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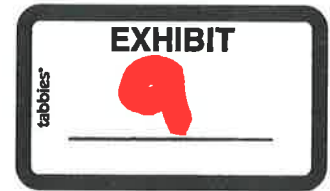
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May 13, 2020

Ann Beier, Crook County Planning Director
Community Development
300 NE 3rd Street, Room 12
Prineville, OR 97754



RE: Revised Wildlife Conservation Plan, Conditional Use – Crook Flat Solar Energy Facility
Number 217-20-000320-PLNG

Dear Ms. Beier,

The purpose of this letter is for the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Department of Land Conservation and Development (DLCD) to provide additional comments to the Crook County Planning Commission (Commission) on Record Number 217-20-000320-PLNG, Crook Flat Solar Energy Facility (Project). These comments are specific to “Crook Flat Solar Farm LLC Wildlife Conservation Plan V6 (Plan) dated April 30, 2020.

General Comments

DLCD’s Solar Rule at OAR 660-033-0130(38)(j)(G) constitutes approval criteria that must be found to be satisfied before the county may issue an approval in this case. Such a finding must be based on substantial evidence in the record. As expressed in our comments below, we do not believe that the necessary level of information has been provided to support such a finding. While we appreciate the applicant’s consultation, the Plan does not meet the provisions outlined in the DLCD Solar Rules (OAR 660-033-0130(38)) or ODFW’s Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0020). Therefore, ODFW and DLCD respectfully recommend the Commission delay its decision on this CUP until the Plan is amended to address the concerns below.

Specific Comments

Habitat Classification

The Plan does not provide reasonable justification for the classification of the Project site as Category 6 (per OAR 635-415-0025) and mistakenly applies the ODFW COMPASS Habitat Mapping Tool for habitat assessment (see ODFW/DLCD comments submitted to the record on April 28, 2020). The Project site is still functioning as essential winter range and a movement corridor for pronghorn and other big game (e.g. elk, Figure 1). In addition, it occurs within an

overlay for pronghorn, that, while not formally accepted into the County's Comprehensive plan, has been treated as part of its Goal 5 inventory previously. Therefore, we continue to recommend that adverse impacts be avoided according to DLCDC Solar Rules (OAR 660-033-0130(38)(j)(G)). Additionally, we recommend a Category 2 classification which carries a mitigation goal of "no net loss" and a "net benefit" (OAR 635-415-0025).

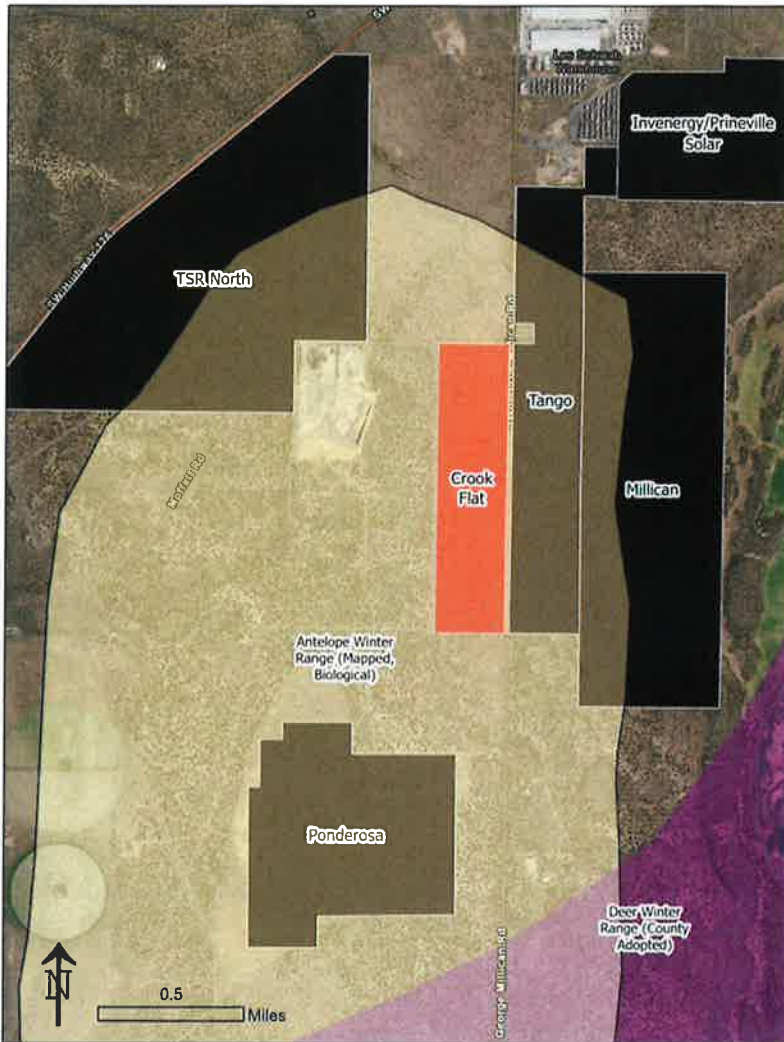


Figure 1. Map of Crook Flat Project Site and Surrounding County Approved Solar Facilities.

Proposed Mitigation Options

Option 1 – Juniper Treatment Mitigation Project in Crook County

This option describes general habitat improvements that could serve as appropriate mitigation actions. However, the current conceptual proposal is not adequate because it lacks the components outlined under ODFW's Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0020(8)) and does not otherwise demonstrate that mitigation consistent with the DLCDC Solar Rule standard will occur. This includes assurances that mitigation actions will offset

adverse impacts, the identification of a specific mitigation site and monitoring framework, among other components.

Option 2 – One-Time Payment

We appreciate the use of a payment calculator that has been applied previously, as well as the pre-application discussions with the Deschutes Land Trust (DLT) as a potential beneficiary of the mitigation funds. However, the Plan's proposed 1.5:1 ratio is insufficient to offset the loss of Category 2 habitat. We continue to recommend a 2:1 ratio, which has been the standard for approval of other Crook County solar projects and meets the no net loss-net benefit criteria in the Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0025). A 2:1 ratio helps to ensure that the mitigation will achieve a net benefit, provides a surplus of acres in the event that the mitigation actions fail (avoiding a net loss situation), and creates consistency with prior permit approvals in Crook County.

In addition, we recommend that prior to approval of this CUP, the applicant submit formal verification of DLT's willingness to receive payment as well as supporting information demonstrating capacity for a mitigation project that will achieve the goals in OAR 660-033-0130(38)(j)(G) and OAR 635-415-0025(2)(a). An example of this would be a formal MOU or MOA between DLT and New Sun solar, similar to what was recently agreed to as part of the Millican Solar CUP approval.

Option 3 – Alternative Mitigation Measures Agreed to by ODFW

As stated in our April 28th letter, this option does not demonstrate how potential adverse effects would be offset. Therefore, we recommend this option be omitted in the final approval as it is inconsistent with the DLCD solar rules (OAR 660-033-0130(38)(j)(G)).

Thank you for the opportunity to comment, and for your continued commitment to protecting Crook County's fish and wildlife habitat resources. Should you have any questions or require additional information, Greg Jackle can be reached at (541) 447-5111 x26 or by email at greg.s.jackle@state.or.us. For questions regarding the DLCD rules please feel free to contact Jon Jinings at (541) 325-6928 or by email at jon.jinings@state.or.us.

Sincerely,



Greg Jackle
District Wildlife Biologist
ODFW – Ochoco District



Jon Jinings
Community Services Specialist
DLCD

cc. Sarah Reif, Joy Vaughan, Sara Gregory, Mike Harrington – ODFW
Erin Donald – ODOJ
Scott Edelman – DLCD