

Request for Amendment and Amendment Determination Request Boardman Solar Energy Facility

**Prepared for
Boardman Solar Energy LLC**

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August 4, 2021

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1.0 Introduction

Boardman Solar Energy Facility (or Facility) is an approved, but not yet constructed, renewable energy project that includes a solar photovoltaic power generation facility and supporting facilities. It will be comprised of 30 module blocks and will have approximately 75 megawatts (MW) of nominal and average electric generating capacity. The energy facility and its related and supporting facilities will be located within Morrow and Gilliam counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 798 acres of private land and includes the perimeter of the energy facility site, its related and supporting facilities, all temporary laydown and staging areas and the transmission line corridor proposed by the Certificate Holder Boardman Solar Energy LLC (Certificate Holder), as approved by the Oregon Energy Facility Siting Council (EFSC, also referred to herein as Council).

The facility components include the solar module blocks; underground electrical collection system; substation, control house and generator step-up transformer; 115-kV transmission line, private service road, and point of interconnection (POI); operations and maintenance (O&M) building; private access road, service roads, gates, and security fence; and additional temporary construction areas. All facility components (with the exception of the transmission line, transmission line service road, and POI) will be located in Morrow County, Oregon.

1.1 Purpose of Proposed Amendment Request

This amendment request is submitted pursuant to Oregon Administrative Record (OAR) 345-027-0385, and seeks to extend the deadlines for beginning and completing construction of the facility. This amendment request also includes a request for a written determination that the amendment request justifies review under the type B review process described in OAR 345-027-0351(3).

Because the site certificate for the Project was issued after October 24, 2017, in accordance with Section (5), Sections (3) and (4) of OAR 345-027-0385 apply. According to Section (3)(a), the Council may specify new deadlines for beginning or completing construction which would be the later of: three years from the deadlines in effect, or two years in a contested case conducted pursuant to OAR 345-027-0371.

Therefore, this amendment request has been prepared pursuant to OAR 345-027-0350(3) and OAR 345-027-0360(1). Sections 2 through 6 of this amendment request address the applicable Energy Facilities Siting Council (standards for the amendments to the site certificate.

This amendment request also includes the information required by 345-027-0357:

(2) For a proposed change that would not add area to the site boundary, the certificate holder may submit an amendment determination request to the Department for a written determination of whether:

(a) The proposed change requires an amendment under OAR 345-027-0350; or

(3) For any request for amendment described under OAR 345-027-0350(3) or

(4), the certificate holder may submit an amendment determination request to the Department for a written determination of whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3).

Response: As part of the amendment request, the certificate holder is seeking a determination of whether this request for amendment justifies review under the type B review process. See justification for type B review in (8)(a)-(e).

(4) Requests described in section (1), (2), and (3) must be submitted in writing to the Department and must include:

(a) A narrative description of the proposed change.

Response: See Sections 1.2 and 3.0 of this amendment request.

(b) Maps and/or geospatial data layers representing the effects and/or location of the proposed change.

Response: There are no changes to geospatial data previously provided, and therefore, no new maps or geospatial data layers are submitted with this request.

(c) The certificate holder's evaluation of the determination(s) it is requesting under sections (1), (2), and (3).

Response: In accordance with section (3), the certificate holder requests that the Department review this amendment under the Type B review process. See justification in (8)(a)-(e).

(d) Any additional information the certificate holder believes will assist the Department's evaluation.

Response: A detailed analysis of how the Project continues to comply with relevant standards is provided in Sections 2 through 6 of this amendment request.

(8) In determining whether a request for amendment justifies review under the type B review process described in OAR 345-027-0351(3), the Department and the Council may consider factors including, but not limited to:

(a) The complexity of the proposed change;

Response: This request only seeks to extend the construction deadlines. There will be no physical alterations to the approved facility. The facility will be constructed and operated in the same manner as previously approved by the Council.

(b) The anticipated level of public interest in the proposed change;

Response: The surrounding public has previously signaled their support for the proposed project. During the public comment periods on the initial Application for Site Certificate (ASC), there were only eight comments made, with the majority being supportive of the project. Moreover, all comments raised by interested parties and reviewing agencies were addressed, and conditions were added to ensure compliance with council standards. The Council provided the opportunity for a contested case public hearing and there were no requests for party status. Because there was no significant public opposition to the project as originally proposed, and there will be no physical alterations, we do not anticipate there will be a significant amount of public interest in the proposed change.

(c) The anticipated level of interest by reviewing agencies;

Response: Reviewing agencies were involved in the public process for the ASC. The iterations in that process allowed the Certificate Holder to determine the appropriate path to move the project forward while complying with varying regulations and standards. The Certificate Holder understands that the ODOE review process includes outreach to

reviewing agencies as a matter of process, but we anticipate that interest in the proposed site certificate change will be low in comparison to other EFSC-jurisdictional projects. Because there will be no physical changes to the approved site certificate and applicable conditions, we do not expect significant renewed interest by reviewing agencies.

(d) The likelihood of significant adverse impact; and

Response: There will be no additional impacts that were not accounted for in the ASC process. Conditions were put in place then to ensure that any impacts would be mitigated over the life cycle of the facility.

(e) The type and amount of mitigation, if any

Response: Mitigation efforts were described by the certificate holder in the ASC. Multiple conditions were also put in place on the approved site certificate to ensure that mitigation efforts would be conducted with oversight and accountability over the lifetime of the project. The Certificate Holder remains committed to adhering to the agreed upon mitigation efforts and conditions.

1.2 Summary of Modifications

As described above, this amendment request seeks Council approval of a 3-year extension of the construction start and construction completion deadlines. This is the first request for a construction deadline extension. This request does not seek to modify the existing site boundary, physical components of the Project, number of modules, or maximum generating capacity of the Project. The Certificate Holder requests council approval of an extension of site certificate construction deadlines in order to complete development, including obtaining a power purchase agreement (“PPA”), financing and construction under the requested timeline. The Certificate Holder has not yet executed a PPA, which it must do prior to obtaining financing and beginning construction. It is not economically nor logistically feasible for the Certificate Holder to begin construction prior to executing a PPA because the PPA will provide the Project revenue stream and will define the operational date for the Project. Therefore, the Certificate Holder needs to extend the construction deadlines to align with the execution of the PPA. A 3-year extension of the construction start and construction completion deadlines will allow the Certificate Holder to execute a PPA, obtain financing and construct the facility to meet the revised deadlines.

2.0 Certificate Holder Information (OAR 345-027-0360(1)(a))

(1) To request an amendment to the site certificate required by OARs 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

(a) The name of the facility, the name and mailing address of the certificate holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request.

2.1 Name of Facility

Boardman Solar Energy Facility

2.2 Name and Mailing Address of the Certificate Holder

Boardman Solar Energy LLC
c/o Invenergy Solar Development LLC
One South Wacker Drive, Suite 1800
Chicago, IL 60606

2.3 Name and Mailing Address of Individuals Responsible for Submitting the Request

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3.0 Detailed Description of the Proposed Change (OAR 345-027-0360(1)(b))

(b) A detailed description of the proposed change, including:

(A) a description of how the proposed change affects the facility,

Response: This request does not change any of the Project facilities as described in the Site Certificate. It only seeks to extend the Project construction start deadline from February 23, 2021 to February 23, 2024; and to change the deadline for construction completion from February 23, 2024 to 3 years after the date that construction does commence. This is consistent with the allowable extensions under OAR 345-027-0385(3).

3.1 Applicable Laws and Council Rules (OAR 345-027-0360(1)(b)(B))

(B) a description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and

Response: Section 6 below demonstrates how the proposed extension complies with applicable laws and Council standards.

3.2 Location of the Proposed Change (OAR 345-027-0360(1)(b)(C))

(C) the specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change.

Response: The Facility is a Council-approved solar photovoltaic power generation facility and along with supporting facilities. It will be comprised of 30 module blocks and will have approximately 75 megawatts (MW) of nominal and average electric generating capacity. This request does not change the Facility site boundary or the location of any associated project facilities, and therefore, no updates to maps and/or geospatial data layers are needed. This request only seeks to extend the construction start and

completion deadlines for the Facility. For reference, a map of the current approved site boundary and the existing tax lots is provided as Figure F-1 (figures are provided at the end of this amendment request before the attachments).

4.0 Division 21 Requirements – OAR 345-027-0360(1)(c)

(c) References to any specific Division 21 information that may be required for the Department to make its findings;

Response: This RFA has been prepared in compliance with Division 21 requirements in order to allow the Department to make its findings. As described further below under the applicable Division 22 standards, the extension of the construction start, and construction completion deadlines will not change any of the evidence or analysis provided in the original ASC.

5.0 Site Certificate Revisions (OAR 345-027-0360(1)(d))

(d) The specific language of the site certificate, including conditions, that the certificate holder proposes to change, add, or delete through the amendment;

Response: This request aims to change the specific language in condition number GEN-GS-01:

“a) Facility construction shall commence by February 23, 2024. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. b) Construction of all facility components shall be completed within 3 years after the date that construction does commence. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline.”

6.0 Council Standards and Laws Applicable to the Proposed Change (OAR 345-027-0360(1)(e))

(e) A list of all Council standards and other laws, including statutes, rules and ordinances, applicable to the proposed change, and an analysis of whether the facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is “applicable” if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2);

Response: The relevant Council standards to the proposed change include OAR 345 Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). The Facility is an electricity generating project using photovoltaic technology. Therefore, Division 23, which applies to non-generating facilities, does not apply. Similarly, inapplicable provisions of Division 24 (i.e., standards applicable to gas plants, gas storage, non-generating facilities, etc.) are not discussed. The sections below present a list of applicable Council standards and other laws along with an analysis of how the facility, with the proposed extension, continues to comply with the laws and standards.

6.1 Applicable Division 22 Standards

6.1.1 General Standard of Review (OAR 345-022-0000)

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

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

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other

than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.

Response: The sections below demonstrate that Boardman Solar Energy continues to comply with the requirements of the siting statutes and the standards adopted by the Council, and demonstrate how Boardman Solar Energy Facility complies with relevant Oregon statutes and administrative rules including those identified in the Project Order.

6.1.2 Organizational Expertise (OAR 345-022-0010)

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

(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical

expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.

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

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

Response: EFSC previously found that the Project complies with the Organizational Expertise standard, and there is no proposed change to the certificate holder's organizational expertise. The Certificate Holder (Boardman Solar Energy LLC), a wholly owned subsidiary of Invenergy Solar Development LLC, relies upon the organizational expertise of its parent company, Invenergy LLC (Invenergy). As a global company with 184 clean energy projects in operation as of 2021, it is necessary to organize the company so that subsidiaries of Invenergy LLC can focus on their core clean energy technology and business function. Invenergy Solar Development LLC bears responsibility for the lifecycle of solar projects included in the portfolio of Invenergy LLC. With the expertise and resources afforded by the parent Invenergy LLC, Invenergy Solar Development LLC has been able to bring 47 solar projects into operation as of 2021. This experience has helped to develop an effective RFP process that will allow Invenergy to select the best available contractors to complete the work on the Project.

Based on the extensive experience of the parent company and its subsidiaries, the Council previously found that the Certificate Holder has demonstrated the ability to design, construct and operate the facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. Additionally, according to internal legal counsel, neither Boardman Solar Energy LLC nor Invenergy Solar Development North America LLC have had any regulatory citations within the last five years. The Certificate Holder remains committed to maintaining compliance with the Organization Expertise conditions included in the existing site certificate, including requiring all contractors and subcontractors to comply with all applicable laws and regulations and terms and conditions of the site certificate. Invenergy LLC employs an Environmental Compliance Manager and Asset Manager, while the Certificate Holder employs an Operations and Maintenance Manager who will work in tandem to ensure compliance with any specified conditions.

6.1.3 Structural Standard (OAR 345-022-0020)

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

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

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

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

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

(2) The Council may not impose the Structural Standard in section (1) to approve or deny an application for an energy facility that would produce power from wind, solar or geothermal energy. However, 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.

(3) The Council may not impose the Structural Standard in section (1) to deny an application for a special criteria facility under OAR 345-015-0310. However, 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.

Response: EFSC previously found that the Project complies with the Structural Standard. As explained in the Final Order on the ASC, the Council found that the Certificate Holder had adequately characterized the potential geologic and soil hazards of the facility site, and that the Certificate Holder can design, engineer, and construct the facility to avoid dangers to human safety and the environment presented by the identified hazards. In the ASC the Certificate Holder identified the risks for various major disasters including earthquakes, landslides, volcanic eruptions, soil erosion, and collapsing soils. In order to prepare for the possibilities of these events, mitigation measures have been put in place to protect human safety and the environment. A review of the hazard mapping tool and other available information on the Oregon Department of Geology and Mineral Industries website revealed that there have not been any new or significant changes regarding geological hazards or soil stability in the analysis area that would alter their previous findings¹. There have been no substantive updates to the USGS data for the analysis area from the USGS Seismic Hazard Mapping Tool that was used in the analysis conducted for the ASC². The International Building Code has been updated since the ASC³. The State of Oregon uses the 2018 IBC (International Code Council, 2018) with current amendments by the OSSC and local agencies⁴. The specific codes that address seismic hazards are included in IBC Chapter 16, Section 1613. According to the updated IBC requirements, the determination to conservatively design the Facility for Site B (S_B: rock profile) will not be changed. The Facility will be designed to meet or exceed the minimum standards required by these codes. Additionally, the Certificate Holder will adhere to the Structural Standard conditions previously outlined by the

Council. Mitigation plans included in the ASC serve to address the non-seismic hazards identified.

Some of the potential disasters not considered in the initial ASC include wildfires and flooding. These have become even more prevalent concerns with changing climate conditions. According to ODF there have been a total of 17 fires in Morrow County since 2016, burning a total of 1,091 acres⁵. In the 5 years previously, there were 22 fires which burned 181 acres. With that increase in mind, the Certificate Holder plans to mitigate the potential for wildfires in their site design. There will be roads throughout the facility that will help to act as fire breaks in the event of a fast-moving fire. An alarm will also be in place to give adequate warning to improve human safety. In addition, as discussed in the ASC and required by Condition PRE-FW-04, the Certificate Holder is required to finalize and implement a Revegetation and Noxious Weed Control Plan. A review of the state and county weed lists showed that there have been no substantive changes in the Project area that would necessitate an update to the language included into the original plan or associated conditions. The Draft Revegetation and Noxious Weed Control Plan submitted with the ASC provides concepts for effective vegetation management to limit potential for wildfire to spread into or from the Project area. During construction, most of the vegetation will be removed from the 545-acre area with grubbing and grading equipment. Any vegetation that grows back in the 486-acre area of permanent disturbance will be managed in order to limit potential for wildfire to spread to or from the Project area.

With respect to flooding, the Facility is located on a plateau that sits well above sea level. According to the [Washington Coastal Hazards Resiliency Network](#), the Columbia River is projected to rise by as much as two feet by 2100⁶. At the project site, the elevation of the Columbia river is roughly 265 feet above sea level. The lowest point in the project site is close to 400 feet above sea level. Because of that difference, the rise in water levels is extremely unlikely to cause flooding. The Certificate Holder will also purchase insurance to cover the Facility in the event of unforeseen or unavoidable hazards. The proposed change does not affect the certificate holder's ability to design, engineer, and construct the Project to avoid dangers to human safety and the environment. The Certificate Holder will maintain compliance with the Structural Standard conditions listed in the existing site certificate, including conducting subsurface

evaluations to characterize the soils within the Facility site and use the resulting data to plan and design appropriate mitigation measures.

6.1.4 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.

Response: In Exhibit I of the ASC, the Applicant described existing soil conditions of the project site. According to the Natural Resource Conservation Service's Web Soil Survey tool, the soil types conditions described in the ASC have not changed⁷. They also completed an assessment of current land uses and how the facility may impact soils. Since land ownership in the project area has not changed, the private agricultural and historic rangeland uses considered in the ASC have not materially changed. The land included in the Facility is not irrigated, and therefore has historically been used for summer and winter cattle grazing. In the ASC, the Applicant went on to describe measures to mitigate potential adverse impacts and described a monitoring program to be put in place. Based on that information, and subject to compliance with site certificate conditions, the Council found that the Applicant would comply with the Soil Protection standard. The proposed change will not affect the certificate holder's ability to comply with the Soil Protection standard. The certificate holder will maintain compliance with all Soil Protection Standard conditions.

6.1.5 Land Use (OAR 345-022-0030)

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

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

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

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

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

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

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

Response: In May 2019, the Oregon Land Conservation and Development Commission (“LCDC”) adopted certain changes to the state administrative rules that govern the siting of solar facilities on farm-zoned lands. The 2019 rule amendments clarified that, when approving solar facilities, local jurisdictions were required to consider the entire facility footprint when calculating the size of the solar facility for purposes of determining compliance with applicable land use standards. To do this, LCDC modified the rule language to provide that permanent features of a power generation facility shall not “use, occupy, or cover” more than 12 acres unless the applicant secures an Exception to Statewide Planning Goal 3. The rule amendments also imposed new restrictions on the development of solar projects on “the best” of the high-value soils, defined by defined by 660-033-0020(8)(a) as “Prime, Unique, Class I or Class II soils” or simply (8)(a) soils.

None of the changes adopted in 2019 are relevant to the analysis contained in the ASC or the Council’s evaluation of the Facility in the Final Order on the Site Certificate. When analyzing the impacts of the Boardman Solar Energy Facility, the ASC and the Final

Order considered the entire Facility footprint and, as a result, the Certificate Holder pursued, and the Council granted an Exception from Statewide Planning Goal 3. In addition, the Facility is not located on “the best” of the high-value soils, as discussed in Exhibit K of the ASC at pp. K-9 – K-10 and shown on Figures K-5 and K-6, so the 8(a) soils prohibitions adopted in 2019 do not apply. Accordingly, the Council’s prior land use analysis of the Facility is consistent with the current administrative rules, including those changes adopted in 2019. The proposed change does not affect EFSC’s previous findings of compliance with the Land Use Standard. According to the Gilliam County planning department website, the comprehensive plan and zoning ordinance were last updated in 2017 to adopt marijuana business regulations⁸. Further review of the Gilliam County code revealed that these changes did not alter the language of applicable comprehensive plan and land use regulations that were evaluated in the ASC. According to a February 2021 review of the most recent version of the Morrow County code available on the Morrow County website, the Morrow County zoning ordinances were updated in 2018 but there were no changes to any of the code provisions that apply to the Project⁹. As described in detail in Exhibit K of the ASC, the Facility is an allowable Conditional Use under section 3.010 (C)(22)(K.1). Review of the applicable local land use standards in Gilliam and Morrow revealed the same code language used in the requirements evaluated in the ASC. Therefore, there are no substantive changes proposed to the development of or use at the Facility site. Accordingly, EFSC may rely on its earlier findings that the Facility complies with the Council’s Land Use Standard.

6.1.6 Protected Areas (OAR 345-022-0040)

(1) Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below. References in this rule to protected areas designated under federal or state statutes or regulations are to the designations in effect as of May 11, 2007:

(a) National parks, including but not limited to Crater Lake National Park and Fort Clatsop National Memorial;

(b) National monuments, including but not limited to John Day Fossil Bed National Monument, Newberry National Volcanic Monument and Oregon Caves National Monument;

(c) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782;

(d) National and state wildlife refuges, including but not limited to Ankeny, Bandon Marsh, Baskett Slough, Bear Valley, Cape Meares, Cold Springs, Deer Flat, Hart Mountain, Julia Butler Hansen, Klamath Forest, Lewis and Clark, Lower Klamath, Malheur, McKay Creek, Oregon Islands, Sheldon, Three Arch Rocks, Umatilla, Upper Klamath, and William L. Finley;

(e) National coordination areas, including but not limited to Government Island, Ochoco and Summer Lake;

(f) National and state fish hatcheries, including but not limited to Eagle Creek and Warm Springs;

(g) National recreation and scenic areas, including but not limited to Oregon Dunes National Recreation Area, Hell's Canyon National Recreation Area, and the Oregon Cascades Recreation Area, and Columbia River Gorge National Scenic Area;

(h) State parks and waysides as listed by the Oregon Department of Parks and Recreation and the Willamette River Greenway;

(i) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(j) State estuarine sanctuaries, including but not limited to South Slough Estuarine Sanctuary, OAR chapter 142;

(k) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(l) Experimental areas established by the Rangeland Resources Program, College of Agriculture, Oregon State University: the Prineville site, the Burns (Squaw Butte) site, the Starkey site and the Union site;

(m) Agricultural experimental stations established by the College of Agriculture, Oregon State University, including but not limited to: Coastal Oregon Marine Experiment Station, Astoria. Mid-Columbia Agriculture Research and Extension Center, Hood River. Agriculture Research and Extension Center, Hermiston. Columbia Basin Agriculture Research Center, Pendleton. Columbia Basin Agriculture Research Center, Moro. North Willamette Research and Extension Center, Aurora. East Oregon Agriculture Research Center, Union. Malheur Experiment Station, Ontario. Eastern Oregon Agriculture Research Center, Burns. Eastern Oregon Agriculture Research Center, Squaw Butte. Central Oregon Experiment Station, Madras. Central Oregon Experiment Station, Powell Butte. Central Oregon Experiment Station, Redmond. Central Station, Corvallis. Coastal Oregon Marine Experiment Station, Newport. Southern Oregon Experiment Station, Medford. Klamath Experiment Station, Klamath Falls.

(n) Research forests established by the College of Forestry, Oregon State University, including but not limited to McDonald Forest, Paul M. Dunn Forest, the Blodgett Tract in Columbia County, the Spaulding Tract in the Mary's Peak area and the Marchel Tract;

(o) Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas;

(p) State wildlife areas and management areas identified in OAR chapter 635, division 8.

Response: Considering the analysis presented by the Applicant in the ASC in Exhibit L, the Council previously found that, subject to compliance with the certificate conditions and taking in to account mitigation, the design, construction and operation of the facility would not be likely to result in significant adverse impacts to any protected areas, and therefore is in compliance with the Council's Protected Area standard. The proposed change does not affect EFSC's previous findings of compliance with the Protected Areas Standard. After reviewing both state and federal websites included in the references section regarding areas protected under OAR 345-022-0040, the Applicant has determined that there have been no additional protected areas added that warrant consideration beyond what the Council analyzed in the ASC^{12,13,14}. There are no substantive changes proposed to the development of or use at the Facility site. Accordingly, EFSC may rely on its earlier findings that the Project complies with the Council's Protected Areas Standard.

6.1.7 Retirement and Financial Assurance (OAR 345-022-0050)

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

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

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

Response: Subject to compliance with Retirement and Financial Assurance Conditions 1, 2, and 3, specified in the approved site certificate, the Council found that the facility could be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility. Subject to compliance with Retirement and Financial Assurance Condition 4, the Council finds that the certificate holder has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. Council approved Condition GEN-RT-02 which refers to a decommissioning amount of \$8.78 million in Q4 2017 dollars. Based on a letter written by the State Fire Marshal, it was determined that the \$1.25 million the Council had added to account for gravel removal was not needed, so that amount was adjusted down to a cost of \$7.5 million.

That amount would be updated to \$8.1 million in Q1 2021 dollars to account for inflation. A bank comfort letter has been attached stating that the bank is willing to provide a letter of credit in that amount. Therefore, the facility would comply with the Council's Retirement and Financial Assurance standard. The proposed change does not affect EFSC's previous findings of compliance with the Financial Assurance Standard. Accordingly, EFSC may rely on its earlier findings that the Project complies with the Council's Financial Assurance Standard, including maintaining a bond that accounts for the final design of the facility.

6.1.8 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.

Response: Based on the Applicant's analysis and representations, and on review of the information provided in Exhibit P of the ASC, subject to compliance with the site certificate conditions, the Council previously found that the design, construction, and operation of the facility, taking into account mitigation, are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 345-415-0025. Additional consultation with ODFW and ORBIC was conducted to determine if there had been any changes to the habitat rankings analyzed in the ASC. See attachment 2 for updated list from ORBIC. According to the updated list from ORBIC, and the Compass Tool provided by ODFW, there have not been any changes in the habitat classifications considered in the ASC in accordance with OAR 635-415-0025 (1) through (6)¹⁵. Prior to commencing construction, the applicant will perform field surveys to update fish and wildlife habitat information. Following the site conditions is essential for the facility to remain in compliance with the Council's Fish and Wildlife Habitat standard. While habitat conditions may have changed since the initial site certificate application, the stipulated conditions require the applicant to perform updated analyses prior to commencing

construction. These conditions will ensure continued compliance with this Fish and Wildlife Habitat Standard.

6.1.9 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.

Response: As described in the final order and the ASC, the field surveys and historical data demonstrated a lack of listed plant species within the site boundary. While the existing habitat is of relatively low quality (Category 4), the Applicant stated that the site boundary contains potential habitat for Lawrence's milkvetch. Subject to compliance with the adopted condition, based on the analysis presented here and the information in the record, the Council found that the facility is unlikely to adversely affect Lawrence's milkvetch or any other threatened or endangered plant species, and that the design, construction, and operation of the facility are not likely to cause a significant reduction in the likelihood of survival or recovery of threatened or endangered plant species. Consultation with ORBIC showed that there have been no additional state species that are threatened or endangered in the project area. See attachment 2. Further

assessment with the US Fish and Wildlife Service iPac tool showed there are no federally listed species to be considered beyond what was included in the ASC¹⁶. Additionally, the Certificate Holder conducted field surveys in 2021 to determine the presence of Washington Ground Squirrels. No burrows or occurrences of the WGS were observed. Results of the updated field surveys will be included in a sensitive species report that will be sent separately to ODOE. Prior to commencing construction, the Certificate Holder will perform field surveys within the site boundary for state-listed threatened and endangered species. This will ensure compliance with the Council's Threatened and Endangered Species standard.

6.1.10 Scenic Resources (OAR 345-022-0080)

(1) Except for facilities described in section (2), 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 significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.

(2) 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.

Response: Based on the analysis provided by the applicant in the ASC, which included the visual features of the facility and a visual impact assessment, the Council found that the design, construction, and operation of the facility are not likely to result in significant adverse impacts to any identified scenic resources and values. Further review of the land management plans included in the ASC showed that there have been no updated or newly adopted federal plans impacting the project area. The state level plans included in the ASC have had amendments since the initial Site Certificate was issued. In Oregon, the ODFW plan has not been changed since 2008. The ODOT plan considered in the ASC has been amended, but none of the changes impact the Project area¹⁷. In Washington, the WSDOT transportation plan is currently in the process of being updated¹⁸. The Applicant will continue to monitor this plan in order to comply with the

upcoming strategy. Updates to the county level comprehensive plans affecting the project area have been discussed in section 6.1.5. The city of Arlington, OR comprehensive plan was most recently updated in March of 2015¹⁹. While the goals of preserving floodplain areas, wetlands and stream buffers remains a component of their strategy, the plan also calls for the adoption of new strategies to acquire, protect and preserve lands with significant natural and cultural resources. According to the ASC and discussed further in section 6.1.11 of the pRFA, the Project area impacted by this plan does not contain any significant natural or cultural resources that would be considered in this strategy. Therefore, the facility complies with the Council's Scenic Resources standard. The proposed change does not affect EFSC's previous findings of compliance with the Scenic Resources Standard. There have been no additional scenic resources added to local plans that warrant consideration beyond what the Council analyzed in the ASC. Accordingly, EFSC may rely on its earlier findings of compliance with the Scenic Resources Standard.

6.1.11 Historical, Cultural and Archeological 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.

Response: Based on the analysis provided in the ASC, and in accordance with OAR 345-022-0090(2), the Council imposed Historic, Cultural, and Archeological Resources Conditions 1 through 7 on the site certificate to address the protection of historic, cultural, and archaeological resources at the facility site. Review of the information on the Oregon Archeological Service site confirmed that the latest cultural resource survey completed in the area was the technical report referenced in the ASC²⁰. That survey did find one archeological site, 35GM402, that was recommended for listing on the NRHP. A review of the Oregon Historic Sites Database showed that it has not been listed to this date²¹. In addition, the Certificate Holder remains committed to avoiding this site during construction, operations, and retirement of the proposed Facility. The Certificate Holder will abide by these conditions in order to maintain compliance with the Council's Historic, Cultural, and Archeological Resources standard.

6.1.12 Recreation (OAR 345-022-0100)

(1) Except for facilities described in section (2), 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 in the analysis area as described in the project order. The Council shall 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.

(2) 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.

Response: With the implementation of Recreation Standard Conditions 1 and 2 and Public Services Condition 4, the Council found that construction traffic from the facility would not result in significant adverse impacts to Willow Creek Wildlife Area. Based on the analysis presented in the ASC, the Council found that the traffic generated by the construction and operation of the facility is not likely to result in significant adverse impacts to any of the other recreational opportunities identified as “important.” Further analysis of recreation areas within a 5-mile radius of the project area found that there are no new recreation opportunities or changes in the area beyond what was considered in the ASC. This evaluation included information from the US Army Corps of Engineers, BLM, ODFW, and ODOT^{22,23}. The proposed change does not affect EFSC’s previous findings of compliance with the Recreation Standard. Because the construction and operation of the facility are not likely to result in significant visual impacts to important recreational opportunities, the facility is in compliance with the Council’s Recreation standard.

6.1.13 Public Services (OAR 345-022-0110)

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

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

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

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

Response: The proposed change does not affect EFSC's previous findings of compliance with the Public Services. Evidence from public service providers confirming their ability to provide that service to the Facility are attached. Accordingly, EFSC may rely on its earlier findings of compliance. Moreover, based on the analysis provided by the Certificate Holder in the ASC, and in compliance with OAR 345-022-0110(2), the Council included 15 Public Services conditions in the site certificate to address the Council's Public Services Standard. The facility will abide by these conditions in order to maintain compliance with the Council's Public Services Standard.

6.1.14 Waste Minimization (OAR 345-022-0120)

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

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

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

(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.

Response: The proposed change does not affect EFSC's previous findings of compliance with the Waste Minimization Standard. Accordingly, EFSC may rely on its earlier findings of compliance. Moreover, based on the analysis provided by the applicant in the ASC, and in compliance with OAR 345-022-0120(2), the Council included two Waste Minimization Conditions listed in the site certificate to address the Council's Waste Minimization Standard. The applicant will abide by these conditions to maintain compliance with the Council's Waste Minimization Standard.

6.2 Division 24 Standards

6.2.1 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.

Response: Based upon their review of the Applicant's evaluation presented in Exhibit AA of the ASC, the Council found that the Applicant can design, construct and operate the transmission line so that induced currents would be as low as reasonably achievable. A review of aerial maps in the project area, current as of 2021, revealed that there are no new structures within 200 feet on the center line of each transmission line²⁴. Subject to compliance with Siting Standards for Transmission Line Conditions 1 through 4, the Council found that the facility complies with the Council's Siting Standards for

Transmission Lines. The proposed change does not affect EFSC's previous findings of compliance.

6.3 Other Applicable Regulatory Requirements

6.3.1 Noise Control Regulations (OAR 340-035-0035)

(1) Standards and Regulations:

(b) New Noise Sources:

(B) New Sources Located on Previously Unused Site:

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

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

Response: Based on the findings presented in the ASC, the Council found that the facility would comply with the Noise Control Regulations in OAR 340-035-0035(1)(b)(B). An evaluation of the property owners obtained from the county assessor's office showed that within the 1-mile analysis area there are no new sensitive properties that need to be considered. Therefore, the Certificate Holder would still comply with the Noise Control Regulations.

6.3.2 Removal-Fill

The Oregon Removal-Fill Law (ORS 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.”³⁴¹ 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. The analysis area for wetlands and other waters of the state is the area within the site boundary.

Response: Based on the facts and conclusions presented in the ASC, the Council found that a removal-fill permit is not needed for the facility.

6.3.3 Water Rights

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department (OWRD) administers water rights for appropriation and use of the water resources of the state. Under OAR 345-022-0000(1)(b), the Council must determine whether the facility would comply with the statutes and administrative rules identified in the project order. The project order identifies OAR 690, Divisions 310 and 380 (Water Resources Department permitting requirements) as the administrative rules governing use of water resources and water rights as applicable to the facility. The project order also states that OAR 345-021-0010(1)(o) applies to the facility (except for provision (D), which is applicable only to thermal power plants). OAR 345-021-0010(1)(o)(F) requires that if a facility needs a groundwater permit, surface water permit, or water right transfer, that a decision on authorizing such a permit rests with the Council.

Response: Based on the facts presented in the ASC, the Council concluded that the facility does not need a groundwater permit, surface water permit, or water rights transfer. Further review of the National Wetlands Inventory showed that there no new recorded wetlands or waters of the state in the Project area other than those considered in the ASC²⁵.

7.0 Property Owners Located within or Adjacent to the Site of the Facility (OAR 345-027- 0360(1)(f))

(f) An updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f)

Response: An updated property owner list and tax lot map required by OAR 345-027-0360(1)(f) are provided in Attachment 1 and Figure F-1.

8.0 Conclusion

In sum, the extension request demonstrates that the proposed extensions to the construction start and completion deadlines comply with the applicable standards and will not violate any other Council standards or Site Certificate conditions. Boardman Solar Energy Facility therefore requests that the Council approve this amendment request and make the requested changes to the Site Certificate for the Facility.

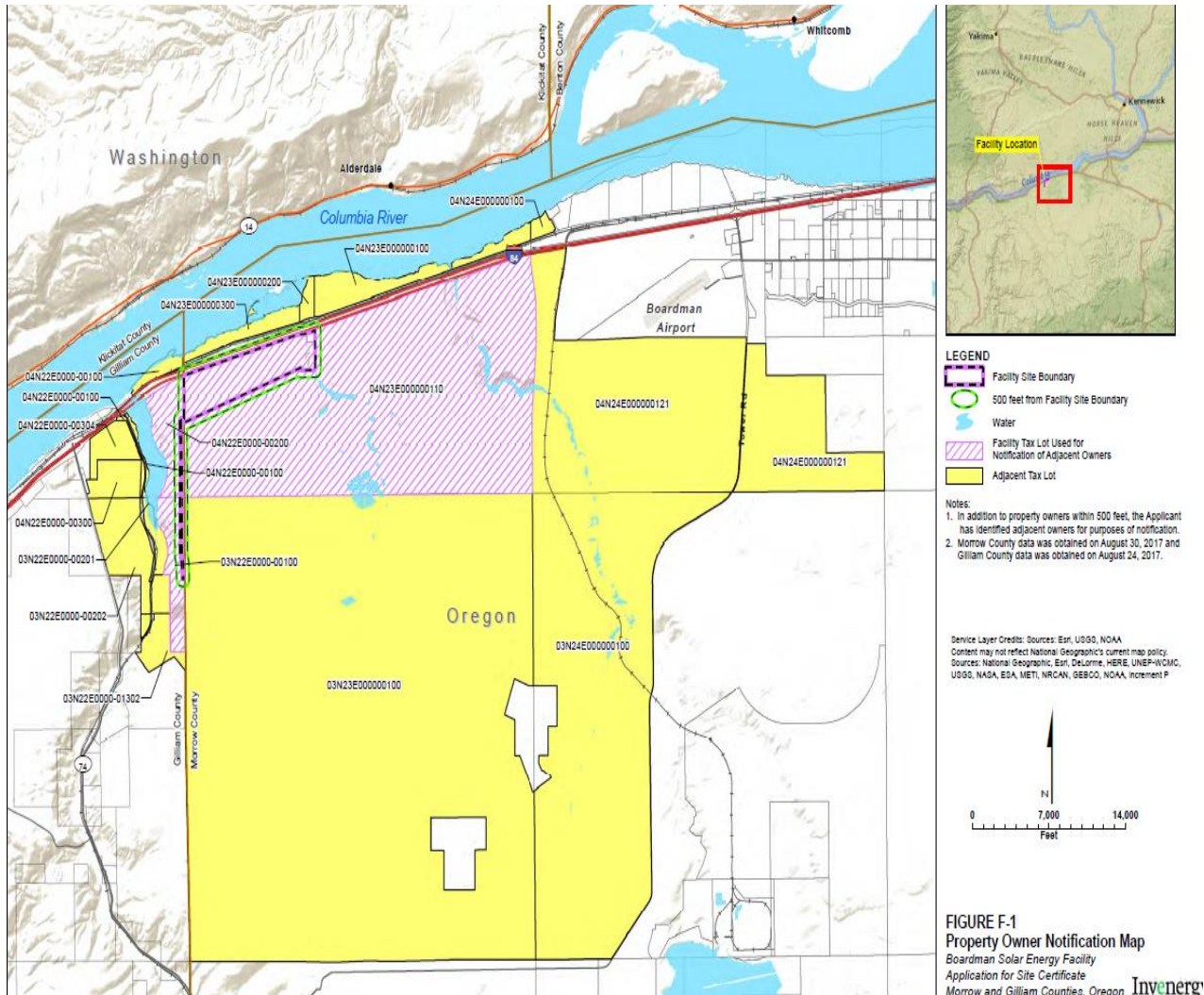
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Figure F-1: Map of Facility Boundary and Tax Lots



Attachment 1: Updated Property Owner List

Updated Property Owner List

Map Tax Lot	Name	Company	Address	City	State	Zip Code
Gilliam County						
04N22E0000 00200	MYERS MARTIN		75906 Threemile Rd	Boardman	OR	97818
04N22E0000 00100	USA		Undetermined			
03N22E0000 00100	MYERS MARTIN		75906 Threemile Rd	Boardman	OR	97818
03N22E0000 01302	HARRIS JUDITH A		76044 Sullivan Rd	Ione	OR	97843
03N22E0000 00202	THREEMILE CANYON FARMS LLC		75906 Threemile Rd	Boardman	OR	97818
03N22E0000 00201	USA		Undetermined			
04N22E0000 00300	RENEWABLE WIND ENERGY LLC	WF INC	PO Box 1136	Newberg	OR	97123
04N22E0000 00304	TURNER JENNIFER & TURNER RICKY		76768 HWY 74	Ione	OR	97843
03N22E0000 00100 A1*	MYERS MARTIN		75906 Threemile Rd	Boardman	OR	97818
04N22E0000 00200 A1*	MYERS MARTIN		75906 Threemile Rd	Boardman	OR	97818
04N22E0000 00200 A2*	MYERS MARTIN		75906 Threemile Rd	Boardman	OR	97818
04N22E0000 00200 A3*	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
Morrow County						
03N23E000000 100L1	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
04N23E000000 110L1	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
03N23E000000 100	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
04N23E000000 200	USA		Undetermined			
04N24E000000 121	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
04N23E000000 100	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
04N23E000000 300	USA		Undetermined			
04N23E000000 110	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
03N24E000000 100	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818
04N24E000000 100	THREEMILE CANYON FARMS LLC (DBA)		75906 Threemile Rd	Boardman	OR	97818

Source: Gilliam County Assessor, Obtained July 7, 2021; Morrow County Assessor, Obtained June 30, 2021

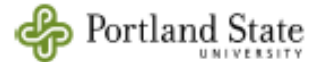
Attachment 2: Oregon Biodiversity Information Center Report

OREGON BIODIVERSITY INFORMATION CENTER

February 11, 2021

Zach Lea
Invenergy
959 SW Division St, Suite 350
Portland, OR 97214

Institute for Natural Resources



Mail Stop: INR
Post Office Box 751
Portland, Oregon 97207
503.725.9950
<http://inr.oregonstate.edu/orbic>

Dear Mr. Lea:

Thank you for requesting information from the Oregon Biodiversity Information Center (ORBIC). We have conducted a data system search for rare, threatened and endangered plant, animal, and fungi records for your Boardman Solar Energy Facility Project in 45.795, -119.989 near Boardman.

Four (4) element occurrence records were noted within a three-mile radius of your project and are included on the enclosed database printout.

Please remember that a lack of rare element information from a given area does not necessarily indicate there are no significant elements present, only that there is no information known to us from the site. To ensure there are no significant elements present that may be affected by your project, you should inventory the site during the appropriate season.

This data is confidential and for the specific purposes of your project and is **not to be distributed**. Please also note that as our database is continually updated, the data in this report should be considered current for a maximum of one year from the date it was generated and should not be cited thereafter.

Please forward the included invoice to the appropriate party in your organization for payment.

If you need additional information or have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Lindsey Wise".

Lindsey Wise
Biodiversity Data Manager
lindsey.wise@psu.edu
503.725.9951

encl.: **invoice (INR-021121-LKW4)**
database printout and data key

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

Scientific Name: *Allium robinsonii* EO NUM: 4
 Common Name: Robinson's onion EO ID: 15825
 Federal Status: GRANK: G3 NHP List: 2-ex Category: Vascular Plant
 State Status: SRANK: SX HP Track: Y ELCODE: PMLIL02120
 Confirmed: First Obs: 1938 Last Obs: 1938-04-13 EO Rank: X - Extirpated
 Directions: 2 MILES EAST OF HEPPNER JUNCTION.

County Name	Ecoregion	Owner Name/Type	Watershed
Morrow	CB		170701011401 - Threemile Canyon-Lake Umatilla 170701040503 - Willow Creek

Town/Range_Sect_Meridian_TRS Note	QuadCode	QuadName	Managed Area Name
004N023E - 30 - WM -	45119-G8	Alderdale	
	45120-G1	Heppner Junction	

Source Feature	Uncertainty Type (Distance) (Use Class)	Annual Observations
15825 - Point	Estimated (1500 m)	

SFeat ID	Date	Visit data

Occurrence Data
 EO Type: Min. Elev.(m):
 EO Data: HERB COLLECTION: PECK #19853, 4-13-38, CAS, WILLU, WS. IN FRUIT.
 EO Comments: DRY WATERCOURSE
 Protection:
 Management:
 References: Peck 1938
 Specimens: PECK #19853. 4-13-38. CAS, WILLU, WS.
 General:

Scientific Name: *Entosphenus tridentatus* EO NUM: 16
 Common Name: Pacific lamprey EO ID: 38367
 Federal Status: SOC GRANK: G4 NHP List: 2 Category: Vertebrate Animal
 State Status: S SRANK: S1S2 HP Track: Y ELCODE: AFBAA02100
 Confirmed: First Obs: 2011 Last Obs: 2011 EO Rank: E - Verified extant (viability not assessed)
 Directions: Columbia River

County Name	Ecoregion	Owner Name/Type	Watershed
Gilliam	CB		170701010201 - Spring Gulch-Lake Wallula 170701010204 - Spaw Canyon-Lake Wallula
Morrow			170701010206 - Cold Springs Wash-Lake Wallula
Sherman			170701010207 - McNary Dam-Lake Wallula
Umatilla			170701010601 - Lake Umatilla 170701010602 - Paterson Slough-Lake Umatilla 170701010603 - McCormach Slough-Lake Umatilla 170701010904 - Whitcomb Island-Lake Umatilla 170701010905 - Crow Butte-Lake Umatilla 170701011401 - Threemile Canyon-Lake Umatilla 170701011403 - Hurburt Flats-Lake Umatilla 170701011405 - Old Lady Canyon-Lake Umatilla 170701011407 - Phillip Canyon-Lake Umatilla 170701011408 - John Day Dam-Lake Umatilla 170701050103 - Hells Gate Canyon-Columbia River

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

<u>Town/Range</u>	<u>Sec</u>	<u>Meridian</u>	<u>TRS Note</u>	<u>QuadCode</u>	<u>QuadName</u>	<u>Managed Area Name</u>
003N017E	- 13	- WM	-	45118-H8	Juniper Canyon	
003N017E	- 14	- WM	-	45119-G6	Boardman	
003N017E	- 22	- WM	-	45119-G7	Crow Butte	
003N017E	- 23	- WM	-	45119-G8	Alderdale	
003N017E	- 27	- WM	-	45119-H1	Juniper	
003N017E	- 28	- WM	-	45119-H2	Hat Rock	
003N017E	- 31	- WM	-	45119-H3	Umatilla	
003N017E	- 32	- WM	-	45119-H4	Irtigon	
003N018E	- 16	- WM	-	45119-H5	Paterson	
003N018E	- 17	- WM	-	45119-H6	Bialock Island	
003N018E	- 18	- WM	-	45120-F2	Arlington	
003N018E	- 22	- WM	-	45120-F3	Sundale	
003N018E	- 36	- WM	-	45120-F4	Sundale NW	
003N019E	- 31	- WM	-	45120-F5	Quinton	
003N019E	- 34	- WM	-	45120-F6	Rufus	
003N019E	- 35	- WM	-	45120-G1	Heppner Junction	
003N019E	- 36	- WM	-	45120-G2	Wood Gulch	
003N020E	- 26	- WM	-	45118-A8	Wallula	
003N020E	- 27	- WM	-			
003N020E	- 28	- WM	-			
003N020E	- 31	- WM	-			
003N021E	- 01	- WM	-			
003N021E	- 02	- WM	-			
003N021E	- 10	- WM	-			
003N021E	- 15	- WM	-			
003N021E	- 16	- WM	-			
003N021E	- 20	- WM	-			
003N021E	- 21	- WM	-			
003N022E	- 06	- WM	-			
004N022E	- 25	- WM	-			
004N022E	- 26	- WM	-			
004N022E	- 33	- WM	-			
004N022E	- 34	- WM	-			
004N023E	- 13	- WM	-			
004N024E	- 07	- WM	-			
004N024E	- 08	- WM	-			
004N024E	- 18	- WM	-			
004N025E	- 03	- WM	-			
004N025E	- 04	- WM	-			
004N025E	- 07	- WM	-			
004N025E	- 08	- WM	-			
005N025E	- 24	- WM	-			
005N025E	- 25	- WM	-			
005N026E	- 15	- WM	-			
005N026E	- 16	- WM	-			
005N026E	- 17	- WM	-			
005N026E	- 18	- WM	-			
005N026E	- 19	- WM	-			
005N026E	- 23	- WM	-			
005N026E	- 24	- WM	-			
005N028E	- 12	- WM	-			
005N029E	- 07	- WM	-			
005N029E	- 08	- WM	-			
005N030E	- 07	- WM	-			
<u>Source Feature</u>	<u>Uncertainty Type (Distance) [Use Class]</u>		<u>Annual Observations</u>			
63175 - Line	Negligible (8 m)	Undetermined				
63200 - Line	Negligible (8 m)	Undetermined				
63687 - Line	Negligible (8 m)	Undetermined				

Solar Installation near Boardman Project - Page 2 of 7

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

SFeat ID	Date	Visit data
63175	2011	Use type: Unknown. Documented fish observation. Agency data steward: John Hamilton.
63687	2011	Use type: Unknown. Documented fish observation. Agency data steward: John Hamilton.
63200	2011	Use type: Unknown. Documented fish observation. Agency data steward: John Hamilton.

Occurrence Data

EO Type: Min. Elev.(m):
 EO Data: 2011: Use type: Unknown. Documented fish observation. Agency data steward: John Hamilton.
 EO Comments:
 Protection:
 Management:
 References: ODFW 2012
 Specimens:
 General: From the 2012 edition of the ODFW Oregon Fish Habitat Distribution - Pacific Lamprey geodatabase; these data are based on sampling and describe areas of suitable habitat currently and historically used by Pacific lamprey populations.

Scientific Name: *Juncus interior* EO NUM: 1
 Common Name: Interior rush EO ID: 35443
 Federal Status: GRANK: G4 NHP List: 2 Category: Vascular Plant
 State Status: SRANK: S1? HP Track: Y ELOODE: PMJUN011J0
 Confirmed: First Obs: 2002-06-17 Last Obs: 2002-06-17 EO Rank: E - Verified extant (viability not assessed)
 Directions: Off of I-84 at exit 151 (Threemile Canyon) ca. 12 mi W of Boardman, on shores of Columbia River.

County Name	Ecoregion	Owner Name/Type	Watershed			
Morrow	CB		170701011401 - Threemile Canyon-Lake Umatilla			
Town/Range	Sect	Meridian	TRS Note	QuadCode	QuadName	Managed Area Name
004N023E	- 19	- WM	-	45119-G8	Alderdale	
004N023E	- 20	- WM	-			
004N023E	- 21	- WM	-			
004N023E	- 28	- WM	-			
004N023E	- 29	- WM	-			
004N023E	- 30	- WM	-			

Source Feature: Uncertainty Type (Distance) [Use Class] Annual Observations
 61494 - Point Estimated (1500 m)

SFeat ID	Date	Visit data
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Occurrence Data

EO Type: Min. Elev.(m): 76
 EO Data:
 EO Comments: With Carex, Amorpha, Scirpus, Cirsium, Euthamia, Lilaepsis
 Protection:
 Management:
 References:
 Specimens: Halse, R.R. (6193). 6-17-2002. OGC
 General: Herbarium collection: Halse

Scientific Name: *Oncorhynchus mykiss pop. 28* EO NUM: 117
 Common Name: Steelhead (Middle Columbia River ESU, summer run) EO ID: 948
 Federal Status: LT GRANK: G5T2Q NHP List: 1 Category: Vertebrate Animal
 State Status: SC SRANK: S2 HP Track: Y ELOODE: AFCHA02133
 Confirmed: First Obs: 1996-PRE Last Obs: 2009 EO Rank: E - Verified extant (viability not assessed)
 Directions: COLUMBIA RIVER & TRIBUTARIES

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

<u>County Name</u>	<u>Ecoregion</u>	<u>Owner Name/Type</u>	<u>Watershed</u>
Gilliam	CB		170701010201 - Spring Gulch-Lake Wallula
Hood River	EC		170701010204 - Spaw Canyon-Lake Wallula
Morrow			170701010206 - Cold Springs Wash-Lake Wallula
Sherman			170701010207 - McNary Dam-Lake Wallula
Umatilla			170701010601 - Lake Umatilla
Wasco			170701010602 - Paterson Slough-Lake Umatilla
			170701010603 - McCormach Slough-Lake Umatilla
			170701010904 - Whitcomb Island-Lake Umatilla
			170701010905 - Crow Butte-Lake Umatilla
			170701011401 - Threemile Canyon-Lake Umatilla
			170701011403 - Hurburt Flats-Lake Umatilla
			170701011405 - Old Lady Canyon-Lake Umatilla
			170701011407 - Phillipi Canyon-Lake Umatilla
			170701011408 - John Day Dam-Lake Umatilla
			170701031306 - Umatilla River
			170701050101 - Spanish Hollow
			170701050103 - Hells Gate Canyon-Columbia River
			170701050401 - Threemile Creek-Columbia River
			170701050406 - Town of Murdock-Columbia River
			170701051103 - Lower Mosier Creek
			170701051105 - Rowena Creek-Columbia River
			170703061205 - Gordon Canyon-Deschutes River

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

<u>Town/Range_Sect_Meridian</u>	<u>TRS Note</u>	<u>QuadCode</u>	<u>QuadName</u>	<u>Managed Area Name</u>
001N013E - 02 - WM -		45118-H8	Juniper Canyon	
001N013E - 03 - WM -		45119-G6	Boardman	
002N011E - 01 - WM -		45119-G7	Crow Butte	
002N011E - 02 - WM -		45119-G8	Alderdale	
002N012E - 02 - WM -		45119-H1	Juniper	
002N012E - 03 - WM -		45119-H2	Hat Rock	
002N012E - 12 - WM -		45119-H3	Umatilla	
002N013E - 07 - WM -		45119-H4	Irrigon	
002N013E - 08 - WM -		45119-H5	Paterson	
002N013E - 16 - WM -		45119-H6	Blalock Island	
002N013E - 21 - WM -		45120-F2	Arlington	
002N013E - 28 - WM -		45120-F3	Sundale	
002N013E - 33 - WM -		45120-F4	Sundale NW	
002N013E - 34 - WM -		45120-F5	Quinton	
002N013E - 36 - WM -		45120-F6	Rufus	
002N014E - 15 - WM -		45120-F7	Biggs Junction	
002N014E - 20 - WM -		45120-F8	Wishram	
002N014E - 21 - WM -		45120-G1	Heppner Junction	
002N014E - 29 - WM -		45120-G2	Wood Gulch	
002N014E - 30 - WM -		45121-E1	Petersburg	
002N014E - 31 - WM -		45121-E2	The Dalles South	
002N015E - 13 - WM -		45121-F1	Stacker Butte	
002N015E - 15 - WM -		45121-F2	The Dalles North	
002N015E - 16 - WM -		45121-F3	Lyle	
002N015E - 17 - WM -		45121-F4	White Salmon	
002N015E - 19 - WM -		45121-F5	Hood River	
002N015E - 20 - WM -				
002N015E - 22 - WM -				
002N015E - 23 - WM -				
002N015E - 25 - WM -				
002N016E - 01 - WM -				
002N016E - 02 - WM -				
002N016E - 03 - WM -				
002N016E - 07 - WM -				
002N016E - 08 - WM -				
002N016E - 09 - WM -				
002N016E - 18 - WM -				
003N010E - 25 - WM -				
003N011E - 30 - WM -				
003N011E - 32 - WM -				
003N011E - 33 - WM -				
003N011E - 36 - WM -				
003N012E - 31 - WM -				
003N012E - 32 - WM -				
003N012E - 33 - WM -				
003N012E - 34 - WM -				
003N016E - 36 - WM -				
003N017E - 13 - WM -				
003N017E - 14 - WM -				
003N017E - 22 - WM -				
003N017E - 23 - WM -				
003N017E - 27 - WM -				
003N017E - 28 - WM -				
003N017E - 31 - WM -				
003N017E - 32 - WM -				
003N018E - 16 - WM -				
003N018E - 17 - WM -				
003N018E - 18 - WM -				
003N018E - 36 - WM -				
003N019E - 31 - WM -				

Solar Installation near Boardman Project - Page 5 of 7

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

003N019E - 35 - WM -
 003N019E - 36 - WM -
 003N020E - 27 - WM -
 003N020E - 28 - WM -
 003N020E - 31 - WM -
 003N021E - 01 - WM -
 003N021E - 02 - WM -
 003N021E - 10 - WM -
 003N021E - 11 - WM -
 003N021E - 15 - WM -
 003N021E - 16 - WM -
 003N021E - 20 - WM -
 003N021E - 21 - WM -
 003N022E - 06 - WM -
 004N022E - 25 - WM -
 004N022E - 26 - WM -
 004N022E - 33 - WM -
 004N022E - 34 - WM -
 004N023E - 13 - WM -
 004N024E - 07 - WM -
 004N024E - 08 - WM -
 004N024E - 11 - WM -
 004N024E - 12 - WM -
 004N024E - 18 - WM -
 004N025E - 03 - WM -
 004N025E - 04 - WM -
 004N025E - 07 - WM -
 004N025E - 08 - WM -
 005N025E - 24 - WM -
 005N025E - 25 - WM -
 005N026E - 15 - WM -
 005N026E - 16 - WM -
 005N026E - 17 - WM -
 005N026E - 18 - WM -
 005N026E - 19 - WM -
 005N028E - 10 - WM -
 005N028E - 11 - WM -
 005N028E - 12 - WM -
 005N028E - 17 - WM -
 005N028E - 18 - WM -
 005N029E - 07 - WM -
 005N029E - 08 - WM -

Source Feature Uncertainty Type (Distance) (Use Class)

Annual Observations

Data currently not available.

SFeat ID Date Visit data

Occurrence Data

EO Type: MIGRATION - fish

Min. Elev.(m):

EO Data: 2009: Classified as migration by ODFW. Documented fish observation on Umatilla River (near confluence with Columbia River).
 SUMMER RUN; ODFW DISTRIBUTION MAPS USED TO CREATE THE 1:24,000 COVERAGE.

EO Comments:

Protection:

Management:

References: ODFW 2000; ODFW

Specimens:

General: DISTRIBUTION INFORMATION USED IN THIS EOR WAS DERIVED FROM ODFW GEOGRAPHIC RESOURCES DATA PRODUCED AND DISTRIBUTED IN 1999. UNLESS SPECIFIC DATA EXISTS IN THE DATA FIELD, THE INFORMATION PRESENTED IN THIS EOR REPRESENTS THE "BEST PROFESSIONAL JUDGMENT" BY ODFW'S DISTRICT FISHERIES BIOLOGIST; THE PRESENCE OF STEELHEAD IN DESCRIBED AREAS SHOULD BE CONSIDERED UNDOCUMENTED BUT AS HAVING A POTENTIAL OF BEING PRESENT.

Solar Installation near Boardman Project - Page 6 of 7

Oregon Biodiversity Information Center - February 2021

Sensitive Data - Do Not Distribute

4 records total

Solar Installation near Boardman Project - Page 7 of 7

Key to Oregon Biodiversity Information Center Data

Field Name	Description
Scientific Name	The scientific name of the species.
Common Name	The common name of the species.
Category	Value that indicates the broad biological category for each species.
ELCODE	Unique NatureServe code for identifying this element. 1st and 2nd byte (PD=Plant dict, PM=Plant monocot, PG=Plant gymnosperm, PP=Plant pteridophyte, AA=amphibian, AB=bird, AF=fish, AM=mammal, AR=reptile, I=invertebrate. 3rd-5th byte (family abbreviation). 6th-7th (genus code). 8th-9th (species). 10th (tie breaker).
Federal Status	US Fish and Wildlife Service or NOAA Fisheries status. E=endangered, T=threatened, PE or PT=proposed endangered or threatened, C=candidate for listing with enough information available for listing, SOC or SC=species of concern, PS:xx=partial status for species, XE=experimental population, essential, XN=experimental population, non-essential. PDL=Proposed for delisting. DL=Delisted.
State Status	For animals, Oregon Department of Fish and Wildlife status: LE=listed endangered, PE=proposed endangered, LT=listed threatened, PT=proposed threatened, SC or C=sensitive-critical, S=sensitive. For plants, Oregon Department of Agriculture status: LE=listed endangered, LT=listed threatened, C=candidate.
GRANK/SRANK	ORBIC participates in an international system for ranking rare, threatened and endangered species throughout the world. The system was developed by The Nature Conservancy and is now maintained by NatureServe in cooperation with Heritage Programs or Conservation Data Centers (CDCs) in all 50 states, in 4 Canadian provinces, and in 13 Latin American countries. The ranking is a 1-5 scale, primarily based on the number of known occurrences, but also including threats, sensitivity, area occupied, and other biological factors. In this book, the ranks occupy two lines. The top line is the Global Rank and begins with a "G". If the taxon has a trinomial (a subspecies, variety or recognized race), this is followed by a "T" rank indicator. A "Q" at the end of this line indicates the taxon has taxonomic questions. The second line is the State Rank and begins with the letter "S". The ranks are summarized as follows: 1 = Critically imperiled because of extreme rarity or because it is somehow especially vulnerable to extinction or extirpation, typically with 5 or fewer occurrences; 2 = Imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction (extirpation), typically with 6-20 occurrences; 3 = Rare, uncommon or threatened, but not immediately imperiled, typically with 21-100 occurrences; 4 = Not rare and apparently secure, but with cause for long-term concern, usually with more than 100 occurrences; 5 = Demonstrably widespread, abundant, and secure; H = Historical Occurrence, formerly part of the native biota with the implied expectation that it may be rediscovered; X = Presumed extirpated or extinct; U = Unknown rank; ? = Not yet ranked, or assigned rank is uncertain.
NHP list	All rare species in Oregon are assigned a list number of 1, 2, 3 or 4, where 1=threatened or endangered throughout range, 2=threatened or endangered in Oregon but more common elsewhere, 3=Review List (more information is needed), 4=Watch List (currently stable, but could become threatened). A null value indicates the species is not currently on our rare species list.
HP Track	We currently obtain and computerize locational information for only those elements marked with Y(es). Those species marked with N(o) or W(atch) have incomplete data as we do not actively track them at this time.
EO NUM	The number of the Element Occurrence (EO) for this species. An element occurrence is an area of land or water where the species is or was known to occur and has conservation value. EOs are the main tracking unit for Heritage Programs.
EO ID	Unique identifier for the Element Occurrence (EO). Unique for each occurrence in the database.
First_obs	First reported sighting date for this occurrence in the form YYYY-MM-DD.
Last_obs	Last reported sighting date, usually in the form YYYY-MM-DD.

Key to Oregon Biodiversity Information Center Data

Field Name	Description
Confirmed	Indication of whether taxonomic identification of the Element represented by this occurrence has been confirmed by a reliable individual. Blank=unknown, assumed to be correctly identified. Y=Yes, confident identification. ?=identification questions.
EO Rank	ORBIC's determination of the viability of the occurrence. A-D ranks from highest to lowest quality/stability. E =extant, viability not assessed. F =failed to find. H =historical (species could still be present but has not been recently observed). X =extirpated; population no longer exists.
Directions	Site name and/or directions to site.
County	County name(s) in which EO is mapped.
Ecoregion	Physiographic Province in which EO is mapped: CR =Coast Range, WV =Willamette Valley, KM =Klamath Mountains, WC =West slope and crest of the Cascades, EC =East slope of the Cascades, BM =Ochoco, Blue and Willowa Mts., BR =Basin and Range, CB =Columbia Basin, SP =Snake River Plains. ME =Marine and Estuarine.
Town-Range, Sec, and Note	United States rectangular land survey (also known as the Public Land Survey System) legal township, range, and section descriptions in which the EO is mapped. Township first (4 bytes), range second (4 bytes). For example: 004S029E = Township 4S, Range 29E. All locations are with reference to the Willamette Meridian. Fractional ranges or townships are indicated in the Note field.
Quadcode	USGS code for the USGS topographic quadrangle map(s) where the record is mapped.
Quadname	Name of the USGS topographic quadrangle map(s) where the record is mapped.
Watershed	Watershed(s), identified according to the U.S. Geological Survey (USGS) Hydrologic Unit Map 10-digit code, within which the Element Occurrence is located.
Owner Name/Type	Federal, State, Private, etc.
Managed Area Name	Name of managed area, if applicable, e.g., BLM District, USFS Forest, Private Preserve
Annual Observation	Summary of yearly observations.
Source Feature	A Source Feature is the initial translation of a discrete unit of observation data as a spatial feature. Creation of a Source Feature requires an interpretive process. The likely location and extent of an observation is determined through consideration of the amount and direction of any variability between the recorded and actual locations of the observation data. In most cases, the Source Feature is delineated to encompass locational uncertainty. A Source Feature can be a point, line, or polygon. The type of Source Feature developed depends on both the preceding conceptual feature type and the locational uncertainty associated with the feature.
Feature ID	Unique identifier for source feature.
Obs Date	Date of source feature observation.
Source Observation Data	Observations specific to the source feature.

Key to Oregon Biodiversity Information Center Data

Field Name	Description
Uncertainty Type (Distance)	<p>The recorded location of an observation of an Element may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. This inaccuracy is characterized as locational uncertainty, and is assessed for Source Feature(s) based on the uncertainty associated with the underlying information on the location of the observation.</p> <p>Four categories of locational uncertainty have been identified, as follows:</p> <p><u>Negligible</u> uncertainty is less than or equal to 6.25 meters in any dimension. Source Features with negligible uncertainty are based on a comprehensive field survey with high quality mapping and a high degree of certainty.</p> <p><u>Linear</u> uncertainty is greater than 6.25 meters, and varies along an axis (e.g., a path, stream, ridgeline). The true location of an observation with linear uncertainty may be visualized as effectively sliding along a line that delineates the uncertainty.</p> <p><u>Areal delimited</u> uncertainty is greater than 6.25 meters, and varies in more than one dimension. The true location of an observation can be visualized as floating within an area with a boundary that can be specifically delimited. Boundaries can be defined using roads, bodies of water, etc.</p> <p><u>Areal estimated</u> uncertainty is greater than 6.25 meters, and varies in more than one dimension. A boundary cannot be specifically delimited based on the observation information, i.e., the actual extent is unknown. The true location of the observation can be visualized as floating within an area for which boundaries cannot be specifically delimited. Source Features with areal estimated uncertainty require that the user specify an estimated uncertainty distance to be used for buffering the feature to incorporate the locational uncertainty.</p>
Use Class	How the source feature is used by migratory species (e.g. breeding, maternity colony, hibernaculum).
EO Type	For animals, type of occurrence, e.g. roost, nest, spawning, migration.
EO Data	Summary of species and population biology for the EO – may include number observed, number of sites, reproduction data, assessment of viability, etc.
EO Comments	Habitat information, e.g. aspect, slope, soils, associated species, community type.
Minimum Elevation	Minimum elevation of the area covered by the range of the taxon, in meters. Negative numbers or blank=not determined.
Protection	Comments on site protection and threats.
Management	Comments on how the site is managed.
Specimens	Details on specimens that have been collected at this occurrence site. Order of information is: Collector (Collector's number). Year collected. Acquisition number. Collection code.
References	Short list of references for the site.
General	Miscellaneous comments, usually pertaining to references and data sources.

Attachment 3: Bank Comfort Letter



July 16, 2021

Oregon Department of Energy
625 Marion Street NE
Salem, Oregon 97301-3737

Attention: Todd R. Cornett, Assistant Director, Siting Division

Dear Mr. Cornett:

Invernergy LLC is a valued client of Wells Fargo Bank, N.A. ("Bank").

It is our understanding that Invernergy LLC may be asked to provide a letter of credit. It is further our understanding that the potential liability of the letter of credit could total an amount of up to eight million one hundred thousand dollars (\$8,100,000).

Wells Fargo has an ongoing relationship with Invernergy LLC and there is a reasonable likelihood that we will provide a letter of credit for this project should it be required. This commitment is subject to our regular review and acceptance of terms and conditions of the final contract and required letter of credit, and final approval by the Bank.

Furthermore, any arrangement for the final letter of credit is a matter between Invernergy LLC and the Bank and we assume no liability to third parties or to you, if for any reason we do not execute said letter of credit.

If you have any questions please do not hesitate to call me at (312) 845-4609.

Sincerely,

Brian A. Kahn
Senior Vice President

Attachment 4: Boardman Fire Protection Letter

Boardman Fire Rescue District

(541) 481-FIRE (3473)

Fax (541) 481-0909

e-mail: mhughes@boardmanfd.com

Mike Hughes, Fire Chief

Marty Broadbent, Fire Marshal

Suzanne Gray, Executive Assistant

300 Wilson Lane, Boardman, Oregon 97818

April 26, 2021

To: Laura Miner
Invenergy LLC

Re: Fire Protection for Proposed Solar Energy Site

The Boardman Fire Rescue District is responsible for Fire Protection in the proposed location extending to the Morrow / Gilliam county lines.

While this facility is not anticipated to cause any substantial increase the impacts upon the fire district, it is located in an area that is subject to high indices of large and rapid spreading wildfires. After review of the facility's management plans;

Exhibit B Section B.1.5 Fire Prevention which reads –

The equipment will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards and will not pose a significant fire risk. Facility roads will be sufficiently sized for emergency vehicle access in accordance with 2014 Oregon Fire Code Section 503 and Appendix D (Fire Apparatus Access Roads). Specifically, roads will be all-weather gravel compacted and 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade. A perimeter road with additional space will provide a 50-foot, noncombustible, defensible space clearance, although only a 10-foot clearance is required under 2014 Oregon Fire code Section 605.12.1. The rest of the ground in the Facility will be managed in accordance with Oregon Fire Code requirements. Under the 2014 Oregon Fire Code Section 605.12.2 the area under and around the installation will have a gravel base or other noncombustible base that is approved by the fire code official and does not create a dust hazard. This requirement is noted on the Facility Layout Details (Exhibit C Figure C-2B), and the base will be kept free of vegetation in accordance with the Revegetation and Noxious Weed Control Plan (Exhibit P Attachment P-6). In the rare event of an electrical fire in the module blocks or substation, it is likely that Facility staff will monitor and contain the fire, but not try to extinguish it. The control house and operations and maintenance (O&M) building will have smoke detectors, fire extinguishers, and eyewash stations to protect the buildings and workers.

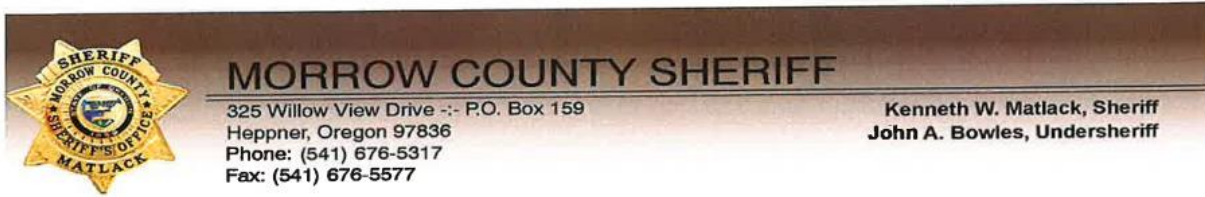
The Fire District feels that the concerns are addressed.



Mike Hughes
Fire Chief

Serving Boardman since 1970

Attachment 5: Boardman Sheriff Letter



To: Zach Lea (Invenergy)
From: John A. Bowles, Undersheriff
RE: Boardman Solar Energy Facility

The Morrow County Sheriff's Office is the primary Law Enforcement agency for the area in which the Boardman Solar Energy Facility Project will be located. This project is in a low to medium crime area in our county.

The Sheriff's Office will respond appropriately and as necessary to all complaints that are reported in this area. We do not expect this project to adversely affect the Morrow County Sheriff's Office in terms of additional workload.

If you have any questions feel free to give me a call at 541-676-5317.

Sincerely,

A handwritten signature in black ink that reads "John A. Bowles".

John A. Bowles,
Undersheriff/ Emergency Manager
Morrow County Sheriff's Office