

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

In the Matter of Request for Amendment 1 of Sunset Solar Project Site Certificate	))))	PROPOSED ORDER

October 14, 2025

BLACK underline and ~~striketrough~~ represent the Department's initial recommended conditions changes as presented in the DPO.

COLOR underline and ~~striketrough~~ represent recommended changes from the Draft Proposed Order (DPO) to the Proposed Order

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Attachment P-3: Draft Habitat Mitigation Plan

Attachment S: Updated Inadvertent Discovery Plan

Attachment U: Draft Construction Traffic Management BMPs

Attachment W-1: Draft Construction Wildfire Mitigation Plan

Attachment W-2: Draft Operations Wildfire Mitigation Plan

Attachment X: Updated Decommissioning Cost Estimate and Assumptions

ABBREVIATIONS AND ACRONYMS

ADR	Amendment Determination Request
ADT	average daily trips
ASC	Application for Site Certificate
BESS	battery energy storage system
BLM	Bureau of Land Management
BMP	best management practice
BPA	Bonneville Power Administration
Certificate holder	Sunset Solar, LLC
Council or EFSC	Energy Facility Siting Council
CTWSRO	Confederated Tribes of Warm Springs Reservation of Oregon
CWPP	Community Wildfire Protection Plan
dBA	A-weighted decibels
Department	Oregon Department of Energy
DOGAMI	Department of Oregon Geology and Mineral Industries
DPO	Draft Proposed Order
DSL	Department of State Lands
EFU	Exclusive Farm Use
ESCP	Erosion and Sediment Control Plan
facility	Sunset Solar Project
HMA	Habitat Mitigation Area
HMP	Habitat Mitigation Plan
IPac	Information for Planning and Consulting
kV	kilovolt
MW	megawatt
MWac	megawatts alternating current
NPDES	National Pollutant Discharge & Elimination System
NRHP	National Register of Historic Places
NSR	noise-sensitive receptor
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statutes
pRFA	Preliminary Request for Amendment
PV	Photovoltaic
RFA1	Request for Amendment 1
RFPA	Rural Fire Protection Association
SAG	Special Advisory Group
SCADA	Supervisory, Control and Data Acquisition
SCCLUP	Sherman County Comprehensive Land Use Plan

ABBREVIATIONS AND ACRONYMS

SHPO	State Historic Preservation Office
STATSGO	State Soil Geographic Database
SPCC	Spill Prevention Control and Countermeasure
T&E	Threatened and Endangered
THPO	Tribal Historic Preservation Office
WCCP	Wasco County Comprehensive Plan
WCLUDO	Wasco County Land Use Development Ordinance
WOS	Waters of the State
WMMP	Wildlife Monitoring and Mitigation Plan
WSA	Wilderness Study Area

I. INTRODUCTION

On September 5, 2025¹, Sunset Solar, LLC (certificate holder), filed Request for Amendment 1 of the Sunset Solar Project Site Certificate (RFA1).

Sunset Solar Project (facility) is a not-yet-constructed 103 megawatts alternating current (MWac) solar photovoltaic (PV) power generation facility approved to occupy or use up to 2,196 acres (3.4 sq. miles) within a 10,640 acre site boundary, located in Wasco County.

As described in Section II.A. *Requested Amendment*, RFA1 seeks Energy Facility Siting Council (EFSC or Council) authorization to extend the construction commencement and completion deadline by 3 years. RFA1 proposes to change the construction commencement deadline from April 24, 2025 to April 24, 2028; and to change the completion deadline from April 24, 2026 to a date extending 3-years from the construction commencement date. These changes would modify the language of General Standard Condition 1 (GEN-GS-01, see Attachment A of this order). In addition, the certificate holder requests to administratively update the Site Certificate to reflect a reduced site boundary and micrositing area, reducing the 10,640-acre site boundary and 2,196 acre micrositing area to 1,870 acres.¹

In accordance with Oregon Administrative Rule (OAR) 345-027-~~03720365~~, the Oregon Department of Energy (Department), as staff to the Energy Facility Siting Council (EFSC or Council), issues this ~~Draft~~ Proposed Order (~~DPO~~) under the Type B process, recommending approval of RFA1, subject to the existing and recommended new and amended site certificate conditions set forth in this ~~DPO~~ Proposed Order. This Proposed Order and the analysis and recommendations contained therein do not constitute a final determination by the Council.

I.A. SITE CERTIFICATE PROCEDURAL HISTORY

The Council issued the Sunset Solar Project Site Certificate on November 19, 2021. The procedural history of the Sunset Solar Project is tied to Bakeoven Solar Project as described in Section I of the Sunset Solar Project Site Certificate and briefly summarized and shown in the figure below:

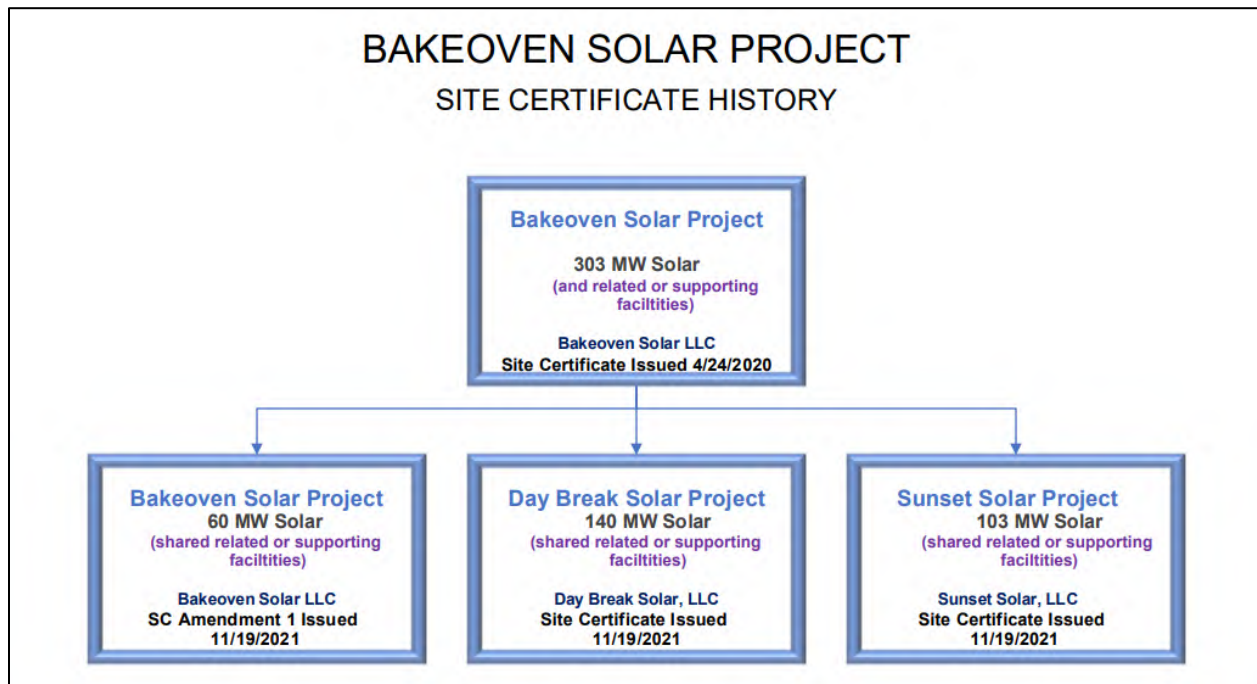
- **April 24, 2020 – Final Order on the ASC for Bakeoven Solar Project.** Bakeoven Solar Project Site Certificate was issued approving construction and operation of a 303 MW solar PV power generation facility within approximately 10,640 acre site boundary.²

¹ The certificate holder's request to reduce the site boundary and micrositing area do not require EFSC approval through the amendment process. This is an administrative change that is incorporated into RFA1, and recommended in this order be incorporated into the Amended Site Certificate, but does not require substantive review for compliance with EFSC standards.

² BSPAPDoc2 Final Order 2020-04-24.

- **November 19, 2021 – Final Order on Bakeoven Solar Project RFA1.** Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project were issued individual site certificates based on splitting facility components approved in the Final Order on the ASC for Bakeoven Solar Project. The site certificates authorize sharing between site certificates of related or supporting facilities.³

Figure 1: Sunset Solar Project and Bakeoven Solar Project Site Certificate History



I.B. APPROVED FACILITY DESCRIPTION

Sunset Solar Project is an approved but not-yet-constructed 103 MWac solar PV power generation facility, with related or supporting facilities that could occupy or use up to 2,196 acres (3.4 sq. miles) within a 10,640 acre site boundary. The facility must be designed, constructed and operated substantially as described in the site certificate.⁴

I.B.1. Energy Facility

The Site Certificate authorizes construction and operation of a solar PV power generating facility on up to 2,196 acres, including:

³ BSPAMD1Doc11 Final Order 2021-11-19.

⁴ Mandatory Condition OAR 345-025-0006(3), see General Standard Condition 3 (GEN-GS-02).

- Solar modules (mono- or poly-crystalline cells)
- Tracker systems
- Posts (approx. 51,102 posts, steel or pile-type, assumed concrete foundations)
- Approximately 56 inverter/transformer stations with related electrical equipment and cabling
- Approximately 4.2 miles of above ground 34.5 kilovolt (kV) collection system and 9 miles of below ground.
- Chain-link perimeter fence, up to 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate.⁵

I.B.2. Related or Supporting Facilities

Site Access, Service Roads, Perimeter Fencing and Gates

The Site Certificate authorizes construction of approximately 10.0 miles of service roads for access and maintenance purposes. New service roads will be 16 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles.

Chain-link perimeter fencing, up to 8 feet in height will enclose the solar array. Perimeter fencing will have vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate.

Temporary Staging Areas

The Site Certificate authorizes up to 2 temporary staging areas, to be located within the perimeter fenceline.

I.B.3. Shared Related or Supporting Facilities

The Site Certificate authorizes related or supporting facilities to be shared between the Sunset Solar Project, Bakeoven Solar Project and Daybreak Solar Project. Approved shared related or supporting facilities includes the collector substation, 11-mile 230 kV transmission line, operations and maintenance (O&M) building, a battery energy storage system (BESS), temporary laydown areas, access roads, fencing and gates.

230 kV Transmission Line

The 230 kV transmission line is in place and is operational. The 230 kV transmission line extends approximately 11 miles from the collector substation to Bonneville Power Administration's

⁵ BSPAPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 4.1.; Sunset Solar Project Site Certificate Section 4.1 2021-12-06.

(BPA) existing Maupin Substation, which interconnects to BPA’s 230 kV Big-Eddy to Redmond transmission line.

Collector Substation, Operations and Maintenance (O&M) Building/Onsite Sewage Disposal System

The collector substation is in place and is operational. The collector substation site is an approximately 3-acre fenced, graveled area, within the fenced solar array area of Bakeoven Solar Project and Daybreak Solar Project.

The O&M building is in place and is operational. It includes a single-story building, approximately 20 feet in height, within an approximately 5,000 square foot area, and includes office space, storage, bathroom, and breakroom facilities. Water is supplied via on-site groundwater well.⁶ The O&M building has an on-site, state permitted septic system, with a discharge capacity of up to 7,500 gallons. Electric power and telephone service is provided via local service providers. A gravel parking and storage area is located adjacent to the building. The O&M building is located near the Bakeoven Solar Project and Daybreak Solar Project, within the solar array perimeter fence.

Battery Energy Storage System

The Site Certificate authorizes construction and operation of a 100 MW BESS, which may be shared with Bakeoven Solar Project and Daybreak Solar Project. Sharing of facility components authorizes interconnection of existing facilities to the new equipment, if constructed. The 34.5 kV collector line systems will interconnect to the BESS and the shared collector substation. Battery storage equipment includes batteries and racks or containers, inverters, isolation transformers, switchboards, cooling systems, and electrical equipment. The BESS will be located within an approximately 8.4-acre area, and fire prevention and control measures specific to the BESS will be implemented. The system will be equipped with one aboveground, cylindrical water storage tank, approximately 14 feet tall and 12 feet in diameter, with a 10,000-gallon capacity to supplement water for fire-fighting. Storage containers may be stacked up to two levels with an estimated maximum height of approximately 20 feet. The fenced areas around the O&M building, collector substation, and BESS will be graveled, with no vegetation present.

I.C. APPROVED SITE DESCRIPTION

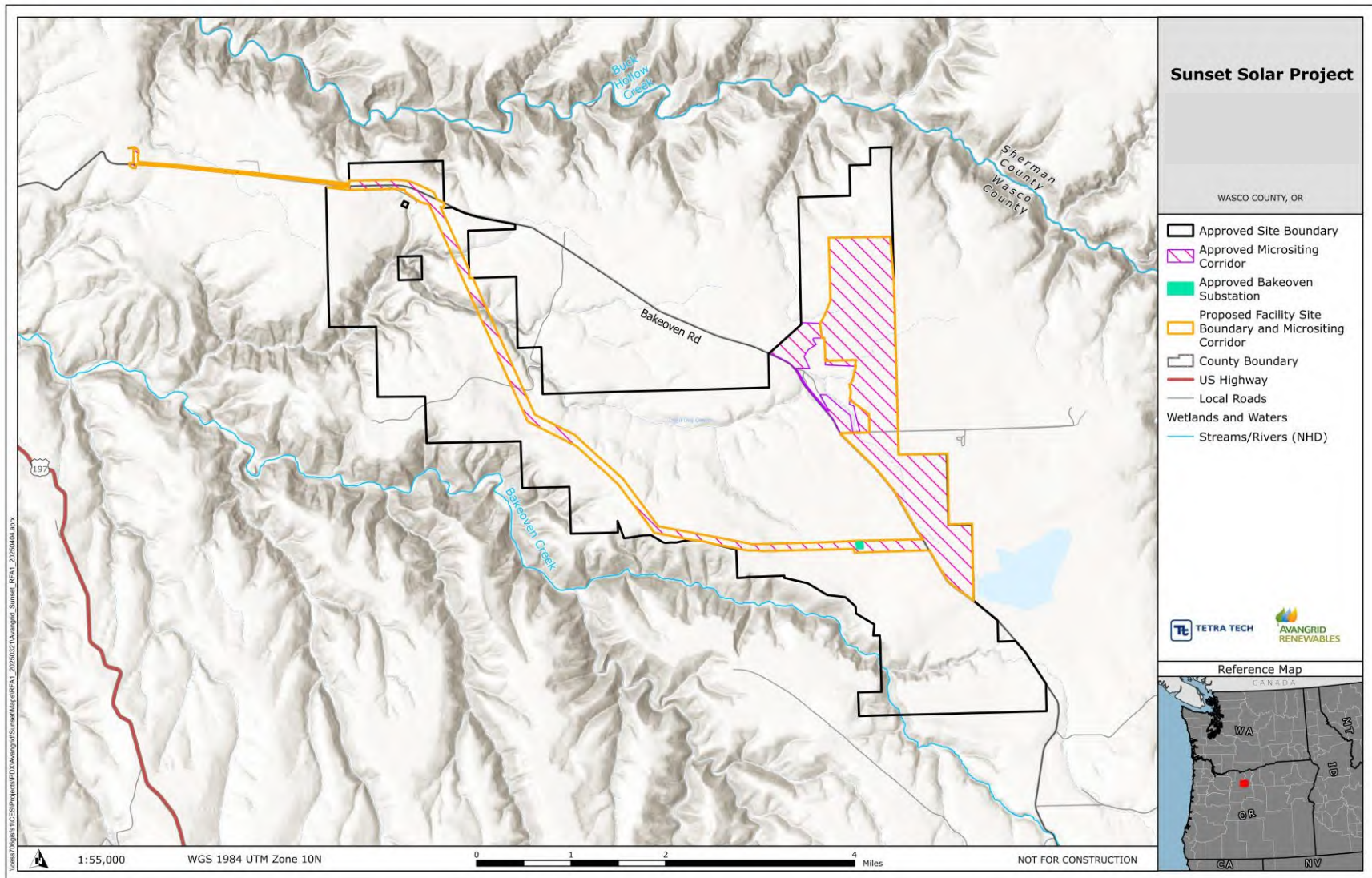
The facility is in Wasco County, approximately 5 miles east of the City of Maupin and U.S Highway 97 sited on entirely privately owned land zoned for Exclusive Farm Use (EFU).

I.C.1. Site Boundary and Micrositing Areas

⁶ BSPAPDoc2 Final Order 2020-04-24; Section IV.M., Public Services.

- 1 The approved site boundary is 10,640 acres. The approved microsite area is 2,196 acres
- 2 (approx. 3.4 square miles) as shown in Figure 2, below.

Figure 2: Approved and Proposed Site Boundary and Micrositing Area



1 **II. AMENDMENT PROCESS**

2
3 With some exceptions, an amendment to a site certificate is required for any change in the
4 design, construction, or operation a facility in a manner different from that described in the site
5 certificate, if the proposed change: (1) Could result in a significant adverse impact that the
6 Council has not addressed in an earlier order and the impact affects a resource or interest
7 protected by an applicable law or Council standard; (2) Could impair the certificate holder's
8 ability to comply with a site certificate condition; or (3) Could require a new condition or a
9 change to a condition in the site certificate. OAR 345-027-0350(3).⁷ In addition, a site certificate
10 is required to extend the construction beginning or completion deadlines specified in the site
11 certificate. OAR 345-027-0350(4).⁸ RFA1 requests to extend the construction beginning and
12 completion deadlines.

13
14 The Type A review process is the default review process for requests for site certificate
15 amendment unless the certificate holder requests, and the Council approves, review under the
16 Type B review process.⁷ Under OAR 345-027-0357(8), in determining whether a request for
17 amendment justifies review under the Type B review process, the Department and Council may
18 consider factors including, but not limited to: the complexity of the proposed change; the
19 anticipated level of public interest in the proposed change; the anticipated level of interest by
20 reviewing agencies; the likelihood of significant adverse impact; and the type and amount of
21 mitigation, if any, required to address those impacts.

22
23 On April 24, 2025, the certificate holder submitted preliminary RFA1 (pRFA1) inclusive of a Type
24 B Review amendment determination request (Type B Review ADR), requesting the
25 Department's review and determination of whether, based on evaluation of the OAR 345-027-
26 0357(8) factors, the amendment request could be reviewed under the Type B review process.⁸
27 On August 21, 2025, based on review of pRFA1, the Department issued its determination on the
28 Type B Review ADR, concurring that based on a review of the OAR 345-027-0357(8) factors,
29 Type B Review was justified.⁹

30
31 The Department's determination was made available to the public via the Public Notice issued
32 for the DPO, which was provided via electronic notification and the Department's project
33 webpage.
34

⁷ OAR 345-027-0351. A key procedural difference between the Type A and Type B review process is that the Type A review requires a public hearing on the Draft Proposed Order (DPO) and provides an opportunity for hearing participants to request a contested case proceeding on the Department's proposed order. Other differences between the Type A and Type B review process relate to the amount of time afforded to the Department to make its determination of completeness of the amendment and issue the DPO.

⁸ If Type B, the additional applicable Division 27 requirements are OAR 345-027-0359, -0360, -0363, -0365, -0368, -0372, and -0375.

⁹ SSFAMD1 Type B Review ADR Determination 2025-08-21.

1 **II.A. REQUESTED AMENDMENT**

2
3 RFA1 seeks Energy Facility Siting Council (EFSC or Council) authorization to extend the
4 construction commencement and completion deadline by 3 years. RFA1 proposes to change
5 the construction commencement deadline from April 24, 2025 to April 24, 2028; and to change
6 the completion deadline from April 24, 2026 to a date extending 3-years from the construction
7 commencement date. These changes would modify the language of General Standard
8 Condition 1 (GEN-GS-01, see Attachment A of this order).
9

10 The request for construction commencement and completion deadline extension is to allow
11 additional time for the certificate holder to secure a long-term contract (i.e., Power Purchase
12 Agreement) for the sale of power generated by the facility to a regional utility or other off-
13 taker.¹⁰
14

15 In addition, the certificate holder requests to administratively update the Site Certificate to
16 reflect a reduced site boundary and micrositing area, reducing the 10,640-acre site boundary
17 and 2,196 acre micrositing area to 1,870 acres.¹¹
18

19 **II.B. SCOPE OF COUNCIL REVIEW**

20
21 Under OAR 345-027-0375(2)(b) and (e), in making a decision to grant or deny a request for an
22 amendment to extend the deadlines for beginning or completing construction, the Council
23 must determine that the preponderance of evidence on the record supports the following
24 conclusions:
25

- 26 • After considering any changes in facts or law since the date the current site certificate
27 was executed, the facility complies with all laws and Council standards applicable to an
28 original site certificate application.
29
30 • The amount of the bond or letter of credit required under OAR 345-022-0050 is
31 adequate.
32

33 The recommended findings of fact and conclusions of law provided in this order in Section III.,
34 *Evaluation of Council Standards*, support the se conclusions. ~~recommendations under OAR 345-~~
35 ~~027-0375.~~
36

¹⁰ Under OAR 345-027-0385(1), a request for an amendment to extend the deadlines for beginning or completing construction of the facility must include an explanation of the need for an extension.

¹¹ The certificate holder's request to reduce the site boundary and micrositing area do not require EFSC approval through the amendment process. This is an administrative change that is incorporated into RFA1, and recommended in this order be incorporated into the Amended Site Certificate, but does not require substantive review for compliance with EFSC standards.

II.C. COUNCIL REVIEW PROCESS

II.C.1. Request for Amendment

On April 24, 2025, the certificate holder submitted its preliminary Request for Amendment 1 (pRFA1). On May 2, 2025, the Department issued Public Notice that the pRFA1 had been received as required by OAR 345-027-0360(2).

The Department reviewed the pRFA1 to determine whether the request contained sufficient information for the Council to make findings. On May 15, 2025, the Department notified the certificate holder that the pRFA1 was incomplete. The Department requested additional information (RAI1) related to the requested changes, protected areas, land use and applicable substantive criteria, cultural resources, retirement and financial assurance, public services and wildfire standards.

On May 8, 2025, the Department requested review and comments from reviewing agencies including:

- Wasco County - Special Advisory Group
- City of Maupin
- Oregon Department of Agriculture (ODAg)
- Oregon Department of Aviation
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Department of State Lands (DSL)
- Oregon Department of Geology and Mineral Industries (DOGAMI)
- Oregon State Historic Preservation Office (SHPO)
- Oregon Department of Forestry (ODF)
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Department of Environmental Quality (ODEQ)

On the same date, the Department also notified the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO). Follow-up coordination emails were sent to CTWSRO, with request for comments and offers to meet in person to discuss RFA1 on May 19, 2025.

During the review of pRFA1, the Department also solicited comments from the United States Department of Navy, Northwest Training Complex (Aviation), the Wasco County Planning Department, and Wasco County Sheriff's Department, the Bakeoven-Shaniko Rural Fire Protection Agency, City of Maupin and Town of Shaniko.

Responses are summarized and incorporated in Section III.E. Land Use, Section III.M Public Services, and Section IV.B. Removal-Fill and in the table below. Copies of all written reviewing agency comments on pRFA1 are included in Attachment B of this order and summarized in Table 1.

Table 1: Summary of Reviewing Agency Comments on pRFA1

Comment Date	Name/Title	Agency	Topic Area
05/23/2025	Daniel Evans, Wetland Specialist	DSL	Confirmed that the prior wetland delineation for the site (WE2019-0059) had expired. Department recommends a new condition requiring an updated wetland delineation evaluation.
05/27/2025	Lane Magill, Sheriff	Wasco County Sheriff's Office	Expressed concerns regarding traffic safety and demand/strain on police resources, based on experience during construction of Bakeoven Solar Project. Department recommends new and amended conditions in III.B. Organizational Expertise and III.M Public Services to address traffic/safety impacts.
06/12/2025; 08/05/2025	Jessica Wilkes, Regional Habitat Biologist; Jeremy Thompson, John Day Watershed Manager	ODFW	Requested further discussion on mitigation, vegetation management and best management practices to reduce disease transfer risk related to use of onsite sheep grazing. Comments are addressed in Section III.H. Fish and Wildlife Habitat of this order.
06/30/2025	Danielle Marshall, Conservation Biologist	ODAg, Native Plant Conservation Program	Concurred with existing Threatened and Endangered Species Condition 1 (PRE-TE-01) which requires preconstruction T&E plant surveys to inform avoidance and mitigation, if applicable.
07/03/2025	Daniel Dougherty, Planning Director	Wasco County Planning Department	No comments or concerns, other than those raised by Sheriff.

1 On June 16, 2025, the certificate holder responded to the Department's RAI1. The Department
2 reviewed these responses and on July 17, 2025, the Department notified the certificate holder
3 that RFA1 was still incomplete and requested additional information (RAI2). The certificate
4 holder requested additional time to prepare responses and submitted RAI2 responses and
5 additional RAI1 responses on August 15, 2025.

6
7 The Department reviewed these responses and on August 27, 2025 the Department notified
8 the certificate holder that the RFA1 was complete and requested that the certificate holder
9 provide a consolidated Request for Amendment that includes all revisions to pRFA1 and all
10 additional information requested by the Department before the determination of
11 completeness, as provided in OAR 345-027-0363(6).

12
13 On September 5, 2025, the Department received the consolidated complete RFA1. On
14 September 9, 2025, the Department issued Public Notice of the Complete Request for
15 Amendment and Draft Proposed Order as required by OAR 345-027-0365.

16 17 **II.C.2. Draft Proposed Order**

18
19 The Draft Proposed Order was issued on September 9, 2025, A Public Notice of the Draft
20 Proposed Order was issued concurrently with this order. The notice was distributed to all
21 persons on the Council's general mailing list, to the special mailing list established for the
22 facility (i.e., individuals that have signed up to receive electronic notices from the Department
23 for the facility or all EFSC facilities, to an updated list of property owners supplied by the
24 certificate holder, and to a list of reviewing agencies as defined in OAR 345-001-0010(52).

25
26 ~~In the Type B review process, the~~The issuance of the Public Notice of the Draft Proposed Order
27 initiateds a 30-day written public comment period on the RFA1 and the DPO. The Public Notice
28 established October 10, 2025 at 5:00 p.m. Pacific Time as the comment deadline. ~~To raise an~~
29 ~~issue on the record of the DPO, a person must raise the issue in a written comment submitted~~
30 ~~between the date the DPO was issued and the written comment deadline. The Council will not~~
31 ~~accept or consider public comments on RFA1 or on the DPO received after 5:00 PM PT on~~
32 ~~October 10, 2025 unless extended by Council.~~

33
34 The Department received three comments on the record of the DPO. Comments were received
35 from the certificate holder, ODFW and DSL. The Department's evaluation of issues raised in
36 comments is presented in Table A-1, including the basis for changes presented in the Proposed
37 Order.
38

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Certificate Holder Comments	
Recommended Amended Organizational Expertise Condition 5 (GEN-OE-04) a. Remove the word “may”, so that the reporting requirement only applies to actual violations. Remove reference to “any order” to target orders issued only on the site certificate. Move reporting requirements from (a) to (c)(i) Certificate Holder’s Proposed Condition Language Change – Presented in red, underline/strikeout Recommended Amended Organizational Expertise Condition 5 [GEN]: In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. <u>The certificate holder shall, as soon as reasonably possible:</u> a. <u>Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, to the Department.</u> In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit; b. <u>Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;</u> c. <u>Submit a written report within 30 days of discovery to the Department. The report must contain:</u> i. <u>A discussion of the cause of the reported conditions or circumstances;</u> ii. <u>The date of discovery of the conditions or circumstances by the responsible party; how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;</u> iii. <u>A description of immediate actions taken to correct the reported conditions or circumstances;</u> iv. <u>A description of actions taken or planned to minimize the possibility of recurrence; and</u> v. <u>If the above analysis determines that For conditions or circumstances that may violate the terms or conditions of a the site certificate have been violated, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.</u> <u>Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility</u>	The Department recommends that Council reject the certificate holder’s proposed condition language changes because the language is and is intended to be consistent with Council’s rule at OAR 345-029-0010.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
<u>decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on Amendment 1 of Sunset Solar Project Site Certificate, Table 7 and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.</u>	
Threatened and Endangered Species Condition 1 (PRE-TE-01): Requests changes to the condition language to be consistent with a condition recommended for Yellow Rosebush Energy Center. Certificate holder states that botanical surveys were completed within the microsites area in 2018, and that Tygh Valley milkvetch was not identified. Certificate Holder’s Proposed Condition Language Change – Presented in red, underline/strikeout Threatened and Endangered Species Condition 1: Prior to construction or operation of the facility, facility component or phase, the certificate holder shall: a. Complete Conduct botanical surveys to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within <u>unsurveyed</u> areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to the Department for review, in consultation with the Oregon Department of Agriculture or third-party consultant. i. <u>If any T&E species are identified and cannot be avoided, certificate holder must submit an Amendment Determination Request to the Department for a determination whether the impacts and mitigation must be reviewed by Council through the site certificate amendment process.</u> ii. <u>If the impacts and mitigation are determined by the Department not to require review through the Council’s site certificate amendment process, certificate holder shall implement and adhere to the mitigation requirements approved by the Department.</u> b. If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary.	The Department recommends changes be incorporated into the Proposed Order Section III.I Threatened and Endangered Species, consistent with the certificate holder’s proposed condition language changes for the following reasons. The original intent of the condition was to apply to areas along the 230 kV transmission line route which had not been surveyed, but had recently been burned by a fire. And, post fire, had the potential to contain suitable habitat for Tygh Valley milkvetch. The transmission line has been built, and it otherwise appears that the certificate holder has fully surveyed the Sunset Solar Project site boundary/microsites area for botanical resources. In the certificate holder’s proposed amended condition, they offer to survey unserved areas. It is not clear what areas have not been surveyed. Nonetheless, the condition would require that the certificate holder evaluate whether there are unsurveyed areas, prior to construction, complete botanical surveys; and evaluate the results accordingly.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Recommended Removal-Fill Condition 1 (PRE-RF-01) Certificate Holder proposes revising this language to clarify that jurisdictional determination concurrence letter(s) are required to be submitted in instances where applicable. For example, if areas to be impacted during construction are absent of wetlands and surface waters or if Certificate Holder can demonstrate wetlands and surface waters are entirely avoided during construction of the facility. Certificate Holder’s Proposed Condition Language Change – Presented in red, <u>underline</u>/strikeout Recommended Removal-Fill Condition 1 (PRE-RF-01): <u>Prior to construction, where and as applicable, the certificate holder shall provide, to the Department, valid jurisdictional determination concurrence letter(s) from DSL for areas to be impacted during construction demonstrating that no Removal-Fill Permit is needed for the construction of the facility.</u>	The Department recommends changes be incorporated into the Proposed Order Section IV.B Removal Fill Law. While the Department disagrees with the certificate holder’s proposed condition language change, changes are recommended as explained below. The Department’s intent is to ensure that a removal fill permit is obtained if it is required. Avoidance of all potential impacts to wetlands and WOS or whether a removal fill permit is required based on impacts to wetlands and WOS is determined by establishing the boundaries of jurisdictional wetlands, which are based on a current DSL concurrence/determination. However, the Department acknowledges the previous jurisdictional determination and facility layout demonstrating that avoidance of all areas was demonstrated. To allow flexibility in the process of determining if a DSL jurisdictional determination may be necessary and also to ensure impacts do not occur without a removal fill permit, the Department recommends the following changes to the Proposed Order Condition PRE-RF-01 allowing the certificate holder to demonstrate the location of construction will occur only in areas that are unlikely to have jurisdictional water or impacts to those waters: Recommended Removal-Fill Permit Condition 1 (PRE-RF-01): <u>Prior to construction, the certificate holder shall provide to the Department, evidence that no wetlands or waters of the state are present in areas that will be impacted by construction. If wetlands or waters are present, the certificate holder shall provide a valid jurisdictional determination concurrence letter(s) from DSL demonstrating that no Removal-Fill Permit is needed for the construction of the facility.</u>
Recommended Organizational Expertise Condition 7 (CON-OE-01): Certificate holder proposes to revise the condition language to be similar to Leaning Juniper IIA Wind Power Facility.	The Department recommends changes be incorporated into the Proposed Order Section III.B Organizational Expertise, consistent with the certificate holder’s proposed condition language because they are reasonable, and consistent with original intent, but also allows useful flexibility.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Certificate holder proposes to remove the requirement to report changes in the construction manager within 72-hrs, and instead replace with the word “promptly.” Certificate Holder’s Proposed Condition Language Change – Presented in red, <u>underline</u>/strikeout Recommended Organizational Expertise Condition 7 (CON-OE-01): <u>During construction, the certificate holder shall have an on-site construction manager to ensure compliance with construction-related site certificate conditions</u>require that a qualified compliance manager is onsite during ground disturbance activities to manage compliance with site certificate requirements. The certificate holder shall <u>promptly</u> notify the Department and Wasco County Sheriff’s Department within 72-hours upon any change to the on-site construction compliance manager.	
Recommended Organizational Expertise Condition 8 (PRO-OE-01): Certificate Holder proposes revising this condition language to better align with the position details of the manager responsible for operational permit compliance. Certificate Holder’s Proposed Condition Language Change – Presented in red, <u>underline</u>/strikeout Recommended Organizational Expertise Condition 8 (PRO-OE-01): <u>Before beginning operation, the certificate holder shall notify the Department of the identity, telephone number, e-mail address and qualifications of the</u> facility/asset <u>operations permit compliance</u> manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a utility scale solar facility.	The Department recommends changes be incorporated into the Proposed Order Section III.B Organizational Expertise, consistent with the certificate holder’s proposed condition language because it aligns with the certificate holder’s position titles for those responsible for compliance.
Recommended Organizational Expertise Condition 9 (OPR-OE-01): Certificate holder proposes changes consistent with PRO-OE-01 above.	The Department recommends changes be incorporated into the Proposed Order Section III.B Organizational Expertise, consistent with the certificate holder’s proposed condition language because it aligns with the certificate holder’s position titles for those responsible for compliance.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Recommended Organizational Expertise Condition 9 (OPR-OE-01): During operation, the certificate holder shall require that a qualified facility/asset operations permit compliance manager be responsible for managing compliance with operations-related site certificate requirements.	
ODFW Comments (Jessica Wilkes, Regional Habitat Biologist)	
ODFW commented on Recommended Amended Fish and Wildlife Habitat Condition 2 (GEN-FW-01). First, ODFW requested that the condition require consultation with ODFW on appropriate best management practices (BMPs) if sheep grazing is proposed at the facility site for vegetation management. ODFW expressed concerns regarding disease transmittal between domestic sheep and bighorn sheep. BMPs are intended to provide separation and includes: monitoring of fence integrity; double fencing; reporting sightings of bighorn sheep to ODFW; and reporting status and composition of onsite flock. Second, ODFW requested that a change proposed by the Department be reversed. The change was the removal of a preconstruction finalization requirement for the Noxious Weed Control Plan of establishing the reporting format for noxious weed monitoring.	The Department recommends that Council incorporate the list of potential BMPs into the draft amended Noxious Weed Plan, but not make changes to the condition language. Sub(c) of the condition requires consultation on appropriate BMPs if sheep grazing is planned at the site, consistent with ODFWs comments. The plan could benefit from providing examples to support future understanding of the scope of BMPs. The Department recommends Council not accept ODFW’s request to retain the preconstruction finalization requirement to establish the reporting format. The reason the Department removed this element from the condition is because the draft plan already includes the reporting format – this is no longer a preconstruction finalization requirement and is recommended to be removed from the condition to omit potential confusion about the scope of finalization tasks and actions needed to be completed by the certificate holder.
DSL Comments (Daniel Evans, Wetland Ecology Specialist)	
DSL affirmed that the prior wetland delineation for the project expired on September 4, 2024; but that the prior evaluation identified that wetlands and waters of the state would be avoided and that a removal fill permit would not be needed. Due to the expiration of the prior wetland delineation concurrence, DSL has not issued a current “No State Permit Required” for the project.	As presented above, the Department recommends modifications to its proposed Removal-Fill Permit Condition 1 (PRE-RF-01), requiring that the certificate holder obtain a wetland delineation concurrence from DSL for any areas with potential impacts to jurisdictional waters. The Department believes this condition ensure impact avoidance or would identify that a removal fill permit is needed.

1 In addition to the evaluation of issues raised in comments received on the record of the Draft
2 Proposed Order, the Department recommends a material changes to General Standard
3 Condition 1 (GEN-GS-01) (condition establishing construction commencement and completion
4 deadlines) based on further review of OAR 345-027-0385.

5
6 The certificate holder requested to modify the completion deadline, to be based on a 3-year
7 timeline from the actual commencement date, versus an actual date. For a Request for
8 Amendment seeking to extend the construction deadlines, OAR 345-027-0385(3) establishes
9 that Council must specify new deadlines for both beginning and completing construction that is
10 three years from the deadlines in effect before the Council grants the amendment. The existing
11 construction completion deadline is April 24, 2026; therefore, as presented in Section III.A.
12 General Standard of Review, the Department recommends that the Council reference a
13 completion deadline of April 24, 2029, versus an undefined date extending 3-years from the
14 actual construction date.

15 16 **II.C.3. Proposed Order**

17
18 Under OAR 345-027-0372(1), the Department must consider any written comments received
19 before the close of the record on the DPO and any agency consultation and must, no later than
20 21 days after the written comment deadline, issue a ~~P~~proposed ~~O~~order recommending
21 approval, modification or denial of the request for amendment to the site certificate. ~~The~~
22 ~~Department may issue the proposed order later, but the Department must, no later than 21~~
23 ~~days after the close of the record on the DPO, notify the certificate holder in writing of the~~
24 ~~reasons for the delay.~~

25
26 The Department issued the Proposed Order on October 14, 2025. Concurrent with issuing the
27 Proposed Order, the Department ~~must~~issued public notice of the Proposed Order to all
28 persons on the Council's general mailing list ~~and any special list established for the facility~~; the
29 reviewing agencies for the facility; and property owners ~~provided~~listed under OAR 345-027-
30 0360(1)(f).

31 32 **II.C.4. Final Order**

33
34 At a meeting following the issuance of the Proposed Order, the Council may adopt, modify or
35 reject the Proposed Order based on the considerations described in OAR 345-027-0375. If the
36 Proposed Order is adopted, or adopted with modifications, the Council shall issue a final order
37 granting issuance of an amended site certificate. If the Proposed Order is denied, the Council
38 shall issue a final order denying issuance of the amended site certificate.

39 **III. EVALUATION OF COUNCIL STANDARDS**

40
41 ~~Under ORS 469.310, the Council is charged with ensuring that the "siting, construction and~~
42 ~~operation of energy facilities shall be accomplished in a manner consistent with protection of~~
43 ~~the public health and safety."~~Under -ORS 469.401(2), further provides that the Council must

1 include in ~~the an~~ amended site certificate “conditions for the protection of the public health
2 and safety, for the time for completion of construction, and to ensure compliance with the
3 standards, statutes and rules described in ORS 469.501 and ORS 469.503.”⁴²~~The Council~~
4 implements this statutory framework by adopting findings of fact, conclusions of law, and
5 conditions of approval concerning the ability of the certificate holder and facility to continue to
6 demonstrate compliance with EFSC standards set forth in OAR Chapter 345, Divisions 22 and 24
7 as well as all other applicable statutes, rules and standards (including those of other state or
8 local agencies).

9
10 This ~~DPO~~Proposed Order includes the Department’s analysis of whether the certificate holder
11 and facility, with proposed construction deadline extension, would continue to meet each
12 applicable Council standard (with mitigation and subject to compliance with existing and
13 recommended new and amended conditions, as applicable), based on the information in the
14 record.

15
16 **III.A. GENERAL STANDARD OF REVIEW: OAR 345-022-0000**

17
18 *(1) To issue a site certificate for a proposed facility or to amend a site*
19 *certificate, the Council shall determine that the preponderance of evidence on*
20 *the record supports the following conclusions:*

21
22 *(a) The facility complies with the requirements of the Oregon Energy Facility*
23 *Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the*
24 *standards adopted by the Council pursuant to 469.501 or the overall public*
25 *benefits of the facility outweigh any adverse effects on a resource or interest*
26 *protected by the applicable standards the facility does not meet as described*
27 *in section (2);*

28
29 *(b) Except as provided in OAR 345-022-0030 for land use compliance and*
30 *except for those statutes and rules for which the decision on compliance has*
31 *been delegated by the federal government to a state agency other than the*
32 *Council, the facility complies with all other Oregon statutes and administrative*
33 *rules identified in the project order, as amended, as applicable to the issuance*
34 *of a site certificate for the proposed facility. If the Council finds that applicable*
35 *Oregon statutes and rules, other than those involving federally delegated*
36 *programs, would impose conflicting requirements, the Council shall resolve*
37 *the conflict consistent with the public interest. In resolving the conflict, the*
38 *Council cannot waive any applicable state statute.*

39
40 *****
41

⁴² ~~ORS 469.401(2).~~

1 *(4) In making determinations regarding compliance with statutes, rules and*
2 *ordinances normally administered by other agencies or compliance with*
3 *requirements of the Council statutes if other agencies have special expertise,*
4 *the Department of Energy shall consult with such other agencies during the*
5 *notice of intent, site certificate application and site certificate amendment*
6 *processes. Nothing in these rules is intended to interfere with the state's*
7 *implementation of programs delegated to it by the federal government.*¹³
8

9 **III.A.1. Findings of Fact**
10

11 The General Standard of Review requires the Council to find that a facility complies with all
12 applicable laws, rules, and standards, or the overall public benefits of the facility outweigh any
13 adverse effects on a resource or interest protected by the applicable standards the facility does
14 not meet. The scope and applicability of standards, laws, rules, and ordinances that must be
15 considered in making a decision to grant or deny issuance of an amended site certificate are
16 established under OAR 345-027-0375. As described in *Section II.B., Scope of Council Review*, for
17 a request to extend the construction deadlines established by the site certificate, OAR 345-027-
18 0375 requires the Council to conclude, after considering any changes in facts or law since the
19 date the current site certificate was executed, that the facility continues to comply with all laws
20 and Council standards applicable to an original site certificate application.
21

22 As described in the sections that follow, the Department recommends that the Council find that
23 a preponderance of evidence on the record supports the conclusion that the facility would
24 continue to comply with the applicable requirements of ORS chapter 469, siting standards
25 adopted by the Council under OAR chapter 345, and all other Oregon statutes and
26 administrative rules applicable to an original site certificate application. The specific
27 requirements for granting an extension of a deadline for construction commencement are
28 discussed further below.
29

30 *Construction Deadlines*
31

32 Under OAR 345-025-0006(4), the Council must impose conditions specifying the dates by which
33 the certificate holder must begin and complete construction. In the Final Order on the Request
34 for Amendment 1 of the Bakeoven Solar Project Certificate, the Council imposed General
35 Standard Condition 1 (GEN-GS-01), requiring the certificate holder to begin construction by
36 April 24, 2025, and to complete construction within three years of the construction
37 commencement date.
38

39 The certificate holder requests to amend General Standard Condition 1 (GEN-GS-01) to extend
40 the date by which construction must begin by three years, to April 24, 2028. The certificate
41 holder requests to modify the completion deadline, to be based on a 3-year timeline from the
42 actual commencement date, versus an actual date. For a Request for Amendment seeking to

¹³ OAR 345-022-0000, effective March 8, 2017.

1 extend the construction deadlines, OAR 345-027-0385(3) establishes that Council must specify
2 new deadlines for both beginning and completing construction that is three years from the
3 deadlines in effect before the Council grants the amendment. The existing construction
4 completion deadline is April 24, 2026. To be consistent with this rule, the Department
5 recommends Council reject the certificate holder's proposal, and impose a deadline based on a
6 specific date extending three years from the current deadline, from April 24, 2026 to April 24,
7 2029. Certificate holder also proposes to remove deadlines from the condition that applied to
8 Bakeoven Solar Project and Daybreak Solar Project; these deadlines were erroneously
9 maintained in the condition as part of the Final Order on Request for Amendment 1 of the
10 Bakeoven Solar Project.

11
12 Under OAR 345-027-0385(1), a request to extend the deadlines for beginning or completing
13 construction of the facility must be submitted to the Department before the applicable
14 construction deadline, but no earlier than twelve months before the applicable construction
15 deadline. The pRFA1 was submitted on April 24, 2025, on the date of the original construction
16 commencement date established in General Standard Condition 1 (GEN-GS-01(b)). Because
17 pRFA1 was submitted within 12 months of the applicable deadline, the Department
18 recommends the Council find the request to be submitted timely.

19
20 Based on the evaluation presented in this order, the Department recommends the Council find
21 that the certificate holder continues to comply with the standards, laws, rules, and ordinances
22 applicable to an original site certificate application; and, that the certificate holder timely
23 requested an extension of the deadline for beginning construction. Therefore, the Department
24 recommends the Council grant the construction commencement and completion deadline
25 extension and amend General Standard Condition 1 (GEN-GS-01):

26
27 **Recommended Amended General Standard Condition 1 (GEN-GS-01):**

28 The certificate holder shall begin and complete construction of the facility, facility
29 component or phase by the dates specified in the site certificate.

- 30 ~~a. Construction of the facility, facility component or phase shall commence on or before~~
31 ~~April 24, 2023, three years after the date of Council action. Within 7 days of~~
32 ~~construction commencement, the certificate holder shall provide the Department~~
33 ~~written verification that it has met the construction commencement deadline.~~
34 b. Construction of the ~~last~~ facility, facility component or phase, shall commence on or
35 before April 24, ~~2028~~2025, ~~five years after the date of Council action.~~ Within 7 days
36 of construction commencement, the certificate holder shall provide the Department
37 written verification that it has met the construction commencement deadline.
38 c. Construction of all facility components shall be completed on or before April 24, 2029
39 ~~three years from the date of construction commencement~~ ~~April 24, 2026, six years~~
40 ~~after the date of Council action.~~ Within 7 days of construction completion, the
41 certificate holder shall provide the Department written verification that it has met
42 the construction completion deadline.

43 [General Standard Condition 1, Final Order on Bakeoven ASC (2020), AMD1 (2021); Final
44 Order on SSF AMD1; Mandatory Condition OAR 345-025-0006(4)]

1
2 **III.A.2. Conclusions of Law**
3

4 The Department recommends the Council find that, after considering any changes in facts or
5 law since the date the current site certificate was executed as presented in the remaining
6 sections of this order, that the facility complies with all laws and Council standards applicable to
7 an original site certificate application, and that, subject to existing and recommended new and
8 amended site certificate conditions described in this Order, the facility, with the proposed
9 deadline extension, complies with the Council's General Standard of Review.
10

11 **III.B. ORGANIZATIONAL EXPERTISE: OAR 345-022-0010**
12

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

26 *(2) The Council may base its findings under section (1) on a rebuttable*
27 *presumption that an applicant has organizational, managerial and technical*
28 *expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and*
29 *proposes to design, construct and operate the facility according to that*
30 *program.*
31

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

41 *(4) If the applicant relies on a permit or approval issued to a third party and*
42 *the third party does not have the necessary permit or approval at the time the*
43 *Council issues the site certificate, the Council may issue the site certificate*

1 *subject to the condition that the certificate holder shall not commence*
2 *construction or operation as appropriate until the third party has obtained the*
3 *necessary permit or approval and the applicant has a contract or other*
4 *arrangement for access to the resource or service secured by that permit or*
5 *approval.*¹⁴
6

7 **III.B.1. Findings of Fact**

8

9 *Organizational Expertise of Certificate Holder*

10

11 The certificate holder is Sunset Solar, LLC, a wholly owned subsidiary of Avangrid Power, LLC
12 (parent company). Sunset Solar, LLC is a “Member-Managed Limited Liability Company” with
13 Avangrid Power, LLC as the sole member.¹⁵ Under ORS 63.130(1)(a), members of a limited
14 liability company have “equal rights in the management and conduct of the limited liability’s
15 business.” Avangrid Power, LLC directs Sunset Solar, LLC, in its capacity as the certificate holder,
16 to permit, design, construct, operate, and retire an energy facility.

17
18 In a letter dated September 5, 2025, the certificate holder provides a legal opinion from Mr.
19 Rodriguez, Senior Counsel for Avangrid Power, LLC, stating that, subject to compliance with all
20 applicable federal, state and local laws, the certificate holder has the authority to construct and
21 operate the facility under its own operating agreements and organizing documents.¹⁶
22

23 For the purposes of RFA1 and because the facility has not yet been constructed, Sunset Solar,
24 LLC relies upon the organizational expertise of its parent company to demonstrate that it has
25 the ability to construct, operate and retire the facility in compliance with site certificate
26 conditions and Council standards. On behalf of the certificate holder and its parent company,
27 Mr. Leonard Rodriguez provides authority for the submittal and of the representations made in
28 RFA1.¹⁷ Mr. Rodriguez is Vice President and General Counsel of Avangrid Power, LLC; he is also
29 the authorized representative of Sunset Solar, LLC, as established in the Articles of
30 Organization.

31
32 Avangrid Power, LLC is the parent company to several other EFSC-approved and operational
33 facilities, including Montague Wind Power Facility (certificate holder - Montague Wind Power
34 Facility, LLC), Pachwaywit Solar Facility (formally known as Montague Solar Facility) (certificate
35 holder - Montague Solar, LLC) and Golden Hills Wind Project (certificate holder – Golden Hills
36 Wind, LLC). Montague Wind Power Facility has been in commercial operation since October
37 2019; Pachwaywit Solar Facility has been in commercial operation since April 2023; Golden Hills
38 Wind Project has been in commercial operation since April 2022. To date, these facilities with

¹⁴ OAR 345-022-0010, effective April 3, 2002.

¹⁵ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 3 includes The Articles of Organization for the Certificate Holder.

¹⁶ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 16.

¹⁷ Id.

1 similar LLC-parent company relationships have operated in compliance or have adequately
2 resolved compliance issues associated with their respective site certificate requirements.

3
4 When operational, the certificate holder indicates that it would own the facility, which would
5 have an asset value of approximately \$65 million.¹⁸ Further, the facility would generate revenue
6 from a power purchase agreement or from selling power into the wholesale spot market and
7 this revenue would be invested into the company to be able to operate the facility. Therefore,
8 the certificate holder would be able to rely on its own financial resources to operate and
9 maintain the facility, once constructed, operational and generating power for sale on the
10 regional grid.

11
12 Given the limitations of an LLC without existing technical and financial resources and the
13 subsequent reliance on the parent company to meet the standard at this time, the Department
14 recommends Council supplement site certificate conditions to authorize the Department and
15 Council to adjust the facility decommissioning estimate and the associated amount of financial
16 assurance the certificate holder must provide, should non-compliance and operability issues
17 lead to a circumstance where the certificate holder is unable to fulfil its obligation to
18 decommission the facility based on a Council approved retirement plan and set of EFSC site
19 certificate conditions, as presented below.¹⁹

20
21 **Recommended Amended Organizational Expertise Condition 5 [GEN]:** ~~In addition to~~
22 ~~the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or~~
23 ~~circumstances that violate the terms or conditions of the site certificate, the certificate~~
24 ~~holder must report the conditions or circumstances to the Department.~~

25 The certificate holder shall, as soon as reasonably possible:

- 26 d. Report incidents or circumstances that may violate the terms or conditions of the
27 site certificate, terms or conditions of any order of the Council, to the Department.
28 In the report to the Department, the certificate holder shall provide all pertinent
29 facts including an estimate of how long the conditions or circumstances existed, how
30 long they are expected to continue before they can be corrected, and whether the
31 conditions or circumstances were discovered as a result of a regularly scheduled
32 compliance audit;
33 e. Initiate and complete appropriate action to correct the conditions or circumstances
34 and to minimize the possibility of recurrence;
35 f. Submit a written report within 30 days of discovery to the Department. The report
36 must contain:
37 i. A discussion of the cause of the reported conditions or circumstances;

¹⁸ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.2.

¹⁹ SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. In DPO comments, the certificate holder requested changes in (a) and (c). -Based on the Department's evaluation and for consistency with OAR-029-0010, the Department recommends that Council reject the certificate holder's proposed changes and retain the language, as presented.

- 1 ii. The date of discovery of the conditions or circumstances by the responsible
2 party;
3 iii. A description of immediate actions taken to correct the reported conditions or
4 circumstances;
5 iv. A description of actions taken or planned to minimize the possibility of
6 recurrence; and
7 v. For conditions or circumstances that may violate the terms or conditions of a
8 site certificate, an assessment of the impact on the resources considered under
9 the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the
10 reported conditions or circumstances.
11 g. Upon receipt of the written report in sub(c) of this condition, the Department may
12 review the facility record for incidents or circumstances reported or reportable
13 under sub(a) related to public health and safety, the environment, or other
14 resources protected under Council standards. If these incidences are determined by
15 the Department to impact the adequacy of the facility decommissioning cost, the
16 Department or Council may adjust the contingencies identified in Final Order on
17 Amendment 1 of Sunset Solar Project Site Certificate, Table 7 and request that the
18 certificate holder promptly provide an updated bond or letter of credit in the
19 adjusted amount.
20 [OAR 345-029-0010, GEN-OE-04; Final Order on SSF AMD1]

21
22 The Council previously imposed the following conditions to ensure compliance with the
23 Organizational Expertise standard:

- 24
25 • Organizational Expertise Condition 1 (GEN-OE-01) requires the certificate holder to
26 notify the Department of any changes to its parent companies that would affect its
27 access to technical or financial expertise and resources.
28
29 • Organizational Expertise Condition 2 (PRE-OE-01) requires the certificate holder to
30 provide the qualifications of its selected contractor prior to construction and
31 demonstrate that the contractor has substantial experience in design, engineering and
32 construction of similar facilities.
33
34 • Organizational Expertise Condition 3 (GEN-OE-02) requires the certificate holder to
35 contractually require all contractors and subcontractors to comply with all applicable
36 laws and regulations and with the terms and conditions of the site certificate.
37
38 • Organizational Expertise Condition 4 (GEN-OE-03) makes the certificate holder
39 responsible for all compliance with site certificate requirements, including violations and
40 penalties.
41
42 • Organizational Expertise Condition 5 (GEN-OE-04) requires the certificate holder notify
43 the Department within 72 hours of any incidents or circumstances that would violate
44 requirements of the site certificate.

- 1
- 2
- 3 • Organizational Expertise Condition 6 (GEN-OE-05) requires the certificate holder to
 - 4 require any third-party contractors hired to transport or dispose of batteries or battery
 - 5 waste comply with all applicable federal regulations and manufacturer's
 - 6 recommendations for transport and disposal.

7 Based upon the above conditions, the Department recommends that the Council impose

8 additional conditions requiring that the certificate holder obtain and make available onsite

9 qualified staff responsible for site certificate compliance during both construction and

10 operation as presented below:²⁰

11

12 **Recommended Organizational Expertise Condition 7 (CON-OE-01):** During construction,

13 the certificate holder shall have an on-site construction manager to ensure compliance

14 with construction-related site certificate conditions~~require that a qualified compliance~~

15 ~~manager is onsite during ground disturbance activities to manage compliance with site~~

16 ~~certificate requirements.~~ The certificate holder shall promptly notify the Department

17 and Wasco County Sheriff's Department ~~within 72 hours~~ upon any change to the on-site

18 construction compliance manager.

19 [Final Order on SSF AMD1]

20

21 **Recommended Organizational Expertise Condition 8 (PRO-OE-01):** Before beginning

22 operation, the certificate holder shall notify the Department of the identity, telephone

23 number, e-mail address and qualifications of the operations compliance facility/asset

24 manager. Qualifications shall demonstrate that the operations manager has experience

25 in managing permit and regulatory compliance requirements and is qualified to manage

26 operation of a utility scale solar facility.

27 [Final Order on SSF AMD1]

28

29 **Recommended Organizational Expertise Condition 9 (OPR-OE-01):** During operation,

30 the certificate holder shall require that a qualified operations compliance facility/asset

31 manager be responsible for managing compliance with operations-related site

32 certificate requirements.

33 [Final Order on SSF AMD1]

34

35 The certificate holder's organizational expertise must demonstrate their ability to restore the

36 site to a useful, nonhazardous condition. The ability to decommission the facility and restore

37 the site to a useful, nonhazardous condition is addressed under the Council's Retirement and

38 Financial Assurance standard in Section III.G of this order. In Section III.G. *Retirement and*

²⁰ SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. In DPO comments, the certificate holder requested that the language in recommended Organizational Expertise Conditions 7, 8, and 9 be modified to clarify the title of the compliance manager for each phase of the facility based on company position titles, and allow flexibility in the timing of reporting any changes. The Department recommends Council modify the conditions, as requested, because it aligns with the certificate holder's position titles for those responsible for compliance.

1 *Financial Assurance*, the Department recommends Council find that the certificate holder has
2 appropriately identified tasks and actions necessary to decommission the facility and restore
3 the site and has estimated an amount satisfactory to complete those tasks and actions.

4
5 **III.B.2. Conclusions of Law**

6
7 Based on the foregoing findings of fact, and subject to compliance with the existing and
8 recommended new and amended conditions presented above, the Department recommends
9 that the Council find that the certificate holder has the organizational expertise to construct,
10 operate and retire the facility, with the proposed changes, in compliance with Council
11 standards and conditions of the site certificate.

12
13 **III.C. STRUCTURAL STANDARD: OAR 345-022-0020**

14
15 *(1) Except for facilities described in sections (2) and (3), to issue a site*
16 *certificate, the Council must find that:*

17
18 *(a) The applicant, through appropriate site-specific study, has adequately*
19 *characterized the seismic hazard risk of the site; and*

20
21 *(b) The applicant can design, engineer, and construct the facility to avoid*
22 *dangers to human safety and the environment presented by seismic hazards*
23 *affecting the site, as identified in subsection (1)(a);*

24
25 *(c) The applicant, through appropriate site-specific study, has adequately*
26 *characterized the potential geological and soils hazards of the site and its*
27 *vicinity that could, in the absence of a seismic event, adversely affect, or be*
28 *aggravated by, the construction and operation of the proposed facility; and*

29
30 *(d) The applicant can design, engineer and construct the facility to avoid*
31 *dangers to human safety and the environment presented by the hazards*
32 *identified in subsection (c).*

33
34 *(2) The Council may not impose the Structural Standard in section (1) to*
35 *approve or deny an application for an energy facility that would produce*
36 *power from wind, solar or geothermal energy. However, the Council may, to*
37 *the extent it determines appropriate, apply the requirements of section (1) to*
38 *impose conditions on a site certificate issued for such a facility.*

39
40 *(3) The Council may not impose the Structural Standard in section (1) to deny*
41 *an application for a special criteria facility under OAR 345-015-0310. However,*
42 *the Council may, to the extent it determines appropriate, apply the*

requirements of section (1) to impose conditions on a site certificate issued for such a facility.²¹

III.C.1. Findings of Fact

The analysis area for the review of seismic and geologic hazards, as evaluated under the Council's Structural Standard, is the area within the RFA1 site boundary.²² To inform the evaluation of seismicity within the site, earthquakes and faults within 50-miles of the site RFA1 boundary were assessed.²³

Seismic Hazard Risk at Site

Seismic hazards from earthquake events include seismic shaking or ground motion, fault rupture, liquefaction, seismically induced landslides, and subsidence. Seismic risks and hazards at the site were evaluated through a 2019 preliminary assessment.²⁴ Four sources of earthquakes and seismic activity in the region were identified including intraplate, volcanic, and the Cascadia Subduction Zone. Based on the literature review and 1-foot contour data collected at the site, there were no potentially active faults identified within the site boundary. However, based on a review of historic earthquakes, there were over 200 significant earthquakes within 50-miles of the site boundary recorded since 1970.

For this analysis, the evaluation of potential changes in seismic risk at the site is based on data obtained in 2025 from the DOGAMI Oregon HazVu: Statewide Geohazards data layer and the United States Geological Service Geologic Hazards Science Center tool. While there are known active faults in the analysis area, none extend onto the RFA1 site boundary, and the current assessment of seismic risks is moderate. There are no changes in seismic hazards since Council's prior evaluation in the Final Order on the Bakeoven ASC. For these reasons that Department recommends that Council find that the certificate holder has adequately characterized seismic risks and potential seismic hazards within the RFA1 site boundary and that the overall seismic risks and hazards to human health and safety within the RFA1 site boundary remain low.

Non-seismic Geologic and Soils Hazards

Non-seismic geologic hazards include landslides, volcanic eruptions, collapsing soil and erosion

²¹ OAR 345-022-0020, effective October 18, 2017, as amended by minor correction filed May 28, 2019.

²² The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

²³ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Figures 3A-3D.

²⁴ BSPAPPDoc6 8 Exhibit H. Geological Soil Stability 2019-11-04.

1 potential, and flooding. Council previously found that the site contains a moderate to high
2 potential for soil erosion. To minimize potential soil erosion risks during construction and
3 operation, best management practices (BMPs) would be required under the National Pollutant
4 Discharge Elimination Permit (NPDES) 1200-C Stormwater Permit, to be issued prior to
5 construction by the Oregon Department of Environmental Quality (See Section III.D. Soil
6 Protection).

7
8 For this analysis, the evaluation of potential changes in non-seismic risk at the site is based on
9 data obtained in 2025 from the Statewide Landslide Information Database for Oregon. No new
10 or active landslides have been identified within the RFA1 site boundary since Council's previous
11 review.

12
13 Based on the results of the 2019 preliminary assessment and updated literature review results,
14 the Department recommends that Council find that the certificate holder has adequately
15 characterized the non-seismic risks and hazards within the RFA1 analysis area. The Department
16 also recommends that Council rely on its previous findings that with the existing and
17 recommended Soil Protection Condition 5 (OPR-SP-01) to prevent and minimize soil erosion,
18 that non-seismic risks and hazards in the RFA1 site boundary remain low.

19
20 The Council has previously imposed the following conditions under the Structural Standard to
21 ensure the certificate holder adequately characterizes seismic and geologic hazards at the site
22 and designs, engineers and constructs the facility to avoid dangers to human safety and the
23 environment presented by those hazards:

- 24
25 • Structural Standard Condition 1 (PRE-SS-01) requires that, prior to construction, the
26 certificate holder complete a site-specific geotechnical investigation to further
27 characterize the site and inform final design.
- 28
29 • Structural Standard Condition 2 (GEN-GS-01) requires the certificate holder to design,
30 engineer and construct the facility to avoid seismic hazards.
- 31
32 • Structural Standard Condition 3 (GEN-GS-03) requires the certificate holder to notify
33 DOGAMI and the Department if the site-specific investigations or trenching reveal
34 conditions other than those identified in the Bakeoven ASC.
- 35
36 • Structural Standard Condition 4 (GEN-SS-03) requires the certificate holder to notify
37 DOGAMI and the Department promptly if shear zones, artesian aquifers, deformations
38 or clastic dikes are found at or in the vicinity of the site.

39 40 **III.C.2. Conclusions of Law**

41
42 Based on the foregoing recommended findings of fact, and subject to compliance with the
43 existing and recommended site certificate conditions described above, the Department

recommends that the Council find that the certificate holder has adequately characterized potential seismic and geologic hazards at the site and can design, engineer and construct the facility, with the proposed changes, to avoid dangers to human safety and the environment presented by those hazards.

III.D. SOIL PROTECTION: OAR 345-022-0022

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.²⁵

III.D.1. Findings of Fact

The analysis area for the Soil Protection standard is the area within the RFA1 site boundary.²⁶

Soils within the RFA1 site boundary are highly permeable and have a moderate-to-severe erosion factor²⁷ and are highly susceptible to erosion by wind and rain/water, as presented in Table 2 below.

²⁵ OAR 345-022-0022, effective May 15, 2007.

²⁶ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

²⁷ The K factor, or soil erodibility factor, is a quantitative measure of the susceptibility of soil particles to detachment and transport by rainfall and runoff. It reflects the inherent erodibility of a particular soil and is a measure of the rate of erosion per unit erosion index from a standard plot. The K factor ranges from 0.02 to 0.69 and is influenced by factors such as texture, mineralogy, organic matter, structure, permeability, and depth to a limiting layer. Source: <https://biologyinsights.com/how-to-determine-k-factor-methods-and-examples/>

Table 2: Soil Types and Characteristics in RFA1 Analysis Area

Soil Type ID	Soil Unit	Setting Within Project Area	Formation Setting	Permeability	Runoff	Erosion Hazard	K Factor (Erodibility), whole soil	K Factor, (Erodibility) rock free
BcC	Bakeoven-Condon complex	2 to 20 percent slopes	Loess and residuum weathered from basalt	Very High	High	Moderate	0.1	0.32
CnC	Condon silt loam	2 to 12 percent slopes	Loess over basalt	High	Moderately High	Severe	0.37	0.37
CoC	Condon-Bakeoven complex	2 to 20 percent slopes	Loess and residuum weathered from basalt	High	Moderately High	Severe	0.37	0.37

1

As shown in the table above, the dominant soil types in the RFA1 site boundary are Condon Silt Loam and the Condon-Bakeoven Complex and Bakeoven-Condon Complex and are considered moderately to highly susceptible to erosion. While there is no evidence that these soils are susceptible to shrinking and swelling, the certificate holder indicates that prior to construction and during the site-specific geotechnical studies required, potential for shrinking and swelling soils will be evaluated, and based on those findings, may decide to set posts in concrete foundation if conditions warrant this method. Concrete footings were approved as part of facility design in the ASC.

To minimize construction-related erosion impacts, Council previously imposed Soil Protection Condition 1 (Condition GEN-SP-01) requiring that the certificate holder:

- Submit a final Erosion Sediment Control Plan (ESCP), as included in the DEQ-issued 1200-C permit, to the Department, prior to construction; and,
- Based on the final ESCP, conduct all work in compliance with the 1200-C permit requirements and ESCP.

The soil characteristics and type/extent of impacts resulting from construction of the RFA1 site boundary additions would not differ from those previously evaluated by Council in the *Final Order on the ASC*. However, the Department recommends that the Council amend Soil Protection Condition 1 (Condition GEN-SP-01) to support effective implementation and intent of the ESCP under the Site Certificate.

Under the 1200-C permit, an ESCP can be revised throughout construction to address numerous changes.²⁸ However, the language of existing Soil Protection Condition 1 (Condition GEN-SP-01) could be interpreted to limit the ESCP to one version – a singular version finalized prior to construction. The existing condition also does not provide the *Department* the authority to require that changes be implemented in an ESCP. The Department recommends that the Council further amend the condition to provide the Department the authority to require revisions to the ESCP because it is the ESCP that Council relies upon to ensure that erosion impacts are minimized, in compliance with the Soil Protection, as presented below:

Recommended Amended Soil Protection Condition 1: The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan and associated drawings. ~~(as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Site Certificate).~~
- b. During construction of the facility, facility component or phase, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan or

²⁸ DEQ Construction Stormwater Application and Forms Manual. Accessed June 11, 2023: [wqp1200cinfo.pdf\(oregon.gov\)](http://wqp1200cinfo.pdf(oregon.gov)), pg. 17-18. ESCP revisions under the 1200-C permit can be made for: emergency situations; registrant change of address; change in size of project; change in size or location of disturbed areas; changes to best management practices; changes in erosion and sediment control inspector; and changes in DEQ or agent requests.

1 revised ESCP, if applicable. The ESCP shall be revised if determined necessary by the
2 certificate holder, certificate holder's contractor(s) or the Department. Any
3 Department-required ESCP revisions shall be implemented within 14-days, unless
4 otherwise agreed to by the Department based on a good faith effort to address erosion
5 issues. that is satisfactory to the Oregon Department of Environmental Quality as
6 required under the National Pollutant Discharge Elimination System Construction
7 Stormwater Discharge General Permit 1200-C.
8 [GEN-SP-01; Final Order on BSP ASC, AMD1; SSF AMD1]
9

10 To address the potential for erosion issues during facility operations, the Department
11 recommends the Council impose a new condition requiring regular inspections and
12 maintenance of roads and BMPs during operation of the facility:
13

14 **Recommended Soil Protection Condition 3 (OPR-SP-01):** During operation, the
15 certificate holder shall routinely inspect facility access roads and maintain or repair road
16 surfaces or erosion and sediment control measures. The certificate holder must
17 maintain records of inspections and repairs and make the records available to the
18 Department for inspection upon request.
19 [Final Order on SSF AMD1]
20

21 Council previously imposed Soil Protection Condition 2 (PRO-SP-01) requiring that, prior to
22 operations, the certificate holder prepare, submit and comply with an operational Spill
23 Prevention Control and Countermeasures (SPCC) plan. Council did not, however, impose a
24 condition requiring that, during operations, the certificate holder adhere to the requirements
25 of the SPCC Plan. The Department recommends that the Council impose the following
26 condition:
27

28 **Recommended Soil Protection Condition 4 (OPR-SP-02):** During operations, certificate
29 holder shall adhere to the requirements of its operational Spill Prevention Control and
30 Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to -0240.
31 [Final Order on Bakeoven ASC, AMD1, Final Order on SSF AMD1]
32

33 **III.D.2. Conclusions of Law**

34
35 Based on the foregoing analysis, and subject to compliance with the existing and recommended
36 site certificate conditions described above, the Department recommends the Council find that
37 the facility, with proposed changes, is not likely to result in a significant adverse impact to soils.
38

39 **III.E. LAND USE: OAR 345-022-0030**

40
41 *(1) To issue a site certificate, the Council must find that the proposed facility*
42 *complies with the statewide planning goals adopted by the Land Conservation*
43 *and Development Commission.*

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

3
4 (a) The applicant elects to obtain local land use approvals under ORS
5 469.504(1)(a) and the Council finds that the facility has received local land use
6 approval under the acknowledged comprehensive plan and land use
7 regulations of the affected local government; or

8
9 (b) The applicant elects to obtain a Council determination under ORS
10 469.504(1)(b) and the Council determines that:

11
12 (A) The proposed facility complies with applicable substantive criteria as
13 described in section (3) and the facility complies with any Land Conservation
14 and Development Commission administrative rules and goals and any land use
15 statutes directly applicable to the facility under ORS 197.646(3);

16
17 (B) For a proposed facility that does not comply with one or more of the
18 applicable substantive criteria as described in section (3), the facility otherwise
19 complies with the statewide planning goals or an exception to any applicable
20 statewide planning goal is justified under section (4); or

21
22 (C) For a proposed facility that the Council decides, under sections (3) or (6), to
23 evaluate against the statewide planning goals, the proposed facility complies
24 with the applicable statewide planning goals or that an exception to any
25 applicable statewide planning goal is justified under section (4).

26
27 (3) As used in this rule, the "applicable substantive criteria" are criteria from
28 the affected local government's acknowledged comprehensive plan and land
29 use ordinances that are required by the statewide planning goals and that are
30 in effect on the date the applicant submits the application. If the special
31 advisory group recommends applicable substantive criteria, as described
32 under OAR 345-021-0050, the Council shall apply them. If the special advisory
33 group does not recommend applicable substantive criteria, the Council shall
34 decide either to make its own determination of the applicable substantive
35 criteria and apply them or to evaluate the proposed facility against the
36 statewide planning goals.

37
38 (4) The Council may find goal compliance for a proposed facility that does not
39 otherwise comply with one or more statewide planning goals by taking an
40 exception to the applicable goal. Notwithstanding the requirements of ORS
41 197.732, the statewide planning goal pertaining to the exception process or
42 any rules of the Land Conservation and Development Commission pertaining
43 to the exception process, the Council may take an exception to a goal if the
44 Council finds:

1
2 *(a) The land subject to the exception is physically developed to the extent that*
3 *the land is no longer available for uses allowed by the applicable goal;*
4

5 *(b) The land subject to the exception is irrevocably committed as described by*
6 *the rules of the Land Conservation and Development Commission to uses not*
7 *allowed by the applicable goal because existing adjacent uses and other*
8 *relevant factors make uses allowed by the applicable goal impracticable; or*
9

10 *(c) The following standards are met:*
11

12 *(A) Reasons justify why the state policy embodied in the applicable goal*
13 *should not apply;*
14

15 *(B) The significant environmental, economic, social and energy consequences*
16 *anticipated as a result of the proposed facility have been identified and*
17 *adverse impacts will be mitigated in accordance with rules of the Council*
18 *applicable to the siting of the proposed facility; and*
19

20 *(C) The proposed facility is compatible with other adjacent uses or will be*
21 *made compatible through measures designed to reduce adverse impacts.*
22

23 *(5) If the Council finds that applicable substantive local criteria and applicable*
24 *statutes and state administrative rules would impose conflicting requirements,*
25 *the Council shall resolve the conflict consistent with the public interest. In*
26 *resolving the conflict, the Council cannot waive any applicable state statute.*
27

28 *(6) If the special advisory group recommends applicable substantive criteria*
29 *for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related*
30 *or supporting facility that does not pass through more than one local*
31 *government jurisdiction or more than three zones in any one jurisdiction, the*
32 *Council shall apply the criteria recommended by the special advisory group. If*
33 *the special advisory group recommends applicable substantive criteria for an*
34 *energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or*
35 *supporting facility that passes through more than one jurisdiction or more*
36 *than three zones in any one jurisdiction, the Council shall review the*
37 *recommended criteria and decide whether to evaluate the proposed facility*
38 *against the applicable substantive criteria recommended by the special*
39 *advisory group, against the statewide planning goals or against a combination*
40 *of the applicable substantive criteria and statewide planning goals. In making*
41 *the decision, the Council shall consult with the special advisory group, and*
42 *shall consider:*
43

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

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

(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.²⁹

III.E.1. Findings of Fact

The Land Use standard requires the Council to find that the facility, with proposed changes, complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). Under ORS 469.504(1)(b)(A), the Council may find compliance with statewide planning goals if the Council finds that a proposed facility or facility, with proposed changes, “complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted...” ” For an amendment, this refers to the date the Department received the pRFA, which for the Sunset facility the Department received on April 24, 2025. The affected local government is Wasco County. The governing body within Wasco County is the Wasco County Board of Commissioners, which was appointed by Council as the Special Advisory Group (SAG) for all EFSC proceedings related to this facility on November 16, 2018.³⁰

The analysis area for potential land use impacts is the area within and extending ½ mile from the RFA1 site boundary.³¹

Local Applicable Substantive Criteria

Under OAR 345-022-0030(2), the Council must apply the applicable substantive criteria recommended by the SAG, if those criteria are required by statewide planning goals and in effect on the date the pRFA is submitted, April 24, 2025. Applicable substantive criteria are presented in the following table.

Table 3: Wasco County Applicable Substantive Criteria
Wasco County Land Use and Development Ordinance

²⁹ OAR 345-022-0030, effective September 3, 2003, as amended by minor correction filed May 28, 2019.

³⁰ BSPNOI. SAG Appointment. 2018-11-16.

³¹ The Council’s procedural requirements for site certificate amendments (OAR 345-027-0360(3) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending ½-mile from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending ½-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Table 3: Wasco County Applicable Substantive Criteria

Section 1.030	Severability (Legal Parcel Status)
Section 3.210	Exclusive Farm Use (A-1) Zone
Section 3.2.1.4	Uses Permitted Subject to Standards/Type II Review
Section 3.2.1.5	Uses Permitted Subject to Standards/Type III Review
Section 3.2.1.6	Exclusive Farm Use (EFU) Property Development Standards
Section 3.2.1.8	Agricultural Protection
Section 5.020	Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used
Section 10.020	Applicability of Fire Safety Standards
Section 10.110	Siting Standards – Locating Structure for Good Defensibility
Section 10.120	Defensible Space – Clearing and Maintaining a Fire Fuel Break
Section 10.130	Construction Standards for Dwelling and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure
Section 19.030	Commercial Power Generating Facilities Review Process & Approval Standards
C	General Standards
D2	Specific Standards, Solar Energy Facilities
Section 20.040	Site Plan Approval Standards
Section 20.050	Off Street Parking
Section 20.055	Bicycle Parking Requirements
Section 20.070	Off Street Loading
Section 20.080	General Provisions – Off Street Parking and Loading
Wasco County Comprehensive Plan	
	Chapter 5 Community Facilities and Services – J. Parks and Recreation Scenic Areas – Subpart 3 Chapter 15 Goals and Policies Goal 3 Agricultural Lands – Policy I Goal 5 – Opens Spaces, Scenic and Historic Areas and Natural Resources – Policies 5, 9 and 10 Goal 6 – Air, Water and Land Resources Quality – Policies 1 and 4 Goal 9 – Economy of the State – Policies 1, 2 and 3 Goal 11 – Public Facilities and Services – Policies 1 and 3 Goal 12 – Energy Conservation – Policies 1, 2 and 6

There have been no significant changes to the applicable substantive criteria in the WCLUDO and WCCP since Council's prior evaluation. The proposed change to extend the construction deadlines does not affect the Council's findings in its Final Order on the Bakeoven Solar Project Amendment 1.³²

³² SSFAMD1Doc28 Request for Amendment 1 2025-09-05, pp. 25 – 32 including Tables 1 and 2.

1 Council previously imposed Land Use Condition 7 (GEN-LU-02) which requires finalization and
2 implementation of a Construction and Operation (combined) Fire Prevention and Emergency
3 Response Plan similar to the draft plan included in the Final Order of Bakeoven RFA1. As
4 discussed in Section IV.N., *Wildfire Prevention and Risk Mitigation*, the Wildfire Prevention and
5 Risk Mitigation standard was not in effect during Council's previous review of the facility,
6 however, the facility is now subject to the standard. The certificate holder provides a
7 Construction and Operational Wildfire Mitigation Plan (WMP) in RFA1 as Attachments 12 and
8 13; these are also attached to this order as Attachments W-1 and W-2. The previously required
9 draft Fire Prevention and Emergency Response Plan includes measures such as coordination
10 with fire Departments, on site trainings, fire prevention measures, and equipment requirements.

11
12 These measures, and additional wildfire prevention and risk mitigation measures are included
13 in the WMP's which create duplicative requirements in both plans; therefore, the Department
14 recommends that Land Use Condition 7 be removed and that Recommended Wildfire
15 Prevention and Risk Mitigation Conditions 1 through 4 be imposed to ensure that the measures
16 outlined in the WMP's are implemented during construction and operation. However, the Fire
17 Prevention and Emergency Response Plan under Land Use Condition 7 also included findings of
18 compliance with Chapter 10 of the Wasco County Land Use Development Ordinance (WCLUDO)
19 which includes fire safety standards applicable to all of Wasco County's rural zones (all zones
20 outside of an Urban Growth Boundary). Under Section 10.120, a 50-foot fire fuel break will be
21 cleared and maintained around the O&M building, battery storage system, and substation.
22 Under Section 10.110, the location of the O&M building, battery storage system, and substation
23 would be located on land flatter than a 40 percent slope, and all solar arrays would be located
24 on land with a 5 percent or less grade. The O&M building and collector substation would be set
25 back at least 50 feet from any slopes greater than 30 percent. These fire prevention facility
26 design features have been incorporated into the facility description in the WMPs and in
27 Attachment A, the draft amended site certificate, along with deleted Land Use Condition 7.

28
29 Because there are no proposed changes to the site or facility that would affect the facility's
30 compliance with the applicable substantive criteria from the affected local government's
31 acknowledged comprehensive plan and land use ordinances that are required by the statewide
32 planning goals, and because there have been no changes to the applicable substantive criteria
33 enacted since the issuance of the Sunset Solar Project site certificate that would affect Council's
34 prior findings, the Department recommends the Council rely on its previous analysis and find
35 that, subject to the aforementioned land use conditions, the Sunset Solar Project, with the
36 proposed RFA1 changes, complies with local applicable substantive criteria.

37
38 *Directly Applicable State Rules and Statutes and Goal 3 exception*

39
40 Per OAR 345-027-0375(3)(b), any administrative rules and goals adopted by the Land
41 Conservation and Development Commission (LCDC) and any land use statutes directly
42 applicable to the facility under ORS 197.646(3) that are in effect as of the date the Council
43 makes its final decision are applicable to the review of RFA1.

On December 6, 2024, LCDC adopted rules that, among other things, supplement OAR 660-033-0130(5) to describe the steps needed to provide a sufficient analysis under the “farm impacts test” required under ORS 215.296 and OAR 660-033-0130(5). The new rules, set forth in OAR 660-033-0130(5)(c), became effective on January 1, 2025. The intent of the rule change was to incorporate case law guidance from the courts about how to conduct a sufficient farm impacts test analysis. While that common law was in effect at the time the Council issued the Final Order on the Bakeoven ASC, because LCDC has since placed these criteria in rule, the Department recommends the Council evaluate the new provisions in OAR 660-033-0130(5)(c) as directly applicable standards under ORS 197.646(3).

OAR 660-033-0130

* * * * *

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The above provisions have often been referred to as the “farm impacts test.” WCLUDO Section 5.020(J) and (K) incorporate this test by requiring a demonstration that a proposed use would not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands. Therefore, Council previously analyzed the farm impacts test criteria in its analysis of those local ordinances. Council noted that potential impacts to accepted farm practices from construction and operation of the Bakeoven facility include temporary traffic impacts and increased risk of wildland fire, reviewed the applicant’s analysis of these potential impacts and found that the facility would not significantly change the accepted farming practices or significantly increase the cost of accepted farming practices within the surrounding area, and therefore would comply with WCLUDO Section 5.020(J) and (K).³³

As noted above, LCDC has now supplemented its rules to include the following subsection (c) describing the steps needed to provide a sufficient analysis under the farm impacts test. Because local governments have not yet incorporated the new rules in their land use ordinances, they need to be analyzed here, as part of the Council’s evaluation of directly applicable state rules and statutes.

³³ BSPAPPDoc2 Final Order 2020-04-24 (Bakeoven Solar Project – Final Order on Application for Site Certificate), pp. 67-68.

1 (c) For purposes of subsection (a) and (b), a determination of forcing a significant change
2 in accepted farm or forest practices on surrounding lands devoted to farm and forest use
3 or a determination of whether the use will significantly increase the cost of accepted
4 farm or forest practices on surrounding lands devoted to farm or forest use requires:

5
6 (A) Identification and description of the surrounding lands, the farm and forest
7 operations on those lands, and the accepted farm practices on each farm operation and
8 the accepted forest practices on each forest operation;

9
10 (B) An assessment of the individual impacts to each farm and forest practice, and
11 whether the proposed use is likely to have an important influence or effect on any of
12 those practices; and

13
14 (C) An assessment of whether all identified impacts of the proposed use when considered
15 together could have a significant impact to any farm or forest operation in the
16 surrounding area in a manner that is likely to have an important influence or effect on
17 that operation.

18
19 (D) For purposes of this subsection, examples of potential impacts for consideration may
20 include but are not limited to traffic, water availability and delivery, introduction of
21 weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or
22 flooding.

23
24 (E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices
25 or the cost of farm and forest practices, impacts relating to the construction or
26 installation of the proposed use shall be deemed part of the use itself for the purpose of
27 conducting a review under subsections (a) and (b).

28
29 (F) In the consideration of potentially mitigating conditions of approval under ORS
30 215.296(2), the governing body may not impose such a condition upon the owner of the
31 affected farm or forest land or on such land itself, nor compel said owner to accept
32 payment to compensate for the significant changes or significant increases in costs
33 described in subsection (a) and (b).

34
35 Per OAR 660-033-0130(5)(c)(A) and (B), when assessing whether an activity will force a
36 significant change in accepted farm or forest practices on surrounding lands, the surrounding
37 lands must be identified and the individual impacts to each farm and forest practice on those
38 lands assessed. Farm operations on surrounding lands (parcels immediately adjacent to and
39 within an area ½ mile from the facility site boundary) are presented in the table below.

Table 4: Farm Operations within Surrounding Lands

Landowner	Map and Tax Lot (MTL)	MTL in Lease Agreement with Facility	Farm Practices within Surrounding Lands
Steven L Ashley et al. (aka A & K Ranches)	5S 15E 0 100 5S 15E 0 101 4S 15E 0 1500	Yes No Yes	Farm Operation: Cattle. A portion of the surrounding lands within these tax lots is in review for the siting of the Yellow Rosebush Energy Center. Figure 5B and 2023 aerial imagery indicate no agricultural activities. As discussed in ASC Exhibit K Yellow Rosebush Energy Center, portions of these tax lots are used for cattle grazing for five months out of the year. Irrigation water rights: Permit G17321.
Don Phillips et al.	4S 16E 0 300 5S 16E 0 900 5S 16E 0 1000 5S 16E 0 1100	No (all)	Farm Operation: Cattle. A portion of the surrounding lands within these tax lots is in review for the siting of the Yellow Rosebush Energy Center. Figure 5B and 2023 aerial imagery indicate no agricultural activities. As discussed in ASC Exhibit K Yellow Rosebush Energy Center, while portions of these tax lots are used for cattle grazing, the portion of these operations within the surrounding lands will cease once the proposed solar facility is in construction. No irrigation water rights.
A & K Ranches	5S 16E 0 2000	No	Farm Operation: None. Figure 5B and 2023 aerial imagery indicate no agricultural activities. This tax lot contains a mineral aggregate site (#154). No irrigation water rights.
Vicki Ashley	5S 16E 0 1201 5S 16E 0 2200 5S 15E 0 1100	No (all)	Farm Operation: Dryland wheat production. The portion of these tax lots located within the surrounding lands is used for both the siting of solar energy facilities and limited crop production or is undeveloped rangeland. Figure 5B and 2023 aerial imagery show development of the Bakeoven and Daybreak Solar Projects west of Bakeoven Road. No irrigation water rights.
Lawson Place Partners LLC	5S 15E 0 102	No	Farm Operation: Unknown. The portion of this tax lot located within the surrounding lands is used primarily for the siting of solar energy facilities. Figure 5B and 2023 aerial imagery show development of the Bakeoven and Daybreak Solar Projects west of Bakeoven Road. No irrigation water rights.

- 1 Table 5 is a summary of these potential impacts and how they are addressed in the current
- 2 Sunset Solar site certificate.

Table 5: Overview of Potential Impacts to Farm Operations on Surrounding Lands

Potential impact	RFA1 explanation	Sunset Solar Site Certificate Condition(s)
Traffic	Some increase in traffic during construction; should not interfere with surrounding agricultural activities.	GEN-PS-01 requires certificate holder to, among other items, coordinate with local transportation officials to make improvements where necessary to accommodate facility construction and submit to the Department for review a Construction Traffic Management Plan (and implement the approved Plan).
Water availability & delivery	No change proposed in water source; will truck water obtained from local municipality to the site and may source less than 5,000 gpd from an on-site well.	Provides similar description of water sources and use. (Sections 3.1 and 3.2). Also, per OPR-PS-02 if certificate holder constructs a new onsite well to provide water to the O&M building, it must follow state recording requirements and not use more than 5,000 gallons per day.
Weeds & Pests	Certificate holder has coordinated with the Wasco County Weed Department Supervisor to develop the Noxious Weed Control Plan.	GEN-FW-02 requires certificate holder to finalize and submit a Noxious Weed Control Plan.
Damage to Crops or Livestock	The certificate holder points out that the farm practices on surrounding lands have continued alongside the construction activities for the Bakeoven Solar Project and Daybreak Solar Project. And that there have been cattle operations west of the facility for several years, which will continue to operate.	Not specifically addressed.
Litter & Trespass	During construction, certificate holder will keep standard construction waste bins on site for construction debris. During operations, damaged equipment and other solid waste will be disposed at Wasco County landfill or other approved disposal facility.	GEN-WM-01 requires certificate holder to develop and implement a Solid Waste Management Plan GEN-OE-05 requires certificate holder to dispose battery and battery waste in compliance with all applicable federal regulations and manufacturer recommendations.

Potential impact	RFA1 explanation	Sunset Solar Site Certificate Condition(s)
	Re: trespass – the certificate holder notes the facility is not open to the public and the site boundary will be fenced with security gates and vehicle entry points.	OPR-PS-01 requires certificate holder to discharge sanitary wastewater to a licensed on-site septic system. The site certificate does not address potential trespass, either at the facility nor that might result on surrounding lands because of the facility. However, given that the facility will not be open to the public, it seems there would be a low potential that trespass on surrounding lands due to the facility would force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands.
Reduction in Crop Yields	Facility is not anticipated to cause any reduction in crop yields. Traffic will be managed during construction to prevent disruptions in adjacent farm management schedules. Noxious weeds will be prevented through the Noxious Weed Plan.	GEN-PS-01 requires (among other items) a Construction Traffic Management Plan. GEN-FW-02 requires certificate holder to finalize and submit a Noxious Weed Control Plan.
Flooding	The certificate holder notes that no portion of the surrounding lands is located within the regulated floodplain. Further, certificate holder will monitor construction stormwater impacts in accordance with a NPDES 1200-C permit and associated ESCP. During operation, stormwater runoff will be contained with the site boundary and infiltrate into the ground.	GEN-SP-01 requires the certificate holder to provide a copy of its NPDES 1200-C permit to the Department and conduct all work in compliance with a final ESCP.
Noise	No anticipated impacts to agricultural uses from noise given the facility's compliance with the ODEQ noise regulation, OAR 340-035-	GEN-LU-01 requires the certificate holder to provide written notification to residences withing 1,000 feet of the micrositng corridor identifying the type, duration and frequency of construction

Potential impact	RFA1 explanation	Sunset Solar Site Certificate Condition(s)
	0035 and that the noise reduction measure provided in Exhibit X will be incorporated in the facility's contract specifications.	activities, as well as identifying a mechanism for residents to register complaints about construction noise levels. The condition also requires the certificate holder to implement noise reduction measures.
Fire risk	The facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code and a Fire Plan developed for the facility. A 50-foot fire fuel break will be maintained around the O&M building and Battery Energy Storage System.	GEN-LU-02 requires the certificate holder to submit Fire Prevention and Emergency Response Plans for facility construction and operation and demonstrate they were developed in consultation with the Oregon State Fire Marshal and local fire protection associations/districts. PRE-PS-01 requires the certificate holder to coordinate with the Oregon State Fire Marshal's Office re: compliance with the Oregon Fire Code and provide a statement the Marshal's office concurs the facility complies with their requirements. Recommended Site Certificate conditions PRE-WP-01 and CON-WP-01 would require the certificate holder to finalize and implement a Wildfire Mitigation Plan for construction. Recommended Site Certificate conditions PRO-WP-01 and OPR-WP-01 require the certificate holder to finalize and implement a Wildfire Mitigation Plan for operations which will include firebreaks and measures for the BESS.

As can be seen from the foregoing analysis, the facility is expected to have minimal impacts to farm operations in the surrounding area and existing conditions will serve to mitigate the potential impacts. Given the minimal impacts and mitigating conditions, the Department recommends Council find OAR 660-033-0130(5)(c)(C) is also met because the identified impacts of the facility even when considered together should not have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

The Department recommends the Council find the updated requirements of OAR 660-033-0130(5) have been satisfied because RFA1 identifies and describes the accepted farm practices on agricultural lands surrounding the site, assesses the potential impacts the construction and operation of the facility could have on those uses, and explains why those impacts will not force a significant change in accepted farm or forest practices on surrounding lands nor significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. Further, the existing site certificate imposes conditions on the certificate holder that will serve to minimize impacts to and ensure that any farm practices will not be significantly affected.

Goal 3 Exception

OAR 660-033-0130(38)(i) restricts a solar PV power generation facility from using, occupying, or covering more than 20 acres of arable land unless a goal exception is provided. The Council may find goal compliance for a facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Pursuant to ORS 469.504(2)(c), the Council may take an exception to a goal if the Council finds that each of the following standards are met:

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

The Council previously determined that the Bakeoven Solar Project warranted a Goal 3 exception under ORS 469.504 because facility components are locationally dependent, the facility would have local economic benefits and minimal impacts to agriculture.³⁴ The certificate holder's proposed RFA1 changes to the construction deadlines would not affect Council's prior findings as to locational dependence (the certificate holder is not proposing

³⁴

BSPAPPD02 Final Order 2020-04-24 (Bakeoven Solar Project – Final Order on Application for Site Certificate), pp. 108-116.

changes to the location of any components) nor local economic benefits (postponing construction will postpone but not negate any of the anticipated economic benefits). Nor will the RFA1 changes to the construction deadlines affect Council's finding of minimal impacts to agriculture. Council concluded that there would be minimal impacts to cultivated agriculture because, out of the total arable land on which the Bakeoven facility would be located, only 9 percent is cultivated land; the remainder is not viable for productive crop cultivation due to the lack of irrigation water and low value for rangeland grazing purposes. Extending the construction deadlines does not impact those findings. Therefore, the Department recommends Council rely on its prior findings and conclude a Goal 3 exception is still merited for the facility, with the proposed RFA1 changes.

III.E.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends the Council conclude that the facility, with the RFA1 proposed construction deadline extensions, will comply with Council's land use standard in OAR 345-022-0030 and the statewide planning goals adopted by the Land Conservation and Development Commission except for Goal 3 and that an exception to Goal 3 continues to be justified because the facility is locationally dependent, would have local economic benefits and would have minimal impacts to agriculture.

III.F. PROTECTED AREAS: OAR 345-022-0040

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

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

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

(2) Notwithstanding section (1)(a), the Council may issue a site certificate for:
(a) A facility that includes a transmission line, natural gas pipeline, or water pipeline located in a protected area, if the Council determines that other reasonable alternative routes or sites have been studied and that the proposed route or site is likely to result in fewer adverse impacts to resources or interests protected by Council standards; or

1 *(b) Surface facilities related to an underground gas storage reservoir that have*
2 *pipelines and injection, withdrawal or monitoring wells and individual*
3 *wellhead equipment and pumps located in a protected area, if the Council*
4 *determines that other alternative routes or sites have been studied and are*
5 *unsuitable.*

6
7 *(3) The provisions of section (1) do not apply to:*

8
9 *(a) A transmission line routed within 500 feet of an existing utility right-of-way*
10 *containing at least one transmission line with a voltage rating of 115 kilovolts*
11 *or higher; or*

12
13 *(b) A natural gas pipeline routed within 500 feet of an existing utility right of*
14 *way containing at least one natural gas pipeline of 8 inches or greater*
15 *diameter that is operated at a pressure of 125 psig.*

16
17 *(4) The Council shall apply the version of this rule adopted under*
18 *Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the*
19 *review of any Application for Site Certificate or Request for Amendment that*
20 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
21 *before the effective date of this rule. Nothing in this section waives the*
22 *obligations of the certificate holder and Council to abide by local ordinances,*
23 *state law, and other rules of the Council for the construction and operation of*
24 *energy facilities in effect on the date the site certificate or amended site*
25 *certificate is executed.*³⁵

26
27 **III.F.1. Findings of Fact**

28
29 *Protected Areas in the Analysis Area*

30
31 The analysis area for protected areas is within and extending 10 miles from the RFA1 site
32 boundary.³⁶

33
34 For RFA1, the certificate holder conducted an updated desktop review for the 10-mile analysis
35 area based on updated 2022 rules and identified 10 previously evaluated protected areas, and

³⁵ OAR 345-022-0040, effective December 19, 2022.

³⁶ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 10-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 10-miles from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

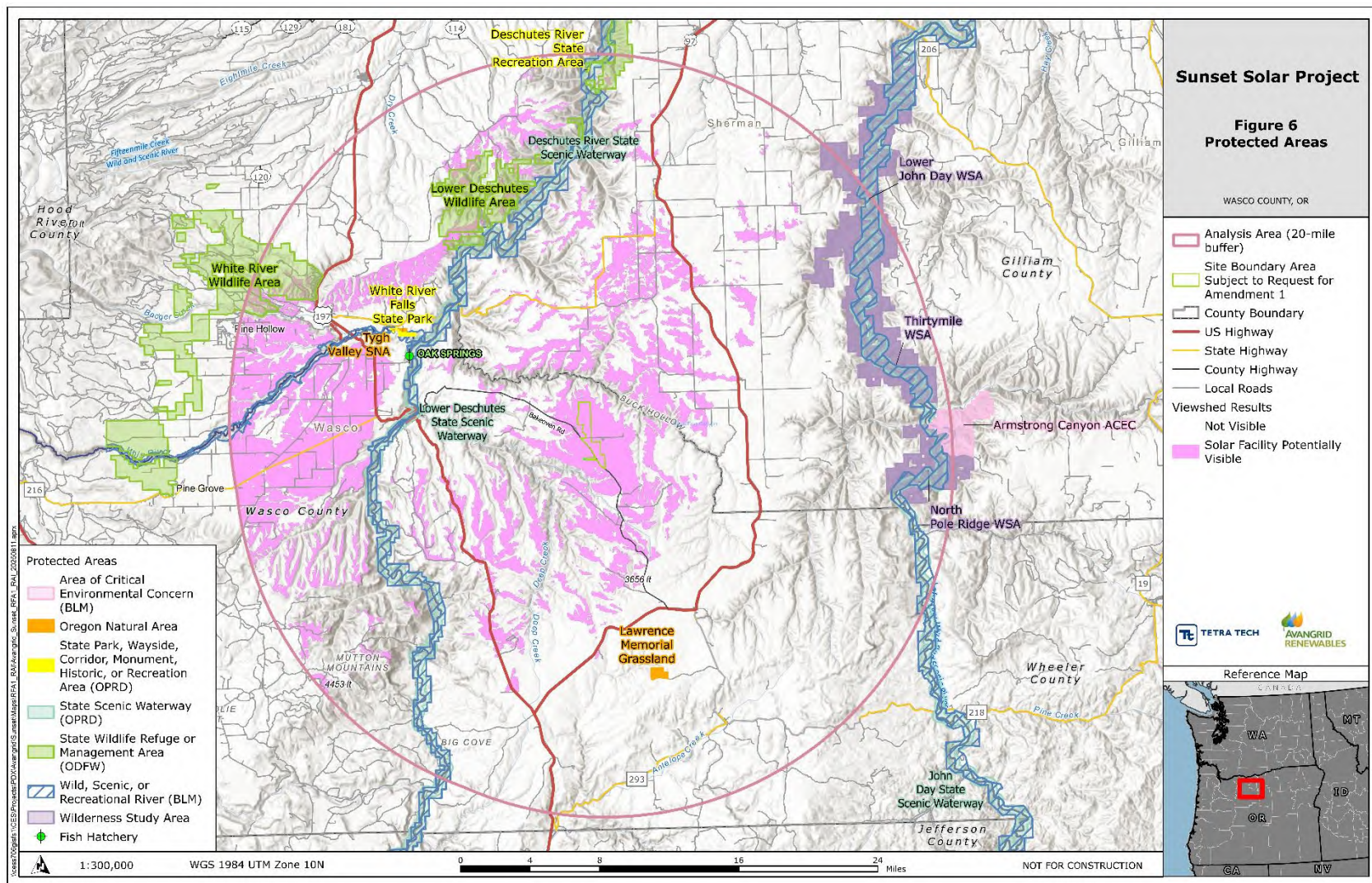
- 1 an additional 5 protected areas that require evaluation per the 2022 rule changes, for a total of
- 2 15 protected areas within the RFA1 analysis area. See Table 6 and Figure 2 below:

Table 6: Protected Areas in RFA1 Analysis Area

Protected Area per OAR 345-001-0010	Protected Area Name	Distance/Direction from Site Boundary	Previously Evaluated by EFSC?
<i>(d) A Wild, Scenic, or Recreational River included in the National Wild and Scenic River System under 16 U.S.C. 1271 et seq.</i>	Deschutes Wild and Scenic River, Segment E	8.3 mi/ W	Yes – no further evaluation required
	White Wild and Scenic River, Segment D	14.59 mi/ W	Yes – no further evaluation required
	White Wild and Scenic River, Segment E	11.33 mi/ NW	Yes – no further evaluation required
	White Wild and Scenic River, Segment F	9.52 mi/ NW	Yes – no further evaluation required
	John Day River	15.84 mi/ E	Yes – no further evaluation required
<i>(i) Land designated in a federal land management plan or by an act of Congress as: (B) An Outstanding Natural Area;</i>	Tygh Valley State Natural Area	10.66 mi/ NW	Yes – no further evaluation required
<i>(i) Land designated in a federal land management plan or by an act of Congress as: (E) A Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values;</i>	Lower Deschutes Wildlife Area	10.57 mi/ N-NW	Yes – no further evaluation required
	White River Wildlife Area	16.17 mi/ W-NW	Yes – no further evaluation required
<i>(j) A state park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the Oregon Parks and Recreation Department;</i>	Deschutes-Oregon Wildlife Heritage Foundation	19.47 mi/ N	Yes – no further evaluation required
	White River Falls State Park	10.08 mi/ NW	Yes – no further evaluation required
	Tygh Valley State Natural Area	10.66 mi/ NW	Yes – no further evaluation required

Protected Area per OAR 345-001-0010	Protected Area Name	Distance/Direction from Site Boundary	Previously Evaluated by EFSC?
<i>(l) A natural area listed in the Oregon Register of Natural Areas under ORS 273.581;</i>	Tygh Valley State Natural Area	10.66 mi/ NW	Yes – no further evaluation required
<i>(n) A State Scenic Waterway designated under ORS 390.805 to 390.925 and related adjacent lands;</i>	Deschutes River State Scenic Waterway	13.48 mi/ N-NW	Yes – no further evaluation required
	Deschutes Wild and Scenic River	8.95 mi/ W	Yes – no further evaluation required
	White Wild and Scenic River	9.68 mi/W	Yes – no further evaluation required
	John Day State Scenic Waterway	16.14 mi/ E	Yes – no further evaluation required
<i>(p) A fish hatchery operated by the Oregon Department of Fish and Wildlife;</i>	Oak Springs Fish Hatchery	10.08 mi/ NW	Yes – no further evaluation required

1 **Figure 2: Protected Areas Within the Analysis Area**



2 Note: The above figure was prepared by the certificate holder and presents protected areas within 20-miles of the site; however, as established in the Project Order, the
3 protected areas analysis area includes the area within and extending 10-miles of the site boundary.

Council previously evaluated the potential impacts of the facility on protected areas in the Final Order on the Bakeoven ASC and found no significant impacts to Protected Areas. In addition, Council imposed related conditions under other Council standards that would serve to minimize any potential impacts of the facility:

Visual Impacts:

- Land Use Condition 2 (PRE-LU-02) requiring design criteria for minimizing outdoor lighting.
- Land Use Condition 8 (GEN-LU-03) placing restrictions on signage at the facility.
- Scenic Resources Condition 1 (GEN-SR-01) requiring measures to minimize potential visual impacts of facility construction and operations.

Water Related Impacts:

- Soil Protection Condition 1 (GEN-SP-01) requiring adherence to the NPDES-1200-C permit and ESCP.
- Public Services Condition 1 and 2 (OPR-PS-01 and OPR-PS-02) to require permitted onsite septic and water use.

Traffic Impacts:

- Public Services Condition 3 (GEN-PS-01) to require County coordination and execution of a Traffic impacts plan to minimize impacts during facility construction.

Noise Impacts:

- Noise Control Condition 1 (PRE-NC-01) requires a noise report based on final design.
- Land Use Condition 5 (GEN-LU-01) requires noise reduction efforts to the extent feasible during construction.

RFA1 does not propose any changes to the facility or components from what has already been approved by Council. The Department recommends that the Council continue to rely on its previous findings of fact and analysis.

III.F.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends the Council find that the design, construction and operation of the facility, with the proposed changes, are not likely to result in significant adverse impact to any protected areas.

III.G. RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050

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

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

4
5 (2) *The applicant has a reasonable likelihood of obtaining a bond or letter of*
6 *credit in a form and amount satisfactory to the Council to restore the site to a*
7 *useful, non-hazardous condition.*³⁷

8
9 **III.G.1. Findings of Fact**

10
11 Per OAR 345-027-0375(2)(d), for any request for amendment making a decision to grant or
12 deny issuance of an amended site certificate, Council must determine that the preponderance
13 of evidence on the record supports the conclusion that the amount of the bond or letter of
14 credit required under OAR 345-022-0050 is adequate.

15
16 For amendments requesting to extend construction deadlines, the Department and Council
17 evaluate whether there have been “changes in fact or law” since the site certificate or amended
18 site certificate was issued to determine whether, based on changes in fact or law, the facility
19 would continue to satisfy requirements of the standard. For this standard, the Council may,
20 depending on the methods used to evaluate the decommissioning estimate, evaluate whether
21 there have been changes in unit costs or labor rates that would affect the previous site
22 restoration estimate and whether there have been any changes in the certificate holder’s
23 corporate structure that would impact the likelihood that the certificate holder would continue
24 to demonstrate a likelihood of obtaining a bond or letter of credit in the amount necessary for
25 site restoration. When the site certificates were split in the 2021 Final Order on RFA1 for the
26 Bakeoven Solar Project, the retirement cost estimates were also split between the three
27 facilities adjusting the costs using the original ASC 2019 unit costs. Because the retirement cost
28 estimates for the Bakeoven and Day Break facilities, use a base unit cost from 2019, and
29 annually adjust that amount, the certificate holder proposes, and Department recommends
30 that approach is appropriate for RFA1 for the Sunset Solar Project.³⁸

31
32 *Restoration of the Site Following Cessation of Construction or Operation*

33
34 OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a
35 useful non-hazardous condition at the end of the facility’s useful life, or if construction of the
36 facility were to be halted prior to completion. A summary of facility component-specific tasks
37 and actions is presented in Table 7: *Facility Decommissioning Tasks and Cost Estimate* below
38 and generally includes the following:³⁹

³⁷ OAR 345-022-0050, effective April 3, 2002.

³⁸ BSPAMD1Doc11 Final Order 2021-11-19, See Section III.A.4 and Table 4: Amended Facility Decommissioning Cost Estimate and Unit Costs.

³⁹ Note that in 2021 Final Order on RFA1 for the Bakeoven Solar Project, there is a share use agreement for the shared transmission line, substation and O&M building. The retirement cost estimate was split between the three

- Equipment and mobilization/demobilization
- Decommissioning the solar array and equipment, including inverter/transformer removal and disposal, solar panel removal and disposal or recycling, and removal and disposal of the post foundations, if used.
- Removal, transport and recycling or disposal of the battery unit components, and battery structure demolition and disposal.
- Site restoration includes road decompaction, spot grading and re-seeding.

Estimated Costs of Site Restoration

RFA1 Attachment 6 includes an updated cost estimate, in which the certificate holder updates the 2021 \$8,640,000 US dollars to Q3 2025 US dollars for a revised total of \$10,566,000 US dollars. The updated cost estimate table makes two adjustments to the previous cost estimate: 1) changes the Contractor Overhead and Fee from 13% to 15%, per ODOE's request, and 2) use the methods outlined in condition PRE-RT-02 of the Sunset Solar Project Site Certificate to adjust the retirement cost estimate to present day value (Q3 2025).⁴⁰

During the Department review of the RFA1 cost estimate and prior to issuing the draft proposed order, the Department reviewed the cost estimate and methods for adjusting the value. The certificate holder used an adjustment factor from May 2025; the Department uses an updated adjustment factor from August 2025.⁴¹ The total Department reviewed and adjusted cost estimate for RFA1 is \$10,490,000. Therefore, the Department recommends Council find that \$10,490,000 is an adequate amount to restore the site to a useful nonhazardous condition.

facilities, where the facility fence, O&M building, transmission line, and substation retirement tasks remained associated with the Bakeoven Solar Project retirement estimate, and the Battery Storage System was assigned to the Sunset Solar Project retirement estimate. Therefore, the tasks associated with retiring the Sunset facility omit the transmission line, O&M building and substation. BSPAMD1Doc11 Final Order 2021-11-19, See Section III.A.4 and Table 4: Amended Facility Decommissioning Cost Estimate and Unit Costs.

⁴⁰ PRE-RT-02 outlines adjusting values based on the required U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast."

⁴¹ May 2025 adjustment factor was 1.263, August 2025 adjustment factor is 1.254.

Table 7: Updated Retirement Cost Estimate Q3 2025 Dollars

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
1.1 Equipment Mobilization / Demobilization				
<i>1.1.1 Equipment Mobilization</i>	1	Total	61,200.00	61,200.00
<i>1.1.2 Site Facilities</i>	1	Total	2,200.00	2,200.00
<i>1.1.3 Crew Demobilization and Site Setup</i>	3	Day	12,065.00	36,195.00
<i>1.1.4 Crew - Crew Demobilization and Site Cleanup</i>	2	Day	12,065.00	24,130.00
<i>1.1.5 Home Office Fee (5%)</i>	1	% of cost	0.05	6,186.25
<i>1.1.6 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	18,558.75
Subtotal (Q1 2019)				148,470.00
1.2 Solar Array				
<i>1.2.1 Site Facilities</i>	103	MW	71.00	7,313.00
<i>1.2.2 Field Management</i>	103	MW	2,884.00	297,052.00
<i>1.2.3 Fence Removal</i>	103	MW	238.00	24,514.00
<i>1.2.4 Inverter/Transformer Removal</i>	56	Each	5,089.00	284,984.00
<i>1.2.5 Inverter/Transformer Disposal</i>	56	Ton	30.00	1,680.00
<i>1.2.6 Remove Foundations to Subgrade</i>	10,752	Cu. Yd.	27.00	290,304.00
<i>1.2.7 Solar Panel Removal</i>	276,548	Each	2.78	768,803.44
<i>1.2.8 Solar Panel Trucking</i>	246	Ton	1,375.00	338,250.00
<i>1.2.9 Solar Panel Disposal</i>	5,531	Ton	30.00	165,930.00
<i>1.2.10 Solar Rack and Post Removal</i>	7,278	Each	242.00	1,761,276.00
<i>1.2.11 Solar Rack and Post Trucking</i>	129	Each	1,375.00	177,375.00
<i>1.2.12 Solar Rack and Post Disposal</i>	2,911	Ton	30.00	87,330.00
<i>1.2.13 Home Office Fee (5%)</i>	1	% of cost	0.05	210,240.57
<i>1.2.14 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	630,721.72
Subtotal (Q1 2019)				5,045,773.73
1.3 Site Restoration				
<i>1.3.1 Decomact Roads</i>	116,851	Linear Feet	2.68	313,160.68
<i>1.3.2 Spot Grade Disturbed Areas</i>	329	Acres	536.00	176,344.00
<i>1.3.3 Re-seeding</i>	1,098	Acres	500.00	549,000.00
<i>1.3.4 Home Office Fee (5%)</i>	1	% of cost	0.05	51,925.23
<i>1.3.5 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	155,775.70
Subtotal (Q1 2019)				1,246,205.62
1.4 Battery Storage System				
<i>1.4.1 Remove Batteries</i>	66	Day	1,737.00	114,642.00
<i>1.4.2 Transport Batteries</i>	33	Day	1,480.00	48,840.00
<i>1.4.3 Battery Disposal and Fee</i>	432	Ton	200.00	86,400.00

Table 7: Updated Retirement Cost Estimate Q3 2025 Dollars

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
<i>1.4.4 Structure Demolition</i>	429	Ton	111.00	47,619.00
<i>1.4.5 Structural Trucking</i>	33	Each	1,375.00	45,375.00
<i>1.4.6 Structure Disposal</i>	429	Ton	30.00	12,870.00
<i>1.4.7 Home Office Fee (5%)</i>	1	% of cost	0.05	17,787.30
<i>1.4.8 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	53,361.90
Subtotal (Q1 2019)				426,895.20
All Tasks, Subtotal (Q1 2019)				6,867,344.54
All Tasks, Subtotal, Exclude Battery (Q1 2019)				6,440,449.34
Update for Q2 2021 Dollars GDP Deflator Q1 2019: 111.4970 GDP Deflator Q2 2021: 117.337 Percent increase due to inflation: 0.052				
<i>Q2 2021 increase due to inflation (subtotal*rate) (Exclude Battery)</i>				334,903.37
<i>Q2 2021 increase due to inflation (subtotal*rate) (Battery Only)</i>				22,198.55
Subtotal in Q2 2021 Dollars (Exclude Battery)				6,775,352.71
Subtotal in Q2 2021 Dollars (Only Battery)				449,093.75
Council Applied Contingencies				
			Contingency	Estimate (\$)
Performance and Payment Bond (1%)			0.01	72,244.46
Administration and Project Management (10%)			0.10	722,444.65
Future Development (Exclude Battery) (10%)			0.10	677,535.27
Future Development (Battery Only) (10%)			0.20	89,818.75
Subtotal				1,562,043.13
TOTAL ESTIMATED COST (Q2 2021)				8,786,489.59
Rounded to Nearest 1,000 (Q2 2021)				8,786,000.00
TOTAL ESTIMATED COST (Q3 2025)				10,489,506.47
Rounded to Nearest 1,000 (Q3 2025)				10,490,000.00
Notes: 1. The total estimated retirement cost for the Sunset Solar Project approved by the Council in 2021 is \$8,640,000 (Condition PRE-RT-01 in the 2021 Sunset Solar Project Site Certificate. The approved cost estimate table can be found in Table 5 of the 2021 Bakeoven Solar Project Final Order on Amendment 1: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf . 2. 2021 costs adjusted to Q3 2025 dollars, specially using August 2025 adjustment value of 1.254.				

1 *Ability of the Certificate Holder to Obtain a Bond or Letter of Credit*

2
3 As described in Section III.B, *Organizational Expertise*, Avangrid Power, LLC is the parent
4 company to several other EFSC operational facilities, including Montague Wind Power Facility
5 (certificate holder - Montague Wind Power Facility, LLC), Pachwaywit Solar Facility (formally
6 known as Montague Solar Facility) (certificate holder - Montague Solar, LLC) and Golden Hills
7 Wind Project (certificate holder – Golden Hills Wind, LLC).⁴² Under OAR 345-25-0006(8), the
8 Council must impose a condition in each site certificate requiring certificate holders to submit
9 and maintain a bond or letter of credit in a form and amount satisfactory to the Council to
10 restore the site to a useful, non-hazardous condition. The certificate holders, under Avangrid
11 Power, as the parent company, have consistently maintained and annually submitted bonds
12 from Council-approved financial institutions for the above-listed energy facilities. Based on the
13 compliance history for maintaining bonds for other EFSC facilities with Avangrid Power, the
14 Department recommends Council find that this supports the ability of Sunset Solar, LLC., to
15 obtain and maintain a bond or letter of credit.

16
17 RFA1 Attachment 7 includes a financial assurance letter with a CHUBB Limited letterhead dated
18 August 5, 2025. The letter indicates that Federal insurance Company (FIC), a Council-approved
19 financial institution,⁴³ represents Avangrid for its surety bonding, that Avangrid has an
20 aggregate limit of \$300,000,000, and FIC will give favorable consideration for providing the
21 required payment bonds.⁴⁴ The Department recommends that the financial assurance from a
22 Council-approved financial institution, also supports the certificate holders ability to obtain a
23 bond or letter of credit in the amount estimated to retire the facility to a useful, non-hazardous
24 condition.

25
26 Council previously imposed Retirement and Financial Assurance Condition 5, which stipulates
27 when the certificate holder must update and submit the bond or letter of credit to the
28 Department. Because RFA1 adjusts the total cost estimate from 2019 unit costs to 2025 dollars,
29 and because the references within the conditions would need to cite to the Final Order on RFA1
30 for the Sunset Solar Project, the Department recommends amending Retirement and Financial
31 Assurance Condition 5, as provided below:

32
33 **Recommended Amended Retirement and Financial Assurance Condition 5 (PRE):**

34 Before beginning construction of the facility, facility component or phase, the
35 certificate holder shall submit to the State of Oregon, through the Council, a bond or
36 letter of credit naming the State of Oregon, acting by and through the Council, as
37 beneficiary or payee. The total bond or letter of credit amount for the facility is
38 \$10,490,000~~8,640,000~~ million dollars (Q3 2025 ~~2021~~ dollars), to be adjusted to the

⁴² Montague Wind Power Facility has been in commercial operation since October 2019; Pachwaywit Solar Facility has been in commercial operation since April 2023; Golden Hills Wind Project has been in commercial operation since April 2022.

⁴³ 2025 EFSC Approved Financial Institution List.

⁴⁴ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 7.

1 date of issuance, and adjusted on an annual basis thereafter, as described in sub-
2 paragraph (b) of this condition:

- 3 a. The certificate holder may adjust the amount of the bond or letter of credit
4 based on the design configuration of the facility, facility component or phase-,
5 by applying the unit costs, general costs, and contingencies illustrated in ~~7-5~~ of
6 the Final Order on Request for Amendment 1 for the Sunset Bakeoven Solar
7 Project. The certificate holder may provide a bond or letter of credit for the
8 facility, facility component or phase, based on the unit costs and general costs
9 illustrated in Table ~~7-5~~ of the Final Order on Request for Amendment 1 for the
10 Sunset Bakeoven Solar Project. Any revision to the restoration costs should be
11 adjusted to the date of issuance as described in (b). Any modification to the unit
12 costs presented in Table ~~5-7~~ of the Final Order on Request for Amendment 1 of
13 the ~~Bakeoven~~ Sunset Solar Project subject to review and approval by the
14 Council.
- 15 b. The certificate holder shall adjust the amount of the bond or letter of credit
16 using the following calculation:
- 17 1. Adjust the amount of the bond or letter of credit (expressed in ~~Q3 2025~~
18 ~~2021~~ dollars) to present value, using the U.S. Gross Domestic Product
19 Implicit Price Deflator, Chain-Weight, as published in the Oregon
20 Department of Administrative Services' "Oregon Economic and Revenue
21 Forecast" or by any successor agency and using the ~~third second~~ quarter
22 ~~2025 2021~~ index value and the quarterly index value for the date of
23 issuance of the new bond or letter of credit. If at any time the index is no
24 longer published, the Council shall select a comparable calculation to
25 adjust ~~third second~~ quarter ~~2025 21~~ dollars to present value.
 - 26 2. Round the result total to the nearest \$1,000 to determine the financial
27 assurance amount.
- 28 c. The certificate holder shall use an issuer of the bond or letter of credit approved
29 by the Council, based on the Council's pre-approved financial institution list.
- 30 d. The certificate holder shall use a form of bond or letter of credit approved by the
31 Council. The certificate holder shall describe the status of the bond or letter of
32 credit in the annual report submitted to the Council under OAR 345-026-0080.
33 The bond or letter of credit shall not be subject to revocation or reduction before
34 retirement of the facility site.

35 [PRE-RT-02, Final Order on Bakeoven ASC (2020), Bakeoven AMD1 (2021), Final Order
36 on SSF AMD1]

37
38 The Council previously imposed conditions that require the certificate holder to restore the
39 facility site to a useful, non-hazardous condition following permanent cessation of construction
40 or operation: In the Final Order on Bakeoven RFA1, the Council split the retirement estimates
41 for the three facilities and maintained Financial and Retirement Conditions 1-4 for all three site
42 certificates.

- Retirement and Financial Assurance Condition 1 (GEN-RT-01) requires the certificate holder to prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition.
- Retirement and Financial Assurance Condition 2 (RET-RT-01) requires the certificate holder to retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility.
- Retirement and Financial Assurance Condition 3 (RET-RT-02) requires the certificate holder to retire the facility in compliance with an approved final retirement plan to restore the site to a useful, nonhazardous condition and that Council must find it has been restored per the requirements of the plan prior to terminating the site certificate.
- Retirement and Financial Assurance Condition 4 (PRE-RT-01) requires the certificate holder to submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition and maintain and update it for the life of the facility.

III.G.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and amended site certificate conditions described above, the Department recommends the Council find that the amount of the bond or letter of credit is sufficient to adequately restore the site to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility, and that the certificate holder has a reasonable likelihood of obtaining a bond or letter of credit.

III.H. FISH AND WILDLIFE HABITAT: OAR 345-022-0060

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

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

(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.⁴⁵

(3) To assist the Council in determining whether the standard outlined in (1) through (2) has been met, the Applicant must submit information about the fish and wildlife habitat

⁴⁵ OAR 345-022-0060, effective Mar. 8, 2017.(2) Not applicable to the Sunset site boundary or analysis area.

1 and the fish and wildlife species, other than the species addressed in OAR-022-0070(3)
2 (the Threatened and Endangered Species Exhibit) that could be affected by the proposed
3 facility, providing evidence to support a finding by the Council as required by this rule.
4

5 The applicant must include:

- 6 (a) A description of biological and botanical surveys performed that support the
7 information in this exhibit, including a discussion of the timing and scope of each
8 survey;
9 (b) Identification of all fish and wildlife habitat in the analysis area, classified by the
10 general fish and wildlife habitat categories as set forth in OAR 635-415-0025 and the
11 sage-grouse specific habitats described in the Greater Sage-Grouse Conservation
12 Strategy for Oregon at OAR 635-140-0000 through 635-140-0025 (core, low density,
13 and general habitats), and a description of the characteristics and condition of that
14 habitat in the analysis area, including a table of the areas of permanent disturbance
15 and temporary disturbance (in acres) in each habitat category and subtype;
16 (c) A map showing the locations of the habitat identified in (b);
17 (d) Based on consultation with the Oregon Department of Fish and Wildlife (ODFW) and
18 appropriate field study and literature review, identification of all State Sensitive
19 Species that might be present in the analysis area and a discussion of any site-
20 specific issues of concern to ODFW;
21 (e) A baseline survey of the use of habitat in the analysis area by species identified in (d)
22 performed according to a protocol approved by the Department and ODFW;
23 (f) A description of the nature, extent and duration of potential adverse impacts on the
24 habitat identified in (b) and species identified in (d) that could result from
25 construction, operation and retirement of the proposed facility;
26 (g) A description of any measures proposed by the applicant to avoid, reduce, or
27 mitigate the potential adverse impacts described in (f) in accordance with the
28 general fish and wildlife habitat mitigation goals and standards described in OAR
29 635-415-0025 and a description of any measures proposed by the applicant to avoid,
30 minimize, and provide compensatory mitigation for the potential adverse impacts
31 described in (f) in accordance with the sage-grouse specific habitat mitigation
32 requirements described in the Greater Sage-Grouse Conservation Strategy for
33 Oregon at OAR 635-140-0000 through 635-140-0025, and a discussion of how the
34 proposed measures would achieve those goals and requirements; and
35 (h) A description of the applicant's proposed monitoring plans to evaluate the success of
36 the measures described in (g).⁴⁶
37

38 **III.H.1. Findings of Fact**
39

⁴⁶OAR 345-022-0060. Division 22 changes. EFSC 2-2025, amend filed 04/02/2025, effective 04/02/2025 Available at: <https://secure.sos.state.or.us/oard/viewReceiptTRIM.action?ptId=10939593>

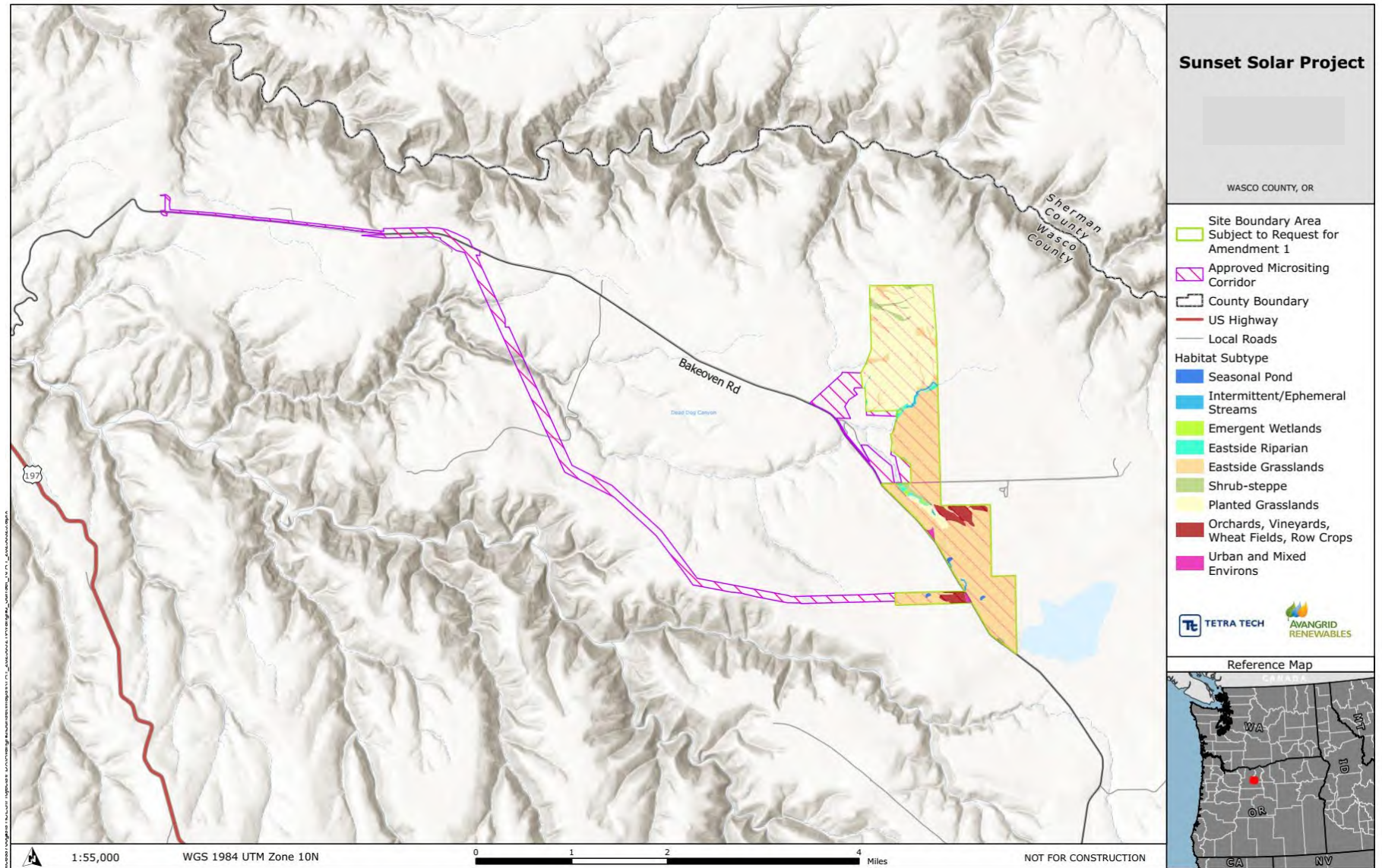
1 The analysis area for potential impacts to fish and wildlife habitat is the area within and
2 extending ½-mile from the RFA1 site boundary.⁴⁷

3
4 Fish and Wildlife Habitat within the Analysis Area

5 The RFA1 analysis area is located within ODFW's designated Category 2 habitat due to the
6 location of habitat within big game winter range and Category 6 cultivated agricultural lands.
7 Lands that are actively used for cultivated agriculture, even if within ODFW's designated
8 Category 2 habitat, are excluded from Category 2 designation and considered Category 6
9 habitat. While all Category 2 or 6 habitat, there are various habitat types within the RFA1
10 analysis area as presented in Figure 3 below.

⁴⁷ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending ½-mile from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending ½-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Figure 3: Habitat Types within the RFA1 Analysis Area



Permanent Habitat Impacts

Sunset Solar Project site boundary and micrositeing area include 1,870 acres. Therefore, the facility could have up to 1,870 acres of Category 2 and 6 permanent impacts. As required under this standard, permanent 2 habitat impacts must be mitigated consistent with ODFW's Habitat Mitigation Policy and mitigation goal, as follows:⁴⁸

"Habitat Category 2" is essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.

(a) The mitigation goal if impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.

Council previously imposed Fish and Wildlife Habitat Condition 3 (GEN-FW-03) requiring that, prior to construction, the certificate holder finalize the draft Habitat Mitigation Plan (HMP) provide in Attachment P-3 of this order; and that, during construction and operation, the certificate holder adhere to the requirements of the final HMP. The Council previously determined that the draft Habitat Mitigation Plan (HMP) provided in Attachment P-3 of this order demonstrated consistency with the Category 2 habitat mitigation goal (no net loss and net benefit in habitat quality and quantity). Specifically, the draft HMP includes two viable mitigation options, summarized below:

- Option 1: Provide a lump sum payment to a third-party land trust entity to support a large land acquisition of land with similar habitat quality and quantity as the habitat to be impacted, that would then be managed and maintained for habitat enhancement and conservation consistent with the enhancement actions outlined in the draft HMP, into perpetuity via the terms and requirements of an executed memorandum of understanding between certificate holder and third-party. The land would be secured from future development through a long-term easement and property rights held by the third-party land management entity.
- Option 2: Certificate holder would work with landowners to secure rights to a permanent conservation easement on a habitat mitigation area (HMA) in-proximity to the site boundary, which contains similar habitat quality and quantity as the habitat to be impacted.

For either compensatory mitigation option, the draft HMP identifies the amount of habitat (in acres) to be secured and protected for the life of the facility, which is based on a ratio offering more acreage than would be impacted, as presented in Table 8 below.

Table 8: Category 2 Mitigation Goal Requirements for Habitat Quantity

Final Habitat Category¹	Habitat Category based on Function²	Mitigation Ratio - Permanent	Mitigation Ratio - Temporal
2	2	1.5:1	0.5:1 for Shrub Steppe habitat

⁴⁸ OAR 635-415-0025(2).

Table 8: Category 2 Mitigation Goal Requirements for Habitat Quantity

Final Habitat Category¹	Habitat Category based on Function²	Mitigation Ratio - Permanent	Mitigation Ratio - Temporal
	3	1.3: 1	0.5:1 for Shrub Steppe habitat
	4	1.2: 1	None
	5	1.1: 1	None
6	6	None	None

Notes:

1. Final category following application of ODFW Designated Mule Deer Winter Range overlay.
2. Habitat category based on function, which is used to scale the mitigation ratio for purposes of meeting the no net loss in habitat quality obligation for Category 2 habitat impacts.

As evidence of its ability to secure mitigation required under Fish and Wildlife Habitat Condition 3 (GEN-FW-03) for this facility, RFA1 includes written confirmation from Deschutes Land Trust's Conservation Director Natasha Bellis that two other certificate holders with similar LLC to parent company relationships, Bakeoven Solar, LLC and Day Break Solar, LLC to Avangrid Power, LLC, fulfilled the payment terms of their habitat mitigation obligation, similar to Option 1 described above.⁴⁹

Temporary Habitat Impacts

Temporary habitat impacts are habitat impacts from construction-related disturbance that occur outside of the perimeter fenceline, excluding temporary disturbance in the marginal exterior fenceline area. If there are temporary habitat impacts resulting from facility construction, the requirements of the Revegetation Plan under Fish and Wildlife Habitat Condition 1 (GEN-FW-01) apply. Fish and Wildlife Habitat Condition 1 (GEN-FW-01) requires that, prior to construction, the certificate holder finalize its draft Revegetation Plan (Attachment P-1 of this order); and that, during construction and operation, the certificate holder adhere to the requirements of the final Revegetation Plan. Finalization includes identification of monitoring sites, including both reference and monitoring sites, for each habitat subtype to be impacted by the facility. The certificate holder would be obligated to monitor and report on the success of revegetation at the identified monitoring sites. Success would be measured, as specified in the draft plan, based on percentage of desirable vegetation cover, vegetation density and weed cover. The plan requires the certificate holder to conduct annual monitoring of monitoring sites for the first 5-years post-construction and would ultimately be based on the impacted habitat recovery period.

Draft Noxious Weed Control Plan

Noxious weed control is required at the site, both within the fenceline and outside of the fenceline in areas of temporary disturbance and/or site control by the certificate holder. If there are temporary habitat impacts outside of the perimeter fenceline, noxious weed control

⁴⁹ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 4.

1 is critical for habitat restoration success. If there are not temporary habitat impacts outside of
2 the perimeter fenceline, the regulatory nexus for noxious weed control pivots to the Land Use
3 standard/LCDC's minimal requirements for conditional uses with agricultural zoned lands (OAR
4 660-033-0330(38). Council previously imposed Fish and Wildlife Habitat Condition 2 (GEN-FW-
5 02) requiring that, prior to construction, certificate holder finalize the draft Noxious Weed
6 Control Plan, as provided in Attachment P-2 of this order; and that, during construction and
7 operation, the certificate holder adhere to the requirements of the final Noxious Weed Control
8 Plan.

9
10 The certificate holder seeks approval to add sheep grazing to the Noxious Weed Control Plan as
11 a potential vegetation management/noxious weed treatment option. Use of onsite sheep
12 grazing would include herders, which would be onsite 24 hours per day. The sheep would be
13 within the fenced site during the day, and penned at night. Certificate holder would notify
14 adjacent landowners of use of sheep grazing onsite.

15
16 ODFW expressed concerns about the risk of disease transfer from domestic sheep to bighorn
17 sheep.⁵⁰ ODFW requested that the certificate holder implement best management practices,
18 such as monitoring of fence integrity; double fencing; reporting sightings of bighorn sheep to
19 ODFW; and reporting status and composition of onsite flock, to minimize disease transfer risk.⁵¹

20
21 Because the site is located in ODFW-designated Category 2 big-game habitat, the Department
22 recommends Council amend Fish and Wildlife Habitat Condition 2 (GEN-FW-02) requiring that
23 the certificate holder consult with ODFW on necessary disease risk transfer minimization/best
24 management practices. The Department recommends that Council further amend the draft
25 Noxious Weed Plan to include the proposed list of BMPs to support review of adequate BMPs, if
26 sheep grazing is identified as a potential vegetation management solution at the site.

27
28 Additionally, the certificate holder's proposal omits monitoring and reporting for sheep grazing,
29 and offers an evaluation of sheep grazing only after 5 years of implementation. The
30 Department disagrees that use of sheep grazing under the Noxious Weed Control Plan be
31 omitted from the certificate holder's monitoring and reporting and disagrees that an evaluation
32 only be completed after 5-years. Vegetation management and noxious weed control is dynamic
33 and must be tracked throughout the year, annually, particularly the first 5-years after
34 disturbance. As presented in the draft Amended Noxious Weed Control Plan in Attachment P-2
35 of this order, the Department recommends Council require that the certificate holder monitor
36 and report on the effectiveness of sheep grazing, in a similar manner as would apply to
37 herbicide treatment/grass planting.

38
39 The Department also recommends Council amend Fish and Wildlife Habitat Condition 2 (GEN-
40 FW-02) to remove a preconstruction finalization requirement of establishing the reporting

⁵⁰ SSFAMD1Doc15-1 pRFA1 Reviewing Agency Comment ODFW 2025-09-05

⁵¹ SSFAMD1Doc39-2 DPO Reviewing Agency Comment ODFW 2025-10-10

format, as the reporting format is already included in the draft plan (i.e., this action has been completed).⁵²

Recommended Amended Fish & Wildlife Habitat Condition 2 [GEN-FW-02]:⁵³

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment P-2 of the Final Order on Amendment 1 of the Sunset Solar Project ~~E-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project~~, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum:
 1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted.
 2. ~~Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.~~
- b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan.
- c. Prior to use of sheep grazing at the site, certificate holder shall consult with ODFW and ODOE on Best Management Practices (BMPs) to prevent risk of disease to native bighorn sheep populations. Agreed upon BMPs must be implemented prior to and/or during sheep stocking.
[Fish and Wildlife Habitat Condition 2, Final Order on Bakeoven ASC (2020); AMD1 (2021), Final Order on SSF AMD1]

Council previously imposed the following conditions to minimize potential wildlife impacts during construction:

- Fish and Wildlife Habitat Condition 4 requires that the final facility design include extra gates for wildlife to escape if trapped within the perimeter fence.
- Fish and Wildlife Habitat Condition 5 requires preconstruction raptor nest surveys.
- Fish and Wildlife Habitat Condition 6 requires raptor nest restrictions during construction.
- Fish and Wildlife Habitat Condition 7 requires preconstruction surveys for burrowing owls and ground nesting bird survey requirements

⁵² SSFAMD1Doc39-2 DPO Reviewing Agency Comment ODFW 2025-10-10. In DPO comments, ODFW requests that sub(a)(2) of the Recommended Amended Fish & Wildlife Habitat Condition 2 be maintained. The Department recommends Council refrain from making such change based on the findings presented – the development of the reporting format has already been completed and no longer needs to be included in the list of preconstruction finalization tasks.

⁵³ The Department recommends (a)(2) of the condition be removed because the draft Noxious Weed Plan includes the certificate holder's proposed reporting format; therefore, this obligation has been satisfied.

- Fish and Wildlife Habitat Condition 8 requires constraints maps be prepared and shared prior to construction showing avoidance and buffer areas, and worker awareness training.

III.H.2. Conclusions of Law

Based on the recommended findings of fact above, the Department recommends that the Council find that the facility, with proposed RFA1 changes, will continue to be consistent with the mitigation goals and requirements of ODFW's Fish and Wildlife Habitat Mitigation Policy under OAR 635-415-0025 and thus complies with the Council's Fish and Wildlife Habitat standard, OAR 345-022-0060(1).

III.I. THREATENED AND ENDANGERED SPECIES: OAR 345-022-0070

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

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

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

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

(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.⁵⁴

III.I.1. Findings of Fact

The analysis area for threatened or endangered (T&E) plant and wildlife species is the area within and extending 5 miles from the RFA1 site boundary.⁵⁵

⁵⁴ OAR 345-022-0070, effective May 15, 2007.

⁵⁵ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 5-miles from the site boundary. As authorized under OAR 345-027-0360(3),

Threatened and Endangered Species within the Analysis Area

There is one state-listed wildlife species, wolverine; and one state-listed T&E plant species, Tygh Valley Milkvetch, with suitable habitat within the analysis area.⁵⁶ Neither listed wildlife or plant species have been identified during surveys conducted ~~at adjacent sites~~ within the site.⁵⁷ The Council previously imposed Threatened and Endangered Species Condition 1 (PRE-TE-01) requiring that, prior to construction, the certificate holder conduct T&E plant surveys. If T&E plants are identified, the condition requires that the certificate holder provide an impact assessment and avoidance and/or mitigation plan for review and approval by the Department in consultation with ODAg.

The original intent of the condition was to apply to areas along the 230 kV transmission line route which had not been surveyed, but had recently been burned by a fire. And, post fire, had the potential to contain suitable habitat for Tygh Valley milkvetch.⁵⁸ The transmission line has been built, and it otherwise appears that the certificate holder has fully surveyed the Sunset Solar Project site boundary/micrositing area for botanical resources. Therefore, the Department recommends that the Council amend that condition to clarify that it applies to unsurveyed areas because the site has been surveyed and to maintain consistency with the original intent of the condition.⁵⁹

~~Because vegetation conditions change over time, to ensure that any listed plant species is protected if identified, the Council previously imposed Threatened and Endangered Species Condition 1 (PRE-TE-01) requiring that, prior to construction, the certificate holder conduct T&E plant surveys. If T&E plants are identified, the condition requires that the certificate holder provide an impact assessment and avoidance and/or mitigation plan for review and approval by the Department in consultation with ODAg.~~

Recommended Amended Threatened and Endangered Species Condition 1 (PRE-TE-01):

Prior to construction ~~or operation~~ of the facility, facility component or phase, the certificate holder shall:

following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 5-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

⁵⁶ SSFAMD1 Request for Amendment 1 2025-09-05. Section 6.9; and, SSFAMD1 pRFA Reviewing Agency Comment ODAg 2026-06-30.

⁵⁷ BSPAPPDoc6-16 ASC Exhibit P Fish and Wildlife Exhibit 2019-11-04. Attachment P-1 Solar Biological Survey Reports.

⁵⁸ BSPAPPDoc2 Final Order on ASC 2024-04-20, pg. 156-157.

⁵⁹ SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. In DPO comments, the certificate holder requested changes to Recommended Amended Threatened and Endangered Species Condition 1 given that the site had already been surveyed with no T&E plant species observations.

- 1 a. ~~Complete Conduct~~ botanical surveys ~~to confirm the presence or absence of Tygh Valley~~
2 ~~milkvetch, a state listed threatened or endangered plant species, within unsurveyed~~
3 ~~areas of permanent or temporary disturbance. The certificate holder shall submit a~~
4 ~~survey protocol to establish the survey area and methods to the Department for review,~~
5 ~~in consultation with the Oregon Department of Agriculture or third party consultant.~~
6 i. ~~If any T&E species are identified and cannot be avoided, certificate holder must~~
7 ~~submit an Amendment Determination Request to the Department for a~~
8 ~~determination whether the impacts and mitigation must be reviewed by Council~~
9 ~~through the site certificate amendment process.~~
10 ii. ~~If the impacts and mitigation are determined by the Department not to require~~
11 ~~review through the Council's site certificate amendment process, certificate holder~~
12 ~~shall implement and adhere to the mitigation requirements approved by the~~
13 ~~Department.~~
14 b. ~~If the pre-construction surveys identify Tygh Valley milkvetch, or any other state~~
15 ~~threatened or endangered plant species, the certificate holder shall complete an impact~~
16 ~~assessment to determine whether temporary or permanent impacts would significantly~~
17 ~~reduce the likelihood of survivability or recovery of the impacted species, and shall~~
18 ~~propose mitigation, as determined appropriate by the Department, in consultation with~~
19 ~~the Oregon Department of Agriculture or its third party consultant, as necessary.~~
20

21 III.I.2. Conclusions of Law

22

23 Based on the foregoing recommended findings of fact, and subject to compliance with the
24 existing site certificate condition described above, the Department recommends the Council
25 find that the design, construction and operation of the facility, with the proposed changes, are
26 not likely to cause a significant reduction in the likelihood of survival or recovery of species
27 listed as threatened or endangered by the Oregon Department of Agriculture or Oregon Fish
28 and Wildlife Commission.
29

30 III.J. **SCENIC RESOURCES: OAR 345-022-0080**

31

32 *(1) To issue a site certificate, the Council must find that the design,*
33 *construction and operation of the facility, taking into account mitigation, are*
34 *not likely to result in significant adverse visual impacts to significant or*
35 *important scenic resources.*
36

37 *(2) The Council may issue a site certificate for a special criteria facility under*
38 *OAR 345-015-0310 without making the findings described in section (1). In*
39 *issuing such a site certificate, the Council may impose conditions of approval*
40 *to minimize the potential significant adverse visual impacts from the design,*
41 *construction, and operation of the facility on significant or important scenic*
42 *resources.*
43

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

5
6 (4) The Council shall apply the version of this rule adopted under
7 Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the
8 review of any Application for Site Certificate or Request for Amendment that
9 was determined to be complete under OAR 345-015-0190 or 345-027-0363
10 before the effective date of this rule. Nothing in this section waives the
11 obligations of the certificate holder and Council to abide by local ordinances,
12 state law, and other rules of the Council for the construction and operation of
13 energy facilities in effect on the date the site certificate or amended site
14 certificate is executed.⁶⁰

15 16 **III.J.1. Findings of Fact**

17 18 *Scenic Resources in the Analysis Area*

19
20 The analysis area for RFA1 includes the area within and extending 10 miles from the RFA1 site
21 boundary.⁶¹

22 23 Management Plans Applicable to Lands within the RFA1 Analysis Area

24
25 Land management plans applicable within the RFA1 analysis area are presented in Table 10
26 below. These land management plans were evaluated to determine whether there are any new
27 important or significant scenic resources within the RFA1 analysis area since the Council's prior
28 evaluation for this facility.

⁶⁰ OAR 345-022-0080, effective December 19, 2022.

⁶¹ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 10-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 10-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Table 9: Land Management Plans and Scenic Resources

Management Plan Reviewed for RFA1	Scenic Resources Identified in Plan	Changes Since Council's Last Review?	Council's previous findings Bakeoven ASC
Wasco County Comprehensive Plan ¹	Yes	Updated in 2022 – no applicable changes.	No significant impact. No further evaluation required.
Sherman County Comprehensive Land Use Plan ²	Yes	No	No significant impact. No further evaluation required.
City of Maupin Comprehensive Land Use Plan ³	No	No	N/A
Shaniko Comprehensive Land Use Plan ⁴	No	No	N/A
Two Rivers Resource Management Plan ⁵	Yes	No	No significant impact. No further evaluation required
Lower Deschutes River Management Plan Record of Decision ⁶	Yes	No	No significant impact. No further evaluation required
White River National Wild and Scenic River Management Plan ⁷	Yes	No	No significant impact. No further evaluation required.
Sources: 1. Wasco County. 2022b. Wasco County 2040 Comprehensive Plan. Available online at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/WascoCounty2040_2022Update.pdf 2. Sherman County. 2007. Comprehensive Land Use Plan Sherman County Oregon 1994, as updated through 2007. Available online at: https://www.co.sherman.or.us/documents/comprehensive-land-use-plan/ 3. City of Maupin, Oregon. Comprehensive Land Use Plan. Available online at: https://cityofmaupin.org/wp-content/uploads/2020/04/Maupin-Comprehensive-Land-Use-Plan.pdf 4. Shaniko, Oregon. 1978. Shaniko Comprehensive Land Use Plan. Available online at: https://scholarsbank.uoregon.edu/server/api/core/bitstreams/14c92b3f-0953-4cf0-8592-d9fba0616f5e/content 5. U.S. Department of the Interior, Bureau of Land Management (BLM). 1986. Two Rivers Resource Management Plan Record of Decision. Prineville District Office. Prineville, Oregon. https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=47545 6. BLM. 1993; 2016. Lower Deschutes River Management Plan Record of Decision. Prineville, Oregon. https://www.rivers.gov/documents/plans/lower-deschutes-rod.pdf 7. U.S. Department of Agriculture, Forest Service. 1994. White River National Wild and Scenic River Management Plan. Pacific Northwest Region. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_036576.pdf			

1 Based upon review of the applicable land management plans presented in Table 10, there are
2 no new important or significant scenic resources within the RFA1 analysis area.

3
4 As previously evaluated by the Council, there are 3 significant and important Scenic Resources
5 in the 10-mile analysis area:⁶²

- 6
7 • Deschutes River Canyon: (Areas within the river canyon that can be seen from the
8 Deschutes River or lands designated under the State Scenic Rivers Act.)

9
10 Portions of the designated Deschutes River scenic waterway are within the analysis area; these
11 important scenic resources identified in the Wasco County Comprehensive Plan (WCCP),
12 Sherman County Comprehensive Land Use Plan (SCCLUP), and the federal Lower Deschutes
13 River Management Plan, and Two Rivers Resource Management Plan.

- 14
15 • White River: (Lands within the river canyon, or lands within approximately 4 miles of the
16 river.)

17
18 Portions of the designated White River scenic waterway are within the analysis area and are
19 identified as scenic resources in the WCCP and the federal White River National Wild and Scenic
20 River Management Plan.

- 21
22 • Designated Scenic Highway Routes:

23
24 The WCCP and the SCCLUP identified portions of segments of 5 highways in the analysis area as
25 designated scenic areas: U.S. Highway (US) 97, US 97/197, US 197, Oregon Highway (OR) 216,
26 and OR 218.

27
28 Council previously evaluated the potential visual impacts from facility components and
29 structures and the loss of vegetation on any significant or important Scenic Resource and found
30 that the facility would not have a significant visual impact on any of those Scenic Resources.

31
32 Because RFA1 proposes no changes in the location of facility structures or changes in
33 vegetation from what was previously evaluated by Council, and because no new or additional
34 Scenic Resources have been identified since Council's last review, the Department recommends
35 that Council continue to rely on its previous findings. The Council previously found that the
36 design, construction and operation of the facility was not likely to result in significant adverse
37 impacts to any scenic resource, in compliance with Council's Scenic Resources standard.

38 39 **III.J.2. Conclusions of Law**

40
41 Based on the foregoing recommended findings of fact, the Department recommends the
42 Council find that the that the design, construction and operation of the facility, with proposed

⁶² BSPAPDoc6 18 Exhibit R. Scenic 2019-11-04

RFA1 changes, are not likely to result in significant adverse visual impacts to significant or important scenic resources.

III.K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;

(b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and

(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.⁶³

III.K.1. Findings of Fact

The analysis area for the Historic, Cultural and Archaeological Resources standard includes the area within the RFA1 site boundary.⁶⁴

⁶³ OAR 345-022-0090, effective May 15, 2007, amended by minor correction filed on July 31, 2019.

⁶⁴ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

The entire RFA1 analysis area has been previously surveyed for historic, cultural and archaeological resources as part of the evaluation for the Bakeoven ASC.⁶⁵ Those studies, including record searches and field surveys conducted in 2018 and 2019, identified eighteen archeological sites, including two with historic built components, and 22 isolates. Of those sites, four sites were unevaluated but conservatively treated as potentially/likely eligible for listing on the National Register of Historic Places (NRHP). Impacts to these resources would be avoided through a requirement that the certificate holder adhere to a 20 meter avoidance buffer around the identified site. The Department and certificate holder consulted with the Oregon State Historic Preservation Office (SHPO) in 2019 and on October 4, 2019 the SHPO concurred with the findings and recommendations on NRHP eligibility and avoidance.⁶⁶ In the Final Order on the Bakeoven ASC the Council agreed with those findings.

Based on those Bakeoven ASC studies, the certificate holder has identified nine (9) archaeological resources within the Sunset RFA1 site boundary/analysis area. These include one historic archaeological site (historic homestead remains and associated equipment and historic artifacts), three stacked rock features, one historic-era refuse scatter, three check dam features (one with a historic road segment), and one isolated piece of farm equipment. The historic archaeological site (35 WS 00782) is a homestead in ruin and is considered NRHP-eligible. The archaeological resources identified within the Sunset RFA1 analysis area are summarized in the table below.

Table 10: Archaeological Resources in RFA1 Analysis Area

Site No.	Type	Description	Date Range	NRHP Status
Archaeological sites				
35WS 00775	Stacked rock feature	Roughly one meter in height, stacked in a rectangular plan. Heavily eroded and collapsed.	Indeterminate	Not eligible
35WS 00777	Stacked rock feature	Two similarly sized basalt cobble rock stacks with sheet metal refuse nearby.	Historic	Not eligible
35WS 00778	Stacked rock feature	Three similarly sized volcanic rock and basalt cobble rock stacks with sheet metal refuse nearby.	Historic	Not eligible
35WS 00780	Check Dam	Basalt cobble dam between two earthen berms. Nearby associated artifacts include one metal bucket with crimped solder	Historic	Not eligible

⁶⁵ BSPAPDoc6 19 Exhibit S. Cultural 2019-11-04.

⁶⁶ BSPAPDoc4-10 pASC Reviewing Agency Comment SHPO Pouley 2019-10-04; BSPAPDoc4 pASC Reviewing Agency Comment SHPO Schwartz 2019-06-19.

Table 10: Archaeological Resources in RFA1 Analysis Area

Site No.	Type	Description	Date Range	NRHP Status
		seems and one crushed can fragment.		
35WS 00781	Check Dam	Cobble dam with associated artifacts, which include: one handmade horseshoe, two square cut nails, wood fence post fragments, and one small length of baling wire.	Historic	Not eligible
35WS 00782	Homestead	Twelve features, including a dwelling, barn, foundations, dams, and walls. It also contains thousands of metal, glass (including solarized amethyst), and ceramic fragments.	Historic	Unevaluated/ Assumed Eligible
35WS 00783	Historic-period Road and Check Dam	The road is an unimproved road with rock-lined borders. The check dam spans a drainage and is constructed with approximately 200 basalt boulders. Associated artifacts include a dozen steel cans.	Historic	Not eligible
35WS 00786	Refuse Scatter	The artifact scatter consists of two barrel straps, a large bucket, a lard pale, a cake pan, a gas can, an ornate handled lid, three crushed cans, four brown glass fragments, and two aqua glass fragments.	Historic	Not eligible
Isolates				
SY05	Sickle	Sickle bar mower	Historic	Not eligible

The certificate holder relied on previous surveys and findings for RFA1, and no additional field surveys were conducted. No new sites or resources have been identified since the 2018 surveys within the Sunset RFA1 analysis area.

Site 35-WS-00782

1 Site 35-WS-00782 (recorded as part of the Bakeoven ASC⁶⁷) is an historic archeological site
2 consisting of a historic-period homestead in ruin and associated artifact concentration. The
3 visible features documented include: house, barn, large tractor wheel and axle, and a concrete
4 cistern. Based on site access restrictions at the time of the Bakeoven ASC surveys, the
5 certificate holder was unable to fully evaluate NRHP eligibility, but recommended it be treated
6 as likely NRHP-eligible and avoided. SHPO concurred.⁶⁸ In the Final Order on the Bakeoven ASC
7 the Council agreed with the certificate holder's discovery measures and impact avoidance.

8
9 The Council previously found that with avoidance measures, and adherence to an Inadvertent
10 Discovery Plan, there would be no significant direct impact because of the construction or
11 operation of the facility, and that with avoidance, there would likely be no adverse indirect
12 impacts on the site. RFA1 does not propose any changes that would impact Council's previous
13 findings.

14
15 In the Final Order on the Bakeoven ASC, Council imposed Historic, Cultural and Archaeological
16 Condition 1 (GEN-HC-01). The Department recommends the condition be amended to clarify
17 that finalization of the Inadvertent Discovery Plan is limited to updating the relevant tribal,
18 state government and site personnel information. Subsequently, there is no need for the
19 condition to include a substantive review and approval step by the Department. These
20 recommended changes are presented below:

21
22 **Recommended Amended Historic, Cultural and Archeological Condition 1 (GEN-HC-**
23 **01):** The certificate holder shall:

- 24 a. Prior to construction of the facility or any phase of the facility, finalize the contact
25 information in the draft Inadvertent Discovery Plan, as provided in Attachment X of
26 the Final Order on ASCAmendment 1 of the Sunset Solar Project, ~~based on review~~
27 ~~and concurrence from the Department, in consultation with SHPO or the~~
28 ~~Department's third-party contractor.~~
- 29 b. During construction of the facility or any phase of the facility, require all onsite
30 personnel to complete Worker Environmental Awareness Training provided by a
31 qualified archeologist as defined in OAR 736-051-0070 to properly identify sensitive
32 historic, cultural and archeological resources that could be inadvertently uncovered
33 during construction, and on measures to avoid accidental damage to such resources.
34 Records of all trainings shall be maintained onsite during construction.
- 35 c. During construction of the facility or any phase of the facility, ensure its contractors
36 utilize constraint maps to avoid direct impacts from facility components to
37 archeological resources 18-344-002, 35-WS-00782/18-344-008, 18-344-014, 18-344-
38 044. Constraint maps shall also identify the entirety of the areas not included in the
39 pedestrian level ground surveys, if beyond 20-meters, and shall preclude placement
40 of facility components or disturbance impacts unless appropriate field surveys are
41 conducted.

⁶⁷ BSPAPDoc6 19 Exhibit S. Cultural 2019-11-04.

⁶⁸ BSPAPDoc4-10 pASC Reviewing Agency Comment SHPO Pouley 2019-10-04.

- d. During construction and operation of the facility or any phase of the facility, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as ~~reviewed and~~ finalized per sub(a) of this condition. [Historic, Cultural and Archeological Condition 1, Final Order on ASC (2020); AMD1 (2021), Final Order on SSF AMD1]

III.K.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the recommended amended site certificate condition described above, the Department recommends the Council find that the construction and operation of the facility, with the proposed changes, are not likely to result in significant adverse impacts to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places or other archaeological objects or sites identified under OAR 345-022-0090.

III.L. RECREATION: OAR 345-022-0100

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

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

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

(b) The degree of demand;

(c) Outstanding or unusual qualities;

(d) Availability or rareness;

(e) Irreplaceability or irretrievability of the opportunity.

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

1 (4) *The Council must apply the version of this rule adopted under*
2 *Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the*
3 *review of any Application for Site Certificate or Request for Amendment that*
4 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
5 *before the effective date of this rule. Nothing in this section waives the*
6 *obligations of the certificate holder and Council to abide by local ordinances,*
7 *state law, and other rules of the Council for the construction and operation of*
8 *energy facilities in effect on the date the site certificate or amended site*
9 *certificate is executed.*⁶⁹

10
11 **III.L.1. Findings of Fact**

12
13 The analysis area for Recreational Opportunities is 5 miles from the RFA1 site boundary.⁷⁰ Based
14 on Council prior evaluation for this facility and an updated review of OPRD, ODFW and BLM
15 websites, there are no previously identified or new important recreational opportunities within
16 the RFA1 analysis area.⁷¹

17
18 **III.L.2. Conclusions of Law**

19
20 Based on the foregoing analysis, the Department recommends the Council find that
21 the design, construction and operation of a facility, with the proposed changes, are not
22 likely to result in a significant adverse impact to important recreational opportunities.

23
24 **III.M. PUBLIC SERVICES: OAR 345-022-0110**

25
26 (1) *Except for facilities described in sections (2) and (3), to issue a site*
27 *certificate, the Council must find that the construction and operation of the*
28 *facility, taking into account mitigation, are not likely to result in significant*
29 *adverse impact to the ability of public and private providers within the*
30 *analysis area described in the project order to provide: sewers and sewage*
31 *treatment, water, storm water drainage, solid waste management, housing,*
32 *traffic safety, police and fire protection, health care and schools.*

33

⁶⁹ OAR 345-022-0100, effective December 19, 2022.

⁷⁰ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 5-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 5-miles from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

⁷¹ BSPAPPDoc2 Final Order 2025-04-24. Section IV.L. BSPAPPDoc6 20 Exhibit T Recreation 2019-11-04, Attachment T-1.

1 (2) The Council may issue a site certificate for a facility that would produce
2 power from wind, solar or geothermal energy without making the findings
3 described in section (1). However, the Council may apply the requirements of
4 section (1) to impose conditions on a site certificate issued for such a facility.
5

6 (3) The Council may issue a site certificate for a special criteria facility under
7 OAR 345-015-0310 without making the findings described in section (1).
8 However, the Council may apply the requirements of section (1) to impose
9 conditions on a site certificate issued for such a facility.⁷²
10

11 **III.M.1. Findings of Fact**

12

13 The analysis area for potential impacts to public services from construction and operation of
14 the facility is the area within and extending 10-miles from the RFA1 site boundary.⁷³
15

16 The following assumptions are relied upon for the analysis:

- 17 • Construction will likely occur in multiple 9 to 12 month phases.
- 18 • Construction workforce is estimated at 250 workers on average, with a peak of 400
19 workers.
- 20 • Construction-related vehicle trips per day, per phase, are assumed to include 630 truck
21 trips per day (315 roundtrips), with a peak of 750 trips (375 roundtrips).
- 22 • Interstate Highway 84 (I-84), U.S. Highway (US) 197 near The Dalles, and Bakeoven Road
23 are the primary transportation routes for facility construction. Additional construction
24 routes include I-84 to US 97 (Sherman Highway) at Biggs Junction, southbound through
25 the town of Shaniko and US 97 north/northeast to Bakeoven Road.
- 26 • Traffic impacts assume 70 percent of the workforce traffic would use the primary route,
27 20 percent would use the alternate transporter route, and 10 percent would use US 97
28 north to Bakeoven Road.
- 29 • 30 percent of the construction workforce would represent residents (Wasco Sherman,
30 Gilliam, Wheeler and Jefferson counties), and the remainder of workers hired from
31 outside the surrounding four-county area.
- 32 • Estimate average of 175 and a maximum of 280 workers, and then adjusted for average
33 household size, to 560 temporary residents during facility construction.
- 34 • Operational workforce is estimated at 5 to 10 workers, assuming 50 percent are hired
35 from outside the local area, resulting in approximately 15 new permanent residents.

⁷² OAR 345-022-0110, effective April 3, 2002.

⁷³ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 10-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 10-miles from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

- Operational staff would reside locally and would result in minimal increase in vehicle trips per day (i.e. 30 roundtrips per day).

Sewers and Sewage Treatment

Sanitary waste generated during construction will be managed via portable toilets, to be provided and maintained by a licensed subcontractor. During operations and maintenance, sanitary waste will be managed via onsite septic system, to be licensed by DEQ. The facility will not connect to any public sewer or sewage treatment facility. To ensure the onsite septic system is properly designed and permitted, Council previously imposed the following condition:

- Public Services Condition 1 (OPR-PS-01) requiring that the certificate holder obtain a license from DEQ for its onsite septic system.

RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore, the Department recommends that Council rely on its previous findings that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide for waste disposal.

Water Supply

Facility construction is anticipated to use up to 36.8 million gallons of water per year.⁷⁴ Certificate holder was unable to obtain current confirmation from the City of Maupin on their ongoing ability to serve the anticipated construction water demand. Therefore, the Department recommends Council impose the following condition:

Recommended Public Services Condition 6 [GEN]: Prior to and during construction of the facility, facility component or phase, as applicable, the certificate holder shall:

- Identify all water-related needs and estimate daily and annual water demand for each construction phase, as applicable.
- Provide excerpts of agreements or other similar conveyance from the water providing entity to the Department demonstrating that construction activities will be adequately and legally served by service providers or third-party permits.

[Final Order on SSF AMD1, GEN-PS-02]

Facility operations could use up to 1 million gallons of water per year, if solar panel washing is conducted. If solar panel washing is not conducted during O&M, operational water usage would be limited to sanitary uses at the O&M building. The O&M building is approved to include an exempt well (i.e., limited to 5,000 gallons per day). Council previously imposed the following condition:

⁷⁴ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, p.51.

- Public Services Condition 2 (OPR-PS-02) requiring that if a new well is constructed to provide water to the O&M building, the certificate holder must follow the recording requirements under OAR 690-190-0100 and shall not use more than 5,000 gallons of water per day from the onsite well.

As presented above, Department recommends that Council strengthen its prior analysis by imposing a new condition that would require the certificate holder to estimate construction related water demand, and provide evidence to the Department throughout construction of legally securing access to water sources. Based on compliance with the recommended new and existing conditions, the Department recommends Council find that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide water services.

Stormwater Drainage

The facility would not interconnect with any public or private stormwater drainage systems. RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore, the Department recommends that Council rely on its previous findings that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide stormwater management.

Solid Waste Management

Facility construction and operation would result in solid waste generation. Facility construction would generate approximately 4,000 to 7,000 cubic yards of solid waste. Solid waste generated during facility operation would include approximately 6 yards of office waste from the O&M building; and, damaged or defective solar panels, batteries, and other electrical equipment, which is expected to be infrequent. All solid waste generated during facility operation would be collected onsite and recycled at licensed facilities, as feasible.⁷⁵ In April 2025, Wasco County Landfill confirmed its capacity and operational lifespan of 25 years to continue to adequately support the facility's waste management needs while continuing to serve its existing customer base.⁷⁶

Council previously imposed Waste Minimization Condition 1 (GEN-WM-01) requiring that the certificate holder prepare and implement a solid waste management plan to minimize waste and maximize recycling, for each phase of the facility.

RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore, the Department recommends that Council rely on its previous findings that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide solid waste management services.

⁷⁵ BSPAPPDoc2 Final Order on 2020-04-24. Section IV.M. Public Services, Solid Waste Mgmt.

⁷⁶ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 1B.

1
2 *Traffic Safety/Police*
3

4 Facility construction could result in up to 750 average daily trips (ADT) (including worker
5 vehicles, pick-up trucks, material delivery vehicles) on I-84 and Bakeoven Road, 364 ADTs on US
6 197, 92 ADTs on US 97 (north, part of alternate route), and 46 ADTs on US 97 (south,
7 workforce-only).⁷⁷ Traffic safety impacts include road damage and congestion from increased
8 traffic volume; collision; and speeding risks. To address impacts to road conditions and capacity,
9 the Council previously imposed the following condition:

- 10
11 • Public Services Condition 3 (GEN-PS-01) requiring that, prior to construction, certificate
12 holder consult with Wasco County Road Division and Oregon Department of
13 Transportation to identify all applicable permits; execute a Road Use Agreement with
14 Wasco County; consult with Wasco County Public Works Roads Division, City of Maupin,
15 ODOT, and Bureau of Land Management in preparing a Construction Traffic
16 Management Plan, to be approved by the Department and followed during
17 construction.
18

19 In May 2025, Wasco County Sheriff Lane Magill identified serious traffic safety concerns for
20 facility construction based on their experience during the construction of Bakeoven Solar
21 Project and Daybreak Solar Project.⁷⁸ These concerns included, among other issues, 6 motor
22 vehicle accidents attributable to facility construction and numerous (8) speeding violations. The
23 Sheriff stated that these issues suggest, “a pattern of disregard among some solar project
24 employees for the local community and its residents..” and that there is a clear correlation
25 between facility construction and “public safety concerns and demands placed upon the Wasco
26 County Sheriff’s Office.”
27

28 In response to the May 2025 letter, the certificate holder coordinated with the Wasco County
29 Sheriff’s Office in efforts to mitigate any ongoing traffic and public safety issues associated with
30 construction. Specifically, the certificate holder offered, and the Sheriff concurred⁷⁹, on the
31 following set of actions:
32

- 33 1. A twice-annual meeting at the construction site for the Sheriff's Office to provide a
34 status report on construction-related concerns, and for feedback from the Sheriff’s
35 Office to reinforce good behavior with employees, contractors, and subcontractors.
36 Any new requests from the Sheriff introduced during these meetings will need to be
37 reviewed and approved by Avangrid management. These meetings may be waived by
38 the Sheriff’s Office on a case-by-case basis and will not apply to construction activities
39 deemed minor in nature.

⁷⁷ BSPAPDoc2 Final Order on 2020-04-24. Section IV.M. Public Services, Traffic.

⁷⁸ SSFAMD1Doc14 pRFA Reviewing Agency Comment Wasco Co Sheriff 2025-05-27.

⁷⁹ SSFAMD1 Request for Amendment 1 2025-09-05. Attachment 1C, see email dated July 30, 2025 from Sheriff Magill.

2. If there is a change in the onsite or offsite construction manager, the Sheriff's Office will be notified as soon as possible and an additional meeting will be coordinated for the Sheriff to meet and exchange contact information. This action will not apply to construction activities deemed minor in nature.
 3. Avangrid will provide public information about local construction activities (either through a hotline or with local signage). Avangrid contact information will be made publicly available. This action will not apply to construction activities deemed minor in nature.
 4. Onsite security will be provided by the contractor through onsite security personnel and/or physical security system. Security measures will depend on the phase of the project, fencing, and security risk for equipment onsite. Security details will be privately shared with the Sheriff's Office upon request for the Sheriff's information only and any information disclosed by Avangrid shall be treated as confidential information and shall not be disclosed to third parties without Avangrid's prior consent. This action will not apply to construction activities deemed minor in nature.
 5. Avangrid and/or its contractors will provide a designated emergency response location at the construction site for directing emergency responders.
 6. Avangrid will encourage offsite community good behavior and respecting local laws as part of Monthly meetings with contractors. Avangrid will emphasize to contractors the importance of offsite community compliance with local laws.
- The Department presents its evaluation of the certificate holder's actions/response, in the table below.

Table 11: Department's Evaluation of Certificate Holder Response to Wasco County Sheriff's Traffic and Public Safety Concerns

Certificate Holder's Proposal	Department Evaluation	Department Recommendation
A twice-annual meeting at the construction site for the Sheriff's Office to provide a status report on construction-related concerns, and for feedback from the Sheriff's Office to reinforce good behavior with employees, contractors, and subcontractors. Any new requests from the Sheriff introduced during these meetings will need to be reviewed and approved by Avangrid management. These meetings may be waived by the Sheriff's Office on a case-by-case basis and will not apply to construction activities deemed minor in nature.	This commitment appears to require that the Sheriff's Office come to the site, and if they opt not to come to the site or are unavailable, the meeting would not happen. This commitment provides no assurance from the certificate holder that any recommendations made by the Sheriff will be implemented – stating that Sheriff recommendations would be subject to “review and approval by Avangrid management.”	Department recommends that Council strengthen the certificate holder's representation by requiring monthly requests to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures with the report. Every 6-months during construction, certificate holder shall invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts of facility construction. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council. These actions are recommended to be included in Public Services Condition 4 (CON-PS-01) (see below and Attachment 1 of this Order).
If there is a change in the onsite or offsite construction manager, the Sheriff's Office will be notified as soon as possible and an	This is a clear representation and should be required via a condition.	The Department has recommended that Council impose a condition under the Organizational Expertise standard, Organizational Expertise

Table 11: Department's Evaluation of Certificate Holder Response to Wasco County Sheriff's Traffic and Public Safety Concerns

Certificate Holder's Proposal	Department Evaluation	Department Recommendation
additional meeting will be coordinated for the Sheriff to meet and exchange contact information. This action will not apply to construction activities deemed minor in nature.		Condition 7 (CON-OE-01) requiring that, during construction, the certificate holder obtain a qualified, onsite compliance manager responsible for site certificate compliance. In this condition, the Department recommends that any changes in the onsite construction compliance manager be communicated to both the Department and Sheriff's office within 72 hours. (see Organizational Expertise Condition 7 (CON-OE-01) and Attachment 1 of this Order).
Avangrid will provide public information about local construction activities (either through a hotline or with local signage). Avangrid contact information will be made publicly available. This action will not apply to construction activities deemed minor in nature.	This offers limited detail to understand how the hotline or signage would be accessible or effective.	Department recommends that Council not incorporate this representation as a condition as it is unspecific and therefore limited in value.
Onsite security will be provided by the contractor through onsite security personnel and/or physical security system. Security measures will depend on the phase of the project, fencing, and security risk for equipment onsite. Security details will be privately shared with the Sheriff's Office upon request for the Sheriff's information only and any information disclosed by Avangrid shall be treated as confidential information and shall not be	Onsite security and good communication with Sheriff's Office, regarding their onsite security measures, is already required under Public Services Condition 4 (CON-PS-01). Existing condition could benefit from more specificity.	Department recommends that Council amend Public Services Condition 4 (CON-PS-01)(a) to clarify that onsite security will be provided through personnel and/or a physical security system and that communication with Sheriff's Office must include an ongoing discussion of the adequacy of the onsite security measures in minimizing impacts to law enforcement resources. (see recommended amended condition below and Attachment 1 of this Order).

Table 11: Department's Evaluation of Certificate Holder Response to Wasco County Sheriff's Traffic and Public Safety Concerns

Certificate Holder's Proposal	Department Evaluation	Department Recommendation
disclosed to third parties without Avangrid's prior consent. This action will not apply to construction activities deemed minor in nature.		
Avangrid and/or its contractors will provide a designated emergency response location at the construction site for directing emergency responders.	This is a requirement of the WMP under Wildfire Prevention and Risk Mitigation Conditions 1 and 2.	Department recommends that Council not incorporate this representation as a condition as it is already required.
Avangrid will encourage offsite community good behavior and respecting local laws as part of Monthly meetings with contractors. Avangrid will emphasize to contractors the importance of offsite community compliance with local laws.	General Standard Condition 3 (GEN-GS-02) requires that the certificate holder design, construct and operate the facility in compliance with applicable state local laws.	Department recommends that Council not incorporate this representation as a condition as it is already required.

Based on the analysis presented in Table 11 above, the Department recommends Council amend Public Services Condition 4 (CON-PS-01) as follows:

Recommended Amended Public Services Condition 4 (CON-PS-01): During construction of the facility, facility component or phase, the certificate holder shall:

- a. Provide onsite security through onsite security personnel and/or physical security system and maintain good communication between onsite security personnel and the Wasco County Sheriff's Office. Communication must include an evaluation of the adequacy of onsite security measures in minimizing impacts to law enforcement resources in responding to the site.
- b. Monthly, request to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures in the report.
- c. Every 6-months, invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council.
- d. Coordinate with Maupin Ambulance Service and South Wasco County Ambulance Service Area to determine whether a service agreement between certificate holder and service provider is needed. The certificate holder shall notify Wasco County Planning Department and the Department on the outcome of the agreement (WCLUDO Section 5.020(C)).
- e. Notify Wasco County 911 Operations Manager of construction commencement and provide facility location and access information (maps, site address, onsite safety contact information).
[Final Order on Bakeoven ASC (2020), Bakeoven AMD1 (2021), Final Order on Sunset AMD1]

Based on compliance with the recommended new and existing conditions, the Department recommends Council find that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide traffic and police safety services.

Fire

Construction-related fire risks include accidental grass fires. Operations related fire risk include unanticipated equipment malfunction of lithium-ion batteries and vegetation impacts to high-voltage transmission lines. Fire protection services within the RFA1 analysis area include Juniper Flat Rural Fire Protection District and Bakeoven-Shaniko Rangeland Fire Protection Association

(RFPA). Certificate holder executed a services agreement with the RFPA.⁸⁰ On April 10, 2025, the RFPA confirmed that their services would not be impacted by a change in construction deadlines for the facility.⁸¹

As discussed in Section IV.N., *Wildfire Prevention and Risk Mitigation*, RFA1 Attachments 12 and 13 include Construction and Operational Wildfire Mitigation Plans (WMPs). The WMPs require coordination with local fire department and emergency services, and include on site trainings. The WMP's also include onsite fire equipment and water requirements as well as fire season restrictions which would reduce the likelihood of a wildfire spreading offsite and impacting local fire departments.

In addition, Council previously imposed the following additional condition:

- Public Services Condition 5 (PRE-PS-01) requiring that, prior to construction, the certificate holder must coordinate with the Oregon State Fire Marshal's Office to determine if the facility is compliant with applicable Oregon Fire Code requirements for facility components (e.g. emergency access roads, substation, battery storage).

Based on the updated coordination with the RFPA, executed RFPA service agreement, applicable WMPs, the Department recommends Council find that the facility, with proposed RFA1 changes, will not impact service providers ability to provide fire protection services.

Housing

Facility construction would necessitate temporary housing needs for a maximum of up to 280 households, with an average of 175 new households during any phase of construction, with an estimate of 30 percent of construction workers to be hired locally, with the remaining workers representing out of town workers that would commute up to 50-miles for temporary housing. Facility operations would result in 5 to 10 permanent employees and would not be expected to impact local providers of housing service.

For RFA1, the certificate holder assumed that 30 percent of construction workers would be hired locally, with the remaining workers being temporary residents. It is also assumed that these residents would live in hotels, motels, RV parks, rental homes, and other temporary housing within 50 miles of the Facility. A desktop review identified over 1,000 hotel and motel rooms and over 650 rental housing units within 50 miles of the facility, with options located in Maupin, Shaniko, Tygh Valley, The Dalles, and other cities and towns within commuting

⁸⁰ SSFAMD1Doc28 Request for Amendment 1 2025-09-051-A: Bakeoven Shaniko RFPA Service Agreement 2024-01-22

⁸¹ Ibid.

1 distance.⁸² This represents sufficient resources to support the temporary housing needs of
2 facility construction.

3
4 Because there are no proposed RFA1 changes that would impact Council's previous evaluation,
5 the Department recommends that it continue to rely on its previous findings that construction
6 and operation of the facility would not have a significant impact on local housing.

7 8 *Schools and Healthcare*

9
10 Facility construction could result in increased demand of health care providers. As presented
11 above, Council previously imposed Public Services Condition 4 (CON-PS-01)(d) requiring that,
12 during construction, the certificate holder:

- 13
- 14 • Coordinate with Maupin Ambulance Service and South Wasco County Ambulance
15 Service Area to determine whether a service agreement between certificate holder and
16 service provider is needed; and
 - 17 • Notify Wasco County 911 Operations Manager of construction commencement and
18 provide facility location and access information (maps, site address, onsite safety
19 contact information).
- 20

21 RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore,
22 the Department recommends that the Council continue to find that, based on compliance with
23 the recommended amended Public Services Condition 4 (CON-PS-01), that facility, with
24 proposed RFA1 changes, would not be likely to result in significant adverse impacts on the
25 ability of communities to provide health care.

26
27 Facility construction would not be expected to increase demand of school providers due to the
28 temporary nature of the activity and low likelihood that families would relocate permanently.
29 Due to the relatively small number of new temporary residents and new permanent residents,
30 significant new demands are not expected from schools that serve the area. RFA1 does not
31 propose any changes that would affect the Council's prior analysis. Therefore, the Department
32 recommends that Council finds that construction and operation of the facility, with proposed
33 RFA1 changes, are not likely to result in significant adverse impacts to the ability of school
34 providers to provide schools.

35 36 **III.M.2. Conclusions of Law**

37
38 Based on the foregoing analysis, and subject to compliance with the existing and new site
39 certificate conditions described above, the Department recommends the Council continue to
40 find that construction and operation of the facility are not likely to result in significant adverse

⁸² Airbnb. 2025. Accessed August 13, 2025 at <https://www.airbnb.com/>; Booking.com. 2025. Accessed August 13, 2025 at <https://www.booking.com/>; Expedia. 2025. Accessed August 13, 2025 at <https://www.expedia.com/>.

1 impacts to the ability of public and private providers to provide the services listed in OAR 345-
2 022-0110.

3
4 **III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115**

5
6 *(1) To issue a site certificate, the Council must find that:*

7
8 *(a) The applicant has adequately characterized wildfire risk within the analysis*
9 *area using current data from reputable sources, by identifying:*

10
11 *(A) Baseline wildfire risk, based on factors that are expected to remain fixed*
12 *for multiple years, including but not limited to topography, vegetation,*
13 *existing infrastructure, and climate;*

14
15 *(B) Seasonal wildfire risk, based on factors that are expected to remain fixed*
16 *for multiple months but may be dynamic throughout the year, including but*
17 *not limited to, cumulative precipitation and fuel moisture content;*

18
19 *(C) Areas subject to a heightened risk of wildfire, based on the information*
20 *provided under paragraphs (A) and (B) of this subsection;*

21
22 *(D) High-fire consequence areas, including but not limited to areas containing*
23 *residences, critical infrastructure, recreation opportunities, timber and*
24 *agricultural resources, and fire-sensitive wildlife habitat; and*

25
26 *(E) All data sources and methods used to model and identify risks and areas*
27 *under paragraphs (A) through (D) of this subsection.*

28
29 *(b) That the proposed facility will be designed, constructed, and operated in*
30 *compliance with a Wildfire Mitigation Plan approved by the Council. The*
31 *Wildfire Mitigation Plan must, at a minimum:*

32
33 *(A) Identify areas within the site boundary that are subject to a heightened*
34 *risk of wildfire, using current data from reputable sources, and discuss data*
35 *and methods used in the analysis;*

36
37 *(B) Describe the procedures, standards, and time frames that the applicant*
38 *will use to inspect facility components and manage vegetation in the areas*
39 *identified under subsection (a) of this section;*

40
41 *(C) Identify preventative actions and programs that the applicant will carry*
42 *out to minimize the risk of facility components causing wildfire, including*
43 *procedures that will be used to adjust operations during periods of heightened*
44 *wildfire risk;*

1
2 *(D) Identify procedures to minimize risks to public health and safety, the*
3 *health and safety of responders, and damages to resources protected by*
4 *Council standards in the event that a wildfire occurs at the facility site,*
5 *regardless of ignition source; and*

6
7 *(E) Describe methods the applicant will use to ensure that updates of the plan*
8 *incorporate best practices and emerging technologies to minimize and*
9 *mitigate wildfire risk.*

10
11 *(2) The Council may issue a site certificate without making the findings under*
12 *section (1) if it finds that the facility is subject to a Wildfire Protection Plan*
13 *that has been approved in compliance with OAR chapter 860, division 300.*

14
15 *(3) This Standard does not apply to the review of any Application for Site*
16 *Certificate or Request for Amendment that was determined to be complete*
17 *under OAR 345-015-0190 or 345-027-0363 on or before the effective date of*
18 *this rule.⁸³*

19
20 **III.N.1. Findings of Fact**

21
22 The Wildfire Prevention and Risk Mitigation standard requires the Council to find the applicant
23 has adequately characterized wildfire risk associated with a facility using reputable data
24 sources; and under OAR 345-022-0115(1)(b), that the facility would be operated in compliance
25 with a Council-approved wildfire mitigation plan.

26
27 The Council's Wildfire Prevention and Risk Mitigation Standard was adopted in July 2022, after
28 the Final Order on Bakeoven RFA1⁸⁴ and initial Sunset Solar site certificate were issued;
29 however, fire risk and risk prevention associated with the facility were evaluated under the
30 Council's Public Services Standard in the Final Order on the Bakeoven ASC and updated, as
31 applicable in this order.

32
33 The analysis area to evaluate potential wildfire risks is the site boundary and one-half mile from
34 the site boundary are subject to RFA1.⁸⁵

35
36 Based on the certificate holder and Department assessment of wildfire risk at the site and
37 within the analysis area, as described in RFA1 and this order, the Department recommends

⁸³ OAR 345-022-0115, effective July 29, 2022.

⁸⁴ In November 2021 Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project were issued individual site certificates based on splitting facility components approved in the Final Order on the ASC for Bakeoven Solar Project. BSPAMD1Doc11 Final Order 2021-11-19.

⁸⁵ Modifying the RFA1 site boundary under OAR 345-027-0360(3) to omit the gen tie transmission line was discussed and approved during the February 19, 2025 Pre-Amendment Conference. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Council find that wildfire fire is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.

Data Sources

Under OAR 345-022-0115(1)(a), a certificate holder must adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas. Each of these are discussed in this section with a description of the data source, as necessary to support the findings and recommended conclusions. The data sources used to evaluate wildfire risk by the certificate holder and Department include but are not limited to:

- Community Wildfire Protection Plan Planning (CWPP), 2025b Tool Oregon Explorer;
- 2018 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results;
- Oregon Department of Forestry 2025 Wildfire Risk Explorer;
- Wasco County 2024 Community Wildfire Protection Plan;⁸⁶
- Tetra Tech Field Surveys for Habitat Categorization Tetra Tech 2018a, 2018b, 2018c, 2018d, 2021a;
- Landowner agricultural practices (from ASC and RFA1 landowner coordination);
- 2024/2025 National Interagency Fire Center Inter-Agency Fire Perimeter History All Years View and WFIGS Interagency Fire Perimeters;
- 2024 National Wildfire Coordinating Group, Fuels: Surface Fuel Model Descriptions;
- 2025 National Oceanic and Atmospheric Administration, Antelope, Oregon climate data;

Wildfire Risk Analysis

Baseline wildfire risk within the analysis area is evaluated based on factors expected to remain fixed for multiple years, including topography of the site, vegetation, existing infrastructure, regional climate, and burn probability. These are discussed in RFA1, Section 6.14, with the associated Figures in RFA1 as Figures 10a - 10f, this information is incorporated herein and summarized, in part, below.

Wasco County 2024 Community Wildfire Protection Plan (Wasco County CWPP) is a planning tool for the fire and land managers of Wasco County, and provides a framework for local agencies associated with wildfire suppression and protection services to assess the risks and hazards associated with wildland urban interface areas (WUIs) and to identify strategies for reducing those risks. The Wasco County CWPP defines WUIs as any area where the combination of human development and vegetation has the potential to result in negative impacts from wildfire on the community.⁸⁷ The majority of the facility site boundary and analysis area are in

⁸⁶ <https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf> Accessed by the Department 09-05-2025.

⁸⁷ <https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf>, Pp. 15-17.

1 the Vegetated/uninhabited designation with very sparse areas with structure density > 0, and ≥
2 50% cover of wildland vegetation within a 40-acre radius.

3
4 Depending on wind, wildfires tend to travel quicker up steeper slopes and slower on the flatter
5 portions of land. The area within the RFA1 site boundary is parallel to Bakeoven Road, west of
6 US-97, east of US-197, and south of the Deschutes River and has slopes that range from 0 to 25
7 percent. The predominant habitat types within the site boundary include Eastside Grasslands
8 (39 percent and 13 percent, respectively) and Planted Grasslands (34 percent). These are best
9 represented by Fuel Model 122 which makes up 64 percent of the site boundary area and is
10 categorized as moderate load dry climate grass-shrub.⁸⁸ Twenty-nine percent of the site
11 boundary is represented by Fuel Model 102 described as low load, dry climate grasses.
12 Although minimal, two percent of the area within the site boundary has a Fuel Model
13 categorized as non-burnable (NB). The certificate holder provides an updated assessment based
14 on its habitat categorization surveys for the ASC and RFA1 and based on information about
15 agricultural uses on participating and adjacent lands.⁸⁹ The revised wildfire/vegetation analysis
16 indicates Fuel Models that the agricultural lands more closely reflect the vegetation on the
17 ground. Importantly, the areas that are classified as NB, actually are burnable depending on
18 time of harvesting season.⁹⁰

19
20 Based on NOAA climate data between 1991 to 2020 for Antelope, the driest months on average
21 are July, August, and September, typical for this region.

22
23 Wildfire risk metrics include potential wildfire impacts to infrastructure; therefore, wildfire risk
24 is higher in areas where known infrastructure is located. Existing infrastructure within the
25 wildfire analysis area includes the Bakeoven Substation, the existing facility 230-kV transmission
26 line, farming operations which include outbuildings and equipment, and various businesses
27 such as a hunting preserve. An existing 115 kV Wasco County Electric Cooperative transmission
28 line runs adjacent to the facility along Bakeoven Road⁹¹ and an existing 500 kV BPA transmission
29 line runs north to south adjacent to the facility, crossing over Bakeoven Road and the facility
30 transmission line. Three energy facilities are located in the outer analysis area: the Bakeoven

⁸⁸ Fuel model groups are used in the Oregon Community Wildfire Protection Plan (CWPP) Planning Tool to describe the fire-carrying fuel type of the surface fuels. Fuel Models are also used to describe fuel moisture content. Fuel moisture content is influenced by living plants and dead fuels responding differently to weather changes. Moisture contents are influenced by precipitation, air moisture, air and surface temperatures, wind, cloudiness, as well as by fuel factors such as surface to volume ratio, compactness, and arrangement. SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.14.1 and Section 6.14.2.

⁸⁹ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.14.1

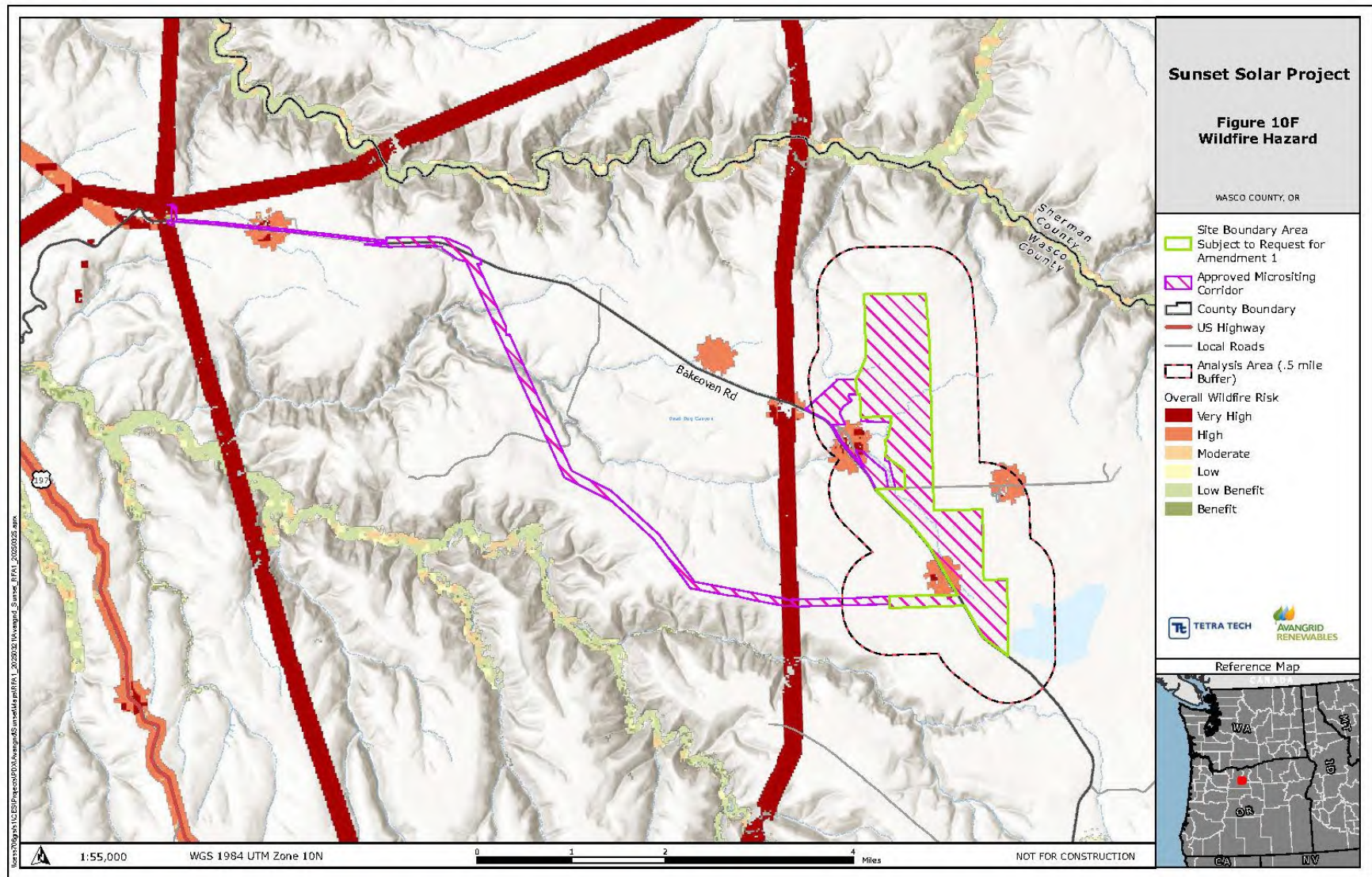
⁹⁰ The certificate holder provides an updated assessment, based on the habitat surveys and landowner letters, for the categories of Flame Length, another metric available on the CWPP Tool, concluding that most of the area within the site boundary area subject to RFA 1 categorized above with an average flame length of 0 feet can be more accurately categorized to represent wildfire risk with average flame lengths of either 4 to 8 feet or 0 to 4 feet.

⁹¹ <https://oregon-explorer.apps.geocortex.com/webviewer/?app=7501a78d26844019892269bc295ea36b&efsc=Sunset%20Solar%20Project> Accessed by the Department 09-05-2025.

1 Solar Project, Daybreak Solar Project, and the proposed Yellow Rosebush Energy Center. Paved
2 roads within the wildfire analysis area include Bakeoven Road and Wilson Road, as well as
3 several graveled roads.

4
5 Council's standard describes high-fire consequence areas as areas containing residences, critical
6 infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive
7 wildlife habitat. These data inputs are used in the CWPP Tool for Overall Wildfire Risk, as shown
8 on Figure 4, below, area areas within the wildfire analysis area overlap with the locations of
9 existing infrastructure, which is mostly transmission lines, roads, and substations.

Figure 4: Overall Wildfire Risk within the Analysis Area



1 Based on the certificate holder and Department assessment of wildfire risk at the site and
2 within the analysis area, as described in RFA1 and this order, the Department recommends
3 Council find that wildfire fire is moderate during winter (seasonally wetter) months and high
4 during the summer months, during fire season.

6 *Wildfire Mitigation Plans*

8 Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed,
9 and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council. The
10 certificate holder provides a Construction and Operational WMP in RFA1 as Attachments 12 and
11 13; these are also attached to this order as Attachments W-1 and W-2.⁹²

13 *Facility Design*

15 As discussed in Section III.E., *Land Use*, Council previously imposed Land Use Condition 7 (GEN-
16 LU-02) prior to when the Council's Wildfire Risk Prevention and Mitigation standard was in
17 effect. Land Use Condition 7 requires the implementation of a Fire Prevention and Emergency
18 Response Plan. However, as discussed in the below section, the RFA1 WMPs include similar,
19 additional, and duplicative fire prevention measures as the Fire Prevention and Emergency
20 Response Plan, therefore, the Department recommends Council delete Land Use Condition 7
21 and impose Recommended Wildfire Prevention and Risk Mitigation Conditions 1 through 4.
22 However, the Fire Prevention and Emergency Response Plan also included findings of
23 compliance with Chapter 10 of the Wasco County Land Use Development Ordinance (WCLUDO)
24 which includes fire safety standards applicable to all of Wasco County's rural zones (all zones
25 outside of an Urban Growth Boundary). The findings in the Fire Prevention and Emergency
26 Response Plan for Chapter 10 of WCLUDO result in facility design measures that reduce the risk
27 of wildfire. The Department summarizes these below and recommends these facility design
28 measures be included in the description of the facility in Attachment A, the draft amended site
29 certificate.

31 Facility design standards and measures that would minimize wildfire risk include but are not
32 limited to the following:

- 34 • New service roads will be 16 to 20 feet wide with an internal turning radius of 28 feet
35 and less than 10 percent grade to provide access to emergency vehicles.
- 36 • The location of the O&M building, battery storage system, and substation would be
37 located on land flatter than a 40 percent slope, and all solar arrays would be located on
38 land with a 5 percent or less grade.
- 39 • The O&M building and collector substation would be set back at least 50 feet from any
40 slopes greater than 30 percent.

⁹² The WMPs included in RFA and attached to this order reflect changes from the Departments' review of the WMP that was included in pRFA1 and closely align with the Council-reviewed WMP templates.

- A 50-foot fire fuel break will be cleared and maintained around the O&M building, battery storage system, and substation. The fenced areas around the O&M building, collector substation, and battery storage system would be graveled, with no vegetation present. Unmanaged vegetation beyond the 50-foot fuel break located around the O&M building, battery storage system, and substation would be minimal, as these facilities are located in an area of low-growing shrubs and grass.
- Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.
- The solar array included shielded electrical cabling, as required by applicable code, to prevent electrical fires.
- Facility components will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.
- The SCADA system provides remote operation, including shut off, and monitoring of the facility's solar array, BESS, and collector substation components.

Construction and Operational WMP Wildfire Risk Minimization Preventative Actions, Programs, and Procedures

The draft Construction and Operational WMPs would both be finalized prior to construction and operation.⁹³ Finalization of the WMPs includes receiving input from the Bakeoven-Shaniko Rural Fire Protection Agency, updating wildfire risk at the site, providing site maps that identify access details and the location of fire protection equipment, and updated emergency contact information. Both of the Construction and Operational WMPs include pre-construction/pre-operational onsite trainings with contractors, the Department, emergency service professionals, and the certificate holder. Additionally, prior to construction and operation, the certificate holder must mail a letter to residences within the 0.5-mile wildfire analysis area which would provide the facility contact information and encourage individuals to sign up for the county's emergency notification system.

Section 4 of the Construction WMP and Section 6 of the Operational WMP include definitions for fire precaution levels and associated restrictions during fire season. The fire precaution levels include non-fire season, fire season, fire weather watch, and red flag weather warning, where the red flag weather warning would be the most restrictive for activities that may increase the risk of wildfire. Examples of fire season restrictions include maintaining a fire watch, driving and parking only on graveled surfaces, and limitations on hot work.

⁹³ Although both the construction and operational WMPs must be finalized prior to construction and operation, the Recommended Wildfire Prevention and Risk Mitigation Conditions do not label the WMPs as "Final". This is because, as designated in the WMP's, the WMP's may be updated and amended to address changes in wildfire risk at the site over time, therefore, they may be several iterations of the WMPs during the life of the facility.

1 The measures and protocols that address and minimize wildfire risk during construction
2 activities in the draft WMP include:

- 3
- 4 • Monitoring periods of heightened fire risk through the third-party contractor StormGeo
5 or similar platform, which provides weather monitoring to track conditions at the
6 facility. Through this monitoring system, the Construction Manager and contractors will
7 be notified of Red Flag Warnings and weather conditions that produce an increased risk
8 of fire danger.
- 9 • Vegetation will be maintained onsite and defensible spaces around facility features will
10 be maintained.
- 11 • Personnel will be trained on the RACE (Remove, Alarm, Confine and Extinguish or
12 Evacuate) and the use of fire protection equipment.
- 13 • Fire suppression equipment on site includes fire extinguishers, Pulaski, shovels, pails and
14 drop cans.
- 15 • Combustion engines will be equipped with a spark arrester that meets U.S. Forest
16 Service Standard 5100-1.
- 17 • During fire season water truck(s)/water source, water buffalo, or tank with minimum
18 500-gallon capacity will be on site and equipped with a nozzle and pump.
- 19

20 During facility construction, in the semi-annual construction progress report, the certificate
21 holder will provide updates of the performance of the WMP including any changes of wildfire
22 risk at the site, facility contact information, and training logs. The log of any changes in
23 construction activities due to Fire Season Restrictions, as designated in Section 4.1, will be
24 provided to the Department during onsite or remote inspections, or upon request.

25

26 The Department recommends Council impose the two conditions below to require the draft
27 WMP be finalized prior to facility construction and be implemented during construction
28 activities.

29

30 **Recommended Wildfire Prevention and Risk Mitigation Condition 1 (PRE-WF-01):** Prior
31 to facility construction, the certificate holder shall finalize and submit a Construction
32 Wildfire Mitigation Plan (WMP), Attachment W-1 to the Final Order on AMD1 to the
33 Department for review and approval.
34 [Final Order on SSF AMD1; PRE-WF-01]

35

36 **Recommended Wildfire Prevention and Risk Mitigation Condition 2 (CON-WF-01):**
37 During facility construction, the certificate holder shall require onsite contractors and
38 employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved
39 under Wildfire Prevention and Risk Mitigation Condition 1 .
40 [Final Order on SSF AMD1; CON-WF-01]

41

42 **Procedures, Standards, and Time Frames for Facility Component Inspections and Vegetation**
43 **Management**

1
2 The draft Operational WMP, as provided in Attachment W-2 of this order, includes the
3 following monthly, semi-annual and annual inspections for facility components that could cause
4 electrical fires solar panels, inverters, battery energy system, substation, and overhead
5 electrical lines. This equipment would be inspected and maintained as designated in Section 4
6 of the Operational WMP, summarized below.
7

- 8 • Monthly inspection requirements during operations:
 - 9 ○ Ensure equipment is appropriately maintained to control sources of combustible
 - 10 materials; removing and disposing of combustible waste.
 - 11 ○ Inspect and maintain safeguards installed on heat-producing equipment to prevent
 - 12 accidental ignition of combustible materials, in accordance with equipment O&M
 - 13 manuals.
 - 14 ○ Visually inspect portable fire extinguishers, substation and surrounding area and
 - 15 complete Avian Power Line Interaction Committee (APLIC) inspection forms
 - 16
- 17 • Semiannual inspection requirements during operations:
 - 18 ○ Thoroughly clean and inspect wind turbines on a semiannual basis in accordance with
 - 19 Oregon Department of Emergency Management maintenance requirements.
 - 20 ○ Conduct semiannual visual inspections of overhead electrical lines and complete APLIC
 - 21 inspection forms.
 - 22
- 23 • Annual inspection requirements during operations:
 - 24 ○ Test fire protection equipment in accordance with the manufacturer specifications and
 - 25 National Fire Protection Association requirements.
 - 26

27 Records of monthly, semiannual and annual inspections, as well as equipment-specific
28 inspections and maintenance will be maintained on-site and will be provided to the
29 Department for review in the annual report, as designated in Section 9.0 of the WMP.
30

31 During operations, the certificate holder or its contractor will conduct vegetation management
32 inspections each spring, prior to the summer months when fire risk is heightened. During these
33 inspections, the technician will ensure vegetation setbacks from installed equipment are
34 adequate and will enact vegetation control measures if needed. Vegetation on site will be
35 managed consistent with the applicable Spill Prevention Control and Countermeasures (SPCC)
36 plan and Noxious Weed Plan Vegetation. Annually, herbicide will be applied on facility gravel
37 pads and as needed based on site conditions. Annually, vegetation beneath overhead electrical
38 lines will be mowed to achieve clearance requirements between conductor and ground.
39

40 Annual reporting requirements and amendments to the WMP are addressed in Section 9 of the
41 WMP. Reporting requirements listed above will be provided in the annual report submitted to
42 the Department. This information may be used by the Department and certificate holder to
43 establish the performance of the WMP. The certificate holder will also evaluate the WMP

1 annually to determine if updates to the WMP are necessary to address wildfire risk. The
2 Department recommends Council find that RFA1 and the Operational WMP identifies areas
3 subject to heightened wildfire risk, contains sufficient procedures to minimize wildfire risk,
4 identifies procedures to minimize risks to public health and safety as well as first responders,
5 and contains measures to ensure the plan is updated. Therefore, the Department recommends
6 Council impose the following conditions:

7
8 **Recommended Wildfire Prevention and Risk Mitigation Condition 3 (PRO-WF-01):**

9 Prior to facility operation, the certificate holder shall finalize and submit an Operational
10 Wildfire Mitigation Plan (WMP), Attachment W-2 to the Final Order on AMD1 to the
11 Department for review and approval.

12 [Final Order on SSF AMD1; PRO-WF-01]
13

14 **Recommended Wildfire Prevention and Risk Mitigation Condition 4 (OPR-WF-01):**

15 During facility operation, the certificate holder shall require onsite contractors and
16 employees to adhere to the Operational Wildfire Mitigation Plan (WMP) approved
17 under Wildfire Prevention and Risk Mitigation Condition 3 .

18 [Final Order on SSF AMD1; OPR-WF-01]
19

20 **III.N.2. Conclusions of Law**

21
22 Based on the foregoing analysis, and subject to compliance with the recommended site
23 certificate conditions described above, the Department recommends the Council find that the
24 certificate holder has adequately characterized wildfire risk within the analysis area using
25 current data from reputable sources, and that, subject to Council approval, the facility will be
26 designed, constructed, and operated in compliance with the Wildfire Mitigation Plans.
27

28 **III.O. WASTE MINIMIZATION: OAR 345-022-0120**

29 *Except for facilities described in sections (2) and (3), to issue a site certificate,*
30 *the Council must find that, to the extent reasonably practicable:*

31 *(a) The applicant's solid waste and wastewater plans are likely to minimize*
32 *generation of solid waste and wastewater in the construction and operation*
33 *of the facility, and when solid waste or wastewater is generated, to result in*
34 *recycling and reuse of such wastes;*
35

36 *(b) The applicant's plans to manage the accumulation, storage, disposal and*
37 *transportation of waste generated by the construction and operation of the*
38 *facility are likely to result in minimal adverse impact on surrounding and*
39 *adjacent areas.*

40 *(2) The Council may issue a site certificate for a facility that would produce*
41 *power from wind, solar or geothermal energy without making the findings*

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

**

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

- (a) Information about the applicant's plans to minimize the generation of solid waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence to support a finding by the Council as required by OAR 345-022-0120. The applicant must include:
- (A) A description of the major types of solid waste and wastewater that construction, operation and retirement of the facility are likely to generate, including an estimate of the amount of solid waste and wastewater;
 - (B) A description of any structures, systems and equipment for management and disposal of solid waste, wastewater and storm water;
 - (C) A discussion of any actions or restrictions proposed by the applicant to reduce consumptive water use during construction and operation of the facility;
 - (D) The applicant's plans to minimize, recycle or reuse the solid waste and wastewater described in (A);
 - (E) A description of any adverse impact on surrounding and adjacent areas from the accumulation, storage, disposal and transportation of solid waste, wastewater and stormwater during construction and operation of the facility;
 - (F) Evidence that adverse impacts described in (E) are likely to be minimal, taking into account any measures the applicant proposes to avoid, reduce or otherwise mitigate the impacts; and
 - (G) The applicant's proposed monitoring program, if any, for minimization of solid waste and wastewater impacts.
- (b) A materials analysis, including:
- (A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;
 - (B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills; and
 - (C) The applicant's plans to manage non-hazardous waste materials during construction and operation.⁹⁴

III.O.1. Findings of Fact

⁹⁴ OAR 345-022-0120, effective May 15, 2007; amended April 2, 2025.

Solid Waste

Facility construction would generate approximately 4,000 to 7,000 cubic yards of solid waste, total, including discarded construction materials, packaging materials, spent erosion control materials, wood form work, scrap metal from damaged pilings or racking equipment, or unused wiring. Materials suitable for recycling include some packaging materials, metals, glass, paper, wood and concrete, which the certificate holder is required to recycle to the extent possible. Remaining hazardous (i.e. oily rags) and non-hazardous waste will be managed by a local solid waste hauler and disposed of at a licensed facility.

Operations and maintenance activities are estimated to generate up to 6 yards of office waste; and damaged or defective solar panels, batteries, and other electrical equipment disposed of on a periodic basis. All solid waste generated during facility operation would be collected onsite and recycled at licensed facilities, as feasible.

Wastewater

Construction would result in sanitary waste from onsite portable toilets and concrete wash water from concrete trucks. Facility operation would result in minimal sanitary waste (limited to 7,500 gallons based on the septic system capacity). Periodic wash water needed for solar panel washing would be obtained from a licensed permitted vendor and would not result in any wastewater discharge because no solvents or chemicals will be used.

Council previously imposed the following site certificate conditions to minimize waste from the construction and operation of the facility:

- Waste Minimization Condition 1 (GEN-WM-01) requires the certificate holder to develop and implement a Solid Waste Management Plan, with an emphasis on recycling, for construction, operations and retirement.
- Organizational Expertise Condition 6 (GEN-OE-05) requires qualified transporters and handlers for any battery waste and disposal to comply with federal regulations.
- Land Use Condition 9 (PRE-LU-06) requires the certificate holder to obtain a sewage disposal construction- installation permit and other required permits for water usage and disposal.
- Soil Protection Condition 2 (PRO-SP-01) requires the finalization and implementation of a SPCC Plan prior to operations.
- Public Services Condition 1 (OPR-PS-01) requires wastewater discharge/handling per Oregon Department of Environmental Quality permit at less than 7,500 gallons per day.

In April 2025, Wasco County Landfill confirmed its capacity and operational lifespan of 25 years to continue to adequately support the facility's waste management needs while continuing to serve its existing customer base.⁹⁵ RFA1 is not proposing any changes in components or

⁹⁵ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 1B.

generated waste that would change Council’s previous findings. Existing site certificate conditions will continue to apply. For these reasons, the Department recommends that Council continue to rely on its previous findings that the facility would not result in significant impacts from facility waste.

III.O.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends the Council find that the certificate holder’s solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, with the proposed changes, result in recycling and reuse of such wastes, and will manage the accumulation, storage, disposal and transportation of wastes in a manner that will result in minimal adverse impacts to surrounding and adjacent areas.

III.P. SITING STANDARDS FOR TRANSMISSION LINES: OAR 345-024-0090

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

(1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;

(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.⁹⁶

III.P.1. Findings of Fact

The facility is approved to construct and operate up to 4.2 miles of aboveground 34.5 kV collector line. The maximum electric field modeled for the 34.5 kV collector lines is 0.756 kV per meter, below the 9-kV per meter threshold set forth in OAR 345-024-0090(1).⁹⁷ RFA1 does not include changes to the approved 34.5 kV collector lines. For these reasons, the Department recommends that Council continue to find that the facility will comply with these requirements.

Council previously imposed Site Specific General Standard Condition 1 requiring the certificate holder to develop and implement a program that provides reasonable assurance that all fences,

⁹⁶ OAR 345-024-0090, effective May 15, 2007.

⁹⁷ BSPAPDoc2 Final Order 2020-04-24. Section IV.P. Peak electrical currents were modeled using the software modeling program, Corona and Field Effects Program (Version 3.1) developed by the Bonneville Power Administration, to analyze electromagnetic fields, measured in units of kilovolts per meter (kV/m), which would be produced by the above-ground 34.5 collector line.

gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. To further reduce the risk of induced current and nuisance shocks, the Council imposed the following condition:

- Siting Standards for Transmission Lines Condition 1 (PRE-ST-01) requiring that the prior to construction certificate holder notify all landowners within 500 feet of the 230 kV transmission line and any 34.5 kV collector lines about possible health and safety risks from induced currents and magnetic fields.

III.P.2. Conclusions of Law

Based on the foregoing analysis, the Department recommends the Council find that the existing site certificate conditions listed above, the certificate holder can design, construct, and operate the facility, with proposed changes, so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public and that induced currents resulting from transmission lines will be as low as reasonably achievable.

IV. EVALUATION OF OTHER APPLICABLE REGULATORY REQUIREMENTS

IV.A. Noise Control Regulations: OAR 340-035-0035

1) Standards and Regulations:

(a) Existing Noise Sources. No person owning or controlling an existing industrial or commercial noise source shall cause or permit the operation of that noise source if the statistical noise levels generated by that source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 7, except as otherwise provided in these rules.

(b) New Noise Sources:

(A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 8, except as otherwise provided in these rules. For noise levels generated by a wind or solar energy facility of any size and any associated equipment or machinery, subparagraph (1)(b)(B)(iii) applies.

(B) New Sources Located on Previously Unused Site:

1
2 (i) No person owning or controlling a new industrial or commercial noise
3 source located on a previously unused industrial or commercial site shall cause
4 or permit the operation of that noise source if the noise levels generated or
5 indirectly caused by that noise source increase the ambient statistical noise
6 levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels
7 specified in Table 8, as measured at an appropriate measurement point, as
8 specified in subsection (3)(b) of this rule, except as specified in subparagraph
9 (1)(b)(B)(iii).

10
11 (ii) The ambient statistical noise level of a new industrial or commercial noise
12 source on a previously unused industrial or commercial site shall include all
13 noises generated or indirectly caused by or attributable to that source
14 including all of its related activities. Sources exempted from the requirements
15 of section (1) of this rule, which are identified in subsections (5)(b)–(f), (j), and
16 (k) of this rule, shall not be excluded from this ambient measurement.

17
18 (iii) For noise levels generated or caused by a wind or solar energy facility:

19
20 (I) The increase in ambient statistical noise levels is based on an assumed
21 background L50 ambient noise level of 26 dBA or the actual ambient
22 background level. The person owning the wind or solar energy facility may
23 conduct measurements to determine the actual ambient L10 and L50
24 background level.

25
26 (II) The “actual ambient background level” is the measured noise level at the
27 appropriate measurement point as specified in subsection (3)(b) of this rule
28 using generally accepted noise engineering measurement practices.
29 Background noise measurements shall be obtained at the appropriate
30 measurement point, and for wind energy facilities synchronized with wind
31 speed measurements of hub height conditions at the nearest wind turbine
32 location. “Actual ambient background level” does not include noise generated
33 or caused by the proposed wind or solar energy facility.

34
35 (III) The noise levels from a wind or solar energy facility may increase the
36 ambient statistical noise levels L10 and L50 by more than 10 dBA (but not
37 above the limits specified in Table 8), if the person who owns the noise
38 sensitive property executes a legally effective easement or real covenant that
39 benefits the property on which the wind or solar energy facility is located. The
40 easement or covenant must authorize the wind or solar energy facility to
41 increase the ambient statistical noise levels, L10 or L50 on the sensitive
42 property by more than 10 dBA at the appropriate measurement point.

43
44 ***

1
2 *(c) Quiet Areas. No person owning or controlling an industrial or commercial*
3 *noise source located either within the boundaries of a quiet area or outside its*
4 *boundaries shall cause or permit the operation of that noise source if the*
5 *statistical noise levels generated by that source exceed the levels specified in*
6 *Table 9 as measured within the quiet area and not less than 400 feet (122*
7 *meters) from the noise source.*

8
9 *(d) Impulse Sound. Notwithstanding the noise rules in Tables 7 through 9, no*
10 *person owning or controlling an industrial or commercial noise source shall*
11 *cause or permit the operation of that noise source if an impulsive sound is*
12 *emitted in air by that source which exceeds the sound pressure levels specified*
13 *below, as measured at an appropriate measurement point, as specified in*
14 *subsection (3)(b) of this rule:*

15
16 *(A) Blasting. 98 dBC, slow response, between the hours of 7 a.m. and 10 p.m.*
17 *and 93 dBC, slow response, between the hours of 10 p.m. and 7 a.m.*

18
19 *(B) All Other Impulse Sounds. 100 dB, peak response, between the hours of 7*
20 *a.m. and 10 p.m. and 80 dB, peak response, between the hours of 10 p.m. and*
21 *7 a.m.*

22
23 *(e) Octave Bands and Audible Discrete Tones. When the Director has*
24 *reasonable cause to believe that the requirements of subsection (1)(a), (b), or*
25 *(c) of this rule do not adequately protect the health, safety, or welfare of the*
26 *public as provided for in ORS Chapter 467, the Department may require the*
27 *noise source to meet the following rules:*

28
29 *(A) Octave Bands. No person owning or controlling an industrial or commercial*
30 *noise source shall cause or permit the operation of that noise source if such*
31 *operation generates a median octave band sound pressure level which, as*
32 *measured at an appropriate measurement point, specified in subsection (3)(b)*
33 *of this rule, exceeds applicable levels specified in Table 10.*

34
35 *(B) One-third Octave Band. No person owning or controlling an industrial or*
36 *commercial noise source shall cause or permit the operation of that noise*
37 *source if such operation generates a median one-third octave band sound*
38 *pressure level which, as measured at an appropriate measurement point,*
39 *specified in subsection (3)(b) of this rule, and in a one-third octave band at a*
40 *preferred frequency, exceeds the arithmetic average of the median sound*
41 *pressure levels of the two adjacent one-third octave bands by:*

42
43 *(i) 5 dB for such one-third octave band with a center frequency from 500 Hertz*
44 *to 10,000 Hertz, inclusive. Provided: Such one-third octave band sound*

1 *pressure level exceeds the sound pressure level of each adjacent one-third*
2 *octave band; or*

3
4 *(ii) 8 dB for such one-third octave band with a center frequency from 160*
5 *Hertz to 400 Hertz, inclusive. Provided: Such one-third octave band sound*
6 *pressure level exceeds the sound pressure level of each adjacent one-third*
7 *octave band; or*

8
9 *(iii) 15 dB for such one-third octave band with a center frequency from 25*
10 *Hertz to 125 Hertz, inclusive. Provided: Such one-third octave band sound*
11 *pressure level exceeds the sound pressure level of each adjacent one-third*
12 *octave band;*

13
14 *(iv) This rule shall not apply to audible discrete tones having a one-third*
15 *octave band sound pressure level 10 dB or more below the allowable sound*
16 *pressure levels specified in Table 10 for the octave band which contains such*
17 *one-third octave band.*

18
19 *(2) Compliance. Upon written notification from the Director, the owner or*
20 *controller of an industrial or commercial noise source operating in violation of*
21 *the adopted rules shall submit a compliance schedule acceptable to the*
22 *Department. The schedule will set forth the dates, terms, and conditions by*
23 *which the person responsible for the noise source shall comply with the*
24 *adopted rules.*

25
26 *(3) Measurement:*

27
28 *(a) Sound measurements procedures shall conform to those procedures which*
29 *are adopted by the Commission and set forth in Sound Measurement*
30 *Procedures Manual (NPCS-1), or to such other procedures as are approved in*
31 *writing by the Department;*

32
33 *(b) Unless otherwise specified, the appropriate measurement point shall be*
34 *that point on the noise sensitive property, described below, which is further*
35 *from the noise source:*

36
37 *(A) 25 feet (7.6 meters) toward the noise source from that point on the noise*
38 *sensitive building nearest the noise source;*

39
40 *(B) That point on the noise sensitive property line nearest the noise source.⁹⁸*
41

⁹⁸ OAR 345-035-0035, effective October 17, 2024.

1 **IV.A.1. Findings of Fact**

2
3 On October 17, 2024, OAR 340-035-0035 was amended to allow solar facilities to demonstrate
4 compliance with the noise control regulations in the same manner as wind facilities. As
5 described below, the amended rule expands the ways in which a facility may demonstrate
6 compliance and does not affect the Council’s earlier findings. The analysis area for evaluating
7 compliance with the ODEQ noise rules includes the area within and extending 1-mile from the
8 RFA1 site boundary.⁹⁹

9
10 Under OAR 345-035-0035(1)(b)(B)(i), a new industrial or commercial noise source located on a
11 previously unused industrial or commercial site may not increase ambient statistical noise
12 levels L10 or L50 by more than 10 dBA, or exceed the levels provided in Table 12 below.

13 **Table 12: Statistical Noise Limits for Industrial and Commercial Noise Sources**

Statistical Descriptor	Maximum Permissible Hourly Statistical Noise Levels (dBA)	
	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM to 7:00 AM)
L50	55	50
L10	60	55
L1	75	60
Note: The hourly L50, L10, and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively. Source: OAR 345-035-0035, Table 8.		

14
15 Under OAR 340-035-0035(1)(b)(B)(iii), the increase in ambient statistical noise levels that result
16 from a solar facility may be based on actual measurements or may be based on an assumed
17 ambient background level of 26 dBA. The rule also allows for exceedances of the standards
18 described above if the person who owns the noise sensitive property where the exceedance
19 occurs a legally effective easement or real covenant that benefits the property on which the
20 facility is located.

21
22 Under OAR 340-035-0035(5), noise generated during construction of the facility, or during
23 maintenance activities on facility components are exempt from the requirement to meet
24 ODEQ’s noise standards.

25
26 *Potential Noise Impacts*

27
28 In the Final Order on the ASC, the Council found that noise sources during operations would
29 include transformers and inverters associated with solar arrays, inverters and cooling systems
30 associated with battery storage systems; and corona discharge noise (buzz or crackling during

⁹⁹ Modifying the RFA1 site boundary under OAR 345-027-0360(3) to omit the gen tie transmission line was discussed and approved during the February 19, 2025 Pre-Amendment Conference. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

wet conditions) from the 230 kV transmission line.¹⁰⁰ The number and expected sound power levels for these components are listed in Table 13 below:

Table 13: Noise Levels of Operational Noise Generating Equipment

Component	Number on Site	Est. Sound Power Level (dBA)
Inverters	152	88
Distribution Transformers	152	77
Substation Transformer	2	106
BESS HVAC Units	208	89
BESS Transformers	103	77
230-kV Transmission Line Corona Discharge	N/A	76 (Fair Conditions) 99 (Rainy Conditions)

There are no changes to the design of the facility proposed in RFA1 that would affect the sound levels predicted to result from construction or operation of the facility.

Noise Sensitive Receptors

There are 9 noise sensitive receptors (NSRs) within the RFA1 analysis area, as presented in Figure 5 below.¹⁰¹ The NSRs within the RFA1 analysis area are the same NSRs previously evaluated by Council. No new residential structures or other noise sensitive properties were identified in RFA1.¹⁰² Predicted operational noise levels range from 26 and 35 dBA. NSR 21, which is closest to the substation transformer and other facility components, would experience the greatest noise impacts, with increases in nighttime ambient sound levels of up to 9 dBA.

The Council previously imposed Noise Control Regulation Condition 1 (PRE-NC-01) requiring the certificate holder to provide an updated noise analysis based on manufacturers' specifications and noise data for the equipment selected for use in the final facility design to demonstrate compliance with the ambient degradation standard and maximum allowable threshold. The Council found that, subject to compliance with the condition, the facility would comply with the noise control regulations found in OAR 340-035-0035.¹⁰³

Because there are no changes to the construction or operation of the facility that would affect noise sources at the site, and there are no new residential structures or other noise sensitive properties identified within the analysis area, the Department recommends the Council continue to rely on its previous findings that the facility, with proposed RFA1 changes, will continue to comply with ODEQ's noise control regulations and with OAR 345-022-0160(2).

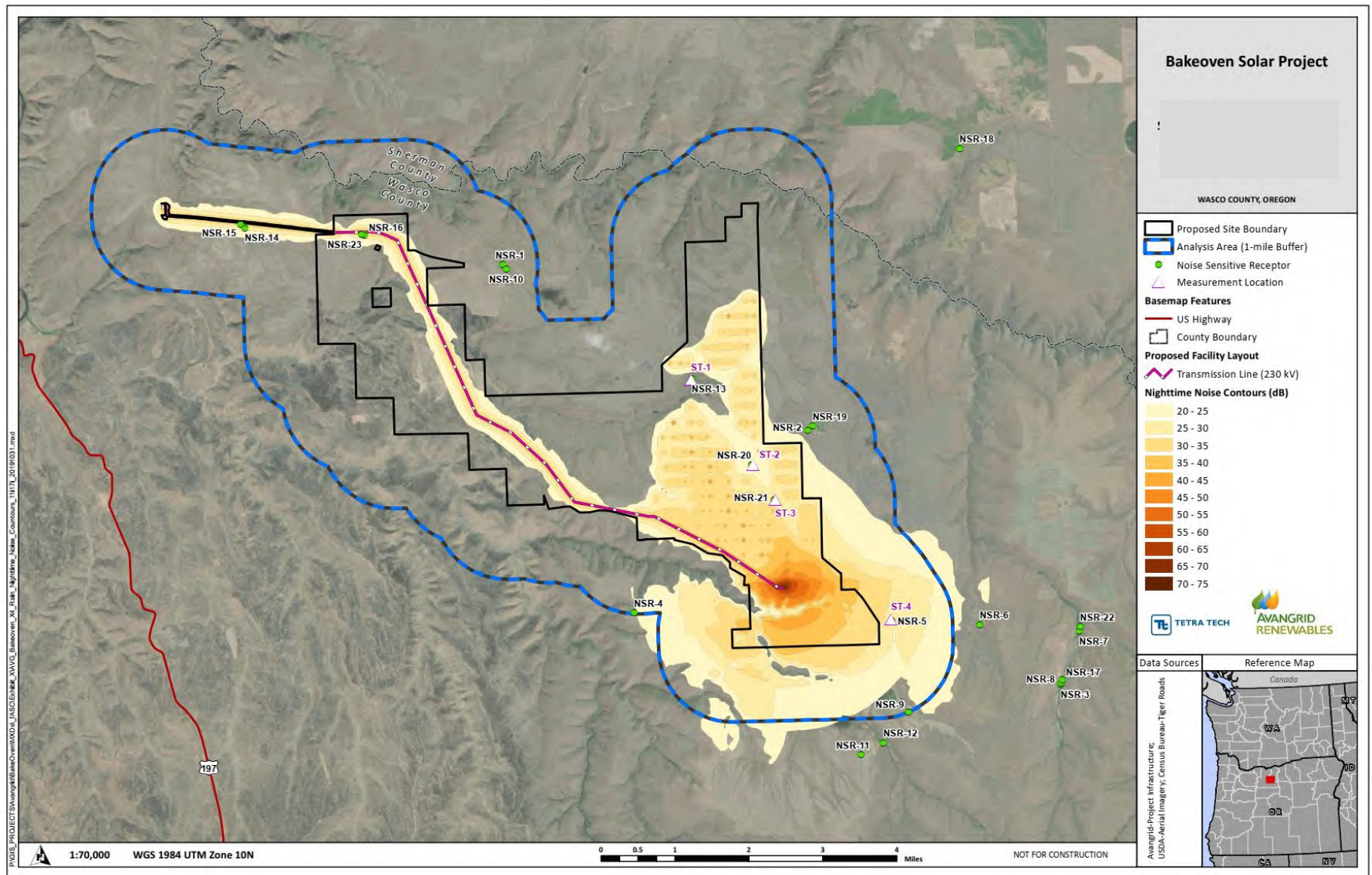
¹⁰⁰ BSPAPPD02 Final Order 2020-04-24, p. 198.

¹⁰¹ This includes NSRs 2, 13-16, 19-21, and 23.

¹⁰² SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.16.3.

¹⁰³ BSPAPPD02 Final Order 2020-04-24, p. 202

Figure 5: Noise Sensitive Receptors Within the ASC Analysis Area



IV.A.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate condition described above, the Department recommends the Council find that the facility, with proposed changes, will comply with the applicable Noise Control Regulations in OAR 340-035-0035.

IV.B. Removal-Fill Law

The Oregon Removal-Fill Law (Oregon Revised Statutes] 196.795 through 196.990) and Department of State Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within any “waters of the state.” (WOS)¹⁰⁴ The Council, in consultation with DSL, must determine whether a removal-fill permit is needed and if so, whether a removal-fill permit should be issued.

IV.B.1. Findings of Fact

The analysis area for wetlands and other waters of the state is the area within the RFA1 site boundary.¹⁰⁵

Wetland delineation studies were completed at the site in 2018.¹⁰⁶ The wetland delineation study determined that there are four types of wetlands and other WOS within the site: palustrine emergent wetlands; palustrine scrub-shrub/palustrine emergent wetland; palustrine scrub-shrub/palustrine forested wetland; and intermittent streams. Of these features, palustrine emergent wetlands were found to be the most common. Based on the types of wetlands and other water features, 18 were identified as wetlands and 4 were identified as other WOS. DSL reviewed the wetland delineation report and provided a concurrence letter in September 2019,¹⁰⁷ in which DSL concurred with the wetland delineation and classifications but did not make a determination on whether or not a removal fill permit would be needed. The concurrence expired 5 years from issue, or September 2024.¹⁰⁸ In the Final Order on the Bakeoven ASC, Council found that a removal-fill permit would not be required based on the delineation report, DSL concurrence and because of the certificate holder’s commitment to avoid impacts to all wetlands and WOS.

¹⁰⁴ ORS 196.800(15) defines “Waters of this state.” The term includes wetlands and certain other waterbodies.

¹⁰⁵ Modifying the RFA1 site boundary under OAR 345-027-0360(3) to omit the gen tie transmission line was discussed and approved during the February 19, 2025 Pre-Amendment Conference. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

¹⁰⁶ SSFAMD1Doc28 Request for Amendment 1 2025-09-05 Attachment 14.

¹⁰⁷ BSPAPPDoc4-7 pASC Reviewing Agency Comment DSL Concurrence 2019-09-16.

¹⁰⁸ [In its comments on the DPO for SSPAMD1, DSL indicates that the 2019 wetland concurrence indeed expired on September 4, 2024. SSFAMD1Doc39-1 DPO Reviewing Agency Comment DSL 2025-09-10.](#)

1 Since the Final Order for Bakeoven Amendment 1 was issued on November 19, 2021, there
2 have been minor changes to the Oregon Removal-Fill Law: ORS 196.800, 196.815, 196.818. and
3 196.850 were amended during the Oregon Laws 2023 Regular Session.¹⁰⁹ However, these
4 changes have no impact on the requirements for a removal-fill permit for this facility and
5 therefore would not affect the Council’s previous finding that a removal-fill permit would not
6 be needed for the facility, based on the commitment to avoid impacts to all wetlands and WOS
7 in the site boundary which are maintained in RFA1.¹¹⁰ RFA1 does not seek to enlarge the
8 approved site boundary or locate physical components on or within jurisdictional waters of the
9 state. There are no proposed changes to the previously approved facilities, phasing, or
10 resources from what is currently authorized in the Sunset Solar Project Site Certificate. Further,
11 as required under Land Use Condition 1 (PRE-LU-02), the certificate holder must demonstrate
12 mapping or other engineering drawing that the final facility, facility component or phase layout,
13 complies with a 25-foot minimum setback distance from permanent foundations to all water
14 bodies (seasonal or permanent) not identified on any federal, state or local inventory.
15 Waterbodies not identified on a federal, state or local inventory within the micrositng corridor
16 include a portion of Salt Creek (which flows through Dead Dog Canyon) and 10 unnamed
17 ephemeral or intermittent streams.

18
19 Based on the information in ~~RFA1~~ the record of the ASC and RFA1, the Department recommends
20 that Council find that the certificate holder ~~has~~ previously identified and delineated wetlands
21 within the Sunset Solar Project site boundary, and is already required to demonstrate a 25-foot
22 setback from wetlands and WOS from facility components that have foundations. ~~that~~ DSL also
23 has previously concurred with ~~that the wetland~~ delineation, ~~however it the wetland~~
24 delineation concurrence has expired, and so if the certificate holder plans construction
25 activities (temporary work areas, roads, and location of facility components) in areas where
26 wetland and WOS were or may be located they will need to conduct an updated delineation
27 and jurisdictional determination (concurrence) from DSL prior to construction of the facility to
28 confirm that a removal fill permit is not necessary.¹¹¹ ~~For these reasons,~~ To allow flexibility in
29 the process of determining if a DSL jurisdictional determination may be necessary and also to
30 ensure impacts do not occur without a removal fill permit, the Department recommends the
31 following changes to the Condition PRE-RF-01 allowing the certificate holder to demonstrate
32 the location of construction will occur only in areas that are unlikely to have jurisdictional water

¹⁰⁹ Oregon Legislature. 2023. Oregon Laws 2023 Regular Session. ORS Sections Amended, Repealed or “Added To.” Accessed January 2025. Available at:
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2023OrLawAR.pdf.

¹¹⁰ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.16.1. See also Figure 11.

¹¹¹ DSL comments on the DPO indicate that they cannot issue a “No State Permit Required” because there is not a current wetland delineation on file. The Department recommends that the updated language to PRE-RF-01 ensures that wetlands or WOS would not be impacted and that if any construction activities would occur in areas where wetlands may be present, and updated delineation would be provided to DSL. SSFAMD1Doc39-1 DPO Reviewing Agency Comment DSL 2025-09-10.

1 ~~or impacts to those waters:¹¹²the Department recommends Council impose the following~~
2 ~~condition:~~

3
4 **Recommended Amended Removal-Fill Condition 1 (PRE-RF-01):**

5 Prior to construction, the certificate holder shall provide, to the Department evidence
6 that no wetlands or waters of the state are present in areas that will be impacted by
7 construction. If wetlands or waters are present, the certificate holder shall provide a
8 valid jurisdictional determination concurrence letter(s) from DSL, ~~valid jurisdictional~~
9 ~~determination concurrence letter(s) from DSL for areas to be impacted during~~
10 ~~construction~~ demonstrating that no Removal-Fill Permit is needed for the construction
11 of the facility.

12 [Final Order on SSF AMD1]
13

14 **IV.B.2. Conclusions of Law**

15
16 Based on the foregoing analysis, and subject to compliance with the proposed site certificate
17 conditions described above, the Department recommends the Council find that the facility,
18 with proposed changes, will comply with the Council's Soil Protection standard.
19

20 **IV.C. Water Rights**

21
22 Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources
23 Department (OWRD) administers water rights for appropriation and use of the water resources
24 of the state.
25

26 Under OAR 345-022-0000(1)(b), the Council must determine whether the facility, with
27 proposed changes, would comply with the statutes and administrative rules identified in the
28 project order. The project order identifies OAR 690, Divisions 310 and 380 (Water Resources
29 Department permitting requirements) as the administrative rules governing use of water
30 resources and water rights as applicable to the facility.
31

32 Under OAR 345-021-0010(1)(o)(F), if a facility needs a groundwater permit, surface water
33 permit, or water right transfer, information to support a determination by the Council that the
34 Water Resources Department should issue the permit or transfer of a water use, including
35 information in the form required by the Water Resources Department under OAR Chapter 690,
36 Divisions 310 and 380 must be provided.
37

¹¹² In its comments on the DPO, the certificate holder provides suggested language to amended PRE-RF-01 which clarifies that if the certificate holder can demonstrate complete avoidance of wetland and WOS prior to construction, a jurisdictional determination would not be necessary. SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. The Department concurs that because a previous wetland delineation was conducted and concurred with and that there are already setback requirements for wetland and waterbodies, that Removal-Fill Condition 1 (PRE-RF-01) should retain flexibility to confirm that construction activities will not be within the vicinity of wetland and WOS prior to additional delineation and submittals to DSL.

1 **IV.C.1. Findings of Fact**

2
3 The certificate holder has not requested a groundwater permit, surface water permit, or water
4 right transfer.

5
6 In Section III.M. *Public Services* of this order, the Council imposes a condition requiring that,
7 prior to and during the facility construction, the certificate holder quantify construction water
8 demand, identify the sources to be used and provide evidence that the identified sources have
9 the legal ability to provide the amount of water for the intended use.

10
11 **IV.C.2. Conclusions of Law**

12
13 Based on the foregoing recommended findings of fact, the Department recommends that the
14 Council finds that the facility, with the proposed changes, will not need a groundwater permit,
15 surface water permit, or water right transfer.

1 **V. PROPOSED CONCLUSIONS AND ORDER**

2
3 Based on the recommended findings of fact and conclusions of law included in this Order,
4 under OAR 345-027-0375, the Department recommends Council find that the preponderance of
5 evidence on the record, including the record of RFA1, and of the *Final Order on Bakeoven ASC*,
6 and *Final Order on Bakeoven RFA1*, supports the following conclusions:
7

- 8 1. The facility, with the proposed deadline extension, complies with the requirements
9 of the Energy Facility Siting Statutes ORS 469.300 to 469.520.
10
11 2. The facility, with the proposed deadline extension, complies with all applicable
12 standards adopted by Council pursuant to ORS 469.501, in effect on the date Council
13 issues its Final Order.
14
15 3. The facility, with the proposed deadline extension, complies with all other Oregon
16 statutes and administrative rules identified applicable to the facility as discussed in
17 Section IV in effect on the date Council issues its Final Order.
18
19 4. The proposed RFA1 changes comply with the applicable substantive criteria under
20 the Council's Land Use standard, as described in OAR 345-022-0030, from the date
21 RFA1 was submitted.
22
23 5. Taking into account the proposed RFA1 changes, the amount of the bond or letter of
24 credit required under OAR 345-022-0050 is adequate.
25

26 Accordingly, the Department recommends Council find that the facility, with the proposed
27 changes, complies with the General Standard of Review OAR 345-022-0000 and OAR 345-027-
28 0375. The Department recommends that the Council find, based on a preponderance of the
29 evidence on the record, that the site certificate may be amended as requested.
30

31 The Department therefore recommends that the Council approve Request for Amendment 1 of
32 Sunset Solar Project Site Certificate and issue the First Amended Site Certificate included as
33 Attachment A to this Order.
34

35 Issued October 14, 2025
36

37 OREGON DEPARTMENT OF ENERGY

38 Todd Cornett

39 Todd Cornett (Oct 14, 2025 15:04:21 PDT)

40 Todd Cornett, Assistant Director For Siting
41

1 **ATTACHMENTS**

- 2
- 3 Attachment A: Draft First Amended Site Certificate (red-line)
- 4 Attachment B: Reviewing Agency Comments on the pRFA
- 5 **Attachment C:** DPO Comments
- 6 Attachment K-1: Forest-Farm Easement
- 7 Attachment K-2: Mediation Ordinance
- 8 Attachment P-1: Draft Revegetation Plan
- 9 Attachment P-2: Amended Draft Noxious Weed Control Plan
- 10 Attachment P-3: Draft Habitat Mitigation Plan
- 11 Attachment S: Updated Inadvertent Discovery Plan
- 12 Attachment U: Draft Construction Traffic Management BMPs
- 13 Attachment W-1: Draft Construction Wildfire Mitigation Plan
- 14 Attachment W-2: Draft Operations Wildfire Mitigation Plan
- 15 Attachment X: Updated Decommissioning Cost Estimate and Assumptions

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

In the Matter of Request for Amendment 1 of
Sunset Solar Project Site Certificate

)
)
) PROPOSED ORDER
)

October 14, 2025

BLACK underline and ~~striketrough~~ represent the Department's initial recommended conditions changes as presented in the DPO.

COLOR underline and ~~striketrough~~ represent recommended changes from the Draft Proposed Order (DPO) to the Proposed Order

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Attachments

Attachment A: Draft First Amended Site Certificate (red-line)

Attachment B: Reviewing Agency Comments [on pRFA1](#)

[Attachment C: Comments Received on DPO](#)

Attachment K-1: Forest-Farm Easement

Attachment K-2: Mediation Ordinance

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Attachment P-2: Amended Draft Noxious Weed Control Plan

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Attachment W-2: Draft Operations Wildfire Mitigation Plan

Attachment X: Updated Decommissioning Cost Estimate and Assumptions

ABBREVIATIONS AND ACRONYMS

ADR	Amendment Determination Request
ADT	average daily trips
ASC	Application for Site Certificate
BESS	battery energy storage system
BLM	Bureau of Land Management
BMP	best management practice
BPA	Bonneville Power Administration
Certificate holder	Sunset Solar, LLC
Council or EFSC	Energy Facility Siting Council
CTWSRO	Confederated Tribes of Warm Springs Reservation of Oregon
CWPP	Community Wildfire Protection Plan
dBA	A-weighted decibels
Department	Oregon Department of Energy
DOGAMI	Department of Oregon Geology and Mineral Industries
DPO	Draft Proposed Order
DSL	Department of State Lands
EFU	Exclusive Farm Use
ESCP	Erosion and Sediment Control Plan
facility	Sunset Solar Project
HMA	Habitat Mitigation Area
HMP	Habitat Mitigation Plan
IPac	Information for Planning and Consulting
kV	kilovolt
MW	megawatt
MWac	megawatts alternating current
NPDES	National Pollutant Discharge & Elimination System
NRHP	National Register of Historic Places
NSR	noise-sensitive receptor
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statutes
pRFA	Preliminary Request for Amendment
PV	Photovoltaic
RFA1	Request for Amendment 1
RFPA	Rural Fire Protection Association
SAG	Special Advisory Group
SCADA	Supervisory, Control and Data Acquisition
SCCLUP	Sherman County Comprehensive Land Use Plan

ABBREVIATIONS AND ACRONYMS

SHPO	State Historic Preservation Office
STATSGO	State Soil Geographic Database
SPCC	Spill Prevention Control and Countermeasure
T&E	Threatened and Endangered
THPO	Tribal Historic Preservation Office
WCCP	Wasco County Comprehensive Plan
WCLUDO	Wasco County Land Use Development Ordinance
WOS	Waters of the State
WMMP	Wildlife Monitoring and Mitigation Plan
WSA	Wilderness Study Area

I. INTRODUCTION

On September 5, 2025¹, Sunset Solar, LLC (certificate holder), filed Request for Amendment 1 of the Sunset Solar Project Site Certificate (RFA1).

Sunset Solar Project (facility) is a not-yet-constructed 103 megawatts alternating current (MWac) solar photovoltaic (PV) power generation facility approved to occupy or use up to 2,196 acres (3.4 sq. miles) within a 10,640 acre site boundary, located in Wasco County.

As described in Section II.A. *Requested Amendment*, RFA1 seeks Energy Facility Siting Council (EFSC or Council) authorization to extend the construction commencement and completion deadline by 3 years. RFA1 proposes to change the construction commencement deadline from April 24, 2025 to April 24, 2028; and to change the completion deadline from April 24, 2026 to a date extending 3-years from the construction commencement date. These changes would modify the language of General Standard Condition 1 (GEN-GS-01, see Attachment A of this order). In addition, the certificate holder requests to administratively update the Site Certificate to reflect a reduced site boundary and micrositing area, reducing the 10,640-acre site boundary and 2,196 acre micrositing area to 1,870 acres.¹

In accordance with Oregon Administrative Rule (OAR) 345-027-~~03720365~~, the Oregon Department of Energy (Department), as staff to the Energy Facility Siting Council (EFSC or Council), issues this ~~Draft~~ Proposed Order (~~DPO~~) under the Type B process, recommending approval of RFA1, subject to the existing and recommended new and amended site certificate conditions set forth in this ~~DPO~~ Proposed Order. This Proposed Order and the analysis and recommendations contained therein do not constitute a final determination by the Council.

I.A. SITE CERTIFICATE PROCEDURAL HISTORY

The Council issued the Sunset Solar Project Site Certificate on November 19, 2021. The procedural history of the Sunset Solar Project is tied to Bakeoven Solar Project as described in Section I of the Sunset Solar Project Site Certificate and briefly summarized and shown in the figure below:

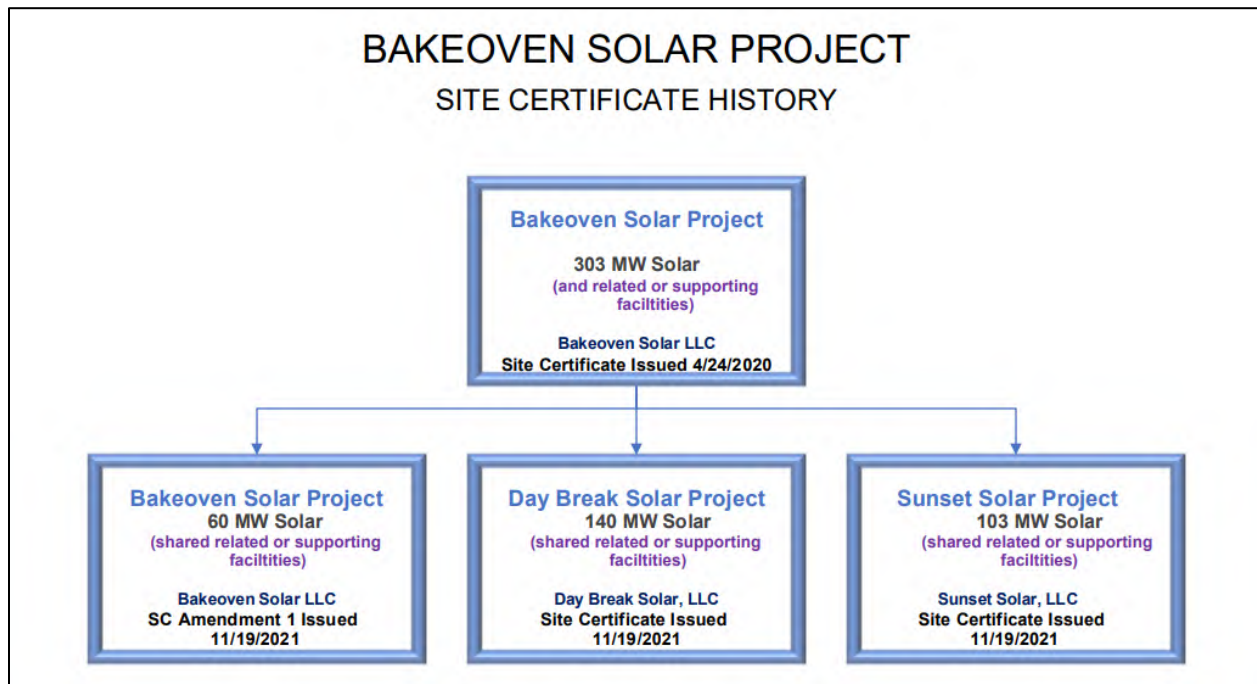
- **April 24, 2020 – Final Order on the ASC for Bakeoven Solar Project.** Bakeoven Solar Project Site Certificate was issued approving construction and operation of a 303 MW solar PV power generation facility within approximately 10,640 acre site boundary.²

¹ The certificate holder's request to reduce the site boundary and micrositing area do not require EFSC approval through the amendment process. This is an administrative change that is incorporated into RFA1, and recommended in this order be incorporated into the Amended Site Certificate, but does not require substantive review for compliance with EFSC standards.

² BSPAPDoc2 Final Order 2020-04-24.

- **November 19, 2021 – Final Order on Bakeoven Solar Project RFA1.** Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project were issued individual site certificates based on splitting facility components approved in the Final Order on the ASC for Bakeoven Solar Project. The site certificates authorize sharing between site certificates of related or supporting facilities.³

Figure 1: Sunset Solar Project and Bakeoven Solar Project Site Certificate History



I.B. APPROVED FACILITY DESCRIPTION

Sunset Solar Project is an approved but not-yet-constructed 103 MWac solar PV power generation facility, with related or supporting facilities that could occupy or use up to 2,196 acres (3.4 sq. miles) within a 10,640 acre site boundary. The facility must be designed, constructed and operated substantially as described in the site certificate.⁴

I.B.1. Energy Facility

The Site Certificate authorizes construction and operation of a solar PV power generating facility on up to 2,196 acres, including:

³ BSPAMD1Doc11 Final Order 2021-11-19.

⁴ Mandatory Condition OAR 345-025-0006(3), see General Standard Condition 3 (GEN-GS-02).

- Solar modules (mono- or poly-crystalline cells)
- Tracker systems
- Posts (approx. 51,102 posts, steel or pile-type, assumed concrete foundations)
- Approximately 56 inverter/transformer stations with related electrical equipment and cabling
- Approximately 4.2 miles of above ground 34.5 kilovolt (kV) collection system and 9 miles of below ground.
- Chain-link perimeter fence, up to 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate.⁵

I.B.2. Related or Supporting Facilities

Site Access, Service Roads, Perimeter Fencing and Gates

The Site Certificate authorizes construction of approximately 10.0 miles of service roads for access and maintenance purposes. New service roads will be 16 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles.

Chain-link perimeter fencing, up to 8 feet in height will enclose the solar array. Perimeter fencing will have vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate.

Temporary Staging Areas

The Site Certificate authorizes up to 2 temporary staging areas, to be located within the perimeter fenceline.

I.B.3. Shared Related or Supporting Facilities

The Site Certificate authorizes related or supporting facilities to be shared between the Sunset Solar Project, Bakeoven Solar Project and Daybreak Solar Project. Approved shared related or supporting facilities includes the collector substation, 11-mile 230 kV transmission line, operations and maintenance (O&M) building, a battery energy storage system (BESS), temporary laydown areas, access roads, fencing and gates.

230 kV Transmission Line

The 230 kV transmission line is in place and is operational. The 230 kV transmission line extends approximately 11 miles from the collector substation to Bonneville Power Administration's

⁵ BSPAPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 4.1.; Sunset Solar Project Site Certificate Section 4.1 2021-12-06.

(BPA) existing Maupin Substation, which interconnects to BPA’s 230 kV Big-Eddy to Redmond transmission line.

Collector Substation, Operations and Maintenance (O&M) Building/Onsite Sewage Disposal System

The collector substation is in place and is operational. The collector substation site is an approximately 3-acre fenced, graveled area, within the fenced solar array area of Bakeoven Solar Project and Daybreak Solar Project.

The O&M building is in place and is operational. It includes a single-story building, approximately 20 feet in height, within an approximately 5,000 square foot area, and includes office space, storage, bathroom, and breakroom facilities. Water is supplied via on-site groundwater well.⁶ The O&M building has an on-site, state permitted septic system, with a discharge capacity of up to 7,500 gallons. Electric power and telephone service is provided via local service providers. A gravel parking and storage area is located adjacent to the building. The O&M building is located near the Bakeoven Solar Project and Daybreak Solar Project, within the solar array perimeter fence.

Battery Energy Storage System

The Site Certificate authorizes construction and operation of a 100 MW BESS, which may be shared with Bakeoven Solar Project and Daybreak Solar Project. Sharing of facility components authorizes interconnection of existing facilities to the new equipment, if constructed. The 34.5 kV collector line systems will interconnect to the BESS and the shared collector substation. Battery storage equipment includes batteries and racks or containers, inverters, isolation transformers, switchboards, cooling systems, and electrical equipment. The BESS will be located within an approximately 8.4-acre area, and fire prevention and control measures specific to the BESS will be implemented. The system will be equipped with one aboveground, cylindrical water storage tank, approximately 14 feet tall and 12 feet in diameter, with a 10,000-gallon capacity to supplement water for fire-fighting. Storage containers may be stacked up to two levels with an estimated maximum height of approximately 20 feet. The fenced areas around the O&M building, collector substation, and BESS will be graveled, with no vegetation present.

I.C. APPROVED SITE DESCRIPTION

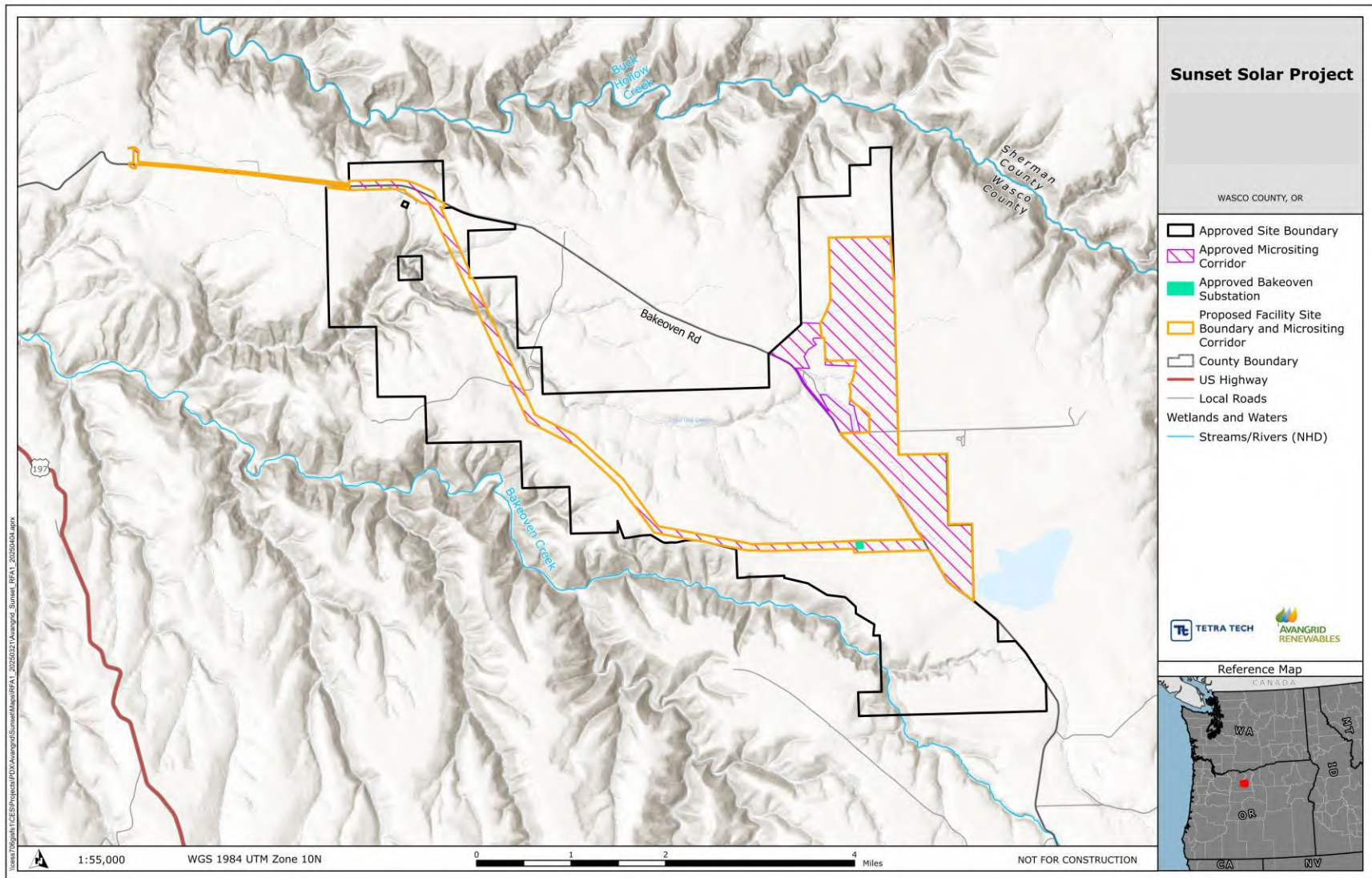
The facility is in Wasco County, approximately 5 miles east of the City of Maupin and U.S Highway 97 sited on entirely privately owned land zoned for Exclusive Farm Use (EFU).

I.C.1. Site Boundary and Micrositing Areas

⁶ BSPAPDoc2 Final Order 2020-04-24; Section IV.M., Public Services.

- 1 The approved site boundary is 10,640 acres. The approved microsite area is 2,196 acres
- 2 (approx. 3.4 square miles) as shown in Figure 2, below.

Figure 2: Approved and Proposed Site Boundary and Micrositing Area



1 **II. AMENDMENT PROCESS**

2
3 With some exceptions, an amendment to a site certificate is required for any change in the
4 design, construction, or operation a facility in a manner different from that described in the site
5 certificate, if the proposed change: (1) Could result in a significant adverse impact that the
6 Council has not addressed in an earlier order and the impact affects a resource or interest
7 protected by an applicable law or Council standard; (2) Could impair the certificate holder's
8 ability to comply with a site certificate condition; or (3) Could require a new condition or a
9 change to a condition in the site certificate. OAR 345-027-0350(3).⁷ In addition, a site certificate
10 is required to extend the construction beginning or completion deadlines specified in the site
11 certificate. OAR 345-027-0350(4).⁸ RFA1 requests to extend the construction beginning and
12 completion deadlines.

13
14 The Type A review process is the default review process for requests for site certificate
15 amendment unless the certificate holder requests, and the Council approves, review under the
16 Type B review process.⁷ Under OAR 345-027-0357(8), in determining whether a request for
17 amendment justifies review under the Type B review process, the Department and Council may
18 consider factors including, but not limited to: the complexity of the proposed change; the
19 anticipated level of public interest in the proposed change; the anticipated level of interest by
20 reviewing agencies; the likelihood of significant adverse impact; and the type and amount of
21 mitigation, if any, required to address those impacts.

22
23 On April 24, 2025, the certificate holder submitted preliminary RFA1 (pRFA1) inclusive of a Type
24 B Review amendment determination request (Type B Review ADR), requesting the
25 Department's review and determination of whether, based on evaluation of the OAR 345-027-
26 0357(8) factors, the amendment request could be reviewed under the Type B review process.⁸
27 On August 21, 2025, based on review of pRFA1, the Department issued its determination on the
28 Type B Review ADR, concurring that based on a review of the OAR 345-027-0357(8) factors,
29 Type B Review was justified.⁹

30
31 The Department's determination was made available to the public via the Public Notice issued
32 for the DPO, which was provided via electronic notification and the Department's project
33 webpage.
34

⁷ OAR 345-027-0351. A key procedural difference between the Type A and Type B review process is that the Type A review requires a public hearing on the Draft Proposed Order (DPO) and provides an opportunity for hearing participants to request a contested case proceeding on the Department's proposed order. Other differences between the Type A and Type B review process relate to the amount of time afforded to the Department to make its determination of completeness of the amendment and issue the DPO.

⁸ If Type B, the additional applicable Division 27 requirements are OAR 345-027-0359, -0360, -0363, -0365, -0368, -0372, and -0375.

⁹ SSFAMD1 Type B Review ADR Determination 2025-08-21.

1 **II.A. REQUESTED AMENDMENT**

2
3 RFA1 seeks Energy Facility Siting Council (EFSC or Council) authorization to extend the
4 construction commencement and completion deadline by 3 years. RFA1 proposes to change
5 the construction commencement deadline from April 24, 2025 to April 24, 2028; and to change
6 the completion deadline from April 24, 2026 to a date extending 3-years from the construction
7 commencement date. These changes would modify the language of General Standard
8 Condition 1 (GEN-GS-01, see Attachment A of this order).
9

10 The request for construction commencement and completion deadline extension is to allow
11 additional time for the certificate holder to secure a long-term contract (i.e., Power Purchase
12 Agreement) for the sale of power generated by the facility to a regional utility or other off-
13 taker.¹⁰
14

15 In addition, the certificate holder requests to administratively update the Site Certificate to
16 reflect a reduced site boundary and micrositing area, reducing the 10,640-acre site boundary
17 and 2,196 acre micrositing area to 1,870 acres.¹¹
18

19 **II.B. SCOPE OF COUNCIL REVIEW**

20
21 Under OAR 345-027-0375(2)(b) and (e), in making a decision to grant or deny a request for an
22 amendment to extend the deadlines for beginning or completing construction, the Council
23 must determine that the preponderance of evidence on the record supports the following
24 conclusions:
25

- 26 • After considering any changes in facts or law since the date the current site certificate
27 was executed, the facility complies with all laws and Council standards applicable to an
28 original site certificate application.
29
30 • The amount of the bond or letter of credit required under OAR 345-022-0050 is
31 adequate.
32

33 The recommended findings of fact and conclusions of law provided in this order in Section III.,
34 *Evaluation of Council Standards*, support the se conclusions. ~~recommendations under OAR 345-~~
35 ~~027-0375.~~
36

¹⁰ Under OAR 345-027-0385(1), a request for an amendment to extend the deadlines for beginning or completing construction of the facility must include an explanation of the need for an extension.

¹¹ The certificate holder's request to reduce the site boundary and micrositing area do not require EFSC approval through the amendment process. This is an administrative change that is incorporated into RFA1, and recommended in this order be incorporated into the Amended Site Certificate, but does not require substantive review for compliance with EFSC standards.

II.C. COUNCIL REVIEW PROCESS

II.C.1. Request for Amendment

On April 24, 2025, the certificate holder submitted its preliminary Request for Amendment 1 (pRFA1). On May 2, 2025, the Department issued Public Notice that the pRFA1 had been received as required by OAR 345-027-0360(2).

The Department reviewed the pRFA1 to determine whether the request contained sufficient information for the Council to make findings. On May 15, 2025, the Department notified the certificate holder that the pRFA1 was incomplete. The Department requested additional information (RAI1) related to the requested changes, protected areas, land use and applicable substantive criteria, cultural resources, retirement and financial assurance, public services and wildfire standards.

On May 8, 2025, the Department requested review and comments from reviewing agencies including:

- Wasco County - Special Advisory Group
- City of Maupin
- Oregon Department of Agriculture (ODAg)
- Oregon Department of Aviation
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon Department of State Lands (DSL)
- Oregon Department of Geology and Mineral Industries (DOGAMI)
- Oregon State Historic Preservation Office (SHPO)
- Oregon Department of Forestry (ODF)
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Department of Environmental Quality (ODEQ)

On the same date, the Department also notified the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO). Follow-up coordination emails were sent to CTWSRO, with request for comments and offers to meet in person to discuss RFA1 on May 19, 2025.

During the review of pRFA1, the Department also solicited comments from the United States Department of Navy, Northwest Training Complex (Aviation), the Wasco County Planning Department, and Wasco County Sheriff's Department, the Bakeoven-Shaniko Rural Fire Protection Agency, City of Maupin and Town of Shaniko.

Responses are summarized and incorporated in Section III.E. Land Use, Section III.M Public Services, and Section IV.B. Removal-Fill and in the table below. Copies of all written reviewing agency comments on pRFA1 are included in Attachment B of this order and summarized in Table 1.

Table 1: Summary of Reviewing Agency Comments on pRFA1

Comment Date	Name/Title	Agency	Topic Area
05/23/2025	Daniel Evans, Wetland Specialist	DSL	Confirmed that the prior wetland delineation for the site (WE2019-0059) had expired. Department recommends a new condition requiring an updated wetland delineation evaluation.
05/27/2025	Lane Magill, Sheriff	Wasco County Sheriff's Office	Expressed concerns regarding traffic safety and demand/strain on police resources, based on experience during construction of Bakeoven Solar Project. Department recommends new and amended conditions in III.B. Organizational Expertise and III.M Public Services to address traffic/safety impacts.
06/12/2025; 08/05/2025	Jessica Wilkes, Regional Habitat Biologist; Jeremy Thompson, John Day Watershed Manager	ODFW	Requested further discussion on mitigation, vegetation management and best management practices to reduce disease transfer risk related to use of onsite sheep grazing. Comments are addressed in Section III.H. Fish and Wildlife Habitat of this order.
06/30/2025	Danielle Marshall, Conservation Biologist	ODAg, Native Plant Conservation Program	Concurred with existing Threatened and Endangered Species Condition 1 (PRE-TE-01) which requires preconstruction T&E plant surveys to inform avoidance and mitigation, if applicable.
07/03/2025	Daniel Dougherty, Planning Director	Wasco County Planning Department	No comments or concerns, other than those raised by Sheriff.

1 On June 16, 2025, the certificate holder responded to the Department's RAI1. The Department
2 reviewed these responses and on July 17, 2025, the Department notified the certificate holder
3 that RFA1 was still incomplete and requested additional information (RAI2). The certificate
4 holder requested additional time to prepare responses and submitted RAI2 responses and
5 additional RAI1 responses on August 15, 2025.

6
7 The Department reviewed these responses and on August 27, 2025 the Department notified
8 the certificate holder that the RFA1 was complete and requested that the certificate holder
9 provide a consolidated Request for Amendment that includes all revisions to pRFA1 and all
10 additional information requested by the Department before the determination of
11 completeness, as provided in OAR 345-027-0363(6).

12
13 On September 5, 2025, the Department received the consolidated complete RFA1. On
14 September 9, 2025, the Department issued Public Notice of the Complete Request for
15 Amendment and Draft Proposed Order as required by OAR 345-027-0365.

16 17 **II.C.2. Draft Proposed Order**

18
19 The Draft Proposed Order was issued on September 9, 2025, A Public Notice of the Draft
20 Proposed Order was issued concurrently with this order. The notice was distributed to all
21 persons on the Council's general mailing list, to the special mailing list established for the
22 facility (i.e., individuals that have signed up to receive electronic notices from the Department
23 for the facility or all EFSC facilities, to an updated list of property owners supplied by the
24 certificate holder, and to a list of reviewing agencies as defined in OAR 345-001-0010(52).

25
26 ~~In the Type B review process, the~~The issuance of the Public Notice of the Draft Proposed Order
27 initiated^s a 30-day written public comment period on the RFA1 and the DPO. The Public Notice
28 established October 10, 2025 at 5:00 p.m. Pacific Time as the comment deadline. ~~To raise an~~
29 ~~issue on the record of the DPO, a person must raise the issue in a written comment submitted~~
30 ~~between the date the DPO was issued and the written comment deadline. The Council will not~~
31 ~~accept or consider public comments on RFA1 or on the DPO received after 5:00 PM PT on~~
32 ~~October 10, 2025 unless extended by Council.~~

33
34 The Department received three comments on the record of the DPO. Comments were received
35 from the certificate holder, ODFW and DSL. The Department's evaluation of issues raised in
36 comments is presented in Table A-1, including the basis for changes presented in the Proposed
37 Order.
38

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Certificate Holder Comments	
Recommended Amended Organizational Expertise Condition 5 (GEN-OE-04) a. Remove the word “may”, so that the reporting requirement only applies to actual violations. Remove reference to “any order” to target orders issued only on the site certificate. Move reporting requirements from (a) to (c)(i) Certificate Holder’s Proposed Condition Language Change – Presented in red, underline/strikeout Recommended Amended Organizational Expertise Condition 5 [GEN]: In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. <u>The certificate holder shall, as soon as reasonably possible:</u> a. <u>Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, to the Department.</u> In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit; b. <u>Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;</u> c. <u>Submit a written report within 30 days of discovery to the Department. The report must contain:</u> i. <u>A discussion of the cause of the reported conditions or circumstances;</u> ii. <u>The date of discovery of the conditions or circumstances by the responsible party; how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;</u> iii. <u>A description of immediate actions taken to correct the reported conditions or circumstances;</u> iv. <u>A description of actions taken or planned to minimize the possibility of recurrence; and</u> v. <u>If the above analysis determines that For conditions or circumstances that may violate the terms or conditions of a the site certificate have been violated, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.</u> <u>Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility</u>	The Department recommends that Council reject the certificate holder’s proposed condition language changes because the language is and is intended to be consistent with Council’s rule at OAR 345-029-0010.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
<u>decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on Amendment 1 of Sunset Solar Project Site Certificate, Table 7 and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.</u>	
Threatened and Endangered Species Condition 1 (PRE-TE-01): Requests changes to the condition language to be consistent with a condition recommended for Yellow Rosebush Energy Center. Certificate holder states that botanical surveys were completed within the micrositeing area in 2018, and that Tygh Valley milkvetch was not identified. Certificate Holder’s Proposed Condition Language Change – Presented in red, underline/strikeout Threatened and Endangered Species Condition 1: Prior to construction or operation of the facility, facility component or phase, the certificate holder shall: a. Complete Conduct botanical surveys to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within <u>unsurveyed</u> areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to the Department for review, in consultation with the Oregon Department of Agriculture or third-party consultant. i. <u>If any T&E species are identified and cannot be avoided, certificate holder must submit an Amendment Determination Request to the Department for a determination whether the impacts and mitigation must be reviewed by Council through the site certificate amendment process.</u> ii. <u>If the impacts and mitigation are determined by the Department not to require review through the Council’s site certificate amendment process, certificate holder shall implement and adhere to the mitigation requirements approved by the Department.</u> b. If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary.	The Department recommends changes be incorporated into the Proposed Order Section III.I Threatened and Endangered Species, consistent with the certificate holder’s proposed condition language changes for the following reasons. The original intent of the condition was to apply to areas along the 230 kV transmission line route which had not been surveyed, but had recently been burned by a fire. And, post fire, had the potential to contain suitable habitat for Tygh Valley milkvetch. The transmission line has been built, and it otherwise appears that the certificate holder has fully surveyed the Sunset Solar Project site boundary/micrositeing area for botanical resources. In the certificate holder’s proposed amended condition, they offer to survey unserved areas. It is not clear what areas have not been surveyed. Nonetheless, the condition would require that the certificate holder evaluate whether there are unsurveyed areas, prior to construction, complete botanical surveys; and evaluate the results accordingly.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Recommended Removal-Fill Condition 1 (PRE-RF-01) Certificate Holder proposes revising this language to clarify that jurisdictional determination concurrence letter(s) are required to be submitted in instances where applicable. For example, if areas to be impacted during construction are absent of wetlands and surface waters or if Certificate Holder can demonstrate wetlands and surface waters are entirely avoided during construction of the facility. Certificate Holder’s Proposed Condition Language Change – Presented in red, <u>underline</u>/strikeout Recommended Removal-Fill Condition 1 (PRE-RF-01): <u>Prior to construction, where and as applicable, the certificate holder shall provide, to the Department, valid jurisdictional determination concurrence letter(s) from DSL for areas to be impacted during construction demonstrating that no Removal-Fill Permit is needed for the construction of the facility.</u>	The Department recommends changes be incorporated into the Proposed Order Section IV.B Removal Fill Law. While the Department disagrees with the certificate holder’s proposed condition language change, changes are recommended as explained below. The Department’s intent is to ensure that a removal fill permit is obtained if it is required. Avoidance of all potential impacts to wetlands and WOS or whether a removal fill permit is required based on impacts to wetlands and WOS is determined by establishing the boundaries of jurisdictional wetlands, which are based on a current DSL concurrence/determination. However, the Department acknowledges the previous jurisdictional determination and facility layout demonstrating that avoidance of all areas was demonstrated. To allow flexibility in the process of determining if a DSL jurisdictional determination may be necessary and also to ensure impacts do not occur without a removal fill permit, the Department recommends the following changes to the Proposed Order Condition PRE-RF-01 allowing the certificate holder to demonstrate the location of construction will occur only in areas that are unlikely to have jurisdictional water or impacts to those waters: Recommended Removal-Fill Permit Condition 1 (PRE-RF-01): <u>Prior to construction, the certificate holder shall provide to the Department, evidence that no wetlands or waters of the state are present in areas that will be impacted by construction. If wetlands or waters are present, the certificate holder shall provide a valid jurisdictional determination concurrence letter(s) from DSL demonstrating that no Removal-Fill Permit is needed for the construction of the facility.</u>
Recommended Organizational Expertise Condition 7 (CON-OE-01): Certificate holder proposes to revise the condition language to be similar to Leaning Juniper IIA Wind Power Facility.	The Department recommends changes be incorporated into the Proposed Order Section III.B Organizational Expertise, consistent with the certificate holder’s proposed condition language because they are reasonable, and consistent with original intent, but also allows useful flexibility.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Certificate holder proposes to remove the requirement to report changes in the construction manager within 72-hrs, and instead replace with the word “promptly.” Certificate Holder’s Proposed Condition Language Change – Presented in red, <u>underline</u>/strikeout Recommended Organizational Expertise Condition 7 (CON-OE-01): <u>During construction, the certificate holder shall have an on-site construction manager to ensure compliance with construction-related site certificate conditions</u>require that a qualified compliance manager is onsite during ground disturbance activities to manage compliance with site certificate requirements. The certificate holder shall <u>promptly</u> notify the Department and Wasco County Sheriff’s Department within 72-hours upon any change to the on-site construction compliance manager.	
Recommended Organizational Expertise Condition 8 (PRO-OE-01): Certificate Holder proposes revising this condition language to better align with the position details of the manager responsible for operational permit compliance. Certificate Holder’s Proposed Condition Language Change – Presented in red, <u>underline</u>/strikeout Recommended Organizational Expertise Condition 8 (PRO-OE-01): <u>Before beginning operation, the certificate holder shall notify the Department of the identity, telephone number, e-mail address and qualifications of the</u> facility/asset <u>operations permit compliance</u> manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a utility scale solar facility.	The Department recommends changes be incorporated into the Proposed Order Section III.B Organizational Expertise, consistent with the certificate holder’s proposed condition language because it aligns with the certificate holder’s position titles for those responsible for compliance.
Recommended Organizational Expertise Condition 9 (OPR-OE-01): Certificate holder proposes changes consistent with PRO-OE-01 above.	The Department recommends changes be incorporated into the Proposed Order Section III.B Organizational Expertise, consistent with the certificate holder’s proposed condition language because it aligns with the certificate holder’s position titles for those responsible for compliance.

Table A-1: DPO Comment Evaluation

Comments	Department’s Evaluation and Recommendation
Recommended Organizational Expertise Condition 9 (OPR-OE-01): During operation, the certificate holder shall require that a qualified facility/asset operations permit compliance manager be responsible for managing compliance with operations-related site certificate requirements.	
ODFW Comments (Jessica Wilkes, Regional Habitat Biologist)	
ODFW commented on Recommended Amended Fish and Wildlife Habitat Condition 2 (GEN-FW-01). First, ODFW requested that the condition require consultation with ODFW on appropriate best management practices (BMPs) if sheep grazing is proposed at the facility site for vegetation management. ODFW expressed concerns regarding disease transmittal between domestic sheep and bighorn sheep. BMPs are intended to provide separation and includes: monitoring of fence integrity; double fencing; reporting sightings of bighorn sheep to ODFW; and reporting status and composition of onsite flock. Second, ODFW requested that a change proposed by the Department be reversed. The change was the removal of a preconstruction finalization requirement for the Noxious Weed Control Plan of establishing the reporting format for noxious weed monitoring.	The Department recommends that Council incorporate the list of potential BMPs into the draft amended Noxious Weed Plan, but not make changes to the condition language. Sub(c) of the condition requires consultation on appropriate BMPs if sheep grazing is planned at the site, consistent with ODFWs comments. The plan could benefit from providing examples to support future understanding of the scope of BMPs. The Department recommends Council not accept ODFW’s request to retain the preconstruction finalization requirement to establish the reporting format. The reason the Department removed this element from the condition is because the draft plan already includes the reporting format – this is no longer a preconstruction finalization requirement and is recommended to be removed from the condition to omit potential confusion about the scope of finalization tasks and actions needed to be completed by the certificate holder.
DSL Comments (Daniel Evans, Wetland Ecology Specialist)	
DSL affirmed that the prior wetland delineation for the project expired on September 4, 2024; but that the prior evaluation identified that wetlands and waters of the state would be avoided and that a removal fill permit would not be needed. Due to the expiration of the prior wetland delineation concurrence, DSL has not issued a current “No State Permit Required” for the project.	As presented above, the Department recommends modifications to its proposed Removal-Fill Permit Condition 1 (PRE-RF-01), requiring that the certificate holder obtain a wetland delineation concurrence from DSL for any areas with potential impacts to jurisdictional waters. The Department believes this condition ensure impact avoidance or would identify that a removal fill permit is needed.

1 In addition to the evaluation of issues raised in comments received on the record of the Draft
2 Proposed Order, the Department recommends a material changes to General Standard
3 Condition 1 (GEN-GS-01) (condition establishing construction commencement and completion
4 deadlines) based on further review of OAR 345-027-0385.

5
6 The certificate holder requested to modify the completion deadline, to be based on a 3-year
7 timeline from the actual commencement date, versus an actual date. For a Request for
8 Amendment seeking to extend the construction deadlines, OAR 345-027-0385(3) establishes
9 that Council must specify new deadlines for both beginning and completing construction that is
10 three years from the deadlines in effect before the Council grants the amendment. The existing
11 construction completion deadline is April 24, 2026; therefore, as presented in Section III.A.
12 General Standard of Review, the Department recommends that the Council reference a
13 completion deadline of April 24, 2029, versus an undefined date extending 3-years from the
14 actual construction date.

15 16 **II.C.3. Proposed Order**

17
18 Under OAR 345-027-0372(1), the Department must consider any written comments received
19 before the close of the record on the DPO and any agency consultation and must, no later than
20 21 days after the written comment deadline, issue a ~~P~~proposed ~~O~~order recommending
21 approval, modification or denial of the request for amendment to the site certificate. ~~The~~
22 ~~Department may issue the proposed order later, but the Department must, no later than 21~~
23 ~~days after the close of the record on the DPO, notify the certificate holder in writing of the~~
24 ~~reasons for the delay.~~

25
26 The Department issued the Proposed Order on October 14, 2025. Concurrent with issuing the
27 Proposed Order, the Department ~~must~~issued public notice of the Proposed Order to all
28 persons on the Council's general mailing list ~~and any special list established for the facility~~; the
29 reviewing agencies for the facility; and property owners ~~provided~~listed under OAR 345-027-
30 0360(1)(f).

31 32 **II.C.4. Final Order**

33
34 At a meeting following the issuance of the Proposed Order, the Council may adopt, modify or
35 reject the Proposed Order based on the considerations described in OAR 345-027-0375. If the
36 Proposed Order is adopted, or adopted with modifications, the Council shall issue a final order
37 granting issuance of an amended site certificate. If the Proposed Order is denied, the Council
38 shall issue a final order denying issuance of the amended site certificate.

39 **III. EVALUATION OF COUNCIL STANDARDS**

40
41 ~~Under ORS 469.310, the Council is charged with ensuring that the "siting, construction and~~
42 ~~operation of energy facilities shall be accomplished in a manner consistent with protection of~~
43 ~~the public health and safety."~~Under -ORS 469.401(2), further provides that the Council must

1 include in ~~the an~~ amended site certificate “conditions for the protection of the public health
2 and safety, for the time for completion of construction, and to ensure compliance with the
3 standards, statutes and rules described in ORS 469.501 and ORS 469.503.”⁴²~~The Council~~
4 implements this statutory framework by adopting findings of fact, conclusions of law, and
5 conditions of approval concerning the ability of the certificate holder and facility to continue to
6 demonstrate compliance with EFSC standards set forth in OAR Chapter 345, Divisions 22 and 24
7 as well as all other applicable statutes, rules and standards (including those of other state or
8 local agencies).

9
10 This ~~DPO~~Proposed Order includes the Department’s analysis of whether the certificate holder
11 and facility, with proposed construction deadline extension, would continue to meet each
12 applicable Council standard (with mitigation and subject to compliance with existing and
13 recommended new and amended conditions, as applicable), based on the information in the
14 record.

15
16 **III.A. GENERAL STANDARD OF REVIEW: OAR 345-022-0000**

17
18 *(1) To issue a site certificate for a proposed facility or to amend a site*
19 *certificate, the Council shall determine that the preponderance of evidence on*
20 *the record supports the following conclusions:*

21
22 *(a) The facility complies with the requirements of the Oregon Energy Facility*
23 *Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the*
24 *standards adopted by the Council pursuant to 469.501 or the overall public*
25 *benefits of the facility outweigh any adverse effects on a resource or interest*
26 *protected by the applicable standards the facility does not meet as described*
27 *in section (2);*

28
29 *(b) Except as provided in OAR 345-022-0030 for land use compliance and*
30 *except for those statutes and rules for which the decision on compliance has*
31 *been delegated by the federal government to a state agency other than the*
32 *Council, the facility complies with all other Oregon statutes and administrative*
33 *rules identified in the project order, as amended, as applicable to the issuance*
34 *of a site certificate for the proposed facility. If the Council finds that applicable*
35 *Oregon statutes and rules, other than those involving federally delegated*
36 *programs, would impose conflicting requirements, the Council shall resolve*
37 *the conflict consistent with the public interest. In resolving the conflict, the*
38 *Council cannot waive any applicable state statute.*

39
40 *****
41

⁴² ~~ORS 469.401(2).~~

1 *(4) In making determinations regarding compliance with statutes, rules and*
2 *ordinances normally administered by other agencies or compliance with*
3 *requirements of the Council statutes if other agencies have special expertise,*
4 *the Department of Energy shall consult with such other agencies during the*
5 *notice of intent, site certificate application and site certificate amendment*
6 *processes. Nothing in these rules is intended to interfere with the state's*
7 *implementation of programs delegated to it by the federal government.*¹³
8

9 **III.A.1. Findings of Fact**

10
11 The General Standard of Review requires the Council to find that a facility complies with all
12 applicable laws, rules, and standards, or the overall public benefits of the facility outweigh any
13 adverse effects on a resource or interest protected by the applicable standards the facility does
14 not meet. The scope and applicability of standards, laws, rules, and ordinances that must be
15 considered in making a decision to grant or deny issuance of an amended site certificate are
16 established under OAR 345-027-0375. As described in *Section II.B., Scope of Council Review*, for
17 a request to extend the construction deadlines established by the site certificate, OAR 345-027-
18 0375 requires the Council to conclude, after considering any changes in facts or law since the
19 date the current site certificate was executed, that the facility continues to comply with all laws
20 and Council standards applicable to an original site certificate application.

21
22 As described in the sections that follow, the Department recommends that the Council find that
23 a preponderance of evidence on the record supports the conclusion that the facility would
24 continue to comply with the applicable requirements of ORS chapter 469, siting standards
25 adopted by the Council under OAR chapter 345, and all other Oregon statutes and
26 administrative rules applicable to an original site certificate application. The specific
27 requirements for granting an extension of a deadline for construction commencement are
28 discussed further below.

29 *Construction Deadlines*

30
31
32 Under OAR 345-025-0006(4), the Council must impose conditions specifying the dates by which
33 the certificate holder must begin and complete construction. In the Final Order on the Request
34 for Amendment 1 of the Bakeoven Solar Project Certificate, the Council imposed General
35 Standard Condition 1 (GEN-GS-01), requiring the certificate holder to begin construction by
36 April 24, 2025, and to complete construction within three years of the construction
37 commencement date.

38
39 The certificate holder requests to amend General Standard Condition 1 (GEN-GS-01) to extend
40 the date by which construction must begin by three years, to April 24, 2028. The certificate
41 holder requests to modify the completion deadline, to be based on a 3-year timeline from the
42 actual commencement date, versus an actual date. For a Request for Amendment seeking to

¹³ OAR 345-022-0000, effective March 8, 2017.

1 extend the construction deadlines, OAR 345-027-0385(3) establishes that Council must specify
2 new deadlines for both beginning and completing construction that is three years from the
3 deadlines in effect before the Council grants the amendment. The existing construction
4 completion deadline is April 24, 2026. To be consistent with this rule, the Department
5 recommends Council reject the certificate holder's proposal, and impose a deadline based on a
6 specific date extending three years from the current deadline, from April 24, 2026 to April 24,
7 2029. Certificate holder also proposes to remove deadlines from the condition that applied to
8 Bakeoven Solar Project and Daybreak Solar Project; these deadlines were erroneously
9 maintained in the condition as part of the Final Order on Request for Amendment 1 of the
10 Bakeoven Solar Project.

11
12 Under OAR 345-027-0385(1), a request to extend the deadlines for beginning or completing
13 construction of the facility must be submitted to the Department before the applicable
14 construction deadline, but no earlier than twelve months before the applicable construction
15 deadline. The pRFA1 was submitted on April 24, 2025, on the date of the original construction
16 commencement date established in General Standard Condition 1 (GEN-GS-01(b)). Because
17 pRFA1 was submitted within 12 months of the applicable deadline, the Department
18 recommends the Council find the request to be submitted timely.

19
20 Based on the evaluation presented in this order, the Department recommends the Council find
21 that the certificate holder continues to comply with the standards, laws, rules, and ordinances
22 applicable to an original site certificate application; and, that the certificate holder timely
23 requested an extension of the deadline for beginning construction. Therefore, the Department
24 recommends the Council grant the construction commencement and completion deadline
25 extension and amend General Standard Condition 1 (GEN-GS-01):

26
27 **Recommended Amended General Standard Condition 1 (GEN-GS-01):**

28 The certificate holder shall begin and complete construction of the facility, facility
29 component or phase by the dates specified in the site certificate.

- 30 ~~a. Construction of the facility, facility component or phase shall commence on or before~~
31 ~~April 24, 2023, three years after the date of Council action. Within 7 days of~~
32 ~~construction commencement, the certificate holder shall provide the Department~~
33 ~~written verification that it has met the construction commencement deadline.~~
34 b. Construction of the ~~last~~ facility, facility component or phase, shall commence on or
35 before April 24, ~~2028~~2025, ~~five years after the date of Council action.~~ Within 7 days
36 of construction commencement, the certificate holder shall provide the Department
37 written verification that it has met the construction commencement deadline.
38 c. Construction of all facility components shall be completed on or before April 24, 2029
39 ~~three years from the date of construction commencement~~ April 24, 2026, ~~six years~~
40 ~~after the date of Council action.~~ Within 7 days of construction completion, the
41 certificate holder shall provide the Department written verification that it has met
42 the construction completion deadline.

43 [General Standard Condition 1, Final Order on Bakeoven ASC (2020), AMD1 (2021); Final
44 Order on SSF AMD1; Mandatory Condition OAR 345-025-0006(4)]

1
2 **III.A.2. Conclusions of Law**
3

4 The Department recommends the Council find that, after considering any changes in facts or
5 law since the date the current site certificate was executed as presented in the remaining
6 sections of this order, that the facility complies with all laws and Council standards applicable to
7 an original site certificate application, and that, subject to existing and recommended new and
8 amended site certificate conditions described in this Order, the facility, with the proposed
9 deadline extension, complies with the Council's General Standard of Review.
10

11 **III.B. ORGANIZATIONAL EXPERTISE: OAR 345-022-0010**
12

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

26 *(2) The Council may base its findings under section (1) on a rebuttable*
27 *presumption that an applicant has organizational, managerial and technical*
28 *expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and*
29 *proposes to design, construct and operate the facility according to that*
30 *program.*
31

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

41 *(4) If the applicant relies on a permit or approval issued to a third party and*
42 *the third party does not have the necessary permit or approval at the time the*
43 *Council issues the site certificate, the Council may issue the site certificate*

1 *subject to the condition that the certificate holder shall not commence*
2 *construction or operation as appropriate until the third party has obtained the*
3 *necessary permit or approval and the applicant has a contract or other*
4 *arrangement for access to the resource or service secured by that permit or*
5 *approval.*¹⁴
6

7 **III.B.1. Findings of Fact**

8

9 *Organizational Expertise of Certificate Holder*

10

11 The certificate holder is Sunset Solar, LLC, a wholly owned subsidiary of Avangrid Power, LLC
12 (parent company). Sunset Solar, LLC is a “Member-Managed Limited Liability Company” with
13 Avangrid Power, LLC as the sole member.¹⁵ Under ORS 63.130(1)(a), members of a limited
14 liability company have “equal rights in the management and conduct of the limited liability’s
15 business.” Avangrid Power, LLC directs Sunset Solar, LLC, in its capacity as the certificate holder,
16 to permit, design, construct, operate, and retire an energy facility.

17
18 In a letter dated September 5, 2025, the certificate holder provides a legal opinion from Mr.
19 Rodriguez, Senior Counsel for Avangrid Power, LLC, stating that, subject to compliance with all
20 applicable federal, state and local laws, the certificate holder has the authority to construct and
21 operate the facility under its own operating agreements and organizing documents.¹⁶
22

23 For the purposes of RFA1 and because the facility has not yet been constructed, Sunset Solar,
24 LLC relies upon the organizational expertise of its parent company to demonstrate that it has
25 the ability to construct, operate and retire the facility in compliance with site certificate
26 conditions and Council standards. On behalf of the certificate holder and its parent company,
27 Mr. Leonard Rodriguez provides authority for the submittal and of the representations made in
28 RFA1.¹⁷ Mr. Rodriguez is Vice President and General Counsel of Avangrid Power, LLC; he is also
29 the authorized representative of Sunset Solar, LLC, as established in the Articles of
30 Organization.

31
32 Avangrid Power, LLC is the parent company to several other EFSC-approved and operational
33 facilities, including Montague Wind Power Facility (certificate holder - Montague Wind Power
34 Facility, LLC), Pachwaywit Solar Facility (formally known as Montague Solar Facility) (certificate
35 holder - Montague Solar, LLC) and Golden Hills Wind Project (certificate holder – Golden Hills
36 Wind, LLC). Montague Wind Power Facility has been in commercial operation since October
37 2019; Pachwaywit Solar Facility has been in commercial operation since April 2023; Golden Hills
38 Wind Project has been in commercial operation since April 2022. To date, these facilities with

¹⁴ OAR 345-022-0010, effective April 3, 2002.

¹⁵ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 3 includes The Articles of Organization for the Certificate Holder.

¹⁶ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 16.

¹⁷ Id.

1 similar LLC-parent company relationships have operated in compliance or have adequately
2 resolved compliance issues associated with their respective site certificate requirements.

3
4 When operational, the certificate holder indicates that it would own the facility, which would
5 have an asset value of approximately \$65 million.¹⁸ Further, the facility would generate revenue
6 from a power purchase agreement or from selling power into the wholesale spot market and
7 this revenue would be invested into the company to be able to operate the facility. Therefore,
8 the certificate holder would be able to rely on its own financial resources to operate and
9 maintain the facility, once constructed, operational and generating power for sale on the
10 regional grid.

11
12 Given the limitations of an LLC without existing technical and financial resources and the
13 subsequent reliance on the parent company to meet the standard at this time, the Department
14 recommends Council supplement site certificate conditions to authorize the Department and
15 Council to adjust the facility decommissioning estimate and the associated amount of financial
16 assurance the certificate holder must provide, should non-compliance and operability issues
17 lead to a circumstance where the certificate holder is unable to fulfil its obligation to
18 decommission the facility based on a Council approved retirement plan and set of EFSC site
19 certificate conditions, as presented below.¹⁹

20
21 **Recommended Amended Organizational Expertise Condition 5 [GEN]:** ~~In addition to~~
22 ~~the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or~~
23 ~~circumstances that violate the terms or conditions of the site certificate, the certificate~~
24 ~~holder must report the conditions or circumstances to the Department.~~

25 The certificate holder shall, as soon as reasonably possible:

- 26 d. Report incidents or circumstances that may violate the terms or conditions of the
27 site certificate, terms or conditions of any order of the Council, to the Department.
28 In the report to the Department, the certificate holder shall provide all pertinent
29 facts including an estimate of how long the conditions or circumstances existed, how
30 long they are expected to continue before they can be corrected, and whether the
31 conditions or circumstances were discovered as a result of a regularly scheduled
32 compliance audit;
33 e. Initiate and complete appropriate action to correct the conditions or circumstances
34 and to minimize the possibility of recurrence;
35 f. Submit a written report within 30 days of discovery to the Department. The report
36 must contain:
37 i. A discussion of the cause of the reported conditions or circumstances;

¹⁸ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.2.

¹⁹ SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. In DPO comments, the certificate holder requested changes in (a) and (c). -Based on the Department's evaluation and for consistency with OAR-029-0010, the Department recommends that Council reject the certificate holder's proposed changes and retain the language, as presented.

- 1 ii. The date of discovery of the conditions or circumstances by the responsible
2 party;
3 iii. A description of immediate actions taken to correct the reported conditions or
4 circumstances;
5 iv. A description of actions taken or planned to minimize the possibility of
6 recurrence; and
7 v. For conditions or circumstances that may violate the terms or conditions of a
8 site certificate, an assessment of the impact on the resources considered under
9 the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the
10 reported conditions or circumstances.
11 g. Upon receipt of the written report in sub(c) of this condition, the Department may
12 review the facility record for incidents or circumstances reported or reportable
13 under sub(a) related to public health and safety, the environment, or other
14 resources protected under Council standards. If these incidences are determined by
15 the Department to impact the adequacy of the facility decommissioning cost, the
16 Department or Council may adjust the contingencies identified in Final Order on
17 Amendment 1 of Sunset Solar Project Site Certificate, Table 7 and request that the
18 certificate holder promptly provide an updated bond or letter of credit in the
19 adjusted amount.
20 [OAR 345-029-0010, GEN-OE-04; Final Order on SSF AMD1]

21
22 The Council previously imposed the following conditions to ensure compliance with the
23 Organizational Expertise standard:

- 24
25 • Organizational Expertise Condition 1 (GEN-OE-01) requires the certificate holder to
26 notify the Department of any changes to its parent companies that would affect its
27 access to technical or financial expertise and resources.
28
29 • Organizational Expertise Condition 2 (PRE-OE-01) requires the certificate holder to
30 provide the qualifications of its selected contractor prior to construction and
31 demonstrate that the contractor has substantial experience in design, engineering and
32 construction of similar facilities.
33
34 • Organizational Expertise Condition 3 (GEN-OE-02) requires the certificate holder to
35 contractually require all contractors and subcontractors to comply with all applicable
36 laws and regulations and with the terms and conditions of the site certificate.
37
38 • Organizational Expertise Condition 4 (GEN-OE-03) makes the certificate holder
39 responsible for all compliance with site certificate requirements, including violations and
40 penalties.
41
42 • Organizational Expertise Condition 5 (GEN-OE-04) requires the certificate holder notify
43 the Department within 72 hours of any incidents or circumstances that would violate
44 requirements of the site certificate.

- 1
- 2 • Organizational Expertise Condition 6 (GEN-OE-05) requires the certificate holder to
- 3 require any third-party contractors hired to transport or dispose of batteries or battery
- 4 waste comply with all applicable federal regulations and manufacturer's
- 5 recommendations for transport and disposal.
- 6

7 Based upon the above conditions, the Department recommends that the Council impose

8 additional conditions requiring that the certificate holder obtain and make available onsite

9 qualified staff responsible for site certificate compliance during both construction and

10 operation as presented below:²⁰

11

12 **Recommended Organizational Expertise Condition 7 (CON-OE-01):** During construction,

13 the certificate holder shall have an on-site construction manager to ensure compliance

14 with construction-related site certificate conditions~~require that a qualified compliance~~

15 ~~manager is onsite during ground disturbance activities to manage compliance with site~~

16 ~~certificate requirements.~~ The certificate holder shall promptly notify the Department

17 and Wasco County Sheriff's Department ~~within 72 hours~~ upon any change to the on-site

18 construction compliance manager.

19 [Final Order on SSF AMD1]

20

21 **Recommended Organizational Expertise Condition 8 (PRO-OE-01):** Before beginning

22 operation, the certificate holder shall notify the Department of the identity, telephone

23 number, e-mail address and qualifications of the operations compliance facility/asset

24 manager. Qualifications shall demonstrate that the operations manager has experience

25 in managing permit and regulatory compliance requirements and is qualified to manage

26 operation of a utility scale solar facility.

27 [Final Order on SSF AMD1]

28

29 **Recommended Organizational Expertise Condition 9 (OPR-OE-01):** During operation,

30 the certificate holder shall require that a qualified operations compliance facility/asset

31 manager be responsible for managing compliance with operations-related site

32 certificate requirements.

33 [Final Order on SSF AMD1]

34

35 The certificate holder's organizational expertise must demonstrate their ability to restore the

36 site to a useful, nonhazardous condition. The ability to decommission the facility and restore

37 the site to a useful, nonhazardous condition is addressed under the Council's Retirement and

38 Financial Assurance standard in Section III.G of this order. In Section III.G. *Retirement and*

²⁰ SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. In DPO comments, the certificate holder requested that the language in recommended Organizational Expertise Conditions 7, 8, and 9 be modified to clarify the title of the compliance manager for each phase of the facility based on company position titles, and allow flexibility in the timing of reporting any changes. The Department recommends Council modify the conditions, as requested, because it aligns with the certificate holder's position titles for those responsible for compliance.

1 *Financial Assurance*, the Department recommends Council find that the certificate holder has
2 appropriately identified tasks and actions necessary to decommission the facility and restore
3 the site and has estimated an amount satisfactory to complete those tasks and actions.

4
5 **III.B.2. Conclusions of Law**

6
7 Based on the foregoing findings of fact, and subject to compliance with the existing and
8 recommended new and amended conditions presented above, the Department recommends
9 that the Council find that the certificate holder has the organizational expertise to construct,
10 operate and retire the facility, with the proposed changes, in compliance with Council
11 standards and conditions of the site certificate.

12
13 **III.C. STRUCTURAL STANDARD: OAR 345-022-0020**

14
15 *(1) Except for facilities described in sections (2) and (3), to issue a site*
16 *certificate, the Council must find that:*

17
18 *(a) The applicant, through appropriate site-specific study, has adequately*
19 *characterized the seismic hazard risk of the site; and*

20
21 *(b) The applicant can design, engineer, and construct the facility to avoid*
22 *dangers to human safety and the environment presented by seismic hazards*
23 *affecting the site, as identified in subsection (1)(a);*

24
25 *(c) The applicant, through appropriate site-specific study, has adequately*
26 *characterized the potential geological and soils hazards of the site and its*
27 *vicinity that could, in the absence of a seismic event, adversely affect, or be*
28 *aggravated by, the construction and operation of the proposed facility; and*

29
30 *(d) The applicant can design, engineer and construct the facility to avoid*
31 *dangers to human safety and the environment presented by the hazards*
32 *identified in subsection (c).*

33
34 *(2) The Council may not impose the Structural Standard in section (1) to*
35 *approve or deny an application for an energy facility that would produce*
36 *power from wind, solar or geothermal energy. However, the Council may, to*
37 *the extent it determines appropriate, apply the requirements of section (1) to*
38 *impose conditions on a site certificate issued for such a facility.*

39
40 *(3) The Council may not impose the Structural Standard in section (1) to deny*
41 *an application for a special criteria facility under OAR 345-015-0310. However,*
42 *the Council may, to the extent it determines appropriate, apply the*

requirements of section (1) to impose conditions on a site certificate issued for such a facility.²¹

III.C.1. Findings of Fact

The analysis area for the review of seismic and geologic hazards, as evaluated under the Council's Structural Standard, is the area within the RFA1 site boundary.²² To inform the evaluation of seismicity within the site, earthquakes and faults within 50-miles of the site RFA1 boundary were assessed.²³

Seismic Hazard Risk at Site

Seismic hazards from earthquake events include seismic shaking or ground motion, fault rupture, liquefaction, seismically induced landslides, and subsidence. Seismic risks and hazards at the site were evaluated through a 2019 preliminary assessment.²⁴ Four sources of earthquakes and seismic activity in the region were identified including intraplate, volcanic, and the Cascadia Subduction Zone. Based on the literature review and 1-foot contour data collected at the site, there were no potentially active faults identified within the site boundary. However, based on a review of historic earthquakes, there were over 200 significant earthquakes within 50-miles of the site boundary recorded since 1970.

For this analysis, the evaluation of potential changes in seismic risk at the site is based on data obtained in 2025 from the DOGAMI Oregon HazVu: Statewide Geohazards data layer and the United States Geological Service Geologic Hazards Science Center tool. While there are known active faults in the analysis area, none extend onto the RFA1 site boundary, and the current assessment of seismic risks is moderate. There are no changes in seismic hazards since Council's prior evaluation in the Final Order on the Bakeoven ASC. For these reasons that Department recommends that Council find that the certificate holder has adequately characterized seismic risks and potential seismic hazards within the RFA1 site boundary and that the overall seismic risks and hazards to human health and safety within the RFA1 site boundary remain low.

Non-seismic Geologic and Soils Hazards

Non-seismic geologic hazards include landslides, volcanic eruptions, collapsing soil and erosion

²¹ OAR 345-022-0020, effective October 18, 2017, as amended by minor correction filed May 28, 2019.

²² The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

²³ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Figures 3A-3D.

²⁴ BSPAPPDoc6 8 Exhibit H. Geological Soil Stability 2019-11-04.

1 potential, and flooding. Council previously found that the site contains a moderate to high
2 potential for soil erosion. To minimize potential soil erosion risks during construction and
3 operation, best management practices (BMPs) would be required under the National Pollutant
4 Discharge Elimination Permit (NPDES) 1200-C Stormwater Permit, to be issued prior to
5 construction by the Oregon Department of Environmental Quality (See Section III.D. Soil
6 Protection).

7
8 For this analysis, the evaluation of potential changes in non-seismic risk at the site is based on
9 data obtained in 2025 from the Statewide Landslide Information Database for Oregon. No new
10 or active landslides have been identified within the RFA1 site boundary since Council's previous
11 review.

12
13 Based on the results of the 2019 preliminary assessment and updated literature review results,
14 the Department recommends that Council find that the certificate holder has adequately
15 characterized the non-seismic risks and hazards within the RFA1 analysis area. The Department
16 also recommends that Council rely on its previous findings that with the existing and
17 recommended Soil Protection Condition 5 (OPR-SP-01) to prevent and minimize soil erosion,
18 that non-seismic risks and hazards in the RFA1 site boundary remain low.

19
20 The Council has previously imposed the following conditions under the Structural Standard to
21 ensure the certificate holder adequately characterizes seismic and geologic hazards at the site
22 and designs, engineers and constructs the facility to avoid dangers to human safety and the
23 environment presented by those hazards:

- 24
25 • Structural Standard Condition 1 (PRE-SS-01) requires that, prior to construction, the
26 certificate holder complete a site-specific geotechnical investigation to further
27 characterize the site and inform final design.
- 28
29 • Structural Standard Condition 2 (GEN-GS-01) requires the certificate holder to design,
30 engineer and construct the facility to avoid seismic hazards.
- 31
32 • Structural Standard Condition 3 (GEN-GS-03) requires the certificate holder to notify
33 DOGAMI and the Department if the site-specific investigations or trenching reveal
34 conditions other than those identified in the Bakeoven ASC.
- 35
36 • Structural Standard Condition 4 (GEN-SS-03) requires the certificate holder to notify
37 DOGAMI and the Department promptly if shear zones, artesian aquifers, deformations
38 or clastic dikes are found at or in the vicinity of the site.

39 40 **III.C.2. Conclusions of Law**

41
42 Based on the foregoing recommended findings of fact, and subject to compliance with the
43 existing and recommended site certificate conditions described above, the Department

recommends that the Council find that the certificate holder has adequately characterized potential seismic and geologic hazards at the site and can design, engineer and construct the facility, with the proposed changes, to avoid dangers to human safety and the environment presented by those hazards.

III.D. SOIL PROTECTION: OAR 345-022-0022

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.²⁵

III.D.1. Findings of Fact

The analysis area for the Soil Protection standard is the area within the RFA1 site boundary.²⁶

Soils within the RFA1 site boundary are highly permeable and have a moderate-to-severe erosion factor²⁷ and are highly susceptible to erosion by wind and rain/water, as presented in Table 2 below.

²⁵ OAR 345-022-0022, effective May 15, 2007.

²⁶ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

²⁷ The K factor, or soil erodibility factor, is a quantitative measure of the susceptibility of soil particles to detachment and transport by rainfall and runoff. It reflects the inherent erodibility of a particular soil and is a measure of the rate of erosion per unit erosion index from a standard plot. The K factor ranges from 0.02 to 0.69 and is influenced by factors such as texture, mineralogy, organic matter, structure, permeability, and depth to a limiting layer. Source: <https://biologyinsights.com/how-to-determine-k-factor-methods-and-examples/>

Table 2: Soil Types and Characteristics in RFA1 Analysis Area

Soil Type ID	Soil Unit	Setting Within Project Area	Formation Setting	Permeability	Runoff	Erosion Hazard	K Factor (Erodibility), whole soil	K Factor, (Erodibility) rock free
BcC	Bakeoven-Condon complex	2 to 20 percent slopes	Loess and residuum weathered from basalt	Very High	High	Moderate	0.1	0.32
CnC	Condon silt loam	2 to 12 percent slopes	Loess over basalt	High	Moderately High	Severe	0.37	0.37
CoC	Condon-Bakeoven complex	2 to 20 percent slopes	Loess and residuum weathered from basalt	High	Moderately High	Severe	0.37	0.37

1

As shown in the table above, the dominant soil types in the RFA1 site boundary are Condon Silt Loam and the Condon-Bakeoven Complex and Bakeoven-Condon Complex and are considered moderately to highly susceptible to erosion. While there is no evidence that these soils are susceptible to shrinking and swelling, the certificate holder indicates that prior to construction and during the site-specific geotechnical studies required, potential for shrinking and swelling soils will be evaluated, and based on those findings, may decide to set posts in concrete foundation if conditions warrant this method. Concrete footings were approved as part of facility design in the ASC.

To minimize construction-related erosion impacts, Council previously imposed Soil Protection Condition 1 (Condition GEN-SP-01) requiring that the certificate holder:

- Submit a final Erosion Sediment Control Plan (ESCP), as included in the DEQ-issued 1200-C permit, to the Department, prior to construction; and,
- Based on the final ESCP, conduct all work in compliance with the 1200-C permit requirements and ESCP.

The soil characteristics and type/extent of impacts resulting from construction of the RFA1 site boundary additions would not differ from those previously evaluated by Council in the *Final Order on the ASC*. However, the Department recommends that the Council amend Soil Protection Condition 1 (Condition GEN-SP-01) to support effective implementation and intent of the ESCP under the Site Certificate.

Under the 1200-C permit, an ESCP can be revised throughout construction to address numerous changes.²⁸ However, the language of existing Soil Protection Condition 1 (Condition GEN-SP-01) could be interpreted to limit the ESCP to one version – a singular version finalized prior to construction. The existing condition also does not provide the *Department* the authority to require that changes be implemented in an ESCP. The Department recommends that the Council further amend the condition to provide the Department the authority to require revisions to the ESCP because it is the ESCP that Council relies upon to ensure that erosion impacts are minimized, in compliance with the Soil Protection, as presented below:

Recommended Amended Soil Protection Condition 1: The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan and associated drawings. ~~(as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Site Certificate).~~
- b. During construction of the facility, facility component or phase, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan or

²⁸ DEQ Construction Stormwater Application and Forms Manual. Accessed June 11, 2023: [wqp1200cinfo.pdf\(oregon.gov\)](http://wqp1200cinfo.pdf(oregon.gov)), pg. 17-18. ESCP revisions under the 1200-C permit can be made for: emergency situations; registrant change of address; change in size of project; change in size or location of disturbed areas; changes to best management practices; changes in erosion and sediment control inspector; and changes in DEQ or agent requests.

1 revised ESCP, if applicable. The ESCP shall be revised if determined necessary by the
2 certificate holder, certificate holder's contractor(s) or the Department. Any
3 Department-required ESCP revisions shall be implemented within 14-days, unless
4 otherwise agreed to by the Department based on a good faith effort to address erosion
5 issues. that is satisfactory to the Oregon Department of Environmental Quality as
6 required under the National Pollutant Discharge Elimination System Construction
7 Stormwater Discharge General Permit 1200-C.
8 [GEN-SP-01; Final Order on BSP ASC, AMD1; SSF AMD1]

10 To address the potential for erosion issues during facility operations, the Department
11 recommends the Council impose a new condition requiring regular inspections and
12 maintenance of roads and BMPs during operation of the facility:

14 **Recommended Soil Protection Condition 3 (OPR-SP-01):** During operation, the
15 certificate holder shall routinely inspect facility access roads and maintain or repair road
16 surfaces or erosion and sediment control measures. The certificate holder must
17 maintain records of inspections and repairs and make the records available to the
18 Department for inspection upon request.
19 [Final Order on SSF AMD1]

21 Council previously imposed Soil Protection Condition 2 (PRO-SP-01) requiring that, prior to
22 operations, the certificate holder prepare, submit and comply with an operational Spill
23 Prevention Control and Countermeasures (SPCC) plan. Council did not, however, impose a
24 condition requiring that, during operations, the certificate holder adhere to the requirements
25 of the SPCC Plan. The Department recommends that the Council impose the following
26 condition:

28 **Recommended Soil Protection Condition 4 (OPR-SP-02):** During operations, certificate
29 holder shall adhere to the requirements of its operational Spill Prevention Control and
30 Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to -0240.
31 [Final Order on Bakeoven ASC, AMD1, Final Order on SSF AMD1]

33 **III.D.2. Conclusions of Law**

35 Based on the foregoing analysis, and subject to compliance with the existing and recommended
36 site certificate conditions described above, the Department recommends the Council find that
37 the facility, with proposed changes, is not likely to result in a significant adverse impact to soils.

39 **III.E. LAND USE: OAR 345-022-0030**

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

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

3
4 (a) *The applicant elects to obtain local land use approvals under ORS*
5 *469.504(1)(a) and the Council finds that the facility has received local land use*
6 *approval under the acknowledged comprehensive plan and land use*
7 *regulations of the affected local government; or*

8
9 (b) *The applicant elects to obtain a Council determination under ORS*
10 *469.504(1)(b) and the Council determines that:*

11
12 (A) *The proposed facility complies with applicable substantive criteria as*
13 *described in section (3) and the facility complies with any Land Conservation*
14 *and Development Commission administrative rules and goals and any land use*
15 *statutes directly applicable to the facility under ORS 197.646(3);*

16
17 (B) *For a proposed facility that does not comply with one or more of the*
18 *applicable substantive criteria as described in section (3), the facility otherwise*
19 *complies with the statewide planning goals or an exception to any applicable*
20 *statewide planning goal is justified under section (4); or*

21
22 (C) *For a proposed facility that the Council decides, under sections (3) or (6), to*
23 *evaluate against the statewide planning goals, the proposed facility complies*
24 *with the applicable statewide planning goals or that an exception to any*
25 *applicable statewide planning goal is justified under section (4).*

26
27 (3) *As used in this rule, the "applicable substantive criteria" are criteria from*
28 *the affected local government's acknowledged comprehensive plan and land*
29 *use ordinances that are required by the statewide planning goals and that are*
30 *in effect on the date the applicant submits the application. If the special*
31 *advisory group recommends applicable substantive criteria, as described*
32 *under OAR 345-021-0050, the Council shall apply them. If the special advisory*
33 *group does not recommend applicable substantive criteria, the Council shall*
34 *decide either to make its own determination of the applicable substantive*
35 *criteria and apply them or to evaluate the proposed facility against the*
36 *statewide planning goals.*

37
38 (4) *The Council may find goal compliance for a proposed facility that does not*
39 *otherwise comply with one or more statewide planning goals by taking an*
40 *exception to the applicable goal. Notwithstanding the requirements of ORS*
41 *197.732, the statewide planning goal pertaining to the exception process or*
42 *any rules of the Land Conservation and Development Commission pertaining*
43 *to the exception process, the Council may take an exception to a goal if the*
44 *Council finds:*

1
2 *(a) The land subject to the exception is physically developed to the extent that*
3 *the land is no longer available for uses allowed by the applicable goal;*
4

5 *(b) The land subject to the exception is irrevocably committed as described by*
6 *the rules of the Land Conservation and Development Commission to uses not*
7 *allowed by the applicable goal because existing adjacent uses and other*
8 *relevant factors make uses allowed by the applicable goal impracticable; or*
9

10 *(c) The following standards are met:*
11

12 *(A) Reasons justify why the state policy embodied in the applicable goal*
13 *should not apply;*
14

15 *(B) The significant environmental, economic, social and energy consequences*
16 *anticipated as a result of the proposed facility have been identified and*
17 *adverse impacts will be mitigated in accordance with rules of the Council*
18 *applicable to the siting of the proposed facility; and*
19

20 *(C) The proposed facility is compatible with other adjacent uses or will be*
21 *made compatible through measures designed to reduce adverse impacts.*
22

23 *(5) If the Council finds that applicable substantive local criteria and applicable*
24 *statutes and state administrative rules would impose conflicting requirements,*
25 *the Council shall resolve the conflict consistent with the public interest. In*
26 *resolving the conflict, the Council cannot waive any applicable state statute.*
27

28 *(6) If the special advisory group recommends applicable substantive criteria*
29 *for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related*
30 *or supporting facility that does not pass through more than one local*
31 *government jurisdiction or more than three zones in any one jurisdiction, the*
32 *Council shall apply the criteria recommended by the special advisory group. If*
33 *the special advisory group recommends applicable substantive criteria for an*
34 *energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or*
35 *supporting facility that passes through more than one jurisdiction or more*
36 *than three zones in any one jurisdiction, the Council shall review the*
37 *recommended criteria and decide whether to evaluate the proposed facility*
38 *against the applicable substantive criteria recommended by the special*
39 *advisory group, against the statewide planning goals or against a combination*
40 *of the applicable substantive criteria and statewide planning goals. In making*
41 *the decision, the Council shall consult with the special advisory group, and*
42 *shall consider:*
43

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

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

(c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.²⁹

III.E.1. Findings of Fact

The Land Use standard requires the Council to find that the facility, with proposed changes, complies with the statewide planning goals adopted by the Land Conservation and Development Commission (LCDC). Under ORS 469.504(1)(b)(A), the Council may find compliance with statewide planning goals if the Council finds that a proposed facility or facility, with proposed changes, “complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted...” ” For an amendment, this refers to the date the Department received the pRFA, which for the Sunset facility the Department received on April 24, 2025. The affected local government is Wasco County. The governing body within Wasco County is the Wasco County Board of Commissioners, which was appointed by Council as the Special Advisory Group (SAG) for all EFSC proceedings related to this facility on November 16, 2018.³⁰

The analysis area for potential land use impacts is the area within and extending ½ mile from the RFA1 site boundary.³¹

Local Applicable Substantive Criteria

Under OAR 345-022-0030(2), the Council must apply the applicable substantive criteria recommended by the SAG, if those criteria are required by statewide planning goals and in effect on the date the pRFA is submitted, April 24, 2025. Applicable substantive criteria are presented in the following table.

Table 3: Wasco County Applicable Substantive Criteria
Wasco County Land Use and Development Ordinance

²⁹ OAR 345-022-0030, effective September 3, 2003, as amended by minor correction filed May 28, 2019.

³⁰ BSPNOI. SAG Appointment. 2018-11-16.

³¹ The Council’s procedural requirements for site certificate amendments (OAR 345-027-0360(3) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending ½-mile from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending ½-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Table 3: Wasco County Applicable Substantive Criteria

Section 1.030	Severability (Legal Parcel Status)
Section 3.210	Exclusive Farm Use (A-1) Zone
Section 3.2.1.4	Uses Permitted Subject to Standards/Type II Review
Section 3.2.1.5	Uses Permitted Subject to Standards/Type III Review
Section 3.2.1.6	Exclusive Farm Use (EFU) Property Development Standards
Section 3.2.1.8	Agricultural Protection
Section 5.020	Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used
Section 10.020	Applicability of Fire Safety Standards
Section 10.110	Siting Standards – Locating Structure for Good Defensibility
Section 10.120	Defensible Space – Clearing and Maintaining a Fire Fuel Break
Section 10.130	Construction Standards for Dwelling and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure
Section 19.030	Commercial Power Generating Facilities Review Process & Approval Standards
C	General Standards
D2	Specific Standards, Solar Energy Facilities
Section 20.040	Site Plan Approval Standards
Section 20.050	Off Street Parking
Section 20.055	Bicycle Parking Requirements
Section 20.070	Off Street Loading
Section 20.080	General Provisions – Off Street Parking and Loading
Wasco County Comprehensive Plan	
	Chapter 5 Community Facilities and Services – J. Parks and Recreation Scenic Areas – Subpart 3 Chapter 15 Goals and Policies Goal 3 Agricultural Lands – Policy I Goal 5 – Opens Spaces, Scenic and Historic Areas and Natural Resources – Policies 5, 9 and 10 Goal 6 – Air, Water and Land Resources Quality – Policies 1 and 4 Goal 9 – Economy of the State – Policies 1, 2 and 3 Goal 11 – Public Facilities and Services – Policies 1 and 3 Goal 12 – Energy Conservation – Policies 1, 2 and 6

There have been no significant changes to the applicable substantive criteria in the WCLUDO and WCCP since Council's prior evaluation. The proposed change to extend the construction deadlines does not affect the Council's findings in its Final Order on the Bakeoven Solar Project Amendment 1.³²

³² SSFAMD1Doc28 Request for Amendment 1 2025-09-05, pp. 25 – 32 including Tables 1 and 2.

Council previously imposed Land Use Condition 7 (GEN-LU-02) which requires finalization and implementation of a Construction and Operation (combined) Fire Prevention and Emergency Response Plan similar to the draft plan included in the Final Order of Bakeoven RFA1. As discussed in Section IV.N., *Wildfire Prevention and Risk Mitigation*, the Wildfire Prevention and Risk Mitigation standard was not in effect during Council's previous review of the facility, however, the facility is now subject to the standard. The certificate holder provides a Construction and Operational Wildfire Mitigation Plan (WMP) in RFA1 as Attachments 12 and 13; these are also attached to this order as Attachments W-1 and W-2. The previously required draft Fire Prevention and Emergency Response Plan includes measures such as coordination with fire Departments, on site trainings, fire prevention measures, and equipment requirements.

These measures, and additional wildfire prevention and risk mitigation measures are included in the WMP's which create duplicative requirements in both plans; therefore, the Department recommends that Land Use Condition 7 be removed and that Recommended Wildfire Prevention and Risk Mitigation Conditions 1 through 4 be imposed to ensure that the measures outlined in the WMP's are implemented during construction and operation. However, the Fire Prevention and Emergency Response Plan under Land Use Condition 7 also included findings of compliance with Chapter 10 of the Wasco County Land Use Development Ordinance (WCLUDO) which includes fire safety standards applicable to all of Wasco County's rural zones (all zones outside of an Urban Growth Boundary). Under Section 10.120, a 50-foot fire fuel break will be cleared and maintained around the O&M building, battery storage system, and substation. Under Section 10.110, the location of the O&M building, battery storage system, and substation would be located on land flatter than a 40 percent slope, and all solar arrays would be located on land with a 5 percent or less grade. The O&M building and collector substation would be set back at least 50 feet from any slopes greater than 30 percent. These fire prevention facility design features have been incorporated into the facility description in the WMPs and in Attachment A, the draft amended site certificate, along with deleted Land Use Condition 7.

Because there are no proposed changes to the site or facility that would affect the facility's compliance with the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals, and because there have been no changes to the applicable substantive criteria enacted since the issuance of the Sunset Solar Project site certificate that would affect Council's prior findings, the Department recommends the Council rely on its previous analysis and find that, subject to the aforementioned land use conditions, the Sunset Solar Project, with the proposed RFA1 changes, complies with local applicable substantive criteria.

Directly Applicable State Rules and Statutes and Goal 3 exception

Per OAR 345-027-0375(3)(b), any administrative rules and goals adopted by the Land Conservation and Development Commission (LCDC) and any land use statutes directly applicable to the facility under ORS 197.646(3) that are in effect as of the date the Council makes its final decision are applicable to the review of RFA1.

On December 6, 2024, LCDRC adopted rules that, among other things, supplement OAR 660-033-0130(5) to describe the steps needed to provide a sufficient analysis under the “farm impacts test” required under ORS 215.296 and OAR 660-033-0130(5). The new rules, set forth in OAR 660-033-0130(5)(c), became effective on January 1, 2025. The intent of the rule change was to incorporate case law guidance from the courts about how to conduct a sufficient farm impacts test analysis. While that common law was in effect at the time the Council issued the Final Order on the Bakeoven ASC, because LCDRC has since placed these criteria in rule, the Department recommends the Council evaluate the new provisions in OAR 660-033-0130(5)(c) as directly applicable standards under ORS 197.646(3).

OAR 660-033-0130

* * * * *

(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:

(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The above provisions have often been referred to as the “farm impacts test.” WCLUDO Section 5.020(J) and (K) incorporate this test by requiring a demonstration that a proposed use would not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands. Therefore, Council previously analyzed the farm impacts test criteria in its analysis of those local ordinances. Council noted that potential impacts to accepted farm practices from construction and operation of the Bakeoven facility include temporary traffic impacts and increased risk of wildland fire, reviewed the applicant’s analysis of these potential impacts and found that the facility would not significantly change the accepted farming practices or significantly increase the cost of accepted farming practices within the surrounding area, and therefore would comply with WCLUDO Section 5.020(J) and (K).³³

As noted above, LCDRC has now supplemented its rules to include the following subsection (c) describing the steps needed to provide a sufficient analysis under the farm impacts test. Because local governments have not yet incorporated the new rules in their land use ordinances, they need to be analyzed here, as part of the Council’s evaluation of directly applicable state rules and statutes.

³³ BSPAPPDoc2 Final Order 2020-04-24 (Bakeoven Solar Project – Final Order on Application for Site Certificate), pp. 67-68.

1 (c) For purposes of subsection (a) and (b), a determination of forcing a significant change
2 in accepted farm or forest practices on surrounding lands devoted to farm and forest use
3 or a determination of whether the use will significantly increase the cost of accepted
4 farm or forest practices on surrounding lands devoted to farm or forest use requires:

5
6 (A) Identification and description of the surrounding lands, the farm and forest
7 operations on those lands, and the accepted farm practices on each farm operation and
8 the accepted forest practices on each forest operation;

9
10 (B) An assessment of the individual impacts to each farm and forest practice, and
11 whether the proposed use is likely to have an important influence or effect on any of
12 those practices; and

13
14 (C) An assessment of whether all identified impacts of the proposed use when considered
15 together could have a significant impact to any farm or forest operation in the
16 surrounding area in a manner that is likely to have an important influence or effect on
17 that operation.

18
19 (D) For purposes of this subsection, examples of potential impacts for consideration may
20 include but are not limited to traffic, water availability and delivery, introduction of
21 weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or
22 flooding.

23
24 (E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices
25 or the cost of farm and forest practices, impacts relating to the construction or
26 installation of the proposed use shall be deemed part of the use itself for the purpose of
27 conducting a review under subsections (a) and (b).

28
29 (F) In the consideration of potentially mitigating conditions of approval under ORS
30 215.296(2), the governing body may not impose such a condition upon the owner of the
31 affected farm or forest land or on such land itself, nor compel said owner to accept
32 payment to compensate for the significant changes or significant increases in costs
33 described in subsection (a) and (b).

34
35 Per OAR 660-033-0130(5)(c)(A) and (B), when assessing whether an activity will force a
36 significant change in accepted farm or forest practices on surrounding lands, the surrounding
37 lands must be identified and the individual impacts to each farm and forest practice on those
38 lands assessed. Farm operations on surrounding lands (parcels immediately adjacent to and
39 within an area ½ mile from the facility site boundary) are presented in the table below.

Table 4: Farm Operations within Surrounding Lands

Landowner	Map and Tax Lot (MTL)	MTL in Lease Agreement with Facility	Farm Practices within Surrounding Lands
Steven L Ashley et al. (aka A & K Ranches)	5S 15E 0 100 5S 15E 0 101 4S 15E 0 1500	Yes No Yes	Farm Operation: Cattle. A portion of the surrounding lands within these tax lots is in review for the siting of the Yellow Rosebush Energy Center. Figure 5B and 2023 aerial imagery indicate no agricultural activities. As discussed in ASC Exhibit K Yellow Rosebush Energy Center, portions of these tax lots are used for cattle grazing for five months out of the year. Irrigation water rights: Permit G17321.
Don Phillips et al.	4S 16E 0 300 5S 16E 0 900 5S 16E 0 1000 5S 16E 0 1100	No (all)	Farm Operation: Cattle. A portion of the surrounding lands within these tax lots is in review for the siting of the Yellow Rosebush Energy Center. Figure 5B and 2023 aerial imagery indicate no agricultural activities. As discussed in ASC Exhibit K Yellow Rosebush Energy Center, while portions of these tax lots are used for cattle grazing, the portion of these operations within the surrounding lands will cease once the proposed solar facility is in construction. No irrigation water rights.
A & K Ranches	5S 16E 0 2000	No	Farm Operation: None. Figure 5B and 2023 aerial imagery indicate no agricultural activities. This tax lot contains a mineral aggregate site (#154). No irrigation water rights.
Vicki Ashley	5S 16E 0 1201 5S 16E 0 2200 5S 15E 0 1100	No (all)	Farm Operation: Dryland wheat production. The portion of these tax lots located within the surrounding lands is used for both the siting of solar energy facilities and limited crop production or is undeveloped rangeland. Figure 5B and 2023 aerial imagery show development of the Bakeoven and Daybreak Solar Projects west of Bakeoven Road. No irrigation water rights.
Lawson Place Partners LLC	5S 15E 0 102	No	Farm Operation: Unknown. The portion of this tax lot located within the surrounding lands is used primarily for the siting of solar energy facilities. Figure 5B and 2023 aerial imagery show development of the Bakeoven and Daybreak Solar Projects west of Bakeoven Road. No irrigation water rights.

- 1 Table 5 is a summary of these potential impacts and how they are addressed in the current
- 2 Sunset Solar site certificate.

Table 5: Overview of Potential Impacts to Farm Operations on Surrounding Lands

Potential impact	RFA1 explanation	Sunset Solar Site Certificate Condition(s)
Traffic	Some increase in traffic during construction; should not interfere with surrounding agricultural activities.	GEN-PS-01 requires certificate holder to, among other items, coordinate with local transportation officials to make improvements where necessary to accommodate facility construction and submit to the Department for review a Construction Traffic Management Plan (and implement the approved Plan).
Water availability & delivery	No change proposed in water source; will truck water obtained from local municipality to the site and may source less than 5,000 gpd from an on-site well.	Provides similar description of water sources and use. (Sections 3.1 and 3.2). Also, per OPR-PS-02 if certificate holder constructs a new onsite well to provide water to the O&M building, it must follow state recording requirements and not use more than 5,000 gallons per day.
Weeds & Pests	Certificate holder has coordinated with the Wasco County Weed Department Supervisor to develop the Noxious Weed Control Plan.	GEN-FW-02 requires certificate holder to finalize and submit a Noxious Weed Control Plan.
Damage to Crops or Livestock	The certificate holder points out that the farm practices on surrounding lands have continued alongside the construction activities for the Bakeoven Solar Project and Daybreak Solar Project. And that there have been cattle operations west of the facility for several years, which will continue to operate.	Not specifically addressed.
Litter & Trespass	During construction, certificate holder will keep standard construction waste bins on site for construction debris. During operations, damaged equipment and other solid waste will be disposed at Wasco County landfill or other approved disposal facility.	GEN-WM-01 requires certificate holder to develop and implement a Solid Waste Management Plan GEN-OE-05 requires certificate holder to dispose battery and battery waste in compliance with all applicable federal regulations and manufacturer recommendations.

Potential impact	RFA1 explanation	Sunset Solar Site Certificate Condition(s)
	Re: trespass – the certificate holder notes the facility is not open to the public and the site boundary will be fenced with security gates and vehicle entry points.	OPR-PS-01 requires certificate holder to discharge sanitary wastewater to a licensed on-site septic system. The site certificate does not address potential trespass, either at the facility nor that might result on surrounding lands because of the facility. However, given that the facility will not be open to the public, it seems there would be a low potential that trespass on surrounding lands due to the facility would force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands.
Reduction in Crop Yields	Facility is not anticipated to cause any reduction in crop yields. Traffic will be managed during construction to prevent disruptions in adjacent farm management schedules. Noxious weeds will be prevented through the Noxious Weed Plan.	GEN-PS-01 requires (among other items) a Construction Traffic Management Plan. GEN-FW-02 requires certificate holder to finalize and submit a Noxious Weed Control Plan.
Flooding	The certificate holder notes that no portion of the surrounding lands is located within the regulated floodplain. Further, certificate holder will monitor construction stormwater impacts in accordance with a NPDES 1200-C permit and associated ESCP. During operation, stormwater runoff will be contained with the site boundary and infiltrate into the ground.	GEN-SP-01 requires the certificate holder to provide a copy of its NPDES 1200-C permit to the Department and conduct all work in compliance with a final ESCP.
Noise	No anticipated impacts to agricultural uses from noise given the facility's compliance with the ODEQ noise regulation, OAR 340-035-	GEN-LU-01 requires the certificate holder to provide written notification to residences withing 1,000 feet of the micrositng corridor identifying the type, duration and frequency of construction

Potential impact	RFA1 explanation	Sunset Solar Site Certificate Condition(s)
	0035 and that the noise reduction measure provided in Exhibit X will be incorporated in the facility's contract specifications.	activities, as well as identifying a mechanism for residents to register complaints about construction noise levels. The condition also requires the certificate holder to implement noise reduction measures.
Fire risk	The facility will be equipped with fire protection equipment in accordance with the Oregon Fire Code and a Fire Plan developed for the facility. A 50-foot fire fuel break will be maintained around the O&M building and Battery Energy Storage System.	GEN-LU-02 requires the certificate holder to submit Fire Prevention and Emergency Response Plans for facility construction and operation and demonstrate they were developed in consultation with the Oregon State Fire Marshal and local fire protection associations/districts. PRE-PS-01 requires the certificate holder to coordinate with the Oregon State Fire Marshal's Office re: compliance with the Oregon Fire Code and provide a statement the Marshal's office concurs the facility complies with their requirements. Recommended Site Certificate conditions PRE-WP-01 and CON-WP-01 would require the certificate holder to finalize and implement a Wildfire Mitigation Plan for construction. Recommended Site Certificate conditions PRO-WP-01 and OPR-WP-01 require the certificate holder to finalize and implement a Wildfire Mitigation Plan for operations which will include firebreaks and measures for the BESS.

As can be seen from the foregoing analysis, the facility is expected to have minimal impacts to farm operations in the surrounding area and existing conditions will serve to mitigate the potential impacts. Given the minimal impacts and mitigating conditions, the Department recommends Council find OAR 660-033-0130(5)(c)(C) is also met because the identified impacts of the facility even when considered together should not have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.

The Department recommends the Council find the updated requirements of OAR 660-033-0130(5) have been satisfied because RFA1 identifies and describes the accepted farm practices on agricultural lands surrounding the site, assesses the potential impacts the construction and operation of the facility could have on those uses, and explains why those impacts will not force a significant change in accepted farm or forest practices on surrounding lands nor significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. Further, the existing site certificate imposes conditions on the certificate holder that will serve to minimize impacts to and ensure that any farm practices will not be significantly affected.

Goal 3 Exception

OAR 660-033-0130(38)(i) restricts a solar PV power generation facility from using, occupying, or covering more than 20 acres of arable land unless a goal exception is provided. The Council may find goal compliance for a facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Pursuant to ORS 469.504(2)(c), the Council may take an exception to a goal if the Council finds that each of the following standards are met:

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

The Council previously determined that the Bakeoven Solar Project warranted a Goal 3 exception under ORS 469.504 because facility components are locationally dependent, the facility would have local economic benefits and minimal impacts to agriculture.³⁴ The certificate holder's proposed RFA1 changes to the construction deadlines would not affect Council's prior findings as to locational dependence (the certificate holder is not proposing

³⁴

BSPAPPD02 Final Order 2020-04-24 (Bakeoven Solar Project – Final Order on Application for Site Certificate), pp. 108-116.

changes to the location of any components) nor local economic benefits (postponing construction will postpone but not negate any of the anticipated economic benefits). Nor will the RFA1 changes to the construction deadlines affect Council's finding of minimal impacts to agriculture. Council concluded that there would be minimal impacts to cultivated agriculture because, out of the total arable land on which the Bakeoven facility would be located, only 9 percent is cultivated land; the remainder is not viable for productive crop cultivation due to the lack of irrigation water and low value for rangeland grazing purposes. Extending the construction deadlines does not impact those findings. Therefore, the Department recommends Council rely on its prior findings and conclude a Goal 3 exception is still merited for the facility, with the proposed RFA1 changes.

III.E.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends the Council conclude that the facility, with the RFA1 proposed construction deadline extensions, will comply with Council's land use standard in OAR 345-022-0030 and the statewide planning goals adopted by the Land Conservation and Development Commission except for Goal 3 and that an exception to Goal 3 continues to be justified because the facility is locationally dependent, would have local economic benefits and would have minimal impacts to agriculture.

III.F. PROTECTED AREAS: OAR 345-022-0040

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

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

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

(2) Notwithstanding section (1)(a), the Council may issue a site certificate for:
(a) A facility that includes a transmission line, natural gas pipeline, or water pipeline located in a protected area, if the Council determines that other reasonable alternative routes or sites have been studied and that the proposed route or site is likely to result in fewer adverse impacts to resources or interests protected by Council standards; or

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

6
7 (3) The provisions of section (1) do not apply to:

8
9 (a) A transmission line routed within 500 feet of an existing utility right-of-way
10 containing at least one transmission line with a voltage rating of 115 kilovolts
11 or higher; or

12
13 (b) A natural gas pipeline routed within 500 feet of an existing utility right of
14 way containing at least one natural gas pipeline of 8 inches or greater
15 diameter that is operated at a pressure of 125 psig.

16
17 (4) The Council shall apply the version of this rule adopted under
18 Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the
19 review of any Application for Site Certificate or Request for Amendment that
20 was determined to be complete under OAR 345-015-0190 or 345-027-0363
21 before the effective date of this rule. Nothing in this section waives the
22 obligations of the certificate holder and Council to abide by local ordinances,
23 state law, and other rules of the Council for the construction and operation of
24 energy facilities in effect on the date the site certificate or amended site
25 certificate is executed.³⁵

26 27 **III.F.1. Findings of Fact**

28 29 *Protected Areas in the Analysis Area*

30
31 The analysis area for protected areas is within and extending 10 miles from the RFA1 site
32 boundary.³⁶

33
34 For RFA1, the certificate holder conducted an updated desktop review for the 10-mile analysis
35 area based on updated 2022 rules and identified 10 previously evaluated protected areas, and

³⁵ OAR 345-022-0040, effective December 19, 2022.

³⁶ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 10-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 10-miles from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

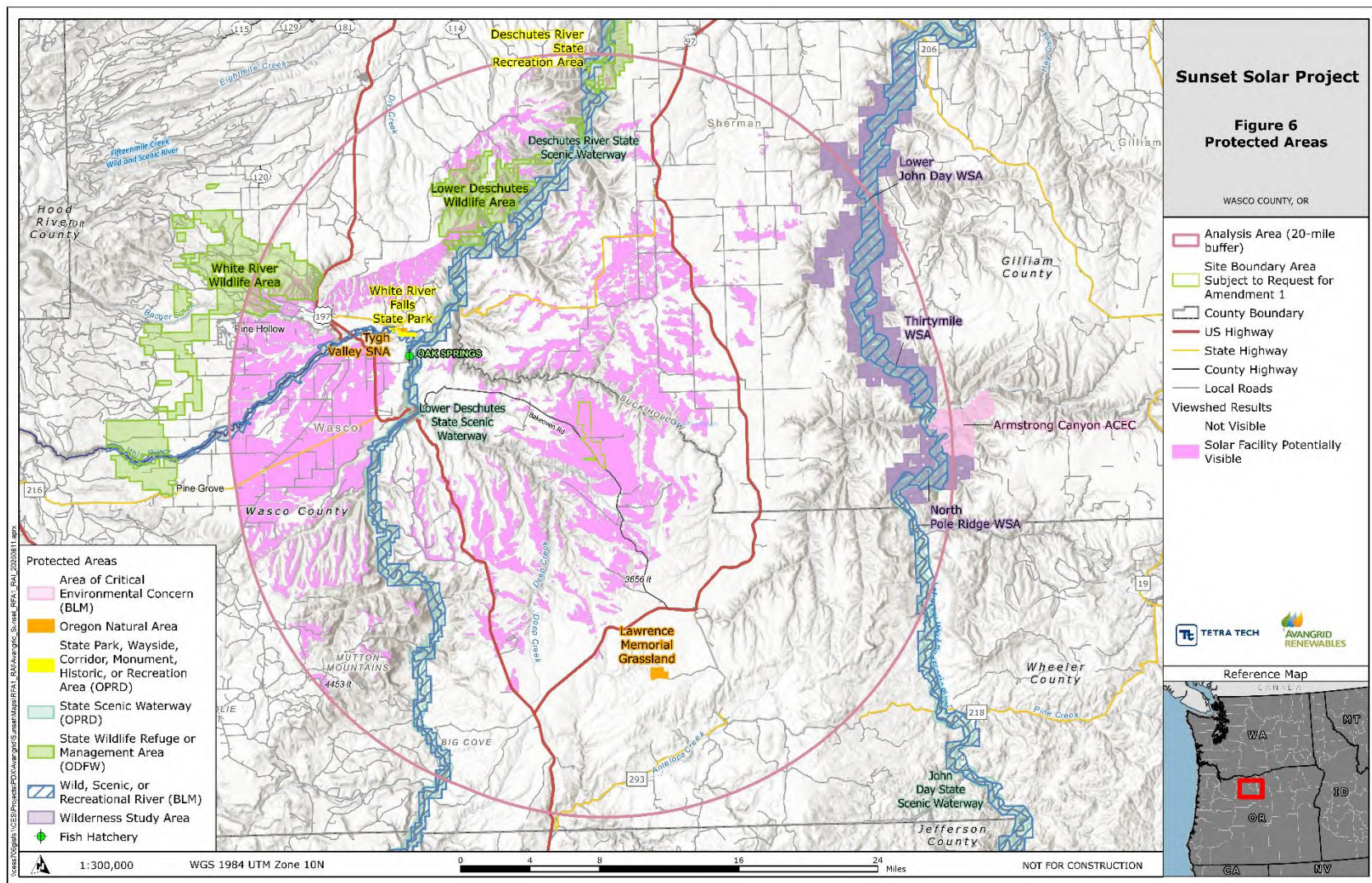
- 1 an additional 5 protected areas that require evaluation per the 2022 rule changes, for a total of
- 2 15 protected areas within the RFA1 analysis area. See Table 6 and Figure 2 below:

Table 6: Protected Areas in RFA1 Analysis Area

Protected Area per OAR 345-001-0010	Protected Area Name	Distance/Direction from Site Boundary	Previously Evaluated by EFSC?
<i>(d) A Wild, Scenic, or Recreational River included in the National Wild and Scenic River System under 16 U.S.C. 1271 et seq.</i>	Deschutes Wild and Scenic River, Segment E	8.3 mi/ W	Yes – no further evaluation required
	White Wild and Scenic River, Segment D	14.59 mi/ W	Yes – no further evaluation required
	White Wild and Scenic River, Segment E	11.33 mi/ NW	Yes – no further evaluation required
	White Wild and Scenic River, Segment F	9.52 mi/ NW	Yes – no further evaluation required
	John Day River	15.84 mi/ E	Yes – no further evaluation required
<i>(i) Land designated in a federal land management plan or by an act of Congress as: (B) An Outstanding Natural Area;</i>	Tygh Valley State Natural Area	10.66 mi/ NW	Yes – no further evaluation required
<i>(i) Land designated in a federal land management plan or by an act of Congress as: (E) A Special Interest Area designated for scenic, geologic, botanic, zoologic, paleontological, archaeological, historic, or recreational values, or combinations of these values;</i>	Lower Deschutes Wildlife Area	10.57 mi/ N-NW	Yes – no further evaluation required
	White River Wildlife Area	16.17 mi/ W-NW	Yes – no further evaluation required
<i>(j) A state park, wayside, corridor, monument, historic, or recreation area under the jurisdiction of the Oregon Parks and Recreation Department;</i>	Deschutes-Oregon Wildlife Heritage Foundation	19.47 mi/ N	Yes – no further evaluation required
	White River Falls State Park	10.08 mi/ NW	Yes – no further evaluation required
	Tygh Valley State Natural Area	10.66 mi/ NW	Yes – no further evaluation required

Protected Area per OAR 345-001-0010	Protected Area Name	Distance/Direction from Site Boundary	Previously Evaluated by EFSC?
<i>(l) A natural area listed in the Oregon Register of Natural Areas under ORS 273.581;</i>	Tygh Valley State Natural Area	10.66 mi/ NW	Yes – no further evaluation required
<i>(n) A State Scenic Waterway designated under ORS 390.805 to 390.925 and related adjacent lands;</i>	Deschutes River State Scenic Waterway	13.48 mi/ N-NW	Yes – no further evaluation required
	Deschutes Wild and Scenic River	8.95 mi/ W	Yes – no further evaluation required
	White Wild and Scenic River	9.68 mi/W	Yes – no further evaluation required
	John Day State Scenic Waterway	16.14 mi/ E	Yes – no further evaluation required
<i>(p) A fish hatchery operated by the Oregon Department of Fish and Wildlife;</i>	Oak Springs Fish Hatchery	10.08 mi/ NW	Yes – no further evaluation required

1 **Figure 2: Protected Areas Within the Analysis Area**



2 Note: The above figure was prepared by the certificate holder and presents protected areas within 20-miles of the site; however, as established in the Project Order, the
3 protected areas analysis area includes the area within and extending 10-miles of the site boundary.

Council previously evaluated the potential impacts of the facility on protected areas in the Final Order on the Bakeoven ASC and found no significant impacts to Protected Areas. In addition, Council imposed related conditions under other Council standards that would serve to minimize any potential impacts of the facility:

Visual Impacts:

- Land Use Condition 2 (PRE-LU-02) requiring design criteria for minimizing outdoor lighting.
- Land Use Condition 8 (GEN-LU-03) placing restrictions on signage at the facility.
- Scenic Resources Condition 1 (GEN-SR-01) requiring measures to minimize potential visual impacts of facility construction and operations.

Water Related Impacts:

- Soil Protection Condition 1 (GEN-SP-01) requiring adherence to the NPDES-1200-C permit and ESCP.
- Public Services Condition 1 and 2 (OPR-PS-01 and OPR-PS-02) to require permitted onsite septic and water use.

Traffic Impacts:

- Public Services Condition 3 (GEN-PS-01) to require County coordination and execution of a Traffic impacts plan to minimize impacts during facility construction.

Noise Impacts:

- Noise Control Condition 1 (PRE-NC-01) requires a noise report based on final design.
- Land Use Condition 5 (GEN-LU-01) requires noise reduction efforts to the extent feasible during construction.

RFA1 does not propose any changes to the facility or components from what has already been approved by Council. The Department recommends that the Council continue to rely on its previous findings of fact and analysis.

III.F.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends the Council find that the design, construction and operation of the facility, with the proposed changes, are not likely to result in significant adverse impact to any protected areas.

III.G. RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050

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

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

4
5 (2) *The applicant has a reasonable likelihood of obtaining a bond or letter of*
6 *credit in a form and amount satisfactory to the Council to restore the site to a*
7 *useful, non-hazardous condition.*³⁷

8
9 **III.G.1. Findings of Fact**

10
11 Per OAR 345-027-0375(2)(d), for any request for amendment making a decision to grant or
12 deny issuance of an amended site certificate, Council must determine that the preponderance
13 of evidence on the record supports the conclusion that the amount of the bond or letter of
14 credit required under OAR 345-022-0050 is adequate.

15
16 For amendments requesting to extend construction deadlines, the Department and Council
17 evaluate whether there have been “changes in fact or law” since the site certificate or amended
18 site certificate was issued to determine whether, based on changes in fact or law, the facility
19 would continue to satisfy requirements of the standard. For this standard, the Council may,
20 depending on the methods used to evaluate the decommissioning estimate, evaluate whether
21 there have been changes in unit costs or labor rates that would affect the previous site
22 restoration estimate and whether there have been any changes in the certificate holder’s
23 corporate structure that would impact the likelihood that the certificate holder would continue
24 to demonstrate a likelihood of obtaining a bond or letter of credit in the amount necessary for
25 site restoration. When the site certificates were split in the 2021 Final Order on RFA1 for the
26 Bakeoven Solar Project, the retirement cost estimates were also split between the three
27 facilities adjusting the costs using the original ASC 2019 unit costs. Because the retirement cost
28 estimates for the Bakeoven and Day Break facilities, use a base unit cost from 2019, and
29 annually adjust that amount, the certificate holder proposes, and Department recommends
30 that approach is appropriate for RFA1 for the Sunset Solar Project.³⁸

31
32 *Restoration of the Site Following Cessation of Construction or Operation*

33
34 OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a
35 useful non-hazardous condition at the end of the facility’s useful life, or if construction of the
36 facility were to be halted prior to completion. A summary of facility component-specific tasks
37 and actions is presented in Table 7: *Facility Decommissioning Tasks and Cost Estimate* below
38 and generally includes the following:³⁹

³⁷ OAR 345-022-0050, effective April 3, 2002.

³⁸ BSPAMD1Doc11 Final Order 2021-11-19, See Section III.A.4 and Table 4: Amended Facility Decommissioning Cost Estimate and Unit Costs.

³⁹ Note that in 2021 Final Order on RFA1 for the Bakeoven Solar Project, there is a share use agreement for the shared transmission line, substation and O&M building. The retirement cost estimate was split between the three

- Equipment and mobilization/demobilization
- Decommissioning the solar array and equipment, including inverter/transformer removal and disposal, solar panel removal and disposal or recycling, and removal and disposal of the post foundations, if used.
- Removal, transport and recycling or disposal of the battery unit components, and battery structure demolition and disposal.
- Site restoration includes road decompaction, spot grading and re-seeding.

Estimated Costs of Site Restoration

RFA1 Attachment 6 includes an updated cost estimate, in which the certificate holder updates the 2021 \$8,640,000 US dollars to Q3 2025 US dollars for a revised total of \$10,566,000 US dollars. The updated cost estimate table makes two adjustments to the previous cost estimate: 1) changes the Contractor Overhead and Fee from 13% to 15%, per ODOE's request, and 2) use the methods outlined in condition PRE-RT-02 of the Sunset Solar Project Site Certificate to adjust the retirement cost estimate to present day value (Q3 2025).⁴⁰

During the Department review of the RFA1 cost estimate and prior to issuing the draft proposed order, the Department reviewed the cost estimate and methods for adjusting the value. The certificate holder used an adjustment factor from May 2025; the Department uses an updated adjustment factor from August 2025.⁴¹ The total Department reviewed and adjusted cost estimate for RFA1 is \$10,490,000. Therefore, the Department recommends Council find that \$10,490,000 is an adequate amount to restore the site to a useful nonhazardous condition.

facilities, where the facility fence, O&M building, transmission line, and substation retirement tasks remained associated with the Bakeoven Solar Project retirement estimate, and the Battery Storage System was assigned to the Sunset Solar Project retirement estimate. Therefore, the tasks associated with retiring the Sunset facility omit the transmission line, O&M building and substation. BSPAMD1Doc11 Final Order 2021-11-19, See Section III.A.4 and Table 4: Amended Facility Decommissioning Cost Estimate and Unit Costs.

⁴⁰ PRE-RT-02 outlines adjusting values based on the required U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast."

⁴¹ May 2025 adjustment factor was 1.263, August 2025 adjustment factor is 1.254.

Table 7: Updated Retirement Cost Estimate Q3 2025 Dollars

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
1.1 Equipment Mobilization / Demobilization				
<i>1.1.1 Equipment Mobilization</i>	1	Total	61,200.00	61,200.00
<i>1.1.2 Site Facilities</i>	1	Total	2,200.00	2,200.00
<i>1.1.3 Crew Demobilization and Site Setup</i>	3	Day	12,065.00	36,195.00
<i>1.1.4 Crew - Crew Demobilization and Site Cleanup</i>	2	Day	12,065.00	24,130.00
<i>1.1.5 Home Office Fee (5%)</i>	1	% of cost	0.05	6,186.25
<i>1.1.6 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	18,558.75
Subtotal (Q1 2019)				148,470.00
1.2 Solar Array				
<i>1.2.1 Site Facilities</i>	103	MW	71.00	7,313.00
<i>1.2.2 Field Management</i>	103	MW	2,884.00	297,052.00
<i>1.2.3 Fence Removal</i>	103	MW	238.00	24,514.00
<i>1.2.4 Inverter/Transformer Removal</i>	56	Each	5,089.00	284,984.00
<i>1.2.5 Inverter/Transformer Disposal</i>	56	Ton	30.00	1,680.00
<i>1.2.6 Remove Foundations to Subgrade</i>	10,752	Cu. Yd.	27.00	290,304.00
<i>1.2.7 Solar Panel Removal</i>	276,548	Each	2.78	768,803.44
<i>1.2.8 Solar Panel Trucking</i>	246	Ton	1,375.00	338,250.00
<i>1.2.9 Solar Panel Disposal</i>	5,531	Ton	30.00	165,930.00
<i>1.2.10 Solar Rack and Post Removal</i>	7,278	Each	242.00	1,761,276.00
<i>1.2.11 Solar Rack and Post Trucking</i>	129	Each	1,375.00	177,375.00
<i>1.2.12 Solar Rack and Post Disposal</i>	2,911	Ton	30.00	87,330.00
<i>1.2.13 Home Office Fee (5%)</i>	1	% of cost	0.05	210,240.57
<i>1.2.14 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	630,721.72
Subtotal (Q1 2019)				5,045,773.73
1.3 Site Restoration				
<i>1.3.1 Decomact Roads</i>	116,851	Linear Feet	2.68	313,160.68
<i>1.3.2 Spot Grade Disturbed Areas</i>	329	Acres	536.00	176,344.00
<i>1.3.3 Re-seeding</i>	1,098	Acres	500.00	549,000.00
<i>1.3.4 Home Office Fee (5%)</i>	1	% of cost	0.05	51,925.23
<i>1.3.5 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	155,775.70
Subtotal (Q1 2019)				1,246,205.62
1.4 Battery Storage System				
<i>1.4.1 Remove Batteries</i>	66	Day	1,737.00	114,642.00
<i>1.4.2 Transport Batteries</i>	33	Day	1,480.00	48,840.00
<i>1.4.3 Battery Disposal and Fee</i>	432	Ton	200.00	86,400.00

Table 7: Updated Retirement Cost Estimate Q3 2025 Dollars

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
<i>1.4.4 Structure Demolition</i>	429	Ton	111.00	47,619.00
<i>1.4.5 Structural Trucking</i>	33	Each	1,375.00	45,375.00
<i>1.4.6 Structure Disposal</i>	429	Ton	30.00	12,870.00
<i>1.4.7 Home Office Fee (5%)</i>	1	% of cost	0.05	17,787.30
<i>1.4.8 Contractor Overhead and Fee (15%)</i>	1	% of cost	0.15	53,361.90
Subtotal (Q1 2019)				426,895.20
All Tasks, Subtotal (Q1 2019)				6,867,344.54
All Tasks, Subtotal, Exclude Battery (Q1 2019)				6,440,449.34
Update for Q2 2021 Dollars GDP Deflator Q1 2019: 111.4970 GDP Deflator Q2 2021: 117.337 Percent increase due to inflation: 0.052				
<i>Q2 2021 increase due to inflation (subtotal*rate) (Exclude Battery)</i>				334,903.37
<i>Q2 2021 increase due to inflation (subtotal*rate) (Battery Only)</i>				22,198.55
Subtotal in Q2 2021 Dollars (Exclude Battery)				6,775,352.71
Subtotal in Q2 2021 Dollars (Only Battery)				449,093.75
Council Applied Contingencies				
			Contingency	Estimate (\$)
Performance and Payment Bond (1%)			0.01	72,244.46
Administration and Project Management (10%)			0.10	722,444.65
Future Development (Exclude Battery) (10%)			0.10	677,535.27
Future Development (Battery Only) (10%)			0.20	89,818.75
Subtotal				1,562,043.13
TOTAL ESTIMATED COST (Q2 2021)				8,786,489.59
Rounded to Nearest 1,000 (Q2 2021)				8,786,000.00
TOTAL ESTIMATED COST (Q3 2025)				10,489,506.47
Rounded to Nearest 1,000 (Q3 2025)				10,490,000.00
Notes: 1. The total estimated retirement cost for the Sunset Solar Project approved by the Council in 2021 is \$8,640,000 (Condition PRE-RT-01 in the 2021 Sunset Solar Project Site Certificate. The approved cost estimate table can be found in Table 5 of the 2021 Bakeoven Solar Project Final Order on Amendment 1: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf . 2. 2021 costs adjusted to Q3 2025 dollars, specially using August 2025 adjustment value of 1.254.				

1 *Ability of the Certificate Holder to Obtain a Bond or Letter of Credit*

2
3 As described in Section III.B, *Organizational Expertise*, Avangrid Power, LLC is the parent
4 company to several other EFSC operational facilities, including Montague Wind Power Facility
5 (certificate holder - Montague Wind Power Facility, LLC), Pachwaywit Solar Facility (formally
6 known as Montague Solar Facility) (certificate holder - Montague Solar, LLC) and Golden Hills
7 Wind Project (certificate holder – Golden Hills Wind, LLC).⁴² Under OAR 345-25-0006(8), the
8 Council must impose a condition in each site certificate requiring certificate holders to submit
9 and maintain a bond or letter of credit in a form and amount satisfactory to the Council to
10 restore the site to a useful, non-hazardous condition. The certificate holders, under Avangrid
11 Power, as the parent company, have consistently maintained and annually submitted bonds
12 from Council-approved financial institutions for the above-listed energy facilities. Based on the
13 compliance history for maintaining bonds for other EFSC facilities with Avangrid Power, the
14 Department recommends Council find that this supports the ability of Sunset Solar, LLC., to
15 obtain and maintain a bond or letter of credit.

16
17 RFA1 Attachment 7 includes a financial assurance letter with a CHUBB Limited letterhead dated
18 August 5, 2025. The letter indicates that Federal insurance Company (FIC), a Council-approved
19 financial institution,⁴³ represents Avangrid for its surety bonding, that Avangrid has an
20 aggregate limit of \$300,000,000, and FIC will give favorable consideration for providing the
21 required payment bonds.⁴⁴ The Department recommends that the financial assurance from a
22 Council-approved financial institution, also supports the certificate holders ability to obtain a
23 bond or letter of credit in the amount estimated to retire the facility to a useful, non-hazardous
24 condition.

25
26 Council previously imposed Retirement and Financial Assurance Condition 5, which stipulates
27 when the certificate holder must update and submit the bond or letter of credit to the
28 Department. Because RFA1 adjusts the total cost estimate from 2019 unit costs to 2025 dollars,
29 and because the references within the conditions would need to cite to the Final Order on RFA1
30 for the Sunset Solar Project, the Department recommends amending Retirement and Financial
31 Assurance Condition 5, as provided below:

32
33 **Recommended Amended Retirement and Financial Assurance Condition 5 (PRE):**

34 Before beginning construction of the facility, facility component or phase, the
35 certificate holder shall submit to the State of Oregon, through the Council, a bond or
36 letter of credit naming the State of Oregon, acting by and through the Council, as
37 beneficiary or payee. The total bond or letter of credit amount for the facility is
38 \$10,490,000~~8,640,000~~ million dollars (Q3 2025 ~~2021~~ dollars), to be adjusted to the

⁴² Montague Wind Power Facility has been in commercial operation since October 2019; Pachwaywit Solar Facility has been in commercial operation since April 2023; Golden Hills Wind Project has been in commercial operation since April 2022.

⁴³ 2025 EFSC Approved Financial Institution List.

⁴⁴ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 7.

1 date of issuance, and adjusted on an annual basis thereafter, as described in sub-
2 paragraph (b) of this condition:

- 3 a. The certificate holder may adjust the amount of the bond or letter of credit
4 based on the design configuration of the facility, facility component or phase-,
5 by applying the unit costs, general costs, and contingencies illustrated in ~~7-5~~ of
6 the Final Order on Request for Amendment 1 for the Sunset Bakeoven Solar
7 Project. The certificate holder may provide a bond or letter of credit for the
8 facility, facility component or phase, based on the unit costs and general costs
9 illustrated in Table ~~7-5~~ of the Final Order on Request for Amendment 1 for the
10 Sunset Bakeoven Solar Project. Any revision to the restoration costs should be
11 adjusted to the date of issuance as described in (b). Any modification to the unit
12 costs presented in Table ~~5-7~~ of the Final Order on Request for Amendment 1 of
13 the ~~Bakeoven~~ Sunset Solar Project subject to review and approval by the
14 Council.
- 15 b. The certificate holder shall adjust the amount of the bond or letter of credit
16 using the following calculation:
- 17 1. Adjust the amount of the bond or letter of credit (expressed in ~~Q3 2025~~
18 ~~2021~~ dollars) to present value, using the U.S. Gross Domestic Product
19 Implicit Price Deflator, Chain-Weight, as published in the Oregon
20 Department of Administrative Services' "Oregon Economic and Revenue
21 Forecast" or by any successor agency and using the ~~third second~~ quarter
22 ~~2025 2021~~ index value and the quarterly index value for the date of
23 issuance of the new bond or letter of credit. If at any time the index is no
24 longer published, the Council shall select a comparable calculation to
25 adjust ~~third second~~ quarter ~~2025 21~~ dollars to present value.
 - 26 2. Round the result total to the nearest \$1,000 to determine the financial
27 assurance amount.
- 28 c. The certificate holder shall use an issuer of the bond or letter of credit approved
29 by the Council, based on the Council's pre-approved financial institution list.
- 30 d. The certificate holder shall use a form of bond or letter of credit approved by the
31 Council. The certificate holder shall describe the status of the bond or letter of
32 credit in the annual report submitted to the Council under OAR 345-026-0080.
33 The bond or letter of credit shall not be subject to revocation or reduction before
34 retirement of the facility site.

35 [PRE-RT-02, Final Order on Bakeoven ASC (2020), Bakeoven AMD1 (2021), Final Order
36 on SSF AMD1]

37
38 The Council previously imposed conditions that require the certificate holder to restore the
39 facility site to a useful, non-hazardous condition following permanent cessation of construction
40 or operation: In the Final Order on Bakeoven RFA1, the Council split the retirement estimates
41 for the three facilities and maintained Financial and Retirement Conditions 1-4 for all three site
42 certificates.

- Retirement and Financial Assurance Condition 1 (GEN-RT-01) requires the certificate holder to prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition.
- Retirement and Financial Assurance Condition 2 (RET-RT-01) requires the certificate holder to retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility.
- Retirement and Financial Assurance Condition 3 (RET-RT-02) requires the certificate holder to retire the facility in compliance with an approved final retirement plan to restore the site to a useful, nonhazardous condition and that Council must find it has been restored per the requirements of the plan prior to terminating the site certificate.
- Retirement and Financial Assurance Condition 4 (PRE-RT-01) requires the certificate holder to submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition and maintain and update it for the life of the facility.

III.G.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and amended site certificate conditions described above, the Department recommends the Council find that the amount of the bond or letter of credit is sufficient to adequately restore the site to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility, and that the certificate holder has a reasonable likelihood of obtaining a bond or letter of credit.

III.H. FISH AND WILDLIFE HABITAT: OAR 345-022-0060

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

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

(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.⁴⁵

(3) To assist the Council in determining whether the standard outlined in (1) through (2) has been met, the Applicant must submit information about the fish and wildlife habitat

⁴⁵ OAR 345-022-0060, effective Mar. 8, 2017.(2) Not applicable to the Sunset site boundary or analysis area.

1 and the fish and wildlife species, other than the species addressed in OAR-022-0070(3)
2 (the Threatened and Endangered Species Exhibit) that could be affected by the proposed
3 facility, providing evidence to support a finding by the Council as required by this rule.
4

5 The applicant must include:

- 6 (a) A description of biological and botanical surveys performed that support the
7 information in this exhibit, including a discussion of the timing and scope of each
8 survey;
9 (b) Identification of all fish and wildlife habitat in the analysis area, classified by the
10 general fish and wildlife habitat categories as set forth in OAR 635-415-0025 and the
11 sage-grouse specific habitats described in the Greater Sage-Grouse Conservation
12 Strategy for Oregon at OAR 635-140-0000 through 635-140-0025 (core, low density,
13 and general habitats), and a description of the characteristics and condition of that
14 habitat in the analysis area, including a table of the areas of permanent disturbance
15 and temporary disturbance (in acres) in each habitat category and subtype;
16 (c) A map showing the locations of the habitat identified in (b);
17 (d) Based on consultation with the Oregon Department of Fish and Wildlife (ODFW) and
18 appropriate field study and literature review, identification of all State Sensitive
19 Species that might be present in the analysis area and a discussion of any site-
20 specific issues of concern to ODFW;
21 (e) A baseline survey of the use of habitat in the analysis area by species identified in (d)
22 performed according to a protocol approved by the Department and ODFW;
23 (f) A description of the nature, extent and duration of potential adverse impacts on the
24 habitat identified in (b) and species identified in (d) that could result from
25 construction, operation and retirement of the proposed facility;
26 (g) A description of any measures proposed by the applicant to avoid, reduce, or
27 mitigate the potential adverse impacts described in (f) in accordance with the
28 general fish and wildlife habitat mitigation goals and standards described in OAR
29 635-415-0025 and a description of any measures proposed by the applicant to avoid,
30 minimize, and provide compensatory mitigation for the potential adverse impacts
31 described in (f) in accordance with the sage-grouse specific habitat mitigation
32 requirements described in the Greater Sage-Grouse Conservation Strategy for
33 Oregon at OAR 635-140-0000 through 635-140-0025, and a discussion of how the
34 proposed measures would achieve those goals and requirements; and
35 (h) A description of the applicant's proposed monitoring plans to evaluate the success of
36 the measures described in (g).⁴⁶
37

38 **III.H.1. Findings of Fact**

39

⁴⁶OAR 345-022-0060. Division 22 changes. EFSC 2-2025, amend filed 04/02/2025, effective 04/02/2025 Available at: <https://secure.sos.state.or.us/oard/viewReceiptTRIM.action?ptId=10939593>

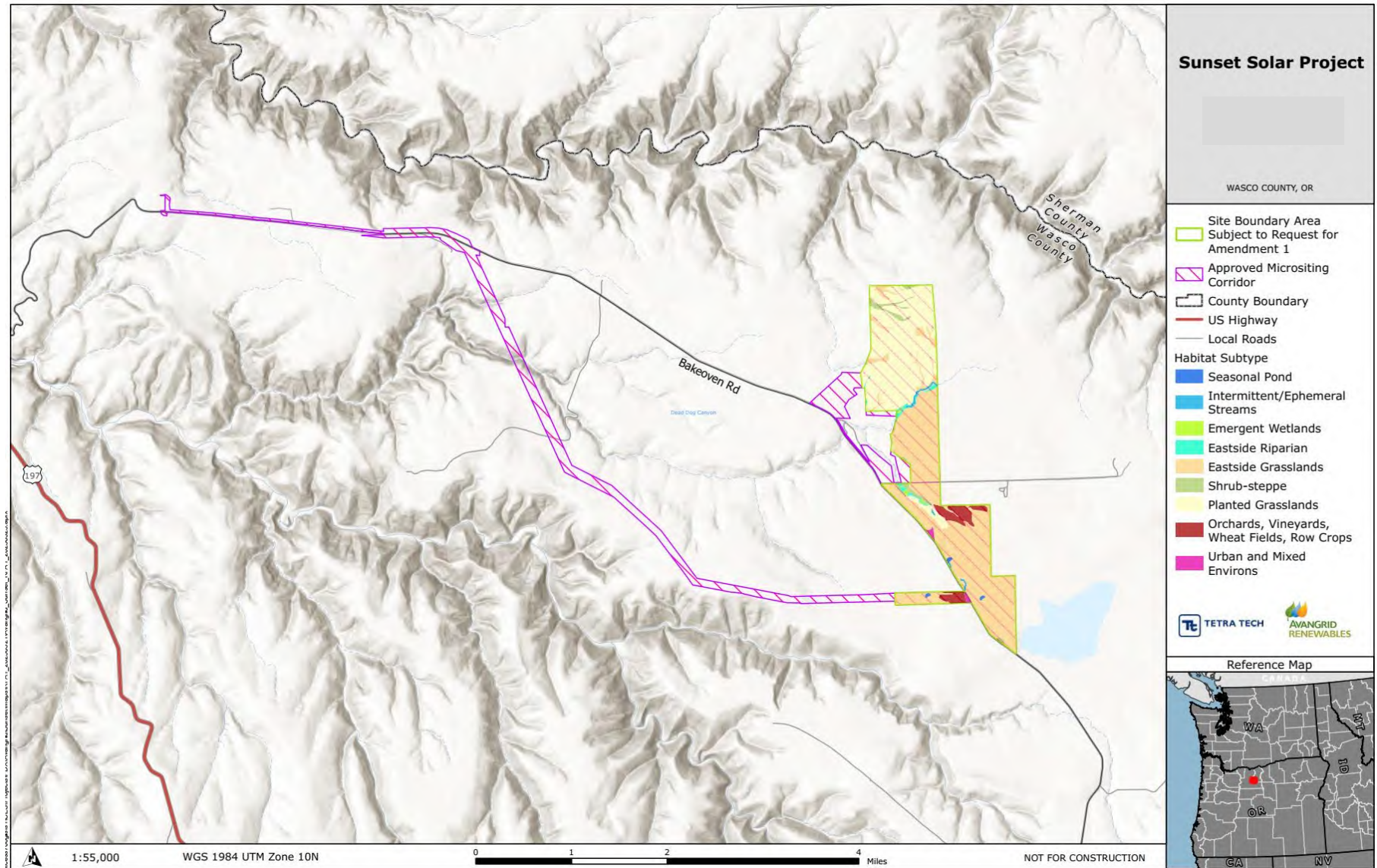
1 The analysis area for potential impacts to fish and wildlife habitat is the area within and
2 extending ½-mile from the RFA1 site boundary.⁴⁷

3
4 Fish and Wildlife Habitat within the Analysis Area

5 The RFA1 analysis area is located within ODFW's designated Category 2 habitat due to the
6 location of habitat within big game winter range and Category 6 cultivated agricultural lands.
7 Lands that are actively used for cultivated agriculture, even if within ODFW's designated
8 Category 2 habitat, are excluded from Category 2 designation and considered Category 6
9 habitat. While all Category 2 or 6 habitat, there are various habitat types within the RFA1
10 analysis area as presented in Figure 3 below.

⁴⁷ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending ½-mile from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending ½-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Figure 3: Habitat Types within the RFA1 Analysis Area



Permanent Habitat Impacts

Sunset Solar Project site boundary and micrositeing area include 1,870 acres. Therefore, the facility could have up to 1,870 acres of Category 2 and 6 permanent impacts. As required under this standard, permanent 2 habitat impacts must be mitigated consistent with ODFW's Habitat Mitigation Policy and mitigation goal, as follows:⁴⁸

"Habitat Category 2" is essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.

(a) The mitigation goal if impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.

Council previously imposed Fish and Wildlife Habitat Condition 3 (GEN-FW-03) requiring that, prior to construction, the certificate holder finalize the draft Habitat Mitigation Plan (HMP) provide in Attachment P-3 of this order; and that, during construction and operation, the certificate holder adhere to the requirements of the final HMP. The Council previously determined that the draft Habitat Mitigation Plan (HMP) provided in Attachment P-3 of this order demonstrated consistency with the Category 2 habitat mitigation goal (no net loss and net benefit in habitat quality and quantity). Specifically, the draft HMP includes two viable mitigation options, summarized below:

- Option 1: Provide a lump sum payment to a third-party land trust entity to support a large land acquisition of land with similar habitat quality and quantity as the habitat to be impacted, that would then be managed and maintained for habitat enhancement and conservation consistent with the enhancement actions outlined in the draft HMP, into perpetuity via the terms and requirements of an executed memorandum of understanding between certificate holder and third-party. The land would be secured from future development through a long-term easement and property rights held by the third-party land management entity.
- Option 2: Certificate holder would work with landowners to secure rights to a permanent conservation easement on a habitat mitigation area (HMA) in-proximity to the site boundary, which contains similar habitat quality and quantity as the habitat to be impacted.

For either compensatory mitigation option, the draft HMP identifies the amount of habitat (in acres) to be secured and protected for the life of the facility, which is based on a ratio offering more acreage than would be impacted, as presented in Table 8 below.

Table 8: Category 2 Mitigation Goal Requirements for Habitat Quantity

Final Habitat Category¹	Habitat Category based on Function²	Mitigation Ratio - Permanent	Mitigation Ratio - Temporal
2	2	1.5:1	0.5:1 for Shrub Steppe habitat

⁴⁸ OAR 635-415-0025(2).

Table 8: Category 2 Mitigation Goal Requirements for Habitat Quantity

Final Habitat Category¹	Habitat Category based on Function²	Mitigation Ratio - Permanent	Mitigation Ratio - Temporal
	3	1.3: 1	0.5:1 for Shrub Steppe habitat
	4	1.2: 1	None
	5	1.1: 1	None
6	6	None	None

Notes:

1. Final category following application of ODFW Designated Mule Deer Winter Range overlay.
2. Habitat category based on function, which is used to scale the mitigation ratio for purposes of meeting the no net loss in habitat quality obligation for Category 2 habitat impacts.

As evidence of its ability to secure mitigation required under Fish and Wildlife Habitat Condition 3 (GEN-FW-03) for this facility, RFA1 includes written confirmation from Deschutes Land Trust's Conservation Director Natasha Bellis that two other certificate holders with similar LLC to parent company relationships, Bakeoven Solar, LLC and Day Break Solar, LLC to Avangrid Power, LLC, fulfilled the payment terms of their habitat mitigation obligation, similar to Option 1 described above.⁴⁹

Temporary Habitat Impacts

Temporary habitat impacts are habitat impacts from construction-related disturbance that occur outside of the perimeter fenceline, excluding temporary disturbance in the marginal exterior fenceline area. If there are temporary habitat impacts resulting from facility construction, the requirements of the Revegetation Plan under Fish and Wildlife Habitat Condition 1 (GEN-FW-01) apply. Fish and Wildlife Habitat Condition 1 (GEN-FW-01) requires that, prior to construction, the certificate holder finalize its draft Revegetation Plan (Attachment P-1 of this order); and that, during construction and operation, the certificate holder adhere to the requirements of the final Revegetation Plan. Finalization includes identification of monitoring sites, including both reference and monitoring sites, for each habitat subtype to be impacted by the facility. The certificate holder would be obligated to monitor and report on the success of revegetation at the identified monitoring sites. Success would be measured, as specified in the draft plan, based on percentage of desirable vegetation cover, vegetation density and weed cover. The plan requires the certificate holder to conduct annual monitoring of monitoring sites for the first 5-years post-construction and would ultimately be based on the impacted habitat recovery period.

Draft Noxious Weed Control Plan

Noxious weed control is required at the site, both within the fenceline and outside of the fenceline in areas of temporary disturbance and/or site control by the certificate holder. If there are temporary habitat impacts outside of the perimeter fenceline, noxious weed control

⁴⁹ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 4.

1 is critical for habitat restoration success. If there are not temporary habitat impacts outside of
2 the perimeter fenceline, the regulatory nexus for noxious weed control pivots to the Land Use
3 standard/LCDC's minimal requirements for conditional uses with agricultural zoned lands (OAR
4 660-033-0330(38). Council previously imposed Fish and Wildlife Habitat Condition 2 (GEN-FW-
5 02) requiring that, prior to construction, certificate holder finalize the draft Noxious Weed
6 Control Plan, as provided in Attachment P-2 of this order; and that, during construction and
7 operation, the certificate holder adhere to the requirements of the final Noxious Weed Control
8 Plan.

9
10 The certificate holder seeks approval to add sheep grazing to the Noxious Weed Control Plan as
11 a potential vegetation management/noxious weed treatment option. Use of onsite sheep
12 grazing would include herders, which would be onsite 24 hours per day. The sheep would be
13 within the fenced site during the day, and penned at night. Certificate holder would notify
14 adjacent landowners of use of sheep grazing onsite.

15
16 ODFW expressed concerns about the risk of disease transfer from domestic sheep to bighorn
17 sheep.⁵⁰ ODFW requested that the certificate holder implement best management practices,
18 such as monitoring of fence integrity; double fencing; reporting sightings of bighorn sheep to
19 ODFW; and reporting status and composition of onsite flock, to minimize disease transfer risk.⁵¹

20
21 Because the site is located in ODFW-designated Category 2 big-game habitat, the Department
22 recommends Council amend Fish and Wildlife Habitat Condition 2 (GEN-FW-02) requiring that
23 the certificate holder consult with ODFW on necessary disease risk transfer minimization/best
24 management practices. The Department recommends that Council further amend the draft
25 Noxious Weed Plan to include the proposed list of BMPs to support review of adequate BMPs, if
26 sheep grazing is identified as a potential vegetation management solution at the site.

27
28 Additionally, the certificate holder's proposal omits monitoring and reporting for sheep grazing,
29 and offers an evaluation of sheep grazing only after 5 years of implementation. The
30 Department disagrees that use of sheep grazing under the Noxious Weed Control Plan be
31 omitted from the certificate holder's monitoring and reporting and disagrees that an evaluation
32 only be completed after 5-years. Vegetation management and noxious weed control is dynamic
33 and must be tracked throughout the year, annually, particularly the first 5-years after
34 disturbance. As presented in the draft Amended Noxious Weed Control Plan in Attachment P-2
35 of this order, the Department recommends Council require that the certificate holder monitor
36 and report on the effectiveness of sheep grazing, in a similar manner as would apply to
37 herbicide treatment/grass planting.

38
39 The Department also recommends Council amend Fish and Wildlife Habitat Condition 2 (GEN-
40 FW-02) to remove a preconstruction finalization requirement of establishing the reporting

⁵⁰ SSFAMD1Doc15-1 pRFA1 Reviewing Agency Comment ODFW 2025-09-05

⁵¹ SSFAMD1Doc39-2 DPO Reviewing Agency Comment ODFW 2025-10-10

format, as the reporting format is already included in the draft plan (i.e., this action has been completed).⁵²

Recommended Amended Fish & Wildlife Habitat Condition 2 [GEN-FW-02]:⁵³

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment P-2 of the Final Order on Amendment 1 of the Sunset Solar Project ~~E-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project~~, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum:
 1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted.
 2. ~~Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.~~
- b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan.
- c. Prior to use of sheep grazing at the site, certificate holder shall consult with ODFW and ODOE on Best Management Practices (BMPs) to prevent risk of disease to native bighorn sheep populations. Agreed upon BMPs must be implemented prior to and/or during sheep stocking.
[Fish and Wildlife Habitat Condition 2, Final Order on Bakeoven ASC (2020); AMD1 (2021), Final Order on SSF AMD1]

Council previously imposed the following conditions to minimize potential wildlife impacts during construction:

- Fish and Wildlife Habitat Condition 4 requires that the final facility design include extra gates for wildlife to escape if trapped within the perimeter fence.
- Fish and Wildlife Habitat Condition 5 requires preconstruction raptor nest surveys.
- Fish and Wildlife Habitat Condition 6 requires raptor nest restrictions during construction.
- Fish and Wildlife Habitat Condition 7 requires preconstruction surveys for burrowing owls and ground nesting bird survey requirements

⁵² SSFAMD1Doc39-2 DPO Reviewing Agency Comment ODFW 2025-10-10. In DPO comments, ODFW requests that sub(a)(2) of the Recommended Amended Fish & Wildlife Habitat Condition 2 be maintained. The Department recommends Council refrain from making such change based on the findings presented – the development of the reporting format has already been completed and no longer needs to be included in the list of preconstruction finalization tasks.

⁵³ The Department recommends (a)(2) of the condition be removed because the draft Noxious Weed Plan includes the certificate holder's proposed reporting format; therefore, this obligation has been satisfied.

- Fish and Wildlife Habitat Condition 8 requires constraints maps be prepared and shared prior to construction showing avoidance and buffer areas, and worker awareness training.

III.H.2. Conclusions of Law

Based on the recommended findings of fact above, the Department recommends that the Council find that the facility, with proposed RFA1 changes, will continue to be consistent with the mitigation goals and requirements of ODFW's Fish and Wildlife Habitat Mitigation Policy under OAR 635-415-0025 and thus complies with the Council's Fish and Wildlife Habitat standard, OAR 345-022-0060(1).

III.I. THREATENED AND ENDANGERED SPECIES: OAR 345-022-0070

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

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

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

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

(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.⁵⁴

III.I.1. Findings of Fact

The analysis area for threatened or endangered (T&E) plant and wildlife species is the area within and extending 5 miles from the RFA1 site boundary.⁵⁵

⁵⁴ OAR 345-022-0070, effective May 15, 2007.

⁵⁵ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 5-miles from the site boundary. As authorized under OAR 345-027-0360(3),

Threatened and Endangered Species within the Analysis Area

There is one state-listed wildlife species, wolverine; and one state-listed T&E plant species, Tygh Valley Milkvetch, with suitable habitat within the analysis area.⁵⁶ Neither listed wildlife or plant species have been identified during surveys conducted ~~at adjacent sites~~ within the site.⁵⁷ The Council previously imposed Threatened and Endangered Species Condition 1 (PRE-TE-01) requiring that, prior to construction, the certificate holder conduct T&E plant surveys. If T&E plants are identified, the condition requires that the certificate holder provide an impact assessment and avoidance and/or mitigation plan for review and approval by the Department in consultation with ODAG.

The original intent of the condition was to apply to areas along the 230 kV transmission line route which had not been surveyed, but had recently been burned by a fire. And, post fire, had the potential to contain suitable habitat for Tygh Valley milkvetch.⁵⁸ The transmission line has been built, and it otherwise appears that the certificate holder has fully surveyed the Sunset Solar Project site boundary/micrositing area for botanical resources. Therefore, the Department recommends that the Council amend that condition to clarify that it applies to unsurveyed areas because the site has been surveyed and to maintain consistency with the original intent of the condition.⁵⁹

~~Because vegetation conditions change over time, to ensure that any listed plant species is protected if identified, the Council previously imposed Threatened and Endangered Species Condition 1 (PRE-TE-01) requiring that, prior to construction, the certificate holder conduct T&E plant surveys. If T&E plants are identified, the condition requires that the certificate holder provide an impact assessment and avoidance and/or mitigation plan for review and approval by the Department in consultation with ODAG.~~

Recommended Amended Threatened and Endangered Species Condition 1 (PRE-TE-01):

Prior to construction ~~or operation~~ of the facility, facility component or phase, the certificate holder shall:

following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 5-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

⁵⁶ SSFAMD1 Request for Amendment 1 2025-09-05. Section 6.9; and, SSFAMD1 pRFA Reviewing Agency Comment ODAG 2026-06-30.

⁵⁷ BSPAPPDoc6-16 ASC Exhibit P Fish and Wildlife Exhibit 2019-11-04. Attachment P-1 Solar Biological Survey Reports.

⁵⁸ BSPAPPDoc2 Final Order on ASC 2024-04-20, pg. 156-157.

⁵⁹ SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. In DPO comments, the certificate holder requested changes to Recommended Amended Threatened and Endangered Species Condition 1 given that the site had already been surveyed with no T&E plant species observations.

- 1 a. ~~Complete Conduct~~ botanical surveys ~~to confirm the presence or absence of Tygh Valley~~
2 ~~milkvetch, a state listed threatened or endangered plant species, within unsurveyed~~
3 ~~areas of permanent or temporary disturbance. The certificate holder shall submit a~~
4 ~~survey protocol to establish the survey area and methods to the Department for review,~~
5 ~~in consultation with the Oregon Department of Agriculture or third party consultant.~~
6 i. ~~If any T&E species are identified and cannot be avoided, certificate holder must~~
7 ~~submit an Amendment Determination Request to the Department for a~~
8 ~~determination whether the impacts and mitigation must be reviewed by Council~~
9 ~~through the site certificate amendment process.~~
10 ii. ~~If the impacts and mitigation are determined by the Department not to require~~
11 ~~review through the Council's site certificate amendment process, certificate holder~~
12 ~~shall implement and adhere to the mitigation requirements approved by the~~
13 ~~Department.~~
14 b. ~~If the pre-construction surveys identify Tygh Valley milkvetch, or any other state~~
15 ~~threatened or endangered plant species, the certificate holder shall complete an impact~~
16 ~~assessment to determine whether temporary or permanent impacts would significantly~~
17 ~~reduce the likelihood of survivability or recovery of the impacted species, and shall~~
18 ~~propose mitigation, as determined appropriate by the Department, in consultation with~~
19 ~~the Oregon Department of Agriculture or its third party consultant, as necessary.~~
20

21 III.I.2. Conclusions of Law

22

23 Based on the foregoing recommended findings of fact, and subject to compliance with the
24 existing site certificate condition described above, the Department recommends the Council
25 find that the design, construction and operation of the facility, with the proposed changes, are
26 not likely to cause a significant reduction in the likelihood of survival or recovery of species
27 listed as threatened or endangered by the Oregon Department of Agriculture or Oregon Fish
28 and Wildlife Commission.
29

30 III.J. **SCENIC RESOURCES: OAR 345-022-0080**

31

32 *(1) To issue a site certificate, the Council must find that the design,*
33 *construction and operation of the facility, taking into account mitigation, are*
34 *not likely to result in significant adverse visual impacts to significant or*
35 *important scenic resources.*
36

37 *(2) The Council may issue a site certificate for a special criteria facility under*
38 *OAR 345-015-0310 without making the findings described in section (1). In*
39 *issuing such a site certificate, the Council may impose conditions of approval*
40 *to minimize the potential significant adverse visual impacts from the design,*
41 *construction, and operation of the facility on significant or important scenic*
42 *resources.*
43

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

5
6 (4) The Council shall apply the version of this rule adopted under
7 Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the
8 review of any Application for Site Certificate or Request for Amendment that
9 was determined to be complete under OAR 345-015-0190 or 345-027-0363
10 before the effective date of this rule. Nothing in this section waives the
11 obligations of the certificate holder and Council to abide by local ordinances,
12 state law, and other rules of the Council for the construction and operation of
13 energy facilities in effect on the date the site certificate or amended site
14 certificate is executed.⁶⁰

15 16 **III.J.1. Findings of Fact**

17 18 *Scenic Resources in the Analysis Area*

19
20 The analysis area for RFA1 includes the area within and extending 10 miles from the RFA1 site
21 boundary.⁶¹

22 23 Management Plans Applicable to Lands within the RFA1 Analysis Area

24
25 Land management plans applicable within the RFA1 analysis area are presented in Table 10
26 below. These land management plans were evaluated to determine whether there are any new
27 important or significant scenic resources within the RFA1 analysis area since the Council's prior
28 evaluation for this facility.

⁶⁰ OAR 345-022-0080, effective December 19, 2022.

⁶¹ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 10-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 10-mile from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Table 9: Land Management Plans and Scenic Resources

Management Plan Reviewed for RFA1	Scenic Resources Identified in Plan	Changes Since Council's Last Review?	Council's previous findings Bakeoven ASC
Wasco County Comprehensive Plan ¹	Yes	Updated in 2022 – no applicable changes.	No significant impact. No further evaluation required.
Sherman County Comprehensive Land Use Plan ²	Yes	No	No significant impact. No further evaluation required.
City of Maupin Comprehensive Land Use Plan ³	No	No	N/A
Shaniko Comprehensive Land Use Plan ⁴	No	No	N/A
Two Rivers Resource Management Plan ⁵	Yes	No	No significant impact. No further evaluation required
Lower Deschutes River Management Plan Record of Decision ⁶	Yes	No	No significant impact. No further evaluation required
White River National Wild and Scenic River Management Plan ⁷	Yes	No	No significant impact. No further evaluation required.
Sources: 1. Wasco County. 2022b. Wasco County 2040 Comprehensive Plan. Available online at: https://cms5.revize.com/revize/wascocounty/docs/Planning%20Ordinances/WascoCounty2040_2022Update.pdf 2. Sherman County. 2007. Comprehensive Land Use Plan Sherman County Oregon 1994, as updated through 2007. Available online at: https://www.co.sherman.or.us/documents/comprehensive-land-use-plan/ 3. City of Maupin, Oregon. Comprehensive Land Use Plan. Available online at: https://cityofmaupin.org/wp-content/uploads/2020/04/Maupin-Comprehensive-Land-Use-Plan.pdf 4. Shaniko, Oregon. 1978. Shaniko Comprehensive Land Use Plan. Available online at: https://scholarsbank.uoregon.edu/server/api/core/bitstreams/14c92b3f-0953-4cf0-8592-d9fba0616f5e/content 5. U.S. Department of the Interior, Bureau of Land Management (BLM). 1986. Two Rivers Resource Management Plan Record of Decision. Prineville District Office. Prineville, Oregon. https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=47545 6. BLM. 1993; 2016. Lower Deschutes River Management Plan Record of Decision. Prineville, Oregon. https://www.rivers.gov/documents/plans/lower-deschutes-rod.pdf 7. U.S. Department of Agriculture, Forest Service. 1994. White River National Wild and Scenic River Management Plan. Pacific Northwest Region. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_036576.pdf			

1 Based upon review of the applicable land management plans presented in Table 10, there are
2 no new important or significant scenic resources within the RFA1 analysis area.

3
4 As previously evaluated by the Council, there are 3 significant and important Scenic Resources
5 in the 10-mile analysis area:⁶²

- 6
7 • Deschutes River Canyon: (Areas within the river canyon that can be seen from the
8 Deschutes River or lands designated under the State Scenic Rivers Act.)

9
10 Portions of the designated Deschutes River scenic waterway are within the analysis area; these
11 important scenic resources identified in the Wasco County Comprehensive Plan (WCCP),
12 Sherman County Comprehensive Land Use Plan (SCCLUP), and the federal Lower Deschutes
13 River Management Plan, and Two Rivers Resource Management Plan.

- 14
15 • White River: (Lands within the river canyon, or lands within approximately 4 miles of the
16 river.)

17
18 Portions of the designated White River scenic waterway are within the analysis area and are
19 identified as scenic resources in the WCCP and the federal White River National Wild and Scenic
20 River Management Plan.

- 21
22 • Designated Scenic Highway Routes:

23
24 The WCCP and the SCCLUP identified portions of segments of 5 highways in the analysis area as
25 designated scenic areas: U.S. Highway (US) 97, US 97/197, US 197, Oregon Highway (OR) 216,
26 and OR 218.

27
28 Council previously evaluated the potential visual impacts from facility components and
29 structures and the loss of vegetation on any significant or important Scenic Resource and found
30 that the facility would not have a significant visual impact on any of those Scenic Resources.

31
32 Because RFA1 proposes no changes in the location of facility structures or changes in
33 vegetation from what was previously evaluated by Council, and because no new or additional
34 Scenic Resources have been identified since Council's last review, the Department recommends
35 that Council continue to rely on its previous findings. The Council previously found that the
36 design, construction and operation of the facility was not likely to result in significant adverse
37 impacts to any scenic resource, in compliance with Council's Scenic Resources standard.

38 39 **III.J.2. Conclusions of Law**

40
41 Based on the foregoing recommended findings of fact, the Department recommends the
42 Council find that the that the design, construction and operation of the facility, with proposed

⁶² BSPAPDoc6 18 Exhibit R. Scenic 2019-11-04

RFA1 changes, are not likely to result in significant adverse visual impacts to significant or important scenic resources.

III.K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;

(b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and

(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

(3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.⁶³

III.K.1. Findings of Fact

The analysis area for the Historic, Cultural and Archaeological Resources standard includes the area within the RFA1 site boundary.⁶⁴

⁶³ OAR 345-022-0090, effective May 15, 2007, amended by minor correction filed on July 31, 2019.

⁶⁴ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

The entire RFA1 analysis area has been previously surveyed for historic, cultural and archaeological resources as part of the evaluation for the Bakeoven ASC.⁶⁵ Those studies, including record searches and field surveys conducted in 2018 and 2019, identified eighteen archeological sites, including two with historic built components, and 22 isolates. Of those sites, four sites were unevaluated but conservatively treated as potentially/likely eligible for listing on the National Register of Historic Places (NRHP). Impacts to these resources would be avoided through a requirement that the certificate holder adhere to a 20 meter avoidance buffer around the identified site. The Department and certificate holder consulted with the Oregon State Historic Preservation Office (SHPO) in 2019 and on October 4, 2019 the SHPO concurred with the findings and recommendations on NRHP eligibility and avoidance.⁶⁶ In the Final Order on the Bakeoven ASC the Council agreed with those findings.

Based on those Bakeoven ASC studies, the certificate holder has identified nine (9) archaeological resources within the Sunset RFA1 site boundary/analysis area. These include one historic archaeological site (historic homestead remains and associated equipment and historic artifacts), three stacked rock features, one historic-era refuse scatter, three check dam features (one with a historic road segment), and one isolated piece of farm equipment. The historic archaeological site (35 WS 00782) is a homestead in ruin and is considered NRHP-eligible. The archaeological resources identified within the Sunset RFA1 analysis area are summarized in the table below.

Table 10: Archaeological Resources in RFA1 Analysis Area

Site No.	Type	Description	Date Range	NRHP Status
Archaeological sites				
35WS 00775	Stacked rock feature	Roughly one meter in height, stacked in a rectangular plan. Heavily eroded and collapsed.	Indeterminate	Not eligible
35WS 00777	Stacked rock feature	Two similarly sized basalt cobble rock stacks with sheet metal refuse nearby.	Historic	Not eligible
35WS 00778	Stacked rock feature	Three similarly sized volcanic rock and basalt cobble rock stacks with sheet metal refuse nearby.	Historic	Not eligible
35WS 00780	Check Dam	Basalt cobble dam between two earthen berms. Nearby associated artifacts include one metal bucket with crimped solder	Historic	Not eligible

⁶⁵ BSPAPDoc6 19 Exhibit S. Cultural 2019-11-04.

⁶⁶ BSPAPDoc4-10 pASC Reviewing Agency Comment SHPO Pouley 2019-10-04; BSPAPDoc4 pASC Reviewing Agency Comment SHPO Schwartz 2019-06-19.

Table 10: Archaeological Resources in RFA1 Analysis Area

Site No.	Type	Description	Date Range	NRHP Status
		seems and one crushed can fragment.		
35WS 00781	Check Dam	Cobble dam with associated artifacts, which include: one handmade horseshoe, two square cut nails, wood fence post fragments, and one small length of baling wire.	Historic	Not eligible
35WS 00782	Homestead	Twelve features, including a dwelling, barn, foundations, dams, and walls. It also contains thousands of metal, glass (including solarized amethyst), and ceramic fragments.	Historic	Unevaluated/ Assumed Eligible
35WS 00783	Historic-period Road and Check Dam	The road is an unimproved road with rock-lined borders. The check dam spans a drainage and is constructed with approximately 200 basalt boulders. Associated artifacts include a dozen steel cans.	Historic	Not eligible
35WS 00786	Refuse Scatter	The artifact scatter consists of two barrel straps, a large bucket, a lard pale, a cake pan, a gas can, an ornate handled lid, three crushed cans, four brown glass fragments, and two aqua glass fragments.	Historic	Not eligible
Isolates				
SY05	Sickle	Sickle bar mower	Historic	Not eligible

The certificate holder relied on previous surveys and findings for RFA1, and no additional field surveys were conducted. No new sites or resources have been identified since the 2018 surveys within the Sunset RFA1 analysis area.

Site 35-WS-00782

1 Site 35-WS-00782 (recorded as part of the Bakeoven ASC⁶⁷) is an historic archeological site
2 consisting of a historic-period homestead in ruin and associated artifact concentration. The
3 visible features documented include: house, barn, large tractor wheel and axle, and a concrete
4 cistern. Based on site access restrictions at the time of the Bakeoven ASC surveys, the
5 certificate holder was unable to fully evaluate NRHP eligibility, but recommended it be treated
6 as likely NRHP-eligible and avoided. SHPO concurred.⁶⁸ In the Final Order on the Bakeoven ASC
7 the Council agreed with the certificate holder's discovery measures and impact avoidance.

8
9 The Council previously found that with avoidance measures, and adherence to an Inadvertent
10 Discovery Plan, there would be no significant direct impact because of the construction or
11 operation of the facility, and that with avoidance, there would likely be no adverse indirect
12 impacts on the site. RFA1 does not propose any changes that would impact Council's previous
13 findings.

14
15 In the Final Order on the Bakeoven ASC, Council imposed Historic, Cultural and Archaeological
16 Condition 1 (GEN-HC-01). The Department recommends the condition be amended to clarify
17 that finalization of the Inadvertent Discovery Plan is limited to updating the relevant tribal,
18 state government and site personnel information. Subsequently, there is no need for the
19 condition to include a substantive review and approval step by the Department. These
20 recommended changes are presented below:

21
22 **Recommended Amended Historic, Cultural and Archeological Condition 1 (GEN-HC-**
23 **01)**: The certificate holder shall:

- 24 a. Prior to construction of the facility or any phase of the facility, finalize the contact
25 information in the draft Inadvertent Discovery Plan, as provided in Attachment X of
26 the Final Order on ASCAmendment 1 of the Sunset Solar Project, ~~based on review~~
27 ~~and concurrence from the Department, in consultation with SHPO or the~~
28 ~~Department's third-party contractor.~~
- 29 b. During construction of the facility or any phase of the facility, require all onsite
30 personnel to complete Worker Environmental Awareness Training provided by a
31 qualified archeologist as defined in OAR 736-051-0070 to properly identify sensitive
32 historic, cultural and archeological resources that could be inadvertently uncovered
33 during construction, and on measures to avoid accidental damage to such resources.
34 Records of all trainings shall be maintained onsite during construction.
- 35 c. During construction of the facility or any phase of the facility, ensure its contractors
36 utilize constraint maps to avoid direct impacts from facility components to
37 archeological resources 18-344-002, 35-WS-00782/18-344-008, 18-344-014, 18-344-
38 044. Constraint maps shall also identify the entirety of the areas not included in the
39 pedestrian level ground surveys, if beyond 20-meters, and shall preclude placement
40 of facility components or disturbance impacts unless appropriate field surveys are
41 conducted.

⁶⁷ BSPAPDoc6 19 Exhibit S. Cultural 2019-11-04.

⁶⁸ BSPAPDoc4-10 pASC Reviewing Agency Comment SHPO Pouley 2019-10-04.

- d. During construction and operation of the facility or any phase of the facility, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as ~~reviewed and~~ finalized per sub(a) of this condition. [Historic, Cultural and Archeological Condition 1, Final Order on ASC (2020); AMD1 (2021), Final Order on SSF AMD1]

III.K.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the recommended amended site certificate condition described above, the Department recommends the Council find that the construction and operation of the facility, with the proposed changes, are not likely to result in significant adverse impacts to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places or other archaeological objects or sites identified under OAR 345-022-0090.

III.L. RECREATION: OAR 345-022-0100

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

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

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

(b) The degree of demand;

(c) Outstanding or unusual qualities;

(d) Availability or rareness;

(e) Irreplaceability or irretrievability of the opportunity.

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

1 (4) *The Council must apply the version of this rule adopted under*
2 *Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the*
3 *review of any Application for Site Certificate or Request for Amendment that*
4 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
5 *before the effective date of this rule. Nothing in this section waives the*
6 *obligations of the certificate holder and Council to abide by local ordinances,*
7 *state law, and other rules of the Council for the construction and operation of*
8 *energy facilities in effect on the date the site certificate or amended site*
9 *certificate is executed.*⁶⁹

10
11 **III.L.1. Findings of Fact**

12
13 The analysis area for Recreational Opportunities is 5 miles from the RFA1 site boundary.⁷⁰ Based
14 on Council prior evaluation for this facility and an updated review of OPRD, ODFW and BLM
15 websites, there are no previously identified or new important recreational opportunities within
16 the RFA1 analysis area.⁷¹

17
18 **III.L.2. Conclusions of Law**

19
20 Based on the foregoing analysis, the Department recommends the Council find that
21 the design, construction and operation of a facility, with the proposed changes, are not
22 likely to result in a significant adverse impact to important recreational opportunities.

23
24 **III.M. PUBLIC SERVICES: OAR 345-022-0110**

25
26 (1) *Except for facilities described in sections (2) and (3), to issue a site*
27 *certificate, the Council must find that the construction and operation of the*
28 *facility, taking into account mitigation, are not likely to result in significant*
29 *adverse impact to the ability of public and private providers within the*
30 *analysis area described in the project order to provide: sewers and sewage*
31 *treatment, water, storm water drainage, solid waste management, housing,*
32 *traffic safety, police and fire protection, health care and schools.*

33

⁶⁹ OAR 345-022-0100, effective December 19, 2022.

⁷⁰ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 5-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 5-miles from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

⁷¹ BSPAPPDoc2 Final Order 2025-04-24. Section IV.L. BSPAPPDoc6 20 Exhibit T Recreation 2019-11-04, Attachment T-1.

1 (2) The Council may issue a site certificate for a facility that would produce
2 power from wind, solar or geothermal energy without making the findings
3 described in section (1). However, the Council may apply the requirements of
4 section (1) to impose conditions on a site certificate issued for such a facility.
5

6 (3) The Council may issue a site certificate for a special criteria facility under
7 OAR 345-015-0310 without making the findings described in section (1).
8 However, the Council may apply the requirements of section (1) to impose
9 conditions on a site certificate issued for such a facility.⁷²
10

11 **III.M.1. Findings of Fact**

12

13 The analysis area for potential impacts to public services from construction and operation of
14 the facility is the area within and extending 10-miles from the RFA1 site boundary.⁷³
15

16 The following assumptions are relied upon for the analysis:

- 17 • Construction will likely occur in multiple 9 to 12 month phases.
- 18 • Construction workforce is estimated at 250 workers on average, with a peak of 400
19 workers.
- 20 • Construction-related vehicle trips per day, per phase, are assumed to include 630 truck
21 trips per day (315 roundtrips), with a peak of 750 trips (375 roundtrips).
- 22 • Interstate Highway 84 (I-84), U.S. Highway (US) 197 near The Dalles, and Bakeoven Road
23 are the primary transportation routes for facility construction. Additional construction
24 routes include I-84 to US 97 (Sherman Highway) at Biggs Junction, southbound through
25 the town of Shaniko and US 97 north/northeast to Bakeoven Road.
- 26 • Traffic impacts assume 70 percent of the workforce traffic would use the primary route,
27 20 percent would use the alternate transporter route, and 10 percent would use US 97
28 north to Bakeoven Road.
- 29 • 30 percent of the construction workforce would represent residents (Wasco Sherman,
30 Gilliam, Wheeler and Jefferson counties), and the remainder of workers hired from
31 outside the surrounding four-county area.
- 32 • Estimate average of 175 and a maximum of 280 workers, and then adjusted for average
33 household size, to 560 temporary residents during facility construction.
- 34 • Operational workforce is estimated at 5 to 10 workers, assuming 50 percent are hired
35 from outside the local area, resulting in approximately 15 new permanent residents.

⁷² OAR 345-022-0110, effective April 3, 2002.

⁷³ The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The December 23, 2021 Project Order establishes the analysis area as the area within and extending 10-miles from the site boundary. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on February 19, 2025, the Department approved a modified analysis area equivalent to the area within and extending 10-miles from the site boundary but removing the already constructed transmission line corridor. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

- Operational staff would reside locally and would result in minimal increase in vehicle trips per day (i.e. 30 roundtrips per day).

Sewers and Sewage Treatment

Sanitary waste generated during construction will be managed via portable toilets, to be provided and maintained by a licensed subcontractor. During operations and maintenance, sanitary waste will be managed via onsite septic system, to be licensed by DEQ. The facility will not connect to any public sewer or sewage treatment facility. To ensure the onsite septic system is properly designed and permitted, Council previously imposed the following condition:

- Public Services Condition 1 (OPR-PS-01) requiring that the certificate holder obtain a license from DEQ for its onsite septic system.

RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore, the Department recommends that Council rely on its previous findings that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide for waste disposal.

Water Supply

Facility construction is anticipated to use up to 36.8 million gallons of water per year.⁷⁴ Certificate holder was unable to obtain current confirmation from the City of Maupin on their ongoing ability to serve the anticipated construction water demand. Therefore, the Department recommends Council impose the following condition:

Recommended Public Services Condition 6 [GEN]: Prior to and during construction of the facility, facility component or phase, as applicable, the certificate holder shall:

- Identify all water-related needs and estimate daily and annual water demand for each construction phase, as applicable.
- Provide excerpts of agreements or other similar conveyance from the water providing entity to the Department demonstrating that construction activities will be adequately and legally served by service providers or third-party permits.

[Final Order on SSF AMD1, GEN-PS-02]

Facility operations could use up to 1 million gallons of water per year, if solar panel washing is conducted. If solar panel washing is not conducted during O&M, operational water usage would be limited to sanitary uses at the O&M building. The O&M building is approved to include an exempt well (i.e., limited to 5,000 gallons per day). Council previously imposed the following condition:

⁷⁴ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, p.51.

- Public Services Condition 2 (OPR-PS-02) requiring that if a new well is constructed to provide water to the O&M building, the certificate holder must follow the recording requirements under OAR 690-190-0100 and shall not use more than 5,000 gallons of water per day from the onsite well.

As presented above, Department recommends that Council strengthen its prior analysis by imposing a new condition that would require the certificate holder to estimate construction related water demand, and provide evidence to the Department throughout construction of legally securing access to water sources. Based on compliance with the recommended new and existing conditions, the Department recommends Council find that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide water services.

Stormwater Drainage

The facility would not interconnect with any public or private stormwater drainage systems. RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore, the Department recommends that Council rely on its previous findings that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide stormwater management.

Solid Waste Management

Facility construction and operation would result in solid waste generation. Facility construction would generate approximately 4,000 to 7,000 cubic yards of solid waste. Solid waste generated during facility operation would include approximately 6 yards of office waste from the O&M building; and, damaged or defective solar panels, batteries, and other electrical equipment, which is expected to be infrequent. All solid waste generated during facility operation would be collected onsite and recycled at licensed facilities, as feasible.⁷⁵ In April 2025, Wasco County Landfill confirmed its capacity and operational lifespan of 25 years to continue to adequately support the facility's waste management needs while continuing to serve its existing customer base.⁷⁶

Council previously imposed Waste Minimization Condition 1 (GEN-WM-01) requiring that the certificate holder prepare and implement a solid waste management plan to minimize waste and maximize recycling, for each phase of the facility.

RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore, the Department recommends that Council rely on its previous findings that the construction and operation of the facility, with proposed RFA1 changes, are not likely to result in significant adverse impacts to the ability of service providers to provide solid waste management services.

⁷⁵ BSPAPPDoc2 Final Order on 2020-04-24. Section IV.M. Public Services, Solid Waste Mgmt.

⁷⁶ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 1B.

1
2 *Traffic Safety/Police*
3

4 Facility construction could result in up to 750 average daily trips (ADT) (including worker
5 vehicles, pick-up trucks, material delivery vehicles) on I-84 and Bakeoven Road, 364 ADTs on US
6 197, 92 ADTs on US 97 (north, part of alternate route), and 46 ADTs on US 97 (south,
7 workforce-only).⁷⁷ Traffic safety impacts include road damage and congestion from increased
8 traffic volume; collision; and speeding risks. To address impacts to road conditions and capacity,
9 the Council previously imposed the following condition:

- 10
11 • Public Services Condition 3 (GEN-PS-01) requiring that, prior to construction, certificate
12 holder consult with Wasco County Road Division and Oregon Department of
13 Transportation to identify all applicable permits; execute a Road Use Agreement with
14 Wasco County; consult with Wasco County Public Works Roads Division, City of Maupin,
15 ODOT, and Bureau of Land Management in preparing a Construction Traffic
16 Management Plan, to be approved by the Department and followed during
17 construction.
18

19 In May 2025, Wasco County Sheriff Lane Magill identified serious traffic safety concerns for
20 facility construction based on their experience during the construction of Bakeoven Solar
21 Project and Daybreak Solar Project.⁷⁸ These concerns included, among other issues, 6 motor
22 vehicle accidents attributable to facility construction and numerous (8) speeding violations. The
23 Sheriff stated that these issues suggest, “a pattern of disregard among some solar project
24 employees for the local community and its residents..” and that there is a clear correlation
25 between facility construction and “public safety concerns and demands placed upon the Wasco
26 County Sheriff’s Office.”
27

28 In response to the May 2025 letter, the certificate holder coordinated with the Wasco County
29 Sheriff’s Office in efforts to mitigate any ongoing traffic and public safety issues associated with
30 construction. Specifically, the certificate holder offered, and the Sheriff concurred⁷⁹, on the
31 following set of actions:
32

- 33 1. A twice-annual meeting at the construction site for the Sheriff's Office to provide a
34 status report on construction-related concerns, and for feedback from the Sheriff’s
35 Office to reinforce good behavior with employees, contractors, and subcontractors.
36 Any new requests from the Sheriff introduced during these meetings will need to be
37 reviewed and approved by Avangrid management. These meetings may be waived by
38 the Sheriff’s Office on a case-by-case basis and will not apply to construction activities
39 deemed minor in nature.

⁷⁷ BSPAPPD02 Final Order on 2020-04-24. Section IV.M. Public Services, Traffic.

⁷⁸ SSFAMD1Doc14 pRFA Reviewing Agency Comment Wasco Co Sheriff 2025-05-27.

⁷⁹ SSFAMD1 Request for Amendment 1 2025-09-05. Attachment 1C, see email dated July 30, 2025 from Sheriff Magill.

2. If there is a change in the onsite or offsite construction manager, the Sheriff's Office will be notified as soon as possible and an additional meeting will be coordinated for the Sheriff to meet and exchange contact information. This action will not apply to construction activities deemed minor in nature.
 3. Avangrid will provide public information about local construction activities (either through a hotline or with local signage). Avangrid contact information will be made publicly available. This action will not apply to construction activities deemed minor in nature.
 4. Onsite security will be provided by the contractor through onsite security personnel and/or physical security system. Security measures will depend on the phase of the project, fencing, and security risk for equipment onsite. Security details will be privately shared with the Sheriff's Office upon request for the Sheriff's information only and any information disclosed by Avangrid shall be treated as confidential information and shall not be disclosed to third parties without Avangrid's prior consent. This action will not apply to construction activities deemed minor in nature.
 5. Avangrid and/or its contractors will provide a designated emergency response location at the construction site for directing emergency responders.
 6. Avangrid will encourage offsite community good behavior and respecting local laws as part of Monthly meetings with contractors. Avangrid will emphasize to contractors the importance of offsite community compliance with local laws.
- The Department presents its evaluation of the certificate holder's actions/response, in the table below.

Table 11: Department's Evaluation of Certificate Holder Response to Wasco County Sheriff's Traffic and Public Safety Concerns

Certificate Holder's Proposal	Department Evaluation	Department Recommendation
A twice-annual meeting at the construction site for the Sheriff's Office to provide a status report on construction-related concerns, and for feedback from the Sheriff's Office to reinforce good behavior with employees, contractors, and subcontractors. Any new requests from the Sheriff introduced during these meetings will need to be reviewed and approved by Avangrid management. These meetings may be waived by the Sheriff's Office on a case-by-case basis and will not apply to construction activities deemed minor in nature.	This commitment appears to require that the Sheriff's Office come to the site, and if they opt not to come to the site or are unavailable, the meeting would not happen. This commitment provides no assurance from the certificate holder that any recommendations made by the Sheriff will be implemented – stating that Sheriff recommendations would be subject to “review and approval by Avangrid management.”	Department recommends that Council strengthen the certificate holder's representation by requiring monthly requests to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures with the report. Every 6-months during construction, certificate holder shall invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts of facility construction. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council. These actions are recommended to be included in Public Services Condition 4 (CON-PS-01) (see below and Attachment 1 of this Order).
If there is a change in the onsite or offsite construction manager, the Sheriff's Office will be notified as soon as possible and an	This is a clear representation and should be required via a condition.	The Department has recommended that Council impose a condition under the Organizational Expertise standard, Organizational Expertise

Table 11: Department's Evaluation of Certificate Holder Response to Wasco County Sheriff's Traffic and Public Safety Concerns

Certificate Holder's Proposal	Department Evaluation	Department Recommendation
additional meeting will be coordinated for the Sheriff to meet and exchange contact information. This action will not apply to construction activities deemed minor in nature.		Condition 7 (CON-OE-01) requiring that, during construction, the certificate holder obtain a qualified, onsite compliance manager responsible for site certificate compliance. In this condition, the Department recommends that any changes in the onsite construction compliance manager be communicated to both the Department and Sheriff's office within 72 hours. (see Organizational Expertise Condition 7 (CON-OE-01) and Attachment 1 of this Order).
Avangrid will provide public information about local construction activities (either through a hotline or with local signage). Avangrid contact information will be made publicly available. This action will not apply to construction activities deemed minor in nature.	This offers limited detail to understand how the hotline or signage would be accessible or effective.	Department recommends that Council not incorporate this representation as a condition as it is unspecific and therefore limited in value.
Onsite security will be provided by the contractor through onsite security personnel and/or physical security system. Security measures will depend on the phase of the project, fencing, and security risk for equipment onsite. Security details will be privately shared with the Sheriff's Office upon request for the Sheriff's information only and any information disclosed by Avangrid shall be treated as confidential information and shall not be	Onsite security and good communication with Sheriff's Office, regarding their onsite security measures, is already required under Public Services Condition 4 (CON-PS-01). Existing condition could benefit from more specificity.	Department recommends that Council amend Public Services Condition 4 (CON-PS-01)(a) to clarify that onsite security will be provided through personnel and/or a physical security system and that communication with Sheriff's Office must include an ongoing discussion of the adequacy of the onsite security measures in minimizing impacts to law enforcement resources. (see recommended amended condition below and Attachment 1 of this Order).

Table 11: Department's Evaluation of Certificate Holder Response to Wasco County Sheriff's Traffic and Public Safety Concerns

Certificate Holder's Proposal	Department Evaluation	Department Recommendation
disclosed to third parties without Avangrid's prior consent. This action will not apply to construction activities deemed minor in nature.		
Avangrid and/or its contractors will provide a designated emergency response location at the construction site for directing emergency responders.	This is a requirement of the WMP under Wildfire Prevention and Risk Mitigation Conditions 1 and 2.	Department recommends that Council not incorporate this representation as a condition as it is already required.
Avangrid will encourage offsite community good behavior and respecting local laws as part of Monthly meetings with contractors. Avangrid will emphasize to contractors the importance of offsite community compliance with local laws.	General Standard Condition 3 (GEN-GS-02) requires that the certificate holder design, construct and operate the facility in compliance with applicable state local laws.	Department recommends that Council not incorporate this representation as a condition as it is already required.

1 Based on the analysis presented in Table 11 above, the Department recommends Council
2 amend Public Services Condition 4 (CON-PS-01) as follows:

3
4 **Recommended Amended Public Services Condition 4 (CON-PS-01):** During construction of
5 the facility, facility component or phase, the certificate holder shall:

- 6 a. Provide onsite security through onsite security personnel and/or physical security
7 system and maintain good communication between onsite security personnel and the
8 Wasco County Sherrieff Office. Communication must include an evaluation of the
9 adequacy of onsite security measures in minimizing impacts to law enforcement
10 resources in responding to the site.
- 11 b. Monthly, request to the Sheriff's Office to obtain written public safety/law
12 enforcement data related to facility construction. For any traffic or safety related
13 incidents determined to be associated with facility construction, certificate holder shall
14 report the incident to the Department within 72-hrs and shall include enhanced safety
15 and security measures in the report.
- 16 c. Every 6-months, invite both the Sheriff's Department and the Department to the site to
17 discuss traffic and public safety impacts. This meeting may also occur remotely. If the
18 traffic, safety and security measures implemented by the certificate holder, or its
19 contractor, are determined ineffective by the Department, certificate holder must
20 propose new measures to be reviewed and approved by the Council.
- 21 d. Coordinate with Maupin Ambulance Service and South Wasco County Ambulance
22 Service Area to determine whether a service agreement between certificate holder and
23 service provider is needed. The certificate holder shall notify Wasco County Planning
24 Department and the Department on the outcome of the agreement (WCLUDO Section
25 5.020(C)).
- 26 e. Notify Wasco County 911 Operations Manager of construction commencement and
27 provide facility location and access information (maps, site address, onsite safety
28 contact information).
29 [Final Order on Bakeoven ASC (2020), Bakeoven AMD1 (2021), Final Order on Sunset
30 AMD1]

31
32 Based on compliance with the recommended new and existing conditions, the Department
33 recommends Council find that the construction and operation of the facility, with proposed
34 RFA1 changes, are not likely to result in significant adverse impacts to the ability of service
35 providers to provide traffic and police safety services.

36 37 Fire

38
39 Construction-related fire risks include accidental grass fires. Operations related fire risk include
40 unanticipated equipment malfunction of lithium-ion batteries and vegetation impacts to high-
41 voltage transmission lines. Fire protection services within the RFA1 analysis area include Juniper
42 Flat Rural Fire Protection District and Bakeoven-Shaniko Rangeland Fire Protection Association

(RFPA). Certificate holder executed a services agreement with the RFPA.⁸⁰ On April 10, 2025, the RFPA confirmed that their services would not be impacted by a change in construction deadlines for the facility.⁸¹

As discussed in Section IV.N., *Wildfire Prevention and Risk Mitigation*, RFA1 Attachments 12 and 13 include Construction and Operational Wildfire Mitigation Plans (WMPs). The WMPs require coordination with local fire department and emergency services, and include on site trainings. The WMP's also include onsite fire equipment and water requirements as well as fire season restrictions which would reduce the likelihood of a wildfire spreading offsite and impacting local fire departments.

In addition, Council previously imposed the following additional condition:

- Public Services Condition 5 (PRE-PS-01) requiring that, prior to construction, the certificate holder must coordinate with the Oregon State Fire Marshal's Office to determine if the facility is compliant with applicable Oregon Fire Code requirements for facility components (e.g. emergency access roads, substation, battery storage).

Based on the updated coordination with the RFPA, executed RFPA service agreement, applicable WMPs, the Department recommends Council find that the facility, with proposed RFA1 changes, will not impact service providers ability to provide fire protection services.

Housing

Facility construction would necessitate temporary housing needs for a maximum of up to 280 households, with an average of 175 new households during any phase of construction, with an estimate of 30 percent of construction workers to be hired locally, with the remaining workers representing out of town workers that would commute up to 50-miles for temporary housing. Facility operations would result in 5 to 10 permanent employees and would not be expected to impact local providers of housing service.

For RFA1, the certificate holder assumed that 30 percent of construction workers would be hired locally, with the remaining workers being temporary residents. It is also assumed that these residents would live in hotels, motels, RV parks, rental homes, and other temporary housing within 50 miles of the Facility. A desktop review identified over 1,000 hotel and motel rooms and over 650 rental housing units within 50 miles of the facility, with options located in Maupin, Shaniko, Tygh Valley, The Dalles, and other cities and towns within commuting

⁸⁰ SSFAMD1Doc28 Request for Amendment 1 2025-09-051-A: Bakeoven Shaniko RFPA Service Agreement 2024-01-22

⁸¹ Ibid.

1 distance.⁸² This represents sufficient resources to support the temporary housing needs of
2 facility construction.

3
4 Because there are no proposed RFA1 changes that would impact Council's previous evaluation,
5 the Department recommends that it continue to rely on its previous findings that construction
6 and operation of the facility would not have a significant impact on local housing.

7 8 *Schools and Healthcare*

9
10 Facility construction could result in increased demand of health care providers. As presented
11 above, Council previously imposed Public Services Condition 4 (CON-PS-01)(d) requiring that,
12 during construction, the certificate holder:

- 14 • Coordinate with Maupin Ambulance Service and South Wasco County Ambulance
15 Service Area to determine whether a service agreement between certificate holder and
16 service provider is needed; and
- 17 • Notify Wasco County 911 Operations Manager of construction commencement and
18 provide facility location and access information (maps, site address, onsite safety
19 contact information).

20
21 RFA1 does not propose any changes that would affect the Council's prior analysis. Therefore,
22 the Department recommends that the Council continue to find that, based on compliance with
23 the recommended amended Public Services Condition 4 (CON-PS-01), that facility, with
24 proposed RFA1 changes, would not be likely to result in significant adverse impacts on the
25 ability of communities to provide health care.

26
27 Facility construction would not be expected to increase demand of school providers due to the
28 temporary nature of the activity and low likelihood that families would relocate permanently.
29 Due to the relatively small number of new temporary residents and new permanent residents,
30 significant new demands are not expected from schools that serve the area. RFA1 does not
31 propose any changes that would affect the Council's prior analysis. Therefore, the Department
32 recommends that Council finds that construction and operation of the facility, with proposed
33 RFA1 changes, are not likely to result in significant adverse impacts to the ability of school
34 providers to provide schools.

35 36 **III.M.2. Conclusions of Law**

37
38 Based on the foregoing analysis, and subject to compliance with the existing and new site
39 certificate conditions described above, the Department recommends the Council continue to
40 find that construction and operation of the facility are not likely to result in significant adverse

⁸² Airbnb. 2025. Accessed August 13, 2025 at <https://www.airbnb.com/>; Booking.com. 2025. Accessed August 13, 2025 at <https://www.booking.com/>; Expedia. 2025. Accessed August 13, 2025 at <https://www.expedia.com/>.

1 impacts to the ability of public and private providers to provide the services listed in OAR 345-
2 022-0110.

3
4 **III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115**

5
6 *(1) To issue a site certificate, the Council must find that:*

7
8 *(a) The applicant has adequately characterized wildfire risk within the analysis*
9 *area using current data from reputable sources, by identifying:*

10
11 *(A) Baseline wildfire risk, based on factors that are expected to remain fixed*
12 *for multiple years, including but not limited to topography, vegetation,*
13 *existing infrastructure, and climate;*

14
15 *(B) Seasonal wildfire risk, based on factors that are expected to remain fixed*
16 *for multiple months but may be dynamic throughout the year, including but*
17 *not limited to, cumulative precipitation and fuel moisture content;*

18
19 *(C) Areas subject to a heightened risk of wildfire, based on the information*
20 *provided under paragraphs (A) and (B) of this subsection;*

21
22 *(D) High-fire consequence areas, including but not limited to areas containing*
23 *residences, critical infrastructure, recreation opportunities, timber and*
24 *agricultural resources, and fire-sensitive wildlife habitat; and*

25
26 *(E) All data sources and methods used to model and identify risks and areas*
27 *under paragraphs (A) through (D) of this subsection.*

28
29 *(b) That the proposed facility will be designed, constructed, and operated in*
30 *compliance with a Wildfire Mitigation Plan approved by the Council. The*
31 *Wildfire Mitigation Plan must, at a minimum:*

32
33 *(A) Identify areas within the site boundary that are subject to a heightened*
34 *risk of wildfire, using current data from reputable sources, and discuss data*
35 *and methods used in the analysis;*

36
37 *(B) Describe the procedures, standards, and time frames that the applicant*
38 *will use to inspect facility components and manage vegetation in the areas*
39 *identified under subsection (a) of this section;*

40
41 *(C) Identify preventative actions and programs that the applicant will carry*
42 *out to minimize the risk of facility components causing wildfire, including*
43 *procedures that will be used to adjust operations during periods of heightened*
44 *wildfire risk;*

1
2 *(D) Identify procedures to minimize risks to public health and safety, the*
3 *health and safety of responders, and damages to resources protected by*
4 *Council standards in the event that a wildfire occurs at the facility site,*
5 *regardless of ignition source; and*

6
7 *(E) Describe methods the applicant will use to ensure that updates of the plan*
8 *incorporate best practices and emerging technologies to minimize and*
9 *mitigate wildfire risk.*

10
11 *(2) The Council may issue a site certificate without making the findings under*
12 *section (1) if it finds that the facility is subject to a Wildfire Protection Plan*
13 *that has been approved in compliance with OAR chapter 860, division 300.*

14
15 *(3) This Standard does not apply to the review of any Application for Site*
16 *Certificate or Request for Amendment that was determined to be complete*
17 *under OAR 345-015-0190 or 345-027-0363 on or before the effective date of*
18 *this rule.⁸³*

19
20 **III.N.1. Findings of Fact**

21
22 The Wildfire Prevention and Risk Mitigation standard requires the Council to find the applicant
23 has adequately characterized wildfire risk associated with a facility using reputable data
24 sources; and under OAR 345-022-0115(1)(b), that the facility would be operated in compliance
25 with a Council-approved wildfire mitigation plan.

26
27 The Council's Wildfire Prevention and Risk Mitigation Standard was adopted in July 2022, after
28 the Final Order on Bakeoven RFA1⁸⁴ and initial Sunset Solar site certificate were issued;
29 however, fire risk and risk prevention associated with the facility were evaluated under the
30 Council's Public Services Standard in the Final Order on the Bakeoven ASC and updated, as
31 applicable in this order.

32
33 The analysis area to evaluate potential wildfire risks is the site boundary and one-half mile from
34 the site boundary are subject to RFA1.⁸⁵

35
36 Based on the certificate holder and Department assessment of wildfire risk at the site and
37 within the analysis area, as described in RFA1 and this order, the Department recommends

⁸³ OAR 345-022-0115, effective July 29, 2022.

⁸⁴ In November 2021 Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project were issued individual site certificates based on splitting facility components approved in the Final Order on the ASC for Bakeoven Solar Project. BSPAMD1Doc11 Final Order 2021-11-19.

⁸⁵ Modifying the RFA1 site boundary under OAR 345-027-0360(3) to omit the gen tie transmission line was discussed and approved during the February 19, 2025 Pre-Amendment Conference. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

Council find that wildfire fire is moderate during winter (seasonally wetter) months and high during the summer months, during fire season.

Data Sources

Under OAR 345-022-0115(1)(a), a certificate holder must adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas. Each of these are discussed in this section with a description of the data source, as necessary to support the findings and recommended conclusions. The data sources used to evaluate wildfire risk by the certificate holder and Department include but are not limited to:

- Community Wildfire Protection Plan Planning (CWPP), 2025b Tool Oregon Explorer;
- 2018 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results;
- Oregon Department of Forestry 2025 Wildfire Risk Explorer;
- Wasco County 2024 Community Wildfire Protection Plan;⁸⁶
- Tetra Tech Field Surveys for Habitat Categorization Tetra Tech 2018a, 2018b, 2018c, 2018d, 2021a;
- Landowner agricultural practices (from ASC and RFA1 landowner coordination);
- 2024/2025 National Interagency Fire Center Inter-Agency Fire Perimeter History All Years View and WFIGS Interagency Fire Perimeters;
- 2024 National Wildfire Coordinating Group, Fuels: Surface Fuel Model Descriptions;
- 2025 National Oceanic and Atmospheric Administration, Antelope, Oregon climate data;

Wildfire Risk Analysis

Baseline wildfire risk within the analysis area is evaluated based on factors expected to remain fixed for multiple years, including topography of the site, vegetation, existing infrastructure, regional climate, and burn probability. These are discussed in RFA1, Section 6.14, with the associated Figures in RFA1 as Figures 10a - 10f, this information is incorporated herein and summarized, in part, below.

Wasco County 2024 Community Wildfire Protection Plan (Wasco County CWPP) is a planning tool for the fire and land managers of Wasco County, and provides a framework for local agencies associated with wildfire suppression and protection services to assess the risks and hazards associated with wildland urban interface areas (WUIs) and to identify strategies for reducing those risks. The Wasco County CWPP defines WUIs as any area where the combination of human development and vegetation has the potential to result in negative impacts from wildfire on the community.⁸⁷ The majority of the facility site boundary and analysis area are in

⁸⁶ <https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf> Accessed by the Department 09-05-2025.

⁸⁷ <https://cms5.revize.com/revize/wascocounty/docs/Planning%20Reference/CWPP%20--%20FINAL%2004-17-2024%20w%20signature%20page.pdf>, Pp. 15-17.

the Vegetated/uninhabited designation with very sparse areas with structure density > 0, and ≥ 50% cover of wildland vegetation within a 40-acre radius.

Depending on wind, wildfires tend to travel quicker up steeper slopes and slower on the flatter portions of land. The area within the RFA1 site boundary is parallel to Bakeoven Road, west of US-97, east of US-197, and south of the Deschutes River and has slopes that range from 0 to 25 percent. The predominant habitat types within the site boundary include Eastside Grasslands (39 percent and 13 percent, respectively) and Planted Grasslands (34 percent). These are best represented by Fuel Model 122 which makes up 64 percent of the site boundary area and is categorized as moderate load dry climate grass-shrub.⁸⁸ Twenty-nine percent of the site boundary is represented by Fuel Model 102 described as low load, dry climate grasses. Although minimal, two percent of the area within the site boundary has a Fuel Model categorized as non-burnable (NB). The certificate holder provides an updated assessment based on its habitat categorization surveys for the ASC and RFA1 and based on information about agricultural uses on participating and adjacent lands.⁸⁹ The revised wildfire/vegetation analysis indicates Fuel Models that the agricultural lands more closely reflect the vegetation on the ground. Importantly, the areas that are classified as NB, actually are burnable depending on time of harvesting season.⁹⁰

Based on NOAA climate data between 1991 to 2020 for Antelope, the driest months on average are July, August, and September, typical for this region.

Wildfire risk metrics include potential wildfire impacts to infrastructure; therefore, wildfire risk is higher in areas where known infrastructure is located. Existing infrastructure within the wildfire analysis area includes the Bakeoven Substation, the existing facility 230-kV transmission line, farming operations which include outbuildings and equipment, and various businesses such as a hunting preserve. An existing 115 kV Wasco County Electric Cooperative transmission line runs adjacent to the facility along Bakeoven Road⁹¹ and an existing 500 kV BPA transmission line runs north to south adjacent to the facility, crossing over Bakeoven Road and the facility transmission line. Three energy facilities are located in the outer analysis area: the Bakeoven

⁸⁸ Fuel model groups are used in the Oregon Community Wildfire Protection Plan (CWPP) Planning Tool to describe the fire-carrying fuel type of the surface fuels. Fuel Models are also used to describe fuel moisture content. Fuel moisture content is influenced by living plants and dead fuels responding differently to weather changes. Moisture contents are influenced by precipitation, air moisture, air and surface temperatures, wind, cloudiness, as well as by fuel factors such as surface to volume ratio, compactness, and arrangement. SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.14.1 and Section 6.14.2.

⁸⁹ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.14.1

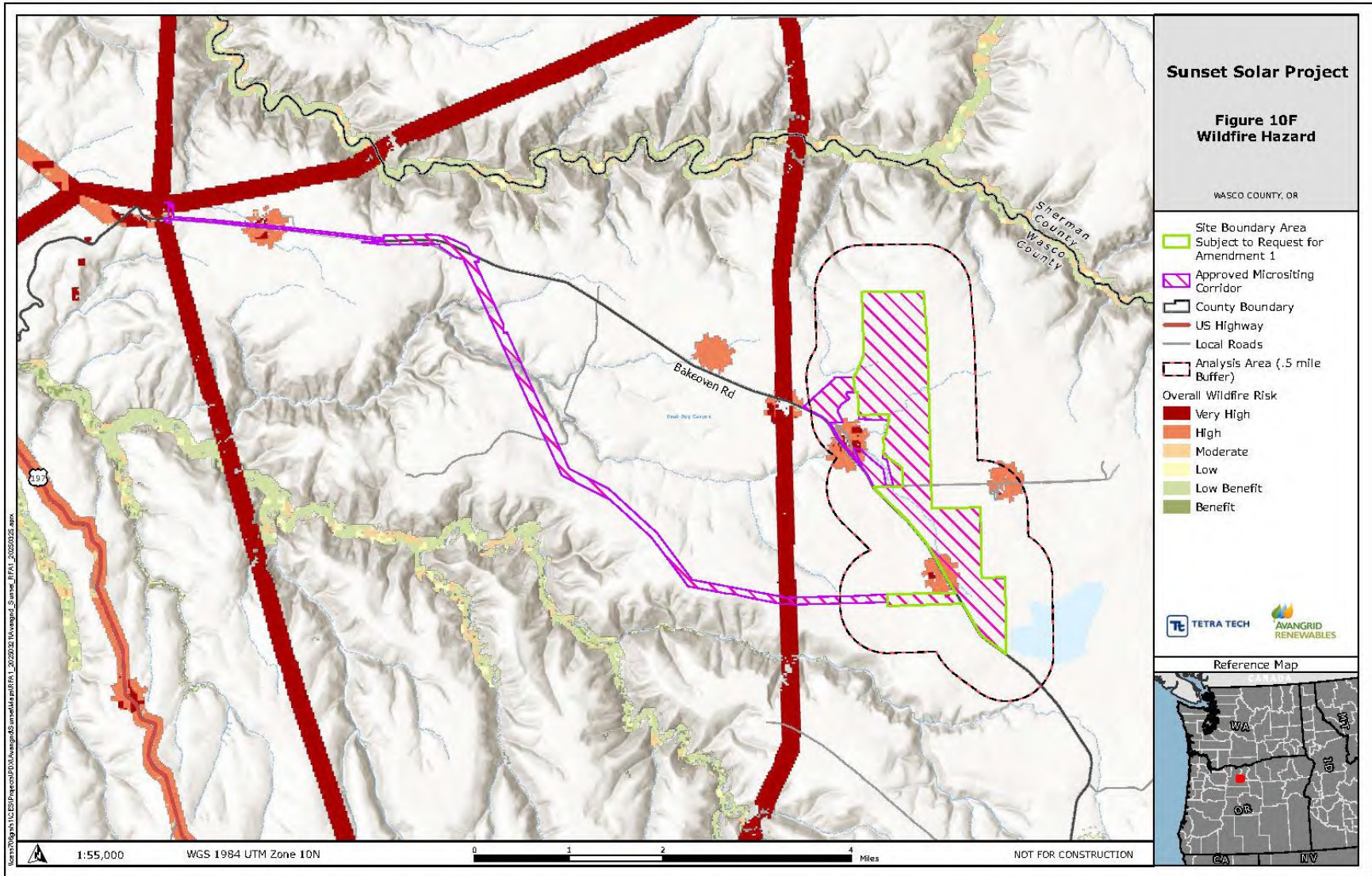
⁹⁰ The certificate holder provides an updated assessment, based on the habitat surveys and landowner letters, for the categories of Flame Length, another metric available on the CWPP Tool, concluding that most of the area within the site boundary area subject to RFA 1 categorized above with an average flame length of 0 feet can be more accurately categorized to represent wildfire risk with average flame lengths of either 4 to 8 feet or 0 to 4 feet.

⁹¹ <https://oregon-explorer.apps.geocortex.com/webviewer/?app=7501a78d26844019892269bc295ea36b&efsc=Sunset%20Solar%20Project> Accessed by the Department 09-05-2025.

1 Solar Project, Daybreak Solar Project, and the proposed Yellow Rosebush Energy Center. Paved
2 roads within the wildfire analysis area include Bakeoven Road and Wilson Road, as well as
3 several graveled roads.

4
5 Council's standard describes high-fire consequence areas as areas containing residences, critical
6 infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive
7 wildlife habitat. These data inputs are used in the CWPP Tool for Overall Wildfire Risk, as shown
8 on Figure 4, below, area areas within the wildfire analysis area overlap with the locations of
9 existing infrastructure, which is mostly transmission lines, roads, and substations.

Figure 4: Overall Wildfire Risk within the Analysis Area



1 Based on the certificate holder and Department assessment of wildfire risk at the site and
2 within the analysis area, as described in RFA1 and this order, the Department recommends
3 Council find that wildfire fire is moderate during winter (seasonally wetter) months and high
4 during the summer months, during fire season.

6 *Wildfire Mitigation Plans*

8 Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed,
9 and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council. The
10 certificate holder provides a Construction and Operational WMP in RFA1 as Attachments 12 and
11 13; these are also attached to this order as Attachments W-1 and W-2.⁹²

13 *Facility Design*

15 As discussed in Section III.E., *Land Use*, Council previously imposed Land Use Condition 7 (GEN-
16 LU-02) prior to when the Council's Wildfire Risk Prevention and Mitigation standard was in
17 effect. Land Use Condition 7 requires the implementation of a Fire Prevention and Emergency
18 Response Plan. However, as discussed in the below section, the RFA1 WMPs include similar,
19 additional, and duplicative fire prevention measures as the Fire Prevention and Emergency
20 Response Plan, therefore, the Department recommends Council delete Land Use Condition 7
21 and impose Recommended Wildfire Prevention and Risk Mitigation Conditions 1 through 4.
22 However, the Fire Prevention and Emergency Response Plan also included findings of
23 compliance with Chapter 10 of the Wasco County Land Use Development Ordinance (WCLUDO)
24 which includes fire safety standards applicable to all of Wasco County's rural zones (all zones
25 outside of an Urban Growth Boundary). The findings in the Fire Prevention and Emergency
26 Response Plan for Chapter 10 of WCLUDO result in facility design measures that reduce the risk
27 of wildfire. The Department summarizes these below and recommends these facility design
28 measures be included in the description of the facility in Attachment A, the draft amended site
29 certificate.

31 Facility design standards and measures that would minimize wildfire risk include but are not
32 limited to the following:

- 34 • New service roads will be 16 to 20 feet wide with an internal turning radius of 28 feet
35 and less than 10 percent grade to provide access to emergency vehicles.
- 36 • The location of the O&M building, battery storage system, and substation would be
37 located on land flatter than a 40 percent slope, and all solar arrays would be located on
38 land with a 5 percent or less grade.
- 39 • The O&M building and collector substation would be set back at least 50 feet from any
40 slopes greater than 30 percent.

⁹² The WMPs included in RFA and attached to this order reflect changes from the Departments' review of the WMP that was included in pRFA1 and closely align with the Council-reviewed WMP templates.

- A 50-foot fire fuel break will be cleared and maintained around the O&M building, battery storage system, and substation. The fenced areas around the O&M building, collector substation, and battery storage system would be graveled, with no vegetation present. Unmanaged vegetation beyond the 50-foot fuel break located around the O&M building, battery storage system, and substation would be minimal, as these facilities are located in an area of low-growing shrubs and grass.
- Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards.
- The solar array included shielded electrical cabling, as required by applicable code, to prevent electrical fires.
- Facility components will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.
- The SCADA system provides remote operation, including shut off, and monitoring of the facility's solar array, BESS, and collector substation components.

Construction and Operational WMP Wildfire Risk Minimization Preventative Actions, Programs, and Procedures

The draft Construction and Operational WMPs would both be finalized prior to construction and operation.⁹³ Finalization of the WMPs includes receiving input from the Bakeoven-Shaniko Rural Fire Protection Agency, updating wildfire risk at the site, providing site maps that identify access details and the location of fire protection equipment, and updated emergency contact information. Both of the Construction and Operational WMPs include pre-construction/pre-operational onsite trainings with contractors, the Department, emergency service professionals, and the certificate holder. Additionally, prior to construction and operation, the certificate holder must mail a letter to residences within the 0.5-mile wildfire analysis area which would provide the facility contact information and encourage individuals to sign up for the county's emergency notification system.

Section 4 of the Construction WMP and Section 6 of the Operational WMP include definitions for fire precaution levels and associated restrictions during fire season. The fire precaution levels include non-fire season, fire season, fire weather watch, and red flag weather warning, where the red flag weather warning would be the most restrictive for activities that may increase the risk of wildfire. Examples of fire season restrictions include maintaining a fire watch, driving and parking only on graveled surfaces, and limitations on hot work.

⁹³ Although both the construction and operational WMPs must be finalized prior to construction and operation, the Recommended Wildfire Prevention and Risk Mitigation Conditions do not label the WMPs as "Final". This is because, as designated in the WMP's, the WMP's may be updated and amended to address changes in wildfire risk at the site over time, therefore, they may be several iterations of the WMPs during the life of the facility.

1 The measures and protocols that address and minimize wildfire risk during construction
2 activities in the draft WMP include:

- 3
- 4 • Monitoring periods of heightened fire risk through the third-party contractor StormGeo
5 or similar platform, which provides weather monitoring to track conditions at the
6 facility. Through this monitoring system, the Construction Manager and contractors will
7 be notified of Red Flag Warnings and weather conditions that produce an increased risk
8 of fire danger.
- 9 • Vegetation will be maintained onsite and defensible spaces around facility features will
10 be maintained.
- 11 • Personnel will be trained on the RACE (Remove, Alarm, Confine and Extinguish or
12 Evacuate) and the use of fire protection equipment.
- 13 • Fire suppression equipment on site includes fire extinguishers, Pulaski, shovels, pails and
14 drop cans.
- 15 • Combustion engines will be equipped with a spark arrester that meets U.S. Forest
16 Service Standard 5100-1.
- 17 • During fire season water truck(s)/water source, water buffalo, or tank with minimum
18 500-gallon capacity will be on site and equipped with a nozzle and pump.
- 19

20 During facility construction, in the semi-annual construction progress report, the certificate
21 holder will provide updates of the performance of the WMP including any changes of wildfire
22 risk at the site, facility contact information, and training logs. The log of any changes in
23 construction activities due to Fire Season Restrictions, as designated in Section 4.1, will be
24 provided to the Department during onsite or remote inspections, or upon request.

25

26 The Department recommends Council impose the two conditions below to require the draft
27 WMP be finalized prior to facility construction and be implemented during construction
28 activities.

29

30 **Recommended Wildfire Prevention and Risk Mitigation Condition 1 (PRE-WF-01):** Prior
31 to facility construction, the certificate holder shall finalize and submit a Construction
32 Wildfire Mitigation Plan (WMP), Attachment W-1 to the Final Order on AMD1 to the
33 Department for review and approval.
34 [Final Order on SSF AMD1; PRE-WF-01]

35

36 **Recommended Wildfire Prevention and Risk Mitigation Condition 2 (CON-WF-01):**
37 During facility construction, the certificate holder shall require onsite contractors and
38 employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved
39 under Wildfire Prevention and Risk Mitigation Condition 1 .
40 [Final Order on SSF AMD1; CON-WF-01]

41

42 **Procedures, Standards, and Time Frames for Facility Component Inspections and Vegetation**
43 **Management**

1
2 The draft Operational WMP, as provided in Attachment W-2 of this order, includes the
3 following monthly, semi-annual and annual inspections for facility components that could cause
4 electrical fires solar panels, inverters, battery energy system, substation, and overhead
5 electrical lines. This equipment would be inspected and maintained as designated in Section 4
6 of the Operational WMP, summarized below.
7

- 8 • Monthly inspection requirements during operations:
 - 9 ○ Ensure equipment is appropriately maintained to control sources of combustible
 - 10 materials; removing and disposing of combustible waste.
 - 11 ○ Inspect and maintain safeguards installed on heat-producing equipment to prevent
 - 12 accidental ignition of combustible materials, in accordance with equipment O&M
 - 13 manuals.
 - 14 ○ Visually inspect portable fire extinguishers, substation and surrounding area and
 - 15 complete Avian Power Line Interaction Committee (APLIC) inspection forms
 - 16
- 17 • Semiannual inspection requirements during operations:
 - 18 ○ Thoroughly clean and inspect wind turbines on a semiannual basis in accordance with
 - 19 Oregon Department of Emergency Management maintenance requirements.
 - 20 ○ Conduct semiannual visual inspections of overhead electrical lines and complete APLIC
 - 21 inspection forms.
 - 22
- 23 • Annual inspection requirements during operations:
 - 24 ○ Test fire protection equipment in accordance with the manufacturer specifications and
 - 25 National Fire Protection Association requirements.
 - 26

27 Records of monthly, semiannual and annual inspections, as well as equipment-specific
28 inspections and maintenance will be maintained on-site and will be provided to the
29 Department for review in the annual report, as designated in Section 9.0 of the WMP.
30

31 During operations, the certificate holder or its contractor will conduct vegetation management
32 inspections each spring, prior to the summer months when fire risk is heightened. During these
33 inspections, the technician will ensure vegetation setbacks from installed equipment are
34 adequate and will enact vegetation control measures if needed. Vegetation on site will be
35 managed consistent with the applicable Spill Prevention Control and Countermeasures (SPCC)
36 plan and Noxious Weed Plan Vegetation. Annually, herbicide will be applied on facility gravel
37 pads and as needed based on site conditions. Annually, vegetation beneath overhead electrical
38 lines will be mowed to achieve clearance requirements between conductor and ground.
39

40 Annual reporting requirements and amendments to the WMP are addressed in Section 9 of the
41 WMP. Reporting requirements listed above will be provided in the annual report submitted to
42 the Department. This information may be used by the Department and certificate holder to
43 establish the performance of the WMP. The certificate holder will also evaluate the WMP

1 annually to determine if updates to the WMP are necessary to address wildfire risk. The
2 Department recommends Council find that RFA1 and the Operational WMP identifies areas
3 subject to heightened wildfire risk, contains sufficient procedures to minimize wildfire risk,
4 identifies procedures to minimize risks to public health and safety as well as first responders,
5 and contains measures to ensure the plan is updated. Therefore, the Department recommends
6 Council impose the following conditions:

7
8 **Recommended Wildfire Prevention and Risk Mitigation Condition 3 (PRO-WF-01):**

9 Prior to facility operation, the certificate holder shall finalize and submit an Operational
10 Wildfire Mitigation Plan (WMP), Attachment W-2 to the Final Order on AMD1 to the
11 Department for review and approval.

12 [Final Order on SSF AMD1; PRO-WF-01]
13

14 **Recommended Wildfire Prevention and Risk Mitigation Condition 4 (OPR-WF-01):**

15 During facility operation, the certificate holder shall require onsite contractors and
16 employees to adhere to the Operational Wildfire Mitigation Plan (WMP) approved
17 under Wildfire Prevention and Risk Mitigation Condition 3 .

18 [Final Order on SSF AMD1; OPR-WF-01]
19

20 **III.N.2. Conclusions of Law**
21

22 Based on the foregoing analysis, and subject to compliance with the recommended site
23 certificate conditions described above, the Department recommends the Council find that the
24 certificate holder has adequately characterized wildfire risk within the analysis area using
25 current data from reputable sources, and that, subject to Council approval, the facility will be
26 designed, constructed, and operated in compliance with the Wildfire Mitigation Plans.
27

28 **III.O. WASTE MINIMIZATION: OAR 345-022-0120**

29 *Except for facilities described in sections (2) and (3), to issue a site certificate,*
30 *the Council must find that, to the extent reasonably practicable:*

31 *(a) The applicant's solid waste and wastewater plans are likely to minimize*
32 *generation of solid waste and wastewater in the construction and operation*
33 *of the facility, and when solid waste or wastewater is generated, to result in*
34 *recycling and reuse of such wastes;*
35

36 *(b) The applicant's plans to manage the accumulation, storage, disposal and*
37 *transportation of waste generated by the construction and operation of the*
38 *facility are likely to result in minimal adverse impact on surrounding and*
39 *adjacent areas.*

40 *(2) The Council may issue a site certificate for a facility that would produce*
41 *power from wind, solar or geothermal energy without making the findings*

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

**

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

- (a) Information about the applicant's plans to minimize the generation of solid waste and wastewater and to recycle or reuse solid waste and wastewater, providing evidence to support a finding by the Council as required by OAR 345-022-0120. The applicant must include:
 - (A) A description of the major types of solid waste and wastewater that construction, operation and retirement of the facility are likely to generate, including an estimate of the amount of solid waste and wastewater;
 - (B) A description of any structures, systems and equipment for management and disposal of solid waste, wastewater and storm water;
 - (C) A discussion of any actions or restrictions proposed by the applicant to reduce consumptive water use during construction and operation of the facility;
 - (D) The applicant's plans to minimize, recycle or reuse the solid waste and wastewater described in (A);
 - (E) A description of any adverse impact on surrounding and adjacent areas from the accumulation, storage, disposal and transportation of solid waste, wastewater and stormwater during construction and operation of the facility;
 - (F) Evidence that adverse impacts described in (E) are likely to be minimal, taking into account any measures the applicant proposes to avoid, reduce or otherwise mitigate the impacts; and
 - (G) The applicant's proposed monitoring program, if any, for minimization of solid waste and wastewater impacts.
- (b) A materials analysis, including:
 - (A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;
 - (B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills; and
 - (C) The applicant's plans to manage non-hazardous waste materials during construction and operation.⁹⁴

III.O.1. Findings of Fact

⁹⁴ OAR 345-022-0120, effective May 15, 2007; amended April 2, 2025.

Solid Waste

Facility construction would generate approximately 4,000 to 7,000 cubic yards of solid waste, total, including discarded construction materials, packaging materials, spent erosion control materials, wood form work, scrap metal from damaged pilings or racking equipment, or unused wiring. Materials suitable for recycling include some packaging materials, metals, glass, paper, wood and concrete, which the certificate holder is required to recycle to the extent possible. Remaining hazardous (i.e. oily rags) and non-hazardous waste will be managed by a local solid waste hauler and disposed of at a licensed facility.

Operations and maintenance activities are estimated to generate up to 6 yards of office waste; and damaged or defective solar panels, batteries, and other electrical equipment disposed of on a periodic basis. All solid waste generated during facility operation would be collected onsite and recycled at licensed facilities, as feasible.

Wastewater

Construction would result in sanitary waste from onsite portable toilets and concrete wash water from concrete trucks. Facility operation would result in minimal sanitary waste (limited to 7,500 gallons based on the septic system capacity). Periodic wash water needed for solar panel washing would be obtained from a licensed permitted vendor and would not result in any wastewater discharge because no solvents or chemicals will be used.

Council previously imposed the following site certificate conditions to minimize waste from the construction and operation of the facility:

- Waste Minimization Condition 1 (GEN-WM-01) requires the certificate holder to develop and implement a Solid Waste Management Plan, with an emphasis on recycling, for construction, operations and retirement.
- Organizational Expertise Condition 6 (GEN-OE-05) requires qualified transporters and handlers for any battery waste and disposal to comply with federal regulations.
- Land Use Condition 9 (PRE-LU-06) requires the certificate holder to obtain a sewage disposal construction- installation permit and other required permits for water usage and disposal.
- Soil Protection Condition 2 (PRO-SP-01) requires the finalization and implementation of a SPCC Plan prior to operations.
- Public Services Condition 1 (OPR-PS-01) requires wastewater discharge/handling per Oregon Department of Environmental Quality permit at less than 7,500 gallons per day.

In April 2025, Wasco County Landfill confirmed its capacity and operational lifespan of 25 years to continue to adequately support the facility's waste management needs while continuing to serve its existing customer base.⁹⁵ RFA1 is not proposing any changes in components or

⁹⁵ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Attachment 1B.

generated waste that would change Council’s previous findings. Existing site certificate conditions will continue to apply. For these reasons, the Department recommends that Council continue to rely on its previous findings that the facility would not result in significant impacts from facility waste.

III.O.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing site certificate conditions described above, the Department recommends the Council find that the certificate holder’s solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, with the proposed changes, result in recycling and reuse of such wastes, and will manage the accumulation, storage, disposal and transportation of wastes in a manner that will result in minimal adverse impacts to surrounding and adjacent areas.

III.P. SITING STANDARDS FOR TRANSMISSION LINES: OAR 345-024-0090

To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

(1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;

(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.⁹⁶

III.P.1. Findings of Fact

The facility is approved to construct and operate up to 4.2 miles of aboveground 34.5 kV collector line. The maximum electric field modeled for the 34.5 kV collector lines is 0.756 kV per meter, below the 9-kV per meter threshold set forth in OAR 345-024-0090(1).⁹⁷ RFA1 does not include changes to the approved 34.5 kV collector lines. For these reasons, the Department recommends that Council continue to find that the facility will comply with these requirements.

Council previously imposed Site Specific General Standard Condition 1 requiring the certificate holder to develop and implement a program that provides reasonable assurance that all fences,

⁹⁶ OAR 345-024-0090, effective May 15, 2007.

⁹⁷ BSPAPDoc2 Final Order 2020-04-24. Section IV.P. Peak electrical currents were modeled using the software modeling program, Corona and Field Effects Program (Version 3.1) developed by the Bonneville Power Administration, to analyze electromagnetic fields, measured in units of kilovolts per meter (kV/m), which would be produced by the above-ground 34.5 collector line.

gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. To further reduce the risk of induced current and nuisance shocks, the Council imposed the following condition:

- Siting Standards for Transmission Lines Condition 1 (PRE-ST-01) requiring that the prior to construction certificate holder notify all landowners within 500 feet of the 230 kV transmission line and any 34.5 kV collector lines about possible health and safety risks from induced currents and magnetic fields.

III.P.2. Conclusions of Law

Based on the foregoing analysis, the Department recommends the Council find that the existing site certificate conditions listed above, the certificate holder can design, construct, and operate the facility, with proposed changes, so that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface in areas accessible to the public and that induced currents resulting from transmission lines will be as low as reasonably achievable.

IV. EVALUATION OF OTHER APPLICABLE REGULATORY REQUIREMENTS

IV.A. Noise Control Regulations: OAR 340-035-0035

1) Standards and Regulations:

(a) Existing Noise Sources. No person owning or controlling an existing industrial or commercial noise source shall cause or permit the operation of that noise source if the statistical noise levels generated by that source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 7, except as otherwise provided in these rules.

(b) New Noise Sources:

(A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 8, except as otherwise provided in these rules. For noise levels generated by a wind or solar energy facility of any size and any associated equipment or machinery, subparagraph (1)(b)(B)(iii) applies.

(B) New Sources Located on Previously Unused Site:

1
2 (i) No person owning or controlling a new industrial or commercial noise
3 source located on a previously unused industrial or commercial site shall cause
4 or permit the operation of that noise source if the noise levels generated or
5 indirectly caused by that noise source increase the ambient statistical noise
6 levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels
7 specified in Table 8, as measured at an appropriate measurement point, as
8 specified in subsection (3)(b) of this rule, except as specified in subparagraph
9 (1)(b)(B)(iii).

10
11 (ii) The ambient statistical noise level of a new industrial or commercial noise
12 source on a previously unused industrial or commercial site shall include all
13 noises generated or indirectly caused by or attributable to that source
14 including all of its related activities. Sources exempted from the requirements
15 of section (1) of this rule, which are identified in subsections (5)(b)–(f), (j), and
16 (k) of this rule, shall not be excluded from this ambient measurement.

17
18 (iii) For noise levels generated or caused by a wind or solar energy facility:

19
20 (I) The increase in ambient statistical noise levels is based on an assumed
21 background L50 ambient noise level of 26 dBA or the actual ambient
22 background level. The person owning the wind or solar energy facility may
23 conduct measurements to determine the actual ambient L10 and L50
24 background level.

25
26 (II) The “actual ambient background level” is the measured noise level at the
27 appropriate measurement point as specified in subsection (3)(b) of this rule
28 using generally accepted noise engineering measurement practices.
29 Background noise measurements shall be obtained at the appropriate
30 measurement point, and for wind energy facilities synchronized with wind
31 speed measurements of hub height conditions at the nearest wind turbine
32 location. “Actual ambient background level” does not include noise generated
33 or caused by the proposed wind or solar energy facility.

34
35 (III) The noise levels from a wind or solar energy facility may increase the
36 ambient statistical noise levels L10 and L50 by more than 10 dBA (but not
37 above the limits specified in Table 8), if the person who owns the noise
38 sensitive property executes a legally effective easement or real covenant that
39 benefits the property on which the wind or solar energy facility is located. The
40 easement or covenant must authorize the wind or solar energy facility to
41 increase the ambient statistical noise levels, L10 or L50 on the sensitive
42 property by more than 10 dBA at the appropriate measurement point.

43
44 ***

1
2 *(c) Quiet Areas. No person owning or controlling an industrial or commercial*
3 *noise source located either within the boundaries of a quiet area or outside its*
4 *boundaries shall cause or permit the operation of that noise source if the*
5 *statistical noise levels generated by that source exceed the levels specified in*
6 *Table 9 as measured within the quiet area and not less than 400 feet (122*
7 *meters) from the noise source.*

8
9 *(d) Impulse Sound. Notwithstanding the noise rules in Tables 7 through 9, no*
10 *person owning or controlling an industrial or commercial noise source shall*
11 *cause or permit the operation of that noise source if an impulsive sound is*
12 *emitted in air by that source which exceeds the sound pressure levels specified*
13 *below, as measured at an appropriate measurement point, as specified in*
14 *subsection (3)(b) of this rule:*

15
16 *(A) Blasting. 98 dBC, slow response, between the hours of 7 a.m. and 10 p.m.*
17 *and 93 dBC, slow response, between the hours of 10 p.m. and 7 a.m.*

18
19 *(B) All Other Impulse Sounds. 100 dB, peak response, between the hours of 7*
20 *a.m. and 10 p.m. and 80 dB, peak response, between the hours of 10 p.m. and*
21 *7 a.m.*

22
23 *(e) Octave Bands and Audible Discrete Tones. When the Director has*
24 *reasonable cause to believe that the requirements of subsection (1)(a), (b), or*
25 *(c) of this rule do not adequately protect the health, safety, or welfare of the*
26 *public as provided for in ORS Chapter 467, the Department may require the*
27 *noise source to meet the following rules:*

28
29 *(A) Octave Bands. No person owning or controlling an industrial or commercial*
30 *noise source shall cause or permit the operation of that noise source if such*
31 *operation generates a median octave band sound pressure level which, as*
32 *measured at an appropriate measurement point, specified in subsection (3)(b)*
33 *of this rule, exceeds applicable levels specified in Table 10.*

34
35 *(B) One-third Octave Band. No person owning or controlling an industrial or*
36 *commercial noise source shall cause or permit the operation of that noise*
37 *source if such operation generates a median one-third octave band sound*
38 *pressure level which, as measured at an appropriate measurement point,*
39 *specified in subsection (3)(b) of this rule, and in a one-third octave band at a*
40 *preferred frequency, exceeds the arithmetic average of the median sound*
41 *pressure levels of the two adjacent one-third octave bands by:*

42
43 *(i) 5 dB for such one-third octave band with a center frequency from 500 Hertz*
44 *to 10,000 Hertz, inclusive. Provided: Such one-third octave band sound*

1 *pressure level exceeds the sound pressure level of each adjacent one-third*
2 *octave band; or*

3
4 *(ii) 8 dB for such one-third octave band with a center frequency from 160*
5 *Hertz to 400 Hertz, inclusive. Provided: Such one-third octave band sound*
6 *pressure level exceeds the sound pressure level of each adjacent one-third*
7 *octave band; or*

8
9 *(iii) 15 dB for such one-third octave band with a center frequency from 25*
10 *Hertz to 125 Hertz, inclusive. Provided: Such one-third octave band sound*
11 *pressure level exceeds the sound pressure level of each adjacent one-third*
12 *octave band;*

13
14 *(iv) This rule shall not apply to audible discrete tones having a one-third*
15 *octave band sound pressure level 10 dB or more below the allowable sound*
16 *pressure levels specified in Table 10 for the octave band which contains such*
17 *one-third octave band.*

18
19 *(2) Compliance. Upon written notification from the Director, the owner or*
20 *controller of an industrial or commercial noise source operating in violation of*
21 *the adopted rules shall submit a compliance schedule acceptable to the*
22 *Department. The schedule will set forth the dates, terms, and conditions by*
23 *which the person responsible for the noise source shall comply with the*
24 *adopted rules.*

25
26 *(3) Measurement:*

27
28 *(a) Sound measurements procedures shall conform to those procedures which*
29 *are adopted by the Commission and set forth in Sound Measurement*
30 *Procedures Manual (NPCS-1), or to such other procedures as are approved in*
31 *writing by the Department;*

32
33 *(b) Unless otherwise specified, the appropriate measurement point shall be*
34 *that point on the noise sensitive property, described below, which is further*
35 *from the noise source:*

36
37 *(A) 25 feet (7.6 meters) toward the noise source from that point on the noise*
38 *sensitive building nearest the noise source;*

39
40 *(B) That point on the noise sensitive property line nearest the noise source.⁹⁸*
41

⁹⁸ OAR 345-035-0035, effective October 17, 2024.

1 **IV.A.1. Findings of Fact**

2
3 On October 17, 2024, OAR 340-035-0035 was amended to allow solar facilities to demonstrate
4 compliance with the noise control regulations in the same manner as wind facilities. As
5 described below, the amended rule expands the ways in which a facility may demonstrate
6 compliance and does not affect the Council’s earlier findings. The analysis area for evaluating
7 compliance with the ODEQ noise rules includes the area within and extending 1-mile from the
8 RFA1 site boundary.⁹⁹

9
10 Under OAR 345-035-0035(1)(b)(B)(i), a new industrial or commercial noise source located on a
11 previously unused industrial or commercial site may not increase ambient statistical noise
12 levels L10 or L50 by more than 10 dBA, or exceed the levels provided in Table 12 below.

13 **Table 12: Statistical Noise Limits for Industrial and Commercial Noise Sources**

Statistical Descriptor	Maximum Permissible Hourly Statistical Noise Levels (dBA)	
	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM to 7:00 AM)
L50	55	50
L10	60	55
L1	75	60
Note: The hourly L50, L10, and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively. Source: OAR 345-035-0035, Table 8.		

14
15 Under OAR 340-035-0035(1)(b)(B)(iii), the increase in ambient statistical noise levels that result
16 from a solar facility may be based on actual measurements or may be based on an assumed
17 ambient background level of 26 dBA. The rule also allows for exceedances of the standards
18 described above if the person who owns the noise sensitive property where the exceedance
19 occurs a legally effective easement or real covenant that benefits the property on which the
20 facility is located.

21
22 Under OAR 340-035-0035(5), noise generated during construction of the facility, or during
23 maintenance activities on facility components are exempt from the requirement to meet
24 ODEQ’s noise standards.

25
26 *Potential Noise Impacts*

27
28 In the Final Order on the ASC, the Council found that noise sources during operations would
29 include transformers and inverters associated with solar arrays, inverters and cooling systems
30 associated with battery storage systems; and corona discharge noise (buzz or crackling during

⁹⁹ Modifying the RFA1 site boundary under OAR 345-027-0360(3) to omit the gen tie transmission line was discussed and approved during the February 19, 2025 Pre-Amendment Conference. See also follow up email: SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

wet conditions) from the 230 kV transmission line.¹⁰⁰ The number and expected sound power levels for these components are listed in Table 13 below:

Table 13: Noise Levels of Operational Noise Generating Equipment

Component	Number on Site	Est. Sound Power Level (dBA)
Inverters	152	88
Distribution Transformers	152	77
Substation Transformer	2	106
BESS HVAC Units	208	89
BESS Transformers	103	77
230-kV Transmission Line Corona Discharge	N/A	76 (Fair Conditions) 99 (Rainy Conditions)

There are no changes to the design of the facility proposed in RFA1 that would affect the sound levels predicted to result from construction or operation of the facility.

Noise Sensitive Receptors

There are 9 noise sensitive receptors (NSRs) within the RFA1 analysis area, as presented in Figure 5 below.¹⁰¹ The NSRs within the RFA1 analysis area are the same NSRs previously evaluated by Council. No new residential structures or other noise sensitive properties were identified in RFA1.¹⁰² Predicted operational noise levels range from 26 and 35 dBA. NSR 21, which is closest to the substation transformer and other facility components, would experience the greatest noise impacts, with increases in nighttime ambient sound levels of up to 9 dBA.

The Council previously imposed Noise Control Regulation Condition 1 (PRE-NC-01) requiring the certificate holder to provide an updated noise analysis based on manufacturers' specifications and noise data for the equipment selected for use in the final facility design to demonstrate compliance with the ambient degradation standard and maximum allowable threshold. The Council found that, subject to compliance with the condition, the facility would comply with the noise control regulations found in OAR 340-035-0035.¹⁰³

Because there are no changes to the construction or operation of the facility that would affect noise sources at the site, and there are no new residential structures or other noise sensitive properties identified within the analysis area, the Department recommends the Council continue to rely on its previous findings that the facility, with proposed RFA1 changes, will continue to comply with ODEQ's noise control regulations and with OAR 345-022-0160(2).

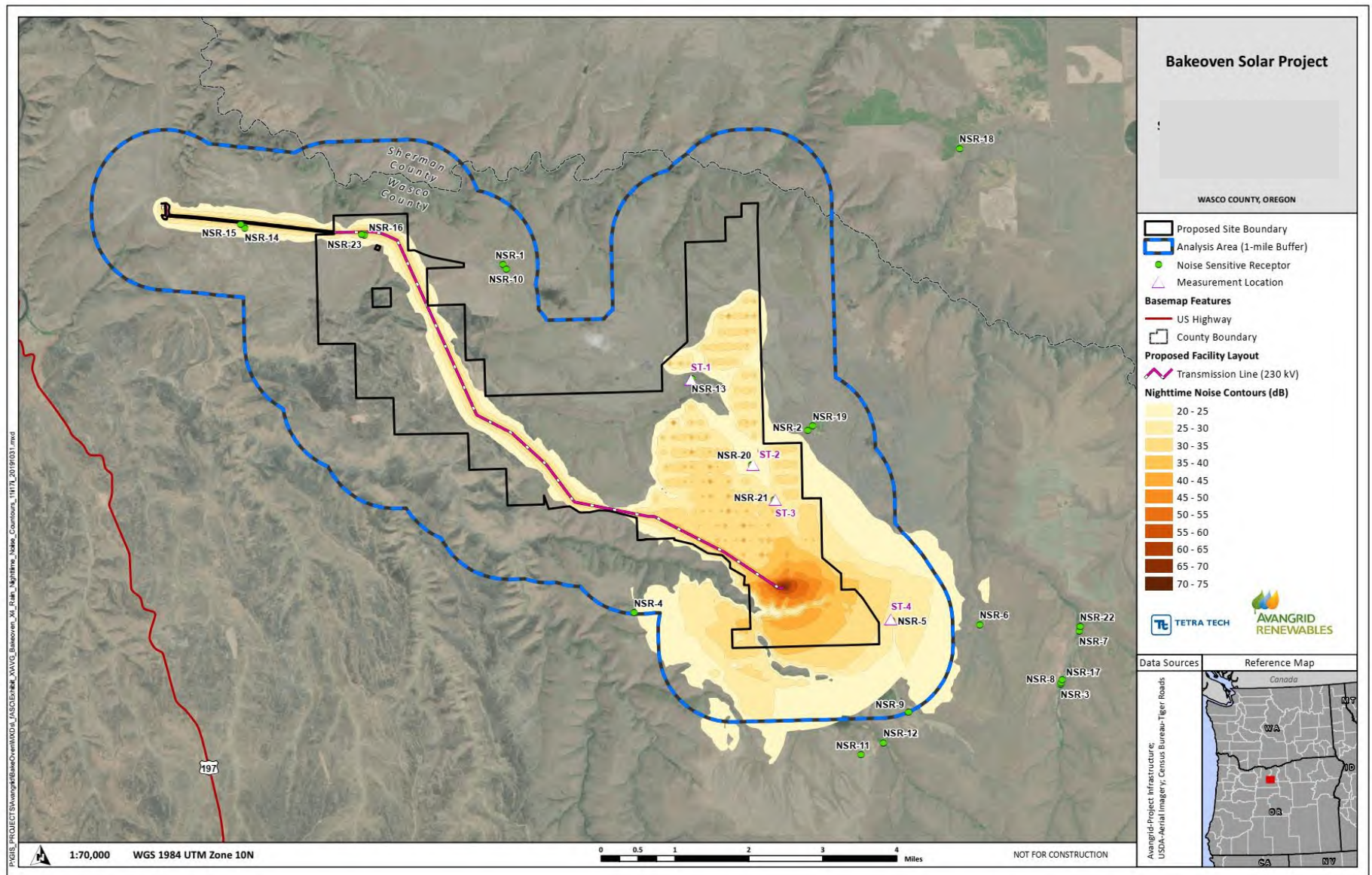
¹⁰⁰ BSPAPPD02 Final Order 2020-04-24, p. 198.

¹⁰¹ This includes NSRs 2, 13-16, 19-21, and 23.

¹⁰² SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.16.3.

¹⁰³ BSPAPPD02 Final Order 2020-04-24, p. 202

Figure 5: Noise Sensitive Receptors Within the ASC Analysis Area



1 **IV.A.2. Conclusions of Law**

2
3 Based on the foregoing analysis, and subject to compliance with the existing site certificate
4 condition described above, the Department recommends the Council find that the facility, with
5 proposed changes, will comply with the applicable Noise Control Regulations in OAR 340-035-
6 0035.

7
8 **IV.B. Removal-Fill Law**

9
10 The Oregon Removal-Fill Law (Oregon Revised Statutes] 196.795 through 196.990) and
11 Department of State Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785)
12 require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered
13 within any “waters of the state.” (WOS)¹⁰⁴ The Council, in consultation with DSL, must
14 determine whether a removal-fill permit is needed and if so, whether a removal-fill permit
15 should be issued.

16
17 **IV.B.1. Findings of Fact**

18
19 The analysis area for wetlands and other waters of the state is the area within the RFA1 site
20 boundary.¹⁰⁵

21
22 Wetland delineation studies were completed at the site in 2018.¹⁰⁶ The wetland delineation
23 study determined that there are four types of wetlands and other WOS within the site:
24 palustrine emergent wetlands; palustrine scrub-shrub/palustrine emergent wetland; palustrine
25 scrub-shrub/palustrine forested wetland; and intermittent streams. Of these features,
26 palustrine emergent wetlands were found to be the most common. Based on the types of
27 wetlands and other water features, 18 were identified as wetlands and 4 were identified as
28 other WOS. DSL reviewed the wetland delineation report and provided a concurrence letter in
29 September 2019,¹⁰⁷ in which DSL concurred with the wetland delineation and classifications but
30 did not make a determination on whether or not a removal fill permit would be needed. The
31 concurrence expired 5 years from issue, or September 2024.¹⁰⁸ In the Final Order on the
32 Bakeoven ASC, Council found that a removal-fill permit would not be required based on the
33 delineation report, DSL concurrence and because of the certificate holder’s commitment to
34 avoid impacts to all wetlands and WOS.

35

¹⁰⁴ ORS 196.800(15) defines “Waters of this state.” The term includes wetlands and certain other waterbodies.

¹⁰⁵ Modifying the RFA1 site boundary under OAR 345-027-0360(3) to omit the gen tie transmission line was
discussed and approved during the February 19, 2025 Pre-Amendment Conference. See also follow up email:
SSFAMD1Doc-01 pRFA1 Email on RFA1 Site Boundary OAR 345-027-0360(3) 2025-04-04.

¹⁰⁶ SSFAMD1Doc28 Request for Amendment 1 2025-09-05 Attachment 14.

¹⁰⁷ BSPAPPDoc4-7 pASC Reviewing Agency Comment DSL Concurrence 2019-09-16.

¹⁰⁸ [In its comments on the DPO for SSPAMD1, DSL indicates that the 2019 wetland concurrence indeed expired on September 4, 2024. SSFAMD1Doc39-1 DPO Reviewing Agency Comment DSL 2025-09-10.](#)

1 Since the Final Order for Bakeoven Amendment 1 was issued on November 19, 2021, there
2 have been minor changes to the Oregon Removal-Fill Law: ORS 196.800, 196.815, 196.818. and
3 196.850 were amended during the Oregon Laws 2023 Regular Session.¹⁰⁹ However, these
4 changes have no impact on the requirements for a removal-fill permit for this facility and
5 therefore would not affect the Council’s previous finding that a removal-fill permit would not
6 be needed for the facility, based on the commitment to avoid impacts to all wetlands and WOS
7 in the site boundary which are maintained in RFA1.¹¹⁰ RFA1 does not seek to enlarge the
8 approved site boundary or locate physical components on or within jurisdictional waters of the
9 state. There are no proposed changes to the previously approved facilities, phasing, or
10 resources from what is currently authorized in the Sunset Solar Project Site Certificate. Further,
11 as required under Land Use Condition 1 (PRE-LU-02), the certificate holder must demonstrate
12 mapping or other engineering drawing that the final facility, facility component or phase layout,
13 complies with a 25-foot minimum setback distance from permanent foundations to all water
14 bodies (seasonal or permanent) not identified on any federal, state or local inventory.
15 Waterbodies not identified on a federal, state or local inventory within the micrositng corridor
16 include a portion of Salt Creek (which flows through Dead Dog Canyon) and 10 unnamed
17 ephemeral or intermittent streams.

18
19 Based on the information in ~~RFA1~~ the record of the ASC and RFA1, the Department recommends
20 that Council find that the certificate holder ~~has~~ previously identified and delineated wetlands
21 within the Sunset Solar Project site boundary, and is already required to demonstrate a 25-foot
22 setback from wetlands and WOS from facility components that have foundations. that DSL also
23 ~~has~~ previously concurred with ~~that the wetland~~ delineation, ~~however it the wetland~~
24 delineation concurrence has expired, and so if the certificate holder plans construction
25 activities (temporary work areas, roads, and location of facility components) in areas where
26 wetland and WOS were or may be located they will need to conduct an updated delineation
27 and jurisdictional determination (concurrence) from DSL prior to construction of the facility to
28 confirm that a removal fill permit is not necessary.¹¹¹ ~~For these reasons,~~ To allow flexibility in
29 the process of determining if a DSL jurisdictional determination may be necessary and also to
30 ensure impacts do not occur without a removal fill permit, the Department recommends the
31 following changes to the Condition PRE-RF-01 allowing the certificate holder to demonstrate
32 the location of construction will occur only in areas that are unlikely to have jurisdictional water

¹⁰⁹ Oregon Legislature. 2023. Oregon Laws 2023 Regular Session. ORS Sections Amended, Repealed or “Added To.” Accessed January 2025. Available at:
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2023OrLawAR.pdf.

¹¹⁰ SSFAMD1Doc28 Request for Amendment 1 2025-09-05, Section 6.16.1. See also Figure 11.

¹¹¹ DSL comments on the DPO indicate that they cannot issue a “No State Permit Required” because there is not a current wetland delineation on file. The Department recommends that the updated language to PRE-RF-01 ensures that wetlands or WOS would not be impacted and that if any construction activities would occur in areas where wetlands may be present, and updated delineation would be provided to DSL. SSFAMD1Doc39-1 DPO Reviewing Agency Comment DSL 2025-09-10.

1 ~~or impacts to those waters:¹¹²the Department recommends Council impose the following~~
2 ~~condition:~~

3
4 **Recommended Amended Removal-Fill Condition 1 (PRE-RF-01):**

5 Prior to construction, the certificate holder shall provide, to the Department evidence
6 that no wetlands or waters of the state are present in areas that will be impacted by
7 construction. If wetlands or waters are present, the certificate holder shall provide a
8 valid jurisdictional determination concurrence letter(s) from DSL, ~~valid jurisdictional~~
9 ~~determination concurrence letter(s) from DSL for areas to be impacted during~~
10 ~~construction~~ demonstrating that no Removal-Fill Permit is needed for the construction
11 of the facility.

12 [Final Order on SSF AMD1]
13

14 **IV.B.2. Conclusions of Law**

15
16 Based on the foregoing analysis, and subject to compliance with the proposed site certificate
17 conditions described above, the Department recommends the Council find that the facility,
18 with proposed changes, will comply with the Council's Soil Protection standard.
19

20 **IV.C. Water Rights**

21
22 Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources
23 Department (OWRD) administers water rights for appropriation and use of the water resources
24 of the state.
25

26 Under OAR 345-022-0000(1)(b), the Council must determine whether the facility, with
27 proposed changes, would comply with the statutes and administrative rules identified in the
28 project order. The project order identifies OAR 690, Divisions 310 and 380 (Water Resources
29 Department permitting requirements) as the administrative rules governing use of water
30 resources and water rights as applicable to the facility.
31

32 Under OAR 345-021-0010(1)(o)(F), if a facility needs a groundwater permit, surface water
33 permit, or water right transfer, information to support a determination by the Council that the
34 Water Resources Department should issue the permit or transfer of a water use, including
35 information in the form required by the Water Resources Department under OAR Chapter 690,
36 Divisions 310 and 380 must be provided.
37

¹¹² In its comments on the DPO, the certificate holder provides suggested language to amended PRE-RF-01 which clarifies that if the certificate holder can demonstrate complete avoidance of wetland and WOS prior to construction, a jurisdictional determination would not be necessary. SSFAMD1Doc39 DPO Comment Letter Certificate Holder 2025-10-09. The Department concurs that because a previous wetland delineation was conducted and concurred with and that there are already setback requirements for wetland and waterbodies, that Removal-Fill Condition 1 (PRE-RF-01) should retain flexibility to confirm that construction activities will not be within the vicinity of wetland and WOS prior to additional delineation and submittals to DSL.

1 **IV.C.1. Findings of Fact**

2
3 The certificate holder has not requested a groundwater permit, surface water permit, or water
4 right transfer.

5
6 In Section III.M. *Public Services* of this order, the Council imposes a condition requiring that,
7 prior to and during the facility construction, the certificate holder quantify construction water
8 demand, identify the sources to be used and provide evidence that the identified sources have
9 the legal ability to provide the amount of water for the intended use.

10
11 **IV.C.2. Conclusions of Law**

12
13 Based on the foregoing recommended findings of fact, the Department recommends that the
14 Council finds that the facility, with the proposed changes, will not need a groundwater permit,
15 surface water permit, or water right transfer.

1 **V. PROPOSED CONCLUSIONS AND ORDER**

2
3 Based on the recommended findings of fact and conclusions of law included in this Order,
4 under OAR 345-027-0375, the Department recommends Council find that the preponderance of
5 evidence on the record, including the record of RFA1, and of the *Final Order on Bakeoven ASC*,
6 and *Final Order on Bakeoven RFA1*, supports the following conclusions:
7

- 8 1. The facility, with the proposed deadline extension, complies with the requirements
9 of the Energy Facility Siting Statutes ORS 469.300 to 469.520.
10
11 2. The facility, with the proposed deadline extension, complies with all applicable
12 standards adopted by Council pursuant to ORS 469.501, in effect on the date Council
13 issues its Final Order.
14
15 3. The facility, with the proposed deadline extension, complies with all other Oregon
16 statutes and administrative rules identified applicable to the facility as discussed in
17 Section IV in effect on the date Council issues its Final Order.
18
19 4. The proposed RFA1 changes comply with the applicable substantive criteria under
20 the Council's Land Use standard, as described in OAR 345-022-0030, from the date
21 RFA1 was submitted.
22
23 5. Taking into account the proposed RFA1 changes, the amount of the bond or letter of
24 credit required under OAR 345-022-0050 is adequate.
25

26 Accordingly, the Department recommends Council find that the facility, with the proposed
27 changes, complies with the General Standard of Review OAR 345-022-0000 and OAR 345-027-
28 0375. The Department recommends that the Council find, based on a preponderance of the
29 evidence on the record, that the site certificate may be amended as requested.
30

31 The Department therefore recommends that the Council approve Request for Amendment 1 of
32 Sunset Solar Project Site Certificate and issue the First Amended Site Certificate included as
33 Attachment A to this Order.
34

35 Issued October 14, 2025
36

37 OREGON DEPARTMENT OF ENERGY
38

39 _____
40 Todd Cornett, Assistant Director For Siting
41

1 **ATTACHMENTS**

- 2
- 3 Attachment A: Draft First Amended Site Certificate (red-line)
- 4 Attachment B: Reviewing Agency Comments on the pRFA
- 5 Attachment C: DPO Comments
- 6 Attachment K-1: Forest-Farm Easement
- 7 Attachment K-2: Mediation Ordinance
- 8 Attachment P-1: Draft Revegetation Plan
- 9 Attachment P-2: Amended Draft Noxious Weed Control Plan
- 10 Attachment P-3: Draft Habitat Mitigation Plan
- 11 Attachment S: Updated Inadvertent Discovery Plan
- 12 Attachment U: Draft Construction Traffic Management BMPs
- 13 Attachment W-1: Draft Construction Wildfire Mitigation Plan
- 14 Attachment W-2: Draft Operations Wildfire Mitigation Plan
- 15 Attachment X: Updated Decommissioning Cost Estimate and Assumptions

Attachment A: Draft First Amended Site Certificate (red-line)

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

**First Amended Site Certificate for the
Sunset Solar Project**

All recommended changes to site certificate in DPO are presented in redline track changes

Changes from DPO to Proposed Order are presented in redline track changes with yellow highlights

ISSUANCE/EFFECTIVE DATES

Site Certificate (Bakeoven Solar Project)	April 24, 2020/May 8, 2020
Site Certificate (Sunset Solar Project)	November 19, 2021/December 6, 2021
<u>First Amended Site Certificate</u>	<u>TBD</u>

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SUNSET SOLAR PROJECT SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary and Micrositing Corridor

Acronyms and Abbreviations

ASC	Application for Site Certificate
BPA	Bonneville Power Administration
Certificate Holder	Sunset Solar, LLC
Council	Oregon Energy Facility Siting
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
Facility	Sunset Solar Project
HMP	Habitat Mitigation Plan
HV	High voltage
Li-ion	Lithium Ion
MWac	Megawatt alternating current
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
Parent Company	Avangrid Renewables <u>Power</u> , LLC
RFA	Request for Amendment
SCADA	Supervisory Control and Data Acquisition
State	State of Oregon

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council) and Sunset Solar, LLC (certificate holder), a subsidiary of Avangrid RenewablesPower, LLC (certificate holder owner). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing the certificate holder to construct, operate and retire the Sunset Solar Project (facility) at the below described site within Wasco County, subject to the conditions set forth herein.

Both the State and certificate holder must abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the Final Order on Request for Amendment 1 of the Sunset Solar Project issued on DATE; (b) the Final Order on Request for Amendment 1 of the Bakeoven Solar Project issued on {DATE} November 19, 2021; (~~b~~c) the Final Order on the Application for Site Certificate for the Bakeoven Solar Project issued on April 24, 2020 (hereafter, Final Order on the Application). Any ambiguity will be clarified by reference to the following, in order of priority: (1) the Final Order on Request for Amendment 1 of the Sunset Solar Project; (2) the Final Order on Request for Amendment 1 of the Bakeoven Solar Project; (~~2~~3) the Final Order on the Application, and (~~24~~) the record of the proceedings that led to the above referenced orders.

As authorized in *Final Order on Amendment 1*, the Bakeoven Solar Project certificate holder obtained approval to split the Bakeoven Solar Project site certificate into three site certificates – Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project. Each of these certificate holders is a wholly owned subsidiary and LLC created by Avangrid RenewablesPower, LLC resulting in each certificate holder owned by the same parent company. In addition, these facilities share facility components and are interconnected for the duration of long-term operation.

Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of the site certificate as set forth in the 2020 Final Order on the Application and subsequent 2021 Final Order on Amendment 1 of the Bakeoven Solar Project are incorporated by reference into the site certificate, these underlying findings, including any findings establishing the predevelopment condition of the site and impacts of approved facility components continue to have bearing on the analysis and findings required to approve any future changes to the site certificates for the successor facilities. In other words, compliance with Council standards requiring an environmental impact analysis should be based on 2020 predevelopment conditions. This clarification is intended to establish that, with the splitting of facility components under three site certificates, baseline conditions (2020) and subsequent

environmental impacts of the facilities, based on final design, shall not be adjusted in a way that results in greater overall impacts than the level of impacts that would be authorized under one site certificate. Future requests to amend the ~~Bakeoven Solar~~ Sunset Solar Project site certificate shall evaluate compliance with Council standard requirements based on overall impacts from the operational components as approved in the *Final Order on the Application*, and as represented in the *Final Order on Amendment 1 of the Bakeoven Solar Project*.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department

receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0313 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to the terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable facility, facility component or phase, as applicable, based on final design and configuration.

2.0 Facility Description

A facility includes the energy facility together with any related or supporting facilities. Related or supporting facilities means any structure proposed by the applicant to be constructed or substantially modified in connection with the construction of an energy facility.¹ The facility includes solar photovoltaic power generation equipment and related or supporting facilities, with a nominal and average generating capacity of approximately 103 megawatt alternating current (MWac). The certificate holder has flexibility in final facility layout, number of equipment, and technology type selected because the *Final Order on the Application* analyzed maximum impacts within a designated micrositing corridor.

2.1 Energy Facility

The energy facility includes solar modules (mono- or poly-crystalline cells), tracker systems, posts (approx. 51,102 posts, steel or pile-type, assumed concrete foundations), and related electrical equipment (cabling; approx. 56 inverter/transformer stations; and, approx. 3.30 miles of above and 8.60 miles of belowground 34.5 kV collection system. The solar array will be

¹ OAR 345-001-0010(21) and – (50)

enclosed with a chain-link perimeter fence, up to 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate.²

The solar array includes shielded electrical cabling, as required by applicable code, to prevent electrical fires.

2.2 Related or Supporting Facilities

Related or supporting facilities, as further described below, include:

- 230 kV Transmission Line
- Collector Substation and Operations and Maintenance (O&M) Building/Onsite Sewage Disposal System
- Communication and SCADA System
- Site Access, Service Roads, Perimeter Fencing, and Gates
- Temporary Staging Areas
- Battery Storage System, including 10,000-gallon water tank

230 kV Transmission Line

The 230 kV transmission line is approved to extend approximately 11 miles from the facility collector substation to Bonneville Power Administration's (BPA) existing Maupin Substation, which interconnects to BPA's 230 kV Big-Eddy to Redmond transmission line. The 230 kV transmission line route extends northwest from the facility collector substation for approximately 7.5 miles, and then for approximately 3.5 miles parallels Bakeoven Road to terminate at BPA's Maupin Substation. The approved 230 kV transmission line structures include two galvanized steel or wood pole H-frame or galvanized steel or wood monopole structures ranging from 80 to 100 feet in height, spaced approximately 700 feet apart (see ASC Exhibit B Figure B-7, B-8 and B-9). -Vegetation in the transmission corridor, and particularly around related infrastructure (e.g., poles), would be maintained pursuant to the Minimum Vegetation Clearance Distances defined under North American Electric Reliability Corporation and National Electric Code standards and as designated in the WMP.

Collector Substation and O&M Building

The facility collector substation operates to combine and step up the voltage of energy generated by the energy facility to the desired transmission voltage. The facility collector substation likely includes two non-polychlorinated biphenyl oil-containing transformers (49,385 gallons total); circuit-breakers; power transformer(s); bus and insulators; disconnect switches; relaying, battery and charger; surge arresters; alternating current and direct current supplies; control enclosure; metering equipment; grounding; and associated control wiring. The facility collector substation site is an approximately 3 acre fenced, graveled area, within the fenced

² BSPAPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 4.1.

solar array area, within the transmission line corridor, at the southeastern end of the site boundary (see ASC Exhibit C, Figure C-2). The facility collector substation will have sufficient spacing between equipment to prevent the spread of fire and will also be located on a gravel surface with no vegetation present to reduce any risk of fire from and to the facility. All electrical equipment will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.³

The O&M building includes a single-story building, approximately 20 feet in height, within an approximately 5,000 square foot area, and includes office space, storage, bathroom, and breakroom facilities. Water is supplied via an existing or newly constructed on-site permit exempt groundwater well (see ASC Exhibit O). The O&M building has an on-site, state permitted septic system, permitted by the Oregon Department of Environmental Quality, with a discharge capacity of up to 7,500 gallons. Electric power and telephone service is provided via local service providers. A gravel parking and storage area is located adjacent to the building. The O&M building is located near the solar array, within the solar array perimeter fence. To reduce any risks of fire, the fenced areas around the O&M building is graveled, with no vegetation present. The O&M building has basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment. The O&M building and collector substation would be set back at least 50 feet from any slopes greater than 30 percent.

The location of the O&M building, battery storage system, and substation would be located on land flatter than a 40 percent slope, and all solar arrays would be located on land with a 5 percent or less grade. A 50-foot fire fuel break will be cleared and maintained around the O&M building, battery storage system, and substation. The fenced areas around the O&M building, collector substation, and battery storage system would be graveled, with no vegetation present. Unmanaged vegetation beyond the 50-foot fuel break located around the O&M building, battery storage system, and substation would be minimal, as these facilities are located in an area of low-growing shrubs and grass.

Communication and Supervisory Control and Data Acquisition System

A communication and SCADA system collects operating and performance data from the solar array. The SCADA system allows for remote operation of the facility from the O&M building and the certificate holder's national control center in Portland, Oregon. Fiber optic cables for the SCADA system are installed with the collection system. In areas where the collection system is buried, the fiber cables are installed in the same trench. Where the collection system is above ground, the fiber cables are mounted on overhead poles along with conductors.

Site Access, Service Roads, Perimeter Fencing, and Gates

³ BSPAPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 2.7.

The facility is accessed from Bakeoven Road east of Maupin, Oregon. Within the site boundary, there are approximately 10.0 miles of service roads for access and maintenance purposes. New service roads within the site boundary are up to 20 feet wide with an internal turning radius sufficiently sized for emergency vehicle access. Facility roads are sized for emergency vehicle access in accordance with 2014 Oregon Fire Code requirements, including Section 503 and Appendix D - Fire Apparatus Access Roads. Specifically, roads are 16 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles.⁴ Chain-link perimeter fencing, up to 8 feet in height, encloses the solar array. The perimeter fencing has vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate (see ASC Exhibit C, Figure C-2).

Temporary Staging Areas

Two temporary staging areas used for equipment and supply storage, including one or more temporary concrete batch plant staging areas, may be needed during construction. ~~One temporary staging area will be shared with Phase I and II.~~ The temporary staging areas are located with the approved micro-siting corridor. Employees are required to keep vehicles on roads and off dry grassland during the dry months of the year, unless such activities are required for emergency purposes, in which case fire precautions will be observed.

Battery Storage System

The 100 MW battery storage system is comprised of either lithium-ion (Li-ion) or flow batteries and include the following elements⁵:

- Battery storage equipment, including batteries and racks or containers, inverters, isolation transformers, and switchboards.
- Balance of plant equipment (more advanced systems required for Li-ion), which may include a warehouse-type building, medium-voltage and low-voltage electrical systems, fire suppression, heating, ventilation, and air-conditioning systems, building auxiliary electrical systems, and network/SCADA systems.
- Cooling system (more advanced systems required for Li-ion), which may include a separate chiller plant located outside the battery racks with chillers, pumps, and heat exchangers.
- High-voltage (HV) equipment, including a step-up transformer, HV circuit breaker, HV current transformers and voltage transformers, a packaged control building for the HV breaker and transformer equipment, HV towers, structures, and HV cabling.

⁴ BSPAPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 2.7.

⁵ Megawatt (MW) capacity is presented to describe the system and is not binding unless increased MW, based on changes in technology prior to the established construction deadlines, results in changes to previously evaluated or unevaluated components as presented in the Final Order on RFA1.

- Aboveground, cylindrical water storage tank, approximately 14 feet tall and 12 feet in diameter, with a 10,000-gallon capacity to supplement water for fire-fighting and solar panel washing.

Both the Li-ion and flow battery technologies are often placed in standard-sized shipping containers on a concrete slab, as represented in ASC Exhibit B, Figure B-10. Each container would hold batteries, a supervisory and power management system, cooling system (if needed), and a fire prevention system. By connecting multiple containers, the battery storage system could be scaled to the desired capacity. Containers may be stacked up to two levels with an estimated maximum height of approximately 20 feet. A 50-foot fire fuel break will be cleared and maintained around the O&M building, battery storage system, and substation. The fenced areas around the O&M building, collector substation, and battery storage system would be graveled, with no vegetation present.

2.3 Shared Related or Supporting Facilities

The site certificates for the Bakeoven Solar Project ~~(Phase I)~~, Day ~~b~~-Break Solar Project, ~~(Phase II)~~ and Sunset Solar Project ~~(Phase III)~~ were originally approved as one site certificate for the Bakeoven Solar Project (April 2020). In April 2021, facility components were split or allocated into three separate site certificates, but identified that certain related or supporting facilities would be shared or used by each facility. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under each site certificate, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the Bakeoven Solar Project ~~(Phase I)~~, Day ~~b~~-Break Solar Project, ~~(Phase II)~~ and Sunset Solar Project ~~(Phase III)~~, including the collector substation, 230 kV transmission line, O&M building, battery storage system, collection system, temporary laydown areas, access roads, fencing and gates. These related or supporting facilities are included in each site certificate. Compliance responsibility with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between site certificates and certificate holders. In accordance with Condition GEN-GS-07, if any certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, each certificate holder would be obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a share use agreement has been executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

3.0 Facility Location, Site Boundary and Micrositing Corridor

The facility site is located within southeastern Wasco County, approximately 5 miles east of the City of Maupin and U.S. Highway 97; and, 5 miles south of State Highway 216. The facility “site boundary” includes approximately ~~10,640~~1,870 acres entirely within private property. A “site boundary” means the perimeter of the site of an energy facility and its related or supporting facilities, all temporary laydown and staging areas and all corridors proposed by the applicant.⁶ The approved site boundary encompasses some or all of the townships, ranges and section identified in Table 1 below.

Table 1: Township, Range and Section within the Facility Site Boundary

Township	Range	Sections
4S	14E	25, 26, 27, 36
4S	15E	25, 29, 30, 31, 32, 36
4S	16E	30
5S	15E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25
5S	16E	7, 18, 19, 20, 29, 30

The approved micrositing corridor includes approximately ~~2,196~~1,870 acres within the site boundary. As defined in OAR 345-001-0010, a “micrositing corridor” means a continuous area of land within which construction of facility components may occur, subject to site certificate conditions. Micrositing corridors are intended to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. In order for Council to authorize a micrositing corridor, allowing placement of facility components anywhere within, the Council must find that the applicant can comply with requirements of all Council standards and applicable rules and requirements based on siting of facility components anywhere within the micrositing corridor. As presented in the *Final Order on the Application* Section IV. *Evaluation of Council Standards* of this order, based on the certificate holder’s methodology, where surveys and analysis encompassed the entirety of a micrositing corridor to inform the evaluation of impacts under each Council standard, the Council evaluated the permanent occupation of, and potential impacts from, the facility anywhere within an approximately ~~2,196~~1,870 acre micrositing corridor within the site boundary. Based on this evaluation, Council approved the micrositing corridor.

The facility site boundary and micrositing corridor are presented in Attachment 1 of this site certificate.

⁶ OAR 345-001-0010(55)
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~~November 2021~~DATE

4.0 Construction, Operation and Maintenance, and Retirement

The following sections provide information about the construction, operation and retirement phases of the facility, as represented in the ASC and RFA1.

4.1 Construction

Construction of solar photovoltaic energy components generally includes: preparation of the site and staging areas, including grading and access road construction; installation of array foundations, conductors, the operations and maintenance building, and the control enclosure; assembly of solar panels and electrical connection components; construction of the inverter pad, substation, cabling, terminations, and transmission lines; and commissioning of the array and interconnection, revegetation, and waste removal and recycling facilities. Construction of the transmission line generally includes site preparation and access road construction; structure foundation installation; erection of support structures; and, stringing of conductors, shield wire and fire optic ground wire.

The estimated construction workforce includes 250 (average) to 400 (peak) workers. Interstate Highway 84 (I-84), U.S. Highway (US) 197 near The Dalles, and Bakeoven Road are the primary transportation routes. Additional transportation routes include I-84 to US 97 (Sherman Highway) at Biggs Junction, southbound through the town of Shaniko and US 97 north/northeast to Bakeoven Road.

Construction-related water is obtained from City of Maupin and/or new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).

4.2 Operations and Maintenance

Routine operations and maintenance (O&M) activity would potentially include solar panel washing (approximately 1 million gallons of water per year); infrequent repair and replacement of solar arrays and associated electrical equipment; battery replacement every 7 years; and, replacement of electrolyte solution every 20 years at a rate of 7,000 gallons per 1 megawatt (MW) of electrolyte solution, if flow battery storage systems are selected in final design.

The vegetation in the area under and around each solar module installation would be mowed annually and maintained sufficiently low, in accordance with the certificate holder's Operational Fire Protection and Emergency Response Plan, to reduce fire-related fuels. Vegetation along the transmission line will be managed as needed to reduce fuels for wildfire. Operational-related water is obtained from a new or existing onsite well (any new, onsite well is

limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).

The estimated operational workforce is 5 to 10 workers.

4.3 Retirement

Retirement/decommissioning of the facility generally would involve dismantling the solar and battery components, and related aboveground equipment (O&M building, transmission and overhead collector lines, transformer/inverter pads, and substation).

Solar modules would be separated from anchored steel poles, and directly loaded onto trucks or roll-off containers for off-site disposal. Steel poles would then be removed and recycled. After oil is removed from the transformers, they would be decommissioned, hauled and disposed off-site. Liquids from flow batteries would be drained then the remains would be transported to an off-site facility for recycling. Decommissioning and disposal of lithium ion batteries would be accomplished in the same manner as routine battery replacement. The battery storage containers and associated components would be disassembled and transported off site via truck for disposal or recycling, and the footprint of the battery storage system would be regraded and seeded for final stabilization.

Concrete pads and foundations (solar panel posts, substation, O&M building and battery storage systems) would be removed to a minimum of 3 feet below grade. Portions of underground electrical and communication cable buried below 3 feet would be left in place. Disturbed areas would be regraded and reseeded with native seed mix, based on landowner consultation. Access roads would then be removed. Access road areas would be restored to surface grade and soil to a condition useful for agriculture or grazing, depending on the use of surrounding lands. Roads also may be left in place based on landowner preference.

5.0 Site Certificate Conditions

5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).⁷ The table below presents a “key” for phase of implementation:

⁷ The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

Some conditions are coded for more than one phase of implementation.

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1. The condition language also includes in brackets [] the name of the condition and the Council order for which it was imposed or amended (i.e. General Standard of Review Condition 1, Final Order on ASC (2020)).

5.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin and complete construction of the facility, facility component or phase by the dates specified in the site certificate. a. Construction of the facility, facility component or phase shall commence on or before April 24, 2023, three years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. b.a. Construction of the last facility, facility component or phase, shall commence on or before April 24, 2025<u>2028</u>, five years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. c.b. Construction of all facility components shall be completed <u>on or before April 24, 2029</u> April 24, 2026, six years after the date of Council action <u>within three years of the construction commencement date.</u> Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline. -[General Standard Condition 1, Final Order on Bakeoven ASC (2020), AMD1 (2021); SSF AMD1; Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall design, construct, operate, and retire the facility, facility component or phase: - Substantially as described in the site certificate; - In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and - In compliance with all applicable permit requirements of other state agencies. [General Standard Condition 3, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(3)]
GEN-GS-03	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, facility component or phase, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions. [General Standard Condition 5, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(6)]
GEN-GS-04	Before any transfer of ownership of the facility, facility component or phase, or ownership of the site certificate holder, the certificate holder shall inform the

	Department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [General Standard Condition 7, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(15)]
GEN-GS-05	The certificate holder shall: - Design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and - The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. [General Standard Condition 8, Final Order on ASC (2020); Site Specific Condition OAR 345-025-0010(4)]
GEN-GS-06	The certificate holder is authorized to construct a 230 kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor extends approximately 11 miles from the microsite corridor containing the solar arrays and other related or supporting facilities, along the transmission corridor route, to the interconnection point at the BPA Maupin Substation, as further described in ASC Exhibit B and C and as presented in Figure 1 of the site certificate. [General Standard Condition 9, Final Order on ASC (2020); Site Specific Condition OAR 345-025-0010(5)]
GEN-GS-07	The site certificate authorizes shared use of related or supporting facilities of the Day Break Solar Project (Phase II) and Sunset Solar Project (Phase III) including the battery storage system, collector substation, operations and maintenance building, Supervisory, Control and Data Acquisition system, 230 kV transmission line, collection system, access roads, fencing, gates, and temporary staging areas. - Within 90 days of shared use, the certificate holder must provide evidence to the Department that the certificate holders have an executed agreement for shared use of facilities. - If any of the certificate holders of the Bakeoven Solar Project (Phase I), Day Break Solar Project (Phase II), or the Sunset Solar Project (Phase III) propose to substantially modify a shared facility listed in sub(a) of this condition, then each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates. If certificate holders opt to submit an amendment determination request, the requirement may be satisfied through submittal of a single amendment determination request with authorization (or signature) provided from all three certificate holders. - Prior to facility decommissioning or if facility operations cease, each

	certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RT-02, for the operational facility, if facilities are decommissioned at different times. [General Standard of Review Condition 7, AMD1 (2021)]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	During construction and operation of the facility, facility component or phase, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, Avangrid RenewablesPower, LLC, such as changes within the Board of Directors, President or Chief Executive Officer, where the certificate holder considers such change to impact the certificate holder's access to the financial resources or expertise of Avangrid RenewablesPower, LLC, as relied upon in the ASC. [Organizational Expertise Condition 1, Final Order on ASC (2020), AMD1 (2021)]
GEN-OE-02	During design, construction, operation, and retirement of the facility, facility component or phase, the certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Organizational Expertise Condition 3, Final Order on ASC (2020), AMD1 (2021)]
GEN-OE-03	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Organizational Expertise Condition 4, Final Order on ASC (2020)]
GEN-OE-04	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. <u>The certificate holder shall, as soon as reasonably possible:</u> <u>a. Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;</u>

	<u>b. Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;</u> <u>c. Submit a written report within 30 days of discovery to the Department. The report must contain:</u> <u>i. A discussion of the cause of the reported conditions or circumstances;</u> <u>ii. The date of discovery of the conditions or circumstances by the responsible party;</u> <u>iii. A description of immediate actions taken to correct the reported conditions or circumstances;</u> <u>iv. A description of actions taken or planned to minimize the possibility of recurrence; and</u> <u>v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.</u> <u>d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on RFA1 of the Sunset Solar Project Site Certificate, Table 7 and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.</u> <u>[Organizational Expertise Condition 5, Final Order on ASC (2020); Final Order on SSP AMD1]</u>
GEN-OE-05	During construction and operation of the facility, facility component or phase, the certificate holder shall contractually require its third-party contractor used to transport and dispose battery and battery waste to comply with all applicable federal regulations and manufacturer recommendations related to the transport and handling of battery related waste. [Organizational Expertise Condition 6, Final Order on ASC (2020), AMD1 (2021)]
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. [Structural Standard Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(12)]

GEN-SS-02	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Structural Standard Condition 3, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(13)]
GEN-SS-03	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Structural Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(14)]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]

GEN-SP-01	a. Prior to construction of the facility, facility component or phase, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan and associated drawings (as provided in Attachment H-3 of the Final Order on Request for Amendment 1 of the Bakeoven Site Certificate). b. During construction of the facility, facility component or phase, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan <u>or revised ESCP, if applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.</u> [Soil Protection Condition 1, Final Order on <u>BSP</u> ASC (2020); <u>BSP</u> AMD1 (2021); <u>SSF</u> <u>AMD1</u>]
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STANDARD: LAND USE (LU) [OAR 345-022-0030]

GEN-LU-01	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, provide written notification to residences located on land within 1,000 feet of the facility micrositng corridor, identifying the type, duration and frequency of construction activities. Notification materials shall also identify a mechanism for residents to register complaints with the facility if construction noise levels or overly
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intrusive.

- b. During construction of the facility, facility component or phase, implement the following noise reduction measures:
1. All construction equipment shall be equipped with noise-reduction devices such as mufflers to minimize construction noise, and all internal combustion engines shall be equipped with exhaust and intake silencers in accordance with manufacturer specifications.
 2. Construction site and haul road speed limits shall be established and enforced.
 3. The use of bells, whistles, alarms and horns shall be restricted to safety warning purposes only.

[Land Use Condition 5, Final Order on ASC (2020); AMD1 (2021)]

GEN-LU-02

- ~~a. Prior to construction of the facility, facility component or phase, the certificate holder shall submit a Construction Fire Prevention and Emergency Response Plan to the Department, for review and approval, in consultation with Wasco County Planning Department.~~
- ~~b. Prior to operation of the facility, facility component or phase, the certificate holder shall submit an Operational Fire Prevention and Emergency Response Plan, consistent with the components included in the draft plan provided in Attachment J-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project.~~
- ~~c. The certificate holder shall demonstrate that the draft plans submitted under (a) and (b) of this condition were developed in consultation with the Oregon State Fire Marshal, Bakeoven Shaniko Rangeland Fire Protection Association, and Juniper Rural Flat Protection District. The plans shall, at a minimum, identify:~~
- ~~1. Fire-related risks associated with construction, operation and maintenance of facility components, during winter and summer conditions; and of the area, during both summer and winter conditions, based on specific terrain and dry nature of the area.~~
 - ~~2. The plans shall address emergency response by local service providers, and include emergency responders contact name and telephone number; a description of and map of the location of onsite fire-fighting equipment; address, map and directions to the nearest hospitals; and, shall describe first aid techniques that could be implemented by trained onsite personnel if fire-related injuries occur onsite.~~
 - ~~3. The plans shall address public safety through access restrictions, via perimeter fencing, and any other measures included in facility design that minimize public safety risk from hazardous areas within the facility area.~~

~~[Land Use Condition 7, Final Order on ASC (2020); AMD1 (2021)]~~[Land Use Condition 7 Removed as part of Final Order on ADM1]

GEN-LU-03

During construction and operation of the facility, facility component or phase, the certificate holder shall prohibit posting of any advertising signs. If the facility posts

external signage (i.e. outdoor displays, signs or billboards), such signage shall be limited to safety signs and no more than two signs presenting the facility name.
[Land Use Condition 8, Final Order on ASC (2020), AMD1 (2021)]

STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]

GEN-RT-01

The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

[Retirement and Financial Assurance Condition 1, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(7)]

STANDARD: FISH AND WILDLIFE HABITAT [OAR 345-022-0060]

GEN-FW-01

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Revegetation Plan, based upon the draft plan provided in Attachment ~~C-3P-1~~ of the Final Order on ~~Request for~~ Amendment 1 of the ~~Bakeoven-Sunset~~ Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. The scope of finalizing the plan shall, at a minimum, include the following:
 1. Final assessment of temporary habitat impacts (in acres), based on habitat quality of habitat subtype, and final facility design, presented in tabular format.
 2. Survey and sampling protocol for evaluating the success criteria against paired monitoring and reference sites determined to represent a statistically significant number of sites based on pre-disturbance habitat quality and diversity of habitat temporarily impacted.
 3. Description of deep soil decompaction measures to be implemented.
- b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan; monitor and report results of revegetation activities to the Department, as required by the plan.

[Fish and Wildlife Habitat Condition 1, Final Order on ASC (2020); AMD1 (2021)]

GEN-FW-02

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment ~~E-3P-2~~ of the Final Order on ~~Request for~~ Amendment 1 of the ~~Bakeoven-Sunset~~ Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum:
 1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted.
 2. ~~Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.~~

	<u>b.</u> During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan. <u>b-c. -Prior to use of sheep grazing at the site, certificate holder shall consult with ODFW and ODOE on Best Management Practices (BMPs) to prevent risk of disease to native bighorn sheep populations. Agreed upon BMPs must be implemented prior to and/or during sheep stocking.</u> [Fish and Wildlife Habitat Condition 2, Final Order on <u>Bakoven</u> ASC (2020); AMD1 (2021), <u>Final Order on SSF AMD1</u>]
GEN-FW-03	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Habitat Mitigation Plan, based upon the draft plan provided in Attachment <u>D-3P-3 H</u> of the Final Order <u>Request for</u> Amendment 1 of the <u>Bakeoven-Sunset</u> Solar Project, for review and approval by the Department, in consultation with ODFW. In the finalization of the plan, the Department may request specific reporting requirements including specific information, frequency and format. Components of the plan to be finalized shall include, at a minimum, a final assessment of permanent habitat impacts (in acres) based on habitat quality of habitat subtype, and final facility design, presented in tabular format. b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan. [Fish and Wildlife Habitat Condition 3 Final Order on ASC (2020); AMD1 (2021)]
GEN-FW-04	During design of the facility, facility component or phase, the certificate holder shall ensure that: a. Aboveground transmission lines, including the 230 kV transmission line and aboveground segments of 34.5 kV collector line, adhere to current APLIC guidelines for minimizing avian electrocution risk associated. b. Spiral markers are installed on the 230 kV transmission line ground wire, in locations where the line crosses over canyons or would be located within 2 miles of a known eagle nest. c. New or modified vertical pipe and piles are capped to prevent entrance or use by cavity dwelling and nesting birds. d. Extra gates are installed within the perimeter fenceline to allow big game to escape if trapped. [Fish and Wildlife Habitat Condition 4, Final Order on ASC (2020); AMD1 (2021)]
GEN-FW-05	[Fish and Wildlife Habitat Condition 9, Final Order on ASC (2020); Deleted AMD1 (2021)]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	During design of the facility, facility component or phase, the certificate holder shall demonstrate to the Department that the following best management practices have been incorporated:

	a. Solar modules with antireflective coating will be selected to minimize potential for glare. b. The length of overhead collector line will be minimized. c. Permanent lighting fixtures will contain downward shielding to limit off-site lighting. d. The O&M building will be painted using a low-reflectivity, neutral color to blend with the surrounding landscape. e. Onsite signage will be limited to those needed for manufacturer or installer identification, warning signs, or owner identification. [Scenic Resources Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
GEN-HC-01	The certificate holder shall: a. Prior to construction of the facility, facility component or phase, finalize the <u>contact information in the</u> draft Inadvertent Discovery Plan, as provided in Attachment H-3S of the Final Order on Request for Amendment 1 of the Bakeoven-Sunset Solar Project, based on review and concurrence from the Department, in consultation with SHPO or the Department's third-party contractor. b. During construction of the facility, facility component or phase, require all onsite personnel to complete a Worker Environmental Awareness Training provided by a qualified archeologist as defined in OAR 736-051-0070 to properly identify sensitive historic, cultural and archeological resources that could be inadvertently uncovered during construction, and on measures to avoid accidental damage to such resources. Records of all trainings shall be maintained onsite during construction. c. During construction of the facility, facility component or phase, ensure its contractors utilize constraint maps to avoid direct impacts from facility components to archeological resources 18-344-002, <u>35-WS-00782/-</u>18-344-008, 18-344-014, 18-344-044. Constraint maps shall also identify the entirety of the areas not included in the pedestrian level ground surveys, if beyond 20-meters, and shall preclude placement of facility components or disturbance impacts unless appropriate field surveys are conducted. d. During construction and operation of the facility, facility component or phase, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as reviewed and finalized per sub(a) of this condition. [Historic, Cultural and Archeological Condition 1, Final Order on <u>BSP</u> ASC (2020); AMD1 (2021); <u>Final Order on SSF AMD1</u>]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-01<u>100</u>]	
	a. Prior to construction of the facility, facility component or phase, the certificate holder shall:

GEN-PS-01	1. Consult with Wasco County Road Division and ODOT to determine whether any segments of roadway or bridges are restricted for travel, and to obtain any heavy haul permits required to allow transport of these loads. 2. Execute a Road Use Agreement with Wasco County Public Works Roads Division to ensure that any unusual damage or wear to state or county roads that is caused by facility construction related traffic and road use is repaired by the certificate holder. The Road Use Agreements shall establish and provide financial security regarding county road use, maintenance, and repair from construction-related impacts. Regardless of existing pavement conditions, the road use agreements shall establish that roadway segments will be reviewed prior to any added construction traffic, and establish a system for monitoring safety or degradation to pavement prior to and during construction. The certificate holder shall complete a Road Impact Assessment/Geotechnical Report for public roads to be used during construction, pursuant to WCLUDO Section 10.030(C)(9), and shall incorporate the report/results into the Road Use Agreement to identify appropriate improvement and/or level of restoration. 3. Coordinate with local transportation officials to make improvements where necessary to accommodate facility construction traffic, and improvements will be restricted to areas within the respective rights-of-way. 4. Submit to the Department for review in consultation with Wasco County Public Works Roads Division, City of Maupin, ODOT, and Bureau of Land Management a Construction Traffic Management Plan that includes, at a minimum, the best management practices provided in Attachment J-3 of the Final Order on the Amendment 1 of the ASC <u>Sunset Solar Project</u>. b. During construction of the facility, facility component or phase, the certificate holder shall implement the Construction Traffic Management Plan, as approved by the Department under sub(a)(iv) of this condition. [Public Services Condition 3, Final Order on ASC (2020); AMD1 (2021)]
<u>GEN-PS-02</u>	<u>Prior to and during construction of the facility, facility component or phase, as applicable, the certificate holder shall:</u> a. <u>Identify all water-related needs and estimate daily and annual water demand for each construction phase, as applicable.</u> b. <u>Provide excerpts of agreements or other similar conveyance from the water providing entity to the Department demonstrating that construction activities will be adequately and legally served by service providers or third-party permits.</u> <u>[Public Services Condition 6, Final Order on SSF AMD1]</u>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
GEN-WM-01	During construction and, operation and decommissioning of the facility, facility component or phase, the certificate holder shall develop and implement a Solid Waste Management Plan that includes but is not limited to the following measures: a. Recycling steel and other metal scrap

	b. Recycling wood waste c. Recycling packaging wastes such as paper and cardboard d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler e. Segregating all hazardous wastes such as oil, oily rags and oil-absorbent materials, mercury containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous waste. [Waste Minimization Condition 1, Final Order on ASC (2020); AMD1 (2021)]
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5.3 Pre-Construction (PRE) Conditions

Condition Number	<u>General Pre-Construction (GENPRE) Conditions</u>
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
PRE-GS-01	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For the transmission line associated with the energy facility if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site. [General Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(5)]
PRE-GS-02	At least 90 days prior to beginning construction of the facility, facility component or phase (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance. [General Standard Condition 10, Final Order on ASC (2020); AMD1 (2021)]; OAR 345-026-0048]

STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction of the facility, facility component or phase, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any changes of major contractors. [Organizational Expertise Condition 2, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
PRE-SS-01	At least 60-days prior to the commencement of construction of the facility, facility component or phase, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with the 2014 Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available. [Structural Standard Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County through mapping or other engineering drawing that the final facility, facility component or phase layout, complies with the following county setback requirements: a. 25-foot minimum setback distance from permanent foundations (posts if in concrete, substation, O&M building) to all water bodies (seasonal or permanent) not identified on any federal, state or local inventory. Waterbodies not identified on a federal, state or local inventory within the micro-siting corridor include a portion of Salt Creek (which flows through Dead Dog Canyon) and 10 unnamed ephemeral or intermittent streams. b. 50-foot minimum setback distance from structures (posts if in concrete, O&M building, substation) to the centerline of an irrigation ditch or pipeline, if the ditch or pipeline continues past the subject parcel to provide water to other nonparticipating property owners. c. 30-foot vision clearance at access road driveways constructed by the facility that provide access to a public roadway. [Land Use Condition 1, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-02	Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County that all outdoor lighting at the O&M building and substation would be limited in intensity, shielded and hooded using non-reflective, opaque materials. [Land Use Condition 2, Final Order on ASC (2020); AMD1 (2021)]

PRE-LU-03	Prior to construction of the facility, facility component or phase, the certificate holder shall obtain a road approach permit for any new or substantially modified road approaches accessing a county road. Copies of Road Approach Permits obtained from Wasco County Public Works Department and/or ODOT shall be provided to the Department. [Land Use Condition 3, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-04	Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County that the following actions have been completed: - Sign and record with the Wasco County Clerk a completed Forest-Farm Management Easement for each participating landowner (Attachment K-1 of this <u>the Final Order on Amendment 1 of the Sunset Solar Project Site Certificate</u>order). - Provide a copy of the "Protection for Generally Accepted Farming and Forestry Practices – Complaint and Mediation Process" document (Attachment K-2 <u>of the Final Order on Amendment 1 of the Sunset Solar Project Site Certificate</u>of this order) to participating landowners. [Land Use Condition 4, Final Order on <u>BSP</u> ASC (2020); AMD1 (2021); <u>Final Order on SSF Amendment 1</u>]
PRE-LU-05	Prior to construction of the facility, facility component or phase, the certificate holder shall provide written confirmation to the Department, based on final design, engineering and geotechnical investigation, that the O&M building, substation and battery storage system would be located on land with less than a 40 percent slope and setback at a minimum of 50 feet from the top of slopes greater than 30 percent. [Land Use Condition 6, Final Order on ASC (2020); AMD1 (2021)]
PRE-LU-06	Prior to construction of facility components necessitating state or local permits, the certificate holder shall provide evidence to the Department that: - All local permits and approvals have been obtained including a zoning permit, building permit, utility crossing permit, access approach site permit, and road use agreement. - Any necessary state and local permits have been obtained by its third-party contractors, specifically and as applicable, a DEQ-issued onsite sewage disposal construction-installation permit (O&M building), a DEQ-issued General Water Pollution Control Facilities Permit (temporary concrete batch plant), Department of Water Resources-issued limited water use license (O&M well). - Proof that certificate holder has filed the conditional use permit and site plan applications and filing fees pursuant to ORS 469.401(3). [Land Use Condition 9, Final Order on ASC (2020)]
PRE-LU-07	Unless a written waiver of the condition is received by the Department, in consultation with the Oregon Department of Land Conservation and Development and Wasco County Planning Department, Prior to the construction of the facility, the certificate holder shall submit a Goal

- Exception Application form to Wasco County Planning Department and necessary fees to amend the Wasco County Comprehensive Plan (WCCP) to reflect the Energy Facility Siting Council's (Council) findings and approval of the exception taken to the statewide policy embodied in Goal 3 due to the solar facility's use, occupation or coverage of more than 20 acres of arable land. [WCLUDO Section 3.215(M); OAR 660-033-0130(3)]
- b. The WCCP amendment requested by the certificate holder under (a) of this condition shall be subject to the county's administrative procedures in WCCP Chapter 11(J).
 - c. The county's WCCP Chapter 11(J) administrative procedures do not represent a permit or land use decision or approval necessary for the siting or approval of the facility and cannot result in changes to the findings and approval of the goal exception taken by Council, or impact the certificate holder's ability to comply with the terms and conditions of the site certificate or any local or state permit governed by the site certificate.
 - d. The certificate holder shall notify the Department once the Wasco County Board of Commissioners amends the WCCP.
- [Land Use Condition 12 Final Order on ASC (2020)]

STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01	Prior to construction of the facility, facility component or phase, the certificate holder shall conduct a raptor nest survey within 0.5 mile of the defined work area to identify the location of raptor nests that could be affected by construction. The certificate holder shall submit to the Department, for review and concurrence, a survey protocol that identifies the survey area and methods to be used to identify raptor nests. [Fish and Wildlife Habitat Condition 5, Final Order on ASC (2020); AMD1 (2021)]
PRE-FW-02	Prior to and during construction of the facility, facility component or phase, the certificate holder shall: a. Conduct surveys to identify active burrowing owl burrows, using a qualified biologist, within suitable habitat within the micrositing corridor. b. If there are any active burrows identified per (a) of this condition, a qualified biologist shall ensure that these nest locations are covered outside of the breeding season. c. To the extent practical, schedule vegetation clearing activities to occur before the critical period for ground-nesting birds (April 15 – September 1), to avoid disturbing active nests. 1. Any burrowing owl burrows identified inside the facility perimeter fenceline will be removed during vegetation clearing. d. If vegetation clearing activities are necessary between April 15 to September 1, the certificate holder shall hire a qualified biologist to conduct a clearance survey for nesting birds prior to vegetation removal. The certificate holder shall

	ensure that active nest sites identified during the clearance survey are flagged and marked as sensitive areas on construction maps. [Fish and Wildlife Habitat Condition 7, Final Order on ASC (2020); AMD1 (2021)]
PRE-FW-03	Prior to and during construction of the facility, facility component or phase, the certificate holder shall: - Develop constraint maps for construction contractors and facility personnel presenting the location of streams, wetlands, and other sensitive habitat features (e.g., mature trees, intact sagebrush) within the microsinning corridor that are not proposed to be impacted. These maps should also show buffer zones and temporal restrictions of sensitive resources. - Install flagging around all sensitive resources identified under (a) of this condition. - Educate construction workers on avoidance of sensitive resources and instruct workers to avoid and conduct work outside of the sensitive areas. - Limit construction activities outside of the facility perimeter fence line during mule deer winter range sensitive season (December 1 through April 1). - Impose a 20 mile per hour speed limit on all facility access roads (excluding public roads). [Fish and Wildlife Habitat Condition 8, Final Order on ASC (2020); AMD1 (2021)]

STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]

PRE-TE-01	Prior to construction or operation of the facility, facility component or phase, the certificate holder shall: Complete Conduct botanical surveys to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within unsurveyed areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to the Department for review, in consultation with the Oregon Department of Agriculture or third party consultant. If any T&E species are identified and cannot be avoided, certificate holder must submit an Amendment Determination Request to the Department for a determination whether the impacts and mitigation must be reviewed by Council through the site certificate amendment process. If the impacts and mitigation are determined by the Department not to require review through the Council's site certificate amendment process, certificate holder shall implement and adhere to the mitigation requirements approved by the Department. If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by
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	the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary; [Threatened and Endangered Species Condition 1, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RT-01	Before beginning construction of the facility, facility component or phase, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [Retirement and Financial Assurance Condition 4, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(8)]
PRE-RT-02	Before beginning construction of the facility, facility component or phase, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is \$10,490,000\$8,640,000 million dollars (Q32 20251 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in subparagraph (b) of this condition: - The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, facility component or phase, by applying the unit costs, general costs and contingencies illustrated in Table 75 of the Final Order on Request for Amendment 1 of the Bakeoven-Sunset Solar Project. The certificate holder may provide a bond or letter of credit for the facility, facility component or phase based on the unit costs and general costs illustrated in Table 75 of the Final Order on Request for Amendment 1 of the Bakeoven-Sunset Solar Project. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b). Any modification to the unit costs presented in Table 75 of the Final Order on Request for Amendment 1 of the Bakeoven-Sunset Solar Project, are subject to review and approval by the Council. - The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: - Adjust the amount of the bond or letter of credit (expressed in Q32 20251 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the first-third quarter 20251 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council

	shall select a comparable calculation to adjust second<u>third</u> quarter 2025<u>4</u> dollars to present value. 2. Round the result total to the nearest \$1,000 to determine the financial assurance amount. c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council, based on the Council's pre-approved financial institution list. d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Retirement and Financial Assurance Condition 5, Final Order on ASC (2020); AMD1 (2021); <u>Final Order on SSF AMD1</u>]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-01100]	
PRE-PS-01	Prior to construction of the facility, facility component or phase, the certificate holder must coordinate with the Oregon State Fire Marshal's Office to determine if the facility is compliant with applicable Oregon Fire Code requirements for facility components (e.g. emergency access roads, substation, battery storage). A statement from the Oregon State Fire Marshal's office demonstrating their concurrence that the facility complies with their requirements shall be provided to the Department and Wasco County Planning Department. [Public Services Condition 5, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]	
<u>PRE-WF-01</u>	<u>Prior to facility construction, the certificate holder shall finalize and submit a Construction Wildfire Mitigation Plan (WMP), Attachment W-1 to the Final Order on AMD1 to the Department for review and approval.</u> <u>[Wildfire Prevention and Risk Mitigation Condition 1; Final Order on SSF AMD1]</u>
NOISE CONTROL REGULATIONS (NC) [OAR 340-035-0035]	
PRE-NC-01	Prior to construction of the facility, facility component or phase, the certificate holder shall: a. Submit to the Department a noise summary report presenting the sound power levels (in dBA) of noise generating equipment including solar array inverters and transformers, substation transformers, and battery system inverters and cooling systems, as applicable to final design. The sound power levels shall be supported by equipment manufacturer specifications and noise warranty data. The certificate holder shall provide, in tabular format, a comparison of the sound power levels used in ASC Exhibit X for noise generating equipment and sound power levels validated by manufacturer specifications. b. If the sound power levels used in ASC Exhibit X to evaluate compliance with DEQ's noise rules are lower than sound power levels of final equipment selected, the certificate holder shall provide an updated noise analysis to demonstrate compliance with the ambient degradation standard and maximum allowable

	threshold. The ambient noise level utilized in ASC Exhibit X may be used for the updated noise analysis, if required. [Noise Control Regulations, Final Order on ASC (2020); AMD1 (2021)]
REMOVAL-FILL LAW [OAR 141-085-0500-0785]	
<u>PRE-RF-01</u>	Prior to construction, the certificate holder shall provide, to the Department, evidence that no wetlands or waters of the state are present in areas that will be impacted by construction. If wetlands or waters are present, the certificate holder shall provide a valid jurisdictional determination concurrence letter(s) from DSL, valid jurisdictional determination concurrence letter(s) from DSL for areas to be impacted during construction demonstrating the no Removal-Fill Permit is needed for the construction of the facility. [Final Order on SSF AMD1]

5.4 Construction (CON) Conditions

Condition Number	General Construction (GENCON) Conditions																												
STANDARD: ORGANIZATIONAL EXPERTISE (OE) (OAR 345-022-0010)																													
CON-OE-01	During construction, the certificate holder shall have an on-site construction manager to ensure compliance with construction-related site certificate conditions require that a qualified compliance manager is onsite during ground disturbance activities to manage compliance with site certificate requirements. The certificate holder shall promptly notify the Department and Wasco County Sheriff’s Department within 72 hours upon any change to the on-site construction compliance manager. [Organizational Expertise Condition 7, Final Order on RFA1]																												
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]																													
CON-FW-01	If active raptor nests are identified during the pre-construction surveys completed in accordance with Fish and Wildlife Habitat Condition 6, the certificate holder shall adhere to the spatial buffer and seasonal restrictions, for state-sensitive species, presented in the table below. For non-state sensitive species, the certificate holder shall adhere to the spatial buffer and seasonal restrictions, to the extent feasible. <table><tr><th colspan="4">ODFW Raptor Nest Buffers and Seasonal Restrictions</th></tr><tr><th>Species</th><th>Spatial Buffer</th><th>Seasonal Restriction</th><th>Release Date if Unoccupied</th></tr><tr><td>Western Burrowing Owl</td><td>0.25 mile</td><td>April 1 to August 15</td><td>May 31</td></tr><tr><td>Golden eagle</td><td>0.5 mile</td><td>Feb 1- Aug 15</td><td>May 15</td></tr><tr><td>Red-tailed hawk</td><td>100-500 feet</td><td>Mar 1 – Aug 15</td><td>May 31</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>Mar 15 – Aug 15</td><td>May 31</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>Apr 1 – Aug 15</td><td>May 31</td></tr></table>	ODFW Raptor Nest Buffers and Seasonal Restrictions				Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied	Western Burrowing Owl	0.25 mile	April 1 to August 15	May 31	Golden eagle	0.5 mile	Feb 1- Aug 15	May 15	Red-tailed hawk	100-500 feet	Mar 1 – Aug 15	May 31	Ferruginous hawk	0.25 mile	Mar 15 – Aug 15	May 31	Swainson’s hawk	0.25 mile	Apr 1 – Aug 15	May 31
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	Prairie falcon	0.25 mile	Mar 15 – Jul 1	May 15
	Peregrine falcon	0.25 mile	Jan 1 – Jul 1	May 15
	American kestrel	0.25 mile	Mar 1 – Jul 31	May 15

If a nest becomes active during construction that was not identified as active during the pre-construction surveys, the certificate holder may request review by the Department, in consultation with ODFW, of an exception to the spatial buffer and seasonal restrictions.

[Fish and Wildlife Habitat Condition 6, Final Order on ASC (2020)]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-01~~100~~]

CON-PS-01	During construction of the facility, facility component or phase, the certificate holder shall: - Provide onsite security <u>through onsite security personnel and/or physical security system</u> and maintain good communication between onsite security personnel and the Wasco County Sherriff Office. <u>Communication must include an evaluation of the adequacy of onsite security measures in minimizing impacts to law enforcement resources in responding to the site.</u> <u>Monthly, request to the Sheriff's Office to obtain written public safety/law enforcement data related to facility construction. For any traffic or safety related incidents determined to be associated with facility construction, certificate holder shall report the incident to the Department within 72-hrs and shall include enhanced safety and security measures in the report.</u> <u>Every 6-months, invite both the Sheriff's Department and the Department to the site to discuss traffic and public safety impacts. This meeting may also occur remotely. If the traffic, safety and security measures implemented by the certificate holder, or its contractor, are determined ineffective by the Department, certificate holder must propose new measures to be reviewed and approved by the Council.</u> - Coordinate with Maupin Ambulance Service and South Wasco County Ambulance Service Area to determine whether a service agreement between certificate holder and service provider is needed. The certificate holder shall notify Wasco County Planning Department and the Department on the outcome of the agreement (WCLUDO Section 5.020(C)). <u>Notify Wasco County 911 Operations Manager of construction commencement and provide facility location and access information (maps, site address, onsite safety contact information).</u> [Public Services Condition 4, Final Order on ASC (2020); AMD1 (2021)]
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STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]

<u>CON-WF-01</u>	<u>During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under Wildfire Prevention and Risk Mitigation Condition 1 .</u> <u>[Wildfire Prevention and Risk Mitigation Condition 2; Final Order on SSF AMD1]</u>
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5.5 Pre-Operational (PRO) Conditions

Condition Number	<u>General Pre-Operational (GENPRO) Conditions</u>
<u>STANDARD: ORGANIZATIONAL EXPERTISE (OE) (OAR 345-022-0010)</u>	
<u>PRO-OE-01</u>	<u>Before beginning operation, the certificate holder shall notify the Department of the identity, telephone number, e-mail address and qualifications of the operations compliance facility/asset manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a utility scale solar facility.</u>
<u>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</u>	
<u>PRO-SP-01</u>	<u>Prior to operation of the facility, facility component or phase, the certificate holder shall provide a copy, to the Department, of an operational Spill Prevention Control and Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to - 0240.</u> [Soil Protection Condition 2, Final Order on ASC (2020); AMD1 (2021)]
<u>STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]</u>	
<u>PRO-WF-01</u>	<u>Prior to facility operation, the certificate holder shall finalize and submit an Operational Wildfire Mitigation Plan (WMP), Attachment W-2 to the Final Order on AMD1 to the Department for review and approval.</u> [Wildfire Prevention and Risk Mitigation Condition 3; Final Order on SSF AMD1]
<u>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]</u>	
<u>PRO-ST-01</u>	<u>Prior to operation of the facility, facility component or phase, the certificate holder shall provide landowners within 500 feet of the site boundary a map of the 230 kV transmission line and aboveground 34.5 kV collector lines and inform landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.</u> [Siting Standards for Transmission Lines Condition 1, Final Order on ASC (2020); AMD1 (2021)]

5.6 Operational (OPR) Conditions

Condition Number	<u>General Operational (GENOPR) Conditions</u>
<u>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</u>	
<u>OPR-GS-01</u>	<u>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility, facility component or phase. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and</u>

	geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [General Standard Condition 2, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(2)]
OPR-GS-02	Upon completion of construction of the facility, facility component or phase, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [General Standard Condition 6, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(11)]
<i>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</i>	
<u>OPR-OE-01</u>	<u>During operation, the certificate holder shall require that a qualified operations compliance facility/asset manager be responsible for managing compliance with operations-related site certificate requirements.</u> <u>[Organizational Expertise Condition 9; Final Order on SSF AMD1]</u>
<i>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</i>	
<u>OPR-SP-01</u>	<u>During operation, the certificate holder shall routinely inspect facility access roads and maintain or repair road surfaces or erosion and sediment control measures. The certificate holder must maintain records of inspections and repairs and make the records available to the Department for inspection upon request.</u> <u>[Soil Protection Condition 5; Final Order on SSF AMD1]</u>
<u>OPRPRO-SP-02</u>	<u>During operations, certificate holder shall adhere to the requirements of its operational Spill Prevention Control and Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to -0240.</u> <u>[Soil Protection Condition 2, Final Order on ASC (2020); AMD1 (2021)]</u>
<i>STANDARD: LAND USE (LU) [OAR 345-022-0030]</i>	
OPR-LU-01	Within 90-days of commercial operation of the facility, facility component or phase, the certificate holder shall provide to the Department and Wasco County GIS Department the actual latitude and longitude location or Oregon State Plan NDA83 HARN (international feet) coordinate of all facility components. GIS layers may be provided consistent with the datum reference above or any other datum deemed acceptable by the Department. [Land Use Condition 10, Final Order on ASC (2020); AMD1 (2021)]
OPR-LU-02	During operation of the facility, facility component or phase, the certificate holder shall provide to the Department and Wasco County copies of the Chemical Safety Data Sheets (SDS) for cleaning chemicals and solvents to be used in solar panel washing. The SDSs must demonstrate that the cleaning product is low in volatile organic compounds and, to the extent feasible, is a recyclable or biodegradable

	product. If the product is non-recyclable or non-biodegradable, the certificate holder shall provide an explanation and demonstrate that an evaluation of the availability of recyclable and biodegradable products was completed. During any year of operation, the certificate holder shall notify and provide updated SDSs to the Department if the cleaning products change. [Land Use Condition 11, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
OPR-PS-01	During operation of the facility <u>operation</u> , the certificate holder shall discharge sanitary wastewater generated at the O&M building to a licensed on-site septic systems in compliance with State permit requirements (DEQ issued Onsite Sewage Disposal Construction-Installation Permit). The certificate holder shall design the septic system for a discharge capacity of less than 7,500 gallons per day. [Public Services Condition 1, Final Order on ASC (2020)]
OPR-PS-02	During facility operation, the certificate holder shall ensure that if a new well is constructed to provide water to the O&M building, the certificate holder shall follow the recording requirements under OAR 690-190-0100. The certificate holder shall not use more than 5,000 gallons of water per day from the onsite well. [Public Services Condition 2, Final Order on ASC (2020)]
STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]	
<u>OPR-WF-01</u>	<u>During facility operation, the certificate holder shall require onsite contractors and employees to adhere to the Operational Wildfire Mitigation Plan (WMP) approved under Wildfire Prevention and Risk Mitigation Condition 3.</u> <u>[Wildfire Prevention and Risk Mitigation Condition 4; Final Order on SSF AMD1]</u>

5.7 Retirement Conditions (RET)

Condition Number	<u>General Retirement (GENRET) Conditions</u>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RT-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Retirement and Financial Assurance Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(9)]
RET-RT-02	The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has

permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.

Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.
[Retirement and Financial Assurance Condition 3, Final Order on ASC (2020);
Mandatory Condition OAR 345-025-0006(16)]

6.0 Successors and Assigns

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

7.0 Severability and Construction

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid.

8.0 Execution

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Sunset Solar, LLC (certificate holder), a subsidiary of Avangrid ~~Renewables~~Power, LLC (certificate holder owner).

Sunset Solar Project — First Amended Site Certificate
~~November 2021~~DATE

ENERGY FACILITY SITING COUNCIL

By: _____

Marcia L. Grail Chair

Date: _____

Sunset Solar, LLC

By: _____

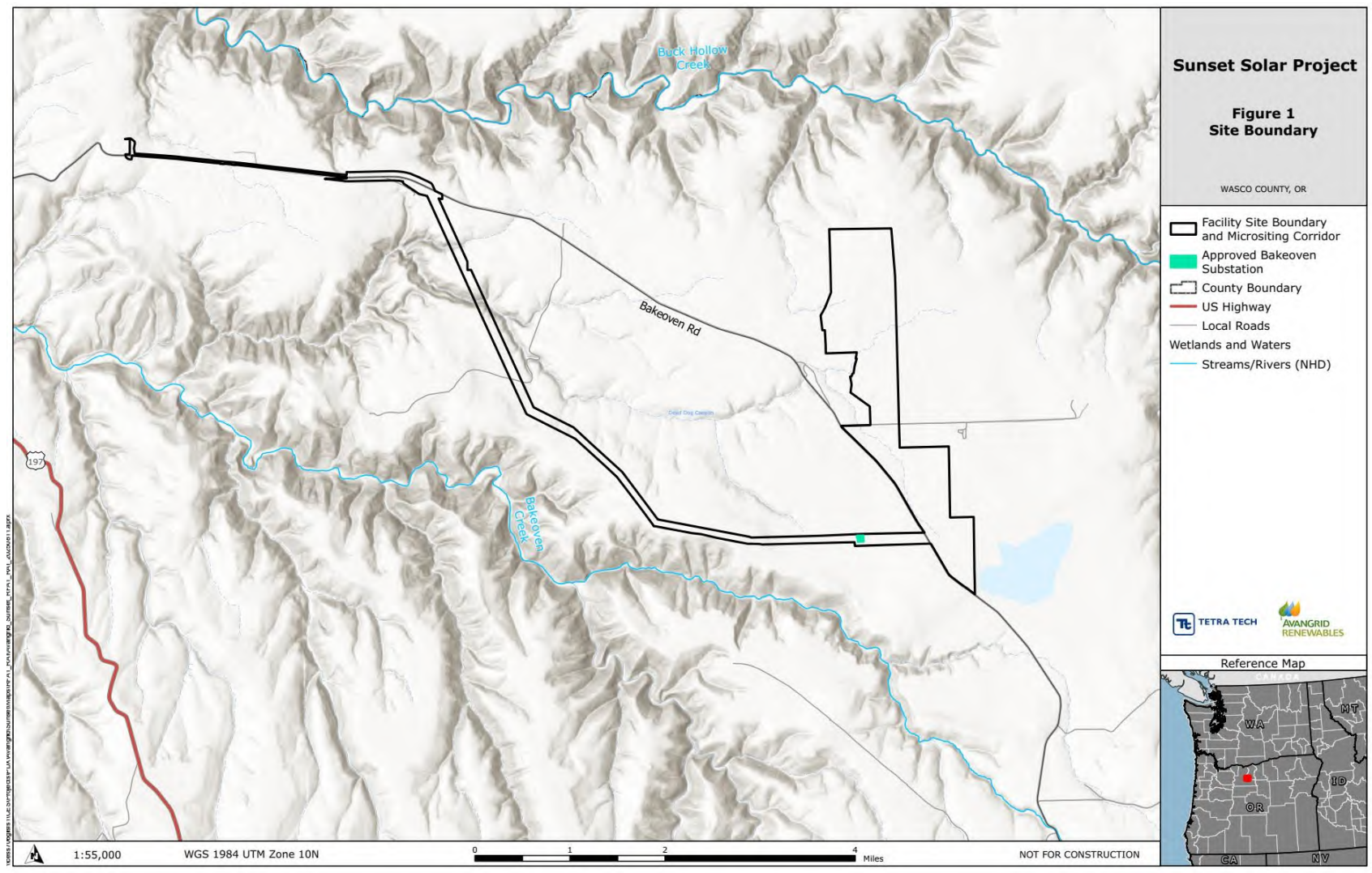
Sara Parsons, Authorized Representative

Date: _____

By: _____

Date: _____

Attachment 1: Facility Site Boundary and Micrositing Corridor



Sunset Solar Project – First Amended Site Certificate
November 2021DATE

Attachment B: Reviewing Agency Comments on pRFA1

Comment Index:

Commenter Name/Title	Agency	Date	Relevant EFSC Standards or Rules
Daniel Evans, Wetland Specialist	Oregon Department of State Lands	5/23/2025	Permits, Removal- Fill
Lane Magill, Sheriff	Wasco County Sheriff's Office	5/27/2025	Public Services
Jessica Wilkes, Regional Habitat Biologist	Oregon Department of Fish and Wildlife	6/12/2025	Fish and Wildlife Habitat, Threatened and Endangered Species
Danielle Marshall, Conservation Biologist	Oregon Department of Agriculture, Native Plant Conservation Program	6/30/2025	Threatened and Endangered Species
Daniel Dougherty, Planning Director	Wasco County Planning Department	7/3/2025	Permits, Land Use, Public Services
Jeremy Thompson, John Day Watershed Manager	Oregon Department of Fish and Wildlife	9/5/2025	Fish & Wildlife Habitat, Sheep Grazing

RE: Reviewing Agency Request and Public Notice of Preliminary Request for Amendment 1 and Type B Review Request for Sunset Solar Project Site Certificate

From EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>

Date Fri 5/23/2025 1:26 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; FITZGERALD Richard W * DSL <Richard.W.FITZGERALD@dsl.oregon.gov>

Hi Kathleen,

For the Sunset Solar Project (a portion of the project known as the Bakeoven Solar Project) I reviewed the following information and have this information:

1. The name, address and telephone number of the contact person assigned to review the application for your agency.

If there are new wetland delineation requirements please contact Maya Goklany at 971-458-2919.

Unclear, read on.

If there are wetland removal fill permitting requirements please contact Richard Fitzgerald 541-910-4565.

Unclear, read on.

2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

A wetland delineation WD2019-0059 was previously reviewed and approved for the Sunset Solar Project footprint. **This delineation expired 9/4/2024.**

A review of our files does not indicate that a wetland removal-fill permit was applied for and received, or that a No State Permit Required Letter was issued. Please contact Richard Fitzgerald for follow up.

3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

Wetland delineations will be reviewed per OAR 141-090

Wetland Removal-Fill applications, if required, will be reviewed per OAR 141-085

4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

Wetland Removal-Fill Permit

5) Recommendations regarding the size and location of analysis areas (see below for more information).

Please provide Richard Fitzgerald documentation that there is a record indicating no permit required for the Sunset Solar Project. A review of our files did not result anything for Sunset Solar or Bakeoven Solar, other than Wetland Delineations. Perhaps an issued permit was given under another name.

6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

Wetland Delineation, which may include additional supporting studies, depending on the site. These may include but are not limited to Stream Duration Assessment Method, identification of Aquatic Resources of Special Concern (e.g.: vernal pools). The current delineation has expired, but is eligible for reissuance of another 5 years if additional information is turned in by 9/4/2025. If there is an existing authorization for wetland removal-fill, and it has not expired, then a new delineation is not required, unless additional new study area is added.

Wetland Removal-Fill Permit, which may include additional supporting studies, depending on the site. These may include but are not limited to the Oregon Rapid Wetland Assessment Protocol and Stream Function Assessment Method.

Daniel Evans, PWS

He/him/his

Wetland Ecology Specialist

[Oregon Department of State Lands](#)

Mobile: 503-428-8188

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Thursday, May 8, 2025 9:47 AM

To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; ODA_listedplants <listedplants@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; WILKES Jessica S * ODFW <jessica.s.clark@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; TOKARCZYK John A * ODF <John.A.TOKARCZYK@odf.oregon.gov>; HOLSCHBACH Tim J * ODF <Tim.J.HOLSCHBACH@odf.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; HOPKINS Levi A * ODF <Levi.A.HOPKINS@odf.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Reviewing Agency Request and Public Notice of Preliminary Request for Amendment 1 and Type B Review Request for Sunset Solar Project Site Certificate

Click [here](#) if you are having trouble viewing this message.



ENERGY FACILITY SITING COUNCIL

Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 1 and Type B Review Request for Sunset Solar Project Site Certificate

On April 24, 2025, the Department received preliminary Request for Amendment 1 to the Sunset Solar Project Site Certificate (pRFA1), inclusive of a “Type B Review” Amendment Determination Request (Type B Review ADR).

In pRFA1, Sunset Solar, LLC (certificate holder, wholly owned subsidiary of Avangrid Power, LLC), requests Energy Facility Siting Council (Council) approval to extend the construction commencement deadline by 3 years, from April 24, 2025 to April 24, 2028; and change the completion deadline from April 24, 2026 to a date extending 3 years from the actual commencement date. pRFA1 also includes a request to reduce the area within the approved 10,640 acre site boundary and 2,196 acre micrositing area to 1,870 acres.

The Public Notice and pRFA1 with Type B Review ADR are [available online](#).

Sunset Solar Project is an approved, not yet constructed 103-megawatt alternating current (MWac) solar photovoltaic power generation facility, approved to use or occupy up to 2,196 acres (3.4 sq. miles).

Please note, this notice is to provide early notification of this amendment request. There is no comment period associated with this phase of review. A comment period will occur later in the process. For more information about pRFA1, please contact Kathleen Sloan, Senior Siting Analyst, via phone, email, or mail:

Kathleen Sloan, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (971) 701-4913

Email: Kathleen.sloan@energy.oregon.gov

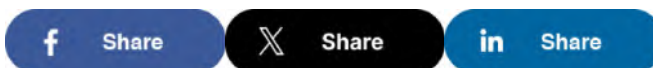
You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.

If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov.

Oregon Department of Energy

Leading Oregon to a safe, equitable, clean, and sustainable energy future.

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



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Re: Sunset Solar Project - preliminary Request for Amendment 1

From Daniel Dougherty <danield@co.wasco.or.us>

Date Thu 7/3/2025 1:27 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>; Sean Bailey <seanb@co.wasco.or.us>

Hi Kathleen,

I apologize, we've been an active part of the recovery branch for the Rowena Fire, so this slipped off the radar. I notified the Board and all County Departments with all applicable information pertaining to the proposed amendment in early June. To date, only the Sheriff provided a comment which was the letter we shared with you. Considering the scope of the proposed amendments, the lack of comments from the Board, and that the Sheriff is now a reviewing agency, we have no additional comments at this time.

Do you need an official letter? Let me know, and I'll write one asap.

Respectfully,

Daniel

On Thu, Jul 3, 2025 at 1:10 PM SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi Daniel and Sean,

I wanted to follow up with the County (ie: both of you) as the SAG on this facility to see if you have any additional comments on the RFA1 for Sunset Solar.

A link to the project webpage and the pRFA1 is below:

[State of Oregon: Facilities - Sunset Solar Project](#)

I wanted to let you know that per our process, we have made the County Sheriff a reviewing agency for this facility and have requested that the certificate holder respond to the comment letter and coordinate with the Sheriff. We are awaiting those responses and will coordinate with them further as we prepare the draft proposed order.

Are there any additional comments you wish to provide on the RFA?

Let me know if you need any additional info to complete your review,

Thanks for your time & review. We appreciate it!

Kate

From: Daniel Dougherty <danield@co.wasco.or.us>

Sent: Tuesday, May 27, 2025 1:18 PM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>; Sean Bailey <seanb@co.wasco.or.us>; Lane Magill <lanem@co.wasco.or.us>

Subject: Re: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

Per our conversation concerning the Request for Amendment 1 (Sunset Solar), I've attached Sheriff Magill's letter for the record (I've Ccd Sheriff Magill). I've added the letter to the original local file as well.

Respectfully,

Daniel

On Tue, May 27, 2025 at 11:06 AM SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi!

I am working thru my emails! I can make a 1:15 if you still have it open - either today or tomorrow - Just let me know what works best for you.

Sorry for the delayed reply

Kate

From: Daniel Dougherty <danield@co.wasco.or.us>

Sent: Tuesday, May 27, 2025 11:02 AM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: Sean Bailey <seanb@co.wasco.or.us>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Re: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

I hope you had a restful Memorial Day weekend.

I'm guessing you're digging through emails this morning. Sean and I are still free this week for a quick meeting regarding the Amendment request. I'm guessing today at 1:15pm won't work for you, but how about Wednesday, 28MAY at 1:15?

Respectfully,

Daniel

On Thu, May 22, 2025 at 8:11 AM Daniel Dougherty <daniel@co.wasco.or.us> wrote:

Hi Kathleen,

How about next Tuesday, 27MAY: at 1:15pm, but if that's a no-go, then we can do Wednesday, 28MAY: at 1:15pm.

Respectfully,

Daniel

On Tue, May 20, 2025 at 9:10 AM SLOAN Kathleen * ODOE

<Kathleen.SLOAN@energy.oregon.gov> wrote:

Thanks Daniel,

Next week is great for a call - I can send a teams invite if you give some of your preferred days/times

Kate

From: Daniel Dougherty <daniel@co.wasco.or.us>

Sent: Tuesday, May 20, 2025 7:04 AM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: Sean Bailey <seanb@co.wasco.or.us>

Subject: Re: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

Thanks for the update. The Sunset folks reached out to the Sheriff for updated comments a few weeks back regarding this proposal. I'll send the layers over to our GIS folks. A quick call would be great if you can fit us in. My schedule is filled this week except for Thursday (22MAY, 9:00-2:00pm), but next week is pretty open for a meeting if that works for you.

Tuesday, 27MAY: 9:30-3:00pm

Wednesday, 28MAY: 10:30-4:00pm

Thursday, 29MAY: 6:00-4:00pm

Friday, 30MAY: 11:30-2:00pm

Respectfully,

Daniel

On Mon, May 19, 2025 at 2:41 PM SLOAN Kathleen * ODOE

<Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi Daniel and Sean,

I am following up on a recent notice we sent out on preliminary Request for Amendment 1 (pRFA1) of the Sunset Solar Project site certificate (approved but not yet constructed).

A link to the project webpage and the pRFA1 is below:

[State of Oregon: Facilities - Sunset Solar Project](#)

The facility was originally part of the Bakeoven site certificate (approved in 2019) that was split into 3 sites in 2021 creating Bakeoven, Daybreak and Sunset site certificates.

Wasco County is the Special Advisory Group for the facility. We are requesting County review and comments on the pRFA1 which you can review and download on the project webpage and the project shapefiles are attached.

We are requesting County comments on any changes in applicable substantive criteria or the WCLUDO or the WCCP since Council's last review in 2021.

If you want to set up a call to discuss, we can - just let me know.

Thanks again,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



--



Daniel Dougherty | *Planning Director*
PLANNING DIVISION

danield@co.wasco.or.us |
<http://www.co.wasco.or.usdepartments/planning/index.php>

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

Office Hours

Office hours are Monday through Thursday, 10am to 4pm with a lunchtime closure.
Appointments can be accommodated on Fridays.

Email is still the best way to reach me!

This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Daniel Dougherty | Planning Director
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Re: Sunset Solar Project - preliminary Request for Amendment 1

From SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Date Thu 6/12/2025 1:09 PM

To WILKES Jessica S * ODFW <jessica.s.clark@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>

Cc ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

 1 attachment (443 KB)

Attachment D-3 Draft Habitat Mitigation Plan (Sunset Solar Project) .pdf;

Hi Jessica,

Thank you for your review and comments, which I am going to pass along to Avangrid.

They have not submitted a revised HMP since the last review. That version is attached FYI in case you want to review and make recommendations. They have an existing preconstruction condition to finalize the HMP prior to starting constructions, so they are not proposing changes at this time with this amendment request, but I think it is good to review and comment on the current draft since its a few years old.

Kate

From: WILKES Jessica S * ODFW <jessica.s.clark@odfw.oregon.gov>

Sent: Thursday, June 12, 2025 12:22 PM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: RE: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

Thanks for reaching out. ODFW has no problem with the construction extension request, or the reduction in microsite area. However we would like the applicant to identify appropriate mitigation prior to construction. We are available to provide feedback and discuss mitigation options with Avangrid if they are interested. We would also like to talk with them about their plans for vegetation control, and were curious whether that includes domestic sheep grazing or not.

Let us know if you have any further questions!

Jessica Wilkes (Clark)

Regional Habitat Biologist- Deschutes Watershed
Oregon Department of Fish and Wildlife

61374 Parrell Rd Bend, OR 97702
Office: 541-388-6099
Cell: 541-640-1420
Fax: 541-388-6281

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Monday, May 19, 2025 2:55 PM
To: THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; WILKES Jessica S * ODFW <jessica.s.clark@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Sunset Solar Project - preliminary Request for Amendment 1

I am following up on a recent notice we sent out on preliminary Request for Amendment 1 (pRFA1) of the Sunset Solar Project site certificate (approved but not yet constructed).

A link to the project webpage and the pRFA1 is below:

[State of Oregon: Facilities - Sunset Solar Project](#)

GIS shape files are attached.

In short, the certificate holder is requesting to extend the construction start/completion dates and reduce the size of the microsite area.

The facility was originally part of the Bakeoven site certificate (approved in 2019) that was split into 3 sites in 2021 creating Bakeoven, Daybreak and Sunset site certificates.

There are draft Reveg, Noxious Weed, and Habitat Mitigation Plans on file for the facility with preconstruction finalization requirements.

We have existing precon conditions in the site certificate for Sunset that require the following:

GEN-FW-01

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Revegetation Plan, based upon the draft plan provided in Attachment C-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. The scope of finalizing the plan shall, at a minimum, include the following:
 1. Final assessment of temporary habitat impacts (in acres), based on habitat quality of habitat subtype, and final facility design, presented in tabular format.
 2. Survey and sampling protocol for evaluating the success criteria against paired monitoring and reference sites determined to represent a statistically significant number of sites based on pre-disturbance habitat quality and diversity of habitat temporarily impacted.
 3. Description of deep soil decompaction measures to be implemented.
- b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan; monitor and report results of revegetation activities to the Department, as required by the plan.

[Fish and Wildlife Habitat Condition 1, Final Order on ASC (2020); AMD1 (2021)]

GEN-FW-02

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment E-3 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum:
1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted.
 2. Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.
- b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan.
- [Fish and Wildlife Habitat Condition 2, Final Order on ASC (2020); AMD1 (2021)]

GEN-FW-03

The certificate holder shall:

- a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Habitat Mitigation Plan, based upon the draft plan provided in Attachment D-3 H of the Final Order Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW. In the finalization of the plan, the Department may request specific reporting requirements including specific information, frequency and format. Components of the plan to be finalized shall include, at a minimum, a final assessment of permanent habitat impacts (in acres) based on habitat quality of habitat subtype, and final facility design, presented in tabular format.
- b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan.
- [Fish and Wildlife Habitat Condition 3 Final Order on ASC (2020); AMD1 (2021)]

GEN-FW-04

During design of the facility, facility component or phase, the certificate holder shall ensure that:

- a. Aboveground transmission lines, including the 230 kV transmission line and aboveground segments of 34.5 kV collector line, adhere to current APLIC guidelines for minimizing avian electrocution risk associated.
 - b. Spiral markers are installed on the 230 kV transmission line ground wire, in locations where the line crosses over canyons or would be located within 2 miles of a known eagle nest.
 - c. New or modified vertical pipe and piles are capped to prevent entrance or use by cavity dwelling and nesting birds.
 - d. Extra gates are installed within the perimeter fenceline to allow big game to escape if trapped.
- [Fish and Wildlife Habitat Condition 4, Final Order on ASC (2020); AMD1 (2021)]

We are requesting ODFW review and comments at this time on the pRFA1. If you want to set up a call, we can, just let me know.

Thanks,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913



Stay connected!



Re: Sunset Solar, Project - Preliminary Request for Amendment 1

From MARSHALL Danielle * ODA <Danielle.MARSHALL@oda.oregon.gov>

Date Mon 6/30/2025 1:58 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; ODA_listedplants <listedplants@oda.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Hi Kate,
Thanks for sharing all of this, my questions are answered! The condition language seems fine to me.
Thanks for the quick response,
Dani

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Monday, June 30, 2025 1:50 PM

To: MARSHALL Danielle * ODA <Danielle.MARSHALL@oda.oregon.gov>; ODA_listedplants <listedplants@oda.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Re: Sunset Solar, Project - Preliminary Request for Amendment 1

Hi Dani,

Thank you for your timely comments. Just so you know, the entire Bakeoven/Daybreak/Sunset Solar projects used to be one big project (Bakeoven). The surveys were done in 2018 and Council approved that facility in 2019 with a T&E condition for preconstruction surveys for any T&E plants, including TV milkvetch. Those surveys did not identify any TV Milkvetch in the analysis area. Those exhibits with reports (except confidential ones) are available here: [State of Oregon: Facilities - Bakeoven Solar Project](#)

In 2021 the Bakeoven site certificate was amended and split into 3 site certificates with identical requirements: Bakeoven, Daybreak and Sunset. No additional surveys were done with the site cert split. All existing conditions apply to all 3.

Bakeoven and Daybreak went into construction in 2021 and are still in construction but almost done. During precon surveys at Daybreak in 2021, they identified TVM along an access road, and just avoided it entirely by not using that road. They still have a requirement to do the preconstruction field surveys for TVM at Sunset. Condition language is in blue below:

T&E condition 1 [PRE-TE-01]

Prior to construction or operation of the facility, facility component or phase, the certificate holder shall:

- a. Conduct botanical surveys to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to the Department for review, in consultation with the Oregon Department of Agriculture or third-party consultant.
- b. If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary.

If you have any comments or questions on the precon survey requirements, or methods or condition language, please email them back to us.

Thanks for your time and review. Hopefully that answers your questions. I do not see any prior comments on the record for this one, but I will look around as they would be from either 2019 review of the Bakeoven Application for Site Certificate (issued 2020) or the Request for Amendment 1 of the Bakeoven Site Cert (issued 2021).

Kate

From: MARSHALL Danielle * ODA <Danielle.MARSHALL@oda.oregon.gov>
Sent: Monday, June 30, 2025 1:19 PM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; ODA_listedplants <listedplants@oda.oregon.gov>
Subject: Re: Sunset Solar, Project - Preliminary Request for Amendment 1

Hi Kate,
Apologies for letting this one slip through the cracks!
At the time of the Bakeoven project (2018), the Native Plant program was understaffed and a different Program Lead would have been overseeing consultations at the time. Unfortunately, I am having trouble locating any documents we might have had regarding a consultation on that project (though I did find the surveys/reports online). Four T&E species occur in Wasco and Sherman Counties, and Tygh Valley milkvetch would be the most likely to have been observed, likely in the microsinoting corridor. The Preliminary RFA1 states (pg50) that the Daybreak Solar Project mapped a small population of Tygh Valley milkvetch west of Bakoven Rd. What is the status of the Daybreak Solar project? It doesn't look like there is an Exhibit Q available on the project website.
Just trying to catch up on these other two projects (Bakeoven and Daybreak), so I apologize for my questions... Was the microsinoting corridor proposed on Sunset Solar previously surveyed? If not, we recommend the area be surveyed for Tygh Valley milkvetch.
Thanks so much,
Dani

Danielle Marshall, Conservation Biologist
Oregon Department of Agriculture – Native Plant Conservation Program
635 Capitol St NE, Salem, OR 97301-2532
971.388.8895 | Oregon.gov/ODA | Pronouns: she, her, hers
→ Sign up for NPCP [GovDelivery updates](#)

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Monday, May 19, 2025 2:42 PM
To: ODA_listedplants <listedplants@oda.oregon.gov>
Subject: Re: Sunset Solar, Project - Preliminary Request for Amendment 1

meant to attach GIS files but forgot - should be attached now

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Monday, May 19, 2025 2:10 PM
To: ODA_listedplants <listedplants@oda.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Sunset Solar, Project - Preliminary Request for Amendment 1

Hi Jordan and Danielle,

I wanted to follow up on the notice we sent out on the preliminary Request for Amendment 1 (pRFA1) for the Sunset Solar Project site certificate.

The project is located in Wasco County

The pRFA is requesting to extend the construction start/completion dates for the facility and reduce the micro-siting area.

Link below will take you to the project webpage and pRFA:

[State of Oregon: Facilities - Sunset Solar Project](#)

Sunset used to be part of the original Bakeoven site certificate, which was split into 3 site certificates in 2021 (Bakeoven, Daybreak and Sunset Solar Projects). Bakeoven and Daybreak are constructed. The Sunset facility is adjacent to Bakeoven & Daybreak but not yet built. The Sunset project area was surveyed for the original Bakeoven ASC (2018-19) and there are no current preconstruction survey conditions.

Can you review and let us know your recommendations on the pRFA?

Thank you & let me know if you need more information to complete your review,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Re: Sunset Solar Project - preliminary Request for Amendment 1

From Daniel Dougherty <danield@co.wasco.or.us>

Date Thu 7/3/2025 1:27 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>; Sean Bailey <seanb@co.wasco.or.us>

Hi Kathleen,

I apologize, we've been an active part of the recovery branch for the Rowena Fire, so this slipped off the radar. I notified the Board and all County Departments with all applicable information pertaining to the proposed amendment in early June. To date, only the Sheriff provided a comment which was the letter we shared with you. Considering the scope of the proposed amendments, the lack of comments from the Board, and that the Sheriff is now a reviewing agency, we have no additional comments at this time.

Do you need an official letter? Let me know, and I'll write one asap.

Respectfully,

Daniel

On Thu, Jul 3, 2025 at 1:10 PM SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi Daniel and Sean,

I wanted to follow up with the County (ie: both of you) as the SAG on this facility to see if you have any additional comments on the RFA1 for Sunset Solar.

A link to the project webpage and the pRFA1 is below:

[State of Oregon: Facilities - Sunset Solar Project](#)

I wanted to let you know that per our process, we have made the County Sheriff a reviewing agency for this facility and have requested that the certificate holder respond to the comment letter and coordinate with the Sheriff. We are awaiting those responses and will coordinate with them further as we prepare the draft proposed order.

Are there any additional comments you wish to provide on the RFA?

Let me know if you need any additional info to complete your review,

Thanks for your time & review. We appreciate it!

Kate

From: Daniel Dougherty <danield@co.wasco.or.us>

Sent: Tuesday, May 27, 2025 1:18 PM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>; Sean Bailey <seanb@co.wasco.or.us>; Lane Magill <lanem@co.wasco.or.us>

Subject: Re: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

Per our conversation concerning the Request for Amendment 1 (Sunset Solar), I've attached Sheriff Magill's letter for the record (I've Ccd Sheriff Magill). I've added the letter to the original local file as well.

Respectfully,

Daniel

On Tue, May 27, 2025 at 11:06 AM SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov> wrote:

Hi!

I am working thru my emails! I can make a 1:15 if you still have it open - either today or tomorrow - Just let me know what works best for you.

Sorry for the delayed reply

Kate

From: Daniel Dougherty <danield@co.wasco.or.us>

Sent: Tuesday, May 27, 2025 11:02 AM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: Sean Bailey <seanb@co.wasco.or.us>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Re: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

I hope you had a restful Memorial Day weekend.

I'm guessing you're digging through emails this morning. Sean and I are still free this week for a quick meeting regarding the Amendment request. I'm guessing today at 1:15pm won't work for you, but how about Wednesday, 28MAY at 1:15?

Respectfully,

Daniel

On Thu, May 22, 2025 at 8:11 AM Daniel Dougherty <daniel@co.wasco.or.us> wrote:

Hi Kathleen,

How about next Tuesday, 27MAY: at 1:15pm, but if that's a no-go, then we can do Wednesday, 28MAY: at 1:15pm.

Respectfully,

Daniel

On Tue, May 20, 2025 at 9:10 AM SLOAN Kathleen * ODOE

<Kathleen.SLOAN@energy.oregon.gov> wrote:

Thanks Daniel,

Next week is great for a call - I can send a teams invite if you give some of your preferred days/times

Kate

From: Daniel Dougherty <daniel@co.wasco.or.us>

Sent: Tuesday, May 20, 2025 7:04 AM

To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: Sean Bailey <seanb@co.wasco.or.us>

Subject: Re: Sunset Solar Project - preliminary Request for Amendment 1

Hi Kathleen,

Thanks for the update. The Sunset folks reached out to the Sheriff for updated comments a few weeks back regarding this proposal. I'll send the layers over to our GIS folks. A quick call would be great if you can fit us in. My schedule is filled this week except for Thursday (22MAY, 9:00-2:00pm), but next week is pretty open for a meeting if that works for you.

Tuesday, 27MAY: 9:30-3:00pm

Wednesday, 28MAY: 10:30-4:00pm

Thursday, 29MAY: 6:00-4:00pm

Friday, 30MAY: 11:30-2:00pm

Respectfully,

Daniel

On Mon, May 19, 2025 at 2:41 PM SLOAN Kathleen * ODOE

<Kathleen.SLOAN@energy.oregon.gov> wrote:

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A link to the project webpage and the pRFA1 is below:

[State of Oregon: Facilities - Sunset Solar Project](#)

The facility was originally part of the Bakeoven site certificate (approved in 2019) that was split into 3 sites in 2021 creating Bakeoven, Daybreak and Sunset site certificates.

Wasco County is the Special Advisory Group for the facility. We are requesting County review and comments on the pRFA1 which you can review and download on the project webpage and the project shapefiles are attached.

We are requesting County comments on any changes in applicable substantive criteria or the WCLUDO or the WCCP since Council's last review in 2021.

If you want to set up a call to discuss, we can - just let me know.

Thanks again,

Kathleen Sloan
Senior Siting Analyst
ODOE Siting Division
Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



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Daniel Dougherty | *Planning Director*
PLANNING DIVISION

danield@co.wasco.or.us |
<http://www.co.wasco.or.usdepartments/planning/index.php>

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daniel@co.wasco.or.us |
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RE: Requesting ODFW comment on Sheep Grazing and Nox Weed Plan for Sunset Solar RFA1

From THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>

Date Fri 9/5/2025 12:57 PM

To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Can the DPO have the requirement to work with ODFW to incorporate sheep grazing Best Management Practices to reduce potential disease issues for native bighorn sheep?

Jeremy Thompson

John Day Watershed Manager
Oregon Department of Fish and Wildlife
73471 Mytinger Lane
Pendleton, Oregon, 97801
O- 541 318 7966 C- 541 980 8524
Jeremy.L.Thompson@odfw.oregon.gov

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Sent: Friday, September 5, 2025 12:50 PM

To: MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Cc: THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>

Subject: Re: Requesting ODFW comment on Sheep Grazing and Nox Weed Plan for Sunset Solar RFA1

You can provide comments on the DPO once we issue it, I was hoping to incorporate into the DPO if possible.

Looping in Sarah.

I know it was short notice

From: MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>

Sent: Friday, September 5, 2025 12:43 PM

To: WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>

Cc: THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>

Subject: RE: Requesting ODFW comment on Sheep Grazing and Nox Weed Plan for Sunset Solar RFA1

Hi Kate,

Could we have some additional time on this one. Could we have until Sep 15 to get back to you? We are working on some updated best management practices and recommendations that we hope to be able to provide to developers who are considering using domestic sheep for vegetation control. We will want to see more specificity in these types of documents going forward.

Let us know if that works or if you need comments sooner.

-A

From: WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>
Sent: Friday, September 5, 2025 11:57 AM
To: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc: MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>
Subject: FW: Requesting ODFW comment on Sheep Grazing and Nox Weed Plan for Sunset Solar RFA1

Hi Kate!

I will give it a quick read-through and provide some initial comments this afternoon. I'm including Andrew Meyers too in case he has time to provide comments.

Thanks!

Jessica Wilkes (Clark)

Regional Habitat Biologist- Deschutes Watershed
Oregon Department of Fish and Wildlife
61374 Parrell Rd Bend, OR 97702
Office: 541-388-6099
Cell: 541-640-1420
Fax: 541-388-6281

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Friday, September 5, 2025 11:54 AM
To: THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>
Subject: Fw: Requesting ODFW comment on Sheep Grazing and Nox Weed Plan for Sunset Solar RFA1

We would be interested in any ODFW recs for either BMPs, monitoring and reporting if grazing were to be implemented. Or other recs you feel are appropriate.

Any chance we can get comments by Monday? I know it was short notice, and it was somewhat unexpected since they did not propose in the pRFA, they only provided when we asked them to clarify in requests for addition info

Anything you can provide is appreciated!

Kate.

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Thursday, August 28, 2025 9:47 AM
To: WILKES Jessica S * ODFW <Jessica.S.Wilkes@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: Requesting ODFW comment on Sheep Grazing and Nox Weed Plan for Sunset Solar RFA1

Hi All,

I wanted to follow up on the attached documents received in response to a request for additional information on preliminary Request for Amendment 1 for Sunset Solar about their plans for sheep grazing.

We asked them to identify, clarify and provide. In response, they have submitted a draft Amended Noxious Weed Plan with a Sheep Grazing Memo as an attachment to that plan (attached docs in word format, it is similar to what they submitted for Bakeoven and Daybreak.

Would you be able to review, provide some comments on recommended condition language or recommended BMPs or monitoring?

We can set up a call anytime next week to discuss - if we could get comments by next Friday we would appreciate it.

Thank you!!

Kathleen Sloan

Senior Siting Analyst

ODOE Siting Division

Ph: 971.701.4913

[State of Oregon: Facilities - Energy Facility Siting](#)



Attachment C: Comments Received on Draft Proposed Order

1. Comments from Certificate Holder
2. Comments from Oregon Department of State Lands
3. Comments from Oregon Department of Fish and Wildlife

October 9, 2025

Kathleen Sloan
Oregon Department of Energy – Energy Facility Siting Office
550 Capitol St. NE, 1st Floor
Salem, OR, 97301-3742

Re: Sunset Solar Project RFA 1 – Certificate Holder DPO Comment Letter

Dear Kathleen Sloan,

This letter provides comments by Sunset Solar, LLC (“Certificate Holder”) on the Draft Proposed Order on Request for Site Certificate Amendment 1, dated September 9, 2025 (“DPO”). Certificate Holder supports the Oregon Department of Energy (“ODOE”) findings that Certificate Holder can safely and responsibly construct and operate the Sunset Solar Project (“Facility”). The Certificate Holder provides the following comments and revisions on the DPO for the reasons outlined below.

Condition GEN-OE-04

Redlined Text

The certificate holder shall, as soon as reasonably possible:

- a. Report incidents or circumstances that ~~may~~ violate the terms or conditions of the site certificate, terms or conditions ~~of any order~~ of the Council, to the Department. ~~In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;~~
- b. Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;
- c. Submit a written report within 30 days of discovery to the Department. The report must contain:
 - i. A discussion of the cause of the reported conditions or circumstances;
 - ii. The date of discovery of the conditions or circumstances by the responsible party, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;
 - iii. A description of immediate actions taken to correct the reported conditions or circumstances;
 - iv. A description of actions taken or planned to minimize the possibility of recurrence; and
 - v. ~~If the above analysis determines that For conditions or circumstances that may violate the terms or conditions of a the site certificate have been violated,~~ an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Division 22 and 24 as a result of the reported conditions or circumstances.
- d. Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the

Department or Council may adjust the contingencies identified in Final Order on Amendment 1 of Sunset Solar Project Site Certificate, Table 7 and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.
[OAR 345-029-0010, GEN-OE-04; Final Order on SSF AMD1]

Rationale

Certificate Holder proposes removing the word "may" and focusing on only those incidents that do violate the conditions. We also suggest removing the words "any order" and focusing on those orders included in the site certificate. We suggest moving some of the text from (a) to (c), which includes the list of items to include in the report, for clarity.

Condition PRE-TE-01

Redlined Text

Prior to construction ~~or operation~~ of the facility, facility component or phase, the certificate holder shall:

- a. ~~Conduct Complete~~ botanical surveys ~~to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within unsurveyed areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to coordinate with the Department for review, in consultation with the Oregon Department of Agriculture or third-party consultant.~~
 - i. If any T&E species are identified and cannot be avoided, certificate holder must submit and Amendment Determination Request to the Department for a determination on whether the impacts and mitigation must be reviewed by Council through the site certificate amendment process.
 - ii. If the impacts and mitigation are determined by the Department not to require review through the Council's site certificate amendment process, certificate holder shall implement and adhere to the mitigation requirements approved by the Department.
- b. ~~If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary.~~

[Threatened and Endangered Species Condition 1, Final Order on ASC (2020); AMD1 (2021)]

Rationale

Certificate Holder proposes revising this condition to be consistent with language included in the Site Certificate for the Yellow Rosebush Energy Center. Botanical surveys were completed within the micrositng corridor and area subject to RFA1 by Certificate Holder in 2018, with the Tygh Valley milkvetch as a target species. No Tygh Valley milkvetch or other state listed threatened or endangered plant species were observed. Based on comments received from the Oregon Department of Agriculture regarding RFA1, Certificate Holder believes the revised condition language will avoid impacts to state listed threatened or endangered plant species.

Condition PRE-RF-01

Redlined Text

Prior to construction, where and as applicable, the certificate holder shall provide, to the Department, valid jurisdictional determination concurrence letter(s) from DSL for areas to be impacted during construction demonstrating that no Removal-Fill Permit is needed for the construction of the facility.
[Final Order on SSF AMD1]

Rationale

Certificate Holder proposes revising this language to clarify that jurisdictional determination concurrence letter(s) are required to be submitted in instances where applicable. For example, if areas to be impacted during construction are absent of wetlands and surface waters or if Certificate Holder can demonstrate wetlands and surface waters are entirely avoided during construction of the facility.

Condition CON-OE-01

Redlined Text

During construction, the certificate holder shall have an on-site construction manager to ensure compliance with construction-related site certificate conditions. ~~require that a qualified compliance manager is onsite during ground disturbance activities to manage compliance with site certificate requirements~~. The certificate holder shall promptly notify the Department and Wasco County Sheriff's Department ~~within 72 hours~~ upon any change to the on-site construction ~~compliance~~ manager.
[Final Order on SSF AMD1]

Rationale

Certificate Holder proposes revising this condition to resemble the text provided in Condition 34 of the Third Amended Site Certificate for the Leaning Juniper IIA Wind Power Facility. We also suggest a "prompt" notification in lieu of the 72-hour notification period.

Condition PRO-OE-01

Redlined Text

Before beginning operation, the certificate holder shall notify the Department of the identity, telephone number, e-mail address and qualifications of the ~~facility/asset~~ operations permit compliance manager. Qualifications shall demonstrate that the operations permit compliance manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a utility scale solar facility.
[Final Order on SSF AMD1]



Rationale

Certificate Holder proposes revising this condition language to better align with the position details of the manager responsible for operational permit compliance.

Condition OPR-OE-1

Redlined Text

During operation, the certificate holder shall require that a qualified ~~facility/asset~~ operations permit compliance manager be responsible for managing compliance with operations-related site certificate requirements.

[Final Order on SSF AMD1]

Rationale

Certificate Holder proposes revising this condition language to align with the changes proposed in Condition PRO-OE-1.

Thank you for your consideration of Certificate Holder's comments and suggested revisions. Certificate Holder appreciates ODOE's review of the project and looks forward to working with ODOE on making this project successful.

Sincerely,

Marcy Patrick
Permit Manager, Avangrid

Cc: Paul Violante, Senior Business Developer, Avangrid
Elaine Albrich, Partner, Davis Wright Tremaine LLP
Saira Shahid, Tetra Tech
Aaftab Jain, Tetra Tech

RE: Email Summary of Public Notice: Comment Period on Sunset Solar Project - Request for Amendment 1 and Draft Proposed Order (Type B Review Process)

From EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>
Date Wed 9/10/2025 11:39 AM
To SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Cc SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; FITZGERALD Richard W * DSL <Richard.W.FITZGERALD@dsl.oregon.gov>

Hi Kathleen,

I previously responded to a Type B review for Sunset Solar on May 23, 2025.

I've cut and paste that response below my signature. There are a few updates, which I have immediately below.

-

The delineation to support the Bakeoven Project (now Sunset Solar) is no longer eligible for reissuance. WD2019-0059. The delineation expired 9/4/2024, and the period in which to reissue it expired on 9/4/2025.

Exhibit J for this project states that all wetlands and waters were avoided and that a removal-fill permit would therefore not be needed. DSL did not review the construction plan set and therefore did not issue a No State Permit required for this project. DSL cannot verify the Exhibit J statement. It was not submitted to this Agency for review. Now that the delineation has expired, a No State Permit review would no longer be possible, without a current wetland delineation.

If there are any questions about permitting, please contact Richard Fitzgerald at 541-910-4565
If there are any questions about wetland delineations, please contact Jess Salgado at 541-408-1892

Regards,

Daniel Evans, PWS

He/him/his

Wetland Ecology Specialist

[Oregon Department of State Lands](#)

Mobile: 503-428-8188

May 23, 2025 response

From: EVANS Daniel * DSL Daniel.EVANS@dsl.oregon.gov
Sent: Friday, May 23, 2025 1:26 PM
To: SLOAN Kathleen * ODOE Kathleen.SLOAN@energy.oregon.gov
Cc: ESTERSON Sarah * ODOE Sarah.ESTERSON@energy.oregon.gov; FITZGERALD Richard W * DSL Richard.W.FITZGERALD@dsl.oregon.gov

Subject: RE: Reviewing Agency Request and Public Notice of Preliminary Request for Amendment 1 and Type B Review Request for Sunset Solar Project Site Certificate

Hi Kathleen,

For the Sunset Solar Project (a portion of the project known as the Bakeoven Solar Project) I reviewed the following information and have this information:

1. The name, address and telephone number of the contact person assigned to review the application for your agency.

If there are new wetland delineation requirements please contact Maya Goklany at 971-458-2919.

Unclear, read on.

If there are wetland removal fill permitting requirements please contact Richard Fitzgerald 541-910-4565.

Unclear, read on.

2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.

A wetland delineation WD2019-0059 was previously reviewed and approved for the Sunset Solar Project footprint. **This delineation expired 9/4/2024.**

A review of our files does not indicate that a wetland removal-fill permit was applied for and received, or that a No State Permit Required Letter was issued. Please contact Richard Fitzgerald for follow up.

3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.

Wetland delineations will be reviewed per OAR 141-090

Wetland Removal-Fill applications, if required, will be reviewed per OAR 141-085

4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.

Wetland Removal-Fill Permit

5) Recommendations regarding the size and location of analysis areas (see below for more information).

Please provide Richard Fitzgerald documentation that there is a record indicating no permit required for the Sunset Solar Project. A review of our files did not result anything for Sunset Solar or Bakeoven Solar, other than Wetland Delineations. Perhaps an issued permit was given under another name.

6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.

Wetland Delineation, which may include additional supporting studies, depending on the site. These may include but are not limited to Stream Duration Assessment Method, identification of Aquatic Resources of Special Concern (e.g.: vernal pools). The current delineation has expired, but is eligible for reissuance of another 5 years if additional information is turned in by 9/4/2025. If there is an existing authorization for wetland removal-fill, and it has not expired, then a new delineation is not required, unless additional new study area is added.

Wetland Removal-Fill Permit, which may include additional supporting studies, depending on the site. These may include but are not limited to the Oregon Rapid Wetland Assessment Protocol and Stream

From: SLOAN Kathleen * ODOE <Kathleen.SLOAN@energy.oregon.gov>
Sent: Tuesday, September 9, 2025 3:17 PM
To: BLEAKNEY Leann <lbleakney@nwcouncil.org>; ODA_listedplants <listedplants@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; WILKES Jessica S * ODFW <jessica.s.clark@odfw.oregon.gov>; MEYERS Andrew R * ODFW <Andrew.R.MEYERS@odfw.oregon.gov>; TOKARCZYK John A * ODF <John.A.TOKARCZYK@odf.oregon.gov>; HOLSCHBACH Tim J * ODF <Tim.J.HOLSCHBACH@odf.oregon.gov>; FIELDS Tom * ODF <Tom.FIELDS@odf.oregon.gov>; HOPKINS Levi A * ODF <Levi.A.HOPKINS@odf.oregon.gov>; CLEARANCE ORSHPO * OPRD <orshpo.clearance@oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; JININGS Jon * DLCD <Jon.JININGS@dlcd.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; CRUSE Martha * DEQ <Martha.CRUSE@deq.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: Email Summary of Public Notice: Comment Period on Sunset Solar Project - Request for Amendment 1 and Draft Proposed Order (Type B Review Process)

Click [here](#) if you are having trouble viewing this message.



Email Summary of Public Notice: Comment Period on Sunset Solar Project - Request for Amendment 1 and Draft Proposed Order (Type B Review Process)

On September 9, 2025, the Oregon Department of Energy (Department) issued Public Notice of a 30-day comment period on Sunset Solar, LLC's (certificate holder) Request for Amendment 1 of the Sunset Solar Project Site Certificate (RFA1) and on the Department's Draft Proposed Order on RFA1 (DPO). RFA1 was determined by the Department to justify review under the Type B review process, which omits a public hearing.

The Sunset Solar Project (facility) is an approved, not-yet constructed 103 megawatt alternating current (MWac) solar photovoltaic (PV) power

generation facility, authorized to use or occupy up to 2,196 acres (3.4 sq. miles) in Wasco County, approximately 5 miles east of the City of Maupin.

RFA1 seeks approval from the Energy Facility Siting Council to:

1. Extend the construction commencement deadline from April 24, 2025 to April 24, 2028; and amend the completion deadline from April 24, 2026 to a date extending three years from the actual commencement date.
2. Reduce both areas within the approved 10,640 acre site boundary and 2,196 acre micrositing area to 1,870 acres.

The RFA1 and the DPO are available on the [Department's project webpage](#).

Comment Period:

Written comments on RFA1 and the DPO must be received by ODOE before 5:00 pm Pacific Time on **October 10, 2025**. Comments must be submitted in writing, and may be submitted through the public comment portal described below, or by mail, email, fax, or hand delivery to:

Kathleen Sloan, Senior Siting Analyst

Oregon Department of Energy

550 Capital Street NE Salem, OR 97301

Phone: (971) 701-4913

Fax: 503-871-7254

Email: kathleen.sloan@energy.oregon.gov

Or via the Department's [Online Comment Portal](#). Choose “**Sunset Solar Project RFA1 and DPO**” from the drop-down menu. Click “Next” and follow the instructions on the screen. You will receive an email confirmation after submitting your comment.

ODOE also has a [docket system](#) available which displays comments that have been submitted. Comments for this RFA1 and DPO will be posted to the docket and are normally available to view within 3 business days of receipt.

Additional Information:

The Public Notice, RFA1, DPO and the Department's Type B Review Amendment Determination Request determination are [available online](#).

You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.

If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov.

Oregon Department of Energy

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Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

East Region

61374 Parrell Road

Bend, Oregon 97702

(541) 388-6363

FAX (541) 388-6281

October 10, 2025

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

RE: Request for comments on the Request for Amendment 1 of the Sunset Solar Project Site Certificate (RFA1) and on the Department's Draft Proposed Order on RFA1 (DPO) on Sunset Solar, LLC's Sunset Solar Project in Wasco County.

Dear Ms. Sloan:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the RFA1 and the DPO for Sunset Solar Project outside of Maupin. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the RFA1 and DPO.

A. Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Jessica Wilkes, 61374 Parrell Road, Bend, OR 97702. My phone number is (541) 388-6099, Jessica.S.Wilkes@odfw.oregon.gov. In addition, please copy Andrew Meyers, District Wildlife Biologist, 3561 Klindt Dr, The Dalles, OR 97058. Phone number (541) 296-8026, andrew.r.meyers@odfw.oregon.gov. ODFW requests that as applicable, all correspondence for this project be conveyed electronically.

B. Comments

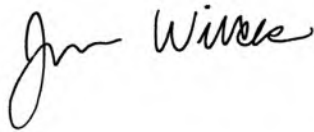
The requested amendments to Fish and Wildlife Habitat: OAR 345-022-0050 (III.H) of the Sunset Solar Project – Draft Proposed Order on Request for Site Certificate Amendment 1 (pg. 59-60) include the option of utilizing sheep grazing as a method of vegetation control (c). There is a high possibility of spreading a deadly disease (*Mycoplasma ovipneumoniae*) from domestic livestock to bighorn sheep. Therefore, we discourage the use of vegetation control via domestic sheep or goats without proper mitigative measures to ensure separation of domestic livestock and wild bighorn sheep populations on the landscape. If domestic livestock must be used, applying proper preventative measures and best management practices (BMPs) will be very important to ensuring the integrity of bighorn sheep populations. ODFW is currently developing BMPs for use of domestic sheep in solar facilities, and we ask that the applicant consult with ODFW and adopt these BMPs prior to sheep stocking. Some examples of BMPs include actions such as monitoring the integrity of the fencing, constructing double-fencing, reporting sightings of

bighorn sheep, and regularly communicating the status and composition of the flock to department agencies.

ODFW also requests that the Noxious Weed Control Plan retain a 'reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities' (a2). ODFW sees this step as an opportunity to communicate progress of noxious weed control efforts and to ensure that agreed-upon BMPs and other requirements are being met throughout all phases of the facility, including pre-construction.

ODFW appreciates the opportunity to comment on this RFA1 and DPO and the actions taken to consider fish and wildlife impacts. ODFW looks forward to working with ODOE and the Applicant on this proposed project.

Respectfully,

A handwritten signature in black ink, appearing to read "Jessica Wilkes". The signature is fluid and cursive, with the first name "Jessica" written in a more stylized, looped manner and the last name "Wilkes" in a simpler, more legible script.

Jessica Wilkes, Acting Regional Habitat Biologist, Deschutes District

Cc:

Andrew Meyers, The Dalles
Sara Gregory, Bend
Jeremy Thompson, Salem
Applicant

Attachment K-1: Forest-Farm Management Easement

ATTACHMENT K-1 - FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____

Mailing Address: _____

Owner(s), _____,
herein called the Grantor(s), is/are the owner(s)s of real property described as follows:

Township ____, Range ____, W.M., Section ____, Tax Lot ____, Account _____

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated {Month, Day, Year}, approving a Conditional Use Permit (File #XXX-XX-XXXXXX-XXXX) to include the above described property in the site boundary of a wind energy generation facility, Grantor hereby grants to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in an Exclusive Farm Use/ Forest/Forest-Farm zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or forest operations on adjacent lands. Farm operations include, but are not limited to, the raising, harvesting and selling of crops or the feeding, breeding, management and sale of livestock or poultry, application of chemicals, road construction and maintenance, and other accepted and customary farm management activities conducted in accordance with Federal and State laws. Forest operations include, but are not limited to reforestation of forest land, road construction and

**After recording, please return
original to: Wasco County
Planning Department.**



maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and other accepted and customary forest management activities conducted in accordance with Federal and State laws. Said farm or forest management activities ordinarily and necessarily produce noise, dust, odor, and other conditions, which may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary farm or forest management activities legally conducted on adjacent lands which may conflict with grantors' use of grantors' property for residential purposes and grantors hereby give an easement to adjacent property owners for such activities.

2. Grantors shall comply with all restrictions and conditions for maintaining residences in the Exclusive Farm Use/Forest/Forest-Farm zone that may be required by State and local land use laws and regulations.

This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this easement on _____,
201____.

Titleholder Signature

STATE OF OREGON)
COUNTY OF WASCO)

Personally appeared the above named _____ and
_____, and acknowledged the above easement to be their
voluntary act and deed.

Notary Public for Oregon

Attachment K-2: Mediation Ordinance

ATTACHMENT K-2 – MEDIATION ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE ADOPTION OF)
AN AMENDED ORDINANCE PROVIDING)
PROTECTION FOR GENERALLY ACCEPTED)
FARMING AND FORESTRY PRACTICES AND)
ESTABLISHING A COMPLAINT MEDIATION)
PROCESS.)

AMENDED
ORDINANCE

THE WASCO COUNTY COURT ORDAINS AS FOLLOWS

Section 1. SHORT TITLE. This Ordinance may be cited as the Wasco

County Farming and Forestry Practices Protection and Complaint Mediation

Ordinance.

Section 2. PURPOSE.

(1) Wasco County recognizes that complaints about farming and forestry practices will sometimes occur because these practices create odors, smoke, dust and noise and there is a close proximity of agricultural and forest lands to expanding urban and rural residential development.

(2) Wasco County recognizes that all resource use complaints have the potential of requiring immediate shutdowns or interruptions of farming and forestry practices which could result in significant economic consequences for resource users.

(3) The purpose of this Ordinance is therefore to provide a rapid complaint response and mediation process for resource use complaints by Wasco County residents in order to protect farming and forestry operations to the greatest extent possible from immediate shutdowns or interruptions.

1 – AMENDED ORDINANCE

Section 3. DEFINITIONS. As used in this Ordinance:

(1) "FACILITY" means any real or personal property, including appurtenances thereto and fixtures thereon, associated with a given use.

(2) "FARMING PRACTICE" means the cultivation, growing, harvesting, processing or selling of plants or animals of any kind, which lawfully may be grown, possessed and sold, including but not limited to fish, livestock, poultry, grapes, cherries, apples, pears, wheat, barley, Christmas trees and nursery stock.

(3) "FORESTRY PRACTICE" means any operation conducted on or pertaining to forest land, including but not limited to:

- (a) Reforestation of forest land;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals; and
- (e) Disposal of slash.

(4) "NONRESOURCE USE" means any facility, activity or other use of land which does not constitute a resource use, including but not limited to residential use.

(5) "RESOURCE USE" means any current or future generally accepted farming or forestry practice or facility conducted in compliance with applicable Wasco County Ordinances and Federal and State laws.

(6) "RESOURCE USE NUISANCE" means any current or future generally accepted farming or forestry practice or facility conducted in

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compliance with applicable Wasco County Ordinances and Federal and State laws, which may be considered offensive, annoying, or interferes with or otherwise affects the urban and rural residents of Wasco County.

(7) "RESOURCE USE" does not include:

(a) Any unlawful act;

(b) The willful growing of infested, infected or diseased plants or animals;

(c) Trespass which involves actual physical intrusion onto the property of another by a person or by a person's animals;

(8) "DESIGNEE" means a Case Developer, appointed by the Six Rivers Community Mediation Services Director.

(9) "COMPLAINT MEDIATION PROCESS"

(a) Means a procedure established by the Wasco County Court to provide a forum for the mediation of Wasco County residents complaints regarding farming or forestry practices or facilities, including, but not limited to: odors from domestic livestock operations; blowing smoke from heaters, smokers and slash burning; noise from machines, including those devices producing sounds designed for agricultural purposes in order to frighten predacious birds or animals away from agricultural crops; drift or contamination from chemical and fertilizer applications; hours of operation; and littering of County roads; and

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(b) Shall consist of at least two (2) mediators, working cooperatively in a co-mediation role. Both mediators shall maintain a neutrality and confidentiality throughout and beyond the process. The Six Rivers Community Mediation Services Director or Designee shall serve as a consultant to the Complaint Mediation Process. Consultation may come prior to, during or after the actual mediation, as appropriate.

(10) "PEER REVIEW BOARD" is a Board appointed, as needed, by the Wasco County Court to advise the Six Rivers Community Mediation Services on whether a disputed resource use activity is a generally accepted farming or forest practice or facility. The Board shall consist of 5 persons who regularly are involved in a resource use within the County, at least 3 of whom are regularly involved in the same type of disputed resource use being heard through the Complaint Mediation Process.

Section 4. _____ PROTECTING RESOURCE USES.

(1) Wasco County shall not support a resource use nuisance complaint or claim for relief by nonresource uses or any persons or property associated therewith unless the resource use complaint response and mediation procedure of Section 5 of this Ordinance has been utilized.

(2) This Section applies regardless of:

- (a) The location of the purportedly affected nonresource use;
- (b) Whether the nonresource use purportedly affected existed before or after the occurrence of the resource use;

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- (c) Whether the resource use or nonresource use has undergone any change or interruption; and
- (d) Whether the resource use is inside or outside an urban growth boundary to the extent permissible under State law.

Section 5. RESOURCE USE COMPLAINT RESPONSE AND MEDIATION

PROCEDURE.

- (1) Initial resource use complaints involving farming or forestry practices or facilities shall:
 - (a) Be referred to the Six Rivers Community Mediation Services during regular operating hours or the Wasco County Sheriff's Office after hours and on weekends; and
 - (b) Be responded to as soon as possible.
- (2) The responding Six Rivers Community Mediation Services Agent or Designee shall:
 - (a) Use Six Rivers Community Mediation Services' procedures to respond to a complaint;
 - (b) Notify the Wasco County Court about the documented complaint as soon as possible and report on the effort and/or success in resolving the complaint.
- (3) If the initial contact is through the Wasco County Sheriff's Department, or any other law enforcement agency, the responding officer should:

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- (a) Contact the complainant and document the complaint; and
 - (b) Encourage the complainant to call or meet with the resource user and attempt a one-on-one resolution of the complaint; and
 - (c) Provide both complainant and resource user with written documentation of the complaint, including, but not limited to the name and address of complainant, the name and address of the resource user, and a description of the nature of the complaint; and
 - (d) Inform both parties that the complaint will be referred to Six Rivers Community Mediation Services and that they will be contacted by that agency; and
 - (e) Deliver a copy of the complaint to the Six Rivers Community Mediation Services as soon as possible.
- (4) If the complainant and resource user that are principles in a documented resource use complaint within Wasco County request assistance beyond that provided by the Case Developer, the Case Developer shall implement the Complaint Mediation Process.
- (5) The Complaint Mediation Process shall:
- (a) Set a date to hear the complaint from both complainant and resource user within a reasonable amount of time; and

Work with both complainant and resource user in an attempt to resolve the complaint.

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- (6) The Complaint Mediation Process may:
- (a) Request the Wasco County Court to set up a Peer Review Board for assistance in determining whether an activity or facility is a generally accepted farming or forestry practice or facility;
 - (b) Suggest recommendations for Peer Review Board members to the Wasco County Court; and
 - (c) Meet with the complainant and resource user any number of times if the Mediators determine that progress is being made toward a resolution of the complaint.
- (7) If the Complaint Mediation Process is unable to resolve the complaint, the complainant and resource user shall be advised by the Six Rivers Community Mediation Services of their additional options including, but not limited to, seeking advice from private counsel.

Section 6. ___ LAND USE DECISIONS. The fact that Wasco County's Comprehensive Plan, Zoning Ordinances and land use decisions allow the siting, development or support of any particular use does not negate the provisions of this Ordinance intended to protect a resource use.

Section 7. ___ EFFECT ON OTHER REMEDIES. The provisions of this Ordinance shall not impair the right of any Wasco County resident to pursue any remedy authorized by applicable Wasco County Ordinances or Federal and State laws that:

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- (1) Concerns matters other than a resource use nuisance;
- (2) Does not expressly purport to prohibit or regulate a farming or forestry practice as a resource use nuisance; or
- (3) Prohibits or regulates the use or physical condition of resource use activities or facilities that adversely affect public health or safety.

Section 8. SEVERABILITY CLAUSE. If any portion of this Ordinance is held invalid by a Court of competent jurisdiction, such decision shall apply only with respect to the specific portion held invalid by the decision. It is the intent of Wasco County that the remaining portions of this Ordinance continue in full force and effect.

Section 9. EMERGENCY CLAUSE. This Ordinance being immediately necessary for the preservation of the public well being, an emergency is declared to exist and this Ordinance shall take effect immediately upon adoption.

Regularly passed and adopted by the unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

////

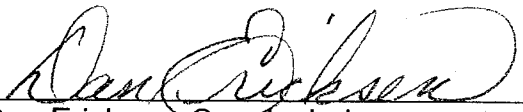
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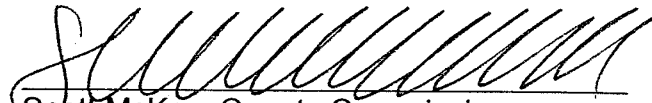
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DONE AND DATED this 3rd day of September, 2003

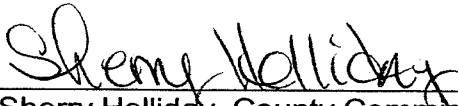
WASCO COUNTY COURT



Dan Ericksen, County Judge

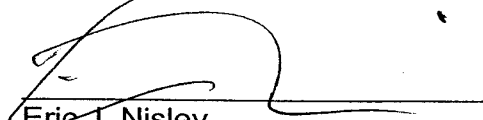


Scott McKay, County Commissioner



Sherry Holliday, County Commissioner

APPROVED AS TO FORM:



Eric J. Nisley
Wasco County District Attorney

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Draft Revegetation Plan

**Sunset Solar Project (Phase III)
September 2021**

Prepared for



Avangrid Renewables, LLC

Prepared by



Tetra Tech, Inc.

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1.0 Introduction

This Draft Revegetation Plan (Plan) describes methods, success criteria, and monitoring and reporting requirements for the restoration and revegetation of areas temporarily disturbed during the construction of the Sunset Solar Project (Phase III) (Facility), excluding the transmission line and substation that are addressed in the Revegetation Plan for the Bakeoven Solar Project (Phase I). This Plan does not include areas occupied by permanent Facility components (i.e., the “footprint,” including the fenced solar arrays).¹ The objective of revegetation is to restore temporarily disturbed areas to pre-disturbance conditions. This Plan was developed in consultation with the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of Energy (ODOE), and the Wasco County Weed and Pest Division and in compliance with Site Certificate Condition GEN-FW-01, which states:

The certificate holder shall:

a. Prior to construction of the facility, or any phase of the facility, the certificate holder shall finalize and submit a Revegetation Plan, based upon the draft plan provided in Attachment I of the Final Order on the ASC, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. The scope of finalizing the plan shall, at a minimum, include the following:

- 1. Final assessment of temporary habitat impacts (in acres), based on habitat quality of habitat subtype, and final facility design, presented in tabular format.*
- 2. Survey and sampling protocol for evaluating the success criteria against paired monitoring and reference sites determined to represent a statistically significant number of sites based on pre-disturbance habitat quality and diversity of habitat temporarily impacted.*
- 3. Description of deep soil decompaction measures to be implemented.*

b. During construction and operation of the facility or any phase of the facility, the certificate holder shall implement the requirements of the plan; monitor and report results of revegetation activities to the Department, as required by the plan.

The Facility is in Wasco County, Oregon and is located on private land, the vast majority of which is primarily used for rangeland/grazing, with some limited areas used for cultivation of agricultural crops. Habitat mapping and categorization of the site were conducted for the Facility between 2011 and 2021. Details on habitat types, subtypes, and categories can be found in Exhibit P of the originally-permitted facility’s Application for Site Certificate (ASC), especially Attachment P-1. Details on potential impacts to habitat and special-status species from construction and operation

¹ This Plan will be incorporated by reference in the site certificate for the Facility and must be understood in that context. It is not a “stand-alone” document.

of the Facility, as well as avoidance and minimization measures, can be found in the ASC Exhibits P and Q.

2.0 Description of Temporary Facility Impacts

Based on the initial design, construction of the Facility would result in approximately 58.9 acres of temporary impacts (Table 1). Temporary impact areas are those areas that will be disturbed during construction activities, but which will not become permanent parts of the Facility. Temporary disturbance will occur in association with the improvement of existing roads, as well as during the construction of collector lines, new roads, staging areas, and fences. The intensity of the construction impact will vary: in some areas, the impact will be relatively light; but in other areas, heavy construction activity will remove all vegetation, remove topsoil, and compact the remaining subsoil. Some areas of temporary disturbance, such as staging areas, will be graveled during construction, and will be reclaimed by removing the gravel surface, regrading to match adjacent contours, and reseeding. The specific extent of each component's temporary impact is detailed in ASC Exhibit C, and is described in terms of a total, worst-case scenario impact for the full duration of phased construction; the Facility components specifically addressed in this Plan (i.e., Sunset Solar Project [Phase III]) are further described in Request for Amendment 1.

Table 1. Preliminary Summary of Temporary Disturbance

Habitat Subtype ¹	Acres of Temporary Disturbance by Preliminary Habitat Category ^{2,3}				
	3	4	5	6	Subtotal ⁴
Wildlife Habitat					
Eastside (Interior) Riparian	1.3	--	--	--	1.3
Eastside Grasslands	3.4	15.6	17.0	--	36.1
Planted Grasslands	6.1	0.3	--	--	6.4
Shrub-steppe	3.9	0.5	--	--	4.4
Agricultural and Developed Land					
Orchards, Vineyards, Wheat Fields, Other Row Crops	--	--	--	2.1	2.1
Urban and Mixed Environs	--	--	--	8.6	8.6
GRAND TOTAL⁴	14.7	16.5	17.0	10.7	58.9
1. Habitat subtypes with impacts of less than 0.06 acres are not included in the table. 2. Categories displayed in Table represent the field-categorized habitat categories based on vegetation condition, prior to overlaying Mule Deer Winter Range, which modified all non-agricultural and developed areas to Category 2 habitat (ODOE 2020). Using the field-based habitat categories based on vegetation conditions is more appropriate for measuring revegetation success, 3. Impacts based on layout dated 9/12/2019. Acreages will be revised following completion of final Facility design. 4. Totals may not appear to sum correctly due to rounding.					

All temporary impact areas are outside the fenced solar arrays. This Plan addresses revegetation of these areas of temporary impact outside the fenced area that will be restored following

construction. Within the fenced area, the Certificate Holder intends to manage low-height native vegetation, as described in ASC Exhibit B.

3.0 Agency Consultation

Three months prior to commercial operation of the Facility, the Certificate Holder will meet with ODFW, ODOE, and the Wasco County Weed and Pest Division to review the actual extent and conditions of temporarily impacted areas, to confirm the revegetation methods agreed to during pre-construction review are still appropriate, and to identify reference sites.

4.0 Roles and Responsibilities

The construction contractor will be responsible for implementing the erosion, sediment, and revegetation criteria in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit (per condition GEN-SP-01), as well as the revegetation activities discussed herein during and immediately after construction. A qualified botanist or revegetation specialist will be responsible for monitoring and reporting on revegetation success. The Certificate Holder will be responsible for ensuring that all contractors perform work in accordance with permit requirements and all agreed upon methods for revegetation.

5.0 Revegetation Methods

Revegetation will begin as soon as feasible following completion of construction. The Certificate Holder will restore temporarily disturbed areas by preparing the soil, followed by seeding and planting. The Certificate Holder will revegetate temporarily impacted grassland, shrub-steppe, and other Preliminary Category 3, 4, and 5 wildlife habitat subtype areas (as detailed in Table 1) that are not cropland or other developed lands. Agricultural lands will be restored at the landowner's direction (i.e., the construction contractor will perform decompaction measures as needed and the landowner will revegetate cropland areas as desired).

During and following construction, the construction contractor will minimize soil compaction in temporarily disturbed areas and implement site stabilization measures in accordance with the Certificate Holder's NPDES 1200-C permit, including the following:

In areas of the site where final vegetative stabilization will occur or where post-construction infiltration practices will be installed the registrant must:

- a. Preserve native topsoil by stockpiling or transferring to other locations, unless infeasible;*

b. Restrict vehicle and equipment use in these locations to avoid soil compaction; and seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

5.1 Soil Preparation

Prior to seeding and planting of revegetation areas, soils will be prepared to facilitate revegetation success. Soil preparation will involve standard, commonly used methods (e.g., perpendicular tracking for sloped areas, decompaction, and tilling), and will take into account relevant site-specific factors, including slope, size of area, and erosion potential. The following measures will be implemented where appropriate:

- In areas where soil is removed during construction, the topsoil will be stockpiled separately from the subsurface soils, where possible.
- The stockpiled topsoil will be put back in place prior to revegetation activities.
- In areas where soils have been deeply compacted during construction, soils shall be decompacted as appropriate to support revegetation and/or cultivation by ripping or scarifying to a depth of 8 to 12 inches (except where bedrock prohibits achieving this depth).
- Where possible, topsoil and other soils from noxious weed infested areas will not be moved outside of the infested areas and will be returned to its previous location during reclamation activities.
- Soils from weed infested areas may be treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions.
- In general, the soil will be prepared into a firm, fine-textured seedbed that is relatively free of debris before seeding or planting. Shallow tilling with a disc, followed by a harrow or drag if necessary, can typically achieve this. If replaced soil is too soft, then seeds may be buried too deeply to properly germinate; a roller or culti-packer may be used to pack down the soil.
- In non-cropland areas, site complexity will be considered during soil preparation. For instance, it may be desirable to purposely create an uneven, patchy site that allows for depressions and other micro-conditions that result in small variations in aspect and moisture to promote complexity.

The Certificate Holder will use mulching and other appropriate practices, as required by the NPDES 1200-C permit, to control erosion and sediment during revegetation work.

5.2 Seeding Methods

Following preparation of the soil, a seed mix will be applied. The seed mix described in Section 5.3 was selected based on the pre-construction habitat subtype and in coordination with ODFW, ODOE, and Wasco County, as appropriate. Seed mixes will be obtained from a reputable supplier in

compliance with the Oregon Department of Agriculture's Oregon Seed Laws (Oregon Administrative Rule 603-056).

Seeding will be conducted based on ODFW and the Wasco County Weed and Pest Division recommendations, and in consultation with the seeding contractor. It will be implemented at the appropriate time of year and weather conditions to facilitate seed germination. The Certificate Holder will choose seeding methods based on site-specific factors such as slope, erosion potential, and the size of the area in need of revegetation. Three common seed application methods that may be used are described below.

5.2.1 Broadcast Seeding

Broadcast seeding is the application of seed directly on the ground surface. This method may be chosen for areas with shallow and rocky soils, and the type of broadcast spreader would depend on the size of the area to be seeded and the terrain.

In this method, the seed mix would be applied at a rate of 20 to 26 pounds per acre or as recommended by the seed supplier. Where feasible, half of the total mix would be applied in one direction and the second half of the mix would be applied in the direction perpendicular to the first half. A tracking dye may be added to facilitate uniform seed application. Immediately following seed application, certified weed-free straw would be applied at a rate of 2 tons per acre. If certified weed-free straw is unavailable, the construction contractor will identify a local source of straw. Straw would be crimped into the ground to a depth of 2 inches using a crimping disc or similar device. As an alternative to crimping, a tackifier may be applied using hydroseed equipment at a rate of 100 pounds per acre. Prior to mixing the tackifier, the tank would be visually inspected for cleanliness. If remnants from previous applications exist, the tank would be washed. Broadcasting should not be used if winds exceed 5 miles per hour.

5.2.2 Drill Seeding

Drill seeding would be used on areas of sufficient size with moderate or favorable terrain to accommodate mechanical equipment. This method, which is more successful in areas with deeper soils, provides the advantage of planting the seed at a uniform depth and may provide better soil to seed contact.

Using an agricultural or range seed drill, seeds would be sown at 70 percent of the recommended application rate to a depth of 0.25 inches; or at the rates and depths recommended by the seed supplier. If mulch has been previously applied, seed may be drilled through the mulch provided the drill can penetrate the straw resulting in seed-to-soil contact conducive for germination.

5.2.3 Hydroseeding

Hydroseeding is most applicable for areas not accessible by drill or broadcast seeding machinery; this usually includes steeper sloped or narrow terrain. Soil bed preparation is also crucial for

growth success and frequently includes tracking perpendicular to the slope to create micro-conditions for seed. Flat grading and compaction are not recommended. Seeding rates may need to be increased by 30 to 50 percent of broadcast seeding rates when this method is used.

5.3 Seed Mix and Shrub Plantings

All temporarily disturbed wildlife habitat will be revegetated with one of the following: 1) a mix of native grasses and forbs; 2) a mix of native grasses, rushes, and forbs; 3) a mix of native grasses, forbs, and shrubs; or 4) a mix designed by the Natural Resources Conservation Service (NRCS) for areas enrolled in the Conservation Reserve Program (CRP), as appropriate. The proposed Grass and Forb Seed Mix presented in Table 2 will be used for revegetation of all temporarily disturbed areas, except for temporarily disturbed eastside (interior) riparian habitat and areas enrolled in the CRP that have specific seeding requirements, if present at the time of revegetation. Temporarily disturbed eastside (interior) riparian habitat will be seeded with the Eastside (Interior) Riparian Seed Mix presented in Table 3. Areas enrolled in the CRP, if applicable, will be seeded with a seed mix that meets the requirements of the CRP contract.. The Certificate Holder assumes that reasonable substitutions can be made to the seed mixes included in Tables 2 and 3, with approval from ODOE and in consultation with ODFW, based on seed availability at the time of procurement. The seed mix will be planted in late fall to early winter, unless an alternate timing is approved in consultation with ODOE.

Table 2. Grass and Forb Seed Mix

Scientific Name	Common Name	Type	Percent Composition
<i>Festuca idahoensis</i>	Idaho fescue	Grass	20
<i>Pseudoroegneria spicata</i>	Bluebunch wheatgrass	Grass	20
<i>Achnatherum hymenoides</i>	Ricegrass	Grass	15
<i>Elymus elymoides</i>	Squirreltail	Grass	15
<i>Poa secunda</i>	Sandberg bluegrass	Grass	15
<i>Achillea millefolium</i>	Common yarrow	Forb	5
<i>Eriogonum heracleoides</i>	Parsnipflower buckwheat; Wyeth buckwheat	Forb	5
<i>Linum lewisii</i> var. <i>lewisii</i>	Wild blue flax	Forb	5
Note: Application rates are described in Section 5.2 and vary based on the seeding methods.			

Table 3. Eastside (Interior) Riparian Seed Mix

Scientific Name	Common Name	Type	Percent Composition
<i>Leymus cinereus</i>	Great Basin wildrye	Grass	40
<i>Deschampsia caespitosa</i>	Tufted hairgrass	Grass	20
<i>Juncus balticus</i> ¹	Baltic rush	Rush	15
<i>Poa secunda</i> ssp. <i>juncifolia</i>	Big bluegrass	Grass	15
<i>Achillea millefolium</i>	Common yarrow	Forb	5
<i>Artemisia ludoviciana</i>	White sage	Forb	5
Note: Application rates are described in Section 5.2 and vary based on the seeding methods.			
1. Soft rush (<i>Juncus effusus</i>) may be used as an alternate if Baltic rush is not available.			

After application of the Grass and Forb Seed Mix (Table 2) per the seeding rates described in Section 5.2, container or bare root shrubs will be planted in temporarily disturbed areas of shrub-steppe habitat. Table 4 provides the shrub planting mix and rates for revegetation of shrub-steppe habitat. Seedlings per acre presented in Table 4 are based on approximately 12-foot spacing. However, shrubs can be planted “in random patterns or in clusters or islands, using mixtures of species to create natural-appearing stands” (Shaw et al. 2015). Table 3 also includes seeding rates if planting shrub seedlings is not feasible (e.g., due to availability of plant stock). The Certificate Holder will notify ODOE prior to this substitution and shrub seeds would be added to the Grass and Forb Seed Mix (see Table 2) at the seeding rates noted in Table 3.

Table 4. Shrub-Steppe Shrub Planting and Seeding Rates

Scientific Name	Common Name	Percent Composition	Seedlings per Acre ¹	Seeding Rate (Minimum Pounds per Acre PLS ²)
<i>Artemisia tridentata</i> ssp. <i>tridentata</i>	Basin big sagebrush	80	240	0.1
<i>Purshia tridentata</i>	Bitterbrush ³	20	60	0.5-2 ⁴
Sources: Dyer et al. 2014; Meyer and Warren 2015; Shaw et al. 2015.				
1. Seedlings per acre based on approximately 12-foot center spacing, or 300 seedlings per acre.				
2. PLS = Pure live seed.				
3. Planting or seeding of bitterbrush included per consultation with ODFW (J. Thompson, personal communication, August 23, 2021).				
4. Rate based on drill seeding; rates should be doubled if seed is broadcast. If seed is broadcast, seeds need to be covered in order for germination to occur.				

6.0 Noxious Weed Prevention and Control

The Certificate Holder will implement weed prevention and control measure during construction and revegetation efforts, as described in the Noxious Weed Control Plan developed in coordination with the Wasco County Weed Department Supervisor (ODOE 2020).

7.0 Revegetation Documentation

The Certificate Holder will maintain documentation of significant revegetation work conducted at the Facility. Documentation will include the date that construction was completed in the area to be revegetated, a description of the affected area, the date revegetation work began, a description of the work implemented within the revegetation area, and supporting figures representing the location, acres affected, and pre-disturbance condition of the revegetation area. The Certificate Holder will report revegetation activities to ODOE for the first 5 years after the completion of Facility construction. After 5 years, any revegetation actions will be described in the annual report, per Oregon Administrative Rules 345-026-0080(e).

8.0 Monitoring

8.1 Reference and Monitoring Sites

To determine if the revegetation efforts are meeting the success criteria outlined in Section 8.4, paired monitoring and reference sites will be established. Monitoring and reference sites will be chosen to represent each of the Preliminary Category 3, 4, and 5 habitat subtypes (excluding habitat subtypes where temporary impacts will be equal to or less than 0.2 acres) temporarily disturbed by construction of the Facility (Table 1). Reference sites are intended to represent target conditions for the revegetation effort. Vegetation within monitoring plots in revegetation areas will be compared with those in the associated reference sites to measure success of the required revegetation activities.

8.1.1 Reference Sites

Based on the final Facility layout, the Certificate Holder will select one reference site to represent each Category 3, 4, and 5 habitat subtype temporarily disturbed during construction (excluding habitat subtypes where temporary impacts will be equal to or less than 0.2 acre). The number of reference sites will be based on the final Facility design. Final selection of proposed reference sites will include a site visit conducted at the appropriate time of year to evaluate baseline conditions (i.e., mid-May through mid-June). This site visit will document the following:

- Vascular plant species present;

- Native/non-native status of species present;
- Approximate percent cover of dominant species;
- Approximate percent cover of state and county-listed noxious weeds; and
- Evidence of ongoing, recent, or past disturbance.

If land use changes or disturbances occur between the time of selection and monitoring of baseline conditions or annual monitoring such that a chosen reference site is no longer representative of target conditions, new reference sites may be chosen. Following the selection of a new reference site, an updated table and latitude/longitudinal data will be provided to ODOE the annual compliance report.

8.1.2 Monitoring Sites

Monitoring sites will be selected following construction of the Facility and will be located within habitats where temporary disturbances occurred during construction for comparison to the reference sites. One monitoring site will be selected for habitat subtypes less than 10 acres in size, and five monitoring sites will be selected for habitat subtypes greater than 10 acres. No monitoring sites will be selected where areas of temporary impacts are equal to or less than 0.2 acre in size. Table 5 presents the preliminary number of monitoring sites that will be established within each habitat subtype and category of temporary disturbance. The number of monitoring sites will be revised, as applicable, following completion of the final design for the Facility. If during revegetation it is determined that areas of temporarily disturbed planted grasslands are enrolled in the CRP and have specific seeding requirements (See Section 5.3), an appropriate monitoring site and paired reference site within CRP-enrolled planted grassland will be chosen.

Table 5. Preliminary Number of Monitoring Sites to be Established within each Temporarily Disturbed Habitat Subtype

Preliminary Habitat Category	Habitat Subtype	Preliminary Acres of Temporary Disturbance ¹	Preliminary Number of Monitoring Sites
3	Eastside Grasslands	3.4	1
	Eastside (Interior) Riparian	1.3	1
	Planted Grasslands	6.1	1
	Shrub-steppe	3.9	1
4	Eastside Grasslands	15.6	5
	Planted Grasslands	0.3	1
	Shrub-steppe	0.5	1
5	Eastside Grasslands	17.0	5
TOTAL²		48.2	16
1. Impacts based on layout dated 9/12/2019. Acres of temporary disturbance and number of monitoring sites will be revised following completion of the final design for the Facility.			
2. Total may not appear to sum correctly due to rounding.			

Monitoring sites within each habitat subtype will be selected using a stratified randomization process utilizing existing habitat mapping (Tetra Tech 2018, Tetra Tech 2021). Data collected during the first year of monitoring will serve as pilot data to determine if the chosen number of monitoring sites will provide results that are statistically robust. If statistical analysis of the first year's data indicates that the number of monitoring plots may not be capturing the range of revegetation success across the temporarily impacted areas (e.g., data collected within monitoring plots are highly variable), then additional monitoring plots may be added.

8.2 Monitoring Procedures

Following implementation of revegetation efforts, the Certificate Holder will monitor the revegetation areas as described in this section, unless the landowner has converted the area to a use inconsistent with the success criteria. Revegetation areas will be monitored by a qualified investigator annually for 5 years, with the first monitoring period to occur the first growing season following initial seeding. Revegetation areas will be inspected to determine if the area is meeting and/or on track to meeting the success criteria as described in Section 8.4.

During the first monitoring period, one permanent 150-foot-long transect will be established within each of the selected reference and monitoring sites. Each end of the transect line will be recorded using a global positioning system unit with submeter accuracy. During each monitoring period, photographs will be taken at each end of the transect line facing toward the other end of the transect line (e.g., the photograph at the start of the transect line will be taken facing down the line toward the end of the transect).

To determine percent cover of native forbs and native and desirable (i.e., species included in seed mixes used for revegetation) grass species, quadrats will be utilized (Elzinga et al. 1998; NRCS and BLM 1996; USFS 2006). Using this method, the percent cover of each native forb and native or desirable grass species will be documented within 1.5-foot by 3-foot quadrats placed at 10-foot intervals along the transects. Within each quadrat, the percent cover, based on Daubenmire cover classes (NRCS and BLM 1996), of each native forb and native or desirable grass species will be recorded.

To determine shrub density and percent cover of noxious weeds, the belt transect method will be used (Herrick et al. 2005, USFS 2006). Using this method, a 6-foot-wide belt transect will be established, 3 feet on each side of the transect line. The number of shrubs occurring within these 6-foot-wide belt transects will be recorded by species and the percent cover of noxious weeds within the 6-foot-wide belt transects will be estimated using Daubenmire cover classes (NRCS and BLM 1996). In addition, all plant species observed within the 6-foot-wide belt transects, as well as an estimated degree of erosion (none, low, medium or high), will be recorded.

8.3 Reporting

Following annual monitoring, a monitoring report will be prepared that will include the following:

- The monitoring methods and results of data collection;

- The investigator's assessment of whether the revegetated areas are trending toward meeting the success criteria;
- Assessments of factors impacting the ability of the revegetated area to trend towards meeting the success criteria;
- Descriptions of appropriate weed control measures, if applicable, as recommended by ODOE, ODFW and the Wasco County Weed and Pest Division; and
- Recommendations of remedial actions, if any.

The Certificate Holder will report the investigator's findings and recommendations regarding wildlife habitat recovery and revegetation success as part of its annual report.

8.4 Success Criteria

In each monitoring report, the Certificate Holder will provide an assessment of revegetation success for revegetation areas in comparison to reference sites with the same habitat type. An area will be deemed successfully revegetated when its habitat quality meets the success criteria listed below:

- **Native Forbs:** The average percent cover of desirable forbs (typically native, with some site-specific exceptions) should be a minimum of 75 percent of the reference site within 5 years. Diversity of forbs on a reclaimed site should be at least 75 percent of the diversity measured on the reference site within 5 years (applicable to all revegetation areas).
- **Native Shrubs:** The average density of the shrub component should be at least 50 percent of the reference site within 5 years. At least 15 percent of the shrub density should be the dominant species found on the reference site. The diversity of shrub species within the revegetated areas should be at least 85 percent of the shrub species diversity measured on the reference site (only applicable to shrub-steppe revegetation areas).
- **Native and Desirable Grasses:** Revegetated sites should maintain grass species diversity and percent cover that is at least 75 percent similar to reference sites. Native bunchgrasses should be given preference. Native and/or desirable grasses are to be planted at rates sufficient to achieve abundance and diversity characteristics of the grass component at the reference site (applicable to all revegetation areas).
- **Noxious Weeds:** Revegetation sites should not contain a higher percentage of noxious weed cover than the reference site (applicable to all revegetation areas).

The Certificate Holder will provide revegetation monitoring reports as part of its annual report filing per OAR 345-026-0080 (Reporting Requirements for Energy Facilities), and may conclude monitoring after 5 years. The final report (Year 5) will document the Certificate Holder's determination on the success criteria for the monitoring plots. If the monitoring plots do not reach the success criteria, then the Certificate Holder will recommend remedial actions and additional monitoring developed in consultation with ODOE and ODFW. Monitoring reports will also document if the landowner has converted a wildlife habitat area to a use that is inconsistent with these success criteria for which the Certificate Holder has no further obligation to restore the area.

8.5 Remedial Action

If the monitoring plots have not reached the success criteria after year 5 of monitoring, then the Certificate Holder will recommend remedial actions for deficit areas, such as reseeding, weed control, grazing restrictions, offsite habitat mitigation, or additional monitoring. Remedial actions will be developed in coordination with ODOE and ODFW, and will be documented in ongoing annual reports to ODOE.

If a revegetation area is damaged by wildfire during the first 5 years following initial seeding, the Certificate Holder will work to restore the damaged area. The Certificate Holder will continue to report on revegetation progress during the remainder of the 5-year period. The Certificate Holder will report to ODOE and ODFW the area impacted by the fire (with a map or figure).

9.0 Amendment of the Plan

This Revegetation Plan will be revised once the Facility layout has been finalized. In addition, this Revegetation Plan may be amended from time to time by agreement of the Certificate Holder and the Energy Facility Siting Council (Council). Such amendments may be made without amendment of the site certificate. The Council authorizes ODOE to agree to amendments to this plan. ODOE shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

10.0 References

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- Elzinga, C. L., D.W. Salzer, and J.W. Willoughby. 1998. Measuring and Monitoring Plant Populations. Bureau of Land Management, National Business Center. Denver, CO.
- Herrick, J. E., J. W. Van Zee, K. M. Havstad, L. M. Burkett, and W. G. Whitford. 2005. Monitoring Manual for Grassland, Shrubland, and Savanna Ecosystems, Second Edition. Volume I: Quick Start. U.S. Department of Agriculture – ARS Jornada Experimental Range. Las Cruces, New Mexico.
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Attachment P-2: Draft Amended Noxious Weed Control Plan

Draft Amended Noxious Weed Control Plan

Sunset Solar Project ~~(Phase III)~~

~~September 2021~~

September 9, 2025

Changes to Draft Plan in DPO are presented in redline track changes

Changes from DPO to Proposed Order are presented in redline track changes with yellow highlight

Prepared for



Avangrid ~~Renewables~~Power, LLC

Prepared by



Tetra Tech, Inc.

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Appendix B. 2008 Wasco County Noxious Weed List

Appendix C. 2020 Oregon Department of Agriculture Noxious Weed List

[Appendix D. Sheep Management Memo](#)

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1.0 Introduction

This Draft Noxious Weed Control Plan (Plan) was prepared to comply with Oregon Administrative Rules (OAR) 660-033-0130 (38)(h)(D) and describes the noxious weed control measures that will be implemented during construction and operation of the Sunset Solar Project (Phase III; Facility), excluding the transmission line and substation that are addressed in the Noxious Weed Control Plan for the Bakeoven Solar Project (Phase I). ~~Noxious weed control practices for the Facility described in this Plan have been developed in coordination with the Wasco County Weed Department Supervisor and this Plan has been prepared in compliance with Site Certificate Condition GEN-FW-02, which states:~~

The certificate holder shall:

a. Prior to construction of the facility or any phase of the facility, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment ~~K-E-3~~ of the Final Order on Request for Amendment 1 of the Bakeoven Solar Projectthe ASC, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum:

1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted.

~~*2. Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.*~~

b. During construction and operation of the facility or any phase of the facility, the certificate holder shall implement the requirements of the plan.

[Fish and Wildlife Habitat Condition 2]

Accordingly, this Plan describes the pre-disturbance surveys that will be conducted prior to construction to identify noxious weed species within areas to be impacted (Section 1.2) and provides a reporting format that will be used to demonstrate completion of noxious weed control activities (Appendix A).

1.1 Background

The measures described in this Plan are designed to minimize the introduction of new noxious weed species and to control existing populations of target noxious weeds (as defined below). Treatment of target noxious weeds will specifically focus on areas that will be disturbed during construction activities, but which will not become permanent parts of the Facility. Temporary disturbance will occur in association with the improvement of existing roads, as well as construction of collector lines, new roads, staging areas, and fences. These areas, cumulatively referred to as treatment areas hereafter, will primarily be located within and adjacent to the Facility fence line and along new Facility roads. If it is determined that noxious weeds have invaded

areas adjacent to the treatment areas as a result of construction, the Certificate Holder will contact the landowner and seek approval to treat those noxious weed populations. In addition, new noxious weeds detected during post-construction restoration will be considered a result of construction activities and shall be controlled and treated accordingly.

Designated noxious weeds are those invasive weed species that are of elevated economic or environmental concern to the State of Oregon or local jurisdictions, and receive priority during management planning and operations. In Wasco County (County), control of noxious weeds is overseen by the Wasco County Weed and Pest Department. Currently, the County lists 45 species of noxious weeds, which are designated as “A,” “B,” “C,” or “Q” Pests (Wasco County Weed Department 2008; Appendix B). “A” listed noxious weeds occur in the County in small enough infestations to “make eradication practical”; “B” listed pests are “subject to intensive control or eradication, where feasible”; “C” listed pests are those that are more widely spread and “control of these weeds will be limited by conditions that warrant special attention”; and “Q” listed pests are weeds that “are to be monitored and subject to control if they begin to appear threatening” (Wasco County Weed Department 2008).

In addition to the County noxious weed list, the Wasco County Weed and Pest Department also defers to the state noxious weed list developed by the Oregon Department of Agriculture (ODA) (Wasco County Weed Department 2019). The ODA lists 47 Class A noxious weed species and 94 Class B noxious weed species (ODA 2020; Appendix C). “A” listed weeds are those which occur in the state in small enough infestations to make eradication or containment possible and eradication or intensive control of these species is recommended wherever they are found. “B” listed weeds are weeds of economic importance that are regionally abundant, but which may have limited distribution in some counties and intensive control at the state, county, or regional level as determined on a site-specific, case-by-case basis. The ODA also designates select weeds from either the “A” or “B” list as “T” designated weeds. “T” designated weeds are priority noxious weeds that the ODA has targeted for prevention and control.

1.2 Pre-construction Noxious Weed Surveys

Pre-construction noxious weed surveys for the Facility will be conducted prior to construction to identify existing infestation areas that warrant flagging and avoidance or predisturbance treatment. The pre-construction noxious weed surveys should also be used to define initial treatment and monitoring plans during construction. Surveys for target noxious weeds will be conducted within all areas that will be impacted by construction of the Facility. For the purposes of this Plan, target noxious weeds include County-listed “A,” “B,” and “C” noxious weed species and ODA-listed “A” and “T” noxious weed species (see Appendices B and C).

2.0 Noxious Weed Control

The Certificate Holder’s primary objective is to prevent the introduction of new noxious weed populations and the spread of existing target noxious weed populations. Early detection and

management of small populations of noxious weeds before they can expand into larger populations is extremely important for successful control efforts. If observed within the ~~treatment areas~~ of potential disturbance during pre-construction surveys, existing populations of target noxious weeds will be prevented from growing in size and density at the locations they are documented during surveys, and will be prevented from spreading to new sites.

Long-term weed control outside the fenced area will be accomplished through sheep grazing and the seeding of native perennial grasses, such as bluebunch wheatgrass (*Pseudoroegneria spicata*), Idaho fescue (*Festuca idahoensis*), and Sandberg bluegrass (*Poa secunda*). The Certificate Holder intends to manage low-height native vegetation inside the fenced area. Seeding will occur between October 1 and February 1 (the preferred seeding dates specified by the Oregon Department of Transportation for construction east of the Cascades¹).

Short-term weed control will be through herbicide use (as discussed in Section 2.2.1) ~~or~~, mechanical methods (as discussed in Section 2.2.2) and sheep grazing. However, it will be important to ensure that short-term herbicide use does not affect establishment of the perennial grass cover that will provide the long-term control. Supplemental seeding may be needed on a case-by-case basis. Subsequent fertilizer application will be limited in areas treated for target noxious weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

2.1 Preventative Methods

The Certificate Holder will implement best management practices during Facility construction and operation to help prevent the invasion and spread of noxious weeds onsite. These may include the following:

- Monitoring areas of temporary and permanent disturbance for noxious weeds after construction, during the normal course of revegetation maintenance of temporary work spaces, and implementing control measures appropriately (as described below);
- Providing information regarding target noxious weed species at the operations and maintenance building;
- Including noxious weed prevention and control measures, such as Facility inspection and documentation, in operations plans;
- Inspecting and documenting all temporary ground-disturbing operations in noxious weed-infested areas;
- Cleaning vehicles and equipment before entry into revegetation areas to help minimize introduction of noxious weed seeds;

¹ Oregon Department of Transportation. Oregon Standard Specification for Construction 2018. Section 01030.43(b)

- Preventing conditions that favor noxious weed establishment by revegetating temporarily disturbed areas as soon as possible and appropriate following construction (as described above); and
- Inspecting and certifying that the seed and straw mulch used for site rehabilitation are free of weed seed and propagules.

2.2 Treatment Methods

Treatment of target noxious weeds will differ, depending on the disturbed area, the proximity to biologically sensitive areas, size of infestation, and the specific noxious weed being controlled. Control of noxious weeds will be either through the use of herbicides or mechanical methods.

In an effort to improve weed control and vegetation management, a sheep grazing program may be implemented. Spot herbicide treatments would continue to be implemented for noxious weeds throughout the site. However, it is anticipated that these treatments would be reduced when combined with the sheep grazing program. Sheep grazing is a form of noxious weed treatment and will be monitored and reported as specified in Section 3.0.

2.2.1 Herbicide Treatment

The specific herbicide used, the amount, and the timing of application will be chosen based on the specific noxious weed being treated, as appropriate herbicides differ between species and types of plants (i.e., dicots versus monocots). Only herbicides approved by the U.S. Environmental Protection Agency and ODA will be applied and appropriate best management practices will be implemented during application. Herbicides will be applied with a spreader sticker surfactant (e.g., Dynamic Green Concepts, Phase).

2.2.2 Mechanical Treatment

Mechanical control methods rely on removal of plants, seed heads, and/or cutting roots with a shovel or other hand tools or equipment that can be used to remove, mow, or disc noxious weed populations. Hand removal of plants is also included under this treatment method. Mechanical methods are useful for smaller, isolated populations of noxious weeds or in areas of sensitive habitats. Additionally, hand removal of small infestations can minimize soil disturbance, allowing desirable species to remain and limiting conditions favorable for noxious weeds. Some rhizomatous plants can spread by discing or tillage; therefore, implementation of discing will be species specific. If such a method is used in areas to be revegetated, subsequent seeding will be conducted to re-establish desirable vegetative cover that will stabilize the soils and slow the potential re-invasion of noxious weeds.

2.2.3 Sheep Grazing

Sheep grazing may be implemented at the site. The amount of sheep onsite (stocking rate) will vary on a monthly basis, but could range from 0 to 500 sheep, and will be based on vegetation density and height. If selected, the reporting requirements in Appendix A will apply.

Best management practices (BMPs) must be identified and approved by the Department in consultation with ODFW, prior to use of sheep grazing at the site. BMPs must provide adequate separation to minimize potential for disease transmittal from domestic sheep to bighorn sheep. BMPs include actions such as monitoring the integrity of the fencing, constructing double-fencing, reporting sightings of bighorn sheep, and regularly communicating the status and composition of the flock to ODFW and the Department.

3.0 Monitoring

During the construction phase of the Facility, construction staff will conduct periodic monitoring of target noxious weeds within and adjacent to the treatment areas. Any signs of new target noxious weed growth, or of re-growth in treated areas, will be addressed promptly with further herbicide or mechanical treatments or other best management practices.

Following construction, monitoring for target noxious weeds will be conducted annually for the first 3 years to assess weed growth and to inform noxious weed control measures. Noxious weed monitoring will consist of a site survey, conducted during the growing season, to identify noxious weed species that have established within and adjacent to the treatment areas, as well as inspections of treated areas to assess the success of previous noxious weed treatments, including herbicide treatment, mechanical treatment and use of sheep.

The initial monitoring survey will be scheduled following completion of Year 1 of construction and before herbicide application, as applicable, to identify any noxious weed species within the areas to be treated, with a focus on target noxious weed species observed prior to construction, or other populations of target noxious weeds not previously observed in these areas.

The results of the site survey will be summarized in a monitoring report that details all noxious weed species observed, identifies treatment protocols for target noxious weed species, and describes the location of target noxious weed species identified. The noxious weed monitoring reporting format is provided in Appendix A.

Subsequent monitoring will assess the success of noxious weed treatments, including herbicide treatment, mechanical treatment and use of sheep, and will document any new target noxious weed infestations observed. These results will be summarized in short memorandums that describe the treatment success or failure, make recommendations to improve treatment success (if necessary), and note any new target noxious weed species or emergence. If the Certificate Holder contracts with the County Weed Department Supervisor to perform weed control at the Facility, then no monitoring report will be provided except for a statement that the County performed the work.

The Certificate Holder will maintain ongoing communication with individual landowners and the County regarding noxious weeds within the Facility impact area. Landowners may also contact the Certificate Holder to report the presence of noxious weeds. The Certificate Holder will control the reported noxious weeds on a case-by-case basis, and will include a summary of actions taken for that incident in the memorandum.

4.0 Weed Department Supervisor Review

~~Merle Keys, Weed Department Supervisor, provided input during initial development of this Plan in 2019. Mr. Keys will be provided with a copy of this Plan prior to construction.~~ This Plan will be finalized and amended-updated, as necessary, based on comments from Mr. Keys and ODOE.

Merle Keys, Weed Department Supervisor

Wasco County Public Works Building

2705 E. 2nd Street

The Dalles, OR 97058

(541) 506-2653

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5.0 References

- ODA (Oregon Department of Agriculture). 2019. Noxious Weed Policy and Classification System. Noxious Weed Control Program. Salem, OR. Accessed October 2019:
<https://www.oregon.gov/ODA/shared/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf>.
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https://www.co.wasco.or.us/document_center/Public%20Works/wdlist08.pdf. Accessed October 2019.
- Wasco County Weed Department. 2019. Personal communication between Tetra Tech, Inc. (on behalf of Avangrid Renewables, LLC) and Merle Keys, Wasco County Weed Department Supervisor. Via phone October 30, 2019.

Appendix A. Noxious Weed Monitoring Reporting Format

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Appendix B. 2008 Wasco County Noxious Weed List

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Appendix C. 2020 Oregon Department of Agriculture Noxious Weed List

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Appendix D. Sheep Management Memo

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Appendix A. Noxious Weed Monitoring Reporting Format

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Sunset Solar Project (Phase III)

Noxious Weed Control Plan Supplement:

Monitoring Report Format

1.0 Introduction

- Facility background

1.1 Background

- Reference to Noxious Weed Control Plan prepared for the Facility and regulatory requirements for control of noxious weeds.
- Discussion that noxious weed treatments are focused on areas to be reclaimed/revegetated and not areas associated with permanent project facilities.
 - Example text: "Treatment of target noxious weeds was specifically focused on areas that were disturbed during construction activities, but which did not become permanent parts of the Facility. Temporary disturbance occurred in association with the improvement of existing roads, as well as construction of collector lines, new roads, staging areas, and fences. These areas, cumulatively referred to as treatment areas hereafter, are primarily located within and adjacent to the Facility fence line and along new Facility roads (i.e., treatment areas)"
- Identify the monitoring report's timeframe and reference to previous monitoring reports, as applicable.

1.2 Target Noxious Weeds

- Identification of target noxious weeds for control, i.e., Wasco County-listed "A", "B", and "C" noxious weeds and Oregon Department of Agriculture (ODA)-listed "A" and "T" noxious weed species.
- Table of "Target Noxious Weeds" that documents target noxious weeds observed during pre-construction surveys within disturbance (i.e., impact) areas.
 - If applicable, table will be updated to include any new target noxious weed species identified during the current year's monitoring.
- The following is an example table that will be used as a template for the table of "Target Noxious Weeds":

Table 1. Target Noxious Weeds Located within the Impact Area

Scientific Name	Common Name	ODA Status	County Status
<i>Aegilops cylindrica</i>	Jointed goatgrass	B	C
<i>Centaurea diffusa</i>	Diffuse knapweed	B	B ^{1/}
Per the County Weed List, the Bakeoven/Maupin area is a knapweed control zone and control efforts are mandatory under ORS 569.355 and 569.360. The entire Facility lies within the knapweed control zone.			

2.0 Noxious Weed Control Actions Implemented

- Discussion of noxious weed control actions performed during the report's monitoring timeframe.
- Figure identifying each noxious weed infestation (including a unique number associated with each infestation) and displaying where treatment actions were implemented.
- Table summarizing control treatments implemented during the previous year and date(s) treatments were implemented. See example table below.
 - Depending on size of table, this may be included as an Appendix (i.e., Appendix A – Noxious Weed Control Treatment Log).

Table 2. Noxious Weed Control Treatments Implemented

Noxious Weed Species		Treatment Implemented	Treatment Date
Scientific Name	Common Name		
<i>Aegilops cylindrica</i>	Jointed goatgrass	Spot application of XXXX (<i>insert specific herbicide used and rate of application</i>) to XX infestations (XX total acres).	Note date(s) of treatment(s).
<i>Centaurea diffusa</i>	Diffuse knapweed	Spot application of XXXX (<i>insert specific herbicide used and rate of application</i>) to XX infestations (XX total acres).	Note date(s) of treatment(s).
		Hand pulling of XX infestations (XX total acres)	Note date(s) of treatment(s).

3.0 Monitoring

- Discussion of monitoring methods
 - Monitoring will include a site survey of treatment areas to document noxious weed species that have established within and adjacent to treatment areas
 - Documenting, via GPS points, locations of noxious weed species observed and estimate of extent of infestations
 - Assessing success of noxious weed treatments

- Photo point monitoring of treated areas

4.0 Results

- Discussion of the results of monitoring, including:
 - Dates monitoring was conducted.
 - Summary of noxious weed species observed, extent of current infestations, comparison to previous number and size of infestations, and assessment of success of noxious weed treatment efforts.
 - Results section will include a summary table (see example table below).
 - Reference back to figure noted in the Noxious Weed Control Treatment section.

Table 3. Summary of Noxious Weed Infestations and Treatment Outcome

Noxious Weed Species Observed		Infestation Number and Approximate Size of Infestation (Include Monitoring Month and Year, e.g., June 2024)	Infestation Number and Approximate Size of Infestation (Include previous years monitoring month and year, e.g., June 2023)	Treatment Efficacy (e.g., June 2024)
Scientific Name	Common Name			
<i>Aegilops cylindrica</i>	Jointed goatgrass	Infestation 1 – XXX acres	Infestation 1 – XXX acres	Treatment not successful, plants vigorous and show no signs of herbicide application.
<i>Centaurea diffusa</i>	Diffuse knapweed	Infestation 1 – XXX acres (<i>acres will be replaced with another metric, e.g., # of plants if more appropriate</i>)	Infestation 1 – XXX acres	Treatment partially successful, many plants dead or dying; however, many plants still healthy.
		Infestation 2 – XXX acres (<i>or other appropriate metric</i>)	Infestation 2 – XXX acres	Treatment successful, all individuals dead or dying.

5.0 Recommendations

- Recommendations for remedial actions to be implemented, if applicable.

Appendix A. Noxious Weed Control Treatment Log (*if applicable*)

Appendix B. Photo Point Monitoring

Appendix B. 2008 Wasco County Noxious Weed List

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MERLE A. KEYS, Superintendent

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WEED LIST AND CLASSIFICATIONS

A PESTS

Dyers Woad
Houndstongue
Kudzu
Leafy Spurge
Meadow Knapweed
Mediterranean Sage
Musk Thistle
Purple Loosestrife
Spotted Knapweed
Tansy Ragwort
Western Water
Hemlock
Yellow Flag Iris

B PESTS

Canada Thistle (outside Forest)
Dalmation Toadflax
Diffuse Knapweed*
Kochia
Russian Knapweed
Rush Skeletonweed
Scotch Broom
Whitetop
Yellow Starthistle
(outside lower 15-Mile)

C PESTS

Buffalobur
California Spikeweed
Canada Thistle (inside Forest)
Dogbane
Field Bindweed
Goatgrass
Horned-head Buttercup
Horsetail Rush
Jimsonweed
Knapweed Complex
Perennial Pepperweed
Perennial Sowthistle
Poison Hemlock
Puncturevine
Quackgrass
Russian Thistle
St. Johnswort
Sandbur
Showy Milkweed
Spiny Cocklebur
Wild Oats
Yellow Starthistle
(Inside 15-Mile)

Q PESTS

Common Mullein
Horseweed

** Within Bakoeven / Maupin area is a knapweed control zone. Control efforts are mandatory under ORS 570.510 and 570.515.*

A Pests:

A weed of known economic importance known to occur in the county in small enough infestations to make eradication practical.

B Pests:

A weed of known economic importance and of limited distribution within the county and is subject to intensive control or eradication, where feasible, at the county level.

C Pests:

A weed that also has economic importance but is more widely spread. Control of these weeds will be limited by conditions that warrant special attention.

Q Pests:

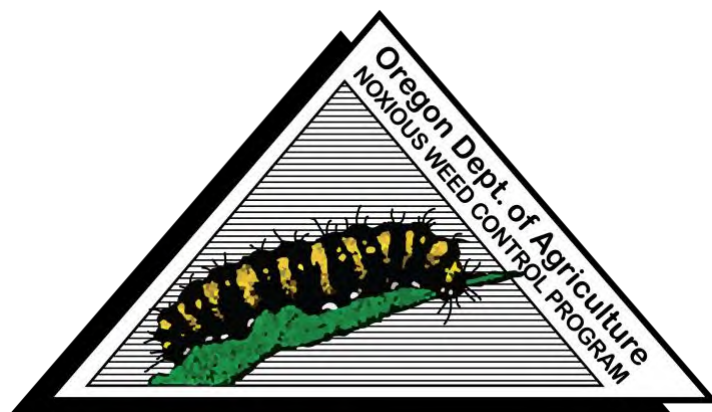
A weed that exists in the county, but is of little, no, or undetermined economic importance. However, they are to be monitored and subject to control if they begin to appear threatening.

Appendix C. 2020 Oregon Department of Agriculture Noxious Weed List

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Oregon Department of Agriculture

**Noxious Weed Policy
and Classification System
2020**



Noxious Weed Control Program

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www.oregon.gov/ODA/programs/Weeds/Pages/AboutWeeds.aspx

Mission Statement

To protect Oregon's natural resources and agricultural economy from the invasion and proliferation of invasive noxious weeds.

Program Overview

The Oregon Department of Agriculture (ODA) Noxious Weed Control Program provides statewide leadership for coordination and management of state listed noxious weeds. The state program focuses on noxious weed control efforts by implementing early detection and rapid response projects for new invasive noxious weeds, implementing biological control, implementing statewide inventory and survey, assisting the public and cooperators through technology transfer and noxious weed education, maintaining noxious weed data and maps for priority listed noxious weeds, and assisting land managers and cooperators with integrated weed management projects. The Noxious Weed Control Program also supports the Oregon State Weed Board (OSWB) with administration of the OSWB Grant Program, developing statewide management objectives, developing weed risk assessments, and maintaining the state noxious weed list.

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Noxious Weed Control Policy and Classification System

Definition

“Noxious weed” means a terrestrial, aquatic or marine plant designated by the Oregon State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs.

Noxious weeds have become so thoroughly established and are spreading so rapidly on private, state, county, and federally owned lands, that they have been declared by ORS 569.350 to be a menace to public welfare. Steps leading to eradication, where possible, and intensive control are necessary. It is further recognized that the responsibility for eradication and intensive control rests not only on the private landowner and operator, but also on the county, state, and federal governments.

Weed Control Policy

Therefore, it shall be the policy of ODA to:

1. Assess non-native plants through risk assessment processes and make recommendations to the Oregon State Weed Board for potential listing.
2. Rate and classify weeds at the state level.
3. Prevent the establishment and spread of listed noxious weeds.
4. Encourage and implement the control or containment of infestations of listed noxious weed species and, if possible, eradicate them.
5. Develop and manage a biological weed control program.
6. Increase awareness of potential economic losses and other undesirable effects of existing and newly invading noxious weeds, and to act as a resource center for the dissemination of information.
7. Encourage and assist in the organization and operation of noxious weed control programs with government agencies and other weed management entities.
8. Develop partnerships with county weed control districts, universities, and other cooperators in the development of control methods.
9. Conduct statewide noxious weed surveys and weed control efficacy studies.

Weed Classification System

The purpose of this Classification System is to:¹

1. Act as the ODA's official guideline for prioritizing and implementing noxious weed control projects.
2. Assist the ODA in the distribution of available funds through the Oregon State Weed Board to assist county weed programs, cooperative weed management groups, private landowners, and other weed management entities.
3. Serve as a model for private and public sectors in developing noxious weed classification systems that aid in setting effective noxious weed control strategies.

Criteria for Determining Economic and Environmental Significance

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Detrimental Effects

1. A plant species that causes or has the potential to cause severe negative impacts to Oregon's agricultural economy and natural resources.
2. A plant species that has the potential to or does endanger native flora and fauna by its encroachment into forest, range, aquatic and conservation areas.
3. A plant species that has the potential or does hamper the full utilization and enjoyment of recreational areas.
4. A plant species that is poisonous, injurious, or otherwise harmful to humans and/or animals.

Plant Reproduction

1. A plant that reproduces by seed capable of being dispersed over wide areas or that is long-lived, or produced in large numbers.
2. A plant species that reproduces and spreads by tubers, creeping roots, stolons, rhizomes, or other natural vegetative means.

Distribution

1. A weed of known economic importance which occurs in Oregon in small enough infestations to make eradication/containment possible; or not known to occur, but its presence in neighboring states makes future occurrence seem imminent.
2. A weed of economic or ecological importance and of limited distribution in Oregon.
3. A weed that has not infested the full extent of its potential habitat in Oregon.

Difficulty of Control

A plant species that is not easily controlled with current management practices such as chemical, cultural, biological, and physical methods.

Noxious Weed Control Classification Definitions

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Noxious weeds, for the purpose of this system, shall be listed as either A or B, and may also be designated as T, which are priority targets for control, as directed by the Oregon State Weed Board.

- **A Listed Weed:**

A weed of known economic importance which occurs in the state in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent (Table I).

Recommended action: Infestations are subject to eradication or intensive control when and where found.

- **B Listed Weed:**

A weed of economic importance which is regionally abundant, but which may have limited distribution in some counties (Table II).

Recommended action: Limited to intensive control at the state, county or regional level as determined on a site specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.

- **T-Designated Weed (T):**

A designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority. T-designated noxious weeds are determined by the Oregon State Weed Board and directs ODA to develop and implement a statewide management plan. T-designated noxious weeds are species selected from either the A or B list.

Weed Biological Control

Oregon implements biological control, or “biocontrol” as part of its integrated pest management approach to managing noxious weeds. This is the practice of using host-specific natural enemies such as insects or pathogens to control noxious weeds. The Oregon Department of Agriculture Noxious Weed Program has adopted the International Code of Best Practices for biological control of weeds. Only safe, effective, and federally-approved natural enemies will be used for biocontrol.

Table I: A Listed Weeds

Common Name	Scientific Name
African rue (T)	<i>Peganum harmala</i>
Camelthorn ⁴	<i>Alhagi pseudalhagi</i>
Cape-ivy (T)	<i>Delairea odorata</i>
Coltsfoot	<i>Tussilago farfara</i>
Common frogbit	<i>Hydrocharis morsus-ranae</i>
Cordgrass	
Common	<i>Spartina anglica</i>
Dense-flowered (T)	<i>Spartina densiflora</i>
Saltmeadow (T)	<i>Spartina patens</i>
Smooth (T)	<i>Spartina alterniflora</i>

Delta arrowhead (T)	<i>Sagittaria platyphyla</i>
European water chestnut	<i>Trapa natans</i>
Flowering rush (T)	<i>Butomus umbellatus</i>
Garden yellow loosestrife (T)	<i>Lysimachia vulgaris</i>
Giant hogweed (T)	<i>Heracleum mantegazzianum</i>
Goatgrass Barbed (T) Ovate	<i>Aegilops triuncialis</i> <i>Aegilops ovata</i>
Goatsrue (T)	<i>Galega officinalis</i>
Hawkweed King-devil Mouse-ear (T) Orange (T) Yellow (T)	<i>Hieracium piloselloides</i> <i>Hieracium pilosella</i> <i>Hieracium aurantiacum</i> <i>Hieracium floribundum</i>
Hoary alyssum (T)	<i>Berteroa incana</i>
Hydrilla	<i>Hydrilla verticillata</i>
Japanese dodder	<i>Cuscuta japonica</i>
Kudzu (T)	<i>Pueraria lobata</i>
Matgrass (T)	<i>Nardus stricta</i>
Oblong spurge (T)	<i>Euphorbia oblongata</i>
Paterson's curse (T)	<i>Echium plantagineum</i>
Purple nutsedge	<i>Cyperus rotundus</i>
Ravennagrass (T)	<i>Saccharum ravennae</i>
Silverleaf nightshade	<i>Solanum elaeagnifolium</i>
Squarrose knapweed (T)	<i>Centaurea virgata</i>

(T) T-Designated Weed (See page 4)

(Continued)

Table I: A Listed Weeds

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Common Name	Scientific Name
Starthistle Iberian (T) Purple (T)	<i>Centaurea iberica</i> <i>Centaurea calcitrapa</i>
Syrian bean-caper	<i>Zygophyllum fabago</i>
Thistle Plumeless (T) Smooth distaff Taurian (T) Turkish (T) Wetted (curly plumeless) (T) Woolly distaff (T)	<i>Carduus acanthoides</i> <i>Carthamus baeticus</i> <i>Onopordum tauricum</i> <i>Carduus cinereus</i> <i>Carduus crispus</i> <i>Carthamus lanatus</i>
Water soldiers	<i>Stratiotes aloides</i>
West Indian spongeplant	<i>Limnobia laevigatum</i>
White bryonia	<i>Bryonia alba</i>
Yellow floating heart (T)	<i>Nymphoides peltata</i>
Yellowtuft (T)	<i>Alyssum murale</i> , <i>A. corsicum</i>

(T) T-Designated Weed (See page 4)

Table II: B Listed Weeds

6	
Common Name	Scientific Name
Armenian (Himalayan) blackberry	<i>Rubus armeniacus</i> (<i>R. procerus</i> , <i>R. discolor</i>)
Biddy-biddy	<i>Acaena novae-zelandiae</i>
Broom	
French*	<i>Genista monspessulana</i>
Portuguese (T)	<i>Cytisus striatus</i>
Scotch*	<i>Cytisus scoparius</i>
Spanish	<i>Spartium junceum</i>
Buffalobur	<i>Solanum rostratum</i>
Butterfly bush	<i>Buddleja davidii</i> (<i>B. variabilis</i>)
Common bugloss (T)	<i>Anchusa officinalis</i>
Common crupina	<i>Crupina vulgaris</i>
Common reed	<i>Phragmites australis</i> ssp. <i>australis</i>
Creeping yellow cress	<i>Rorippa sylvestris</i>
Cutleaf teasel	<i>Dipsacus laciniatus</i>
Dodder	
Smoothseed alfalfa	<i>Cuscuta approximata</i>
Five-angled	<i>Cuscuta pentagona</i>
Bigseed	<i>Cuscuta indecora</i>
Dyer's woad	<i>Isatis tinctoria</i>
English hawthorn	<i>Crataegus monogyna</i>
Eurasian watermilfoil	<i>Myriophyllum spicatum</i>
False brome	<i>Brachypodium sylvaticum</i>
Field bindweed*	<i>Convolvulus arvensis</i>
Garlic mustard (T)	<i>Alliaria petiolata</i>
Geranium	
Herb Robert	<i>Geranium robertianum</i>
Shiny leaf	<i>Geranium lucidum</i>
Giant reed (T)	<i>Arundo donax</i>
Gorse* (T)	<i>Ulex europaeus</i>

Halogeton	<i>Halogeton glomeratus</i>
Houndstongue	<i>Cynoglossum officinale</i>
Indigo bush	<i>Amorpha fruticosa</i>

* Biocontrol (See page 4)

(T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Ivy Atlantic English	<i>Hedera hibernica</i> <i>Hedera helix</i>
Johnsongrass	<i>Sorghum halepense</i>
Jointed goatgrass	<i>Aegilops cylindrica</i>
Jubata grass	<i>Cortaderia jubata</i>
Knapweed Diffuse* Meadow* Russian* Spotted* (T)	<i>Centaurea diffusa</i> <i>Centaurea pratensis</i> <i>Acroptilon repens</i> <i>Centaurea stoebe</i> (<i>C. maculosa</i>)
Knotweed Bohemian Giant Himalayan Japanese	<i>Fallopia x bohemica</i> <i>Fallopia sachalinensis</i> (<i>Polygonum</i>) <i>Polygonum polystachyum</i> <i>Fallopia japonica</i> (<i>Polygonum</i>)
Kochia	<i>Kochia scoparia</i>
Lesser celandine	<i>Ranunculus ficaria</i>
Meadow hawkweed (T)	<i>Pilosella caespitosum</i> (<i>Hieracium</i>)
Mediterranean sage*	<i>Salvia aethiopsis</i>
Medusahead rye	<i>Taeniatherum caput-medusae</i>
Old man's beard	<i>Clematis vitalba</i>
Parrot feather	<i>Myriophyllum aquaticum</i>
Perennial peavine	<i>Lathyrus latifolius</i>
Perennial pepperweed (T)	<i>Lepidium latifolium</i>
Pheasant's eye	<i>Adonis aestivalis</i>
Poison hemlock*	<i>Conium maculatum</i>
Policeman's helmet	<i>Impatiens glandulifera</i>
Puncturevine*	<i>Tribulus terrestris</i>
Purple loosestrife*	<i>Lythrum salicaria</i>
Ragweed	<i>Ambrosia artemisiifolia</i>
Ribbongrass (T)	<i>Phalaris arundinacea</i> var. <i>Picta</i>
Rush skeletonweed* (T)	<i>Chondrilla juncea</i>
Saltcedar* (T)	<i>Tamarix ramosissima</i>

*Biocontrol (See page 4)

(T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Small broomrape	<i>Orabanche minor</i>
South American waterweed	<i>Egeria densa</i> (<i>Elodea</i>)
Spanish heath	<i>Erica lusitanica</i>
Spikeweed	<i>Hemizonia pungens</i>
Spiny cocklebur	<i>Xanthium spinosum</i>
Spurge laurel	<i>Daphne laureola</i>

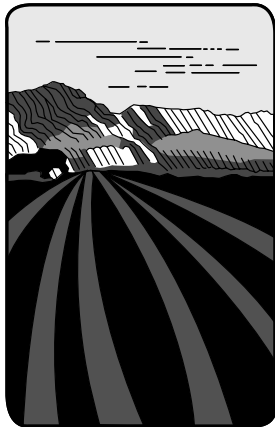
Spurge	
Leafy* (T)	<i>Euphorbia esula</i>
Myrtle	<i>Euphorbia myrsinites</i>
St. Johnswort*	<i>Hypericum perforatum</i>
Sulfur cinquefoil	<i>Potentilla recta</i>
Swainsonpea	<i>Sphaerophysa salsula</i>
Tansy ragwort* (T)	<i>Senecio jacobaea</i> (<i>Jacobaea vulgaris</i>)
Thistle	
Bull*	<i>Cirsium vulgare</i>
Canada*	<i>Cirsium arvense</i>
Italian	<i>Carduus pycnocephalus</i>
Milk*	<i>Silybum marianum</i>
Musk*	<i>Carduus nutans</i>
Scotch	<i>Onopordum acanthium</i>
Slender-flowered*	<i>Carduus tenuiflorus</i>
Toadflax	
Dalmatian* (T)	<i>Linaria dalmatica</i>
Yellow*	<i>Linaria vulgaris</i>
Tree of heaven	<i>Ailanthus altissima</i>
Velvetleaf	<i>Abutilon theophrasti</i>
Ventenata grass	<i>Ventenata dubia</i>
Primrose Willow	
Large-flower (T)	<i>Ludwigia grandiflora</i>
Water primrose (T)	<i>Ludwigia hexapetala</i>
Floating (T)	<i>Ludwigia peploides</i>
Whitetop	
Hairy	<i>Lepidium pubescens</i>
Lens-podded	<i>Lepidium chalapensis</i>
Whitetop (hoary cress)	<i>Lepidium draba</i>
*Biocontrol (See page 4)	(T) T-Designated Weed (See page 4)

Yellow archangel	<i>Lamium galeobdolon</i>
Yellow flag iris	<i>Iris pseudacorus</i>
Yellow nutsedge	<i>Cyperus esculentus</i>
Yellow starthistle*	<i>Centaurea solstitialis</i>

*Biocontrol (See page 4)

(T) T-Designated Weed (See page 4)

4/2020



Oregon
Department
of Agriculture

Appendix D. Sheep Management Memo

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Memo

To:	Oregon Department of Energy
From:	Avangrid Power
Date:	August 14, 2025
Subject:	Sunset Solar Facility – Sheep Management Memo

Introduction

Sunset Solar, LLC, a wholly owned subsidiary of Avangrid Power, LLC, proposes to construct and operate the Sunset Solar Facility, a 103 MW solar photovoltaic energy generation facility occupying approximately 2,196 acres of private land in Wasco County, Oregon. Sunset Solar plans to implement sheep grazing within the Facility as a strategy to manage vegetation onsite more naturally and sustainably. Grazing with sheep provides the following benefits over traditional vegetation management (e.g., mowing):

- Sheep are able to access vegetation around wire collection systems and under solar panels that is unable to be managed by traditional mowers.
- Using sheep to manage vegetation in areas inaccessible to traditional mowers lowers fire risk, minimizes damage to solar equipment from vegetation entanglement, creates open space for revegetation, and allows easier access to solar equipment.
- Sheep grazing may help to control problem weeds onsite, such as medusahead (*Taeniatherum caput-medusae*), cheat grass (*Bromus tectorum*), Russian thistle (*Salsola tragus*), and tall tumblemustard (*Sisymbrium altissimum*), reducing the need for herbicides.

This memorandum will provide details on the planned implementation and management of sheep grazing at the site.

Sheep Management

Organizational Expertise

Sheep management will be handled and provided by an experienced grazing specialist vendor. Once selected, details and qualifications of the selected grazing vendor can be provided upon request. Shepherders or Pastoralists provided by the selected grazing vendor will be located onsite and will always be present while sheep are within the Facility boundary. Sunset will coordinate with the

grazing vendor regarding safety requirements and processes for maintaining sheep onsite. Sunset currently provides safety training to all site visitors and staff and will provide safety training to all employees of the grazing vendor. Similarly, vendor staff will provide guidance to Sunset staff on coordinating sheep grazing activities with ongoing site maintenance work.

The selected grazing vendor will utilize historical vegetation production (i.e., dry matter production) averages for the region in conjunction with dry matter consumption rates for sheep to determine the average number of sheep that will be onsite throughout the year. Table 1 presents the estimated dry matter production and yield per month at the Facility and the estimated dry matter consumption per month based on the average estimated sheep onsite per month.

Qualitative monitoring by Sunset operational staff will assess whether target vegetation density and height specifications are being met. Sheep will be herded and around the Facility aided by strategic placement of water and minerals to ensure that an area is grazed down to the targeted height before sheep are moved. Repeating the process throughout the growing season as needed in an effort to reduce fine fuel load. Sunset’s operational staff will work hand in hand with the grazing vendor to meet the vegetation management specifications, and to determine and refine the carrying capacity that will meet vegetation targets (see Table 1).

Table 1. Dry Matter Production and Consumption Projections

Month	Dry Matter Yield per Acre (lbs.)	Percent of Yearly Dry Matter Production	Average Estimated Sheep	Dry Matter Consumption (lbs.) per Month
January	0.0	0%	0	0
February	0.0	0%	0	0
March	150.0	20%	460	85,500
April	150.0	20%	424	82,742
May	187.5	25%	493	106,875
June	120.0	16%	368	66,194
July	37.5	5%	138	21,375
August	37.5	5%	138	21,375
September	22.5	3%	83	12,411
October	22.5	3%	83	12,825
November	22.5	3%	83	12,411
December	0.0	0%	0	0
Total	750.0	100%	189	421,708

Consultation

Sunset and the grazing vendor will consult with the following agencies, as needed:

- Gilliam County Soil and Water Conservation District
- Local Natural Resources Conservation District (NRCS)

- Oregon State University (OSU) Extension

During ongoing monitoring of the site, no plants toxic to sheep have been identified. The selected grazing vendor will have extensive experience grazing sheep in the region and will be familiar with plants that are toxic to sheep.

Supplemental Feed

Supplemental feed will be provided on an emergency basis only, with a limited duration and during extreme weather events. When Sunset's strategic vegetation management targets are met, sheep will be reduced or removed from site, as needed. Sunset's plans to seed the site with a native seed post-construction. However, the goal of this seed application is to help replace undesirable annual species, such as Russian thistle, with desirable perennial species. No additional plantings intended to support grazing efforts are anticipated. The sheep's diet will be monitored to make sure that they receive all their required nutrition.

Other Permits

In the state of Oregon there are three main factors that determine if a site requires a confined animal feeding operation (CAFO) permit. These factors include: 1) number of animals, 2) length of time in a confined area, and 3) manure and wastewater management. Specifically, Oregon defines a "confined animal feeding operation (CAFO)" in OAR 603-074-0010(2) as:

(a) The concentrated confined feeding or holding of animals or poultry, including but not limited to horse, cattle, sheep, or swine feeding areas, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities and fur farms;

(A) In buildings or in pens or lots where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather; or

(B) That have wastewater treatment works; or

(C) That discharge any wastes into waters of the state.

(b) An animal feeding operation that is subject to regulation as a concentrated animal feeding operation pursuant to 40 CFR § 122.23.

The proposed sheep grazing at Sunset Solar does not meet the criteria defined in the OAR and therefore is exempt from requiring a state issued CAFO permit. The proposed grazing does not meet the criteria in OAR 603-074-0010(2)(a) because the animals will remain on vegetated surfaces, the site will not have wastewater treatment works, and no discharge of collected animal waste will occur into waters of the state. Additionally, the proposed grazing does not meet the criteria in OAR 603-074-0010(2)(b) because the grazing operation does not meet the criteria established in 40 CFR § 122.23. In the CFR, a facility must first meet the definition of an "animal feedlot operation" (AFO) before it can be considered a CAFO. An AFO is defined in 40 CFR § 122.23(b)(1) as a place where two conditions are met:

(i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12- month period, and

(ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Because the sheep grazing will be managed to sustain natural vegetation throughout the grazing period, the criteria in 40 CFR § 122.23(b)(1)(ii) is not met, and therefore the facility does not meet federal and state criteria as a CAFO.

Best Management Practices

Sunset's operational staff will work hand in hand with the grazing vendor to implement a variety of best management practices (BMPs) for grazing, many of which help to minimize the risk of disease transmission to big horn sheep, a species of special concern in Oregon.

During winter/spring grazing, when vegetation is green and there is faster vegetation growth, more sheep will be stocked per acre and sheep will consist of ewes and lambs. During the summer/fall grazing period, when there is less vegetation growth and to reduce the risk of big horn sheep attractant during the ovulation season, fewer domestic sheep will be stocked per acre and the ewes and lambs will be replaced by older, non-breeding sheep with smaller and harder diets.

In addition, the Facility will be surrounded by an 8' chain-link fence, which limits movement of domestic sheep and reduces likelihood of contact between big horn and domestic stock. While domestic sheep are present within the Facility, the grazing vendor will conduct sheep grazing with the oversight of active herders 24 hours per day. Sheep will be penned at night away from the fence to minimize risk of predation to grazing stock and contact with big horn sheep populations.

Sunset will distribute letters to inform adjacent landowners of the sheep grazing activities within the Facility and request assistance if domestic or big horn sheep are observed outside the Facility fence. Sunset will notify Oregon Department of Fish and Wildlife (ODFW) immediately if Sunset becomes aware that either domestic sheep have been observed outside the fence, or big horn sheep have been observed in the region.

To ensure the implementation of these measures, Sunset and the selected grazing vendor will include a description of these BMPs during employee training and post a notice with the BMPs where employees can easily access the material.

Sunset will review the success of sheep grazing activities and the implementation of these BMPs at the Facility with ODFW after 5 years.

Sensitive Resource Protection

Based on pre-construction surveys conducted for the Facility, there are no sensitive species that require protection from sheep. However, there are sensitive habitats present, including quality

Category 3 habitat and suitable habitat for the state-listed Tygh Valley milkvetch (*Astragalus tyghensis*).

Most of the sensitive resource constraints include Category 3 shrub-steppe and planted grasslands habitat. Category 3 habitat requires mitigation if temporarily impacted, as it would be by sheep grazing. Since the sheep will remain within the fence line of the site, much of the Category 3 habitat affiliated with the Facility will not be impacted by the sheep. The Category 3 habitat within the fence line will already be impacted by the arrays and will be mitigated for.

No threatened, endangered, or other special-status wildlife or plant species have been identified within the planned fenced solar site. Pre-construction surveys will be completed to verify absence or presence of Tygh Valley milkvetch. If milkvetch are identified, avoidance, minimization, and/or mitigation measures will be discussed with ODOE and ODFW.

Erosion and Water Quality

Erosion and sediment transport produced from grazing is primarily associated with high-density stocking (ie: a large number of animals per acre) and/or poor forage stands¹ (ie: limited grazing availability) (Hubbard et al. 2004). The low stocking rate planned at the facility will limit erosion and associated sediment transport throughout the site. Forage stands are relatively consistent site-wide, minimizing the risk of erosion and sediment transport. Furthermore, because the herders will consistently move the sheep throughout the site, the potential for erosion in localized areas, as would be expected by limited forage stands, is low. If problems are noted associated with grazing (e.g., erosion being caused by sheep or large amounts of waste), adaptive management will be implemented to address these issues.

¹ Hubbard, R.K., G.L. Newton, and G.M. Hill. 2004. Water quality and the grazing animal. *Journal of Animal Science* 82 (E. Suppl.): E255-E263. doi: 10.2527/2004.8213_supplE255x. PMID: 15471806.

Attachment **DP-3**

Draft Habitat Mitigation Plan

Sunset Solar Project

September 2021

*As amended by the Oregon Department of Energy

Prepared for



Avangrid Renewables, LLC

Prepared by



Tetra Tech, Inc.

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1.0 Introduction

This Habitat Mitigation Plan (HMP) describes how Sunset Solar, LLC (Certificate holder) will mitigate for the unavoidable wildlife habitat impacts of the Sunset Solar Project (Facility). Specifically, this HMP¹ outlines how the Certificate holder will construct and operate the Facility consistent with the Oregon Department of Fish and Wildlife (ODFW) Habitat Mitigation Policy. This plan addresses mitigation for both the permanent impacts of Facility components (permanent impacts) and the temporal impacts associated with the Facility construction (temporary impacts with a longer [5+ years] restoration timeframe). The Certificate holder proposes three mitigation options, including 1) mitigation banking with ODFW; 2) payment to provide option with Western Rivers Conservancy or Deschutes Land Trust; and 3) acquisition of a conservation easement to protect and enhance a compensatory mitigation area. As presented in the HMP, Option 1 is included to preserve a potential future mitigation option, but the Certificate holder acknowledges that the appropriate procedures necessary to support a mitigation banking program have not been adopted by ODFW. For Option 2, this Plan specifies the cost of property acquisition, restoration actions, and stewardship costs for long-term protection and management of a mitigation site. Option 3 is an Certificate holder-developed mitigation site; this plan specifies habitat enhancement actions and monitoring procedures to evaluate the success of those actions, as applicable. The Certificate holder anticipates that the Facility will be built in phases; therefore, the mitigation options may be used in combination or used in variation per phase (e.g., Option 3 for Phase 1, Option 2 for Phase 2, Option 1 and 2 for Phase 3, etc.).

2.0 Description of the Impacts Addressed by the HMP

The Facility is located entirely within the ODFW Designated Mule Deer Winter Range. ODFW (2013) describes Mule Deer Winter Range in eastern Oregon as limited and essential habitat for big game; therefore, should be considered as Category 2 under ODFW's Habitat Mitigation Policy. It is not possible to site the Facility outside of the designated winter range because the Facility is location-dependent on its interconnection point at Bonneville Power Administration's Maupin Substation, which is also in Mule Deer Winter Range. Therefore, impacts to Category 2 are unavoidable due to the Facility's interconnection location and the overlapping Mule Deer Winter Range.

Notwithstanding the overarching habitat categorization, the area within the microsite corridor is primarily composed of eastside grassland (habitat types Upland Grassland, Shrub-Steppe and Shrubland; subtype Eastside Grassland) and planted grasslands, with smaller areas of shrub-steppe habitat (habitat types Upland Grassland, Shrub-Steppe and Shrubland; subtype Shrub-Steppe) that may be used by various species (Exhibit P, Tables P-2 and P-3). Essential habitat values for quality big game winter range, such as thermal cover, security from predation and harassment, quality forage, and limited disturbance are generally lacking from the microsite corridor because it is

¹ This HMP will be incorporated by reference in the site certificate for the Bakeoven, Daybreak, and Sunset Solar Projects and must be understood in that context. It is not a "stand-alone" document.

mostly composed of planted grassland and highly disturbed native grassland (Exhibit P, Section 8.1.1).

As presented in Exhibit P, no areas of native eastside grassland or shrub-steppe habitat were field-characterized in 2018 as Category 2 habitat. Planted grasslands ranging from Categories 3-5 account for 948.4 acres (22.8 percent) of the micrositeing corridor. Areas of eastside grassland and shrub-steppe habitat dominated by non-native plant species (Categories 4 and 5) comprise 1762.1 acres (42.3 percent) of the micrositeing corridor (see Exhibit P, Tables P-3 and P-4). The remaining areas of eastside grassland and shrub-steppe have a higher native species composition (Category 3), and comprise 997.2 (23.9 percent) acres of the micrositeing corridor.

Permanent impact areas are those that would be converted from the existing condition to a different condition for the life of the Facility. Solar array areas will be fenced, and all areas inside the fence are considered permanently disturbed. In addition to the solar array, fencing will occur at the collector substation, the operations and maintenance (O&M) building, and the battery storage area, as required by electrical code or security needs (see Application for Site Certificate [ASC] Exhibits B and C). Temporary impacts will be fully mitigated through successful implementation of the Revegetation Plan (Attachment P-3 to Exhibit P). However, some areas of shrub-steppe that will be temporarily impacted include sagebrush stands that could take longer than 5 years to be restored. Even where restoration of this habitat subtype is successful, there is a loss of habitat function during the restoration period. Therefore, this HMP includes mitigation for both permanently impacted habitat (2,473.0 acres) and select areas of temporarily impacted shrub-steppe habitat (shrubs-steppe subtype: 32.0 acres) that results in a temporal loss of habitat quality (Table 1).

The Facility will not have any impacts on Category 1 habitat. In accordance with ODFW's Habitat Mitigation Policy, impacts to Category 6 habitat do not require mitigation. All remaining Category 3, 4, and 5 habitat has been re-categorized as Category 2 habitat because the Facility is within ODFW's Designated Mule Deer Winter Range, which overlaps the areas of temporary and permanent impact (ODFW 2013). Based on this definition, Table 1 presents anticipated acres of impact for Category 2 habitat present at the Facility, in addition to the preliminary habitat categorization of these areas before the application of this overlay.

Table 1. Acres of Impact to Habitat Categories and Types within the Proposed Micrositeing Corridor

Final Habitat Category ¹	Preliminary Habitat Category	Habitat Type-Subtype ²	Permanent Impact	Temporary Impact
2	3	Riparian Forest and Natural Shrubland Complexes – Eastside Riparian	0.6	1.3
		Upland Grassland, Shrub-Steppe and Shrubland – Eastside Grassland	579.1	14.4
		Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe	103.4	32.0 ³

Final Habitat Category ¹	Preliminary Habitat Category	Habitat Type-Subtype ²	Permanent Impact	Temporary Impact
		Agriculture, Pasture, Mixed Environs – Planted Grassland	423.4	16.2
		Cliffs, Caves, and Talus	0.0	0.4
	4	Open Water - Lakes Rivers Streams – Seasonal Pond	0.7	0.1
		Open Water - Lakes Rivers Streams – Intermittent or Ephemeral Streams	0.0	<0.1
		Upland Grassland, Shrub-Steppe and Shrubland – Eastside Grassland	792.3	17.0
		Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe	1.8	0.6
		Agriculture, Pasture, Mixed Environs – Planted Grassland	177.1	7.3
	5	Upland Grassland, Shrub-Steppe and Shrubland – Eastside Grassland	303.4	17.4
		Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe	91.1	47.6
		Upland Forests and Woodlands – Juniper Woodland	0.0	2.6
		Agriculture, Pasture, Mixed Environs – Planted Grassland	0.1	0.7
	Category 2 Final Total			2,473.0
6	6	Agriculture, Pasture, Mixed Environs – Orchards, Vineyards, Wheat Crops and Other Row Crops	240.4	4.3
		Urban and Mixed Environs	3.6	14.7
Category 6 Final Total			244.0	19.0
Grand Total			2,717.0	176.6
Note: Totals in this table may not be precise due to rounding.				
1. Final Category following application of ODFW Designated Mule Deer Winter Range overlay.				
2. Only impacted Habitat Types-Subtypes present within the proposed micro-siting corridor are represented.				
3. Temporarily impacted shrub-steppe habitat.				

The Certificate holder proposes to begin construction as soon as June 2020, and to construct the Facility in phases. The size and construction schedule for each phase will be based on market demand, but the entire Facility, including all phases, will be completed by 2026 unless the Certificate holder seeks an amendment to extend the construction deadline. Table 2 provides an example phased construction schedule. The impact analysis presented in the ASC and mitigation outlined in this HMP represents the fully built-out scenario of 303 megawatts. Mitigation will be

determined prior to the construction of each phase. If phases are transferred to a new Certificate Holder, then any mitigation obligations will also be transferred. For example, if a mitigation site is established for Phase 1 (i.e., Option 3) then the real estate rights (e.g., conservation easement), monitoring requirements, and liability of obtaining success criteria would be transferred to the new Certificate Holder. If the original Certificate Holder satisfies the mitigation obligation using payment-to-provide mitigation (i.e., Options 1 or 2) then the mitigation obligation for any future owner would be complete. A Site Certificate transfer would require approval by EFSC, so there is ability to verify mitigation status during a transfer of ownership.

Table 2. Example Construction Schedule

Year	Activity
2020	Issuance of Bakeoven Solar Project site certificate.
2020	Final engineering and begin construction.
2021	Phase 1 construction and operation.
2022	Phase 2 construction and operation.
2023/2024	Phase 3 construction and operation.
2026	Construction completion deadline for all phases.

3.0 Methods for Calculating the Size of the Mitigation Area

The mitigation area will be determined for each phase of the Facility based on the final design for that phase and actual habitat impacts (i.e., Category 2 vs. Category 6 habitat). Before beginning construction of each phase of the Facility, the Certificate holder will provide the Oregon Department of Energy (ODOE) with a map showing the final design configuration for that phase of the Facility, and a table showing the estimated acres of permanent and temporary impacts by habitat category (Table 1). Mitigation calculations for each phase will be based on current habitat conditions that will be mapped and field verified by the Certificate holder no earlier than 2 years prior to construction of each phase.

Current habitat conditions will be used to calculate the size of the mitigation area using the mitigation ratios presented in Table 3. Use of these mitigation ratios will ensure that the mitigation area is large enough to achieve “no net loss” of habitat quantity and that a “net benefit” in habitat quantity is provided. The obligation to achieve “no net loss” in habitat quality and a “net benefit” in either habitat quality or quantity will be achieved through an evaluation of structure and function of the facility site compared to the mitigation site(s) and enhancement actions and success criteria appropriate for monitoring and achieving the habitat mitigation goal for Category 2 habitat, for which the entirety of the facility site is located. All mitigation options described below include a habitat enhancement component through either payment to third-party or restoration actions performed by the Certificate holder. Therefore, implementation of this HMP will result in habitat mitigation that is consistent with the ODFW Habitat Mitigation Policy.

Table 3. Compensatory Mitigation Ratios

Final Habitat Category¹	Current Habitat Category²	Mitigation Ratio Permanent³	Mitigation Ratio Temporary⁴
2	2	1.5:1	0.5: 1 for Shrub Steppe habitat
	3	1.3: 1	0.5: 1 for Shrub Steppe habitat
	4	1.2: 1	None
	5	1.1: 1	None
6	6	None	None
1. Final Category following application of ODFW Designated Mule Deer Winter Range overlay. 2. Current habitat condition and category as mapped by the Certificate holder prior to construction. 3. Permanent impact areas based on final design and includes the Facility's footprint. No mitigation offered for Category 6 habitat. 4. Compensatory mitigation for temporal habitat loss to current Category 2 or 3 Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe sub-habitat type (see Table 1). Other habitat types will be restored following the methods described in the Revegetation Plan.			

For temporal impacts that require mitigation, the mitigation area will include up to 0.5 acres for every 1 acre of Upland Grassland, Shrub-Steppe and Shrubland – Shrub-Steppe sub-habitat type that is temporary affected by construction activities (but outside the Facility footprint). The size of this portion of the mitigation area assumes that restoration of disturbed eastside grassland and shrub-steppe habitat is successful, as determined under the Revegetation Plan (Attachment P-3 to Exhibit P). Additional mitigation may be needed if restoration efforts of other habitat types is unsuccessful.

Because the Facility will be constructed in phases, it is assumed that compensatory mitigation will be based on the new impacts of each phase, and there would be no double counting of impacts associated with shared facilities with prior phases (e.g., shared transmission line or substation).

4.0 Mitigation Options

The Certificate holder has identified three options for addressing the mitigation obligation where habitat protection and enhancement and/or commensurate funding are feasible and consistent with this HMP. Each option is located within the Columbia Plateau and “in proximity” to the Facility. The Certificate holder may use one option or a combination of options to mitigate for habitat impacts, and will determine the combination of the mitigation options that best correlate to the impacted areas in consultation with ODFW and the affected landowners, subject to ODOE's approval. As described above, Option 1 is not an available mitigation option at the time of ASC review and approval; but the Certificate holder preserved the right to use Option 1 should it be available in the future.

The final mitigation approach will offer enough suitable habitat to achieve the ODFW goal of no net loss of habitat quantity or quality, and provide a net benefit in habitat quantity. As the potential mitigation locations are within ODFW-mapped Mule Deer Winter Range, acquisition of these areas

constitutes Category 2 habitat regardless of the habitat condition, and thus meets the ODFW goal of no net loss of habitat quantity; any enhancement actions successfully performed would result in a net benefit in habitat quality. Prior to operation of the Facility, or a particular phase of the Facility, the Certificate holder will acquire the legal right to create, maintain, and protect the habitat mitigation area for the life of the Facility² by means of an outright purchase, conservation easement, or similar conveyance, and will provide a copy of the documentation to ODOE. The duration of mitigation Option 1 and Option 2 would be in perpetuity (i.e., permanent conservation of habitat), whereas the duration of Option 3 would be limited to the life of the Facility (i.e., a limited term).

4.1 Option 1: ODFW Payment-to-Provide

The Certificate holder understands that ODFW is considering a payment-to-provide program that could be used to mitigate habitat impacts related to energy facilities. However, at this time, this program is not yet available. Should such a program become available in the future, the Applicate could use a payment-to-provide mitigation option with the approval of ODOE and ODFW.

4.2 Option 2: Third-Party Payment-to-Provide

Under this option, the Certificate holder would partner with either Western Rivers Conservancy (Option 2a) or the Deschutes Land Trust (Option 2b) in land acquisition for the purpose of habitat protection and restoration. This mitigation option has the ability to achieve landscape-level habitat protection because the Certificate holder would partner with a land trust on a larger mitigation project. The Certificate holder believes this mitigation option offers substantial benefits mule deer because it enables more winter range to be protected than a traditional, stand-alone mitigation site (Option 3).

The Certificate holder would meet its mitigation obligation by providing a one-time payment to the third-party mitigation provider prior to commercial operation of the Facility, or phase of the Facility. The payment would take into consideration the cost of property acquisition for the mitigation area (i.e., Land Costs), habitat improvement actions (i.e., Restoration Action Costs or Habitat Enhancement Actions), maintenance and monitoring for long-term protection and management of the site (i.e., Stewardship Costs). The following formula would be used to determine the total mitigation payment:

$$\text{Mitigation cost per acre} = M * (R + L + V + S)$$

Where:

- M = Mitigation ratio as defined in Section 3
- R = Restoration costs per acre + contract administration costs to implement restoration
- L = Restoration maintenance costs per acre

² As used in this Plan, “life of the facility” means continuously until the Facility site is restored and the site certificate is terminated in accordance with Oregon Administrative Rules 345-027-0110.

- V = Land value per acre. Land costs of the mitigation site based on the appraised land value, actual costs, or a value determined by the third-party mitigation provider
- S = Stewardship endowment costs per acre, determined by the third-party mitigation provider

The two mitigation opportunities are considered “in-kind” mitigation, as both mitigation sites are within the ODFW-mapped Mule Deer Winter Range, and each site has grassland and shrub-steppe habitat types that are similar the Facility’s micrositeing corridor. Because the equation above assumes a proportional payment to the acquisition and maintenance of the third-party’s mitigation site, no specific habitat assessment of the mitigation site will be provided.

Prior to the construction, the Certificate holder would provide ODOE with a Memorandum of Understanding (MOU) between the Certificate holder and the third party mitigation provider that documents the transaction, confirms the applicability of the above mitigation equation, and includes a copy of the mitigation site’s management plan. The management plan will be prepared by the third-party and would describes the long-term management goals and monitoring program for the mitigation site. The Certificate holder will request that the management plan acknowledge that the monitoring reports be available for ODOE review; and will provide copies of the monitoring reports in its annual report to the Department.

The Certificate holder has identified two partners, Western River Conservancy and Deschutes Land Trust, that both have near-term plans for large scale habitat conservation projects in Wasco County. This HMP assumes that either option (e.g., Option 2a, or Option 2b) could be executed prior the operation of any Facility phase; if the third-party has not closed on the purchase of the mitigation site prior to construction, then this option is not feasible.

If Option 2 (2a or 2b) is selected, the certificate holder shall provide a habitat assessment and copy of the executed MOU with the land management entity demonstrating acquisition of lands to satisfy ODFW’s Category 2 habitat mitigation goal (no net loss – quantity, quality; net benefit in quantity or quality; and in-kind (similar habitat structure and function as facility site), in-proximity location); confirms applicability of mitigation equation as presented in this HMP, and includes a copy of the management plan with enhancement actions, for which the third-party land management entity agrees to adhere. The certificate holder shall ensure that the MOU includes provisions limiting the ability of the land management entity to provide compensatory mitigation for more area than is available within the managed area based on the mitigation obligation for individual projects.

The certificate holder shall also provide a parent company guarantee, or equivalent financial security agreement, to the Department including terms and conditions which could result in new compensatory mitigation in the event reports from the third-party land management entity demonstrate long-term failure (i.e. documented trends not achieving success with plan’s success criteria) of the mitigation area, or other mitigation actions such as different enhancement actions at the mitigation area.

4.2.1 Option 2a. Western Rivers Conservancy

Under Option 2a, the Certificate holder would contribute funds to Western Rivers Conservancy that would be used to support the purchase of lands along the John Day River in Wasco County. The subject parcel is a former ranch located along the lower John Day River that includes about 30,000 acres and is at risk of being subdivided into smaller parcels because the landowner plans to sell the property. The Certificate holder's contributions would support Western River Conservancy's purchase for the entire property and maintain this large continuous area as a single tract. Western River Conservancy is currently negotiating the purchase terms with the landowner and the exact location of the mitigation site is not publicly available at this time.

The land would be eventually transferred to the Bureau of Land Management (BLM) and added to the John Day River Wild and Scenic Designation. BLM would manage the land under its John Day Basin Resources Management Plan³, which includes management objectives to maintain or improve winter range for deer and elk (Objective W1) and special considerations for areas within Wild and Scenic River designations. Western Rivers Conservancy would transfer land to the BLM depending on the availability of Land and Water Conservation Funds allocated by the U.S. Congress. Western Rivers Conservancy will manage and maintain the lands until this transfer occurs. During this interim period, Western River Conservancy would implement an interim management plan that precludes cattle grazing, limits public access to foot access only, and potentially includes removing structures.

BLM's John Day Basin Resource Management Plan allows for mineral and energy extraction in the planning area but these activities are not allowed within land within Wild and Scenic River designation. The land acquisition deal is structured to preclude future mineral development. There are no executed mineral leases on the property, but Western Rivers Conservancy is aware of three outstanding mineral reservations. At part of its due diligence, Water River Conservancy will complete a third-party evaluation of mineral resources potential to assess the actual resources and feasibility for future mineral development. If this evaluation indicates a possibility of mineral development, then Western Rivers Conservancy will offer to purchase the mineral reservations or rights, and work with the BLM to expressly preclude mineral development in documents (e.g., National Environmental Policy Act documents) prepared for the land transfer. Based on this approach, the Certificate holder believes there is little chance of future mineral development that could affect the mitigation lands associated with the Facility. Additionally, by law, all property acquired by federal agencies utilizing a Land and Water Conservation Fund appropriation must be managed for conservation and may not be sold.

The Western Rivers Conservancy mitigation option would benefit wintering deer, as robust riparian vegetation with a high diversity of woody shrub species along streams is an important component of winter deer habitat (ODFW 2011). During severe winters, snow can cover annual grasses and

³ https://www.blm.gov/or/districts/prineville/plans/files/pdo_rodrrmp_John_Day_Basin_ROD-RMP_06102015.pdf

native bunch grasses, so access to nutritious woody vegetation (i.e., shrubs) is essential to over-winter survival (ODFW 2011).

Western River Conservancy will monitor the mitigation site per the terms of its interim management plan, which will be provided to ODOE by the Certificate holder. Once transferred to BLM, then monitoring needs and objectives would follow BLM's resources management plan. But over time, Western Rivers Conservancy would revisit the mitigation site to verify that the goals of the original project have been met⁴. This assessment could include researching the background of the project, conducting field inspections, interviewing current land managers and other people with an interest in the property.

If Option 2a is selected, the certificate holder must demonstrate to the Department and ODFW that the BLM, through formal agreement, would acquire the property without mineral rights, impose grazing restrictions beyond normal BLM range management policies and that the BLM is able to protect the conservation values either through LWCF funding restrictions or through a Wild and Scenic designation.

4.2.2 Option 2b. Deschutes Land Trust

Under Option 2b, the Certificate holder would contribute funds to the Deschutes Land Trust for the acquisition and management of a 5,820-acre property in south Wasco County, known as the Trout Creek Preserve. The Deschutes Land Trust would own and maintain this site, with an overlapping conservation easement held by the Oregon Watershed Enhancement Board (OWEB). The Trout Creek Preserve is within the ODFW-defined winter range for mule deer and elk. Similar to the Western Rivers Conservancy mitigation option, the Deschutes Land Trust mitigation option would benefit wintering deer as robust riparian vegetation with a high diversity of woody shrub species along streams is an important component of winter deer habitat (ODFW 2011).

⁴ See <http://www.westernrivers.org/projectatlas/stewardship/>

4.3 The Deschutes Land Trust would develop a management plan for the Trout Creek Preserve with input from ODFW, and conservation objectives will focus on stream protection and rangeland improvements. Monitoring would consist of assessing habitat conditions, taking photos or acquiring aerial imagery to compare with previous/baseline photos, looking at the success of various treatments, and checking for misuse of or damage to the property. Deschutes Land Trust has a stewardship program respond to issues on the mitigation site on a regular basis, such as minor weed encroachments, fence repairs, or dealing with human trespass issues. Deschutes Land Trust would conduct annual monitoring for the entire Trout Creek Preserve, and would update its management plan every 5 years based on monitoring results and opportunities for adaptive management. The MOU between the Certificate holder and Deschutes Land Trust will specify that the updated management plans be provided to ODOE when available (i.e., every 5 years). Option 3: Conservation Easement Lands Adjacent to the Facility

Under this option, the Certificate holder would establish conservation easements adjacent to the Facility. In consultation with participating landowners, the Certificate holder has identified two areas that could be used for mitigation sites. First, the A&K Ranch site includes multiple parcels totaling 2,428 acres (Figure 1). Second, the Maupin Opportunity Area is a larger area about 40,322 acres southwest of the Facility (Figure 1). Both areas are within the ODFW-defined Mule Deer Winter Range and have enhancement opportunities beneficial to big game and grassland birds.

Some of the parcels of the A&R Ranch site are along Bakeoven Creek and contiguous with land managed by the BLM, providing an opportunity for integrated enhancement over a larger area. As described above under Option 2, robust riparian vegetation with a high diversity of woody shrub species along streams is an important component of deer winter habitat. The Oregon Mule Deer Initiative (ODFW 2011) identified these types of habitats as highly impacted compared to historical conditions, noting that riparian areas have been degraded and often lack quantity and diversity of shrub species. Therefore, enhancement of riparian habitat along Buck Hollow Creek would benefit wintering mule deer.

The second mitigation area is known as the Maupin Opportunity Area and was recommended by ODFW for consideration by the Certificate holder in an August 2019 meeting (Figure 1). The property is proximate to the site boundary, provides ample potential acreage, and is composed of similar habitat types suitable for in-kind mitigation. A portion of the property is located immediately south of Bakeoven Road, near the westernmost section of the proposed transmission line. Habitat in this area was desktop delineated (as shown in Exhibit P Figure P-4) as primarily shrub-steppe and planted grassland habitat, with intermittent riparian, wetland, and developed

areas. Much of the area shown in the figure was within the boundary of the 2018 Boxcar Fire. Areas to the north of Bakeoven Road were not impacted by this disturbance. Per ODFW (pers. comm., Jeremy Thompson, August 19, 2019), before the fire, the habitat with the Maupin Opportunity Area was similar to habitat within the site boundary; however, its condition following fire disturbance and a year of recovery time is unknown. Per ODFW, this area likely offers opportunities for upland and grassland habitat restoration, to mitigate for permanent and temporary impacts to grassland habitats due to the construction and operation of the Facility (Table 1). Enhancement of grassland habitat in this area would potentially improve forage quality for wintering mule deer and offer improved conditions for grassland bird species as well.

Per ODFW request (pers. comm., Jeremy Thompson, August 19, 2019), the Certificate holder has performed a desktop analysis of the remainder of the approximately 40,322-acre area. Using pre-fire imagery via Google Earth, the Certificate holder confirmed that the property appears to be primarily a mix of upland grasslands (some appear to be planted), and a mosaic of shrublands and grasslands. Pre-fire, junipers were encroaching on these shrub-steppe habitats from lower-elevation draws and possible riparian areas, but the condition of these trees post-fire is unknown. If Option 3 is pursued, the Certificate holder will continue to work with ODFW to identify opportunities to protect and enhance habitats in this area, and to define the appropriate monitoring of mitigation parcels. Prior to construction, the Certificate holder will provide an updated desktop analysis to confirm the habitat subtype within the mitigation parcel(s).

If Option 3 is selected, prior to construction of the facility or any phase of the facility, the certificate holder shall acquire the legal right to create, enhance, maintain and protect the habitat mitigation area as long as the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Prior to construction of the facility or any phase of the facility, the certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map, and available acres by habitat category and subtype in tabular format.

4.3.1 Habitat Enhancement Actions

If Option 3 is selected, the Certificate holder will develop a management plan for the selected mitigation site that includes habitat enhancement actions to improve the habitat conditions of the mitigation site. The objectives of habitat enhancement are to protect habitat within the mitigation area from degradation and to improve the habitat quality of the mitigation area. By achieving these objectives, the Certificate holder can address the permanent and temporal habitat impacts of the Facility and meet the ODFW goals of no net loss of habitat quantity or quality and a net benefit in habitat quantity or quality for impacts to Category 2 habitat. The Certificate holder may choose one or more of the following enhancement actions based on the needs of the selected habitat mitigation area to improved habitat conditions, as appropriate and feasible:

1. **Shrub Planting.** The Certificate holder would plant sagebrush or other native shrubs in locations within the habitat mitigation area where existing native shrubs are stressed, or

where recent wildfires have occurred. The Certificate holder would determine the size (including number of shrubs and age of shrubs – seedlings or transplanted mature plants) of the shrub-planting areas and the shrub species based on the professional judgment of a qualified biologist after a ground survey of actual conditions. The size of the shrub-planting areas will depend on the size of the available mitigation area and opportunity for survival of planted shrubs. If appropriate, other native shrubs may include antelope bitterbrush (*Purshia tridentata*), golden currant (*Ribes aureum*), and winterfat (*Krascheninnikovia lanata*). The shrub survival rate at 4 years after planting is an indicator of successful enhancement of habitat quality to Category 2. The Certificate holder would complete the initial shrub planting within 1 year after the beginning of construction of the Facility, or a particular phase of the Facility. Supplementing existing, but disturbed, sagebrush areas with sagebrush seedlings or transplanted mature plants would assist the restoration of this valuable shrub-steppe component. The Certificate holder would obtain shrubs from a qualified nursery, and would identify the area to be planted with sagebrush or other native shrubs after consultation with ODFW, subject to final approval by ODOE. The Certificate holder would mark the planted shrub clusters at the time of planting for later monitoring purposes, and would keep a record of the number of shrubs planted. Plantings would generally be considered successful if a 20 percent survival rate is achieved after 4 years.

2. Weed Control. The Certificate holder would implement a weed control program. Under the weed control program, the Certificate holder would conduct a pre-management weed assessment to identify the type and percentage of non-native species within the mitigation area. The Certificate holder would then monitor the mitigation area to locate weed infestations. The Certificate holder would continue weed control monitoring, as needed, for the life of the Facility. As needed, the Certificate holder would use appropriate methods to control weeds. Appropriate weed control methods shall include identification of noxious weeds within the mitigation area, timing, herbicides, and application mechanism and be based on consultation with the county weed control authority. Weed control on the mitigation site will reduce the spread of noxious weeds within the habitat mitigation area and on any nearby grassland, Conservation Reserve Program or cultivated agricultural land. Weed control will promote the growth of desirable native vegetation and planted sagebrush. The Certificate holder may consider weeds to be successfully controlled when weed clusters have been eradicated or reduced to a non-competing level. Weeds may be controlled with herbicides or hand-pulling. The Certificate holder would notify the landowner of the specific chemicals to be used on the site and when spraying will occur. To protect locations where young desirable forbs may be growing, spot-spraying may be used instead of total area spraying.
3. Seeding. The Certificate holder would plant an ODFW-approved seed mix within the habitat mitigation area in areas that have been recently disturbed (e.g., recent wildlife or weed treatment). The method for seed application would be determined primarily based on the size of the area to be seeded. The size of the seeded area will depend on the amount of recently disturbed area within the mitigation area. The Certificate holder would complete

the initial seeding within 1 year after the beginning of construction of the Facility, or a particular phase of the Facility. The Certificate holder would record and mark the seeded areas at the time of seeding for later monitoring purposes.

4. **Fire Control.** The Certificate holder would implement a fire control plan for wildfire minimization when Facility staff are working within the mitigation area. The Certificate holder would provide a copy of the fire control plan to ODOE before starting habitat enhancement actions. The Certificate holder would include in the plan appropriate fire prevention measures, methods to detect fires that may occur and a protocol for fire response if a fire were to occur when Project staff were present. If any part of the mitigation area is damaged by future wildfire, the Certificate holder would assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.
5. **Riparian Planting.** The Certificate holder would plant appropriate riparian species along streams to enhance these riparian areas, if present, for the benefit of fish and big game. Riparian plantings will improve access to nutritious woody vegetation for wintering deer, which is essential to over-winter survival during severe winters when annual grasses and native bunchgrasses are covered in snow. Riparian plantings will improve shading of streams, which will improve temperature conditions for fish at the location of plantings, as well as downstream. Riparian plantings will also provide cover for big game and help stabilize soil.
6. **Fence Building.** The Certificate holder would build fencing around the riparian plantings to reduce grazing pressure and allow riparian vegetation to grow. Fencing would be designed to exclude cattle but not deer. Woody vegetation is used by deer for foraging in the winter and provides cover for insulation and hiding.
7. **Juniper Removal.** Where appropriate, the Certificate holder would remove encroaching juniper to increase the amount of sunlight, moisture, and nutrients available for shrubs and forbs used by mule deer.
8. **Habitat Protection.** The Certificate holder would restrict uses of the mitigation area that are inconsistent with the goals of no net loss of habitat quantity or quality and a net benefit in Category 2 habitat quantity or quality.

Table 4 outlines the anticipated costs and benefits of various enhancement actions, as well as the anticipated cost of operations and maintenance.

Table 4. Estimated Restoration Cost Per Unit and Benefit to Mule Deer Winter Range

Type	Action	Cost per Unit	Units	Benefit
Enhancement	Shrub Planting	\$136.95 ¹	Per acre	Provide access to nutritious woody vegetation during winter, especially severe winters when snow covers grass forage, in order to improve over-winter survival. Deer on winter ranges without a shrub component often have high rates of over-winter mortality (ODFW 2011).
	Biological, Chemical, or Mechanical Weed treatment	\$8.81 – \$257.73 ¹	Per acre	Reduce competition with desirable forage species to improve or maintain mule deer forage quality and quantity ⁴ . Impacts of invasive species on Oregon's fish and wildlife resources are one of the seven most pressing conservation issues identified in the Oregon Conservation Strategy (ODFW 2016).
	Riparian Planting	\$1,220.60 ¹	Per acre	Provide access to nutritious woody vegetation during winter, especially severe winters when snow covers grass forage, in order to improve over-winter survival. Robust riparian vegetation with a high diversity of woody shrub species along streams are an important component of deer winter habitat (ODFW 2011).
	Juniper Removal	\$100 ²	Per acre	Increase the amount of sunlight, moisture, and nutrients available for shrubs and forbs used by mule deer (ODFW 2014). Shrubs are important where snow is deep during winter (ODFW 2016).
	Rangeland Broadcast/Drill Seeding	\$198.53 – \$293.48 ¹	Per acre	Establish desirable forage species in areas that have been disturbed (e.g., following high intensity fire, juniper treatments, or repeated weed treatments) and provide competition for weeds ⁴ . Perennial grasslands and sagebrush steppe are important habitat features of key deer winter range areas (ODFW 2016).
	Hydroseeding (of Critical Areas)	\$1,092.93 ¹	Per acre	
	Wildlife Exclusion Fence Building	\$5.03 ¹	Per foot	Reduce grazing pressure on important shrubs by improving cattle distribution, and enhance riparian areas which could then be used by mule deer as fawning habitat ⁴ . Woody vegetation (e.g., bitterbrush, aspen, alder, willow, oak) are used by deer for foraging in the winter, and provide cover for insulation and for hiding (ODFW 2016).
Operations	Annual Operation and Maintenance	\$33 ³	Per acre	N/A

Type	Action	Cost per Unit	Units	Benefit
1. Based on the Fiscal Year 2019 Oregon Natural Resources Conservation Service Environmental Quality Incentives Program Practice Payment Rate Schedule (NRCS 2019). 2. Based on Memorandum from ODFW to Avangrid Renewables dated December 14, 2016 describing ODFW Solar Development Mitigation Recommendations in Crook County (pers. comm. Greg Jackie, ODFW, December 14, 2016). 3. This O&M cost is an estimate of the cost per acre per year (not including acquisition/easement costs) based on the research presented in the Independent Economic Analysis Board's 2007 Investigation of Wildlife O&M Costs. The average cost per acre presented in that document was \$24 in 2004 dollars, this has been adjusted to reflect 2019 dollars (IEAB 2007).				

Prior to construction of the facility or any phase of the facility, if Option 3 is selected, the certificate holder shall propose quantitative success criteria for the enhancement actions selected for implementation at the mitigation site(s), based on the enhancement actions listed above, as concurred by the Department in consultation with ODFW.

4.3.2 Monitoring

For Option 3 (Conservation Easement), the Certificate holder will hire a qualified investigator (botanist, wildlife biologist, or revegetation specialist) to conduct a comprehensive monitoring program for the mitigation area, as appropriate. The purpose of this monitoring is to evaluate on an ongoing basis the protection of the habitat quality and the results of enhancement actions, especially during the winter and wildlife breeding seasons.

The investigator will monitor the habitat mitigation area for the life of the Facility beginning in the year following the initial planting. Monitoring will occur annually during the first 10 years following initial planting, then will occur every 3 years thereafter. The Certificate holder will identify appropriate monitoring actions for the Conservation Easement and the habitat enhancement actions that are implemented in consultation with ODOE and ODFW. Depending upon specific habitat enhancement actions implemented, the investigator may carry out the following monitoring procedures:

1. Assess vegetation cover (species, structural stage, etc.) and progress toward meeting the success criteria;
2. Record environmental factors (such as precipitation at the time of surveys and precipitation levels for the year);
3. Record any wildfire that occurs within the mitigation area and any remedial actions taken to restore habitat quality in the damaged area;
4. Assess the success of the weed control program and recommend remedial action, if needed; and
5. Assess the survival rate and growth of planted species.

The investigator will visit identified monitoring points within planted areas. Plantings will generally be considered successful if a 20 percent survival rate is achieved after 4 years. The investigator will report on the timing and extent of any livestock grazing that has occurred within the mitigation area since the previous monitoring visit.

5.0 Success Criteria

Mitigation of the permanent and temporal habitat impacts of the Facility may be considered successful if the Certificate holder protects and enhances sufficient habitat to meet the ODFW goals of no net loss of habitat quantity or quality and a net benefit in habitat quantity or quality for impacts to Category 2 habitat, or provides commensurate funding. For Option 1 or 2, mitigation shall be considered successful in meeting the Certificate holder's obligations at the time of payment to the third-party mitigation provider. For Option 3, the success will be based on improvement of habitat quality based on evidence of indicators such as survival of planted shrubs, natural recruitment of sagebrush, and successful weed control. However, much of the Category 2 habitat impacted by the Project was preliminarily identified as Category 3, 4, and 5 habitat based on vegetative characteristics such as presence of non-native species and was only designated as Category 2 habitat based on its value to wintering mule deer. As a result, habitat within the mitigation area will only need to be enhanced to the extent that it provides net benefit over the quality of habitat impacted by the Facility as it falls within ODFW-designated Mule Deer Winter Range. If the Certificate holder cannot demonstrate that the habitat mitigation area is trending toward the habitat quality goals described above within 5 years after the initial shrub planting, the Certificate holder would propose remedial action. ODOE may require supplemental planting or other corrective measures.

6.0 Pre-Construction Reporting

Prior to any phase of construction, the Certificate Holder shall provide to ODOE and ODFW a report identifying the mitigation option(s) selected to meet the Council's Fish and Wildlife Habitat standard for permanent and temporal habitat impacts. The report shall identify the mitigation ratio for permanent impacts, established within a range deemed acceptable of 1.1 to 1.5 acres per 1 acre impacted. The report shall confirm that temporal impacts would be mitigated at a ratio of 0.5 acres for every 1 acre temporarily impacted that is anticipated to take 5 or more years to recover.

The report shall specify the methodology for evaluating the habitat subtype/quality within the areas of permanent and temporal disturbance and within the mitigation sites for either or both Options 1 and 2, depending on final options selected for implementation.

The report shall identify the enhancement actions to be implemented at the mitigation site and shall provide the metrics necessary to evaluate enhancement action success.

7.0 Amendment of the HMP

This HMP may be amended from time to time by agreement of the Certificate holder and the Oregon Energy Facility Siting Council (Council). Such amendments may be made without amendment of the site certificate. The Council authorizes ODOE to agree to amendments to this HMP. ODOE shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this HMP agreed to by ODOE.

8.0 References

- IEAB (Independent Economic Analysis Board). 2007. Investigation of Wildlife O&M Costs. Task Number 116. October 30, 2007. IEAB 2007-4.
- NRCS (Natural Resources Conservation Service). 2019. Environmental Quality Incentives Program (EQIP) payment schedule for Oregon.
<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/financial/?cid=nrcseprd1328259> Accessed January 2019.
- ODFW. 2011. Oregon Mule Deer Initiative. January 7, 2011. Available online at:
https://www.dfw.state.or.us/resources/hunting/big_game/mule_deer/docs/Mule_Deer_Mgmt_Plan_Final.pdf. Accessed February 2019.
- ODFW. 2013. ODFW Winter Range for Eastern Oregon. GIS dataset available online at: <https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml>
- ODFW. 2014. Oregon Mule Deer Initiative 5 Year Summary 2010 – 2014. Available at:
https://www.dfw.state.or.us/resources/hunting/big_game/mule_deer/docs/Mule_Deer_Initiative_5_Year_Summary.pdf.
- ODFW. 2016. Oregon Conservation Strategy. Oregon Department of Fish and Wildlife, Salem, Oregon.

ARCHAEOLOGICAL AND HUMAN REMAINS INADVERTENT DISCOVERY PLAN (IDP)

Sunset Solar Project

Sunset Solar, LLC September 2, 2025 SHPO case number 18-1859

This document outlines procedures and protocols to be followed if archaeological objects or features, or human remains are encountered in the course of work. These procedures are intended for circumstances where there is not an expectation or anticipation of encountering cultural resources or human remains. **This is not a replacement for due diligence, robust project design, and consultation with appropriate Native American Tribes.**¹ Prior to undertaking project work, an assessment of the likelihood for disturbance to cultural resources and tribal heritage should be completed. All personnel will be briefed on all procedures and reporting structures before the start of any work.

CONTENTS OF THIS DOCUMENT

- A. Procedures for archaeological features and materials
 - B. Procedures for human remains, burials, funerary objects, sacred objects, and objects of cultural patrimony
 - C. Roles and responsibilities
 - D. Contact information
 - E. Confidentiality statement
 - F. Procedure flow chart
 - G. Visual reference guide for archaeology and tribal heritage items
-

A. *PROCEDURES FOR INADVERTENT DISCOVERY OF ARCHAEOLOGICAL FEATURES AND MATERIALS (DOES **NOT** INCLUDE HUMAN REMAINS, BURIALS, FUNERARY OBJECTS, OBJECTS OF CULTURAL PATRIMONY, OR SPIRITUAL OBJECTS)*

It is expected that ALL artifacts, features, structural elements, and other cultural items that are identified will be reported to required project, agency, and Tribal contacts, and accounted for as soon as possible. It is understood that there will be a single project point of contact to coordinate with the project archaeologist, SHPO, LCIS, and appropriate Native American Tribes.

Step 1. Stop work (immediately after discovery)

If any person believes that they have located an archaeological object² or site³, all work must stop immediately.

¹ Appropriate Native American Tribes will be identified by LCIS

² "Archaeological object" means an object that is at least 75 years old (or 50 years if there is a federal nexus), is part of the physical record of an indigenous or other culture found in the state or waters of the state, and is material remains of past human life or activity that are of archaeological significance including, but not

Discovery made in field _____(date/time) _____ (initials of discoverer)

Step 2. Secure and protect the area (within first hour after discovery)

Establish a **minimum** 30 meter/100-foot area of protection, or more as necessary, around the find(s). Exclude all vehicle traffic and non-essential foot traffic. Non-ground-disturbing work may continue outside of the area of protection with caution until the situation is assessed by a qualified archaeologist.⁴

Buffer established _____ (time) _____ (initials of person responsible)

Step 3. Notify (within first hour after discovery)

Notify the project manager, agency official (if applicable), and project archaeologist. If there is not an archaeologist on-site, or on retainer for the project, the project manager will contact an Oregon Qualified Archaeologist (which include agency and Tribal archaeologists) to assess the find.

Project Manager contacted _____ (time) _____ (initials of contactor)

Agency Official contacted _____ (time) _____ (initials of contactor)

Project Archaeologist contacted _____ (time) _____ (initials of contactor)

Step 4. Identify and Follow Guidance (timeline variable, as soon as possible)

If the archaeologist determines the find is an archaeological feature or object, or other cultural item or feature, OR if no qualified archaeologist can be contacted within the first hour of discovery, the **State Historic Preservation Office (SHPO) and appropriate Native American Tribes must be contacted**, and their guidance must be followed. SHPO, Native American Tribes, and project and agency personnel will determine in consultation how or if work may continue at the site. If the discovery is determined to *not* be archaeological or a cultural item, you may continue work. This determination should be confirmed in writing to the project manager and agency official.

SHPO contacted _____ (time) _____ (initials of contactor)

Appropriate Native American Tribes⁵ _____ (time) _____ (initials of contactor)

limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products (ORS 358.905).

³ "Archaeological site" means a geographic locality in Oregon that contains archaeological objects and the contextual associations of the archaeological objects with each other or biotic or geological remains or deposits (ORS 358.905).

⁴ Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

⁵ ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

B. PROCEDURES FOR INADVERTENT DISCOVERY OF HUMAN REMAINS

(INCLUDES HUMAN REMAINS, BURIALS, FUNERARY OBJECTS, OBJECTS OF CULTURAL PATRIMONY, AND SPIRITUAL OBJECTS)

It is expected that ALL potential human remains, burials, funerary objects, or objects of cultural patrimony that are identified will be reported and accounted for within 3 hours of discovery.⁶ It is understood that there will be a single project point of contact to coordinate with the project archaeologist, SHPO, LCIS, OSP and appropriate Native American Tribes.

Step 1: Stop work (immediately after discovery)

If any person believes that they have located human remains⁷, ALL work will stop immediately. Any human remains, regardless of antiquity or ethnic origin, will always be treated with dignity and respect.

Step 2. Secure and protect the area (as soon as possible, within c. 10 min)

Secure and protect the area of inadvertent discovery with a **minimum** of 100 meter/300 foot buffer, or more as necessary. The location and other information about the find should be treated as confidential and shared on a **need to know basis only**. Prevent all vehicle traffic and unauthorized foot traffic from entry. Block remains from view and protect them from damage or exposure without touching or disturbing the remains, and leave them in place.

Do not take photographs unless approved by the appropriate Native American Tribes and Oregon Legislative Commission on Indian Services (LCIS), and only for the purpose of identification. **Do not speak to the media or public** or post any information about the find on social media. Non-ground-disturbing work may continue outside of the buffer with caution.⁸

Buffer established _____ (time) _____ (initials of person responsible)

Step 3. Notify (within first hour after discovery) – see contact list below (section D)

- | | | |
|--|--------------|------------------|
| 1. Project Manager | _____ (time) | _____ (initials) |
| 2. Agency Official | _____ (time) | _____ (initials) |
| 3. Oregon State Police ⁹ DO NOT CALL 911 ¹⁰ | _____ (time) | _____ (initials) |
| 4. State Historic Preservation Office (SHPO) | _____ (time) | _____ (initials) |
| 5. Commission on Indian Services (LCIS) | _____ (time) | _____ (initials) |
| 6. Appropriate Native American Tribes ¹¹ | _____ (time) | _____ (initials) |

⁶ Modifications to reporting timelines can be made in consultation with SHPO and Tribes.

⁷ Bone may be fragmented, weathered, or otherwise modified to make it difficult to identify, so when in doubt, stop work and call it in.

⁸ Ground-disturbing work on different landforms distant from the find and outside of the buffer may continue.

⁹ OSP will be responsible for contacting the county or state medical examiner's office as appropriate.

¹⁰ **Unless remains are clearly modern.**

Name of Tribe(s) Contacted and Individual(s) contacted:

Step 4. Follow guidance (timeline variable, may be up to several days or more)

If the site is determined not to be a crime scene by the Oregon State Police, **do not move anything!** The remains will continue to be *secured in place* along with any associated funerary objects, and protected from weather, water runoff, and shielded from view. Follow all guidance provided by OSP, LCIS, SHPO, and appropriate Native American Tribes.

Continue to maintain the work stoppage within the buffer until a plan is developed and carried out between the Oregon State Police, SHPO, LCIS, and appropriate Native American Tribes and you are directed in writing by the project manager that work may proceed.

C. ROLES AND RESPONSIBILITIES (SEE CONTACT INFORMATION BELOW)

Person Responsible	Responsibility
Construction personnel will...	Notify the Project Manager
The Project Manager will...	Notify the Agency Official
The Project Manager will...	Notify the Contracted Archaeologist
The Project Manager will...	Notify the State Agencies (OSP, LCIS, SHPO)
LCIS or SHPO will...	Notify the Native American Tribes identified by LCIS
The Project Manager will...	Enforce the work stoppage and buffer

¹¹ ALL Tribes designated by LCIS must be notified. Contacting one or some of the Tribes does not fulfill the obligation to notify.

D. CONTACT INFORMATION¹²

Agency	Position/Contact	Contact Information
Project Manager	Marcella Patrick, Avangrid Power	801-946-1092, marcella.patrick@avangrid.com
Construction Manager	James Van Dyken, Avangrid Power	442-248-2656, james.van@avangrid.com
Agency Official	Sarah Esterson, Senior Policy Advisor, ODOE	503 373-7945 sarah.esterson@oregon.gov
Contracted Archaeologist	TBD	TBD
Legislative Commission on Indian Services (LCIS)	Primary Contact: Dr. Elissa Bullion, State Physical Anthropologist	971-707-1372
	Secondary Contact: LCIS Office	503-986-1067
Oregon State Police (OSP)	Primary Contact: Sgt. Ryan Tague	541-576-4393
	Secondary Contact: Dispatch, northern command ¹³	800-442-0776
	Secondary Contact: Dispatch, southern command ¹⁴	800-442-2068
State Historic Preservation Office (SHPO)	Primary Contact: John Pouley, State Archaeologist	503-480-9164
	Secondary Contact: Jamie French, Asst. State Archaeologist	503-979-7580
Native American Tribes	Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)	
	Lawrence Squiemphen, Tribal Historic Preservation Officer	541-553-2026
	David Witt, Review & Compliance Specialist	503-894-6618
Medical Examiner	Wasco County Medical Examiner -Gary M. Zeigler, MD	541-379-5154

E. CONFIDENTIALITY

¹² Contact information should be regularly updated for all individuals. Up to date contacts for LCIS, OSP, SHPO, and Native American Tribes can be found on the LCIS cultural resources page: [Commission on Indian Services archaeology \(oregonlegislature.gov\)](https://www.oregonlegislature.gov/archaeology)

¹³ Northern command: Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Hood River, Jefferson, Klamath, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, Yamhill

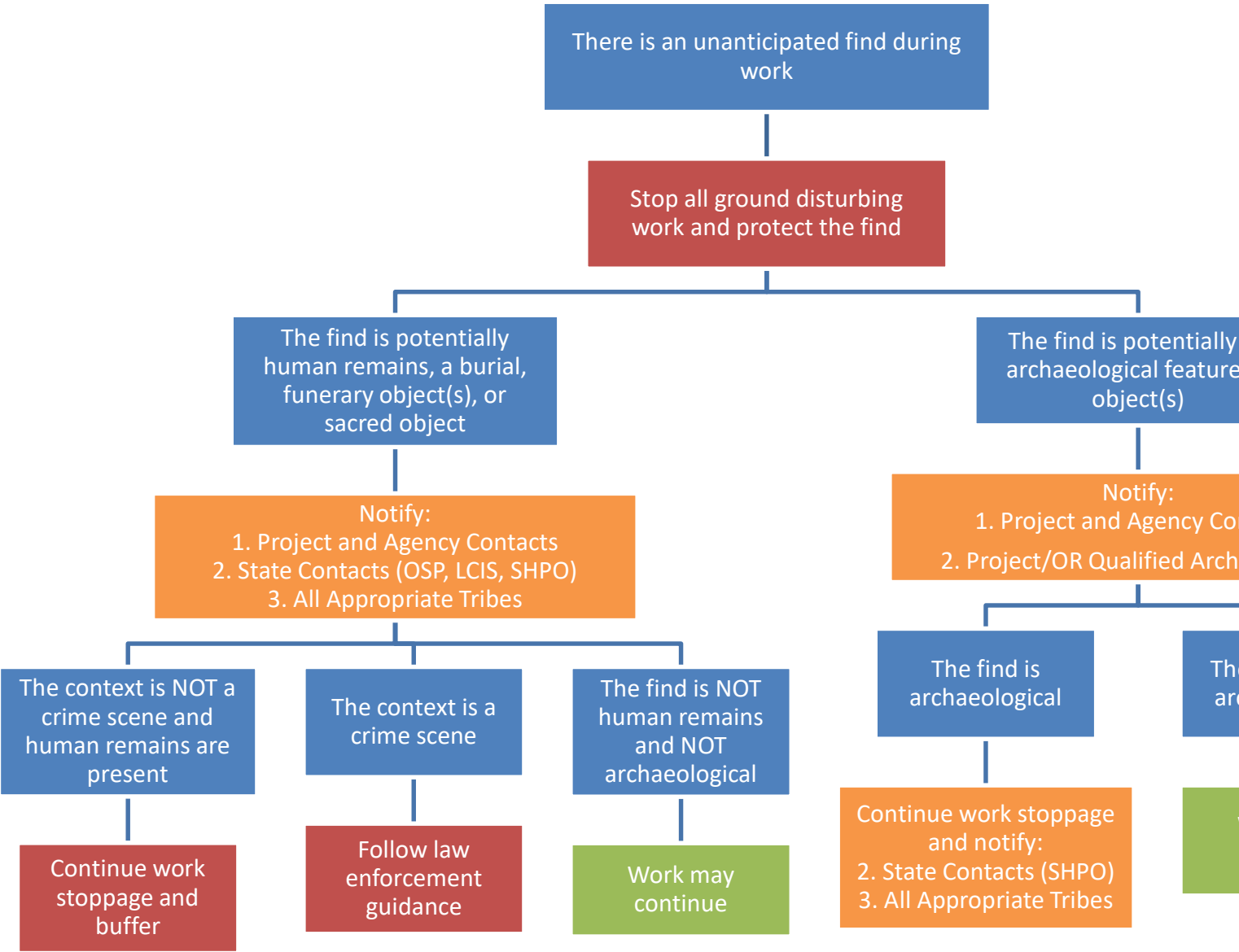
¹⁴ Southern command: Baker, Coos, Curry, Douglas, Grant, Harney, Jackson, Josephine, parts of Klamath, Lake, Malheur, Morrow, Umatilla, Union, and Wallowa

[Updated September 2024]

The Sunset Solar Project and employees shall make their best efforts, in accordance with federal and state law, to ensure that its personnel and contractors keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to ODOE. Photos shall not be taken except for when authorized by LCIS, SHPO, and Native American Tribes for identification purposes, and no photos will be circulated publicly or on social media. Prior to any release, the responsible agencies and Tribes shall concur on the amount of information, if any, to be released to the public.

To protect fragile, vulnerable, or threatened sites, the National Historic Preservation Act, as amended (Section 304 [16 U.S.C. 470s-3]), and Oregon State law (ORS 192.345(11)) establishes that the location of archaeological sites, both on land and underwater, shall be confidential.

F. PROCEDURE FLOW CHART



G. Visual Reference Guide for Archaeology in Oregon (Modify based on region/context)

Lithics and stone tools



Figure 1. Stone flakes



Figure 2. Stone projectile points



Figure 3. Ground stone tools: (left) pestle, (right) net weights,

Basketry/Cordage



Figure 4. Open diagonal twine basket fragments from Fort Rock Cave (UOMNCH).



Figure 5. Three-strand braid, sagebrush bark from Paisley Caves (UOMNCH).

Shell Middens



Figure 6. Cross section of shell midden.

Beads



Figure 7. Dentalium shell beads (UOMNCH).



Figure 8. Glass trade beads, Upper Columbia River (UOMNCH).

Fish Weirs



Figure 9. Wooden fish weir



Figure 10. Fishing weir.



Figure 11. Close up of fishing weir.

Culturally Modified Trees



Figure 12. Example of peeled pine.



Figure 13. Arborglyph on aspen tree

Historic Artifacts



Figure 14. Historical glass



Figure 15. Historical metal artifacts

Draft Construction Traffic Management Best Management Practices (BMPs) (Sunset Solar Project)

*To be incorporated into applicant's Construction Transportation Plan, for each phase

- Complete consultation with landowners to minimize disruptions to ranching and farming operations due to construction activities such as equipment delivery
- Provide proper road signage and warnings of "Equipment on Road," "Truck Access," or "Road Crossings"
- Implement traffic-diversion equipment (such as advance signage and pilot cars) whenever possible when slow or oversize loads are being hauled;
- Employ flag persons to direct traffic when large equipment is exiting or entering public roads to minimize risk of accidents. Flag persons may facilitate two-way traffic on one lane by alternately restricting travel directions. This method would not require full lane closures, detours, or reroutes. Flag persons would also monitor through traffic on public roadways as necessary so that they are not in conflict with construction vehicles.
- Maintain at least one travel lane at all times so that roadways would not be closed to traffic due to construction vehicles entering or exiting public roads
- Avoid peak traffic times identified through consultation with Wasco County and the City of Maupin by adjusting scheduling of workforce shifts or other methods, such as requiring construction workers to check for congestion prior to leaving for the Facility to consider an alternate route.
- Conduct awareness training for all construction workforce drivers, including appropriate techniques for sharing roads with recreation users (especially cyclists and during peak tourist season mid-June through early September) and proper navigation of tight curves in and near Maupin

Draft Construction Wildfire Mitigation Plan for the Sunset Solar Facility



Prepared for Sunset Solar, LLC
September 2025

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- 2** **Hazard to Potential Structures**
- 3** Place holder for construction site plan

Attachment

- 1** **Landowner Letter**

Acronyms and Abbreviations

ACP	American Clean Power
APLIC	Avian Power Line Interaction Committee
Certificate Holder	Sunset Solar, LLC
CWPP	<i>Community Wildfire Protection Plan</i>
Facility	Sunset Solar Facility
NERC	North American Electric Reliability Corporation
O&M	operations and maintenance
ODOE	Oregon Department of Energy
OSBC	Oregon Specialty Building Codes

1. Introduction and WMP Finalization

Sunset Solar Facility (Facility) is a proposed solar power facility approved to generate up to 103 megawatts (MW) of solar photovoltaic energy in Wasco County, Oregon. Sunset Solar, LLC (Certificate Holder) submitted the first amendment request to the Facility Site Certificate to extend the construction commence deadline of the Facility. Construction activities are anticipated to start in the first quarter of 2028.

In accordance with the First Amended Site Certificate, during operation the Certificate Holder will adhere to the requirements of this Wildfire Mitigation Plan (WMP). This WMP will be finalized prior to construction activities and applies to Facility construction. Finalization of this Plan include:

1. Site map(s) that include:
 - Location and dimensions of facility roads. Facility perimeter roads are 16 to 20 feet wide and service roads are 16 to 20-feet wide;
 - Location of vegetation free, noncombustible, defensible spaces;
 - High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
 - The location of facility access points. Primary access points are located at Bakeoven Road at the W portion of the facility;
 - A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite (e.g. The facility will be gated and accessible by access codes. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire);
 - The location(s) of water source(s) that will be on-site during construction. (e.g. Water trucks on site during construction will be staged at the O&M building and moved to locations where construction/hot work will be conducted).
2. Certificate Holder will consult with the Bakeoven-Shaniko Rural Fire Protection Agency as well as local emergency management professionals to receive and incorporate input into this WMP, as appropriate, about the location of temporary fire breaks needed in the event of a fire on or off site. Certificate holder shall communicate emergency procedures to access the site, particularly, when no site staff is present.
3. The WMP will be updated as needed to address changes in site conditions or wildfire risk at the site.
4. Facility and Emergency Contact Information designated in Section 3.0
5. The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.
6. Before beginning construction, the certificate holder will hold an on-site training for contractors and construction personnel, inviting local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:
 - Description of construction phasing;
 - The type, location, and proper use of fire protection equipment;
 - Fire protection equipment usage and maintenance requirements;
 - The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
 - Overview of smoking policy and locations;
 - Overview of procedures and restrictions of construction maintenance activities during Fire Season and Red Flag Warnings designated in this Plan

- Rescue, Alarm, Contain and Extinguish RACE procedures including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

2. Wildfire Risk

This WMP has been prepared to meet Oregon Administrative Rule 345-022-0115(1)(b), which requires the following:

(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;

The data sources used in this mitigation plan to identify areas within the site boundary subject to heightened risk of wildfire include Wasco County-specific wildfire hazard information from the data provided by the recently released Oregon Statewide Wildfire Hazard Map, Oregon Wildfire Risk Explorer (Oregon Explorer 2025a), and data from the CWPP Planning Tool (Oregon Explorer 2025b). The CWPP tool provides a range of data for fire behavior and effects to help communities assess wildfire risk in their area. Additionally, the Wildfire Risk Explorer is another tool that shows the burn probability data, average flame length, fire history, and active fires. This map shows the assigned risk classification (extreme, high, moderate, low and no risk) for every tax lot in the state.

The following Oregon CWPP datasets were used throughout this analysis (Oregon Explorer 2025b):

- Burn probability;
- Average flame length;
- Hazard to potential structures;
- Overall wildfire risk;
- Slope; and
- Fuel models.

The CWPP data on overall wildfire risk (Figure 1) is used to identify high-fire consequence areas (Oregon Explorer 2025b). The CWPP data for wildfire risk are based on the Pacific Northwest Quantitative Wildfire Risk Assessment Report, which outlines overall wildfire risk that is determined by combining the likelihood and impact of the fire on all significant resources and assets that have been mapped (USFS 2018). Risk ratings range from low to very high to all mapped resources and assets combined: critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, historic structures, timber, municipal watersheds, vegetation condition, and terrestrial and aquatic wildlife habitat. The percent of the site boundary and the wildfire analysis area that falls into each Fire Risk Rating is displayed on Figure 1, although the majority of the site boundary and wildfire analysis area do not have data available. The site boundary and wildfire analysis area have a 2 percent and 4 percent (respectively) very high overall fire risk rating. As shown on Figure 1, the areas with very high-risk ratings are where there is existing infrastructure, such as roads, buildings, transmission lines, and substations. In addition, Wasco County-specific wildfire hazard information from the data provided by the recently released Oregon Statewide Wildfire Hazard Map, Oregon Wildfire Risk Explorer (Oregon Explorer 2025a), shows that the site boundary area and the 0.5-mile analysis area are within a mapped high hazard area.

The existing structures within the Facility wildfire analysis area include the Bakeoven Solar Project, Daybreak Solar Project, Bakeoven Substation, the existing 230-kV transmission line, farming operations, various businesses, and paved and gravel roads. If a wildfire were ignited onsite, the areas subject to heightened risk of

potential impact to structures would be the areas generally along Bakeoven Road and around the existing Bakeoven Substation (Figure 2).

3. Facility and Emergency Contact Information

Local fire department and county emergency management contact information:

- Maupin Volunteer Fire Department, 541-392-2698
- Shaniko Volunteer Fire Department, 503-508-4688
- Bakeoven-Shaniko Rural Fire Protection Association, 541-910-0675

Fire department response times to the site average 15-20 minutes.

Certificate holder primary contact and contact of construction contractor manager(s):

- Marcy Patrick, Avangrid Power, LLC, 801-946-1092, marcella.patrick@avangrid.com
- James Van Dyken, Avangrid Power, LLC, 442-248-2656, james.van@avangrid.com

4. Fire Precaution Levels and Restrictions during Fire Season

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

Definitions:

Non-Fire Season – Approximately October - May

Fire Season – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

Fire Weather Watch - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

Red Flag Weather Warning - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work - Any cutting, grinding, welding, or other activity that creates spark or open flame

Fire Watch Service:

Fire Watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, Fire Watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

4.1 Fire-Prevention Log, Measures and Restrictions Associated with Fire Season

Certificate Holder shall maintain a log when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

Non-Fire Season

- Smoking in designated areas only.

Fire Season

- Construction activities at the Facility will be scheduled with consideration to heightened fire risk.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Vegetation mowing must be monitored with water source(s) meeting specifications in this Plan within the vicinity of the work.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power-driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.

Fire Weather Watch

- All activities will require a Hot Work Permit issued by the Construction Manager, which characterizes the fire risk of the activity and necessary precautions.
- Driving and parking only permitted on graveled surfaces.
- No smoking on site.

Red Flag Weather Warning

- No hot work permitted.
- If construction activities cannot be postponed until weather conditions improve (e.g. work begins during a period where no Red Flag Warning is present, but must complete the activity if a Red Flag Warning is issued), the Construction Manager will enact fire risk prevention procedures to ensure the continued construction of the Facility including having a water truck that meets the specifications in this WPM within 100 feet of the activity. A contractor will be hired to monitor fire risk and will be onsite with a water truck overseeing the maintenance activities as a fire watch as designated in this WPM.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

The Certificate Holder will monitor for periods of heightened fire risk through the third-party contractor StormGeo or similar platform, which provides weather monitoring to track conditions at the Facility. Through this monitoring system, the Construction Manager and contractors will be notified of Red Flag Warnings and weather conditions that produce an increased risk of fire danger.

4.2 Fire Protection Equipment, Training, and Emergency Response

During Facility construction, site health and safety plans will be implemented to inform workers and others onsite what to do in case of an emergency. Prior to and during construction, as necessary, personnel will be trained first aid and CPR certified. Personnel will be trained on the RACE (i.e., Remove, Alarm, Confine and Extinguish or Evacuate) procedure to implement in the event of a fire start. RACE procedure includes:

- Rescue anyone in danger (if safe to do so);
- Alarm – call the control room, who will then determine if 911 should be alerted;
- Contain the fire (if safe to do so); and
- Extinguish the incipient fire stage (if safe to do so).

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pounds), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

Additional measures implemented during Facility construction will include:

- All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition.
- All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrestor that meets U.S. Forest Service Standard 5100-1.
- All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.
- During fire season (as designated in this WMP), water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:
 - Pump should be maintained ready to operate and capable of providing a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended. Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power-driven machinery has worked.
 - Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.
- Personnel will receive training on use of suppression equipment.

4.3 Additional Emergency Response Procedures

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and

In the event of a wildfire at or in the vicinity of the Facility, the Construction Manager or construction contractor will notify onsite personnel via radio or telephone to initiate Emergency Response Procedures and designate the safe assembly location for all personnel to evacuate to. The Construction Manager will contact 911 and request the appropriate emergency services, providing all pertinent information concerning the fire emergency. A designee will be assigned to account for all personnel at the Facility and locate any missing persons while the Construction Manager coordinates with emergency response personnel. In the event of a wildfire at the Facility, the Certificate Holder will report the incidence to ODOE within 72 hours.

In the event there is no on-site staff present and emergency responders must access the site, emergency access may be gained by a Knox Box, a small, wall-mounted safe that holds building keys for fire departments to retrieve in emergency situations.

Procedures to minimize risks to public health and safety, first responder health and safety, and damages to Council-protected resources are identified in Table 1 to supplement the measures described earlier in this plan.

Table 1. Procedures to Minimize Wildfire Risk

Topic	Procedures
Public health and safety	The public will be excluded from the solar, substation, and BESS facilities by fencing.
First Responders	The Certificate Holder will offer annual training to local first responders. Training will cover the firefighting responses to electrical fires. Response to fires at the Facility, unlikely as they may be, should focus on controlling spread to adjacent lands.
Resource Protection	Resources covered by Council standards near the Facility area include agricultural land, grasslands habitat, shrub-steppe habitat, and cultural resources. The existing roads will form a fire break between fields that will discourage the spread of wildfire between fields or into wildlife habitat. Archeological resources 18-344-002, 18-344-008, 18-344-014, 18-344-044 are cultural resources within the Facility site boundary. The Certificate Holder will avoid these cultural resources during Facility planning and implementation.

5. Construction Wildfire Mitigation and Measures

The Certificate Holder will require onsite contractors and employees to adhere to the provisions designated in this WMP during Facility construction. Measures necessary to minimize and control the risk of fire during Facility construction, including weather monitoring, personnel training, and emergency response and communication procedures.

During Facility construction, the contractor(s) will follow all relevant Occupational Safety and Health Administration and National Fire Protection Association requirements related to fire hazards including a no smoking policy, fire permit requirement, hazardous material and combustible storage areas, pre-task planning to assess fire risks, relevant fire awareness training, lockout-tagout requirement, hazardous materials documentation, appropriate management, and disposal.

Records of training attendees and content shall be maintained and provided to the Department as designated in Section 6.0.

5.1 Vegetation Management

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Noxious Weed Plan and Revegetation and Reclamation Plan for the Facility. The Certificate Holder and contractor(s) will maintain vegetation within the Facility Boundary and will also maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle.

5.2 Minimizing Fire Risk from Construction Activities

The following best management practices to minimize fire risk from vehicle travel and fueling activities would be implemented at the site during construction.

- The movement of vehicles will be planned and managed to minimize fire risk.

- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- Smoking shall only be allowed in designated smoking areas at the Facility and restricted during fire season, as designated in this Plan.

6. Plan Updates: Amendments and Reporting Requirements

The following will be provided to the Department in the semi-annual construction report required per OAR 345-026-0080:

- Any changes in wildfire risk at the site discussed in Section 2.
- Any changes in emergency or contractor contact information designated in Section 3.0.
- Records of pre-construction training(s) listed in Section 4.2 including attendees lists and copies of content covered.

The following will be maintained on-site and can be provided to the Department for review during inspections or upon request:

- Log of construction activities impacted by Fire Season restrictions discussed in Section 3.1.

This information may be used to establish the performance of the WMP. If determined by Certificate Holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the Certificate Holder and EFSC or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

7. References

- Oregon Explorer. 2025a. Oregon Wildfire Risk Explorer. Available online at: <https://oregon-explorer.apps.geocortex.com/webviewer/?app=665fe61be984472da6906d7ebc9a190d&viewer=wildfire>. Accessed April 2025.
- Oregon Explorer. 2025b. Oregon CWPP Planning Tool. Available online at: <https://oregon-explorer.apps.geocortex.com/webviewer/?app=fccd4dfc5a974213aa1fa6a01b9c07e1&viewer=wildfireplanning>. Accessed April 2025.

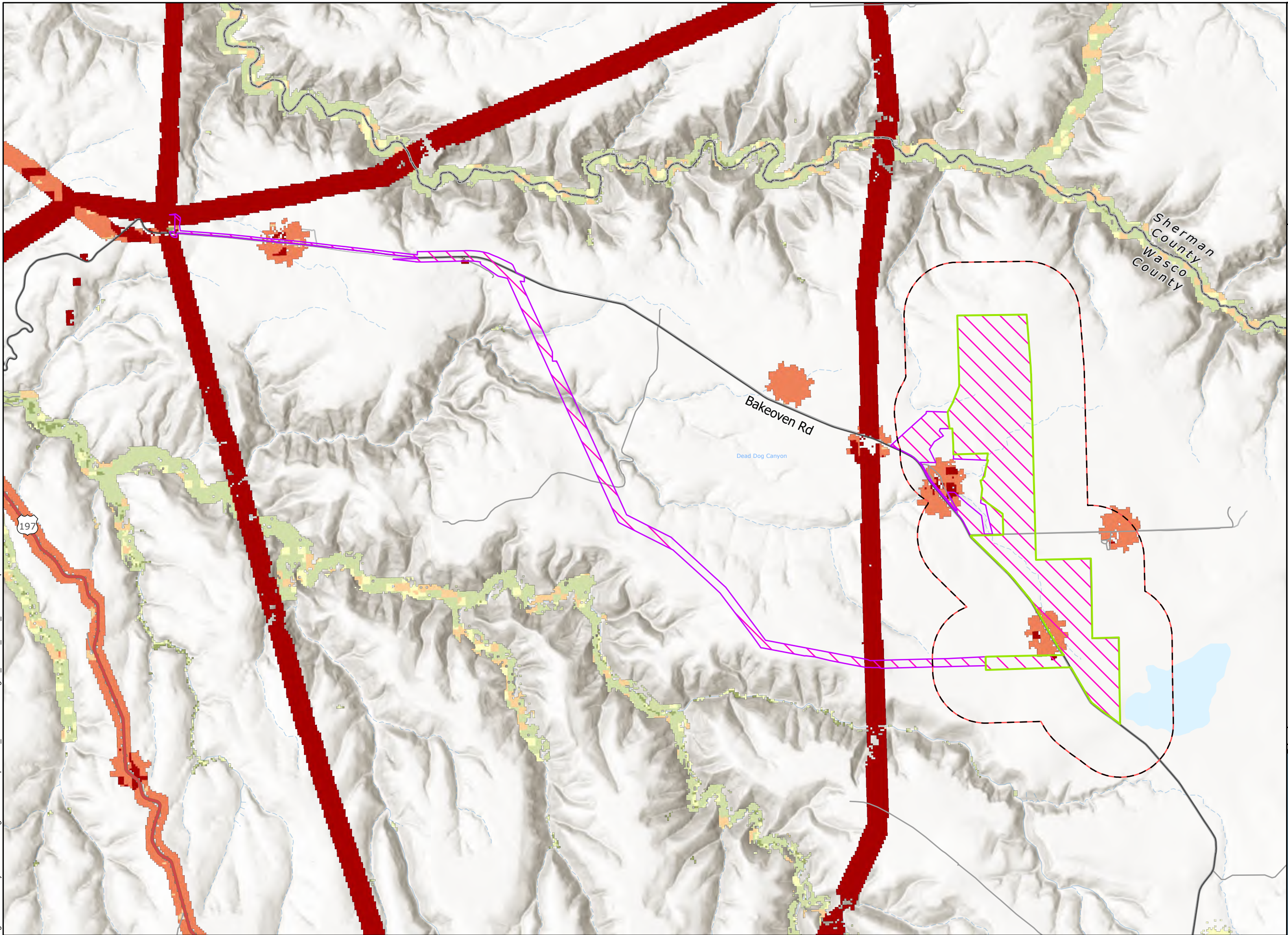
USFS. 2018. Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results.

Prepared by J.W. Gilbertson-Day, R.D. Stratton, J.H. Scott, K.C. Vogler, and A. Brough. Quantum Spatial, Pyrologix, and BLM and USFS Fire, Fuels and Aviation Management. Available online at:

https://oe.oregonexplorer.info/externalcontent/wildfire/reports/20170428_PNW_Quantitative_Wildfire_Risk_Assessment_Report.pdf.

Figures

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Sunset Solar Project

Figure 1
Wildfire Hazard

WASCO COUNTY, OR

- Site Boundary Area Subject to Request for Amendment 1
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- Analysis Area (.5 mile Buffer)
- Overall Wildfire Risk
 - Very High
 - High
 - Moderate
 - Low
 - Low Benefit
 - Benefit



Reference Map



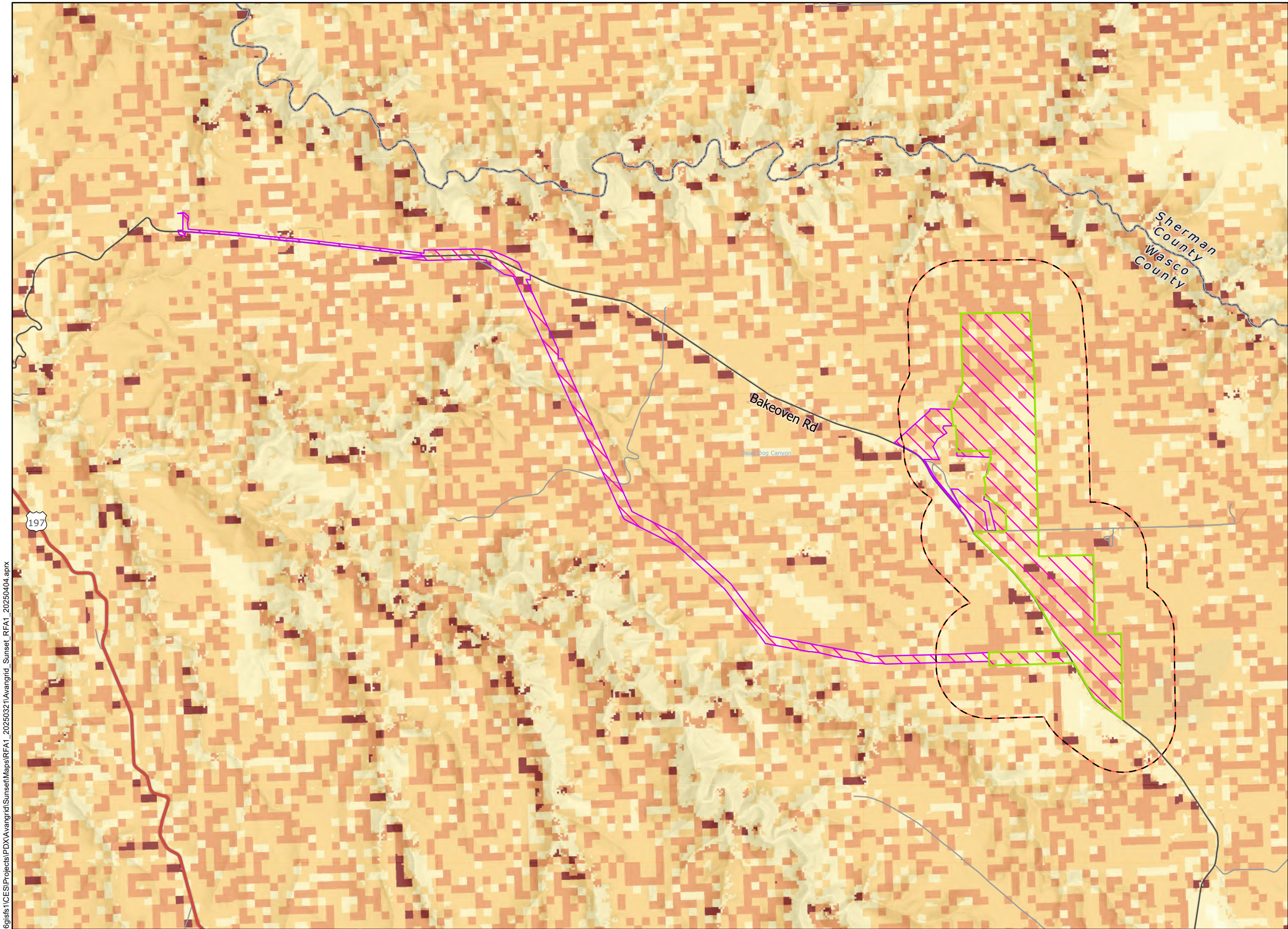
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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION

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Sunset Solar Project

Figure 2
Hazard to Potential
Structures

WASCO COUNTY, OR

- Site Boundary Area
- Subject to Request for Amendment 1
- Analysis Area (.5 mile Buffer)
- Approved Micrositing Corridor
- County Boundary
- US Highway
- Local Roads
- Potential Impact to Structures
 - Very High
 - High
 - Moderate
 - Low
 - Non-burnable/Very Low



Reference Map



Attachment 1



[Date]

[Landowner Name and Address]

RE: Community Outreach Letter for Sunset Solar Energy Facility

Dear [Landowner]:

My name is [Avangrid Contact] and I'm the [Position Title] for Avangrid. We are the certificate holder of the Sunset Solar Facility (Facility), approved by the Oregon Energy Facility Siting Council (EFSC). The Facility is a 103 megawatt solar power facility located in Wasco County. You are receiving this letter because you are an adjacent landowner from the Facility site boundary and we want to make sure you are aware of the following information:

- Safety at the Facility is our highest priority. We have emergency procedures in place in the event of an emergency on site or off site that may impact the Facility and adjacent areas. This includes an EFSC Wildfire Mitigation Plan (WMP) that addresses vegetation management, Facility inspections, and maintenance protocols to ensure that the Facility minimizes fire risk. The WMP also requires fire protection equipment to be on site and allows for emergency access for fire departments in the event of a fire on site or off site.
- In the event of an emergency on site or off site that cannot be addressed by Facility personnel, local emergency and law enforcement will be contacted and procedures designated by the Wasco County's Department of Emergency Management will be followed, if necessary.
- If you have not already done so, we recommend you sign up for Wasco County emergency notification system. You may sign up via the County's webpage or directly via this link:
<https://oralert.gov/>

Please contact me if you have any questions about the Facility, Avangrid, or any other concerns regarding construction and operation of the Facility. Further, the Oregon Department of Energy (ODOE) is staff to EFSC and can be contacted if you have questions. Follow the link below for contact information:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Compliance-Program.aspx>

Thank you,

[Avangrid Contact]

[Position Title]

Draft Operational Wildfire Mitigation Plan for the Sunset Solar Facility



Prepared for Sunset Solar, LLC
September 2025

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- 2 Hazard to Potential Structures
- 3 Place holder for facility site plan/maps

Attachment

1 Landowner Letter

Acronyms and Abbreviations

ACP	American Clean Power
APLIC	Avian Power Line Interaction Committee
Certificate Holder	Sunset Solar, LLC
CWPP	<i>Community Wildfire Protection Plan</i>
Facility	Sunset Solar Facility
NERC	North American Electric Reliability Corporation
O&M	operations and maintenance
ODOE	Oregon Department of Energy
OSBC	Oregon Specialty Building Codes

1. Introduction and WMP Finalization

Sunset Solar Facility (Facility) is a proposed solar power facility approved to generate up to 103 megawatts (MW) of solar photovoltaic energy in Wasco County, Oregon. Sunset Solar, LLC (Certificate Holder) submitted the first amendment request to the Facility Site Certificate to extend the construction commence deadline of the Facility. Construction activities are anticipated to start in the first quarter of 2028.

In accordance with the First Amended Site Certificate, during operation the Certificate Holder will adhere to the requirements of this Wildfire Mitigation Plan (WMP). This WMP will be finalized prior to construction activities and applies to Facility operation. Finalization of this Plan include:

1. Site map(s) based on final design/construction that include:
 - Location and dimensions of facility roads. Facility perimeter roads are 16 to 20 feet wide and service roads are 16 to 20 feet wide;
 - Location of vegetation free, noncombustible, defensible spaces;
 - High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
 - The location of facility access points. Primary access points are located at Bakeoven Road at the W portion of the facility;
 - A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite (e.g. The facility will be gated and accessible by access codes. Local fire departments and emergency officials will receive codes to access the facility in the event of a fire);
 - The location(s) of water source(s) that will be on-site during construction. (e.g. Water trucks on site during construction will be staged at the O&M building and moved to locations where construction/hot work will be conducted).
2. Certificate Holder will submit to the Final Department-approved WMP to the Bakeoven-Shaniko Rural Fire Protection Agency as well as local emergency management professionals.
3. The WMP will be updated as needed to address changes in site conditions or wildfire risk at the site.
4. Facility and Emergency Contact Information designated in Section 3.0
5. Update Section 4.0, Operational Inspection and Maintenance based on manufacture specifications for facility components and technology constructed.
6. Update Section 8.0 with emergency access procedures to the site, particularly if no on site staff are present.
7. The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once Department confirms the letter to be sufficient, the certificate holder will mail to each residence within the 0.5 mile analysis area. Certificate holder will confirm mailing and submit to Department.
8. Before beginning operation, the certificate holder will hold an on-site training for operational personnel, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:
 - The location of electrical facility components and the fire safety measures associated with each component;
 - Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
 - The type, location, and proper use of fire protection equipment;
 - Emergency access procedures to the site, particularly if no on site staff are present;
 - The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
 - Overview of smoking policy and locations;

- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
- Overview of procedures for Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

2. Wildfire Risk

This WMP has been prepared to meet Oregon Administrative Rule 345-022-0115(1)(b), which requires the following:

(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;

The data sources used in this mitigation plan to identify areas within the site boundary subject to heightened risk of wildfire include Wasco County-specific wildfire hazard information from the data provided by the recently released Oregon Statewide Wildfire Hazard Map, Oregon Wildfire Risk Explorer (Oregon Explorer 2025a), and data from the CWPP Planning Tool (Oregon Explorer 2025b). The CWPP tool provides a range of data for fire behavior and effects to help communities assess wildfire risk in their area. Additionally, the Wildfire Risk Explorer is another tool that shows the burn probability data, average flame length, fire history, and active fires. This map shows the assigned risk classification (extreme, high, moderate, low and no risk) for every tax lot in the state.

The following Oregon CWPP datasets were used throughout this analysis (Oregon Explorer 2025b):

- Burn probability;
- Average flame length;
- Hazard to potential structures;
- Overall wildfire risk;
- Slope; and
- Fuel models.

The CWPP data on overall wildfire risk (Figure 1) is used to identify high-fire consequence areas (Oregon Explorer 2025b). The CWPP data for wildfire risk are based on the Pacific Northwest Quantitative Wildfire Risk Assessment Report, which outlines overall wildfire risk that is determined by combining the likelihood and impact of the fire on all significant resources and assets that have been mapped (USFS 2018). Risk ratings range from low to very high to all mapped resources and assets combined: critical infrastructure, developed recreation, housing unit density, seed orchards, sawmills, historic structures, timber, municipal watersheds, vegetation condition, and terrestrial and aquatic wildlife habitat. The percent of the site boundary and the wildfire analysis area that falls into each Fire Risk Rating is displayed on Figure 1, although the majority of the site boundary and wildfire analysis area do not have data available. The site boundary and wildfire analysis area have a 2 percent and 4 percent (respectively) very high overall fire risk rating. As shown on Figure 1, the areas with very high-risk ratings are where there is existing infrastructure, such as roads, buildings, transmission lines, and substations. In addition, Wasco County-specific wildfire hazard information from the data provided by

the recently released Oregon Statewide Wildfire Hazard Map, Oregon Wildfire Risk Explorer (Oregon Explorer 2025a), shows that the site boundary area and the 0.5-mile analysis area are within a mapped high hazard area.

The existing structures within the Facility wildfire analysis area include the Bakeoven Solar Project, Daybreak Solar Project, Bakeoven Substation, the existing 230-kV transmission line, farming operations, various businesses, and paved and gravel roads. If a wildfire were ignited onsite, the areas subject to heightened risk of potential impact to structures would be the areas generally along Bakeoven Road and around the existing Bakeoven Substation (Figure 2).

3. Facility and Emergency Contact Information

Local fire department and county emergency management contact information:

- Maupin Volunteer Fire Department, 541-392-2698
- Shaniko Volunteer Fire Department, 503-508-4688
- Bakeoven-Shaniko Rural Fire Protection Association, 541-910-0675

Fire department response times to the site average 15-20 minutes.

Certificate holder primary contact and contact of facility Plant Manager(s):

- John Rubio, Avangrid Power, LLC, 541-442-5041, John.Rubio@avangrid.com
- Claudia Becerril, Avangrid Power, LLC, 503-688-3633, claudia.becerril@avangrid.com

4. Operational Inspections and Maintenance

(B) Describe the procedures, standards, and timeframes that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;

This section shall be updated based on manufacture recommendations for inspections and maintenance based on final technology constructed. The Facility components that could cause electrical fires are the solar panels, inverters, battery energy storage system (BESS), substation, and overhead electrical lines. During operations, the Certificate Holder will conduct housekeeping inspections for maintaining a Facility that minimizes the risk of fire. Operational procedures and inspections follow.

- Monthly inspection requirements during operations:
 - Ensure equipment is appropriately maintained to control sources of combustible materials.
 - Remove and prevent the accumulation of combustible materials.
 - Collect and properly dispose of combustible waste.
 - Ensure flammable chemicals are stored in a flammable cabinet.
 - If any leaks are identified during inspections, stop the leak immediately. If the leak cannot be stopped, contain it. Once the leak has been stopped or contained, clean the area immediately to mitigate any fire hazard and then report the leak to Avangrid's Environmental Health and Safety Department.
 - Inspect and maintain safeguards installed on heat-producing equipment to prevent accidental ignition of combustible materials, in accordance with equipment O&M manuals.
 - Visually inspect inverters, BESS, and surrounding areas.
 - Visually inspect portable fire extinguishers.
 - Visually inspect substation and surrounding area on a monthly basis and complete Avian Power Line Interaction Committee (APLIC) inspection forms.
- Semiannual inspection requirements during operations:
 - Thoroughly inspect equipment on a semiannual basis in accordance with Oregon Department of Emergency Management maintenance requirements.
 - Conduct semiannual visual inspections of overhead electrical lines and complete APLIC inspection forms.

- Annual inspection requirements during operations:
 - Test fire protection equipment in accordance with the manufacturer specifications and National Fire Protection Association requirements. Portable dry chemical fire extinguishers will have a maintenance check annually and a hydrostatic test every 12 years. Carbon dioxide extinguishers will have an annual maintenance check and a hydrostatic test every 5 years. A contractor knowledgeable in the requirements will perform the check and testing. This check and testing will also be performed after an extinguisher has been used on a fire.

In the event that any discrepancies are identified in the inspections outlined above, remedial actions will be taken to resolve the issue immediately and reported to the Plant Manager. If the issue cannot be resolved immediately by the technician, the Plant Manager will schedule remedial actions and monitor the equipment until the issue is resolved to ensure maintaining a Facility that minimizes the risk of fire. In addition to the inspection requirements above, the Certificate Holder will maintain a fire safe Facility by prohibiting smoking and sources of open flames in areas where combustible materials are located. Smoking will be authorized in designated areas only.

4.1 Records Management

Records of monthly, semiannual and annual inspections, as well as equipment-specific inspections and maintenance as described in Section 3 of this WMP will be maintained on-site and will be provided to the Department for review as designated in Section 9.0 of this WMP.

5. Vegetation Management

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation Plan, Soil Reclamation Plan and Noxious Weed Plan, if applicable, for the facility. During operations, the Certificate Holder will conduct vegetation management inspections each spring, prior to the summer months when fire risk is heightened. During these inspections, the technician will ensure vegetation setbacks from installed equipment are adequate and will enact vegetation control measures if needed. During this period, the array area, access roads, electrical collector systems, and the substation will also have herbicide applied to control vegetation growth.

To reduce the availability of fuels for wildfire near electrical components, the Certificate Holder will maintain nonflammable gravel pads around solver inverters, BESS, and the substation, mow vegetation under overhead electrical lines, and implement ongoing vegetation management:

- Apply herbicide on gravel pads to prevent vegetation, annually at a minimum, and as needed based on site conditions.
- Apply herbicide on substation gravel pad, annually at a minimum, and as needed based on site conditions. Highly compacted gravel foundations of substation are not suitable for vegetation ground.
- Mow vegetation beneath overhead electrical lines to achieve clearance requirements between conductor and ground, annually at a minimum, and as needed based on site conditions.
- Control noxious weed populations consistent with operational weed plan, if identified during operational monitoring, through manual, mechanical, chemical, and/or biological methods. The specific method of control will be chosen based on the most appropriate method for the specific noxious weed identified.
- Vegetation buildup in the fence line(s), shall be removed.
- Vegetation under solar panels will be managed so that vegetation does not come in contact with electrical equipment.

5.1 Records Management

Records of vegetation management as described in this WMP will be maintained on-site and will be provided to the Department as described in Section 9.0.

6. Fire Precaution Levels and Restrictions during Fire Season

(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;

Definitions:

Non-Fire Season – Approximately October - May

Fire Season – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

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Fire Watch Service:

Fire Watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, Fire Watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

6.1 Fire-Prevention Log, Measures and Restrictions Associated with Fire Season

Certificate Holder shall maintain a log when operational activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

Non-Fire Season

- Smoking in designated areas only.

Fire Season

- Maintenance activities at the Facility will be scheduled with consideration to heightened fire risk.

- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces. Vegetation mowing must be monitored with water source(s) meeting specifications in this Plan within the vicinity of the work.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power-driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.

Fire Weather Watch

- All activities will require a Hot Work Permit issued by the Plant Manager, which characterizes the fire risk of the maintenance activity and necessary precautions.
- Driving and parking only permitted on graveled surfaces.
- No smoking on site.

Red Flag Weather Warning

- No hot work permitted.
- If construction activities cannot be postponed until weather conditions improve (e.g. work begins during a period where no Red Flag Warning is present, but must complete the activity if a Red Flag Warning is issued), the Plant Manager will enact fire risk prevention procedures to ensure the continued construction of the Facility including having a water truck that meets the specifications in this WPM within 100 feet of the activity. A contractor will be hired to monitor fire risk and will be onsite with a water truck overseeing the maintenance activities as a fire watch as designated in this WMP. On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day
- No smoking on site.

The Certificate Holder will monitor for periods of heightened fire risk through the third-party contractor StormGeo or similar platform, which provides weather monitoring to track conditions at the Facility. Through this monitoring system, the Plant Manager will be notified of Red Flag Warnings and weather conditions that produce an increased risk of fire danger.

6.2 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and/or stored on-site at the O&M building:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pounds), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition.

All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable of providing a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended. Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power-driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

7. Personnel Training During Operations

In addition to the preventative actions described above, workers, contracting employees, and other personnel performing official duties at the Facility will undergo regular training exercises throughout the operational life of the Facility, as follows:

- Twice-annual tabletop drills, including training on response measures in the event of a fire, battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency; the type, location, and proper use of fire protection equipment and water source, and instruction to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.
- Annual fire prevention and response training and drills involving local first responders, such as emergency medical services, law enforcement, and/or fire and rescue personnel. Discussion of potential fire-fighting hazards within the Facility, including transformer fires that contain energized components and large reservoirs of oil, the importance of ensuring that equipment is de-energized before firefighting is attempted, site layout awareness to ensure response times are optimized, battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency; and the type, location, and proper use of fire protection equipment and water source. Emergency access procedures to the site, particularly if no on site staff are present.

To demonstrate compliance training attendee list and training materials must be provided to the Department as designated in Section 9.0 of this WMP.

8. Emergency Response Procedures and Landowner Notification

(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and

On an annual basis, at a minimum, the Certificate Holder will compile and maintain a current list of participating landowners/property owners and residences within 0.5 miles of the site with contact information and provide it in the updates to the WMP designated in Section 9.0. If any new or updated participating property owners are identified, the Certificate Holder will mail them the landowner letter included as Attachment 1 to this WMP. Attachment 1 includes a letter to be sent to landowners that includes a summary of emergency procedures, including fire prevention measures as well as County emergency notification information.

In the event of a wildfire at or in the vicinity of the Facility, the Plant Manager will notify onsite personnel via radio or telephone to initiate Emergency Response Procedures and designate the safe assembly location for all personnel to evacuate to. The Plant Manager will contact 911 and request the appropriate emergency services, providing all pertinent information concerning the fire emergency. A designee will be assigned to

account for all personnel at the Facility and locate any missing persons while the Plant Manager coordinates with emergency response personnel. In the event of a wildfire at the Facility, the Certificate Holder will report the incidence to ODOE within 72 hours.

In the event there is no on-site staff present and emergency responders must access the site, emergency access may be gained by a Knox Box, a small, wall-mounted safe that holds building keys for fire departments to retrieve in emergency situations.

Procedures to minimize risks to public health and safety, first responder health and safety, and damages to Council-protected resources are identified in Table 1 to supplement the measures described earlier in this plan.

Table 1. Procedures to Minimize Wildfire Risk

Topic	Procedures
Public health and safety	The public will be excluded from the solar, substation, and BESS facilities by fencing.
First Responders	The Certificate Holder will offer annual training to local first responders. Training will cover the firefighting responses to electrical fires. Response to fires at the Facility, unlikely as they may be, should focus on controlling spread to adjacent lands. Operational staff will be trained in the use of fire extinguishers for responding to incipient stage fires on site and other measures designated in this WPM.
Resource Protection	Resources covered by Council standards near the Facility area include agricultural land, grasslands habitat, shrub-steppe habitat, and cultural resources. The existing roads will form a fire break between fields that will discourage the spread of wildfire between fields or into wildlife habitat. Archeological resources 18-344-002, 18-344-008, 18-344-014, 18-344-044 are cultural resources within the Facility site boundary. The Certificate Holder will avoid these cultural resources during Facility planning and implementation.

9. Plan Updates: Amendments and Reporting Requirements

(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.

The following will be provided to the Department in the annual report required per OAR 345-026-0080:

- Any changes in wildfire risk at the site as discussed in Section 2.
- Changes in participating landowners and residences within 0.5 miles of the site as discussed in Section 8.
- Records of monthly, annual, biannual, and other inspections, maintenance, and remedial actions referenced in Section 4.
- Records of vegetation management activities discussed in Section 5. .
- Annual and twice-annual training logs discussed in Section 7.

The following will be maintained on-site and can be provided to the Department for review during inspections or upon request:

- Log of operational activities impacted by Fire Season restrictions discussed in Section 6.1.

The certificate holder must review this WMP annually to determine if updates to the WMP are necessary. In its annual review, the certificate holder will evaluate changes in standards, policies, future technologies or best practices that could be implemented at the facility to address wildfire prevention or protection, including but not limited to those identified in Table 2, below.

This information may be used by the Department and Certificate Holder to establish the performance of the WMP. If determined by Certificate Holder or Department, adjustments or improvements must be proposed to

Draft Operational Wildfire Mitigation Plan for the Sunset Solar Facility

ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the Certificate Holder and EFSC or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

Table 2. Resources for Future Best Practices

Reference	Description	Method
American Clean Power (ACP)	ACP establishes best practices for renewable energy projects.	The Certificate Holder's parent company is a member of ACP and participates in best practice development. ^a
North American Electric Reliability Corporation (NERC)	NERC develops electrical standards for large energy facilities.	The Certificate Holder will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines, ^b or updates to this standard as approved by NERC.
Oregon Specialty Building Codes (OSBC)	OSBC designs building codes applicable to inhabitable spaces, including the O&M structure and the substation enclosure.	Remodeling of the O&M structure and substation enclosure that requires permits will follow any updates to the OSBC at that time.
APLIC	APLIC develops avian protection methods for electrical facilities to minimize fire risk to bird/mammal nests on electrical equipment.	The Certificate Holder's parent company is a member of APLIC. ^c An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (for example, the Migratory Bird Treaty Act).
Oregon Fire Code	The Oregon State Fire Marshal adopts the Oregon Fire Code, establishing minimum fire prevention and protection systems requirements applicable to certain structures, including but not limited to, energy systems.	Certificate holder will adhere to any applicable standards of the Oregon Fire Code and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.
NFPA Codes and Standards	The National Fire Protection Association publishes codes and standards intended to minimize the possibility and effects of fire and other risks/	The certificate holder will identify and adhere to any applicable codes and standards and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.
ORS chapter 477, OAR chapter 629-043	Standards and rules for fire prevention in forest and range land administered by Oregon Department of Forestry	The certificate holder will be familiar with and operate consistently with the applicable standards, including any updates to rules or standards and will provide a summary of standards that are updated and implemented at the facility.

Reference	Description	Method
OAR chapter 860, division 024	Safety standards for transmission lines adopted by Oregon PUC	The certificate holder will be familiar with and operate consistently with the applicable standards, including any updates to rules or standards and will provide a summary of standards that are updated and implemented at the facility. The certificate holder will maintain consistency with any applicable vegetation clearance requirements, pruning standards, and high fire risk zone safety standards and will provide a summary of standards that are updated and implemented at the facility.

^a Link to ACP Standards & Practices: <https://cleanpower.org/resources/types/standards-and-practices/>.

^b NERC FAC-003-0: <https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf>.

^c Link to APLIC member organization: https://www.aplic.org/member_websites.php.

10. References

Oregon Explorer. 2025a. Oregon Wildfire Risk Explorer. Available online at: <https://oregon-explorer.apps.geocortex.com/webviewer/?app=665fe61be984472da6906d7ebc9a190d&viewer=wildfire>. Accessed April 2025.

Oregon Explorer. 2025b. Oregon CWPP Planning Tool. Available online at: <https://oregon-explorer.apps.geocortex.com/webviewer/?app=fccd4dfc5a974213aa1fa6a01b9c07e1&viewer=wildfireplanning>. Accessed April 2025.

USFS. 2018. Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results. Prepared by J.W. Gilbertson-Day, R.D. Stratton, J.H. Scott, K.C. Vogler, and A. Brough. Quantum Spatial, Pyrologix, and BLM and USFS Fire, Fuels and Aviation Management. Available online at: https://oe.oregonexplorer.info/externalcontent/wildfire/reports/20170428_PNW_Quantitative_Wildfire_Risk_Assessment_Report.pdf.

Figures

Attachment 1

Sunset Solar Facility Decommissioning Tasks and Cost Estimate
Amended August 2025 - ODOE Review Sept 2025

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
1.1 Equipment Mobilization / Demobilization				
1.1.1 Equipment Mobilization	1	Total	61,200.00	61,200.00
1.1.2 Site Facilities	1	Total	2,200.00	2,200.00
1.1.3 Crew Demobilization and Site Setup	3	Day	12,065.00	36,195.00
1.1.4 Crew - Crew Demobilization and Site Cleanup	2	Day	12,065.00	24,130.00
1.1.5 Home Office Fee (5%)	1	% of cost	0.05	6,186.25
1.1.6 Contractor Overhead and Fee (15%)	1	% of cost	0.15	18,558.75
Subtotal (Q1 2019)				148,470.00
1.2 Solar Array				
1.2.1 Site Facilities	103	MW	71.00	7,313.00
1.2.2 Field Management	103	MW	2,884.00	297,052.00
1.2.3 Fence Removal	103	MW	238.00	24,514.00
1.2.4 Inverter/Transformer Removal	56	Each	5,089.00	284,984.00
1.2.5 Inverter/Transformer Disposal	56	Ton	30.00	1,680.00
1.2.6 Remove Foundations to Subgrade	10,752	Cu. Yd.	27.00	290,304.00
1.2.7 Solar Panel Removal	276,548	Each	2.78	768,803.44
1.2.8 Solar Panel Trucking	246	Ton	1,375.00	338,250.00
1.2.9 Solar Panel Disposal	5,531	Ton	30.00	165,930.00
1.2.10 Solar Rack and Post Removal	7,278	Each	242.00	1,761,276.00
1.2.11 Solar Rack and Post Trucking	129	Each	1,375.00	177,375.00
1.2.12 Solar Rack and Post Disposal	2,911	Ton	30.00	87,330.00
1.2.13 Home Office Fee (5%)	1	% of cost	0.05	210,240.57
1.2.14 Contractor Overhead and Fee (15%)	1	% of cost	0.15	630,721.72
Subtotal (Q1 2019)				5,045,773.73
1.3 Site Restoration				
1.3.1 Decomact Roads	116,851	Linear Feet	2.68	313,160.68
1.3.2 Spot Grade Disturbed Areas	329	Acres	536.00	176,344.00
1.3.3 Re-seeding	1,098	Acres	500.00	549,000.00
1.3.4 Home Office Fee (5%)	1	% of cost	0.05	51,925.23
1.3.5 Contractor Overhead and Fee (15%)	1	% of cost	0.15	155,775.70
Subtotal (Q1 2019)				1,246,205.62
1.4 Battery Storage System				
1.4.1 Remove Batteries	66	Day	1,737.00	114,642.00
1.4.2 Transport Batteries	33	Day	1,480.00	48,840.00
1.4.3 Battery Disposal and Fee	432	Ton	200.00	86,400.00
1.4.4 Structure Demolition	429	Ton	111.00	47,619.00
1.4.5 Structural Trucking	33	Each	1,375.00	45,375.00
1.4.6 Structure Disposal	429	Ton	30.00	12,870.00
1.4.7 Home Office Fee (5%)	1	% of cost	0.05	17,787.30
1.4.8 Contractor Overhead and Fee (15%)	1	% of cost	0.15	53,361.90
Subtotal (Q1 2019)				426,895.20
All Tasks, Subtotal (Q1 2019)				6,867,344.54
All Tasks, Subtotal, Exclude Battery (Q1 2019)				6,440,449.34
Update for Q2 2021 Dollars				
GDP Deflator Q1 2019: 111.4970				
GDP Deflator Q2 2021: 117.337				
Percent increase due to inflation: 0.052				
Q2 2021 increase due to inflation (subtotal*rate) (Exclude Battery)				334,903.37
Q2 2021 increase due to inflation (subtotal*rate) (Battery Only)				22,198.55
Subtotal in Q2 2021 Dollars (Exclude Battery)				6,775,352.71
Subtotal in Q2 2021 Dollars (Only Battery)				449,093.75
Council Applied Contingencies				
			Contingency	Estimate (\$)
Performance and Payment Bond (1%)			0.01	72,244.46
Administration and Project Management (10%)			0.10	722,444.65
Future Development (Exclude Battery) (10%)			0.10	677,535.27
Future Development (Battery Only) (10%)			0.20	89,818.75
Subtotal				1,562,043.13
TOTAL ESTIMATED COST (Q2 2021)				8,786,489.59
Rounded to Nearest 1,000 (Q2 2021)				8,786,000.00
TOTAL ESTIMATED COST (Q3 2025)				10,489,506.47
Rounded to Nearest 1,000 (Q3 2025)				10,490,000.00

Notes:

1. The total estimated retirement cost for the Sunset Solar Project approved by the Council in 2021 is \$8,640,000 (Condition PRE-RT-01 in the 2021 Sunset Solar Project Site Certificate. The approved cost estimate table can be found in Table 5 of the 2021 Bakeoven Solar Project Final Order on Amendment 1: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2021-11-19-BSP-AMD1-Final-Order.pdf>.

2. This updated cost estimate table makes two adjustments to the approved cost estimate: 1) changes the Contractor Overhead and Fee from 13% to 15%, per ODOE's request, and 2) use the methods outlined in condition PRE-RT-02 of the Sunset Solar Project Site Certificate to adjust the retirement cost estimate to present day value (Q3 2025). ODOE adjustment value is 1.254.

SUNSET SOLAR PROJECT RETIREMENT COST ESTIMATE		
	Item	Amount
A	Subtotal cost of site restoration as approved by EFSC in the Site Certificate for the Sunset Solar Project	\$ 6,867,345
B	Q1 2019 Implicit Price Deflator for GDP https://www.oregon.gov/das/OEA/Pages/forecastecorev.aspx	103.332
C	Q3 2025 Implicit Price Deflator for GDP https://www.oregon.gov/das/OEA/Pages/forecastecorev.aspx	129.535
D	Adjustment factor	C/B
E	Adjusted subtotal	A (D)
F	Performance bond (1% of adjusted subtotal)	.01(E)
G	Adjusted Gross Cost	E+F
H	Administration and management (10%)	.10(G)
I	Adjusted Solar General Cost and Bond (10% Future Dev Cont)	.94(G)
J	Adjusted Battery Costs Subtotal (20% Future Dev Cont)	.06(G)
K	Future Development Contingency - Wind & Solar - 10%	.1(I)
L	Future Development Contingency - Battery - 20%	.2(J)
M	Adjusted financial assurance amount	G+H+K+L
N	Rounded to the nearest \$1,000	\$ 10,490,000

ENTER FROM LETTER

ENTER FROM WEBSITE BASED ON APPLICABLE QUARTER

VERIFY FROM WEBSITE FOR APPLICABLE QUARTER

ENTER FROM CALCULATION HERE -----> 1.254 (THIS MAINTAINS THE ROUNDING REQUIREMENTS)

**Other Economic Indicators: 1990-2035 (pasted from
<https://www.oregon.gov/das/oea/Documents/other-quarterly.xls>)**

	2019Q1	2021Q2	2025Q2	2025Q3
Real GDP (billions of 2017\$)	U. S. 20,431.6	21,389.0	23,587.6	23,638.7
GDP Deflator (2017=100)	U. S. 103.3	109.3	129.6	130.5
Personal Income Deflator (2017=100)	U. S. 102.9	108.2	127.6	128.3
CPI, West Region (1982-84=100)*	Oregon 267.0	285.1	343.0	345.2
CPI-US (1982-84=100)	U. S. 253.4	268.6	323.9	325.9
Average Wage Rate (Thousand \$)	Oregon 56.9	66.3	76.2	77.1
	U. S. 61.4	70.1	80.5	81.1
Oregon House Price Index**	Oregon 424.4	544.0	652.6	659.6
US House Prices**	U. S. 260.5	333.0	443.5	443.5
Housing Starts - OR (in thousands)	Oregon 20.4	21.5	14.5	14.6
Housing Starts - US (in millions)	U. S. 1.2	1.6	1.4	1.4
Industrial Production (2017=100)	U. S. 103.0	99.1	104.2	104.0
Prime Rate (%)	U. S. 5.5	3.3	7.5	7.5
Unemployment Rate (%)	Oregon 4.1	5.6	4.6	4.7
	U. S. 3.8	5.9	4.3	4.5
Population (millions)	Oregon 4.2	4.2	4.3	4.3
	U. S. 330.0	332.3	342.4	342.7

* Seasonally-adjusted by the Oregon Office of Economic Analysis using X-13

** FHFA House Price Index, 1991 Q1 = 100

May 2025 Forecast

Other Economic Indicators: 1990-2035

	2019Q1	2025Q3
Real GDP (b	U. S. 20,431.6	23,752.6
GDP Deflate	U. S. 103.332	129.535
Personal Inc	U. S. 102.9	127.7
CPI, West R	Oregon 267.0	343.3
CPI-US (198	U. S. 253.4	323.5
Average Wa	Oregon 57.0	77.0
	U. S. 61.4	81.9
Oregon Hou:	Oregon 424.0	618.7
US House P	U. S. 260.3	431.2
Housing Sta	Oregon 20.4	13.9
Housing Sta	U. S. 1.2	1.3
Industrial Pr	U. S. 103.0	103.8
Prime Rate (	U. S. 5.5	7.5
Unemployme	Oregon 4.1	4.9
	U. S. 3.8	4.3
Population (	Oregon 4.2	4.3
	U. S. 330.0	342.7

* Seasonally-adjusted by the Oregon Office of Economic Analysis using X-13

** FHFA House Price Index, 1991 Q1 = 100

August 2025 Forecast