

From: HOWARD Heather * DSL <Heather.HOWARD@dsl.oregon.gov>
Sent: Friday, September 24, 2021 11:15 AM
Subject: WD2021-0109 Mailout

Crook County
09/24/2021
Planning Dept.

Importance: High

We have completed our review of the wetland delineation report that was prepared for the **Powell East Solar Farm LLC Project in Crook County**. The report was submitted to the Department for approval, given the file number **WD2021-0109**, and assigned to Lynne McAllister for review.

The results and conclusions from that review are explained in the final agency decision document found in the following link, <http://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3775651&&dbid=0>. You may contact the Department and request a paper copy. Otherwise, please review the attachment carefully and direct any questions or comments to Lynne at (503) 986-5300 or lynne.mcallister@dsl.oregon.gov. Thank you for your interest in this project.

Heather Howard
Support Services Specialist
Oregon Department of State Lands
775 Summer St. NE, Ste. 100J
Salem, OR 97301
(503) 986-5235
www.oregon.gov/dsl

**Online Payment Portal, <https://apps.oregon.gov/ECommerce/EPS/DSL>



Oregon

Kate Brown, Governor

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

September 17, 2021

Powell East Solar Farm LLC
Attn: Jacob H. Stephens
2033 East Speedway Boulevard, Ste. 200
Tucson, AZ 85719

Kate Brown
Governor

Shemia Fagan
Secretary of State

Re: WD # 2021-0109 **Approved**
Wetland Delineation Report for Powell East Solar Farm LLC
Crook County; T16S R15E TLs 800 (Portion) and 1900

Tobias Read
State Treasurer

Dear Jacob Stephens:

The Department of State Lands has reviewed the wetland delineation report prepared by PBS Engineering and Environmental 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 with the wetland and waterway boundaries as mapped in revised Figure 6 and 7A through 7I of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, 3 streams (Intermittent Stream A, B and C) and one roadside ditch were identified. The 3 intermittent flow streams are not state jurisdictional due to the lack of a downstream connection and the failure to meet the state definition of an intermittent stream, OAR 141-085-0510(49). The roadside ditch is not state jurisdictional per OAR 141-085-0515(10). Therefore, there are no features within the study area that are subject to the permit requirements of the state Removal-Fill Law

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

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, Lynne McAllister, at (503) 986-5300.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan". The signature is fluid and cursive, with the first name "Peter" and last name "Ryan" clearly distinguishable.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

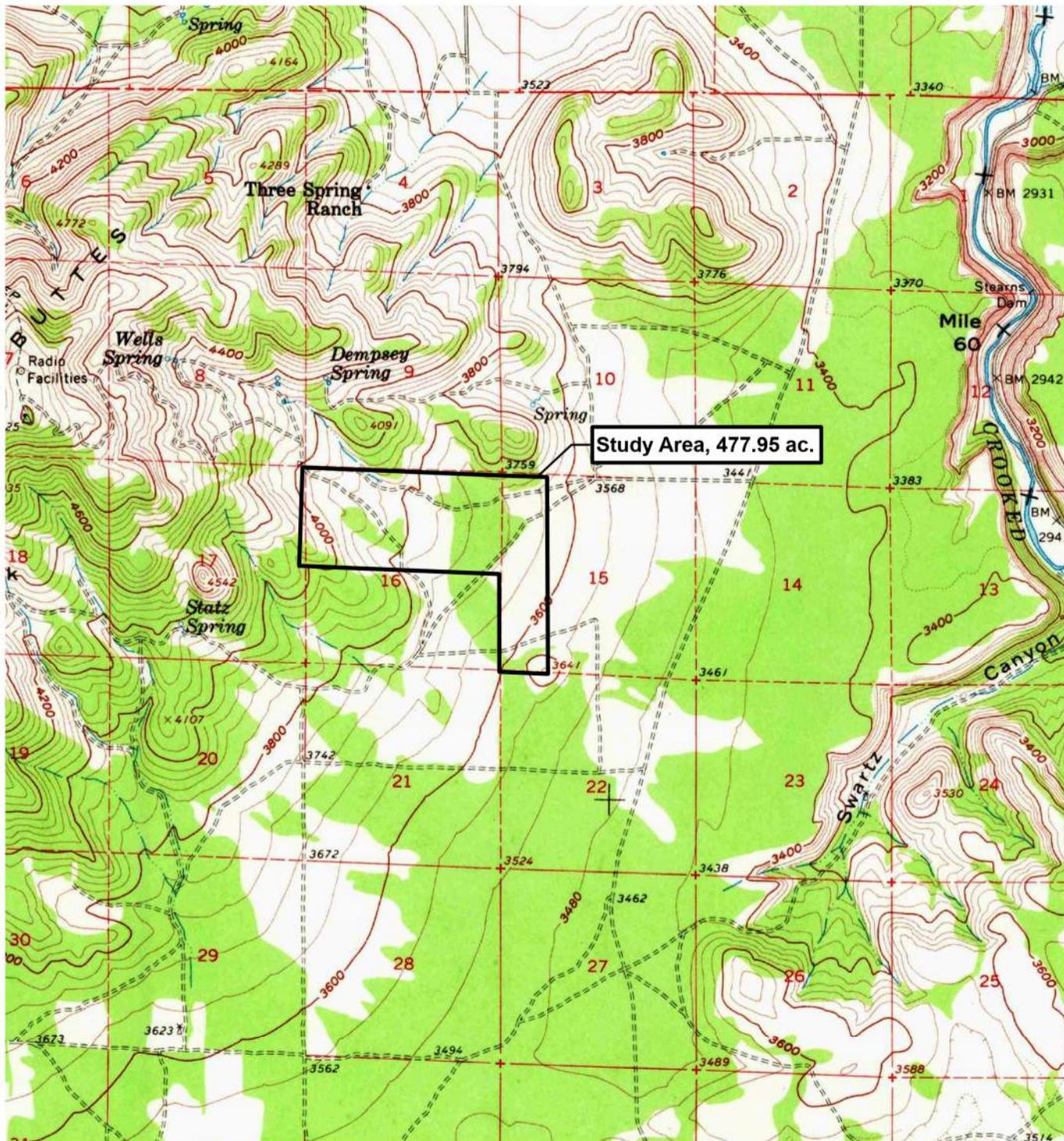
ec: Holly Burnett, PBS Engineering and Environmental
Crook County Planning Department
Anita Andazola, Corps of Engineers
Bethany Harrington, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

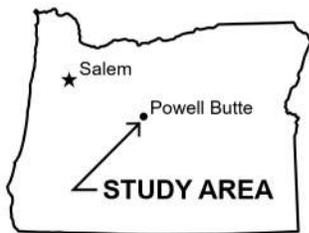
Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at <https://apps.oregon.gov/DSL/EPS/program?key=4>.

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, Salem, OR 97301-1279**. A single PDF of the completed cover form 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.

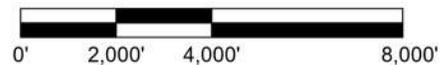
| Contact and Authorization Information | |
|--|---|
| <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: Powell East Solar Farm LLC, Attn: Jake Stephens 2033 East Speedway Boulevard, Ste. 200 Tucson, AZ 85719 | Business phone # 520-981-7303 Mobile phone # (optional) E-mail: jstephens@newsunenergy.net |
| <input type="checkbox"/> Authorized Legal Agent, Name and Address: N/A | Business phone # Mobile phone # E-mail: |
| I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact. Typed/Printed Name: <u>Jacob H. Stephens</u> Signature: Date: <u>3/1/2021</u> Special instructions regarding site access: <u>Please call ahead before accessing site.</u> | |
| Project and Site Information | |
| Project Name: Powell East Solar Farm LLC | Latitude: 44.186973 Longitude: -120.936672 decimal degree - centroid of site or start & end points of linear project |
| Proposed Use: Energy generation | Tax Map # 16S15E Tax Lot(s) 800 (partial) and 1900 |
| Project Street Address (or other descriptive location): Approximately 9 miles south of Prineville on SW Millican Road; immediately west of the Gala Solar Project | Township Range Section QQ 15: NW, NW; SW, NW; NW, SW; SW, SW; 16S 15E 15, 16 16: NE, NE; NW, NE; SE, NE; SW, NE; NE, NW; NW, NW; SE, NW; SW, NW |
| City: Powell Butte County: Crook | Waterway: None River Mile: N/A |
| Wetland Delineation Information | |
| Wetland Consultant Name, Firm and Address: PBS Engineering and Environmental, Attn: Holly Burnett 390 NE Emerson Ave, Ste. 201 Bend, Oregon 97701 | Phone # 541-388-9290 Mobile phone # 541-419-2104 E-mail: holly.burnett@pbsusa.com |
| The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. Consultant Signature: Date: <u>3/1/21</u> <small>Digitally signed by Holly Burnett Date: 2021.03.01 14:18:28 -08'00'</small> | |
| Primary Contact for report review and site access is <input type="checkbox"/> Consultant <input checked="" type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent | |
| Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 477.95 ac. Total Wetland Acreage: 0 ac.; Waters: 1.10 ac. | |
| Check Applicable Boxes Below | |
| <input type="checkbox"/> R-F permit application submitted | <input type="checkbox"/> Fee payment submitted \$ <u>475</u> |
| <input type="checkbox"/> Mitigation bank site | <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report |
| <input type="checkbox"/> Industrial Land Certification Program Site | <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) |
| <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) | DSL# _____ Expiration date _____ |
| <input type="checkbox"/> Previous delineation/application on parcel | <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____ |
| For Office Use Only | |
| DSL Reviewer: <u>LM</u> Fee Paid Date: _____ / _____ / _____ | DSL WD # <u>2021-0109</u> |
| Date Delineation Received: <u>3</u> / <u>1</u> / <u>21</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/> | DSL App. # _____ |



SOURCE: ESRI (2021).



OREGON



PREPARED FOR: POWELL EAST SOLAR FARM LLC.



LOCATION MAP

WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

FEB 2021
80812.018
FIGURE

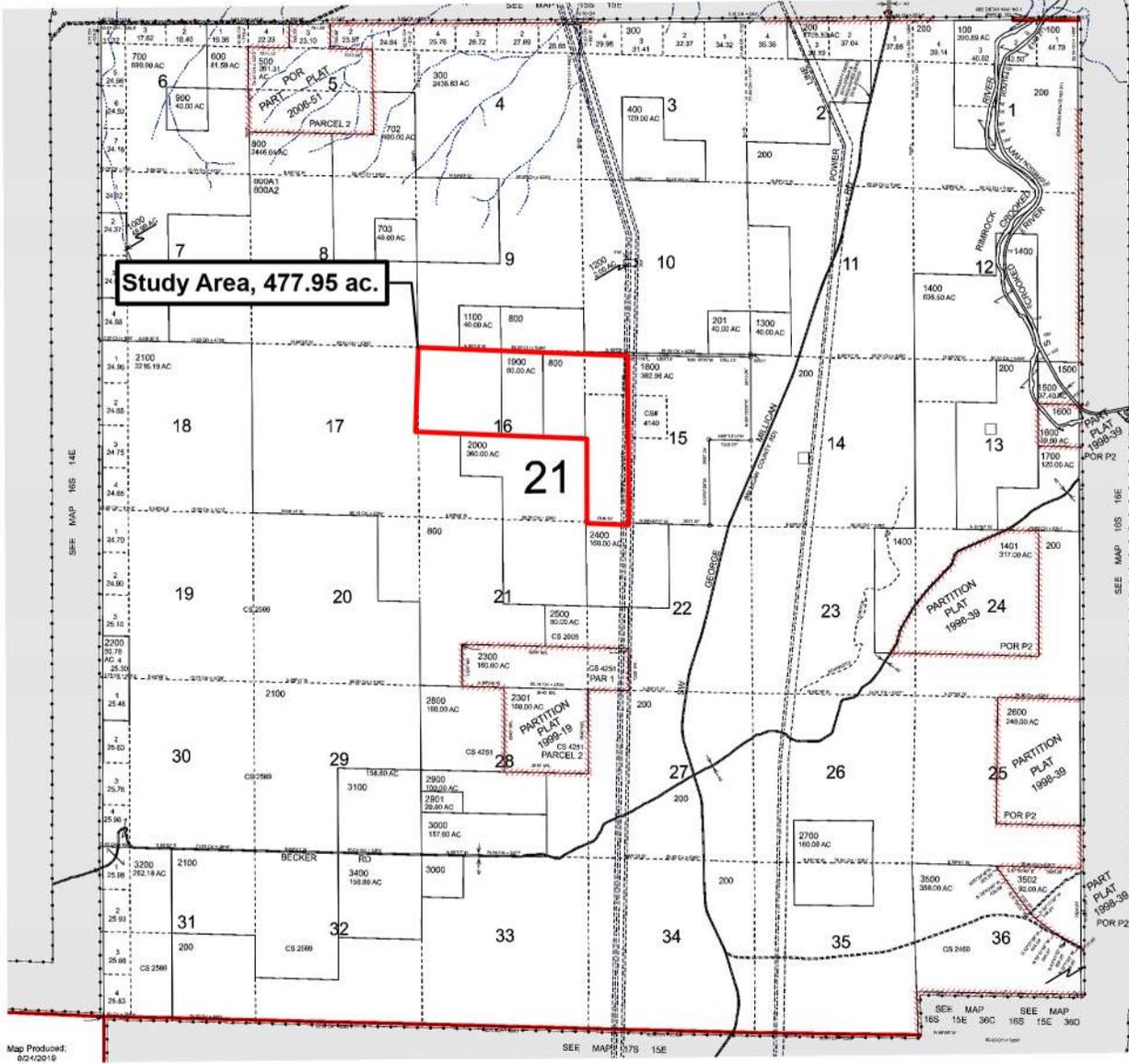
1

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



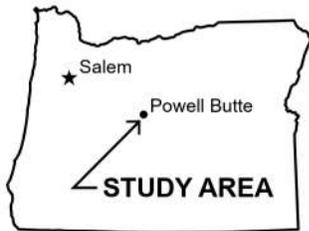
T.16S. R.15E. W.M.
CROOK COUNTY
1" = 2000'

16S15E
CANCELLED
1000U1
1000U2
1000A1
101
102
1402
1403
2500U1
2500U2
3300
3501
701
800U1
800U2

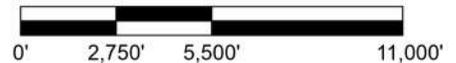


Map Produced:
8/24/2019

Revised:
16S15E



OREGON



SOURCE: ORMAP (2021).

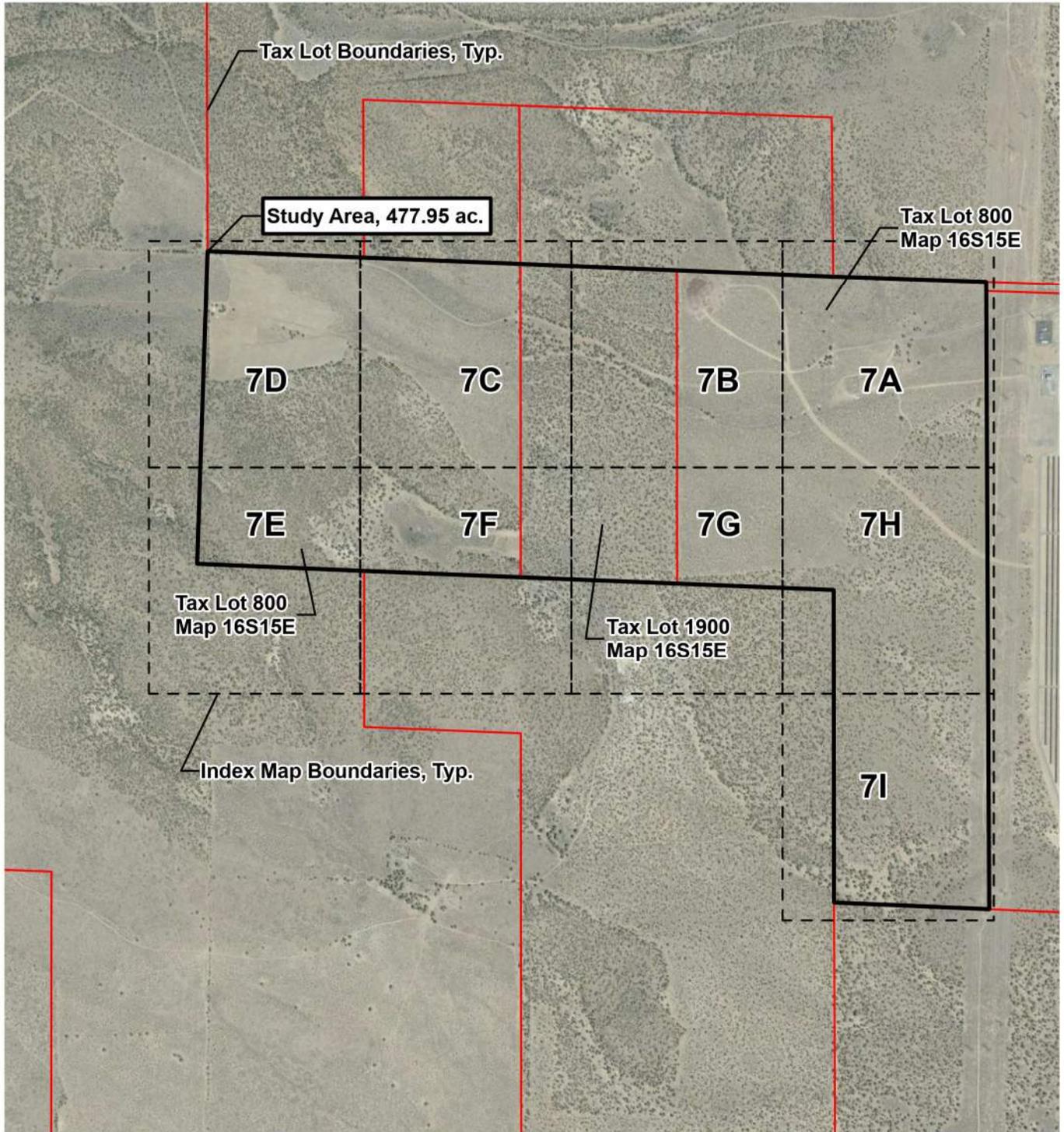
PREPARED FOR: POWELL EAST SOLAR FARM LLC.



TAX LOT MAP 16S15E
WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

FEB 2021
80812.018
FIGURE

2



SOURCE: AERIAL PHOTOGRAPH FROM GOOGLE EARTH (2020).

Legend

--- Index Grid Lines

Sample plots, OHWL/M, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/- 1 m est. accuracy).

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Approval Expires [9/17/2026](#)



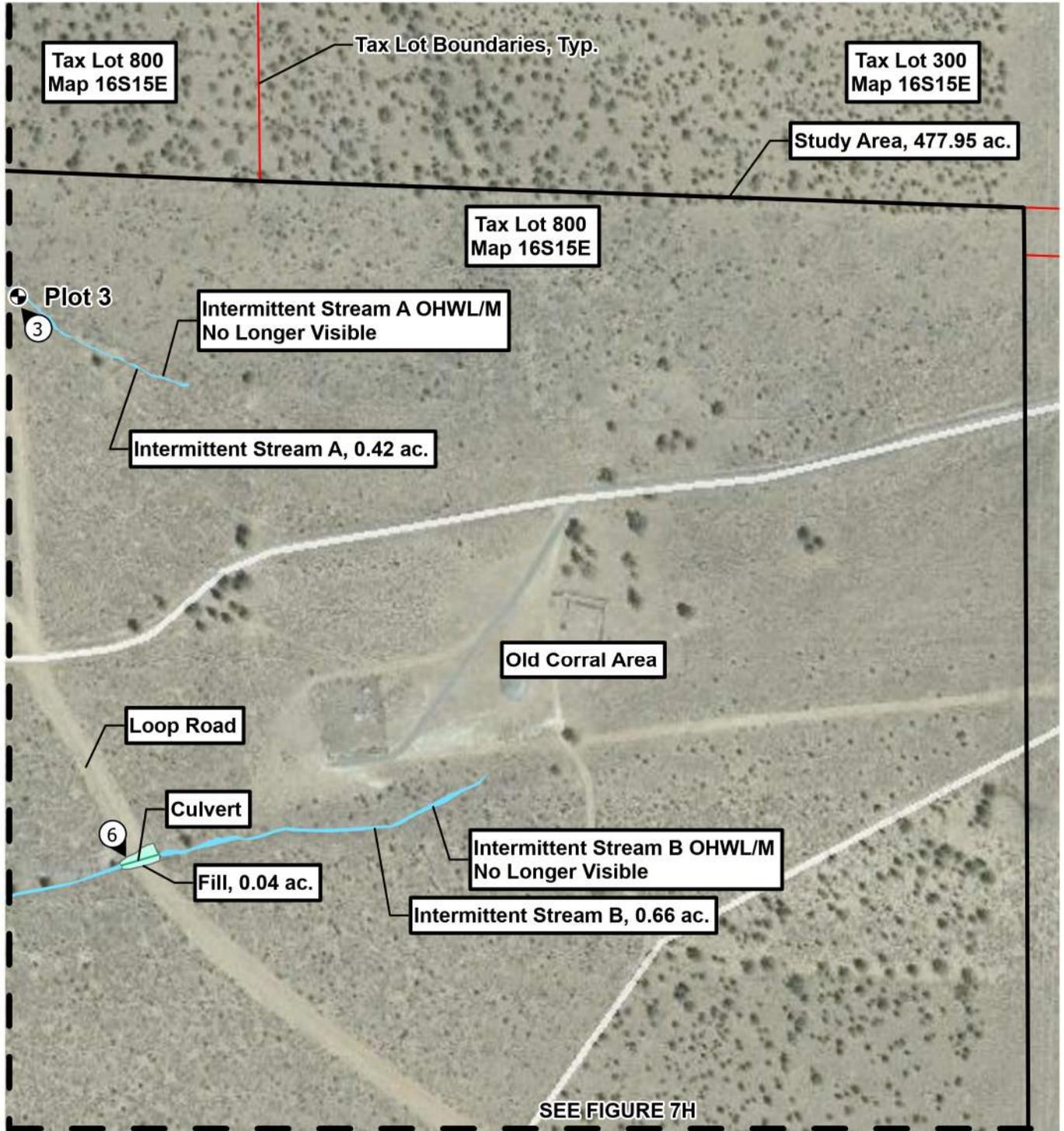
PREPARED FOR: POWELL EAST SOLAR FARM LLC.



INDEX MAP
WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

FEB 2021
80812.018
FIGURE

SEE FIGURE 7B



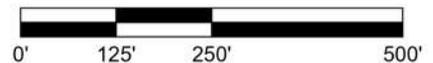
Legend

- Data Plot Locations
- Ground Level Photograph Locations
- Intermittent Streams Ordinary High Water Line/Mark (OHWL/M), 1.10-ac. total

Sample plots, OHWL/M, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/-1 m est. accuracy).

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SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021), TOPOGRAPHIC CONTOURS FROM USGS (2021).



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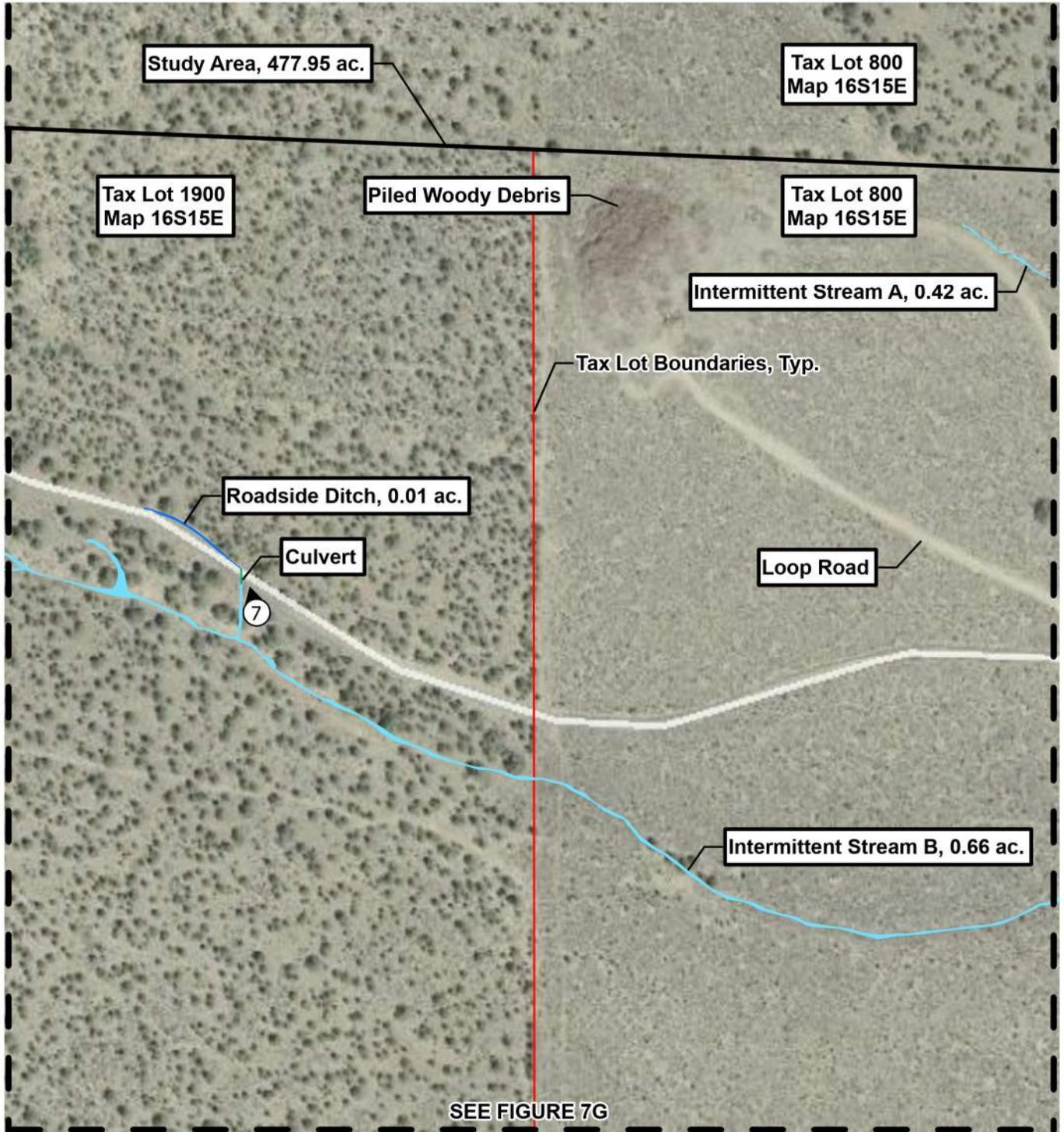


WETLAND DETERMINATION MAP
 WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
 POWELL BUTTE, CROOK COUNTY, OREGON

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FIGURE

7A



Legend

- Plot 1 Data Plot Locations (None This Figure)
- Ground Level Photograph Locations
- Intermittent Streams Ordinary High Water Line/Mark (OHWL/M), 1.10-ac. total

Sample plots, OHWL/M, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/-1 m est. accuracy).

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SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021), TOPOGRAPHIC CONTOURS FROM USGS (2021).



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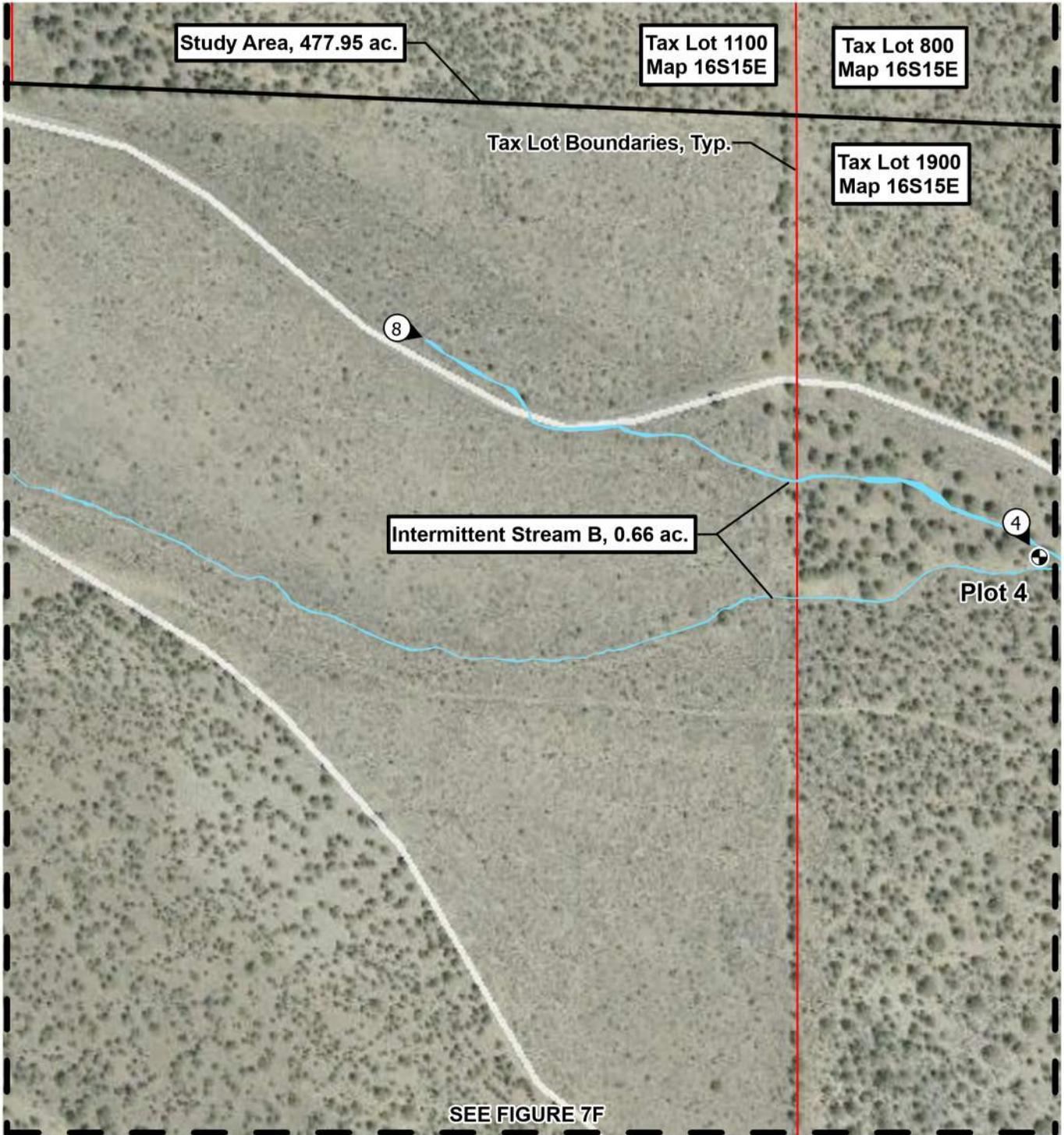


WETLAND DETERMINATION MAP
 WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
 POWELL BUTTE, CROOK COUNTY, OREGON

FEB 2021
 80812.018
 FIGURE
7B

SEE FIGURE 7D

SEE FIGURE 7B



SEE FIGURE 7F

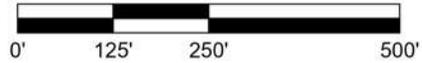
SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021), TOPOGRAPHIC CONTOURS FROM USGS (2021).

Legend

- Data Plot Locations
- Ground Level Photograph Locations
- Intermittent Stream Ordinary High Water Line/Mark (OHWL/M), 1.10-ac. total

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WETLAND DETERMINATION MAP
WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

FEB 2021
80812.018
FIGURE
7C



SEE FIGURE 7F

SEE FIGURE 7E

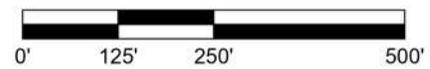
SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021), TOPOGRAPHIC CONTOURS FROM USGS (2021).

Legend

- Plot 1 Data Plot Locations (None This Figure)
- Ground Level Photograph Locations

DSL WD # 2021-0109
 Approval Issued 9/17/2021
 Approval Expires 9/17/2026

Sample plots, OHWL/M, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/-1 m est. accuracy).



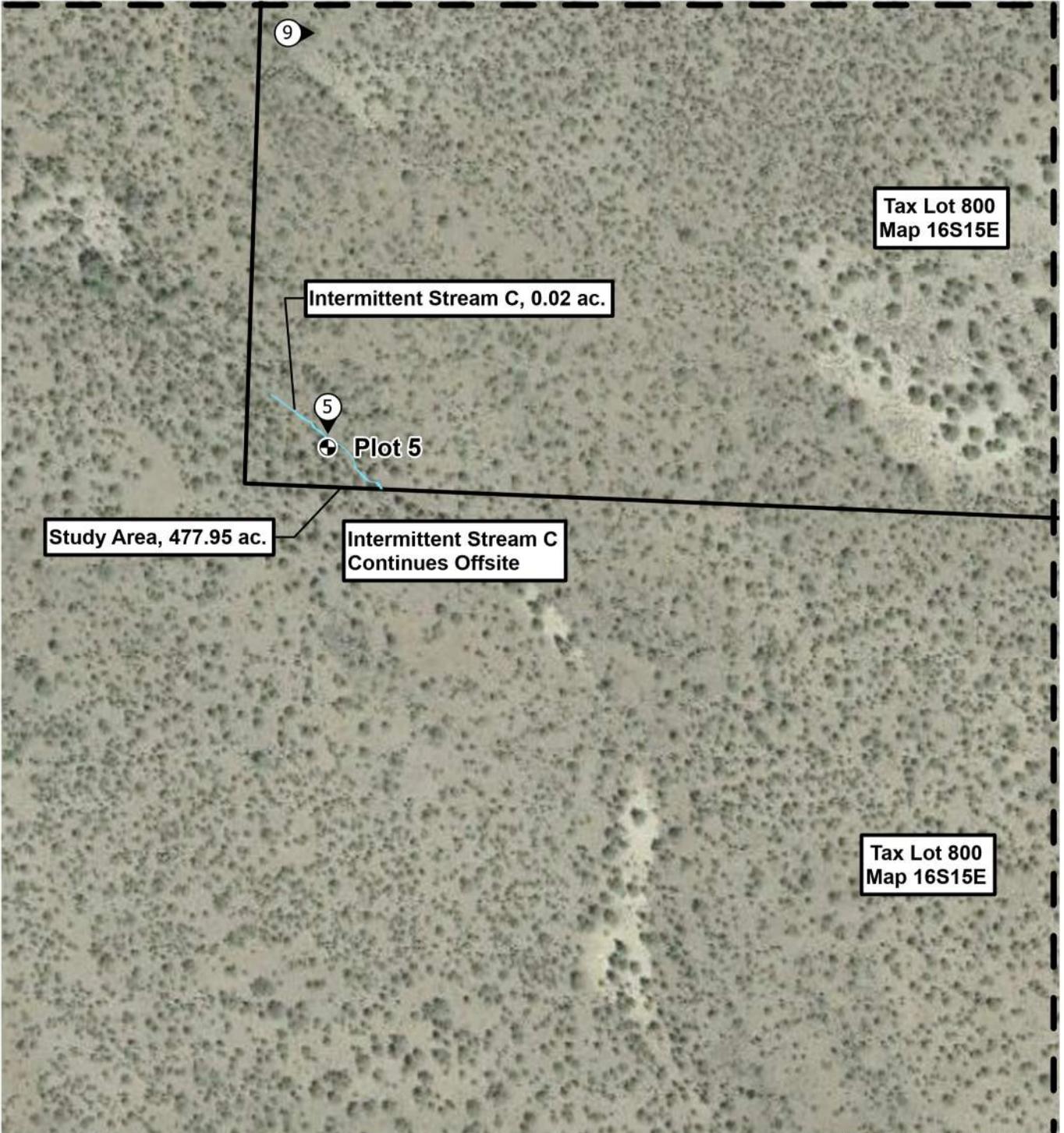
PREPARED FOR: POWELL EAST SOLAR FARM LLC.



WETLAND DETERMINATION MAP
 WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
 POWELL BUTTE, CROOK COUNTY, OREGON

FEB 2021
 80812.018
 FIGURE
7D

SEE FIGURE 7D



SEE FIGURE 7F

Study Area, 477.95 ac.

Intermittent Stream C, 0.02 ac.

Plot 5

Intermittent Stream C Continues Offsite

Tax Lot 800
Map 16S15E

Tax Lot 800
Map 16S15E

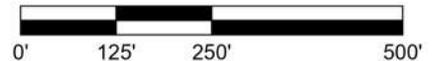
Legend

- Plot 1 Data Plot Locations
- Ground Level Photograph Locations
- Intermittent Stream Ordinary High Water Line/Mark (OHWL/M), 1.10-ac. total

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SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021), TOPOGRAPHIC CONTOURS FROM USGS (2021).



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WETLAND DETERMINATION MAP
WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

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FIGURE

7E

SEE FIGURE 7C



SEE FIGURE 7E

SEE FIGURE 7G

Study Area, 477.95 ac.

Tax Lot 800
Map 16S15E

Tax Lot 1900
Map 16S15E

Tax Lot Boundaries, Typ.

Plot 2

11

Tax Lot 2000
Map 16S15E

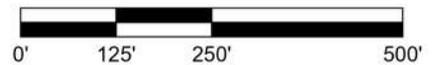
SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021),
TOPOGRAPHIC CONTOURS FROM USGS (2021).

Legend

- Plot 1 Data Plot Locations
- Ground Level Photograph

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Sample plots, OHWM, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/-1 m est. accuracy).



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WETLAND DETERMINATION MAP
 WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
 POWELL BUTTE, CROOK COUNTY, OREGON

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FIGURE

7F

SEE FIGURE 7B



Tax Lot 1900
Map 16S15E

Tax Lot 800
Map 16S15E

Tax Lot Boundaries, Typ.

Study Area, 477.95 ac.

Tax Lot 2000
Map 16S15E

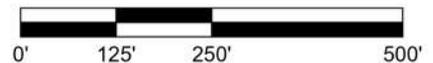
SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021),
TOPOGRAPHIC CONTOURS FROM USGS (2021).

Legend

- Plot 1 Data Plot Locations (None This Figure)
- Ground Level Photograph Locations (None This Figure)

Sample plots, OHWL/M, and photo points were mapped using a Trimble Geo7X handheld GPS unit. All features collected achieved submeter accuracy after post-processing. Study area boundaries based on tax lot boundaries and aerial photo interpretation (+/-1 m est. accuracy).

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WETLAND DETERMINATION MAP

WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

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FIGURE

7G

SEE FIGURE 7A

Tax Lot 800
Map 16S15E

Study Area, 477.95 ac.

12

SEE FIGURE 7G

Tax Lot 2000
Map 16S15E

SEE FIGURE 7I

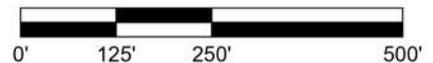
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Legend

- Plot 1 Data Plot Locations (None This Figure)
- Ground Level Photograph Locations

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WETLAND DETERMINATION MAP

WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

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FIGURE

7H

SEE FIGURE 7F



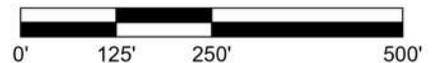
SOURCE: AERIAL IMAGERY FROM GOOGLE EARTH (2021), TOPOGRAPHIC CONTOURS FROM USGS (2021).

Legend

- Data Plot
- Ground Level Photograph Locations

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WETLAND DETERMINATION MAP

WETLAND DETERMINATION FOR POWELL EAST SOLAR FARM LLC
POWELL BUTTE, CROOK COUNTY, OREGON

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FIGURE

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