

BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of the Application for Site Certificate
for the **Buckley Solar Facility**

)
)
)

AMENDED PROJECT
ORDER

Issued

~~December 13, 2024~~ July XX 2026

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Attachment 1: Public Comments
Attachment 2: Special Advisory Group Comments
Attachment 3: Reviewing Agency Comments
Attachment 4: Retirement Estimate Table

ACRONYMS AND ABBREVIATIONS

AC	Alternating Current
Applicant	Buckley Solar, LLC
ASC	Application for Site Certificate
BESS	Battery Energy Storage System
BLM	Bureau of Land Management
BPA	Bonneville Power Administration
CFR	Code of Federal Regulations
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
CTWSRO	Confederated Tribes of the Warm Springs Reservation of Oregon
CWA	Clean Water Act
DC	Direct Current
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
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FAA	Federal Aviation Administration
facility	Buckly Solar Facility
kV	Kilovolt
MW	Megawatt
LCDC	Oregon Land Conservation and Development Commission
LLC	Limited Liability Company
NOI	Notice of Intent to File an Application for Site Certificate
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O&M	Operations and Maintenance
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	Clenara, LLC
pASC	Preliminary Application for Site Certificate
POI	Point of Interconnection
PV	Photovoltaic
PWCA	Priority Wildlife Connectivity Area

SAG	Special Advisory Group - Sherman County Court
SCZO	Sherman County Zoning Ordinance
SHPO	Oregon State Historic Preservation Office
SWCD	Soil and Water Conservation District
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
WPCF	Water Pollution Control Facilities

I. INTRODUCTION

On August 16, 2024, 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 Buckley Solar Facility (proposed facility). The NOI was submitted by Buckley Solar, LLC (applicant), a subsidiary of Clenara, LLC (parent company). The original Project Order established August 16, 2026 as the deadline to submit a preliminary Application for Site Certificate (pASC), unless extended.

On June 10, 2026 the applicant submitted an NOI Extension Request, requesting to extend the expiration date of the NOI, and deadline to submit a pASC Certificate for the proposed facility by one calendar year, as allowed by rule (OAR 345-020-0060).

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 Amended Project Order is not a final order. The Department or the Council may amend this Project Order at any time.

I.A. Facility Description

The Buckley Solar Facility (proposed facility) would be a 1,200-megawatt (MW) solar photovoltaic (PV) power generation facility with related or supporting facilities, including:

- A 1,200 MW Battery Energy Storage System (BESS) with 4 hours of discharge capacity
- Up to 3 collector substations
- Up to 3 500 kilovolt (kV) overhead transmission lines connecting collector substations to the Bonneville Power Administration's existing Buckley Substation.
- Electrical collection system, including underground and overhead 34.5 kV collector lines.
- Operations and Maintenance (O&M) building with storage
- Access and Service Roads
- Perimeter fencing and gates
- Temporary construction areas
- Temporary workforce housing (potential)

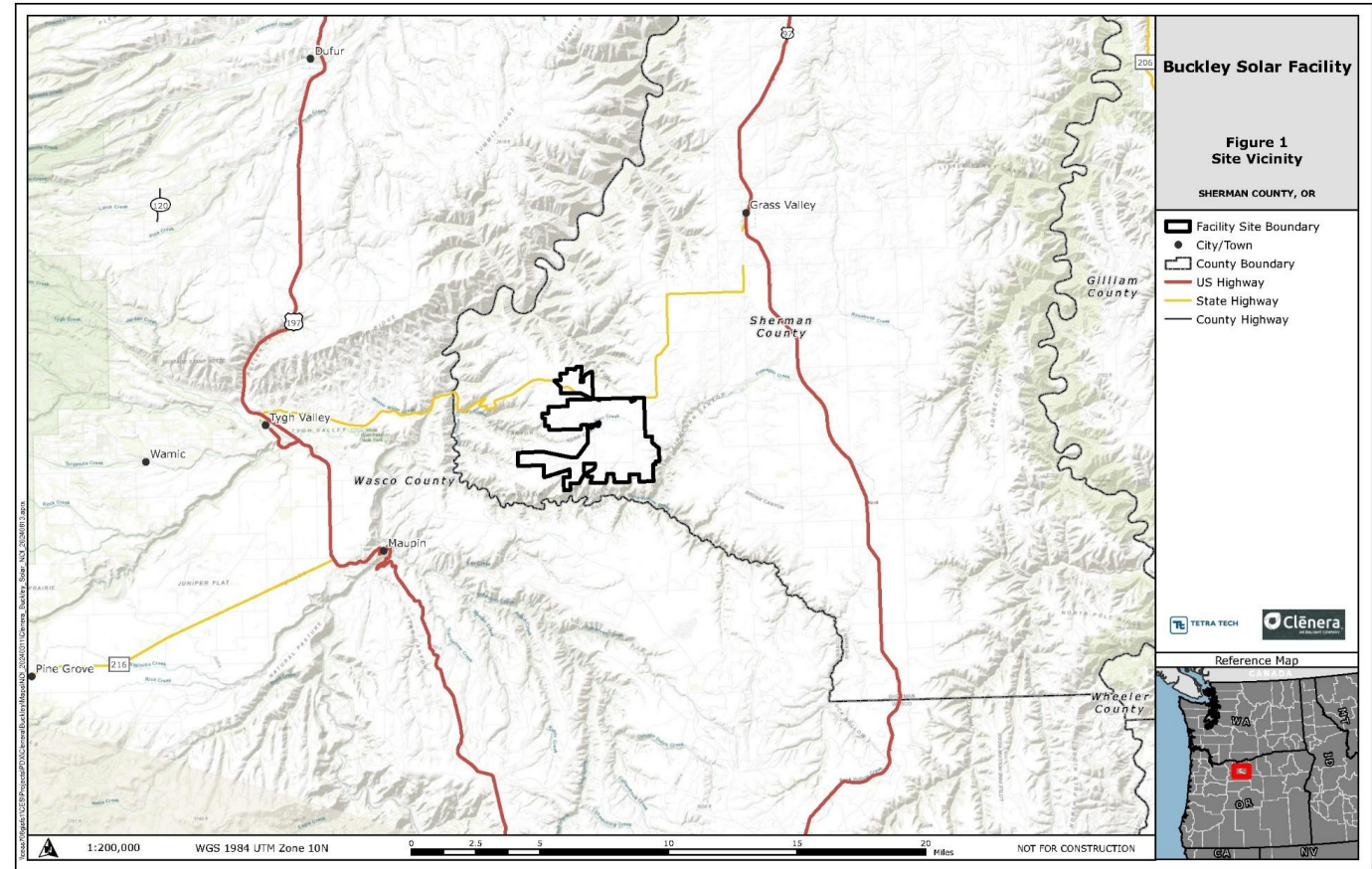
The proposed facility would be located within an approximately 7,852-acre (12.3 sq. mile) site in Sherman County, Oregon. The site consists of private land in the county's F-1 Exclusive Farm Use Zone.

Under OAR 469.300(11)(a)(D), a solar PV facility using more than: (i) 240 acres of high-value farmland; (ii) 2,560 acres of land that is predominantly cultivated or predominantly composed of Classes I to IV soils, as specified by the National Cooperative Soil Survey; or (iii) 3,840 acres of any other land is an energy facility subject to the Council's jurisdiction. Because the proposed facility would use more than 3,840 acres it is considered to be an energy facility regardless of the underlying land classification. Under ORS 469.320, no "facility," – i.e., an energy facility with

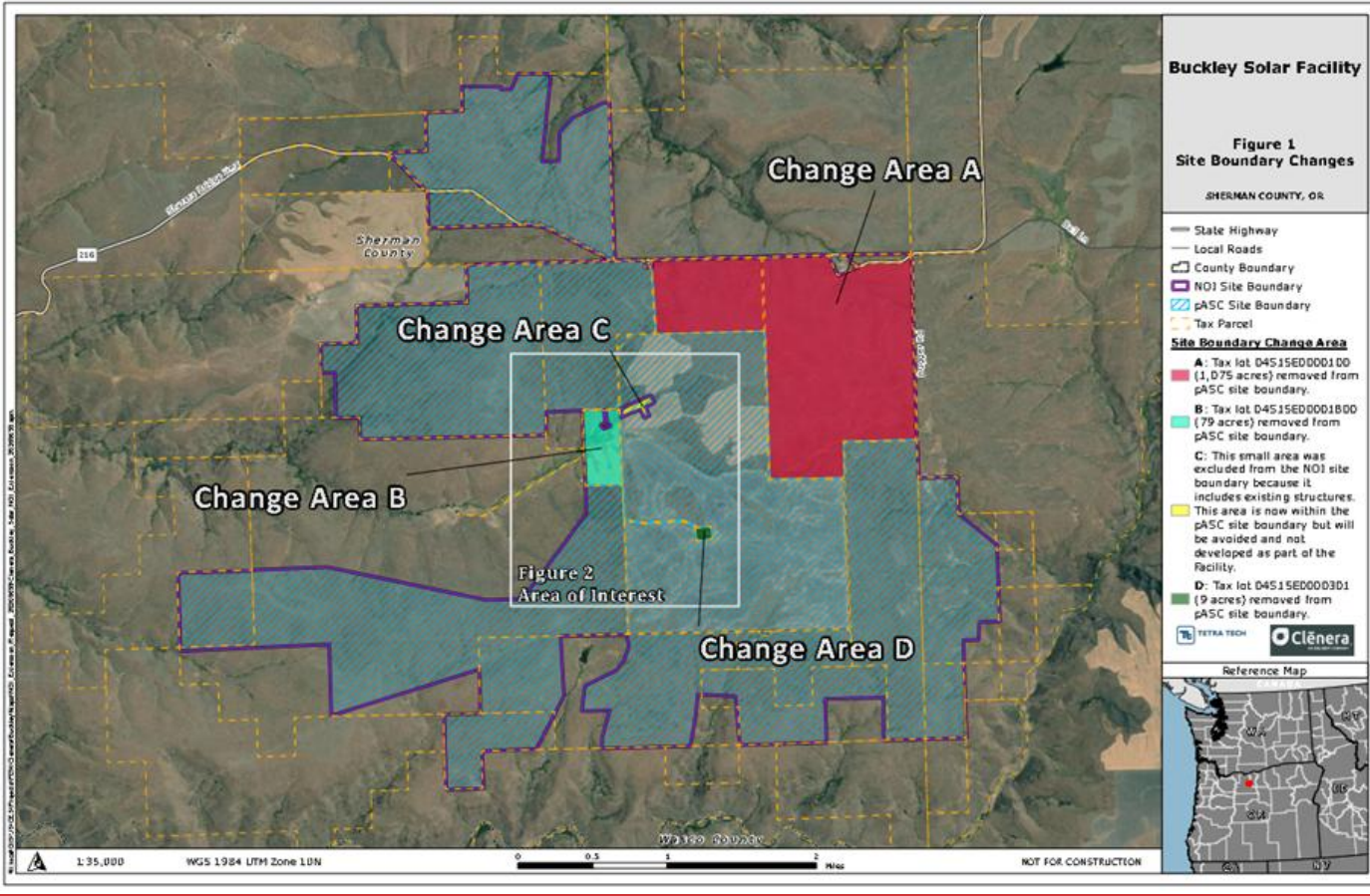
- 1 related or supporting facilities,¹ may be constructed or operated in Oregon without a site
- 2 certificate from the Council.
- 3

¹ ORS 469.300(15)

Figure 14. Proposed Facility Location (original)



1 **Figure 2: Revised Site Boundary (Reduced)**



2

I.A.1 Facility Components/Structures

The number and dimension of facility components are presented in Table 1 below. The applicant notes that information in the NOI is subject to change and that an updated facility description based on the highest-impact design scenario for the proposed facility will be included in the preliminary ASC.²

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
Site Boundary		
Site Boundary	7,852	acres
Maximum Facility Footprint	7,852	acres
Solar Arrays		
PV Solar Modules		
Approx. total number	2,016,807	modules
Average Height at full-tilt	10.6	feet
Max. Height at full-tilt	17.6	feet
Battery Energy Storage System (BESS)		
Site size	95	acres
Total number of Containers	TBD	Containers
Approx. container dimensions	29x9x9.5	H x W x L; feet
Med. Voltage Skid Dimensions	20x9x9	H x W x L; feet
Related or Supporting Facilities		
34.5 kV Collection System		
Collector line length, belowground	TBD	miles
Collector line length, overhead (OH)	TBD	miles
Support Structures	TBD	each
Collector line, temporary disturbance corridor (limit)	TBD	Width, feet
Collector Substations		
Substations	3	each
Site size	5 to 15	acres
Height of structures	35 to 75	feet
500 kV Transmission Line		
Length	TBD	miles
Structures: Type (Wood or Galvanized Steel); quantity	TBD	each

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Commented [KS1]: Update per revised site boundary?

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² BSFNOIDoc01-01 NOI 2024-08-09, pg. 6-7.

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
Height of structures	75 to 200	feet
Transmission line, temporary disturbance corridor (limit)	TBD	Width, feet
O&M Building		
Quantity	1	each
Site size	5	acres
Height	TBD	feet
Appurtenances	On-site well, septic system, SCADA System	
Facility Roads		
Length	TBD	miles
Width	TBD	feet
Temporary disturbance corridor	TBD	Width, feet
Perimeter Fence		
Length	TBD	miles
Height	TBD	feet
Access/gates	TBD	each
Temporary Construction Areas		
Quantity	TBD	each
Site size	TBD	acres
Description	Gravel base; diesel/gas storage; within fence line	

I.A.1.1 Solar Arrays

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

Solar Modules

Solar modules are made up of PV cells that absorb photons from sunlight and convert their energy into direct current electric power. Most cells use mono- or poly-crystalline silicon semiconductor material. The cells are encased in glass with an antireflective coating and installed in a metal frame. Most modules are equipped with factory-installed “quick connect” wire connectors. The applicant has indicated that the facility will likely use a bifacial mono-crystalline silicon module design. The solar modules used in the preliminary site design that

1 informed the facility description in the NOI have a nameplate generating capacity of 595 watts
2 and measure 3.6 wide by 7.5 feet long.³

3 4 *Tracker Systems, Piles & Posts*

5
6 Strings of solar modules will be mounted on ground fixed-tilt or single-axis tracker systems that
7 optimize electricity production by rotating the solar modules to follow the path of the sun
8 throughout the day. The length of each tracker string may vary by topography and the number
9 of modules that the tracker can hold. As the solar modules tilt throughout the day, the height of
10 their top edges will shift accordingly. The applicant estimates that the top edge of the modules
11 will typically be up to 10.6 feet high, but in potential rare instances it could be up to 17.6 feet
12 off the ground where it spans dips in topography. The applicant represents that the tracker
13 system, and associated posts, will be specifically designed to withstand wind, snow, and seismic
14 loads anticipated at the site.⁴

15
16 Each tracker string will be supported by multiple driven hollow or pile-type steel posts. Post
17 depth may vary depending on soil conditions, but posts are typically installed 6 to 8 feet below
18 the surface and protrude approximately 5 feet above grade. Posts at the end of tracker strings
19 are usually installed to greater depth to withstand wind uplift. In some soil conditions, concrete
20 backfill is required for each post. The applicant indicates that post locations will be determined
21 by the final layout of the tracker system and geotechnical investigations of the solar array area
22 within the Facility site boundary prior to final design.⁵

23
24 Corridors between tracking strings would be approximately 10 feet wide, and racking will be
25 placed approximately 20 to 50 feet from perimeter fencing.⁶ Multiple tracker strings will be
26 arranged into blocks. The applicant estimates that each block will be approximately 11,00 feet
27 wide by 900 feet long.⁷

28 29 *Cabling*

30
31 Individual solar modules are connected to each other in series to form strings. The output of
32 multiple strings is collected using low-voltage cabling and aggregated using combiner boxes.
33 Cabling from multiple combiner boxes will connect to an inverter. Cabling may be mounted to
34 the tracker system, placed in cable trays, or buried.⁸

35
36
37

³ BSFN01Doc01-01 NOI 2024-08-09, pg. 7.

⁴ *Id.*

⁵ *Id.*

⁶ BSFN01Doc01-01 NOI 2024-08-09, pg. 11.

⁷ BSFN01Doc01-01 NOI 2024-08-09, pg. 12.

⁸ BSFN01Doc01-01 NOI 2024-08-09, pg. 8.

1 *Inverters and Transformers*

2
3 The DC output produced by solar modules would be converted to alternating current (AC)
4 power by inverters and then routed to transformers to be stepped up to the collector
5 substation feed voltage of 34.5 kV. The number of inverters and transformers will depend on
6 the final facility design. Inverters and transformers may be collocated and may be dispersed
7 throughout the solar arrays or sited at a central location within the site boundary.⁹ The inverter
8 and transformer specifications must comply with applicable requirements of the National
9 Electrical Safety Code and Institute of Electrical and Electronics Engineers standards.

10
11 *Collection System*

12
13 The 34.5 kV AC output of the inverters and transformers would be transmitted to one or more
14 collector substations using 34.5 kV collector lines. The NOI indicates that the majority of
15 collector lines would be installed underground, but that some overhead segments may be
16 required. Underground segments would be installed at a minimum depth of 3 feet. Overhead
17 segments would be supported by 35-to-75-foot tall wooden or steel support structures.¹⁰

18
19 I.A.1.2 Battery Energy Storage System

20
21 The applicant proposes to construct a 1200 MW Battery Energy Storage System (BESS) with up
22 to four hours of discharge capacity. The NOI does not identify a specific battery chemistry or
23 design for the BESS, but states that the system is expected to be composed of a series of self-
24 contained enclosures measuring approximately 29 feet long, 9 feet wide, and 9.5 feet tall
25 installed on an appropriate foundation. Each container would hold batteries, a supervisory
26 control and data acquisition system, a power management system, and a fire prevention
27 system. Cooling units would be placed on or along the side of containers depending on the
28 design selected.¹¹

29
30 Depending on the final facility configuration, the BESS may utilize Medium Voltage Skids to
31 convert output from proposed inverters to 34.5 kV output of the collection system. A Medium
32 Voltage skid is typically composed of a medium voltage transformer, switchgear, and possibly
33 inverters. Typically, there would be one skid for every four BESS containers.¹²

34
35 The BESS would be located in an approximately 95-acre area near one of the proposed collector
36 substations.¹³

37

⁹ BSFN01Doc01-01 NOI 2024-08-09, pg. 8.

¹⁰ BSFN01Doc01-01 NOI 2024-08-09, pg. 8, 12.

¹¹ BSFN01Doc01-01 NOI 2024-08-09, pg. 10, 12.

¹² BSFN01Doc01-01 NOI 2024-08-09, pg. 12.

¹³ *id.*

I.A.1.3 Collector Substation

The applicant proposes to construct up to three collector substations to convert the 34.5 kV output transmitted by the collection system to the 500 kV output required for interconnection with the existing Buckley Substation. Each collector substation is expected to include transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment. Each collector substation will be located in an approximately 5-to-15-acre area within the site boundary. Each substation site will be cleared, graded, and surfaced with a bed of crushed rock prior to construction.¹⁴

I.A.1.4 500 kV Transmission Line and Point of Interconnect Options

The proposed facility's point of interconnect (POI) to the regional electrical grid is the Bonneville Power Administration's (BPA) existing Buckley Substation, located in the center of the site boundary.¹⁵

The proposed collector substations would be connected to the existing BPA Buckley Substation by 500 kV overhead transmission lines located within the site boundary. The transmission lines would be supported by 75-to-200-foot wood or steel structures using an H-frame or monopole design. The applicant did not identify specific locations or lengths of the proposed transmission lines.¹⁶

I.A.1.5 Operations and Maintenance Building

The applicant proposes to construct one operations and maintenance (O&M) building to support the proposed facility. The O&M building would be a one-story, approximately 4,500 square foot structure equipped with facilities such as a utility room, kitchen, restrooms, storage for maintenance supplies and equipment, and a Supervisory Control and Data Acquisition system. The building may have an on-site well and septic system. Power would be supplied by a local service provider using overhead or underground lines. The O&M building would be surrounded by a gravel area for parking and storage. The building and gravel area would occupy approximately 5 acres.¹⁷

I.A.1.6 Service Roads

The applicant proposes to construct new access points and service roads within the site boundary to provide access to facility infrastructure. Roads will be compacted gravel and typically 20 feet in width, with some exceptions, including main travel corridors where two-way traffic is required. In these cases, roads will be approximately 24 feet wide. Vegetation

¹⁴ BSFNOIDoc01-01 NOI 2024-08-09, pg. 10, 12.

¹⁵ BSFNOIDoc01-01 NOI 2024-08-09, pg. 6.

¹⁶ BSFNOIDoc01-01 NOI 2024-08-09, pg. 9, 11, 12.

¹⁷ BSFNOIDoc01-01 NOI 2024-08-09, pg. 10, 12.

1 maintenance along proposed solar array interior roads will include mowing to a height of no
2 more than approximately 24 inches.¹⁸

3 4 I.A.1.7 Perimeter Fencing, and Gates

5
6 The applicant proposes to install chain-link or fixed-knot (wildlife friendly) perimeter fencing, up
7 to 6 feet in height and topped with 1-foot of barbed or razor wire, around the solar array and
8 other infrastructure. The perimeter fencing would have lockable vehicle and pedestrian access
9 gates.¹⁹

10 11 I.A.1.8 Temporary Construction Staging Areas

12
13 The applicant proposed to construct an unspecified number of temporary construction areas
14 within the site boundary to facilitate the delivery and assembly of materials and equipment
15 during construction of the proposed facility. The areas may be used for the temporary storage
16 of diesel and gasoline fuels located in aboveground tanks and within designated secondary
17 containment areas. If a temporary concrete batch plant is needed, it would also be located
18 within the temporary construction staging areas.²⁰

19 20 I.A.1.9 Temporary Workforce Housing

21
22 The applicant states that it may include options for incorporating temporary workforce housing
23 in the ASC, if it finds that providing temporary housing at the site is potentially necessary and
24 feasible.²¹

25 26 I.A.2 Site and Location

27
28 The proposed site includes approximately 7,852 acres of privately owned land in Sherman
29 County, Oregon. The site is zoned F-1 (Exclusive Farm Use). The majority of the site consists of
30 herbaceous and shrub/scrub land with smaller areas of cultivated dryland wheat fields and a
31 small amount of developed land.²²

32
33 The site is located off OR-216, approximately 9 miles east of Tygh Valley and 8 miles southwest
34 of Grass Valley. Primary transportation corridors to the facility site include I-84, US-197, US-97,
35 and OR-216.²³

36
37

¹⁸ BSFNOIDoc01-01 NOI 2024-08-09, pg. 11

¹⁹ *id.*

²⁰ *id.*

²¹ *id.*

²² BSFNOIDoc01-01 NOI 2024-08-09, pg. 30; Table J-1.

²³ BSFNOIDoc01-01 NOI 2024-08-09, pg. 11.

The site includes all or part of the taxlots listed in Table 2, below.

Table 2: Taxlots within the Site Boundary by Township, Range, and Section

Township & Range	Section	Taxlots
3S 15E	26, 27, 33, 34, 35, 36	2900, 3000
4S 15E	1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24	100, 300, 301, 400, 500, 1700, 1900, 2000, 2100, 2200, 2300, 3300
4S 16E	7, 18, 19	1700, 3800

BSFNOIDOC01-01 NOI 2024-08-09, Table C-1.

Commented [KS2]: Should we remove the lot 100 dropped from site boundary? 1,075 acres removed

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I.B. Applicant Information

The applicant is Buckley Solar, LLC, a subsidiary of Clenera, LLC (parent company) through an intermediary entity, Clenera DevCo LLC. Clenera, LLC is a subsidiary of Enlight Renewable Energy.

Buckley Solar, LLC was formed with the Secretary of State of the State of Delaware on December 8, 2023, and was acknowledged and registered to do business in Oregon by the Oregon Secretary of State on December 27, 2023, in Salem, Oregon.²⁴

The officer responsible for submitting the NOI is:

Adam Pishl
Chief Operating Officer
PO Box 2576
Boise, ID 83701
(208) 639-3232
adam@clenera.com

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

Eric Desmarais
Director of Development, Clenera LLC
PO Box 2576
Boise, ID 83701
(503) 901-7853
eric.desmarais@clenera.com

Contact persons other than the applicant are:

²⁴ BSFNOIDoc01-01 NOI 2024-08-09, Attachment 1.

1 Paul Seilo
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3 1750 S Harbor Way, Suite 400
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5 (503) 221-8636
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7

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9 Stoel Rives LLP
10 760 SW Ninth Avenue, Suite 3000
11 Portland, OR 97204
12 (503) 294-9517
13 tim.mcmahan@stoel.com
14

15 **I.C. Procedural History**

16
17 On September 28, 2023, the applicant submitted a NOI with the fee required under OAR 345-
18 020-0006.

19
20 *Public Notice on NOI*
21

22 On September 10, 2024, the Department sent notice of the NOI to persons on the Council's
23 general mailing list, special mailing list, and to the owners of property located within the
24 distances specified in OAR 345-020-0010(1)(f)(A).²⁵
25

26 Public notice appeared in The Times-Journal, a newspaper of general circulation for Gilliam,
27 Sherman and Wheeler Counties, on September 19, 2024. Public notice also appeared in The
28 Columbia Gorge News, a newspaper of general circulation for Wasco and Hood River Counties,
29 as well as Klickitat County in Washington, on September 18, 2024. The public notice provided
30 information regarding the proposed facility and the EFSC review process and announced that a
31 public informational meeting on the NOI would be held in Grass Valley, Oregon on October 1,
32 2024. The public notice requested public comment on the NOI and established October 10,
33 2024, as the public comment deadline.
34

35 *Public Information Meeting and Public Comment Period*
36

37 The Department held a public informational meeting on the NOI for the proposed facility on
38 October 1, 2024. The meeting was held at the Grass Valley Pavillion in Grass Valley, Oregon and
39 was available online for remote participation. The Department and the applicant appeared at
40 the informational meeting and provided information about the EFSC siting process and the
41 proposed facility and responded to questions from the public. The public meeting was
42 recorded, and meeting materials and a recording were made available to the public on the

²⁵ Noticing conducted in accordance with OAR 345-015-0110, effective September 24, 2020.

1 project webpage. Comments provided during the informational meeting are summarized in
2 Section I.D.1 below and included in full in Attachment 1 of this order.

3
4 *Special Advisory Group Coordination*

5
6 ORS 469.480(1) requires the Council to designate the governing body of any local government
7 within whose jurisdiction a facility is proposed to be located as a Special Advisory Group (SAG).
8 On September 9, 2024, the Department sent letters notifying the Sherman County Court that
9 through delegation by Council, the Department had designated it as SAGs for all EFSC
10 proceedings associated with this proposed facility and requesting comments and
11 recommendations on applicable local substantive criteria. At the request of the County Court,
12 the Department also presented information about the siting process and the proposed facility
13 at the Court's regular meeting on October 2, 2024.

14
15 The County Court provided comments recommending applicable substantive criteria and other
16 requirements for the ASC on October 9, 2024. The comments are summarized in Section I.D.2
17 below and included in Attachment 2 of this order.

18
19 *Reviewing Agency Coordination*

20
21 In accordance with ORS 469.350 and OAR 345-020-0040(1), the Department prepared a
22 distribution list of state agencies with regulatory or advisory responsibility related to the siting
23 of the proposed facility and other local governments that could be potentially affected by the
24 proposed facility. In accordance with OAR 345-015-0120, the Department prepared a
25 memorandum requesting comments from the reviewing agencies identified under OAR 345-
26 001-0010. The Department electronically distributed the memorandum to reviewing agencies
27 on September 9, 2024, in accordance with 345-020-0040. The input from reviewing agencies is
28 summarized in Section I.D.3 below and included in Attachment 3 of this order.

29
Table 3: Reviewing Agencies

State 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 State Fire Marshal • Oregon Public Utility Commission • Oregon State Historic Preservation Office • Oregon Water Resources Department
Tribal Governments	
• Burns Paiute Tribe • Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) • Confederated Tribes of the Umatilla Indian Reservation (CTUIR)	

Table 3: Reviewing Agencies

State Agencies	
Special Advisory Groups (SAGs)	
• Sherman County Court	
Local Jurisdictions for Public Services	
• City of Grass Valley	• City of Moro
Other Reviewing Agencies	
• Northwest Power and Conservation Council	

Tribal Government Coordination

On September 11, 2023, the applicant consulted with the Legislative Commission on Indian Services to identify tribes that may be potentially affected by the proposed facility. The Commission recommended the applicant consult with the following tribes:

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

On October 9, 2024, the Department sent letters to the Tribal Council Chairs of each of the identified tribes requesting comments regarding historic, cultural, or archaeological resources, and other resources that may have cultural or economic significance to the Tribe. At the time of this Order no comments had been received from any tribal government.

I.D. Comments Received on the Notice of Intent

All comments received on the NOI during the comment period are summarized in the following sections. In accordance with OAR 345-015-0140, the Department provided the applicant with a copy of each comment received for their review and consideration in preparing the ASC.

I.D.1 Public Comments on NOI

The Department received 11 written public comments on the NOI. All written public comments received during the comment period are included in Attachment 1 and are available for review through the ODOE Siting Docket.²⁶ In addition, ten persons provided oral comments at the October 1, 2024, public information meeting. The audio recording of the meeting is available on the ODOE project webpage.²⁷ Table 4, below, presents a summary of issues raised in public comments received on the NOI.

²⁶ Oregon Department of Energy Siting Docket Available at: <https://odoe.powerappsportals.us/en-US/sitingdocket/>

²⁷ Oregon Department of Energy State of Oregon: Facilities – Buckley Solar Facility Available At: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BSF.aspx>

Table 4: Summary of Issues Raised in Public Comments

Comment Summary	# Of Commenters	Relevant Council Standards
Request for specifications of solar arrays, post installation, battery components	2	General Standard of Review
Request for evaluation of impacts to Military Training Routes	1	General Standard of Review
Support for Project - Participating Landowner	1	General Standard of Review
Support for Project - Job Creation	1	General Standard of Review
Request for information about parent company	1	Organizational Expertise
Concern about financial viability of solar developers in general	1	Organizational Expertise
Concerns about impacts to conservation practices, including water and soil erosion control structures, on site.	2	Soil Protection
Concerns about potential water quality impacts to Buck Hollow Creek	1	Soil Protection
Recommendation to consult with Soil and Water Conservation District regarding potential impacts to soils	2	Soil Protection
Requests for information about vegetation management practices that will be used on site	2	Soil Protection
Requests for information about studies used to evaluate potential impacts to soil and mitigation plans	2	Soil Protection
Concerns about impacts to local agricultural economy/Recommendation to require mitigation of impacts of lost agricultural production on local agricultural services.	3	Land Use
Concerns about compatibility with adjacent farm uses/indemnification of damages from farm practices	2	Land Use
Request for evaluation of impacts of access changes and traffic on agricultural practices	1	Land Use
Concerns about compatibility with EFU Zoning	2	Land Use
Concerns about increased property values and stability of overall land use pattern of the area	1	Land Use

Table 4: Summary of Issues Raised in Public Comments

Comment Summary	# Of Commenters	Relevant Council Standards
Concerns about impacts to aesthetics and general quality of life	3	Land Use
Concern about impacts to pre-existing rights-of-way and property access	1	Land Use
Recommendation that weed control plan be developed in consultation with County Weed Department	1	Land Use
Recommendation that agrivoltaics design is incompatible with local agricultural practices.	1	Land Use
Recommendation to increase analysis area for land use	1	Land Use
Request for lack of need for off-site transmission be verified	1	Land Use
Concern about impacts to Protected Areas, Scenic Resources, and Recreational Opportunities	1	Protected Areas/Scenic Resources/Recreation
Recommendation to increase analysis area size for impacts to recreation	1	Protected Areas/Scenic Resources/Recreation
Concerns about potential impacts to fish and wildlife habitat in Buck Hollow Canyon, Jones Canyon, and other adjacent areas	3	Fish and Wildlife Habitat
Concerns about potential impacts to historic, cultural, and archaeological sites, specifically the historic Barlow Road Cutoff segment of the Oregon Trail	3	Historic, Cultural, and Archaeological Resources
Concerns about capacity of local fire responders to respond to fire at site, specifically fires involving BESS components.	4	Public Services
Concerns about potential public safety concerns and impacts on local police.	1	Public Services
Concerns about liability for damages caused by wildfire at site/ability of applicant to compensate for damages if facility causes wildfire	6	Wildfire
General concerns about wildfire hazard from facility components, including solar arrays and battery components	5	Wildfire
Concerns about potential for toxic smoke or other hazardous releases during fire	2	Wildfire

Table 4: Summary of Issues Raised in Public Comments

Comment Summary	# Of Commenters	Relevant Council Standards
involving solar panels or battery components		
Request for information about fire suppression system that will be utilized in BESS	1	Wildfire
Recommendation to increase analysis area for wildfire	1	Wildfire
Recommendation that applicant be required to prepare a fire safety plan in coordination with local fire district.	1	Wildfire
Concerns about ability to dispose of damaged panels, given possibility of damage from fire/hail	1	Waste Management
Concerns about adequacy of bonding requirements and ability to restore site to agricultural use	3	Retirement and Financial Assurance

I.D.2 Special Advisory Group Comments on NOI

The Sherman County Court provided written Comments on October 9, 2024. These comments are provided in Attachment 2 of this order.

The Court noted concerns of citizens regarding visual impacts to those living near the potential site, wildfire, soil impacts, and loss of farm ground and grazing pasture. The Court also emphasized that fire concerns are of high significance to the County and recommended that the applicant meet with the South Sherman Fire Department and create a fire plan that satisfies the department and community.

The Court recommended local applicable substantive criteria for the review of the proposed facility and commented that the County would like to see setbacks from neighboring residences, while there is not a setback ordinance in place at this time, the County may seek setbacks as a condition of approval. The applicable substantive criteria recommended by the SAGs and affected local government agencies are discussed further in Section IV.K.

The County recommended that the following local permits may be required for the proposed facility:

- Sanitation - North Central Public Health District
- Road Approach Permit and Road Use Agreement - Sherman County Road Department
- Building permits- Oregon Building Codes Division, Pendleton Regional Office

- Conditional Use Permit - Sherman County Planning.

Local permitting requirements are discussed in Section IV.E.3 below.

The Court recommended the applicant consult with the following agencies to identify potential impacts of the proposed facility and mitigation measures:

- Sherman County Emergency Services for impacts on ambulance services
- South Sherman Rural Fire Protection District for wildfire concerns and wildfire plan.
- Sherman County Weed Department for weed control on the site.
- Sherman County Natural Resources Conservation Service and Soil and Water Conservation district for soils impact analysis and watershed impacts
- ODOT for impacts to OR-216.

These recommendations are discussed further in Sections IV.I, IV.U and IV.V. below.

I.D.3 Reviewing Agency Comments on NOI

Four state agencies provided comments on the NOI. Copies of these comments are included in Attachment 3 of this Order.

Oregon Department of Forestry

On September 13, 2024, the Oregon Department of Forestry (ODF) provided a letter confirming that it did not have specific comments or recommendations on the project because the facility would not be sited on or in proximity to forest lands. ODF also confirmed that the applicant is expected to be familiar with and fulfill all applicable obligations related to fire prevention under ORS chapter 477.

Oregon Department of State Lands

On September 23, 2024, the Oregon Department of State Lands provided comments describing the requirements for Wetlands Delineations and jurisdictional thresholds for when a Removal-Fill Permit is required.

Oregon Department of Aviation

On October 10, 2024, the Oregon Department of Aviation confirmed that it did not have any concerns with the NOI.

Oregon Department of Fish and Wildlife

On October 10, 2024, the Oregon Department of Fish and Wildlife (ODFW) provided a letter making several recommendations with regards to the potential impacts of the proposed facility on fish and wildlife habitat and species, and the applicable requirements of ORS chapter 496, 498, 506, and 509, and OAR chapter 635.

1 ODFW also advocated for the applicant to site the facility in a manner consistent with the
2 provisions of the Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting
3 Guidelines that are applicable to solar facilities.

5 ODFW provided specific recommendations regarding the habitat types and species likely to be
6 present at the site, habitat categorization, required surveys, and measures to avoid, minimize,
7 and mitigate impacts on fish and wildlife habitat. These recommendations are discussed in
8 more detail in Section IV.P.

10 II. ANALYSIS AREAS FOR THE PROPOSED FACILITY

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

19 For all potential impacts, the analysis area includes all the area within the site boundary. Most
20 analysis areas also include an area extending a specified distance from the site boundary. The
21 minimum required analysis areas are presented in Table 5 below.

Table 5: Analysis Areas

Affected Standard or Resource	Exhibit	Analysis Area	ODOE's Basis for Analysis Area
Structural Standard	H	The area within the site boundary, notwithstanding the distances related to an assessment of seismic hazards required by OAR 345-021-0010(1)(h).	Default minimum of 50 miles for seismic risks.
Soil Protection	I	The area within the site boundary.	Consistent with established study area distance.
Land Use	K	The area within and extending 0.5 mile from the site boundary.	Consistent with established study area distance.
Wetlands	J	The area within the site boundary.	Consistent with applicability of removal-fill permit
Protected Areas	L	The area within and extending 20 miles from the site boundary.	Consistent with established study area distance.
Fish and Wildlife Habitat	P	For the identification of fish and wildlife habitat/habitat categorization and baseline surveys, with the exception of raptor nest surveys, the area within the site boundary.	Habitat categorization and baseline surveys within the site boundary are adequate to inform the evaluation of the site and mitigation goals.
		For raptor nests, the area within and extending 0.5-miles from the site boundary.	Raptor nest survey distance is recommended by ODFW.
		For the literature review of identified species, the area within and extending 5-miles from the site boundary.	Literature review is consistent with the evaluation of T&E species.
Threatened and Endangered Species	Q	For the literature review, the area within and extending 5 miles from the site boundary; for any necessary species specific surveys, the area within the site boundary.	Consistent with established study area distance (OAR 345-001-0010(35)(a))
Scenic Resources	R	The area within and extending 10 miles from the site boundary.	Consistent with established study area distance.

Table 5: Analysis Areas

Affected Standard or Resource	Exhibit	Analysis Area	ODOE's Basis for Analysis Area
Historic, Cultural and Archaeological Resources	S	For direct impacts to archeologic sites and objects, the area within the site boundary. For indirect impacts to aboveground resources, including Traditional Cultural Properties or Historic Properties of Religions and Cultural Significance to Indian Tribes, identified within 1-mile of the site boundary during the desktop review, the analysis area shall include the area within and extending 1-mile from the site boundary.	Consistent with SHPO guidance
Recreation	T	The area within and extending 5 miles from the site boundary.	Consistent with established study area distance.
Public Services	U	For public services that could be impacted by traffic or population change, Sherman and Wasco County. For all other public services, services available in the area within the site boundary.	Larger analysis area needed due to rural nature of the site.
Wildfire Risk	V	For wildfire mapping, the area within and extending 5 miles from the site boundary. For wildfire risk assessment, based on county risk assessment.	Larger analysis area needed due to high likelihood of fast-moving fires in vicinity of site.
Noise Control Regulation	Y	The area within and extending 1-mile from the site boundary.	Consistent with distance identified in OAR 345-021-0010(1)(y)(E)
Notes: The applicant should note that analysis areas defined in this Project Order are to be used for the assessment of impacts to the associated resource. The applicant is not required to perform comprehensive field surveys of the entire analysis area if another method of impact assessment is suitable. However, the Department reserves the right to require field surveys if it is determined that a different method of analysis is insufficient to provide the level of information necessary to find the application complete. It is recommended that the Department be consulted if the applicant wishes to propose alternative methods of analysis than field surveys.			

1 **III. EFSC REGULATORY FRAMEWORK**

2
3 Under ORS 469.300(12)(a)(D)(i)-(iii), a solar PV power generation facility using more than 240
4 acres located on high-value farmland; 2,560 acres of predominantly cultivated or
5 predominantly arable land; or 3,840 acres of any other land is an “energy facility” subject to the
6 jurisdiction of the Council. Under ORS 469.320, no facility may be constructed or operated in
7 Oregon without a Site Certificate from the Council. Issuance of a site certificate is governed by
8 ORS 469.300 to 469.563, 469.590 to 469.619, 469.930 and 469.992 and OAR chapter 345.
9

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

12
13 **OAR Chapter 345, Division 21** (Site Certificate Application Requirements) includes the primary
14 ASC requirements. See Section IV of this Project Order for specific information related to ASC
15 requirements for the proposed facility.
16

17 **OAR Chapter 345, Division 22** (Council Standards for Siting Facilities) establishes the General
18 Standards which apply to all proposed energy facilities. The applicant must ensure that
19 information provided to satisfy the ASC requirements in Division 21 demonstrates compliance
20 with the associated standard in Division 22.
21

22 **OAR Chapter 345, Division 24** (Specific Standards for Siting Facilities) includes additional
23 standards for specific categories of energy facilities. The applicant must ensure that the
24 information provided to satisfy the application requirements in Division 21 demonstrates
25 compliance with any associated Division 24 standards that are applicable to the proposed
26 facility. The Division 24 standard that applies to the proposed facility is OAR 345-024-0090,
27 Siting Standards for Transmission Lines.
28

29 **OAR Chapter 345, Division 25** (Site Certificate Conditions) includes site certificate conditions
30 that EFSC must include in all site certificates, as well as applicable site-specific and monitoring
31 conditions. As provided in OAR 345-025-0006(10), the Council will include all representations
32 made in the ASC and supporting record that are necessary to either comply with and/or
33 adequately mitigate a potentially significant impact to a resource protected by a Council
34 standard as conditions of approval if the application is approved.
35

36 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes the
37 compliance plan requirements that will apply if the Council issues a site certificate for the
38 proposed facility. Note that, if a site certificate is issued, the certificate holder must also comply
39 with additional construction- and operation-related regulations that may apply to the proposed
40 facility but that may not be covered by the site certificate, per ORS 469.401(4).
41
42
43

1 **IV. APPLICATION REQUIREMENTS**

2
3 The applicant has indicated that it expects to submit its preliminary ASC in May 2025.²⁸ The
4 applicant must include all information required under OAR 345-021-0010 in the ASC, including
5 all information that would otherwise be required by any state agency or local government to
6 issue a permit, license, or certificate that the applicant proposes to be included in and governed
7 by the site certificate.²⁹ The applicant must also submit copies of the applications for federally
8 delegated permits that are needed for construction or operation of the proposed facility.³⁰
9

10 OAR 345-021-0010(1) identifies the exhibits that must be included in the ASC. The specific
11 subsections and paragraphs of OAR 345-021-0010(1) that apply to the proposed facility are
12 indicated in the sections below. Each exhibit must include a table of contents.³¹
13

14 **IV.A. Exhibit A – General Information about the Applicant and Participating Persons**

15
16 **Applicable Paragraphs:** OAR 345-021-0010(1)(a)(A), (B), (D) and (H)

17 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

18 **Discussion:** Under OAR 345-021-0010(1)(a)(A), Exhibit A must identify the legal name and
19 address of the applicant and any co-owners of the proposed facility. The ASC must provide the
20 name, mailing address, email address and telephone number of at least one contact person for
21 the applicant, and if there is a contact person other than the applicant, the name, title, mailing
22 address, email address and telephone number of that person.
23

24 As described above, the NOI identifies Buckley Solar, LLC as the applicant. The applicant must
25 notify the Department of any change in its legal name or business entity. The Department may
26 request that Exhibit A be amended or may accept an alternate form of documentation to
27 document the change on the record of the ASC.
28

29 Under OAR 345-021-0010(1)(a)(B), Exhibit A must identify any participating entities other than
30 the applicant, including but not limited to, the parent company of the applicant and any
31 persons upon whom the applicant will rely for third-party permits or approvals related to the
32 facility, and, if known, other persons upon whom the applicant will rely in meeting any facility
33 standard adopted by the Council.
34

35 Under OAR 345-021-0010(1)(a)(D), Exhibit A must identify the legal name and business address
36 of each of the applicant's full or partial owners. The NOI identifies Clenara DevCo, LLC as the
37 parent company for the applicant. Exhibit A must either verify that Clenara DevCo, LLC
38 continues to be the sole member of Buckley Solar, LLC or provide an updated list identifying all
39 LLC members.

²⁸ BSFNOIDoc01-01 NOI 2024-08-09, Table P-1.

²⁹ OAR 345-021-0000(5)

³⁰ OAR 345-021-0000(6)

³¹ OAR 345-021-0010(3)

1 The applicant must notify the Department of any change in the identity or ownership of the
2 applicant prior to the change. This notification requirement continues to apply until the Council
3 issues its Final Order on the ASC.

4
5 Clenara DevCo, LLC is a wholly-owned subsidiary of Clenara Holdings, LLC, which in turn, is a
6 subsidiary of Enlight Renewable Energy, Ltd. (Enlight).³² Exhibit A must disclose any changes to
7 the ownership or management of the applicant or its parent company.

8
9 The NOI also identifies personnel from an affiliated Enlight subsidiary, Clenara, LLC, as primary
10 contacts for the project. The ASC should clearly explain the relationship between the applicant,
11 Enlight, and Clenara, LLC in both Exhibit A and D.

12
13 Because the applicant is a limited liability company, OAR 345-021-0010(1)(a)(H) applies. Under
14 this paragraph, Exhibit A must include:

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

21
22 Buckley Solar, LLC is not required to identify a resident attorney-in-fact because it is registered
23 to do business in Oregon, however, it must still identify and maintain a registered agent that
24 can accept legal service in this state.

25 26 IV.B. Exhibit B – General Information about the Proposed Facility

27
28 **Applicable Paragraphs:** OAR 345-021-0010(1)(b)(A)(ii) through (v), (B), (C), (E) and (F).

29 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

30 **Discussion:** Exhibit B must provide information about the proposed facility, construction
31 schedule and activities, operations and maintenance activities and inspections, and temporary
32 disturbances of the site.

33
34 Under OAR 345-021-0010(1)(b)(A) through (C), Exhibit B must include a description of the
35 facility that includes, at a minimum:

- 36 • The nominal electric generating capacity and the average electrical generating capacity
37 of the proposed solar PV facility.
- 38 • A detailed description of all major components, structures and systems that will be part
39 of the proposed facility, including:
 - 40 ○ The capacity, dimensions, type, and configuration of equipment used to
41 generate, store, transmit, or transport electricity, and the dimensions and

³² BSFNOIDoc01-01 NOI 2024-08-09, Attachment 1

1 configurations of any other related or supporting facilities, including but not
2 limited to roads, storage facilities, fences, or other structures.

- 3 • A site plan showing the general arrangement of buildings, equipment, and structures,
4 including any proposed temporary laydown or staging areas and any proposed
5 micrositing corridors. Note that if the applicant seeks flexibility to site proposed facility
6 components anywhere within the site boundary, or seeks approval of micrositing areas,
7 the applicant must evaluate impacts to resources within the entire site boundary or
8 micrositing areas based on the maximum impact facility layout option within the site
9 boundary or micrositing areas, if different.
- 10 • The capacity, dimensions, type, and configuration of related or supporting facilities,
11 including but not limited to the BESS, collector substation, transmission line,
12 POI/interconnection facilities, roads, and fences.
- 13 • Identification and description of any fuel and chemical storage facilities, including oil-
14 containing capacity and structures and systems for spill containment.
- 15 • Equipment and systems for fire prevention and control in any system components,
16 including water tanks, internal fire suppression systems, and access and egress points
17 for fire responders.

18
19 Under OAR 345-021-0010(1)(b)(E), Exhibit B must include information about the proposed 34.5
20 and 500 kV transmission lines that would be constructed as part of the project including:

- 21 • The rated voltage, load carrying capacity, and type of current of each category of
22 transmission line and a description of transmission line structures and their dimensions.
- 23 • The length and location of each 500 kV transmission line route. The length of individual
24 34.5 kV transmission line segments does not need to be identified however, the
25 applicant should identify overall length and location based on the most-impact design
26 scenario.
- 27 • The proposed right-of-way width for each category of transmission line, including to
28 what extent new right-of-way will be required or existing right-of-way will be widened;
- 29 • If the proposed transmission line will follow or include any public right-of-way, a
30 description of where the transmission line or pipeline would be located within the public
31 right-of-way, to the extent known. If the applicant proposes to locate all or part of a
32 transmission line or pipeline adjacent to but not within a public right-of-way, the Exhibit
33 must describe the reasons for locating the transmission line or pipeline outside the
34 public right-of-way. The applicant must include a set of clear and objective criteria and a
35 description of the type of evidence that would support locating the transmission line
36 outside the public right-of-way, based on those criteria.

37
38
39 The description must be in both narrative and tabular format, like the examples provided in
40 Tables 6 and 7 below.
41

Table 6: Example Energy Facility Specifications and Details

Component	PV Only	PV plus Storage (Dispersed)
3 MW AC 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 7: 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. 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

Table 7: Example Related or Supporting Facilities Specifications and Details

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

The information in Exhibit B must be as complete and accurate as possible. If the ASC is approved, the information will 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 will contain conditions requiring the certificate holder to design, construct, operate and retire the facility substantially as described in the site certificate.

Under OAR 345-021-0010(1)(b)(F), Exhibit B must include a construction schedule including a description of all primary construction activities that will 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 will be completed within any required work-windows required to avoid or minimize impacts on sensitive resources.

The construction schedule must specify the date by which the applicant proposes to begin construction of the facility and the date by which the applicant proposes to complete construction activities. The proposal should reflect the time needed to obtain any outstanding contracts, permits, or approvals needed to begin construction of the proposed facility, including those described in Section IV.E. If the applicant proposes to construct the facility in phases, the construction schedule must describe the timing of construction activities for each phase.

Exhibit B must also describe routine operations and maintenance activities, including tasks and actions associated with panel, battery, or part replacement, vegetation management, and inspections.

IV.C. Exhibit C – Location

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: General Standard of Review [OAR 345-022-0000]

Discussion: Exhibit C must include information about the proposed facility site.

Under OAR 345-021-0010(1)(c)(A), Exhibit C 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.

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.

The maps must identify all proposed transmission line routes and corridors for which the applicant seeks Council approval.

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

Under OAR 345-021-0010(1)(c)(B), Exhibit C 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 will be considered permanent disturbance for the purposes of the Fish and Wildlife Habitat Standard, Exhibit C should identify the estimated areas that will be affected by temporary (e.g. grading, temporary vegetation clearing) and permanent (i.e. graveling, foundation installation) disturbance activities separately.

IV.D. Exhibit D – Organizational Expertise

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Organizational Expertise [OAR 345-022-0010]

Discussion: Exhibit D must include information about 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 applicant may rely on its parent company to fulfill the requirements of OAR 345-021-0010(1)(d)(A) through (D), and (G), as further explained below.

Under OAR 345-021-0010(1)(d)(A), Exhibit D 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 OAR 345-021-0010(1)(d)(B) and (C), Exhibit D must describe the qualifications of the applicant's personnel who will 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 will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted.

Under OAR 345-021-0010(1)(d)(D), Exhibit D 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 OAR 345-021-0010(1)(d)(G), Exhibit D 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 will 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 were completed successfully, such as final reports submitted to the permitting agency.

IV.E. Exhibit E – Permits

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: General Standard of Review [OAR 345-022-0000]

Discussion: Under OAR 345-021-0010(1)(e)(A) and (B), Exhibit E 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, Exhibit E 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 OAR 345-021-0010(1)(e)(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, Exhibit E must also provide evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules, and standards applicable to the permit. Information about removal-fill permits must be provided in Exhibits J and information about any necessary water rights or permits in Exhibit O.

Under OAR 345-021-0010(1)(e)(E), if the applicant will 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, Exhibit E 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

1 in evaluating the application for compliance with Council standards. Under OAR 345-021-
2 0010(1)(e)(D), Exhibit E must include evidence that the responsible agency for any federally
3 delegated permitted program has received a permit application. The applicant must provide the
4 estimated date when the responsible agency will complete its review and issue a permit
5 decision. If the applicant relies on a contractor or third party to obtain a required state or local
6 permit, license or certificate that will be governed by the site certificate, Exhibit E must also
7 include the information required by OAR 345-021-0010(1)(e)(F).

8
9 Table 8, below, lists permits that may be required for the proposed facility. Additional
10 information is provided in the discussion that follows.

Table 8: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
Federal and Federally Delegated Permits		
Bonneville Power Administration	Interconnection Agreement	Not Jurisdictional
U.S. Army Corps of Engineers	Section 404 Permit	Not Jurisdictional, but information required for completeness ¹
Federal Aviation Administration	Determination of No Hazard to Air Navigation	Not Jurisdictional
U.S. Fish and Wildlife Service	Incidental Take Permit or Eagle Take Permit	Not Jurisdictional
Oregon Department of Environmental Quality	NPDES Construction Stormwater 1200-C Permit	Not Jurisdictional, but information required for completeness ¹
	NPDES Construction Stormwater 1200-A Permit	Not Jurisdictional, but information required for completeness ¹
	Basic Air Contaminant Discharge Permit	Not Jurisdictional, but information required for completeness ¹
State		
Oregon Department of State Lands	Removal-Fill Permit & Wetland Delineation Concurrence	Jurisdictional if proposed by applicant
Oregon Department of Environmental Quality	Water Pollution Control Facilities Permit 1000, Gravel mining and Batch Plant	Not Jurisdictional
	Water Pollution Control Facilities Permit 1700-B	Not Jurisdictional
Oregon Department of Transportation	Oversize Load Movement Permit	Not Jurisdictional
	Access Management Permit	Not Jurisdictional
	Utility Encroachment Permit	Not Jurisdictional

Table 8: Potentially Required Permits

Permitting Authority	Permit	EFSC Jurisdiction
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	Letter of Determination of	Jurisdictional
Local		
Sherman County Planning Department	Conditional Use Permit/Zoning Permits	Jurisdictional
Oregon Building Codes Division, Pendleton Field Office	Building & Electric Permits	Not Jurisdictional
Site Evaluation Application & New Construction Permit (Septic)	North Central Public Health District	Not Jurisdictional
Sherman County Roads Department	Road Approach Permit	Not Jurisdictional
Notes: ¹ Under OAR 345-021-0010(1)(e) the application must identify all federal, state and local government permits related to the siting of the proposed facility. For federally delegated permits, the application must include evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision. The department requests this evidence be provided for all federal permits. ² 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.1.1 Bonneville Power Administration

Interconnection Agreement: **(Not Jurisdictional)**

Statute and Rule References: National Environmental Policy Act, 42 USC 4332; 40 CFR 1500.

Discussion: As proposed, the facility would interconnect with the existing Buckley Substation, 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 will not be included in or

governed by the site certificate; however, the applicant is encouraged to use relevant information generated and documents prepared for the federal review to support its ASC.

IV.E.1.2 U.S. Army Corps of Engineers

Section 404 Permit: (Not Jurisdictional, but information required for completeness)

Statute and Rule References: Clean Water Act, Section 404; 33 CFR 1344.

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 will complete its review and issue a permit decision.

IV.E.1.1 Federal Aviation Administration

Determination of No Hazard to Air Navigation: (Not Jurisdictional)

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

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 will 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 required to address impacts to military operations or readiness under 10 USC 183a as part of, or in addition to the FAA process.

This federal process is outside of the Council's jurisdiction and will 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).

IV.E.1.2 Oregon Department of Environmental Quality

1 *National Pollution Discharge Elimination System (NPDES) Construction Stormwater 1200-C*
2 *permit: (Federally delegated. Not Jurisdictional, but information required for completeness)*

3 **Statute and Rule References:** Clean Water Act, Section 402; 40 CFR § 122; ORS 468 and 468B;
4 OAR Chapter 340, Division 45

5 **Discussion:** A NPDES 1200-C permit is required for construction activities that will disturb one
6 or more acres of land. Based upon the information in the NOI, a NPDES 1200-C permit would
7 likely be required for facility construction. The EPA has delegated authority to the Oregon
8 Department of Environmental Quality (DEQ) to issue NPDES Stormwater Discharge permits and
9 the applicant has represented it will obtain this permit directly from DEQ.

10
11 In accordance with OAR 345-021-0000(6), the applicant must submit to the Department one
12 copy of all applications for federally delegated permits (including the NPDES permit) or provide
13 a schedule of the date by which the applicant intends to submit the application. Unless this
14 permit will be obtained by a third-party (see Section IV.E.4), the Department will not be able to
15 find the application for site certificate complete before receiving a copy of the NPDES permit
16 application and a letter or other indication from DEQ. The DEQ response must state that the
17 agency has received a permit application from the applicant and provide an estimated date
18 when the agency will complete its review and issue a permit decision. The applicant may
19 incorporate this information into Exhibit I (Soils) or Exhibit BB (Other Information) of the ASC.

20
21 *NPDES Stormwater and Mine Dewatering Discharge 1200-A permit: (Federally delegated Not*
22 *Jurisdictional, but information required for completeness)*

23
24 **Statute and Rule References:** Clean Water Act, Section 402 (33 USC § 1342); 40
25 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45

26 **Discussion:** Disposal of concrete batch plant wash water (if a temporary batch plant is
27 necessary) would require either an NPDES 1200-A permit or a WPCF General Permit 1000. If the
28 batch plant was to discharge stormwater from a point source to surface water or to a
29 conveyance system that discharges to surface water, the plant would require an NPDES 1200-A
30 permit. The requirements of OAR 345-021-0000(6) (described in the preceding section) would
31 apply to the NPDES 1200-A permit. If the applicant's third-party contractor would instead
32 obtain the NPDES 1200-A permit, the requirements described in the Third-Party Permits section
33 below would apply. Alternatively, if the batch plant would be located within a construction
34 staging yard for which the applicant would seek coverage under an NPDES 1200-C permit
35 described above, the applicant may seek coverage for the batch plant under the same NPDES
36 1200-C permit.

37
38 If the batch plant would not discharge to surface waters, a WPCF-1000 General Permit would
39 instead be required to dispose of process wastewater and stormwater by recirculation,
40 evaporation, and/or controlled seepage (see the State Permits discussion below).

41
42 *Basic Air Contaminant Discharge Permit: (Federally delegated. Not EFSC-jurisdictional, but*
43 *information required for completeness)*

Statute and Rule References: OAR Chapter 340, Division 216

Discussion: If the applicant or its contractor utilizes a stationary or portable concrete batch plant during construction or operation of the proposed facility, it may be required to obtain a Air Contaminant Discharge Permit or ACDP under the Clean Air Act. The EPA has delegated the authority to issue permits under the Clean Air Act to DEQ.

A Basic Air Contaminant Discharge Permit authorizes operation of a concrete manufacturing plant that produces more than 5,000 but less than 25,000 cubic yards per year output. Permits 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 permit, the requirements described in the Third-Party Permits section below would apply.

IV.E.2 State Permits

IV.E.2.1 Oregon Department of State Lands

Wetland Delineation and Removal Fill Permit: (EFSC-jurisdictional)

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

Discussion: A removal-fill permit is required if any removal or fill activities occur in streams designated as Essential Indigenous Anadromous Salmonid Habitat, or if 50 cubic yards or more of material is removed, filled, or altered within any 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.J 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 is not likely to 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.

IV.E.2.2 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: (EFSC-jurisdictional)

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

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 will conduct the solar panel washing activities may seek coverage under the WPCF-1700-B permit from DEQ 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.

IV.E.2.3 Oregon Water Resources Department

Water Right Permit or Water Use Authorization: (EFSC-jurisdictional)

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

Discussion: As represented in 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

1 construction water. Water right permits, limited water use licenses, and other water
2 authorizations for energy facilities are subject to review and authorization by the Council, and
3 any permit would be included in and governed by the site certificate.

4
5 IV.E.2.4 State Historic Preservation Office

6
7 *Archaeological Excavation Permit: (Not EFSC-jurisdictional, unless proposed by the applicant)*

8
9 **Statute and Rule References:** ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51

10 **Discussion:** Per ORS 390.235 and 358.920 a person may not excavate, injure, destroy, or alter
11 an archaeological site or object or remove an archaeological object located on public or private
12 lands in Oregon unless that activity is authorized by an Archaeological Permit issued by the
13 State Historic Preservation Office (SHPO). The applicant has not proposed to have this permit
14 be included and governed by the site certificate, and as such the applicant will be required to
15 obtain this permit from the State Historic Preservation Office prior to ground disturbing
16 activities at the site if it is required. The applicant must provide a letter or other indication from
17 SHPO stating that it has received an application for an excavation permit for the project,
18 identifying any additional information it is likely to need from the applicant based on the
19 agency's review of the application, and providing an estimated date for when it will complete
20 its review and issue a permit decision. The applicant must attach a copy of any archaeological
21 report and inadvertent discovery plan prepared in support of the application to Exhibit S.

22
23 IV.E.2.5 Oregon Department of Aviation

24
25 **Statute and Rule References:** ORS 836.530 and OAR 738-070-0060 – 0100.

26 *Determination of No Hazard*

27
28 **EFSC Jurisdiction:** Jurisdictional.

29 **Discussion:** OAR 738-070-0100 establishes the State's standards and notification requirements
30 for objects affecting navigable airspace. In its comments on the NOI, Oregon Department of
31 Aviation indicated that it did not have any concerns with the proposed facility; however, if the
32 applicant is required to submit FAA Form 7460-1 under 14 CFR 77, the information required in
33 the notice must be included in the pASC to aid in ODAV's determination of potential impacts to
34 air navigation. This review and determination will be incorporated and governed by the site
35 certificate.

36
37 **IV.E.3 Local Permits**

38
39 IV.E.3.1 Sherman County

40
41 *Conditional Use Permit (EFSC-jurisdictional)*

42
43 **Statute and Rule References:** ORS Chapter 469.504; Sherman County Zoning Ordinance

1 **Discussion:** As stated in the NOI, the applicant requests that the Council determine compliance
2 with the statewide planning goals under ORS 469.504(1)(b). Accordingly, the conditional use
3 permit will be included in and governed by the site certificate. The substantive criteria
4 applicable to this determination are discussed under Section IV.K., Land Use.

5
6 The other Sherman County permitting requirements listed in Table 8 are not related to facility
7 siting and as such will not be included in or governed by the site certificate. Building permits are
8 specifically excluded from EFSC jurisdiction by statute, ORS 469.401(4).
9

10 **IV.E.4 Third-Party Permits**

11
12 **Discussion:** As noted in the NOI, the applicant may rely upon third-party permits for access to
13 resources necessary for facility construction and operation. If the applicant relies upon a state
14 or local government permit issued to a third party that is related to the siting of the proposed
15 facility, the applicant must identify each third-party permit, and, for each, include evidence that
16 the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement
17 with the third party for access to the resource or service to be secured by that permit; evidence
18 that the third party has or, has a reasonable likelihood of obtaining, the necessary permit; and,
19 an assessment of the impact of the proposed facility on any permits that a third party has
20 obtained and on which the applicant relies to comply with any applicable Council standard
21 (OAR 345-021-0010(1)(e)(E)).
22

23 If the applicant relies on a federally delegated permit issued to a third party that is related to
24 the siting of the proposed facility, the applicant must identify the third-party permit and include
25 evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or
26 other agreement with the third party for access to the resource or service to be secured by that
27 permit. The applicant must provide evidence that the responsible agency has received the
28 permit application and provide the estimated date when the responsible agency will complete
29 its review and issue a permit decision (OAR 345-021-0010(1)(e)(F)).
30

31 In accordance with OAR 345-022-0010(4), if the applicant relies on a permit or approval issued
32 to a third party and the third party does not have the necessary permit or approval at the time
33 the Council issues the site certificate, the Council may issue the site certificate subject to the
34 condition that the certificate holder shall not commence construction or operation as
35 appropriate until the third party has obtained the necessary permit or approval and the
36 applicant has a contract or other arrangement for access to the resource or service secured by
37 that permit or approval.
38

39 **IV.F. Exhibit F – Property Owners**

40
41 **Applicable Paragraphs:** All paragraphs apply.

42 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

43 **Discussion:**

The facility is located within Sherman County’s Exclusive Farm Use (F-1) Zone. Accordingly, under OAR 345-020-0011(1)(f)(A)(iii), Exhibit F must identify all tax lots or parcels located wholly or partially within the site boundary, and within 500 feet of those tax lots or parcels.

All 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 preliminary ASC Exhibit F must identify all tax lots in the notification area described above, but may omit mailing address information because the Department is not required to issue a public notice reliant on the mailing address information until the ASC is deemed complete. The list must be accompanied by legible maps that clearly identify the site boundary, the notification buffer distances as described above, tax lot identification numbers as well as adjacent road names.

Once the ASC is deemed complete by the Department, Exhibit F must include the mailing address 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. 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. Property owner data should be provided in the following format:

Map Tax Lot	Name 1	Name 2	Company/Organization	C/O- Attn.	Address	City	State	Zip Code
----------------	-----------	-----------	----------------------	---------------	---------	------	-------	-------------

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

IV.G. Exhibit G – Materials Analysis

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: General Standard of Review [OAR 345-022-0000]; Soil Protection [OAR 345-022-0022]

Discussion: Exhibit G 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 in Exhibits G and W. 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.

1
2 The applicant must also describe plans to manage non-hazardous waste materials during
3 construction and operation. Exhibit G must identify any proposed fuel storage areas, vehicle
4 maintenance areas, or other areas that could be used to store hazardous materials.
5

6 IV.H. Exhibit H – Geologic and Soil Stability 7

8 **Applicable Paragraphs:** All paragraphs apply.

9 **Related Council and Other Standards:** Structural Standard [OAR 345-022-0020]

10 **Discussion:** Exhibit H must include Information regarding the geological and soil stability within
11 the analysis area. The contents of Exhibit H must be based on a consultation with the Oregon
12 Department of Geology and Mineral Industries regarding the appropriate methodology and
13 scope of the seismic hazards and geology and soil-related hazards assessments, the appropriate
14 geotechnical work that must be performed at the site, and the guidelines for preparing the
15 geologic report for the application required under OAR 345-021-0010(1)(h)(A). Under OAR 345-
16 021-0010(1)(h)(B), Exhibit H must include a summary of this consultation.
17

18 Under OAR 345-021-0010(1)(h)(A), (E), and (F), Exhibit H must include a geologic report meeting
19 the Oregon State Board of Geologist Examiners geologic report guidelines and an assessment of
20 seismic hazards and appropriate mitigation consistent with the recommendations made by
21 DOGAMI during the consultation and the requirements of the rule. The assessment must
22 explain how the applicant will design, engineer, construct and operate the facility to integrate
23 disaster resilience design to ensure recovery of operations after major disasters and how future
24 climate conditions, including changes in precipitation and stream flow, for the expected life
25 span of the proposed facility will impact the proposed facility.
26

27 Under OAR 345-021-0010(1)(h)(C) and (D), Exhibit H must provide a description and schedule of
28 site-specific geotechnical work that will be performed before construction activities begin at
29 the site, and a description of any locations where the applicant proposes to perform site
30 specific geotechnical work.
31

32 IV.I. Exhibit I – Soils 33

34 **Applicable Paragraphs:** All paragraphs apply.

35 **Related Council and Other Standards:** Soil Protection [OAR 345-022-0022]

36 **Discussion:** Exhibit I must include information from reasonably available sources regarding soil
37 conditions and uses in the analysis area. Reasonably available sources include the Natural
38 Resource Conservation Service’s Web-Soil Survey data, the United States Geological Service’s
39 National Land Cover Database, the Sherman County Soil and Water Conservation District
40 (Sherman SWCD) and adjacent landowners. Exhibit I shall include accurate references and
41 hyperlinks to source data.
42

Under OAR 345-021-0010(1)(i)(A), Exhibit I 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.

Under OAR 345-021-0010(1)(i)(B), Exhibit I 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 Sherman 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 OAR 345-021-0010(1)(i)(C) through (E), Exhibit I must identify and assess potential adverse impacts of construction and operation of the proposed facility, including impacts such as erosion, and soil compaction.

Exhibit I must also include a site reclamation plan that describes any measures the applicant proposes to avoid or mitigate adverse impacts to soils during construction and operation of the proposed facility and any proposed monitoring program. The site restoration plan should clearly describe all actions that will be taken to conserve, stabilize, and revegetate disturbed soils within the energy facility site.

Exhibit I should also explain how vegetation, graveled surfaces, and erosion and sediment control Best Management Practices will be managed during operation of the facility. Minimum measures shall include a phased grading plan, dust abatement plan, and coordinated construction and restoration schedule to minimize excessive bare ground impacts; a revegetation plan and plans for ongoing vegetation management and noxious weed control during operation of the facility. Note that the use of domestic sheep for vegetation control will not be permitted at the site due to the risk of disease transmission to nearby bighorn sheep herds.

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

For cultivated or arable lands, Exhibit I must contain sufficient evidence to demonstrate that construction and operation of the facility will not result in long-term losses of soil productivity. The Department will recommend that vegetation be required to be maintained to the maximum extent practicable. Any restoration activities for permanent disturbance areas that will occur during decommissioning of the facility must also be described in Exhibits I and X, and the soil reclamation plan. 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.E for additional discussion of federally-delegated permits.

IV.J. Exhibit J – Waters of the State and Removal-Fill

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: General Standard of Review [OAR 345-022-0000]; Removal of Material, Filling [ORS 196.795-.990]; Administrative Rules Governing the Issuance and Enforcement of Removal-Fill Authorizations Within Waters of Oregon Including Wetlands [OAR chapter 141, division 085]

Discussion: Exhibit J 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.

As noted in the NOI, several intermittent and perennial streams cross through and around the proposed site boundary in addition to small freshwater ponds and emergent wetlands.³³ Under OAR 345-021-0010(1)(j)(A), Exhibit J 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.

A wetland delineation report that complies with OAR chapter 141, division 90 must be provided to the Department and DSL before the ASC is determined to be complete. The wetland delineation must be conducted using the standard wetland delineation methodology as outlined in the 1987 Army Corps 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 OAR 345-021-0010(1)(j)(B), (C), and (F), Exhibit J 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, Exhibit J 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 OAR 345-021-0010(1)(j)(D) and (E), Exhibit J must include an analysis of whether a removal-fill permit is required. If a removal-fill permit is necessary for the proposed facility,

³³ BSFN01Doc01-01 NOI 2024-08-09, 24, 29-30.

Exhibit J must include all information required for the Council to decide 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 wetlands in the Statewide Wetlands Inventory and DSL compensatory mitigation sites.
- Functions and values assessments of permanently impacted sites, using the Stream Function Assessment Method for wadable streams, Oregon Rapid Wetland Assessment Protocol for wetlands, and Best Professional Judgement for any other non-wadable streams.
- A rectification plan for restoring disturbed sites within 24-months of disturbance.
- A compensatory mitigation plan to mitigate for any unavoidable impacts to waters of this State; and
- A monitoring plan with performance standards for restoration of disturbed areas and performance of compensatory mitigation.

If a removal-fill permit is necessary for the proposed facility, 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 Exhibit J. The Department will work closely with DSL in review of the removal-fill permit application, if applicable.

If a removal-fill permit is required for the facility and the applicant requests that the permit be governed by the site certificate, the Department and DSL would maintain dual responsibility for compliance with any associated permit conditions. See Section IV.E for additional discussion of state permits.

IV.K. Exhibit K – Land Use

1 **Applicable Paragraphs:** (A) and (C).

2 **Related Council and Other Standards:** Land Use [OAR 345-022-0030]

3 **Discussion:** Exhibit K must include information about the proposed facility's compliance with
4 the statewide planning goals adopted by the Land Conservation and Development Commission,
5 providing evidence to support a finding by the Council as required by OAR 345-022-0030.
6

7 Under ORS 469.504(1), the applicant may establish compliance with the applicable statewide
8 planning goals either by obtaining local land use approval under ORS 469.504(1)(a) or by
9 obtaining Council approval under ORS 469.504(1)(b). Exhibit K must state the applicant's final
10 election under this section. The applicant indicated in the NOI that it has elected to seek a
11 Council determination of compliance under ORS 469.504(1)(b). Based on this election OAR 345-
12 021-0010(1)(k)(A) and (C) apply to the review of the proposed facility; paragraph (B) does not.
13

14 Under OAR 345-021-0010(1)(k)(A), Exhibit K must include a map showing the comprehensive
15 plan designations and land use zones in the analysis area. Based on information provided in the
16 NOI, the proposed facility is entirely within Sherman County's Exclusive Farm Use (F-1) Zone
17 and is either in or adjacent to portions of the County's Natural Hazard Combining Zone.
18

19 Under OAR 345-021-0010(1)(k)(C)(ii), Exhibit K must identify and discuss each applicable
20 substantive criteria from the Sherman County Comprehensive Plan and Sherman County Zoning
21 Ordinance that are required by the statewide planning goals and in effect on the date the
22 preliminary application is submitted and must demonstrate that the proposed facility complies
23 with those criteria. If the proposed facility will not comply with one or more of the applicable
24 substantive criteria, the applicant must demonstrate that the proposed facility nevertheless
25 complies with the applicable statewide planning goals or that an exception to a goal is justified
26 under ORS 469.504(2) and OAR 345-022-0030(4).
27

28 In its comments on the NOI, the Sherman County Court identifies the following sections of the
29 Sherman County Zoning Ordinance as applicable to the review of the proposed facility:
30

- 31 • Section 3.1, Exclusive Farm Use Zone 1. Conditional Uses Permitted
- 32 • Section 3.7, Natural Hazards Combining Zone
- 33 • Section 5.1, Authorization to Grant or Deny Conditional Uses
- 34 • Section 5.2, Conditional Uses, General Criteria
- 35 • Section 5.3, Conditional Uses, General Conditions
- 36 • Section 5.8, Standards Governing Specific Conditional Uses
37

38 The applicant is encouraged to consult with the Sherman County Planning Director to develop
39 the list of applicable substantive criteria to ensure that they are applying the current (at date of
40 submittal of application) applicable substantive criteria. Please note that the County has
41 indicated that it may adopt additional ordinances applicable to energy facilities in the near
42 future. If additional ordinances are adopted prior to submission of the pASC, they must be
43 evaluated in Exhibit K.

Under OAR 345-021-0010(1)(k)(C)(iii), Exhibit K 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. Exhibit K shall provide evidence that the proposed facility would comply with the applicable administrative rules related to development of solar power generation facilities in OAR chapter 660, division 33, as well as rules related to associated transmission lines to energy generating facilities.

As part of the evaluation of compliance with SCZO Section 5.8 and OAR 660-033-0130(38), Exhibit K must include evidence that demonstrates that the proposed facility will not interfere with accepted farming practices on adjacent lands, and will not make it more difficult for existing farms and ranches in the area 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 will destabilize the overall character of the study area, if required.

Because the proposed facility will use more farmland than allowed under OAR 660-033-0130(38), the proposed facility will 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 or irrevocably committed to non-agricultural use ORS 469.504(2)(a) and (b) are not applicable to the proposed facility and Exhibit K 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 will 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 will be made compatible through measures designed to reduce adverse impacts

Exhibit K 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. 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 SAGs, and stakeholder groups about impacts to agriculture in the context of the Goal 3 exception request. The

1 applicant is encouraged to contact the Department for current guidance and information on
2 recent Council decisions in the development of its exception request.

3
4 **IV.L. Exhibit L – Protected Areas**

5
6 **Applicable Paragraphs:** All paragraphs apply.

7 **Related Council and Other Standards:** Protected Areas [OAR 345-022-0040]

8 **Discussion:** Under OAR 345-021-0010(1)(L)(A) and (B), Exhibit L must include a list and map of
9 the protected areas within the analysis area showing the distance and direction from the
10 proposed facility. Table 9 below presents the protected areas identified in the NOI.
11

Table 9: Protected Areas Inventory within 20 Miles of Facility Site Boundary

Type	Area Name	Distance to Facility Site Boundary (miles)	Direction from Facility
National Park or other unit of the National Park System OAR 345-001-0010(26)(a)	Oregon National Historic Trail	10.25	West
Wilderness Area OAR 345-001-0010(26)(c)	Badger Creek Wilderness	19.0	West
Wild, Scenic, or Recreational River included in the National Wild and Scenic River System OAR 345-001-0010(26)(d)	White Wild and Scenic River	4.5	Southwest
	Deschutes Wild and Scenic River	2.1	West
	John Day Wild and Scenic River	14.7	East
Wilderness Study Area OAR 345-001-0010(26)(h)	Lower John Day Wilderness Study Area	11.4	Northeast
	North Pole Ridge Wilderness Study Area	17.9	Southeast
	Thirtymile Wilderness Study Area	14.4	East
Area of Critical Environmental Concern OAR 345-001-0010(26)(i)(A)	Armstrong Canyon	19.5	Southeast
State park, wayside, corridor, monument, historic, or recreation	Lawrence Memorial Grassland	17.8	South

Table 9: Protected Areas Inventory within 20 Miles of Facility Site Boundary

Type	Area Name	Distance to Facility Site Boundary (miles)	Direction from Facility
area under the jurisdiction of the Oregon Parks and Recreation Department OAR 345-001-0010(26)(j)	Deschutes River State Recreation Area	6.8	North
	White River Falls State Park	5.0	West
Natural area listed in the Oregon Register of Natural Areas OAR 345-001-0010(26)(L)	Tygh Valley State Natural Area	5.5	West
	Lawrence Memorial Grassland Natural Area	17.8	South
Source: BSFNOIDOC01-01 NOI 2024-08-09, Table L-1.			

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. Under OAR 345-021-0010(1)(L)(C), Exhibit L 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.

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 Exhibit Y 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 Exhibit L.

1 IV.M. Exhibit M – Financial Capability

2
3 **Applicable Paragraphs:** All paragraphs apply.

4 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-0050]

5 **Discussion:** Exhibit M must include information about the applicant’s financial capability and
6 must include basic information about the applicant’s financial condition. The applicant is not
7 required to provide information or records protected from public disclosure by any provision of
8 state or federal law.

9
10 Under OAR 345-021-0010(1)(m)(A), Exhibit M must include an opinion or opinions from legal
11 counsel stating that, to counsel's best knowledge, the applicant has the legal authority to
12 construct and operate the facility without violating its bond indenture provisions, articles of
13 incorporation, common stock covenants, or similar agreements.

14
15 Under OAR 345-021-0010(1)(m)(B) and (C), Exhibit M must include the type and amount of the
16 applicant’s proposed bond or letter of credit. The proposed amount must be based on the
17 information provided under Exhibit X, and the applicant must explain any discrepancies
18 between the proposed bond amount and the retirement estimate.

19
20 Exhibit M shall include evidence that the applicant has a reasonable likelihood of obtaining the
21 proposed bond or letter of credit from a reputable financial institution in that amount before
22 beginning construction of the facility. If applicant chooses to provide a comfort letter from a
23 financial institution as evidence to support Council’s review of this requirement, the letter must
24 refer to the applicant or facility, be on letterhead, and provide assurance that the financial
25 would issue a bond or letter or credit to the applicant in an amount greater than or equal to the
26 estimated decommissioning amount.

27
28 IV.N. Exhibit N – Need for Nongenerating Facility

29
30 **Applicable Paragraphs:** OAR 345-021-0010(1)(n) does not apply because the proposed facility is
31 a generating facility. Exhibit N is not required.

32
33 IV.O. Exhibit O – Water Use

34
35 **Applicable Paragraphs:** All paragraphs apply except (D).

36 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; OAR
37 690, Divisions 310 and 380 (Water Resources Department permitting requirements)

38 **Discussion:** Exhibit O must include information about anticipated water use during construction
39 and operation of the proposed facility.

40
41 Under OAR 345-021-0010(1)(o)(A) through (C) and (G), Exhibit O must include a description of
42 how water will be used during construction and operation of the proposed facility, and must
43 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 OAR 345-021-0010(1)(o)(E) and (F), Exhibit O must provide an evaluation of whether the proposed facility would need a groundwater permit, surface water permit or a water right transfer. If the proposed facility needs a groundwater permit, a surface water permit or a water right transfer, Exhibit O information to support a determination by the Council that the Water Resources Department should issue the permit or water right transfer, including information in the form required by the Water Resources Department under OAR Chapter 690, Divisions 310 and 380. See Section IV.E for a discussion of OWRD permits and Section IV.U for information requirements related to water service providers.

In the NOI, the applicant indicates that approximately 175 million gallons of water will be required for the construction of the proposed facility, primarily for dust suppression and road and earthwork compaction. The applicant indicates that it expects water to be obtained from nearby municipalities with existing water rights but that the construction contractor will be responsible for identifying water sources, as needed, and ensuring that any needed permits or approval are obtained for construction water use.³⁴ Exhibit O must identify any potential water sources and provide evidence that the expected water demand can be met.

The NOI indicates that water will either be used immediately or stored in a tank or holding pond.³⁵ If the applicant will construct or utilize a water holding pond or reservoir as part of the facility it must be identified as a related or supporting facility in Exhibit B and C and the applicant must demonstrate compliance with the applicable provisions of ORS chapter 537 in Exhibit O.

The NOI indicates that water needed during operations, including water for panel and equipment washing and domestic uses may be provided by an on-site permit exempt well or nearby municipalities with existing water rights.³⁶ Exhibit O must indicate whether or not exempt wells will be constructed at the site and provide evidence to demonstrate that the wells will comply with ORS 537.545.

IV.P. Exhibit P – Fish and Wildlife Habitat

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Fish and Wildlife Habitat [OAR 345-022-0060]

Discussion: Exhibit P 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

³⁴ BSFNOIDoc01-01 NOI 2024-08-09, pg. 29, 45.

³⁵ BSFNOIDoc01-01 NOI 2024-08-09, pg. 29.

³⁶ BSFNOIDoc01-01 NOI 2024-08-09, pg. 29.

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 Exhibit P.

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. Under OAR 345-021-0010(1)(p)(B) and (C), Exhibit P 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. Note that the proposed site is located within the ODFW mapped Big Game Winter Range. ODFW considers all habitats within winter range, with the exception of areas designated as Category 6 in the Columbia Plateau Ecoregion, to be Category 2 habitat.

The habitat classification is subject to the Department and ODFW review. Exhibit P must include maps and a table of the areas of permanent disturbance and temporary disturbance (in acres) in each habitat category and subtype. The maps and disturbance tables should also identify any disturbance in Priority Wildlife Connectivity Areas (PWCAs) identified by ODFW.³⁷

IV.P.1 Required Surveys

Under OAR 345-021-0010(1)(p)(A) through (E), Exhibit P must include a description of biological and botanical surveys performed or scheduled to support the habitat categorization and other information in Exhibit P. 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.P.1.1 Habitat Surveys

Under OAR 345-021-0010(1)(p)(B), Exhibit P must include the results of habitat surveys identifying habitat type, vegetation and characteristics, habitat condition, and species use and presence.

Based on the results of the habitat surveys, the applicant must categorize all habitat within the site boundary as provided under OAR 635-415-0025. The habitat categorization is subject to review and approval by ODFW. Please note that the site is entirely within Big Game Winter Range mapped by ODFW and as a result, all areas not designated as Category 6 will be considered Category 2, essential habitat.

The habitat categories and the mitigation goals are summarized in Table 10 below.

³⁷ <https://experience.arcgis.com/experience/6979b6598f904951bd0af1821e1595f1/>

Table 10: Habitat Categories Under OAR 635-415-0025

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, 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, it 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 OAR 345-021-0010(C), Exhibit P 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.P.1.2 Sensitive Species Surveys

Under OAR 345-021-0010(D), based on consultation with the ODFW and appropriate field study and literature review, Exhibit P 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. In its comments on the NOI, ODFW noted that the project has the potential to affect state special-status species including burrowing owl, bald eagle, golden eagle, long-billed curlew, loggerhead shrike, and Swainson's hawk as well as locally important species such as bighorn sheep, mule deer, pronghorn and white-tailed jack rabbit.

Exhibit P 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

1 locations of the different species and habitats with respect to the proposed activities. If
2 sensitive species surveys are required by other jurisdictions, the applicant is encouraged to
3 provide a single survey report that identifies occurrences of all sensitive species.

4
5 If state sensitive species, or suitable habitat for state sensitive species, are identified within the
6 analysis area that could be adversely affected as a result of the proposed facility, the applicant
7 shall include a description of the nature, extent, and duration of potential adverse impacts and
8 a description of any proposed measures to avoid, minimize, or mitigate impacts, consistent
9 with Exhibit P requirements, the Council's Fish and Wildlife Habitat standard, and ODFW's
10 Habitat Mitigation Policy. The applicant is encouraged to engage with ODFW and Department
11 staff during the development of the ASC to identify appropriate mitigation measures.

12 13 IV.P.1.3 Raptor Nest Surveys

14
15 The applicant must conduct surveys for raptor nests within 0.5 miles of all proposed
16 disturbance areas, unless a smaller survey area is approved in writing by ODFW. The applicant
17 must also provide information on how it will avoid or minimize and monitor impacts to raptors
18 and other avian species, including curtailing construction activities within the distances of
19 active nest and burrows and timeframes shown in Table 11 below.

20
21 **Table 11: Seasonal and Spatial Activity Restrictions for Raptor Species**

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

22 **IV.P.2 Assessment of Impacts to Habitat, Sensitive Species, and Wildlife Movement**

23
24 Under OAR 345-021-0010(1)(p)(F), Exhibit P must describe the nature, extent and duration of
25 potential adverse impacts on the habitat and species identified in surveys that could result from
26 construction and operation of the proposed facility. This assessment must discuss, at a
27 minimum, the temporary and permanent disturbance (during construction or maintenance
28 activities) to habitat, sensitive species, and wildlife movement.

29
30 Portions of the project overlap with mapped PWCA corridors, and the applicant is strongly
31 encouraged to avoid disturbance in these areas. The primary PWCA corridor near this site is
32 within and along the edge of Buck Hollow canyon. In addition to protecting the corridor within

the canyon itself the applicant is encouraged to maximize unfenced areas along the rim of this canyon to facilitate movement of species that may be impeded by the boundary fence. In addition, strategically placing unfenced corridors within the project boundary footprint to facilitate wildlife passage through the facility footprint could minimize lost connectivity.

IV.P.3 Proposed Monitoring and Mitigation

Under OAR 345-021-0010(1)(p)(G) and (H), Exhibit P must describe any monitoring and mitigation activities proposed by the applicant to ensure that the construction, operation, and retirement of the facility will comply with the habitat mitigation goals and standards and to otherwise avoid, reduce, or otherwise mitigate adverse impacts to habitat and state sensitive species. The mitigation measures should explain how the applicant will avoid, minimize, and offset the impacts to big game winter range, PWCAs, and other habitat loss that will occur due to the construction and operation of the proposed facility. The applicant is strongly encouraged to consult with ODFW's Solar Siting Guidance (March 2024) and Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines (September 2008) in the development of Exhibit P. While these guidelines were developed for wind facilities, much of the guidance is also applicable to solar projects.³⁸

The analysis area includes several habitats that are rare and declining including wetlands, sagebrush steppe and native grasslands. The applicant is encouraged to demonstrate that the design and micro-siting of facility components has minimized disturbance of intact habitats, including any wetlands, sagebrush steppe and native grasslands found on the site, as well as impacts to PWCAs within the analysis area.

The applicant is also encouraged to design the facility in a manner that minimizes the fragmentation of habitat due to fencing construction, to lessen potential impacts on species such as, but not limited to, mule deer, pronghorn and white-tailed jackrabbit. Utilization of wildlife-friendly fencing designs is encouraged in areas where appropriate. The applicant is also encouraged to limit the removal of native vegetation within the site boundary to the maximum extent possible given the challenges revegetation has presented in similar development scenarios in the region.

To further minimize impacts to habitat and species, the Exhibit, the applicant will be required to limit construction activities outside of fenced areas between December 1- April 1; avoid conducting any initial site preparation (ground disturbance, vegetation removal) during the critical nesting period for ground nesting birds, April 15- September 1; and avoid construction activities near active raptor nests during sensitive nesting periods as specified in Table 11 above.

³⁸ These documents are available here:

Solar Siting Guidance: https://www.dfw.state.or.us/habitat/solar/docs/ODFW_Solar_Guidance.pdf

Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines:

https://www.dfw.state.or.us/conservationstrategy/docs/OR_wind_siting_guidelines.pdf

This information must also be incorporated into a draft Habitat Mitigation Plan and a draft Post Construction Monitoring Plan, which must be included as attachments to Exhibit P.

The draft Habitat Mitigation Plan and associated information in Exhibit P must clearly demonstrate how the applicant will provide mitigation for any unavoided 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 Habitat, as well as ecological uplift mitigation actions that could be implemented at the habitat mitigation area to provide the appropriate mitigation. Note that ODFW has recommended a 2:1 mitigation ratio for impacts to any functioning, intact Category 2 habitats (i.e., sagebrush steppe, native grasslands, wetlands) that would be impacted by this project. The applicant may propose smaller mitigation ratios for non-functioning habitat areas. Additional mitigation obligations may be imposed for impacts to PWCAs.

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.Q. Exhibit Q – Threatened and Endangered Species

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Threatened and Endangered Species [OAR 345-022-0070]

Discussion: Exhibit Q 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. The ASC will include a desktop analysis for 5 miles from the proposed site boundary and field survey data for within the site boundary.

Under OAR 345-021-0010(1)(q)(A) through (G), Exhibit Q 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. 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, Exhibit Q 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 and adverse impact; and the applicant's proposed monitoring program for impacts.

For each threatened and endangered plant species, Exhibit Q must describe how the proposed facility, including any mitigation measures, complies with the protection and conservation

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

7
8 For each threatened and endangered animal species, Exhibit Q must describe any significant
9 potential impacts of the proposed facility on the continued existence of such species and on the
10 critical habitat of such species, and must provide evidence that the proposed facility, including
11 any mitigation measures, is not likely to cause a significant reduction in the likelihood of
12 survival or recovery of the species.

13
14 Field surveys for any threatened and endangered species that may occur within the analysis
15 area are required within or near suitable habitat that will be disturbed during construction and
16 operation of the proposed facility. The applicant must consult with ODFW and ODAg's Native
17 Plant Conservation Program regarding appropriate field survey methods, survey areas, survey
18 seasons, qualifications of field survey personnel, and the information to be included in a field
19 survey report.

20 21 IV.R. Exhibit R – Scenic Resources

22
23 **Applicable Paragraphs:** All paragraphs apply.

24 **Related Council and Other Standards:** Scenic Resources [OAR 345-022-0080]

25 **Discussion:** Exhibit R must include an analysis of potential significant visual impacts of the
26 proposed facility on scenic resources identified as significant or important in local, state or
27 regional land use plans, tribal land management plans and federal land management plans for
28 any lands located within the analysis area.

29
30 Under OAR 345-021-0010(1)(r)(A) and (B), Exhibit R must include an inventory and a map, or
31 maps of scenic resources identified as significant or important in a land use management plan
32 adopted by one or more local, tribal, state, regional, or federal government or agency
33 applicable to lands within the analysis area. The applicant must provide a list of the land
34 management plans reviewed in developing the inventory and a copy of the relevant portion of
35 the plans.

36
37 For any scenic resources deemed "significant" or "important" in a local, state, regional tribal or
38 federal land management plan, the applicant shall include in the ASC an evaluation of the
39 proposed facility's consistency or compliance with any development or land use criteria
40 included in the land management plan for the identified resource. The applicant shall also
41 describe the measures it proposes to avoid, reduce, or otherwise mitigate any significant
42 adverse impacts to these scenic resources.

A visual impact assessment is required as part of Exhibit R; 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.

IV.S. Exhibit S – Historic, Cultural and Archaeological Resources

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Historic, Cultural, and Archaeological Resources [OAR 345-022-0090]

Discussion: Exhibit S must include information about historic, cultural, and archaeological resources. As described under OAR 345-022-0090(2), the Council may issue a site certificate for a facility that would produce power from solar energy without making the findings required under OAR 345-022-0090(1); however, the applicant must still provide sufficient information for the Council to determine whether conditions of approval to ensure compliance with the Standard are appropriate.

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: the Burns Paiute Tribe, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation.

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 OAR 345-021-0010(1)(s)(D)(i) to (iii), Exhibit S must describe survey methodology, 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. The information must be adequate to confirm that study methodologies were consistent with applicable State Historic Preservation Office guidelines for conducting field archaeology and historic resource surveys in Oregon and with any U.S. Secretary of Interior standards for cultural resource surveys under Section 106 of the National Historic Preservation Act.

Under OAR 345-021-0010(1)(s)(A) through (C), Exhibit S must include an inventory of all historic properties identified 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. Exhibit S 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 OAR 345-021-0010(1)(s)(D), Exhibit S 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. Please note that the historic Cutoff to the Barlow Road, part of the Oregon Trail, passes through the site and the Oregon-California Trails Association (OCTA) has indicated that the location may contain trail remnants and artifacts from the period 1848-1884. The applicant is encouraged contact OCTA to discuss potential impacts to this resource during the development of Exhibit S.

Under OAR 345-021-0010(1)(s)(E), Exhibit S 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.

IV.T. Exhibit T – Recreation

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Recreation [OAR 345-022-0100]

Discussion: Exhibit T must include information about the impact the proposed facility would have on important recreational opportunities in the analysis area.

Under OAR 345-021-0010(1)(t)(A), Exhibit T 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, and a map of the analysis area showing the locations of identified important recreational opportunities.

Under OAR 345-021-0010(1)(t)(B), (C), and (E), Exhibit T must include 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 Exhibit T 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 Exhibit T. While no specific methodology is required, the applicant must submit sufficient evidence to demonstrate how

1 the proposed facility would comply with the Recreation standard. The applicant should consider
2 the extent of impacts and prior Council evaluations when designing the impact assessment
3 methodology. Visual simulations or other visual representations are not required but can
4 provide important evidence for use by the Department and Council in understanding the
5 potential visual impact of the proposed facility to important recreational opportunities.

6
7 Compliance with the DEQ noise rules (Exhibit Y) does not correlate to compliance with the noise
8 assessment considered in the Recreation standard. Particularly, while construction noise is
9 exempt from the DEQ noise rules, construction noise must be considered under the Recreation
10 standard. However, information developed to demonstrate compliance with the DEQ noise
11 rules such as noise modeling can be used in the assessment under the Recreation standard.

12
13 If the applicant becomes aware of any potentially significant impacts to the identified
14 recreational opportunities other than those described above, the impacts must be disclosed
15 and evaluated in Exhibit T.

16 17 IV.U. Exhibit U – Public Services

18
19 **Applicable Paragraphs:** All paragraphs apply.

20 **Related Council and Other Standards:** Public Services [OAR 345-022-0110]

21 **Discussion:** Exhibit U must include information on how the construction and operation of the
22 proposed facility will impact public services in the analysis area, including sewers and sewage
23 treatment, water, storm water drainage, solid waste management, housing, traffic safety,
24 police and fire protection, health care and schools. Due to the rural nature of the site, the
25 analysis area for public services that may be impacted by increases in traffic or population,
26 including housing, traffic safety, police and fire protection, health care and schools includes the
27 entirety of Sherman and Wasco County.

28
29 Exhibit U must include sufficient evidence to support a finding by the Council that construction
30 and operation of the proposed facility, taking into account mitigation, are not likely to result in
31 significant adverse impact to the ability of public and private service providers to provide

32
33 Under OAR 345-021-0010(1)(u)(A) through (D), Exhibit U must include an analysis identifying
34 the public and private service providers in the analysis area that would likely be affected by
35 construction and operation of the proposed facility, a description of any likely impacts on the
36 ability of the service providers to provide their respective services, and evidence that any
37 adverse impacts, taking into account any mitigation proposed by the applicant, are not likely to
38 be significant. The analysis must describe any important assumptions the applicant used to
39 evaluate potential impacts.

40
41 The applicant may include information developed in support of Exhibit V in its evaluation of
42 impacts to fire protection providers. The evaluation must address potential impacts that may
43 affect responders to wildfire or structural fires at the proposed facility, including but not limited
44 to fires involving the BESS or electrical equipment at the site. The applicant shall provide

evidence of consultation with Sherman County Emergency Services and the South Sherman Rural Fire Protection District in the development of this evaluation.

In evaluating impacts to traffic safety, Exhibit U must contain sufficient evidence to demonstrate that the construction and operation of the proposed facility will not result in significant safety impacts to drivers along major roads near the proposed facility, including but not limited to US 97, US 197, and Oregon Highway 216 (OR-216).

Impacts that must be evaluated should include the impacts of construction related traffic, vehicles entering and exiting the site during construction, and the potential for glint or glare from solar modules and other surfaces during operation. Exhibit U should also evaluate whether any significant traffic delays will occur and whether these delays could affect other public services, including ambulance services or other emergency responders. The applicant is encouraged to consult with Sherman County Emergency Services in the development of this evaluation.

The applicant must demonstrate that they consulted with local public works department staff and ODOT on potential haul and traffic routes to be used during construction and discussed existing conditions and capacity of those roads. A draft road use agreement and traffic management plan to be used for the project must also be included in Exhibit U.

In addition, Exhibit U must evaluate the impacts that the construction and operation of the proposed facility will have on local aviation resources, sufficient to demonstrate compliance with OAR chapter 738, division 070.

Exhibit U must evaluate the impact that the temporary and permanent workforce will have on housing in the analysis area, including the availability of hotels, RV parks, and other temporary accommodations. **This evaluation must assume that 100 percent of the temporary construction workforce will require temporary accommodations within Sherman or Wasco County unless the applicant can provide evidence to demonstrate the availability of local workers or provide evidence of a local hiring program.**

In addition to the analysis described above, the applicant is encouraged to obtain letters from local public services providers to demonstrate that the proposed facility would not cause a significant adverse impact on their ability to provide their respective services. Including:

- Local fire departments,
- Police departments,
- Public works departments,
- Sewer and sewage treatment providers,
- Water service providers
- Solid waste providers

Letters obtained from public service providers include analysis indicating that their level of service would not be impacted. For instance, letters obtained from water service providers should include an evaluation of permit limits, permit or water right numbers, type of water use, and historical demand to demonstrate that it can meet proposed facility needs. Letters from fire service providers should explain how resources used by the facility, in the event of a fire-related issue, would not impact their ability to provide fire emergency response, rather than a conclusory statement without supporting analysis demonstrating a clear understanding of the facility. Letters from public works departments should demonstrate an understanding of proposed road use, including maximum number of vehicle miles travelled and vehicle weight, and confirmation of whether the use would impact local roads.

Under OAR 345-021-0010(1)(u)(E), Exhibit U must include the applicant's proposed monitoring program, if any, for impacts to public services.

IV.V. Exhibit V – Wildfire Prevention and Risk Mitigation

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Wildfire Prevention and Risk Mitigation [OAR 345-022-0115]

Discussion: Exhibit V must include sufficient information about wildfire risk within the analysis area to support the Council findings required under OAR 345-022-0115. As described in the Sherman County Community Wildfire Protection Plan, Sherman County has a long history of wildfire due to climate, topography, and vegetation profile and conditions at the site are conducive to large, fast-moving fires. Due to the high-level of fire risk, analysis area for wildfire risk will consist of the area within and extending 5 miles from the site. Mapping of wildfire risk and hazard provided to support Exhibit V must include the entire analysis area. Additional supporting information may be based on an analysis of county-wide data.

Exhibit V 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.

1 The characterization must also describe all data sources and methods used to model and
2 identify risks. The applicant may select data sources and methods as appropriate for the site,
3 but all data must be current and from reputable sources. Sources that should be consulted in
4 the development of Exhibit V include the Sherman County Community Wildfire Protection Plan,
5 the Oregon Community Wildfire Protection Plan Planning Tool and the Oregon Wildfire Risk
6 Explorer.

7
8 Exhibit V must also include separate draft Wildfire Mitigation Plans for construction and
9 operation of the proposed facility. The certificate holder must consult with the South Sherman
10 Rural Fire Protection District (RFPD) and Sherman County Emergency Services Department in
11 the development of the plan, and documentation of the consultation must be included in
12 Exhibit V.

13
14 The Wildfire Mitigation Plan(s) must, at a minimum:

- 15 • Identify areas within the site boundary that are subject to a heightened risk of wildfire,
16 using current data from reputable sources, and discuss data and methods used in the
17 analysis.
- 18 • Describe the procedures, standards, and time frames that the applicant will use to
19 inspect facility components and manage vegetation in any identified areas of
20 heightened risk of wildfire.
- 21 • Identify preventative actions and programs that the applicant will carry out to minimize
22 the risk of facility components causing wildfire, including procedures that will be used to
23 adjust operations during periods of heightened wildfire risk. This should include a
24 discussion of the use of fire breaks, defensible space and vegetation management, fire
25 hardened infrastructure, and power shutoff protocols, as applicable.
- 26 • Identify procedures to minimize risks to public health and safety, the health and safety
27 of responders, and damages to resources protected by Council standards if a wildfire
28 occurs at the facility site, regardless of ignition source. This should include:
 - 29 ○ A description of who will respond to wildfires at the site and a plan for ensuring
30 responders are aware of sensitive resources that should be avoided during fire
31 suppression activities.
 - 32 ○ A description and maps of access and egress options for wildfire responders and
33 emergency vehicles to enter and exit the site in a fire emergency; the locations
34 of stationary water sources, firefighting equipment, emergency shutoffs, or
35 other safety features; and the locations of any hazardous materials or fuels
36 storage, battery components, or other hazards.
 - 37 ○ Information about whether any specialized equipment or training will be needed
38 to respond to fire events at the site involving solar arrays, battery systems, or
39 other facility components.
 - 40 ○ Information about whether facility components, including solar panels and
41 battery components, have the potential to release hazardous materials during a
42 fire and what, if any, protocols will be used to avoid hazards to public health and
43 safety and site contamination.
- 44 • Describe methods the applicant will use to ensure that updates of the plan incorporate

best practices and emerging technologies to minimize and mitigate wildfire risk.

Please contact the Department during the development of the Wildfire Mitigation Plan for current guidance and template documents.

IV.W. Exhibit W – Solid Waste and Wastewater

Applicable Paragraphs: All paragraphs apply.

Related Council and Other Standards: Waste Minimization [OAR 345-022-0120]; Public Services [OAR 345-022-0110]

Discussion: Exhibit W 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. As provided in OAR 345-022-0120(2), the Council may issue a site certificate for a facility that would produce power from solar energy without making the findings required by OAR 345-022-0120(1); however, the applicant must still provide sufficient evidence in Exhibit W for the Council to determine whether conditions of approval are needed to ensure that waste generation will be minimized.

Under OAR 345-021-0010(1)(w)(A), (B), and (D), Exhibit W 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, batteries, or other facility components.

Under OAR 345-021-0010(1)(w)(C), Exhibit W 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 OAR 345-021-0010(1)(w)(E) and (F), Exhibit W 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 measures the applicant proposes to avoid, reduce, or otherwise mitigate the impacts, will be minimal.

Under OAR 345-021-0010(1)(w)(G), Exhibit W 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 Exhibits O and U, in the development of this exhibit.

1 IV.X. Exhibit X – Facility Retirement

2
3 **Applicable Paragraphs:** All paragraphs apply.

4 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-0050]

5 **Discussion:** Exhibit X must provide information about site restoration, providing evidence to
6 support a finding that the site can be restored adequately to a useful, non-hazardous condition
7 following permanent cessation of construction or operation of the facility.

8
9 Under OAR 345-021-0010(1)(x)(A) and (B), this information must include the estimated useful
10 life of the proposed facility and a description of the specific actions and tasks to restore the site
11 to a useful, non-hazardous condition.

12
13 Under OAR 345-021-0010(1)(x)(C) and (D), Exhibit X must also include an estimate, in current
14 dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition and
15 a discussion and justification of the methods and assumptions used in preparing the estimate.
16 The estimate should include sufficient detail to identify costs associated with individual tasks
17 and units. The estimate should be provided using the template provided in Attachment 4.

18
19 Under 345-021-0010(1)(x)(E), Exhibit X must include a proposed monitoring plan for any
20 potential site contamination by hazardous materials, including oils or fuels used or stored on
21 site, such as periodic environmental site assessment and reporting. If the applicant believes no
22 monitoring for soil contamination is necessary, Exhibit X must provide evidence to support this
23 position.

24
25 IV.Y. Exhibit Y – Noise

26
27 **Applicable Paragraphs:** All paragraphs apply.

28 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; DEQ

29 Noise Control Regulations [ORS 467.020 and ORS 467.030; OAR 340, Division 35]

30 **Discussion:** Exhibit Y must include information about noise generated by construction and
31 operation of the proposed facility, providing evidence to support a finding by the Council that
32 the proposed facility complies with the DEQ's noise control standards in OAR 340-035-0035.³⁹

33
34 Under OAR 345-021-0010(1)(y)(A), Exhibit Y must include predicted noise levels from all
35 potential noise-generating components of the facility including, but not limited to the solar
36 inverters, transformers, transmission lines, switchgears, and the BESS.

37
38 Under OAR 345-021-0010(1)(y)(B), Exhibit Y must include an analysis demonstrating that the
39 predicted noise levels will not exceed the ambient antidegradation standards established under
40 OAR 340-035-0035. Noise generated by the facility may not increase the ambient statistical

³⁹ Please note that these standards were amended by DEQ in October 2024 to allow solar facilities to utilize certain provisions that previously only applied to wind facilities.

1 noise levels, L10 or L50, by more than 10 dBA in any one hour, and may not exceed the levels
2 specified in Table 12 below at any noise sensitive receptor location.

3
4 **Table 12: New Industrial and Commercial Noise Source Standards Allowable**
5 **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

6 Under OAR 340-035-0035(1)(b)(B)(iii), the increase in ambient statistical noise levels must be
7 based on an assumed background L50 ambient noise level of 26 dBA unless actual ambient
8 background level if measurements are conducted by the applicant.

9 The analysis must evaluate noise impacts using the maximum expected noise levels from all
10 noise-generating equipment during construction and operation. Operational noise from all
11 stationary sources and corona noise from transmission lines must be evaluated. The analysis
12 must clearly identify any noise sensitive properties where exceedances the ambient
13 antidegradation standards are expected.

14 Under OAR 345-021-0010(1)(y)(E), Exhibit Y must include a list of the names and addresses of
15 all owners of all dwellings or other noise sensitive properties within one mile of the proposed
16 site boundary; however, if the applicant determines potential exceedances of the ambient
17 antidegradation standards may occur beyond the 1-mile distance, impacts to noise sensitive
18 properties within the area of potential exceedance must be evaluated.

19 If actual background levels are used, the analysis must include a discussion and justification of
20 the methods and assumptions used, including methods used to determine ambient noise levels
21 at the site. Sound measurement procedures should be consistent with the requirements of OAR
22 345-035-0035(3). The applicant is not required to conduct ambient noise monitoring at each
23 noise sensitive property; however, the number of ambient monitoring sites must be sufficient
24 to reasonably represent the ambient noise conditions at noise sensitive receptor locations in
25 closest proximity to the proposed site.

26 Under OAR 345-021-0010(1)(y)(C) and (D), Exhibit Y must describe any measures the applicant
27 proposes to reduce noise levels or noise impacts or to address public complaints about noise
28 from the facility and any measures the applicant proposes to monitor noise generated by
29 operation of the facility. This information must be provided regardless of whether any
30 exceedances of the ambient antidegradation standards are expected.

1 IV.Z. Exhibit Z – Cooling Tower Impacts

2
3 **Applicable Paragraphs:** OAR 345-021-0010(1)(z) does not apply because the applicant has not
4 proposed to construct an evaporative cooling tower.
5

6 IV.AA. Exhibit AA – Electric and Magnetic Fields

7
8 **Applicable Paragraphs:** All paragraphs apply.

9 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-
10 0090].

11 **Discussion:** The provisions of OAR 345-021-0010(1)(aa) and OAR 345-024-0090 apply to the 500
12 kV transmission lines and any other aboveground transmission lines.
13

14 Exhibit AA must include sufficient information to support a finding that the applicant:

- 15 • Can design, construct, and operate the proposed transmission line so that alternating
16 current electric fields do not exceed 9 kV per meter at one meter above the ground
17 surface in areas accessible to the public.
- 18 • Can design, construct, and operate the proposed transmission line so that induced
19 currents resulting from the transmission lines will be as low as reasonably achievable.
20

21 This must include the information about the expected electric and magnetic fields of the
22 transmission line required under OAR 345-021-0010(1)(aa)(A), and information about any radio
23 interference likely to be caused by the transmission line.
24

25 IV.BB. Exhibit BB – Other Information

26
27 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

28 **Discussion:** No additional information is requested at this time.
29

30 IV.CC. Exhibit CC – Other Law

31
32 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]

33 **Discussion:** All requirements apply.

34 (cc) Exhibit CC. Identification, by legal citation, of all state statutes and administrative rules and
35 local government ordinances containing standards or criteria that the proposed facility must
36 meet for the Council to issue a site certificate, other than statutes, rules and ordinances
37 identified in Exhibit E, and identification of the agencies administering those statutes,
38 administrative rules, and ordinances. The applicant must identify all statutes, administrative
39 rules, and ordinances that the applicant knows to be applicable to the proposed facility,
40 whether identified in the project order. To the extent not addressed by other materials in the
41 application, the applicant must include a discussion of how the proposed facility meets the
42 requirements of the applicable statutes, administrative rules, and ordinances.
43

1 IV.DD. Exhibit DD – Specific Standards

2
3 **Applicable Paragraphs:** Paragraph (C) applies.

4 **Related Council and Other Standards:** Specific Standards for Transmission Lines [OAR 345-024-
5 0090].

6 **Discussion:** The Council applies specific standards for transmission lines under its jurisdiction in
7 OAR 345-024-0090. The applicant must provide analysis regarding compliance with OAR 345-
8 024-0090 in Exhibit AA.

9
10 **V. EXPIRATION DATE OF THE NOTICE OF INTENT**

11
12 The NOI will now expire on August 17~~6~~, 202~~7~~~~6~~. ~~unless the~~ applicant submit~~ted~~teds a petition to
13 extend the expiration date in accordance with OAR 345-020-0060 not less than 45 days before
14 ~~the original expiration~~ date. ~~If the~~ Council finds that such a petition shows good cause, ~~the~~ The
15 Council ~~may extend~~ed the expiration date for a period of up to one year. The applicant's
16 submission of a timely petition for an extension under this rule ~~stays-stayed~~ the original
17 expiration of the NOI until the Council's decision to grant ~~or deny~~ the extension at the July 2026
18 Council meeting.

19
20 **VI. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS**

21
22 As provided in ORS 469.330(4) and OAR 345-015-0160(3), the Council or the Department may
23 amend this Project Order at any time. Amendments may include changes to the analysis areas.
24 To issue a site certificate, the Council must determine that the proposed facility complies with
25 Oregon statutes and administrative rules identified in the Project Order, as amended, as
26 applicable to the issuance of a site certificate for the proposed facility (ORS 469.503(3)).

27
28 Under OAR 345-015-0190(5), when the Department determines the ASC contains adequate
29 information for the Council to make findings or impose conditions on all applicable Council
30 standards, the Department will issue a determination of completeness on the ASC. The
31 applicant may submit a written request to waive specific information requirements in OAR 345-
32 021-0010 that are identified as applicable in this Amended Project Order. If the Department
33 grants the waiver, it will amend the Project Order accordingly. In accordance with OAR 345-
34 015-0190(9), after a determination that an application is complete, the Department may
35 require additional information from the applicant if additional information is needed during its
36 continued review of the application.

37
38 **VII. APPLICABILITY AND DUTY TO COMPLY**

39
40 Failure to include an applicable statute, rule, ordinance, permit or other requirement in this
41 Amended Project Order does not render that statute, rule, ordinance, permit or other
42 requirement inapplicable, nor in any way relieve applicant from the duty to comply with the
43 same.

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1 OREGON DEPARTMENT OF ENERGY

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5

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Todd R. Cornett, Assistant Director, Siting Division

7 Energy Facility Siting Division

8 Oregon Department of Energy

9

10 Date of Issuance: ~~December 13, 2024~~July XX, 2026

Attachment 1:
Public Comments

Attachment 2:
Special Advisory Group Comments

Attachment 3:
Reviewing Agency Comments

Attachment 4:
Retirement Estimate Template