

May 2, 2022

Department of State Lands

775 Summer Street NE, Suite 100 Salem, OR 97301-1279 (503) 986-5200 FAX (503) 378-4844 www.oregon.gov/dsl

Crook County May 5 2022 Planning Dept

State Land Board

Kate Brown Governor

Shemia Fagan Secretary of State

Tobias Read State Treasurer

Avangrid Renewables, LLC Attn: Rachel Walker 1125 NW Couch St., Suite 700 Portland, OR 97209

Re: WD # 2021-0542 **Approved** Wetland Delineation Report for Empire Solar Project Crook County; T16S R15E 00, TLs 2300, 2301, 2400, 2800 Portions of TLs 300, 800, 1800, 1900, 2000, 2100

Dear Rachel Walker:

The Department of State Lands has reviewed the wetland delineation report prepared by Tetra Tech for the site referenced above. Please note that the study area includes only a portion of the tax lots described above (see the attached maps). Based upon the information presented in the report and additional information submitted upon request, we concur that there are no jurisdictional wetlands or other waters of the state within the study area, as indicated on the attached Table A-1, Table A-2, and Figure 6, and 6.1 through 6.16. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, 2 artificially created wetlands (WET-A and WET-B) and 11 ephemeral streams (ST-01 through ST-11) were identified. These features are exempt per OAR 141-085-0515 (6) and OAR 141-085-0510 (49); therefore, they are not jurisdictional and not subject to the state's Removal-Fill Law permit requirements. However, Federal, other state agencies, or local permit requirements may apply.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Crook County, Jessica Salgado, at (541) 388-6421.

Sincerely,

BA Ryan

Peter Ryan, SPWS Aquatic Resource Specialist

Enclosures

ec: Ed Strohmaier, Tetra Tech Crook County Planning Department Anita Andazola, Corps of Engineers Jackson Morgan, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <u>https://apps.oregon.gov/DSL/EPS/program?key=4</u>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.** A single PDF of the completed cover from and report may be e-mailed to: **Wetland_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

| Contact and Authorization Information | |
|---|--|
| | |
| 🔀 Applicant 🗌 Owner Name, Firm and Address: | Business phone # (763) 233-2111 |
| Rachel Walker, Senior Permitting and Environmental Manager | Mobile phone # (optional) |
| Avangrid Renewables, LLC | E-mail: rachel.walker@avangrid.com |
| 1125 NW Couch St., Suite 700 | |
| Portland, OR 97209 | |
| Authorized Legal Agent, Name and Address (if different Legal Agent, Name and Address (if different | : Business phone # |
| | Mobile phone # (optional) |
| | E-mail: |
| | |
| | |
| | y to allow access to the property. I authorize the Department to access the |
| property for the purpose of confirming the information in the repo | |
| Typed/Printed Name: Rachel Durkee Walker | Signature: Rachel Durkee Walker Digitally signed by Rachel Durkee Walker Date: 2021.09.29 14:46:21 -05'00' |
| Date: 09/29/2021 Special instructions regarding s | site access: Please contact Avangrid for site access. |
| Project and Site Information | |
| Project Name: Empire Solar Project | Latitude: 44.170523 Longitude: -120.937012 |
|] , , | decimal degree - centroid of site or start & end points of linear project |
| Proposed Use: | Tax Map # See wetland delineation report Table 1 and Figure 2 |
| Solar renewable energy project. | Tax Lot(s) |
| | Tax Map # |
| Project Street Address (or other descriptive location): | |
| | Tax Lot(s) |
| Project borders the west side of the Gala Solar Project site, located at 12515, SW Millican Rd., Prineville, OR 97754 | Township 16S Range 15E Section 15,16,2 ⁴ QQ |
| | Use separate sheet for additional tax and location information |
| City: County: Crook | Waterway: None River Mile: |
| Wetland Delineation Information | |
| | |
| Wetland Consultant Name, Firm and Address: | Phone # (503) 721-7234 |
| | Phone # (503) 721-7234 Mobile phone # (if applicable) (503) 320-6917 |
| Wetland Consultant Name, Firm and Address: Tetra Tech 1750 SW Harbor Way, Ste. 400 | |
| Wetland Consultant Name, Firm and Address: Tetra Tech | Mobile phone # (if applicable) (503) 320-6917 |
| Wetland Consultant Name, Firm and Address: Tetra Tech 1750 SW Harbor Way, Ste. 400 Portland, OR 97201 | Mobile phone # (if applicable) (503) 320-6917 E-mail: ed.strohmaier@tetratech.com |
| Wetland Consultant Name, Firm and Address: Tetra Tech 1750 SW Harbor Way, Ste. 400 Portland, OR 97201 The information and conclusions on this form and in the attached | Mobile phone # (if applicable) (503) 320-6917 E-mail: ed.strohmaier@tetratech.com report are true and correct to the best of my knowledge. |
| Wetland Consultant Name, Firm and Address: Tetra Tech 1750 SW Harbor Way, Ste. 400 Portland, OR 97201 | Mobile phone # (if applicable) (503) 320-6917 E-mail: ed.strohmaier@tetratech.com |
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| Wetland Consultant Name, Firm and Address: Tetra Tech 1750 SW Harbor Way, Ste. 400 Portland, OR 97201 The information and conclusions on this form and in the attached Consultant Signature: Consultant Signature: Primary Contact for report review and site access is Wetland/Waters Present? Yes No | Mobile phone # (if applicable) (503) 320-6917 E-mail: ed.strohmaier@tetratech.com report are true and correct to the best of my knowledge. Date: 09/17/2021 Consultant Applicant/Owner Authorized Agent |
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| Tax Map | Tax Lot Numbers | Tax Lot Intersects Study Area | | |
|---------|-----------------|--|--|--|
| 16S15E | 161500002000 | Portion of Tax Lot Within Study Area | | |
| 16S15E | 161500002800 | Full Extent of Tax Lot Within Study Area | | |
| 16S15E | 161500002300 | Full Extent of Tax Lot Within Study Area | | |
| 16S15E | 161500002400 | Full Extent of Tax Lot Within Study Area | | |
| 16S15E | 161500002301 | Full Extent of Tax Lot Within Study Area | | |
| 16S15E | 161500001900 | Portion of Tax Lot Within Study Area | | |
| 16S15E | 161500000800 | Portion of Tax Lot Within Study Area | | |
| 16S15E | 161500002100 | Portion of Tax Lot Within Study Area | | |
| 16S15E | 161500001800 | Portion of Tax Lot Within Study Area | | |
| 16S15E | 161500000300 | Portion of Tax Lot Within Study Area | | |

Table 1. Tax Maps - Tax Lots



Table A-1. Delineated Wetlands

| Feature Code | Map Number | Acres Delineated | Cowardin/HGM | Sample Plots Photo Number Additional Notes | | Access Yes/No | Artificially Created | |
|-----------------|---------------|---------------------|--------------------|---|----|--|----------------------|-----|
| WET-A | 6.4, 6.4.1 | 0.038 | PUBFx/Depressional | SP-01, SP-02 | 71 | Feature is located on a hillslope, and was apparently excavated in the past, presumably for stock watering and/or irrigation. The bottom of the depression is about 4-5 feet lower than the surrounding upland. The area has been heavily grazing based on disturbed surface and vegetation conditions, and the presence of a coral downslope from the wetland. Abandoned plastic and metal pipes were observed near the depression, as was an old water trough observed on the downhill, south side of the depression. USGS has a mapped water well in the vicinity of WET-A and WET-B. However, aside from the abandoned pipe, and old pieces of wood and concrete scattered around the site, there was no remnant well structure observed. Nearby delineated ephemeral streams are all lower in elevation than WET-A. Boundary determination method: Abrupt break in vegetation, soils, and hydrology. Visible change in vegetation community. At the time of the site visit, there was no saturation down to 20" depth. The wetland is completely contained within the Study Area. | Yes | Yes |
| WET-B | 6.4, 6.4.1 | 0.003 | PUBFx/Depressional | SP-03, SP-04 | 73 | This feature is much smaller than WET-A and was also excavated in the past. The lowest portion of the depression is 5-6 feet below the surrounding upland. The bottom of the depression was mostly unvegetated. Boundary determination method: Abrupt break in vegetation, soils, and hydrology. The wetland sample plot was located at the lowest point in the depression. Soil was saturated at 8" and water was present at 14". Area has been heavily grazed. Mapped ephemeral streams are all lower in elevation than WET-B. The wetland is completely contained within the Study Area. | Yes | Yes |

| Feature Name | Map Number | OHWL Width (feet) | Flow Duration | Flow Direction | Photo Number | Additional Notes | Access Yes/No | Artificially Created/Modified | SDAM Form |
|-----------------|------------------------------|-------------------------|------------------|-------------------|-------------------------------------|---|---|--|--------------|
| ST-01 | 6.1 | 2 | Ephemeral | Northeast | 6, 7 | Feature originates in and flows out of the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the shallow channel. No macroinvertebrates or casings observed.The lower segment of the stream runs through a culvert under the existing access road in the study Area, and continues outside of the Study Area. | | a culvert under the existing access road in the study | Yes |
| ST-02 | 6.1, 6.2 | 1 | Ephemeral | East | 10, 11, 12, 13, 14 | Feature flows into and out of the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the shallow channel. No macroinvertebrates or casings observed. | Yes | One ranch access road and a maintenance road for the existing transmission line that runs along the east side of the Study Area, bisect ST-02. | Yes |
| ST-03 | 6.3, 6.4, 6.4.1 | 2 | Ephemeral | Southeast | 19, 20, 21, 22, 23 | Feature flows into and terminates inside the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | Yes | No | Yes |
| ST-04 | 6.3, 6.4, 6.4.1, 6.5, 6.6 | 2 | Ephemeral | Southeast | 4, 23, 33, 64, 65, 66, 68, 69 | Feature flows into and terminates inside the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | Yes | One ranch access road bisects ST-04 at a location about 0.10-mile SE of WET-A. | Yes |
| ST-04b | 6.4, 6.5 | 2 | Ephemeral | Southeast | 67, 69 | Feature originates in the Study Area and connects to ST-04. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | ates in the Study Area and connects to ST-04. Riparian vegetation is absent. , or OBL plants observed. All upland vegetation in and bordering the Yes No | | _ |
| ST-04c | 6.7 | 2 | Ephemeral | East | 60, 61, 63 | Feature is an isolated segment of channel that terminates inside the Study Area. There was no apparent surface channel connection to ST-04. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | Yes | No | - |
| ST-05 | 6.14, 6.15 | 2 | Ephemeral | East | 40, 41, 42, 43, 44, 45 | Feature flows into and terminates inside the Study Area. Feature flows into and terminates inside the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | ACW, or OBL plants | | Yes |
| ST-06 | 6.11 | 1 | Ephemeral | Southeast | 47 | Feature flows into and terminates inside the Study Area. Feature originates in and flows out of the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | iparian vegetation is absent. No SAV, FACW, or OBL plants | | Yes |
| ST-07 | 6.10, 6.12, 6.13 | 1 | Ephemeral | Southeast | 48, 49, 50, 53, 54 | Yes No | | No | Yes |
| ST-08 | 6.9 | 1 | Ephemeral | Southeast | 30, 31 | Feature flows into and terminates inside the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. Yes No macroinvertebrates or casings observed. | | No | Yes |
| ST-09 | 6.8 | 6 | Ephemeral | Southeast | 27 | Feature flows into and terminates inside the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | Yes | The middle section of the stream runs through a culvert under the existing access road in the study area. | Yes |
| ST-10 | 6.8 | 2 | Ephemeral | Southeast | 29 | Feature flows into and terminates inside the Study Area. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the channel. No macroinvertebrates or casings observed. | Yes | No | Yes |

Table A-2. Delineated Non-Wetland Waters

| Feature Name | Map Number | OHWL Width (feet) | Flow Duration | Flow Direction | Photo Number | Additional Notes | | |
|-----------------|------------|-------------------------|------------------|-------------------|-----------------|--|-----|--|
| ST-11 | 6.10 | 1 | Ephemeral | East | 48 | Feature originates in the Study Area and connects to ST-07. There was no channel observed connecting ST-11 to ST-08 east of the existing ranch access road. Riparian vegetation is absent. No SAV, FACW, or OBL plants observed. All upland vegetation in and bordering the shallow channel. No macroinvertebrates or casings observed. | Yes | |

Wetland Delineation Report Appendix A. Tables

| Artificially Created/Modified | SDAM Form |
|-------------------------------|--------------|
| No | - |







61 32











Figure 6.4.1 Wetland Delineation Map

CROOK COUNTY, OR

Field Delineated Stream* (Maximum OHWL Width)

- Field Delineated Wetland*
- Sample Plot

A

Photo Point (# Photo Number)

DSL WD # <u>2021-0542</u> Approval Issued <u>5/2/2022</u> Approval Expires <u>5/2/2027</u>

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

The Study Area is not a mapped boundary and is based on a combination of tax lot spatial data maintained by the Crook County Assessor and obtained in March 2021, lease boundaries determined in coordination with underlying landowners, aerial photography and lidar surveys contracted by Avangrid and completed in June 2020, and land survey results contracted by Avangrid, completed in January 2021.





| Data Sources | Reference Map |
|---|---------------|
| Avangrid-Project Infrastructure; Tiger-Roads; ESRI-Topographic | o R |



Figure 6.5 Wetland Delineation Map

CROOK COUNTY, OR

Study Area

Taxlot Boundary

Township 16S Range 15E Section



Field Delineated Stream* (Maximum OHWL Width)

Photo Point (# Photo Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

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astructure; Tige County-Taxlots

-Project] -Aerial; L NWN-ESRI-/











DSL WD # 2021-0542 Approval Issued <u>5/2/2022</u> Approval Expires <u>5/2/2027</u>

- -



CROOK COUNTY, OR

Empire

Solar Project

Study Area

- Taxlot Boundary
- Township 16S Range 15E Section



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#62)

- Field Delineated Stream* (Maximum OHWL Width)
- Photo Point (# Photo Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

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Taxlot 161500002400





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Empire Solar Project

Figure 6.9 Wetland Delineation Map

CROOK COUNTY, OR

 Study Area
 Taxlot Boundary
 Township 16S Range 15E Section
 Field Delineated Stream* (Maximum OHWL Width)
 Sample Plot
 SDAM Point
 Photo Point (# Photo Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

The Study Area is not a mapped boundary and is based on a combination of tax lot spatial data maintained by the Crook County Assessor and obtained in March 2021, lease boundaries determined in coordination with underlying landowners, aerial photography and lidar surveys contracted by Avangrid and completed in June 2020, and land survey results contracted by Avangrid, completed in January 2021.





NOT FOR CONSTRUCTION



DSL WD # 2021-0542 Approval Issued <u>5/2/2022</u> Approval Expires <u>5/2/2027</u>

1 1 1 1 P 1

Empire Solar Project

Figure 6.10 Wetland Delineation Map

CROOK COUNTY, OR

Study Area Taxlot Boundary Township 16S Range 15E Section Field Delineated Stream* (Maximum OHWL Width) SDAM Point Photo Point (# Photo

Number)

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*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

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Figure 6.11 Wetland Delineation Map

CROOK COUNTY, OR

Study Area Taxlot Boundary

- Township 16S Range 15E
- Section Field Delineated Stream*
- (Maximum OHWL Width)
- \rightarrow
- SDAM Point Photo Point (# Photo
 - Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

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Figure 6.12 Wetland Delineation Map

CROOK COUNTY, OR

Study Area

- Taxlot Boundary

Township 16S Range 15E

- Section
 - Field Delineated Stream* (Maximum OHWL Width)



Photo Point (# Photo Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

The Study Area is not a mapped boundary and is based on a combination of tax lot spatial data maintained by the Crook County Assessor and obtained in March 2021, lease boundaries determined in coordination with underlying landowners, aerial photography and lidar surveys contracted by Avangrid and completed in June 2020, and land survey results contracted by Avangrid, completed in January 2021.













Figure 6.14 Wetland Delineation Map

CROOK COUNTY, OR

Study Area

- Taxlot Boundary

Township 16S Range 15E

Section



Field Delineated Stream* (Maximum OHWL Width)

Photo Point (# Photo Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

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6.14 6.15 6.16

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DSL WD # <u>2021-0542</u> Approval Issued <u>5/2/2022</u> Approval Expires <u>5/2/2027</u>





NOT FOR CONSTRUCTION

Empire Solar Project

Figure 6.15 Wetland Delineation Map

CROOK COUNTY, OR

Study Area

- Taxlot Boundary
- - Township 16S Range 15E - Section



- Field Delineated Stream* (Maximum OHWL Width)
- SDAM Point
- Photo Point (# Photo Number)

*All delineated wetlands are considered to be completely contained within the Study Area. Streams are considered to extend outside of the study area unless otherwise noted. Delineated streams that are completely contained within the Study Area are noted on the figure next to their feature names.

Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

The Study Area is not a mapped boundary and is based on a combination of tax lot spatial data maintained by the Crook County Assessor and obtained in March 2021, lease boundaries determined in coordination with underlying landowners, aerial photography and lidar surveys contracted by Avangrid and completed in June 2020, and land survey results contracted by Avangrid, completed in January 2021.





Figure 6.16 Wetland Delineation Map

CROOK COUNTY, OR

- Study Area
 - Taxlot Boundary
 - Township 16S Range 15E Section
- Sample Plot
- Photo Point (# Photo Number)

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Wetland and stream channel boundaries, sample plots, and photo points were collected using sub-meter grade GPS devices collecting real-time, sub-meter GNSS data. Mapped features are </= 1 meter of the ground location.

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