Enhancement Board (OWEB) has allocated $4,977,000 in funding for the East Cascades Oak Partnership as part of a broader initiative to protect and restore oak habitats. This funding is part of a multi-year effort, with additional funds expected to be leveraged throughout the project's lifespan. (www.oregon.gove)

If this project is to move forward, there are many species like the Oregon White Oak and the Greater Sandhill Crane that will be impacted and possibly moving them into the endangered category significantly and adversely impacting the conservation efforts of other state and county agencies.

In addition, BrightNight lists 41 endangered species that may be affected by the project in their NOI. As stated above, this was a poorly chosen area to develop a solar facility of this size and the effects on the wildlife in the area.

9. Scenic Resources

The development of the Deschutes Solar Project is going to result in a significant adverse visual impact in the following ways:

- Large-Scale Infrastructure: The project spans approximately 13,626 acres (more than 25 square miles) and includes extensive solar arrays, battery storage systems, and supporting facilities like substations, access roads, and fencing. This large-scale industrial infrastructure could dominate the natural landscape, altering the visual character of the area.
- Impact on Scenic Views: The project is located in South Wasco County, near areas valued for their scenic beauty, such as the Deschutes River, Mount Hood National Forest, White Reiver, and surrounding hills. The introduction of reflective solar panels and industrial structures could disrupt these views, particularly for residents and visitors.
- Nighttime Light Pollution: This facility may require lighting for safety and operations, which could contribute to light pollution in an otherwise rural and dark-sky area, further impacting the visual environment.
- Cumulative Effects: If other energy projects are developed nearby in conjunction to the solar farm already on Bakeoven, the cumulative visual impact could be even more pronounced, creating a landscape dominated by industrial features rather than natural or agricultural elements.

I urge the Council to take a deep dive into how the panels will affect the community. The solar farm would encapsulate, surround, and affect the scenic resources for a significant number of homes.

10. Historic, Cultural and Archeological Resources

The Wapinitia Plains (Juniper Flat) were historically part of the lands used by the Warm Springs, Wasco, and Paiute Tribes before they were relocated to the Warm Springs Indian Reservation through the 1855 Treaty. The area was used for hunting, fishing, and gathering, particularly along the Deschutes River and its tributaries. The Warm Springs Reservation was established by the Treaty of 1855 between the U.S. government and three tribal groups:

- Wasco
- Warm Springs
- Paiute (later relocated to the reservation in 1879)

The proposed project is located on ceded lands of the Confederate Tribe of Warm Springs to the U.S. in exchange for the reserved lands and the right to hunt, fish, and gather in traditional areas. Due to the long history of the Warm Springs Tribe in this area as well as the fact the fact that Wapitnia was part of the Klamath Trail that Native Americans used for thousands of years to travel to hunting and fishing grounds the area is full of archeological resources and artifacts. For example, on my property, we have found grinding bowls, arrowheads, fishing anchors, and other significant cultural artifacts. Grading the area would bury, move, and/or destroy these artifacts.

In addition to cultural artifacts there are also historic buildings that may be adversely affected. Some examples include: Wapinitia Hotel, Pine Grove School, and Wapinitia Gym/School. Encapsulating these buildings in a solar field would forever change the historical feel of the community.

11. Public Services

The construction of this project would negatively impact on the public services in the area.

- Water: Currently the county is restricting well drilling because the water table is so low. How would temporary housing be supplied with water? It has been suggested that panels will be washed with water designated for irrigation. This is not an acceptable use of irrigation waters on the Juniper Flat Water District as in the last few years there hasn't been enough water to adequately irrigate crops.
- Emergency Services: The current ambulance and fire department is volunteer based. They are already stretched thin and with limited volunteers. Adding 300 to 500 people to the area will overwhelm the system in place. Buying more trucks and equipment will not eliminate this problem as there are not enough community members that have the time to be on call to respond to these emergencies. Quite frankly, the emergency services in the area are not equipped and do not have the personnel to support this project.

12. Recreation

Recreation is a big part of our community. At one point most of the industry in Maupin was funded by agriculture and logging. Most recently there has been a big shift to recreation, primarily fishing. People come to the Mount Hood National Forest and Deschutes River via Hwy 216. This solar project will be a sore eye for vacationers traveling to these areas which may lead to the reduction of visitors to the area and less revenue for the businesses in Maupin. In addition, erosion and sedimentation of topsoil into the rivers would decimate recreational fishing for the town of Maupin.

13. Wildfire Prevention and Risk Mitigation

Juniper Flat in one of highest fire risks areas in the entire United States. Millions of dollars are being allocated to our area to help mitigate and reduce wildfires. Within the last five years we have had two substantial fires on Juniper Flat within the proposed boundaries of the project. Both times water and tankers were ineffective in fighting the fire. Air support was required to suppress both fires. I have heard that BrightNight is proposing setting up water tanks, installing lighting rods, and buying equipment for the Juniper Flat Fire Department. Although these efforts would be made in good faith efforts, they would be ineffective in a wildfire with high winds.

Questions I have for the Council and BrightNight:

1. If my property, home and irreplaceable 1890 barn are destroyed due to a fire caused by the solar facility what guarantees do I have as a landowner that my assets will be replaced? This is very important as many people in this area cannot get fire insurance because of the fire rating in the area or the replacement homes and outbuildings would be much greater than structures are insured because of the age of these historic structures.
2. During the last two fires landowners were extremely important in the mitigation of structure loss as there are not enough volunteer firefighters to cover the area. Basically, as a landowner you protected your own property. If a fire starts in one the fenced solar fields:
    - Who is going to fight the fire to control the spread?
    - Is it even safe for fire personnel to enter the area with all the high voltage lines and the smoke and fumes from the panels and components?
3. Who is evaluating the fire plan other than the local volunteer fire chief? I urge both BrightNight and Council to look closely at this part of the application. It is my opinion that there is no plan that will mitigate fire in this area and that adding a large solar facility will increases fire danger significantly. It will not be a matter of if, it will be a matter of when Juniper Flat has a catastrophic fire if this project is approved. Due to this fact, I urge the council to require BrightNight to carry additional gap fire insurance for property owners that are going to be affected by fires started during development, operation, and decommissioning of this solar project.

In summary, The Deschutes River Solar Project does not adequately address the wildfire standards, raising serious concerns about its impact on wildfire-prone areas.

- Increased Fire Risk Due to Battery Storage Systems: The facility includes a 1,000 MW Battery Energy Storage System (BESS), which introduces highly flammable lithium-ion battery components. Without robust fire suppression systems and emergency response protocols, the risk of thermal runaway events leading to uncontrollable fires is heightened. The project fails to provide sufficient mitigation strategies to prevent battery-related fire hazards and will negatively impact community members when a fire arises.
- Vegetation Management and Fuel Load Concerns: The project site spans 13,626 acres or over 25 square miles, much of which consists of dry grasslands and shrublands—vegetation highly susceptible to wildfire ignition. BrightNight has proposed ideas such as mowing and building water towers to mitigate risks. These proposals fail to meet the needs of the area. Mowing in the summer months is extremely dangerous, actually causing fires. The lack of a detailed vegetation management plan in the NOI raises concerns that fuel loads will not be properly controlled, increasing the likelihood of fire spread. Oregon's wildfire mitigation standards require proactive fuel reduction measures, which this project fails to adequately outline.

- Emergency Response Limitations-Wasco County's fire response infrastructure is limited, particularly in rural areas where access to firefighting resources is constrained. The project does not provide sufficient assurance that emergency response teams will have adequate access, air support firefighting tactics, and suppression capabilities to contain fires originating from the facility. Without these measures, the risk to nearby communities and agricultural lands is unacceptably high.

Cumulatively, the Deschutes River region has had a history of severe wildfires, and introducing a large-scale industrial energy facility exacerbates existing risks to create an unsafe situation for the citizens that live here. Oregon's wildfire prevention standards require that projects demonstrate their ability to reduce fire hazards, yet BrightNight will not be able to effectively mitigate wildfires during the construction, operations, and decommissioning of this project due to the extreme fire danger and dry conditions in the area. Based on the wildfire risk associated with this project, BrightNight should not be allowed to proceed forward with the facility.

14. Waste Minimization

Oregon's Energy Facility Siting standards require that large-scale projects minimize the generation of solid waste and wastewater while ensuring proper disposal when waste is unavoidable. The proposed Deschutes Solar Project fails to meet these expectations in several critical areas:

- Solid Waste from Construction Activities: The project's development will require extensive excavation, grading, and material transport, generating significant volumes of construction debris, packaging waste, and hazardous materials such as broken panels and discarded batteries. The lack of clear mitigation measures raises concerns that this waste will not be managed efficiently, leading to long-term environmental contamination risks.
- Hazardous Waste from Battery Storage Systems: The proposed facility includes a 1,000 MW Battery Energy Storage System (BESS), introducing chemical hazards such as lithium-ion waste and potential fire risks. Without a comprehensive hazardous waste disposal plan, improper handling could result in environmental degradation and groundwater contamination, particularly in the Exclusive Farm Use (EFU) zones where the project is sited.
- Wastewater Management Concerns: Solar facilities generally require cleaning and maintenance, contributing to wastewater generation. Given the arid conditions of South Wasco County, improper management could strain local water resources and lead to runoff contamination affecting agricultural lands, ground water wells, and rivers. The absence of detailed stormwater and wastewater treatment measures undermines Oregon's Clean Water Act protections.
- Long-Term Waste Impacts Upon Decommissioning: Decommissioning the facility will result in large-scale removal of solar panels, battery storage infrastructure, and site restoration debris. Oregon requires robust financial assurances for facility retirement, yet

this project lacks clear funding mechanisms for proper waste disposal and land restoration, posing economic risks to Wasco County residents.

Overall, the environmental and community impacts of this project are concerning. I don't feel like BrightNight has adequately assessed the extreme fire danger, degradation to the soil, effects to surrounding rivers, and the environment. The proposed site overlaps with sensitive habitats and migration corridors for native wildlife species. As mandated under Oregon's Energy Facility Siting standards, large-scale projects must demonstrate that their development will not result in irreversible harm to ecological resources or protected habitats. The disruption caused by this project does not meet these standards and raises serious questions about the adequacy of proposed mitigation measures. Part of BrightNight's agenda to sell this project as 'renewable'. There is nothing renewable in this project. Is the cost of developing renewable energy worth the destruction of the land, wildlife habitat, and rural quality of life?

Although the Council does not consider the outcomes of this project to community members it must be addressed. The council considers the scenery and if an endangered species will be impacted, but the standards do not address the people that live in the area. The fact there is no standard that addresses how the people in the community will be affected leads me to believe that the State of Oregon cares about the development of renewable energy at any cost. Although the points below will not be taken into account, I think it is important to note:

- Energy costs for the people on the energy grid are going to skyrocket when the lines need to be improved for this project. Energy costs in this area are already extremely high due to the Bakeoven project. The citizens on the power grid paid for the upgraded lines for the Bakeoven and continue to pay, yet the Bakeoven Project after 5 years has not produced any energy! Who holds these energy companies accountable to do what they say they are going to do? Like I stated at the public information meeting we pay more electricity here for the same size house than in our house in Arizona that runs an air conditioner nine months out the year. This is absurd as the house on Juniper Flat has no centralized heat or air and is heated only by a wood stove.
- The value of our land will plummet! No one is going to want to buy a home in the middle of a solar field. People have worked their entire lives to save enough to buy a place. This community is made up largely of retired individuals that have invested their entire life savings into their homes. They will not live long enough to recap their losses.
- Fire insurance will become more costly and harder to get.
- The added noise and construction in the area will change the rural feel and look of Juniper Flat causing land and homeowners stress and anxiety that will lead to health problems.
- The possible negative effects to people's health caused by these solar farms have not been well researched or studied, but yet the State of Oregon is willing to roll the dice all in the name of 'renewable' energy.

- Many of the residents are of retirement age. These people are also not savvy with technology. Navigating the internet and the state website is not in their wheelhouse. Leaving them at a disadvantage to communicate their concerns regarding this project. Many people did not know about the Meeting on March 27, 2025 because they never received a letter. This is unacceptable and discriminatory to our elders in the area. I would hope in the future that there is better communication and ways that people can get all the information including copies of the standards outside of the state website.
- The energy that is produced from this project will not benefit the people who live here, while the expenses will be paid by them in increasing taxes, energy costs, insurance rates, and reduction of property values, while BrightNight and the companies that buy the power are financially rewarded. Shouldn't the company profiting from the project pay the expenses of the project instead of passing on the costs to neighbors?

I feel ignoring the points above is irresponsible on the state's part. Many people that are in favor of this project sat in the meeting on March 27, 2025, and talked about how they needed the money "to live the life they have been accustomed to", "to send their kids to college", "to generate tax revenue", etc. None of the points that were made by the people in favor of the projected reflect your standards. As soon as people opposing the project began to speak, they were told their comments wouldn't be recognized as they are not related to the standards. The council should be impartial. Politics do not have any place in consideration of this project. It is my hope that the council holds BrightNight to the standards and objectively analyzes and questions the data that is presented.

The last thing I would like to address is NightBright's lack of transparency. Twice in the NOI they ask for "flexibility in the development". This leads me to believe that they have no real plan. How can BrightNight not have a clear and concise plan as this project will cost 100's of millions of dollars to develop and affect all of Juniper Flats and the surrounding rivers? Making it up as they go along is not acceptable and leads me to believe they really do not have the organizational expertise to pull off a plan of this size. The lack of transparency would lead one to believe that BrightNight does not hold honesty and ethics in high regard.

Examples of lack of transparency can be found in the NOI. The NOI does not include any information regarding how this project will affect homeowners, wildlife, environment, rivers, and water. They make vague promises and statements without any clear plans or details. Some examples include:

- How far will the setback be? Why aren't setbacks included on the maps? Are these setbacks being included in the total acres reported by BrightNight?
- Is BrightNight really going to put solar panels on the rim of a wild and scenic river? (their maps indicate so)
- Why are the maps in the NOI incorrect? They are claiming property within the boundaries that have not been signed up. Why are they exaggerating the total number of acres that will be developed?

- Why are they claiming wetlands in their total acres when they know they will not be able to install solar panels on those acres?

While solar energy plays an important role in Oregon's renewable portfolio, responsible siting is essential. This project fails to meet critical energy siting guidelines, disrupts protected EFU land, and introduces significant risks to local ecosystems. I urge the Committee to reject the proposal and seek alternative locations that better comply with land use and environmental standards.

Thank you for your time and consideration to read this very long set of comments.

Sincerely,

Constance and Daniel Lee

Comment Summary

Following is a signed petition from South Wasco Residents against the Project

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

—

Page Number(s)

—

Council Standards

—

Comment

Petition

Attachments

4 days ago

Microsoft CRM Portals

Petition to Oppose BrightNight2.pdf (62.57 KB)

4 days ago

Microsoft CRM Portals

Petition to Oppose BrightNight1.pdf (57.12 KB)

Petition to Oppose BrightNight's Deschutes Solar and Battery Storage BESS Project in Wasco County

To: Wasco County Board of Commissioners and Oregon Energy Facility Siting Council (EFSC)
Date: March 18, 2025
We, the undersigned residents, farmers, and concerned citizens of Wasco County, Oregon, call for the rejection of BrightNight's Deschutes Solar and Battery Energy Storage System project. This proposed 1400acre solar farm threatens our agricultural heritage, local economy, and rural way of life. We urge you to deny BrightNight's application and protect our land for current and future generations.

Why We Oppose This Project:

1. Loss of Valuable Farmland
   - The Deschutes Solar site occupies productive agricultural land in Wasco County, where farming supports over $100 million in annual economic activity (USDA 2022). Even if not classified as "high-value" by western Oregon standards, this land grows wheat, all grain products, alfalfa, grass hay, carrot. seed and grazing crops critical to our region's food security and identity.
   - Once covered with solar panels and battery infrastructure for 20-30 years, this soil will degrade, making it nearly impossible to restore for farming—a permanent loss in a county with limited arable land due to Eastern Oregon's arid climate.

2. Economic Harm to Local Communities
   - BrightNight, a Florida-based corporation, promises temporary construction jobs but offers no long-term benefit to match the sustained revenue and employment from Wasco County agriculture. Farmers, ranchers, and related businesses will suffer as productive acres vanish.
   - Property values near the site may drop due to visual blight and industrial noise, hurting rural homeowners.

3. Cumulative Threat to Our Region
   - Approving Deschutes Solar sets a dangerous precedent. With projects like WyEast and Bakeroven already in the pipeline, Wasco County risks becoming a solar industrial zone, sacrificing thousands of acres to out-of-state developers like BrightNight. We cannot let piecemeal approvals erode our rural landscape.

4. Environmental and Safety Concerns
   - The Battery Energy Storage System poses risks of fire or chemical leaks, endangering nearby residents, wildlife, and the fragile sagebrush steppe ecosystem. Eastern Oregon's dry conditions amplify these hazards.
   - Solar panels and infrastructure will disrupt local wildlife, including sage-grouse and other species already stressed by habitat loss.
   - The entire project will sit on Ceded Lands of the Confederated Tribes of Warms Springs Reservation. The Battery Storage Facility will be on a known cultural site that was an Indian village and is known to have artifacts.
   - This area is in a very High Risk Fire district whereas there have been many fires in the past years.

1. Violation of Oregon's Land Use Legacy
   - Oregon's land use laws, under Goal 3, prioritize preserving farmland. BrightNight must prove no alternative sites—like degraded or non-arable land—exist for this project. We demand a full review to ensure compliance, not a rubber stamp for corporate profit.

Our Demands:

- Deny BrightNight's Deschutes Solar and BESS application outright.
- If review proceeds, impose strict conditions: limit the project to non-farmable land, require dual-use (agrivoltaics) to preserve agriculture, and mandate a transparent public hearing in Wasco County.
- Protect our county from unchecked solar sprawl by setting clear limits on future projects.

Signed,

Petition to Oppose the Brightright Deschutes Solar and Battery Storage project on Juniper Flats in Wasco County, Oregon.

Printed Name	Address	Signature	Date
Tonya Duling	54909 Hwy 197. Maupin OR	Tonya Duling	4-3-25
Kyle Dueling	54911 Hwy 197. Maupin OR	Kylie Dueling	4/3/25
Devin Anthony	80823 Shadybrook Rd Tygh Valley OR		4/3/25
Heather Anthony	80823 Shadybrook Rd TVR		4-3-25
Josh Duling	54911 Hwy 197 Maupin OR		4-4-25
Jessy Duling	54909 Hwy 197, Maupin, OR		4-4-25
GARY M. NANNINI	47638 HWY 197 MAUPIN, OR		4-7-2025
Bailey Nannini	47638 hwy 197 Maupin OR		4-8-2025
Tucker Nannini	47638 hwy 197 Maupin OR		4/8/25
Kevin Durer	80342 Iamic market Rd, TV OR		4/10/25
Yancy Webb	P.O. Box 435 Maupin OR		4-11-25
Sandra Knight	P.O. Box 112, Tygh Valley, OR 97063	Sandra L. Knight	4-11-2025
Tara Aschoff	53228 Reservation Rd Maupin OR 97037		4-11-2025
Alee Aschoff	53228 Reservation Rd Maupin, OR 97037	Alee Aschoff	4-21-2025
[illegible]	53228 Reservation Rd Maupin OR		4-22-2025
Darcy Carter	53231 Reservation Rd Maupin	Darcy Carter	4/22/25
Michael Carter	81770 Old Washington Rd, Maupin		4/22/25
Hailey Duling	52895 Natural Pasture Rd		4/22/25
Jacob Duling	52895 Natural Pasture Rd		4/22/25
[illegible]	52892 Natural Pasture Rd		4/22/25

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Fri 4/25/2025 12:29 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Constance Lee
Email: constanceannettelee@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
Please see the following petition letter signed by 124 people in opposition to the Deschutes River and Solar Project. (Please disregard submitted comment 2025-348 as those signatures are included in this upload as well).

Please Click on the following link to view the full Comment Details

Comment Summary

Please see the following petition letter signed by 124 people in opposition to the Deschutes River and Solar Project. (Please disregard submitted comment 2025-348 as those signatures are included in this upload as well).

Comment Date

4/25/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

—

Page Number(s)

—

Council Standards

—

Comment

We, the undersigned residents, farmers, and concerned citizens of Wasco County, Oregon, call for the rejection of BrightNight's Deschutes River Solar and Battery Energy Storage System project. This proposed almost 1400 acre solar farm threatens our agricultural heritage local economy, and rural way of life. We urge you to deny BrightNight's application and protect our land for current and future generations.

Why we oppose this project:

1. Loss of valuable farmland: The Deschutes solar site occupies productive agricultural land in Wasco County, where farming supports over $100 million in annual economic activity (USDA 2022). Even if it is not classified as 'high-value' by western Oregon standards, this land grows wheat and other grain products, alfafa and grass hay, carrot seed, and provides grazing critical to our region's food security and identity. Once covered

with solar panels and a battery infrastructure for 20 or 30 years, the soil will become degraded, making it nearly impossible to restore for farming--a permanent loss in the county with limited arable land due to Eastern Oregon's arid summer climate.

2. Economic Harm to Local Communities & Residents: BrightNight, a Florida based corporation, promises temporary construction jobs but offers no long-term benefit to match the sustained revenue and employment from Wasco County Agriculture. Farmers, ranchers, and related businesses will suffer as productive acres vanish. Property values near the site may drop due to visual blight and industrial noise, hurting rural homeowners.

3. Cumulative Threat to Our Region: Approving Deschutes solar sets a dangerous precedent. With projects like WyEast and Bakeoven already n the pipeline, Wasco County risks becoming a solar industrial zone, sacrificing thousands of acres of out-of-state developers like BrightNight. We cannot let piecemeal approvals erode our rural landscape.

4. Environmental and Safety Concerns: The Battery Energy Storage poses risks of fire or chemical leaks, endangering nearby residents, wildlife, and the fragile sagebrush steppe ecosystem. Eastern Oregon's dry summer conditions amplify these hazards. Solar panels and infrastructure will disrupt local wildlife, including sage-grouse and other species already stressed by habitat loss. The entire project will sit on Ceded Lands of the Confederate Tribes of the Warm Springs Reservation. The Battery Storage Facility will be developed on a known cultural site that was an Indian village and is known to have artifacts. This area is in a very HIGH RISK FIRE district whereas there have been many fires in the past few years.

5. Violation of Oregon's Land Use Legacy: Oregon's land use laws, under Goal 3, prioritize preserving farmland. BrightNight must prove no alternative sites-like degraded or non-arable land-exist for this project. We demand a full review to ensure compliance, not a rubber stamp for corporate profit.

Attachments

3 days ago

Microsoft CRM Portals

Petition 1.p

Petition to Oppose BrightNight's Deschutes Solar and Battery Storage BESS Project in Wasco County

To: Wasco County Board of Commissioners and Oregon Energy Facility Siting Council (EFSC)
Date: March 18, 2025

We, the undersigned residents, farmers, and concerned citizens of Wasco County, Oregon, call for the rejection of BrightNight's Deschutes Solar and Battery Energy Storage System project. This proposed 1400-acre solar farm threatens our agricultural heritage, local economy, and rural way of life. We urge you to deny BrightNight's application and protect our land for current and future generations.

Why We Oppose This Project:

1. Loss of Valuable Farmland
   - The Deschutes Solar site occupies productive agricultural land in Wasco County, where farming supports over $100 million in annual economic activity (USDA 2022). Even if not classified as "high-value" by western Oregon standards, this land grows wheat, all grain products, alfafa, grass hay, carrot. seed and grazing crops critical to our region's food security and identity.
   - Once covered with solar panels and battery infrastructure for 20-30 years, this soil will degrade, making it nearly impossible to restore for farming—a permanent loss in a county with limited arable land due to Eastern Oregon's arid climate.

2. Economic Harm to Local Communities
   - BrightNight, a Florida-based corporation, promises temporary construction jobs but offers no long-term benefit to match the sustained revenue and employment from Wasco County agriculture. Farmers, ranchers, and related businesses will suffer as productive acres vanish.
   - Property values near the site may drop due to visual blight and industrial noise, hurting rural homeowners.

3. Cumulative Threat to Our Region
   - Approving Deschutes Solar sets a dangerous precedent. With projects like WyEast and Bakeoven already in the pipeline, Wasco County risks becoming a solar industrial zone, sacrificing thousands of acres to out-of-state developers like BrightNight. We cannot let piecemeal approvals erode our rural landscape.

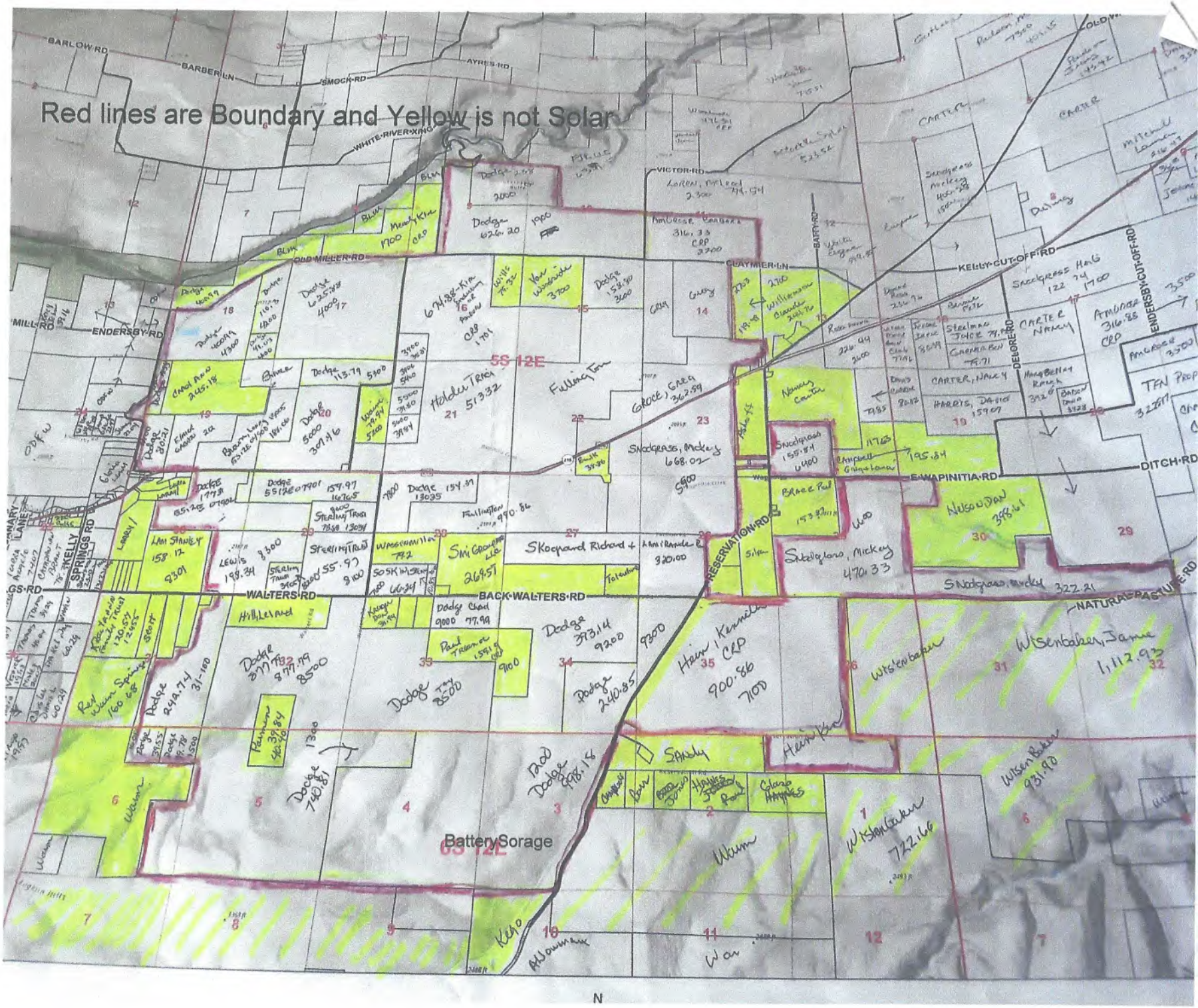
4. Environmental and Safety Concerns
   - The Battery Energy Storage System poses risks of fire or chemical leaks, endangering nearby residents, wildlife, and the fragile sagebrush steppe ecosystem. Eastern Oregon's dry conditions amplify these hazards.
   - Solar panels and infrastructure will disrupt local wildlife, including sage-grouse and other species already stressed by habitat loss.
   - The entire project will sit on Ceded Lands of the Confederated Tribes of Warms Springs Reservation. The Battery Storage Facility will be on a known cultural site that was an Indian village and is known to have artifacts.
   - This area is in a very High Risk Fire district whereas there have been many fires in the past years.

1. Violation of Oregon's Land Use Legacy
   - Oregon's land use laws, under Goal 3, prioritize preserving farmland. BrightNight must prove no alternative sites—like degraded or non-arable land—exist for this project. We demand a full review to ensure compliance, not a rubber stamp for corporate profit.

Our Demands:

- Deny BrightNight's Deschutes Solar and BESS application outright.
- If review proceeds, impose strict conditions: limit the project to non-farmable land, require dual-use (agrivoltaics) to preserve agriculture, and mandate a transparent public hearing in Wasco County.
- Protect our county from unchecked solar sprawl by setting clear limits on future projects.

Signed,


Red lines are Boundary and Yellow is not Solar
BARLOW RD
BARBER LN
SMOCK RD
AYRES RD
WHITE RIVER XING
VICTOR RD
OLD MILLER RD
CLAYMIER LN
KELLY CUT OFF RD
ENDERSBY RD
MILL RD
DELORE RD
BARRY RD
ENDERSBY CUT OFF RD
DITCH RD
E WAPINITIA RD
RESERVATION RD
NATURAL PASTURE RD
KELLY SPRINGS RD
WALTERS RD
BACK WALTERS RD
CANARY LANE
5S 12E
6S 12E
Battery Sorage
N

Petition to Oppose the Brightnight Deschutes Solar and Battery Storage project on Juniper Flats in Wasco County, Oregon.

Printed Name	Address	Signature	Date
Carol Workman	76820 Hwy 216 Maupin 97037	Carol Workman	3-23-25
Sheryl Townsend	57599 Leonard Ave Tygh Valley	Sheryl Townsend	3-27-25
Donald G Townsend	57599 Leonard Ave Tygh Valley	Donald G Townsend	3-27-25
Dan Cozad	312 Elrod Rd Maupin	Dan Cozad	3-27-25
Melba Helfrich	174 N. Circle DR Tygh	Melba Helfrich	3-27-25
Martin Helfrich	174 N. Circle DR	Martin Helfrich	3-27-25
Hyli Cunnings	175 N. Circle DR	Hyli Cunnings	3-27-25
Daniel Lee	52973 Endersby Rd		3-27-25
Betty Marshall	302 ElRod #4		3-27-25
John P. Zipprich	77761 Hwy 216 97037	John P Zipprich	3-27-25
Vivian McKinley	77911 Hwy 216 97037	Vivian McKinley	3-27-25
Ireneo Alba	78010 Hwy 216	Ireneo Alba	3-27-25
Maxine Kelly	77583 Hwy 216 97037	Maxine Kelly	3-27-25
LeeAnn Gooch	614 View St. 97037	LeeAnn Gooch	3/27/2025
Katherine Richey	508 DuFur Ave 97037	Katherine Richey	3/27/2025
Alexandra Benson	304 6th St 97037	Alexandra Benson	3/27/2025
Gretchen McCoy	52801 Reservation Rd 97037	Gretchen McCoy	3/27/2025
Betty Odom	55133 Juniper Flat Maupin 97037	Betty Odom	5-28-25
Wayne Odom	55133 Juniper Flat Maupin 97037	Wayne in cast - cannot sign	" "
Suzanne Ford	55133 Juniper Flat Maupin 97037		3-28-25
Jeff Gutzler	81610 Victor Rd Maupin 97037		3/28/25
Connie Lee	52973 Endersby Rd. Maupin OR 97037	C Lee	4/5/25
Julie Thompson	77800 Walters Rd Maupin OR	Julie Thompson	4/5/25

Petition to Oppose the Brightnight Deschutes Solar and Battery Storage project on Juniper Flats in Wasco County, Oregon.

Printed Name	Address	Signature	Date
Tonya Duling	54909 Hwy 197. Maupin OR	Tonya Duling	4-3-25
Kyla Nannini	47638 Hwy 197, Maupin, OR	Kyla Nannini	4/3/25
Kylie Duling	54911 Hwy 197. Maupin OR	Kylie Duling	4/3/25
Deric Anthony	80823 Shadybrook Rd Tygh Valley OR		4/3/25
Heather Anthony	80823 Shadybrook Rd TVOR		4-3-25
Josh Duling	54911 Hwy 197 Maupin OR		4-4-25
~~Jerry Duling~~ JERRY Duling	54909 Hwy 197, Maupin, OR		4-4-25
GARY M. NANNINI	47638 HWY 197 MAUPIN, OR		4-7-2025
Bailey Nannini	47638 hwy 197 Maupin OR	Bailey Nannini	4-8-2025
Tucker Nannini	47638 hwy 197 Maupin OR		4/8/25
Kevin Durer	80342 wamic market Rd, TV OR		4/10/25
Nancy Wells	P.O. Box 435 Maupin OR		4-11-25
Sandra Knight	P.O. Box 112, Tygh Valley, OR 97063	Sandra J. Knight	4-11-2025
Tara Aschoff	53228 Reservation Rd Maupin OR 97037		4-11-2025
Ailee Aschoff	53228 Reservation Rd Maupin, OR 97037	Ailee Aschoff	4-21-2025
TAY TUCKER	53228 RESERVATION RD MAUPIN OR		4-22-2025
Nancy Carter	53231 Reservation Rd maupin	Nancy Carter	4/22/25
Michael Carter	81770 Old Wapinitia Rd, Maupin, OR 97037		4/22/25
Misty Duling	52895 Natural Pasture Rd Maupin, OR 97037		4/22/25
Kevin Duling	52895 Natural Pasture Rd		4/22/25
Dawn Ann Duling	52892 Natural Pasture Rd		4/22/25

Petition to Oppose the Brightnight Deschutes Solar and Battery Storage project on Juniper Flats in Wasco County, Oregon.

Printed Name	Address	Signature	Date
Michelle Wolcott	79118 Back Walters Rd. Maupin OR, 97037	Michelle Wolcott	3/28/2025
HENRY WATSON	79118 BACK WALTERS RD MAUPIN 97037	Henry Watson	3/28/2025
Duane D Wentzel	78205 Back Walters Rd Maupin	Duane D Wentzel	3/28/2025
Dorothy C WENTZEL	78205 BACK WALTERS Rd MAUPIN	Dorothy C WENTZEL	3/29/2025
Jane R Endicott	52286 KELLY SPRINGS RD MAUPIN	Jane R Endicott	3/29/2025
Fay Endicott	52286 Kelly Springs Rd Maupin	Fay Endicott	3/28/2025
GARY WASSENMILLER	78967 WALTERS Rd. MAUPIN, OR	Gary Wassenmiller	3/29/2025
LUANN WASSENMILLER	78967 WALTERS RD. MAUPIN, OR	Luann Wassenmiller	3/29/2025
DALE F. JOHNSON	79116 BACK WALTERS RD. MAUPIN, OR	Dale F. Johnson	04/01/2025
SHARON F. JOHNSON	79116 BACK WALTERS RD. maupin, OR	Sharon F. Johnson	04/01/2025
Elizabeth Richley	80377 Hwy 216 Maupin, OR		4/5/25
Glory Frasier	72702 Hwy 216 Maupin OR	Glory Frasier	4/5/25
Jennifer S Lewis	78264 Walters Rd Maupin OR		4/5/25
Marlin A. KUBITZ	78974 Back Walters Rd Maupin		4/16/25
SANDRA KRUGER	78974 Back Walters Rd,		4/16/25
DON KRUGER	78974 BACK WALTERS RD MAUPIN		4/16/25
WES WATSON	79118 BACK WALTERS RD MAUPIN	Wes Watson	4-19-25
LEE LIVERMAN	80377 Hwy 216 Maupin OR 97037		

Petition to Oppose the Brightnight Deschutes Solar and Battery Storage project on Juniper Flats in Wasco County, Oregon.

Printed Name	Address	Signature	Date
Karen Brown	58706 Haven Ave, Tygh Valley	Karen Brown	3-27-25
Marcia Whitney	83301 HWY 197, Tygh Valley, OR	Marcia Whitney	3-27-25
James Whitney	83301 HWY 197, Tygh Valley, OR	James J. Whitney	3-27-25
Rodney A Woodside	1 Mile North 5th St. Maupin Or.	Rodney A Woodside	3-27-25
JIM BURGETT	614 DUFUR AVE Maupin Or	Jim Burgett	3-27-25
Emilie Williamson	80691 Old Wapinitia	Emilie Williamson	3/27/25
Melissa Huntley	8 S County Rd Warm OR	Melissa Huntley	4/1/25
Douglas A. Huntley	8 S County Rd. Warm, OR	Douglas A. Huntley	4/1/25
Clarkson Rees	77863 Hwy 216 Maupin	Clarkson Rees	4-3-25
Ronald Rees	77861 Hwy 216 Maupin	Ronald Rees	4-3-25
Cathy Bailey	403 5th St	Cathy Bailey	4-3-25
Jay Kelly	601 Dufur Ave	Jay Kelly	4/3/25
Cindy Barker	92662 2nd St TV		4/3/25
Kristen Brown	TV		4/3/25
Tammy Smith	TV 57327 Cem Ln.	Tammy Smith	4/3/25
Brad Kenyon	2415 E 15th st The Dalles	Brad Kenyon	4/3/25
IDA Price	1050 COUNTY ROAD	Ida L Price	4/3/25
Leslie Lusk	606 Dufur	Leslie Lusk	4/3/25
Jamie Hager	205 Shoats Ave Maupin	Jamie Hager	4/3/25
JEANNE CAPPS	78769 Victor Rd Maupin	Jeanne Capps	4-20-25

Petition to Oppose the Brightnight Deschutes Solar and Battery Storage project on Juniper Flats in Wasco County, Oregon.

Printed Name	Address	Signature	Date
KAREN JO PAULSON	84191 OAK SPRINGS RD MAUPIN OR 97037	Karen Jo Paulson	3-20-25
MARY ANN PAULSON	55121 Paulson Rd Maupin OR 97037	Mary Ann Paulson	3-20-25
Jerry L. Paulson	55121 Paulson Rd., Maupin, OR 97037	Jerry L. Paulson	3-20-25
Elizabeth A Tanner	P.O. Box 434, Maupin Or 97037	Elizabeth Tanner	4 4 25

4

Printed Name	Signature	Address
Nicole Charissa	Nicole Charissa	7250 Mill Creek Rd The Dalles
Carolyn Grant	Carolyn Grant	912 Federal St. The Dalles
LaMont Jones	LaMont Jones	1220 E. 9th St The Dalles, OR 97058
Ed Brown	Ed Brown	3495 Brown CR Rd The Dalles OR 97058
Linda Brown	Linda Brown	3495 Brown CR. Rd. The Dalles
Fay Endicott	Fay Endicott	52286 Kelly Springs Maupin 97037
Lorree Diaz	Lorree Diaz	77905 Hwy 216
Alicia Jacks	Alicia Jacks	77805 Rock Creek Rd. Wamic, OR 97063
Jeanie Marsh	Jeanie Marsh	92839 Hwy 216 The Dalles 97063
Paul Dempsey	Paul Dempsey	92843 HWY 216 97063
Coralee Grau	Coralee Grau	80242 Clearview 97037
~~David Lee~~	~~David Lee~~	~~52973 Eyrie Lane~~
BRUCE EVATT	Bruce P. Evatt	EL ROD MAUPIN
Tim Ward	Tim Ward	59 N Eagle RD 97063
Becky Slaven	Becky Slaven	59 N Eagle Rt Rd 97063
Dave LaSalle	Dave LaSalle	Antelope PO Box 232 97001
Guy Antonio	Guy Antonio	P.O Box 433 Maupin 97037
Irena Jorgensen	Irena Jorgensen	antelope OR 97701
Bob Franklin	Bob Franklin	Tygh Valley OR 97063
Barbara Mann	Barbara Mann	Tygh Valley Or 97063
~~Jim Burgett~~	~~Jim Burgett~~	~~Maupin, OR 97037~~
Paris McCartney	Paris McCartney	Tygh Valley, OR 97063
Annika Sanger	Annika Sanger	Maupin, OR 97037
Carol Ne Rar	Carol Ne Rar	343 OAK pirk 97062
Regina Woodside	Regina Woodside	PO Box 5 Maupin Or 97037
Sharon Devine	Sharon Devine	302 5th St Maupin OR 97037
Leslie Lust	Leslie Lust	6016 Dufur
PETER BRADLEY	Peter Bradley	915 TOLL RD
Marlene Marich	Marlene Marich	916 Toll Rd.
Patricia A Roberts	Patricia A. Roberts	913 Toll Rd, OR
Mitzi Mason	Mitzi Mason	905 Toll Rd, OR
Tony R. Baker	Tony R. Baker	PO Box 126 672 N.E. Court 97021
Shirla Powell	Shirla Powell	340 NE 7th St Dufur, OR 97021
Matthew Madsen	Matthew Madsen	Dufur
Kathleen M Cantrell	Kathleen M Cantrell	81697 Dufur Valley Rd Dufur Or 97021
BERT W COX		77755 Hwy 216 Maupin OR 97037
Jim Cantrell		81697 Dufur Valley Rd, Dufur OR 97021

Printed Name	Signature	Address
MIKE COUNTRYMAN		2487 E. 7th The Dalles 97058
Linda Malcom		2543 E 8th The Dalles 97058
TERRY TURNER	Terry Turner	232 Skyline Rd. T.D. OR 97058

Outlook

Deschutes River Solar and Battery Storage Commenting Period

From Constance Lee <constanceannettelee@gmail.com>
Date Fri 4/25/2025 1:35 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from constanceannettelee@gmail.com. Learn why this is important

Good Afternoon Ms. Sloan,
I wanted to make you aware that although it was published that people could make their comments before 5pm today, April 25th the Deschutes Solar Project and Battery storage has been taken down and people are not able to select it. This is unacceptable as many people were planning on submitting comments this afternoon before it was supposed to close.
Thank you,
Constance Lee

Outlook

opposition to solar project

From Betty Odom <odombetty43@yahoo.com>
Date Tue 4/22/2025 11:14 AM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from odombetty43@yahoo.com. Learn why this is important

Betty J. Odom

55133 Juniper Flat Rd, Maupin Oregon 97037

odombetty43@tyhoo.com

541-993-2309

Subject: Opposition to Deschutes Solar and Battery Energy Storage System Facility

To the Oregon State Energy Siting Committee,

I am writing to express my opposition to the Deschutes Solar and Battery Energy Storage and Battery Storage System Facility currently proposed for development in southern Wasco County. Even though sustainable/renewable energy is a vital component of Oregon's future, I am extremely concerned about several aspects of this project.

My family emigrated to Oregon in 1852. Since that time, they have homestead in Linn County, Crook County, Sherman County, and Wasco County. Maintaining land so it is productive takes stewardship especially in the steep and/or rocky terrain on the eastern side of the Cascade Mountains. I am immensely proud of the legacy of maintaining the land as well as restoring purchased land that had been abused. It is important that the land be maintained as sustainable agricultural land.

Currently, much of Wasco County does not allow new development on agricultural lands in less than 160 acres. Not allowing small new parcels irritates people who would like a small acreage for a home site, but it does preserve the integrity of agricultural land and reduces the pull-on ground water. The land that is proposed for this solar project has areas of tillable land including irrigated parcels. However, all of the area is grazing land with a variety of native grasses.

The effect of the proposed solar project on water is one major concern. Water wells on the proposed site are usually over seven hundred feet deep. Therefore, it would seem the water would not be contaminated by surface water. However, under the surface of the soil are many fissures and voids (caves and tunnels). When drilling a well, it is not uncommon to need concrete poured into the drilled area and then redrill to get past these voids to reach water. A three hundred fifteen foot deep well near me becomes contaminated each spring when the irrigation water begins to flow. The well is significantly uphill and away from the irrigation ditch. Therefore, the contamination is deemed to be the result of a fissure. Water is an endangered resource. Please reference Oregon Senate Bills 76 and 427, and House Bill 2988 and 3372 which are currently addressing the need for water stewardship.

The main irrigation ditch for the Juniper Flat District Improvement Company and some of the lateral ditches are within the proposed site. Contamination during development and maintenance will affect the quality of the water for downstream food crops. The irrigation water is currently used on hay, grain, and vegetable crops.

Also within the proposed site boundaries is a waterway (Wapitinia Creek) that feeds into the Deschutes River. On the north side of the site is White River, which also feeds into the Deschutes River. Spring water exits the ground in many places along the hillsides. How will these waterways be protected to ensure the habitat of the fish and other aquatic species?

An abundant variety of wildlife is in this area. Many of the species are migratory, but upon careful inspection, we have several species with permanent homes. Birds are migratory but will no longer have the necessary habitat. Large numbers of elk migrate from the forests to the grasslands. Only a narrow corridor will be available for the migrating large animals to move to the lower elevation grazing. Since elk graze as they travel, the forage in this narrow corridor will be destroyed.

The grasslands were a hunting and forage area for several bands of Indigenous people. Artifacts have been found throughout the area. Of course, some of these grasslands have been tilled thereby obliterating the artifacts, but further excavations will continue to reduce the preservation of these important pieces of history.

Much of the surrounding lands are designated as protected areas to maintain crucial natural elements of Oregon. How can it be sensible to go from protected areas to a site that totally changes the environment? Tourists visiting this part of Wasco County comment on the natural beauty of the area. Seeing miles of solar panels is going to be detrimental to our tourist trade.

At each public meeting there was a lot of discussion regarding wildfires. Fires are unlikely to start on the solar site unless they start by lightning or working within the site. Mitigation of future wildfires on the remainder of Juniper Flat is being addressed by our volunteer fire department and the individual landowners. Consequently, meetings never covered all the issues.

At the solar meetings, the representatives of BrightNight spoke about the money that would come into the Maupin area because of this project. The solar projects east of Maupin did not prove to be of assistance to the economy except for a few donations, a small amount of camping income and some restaurant/tavern income. Nor has the aforementioned project provided jobs for our residents.

A proponent from out of the area testified using statistics that do not accurately reflect the entire picture of the effects on her home area. It was obvious that the BrightNight representatives knew what the testimony was going to be. Except for the people benefitting financially from this project, I have not heard any one locally in favor of the project. In this community of less than five hundred people, it is quite easy to become ostracized if a political stand is taken.

Opponents of this project are reluctant to testify during the recorded public meetings and leave the meeting frustrated.

BrightNight does not have a proven history of development in the entire United States. What assurance is there that this organization will be able to complete and maintain the project? If the project fails what funds will be available to clean up the site? Even if there are funds in escrow, site clean-up will not return this soil to tillable ground and native grazing plants will never return.

Can BrightNight meet all siting standards as are published on the Oregon State Department of Energy website? In my review of the standards, I do not believe all standards can be met. There needs to be proof of compliance with Oregon's standards.

Finally, I am expressing my concern for the long-term impact this development will have on my friends and their property. Property value will drop dramatically when surrounding properties are covered with solar panels. Many of the smaller properties adjacent to and within the site boundaries were purchased for the sole purpose of retirement homes with the desired visual and noise aesthetics. For those living in the community of Pine Grove and those with adjacent property, their value will also decline.

Our state needs to explore the possibilities of newer, innovative technologies. Power producing electromagnetism and small, quiet, environmentally friendly wind turbines seem promising. These small turbines appear to much more productive and environmentally friendly than the currently used turbines.

My residence is not within or adjacent to this project but the effect on the entire area known as Juniper Flat will be impacted by this project. I have been approached by a solar company for a project on my property east of Maupin and declined the solar project based on the same concerns I have addressed for Juniper Flat.

Sincerely,

Betty J. Odom

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Tue 4/22/2025 5:56 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Emily Williamson
Email: none@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
This is a comment letter that is in opposition of the Deschutes River Solar Project.

Please Click on the following link to view the full Comment Details

Comment Summary

This is a comment letter that is in opposition of the Deschutes River Solar Project.

Comment Date 4/22/2025 source

Select email portal manual

Siting Project Phase

Select EXEMPTION REQUEST NOI DPO CC FORMAL RULEMAKING INFORMAL RULEMAKING AMD-A AMD-B

Comment Details

Notice of Intent Exhibit

Select Exhibit A - Applicant and Participating Persons Exhibit B - Proposed Facility Description Exhibit C - Proposed Facility Location Exhibit D - Transmission or Pipeline Exhibit E - Permits Required Exhibit F - Adjacent Property Owners Exhibit G - Maps Exhibit H - Non-Generating Facility Need Exhibit I - Choice of Land Use Standards Exhibit J - Identification of Potentially Significant Environmental Impacts Exhibit K - Information about Potentially Significant Adverse Impacts to Public Services Exhibit L - Water Use Exhibit M - Carbon Dioxide Exhibit N - Applicable OARs, ORS and Land Use Requirements Exhibit O - Schedule to Submit an Application Exhibit P - Consultation with State Commission on Indian Services

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Council Standards

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Comments:

My grandfather, John Isham West came to Juniper Flat in 1879 with a bony and its' bridle. At the age of 18, he worked in Tygh Valley and Juniper Flat to begin saving his money. For ten years he worked saving his money and acquiring cattle and 1800 acres of land. He also acquired forty acres of land in the Mt. Hood National Forest that he used for summer grazing for his cattle.

My husband and I purchased some of this original land in 1977 and immediately began building a house and hog facility. In addition to raising swine, we had a small herd of cattle, raised alfalfa, and wheat. We always had three cuttings of alfalfa and if the weather was cooperative, we may have a fourth cutting.

It is extremely difficult to predict how this proposed project will affect me financially. Fire will always be on my mind as my place has already severely been impacted in the last fire. I am worried my fire insurance will continue to climb with the installation of this project. In addition, to the financial impact of increased fire insurance cost, I am wondering will my property taxes increase, even though the value of my land be less?

Wildfire
On August 2, 2022, the Dodge-Miller Rd fire swept through our farm leaving behind much damage. We lost 90% of our farm equipment, most of our fencing, the well house, pump house, sprinklers, pipe, farrowing barn, hay barn, and pig nursery. Our family will not endure another fire. This proposed project will increase the fire risk in an already high fire area. The fires are not stopped by fire breaks or water. The only method that stops fires here is air support. I am very concerned about the toxins that will come off the panels during the fire and into our ground water when a fire is started due to the installation, operating, and decommissioning of this project.

Structural Standards
Based on the maps provided by Bright Night our home and farm will be bordered on the west by the proposed project. I believe poor site selection for a solar facility of this magnitude. Although, I believe in landowners rights, I don't think that it is right that a neighboring landowner can do something on their property that negatively impacts the soil, wildlife, and water on a neighbor's property. This is exactly what is happening in this project. We will all be impacted by the constant humming sound of the facility, heat, higher insurance costs, possible loss of water, contamination of ground water, and higher fire danger. The actions of a few landowners will negatively impact the entire Juniper Flat Area. My question for the siting council, who will be financially liable to me if my property becomes unfarmable due to another fire, or contamination of water and/or soil caused by this project? In addition, I am concerned about the irrigation

ditched. The main ditch of the Juniper Flat Water District runs through our farm. I am very concerned about the contamination of our irrigation water caused by the development, operation, and decommissioning of this project. Furthermore, the farmers in the area on Juniper Flat may lose water rights. The water is in short supply these days. The water from the irrigation ditch should not be used to wash solar panels. If the ditch becomes damaged or contaminated, we have no way to irrigate our farms to make a living.

Fish and Wildlife Habitat

On our farm we often see deer, elk, coyotes, wild turkeys, migrating geese and ducks, bobcats, and occasionally black bears. Reducing their habitat and food by installing fences around 25 square miles will greatly impact the wildlife in the area.

Soils

Any good farmer knows if you take care of the land, it will take care of you! It is my understanding that the land would be graded and leveled. Leveling the rock breaks will flooding the winter because there will not be any retention areas for the vast amount of moisture receive. Clearing the land will also cause invasive species of weeds to appear. This is exactly what happened after the Dodge Miller Rd. fire. The following year we had to contend with weeds such as medusa head, cheat grass, and other noxious weeds which then caused more fire danger.

Scenic Resources

I live ten miles west of Maupin and the Deschutes River and approximately five miles from White River. We are near to scenic areas where people come to admire the beauty, camp, fish and hunt. This project will change the scenic landscape of the area which will negatively impact the recreation in the area.

Operational Expertise

I have many concerns with BrightNight's ability to demonstrate operational expertise.

1. Do they have the financial backing to keep all of their promises?
2. They are inexperienced in developing, running, and decommissioning projects.
3. They use high powered tactics when trying to convince landowners to sign up for the project. Harassing people who do not want to sign up for the project or contacting their family members to try and convince them.
4. They are stating inaccurate facts about the quality of the land. Although some property may be substandard for farming, my family has made a living off the land on Juniper Flat for decades. Although we are not making $850 to $1000 an acre like the people signing up for the project we were able to make a living.
5. Disregarding the number of homeowners in the area that are not signing up for the project. They have not guaranteed us a reasonable set back from our homes, waterways, and wetlands.

6. The meetings that have been held have not been informative. In the first meeting, you could not hear anyone because it was so loud, and they did not provide any specific information to us. In the second meeting people were allowed to state their opinions, but BrightNight did not share any useful information about the project. This lack of transparency leads me to believe that they do not hold themselves to a high standard of ethics or conduct.

In closing it reminds me of a quote I once heard, "Every day we are confronted with the destruction of Earth at the hands of mankind. Some animal species, flora, and fauna. Things that took many years to evolve and suddenly we will never see them again because of the interference of mankind." This project is marketed on the platform of 'green energy'. There is nothing about this project that is good for the soil, land, wildlife, and fisheries in the area.

I urge the council to take a hard look at this project and am asking that the project not be allowed to go forward.

Thank you for your time and consideration of the negative impacts of this project.

Emily Williamson

Comment

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Wed 4/23/2025 6:21 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Bob Larsell
Email: rlarsell@aol.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
Comments in opposition to the Deschutes River Solar Project

Please Click on the following link to view the full Comment Details

Comment Summary

Comments in opposition to the Deschutes River Solar Project

Comments in opposition to the Deschutes River Solar Project

Comment Date

4/23/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

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Comment

Here's a thoughtful draft for your letter addressing the Deschutes River Solar Project. I've incorporated the concerns about fisheries, property values, and fire danger:
To Whom It May Concern,

I am writing to express my strong opposition to the proposed Deschutes River Solar Project. While renewable energy development is critical to addressing climate change, this particular project raises significant concerns regarding its environmental, economic, and safety impacts. Specifically, the project poses threats to the fisheries of the White and Deschutes Rivers, risks decreasing property values in surrounding communities, and increases the danger of wildfires in an already fire-prone region.

The White and Deschutes Rivers are home to sensitive and vital fisheries, including species that are integral to the region’s ecosystem and cultural heritage. Construction and

operation of the solar project could introduce sedimentation, disrupt aquatic habitats, and alter water quality—jeopardizing fish populations and undermining efforts to restore and preserve these waterways. These fisheries are a public trust resource, and their protection must remain a priority.

In addition to environmental concerns, the proposed project could lead to a decline in local property values. Industrial-scale solar developments often result in changes to the aesthetic and character of rural areas, which can deter prospective homebuyers. This economic consequence not only affects individual property owners but also impacts the financial stability of the community as a whole.

Finally, the increased risk of wildfires associated with the project cannot be overlooked. The proposed site lies in a region already vulnerable to wildfires, and the introduction of infrastructure with potential ignition sources, combined with the accumulation of dry vegetation, exacerbates this danger. Without robust fire prevention and response plans, the project places both natural landscapes and nearby residents at heightened risk.

While I support the transition to renewable energy, projects like the Deschutes River Solar Project must be carefully evaluated to ensure they align with community priorities and environmental stewardship. I urge the decision-makers to reject this proposal and consider alternatives that do not compromise the health of our rivers, the value of our homes, or the safety of our region.

Thank you for taking these concerns into consideration. I trust you will make a decision that prioritizes the well-being of our environment, community, and future generations.

Sincerely,
Bob Larsell

Attachments

No files were attached.

Comment Summary

Comment Letter Opposing The Deschutes River Solar And Battery Storage Project

Comment Date

4/23/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

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Council Standards

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Comment

April 14, 2025

Comment on the NOI:
Deschutes Solar and BESS Facility

To whom it may concern,

I feel there are more appropriate sites for a solar project of this magnitude.
The proposed Deschutes Solar Project would cover approximately 13,626 acres of EFU Land that would be transformed into a blanket of solar panels and security fences.
If this solar project is approved in its current form, there are many residences not affiliated with the solar site land leases, that will be surrounded by solar panels or located very close to them.
Most people would find it undesirable to live in a solar farm, making the residences

property values drop substantially, maybe unsaleable.
Construction of a solar farm in this area also brings with it many concerns and uncertainties for the people living at these residences.
Examples--
The water table is already low in this area, so will their well water be affected by this projects construction, or aftereffects, such as drying up or becoming contaminated? There's lots of run off water in the winter and spring in this area. Will grading, filling, and leveling the ground for the solar project site compromise the drainage ditches that now help support that run off water from flooding? How is the wildlife going to be affected? Are there long term health risks for people and animals living within a solar farm? Will the residents close to the construction sites be able to endure the negatives that come along with big construction and then the downgraded life style that will come from living inside a solar farm?
It is our hope that the Committee will make the correct decision that is best for the people living in this area.

Thank you,
Gary Wassenmiller

Residence, 78967 Walters Road

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 10:44 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization: Natural Pasture Properties, LLC
Submitted by: Misty Duling
Email: mistyhduling@gmail.com
Zip Code: 97037

Siting Project Phase: *NOI*

Comment Summary:
I oppose the Deschutes Solar project

Please Click on the following link to view the full Comment Details

Comment Summary

I oppose the Deschutes Solar project

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

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Council Standards

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Comment

The thought of losing thousands of acers of farm and range land is pretty unbearable to imagine. This is very upsetting and heartbreaking.

Reasons why:

Cultural Heritage: This land holds deep historical value and cultural significance and heritage. These solar plants will completely compromise and destroy any of the history that is left.

Environmental Impact: This ground will be covered by these solar panels. Endangering many native plants and animal species. This will have a significant effect on the Mule Deer, Rocky Mountain elk, several species of birds, Canadian geese and many duck species. The alteration of their natural habit will potentially stop all-natural movement and travel patterns. Which makes me sick to my core. I love watching these beautiful animals, this is their home.

Water Impact: The Deschutes River, White River and Columbia River are lifelines in our area. With massive construction along Wapanitia Creek the watersheds are in danger of carrying large amounts of pollutants and sediment into these rivers further endangering vulnerable trout and salmon species.

These pollutants are also upstream from our farms and animals. Putting our farm ground, wildlife and animals at high risk of contamination and risk. My family's life has revolved around family farming for 6th generations out here. It hurts me to my core that this could cause harm to our family, animals and lively hood.

Community Health: Low levels of electromagnetic radiation have been shown to cause disruption of normal brain activity, anemia and behavior issues with children, worst case scenario increased cancer. They want to bring in 14,000 acres of this and park it next to our homes. The visual impact this will have on our landscape is truly hard to imagine and will negatively affect quality of life.

Fire Risk: We live in one of the most vulnerable places for wildfires. What happens when one of these battery plants or solar field catches fire? It happened in California. We will not have time to load all of our animals up and get away from this toxic fire storm. Our animals will be lost, wildlife lost, potentially people lost. NO ONE is going to be able to go in and fight this or buy us time to get our animals out like our fire crew does now. This will be a whole new animal.

Economic Concerns: Huge impact on property values. No one will be able to sell their property or buy with solar farms nearby. Furthermore, there could potentially be a negative effect on tourism in Maupin. Upgrades to current electrical grids to support this kind of infrastructure will Increase electric bills to us and all neighboring cities.

Questions for Bright Night

1. How will you prevent our electrical bills from rising? The power company will have to increase the lines to be able to support the solar operation they are proposing goes in. Who is going to pay for that? How is BrightNight going to help cover this rising expense?

I know who is going to be paying for this. It will be everyone who lives out here and has power from the grid. Look at how much our power has gone up since The Bakeoven project went in. We just got a notice it is going up again.

This expense will be passed on to everyone in this area, many of us do not want this. Why are we responsible for paying for it?

2. Wildfires. What happens when a solar field catches fire or the Battery storage unit? In California people within 5 miles of the battery storage had burns.

Will we have time to get ourselves out? Will we have time to get our animals out? What is your plan for our animals that die in this event? Are you going to tell our kids “Sorry, about your pet, good luck”. This is not just a brush fire running at us. This is a toxic fire that is dangerous to everyone WHO actually LIVES out here.

3. Bright night has been in operation for less than six years. They have 9 projects in their pipeline and one completed. It would be my understanding, that Bright Night does not have the expertise to develop, operate or decommission a project of this size. If this project fails our community will be forever destroyed and devastated. The land ruined forever.

In Davis, California, BrightNight entered into a controversial no-bid lease for a solar farm project. The company was met with opposition due to lack of transparency, low lease rates and bypassing the advisory commission.

Personally, I have not had a good experience. Example: One sales person/ representative of BrightNight states, “You might as well get your piece of the pie because we are coming in if people like it or not”. That comment alone from one of BrightNights employees sets the tone of how this company really is. They care about NOTHING out here. I find them disrespectful and untruthful.

On the Bakeoven solar project all of the posts have sunk into the ground, the panels cannot rotate. Another example that BrightNight and their affiliates have not demonstrated the

ability to build, operate and generate electricity. 5 years have passed, Zero energy. We are working to build more? Make this make sense.

A neighbor told us “If you just be quiet and go along with them, they will pay you to be quiet.” That does not sit well with me.

What if we don’t want bought out? This area is our home and has been for generations and we continue to raise crops, livestock out here and take pride in what we do. We nurture the ground and respect this piece of heaven out here. This area is special, and it is our home.

4. BrightNight is advertising “Jobs” to come to this area, because of the project. The transparency about these “Jobs” is not clear. There will be jobs for 18 months and then what? Will these jobs be offered to locals first?

5. What is BrightNight actually doing for ANYONE out here besides the few families who have agreed to do the solar projects? Bringing donuts to continue to bribe people to sign? I can see zero benefit to anyone out here who does not have solar panels on their property.

6. Does BrightNight actually have the funding to pull this project off with 9 other projects in the pipeline? You have raised 1.5 billion dollars… the project is 1.5 million to 2 billion dollars? Where is the money to decompress this once done? Many solar projects have broken solar panels laying around the field. How do you plan on recycling this?

7. If Bright Night is financially unable to pay landlords their leases or maintain the solar fields, how will our community rebuild?

8. What if BrightNight cannot operate the Deschutes River Project to ensure the health and safety of everyone? Who is liable to these citizens for the undesirable outcomes of pollution in our ground water, stress, mental health by noise pollution and glare of solar fields, contamination of the soil.

9. The land is home to wildlife and natural migration routes to animals. How do you plan to handle this? Are you planning to rebuild our fences when wildlife is forced out by solar panels?

10. Has BrightNight actually followed up with the Tribe of Warm Springs?

The meeting in Tygh Valley, statements were made by BrightNight employees/ Representatives that the Tribe of Warm Springs where in full support. This obviously turned out to be false information after attending the Maupin meeting. Again, another example of BrightNights transparency and willingness to not tell the truth. They will say whatever they need to say to get people to sign the dotted line.

11. What happens to these people's farms that are signed up in solar for 30 years and BrightNight is unable to get the project running. The ground is leased for 30 years and or destroyed and they do not get it back until the 30 years is up?

12. BrightNight can sublease this ground out once they have the farms leased to them? Do these Companies have standards or guidelines they must follow that rent this ground from BrightNight or can they just rent it and the new lease holders can do what they want? Can BrightNight write new guidelines to the ones they sublease to?

13. The people living within the solar fields, the solar panels completely devalue their land and homes. How are you going to help them? Besides telling us or offering them a "Good Neighbor" offer and buy them out. Sounds like you are bullying them out to me.

14. BrightNight is claiming the soil on the west part of Juniper flat is substandard for farming. This is untrue, there are areas with farmable soil still and wetland areas. That if actually farmed would produce crops.

15. Why is a 14,000-acre solar facility being placed in the middle of a neighborhood? 75 homes will be impacted by this.

16. Currently well drilling is being restricted in our area because of the low water table. Yet we are planning to drill wells to support the 500 people coming to our area and changing zoning ordinances so we can add houses to our properties for the workers? We do not have the resources to support this and this forever changes and ruins our rural community.

17. Wind and Dust in this area. How do you plan to keep that off of the solar panels, so they actually work efficiently? Without further draining our water tables.

18. Increased run off from these solar panels can alter natural draining systems and harm local ecosystems. How are you planning to prevent this?

I hope you can find another location for this solar facility. I am all for renewable resources if I can see it is actually working. The Bakeoven project has been up for 5 years and still nothing works, in fact it needs thousands of dollars of repairs. Let's see one start to generate some income before we start permanently destroying our rural community with so many homes and cultural heritage within the proposed solar farm area.

A Solar farm is said to be here to positively affect our community. I feel there is zero good from these solar companies coming in. They're coming in to destroy our heritage, history and ceded ground and forever ruin the place we have called home for generations.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 8:54 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Patty Johnson
Email: patjj@hotmail.com
Zip Code:

Siting Project Phase: *NOI*

Comment Summary:
The notice intent for this project does not include enough information to adequately assess the merits of the project. This leads me to question the the applicants ability to handle a project of this magnitude. I do not agree with this project moving forward anymore until the applicant can provide a better package/service to the public. See below for more of the summary and the attached for details.

Please Click on the following link to view the full Comment Details

Comment Summary

The notice intent for this project does not include enough information to adequately assess the merits of the project. This leads me to question the the applicants ability to handle a project of this magnitude. I do not agree with this project moving forward anymore until the applicant can provide a better package/service to the public. See below for more of the summary and the attached for details.

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

Notice of Intent Exhibit

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Council Standards

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Comment

My main concerns are as follows;

There are errors in the statements made in the notice of intent, misinformation, and many things left out that are important for the county, state, and public to understand this project thoroughly. There seems to be a lack of knowledge and understanding by the applicant of the area and issues. The applicant has lost any trust by putting together a poor notice of intent.

The project will impact all landowners, most in a negative way. A few will benefit financially, but most will negatively.

- This project completely surrounds other properties with permanent dwellings and would have an impact to quality of life, visuals, ability continue to farm and make money.

- This project will reduce property values and increase taxes for other landowners in the area

The ability for landowners to make money on their land is important but not at the expense of other landowners. This is counter to the principles of community.

Wildlife habitat will be impacted. Removing the native vegetation and putting up an 8' fence for 55 miles will limit wildlife from migrating and having access to critical forage. The result will be that the wildlife will leave the area. We have to remember ecosystems are a pyramid and when you loose species, the ecosystem stops functioning.

Soils and hydrology will be impacted. Grading the rock breaks and land will remove the natural system that controls the flow of water and thus flooding. There will be more flooding in this area with this project that will significantly impact those homeowners that live near Wapinitia Creek. It will also remove critical soil components and allow both invasive and erosion to occur.

Wildfire is a significant concern for this area that seems to be underestimated by the applicant. I'm not sure why a company would want to invest millions of dollars in a project in an area where it will be burned up at some point. Not if, just when. That is how fire dependent ecosystems work. No amount of fire equipment will prevent that.

The way this company has presented itself to the public is unprofessional. Offering large sums of money to landowners without fully disclosing impacts, not engaging with other landowners that will be severely impacted, harassing landowners to sign up, providing misinformation, bribing land owners to not oppose it.

If I were a business person and this is what was presented to me to fund a project, I would immediately reject it based on the fact that it is similar to a middle school report that really

says nothing in depth, has errors, misinformation and is poorly assembled. The county and state should not even consider the next step in this project based on this notice of intent.

Attachments

4 days ago

Microsoft CRM Portals

Comments on Deschutes Solar Project.docx (3.05 MB)

I am submitting comments on the Deschutes Solar Project proposal. There are several reasons that I am in opposition to the project including the change in zoning, impacts to the environment, impacts to the local community, and lack of specificity in the notice of intent that indicates this project has not been well thought out. Additionally, the notice of intent is very inadequate in providing details about this project which reflects on the company's ability to disclose correct information, professionalism in planning the project, and knowledge of planning and implementing a project. The details of these reason are as follows;

Facility Description

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

(i) For electric power generating plants, the nominal electric generating capacity and the average electrical generating capacity, as defined in ORS 469.300.

The notice of intent does not speak to generating capacity in any detail outside of stating it is capable of generating up to 1,000 MW of solar generation. There is no information about how this number was derived. The quantification of solar energy begins with irradiance measurements, which gauge the solar power received per unit area at a specific location. None of this was discussed in the notice. How is the public and the board reviewing this project supposed to know whether this operation can be successful in generating enough solar energy in this location to be economical. This is the very basics of a solar project and it's not even included in the proposal. The local residents know that the topography of the area and location of the mountains create a depression where air sinks and settles in for long periods of time. There are often weeks of foggy weather in the winter and smoke from wildfires in the summer that would reduce solar panel efficiency. The upper part of Juniper Flat near Pine Grove is even worse due to air not being able to rise with the mountains on one side. The number of solar days for this area is estimated at 116 days; that is 44% of the days in the year. The hills that are to the north, south and west of this area also create shorter days as the hills and mountain blocks the sun. Is that really adequate to be considered efficient, a good location, and worth the investment? This project will have significant impacts on the community and adjacent landowners so it should at least be a site where solar energy is readily available! The capacity to generate adequate solar energy to offset costs, the most critical component of a solar project, is lacking in the notice of intent. On this merit alone, this project should not be allowed to proceed. If a company can't provide the basic information on whether the project is viable, then the county and state should not waste it's time reviewing it.

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

The notice of intent states, *"The Applicant seeks to permit a range of technologies to preserve design flexibility. The solar modules and associated equipment, and precise layout of the solar arrays, have not been determined yet"*, and *"Because technology evolves, final module specification maybe in flux until late in the design and development process the final number of posts and the installation method will depend on the final*

tracker system, ground coverage ratio, topography, height of the solar" and *"The final number of posts and the installation method will depend on the final tracker system, ground coverage ratio, topography, height of the solar modules, and site-specific geological conditions. Post locations will be determined during detailed design of the tracker system and future geotechnical investigations."*

I understand having flexibility is important in this age of rapid technology advances. However, there must be some description of the technology, configuration, layout. To simply say it will all be figured out in the future is not adequate to determine the scope of the project and the impacts to the area. The type of equipment, components and system that will be installed makes a difference in the impacts of a solar farm from runoff to potential for toxic pollution to noise and light impacts to neighbors, just to name a few. At a minimum, a general plan could have been outlined, subject to changes that can be approved by the state or county if needed.

(iii) Methods for waste management and waste disposal, including to the extent known, the amount of wastewater the applicant anticipates, the applicant's plans for disposal of wastewater and storm water, and the location of disposal.

The notice of intent states *"The Facility will not produce significant quantities of solid waste or wastewater…"* and "*Waste and recyclable products will be disposed of off-site at licensed waste management facilities."*
Discarded solar panels contribute are considered electronic waste (e-waste). Many of the materials used in solar panels are difficult to recycle, and improper disposal can release hazardous substances into the environment.

- Currently, a large percentage of end-of-life solar panels end up in landfills, where they pose a long-term risk of leaching toxins into soil and water. '
- Furthermore, the current recycling infrastructure for solar panels is not adequate to handle the projected increase in the coming years as panels reach their end-of-life.
- Improper removal of equipment at solar farms including solar panels and the infrastructure to support the panes have the potential to leach minerals and toxins into the ground; some of those minerals and toxins (such as zinc) can not be removed once in the soil.

There are no specifics on hazardous waste disposal in the notice of intent. Stating it will be taken to an off-site licensed place tells without details about that is NOT A Plan. At the very least potential locations and some indication that research has been done to address this could have been provided. Projects like this that do not have an agreed upon plan and financial set aside for that end up leaving the property owners stuck with the byproducts, the taxpayers money to clean up sites or worse a hazardous materials waste land that can not be used again for any sort of business venture and detriment to the environment. This demonstrates the unprofessional and inexperience of this company. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms? The notice of intent did not address the type and the amount of waste from the project, nor the plan for discarding and disposal of the equipment on the solar farm when it is no longer function-able.

The lack on information about in the facility description of the notice of intent demonstrates the unprofessionalism and inexperience of this company. Does the county and local residents really

want this type of company working on a large project that impacts a thousands of acres, a community and neighboring farms?

(B) *A description of major components, structures and systems of each related or supporting facility.*

BESS

The notice of intent states "*The BESS will be designed to store up to 4,000 MW-hours and will include a series of modular enclosures, battery units with enclosure-integrated inverters, and transformers*". It is well known that the batteries used for storage contain toxins and can create toxic waste. The notice of intent provided inadequate information about the batteries that will be use to understand the potential impacts to the area if those were to leak, start on fire, and how they will be disposed of.

Access Roads, Perimeter Fencing, and Gates

The notice of intent states "*To the extent practical, existing roads within the site boundary will also be used to provide access throughout the Facility. Where new internal access roads are required, they will be at least 20 feet in width and will be sufficiently sized for emergency vehicle access."* To the extent practical does not provide much information for the county and the public to understand impacts from roads. To install the solar panels and have access to them, some road construction would be necessary. And, the impacts of the roads in term of compaction, runoff, displacement of vegetation will occur. The notice of intent lacks important information about potential roads and road impacts.

The notice of extent states "*The solar arrays (or blocks) and most related or supporting facilities will be surrounded with perimeter fencing. Locations of specific access points and lockable vehicle access gates will depend on the final configuration of the solar arrays and related infrastructure".* Access points and lockable gates?? What does this mean in terms of landowners having access to their property. And what does it mean for access for those landowners that are surrounded by this project? The notice of intent lacks vital information about the fencing, gates and access for this project that should have been address in the notice of intent.

(C) *The approximate dimensions of major facility structures and visible features.*

The notice of intent states *"Posts will be buried 7 to 15 feet below ground surface and will extend approximately 5 feet above grade".* Is this even possible with the geography of the area? Farmers in the area know that getting a fence post to go 3 feet deep due to the compacted clay soils and rock is difficult. Has the geology of the area been assessed? How will these post be installed to ensure they will be stable in the types of soils that are in the project area? The notice of intent does not indicate an assessment of the geology and specific soil properties of the area that can impact the installation of solar panels.

The notice of intent states that "up to 8 feel high and approximately 55 miles long of perimeter fencing would be needed". This height and amount of fencing is alarming in terms of impacts to visuals, access by landowners, and wildlife. An 8-foot-high fence running along Hwy 216 for miles will have visual impacts!! Additionally, there is abundant wildlife in the area that would not be able to move through area with that type of fence including deer, elk, coyotes, and small mammals. This will significantly

impact wildlife in the area!! The notice of intent lacks information about the exact locations and impacts of fencing.

The lack of information concerning the system and structure of the system demonstrates the unprofessionalism and inexperience of this company. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms?

Facility Location

(c) A description of the location of the proposed energy facility site and the proposed site of each related or supporting facility and all areas that might be temporarily disturbed during construction of the facility, including the approximate land area of each.

The notice of intent states that the site boundary includes 13,626 acres but also states the solar design acreage is 8,157 acres. The notice of intent does not describe the difference between the site boundary acreage and the design acreage which does not give the county and the public a clear idea of the area really being impacted. Additionally, if the area identified on the map in the notice of intent is measured using GIS and looking at the county parcel information, the site boundary would be approximately 16,300 acres. This includes the 1,608 acres of property that landowners did not sign leases. So, the design acres could be up to approximately 14,600 acres. The notice of intent has discrepancies in the acreage amounts. Additionally, there are properties on the map showing as having signed a lease that have not. This is a grave error considering those property owners are opposed to this project. This seems like it would be important information be accurate about when proposing a solar project near communities and private landowners. There is a lack of information in the notice of intent to understand the acreage, exact boundaries and area that will be impacted. This seems important to get right for a project like this.

Land Use/Zoning

The area this project is proposed in is zoned Exclusive Farm Use. *The purpose of the Exclusive Farm Use (A-1) Zone is to preserve and maintain agricultural lands for farm use consistent with historical, existing, and future needs. This includes economic needs related to the production of agricultural products.*

This area this project is proposed in has been used for agriculture for decades. Generations of families in the area have made a living on this land through farming. A solar far would destroy the farm nature of the area, the history of that use and make the land unusable for farming in the future. Additional, I do not see the exceptions to this being met by the solar project as noted below.

The Land Conservation and Development Commission may take an exception for land uses if the council finds:

- ***(a)*** *The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;*
  This does not apply to the project area. The land can still be used for agriculture.
- ***(b)*** *The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable;*

This does not apply to the proposed project area. There are minimal other land uses nearby this area. And, as stated above, the land can still be used for agricultural purposes.

or

(c) *The following standards are met:*

(A) *Reasons justify why the state policy embodied in the applicable goal should not apply;*
There is no reason why this area should not continue to be used for agricultural purposes. Families have made a living off this land for generations, there is no adjacent uses that are threatening the ability to use the land, it is far enough away from larger population centers that other developments are not needed.

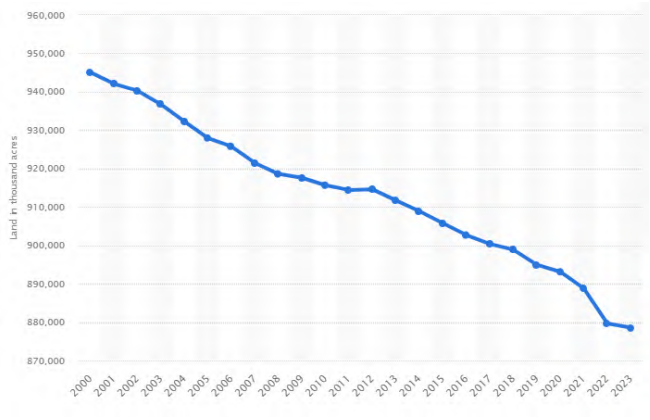
(B) *The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the council applicable to the siting of the proposed facility;*
Although energy is a nation-wide issue and developing alternative energy sources is important and a priority, there are many other locations in the state where solar farms would be more practical in terms of solar efficiency, impacts to the environment and impacts to the community. Currently, the BLM is working on plans to lease over 1 million acres of federal land in central and southern Oregon for solar energy production.

and

(C) *The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*
I do not believe the facility is compatible with other adjacent uses since this is a rural area with little development.

Local landowners, farmers and ranchers have been held to the zoning standards of this are for decades, despite whether it is in the best interest of the property owners from and economic, financial, environmental stance. There is no reason this should be different for potential business to the area. Just because an outside company can make a large profit does not warrant an exemption. If this were the only place or one of the only places in Oregon this could occur, it would be different but there are many other, more suitable places for a solar farm than this area.

The amount of farmland is shrinking annually in the US. From 2000 onwards, the total area of land in U.S. farms has decreased annually, aside from a small increase in 2012. The total farmland area has decreased by over 66 million acres, reaching a total of 878.6 million acres as of 2023. (M. Shahbandeh, May 24, 2024). Continuing to allow productive farmland to be used for solar farms sets a precedent in the county and the majority of Wasco County is zone for Exclusive Farm use.



(Statitista 2025)

The notice of intent lacks the information to understand why zoning should change for this area just for this project.

The lack of information concerning the facility location demonstrates the unprofessional and inexperience of this company. There is also misinformation provided which shows a lack of transparency and ability to give attention to the details of the project. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms?

Environmental Impacts

Surface and Ground Water Quality

The notice of intent states *"The Facility will not discharge pollutants to surface water or groundwater during operation".* However, it is documented that solar farms have the potential of discharging pollutants if managed improperly. This area has streams and creeks that feed into larger tributaries and rivers that contain sensitive species and provide recreation opportunities that support the community economically. At a minimum the notice of intent could have included what the likelihood of this happening on a solar farm and what the company would do to prevent that from happening.

Surface and Ground Water Availability

The notices of intent states "Facility construction is expected to require approximately 1,400 to 2,000 acre-feet of water. The applicant is exploring different sources of water to accommodate construction, including dust control, road compaction, and concrete mixing, in a way that minimizes any impact to water resources. Options include municipal supplies, temporary licenses for the duration of construction, or a temporary transfer from an existing water right. Daily water use will fluctuate based on weather conditions and specific construction activities. The Applicant will conduct a detailed analysis in the ASC to confirm the amount of water needed for construction and ensure that either the local wells or local municipality can meet these requirements." Once again, the applicant has been vague on specifics for this protect that are important. This area is an arid area that is very dry in the summer; water availability and water rights are a very sensitive issue in the area; farmers and ranchers rely on what water supply there is through irrigation rights. Drilling wells has implications for the overall water table in the area and has specifications that need to be met per county regulations. Not including more specific information on the source of water supplies, if that will meet the needs of the project, and the impacts on other farmers and ranchers should have been addressed and is a grave oversight. It implies the applicant has a huge lack of understanding of the area, the issues, and the potential impacts.

Soils

Solar farms alter everything from sun exposure to surface temperatures, which can have vast and unexpected impacts on plants even alter the area's soils and hydrology. The dark surfaces of solar panels absorb most of the light and heat that reaches them. However, only a fraction (estimates are around 15%) of incoming energy is converted to electricity. The rest is returned to the environment as heat. Because the panels are so much darker than the surrounding vegetation, large swathes of solar fields will absorb and emit heat at higher rates. There is debate how much that impacts the larger landscape and temperatures of an area. Most the solar projects that have been installed are much smaller in nature and the impact of the refraction of heat does not appear to be an issue to the larger landscape. However, there are few solar projects that are as large as the proposed project that have been in operation long enough to understand the effects in terms of heat. This is still an unknown. Regardless, there is impacts from this to the micro environments around the solar panels.

The following impacts are of concern that are missing.

- **Compaction of soils** – soils experience significant compaction based on the volume and type of construction activity (drill rigs installing thousands of piles, graders/dozers working the fields, excavators, boom trucks installing racking, numerous trucks, ATVs and other vehicles, etc.); the resulting increase in compaction of soil may cause an increase in runoff and sediment transport until the site is fully re-vegetated, if it can be revegetated. The soils in this area can be easily impacted taking years to recover.
- **Topsoil** – The removal of topsoil from a site may result in the loss of vital organic matter required for plant growth and issues with runoff. This may result in much less vegetation and/or increased time to re-vegetate the site and most importantly, the introduction of invasive species. Dry, arid areas of the western states have been significantly impact by conversion to cheat grass which takes significant money, time, and effort to get rid of. Additionally, on sites where topsoil is not replaced, or is contaminated with subsoil, the lag in full vegetation establishment could extend for years. During this time, the bare or partially bare soils can experience erosion and washouts. This may result in the need to re-start the vegetation process: fix the erosion, add topsoil and vegetation (seeding) and/or apply erosion and sediment control measures such as erosion control blankets.
- **Soils / depth to bedrock** – Often, geotechnical information is provided at the onset of a project. The vast majority of sites are constructed based on soils information from limited soil testing that provides only a high level understanding of site soils that may be impacted when completing grading, preparing a rock profile for the site or balancing the site based on the cut/fill required. This type of testing often misses pockets of differing soil types found over a site of this size. This are does have a very diverse soil provide that changes from acre to acre. That diverse soil pattern is what provides stability and hydrological functioning in the area. A lack of understanding of this will most likely lead to erosion and excessive run off.
- **Construction methods** – Contractors must be careful not to "open up" (remove vegetation and topsoil) an entire site all at once. When severe weather occurs, such a site may experience significant erosion issues and, in some cases, may not possess sufficient erosion and sediment controls to combat the increase in flow from a bare soil surface. The phasing of construction is of great significance with projects of this magnitude and must be addressed during the design stage and implemented during

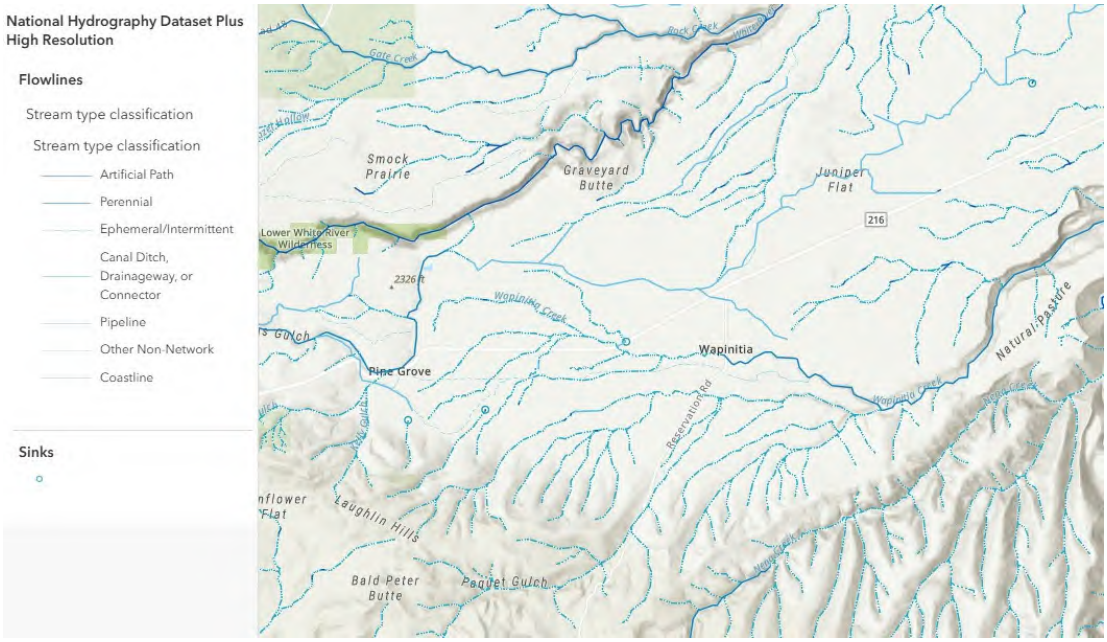
construction. There is a lack of information in the notice of intent about construction menthols.

- **Concentrating flow (roadways)** – The requirement to access transformers and inverter houses may result in the need to develop an on-site road network. A road network is typically laid out on a plan and each transformer is apportioned a "block" of arrays which make up one-tenth of the area of the project. The road network may not account for the topography, sometimes resulting in roads being located in the least desirable areas, specifically, around the perimeter of the site. This may result in the need to direct runoff via culverts or other means across the roadway and into a ditch or adjacent field with limited opportunity to spread the flow.
- **Concentrated flow (long reaches)** – As a function of the work environment and grading activities, relatively long distances (or reaches) of solar developments may be smoothed out to permit the piles/panels to be installed and to promote effective transportation networks. The challenge with this is that the combination of long reaches and the smooth surfaces may result in an increased runoff velocity. Under pre-development conditions, the areas may have had generally similar characteristics, however, without the grading activities, small pockets, depressions, etc. may have existed that would capture runoff, reduce flow velocities, provide opportunity for infiltration and/or ensure that not all runoff left the site. Once smoothed out, runoff may not have had these same opportunities, resulting in more flow running off, collecting and then eroding the soils.

Wetlands and Waters of the United States

The notice of intent states *"The National Wetlands Inventory (Figure 7) and National Hydrologic Dataset (Figure 8) identify multiple streams and wetlands throughout the study area. Wetland and waters delineations and assessments within the site boundary will be conducted in accordance with the administrative rules governing the issuance and enforcement of removal-fill authorizations within waters of Oregon including wetlands (ORS 196, Chapter 141, Division 85), as well as Section 404 of the Clean Water Act."*

The hydrology of the project area is unique in that there is one main creek that runs through it (Wapinitia Creek) that is fed by runoff from very small streams around it. Additionally, the area has lower depressions that create seasonal wetlands and rock outcrops that hold water in the spring and help prevent run off and flooding. Most importantly, Wapinitia Creek sits in a slight depression on the "flats" and provides the only source of excess runoff (see map below). It is not unusual for it to flood in years of high rainfall amounts. Right now, the creek can handle that excessive run off that occurs with limited impacts to the land and landowners. Changing the nature of the land by grading, removing rock breaks, compaction of soils, lack of vegetation will significantly impact the runoff hydrology of the area. This will result in major impacts to those landowners whose property the creek runs through, which right now includes at least 3 landowners who are opposed to the project. For the landowners that have seen the current flooding that occurs, this is of great concern. If that creek were to flood even more than it does, houses and infrastructure would begin to be impacted, current farmland being used for agriculture and grazing would be negatively impacted.

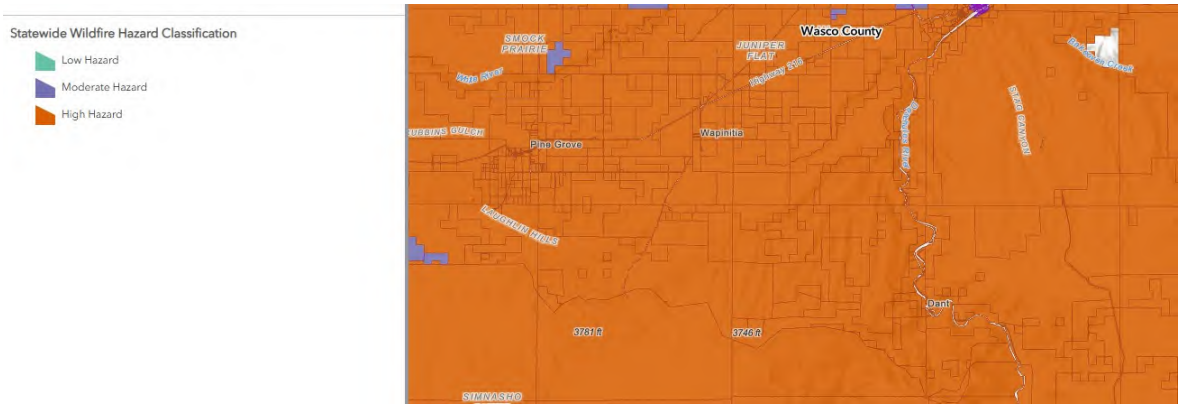


The lack of information concerning the impacts to soils and hydrology of the area which is diverse, sensitive, and plays a major role in the overall hydrological functioning of the area demonstrates the unprofessional and inexperience of this company. Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms?

Wildfire Risk

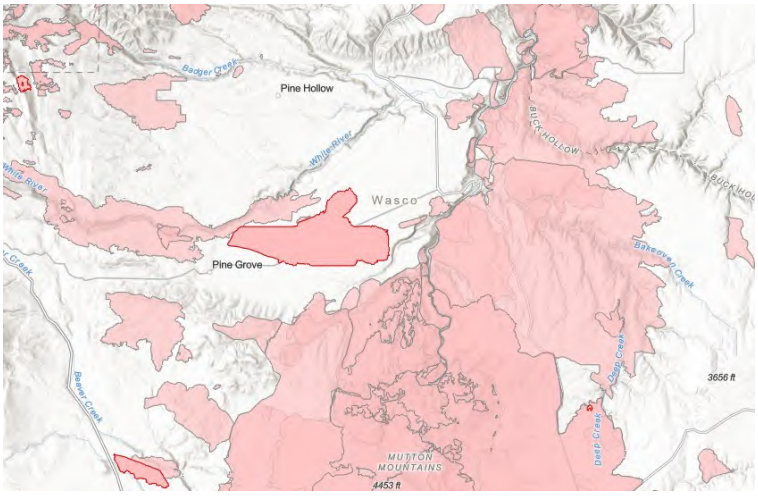
The notice of intent states “The Oregon Wildfire Risk Explorer shows most of the study area within a high hazard area for burn probability, with a few small areas in a moderate hazard area for burn probability. Water trucks will be at the Facility for dust management and will provide water to support fire control. The Applicant will coordinate closely with Rural Protection Associations including the Maupin Fire Department, Tygh Valley Rural Fire Protection District, and the Bakeoven-Shaniko Rural Fire Protection Association. The ASC will provide a detailed analysis of the baseline fire risk, seasonal fire risk, heightened risk area, and high fire consequence areas for the study area. The Facility will develop and implement a Wildfire Mitigation Plan for construction and operation in compliance with OAR 345-022-0115(1)(b).”

Not only is Pine Grove, Wapinitia and Juniper Flat considered a high fire hazard (see map below); it is one of the highest fire hazard areas in the state, if not the highest. The dry summer climate coupled with the high loading of cured grass fuels, abundant amount of lightning and human starts, adjacent forest fuel hazards and east wind events has created high fire hazard conditions for the area.

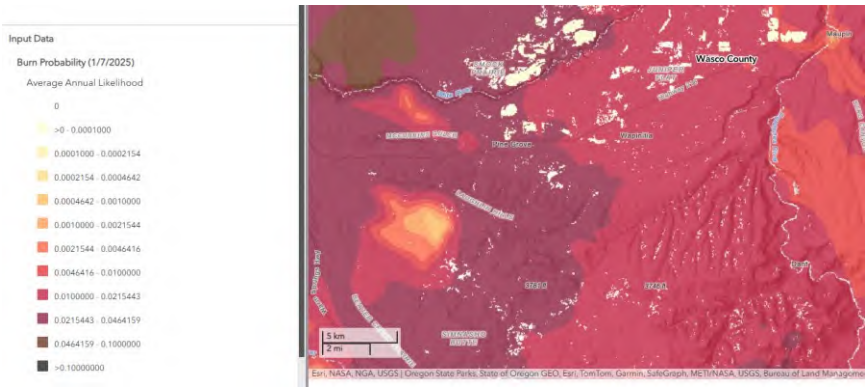


[Oregon Wildfire Risk Explorer]

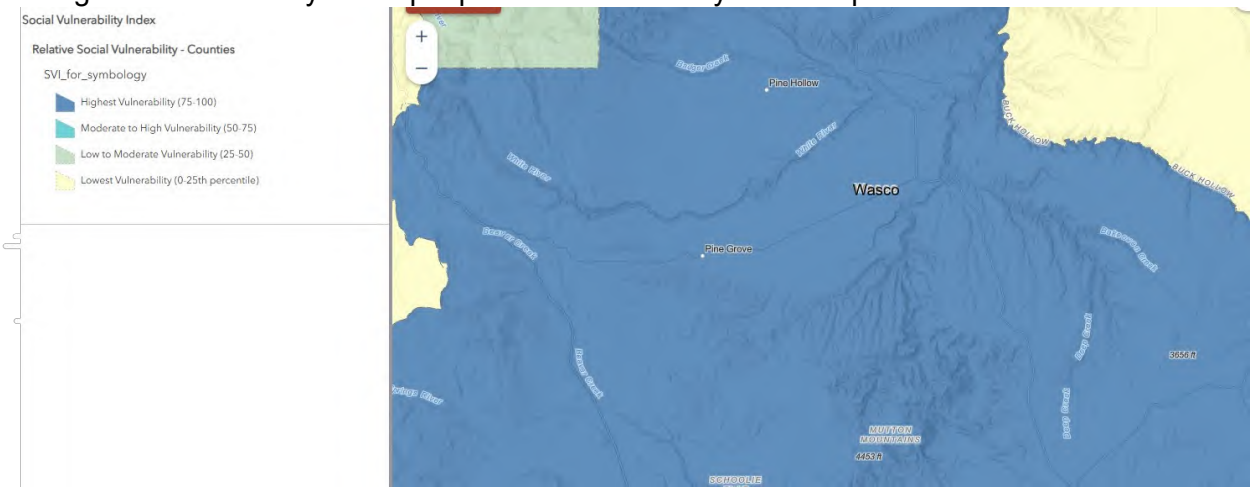
Several fires have burned in this area over the last 50 years. Fires are general fast moving, driving by high winds. These fires are typically difficult to control until weather conditions change. Average fire sizes range from 50-20,000 acres in size. See the fire history map below for reference. More fires will occur in this area in the future, it's only a question of when and not if one will occur. The ecosystem in this are is fire adapted and fire dependent. The ecosystem in the area historically burned on a 15 year average prior to human habitation. The vegetation became adapted to fire and developed traits to survive fire and even to becomes dependent on it. For example, many native vegetation seeds from the top and the seeds become imbedded in the soils which can stay there for years until a fire occurs and then then they emerge. That native vegetation (such as grasses) grows in bunches which when it catches fire can create enough energy to spread to the next bunch. What I am saying is the native ecosystem is set up to burn regularly and it will burn again. As much as we try to keep fires from burning, weather sometimes dominates and humans cannot control the weather. We can stage equipment and that means, maybe the fires can be caught sooner and extinguished when the are small. We can do fuel reduction treatments which means fire behavior will be lessened but with high wind evens in light grass fuels, that sometimes is not enough; it just means there isn't as much intensity so the impacts to the land and infrastructure can be lessened. But even attempts to do this fail because there are multiple fire starts, the equipment fails, the right equipment isn't available in the right place at the right time. Or, the weather just over powers the ability to control it by human means.



Climate change is expected to escalate the scope and intensity of wildfires in the future. Predictions are the increase in wildfire probability will be highest in western states of CA, NV, ND, MT, OR and TX. The potential for large fires that are difficult to control is extremely high in the area proposed for the solar farm. The following map shows the probability of large fire occurrence for the area being very high. This is due to the vegetation type and local weather events.



Additionally, this area has a high social vulnerability rating from wildfires meaning the impacts are significant financially to the people in the community. See map below.



The majority of wildfires are human caused (90%) in the US. Solar Panel farms increase the risk of wildfires even more. It is well documented that equipment issues have led to fires at solar farms. Electrical issues such as faulty wiring, inverter malfunctions, human accidents, or animal intrusion can cause electrical sparking. A fire within a solar farm can escalate quickly due to the dense arrangement of panels and the flammable materials used in their fabrication. “A study conducted by European testing and certification company TÜV Rheinland, titled Assessing Fire Risks in Photovoltaic Systems and Developing Safety Concepts for Risk Minimization found that in approximately half of 430 cases of fire or heat damage in photovoltaic (PV) systems, the PV system itself was considered the “cause or probable cause.” The Firetrace study highlighted three major causes of solar farm fires. These are an error in the system design, a faulty product (a design or quality issue), and poor installation practices. Among components, DC isolators pose the highest fire risk, being involved in the outbreak of around 30% of studied fires. Other components that are likely to cause a fire are DC connectors

and inverters". The notice of intent does not mention the selection of equipment, project design, or layout in term of reducing fire risk. Has wildfire risk been factored into the design of this project, including the type of system being put in, fire suppression systems, access to the area?

Of specific concern is fire starts from individuals working on equipment in this area. The last large wildfire that burned in the Pine Grove/Wapinitia/Juniper Flat area was the result of work being done on an irrigation system. The fire resulted in burning all my cousin's property including barns, fences, hay, and equipment; a portion of that he was not compensated for and months to years to fix the damage. This can be a huge loss to farmers in the area and the solar company would be liable for the cost of suppression and damage caused. Because of the high fire danger and the experiences insurance companies have had with large wildfires impacting areas, obtaining insurance has become a problem in high fire danger areas. Many people are in the area have recently been denied homeowner insurance due to the high fire danger rating of the area. There is no mention of insurance, liabilities, and compensations in the notice of intent. How will the company ensure there is adequate fire insurance to cover these types of costs when a wildfire occurs that is the result of a fire from the solar farm? There needs to be proof of this type of insurance prior to the project being approved. Not just for the infrastructure at the solar farm but also for impacts to adjacent landowners. These types of fires easily cost several million dollars just for the suppression costs alone. If damaged infrastructure of the solar farm is included there will be several million more needed. Add damage to the landowners infrastructure and assets for several million more.

There is no mention of a prevention plan with the solar farm in the notice of intent. If something on the solar farm needed mechanical work and it is high fire danger, how will this be addressed? A fire prevention plan for what activities can occur at what times need to be developed and adhered to. There will be many days in the summer when certain types of equipment and machinery should not be used in this type of vegetation. How will this type of down time for the system factored into efficiency of the solar production?

What will be the impacts to the local community when a wildfire occurs and solar panels and battery facilities caught on fire? This is not mentioned in the notice of intent.

- It is known that wildfires in solar farms can produce harmful toxins into the air, requiring local communities to stay inside. Since this project is near the community of Pine Grove, Wamic, Tygh Valley, and Maupin, a large area of people and businesses could be impacted. This is also high recreation area with people dispersed on the Mt Hood National Forest and Bureau of Land Management sites. How will toxic air situations created from wildfires in the solar farm be dealt with considering that amount of people?
- Stormwater runoff has been highlighted as one of the most noticeable impacts of wildfire. After vegetation has been destroyed by fire, the ground's soil becomes hydrophobic – meaning its ability to absorb water decreases resulting in more runoff. Since the infrastructure in solar farms are built with materials that can release toxics, were they to burn, this could be released into the water table in the area. How will potential toxic leaks into soil and ground water be dealt with?

There seems to be no recognition of the types of fires, the resources available and how to manage the fires that occur in this area. Fires in this area are fast moving, pushed by high winds. Typically ground resources (engines, crews, and heavy equipment) is ineffective with

these types of wildfires. Large aircraft may be effective; however, the availability and access to that type of resource can be limited depending on other wildfire activity in the area. And the response times are 30 minutes considering they are based out of Redmond. How do you propose to have that type of resource available to respond to that type of situation?

The local area (and even adjacent fire districts) are served by a fire department that is all volunteer. This type of department can deal with small fires but not larger fires, let alone wildfires that have potential hazardous materials involved.

- Even if there were an investment in new equipment for the fire department, there is often not people to run some of that equipment because they have full time jobs or they are retired and not fit for that type of work. There would need to be a full time funded fire department and where is that funding going to come from?
- Hazmat teams would be needed to deal with these types of fires, not your typical local volunteer fire department.
- Most wildland fire qualified resources from the state and federal agencies in the area are not trained for hazmat types of fires and do not engage in them.
- With the potential for toxic smoke, the smoke issues would limit access and the response time for wildland firefighters to deal with the wildfire which could mean large fires.
- The presence of a live electrical current makes it difficult for firefighters and first responders to safely extinguish a solar farm fire without increasing the risk of electrocution. Because of these hazards, it often takes firefighters more time to assess and address the situation—which increases the potential for the fire to get out of control and grow larger.
- With the solar project being located along Hwy 216, the smoke and impacts of a solar farm burning would such down traffic on this highway. To close highways, local law enforcement is require.

How is the company going to ensure the right resources will be able to respond when this type of wildfire occurs, in a timely manner? The notice of intent does not mention any of these potential impacts and resources that would be required to manage a wildfire in a solar farm.

Smoke produced by wildfires can travel hundreds of miles or more from the site of a wildfire and impact the air quality and sunlight available in an area. The buildup of ash and particulate matter in the atmosphere and on PV modules can disrupt the power generation of these systems resulting in reduced power output and lost revenue. It is estimated power production could drop 10-30% from smoke. This area has seen summers with smoke for days on end. How has this been accounted for when determining the efficiency of solar panels in the area? This is not acknowledged in the notice of intent, as solar energy availability and efficiency for this project was not included.

Solar farms often remove the existing vegetation and plant to grasses that are easier to maintain. This would require the removal of a lot of juniper trees, sagebrush, and brush from the area. The types of vegetation planted are typically not native, fire adapted, require more water to maintain, and create as much if not more fire danger. The plan for how vegetation would be managed in the solar farm was not addressed in the notice of intent. If vegetation is being clear to create space for the solar farm, what is the plan for disposing of those materials?

I'm not sure the severity of the fire risks and consequences of a wildfire are understood by the company proposing this project. Why would a business want to invest millions of dollars in infrastructure in a high fire risk area that has a history of wildfire? It just doesn't make sense. A fire in this area could easily destroy all the solar infrastructure.

Does the county and local residents really want this type of company working on a large project that impacts thousands of acres of private property, a community and neighboring farms? The county and local citizen will be the ones that pick up the pieces from a wildfire when company doesn't.

Wildlife

The notice of intent states

- *"The Oregon Department of Fish and Wildlife (ODFW) Compass report identifies grasslands, late successional mixed conifer forests, oak woodlands, ponderosa pine woodlands, flowing water and riparian habitats, sagebrush habitats, and wetlands as strategy habitats within the study area."*
- *"Deer winter range is mapped to the south and west of the site boundary, and elk winter range is mapped to the west of the site boundary. Wildlife and habitat surveys will be conducted in coordination with ODFW; an analysis of habitat and potential impacts will be detailed in the ASC."*
- *"A total of 37 special status species of concern to the United States Fish and Wildlife Service and ODFW were identified that should be evaluated as potentially occurring within the study area."*

These statements point out the potential wildlife that could be but doesn't not go into any detail for where these species are, what their habitat is and what the potential impacts could be. There are many obvious impacts this project will have on wildlife which I believe make this a poor location for a solar farm.

- A perimeter fencing Up to 8 feet high and approximately 55 miles long will impact wildlife. The elk and deer that move through this are have migration paths which will be disrupted by this fencing. They also tend to avoid developed areas such as solar farms. The most probable impact will be that these herds will move out of the area.
- The grading, leveling of the area will displace the native plants which the wildlife relies on as a main source of food. Removing forage over a large area (which we really don't know the true extend but could be anywhere from 8,000-16,000 acres) will have impacts on the health of these hears and they will most likely move out of the area.
- Where the project is being proposed is the primary winter habitat, grazing grounds, and migration area for the elk herd in the area. If this are is fences and solar panels are put up, then their primary winter habitat will be taken away and that herd will leave the area.
- The fencing may also impact smaller mammals and their ability to move through their habitats, depending on the type of fencing. And leveling the land, removing native vegetation, and replanting to other species of grasses will definitely affect habitat in terms of forage, cover, denning sites, and much more.
- Disturbing the vegetation, duff, and soil layers will open the area to invasive. Of most concern is cheat grass which is known to take over disturbed areas and takes a lot of effort in terms of time, money and effort to remove from a site.
- There are several properties and hundreds of acres in the project area that have been part of the Crop Rotation Program in the past. The Conservation Reserve Program (CRP), administered by the Farm Service Agency (FSA), is a voluntary

program that encourages farmers and landowners to convert agricultural land to vegetative cover, such as native grasses, trees, and riparian buffers to promote healthy ecosystem, reduce soil losses and erosion, and protect wildlife habitat. This has promoted a healthy ecosystem and supports wildlife. Certain species have benefited, increased in population and/or returned to the area due to this program (quail, white tail deer, elk, turkey, geese, ducks, various pollinators to name a few). From 2017 to 2022 Waco County was granted over 17 million dollars for the CRP. It seems counter productive to encourage the promote wildlife habitat and then turn around and allow it to be destroyed and replace by a solar farm.

When one species is gone from a system it is a cascading effect to others species. Even removing the native plant species will impact insects that nest and feed off of them. If this were a couple hundred acres of the habitat, it would not be much of a concern, but due to the size of the project, this will impact whole populations of plants and animals. The notice of intent does not address specific information related to the species that will be impacted nor any mitigations for those impacts. These potential impacts are obvious to the landowners of the area that observe and value the wildlife and therefore it should have been identified in the notice of intent. It appears that the applicant was negligent in listening to those who have knowledge of the area and concerns about wildlife.

Historic, Cultural and Archaeological Resources
The notice of intent states "The Applicant will complete a cultural resources field survey and submit the results in the ASC. Any archaeological or historic sites discovered during the field investigation will be officially recorded and filed with the Oregon State Historic Preservation Office. If an archaeological or historic site is identified, the Applicant will undertake the appropriate avoidance or mitigation actions to avoid significant impacts."

Pine Grove, Wapinitia and Juniper Flat were inhabited by the Warm Springs, Wasco, and Paiute Tribes before they were relocated to the Warm Springs Indian Reservation through the 1855 Treaty. The area was used for hunting, fishing, and gathering, particularly along the Deschutes River and its tributaries. Therefore the area is now considered ceded lands of the Confederate Tribe of Warm Springs to the U.S. and in exchange for the reserved lands and the tribe keeps the right to hunt, fish, and gather in traditional areas. This solar project will have impacts on wildlife and the plants in the area that were traditionally hunted and gathered. There are known artifacts throughout this project area and I'm sure there is probably traditional gathering grounds, locations of camps, and spiritual places unknown to even the local residents. The notice of intent did provide a letter saying they were consulting with the Confederated Tribes of Warm Springs to do archeological surveys. It did not however mention any other consultation that was completed with the tribes.

This area also has a long history of ranching and farming. There are many historic building; some being barns on private property, ranch houses, a hotel, and schools. People move to and retire to this community due to the nature of this small community. Having a large solar farm in this area would forever change the historical feel of the community. The applicant for this notice of intent failed to include this important feature of the area.

Scenic Resources
In accordance with to OAR 345-021-0010(1)(r) and 345-022-0080(1), scenic resources to be considered are those "identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area…" The notice of intent states "*The Wasco County Land Use and Development*

Ordinance (WCLUDO) was used to identify scenic resources within the study area. The Wasco County Comprehensive Plan designates the White River as an Outstanding Scenic and Recreation Area, located near the northern site boundary. The Lower White River Wilderness Area and Lower Deschutes Wild Scenic River areas are identified to the west and east of the site boundary, respectively. The Lower Deschutes River Back Country Byway also parallels the river. A visual assessment will be included with the ASC and will provide avoidance, minimization, and mitigation measures, if needed, for significant potential impacts identified through the ASC process."

There are many other scenic resources of concern within and near this project that were not identified in the notice of intent, nor were impacts or mitigations included.

- The large size of this project and infrastructure including solar panels, battery storage systems, and supporting facilities like substations, access roads, and fencing will dominate the natural landscape, altering the visual character of the area. Some may say that over time, people will become accustomed to this view as they do a power line. However that comparison is not the same. A whole landscape will be effected by this project not just an strip where a powerline runs and where the lines are not visible unless close up so it is the poles that are visible.
- The project is located in South Wasco County, near areas valued for their scenic beauty, such as the Deschutes River, Mount Hood National Forest, and surrounding hills. This will impact the viewsheds of those areas that are visible from Pine Grove, Wapinitia and Juniper Flats.
- The Lower White River Backcountry Scenic byway is directly to the north of this project. The solar project would be on both sides of this scenic byway.
- This project would completely surround several properties; 18 in total. The notice of intent does not provide information about screening or set backs. The minimum set back recommended is 50-100 but depending on the solar farm and visuals, it could be up to 1640 feet. In terms of screening, the arid nature of the area would make it almost impossible to support a vegetation screen and considering how large the project is, it can be seen from every road and property in the area. In my opinion, there is no amount of screening that can mitigate the visual impacts of this project.
- Nighttime Light Pollution: The facility may require lighting for safety and operations, which could contribute to light pollution in an otherwise rural area that is similar to a dark-sky area. One of the reasons people like to live and recreate here is because of the amazing night skies. Nighttime light pollution can also affect local residents health and animal populations. The handful of farms that will be surrounded by this solar farm will be particularly impacted.

The notice of intent failed to explain the nature of the scenic areas, did not even consider many of them. Of even more concern is the applicant fails to state to mention those landowners where the project will completely surround their property. Stating only that a visual assessment will be included does not adequately address this subject for the county and public to fully understand the impacts to visual and scenic integrity from the project. With scenery being a hot topic issue associated with solar projects, this is a gross oversight by the applicant!!

Recreational Opportunities

The notice of intent states "Recreational activities within the study area include hiking, fishing, boating, camping, bicycling, and sightseeing along the Deschutes and White Rivers. The ASC will include more detailed analysis of the potential impacts to recreational resources and whether the recreational opportunities within the study area meet the level of uniqueness or irreplaceability that is required by OAR 345-022-0100(1)."

Hwy 216, the main route to Mt Hood National Forest going west and to Maupin and the Deschutes River Recreation Area to the east runs through the middle of the proposed project area. The solar farm would be a visual eye sore fore people driving through. Potential impacts could effect recreation opportunities such as run off, water pollution, and wildfire. These impacts should explored thoroughly to understand the economic and scenic impacts to the community. The notice of intent failed to recognize the impacts to recreation on the Mt. Hood National Forest.

Protected Areas

Wilderness

The Lower White River Wilderness area, established in 2009, is adjacent to this project.Mount Hood Wilderness protects upper portions of the White River, while the 2,873-acre Lower White River Wilderness, southeast of the Mount Hood Wilderness and east of Highway 26, provides a buffer for a lower segment of the river. The upper portion is managed by the US Forest Service and the lower section by the Bureau of Land Management. This wilderness is in a unique vegetation transition zone from mixed conifer forest to arid steppe, and centered on a deep and rugged gorge which, as it descends, holds onto firs and pines on north facing slopes while south facing slopes become dominated by junipers and oaks. The river is home to the genetically distinct White River race of redband rainbow trout.

The Wilderness Act intended wilderness areas to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character… Wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

BLM regulation require an analysis of Impacts to Wilderness Character from Activities Outside of Wilderness Areas a. In general, the BLM does not prohibit uses outside a wilderness on public lands solely to protect the wilderness character of the designated lands. When activities on adjacent public lands are proposed, the potential impacts, if any, of those activities upon the

wilderness resource and upon public use of the adjacent wilderness area must be analyzed in the applicable NEPA document.

In authorizing new uses, as long as the purpose and need can be met, a reasonable effort must be made to protect the character and values of the nearby wilderness. b. If allowed by law and regulation, the BLM may require actions to mitigate potential impacts on public lands (such as minor changes to location, limited timing restrictions, using certain paint schemes on equipment, or requiring shades on lights) as identified through the NEPA process if they would not impose additional undue financial burden on the operator.

BLM Manual 6340—Management of BLM Wilderness 1-65 BLM MANUAL Rel. No. 6-135 7/13/2012

White River Wildlife Area: This unit is managed by the Oregon Department of Fish and Wildlife and is approximately ¼ mile away from the project, to the west. It provides hunting, fishing, camping, and hiking opportunities.

Community Service Impacts

Water for Construction

During Facility construction, water will be sourced from a municipal water supply or other licensed and permitted providers with adequate water rights through a temporary license or transfer, ensuring that public water systems are not adversely impacted. The Applicant will thoroughly confirm the water requirements for both construction and operation in the ASC. The analysis will include detailed assessments of whether the identified water sources can meet the Facility's needs. Should these sources prove insufficient, alternative water supplies will be sought from other licensed providers.

There are no municipal water supplies capable of providing a supply of water; Pine Grove has one but that often runs low in the summer months. Water rights are a sensitive issue and most of the people who have water rights use them for irrigation. This may be a limiting factor for this project.

Stormwater Drainage

The notice of intent states *"No adverse impacts to public stormwater services are anticipated from the construction or operation of the Facility."* I'm not sure if facility refers to just the handful of buildings needed or in terms of all the infrastructure as it is not stated clearly in the notice of intent. If it is reference, all the infrastructure, then there is a potential for excessive storm runoff were the soil to be impacted as mentioned several pages before this.

Housing

The notice of intent states "*During construction, approximately 300 workers will be present on-site on an average day, though this number may rise to approximately 500 workers at peak times when multiple teams are working simultaneously… The non-local workforce may need temporary housing. Temporary housing for non-local workers is expected to include motels, hotels, rental units, and RV parks. Larger communities within a commutable distance, such as Eugene, Madras and Corvallis, offer a range of accommodation options, which will help minimize the impact on local housing. Approximately half of the construction workforce may stay locally in RV parks or motels, with the other half of the workforce commuting daily from locations up to one hour away."* Housing is an issue in this area as it is in all areas of the country at this

time. There is only one small hotel and short term cabin rentals in Maupin and they are often filled up in the summer from recreation visitors. There is some RV parks, but with limited availability for parking RVs and campers. There is very few rental properties in the area. There is no way there will be housing for even 25% of the out of area workers for this project. In terms of commuting distances, Eugene is a one way four hour drive, Madras a one and half hour and Corvallis a three and half hour. The closest and most practical location for commuting is from The Dallas, an hour drive one way. The fact that the applicant would list Eugene and Corvallis as options shows a total lack of understanding of the area. It does seem that what was included in the notice of intent related to housing was not well researched.

Medical
Maupin has one "volunteer" ambulance and a clinic. The plan to rely on that source for medical response is not a feasible plan. Once again, the lack of research and planning for this project does not reflect well on the applicant.

Community/Adjacent Landowner Impacts

One important impact, community and other landowner impacts were not required to be covered in the notice of intent. However, this is probably the largest issue with this project and needs to be taken into consideration. These impacts include;

- This project is within ½ mile of the community of Pine Grove. The area is primarily composed of lower to medium income residents. Solar farms have been known to reduce property values and increase property taxes. Many residents retire here because property values are still reasonable for moderate income families. These individuals would loose financially if they were to need or want to sell their property.
- This project will completely surround several farms and landowners; 18 properties would be affected like this. The income of those people on those properties could be significantly impacted through potential flooding, impacts to local vegetation, water and soil pollution which could effect the potential for income from crops and grazing. The loss of habitat and habitat fragmentation associated with this large of a project can disrupt natural cycles of animals, such as pollination or pest control, and have indirect consequences for agricultural productivity.
- Human Health: Some solar panels contain toxic materials such as lead, cadmium, and selenium. If these materials leak into soil and water due to improper disposal or damage, they can pose significant health risks. Exposure to these heavy metals can cause a range of health problems, including kidney damage, neurological disorders, and developmental issues. It's crucial to implement robust recycling and waste management systems that can effectively capture and safely process these harmful materials.

Overall, this project is not good for the community as a whole. Some may benefit but many will not and the impacts to those who will not benefit could be significant in terms of quality of life, financially, potential exposure to toxins, and impacts to the natural environment. I understand landowners rights to make decisions on their property and generally agree with that. However, when an activity on private property is taking place that has a negative impact on other landowners, then some consideration needs to be taken for others that will be impacted.

Size of Project

The true acres of the project are unclear but from what I can gather from the notice of intent and my own mapping is that it will be anywhere from around 8,000 to 13,000 acres. There are no other solar farms in the US near this size that are currently operating to compare what this project look like and what the potential impacts could be.

The following is a list of some of the largest solar project in the US that are currently operational in terms of acreage.

- Orion SB, TX – 4,000 acres
- Edwards & Sanborn, CA – 4600 acres
- Copper Mountain, AZ – 4000 acres
- Solar Star, CA – 3200 acres
- Desert Sunlight, CA – 4200 acres

This project being proposed is twice the size as the largest solar farm operating in the US. Therefore, it is hard to even estimate what the impacts may be. But we can safely say any negative impacts from solar farm that have occurred (fires, noise pollution, night pollution, visual impacts, soil contamination, vegetation and wildlife, soil impacts, potential flooding) could significantly more than what we have seen happen at current solar farms. There are other project in other countries larger than the one proposed in this notice of intent (up to 38,000 acres) but the exact specification and impacts are hard to understand due to different regulations and sources of information available.

This should be seriously taken into consideration with this project. Does the county and local residents really want to be home to one of the largest future solar project in the US and be a test case for what the potential impacts are? Especially considering the location near communities, surrounding other landowners, where recreation use is high and scenery is highly valued. I think both the county and all local citizens should think hard about this. Considering the land will never return to what it was prior to a solar farm.

Applicant

The notice of intent does not give much information on the applicant nor their experience with projects like this. This is the information from their website.

BrightNight Solar Company:

- Started in 2019. The company is 7 years old.
- Based out of Florida. This raises some concern in that it is not familiar with the location of this project. How does a company in Florida's supervise and run a solar farm?
- Shows 6 projects on it's website which are all under development. It does not appear that the company has actually fully installed, operated and decommissioned a solar farm.

The way the applicant has approached this project is similar to another project they proposed in Clark County, Kentucky. The company was able to get many landowners to sign up for leases with the promise of financial benefits to both the landowners and the community but failed to adequately assess the impacts to all landowners. They were purposing a project that would completely surround other property owners. This project was denied by the county. https://www.wave3.com

Some landowners have had negative interactions with the representative of the company which has eroded any trust I may have in this company. The public meetings seemed to be geared towards promoting the project and not actually listening to the public concerns; it seemed as if the representatives think the local residents aren't informed or understand the project and if they just keep explaining the benefits then their concerns will just go away. Additionally, several landowners that were not interested in leasing their properties were approach and offered $5000 if they signed a non-disclosure agreement that they would not oppose the project. A company that really wants to work with a community, provide a good product, and maintain in good standing should listen to it's customers and do what they can to take their input into consideration. In the world of scams, large companies looking only at the bottom line, and the pressure to produce a product, it is hard to trust a company from the other side of the country that comes into an area trying to sell something based only on the benefits which has money as a bottom line.

Summary

I am a strong supporter of alternative energy but I am also a strong advocate for the environment and communities.

- In my mind a good energy project does not negatively impact people in the community. The fact that there is benefits do not outweighs the losses to others. A strong and supportive community looks out for the welfare of all, just not a select few.
- A good energy project will also minimize impacts to the extent possible and the start to minimizing impacts starts with the site the project is located at. The area this project is proposed in is not a good site environmentally for a solar farm. Fire danger, high potential for impacts to soil, water, wildlife, recreation opportunities, scenic integrity, and the historical nature of the landscape all add up to this not being a good site.
- The size of this proposed project is alarming considering no other solar project is operating in the US of this size currently so understand effects of large scale solar project is hard to determine. The location of the community, the nature of the land, and the current land uses does not line up with this size of a project. This seems more appropriate for a landscape without communities and other landowners with homes nearby and so many environmental factors at risk.

I question the integrity, professionalism and expertise of the applicant. The lack of details, inaccurate information, exclusion of important information, and generalizations in the notice of intent do not show a company capability of managing a project like this, nor does it show a company that cares about the community.

I hope the county, state and other landowners take these comments into account. I have tried to be factual in my statements and research the topics well, provide thoughtful non confrontational opinions, and minimize dramatic vocabulary to make my points. As one can tell, this is an important issue for me. My great grandfather came to the area over 150 years ago and established a ranch. My grandparents continued to build that ranch and my cousins now manages it. My mother grew up on Juniper Flats, made a home as a single parent off four children by purchasing land and a home. She loved the land and believed in taking care of the land. This is now both my and my children's legacy from her. My sister now lives there and follows that land ethic my mother had. I spend at least 25% of my time there and plan to retire there. My children have spent weeks there and see it in their future as either a place to live or visit. The sense of place and attachment to the land is deep in our family. I do believe that a

solar farm surrounding this piece of land and across the landscape would be very detrimental to our family.

Patty Johnson

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 8:52 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Patty Johnson
Email: patjj@hotmail.com
Zip Code:

Siting Project Phase: *NOI*

Comment Summary:
See attachment for comments.

Please Click on the following link to view the full Comment Details

Comment Summary

See attachment for comments.

Comment Date

4/24/2025

source

Siting Project Phase

Comment Details

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Comment

Attachments

No files were attached.

Comment Summary

We strongly oppose this project due to the size, location, and proximity to the community of pine grove and the white river wildlife area. We believe this project is nothing more than taking advantage of a wasco county zoning A-1 160 EFU that has limited up to this point any further residential growth in this zoning for future generations to farm. It doesn't seem right that a company with a lot of money can come to our community, change the entire landscape and circumvent all the zoning laws.

Comment Date

4/24/2025

source

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Comment

3rd generation owner of property located in pine grove who opposes this project for future generations of this great community.

Attachments

No files were attached.

Comment Summary

We need more electricity and solar is a great way to go

Comment Date

4/24/2025

source

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Comment

We all need more electrical power in this state and county. Solar is a great way to go. I fully support more solar farms in this area.

Attachments

No files were attached.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Thu 4/24/2025 7:05 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Melinda Young
Email: melindalee92@hotmail.com
Zip Code:

Siting Project Phase: *NOI*

Comment Summary:
Letter of Support

Please Click on the following link to view the full Comment Details

Comment Summary

Letter of Support

Comment Date

4/24/2025

source

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Comment

Please accept this letter of support for the Deschutes River Solar and Battery Storage Unit located on Juniper Flat in the middle of Wasco County. My reason for the support of this project is brief.....I do not agree with the false narratives being shared locally through social media. The only thing this has done is pit neighbor against neighbor.

I show my support for individual land owners to be able to make their own decisions for the properties they have paid taxes, insurance, and other upkeep expenses on for years, while NOT being able to use this land to make a living. This decision should be based on what local PROPERTY OWNERS desire, not special interest individuals. Some local land owners chose not to participate, while others did. And that is how it should be.

For this reason, I show my support for local property owners wishing to participate in this project.

Attachments

No files were attached.

Outlook

Submission of Comment on the NOI for Deschutes Solar and Battery Energy Storage System Facility

From Ailee Aschoff <aileeaschoff@gmail.com>
Date Fri 4/25/2025 4:55 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from aileeaschoff@gmail.com. Learn why this is important

Hello,
I am Ailee Aschoff, I currently live on Juniper Flat with my mother, fiance and son. Together we raise quality quarter horses. My father had been in this area since the 1950s. My parents bought the property we live on in the 90s to operate their horse business and grow a family here. I have concerns about the proposed Deschutes Solar and Battery Energy Storage System Facility that would surround our place on three sides of our property. I also fear it could have financial impacts on our family business as well as other negative impacts on our community here.

Organizational Expertise
I am concerned that BrightNight does not have enough expertise to construct, maintain and decommission a large project such as this because they currently do not have any operating projects here in the United States. They also have a lot of projects in the pipeline for development, have they secured enough funding for all of these to come to fruition. How can we be sure they dont go bankrupt and leave our community with a mess they can't clean up, or worse a mess threatening the safety of the land and all living things here? Who is liable then?Can they ensure the health and safety of our community? They have no track record to indicate they can fulfill the responsibility.

Structural Standard
My concern for the structural standard is that BrightNight has not adequately assessed the land that they are going to use for the project. The impact of faulty structure of the solar panels and storage itself could lead to detriment of the land, water and soil. I have large concerns for our water and soil here. I do not believe that BrightNight has done adequate evaluation of the amount of water that flows over the land in the wet months here. What happens to all the runoff and soil erosion created from constructing the solar farm. Wapinitia Creek just below our property and its drainage will be running through the center of the solar farm and it's not the only waterway that does. How do they not disrupt the drainage for these water systems when leveling the earth, laying gravel, taking away native plants, and ultimately changing the ecosystems of these waterways. Does that cause flooding and massive soil erosion later? The water table is also shallow in places, does construction of the solar farm hurt or shinking water table here with drilling. What about all the chemicals and oil the will now be going over the land for construction but also maintenance. Will this cause health problems for my family and livestock drinking the water from the water table and all of our irrigation water that will flow through the solar farm before I can use it on my land. I don't believe that the proposed 150 foot set back is far enough due to the extreme fire threat we face here. We have had to evacuate our property 3 times in a total of 6 years. Once it reached us and we fought fire to protect our ranch. The fire threat we face here is no joke. It is a common occurrence, is BrightNight prepared to fight fire here

regularly? Will the infrastructure of the solar farm increase our fire risk? We have strong winds here. How will we stop a fire that is burning 150 ft away from us with water?

Soil Protection

Does BrightNight know how to keep our specific soil here from degrading? How can they ensure it will be restored after all of the alterations they do for a solar farm? Enough for agricultural use? How much gravel will have to be laid on our clay soil to operate a solar farm. Will the native plants ever come back after their removal for the project? What if all the soil has eroded from flooding and lack of native plants due to the solar farm, will they restore it? How? What about if there is chemical contamination from the solar farm? I'm worried about our topsoil here if the solar farm is implemented. How will BrightNight restore our soil to pre solar farm in our area if they have never done this before? Is it even possible?

Land Use

BrightNight is proposing to put a solar farm on farm use land that is actually high quality even though a lot of it has currently been used for grazing. A lot of the ground was previously farmed with high yields. After the solar farm will the quality of the land even be suitable for future generations if wished to be farmed once more?

Protected Areas

There are several wilderness areas within close proximity to the proposed solar farm. Will this farm be detrimental to those areas? Increased fire risk being just one of the issues.

Retirement and Financial Assurance

BrightNight has not laid forth a clear plan to decommission the solar farm. They have stated nothing for soil stabilization, drainage repair or vegetation which could create issues for a long time to come. What about BrightNights financial assurance of decommissioning costs, they have stated nothing.

These are some of the concerns/comments I have for the intended Deschutes Solar and Battery Energy Storage System Facility. Please accept them as your portal online was down before 5 pm today April 25, 2025.

Outlook

New Public Comment submitted for project : Deschutes Solar and BESS

From ODOE ITService * ODOE <ODOE.ITService@oregon.gov>
Date Fri 4/25/2025 1:24 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Organization:
Submitted by: Shelly Dean
Email: barbie3fan@msn.com.
Zip Code: 97224

Siting Project Phase: *NOI*

Comment Summary:
I own farming/grazing land on Juniper Flat. Our property is no longer viable for farming. With multiple owners we need to find another way to keep the land in the family. I'm hoping the production of solar energy will be the answer to our dilemma and help Oregon reach its goal of transitioning to 100% clean energy by 2040.

Please Click on the following link to view the full Comment Details

Comment Summary

I own farming/grazing land on Juniper Flat. Our property is no longer viable for farming. With multiple owners we need to find another way to keep the land in the family. I'm hoping the production of solar energy will be the answer to our dilemma and help Oregon reach its goal of transitioning to 100% clean energy by 2040.

Comment Date

4/25/2025

source

Siting Project Phase

Comment Details

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Comment

I was born and raised on Juniper Flat. These are words not many people can say. As a young girl, I walked in my father's footsteps, literally. I learned young about the harsh realities of farm life, from my older sister falling out of one of our farm trucks and having a severe traumatic brain injury, to sending my horse to the slaughter house because it was infected with EIA, to my dad shooting our family dog because it had killed the neighbor's chickens. I can't remember how old I was the first time I drove the cattle truck, while dad chased cows on his horse up on the piece of property known as Sunflower Flat, but I know my feet could barely reach the pedals. As I got older, I took on more jobs around the farm, until I was driving the wheat trucks, the combine, the swather, the baler, building haystacks with the harrow bed, and anything else I could pull with the tractors. My dad was somehow able to eke a living out of the land, and he saved money for me to go to college when I graduated from Wasco County Union High in 1983.

It was a big decision for me at 18 years old. What was I going to do? Continue to follow in my father's footsteps? I could have gone to Oregon State University and learned updated farming techniques then bring those back to the farm. I could continue to work shoulder to shoulder with my dad until he was ready to call it quits. But what would that really look like? In 1983 a woman couldn't really be a farmer on her own. That meant I'd have to marry another farmer. There weren't many candidates among the people I already knew. Ultimately, I decided to go another direction, because I had seen my dad working endlessly. Between the cattle and the farm he hardly ever took a day off. I also knew that if I married a farmer I'd automatically become the farmer's wife, which seemed to me like a demotion after doing the actual farm work all those years. I went to college and became an educator but I still stayed on the farm in the summers to help dad with harvesting and chasing cattle until I got married at 24 years old. After spending so much time working the land, I developed a strong connection to it. I loved every one of the over 4000 acres that made up the ranch. I had driven in circles around all the crop land, ridden a horse through the woods and canyons. I knew the land's secrets and it knew mine.

Times change though, I got busy teaching and raising my daughters. After my dad passed away in 2004, nobody in the family wanted to farm, the crops were meager anyway so my uncle took over the cattle operation and the crop land went into the program. Over recent years two fires have destroyed our ancestral home, where I lived when I was born, burned the timber on Sunflower Flat, we sold over 1000 acres, just one heartbreak after another for me. Relatives have argued that the ranch isn't viable and it's been tough to prove otherwise. My 90 year old mother is in assisted living now and I have a responsibility to optimize her income, since the cost of her care is close to $10,000 a month and will continue to go up.

Solar power is needed in Oregon. This state has committed to transition to 100% clean energy by 2040. A large project like this could help Pine Grove get water, Juniper Flat have a better fire department, Wasco County have more resources. I never imagined how that could impact me personally. It could save my family farm and possibly restore some of the devastating losses we have suffered. I support the Deschutes Solar project.

Attachments

No files were attached.

Outlook

Deschutes Solar Project

From Julie Thompson <thompsonex@yahoo.com>
Date Fri 4/25/2025 2:37 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>

You don't often get email from thompsonex@yahoo.com. Learn why this is important

Kim & Julie Thompson 77800 Walters Rd Maupin, OR 97037

Ms. Sloan

Subject: Opposition to Proposed Deschutes River Solar and Battery Facility in Pine Grove/Juniper Flat, Oregon

Dear Ms. Sloan,

I am writing to formally express my opposition to the proposed solar farm installation in Pine Grove/Juniper Flat, Oregon. While I fully support renewable energy initiatives and efforts to reduce our carbon footprint, I have significant concerns regarding the impact this project will have on our community.

Environmental and Land Use Concerns

The proposed site raises serious questions about long-term land use and ecological disruption. Large-scale solar installations can interfere with local wildlife habitats and significantly alter the natural landscape. Additionally, converting valuable land into an industrial energy site could limit future agricultural and recreational opportunities.

Two wild and scenic rivers—White River and another waterway—would be directly impacted. Notably, the closest boundary of the solar farm is just 660 feet from White River, located on Richard Dodge's property. Seasonal runoff, which produces raging rivers, would flow over much of the solar project, eventually entering both rivers. I am deeply concerned about potential contaminants and chemicals running into our waterways, especially since some contracts reportedly require routine weed spraying. Normally, this land would remain untouched and used for grazing, benefiting both livestock and local wildlife.

Additionally, local wildlife—including Canadian geese, elk, deer, and the newly introduced wolves—will be affected. Hundreds of Canadian geese winter and nest on the land slated for development. Research suggests that solar farms can be detrimental to bird and pollinator populations. As a beekeeper, I raise bees to pollinate my garden because we already have so few in the area. A further decline in pollinators would be disastrous for our ecosystem.

Aesthetic and Property Value Impacts

A solar farm of this magnitude would fundamentally alter the character of Pine Grove, affecting scenic views and potentially lowering property values. Many residents chose to live here because of its natural beauty and small-town atmosphere. The industrial-scale development—including solar panels, fencing,

substations, and noise—threatens to diminish our community's appeal to both current and prospective homeowners. Additionally, there is concern that the county may rezone our properties, leading to increased property taxes.

Fire Risk

This area has endured multiple wildfires in recent years. Solar farms raise surrounding temperatures, and given the region's consistently strong winds, any fire could be catastrophic. We do not have the manpower or resources to combat a large-scale fire of this intensity. Moreover, the toxicity of a solar farm fire would have devastating effects on our community, our livestock, and our wildlife.

Economic Considerations

While solar energy presents economic benefits, it is crucial to assess whether this project will directly benefit Pine Grove. Will local businesses, workers, and residents see financial gains, or will profits primarily flow to outside investors? The council must ensure that any development truly serves our community's interests.

Community Engagement and Transparency

Decisions of this scale should involve significant public input. Many residents feel that the planning and approval process has lacked transparency. Before moving forward, we urge the council to host additional forums where residents can voice their concerns, suggest alternative locations, and explore renewable energy solutions that align with our town's values.

Bright Night, the company behind this project, has only one operational solar farm, raising concerns about its experience and reliability. Furthermore, inconsistencies in its promises and proposals have led to uncertainty. What is the exact acreage planned for this development? Is it truly as large as claimed?

Request for Consideration

I respectfully ask that you reconsider approving this project until a more thorough assessment is conducted. Instead of a large-scale solar farm, smaller, distributed solar installations—such as panels on commercial buildings, residential rooftops, or existing infrastructure—could provide a more balanced solution.

Additionally, based on available information, the power generated from this solar farm would not benefit Wasco County but instead serve a large company near Salem. If this is accurate, this facility should be built closer to that region rather than impacting our community.

Although electromagnetic fields (EMFs) from solar farms may be low, research suggests that exposure can negatively affect certain individuals. Given the proximity of this project to our homes, I worry about potential RF radiation risks. As someone with autoimmune disorders, I cannot risk another health hazard being introduced so close to my family.

Thank you for taking the time to consider our concerns. I look forward to your response and hope that our community's voices will be heard as this discussion moves forward.

Sincerely,
Kim & Julie Thompson

Thompson Excavation LLC
77800 Walters Rd
Maupin, OR. 97037

Julie Cell 541-993-5619 (Office)

Outlook

FW: Public Comments regarding the Deschutes Solar and BESS Project

From Energy Siting * ODOE <Energy.SITING@energy.oregon.gov>
Date Mon 4/28/2025 7:41 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (32 KB)
Solar Farm.docx;

From: Michelle Van Eynde <michelle75209@yahoo.com>
Sent: Friday, April 25, 2025 4:30 PM
To: Energy Siting * ODOE <energy.siting@oregon.gov>
Subject: Public Comments regarding the Deschutes Solar and BESS Project

You don't often get email from michelle75209@yahoo.com. Learn why this is important

Hello, I was attempting to use your website to submit my public comment regarding the Deschutes Solar and BESS Project. But, the project is not listed in the dropdown box? I read that I can also email the comments, so hopefully, this is the correct email to use.

Attached, are my comments regarding the Deschutes Solar and BESS Project. Thank you!

Hi, my name is Michelle (Williamson) Van Eynde. After much research, I am writing to voice my strong opposition to the proposed Deschutes Solar and Battery Energy Storage System (BESS) Project.

Both of my great-grandparents settled on Juniper Flat and raised families here. On my grandmother's side, my great-grandfather immigrated from Switzerland in the late 1800's. He and his spouse raised eighteen children, while residing only a few miles from the Warm Springs Indian Reservation. On my grandfather's side, my great-grandfather arrived in 1879 with a horse and bridle. My great-grandfather worked for ten years to save money. He eventually acquired 40 acres in the National Forest and 1800 acres in the present Juniper Flat area. Our family Century Farm currently exists of 374 acres neighboring the proposed solar project. My husband, daughter and myself spend close to two months a year on the farm, visiting my mother and working to try to recover from the disastrous Dodge/Miller Fire which occurred two and a half years ago in August, 2022. We are very invested in the farm and spend much time handling affairs from another state. We hope to pass this property down to our daughter years from now. We hope this property will continue to reside in our family and our ancestors will be able to celebrate two centuries of heritage.

Organizational Expertise

BrightNight Solar is a newly formed company (2019) which has been in operation less than six years. To date, the company only has one project in commission in India. The Dharashiv Hybrid Renewable Power Project is a 100 MW solar-wind hybrid project. It is far different from the proposed 1000 MW Deschutes Solar and BESS Project, almost like comparing apples to oranges or perhaps apples to grapes considering the magnitude of the proposed project is much more in depth than the company has every experienced and quite frankly appears out of their wheelhouse. A list of the BrightNight projects appearing on their website are listed below:

BrightNight Projects:

1. Box Canyon Solar (Pinal County, Arizona) 300MW- Not operational yet
2. Hop Hill Renewable Power Project (Benton County, Washington) 500MW- under construction
3. Starfire Renewable Energy Center (Kentucky) 810MW-Constuction anticipated to start in 2025.
4. Gage Solar Project: 240MW (Ballard County, Kentucky) 300MW-expected to start operating in 2026
5. Pioneer Clean Energy Center (Yuma County, Arizona)300MW- construction anticipated to start in September of 2025
6. Mayfield Solar Project (Graves County, Kentucky) 200MW-expected to start operations in 2027
7. Ragland Solar Project (McCracken County, Kentucky) 125MW-under development

8. Frontier Solar Project (Marion Counties, Kentucky) 120MW-construction expected to be completed in 2026
9. Greenwater Storage Project (Pierce County, Washington) 200MW- operations set to start in 2027

Per the BrightNight Solar website, they have a 500MW Hop Hill project under construction. As shown above, the remaining projects are in developmental stages and much smaller in stature. Because the company only has one project that is operational and one project under construction, it does not appear the company has the expertise or experienced manpower to handle a project as large as the Deschutes Solar and BESS Project which is proposed at 1000MW. All other noted projects are in various developmental stages and have planned implementation dates within the next few years. The Deschutes Solar and BESS Project does not appear on their website which leaves one to question how many other projects are concurrently being proposed that do not appear on their website?

The company appears to be overexposed financially as well.

- To date, BrightNight has secured **$440M** investment from Goldman Sachs Alternatives and has some undisclosed existing commitments from Global Infrastructure Partners.
- It appears that BrightNight has increased their credit line to **$400M** as of late 2024.
- Per News Sources as of June 14, 2023, BrightNight has pledged **$1B** over the next 4-5 years in renewable energy in India for their one project that is operational.
- Per news sources dated July 26, 2023, the Starfire Renewable Energy Center conversion of a mine to an energy center is estimated to cost **$1B.**

These are just a couple of the projects that BrightNight is currently working on. Until the projects are up and running and generating power, revenues will not be available. This is a big red flag. Although financial transparency is not readily available, I am not able to come to a confident conclusion that BrightNight is anywhere near financially stable enough to add yet another project to their roster, especially one of this magnitude. Quite honestly, it appears that the company is still in the capital investment fundraising period and will need to revert to using credit lines once several of these projects come online. It leaves one to wonder if the company will be able to bring any of the current proposed projects to fruition. The total capital commitments appear to easily exceed the $1B in funds that BrightNight has available (including lines of credit).

Assuming BrightNight can somehow acquire the necessary financial backing to build and commission the facilities listed above, there are additional and important questions to be asked:

1) How many other solar projects are being courted and what are their estimated costs?
2) How much is the Deschutes Solar and BESS Project estimated to cost?
3) What are the projected returns for this specific project, as well as, the stated projects on their entire list?
4) How are the projected returns calculated? Has the company researched the fact that it is not sunny every day of the year on Juniper Flat? Many companies across the country are having monetary issues because they overestimated sun exposure, thus overinflating their projected returns. These types of stories are constantly in the media.
5) What happens if BrightNight falls short on their revenue projections? Are the residents of Wasco County expected to cover the shortfall? What promises have been made to BrightNight at the expense of the taxpayer?
6) How would day-to-day operational funds such as overhead, payroll, marketing, etc. costs be paid? Because BrightNight only has one project that is operational and therefore, generating revenue, it does not appear BrightNight has the funding to commission more than a few of these projects. The lack of revenue currently flowing into their income statement appear to be problematic.
7) Is the State of Oregon subsidizing this project, such as in the form of tax credits among other things? If so, to what extent is the impact on the taxpayers of Oregon, as well as, the residents of Wasco County?
8) Have costs for the de-commissioning of the equipment been analyzed? Does this include the disposal of hazardous equipment, adding back topsoil to its original condition, and anything else deemed necessary in order to return the land back to its original state?
9) Where would de-commissioned funds come from? Is this covered by a bond similar to a reclamation bond required by mining companies or a surety bond often used in the oil and gas industry?
10) Who will fund this bond and the resulting debt service? Will this burden be passed along to the residents of Wasco County?
11) Where is the bond proposal and what is included within it? I do not see anything notated within the NOI, so want to verify the bond will be available BEFORE the project is initiated. Specifically, because many green energy companies file for bankruptcy and then disappear, leaving the landowner to cover the burden of the cleanup.
12) Have costs for the de-commissioning of the equipment been analyzed? Does this include the disposal of the hazardous equipment, adding back topsoil to its original state, etc.?
13) What happens in the instance of an operational interruption? If the equipment is damaged due to weather, will BrightNight cover damages and repairs or will the company leave the property in decline?

In conclusion, do I believe BrightNight LLC has the financial fortitude to get the Deschutes Solar and BESS project commissioned AND de-commissioned? Absolutely not.

I would like to request a complete and very thorough ten-year P&L (profit and loss) statement from BrightNight that is inclusive of all current proposed projects. It needs to include updated product costs. The current tariffs with China will dramatically increase the solar panel costs. In addition, we can not ignore the fly on the wall. China has stopped exports of their precious minerals which is imperative for a solar and BESS project. All costs need to be updated, as well as, installation dates with forecasted revenue flows. I would also like to see the company's debt to earnings ratios, among other financial metrics.

Structural Standard

Per the NOI, it appears that BrightNight is planning a 150 foot set back from the solar field to homes, barns, wells and streams. This is nowhere near sufficient. Juniper Flat experiences very dry summers and frequent extreme winds which are catalysts for fires that heat up and spread quickly. It just takes a spark from a truck or a weed eater in our dry summer climate.

Juniper Flat, while very dry in the summer, experiences very wet winters often with snow. The numerous rock breaks help with potential flooding issues by allowing run-off areas in which water can accumulate. Many winters, these rock breaks appear to look like small ponds. My concern is that these rock breaks will be graded over creating flooding issues throughout Juniper Flat. If this happens, it will have major impacts on neighboring properties and residences. I do not believe BrightNight has done the proper research to understand our topography on Juniper Flat.

Per the NOI, it appears that BrightNight intends to bury solar panel posts 7-15 feet below ground. If so, they will hit the bedrock. Drilling holes within the bedrock will affect our water source and cause instability with the panels. A prime example is the failed solar panel project on neighboring Bake Oven which is still not operational years later. It does not appear that BrightNight is proficient at building these solar and BESS projects. The lack of research is apparent. The lack of knowledge of our area and topography is concerning. Perhaps this is an indicator of why BrightNight has only commissioned one very small solar-wind hybrid project to date.

The water base is especially problematic for not only the residents of Juniper Flat, but the residents of Maupin who depend on water sources from Juniper Flat. Very few of these individuals have any idea that this project is being proposed.

Soil Protection

As previously mentioned, grading the rock breaks and natural grasses is extremely problematic in our area. The rock breaks provide natural places for water run-off with the natural grasses helping to protect against flooding issues. If these are depleted from our land, the result will be flooding and drainage issues throughout Juniper Flat.

I have huge concerns about soil contamination from the cleaning solvents and metal leakage from both the BESS and solar panels. This is a frequent issue around the country. How can BrightNight attest that they will protect our soil when they intend (per their own words) to grade topsoil and replace it with rock? How can we be protected from the contaminants spreading to our farms and into our cattle and wheat crops?

Land Use

The majority of land within the proposed project is Exclusive Farm Use (EFU). I know for a fact our own farm is not poor farm land. When my father was alive we harvested four crops of alfalfa hay every year. How can BrightNight attest the next door neighbor's property is "poor farm land"? What happened within the two feet from one property to another? How can one property be "unsuitable for farming" while the next door neighbor's farm is perfectly suitable for farming? How can a battery storage site and miles of solar panels be considered "farming"? Soil samples have already been done on our property and I can assure you that it is not poor farm land. We deserve to see soil studies notating the exact locations where samples were pulled. For example, did you pull the sample from the field or from the neighboring rock break?

Retirement and Financial Assurance

As I mentioned earlier, an extensive financial analysis needs to be done and shared with the community regarding BrightNight's ability to not only properly fund the project, but even more importantly de-commission the project and return the land back to its natural state. To date, it does not appear that BrightNight has the liquidity to fund, let alone de-commission a single

project. I can find no record of a solar or BESS project being de-commissioned. Is this because it is not possible? I would like to understand the following:

- How can miles and miles of hazardous materials be pulled from the ground? Where will they go? As of late, there is no mention of any country willing to accept these materials.
- Will the poles be pulled out of the ground or simply cut off at ground level as several projects in the U.S. have stated they will do.
- Where will the miles of gravel go? How many inches/feet will need to be graded to get down to dirt level?
- How many inches of topsoil will need to be brought in?
- How will native grasses be replanted?
- How many years will it take for our soils to recover from the project?
- What are the costs for these items?
- Is it even possible to return the land back to its natural state? Of course not.
- Is there a bond associated with decommissioning the project? How is this guaranteed? Will it be guaranteed in full and BEFORE the project is initiated?
- How many years must pass before decommissioning can occur? If the project never becomes operational (such as Bake Oven), can the bond funds kick in to bring the land back to its original state or must we wait a minimum number of years?

A requirement that operators cover 100% of the cost of evacuations, cleanup, decontamination and business disruptions caused by battery fires is essential to protect the public. This needs to be bonded BEFORE the project is allowed to proceed. This should NOT be paid for with taxpayer money.

We are all aware that governmental subsidy and tax credits are a major source of funding for solar and BESS projects. At what cost to the taxpayer and resident of Wasco County? Will the resident also be responsible for the cleanup?

In the first three months of 2025, $7.9B and 16 new large-scale factories have been cancelled, closed or downsized as a result of reduced federal government funding for “green energy”. Where will the funds come from to decommission this project?

Scenic Resources

The Deschutes River and White Salmon River are in close proximately to the proposed project. These are major water sources and should be protected from contaminated water runoff. They

both provide amazing fishing and fish hatcheries, with the Deschutes River also providing white water rafting.

Historic, Cultural and Archaeological Resources

Juniper Flat is Ceded Land due to the Treaty of 1855 with the Warm Springs Indian Reservation. Arrowheads have been found on many of these properties.

Public Service

In instance after instance across the country, the commentary is consistent. Utility bills not only doubled, but many tripled after a solar project was installed. In each situation, the community members are tasked with funding the infrastructure whether they agree to the project or not. The necessary updated infrastructure costs are simply passed along to community members. We have many retirees who can not afford increased utility bills. Why are the costs of the project being forced upon us, but we experience zero benefits?

What benefits is the community supposed to gain from this project? To date, I have not seen a single benefit. But we do see many, many, many negatives including a much more expensive utility bill coupled with increased fire risk.

The roadways are also problematic. How is the transport of the materials handled, especially with hazardous materials? We have school buses travel along the same roads as the proposed routes. How will the childens' safety be handled near these same construction trucks? Will the trucks carry hazardous materials with school buses on the same roadway?

Who will provide for upkeep of the roads after the various construction trucks provide havoc to our roads? We have had horrible problems with mud and potholes on Walters Road, especially during the wet winter and spring months. With the additional of construction trucks, this will be even a bigger problem. Who will be responsible for the upkeep? We can not get the roads addressed as it is. Is this yet another cost the residents of Juniper Flat will have to incur?

Wildfire Prevention and Risk Mitigation

Our property at 80691 Old Wapinitia Road was one of the primary properties significantly impacted by the Dodge Miller Road Fire which occurred on August 2, 2022. The fire started at the corner of Old Miller Road and Endersby Road on the Dodge Farm and due to high winds, quickly spread to our farm at Old Wapinitia Road within twenty minutes. After two and a half years, our family is still rebuilding from the fire. After insurance proceeds, our family continues to be $500K in the red from the fire. We will not be able to recover these funds. We have barns and equipment that we cannot afford to replace. After subrogation, our community experienced a total loss of several million dollars. Approximately 10,847 acres burned per the fire report. Another fire occurred in nearly the same area in 2018. This area is located at the center of the proposed Deschutes Solar and BESS Project site.

I would like to understand:

Who and how is fire mitigation being handled?

Who is covering fire insurance for the project?

Is this bonded as well?

Is the insurance adequate?

Many insurance companies will not cover fires associated with solar properties. How can the residents of Juniper Flat protect themselves if we do not have assurances that our properties, air and soil are safe from toxic fumes and fires?

BESS facilities should NEVER be zoned near homes or farming communities, especially in areas that are prone to fire risk. Juniper Flat is located within one of the highest fire areas in the United States. As evidenced by the recent Moss Landing fire in California, lithium batteries can not be easily extinguished and often have to burn out on their own. How is that an option on Juniper Flat? We have a volunteer fire department made up of community members. We do not have adequate equipment or training to deal with a solar or battery fire. The community affected by the Moss Landing fire is still experiencing issues miles away from the epicenter. This was also a 1000MW BESS project and caught on fire. The residents are told to wear masks due to the heavy metals found in dust miles from the plant. The numerous health reports of metals in the dust and air, headaches, chest palpitations, respiratory issues and more are extremely concerning. We simply do not know the long-term effects of breathing in the toxins resulting from BESS and solar plants.

Waste Minimization

Where does the water that is used to clean the solar panels flow? This needs to be studied for EACH collection of solar panels on each property and should NOT flow into our existing ditches or neighboring properties due to contaminated residue from the panels. We use ditch water to feed our animals and grow our crops. Contamination of these food items can not occur. How will the water run-off be collected and where will it be taken? Simply washing it into the soil can not happen or it will endanger our crops and animals.

Other Concerns

The City of Maupin and the Wasco County residents deserve to be informed as this proposed project impacts them personally. Why are only a few residents of Maupin and Wasco County aware of the proposed project?

Per the Energy Siting Facility Council, your own doctrine promises to "protect public safety and Oregon's environment".

Yet, you are threatening BOTH the public safety AND Oregon's environment by allowing the Deschutes BESS and Solar Project to proceed.

Michelle (Williamson) Van Eynde

Michelle75209@yahoo.com

Phone# 972-814-2527

Mailing Address: 8614 Chadbourne Rd, Dallas, TX 75209

Farm Address: 80691 Old Wapinitia Rd, Maupin, OR 97037

Carol Workman
Carolworkman47@icloud.com
76820 Hwy 216
Maupin, Ore 97037

My comments on The Deschutes Solar and Battery Project.

First off I am completely against this project and I don't live in the project, but I live next to the boundaries.

I currently live on my great nephews property overlooking the beautiful Juniper Flats. It this project goes through my view will be solar panels and they will reflect right in my view. My family has lived on this property for 30 years and I came here to care for my brother and I so enjoy the view, the quiet times and all the wildlife.
Juniper Flat has lots of wet land and most of the area where they are proposing this project is in a flood plane. Lots of people travel through this area and traveling through a field of solar panels is not a pleasing site, their comfort zone will be destroyed. As a child I can remember going through Hwy 216 to many of our special spots to enjoy a week or weekend of enjoyment and these areas will be gone with all the panels and all the trees gone.

I have researched BrightNight and they are not a very viable company with lots of Solar and Battery Projects in the works but not one is in operational mode in the USA. Their only completed project is in India. I also understand that they have projects in Australia that are not completed. And they are currently trying to obtain leases in Sherman County and currently have 66,000 acres under lease, which is 1/3 of all the Farm Ground there.

I am also wondered about the decommissioning of this project, whereas they will have to dump millions of tons of gravel just to travel on the ground and what are the rules and what is the bond amount that is required. Also what happens to these property owners when Bright Night sells the lease ground to another solar company?

Juniper Flats is a area where there are fires almost every year and our Fire dept is made up of volunteers. Where is our fire dept going to get the money to fight the fires that these solar fields or battery storage may cause. What about the toxic smoke?

When they cover all the rock hollows where is the winter run off going to go. What about all the chemicals that are sprayed under the panels to control weeds, everything runs downhill right into the Deschutes River. The Native soils will be destroyed and it will take over a hundred years after these so called panels are gone for the soil to regenerate. What about the native grass and all the little animals and birds that live here. What about the migration of the Geese, Ducks and several other birds that use this area to rest while flying south? What about the Elk and Deer that migrate across the Flat from the south hills and the forest, they will only have to use the county roads and everything else will be fenced. What about the Wolves, Coyotes, Fox, Cougars and Bears that come to the flat in this area, will they have to travel the county roads also. What about the Pheasants, Quail and all the little birds that use this area to live, their habitat will be destroyed.

There are 25 homes in the area that will be affected by this Solar Project with several completely surrounded by solar panels. These people wont be able to sell their property, as no one wants to live in the middle of a solar field or near a battery storage.

The Native American sites will be destroyed and all this land is Ceded Land and was given up in the treaty of 1855 and the Native people will lose their rights to hunt and dig roots and wild celery and all their cultural sites will be gone. Does the State of Oregon not honor the treaty of 1855 or the Native people. Does the State of Oregon want to break the Treaty

again, like they have in the past. Many of the people who have signed up for this project don't respect the Native people and they are only thinking about the money they are being promised. Most have inherited the land and don't care about anything but Money. Such a sad deal.

Thank You
Carol Workman

Attachment 3:
Reviewing Agency Comments

Deschutes Solar and BESS Notice of Intent

Reviewing Agency Written Comment Index

Commenter Name, Title	Reviewing Agency	Relevant EFSC Standard(s)
Daniel Evans, Wetlands Specialist	Oregon Department of State Lands	Removal-Fill
Ian Johnson, Associate Deputy State Historic Preservation Officer	Oregon Parks and Recreation Department, State Historic Preservation Office	Historic, Cultural and Archaeological Resources
Danielle Marshall, Conservation Biologist	Oregon Department of Agriculture, Native Plant Conservation Program	Threatened and Endangered Species
Jessica Wilkes, Regional Wildlife Habitat Biologist	Oregon Department of Fish and Wildlife, Deschutes Watershed District	Fish and Wildlife Habitat, Threatened and Endangered Species
Jason McClaughry, Geological Survey and Services Program Manager	Oregon Department of Geology and Mineral Industries	Structural, Soils
Eugene Walters, Fire Chief	Juniper flat Rural Fire Protection District	Public Services, Wildfire Prevention and Risk Mitigation
Kim Peacher, Community Planning & Liaison Officer	Northwest Training Range Complex (Aviation)	General Standards of Review

Outlook

RE: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

From EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>
Date Tue 3/11/2025 12:59 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Hi Kathleen,

I reviewed the area within the site boundary.

This location contains mapped streams, including Essential Salmonid Habitat, and NWI wetlands. The likelihood that wetlands and waters of the state are present is expected.

This project will benefit from a Wetland Delineation performed per OAR 141-090 and all jurisdictional wetlands and waters of the state would be subject to the wetland removal-fill law in OAR 141-085.

Thank you,

Daniel Evans, PWS
He/him/his
Wetland Ecology Specialist
Oregon Department of State Lands
Mobile: 503-428-8188

As of 1/2/2025: Questions in Columbia, Clatsop, Tillamook, Polk, or Marion counties? Please contact the NEW Wetland Ecologist for this region, Chris Stevenson
chris.stevenson@dsl.oregon.gov

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, February 26, 2025 3:22 PM
To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; BROWN Jordan A * ODA <Jordan.A.BROWN@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.CLARK@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; TOKARCZYK John A * ODF <John.A.TOKARCZYK@odf.oregon.gov>; HOLSCHBACH Tim J * ODF <Tim.J.HOLSCHBACH@odf.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>; HOPKINS Levi A * ODF <Levi.A.HOPKINS@odf.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; RYAN Peter * DSL <Peter.RYAN@dsl.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

Click here if you are having trouble viewing this message.

Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

On January 21, 2025, the Oregon Department of Energy (ODOE or Department) received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Deschutes Solar and Battery Energy Storage System Facility (facility). The NOI was submitted by DECH bn, LLC. (applicant), a subsidiary of BrightNight, LLC (parent company). The NOI proposes the construction and operation of a solar photovoltaic power generating facility with up to 1,000 megawatts (MW) of generating capacity. The facility would include related or supporting facilities including up to 1,000 MW (or 4,000 MW hours) of battery energy storage, a substation, a 34.5 kilovolt (kV) collection system, an approximately 0.5 mile 500 kV generation tie line to a proposed new 500 kV switchyard to connect to the existing 500-kV Bonneville Power Administration (BPA) Marion-Buckley transmission line . The proposed site boundary is 13,626 acres (21.3 square miles), located entirely within Wasco County, approximately 10 miles southwest of Maupin.

Additional information, including a complete Public Notice on the Notice of Intent and Public Informational Meeting and a complete copy of the Notice of Intent can be found on the project webpage.

Public Comments

ODOE is now accepting public comments on the NOI. Comments are encouraged to help ODOE and the applicant identify issues and concerns early in the process. All comments must be received by **5 p.m. Pacific Time (PT), April 25, 2025**, to be considered in the development of the Project Order.

ODOE has an online portal for submitting public comments. The portal is intended to provide members of the public with another convenient option to participate in Council rulemaking proceedings.

To comment on this project, select “Deschutes Solar and BESS Facility" from the drop-down menu and follow the instructions. You will receive an email confirmation after submitting your comment.

Written comments may be submitted in writing by mail, e-mail, or by fax. Please send comments to:

Oregon Department of Energy

ATTN: Kathleen Sloan, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (971) 701-4913

Fax: (503) 373-7806

Email: kathleen.sloan@energy.oregon.gov

Public Informational Meeting

The Department will host an online public informational meeting in the vicinity of the project to provide an additional opportunity for the public to provide comments and ask ODOE and the applicant questions about the proposed facility and review process. The informational meeting is not a public hearing, and participation is not required to establish eligibility to participate in the contested case proceeding later in the process. Time limits on individual questions or comments may be established based on

attendance and participation at the meeting. The meeting can be attended in person and virtually via an online webinar.

The informational meeting will be held at the **Maupin Civic Center** on **March 27, 2025.** An in-person meet and greet will begin at 5:30 p.m. PT; presentations and the online webinar will begin at 6:00 p.m. PT. Details on how to attend or participate in the meeting are provided in the Public Notice available on the project webpage.

Accessibility information

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or by email at nancy.hatch@energy.oregon.gov.

You received this notice either because you previously signed up for email updates related to this project or all Energy Facility Siting Council activities. You will automatically receive all future notices unless you unsubscribe via ClickDimensions or by contacting ODOE.

If you have any questions or comments about ClickDimensions please feel free to contact ODOE's Administrative Assistant Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to Nancy.Hatch@energy.oregon.gov.

Oregon Department of Energy

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Outlook

RE: Reviewing Agency Request for the Deschutes Solar and BESS Facility - Notice of Intent

From EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>
Date Tue 2/11/2025 2:00 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Hi all,

Peter Ryan at DSL has retired and I am the new Wetland Ecology Specialist statewide. It would be great if DOE could update the distribution list to just my name. This is my first NOI review, so please let me know if this is the type of information you're looking for.

For the Deschutes Solar and BESS Facility

1. **The name, address and telephone number of the contact person assigned to review the application for your agency.**

A staff member will be assigned review of a wetland delineation and/or removal-fill permit application after the time of submittal, based on availability and capacity. At this time, no materials have been submitted for formal DSL Project # review

2) **Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.**
DSL will review a wetland delineation report for determining Waters of the State, and a Wetland Removal-Fill application governing the issuance and enforcement of removal-fill authorizations within Waters of Oregon, including wetlands.

3) **A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.**

Wetland delineations will be reviewed per OAR 141-090
Wetland Removal-Fill applications will be reviewed per OAR 141-085

4) **A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.**

Wetland Removal-Fill Permit

5) **Recommendations regarding the size and location of analysis areas (see below for more information).**

Based on the proposed project area, it appears many potential resources, as mapped on the Statewide Wetland Inventories are present. A wetland delineation is recommended as the next step with DSL. A wetland delineation will provide project designers the footprint of wetlands and waters and allow for avoidance and minimization of impacts to Waters of the State to the extent practicable.

6) **A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.**

Wetland Delineation, which may include additional supporting studies, depending on the site. These may include but are not limited to Stream Duration Assessment Method, identification of Aquatic Resources of Special Concern (e.g.: vernal pools)

Wetland Removal-Fill Permit, which may include additional supporting studies, depending on the site. These may include but are not limited to the Oregon Rapid Wetland Assessment Protocol and Stream Function Assessment Method.

Daniel Evans, PWS
He/him/his
Wetland Ecology Specialist
Oregon Department of State Lands
Mobile: 503-428-8188

As of 1/2/2025: Questions in Columbia, Clatsop, Tillamook, Polk, or Marion counties? Please contact the NEW Wetland Ecologist for this region, Chris Stevenson
chris.stevenson@dsl.oregon.gov

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, February 5, 2025 1:39 PM
To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; BROWN Jordan A * ODA <Jordan.A.BROWN@oda.oregon.gov>; Brandon.PIKE@aviation.oregon.gov; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; BOWLES Jamie L * ODFW <Jamie.L.BOWLES@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; TOKARCZYK John A * ODF <John.A.TOKARCZYK@odf.oregon.gov>; HOLSCHBACH Tim J * ODF <Tim.J.HOLSCHBACH@odf.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; HOPKINS Levi A * ODF <Levi.A.HOPKINS@odf.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; RYAN Peter * DSL <Peter.RYAN@dsl.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; Rowe Patrick G <Patrick.G.Rowe@doj.oregon.gov>
Subject: Reviewing Agency Request for the Deschutes Solar and BESS Facility - Notice of Intent

Good Afternoon,

On January 17, 2025, the Department received a Notice of Intent to File and Application for a Site Certificate (NOI) from the Energy Facility Siting Council (EFSC) for the proposed "Deschutes Solar and Battery Energy Storage System (BESS) Facility" to be located entirely within Wasco County.

Facility Webpage and the NOI are available below:

State of Oregon: Facilities - Deschutes Solar and Battery Energy Storage System Facility

The attached letter requests your agency review and comments on the NOI and proposed facility.

We are requesting agency comments by March 7, 2025.

Please let me know if you would like to schedule a meeting or a call, or if you need more information to conduct your review, or time to submit comments.

I will be following up next week to schedule coordination calls with you directly.

Thank you,

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

Oregon
Tina Kotek, Governor

Parks and Recreation Department
Oregon Heritage/
State Historic Preservation Office
725 Summer St. NE, Suite C
Salem, OR 97301-1266
(503) 986-0690
Fax (503) 986-0793
oregonheritage.org

March 7, 2025

Ms. Kathleen Sloan
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97391

RE: SHPO Case No. 25-1423
Deschutes Solar and Battery Energy Storage System (BESS) Facility
New Solar Facility and Interconnection to BPA Grid
, Maupin, Deschutes County

Dear Kathleen Sloan:

Thank you for the opportunity to comment on the Notice of Intent (NOI) for the above project. The Oregon SHPO notes that the property owner list includes the United States of America and that the project involves connecting to the Bonneville Power Administration (BPA) transmission grid. Projects on federal land or requiring federal permits are subject to the National Historic Preservation Act of 1966, as amended, and the associated federal 36 CFR800 regulations. The NOI confirms that the project falls under these requirements.

Oregon SHPO advises the applicant to coordinate with the appropriate federal agency(ies) to determine necessary steps for identifying, documenting, and evaluating historic properties. Federal and state historic preservation standards differ, so separate reports for the federal and state processes are required unless the Oregon Department of Energy accepts federal documentation for state permits.

For either process, Oregon SHPO recommends working closely with Native American Tribes to establish appropriate identification and evaluation methods. The Oregon Legislative Commission on Indian Services can assist in identifying relevant Tribes. Additionally, we recommend hiring a qualified archaeologist to assess historic properties recorded in the Oregon Archaeological Records Remote Access database (OARRA) and other relevant sources.

Sincerely,

Ian P. Johnson, M.A.
Associate Deputy SHPO
(971) 718-1137
ian.johnson@oprd.oregon.gov

Outlook

Fw: Case Number Correction

From SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Date Wed 3/12/2025 9:41 AM
To Bijan Damavandi <Bijan@brightnightpower.com>

second of 2 emails - see the case # correction.

From: SHEWCHUK Heidi * OPRD <Heidi.SHEWCHUK@oprd.oregon.gov>
Sent: Friday, March 7, 2025 11:53 AM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Subject: Case Number Correction

Hi Kathleen,
On 3/7/2025 you submitted the document, “Notice of Intent to File and Application for a Site Certificate (NOI) from the Energy Facility Siting Council (EFSC) for the proposed "Deschutes Solar and Battery Energy Storage System (BESS) Facility.” We provided the incorrect case number for this submission. The correct case number is 25-1423, not PA-206. Please use 25-1423 for all submittals, or correspondence for this case.

Best regards,

Heidi Shewchuk | Heritage Division Program Assistant

Oregon Heritage, Oregon Parks and Recreation Department
Cell: (971)301-0499
725 Summer St NE, Suite C, Salem, Oregon 97301

Outlook

Re: DSB GIS

From MARSHALL Danielle * ODA <Danielle.MARSHALL@oda.oregon.gov>
Date Thu 3/13/2025 12:11 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; BROWN Jordan A * ODA <Jordan.A.BROWN@oda.oregon.gov>

Hi Kate,
Thanks for the GIS layer, that worked great. Here is our response after reviewing the data:

I reviewed the DSB project spatial data you sent and it does overlap with occurrences for one of our state-listed plants, Tygh Valley milkvetch (*Astragalus tyghensis*). Since you mentioned that the actual project footprint may end up being smaller than what is currently mapped, it's unclear what the resulting level of impact might be. We would require a survey for Tygh Valley milkvetch, which should take place when the species is in flower, usually from May through early June. Information to collect during the survey can be found on our Survey Report Template. We recommend contacting the Oregon Biodiversity Information Center (ORBIC) to request data for known occurrences of Tygh Valley milkvetch. Please note that while ORBIC data may help inform your survey, plants may occur beyond the areas that ORBIC has mapped.

If listed plants are present, we recommend complete avoidance. If avoidance is not possible, we would require consultation on mitigation and enhancement measures to be taken to minimize the adverse effects of proposed or ongoing actions.

Please contact ODA (listedplants@oda.oregon.gov) if you have further questions on Tygh Valley milkvetch or survey requirements.

Thank you,

Dani

Danielle Marshall, Conservation Biologist
Oregon Department of Agriculture – Native Plant Conservation Program
635 Capitol St NE, Salem, OR 97301-2532
971.388.8895 | Oregon.gov/ODA | Pronouns: she, her, hers
→ Sign up for NPCP GovDelivery updates

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Thursday, February 20, 2025 12:10 PM
To: BROWN Jordan A * ODA <Jordan.A.BROWN@oda.oregon.gov>; MARSHALL Danielle * ODA <Danielle.MARSHALL@oda.oregon.gov>
Subject: DSB GIS

Thanks for the call
Attempting to attach the GIS folder

Let me know if it works or not.

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

State of Oregon: Facilities - Energy Facility Siting

Oregon
Tina Kotek, Governor

Department of Fish and Wildlife
East Region
61374 Parrell Road
Bend, Oregon 97702
(541) 388-6363
FAX (541) 388-6281

March 7, 2025

Oregon Department of Energy
ATTN: Kathleen Sloan, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301

RE: Request for comments on the Notice of Intent submitted by DECH bn, LLC. (applicant), a subsidiary of BrightNight, LLC (parent company) for the Deschutes Solar and Battery Energy Storage System Facility in Wasco County.

Dear Miss Sloan:

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 Deschutes Solar and Battery Energy Storage System Facility in Wasco County. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the NOI.

A. Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Jessica Wilkes, 61374 Parrell Road, Bend, OR 97702. My phone number is (541) 388-6099 and email is Jessica.s.Wilkes@odfw.oregon.gov . In addition, please copy Jeremy Thompson, Energy Program Coordinator, 4034 Fairview Industrial Drive SE, Salem OR 97302. Phone number (541) 980-8524, Jeremy.L.Thompson@odfw.oregon.gov. ODFW requests that as applicable, all correspondence for this project be conveyed electronically.

B. Comments on the NOI

General Comments

Please find below a listing of the most applicable statutes, administrative rules and policies administered by ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and rules.

Oregon Revised Statutes (ORS)

- 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)

- 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: http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL_by_category.pdf

- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: http://www.dfw.state.or.us/lands/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 solar facilities in a manner consistent with the Oregon Columbia Plateau Ecoregion (CPE) Wind Energy Siting and Permitting Guidelines that were established in conjunction with multiple state, federal and industry partners. The intent of these guidelines were to create a balance between the development of renewable energy and environmental protection. While

these guidelines were developed for wind facilities, they are also applicable to solar projects within the CPE.

Specific Comments

The project boundary land is currently zoned as A-1 Exclusive Farm Use and R-R 2 Rural Residential by Wasco County. County overlay zones also include Sensitive Wildlife Habitat (Zone 8) in the southern portion of the study area, and Wild and Scenic River (Zone 7) along the northern site boundary. The project is also adjacent to the ODFW White River Wildlife Area (WRWA) and the Confederated Tribes of the Warm Springs (CTWS) Reservation. We recommend continued consultation with staff at WRWA and CTWS to ensure compatible land use to the maximum extent possible during the planning process.

This project has the potential to impact habitats for a myriad of species including special-status species (i.e., Tygh Valley Milkvetch, Vernal Pool Fairy Shrimp, summer steelhead [ESA listed], redband trout, Lewis's Woodpecker, etc.) and locally important species such as mule deer and elk. ODFW recommends measures be employed to avoid or minimize impacts to these species, and for impacts that cannot be avoided ODFW encourages the developer to engage early with local staff to develop appropriate mitigation.

The project partially overlaps ODFW mapped Big Game winter range *(Oregon Department of Fish and Wildlife 2013 Big Game Winter Habitat White Paper;* Figure 1). ODFW considers all habitats within winter range, with the exception of areas designated as Category 6 in the Columbia Plateau Ecoregion (CPE), to be Category 2 as per the Oregon Habitat Mitigation Policy. For Category 2 habitats, ODFW's policy is to have "no net loss of habitat quantity or quality," and asks for "in-kind, in-proximity mitigation" (OAR Chapter 635, Division 415). We recommend a 2:1 mitigation ask for functioning, intact Category 2 habitats (i.e., sagebrush steppe, grasslands, wetlands) that would be impacted by this project.

In addition, the project area includes other important habitat types such as wetlands, vernal pools, flowing water and riparian habitats, sagebrush steppe and native grasslands. The quality of some of these habitats within the project area have become degraded overtime but may still provide crucial habitat for some species. For example, vernal pools can provide important seasonal habitat for many species, some of which can provide important food sources for migrating waterfowl. Vernal Pool Fairy Shrimp have been found in other areas of the CPE, but current survey data confirming Vernal Pool Fairy Shrimp presence is lacking in the project area. Additional surveys to verify presence of fairy shrimp and other macroinvertebrates in vernal pools will help determine the overall quality of the existing habitats. Although the larger footprint of the site has been determined, ODFW encourages the applicant avoid rare intact habitats when it comes to micro siting and favor siting in previously disturbed areas.

Large-scale solar projects have the potential to disrupt wildlife movement. ODFW strives to reduce fragmentation of the landscape and to protect connectivity corridors by preventing barriers to movement, such as fencing and development. ODFW's Priority Wildlife Connectivity Areas (PWCAs) serve as a guiding tool to identify areas on the landscape that best facilitate wildlife movement between patches of habitat. Portions of the overall project boundary overlap designated PWCA corridors, and ODFW recommends avoiding areas of overlap to the extent feasible when micro siting. ODFW encourages the developer to maximize the set back of fenced areas along the rim of White River Canyon to facilitate movement of species that may be impeded by the boundary fence. In addition, strategically placing fencing gaps within the project

boundary footprint to facilitate wildlife passage through facility footprint could minimize lost connectivity.

ODFW requests that the applicant limit construction activities outside of the project footprint during the winter period, December 1- April 1, to reduce disturbance to wintering wildlife outside of the project area. In addition, ODFW requests that the placement of project infrastructure, including buildings and roads be sited within the project boundary in a manner to reduce the potential for disturbing wildlife outside of the project boundaries both during construction and in the operational phase.

There has been a recent interest from other solar projects in the use of domestic sheep for vegetation control. Given this project's proximity (roughly 6 miles; Figure 1) to existing bighorn sheep, ODFW requests that alternative means of vegetation control, if required, be used at this site that do not include domestic sheep. The risk of disease transmission (from diseases such as *M. Ovi*) would negatively impact bighorn herds and is highly concerning for this proposed project location.

ODFW requests that any ground disturbance or vegetation removal within the project boundary be conducted prior to or after the critical period for ground nesting birds, April 15- September 1. Should ground disturbance occur during this period, ODFW requests that vegetative removal occur prior to the critical nesting period. Where feasible, ODFW encourages retention of native vegetation to the maximum extent possible within project boundaries given the challenges revegetation has presented in similar development scenarios in the region. The Department recommends a rigorous monitoring and management plan to control and prevent the spread of noxious weeds. ODFW recommends that the applicant work with the county weed department, Oregon State Extension, or the Oregon Department of Agriculture to develop a revegetation and weed control plan that will be successful within the project area, given the challenges realized within this ecoregion with revegetation projects.

ODFW recommends that raptor nest and burrow surveys be conducted within a two-mile buffer around the perimeter as well as within the proposed footprint of the project area. Impacts to all nests located should be avoided, and all activities prohibited during the timeframes and within the distances listed below for the species that may occur within the project boundary.

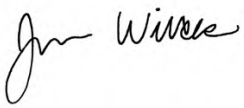
Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied
Western burrowing owl	0.25 mile	April 1 to August 15	31-May
Golden eagle	0.5 mile	Feb 1- Aug 15	15-May
Red-tailed hawk	300-500 ft	Mar 1- Aug 15	31-May
Ferruginous hawk	0.25 mile	Mar 15- Aug 15	31-May
Swainson's hawk	0.25 mile	April 1- Aug 15	31-May
Prairie Falcon	0.25 mile	Mar 15- Jul 1	15-May
Peregrine falcon	0.25 mile	Jan 1- Jul 1	15-May
American kestrel	0.25 mile	Mar 1- Jul 31	15-May

Table 1. Recommended seasonal and spatial activity restrictions for raptor species.

ODFW encourages the applicant to develop a mitigation plan that will effectively offset the impacts to big game winter range and habitat loss within in the project boundary. ODFW is willing to assist the applicant with the development of the plan.

ODFW appreciates the opportunity to comment on this NOI and looks forward to working with ODOE and the Applicant on this proposed project.

Respectfully,



Jessica Wilkes
Regional Wildlife Habitat Biologist
Deschutes Watershed District
Jessica.s.wilkes@odfw.oregon.gov
541-388-6099

cc: Sara Gregory – ODFW Deschutes Watershed District Manager
Andrew Meyers – ODFW Mid-Columbia District Wildlife Biologist
Jeremy Thompson – ODFW Energy Coordinator

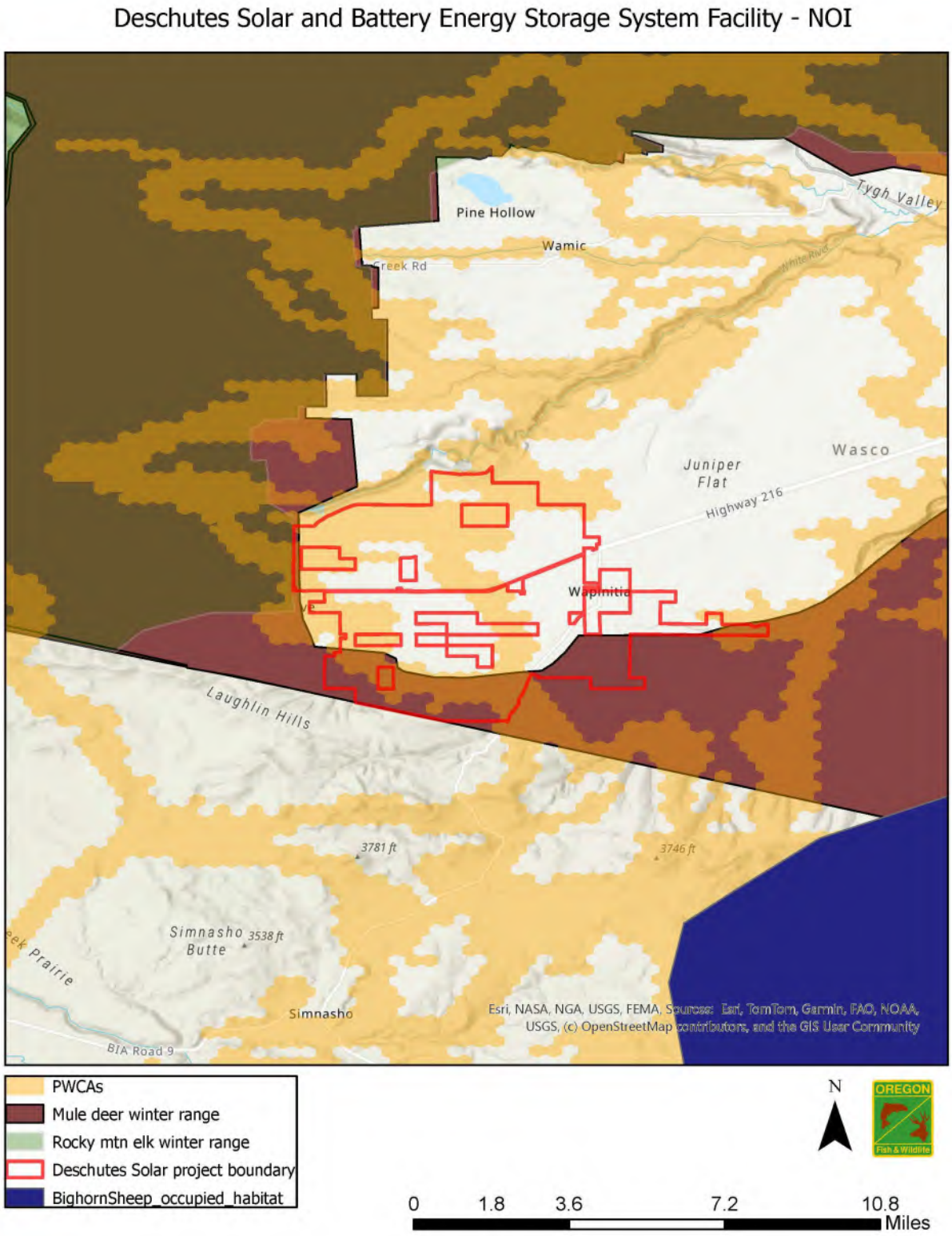


Figure 1. Map indicating project boundary location overlap with Priority Wildlife Connectivity Areas (PWCAs), big game winter range and Bighorn Sheep habitat.

Outlook

Fw: Comments Requested for the Deschutes Solar and BESS Facility - Notice of Intent

From SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Date Thu 3/13/2025 4:44 PM
To Bijan Damavandi <Bijan@brightnightpower.com>

Comments from DOGAMI are below:

From: MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>
Sent: Thursday, March 13, 2025 4:07 PM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; GUERRERO Lalo * DGMI <Lalo.GUERRERO@dogami.oregon.gov>
Subject: Re: Comments Requested for the Deschutes Solar and BESS Facility - Notice of Intent

Hi Kathleen:

Thanks for the reminder. Lalo had dutifully completed this by March 3rd and I did not then send it to you. Below is our summary. If you have any questions or need additional information, please let us know. Thank you.

Oregon Department of Geology and Mineral Industries (DOGAMI) received notification from Oregon Department of Energy (ODOE) that it received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Deschutes Solar and Battery Energy Storage System Facility in Wasco County, approximately 10 miles SW of Maupin, OR.

The Oregon Geologic Data Compilation (OGDC 7, https://pubs.oregon.gov/dogami/dds/p-OGDC-7.htm) contains the publicly available published geologic mapping for the entire state. DOGAMI also published "GMS-127 Geologic map of the Dufur area, Wasco County, Oregon" in 2021, which included an update to geology mapping near the Solar and Battery energy system facility referenced above, and can be found here: https://pubs.oregon.gov/dogami/gms/p-GMS-127.htm.

Based on this facility's proposed location, DOGAMI recommends reviewing the geology hazard data available through the Oregon Hazard Viewer (HazVu https://www.oregon.gov/dogami/hazvu/pages/index.aspx). The data compiled in HazVu is the best publicly available data for the state on geologic hazards, including earthquakes, landslides, and floods. The seismic hazard data in this viewer comes from the Oregon Seismic Hazard Database v 1.0, which is the most recent state-wide earthquake hazard dataset that is included in HazVu, and is accessible for download here: https://pubs.oregon.gov/dogami/dds/p-OSHD-1.htm.

Maupin is located southeast of Mount Hood, and it is located outside of both the near-volcano hazard zones, which means that it is unlikely to be affected by lava and pyroclastic flow, and it is also outside of the regional lava flow hazard zone (e.g. https://www.usgs.gov/volcanoes/mount-hood/science/hazards-summary-mount-hood). However, Maupin is close to the confluence of the White and Deschutes River, and there is evidence of lahars reaching the Columbia River via the White-Deschutes corridor, consequently, the hazard posed by volcanic processes should be considered in this situation. Data and publications from the Cascade Volcano Observatory (https://www.usgs.gov/observatories/cvo) should be consulted for volcanic hazard information.

DOGAMI is aware of recent work in the area that may contain data that can inform the geohazard assessment for this proposed development and suggest reviewing the following journal article and Oregon State

University M.S. thesis:

- Johnson, A.K., 2011. Dextral shear and north-directed crustal shortening defines the transition between extensional and contractional provinces in north-central Oregon. (2011 Geology M.S. Thesis, Oregon State University; Prof. Andrew Meigs).
- Braunmiller, J., Nábělek, J.L. and Tréhu, A.M., 2014. A seasonally modulated earthquake swarm near Maupin, Oregon. *Geophysical Journal International*, *197*(3), pp.1736-1743.

- We hope that this information can be helpful for project assessments in the area. Should there be any questions or a need for additional information, please let us know.

Best Regards,
Jason

Juniper Flat Rural Fire Protection District
53333 Reservation RD.
Maupin, Oregon 97037
541-328-6388

April 16th 2025

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

RE: Deschutes Solar and Battery Energy Storage System Facility
Maupin, Oregon 97037
Contact: JF RFPD, Eugene Walters 541-980-8241
Letter of Concerns and Requirements,

To ODOE Siting Division and Wasco Co. Planning Dept.,

This Letter is a list of concerns and requirements from Juniper Flat Rural Fire Protection District (JF RFPD) and Southern Wasco Co Ambulance (SWCA) service in which the JF RFPD and SWCA jointly will be 1st response to public safety emergencies for the entire footprint of this Deschutes Solar project. Both agencies are in the stages of pre-FIRE/EMS response planning for the project and have researched the type of equipment and job descriptions with possible injuries. BrightNight states there will be an increase of 500 workers building the Solar project and transversing through our fire district and EMS ambulance service area (ASA), increasing the risk over our current population of 418 in Maupin and 220 on Juniper Flat with hospitals 50 miles away. In addition, the transportation of all supplies and equipment passing through will also create a higher risk for response. Juniper Flat RFPD has historical records of wildland fires in the area, has development equipment, tactic and pre-fire requirements to stop fast moving wildland fire. With this Data JF RFPD has determined that BrightNight is required to engineer our Pre-Fire mitigation requirements into the project design and JF RFPD and SWCA requires Pre-construction funding to prepare for emergency incidents. JF RFPD and SWCA has insufficient funds of this capacity to prepare for the additional emergency response of this size and type of project.

JF RFPD and SWCA has broken these requirements and funding into 3 phases, Pre-construction, Construction Starts and Post Construction.

Phase One: Pre- Construction

EMS Response - For both JF RFPD and SWCA pre-construction funding is required 18 months prior to when employees or workers are on the project site and / or construction starts. This funding is to acquire equipment for SWCA to fully compliment two transport Ambulances and to acquire JF RFPD an all-weather Utility Terrain Vehicle (UTV) set up with equipment for Fire and Rescue response, along with communication equipment and training. The 18 months allows time to receive the funds, time to purchase and acquire the equipment, then train with it. SWCA request is due to enabling response if an ambulance is already committed to another incident. JF RFPD request is to enable Fire and EMS response during construction before roads are completed, and in rough and wet terrain including tight access situations for the duration of the project.

Fire Mitigation Requirement - is to establish a fire break and defensible space by building with a 30-foot perimeter road with a 100' setback from that edge of road to the project fence around the boarder of entire project including what BrightNight calls "donuts holes" (property without solar contracts but within the foot print). This requirement is in line with the same proven process and procedures that is taking place currently

within Juniper Flat RFPD using the Wasco $5.8 million dollar Community Wildfire Defense Grant guidelines and is of the highest importance.

Incident Location

BrightNight will agree to supplement funding to increase JF RFPD and SWCA Fire and EMS alerting and communications capabilities, drone program and camera system to improve Fire and EMS incident awareness, location and response over the 13626 acres solar farm footprint.

Pre- Fire and EMS Plans

BrightNight will be require to include JF RFPD and SWCA input into the project designed for access and egress routes for fire breaks, defensible space and EMS/Fire response with final approval by JF RFPD, SWCA and BrightNight

Fire and EMS emergency plans will be established, reviewed and approved by BrightNight, JF RFPD, SWCA, Wasco Co Sheriff and Wasco Co. Central Dispatch
All reviews and final approval meetings will be held at Juniper Flat RFPD St#1. After approval completed plans and maps will be provided in a digital format by BrightNight to be installed in our digital response devices.

Phase Two: Construction Starts

Taxes:

If or when BrightNight and Wasco County enters into an agreement regarding a tax incentive or additional taxes levied against disqualified farmland for BrightNight, JF RFPD at that time would require BrightNight to pay JF RFPD directly an impact fee according to type and length of tax incentive provided prior to construction.

Water Supply

JF RFPD will require BrightNight to provide a permanent 30,000-water supply with a distribution system to fill fire apparatus integrated into JF RFPD current well water source at Juniper Flat RFPD St#1 main station near the east side of the Solar project for fire protection

Life Flight Landing Zone

BrightNight is to construct a permanent LifeFlight Helicopter Landing Zone Pad at JF RFPD #3 in Pine Grove near the westside of the solar project. JF RFPD currently has a LifeFlight Landing zone Pad at Station #1 on the East side of the project

Phase Three: Post construction

Apparatus upgrading

BrightNight will agree to submit a pro-active continual plan to upgrade Fire and EMS apparatus and if needed water supply capacity though-out the life of the Solar Farm

Summary:

Juniper Flat Rural Fire Protection District (JF RFPD) agrees to provide Fire and Rescue services starting at construction, through the duration of the project ONLY if signed agreements are secured to provide necessary funding for JF RFPD and SWCA; and that JF RFPD fire mitigation requirements are met to provide fire protection for the 21.3 square mile Solar Farm. These agreements between BrightNight and Juniper Flat Rural Fire Protection District and Southern Wasco Co. Ambulance Service outlined in **Phase one: Pre-construction, Phase Two: Construction Starts and Phase Three: Post Construction** listed in this letter are necessary to provide Fire - Rescue and EMS service to BrightNight Deschutes Solar Project.

Sincerely,

Eugene H. Walters

Fire Chief, Juniper Flat RFPD

Outlook

RE: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

From Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Date Wed 3/12/2025 9:55 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Hello Kathleen,

Thank you for sending the shapefiles over. Based on my review, we would like to request a Glint/Glare analysis give we have low altitude training airspace we utilized (FL 200 AGL). Can you please provide a virtual introduction to the developer?

Thank you.

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: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, March 12, 2025 9:13 AM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: [Non-DoD Source] Re: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

Hi Kim

Sorry about that - trying again - indiv shapefiles plus the KMZ should be attached

---

From: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA)
Sent: Wednesday, March 12, 2025 8:48 AM
To: SLOAN Kathleen * ODOE
Cc: ESTERSON Sarah * ODOE
Subject: RE: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

Hello Kathleen,

I never got your email. It might have be removed from the server if you attached shapefiles. Can you please send kmz files or rename the file type from ".zip" to ".abc"?

Thank you.

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: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Monday, March 10, 2025 5:04 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Fw: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

Hi Kim,

Sarah asked me to make sure to send you the GIS files for this NOI - which are attached to this email.

You can send comments via email - if you need more information or want to discuss, please let me know.

Thanks!

Kate

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, February 26, 2025 3:29 PM
To: Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <kimberly.n.peacher.civ@us.navy.mil>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

Click here if you are having trouble viewing this message.

Email Summary of Public Notice on Notice of Intent and Public Information Meeting for Deschutes Solar and Battery Energy Storage System Facility

On January 21, 2025, the Oregon Department of Energy (ODOE or Department) received a Notice of Intent to File an Application for a Site Certificate (NOI) for the Deschutes Solar and Battery Energy Storage System Facility (facility). The NOI was submitted by DECH bn, LLC. (applicant), a subsidiary of BrightNight, LLC (parent company). The NOI proposes the construction and operation of a solar photovoltaic power generating facility with up to 1,000 megawatts (MW) of generating capacity. The facility would include related or supporting facilities including up to 1,000 MW (or 4,000 MW hours) of battery energy storage, a substation, a 34.5 kilovolt (kV) collection system, an approximately 0.5 mile 500 kV generation tie line to a proposed new 500 kV switchyard to connect to the existing 500-kV Bonneville Power Administration (BPA) Marion-Buckley transmission line . The proposed site boundary is 13,626 acres (21.3 square miles), located entirely within Wasco County, approximately 10 miles southwest of Maupin.

Additional information, including a complete Public Notice on the Notice of Intent and Public Informational Meeting and a complete copy of the Notice of Intent can be found on the project webpage.

Public Comments

ODOE is now accepting public comments on the NOI. Comments are encouraged to help ODOE and the applicant identify issues and concerns early in the process. All comments must be received by **5 p.m. Pacific Time (PT), April 25, 2025**, to be considered in the development of the Project Order.

ODOE has an online portal for submitting public comments. The portal is intended to provide members of the public with another convenient option to participate in Council rulemaking proceedings.

To comment on this project, select “Deschutes Solar and BESS Facility" from the drop-down menu and follow the instructions. You will receive an email confirmation after submitting your comment.

Written comments may be submitted in writing by mail, e-mail, or by fax. Please send comments to:

Oregon Department of Energy

ATTN: Kathleen Sloan, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (971) 701-4913

Fax: (503) 373-7806

Email: kathleen.sloan@energy.oregon.gov

Public Informational Meeting

The Department will host an online public informational meeting in the vicinity of the project to provide an additional opportunity for the public to provide comments and ask ODOE and the applicant questions about the proposed facility and review process. The informational meeting is not a public hearing, and participation is not required to establish eligibility to participate in the contested case proceeding later in the process. Time limits on individual questions or comments may be established based on attendance and participation at the meeting. The meeting can be attended in person and virtually via an online webinar.

The informational meeting will be held at the **Maupin Civic Center** on **March 27, 2025.** An in-person meet and greet will begin at 5:30 p.m. PT; presentations and the online webinar will begin at 6:00 p.m. PT. Details on how to attend or participate in the meeting are provided in the Public Notice available on the project webpage.

Accessibility information

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or by email at nancy.hatch@energy.oregon.gov.

You received this notice either because you previously signed up for email updates related to this project or all Energy Facility Siting Council activities. You will automatically receive all future notices unless you unsubscribe via ClickDimensions or by contacting ODOE.

If you have any questions or comments about ClickDimensions please feel free to contact ODOE's Administrative Assistant Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to Nancy.Hatch@energy.oregon.gov.

Oregon Department of Energy

Leading Oregon to a safe, equitable, clean, and sustainable energy future.

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.

AskEnergy@oregon.gov | 503-378-4040 | 550 Capitol St. NE in Salem

Click here to unsubscribe or here to change your Subscription Preferences.

Attachment 4:
Wasco County Special Advisory Group Comments

BOARD OF COUNTY COMMISSIONERS

511 Washington St, Ste. 101 • The Dalles, OR 97058
p: [541] 506-2520 • **f:** [541] 506-2551 • www.co.wasco.or.us

Pioneering pathways to prosperity.

Oregon Department of Energy
ATTN: Kathleen Sloan, Senior Siting Analyst
550 Capitol Street NE
Salem, OR 97301
(Sent by email to Kathleen.Sloan@energy.oregon.gov)

April 16, 2025

Subject: Deschutes Solar and Battery Energy Storage System Facility

Dear Ms. Sloan;

Per your letter dated February 5, 2025, the Wasco County Board of Commissioners is responding to your request for information.

1) *The name, address and telephone number of the contact person assigned to review the application for your jurisdiction.*

The application will be reviewed by the Wasco County Planning Director, Daniel Dougherty, and the Wasco County Senior Planner, Sean Bailey, who are available at 2507 E 2nd St, The Dalles, OR 97058 or via phone 541-506-2560.

2) *A list of local ordinances and land use regulations that might apply to construction or operation of the proposed facility, and a description of any information needed for determining compliance.*

The proposed project includes development in the non-National Scenic Area portions of Wasco County. As such, the following ordinances are applicable:

Wasco County Comprehensive Plan

Wasco County Land Use and Development Ordinance

The project proposes development in the Exclusive Farm Use (A-1) Zone and Rural Residential (R-R (2)) Zone. Per OAR 660-033-0120, this facility requires a conditional use review, and will be subject to Chapters 3, 5, 10, 19 and 20 of the Wasco County Land Use and Development Ordinance.

The Development Area appears to be within the following Overlay Zones that may affect review and criteria:

- If the operations and maintenance building is constructed within the Wasco County Flood Hazard Overlay (OZ-1), construction plans may require that a certified engineer, architect, or other certified professional provide a Base Flood Elevation and flood proofing plans that demonstrate the proposed development can be completed without threat to public safety or welfare;
- If structures are built within the Wasco County Geological Hazard Overlay (OZ-2) zone, construction plans may require a written report by a certified engineer that demonstrates proposed development can be completed without threat to public safety or welfare;
- Cultural, Historic and Archaeological Overlay (OZ-4) zone may require additional standards that ensure the protection of any potential identified historical sites identified within the project area;
- Due to its proximity to the White River and the White River Wildlife Management Area, the Natural Areas, Wild and Scenic Rivers and Oregon Scenic Waterways Overlay (OZ-7) zone may require additional notification to the Bureau of Land Management, the Oregon State Department of Transportation and the

Warm Springs Indian Reservation, and to demonstrate that the designated natural value will not be damaged by the use or activity.

- Development appears to be within the Sensitive Wildlife Habitat (OZ 8) Overlay Zone for deer and elk within the National Scenic Area, which requires consultation with Oregon Department of Fish and Wildlife;
- Development appears to include several sensitive bird sites (OZ 12) located on the northwest side of project area and requires consultation with the Oregon Department of Fish and Wildlife; and
- Development is within our Military Airspace Overlay Zone (OZ 15) and requires early coordination with NW Regional Coordination Team (Department of Defense) for possible mitigation measures.

It is important to note that, consistent with Goal 5 (OAR 660-023-0190) and Policy 13.1.7 (a) of the Wasco County Comprehensive Plan, we require a Comprehensive Plan Amendment at the time of application to list the facility as a significant energy facility resource. Comprehensive Plan Amendment criteria can be found in Chapter 15 of the Wasco County Comprehensive Plan (Wasco County 2040).

3) *A list of any local permits that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.*

Public Works will require:

- A Utility Permit: Detailed information about the project proposal
- Road Use Agreement: Detailed information about the project proposal
- Road Approach Permit

Building Codes Services may require:

- Electrical connection/panel inspections
- Permits/inspections for any structures owned by the private entity. Depending on the structure type it could include: foundation, anchorage, structural, plumbing, and electrical hook ups.
- Any electrical/plumbing hook ups for job trailers, operations & maintenance buildings would also require permits/inspections

Planning will require:

- A Comprehensive Plan Amendment: Proposal for inventory addition to include site name, details about the proposal
- A conditional use permit, which should include information that addresses criteria in Chapters 3, 10, and 19 of the Land Use and Development Ordinance. Permits require a detailed site plan, fire safety certification, fire and emergency response plan, and review by a certified engineer for hazards.

4) *Recommendations regarding the size and location of analysis areas for impacts to sensitive resources, including resources inventoried in your comprehensive plan.*

This proposal site is within the vicinity of the unincorporated community of Pine Grove, where there are 50+ registered addresses associated with dwelling located within residential and rural industrial zones. The proposal site is also within the vicinity (approximately 0.25 miles) of the White River and the White River Wildlife Management Area. State and/or local inventories provide that the White River contain Redband trout fish, and that the White River Wildlife Management Area contains the Northern Bald Eagle, Ring-Necked Duck, Bufflehead, Ferruginous Hawk, Golden Eagle, Western Burrowing Owl, Gray Crowned Rosy Finch, White-Tailed Jackrabbit, Sagebush Vole, Band-Tailed Pigeon Mineral Springs, Elk Critical Winter Range.

- The Notice of Intent to Apply for a Site Certificate Deschutes Solar and Battery Energy Storage System

Facility, Figure 4 Study Area Boundaries Map, provides for only a 0.5 miles study area for Land Use and Fish and Wildlife Habitat. This study area appears not to cover the entirety of the Pine Grove community or the lands within the White River Wildlife Management Area/White River. If the Land Use and Fish and Wildlife Habitat study area does not incorporate all of the Pine Grove and Natural Areas, the study area should be extended.

This proposal sites development within our Geological Hazard (OZ 2) Overlay Zone which requires a study by a certified engineer for impacts when development is within the identified hazard point.

This proposal sites development within our Sensitive Wildlife Habitat (OZ 8) Overlay Zone and Sensitive Birds (OZ 12) Overlay Zone which requires consultation with the Oregon Department of Fish and Wildlife.

This proposal sites development within our Military Airspace Overlay Zone (OZ 15) that requires early coordination with the NW Regional Coordination Team/Department of Defense.

5) A list of studies that your jurisdiction recommends be conducted to identify potential impacts of the proposed facility and mitigation measures.

- Housing Study
- Road Impact Plan
- EMS Impact Study
- Fire Response Plan
- Traffic Control Plan
- Defined Work Schedule
- Construction Plans
- Defined Staging Area for Construction/Development
- Impact to Sensitive Species
- Impact to Military Airspace

Thank you for your coordination.

Wasco County Board of Commissioners

_____
Scott C. Hege, Chair

_____
Philip L. Brady, Vice-Chair

_____
Jeff Justesen, County Commissioner

Outlook

Re: Wasco County comments on Deschutes Solar and BESS Notice of Intent

From Daniel Dougherty <danield@co.wasco.or.us>
Date Thu 4/17/2025 2:45 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc Eugene Walters <eugene@juniperflatrfpd.com>; Sean Bailey <seanb@co.wasco.or.us>

2 attachments (2 MB)
04162025_Response_Letter_Deschutes_Solar_&_Battery_signed.pdf; Letter_from_Camille_Gallegly.pdf;

Hi Kathleen,

I've attached our signed NOI letter. Sheriff Magill's experience with security regarding the Bakeoven project wanted a last minute "Security Control Plan" to be added in the Question 5 response. Unfortunately, I didn't get it added into the letter in time. I've also attached a letter that was submitted by a member of the public. I believe the individual submitted a copy to ODOE, but I want to make sure I get it in on time just in case.

Let me know if you need anything else.

Respectfully,

Daniel

On Wed, Apr 16, 2025 at 9:38 AM SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:

> Great! Thanks for the update Daniel.
>
> Kate
>
> ---
>
> **From:** Daniel Dougherty <danield@co.wasco.or.us>
> **Sent:** Wednesday, April 16, 2025 6:39 AM
> **To:** SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
> **Subject:** Re: Wasco County comments on Deschutes Solar and BESS Notice of Intent
>
> Hi Kathleen,
>
> I've got our NOI letter on the agenda for our Board of Commissioners today. I should be able to send it your way later this afternoon.

Camille Gallegly

January 31, 2024

Tyler Stone
Administrative Officer
511 Washington St Suite 302
The Dalles, OR 97058

Dear Tyler Stone,
I am writing out of great concern over the proposed Deschutes Solar and Battery Storage Project to be installed by Brightnight solar. This project is in the Juniper Flats area (Pine Grove) of Oregon. A community of farmers and ranchers that is bound by the Mt. Hood national forest on one side and the Warm Springs Indian Reservation, The Deschutes River and The White River. This area has an abundance of Wildlife including some sensitive species as well as some great archeological areas because of proximity to the Warm Springs Reservation. This is known to be Ceded land per the treaty of 1855.
The following are my concerns regarding the Deschutes Solar Project:

Environmental Disaster and health risk:

- Per the Oregon State wildfire map this area is at a severe risk for environmental disaster due to wildland fire with an Augurisk score of 86%. This is one of the riskiest places to live in Oregon with regards to wildland fire.
- Fire could discharge cadmium either into the water or airborne
- Photovoltaic panels can contain led and cadmium, cadmium telluride, copper indium selenide, cadmium gallium (di)selenide, copper indium gallium (di)selenide, hexafluoroethane, poly vinyl fluoride, silicon tetrachloride. Decomposing or broken panels release this into the environment.
- The community does not have the resources to extinguish a fire at a solar facility or the planned battery storage facility. This would destroy the entire community.
- High-tension power lines, cause long term exposure to electromagnetic fields and, can cause health risk to elderly and people with sensitivities to EMF or disorders such as epilepsy.
- Solar panels radiate heat and can cause a rise in temperature of between 5 and 7 degrees increasing the risk of fire.
- Noise emitted from Inverters and transformers converting the DC to AC current that is compatible with the power grids is around 120 hertz . at about 70 db. This Humming noise can cause behavior changes in children and be a constant irritant to people living in the area as well as causing hearing loss or neurological issues. In the higher ranges this noise will be noticeable by wildlife that are more sensitive to the high frequencies than humans causing the wildlife to have behavior changes, possibly becoming confused or aggressive. Also, the solar farm infrastructure in itself makes noise. Causing a constant humming noise that local residents and animals can be subject to. This does not take into consideration the noise put out at a battery storage facility

- Radiation of heat and cause rise in local temperature 5 to 7 degrees. In a severe risk fire disaster area this could be devastation for the community.

Environmental Impact:

- Changes in migration patterns of wildlife: Placing the solar panels in fields and areas where birds normally travel will cause confusion and changes to the migration routs. As quoted in Scientific American: "Much of the problem appears to lie in the "lake effect," in which birds and their insect prey can mistake a reflective solar facility for a water body, or spot water ponds at the site, then hone in on it. Because of the power of the lake effect, the federal investigators described such solar farms as "mega-traps" in their report." When birds land on the panels they are burned and die.
- Sensitive bird species on Victor road – (Waine – Capps property) The Grasshopper Sparrow is listed as a sensitive species and Has a known nesting location's on Victor Rd Per East Cascades Bird Alliance. This area is also well known to include Wild Turkey, Mountain Quail (a species of special concern) Bald Eagle (especially sensitive to human activity), Anna's Hummingbird among other species
- Effect on well water and seep wells: installation necessitates clearing and grading causing changes to drainage of land, increase runoff and erosion. Particulate matter produced during solar facility construction and operation has potential to be a major pollutant.

Economic Impact:

- Economic impact on Maupin and Tourism: Majority of rafters and fishermen come to Maupin Via HWY 26 turning on to 216 to get there. Maupin has its history based around the Deschutes and the activities there. Fly-fishing, white-water adventures, paddle boarding on the lower Deschutes, White River falls, Shearer falls, Bear springs campground and it's an easy trip from Portland. No one wants to go on a vacation and endure driving through solar fields to get there. People will not come as there are a lot of other places in Oregon to go that are just as nice and don't have the hot ugly solar fields.
- This project will also have an economic impact on the Warm Springs reservation as there are many tourists that enjoy the drive to their resort Kah-nee-ta via the Juniper flats, Wapinitia route, sometimes stopping at the 3 Warriors Market in Shimnasho. Solar panels will destroy the scenery and economic opportunity for a small business.
- The community does not have the infrastructure to carry the electricity to the Amazon project it is sold to . The new infrastructure will have to be installed by our utility companies and the average electricity consumer will pay the expense in the increased rates.
- The profit produced off this project will ultimately go to Brightnight which is a company out of India.

- Solar panels will be shipped to the US from China and many will have been made with slave labor.
-

Cultural Impact:

- Of most importance is the cultural impact this project will have. The area where the battery storage facility is slated to be placed is of high cultural importance because of the artifacts found there belonging to the local tribes. Our society can not afford to destroy this important area. The entire project is to be built on Ceded land and should be protected from the corporate destruction and greed by the treaty of 1855.

These are just but a few of my concerns regarding this project. Please hep us stop the destruction of our beautiful area.

Camille Gallegly

Respectfully yours,
Camille Gallegly
PO Box 441
Tygh Valley, OR 970558
971-219-3317

Attachment 5:
Tribal Government Written Comments

Outlook

RE: Tribal Review Request for the Deschutes Solar and BESS Facility Notice of Intent

From Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>
Date Thu 5/8/2025 2:05 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Good afternoon,
The CTUIR will defer to the Confederated Tribes of the Warm Springs Reservation of Oregon.

CTUIR Logo CTUIR Logo (Vertical Bar)

Teara Farrow Ferman
Cultural Resources Protection Program Manager
Department of Natural Resources
Assistant General Manager, Átaw Consulting, LLC
Confederated Tribes of the Umatilla Indian Reservation

CTUIR Logo (Horizontal Bar)

541-429-7230
46411 Timíne Way, Pendleton, Oregon, 97801
TearaFarrowFerman@ctuir.org

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Wednesday, February 5, 2025 2:13 PM
To: Eric Quaempts <EricQuaempts@ctuir.org>; Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>; Audie Huber <AudieHuber@ctuir.org>; Gary Burke <GaryBurke@ctuir.org>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; CORNETT Todd * ODOE <Todd.CORNETT@energy.oregon.gov>; Rowe Patrick G <Patrick.G.Rowe@doj.oregon.gov>
Subject: Tribal Review Request for the Deschutes Solar and BESS Facility Notice of Intent

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good Afternoon,

On January 17, 2025, the Department received a Notice of Intent to File and Application for a Site Certificate (NOI) from the Energy Facility Siting Council (EFSC) for the proposed "Deschutes Solar and Battery Energy Storage System (BESS) Facility" to be located entirely within Wasco County.

Facility Webpage and the NOI are available below:

State of Oregon: Facilities - Deschutes Solar and Battery Energy Storage System Facility

The attached letter requests your tribe's review and comments on the NOI and proposed facility.

We are requesting tribal comments by March 7, 2025.

Please let me know if you would like to schedule a meeting or a call, or if you need more information to conduct your review, or time to submit comments.

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

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The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

Attachment 6: Example Templates

Draft Templates – Examples for pASC/ASC:

- Facility Components Table
- Facility Decommissioning Spreadsheet
- Habitat Mitigation Plan Template
- Dust Control Plan Template
- Construction Vegetation and Solar Management Plan Template
- Operational Revegetation, Vegetation Management, Soil Reclamation and Noxious Weed Plan Template
- Construction Wildfire Mitigation Plan Template
- Operations Wildfire Mitigation Plan Template
- Landowner Letter Template – Wildifre Mitigation Plan

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

Commented [KT1]: Remember that this table should be modified based on what is being proposed. Not all items in this table will apply to each facility and this table should be modified based on what is being proposed by an applicant/certificate holder.

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:		

Commented [KT1]: Remember that this table should be modified based on what is being proposed. Not all items in this table will apply to each facility and this table should be modified based on what is being proposed by an applicant/certificate holder.

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 micrositing area are not considered permanent.		

Commented [KT1]: Remember that this table should be modified based on what is being proposed. Not all items in this table will apply to each facility and this table should be modified based on what is being proposed by an applicant/certificate holder.

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
			Subtotal	***0.00***
1.2 Project Site Support				
1.2.1 Site Facilities		Month		0.00
1.2.2 Field Management		Month		0.00
			Subtotal	***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
			Subtotal	***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
			Subtotal	***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
			Subtotal	***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
			Subtotal	***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
			Subtotal	***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 Decommisioning Cost				***0.00***
Contractor Markups				
Home Office, Project Management			0.05	0.00
Contractor OH & Fee			0.15	0.00
			Subtotal	***0.00***
Total Decommisioning 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.

Habitat Mitigation Plan

Draft Template

December 2024

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1.0 Introduction

Commented [AW1]: Application Phase
Habitat categorization, high level characterization
Mitigation ratios finalized
Site visit with ODFW and ODOE
Landowner letter or lease option agreement. **Sample durability agreement**

2.0 Description of the Impacts Addressed by the HMP

Table 1. Potential Impacts by Habitat Category, Type and Subtype

Commented [SE2]: Is this necessary/something we feel like we need to support?

Final Habitat Category	Preliminary Habitat Category	Habitat Type	Habitat Subtype	Permanent	Temporary

Year	Activity

3.0 Methods for Calculating the Size of the Mitigation Area

Before beginning construction of each phase of the Facility, the Applicant will provide ODOE with a map showing the final design configuration for that phase of the Facility and a table showing the estimated acres of permanent and temporary impacts by habitat category (Table 1). The habitat mitigation area ~~was~~ shall be determined based on the Facility design and ~~actual~~ estimated habitat impacts ~~(i.e., Category 2 vs. Category 6 habitat)~~. ~~Before beginning construction of each phase of the Facility, the Applicant will provide ODOE with a map showing the final design configuration for that phase of the Facility and a table showing the estimated acres of permanent and temporary impacts by habitat category (Table 1).~~ The Applicant will determine the final mitigation ratio in consultation with ODFW prior to construction. No mitigation will be implemented for impacts on Category 6 habitat (Table 3).

Because the Facility will be constructed in phases, it is assumed that compensatory mitigation will be based on the new impacts of each phase, and there would be no double counting of impacts associated with shared facilities with prior phases (e.g., shared transmission line or substation).

Commented [SE4]: Don't agree with deferring the mitigation ratio to precon; this should be ironed out during permitting

Commented [SE5]: Any clarification for Cat 6 - active ag?

Commented [SE6]: Discuss

Table 3. Compensatory Mitigation Ratios

Final Habitat Category	Current Habitat Category[2]	Mitigation Ratio Permanent[3]	Mitigation Ratio Temporary[4]

Final Habitat Category	Current Habitat Category[2]	Mitigation Ratio Permanent[3]	Mitigation Ratio Temporary[4]
1. Current habitat condition and category as mapped by the Applicant prior to construction. 2. Permanent impact areas based on final design and includes the Facility's footprint. No mitigation offered for Category 6 habitat.			

4.0 Mitigation Options

Commented [SE7]: Why are we specifying "adjacent to the facility"?

4.1 Option 1: Permittee Responsible Mitigation

Under this option, the Applicant would establish a conservation easement to fulfill the mitigation option. If Option 1 is pursued, the Applicant will continue to work with ODFW to identify opportunities to protect and enhance habitats in this area, and to define the appropriate monitoring of mitigation parcels. Prior to construction, the Applicant will provide an updated desktop analysis to confirm the habitat subtype within the mitigation parcel(s).

Table 4. Land Cover Types within the Mitigation Area

Habitat Category	Habitat Type	Acres	Percent of Mitigation Area

4.1.1 Habitat Enhancement Actions

The Applicant or a third party will address habitat enhancement as described in this section. Through implementation of habitat enhancement actions within the mitigation area, the Applicant can address the permanent and temporary habitat impacts of the Facility and meet the ODFW goals set forth in the Fish and Wildlife Habitat Mitigation Policy. The Applicant may choose one or more of the following enhancement actions based on the biological objectives of the habitat mitigation area. Final habitat enhancement actions will be based on field data and developed in coordination with ODFW and ODOE prior to construction, to improve habitat conditions, as appropriate and feasible:

1. Shrub Planting. The Applicant would plant native shrubs in locations within the habitat mitigation area. The Applicant would determine the size of shrub planting areas based on the professional judgment of a qualified biologist after a field survey. The size of shrub planting areas will depend on the size of the available habitat mitigation area and opportunity for survival of planted shrubs. The shrub survival rate at 4 years after planting is an indicator of successful enhancement of habitat quality to Category 2. The Applicant would complete the initial shrub planting within 1 year after beginning construction of the Facility. The Applicant would obtain shrubs from a qualified nursery and would identify the area to be planted after consultation with ODFW, subject to final approval by ODOE. The Applicant would mark planted shrub clusters at the time of planting for later monitoring purposes and would keep a record of the number of shrubs planted.
2. Seeding. The Applicant would plant an ODFW-approved seed mix within the habitat mitigation area in areas where the plant community would benefit from overseeding, or areas that have been recently disturbed (e.g., recent wildlife or weed treatment). The method for seed application would be determined primarily based on the size of the area to be seeded. The size of the seeded area will depend on the amount of recently disturbed area within the mitigation area. The Applicant would complete the initial seeding within 1 year after the beginning of construction of the Facility, or a particular phase of the Facility. The Applicant would record and mark the seeded areas at the time of seeding for later monitoring purposes.
3. Weed Control. The Applicant would implement a weed control program. Under the weed control program, the Applicant would monitor the habitat mitigation area to locate weed infestations and identify treatment areas. The Applicant would continue weed control monitoring, as needed, for the life of the Facility. As needed, the Applicant would use appropriate methods to control weeds subject to approval by ODOE, ODA, ODFW, and the county weed department. The Applicant may consider weeds to be successfully controlled when weed clusters have been eradicated or reduced to a non-competing level. Weeds may be controlled with herbicides, hand-pulling, or other method subject to agency approval. The Applicant would notify the landowner and ODOE of the specific chemicals to be used on

the site and when spraying will occur. To protect locations where young desirable forbs may be growing, spot-spraying may be used instead of total area spraying.

4. Fire Control. The Applicant would implement fire control measures for wildfire minimization when Facility staff are working within the habitat mitigation area. The Applicant will employ appropriate fire prevention measures and methods to detect fires that may occur and a protocol for fire response if a fire were to occur when Facility staff were present. If any part of the habitat mitigation area is damaged by future wildfire, the Applicant would assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.
5. Wildlife Guzzlers. The Applicant will install wildlife guzzlers to provide water for wildlife in areas of the habitat mitigation area where water resources are scarce.
6. Fence Maintenance and Removal. Fencing will be repaired or improved along the eastern boundary with private landowners to prevent encroachment by grazing cattle. The Applicant will remove unused boundary and internal fencing to promote big game movement through the habitat mitigation area. All unused fencing will be removed from the property and disposed of appropriately.
7. Riparian Planting. The Applicant would plant appropriate riparian species along streams to enhance these riparian areas, if present, for the benefit of fish and big game. Riparian plantings will improve access to nutritious woody vegetation for wintering deer, which is essential to over-winter survival during severe winters when annual grasses and native bunchgrasses are covered in snow. Riparian plantings will improve shading of streams, which will improve temperature conditions for fish at the location of plantings, as well as downstream. Riparian plantings will also provide cover for big game and help stabilize soil.
8. Fence Building. The Applicant would build fencing around the riparian plantings to reduce grazing pressure and allow riparian vegetation to grow. Fencing would be designed to exclude cattle but not deer. Woody vegetation is used by deer for foraging in the winter and provides cover for insulation and hiding.
9. Juniper Removal. Where appropriate, the Applicant would remove encroaching juniper to increase the amount of sunlight, moisture, and nutrients available for shrubs and forbs used by mule deer.
10. Habitat Protection. The Applicant would restrict uses of the mitigation area that are inconsistent with the goals of the Fish and Wildlife Habitat Mitigation Policy.

4.2 Option 2: Third-Party Payment-to-Provide

Under this option, the Certificate holder would partner with a qualified land conservation entity in land acquisition for the purpose of habitat protection and restoration.

The Certificate holder would meet its mitigation obligation by providing a one-time payment to the third-party mitigation provider prior to commercial operation of the Facility, or phase of the

Facility. The payment would take into consideration the cost of property acquisition for the mitigation area (i.e., Land Costs), habitat improvement actions (i.e., Restoration Action Costs or Habitat Enhancement Actions), maintenance and monitoring for long-term protection and management of the site (i.e., Stewardship Costs). The following formula would be used to determine the total mitigation payment:

Mitigation cost per acre = M * (R + L + V + S)

Where:

- *M* = Mitigation ratio as defined in Section 3
- *R* = Restoration costs per acre + contract administration costs to implement restoration
- *L* = Restoration maintenance costs per acre
- *V* = Land value per acre. Land costs of the mitigation site based on the appraised land value, actual costs, or a value determined by the third-party mitigation provider
- *S* = Stewardship endowment costs per acre, determined by the third-party mitigation provider

Because the equation above assumes a proportional payment to the acquisition and maintenance of the third-party's mitigation site, no specific habitat assessment of the mitigation site will be provided.

Prior to the construction, the Certificate holder would provide ODOE with a Memorandum of Understanding (MOU) between the Certificate holder and the third party mitigation provider that that documents the transaction, confirms the applicability of the above mitigation equation, and includes a copy of the mitigation site's management plan. The management plan will be prepared by the third-party and would describes the long-term management goals and monitoring program for the mitigation site. The Certificate holder will request that the management plan acknowledge that the monitoring reports be available for ODOE review; and will provide copies of the monitoring reports in its annual report to the Department.

If Option 2 is selected, the certificate holder shall provide a habitat assessment and copy of the executed MOU with the land management entity demonstrating acquisition of lands to satisfy ODFW's habitat mitigation goals, confirms applicability of mitigation equation as presented in this HMP, and includes a copy of the management plan with enhancement actions, for which the third-party land management entity agrees to adhere. The certificate holder shall ensure that the MOU includes provisions limiting the ability of the land management entity to provide compensatory mitigation for more area than is available within the managed area based on the mitigation obligation for individual projects.

The certificate holder shall also provide a parent company guarantee, or equivalent financial security agreement, to the Department including terms and conditions which could result in new compensatory mitigation in the event reports from the third-party land management entity demonstrate long-term failure (i.e. documented trends not achieving success with plan's

success criteria) of the mitigation area, or other mitigation actions such as different enhancement actions at the mitigation area.

4.3 Option 3: Fee-in-Lieu

The Certificate holder understands that ODFW is considering a fee-in-lieu program that could be used to mitigate habitat impacts related to energy facilities. However, at this time, this program is not yet available. Should such a program become available in the future, the Applicate could use a payment-to-provide mitigation option with the approval of ODOE and ODFW.

5.0 Monitoring

Commented [AW8]: At the draft HMP phase we will not have identified enhancement actions to determine monitoring protocol. However, we want to develop a standard set of monitoring protocols that would be used for the various enhancement actions. This will help eliminate the poor quality data we've seen on other projects that makes it difficult to determine if success criteria are met. These would be incorporated into the final HMP.

For Option 3 (Conservation Easement), the Applicant will hire a qualified investigator (botanist, wildlife biologist, or revegetation specialist) to conduct a comprehensive monitoring program for the mitigation area, as appropriate. The purpose of this monitoring is to evaluate on an ongoing basis the protection of the habitat quality and the results of enhancement actions, especially during the winter and wildlife breeding seasons.

The investigator will monitor the habitat mitigation area for the life of the Facility beginning in the year following the initial planting. Monitoring will occur annually during the first 10 years following initial planting, then will occur every other year thereafter. The Applicant will develop a monitoring protocol in coordination with ODFW and ODOE depending on the enhancement actions selected. The monitoring duration will be developed in consultation with ODOE and ODFW and could include an assessment of the following:

- Quantification of habitat types and ODFW habitat categories present at the habitat mitigation area;
- Description of the amount and quality of vegetation at the habitat mitigation area;
- Description of the year-to-date climate data;
- Success of weed control measures through monitoring of infestation extents and recommend remedial action, if needed;
- Success of shrub plantings quantitatively through belt monitoring transects as well as qualitatively through an overall assessment of the treated area;
- Percent survival of riparian plantings;
- Documentation of fence removal;
- Wildlife observed and notes on special status species (wildlife and plants) encountered onsite during routine monitoring;
- Observations of wintering mule deer will be recorded as observed from a distance (so disturbance is kept at a minimum); and
- Record any wildfire that occurs within the habitat mitigation area and any remedial actions taken to restore habitat quality in the damaged area, if applicable.

6.0 Success Criteria

Commented [SE9]: I think we want to get away from using the phrase temporal since we are now talking about all temporary impacts (for solar)

Mitigation of the permanent and temporal habitat impacts of the Facility may be considered successful if the Applicant protects and enhances sufficient habitat to meet the ODFW goals for habitat impacts, or provides commensurate funding for a third party to perform enhancement and

monitoring. The Applicant must ensure protection of the required quantity and quality of habitat within the habitat mitigation area for the life of the Facility, including providing commensurate funding for ODFW or a third party to do so.

The Applicant must protect a sufficient quantity of habitat to meet habitat mitigation area requirements based on the final design configuration of the Facility. The Applicant will determine the actual habitat mitigation area requirements for each phase of the Facility, subject to ODFW review and ODOE approval, before beginning construction. The Applicant, ODFW, or a third party may demonstrate improvement of habitat quality based on habitat categorization surveys and evidence of indicators such as survival of planted shrubs, natural recruitment of sagebrush, and successful weed control. If the Applicant cannot demonstrate that the habitat mitigation area is trending toward habitat quality goals described above within five years after initial enhancement actions, then the Applicant would propose remedial action. ODOE may require supplemental planting or other corrective measures.

7.0 Amendment of the HMP

This HMP may be amended from time to time if deemed necessary by ODOE, on behalf of the Oregon Energy Facility Siting Council (EFSC), for the facility to maintain compliance with the standard. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this HMP. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this HMP agreed to by ODOE.

Figure

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Fugitive Dust Control Plan
Draft Template

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Attachment 1: Fugitive Dust Sources and Reasonable Available Control Measures

Introduction

This Fugitive Dust Control Plan is an owner-imposed Plan that is expected to be implemented, maintained, and adaptively managed by the Certificate Holder's Environmental Inspector and selected contractor throughout all phases of construction to minimize incidence of fugitive dust pollution as a result of construction activities. The performance criteria and suggested measures identified in this Plan are minimums, and the Environmental Inspector is expected to identify and implement additional measures as needed. This Plan was developed to comply with OAR 345-022-0022. and OAR 340-208-0210.

Roles and Responsibilities

Commented [SE1]: This needs work..

Commented [AW2R1]: Revised

The Certificate Holder will designate an Environmental Inspector who will be responsible for implementation of the Plan.

The Environmental Inspector will:

- Have an active CESCL (Certified Erosion and Sediment Control) certification.
- Retain a copy of the Dust Control Plan at the facility site at all times during construction and operation.
- Develop and maintain maps of water truck routes and water supply locations within and surrounding the project. Such documents should be available to inspectors and other agencies, upon request.
- Implement the Plan and ensure that all employees, workers, and subcontractors know their responsibilities regarding dust control.
- Monitor construction activity to ensure compliance with the Plan.
- Identify when reasonably available and best available control measures are not adequate.
- Direct water trucks, direct civil activities, and direct road maintenance.

Monitoring

The Environmental Inspector will be responsible for ensuring that the measures in this Plan are implemented, monitored, and adaptively managed, and that any exceedances are immediately reported to the Certificate Holder for corrective action.

The visual monitoring required by the 1200-C permit must occur at least once every 14 calendar days. However, because OAR 340-208-0210 restricts visible fugitive emissions on a continuous standard to a maximum of **18 seconds in any 6-minute period**, and because fugitive dust emissions may provide an immediate public safety concern, this Plan requires that fugitive dust be monitored and controlled on an ongoing basis.

Monitoring for fugitive dust emissions shall include:

- Use of EPA Method 22 (ODEQ 2019) as specified in OAR 340-208-0210, at least once per day during the summer.

- The observation shall be performed during times of peak construction activity at the downwind property boundary.
- Recording of observations in a fugitive dust inspection log that is kept on site and shall be available digitally to the Certificate Holder and ODOE. This log shall include all information required in EPA Method 22. Photos and/or video taken during the observation period to document conditions shall be available digitally to ODOE upon request.
- Establishment of a Dust Control Hotline.

Triggers for additional, more frequent monitoring will include:

- Observation of visible fugitive dust emissions by the contractor, agency, or Certificate Holder staff.
- Wind speeds or gusts greater than 15 miles per hour.
- Receipt of complaints or concerns through the Project Dust Control Hotline or other means.

Reporting

A dust inspection log shall be completed after each dust inspection. Log records shall be made available digitally to ODOE upon request and included in construction monitoring reports. Any documented exceedance events shall include a detailed explanation of Reasonable Available Control Measures (RACMs) implemented for corrective action and the results of subsequent monitoring demonstrating fugitive dust has returned to below exceedance thresholds.

Training and Qualifications

EPA Method 22 (ODEQ 2019) does not require a specific certification, but it is necessary that the person responsible for observations completed for this method be knowledgeable with respect to the general procedures for determining the presence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training is to be obtained from written materials found in the references cited in Method 22 or from the lecture portion of the EPA Method 9 certification course. The Environmental Inspector shall document in the inspection log how the person responsible for observations meets this requirement.

Construction workers will attend a Worker Environmental Awareness Program training prior to conducting construction activities. This training will include a summary of fugitive dust control measures included in this Plan and the responsibilities of personnel working on the Facility related to fugitive dust control.

Implementation of Fugitive Dust Prevention and Management

As shown in the flow chart in Figure 1, if fugitive dust emissions in excess of the ODEQ criteria of **18 seconds in a 6-minute period** occur, the Environmental Inspector shall:

- Implement adaptive management actions, including altering work operations, implementing supplemental RACMs, and/or pausing work until the fugitive dust emissions are controlled.
- Document that fugitive dust emissions have been controlled, including monitoring with EPA Method 22 and RACMs implemented.
- In addition to any reporting requirements required in the 1200-C permit, report noncompliance incidents and adaptive management actions taken to ODOE by the Certificate Holder within 24 hours of occurrence.

The Certificate Holder's contractor shall maintain and implement dust control during all phases of construction at the direction of the Environmental Inspector. The Certificate Holder is responsible for ensuring their contractor complies with dust control requirements. Table 1 provides suggested RACMs for anticipated fugitive dust sources based on industry-standard BMPs and reasonable precautions specified in the Oregon 1200-C permit, ODEQ's Construction Stormwater Best Management Practices Manual (ODEQ 2021), and OAR 340-208-0210. Supplemental RACMs are identified in the table in case initial RACMs are not effective in controlling fugitive dust or are not feasible to implement.

The Environmental Inspector shall identify and implement additional RACMs as needed to control fugitive dust emissions. Additionally, the Environmental Inspector may propose alternative approaches and RACMs for controlling fugitive dust. This proposal shall be made in writing and is subject to the approval of the Certificate Holder.

Commented [CC3]: I may be missing it, but I don't see a requirement for documentation of RACMs that are/will be included at the site. If we want that we may want to add to the roles and responsibilities section above?

Commented [AW4R3]: Revised to include RACM reporting

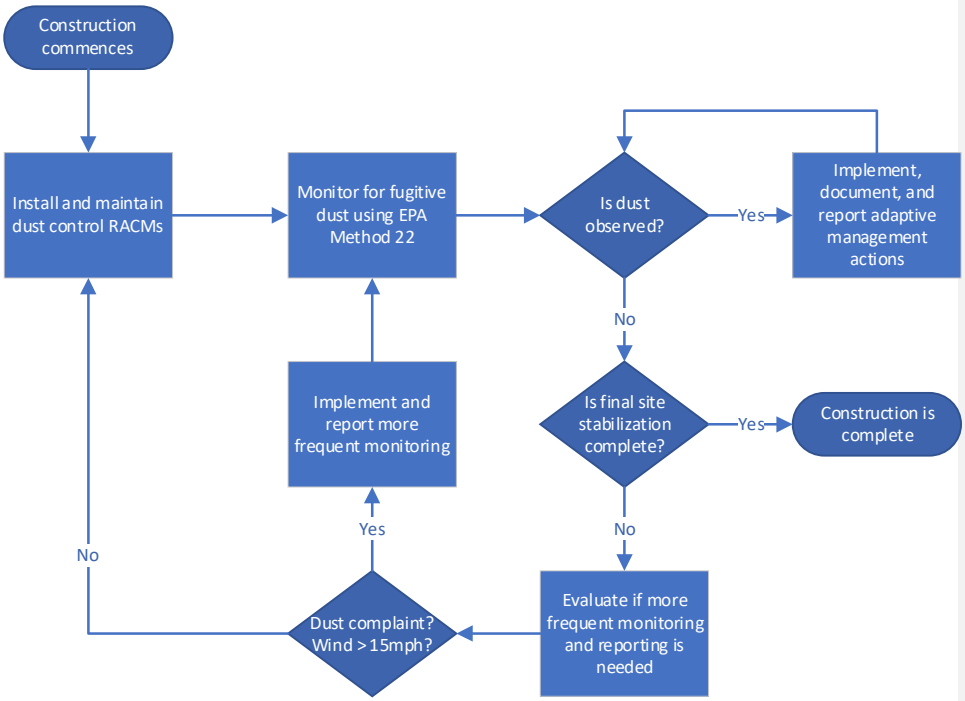


Figure 1. Dust Control Plan Flow Chart

References

ODEQ (Oregon Department of Environmental Quality). 2019. OAR 340-208-0210 EPA Method 22. Available online at: https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=256141

ODEQ. 2021. Construction Stormwater Best Management Practices Manual. Available online at: https://www.oregon.gov/deq/wq/Documents/wqpBMPManual.pdf

Attachment 1: Fugitive Dust Sources and Reasonable Available Control Measures

Table 1. Fugitive Dust Sources and Reasonable Available Control Measures

Construction Phase	RACM(s)	Supplemental RACM(s)
All Phases of Construction	Daily fugitive dust monitoring and record keeping.	Increase frequency of monitoring.
	Prominent display of Dust Control Hotline signs, providing direct access to the Environmental Inspector.	If established, proactive engagement with Community Action Council.
	Worker Environmental Awareness Program training for all construction employees.	Additional trainings and refreshers for employees.
	Maintain stockpile of BMPs on site, including sufficient palliatives for a single treatment of all site access roads and sufficient palliatives, mulch, and/or hydromulch for a minimum of 25 percent of the total disturbed area, and machinery for application.	Increase stockpile of palliatives, mulch, and/or hydromulch and add additional BMPs.
	Documentation and reporting of adaptive management actions.	Development and submittal of revised Fugitive Dust Control Plan.
Site Access	Install and maintain stabilized construction entrances at ingress/egress locations and restrict traffic to these locations.	Add additional construction entrance BMPs (e.g., wheel wash).
	Daily sweeping up of sediment from paved surfaces utilizing vacuum sweeper with HEPA filtration.	Increase sweeper frequency.
	Access roads shall be graveled.	Road maintenance and reapplication of gravel.
	Access roads will be stabilized with water or palliative sufficient to eliminate visible and sustained dust from vehicular travel and wind erosion. Reapply stabilization as necessary to maintain dust-free condition.	If water is unavailable or ineffective, or if water use is limited by any agency or regulation, access roads will be stabilized with longer-lasting palliatives.
	Restrict construction traffic to established and stabilized access routes.	Install fencing or barricades to prevent traffic outside of established routes.
	Limit traffic speeds to 15 miles per hour on stabilized unpaved roads within the site as long as such speeds do not create significant visible dust	Limit traffic speeds within the site to 5 or 10 miles per hour.

Commented [SE5]: Which of these, if any, goes beyond the requirements of the 1200-C?

Commented [AW6R5]: DEQ seems to agree with these RACMS so we're being consistent with what they would require

Construction Phase	RACM(s)	Supplemental RACM(s)
	emissions. Traffic speed signs shall be displayed prominently at all site entrances and exits.	
	Minimize disturbance areas and soil exposure to the maximum extent feasible.	Limit work to a portion of the disturbed area until all disturbed areas receive temporary or final stabilization.
	When wind speeds or gusts exceed 15 miles per hour, minimize new disturbances to the extent possible and/or mobilize additional water trucks or palliatives to minimize fugitive dust from exposed surfaces.	Stop all ground disturbing activities and apply additional dust control measures until measures are effective or wind speeds slow and fugitive emissions stop.
	Separate and cover or otherwise stabilize topsoil to preserve it until it is replaced during revegetation.	Increase maintenance frequency for topsoil cover/stabilization. Combine methods, such as mulch plus tackifier.
	Stabilize exposed soils within the timeframes established in the 1200-C permit. Stabilize exposed soils in stages based on site conditions and weather.	Stabilize exposed soils more frequently, even if additional work is anticipated within the timeframe established in the 1200-C permit. Reapply stabilization measures following any additional disturbances.
	Temporarily stabilize exposed surfaces to prohibit significant and sustained visible fugitive dust from wind erosion. Utilize BMPs such as mulch, hydromulch with or without seeds, tackifier, spreading stone or gravel, and trackwalking.	Combine stabilization methods, such as mulch plus tackifier, or trackwalking plus hydromulch. Increase frequency of maintenance of stabilization.
	Seed exposed surfaces during the appropriate season with approved temporary or permanent seed mixes.	Reapply seed to newly disturbed areas or areas with poor germination. Use temporary seeding even if additional work is anticipated before final stabilization. Use irrigation to enhance seeding success.
Removing and Hauling Sand, Soil, or other Loose Materials	Gate seals should be tight on dump trucks. Soil load shall be kept below 6 inches of the freeboard of the truck. Drop heights shall be minimized when loaders dump soil into trucks. Gate seals will be checked and tight on	Cover haul trucks with a tarp or other suitable cover.

Commented [SE7]: And? Preserve and re-place? Or can they move it and use it wherever they want?

Commented [AW8R7]: Revised

Construction Phase	RACM(s)	Supplemental RACM(s)
	dump trucks. All trucks on highways must be fully covered and secured.	

Draft Construction Vegetation and Soil Management 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 reseeding mixtures, herbicides and weed removal/management methods, soil reclamation activities, and site planning to reduce erosion, impacts to soils. Measures in this Plan should be consistent with the Wildfire Mitigation Plans, 1200-C and any Land Use Mitigation Plans.
- Once applicant or certificate holder have filled out the template, coordinate with County Weed Department's and ODA, as appropriate, to determine BMPs.
- Delete this prior to sending to applicant/certificate holder.

Instructions for Applicants and Certificate Holders:

- **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 Soil Protection, Land Use, Fish and Wildlife or other applicable Council standard. Use of the template does not establish a defense for any enforcement action for violation of a site certificate, Council order or rule.
- Areas in yellow highlight to be updated based on the applicant/certificate holder proposal and should be filled out to the extent known at the time of review of the ASC/RFA. This information will 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

Copy conditions in

XXX

1.0 Finalizing Vegetation and Soil Management Plan Prior to Construction (PRE)

1.1 Update Applicable Sections of Plan

To finalize this Vegetation and Soil Management Plan prior to construction of the facility:

Update Section 2.3 (or attachments to the Plan) with Baseline data for Vegetation, Soils, Weeds, and Soil Conditions.

Update Section 3.1 (or attachments to the Plan) with facility construction phasing and resource location figure(s).

Update Section 3.4.2 with weed lists, weed management and treatment standards (timing, method, and application rates for each identified weed species of concern).

Update Section 3.5.2 with facility seed mixes, weed free straw, fertilizers and their sources and proposed location for use.

2.0 Prior to Construction Task List (PRE)

Prior to construction submit to the Department:

1. Environmental Inspector(s) or Contractors resume or qualifications and proposed on site schedule must be provided to the Department to demonstrate compliance. Section 2.1

2. Training attendee list and training materials must be provided to the Department to demonstrate compliance. Section 2.2

3. Provide evidence that existing noxious weed infestations have been identified and treated in a manner consistent with this Plan (Section 3.4.2.1). Section 2.4

4. Evidence, contact information and procedures for use of a Dust Control Hotline. Dust Control Hotline information must be publicly visible from public roads around the facility.

2.1 Environmental Inspector(s)/Contractor Qualifications

The certificate holder is responsible for ensuring that it and all contractors perform work in accordance with applicable permit requirements and all agreed upon methods designated in this Plan.

Minimum qualifications for Construction Environmental Inspector(s) include:

- Have an active CESCL (Certified Erosion and Sediment Control) certification.
- Experience implementing the measures in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit.
- Experience and knowledge of EPA Method 22 (ODEQ 2019) with respect to the general procedures for determining the presence of visible emissions.
- Experience in native plant, non-native and invasive plants, and noxious weed identification and management.
- Experience in native plant, non-native and invasive plants, and noxious weed identification;
- Experience in noxious weed mapping;
- If chemical control is used, specialists must possess a Commercial or Public Pesticide Applicator License from the ODA or possess an Immediately Supervised Pesticide Trainee License and be supervised by a licensed applicator;
- Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds; and
- Experience in coordination with agency and private landowners.
- Experience with construction-related restoration including timing, methods, and management.

☐ Compliance Deliverable: Environmental Inspector(s) or Contractors resume or qualifications and proposed on site schedule must be provided to the Department to demonstrate compliance.

2.2 Environmental Training (PRE)

Prior to construction, certificate holder will hold an on-site environmental training with contractors and construction personnel, environmental inspector(s), inviting specialty contractors, ODA, ODFW, the County, participating and adjacent landowners, ODOE, and any other potentially impacted or interested parties. The environmental training may be combined with other on-site training as long as the training, includes (but is not limited to):

- Weeds:
    - Education and identification of ODA and County weed species of concern;
    - Known locations of noxious weed infestations and plans for weed treatments prior to construction;
    - Best management practices (BMPs) discussed in Section XX of this Plan include when and where to wash construction equipment, limiting vehicle access in areas with weeds, and flagging, pulling and treating noxious weeds discovered during construction.
- Soil Protection and Fugitive Dust:
    - Fugitive Dust Sources
    - Fugitive dust Reasonable Available Control Measures described in Section XX of this Plan;
    - Erosion control and site stabilization measures in the NPDES 1200-C permit;
    - Topsoil management including XXXXX from Section XX of this Plan;
- Vegetation Management:
    - Vegetation and construction activities will be managed in accordance with an applicable Wildfire Mitigation Plan and in a manner that reduces wildfire risk as a result of construction of the facility (restricted vegetation height, restricted vehicle access in vegetated areas)
    - Vegetation removal and management for site preparation and construction will be designated in this plan and provided at training(s)

☐ Compliance Deliverable: Training attendee list and training materials must be provided to the Department to demonstrate compliance.

2.3 Baseline Pre-Construction Site Conditions and Methodology (PRE)

The final Vegetation and Soil Management Plan will include figures and survey data showing the locations for baseline measurements for soils and weeds.

Baseline measurements for soil conditions and weeds will be conducted prior to construction activities and will be used to monitor successful soil restoration (supported by revegetation) and weed management – these are addressed in the Operational Vegetation and Soil Management Plan.

The location of baseline measurement plots will be based on site specific factors such as soil type, erodibility, topography, and based on the anticipated location of facility components (solar array, graveled areas, transmission line corridors, etc.). Baseline measurement plots will be made:

- Within the solar array fence line (includes roads, solar array, O&M area, and fenclines, etc.) approximately one plot per 400 acres (25 sample plots for a 10,000 facility);
- Along transmission line corridor, approximately two plots per one mile, depending on differing or same site conditions along the corridor.

2.3.1 Baseline Vegetation

Baseline vegetation is not intended to create success criteria for habitat, but to inform seed mixtures and the types of vegetation that successfully grow in the area.

Seed mixtures that support low growing, noninvasive and fire resistant species appropriate for the site are XX, XX, and XX., and are discussed further in Section XX.

Background Site Information:

Fill in information from ASC/RFA, County, and/or ODFW, and Department review. Focus on lower growing vegetation/ground cover and not on larger shrub and tree species, since those types of vegetation will be removed from within the fence line.

Example:

The site is characterized as eastside grasslands and shrub-steppe. Non-native grasses including cheatgrass (Bromus tectorum), and medusahead (Taeniatherum caput-medusae), as well as the native perennial bunchgrass bluebunch wheatgrass (Pseudoroegneria spicata) were the dominant species both in eastside grasslands as well as the understory of shrub-steppe vegetation. Minimal bare ground. See Table XX for weed species observed.

Include attachment Exhibit P, Botanical Survey Report Attachment XX, Vascular Plants Observed During Field Surveys and Site Photographs.

2.3.2 Baseline Weed Conditions

2.3.2.1 ODA and County Weeds

Oregon State Weed Board (OSWB) and the Oregon Department of Agriculture (ODA) classify noxious weeds in Oregon in accordance with the ODA Noxious Weed Classification System. There are three designations under the State's system:

- **Class A State Listed Noxious Weed:** A weed of known economic importance which occurs in the state in small enough infestations to make eradication or /containment possible; or is not known to occur in Oregon, but its presence in neighboring states makes future occurrence seem imminent.
    - **Recommended Action:** Infestations are subject to eradication or intensive control when and where found.

- **Class B State Listed Noxious Weed:** A weed of economic importance that is regionally abundant but may have limited distribution in some counties.
    - **Recommended Action:** Limited to intensive control at the state, county, or regional level as determined on a site-specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.
- **Class T Designated State Noxious Weeds:** Priority noxious weed species selected and designated by the OSWB as the focus of prevention and control actions by the Noxious Weed Control Program. T-designated noxious weeds are selected annually from either the A or B list and the ODA is directed to develop and implement a statewide management plan for these species.

Weeds are managed in XX County by the XX Weed Program Manager to enforce its ordinance, XX.

XX County has its own weed classification system that differs from the state. Per the county ordinance, XX County defines two classifications of weeds:

- **Noxious Weed:** Any plant which determined by the County Board of Commissioners to be injurious to public health, crops, livestock, land, or property.
- **Weeds of Economic Importance:** Weeds which result in economic impact and which are identified by the County Weed Advisory Board and approved by the County Board of Commissioners as appropriate targets for intensive control or eradication as feasible.

The Oregon Department of ODA lists 46 Class A species and 94 Class B species for the state (ODA 2020). XX County specifically recognizes XX species of noxious weeds and XX weeds of economic importance . Although not all of the XX County listed noxious weeds noted in Table X occur within or near the facility, the certificate holder and its contractors should be aware of the entire list while monitoring and controlling weeds.

Table 1. XX County Weed Department Weed Lists and Classifications

Scientific Name	Common Name
Noxious Weeds	
Butomus umbellatus	flowering rush
Cardaria (*Lepidium*) *draba*	whitetop (hoary cress)
Carduus acanthoides	plumeless thistle
Carduus nutans	musk thistle
Centaurea solstitialis	yellow starthistle
Centromadia (*Hemizonia*) *pungens*	common spikeweed
Chondrilla juncea	rush skeletonweed
Crupina vulgaris	common crupina
Cynoglossum officinale	houndstongue

Table 1. XX County Weed Department Weed Lists and Classifications

Scientific Name	Common Name
Euphorbia esula	leafy spurge
Iris pseudacorus	yellow flag iris
Linaria dalmatica	dalmatian toadflax
Linaria vulgaris	yellow toadflax
Lythrum salicaria	purple loosestrife
Onopordum acanthium	Scotch thistle
Salvia aethiopis	Mediterranean sage
Senecio jacobaea	tansy ragwort
Weeds of Economic Importance	
Acroptilon repens	Russian knapweed
Aegilops cylindrica	jointed goatgrass
Avena fatua	wild oats
Bassia (*Kochia*) *scoparia*	kochia
Centaurea diffusa	diffuse knapweed
Centaurea stoebe subsp. *micranthos*	spotted knapweed
Cicuta douglasii	water hemlock
Cirsium arvense	Canada thistle
Conium maculatum	poison hemlock
Convolvulus arvensis	field bindweed
Cuscuta spp.	field dodder
Euphorbia myrsinites	myrtle spurge
Hypericum perforatum	St. Johnswort
Lepidium latifolium	perennial pepperweed
Secale cereale	cereal rye
Sonchus arvensis	perennial sowthistle
Sorghum halepense	johnsongrass
Taeniatherum caput-medusae	medusahead rye
Tribulus terrestris	puncturevine
Ventenata dubia	ventenata

2.3.2.2 Weeds Identified on Site

Noxious Weeds Identified at the Site During Permitting (ASC/RFA)

The survey area for these surveys included all lands within the XX acre micrositing area and/or site boundary, with the exception of active agricultural lands, including the transmission line route(s). Surveys were conducted by XX on DATE.

Table 2: Noxious Weeds Identified During DATE Surveys at the Facility

Scientific Name	Common Name	State Status (ODA)[1]	XX County Status	Frequency/Location
Acroptilon repens	Russian knapweed	B	Weed of Economic Importance	Two observations within the northern portion of the Facility Survey Area
Aegilops cylindrica	jointed goatgrass	B	Weed of Economic Importance	Two observations within the Facility Survey Area; one in the northeast and one in the southeast
Bassia (Kochia) scoparia	kochia	B	Weed of Economic Importance	Commonly observed within the Facility Survey Area
Centaurea diffusa	diffuse knapweed	B	Weed of Economic Importance	Abundant within of the Facility Survey Area
Centaurea solstitialis	yellow starthistle	B	Noxious Weed	Commonly observed in the central-eastern and southeastern portions of the Facility Survey Area
Centromadia (*Hemizonia*) *pungens*	common spikeweed	B	Noxious Weed	One observation in the central-eastern portion of the Facility Survey Area
Chondrilla juncea	rush skeletonweed	B/T	Noxious Weed	Observed in three locations in the south-central portion of the Facility Survey Area
Convolvulus arvensis	field bindweed	B	Weed of Economic Importance	One observation within the central portion of the Facility Survey Area
Lepidium latifolium	perennial pepperweed	B/T	Weed of Economic Importance	One observation within the north-central portion of the Facility Survey Area
Onopordium acanthium	Scotch thistle	B	Noxious Weed	One observation in central-eastern portion of the Facility Survey Area

Table 2: Noxious Weeds Identified During DATE Surveys at the Facility

Scientific Name	Common Name	State Status (ODA)[1]	XX County Status	Frequency/Location
Secale cereale	cereal rye	Not listed	Weed of Economic Importance	Commonly observed in scattered locations of the Facility Survey Area; most abundant in southwestern portion of Survey Area
Sources: XX County 20XX, ODA 20XX. 1. ODA: B = A weed of economic importance that is regionally abundant, but that may have limited distribution in some counties. T = priority targets for control.				

Noxious Weeds Identified at the Site Prior to Construction Facility

The survey area for these surveys included all lands within the XX acre micrositing area and/or site boundary, with the exception of active agricultural lands, including the transmission line route(s). Surveys were conducted by XX on DATE.

Table 3: Table 1: Noxious Weeds Identified During DATE Surveys at the Facility

Scientific Name	Common Name	State Status (ODA)[1]	XX County Status	Frequency/Location
Acroptilon repens	Russian knapweed	B	Weed of Economic Importance	Two observations within the northern portion of the Facility Survey Area
Aegilops cylindrica	jointed goatgrass	B	Weed of Economic Importance	Two observations within the Facility Survey Area; one in the northeast and one in the southeast
Bassia (Kochia) scoparia	kochia	B	Weed of Economic Importance	Commonly observed within the Facility Survey Area
Centaurea diffusa	diffuse knapweed	B	Weed of Economic Importance	Abundant within of the Facility Survey Area
Centaurea solstitialis	yellow starthistle	B	Noxious Weed	Commonly observed in the central-eastern and southeastern portions of the Facility Survey Area

Table 3: Table 1: Noxious Weeds Identified During DATE Surveys at the Facility

Scientific Name	Common Name	State Status (ODA)[1]	XX County Status	Frequency/Location
Centromadia (*Hemizonia*) *pungens*	common spikeweed	B	Noxious Weed	One observation in the central-eastern portion of the Facility Survey Area
Chondrilla juncea	rush skeletonweed	B/T	Noxious Weed	Observed in three locations in the south-central portion of the Facility Survey Area
Convolvulus arvensis	field bindweed	B	Weed of Economic Importance	One observation within the central portion of the Facility Survey Area
Lepidium latifolium	perennial pepperweed	B/T	Weed of Economic Importance	One observation within the north-central portion of the Facility Survey Area
Onopordium acanthium	Scotch thistle	B	Noxious Weed	One observation in central-eastern portion of the Facility Survey Area
Secale cereale	cereal rye	Not listed	Weed of Economic Importance	Commonly observed in scattered locations of the Facility Survey Area; most abundant in southwestern portion of Survey Area

Sources: XX County 20XX, ODA 20XX.

1. ODA: B = A weed of economic importance that is regionally abundant, but that may have limited distribution in some counties. T = priority targets for control.

In addition to noxious weeds, cheatgrass, an invasive annual grass, was identified within the micrositing area/site boundary. While this species is not listed as a noxious weed by the state or county, it and other invasive annual grasses can adversely impact habitat and can increase fire risk and will be monitored and managed as described in the Operational XX Plan/Section XX.

2.3.3 Baseline Soil Conditions

Baseline soil compaction measurements will be taken prior to construction, using one or more of the following procedures:

- Soil physical observations and estimations. These tests involve describing the soils physical characteristics and include describing the soil profile and determining aggregate size. Soil pits up to 36 inches will be dug in the sampling area. Soils will then be described by their topsoil depths, Munsell Color, and aggregate size. Topsoil depth is important for water

storage and nutrient supply for plant growth. Generally, removal of the topsoil will result in loss of soil fertility, water-holding capacity, soil organic carbon content, and productivity. Soil structure is the arrangement and organization of particles in the soil. Soil structure affects the retention and transmission of water and air in the soil as well as the mechanical proper ties of the soil. This test only needs to be done once at the start of the site monitoring efforts as these characteristics will not change unless there are additional disturbances to the soil.

- Infiltration rate test. Infiltration is the process of water entering the soil. The rate at which water enters the soil is the infiltration rate, which is dependent on the soil type; soil structure, or amount of aggregation; and the soil water content (Lowery et al. 1996). This test will show the effects of compaction from construction in each site. Compacted soils will have less pore space, resulting in lower infiltration rates. Lower infiltration rates will result in more runoff (creating erosion issues) and less available water for plants.
- Nutrient test that includes organic matter content and pH. A nutrient test will show the plant available nutrients in the soil which is an indicator for plant productivity. The organic matter content measurement gives the amount of stored nutrients, including organic carbon, in the soils that can be made available to plants based on the health of the soil microorganisms. Soil pH is a measure of the acidity or alkalinity of a soil, which affects the availability of plant nutrients, activity of microorganisms, and the solubility of soil minerals. This test will show the available nutrients in the soils.
- A soil penetrometer or other appropriate method. Resistance is measured at 3-inch intervals until the meter goes above 300 psi, which is a level of soil compaction most roots cannot penetrate. For this test compaction would be measured at 3, 6, 9, and 12 inches if the soils allowed.

If any of the above criteria have changed more than 10 percent from the surrounding undisturbed soils or baseline conditions, mitigation measures such as further decompaction of the impacted soils, additional nutrients or minerals to adjust pH, or the addition of composted organic matter will be taken, as addressed in the Operational Vegetation and Soil Management Plan.

2.4 Weed Treatment Prior to Construction

Prior to construction, vegetation removal, and ground disturbing activities, weeds discovered in the baseline weed survey and within the site, will be managed using methods described in Section XX.

- Construction will be coordinated and sequenced with landowners to maintain land in current production and weed control until just prior to construction.
- In the spring, fall or winter of the year prior to when construction would occur, areas of high erosion risk (e.g., slopes, areas with low vegetative cover) should be seeded with a non-invasive, non-persistent cover crop such as triticale to demonstrate soil stabilization.
- Prior to construction, areas of noxious weed infestations will be flagged to alert construction personnel to their presence.

☐ Compliance Deliverable: Provide evidence that existing noxious weed infestations have been identified and treated in a manner consistent with this Plan.

3.0 Construction Vegetation and Soil Management Plan (CON)

3.1 Figures

A Site Plan or Figures is included in this plan as Figure(s)/Attachment(s) XX, and GIS data that is submitted to the Department, as applicable, will show and describe:

- General construction phasing (what will be constructed first, or at the same time, etc.);
- Location of equipment wash stations (weed control);
- Location of vegetation free areas, including dimensions, for hot work areas, parking lots, roads, graveled areas, etc.;
- Maps or locations of water truck routes and water supply locations within and surrounding the project.

3.2 Environmental Inspector(s)/Contractor(s)

The Environmental Inspector(s) will:

- Be on site during construction activities that involve ground disturbing, grading, weed treatments, vegetation removal, and high traffic volumes.
- Retain a copy of this Plan at the facility site at all times during construction.
- Monitor and record construction activity to ensure compliance with this Plan.
- Assist in contractor(s) for the direction of water trucks, civil activities, and road maintenance to reduce fugitive dust and erosion issues.
- Identify when reasonably available and best available control measures (RACMs) are not adequate, as designated in Section XX of this Plan.
- Maintain dust inspection and noxious weed logs and reporting designated in this Plan

3.3 Site Preparation BMPs

The following Best Management Practices (BMPs) will be implemented on an ongoing basis during site preparation and construction of the facility or phase of the facility.

- Where applicable, soils will be mechanically scarified (e.g., tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction, to maintain soil productivity, and reduce the potential for erosion on compacted soils.
- The topsoil will be stockpiled separately from the subsurface soils.
- Soil preparation will involve standard, commonly used methods, and will take into account all relevant site-specific factors, including slope, size of area, and erosion potential.

- Topsoil and other soils from noxious weed infested areas will not be moved outside of the infested areas and will be returned to its previous location after construction activities are completed.
- Areas of noxious weed infestations will be flagged to alert construction personnel to their presence.
- Soils from weed infested areas may be treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions.
- Existing vegetation root systems (e.g., crop stubble, fallow vegetation) will be left intact during construction to the maximum extent practicable.
- Vegetation maintained on site shall not exceed 10-12 inches. Mowing must be done in advance of fire season or accordance to any fire restrictions.
- 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 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.

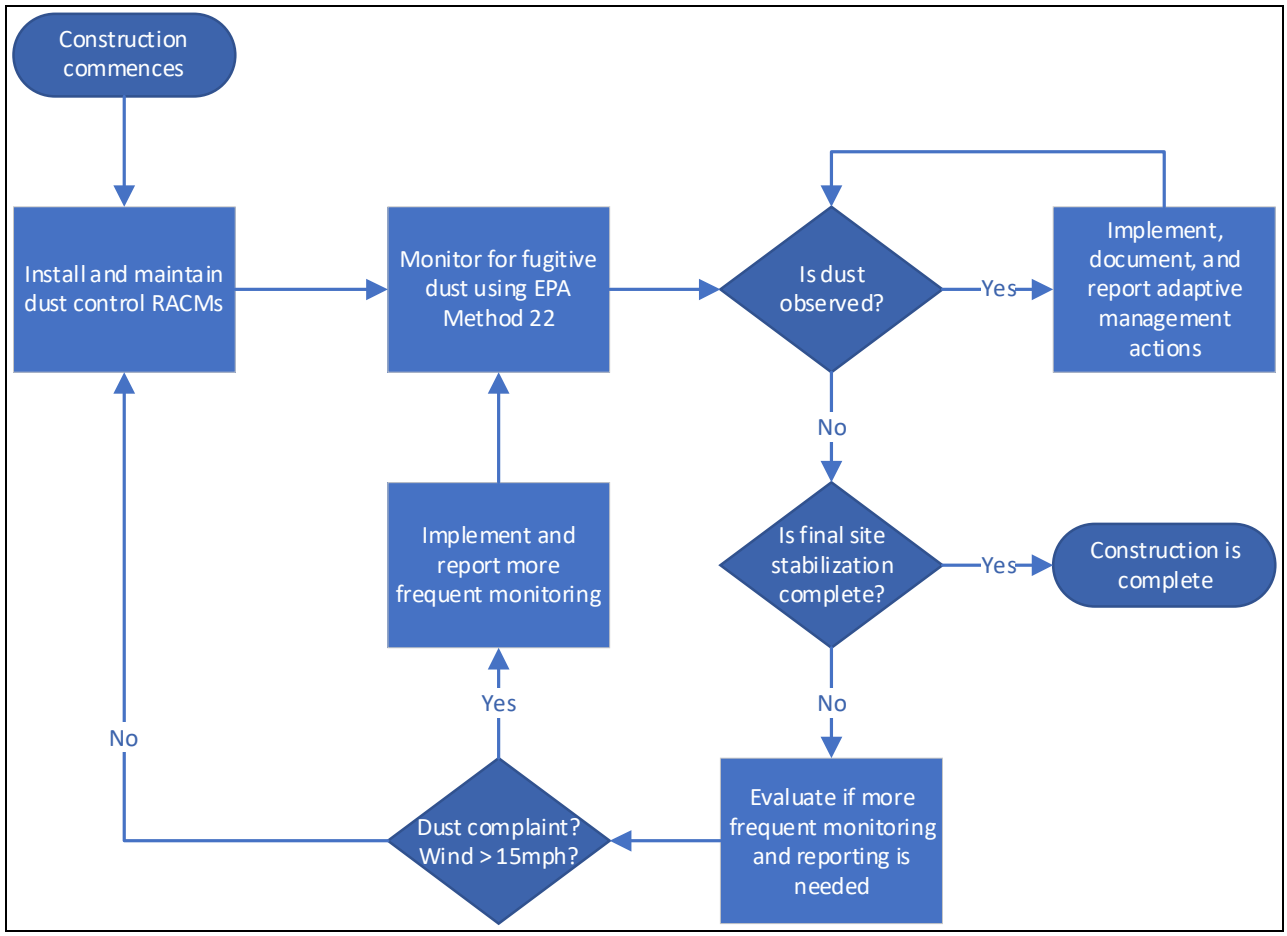
3.4 Construction Methods

3.4.1 Soils and Fugitive Dust

During construction, the certificate holder will implement the Site Preparation and Construction BMPs designated in this Plan in Section XXX and site stabilization measures, including seeding of all disturbed areas according to the NPDES 1200-C permit.

To manage fugitive dust from construction, the certificate holder and its contractors will generally follow the following Dust Control Plan Flow Chart.

Figure 1: Dust Control Plan Flow Chart



3.4.1.1 Fugitive Dust Monitoring and Reasonable Available Control Measures (RACMs*)*

The visual monitoring required by the 1200-C permit must occur at least once every 14 calendar days. However, because OAR 340-208-0210 restricts visible fugitive emissions on a continuous standard to a maximum of **18 seconds in any 6-minute period**, and because fugitive dust emissions may provide an immediate public safety concern, this Plan requires that fugitive dust be monitored and controlled on an ongoing basis.

Monitoring for fugitive dust emissions shall include:

- Use of EPA Method 22 (ODEQ 2019) as specified in OAR 340-208-0210, **at least once per day during the summer, during peak construction activities.**
- The observation shall be performed during times of peak construction activity at the downwind property boundary.
- Recording of observations in a fugitive dust inspection log that is kept on site and shall be kept digitally, described below.

Triggers for additional, more frequent monitoring will include:

- Observation of visible fugitive dust emissions by the Environmental inspector, contractor(s), agency, or certificate holder staff.
- Wind speeds or gusts greater than 20 miles per hour.
- Receipt of complaints or concerns through the Project Dust Control Hotline or other means.

Table 4: Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)

Construction Phase	RACM(s)	Supplemental RACM(s)
All Phases of Construction	Daily fugitive dust monitoring and record keeping.	Increase frequency of monitoring.
	Prominent display of Dust Control Hotline signs, providing direct access to the Environmental Inspector.	If established, proactive engagement with Community Action Council.
	Worker Environmental Awareness Program training for all construction employees.	Additional trainings and refreshers for employees.
	Maintain stockpile of BMPs on site, including sufficient palliatives for a single treatment of all site access roads and sufficient palliatives, mulch, and/or hydromulch for a minimum of 25 percent of the total disturbed area, and machinery for application.	Increase stockpile of palliatives, mulch, and/or hydromulch and add additional BMPs.
	Documentation and reporting of adaptive management actions.	Development and submittal of revised Fugitive Dust Control Plan.
Site Access	Install and maintain stabilized construction entrances at ingress/egress locations and restrict traffic to these locations.	Add additional construction entrance BMPs (e.g., wheel wash).
	Daily sweeping up of sediment from paved surfaces utilizing vacuum sweeper with HEPA filtration.	Increase sweeper frequency.
	Access roads shall be graveled.	Road maintenance and reapplication of gravel.
	Access roads will be stabilized with water or palliative sufficient to eliminate visible and sustained dust from vehicular travel and wind	If water is unavailable or ineffective, or if water use is limited by any agency or regulation, access roads

Table 4: Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)

Construction Phase	RACM(s)	Supplemental RACM(s)
	erosion. Reapply stabilization as necessary to maintain dust-free condition.	will be stabilized with longer-lasting palliatives.
	Restrict construction traffic to established and stabilized access routes.	Install fencing or barricades to prevent traffic outside of established routes.
	Limit traffic speeds to 15 miles per hour on stabilized unpaved roads within the site as long as such speeds do not create significant visible dust emissions. Traffic speed signs shall be displayed prominently at all site entrances and exits.	Limit traffic speeds within the site to 5 or 10 miles per hour.
	Minimize disturbance areas and soil exposure to the maximum extent feasible.	Limit work to a portion of the disturbed area until all disturbed areas receive temporary or final stabilization.
	When wind speeds or gusts exceed 15 miles per hour, minimize new disturbances to the extent possible and/or mobilize additional water trucks or palliatives to minimize fugitive dust from exposed surfaces.	Stop all ground disturbing activities and apply additional dust control measures until measures are effective or wind speeds slow and fugitive emissions stop.
	Separate and cover or otherwise stabilize topsoil to preserve it until it is replaced during revegetation.	Increase maintenance frequency for topsoil cover/stabilization. Combine methods, such as mulch plus tackifier.
	Stabilize exposed soils within the timeframes established in the 1200-C permit. Stabilize exposed soils in stages based on site conditions and weather.	Stabilize exposed soils more frequently, even if additional work is anticipated within the timeframe established in the 1200-C permit. Reapply stabilization measures following any additional disturbances.
	Temporarily stabilize exposed surfaces to prohibit significant and	Combine stabilization methods, such as mulch plus tackifier, or

Table 4: Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)

Construction Phase	RACM(s)	Supplemental RACM(s)
	sustained visible fugitive dust from wind erosion. Utilize BMPs such as mulch, hydromulch with or without seeds, tackifier, spreading stone or gravel, and trackwalking.	trackwalking plus hydromulch. Increase frequency of maintenance of stabilization.
	Seed exposed surfaces during the appropriate season with approved temporary or permanent seed mixes.	Reapply seed to newly disturbed areas or areas with poor germination. Use temporary seeding even if additional work is anticipated before final stabilization. Use irrigation to enhance seeding success.
Removing and Hauling Sand, Soil, or other Loose Materials	Gate seals should be tight on dump trucks. Soil load shall be kept below 6 inches of the freeboard of the truck. Drop heights shall be minimized when loaders dump soil into trucks. Gate seals will be checked and tight on dump trucks. All trucks on highways must be fully covered and secured.	Cover haul trucks with a tarp or other suitable cover.

Fugitive Dust Reporting

A dust inspection log shall be completed after each dust inspection. Log records shall be kept digitally and included in construction monitoring reports as described in Section XX of this Plan. This log shall include all information required in EPA Method 22. Photos and/or video taken during the observation period to document conditions shall be available digitally to ODOE upon request. Any documented exceedance events shall include a detailed explanation of Reasonable Available Control Measures (RACMs) implemented for corrective action and the results of subsequent monitoring demonstrating fugitive dust has returned to below exceedance thresholds.

3.4.2 Weeds

The certificate holder, Environmental Inspector, and contractor(s) will implement the following best management practices to minimize the spread of noxious weeds during construction activities:

- Limiting vehicle access to designated routes, whether existing roads or newly constructed roads, and the outer limits of construction disturbances per the final design for the facility;
- Limiting vehicle traffic in noxious weed-infested areas;

- Cleaning construction vehicles each time they enter or exit the facility at a wash station located inside the facility at vehicle ingress/egress points;
- Cleaning vehicles and equipment associated with ground disturbance and movement of topsoil after performing work in noxious weed-infested areas and prior to performing work in non-infested areas utilizing a mobile wash station;
- Provide information regarding target noxious weed species at the operations and maintenance buildings;
- Treating noxious weeds via biological, mechanical or chemical control designated in this Plan;
- Existing or new populations of A listed noxious weeds, designated in XX in this Plan, will be documented in a noxious weed log and eliminated on an ongoing basis. The noxious weed log will describe the weed treatment methods and timing.

3.4.2.1 Standards and Weed Treatment

The following weed management and treatment standards (timing, method, and application rates for each identified weed species of concern) have been established between XX County Weed Department, certificate holder, and the Department.

Biological control involves the use of prescribed insects, fungi and livestock to control noxious weeds to achieve management objectives. Biological control methods are typically targeted to a specific species or plant to control its persistence. They are also used for maintenance in targeted areas for vegetation management control in height and density that includes mitigating fire risk and erosion.

Mechanical control methods rely on removal of plants, seed heads, and/or cutting roots with a shovel or other hand tools or equipment that can be used to remove, mow, or disc noxious weed populations.

Chemical control can effectively remove noxious weeds through use of selective herbicides. The recommended chemical treatment and timing of chemical application for noxious weeds that have been identified at the facility site are included below in Table XX. The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds (e.g., thistle and knapweeds) or (2) annual grasses or monocots (e.g., jointed goatgrass), as appropriate herbicides differ substantially between dicots and monocots.

Table 5: Recommended Timing and Method of Control

Noxious Weed Species	Method and Timing of Control	Application Rate
Acroptilon repens	**2,4-D –** Apply at the early stage of flower stem elongation (late April to early May).	1 to 2 lb ae/a

Table 5: Recommended Timing and Method of Control

Noxious Weed Species	Method and Timing of Control	Application Rate
(Russian knapweed)	**Aminopyralid** – Consult label for optimum timing. Diffuse and spotted knapweed: apply to actively growing plants in fall or in spring from rosette to bolting growth stages.	1 to 1.75 oz ae/a
	Clopyralid – Up to the bud stage of knapweeds.	0.25 to 0.5 lb ae/a (0.66 to 1.33 pints/a)
	Clopyralid + 2,4-D amine (Curtail) – Apply after most rosettes emerge but before flower stem elongates.	2 to 4 quarts/a Curtail
	Glyphosate – Apply to actively growing knapweed when most plants are at bud stage.	3 lb ae/a
	Triclopyr + clopyralid – Apply from rosette to early bolt stage when weeds are actively growing.	1.5 to 2 pints/a
Aegilops cylindrica (jointed goatgrass)	**Glyphosate** – Apply to actively growing plants emerged before bolt stage (i.e., stage of growth where growth is focused on seed development versus leaf development).	0.38 to 0.75 lb ae/a
	Imazapic – Apply pre-emergence in fall. Due to the residual effect of this herbicide, it will not be used in areas to be revegetated.	0.063 to 0.188 lb/a
	Sulfometuron – Apply in fall or in late winter before jointed goatgrass is 3 inches tall.	1 to 1.5 oz ai/a (1.33 to 2 oz/a)
Bassia (Kochia) scoparia (Kochia)	**Chlorsulfuron –** Apply pre-emergence (late winter/early spring), or post-emergence from seedling to bolting stage of growth.	0.75 oz ai/a (1 oz/a)
	Fluroxypyr – Apply in spring from seedling to bolting stage of growth.	2.1 to 7.7 oz ae/a (6 to 22 o/a)
	Glyphosate – Apply in spring from seedling to flowering stage of growth.	1.1 to 1.7 lb ae/a
	Hexazinone – Apply pre-emergence in the early spring.	0.5 to 1.5 lb ai/a (2 to 6 pints/a)
	Imazapyr – Apply pre-emergence (late winter/early spring) or post-emergence to actively growing kochia.	0.5 to 1.5 lb ae/a (2 to 4 pints/a)

Table 5: Recommended Timing and Method of Control

Noxious Weed Species	Method and Timing of Control	Application Rate
	Metsulfuron – Apply in spring from seedling to flowering stage of growth.	0.6 to 1.2 oz ai/a (1 to 2 oz/a)
	Rimsulfuron – Apply pre-emergence (late winter/early spring) or post-emergence to kochia seedlings.	1 oz ai/a (4 oz/a)
Centaurea diffusa (diffuse knapweed)	See Russian knapweed (*Acroptilon repens*)	
Centaurea solstitialis (yellow starthistle)	**2,4-D LV ester or 2,4-D amine –** Apply before flowering.	1 lb ae/a in 50 gallons of water
	Aminopyralid (Milestone) – Apply to plants at the rosette through bolting stages.	0.75 to 1.25 oz ae/a (3 to 5 fluid oz/a Milestone)
	Chlorsulfuron – For best results apply to young, actively growing plants.	1.125 oz ai/a (1.5 oz/a)
	Clopyralid – After most rosettes have emerged but before bud formation.	0.09 to 0.375 lb ae/a (0.25 to 1 pint/a)
	Clopyralid + 2,4-D amine (Curtail) – Apply after most rosettes have emerged but before bud formation.	1 to 5 quarts/a Curtail
	Triclopyr + clopyralid – Apply from rosette to early bolt stage when starthistle is actively growing.	1.5 to 2.5 pints/a
Centromadia (*Hemizonia*) *pungens* (common spikeweed)	**2,4-D –** Apply post-emergence when plants are in rosette stage in winter or early spring.	1.4 lb ae/a
	Chlorsulfuron – Apply pre-emergence or post-emergence to plants in rosette stage.	0.375 to 0.75 oz ai/a
Chondrilla juncea (rush skeletonweed)	**2,4-D or MCPA –** Apply to rosettes in the spring immediately before or during bolting.	2 lb ae/a
	Aminopyralid (Milestone) – Spring or fall when rosettes are present.	1.75 oz ae/a (7 fluid oz/a Milestone)
	Clopyralid – Apply to rosettes in fall or up to early bolting in spring.	0.25 to 0.375 lb ae/a (0.66 to 1 pint/a)
Convolvulus arvensis	**2,4-D amine –** Apply at bud growth stage or at summer fallow stage in early August	2 to 3 lb ae/a

Table 5: Recommended Timing and Method of Control

Noxious Weed Species	Method and Timing of Control	Application Rate
(field bindweed)	**Glyphosate + 2,4-D –** Apply when bindweed runners are at least 10 inches long. Tilling after treatment may improve control.	Broadcast: 0.378 to 0.67 lb ae/a. Spot treatment: 1 to 2% solution.
	Imazapic – Apply after 25% of plants are blooming through fall.	0.125 to 0.188 lb ai/a
	Metsulfuron – Apply to actively growing bindweed in bloomstage.	0.6 to 1.2 oz ai/a
	Quinclorac (Paramount) – Apply to actively growing bindweed in bloomstage.	6 oz ai/a (8 oz/a)
Lepidium latifolium (perennial pepperweed)	**2,4-D amine –** Apply at bud stage of growth.	4 lb ae/a
	Chlorsulfuron – Apply in fall or spring up through bloom stage.	0.75 oz ai/a
	Imazapic – Apply after flowers open (full bloom) until plants desiccate. Fall rosettes may also be treated if moisture permits.	0.125 to 0.188 lbs. ai/acre
	Metsulfuron – Apply to actively growing plants.	0.6 to 1.2 ounces ai/acre
Onopordum acanthium (Scotch thistle)	**2,4-D –** spring or fall.	1.5 to 2 lbs. ae/acre
	Aminopyralid (Milestone) – Apply in spring or early summer to rosettes or bolting plants or in fall to seedlings and rosettes.	0.75 to 1.25 oz ae/a (3 to 5 fluid ounces/acre Milestone)
	Chlorsulfuron – Apply to young, actively growing plants.	0.75 oz ai/a (1 ounces/acre)
	Clopyralid + 2,4-D amine (Curtail) – Apply to actively growing thistle after most basal leaves emerge but before bud stage.	1 to 5 quarts/acre Curtail
	Clopyralid – Apply up to the bud stage.	0.09 to 0.375 lb ae/acre (0.25 to 1 pint/acre)
	Glyphosate + 2,4-D – Apply to plants in rosette stage of growth in spring or before freeze-up in fall.	Broadcast: 16 to 32 fluid ounces/acre. Spot treatment: 1 to 2% solution.
	Metsulfuron (Escort and others) – Apply post-emergence to actively growing plants.	Escort: 0.6 oz ai/a (1 ounces/acre)

Table 5: Recommended Timing and Method of Control

Noxious Weed Species	Method and Timing of Control	Application Rate
	Triclopyr + clopyralid – Apply to actively growing plants from rosette to early bolt stage.	1.5 to 2 pints/acre
Secale cereale (cereal rye)	Consult with Morrow County Weed Supervisor. Glyphosate applied post-emergence in spring provides good (80-95% control); however, does not provide residual weed control. Rimsulfuron applied in early fall or in the spring provides good (80-95%) control.	
Sources: XXXX Notes: a = acre; ae = acid equivalent; ai = active ingredient; lb= pound; oz = ounces.		

Herbicide Application, Handling, and Spills

Herbicide application will adhere to EPA and ODA standards. Only those herbicides that are approved by the EPA and ODA will be used. In general, application of herbicides will not occur when the following conditions exists:

- Wind velocity exceeds 20 miles per hour for granular application, or exceeds 10 miles per hour for liquid applications;
- Snow or ice covers the foliage of target species; or
- Adverse weather conditions are forecasted within the next few days.

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Vehicle-mounted sprayers (e.g., handgun, boom and injector) will be used mainly in open areas that are readily accessible by vehicle.

Herbicide spills will be managed according to facility SPCC plans.

Special Considerations

The certificate holder will provide special consideration to intermittent and ephemeral streams/draws during treatment activities. No herbicide will be sprayed where the drift can enter standing water or saturated soil. It will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water, regardless of the season when the herbicide is applied. Similar considerations will be made when in proximity to agricultural fields.

3.5 Immediate Post Construction Remediation (after Ground Disturbance is Complete)

3.5.1 Soil Preparation

Prior to reseeding for site stabilization, soils will be prepared for successful stabilization, including:

- Ensure that soils from weed infested areas are treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions.

- Soils may need to be loosened by mechanical scarification (tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction. Soil amendment, by addition of organic matter (compost), may also be necessary to alleviate compaction.
- In general, soil needs to be prepared into a firm, fine-textured seedbed that is relatively free of debris before seeding or planting. Shallow tilling with a disc, followed by a harrow or drag if necessary, can typically achieve this. If replaced soil is too soft, then seeds may be buried too deep to properly germinate; a roller or culti-packer should be used to pack down the soil.
- Replacing topsoil stockpiled separately from the subsurface soils

Soils should be evaluated to determine whether soils within disturbance areas are more than 10 percent compacted than the baseline plot (See Section X). If results show soils are more than 10 percent compacted than the baseline plot then remediation activities must be completed before revegetation activities can begin.

- Prior to construction completion at the Facility site and prior to the initiation of revegetation activities, soil compaction testing following the above protocols must be completed.
- If soil measurements demonstrate that the soils within the work areas are more than 10 percent compacted than the baseline plot, then remediation activities must be completed prior to initiation of seeding/revegetation activities. Remediation methods may be selected from this Plan, proposed by the certificate holder or Department and the Facility NPDES 1200-C permit, and applicable site certificate conditions.

3.5.2 Seeding

All seeds will be obtained from a reputable supplier in compliance with the Oregon Seed Law (OAR 603-056). The final seed mix for areas within the solar array fence line area will include lower growing grasses with desired vegetation conditions under the solar arrays (i.e., species whose mature height would not interfere with electrical equipment). The seeding methods and timing of planting have been designated by coordination with the certificate holder, Department, ODA, County Weed Department, and the seed supplier(s). Seeding methods and mixes include:

- XX
- XX

Table 6: Columbia Plateau Seed Mix

Common Name	Scientific Name	Percent of Mix
Bluebunch wheatgrass	*Pseudoroegneria spicata*	50
Bottlebrush squirreltail	*Elymus elymoides*	15
Sandberg's bluegrass	*Poa secunda*	15
Thickspike wheatgrass	*Elymus lanceolatus*	20

Reseeding, site stabilization, and weed control include:

- Seeded areas will be temporarily stabilized to facilitate establishment. This can be accomplished by application of seedless, certified weed-free hydromulch containing a tackifier. Alternate methods such may be proposed by the revegetation contractor but will require prior written approval by ODOE and must provide demonstrated success in sites with similar wind and soil conditions.
- Inspecting and certifying that the seed and straw mulch used for site rehabilitation and revegetation are free of noxious weeds and seeds.
- The construction contractor and/or Environmental Inspector will implement mulching and other appropriate practices, as required by the NPDES 1200-C permit, to control erosion and sediment during construction and revegetation work.

If it is determined that noxious weeds have invaded areas immediately adjacent to the facility (e.g., areas visible just beyond the outer limits of construction disturbances associated with the facility or along access roads) as a result of construction, the certificate holder will contact the landowner and seek approval to treat those noxious weed populations.

Supplemental seeding of desirable species may be needed in some areas disturbed by construction. Fertilizer application will be limited in areas treated for noxious weeds, as fertilizer can stimulate the growth of noxious weeds, and the timing of revegetation activities will need to be coordinated with noxious weed treatments.

The three common seed application methods that may be used for revegetation are broadcast seeding, drill seeding, and hydroseeding; each of these are discussed further below. Other seeding methods may be proposed for review and approval prior to revegetation efforts.

Broadcast Seeding

Broadcast seeding is the application of seed directly to the ground surface. This method may be chosen for areas with shallow and rocky soils, and the type of broadcast spreader would depend on the size of the area to be seeded and the terrain.

In this method, the seed mix would be broadcast using at least the application rates specified by the seed supplier for broadcast seeding. When feasible, due to the seasonality of when planting can occur, the entire area will be seeded after grading is complete but before placement of facility components, providing more flexibility in seed application. In those instances where seeding occurs prior to installation of components, follow-up seeding will occur in areas temporarily disturbed by installation and any areas that are deficient in vegetation from the first round of seeding. Immediately following seed application, hydromulch or certified weed-free straw would be applied. Broadcast seeding will not be employed if winds exceed 5 miles per hour. If certified weed-free straw is unavailable, the certificate holder or a designated construction contractor will identify a local source of straw. This straw may either be crimped into the ground or applied with a tackifier.

Drill Seeding

Drill seeding can be used for larger areas with deeper soils and moderate to gentle terrain to accommodate mechanical equipment. This method provides the advantage of planting the seed at a uniform depth and may provide better soil to seed contact. Using a range seed drill, seeds will be

sown according to the application rates recommended by the seed supplier. Drill seeding will be difficult after facility components have been installed so it will primarily be used if seeding occurs after grading is complete but before components are installed or in areas that were temporarily disturbed during construction that do not have any permanent infrastructure (e.g., temporary access roads, laydown areas).

Hydroseeding

Hydroseeding is most applicable for areas drill or broadcast seeding machinery cannot access, this usually includes steeper sloped or narrow terrain, but can be used in all terrains. Soil bed preparation is also crucial for growth success and frequently includes tracking perpendicular to the slope to create micro conditions for seed. Flat grading and compaction are not recommended. Seeding rates increase by 30 to 50 percent of broadcast seeding rates or single applications.

4.0 Plan Updates, Amendments and Reporting Requirements

The following will be provided to the Department in the semi-annual construction report required per OAR 345-026-0080:

- Any updates to construction phasing or design and figures described in Section 3.1
- Dust inspection log(s) described in Section 3.4.1.
- Noxious weed log described in Section 3.4.2
- A summary of the areas and actions for remediation post construction, if applicable

This information may be used to establish the performance of the this Vegetation and Soil Management Plan. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure this Plan provides sufficient soil remediation, revegetation to support soil remediation and noxious weed control. 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 an issue.

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.

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Draft Construction 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 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

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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 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 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 • Verify calibration and check functionality. Breaker Trip Testing • Verify the ability to trip breakers via coil.	X	Manufacturer's maintenance recommendations	Repair or replace once every 5 years	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
System Protection	System Protection Potential Transducers ("PTs") and Current Transducers ("CTs") • Verify calibration and check functionality.	X	Manufacturer's maintenance recommendations	Repair or replace once every 11 years	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Solar Inverter	• 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 • 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	• Monthly SPCC Plan • Bi-annual Preventative Maintenance • Per manufacturer's recommendations	Date: Personnel: Results: Notes:	Date: Personnel: 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: Results: Notes:	Date: Personnel: Results: Notes:
Tracker System	• 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	• Per manufacturer's recommendations	Date: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Solar Array Structures	• 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: Results: Notes:	Personnel: Results: Notes:
Solar Array Panels, Harnesses, and Combiner Boxes	At Applicant's sole discretion, to perform one of the following options: • Infra-red ("IR") Flyover a. IR scan of Site providing DC health of the Facility down to string level reporting; or • Physical DC Health Inspection a. 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 Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel: Results: Notes:	Date: Personnel: 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: 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: Personnel: Results: Notes:	Date: Personnel: Results: Notes:
Collector Substation	• 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: 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:

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	• 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	• 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	• 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	• 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	• 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	• 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
	• Critical sensor calibration check. • Maintenance report.				Results: Notes:	Results: Notes:
BESS Fire Safety System	• 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	• 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	• Coolant tester visual inspection.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
BESS General	• 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	• Clean out dirt and debris. • Perform a manual operation test. • Perform an electrical test. • Perform a gas leakage test.		Manufacturer's maintenance recommendations NERC	Repair or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Generator Step-Up (GSU) Transformer	• 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. • 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	• 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 applicant 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 applicant 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 applicant 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 applicant 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 applicant 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.

1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/.
2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf.
3. Link to APLIC member organization: https://www.aplic.org/member_websites.php.

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

Attachment 7: Correspondence from Juniper Flat District Improvement Company

Outlook

FW: JFDIC requirements/Requests

From ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Date Thu 11/13/2025 2:51 PM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

1 attachment (18 KB)
Brightnight-JFDICRequirements.docx;

FYI

Sarah T. Esterson
Senior Policy Advisor
550 Capitol St. NE | Salem, OR 97301
P: 503-385-6128
1-800-221-8035
Stay connected!

From: Josh Duling <jfdich2o@gmail.com>
Sent: Thursday, November 13, 2025 6:23 AM
To: Jaron Wright <jaron@brightnightpower.com>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: JFDIC requirements/Requests

Hi Jaron,

Finally have received confirmation from all our board members to send this over.

Thank you for the patience.

Josh Duling
JFDIC Chairman

November 12, 2025

Juniper Flat District Improvement Company
PO Box
Maupin, OR 97037

RE: JFDIC response to Solar Company questions and inquiries.

The following detail JFDIC high priority issues and questions. This is in response to several meetings with Solar company. JFDIC respectfully requests a written response to the following.

JFDIC Concerns and Requirements

1) JFDIC has consistently inquired about access to major and minor ditches (canals and laterals) for maintenance and water management. Given increased access restrictions brought about by fenced solar farms, we require all primary canals to be piped. Additionally, we require a dedicated access road for our major irrigation canals. This road would be adjacent to the canals and not inside any fences. Road Details below:
    a. Mark-up Map with designated road requirements
    b. Road – 25ft from ditch center, gravel, 12ft wide
    c. All ditch crossings for the road require an appropriately sized culvert be installed.
2) JFDIC also has requirement for access to our Lateral ditches (any ditch that is not a primary canal) for water management and maintenance. Given increased access restrictions brought about by fenced solar farms, we require all lateral ditches be piped. Additionally, we require non-fenced access to laterals with 50ft each side of ditch. There can be no fences in place from the Solar project that would prevent access to these ditches. We have worked with the Solar company teams to define each of these ditches.
3) JFDIC understands that there might be boring under the ditch to run cables or above the ground crossings for cables. There needs to be an easement fee for each crossing (either boring or overhead crossings) of $3000. This needs to be added to the construction budget. Our concern is damage to the ditch as a result of boring or complexities associated with new overhead lines. There needs to be a specific documented plan in place for the Solar company to quickly (within 24hours) fix any ditch leaks or blow-outs that are a direct result of boring activities. Or re-imburse JFDIC for the costs or repair.

4) There is concern that the Solar company will use existing ditch crossings during construction and that damage will result. There will be a fee of $500 for each crossing used. Any damage to existing crossings caused by construction will be either fixed or costs re-imbursed to JFDIC.
5) Need to fully understand irrigation areas that will be covered by solar.
6) Due to increased space restrictions a newer small excavator needs to be added to the construction and support budget to JFDIC. Therefore, a late model new/used John Deere or cat 50G excavator with cab, 4 way blade. (Aprox $95k value) for working on laterals within the solar boundary is needed.
7) In order to correctly assess any additional pollution that could impact crops, there needs to be water and soil testing above and below the solar boundaries to ensure no leaching is occurring. Yearly for the duration of the project. $100-$200/year.
8) All of the above requirements and concerns need to be covered in writing from Solar team. Ideally, a legal agreement would be put in place to cover each item.

Outlook

Fwd: Juniper Flat

From Sean Bailey <seanb@co.wasco.or.us>
Date Tue 8/26/2025 12:29 PM
To SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Cc Daniel Dougherty <danield@co.wasco.or.us>

4 attachments (15 MB)
IMG_9395.jpeg; IMG_9394.jpeg; IMG_9397.jpeg; IMG_9396.jpeg;

Good afternoon all,

We received the below email from Josh Duling, Chairman of the Juniper Flat District Improvement Company, regarding the Deschutes Solar and Battery Energy Storage System Facility (Bright Night).

Thank you

---------- Forwarded message ---------
From: **Josh Duling** <jfdich2o@gmail.com>
Date: Thu, Aug 21, 2025 at 11:33 AM
Subject: Re: Juniper Flat
To: Sean Bailey <seanb@co.wasco.or.us>

Hi Sean,

Juniper Flat District Improvement Co, is the ditch system that flows through the incoming solar project. Originally, it sounded possible that the solar company would install a road along our main ditch for our unlimited access to our gates and flow devices. As we get further along in the process it is sounding less and less likely. Currently, all our access points are through landowners properties which will be fenced off and no longer accessible through the new solar project.
Our main concern is access to the main ditch and all laterals so we have the ability to adequately run water without being impeded. There are approximately 40 head gates and lateral ditches that are located inside the solar boundary. We have to ensure that we can flow water through and below the solar boundary to the majority of our water users(all located east of the solar boundary) Our next major concern is being an open ditch system(no liner or pipe) is we have to maintain it regularly. This requires us to use our large excavator, which may be difficult to get into laterals or the main ditch if this is all fenced off. Will there be gates for access? Will our excavator be able to access laterals without having to walk miles through a solar panel field? We will need unrestricted access to all of the main ditch and laterals involved.
Currently, we are realizing that the added costs to our ditch company will rise dramatically between extra man hours involved entering and exiting a solar field multiple times per day. Will we need a

smaller excavator to maintain laterals due to less room within the solar panels? Due to being such a small district we will not be able to afford any of these increased expenses. I have attached a map with our current entry and exit areas marked in green highlighter. All within the boundary of the solar field. We appreciate you reaching back out to us and taking the time to listen to our concerns. These are the main concerns we have at this time.

Thank you,

Josh Duling
JFDIC Chairman
541-993-6023

On Wed, Aug 20, 2025 at 4:09 PM Sean Bailey <seanb@co.wasco.or.us> wrote:

> Good afternoon,
>
> Per our phone conversation, here is my email for you to send me your comments.
>
> Thanks
> --
>
> **Sean Bailey** | ***Senior Planner***
> **Planning Division**
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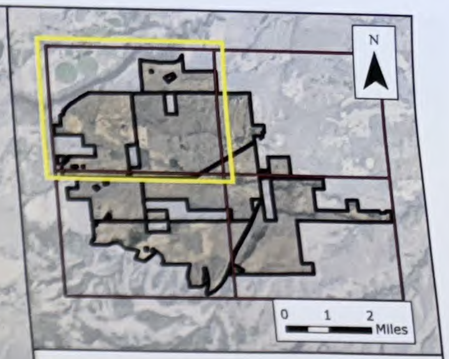
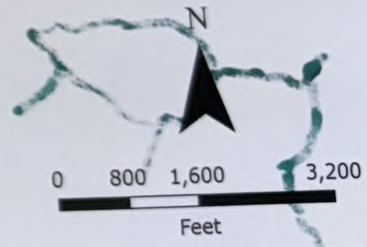


Legend

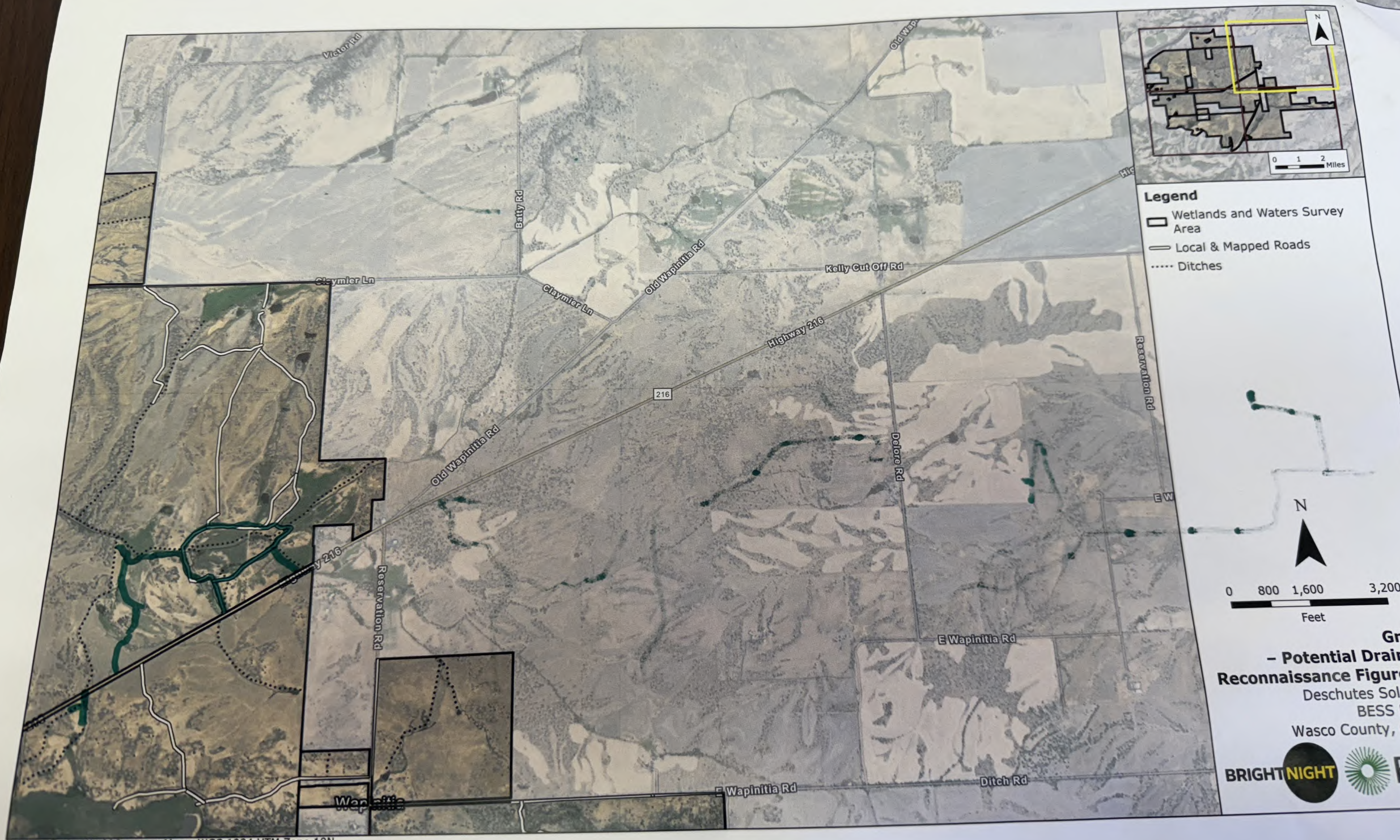
- Wetlands and Waters Survey Area
- Local & Mapped Roads
- Ditches



Grid 1
– Potential Drainage Reconnaissance Figure Set
Deschutes Solar and BESS Facility
Wasco County, Oregon

BRIGHTNIGHT ERM

- World Imagery Map; WGS 1984 UTM Zone 10N



Source: Esri - World Imagery Map; WGS 1984 UTM Zone 10N

Highway 216

Walters Rd

Reservation Rd

N

0 1 2 Miles

Legend

- Wetlands and Waters Survey Area
- Local & Mapped Roads
- Ditches

N

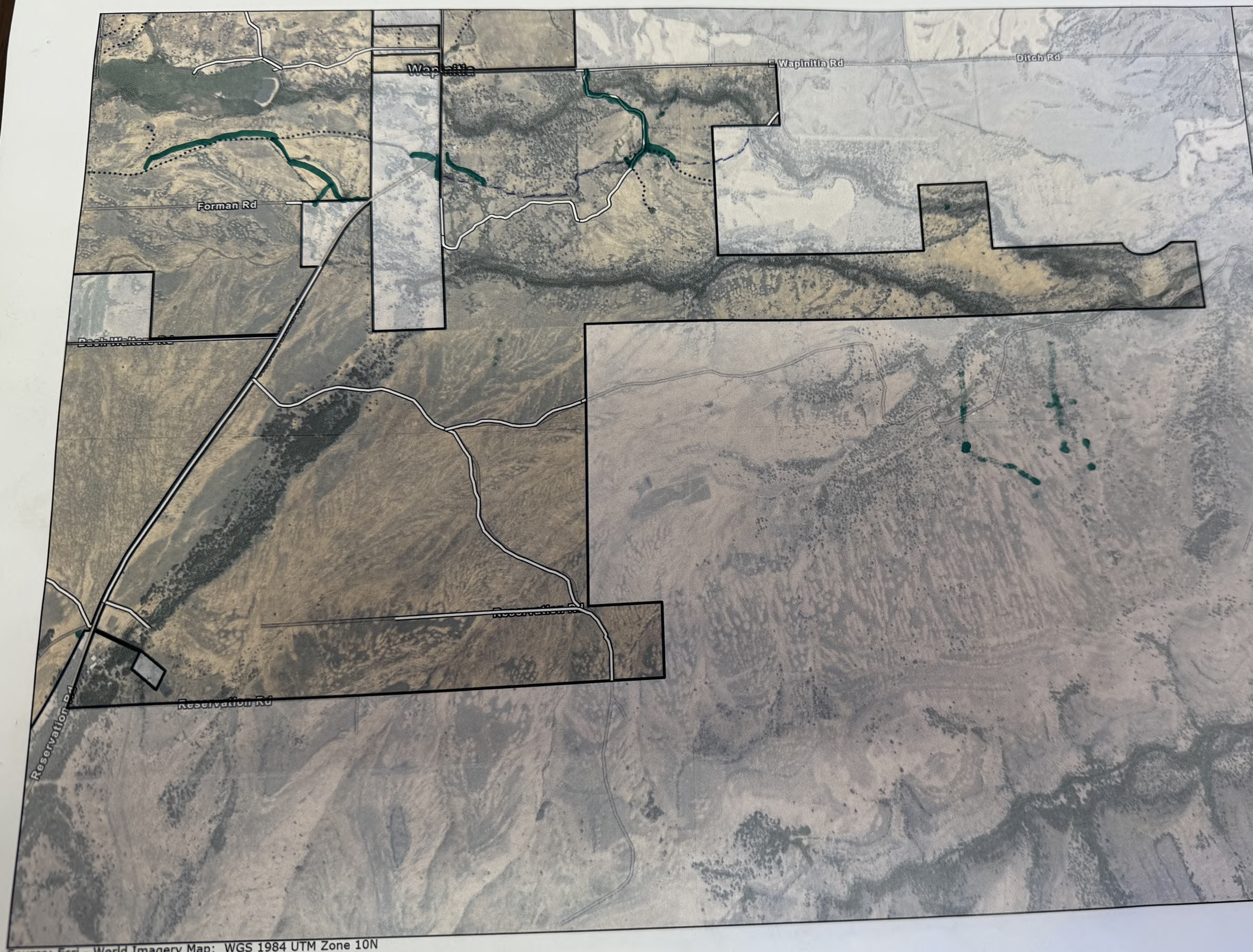
0 800 1,600

Feet

– Potential Dr
Reconnaissance Fig
Deschutes
BES
Wasco Count

BRIGHTNIGHT

Esri - World Imagery Map; WGS 1984 UTM Zone 10N



Source: Esri - World Imagery Map; WGS 1984 UTM Zone 10N

Outlook

Fw: Juniper Flat

From SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Date Tue 8/26/2025 12:59 PM
To Bijan Damavandi <bijan@brightnightpower.com>
Cc ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

4 attachments (18 MB)
IMG_9395.jpeg; IMG_9394.jpeg; IMG_9397.jpeg; IMG_9396.jpeg;

Hi Bijan - FYI and see attached.

From: Sean Bailey <seanb@co.wasco.or.us>
Sent: Tuesday, August 26, 2025 12:28 PM
To: SLOAN Kathleen * ODOE <kathleen.sloan@energy.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Cc: Daniel Dougherty <danield@co.wasco.or.us>
Subject: Fwd: Juniper Flat

Good afternoon all,

We received the below email from Josh Duling, Chairman of the Juniper Flat District Improvement Company, regarding the Deschutes Solar and Battery Energy Storage System Facility (Bright Night).

Thank you

---------- Forwarded message ---------
From: **Josh Duling** <jfdich2o@gmail.com>
Date: Thu, Aug 21, 2025 at 11:33 AM
Subject: Re: Juniper Flat
To: Sean Bailey <seanb@co.wasco.or.us>

Hi Sean,

Juniper Flat District Improvement Co, is the ditch system that flows through the incoming solar project. Originally, it sounded possible that the solar company would install a road along our main ditch for our unlimited access to our gates and flow devices. As we get further along in the process it is sounding less and less likely. Currently, all our access points are through landowners properties which will be fenced off and no longer accessible through the new solar project.
Our main concern is access to the main ditch and all laterals so we have the ability to adequately run water without being impeded. There are approximately 40 head gates and lateral ditches that are located inside the solar boundary. We have to ensure that we can flow water through and below the

solar boundary to the majority of our water users(all located east of the solar boundary) Our next major concern is being an open ditch system(no liner or pipe) is we have to maintain it regularly. This requires us to use our large excavator, which may be difficult to get into laterals or the main ditch if this is all fenced off. Will there be gates for access? Will our excavator be able to access laterals without having to walk miles through a solar panel field? We will need unrestricted access to all of the main ditch and laterals involved.
Currently, we are realizing that the added costs to our ditch company will rise dramatically between extra man hours involved entering and exiting a solar field multiple times per day. Will we need a smaller excavator to maintain laterals due to less room within the solar panels? Due to being such a small district we will not be able to afford any of these increased expenses. I have attached a map with our current entry and exit areas marked in green highlighter. All within the boundary of the solar field. We appreciate you reaching back out to us and taking the time to listen to our concerns. These are the main concerns we have at this time.

Thank you,

Josh Duling
JFDIC Chairman
541-993-6023

On Wed, Aug 20, 2025 at 4:09 PM Sean Bailey <seanb@co.wasco.or.us> wrote:

> Good afternoon,
>
> Per our phone conversation, here is my email for you to send me your comments.
>
> Thanks
> --
>
> **Sean Bailey** | ***Senior Planner***
> **Planning Division**
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