

OREGON DEPARTMENT OF ENERGY

Statutes, Administrative Rules and Other)
Requirements Applicable to the Application for Site)
Certificate for **Archway Solar Energy Facility**)

**AMENDED PROJECT
ORDER**

**ISSUED BY
OREGON DEPARTMENT OF ENERGY
550 Capital Street NE
Salem, OR 97301-3742**

Project Order Issued September 9, 2020

Amended Project Order Issued August 22, 2022

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1 **I. INTRODUCTION**

2
3 The Oregon Department of Energy (Department) issues this Amended Project Order for the
4 proposed Archway Solar Energy Facility (proposed facility) in accordance with OAR 345-015-
5 0160. Pursuant to Oregon Revised Statute (ORS) 469.330(3) and OAR 345-015-0160, the
6 Department issues this Amended Project Order for the Archway Solar Energy Facility (proposed
7 facility), which establishes the statutes, administrative rules, Council standards, local
8 ordinances, information, and study requirements for the application for site certificate (ASC). As
9 provided in ORS 469.330(4) and under OAR 345-015-0160(3), the Energy Facility Siting Council
10 (EFSC or Council) or Department may amend this Amended Project Order at any time. Under
11 ORS 469.330(3) a Project Order is not a final order.

12
13 According to the June 23, 2022, preliminary application for site certificate (pASC), the proposed
14 facility would be a 400 megawatt (MW) solar photovoltaic energy facility that would use or
15 occupy up to 3,650 acres of Agricultural (A-2) zoned, nonarable land in Lake County, Oregon
16 and includes a battery storage system.¹ Energy generation components would consist of solar
17 power blocks (modules, inverters, trackers and racks), steel posts, above and belowground
18 cabling system and inverter/transformer units. Related or supporting facilities include an
19 electrical collection system, a generator step-up transformer and substation, operations and
20 maintenance building, an approximately 1.5-mile 500 kV transmission line, a control house,
21 point of interconnection (POI), access and interior roads and temporary staging areas. The
22 proposed facility would be located on both public (Bureau of Land Management-owned land)
23 and private land.

24
25 ORS 469.401(4) provides that a site certificate issued by the Council does not govern certain
26 matters. This Amended Project Order identifies only those matters that could be included in
27 and governed by the site certificate, if issued by Council, and as applicable to issuance of the
28 site certificate for the proposed facility pursuant to ORS 469.503(3). Under OAR 345-015-
29 0160(1)(e), this Amended Project Order may require the applicant to submit any other data and
30 information that must be included in the ASC to allow the Council to determine whether the
31 proposed facility would comply with applicable statutes, administrative rules and local
32 government ordinances. Throughout this Amended Project Order, the definitions in ORS
33 469.300 and OAR 345-001-0010 apply, except where otherwise stated or where the context
34 indicates otherwise.

35
36 **a. Notice of Intent**

37 On July 23, 2020, the Department received a Notice of Intent for the proposed facility. On July
38 22 and August 1, 2020, the Department issued public notice of the NOI to the EFSC mailing list,

¹ Pursuant to ORS 469.300(11)(a)(D), proposed solar photovoltaic energy generation facilities that would use or occupy more than 1,920 acres of “other land” are energy facilities under State jurisdiction, which requires approval and issuance of a site certificate by the Oregon Energy Facility Siting Council prior to construction and operation of the facility.

1 adjacent property owners as defined at OAR 345-020-0011(1)(f), and newspaper publications
2 with general circulation within the vicinity of the proposed facility site (*Lake County Examiner*,
3 *Community Breeze* and *Desert Whispers*). The public notice included information regarding the
4 proposed facility and the EFSC review process, and established September 4, 2020 as the public
5 comment deadline for the NOI.

6
7 Pursuant to ORS 469.480(1), the Council must designate as a Special Advisory Group (SAG) the
8 governing body of any local government within whose jurisdiction the facility is proposed to be
9 located. At the July 24, 2020 EFSC meeting, the Council appointed the Lake County Board of
10 County Commissioners as the SAG.²

11
12 In compliance with OAR 345-021-0050(1), ODOE prepared a memorandum to reviewing
13 agencies, Tribal Governments, and the SAG, and compiled a distribution list, including all
14 reviewing agencies identified and defined in OAR 345-001-0010(52). In accordance with ORS
15 469.350(2) and OAR 345-020-0040, on August 11, 2020 the Department sent the memorandum
16 and a hyperlink for electronic access to the NOI to each of the reviewing agencies, Tribal
17 Governments and SAG, as presented in Table 1 below. The Department received 4 reviewing
18 agency comment letters on the NOI; no comments specific to the NOI were received from
19 members of the public. Comments submitted are on-the record and must be provided in
20 written form, such as an email or letter. These comments were provided under separate cover
21 to the applicant and are incorporated by reference in this order. Within each applicable exhibit
22 of the ASC, the applicant shall address those concerns raised by reviewing agencies that are
23 within the jurisdiction of the Council.

24
25 **b. Preliminary Application for Site Certificate (pASC)**

26
27 The applicant submitted the pASC and payment under ORS 469.350 and ORS 469.421 on June
28 23, 2022. Thereafter, and in compliance with OAR 345-021-0050(1), the Department prepared a
29 memorandum to reviewing agencies and compiled a distribution list, including all reviewing
30 agencies identified and defined in OAR 345-001-0010(51). In accordance with ORS 469.350(2)
31 and OAR 345-021-0050, on July 15, 2022 the Department sent the memorandum and a copy of
32 the pASC via link to download an electronic version of the pASC to each of the reviewing
33 agencies and Special Advisory Group (SAG) listed in Table 1 below.

34
35 On August 22, 2022, the Department issued its Determination of an Incomplete Application to
36 the applicant with a table of requests for additional information (RAIs). The Department's
37 review of the pASC will be ongoing upon the submittal of a revised pASC in accordance with
38 OAR 345-021-0050(1) and this Amended Project Order.

² Pursuant to ORS 469.480, the governing body of a local government within whose jurisdiction the facility is proposed to be located shall be designated by EFSC as a "special advisory group."

1

Table 1. Reviewing Agency Distribution List

Federal Agencies	
<ul style="list-style-type: none"> • Bureau of Land Management 	
State Agencies	
<ul style="list-style-type: none"> • Oregon Department of Environmental Quality • Oregon Department of Agriculture • Oregon Department of Fish and Wildlife • Oregon Department of Geology and Mineral Industries • Oregon Department of Aviation • Oregon Department of State Lands • Oregon Department of Transportation • Oregon Water Resources Department 	<ul style="list-style-type: none"> • Oregon Department of Forestry • Oregon Public Utilities Commission • Oregon Parks and Recreation Department • Department of Land Conservation and Development • Office of State Fire Marshal • Oregon State Historic Preservation Office
Native American Tribes	
<ul style="list-style-type: none"> • Klamath Tribes • Burns Paiute Tribe 	<ul style="list-style-type: none"> • Confederated Tribes of the Warm Springs
Special Advisory Group	
<ul style="list-style-type: none"> • Lake County Board of Commissioners (Lake County Planning Department) 	
Other Reviewing Agencies	
<ul style="list-style-type: none"> • Northwest Power Planning Council 	

2

3 **II. EFSC REGULATORY FRAMEWORK**

4

5 Issuance of a site certificate and an amended site certificate is governed by the statutory
 6 requirements in ORS 469.300 *et seq.* and administrative rules in OAR Chapter 345. The
 7 following divisions of OAR Chapter 345 include rules related to application requirements,
 8 Council’s review of an application for site certificate (ASC), and requirements for construction,
 9 operation, and retirement of an approved facility:

10

11 **OAR Chapter 345, Division 21** (Site Certificate Application Requirements) includes the
 12 primary site certificate application requirements. See Section III of this Amended Project
 13 Order for specific information related to the site certificate application requirements for
 14 the proposed facility.

15

16 **OAR Chapter 345, Division 22** (Council Standards for Siting Facilities) includes most of
 17 the regulatory standards by which Council must evaluate the proposed facility. In
 18 addressing each of the Division 21 application requirements, the applicant shall refer to
 19 the Division 22 standard to which the requirement relates to ensure the application is
 20 responsive to the standards by which the Council must evaluate it.

21

22 **OAR Chapter 345, Division 24** (Specific Standards for Siting Facilities) includes additional
 23 standards for specific types of EFSC applications. In addressing the Division 21
 24 application requirements, the application shall refer to the Division 24 standards that

1 apply to the proposed facility to ensure the application is responsive to these standards.
2 At this time, the only potentially applicable Division 24 standard is OAR 345-024-0090,
3 Siting Standards for Transmission Lines.
4

5 **OAR Chapter 345, Division 25** (Site Certificate Conditions) includes the mandatory
6 conditions that Council must apply to all site certificates, as well as applicable site-
7 specific and monitoring conditions. Note that per the mandatory condition included at
8 OAR 345-025-0006(10), the Council will include as conditions in the site certificate, if
9 issued, all representations of mitigation made in the ASC and supporting record that the
10 Council deems to be binding commitments made by the applicant.
11

12 **OAR Chapter 345, Division 26** (Construction and Operation Rules for Facilities) includes
13 the compliance plan requirements that will apply if the Council issues a site certificate
14 for the proposed facility. In addressing the Division 21 application requirements, the
15 applicant shall refer to the compliance plan requirements, described in OAR 345-026-
16 0048, and reporting requirements, described in OAR 345-026-0080. Note that, if a site
17 certificate is issued, the certificate holder must also comply with additional
18 construction- and operation-related regulations that may apply to the proposed facility
19 but that may not be covered by the site certificate, per ORS 469.401(4).
20

21 **III. APPLICATION REQUIREMENTS**

22
23 The applicant must submit information required under OAR 345-021-0000, including, for all
24 state and local government agency permit approvals that the applicant proposes to be included
25 in and governed by the site certificate, the submittal of information that would otherwise be
26 required by the state or local government agency in an application for such permit, license or
27 certificate [OAR 345-021-0000(6)].³ The applicant shall also submit copies of the applications for
28 federally-delegated permits that are needed for construction or operation of the proposed
29 facility [OAR 345-021-0000(7)]. OAR 345-021-0010(1) identifies the required contents of an
30 ASC. Each of the paragraphs below indicates which provision(s) of OAR 345-021-0010(1)(a) –
31 (dd) apply to the proposed facility. The ASC shall also include a table of contents for each
32 exhibit, as described in OAR 345-021-0010(3).
33

34 **a. Exhibit A – General Information about the Applicant**

35

³ It is noted that under 345-015-0190(5), the Department may find that the application is complete without requiring the applicant to submit all information described under OAR 345-021-0000 and 345-021-0010.

1 **Applicable Paragraphs:** All paragraphs apply except (C), (E), (F), and (G)
2 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]
3 **Discussion:** Note that paragraph (B) calls for a list of “participating persons, other than
4 individuals.” Please note the definition of “Person” in ORS 469.300(21): “Person” means an
5 individual, partnership, joint venture, private or public corporation, association, firm, public
6 service company, political subdivision, municipal corporation, government agency, people’s
7 utility district, or any other entity, public or private, however organized. Please also note that
8 the applicant is required to notify the Department of any change in the identity or ownership of
9 the applicant prior to the change. This notification requirement continues to apply until the
10 Council issues a final order on the ASC.

11

12 **b. Exhibit B – General Information about the Proposed Facility**

13

14 **Applicable Paragraphs:** All paragraphs apply except (A)(vi), (A)(vii), (A)(viii), and (E)(iv).
15 Paragraph (D) only applies if the proposed transmission line meets the definition of an energy
16 facility at ORS 469.300(11)(a)(C).

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

18 **Discussion:** The description of the proposed facility in the ASC will form the basis for the
19 description of the facility in the site certificate. The applicant would be required to build the
20 facility “substantially as described” in the site certificate, if approved and issued by Council
21 (OAR 345-025-0006(3)(a)). The description should include details of facility construction,
22 including primary activities. If the applicant proposes to pursue or reserve the option of a
23 phased construction approach, Exhibit B should include a detailed discussion of the phasing and
24 how phasing is proposed (e.g., by facility component, acreage, etc.). Exhibit B should also
25 include details of activities associated with routine operations and maintenance activities. The
26 ASC shall include detailed descriptions of major components, structures and systems, including
27 a description of the size (including maximum height), type and configuration of equipment used
28 to generate electricity and similar descriptions for all related or supporting facilities as defined
29 under ORS 469.300(24), including any structure (including roads) constructed or substantially
30 modified solely to serve the proposed facility. The ASC shall also include detailed descriptions of
31 equipment and systems for spill containment and fire prevention and control.

32

33 If the applicant requests Council review and approval of flexibility to site proposed facility
34 components anywhere within the site boundary or seeks approval of a micrositing area, the
35 applicant must evaluate maximum impacts of siting facility components anywhere within the
36 entirety of the site boundary or established micrositing area (i.e., desktop and/or field surveys
37 must include the entire site boundary or micrositing area, if different; impact assessment must
38 be based on maximum impact facility layout option within the site boundary or micrositing
39 area, if different).

40

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1 **c. Exhibit C – Location**

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

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

5 **Discussion:** Maps shall indicate the “site boundary” as defined in OAR 345-001-0010(54),
6 including any proposed transmission line routes and corridors for which the applicant seeks
7 Council approval. If the applicant seeks flexibility to site facility components anywhere within
8 the site boundary or an established micrositing area, please identify in maps and include an
9 evaluation to support the facility “micrositing area,” to be consistent with the intent of a
10 “micrositing corridor” (OAR 345-001-0010(32)). Maps shall provide enough information for
11 property owners potentially affected by the proposed facility to determine whether their
12 property is within or adjacent to property on which the site boundary is located. Maps shall
13 identify cities and towns, important landmarks and topographic features, using a scale of 1 inch
14 = 2000 feet or smaller when necessary to show detail. Major roads shall be accurately named
15 and roads adjacent to the facility should also be accurately identified.

16
17 The Department notes that the applicant has provided GIS Shapefiles of the site boundary and
18 requests GIS data showing the proposed facility layout and micrositing areas/corridors (if any),
19 as well as an updated site boundary shapefiles if any changes to the site boundary occurs
20 during the review of the pASC.
21

22 **d. Exhibit D – Organizational Expertise**

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

25 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000];
26 Organizational Expertise [OAR 345-022-0010]; Retirement and Financial Assurance [OAR 345-
27 022-0050]

28 **Discussion:** The Council’s review for the Organizational Expertise standard includes the
29 applicant’s ability to construct, operate, and retire the proposed facility in compliance with
30 Council standards and conditions of the site certificate; and, in a manner that protects public
31 health and safety.
32

33 Exhibit D shall include an evaluation of the applicant’s compliance history within a reasonable
34 timeframe (e.g. last 5- 10 years). Applicant shall describe whether it is has received citations
35 and the status of resolution of those citations. For constructed and operational facilities of the
36 applicant, provide contact names, website links or communication materials developed for
37 those projects to afford the Department the ability to evaluate applicant’s ability to construct
38 and operate similar facilities.
39

1 Please address and provide drafts of safety programs or plans developed by the applicant for
 2 wildfire, emergency and spill response at the site. Please note that Exhibit D requires that if the
 3 applicant relies upon mitigation to meet any applicable Council standard, that the applicant
 4 provide evidence (i.e., detailed description of mitigation projects) that it can successfully
 5 complete such proposed mitigation. Provide contact names or status reports of long-term
 6 mitigation to afford the Department the ability to evaluate applicant’s ability implement
 7 mitigation/comply with requirements.
 8

9 **e. Exhibit E – Permits**

10
 11 **Applicable Paragraphs:** All paragraphs apply.

12 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000] and
 13 Organizational Expertise [OAR 345-022-0010]

14 **Discussion:** Exhibit E shall describe and discuss all permits that the applicant proposes to be
 15 included in and governed by the site certificate, as well as state and local permits that are
 16 related to the siting, construction, or operation of the proposed facility but are identified as
 17 those not to be included in and governed by the site certificate. Exhibit E shall also describe
 18 required federal and federally-delegated permits. For federally-delegated permits needed for
 19 construction or operation, the applicant must submit a copy of the permit application to the
 20 Department, as required under OAR 345-021-0010(1)(e)(F)(ii).
 21

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

25 Table 2 lists permits that may be required for the proposed facility. Please see the discussion
 26 that follows this table for additional information.
 27

Table 2: Potentially Required Permits for EFSC Energy Facilities and the Proposed Facility

Permit Name/Description	EFSC Jurisdictional	Federally Delegated – Information required for Completeness Determination Only	Not EFSC Jurisdictional Per ORS 469.401(4) – Information about Permit Necessary for Information Purposes Only Per OAR 345-021-0010(1)(e)(A)&(B)
State Permits			
Oregon DEQ Basic Air Contaminant Discharge Permit (Batch Plant)		X ¹	
Oregon DEQ National Pollution Discharge Elimination System Construction Storm Water 1200-C permit		X ¹	

Table 2: Potentially Required Permits for EFSC Energy Facilities and the Proposed Facility

Permit Name/Description	EFSC Jurisdictional	Federally Delegated – Information required for Completeness Determination Only	Not EFSC Jurisdictional Per ORS 469.401(4) – Information about Permit Necessary for Information Purposes Only Per OAR 345-021-0010(1)(e)(A)&(B)
Oregon DEQ NPDES Storm Water and Mine Dewatering Discharge 1200-A permit		X ¹	
Oregon DEQ Clean Water Act Section 401 Water Quality Certification ³	--	--	--
Fish Passage Plan Approval	X ⁴		X ⁴
Removal-Fill Permit	X		
Onsite Sewage Disposal Construction-Installation Permit			X ¹
Water Pollution Control Facilities (WPCF) General Permit 1000			X ¹
Ground Water Permit	X		
Surface Water Permit	X		
Water Right Transfer	X		
Limited Water Use License	X		
ODOT Oversize Load Movement Permit/Load Registration			X
ODOT Access Management Permit			X
ODOT Permit to Occupy or Perform Operations Upon a State Highway			X
SHPO Archaeological Permit	X ⁴		X ⁴
ODA Aeronautical Study of Obstruction Standards	X		
Local Permits			
Lake County Conditional Use and Zoning Permit	X		
Lake County Installation of Utilities on County and Public Roads Permit and Construction of Road Approaches and Private Road Crossings Permit			X
Lake County Building Permit			X
Federal Approvals			
FAA Notice of Proposed Construction or Alteration		X	

Table 2: Potentially Required Permits for EFSC Energy Facilities and the Proposed Facility

Permit Name/Description	EFSC Jurisdictional	Federally Delegated – Information required for Completeness Determination Only	Not EFSC Jurisdictional Per ORS 469.401(4) – Information about Permit Necessary for Information Purposes Only Per OAR 345-021-0010(1)(e)(A)&(B)
(Form 7460-1)			
<p>¹ Unless obtained by third-party; see Third-Party Permits discussion.</p> <p>³ State permit that would not be included in or governed by the site certificate. Please see the following discussion.</p> <p>⁴ The Department notes that some state permits may be under EFSC jurisdiction if proposed by the applicant in the ASC, including an ODFW Fish Passage Approval and SHPO Archaeological Permit.</p>			

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Federal Approvals

Bureau of Land Management

Statute and Rule References: 90 Stat. 2776; 43 USC 1761

Permits: Right of Way Grant

Discussion: The Bureau of Land Management (BLM) issues Right of Way Grants authorizing use of, or impacts to, BLM owned land. As described in the June 2020 NOI, two right of way grants are required for the proposed facility, including an access road and transmission line crossing on BLM owned parcels.

Federally-delegated Permits

Oregon Department of Environmental Quality – Air Quality Division

Statute and Rule References: OAR Chapter 340, Division 216

Permits: General Air Contaminant Discharge Permit (ACDP)

- Information needed for completeness (unless obtained by third-party; see Third-Party Permits discussion) but not EFSC jurisdictional

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

1 **Oregon Department of Environmental Quality – Water Quality Division**

2 **Statute and Rule References**

- 3 • ORS Chapter 468B (Water Quality)
- 4 • OAR Chapter 340, Division 45 (Regulations Pertaining To National Pollutant Discharge Elimination System (NPDES) and Water Pollution Control Facilities (WPCF) Permits)
- 5 • OAR Chapter 340, Division 48 (Certification of Compliance with Water Quality Requirements and Standards)

6 **Permits:** National Pollution Discharge Elimination System (NPDES) Construction Stormwater
7 1200-C permit

- 8 ○ Information needed for completeness (unless obtained by third-party; see Third-Party Permits discussion) but not EFSC-jurisdictional
- 9 • NPDES Stormwater and Mine Dewatering Discharge 1200-A permit
- 10 ○ Information needed for completeness (unless obtained by third-party; see Third-Party Permits discussion) but not EFSC-jurisdictional

11 **Discussion:** The EPA has delegated authority to DEQ to issue NPDES Stormwater Discharge permits for construction and operation activities. Based upon the information in the pASC, a NPDES 1200-C permit would be required for facility construction. In accordance with OAR 345-021-0000(6), the applicant must submit to the Department one copy of all applications for federally-delegated permits (including the NPDES permit). Note that the Department will not be able to find the application for site certificate complete before receiving a copy of the NPDES permit application and a letter or other indication from DEQ. The DEQ response must state that the agency has received a permit application from the applicant and provide an estimated date when the agency will complete its review and issue a permit decision. The applicant may incorporate this information into Exhibit I (Soils) or Exhibit BB (Other Information) of the ASC.

25 Disposal of concrete batch plant wash water (if a temporary batch plant is necessary) would require either an NPDES 1200-A permit or a WPCF General Permit 1000. If a batch plant was to discharge stormwater from a point source to surface water or to a conveyance system that discharges to surface water, the plant would require an NPDES 1200-A permit. The requirements of OAR 345-021-0000(6) (described in the preceding paragraph) would apply to the NPDES 1200-A permit. If the applicant’s third-party contractor would instead obtain the NPDES 1200-A permit, the requirements described in the Third-Party Permits section below would apply. Alternatively, if a batch plant would be located within a construction staging yard for which the applicant would seek coverage under an NPDES 1200-C permit described above, the applicant may seek coverage for a batch plant under the same NPDES 1200-C permit. If a batch plant would not discharge to surface waters, a WPCF General Permit 1000 would instead be required to dispose of process wastewater and stormwater by recirculation, evaporation, and/or controlled see page (see the State Permits discussion below).

39 **State Approvals and Permits**

40 **Oregon Department of Aviation**

41 **Statute and Rule References**

- 1 • ORS 836.530 and 836.535
- 2 • OAR Chapter 738, Division 070 (Physical Hazards to Air Navigation)

3 **Approval**

- 4 • Determination of No Hazard to Air Navigation
- 5 ○ EFSC Jurisdictional

6 **Discussion**

7 ORS 836.530 authorizes the Oregon Department of Aviation to define physical hazards to air
8 navigation and determine whether specific types or classes of objects or structures constitute
9 hazards. The standards and procedures for determining when a structure or object constitutes
10 a physical hazard to air navigation are found in OAR Chapter 738, Division 070.

11
12 The applicant must identify the distance and direction of the micrositing corridor from the
13 airport within the analysis area for Public Services or as determined by the Oregon Department
14 of Aviation.

15
16 In addition, applicant must provide the preliminary latitude, longitude, height above mean sea
17 level, and height above ground level for any proposed facility components that would exceed
18 200 ft in height above ground level or would be:

- 19 • within 20,000 ft of an airport listed above and would exceed a 100:1 surface from any
20 point on the runway of each airport with at least one runway more than 3,200 ft.
- 21 • within 10,000 ft of an airport listed above and would exceeds a 50:1 surface from any
22 point on the runway of each airport with its longest runway no more than 3,200 ft.
- 23 • within 5,000 ft of a public use heliport and would exceed a 25:1 surface from each
24 heliport.

25
26 The applicant must include the requested data using FAA Form 7460-1 or in another format
27 that is approved by the Department. The applicant may also provide a supplemental analysis of
28 why it believes the proposed facility components would not exceed the obstruction standards
29 in OAR 738-070-0100 or, if the applicant believes the components would exceed the standards,
30 why they would not constitute a hazard to air navigation. This information may be provided as
31 part of one or more of the following exhibits: Exhibit E, Exhibit U, Exhibit BB, and Exhibit CC.
32 Satisfaction of this requirement does not relieve the applicant of its responsibility to comply
33 with any regulations and requirements of the Federal Aviation Administration under 14 CFR
34 Part 77.

35
36 **State Permits**

37
38 ***Oregon Department of Fish and Wildlife***

39 **Statute and Rule References**

- 40 • ORS 509.580 through 509.910
- 41 • OAR 635, Division 412 (related to Fish Passage)

42 **Permit**

- 43 • Fish Passage Plan Approval

- EFSC jurisdictional

Discussion: OAR Chapter 635, Division 412 (Fish Passage) requires upstream and downstream fish passage at all existing or new artificial obstructions in Oregon waters in which migratory native fish are currently or have historically been present, except under certain clearly defined circumstances. A fish passage plan that complies with OAR Chapter 635, Division 412 shall be included in Exhibit BB of the application, and Fish Passage Plan approval is to be included in and governed by the site certificate, unless the applicant demonstrates that the design and location of the proposed facility would not trigger this requirement.

Oregon Department of State Lands

Statute and Rule References

- ORS 196.795-990 (Removal of Material, Filling)
- OAR Chapter 141, Division 85 (Administrative Rules Governing the Issuance and Enforcement of Removal-Fill Authorizations Within Waters of Oregon Including Wetlands)

Permit: Removal-Fill Permit

- EFSC jurisdictional

Discussion: A removal-fill permit is required if any removal or fill activities occur in streams designated as Essential Indigenous Anadromous Salmonid Habitat or 50 cubic yards or more of material is removed, filled or altered within a jurisdictional water of the state [OAR 141-085-0520(2) and (5)]. Removal-fill permits are state permits under Council jurisdiction. See Section *j. Exhibit J*, of this Amended Project Order for additional discussion of application requirements related to wetlands and “waters of this state,” for this proposed facility.

If a desktop analysis and wetland delineations indicates the likelihood of wetlands or waters of the state being present within the site boundary and/or micro-siting corridor, the applicant must conduct a wetland delineation within the entire site boundary, and submit to DSL for concurrence, according to OAR Chapter 141, Division 90 rules. A wetland delineation determines the presence and location of “waters of this state,” (WOS) as defined in OAR 141-085-0510(91), within the analysis area. A determination from DSL could also confirm if wetlands or waters of the state are not present on site. Depending upon facility impacts to “waters of this state,” if present, a removal-fill permit may be necessary, and the application for site certificate should include information establishing whether a removal-fill permit is required. If a removal-fill permit is required, the ASC shall include a concurred delineation from DSL and a complete application for an individual permit which demonstrates consistency with ORS 196.825(1), and provides enough information for determinations and considerations under ORS 196.825(3) and OAR 141-085-0565.

A Compensatory Wetland Mitigation Plan which meets the requirements of OAR 141-085-0680 through OAR 141-085-0715 must be provided to replace all lost functions and values previously provided by the impacted wetlands and waterways.

If a proposed facility requires any dredge or fill of waters of the United States, the applicant must submit to the Department one copy of an application for a Section 404 permit, in

1 accordance with OAR 345-021-0000(6), and a Section 401 Water Quality Certificate must be
2 granted by DEQ before a Section 404 may be issued. The DSL (removal-fill permit) and the
3 Corps (Section 404 permit) use a joint application form. As discussed previously with regard to
4 Exhibit E and federally-delegated permits outside of Council jurisdiction, the applicant must
5 provide a letter or other indication from the Corps stating that the agency received a permit
6 application from the applicant, identifying any additional information the agency is likely to
7 need from the applicant based on the agency's review of the application, and an estimated date
8 for when the agency will complete its review and issue a permit decision.

9
10 ***Oregon Department of Environmental Quality***

11 **Statute and Rule References**

- 12 • ORS Chapter 454 (Sewage Treatment and Disposal Systems)
- 13 • ORS Chapter 468B (Water Quality)
- 14 • OAR Chapter 340, Division 45 (Regulations Pertaining To NPDES and WPCF Permits)
- 15 • OAR Chapter 340, Division 71 (Onsite Wastewater Treatment Systems)

16 **Permits:**

- 17 • Onsite Sewage Disposal Construction-Installation Permit
 - 18 ○ EFSC-jurisdictional unless obtained by third-party; see Third-Party Permits
 - 19 discussion
- 20 • Water Pollution Control Facilities (WPCF) General Permit 1000
 - 21 ○ EFSC-jurisdictional unless obtained by third-party; see Third-Party Permits
 - 22 discussion
- 23 • WPCF General Permit 1700-B (DEQ Expired/Not Required for Panel Washing)
- 24 • Clean Water Act Section 401 Water Quality Certification
 - 25 ○ This permit would not be included in or governed by the site certificate

26 **Discussion:** Facilities with an on-site sewage disposal system must obtain a Construction-
27 Installation Permit before construction for licensed on-site septic system with a daily sewage
28 flow of fewer than 2,500 gallons during operation.

29
30 If a temporary batch plant is necessary, disposal of concrete batch plant wash water would
31 require either a Water Pollution Control Facilities (WPCF) General Permit 1000 or a NPDES
32 permit. Concrete batch plants that dispose of process wastewater and stormwater by
33 recirculation, evaporation, and/or controlled seepage with no discharge to surface waters
34 require a WPCF General Permit 1000. A WPCF General Permit 1000 is a state permit under
35 Council jurisdiction. If the applicant's third-party contractor would obtain the necessary WPCF
36 General Permit 1000 directly from DEQ, this permit would be related to the siting and operation
37 of the proposed facility but would not be included in and governed by the site certificate (see
38 the Third-Party Permits discussion below). If a batch plant was to instead discharge stormwater
39 from a point source to surface water or to a conveyance system that discharges to surface
40 water, a plant would require an NPDES 1200-A permit or coverage under the NPDES 1200-C
41 permit for the construction yard in which it would be located (as discussed under the federally-
42 delegated permits discussion of this Amended Project Order).

1 In the pASC the applicant indicates that the solar modules may be washed once or twice
2 annually and the wash water would be released to the ground and allowed to evaporate and
3 infiltrate. DEQ indicated to the Department that a WPCF General Permit 1700-B is not required
4 for solar array washing activities that would not result in discharge to surface waters, storm
5 sewers, or dry wells, and that would not use acids, bases, metal brighteners, steam, or heated
6 water. The use of biodegradable, phosphate-free cleaners with cold water is allowed. However,
7 cleaning only with cold water is recommended. Chemicals, soaps or detergents must be used
8 sparingly. The applicant or its third-party contractor should seek guidance from DEQ prior to
9 conducting solar module washing activities.

10
11 If a Section 404 Permit is needed from the Corps for the discharge of dredge or fill material in
12 waters of the United States, a Section 401 Water Quality Certificate must be granted by DEQ
13 before a Section 404 permit may be issued. This approval would not be included in or governed
14 by the site certificate.

15
16 ***Oregon Water Resources Department***

17 **Statute and Rule References**

- 18 • ORS 537.110-.330 (Appropriation under 1909 Act; Limited Licenses)
- 19 • ORS 537.505-.795 and ORS 537.992 (collectively, Ground Water Act of 1955)
- 20 • ORS 540.505-.589 (Changes in Use of Water; Transfer of Water Rights; Exchange)
- 21 • OAR Chapter 690, Division 10 (Appropriation and Use of Ground Water)
- 22 • OAR Chapter 690, Division 310 (Water Right Application Processing)
- 23 • OAR Chapter 690, Division 320 (Water Right Permits),
- 24 • OAR Chapter 690, Division 340 (Water Use Authorizations)
- 25 • OAR Chapter 690, Division 380 (Water Right Transfers)
- 26 • OAR Chapter 690, Division 385 (District Water Right Transfers)

27 **Permits:**

- 28 • Ground water permit
 - 29 ○ EFSC jurisdictional
- 30 • Surface water permit
 - 31 ○ EFSC jurisdictional
- 32 • Water right transfer
 - 33 ○ EFSC jurisdictional
- 34 • Limited License
 - 35 ○ EFSC jurisdictional

1
2 **Discussion:** Under OAR 345-022-0000(1)(b), the Council must determine whether the proposed
3 facility would comply with all other Oregon statutes and administrative rules identified in this
4 Amended Project Order, including those administered by OWRD listed above. OAR 345-021-
5 0010(1)(o)(F) requires that if a proposed facility needs a groundwater permit, surface water
6 permit, or water right transfer, that a decision on authorizing such a permit rests with the
7 Council. Please note that because limited licenses are for the use or storage of ground water or
8 surface water, a decision on authorizing OWRD to issue a limited license also rests with the
9 Council.

10
11 Please see Section III(o), Exhibit O - Water Use, for additional discussion and application
12 requirements. As noted in the pASC, the applicant or its contractor intends to obtain water for
13 facility construction and operation would be purchased from the Christmas Valley Municipal
14 Water District or from Simplot, the underlying landowner, under existing water rights. If a
15 proposed water source is not sufficient, an alternative offsite source would need to be
16 considered, or water will be obtained from a new onsite well to be permitted under a limited
17 water use license and used during operations. If water for construction and operation is not
18 available from permitted sources, the applicant or its contractor would need to obtain the
19 necessary water right permit or use authorization directly from the Oregon Water Resources
20 Department (OWRD). However, as stated in this section, water use permits are state permits
21 under EFSC jurisdiction and must be included in and governed by the site certificate. If needed,
22 a water right permit must be processed through the EFSC review process and cannot be
23 independently secured by the applicant from OWRD.

24
25 If the applicant proposes to construct and operate an on-site well(s) that, together, would use
26 less than 5,000 gallons per day, the well would be exempt from OWRD permit requirements.
27 Pursuant to OAR 690-215-0080, the landowner may be required to install totalizing flowmeters
28 or dedicated measuring tubes on a well exempted by ORS 537.545 (Exempt uses). A Limited
29 License would be required if the well would provide more than 5,000 gallons of water per day,
30 and would be included and governed by the site certificate.

31
32 ***Oregon Department of Transportation***

33 **Statute and Rule References:**

- 34
- 35 • ORS 818.030 (Exemptions from Weight Limitations)
 - 36 • OAR Chapter 734, Division 82 (Variance Permits Issued for Non-Divisible Loads and Road
37 Use Assessment Fees)
 - 38 • OAR Chapter 734, Division 51 (Highway Approaches, Access Control, Spacing Standards,
39 and Medians)
 - 40 • OAR Chapter 734, Division 55 (Pole Lines, Buried Cables, and Miscellaneous Operations)

41 **Permits:**

- 42 • Oversize Load Movement Permit/Load Registration
 - 43 ○ Not EFSC jurisdictional and no additional information needed for the ASC
- Access Management Permit

- Not EFSC jurisdictional and no additional information needed for the ASC
- Permit to Occupy or Perform Operations Upon a State Highway
 - Not EFSC jurisdictional and no additional information needed for the ASC

Discussion: Various permits from Oregon Department of Transportation (ODOT) may be required prior to construction of the facility. Access from Oregon state highways would require an access permit. Utility installations within the right-of-way of a state highway in Oregon require an Occupy or Perform Operations upon a State Highway permit. Movement of construction cranes and other large equipment and materials could also require an Oversize Load Movement permit. These permits are not related to facility siting and are not included in or governed by the site certificate. The applicant or its contractor must secure any applicable ODOT permits directly from ODOT, independent of the site certificate process.

State Historic Preservation Office

Statute and Rule References

- ORS Chapter 97, 358, and 390;
- OAR Chapter 736, Division 51

Permits:

- Archaeological Permit
 - May be EFSC jurisdictional if proposed in in ASC; if so, then ASC materials required

Discussion: Per ORS 390.235 and 358.920 a person may not excavate or alter a known archaeological site on public or private lands, or make an exploratory excavation on public lands to determine the presence of an archaeological site, or remove from public or private lands any material of an archaeological, historical, prehistoric or anthropological nature without first obtaining a permit issued by the State Historic Preservation Office (SHPO). An Archaeological Permit is needed for any excavation or artifact recovery within a known archaeological site on non-federal public lands and private lands in Oregon. This permit is also needed for any subsurface investigation on non-federal public lands. It is important to note that a “known site” is one that any individual is aware of, or that is documented with the state or any other institution. SHPO Archaeological Permits have a 30-day review period, require tribal consultation during review, and must meet SHPO standards.

During facility construction, if a previously unidentified archaeological site is discovered, all construction will cease and the applicant will report the finding to SHPO and the Department immediately. In that instance, the permit may be required based on SHPO’s determination. This permit would not be included in and governed by the site certificate.

SHPO issues Archaeological Permits in accordance with ORS 390.235 and OAR 736-051-0000 through 0090. If an applicant proposes the SHPO Archaeological permits in the ASC to be governed by the site certificate, the SHPO permit information requirement would apply to the ASC. If an applicant proposes a SHPO Archaeological Permit to be included and governed by the site certificate, advance coordination with the Department and SHPO is recommended.

1 **Local Permits**

2 **Land Use Development Code References**

- 3 • Lake County Development Code (Adopted May 1980; Amended September 1989)
- 4 • Lake County Comprehensive Plan (Adopted May 1980; Amended June 1989)

5 **Permits:** Building Permit (O&M building, collection substation, 500 kV substation, battery
6 energy storage system)

7 **Discussion:** The applicant requests that EFSC determine compliance with the substantive
8 criteria of the Lake County Comprehensive Plans and Lake County Development Code under
9 ORS 469.504(1)(b). Local permits and approvals including a conditional use/zoning permit and
10 site plan review are incorporated entirely into the ASC process; the only local permits to be
11 issued outside of the siting process include building permits for structures (O&M building,
12 collection substation, 500 kV substation, battery energy storage system).

13
14 **Third-Party Permits**

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

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

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

1 applicant has a contract or other arrangement for access to the resource or service secured by
2 that permit or approval.

3
4 **f. Exhibit F – Property Owners**

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

7 **Related Council and Other Standards:** Noticing Requirements under OAR 345 Division 15

8 **Discussion:** As the proposed facility would be located entirely within Agricultural Use (A-2)
9 zoned land, OAR 345-021-0010(1)(f)(A) applies and requires notice to property owners;

10
11 (iii) Within 500 feet of the property which is the subject of the application, where the
12 property is within a farm or forest zone;

13
14 The Council requires notice to all owners of record (as shown on the most recent property tax
15 assessment roll obtained from the affected county) within the specified distance from the
16 property on which the site boundary is located. In order to ensure notifications are provided
17 using an up-to-date property owner list, Exhibit F in the pASC should indicate that, pursuant to
18 direction by the Department, the property owner list will be generated just prior to the
19 Department’s determination of ASC completeness and in coordination with Department staff.
20 The property owner notification list should be provided in Excel and PDF format, with the Excel
21 version as received from the county, and must be accompanied by maps that include the site
22 boundary, the tax lots on which the site boundary is located, the buffered area surrounding the
23 tax lots on which the site boundary is located consistent with the OAR 345-021-0010(1)(f)(A) site
24 distance requirement, and the properties/tax lots that are within the applicable distances. Maps
25 shall correspond to the property owner list, be legible, and clearly identify tax lot ID numbers as
26 well as adjacent road names. The Department requests that evidence be provided to document
27 the date the property owner information was obtained from the county.

28
29 **g. Exhibit G – Materials Analysis**

30
31 **Applicable Paragraphs:** All paragraphs apply.

32 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000];
33 Organizational Expertise [OAR 345-022-0010]; Soil Protection [OAR 345-022-0022]; Retirement
34 and Financial Assurance [OAR 345-022-0050]

35 **Discussion:** Exhibit G shall include a detailed inventory of the quantities of industrial materials
36 flowing into and out of the proposed facility during construction and operation and should
37 ensure that this information is consistent with other Exhibits that describe the materials and
38 equipment used during construction and operation. The applicant shall include in the
39 application any proposed fuel storage areas, vehicle maintenance areas, or other areas that will
40 be utilized for activities that could store hazardous materials. The applicant shall identify the
41 expected storage locations and quantities of hazardous and non-hazardous materials expected
42 to be used during construction and operation of the facility. Exhibit G shall include copies of
43 plans the applicant proposes to manage hazardous and non-hazardous materials during
44 construction and operation.

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h. Exhibit H – Geologic and Soil Stability

Applicable Paragraphs: All paragraphs apply.
Related Council and Other Standards: Structural Standard [OAR 345-022-0020]; Soil Protection [OAR 345-022-0022]
Discussion: The Oregon Department of Geology and Mineral Industries (DOGAMI) provides technical review and recommendations on compliance with the Council’s Structural Standard. In accordance with OAR 345-021-0010(1)(h)(B), the applicant consulted with DOGAMI and provided a summary of the consultation in the pASC. The summary must address the appropriate methodology and scope of the seismic hazards and geology and soil-related hazards assessments, and the appropriate site-specific geotechnical work that must be performed for the ASC. The consultation shall identify all assumptions applicant intends to utilize in its evaluation of OAR 345-022-0020 (e.g., site class design, site-specific probabilistic hazard assessment, etc).

A geologic report included in Exhibit H shall meet the Oregon State Board of Geologist Examiners geologic report guidelines, as determined based on consultation with DOGAMI.

As described in the Structural Standard at OAR 345-022-0020(2), the Council may not impose the Structural Standard to approve or deny an ASC for a proposed facility that would produce power from solar energy, though the Council may apply the requirements of OAR 345-022-0020(1) to impose conditions on a site certificate issued for such a facility.

i. Exhibit I – Soils

Applicable Paragraphs: All paragraphs apply.
Related Council and Other Standards: Soil Protection [OAR 345-022-0022]
Discussion: This exhibit shall identify the major soil types and include a description of current and historical (if distinct from current) land uses that require or depend on productive soils. If applicant utilizes NRCS web-soil survey data to evaluate wind and water erosion potential at the proposed facility site, Exhibit I shall include accurate references and hyperlinks to source data. The applicant shall include information describing the impact of construction and operation of the proposed facility on soil conditions in the analysis area, including potential impacts to soils on adjacent properties. The application can cross-reference any applicable information related to the federally-delegated NPDES 1200-C permit application. An erosion and sediment control plan must be provided for review if the applicant will rely upon the erosion and sediment control plan to meet the Soil Protection standard. 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 III(e), *Exhibit E – Permits*, for additional discussion of federally-delegated permits.

1 **j. Exhibit J – Waters of the State and Removal-Fill**

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

4 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000];
5 Removal of Material, Filling [ORS 196.795-.990]; Administrative Rules Governing the Issuance
6 and Enforcement of Removal-Fill Authorizations within Waters of Oregon Including Wetlands
7 [OAR Chapter 141, Division 85]

8 **Discussion:** Per Exhibit J requirement, the ASC shall include a description of all areas within the
9 site boundary that might be waters of this state and a map(s) showing the location of these
10 features. The applicant submitted its wetland delineation reports for the areas surveyed in the
11 site boundary to the Department of State Lands (DSL) and provided DSL’s March 17, 2021
12 concurrence letter in its June 23, 2022 pASC Exhibit J. The DSL concurrence letter confirms that
13 that there are no jurisdictional wetlands or other waters of the state within the study area. The
14 Department notes, however, that there are areas within the site boundary that were not
15 surveyed. These parcels should be delineated and submitted to DSL or data and evidence
16 submitted to the Department to support a finding that it is not likely that wetlands or WOS are
17 present and therefore a removal fill permit is not necessary.

18 If determined necessary by the applicant, following DSL’s review of the wetland delineation
19 report, the information required for Council to make a decision on the removal-fill permit
20 application must be included in the ASC. Wetland delineation reports and removal-fill permit
21 application materials can be sent directly by the applicant to DSL; however, please note that all
22 materials must also be submitted to the Department as part of the ASC. The Department will
23 work closely with DSL in review of a removal-fill permit application, if applicable. For EFSC-
24 jurisdictional facilities, authorization of a removal-fill permit is an EFSC decision, should a
25 permit be issued, DSL will maintain the ongoing responsibility for compliance with any
26 associated permit conditions.

27
28 **k. Exhibit K – Land Use**

29
30 **Applicable Paragraphs:** Paragraphs (A) and (C) of the rule apply.

31 **Related Council and Other Standards:** Land Use [OAR 345-022-0030]; Public Services [OAR 345-
32 022-0110]

33 **Discussion:** The Council’s Land Use standard requires an evaluation for compliance with the
34 statewide planning goals. Under 469.504(1), the applicant may establish compliance with the
35 applicable statewide planning goals either by obtaining local land use approval under ORS
36 469.504(1)(a) or by obtaining Council approval under ORS 469.504(1)(b). The applicant has
37 indicated in the pASC that it has elected to seek a Council determination of compliance under
38 ORS 469.504(1)(b). Within Exhibit K, since the applicant has elected to obtain a Council
39 determination on land use under ORS 469.504(1)(b), paragraphs A, C and D of OAR 345-021-
40 0010(1)(k) apply; paragraph B does not apply.

41
42 The facility would be located on A-2-zoned land in Lake County. Pursuant to ORS 469.480 and in
43 preparation for review of the proposed facility, at its July 24, 2020 meeting the Council
44 appointed the Lake County Board of County Commissioners as a Special Advisory Group (SAG).

1 As provided in ORS 469.401(3), if the Council issues a site certificate, Lake County would be
2 bound to issue all required permits and other land use approvals, subject to the conditions set
3 forth in the site certificate, that are included in and governed by the site certificate. The
4 applicant shall discuss each applicable substantive criteria from the Lake County
5 Comprehensive Plan and Lake County Development Code, and shall demonstrate how the
6 proposed facility complies with those criteria. The SAG provided its list of applicable substantive
7 criteria in a comment letter on the NOI. If the proposed facility does not comply with one or
8 more of the applicable substantive criteria, the applicant must demonstrate that the proposed
9 facility nevertheless complies with the applicable statewide planning goals or that an exception
10 to a goal is justified under ORS 469.504(2) and OAR 345-022-0030(4).

11
12 Exhibit K shall also provide evidence that the proposed facility would comply with any directly-
13 applicable Land Conservation and Development Commission (LCDC) administrative rules and
14 statutory requirements related to the proposed facility, including ORS 215.283 and 215.274,
15 and specifically including all requirements regarding the location of the proposed facility within
16 the A-2 zone. Exhibit K shall provide evidence that the proposed facility would comply with the
17 applicable administrative rules at OAR 660-033-0130(38) related to development of solar power
18 generation facilities, as well as rules related to associated transmission lines to energy
19 generating facilities.

20
21 The proposed facility would require a Goal 3 exception. The Council’s goal exception process is
22 described at OAR 345-022-0030(4). A Goal 3 exception is necessarily based on site-specific
23 issues and reasons; as such, the applicant must provide site-specific evidence of the how the
24 proposed solar array location supports the evaluation of the Goal 3 exception. Reasons that
25 evaluate impacts to agriculture should include relevant information about the value of the
26 proposed site boundary area to the local agricultural community, including historic (last 10
27 years) agricultural revenue and number of workers and other agricultural resources/activities
28 which rely upon the impacted land. Reasons that support a local economic benefit should
29 provide specific and detailed information about how the proposed facility would provide
30 economic benefits which differ from any other type of development. The applicant should
31 address comments by reviewing agencies, the SAG, and stakeholder groups about impacts to
32 agriculture in the context of the Goal 3 exception request. The Department strongly
33 recommends the review and inclusion in Exhibit K of the items discussed in the Memo sent to
34 the applicant on August 22, 2022 titled; *Reasons Exception Requests for Statewide Planning
35 Goal 3, Agricultural Lands, for Proposed Solar Photovoltaic Energy Facilities*. See also Section
36 III(e), *Exhibit E – Permits*, for additional discussion of local permits

37
38 Exhibit K shall also include an evaluation of consistency with relevant requirements imposed
39 under the Bureau of Land Management’s Resource Management Plan, if adopted, applicable to
40 the analysis area.

41
42 **I. Exhibit L – Protected Areas**

43
44 **Applicable Paragraphs:** All paragraphs apply.

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

2 **Discussion:** The ASC must address potential impacts to protected areas identified in OAR 345-
3 022-0040 within the analysis area. Please note that compliance with the DEQ noise rules
4 (Exhibit X) does not correlate to compliance with the noise assessment considered in the
5 Protected Areas standard. Particularly, while construction noise is exempt from the DEQ noise
6 rules, construction noise must be considered under the Protected Areas standard. However,
7 information developed to demonstrate compliance with the DEQ noise rules (such as noise
8 modeling) can be used in the assessment under the Protected Areas standard. A visual impact
9 assessment is required as part of Exhibit L; while no specific methodology is required by EFSC
10 rule, the applicant must submit evidence adequate to demonstrate how potential impacts from
11 the proposed facility would not be likely to result in potentially significant, adverse impacts
12 under the Protected Areas standard. Visual simulations or other visual representations are not
13 required, but can provide important evidence for use by the Department and Council in
14 understanding the potential visual impact of the proposed facility to Protected Areas.

15
16 **m. Exhibit M – Financial Capability**

17
18 **Applicable Paragraphs:** All paragraphs apply.

19 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-
20 0050]; Organizational Expertise [OAR 345-022-0010]

21 **Discussion:** The ASC shall include information about the applicant’s financial capability,
22 including the applicant’s legal authority to construct and operate the proposed facility without
23 violating its bond indenture provisions, articles of incorporation, common stock covenants, or
24 similar agreements. To find that the proposed facility satisfies the Retirement and Financial
25 Assurance standard (OAR 345-022-0050(2)), the Council must find that the applicant has a
26 reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory
27 to the Council to restore the site to a useful, non-hazardous condition. The ASC shall include the
28 type and amount of the applicant’s proposed bond or letter of credit to satisfy the
29 requirements of OAR 345-022-0050.

30
31 **n. Exhibit N – Non-Generating Facility Need**

32
33 **Applicable Paragraphs:** Exhibit N does not apply because the proposed facility is not a
34 nongenerating facility.

1 **o. Exhibit O – Water Use**

2
3 **Applicable Paragraphs:** All paragraphs apply except (D).

4 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; OAR
5 690, Divisions 310 and 380 (Water Resources Department permitting requirements)

6 **Discussion:** Exhibit O of the ASC must describe water use during construction and operation of
7 the proposed facility. The ASC must identify the sources of water to be used and include an
8 estimate of the amount of water the proposed facility would need during construction and
9 operation from each source under annual average and worst-case conditions. Exhibit O shall
10 specify the final disposition of all wastewater and describe and quantify water loss from the
11 facility site.

12
13 If the proposed facility does not need a groundwater permit, a surface water permit, or a water
14 right transfer, Exhibit O shall include an explanation as to why such a permit or transfer is not
15 required for construction and operation of the proposed facility, as required by paragraph (E). If
16 the applicant relies upon a municipal or quasi municipal water right from a municipality or
17 water district, the Department recommends providing the water right information to
18 determine if it is an appropriate use under the water right for the municipality.

19
20 The Department also recommends the landowner, municipality or water district provide
21 varication of the water right and ability to provide water for construction and/or operation of
22 the proposed facility. If a groundwater permit, a surface water permit, or a water right transfer
23 is necessary, the ASC shall include the evidence and application materials to support a
24 determination by Council that OWRD should issue such a permit. See Section III(e) Exhibit E –
25 *Permits*, for a discussion of OWRD permits and Section III(u) – *Public Services*, for information
26 requirements related to water service providers.

27
28 **p. Exhibit P – Fish and Wildlife Habitat**

29
30 **Applicable Paragraphs:** All paragraphs apply.

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

32 **Discussion:** The applicant shall and has been in ongoing consultation with Oregon Department
33 of Fish and Wildlife (ODFW) in developing the ASC materials. Exhibit P shall include analysis of
34 how the evidence provided supports a finding by the Council that the proposed facility meets
35 the Council’s Fish and Wildlife Habitat standard. OAR 345-021-0010(1)(p) provides that Exhibit
36 P must include a description of biological and botanical surveys performed that support the
37 information in this exhibit, including a discussion of the timing and scope of each survey. Exhibit
38 P must also provide baseline surveys of all state sensitive species that may be present in the
39 analysis area performed according to a protocol approved by the Department and ODFW.

40
41 Oregon Fish and Wildlife Habitat Mitigation Policy (OAR Chapter 635, Division 415) classifies six
42 habitat categories and establishes a mitigation goal for each category. The applicant must
43 identify the appropriate habitat category for all areas affected by the proposed facility and
44 provide the basis for each category designation. The habitat classification is subject to the

1 Department and ODFW review. A map showing the different habitat categories within the
2 analysis area is required under sub-paragraph (C) of OAR 345-021-0010(1)(p), and inclusion of
3 vegetation classes within the map is recommended. The map must be of sufficient scale to
4 show details. Exhibit P must include tables depicting the estimated temporary and permanent
5 impacts, broken down by habitat categories and subtype.

6
7 The applicant must show how it would comply with the habitat mitigation goals and standards
8 by appropriate monitoring and mitigation, including measures proposed by the applicant to
9 avoid, reduce, and/or mitigate adverse impacts to habitat and state sensitive species. This
10 information shall be incorporated into a proposed Revegetation and Noxious Weed Control
11 Plan and a proposed Habitat Mitigation Plan (HMP) as attachments to Exhibit P. Exhibit P and
12 the HMP must clearly demonstrate how the applicant will provide mitigation, including
13 compensatory mitigation, in accordance with the Council’s standard. This includes identifying in
14 the HMP the location of a specific habitat mitigation area that could be used to provide
15 compensatory mitigation, as well as ecological uplift mitigation actions that could be
16 implemented at the habitat mitigation area to provide the appropriate mitigation. The HMP
17 shall include results of a desktop or field-level survey assessing the habitat categories of the
18 habitat mitigation area. The HMP shall describe the mechanism, or mechanism options, for
19 acquiring the legal right to maintain and enhance the habitat mitigation area. The HMP shall
20 include draft success criteria for the proposed ecological uplift actions, and describe a process
21 for evaluating monitoring and reference site locations, prior to construction. This information is
22 required for the Department to find the application complete. It is recommended that the
23 applicant provide a copy of any agreement or other similar documentation from landowner or
24 land management entity that demonstrates a likelihood of securing an easement or legal rights
25 to the proposed habitat mitigation area for which the HMP would apply.

26
27 **q. Exhibit Q – Threatened and Endangered Species**

28
29 **Applicable Paragraphs:** All paragraphs apply.

30 **Related Council and Other Standards:** Threatened and Endangered Species [OAR 345-022-
31 0070]

32 **Discussion:** The ASC shall include a list of state-listed endangered and threatened, species that
33 have potential to occur in the analysis area. The applicant shall identify these species based on
34 a review of literature, consultation with knowledgeable individuals, and reference to the list of
35 species maintained by the Oregon Biodiversity Information Center.

36
37 For state-listed threatened or endangered plant species, field surveys are required for any
38 species that may occur within the analysis area and may potentially be impacted by the facility.
39 The applicant shall consult with ODFW and Oregon Department of Agriculture Native Plant
40 Conservation Program, if applicable, regarding field survey methods, appropriate survey
41 seasons, qualifications of field survey personnel, and the information to be included in a field
42 survey report.

1 **r. Exhibit R – Scenic Resources**

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

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

5 **Discussion:** The ASC shall include an analysis of potential impacts of the proposed facility on
6 scenic resources identified as significant or important in local land use plans, tribal land
7 management plans and federal land management plans for any lands located within the
8 analysis area. For the purposes of Exhibit R, “local” land use plans include state, county, and city
9 planning documents or inventories. For any significant or important scenic resources identified
10 in a local, tribal or federal land management plan, the applicant shall include in the ASC an
11 evaluation of the proposed facility’s consistency or compliance with any development or land
12 use criteria included in the land management plan for the identified resource. ASC Exhibit R
13 shall include a **copy of the portion(s)** of the management plan that identifies the resource as
14 significant or important. The applicant shall also describe the measures it proposes to avoid,
15 reduce, or otherwise mitigate any significant adverse impacts to these scenic resources. A visual
16 impact assessment is required as part of Exhibit R; while no specific methodology is required by
17 EFSC rule, the applicant must submit evidence adequate to demonstrate why the proposed
18 facility is in compliance with the Scenic Resources standard. Visual simulations or other visual
19 representations are not required but can provide important evidence for use by the
20 Department and Council in understanding the potential visual impact of the proposed facility to
21 Scenic Resources.

22
23 **s. Exhibit S – Historic, Cultural and Archaeological Resources**

24
25 **Applicable Paragraphs:** All paragraphs apply.⁴

26 **Related Council and Other Standards:** Historic, Cultural, and Archaeological Resources [OAR
27 345-022-0090]

28 **Discussion:** The ASC shall include a discussion of the survey methodology used to identify and
29 evaluate potentially impacted historic, cultural and archaeological resources. Survey
30 methodologies should include an evaluation of desktop studies and literature review and a
31 discussion of field studies conducted according to current State Historic Preservation (SHPO)
32 Guidelines or a basis and discussion of how and why methodologies differed from SHPO
33 guidance. The applicant should work closely with the SHPO and the Department to understand
34 the report formatting and submission requirements, and to receive guidance on any survey
35 protocols.

36

⁴ Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.501(11). Specific location information about cultural resources must not be included in the text of application for a site certificate. Such information, including archaeological survey reports, shall be provided confidentially under separate cover in hard copy format 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.

1 Exhibit S shall discuss survey areas, and the results of all surveys conducted for historic, cultural,
2 and archaeological resources, as well as an analysis of any significant adverse impacts
3 anticipated and proposed mitigation measures. Exhibit S materials shall include an inventory,
4 impact assessment, and proposed mitigation measures (if applicable) for potential impacts to
5 historic, cultural or archaeological resources that have been listed on, or would likely be listed
6 on the National Register of Historic Places (NRHP), which includes a full evaluation of all NRHP
7 criterion (A-D). The ASC shall also include an evaluation (including potential impacts, avoidance
8 and minimization measures, and mitigation, as appropriate), of archaeological objects, as
9 defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c) on private
10 land, and archaeological sites, as defined in ORS 358.905(1)(c) on public land, as applicable.
11

12 It is recommended that the applicant discuss the proposed facility with the potentially affected
13 tribes identified by the Legislative Commission on Indian Services, including the Klamath Tribes,
14 Confederated Tribes of Warm Springs and the Burns Paiute Tribe.
15

16 As described in the Historic, Cultural, and Archaeological Resources standard at OAR 345-022-
17 0090(2), the Council may issue a site certificate for a facility that would produce power from
18 solar energy without making the findings of the Historic, Cultural, and Archaeological Resources
19 standard at OAR 345-022-0090(1), though the Council may apply the requirements of OAR 345-
20 022-0090(1) to impose conditions in a site certificate issued for such a facility.
21

22 t. Exhibit T – Recreation

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

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

26 **Discussion:** The ASC shall analyze the importance of recreational opportunities in the analysis
27 area using the factors listed in OAR 345-022-0100(1), discuss any significant potential adverse
28 impacts to important recreational opportunities, and describe measures proposed to avoid,
29 minimize or mitigate those impacts. Please list all recreational opportunities in the analysis area
30 and provide the applicant’s analysis of whether those recreational opportunities are
31 recommended as “important” or not. The importance of recreational opportunities is assessed
32 based on five factors outlined in the standard: special designation or management, degree of
33 demand, outstanding or unusual qualities, availability or rareness, and irreplaceability or
34 irretrievability of the recreational opportunity. Provide references including data sources and
35 hyperlinks to data sources which were reviewed to evaluate factors.
36

37 A visual impact assessment is required as part of Exhibit T; while no specific methodology is
38 required by EFSC rule, the applicant must submit evidence adequate to demonstrate how the
39 proposed facility would comply with the Recreation standard. Visual simulations or other visual
40 representations are not required but can provide important evidence for use by the
41 Department and Council in understanding the potential visual impact of the proposed facility to
42 important recreational opportunities. As described under the Protected Areas standard section
43 above, please note that compliance with the DEQ noise rules (Exhibit X) does not correlate to
44 compliance with the noise assessment considered in the Recreation standard. Particularly,

1 while construction noise is exempt from the DEQ noise rules, construction noise must be
2 considered under the Recreation standard. However, information developed to demonstrate
3 compliance with the DEQ noise rules (such as noise modeling) can be used in the assessment
4 under the Recreation standard.

5
6 **u. Exhibit U – Public Services**

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

9 **Related Council and Other Standards:** Public Services [OAR 345-022-0110]; Land Use [OAR 345-
10 022-0030]

11 **Discussion:** The ASC shall provide information related to the proposed facility’s potential
12 impacts to the ability of public and private providers within the analysis area to provide: sewers
13 and sewage treatment, water, storm water drainage, solid waste management, housing, air and
14 vehicular and air traffic safety, police and fire protection, health care and schools (OAR 345-
15 022-0110). Exhibit U should include letters from local public services providers to demonstrate
16 that the proposed facility would not cause a significant adverse impact on the ability of those
17 providers to provide their services, in accordance with the Public Services standard. Letters
18 obtained from public service providers should include analysis indicating that their level of
19 service would not be impacted and should explain how resources used by the facility would not
20 impact their ability to provide services, rather than conclusory statements without supporting
21 analysis or a demonstration of the potential facility impacts. For instance, letters obtained from
22 water service providers should include an evaluation of permit limits, permit or water right
23 numbers, type of water use, and historical demand to demonstrate that it can meet proposed
24 facility needs. Letters from fire service providers should explain how resources used by the
25 facility, in the event of a fire-related issue, would not impact their ability to provide fire
26 emergency response and a reason for such a statement. Letters from public works departments
27 and the SAG should demonstrate an understanding of proposed facility road use, including
28 maximum number of vehicle miles travelled and vehicle weight, and confirmation of whether
29 the use would impact local roads.

30
31 Based on the information in the pASC, is it recommended that the applicant provide letters
32 from the following public and private service providers that may be impacted by the proposed
33 facility, if applicable:

- 34
35
 - Local fire department(s),
 - 36 • Police department,
 - 37 • Public works department,
 - 38 • Cities within the analysis area,
 - 39 • Sewer and sewage treatment providers,
 - 40 • Water service providers, including municipal water providers
 - 41 • Solid waste providers

42
43 As described in the Public Services standard at OAR 345-022-0110(2), the Council may issue a
44 site certificate for a facility that would produce power from solar energy without making the

1 findings of the Public Services standard at OAR 345-022-0110(1), though the Council may apply
2 the requirements of OAR 345-022-0110(1) to impose conditions on a site certificate issued for
3 such a facility.

4
5 **v. Exhibit V – Wildfire Prevention and Risk Mitigation**

6
7 **Applicable Paragraphs:** All paragraphs apply

8 **Related Council and Other Standards:** Wildfire Prevention and Risk Mitigation [OAR 345-022-
9 0115]; General Standard of Review [OAR 345-022-0000]

10 **Discussion:** To support a finding by the Council as required by OAR 345-022-0115, the ASC shall
11 provide information to demonstrate that the applicant has adequately characterized the risk of
12 wildfire within the analysis area. Based on the level of wildfire risk within the analysis area, ASC
13 Exhibit V shall include Wildfire Mitigation Plan that includes the provisions identified in OAR
14 345-022-0115]. For additional guidance see the Department Letter per OAR 345-022-0115
15 Wildfire Prevention Rules sent to the applicant on August 11, 2022.

16
17 **w. Exhibit W – Solid Waste and Wastewater**

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

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

22 **Discussion:** To support a finding by the Council as required by OAR 345-022-0120, the ASC shall
23 provide information about the applicant’s plans to minimize the generation of solid waste and
24 wastewater in the construction and operation of the facility, and to recycle or reuse solid waste
25 and wastewater. Information in Exhibit V may be incorporated by reference in Exhibit U’s
26 discussion of impacts to solid waste and wastewater service providers.

27
28 As described in the Waste Minimization standard at OAR 345-022-0120(2), the Council may
29 issue a site certificate for a facility that would produce power from solar energy without making
30 the findings of the Waste Minimization standard at OAR 345-022-0120(1), though the Council
31 may apply the requirements of OAR 345-022-0120(1) to impose conditions on a site certificate
32 issued for such a facility.

33
34 **x. Exhibit X – Facility Retirement**

35
36 **Applicable Paragraphs:** All paragraphs apply.

37 **Related Council and Other Standards:** Retirement and Financial Assurance [OAR 345-022-
38 0050]; Organizational Expertise [OAR 345-022-0010]

39 **Discussion:** The ASC shall provide an estimate of the total and unit retirement costs per task
40 and action necessary for facility decommissioning, including a detailed explanation,
41 assumptions, and justification of the methodology it uses to estimate site restoration costs. It is
42 recommended that the applicant explain or provide the qualifications and experience of the
43 individual that prepared the estimate to support the Department’s evaluation of whether the
44 methods and assumptions are reasonable. The Council’s Retirement and Financial Assurance

1 standard requires evidence that the amount estimated for facility decommissioning is sufficient
2 for restoration of the site to a useful, nonhazardous condition; and that the applicant has a
3 reasonable likelihood of obtaining a bond or letter of credit in the amount identified for facility
4 decommissioning. If applicant chooses to provide a comfort letter from a financial institution as
5 evidence to support Council's review of this requirement, the letter should refer to the
6 applicant, be on letterhead, and accurately reference, at a minimum, the dollar amount (in
7 relevant quarter and year) of the decommissioning amount. If the applicant would like to
8 reserve the option to construct the facility in phases, to the extent possible the applicant should
9 provide sufficient cost estimating detail to enable the bond or letter of credit amount to be
10 adjusted based on phase.

11
12 **y. Exhibit Y – Noise**

13
14 **Applicable Paragraphs:** All paragraphs apply.

15 **Related Council and Other Standards:** General Standard of Review [OAR 345-022-0000]; DEQ
16 Noise Control Regulations [ORS 467.020 and ORS 467.030; OAR 340, Division 35]

17 **Discussion:** The ASC shall contain a noise analysis and information to support a Council finding
18 that the proposed facility would comply with applicable DEQ noise control standards in OAR
19 340-035-0035. The applicant shall include ambient noise monitoring results to support the
20 evaluation of compliance with the ambient antidegradation standard. If the applicant's sound
21 measurement procedures differ from the NPC5-1, please provide a discussion and basis for the
22 variation. For instance, the number of ambient monitoring sites shall be sufficient to reasonably
23 represent the ambient noise conditions at noise sensitive receptor locations in closest proximity
24 to the proposed site. The number of ambient monitoring sites shall be sufficient to reasonably
25 represent the ambient noise conditions at noise sensitive receptor locations in closest proximity
26 to the proposed site. Ambient noise monitoring shall also be conducted specific to ambient
27 conditions at noise sensitive receptor locations in closest proximity to the proposed 500 kV
28 transmission line. The analysis shall evaluate maximum noise levels from all noise-generating
29 equipment during construction and operation. Operational noise shall be evaluated from both
30 stationary sources (e.g. substation transformers, inverters/transformer units, battery storage
31 system HVAC and inverters) and corona noise from the transmission line.

32
33 **z. Exhibit Z – Cooling Tower Impacts**

34
35 **Applicable Paragraphs:** Exhibit Z does not apply because the proposed facility would not
36 include an evaporative cooling tower.

37
38 **aa. Exhibit AA – Electric and Magnetic Fields**

39
40 **Applicable Paragraphs:** All paragraphs apply.

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

42 **Discussion:** As the proposed facility would have a transmission line as a related or supporting
43 facility, the provisions of Exhibit AA apply.

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bb. Exhibit BB – Other Information

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

- ORS 569.390 Owner or Occupant to Eradicate Weeds: Each person, firm or corporation owning or occupying land within the district shall destroy or prevent the seeding on such land of any noxious weed within the meaning of ORS 569.360 to 569.495 in accordance with the declaration of the county court any by the use of the best means at hand and within a time declared reasonable and set by the court, except that no weed declared noxious shall be permitted to produce seed. (see also ORS 569.445)
- OAR 340-208-0210 Requirements for Fugitive Emissions: No person may cause or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. (see a – g)

Discussion: To address DEQ’s fugitive dust regulations, it is recommended that a Dust Monitoring and Mitigation Plan be submitted; the applicant should address whether the plan applies to construction, operation or both. To address ODA’s state weed statutes, it is recommended that a Noxious Weed Control Plan be submitted, addressing both state and county listed noxious weeds, to apply prior to and during construction, and operations.

cc. Exhibit CC – Other Law

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

All requirements apply.

dd. Exhibit DD – Specific Standards

Applicable Paragraphs: Paragraph (C) applies.

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

Discussion: The Council applies specific standards for transmission lines under its jurisdiction in OAR 345-024-0090. The applicant should provide analysis regarding compliance with OAR 345-024-0090 in Exhibit DD.

IV. ANALYSIS AREAS FOR THE PROPOSED FACILITY

The analysis areas are the areas that the applicant must study for potential impacts from the construction and operation of the proposed facility. The analysis areas described in this Amended Project Order do not limit the applicant’s responsibility to assess the potential impacts of the facility. They are the areas in which significant adverse impacts from the

1 proposed facility are likely to occur. If significant impacts associated with the applicable Council
 2 standards⁵ could occur beyond the analysis areas described here, then the applicant must
 3 assess those impacts in the ASC and show how the facility would comply with the applicable
 4 standard with regard to the larger area where impacts could occur.

5
 6 For all potential impacts, the analysis area includes all the area within the site boundary, as
 7 defined in OAR 345-001-0010(55) as well as any additional distances beyond the site boundary
 8 described in Table 3, *Analysis Areas* below. The ASC must specifically describe the site boundary
 9 and provide a map showing the proposed site boundary, including all related or supporting
 10 facilities.

Table 3: Analysis Areas

Affected Standard or Resource	Exhibit	Analysis Area
Structural Standard	Exh. 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).
Soil Protection	Exh. I	The area within the site boundary.
Wetlands	Exh. J	The area within the site boundary.
Land Use	Exh. K	The area within and extending 0.5 mile from the site boundary.
Protected Areas	Exh. L	The area within and extending 10 miles from the site boundary.
Fish and Wildlife Habitat	Exh. P	The area within and extending 0.5 mile from the site boundary.
Threatened and Endangered Species	Exh. Q	The area within and extending 5 miles from the site boundary.
Scenic Resources	Exh. R	The area within and extending 10 miles from the site boundary.
Historic, Cultural and Archaeological Resources	Exh. S	The area within the site boundary. If aboveground resources, including Traditional Cultural Properties or Historic Properties of Religions and Cultural Significance to Indian Tribes, were identified within 1-mile of the site boundary during the desktop review, the analysis area shall include the area within and extending 1-mile of the site boundary.
Recreation	Exh. T	The area within and extending 5 miles from the site boundary.
Public Services	Exh. U	The area within and extending 10 miles from the site boundary.
Wildfire Risk	Exh. V	The analysis area is the site boundary and onehalf mile from the site boundary.
Noise Control Regulation	Exh. Y	The area within and extending 1-mile from the site boundary.
Notes:		

⁵ OAR 345-022-0080 - Scenic Resources, OAR 345-022-0100 – Recreation, and OAR 345-022-0110 - Public Services directly reference the analysis area as described in the Amended Project Order.

Table 3: Analysis Areas

Affected Standard or Resource	Exhibit	Analysis Area
<p>1. The applicant should note that analysis areas defined in this Amended 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.</p>		

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V. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS

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

Under OAR 345-015-0190(5), when the Department determines the ASC contains adequate information for the Council to make findings or impose conditions on all applicable Council standards, the Department will issue a determination of completeness on the ASC. The Department may determine that the ASC is complete without requiring the applicant to submit all information described under OAR 345-021-0000 and 0010. In accordance with OAR 345-015-0190(9), after a determination that an ASC is complete, the Department may require additional information from the applicant if the Department identifies a need for that information during its continued review of the ASC.

VI. APPLICABILITY AND DUTY TO COMPLY

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

1 **OREGON DEPARTMENT OF ENERGY**

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

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9 Date of Issuance: August 22, 2022