

Exhibit E

Permits for Construction and Operation

**West End Solar Project
September 2022**

**Prepared for
EE West End Solar LLC**

Prepared by



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Acronyms and Abbreviations

ACDP	Air Contaminant Discharge Permit
Applicant	Eurus Energy America, LLC
DOGAMI	Department of Geology and Mineral Industries
EFSC	Energy Facility Siting Council
ESA	Endangered Species Act
FAA	Federal Aviation Administration
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rule
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statute
OWRD	Oregon Water Resources Department
Project	West End Solar Project
SHPO	State Historic Preservation Office
UCDC	Umatilla County Development Code
USFWS	U.S. Fish and Wildlife Service
WPCF	Water Pollution Control Facilities

1.0 Introduction

EE West End Solar LLC (Applicant), a subsidiary of Eurus Energy America Corporation, proposes to construct the West End Solar Project (Project), a solar energy generation facility and related or supporting facilities in Umatilla County, Oregon. Exhibit E was prepared to meet the submittal requirements of Oregon Administrative Rule (OAR) 345-021-0010(1)(e) paragraphs (A) through (G). While OAR 345 Division 22 does not provide an approval standard specific to Exhibit E, permits identified in this exhibit are identified in each applicable exhibit.

2.0 Identification and Description of Required Permits – OAR 345-021-0010(1)(e)(A)(B)

OAR 345-021-0010(1)(e) Information about permits needed for construction and operation of the facility, including:

(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.

(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant’s analysis of whether the permit should or should not be included in and governed by the site certificate.

2.1 Federal Permits

Table E-1 identifies and describes the federal permits potentially required for construction and operation of the Project, as required to meet the submittal required of OAR 345-021-0010(1)(e) paragraphs (A) and (B).

Table E-1. Federal Permits

Permit	Agency Name and Contact	Description
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA) Attn: Dan Shoemaker Airspace Specialist Seattle Obstruction Evaluation Group 2200 S 216 th Street Des Moines, WA 98198 (206) 231-2989 Dan.shoemaker@faa.gov	Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77 Description: Required for construction of any object over 200 feet above ground level at the location of the proposed action, and for construction of structures within specified distances of runways or helipads. No permit is issued by the FAA. Therefore, this permit should not be included in and governed by the Site Certificate.

Permit	Agency Name and Contact	Description
Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	<p>FAA</p> <p>Attn: Dan Shoemaker Airspace Specialist Seattle Obstruction Evaluation Group 2200 S 216th Street Des Moines, WA 98198 (206) 231-2989 Dan.shoemaker@faa.gov</p>	<p>Federal Aviation Act of 1958 (14 USC § 44718); 14 CFR § 77</p> <p>Description: Submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within five days after construction reaches its greatest height as specified in the No Hazard Determination. No permit is issued by the FAA. Therefore, this permit should not be included in and governed by the Site Certificate.</p>

2.2 State Permits Not Federally Delegated

Table E-2 identifies and describes the state permits not federally delegated that are potentially required for construction and operation of the Project, as required to meet the submittal required of OAR 345-021-0010(1)(e) paragraphs (A) and (B).

Table E-2. State Permits Not Federally Delegated

Permit	Agency Name and Contact	Description
Energy Facility Site Certificate	<p>Oregon Department of Energy and Energy Facility Siting Council (EFSC)</p> <p>Attn: Kellen Tardaewether 550 Capitol Street NE #1 Salem, OR 97301 (503) 373-0214 Kellen.Tardaewether@oregon.gov</p>	<p>Oregon Revised Statutes (ORS) 469.300 et seq.; OAR Chapter 345, Divisions 1, 21-24</p> <p>Description: This Site Certificate is the subject of this Application for Site Certificate.</p>
Oversize Load Movement Permit/Load Registration	<p>Oregon Department of Transportation (ODOT)</p> <p>Attn: Thomas Lapp ODOT District 12 Permit Specialist 1327 SE Third Street Pendleton, OR 97801 (541) 278-3450</p>	<p>ORS 818.030; OAR Chapter 734, Division 82</p> <p>Description: Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If required, the Applicant’s third-party contractor will obtain the permit directly from ODOT. Therefore, this permit should not be included in and governed by the Site Certificate.</p>

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Permit	Agency Name and Contact	Description
Archaeological Excavation Permit	<p>Oregon Parks and Recreation Department, State Historic Preservation Office (SHPO)</p> <p>SHPO Clearinghouse 724 Summer Street NE, Suite C Salem, OR 97310 orshpo.clearance@oregon.gov</p>	<p>ORS Chapter 97, 358, and 390; OAR Chapter 736, Division 51</p> <p>Description: Ground-disturbing activity that may affect a known or unknown archaeological resource on public or private lands requires a permit issued by the Oregon Parks and Recreation Department. No ground-disturbing activity is planned to affect archaeological resources. If required, the Applicant’s third-party contractor will obtain this permit directly from the SHPO. Therefore, this permit should not be included in and governed by the Site Certificate.</p>
Building Permit for construction in Umatilla County (Issued by the State Building Codes Agency)	<p>Oregon Department Consumer and Business Services, Building Codes Division</p> <p>Attn: Permit Technician 800 SE Emigrant Ave, Suite 360 Pendleton, OR 97801 (541) 276-7814</p>	<p>OAR 734, Division 51</p> <p>Description: A building permit is required prior to beginning construction of the Project. Umatilla County does not have its own building department, so building permits are issued by the Oregon State Building Codes Agency. A building permit will be obtained by the third-party construction contractor prior to construction of each component for which a building permit would be required; therefore, this permit should not be included in or governed by the Site Certificate.</p>
Aeronautical Study of Obstruction Standards	<p>Oregon Department of Aviation Matt Lawyer 3040 25th Street, SE Salem, OR 97302-1125 (503) 378-4880</p>	<p>OAR Chapter 738, Division 70</p> <p>Description: The Oregon Department of Aviation provides an aeronautical study and determination letter following review of Form 7460-1 for structures greater than 500 feet above ground surface. No permit is issued by the Oregon Department of Aviation. The aeronautical study is useful in understanding the 7460-1 process but is outside EFSC jurisdiction. Therefore, this permit should not be included in and governed by the Site Certificate.</p>

2.3 State Permits Federally Delegated

Table E-3 identifies and describes the state permits federally delegated that are potentially required for construction and operation of the Project, to meet the submittal requirements of OAR 345-021-0010(1)(e) paragraphs (A) and (B).

Table E-3. State Permits Federally Delegated

Permit	Agency Name and Contact	Description
<p>NPDES Stormwater Discharge Permit 1200-C</p>	<p>ODEQ Attn: Jackie Ray Eastern Region 800 SE Emigrant, Suite 330 Pendleton, OR 97801 (541) 278-4605 Ray.Jackie@deq.state.or.us</p>	<p>Clean Water Act, Section 402 (33 USC § 1342); 40 CFR § 122; ORS 468 and 468B; OAR Chapter 340, Division 45</p> <p>Description: NPDES permit is required for construction activities that will disturb more than one acre of land and has the possibility of stormwater running off the site into surface waters or conveyance systems leading to surface waters of the state.</p> <p>Project activities will disturb more than one acre of land; however, as there are no surface waters or ditches/conveyance systems within or adjacent to the site boundary, and the topography of the project site is such that rainfall or snowmelt would not leave the site or enter a waterway, the Applicant maintains that there is no possibility of stormwater running off the site into surface waters of the state or into a conveyance systems leading to surface waters of the state. Therefore, the Applicant understands that a NPDES 1200-C permit is not required.</p> <p>However, if ODOE and/or ODEQ determine a NPDES 1200-C permit is required, the Applicant will obtain this permit directly from ODEQ as it is outside the jurisdiction of the Council and therefore should not be included in or governed by the Site Certificate.</p>

2.4 Third Party Federally Delegated Permits

The Applicant may rely on its construction contractors to obtain some required federally delegated permits.

2.5 Local Permits

Table E-4 identifies and describes the local permits required for construction and operation of the Project, as required to meet the submittal required of OAR 345-021-0010(1)(e) paragraphs (A) and (B).

Table E-4. Local Permits

Permit	Agency Name and Contact	Description
<p>Conditional Use Permit and Zoning Permit</p>	<p>Umatilla County Department of Land Use Planning Attn: Bob Waldher, Planning Director 216 SE 4th Street Pendleton, OR 97801 (541) 278-6251 Robert.Waldher@umatillacounty.net</p>	<p>Umatilla County Comprehensive Plan and Development Code, Section 152.060 Description: The Applicant elects to demonstrate compliance with local land use criteria through the Site Certificate process. The Applicant elects to obtain a Council determination under ORS Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the Site Certificate, the County, upon the Applicant’s submission or the proper application and fee, shall issue the permits addressed in the Site Certificate, subject only to the conditions set forth in the Site Certificate and without hearings or other proceedings.</p>
<p>Installation of Utilities on County and Public Roads Permit and Construction of Road Approaches and Private Road Crossings Permit</p>	<p>Umatilla County Public Works Department Attn: Public Works Director 3920 Westgate Street Pendleton, OR 97801 (541) 278-5424</p>	<p>ORS 374.305 to 374.325 Description: A Utility Crossing permit is required any time a utility is constructed within or across a public right-of-way. Road Approach Permits may be required if the Project access roads intersect with public roads, or if necessary, upgrades to existing access roads affect a public road. The Applicant anticipates a Road Approach Permit will be required for the Project’s driveway off of S. Edwards Road. This permit (as well as a utility crossing permit if needed based on final design) will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in or governed by the Site Certificate.</p>

3.0 Permit Applications Not Federally Delegated – OAR 345-021-0010(1)(e)(C)(i)(ii)

OAR 345-021-0010(1)(e)(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:

(i) In Exhibit J for permits related to wetlands.

No impacts to wetlands and waters of the state or of the U.S. are anticipated. Therefore, no permits related to wetlands are required. Please see Exhibit J for further details, in accordance with OAR 345-021-0010(1)(e)(C)(i).

(ii) In Exhibit O for permits related to water rights.

Water for construction and operation, including periodic solar panel washing, will be obtained from an existing municipal water source with valid water rights and trucked to the site. Please see Exhibit O for further details.

4.0 Permit Applications Federally Delegated – OAR 345-021-0010(1)(e)(D)

OAR 345-021-0010(1)(e)(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.

The U.S. Environmental Protection Agency has delegated authority to the ODEQ to issue NPDES stormwater discharge permits for construction and operations activities. The Applicant will obtain an NPDES permit prior to construction, if one is required. The permit would authorize the discharge of construction storm water from construction activities that disturb more than 1 acre of land and has the potential to cause stormwater runoff to enter surface waters or conveyance systems leading to surface waters of the state. If the NPDES permit is required, the Applicant will obtain a NPDES permit based on final design directly from the ODEQ as it is outside the jurisdiction of EFSC.

5.0 Third Party State or Local Permits – OAR 345-021-0010(1)(e)(E)

OAR 345-021-0010(1)(e)(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:

(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.

The Applicant typically relies on its construction contractors to obtain third-party permits. The Applicant maintains relationships with reputable construction firms with a successful track record.

(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.

The construction contractor will be a reputable firm with proven experience in the industry that has a reasonable likelihood of securing permits and completing compliant work.

(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.

The Applicant has experience working in various permitting regimes across the United States, and has worked with experienced solar power contractors for projects such as the 20-MW Sun City Solar Facility, 19-MW Sand Drag Solar Facility, and the 6-MW Avenal Park Solar Facility located in California, which all commenced operations in 2011. The contractors utilized had experience constructing renewable energy facilities, including obtaining building permits and sewage disposal permits in relevant jurisdictions. The Applicant would hire a contractor of similar caliber and experience for the proposed Project.

The Applicant may rely on its third-party contractors to obtain some required permits. Additional permits that may be obtained either by the contractor or other designated third party include a Umatilla County Conditional Use Permit and Zoning Permit, Oversize Load Movement Permit, and a Umatilla County Road Access Permit.

A General Water Pollution Control Permit WPCF-1000 from ODEQ would be required for the management of wastewater collection, treatment, control, and disposal for any concrete batch plant or gravel quarry. As no on site concrete batch plant or gravel quarry will be used, no General Water Pollution Control Permit WPCF-1000 will be required.

DOGAMI requires an Operating Permit for material extractions that exceed 1 acre of disturbance or 5,000 cubic yards of excavation over a period of a year. As no onsite gravel quarry will be used no Operating Permit will be required.

The Applicant understands that an Oversize Load Movement Permit from ODOT may be required for the movement of cranes and construction materials to the Project site, and a Road Access Permit from Umatilla County if Project access roads intersect with public roads or if necessary, upgrades to existing access roads affect a public road. The contractors would be responsible for acquiring both of these permits prior to construction.

6.0 Third Party Federal Permits – OAR 345-021-0010(1)(e)(E)

OAR 345-021-0010(1)(e)(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:

(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.

(ii) Evidence that the responsible agency has received a permit application.

(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.

The Applicant will not rely on a federally -delegated permit issued to a third party.

7.0 Monitoring – OAR 345-021-0010(1)(e)(G)

OAR 345-021-0010(1)(e)(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.

The Applicant will comply with monitoring requirements from the EFSC and other jurisdictional agencies responsible for granting Project permits or approvals. Specific monitoring measures for compliance with permit conditions are discussed in the relevant exhibits.