

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
State Land Board

Kate Brown Governor

Shemia Fagan Secretary of State

> Tobias Read State Treasurer

Exhibit 1

Crook County

May 5 2022 Planning Dept

May 2, 2022

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,

Reter 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: https://apps.oregon.gov/DSL/EPS/program?key=4.

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 1125 NW Couch St., Suite 700	E-mail: rachel.walker@avangrid.com			
Portland, OR 97209				
☐ Authorized Legal Agent, Name and Address (if different): Business phone #			
	Mobile phone # (optional)			
	E-mail:			
Leither own the property described below or Lhave legal authorit	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	ort, after prior notification to the primary contact.			
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,	Township 16S Range 15E Section 15,16,2 QQ			
located at 12515, SW Millican Rd., Prineville, OR 97754	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			
Tetra Tech 1750 SW Harbor Way, Ste. 400	Mobile phone # (if applicable) (503) 320-6917			
Portland, OR 97201	E-mail: ed.strohmaier@tetratech.com			
The information and conclusions on this form and in the attached	d report are true and correct to the best of my knowledge.			
Consultant Signature: Ed Shokmaier	Date: 09/17/2021			
Primary Contact for report review and site access is				
Wetland/Waters Present? X Yes No Study A	rea size: 1553 acres Total Wetland Acreage: 0.0400			
Check Applicable Boxes Below				
R-F permit application submitted	Fee payment submitted \$			
☐ Mitigation bank site	Fee (\$100) for resubmittal of rejected report			
☐ Industrial Land Certification Program Site	Request for Reissuance. See eligibility criteria. (no fee)			
☐ Wetland restoration/enhancement project	DSL # Expiration date			
(not mitigation)				
☐ Previous delineation/application on parcel If known, previous DSL #	LWI shows wetlands or waters on parcel Wetland ID code			
	Office Use Only			
DSL Reviewer: <u>JS</u> Fee Paid Date: _				
Date Delineation Received: 9 / 29 / 21 Scann	ed: ☐ Electronic: ☑ DSL App.#			

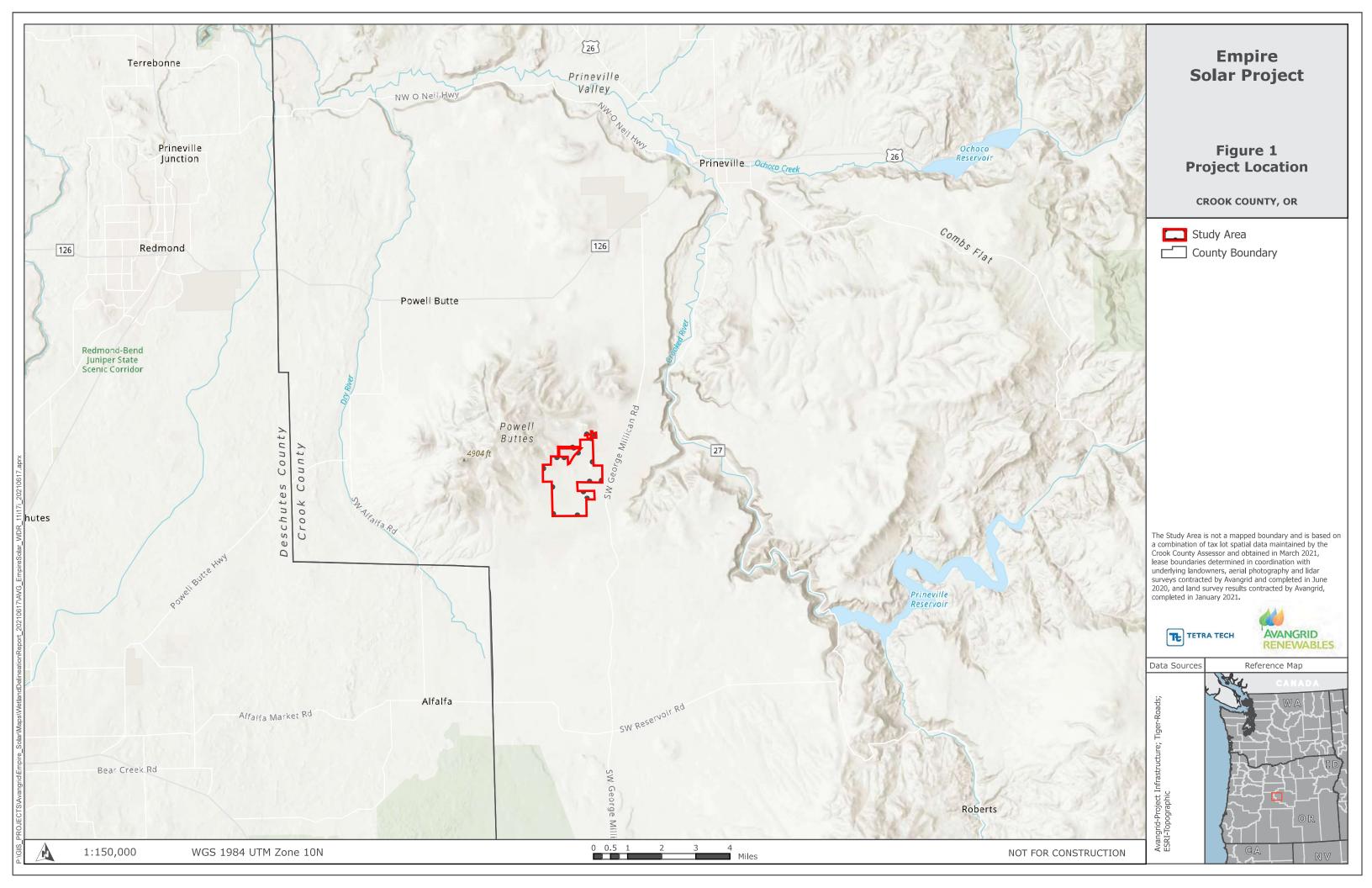


Table 1. Tax Maps - Tax Lots

Tax Map	Tax Lot Numbers	Tax Lot Intersects Study Area		
16S15E	1615000002000	Portion of Tax Lot Within Study Area		
16S15E	1615000002800	Full Extent of Tax Lot Within Study Area		
16S15E	1615000002300	Full Extent of Tax Lot Within Study Area		
16S15E	1615000002400	Full Extent of Tax Lot Within Study Area		
16S15E	1615000002301	Full Extent of Tax Lot Within Study Area		
16S15E	1615000001900	Portion of Tax Lot Within Study Area		
16S15E	1615000000800	Portion of Tax Lot Within Study Area		
16S15E	1615000002100	Portion of Tax Lot Within Study Area		
16S15E	1615000001800	Portion of Tax Lot Within Study Area		
16S15E	1615000000300	Portion of Tax Lot Within Study Area		

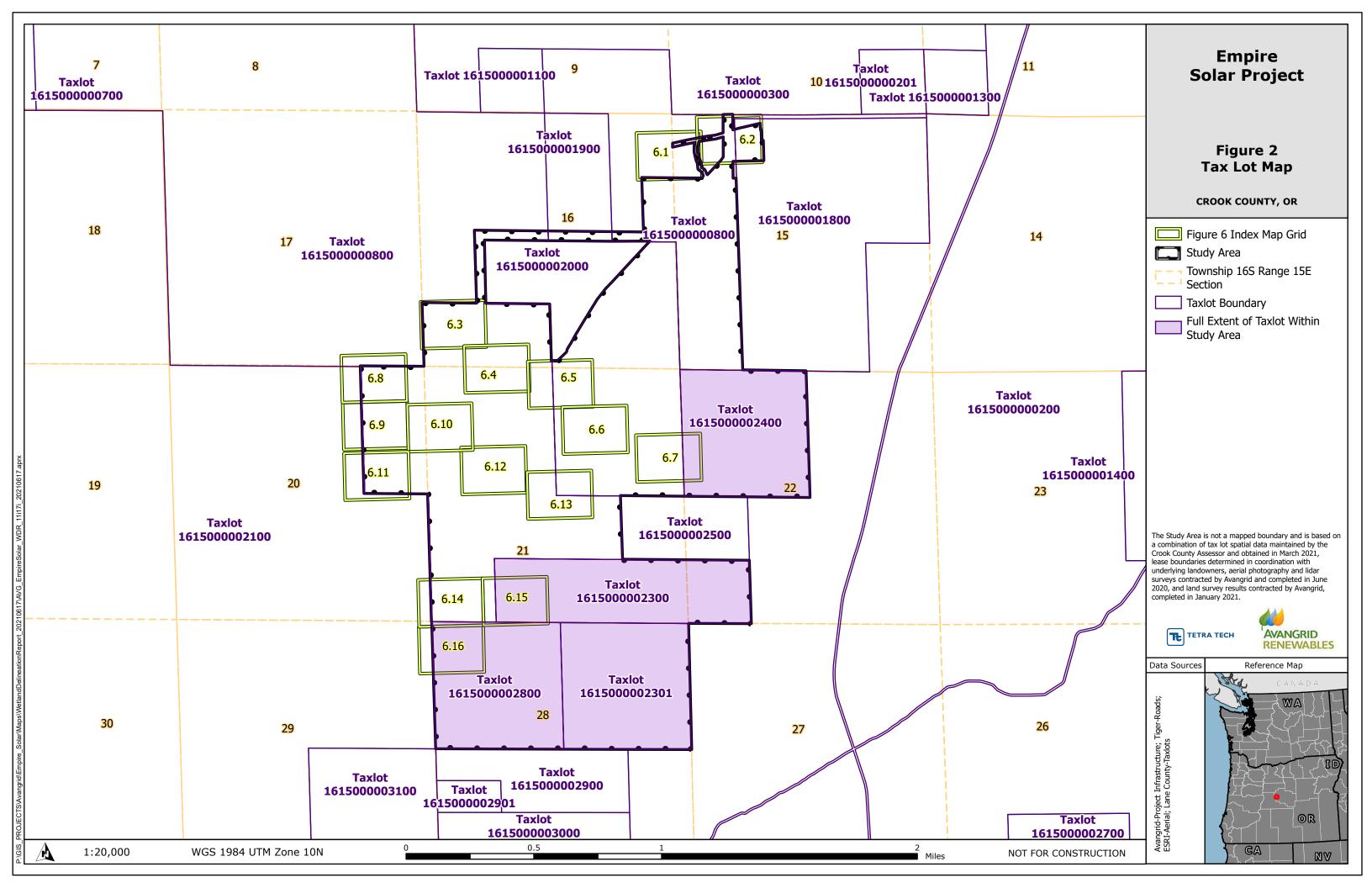


Table A-1. Delineated Wetlands

Feature Code	Map Number	Acres Delineated Cowardin/HGM		Cowardin/HGM Sample Plots		Additional Notes		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

Empire Solar Project A-1

Table A-2. Delineated Non-Wetland Waters

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.	Yes	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.	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.	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.	Yes	No	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.	Yes	No	Yes
ST-07	6.10, 6.12, 6.13	1	Ephemeral	Southeast	48, 49, 50, 53, 54	Feature originates in and terminates inside the Study Area. There was no channel observed connecting ST-07 to ST-09 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 channel. No macroinvertebrates or casings observed.	Yes	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. No macroinvertebrates or casings observed.	Yes	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

Empire Solar Project A-2

Feature Name	Map Number	OHWL Width (feet)	Flow Duration	Flow Direction	Photo Number	Additional Notes	Access Yes/No	Artificially Created/Modified	SDAM Form
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	No	-

Empire Solar Project A-3

