

## BIGLOW CANYON WIND FARM – PROPOSED ORDER ON REQUEST FOR SITE CERTIFICATE AMENDMENT 4

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**To:** Oregon Energy Facility Siting Council  
**From:** Christopher M. Clark, Senior Siting Analyst  
**Date:** December 16, 2025  
**Re:** Proposed Order on Request for Amendment 4 of the Biglow Canyon Wind Farm Site Certificate

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**Certificate Holder:** Portland General Electric Company

**Existing Facility:** Operational wind power generation facility consisting of 217 wind turbines with a combined peak generating capacity of 450 megawatts (MW) located within an approximately 25,000-acre site

**Proposed Amendment:** Construction and operation of up to 125 MW of solar photovoltaic power generation and battery energy storage system components, and other related or supporting facilities within a proposed 1,924 acre Solar Micrositing Area within existing site boundary.

**Facility Site Location:** Sherman County, approximately 4.8 miles northeast of the Town of Wasco.

**Staff Recommendation:** The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (EFSC or Council) find Portland General Electric Company (certificate holder) has demonstrated that the preponderance of evidence on the record supports the conclusion that the facility as amended complies with all applicable laws and Council standards.

A public comment period is now open on the Proposed Order and complete amendment request. The comment deadline for written comments to be submitted to the Department is 5:00 pm Pacific Time (PT) January 30, 2025. Section II, *Council Review Process for Amendments*, of this order contains additional information regarding the site certificate amendment review process. The Public Notice associated with the release of this Proposed Order also contains additional information regarding the comment period and next steps in the EFSC review process.

**BEFORE THE  
ENERGY FACILITY SITING COUNCIL  
OF THE STATE OF OREGON**

In the Matter of Request for Amendment 4 of the  
Biglow Canyon Wind Farm Site Certificate

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)  
)  
) PROPOSED ORDER  
)

December 16, 2025

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## Attachments

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- Attachment B: Reviewing Agency Comments on preliminary RFA4
- Attachment C: Draft Operations and Maintenance Framework Plan
- Attachment D: Draft Comprehensive Solar Revegetation and Soil Management Plan
- Attachment E: Draft Community Investment Plan
- Attachment F: Draft Amended Habitat Mitigation Plan
- Attachment G: Draft Construction Wildfire Mitigation Plan
- Attachment H: Draft Inadvertent Discovery Plan
- Attachment I: Decommissioning Cost Estimate Summary Table

## **ABBREVIATIONS AND ACRONYMS**

|                         |                                                                |
|-------------------------|----------------------------------------------------------------|
| AADT                    | Average Annual Daily Traffic                                   |
| AGL                     | Above ground level                                             |
| APLIC                   | Avian Powerline Interaction Committee                          |
| ASC                     | Application for Site Certificate                               |
| AVA                     | American Viticulture Area                                      |
| BESS                    | Battery Energy Storage system                                  |
| bgs                     | Below ground surface                                           |
| BIGL bn, LLC            | BIGL                                                           |
| Biglow Canyon Wind Farm | facility                                                       |
| BLM                     | Bureau of Land Management                                      |
| BMPs                    | Best management practices                                      |
| BPA                     | Bonneville Power Administration                                |
| Certificate holder      | Portland General Electric Company                              |
| Council or EFSC         | Energy Facility Siting Council                                 |
| CTUIR                   | Confederated Tribes of the Umatilla Indian Reservation         |
| CTWSRO                  | Confederated Tribes of the Warm Springs Reservation of Oregon  |
| CWPP                    | Community Wildfire Protection Plan                             |
| dBA                     | A-weighted decibels                                            |
| DC                      | direct current                                                 |
| DOGAMI                  | Oregon Department of Geology and Mineral Industries            |
| DSL                     | Oregon Department of State Lands                               |
| EFSC or Council         | Energy Facility Siting Council                                 |
| EFU                     | Exclusive Farm Use                                             |
| EOP                     | Emergency Operations Response                                  |
| ESCP                    | Erosion Sediment Control Plan                                  |
| FAA                     | Federal Aviation Administration                                |
| FEMA                    | Federal Emergency Management Agency                            |
| Final Order on RFA1     | Final Order on Request for Amendment 1 of the Site Certificate |
| Final Order on RFA2     | Final Order on Request for Amendment 2 of the Site Certificate |
| Final Order on RFA3     | Final Order on Request for Amendment 3 of the Site Certificate |
| GIS                     | Geographic Information System                                  |
| GSU                     | generator step-up                                              |
| GW                      | gigawatt                                                       |
| HB                      | House Bill                                                     |
| HFRZ                    | High Fire Risk Zones                                           |
| HMA                     | Habitat Mitigation Area                                        |
| HVF                     | High value farmland                                            |
| HVRA                    | highly valued resources and assets                             |
| IDP                     | Inadvertent Discovery Plan                                     |
| IEEE                    | Institute of Electrical and Electronics Engineers              |
| KOP                     | Key Observation Point                                          |

## **ABBREVIATIONS AND ACRONYMS**

|                    |                                                   |
|--------------------|---------------------------------------------------|
| kV                 | kilovolt                                          |
| kv/m               | Kilovolt per meter                                |
| LCIS               | Legislative Committee on Indian Services          |
| LGIA               | large generator interconnection agreement         |
| LiDAR              | light detection and ranging                       |
| Li-ion             | Lithium ion                                       |
| LOS                | Level of Service                                  |
| MCEDD              | Mid-Columbia Economic Development District        |
| mG                 | Magnetic field                                    |
| MW                 | Megawatts                                         |
| MWh                | Megawatt hour                                     |
| NH                 | Natural Hazards                                   |
| NHD                | National Hydrography Dataset                      |
| NPDES              | National Pollutant Discharge Elimination System   |
| NPS                | National Park Service                             |
| NRCS               | Natural Resources Conservation Service            |
| NRHP               | National Register of Historic Places              |
| NSR                | noise-sensitive receptor                          |
| NWI                | National Wetlands Inventory                       |
| O&M                | operations and maintenance                        |
| OAR                | Oregon Administrative Rules                       |
| OARRA              | Online Archaeological Records Remote Access       |
| ODA                | Oregon Department of Agriculture                  |
| ODEQ               | Oregon Department of Environmental Quality        |
| ODF                | Oregon Department of Forestry                     |
| ODFW               | Oregon Department of Fish and Wildlife            |
| ODOE or Department | Oregon Department of Energy                       |
| ODOT               | Oregon Department of Transportation               |
| ONHT               | Oregon National Historic Trail                    |
| OPUC               | Oregon Public Utilities Commission                |
| ORBIC              | Oregon Biodiversity Information Center            |
| ORS                | Oregon Revised Statutes                           |
| OSHD-1             | Oregon Seismic Hazard Database release 1          |
| OWRD               | Oregon Water Resources Department                 |
| PCS                | Power Conversion Station                          |
| PGE                | Portland General Electric Company                 |
| PILOT              | Payment in Lieu of Property Taxes                 |
| PWCA               | Priority Wildlife Connectivity Area               |
| RACE               | Remove, Alarm, Confine and Extinguish or Evacuate |
| RAIs               | Request for Additional Information                |
| RFA                | Request for Amendment                             |
| RFA4               | Request for Amendment 4                           |

## **ABBREVIATIONS AND ACRONYMS**

|         |                                                     |
|---------|-----------------------------------------------------|
| SCADA   | Supervisory Control and Data Acquisition System     |
| SCSWCD  | Sherman County Soil and Water Conservation District |
| SCZO    | Sherman County Zoning Ordinance                     |
| SGHAT   | Solar Glare Hazard Analysis Tool                    |
| SHPO    | State Historic Preservation Office                  |
| SLIDO   | Oregon Statewide Landslide Database                 |
| SPCC    | Spill Prevention Countermeasure and Control         |
| SSURGO  | Soil Survey Geographic                              |
| STATSGO | State Soil Geographic Database                      |
| T&E     | Threatened and Endangered                           |
| USGS    | U.S. Geological Survey                              |
| WEG     | Wind erodibility group                              |
| WMP     | Wildfire Mitigation Plan                            |
| ZVI     | Zone of visual influence                            |

1     **I.       INTRODUCTION**

2  
3     On December 10, 2025, Portland General Electric Company (certificate holder), filed Request  
4     for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm (Request or RFA4).

5  
6     As described below, the Biglow Canyon Wind Farm (facility) is an operational wind energy  
7     facility consisting of 217 wind turbines with a combined peak generating capacity of 450  
8     megawatts (MW) and related or supporting facilities located within an approximately 25,000-  
9     acre (39 sq. mile) site in Sherman County.

10  
11    As described in Section I.D. of this Order, in the Request the certificate holder seeks  
12    authorization from the Energy Facility Siting Council (Council) to expand the facility to include a  
13    125 MW solar photovoltaic power generation facility, a 125 MW battery energy storage system,  
14    and other related or supporting facilities within a 1,924-acre solar micrositing area within the  
15    approved site boundary. The certificate holder would own and operate the solar components  
16    as a part of the existing facility with the support of a third-party developer, BIGL bn, LLC, which  
17    is in turn, a subsidiary of BrightNight, LLC.

18  
19    Under OAR 345-027-0375, to issue an amended site certificate, the Council must determine  
20    that the preponderance of evidence on the record supports the conclusion that the proposed  
21    facility, as amended, complies with all applicable laws and Council standards. Section II.A  
22    provides additional information regarding the Council's scope of review. An evaluation of  
23    compliance with these standards is provided in Section III.

24  
25    In accordance with OAR 345-027-0365, the Oregon Department of Energy (Department), as  
26    staff to the Energy Facility Siting Council (Council), issues this Proposed Order recommending  
27    approval of the Request, subject to the existing and recommended amended site certificate  
28    conditions set forth in this Proposed Order. This Proposed Order, and the analysis and  
29    recommendations contained therein do not constitute a final determination by the Council.

30  
31    **I.A.     SITE CERTIFICATE PROCEDURAL HISTORY**

32  
33    On June 30, 2006, the Council issued a Site Certificate for the Biglow Canyon Wind Farm  
34    authorizing Orion Sherman County Wind Farm LLC to construct and operate a wind energy  
35    facility in Sherman County. The site certificate has since been amended three times.

36  
37    On November 3, 2006, the Council issued its Final Order on Request for Amendment 1 of the  
38    Site Certificate (Final Order on RFA1), approving a transfer of the Site Certificate from the  
39    original certificate holder to Portland General Electric Company and issuing the First Amended  
40    Site Certificate.

41  
42    On May 10, 2007, the Council issued its Final Order on Request for Amendment 2 of the Site  
43    Certificate (Final Order on RFA2), authorizing the construction of new access road and collector  
44    line segments, increasing the area of authorized temporary disturbance during construction,

1 modifying one micrositing corridor, and revising several site certificate conditions in the Second  
2 Amended Site Certificate.

3  
4 On October 31, 2008, the Council issued its Final Order on Request for Amendment 3 of the Site  
5 Certificate (Final Order on RFA3), authorizing the expansion of the site to accommodate new  
6 access roads, collector lines, temporary crane paths, and extended turbine corridors;  
7 authorizing expansion of the facility's Operations & Maintenance (O&M) building; and to  
8 remove or amend several conditions in the Third Amended Site Certificate.

9  
10 In addition to amendments of the site certificate, the certificate holder has submitted seven  
11 Change Requests and Amendment Determination Requests for modifications of the facility,  
12 such as realignment of turbine corridors, access roads, and collector lines, and expansions of  
13 the facility's O&M building. The Department reviewed each of the requests and determined  
14 that amendment proceedings were not required.<sup>1</sup>

## 15 16 **I.B. EXISTING OPERATIONAL FACILITY DESCRIPTION**

17  
18 The Third Amended Site Certificate authorizes the construction and operation of a wind energy  
19 facility and related or supporting facilities at a site in Sherman County. A description of the  
20 existing facility is provided below.

### 21 22 **I.B.1. Energy Facility**

23  
24 The wind facility consists of 217 wind turbines (76 Vestas V82 1.65 MW and 141 Siemens 2.3  
25 MWs) with a combined nominal nameplate generating capacity of up to 450 megawatts (MW).  
26 The Vestas V82 turbines are mounted on tubular steel towers with a height of 262 feet at the  
27 hub and an overall height of 397 feet including the turbines blades. The wind turbines are  
28 located on private land that the certificate holder has leased from the affected landowners.  
29 hub height of 280 feet and maximum blade tip height of 445 feet.

30  
31 Construction of the facility began on April 1, 2007, and was completed on August 20, 2010.  
32 Construction of the final phase was completed on August 20, 2010.<sup>2</sup>

### 33 34 **I.B.2. Related or Supporting Facilities**

35  
36 As related or supporting facilities to the wind energy facility, the site certificate authorizes the  
37 construction and operation of the facility components described in Table1, below:

---

<sup>1</sup> Change Request Determination 1, June 4, 2007; Change Request Determination 2, June 27, 2007; Change Request Determination 3, July 21, 2008; Change Request Determination 4, July 21, 2008; Change Request Determination 5, March 12, 2009; Change Request Determination 6, January 12, 2017; Amendment Determination Request 7, March 14, 2019.

<sup>2</sup> BCWOPSDoc139 BCW 6th Semi-Annual Report

**Table 1: As-built Facility Component Summary**

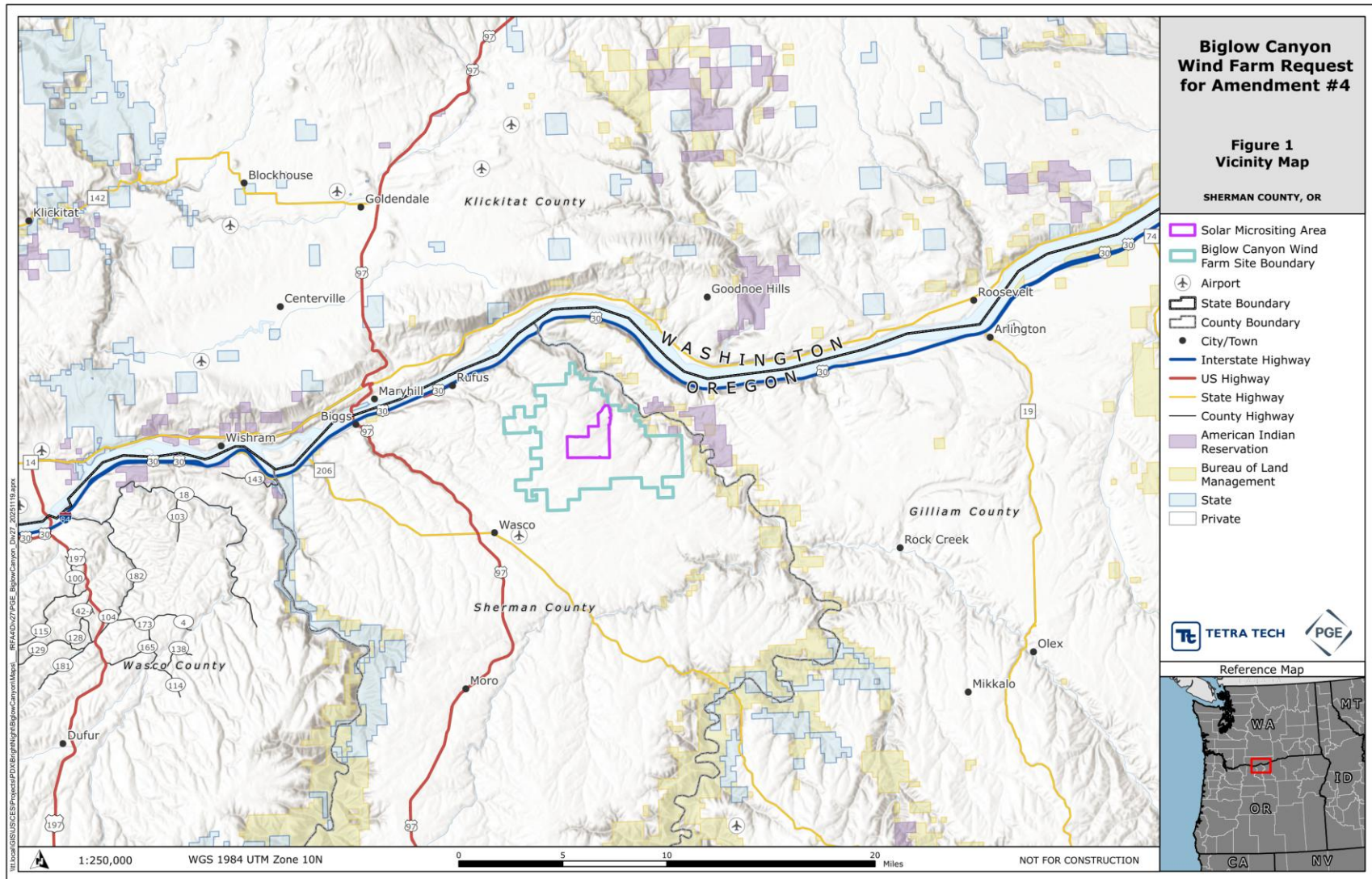
| Component and Design Standard                                                                                                                                                                            | No.                                       | Unit     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------|
| Site Boundary                                                                                                                                                                                            |                                           |          |
| Site Area                                                                                                                                                                                                | 25,000                                    | Acres    |
| Wind Energy Facility                                                                                                                                                                                     |                                           |          |
| Wind Turbines                                                                                                                                                                                            |                                           |          |
| Vestas V82 1.65 MW Turbines (Phase I)                                                                                                                                                                    | 76                                        | Turbines |
| Hub Height                                                                                                                                                                                               | 262.5                                     | Feet     |
| Rotor Diameter                                                                                                                                                                                           | 269                                       | Feet     |
| Siemens 2.3 MW Turbines (Phase II/III)                                                                                                                                                                   | 141                                       | Turbines |
| Hub Height                                                                                                                                                                                               | 262.5                                     | Feet     |
| Rotor Diameter                                                                                                                                                                                           | 305                                       | Feet     |
| Related or Supporting Facility Components                                                                                                                                                                |                                           |          |
| 34.5 kV Collection System                                                                                                                                                                                |                                           |          |
| Collector line length, underground                                                                                                                                                                       | 106                                       | miles    |
| Collector line length, overhead (OH)                                                                                                                                                                     | 3.9                                       | miles    |
| Collection system support pole height                                                                                                                                                                    | 23 to 28                                  | Feet     |
| Collector Substations                                                                                                                                                                                    |                                           |          |
| Substations                                                                                                                                                                                              | 1                                         | each     |
| Site size                                                                                                                                                                                                | 6                                         | acres    |
| Meteorological Towers                                                                                                                                                                                    |                                           |          |
| Towers                                                                                                                                                                                                   | 4                                         | Each     |
| Max. Height                                                                                                                                                                                              | 279                                       | Feet     |
| O&M Building                                                                                                                                                                                             |                                           |          |
| Quantity                                                                                                                                                                                                 | 2                                         | each     |
| Site size                                                                                                                                                                                                | 5                                         | acres    |
| Appurtenances                                                                                                                                                                                            | On-site well, septic system, SCADA System |          |
| Facility Roads (Gravel)                                                                                                                                                                                  |                                           |          |
| Length                                                                                                                                                                                                   | 41.7                                      | miles    |
| Width                                                                                                                                                                                                    | 16                                        | feet     |
| Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition |                                           |          |

**I.C. APPROVED SITE DESCRIPTION**

As shown in Figure 1, below, the approved site boundary encompasses approximately 25,000 acres of land in Sherman County, Oregon. The site is located approximately 2.5 miles northeast of Wasco in Townships 1 and 2 North, Ranges 17 and 18 East, Willamette Meridian.



**Figure 1: Approved Site Boundary and Vicinity**



## I.D. REQUESTED AMENDMENT

In RFA4, the certificate holder seeks authorization to construct and operate a 125 MW solar photovoltaic power generation facility; a battery energy storage system (BESS) with up to 500 megawatt-hours (MWh) of discharge capacity; and other related or supporting facilities. The dimensions and specifications for the facility components proposed in RFA4 are summarized in Table 2, below.

**Table 2: Solar Facility Component Summary**

| Component and Design Standard                                                                                                      | No.           | Unit               |
|------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|
| <b>Site Boundary</b>                                                                                                               |               |                    |
| Solar Micrositing Area                                                                                                             | 1,924         | acres              |
| <b>Solar photovoltaic power generation facility</b>                                                                                |               |                    |
| <b>Solar Photovoltaic Arrays</b>                                                                                                   |               |                    |
| Max. Permanent footprint                                                                                                           | 1,445         | acres              |
| Min. setback from turbines                                                                                                         | 520           | feet               |
| Maximum nominal generating capacity                                                                                                | 125           | MW                 |
| Modules (590w module with monocrystalline solar cells, antireflective coating, metal frame, and factory installed wire connectors) |               |                    |
| Approx. number of modules                                                                                                          | 264,836       | modules            |
| Approx. module dimensions (W x L)                                                                                                  | 45x90         | inches             |
| <b>Tracking System</b>                                                                                                             |               |                    |
| Mounting height                                                                                                                    | 5             | feet AGL           |
| Avg. Height at full tilt                                                                                                           | 7.5 to 10     | feet AGL           |
| Max. Height at full tilt                                                                                                           | 15            | feet AGL           |
| <b>Steel Posts (hollow, screw, or pile-type)</b>                                                                                   |               |                    |
| Approx. total number                                                                                                               | 32,621        | posts              |
| Avg. Installation Depth                                                                                                            | 7 to 15       | Feet BGL           |
| <b>Power Conversion Stations (Inverter with integrated Step-Up Transformer)</b>                                                    |               |                    |
| Approx. total number                                                                                                               | 33            | each               |
| Noise level                                                                                                                        | 92            | dBA<br>(Broadband) |
| Transformer oil-containing capacity (each)                                                                                         | 700           | gallons            |
| <b>Battery Energy Storage System (Lithium-ion)</b>                                                                                 |               |                    |
| Discharge Capacity                                                                                                                 | 125           | MW                 |
| Total Storage Capacity                                                                                                             | 500           | MWh                |
| BESS Yard Site Size                                                                                                                | 5             | acres              |
| Battery Containers (of Battery Containers on foundations with integrated inverters, HVAC and fire suppression systems, SCADA)      |               |                    |
| Max. Number Enclosures / Inverters                                                                                                 | 153           | Units              |
| Approx. Dimensions (HxWxL)                                                                                                         | 10 x 5.5 x 29 | Feet               |
| Noise level during discharge                                                                                                       | 84            | dBA<br>(Broadband) |
| BESS Transformers                                                                                                                  | 39            | each               |

**Table 2: Solar Facility Component Summary**

| <b>Component and Design Standard</b>                                                                                                                                               | <b>No.</b>    | <b>Unit</b>        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------|
| Transformer Height                                                                                                                                                                 | 10            | feet               |
| Transformer Noise level                                                                                                                                                            | 80            | dBA<br>(Broadband) |
| Transformer oil-containing capacity                                                                                                                                                | 700           | gallons            |
| <b>Related or Supporting Facility Components</b>                                                                                                                                   |               |                    |
| <b>34.5 kV Collection System</b>                                                                                                                                                   |               |                    |
| Collector line length, underground                                                                                                                                                 | 52            | miles              |
| Temporary Impact Corridor                                                                                                                                                          | 50            | feet               |
| <b>Collector Substation</b>                                                                                                                                                        |               |                    |
| Includes GSU transformers, switches, breakers, surge arrestors, metering equipment, grounding, and associated control wiring. Certain equipment is enclosed in a control building. |               |                    |
| Site size                                                                                                                                                                          | 4.2           | acres              |
| Generator Step-Up Transformers                                                                                                                                                     | 1             | each               |
| Transformer oil-containing capacity                                                                                                                                                | 10,000-15,000 | gallons            |
| Transformer noise level                                                                                                                                                            | 106           | dBA                |
| Control building dimensions                                                                                                                                                        | 40x15         | Feet               |
| Height of structures                                                                                                                                                               | 8 to 25       | feet               |
| <b>230 kV Transmission Line</b>                                                                                                                                                    |               |                    |
| Length                                                                                                                                                                             | 600           | feet               |
| Corridor Width (contains all disturbance)                                                                                                                                          | 150           | Feet               |
| Corridor Area                                                                                                                                                                      | 2             | acres              |
| Steep Monopole Support Structures                                                                                                                                                  | 4             | each               |
| Height of Support Poles                                                                                                                                                            | 80            | feet               |
| <b>O&amp;M Facility</b>                                                                                                                                                            |               |                    |
| Steel building/prefabricated office structure with adjacent storage enclosures and parking areas, well, septic system.                                                             |               |                    |
| Building Dimensions                                                                                                                                                                | 60 X 12       | foot               |
| Site size                                                                                                                                                                          | 3             | Acres              |
| 400 ft2 Storage Containers                                                                                                                                                         | 3             | Each               |
| <b>Internal Access Roads</b>                                                                                                                                                       |               |                    |
| Length (graveled)                                                                                                                                                                  | 10.5          | miles              |
| Width                                                                                                                                                                              | 20            | feet               |
| Vegetation Management Buffer (both sides)                                                                                                                                          | 10            | feet               |
| <b>Perimeter Fence</b>                                                                                                                                                             |               |                    |
| Total Length                                                                                                                                                                       | 92,400        | Feet               |
| Height                                                                                                                                                                             | 8             | Feet               |
| Access gates                                                                                                                                                                       | 5             | each               |
| Vegetation Management Buffer                                                                                                                                                       | 20            | Feet               |

**Table 2: Solar Facility Component Summary**

| Component and Design Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | No. | Unit  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|
| <b>Temporary Construction Areas</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |       |
| Site Size                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8.7 | Acres |
| 1,000-gal aboveground fuel storage tanks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 3   | Each  |
| Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition<br>Sources: RFA4, Table 1.<br>Notes:<br>1. The Solar Micrositing Area would occupy approximately 1,445 acres within fenced areas and transmission line corridor. The entire solar facility footprint is considered a permanent disturbance area for the purposes of evaluating and mitigating impacts to resources such as Fish and Wildlife Habitat; however, soil reclamation and weed management is applicable to the solar facility footprint as discussed in applicable section in this order. |     |       |

The certificate holder also proposes to amend existing Site Certificate Conditions as proposed in Attachment 1 to RFA4. New conditions were proposed where needed to demonstrate that the new facility components would comply with Council standards.<sup>3</sup> Changes to specific conditions related to specific standards are discussed in Section III., *Evaluation of Council Standards*.

#### **I.D.1. Proposed Solar Photovoltaic Power Generation Facilities**

As described above, in RFA4, the certificate holder proposes to add a solar photovoltaic power generation facility to the existing facility. The proposed solar components would have a nameplate generating capacity of up to 125 MW. The addition of the proposed solar and battery components would increase the peak generating capacity of the facility, as a whole, to 575 MW.<sup>4</sup>

Solar photovoltaic power generation facilities typically consist of rows of photovoltaic modules mounted on a racking system that is either fixed in place or able to track the sun on one or more axes. The racking system is typically supported by steel posts that are either driven directly into the ground or installed into pre-drilled holes. The low voltage DC output of the photovoltaic modules is collected with a cabling system and transmitted to inverter and transformer units which convert the output of several rows of modules to 35-kV AC power that can be collected via the facility's electrical collector system.

The ground below and surrounding the solar arrays would mostly be vegetated, with gravel where needed for maintenance and access roads or where gravel already exists.<sup>5</sup>

<sup>3</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.0, 6.0.

<sup>4</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.0.

<sup>5</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.

Individual components proposed in RFA4 are discussed in more detail in the sections that follow.

### *Modules*

Solar modules generate electricity by converting sunlight into direct current (DC) electrical energy through the photovoltaic effect. Modules typically consist of mono or poly-crystalline solar cells, antireflective coating, non-specular, galvanized steel racks, and factory installed wire connectors.<sup>6</sup>

The modules would be connected in series to form strings which are then collected via combiners, cables, and switchboards. The type and number of modules required will be determined at final facility design based on the technology available at that time. For the purposes of the analysis in RFA4, the certificate holder assumed use of N-type monocrystalline solar cells.<sup>7</sup>

### *Tracking System*

As proposed, strings of modules would be mounted on single-axis tracker systems to optimize electricity production by rotating the solar modules to follow the path of the sun throughout the day. Each set of modules is expected to be mounted approximately 5 feet off the ground on a single-axis tracker that rotates 60 degrees to the east and west. At maximum tilt, the top edge of the modules is expected to be 7.5 to 10 feet above ground level with a maximum of 15 feet where topography curves under a row. The tracker system and associated posts will be designed to withstand wind, snow, and seismic loads anticipated at the site.<sup>8</sup>

### *Posts and Foundations*

Each tracker row will be supported by multiple steel posts. Hollow steel sections, screw piles, or pile-type posts may be used. Posts will typically be installed 7 to 15 feet below the ground surface and extend approximately 5 feet above grade. Exterior posts at the end of tracker rows are typically installed to greater depth to withstand inclement weather including high wind conditions. In some soil conditions, concrete grouting may be used as backfill, as required. The total number of posts and foundation installation methods required will be determined during detailed design of the tracker system and future geotechnical investigations. For the purposes of the analysis in RFA4, the certificate holder assumed that all of the posts may require pre-drilling and/or concrete grouting as backfill.<sup>9</sup>

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<sup>6</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.1; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 2.0.

<sup>7</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.1.

<sup>8</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.2.

<sup>9</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.3.

## *Cabling*

Cables will be used to collect and aggregate the DC output of multiple tracker rows for transmission to the inverter/inverter step-up transformer units described below. Cabling may be installed underground along tracker rows and aggregated using combiner boxes or installed aboveground in aluminum trays or using harnessing if a trunk bus system is used for aggregation. Either system requires a similar amount of cabling. The cabling system will be selected at final facility design, but for the purposes of analysis, the certificate holder assumed that a centralized trunk bus system will be used.<sup>10</sup>

## *Power Conversion Stations (PCS)*

Integrated inverter and step-up transformer systems called Power Conversion Stations (PCS), or similar systems, would be installed throughout the solar arrays to convert the low-voltage DC output of the modules to 34.5kV AC power that can be transmitted via the electrical collector system. Each transformer would contain approximately 700 gallons of mineral oil. Each PCS would be installed on a concrete pad or pile-supported foundation.<sup>11</sup> The inverter specifications would comply with the applicable requirements and standards of the National Electric Code and Institute of Electrical and Electronics Engineers standards.<sup>12</sup>

### **I.D.2. Proposed Battery Energy Storage Systems**

The certificate holder proposes to construct and operate a 125 MW alternating current (AC)-coupled BESS with up to 500 MWh of storage capacity within the proposed Solar Micrositing Area.<sup>13</sup>

The BESS would consist of modular enclosures that hold lithium-ion batteries, battery management systems, integrated inverters, and fire prevention systems. Cooling units would be placed either on top of or along the side of the enclosures may include separate chiller plants. Each enclosure would be placed on a concrete pad or pile-supported foundation.<sup>14</sup> The enclosures would be manufactured, assembled, and inspected off-site prior to installation. Each enclosure would be installed on a concrete pad or pile foundation.<sup>15</sup>

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<sup>10</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.4.

<sup>11</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.5, 4.1.2.6; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 2.1, Table G-2; BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Attachment X-1.

<sup>12</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.6.

<sup>13</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.0.

<sup>14</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3; 4.1.3.3.

<sup>15</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.3; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 2.1, Table G-2; BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Attachment X-1.

1 As proposed, the BESS will use lithium-ion (Li-ion) batteries. Li-ion batteries are a type of  
2 rechargeable battery where lithium ions, suspended in a gel or liquid electrolyte, move from  
3 negative to positive electrodes and back when recharging. A variety of chemistries fall under  
4 the “Li-ion” term, each with varying performance, cost, and safety characteristics. The  
5 certificate holder will select the specific battery chemistry at final facility design.<sup>16</sup>

6  
7 A Li-ion battery typically consists of a modular unit containing multiple cells, which are  
8 hermetically sealed pouches that serve as primary containment for the electrolyte solution.  
9 Each module is generally about the size of a desktop computer and serves as leak-proof  
10 secondary containment for the electrolyte. Modules are placed in anchored racks and wired  
11 into strings, with each enclosure containing multiple battery strings. Each enclosure may  
12 contain up to 10,000 cells.

13  
14 Lithium-ion batteries and electrolyte are typically considered to be hazardous materials due to  
15 their flammability and potential for chemical reaction. Electrolyte can only escape (as vapor) in  
16 the unlikely case that a battery module fails, and while the enclosure itself provides additional  
17 containment in the event of a module failure, venting may be required in the event of a fire or  
18 other emergency. Due to the risks, the U.S. Department of Transportation and U.S.  
19 Environmental Protection Agency also require special handling when transporting or disposing  
20 of lithium-ion batteries.<sup>17</sup> Specific issues related to the fire-risk posed by lithium-ion batteries  
21 are discussed in Section III.N, *Wildfire Prevention and Risk Mitigation*. Other issues related to  
22 potential hazards associated with transportation, use, and disposal of lithium-ion batteries are  
23 discussed in Section III.D., *Soil Protection*; III.M., *Public Services*; and Section III.O, *Waste*  
24 *Minimization*.

25  
26 Initially, the BESS would include up to 153 modular enclosures; however, because battery  
27 performance degrades over time the certificate holder has stated that additional batteries and  
28 associated equipment would be periodically augmented as needed to maintain the design  
29 capacity of the system.<sup>18</sup> The certificate holder estimates that approximately 183 enclosures  
30 would be installed at the site over the life of the facility. Any augmentation activities would be  
31 subject to the requirements of OAR chapter 345, division 27.

### 32 33 *BESS Transformers*

34  
35 The BESS will include up to 39 transformers to increase the output voltage from the inverters  
36 integrated into the BESS enclosures (typically 660 volts) to the substation feed voltage (34.5-  
37 kilovolt [kV] AC). The transformers are anticipated to be approximately 8 to 10 feet in height  
38 and would be installed on a concrete pad or pile-supported foundation.<sup>19</sup> Each transformer

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<sup>16</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.3.

<sup>17</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.3; 4.1.4.1; BCWAMD4Doc21-02 RFA Exhibit G  
Materials Analysis 2025-12-10, Section 2.2.

<sup>18</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.3.

<sup>19</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.3.

would contain approximately 700 gallons of mineral oil for cooling. Oils needed for maintenance will be delivered by a licensed maintenance contractor on an as-needed basis, and no substantial quantities will be stored on-site.<sup>20</sup>

#### *BESS Yard*

The BESS facilities would be located in a fenced, graveled yard, adjacent to the proposed collector substation discussed below. The total area expected to be occupied by the BESS yard is approximately 5 acres.<sup>21</sup>

### **I.D.3. Other Proposed Related or Supporting Facilities**

#### *34.5 kV Electrical Collection System*

The output of the ISU and BESS transformers will be aggregated and transmitted to the collector substations via underground 34.5-kV collector lines. In the maximum buildout design scenario proposed in RFA4, approximately 52 miles of collector line would be installed within the solar array fence lines. The collector lines would be buried to a minimum of 3 feet at lateral depth, with junction splice boxes positioned intermittently along the lines for maintenance access.<sup>22</sup>

#### *Collector Substation*

A new collector substation would be constructed at the proposed solar array areas to aggregate and convert the 34.5 kV power transmitted through the electrical collection system to 230-kV power that can be transmitted to the grid from the existing Biglow Canyon Substation.<sup>23</sup>

The substation would include a generator step-up (GSU) transformer and other electrical equipment including, but not limited to switches, breakers, surge arrests, metering equipment, grounding, and associated control wiring. Certain equipment, including breakers and transformer equipment, would be enclosed in a control building.<sup>24</sup> The GSU transformers is expected to be a ground-mounted unit constructed on a concrete pad. The transformer would contain between 10,000 and 15,000 gallons of mineral or seed oil for cooling and insulation.<sup>25</sup> To minimize the potential for spills, the GSU transformer would be equipped with a secondary

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<sup>20</sup> BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 2.2.

<sup>21</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.0, 4.1.3.3.

<sup>22</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.6, 4.1.3.1.

<sup>23</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.2.6.

<sup>24</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.2., 4.1.4.1.

<sup>25</sup> Consistent with federal regulations, the oils used in transformers do not contain polychlorinated biphenyls or compounds listed as extremely hazardous by the U.S. Environmental Protection Agency.



1 containment trap sized to contain the amount of oil inside the transformer plus an additional  
2 volume for deluge water and required freeboard.<sup>26</sup>

### 3 4 *230-kV Overhead Transmission Line*

5  
6 The facility would include an approximately 600-foot long 230 kV overhead transmission line  
7 connecting the Collector Substation to the existing Biglow Canyon Substation. The transmission  
8 line would be supported by up to four steel monopole support structures ranging from 80 to  
9 160 feet tall. Pulling and tensioning areas may also be installed during construction of the  
10 transmission line.<sup>27</sup>

### 11 12 *O&M Building*

13  
14 A new O&M facility would be constructed in the proposed solar area. The O&M facility would  
15 include a steel building or prefabricated office structure with facilities for staff use; enclosures  
16 for storing spare parts and maintenance equipment; and space for parking service staging zone  
17 and clearance areas. The O&M facility would have a septic system, and a septic system permit  
18 would be obtained from the Sherman County Public Health Department.<sup>28</sup> Small quantities of  
19 lubricants, degreasers, herbicides, or other chemicals may be stored at the O&M facilities.<sup>29</sup> In  
20 addition, up to approximately 4,080 spare modules may be stored at the O&M facilities for  
21 replacement over the life of the proposed solar components.<sup>30</sup>

### 22 23 *Communications and SCADA System*

24  
25 Controls for the facility components proposed in RFA4 would be integrated into the facility's  
26 existing Supervisory Control and Data Acquisition (SCADA) System which allows facility  
27 operating parameters, power output, and other variables such as meteorological conditions to  
28 be constantly monitored from the facility control rooms and remote locations.<sup>31</sup>

### 29 30 *Internal Access Roads*

31  
32 Approximately 10.5 miles of new access roads would be constructed within the solar array  
33 areas to provide access to the facility components proposed in RFA4. In accordance with  
34 Oregon Fire Code Section 503, access roads would be approximately 20 feet wide and will be  
35 graveled to meet load requirements for all equipment and emergency access needs.<sup>32</sup>

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<sup>26</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.4.1.

<sup>27</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.1; BCWAMD4Doc21-20 RFA Exhibit AA EMF 2025-12-10, Section 2.1.

<sup>28</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.4.

<sup>29</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.4.1.

<sup>30</sup> BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 2.2.

<sup>31</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.5.

<sup>32</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.6, 4.1.4.2.

## *Perimeter Fencing, and Gates*

Each solar array, with any collocated related or supporting facility components, would be enclosed by seven-foot-tall chain-link perimeter fencing with one foot of razor or barbed wire at the top. Fences would be constructed and grounded in accordance with NESC Rule 110. Vehicle access to the facility would be provided by lockable vehicle gates. Additional gates may be installed for emergency exit or removal of wildlife.<sup>33</sup>

## *Temporary Construction Areas*

An approximately 8.7 acre, temporary construction area would be established within the perimeter fenceline, used to store supplies and equipment and facilitate the delivery and assembly of materials and equipment during construction. Additional temporary construction areas may be utilized within the permanent footprint of the proposed solar arrays. The area would consist of a crushed gravel surface that will be removed following construction, crushed gravel surface that will remain following construction because that was the pre-existing surface condition, or vegetation that is left in place for which the need to revegetate would be evaluated following construction.<sup>34</sup>

As discussed in Section III.D., nonreportable quantities of herbicides, insecticides, paint, cleaners, solvents, or other chemicals may be used and stored in the temporary construction areas. In addition, up to three aboveground 1,000-gallon fuel tanks may be installed in an area within the temporary construction area that provides secondary containment.<sup>35</sup> The certificate holder represents that concrete for construction of foundations would come directly from licensed suppliers and there would not be an on-site batch plant installed at the temporary construction area.<sup>36</sup>

### **I.D.4. Proposed Solar Micrositing Area**

The facility components proposed in RFA4 would be located within a proposed 1,924-acre Solar Micrositing Area.<sup>37</sup> The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that the entire micrositing corridor has been evaluated and that the requirements of all applicable standards would be satisfied regardless of the location of facility components within the corridor. For RFA4, the certificate holder conducted desktop and field surveys for the proposed Solar Micrositing Area, which are discussed further in the applicable sections of this order. The existing Biglow Canyon Substation, which will be the point

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<sup>33</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.6.

<sup>34</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.7

<sup>35</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.4.1.

<sup>36</sup> BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 2.0.

<sup>37</sup> A micrositing corridor is “a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.” OAR 345-001-0010(21).

1 of interconnection for the facility components proposed in RFA4 with the regional transmission  
2 grid, is located within the proposed Solar Micrositing Area.<sup>38</sup>

## 3 4 **II. COUNCIL REVIEW PROCESS FOR AMENDMENTS**

5  
6 With some exceptions, under Oregon Administrative Rule (OAR) 345-027-0350(4), an  
7 amendment to a site certificate is required to design, construct, or operate a facility in a  
8 manner different from that described in the site certificate, if the proposed change (1) Could  
9 result in a significant adverse impact that the Council has not addressed in an earlier order and  
10 the impact affects a resource or interest protected by an applicable law or Council standard; (2)  
11 Could impair the certificate holder's ability to comply with a site certificate condition; or (3)  
12 Could require a new condition or a change to a condition in the site certificate.<sup>39</sup> The proposed  
13 addition of new area to the site, and the construction and operation of the facility components  
14 proposed in RFA4 could result in a significant adverse impact that the Council has not  
15 addressed in an earlier order and could require new conditions or changes to existing  
16 conditions in the site certificate.

### 17 18 **II.A. SCOPE OF COUNCIL REVIEW: OAR 345-027-0375**

19  
20 *(1) In making a decision to grant or deny issuance of an amended site certificate, the*  
21 *Council must apply the applicable laws and Council standards required under section (2)*  
22 *of this rule and in effect on the dates described in section (3) of this rule.*

23  
24 *(2) To issue an amended site certificate, the Council must determine that the*  
25 *preponderance of evidence on the record supports the following conclusions:*

26  
27 *(a) The facility as amended complies with all applicable laws and Council standards;*

28  
29 \*\*\*

30  
31 *(3) In making findings under section (2) of this rule, the Council must apply the applicable*  
32 *laws and Council standards in effect on the following dates, regardless of when the site*  
33 *certificate was previously approved or amended:*

34  
35 *(a) For the applicable substantive criteria under the Council's land use standard, as*  
36 *described in OAR 345-022-0030, the date the request for amendment was submitted;*  
37 *and*  
38

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<sup>38</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 1.2.

<sup>39</sup> See OAR 345-027-0350(1)-(3) for a list of other changes that require an amendment, including a transfer of ownership, application of later adopted laws, or construction deadline extension.

1 (b) For all other applicable laws and Council standards, the date the Council issues its  
2 final order on the request for amendment.<sup>40</sup>  
3

4 As described in more detail below, in RFA4, the certificate holder seeks authorization to  
5 construct and operate a new solar photovoltaic power generation facility, battery energy  
6 storage system, and other related or supporting facilities within the existing site.  
7

8 Under OAR 345-027-0375(2)(a), to issue an amended site certificate the Council must  
9 determine that the preponderance of evidence on the record supports the conclusion that the  
10 facility, as amended, complies with all applicable laws and Council standards. Because the  
11 construction and operation of the new solar photovoltaic power generation facility and other  
12 related or supporting facilities would potentially impact all resources protected by Council  
13 standards, and because the certificate holder proposes to rely on the technical expertise of a  
14 third-party to construct and operate the facility components proposed in RFA4, the Department  
15 recommends the Council find that all laws and Council standards applicable to an original site  
16 certificate application are applicable to the review of the facility components proposed in RFA4.  
17 This includes all of the Council's general standards in OAR chapter 345, division 22, and for the  
18 proposed 600-foot 230-kV transmission line segment, Siting Standards for Transmission Lines  
19 under OAR 345-024-0090. Because there are no proposed changes to the existing Wind Power  
20 Generation Facility, the specific siting standards for wind facilities in OAR chapter 345, division  
21 24 are not applicable to this review.  
22

## 23 **II.B. AMENDMENT PROCESS**

24

25 The standard amendment review process, set forth in OAR 345-027-0360 through 345-027-  
26 0375, is the default review process and applies to the Council's review of a request for  
27 amendment proposing a change described in OAR 345-027-0350(2), (3), (4), or (5).<sup>41</sup> These  
28 steps are detailed in Section II.C., *Council Review Process for Amendments*, below.  
29

### 30 **II.B.1. Request for Amendment**

31

32 On April 17, 2024, the certificate holder met with the Department for a pre-amendment  
33 conference. Pursuant to OAR 345-027-0360, following the pre-amendment conference the  
34 certificate holder submitted a written request to use the proposed Solar Micrositing Area  
35 boundary as the basis for the study area boundaries under OAR 345-001-0010(35) and property  
36 owner lists under OAR 345-027-0360(1)(f) for the proposed amendment. On May 2, 2024, the  
37 Department provided written concurrence authorizing the request.<sup>42</sup>  
38

---

<sup>40</sup> Permanent Administrative Order EFSC 5-2025, amend filed 10/24/2025, effective 10/24/2025.

<sup>41</sup> OAR 345-027-0351(2).

<sup>42</sup> BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

1 On April 21, 2025, the certificate holder submitted its preliminary Request for Amendment 4.  
2 The Department reviewed the pRFA4 to determine whether or not the request contained  
3 sufficient information for the Council to make findings.

4  
5 On April 29, 2025, the Department issued Public Notice that pRFA4 had been received as  
6 required by OAR 345-027-0360(2).<sup>43</sup>

7  
8 On April 30, 2025, the Department requested recommendations for Applicable Substantive  
9 Criteria from the Sherman County Court, as the Special Advisory Group for the facility  
10 appointed under ORS 469.480.<sup>44</sup>

11  
12 On the same date, the Department also requested comments from the tribes identified by the  
13 Legislative Commission on Indian Services as potentially affected by the construction and  
14 operation of the facility components proposed in RFA4, including the Confederated Tribes of  
15 Warm Springs, Burns Paiute Tribe, and Confederated Tribes of the Umatilla Indian  
16 Reservation.<sup>45</sup>

17  
18 The Department also requested comments on pRFA4 from the following reviewing agencies:

- 19 • Oregon Department of Agriculture
- 20 • Oregon Department of Aviation
- 21 • Oregon Department of Fish and Wildlife
- 22 • Oregon Department of Forestry
- 23 • Oregon Department of Geology and Mineral Industries
- 24 • Oregon Department of Land Conservation and Development
- 25 • Oregon Department of State Lands
- 26 • Oregon Public Utility Commission
- 27 • Oregon State Historic Preservation Office
- 28 • Oregon Department of Environmental Quality
- 29 • Oregon Water Resources Department
- 30 • City of Wasco
- 31 • Gilliam County<sup>46</sup>

32  
33 Copies of all written reviewing agency comments on pRFA4 are included in Attachment B of this  
34 Order. Table 3, below, includes a summary of the agency comments and where in the order the  
35 comment is addressed, if applicable.

---

<sup>43</sup> BCWAMD4Doc08-00 pRFA Public Notice 2025-04-29

<sup>44</sup> BCWAMD4Doc13-00 pRFA SAG MEMO 2025-04-30

<sup>45</sup> BCWAMD4Doc09-00 pRFA CTWS Memo 2025-04-30, BCWAMD4Doc10-00 pRFA Burns Paiute Tribe Memo 2025-04-30, BCWAMD4Doc11-00 pRFA CTUIR Memo 2025-04-30.

<sup>46</sup> BCWAMD4Doc12-00 pRFA Reviewing Agency Notice 2025-04-30

**Table 3: Summary of Reviewing Agency Comments on pRFA4**

| <b>Comment Date</b> | <b>Name/Title</b>                                         | <b>Agency</b>                                                            | <b>Summary and Location in Order</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------|-----------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5/2/2025            | Daniel Hubner,<br>Information Analyst                     | Oregon<br>Department of<br>Forestry (ODF)                                | Recommended certificate holder be familiar with and fulfill any & all relevant obligations related to fire prevention under ORS chapter 477. These requirements are discussed further in Section III.N., <i>Wildfire Prevention and Risk Mitigation</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5/23/2025           | Daniel Evans,<br>Wetland Ecology<br>Specialist            | Oregon<br>Department of<br>State Lands (DSL)                             | Provides requirements for Wetland Delineation and Removal-Fill Permits. These requirements are discussed further in Section IV.B., <i>Removal-Fill</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 5/29/2025           | Jason McClaughry,<br>Eastern Oregon<br>Regional Geologist | Oregon<br>Department of<br>Geology and<br>Mineral Industries<br>(DOGAMI) | As discussed in Section III.C., <i>Structural Standard</i> , DOGAMI recommended the preliminary geotechnical report included as Exhibit H, Attachment H-X contains up-to-date references and data. Noted that seismic hazard model used was from 2018 and recommended updated 2023 version of the National Seismic Hazard Model.                                                                                                                                                                                                                                                                                                                                                                                                            |
| 5/29/2025           | Georgia Macnab,<br>Sherman County<br>Planning Director    | Sherman County<br>Court                                                  | <p>The County raised concerns about the potential visual impacts of the facility on non-participating landowners and nearby protected areas, potential for increased wildfire risk, potential impacts on soils, and loss of agricultural land.</p> <p>As discussed in Section III.B., <i>Organizational Expertise</i>, the County raised concerns about lack of maintenance at the existing wind facility and asked what actions or procedures would be enforced at the solar facility to prevent similar neglect.</p> <p>The County recommended the developer consult with the county Weed Master for this project. In development of a weed plan. As discussed in Section III.D., <i>Soil Protection</i>, this has been included as a</p> |

|           |                                                            |                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------|------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                            |                                                        | <p>requirement for finalization of the Comprehensive Solar Revegetation and Soil Management Plan included as Attachment D to this Order.</p> <p>The County recommended use of updated Comprehensive Plans for the Cities of Wasco, Rufus and Moro. This comment was addressed during the completeness review, see Section III.J., <i>Scenic Resources</i>.</p> <p>Recommended preliminary RFA underestimated demand on local fire protection services based on heightened risk of fire in County. Noted Sherman County process for declaration of Fire Season. See Section III.M., <i>Public Services</i> and Section III.N., <i>Wildfire Protection and Risk Mitigation</i>, for discussion of wildfire risk.</p> <p>Provided recommendations for Applicable Substantive Criteria. See Section III.E., <i>Land Use</i> for evaluation of these criteria.</p>                                                                   |
| 5/30/2025 | Jessica Wilkes,<br>Deschutes Regional<br>Habitat Biologist | Oregon<br>Department of<br>Fish and Wildlife<br>(ODFW) | <p>As discussed in Section III.H., <i>Fish and Wildlife Habitat</i>, ODFW:</p> <ul style="list-style-type: none"> <li>• Recommended laws and rules applicable to facility components proposed in RFA4.</li> <li>• Raised concerns Habitat Mitigation Area initially proposed for in-kind mitigation, this proposal has since been revised.</li> <li>• Discouraged the use of vegetation control via domestic livestock to avoid transmission of zoonotic diseases to mapped bighorn sheep populations.</li> <li>• Provided guidance for habitat categorization, encourages certificate holder to avoid in-tact wetlands, sagebrush steppe, and native grasslands due to limited availability in region.</li> <li>• Encouraged certificate holder to avoid Priority Wildlife Connectivity Areas (PWCAs) located on the edge of the micrositeing area and provide sufficient setbacks to facilitate wildlife movement.</li> </ul> |

|           |                                                       |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------|-------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                       |                                                 | <ul style="list-style-type: none"> <li>• Recommended the certificate holder work with the county weed department to develop a revegetation and weed control plan. Encouraged retention of native vegetation within project boundaries to the maximum extent possible and use of diverse seed mix with consideration given to pollinator-friendly varieties and shrub reestablishment when revegetating.</li> <li>• Recommended seasonal restrictions on activities to minimize impacts on wintering wildlife, ground nesting birds, and nesting raptors.</li> </ul>                                     |
| 7/10/2025 | Aspen Kemmerlin,<br>Special Projects<br>Archaeologist | State Historic<br>Preservation<br>Office (SHPO) | <p>As discussed in Section III.K., <i>Historic, Cultural, and Archaeological Resources</i>, SHPO:</p> <ul style="list-style-type: none"> <li>• Concurred with recommended determinations that certain resources are not eligible for listing in the National Register of Historic Places (NRHP)</li> <li>• Recommended 20-meter avoidance buffer for all unevaluated and eligible resources.</li> <li>• Recommended Oregon Qualified Archaeologist be present to monitor ground disturbing activities.</li> <li>• Recommended Inadvertent Discovery Plan be implemented during construction.</li> </ul> |



1 On June 10, 2025, the Department notified the certificate holder that pRFA4 was incomplete  
2 and issued requests for additional information (RAIs) needed to recommend findings and  
3 condition on applicable standards to the Council. The Department requested the certificate  
4 holder submit the additional information on or before July 11, 2025.<sup>47</sup>

5  
6 On June 27, 2025, the certificate holder informed the Department that it intended to provide  
7 RAI responses in batches and expected to be able to respond to all RAIs by September 19,  
8 2025.<sup>48</sup> The RAI responses were provided on July 18, August 22, and September 19, 2025.<sup>49</sup>

9  
10 On November 7, 2025, the Department informed the certificate holder that it had completed its  
11 review of the RAI responses. Following further discussion with the Department, the certificate  
12 holder provided a revised version of pRFA4 which, in addition to incorporating responses to the  
13 initial RAIs, removed facility components in a “Southern Solar Area” and a proposed 230-kV  
14 overhead transmission line from the proposal.<sup>50</sup> The revised pRFA4 was submitted between  
15 November 18 and 22, 2025. While new RAIs were not issued, the Department provided  
16 informal comments on the revised pRFA4 which resulted in additional changes.<sup>51</sup>

17  
18 On December 4, 2025, the Department completed its review of the revised pRFA4 and has  
19 determined that the revised pRFA4, along with the RAI responses, generally contains adequate  
20 information for the Department to recommend findings and conditions to the Energy Facility  
21 Siting Council (Council) on all applicable laws, rules, and Council standards. On December 5,  
22 2025, the Department notified the certificate holder that it considered pRFA4, with the RAI  
23 responses, to be complete.<sup>52</sup>

24  
25 On December 10, 2025, the certificate holder filed a complete RFA4 under OAR 345-027-  
26 0363(6) that included all revisions to pRFA4 and all additional information requested by the  
27 Department.

28  
29 On December 16, 2025, the Department issued Public Notice of the Proposed Order and  
30 Complete Request for Amendment as required by OAR 345-027-0365 and -0367.

31  
32  

---

<sup>47</sup> BCWAMD4Doc16-00 pRFA4 Completeness Review Letter and RAI1 2025-06-10

<sup>48</sup> BCWAMD4Doc17-00 pRFA RAI1 Responses Extension Request and Response Schedule 2025-06-27

<sup>49</sup> BCWAMD4Doc17-01 pRFA RAI1 Responses Batch 1 2025-07-18, BCWAMD4Doc17-02 pRFA RAI1 Responses  
Batch 2 2025-08-22, BCWAMD4Doc17-03 pRFA RAI1 Responses Batch 3 2025-09-19.

<sup>50</sup> BCWAMD4Doc18-00 pRFA ODOE Email to CH RE Completeness 2025-11-07

<sup>51</sup> BCWAMD4Doc19-00 Revised pRFA 2025-12-05

<sup>52</sup> BCWAMD4Doc20-00 Revised pRFA Completeness Determination Letter 2025-12-05. A request for amendment is  
complete when the Department finds that the certificate holder has submitted information adequate for the  
Council to make findings or impose conditions on all applicable laws and Council standards. OAR 345-027-0363(5).  
The completeness letter issued by the Department on December 5, 2025 identified that the proposed order would  
be issued within 21-days (or December 26, 2025). OAR 345-027-0365(1)

## II.B.2. Proposed Order

A Public Notice of the complete RFA4, Proposed Order, and Public Hearing was issued concurrently with this Order and sent via mail or email to individuals identified in OAR 345-027-0367(4).<sup>53</sup> The Public Notice of the Proposed Order initiates a public comment period on RFA4 and the Proposed Order. The comment period includes a new public comment process, based on recently amended rules effective October 24, 2025. The new public comment process includes additional steps and deadlines, as presented in the table below.

**Table 4: Proposed Order Public Comment Process and Deadlines**

| Process Step                                                                                                                                                                                                                                                                                                                                                                                                                                       | Explanation                                                                                                                                                                                                                            | Deadline                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Comment Period                                                                                                                                                                                                                                                                                                                                                                                                                                     | Opportunity to provide comments with sufficient specificity. <sup>1</sup>                                                                                                                                                              | Dec. 16, 2025 – Jan. 30, 2026<br>(45 days) |
| Certificate holder/Department responses                                                                                                                                                                                                                                                                                                                                                                                                            | Opportunity for certificate holder and Department to identify whether comments were raised with sufficient specificity, and to respond with explanation of deficiencies or additional information, evaluation and proposed conditions. | Feb. 13, 2026                              |
| Commenter Reply                                                                                                                                                                                                                                                                                                                                                                                                                                    | Opportunity for commenter to supplement their initial comments or determine whether the issue is resolved by the certificate holder or Department’s additional information, evaluation or proposed conditions.                         | Feb. 27, 2026                              |
| Certificate holder/Department sur-replies                                                                                                                                                                                                                                                                                                                                                                                                          | Final opportunity for certificate holder and Department to resolve issues raised, based on any clarification or supplemental information provided in commenter replies.                                                                | March 6, 2026                              |
| <b>Notes:</b><br>1. OAR 345-027-0367(7) explains that to provide comments with “sufficient specificity,” comments should reference recommended findings of fact, conclusions of law or conditions of approval identified in the Proposed Order to which you object; identify the Council standard or other applicable state and local requirements on which your objection is based; and/or present facts or statements supporting your objection. |                                                                                                                                                                                                                                        |                                            |

<sup>53</sup> (A) All persons on the Council’s general mailing list as defined in OAR 345-011-0020;  
(B) All persons on any special mailing list established for the facility;  
(C) The reviewing agencies for the facility, as defined in OAR 345-001-0010(52); and  
(D) The property owners on the list provided under OAR 345-027-0360.

### 1 **II.B.3. Draft Final Order**

2  
3 No later than 21 days after the deadline for sur-replies, or if no comments are received, no later  
4 than 21 days after the close of the record of the Proposed Order, the Department must issue a  
5 draft Final Order.<sup>54</sup> The draft Final Order will include written analysis of any comments on the  
6 Proposed Order, including analysis of any responses, replies, and sur-replies, and indicate  
7 whether it recommends any changes to the Proposed Order.<sup>55</sup> If the Department recommends  
8 any changes, it will include them in a draft Final Order.  
9

10 Concurrent with issuing the draft Final Order, the Department will issue a Notice of the draft  
11 Final Order which will be mailed or emailed to all persons, agencies, or organizations who  
12 commented during the public comment period.<sup>56</sup> The Department will post an announcement  
13 of the draft Final Order on the Department's webpage for the facility. The Notice of the Draft  
14 Final Order will include the date of Council's review.  
15

### 16 **II.B.4. Final Order**

17  
18 At the meeting designated in the Notice of the draft Final Order, Council will review the draft  
19 Final Order including all related comments, responses, replies, sur-replies, and the  
20 Department's analysis, if applicable. During Council's review of the draft Final Order, the  
21 Department may summarize the analysis it conducted to produce the order.<sup>57</sup> During its review,  
22 Council, at its discretion, may pose questions to the Department, the Department of Justice,  
23 persons who commented on the Proposed Order, and/or the certificate holder.<sup>58</sup>  
24

25 After reviewing the written analysis of the comments, responses, replies, and sur-replies, along  
26 with the draft Final Order, the Council, based on the considerations described in OAR 345-027-  
27 0375<sup>59</sup> must either grant or deny issuance of an amended site certificate in a written Final  
28 Order. The Council's Final Order may adopt, modify or reject the Department's draft Final  
29 Order. If the Council grants issuance of an amended site certificate, the Council must then issue  
30 an amended site certificate, which is effective upon execution by the Council Chair and by the  
31 certificate holder.<sup>60</sup>  
32

33 Judicial review of the Council's final order either granting or denying an amended site  
34 certificate is as provided in ORS 469.403(3).<sup>61</sup>

---

<sup>54</sup> The Department may issue the draft of the final order at a later date, but the Department must post an update of the date by which it will issue the draft of the Final Order on the Department's webpage for the facility. OAR 345-027-0371(2).

<sup>55</sup> OAR 345-027-0371(1).

<sup>56</sup> OAR 345-027-0371(3).

<sup>57</sup> OAR 345-027-0371(5).

<sup>58</sup> OAR 345-027-0371(6).

<sup>59</sup> See Section II.A., *Scope of Council Review*, in this Order.

<sup>60</sup> OAR 345-027-0371(7).

<sup>61</sup> OAR 345-027-0371(8).

### 1     **III.     EVALUATION OF COUNCIL STANDARDS**

2  
3     As described in Section II.A., *Scope of Council Review*, all laws and Council standards applicable  
4     to an original site certificate application for a solar photovoltaic power generation facility,  
5     including all of the Council's general standards in OAR chapter 345, division 22 are applicable to  
6     the review of all new facility components proposed in RFA4. In addition, the Siting Standards for  
7     Transmission Lines under OAR 345-024-0090 are applicable to the proposed 230-kV  
8     transmission lines. Because there are no proposed changes to the existing Wind Power  
9     Generation Facility, the specific siting standards for wind facilities are not applicable to this  
10    review.

11  
12   Consistent with OAR 345-027-0360(3), for all standards that require evaluation of impacts  
13   within an analysis area, the analysis areas are based on the proposed Solar Micrositing Area  
14   boundary.

#### 15 16   **III.A.   GENERAL STANDARD OF REVIEW: OAR 345-022-0000**

17  
18       *(1) To issue a site certificate for a proposed facility or to amend a site*  
19       *certificate, the Council shall determine that the preponderance of evidence on*  
20       *the record supports the following conclusions:*

21  
22       *(a) The facility complies with the requirements of the Oregon Energy Facility*  
23       *Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the*  
24       *standards adopted by the Council pursuant to 469.501 or the overall public*  
25       *benefits of the facility outweigh any adverse effects on a resource or interest*  
26       *protected by the applicable standards the facility does not meet as described*  
27       *in section (2);*

28  
29       *(b) Except as provided in OAR 345-022-0030 for land use compliance and*  
30       *except for those statutes and rules for which the decision on compliance has*  
31       *been delegated by the federal government to a state agency other than the*  
32       *Council, the facility complies with all other Oregon statutes and administrative*  
33       *rules identified in the project order, as amended, as applicable to the issuance*  
34       *of a site certificate for the proposed facility. If the Council finds that applicable*  
35       *Oregon statutes and rules, other than those involving federally delegated*  
36       *programs, would impose conflicting requirements, the Council shall resolve*  
37       *the conflict consistent with the public interest. In resolving the conflict, the*  
38       *Council cannot waive any applicable state statute.*

39  
40       *(2) The Council may issue or amend a site certificate for a facility that does not*  
41       *meet one or more of the applicable standards adopted under ORS 469.501 if*  
42       *the Council determines that the overall public benefits of the facility outweigh*  
43       *any adverse effects on a resource or interest protected by the applicable*  
44       *standards the facility does not meet. The Council shall make this balancing*

determination only when the applicant has shown that the proposed facility cannot meet applicable Council standards or has shown, to the satisfaction of the Council, that there is no reasonable way to meet the applicable Council standards through mitigation or avoidance of any adverse effects on a protected resource or interest. The applicant has the burden to show that the overall public benefits outweigh any adverse effects on a resource or interest, and the burden increases proportionately with the degree of adverse effects on a resource or interest. The Council shall weigh overall public benefits and any adverse effects on a resource or interest as follows:

\*\*\*

(3) Notwithstanding section (2) of this rule, the Council shall not apply the balancing determination to the following standards:

\*\*\*

(4) In making determinations regarding compliance with statutes, rules and ordinances normally administered by other agencies or compliance with requirements of the Council statutes if other agencies have special expertise, the Department of Energy shall consult with such other agencies during the notice of intent, site certificate application and site certificate amendment processes. Nothing in these rules is intended to interfere with the state's implementation of programs delegated to it by the federal government.

\*\*\*<sup>62</sup>

### **III.A.1. Findings of Fact**

OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council to find that a preponderance of evidence on the record supports the conclusion that the facility, with the proposed RFA4 changes, complies with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed change. The recommended findings of fact and conclusions of law presented in this order demonstrate that RFA4 includes sufficient facts and evidence to satisfy a preponderance of evidence under each standard and applicable rule.

*Council Standards for Siting Facilities: OAR Chapter 345, Division 22*

OAR Chapter 345, Division 22 establishes the Council's General Standards, which apply to all facilities. As described in Sections III.B to III.O, the Department recommends the Council find

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<sup>62</sup> OAR 345-022-0040, effective April 2, 2025. The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

1 that, subject to compliance with existing and recommended new and amended conditions of  
2 approval, the preponderance of the evidence on the record supports the conclusion that the  
3 facility, with the changes proposed in RFA4, complies with these standards.  
4

5 *Specific Standards for Siting Facilities: OAR Chapter 345, Division 24*  
6

7 OAR Chapter 345, Division 24, establishes standards that are applicable to specific types of  
8 facilities including, as relevant to the proposed solar facility, standards for transmission lines  
9 under OAR 345-024-0090.  
10

11 As described in Section III.P., *Siting Standards for Transmission Lines*, the Department  
12 recommends the Council find that, subject to compliance with existing and recommended new  
13 and amended conditions of approval, the preponderance of the evidence on the record  
14 supports the conclusion that the facility, with the changes proposed in RFA4, complies with this  
15 standard.  
16

17 While not applicable to the proposed solar facility, OAR 345-024-0010 and 345-024-0015  
18 establish specific standards for wind facilities that were evaluated in previous proceedings for  
19 this facility. The Council previously imposed Conditions 37 to 52 and 92 to 98 to ensure the  
20 existing wind facility complies with the standards. The Department recommends the Council  
21 maintain Conditions 38 to 45, 48 to 52, and 92 to 98 with minor alterations to clarify  
22 applicability to the existing facility as shown in Attachment A.  
23

24 *Site Certificate Conditions: OAR Chapter 345, Division 25*  
25

26 Mandatory Conditions OAR 345-025-0006  
27

28 OAR 345-025-0006 establishes mandatory conditions that must be included in all site  
29 certificates.<sup>63</sup> The Council previously imposed Site Certificate Conditions 101 to 116 to meet the  
30 requirements of the rule.  
31

32 The mandatory conditions required under OAR 345-025-0006(1) prohibit the Council from  
33 changing the conditions of a site certificate except as provided under the OAR chapter 345,  
34 division 27. The Council imposed this requirement under Site Certificate Condition 101. The  
35 Council also imposed Site Certificate Condition 14 providing additional interpretation of the  
36 requirements then found under OAR 345-027-0050(2); which are now found under OAR 345-  
37 027-0353(1). The Department recommends the Council amend these conditions, as shown  
38 below, as applicable to the entire facility, including the facility components proposed in RFA4:  
39

40 **Recommended Amended Condition 101 (GEN-GS-01)**

---

<sup>63</sup> At the time the Third Amended Site Certificate was issued, these requirements were located under OAR 345-027-0020. See Administrative Order EFSC 4-2017.

~~OAR 345-027-0020(1)~~ The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.

**Recommended Amended Condition 14 (GEN-GS-02)**

Notwithstanding ~~OAR 345-027-0050(2)~~~~0353(1)~~, an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility ~~and or~~ would increase the number of wind turbines or the dimensions of existing wind turbines.

[Final Order on AMD4]

The mandatory condition required under OAR 345-025-0006(2) requires the certificate holder to submit a legal description of the site to the Department within 90 days after beginning operation of the existing wind facility. This condition applies to the facility components proposed in RFA4. The Department recommends Council amend the condition to clarify its applicability to the facility components proposed in RFA4, following the completion of construction, as shown below:

**Recommended Amended Condition 102 (OPR-GS-01)**

~~OAR 345-027-0020(2)~~ The certificate holder shall submit an updated legal description of the site to the Department of Energy within 90 days after beginning operation of the solar facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.

[Final Order on AMD4]

The mandatory condition required under OAR 345-025-0006(3) requires the certificate holder to design, construct, operate and retire the facility substantially as described in the site certificate and in compliance with applicable state and local rules, laws, and permitting requirements. The draft Fourth Amended Site Certificate includes Table 1, Solar Facility Component Summary, and a description intended to establish the parameters for which the facility components must be designed and constructed (see Attachment A of this Order). The Council previously imposed these requirements under Condition 103. The Department recommends the Council amend the condition, as shown below, as applicable to the entire facility, including the facility components proposed in RFA4:

**Recommended Amended Condition 103 (GEN-GS-03)**

~~OAR 345-027-0020(3)~~ The certificate holder shall design, construct, operate and retire the facility:

- a. Substantially as described in the site certificate;
- b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
- c. In compliance with all applicable permit requirements of other state agencies.

1           [Final Order on AMD4]

2  
3   The Council also previously imposed Condition 13 imposing requirements identical to those  
4   required under OAR 345-025-0006(3)(a). The Department recommends the Council delete this  
5   duplicative condition.

6  
7   The mandatory condition required under OAR 345-025-0006(4) requires the certificate holder  
8   to begin and complete construction of the facility by the dates specified in the site certificate.<sup>64</sup>

9  
10   The certificate holder expects construction of the facility components proposed in RFA4 to last  
11   approximately 17 to 19 months. Construction is expected to begin in Q2 of 2026 and continue  
12   through Q4 of 2027.<sup>65</sup> Despite its projected timelines, the certificate holder requests the  
13   Council establish a new construction commencement deadline that is 3 years from the effective  
14   date of the Fourth Amended Site Certificate, and a construction completion deadline 6 years  
15   from the effective date of the Fourth Amended Site Certificate.<sup>66</sup>

16  
17   During the 2025 session, the Oregon Legislature passed House Bill (HB) 3681 requiring that the  
18   Council provide a new certificate holder with a minimum of 6-years from the date the Council  
19   issues the site certificate to start construction. While the measure, which will take effect  
20   January 1, 2026, does not apply directly to this amendment proceeding, the Department  
21   recommends the Council align with the direction of HB 3681 and establish a 6 year deadline for  
22   the commencement of construction. Consistent with recent Council decisions, the Department  
23   recommends the construction completion deadline be three years from the date construction  
24   begins.

25  
26           **Recommended Deleted Condition 104**

27   ~~OAR 345-027-0020(4): The certificate holder shall begin and complete construction of~~  
28   ~~the facility by the dates specified in the site certificate.~~

29   [Final Order on AMD4]

30  
31           **Recommended Deleted Condition 11**

32   ~~The certificate holder shall begin construction of the facility by June 30, 2009. Under~~  
33   ~~OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair~~  
34   ~~and the applicant. The Council may grant an extension of the deadline to begin~~  
35   ~~construction in accordance with OAR 345-027-0030 or any successor rule in effect at the~~  
36   ~~time the request for extension is submitted.~~

37   ~~[Amendment #2]~~

---

<sup>64</sup> The Council previously imposed the mandatory condition under OAR 345-025-0006(4) as Site Certificate Condition 104. Deadlines for the beginning and completion of construction of the wind facility were imposed under Site Certificate Conditions 11 and 12. Because these conditions were already satisfied during the construction of the existing wind facility, the Department recommends the Council delete these conditions.

<sup>65</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Sections 4.1.2, 4.1.5.

<sup>66</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Sections 4.1.5.1.



1 [Final Order on AMD4]

2  
3 **Recommended Deleted Condition 12**

4 ~~The certificate holder shall complete construction of the facility by June 30, 2011.~~  
5 ~~Construction is complete when: (1) the facility is substantially complete as defined by~~  
6 ~~the certificate holder's construction contract documents; (2) acceptance testing has~~  
7 ~~been satisfactorily completed; and (3) the energy facility is ready to begin continuous~~  
8 ~~operation consistent with the site certificate. The certificate holder shall promptly notify~~  
9 ~~the Department of the date of completion of construction. The Council may grant an~~  
10 ~~extension of the deadline for completing construction in accordance with OAR 345-027-~~  
11 ~~0030 or any successor rule in effect at the time the request for extension is submitted.~~  
12 ~~{Amendment #2}~~

13 [Final Order on AMD4]

14  
15 **Recommended General Standard Condition 1 (CON-GS-01)**

16 The certificate holder must begin construction of the solar facility, phase or component  
17 on or before [ENTER DATE 6 YEARS FROM ISSUE DATE]. Within 7 days of construction  
18 commencement, the certificate holder must provide the Department with written  
19 verification that it has met the deadline by satisfying applicable preconstruction  
20 conditions and completing at least \$250,000 work in the Solar Micrositing Area.  
21 [Final Order on AMD4]

22  
23 **Recommended General Standard Condition 2 (CON-GS-02)**

24 The certificate holder must complete construction of the facility, phase or component  
25 within 3 years of the actual applicable construction commencement date under  
26 Condition CON-GS-01. Within 7 days after completing construction, the certificate  
27 holder shall provide the Department written verification that it has met the deadline.  
28 [Final Order on AMD4]

29  
30 With certain exceptions for wind facilities and linear facilities, the mandatory condition  
31 required under OAR 345-025-0006(5) prohibits the certificate holder from beginning  
32 construction of a facility until it has construction rights for all parts of the site. The Council  
33 imposed this requirement for the construction of the wind facility under Site Certificate  
34 Condition 105. The Department recommends the Council amend the condition, as specific to  
35 the construction of the solar facility, as shown below:

36  
37 **Recommended Amended Condition 105 (PRE-GS-01)**

38 ~~OAR 345-027-0020(5):~~ Except as necessary for the initial survey or as otherwise allowed  
39 ~~for wind energy facilities, transmission lines or pipelines under this section,~~ the  
40 certificate holder shall not begin construction, as defined in OAR 345-001-0010, of the  
41 solar facility, or create a clearing on any part of the sitesolar micrositing area, until the  
42 certificate holder has construction rights on all parts of the sitearea. For the purpose of  
43 this rule, "construction rights" means the legal right to engage in construction activities.  
44 ~~For wind energy facilities, transmission lines or pipelines, if the certificate holder does~~

1 ~~not have construction rights on all parts of the site, the certificate holder may~~  
2 ~~nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing~~  
3 ~~on a part of the site if the certificate holder has construction rights on that part of the~~  
4 ~~site and:~~

5 ~~(a) The certificate holder would construct and operate part of the facility on that part of~~  
6 ~~the site even if a change in the planned route of a transmission line or pipeline occurs~~  
7 ~~during the certificate holder's negotiations to acquire construction rights on another~~  
8 ~~part of the site; or~~

9 ~~(b) The certificate holder would construct and operate part of a wind energy facility on~~  
10 ~~that part of the site even if other parts of the facility were modified by amendment of~~  
11 ~~the site certificate or were not built.~~

12 [Final Order on AMD4]  
13

14 The mandatory condition required under OAR 345-025-0006(6) requires the certificate holder  
15 to report any significant environmental changes or impacts attributable to the facility to the  
16 Department. At the time the Third Amended Site Certificate was issued, this mandatory  
17 condition was part of a larger rule for monitoring and mitigation programs under OAR 345-027-  
18 0028 (now OAR 345-025-0016), which was imposed as Condition 120. The Council also  
19 imposed Site Certificate Condition 106 based on a previous version of the mandatory condition  
20 rule. The condition requires any mitigation plans required by the site certificate to be  
21 developed in consultation with affected agencies and local governments and approved by the  
22 Department (then the Office of Energy) prior to construction or operation of the facility.  
23 These two conditions implement, in part, the current requirements of OAR 345-025-0016, and  
24 in part, the Council's discretion to delegate review and approval of future actions to the  
25 Department under ORS 469.402. Because the requirements to finalize monitoring and  
26 mitigation plans are established in individual conditions, Condition 106 is not necessary, and  
27 the Department recommends the Council delete it in its entirety. Similarly, the Department  
28 recommends the Council amend Condition 120 to only retain the mandatory condition  
29 language, as shown below.  
30

31 **Recommended Deleted Condition 106**

32 ~~OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding~~  
33 ~~under any standards of Division 22 or Division 24 of OAR Chapter 345, the certificate~~  
34 ~~holder shall consult with affected state agencies and local governments designated by~~  
35 ~~the Council and shall develop specific mitigation plans consistent with Council findings~~  
36 ~~under the relevant standards. The certificate holder must submit the mitigation plans to~~  
37 ~~the Office and receive Office approval before beginning construction or, as appropriate,~~  
38 ~~operation of the facility.~~

39 [Final Order on AMD4]  
40

41 **Recommended Amended Condition 120 (GEN-GS-04)**

42 ~~OAR 345-027-0028: The following general monitoring conditions apply:~~

43 ~~(a) The certificate holder shall consult with affected state agencies, local governments~~  
44 ~~and tribes and shall develop specific monitoring programs for impacts to resources~~

1 ~~protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources~~  
2 ~~addressed by applicable statutes, administrative rules and local ordinances. The~~  
3 ~~certificate holder must submit the monitoring programs to the Department of Energy~~  
4 ~~and receive Department approval before beginning construction or, as appropriate,~~  
5 ~~operation of the facility.~~

6 ~~(b) The certificate holder shall implement the approved monitoring programs described~~  
7 ~~in section (a) and monitoring programs required by permitting agencies and local~~  
8 ~~governments.~~

9 ~~(c) For each monitoring program described in sections (a) and (b), the certificate holder~~  
10 ~~shall have quality assurance measures approved by the Department before beginning~~  
11 ~~construction or, as appropriate, before beginning commercial operation.~~

12 ~~(d) If the certificate holder becomes aware of a significant environmental change or~~  
13 ~~impact attributable to the facility, the certificate holder shall, as soon as possible,~~  
14 ~~submit a written report to the Department describing the impact on the facility and any~~  
15 ~~affected site certificate conditions.~~

16 [Final Order on AMD4]

17  
18 Additional discussion of the Council's discretion to delegate review of monitoring and  
19 mitigation plans to the Department is discussed in the evaluation of OAR 345-025-0016, below.

20  
21 The mandatory conditions required under OAR 345-025-0006(7) to (9) and (16) require the  
22 certificate holder to prevent the development of any conditions on the site that would preclude  
23 restoration of the site to a useful, non-hazardous condition to the extent that prevention of  
24 such site conditions is within the control of the certificate holder. The Council previously  
25 imposed these requirements under Condition 107 to 109. The Department recommends the  
26 Council maintain this condition, as applicable to the entire facility:

27  
28 **Recommended Amended Condition 107 (GEN-GS-05)**

29 ~~OAR 345-027-0020(7):~~ The certificate holder shall prevent the development of any  
30 conditions on the site that would preclude restoration of the site to a useful, non-  
31 hazardous condition to the extent that prevention of such site conditions is within the  
32 control of the certificate holder.

33 [Final Order on AMD4]

34  
35 The mandatory condition required under OAR 345-025-0006(8), (9), and (16) are related to the  
36 retirement of the facility and are discussed in Section III.G., *Retirement and Financial Assurance*.

37  
38 OAR 345-025-0006(10) requires the Council to impose all representations in the site certificate  
39 application and supporting record the Council deems to be binding commitments made by the  
40 applicant or certificate holder as site certificate conditions. The Council previously imposed this  
41 requirement as Condition 110; however, the rule is a directive to the Council to impose  
42 additional conditions and is not, itself, a condition of approval. Because the rule is implemented  
43 through other conditions, including conditions the Department recommends the Council  
44 impose in this Order, the Department recommends the Council delete Condition 110.

1  
2 **Recommended Deleted Condition 110**

3 ~~OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all~~  
4 ~~representations in the site certificate application and supporting record the Council~~  
5 ~~deems to be binding commitments made by the applicant.~~

6 [Final Order on AMD4]  
7

8 As discussed in Section III.D., *Soil Protection*, the Department recommends the Council maintain  
9 Condition 111, which imposes the mandatory condition required under OAR 345-025-0006(11).  
10 Similarly, the Department recommends the Council maintain Conditions 112 to 114 which, as  
11 discussed in Section III.C., *Structural Standard*, impose the mandatory conditions required  
12 under OAR 345-025-0006(12) to (14), and Condition 115, which as discussed under Section  
13 III.B., *Organizational Expertise*, imposes the mandatory condition required under OAR 345-025-  
14 0006(15).  
15

16 Site Specific Conditions: OAR 345-025-0010  
17

18 OAR 345-025-0010 establishes “site specific” conditions Council may impose to address issues  
19 specific to certain types of facilities or facility components. As described in Section III.P., *Siting*  
20 *Standards for Transmission Lines*, the Council previously imposed Site Certificate Conditions 118  
21 and 119 in accordance with the site specific conditions for transmission lines under OAR 345-  
22 025-0010(4) and (5) and the Department recommends the Council amend these conditions as  
23 applicable to the proposed 600-foot 230-kV transmission line segment.  
24

25 Monitoring and Mitigation Conditions: OAR 345-025-0016  
26

27 Under ORS 469.402, if the Council elects to impose conditions on a site certificate or an  
28 amended site certificate that require subsequent review and approval of a future action, the  
29 Council may delegate the future review and approval to the Department if, in the Council’s  
30 discretion, the delegation is warranted under the circumstances of the case.  
31

32 As a matter of practicality, most site certificate conditions include some form of Department  
33 review or approval. Some conditions require that an applicant or certificate holder demonstrate  
34 that it has received proper permits or documentation or require a demonstration that facility  
35 design adheres to established specifications. In these circumstances, the Department’s role in  
36 finding compliance with the condition is to verify that the future action described in the  
37 condition was completed.  
38

39 The primary circumstance necessitating the application of ORS 469.402 is associated with the  
40 uncertainty of financing, developing, engineering, and designing large energy facilities prior to  
41 having secured permits. Typically, a proposal in an ASC or RFA to construct and operate an  
42 energy facility is based on a facility design that is approximately 30 percent complete. This stage  
43 in the facility design includes design features, dimensions, setbacks and resource avoidance

1 areas that are informed by field surveys and desktop analysis conducted in preparation of an  
2 ASC or RFA, but may not be informed by final facility design and capacity needs, final  
3 engineering studies, and the selection of manufacturer and component specifications.  
4

5 The timeline for permitting and construction of large energy facilities also necessitates the  
6 application of ORS 469.402. Council-approved energy facilities typically have three years to  
7 begin construction after Council approval, and then three years to complete construction. In  
8 this timespan, circumstances or conditions at the site change, which is why some conditions or  
9 mitigation plans include “truing up” information based on the final facility design which must be  
10 reviewed and approved prior to construction. Additionally, in the timeframe between EFSC  
11 approval and construction, permits, approvals or filings with other agencies or local  
12 governments may expire, which would necessitate resubmission.  
13

14 Under OAR 345-027-0363(5), a Request for Amendment is complete when the Department  
15 finds that the certificate holder has submitted information, including any draft mitigation or  
16 monitoring plans, adequate for the Council to make findings or impose conditions on all  
17 applicable Council standards, and Council must include conditions that address monitoring and  
18 mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22  
19 and Division 24, including conditions requiring the future review and approval of the plans.  
20 Conditions requiring review and approval of such plans in this Order include:

- 21 • Recommended Organizational Expertise Condition 1 and 2: Draft Operations and  
22 Maintenance Framework Plan
- 23 • Recommended Soil Protection Conditions 1 and 3: Draft Comprehensive Solar  
24 Revegetation and Soil Management Plan
- 25 • Recommended Land Use Condition 6: Draft Community Investment Plan
- 26 • Recommended Fish and Wildlife Condition 1: Draft Amended Habitat Mitigation Plan
- 27 • Recommended Wildfire Prevention and Risk Mitigation Conditions 1 and 3: Construction  
28 and Operations Wildfire Mitigation Plans; Wildfire Prevention and Risk Mitigation  
29

30 In accordance with OAR 345-025-0016, certificate holder developed draft plans in consultation  
31 with the Department, state agencies and local governments, and Importantly, the Department  
32 provided additional edits to the mitigation plans that were presented in redline format to the  
33 plans that were attached to the Proposed Order. As discussed in the applicable sections of this  
34 order, these mitigation plans are in draft form because they include preliminary assessments,  
35 impact totals, criteria for avoidance and minimization of impacts to resources, as well as  
36 success criteria to determine short and long term success of the mitigation measures defined in  
37 the plans. These plans are in preliminary or draft form because, as discussed above, they are  
38 based on the design of the facility as presented in RFA4 and will be updated prior to  
39 construction and operation of the final designed facility, which could be several years in the  
40 future when it is important to capture circumstances at the site at that time.  
41

42 Lastly, the mitigation plans include specific monitoring and success criteria to determine short  
43 and long term success of the mitigation measures defined in the plans. The mitigation plans  
44 listed above have an “amendment clause,” which under ORS 469.402, allows Council and the

1 Department, in conjunction with the certificate holder, to amend mitigation plans without a site  
2 certificate amendment under OAR 345-027-0350 through OAR 345-027-0375. The  
3 circumstances that necessitate the subsequent review and approval of a future action  
4 (amendment of a finalized mitigation plan) under ORS 469.402 are associated with ongoing  
5 compliance with the monitoring and success criteria. Ongoing compliance with monitoring and  
6 success criteria may need to be adapted based on site specific changes, environmental  
7 conditions, failing criteria, or new or emerging technologies or practices that could be more  
8 effective at mitigating an impact or restoring the site. As described in the amendment clause,  
9 the Department is required to notify the Council of all Plan amendments, and the Council  
10 retains the authority to approve, reject, or modify any amendment of the Plans agreed to by  
11 the Department because the delegation is not absolute.  
12

### 13 **III.A.2. Conclusions of Law**

14

15 Based on the foregoing analysis, and subject to compliance with the existing and recommended  
16 new and amended site certificate conditions described above, the Department recommends  
17 the Council find that the facility components proposed in RFA4 would comply with the  
18 requirements of ORS 469.300 to 469.570 and 469.590 to 469.619, the Council's standards in  
19 OAR chapter 345, and all other Oregon statutes and administrative rules applicable to the  
20 issuance of an amended site certificate.  
21

### 22 **III.B. ORGANIZATIONAL EXPERTISE: OAR 345-022-0010**

23

24 *(1) To issue a site certificate, the Council must find that the applicant has the*  
25 *organizational expertise to construct, operate and retire the proposed facility in*  
26 *compliance with Council standards and conditions of the site certificate. To conclude that*  
27 *the applicant has this expertise, the Council must find that the applicant has demonstrated*  
28 *the ability to design, construct and operate the proposed facility in compliance with site*  
29 *certificate conditions and in a manner that protects public health and safety and has*  
30 *demonstrated the ability to restore the site to a useful, non-hazardous condition. The*  
31 *Council may consider the applicant's experience, the applicant's access to technical*  
32 *expertise and the applicant's past performance in constructing, operating and retiring*  
33 *other facilities, including, but not limited to, the number and severity of regulatory*  
34 *citations issued to the applicant.*  
35

36 *(2) The Council may base its findings under section (1) on a rebuttable presumption that an*  
37 *applicant has organizational, managerial and technical expertise, if the applicant has an*  
38 *ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate*  
39 *the facility according to that program.*  
40

41 *(3) If the applicant does not itself obtain a state or local government permit or approval*  
42 *for which the Council would ordinarily determine compliance but instead relies on a permit*  
43 *or approval issued to a third party, the Council, to issue a site certificate, must find that*

1        *the third party has, or has a reasonable likelihood of obtaining, the necessary permit or*  
2        *approval, and that the applicant has, or has a reasonable likelihood of entering into, a*  
3        *contractual or other arrangement with the third party for access to the resource or service*  
4        *secured by that permit or approval.*

5  
6        *(4) If the applicant relies on a permit or approval issued to a third party and the*  
7        *third party does not have the necessary permit or approval at the time the*  
8        *Council issues the site certificate, the Council may issue the site certificate*  
9        *subject to the condition that the certificate holder shall not commence*  
10       *construction or operation as appropriate until the third party has obtained the*  
11       *necessary permit or approval and the applicant has a contract or other*  
12       *arrangement for access to the resource or service secured by that permit or*  
13       *approval.*

14  
15       \* \* \* \* \*

### 16 17       **III.B.1. Findings of Fact**

#### 18 19       *Expertise to Construct and Operate the Facility Components Proposed in RFA4*

20  
21       The certificate holder, Portland General Electric Company (PGE), is an Investor-Owned Utility  
22       based in Portland, Oregon. PGE has been in operation since the late 1800s; founded as the  
23       Willamette Falls Electric Company in approximately 1888, it filed Articles of Incorporation as the  
24       Portland General Electric Company in 1930. PGE has over \$15.4 million in total utility plant  
25       assets and \$2.8 million in annual retail revenues. PGE currently owns or operates six natural gas  
26       facilities (2,102 MW), seven hydro-electric facilities (684 MW), four wind facilities, including the  
27       existing facility (1,025 MW), and five small solar facilities (9 MW). It also has approximately 97  
28       MW of operational BESSs at three facilities – Coffee Creek, Constable and Port Westward.

29  
30       As proposed in RFA4, the certificate holder would construct and operate the solar components  
31       in partnership with a participating entity, BIGL bn, LLC (BIGL) under a Build Transfer  
32       Agreement.<sup>68</sup> BIGL will be responsible for the selection and management of external vendors,  
33       including architects, engineers, major component suppliers, and prime contractors for design,  
34       construction and operation of the facility components proposed in RFA4.<sup>69</sup> PGE would own,  
35       possess and control the facility components proposed in RFA4 and will remain the sole  
36       certificate holder.

37  

---

<sup>67</sup> OAR 345-022-0040, effective April 2, 2025. The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>68</sup> The Council's Organizational Expertise standard requires that information be provided for "participating persons" if those persons are being relied upon by the certificate holder for third party permits, approval, agreements or compliance with the standard.

<sup>69</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 5.3.2.

1 The mandatory condition required under OAR 345-025-0006(15) requires the certificate holder  
2 to inform the Department of any transfer of ownership before it occurs. The Council previously  
3 imposed this requirement as Site Certificate Condition 115. The Department recommends the  
4 Council maintain this condition as applicable to both the existing facility and proposed facility  
5 components:  
6

7 **Recommended Amended Condition 115 (GEN-OE-01)**

8 ~~OAR 345-027-0020(15)~~ Before any transfer of ownership of the facility or ownership of  
9 the site certificate holder, the certificate holder shall inform the Department of the  
10 proposed new owners. The requirements of OAR 345-027-01400 apply to any transfer  
11 of ownership that requires a transfer of the site certificate.

12 [Final Order on AMD4]  
13

14 BIGL is a project-specific LLC and relies upon the organizational expertise and experience of its  
15 parent company, BrightNight, LLC. BrightNight, LLC is based in Florida and has designed and  
16 constructed over 6 gigawatts (GWs) of solar and storage projects across the United States.<sup>70</sup> The  
17 amendment request did not include any other information or evidence regarding BrightNight,  
18 LLCs experience or access to technical and financial resources necessary to design, construct  
19 and operate facility components proposed in RFA4 or in their technical ability and experience in  
20 selecting and managing qualified vendors and contractors. However, both PGE and BrightNight,  
21 LLC commit to having stringent contracting standards to ensure that selected contractors and  
22 vendors can adequately support the construction and operation of the facility components  
23 proposed in RFA4.<sup>71</sup>  
24

25 The Council previously imposed Site Certificate Condition 1 which required that the selection of  
26 construction contractors and vendors for the construction of the existing wind facility was  
27 based on demonstrated qualifications and experience. Given that the certificate holder  
28 proposes BIGL as a participating entity to oversee vendors and contractors during construction,  
29 the Department recommends that the Council amend Condition 1 as presented below:  
30

31 **Recommended Amended Condition 1 (PRE-OE-01)**

32 ~~Before beginning~~ Prior to construction of any component or phase of the solar facility,  
33 the certificate holder shall notify the Department of the identity and qualifications of  
34 primary vendors; the engineering, procurement and construction (EPC) contractor(s) for  
35 specific portions of the work; and the identity and qualifications of the individuals that  
36 will manage and oversee the selected vendors and contractors. The certificate holder  
37 shall select ~~EPC vendors, contractors, and personnel dedicated to managing vendors and~~  
38 contractors that have substantial experience in the design and construction of similar  
39 facilities. The certificate holder shall report to the Department any change of major  
40 construction contractors or management personnel.

41 [Final Order on AMD4]

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<sup>70</sup> *Id.*

<sup>71</sup> BCWAMD4 pRFA RAI Response Att 1 OE-1 Response 2025-09-19.



The Council previously imposed Site Certificate Condition 2, which required the certificate holder to contractually require all construction contractors and subcontractors for the construction of the existing facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The Department recommends the Council amend this condition to make it clear that this requirement will also extend to the contractual relationship between PGE and BIGL during operation of the proposed facility components:

**Recommended Amended Condition 2 (GEN-OE-02)**

The certificate holder shall contractually require all ~~construction~~ contractors and subcontractors involved in the construction or operation of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. Any notice of violation, civil penalties, or other enforcement action issued under the site certificate will be issued to the certificate holder.

[Final Order on AMD4]

The Council previously imposed Site Certificate Condition 15, which required the certificate holder to obtain all necessary state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain necessary state and local permits or approvals. The Department recommends the Council maintain this Condition as applicable to the existing and proposed facility components.

The Council previously imposed Site Certificate Condition 3, which required a qualified manager responsible for site certificate compliance to be on site during construction of the existing facility.

**Recommended Amended Condition 3 (CON-OE-01)**

During construction of any component or phase of the solar facility, the certificate holder shall ~~have~~:

- a. Maintain an qualified on-site assistant construction manager who is qualified with demonstrated experience in environmental compliance;
- b. Require the construction manager to ensure compliance with all construction-related site certificate conditions. ~~During operation, the certificate holder shall have a project manager who is qualified in environmental compliance to ensure compliance with all ongoing site certificate conditions.~~
- c. ~~The certificate holder shall~~ Notify the Department of the name, telephone number, fax number and e-mail address of these managers ~~and shall keep the Department informed of~~ within 72 hours after any change in this information.

[Final Order on AMD4]

Similar to the approach for construction, certificate holder proposes to rely on the participating entity, BIGL, for operations and maintenance of the facility components proposed in RFA4, for a minimum of the first 5 years. This includes relying on the participating entity for the selection of

vendors and contractors, the management of those vendors and contractors, and operations and maintenance.

The certificate holder represents that it will implement a procurement process for O&M vendors and contractors that prioritizes, over low cost, technical qualifications, safety performance, environmental compliance and relevant experience in utility-scale solar and battery storage facilities. The certificate holder affirmed that its contracts with the participating entity, contractors and subcontractors involved in O&M will require adherence to industry best practices including, at a minimum, the following:

- Implementing detailed preventive maintenance schedules,
- Providing trained and certified personnel,
- Utilizing real-time monitoring and fault detection systems,
- Following all OEM maintenance and service guidelines,
- Maintaining transparent documentation and reporting protocols, including ensuring that 100% of preventative maintenance activities scheduled for any given month are logged prior to monthly reporting,
- Using digital maintenance management systems,
- Conducting regular QA/QC inspections,
- Establishing clear escalation procedures for unplanned outages, and
- Participating in site-specific safety trainings and continuous improvement processes.
- Ability to provide additional resources or solutions if inspection and maintenance activities are not completed on time (performance issue will be identified if 5% or more of inspection/maintenance activities are not completed on time).
- Compliance with all applicable terms and conditions of the Site Certificate, including the O&M Plan.

The above representations are included in a draft framework O&M Plan provided by the certificate as Attachment 5 to RFA4. The O&M Framework Plan provides an outline for contractor selection, performance monitoring, inspection and maintenance activities, emergency preparedness and contractor and staff oversight.

The Department proposes clear requirements in the framework plan to ensure that actions required for plan finalization and plan implementation are clear, as presented below (as presented in red-line changes presented in Attachment C of this Order).

**Table 5: Department Recommended Requirements for O&M Plan Finalization**

| Summary                                       | Requirement                                                                                                                                                                                                                                 |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Action Based Plan</b>                      | This plan shall be finalized based on actions that can be monitored, tracked and recorded. Detailed narrative or explanation that is not a specific action must be removed. Filter for clarity and remove unnecessary high-level narrative. |
| <b>Qualifications and Contact Information</b> | <u>In the Plan:</u><br>Include the contact information for:                                                                                                                                                                                 |

**Table 5: Department Recommended Requirements for O&M Plan Finalization**

| Summary                                                                                                                   | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                           | <ol style="list-style-type: none"> <li>1. The individuals that will manage and oversee vendors and contractors.</li> <li>2. The individuals that will perform design-phase safety reviews.</li> </ol> <p><u>Evidence to Support Plan Review:</u><br/> Certificate must provide to the Department the names, contact information and qualifications of the individuals that will manage and oversee vendors and contractors; and of the individuals that will perform design-phase safety reviews. The Department may request additional information or justification for any individuals where the experience or qualifications is inadequate.</p> |
| <b>Incorporation of requirements/citations from applicable site certificate conditions, protocols and technical plans</b> | <p><u>In the Plan:</u><br/> Identify all technical and site management plans applicable to operations and compliance for the solar components; incorporate relevant action items into the plan.</p> <p>At a minimum, the plan must reference and incorporate the Emergency Operations Responses Plan, Operational Spill Prevention Control and Countermeasure Plan, Operational Wildlife Mitigation Plan, and Comprehensive Revegetation, Noxious Weed and Soil Reclamation Plan.</p>                                                                                                                                                              |
| <b>Inspection and maintenance</b>                                                                                         | <p><u>In the Plan:</u><br/> Identify all inspections and maintenance activities, schedule, protocol and inspection documentation format.</p> <p><u>Evidence to Support Plan Review:</u><br/> Provide documentation to be used to track maintenance and inspection activities. If information is tracked via software, explain, demonstrate and provide available data.</p>                                                                                                                                                                                                                                                                         |
| <b>Vendor Performance Scoring System</b>                                                                                  | <p><u>In the Plan:</u><br/> The final plan shall include details about the certificate holder’s vendor performance scoring system. The scoring system must, at a minimum, evaluate vendor response time, corrective maintenance scoring rates and inspection completion.</p>                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Operations and Maintenance Budget Tracking and Forecasting</b>                                                         | <p><u>In the Plan:</u><br/> The final plan shall include a section for Operations and Maintenance Budget Tracking, including but not limited to, a summary of the basis for the amount estimated in the initial maintenance reserve, and an explanation of the 5-year life cycle cost modeling. The plan shall include information about the</p>                                                                                                                                                                                                                                                                                                   |

**Table 5: Department Recommended Requirements for O&M Plan Finalization**

| Summary                                 | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | estimated and available budget. Future plan updates must include 5-year life cycle cost modeling results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Third-Party O&amp;M Budget Audit</b> | <u>In the Plan:</u><br>The final plan shall include information about annual third-party condition assessments, and ensure that the scope of the assessment includes annual review of vendor/contractor performance against warranty and reliability benchmarks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Build Transfer Agreement</b>         | <u>Evidence to Support Plan Review:</u><br>Provide a copy of the executed Build Transfer Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Community Outreach</b>               | <u>In the Plan:</u><br>The final plan shall include names and addresses of participating landowners, and shall detail the schedule, agenda and outreach efforts for annual coordination meetings, to be conducted by the certificate holder. The final plan shall require that the certificate holder invite Sherman County emergency responders and ODOE to each annual meeting. The plan shall require minutes from each meeting. Any issues will be tracked and evaluated to determine the appropriate response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Reporting</b>                        | <u>In the Plan:</u><br>Require reporting to the Department of the following: <ol style="list-style-type: none"> <li>1. Within 72-hours of a change in contractors, vendors or contract terms, report the change, the reasons for the change, and the identification, contact information and qualifications to the Department.</li> <li>2. Monthly, report to the Department a summary of performance monitoring results (Vendor Performance Scoring System), including identification of any significant performance issues and corrective actions taken by or for the participating entity, contractor(s) and vendor(s). Certificate holder shall identify corrective actions, including stop work or removal from site, required of the vendor(s) for any performance scores less than 95% percent on-time inspection and repair completion rate.</li> <li>3. Annually, provide the Department a written report from a third-party contractor evaluating whether the established or forecasted operations and maintenance budget is adequate for site operations.</li> <li>4. Annually, provide the agenda, attendees list and meeting minutes from the community outreach meetings. Certificate holder shall report any issues identified at the meeting and shall provide their response and/or resolution of the identified issue.</li> </ol> |

The Department recommends that the Council impose the following conditions to ensure that the O&M Plan is finalized and implemented throughout operations:

**Recommended Organizational Expertise Condition 1 (PRO-OE-01)**

Prior to beginning operation of the solar facility, the certificate holder shall submit a final Operation and Maintenance Plan to the Department for review and approval. The plan must be finalized in accordance with Table 1 of the O&M Framework provided in Attachment C to the Final Order on AMD4.  
[Final Order on AMD4]

**Recommended Organizational Expertise Condition 2 (OPR-OE-01)**

During operation of the solar facility, the certificate holder shall require onsite contractors and employees to adhere to the O&M Plan approved under Condition PRO-OE-01. The O&M Plan may be amended, subject to Department review and approval  
[Final Order on AMD4]

The existing wind facility has experienced substantial equipment and maintenance issues over the past several years (blade detachment, oil and grease releases, transformer failures, and turbine door malfunctions), which demonstrate a deficiency in the adequacy of the existing site certificate conditions in ensuring systematic oversight of vendor performance, preventive maintenance, and safe, reliable construction and operation.

OAR chapter 345, division 26 includes the ongoing compliance obligations, including requirements for compliance plans, inspections, reporting and notification of incidents that will apply to the facility, as amended, if the Council issues an amended site certificate. Note that, if a site certificate is issued, the certificate holder must also comply with additional construction- and operation-related regulations that may apply to the facility components proposed in RFA4 but that may not be covered by the site certificate, as provided in ORS 469.401(4).

Under OAR 345-026-0048, the certificate holder must develop and implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. The Council previously imposed these requirements as Site Certificate Condition 121. The Department recommends the Council amend this condition as applicable to the construction of the solar facility:

**Recommended Amended Condition 121 (PRE-OE-02)**

- a. ~~OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate,~~ Prior to construction of any component or phase of the solar facility, the certificate holder shall implement submit, to the Department for review and approval, a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of

1 Energy when construction begins. Construction is defined in OAR 345-001-0010. In  
2 reporting the beginning of construction, the certificate holder shall describe all work  
3 on the site performed before beginning construction, ~~including work performed~~  
4 ~~before the Council issued the site certificate~~, and shall state the cost of that work.  
5 For the purpose of this ~~exhibit condition~~, “work on the site” means any work within a  
6 ~~site or corridor~~ the solar micrositing area, other than surveying, exploration or other  
7 activities to define or characterize the site or corridor.

- 8 b. The certificate holder shall ~~document~~ implement the compliance plan prior to and  
9 during construction and ~~maintain it~~ make documentation of compliance available for  
10 inspection by the Department or the Council upon request.

11 [Final Order on AMD4]

12  
13 The Council previously imposed Site Certificate Condition 16, which partially duplicated the  
14 reporting requirements of Condition 121, with different timing. The Department recommends  
15 the Council delete this condition.

16  
17 **Recommended Deleted Condition 16**

18 ~~Before beginning construction, the certificate holder shall notify the Department in~~  
19 ~~advance of any work on the site that does not meet the definition of “construction” in~~  
20 ~~OAR 345-001-0010 or ORS 469.300 and shall provide to the Department a description of~~  
21 ~~the work and evidence that its value is less than \$250,000.~~

22 [Final Order on AMD4]

23  
24 The Council previously imposed Site Certificate Conditions 122, requiring the certificate holder  
25 to comply with the reporting requirements of OAR 345-026-0080 during construction and  
26 operation of the existing facility. The Department recommends that the Council find that  
27 existing conditions and required reporting do not provide sufficient visibility into the  
28 effectiveness of corrective actions taken in response to vendor/contractor performance issues  
29 at the site, and recommends the Council amend Condition 122 to require enhanced reporting  
30 on progress made toward corrective actions that are applicable to the existing facility and the  
31 proposed facility components, once operations begin:

32  
33 **Recommended Amended Condition 122 (OPR-OE-01)**

34 ~~OAR 345-026-0080: The certificate holder shall report according to the following~~  
35 ~~requirements:~~

36 ~~(a) General reporting obligation for energy facilities under construction or operating:~~

37 ~~(i) Within six months after beginning construction, and every six months thereafter~~  
38 ~~during construction of the energy facility and related or supporting facilities, the~~  
39 ~~certificate holder shall submit a semiannual construction progress report to the~~  
40 ~~Department of Energy. In each construction progress report, the certificate holder shall~~  
41 ~~describe any significant changes to major milestones for construction. The certificate~~  
42 ~~holder shall include such information related to construction as specified in the sit~~  
43 ~~certificate. When the reporting date coincides, the certificate holder may include the~~  
44 ~~construction progress report within the annual report described in this Condition.~~

- 1 a. By April 30 of each year after beginning construction, the certificate holder shall  
2 submit an annual report to the Department ~~addressing the subjects listed in this~~  
3 ~~Condition~~. The Council Secretary and the certificate holder may, by mutual  
4 agreement, change the reporting date.
- 5 ~~(ii) To the extent that information required by this rule is contained in reports the~~  
6 ~~certificate holder submits to other state, federal or local agencies, the certificate~~  
7 ~~holder may submit excerpts from such other reports to satisfy this rule. The Council~~  
8 ~~reserves the right to request full copies of such excerpted reports.~~
- 9 b. In the annual report, the certificate holder shall include the following information for  
10 the calendar year preceding the date of the report:
- 11 i. Facility Status: An overview of site conditions, the status of facilities under  
12 construction, and a summary of the operating experience of facilities that are in  
13 operation. In this section of the annual report, the certificate holder shall describe  
14 any unusual events, such as earthquakes, extraordinary windstorms, major  
15 accidents or the like that occurred during the year and that had a significant  
16 adverse impact on the facility.
- 17 ii. Reliability and Efficiency of Power Production: For electric power plants, the plant  
18 availability and capacity factors for the reporting year. The certificate holder shall  
19 describe any equipment failures or plant breakdowns that had a significant  
20 impact on those factors and shall describe any actions taken to prevent  
21 recurrence of such problems;
- 22 ~~(iii) Fuel Use: For thermal power plants:~~  
23 ~~(A) The efficiency with which the power plant converts fuel into electric energy. If~~  
24 ~~the fuel chargeable to power heat rate was evaluated when the facility was sited,~~  
25 ~~the certificate holder shall calculate efficiency using the same formula and~~  
26 ~~assumptions, but using actual data; and~~  
27 ~~(B) The facility's annual hours of operation by fuel type and, every five years~~  
28 ~~after beginning operation, a summary of the annual hours of operation by fuel~~  
29 ~~type as described in OAR 345-024-0590(5).~~
- 30 iii. Status of Surety Information: Documentation demonstrating that bonds or  
31 letters of credit as described in the site certificate are in full force and effect and  
32 will remain in full force and effect for the term of the next reporting period;
- 33 iv. Monitoring Report: A list and description of all significant monitoring and  
34 mitigation activities performed during the previous year in accordance with site  
35 certificate terms and conditions, a summary of the results of those activities, and  
36 a discussion of any significant changes to any monitoring or mitigation program,  
37 including the reason for any such changes.
- 38 v. Compliance Report: A description of all instances of noncompliance with a site  
39 certificate condition. For ease of review, the certificate holder shall, in this  
40 section of the report, use numbered subparagraphs corresponding to the  
41 applicable sections of the site certificate.
- 42 vi. Facility Modification Report: A summary of changes to the facility that the  
43 certificate holder has determined do not require a site certificate amendment in  
44 accordance with OAR 345-027-0050.

(viii) ~~Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).~~

- c. To the extent that information required by this condition is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this condition. The Council reserves the right to request full copies of such excerpted reports.  
[Final Order on AMD4]

The Department also recommends the Council adopt a new Condition to incorporate Construction progress reporting requirements established in OAR 345-026-0080(1) but increasing the frequency of reporting from semi-annual to every three months to allow the Department to track more closely the ability of the participating entity to adequately manage site certificate compliance during construction, as presented below:

**Recommended Organizational Expertise Condition 3 (CON-OE-02)**

- a. Within three months after beginning construction of any phase or component of the solar facility, and every three months thereafter during construction, the certificate holder shall submit a construction progress report to the Department.
- b. Each construction progress report shall describe:
- i. Any significant changes to major milestones for construction;
  - ii. Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.
  - iii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period;
  - iv. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the reporting period in accordance with site certificate terms and conditions, a summary of the results of those activities, and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.
  - v. Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.
  - vi. Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.



- 1 c. When the reporting date coincides, the certificate holder may include the  
2 construction progress report within the annual report required under Condition  
3 OPR-OE-01.  
4 [Final Order on AMD4]  
5

6 The Department recommends that the Council amend Site Certificate Conditions 4, as  
7 presented below:  
8

9 **Recommended Amended Condition 4 (GEN-OE-04):**

10 The certificate holder shall, as soon as reasonably possible:

- 11 a. Within 72 hours after discovery of conditions or circumstances that may violate the  
12 terms or conditions of the site certificate, the certificate holder shall report the  
13 conditions or circumstances to the Department. Report incidents or circumstances  
14 that may violate the terms or conditions of the site certificate, terms or conditions of  
15 any order of the Council, to the Department. In the report to the Department, the  
16 certificate holder shall provide all pertinent facts including an estimate of how long  
17 the conditions or circumstances existed, how long they are expected to continue  
18 before they can be corrected, and whether the conditions or circumstances were  
19 discovered as a result of a regularly scheduled compliance audit;  
20 b. Initiate and complete appropriate action to correct the conditions or circumstances  
21 and to minimize the possibility of recurrence;  
22 c. Submit a written report within 30 days of discovery to the Department. The report  
23 must refer to the language in (d) of the condition and contain:  
24 i. A discussion of the cause of the reported conditions or circumstances;  
25 ii. The date of discovery of the conditions or circumstances by the responsible party;  
26 iii. A description of immediate actions taken to correct the reported conditions or  
27 circumstances;  
28 iv. A description of actions taken or planned to minimize the possibility of  
29 recurrence; and  
30 v. For conditions or circumstances that may violate the terms or conditions of a site  
31 certificate, an assessment of the impact on the resources considered under the  
32 standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported  
33 conditions or circumstances.  
34 d. Upon receipt of the written report in sub(c) of this condition, the Department may  
35 review the facility record for incidents or circumstances reported or reportable  
36 under sub(a) related to public health and safety, the environment, or other  
37 resources protected under Council standards. If these incidences are determined by  
38 the Department to impact the adequacy of the facility decommissioning cost, the  
39 Department or Council may adjust the contingencies identified in Final Order on ASC  
40 Attachment I and shall request and receive an updated bond or letter of credit from  
41 certificate holder in the adjusted amount.  
42 [Final Order on AMD4]  
43

1 The Council also previously imposed Conditions 124 and 125 which impose reporting  
2 requirements under OAR chapter 345, Division 26. And Condition 37, which required the  
3 certificate holder to report accidents or mechanical failures that could result in public health or  
4 safety concerns to the Department. or The Department recommends the Council maintain  
5 these conditions as applicable to the entire facility under Conditions GEN-OE-05 to GEN-OE-07.  
6

#### 7 *Restoration of the Site to a Useful, Non-hazardous Condition* 8

9 The certificate holder's ability to restore the site of the facility components proposed in RFA4 to  
10 a useful, non-hazardous condition is evaluated in Section III.G., *Retirement and Financial*  
11 *Assurance* of this order, in which the Department recommends that the Council find that the  
12 certificate holder has demonstrated an ability to comply with the Retirement and Financial  
13 Assurance standard.  
14

#### 15 *Third-party Permits* 16

17 The certificate holder represents that it would rely upon third-party contractors to obtain any  
18 required permits from the Oregon Department of Transportation, and any required state and  
19 local building and electrical permits, if required for the construction of the facility components  
20 proposed in RFA4.  
21

22 Under OAR 345-022-0010(4), if the certificate holder relies on a permit or approval issued to a  
23 third-party contractor, and the third party does not have the permit, the Council may issue an  
24 amended site certificate subject to the condition that the certificate holder shall not commence  
25 construction or operation as appropriate until the third party has obtained the necessary  
26 permits or approvals and the certificate holder has a contract or other arrangement for access  
27 to the resource or service secured by that permit or approval. The Department recommends  
28 that the Council imposes Organizational Expertise Condition 4, as presented below, to ensure  
29 that the certificate holder's contractors obtain all necessary permits and approvals prior to the  
30 beginning of construction  
31

#### 32 **Recommended Organizational Expertise Condition 4 (PRE-OE-03):**

33 Prior to construction of any component or phase of the solar facility, the certificate holder  
34 shall:

- 35 a. Provide the Department a list of federal, state and local permits, including any third-  
36 party permits; and a schedule for obtaining identified permits.
- 37 b. Once obtained, provide copies of all permits, including third-party permits to the  
38 Department.

39 [Final Order on AMD4]  
40

#### 41 **III.B.2. Conclusions of Law** 42

1 Based on the foregoing analysis, and subject to compliance with existing and recommended  
2 new and amended conditions described above, the Department recommends Council find that  
3 the certificate holder has the organizational expertise to construct, operate and retire the  
4 facility components proposed in RFA4 in compliance with Council standards and conditions of  
5 the site certificate.  
6

7 **III.C. STRUCTURAL STANDARD: OAR 345-022-0020**  
8

9 *(1) Except for facilities described in sections (2) and (3), to issue a site*  
10 *certificate, the Council must find that:*  
11

12 *(a) The applicant, through appropriate site-specific study, has adequately*  
13 *characterized the seismic hazard risk of the site; and*  
14

15 *(b) The applicant can design, engineer, and construct the facility to avoid*  
16 *dangers to human safety and the environment presented by seismic hazards*  
17 *affecting the site, as identified in subsection (1)(a);*  
18

19 *(c) The applicant, through appropriate site-specific study, has adequately*  
20 *characterized the potential geological and soils hazards of the site and its*  
21 *vicinity that could, in the absence of a seismic event, adversely affect, or be*  
22 *aggravated by, the construction and operation of the proposed facility; and*  
23

24 *(d) The applicant can design, engineer and construct the facility to avoid*  
25 *dangers to human safety and the environment presented by the hazards*  
26 *identified in subsection (c).*  
27

28 *(2) The Council may not impose the Structural Standard in section (1) to*  
29 *approve or deny an application for an energy facility that would produce*  
30 *power from wind, solar or geothermal energy. However, the Council may, to*  
31 *the extent it determines appropriate, apply the requirements of section (1) to*  
32 *impose conditions on a site certificate issued for such a facility.*  
33

34 *(3) The Council may not impose the Structural Standard in section (1) to deny*  
35 *an application for a special criteria facility under OAR 345-015-0310. However,*  
36 *the Council may, to the extent it determines appropriate, apply the*  
37 *requirements of section (1) to impose conditions on a site certificate issued for*  
38 *such a facility.*<sup>72</sup>  
39

40 \*\*\*73

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<sup>72</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>73</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

### 1    **III.C.1. Findings of Fact**

2  
3    For the purposes of RFA4, the analysis area for the Structural Standard is the area within the  
4    proposed Solar Micrositing Area.<sup>74</sup> The analysis area for historical and potentially active faults  
5    and earthquakes also includes a 50-mile buffer around the Solar Micrositing Area.

6  
7    Based on consultation with DOGAMI, the evaluation of seismic hazards at the site is based, in  
8    part, on review of 2021 GIS data available through the Oregon Seismic Hazard Database,  
9    release 1 (OSHD-1); use of the United States Geologic Survey (USGS)'s 2023 National Seismic  
10    Hazard Model; and DOGAMI's 2023 Landslide Inventory and Risk Reduction of the North and  
11    Central Portions of Wasco County. The Luna Butte Fault, as presented in Figure 2 below, is  
12    based on review of Oregon's HazVu Statewide Geohazards Viewer.<sup>75</sup>

13  
14    Seismic and non-seismic hazards at the site are also based on previous geotechnical  
15    investigations completed in the vicinity of the site, some of which overlap with the Solar  
16    Micrositing Area. These include:

- 17  
18        • Initial Geotechnical Investigations Phase I Development, Biglow Canyon Wind Farm,  
19        Sherman County, Oregon, prepared by Cornforth Consultants for PGE, October 2006  
20        (Cornforth 2006). This investigation was conducted in large portions of the Solar  
21        Micrositing Area.  
22        • Report of Geotechnical Exploration, Biglow Canyon Wind Farm Phase I, northwest  
23        Wasco, Oregon, prepared by GN Northern, Inc., Consulting Geotechnical Engineers for  
24        Blattner & Sons, Inc., April 2007 (GN Northern 2007). This investigation was conducted  
25        in large portions of the Solar Micrositing Area.  
26        • Report of Geotechnical Exploration, Biglow Canyon Wind Farm Phase II, northwest  
27        Wasco, Oregon, prepared by GN Northern, Inc., Consulting Geotechnical Engineers for  
28        Blattner & Sons, Inc., July 2008 (GN Northern 2008a). This investigation was conducted  
29        in an area northwest of the Solar Micrositing Area.  
30        • Report of Geotechnical Exploration, Biglow Canyon Wind Farm Phase III, northwest  
31        Wasco, Oregon, prepared by GN Northern, Inc., Consulting Geotechnical Engineers for  
32        Blattner & Sons, Inc., November 21, 2008 (GN Northern 2008b). This investigation was  
33        conducted in areas west and south of the Solar Micrositing Area.

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<sup>74</sup> On April 17, 2024, the certificate holder met with the Department for a pre-amendment conference. Under OAR 345-027-0360, rules which have since been amended, following the pre-amendment conference the certificate holder submitted request to use the proposed Solar Micrositing Area boundary as the basis for the study area boundaries under OAR 345-001-0010(35) and property owner lists under OAR 345-027-0360(1)(f) for the proposed amendment. On May 2, 2024, the Department provided written concurrence authorizing the study area boundaries. BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

<sup>75</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Attachment H-1. To inform the evaluation of the Structural standard, OAR 345-022-0020(4)(b) requires that a certificate holder consult with DOGAMI on the appropriate methods and scope of seismic, geology and soil related hazards. On November 1, 2024, the certificate holder consulted with DOGAMI where DOGAMI requested that the above sources be relied upon for the evaluation of seismic hazard risk within the proposed site.

For the facility components proposed in RFA4, Terracon Consultants, Inc. conducted a preliminary geotechnical investigation of the Solar Micrositing Area.<sup>76</sup> The geotechnical investigation included completion of 51 borings to depths of 5 to 51.5 feet below ground surface (bgs), laboratory testing, field electrical resistivity testing, pile load testing, and engineering analysis. Fifteen of the borings (B-26 through B-40) were located within the Solar Micrositing Area with depths of 17 to 21.5 feet bgs. The geotechnical report identified earthwork considerations; predrilling considerations for the solar array; footing construction considerations for solar arrays, substation, and transmission line structures; shallow foundation and mat/slab foundation considerations; earthwork considerations; and considerations for access roads and parking areas.<sup>77</sup> As will be described below, the Department recommends that the final geotechnical investigation further address and/or adhere to these recommendations (see recommended Amended Condition 66).

### *Topography and Geology of the Site*

In general, the terrain within the proposed Solar Micrositing Area is relatively flat or gently sloping with moderate slopes along some drainages. Areas with steeper slopes are located along Biglow Canyon and associated drainages that bound the northeastern portion of the area. Slopes range from 0 to 35 percent, with an average of 4.9 percent. Elevations range from 727 to 1,561 feet above mean sea level.<sup>78</sup>

The proposed Solar Micrositing Area is located in the western portion of the Columbia Plateau, which is dominated by geologically young lava flows known as the Columbia River basalts. The bedrock underlying the Solar Micrositing Area is mapped as part of the Frenchman Springs Member of the Wanapum Basalt formation. In borings conducted as part of the geotechnical investigations, bedrock was encountered from 2.5 to 60 feet bgs. Highly to completely weathered bedrock was encountered as very thin layers above the more competent bedrock and as thicker units. The Frenchman Springs Member is approximately 300 to 500 feet thick in the area of the Columbia Plateau.<sup>79</sup>

Surficial deposits generally consist of loess soil, consisting of eolian (wind-deposited) silt to fine sand overlying alluvial soil. Some older “caliche” loess units are semi-consolidated through cementation of calcium carbonate components. The alluvium layer generally consists of unconsolidated silt, sand, and gravel derived from local sources.<sup>80</sup> Soils under the majority of the proposed Solar Micrositing Area have thicknesses greater than 7 feet, but about 20 percent

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<sup>76</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Attachment H-2. November 2024 Preliminary Geotechnical Engineering Report.

<sup>77</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 5.1.

<sup>78</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Sections 3.2.1., 3.2.2.

<sup>79</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Sections 3.2.2., 3.2.2.1., 3.2.2.2.

<sup>80</sup> Id.

1 are shallower, with thicknesses of 12 to 40 inches to lithic bedrock.<sup>81</sup> A more detailed discussion  
2 of the soils in the microsites area is provided in Section III.D. *Soil Protection*. Groundwater was  
3 only encountered in one test boring during the 2024 geotechnical investigation; however, the  
4 water was determined to be seepage from localized perched groundwater and not a static  
5 groundwater condition.<sup>82</sup>

#### 6 7 Seismic Hazards at the site 8

9 Seismic hazards at the site were evaluated using available data from DOGAMI, the Oregon  
10 Water Resources Department, USGS, and the Natural Resources Conservation Service (NRCS),  
11 as well as previous geotechnical investigations in the proposed Solar Microsites Area. The  
12 seismic-hazard analysis was conducted to identify and characterize potential seismic events,  
13 evaluate seismic hazards, and recommend mitigation based on the characteristics of the  
14 subsurface soils and design earthquakes.<sup>83</sup> Further information about seismic hazards is  
15 provided in the 2024 Preliminary Geotechnical Engineering Report prepared by Terracon. The  
16 results of the analysis and geotechnical report are summarized below. The Department  
17 recommends the Council find that the information provided adequately characterizes seismic  
18 hazards at the site.

19  
20 The four sources of earthquakes and seismic activity in Northern Oregon are crustal, intraplate,  
21 volcanic, and the Cascadia Subduction Zone. The proposed Solar Microsites Area is not in a  
22 volcano hazard zone. The DOGAMI HazVu map shows the proposed Solar Microsites Area  
23 would expect moderate shaking from a Cascadia Subduction Zone event. Figure 2, below,  
24 shows crustal faults within 50 miles of the proposed Solar Microsites Area. The Quaternary-age  
25 faults shown in the figure are considered to be Class A, active faults; Class B faults are  
26 considered to be potentially active. There are no faults mapped within the proposed Solar  
27 Microsites Area. The preliminary geotechnical engineering report indicates that the nearest  
28 Class A faults include the Luna Butte fault (USGS Fault 579), Columbia Hills Structures (USGS  
29 Fault 568), and faults near The Dalles (USGS Fault 580). There are several Class B faults located  
30 approximately 12 miles south/southeast of the Solar Microsites Area around the John Day  
31 River.<sup>84</sup> The figure also shows recorded earthquakes within approximately 50 miles of the Solar  
32 Microsites Area. One earthquake greater than magnitude 4.5 was recorded approximately 40  
33 miles southwest of the Solar Microsites Area. The nearest earthquake is magnitude 2.5 to 3.5  
34 and is located less than 5 miles north of the Solar Microsites Area. Earthquakes between  
35 magnitude 3 and 4 are generally equivalent to a Modified Mercalli Intensity III, indicating  
36 shaking that is “noticeable indoors but may not be recognized as an earthquake.”<sup>85</sup>

37  

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<sup>81</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 3.2.2.3.

<sup>82</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Sections 3.2.2.2.

<sup>83</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.1.

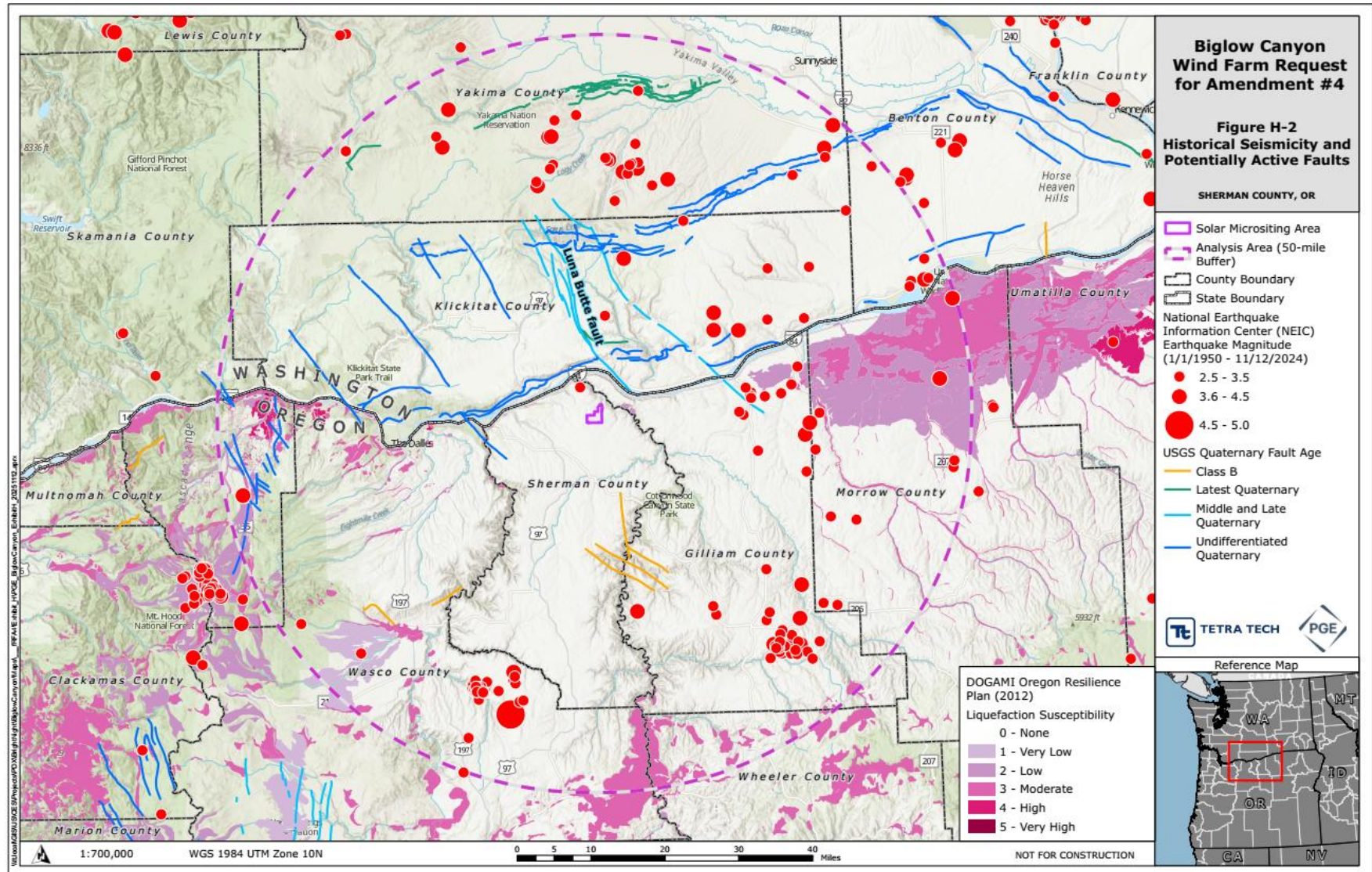
<sup>84</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.1; Attachment H-1.

<sup>85</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.2

- 1 Potential seismic hazards from a design seismic event for the Solar Components include seismic
- 2 shaking or ground motion, fault displacement, instability from landslides or subsurface
- 3 movement, and adverse effects from groundwater or surface water.



Figure 2: Historical Seismicity and Potentially Active Faults





## Seismic Shaking or Ground Motion

The DOGAMI HazVu Geohazards mapping tool indicates that the general earthquake hazard in the proposed Solar Micrositing Area is rated strong in most of the Solar Micrositing Area with an area rated very strong in a portion of the southwestern Solar Micrositing Area. The International Building Code and Oregon Structural Specialty Code require new construction to be designed for the highest strength earthquake that has a 2 percent probability of exceedance in 50 years, or a 2,475-year return period. The tool considers seismicity and soil conditions to identify design parameters for a site. Based on the soil properties observed at the site and as described in the exploration logs and results, the preliminary geotechnical engineering report recommended that Seismic Site Class D, reflecting the presence of loess and stiff soils at depths up to 20 feet at the site, was appropriate. The USGS's 2023 National Seismic Hazard Tool was used to identify this design event earthquake.<sup>86</sup> As shown in Table 6, below, the design event for the proposed Solar Micrositing Area would be a 6.47 magnitude earthquake with a peak ground acceleration of 0.2386g acceleration from gravity at the bedrock surface.<sup>87</sup>

**Table 6: Seismic Design Parameters – Maximum Considered Earthquake**

| Location                                                                                                                                 | Site Class | Earthquake Magnitude <sup>1</sup> | Peak Horizontal Ground Acceleration | Return Period |
|------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------|-------------------------------------|---------------|
| Solar Micrositing Area                                                                                                                   | D          | 6.47                              | 0.2386g                             | 2,475 years   |
| Solar Micrositing Area                                                                                                                   | D          | 6.57                              | 0.1089g                             | 475 years     |
| Notes:<br>1. Mean over all sources.<br>Source: BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Table H-2; USGS 2025. |            |                                   |                                     |               |

## Fault Rupture

There are no active faults within the proposed Solar Micrositing Area. The Luna Butte Fault is located approximately 4.5 miles south/southeast of the proposed Solar Micrositing Area.<sup>88</sup> There is a mapped unnamed fault located about 0.5 to 1 mile north of the Solar Micrositing Area, but the fault is not considered active within recent geologic time.<sup>89</sup> The preliminary geotechnical engineering report recommended that the risk of surface rupture due to ground faulting is low based on the available fault information, the depth to bedrock, and the site's proximity to the nearest known faults.<sup>90</sup>

<sup>86</sup> BCWAMD4 pRFA Reviewing Agency Comment DOGAMI 2025-05-29. As requested by DOGAMI in their pRFA comments, the certificate holder relied on the 2023 version of the National Seismic Hazard Model to evaluate the probability of earthquakes occurring on previously unmapped or unrecognized faults within or near the site.

<sup>87</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2; 7.2.1, 7.2.2. Probabilistic seismic-hazard disaggregation at 475-year and 2,475-year intervals are shown in Attachments H-3 and H-4, respectively.

<sup>88</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Figure H-2 identifies the location of the Luna Butte Fault based on review of DOGAMI's HazVu data, consistent with the request by DOGAMI during the Nov 2024 consultation. BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10 Attachment H-1.

<sup>89</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.5.

<sup>90</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Attachment H-2.

## *Liquefaction*

Liquefaction occurs when saturated and cohesionless soils are subjected to dynamic forces like intense or prolonged ground shaking and temporarily lose their strength and liquefy. There is no evidence of historic liquefaction or alluvial fan deposits within the proposed Solar Micrositing Area. While eolian deposits with a high liquefaction potential are present within the proposed Solar Micrositing Area, because the area has a moderate potential for ground shaking and groundwater is indicated to be at least 100 feet bgs, soil liquefaction is unlikely.<sup>91</sup>

## *Seismically Induced Landslides*

DOGAMI's landslide database does not show any historic landslides within the Solar Micrositing Area or within the immediate vicinity. Landslide hazard within the proposed Solar Micrositing Area is generally low or moderate, but areas of high hazard are present along Biglow Canyon and other steep areas in the northeast portion of Solar Micrositing Area. Landslide hazard is discussed more generally below.<sup>92</sup>

## *Subsidence*

Subsidence is the sudden sinking or gradual downward settling of surface land, often caused by groundwater drawdown, compaction, tectonic movements, mining, or explosive activity. The preliminary geotechnical engineering report indicates that subsidence due to a seismic event is unlikely due to the depth of groundwater at the site and lack of saturated soils. Geologic hazards associated with collapsible soils are discussed more generally below.<sup>93</sup>

## Non-seismic Geologic Hazards

Non-seismic geologic hazards that may affect the proposed Solar Micrositing Area include landslides, volcanic eruptions, collapsing soils, and erosion. No soils that are highly susceptible to shrinking and swelling are known to be present in the proposed Solar Micrositing Area.<sup>94</sup>

## *Landslides*

No mapped historic landslides, debris flows, alluvial fans, colluvium or talus are identified in the Oregon Statewide Landslide Database (SLIDO-4.4). As shown in Figure 3, below, most of the proposed Solar Micrositing area is identified as having low or moderate susceptibility for landslides. Areas of high susceptibility for landslides are present along the drainages/canyons along the eastern and northwestern boundaries of the Solar Micrositing Area.<sup>95</sup> As discussed in

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<sup>91</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.6.

<sup>92</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.7.

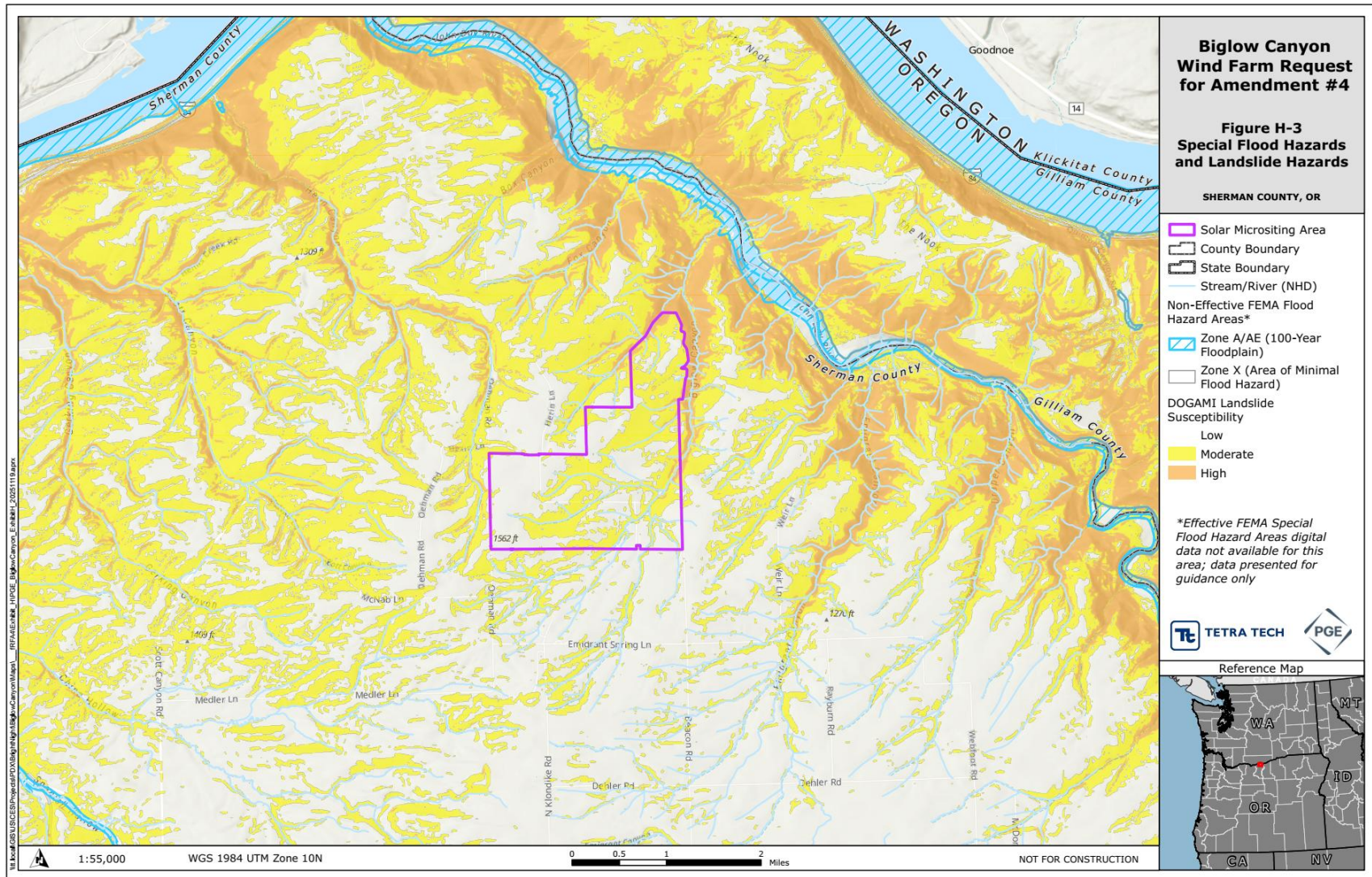
<sup>93</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.8.

<sup>94</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.5.

<sup>95</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.1.

- 1 Section III.E., *Land Use*, some of these areas are also designated as Hazard Areas under
- 2 Sherman County's Natural Hazard Overlay Zone.
- 3

Figure 3: Special Flood Hazards and Landslide Hazards



1

## *Volcanic Activity*

The proposed Solar Micrositing Area is not in a mapped volcano hazard area and no waterways that would be likely to experience pyroclastic flows in the event of an eruption are in the vicinity of the area. The closest volcano to the Solar Micrositing Area is Mount Hood (approximately 50 miles west/southwest). In the event of an eruption, ash fallout could reach the proposed Solar Micrositing Area depending on the size of the eruption and wind conditions. While ash fallout would likely impair facility operations, the presence of the facility components proposed in RFA4 are not expected to aggravate any hazards to public health and safety associated with activity.<sup>96</sup>

## *Erosion*

Erosion can occur when soils are increasingly exposed to wind or water. As discussed in Section III.D. *Soil Protection*, loess soils generally have low resistance to fugitive dust propagation; wind erosion hazard is generally high to very high. The runoff and water erosion hazard is generally moderately low, but some silty soils have higher erosion risk particularly in areas with slopes greater than 15 percent. Erosion potential and available precipitation make site soils especially sensitive to water erosion during winter and spring.<sup>97</sup>

## *Flooding*

As shown in Figure 4, the Federal Emergency Management Agency (FEMA) National Flood Hazard data do not identify flood hazard areas within the proposed Solar Micrositing Area. Seasonal thunderstorms can result in concentrated stormwater runoff and localized flooding in canyons and drainages.<sup>98</sup>

## *Collapsing Soils*

As discussed in Section III.D. *Soil Protection*, soils with low soil compaction resistance, including Lickskillet very stony loam (16D) and Lickskillet-Rock outcrop complex (18E), are present at the site, but are limited to two small soil units along drainages and represent less than one percent of the proposed Solar Micrositing Area.<sup>99</sup>

The preliminary geotechnical engineering report indicates that the semi-stable “honeycomb” structure characteristic of loess soils present throughout the site also makes those soils susceptible to collapse under additional applied load from structures constructed on foundations or saturation due to wetting or ponding. Based on testing, the report estimates that soils could subside by about 1.2 to 3.6 inches if the loess were to remain in place and be

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<sup>96</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.2

<sup>97</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.3.

<sup>98</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.4.

<sup>99</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 3.2; Figure I-1.

utilized for support. Collapsible soils were also identified as a geotechnical hazard in the previous Phase I-III geotechnical investigations for the existing wind facility.<sup>100</sup>

#### Hazard Mitigation

As described above, the site is in a moderate earthquake hazard zone and there is some potential for damaging shaking at the site. The primary risks to human health and safety associated with ground shaking include the failure of electrical equipment and structural failure of O&M buildings or other occupied structures. No other seismic hazards that would require mitigation are likely to occur at the site.

Non-seismic geologic hazards include areas with high potential for landslide, water-erosion, and flooding along Biglow Canyon and other drainages to the north and northeast of the site and the presence throughout the site of loess soils that are susceptible to collapse under loading and saturation. Additional non-structural hazards associated with soil erosion are addressed in Section III.D. *Soil Protection*.

Additional site specific geotechnical work will be completed prior to construction. The scope will be substantially similar to the scope of the 2024 preliminary geotechnical investigation, but will include an increased number of samples and testing locations.<sup>101</sup> To ensure that the additional geotechnical investigation work is completed, consistent with but expanding the scope of the 2024 preliminary geotechnical investigation, the Department recommends Council amend Condition 66 as follows:

#### **Recommended Amended Condition 66 (PRE-SS-01)**

- a. ~~Before beginning~~ Prior to construction of any component or phase of the solar facility, the certificate holder shall conduct a site-specific submit, to the Department for review and comment, a final geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) report that, at a minimum, addresses the recommendations in the in the Preliminary Geotechnical Engineering Report provided as RFA4, Exhibit H, Attachment H-2.
- b. ~~The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and prepare the report in accordance with the Oregon Board of Geologists Examiners guidelines entitled: 2014 Guidelines for Preparing Engineering Geologic Reports and Site-Specific Seismic Hazard Report.~~
- c. The Department may utilize a third-party consultant in the review of the report. The certificate holder shall obtain concurrence from the Department that all comments have been adequately addressed before beginning construction.  
[Final Order on AMD4]

<sup>100</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.6.

<sup>101</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 5.2 includes a description of the scope and schedule of additional geotechnical investigation work that must be done before construction, consistent with OAR 345-022-0020(4)(c).



Existing Conditions 113 and 114 require the certificate holder to notify the Department, the State Building Codes Division, and DOGAMI if the site investigation or other work indicated that geologic conditions at the site were significantly different than those described in the ASC or If specific geologic features are discovered. These conditions correspond to the mandatory conditions currently required under OAR 345-025-0006(13) and (14). The Department recommends the Council readopt these conditions, as applicable to the facility components proposed in RFA4:

**Recommended Amended Condition 113 (PRE-SS-02):**

~~(113) — OAR 345-027-0020(13):~~ The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching in the Solar Micrositing Area reveal that conditions in the foundation rocks differ significantly from those described in ~~the application for a site certificate~~ Request for Amendment 4. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.

[Final Order on AMD4]

**Recommended Amended Condition 114 (PRE-SS-03):**

~~(114) — OAR 345-027-0020(14):~~ The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the ~~site~~ Solar Micrositing Area.

[Final Order on AMD4]

Existing Site Certificate Condition 67 required the certificate holder to construct all components of the existing facility in compliance with applicable codes and design procedures. In RFA4, the certificate holder represents that the facility components proposed in RFA4 would be designed to withstand the maximum risk-based earthquake in accordance with the latest version of the International Building Code and the Oregon Structural Safety Code in effect at the time of construction. Substation equipment would meet all requirements in the latest version of the Institute of Electrical and Electronics Engineers (IEEE) 693-2018 which establishes standards to ensure equipment installed in substations can withstand expected seismic events.<sup>102</sup> Based on the certificate holder's design and code compliance representations, the Department recommends the Council amend this condition as presented below:

**Recommended Amended Condition 67 (CON-SS-01):**

~~(67) —~~ The certificate holder shall design and construct the solar facility in accordance with the applicable requirements ~~set forth by the State of Oregon's of the International~~

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<sup>102</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.4, 7.2.9.

Building Code, Oregon Structural Specialty Code, ~~Division~~ and any other applicable codes and design procedures in effect at the time of construction.  
[Final Order on AMD4]

Existing Condition 112 requires the certificate holder to avoid dangers to human safety associated with seismic hazards affecting the site.<sup>103</sup> This condition is applicable to the facility components proposed in RFA4, with additional changes to reflect updates to the mandatory condition:

**Recommended Amended Condition 112 (CON-SS-02)**

~~(112) — OAR 345-027-0020(12):~~ The certificate holder must design, engineer and construct the solar facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this ~~rule condition~~ “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), ~~tsunami inundation, fault displacement, and subsidence~~ cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.  
[Final Order on AMD4]

The Department recommends the Council find that subject to the recommended amended conditions above, the certificate holder can design, engineer, and construct the facility components proposed in RFA4 to avoid dangers to human safety and the environment presented by seismic hazards affecting the site.

Significant geologic hazard areas are present along the steep slopes of Biglow Canyon and its tributaries where landslide and erosion hazard are severe and flash flooding can potentially occur. As discussed in Section III.E. *Land Use*, these areas are also identified as being in the County’s Natural Hazard Combining Zone, and any development in these areas would need to be addressed through the Conditional Use Review process. The certificate holder represents that areas of steep slope would be avoided or that remedial measures to improve slope stability will be implemented.<sup>104</sup>

The 2024 preliminary geotechnical engineering report concluded that, due to the presence of collapsible soils, soil improvement would likely be required for proposed structures that would be supported by shallow or mat foundations to reduce total and differential settlements from soil subsidence to acceptable levels. Because soils at the site may also be prone to collapse when saturated, site drainage will be designed to prevent ponding or other concentration of surface water flows, especially near structures. Development over existing drainage ways will

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<sup>103</sup> Mandatory condition OAR 345-025-0006(12).

<sup>104</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 7.2.4, 7.2.9, 8.1, 11



1 be avoided wherever possible. If development over existing drainage ways cannot be avoided,  
2 rerouting of surface water will also be avoided so as to not induce potential subsidence.<sup>105</sup>

3  
4 Existing Condition 68 requires the certificate holder to design, engineer and construct the  
5 facility to avoid dangers to human safety presented by non-seismic hazards. Considering the  
6 severe hazard rating, the restrictions in the County Zoning Ordinance, and the potential for  
7 harm to waterways and habitat that could result from severe erosion or landslide issues in  
8 Biglow Canyon and its tributaries, as well as the certificate holder's representations that these  
9 hazard areas can be avoided, the Department recommends the Council amend the condition to  
10 prohibit development within areas with slopes greater than 20 percent:

11  
12 **Recommended Amended Condition 68 (CON-SS-03)**

13 ~~(68)~~—The certificate holder shall design, engineer and construct the solar facility to  
14 avoid dangers to human safety presented by non-seismic hazards. ~~As used in this~~  
15 ~~condition, "non-seismic hazards", include~~ ing, but not limited to, settlement, landslides,  
16 flooding, and erosion, and collapsible soils. No ground disturbing activity may occur in  
17 areas with slopes exceeding 20 percent.

18 [Final Order on AMD4]  
19

20 Subject to the recommended amended conditions described above, the Department  
21 recommends the Council find that the certificate holder can design, engineer and construct the  
22 facility components proposed in RFA4 to avoid dangers to human safety and the environment  
23 presented by the non-seismic geologic hazards identified at the site.

24  
25 **III.C.2. Conclusions of Law**

26  
27 Based on the foregoing analysis, and subject to compliance with the recommended amended  
28 site certificate conditions described above, the Department recommends that the Council find  
29 the certificate holder has adequately characterized potential seismic and geologic hazards in  
30 the Solar Micrositing Area and can design, engineer and construct the facility components  
31 proposed in RFA4 to avoid dangers to human safety and the environment presented by those  
32 hazards.

33  
34 **III.D. SOIL PROTECTION: OAR 345-022-0022**

35  
36 *To issue a site certificate, the Council must find that the design, construction*  
37 *and operation of the facility, taking into account mitigation, are not likely to*  
38 *result in a significant adverse impact to soils including, but not limited to,*  
39 *erosion and chemical factors such as salt deposition from cooling towers, land*  
40 *application of liquid effluent, and chemical spills.*  
41

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<sup>105</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.6.

### III.D.1. Findings of Fact

The analysis area for the Soil Protection standard is the area within the proposed Solar Micrositing Area. Near-surface soils and their characteristics, within the analysis area, were identified based on data from the NRCS Soil Survey Geographic (SSURGO) Database.<sup>107</sup>

As shown in Figure 4 and Table 7, below, approximately 78.6 percent of the Solar Micrositing Area is comprised of Walla Walla silt loams, which are deep soils made up of loess over fractured basalt. Approximately 20.5 percent of the Solar Micrositing Area is comprised of Anderly silt loams which have a similar formation setting as Walla Walla silt loams but are much shallower soils.<sup>108</sup> These silt loam soils are also productive agricultural soils, and most areas within the proposed Solar Micrositing Area are currently used for dryland wheat cultivation and 25 acres for irrigated row crops.<sup>109</sup> Walla Walla silt loam soils are considered to be especially productive, and where slopes are less than seven percent are considered to be Class II soils under the NRCS's soil capability classification system regardless of whether the soils are irrigated or not. Approximately 40.4 percent of the site is comprised of these high-value farmland (HVF) soils. Other silt loam soils at the site with slopes less than 15 percent are considered Class III soils under the NRCS classification system.<sup>110</sup> Smaller areas where agriculture is not feasible due to the presence of steep slopes, drainages, shallow soils or other factors are not cultivated. Some sections of the analysis area are planted into a grassland mix.

The remaining less than percent of the Solar Micrositing area is comprised of Lickskillet very stony loam, Lickskillet-Rock outcrop complex, and Nansene-Rock outcrop complex. Like other soils at the site, these soils also have moderate to severe erosion potential and the Lickskillet soils also have low resistance to soil compaction.<sup>111</sup> Within the site boundary, these soils are considered Class VII soils under the NRCS classification system and are generally considered to be non-arable.

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<sup>106</sup> OAR 345-022-0040, effective April 2, 2025. The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>107</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 3.1.

<sup>108</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 3.1, Table I-1.

<sup>109</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 4.0; BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.2, Figure K-4.

<sup>110</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.3.2, Figure K-6, K-7.

<sup>111</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 3.1, 3.2, Table I-1.

Figure 4: Soils within the RFA4 Analysis Area

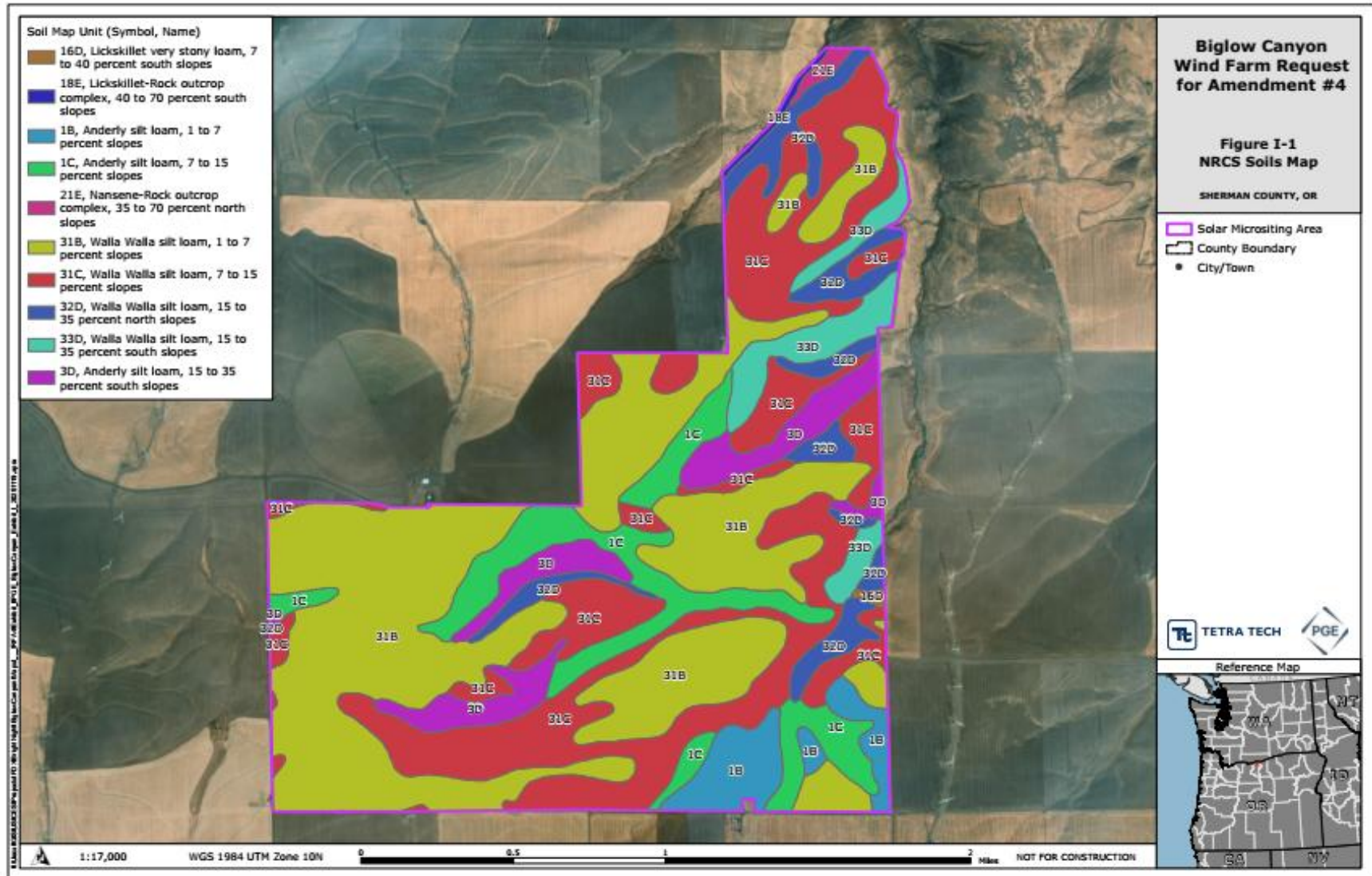


Table 7: General Description of Mapped Soil Units in the Analysis Area

| ID  | Soil Unit                                                      | Approximate Thickness             | Formation Setting                   | Area within Solar Micrositing Area |         | K-factor <sup>1</sup> | Wind Erodibility Group <sup>2</sup> | Fugitive Dust Resistance | Offroad, Off trail <sup>4</sup> | Road, Trail <sup>5</sup> | Soil Compaction Resistance |
|-----|----------------------------------------------------------------|-----------------------------------|-------------------------------------|------------------------------------|---------|-----------------------|-------------------------------------|--------------------------|---------------------------------|--------------------------|----------------------------|
|     |                                                                |                                   |                                     | Acres                              | Percent |                       |                                     |                          |                                 |                          |                            |
| 1B  | Anderly silt loam, 1 to 7 percent slopes                       | 20 to 40 inches to lithic bedrock | Loess over fractured basalt         | 79                                 | 4.1     | 0.43                  | 5                                   | Low                      | Slight                          | Moderate                 | Moderate                   |
| 1C  | Anderly silt loam, 7 to 15 percent slopes                      | 20 to 40 inches to lithic bedrock | Loess over fractured basalt         | 196                                | 10.2    | 0.43                  | 5                                   | Low                      | Moderate                        | Severe                   | Moderate                   |
| 3D  | Anderly silt loam, 15 to 35 percent south slopes               | 20 to 40 inches to lithic bedrock | Loess over fractured basalt         | 119                                | 6.2     | 0.43                  | 5                                   | Low                      | Moderate                        | Severe                   | Moderate                   |
| 16D | Licksillet very stony loam, 7 to 40 percent south slopes       | 12 to 20 inches to lithic bedrock | Loess mixed w/colluvium from basalt | 4                                  | 0.2     | 0.2                   | 7                                   | Moderate                 | Moderate                        | Moderate                 | Low                        |
| 18E | Licksillet-Rock outcrop complex, 40 to 70 percent south slopes | 12 to 20 inches to lithic bedrock | Loess mixed w/colluvium from basalt | 8                                  | 0.4     | 0.2                   | 7                                   | Moderate                 | Moderate                        | Severe                   | Low                        |
| 21E | Nansene-Rock outcrop complex, 35 to 70 percent north slopes    | 40 to 60 inches to lithic bedrock | Loess over fractured basalt         | 8                                  | 0.4     | 0.37                  | 5                                   | Low                      | Moderate                        | Severe                   | Moderate                   |
| 31B | Walla Walla silt loam, 1 to 7 percent slopes                   | Greater than 7 feet               | Loess over fractured basalt         | 777                                | 40.4    | 0.49                  | 5                                   | Low                      | Slight                          | Moderate                 | Moderate                   |
| 31C | Walla Walla silt loam, 7 to 15 percent slopes                  | Greater than 7 feet               | Loess over fractured basalt         | 539                                | 28.0    | 0.49                  | 5                                   | Low                      | Moderate                        | Severe                   | Moderate                   |
| 32D | Walla Walla silt loam, 15 to 35 percent north slopes           | Greater than 7 feet               | Loess over fractured basalt         | 115                                | 6.0     | 0.49                  | 5                                   | Low                      | Moderate                        | Severe                   | Moderate                   |
| 33D | Walla Walla silt loam, 15 to 35 percent south slopes           | Greater than 7 feet               | Loess over fractured basalt         | 81                                 | 4.2     | 0.49                  | 5                                   | Low                      | Moderate                        | Severe                   | Moderate                   |

1. K-factor: Erosion factor K indicates the susceptibility of soil to sheet and rill erosion by water.

2. Wind Erodibility Group: A wind erodibility group (WEG) consists of soils that have similar properties affecting their susceptibility to wind erosion in cultivated areas. The soils assigned to group 1 are the most susceptible to wind erosion, and those assigned to group 8 are the least susceptible.

3. Fugitive Dust Resistance: This rating indicates the vulnerability of soil for eroded soil particles to go into suspension upon disturbance. Rating class terms indicate the extent to which all of the soil features affect the formation of dust. "Low resistance" indicates that the soil has features that are very favorable for the formation of dust. "Moderate resistance" indicates that the soil has features that are favorable for dust formation. "High resistance" indicates that the soil has features that are unfavorable for dust formation.

6. Soil Compaction Resistance: This rating indicates the ability of the soil to resist compaction. "High resistance" indicates that the soil has features that are very favorable to resisting compaction. "Moderate resistance" indicates that the soil has features that are favorable to resisting compaction. "Low resistance" indicates that the soil has one or more features that favor the formation of a compacted layer.

4. Hazard for Erosion (Off-road, Off-trail): This rating indicates the hazard of soil loss from off-road and off-trail areas after disturbance activities that expose the soil surface. The ratings are based on slope, soil erosion factor K, and an index of rainfall erosivity (R). A rating of "slight" indicates that erosion is unlikely under ordinary climatic conditions; "moderate" indicates that some erosion is likely and that erosion-control measures may be needed; "severe" indicates that erosion is very likely and that erosion-control measures, including revegetation of bare areas, are advised; and "very severe" indicates that significant erosion is expected, loss of soil productivity and off-site damage are likely, and erosion-control measures are costly and generally impractical.

5. Hazard for Erosion (Road, Trail): The ratings in this interpretation indicate the hazard of soil loss from unsurfaced roads and trails. The ratings are based on soil erosion factor K, slope, and content of rock fragments. A rating of "slight" indicates that little or no erosion is likely; "moderate" indicates that some erosion is likely, that the roads or trails may require occasional maintenance, and that simple erosion-control measures are needed; and "severe" indicates that significant erosion is expected, that the roads or trails require frequent maintenance, and that costly erosion-control measures are needed.

## Potential Impacts to Soils

Construction of the facility components proposed in RFA4 has the potential to adversely impact soils within the proposed Solar Micrositing Area. Construction activities including clearing and grubbing vegetation around facility components and conducting earthwork such as grading, excavating, and filling can disturb soils and increase the potential for erosion. The operation of heavy machinery and equipment can compact soils, which can reduce water infiltration and impede plant growth. Vehicle and equipment fueling and maintenance activities, as well as the use and storage of fuels and other chemicals, increase the risk of spills and soil contamination.<sup>112</sup> As described above, sensitive soils are present at the site and may be particularly susceptible to impacts.

The facility components proposed in RFA4 would occupy up to approximately 1,445 acres within the 1,924-acre Solar Micrositing Area. While the entire occupied area is considered to be a permanent disturbance, existing vegetation and/or root systems will be preserved to the extent practicable, however, vegetation will be cleared around solar arrays, temporary construction areas, collector line trenches, the battery energy storage system foundations, collector circuits, substation, construction areas, and new access roads. Significant earthwork will also likely be required for the installation of roads and foundations. The certificate holder expects grading to result in a balanced cut-and-fill quantity of earthwork.<sup>113</sup>

Estimated permanent and temporary disturbance associated with construction and operation of the facility components proposed in RFA4 are presented in Table 8 below.

**Table 8: Permanent and Temporary Disturbances in the Solar Micrositing Area**

| Component                   | Description                                                                                                                                                                                                                                                                             | Permanent (Acres) | Temporary (Acres) |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|
| Solar Area                  | Permanent disturbance includes areas and infrastructure inside the perimeter fence for the Solar Arrays. Temporary disturbance is for laydown areas, collector lines, and fence line construction area. Assumes a 6-foot temporary disturbance corridor on the outer side of the fence. | 1,445.0           | 9.6               |
| Gen-Tie Line (230 kV)       | Permanent disturbance assumes 2-foot diameter area for poles. Temporary disturbance assumes a 150-foot temporary disturbance corridor (final corridor pending design) plus 20x20-foot pulling/tensioning areas (temporary disturbance).                                                 | <0.1              | 1.8               |
| Road Crossings              | Permanent disturbance for road crossings outside the solar area fenceline. Assumes a 16-foot road width, with additional 20-foot width temporary disturbance for construction.                                                                                                          | 0.3               | 0.8               |
| Underground Collector Lines | Permanent disturbance includes a total of 52 miles of underground collector lines and a 50-foot-wide impact corridor. These disturbances would be in the solar array fenceline but would be stabilized and revegetated following construction.                                          | 315.2             | -                 |

<sup>112</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.1.1.

<sup>113</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.1.1., 6.1.

**Table 8: Permanent and Temporary Disturbances in the Solar Micrositing Area**

| Component    | Description                                                                                                                                                                                                                                                                                                                                                                                                                             | Permanent (Acres) | Temporary (Acres) |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|
| BESS         | Permanent disturbance includes the area of the BESS yard.                                                                                                                                                                                                                                                                                                                                                                               | 5.0               | -                 |
| O&M Building | Permanent disturbance for parking area, three 40-foot storage containers for housing spare parts and maintenance equipment, one 40x15-foot control building inside the substation, and one 60x12-foot office structure with electricity, internet, water facilities. Temporary disturbance is for construction of the building and assumes a 25-foot temporary disturbance corridor located around the permanent disturbance footprint. | 0.01              | 0.04              |
| Laydown Area | Temporary disturbance for the laydown area for construction. Additional temporary construction areas may be used within the solar array fencelines.                                                                                                                                                                                                                                                                                     | -                 | 8.7               |
| Substation   | Permanent disturbance includes all areas for the proposed collector substation, which is within the solar array fencelines.                                                                                                                                                                                                                                                                                                             | 4.2               | -                 |
| <b>TOTAL</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>1,445</b>      | <b>21</b>         |

Source: BCWAMD4Doc21-01 RFA Div27 2025-12-10, Table 2.

### Erosion and Compaction

As described in Table 8 above, the silt loam soils underlying the majority of the site have moderate potential for wind erosion and low fugitive dust resistance, which indicates the need to address potential dust generation by onsite traffic during construction and operation.

The soils also have moderate permeability with slow to rapid runoff potential. The soils are also associated with a moderate to severe hazard for water erosion, depending on slope, particularly when disturbed and unvegetated. At least 55.4 percent of soils within the proposed Solar Micrositing Area have a severe hazard for erosion when used as unsurfaced roads or trails.<sup>114</sup> As shown in Figure 5, these soils are concentrated in the eastern portion of the proposed solar micrositing area around Biglow Canyon and its tributaries. As discussed in Section IV.B. *Removal-Fill Law*, the wetland delineation surveys conducted at the site also identified wetlands and waterways considered to be waters of the state in this portion of the proposed Solar Micrositing Area.

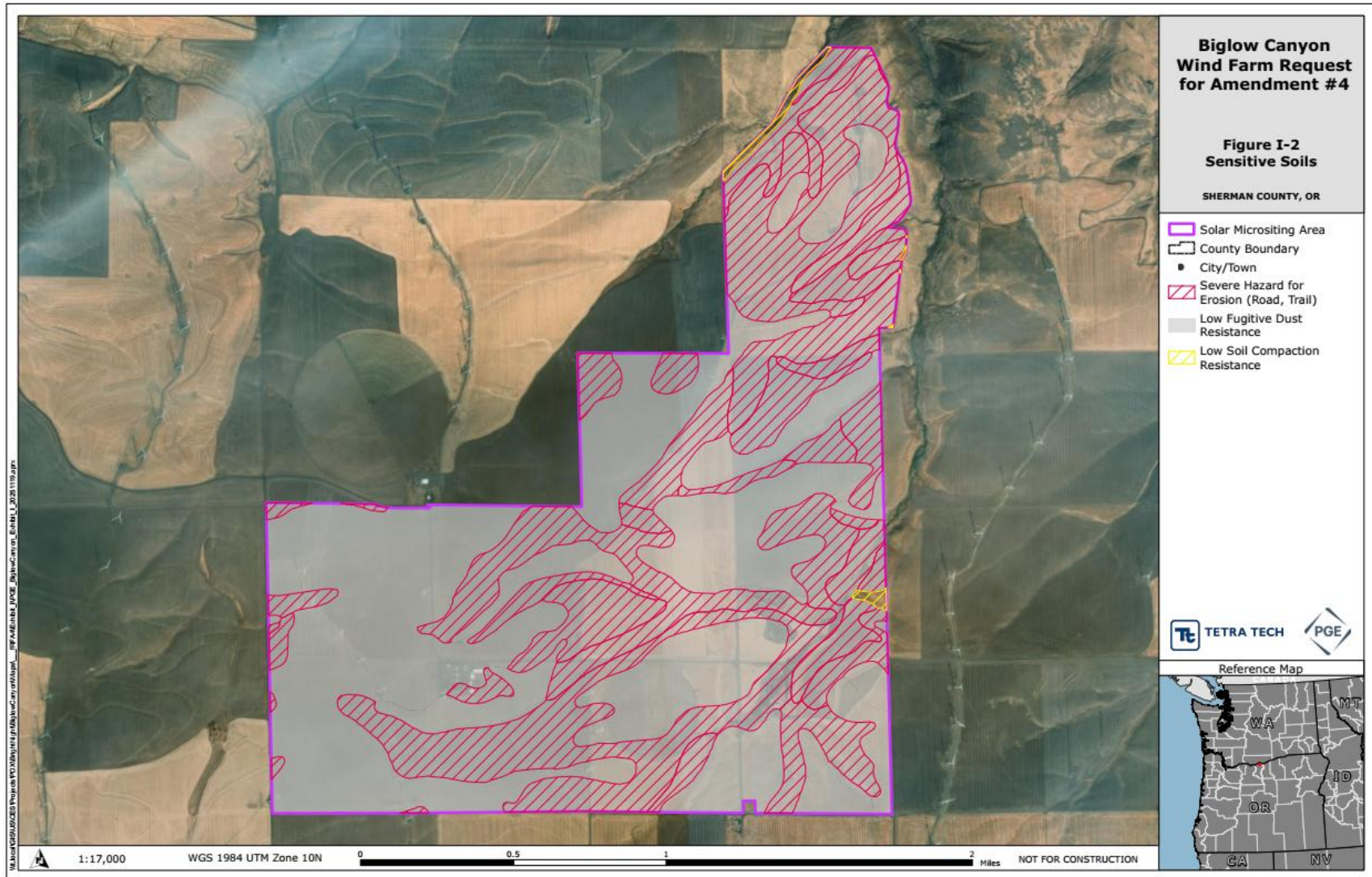
As shown on Figure 5, below, less than one percent of the soils are identified as having low compaction resistance in the NRCS Soils database; however, the preliminary geotechnical engineering report provided in support of Exhibit H notes that the loess soils present are also susceptible to collapse under additional applied load or saturation due to wetting or ponding.<sup>115</sup>

<sup>114</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 3.2.2.3; BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 3.2, Table I-1.

<sup>115</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 3.2.2.3; BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 3.2, Table I-1.



Figure 5: Sensitive Soils within the Solar Micrositing Area



## Erosion and Compaction Best Management Practices

The Council previously imposed several conditions to address the potential for erosion and other soil impacts at the site during the construction and operation of the wind facility. These conditions required the certificate holder to conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) that satisfies the requirements of the Oregon Department of Environmental Quality's National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit 1200-C (Condition 26), to minimize open trenches and disturbance areas (Condition 31), and to install and maintain Best Management Practices (BMPs) to conserve topsoil and limit wind- and water-borne erosion and during construction (Conditions 32 to 35).

The certificate holder has incorporated all BMPs related to revegetation, soil management, dust control, stormwater management, and noxious weed control into a draft Comprehensive Solar Revegetation and Soil Management Plan (Exhibit I, Attachment I-2.) A draft plan with additional revisions recommended by the Department is included as Attachment D to this Order.

A draft ESCP was incorporated into Appendix C of the Comprehensive Solar Revegetation and Soil Management Plan, but the ESCP will be updated by the construction contractor according to the final layout and design of the facility components proposed in RFA4 and any additional requirements imposed by DEQ. The final ESCP will include any procedures and BMPs necessary to meet local erosion and sediment control requirements or stormwater management requirements.<sup>116</sup> Specific BMPs identified in the Plan include:

- The installation of stabilized construction entrances and exits where construction vehicles move from newly constructed roads or disturbed areas to paved roads. Stabilized construction entrances and exits will be inspected and maintained during operation of the facility components proposed in RFA4.
- The preservation of existing vegetation and/or root systems, to the extent practicable.
- The installation of silt fencing throughout the construction area as a perimeter control, material stockpile perimeter control, and on the contour downgradient of excavations.
- The use of straw wattles to decrease the velocity of sheet flow stormwater to prevent erosion along the downgradient edge of access roads adjacent to slopes or sensitive areas.
- The use of mulch, stabilization matting, soil binders, and tackifiers to stabilize areas of soil disturbance quickly and during reseeding.

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<sup>116</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.1.1.



- The establishment of dedicated concrete washout areas near foundation construction locations to keep concrete washout water from concrete chutes and trucks in a localized area.
- Scheduling construction activities in the dry season when soils are less susceptible to compaction, to the extent possible.<sup>117</sup>

The ESCP establishes stormwater management BMPs intended to ensure that engineered access roads and drainages would direct stormwater runoff away from structures and into drainage ditches and culverts. This will also minimize risks associated with flooding and soil subsidence.<sup>118</sup>

The ESCP also establishes measures that would be used to stockpile and protect topsoil removed from areas where grading or excavation is required for use in site reclamation and restoration.<sup>119</sup>

The Comprehensive Solar Revegetation and Soil Management Plan also includes provisions to limit the propagation of fugitive dust during construction, including by limiting construction traffic to designated roads with improved surfaces to the extent possible and applying water or stabilizers to roads and disturbed soils, and implementing trackout control at site exits. Appendix D of the plan contains the dust monitoring and reporting methods that will be used to ensure compliance with the requirements of OAR chapter 340, division 208.<sup>120</sup>

Stormwater management infrastructure and erosion control features installed during construction will be left in place during operation as needed to manage stormwater and prevent discharges.<sup>121</sup>

### Site Reclamation and Revegetation

The Council previously imposed Conditions 29, 35, 62, and 111, which required the certificate holder to restore and revegetate disturbed areas following construction. The Department recommends the Council amend

Appendix E of the Comprehensive Solar Revegetation and Soil Management Plan provides soil monitoring methods that would be used to identify whether construction activities resulted in significant compaction of soils. Pre- and post-construction field measurements of subsurface

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<sup>117</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 6.1; BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.3.

<sup>118</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 8.4.

<sup>119</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.2.2, 6.1.

<sup>120</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.1.1; 6.1; Attachment I-2; BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.4.3.

<sup>121</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.2.2.

1 soil compaction would be collected for all areas where significant vegetation removal or grading  
2 activities occur. The certificate holder would also be required to conduct pre-disturbance  
3 surveys of non-agricultural areas that would fall outside of the solar array fenceline to  
4 determine baseline vegetation conditions prior to construction.

5  
6 Appendix F of the Comprehensive Solar Revegetation and Soil Management Plan described  
7 above describes the methods that will be used to stabilize disturbed areas following  
8 construction activities. This may include the use of straw, hydromulch, or tackifier, or planting  
9 areas with winter wheat or sterile triticale.<sup>122</sup> Disturbed areas would then be revegetated using  
10 approved seed mix and methods as soon as is practicable following construction. The seed mix  
11 would include native grasses and forbs. When required, the seed will be applied with mulch or  
12 stabilization matting to protect the growing grass seed.<sup>123</sup>

13  
14 The criteria for when revegetation would be considered successful depends on whether the  
15 disturbed area would be located inside or outside of the solar array fenceline and whether or not  
16 the land is currently used for agriculture. Temporary disturbance areas that are currently used  
17 for agriculture would be considered to be restored after the land is returned to farm operations  
18 and landowners provide written confirmation that they are satisfied that any impacts to soil  
19 productivity have been addressed. In non-agricultural areas outside the solar array area, the  
20 certificate holder would be required to make reasonable efforts to restore vegetation and soils  
21 to their pre-disturbance condition. In the area within and extending 10 feet from the solar array  
22 fenceline, the certificate holder will establish and maintain uniform (i.e., evenly distributed,  
23 without large bare areas) perennial, non-invasive vegetation that provides 70 percent or more  
24 cover.<sup>124</sup>

#### 25 26 Vegetation Management and Weed Control

27  
28 The management of noxious weeds and other undesirable plants is important for maintaining  
29 long-term soil health at the site and ensuring the site can be returned to a useful, non-  
30 hazardous, condition after the facility components proposed in RFA4 are decommissioned. The  
31 treatment methods, monitoring procedures, and management objectives that will be used to  
32 control the introduction and spread of weeds have been incorporated into Appendix G of the  
33 Comprehensive Solar Revegetation and Soil Management Plan.

34  
35 Weed Control BMPs required under the plan include flagging and treating areas of noxious  
36 weed infestations prior to construction, cleaning vehicles and equipment prior to ground  
37 disturbance, strategic use of herbicide, mechanical removal and revegetation of disturbed soils.  
38 Additional steps may include monitoring areas of disturbance for noxious weeds after

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<sup>122</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.1.1, Attachment I-2.

<sup>123</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 6.1.

<sup>124</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Attachment I-2, Appendix F.

1 construction, training construction and operations staff and limiting vehicle traffic in noxious  
2 weed-infested areas.<sup>125</sup>

3  
4 The certificate holder currently contracts with the Sherman County Weed Control District to  
5 inspect and treat weeds at the wind facility, and there have been no compliance issues  
6 associated with weed control at the site. The certificate holder has indicated that the District  
7 will be contracted to implement the measures of the Weed Control Plan.<sup>126</sup>

8  
9 In addition to weed management, the certificate holder represents that vegetation under the  
10 solar panels will be managed to minimize fire risk and erosion by maintaining low growing  
11 vegetation, the certificate holder did not provide specific management standards. The  
12 Department has added recommended standards to the draft plan based on the applicable  
13 provisions of Oregon Fire Code Section 1205. The provisions would require the certificate  
14 holder to maintain a clear, brush-free area of 20 feet around the perimeter of all solar array  
15 areas. Vegetation would be maintained at a height of no more than 12 inches in the perimeter  
16 clearance area and under the solar modules and associated electrical equipment, unless  
17 otherwise specified by the local fire official. A minimum 10-foot vegetation free zone would  
18 also be required around all BESS components, substations, and other high-voltage, electrical  
19 installations, unless otherwise specified by the local fire official or applicable safety code.

20  
21 The Department recommends the Council find that the methods, monitoring protocols, and  
22 reporting requirements related to revegetation, soil management, dust control, stormwater  
23 management, proposed by the certificate holder and recommended by the Department in the  
24 draft Comprehensive Solar Revegetation and Soil Management Plan included as Attachment D  
25 to this Order, demonstrate that the facility components proposed in RFA4 can be designed,  
26 constructed, and operated, in a manner that are not likely to result in a significant adverse  
27 impact to soils from erosion, compaction, or topsoil loss. To ensure the certificate holder  
28 finalizes and implements the plan, the Department recommends the Council impose the  
29 following conditions:

30  
31 **Recommended Soil Protection Condition 1 (PRE-SP-01):**

32 Before beginning construction of any component or phase of the solar facility, the  
33 certificate holder shall:

- 34 a. Finalize the draft Comprehensive Solar Revegetation and Soil Management Plan  
35 included as Attachment D to the Final Order on RFA4 based on final facility design  
36 and the approved National Pollutant Discharge Elimination System (NPDES) General  
37 Permit 1200-C for the facility. The final Comprehensive Solar Revegetation and Soil  
38 Management Plan shall be submitted to the Department for review and approval.  
39 b. Complete all items included in the Pre-construction Compliance Checklist in the final  
40 plan, as applicable to the facility components or phase.

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<sup>125</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Attachment I-2, Appendix G; BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.4.3.

<sup>126</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.4.3.

1 [Final Order on AMD4]

2  
3 **Recommended Soil Protection Condition 2 (CON-SP-02)**

4 During and following construction of any component or phase of the solar facility, the  
5 certificate holder shall conduct all work in compliance with the Comprehensive Solar  
6 Revegetation and Soil Management Plan required under Condition PRE-SP-01.

7 [Final Order on AMD4]

8  
9 **Recommended Soil Protection Condition 3 (OPR-SP-06)**

10 During operation of the solar facility, the certificate holder shall monitor and maintain  
11 vegetation and any necessary erosion controls in compliance with the Comprehensive  
12 Solar Revegetation and Soil Management Plan required under Condition PRE-SP-01, as  
13 amended. The certificate holder shall include any reports required by the plan in the  
14 annual facility operations reports required under Condition OPR-OE-01.

15 [Final Order on AMD4]

16  
17 Because the provisions of the Comprehensive Solar Revegetation and Soil Management Plan  
18 effectively replace their requirements, the Department recommends the Council delete existing  
19 Conditions 26, 27, and 31 to 35. The Department recommends the Council retain existing  
20 Conditions 28 and 30 as they continue to be applicable to the operating facility. Because it  
21 applied to the construction of the wind facility, the Department recommends condition 62 be  
22 deleted.

23  
24 **Recommended Amended Condition 28 (OPR-SP-03)**

25 ~~(28)~~ — The certificate holder shall cover turbine pad areas with gravel or other non-  
26 erosive material immediately following exposure ~~during construction~~ and shall maintain  
27 the pad area covering during operation of the facility.

28 [Final Order on AMD4]

29  
30 **Recommended Amended Condition 29 (OPR-SP-04)**

31 ~~(29)~~ — ~~During construction of the facility, the certificate holder shall restore areas that~~  
32 ~~are temporarily disturbed in accordance with the methods, monitoring procedures and~~  
33 ~~success criteria described in the Revegetation Plan that is incorporated in this order as~~  
34 ~~Attachment B and as that Revegetation Plan may be amended from time to time. During~~  
35 ~~operation of the~~ wind energy facility, the certificate holder shall restore areas that are  
36 temporarily disturbed during facility maintenance or repairs according to the ~~same~~  
37 methods and monitoring procedures in the Revegetation Plan included as Attachment B  
38 to the Final Order on the ASC, as amended.

39 [Final Order on AMD4]

40  
41 **Recommended Amended Condition 30 (OPR-SP-05)**

(30) —During operation of the wind energy facility, the certificate holder shall routinely inspect and maintain all roads, pads and trenched areas and, as necessary, maintain or repair erosion control measures.

[Final Order on AMD4]

**Recommended Deleted Condition 62**

~~The certificate holder shall restore areas that are temporarily disturbed during construction in accordance with the methods, monitoring procedures and success criteria set forth in the Revegetation Plan that is incorporated in the Final Order on Amendment #2 as Attachment B and as may be amended from time to time.~~

[Final Order on AMD4]

The Department recommends the Council also retain the mandatory condition established under Site Certificate Condition 111, as applicable to the construction of the proposed solar facility:

**Recommended Amended Condition 111 (CON-SP-01)**

~~OPR 345-027-0020(11)~~—Upon completion of construction of the solar facility, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

[Final Order on AMD4]

Once revegetation is complete, typical operation and maintenance activities are not expected to disturb significant areas of soil; however, runoff could be generated if significant volumes of water are used to wash solar modules or other equipment. The certificate holder represents that any water used for module washing is expected to evaporate or infiltrate into the ground. The Council previously imposed Site Certificate Condition 88 requiring the certificate holder to ensure that wind turbine blade washing avoid causing run-off and requiring the use of non-corrosive, biodegradable and phosphate-free cleaners.<sup>127</sup> To ensure that solar panel washing adheres to the same measures imposed for blade washing activities, the Department recommends Council amend Condition 88 as follows:

**Recommended Amended Site Certificate Condition 88 (OPR-SP-01)**

During operation of the facility, the certificate holder may engage in solar panel and blade-washing activities but shall ensure that these activities do not cause runoff of Washwater from the site or discharges to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or metal brighteners with the wash water. The certificate may use biodegradable, phosphate-free cleaners sparingly.

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<sup>127</sup> BCWAMD4Doc21-17 RFA Exhibit W Waste Minimization 2025-12-10, Section 2.2.3

1           [Final Order on AMD4]

2

3   Spills and Soil Contamination

4

5   As explained in Section I.D., *Requested Amendment*, above, up to three 1,000 gallon temporary

6   above-ground fuel tanks would be installed in the temporary construction yards during

7   construction. It is anticipated that each diesel tank will be filled once per month or as needed.

8   Each fuel tank would be required to be equipped with secondary containment in accordance

9   with 40 CFR §112.7(c). The certificate holder anticipates that the majority of fuel containers

10   would have self-contained secondary containment (e.g., double-walled containers) that provide

11   capacity for the entire container plus precipitation, but in some cases smaller containers (e.g.,

12   drums) would be placed in a constructed secondary containment area that is impervious and is

13   diked or otherwise contained to provide the required fuel and precipitation capacity.<sup>128</sup>

14

15   No substantial quantities of lubricating oils, hydraulic fluid for construction equipment, or other

16   hazardous materials would be stored on-site during construction. Lubricating oil or hydraulic

17   fluids for construction equipment will be brought in on an as-needed basis for equipment

18   maintenance by a licensed contractor using a specialized vehicle, and waste oils removed by the

19   same maintenance contractor. As described in more detail below, transformers would be filled

20   with cooling oils during operations, but the certificate holder represents that the oil would

21   arrive on an as-needed basis and transferred into the receiving components, so that none

22   would be stored on-site.<sup>129</sup>

23

24   The certificate holder represents that secondary containment and refueling procedures for on-

25   site fuel storage will follow a Spill Prevention, Control, and Countermeasures (SPCC) Plan and

26   proposed a new condition requiring the SPCC to be developed and implemented, and

27   submitted to the Department prior to the *operation* of the facility components proposed in

28   RFA4.<sup>130</sup> The certificate holder does not explain why the SPCC Plan would not be available prior

29   to operations or whether a separate condition is intended to apply to the fuel storage and

30   refueling activities. In accordance with the certificate holder's representation that secondary

31   containment and refueling procedures for on-site fuel storage during construction will follow a

32   SPCC Plan, the Department recommends the Council adopt new conditions requiring the SPCC

33   plan to be provided prior to beginning construction of the solar components and to implement

34   the SPCC plan during construction, as shown below:

35

36           **Recommended Soil Protection Condition 4 (PRE-SP-02)**

---

<sup>128</sup> BCWAMD4Doc21-04 RFA4 Exhibit I 2025-12-10, Section 4.1.4.1; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.1.

<sup>129</sup> BCWAMD4Doc21-04 RFA4 Exhibit I 2025-12-10, Section 4.1.4.1.

<sup>130</sup> BCWAMD4Doc21-04 RFA4 Exhibit I 2025-12-10, Section 4.1.4.1; Attachment 1; Condition 132; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.0, 3.2; BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 5.1.1;.

Prior to beginning construction of any component or phase of the solar facility, the certificate holder shall submit, to the Department, a Construction Spill Prevention, Control and Countermeasure (SPCC) Plan that complies with the requirement of 40 CFR 112.  
[Final Order on AMD4]

**Recommended Soil Protection Condition 5 (CON-SP-03):**

During construction of the solar facility, the certificate holder and all onsite contractors and personnel shall adhere to the requirements of the SPCC Plan approved under Condition PRE-SP-02. Updates or revisions to the Plan shall be submitted to the Department prior to implementation.  
[Final Order on AMD4]

During operations, the substation GSU transformer and ISU transformers will contain oil for cooling purposes. Transformers typically use mineral oil or seed oil that is considered nontoxic. Federal regulations prohibit transformer coolant from containing significant concentrations of polychlorinated biphenyls or other extremely hazardous compounds.<sup>131</sup>

Each GSU transformer would contain up to 10,000 to 15,000 gallons of oil. The GSU transformers are expected to be a ground-mounted unit constructed on a concrete pad with secondary spill containment traps designed to minimize the possibility of accidental leakage on soil. The concrete catchment system is typically sized to contain the amount of oil inside the transformer plus deluge water and required freeboard. Each of the ISU transformers in the solar arrays and transformers in the BESS would also contain approximately 700 gallons of cooling oil. Due to the smaller capacity, the ISU transformers would not require secondary containment.<sup>132</sup>

As discussed in Section III.B, Organizational Expertise, there have been numerous transformer failures at the existing wind facility. In the event of a transformer that results in a release of Oil, the certificate holder would follow response measures outlined in an operations SPCC Plan. As part of this plan, equipment containing oil or hazardous materials will be regularly monitored for leaks, and measures will be put in place if any are found to quickly control and remove spills.<sup>133</sup> Consistent with these representations, the Department recommends the Council impose conditions requiring the development and implementation of an operational SPCC Plan, as shown below:

**Recommended Soil Protection Condition 6 (PRO-SP-01)**

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<sup>131</sup> BCWAMD4Doc21-04 RFA Exhibit I, Section 4.1.4.1. 2025-12-10.

<sup>132</sup> BCWAMD4Doc21-04 RFA Exhibit I, Section 4.1.4.1. 2025-12-10.; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.0, Table G-1;

<sup>133</sup> BCWAMD4Doc21-04 RFA Exhibit I, Section 4.1.4.1. 2025-12-10.

1 Prior to beginning operation of the solar facility, the certificate holder shall submit, to  
2 the Department, an Operations Spill Prevention, Control and Countermeasure Plan that  
3 complies with the requirement of 40 CFR 112.  
4 [Final Order on AMD4]  
5

6 **Recommended Soil Protection Condition 7 (OPR-SP-07):**

7 During operation of the solar facility, the certificate holder and all onsite contractors  
8 and personnel shall adhere to the requirements of the Operations Spill Prevention,  
9 Control and Countermeasure Plan approved under Condition PRO-SP-01. Updates or  
10 revisions to the Plan shall be submitted to the Department prior to implementation.  
11 [Final Order on AMD4]  
12

13 In addition to fuels and oils, small quantities of herbicides, insecticides, paint, cleaners,  
14 solvents, and other hazardous materials may also be used on site during construction and  
15 stored in a secure location within the temporary construction yard. Potentially hazardous  
16 substances will not be permanently present within the construction areas in quantities that  
17 exceed Oregon State Fire Marshal Reportable Quantities. Limited amounts of hazardous  
18 materials would be stored in the proposed O&M buildings during the operation of the proposed  
19 solar facility, including small quantities of lubricants, degreasers, herbicides, or other chemicals.  
20 Storage of these chemicals will follow label instructions. No underground storage tanks will be  
21 installed at the proposed O&M building. The certificate holder represents that no highly toxic  
22 substances or explosive materials will not be necessary to support either the construction or  
23 the operations phase of the Solar Components. Lithium-ion batteries and solar modules do not  
24 pose a significant hazard for soil contamination under normal operating conditions, but can  
25 sometimes be considered hazardous waste by the EPA and will be disposed of according to the  
26 most current guidelines at end of life.<sup>134</sup> Requirements for the handling and disposal of these  
27 materials is discussed in Section III.O, Waste Minimization.  
28

29 The Council previously imposed Site Certificate Condition 80, which requires all potentially  
30 hazardous substances to be sorted, handled, and disposed of in a manner that is protective of  
31 human health, safety, and the environment and that complies with all applicable local, state,  
32 and federal environmental laws and regulations. The Department recommends the Council  
33 maintain this condition as applicable to both the wind and solar facility.  
34

35 The certificate holder further represents that at the proposed solar facility all potentially  
36 hazardous substances, as defined by Oregon Revised Statute 465.200, would be stored,  
37 handled, and disposed in accordance with a Hazardous Materials Management and Monitoring  
38 Plan.<sup>135</sup> The certificate holder proposed two new conditions requiring the development and  
39 implementation of this plan:

---

<sup>134</sup> RFA4, Section 4.1.4.1.; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.0; 3.1;  
BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Section 6.1.. BCWAMD4Doc21-17 RFA Exhibit W  
Waste Minimization 2025-12-10, Section 6.2

<sup>135</sup> BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.0, 3.1, 3.2.



**Certificate Holder Proposed Condition 130:**

The certificate holder must prepare and implement a Hazardous Materials Management and Monitoring plan approved by the Department. The plan(s) must address the handling of potentially hazardous substances (as defined by ORS 465.200) during construction and operation of the facility, measures to prevent on- and off-site contamination and documentation of plan implementation. Separate plans for the construction and operation phases are acceptable. The certificate holder must use hazardous materials in a manner that protects public health, safety and the environment and must comply with all applicable local, state and federal environmental laws and regulations.

[Final Order on AMD4]

**Certificate Holder Proposed Condition 131:**

The Hazardous Materials Management and Monitoring Plan shall contain the same information required for a Spill Prevention, Control and Countermeasure Plan (40 CFR 112). Whereas the SPCC Plan addresses spill prevention for oil products, the materials management and monitoring plan shall address hazardous substances. The Plan shall include operating procedures to prevent hazardous substances releases, control measures to contain hazardous substance releases, countermeasures to contain, cleanup, and mitigate hazardous substance releases, and procedures for required inspections and testing. This Plan must be submitted to the Department for review and approval prior to respective construction or operation phase of the facility.

[Final Order on AMD4]

Because the certificate holder represents that no reportable quantities of hazardous materials would be used or stored at the site during construction or operation of the facility components proposed in RFA4, the Department recommends the Council find that the new conditions are unnecessary.

The Council previously imposed Site Certificate Condition 80 under the Waste Minimization Standard, which requires all potentially hazardous substances to be sorted, handled, and disposed of in a manner that is protective of human health, safety, and the environment and that complies with all applicable local, state, and federal environmental laws and regulations. The Department recommends the Council maintain this condition as applicable to both the wind and solar facility as Condition GEN-SP-01.

The Council previously imposed Site Certificate Condition 81, requiring the Certificate holder to notify the Department of any spill or release of hazardous material, including fuels or oils, within 72 hours. In RFA4, the certificate holder proposes that this condition be amended to also apply to the construction and operation of the proposed solar components.<sup>136</sup> The Department

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<sup>136</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Attachment 1; BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.0, 3.2.

1 agrees with the certificate holder's proposal and recommends the Council amend the condition  
2 as applicable to any spills that occur at the site. The Department also recommends the Council  
3 adopt a new condition specifying that no reportable quantities of hazardous substances that  
4 are not covered by the SPCC Plan may be maintained at the solar facility site.

5  
6 **Recommended Amended Condition 81 (OPR-SP-02)**

- 7 a. If a spill or release of a reportable quantity of fuel, oil, or other hazardous materials  
8 occurs during construction or operation of the facility, the certificate holder shall  
9 notify the Department within 72 hours.  
10 b. The certificate and shall clean up ~~the any~~ spill or release of hazardous materials and  
11 dispose of any contaminated soil or other materials according to applicable  
12 regulations.  
13 c. The certificate holder shall ensure that spill kits containing items such as absorbent  
14 pads are located on equipment and storage facilities to respond to accidental spills  
15 and shall instruct employees handling hazardous materials in the proper handling,  
16 storage and cleanup of these materials.

17 [Final Order on AMD4]  
18

19 **Recommended Soil Protection Condition 8 (GEN-SP-02)**

20 Except for those fuels and oils covered by an SPCC Plan approved under Condition PRE-  
21 SP-01 or PRO-SP-02, no reportable quantities of hazardous materials or substances, as  
22 defined in OAR chapter 340, division 142, may be stored at the site of any solar facility  
23 component.

24 [Final Order on AMD4]  
25

26 **III.D.2. Conclusions of Law**  
27

28 Based on the foregoing analysis, and subject to compliance with the existing and recommended  
29 site certificate conditions described above, the Department recommends the Council find that  
30 the facility components proposed in RFA4 are not likely to result in a significant adverse impact  
31 to soils.  
32

33 **III.E. LAND USE: OAR 345-022-0030**  
34

35 *(1) To issue a site certificate, the Council must find that the proposed facility*  
36 *complies with the statewide planning goals adopted by the Land Conservation*  
37 *and Development Commission.*

38  
39 *(2) The Council shall find that a proposed facility complies with section (1) if:*

40  
41 *(a) The applicant elects to obtain local land use approvals under ORS*  
42 *469.504(1)(a) and the Council finds that the facility has received local land use*

1 approval under the acknowledged comprehensive plan and land use  
2 regulations of the affected local government; or

3  
4 (b) The applicant elects to obtain a Council determination under ORS  
5 469.504(1)(b) and the Council determines that:

6  
7 (A) The proposed facility complies with applicable substantive criteria as  
8 described in section (3) and the facility complies with any Land Conservation  
9 and Development Commission administrative rules and goals and any land use  
10 statutes directly applicable to the facility under ORS 197.646(3);

11  
12 (B) For a proposed facility that does not comply with one or more of the  
13 applicable substantive criteria as described in section (3), the facility otherwise  
14 complies with the statewide planning goals or an exception to any applicable  
15 statewide planning goal is justified under section (4); or

16  
17 (C) For a proposed facility that the Council decides, under sections (3) or (6), to  
18 evaluate against the statewide planning goals, the proposed facility complies  
19 with the applicable statewide planning goals or that an exception to any  
20 applicable statewide planning goal is justified under section (4).

21  
22 (3) As used in this rule, the "applicable substantive criteria" are criteria from  
23 the affected local government's acknowledged comprehensive plan and land  
24 use ordinances that are required by the statewide planning goals and that are  
25 in effect on the date the applicant submits the application. If the special  
26 advisory group recommends applicable substantive criteria, as described  
27 under OAR 345-021-0050, the Council shall apply them. If the special advisory  
28 group does not recommend applicable substantive criteria, the Council shall  
29 decide either to make its own determination of the applicable substantive  
30 criteria and apply them or to evaluate the proposed facility against the  
31 statewide planning goals.

32  
33 (4) The Council may find goal compliance for a proposed facility that does not  
34 otherwise comply with one or more statewide planning goals by taking an  
35 exception to the applicable goal. Notwithstanding the requirements of ORS  
36 197.732, the statewide planning goal pertaining to the exception process or  
37 any rules of the Land Conservation and Development Commission pertaining  
38 to the exception process, the Council may take an exception to a goal if the  
39 Council finds:

40  
41 (a) The land subject to the exception is physically developed to the extent that  
42 the land is no longer available for uses allowed by the applicable goal;  
43

1       (b) The land subject to the exception is irrevocably committed as described by  
2       the rules of the Land Conservation and Development Commission to uses not  
3       allowed by the applicable goal because existing adjacent uses and other  
4       relevant factors make uses allowed by the applicable goal impracticable; or

5  
6       (c) The following standards are met:

7  
8       (A) Reasons justify why the state policy embodied in the applicable goal  
9       should not apply;

10  
11       (B) The significant environmental, economic, social and energy consequences  
12       anticipated as a result of the proposed facility have been identified and  
13       adverse impacts will be mitigated in accordance with rules of the Council  
14       applicable to the siting of the proposed facility; and

15  
16       (C) The proposed facility is compatible with other adjacent uses or will be  
17       made compatible through measures designed to reduce adverse impacts.

18  
19       (5) If the Council finds that applicable substantive local criteria and applicable  
20       statutes and state administrative rules would impose conflicting requirements,  
21       the Council shall resolve the conflict consistent with the public interest. In  
22       resolving the conflict, the Council cannot waive any applicable state statute.

23  
24       (6) If the special advisory group recommends applicable substantive criteria  
25       for an energy facility described in ORS 469.300(11)(a)(C) to (E) or for a related  
26       or supporting facility that does not pass through more than one local  
27       government jurisdiction or more than three zones in any one jurisdiction, the  
28       Council shall apply the criteria recommended by the special advisory group. If  
29       the special advisory group recommends applicable substantive criteria for an  
30       energy facility described in ORS 469.300(11)(a)(C) to (E) or a related or  
31       supporting facility that passes through more than one jurisdiction or more  
32       than three zones in any one jurisdiction, the Council shall review the  
33       recommended criteria and decide whether to evaluate the proposed facility  
34       against the applicable substantive criteria recommended by the special  
35       advisory group, against the statewide planning goals or against a combination  
36       of the applicable substantive criteria and statewide planning goals. In making  
37       the decision, the Council shall consult with the special advisory group, and  
38       shall consider:

39  
40       (a) The number of jurisdictions and zones in question;

41  
42       (b) The degree to which the applicable substantive criteria reflect local  
43       government consideration of energy facilities in the planning process; and  
44

(c) *The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.*<sup>137</sup>

\*\*\* 138

### **III.E.1. Findings of Fact**

In accordance with ORS 469.504, the Land Use standard requires the Council to find that a proposed facility or facility, with proposed changes, complies with Oregon's statewide land use planning goals. An applicant or certificate holder may demonstrate compliance with the statewide planning goals either by obtaining local land use approval from the affected local government or by obtaining a Council determination of compliance. In this proceeding, the certificate holder has elected to seek a Council determination of compliance under ORS 469.504(1)(b).<sup>139</sup>

The analysis area for the Land Use standard includes the area within and extending one-half mile from the proposed Solar Micrositing Area. Approximately 5,198 acres are located within the analysis area, including the approximately 1,924 acres within the Solar Micrositing Area itself.

The Council previously imposed Site Certificate Conditions 17 to 25 and 128 to ensure that the existing wind energy facility complied with the Land Use standard. Conditions 17, 19-21, 23-25, and 128 continue to apply to the facility components proposed in RFA4, as Conditions GEN-LU-02 to GEN-LU-09, with minor administrative updates to clarify applicability to the operating wind facility. Changes to the remaining land use conditions are discussed below.

#### *Existing Land Uses*

The proposed Solar Micrositing Area includes all or part of two subject tracts. One of the tracts is owned by the certificate holder and contains the facility's existing substation.<sup>140</sup> Turbines and other facility components are present on the other tract; however, the majority of lands on that tract are currently used for the cultivation of dryland winter wheat and other small grains. As shown in Figure 6, below, some irrigated farmland is also present on the tract.

The cultivation of dryland wheat and other grains is also the dominant use on adjacent lands in the analysis area. There is also a 125.7-acre irrigation pivot used for the cultivation of garlic, carrot seed, mint, wheat and other row crops located approximately 300 feet north of the Solar

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<sup>137</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>138</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>139</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 1.0.

<sup>140</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.2. Under OAR 660-033-0020(14), "tract" means one or more contiguous lots or parcels under the same ownership.

1 Micrositing Area.<sup>141</sup> Energy uses are also present on adjacent lands within the analysis area,  
2 including the existing wind energy facility and several transmissions lines.<sup>142</sup>

### 3 4 Water Rights

5  
6 There are two locations appurtenant to a water right within the analysis area.

7  
8 Oregon Water Right Certificate 57620 authorizes use of up to 3 acre-feet of water per acre for  
9 irrigation on up to 325.7 acres of land in the proposed Solar Micrositing Area. The water right  
10 has a priority date of February 17, 1976. The point of diversion for the water is also within the  
11 proposed Solar Micrositing Area. While the water right certificate authorizes the irrigation of up  
12 to 325.7 acres, only 25 acres in a half-pivot are currently irrigated. The irrigated land is currently  
13 used for the cultivation of garlic, carrot seed, mint, wheat and other row crops.<sup>143</sup> The  
14 certificate holder represents that it is working with the landowner to transfer this water right to  
15 industrial use for the life of the solar facility to avoid forfeiture and preserve the ability to  
16 transfer the water back to irrigation use following facility decommissioning.<sup>144</sup>

17  
18 Oregon Water Right Permit G 16704 (McCullough Water Right) authorizes the irrigation of  
19 125.7 acres of land in an irrigation pivot on land adjacent to the proposed Solar Micrositing  
20 Area. The irrigated land supports a range of crop types depending on the year that include  
21 mint, garlic, and carrot seed.<sup>145</sup>

### 22 23 Soil and Farmland Classifications

24  
25 As described in Section III.D., *Soil Protection*, approximately 99 percent of the soils in the  
26 proposed Solar Micrositing Area are moderately deep, well-drained silt loams formed in loess  
27 overlying basalt. The remaining one percent is made up of stoney soils and loess deposits.<sup>146</sup>

28  
29 The NRCS assigns land capability classifications to each soil unit based on the general suitability  
30 of the soils for agriculture. Class I and II soils are the most productive soils. These soils are also  
31 considered to be “high-value farmland soils” under ORS 195.300(10). Class III and IV soils are  
32 also suitable for agriculture and are considered “arable” soils under OAR 660-033-0130(38).  
33 Class V to VII are generally not suitable for agriculture and are considered “not arable” under  
34 LCDC’s rules. The capability classification is typically dependent on whether or not the land is  
35 irrigated, but the non-irrigated and irrigated capability classes for soils in the Solar Micrositing  
36 Area are the same. The NRCS also assigns farmland classifications, including “prime” or

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<sup>141</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.2.1, 3.3.1, Table K-8.

<sup>142</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.2.2.

<sup>143</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.3.1.

<sup>144</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.3.2.

<sup>145</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.3.1.

<sup>146</sup> BCWAMD4Doc21-04 RFA Exhibit I Soil Conditions 2025-12-10, Table I-1; BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.3.2.

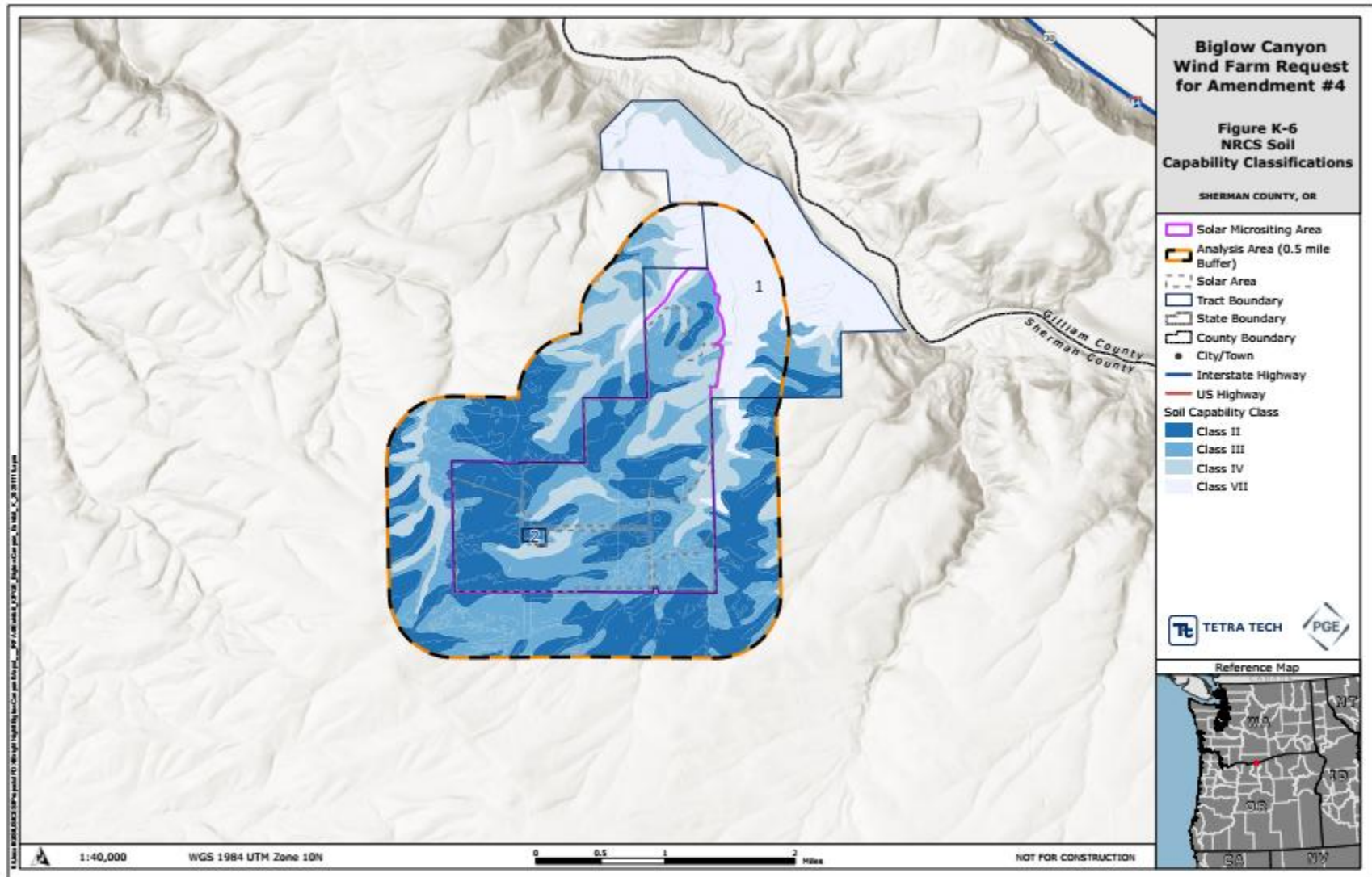
“unique” designations, based on the suitability of soils for specific crops. Soil units designated by the NRCS as “prime” or “unique” farmland are also considered high-value farmland.

According to the NRCS Web Soil Survey, there are five soil types and ten soil units within the Solar Micrositing Area. The soil capability and farmland classification for each of the soil units in the Solar Micrositing Areas are shown in Table 9 and Figure 6, below. As shown in the table, approximately 40.4 percent of the soils in the Solar Micrositing Area are Class II, high-value farmland soils, and about ninety-nine percent of soils are suitable for agriculture. Additional information about the characteristics of and hazards associated with the soil units is provided in Section III.D., *Soil Protection*.

**Table 9: Soil Capability and Farmland Classification within Solar Micrositing Area**

| Soil Type ID/Soil Unit                                             | NRCS Farmland Classification     | Soil Capability Class | Area within Solar Micrositing Area |             |
|--------------------------------------------------------------------|----------------------------------|-----------------------|------------------------------------|-------------|
|                                                                    |                                  |                       | Acres                              | Percent (%) |
| 1B/Anderly silt loam, 1 to 7 percent slopes                        | Prime farmland if irrigated      | III                   | 79                                 | 4.1         |
| 1C/Anderly silt loam, 7 to 15 percent slopes                       | Farmland of statewide importance | III                   | 195                                | 10.2        |
| 3D/Anderly silt loam, 15 to 35 percent south slopes                | Farmland of statewide importance | IV                    | 119                                | 6.2         |
| 16D/Licksillet very stony loam, 7 to 40 percent south slopes       | Not prime farmland               | VII                   | 3                                  | 0.2         |
| 18E/Licksillet-Rock outcrop complex, 40 to 70 percent south slopes | Not prime farmland               | VII                   | 7                                  | 0.4         |
| 21E/Nansene-Rock outcrop complex, 35 to 70 percent north slopes    | Not prime farmland               | VII                   | 7                                  | 0.4         |
| 31B/Walla Walla silt loam, 1 to 7 percent slopes                   | Prime farmland if irrigated      | II                    | 778                                | 40.4        |
| 31C/Walla Walla silt loam, 7 to 15 percent slopes                  | Farmland of statewide importance | III                   | 538                                | 28          |
| 32D/Walla Walla silt loam, 15 to 35 percent north slopes           | Farmland of statewide importance | IV                    | 116                                | 6.0         |
| 33D/Walla Walla silt loam, 15 to 35 percent south slopes           | Farmland of statewide importance | IV                    | 82                                 | 4.2         |
| <b>Total High-Value Soils (Class I and II)</b>                     |                                  |                       | <b>778</b>                         | <b>40.4</b> |
| <b>Total Arable Soils (Class III and IV)</b>                       |                                  |                       | <b>1,129</b>                       | <b>58.6</b> |
| <b>Total Non-arable Soils (Class V, VI, VII)</b>                   |                                  |                       | <b>17</b>                          | <b>1</b>    |
| <b>Total</b>                                                       |                                  |                       | <b>1,945</b>                       | <b>100%</b> |

Figure 6: Soil Capability Classes on Subject Tract





Under ORS 215.710, when a tract is predominantly composed of high-value farmland soils, the entire tract is considered to be high-value farmland. As shown in Table 10, below, only the smaller tract that underlies the existing substation site is considered to be high-value farmland. The other tract is predominantly composed of arable soils and is therefore considered arable land.

**Table 10: High-Value Farmland Soils Predominance Per Tract**

| Tract                              | Owner                     | Total Tract Area | Total High-Value Farmland Soils |             | HVF Due to Predominance of HVF Soils |
|------------------------------------|---------------------------|------------------|---------------------------------|-------------|--------------------------------------|
|                                    |                           |                  | Acres                           | Percent     |                                      |
| 1                                  | SCHARF, R & A LLC         | 3,336            | 890                             | 26.7%       | 0                                    |
| 2                                  | PORTLAND GENERAL ELECTRIC | 13               | 9                               | 69.2%       | 13                                   |
| <b>Total:</b>                      |                           | <b>3,349</b>     | <b>899</b>                      | <b>26.8</b> | <b>13</b>                            |
| Source: RFA4 Exhibit K, Table K-2. |                           |                  |                                 |             |                                      |

Under ORS 195.300(10)(c), land may also be designated high-value farmland if it is appurtenant to a water right or located within the boundaries of an irrigation district. As discussed above, there are two authorized places of use for existing water rights within the analysis area. As described above, there is one existing place of use water right within the proposed Solar Micrositing Area, which includes approximately 311 acres of high-value farmland.

Finally, under ORS 195.300(10)(f), land located within the Columbia Valley American Viticulture Area (AVA) is considered to be high-value farmland if it meets certain elevation, slope, and aspect criteria, regardless of whether the land has been used for viticulture. An additional 779 acres are considered high-value farmland due to their location within the Columbia Valley AVA.

As shown in Table 11, below, after removing areas of overlap there are approximately 1,305 acres of high-value farmland within the proposed Solar Micrositing Area, which is about 68 percent of the total area.<sup>147</sup> The distribution of high-value farmland within the Solar Micrositing Area is shown in Figure 7.

<sup>147</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, 3.3.2.

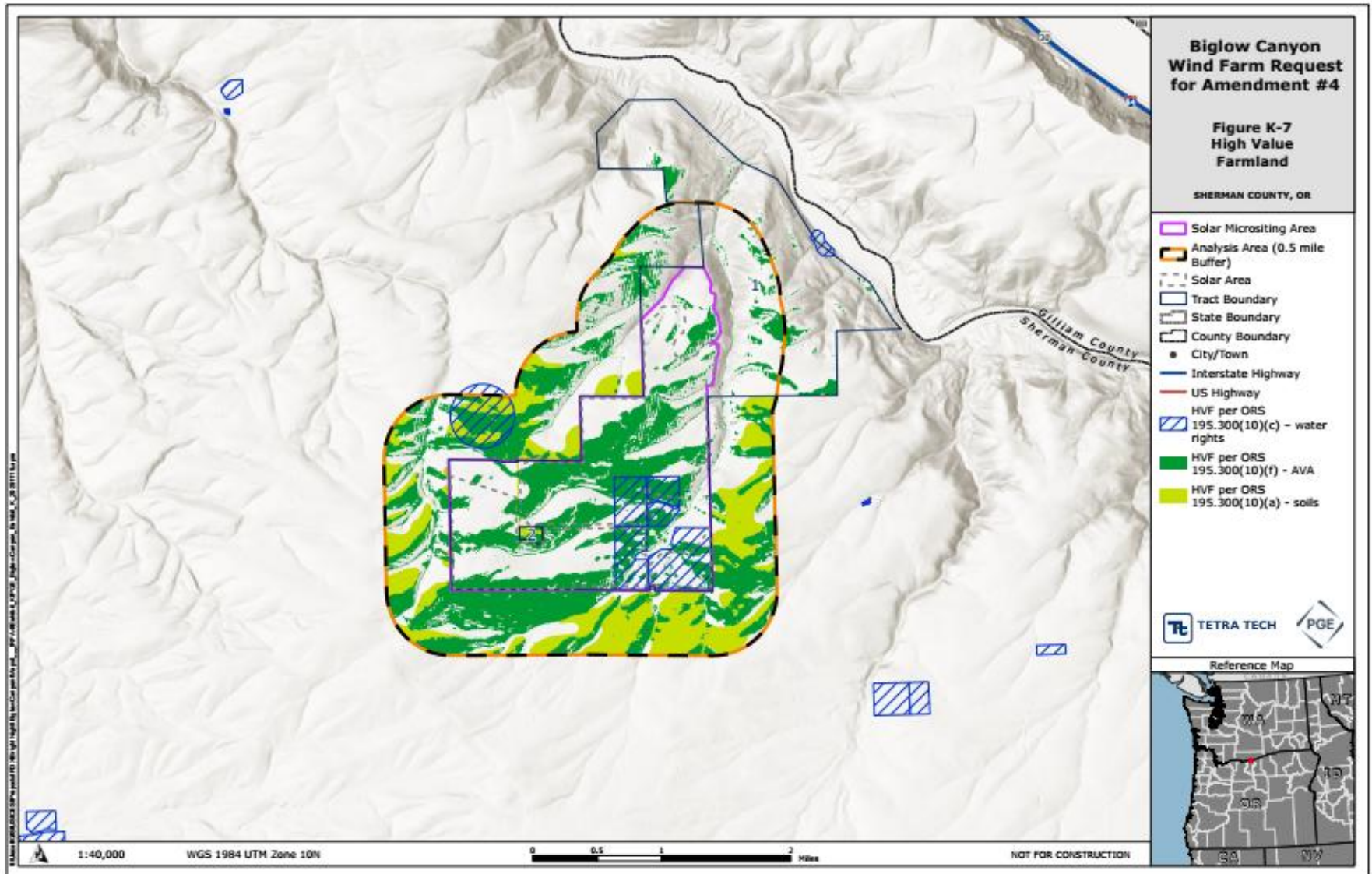
1

**Table 11: High-Value Farmland in the Solar Micrositing Area**

| High-Value Farmland Type                                                                                                                                                                      | Solar Micrositing Area |         | Tract Area |         | Est. Perm. Dist. Area |         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------|------------|---------|-----------------------|---------|
|                                                                                                                                                                                               | Acres                  | Percent | Acres      | Percent | Acres                 | Percent |
| Predominance of HVF Soils<br>ORS 195.300(10)(a)                                                                                                                                               | 13                     | 1%      | 13         | 3%      | 0                     | 0%      |
| Appurtenant to Water Right<br>ORS 195.300(10)(c)(A)                                                                                                                                           | 311*                   | 16%     | 3,15       | 9%      | 227                   | 16%     |
| Located within AVA<br>ORS 195.300(10)(f)                                                                                                                                                      | 779                    | 40%     | 880        | 26%     | 635                   | 44%     |
| Total High-Value Farmland<br>(merged)                                                                                                                                                         | 1,305                  | 68%     | 1463       | 44%     | 1,006                 | 70%     |
| Notes:<br>* Acreage is based on GIS data from OWRD, which is less than the 325.7 acres authorized by Water Right Cert: 57620. Approximately 194 of these acres are located on Class II soils. |                        |         |            |         |                       |         |

2

Figure 7: High-value Farmland within the Proposed Solar Micrositing Area



*Local Applicable Substantive Criteria*

As shown in Figure 8, below, all land within the analysis area is in Sherman County and is located entirely within the County’s Exclusive Farm Use (F-1) Zone. Portions of the analysis area and the proposed Solar Micrositing Area are also located within the County’s Natural Hazards (NH) combining zone.<sup>148</sup>

On April 30, 2025, the Department requested recommendations for Applicable Substantive Criteria from the Sherman County Court, as the Special Advisory Group for the facility appointed under ORS 469.480.<sup>149</sup> “Applicable substantive criteria” includes criteria from Sherman County’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date preliminary RFA4 was submitted, April 21, 2025, and any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646.

Table 12 below provides the applicable substantive criteria from the Sherman County Zoning, Subdivision, Partitioning, and Land Development Ordinance of 1994 (SCZO) as amended by Ordinances 22-05-2003 and 24-06-2003, as recommended by the SAG.<sup>150</sup>

**Table 12: Applicable Substantive Criteria from the Sherman County Zoning Ordinance (SCZO)**

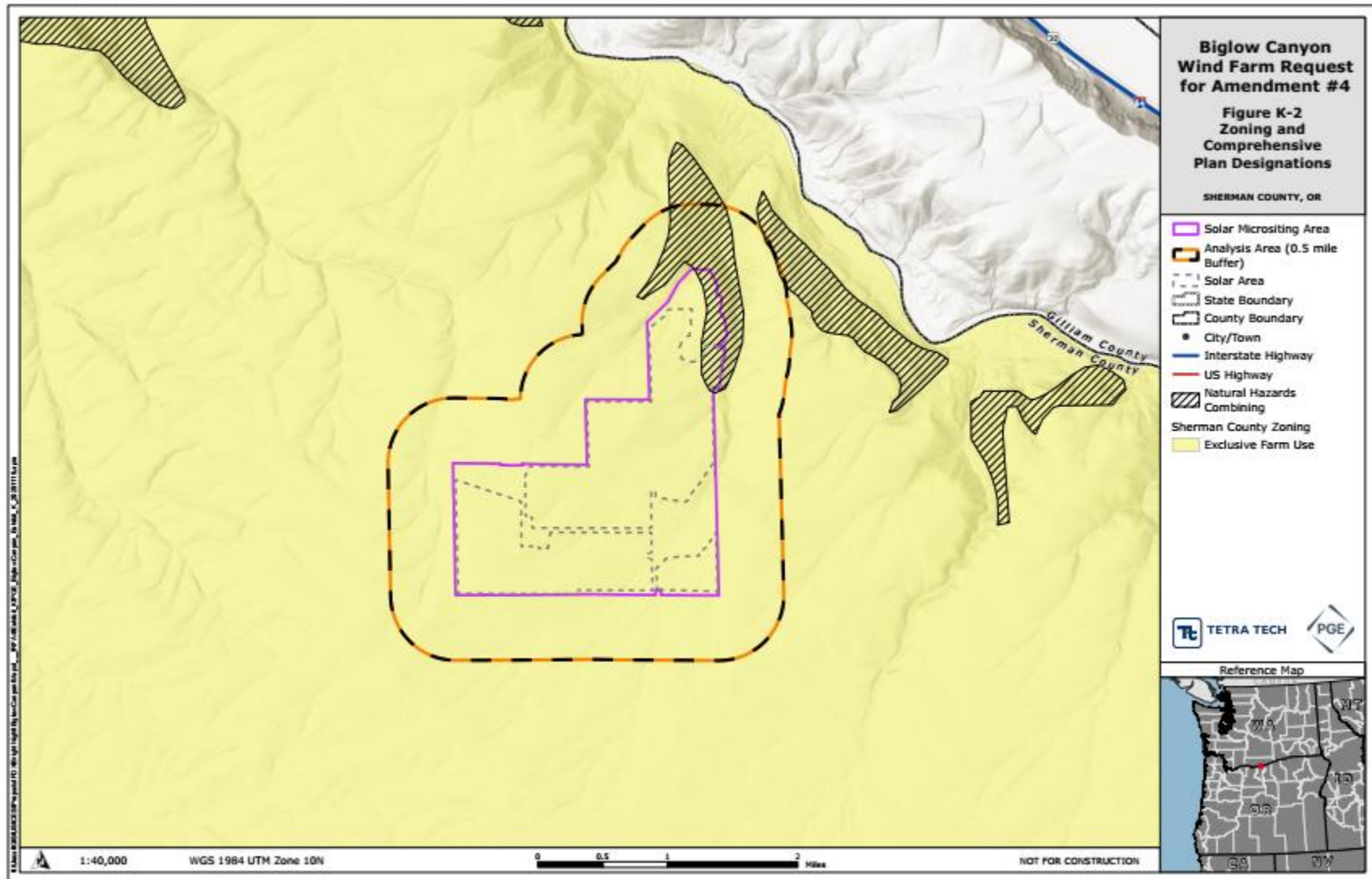
| Section     | Title                                           |
|-------------|-------------------------------------------------|
| Section 3.1 | Exclusive Farm Use Zone, F-1 Zone               |
| Section 3.6 | Significant Resource Combining Zone             |
| Section 3.7 | Natural Hazards Combining Zone                  |
| Section 5.1 | Authorization to Grant or Deny Conditional Uses |
| Section 5.2 | General Criteria                                |
| Section 5.3 | General Conditions                              |
| Section 5.8 | Standards Governing Specific Conditional Uses   |

<sup>148</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 2.0.

<sup>149</sup> BCWAMD4Doc13-00 pRFA SAG MEMO 2025-04-30

<sup>150</sup> BCWAMD4Doc14-07 pRFA Reviewing Agency Comment Sherman County 2025-05-29.

Figure 8: Land Use Zones within Analysis Area



1  
2

1 SCZO Section 3.1 Exclusive Farm Use Zone, F-1 Zone

2  
3 *3. Conditional Uses Permitted - In an F-1 Zone, the following uses and their*  
4 *accessory uses are permitted when authorized in accordance with the*  
5 *requirements of Article 5 of this Ordinance and this Section:*

6  
7 \*\*\*

8  
9 *(q) Commercial utility facilities.*

10  
11 The facility components proposed in RFA4 would generate power for public use by sale, and is  
12 considered to be a commercial utility facility, which under SCZO 3.1.3(q) is a conditionally  
13 permitted use in Sherman County's F-1 Zone. For the purposes of the land use evaluation, all  
14 proposed related or supporting facilities are considered to be part of, or accessory to, the solar  
15 photovoltaic power generation facility. The proposed solar photovoltaic power generation  
16 facility's compliance with SCZO Article 5 is evaluated below.

17  
18 Because the facility components proposed in RFA4 are a permitted conditional use, a  
19 Conditional Use Permit must be obtained from the County subject to the provisions of ORS  
20 469.401(3). To ensure the certificate holder obtains the permit prior to beginning construction  
21 of the facility components proposed in RFA4, the Department recommends the Council impose  
22 the following condition:

23  
24 **Recommended Land Use Condition 3 (PRE-LU-01)**

- 25 a. Prior to construction of any component or phase of the solar facility, the certificate  
26 holder shall submit, to the Department and the Sherman County Planning  
27 Commission, an application for Conditional Use Permit meeting the requirements of  
28 SCZO Section 5.4(1) and (3).  
29 b. The Site Plan required under SCZO 5.4(1) must demonstrate compliance with all  
30 applicable local ordinances and site certificate conditions.  
31 [Final Order on AMD4]

32  
33 *(z) Construction, reconstruction, or widening of highways, roads, bridges or*  
34 *other transportation projects that are in the Sherman County Transportation*  
35 *system plan.*

36  
37 The certificate holder identifies SCZO 3.1.3(z) as applicable to the facility components proposed  
38 in RFA4, stating: "...If improvements to county roads are required for construction of the solar  
39 facility, they would likely be in the form of road widening and/or improving the surface  
40 condition. To be conservative, it is assumed that the roads receiving improvements will be  
41 roads within the Sherman County Transportation System Plan."<sup>151</sup> The certificate holder has

---

<sup>151</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.1.2.

1 also proposed amendments to Site Certificate 17 that would authorize public road  
2 improvements.

3  
4 While the certificate holder is correct that road widening or other improvements to roads  
5 included in the Sherman County Transportation Plan would be a conditionally permitted use  
6 under SCZO 3.1.3(z), no road improvements are proposed as part of RFA4, and the certificate  
7 holder specifically represents that it does not anticipate that improvements of or alterations to  
8 existing public roads will be required for the construction and operation of the proposed solar  
9 components.<sup>152</sup>

10  
11 Because no modifications of existing roads are proposed by the certificate holder, or  
12 anticipated to the required for, the construction of the proposed solar components, the  
13 Department recommends the Council find that SCZO 3.1.3(z) is not applicable to the facility  
14 components proposed in RFA4. The Department further recommends the Council reject the  
15 certificate holders' proposed changes to Condition 17. As described in Section III.A, *General*  
16 *Standard of Review*, the Department recommends the Council find the condition is no longer  
17 effective and delete it in its entirety. The Department further recommends the Council find that  
18 if the certificate holder determines that improvements or modifications of public roads are  
19 necessary for the construction of the facility components proposed in RFA4, that the certificate  
20 holder must obtain any required approvals for the modifications directly from the County or  
21 seek an amendment to the site certificate.

22  
23 *4. Dimensional Standards - In an F-1 (EFU) Zone, the following dimensional*  
24 *standards shall apply:*

25  
26 *(a) New farm parcels shall be a minimum of 80 acres.*

27  
28 *(b) MINIMUM LOT SIZE-NON-FARM PARCELS. Non-farm parcels allowed*  
29 *pursuant to the provisions of this Ordinance and more specifically this Section,*  
30 *shall meet the following standards:*

31  
32 *1) Shall be of adequate size and dimensions to meet applicable setback*  
33 *requirements.*

34  
35 *2) Shall be of the minimum size necessary to accommodate the intended use*  
36 *and provide for subsurface sewage disposal thereof.*

37  
38 *3) Each such parcel shall contain a minimum of 1 Net Buildable Acre as defined*  
39 *in section 1.4 of this Ordinance.*

40  
41 *(c) SETBACK (YARD) REQUIREMENTS. In an F-1 (EFU) Zone, the minimum*  
42 *setback requirements shall be as follows:*

---

<sup>152</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.6, Table 1.

1  
2       1) The front and rear yard setbacks from the property line shall be 30 feet,  
3       except that the front yard setback from the right-of-way line of an arterial or  
4       major collector road or street shall be 50 feet unless approved otherwise by  
5       the Planning Commission.

6  
7       2) Each side yard setback from a property line shall be a minimum of 25 feet,  
8       and for parcels or lots involving a non-farm residential use with side yard(s)  
9       adjacent to farm lands, said adjacent side yards shall be a minimum of 50 feet  
10      unless approved otherwise by the Planning Commission.

11  
12      The certificate holder does not propose to divide any existing lots or create new parcels, as  
13      such SCZO 3.1.4(a) and (b) are not applicable to the review of RFA4. The setback requirements  
14      of SCZO 3.1.4(c) would apply to the proposed solar components.

15  
16      As described in SCZO 3.1.4(c)(1), the minimum setback for structures is generally 30 feet from  
17      front and rear lot lines and 25 feet from side lot lines, except when a property is fronted by an  
18      arterial or major collector road or street, in which case the minimum front setback is 50 feet  
19      from the right-of-way line. As defined in SCZO 1.4, a “lot line” is the property line bounding a  
20      “lot”, and a lot in turn is:

21  
22              *A parcel, tract, or area of land whose boundaries have been established by*  
23              *some, legal instrument, which is recognized as a separate legal entity for*  
24              *purposes of transfer of title, has frontage upon a public or private street, and*  
25              *complies with the dimensional requirements of this code.*

26  
27      In the Final Order on the ASC, the Council imposed Site Certificate Condition 20, requiring the  
28      wind power generation facility to comply with the minimum setback requirements of the  
29      ordinance. The Council maintained this condition despite a recommendation from the  
30      Department that a 50-foot setback requirement be imposed based on representations made by  
31      the certificate holder.<sup>153</sup>

32  

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<sup>153</sup> BCWAPPD0c94 BCW Final Order 2006-06-30; pg. 43-44. Site Certificate Condition 20 specifically excludes aboveground power collection lines, transmission lines, and junction boxes from the setback requirements for the wind facility. In granting the exclusion, the Council found that the proposed wind facility would not comply with the requirements of SCZO 3.1.4(c) but found that the proposal to site aboveground electrical collection and transmission components along property lines and public rights-of-way would nevertheless comply with Statewide Planning Goal 3 because it would reduce impacts of the facility on continued agricultural operations at the site. The certificate holder has not requested a similar exclusion for the facility components proposed in RFA4; however, even if it had, the Department recommends the Council find that such an exclusion is not necessary because all proposed electrical collection system cables would be installed underground, and, as utility facilities necessary for public service, the associated transmission lines are permitted outright under ORS 215.283 and are not subject to additional local restrictions.



1 In this proceeding, the certificate holder once again represents that all above ground facility  
2 components would be set back at least 50 feet from all property lines to maintain compliance  
3 with the ordinance, and also to demonstrate compliance with the Council's Wildfire Prevention  
4 and Risk Mitigation Standard.<sup>154</sup> As explained in Section III.O., *Wildfire Prevention and Risk*  
5 *Mitigation*, the 50-foot setback from the property line of a non-participating landowner to the  
6 perimeter fence of a solar array would be in addition to an internal 20-foot fire clearance area,  
7 and would create an additional buffer between the facility components proposed in RFA4 and  
8 adjacent uses.

9  
10 Consistent with these representations, and in accordance with the requirements of SCZO  
11 3.1.4(c)(1), the Department recommends the Council adopt a new condition requiring the  
12 outer-perimeter fence of all solar array areas to be setback at least 50 feet from all property  
13 lines with nonparticipating landowners and public roads:

14  
15 **Recommended Land Use Condition 1 (GEN-LU-10)**

16 All aboveground components of the solar facility, including perimeter fences, must be  
17 setback at least 50 feet from:

- 18 a. The right-of-way line of an arterial or major collector road or street, including, but  
19 not limited, to Hilderbrand Lane (Old Wasco-Heppner Highway);  
20 b. The property line extending along a public road not described in (a); and  
21 c. Any property line with a tract that is not within the Solar Micrositing Area.  
22 [Final Order on AMD4]  
23

24 SCZO Section 3.6 Significant Resources Combining Zone

25  
26 *In a (SR) Combining Zone, the following regulations shall apply:*

27  
28 *1. Purpose - The purpose of this Zone is to protect significant mineral,*  
29 *geothermal, scenic, natural, unique, archaeological and historical resources*  
30 *identified and so designated by the County's Comprehensive Plan, and to*  
31 *permit development which is compatible with such resources and the*  
32 *applicable protection measures.*

33  
34 *2. Application - This Zone shall be applied to those sites and resources*  
35 *designated as Significant Resource Sites in the County's Comprehensive Plan*  
36 *Goal 5 Significant Resource Inventory and determined by said Plan to be*  
37 *worthy of full protection (i.e. a 3A Site), or a limited protection site (i.e. a 3C*  
38 *Site) against identified conflicting uses. Such resources identified for ongoing*  
39 *inventories as potential resources shall not be subject to this Zone until, as a*  
40 *result of such inventory(s), said resources are officially designated as a*  
41 *significant resource.*  
42

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<sup>154</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.1.3.

1       3. Permitted Uses - If a use or activity permitted Outright in the underlying  
2       Zone is listed herein as a Conflicting Use or Activity it shall become a  
3       Conditional Use subject to the provisions of this Zone. If a use or activity  
4       permitted as a Conditional Use in the underlying Zone is listed herein as a  
5       Conflicting Use or Activity it shall be reviewed for compliance with the  
6       provisions of this Zone as an integral part of the overall Conditional Use  
7       Permit process as well as the approval requirements of the underlying Zone  
8       and Article 6 of this Ordinance.

9  
10      4. Review Process and Procedures

11  
12      (a) When a 3A decision (i.e. To fully protect the subject resource) has been  
13      made for the significant resource as designated by the County's Plan, any  
14      application for a conflicting use or activity listed herein shall be denied unless  
15      the applicant can clearly demonstrate that the proposed use or activity will  
16      have no significant negative impacts on the resource, or that such impacts can  
17      be effectively mitigated, and findings to that effect are established by the  
18      designated County Official or the Planning Commission. Findings to this effect  
19      shall be based, at a minimum, on consultation with the responsible agency(s)  
20      listed within the provisions of this Zone applicable to the subject impacted  
21      resource.

22  
23      (b) When a 3C decision (i.e. Partial Resource Protection) has been made for  
24      the significant resource as designated by the County's Plan, any application for  
25      a conflicting use or activity shall be reviewed according to the requirements  
26      set forth below:

27  
28      1) The applicant shall submit a map(s) of the location of the resource site  
29      affected by the proposed use or activity, and a written description of the  
30      resource type and the potential impacts, positive or negative, of the proposed  
31      use or activity.

32  
33      2) The applicant shall submit a written statement stipulating to the proposed  
34      mitigation measures to be provided for to minimize or eliminate any potential  
35      adverse impacts on the subject resource.

36  
37      3) The applicant shall consult with the responsible resource agency(s) listed in  
38      this Zone for the purpose of identifying any limitations on the siting,  
39      construction, operation or maintenance of the proposed use or activity, which  
40      would effectively reduce or eliminate any negative impacts to the subject  
41      resource site.

42  
43      4) In addition to other applicable requirements of this and other County  
44      Ordinances, the subject application shall only be approved if it is clearly

1 *demonstrated that the proposed use or activity will have no significant*  
2 *negative impact on the subject resource site, or that the reduced preservation*  
3 *review criteria set forth in Subsection 5 are met.*

4  
5 *5. Reduced Preservation Review Criteria - The environmental, social, economic*  
6 *and energy consequences of allowing the proposed use or activity shall be*  
7 *described in sufficient detail to provide a clear demonstration that the*  
8 *applicable criteria below are met:*

9  
10 *(a) All Significant Resource Sites.*

11  
12 *1) The resource site shall not be altered or impacted to the point where it no*  
13 *longer has any significant resource value.*

14  
15 *2) The amount of alteration of or impact to the significant resource shall be*  
16 *the minimum necessary to accomplish the purpose of the proposed use or*  
17 *activity.*

18  
19 *3) An alternative site for the proposed use or activity, which would have less*  
20 *impact on the resource value of the site, does not exist on the applicant's lot*  
21 *or parcel or on contiguous lots or parcels that are reasonably available for the*  
22 *proposed use.*

23  
24 \* \* \* \* \*

25  
26 *(c) Mineral and Aggregate Resource Sites.*

27  
28 *1) A conflicting use listed under Subsection (6) of this Section within 1,320 feet*  
29 *from a significant mineral or aggregate resource site (active or potential) may*  
30 *be required to establish setbacks in excess of those required in the underlying*  
31 *primary zone. The required setback shall be determined by the County after*  
32 *consultation with the applicant and the owner/operator of the mineral*  
33 *resource land (or vice versus) to insure visual and sound screening between*  
34 *present and future resource uses and the conflicting use or activity. Such*  
35 *setbacks shall be no less than that set forth by the primary zone.*

36  
37 \* \* \* \* \*

38  
39 *6. Conflicting Uses and Activities*

40  
41 \* \* \* \* \*

42  
43 *(g) Mineral and Aggregate Resources.*  
44

1           1) Any permanent use, which reasonably precludes the development and use  
2           of such resource for the use designated or intended.

3  
4           2) Residential, church, schools, medical care facilities and other noise or dust  
5           sensitive uses.

6  
7           3) Public recreation use or development.

8  
9           4) Wildlife habitat area or scenic waterway.

10  
11          5) Tourist or travelers accommodations.

12  
13          6) Dude or guest ranch, or resort facility.

14  
15          7) Manufactured Home Park or RV campground.

16  
17          \* \* \* \* \*

18  
19       In 2006, the Sherman County Court adopted Ordinance 32-2006 adding an aggregate resource  
20       site in Tax lot 02N18E00003900 to the County's Goal 5 inventory. The tax lot containing the site  
21       is owned by Robert and Alda Scharf. The adopting ordinance identified the Scharf Site as a  
22       "small significant site" worthy of full protection (i.e., a 3A Site). The site was approved by the  
23       Oregon Department of Geology and Mineral Industries under Permit No. 28-0032.

24  
25       While commercial energy facilities or utility facilities are not necessarily considered a conflicting  
26       use for aggregate sites, the construction and operation of the facility components could  
27       preclude the development and use of the aggregate site if the aggregate site was occupied by  
28       facility components or access to the site was blocked by fences or other components. As such,  
29       the Department recommends the Council find the facility is a conflicting use under SCZO  
30       Section 3.6(6). Because a 3A decision was made to list the Scharf Aggregate site as a significant  
31       resource, the certificate holder must demonstrate that the construction and operation of the  
32       facility components proposed in RFA4 will have no significant negative impacts on the  
33       aggregate site and the criteria of SCZO 3.6(5) are met.

34  
35       The preliminary site plan provided by the certificate holder shows that the active portion of the  
36       aggregate site would be outside of the proposed solar array fencelines and that access to the  
37       site from Herin Lane would be maintained. To ensure that impacts to the aggregate site are  
38       minimized, the certificate holder represents that the solar components will be set back at least  
39       30 feet from the boundary of the significant aggregate resource site. The certificate holder  
40       provided confirmation from the landowner that the 30 foot setback was sufficient to avoid  
41       impacts to the aggregate site, and the certificate holder further represented that it will  
42       coordinate with the landowner during construction to ensure minimal disruption to on-going

1 aggregate mining activities, and that the site may be used as a source of a source of aggregate  
2 for the construction of the facility.<sup>155</sup>

3  
4 While the proposed setback appears to be sufficient to ensure that construction and operation  
5 of the facility components proposed in RFA4 would not directly impact aggregate mining  
6 operations at the site, the Department recommends the Council find that it is the certificate  
7 holder's responsibility to ensure that the facility components proposed in RFA4 are designed to  
8 be compatible with the aggregate mining operations and may not require the mining operation  
9 to curtail or alter operations to reduce the impacts of the mining operation (e.g. dust generated  
10 by mining activity or road use) on the proposed solar facility.

11  
12 To ensure that impacts to the aggregate site are avoided, as represented by the certificate  
13 holder, the Department recommends the Council impose Land Use Condition 2, as presented  
14 below:

15  
16 **Recommended Land Use Condition 2 (GEN-LU-11)**

17 All components of the solar facility, including perimeter fences, must be setback at least  
18 30 feet from the aggregate site located on Tax lot 02N18E00003900, as identified in  
19 Sherman County Ordinance 32-2006. Facility components must be arranged in a manner  
20 that allows for continued access to and operation of the aggregate site.  
21 [Final Order on AMD4]

22  
23 Subject to compliance with the condition above, the Department recommends the Council find  
24 that the construction and operation of the facility components proposed in RFA4 are not likely  
25 to result in significant impacts to the significant aggregate site and therefore comply with the  
26 requirements of SCZO Section 3.6.

27  
28 SCZO Section 3.7 Natural Hazards Combining Zone

29  
30 *In any Zone that is combined with the (NH) Combining Zone, the requirements*  
31 *and standards of this Section shall apply in addition to those set forth in the*  
32 *primary zone, provided that if a conflict occurs, the more restrictive provisions*  
33 *shall govern.*

34  
35 *1. Purpose - The purpose of the (NH) Combining Zone is to promote and*  
36 *protect the public health, safety and general welfare and to minimize*  
37 *potential losses by providing guidelines for development in hazard areas.*  
38 *Development limitations are applicable to developments in areas of surface*  
39 *water accumulations and high groundwater, unstable or fragile soils,*  
40 *geological hazards, and steep slopes, generally those of 30 percent or greater.*  
41

---

<sup>155</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.2.

1       2. *Uses Permitted Outright - In a Zone with which the (NH) Zone is combined,*  
2       *the following uses are the only uses permitted outright, and these uses are*  
3       *permitted as such if so permitted by the underlying primary zone.*

4  
5       (a) *Agricultural uses conducted without locating a structure, except for*  
6       *boundary fences, and, so restricted as to prevent destruction of vegetation*  
7       *sufficient to cause or increase erosion hazards, and so restricted as to prevent*  
8       *the contamination of surface or ground waters.*

9  
10       (b) *Industrial or commercial uses that do not require a structure other than*  
11       *surfacing at ground level such as a loading and/or parking area, or that*  
12       *requires only temporary structures that will not necessitate ground excavation*  
13       *for placement or impede surface water flows.*

14  
15       (c) *Recreational uses that require no permanent structures, alteration of*  
16       *natural geology, or vegetation removal without immediate replacement.*

17  
18       (d) *Portions of a residential use that do not contain buildings such as a lawn,*  
19       *garden, parking or play area, or a related use thereof that does not require*  
20       *excavation or alteration of the natural geology, or vegetation removal without*  
21       *immediate replacement.*

22  
23       3. *Conditional Uses - In any Zone with which the (NH) Zone is combined, all*  
24       *uses permitted by the primary Zone, except those set forth in Subsection (2)*  
25       *above, shall be permitted only as Conditional Uses and subject to the*  
26       *provisions of this Zone and the primary Zone. Said permits shall be processed*  
27       *in accordance with the provisions set forth for a Conditional Use, or as set for*  
28       *by this Ordinance.*

29  
30       4. *Permit for Use or Development in a (NH) Zone - No person shall construct,*  
31       *reconstruct, or install a use or development unless a permit therefore has been*  
32       *received, except for those uses permitted as Outright by Subsection (2) of this*  
33       *Section. Except for the improvement of an existing structure which is less than*  
34       *substantial as determined by a Certified Building Official or the County upon*  
35       *appeal, no permit shall be issued unless the use or development will be*  
36       *determined to be reasonably safe from the applicable hazard, and otherwise*  
37       *in compliance with the provisions of this Section, the ~ Zone, this Ordinance*  
38       *and other applicable regulations.*

39  
40       5. *Application Requirements for a Use in a (NH) Zone - An application for a use*  
41       *or development in a Zone with which the (NH) Zone is combined, shall be*  
42       *accompanied by the following:*  
43

1       (a) *Site Investigation Report: An application for a use or development in a (NH)*  
2       *Zone requires a site investigation report for the subject-affected area. The site*  
3       *investigation report shall provide information on the site of the proposed use*  
4       *or development and surrounding and adjacent lands that are most likely to be*  
5       *affected thereby. Unless the County determines that specific items are not*  
6       *required, the report shall include the information described in this Subsection,*  
7       *together with appropriate identification of information sources and the date*  
8       *of the information. The approved site investigation report may be required to*  
9       *be referenced in the deed and other documents of sale, and may be required*  
10       *to be recorded with the deed of record.*

11  
12       (b) *Background Data in Report. At a minimum, the Site Investigation Report*  
13       *shall contain the following background information:*

14  
15       1) *A general analysis of the affected site and general area's topography and*  
16       *geology, including faults, folds, geologic and engineering geologic units, and*  
17       *any soils, rock and structural details important to the engineering or*  
18       *geological interpretations and the their relative activity.*

19  
20       2) *Location and approximate depths of seasonal surface water accumulations*  
21       *and groundwater tables, and location and direction of all watercourses,*  
22       *including intermittent flows.*

23  
24       3) *A history of soil and water related problems on the site and adjacent lands,*  
25       *which may be derived from discussions with local residents and officials and*  
26       *the study of old photographs, reports and newspaper files.*

27  
28       4) *The extent of the surface soil formation and its relationship to the*  
29       *vegetation of the site, the activity of the landform, and the locations on the*  
30       *site and surrounding areas.*

31  
32       5) *The following ground photographs of the site and surrounding areas with*  
33       *information showing the scale and date of photographs and their relationship*  
34       *to the topographic map and profiles:*

35  
36       A. *A view of the general area.*

37  
38       B. *The site of the proposed development.*

39  
40       C. *Any features which are important to the interpretation of the hazard*  
41       *potential of the site, including all sites of erosion, surface or groundwater*  
42       *accumulations, or accretion.*  
43

1       (c) *Topography Map.* A topography base map at a scale of not more than  
2       1:100 with a contour interval of 2 feet shall be prepared identifying the  
3       following features and accompanied by references to the source(s) and date(s)  
4       of information used.

5  
6       1) *Position of lot lines.*

7  
8       2) *Boundaries of the property.*

9  
10      3) *Each geological feature classification type.*

11  
12      4) *Areas of open ground and the boundaries and species identification of*  
13      *major plant communities.*

14  
15      5) *Any springs, streams, marshy areas, standing bodies of water, intermittent*  
16      *waterways, drainage ways, and high groundwater areas with highest annual*  
17      *levels.*

18  
19      6) *Cut terraces, erosion scarps, and areas exhibiting significant surface erosion*  
20      *due to improper drainage and runoff concentration.*

21  
22      7) *Geological information, including lithologic and structural details important*  
23      *to engineering and geologic interpretations.*

24  
25      (d) *Subsurface Analysis.* If upon initial investigation if it appears there are  
26      critical areas where the establishment of geologic conditions at specific depths  
27      is required, a subsurface analysis obtained by drilling holes, well logs, and  
28      other geophysical techniques shall be conducted, or caused to be conducted  
29      by a qualified expert, by the person responsible for the site, and investigation  
30      report to include the following data as appropriate:

31  
32      1) *The lithology and compaction of all subsurface horizons to bedrock.*

33  
34      2) *The depth, width, slope and bearing of all horizons containing significant*  
35      *amounts of silt and clay and any other subsurface layers which could reduce*  
36      *the infiltration of surface waters.*

37  
38      (e) *Development Proposal.* The site investigation report shall include the  
39      following information on the proposed development as applicable:

40  
41      1) *Plans and profiles showing the position and height of each structure, paved*  
42      *areas, and areas where cut and fill is required for construction.*  
43



1       2) The percent and location of the surface of the site, which will be covered by  
2       impermeable surfaces.

3  
4       3) A stabilization program for the development describing:

5  
6       A. How much of the site will be exposed during construction and what  
7       measures will be taken to reduce erosion and soil movement during  
8       construction.

9  
10      B. A revegetation plan designed to return open soil areas, both preexisting and  
11      newly created, to a stable condition as soon as possible following construction  
12      and the period of time during which revegetated areas will receive  
13      revegetation maintenance.

14  
15      C. Areas to be protected from vegetation loss or ground water pollution shall  
16      be identified and means for protection described.

17  
18      (f) Conclusions in the Site Investigation:

19  
20      1) The site investigation report shall contain conclusions stating the following:

21  
22      A. How the intended use of the land is compatible with the natural conditions;  
23      and

24  
25      B. Any existing or potential hazards noted during the investigation.

26  
27      2) Mitigating recommendations for specific areas of concern shall be included.

28  
29      3) Conclusions shall be based on data included in the report, and the sources  
30      of information and facts relied upon shall be specifically referenced.

31  
32      6. Standards for Building Construction in NH Zone

33  
34      (a) Building construction shall only be approved under conditions that do not  
35      adversely affect geological stability, surface or ground waters, or vegetation.

36  
37      (b) The grading of land and the orientation and design of buildings shall avoid  
38      creating conditions that will cause erosion or accretion of soil, or surface and  
39      ground water contamination. Where there is some risk of these conditions  
40      occurring, a Qualified Geological or Hydrological Expert, whichever is  
41      applicable, shall certify that the design and control measures will comply with  
42      this standard.  
43

1       (c) Construction work shall be scheduled and conducted to avoid erosion, and  
2       temporary stabilization measures may be needed until permanent  
3       installations are accomplished.

4  
5       7. Standards for an Access Route in a NH Zone - An access route within a (NH)  
6       Zone shall comply with the following provisions:

7  
8       (a) A road or street shall be stabilized by planking, gravel or pavement as  
9       deemed necessary; and

10  
11       (b) Roadways shall be built without installation of excessive fill, diversion of  
12       water, or excessive cuts unless the site investigation determines that such  
13       conditions will not be detrimental to the area or create unwarranted  
14       maintenance problems or additional hazards.

15  
16       8. Regulations Not a Guarantee - The degree of natural hazard protection  
17       afforded by the provisions of this Section or this Ordinance is considered  
18       reasonable for regulatory purposes and is based upon engineering and  
19       scientific methods of study. Greater hazards than those anticipated by these  
20       provisions may occur on occasion, or the natural hazard may be increased by  
21       human or natural causes. The identification of areas subject to natural  
22       hazards pursuant to the provisions of this Section does not imply that lands  
23       outside such areas will be free from such hazards. This Section, nor this  
24       Ordinance, shall not create liability on the part of the County or any officer or  
25       employee thereof for any damages that result from reliance on the provisions  
26       or designations of this Section or this Ordinance, or any administrative  
27       decisions lawfully made thereunder.

28  
29       As shown in Figure 8, above, the area within and immediately adjacent to the northeastern  
30       corner of the proposed Solar Micrositing Area is within a Natural Hazards (NH) Combining  
31       Zone. The NH Zone is located along areas of steep slopes along Biglow Canyon and its  
32       tributaries.

33  
34       The proposed solar facility is not a use permitted outright in the NH Zone under SCZO 3.7(2)  
35       because it is a commercial or industrial use that would require permanent structures to be  
36       installed above grade. As such the portions of the facility components proposed in RFA4 in the  
37       NH Zone are subject to the provisions of SCZO 3.7(5) to (8). As stated in SCZO 3.7(1), the  
38       development limitations in the ordinance apply in hazard areas, including areas with unstable  
39       or fragile soils, geological hazards, and steep slopes.

40  
41       In the area overlapping the NH Zone, the proposed Solar Micrositing Area boundary generally  
42       follows the edges of cultivated lands which are on the plateau above the canyons. As discussed  
43       in Section III.C., *Structural Standard*, erodible and collapsible soils are present in these areas,  
44       but slopes are generally less than 30 percent within the proposed Solar Micrositing Area and

1 DOGAMI maps show that landslide susceptibility is generally moderate, but some hazard areas  
2 are present along the northern fork of Biglow Canyon.

3  
4 The certificate holder proposes that the Council include a condition of approval requiring the  
5 certificate holder to submit an application for a “Permit for Use or Development in an NH Zone  
6 to Sherman County” if it determines that the NH zone or hazard areas cannot be avoided.<sup>156</sup> The  
7 Department recommends the Council reject this proposed condition for two reasons. First, the  
8 certificate holder has elected to demonstrate compliance with the statewide land use planning  
9 goals by obtaining a Council determination that the construction and operation of the facility  
10 complies with applicable substantive criteria for the land use decision. As provided under SCZO  
11 3.7(3), a decision to authorize development in the NH Zone must be processed as part of the  
12 overall decision to authorize the construction and operation of the facility as a conditional use  
13 in both the primary and combining zone. As such, the Department recommends the Council  
14 find that a condition deferring approval for siting facility components in a hazard zone is likely  
15 impermissible both under the requirements of SCZO 3.7 and the Council’s land use standard.  
16 Second, as described above, the development limitations of the NH zone only apply in hazard  
17 areas. The certificate holder relies on representations that these areas would be avoided, in  
18 part, to demonstrate compliance with the Council’s standards, including but not limited to the  
19 Structural and Soil Protection Standards. These areas are also avoided in the layout of the  
20 facility components proposed in RFA4.<sup>157</sup> As described in Section III.C., *Structural Standard*,  
21 Recommended Amended Condition 68 would prohibit the certificate holder from siting facility  
22 components in hazard areas, including areas with slopes exceeding 20 percent, high landslide  
23 susceptibility areas, and other geologic hazards the NH zone is intended to protect against.

24  
25 For areas that are in the NH zone, but not in hazard areas, the Department recommends the  
26 Council find that existing and recommended conditions of approval are adequate to ensure  
27 compliance with the requirements of SCZO 3.7.

28  
29 As discussed in Section III.C., *Structural Standard*, the certificate holder will perform site-specific  
30 geotechnical work to inform the final design of the proposed solar components. In addition, as  
31 discussed in Section III.D., *Soil Protection*, Recommended Soil Protection Conditions 1 to 3 would  
32 require the certificate holder to finalize the draft Comprehensive Solar Revegetation and Soil  
33 Management Plan included as Attachment D to this order based on final facility design and the  
34 approved NPDES General Permit 1200-C for the facility, and to conduct all construction work in  
35 compliance with the plan. The plan would include an ESCP which prescribes BMPS to reduce the  
36 potential for erosion and stormwater discharges into waterways.

37  
38 Subject to compliance with the recommended conditions described above, the Department  
39 recommends the Council find that the construction and operation of the facility components  
40 proposed in RFA4 would comply with the requirements of SCZO Section 3.7.

41  

---

<sup>156</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Section 5.2.2.

<sup>157</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.3.

1 SCZO Section 5.1 Authorization to Grant or Deny Conditional Uses

2  
3 *Uses designated in this Ordinance as Conditional Uses may be permitted,*  
4 *enlarged or otherwise altered when authorized in accordance with the*  
5 *standards and procedures set forth in this Ordinance. In the case of a use*  
6 *existing prior to the effective date of this Ordinance, a change in use,*  
7 *enlargement or alteration of such use shall conform to the provisions of a*  
8 *conditional use if so classified. An application for a Conditional Use may be*  
9 *approved, modified, approved with conditions, or denied by the designated*  
10 *authority.*

11  
12 As described above, the certificate holder has elected to demonstrate compliance with the  
13 Statewide Planning Goals under ORS 469.504(1)(b), and as such the Council is responsible for  
14 determining whether the facility components proposed in RFA4 comply with the applicable  
15 substantive criteria from the affected local government's acknowledged comprehensive plan  
16 and land use regulations that are required by the statewide planning goals and in effect on the  
17 date the application is submitted, and the provisions of ORS chapters 197 and 215 and OAR  
18 chapter 660 that apply directly to the facility under ORS 197.646.

19  
20 SCZO Section 5.2 General Criteria

21  
22 *In determining whether or not a Conditional Use proposal shall be approved or*  
23 *denied, it shall be determined that the following criteria are either met or can*  
24 *be met through compliance with specific conditions of approval.*

25  
26 *1. The proposal is compatible with the County Comprehensive Plan and*  
27 *applicable Policies.*

28  
29 The Sherman County Comprehensive Plan includes goals and policies implementing the  
30 Statewide Planning Goals. The County did not recommend any specific policies or goals of the  
31 comprehensive plan as applicable substantive criteria for the review of the facility components  
32 proposed in RFA4, and as such, the Department recommends the Council find that compatibility  
33 with the substantive policies and goals of the Comprehensive Plan is adequately addressed  
34 through the evaluation of the implementing ordinances of the Sherman County Zoning  
35 Ordinance, specifically the requirements of SCZO Sections 3.1, 3.6, 3.7, the provisions of ORS  
36 chapters 197 and 215 and OAR chapter 660 that apply directly to the facility under ORS  
37 197.646.; and the Council's standards.

38  
39 In addition, the Department recommends that the Council find that compliance with the  
40 procedural requirements of ORS chapter 469 and OAR chapter 345 are adequate to ensure  
41 compatibility with the policies and goals implementing Statewide Planning Goal 2 (Citizen  
42 Involvement) established in Section VIII of the Comprehensive Plan.

1           2. *The proposal is in compliance with the requirements set forth by the*  
2           *applicable primary Zone, by any applicable combining zone, and other*  
3           *provisions of this Ordinance that are determined applicable to the subject use.*  
4

5 As described above, the facility components proposed in RFA4 are located entirely within  
6 Sherman County's F-1 Exclusive Farm Use zone, and a small portion is also located within the  
7 NH combining zone. Compliance with the requirements of SCZO 3.1, 3.6, and 3.7 are evaluated  
8 above. As described in the evaluation of directly applicable state rules and laws under ORS  
9 197.646, below, the County has not adopted the minimum standards for solar photovoltaic  
10 facilities sited on EFU land and as such the provisions of OAR 660-033-0130 are directly  
11 applicable to the review of the facility components proposed in RFA4, the facility components  
12 proposed in RFA4 would exceed the maximum amounts of arable and high-value farmland  
13 allowed under OAR 660-033-0130(38), and for this reason cannot be approved without an  
14 exception to Statewide Planning Goal 3.  
15

16           3. *That, for a proposal requiring approvals or permits from other local, state*  
17           *and/or federal agencies, evidence of such approval or permit compliance is*  
18           *established or can be assured prior to final approval.*  
19

20 As described in Section III.B., *Organizational Expertise*, the Department recommends the  
21 Council find the certificate holder has demonstrated that it has the capability to obtain all  
22 applicable federal, state, and local permits needed for the construction and operation of the  
23 facility components proposed in RFA4; and recommended Organizational Expertise Condition 9  
24 would require that the certificate holder, or its third party contractor has obtained all necessary  
25 permits prior to beginning construction of the facility components proposed in RFA4.  
26

27           4. *The proposal is in compliance with specific standards, conditions and*  
28           *limitations set forth for the subject use in this Article and other specific relative*  
29           *standards required by this or other County Ordinance.*  
30

31 Compliance with the Conditional use standards established in SCZO 5.8 is evaluated below.  
32

33           5. *That no approval be granted for any use which is or expected to be found to*  
34           *exceed resource or public facility carrying capacities, or for any use which is*  
35           *found to not be in compliance with air, water, land, and solid waste or noise*  
36           *pollution standards.*  
37

38 As described in Section III.M., *Public Services*, the Department recommends the Council find  
39 that subject to existing and recommended conditions of approval, the construction and  
40 operation of the facility, with the proposed changes in RFA4, will not cause a significant adverse  
41 impact on the ability of public service providers to provide services.  
42

43 As described in Section IV.A., *Noise Control Regulations*, the Department recommends that,  
44 subject to compliance with existing and recommended conditions of approval, the facility, with

1 the changes proposed in RFA4 will comply with the noise regulations established under OAR  
2 340-035-0035.

3  
4 As described throughout this Order, the Department recommends the Council find that the  
5 facility components proposed in RFA4 would generally comply with applicable air, water, and  
6 solid waste standards; however, as described in the evaluation of directly applicable state rules  
7 and laws under ORS 197.646, below, the facility components proposed in RFA4 would exceed  
8 the maximum amounts of arable and high-value farmland allowed under OAR 660-033-  
9 0130(38), and for this reason cannot be approved without an exception to Statewide Planning  
10 Goal 3.

11  
12 *6. That no approval be granted for any use violation of this Ordinance.*

13  
14 As described in the evaluation of directly applicable state rules and laws under ORS 197.646,  
15 below, the facility components proposed in RFA4 would exceed the maximum amounts of  
16 arable and high-value farmland allowed under OAR 660-033-0130(38), and for this reason  
17 cannot be approved without taking an exception to Statewide Planning Goal 3.

18  
19 SCZO Section 5.3 General Conditions

20  
21 *In addition to the standards and conditions set forth in a specific Zone, this*  
22 *Article, this Ordinance, and other applicable local, county, state and/or federal*  
23 *regulations, additional conditions may be imposed which are found to be*  
24 *necessary to avoid a detrimental impact on adjoining properties, the general*  
25 *area, or the County as a whole, and to otherwise protect the general welfare*  
26 *and interests of the surrounding area, the County as a whole and the general*  
27 *public. Such conditions may include, but are not limited to, the following:*

28  
29 *1. Limiting the manner in which the use is conducted, including restricting the*  
30 *time an activity may take place, and restrictions to minimize environmental*  
31 *impacts such as noise, vibration, air or water pollution, glare and odor.*

32  
33 *2. Establishing a special setback or other open space requirements, and*  
34 *increasing the required lot size or other dimensional standards.*

35  
36 *3. Limiting the height, size or location of a building or other structure or use.*

37  
38 *4. Increasing street width and/or requiring improvements to public streets and*  
39 *other public facilities serving the proposed use, even including those off-site*  
40 *but necessary to serve the subject proposal.*

41  
42 *5. Designating the size, number, improvements, location and nature of vehicle*  
43 *access points and routes, and requiring pedestrian and/or bicycle ways.*  
44

1       6. Limiting or otherwise designating the number, size, location, height, and  
2       lighting of signs and outdoor or security lighting, and the intensity and/or  
3       direction thereof.

4  
5       7. Requiring diking, screening, fencing, or other improvements or facilities  
6       deemed necessary to protect adjacent or nearby properties, and establishing  
7       requirements or standards for the installation and maintenance thereof.

8  
9       8. Protecting and/or preserving existing trees, other vegetation, and water,  
10      scenic, historic, archaeological, unique, landmark, or other natural or  
11      manmade significant resources.

12  
13      Throughout this Order, the Department recommends the Council impose conditions of  
14      approval to ensure that the facility components proposed in RFA4 comply with all applicable  
15      local substantive criteria as well as all applicable State laws, rules, and Council Standards. The  
16      County has not recommended specific conditions of approval, and as such, the Department  
17      recommends that no additional conditions of approval need be imposed under SCZO Section  
18      5.3.

19  
20      SCZO Section 5.8 Standards Governing Specific Conditional Uses

21  
22           *A Conditional Use set forth by this Ordinance shall be subject to review by the*  
23           *Planning Commission in accordance with the public hearing requirements set*  
24           *forth in this Ordinance.*

25  
26           \* \* \* \* \*

27  
28           10.   *Radio or Television Transmitter Tower, Utility Station or Substation -*  
29           *When authorized as a Conditional Use, the following standards and limitations*  
30           *shall apply:*

31  
32           *(a) In a residential zone or area, all equipment storage on the site shall be*  
33           *enclosed within a building.*

34  
35      The facility components proposed in RFA4 are not located in a residential zone or area;  
36      therefore, the requirements of SCZO 5.8.10(a) do not apply.

37  
38           *(b) The use may be required to be fenced and provided with landscaping.*

39  
40      While this is described as an optional requirement, the National Electric Safety Code generally  
41      requires utility substations to be fully enclosed, and as described in Section I.E.3, the certificate  
42      holder represents that the proposed collector substations would be fenced or would be entirely  
43      within the proposed solar array fenceline. Recommended Amended Condition 103 would

1 require the certificate holder to design, construct, and operate the facility, substantially as  
2 described in the site certificate.

3  
4 *(c) Coloring of structures, buildings and other permanent installations shall be*  
5 *of neutral colors or as otherwise required by the Commission or reviewing*  
6 *authority.*

7  
8 The Council previously imposed Site Certificate Conditions 50 and 51, requiring the certificate  
9 holder to paint wind facility structures with a low-reflectivity neutral-color finish. As described  
10 below, the Department recommends the Council impose a similar condition for the solar facility  
11 components to maintain compliance with SCZO 5.8.10(c) and 14(b).

12  
13 \* \* \* \* \*

14  
15 *14. Public Facilities and Services*

16  
17 *(a) Public facilities including, but not limited to, utility substations, sewage*  
18 *treatment plants, storm water and water lines, water storage tanks, radio and*  
19 *television transmitters, electrical generation and transmission devices, fire*  
20 *stations and other public facilities shall be located so as to best serve the*  
21 *County or area with a minimum impact on neighborhoods, and with*  
22 *consideration for natural or aesthetic values.*

23  
24 The Department recommends the Council find that, as an electric generation facility, the  
25 requirements of SCZO 5.8.14 apply to the proposed solar facility. As described in Sections III.F.,  
26 *Protected Areas*, III.J., *Scenic Resources*, and III.L., *Recreation*, the proposed solar facility is not  
27 expected to create significant visual impacts on any protected area, scenic resources, or  
28 recreational opportunities. While the facility components would be visible to nearby  
29 residences, the solar components are expected to be visually subordinate to existing wind and  
30 transmission facilities that are dominant on the landscape. Based on the Zone of Visual  
31 Influence Analysis provided to support the Scenic Resources exhibit, the facility components  
32 proposed in RFA4 would not be visible from any incorporated communities in Sherman County.  
33 Because the facility components proposed in RFA4 would have minimal impacts on residential  
34 areas and scenic and aesthetic values, the Department recommends the Council find this  
35 criterion to be satisfied.

36  
37 *(b) Structures shall be designed to be as unobtrusive as possible. Wherever*  
38 *feasible, all utility components shall be placed underground.*

39  
40 The Council previously imposed Conditions 50 and 51, requiring wind turbines and other  
41 structures associated with the wind facility to be painted with low-reflectivity, neutral finishes.  
42 The Council also imposed Condition 52 requiring lighting to be minimized to reduce nighttime  
43 visual impacts. The Department recommends the Council impose a similar condition applicable



to the facility components proposed in RFA4 to further ensure that the visual impacts of facility components proposed in RFA4 are minimized, as provided below:

**Recommended Land Use Condition 4 (GEN-LU-12)**

- a. All structures and equipment associated with the solar facility, including but not limited to, power conversion stations, O&M buildings, and battery enclosures, must be designed or painted with a low-reflectivity, neutral gray, white, off-white or earth tone finish that minimizes contrast with the surrounding landscape.
- b. The certificate holder may install a sign identifying the facility near each O&M building or collector substation. No other signs may be installed except as required by law or for facility safety or security
- c. All lighting installed at the O&M buildings, substation, or other facility components, shall be limited in intensity, shielded, and directed downward in a manner that prevents the lighting from projecting onto adjacent properties and roadways.

[Final Order on AMD4]

The Department recommends the Council find that, subject to compliance with the recommended condition of approval, this criterion is satisfied.

*(c) Public facilities and services proposed within a wetland or riparian area shall provide findings that: Such a location is required and a public need exists; and Dredge, fill and adverse impacts are avoided or minimized.*

As discussed in Section IV.B., *Removal Fill*, the Department recommends the Council find that, subject to compliance with Recommended Removal-Fill Condition 1, no impacts to wetlands or other waters of the state are expected to result from the construction or operation of the facility components proposed in RFA4. Accordingly, the Department recommends the Council find that this criterion is satisfied.

*20. Non-farm Uses in an F-1 Zone - Non-farm uses, excluding farm related, farm accessory uses, or uses conducted in conjunction with a farm use as a secondary use thereof, may be approved upon a finding that each such use:*

The proposed solar facility and BESS are non-farm uses that would be located in Sherman County's F-1 Zone. Accordingly, the certificate holder must demonstrate that the facility components proposed in RFA4 comply with the Standards of SCZO 5.8.20.

*1. Is compatible with farm uses described in [ORS] 215.203(2);*

LCDC has adopted minimum standards for nonfarm uses in an EFU zone under OAR 660-033-0130, including standards for solar facilities under OAR 660-033-0130(38). As described in the evaluation below, the facility components proposed in RFA4 would use more high-value farmland and arable land than allowed under OAR 660-033-00130(38)(g) and (i). Accordingly, the Department recommends the Council find that the facility components proposed in RFA4 is

1 not compatible with farm use and cannot be approved without taking an exception to  
2 Statewide Planning Goal 3.

3  
4 *2. Does not interfere seriously with accepted farming practices on adjacent*  
5 *lands devoted to farm use;*

6  
7 Under ORS 215.296(1), a nonfarm use that is conditionally allowed in an EFU Zone may only be  
8 approved if the use will not:

9  
10 *“(a) force a significant change in accepted farm or forest practices on surrounding lands*  
11 *devoted to farm or forest use; or*

12  
13 *(b) significantly increase the cost of accepted farm or forest practices on surrounding*  
14 *lands devoted to farm or forest use.”*

15  
16 LCDC has adopted standards for evaluating whether or not a facility satisfies these criteria  
17 under OAR 660-033-0130(5). As discussed in more detail below, the Department recommends  
18 the Council find that, subject to compliance with recommended and existing conditions of  
19 approval, the facility components proposed in RFA4 would not force a significant change in or  
20 significantly increase the costs of accepted farm practices on adjacent lands. Accordingly, the  
21 Department recommends the Council find this criterion is satisfied.

22  
23 *3. Does not materially alter the overall land use pattern of the area;*

24  
25 As described in more detail below, under OAR 660-033-0130(38), the stability of an area’s land  
26 use pattern would be materially altered if the cumulative effect of existing and potential  
27 nonfarm dwellings would make it more difficult for the existing types of farms in the area to  
28 continue operation due to diminished opportunities to expand, purchase or lease farmland,  
29 acquire water rights or diminish the number of tracts or acreage in farm use in a manner that  
30 will destabilize the overall character of the study area.

31  
32 The Department recommends the Council find that the conversion of approximately 1,445  
33 acres of cultivated land, including 1,006 acres of high-value farmland, to a nonfarm use does  
34 have the potential to materially alter the overall land use pattern of the analysis area by  
35 reducing the number of tracts available for farmland and potentially affecting the local  
36 agricultural economy, and as such, the Department recommends the Council find that the  
37 criterion under SCZO 5.8.20(3) is not satisfied. Accordingly, the Council may not authorize the  
38 construction and operation of the facility components proposed in RFA4 without taking an  
39 exception to statewide planning goal 3.

40  
41 *4. Is situated upon generally unsuitable land for the production of farm crops*  
42 *and livestock, considering the terrain, adverse soil or land conditions, drainage*  
43 *and flooding, vegetation, location and size of the tract, and the availability of*  
44 *necessary support resources for agriculture;*

Nearly all portions proposed Solar Micrositing Area that are not occupied by previously approved facility components are currently used for the production of farm crops. Accordingly, the Department recommends the Council find that the criterion under SCZO 5.8.20(4) is not satisfied. Accordingly, the Council may not authorize the construction and operation of the facility components proposed in RFA4 without taking an exception to statewide planning goal 3.

*5. Complies with other applicable significant resource provisions; and*

The facility's compliance with the provisions of the County's Significant Resource Overlay Zone under SCZO Section 3.6 are evaluated above.

*6. Complies with such other conditions as deemed necessary.*

Throughout this Order, the Department recommends the Council impose conditions of approval to ensure that the proposed solar facility complies with all applicable local substantive criteria as well as all applicable State laws, rules, and Council Standards. The County has not recommended specific conditions of approval, and as such, the Department recommends that no additional conditions of approval need be imposed.

*Directly Applicable State Rules and Statutes*

OAR 660-033-0130(5) – Farm Impacts Test

*(5) Approval requires review by the governing body or its designate under ORS 215.296. Uses may be approved only where such uses:*

*(a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*

*(b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

*(c) For purposes of subsection (a) and (b), a determination of forcing a significant change in accepted farm or forest practices on surrounding lands devoted to farm and forest use or a determination of whether the use will significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use requires:*

*(A) Identification and description of the surrounding lands, the farm and forest operations on those lands, and the accepted farm practices on each farm operation and the accepted forest practices on each forest operation;*

As described above, the dominant accepted farming practice on lands adjacent to the proposed Solar Micrositing Area is the cultivation of dryland wheat, which typically includes a two-year cycle where half of the fields are left fallow each year to conserve moisture for the following year's crop. In addition to dryland wheat cultivation, approximately 125 acres in the analysis area are used for the cultivation of irrigated crops with an irrigation pivot.<sup>158</sup> Some non-cultivated lands located in the northeastern portion of the analysis area are also used for livestock grazing. A complete list of landowners within the analysis area and description of the accepted farming practices and nonfarm uses occurring on their lands is provided in Exhibit K, Table K-11.

*(B) An assessment of the individual impacts to each farm and forest practice, and whether the proposed use is likely to have an important influence or effect on any of those practices; and*

*(C) An assessment of whether all identified impacts of the proposed use when considered together could have a significant impact to any farm or forest operation in the surrounding area in a manner that is likely to have an important influence or effect on that operation.*

*(D) For purposes of this subsection, examples of potential impacts for consideration may include but are not limited to traffic, water availability and delivery, introduction of weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or flooding.*

*(E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices or the cost of farm and forest practices, impacts relating to the construction or installation of the proposed use shall be deemed part of the use itself for the purpose of conducting a review under subsections (a) and (b).*

As discussed in more detail below, the construction of the facility components proposed in RFA4 could potentially affect surrounding farm practices by increasing traffic on roads used by tractors and farm equipment, generating dust and stormwater discharges, and creating opportunities for the introduction and spread of noxious weeds and other nuisance plant species.

The operation of a solar photovoltaic power generation facility at the site is also not expected to interfere with accepted farming practices under normal conditions. The operation of solar photovoltaic facilities is not known to cause any direct impacts on adjacent crops or livestock and there are no emissions or effluents produced in the generation of electricity.

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<sup>158</sup> See Permit: G 16704 \* IR located within Analysis Area on Figure K-5; crops have included rotations of mint, garlic, and carrot seed.

1 There would be some increased risk of wildfire associated with the presence of energized  
2 equipment and battery components at the site. In addition, there could be some minor  
3 increases in traffic and traffic-related impacts during the operation of the facility components  
4 proposed in RFA4.

#### 5 6 *Traffic*

7  
8 The expected traffic impacts of the facility components proposed in RFA4, generally, are  
9 discussed in Section III.M., Public Services. Potential traffic impacts on accepted farm practices  
10 include short-term delays or congestion that could affect tractor or equipment movement  
11 during harvest or other critical periods. The certificate holder notes that many of the  
12 participating landowners were also operating during the construction of the existing wind  
13 facility and noted that construction related traffic could have some impacts on their operations  
14 and emphasized the need for coordinating traffic schedules around farm management road  
15 access needs.<sup>159</sup>

16  
17 The certificate holder assumes county roadway traffic volumes are minimal, with some increase  
18 in traffic during the summer and early fall for harvest of various crops in the area. The  
19 certificate holder notes that construction-related heavy-vehicle traffic typically occurs in the  
20 middle of the day during off-peak hours and that commuter traffic will also generally occur out  
21 of phase with the truck traffic, as the workers report earlier and leave later than most of the  
22 truck traffic. The certificate holder did not provide evidence on what traffic patterns are  
23 associated with agricultural traffic, however, it can be assumed that it would also mostly occur  
24 during day-time hours. Peak construction periods are also assumed to coincide with peak  
25 harvest and planting seasons in the late summer and fall.

26  
27 As discussed in Section III.M., *Public Services*, Recommended Amended Condition 79 and  
28 Recommended Public Services Condition X would require the certificate holder to develop a  
29 Construction Traffic Management Plan prior to construction and implement the measures  
30 described above to minimize construction-related traffic impacts. The plan would include traffic  
31 minimization measures such as staggering shift start times to reduce vehicle trips through the  
32 westbound I-84 ramp terminal at Biggs Junction and installing temporary traffic controls during  
33 peak construction periods. The certificate holder also represents that it will encourage  
34 carpooling for construction workers and include traffic safety as part of its safety training  
35 program. The certificate holder further represents that it will communicate with adjacent  
36 landowners to minimize and mitigate any traffic impacts to their farming practices during the  
37 temporary construction period.<sup>160</sup>

38  
39 Recommended Amended Condition 77 and 78 would also require the certificate holder to enter  
40 into a Road Use Agreement with the County and ensure that any wear or damage to county

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<sup>159</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 6.2; Attachment K-1.

<sup>160</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.3.

1 roads that results from the construction of the facility components proposed in RFA4 is  
2 repaired, and that roads are restored to pre-construction condition or better.

3  
4 The operation of the facility components proposed in RFA4 is not expected to result in  
5 significant volumes of traffic or road use impacts that would affect agricultural operations.

6  
7 *Water Availability and Delivery*  
8

9 As discussed in Section IV.C., *Water Rights*, the certificate holder represents that all water  
10 needed from construction and operation of the facility components proposed in RFA4 would be  
11 obtained from either the City of Wasco or a private source with an existing water right. Some  
12 water would also be obtained from on-site exempt wells constructed to serve the O&M  
13 buildings, but in accordance with recommended Water Rights Conditions 1 and 2 and the  
14 requirements of ORS 537.545 the use of water from all facility wells would not exceed 5,000  
15 gallons per day.

16  
17 The accepted farm uses in the analysis area, including dryland wheat farming and the use of  
18 groundwater for irrigation, do not depend on water deliveries and are not expected to be  
19 affected by any increases in demand for municipal water that result from the construction and  
20 operation of the facility components proposed in RFA4.

21  
22 It is possible that water could be obtained from an existing private well if the certificate holder  
23 successfully transfers the water right under Oregon Certificate 57620 from agricultural  
24 irrigation to industrial use during operation of the facility; however no new water right is  
25 proposed and the facility components proposed in RFA4 is not in a critical groundwater area, so  
26 any groundwater use is not expected to reduce the amount of water available for irrigation.

27  
28 *Noxious and undesirable weeds*  
29

30 If unabated within the site, noxious weeds or other undesirable plant species could spread to  
31 adjacent lands and adversely affect farm operations. As described in Section III.D., *Soil*  
32 *Protection*, Recommended Soil Protection Condition 1 to 4, would require the certificate holder  
33 to finalize and implement a Comprehensive Solar Revegetation and Soil Management Plan that  
34 establishes the actions the certificate holder would be required to take to prevent the  
35 introduction of new noxious weed populations and spread of existing noxious weed  
36 populations during construction and operation of the solar facility. The Sherman County Weed  
37 Control District provides weed control services for the existing facility and the certificate holder  
38 represents that it will continue to contract with the district to inspect and treat weeds at the  
39 site, if available.<sup>161</sup>

40  
41 The Department recommends the Council find that, subject to compliance with the  
42 recommended Soil Protection Conditions 1 to 3, the construction and operation of the facility

---

161

1 components proposed in RFA4 is not likely to result in the unabated spread or introduction of  
2 noxious or undesirable weeds into adjacent properties.

#### 4 *Litter and Solid Waste*

6 As described in Section III.O., *Waste Minimization*, recommended Amended Conditions 84 and  
7 87 and Recommended Waste Minimization Condition 1 would require the certificate holder to  
8 manage solid waste generated during construction and operation of the facility components  
9 proposed in RFA4 in accordance with Construction and Operation Solid Waste Management  
10 Plans. The Department recommends the Council find that, subject to compliance with the  
11 conditions, the construction and operation of the facility components proposed in RFA4 is not  
12 likely to result in significant amounts of litter or other waste that could affect adjacent  
13 properties.

#### 15 *Flooding and Stormwater runoff*

17 The construction of the facility components proposed in RFA4 could create stormwater runoff  
18 or other erosion issues that, if unmitigated, could impact farm operations on adjacent  
19 properties. As described in Section III.D., *Soil Protection*, Recommended Soil Protection  
20 Conditions 1 to 3, would require the certificate holder to finalize and implement a  
21 Comprehensive Solar Revegetation and Soil Management Plan. The plan would require the  
22 certificate holder to construct the facility in compliance with a NPDES 1200-C Construction  
23 Stormwater Permit and implement BMPs to prevent the discharge of stormwater from the site.

25 Any BMPs needed to control stormwater during operation will be maintained for the life of the  
26 facility. If the certificate holder conducts solar panel washing during operation of the facility  
27 components proposed in RFA4, solar wash water would evaporate or will infiltrate into the  
28 ground within the immediate vicinity of its use.

30 The Department recommends the Council find that, subject to compliance with the  
31 Recommended Soil Protection Condition 1 to 4, the construction and operation of the facility  
32 components proposed in RFA4 is not likely to result in the discharge of stormwater to adjacent  
33 properties.

#### 35 *Dust*

37 As discussed in Section III.D., *Soil Protection*, soils throughout the site have a moderate  
38 potential for wind erosion and low fugitive dust resistance, which indicates the need to address  
39 potential dust generation by traffic generated during construction and operation of the  
40 facilities. Dust can affect photosynthesis, and, if unmitigated, dust generated during  
41 construction of the facility components proposed in RFA4 could impact farm operations on  
42 adjacent properties. Recommended Soil Protection Condition 1 to 4, would require the  
43 certificate holder to finalize and implement a Comprehensive Revegetation and Soil

1 Management Plan that establishes the actions the certificate holder would be required to take  
2 to mitigate dust propagation during construction and operation of the facility components  
3 proposed in RFA4. In particular, Appendix D of the plan requires the certificate holder to  
4 minimize dust during construction through application of water and other dust control  
5 measures and to conduct visual monitoring of dust emissions.  
6

7 The Department recommends the Council find that, subject to compliance with the  
8 Recommended Soil Protection Condition 1 to 4, the dust generated by the construction and  
9 operation of the facility components proposed in RFA4 is not likely to significantly interfere with  
10 farm operations on adjacent properties.  
11

### 12 *Wildfire*

13

14 As discussed in Section III.N., *Wildfire Prevention and Risk Mitigation*, the proposed Solar  
15 Micrositing Area is in an area associated with high wildfire risk, and in addition to the loss of  
16 human life, previous wildfires in the area have resulted in the destruction of significant  
17 amounts of crops and damage to agricultural lands. Under Recommended Wildfire Prevention  
18 and Risk Mitigation Conditions 1 and 2, the certificate holder would be required to finalize and  
19 implement a Construction Wildfire Mitigation Plan establishing the preventative actions and  
20 programs the certificate holder will take to minimize the risk of construction activities igniting a  
21 wildfire. Recommended Wildfire Prevention and Risk Mitigation Conditions 3 and 4 would  
22 require a similar plan to be finalized and implemented during operations.  
23

24 The facility components proposed in RFA4 would also contain numerous features to reduce the  
25 risk of a wildfire being ignited by facility components, and to help mitigate the risk of wildfire  
26 spreading into or from the proposed solar micrositing area, including fire sensors with remote  
27 shutoff capability, vegetation clearances around roads and electrical equipment, and the 50-  
28 foot setback from adjacent properties required under Recommended Land Use Condition 1.  
29 The Department recommends these features are adequate to minimize the wildfire risk from  
30 the operating facility, and to ensure that adjacent farm operations are not significantly affected.  
31

### 32 *Liability from Nuisance Claims*

33

34 In addition to protecting adjacent farm practices from potential impacts that may result from  
35 the construction and operation of the facility components proposed in RFA4, ORS 30.930, also  
36 known as Oregon's right to farm law, protects farm operators from lawsuits based on noises,  
37 smells, dust or other nuisances or trespasses that may result from accepted farm practices. As  
38 described in the evaluation Of OAR 660-033-0130(38)(L), below, recommended Land Use  
39 Condition 5 would require the certificate holder to sign and record in the deed records of  
40 Sherman County a document prohibiting them from pursuing a claim for relief or cause of  
41 action alleging injury from farming practices.  
42



1 *Cumulative Assessment*

2  
3 The Department recommends that, subject to compliance with compliance with recommended  
4 conditions of approval described above, the construction and operation of the facility  
5 components proposed in RFA4 are not expected to significantly interfere with adjacent farm  
6 uses. There may be some temporary impacts related to traffic and dust during construction, but  
7 these impacts will be minimized in accordance with the Construction Traffic Management Plan  
8 required under Recommended Amended Condition 77 and the Comprehensive Solar  
9 Revegetation and Soil Management Plan required under Recommended Soil Protection  
10 Conditions 1 to 3. The potential for the introduction or spread of noxious weeds and other  
11 undesirable weed species from the site would also be addressed under the latter set of  
12 conditions.

13  
14 The risk of wildfire is a significant concern at the site; however, the facility would be designed  
15 with features to reduce wildfire risk and minimize the potential for wildfire to spread out of or  
16 into the solar arrays. In addition, the Wildfire Mitigation Plans required under Recommended  
17 Wildfire Prevention and Risk Mitigation Conditions 1 to 4 would reduce the likelihood of fire  
18 ignition at the site, and the vegetation management standards established in the  
19 Comprehensive Solar Revegetation and Soil Management Plan required under Recommended  
20 Soil Protection Conditions 1 to 3 would help reduce the severity of a wildfire if one were to  
21 occur.

22  
23 *(F) In the consideration of potentially mitigating conditions of approval under*  
24 *ORS 215.296(2), the governing body may not impose such a condition upon*  
25 *the owner of the affected farm or forest land or on such land itself, nor compel*  
26 *said owner to accept payment to compensate for the significant changes or*  
27 *significant increases in costs described in subsection (a) and (b).*

28  
29 None of the conditions described above apply to adjacent lands or the adjacent landowners.

30  
31 OAR 660-033-0130(38) – Minimum Standards for Photovoltaic Solar Power Generation Facilities

32  
33 *(38) A proposal to site a photovoltaic solar power generation facility shall be*  
34 *subject to the following definitions and provisions:*

35  
36 *(a) “Arable land” means land in a tract that is predominantly cultivated or, if*  
37 *not currently cultivated, predominantly comprised of arable soils.*

38  
39 *(b) “Arable soils” means soils that are suitable for cultivation as determined by*  
40 *the governing body or its designate based on substantial evidence in the*  
41 *record of a local land use application, but “arable soils” does not include high-*  
42 *value farmland soils described at ORS 195.300(10) unless otherwise stated.*  
43

1 (c) "Dual-use development" means developing the same area of land for both  
2 a photovoltaic solar power generation facility and for farm use.

3  
4 (d) "Nonarable land" means land in a tract that is predominantly not  
5 cultivated and predominantly comprised of nonarable soils.

6  
7 (e) "Nonarable soils" means soils that are not suitable for cultivation. Soils  
8 with an NRCS agricultural capability class V–VIII and no history of irrigation  
9 shall be considered nonarable in all cases. The governing body or its designate  
10 may determine other soils, including soils with a past history of irrigation, to  
11 be nonarable based on substantial evidence in the record of a local land use  
12 application.

13  
14 (f) "Photovoltaic solar power generation facility" includes, but is not limited to,  
15 an assembly of equipment that converts sunlight into electricity and then  
16 stores, transfers, or both, that electricity. This includes photovoltaic modules,  
17 mounting and solar tracking equipment, foundations, inverters, wiring,  
18 storage devices and other components. Photovoltaic solar power generation  
19 facilities also include electrical cable collection systems connecting the  
20 photovoltaic solar generation facility to a transmission line, all necessary grid  
21 integration equipment, new or expanded private roads constructed to serve  
22 the photovoltaic solar power generation facility, office, operation and  
23 maintenance buildings, staging areas and all other necessary appurtenances.  
24 For purposes of applying the acreage standards of this section, a photovoltaic  
25 solar power generation facility includes all existing and proposed facilities on a  
26 single tract, as well as any existing and proposed facilities determined to be  
27 under common ownership on lands with fewer than 1320 feet of separation  
28 from the tract on which the new facility is proposed to be sited. Projects  
29 connected to the same parent company or individuals shall be considered to  
30 be in common ownership, regardless of the operating business structure. A  
31 photovoltaic solar power generation facility does not include a net metering  
32 project established consistent with ORS 757.300 and OAR chapter 860, division  
33 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and  
34 OAR chapter 860, division 84.

35  
36 The energy facility and all related or supporting facilities, except the proposed 230-KV overhead  
37 transmission line, are considered to be a "photovoltaic solar power generation facility" subject  
38 to the provisions of OAR 660-033-0130(38). The department is not aware of any existing or  
39 proposed solar facilities owned by the certificate holder within 1320 feet of the subject  
40 property.

41  
42 (g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar  
43 power generation facility shall not use, occupy, or cover more than 12 acres  
44 unless:

1  
2       (A) The provisions of paragraph (h)(H) are satisfied; or

3  
4       (B) A county adopts, and an applicant satisfies, land use provisions authorizing  
5 projects subject to a dual-use development plan. Land use provisions adopted  
6 by a county pursuant to this paragraph may not allow a project in excess of 20  
7 acres. Land use provisions adopted by the county must require sufficient  
8 assurances that the farm use element of the dual-use development plan is  
9 established and maintained so long as the photovoltaic solar power  
10 generation facility is operational or components of the facility remain on site.  
11 The provisions of this subsection are repealed on January 1, 2022.

12  
13 As relevant to the proposed site, ORS 195.300(10) defines high-value farmland as:

- 14
- 15       • Land in a tract composed predominantly of soils that classified prime, unique, Class I or
  - 16       Class II as determined by irrigation status. ORS 195.300(10)(a).
  - 17       • Land within the place of use for a permit, certificate or decree for the use of water for
  - 18       irrigation issued by the Water Resources Department; or within the boundaries of an
  - 19       irrigation or diking district. ORS 195.300(10)(c).
  - 20       • Land that is within the Columbia Valley American Viticultural Area and is no more than
  - 21       3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees, and a
  - 22       slope between zero and 15 percent. ORS 195.300(10)(f).
- 23

24 As described above, approximately 1,305 acres within the proposed Solar Micrositing  
25 Area are considered to be high-value farmland for one or more of these reasons,  
26 including approximately 311 acres that are appurtenant to an active irrigation water  
27 right. In total, the certificate holder estimates the facility would use, occupy or cover  
28 up to 1,006 acres of high-value farmland.

29  
30 As described below, the facility components proposed in RFA4 do not satisfy the criteria under  
31 OAR 660-033-0130(38)(h)(H) and the County did not implement paragraph (g)(B) of the rule.  
32 Accordingly, the Department recommends the Council find that the facility components  
33 proposed in RFA4 would use more high-value farmland than permitted under the rule. Because  
34 this standard directly implements Statewide Planning Goal 3, the Department recommends the  
35 Council find that the facility components proposed in RFA4 cannot be approved unless the  
36 Council takes an exception to the goal under ORS 469.504(2).

37  
38       (h) The following criteria must be satisfied in order to approve a photovoltaic  
39 solar power generation facility on high-value farmland described at ORS  
40 195.300(10).

41  
42       (A) The proposed photovoltaic solar power generation facility will not create  
43 unnecessary negative impacts on agricultural operations conducted on any  
44 portion of the subject property not occupied by project components. Negative

1       *impacts could include, but are not limited to, the unnecessary construction of*  
2       *roads dividing a field or multiple fields in such a way that creates small or*  
3       *isolated pieces of property that are more difficult to farm, and placing*  
4       *photovoltaic solar power generation facility project components on lands in a*  
5       *manner that could disrupt common and accepted farming practices;*  
6

7       To support a finding that the proposed solar components would not create unnecessary  
8       negative impacts on agricultural operations, the certificate holder notes that the layout of the  
9       facility components proposed in RFA4 Figure 2 shows that areas outside of the proposed solar  
10      array fencelines that are suitable for farming are generally contiguous to adjacent farmland and  
11      would continue to be available for continued farm operations. Other unused areas include  
12      steep slopes or waterways that are generally unsuitable for farming.

13  
14      The preliminary facility layout also shows that, due to the certificate holder's own requirement  
15      that all solar components be set back at least 520 feet from existing turbines, at least 500 acres  
16      of cultivated land surrounding existing wind turbines would be included in the proposed  
17      fencelines and presumably taken out of agricultural production but wouldn't otherwise be  
18      occupied by facility components. While the setbacks may be necessary to ensure the wind  
19      components can continue to operate safely and efficiently, the Department recommends the  
20      Council find that the certificate holder did not provide sufficient evidence to demonstrate that  
21      the negative impacts on the unused farmland could not be avoided. Accordingly, the  
22      Department recommends the Council find that the criterion under OAR 345-066-0130(38)(h)(A)  
23      is not satisfied.

24  
25       *(B) The presence of a photovoltaic solar power generation facility will not*  
26       *result in unnecessary soil erosion or loss that could limit agricultural*  
27       *productivity on the subject property. This provision may be satisfied by the*  
28       *submittal and county approval of a soil and erosion control plan prepared by*  
29       *an adequately qualified individual, showing how unnecessary soil erosion will*  
30       *be avoided or remedied. The approved plan shall be attached to the decision*  
31       *as a condition of approval;*  
32

33      The construction of the facility components proposed in RFA4 could create stormwater runoff  
34      or other erosion issues that, if unmitigated, could result in erosion or soil loss on the subject  
35      property. As described in Section III.D, Soil Protection, Recommended Soil Protection Condition  
36      1 to 4, would require the certificate holder to finalize and implement a Comprehensive Solar  
37      Revegetation and Soil Management Plan. The plan would require the certificate holder to  
38      construct the facility in compliance with a NPDES 1200-C Construction Stormwater Permit and  
39      implement BMPs to prevent the discharge of stormwater from the site.

40  
41      The Department recommends the Council find that, subject to compliance with the  
42      recommended Soil Protection Conditions 1 to 3, the construction and operation of the facility  
43      components proposed in RFA4 is not likely to result in unnecessary soil erosion or soil loss that  
44      could limit agricultural productivity on the subject property.

1  
2       (C) Construction or maintenance activities will not result in unnecessary soil  
3       compaction that reduces the productivity of soil for crop production. This  
4       provision may be satisfied by the submittal and county approval of a plan  
5       prepared by an adequately qualified individual, showing how unnecessary soil  
6       compaction will be avoided or remedied in a timely manner through deep soil  
7       decompaction or other appropriate practices. The approved plan shall be  
8       attached to the decision as a condition of approval;  
9

10 Construction of the facility components proposed in RFA4 could result in soil compaction,  
11 particularly in areas that are cleared of vegetation or graded. As described in Section III.D, Soil  
12 Protection, there are also some soils that are highly susceptible to compaction are present at  
13 the site.  
14

15 Recommended Soil Protection Conditions 1 to 3, would require the certificate holder to finalize  
16 and implement a Comprehensive Revegetation and Soil Management Plan during construction  
17 of the facility components proposed in RFA4. The draft Plan, included as Attachment D to this  
18 Order includes provisions for soils compaction testing and monitoring and establishes  
19 remediation that will be implemented if excessive compaction is detected.  
20

21 Subject to compliance with these conditions, and the Comprehensive Revegetation and Soil  
22 Management Plan, the Department recommends the Council find the construction and  
23 operation of the facility components proposed in RFA4 will not result in unnecessary soil  
24 compaction that reduces the productivity of soil for crop production.  
25

26       (D) Construction or maintenance activities will not result in the unabated  
27       introduction or spread of noxious weeds and other undesirable weed species.  
28       This provision may be satisfied by the submittal and county approval of a  
29       weed control plan prepared by an adequately qualified individual that includes  
30       a long-term maintenance agreement. The approved plan shall be attached to  
31       the decision as a condition of approval;  
32

33 If unabated within the site, noxious weeds or other undesirable plant species could spread to  
34 adjacent lands and adversely affect farm operations. As described in Section III.D, Soil  
35 Protection, Recommended Soil Protection Conditions 1 to 3 would require the certificate holder  
36 to finalize and implement a Comprehensive Revegetation and Soil Management Plan that  
37 establishes the actions the certificate holder would be required to take to prevent the  
38 introduction of new noxious weed populations and spread of existing noxious weed  
39 populations. The Sherman County Weed Control District provides weed control services for the  
40 existing facility and the certificate holder represents that it will continue to contract with the  
41 district to inspect and treat weeds at the site, if available.  
42

43 The Department recommends that the Council find that, subject to compliance with the  
44 Recommended Soil Protection Conditions 1 to 3, the construction and operation of the facility

1 components proposed in RFA4 is not likely to result in the unabated spread or introduction of  
2 noxious or undesirable weeds into adjacent properties.

3  
4 *(E) Except for electrical cable collection systems connecting the photovoltaic*  
5 *solar generation facility to a transmission line, the project is not located on*  
6 *those high-value farmland soils listed in OAR 660-033-0020(8)(a);*  
7

8 OAR 660-033-0020(8)(a) identifies soils that are classified by the NRCS as Class I, Class II, prime,  
9 or unique, as high-value farmland soils. As described above and shown in Figure 6,  
10 approximately 778 of the 1,945 acres that make up the proposed Solar Micrositing Area are  
11 comprised of Class II soils. The certificate holder did not provide an estimate of how much of  
12 the high-value farmland soils would be occupied by facility components but based on the layout  
13 of the facility components proposed in RFA4, provided in Figure 2, aside from a small unused  
14 area in the northeast corner of the Northern Solar Area, nearly all of the high-value soils would  
15 be impacted.<sup>162</sup>

16  
17 Because the facility components proposed in RFA4 would be located on up to approximately  
18 778 acres of high-value soils, the Department recommends the Council find that the facility  
19 components proposed in RFA4 would not satisfy the criterion under OAR 660-033-  
20 0130(38)(h)(E). Because this standard directly implements Statewide Planning Goal 3, the  
21 Department recommends the Council find that the facility components proposed in RFA4  
22 cannot be approved unless the Council takes an exception to the goal under ORS 469.504(2).  
23

24 *(F) The project is not located on those high-value farmland soils listed in OAR*  
25 *660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:*  
26

27 *(i) Non high-value farmland soils are not available on the subject tract;*  
28

29 *(ii) Siting the project on non high-value farmland soils present on the subject*  
30 *tract would significantly reduce the project's ability to operate successfully; or*  
31

32 *(iii) The proposed site is better suited to allow continuation of an existing*  
33 *commercial farm or ranching operation on the subject tract than other*  
34 *possible sites also located on the subject tract, including those comprised of*  
35 *non high-value farmland soils; and*  
36

37 OAR 660-033-0020(b) identifies soils used for growing specific perennial crops including nursery  
38 stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay,  
39 pasture or alfalfa. OAR 660-0033-0020(c) to (e) apply specifically to soils within the Willamette

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<sup>162</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 6.3. The certificate holder also asserts that it would not be possible to completely avoid the high-value soils due to their prevalence at the site and their patchy and irregular nature, but did not provide evidence that would suggest that the presence of high-value soils was considered in the selection of the site or the development of the proposed layout.

1 Valley. None of these soils are present within the proposed Solar Micrositing Area, as a result  
2 the criteria under OAR 660-033-0130(38)(h)(F) are not applicable to the review of RFA4.

3  
4 *(G) A study area consisting of lands zoned for exclusive farm use located*  
5 *within one mile measured from the center of the proposed project shall be*  
6 *established and:*

7  
8 *(i) If fewer than 48 acres of photovoltaic solar power generation facilities have*  
9 *been constructed or received land use approvals and obtained building*  
10 *permits within the study area, no further action is necessary.*

11  
12 *(ii) When at least 48 acres of photovoltaic solar power generation facilities*  
13 *have been constructed or received land use approvals and obtained building*  
14 *permits, either as a single project or as multiple facilities within the study*  
15 *area, the local government or its designate must find that the photovoltaic*  
16 *solar power generation facility will not materially alter the stability of the*  
17 *overall land use pattern of the area. The stability of the land use pattern will*  
18 *be materially altered if the overall effect of existing and potential photovoltaic*  
19 *solar power generation facilities will make it more difficult for the existing*  
20 *farms and ranches in the area to continue operation due to diminished*  
21 *opportunities to expand, purchase or lease farmland, acquire water rights, or*  
22 *diminish the number of tracts or acreage in farm use in a manner that will*  
23 *destabilize the overall character of the study area.*

24  
25 No solar facilities have been constructed or have been approved within the study area  
26 identified by rule, so no further analysis is necessary; however, the rule was intended to apply  
27 to a facility less than 12 acres in size and does not accurately capture the proposed facilities  
28 potential impacts on the stability of the overall land use pattern. As described in the evaluation  
29 of SCZO 5.8.20(3), above, the Department recommends the Council find that the conversion of  
30 approximately 1,445 acres of cultivated land, including up to 1,006 acres of high-value  
31 farmland, to a nonfarm use does have the potential to materially alter the overall land use  
32 pattern of the analysis area by reducing the number of tracts available for farmland and  
33 potentially affecting the local agricultural economy.

34  
35 *(H) A photovoltaic solar power generation facility may be sited on more than*  
36 *12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without*  
37 *taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4,*  
38 *provided the land:*

39  
40 *(i) Is not located within the boundaries of an irrigation district;*

41  
42 *(ii) Is not at the time of the facility's establishment, and was not at any time*  
43 *during the 20 years immediately preceding the facility's establishment, the*  
44 *place of use of a water right permit, certificate, decree, transfer order or*

1 *ground water registration authorizing the use of water for the purpose of*  
2 *irrigation;*

3  
4 *(iii) Is located within the service area of an electric utility described in ORS*  
5 *469A.052(2);*

6  
7 *(iv) Does not exceed the acreage the electric utility reasonably anticipates to*  
8 *be necessary to achieve the applicable renewable portfolio standard described*  
9 *in ORS 469A.052(3); and*

10  
11 *(v) Does not qualify as high-value farmland under any other provision of law;*  
12 *or*

13  
14 The certificate holder does not claim to meet the requirements of OAR 660-033-0130(38)(h)(H);  
15 therefore, no further analysis of this paragraph is required.

16  
17 *(i) For arable lands, a photovoltaic solar power generation facility shall not*  
18 *use, occupy, or cover more than 20 acres. The governing body or its designate*  
19 *must find that the following criteria are satisfied in order to approve a*  
20 *photovoltaic solar power generation facility on arable land:*

21  
22 *(A) Except for electrical cable collection systems connecting the photovoltaic*  
23 *solar generation facility to a transmission line, the project is not located on*  
24 *those high-value farmland soils listed in OAR 660-033-0020(8)(a);*

25  
26 *(B) The project is not located on those high-value farmland soils listed in OAR*  
27 *660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:*

28  
29 *(i) Nonarable soils are not available on the subject tract;*

30  
31 *(ii) Siting the project on nonarable soils present on the subject tract would*  
32 *significantly reduce the project's ability to operate successfully; or*

33  
34 *(iii) The proposed site is better suited to allow continuation of an existing*  
35 *commercial farm or ranching operation on the subject tract than other*  
36 *possible sites also located on the subject tract, including those comprised of*  
37 *nonarable soils;*

38  
39 *(C) No more than 12 acres of the project will be sited on high-value farmland*  
40 *soils described at ORS 195.300(10);*

41  
42 *(D) A study area consisting of lands zoned for exclusive farm use located*  
43 *within one mile measured from the center of the proposed project shall be*  
44 *established and:*



1  
2 *(i) If fewer than 80 acres of photovoltaic solar power generation facilities have*  
3 *been constructed or received land use approvals and obtained building*  
4 *permits within the study area, no further action is necessary.*

5  
6 *(ii) When at least 80 acres of photovoltaic solar power generation facilities*  
7 *have been constructed or received land use approvals and obtained building*  
8 *permits, either as a single project or as multiple facilities within the study*  
9 *area, the local government or its designate must find that the photovoltaic*  
10 *solar power generation facility will not materially alter the stability of the*  
11 *overall land use pattern of the area. The stability of the land use pattern will*  
12 *be materially altered if the overall effect of existing and potential photovoltaic*  
13 *solar power generation facilities will make it more difficult for the existing*  
14 *farms and ranches in the area to continue operation due to diminished*  
15 *opportunities to expand, purchase or lease farmland, acquire water rights, or*  
16 *diminish the number of tracts or acreage in farm use in a manner that will*  
17 *destabilize the overall character of the study area; and*

18  
19 *(E) The requirements of paragraphs (h)(A), (B), (C) and (D) are satisfied.*  
20

21 As described above, all of the land within the proposed Solar Micrositing Area that is not  
22 located on high-value farmland, or approximately 619 acres, is considered to be arable land.  
23 Because the facility components proposed in RFA4 would use more than 20 acres, the criterion  
24 under OAR 660-033-0130(i) is not satisfied. As described in the evaluation of OAR 660-033-  
25 0130(h), above the facility components proposed in RFA4 would also not comply with  
26 paragraphs (i)(A), (C), and (E), and paragraph (D) is not appropriate to measure the potential  
27 impacts of the facility components proposed in RFA4 on the stability of the overall land use  
28 pattern of the area given its potential size.

29  
30 Accordingly, the Department recommends the Council find that the facility components  
31 proposed in RFA4 would use more arable land and high-value farmland soils than permitted  
32 under the rule. Because this standard directly implements Statewide Planning Goal 3, the  
33 Department recommends the Council find that the facility components proposed in RFA4  
34 cannot be approved unless the Council takes an exception to the goal under ORS 469.504(2).  
35

36 *(j) For nonarable lands, a photovoltaic solar power generation facility shall not*  
37 *use, occupy, or cover more than 320 acres. The governing body or its*  
38 *designate must find that the following criteria are satisfied in order to approve*  
39 *a photovoltaic solar power generation facility on nonarable land:*

40  
41 *(A) Except for electrical cable collection systems connecting the photovoltaic*  
42 *solar generation facility to a transmission line, the project is not located on*  
43 *those high-value farmland soils listed in OAR 660-033-0020(8)(a);*  
44

1       (B) The project is not located on those high-value farmland soils listed in OAR  
2       660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

3  
4       (i) Siting the project on nonarable soils present on the subject tract would  
5       significantly reduce the project's ability to operate successfully; or

6  
7       (ii) The proposed site is better suited to allow continuation of an existing  
8       commercial farm or ranching operation on the subject tract as compared to  
9       other possible sites also located on the subject tract, including sites that are  
10      comprised of nonarable soils;

11  
12      (C) No more than 12 acres of the project will be sited on high-value farmland  
13      soils described at ORS 195.300(10);

14  
15      (D) No more than 20 acres of the project will be sited on arable soils;

16  
17      (E) The requirements of paragraph (h)(D) are satisfied;

18  
19      (F) If a photovoltaic solar power generation facility is proposed to be  
20      developed on lands that contain a Goal 5 resource protected under the  
21      county's comprehensive plan, and the plan does not address conflicts between  
22      energy facility development and the resource, the applicant and the county,  
23      together with any state or federal agency responsible for protecting the  
24      resource or habitat supporting the resource, will cooperatively develop a  
25      specific resource management plan to mitigate potential development  
26      conflicts. If there is no program present to protect the listed Goal 5 resource(s)  
27      present in the local comprehensive plan or implementing ordinances and the  
28      applicant and the appropriate resource management agency(ies) cannot  
29      successfully agree on a cooperative resource management plan, the county is  
30      responsible for determining appropriate mitigation measures; and

31  
32      (G) If a proposed photovoltaic solar power generation facility is located on  
33      lands where, after site specific consultation with an Oregon Department of  
34      Fish and Wildlife biologist, it is determined that the potential exists for adverse  
35      effects to state or federal special status species (threatened, endangered,  
36      candidate, or sensitive) or habitat or to big game winter range or migration  
37      corridors, golden eagle or prairie falcon nest sites or pigeon springs, the  
38      applicant shall conduct a site-specific assessment of the subject property in  
39      consultation with all appropriate state, federal, and tribal wildlife  
40      management agencies. A professional biologist shall conduct the site-specific  
41      assessment by using methodologies accepted by the appropriate wildlife  
42      management agency and shall determine whether adverse effects to special  
43      status species or wildlife habitats are anticipated. Based on the results of the  
44      biologist's report, the site shall be designed to avoid adverse effects to state or

1 *federal special status species or to wildlife habitats as described above. If the*  
2 *applicant's site-specific assessment shows that adverse effects cannot be*  
3 *avoided, the applicant and the appropriate wildlife management agency will*  
4 *cooperatively develop an agreement for project-specific mitigation to offset*  
5 *the potential adverse effects of the facility. Where the applicant and the*  
6 *resource management agency cannot agree on what mitigation will be carried*  
7 *out, the county is responsible for determining appropriate mitigation, if any,*  
8 *required for the facility.*  
9

10 No nonarable land is present within the proposed Solar Micrositing Area, as such, OAR 660-033-  
11 0130(38)(j) is not applicable to the review of RFA4.  
12

13 *(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i),*  
14 *and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter*  
15 *660, division 4.*  
16

17 As described above, the Department recommends the Council find that the facility components  
18 proposed in RFA4 would use more high-value farmland, arable land, and high-value farmland  
19 soils than permitted under OAR 660-033-0130(38)(g) and (i) and the Department recommends  
20 the Council find that the facility components proposed in RFA4 cannot be approved unless the  
21 Council takes an exception to the goal under ORS 469.504(2). Whether or not an exception is  
22 justified is evaluated below.  
23

24 *(l) The county governing body or its designate shall require as a condition of*  
25 *approval for a photovoltaic solar power generation facility, that the project*  
26 *owner sign and record in the deed records for the county a document binding*  
27 *the project owner and the project owner's successors in interest, prohibiting*  
28 *them from pursuing a claim for relief or cause of action alleging injury from*  
29 *farming or forest practices as defined in ORS 30.930(2) and (4).*  
30

31 The Department recommends the Council impose a new condition of approval requiring the  
32 certificate holder to sign a binding document described in the rule, as presented below:  
33

34 **Recommended Land Use Condition 5 (PRE-LU-02)**

35 Prior to construction of any component or phase of the solar facility, the certificate  
36 holder must sign and record in the deed records for the county a document binding the  
37 project owner and the project owner's successors in interest, prohibiting them from  
38 pursuing a claim for relief or cause of action alleging injury from farming or forest  
39 practices as defined in ORS 30.930(2) and (4).

40 [Final Order on AMD4]  
41

42 *(m) Nothing in this section shall prevent a county from requiring a bond or*  
43 *other security from a developer or otherwise imposing on a developer the*  
44 *responsibility for retiring the photovoltaic solar power generation facility.*

As described in Section III.G, Retirement and Financial Assurance, Recommended Retirement and Financial Assurance Conditions 1 and 2 and Recommended Amended Conditions 10 and 108 would require the certificate holder to submit, and maintain at all times until the facility has been retired, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.

*(n) If ORS 469.300(11)(a)(D) is amended, the commission may re-evaluate the acreage thresholds identified in subsections (g), (i) and (j) of this section.*

This subsection does not provide applicable substantive criteria for the review of the facility components proposed in RFA4.

### *Goal 3 Exception*

As described above, the proposed solar facility would use, occupy, or cover more high-value and arable farmland than allowed under OAR 660-033-0130(38)(h) and (i). Because the facility components proposed in RFA4 would be located on up to approximately 778 acres of Class II high-value farmland soils, the facility components proposed in RFA4 would also not comply with the requirements of OAR 660-033-0130(38)(h)(E). While the SCZO does not provide specific siting standards for solar photovoltaic power generation facilities, the Department recommends the Council also find that the facility components proposed in RFA4 do not comply with the County's standards for conditional uses under SCZO 5.2 and 5.8.20 based on noncompliance with the minimum standards adopted by LCDC.

Under ORS 469.504(2)(b)(B), if the facility components proposed in RFA4 do not comply with one or more of the applicable substantive criteria recommended by a Special Advisory Group, or with the rules that apply directly to the facility under ORS 197.646, the Council may still find compliance with Land Use standard if it finds the facility components proposed in RFA4 would otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified.

Statewide Planning Goal 3 is "to preserve and maintain agricultural lands for farm use." While certain non-farm uses, including solar facilities, are permitted within farm use zones the guidelines for implementing the goal states that permitted non-farm uses should be "minimized to allow for maximum agricultural productivity."<sup>163</sup> Because the rules in OAR 660-033-0130(38) prescribe the minimum standards for solar photovoltaic power generation facilities to be sited in compliance with Statewide Planning Goal 3, and because the facility components proposed in RFA4 would use more productive farmland, including high-value farmland and high-value farmland soils, than allowed by those standards, the Department recommends the Council find that the facility components proposed in RFA4 would not otherwise comply with Statewide Planning Goal 3.

---

<sup>163</sup> OAR 660-015-0000(3)

1  
2 The Council may find goal compliance for a facility that does not otherwise comply with one or  
3 more statewide planning goals by taking an exception to the applicable goal. Pursuant to ORS  
4 469.504(2)(c): “[t]he council may take an exception to a goal if the council finds” that each of  
5 the following standards are met:

- 6  
7
  - Reasons justify why the state policy embodied in the applicable goal should not apply.
  - The significant environmental, economic, social and energy consequences have been  
8 identified and adverse impacts will be mitigated in accordance with rules of the Council  
9 applicable to the siting of the facility components proposed in RFA4.
  - The facility components proposed in RFA4 are compatible with other adjacent uses or  
10 will be made compatible through measures designed to reduce adverse impacts.

11  
12  
13

14 Each of these standards are evaluated in detail below. It is important to note that the Council  
15 has the discretion to determine whether or not given reasons justify an exception to the policy  
16 embedded in an applicable goal. In addition, by stating the Council “may take an exception,”  
17 the statute establishes that the Council is not obligated to grant an exception even if the  
18 standards are met. Rather has the discretion whether or not to grant an exception.<sup>164</sup>  
19

20 Proposed Reasons why the applicable goal should not apply  
21

22 As described above, the policy embedded in Statewide Planning Goal 3 is “to preserve and  
23 maintain agricultural lands for farm use” and to minimize nonfarm uses “to allow for maximum  
24 agricultural productivity.”<sup>165</sup> In RFA4, the certificate holder proposes that this policy should not  
25 apply to the agricultural lands within the Solar Micrositing Area for the following reasons:  
26

- 27
  - 1. Locational Dependence: The facility components proposed in RFA4 are locationally  
28 dependent on an existing substation with available interconnection capacity, are sited in  
29 proximity to major transportation corridors, and are co-located with the existing wind  
30 facility and other energy infrastructure.
  - 2. Economic Benefits: The facility components proposed in RFA4 provide local rural  
31 economic development benefits through the creation of jobs, the generation of tax  
32 revenues, lease payments, and the creation of a Community Investment Plan.

33

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<sup>164</sup> Oregon courts recognize that the granting of an exception to a statewide land use planning goal is discretionary. See, e.g., Manning v. Land Conservation & Dev. Comm'n, 198 Or. App. 488, 497–98, 109 P.3d 376, 380 (2005) (“We are aware of no existing authority and see nothing in Goal 2, the rules governing exceptions, or ORS 197.732 that requires a local government to take an exception to a goal. Evidence that an exception may be justified does not require the county to grant an exception. Goal 2 and ORS 197.732 provide that an exception may be granted on showing certain conditions, not that it must. However, before deciding whether to grant an exception, the county must provide an opportunity for the requesting party to make a complete record and to argue in support of the exception, and the county must consider that record and argument in making its decision” (emphasis added).

<sup>165</sup> OAR 660-015-0000(3).

- 1        3. Minimal Impacts to Other resources: The facility components proposed in RFA4 avoid  
2        and minimize impacts on other resources protected by Council Standards.  
3        4. Consistency with State Climate Goals and Policies: The facility components proposed in  
4        RFA4 are consistent with Oregon’s Policies and Goals Requiring the State to Address the  
5        Climate Crisis.  
6

7        Each of these reasons is discussed in more detail below. Following the evaluation of individual  
8        reasons, the exception request is discussed in its entirety.  
9

### 10        *Locational Dependence*

11  
12        Locational dependency refers to the proximity of the facility components proposed in RFA4 on  
13        existing infrastructure needed to construct and operate the facility, or the presence of  
14        uncommon geographical attributes at a site that would create a significant comparative  
15        advantage for the facility.  
16

17        The certificate holder presents three distinct arguments to support its locational dependence  
18        reason. Specifically, the certificate holder argues that the facility components proposed in RFA4  
19        are locationally dependent on:  
20

- 21        • The regional transmission grid through an existing substation with available  
22        interconnection capacity to allow the output of the facility components proposed in  
23        RFA4 to be transmitted to the regional grid without the need to construct new  
24        regional substations or lengthy high-voltage transmission lines.
- 25        • Nearby transportation corridors and local arterial routes which provide access and  
26        materials transport to the site, minimizing the need to construct new or improve  
27        existing roads.
- 28        • Other energy facilities, including the existing wind energy facility, because co-  
29        location with the wind facility will optimize the energy generated by the wind  
30        component by allowing excess wind energy to charge the BESS while keeping  
31        infrastructure costs to a minimum.<sup>166</sup>  
32

33        For the reasons described below, the Department recommends the Council find that the  
34        proposed Solar Micrositing Area’s proximity to the regional transmission grid and  
35        transportation infrastructure supports a locational dependence reason, and find that the  
36        reason supports, but does not by itself justify, an exception to Statewide Planning Goal 3.  
37

### 38        *Proximity to the regional transmission grid*

39  
40        The proposed solar facility would connect to the regional transmission grid through the Biglow  
41        Canyon Substation, which was constructed as part of the existing facility and is located within  
42        the proposed Solar Micrositing Area. The Biglow Canyon Substation is connected to the regional

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<sup>166</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1; 8.1.1.3.

1 grid by an approximately six mile 230-kV transmission line constructed by the Bonneville Power  
2 Administration (BPA) to interconnect the existing facility and the nearby Klondike III wind  
3 facility to the John Day Substation located outside of Rufus near I-84 and the Columbia River.<sup>167</sup>  
4 Several 500 kV transmission lines connect the John Day Substation with generating facilities in  
5 Oregon and Washington and load centers in the Portland metro region. In addition to the BPA  
6 230 kV transmission lines connecting the Biglow Canyon Substation to the Klondike III (Klondike  
7 Schoolhouse) Substation and John Day Substations, three other medium voltage transmission  
8 lines connect the Biglow Canyon Substation with other nearby wind farms.<sup>168</sup>

10 The certificate holder has an existing interconnection with BPA allowing for power generated by  
11 the existing facility to be transmitted to the regional transmission grid via the John Day  
12 Substation but is not currently using all of the available transmission capacity under its existing  
13 Interconnection Agreement. The certificate holder indicates that it has submitted a new surplus  
14 LGIA to BPA that would allow the use of the unused surplus capacity to export additional  
15 energy from the proposed solar facility and BESS to the regional grid. The certificate holder has  
16 represented that the LGIA is expected to go into effect in January 2026.<sup>169</sup>

18 The certificate holder argues that the facility components proposed in RFA4 are locationally  
19 dependent on the surplus capacity available at the existing Biglow Canyon Substation and the  
20 BPA 230-kV Biglow Canyon-John Day transmission line. The certificate holder further argues  
21 that utilizing the available surplus capacity eliminates the need for a new regional substation,  
22 and that no new high-voltage transmission lines will be needed to connect the solar  
23 components to this hub.

25 The Council has previously found that a site's proximity to existing transmission infrastructure  
26 with the necessary capacity to transmit the output of the facility to the regional grid is an  
27 appropriate, but not sufficient, reason to justify an exception to statewide planning goal 3;  
28 however, the certificate holder's reliance on proximity to previously approved facility  
29 components is somewhat unique and warrants further discussion.<sup>170</sup> In particular, reliance on  
30 proximity to previously approved facility components, such as the Biglow Substation, to justify  
31 an exception to Statewide Planning Goal 3 for an expansion of that same facility is somewhat  
32 problematic and could incentivize future developers to phase facilities in a manner that  
33 circumvents the protections provided by the Statewide Planning Goals and other land use

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<sup>167</sup> Site Certificate, Section III.A.

<sup>168</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1.1.

<sup>169</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1.1. The BPA Interconnection Queue indicates that a surplus interconnection request for no more than 450 MW of combined capacity was submitted on October 27, 2023. While the Queue indicates a requested in service date of January 2, 2026, the agreed to date is listed June 1, 2028. BPA Interconnection Queue Output for Request G0978. Accessed 10/20/2025 at: <https://www.bpa.gov/energy-and-services/transmission/interconnection>

<sup>170</sup> WRWAMD4 Final Order on Request for Amendment 4 2019-11-22; BSPAPPD02 Final Order 2020-04-24; MSEFAPPD04-1 Final Order (SIGNED) with Attachments 2021-08-02; WESAPPD02 2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24; WTSAPPD02 Final Order on ASC 2024-09-20; SSPAPPD056-00 Final Order with Attachments (Secure) 2024-11-20.

1 regulations. As such, the Department recommends the Council find that proximity to the  
2 existing Biglow Substation is not an appropriate reason to justify an exception to Statewide  
3 Planning Goal 3. With the Biglow Substation eliminated from consideration as a potential  
4 locational attractor; the Council must consider whether the site's proximity to the BPA 230-kV  
5 Biglow Canyon-John Day transmission line and the BPA John Day Substation, which connect the  
6 existing facility to the regional transmission grid, supports a locational dependence reason.

7  
8 As described above, the six-mile BPA 230-kV Biglow Canyon-John Day transmission line was  
9 constructed by BPA at least in part to serve the existing facility, but also connects other facilities  
10 in the area, including Avangrid's Klondike III facility, to the John Day Substation and the regional  
11 transmission grid. Because the Biglow Canyon-John Day transmission line is independently  
12 operated and was not constructed solely to serve the existing energy facility, the Department  
13 recommends the Council find that it is an appropriate locational attractor.

14  
15 The certificate holder argues that locating the facility components proposed in RFA4 in  
16 proximity to the Biglow Canyon-John Day transmission line demonstrates locational  
17 dependence because it eliminates the need for a new regional substation or lengthy high-  
18 voltage transmission line and increases the utilization of existing grid infrastructure in a manner  
19 that allows for efficient use of existing transmission infrastructure.<sup>171</sup>

20  
21 The Department recommends the Council find that these arguments support a locational  
22 dependence reason for the proposed solar facility, and recommends the Council find that the  
23 proposed Solar Micrositing Area's proximity to its point of interconnection with the regional  
24 transmission grid and the availability of surplus interconnection capacity supports a locational  
25 dependence reason to partially justify an exception to Statewide Planning Goal 3.

#### 26 *Proximity to transportation infrastructure*

27  
28  
29 The certificate holder asserts that the facility components proposed in RFA4 are locationally  
30 dependent on nearby transportation corridors, including I-84 to the north, and US-97 and OR-  
31 206 to the west, which provide access and materials transport to the site. As discussed in  
32 Section III.M, *Public Services*, several major and minor collector routes travel provide direct  
33 access to the Solar Micrositing Area, including N Klondike Road, Old Wasco-Heppner Highway,  
34 Medler Lane, Oehman Road, Herin Lane, and Biglow Canyon Road. These routes have  
35 previously been used to support the construction of energy facilities in the vicinity of the site,  
36 and no major improvement or expansion of the roads is expected to be needed to support the  
37 construction of the facility components proposed in RFA4. The certificate holder notes that  
38 locating the facility components proposed in RFA4 adjacent to local roads providing access to  
39 these corridors eliminates the need to construct major new access routes to connect with the  
40 regional transportation network, and minimizes the need for new access roads within the  
41 proposed Solar Micrositing Area.<sup>172</sup>

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<sup>171</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1.1.

<sup>172</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1.3



1  
2 The Council has previously found that proximity to transportation infrastructure can be relied  
3 upon to demonstrate locational dependence, particularly when existing infrastructure  
4 precludes the need for new external access roads or significant improvements to existing public  
5 roads.<sup>173</sup> Consistent with these previous findings, the Department recommends the Council find  
6 that the proposed Solar Micrositing Area's proximity to existing transportation corridors, which  
7 would provide access to the site without the need for the construction of new, or substantial  
8 modification, of existing public roads, supports a locational dependence reason to partially  
9 justify an exception to Statewide Planning Goal 3.

10  
11 *Proximity to, and colocation with, existing energy infrastructure*

12  
13 The certificate holder asserts that siting the solar facility in proximity to the existing wind  
14 facility would allow the certificate holder to utilize existing turbine access roads, allow wind  
15 components to charge the newly proposed battery energy storage system, and consolidate land  
16 use impacts to agricultural lands that are already within or adjacent to the boundaries of  
17 renewable energy projects rather than spreading the impacts across a broader more dispersed  
18 portion of the county.<sup>174</sup>

19  
20 The certificate holder points to several previous Council decisions in which it asserts the Council  
21 found that proximity to a facility's own existing energy infrastructure was a reason justifying a  
22 Goal 3 exception authorizing the expansion of an existing facility.

23  
24 The certificate holder cites the Final Order on the Application for Site Certificate (ASC) for the  
25 Nolan Hills Wind Farm; which authorized an exception to Goal 3 for the use of up to 1,896 acres  
26 of agricultural land for a solar photovoltaic power generation facility within a larger proposed  
27 wind power generation facility. The certificate holder cited the following finding as supporting  
28 the colocation reason:

29  
30 *"... The Council finds the land on which the solar site would be located, is*  
31 *particularly suited for development of a solar facility given its proximity to the*  
32 *proposed wind facility components and infrastructure because the solar*  
33 *facility would be able to: utilize an existing road during construction and*  
34 *operation of both wind and solar facility components; share energy*  
35 *infrastructure with wind facility components; and avoid any impacts to*  
36 *irrigated agriculture."*<sup>175</sup>

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<sup>173</sup> SSPAPDoc56-00 Final Order with Attachments (Secure) 2024-11-20, pg. 113-114; WTSAPDoc2 Final Order on ASC 2024-09-20, pg. 103; WESAPDoc 2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24, pg. 84-87.

<sup>174</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1.2.

<sup>175</sup> Final Order on Nolan Hills ASC, pg. 132.

1 While the certificate holder correctly identifies that the site’s suitability for collocation of wind  
2 and solar components was found to support locational dependency, this finding was made in  
3 the context of reviewing a proposal for new solar and wind components to be sited together  
4 and there was no reliance on proximity to *existing* energy infrastructure. On the contrary, the  
5 final order contained conditions of approval specifically requiring wind turbines and solar  
6 components to be designed and sited in a manner that maximized the energy density of the  
7 solar site to support the reason. In addition, in the Final Order on the ASC for Nolin Hills the  
8 locational dependence reason was further supported by proximity to the regional transmission  
9 grid (with a point of interconnection within one mile of the solar site) and transportation  
10 network; proximity to wind infrastructure was not separately evaluated. Even if the Council had  
11 explicitly relied on collocation as a reason in that proceeding, the certificate holder has not  
12 provided compelling evidence to support the argument that the efficient use of productive  
13 farmland was considered in the siting and design of the facility. As proposed in RFA4, turbine  
14 strings would be interspersed with solar components throughout the proposed Solar  
15 Micrositing Area, but as discussed in the evaluation of OAR 660-033-0130(38)(h)(A) above, the  
16 preliminary site plan shows approximately 500 acres of land, including land comprised of high-  
17 value farmland soils, that would be included in the proposed solar array fence lines and  
18 presumably taken out of agricultural production but wouldn’t otherwise be occupied by facility  
19 components due to the certificate holder’s requirements for spacing from turbine strings.  
20

21 The certificate holder also points to the Final Order on Request for Amendment 4 of the Site  
22 Certificate for the Montague Wind Power Facility, which authorized an exception to Statewide  
23 Planning Goal 3 for the addition of a solar photovoltaic power generation facility on up to 1,189  
24 acres of farmland within an, at that time, under construction wind facility. In that Order, the  
25 Council found: “It is relevant to the Goal 3 exception reasons to consider that the Phase 2 solar  
26 facility components would be located in close proximity to existing infrastructure, “co-located”  
27 with the Phase 1 Montague [wind] facility currently under construction.”<sup>176</sup> While the Council  
28 found the collocation to be relevant, this passage notably lacks the conclusion that the  
29 argument was a relevant “reason” justifying a Goal 3 exception that was provided for every  
30 other supporting reason.  
31

32 Finally, the certificate holder cites the Final Order on Request for Amendment 4 of the  
33 Wheatridge Wind Energy Facility, which authorized an exception to Goal 3 for the addition of a  
34 solar photovoltaic power generation facility on up to 1,527 acres of farmland within the site of  
35 at that time approved, but not constructed wind facility, as supporting this reason, but no direct  
36 quotation or further explanation is provided. In that final order, the Council Found that a  
37 locational dependency reason was a relevant reason supporting a Goal 3 exception, “...Based on  
38 the proximity to the UEC line [adjacent to the site], and the executed contractual agreement to  
39 use the line, which interconnects to BPA’s regional system...” Because the Council appeared to  
40 base its finding not on proximity to existing wind components, but on access to transmission  
41 infrastructure needed to transmit power to the regional grid, this finding is not relevant to this  
42 argument.

---

<sup>176</sup> Final Order on Request for Amendment 4 of the Site Certificate for the Montague Wine Power Facility, pg. 98.

1  
2 The Department recommends the Council find that none of these arguments appear to support  
3 the reliance on the presence of existing facility components at a site as a reason to justify an  
4 exception to Goal 3 to authorize an expansion of that same facility. As described in the  
5 discussion of the facility's proximity to transmission infrastructure, the Department  
6 recommends the Council find that it would be inappropriate to justify an exception based on  
7 proximity to an existing energy generation facility that was previously authorized by the Council  
8 to be sited on agricultural lands. That could incentivize future developers to segment facilities  
9 in a manner that circumvents the protections provided by the Statewide Planning Goals and  
10 other land use regulations. Based on this reasoning, the Department recommends the Council  
11 find that colocation with existing facility components does not support a locational dependence  
12 reason.

13  
14 The certificate holder also notes that there are four operational EFSC jurisdictional wind power  
15 facilities, two local jurisdictional wind power generation facilities within 10 miles of the  
16 proposed Solar Micrositing Area, as shown on Exhibit K, Figure K-3. Citing provision of the  
17 Sherman County Comprehensive plan, the certificate holder notes that development and  
18 maintenance of these facilities within Sherman County has created a "significant job market for  
19 high-tech maintenance people and thus a significant impactation the small communities, in terms  
20 of job creation and housing to serve the new technicians." The certificate holder also notes that  
21 local organizations such as the now-dissolved Mid-Columbia Council of Governments and the  
22 Columbia Gorge Community College have developed renewable energy facility-specific training  
23 programs for the region. The certificate holder argues that the on-going construction of new  
24 renewable energy facilities will leverage the existing local workforce skilled in constructing,  
25 maintaining and operating these facilities.<sup>177</sup>

26  
27 The certificate does not explain how the location of the proposed Solar Micrositing Area  
28 specifically leverages the regional workforce when compared to any other site in the Mid-  
29 Columbia region, or how that workforce benefits from locating the facility components  
30 proposed in RFA4 on highly productive agricultural land. For these reasons, the Department  
31 recommends the Council find that the certificate holder has not provided sufficient information  
32 to demonstrate that proximity to existing infrastructure supports a locational dependence  
33 reason.

#### 34 35 *Rural Economic Development Benefits*

36  
37 The certificate holder argues that renewable energy generation facilities, including the facility  
38 components proposed in RFA4, promote rural economic development in several ways,  
39 including:

- 40  
41 • By creating jobs as well as direct and indirect local economic benefits during  
42 construction and operation;

---

<sup>177</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.1.2.

- By adding to the local tax base which directly benefits the agricultural community;
- Through landowner lease payments; and
- By creating a Community Investment Plan

Each of these economic benefits are discussed in more detail below.

#### *Job creation and direct and indirect local economic benefits*

As described in Section III.M, Public Services, the certificate holder estimates that, on average, there would be 165 workers on site each day during the 17- to 19-month construction period. The certificate holder estimates that approximately 30 percent of the construction workforce would be hired from communities within a one-hour commute of the site but provides no additional evidence of a local hiring policy or program. The certificate holder estimates that seven permanent workers will be employed during the operation of the proposed solar and battery facilities, and that additional workers would be contracted for specific tasks such as weed control. In addition to creating these jobs, the certificate holder argues that spending by visiting workers during construction and operation of the facility would indirectly benefit the local economy.<sup>178</sup>

The Council has previously considered the rural economic developments of job creation as supportive of an exception to Statewide Planning Goal 3; however in recent decisions, the Council has found that evidence demonstrating a proposed facility will benefit a local economy in general, including through creation of jobs or generating spending which supports businesses in the service and construction sectors, is not sufficient to serve as an economic benefits reason for granting an exception to Goal 3 because any development will result in some level of job creation. Instead, the Council has found that evidence demonstrating how the local agricultural economy will benefit as a result of the proposed facility is needed to justify an exception to Goal 3.<sup>179</sup>

The Department recommends the Council find that there is not sufficient evidence on the record to determine that the jobs created during the construction of the facility components proposed in RFA4 would provide any more direct benefit to the agricultural economy than any other development in the County. Accordingly, the Department recommends the Council find that there is not sufficient evidence to demonstrate that the generation of property tax payments is a reason that justifies an exception to Statewide Planning Goal 3.

#### *Property tax payments*

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<sup>178</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.1.

<sup>179</sup> For findings in support of this reason see WRWAMD4 Final Order on Request for Amendment 4 2019-11-22, pg. 64; BSPAPDoc2 Final Order 2020-04-24, pg. 111; MWPAMD5 Final Order on RFA5 2020-09-25, pg. 93; OSCAPDoc2 Final Order on ASC 2022-02-25, pg. 86-87. More recent orders rejecting this reason include MSEFAPDoc4-1 Final Order (SIGNED) with Attachments 2021-08-02, pg. 104; WESAPDoc 2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24, pg. 95-96; WTSAPDoc2 Final Order on ASC 2024-09-20, pg. 107-109; SSPAPDoc56-00 Final Order with Attachments (Secure) 2024-11-20, pg. 118-120.

1  
2 The properties that make up the site are in Sherman County's Tax Code Area 7-2 (Rural Wasco,  
3 Rufus). The taxing districts which receive revenues from property taxes in this area include  
4 Sherman County, the Sherman County Soil and Water Conservation District (SCSWCD), and  
5 North Central Rural Fire Protection District. The certificate holder argues that spending by these  
6 districts directly benefits the local agricultural economy. In particular, the certificate holder  
7 notes that Sherman County is responsible for road maintenance and improvements, which  
8 farmers rely on to move their equipment and crops; and SCSWCD manages the Noxious Weed  
9 List and the County Cost Share program providing reimbursement to farmers for implementing  
10 conservation practices; and North Central Sherman Rural Fire Protection District provides  
11 protection of agricultural lands from wildfire. The certificate holder also notes that tax  
12 payments and community service fees provided through the Strategic Investment Program  
13 Agreements for existing wind energy facilities have been significant contributors to these  
14 districts.<sup>180</sup>

15  
16 The certificate holder notes that is has not yet entered into any tax arrangements with the  
17 County for the facility components proposed in RFA4 but expects to enter into a Payment in  
18 Lieu of Property Taxes (PILOT) Agreement with the County. Based on an assumed 40-year  
19 operating life of the facility, the certificate holder estimates that minimum payments to  
20 Sherman County would be approximately \$40.1 million under the Solar PILOT program.  
21 Payments under a PILOT agreement would extend over 20 years and be a fixed amount per MW  
22 over this period. Payments would be made to the taxing districts that comprise Tax Code Area  
23 7-2 in accordance with their established levies.<sup>181</sup>

24  
25 The certificate holder argues that due to the importance of agriculture in Sherman County, any  
26 local government investments will directly benefit the local agricultural community and  
27 economy. It argues that taxes received by Sherman County, the SCSWCD, and North Central  
28 Rural Fire Protection District have all resulted in investment back into the local agricultural  
29 economy. Sherman County is responsible for road maintenance and improvements, which  
30 farmers rely on to move their equipment on throughout the lifecycle of their crops and  
31 especially for moving their crops to their end destinations for sale. SCSWCD manages the  
32 Noxious Weed List and the County Cost Share program which reimburses farmers for  
33 implementing conservation practices and other practices, such as herbaceous weed control and  
34 pasture/range planting on their lands.<sup>182</sup>

35  
36 The Council has previously considered the tax revenues generated by energy development as  
37 supportive of an exception to Statewide Planning Goal 3;<sup>183</sup> however in recent decisions, the

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<sup>180</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.2

<sup>181</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.2

<sup>182</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.2

<sup>183</sup> See WRWAMD4 Final Order on Request for Amendment 4 2019-11-22; pg. 64; BSPAPDoc2 Final Order 2020-04-24, pg. 111; MWPAMD5 Final Order on RFA5 2020-09-25, pg. 93; OSCAPDoc2 Final Order on ASC 2022-02-25, pg. 86-87.

1 Council has found that evidence demonstrating a proposed facility will benefit a local economy  
2 in general, including through the generation of tax revenue, is not sufficient to serve as an  
3 economic benefits reason for granting an exception to Goal 3 because any development will be  
4 required to pay some form of taxes. The Council has found that evidence demonstrating how  
5 the local agricultural economy will specifically benefit as a result of the proposed facility is  
6 needed to justify an exception to Goal 3.<sup>184</sup>

7  
8 Here, the certificate holder argues that, due to the rural nature of Sherman County and the  
9 prevalence of the agricultural sector in its economy, the existing tax scheme guarantees that  
10 any increased revenue will directly benefit the agricultural economy.

11  
12 The certificate holder does not provide a comparison of the estimated revenues that would be  
13 generated by the facility components proposed in RFA4 when compared to the existing farm  
14 uses, or provide any details about unique investments or improvements that the County or  
15 other taxing districts would be able to make if the facility components proposed in RFA4 were  
16 constructed. The Department recommends the Council find that there is not sufficient evidence  
17 on the record to determine that the tax benefits from the facility components proposed in RFA4  
18 would provide any more direct benefit to the agricultural economy than any other  
19 development in the County. Accordingly, the Department recommends the Council find that  
20 there is not sufficient evidence to demonstrate that the generation of property tax payments is  
21 a reason that justifies an exception to Statewide Planning Goal 3.

#### 22 23 *Creation of a Community Investment Plan*

24  
25 To ensure the creation of rural economic development, the certificate holder proposes to  
26 partner with Sherman County and the MCEDD to establish and manage a mitigation fund that  
27 would fund projects that benefit the Sherman County agricultural economy. Before beginning  
28 construction of a phase of construction, the certificate holder would contribute \$1,600 per acre  
29 into the fund for each acre removed from agricultural production for any phase of  
30 construction.<sup>185</sup>

31  
32 To arrive at this number, the certificate holder modeled the economic impacts of removing up  
33 to 1,445 acres of farmland within the proposed Solar Micrositing Area from agricultural  
34 production based on the productivity of land and average prices of wheat. NRCS assigns an  
35 average of 45 to 55 bushels per acre of winter wheat for non-irrigated Walla Walla silt loam and  
36 an average of 30 to 40 bushels per acre of winter wheat for non-irrigated Anderly silt loam. Mr.  
37 Scharf, the partial owner and farm manager for Tract 2, reported a higher five-year average  
38 yield of 62 bushels per acre on the lands he farms in the Tract.<sup>186</sup> Based on the average yields

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<sup>184</sup> MSEFAPDoc4-1 Final Order (SIGNED) with Attachments 2021-08-02, pg. 104; WESAPDoc 2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24, pg. 95-96; WTSAPDoc2 Final Order on ASC 2024-09-20, pg. 107-109; SSPAPDoc56-00 Final Order with Attachments (Secure) 2024-11-20, pg. 118-120.

<sup>185</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.3.

<sup>186</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 3.3.2.1; Attachment K-1

1 reported by Mr. Scharf, the typical two year crop cycle for dryland winter wheat, and the  
2 average price per bushel of winter wheat over the past 10 years, the modelling showed that the  
3 construction and operation of the facility components proposed in RFA4 would result in an  
4 estimated \$281,300 annual reduction in crop output, or about 0.8 percent of the total crop  
5 output of Sherman County.<sup>187</sup> Because the direct revenue losses of the reduction would be  
6 made up by lease payments, the modelling focused on the indirect impacts on the local  
7 agricultural economy that would result from reduced spending on agricultural inputs like  
8 fertilizers and herbicides, repair and other services, and crop marketing. The certificate holder  
9 notes that it's modeling did not take the spending on services such as weed control and road  
10 maintenance into account even though this spending would be expected to reduce the overall  
11 indirect impacts.<sup>188</sup> Based on the modelling, the certificate holder estimates that at full build  
12 out, the construction and operation of the facility would result in a loss of up to \$213,900 per  
13 year over the 40-year expected operating life of the facility components proposed in RFA4.  
14 Calculated over a period of 40 years of operation, and adjusting to present value, the estimated  
15 indirect output would be up to \$2,315,128, or \$1,600 per acre of farmland taken out of  
16 production.<sup>189</sup>

17  
18 The Community Investment Plan provides details of the establishment and administration of  
19 the mitigation fund. As discussed further below, PGE, the Project Developer, Sherman County,  
20 and the Mid-Columbia Economic Development District (MCEDD) are negotiating a  
21 Memorandum of Understanding to document their working relationships and the procedures  
22 that will govern implementation of the Plan and allocation of dollars from the mitigation fund  
23 for selected projects.

24  
25 To help inform the development of the CIP and to identify potential projects that would  
26 support the local agricultural economy the certificate holder met with local wheat farmers, the  
27 Oregon Watershed Enhancement Board, Oregon State University including its extension service  
28 in Sherman County and the College of Agricultural Sciences, the Oregon Wheat Commission,  
29 the Sherman County Fire District, Sherman County Emergency Services, the Rural Sherman  
30 County Fire Board, and local government officials and staff. The certificate holder identified  
31 several possible agricultural mitigation investments based on this coordination; including five  
32 "pre-screened" projects that would qualify for funding:

- 33  
34 1. Research into agrivoltaics techniques in the context of dryland farming in central and  
35 eastern Oregon.
- 36 2. Investments in minimizing wildland fire risk to agricultural crops, properties, and  
37 infrastructure designated in the Sherman County Community Wildfire Protection  
38 Plan, and minimizing risk of liability to farmers from farm activities igniting fires and  
39 impacting non-farm uses in the agricultural district.

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<sup>187</sup>BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-2, Section 4.4.1.

<sup>188</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, See Footnote 29.

<sup>189</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-2.

3. Providing additional funds to supplement SCSWCD cost share programs for technical assistance programs such as improving haul routes, weed control, establishing fire breaks, etc.
4. Providing grants to county wheat farmers to invest in precision agricultural technology such as weed management equipment, remote sensing technology to assist with weed mapping or soil mapping, variable rate technology to collect data on soil variability to inform application of fertilizers, and other technologies
5. Establishing a per-bushel support mechanism for Sherman County's wheat growers. An additional \$0.05 per bushel would be paid directly to farmers on top of the prevailing market price to help offset the rising costs of inputs such as seed, fertilizer, fuel, machinery, and labor.<sup>190</sup>

For other proposals, a five-person advisory committee (Selection Committee) coordinated by MCEDD would review applications and make recommendations to Sherman County Board of Commissioners on funding. The Selection Committee would include one representative from Sherman County government; one representative from an academic institution engaged in agriculture research in Sherman County or an agricultural-related nonprofit entity located in Sherman County; one dryland farm producer in the County; one community member; and one representative with expertise in wildfire as it relates to agricultural lands. The County would have an opportunity to propose candidates for the Selection Committee, otherwise candidates would be selected by MCEDD.<sup>191</sup>

Each application would be weighed against selection criteria intended to ensure that selected projects will bring economic benefit to the County's agricultural economy. The five selection criteria are as follows:

1. Improving resiliency and efficiency of Sherman County's agricultural economy;
2. Improving agricultural wildfire protection and risk management capacity;
3. Investing in research to further agrivoltaics for dryland wheat lands;
4. Investing in agricultural education for next-generation farmers; and
5. Subsidizing the price of wheat produced in Sherman County.<sup>192</sup>

Under the CIP, the Sherman County Board of Commissioners would make the final selection for what projects would be funded and/or what organizations would be awarded mitigation funds. The CIP identifies selection criteria unique to the Sherman County agricultural community and its specific needs that will be applied to proposed mitigation projects. The certificate holder argues that the CIP provides sufficient information to guide Sherman County's selection of mitigation projects to be a) responsive to the community's needs; b) beneficial to the dryland wheat community; and c) more than sufficient to counter any indirect economic impacts from the Solar Components. The Department recommends the Council find that the proposed CIP

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<sup>190</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-4, Section 5.0.

<sup>191</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-4, Section 4.2.1.

<sup>192</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-4, Section 5.0.



1 was prepared using reasonable methods and the proposed mitigation reasonably addresses the  
2 indirect impacts of converting agricultural lands in the proposed Solar Micrositing Area to  
3 nonfarm use.

4  
5 The Council has previously considered the creation of similar investment or mitigation funds to  
6 be supportive of a rural economic benefit reason, and that such a reason would partially justify  
7 an exception to Statewide Planning Goal 3.<sup>193</sup> While the calculation of mitigation, project  
8 selection process and criteria, and pre-screened projects are generally consistent with those  
9 included in previous agricultural mitigation plans the inclusion of wildfire prevention and risk  
10 mitigation as a benefit to the agricultural economy is a novel proposal and warrants more  
11 further discussion.<sup>194</sup>

12  
13 As discussed in more detail in Section III.N., *Wildfire Prevention and Risk Mitigation*, Sherman  
14 County has experienced significant wildfires in recent years which have impacted agricultural  
15 lands and farmers are often directly engaged in firefighting activities. As noted by the certificate  
16 holder, the Sherman County Community Wildfire Protection Plan notes that the 2018  
17 Substation Fire burned over 78,425 acres, destroyed over 1 million bushels of wheat, and  
18 resulted in the death of a farmer-firefighter. The CWPP identified several opportunities to assist  
19 the County and local fire protection providers to mitigate and respond to wildfire risk in the  
20 county, including upgrading, maintaining, or adding firefighting equipment for Sherman  
21 County's Rural Fire Protection Districts; upgrading and developing new facilities at Rufus Fire  
22 Hall, North Sherman Rural Fire Protection District Station, and/or South Sherman Rural Fire  
23 Protection District Station; training volunteers; funding staff, and funding projects to develop  
24 fuel breaks, reduce wildfire hazards, provide firefighting water.<sup>195</sup>

25  
26 The certificate holder has identified any of the projects identified in the CWPP as "pre-  
27 screened" projects for the CIP. The certificate holder emphasizes the interconnectedness of  
28 agricultural mitigation and wildfire mitigation in Sherman County and asserts that any project  
29 that reduces the risk or extent of wildfire damage to dryland wheat crops and their supporting  
30 infrastructure would provide a direct economic benefit to the County's agricultural  
31 community.<sup>196</sup> Because the certificate holder has provided strong evidence linking the benefits  
32 of wildfire protection to agricultural practices, producers, and the broader community, the  
33 Department recommends the Council find that the inclusion of wildfire mitigation as a potential  
34 use of agricultural mitigation funds in the CIP is appropriate and supports a rural economic  
35 benefits reason. Based on the other pre-screened projects and selection criteria above, the  
36 Department recommends the Council further find that the agriculture mitigation funds are  
37 likely to be used in a manner that benefits the local agricultural economy and responds to

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<sup>193</sup> WTSAPPD02 Final Order on ASC 2024-09-20, pg. 107-109; SSPAPPD056-00 Final Order with Attachments (Secure) 2024-11-20, pg. 121-124

<sup>194</sup> The proposed use of funds to directly subsidize the price of wheat for Sherman County growers is also novel, but the benefit to farmers from that approach seems to be clear.

<sup>195</sup> See the 2024 Sherman County CWPP, Section XII., Wildfire Mitigation Projects;  
<https://storage.googleapis.com/proudcity/shermancountyor/2017/10/Sherman-County-CWPP-2024.pdf>

<sup>196</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-4, Section 5.2.

community need, but, consistent with past proceedings, recommends the Council find that a non-voting Council representative should be included in the selection committee to ensure statewide and regional interests are represented and that future projects can benefit from any lessons learned from the selection process. This change has been proposed in the Community Investment Plan included as Attachment E to this Order.

As discussed in more detail below, the Department recommends the Council find that the implementation of the CIP may be considered as a reason to support an exception to Statewide Planning Goal 3 but is not sufficient to justify an exception by itself. To ensure the plan is implemented as proposed, and a Council representative is included on the selection committee, the Department recommends the Council impose the following condition:

**Recommended Land Use Condition 6 (PRE-LU-03)**

Prior to construction of the solar facility, component or phase, as applicable, the certificate holder shall submit to the Department:

- a. A Memorandum of Understanding or other agreement executed by the certificate holder, Mid-Columbia Community Economic Development District, and Sherman County, establishing a Community Investment Fund in accordance with the Community Investment Plan included as Attachment E to the Final Order on RFA4.
- b. Evidence that that the certificate holder has contributed at least \$1,600 per acre of cultivated land that will be occupied by facility components to the Community Investment Fund.

[Final Order on AMD4]

*Landowner Lease Payments*

The certificate holder provides testimony from participating landowners that the lease payments that would be made for land taken out of agricultural production would allow the landowners to increase the dollars per acre spent on, and increase the economic viability of, their remaining farm operations.<sup>197</sup>

The Council has accepted lease payments made to landowners as an economic benefits reason justifying a Goal 3 exception when the applicant or certificate holder provides evidence of a direct connection between lease payments and specific benefits to significant agricultural operations. In this case, the landowner merely indicated that they will have fewer expenditures and will be farming fewer acres, but will increase general local spending.<sup>198</sup> In addition, the certificate holder notes that the landowner currently leases the land in the Proposed Solar Micrositing to other farmers, and those farmers' agricultural operations are not likely to benefit from the lease payments.

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<sup>197</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.4.

<sup>198</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Attachment K-1. In Exhibit K, Section 8.1.3.4, the certificate holder claims the landowner testified that they anticipate to spending more per acre on their remaining farm operations, but this is unsupported by the record.

1  
2 The certificate holder also notes that many of the farmers contacted during the development of  
3 the application have benefited from wind farm leases, which helped them diversify their  
4 income streams, allowed them to invest in their wheat farming operations and equipment, and  
5 strengthened the resilience of their farms in the face of the ongoing global wheat market  
6 challenges. These farmers indicated that adding solar leases to their existing farming operations  
7 would provide further flexibility to look at new agribusiness models such as agrivoltaics, new  
8 crops/markets, and/or agritourism. The farmers also expressed interest around the potential  
9 for developing agrivoltaics with dryland crops and stated that lease payments would provide  
10 this diversified income stream to allow landowners to take more risks in investing in new  
11 technologies, new cropping systems, and agrivoltaics.<sup>199</sup> While income diversification may help  
12 farmers strengthen and diversify their farm operations, the Department recommends the  
13 Council find that these arguments are not relevant to the lands in the Proposed Solar  
14 Micrositing Area, as the participating landowner or individuals farming the land have not  
15 demonstrated, or even indicated, they intend to use the lease payments from the proposed  
16 solar facility to make or allow for new farm investment.

17  
18 Accordingly, the Department recommends the Council find that the certificate holder has not  
19 provided sufficient evidence to demonstrate that lease payments will benefit agricultural  
20 operations in a specific or unique manner. Accordingly, the Department recommends the  
21 Council find that there is not sufficient evidence to demonstrate that lease payments made to  
22 landowners are a reason to justify an exception to Statewide Planning Goal 3.

23  
24 *Minimal Impacts on other resources protected by Council standards*

25  
26 The certificate holder argues that the facility components proposed in RFA4 is sited to avoid  
27 sensitive environmental features, including but not limited to, wetlands, big-game winter range,  
28 habitat for state-listed or special status species, in part because it is sited on land currently used  
29 for dry-land wheat cultivation. The certificate holder further notes that any additional impacts  
30 to resources, including soils, wetlands, protected areas, water resources, scenic and aesthetic  
31 resources, and historic, cultural, and archaeological resources will be avoided, minimized, or  
32 otherwise mitigated in accordance with new and existing conditions of approval. The certificate  
33 holder specifically asserts that “choosing land in farm use allows for the preservation of  
34 undeveloped habitats, sensitive lands and waterways in other parts of the county.”<sup>200</sup>

35  
36 As described in Section III.H, as proposed, the facility would result in permanent impacts up to  
37 44 acres of Category 2 to 4 habitat, including approximately 21 acres of Category 2 Sagebrush  
38 Shrub-Steppe habitat that is in or adjacent to a Priority Wildlife Connectivity Area.

39  

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<sup>199</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.3.4.

<sup>200</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.2.

1 The council has previously found “minimal impacts to resources protected by Council  
2 standards” or “minimal impacts to other environmental resources” as an appropriate, but not  
3 in itself sufficient, reason to justify an exception to Statewide Planning Goal 3.<sup>201</sup>  
4

5 In addition to finding that there are sufficient reasons to justify taking an exception to the  
6 applicable goal, when taking an exception, ORS 469.504(2)(a)(B) requires the Council to find  
7 that the significant environmental, economic, social and energy consequences anticipated as a  
8 result of the facility components proposed in RFA4 have been identified and adverse impacts  
9 will be mitigated in accordance with rules of the Council. The Department recommends that in  
10 order to justify a goal exception, the certificate holder must go beyond demonstrating that this  
11 criterion, or the requirements of the applicable Council Standards, has been satisfied and  
12 demonstrate that the lack of resources or impacts at a particular site goes beyond the  
13 conditions that would be expected on any developed farmland.  
14

15 The Department recommends the Council find that the certificate holder has not provided  
16 sufficient evidence to demonstrate that the level of impacts to resources that would result from  
17 the construction and operation of the facility components identified in RFA4 is exceptionally  
18 low, particularly when compared to other locations that are currently in farm use. Accordingly,  
19 the Department recommends the Council find that the certificate holder has not provided  
20 sufficient evidence to support a minimal impact to resources reason.  
21

#### 22 *Consistency with State Climate Policies and Goals* 23

24 The certificate holder argues that authorizing the facility components proposed in RFA4 is  
25 consistent with State policies and goals addressing the climate crisis and that relate to the  
26 acceleration of Oregon’s clean energy transition including the provisions of Statewide Planning  
27 Goal 13 and House Bill 2021 (2021).<sup>202</sup>  
28

29 The Council has consistently rejected similar arguments in past proceedings, finding that  
30 neither Goal 13 nor House Bill 2021 require renewable energy to be procured from Oregon-  
31 based resources, address where renewable energy facilities should be located, or direct  
32 agencies to allow facilities to be placed on agricultural lands as an exception to Goal 3.<sup>203</sup>

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<sup>201</sup> Final Order on the Application for Site Certificate for the Madras Solar Energy Facility (2021), Final Order on the Application for Site Certificate for the West End Solar Project (2023), Final Order on the Application for Site Certificate for the Nolin Hills Wind Power Project (2023), Final Order on the Application for Site Certificate for the Wagon Trail Solar Project (2024), and Final Order on the Application for Site Certificate for the Sunstone Solar Project (2024).

<sup>202</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.4.

<sup>203</sup> BSPAPPDoc2 Final Order 2020-04-24, pg. 113; BSPAPPDoc2 Final Order 2020-04-24, pg. 112-113; MWPAMD5 Final Order on RFA5 2020-09-25, 94-95; MSEFAPPDoc4-1 Final Order (SIGNED) with Attachments 2021-08-02, pg. 103-104; MSEFAPPDoc4-1 Final Order (SIGNED) with Attachments 2021-08-02, pg. 104; OSCAPPDoc2 Final Order on ASC 2022-02-25, pg. 88; WESAPPDoc 2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24, pg. 83-84; WTSAPPDoc2 Final Order on ASC 2024-09-20, pg. 100-101, SSPAPPDoc56-00 Final Order with Attachments (Secure) 2024-11-20, pg. 125.

1  
2 Here, the certificate holder argues that the Council has the discretion and power to balance the  
3 state policies for the preservation of agricultural lands for farm use with its policy directive in  
4 ORS 469.010, and encourages the Council to consider recent studies demonstrating the need  
5 for additional renewable energy development in the state, including the Department's own  
6 Biennial Energy Report which estimates that approximately 63,300 acres in Oregon would need  
7 to be utilized for solar development to meet Oregon's renewable energy targets. The certificate  
8 holder states that locating the solar facility in the Solar Micrositing Area "helps achieve  
9 Oregon's clean energy goals while also taking advantage of the efficiencies of the existing  
10 electrical infrastructure in the RFA 4 Site Boundary, minimizing impacts to other state protected  
11 resources such as habitat and cultural resources, and while offering economic benefits to the  
12 rural community in Sherman County through the tax payments and community benefit  
13 program."<sup>204</sup>  
14

15 The Department recommends that the Council find that the certificate holder has not  
16 presented any unique arguments that would require the Council to reconsider its established  
17 position regarding the "consistency with State climate goals and policies" reason. While ORS  
18 469.010 does articulate State Policies to encourage the development of "permanently  
19 sustainable energy resources" the onus behind this policy is to ensure that "future generations  
20 not be left a legacy of vanished or depleted resources, resulting in massive environmental,  
21 social and financial impact." In ORS 469.310, the legislature further directed the Council to carry  
22 out these policies by ensuring that the siting, construction and operation of both renewable  
23 and nonrenewable energy facilities is accomplished "in a manner consistent with protection of  
24 the public health and safety and in compliance with the energy policy and air, water, solid  
25 waste, land use and other environmental protection policies of this state." In other words,  
26 neither the State Energy Policy in ORS 469.010 or ORS 469.310 suggest that the Council should  
27 grant an exception to the State's goals to preserve agricultural lands, particularly highly-  
28 productive farmlands, for farm use based on the general need for new sources of renewable  
29 energy to meet other state goals.  
30

31 Consistent with the state policies in ORS 469.010, 469.310 and the Council's previous decisions,  
32 the Department recommends the Council find that consistency with State climate goals and  
33 policies is not an appropriate reason to justify an exception to Statewide Planning Goal 3.  
34

### 35 Overall Evaluation of Reasons 36

37 As described above, the Department recommends the Council find that the certificate holder  
38 has provided sufficient evidence to demonstrate that the facility components proposed in RFA4  
39 are locationally dependent on nearby major transmission infrastructure and transportation  
40 corridors and that the proposed Community Investment Plan is adequate to demonstrate the  
41 creation of rural economic development benefits. The Council has previously found that  
42 locational dependence and creation of local economic benefits reasons together can justify an

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<sup>204</sup> BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 8.1.4.

exception to Statewide Planning Goal 3; however, as discussed below, these reasons are often coupled with other reasons addressing the productivity of the affected farmland. While not binding upon the Council, the standards for local governments also support such reasons being considered acceptable to justify an exception. Under OAR 660-004-0002(3)(c), a local government may grant a “reasons” exception for a solar facility as a Rural Industrial Development if the government found the facility “would have a significant comparative advantage due to its location...which would benefit the county economy and *cause only minimal loss of productive resource lands.*” Emphasis added.

In this case, the Council must determine whether an exception is justified, despite the presence of productive farmland, including irrigated land and high-value farmland soils, at the site. The Council has previously granted exceptions for sites that contain irrigated land and high-value farmland soils, but these decisions have also included reasons establishing why the lands are in fact not suitable for agriculture, are less productive than other available agricultural lands, or Are located on water-challenged lands. For example, in the Council’s Final Order on the Application for Site Certificate for the Sunstone Solar Project, the Council granted an exception to Goal 3 for a site that contained both land appurtenant to a water right, and 2,914 acres of soils considered Class II, *when irrigated*. This decision relied on similar locational dependence and economic benefits reasons as presented in RFA4, but the Council also found that there were practical and economic limitations on actually using water due to the site’s location in a Critical Groundwater Area.<sup>205</sup>

The NRCS Class II soils at the Biglow site represent some of the most productive soils in the state, and while the underlying tract is not predominantly made up of those soils, up to 777 acres of high-value farmland soils would still be removed from agricultural production during construction and operation of the proposed solar facility. In addition, up to 311 acres of irrigated land are present on the site, although the area that is actually irrigated covers a much smaller area.<sup>206</sup> The Department recommends this level of impact represents more than a minimal loss of productive resource lands; however, it is still within the Council’s discretion to grant an exception to Statewide Planning Goal 3 if it finds the accepted reasons provide sufficient justification, and the Department recommends the Council find that they do. In particular, the Department recommends the Council find that the availability of surplus capacity for interconnection at a location within the proposed Solar Micrositing Area is a unique reason, and represents a strong locational attractor given the limited availability of new interconnection in the state. While the proposal to provide compensatory mitigation to generate local economic benefits does not present a reason that is unique to the site itself, the

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<sup>205</sup> SSPAPPDoc56-00 Final Order with Attachments (Secure) 2024-11-20, pg. 114-116. For similar decisions, see WRWAMD4 Final Order on Request for Amendment 4 2019-11-22, pg. 63-64; BSPAPPDoc2 Final Order 2020-04-24, pg. 111; WESAPPDoc 2-2 Final Order on ASC Combined w Attachments Signed 2023-03-24, pg. 87-94; MWPAMD5 Final Order on RFA5 2020-09-25; pg. 93-94.

<sup>206</sup> The site also contains a 13 acre tract which is considered high-value farmland due to the predominance of class II soils; however, because the existing Biglow Canyon Substation is already located on that site and no additional development is proposed, the Department recommends the Council find it is not necessary to address this impact separately.

1 Department recommends the Council find the proposed Community Investment Plan was  
2 prepared using reasonable methods and the proposed mitigation reasonably addresses the  
3 indirect impacts of converting agricultural lands in the proposed Solar Micrositing Area to  
4 nonfarm use. The Department further recommends the Council find that the screening criteria  
5 and pre-screened projected presented in the Community Investment Plan reflect the unique  
6 needs and priorities of the local community.  
7

#### 8 Mitigation of Environmental, economic, social and energy consequences 9

10 As discussed in Sections III.F, III.J, and III.L, the Department recommends the Council find that  
11 the construction and operation of the facility components proposed in RFA4 are not likely to  
12 have significant adverse impacts on any Protected Areas, significant or important Scenic  
13 Resources or Recreation Opportunities. As described in Section III.I, no state listed threatened  
14 or endangered species are known to occur at the site and no listed species are expected to be  
15 adversely affected by the construction and operation of the facility components proposed in  
16 RFA4. As discussed in Section III.D, III.H, and III.K, and IV.B, the construction and operation of  
17 the facility components proposed in RFA4 could have significant adverse impacts on soils, fish  
18 and wildlife habitat, cultural resources, and waters of the State, but the Department  
19 recommends the Council find that existing and recommended conditions of approval are  
20 adequate to avoid, minimize, or mitigate these impacts.  
21

22 Wildfire is a significant issue in Sherman County and any significant increase in wildfire risk  
23 could have significant environmental, economic, and social consequences. As discussed in  
24 Section III.M and III.N, and in this section, the Department recommends the Council find that  
25 subject to compliance with Recommended Wildfire Prevention and Risk Mitigation Conditions 1  
26 to 4, and other existing and recommended conditions of the site certificate, the construction  
27 and operation of the solar facility are not likely to significantly increase wildfire risk in the  
28 County.  
29

30 As discussed in Section III.M., due to the limited number of workers that would be permanently  
31 employed by the construction and operation of the facility components proposed in RFA4, the  
32 Department recommends the Council find that no other significant adverse impacts on public  
33 services are expected to result from the operation of the facility components proposed in RFA4,  
34 and temporary impacts during construction would be minimized in accordance with  
35 recommended and existing conditions of approval. As discussed in Section III.O, the  
36 Department recommends the Council find that existing and recommended conditions of  
37 approval would also minimize any environmental or economic impacts associated with the  
38 generation of solid waste at the site.  
39

40 As discussed in Section III.P and IV.A, the Department recommends the Council find that the  
41 certificate holder has provided sufficient evidence to demonstrate that the construction and  
42 operation of the facility components proposed in RFA4 will comply with the standards for EMF  
43 radiation and Noise Control established under OAR 345-024-0090 and 340-035-0035.  
44

1 Compatibility with adjacent uses  
2

3 To grant the exception, the Council must find that the facility components proposed in RFA4 are  
4 compatible with other adjacent uses or will be made compatible through measures designed to  
5 reduce adverse impacts. As discussed in the evaluation of OAR 660-022-0130(5), above, the  
6 Department recommends the Council find that, subject to compliance with existing and  
7 recommended conditions of approval, the construction and operation of the facility  
8 components proposed in RFA4 are not expected to result in significant adverse impacts to  
9 adjacent farm uses from traffic, dust, noxious weeds, or wildfire.  
10

11 As discussed in the evaluation of SCZO Section 3.6, the Department recommends the Council  
12 find that the setback required under Recommended Land Use Condition 11 is adequate to  
13 ensure the facility components proposed in RFA4 are compatible with operations at the  
14 significant aggregate resource site located adjacent to the Northern Solar Area.  
15

16 **III.E.2. Conclusions of Law**  
17

18 Based on the foregoing analysis, and subject to compliance with the recommended site  
19 certificate conditions described above, the Department recommends the Council find that the  
20 facility components proposed in RFA4 will comply with the statewide planning goals adopted by  
21 the Land Conservation and Development Commission.  
22

23 **III.F. PROTECTED AREAS: OAR 345-022-0040**  
24

25 *(1) To issue a site certificate, the Council must find:*  
26

27 *(a) The proposed facility will not be located within the boundaries of a*  
28 *protected area designated on or before the date the application for site*  
29 *certificate or request for amendment was determined to be complete under*  
30 *OAR 345-015-0190 or 345-027-0363;*  
31

32 *(b) The design, construction and operation of the facility, taking into account*  
33 *mitigation, are not likely to result in significant adverse impact to a protected*  
34 *area designated on or before the date the application for site certificate or*  
35 *request for amendment was determined to be complete under OAR 345-015-*  
36 *0190 or 345-027-0363.*  
37

38 *(2) Notwithstanding section (1)(a), the Council may issue a site certificate for:*  
39 *(a) A facility that includes a transmission line, natural gas pipeline, or water*  
40 *pipeline located in a protected area, if the Council determines that other*  
41 *reasonable alternative routes or sites have been studied and that the*  
42 *proposed route or site is likely to result in fewer adverse impacts to resources*  
43 *or interests protected by Council standards; or*



1  
2 *(b) Surface facilities related to an underground gas storage reservoir that have*  
3 *pipelines and injection, withdrawal or monitoring wells and individual*  
4 *wellhead equipment and pumps located in a protected area, if the Council*  
5 *determines that other alternative routes or sites have been studied and are*  
6 *unsuitable.*

7  
8 *(3) The provisions of section (1) do not apply to:*

9  
10 *(a) A transmission line routed within 500 feet of an existing utility right-of-way*  
11 *containing at least one transmission line with a voltage rating of 115 kilovolts*  
12 *or higher; or*

13  
14 *(b) A natural gas pipeline routed within 500 feet of an existing utility right of*  
15 *way containing at least one natural gas pipeline of 8 inches or greater*  
16 *diameter that is operated at a pressure of 125 psig.*

17  
18 *(4) The Council shall apply the version of this rule adopted under*  
19 *Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the*  
20 *review of any Application for Site Certificate or Request for Amendment that*  
21 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*  
22 *before the effective date of this rule. Nothing in this section waives the*  
23 *obligations of the certificate holder and Council to abide by local ordinances,*  
24 *state law, and other rules of the Council for the construction and operation of*  
25 *energy facilities in effect on the date the site certificate or amended site*  
26 *certificate is executed.*<sup>207</sup>

27 \*\*\* 208

### 28 **III.F.1. Findings of Fact**

29  
30 The analysis area for the Protected Areas standard is the area within and extending 20 miles  
31 from the proposed Solar Micrositing Area Boundary.<sup>209</sup>  
32

---

<sup>207</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>208</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>209</sup> The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis areas established in a Project Order, if warranted based on the scope of changes in the Request for Amendment. The October 10, 2005 Project Order established the analysis area as the area within and extending 20-miles from the site boundary, including areas outside of the state of Oregon. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on March 5, 2024, the Department approved a modified analysis area for the Protected Areas standard based on the scope and extent of potential impacts associated with the facility components within the proposed Solar Micrositing Area. BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

1    *Protected Areas in the Analysis Area*

2

3    There are 12 designated protected areas in the analysis area, as presented in Table 13 and  
4    Figure 9 below. RFA4 Exhibit L presents potential impacts including noise, traffic, water use,  
5    wastewater disposal, and visual impacts during construction and operational. Those impacts  
6    are summarized in Table 13 and described further below in this section.

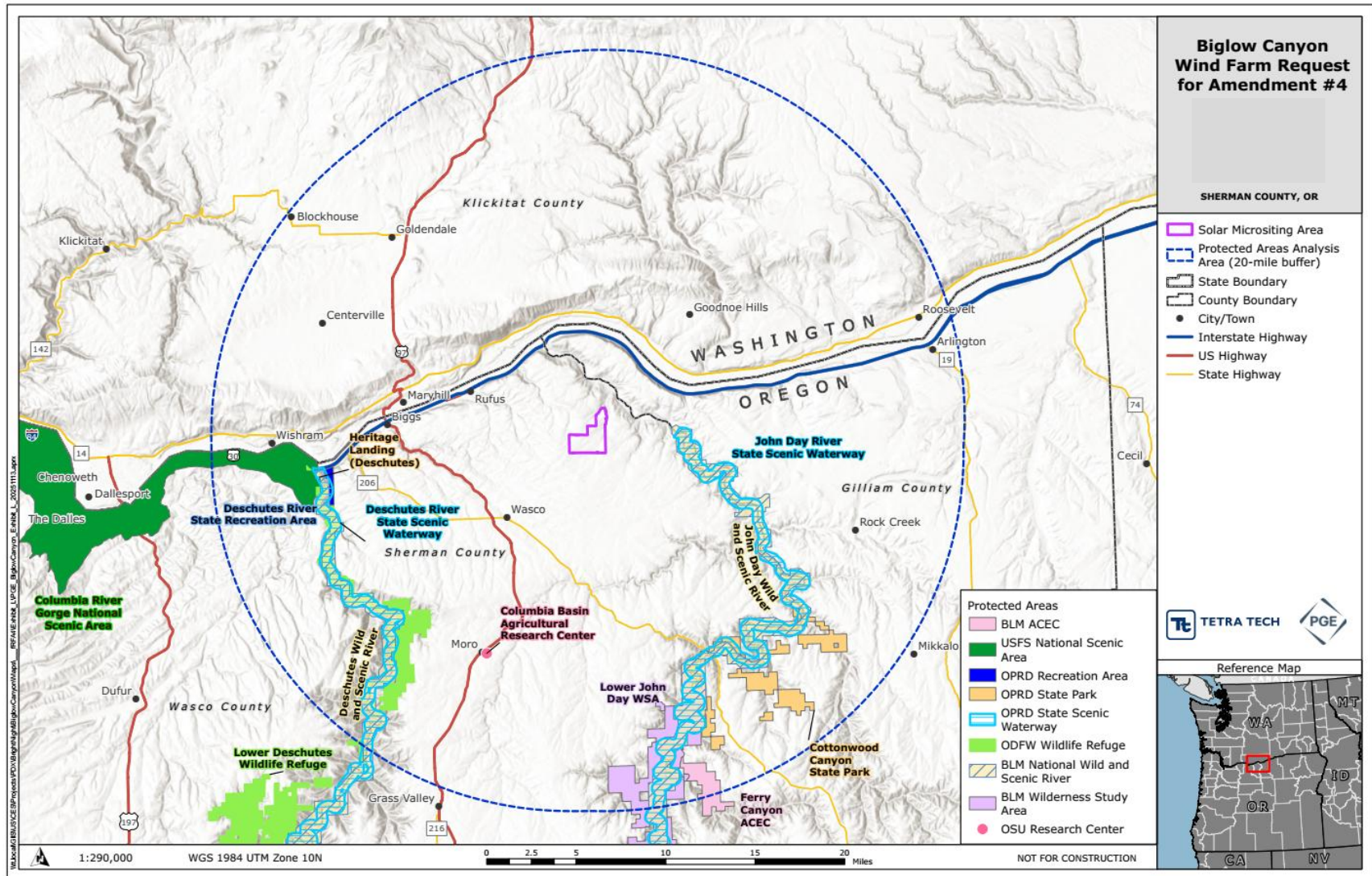
**Table 13: Protected Areas in Analysis Area**

| Protected Area Name & Basis for Protection                                         | Distance from Facility Component |                       | Direction from Solar Micrositing Area Site Boundary | Potentially Significant Visual Impact? |                            | Construction |             | Operations         |           |
|------------------------------------------------------------------------------------|----------------------------------|-----------------------|-----------------------------------------------------|----------------------------------------|----------------------------|--------------|-------------|--------------------|-----------|
|                                                                                    | Solar Micrositing Area Boundary  | Transmission Corridor |                                                     | From Solar Micrositing Area Boundary   | From Transmission Corridor | Noise        | Traffic     | Noise <sup>1</sup> | Traffic   |
| John Day Wild & Scenic River<br>OAR 345-001-0010(26)(d)                            | 3.7                              | 5.1                   | East                                                | No                                     | No                         | 43 dBA       | Temp Delays | < 26 dBA           | No impact |
| John Day River State Scenic Waterway<br>OAR 345-001-0010(26)(n)                    | 3.8                              | 5.1                   | East                                                | No                                     | No                         | < 43 dBA     | Temp Delays |                    |           |
| Columbia Basin Agricultural Research Center (Moro Unit)<br>OAR 345-001-0010(26)(q) | 12.1                             | 12.8                  | Southwest                                           | No                                     | No                         | Not audible  | Temp Delays |                    |           |
| Lower Deschutes Wildlife Area<br>OAR 345-001-0010(26)(o)                           | 11.7                             | 12.5                  | West                                                | No                                     | No                         |              | No impact   |                    |           |
| Lower Deschutes Wild & Scenic River<br>OAR 345-001-0010(26)(d)                     | 12.8                             | 13.6                  | West                                                | No                                     | No                         |              |             |                    |           |
| Lower Deschutes River State Scenic Waterway<br>OAR 345-001-0010(26)(n)             | 12.9                             | 13.7                  | West                                                | No                                     | No                         |              |             |                    |           |
| Cottonwood Canyon State Park<br>OAR 345-001-0010(26)(j)                            | 12.2                             | 13.1                  | Southeast                                           | No                                     | No                         |              |             |                    |           |
| Lower John Day Wilderness Study Area<br>OAR 345-001-0010(26)(h)                    | 12.6                             | 14.9                  | Southeast                                           | No                                     | No                         |              | Temp Delays |                    |           |
| Columbia River Gorge National Scenic Area<br>OAR 345-001-0010(26)(g)               | 12.0                             | 12.7                  | West                                                | No                                     | No                         |              | No impact   |                    |           |

**Table 13: Protected Areas in Analysis Area**

| Protected Area Name & Basis for Protection                                                                                                              | Distance from Facility Component |                       | Direction from Solar Micrositing Area Site Boundary | Potentially Significant Visual Impact? |                            | Construction |             | Operations         |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------|-----------------------------------------------------|----------------------------------------|----------------------------|--------------|-------------|--------------------|---------|
|                                                                                                                                                         | Solar Micrositing Area Boundary  | Transmission Corridor |                                                     | From Solar Micrositing Area Boundary   | From Transmission Corridor | Noise        | Traffic     | Noise <sup>1</sup> | Traffic |
| Deschutes River State Recreation Area<br>OAR 345-001-0010(26)(j)                                                                                        | 13.2                             | 13.9                  | West                                                | No                                     | No                         |              |             |                    |         |
| Heritage Landing (Deschutes)<br>OAR 345-001-0010(26)(j)                                                                                                 | 13.8                             | 14.5                  | West                                                | No                                     | No                         |              |             |                    |         |
| Ferry Canyon Area of Critical Environmental Concern (ACEC)<br>OAR 345-001-0010(26)(i)                                                                   | 17.5                             | 18.2                  | Southeast                                           | No                                     | No                         |              | Temp Delays |                    |         |
| Notes:<br>1. Operational noise includes noise from the existing facility with operational noise generating equipment from the proposed changes in RFA4. |                                  |                       |                                                     |                                        |                            |              |             |                    |         |

Figure 9: Protected Areas Within and Extending 20-miles of the Proposed Solar Micrositing Area



As presented in Table 13 above, the nearest protected areas are John Day Wild and Scenic River and the John Day River State Scenic Waterway, located 3.7 to 3.8 miles, respectively, east of the proposed Solar Micrositing Area. All other protected areas are located at distances of 8 miles or greater from the site.

### *Potential Impacts on Protected Areas*

#### Noise

Estimated and modeled noise impacts at John Day Wild and Scenic River (approx. 3.7 miles east of the proposed Solar Micrositing Area) are 43 dBA during construction and 26 dBA during operations, respectively. A noise level of 43 dBA represents a similar noise level of light auto traffic at a distance of 100 feet.<sup>210</sup> A noise level of 26 dBA is equivalent to ambient noise levels and considered extremely quiet. These noise levels combined with a more than 3 mile separation distance would not be expected to result in a significant adverse impact at John Day Wild and Scenic River or at any other protected area located at greater distances from the proposed RFA4 site boundary. Therefore, the Department recommends the Council find that noise impacts are not likely to have a significant adverse impact on users of any protected area within the analysis area..

#### Traffic

Construction routes will include I-84, US-97, OR-206, Klondike Road and Old Wasco-Heppner Highway. Six of the protected areas are accessed by US-97 or OR-206, including John Day Wild & Scenic River; John Day River State Scenic Waterway; Lower John Day Wilderness Study Area; Ferry Canyon ACEC; Cottonwood Canyon State Park; and Columbia Basin Agricultural Research Center. Visitors travelling to any of these six protected areas could experience short-term delays for the duration of construction. As presented in Section II.M. *Public Services*, there are three existing conditions, Conditions 77-79, that apply to construction-related traffic impacts. These conditions, as recommended to be amended, will minimize potential traffic volume and road damage impacts, minimizing potential impacts to users of road serving the above-referenced protected areas. Therefore, the Department recommends the Council find that construction-related traffic is not likely to have a significant adverse impact on roads used to access protected areas within the analysis area.

Only three additional full-time employees are expected to visit the site daily, and other trips for delivery or maintenance would be infrequent. As a result, the Department recommends the Council find that operational traffic is not likely to have a significant adverse impact on roads used to access protected areas within the analysis area..

#### Water and Wastewater

No water will be withdrawn from or discharged to any protected area. Wastewater will be managed within the site. There are no water or wastewater related impacts during construction

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<sup>210</sup> BCWAMD4Doc21-19 RFA Exhibit Y Acoustic Assessment 2025-12-10, Table Y-2. See sound level, in dBA, of light auto traffic at 100 feet.

or operation of the changes proposed in RFA4. The Department recommends the Council find that the facility components proposed in RFA4 would not result in impacts to protected area within the analysis area.

### Visual

Permanent placement of energy infrastructure proposed in RFA4 could result in potential visual impacts including up to 15 foot tall solar arrays and up to 160 foot-tall transmission line poles. To evaluate potential visual impacts of these structures, RFA4 Exhibit R presents the results of a three-part approach including GIS-based viewshed (or zone of visual influence [ZVI]) modeling; key observation point (KOP) analysis and glare modeling.

First, the ZVI analysis used Esri GIS software and bare-earth 10-meter digital elevation model to determine locations within the analysis area where the changes proposed in RFA4 would be visible. Results of the ZVI analysis are presented in RFA4 Exhibit R Figure R-2 and R-3. Then, based on the results of the ZVI analysis, 21 KOPs were identified, representing locations where a “casual observer” could realistically view the proposed RFA4 structures. The KOP locations are presented in RFA4 Exhibit R Figure R-4. These KOPs are located along accessible viewpoints and near specific scenic resources and used to support the evaluation of the likelihood and magnitude of potential visual impacts (RFA4 Exhibit R Attachment R-3 presents photo locations associated with the KOPs demonstrating actual, existing viewshed conditions). Lastly, a glint and glare analysis was conducted using the Solar Glare Hazard Analysis Tool developed by Sandia National Laboratories to inform potential impacts to drivers on nearby roads.

As presented in Figures 9 and 10 below, visual modeling and viewshed analysis show that portions of six protected areas may have distant or background views of the proposed RFA4 components, while the remaining six protected areas would have no potential visibility. The six protected areas with potential views of the proposed solar components currently have views of other wind farms, transmission lines, industrial development and agricultural irrigation equipment. The glare analysis resulted in no predictions of red, yellow or green glare from the proposed solar arrays at any protected area within the analysis area. Based on these results, the Department recommends that the Council find that visual impacts from solar array glare and structural changes are not likely to result in potentially significant visual impacts to any protected area within the analysis area.

The Council previously imposed Site Certificate Condition 36 to address visual impacts of the wind facility on protected areas by limiting micro-siting of turbines and requiring updated visual impact analysis prior to construction. Because the condition applied to the design and construction of the wind energy, the Department recommends the Council delete the Condition. The deleted language is shown in Attachment A.



Figure 10: Zone of Visual Influence for Solar Arrays in Protected Areas Analysis Areas

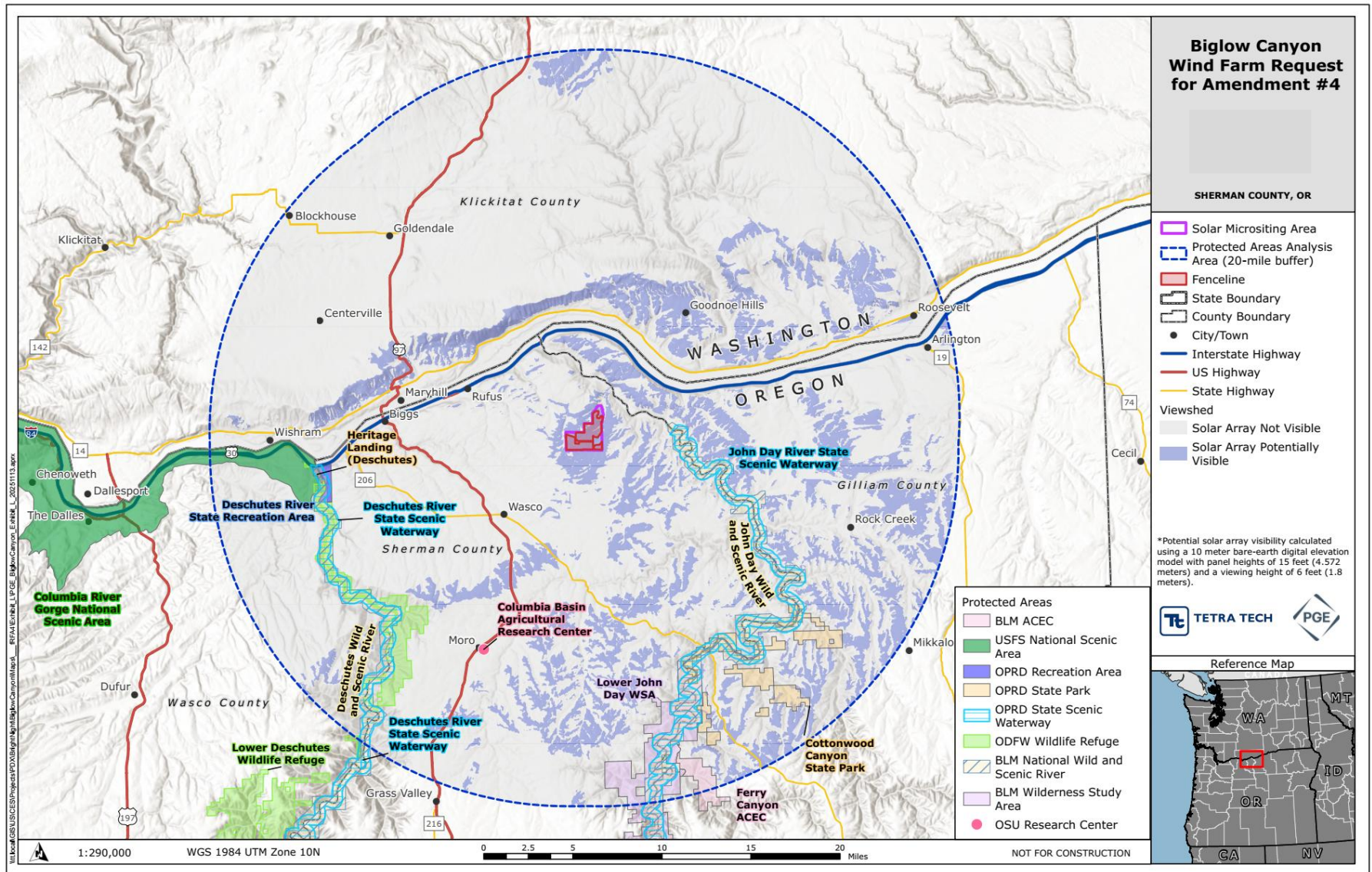
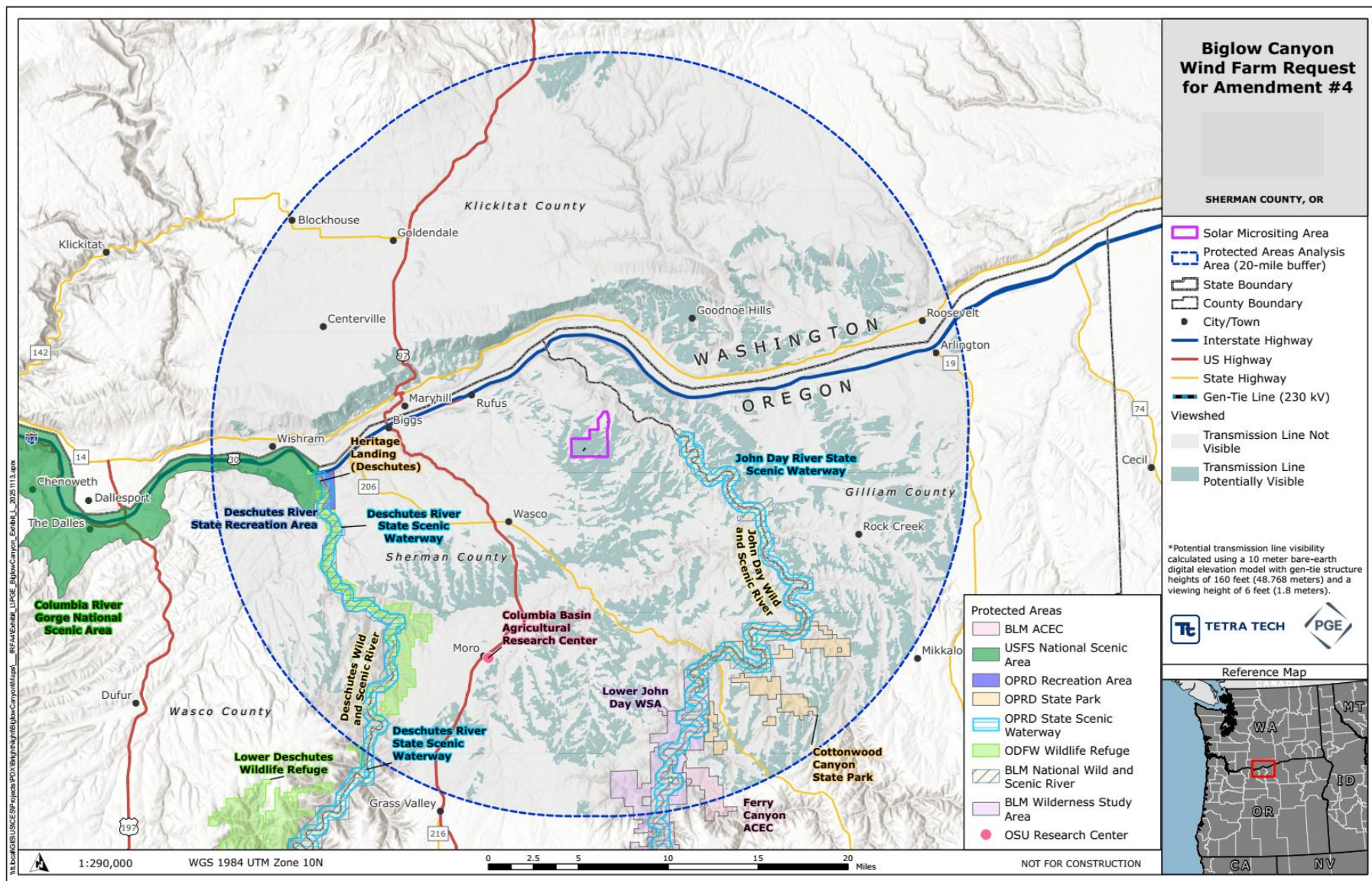




Figure 11: Zone of Visual Influence for Transmission Lines in Protected Areas Analysis Area



1 **III.F.2. Conclusions of Law**

2  
3 Based on the foregoing analysis, and subject to compliance with the recommended amended  
4 Conditions 77, 78 and 79 described above, the Department recommends the Council find that  
5 the facility components proposed in RFA4 are not located within the boundaries of a protected  
6 area and that the design, construction and operation of the facility components proposed in  
7 RFA4 are not likely to result in significant adverse impact to any protected areas.  
8

9 **III.G. RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050**

10  
11 *To issue a site certificate, the Council must find that:*

12  
13 *(1) The site, taking into account mitigation, can be restored adequately to a*  
14 *useful, non-hazardous condition following permanent cessation of*  
15 *construction or operation of the facility.*

16  
17 *(2) The applicant has a reasonable likelihood of obtaining a bond or letter of*  
18 *credit in a form and amount satisfactory to the Council to restore the site to a*  
19 *useful, non-hazardous condition.*<sup>211</sup>

20 \*\*\* 212

21  
22 **III.G.1. Findings of Fact**

23  
24 At the end of its useful life, the facility components proposed in RFA4 would be  
25 decommissioned and the site would be restored to a useful, non-hazardous condition suitable  
26 for agricultural uses. The certificate holder estimates that the facility components proposed in  
27 RFA4 will have a useful life of at least 40 years.<sup>213</sup>

28  
29 The certificate holder also acknowledges that some facility components, including but not  
30 limited to individual modules and batteries, may need to be replaced during operation of the  
31 facility through routine operations and maintenance activities.<sup>214</sup>

32  
33 As discussed in Section III.D., *Soil Protection*, the Department recommends the Council find that  
34 the construction and operation of the facility components proposed in RFA4 are not likely to  
35 result in significant adverse impacts to soils that would preclude the restoration of the site to a  
36 useful, non-hazardous condition; and the Comprehensive Solar Revegetation and Soil  
37 management Plan required under Recommended Soil Protection Conditions 1 to 3 contain  
38 provisions to prevent soil loss, the introduction of weeds, or other impacts that may affect the

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<sup>211</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>212</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>213</sup> BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Section 2.0.

<sup>214</sup> BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Section 2.0.

1 long-term productivity of soils at the site; although as discussed below, additional work may be  
2 needed at the time of decommissioning and retirement before lands can be returned to  
3 agricultural production.

#### 5 *Facility Decommissioning and Site Restoration*

7 The certificate holder represents that it will conduct the following activities during  
8 decommissioning:

- 10 • All aboveground facility components would be removed.
  - 11 ○ Solar modules would be separated from the racking and loaded into a truck or
  - 12 roll-off container for off-site disposal or recycling.
  - 13 ○ Posts would be removed from the ground and recycled as scrap metal.
  - 14 ○ Transformers would be decommissioned and disposed of off-site. Transformer
  - 15 oil would be disposed of in accordance with applicable state and federal
  - 16 regulations.
  - 17 ○ Battery containers and associated components would be disassembled and
  - 18 transported off-site via truck for disposal or recycling with applicable regulatory
  - 19 requirements.
  - 20 ○ Refrigerant associated with heating, ventilation, and air conditioning systems
  - 21 would be recovered in accordance with applicable state and federal regulations.
  - 22 ○ Concrete slab-on-grade foundations for transformers, inverters, and battery
  - 23 storage system would be removed in their entirety.
- 24 • Underground electrical cables would be removed to lateral depth; lateral runs buried at
- 25 or exceeding a minimum of 3 feet will be abandoned in place.
- 26 • Sub-grade foundations for the O&M buildings and collector substations would be
- 27 removed to a minimum of at least 3 and 4 feet, respectively. Foundation areas would be
- 28 backfilled with soil or gravel.
- 29 • Access roads constructed within the solar areas would be regraded to natural contours
- 30 unless landowners request they remain in place. Road gravel would be used for backfill
- 31 where needed.
- 32 • Disturbed areas would be covered with salvaged topsoil where needed and reseeded.<sup>215</sup>

34 In accordance with the rules for mandatory conditions currently located in OAR 345-025-0006,  
35 the Council previously imposed Site Certificate Conditions 107, 109 and 116, requiring the  
36 certificate holder to retire the facility according to a final retirement plan approved by the  
37 Council following the permanent cessation of construction or operation of the facility and to  
38 prevent the development of any conditions on the site that would preclude restoration of the  
39 site to a useful, non-hazardous condition during construction and operation of the facility.<sup>216</sup>

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<sup>215</sup> BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Section 3.0, 4.2.

<sup>216</sup> At the time the Council issued the Third Amended Site Certificate, the rules for mandatory conditions were found in OAR chapter 345, division 027. In 2017, these rules were moved to OAR chapter 345, division 025.

1 The conditions were intended to apply to the wind facility and do not contemplate the  
2 potential need to decommission separate energy facilities with different expected operating  
3 lives independently from one another. The Department recommends the Council amend  
4 Condition 109 to provide a clear process to address any partial decommissioning of the facility  
5 and ensure any significant portions of the wind energy facility that are decommissioned during  
6 the operating life of the solar facility are retired in a timely fashion in accordance with a  
7 retirement plan approved by the Council. The Department recommends the Council make  
8 additional administrative edits to Condition 116 to reflect the Council's current rules:

9  
10 **Recommended Amended Condition 109 (RET-RF-01)**

11 ~~OAR 345-027-0020(9):~~

- 12 a. The certificate holder shall retire the facility if the certificate holder permanently  
13 ceases construction or operation of the facility. The certificate holder shall retire the  
14 facility according to a final retirement plan approved by the Council, as described in  
15 OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site  
16 to a useful, non-hazardous condition at the time of retirement, notwithstanding the  
17 Council's approval in the site certificate of an estimated amount required to restore  
18 the site.
- 19 b. If the certificate holder permanently ceases construction or operation of a portion of  
20 the facility that is, by itself, an energy facility under ORS 469.300, the certificate  
21 holder must retire that portion of the facility within two years following cessation of  
22 construction or operation of the facility components in accordance with the  
23 provisions of OAR 345-027-0110(10).  
24 [Final Order on AMD4]

25  
26 **Recommended Amended Condition 116 (RET-RF-02)**

27 ~~OAR 345-027-0020(16):~~ If the Council finds that the certificate holder has permanently  
28 ceased construction or operation of the facility without retiring the facility according to  
29 a final retirement plan approved by the Council, as described in OAR 345-027-0110, the  
30 Council shall notify the certificate holder and request that the certificate holder submit a  
31 proposed final retirement plan to the Office within a reasonable time not to exceed 90  
32 days. If the certificate holder does not submit a proposed final retirement plan by the  
33 specified date, the Council may direct the Department to prepare a proposed a final  
34 retirement plan for the Council's approval. Upon the Council's approval of the final  
35 retirement plan, the Council may draw on the bond or letter of credit ~~described in OAR~~  
36 ~~345-027-0020(8)~~ provided under Condition GEN-RF-01 to restore the site to a useful,  
37 non-hazardous condition according to the final retirement plan, in addition to any  
38 penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of  
39 the bond or letter of credit is insufficient to pay the actual cost of retirement, the  
40 certificate holder shall pay any additional cost necessary to restore the site to a useful,  
41 non-hazardous condition. After completion of site restoration, the Council shall issue an  
42 order to terminate the site certificate if the Council finds that the facility has been  
43 retired according to the approved final retirement plan.  
44 [Final Order on AMD4]

## *Estimated Costs of Site Restoration*

The certificate holder estimates that it would cost approximately \$14.24 million (Q4 2024 dollars) to retire the facility components proposed in RFA4 and restore the proposed Solar Micrositing Area as described in the section above.<sup>217</sup> As summarized in Table 14, below, the certificate holder identified individual tasks needed for retirement using the professional experience of its engineering staff and contractors. The costs of individual tasks were estimated based on labor requirements, equipment needs, and duration. Facility components were assumed to have no scrap value for the purpose of estimation. Additional methods and assumptions used to produce the estimate include the following:

- Crew, equipment needs, and production rates were established using professional experience and published data from RS Means and other sources.
- Labor costs were developed by reviewing the U.S. Department of Labor wage determinations and rates published by RS Means. Labor cost rates assume a 50 hour workweek and include base wages, overtime, benefits, and payroll tax liability.
- Equipment rates are based on data published by RS Means and historical vendor quotes. Rates include fuel, maintenance, and wear and tear of ground-engaging components. The rates assume the use of rental equipment, not owned equipment.
- Mobilization and demobilization costs reflect the actual costs to mobilize equipment, facilities, and crew to the site and do not include the front loading of cost from other tasks.
- Several other miscellaneous costs have been approximated, including permits, engineering, signage, fencing, traffic control, utility disconnects, etc. In the context of the overall estimate, these are incidental costs that are covered in the estimate's contingency.
- Temporary facilities including one office trailer and one Conex storage unit have been included in the restoration cost. Additional management costs include portable toilets, first aid supplies, and office supplies.
- Field management includes one Superintendent and one Field Engineer to ensure the safe and successful execution of work.
- The cost of transformer oil disposal was estimated at \$4 per gallon (2024 dollars).
- Excess gravel from road removal that is not used for backfill was assumed to be accepted by local receivers at no cost.
- Reseeding was assumed to be required for the collector substation site, along with an estimated 35 percent of the areas where solar panels and associated facilities will be removed (217 acres). For cost estimating purposes, it is assumed that final seeding will utilize a mix of native grasses.<sup>218</sup>

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<sup>217</sup> BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Section 4.1.

<sup>218</sup> BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Section 3.0, 4.2.

The certificate holder added contractor profit and overhead markups, including 5 percent for Home Office and Project Management and 15 percent for Contractor Overhead and Fee. The certificate holder also applied contingencies for costs that would be incurred by the State if the certificate holder defaulted on its obligations to retire the facility and restore the site, including a 1 percent Performance Bond, 10 percent Administrative and Project Management fee, as well as a 20 percent Future Development contingency for the battery components and a 10 percent contingency.

The Department recommends the Council find that the certificate holder used reasonable methods and assumptions to estimate the retirement costs of the facility components proposed in RFA4. With markups and contingencies, the cost that would be incurred by the State if the certificate holder failed to retire the facility as required would be approximately \$12.09 million (Q4 2024 dollars).<sup>219</sup>

**Table 14: Decommissioning Tasks and Cost Estimate for Proposed RFA4 Facility Components**

| Task or Component                              | Quantity | Unit       | Unit Cost (\$) | Estimate (\$)     |
|------------------------------------------------|----------|------------|----------------|-------------------|
| <b>1.1 Mobilization / Demobilization</b>       |          |            |                |                   |
| <i>1.1.1 Equipment Mob</i>                     | 1        | Lump Sum   | 61,200.00      | 61,200.00         |
| <i>1.1.2 Site Facilities</i>                   | 1        | Lump Sum   | 2,200.00       | 2,200.00          |
| <i>1.1.3 Crew - Mob &amp; Site Setup</i>       | 3        | Day        | 13,548.63      | 40,645.89         |
| <i>1.1.4 Crew - Demob &amp; Site Cleanup</i>   | 2        | Day        | 13,548.63      | 27,097.26         |
| <b>Subtotal</b>                                |          |            |                | <b>131,143.15</b> |
| <b>1.2 Project Site Support</b>                |          |            |                |                   |
| <i>1.2.1 Site Facilities</i>                   | 6        | Month      | 1,605.00       | 9,630.00          |
| <i>1.2.2 Field Management</i>                  | 6        | Month      | 54,496.60      | 326,979.60        |
| <b>Subtotal</b>                                |          |            |                | <b>336,609.60</b> |
| <b>1.3. Substation Retirement</b>              |          |            |                |                   |
| <i>1.3.1 Fence Removal</i>                     | 1        | Day        | 1,305.08       | 1,305.08          |
| <i>1.3.2 Transformer Removal</i>               | 1        | Each       | 94,140.68      | 94,140.68         |
| <i>1.3.3 Control Building Removal</i>          | 1        | Each       | 5,249.48       | 5,249.48          |
| <i>1.3.4 UG Utility &amp; Ground Removal</i>   | 2        | Day        | 1,305.08       | 2,610.16          |
| <i>1.3.5 Remove Foundations</i>                | 500      | Cubic Yard | 41.54          | 20,770.00         |
| <i>1.3.6 Misc. Material Disposal</i>           | 1        | Each       | 2,200.00       | 2,200.00          |
| <i>1.3.7 Restore Yard</i>                      | 1        | Each       | 65,761.49      | 65,761.49         |
| <b>Subtotal</b>                                |          |            |                | <b>192,036.89</b> |
| <b>1.4 230 kV Transmission Line Retirement</b> |          |            |                |                   |
| <i>1.4.1 Remove Structures</i>                 | 4        | Each       | 4,684.35       | 18,737.40         |

<sup>219</sup> BCWAMD4Doc21-18 RFA Exhibit X Retirement 2025-12-10, Section 4.2, Attachment X-1.



**Table 14: Decommissioning Tasks and Cost Estimate for Proposed RFA4 Facility Components**

| <b>Task or Component</b>                                     | <b>Quantity</b> | <b>Unit</b> | <b>Unit Cost (\$)</b> | <b>Estimate (\$)</b> |
|--------------------------------------------------------------|-----------------|-------------|-----------------------|----------------------|
| <i>1.4.2 Remove Foundations to Subgrade</i>                  | 4               | Each        | 1,493.48              | 5,973.92             |
| <b>Subtotal</b>                                              |                 |             |                       | <b>24,711.32</b>     |
| <b>1.5 O&amp;M Structures Removal</b>                        |                 |             |                       |                      |
| <i>1.5.1 Loadout Containers</i>                              | 3               | Each        | 165.31                | 495.93               |
| <i>1.5.2 Demo Structures</i>                                 | 3               | Each        | 2,249.48              | 6,748.44             |
| <i>1.5.3 Excavate / Remove Piles</i>                         | 5               | Each        | 224.95                | 1,124.75             |
| <i>1.5.4 Structure Recycling Cost</i>                        | 40              | Ton         | 70.00                 | 2,800.00             |
| <i>1.5.5 Trucking - Per Load</i>                             | 5               | Truck Loads | 1,500.00              | 7,500.00             |
| <b>Subtotal</b>                                              |                 |             |                       | <b>18,669.12</b>     |
| <b>1.6 BESS Removal</b>                                      |                 |             |                       |                      |
| <i>1.6.1 BESS Unit Removal</i>                               | 153             | Each        | 6,491.06              | 993,132.18           |
| <i>1.6.2 Inverter (153) / Transformer Removal (39)</i>       | 192             | Each        | 1,070.23              | 205,484.16           |
| <i>1.6.3 UG Cable Removal</i>                                | 3               | Day         | 1,969.92              | 5,909.76             |
| <i>1.6.4 Support Pile Removal</i>                            | 318             | Each        | 404.19                | 128,532.42           |
| <i>1.6.2 Structure &amp; Components Removal</i>              | 183             | Each        | 987.03                | 180,626.49           |
| <b>Subtotal</b>                                              |                 |             |                       | <b>1,513,685.01</b>  |
| <b>1.7 Inverter/Transformer Removal</b>                      |                 |             |                       |                      |
| <i>1.7.1 Disconnect Electrical</i>                           | 33              | Each        | 111.39                | 3,675.87             |
| <i>1.7.2 Loadout Inverter &amp; Transformer</i>              | 33              | Each        | 208.83                | 6,891.39             |
| <i>1.7.3 Trucking - Per Load</i>                             | 17              | Truck Loads | 1,500.00              | 24,750.00            |
| <b>Subtotal</b>                                              |                 |             |                       | <b>35,317.26</b>     |
| <b>1.8 Inverter / Transformer Support Pile Removal</b>       |                 |             |                       |                      |
| <i>1.8.1 Excavate / Remove Piles</i>                         | 33              | Each        | 224.95                | 7,423.35             |
| <i>1.8.2 Trucking - Per Load</i>                             | 4               | Truck Loads | 1,500.00              | 5,820.00             |
| <b>Subtotal</b>                                              |                 |             |                       | <b>13,243.35</b>     |
| <b>1.9 Solar Array Retirement</b>                            |                 |             |                       |                      |
| <i>1.9.1 Fence Removal</i>                                   | 75,504          | Linear Feet | 1.27                  | 95,890.08            |
| <i>1.9.2 Solar Panel Removal &amp; Disposal</i>              | 264,836         | Each        | 8.10                  | 2,145,171.60         |
| <i>1.9.3 Solar Rack (Tracker Strings) &amp; Post Removal</i> | 10,186          | Each        | 313.83                | 3,196,672.38         |
| <b>Subtotal</b>                                              |                 |             |                       | <b>5,464,220.76</b>  |

**Table 14: Decommissioning Tasks and Cost Estimate for Proposed RFA4 Facility Components**

| Task or Component                                                                                                                                                                                                                                                                                              | Quantity          | Unit          | Unit Cost (\$) | Estimate (\$) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|----------------|---------------|
| 1.10 UG Cable Removal                                                                                                                                                                                                                                                                                          |                   |               |                |               |
| 1.10.1 Excavate & Remove Cable                                                                                                                                                                                                                                                                                 | 20                | Day           | 4,214.15       | 84,283.00     |
| 1.10.2 Trucking - Per Load                                                                                                                                                                                                                                                                                     | 2                 | Truck Loads   | 1,500.00       | 3,000.00      |
| Subtotal                                                                                                                                                                                                                                                                                                       |                   |               |                | 87,283.00     |
| 1.11 Site Restoration                                                                                                                                                                                                                                                                                          |                   |               |                |               |
| 1.11.1 Strip & Decompact Roads                                                                                                                                                                                                                                                                                 | 29,040            | Linear Feet   | 1.43           | 41,527.20     |
| 1.11.2 Spot Grade Disturbed Areas                                                                                                                                                                                                                                                                              | 217               | Acre          | 281.33         | 61,048.61     |
| 1.11.3 Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction                                                                                                                                                                                                                                | 217               | Acre          | 1,000.00       | 217,000.00    |
| Subtotal                                                                                                                                                                                                                                                                                                       |                   |               |                | 319,575.81    |
| Total Decommissioning Cost                                                                                                                                                                                                                                                                                     |                   |               |                | 8,136,495.27  |
| Contractor Markups                                                                                                                                                                                                                                                                                             |                   |               |                |               |
| Home Office, Project Management                                                                                                                                                                                                                                                                                |                   |               | 0.05           | 406,824.76    |
| Contractor OH & Fee                                                                                                                                                                                                                                                                                            |                   |               | 0.15           | 1,281,498.01  |
| Subtotal                                                                                                                                                                                                                                                                                                       |                   |               |                | 1,688,322.77  |
| Total Decommissioning Cost                                                                                                                                                                                                                                                                                     |                   |               |                | 9,824,818.04  |
| Performance Bond                                                                                                                                                                                                                                                                                               |                   |               | 0.01           | 98,248.18     |
| Gross Cost                                                                                                                                                                                                                                                                                                     |                   |               |                | 9,923,066.22  |
|                                                                                                                                                                                                                                                                                                                | Basis (% of Cost) | Basis (\$)    | Contingency    | Estimate (\$) |
| Administration and Project Management                                                                                                                                                                                                                                                                          | 100%              | 9,923,066.22  | 0.10           | 992,306.62    |
| Future Development (Exclude Battery)                                                                                                                                                                                                                                                                           | 81%               | 8,077,013.82  | 0.10           | 807,701.38    |
| Future Development (Battery Only)                                                                                                                                                                                                                                                                              | 19%               | 1,846,052.40  | 0.20           | 369,210.48    |
| Subtotal                                                                                                                                                                                                                                                                                                       |                   |               |                | 2,169,218.48  |
| TOTAL ESTIMATED COST (\$Q42024)                                                                                                                                                                                                                                                                                |                   | 12,092,284.70 |                |               |
| ROUNDED                                                                                                                                                                                                                                                                                                        |                   | 12,092,000.00 |                |               |
| Notes:                                                                                                                                                                                                                                                                                                         |                   |               |                |               |
| 1. Unit costs in Q4 2024.                                                                                                                                                                                                                                                                                      |                   |               |                |               |
| 2. See RFA4 Exhibit X Attachment X-1 for detailed breakdown of tasks, actions and unit costs for the sum total costs presented in this table.                                                                                                                                                                  |                   |               |                |               |
| 3. Tasks associated with a Lump Sum unit cost may be calculated using a fraction (in decimal form) of the actual quantities constructed or by using the more detailed breakdown of unit costs associated with the Lump Sum task identified in the cost estimating worksheet in RFA4 Exhibit X, Attachment X-1. |                   |               |                |               |

1  
2 **Financial Assurance Requirements**  
3



1 The Council previously imposed Site Certificate Condition 108, requiring the certificate holder  
2 to provide and maintain a bond or letter of credit in a form and amount satisfactory to the  
3 Council to restore the site to a useful, non-hazardous condition in accordance with the  
4 mandatory conditions currently found in OAR 345-025-0006. The Department recommends the  
5 Council maintain this condition, with changes to make it clear that the conditions applies to all  
6 phases of the facility, including the solar facility.

7  
8 **Recommended Amended Condition 108 (GEN-RF-01)**

9 ~~OAR 345-027-0020(8): Before beginning~~ Prior to construction of the facility, or any  
10 component of the facility, the certificate holder shall submit to the State of Oregon,  
11 through the Council, a bond or letter of credit in a form and amount satisfactory to the  
12 Council to restore the site to a useful, non-hazardous condition. The certificate holder  
13 shall maintain a bond or letter of credit in effect at all times until the facility has been  
14 retired. The Council may specify different amounts for the bond or letter of credit during  
15 construction and during operation of the facility.

16 [Final Order on AMD4]

17  
18 The Council also imposed Site Certificate Conditions 8, 9 and 10 specifying the form and  
19 amount of assurance needed for the wind energy facility. In the Final Order on RFA3, based on  
20 estimates provided by the certificate holder and Department, the Council determined that  
21 \$14.624 million (2008 dollars) was the amount satisfactory to decommission the wind energy  
22 facility and restore the site to a useful, non-hazardous condition.<sup>220</sup>

23  
24 Based on inflationary adjustments since the time of the preconstruction decommissioning  
25 estimate, the amount has increased to \$21.3 million. The Department currently has an  
26 Irrevocable Standby Letter of Credit issued by Mizuho Bank, Ltd. on file assuring the payment of  
27 up to \$21.3 million in the event the certificate holder defaults on its obligation to retire the  
28 existing facility and restore the site as required by the site certificate. The Department  
29 recommends the Council delete Condition 8, make administrative edits to Condition 9 to  
30 remove outdated information, and amend Condition 10 to make it clear that it applies to all  
31 phases of the facility, and adopt a new condition establishing that the amount of assurance that  
32 must be provided for the solar facility and related or supporting components must be based on  
33 the unit costs, markups and contingencies established in Table 14, above:

34  
35 **Recommended Deleted Condition 8**

36 ~~If the certificate holder elects to build the facility in more than one phase using any~~  
37 ~~turbines other than the GE 1.5-MW turbines or GE 3.0-MW turbines, before beginning~~  
38 ~~construction of any phase of the facility and after considering all micro-siting factors, the~~  
39 ~~certificate holder shall provide to the Department a detailed map of that phase of the~~  
40 ~~facility showing the final locations where facility components are proposed to be built in~~  
41 ~~relation to the features and micro-siting corridors shown on Figures 2, 2a, 2b and 2c as~~  
42 ~~identified in the Final Order on Amendment #3, shall identify on this map the facilities~~

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<sup>220</sup> BCWAMD3Doc33 BCW AMD3 Final Order 2008-10-31, pg. 10.

1 that would constitute that phase of construction, and shall provide documentation  
2 defining the quantities of each of the following components that would constitute that  
3 phase of construction: turbines, pad transformers, meteorological towers, substation,  
4 O&M facility, miles of aboveground 34.5 kV collector system, miles of access road,  
5 acres of turnarounds and access road intersections, acres of temporary laydown area  
6 and miles of temporary crane paths. For each turbine, the certificate shall define the  
7 turbine manufacturer, turbine capacity, weight of steel, height of tower, sweep of blade,  
8 and size of concrete foundation.

9 [Final Order on AMD4]

10  
11 **Recommended Amended Condition 9 (GEN-RF-02)**

12 ~~(9) — In February 2007, in accordance with the terms and conditions of the First~~  
13 ~~Amended Site Certificate, the certificate holder submitted to the State of Oregon~~  
14 ~~through the Council a letter of credit in the amount of \$1.608 million before beginning~~  
15 ~~construction of Phase 1 of the facility. The calculation of the amount of the letter of~~  
16 ~~credit included a deduction from the estimated cost of site restoration for Phase 1 for~~  
17 ~~the estimated value of scrap steel. In the Final Order on Amendment #2, the Council~~  
18 ~~found that there should be no deduction of scrap or salvage value in calculating the~~  
19 ~~amount of financial assurance required for site restoration.~~

20 ~~In June 2007, in accordance with the terms and conditions of the Second Amended Site~~  
21 ~~Certificate, the certificate holder submitted an amended letter of credit for Phase 1 in~~  
22 ~~the amount of \$5.001 million (3rd Quarter 2007 dollars). In January 2008, in accordance~~  
23 ~~with the terms and conditions of the Second Amended Site Certificate, the certificate~~  
24 ~~holder submitted an amended letter of credit for Phase 1 in the amount of \$5.058~~  
25 ~~million (1st Quarter 2008 dollars).~~

26 ~~Before beginning construction of any future phase of~~ For the wind energy facility, the  
27 ~~certificate holder shall submit a bond or letter of credit for that phase required under~~  
28 Condition GEN-RF-01 shall be in an amount approved by the Department and based on  
29 the costs shown in Table 1 of the Final Order on Amendment #3.

- 30 ~~a.~~ The certificate holder shall adjust the amounts of all bonds or letters of credit  
31 submitted in compliance with this condition to present value as of the date of  
32 issuance, using the following calculation and subject to approval by the Department:
- 33 a. Adjust the Subtotal (in 2005 dollars) to present value, using the U.S. Gross  
34 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the  
35 Oregon Department of Administrative Services' Oregon Economic and Revenue  
36 Forecast or by any successor agency (the "Index"). If at any time the Index is no  
37 longer published, the Council shall select a comparable calculation to adjust 2005  
38 dollars to present value.
  - 39 b. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond  
40 amount to determine the adjusted Gross Cost.
  - 41 c. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration  
42 and project management costs and 10 percent of the adjusted Gross Cost for the  
43 adjusted future developments contingency.

- 1 d. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the  
2 resulting total to the nearest \$1,000 to determine the adjusted financial  
3 assurance amount.
- 4 ~~(b) The certificate holder shall annually adjust all bonds or letters of credit submitted in~~  
5 ~~compliance with this condition to present value as of the date of issuance as described~~  
6 ~~in (a).~~
- 7 ~~(c) The certificate holder shall use a form of bond or letter of credit approved by the~~  
8 ~~Council.~~
- 9 ~~(d) The certificate holder shall use an issuer of the bond or letter of credit approved by~~  
10 ~~the Council.~~
- 11 ~~(e) The certificate holder shall describe the status of all bonds or letters of credit for the~~  
12 ~~facility in the annual report submitted to the Council under Condition (122).~~
- 13 ~~(f) The bond or letter of credit shall not be subject to revocation or reduction before~~  
14 ~~retirement of the facility.~~
- 15 [Final Order on AMD4]

16  
17 **Recommended Retirement and Financial Assurance Condition 1 (PRE-RF-01):** Prior to  
18 construction of the solar facility, component or phase, as applicable, the certificate  
19 holder shall:

- 20 a. Submit to the Department Table 14 (Retirement Table with tasks/unit/unit costs) of  
21 the Final Order on RFA4, updated based on final design and phased construction, if  
22 applicable. Certificate holder may not make changes to the unit cost without review  
23 and approval by the Department. Certificate holder must also request that the  
24 Department confirm the present-day inflation adjusted decommissioning estimate,  
25 rounded to the nearest \$1,000, to be reflected in the bond or letter of credit in sub c  
26 of this condition.
- 27 b. Incorporate any additional decommissioning costs for facility changes which have  
28 been determined by the Department not to require a site certificate amendment.
- 29 c. Submit to the Department a bond or letter of credit, in the amount affirmed by the  
30 Department under (a), based on the Council's current pre-approved financial  
31 institution list and form.
- 32 [Final Order on RFA4]

33  
34 **Recommended Retirement and Financial Assurance Condition 2 (CON-RF-01):** If  
35 construction extends more than 12 months, the certificate holder shall:

- 36 a. Annually adjust the amount of the bond or letter of credit to present dollar value, as  
37 determined by the Department.
- 38 b. Incorporate any additional decommissioning costs for proposed facility changes  
39 which have been determined by the Department not to require a site certificate  
40 amendment.
- 41 c. The Department and Council reserve the right to adjust the contingencies, as  
42 appropriate and necessary to ensure that costs to restore the site are adequate to  
43 maintain health and safety of the public and environment.
- 44 [Final Order on RFA4]

**Recommended Retirement and Financial Assurance Condition 3 (OPR-RF-01):** During operation of the solar facility, the certificate holder shall:

- a. Annually adjust the amount of the bond or letter of credit provided to satisfy Condition GEN-RF-01 to present dollar value, as determined by the Department. The Department shall adjust to present value using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' Oregon Economic and Revenue Forecast or by any successor agency (the "Index"). If at any time the Index is no longer published, the Department shall select a comparable calculation to adjust the amount to present value.
- b. Incorporate any additional decommissioning costs for proposed facility changes which have been determined by the Department not to require a site certificate amendment.
- c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.

[Final Order on AMD4]

**Recommended Amended Condition 10 (GEN-RF-04)**

If the certificate holder elects to use a bond to meet the requirements of Condition ~~(9)~~ GEN-RF-01, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the facility.

[Final Order on AMD4]

The Department recommends the Council find that, subject to compliance with the conditions described above, the certificate holder has provided sufficient evidence to demonstrate that the site can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

*Ability of the Certificate Holder to Obtain a Bond or Letter of Credit*

As described above, the Department currently has an Irrevocable Standby Letter of Credit issued by Mizuho Bank, Ltd. on file assuring the payment of up to \$21,301,000 in the event the certificate holder defaults on its obligation to retire the existing facility and restore the site as required by the site certificate. Mizuho is also on the Council's 2025 pre-approved financial institution list. The certificate holder provided a letter from the Mizuho explaining that, on a preliminary basis, Mizuho would be supportive of furnishing or arranging an additional letter of

1 credit in an amount up to \$53.5 million for the facility components proposed in RFA4.<sup>221</sup> While  
2 no commitment to issue the letter of credit was made, the amount is significantly more than  
3 the \$12.09 million decommissioning estimate.

4  
5 The certificate holder also provided a letter from Angelica Espinosa, PGE's Chief Legal and  
6 Compliance Officer, explaining that based upon her best knowledge, that the certificate holder  
7 has the legal authority to construct and operate the facility components proposed in RFA4  
8 without violating its bond indenture provisions, Articles of Incorporation, common stock  
9 covenants or similar agreements.<sup>222</sup>

10  
11 Because the certificate holder has provided evidence that it has an existing relationship with an  
12 approved financial institution that is willing to issue a letter of credit in an amount sufficient to  
13 retire the facility and restore the site in accordance with Council rules and standards, the  
14 Department recommends the Council find that the certificate holder has a reasonable  
15 likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the  
16 Council to restore the site to a useful, non- hazardous condition.

### 17 18 **III.G.2. Conclusions of Law**

19  
20 Based on the foregoing analysis, and subject to compliance with the existing and recommended  
21 site certificate conditions described above, the Department recommends the Council find that  
22 the site can be restored adequately to a useful, non-hazardous condition following permanent  
23 cessation of construction or operation of the facility, and that the certificate holder has a  
24 reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory  
25 to restore the site to a useful, non-hazardous condition.

### 26 27 **III.H. FISH AND WILDLIFE HABITAT: OAR 345-022-0060**

28  
29 *To issue a site certificate, the Council must find that the design, construction*  
30 *and operation of the facility, taking into account mitigation, are consistent*  
31 *with:*

32  
33 *(1) The general fish and wildlife habitat mitigation goals and standards of OAR*  
34 *635-415-0025(1) through (6) in effect as of February 24, 2017, and*

35  
36 *(2) For energy facilities that impact sage-grouse habitat, the sage-grouse*  
37 *specific habitat mitigation requirements of the Greater Sage-Grouse*  
38 *Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-*  
39 *0000 through -0025 in effect as of February 24, 2017.*  
40

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<sup>221</sup> BCWAMD4Doc21-08 RFA Exhibit M Financial Capability 2025-12-10, Attachment M-2.

<sup>222</sup> BCWAMD4Doc21-08 RFA Exhibit M Financial Capability 2025-12-10, Attachment M-1.

### III.H.1. Findings of Fact

The analysis area for the Fish and Wildlife Habitat standard is the area within and extending 0.5 mile from the proposed Solar Micrositing Area.<sup>224</sup> The analysis area covers approximately 5,198 acres in northern Sherman County, Oregon, which is located in the Columbia Plateau Ecoregion. As described in more detail below, the majority of the analysis area is comprised of agricultural lands with small areas of remnant grassland and shrub-steppe habitat. Only limited areas of native habitat types occur, and even in those areas, non-native, invasive grasses and forbs, including cheatgrass (*Bromus tectorum*), bulbous bluegrass (*Poa bulbosa*), cereal rye (*Secale cereale*), and prickly lettuce (*Lactuca serriola*), are abundant.<sup>225</sup>

This general fish and wildlife habitat mitigation goals and standards in OAR 635-415-0025 require the mitigation of impacts to fish and wildlife habitat based on the quantity and quality of the habitat impacted as well as the nature, extent, and duration of the impact. Habitat quality is measured using a habitat classification system based on the function and value the habitat provides to species or groups of species likely to use it. ODFW policy identifies six habitat categories, with Category 1 being the most valuable, and Category 6 the least valuable.

#### *Discovery Measures*

RFA4 includes a 2024 Habitat Categorization and Special Status Wildlife Survey Report prepared by the certificate holder's qualified biologists from Tetra Tech.<sup>226</sup> The biological report was prepared by a combination of desktop analysis/literature review, and field surveys. The desktop survey for habitat categorization of the proposed Solar Micrositing Area delineated potential habitat categories using:

- ODFW information regarding habitat types;
- National Land Cover Database;
- Aerial photography;
- The original application materials for the BCWF and monitoring data from facility operations;<sup>227</sup>
- Oregon Conservation Strategy and ODFW Compass mapping tool;
- Sherman County Comprehensive Plan (Goal 5) for big game habitat

<sup>223</sup> OAR 345-022-0040, effective April 2, 2025. The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>224</sup> BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

<sup>225</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 5.2.

<sup>226</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Attachment P-1.

<sup>227</sup> 2005, 2009-2014 reporting by WEST (Western EcoSystems Technology, Inc.), BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Sections 4.1 and 12.0.

1 Tetra Tech conducted habitat categorization field surveys within the proposed Solar Micrositing  
2 Area in June 2024.<sup>228</sup> Ground-based raptor nest surveys were also conducted in June 2024,  
3 covering the area within and extending 0.5 mile from the proposed Solar Micrositing Area.  
4 Habitat mapping consistent with ODFW Fish and Wildlife Habitat Mitigation Policy was  
5 performed using a minimum of 1-acre mapping unit (except for specialized habitat such as cliffs  
6 or rock outcrops) during the growing season to aid in identification of vegetative species.  
7 Meandering transects were walked by a biologist to categorize the composition and structure  
8 of habitat by noting the dominant vegetation, presence of large trees, existing disturbance, or  
9 other habitat features such as shrub and grass composition and density.<sup>229</sup>

10  
11 Field surveys for wetlands and waters of the state were conducted in July 2024 and used to  
12 inform habitat categorization summarized below. Results from the wetland delineations are  
13 discussed further in Section IV.B. *Removal-Fill*, of this order.

#### 14 15 *Fish and Wildlife Habitat within Analysis Area*

16  
17 Approximately 4,301 of 5,198-acres within the analysis area (83 percent) are made up of  
18 agricultural or developed lands considered to be Category 6 habitat due to the level of  
19 disturbance and limited potential to become essential or important habitat. The remaining 897  
20 acres are made up grasslands, sagebrush shrub steppe, waterways, wetlands and riparian  
21 habitat.<sup>230</sup> As shown in Figure 12 and 13, below, the majority of the habitat areas are  
22 concentrated to the northeast of the proposed Solar Micrositing Area, with some sagebrush  
23 shrub-steppe and grasslands following the lower fork of Biglow Canyon within the proposed  
24 Solar Micrositing Area.

25  
26 Sagebrush shrub-steppe and riparian habitats in the analysis area are considered Category 2,  
27 “essential and limited habitat.”<sup>231</sup> As presented in RFA4 Exhibit P Figure P-1 and P-3, these  
28 habitat subtypes occur within ODFW’s designated Priority Wildlife Connectivity Area (PWCA);  
29 ODFW has not established habitat categorization for PWCAs but rather recommends that the  
30 information be used to inform avoidance areas and site-specific evaluation. Other non-  
31 developed habitats in the analysis area are considered 3 and 4 essential or important habitat.

#### 32 33 *Potential Impacts to Habitat and Mitigation Need*

34  
35 Table 15, below, summarizes estimated temporary and permanent impacts within the proposed  
36 Solar Micrositing Area by habitat category. All areas within the solar array fenceline area  
37 considered a permanent disturbance from a habitat impact perspective. All temporary

---

<sup>228</sup> The 0.5 mile area outside the proposed Solar Micrositing Area was field surveyed for raptor nests and otherwise evaluated using the desktop methodologies. BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Table P-1, and Section 4.2.3.

<sup>229</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 4.2.1.

<sup>230</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10 Table P-4

<sup>231</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Figure P-1.

disturbance areas are outside the fenced solar array areas.<sup>232</sup> Temporary impacts expected to have a longer restoration timeframe (5+ years) result in temporal loss, requiring mitigation beyond revegetation. Approximately 21 acres of Category 2 habitat, and 3.0 acres of Category 4 essential habitat would be permanently impacted by operation of the solar facility. Approximately 0.3 acres of Category 2 Sagebrush Shrub-Steppe would be temporarily impacted, with a temporal impact. All other anticipated impacts would be to Category 6 agricultural or developed lands.

**Table 15: Potential Habitat Impacts by Habitat Category**

| Habitat Category                        | Habitat Subtype            | Impact (acres) |                |
|-----------------------------------------|----------------------------|----------------|----------------|
|                                         |                            | Temporary      | Permanent      |
| 2                                       | Riparian Trees             | <0.1           | <0.1           |
|                                         | Sagebrush Shrub-Steppe     | 0.3            | 20.7           |
|                                         | <i>Category 2 Subtotal</i> | <i>0.3</i>     | <i>20.7</i>    |
| 4                                       | Grassland-steppe           | 0.1            | 3.0            |
|                                         | Ephemeral Streams          | <0.1           | <0.1           |
|                                         | <i>Category 4 Subtotal</i> | <i>0.1</i>     | <i>3.0</i>     |
| 6                                       | Irrigated Cropland         | 0.1            | 52.0           |
|                                         | Non-Irrigated Cropland     | 9.4            | 1,365.0        |
|                                         | Developed                  | 1.0            | 3.9            |
| <i>Category 6 Subtotal</i>              |                            | <i>10.5</i>    | <i>1,420.9</i> |
| <b>Total Category 2 and 4 Impacts =</b> |                            | <b>0.4</b>     | <b>23.7</b>    |

<sup>232</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 8.0.



Figure 12: Habitat Categories within the Analysis Area

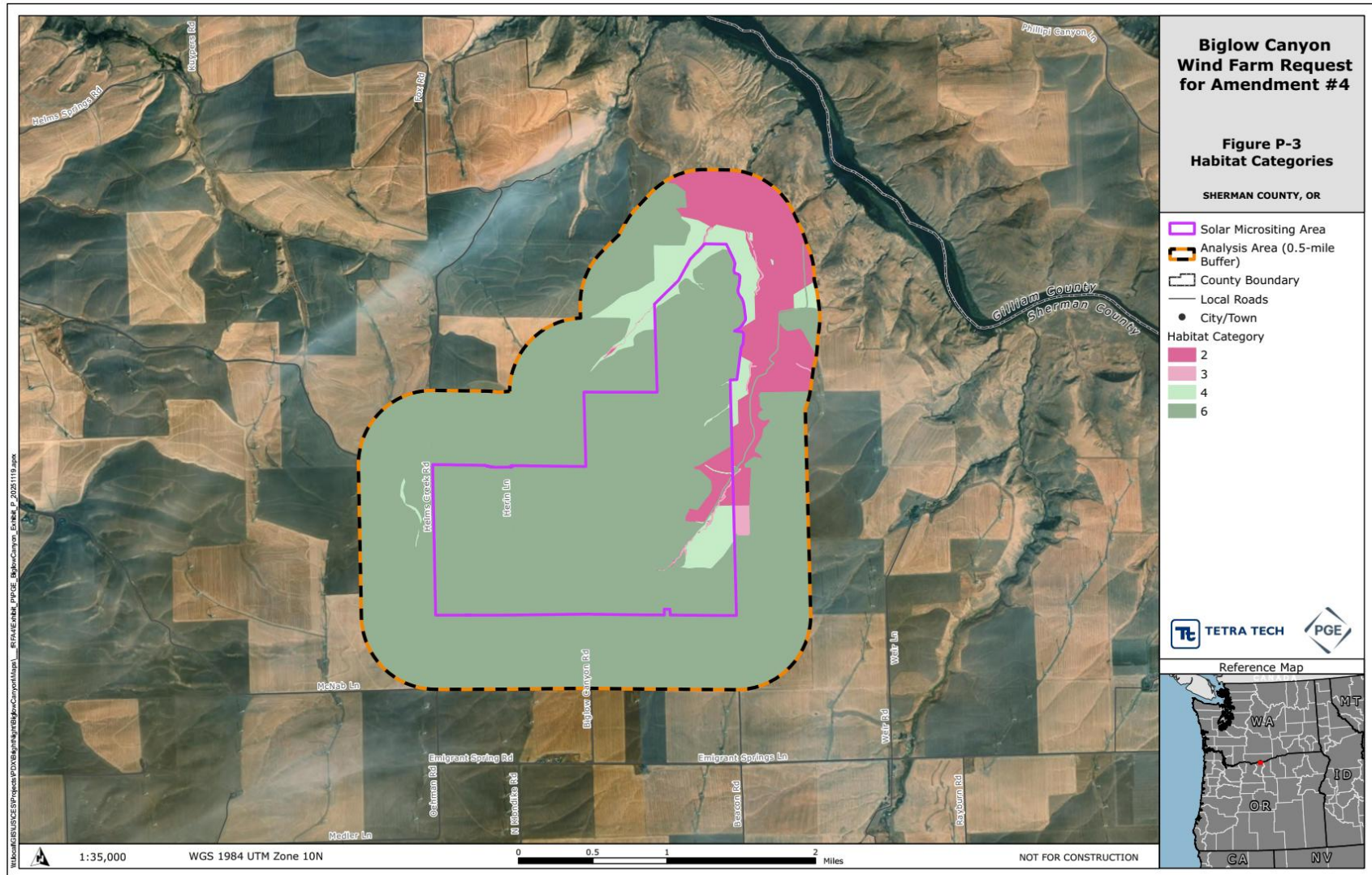
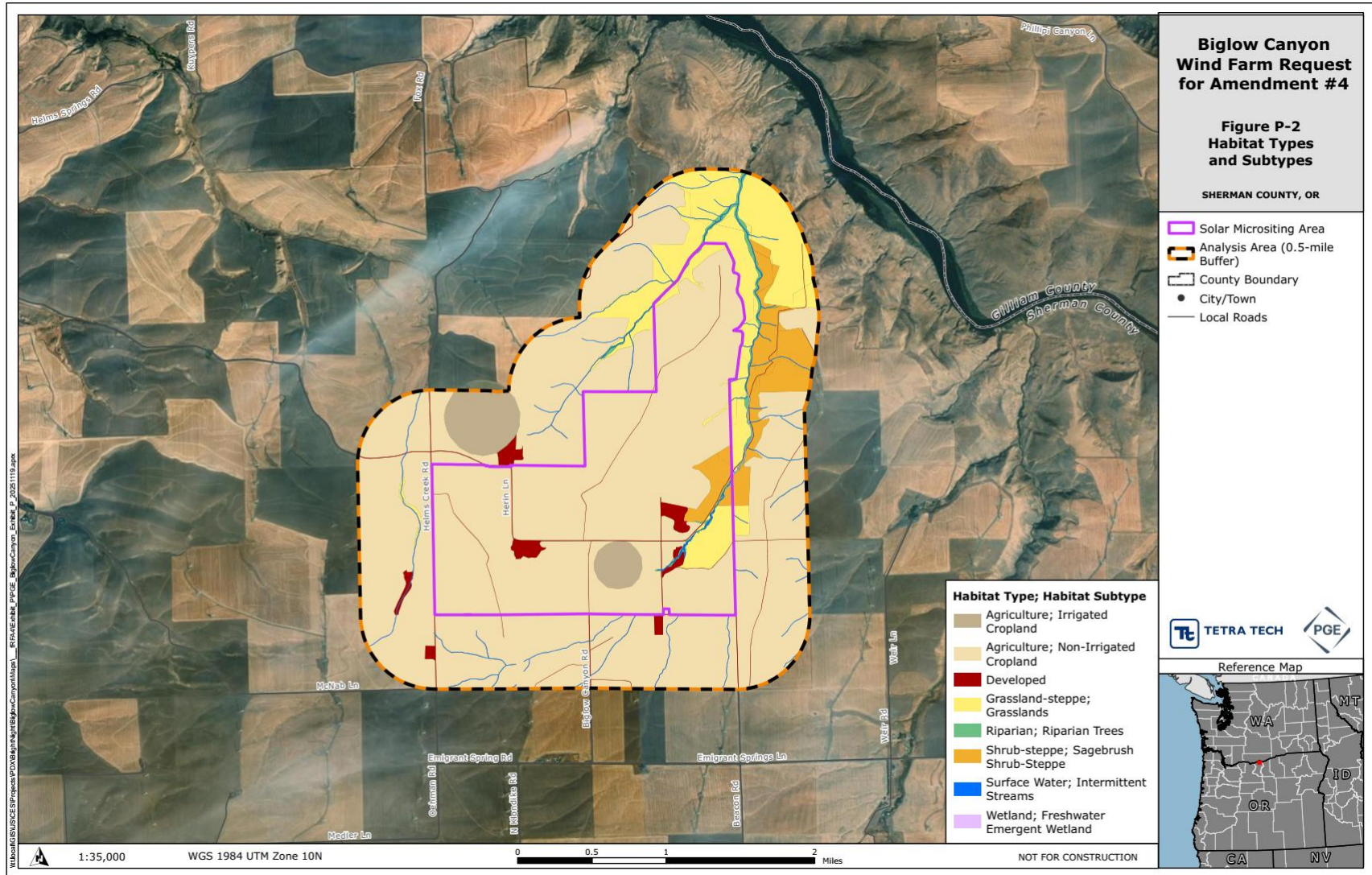




Figure 13: Habitat Subtype within Analysis Area



## *Mitigation of Potential Habitat Impacts*

The Oregon Habitat Mitigation Policy requires mitigation actions to be considered in the following order of priority:

- Avoiding the impact altogether by not taking a certain development action or parts of that action;
- Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures;
- Compensating for the impact by replacing or providing comparable substitute resources or environments.

### Habitat Impact Avoidance

The facility components proposed in RFA4 have been designed to avoid many habitat impacts by using available land within existing site boundary for the operating wind facility and predominately located on previously disturbed agricultural lands.<sup>233</sup>

The northwest portion of the proposed Solar Micrositing Area would be adjacent to an ODFW designated PWCA, which includes Biglow Canyon and, at a distance of approximately 3.7 miles, John Day River. To the extent there are drainages or steep slope areas in proximity to the proposed fenceline, recommended Amended Condition 68 would require the certificate holder to avoid placing facility components near areas with steep slopes, further limiting development near the canyon.<sup>234</sup>

### Compensatory Mitigation for Habitat Loss

Under the ODFW Policy, compensatory mitigation must be provided for loss of habitat quantity or quality after implementation of avoidance and minimization measures. Mitigation for impacts to Category 2 and 4 habitats must be “in-kind” mitigation actions which create similar structure and function to that being disturbed and must be “in-proximity” to the disturbed area. For Category 2 habitat, the mitigation actions must ensure there is no net loss of either habitat quantity or quality and both habitat quantity and habitat quality must be improved. For Category 4 habitats, the mitigation actions must ensure there is no net loss of either habitat quantity or quality.

---

<sup>233</sup> BCWAMD4 pRFA Reviewing Agency Comment ODFW 2025-05-30. During review of pRFA4, ODFW acknowledged the value of the proposed site in minimizing potential wildlife impacts because it was co-located in available area within the existing wind facility.

<sup>234</sup> BCWAMD4 pRFA Reviewing Agency Comment ODFW 2025-05-30. Recommended Amended Condition 68 is consistent with ODFW’s requested setbacks from the facility fenceline to drainages within the PWCA.

The certificate holder proposes to mitigate temporal (i.e. loss of habitat function and values from the time an impact occurs to the time when the restored habitat provides a pre-impact level of habitat function) and permanent habitat impacts in the form of a permanent conservation easement on a habitat mitigation area (HMA) in-proximity to the facility site, which contains similar habitat quality and quantity as the habitat to be impacted. Specifically, for temporal habitat impacts, the certificate holder proposes to include in its HMA 2 acres for every 1 acre of Category 2 habitat temporarily disturbed (a 2:1 ratio). Based on this proposed methodology, the HMA would include 0.6 acres as mitigation for temporal Category 2 habitat loss.

For permanent habitat impacts, the certificate holder proposes to include in its HMA 2 acres for every 1 acre of Category 2 habitat permanently impacted (a 2:1 ratio to provide no net loss and a net benefit of habitat quantity). The certificate holder proposes to mitigate impacts to Category 4 habitat by including 1 acre for every 1 acre permanently impacted within its HMA (a 1:1 ratio to provide no net loss). Based on this proposed methodology, the HMA would include 44.4 acres as mitigation for permanent habitat loss. As summarized in Table 16, below, based on the estimated impacts and proposed mitigation ratios, the habitat mitigation obligation for in-kind, in-proximity mitigation is approximately 45 acres of land.

**Table 16: Estimated Habitat Impacts and Proposed Mitigation Ratios**

| Habitat Category | Temporal Impacts     |                  |                 | Permanent Impacts  |                  |                 | Total Mitigation Need |
|------------------|----------------------|------------------|-----------------|--------------------|------------------|-----------------|-----------------------|
|                  | Total Impact (Acres) | Mitigation Ratio | Mitigation Need | Total Impact Acres | Mitigation Ratio | Mitigation Need |                       |
| Category 2       | 0.3                  | 2:1              | 0.6             | 20.7               | 2:1              | 41.4            | 42                    |
| Category 4       | 0.1                  | 1:1              | 0.1             | 3                  | 1:1              | 3               | 3                     |
| <b>Total</b>     | <b>0.4</b>           |                  | <b>0.6</b>      | <b>21.0</b>        |                  | <b>44.4</b>     | <b>45</b>             |

To meet the mitigation need described above, a draft Habitat Mitigation Plan (HMP) was submitted in RFA4 Exhibit P Attachment P.2. The HMP proposes a 78-acre Habitat Mitigation Area (HMA), adjacent to the Carty Generating Facility in Morrow County. As shown in Figure 14, below, the HMA is adjacent to an existing conservation area operated by the certificate holder and a conservation area maintained by The Nature Conservancy (South Farm Conservation Area). The habitat mapped within the HMA includes rabbitbrush shrubland and broom snakeweed shrubland. The HMA is within a PWCA connector and contains Category 1 and Category 2 habitat associated with Washington ground squirrel (*Urocitellus washingtoni*) colonies that are immediately adjacent to the HMA. Access to the site is currently limited to the Nature Conservancy and Three Mile Canyon Farms occasional use of the two-track access crossing the property to access the other conservation areas and for the certificate holders' general operational needs. No livestock grazing is currently occurring on the site, and grazing would not be allowed in the future. ODFW provided concurrence that the proposed HMA is adequate to meet the Category 2 and 4 mitigation goals applicable to the impacts.

1 The HMA would be placed in a conservation easement or other legal mechanism which would  
2 restrict development, would apply for the life of the solar facility, and would be binding to the  
3 landowner upon sale or transfer of the land. The enhancement actions proposed at the HMA  
4 include access control; noxious weed control; shrub-planting; and restoration in the event of  
5 future wildfire.

6  
7 The Department recommends that the Council modify the draft plan, as presented in  
8 Attachment F of this Order. Generally, the modifications are to specify the scope of finalization,  
9 to make clear to the certificate holder the actions that need to be taken to finalize the plan and  
10 evaluate the adequacy of the proposed enhancement actions and associated success criteria.  
11 To finalize the HMP, the certificate holder must evaluate baseline conditions of the HMA,  
12 identify the locations and scope of the proposed enhancement actions; finalize the success  
13 criteria; finalize the monitoring and survey methods; finalize the monitoring and  
14 implementation schedule; and establish the number and location of monitoring and reference  
15 sites to be used to evaluate existing conditions and long-term success of the enhancement  
16 actions.

17  
18 Based on the finalization of the HMP, the Department recommends Council find that the  
19 proposed HMA and uplift actions will provide appropriate in-kind, in-proximity, mitigation for  
20 the expected habitat impacts associated with the construction and operation of the facility  
21 components proposed in RFA4. Given the extent of information and actions needed to  
22 complete the HMP, the Department recommends Council impose the following conditions  
23 requiring that the draft HMP be finalized prior to construction, and that the plan be  
24 implemented and adhered to during the facility operational lifetime.

25  
26 **Recommended Fish and Wildlife Habitat Condition 1 (PRE-FW-02):**

27 Prior to construction of a phase or component of the solar facility, as applicable, the  
28 certificate holder shall submit a final Habitat Mitigation Plan substantially similar to Final  
29 Order on RFA4 Attachment F, based the finalization requirements included in Section  
30 2.0 of the plan. The final plan must be submitted for review and approval by the  
31 Department, in consultation with ODFW.  
32 [Final Order on AMD4]

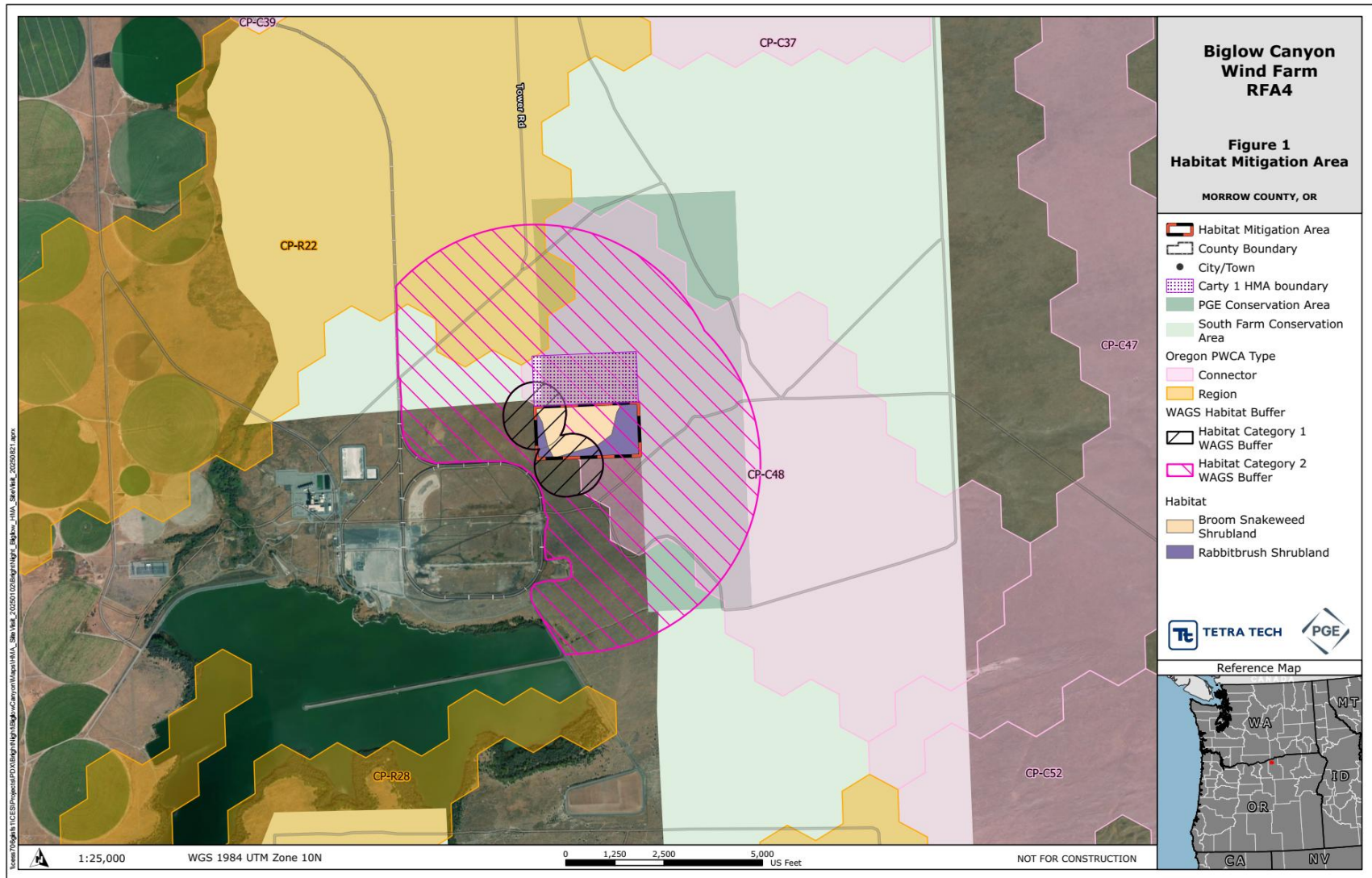
33  
34 **Recommended Fish and Wildlife Habitat Condition 2 (OPR-FW-05):**

35 During operation of the solar facility, the certificate holder shall implement the Habitat  
36 Mitigation Plan finalized under Condition PRE-FW-01. The HMP may be amended from  
37 time to time, subject to Department approval.  
38 [Final Order on AMD4]

39  
40 Temporary impacts to Category 4 grasslands will be restored in accordance with the  
41 Comprehensive Solar Revegetation and Soil Restoration Plan (Attachment D of this Order),  
42 required under recommended Soil Protection Condition 2.



Figure 14: Proposed Habitat Mitigation Area



1  
2

1 Minimization of Impacts to Sensitive Species

2  
3 In addition to habitat loss, the construction and operation of the facility components proposed  
4 in RFA4 may impact habitat function and the species that depend on it, including sensitive  
5 species, by disturbing potential nesting and breeding activities, increasing mortality from  
6 collision with solar arrays, fencing, overhead collector lines, vehicles and heavy equipment, and  
7 creating disturbances related to artificial lighting. As shown in Table 17, below, while only one  
8 state sensitive species was identified during surveys conducted in support of RFA4, several state  
9 sensitive species and two protected eagles have been documented or are known to have the  
10 potential to occur in the analysis area.

**Table 17: State Sensitive Species and Eagles with the Potential to Occur in the Analysis Area**

| Species                                                                       | State Status                                                 | Probability of Occurrence within Analysis Area                                                                                                                                                              | Potential Habitat Within Analysis Area                        |
|-------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <b>Reptiles</b>                                                               |                                                              |                                                                                                                                                                                                             |                                                               |
| <i>Northern sagebrush lizard</i><br>( <i>Sceloporus graciosus graciosus</i> ) | Sensitive                                                    | Moderate. Limited suitable habitat. Not detected in surveys.                                                                                                                                                | Shrub-steppe habitats with sandy soils                        |
| <i>Western painted turtle</i><br>( <i>Chrysemys picta bellii</i> )            | Sensitive-Critical                                           | Low. Limited suitable habitat. Not detected during surveys.                                                                                                                                                 | Riparian, surface water, and wetland habitats                 |
| <b>Birds</b>                                                                  |                                                              |                                                                                                                                                                                                             |                                                               |
| <i>Bald eagle</i><br>( <i>Haliaeetus leucocephalus</i> )                      | None<br>(Protected by Bald and Golden Eagle Protection Act.) | High. Known to nest along John Day River, but no suitable nesting habitat in analysis area. Regularly detected during avian use surveys for the wind facility.                                              | All terrestrial habitats                                      |
| <i>Brewer's sparrow</i><br>( <i>Spizella breweri</i> )                        | Sensitive                                                    | Moderate. Limited suitable habitat within the analysis area. One individual found during fatality monitoring for the wind facility.                                                                         | Sagebrush and other shrublands                                |
| <i>Burrowing owl (Western)</i><br>( <i>Athene cunicularia hypugaea</i> )      | Sensitive-Critical                                           | Moderate. Suitable habitat within the analysis area, detected during pre-construction surveys for the wind facility.                                                                                        | Shrub-steppe, grassland, agricultural, and developed habitats |
| <i>Common nighthawk</i><br>( <i>Chordeiles minor</i> )                        | Sensitive                                                    | Moderate. Suitable habitat within the analysis area. One individual found during fatality monitoring for the wind facility.                                                                                 | All terrestrial habitats                                      |
| <i>Ferruginous hawk</i><br>( <i>Buteo regalis</i> )                           | Sensitive-Critical                                           | High. Suitable nesting and foraging habitat within the Analysis Area. Low numbers detected during avian use surveys for the wind facility.                                                                  | Shrub-steppe, grassland, and riparian habitats                |
| <i>Golden eagle</i><br>( <i>Aquila chrysaetos</i> )                           | None<br>(Protected by Bald and Golden Eagle Protection Act.) | High. Known historical nest territories along John Day River. Analysis Area lacks nesting habitat but provides foraging habitat. Species regularly detected during avian use surveys for the wind facility. | All mapped habitats within analysis area                      |
| <i>Grasshopper Sparrow</i><br>( <i>Ammodramus savannarum</i> )                | Sensitive                                                    | Moderate. Suitable habitat within the Analysis Area, regularly detected during avian use surveys for the wind facility.                                                                                     | Grassland habitats                                            |



**Table 17: State Sensitive Species and Eagles with the Potential to Occur in the Analysis Area**

| <b>Species</b>                                                        | <b>State Status</b> | <b>Probability of Occurrence within Analysis Area</b>                                                                                                                                                          | <b>Potential Habitat Within Analysis Area</b>            |
|-----------------------------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <i>Lewis's woodpecker</i><br>( <i>Melanerpes lewis</i> )              | Sensitive-Critical  | Low. Limited suitable habitat within the analysis area. Not detected during surveys.                                                                                                                           | Riparian habitats                                        |
| <i>Loggerhead shrike</i><br>( <i>Lanius ludovicianus</i> )            | Sensitive           | High. Suitable nesting and foraging habitat within the analysis area. Detected within proposed Solar Micrositing Area during 2024 special status wildlife surveys and avian use surveys for the wind facility. | All terrestrial habitats                                 |
| <i>Long-billed curlew</i><br>( <i>Numenius americanus</i> )           | Sensitive-Critical  | High. Suitable nesting and foraging habitat within the analysis area. Detected during avian use surveys for the wind facility.                                                                                 | Grassland habitats, agriculture                          |
| <i>Swainson's hawk</i><br>( <i>Buteo swainsoni</i> )                  | Sensitive           | High. Suitable nesting and foraging habitat within the analysis area. Detected during avian use surveys for the wind facility and active nests detected during raptor nest surveys for the wind facility.      | All mapped habitats within analysis area                 |
| <b>Mammals</b>                                                        |                     |                                                                                                                                                                                                                |                                                          |
| <i>Hoary bat</i><br>( <i>Lasiurus cinereus</i> )                      | Sensitive           | High, during migration. Frequently found during fatality monitoring at the wind facility.                                                                                                                      | Riparian and open water habitat                          |
| <i>Pallid bat</i><br>( <i>Antrozous pallidus</i> )                    | Sensitive           | Moderate. Not detected during fatality monitoring at the wind facility.                                                                                                                                        | Shrub-steppe grassland, riparian, and open water habitat |
| <i>Silver-haired bat</i><br>( <i>Lasionycteris noctivagans</i> )      | Sensitive           | High, during migration. Frequently found during fatality monitoring at the wind facility.                                                                                                                      | Riparian and open water habitat                          |
| <i>Spotted bat</i><br>( <i>Euderma maculatum</i> )                    | Sensitive           | Low. Not detected during fatality monitoring at the wind facility.                                                                                                                                             | Riparian, open water and shrub-steppe habitat            |
| <i>Townsend's big-eared bat</i><br>( <i>Corynorhinus townsendii</i> ) | Sensitive-Critical  | Moderate. Not detected during fatality monitoring at the wind facility.                                                                                                                                        | Riparian, open water and shrub-steppe habitat            |

## Impacts from Construction

Ground disturbing activities have the potential to directly impact ground nesting birds; however, these impacts will be limited to Category 2 habitat within the proposed Solar Micrositing Area, and the associated subtypes presented in Table 16 above.<sup>235</sup> As presented in Table 17, there are three special status ground nesting birds (Loggerhead shrike, Brewer's sparrow and burrowing owl) that rely on the habitat Category 2 habitat/habitat subtype within the proposed Solar Micrositing Area and could be directly impacted if ground disturbing activities occur during their sensitive nesting/breeding season (April 15 – Sept 1). To minimize potential impacts to state-sensitive ground nesting birds, the Department recommends Council impose a requirement that mowing, vegetation removal and other ground disturbing site preparation activities within Category 2 habitat be completed during any year in which construction occurs on or before April 15. This requirement is presented in the draft Comprehensive Revegetation and Soil Management Plan (Attachment D of this Order).

Construction activities including noise and disturbances associated with the presence of personnel, vehicles, and equipment has the potential to disrupt some bird species' feeding or breeding activities or cause birds to avoid the area. Construction occurring during the breeding season (as early as February and lasting through August) could also cause active nests to fail due to direct nearby disturbance causing nest abandonment. During the 2024 raptor nest surveys, one nest was presumed active based on observation of a juvenile great horned owl. The nest site is outside of the proposed Solar Micrositing Area, but within 0.5 mile of the site.

Given the potential for previously identified raptor nests or new nest sites to occur within the analysis area during construction, to minimize potential construction related impacts to avian species, the Department recommends Council require that active raptor nests be protected with an avoidance buffer. The Council previously imposed such a requirement applicable to the construction of the wind facility, Condition 60. The Department recommends that the Council delete Condition 60 and adopt a new condition with updated language, species list, buffer distances and seasonal timeframes, based on ODFW's March 2024 Solar Siting Guidelines, as presented below:

### Recommended Deleted Condition 60

~~(60) During construction, the certificate holder shall protect the area within a 1300-foot buffer around any active nests of the following species during the sensitive period, as provided in this condition:~~

| Species          | Sensitive Period        | Early Release Date |
|------------------|-------------------------|--------------------|
| Swainson's hawk  | April 1 to August 15    | May 31             |
| Golden eagle     | February 1 to August 31 | May 31             |
| Ferruginous hawk | March 15 to August 15   | May 31             |
| Burrowing owl    | April 1 to August 15    | July 15            |

<sup>235</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 8.2.2.

1  
2 The 1300-foot buffer may be reduced, with Department approval, if there is an  
3 adequate physical barrier between the nest site and the construction impacts such that  
4 a 1300-foot buffer proves to be excessive.

5 During the year in which construction of any phase occurs, the certificate holder shall  
6 use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to  
7 determine whether there are any active nests of these species within a half-mile of any  
8 areas that would be disturbed during construction. If a nest is occupied by any of these  
9 species after the beginning of the sensitive period, the certificate holder shall not  
10 engage in high-impact construction activities (activities that involve blasting, grading or  
11 other major ground disturbance) or allow high levels of construction traffic within 1300  
12 feet of the nest site, or such lesser distance as may be approved by the Department in  
13 the event there is an adequate physical barrier between the nest site and the  
14 construction impacts.

15 In addition, the certificate holder shall flag the boundaries of the 1300-foot buffer area,  
16 or such lesser distance as may be approved by the Department in the event there is an  
17 adequate physical barrier between the nest site and the construction impacts, and shall  
18 instruct construction personnel to avoid any unnecessary activity within the buffer area.  
19 The certificate holder shall direct a qualified biologist, approved by the Department, to  
20 observe the active nest sites during the sensitive period for signs of disturbance and to  
21 notify the Department of any non-compliance with this condition. The Department has  
22 approved the qualifications of the four biologists identified in the Final Order on  
23 Amendment #2. The certificate holder may select other qualified biologists to observe  
24 the nest sites, subject to Department approval. If the biologist observes nest site  
25 abandonment or other adverse impact to nesting activity, the certificate holder shall  
26 implement appropriate mitigation, in consultation with ODFW and subject to the  
27 approval of the Department, unless the adverse impact is clearly shown to have a cause  
28 other than construction activity. The certificate holder may begin or resume high impact  
29 construction activities before the ending day of the sensitive period if any known nest  
30 site is not occupied by the early release date. If a nest site is occupied, then the  
31 certificate holder may begin or resume high-impact construction before the ending day  
32 of the sensitive period with the approval of ODFW, after the young are fledged. The  
33 certificate holder shall use a protocol approved by ODFW to determine when the young  
34 are fledged (the young are independent of the core nest site). [Amendment #2]  
35 [Final Order on AMD4]

36  
37 **Recommended Fish and Wildlife Condition 3 (CON-FW-01)**

- 38 a. Prior to the seasonal restriction referred in this condition and during any year in  
39 which construction of any component or phase of the solar facility occurs, the  
40 certificate holder shall:  
41 i. Use a protocol approved by ODFW to determine whether there are any active  
42 nests of the species listed in the table below within a half-mile of any areas that  
43 would be disturbed during construction.

- ii. If a nest is occupied by any of these species after the beginning of the seasonal restriction, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) or allow high levels of construction traffic within the spatial buffer of the nest site.
  - iii. Any work areas within the spatial buffers during the seasonal restriction shall be flagged/marked.
- b. The seasonal restrictions are as provided in the table below:

| Species                                                                                                                                                                                                                                                                                       | Spatial Buffer | Seasonal Restriction | Early Release Date if Unoccupied |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------|----------------------------------|
| Golden eagle                                                                                                                                                                                                                                                                                  | 0.5 – 1 mile   | Feb 1 – Aug 15       | May 15                           |
| Bald eagle                                                                                                                                                                                                                                                                                    | 0.5 mile       | Jan 1 – Aug 15       | May 31                           |
| Ferruginous hawk                                                                                                                                                                                                                                                                              | 0.5 mile       | Mar 15 – Aug 15      | May 31                           |
| Northern goshawk**                                                                                                                                                                                                                                                                            | 0.5 mile       | May 1 – Aug 15       | June 30                          |
| Peregrine falcon**                                                                                                                                                                                                                                                                            | 0.25 mile      | Jan 1 – Jul 1        | May 15                           |
| Swainson's hawk**                                                                                                                                                                                                                                                                             | 0.25 mile      | Apr 1 – Aug 15       | May 31                           |
| White-tailed kite                                                                                                                                                                                                                                                                             | 0.25 mile      | Jan 1 – Aug 15       |                                  |
| Osprey                                                                                                                                                                                                                                                                                        | 0.25 mile      | Mar 1 – Sep 15       |                                  |
| Burrowing owl**                                                                                                                                                                                                                                                                               | 0.25 mile      | Apr 1 – Aug 15       | May 31                           |
| Flammulated owl**                                                                                                                                                                                                                                                                             | 0.25 mile      | May 1 – Jul 31       | June 15                          |
| Great gray owl**                                                                                                                                                                                                                                                                              | 0.25 mile      | Apr 1 – Jul 31       | May 31                           |
| Red-tailed hawk                                                                                                                                                                                                                                                                               | 0.10 mile      | Mar 1 – Aug 15       | May 31                           |
| Other hawks and owls                                                                                                                                                                                                                                                                          | 0.25 mile      | Mar 1 – Aug 15       | May 31                           |
| <p>Dates cover territory establishment through fledging. Release dates can be used for unoccupied or failed nests.</p> <p>Some geographic variation exists in seasonal restriction dates, please consult with local ODFW staff.</p> <p>** Indicates Oregon Conservation Strategy Species.</p> |                |                      |                                  |

- c. Upon request by the certificate holder, the Department in consultation with ODFW may provide exceptions to this restriction. The certificate holder's request must include a justification of the request, including any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the raptor and its nest.
- [Final Order on AMD4]

To ensure the requirements above were implemented, the Council previously imposed Site Certificate Condition 57, requiring the certificate holder to provide environmental training to construction personnel during construction of the wind energy facility. The Comprehensive Soil and Revegetation Plan would require this training to take place before and during construction of the facility components proposed in RFA4 (See Attachment D, Table 5). Because the requirement for environmental training is addressed in the plan, the Department recommends the Council delete Condition 57.

1  
2 **Recommended Deleted Condition 57**

3 ~~The certificate holder shall implement measures to mitigate impacts to sensitive wildlife~~  
4 ~~habitat during construction including, but not limited to, the following:~~

5 ~~(a) Preparing maps to show sensitive areas, such as nesting or denning areas for~~  
6 ~~sensitive wildlife species, that are off limits to construction personnel.~~

7 ~~(b) Ensuring that a qualified person instructs construction personnel to be aware of~~  
8 ~~wildlife in the area and to take precautions to avoid injuring or destroying wildlife or~~  
9 ~~significant wildlife habitat.~~

10 ~~(c) Avoiding unnecessary road construction, temporary disturbance and vehicle use.~~  
11 [Final Order on AMD4]  
12

13 *Impacts from Operations*  
14

15 Operating solar photovoltaic facilities are not known to result in the direct fatalities of  
16 significant numbers of birds and bat species and human activity at the site would be minimal  
17 during operations.  
18

19 Artificial lighting has been shown to attract nocturnally migrating bird, including the Brewer's  
20 and grasshopper sparrows, as well as crepuscular insectivores such as the common nighthawk  
21 and bats, resulting in collisions with structures such as communication towers, guy wires, and  
22 wind turbines. Research has shown that using lights that are directed downward and shielded,  
23 have the lowest allowable intensity, and are on timers or motion sensors can minimize lighting  
24 impacts.<sup>236</sup> The Council previously imposed Condition 52, requiring the use of minimal lighting  
25 at the existing wind facility. As described in Section III.E, *Land Use*, recommended Land Use  
26 Condition 4 would establish similar requirements for the proposed solar facility and would  
27 require all outdoor lighting to be sited, limited in intensity, shielded, and hooded in a manner  
28 that prevents the lighting from projecting onto adjacent properties and roadways.  
29

30 Interactions with overhead electrical systems have the potential to negatively affect birds,  
31 especially raptors, primarily through electrocutions and collisions. To minimize the potential for  
32 electrocutions and collisions, the certificate holder represents that all overhead transmission  
33 lines would be constructed following the 2012 Avian Powerline Interaction Committee (APLIC)  
34 recommendations for collision avoidance (APLIC 2012).<sup>237</sup>  
35

36 The Council previously imposed Condition 58 requiring transmission lines constructed as part of  
37 the wind facility to comply with the 1995 APLIC design standards. The Department recommends  
38 the Council amend Condition 58 to make clear that it applies to the existing facility and facility  
39 components proposed in RFA4, specific to aboveground transmission lines:  
40

41 **Recommended Amended Condition 58 (GEN-FW-01)**

---

<sup>236</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 8.2.2., 9.1.1.

<sup>237</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 8.2.2.

1 The certificate holder shall design and construct all aboveground transmission line  
2 support structures following the current practices suggested by the Avian Powerline  
3 Interaction Committee at the time of design. ~~APLIC 1996, referenced in the site~~  
4 ~~certificate application, p. P-33) and shall install anti-perching devices on transmission~~  
5 ~~pole tops and cross arms where the poles are located within one-half mile of any wind~~  
6 ~~turbines.~~

7 [Final Order on AMD4]  
8

9 While outside of the analysis area, ODFW has identified mapped occupied bighorn sheep  
10 habitat within two miles of the proposed Solar Micrositing Area. Bighorn sheep are at high risk  
11 for zoonotic diseases such as *Mycoplasma ovipneumoniae* which can be transmitted by  
12 domestic sheep and goats. Due to the potential for devastating impacts on important species,  
13 the Department recommends the Council find that domestic sheep or goats may not be used to  
14 control vegetation at the site unless adequate biosecurity protocols. A prohibition on the use of  
15 domestic sheep and goats at the site has been included in the Comprehensive Solar  
16 Revegetation and Soil Management Plan included as Attachment D to this Order  
17 (recommended Soil Protection Condition 2)  
18

19 The construction and operation of the facility may also impact habitat quality through the  
20 introduction and spread of noxious weeds and other undesirable plant species. The  
21 Comprehensive Solar Revegetation and Soil Management Plan described above would also  
22 contain provisions for the control and management of weeds at the solar facility site (see  
23 Attachment D, Appendix G.)<sup>238</sup>  
24

25 The Comprehensive Solar Revegetation and Soil Management Plan also contains requirements  
26 for Environmental Training intended to ensure that all personnel are aware of and adhere to  
27 the conditions above during construction and operation of the proposed solar facility.  
28

29 While no specific wildlife monitoring is proposed with respect to the operating solar facility, the  
30 Council previously imposed Site Certificate Condition 61, which requires the certificate holder  
31 to adhere to the requirements of a Wildlife Monitoring and Mitigation Plan, including ongoing  
32 requirements for monitoring and reporting wildlife fatalities under a wildlife incident response  
33 and handling system. The Council also imposed Conditions 64 and 65, requiring the certificate  
34 holder to provide mitigation and monitoring reports to the Confederated Tribes of the Warm  
35 Springs Reservation of Oregon and to meet with Tribal staff on an annual basis to discuss issues  
36 that may affect tribal properties near the site. The Department recommends the Council  
37 maintain these as applicable to the existing and proposed RFA4 facility components.  
38

### 39 **III.H.2. Conclusions of Law** 40

41 Based on the foregoing analysis, and subject to compliance with the existing and recommended  
42 new and amended conditions described above, the Department recommends the Council find

---

<sup>238</sup> BCWAMD4Doc21-10 RFA Exhibit P Fish and Wildlife 2025-12-10, Section 9.1.2.

that the design, construction and operation of the facility components proposed in RFA4 are consistent with the mitigation goals and requirements of the Oregon Department of Fish and Wildlife’s Fish and Wildlife Habitat Mitigation Policy under OAR 635-415-0025.

### III.I. THREATENED AND ENDANGERED SPECIES: OAR 345-022-0070

*To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:*

*(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:*

*(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or*

*(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and*

*(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.<sup>239</sup>*

*\*\*\*<sup>240</sup>*

#### III.I.1. Findings of Fact

The analysis area for the Threatened and Endangered (T&E) Species standard is the area within and extending 5 miles from the proposed Solar Micrositing Area.<sup>241</sup>

#### *Methodology – Literature Review and Field Studies*

The certificate holder conducted a literature review and field surveys to evaluate the potential for state-listed threatened and endangered plant and wildlife species to occur within the analysis area. The literature review evaluated the following sources:

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<sup>239</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>240</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>241</sup> BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

- Original 2005 application materials for the approved facility <sup>242</sup>
- Oregon Biodiversity Information Center (ORBIC) Threatened, and Endangered Species of Oregon
- 2024 Oregon Department of Agriculture (ODA) Oregon Listed Plants by County
- 2024 ODA Plant Conservation Program, Complete List of Threatened, Endangered, and Candidate Species
- 2024 OregonFlora data
- ODFW threatened, endangered and candidate fish and wildlife species
- 2024 Streamnet, fish distribution data

No state-listed fish or wildlife species have the potential to occur within the analysis area based on the desktop review.<sup>243</sup> As shown in Table 18, five state-listed or candidate plant species were identified as having the potential to occur within Sherman County.

**Table 18: State Listed Species with Potential to Occur in Sherman County**

| Species                                                                    | State Status | Occurrence within the Analysis Area | Potential Habitat within with the Solar Micrositing Area |
|----------------------------------------------------------------------------|--------------|-------------------------------------|----------------------------------------------------------|
| Northern wormwood ( <i>Artemisia campestris</i> var. <i>wormskioldii</i> ) | Endangered   | Yes                                 | No                                                       |
| Lawrence's milkvetch ( <i>Astragalus collinus</i> var. <i>laurentii</i> )  | Threatened   | No                                  | Limited                                                  |
| Henderson's ricegrass ( <i>Eriocoma (Achnatherum) hendersonii</i> )        | Candidate    | No                                  | No                                                       |
| Hepatic monkeyflower ( <i>Erythranthe jungermannioides</i> )               | Candidate    | Yes                                 | No                                                       |
| Sessile mousetail ( <i>Myosurus sessilis</i> )                             | Candidate    | No                                  | No                                                       |

As shown in the table, there are known occurrences of Northern wormwood and hepatic monkeyflower in the analysis area but no suitable habitat within the proposed Solar Micrositing Area. There is suitable habitat for Lawrence's milkvetch in the proposed Solar Micrositing Area but no records of it being present within the analysis area.<sup>244</sup>

Methods for botanical surveys were submitted to ODA for review on June 10, 2024. ODA provided concurrence with the methods on June 13, 2024, prior to Tetra Tech conducting field surveys.<sup>245</sup>

Botanical field surveys were conducted on July 9 and 10, 2024 to evaluate the potential presence of the state-listed plant species within the proposed Solar Micrositing Area. None of

<sup>242</sup> BCWAPPD45-2 BCW ASC Supplement Exh K-R, BCWAPPD45-2 BCW Additional 2005 Fall Wildlife Surveys.

<sup>243</sup> BCWAMD4Doc21-11 RFA Exhibit Q TE Species 2025-12-10, Section 4.1.

<sup>244</sup> BCWAMD4Doc21-11 RFA Exhibit Q TE Species 2025-12-10, Section 4.1.

<sup>245</sup> BCWAMD4Doc21-11 RFA Exhibit Q TE Species 2025-12-10, 3.0.



1 the species with potential to occur, including Lawrence’s milkvetch, were observed during the  
2 field surveys.<sup>246</sup>

3  
4 The Council previously imposed Conditions 55 to 57 and 126 to ensure the wind energy facility  
5 was constructed in compliance with the Threatened and Endangered Species Standard.  
6 Conditions 55, 56, and 126 required T&E plant and wildlife surveys of the existing site prior to  
7 construction. Because the certificate holder has already conducted biological surveys of the  
8 proposed Solar Micrositing Area, the Department recommends the Council delete these  
9 conditions. The Department also recommends the Council delete Condition 57 because the  
10 requirements (worker environmental training) have been incorporated into the Comprehensive  
11 Solar Revegetation and Management Plan required under recommended Soil Protection  
12 Conditions 1 to 3.

13  
14 **Recommended Deleted Condition 55**

15 ~~Before beginning construction of the facility, the certificate holder shall deliver to the~~  
16 ~~Department surveys for threatened and endangered plant and wildlife species in newly~~  
17 ~~affected areas as identified in the ASC Supplement.~~

18 [Final Order on AMD4]

19  
20 **Recommended Deleted Condition 56**

21 ~~If construction of the facility begins after 2006, the certificate holder shall review the~~  
22 ~~ONHIC and USFWS databases and consult with an expert designated by ODFW on an~~  
23 ~~annual basis before beginning construction to determine whether nesting bald eagles or~~  
24 ~~peregrine falcons have been documented to occur within two miles of the facility. The~~  
25 ~~certificate holder shall report the results of the database review and consultation to the~~  
26 ~~Department and to ODFW and, if there have been new documentations of nesting bald~~  
27 ~~eagles or peregrine falcons within two miles of the facility, the certificate holder shall~~  
28 ~~implement appropriate measures to protect the species from adverse impact, as~~  
29 ~~approved by the Department and ODFW.~~

30 [Final Order on AMD4]

31  
32 **Recommended Deleted Condition 126**

33 ~~(126) Prior to any disturbance in the areas of the site added in the Final Order for~~  
34 ~~Amendment #2, the certificate holder shall deliver to the Department the results of a~~  
35 ~~spring survey of Crossing G, conducted during the appropriate bloom time for Northern~~  
36 ~~wormwood and Henderson’s ricegrass. If Northern wormwood or any other protected~~  
37 ~~rare plant species are observed during the spring survey, the certificate holder shall~~  
38 ~~ensure that construction and operation of the facility will have no impact on the rare~~  
39 ~~plant habitat. [Amendment #2]~~

40 [Final Order on AMD4]

41  

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<sup>246</sup> BCWAMD4Doc21-11 RFA Exhibit Q TE Species 2025-12-10, Section 4.2.

1 **III.I.2. Conclusions of Law**

2  
3 Because there are no state listed wildlife species with the potential to occur in the analysis  
4 area, and no state listed plant species with suitable habitat in the analysis area were identified  
5 during field surveys of the proposed Solar Micrositing Area, the Department recommends the  
6 Council find that the design, construction and operation of the facility components proposed in  
7 RFA4 are not likely to cause a significant reduction in the likelihood of survival or recovery of  
8 species listed as threatened or endangered by the Oregon Department of Agriculture or Oregon  
9 Fish and Wildlife Commission.

10  
11 **III.J. SCENIC RESOURCES: OAR 345-022-0080**

12  
13 *(1) To issue a site certificate, the Council must find that the design,*  
14 *construction and operation of the facility, taking into account mitigation, are*  
15 *not likely to result in significant adverse visual impacts to significant or*  
16 *important scenic resources.*

17  
18 \*\*\*

19  
20 *(3) A scenic resource is considered to be significant or important if it is*  
21 *identified as significant or important in a current land use management plan*  
22 *adopted by one or more local, tribal, state, regional, or federal government or*  
23 *agency.*

24  
25 *(4) The Council shall apply the version of this rule adopted under*  
26 *Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the*  
27 *review of any Application for Site Certificate or Request for Amendment that*  
28 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*  
29 *before the effective date of this rule. Nothing in this section waives the*  
30 *obligations of the certificate holder and Council to abide by local ordinances,*  
31 *state law, and other rules of the Council for the construction and operation of*  
32 *energy facilities in effect on the date the site certificate or amended site*  
33 *certificate is executed.*<sup>247</sup>

34 \*\*\*<sup>248</sup>

35  
36 **III.J.1. Findings of Fact**

37  
38 The analysis area for Scenic Resources is the area within and extending 10-miles from the  
39 proposed Solar Micrositing Area, as presented in Figure 15 below. The analysis area includes  
40 land governed or managed by two Oregon counties and one Washington county (Sherman,

---

<sup>247</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>248</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

1 Gilliam and Klickitat); municipalities of Wasco and Rufus; Oregon Department of Transportation  
2 (ODOT); National Park Service (NPS); and Bureau of Land Management (BLM).

3  
4 Land management plans published by the above-referenced cities, counties, state, and federal  
5 agencies were evaluated to identify potential scenic resources considered significant or  
6 important under this standard.<sup>249</sup> Land management plans identifying significant or important  
7 scenic resources within the analysis area are presented in Table 19 below. As presented in the  
8 Table, there are 4 significant or important scenic resources within the analysis area, in Oregon  
9 (John Day River Canyon; I-84; Journey Through Time Scenic Byway/US-97; OR-206). The closest  
10 scenic resource to the proposed Solar Micrositing Area is John Day River Canyon, located 3.7  
11 miles East.  
12

---

<sup>249</sup> Land management plans and associated resources in Washington are omitted from the analysis because protection of Washington resources is not within Council's jurisdiction.

**Table 19: Scenic Resources in Analysis Area**

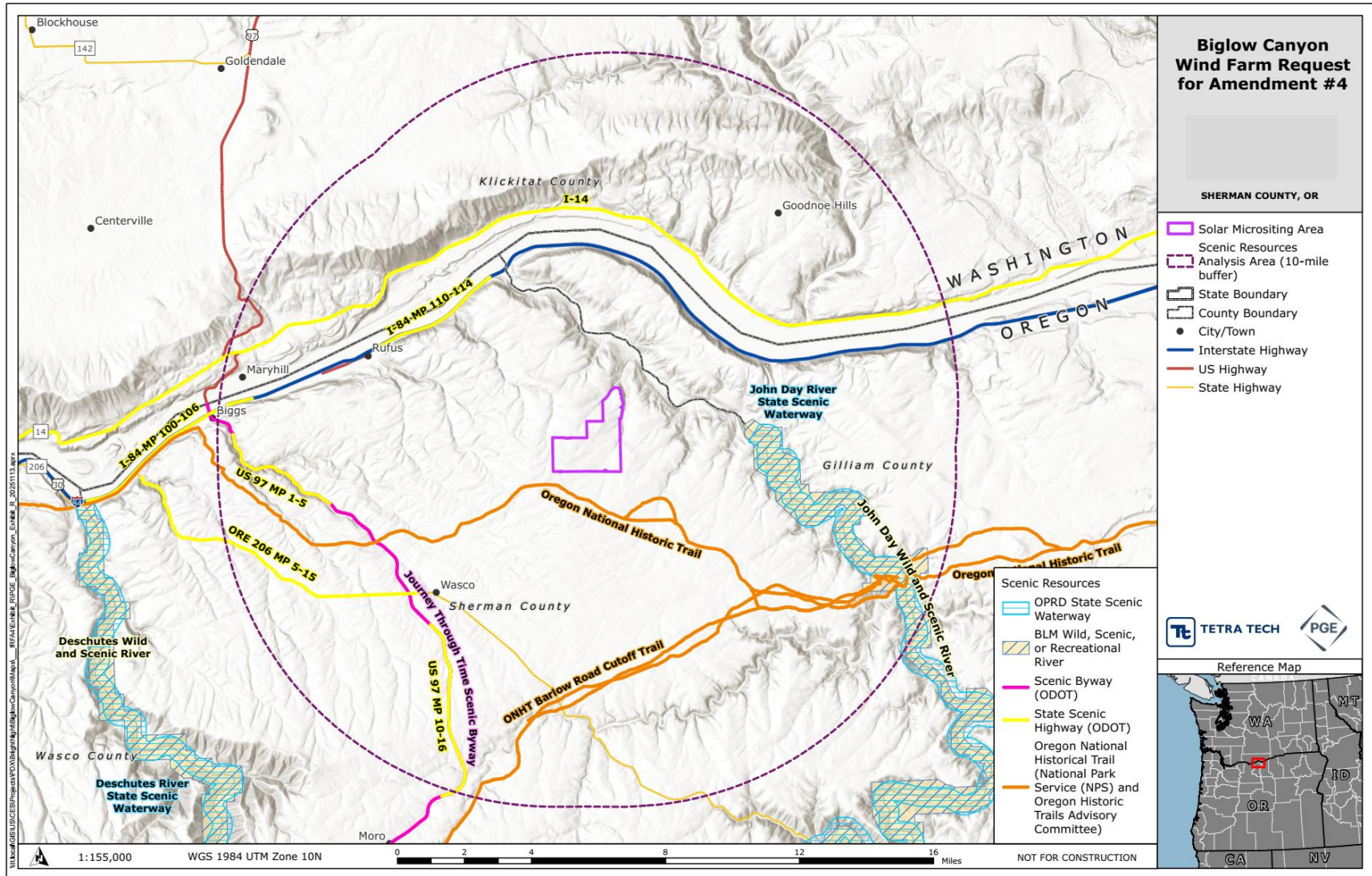
| Jurisdiction            | Plan                                                   | Significant or Important Scenic Resource/Distance from Site                   | Location Scenic Resource Discussed in Plan/Development Criteria                                                                                                                                                |
|-------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Counties</b>         |                                                        |                                                                               |                                                                                                                                                                                                                |
| Sherman County          | Sherman County Comprehensive Plan (2007)               | John Day River Canyon/3.7 miles East                                          | p. 58 of 60: Lands within ¼ of the..John Day Rivers..does not affect the view from the waters within the scenic waterways.                                                                                     |
|                         |                                                        | I-84 (Milepost 100-106, 110-114)/ 4.9 miles West                              | p. 18 of 60: ODOT has designated certain segments as Scenic Byways.                                                                                                                                            |
|                         |                                                        | Journey Through Time Scenic Byway/US-97 (Milepost I-5, 10-16)/ 5.9 miles West |                                                                                                                                                                                                                |
|                         |                                                        | OR-206 (Milepost 5-14)/ 5.5 miles East                                        |                                                                                                                                                                                                                |
| Gilliam County          | Gilliam County Comprehensive Plan (2022)               | John Day River Canyon/ 3.7 miles East                                         | The Comprehensive Plan references both Federal Wild and Scenic Rivers as well as State Scenic Waterways, and implements the following goal: “To conserve open space and protect natural and scenic resources.” |
| <b>Cities and Towns</b> |                                                        |                                                                               |                                                                                                                                                                                                                |
| Wasco                   | City of Wasco Comprehensive Land Use Plan (2007)       | John Day River Canyon/ 3.7 miles East                                         | p.14: Wasco..is positioned between two rivers classified under Oregon’s Scenic Rivers System,..the John Day.                                                                                                   |
| Rufus                   | City of Rufus Comprehensive Land Use Plan (2007)       | John Day River Canyon/ 3.7 miles East                                         | p.8: Rufus..is positioned between two rivers classified under Oregon’s Scenic Rivers System,..the John Day.                                                                                                    |
| <b>State</b>            |                                                        |                                                                               |                                                                                                                                                                                                                |
| ODOT                    | Journey Through Time Tour Route Management Plan (1996) | Journey Through Time Scenic Byway (US-97)/ 5.4 miles West                     |                                                                                                                                                                                                                |
| <b>Federal</b>          |                                                        |                                                                               |                                                                                                                                                                                                                |

**Table 19: Scenic Resources in Analysis Area**

| Jurisdiction | Plan                                                                                                                                | Significant or Important Scenic Resource/Distance from Site | Location Scenic Resource Discussed in Plan/Development Criteria                                    |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| BLM          | Two Rivers Resource Management Plan of Record of Decision (ROD) (1986);<br>Two Rivers Resource Management Plan Amendment ROD (2001) | John Day River Canyon/ 3.7 miles East                       | 44153: On the South Fork of the John Day River scenery...are considered outstandingly remarkable.. |

1

Figure 15: Scenic Resources within RFA4 Analysis Area



## *Potential Visual Impacts on Significant or Important Scenic Resources*

Permanent placement of energy infrastructure proposed in RFA4 could result in potential visual impacts including up to 15 foot tall solar arrays and up to 160 foot-tall transmission line poles. To evaluate potential visual impacts of these structures, RFA4 Exhibit R presents the results of a three-part approach including GIS-based viewshed (or zone of visual influence [ZVI]) modeling; key observation point (KOP) analysis and glare modeling.

First, the ZVI analysis used Esri GIS software and bare-earth 10-meter digital elevation model to determine locations within the analysis area where the changes proposed in RFA4 would be visible. Results of the ZVI analysis are presented in RFA4 Exhibit R Figure R-2 and R-3. Then, based on the results of the ZVI analysis, 21 KOPs were identified, representing locations where a “casual observer” could realistically view the proposed RFA4 structures. The KOP locations are presented in RFA4 Exhibit R Figure R-4. These KOPs are located along accessible viewpoints and near specific scenic resources and used to support the evaluation of the likelihood and magnitude of potential visual impacts (RFA4 Exhibit R Attachment R-3 presents photo locations associated with the KOPs demonstrating actual, existing viewshed conditions). Lastly, a glint and glare analysis was conducted using the Solar Glare Hazard Analysis Tool developed by Sandia National Laboratories to inform potential impacts to drivers on nearby roads.

## Facility Structures

### *John Day River Canyon*

The John Day River Canyon is located approximately 3.7 and 5.1 miles East of the proposed solar array and gen-tie line, respectively. The only land management plan with development criteria is the 2007 Sherman County Comprehensive Plan which protects the viewshed of the John Day River Canyon for ¼ mile. The distance between the facility components proposed in RFA4 to John Day River Canyon, at 3.7 miles, far exceeds the ¼-mile viewshed area protected in the Sherman County Comprehensive Plan.

The terrain between the proposed RFA4 site boundary and John Day River Canyon is hilly, limiting viewshed impacts, as presented in RFA4 Exhibit R Figure R2 and R3. The small location from where the proposed solar components are potentially visible is not easily accessed by the public. For these reasons, the Department recommends that the Council find that visual impacts from the facility components proposed in RFA4 are not likely to result in a potentially significant visual impact at John Day River Canyon.

### *Interstate 84*

Interstate 84 is located approximately 4.9 and 5.7 miles North of the proposed solar array and gen-tie line, respectively. At this distance, there will be no visual impacts, as presented in RFA4 Exhibit R Figure R2 and R3. For these reasons, the Department recommends that the Council

1 find that visual impacts from the facility components proposed in RFA4 are not likely to result in  
2 a potentially significant visual impact at Interstate 84.

### 3 4 *Journey Through Time Scenic Byway/Interstate 97*

5  
6 Journey Through Time Scenic Byway/Interstate 97 is located approximately 5.9 and 6.6 miles  
7 West of the proposed solar array and gen-tie line, respectively. KOPs were taken at two  
8 locations along and near US-97 (RFA4 Exhibit R Attachment R-3, Photos 15 and 16). Based on  
9 the visibility analysis at KOP 15 and 16, the solar array will introduce dark colors, geometric  
10 shapes, horizontal and vertical lines into the landscape setting. Views of the gen-tie line will be  
11 similar to the other power lines in the area.

12  
13 The existing viewshed includes agricultural land with hilly terrain and existing wind turbines.  
14 These viewpoints reflects the views of drivers traveling along US-97, likely traveling at a high  
15 rate of speed. These impacts will be short term for travelers because the area where the solar  
16 array and gen-tie line is potentially visible is very limited and their focus will be on the road  
17 ahead.

18  
19 Due to the distance to the facility components proposed in RFA4 and existing views of other  
20 utility infrastructure, the Department recommends that the Council find that visual impacts  
21 from the facility components proposed in RFA4 are not likely to result in a potentially significant  
22 visual impact along Journey Through Time Scenic Byway/Interstate 97.

### 23 24 *Oregon State Highway 206*

25  
26 Oregon State Highway 206 is located approximately 5.5 and 6.3 miles southwest of the  
27 proposed solar array and gen-tie line, respectively. At this distance, there will be no visual  
28 impacts, as presented in RFA4 Exhibit R Figure R2 and R3. For these reasons, the Department  
29 recommends that the Council find that visual impacts from the facility components proposed in  
30 RFA4 are not likely to result in a potentially significant visual impact along Oregon State  
31 Highway 206.

### 32 33 Glare Impacts

34  
35 The glare analysis resulted in no predictions of red, yellow or green glare from the proposed  
36 solar arrays at any of the significant or important scenic resources within the analysis area.<sup>250</sup>  
37 Based on these results, the Department recommends that the Council find that visual impacts  
38 from solar array glare are not likely to result in potentially significant visual impacts to any  
39 significant or important scenic resource within the analysis area.

### 40 41 Loss of Vegetation

42  

---

<sup>250</sup> BCWAMD4Doc21-12 RFA Exhibit R Scenic 2025-12-10, Section 5.3.



1 Construction of the facility components proposed in RFA4 will result in up to 336 acres of  
2 temporary and 1,445 acres of permanent vegetation loss. Predominate vegetation within the  
3 proposed Solar Micrositing Area includes dryland wheat; in areas where crop production is not  
4 feasible, the terrain includes steep slopes, sides of ditches and drainages. As previously  
5 described, John Day River Canyon is the closest scenic resource, located 3.7 miles East of the  
6 proposed Solar Micrositing Area. At a distance of nearly 4 miles, vegetation loss is not expected  
7 to be visible. Therefore, the Department recommends that the Council find that the facility  
8 components proposed in RFA4 are not likely to result in significant adverse visual impacts to  
9 John Day River Canyon or any other significant or important scenic resources located at greater  
10 distances.

11  
12 The facility components proposed in RFA4 do not include combustion or thermal heat sources;  
13 therefore, the visual impacts from plumes or visible air emissions will not occur.  
14

### 15 **III.J.2. Conclusions of Law**

16  
17 Based on the foregoing analysis, the Department recommends the Council find that the design,  
18 construction and operation of the facility components proposed in RFA4 are not likely to result  
19 in significant adverse visual impacts to significant or important scenic resources.  
20

### 21 **III.K. HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090**

22  
23 *(1) Except for facilities described in sections (2) and (3), to issue a site*  
24 *certificate, the Council must find that the construction and operation of the*  
25 *facility, taking into account mitigation, are not likely to result in significant*  
26 *adverse impacts to:*

27  
28 *(a) Historic, cultural or archaeological resources that have been listed on, or*  
29 *would likely be listed on the National Register of Historic Places;*

30  
31 *(b) For a facility on private land, archaeological objects, as defined in ORS*  
32 *358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and*

33  
34 *(c) For a facility on public land, archaeological sites, as defined in ORS*  
35 *358.905(1)(c).*

36  
37 *(2) The Council may issue a site certificate for a facility that would produce*  
38 *power from wind, solar or geothermal energy without making the findings*  
39 *described in section (1). However, the Council may apply the requirements of*  
40 *section (1) to impose conditions on a site certificate issued for such a facility.*

41  
42 *(3) The Council may issue a site certificate for a special criteria facility under*  
43 *OAR 345-015-0310 without making the findings described in section (1).*

1           *However, the Council may apply the requirements of section (1) to impose*  
2           *conditions on a site certificate issued for such a facility.*<sup>251</sup>

3           \*\*\* 252

### 4 5 **III.K.1. Findings of Fact**

6  
7 The analysis area for Historic, Cultural and Archaeological Resources standard includes direct  
8 and indirect analysis areas. The direct analysis area is the area within the proposed Solar  
9 Micrositing Area. The indirect analysis area includes the area within and extending 1-mile from  
10 the proposed Solar Micrositing Area to account for noise and visual impacts to historic sites  
11 (i.e., historic buildings, structures, or objects) and cultural resources, including Historic  
12 Properties of Religious or Cultural Significance to Indian Tribes.<sup>253</sup>

13  
14 The proposed Solar Micrositing Area is in within the boundary of the ceded lands and  
15 traditional territories of the Confederated Tribes of the Warm Springs Reservation of Oregon  
16 (CTWSRO) and near the ceded lands of the Confederated Tribes of the Umatilla Indian  
17 Reservation (CTUIR). Members of the CTWSRO include the Warm Springs, Wasco, and Northern  
18 Paiutes. Among the Warm Springs bands, the ancestral territory of the Dock-spus band is the  
19 most closely located to the proposed Solar Micrositing Area.<sup>254</sup>

20  
21 On August 9, 2024, the certificate holder asked the Legislative Commission on Indian Services  
22 (LCIS) to identify the Tribes that should be contacted in regard to the requested Amendment.  
23 LCIS identified the Confederated Tribes of the Umatilla Indian Reservation, the Confederated  
24 Tribes of the Warm Springs Reservation of Oregon, and the Burns Paiute Tribe as potentially  
25 affected by RFA4. On October 10, 2024, the certificate holder sent informal outreach letters via  
26 email to representatives of each of these Tribes requesting input regarding the facility  
27 components proposed in RFA4 and their potential impacts on resources of concern to the  
28 Tribes. The certificate holder represents that no responses were received.<sup>255</sup>

### 29 30 *Survey Methods and Results*

31  
32 The certificate holder contracted with GeoVisions to survey the analysis area in 2024. The  
33 survey included a desktop review of records from previous surveys and pedestrian surveys of  
34 the proposed solar micrositing area.

35  
36 During the desktop review, GeoVisions reviewed the Oregon State Historic Preservation Office's  
37 (SHPO) Online Archaeological Records Remote Access (OARRA) database; historic maps; and

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<sup>251</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>252</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>253</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 2.0.

<sup>254</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Attachment S-1, p. 11.

<sup>255</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 3.0, 5.0.

1 ethnographic, ethnohistoric, and historical background records related to identify previously  
2 conducted surveys and recorded cultural resources within the analysis area. The review found  
3 several previous cultural resource studies that had been performed within the analysis area.  
4 Many of the previous surveys covered small linear portions of the proposed solar micrositng  
5 area that were primarily completed for wind energy projects, including the existing facility,  
6 Klondike III, and the PaTu Wind Farm.<sup>256</sup>

7  
8 Between May 8 and November 3, 2024, GeoVisions conducted non-collection, archaeological  
9 surveys of the proposed Solar Micrositing Area to determine whether any previously  
10 unrecorded archaeological isolates or sites were present.<sup>257</sup> Consistent with SHPO's 2023  
11 Oregon Archaeology Guidelines, GeoVisions archaeologists walked parallel transects separated  
12 by no more than 20-meter intervals across the entirety of the Project footprint. Areas  
13 determined to be of high probability or with low ground visibility (less than 50%) were surveyed  
14 at smaller transect intervals, at the discretion of the Field Director. For areas with previously  
15 recorded sites and isolates or known areas of interest that lay within the survey area,  
16 archaeologists walked transects spaced under 5 meters apart in North-South and East-West  
17 directions until the entirety of the resource was identified and documented, or the entirety of  
18 the area was covered. When an archaeological object was observed it was marked with pin  
19 flags and a team of archaeologists walked close (two meters or less) transects in a grid pattern  
20 radiating out from the object in the cardinal directions. This method was repeated for all  
21 artifacts observed within a single site boundary. The boundary for a single site or isolate was  
22 determined to be one meter outside the location of the artifact in the direction for which no  
23 other artifacts are observed within 30 meters. Once the boundary was determined it was  
24 recorded using a Geode, a minimum of two site overview photos from different directions with  
25 photo-scale and directional arrow was taken, as well as photographs of any site features and  
26 diagnostic artifacts. All site and isolate photographs were recorded in a photograph log and  
27 included in the digitized copy of the site form. Site forms were transcribed to the OR SHPO site  
28 database through OARRA.<sup>258</sup>

### 29 30 Sites and Isolates in the Proposed Solar Micrositing Area

31  
32 As summarized in Table 20, below, five archaeological sites and six isolates within the proposed  
33 Solar Micrositing Area were identified during the surveys described above. The sites included  
34 historic structures in ruin, historic debris scatters, and precontact lithic scatters. The isolates  
35 include an obsidian biface fragment and several historic era objects.<sup>259</sup>

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<sup>256</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 3.0, Attachment S-1.

<sup>257</sup> In accordance with ORS 358.905, isolated finds are defined as a single artifact, archaeological sites are defined as one feature, or two or more artifacts with contextual associations.

<sup>258</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 3.0, Attachment S-1, pg. 26-27.

<sup>259</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 3.0.

1 One of the archaeological sites (35SH 00188) was recorded in previous surveys. GeoVisions  
2 archaeologists were able to identify, revisit, and perform site updates for the site during their  
3 surveys. The remaining sites and isolates were previously unrecorded.<sup>260</sup>

4  
5 The majority of observed sites are historical in nature, appearing to mostly date to the late 19th  
6 and early 20th century. However, some of the observed resources at two of the sites originate  
7 in the precontact period.<sup>261</sup>

8  
9 Four of the archaeological sites (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and one  
10 archaeological isolate (BSP-1-I04) are designated as unevaluated for NRHP eligibility.  
11 Unevaluated resources must generally be treated as likely to be eligible for listing until they are  
12 demonstrated to be ineligible by further testing or study.

13  
14 GeoVisions recommended the remaining resources are likely not eligible for listing on the  
15 NRHP.<sup>262</sup> On June 10, 2025, Oregon SHPO provided a letter concurring with these  
16 recommendations.<sup>263</sup>

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<sup>260</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Attachment S-1.

<sup>261</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Attachment S-1, pg. 2.

<sup>262</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 3.0, 4.1.,4.2., Attachment S-1.

<sup>263</sup> BCWAMD4Doc14-06 pRFA Reviewing Agency Comment SHPO 2025-07-10.

**Table 20: Cultural Resources in the Solar Micrositing Area**

| Temporary ID<br>(Trinomial) | Period         | General Resource Description                                                | NRHP<br>Recommendation | Distance to<br>Disturbance<br>(meters) | Management<br>Recommendations |
|-----------------------------|----------------|-----------------------------------------------------------------------------|------------------------|----------------------------------------|-------------------------------|
| <b>Sites</b>                |                |                                                                             |                        |                                        |                               |
| 06/1365-D2<br>(35SH00188)   | Historic       | Homestead; historic debris<br>scatter/concentration                         | Unevaluated            | 18                                     | Avoidance                     |
| BSP-1-S02                   | Multicomponent | Precontact Lithic; Historic Debris<br>Scatter/Concentration                 | Unevaluated            | 28                                     | Avoidance                     |
| BSP-1-S03                   | Historic       | Debris Scatter/ Concentration                                               | Not Eligible           | 0                                      | None                          |
| BSP-1-S10                   | Historic       | Homestead in-ruin                                                           | Unevaluated            | 0                                      | Avoidance                     |
| BSP-1-S12                   | Multicomponent | Precontact lithic; historic debris<br>concentration/scatter                 | Unevaluated            | 20                                     | Avoidance                     |
| <b>Isolates</b>             |                |                                                                             |                        |                                        |                               |
| BSP-1-I02                   | Historic       | Prince Albert tobacco tin                                                   | Not Eligible           | 50                                     | None                          |
| BSP-1-I03                   | Historic       | Liggett & Myers Tobacco Company<br>Velvet pipe and cigarette pocket-<br>tin | Not Eligible           | 49                                     | None                          |
| BSP-1-I04                   | Precontact     | Obsidian biface fragment                                                    | Unevaluated            | 6                                      | Avoidance                     |
| BSP-1-I05                   | Historic       | Steel fastener                                                              | Not Eligible           | 0                                      | None                          |
| BSP-1-I06                   | Historic       | Aqua bottle glass fragment                                                  | Not Eligible           | 9                                      | None                          |
| BSP-1-I07                   | Historic       | Soil compactor                                                              | Not Eligible           | 142                                    | None                          |

## Proposed Management and Mitigation

The certificate holder represents that the unevaluated archaeological sites (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and archaeological isolate (BSP-1-I04) would be avoided by construction and operational activities by a minimum buffer of 20 meters.

The certificate holder notes that the proposed site layout provided in RFA4 Figure 2 (Preliminary Site Plan, Solar Micrositing Area) would result in disturbance within 6 to 28 meters of the protected resources and the resources could be potentially impacted due to their proximity to the facility components proposed in RFA4. The certificate holder represents that additional changes will be made to avoid significant resources during final facility design. If disturbance could not be avoided within this buffer, but would be outside a resource boundary, the certificate holder represents that a Tribal Cultural Resources or archaeological monitor would be present. The certificate holder represents that all impacts to significant cultural resources will be avoided through design of the facility components proposed in RFA4.<sup>264</sup>

In their comments, SHPO concurred with the recommendation for a 20-meter avoidance buffer around all unevaluated and eligible resources, as well as the presence of an Oregon Qualified Archaeologist to monitor ground disturbing activities.<sup>265</sup>

The Council previously imposed Condition 69 and 71 requiring the certificate holder to avoid all significant historic, cultural, and archaeological resources identified during surveys of the site and to ensure that a qualified archaeologist was onsite during all ground disturbing activities associated with construction of the existing wind farm. The certificate holder represented that it would comply with these conditions, with changes, as proposed in RFA4 Attachment 1. Rather than amending these existing conditions, the Department recommends the Council impose new conditions requiring avoidance of significant resources identified in the GeoVisions Survey, and to ensure a Qualified Archaeologist or Tribal Cultural Resources Monitor is on site during all ground disturbing activities associated with (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and archaeological isolate (BSP-1-I04).

### **Recommended Historic, Cultural, and Archaeological Condition 1 (GEN-HC-02)**

**The certificate holder must design, construct, and operate the solar facility to avoid archaeological sites (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and archaeological isolate (BSP-1-I04) with a 20-meter avoidance buffer.**

### **Recommended Historic, Cultural, and Archaeological Condition 2 (GEN-HC-03)**

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<sup>264</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Sections 4.1, 4.2., 6.0. Section 5.0 states that if the certificate holder determined that impacts to a significant resource could not be avoided, the certificate holder would consult with ODOE, SHPO, and Tribes to determine appropriate mitigation. Because this statement contradicts other representations in the exhibit that impacts to significant resources could, and would, be avoided during final facility design the Department recommends the Council find it was likely included in error.

<sup>265</sup> BCWAMD4Doc14-06 pRFA Reviewing Agency Comment SHPO 2025-07-10.

1 Prior to construction activities that occur within the 20-meter avoidance buffer for  
2 archaeological sites (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and  
3 archaeological isolate (BSP-1-I04), the certificate holder must submit to the Department  
4 for approval, in consultation with SHPO, a Cultural Resources Monitoring Plan  
5 demonstrating that an Oregon Qualified Archaeologist or Tribal Cultural Resource  
6 Monitor will be onsite during ground disturbing activities associated with the resources  
7 listed in this condition. The certificate holder shall adhere to the measures approved in  
8 the Cultural Resources Monitoring Plan.  
9 [Final Order on AMD4]

10  
11 The Council previously imposed Condition 70 through 73, to ensure a qualified archaeologist  
12 was present on site during any ground-disturbing activities during construction of the existing  
13 wind energy facility, and to cease all activities in the event a previously unrecorded site or  
14 object is encountered until a qualified archaeologist could evaluate the significance of the find.  
15 The certificate holder represents that all work on site would be conducted in compliance with  
16 its corporate Inadvertent Discovery Procedure (IDP), which the certificate holder requested be  
17 maintained as confidential. The IDP describes how the facility will maintain compliance with the  
18 Native American Graves Protection and Repatriation Act (43 CFR 10) and ORS 97.740-994 and  
19 358.905-961. The IDP also requires all field personnel and contractors to complete  
20 Environmental Compliance Training provided by Environmental and Licensing Services that  
21 includes cultural awareness training.<sup>266</sup>

22  
23 The Department recommends the Council adopt new conditions requiring that an IDP be  
24 finalized prior to construction to include updated contact information and that all work during  
25 the construction of the facility components proposed in RFA4 be conducted in compliance with  
26 the IDP.

27  
28 **Recommended Historic, Cultural and Archeological Condition 3 (PRE-HC-01)**  
29 Prior to construction, the certificate holder shall update the contact information  
30 provided in the Final Order on ASC Attachment H, Inadvertent Discovery Plan.  
31 [Final Order on AMD4]

32  
33 **Recommended Historic, Cultural and Archeological Condition 4 (CON-HC-01)**  
34 During construction, the certificate holder shall require all onsite employees and  
35 contractors to implement and adhere to the requirements of the Inadvertent Discovery  
36 Plan, as submitted to the Department under Condition PRE-HC-01.  
37 [Final Order on AMD4]

38  
39 **Recommended Historic, Cultural and Archeological Condition 5 (OPR-HC-01)**  
40 During operations, the certificate holder shall require all onsite employees and  
41 contractors to implement and adhere to the requirements of the Inadvertent Discovery

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<sup>266</sup> BCWAMD4Doc21-13 RFA Exhibit S Cultural 2025-12-10, Section 5.0.

1        Plan, as provided in Condition PRE-HC-01. The IDP shall be reviewed and updated  
2        annually for current contact information.  
3        [Final Order on AMD4]  
4

5        Because the IDP and Cultural Resources Monitoring Plan required under the conditions above  
6        would establish the requirements previously located in Condition 70 to 73, the Department  
7        recommends those conditions be deleted, as shown in Attachment A to this order, the draft  
8        amended site certificate.  
9

### 10    **III.K.2. Conclusions of Law**

11

12        Based on the foregoing analysis, and subject to compliance with the recommended site  
13        certificate conditions described above, the Department recommends the Council find that the  
14        construction and operation of the facility components proposed in RFA4 are not likely to result  
15        in significant adverse impacts to historic, cultural or archaeological resources that have been  
16        listed on, or would likely be listed on the National Register of Historic Places or other  
17        archaeological objects or sites identified under OAR 345-022-0090.  
18

### 19    **III.L.    RECREATION: OAR 345-022-0100**

20

21        *(1) To issue a site certificate, the Council must find that the design,*  
22        *construction and operation of a facility, taking into account mitigation, are*  
23        *not likely to result in a significant adverse impact to important recreational*  
24        *opportunities.*  
25

26        *(2) The Council must consider the following factors in judging the importance*  
27        *of a recreational opportunity:*  
28

29        *(a) Any special designation or management of the location;*  
30

31        *(b) The degree of demand;*  
32

33        *(c) Outstanding or unusual qualities;*  
34

35        *(d) Availability or rareness;*  
36

37        *(e) Irreplaceability or irretrievability of the opportunity.*  
38

39        *(3) The Council may issue a site certificate for a special criteria facility under*  
40        *OAR 345-015-0310 without making the findings described in section (1). In*  
41        *issuing such a site certificate, the Council may impose conditions of approval*  
42        *to minimize the potential significant adverse impacts from the design,*



1       *construction, and operation of the facility on important recreational*  
2       *opportunities.*

3  
4       *(4) The Council must apply the version of this rule adopted under*  
5       *Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the*  
6       *review of any Application for Site Certificate or Request for Amendment that*  
7       *was determined to be complete under OAR 345-015-0190 or 345-027-0363*  
8       *before the effective date of this rule. Nothing in this section waives the*  
9       *obligations of the certificate holder and Council to abide by local ordinances,*  
10       *state law, and other rules of the Council for the construction and operation of*  
11       *energy facilities in effect on the date the site certificate or amended site*  
12       *certificate is executed.*<sup>267</sup>

13       \*\*\*<sup>268</sup>

### 15   **III.L.1. Findings of Fact**

16  
17   The Recreation standard requires the Council to find that the design, construction, and  
18   operation of a facility or facility, with proposed changes, would not likely result in significant  
19   adverse impacts to “important” recreational opportunities. Therefore, the Council’s Recreation  
20   standard applies only to those recreation areas that the Council finds to be “important,”  
21   utilizing the factors listed in the sub-paragraphs of section (1) of the standard. The importance  
22   of recreational opportunities is assessed based on five factors outlined in the standard: special  
23   designation or management, degree of demand, outstanding or unusual qualities, availability or  
24   rarity, and irreplaceability or irretrievability of the recreational opportunity.

#### 26   *Recreational Opportunities within the Analysis Area*

27  
28   The analysis area for recreational opportunities is the area within and extending 5 miles from  
29   the proposed Solar Micrositing Area Boundary.

30  
31   Recreational opportunities within the analysis area were identified through review of existing  
32   published and unpublished information available from desktop research sources commonly  
33   used for recreation inventory efforts. Resources reviewed for the inventory include:

- 34  
35       • Geographic Information System files documenting recreational resources obtained from  
36       key recreation provider agencies, *e.g.*, the Bureau of Land Management (BLM 2024),  
37       Oregon Department of Fish and Wildlife (ODFW 2022), United States Forest Service  
38       (USFS 2024), United States Geological Survey (USGS 2024), and Oregon Parks and  
39       Recreation Department (OPRD 2020);  
40       • Land management agency planning documents;

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<sup>267</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>268</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

- Comprehensive plans, park and recreation plans, and individual park master plans prepared by OPRD and by counties and municipal governments within the analysis area;
- Internet sites maintained by recreation provider agencies, including OPRD, ODFW, and county and city park departments (Sherman County 2024; ODFW 2024; ODOT 2024; OPRD 2024); and
- Internet sites maintained by various commercial entities, including sites providing general recreation and tourism information and sites applicable to specific private-sector recreation opportunities (Google Earth 2024; ORBIC 2024).

Based on the above review, three recreational opportunities were identified within the analysis area – a portion of the Oregon National Historic Trail (ONHT); John Day River and associated parks (Albert Philippi Park and LePage Park); and Giles L. French Park. These resources are evaluated below to determine whether they are “important” as defined by the standard.

#### *Recreational Opportunity Importance Assessment*

##### ONHT High Potential Segment/Sites

As presented in RFA4 Exhibit T, there is a historically mapped segment of ONHT extending 15 miles within the analysis area, approximately 0.4 miles from the proposed Solar Micrositing Area Boundary. For this historically mapped segment, there is no visible or physical evidence of intact segments, nor are any portions of the segment publicly available (i.e., all located on private land). ONHT trail segments have a special designation as a National Historic Trail, however, given that there is no remaining physical evidence of the trail within the analysis area, there are no outstanding or rare qualities. For these reasons, the Department agrees with the certificate holder’s conclusions and recommends Council find this recreational opportunity not to be “important” under the Council’s standard.

##### John Day River, Albert Philippi Park and LePage Park

As presented in RFA4 Exhibit T, John Day River is approximately 3.7 miles from the proposed Solar Micrositing Area Boundary. John Day River is designated as a federal Wild and Scenic River and State Scenic Water Way. There are two parks associated with the John Day River, Albert Philippi Park and LePage Park, which both offer river access and camping opportunities. The river and associated parks are popular for recreational opportunities, and access to, rafting, kayaking, and fishing. The river is irreplaceable and rare. For all of these reasons, the Department agrees with the certificate holder’s conclusions and recommends Council find this recreational opportunity is “important” under the Council’s standard.

##### Giles L. French Park

As presented in RFA4 Exhibit T, Giles L. French Park is approximately 4.8 miles from the proposed Solar Micrositing Area Boundary. The park is located along the Columbia River and

1 has free primitive camping, bathrooms, boat dock and trails. The park is one of several USACE  
2 parks in the analysis area, all of which offer similar amenities. The park is therefore not rare and  
3 is replaceable. For all of these reasons, the Department agrees with the certificate holder's  
4 conclusions and recommends Council find this recreational opportunity not to be "important"  
5 under the Council's standard.

6  
7 *Potential Impacts to Important Recreation Opportunities*

8  
9 Potential impacts to John Day River and associated parks are evaluated below.

10  
11 Direct and Indirect Loss of Recreational Opportunity

12  
13 *Direct Loss*

14  
15 A direct loss to an important recreational opportunity would occur when construction or  
16 operation would impact a recreational opportunity by directly altering the resource so that it no  
17 longer exists in its current state. Based on the location of the facility components proposed in  
18 RFA4 in relation to the one identified important recreational opportunity, at 3.7 miles, physical  
19 disturbance, or ground disturbance, would not occur at John Day River. The facility components  
20 proposed in RFA4 would also not require any temporary or permanent closure or removal of  
21 John Day River to public use. Therefore, based upon review of the location and proximity of  
22 John Day River to the RFA4 site boundary, the Department recommends the Council find that  
23 the facility components proposed in RFA4 would not be expected to result in indirect impacts to  
24 John Day River.

25  
26 *Indirect Loss*

27  
28 Similar to the assessment of direct loss, indirect loss would result if construction or operation of  
29 the facility components proposed in RFA4 would impact a recreational opportunity by indirectly  
30 altering the resource or some component of it. To evaluate indirect loss associated resulting  
31 from the construction and operation, the Department considers potential noise, traffic and  
32 visual impacts to the above mentioned important recreational opportunities, as presented  
33 below.

34  
35 Potential Traffic-Related Impacts

36 Construction routes will include I-84, US-97, OR-206, Klondike Road and Old Wasco-Heppner  
37 Highway. John Day River is accessed by US-97 or OR-206. Visitors could experience short-term  
38 delays for the duration of construction. As presented in Section II.M. *Public Services*, there are  
39 three existing conditions, Conditions 77-79, that apply to construction-related traffic impacts.  
40 These conditions, as recommended to be amended, will minimize potential traffic volume and  
41 road damage impacts, minimizing potential impacts to users of road serving the above-  
42 referenced protected areas. Based on compliance with the recommended amended conditions,

1 the Department recommends the Council find that construction-related traffic is not likely to  
2 have a significant adverse impact on roads used to access John Day River.

3  
4 Only three additional full-time employees are expected to visit the site daily, and other trips for  
5 delivery or maintenance would be infrequent. As a result, the Department recommends the  
6 Council find that operational traffic is not likely to have a significant adverse impact on roads  
7 used to access John Day River.

### 8 9 Potential Noise Impacts

10 Estimated and modeled noise impacts at John Day River (approx. 3.7 miles east of the RFA4 site  
11 boundary) are 43 dBA during construction and 26 dBA during operations, respectively. A noise  
12 level of 43 dBA represents a similar noise level of light auto traffic at a distance of 100 feet.<sup>269</sup> A  
13 noise level of 26 dBA is equivalent to ambient noise levels and considered extremely quiet.  
14 These noise levels combined with a more than 3 mile separation distance would not be  
15 expected to result in a significant adverse impact at John Day River. Therefore, the Department  
16 recommends the Council find that potential noise impacts are not likely to have a significant  
17 adverse impact on users of John Day River.

### 18 19 Potential Visual Impacts

20 Permanent placement of energy infrastructure proposed in RFA4 could result in potential visual  
21 impacts including up to 15 foot tall solar arrays and up to 160 foot-tall transmission line poles.  
22 To evaluate potential visual impacts of these structures, RFA4 Exhibit R presents the results of a  
23 three-part approach including GIS-based viewshed (or zone of visual influence [ZVI]) modeling;  
24 key observation point (KOP) analysis and glare modeling.

25  
26 First, the ZVI analysis used Esri GIS software and bare-earth 10-meter digital elevation model to  
27 determine locations within the analysis area where the changes proposed in RFA4 would be  
28 visible. Results of the ZVI analysis are presented in RFA4 Exhibit R Figure R-2 and R-3. Then,  
29 based on the results of the ZVI analysis, 21 KOPs were identified, representing locations where  
30 a “casual observer” could realistically view the proposed RFA4 structures. The KOP locations are  
31 presented in RFA4 Exhibit R Figure R-4. These KOPs are located along accessible viewpoints and  
32 near John Day River and used to support the evaluation of the likelihood and magnitude of  
33 potential visual impacts (RFA4 Exhibit R Attachment R-3 presents photo locations associated  
34 with the KOPs demonstrating actual, existing viewshed conditions). Lastly, a glint and glare  
35 analysis was conducted using the Solar Glare Hazard Analysis Tool developed by Sandia  
36 National Laboratories to inform potential impacts to drivers on nearby roads.

37  
38 Visual modeling and viewshed analysis show that portions of John Day River may have distant  
39 or background views of the proposed RFA4 components, but the existing viewshed includes  
40 existing wind farms, transmission lines, industrial development and agricultural irrigation  
41 equipment. The glare analysis resulted in no predictions of red, yellow or green glare from the

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<sup>269</sup> BCWAMD4Doc21-19 RFA Exhibit Y Acoustic Assessment 2025-12-10, Table Y-2. See sound level, in dBA, of light auto traffic at 100 feet.

1 proposed solar arrays at John Day River. Therefore, the proposed solar components will not  
2 introduce new or unusual features in the viewshed. For these reasons, the Department  
3 recommends the Council find that potential visual impacts from the facility components  
4 proposed in RFA4 are not likely to have a significant adverse impact on users of John Day River.

### 6 **III.L.2. Conclusions of Law**

8 Based on the foregoing analysis, the Department recommends the Council find that  
9 the design, construction and operation of the facility components proposed in RFA4  
10 are not likely to result in a significant adverse impact to important recreational  
11 opportunities.

### 13 **III.M. PUBLIC SERVICES: OAR 345-022-0110**

15 *(1) Except for facilities described in sections (2) and (3), to issue a site*  
16 *certificate, the Council must find that the construction and operation of the*  
17 *facility, taking into account mitigation, are not likely to result in significant*  
18 *adverse impact to the ability of public and private providers within the*  
19 *analysis area described in the project order to provide: sewers and sewage*  
20 *treatment, water, storm water drainage, solid waste management, housing,*  
21 *traffic safety, police and fire protection, health care and schools.*

23 *(2) The Council may issue a site certificate for a facility that would produce*  
24 *power from wind, solar or geothermal energy without making the findings*  
25 *described in section (1). However, the Council may apply the requirements of*  
26 *section (1) to impose conditions on a site certificate issued for such a facility.*

28 *(3) The Council may issue a site certificate for a special criteria facility under*  
29 *OAR 345-015-0310 without making the findings described in section (1).*  
30 *However, the Council may apply the requirements of section (1) to impose*  
31 *conditions on a site certificate issued for such a facility.*<sup>270</sup>

32 \*\*\* 271

### 34 **III.M.1. Findings of Fact**

36 The analysis area for the Public Services standard is the area within and extending 10 miles  
37 from the proposed Solar Micrositing Area.<sup>272</sup> The analysis area includes Rufus, Wasco and

---

<sup>270</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>271</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>272</sup> BCWAMD4 ODOE Concurrence on OAR 345-027-0360(3) Request. The Council's procedural requirements for site certificate amendments (OAR 345-027-0360(3)) allow the Department to authorize modifications to analysis

portions of unincorporated Sherman and Gilliam counties; the analysis area also extends into Washington (portions of Klickitat County).

#### *Impact Assessment Assumptions*

The following assumptions were relied upon to estimate potential impacts on public and private service providers:

#### Construction

- Construction would last approximately 17 to 19 months
- There would be an average of 165 workers on-site each day during construction, with up to 350 workers on site during peak construction periods.
- Approximately 30 percent of the construction workforce would be residents within a 1-hr commuting distance to the site. The remaining 70 percent would temporarily relocate to communities within a 1-hour commuting distance from the site.

#### Operation

- Up to three new employees would be needed for operations and maintenance activities.
- A household size of three is assumed for each permanent worker; a total of nine new permanent residents could be added to the local population.<sup>273</sup>

#### *Sewer and Sewage Treatment*

The certificate holder does not propose to connect to or modify any existing public or private sewer or sewage treatment system. During construction, sanitary waste would be collected on-site in portable toilets provided and serviced by a private sanitation service provider. Council previously imposed Condition 82 requiring that, during construction, portable toilets be pumped and cleaned regularly by a licensed contractor. Condition 82 would continue to apply to construction of the facility components proposed in RFA4.

During operations, sanitary waste would be discharged through the existing septic system at the O&M building, or if the proposed new O&M building is constructed, it would be designed with a new, licensed septic system. Council previously imposed Condition 83 requiring any onsite septic system be properly designed and licensed with the county, through the North Central Public Health District. Condition 83 would continue to apply if a new O&M building is constructed.

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areas established in a Project Order, if warranted based on the scope of changes in a Request for Amendment. As authorized under OAR 345-027-0360(3), following a pre-amendment conference on May 2, 2024, the Department approved a modified analysis area for RFA4 based on the scope and extent of potential impacts associated with RFA4 changes.

<sup>273</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.2.2.

1 Because the facility components proposed in RFA4 would not connect to a public sewer or  
2 sewage disposal system, the Department recommends the Council find that construction and  
3 operation are not likely to result in significant adverse impact to the ability of any public or  
4 private sewer/sewage treatment providers to provide sewer and sewage treatment services.

#### 6 *Stormwater and Wastewater Drainage*

8 The certificate holder does not propose to connect to or modify any existing developed  
9 stormwater or wastewater drainage system. As described in Section III.D., *Soil Protection*, under  
10 recommended Site Certificate Conditions 1 to 3, the certificate holder would be required to  
11 construct the facility components proposed in RFA4 in accordance with the Department of  
12 Environmental Quality's National Pollutant Discharge Elimination System Construction  
13 Stormwater Discharge General Permit 1200-C and associated Erosion and Sediment Control  
14 Plan; and a Comprehensive Solar Revegetation and Soil Management Plan.

16 Because the facility components proposed in RFA4 will not connect to a developed stormwater  
17 or drainage system, the Department recommends the Council find that construction and  
18 operation are not likely to result in significant adverse impact to the ability of any public or  
19 private service providers to provide stormwater and wastewater services.

#### 21 *Water Use*

23 Under average conditions, up to 26 million gallons of water will be needed for construction for  
24 dust suppression, road compaction, concrete mixing, and equipment washing. Construction-  
25 water will likely be obtained from a municipal source, such as City of Wasco, which affirmed  
26 capacity to meet the forecasted construction water demand.<sup>274</sup> Potable water will also be  
27 required for sanitation and drinking water, which will be obtained from the existing, exempt  
28 well or from bottled water.

30 The Council previously imposed Condition 74 which required that, during construction, the  
31 certificate holder and its contractors obtain water from previously permitted sources. This  
32 condition applies to the water usage associated with AMD4. However, the Department  
33 recommends Council amend Condition 74 to add clarity on the documentation to be submitted  
34 to afford the Department the ability to verify that the water source has the legal ability to  
35 provide the type and quantity of water needed for construction, as presented below.

#### 37 **Recommended Amended Condition 74 (CON-PS-01)**

38 Prior to and during construction of any component or phase of the solar facility, as  
39 applicable, the certificate holder and its contractors shall: obtain all water required for  
40 construction activities from off-site sources previously permitted for such uses.

- 41 a. Identify all water-related needs and estimate daily and annual water demand for  
42 facility construction.

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<sup>274</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U-1.

- 1           b. Provide evidence such as a contract or purchase agreement demonstrating that  
2           adequate water supply to meet facility construction demand has been secured and  
3           that water for all construction activities will be legally obtained by service providers  
4           or third-party permits.

5           [Final Order on AMD4]  
6

7           During operations, up to 330,000 gallons per year may be needed for potable water and panel  
8           washing. Potable water may be obtained from the facility's existing, exempt well or a newly  
9           constructed exempt well. As addressed in Section IV.C., *Water Rights*, the Department  
10          recommends Council adopt Water Rights Condition 1 and amend Condition 75 requiring that,  
11          for any newly constructed well, the certificate holder comply with OWRD water record  
12          requirements as well as limit the well system's (i.e., well system including the existing and  
13          proposed well) combined withdrawal to 5,000 gallons per day or less, unless a permit is  
14          obtained from OWRD for either or both wells.

15  
16          The Council previously imposed Condition 76 requiring that, during operation, the certificate  
17          holder and its contractors obtain water from previously permitted sources. The Department  
18          recommends Council amend Condition 76 to add clarity on the documentation to be submitted  
19          to afford the Department the ability to evaluate whether the water source has the legal ability  
20          to provide the type and quantity of water needed for operation, as presented below.

21  
22           **Recommended Amended Condition 76**

23           During operation of the facility, for any water needed from offsite sources, the  
24           certificate holder and its contractors shall: ~~obtain all water required for blade washing~~  
25           ~~activities from off-site sources previously permitted for such uses or from the on-site~~  
26           ~~well, provided such use of well water would not cause the rate of extraction to exceed~~  
27           ~~5,000 gallons in any one-day period.~~

- 28           a. Identify all water-related needs and estimate daily and annual water demand for  
29           facility operations.  
30           b. Provide evidence such as a contract or purchase agreement demonstrating that  
31           adequate water supply to meet facility operational demand has been secured and  
32           that water for all operational activities will be legally obtained by service providers  
33           or third-party permits.

34           [Final Order on AMD4]  
35

36          Because the certificate holder has demonstrated that it can obtain adequate water supply for  
37          the construction and operation of the facility components proposed in RFA4, and subject to the  
38          Recommended Amended Conditions 74 and 76, and new Water Rights Condition 1 described in  
39          this order, the Department recommends the Council find that the construction and operation  
40          of the facility components proposed in RFA4 are not likely to result in significant adverse impact  
41          to the ability of any public or private water providers to provide services.

42  
43          *Solid Waste Management*  
44



1 Construction would generate approximately 12,000 cubic yards total of solid waste over a  
2 twelve-month period, including discarded construction materials, packaging materials, wood  
3 forms from foundations, and spent erosion control materials.<sup>275</sup>

4  
5 During operations, approximately two cubic yards of waste per month will be generated,  
6 including damaged or defective equipment and associated packing materials, and typical office  
7 waste. Any materials that cannot be recycled would be disposed of at Columbia Ridge Landfill  
8 (20 miles east of the proposed Solar Micrositing Area) and the Wasco County Landfill (25 miles  
9 west of the proposed Solar Micrositing Area).

10  
11 As described in Section III.O., *Waste Minimization*, under recommended Amended Conditions  
12 84 and 87, the certificate holder would be required to implement Waste Management Plans  
13 that contains provisions for minimizing the generation of wastes and recycling materials to the  
14 extent reasonably practicable during construction and operation of the proposed solar facility.  
15 The plans would provide for hazardous wastes and electronic wastes from solar modules and  
16 the BESS to be handled in accordance with applicable regulations and sent to proper facilities  
17 for disposal or recycling.

18  
19 WM Senior Industrial Account Executive, Mark Krening, affirmed that Columbia Ridge Landfill  
20 can accept construction and demolition waste, with capacity to operate for 100 more years.  
21 Oregon Landfills Business Development Manager, Jocelyn Jones, affirmed that Wasco County  
22 Landfill has 26 years of capacity, with a potential for an additional 20 years if future expansion  
23 occurs.<sup>276</sup>

24  
25 Because the certificate holder will minimize solid waste generated by its waste management  
26 plan and has identified appropriate providers with adequate capacity to accept solid waste and  
27 recyclable materials from the site, the Department recommends the Council find that the  
28 construction and operation of the facility components proposed in RFA4 are not likely to result  
29 in significant adverse impact to the ability of any public or private solid waste providers to  
30 provide waste management services.

### 31 32 *Housing*

33  
34 Temporary housing could be required for up to 245 workers during the peak construction  
35 period and about 116 workers on average during the construction period. Workers who  
36 temporarily re-locate to the area during construction will utilize short-term rental housing,  
37 hotels, motels, RV parks or campgrounds in communities within a 1-hour commute of the site,  
38 including Morrow, Gilliam, Sherman, Wasco, and Klickitat counties. There are 33 hotels and  
39 motels in this area, with establishments concentrated in The Dalles (11 hotels) and Boardman  
40 (5 hotels/motels). Collectively, the hotels have 1,318 rooms. In 2023, hotels and motels in the  
41 region had an average occupancy rate of 63.8 percent, with a peak occupancy rate of 82.8

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<sup>275</sup> BCWAMD4Doc21-17 RFA Exhibit W Waste Minimization 2025-12-10, Section 2.1.1.

<sup>276</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U-1.

1 percent during August. Peak construction periods would likely occur during the peak occupancy  
2 periods; however, even at peak occupancy, 227 hotel or motel rooms were available.<sup>277</sup>

3  
4 There are 17 RV parks or campgrounds with a combined 755 RV sites within a 1-hour  
5 commuting distance. This includes 188 RV sites in Sherman County. Occupancy rates were not  
6 provided for RV campgrounds, but assuming similar rates as hotels and motels would result in  
7 approximately 138 sites being available within a 1-hour commutable distance.<sup>278</sup> If temporary  
8 construction workers rely on RV sites within Sherman County, there could be a significant,  
9 temporary impact on local RV capacity. To minimize and mitigate potential impacts to local RV  
10 park capacity, the Department recommends Council impose the following conditions requiring  
11 that the certificate holder develop a construction worker housing plan to provide strategies to  
12 minimize impacts to the local housing supply based on an ongoing evaluation of patterns of  
13 uses and potential shortages or changes in housing demand, as presented below:

14  
15 **Recommended Public Services Condition 1 (PRE-PS-01)**

16 At least 90-days prior to construction of a phase or component of the solar facility, the  
17 certificate holder shall provide to the Department and Sherman County a Construction  
18 Workforce Housing Plan. The Construction Workforce Housing Plan must include:

- 19 a. An evaluation of ongoing patterns of housing uses and potential shortages or  
20 changes in housing demand;  
21 b. Consideration of concerns and suggestions from Sherman County; and  
22 c. Provide strategies to minimize impacts to the local housing supply.

23 [Final Order on AMD4]

24  
25 **Recommended Public Services Condition 2 (CON-PS-01)**

26 During construction of a phase or component of the solar facility, the certificate holder  
27 shall report on the implementation of the Construction Workforce Housing Plan  
28 required under PRE-PS-02, including any outstanding issues associated with workforce  
29 housing and potential solutions.

30 [Final Order on AMD4]

31  
32 Based on compliance with the above-recommended conditions, the Department recommends  
33 the Council find that construction of the facility components proposed in RFA4 are not likely to  
34 result in significant adverse impact to the ability of any public or private housing providers to  
35 provide housing services.

36  
37 Permanent housing for up to three new households, including workers and their families may  
38 be required during operations. Based on an analysis of data from the U.S. Census Bureau's  
39 American Community Survey, on average, there were approximately 596 unoccupied rental  
40 units in Sherman and Wasco Counties in 2022. Housing data for rural areas have high margins  
41 of error and that occupancy rates may have changed since 2022; however, the Department

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<sup>277</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.7, 4.4.5

<sup>278</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.7.

1 recommends the Council find the data demonstrates that there is likely sufficient permanent  
2 housing available for the relatively small number of workers expected to be employed during  
3 operation of the proposed solar facility.<sup>279</sup>

4  
5 Based on the limited increase in permanent households from operations, the Department  
6 recommends the Council find that operation of the facility components proposed in RFA4 are  
7 not likely to result in significant adverse impact to the ability of any public or private housing  
8 providers to provide housing services.

#### 10 *Health Care*

11  
12 Health Care services with Level III Trauma center is Adventist Health Columbia Gorge Hospital in  
13 the Dalles. If more advanced treatment was needed, the nearest Level I Trauma centers are in  
14 Portland. Ground ambulance service at the site is provided by Sherman County Ambulance. Air  
15 ambulance service is available for more serious injuries.<sup>280</sup>

16  
17 The Council previously imposed Site Certificate Conditions 46 and 47, which require the  
18 development and implementation of health and safety plans during construction and operation  
19 of the existing facility, accordingly. The Department recommends the Council amend Condition  
20 46 to require a new health and safety plan to be developed for the construction of the facility  
21 components proposed in RFA4. The Department further recommends the Council maintain  
22 Condition 47 to require the existing health and safety plan to be implemented for both the  
23 existing and proposed facility components.

#### 25 **Recommended Amended Condition 46**

26 During construction of the solar facility, the certificate holder shall require that all on-  
27 site construction contractors develop and implement a site health and safety plan that  
28 informs on-site workers and others what to do in case of an emergency and that  
29 includes the locations of fire extinguishers and nearby hospitals, important telephone  
30 numbers, and first aid techniques.

#### 31 [Final Order on AMD4]

32  
33 The relatively small increase in population expected to result from up to three workers  
34 permanently relocating to the area during operation of the facility components proposed in  
35 RFA4 is not expected to result in significant increase in demand for primary health care services  
36 in the analysis area.

37  
38 Accordingly, the Department recommends the Council find that the construction and operation  
39 of the facility components proposed in RFA4 are not likely to result in significant adverse impact  
40 to the ability of public and private health care providers to provide health care services in the  
41 analysis area.

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<sup>279</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.7, 4.4.5.

<sup>280</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.10; 4.4.8.

1  
2 *Schools*

3  
4 Workers temporarily relocating to the area during construction of the facility components  
5 proposed in RFA4 are not likely to be joined by family members or enrolled in local education  
6 programs in significant numbers. The relatively small increase in population expected to result  
7 from up to three workers permanently relocating to the area during operation of the facility  
8 components proposed in RFA4 is also not expected to result in significant increase in demand  
9 for education services in the analysis area. Accordingly, the Department recommends the  
10 Council find that the construction and operation of the facility are not likely to result in a  
11 significant adverse impact to the ability of public and private education providers to provide  
12 education services in the analysis area.

13  
14 *Traffic Safety*

15  
16 Construction

17  
18 Peak construction activities are expected to generate up to 350 worker-vehicle round trips per  
19 day. There would also be up to 54 round trips by small and large trucks making deliveries of  
20 equipment and materials. This equates to approximately 808 one-way trips each day during  
21 peak construction periods.<sup>281</sup>

22  
23 The primary transportation route for construction-related, heavy-duty, and light-duty delivery  
24 vehicles, as well as some workforce traffic will start from either the west or east on I-84 to  
25 south on US-97 (from Biggs, Oregon) to Wasco, then southeast on Oregon Route 206 (OR-206),  
26 east on either Klondike Road or the Old Wasco Heppner Highway, and then onto various County  
27 roads providing local access to the site. A secondary route starting at the I-84/Rufus junction,  
28 continuing to Herin Lane via Scott Canyon Road would be used for some commuter vehicle  
29 traffic.<sup>282</sup> Existing roads for these routes are generally in fair to good condition and are not  
30 anticipated to require improvement or alterations to accommodate facility-related traffic.<sup>283</sup>

31  
32 Based on 2024 Average Annual Daily Traffic (AADT) Volumes published by ODOT, peak  
33 construction related traffic could increase AADT volumes on I-84 by about 4.5 percent, along  
34 US-97 by up to 23 percent, and along OR-206 by up to 57 percent. The increase in traffic on I-84  
35 was considered to be minimal. The increase in traffic on US-97 was shown to result in a level of  
36 service (LOS) B, which indicates the increased traffic volume could potentially cause some  
37 minor traffic delay, particularly during the AM and PM peak hours, but it is unlikely to cause  
38 significant disruption. While the percentage increase along OR-206 was the greatest, the

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<sup>281</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.4.6

<sup>282</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.8.1., 4.3.8.2.

<sup>283</sup> BCWAMD4Doc21-01 RFA Div27 2025-12-10, Section 4.1.3.6; BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.8.4.

1 evaluation showed that the roadway would maintain LOS A (minimal delays) even during peak  
2 construction period given the relatively low AADT compared to the capacity of the roadway.<sup>284</sup>

3  
4 County and local roadways are expected to be able to safely accommodate construction-related  
5 traffic without significant improvement or modification.<sup>285</sup>

6  
7 The Council previously imposed Conditions 77, 78 and 79 to mitigate the traffic related impacts  
8 from the construction of the existing wind facility. Condition 77 and 78 required the certificate  
9 holder to monitor impacts on roads during construction and to restore the roads to at least  
10 their pre-construction condition following the completion of construction. Condition 79  
11 required the certificate holder to implement specific measures to reduce traffic delays on  
12 county roads serving as transportation routes for delivery of equipment to the site during  
13 construction of the wind facility. Conditions 77 and 78 should continue to apply to construction  
14 of the facility components proposed in RFA4 because construction related traffic can result in  
15 damage to road surfaces. Condition 79 should continue to apply, consistent with the certificate  
16 holder's representations that it would comply with Condition 79 by developing a Construction  
17 Traffic Management Plan prior to construction describing how it will implement the traffic  
18 minimization measures in the condition.<sup>286</sup>

19  
20 The Department recommends the Council amend Conditions 77 to incorporate the  
21 requirements of Condition 79; and amend Condition 78 as presented below:

22  
23 **Recommended Amended Condition 77 (PRE-PS-02)**

24 ~~Before beginning~~ Prior to construction of any phase or component of the solar facility,  
25 ~~the certificate holder shall develop:~~

- 26 a. Execute a Road Use Agreement between the certificate holder and Sherman County  
27 Public Works Department. The agreement must include:  
28 i. a A system for monitoring documenting the pre-construction condition of state  
29 highways and local roads that would serve as transportation routes for  
30 delivering equipment to the facility site for degradation, e.g., major potholes, so  
31 that safe travel paths may be maintained. The monitoring system shall include  
32 site inspection and photographic cataloguing of existing road conditions so that  
33 pre-construction conditions can be compared with conditions after construction  
34 has been completed to assess needed repairs and payment for repairs.  
35 ii. Protocols for monitoring road conditions for degradation during construction so  
36 that safe travel paths may be maintained.

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<sup>284</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.4.6.

<sup>285</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.4.6.1.

<sup>286</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.4.6. The certificate holder also cites Condition 17, 27 and 60. As discussed in Section III.E, Land Use, Condition 17 is not applicable to the construction and operation of the facility components proposed in RFA4. Condition 27 and 60 are intended to protect soils and wildlife within the site, and are discussed in Section III.D (Soil Protection) and III.H (Fish and Wildlife Habitat), respectively.

- 1           iii. An agreement to fund repairs of construction related damage to the satisfaction  
2           of Sherman County Public Works. The certificate holder shall coordinate  
3           monitoring methods and preferred mitigation efforts with Sherman County  
4           Public Works and the Oregon Department of Transportation.  
5       b. Submit a Construction Traffic Management Plan for Department review and  
6       approval. Unless the following are included in the executed Road Use Agreement,  
7       the plan shall, at a minimum, require that the certificate holder:  
8           i. Provide notice to adjacent landowners when construction takes place to help  
9           minimize access disruptions;  
10          ii. Provide proper road signage and warnings of "Equipment on Road," "Truck  
11          Access," or "Road Crossings;"  
12          iii. Implement traffic diversion equipment, such as advance signage and pilot cars,  
13          whenever possible when slow or oversized loads are being hauled;  
14          iv. Encourage carpooling for the construction workforce to reduce traffic volume;  
15          v. Employ flaggers, as necessary, to direct traffic when large equipment is entering  
16          or exiting public roads to minimize risk of accidents; and  
17          vi. Maintain at least one travel lane at all times so that roadways will not be closed  
18          to traffic as a result of construction vehicles entering or exiting public roads.  
19       [Final Order on AMD4]  
20

21       **Recommended Amended Condition 78 (CON-PS-04)**

22       ~~(78) — After completing~~ During and following construction of a phase or  
23       component of the solar facility, the certificate holder shall restore state highways  
24       and county roads affected by facility construction activities to at least their pre-  
25       construction conditions, to the satisfaction of Sherman County Public Works and the  
26       Oregon Department of Transportation adhere to the requirements of the Road Use  
27       Agreement and Construction Traffic Management Plan required under Condition  
28       PRE-PS-02.  
29       [Final Order on AMD4]  
30

31       **Recommended Deleted Condition 79**

32       ~~(79) — During construction of a component or phase of the facility, the~~  
33       ~~certificate holder shall implement the following measures to reduce traffic delays on~~  
34       ~~county roads serving as transporter routes for delivery of equipment to the facility~~  
35       ~~site:~~  
36       ~~a. Provide notice to adjacent landowners when construction takes place to help~~  
37       ~~minimize access disruptions;~~  
38       ~~b. Provide proper road signage and warnings of "Equipment on Road," "Truck~~  
39       ~~Access," or "Road Crossings;"~~  
40       ~~c. Implement traffic diversion equipment, such as advance signage and pilot cars,~~  
41       ~~whenever possible when slow or oversized loads are being hauled;~~  
42       ~~d. Encourage carpooling for the construction workforce to reduce traffic volume;~~  
43       ~~e. Employ flaggers, as necessary, to direct traffic when large equipment is entering~~  
44       ~~or exiting public roads to minimize risk of accidents; and~~

1 ~~f. Maintain at least one travel lane at all times so that roadways will not be closed~~  
2 ~~to traffic as a result of construction vehicles entering or exiting public roads.~~  
3 [Final Order on AMD4]  
4

5 Vehicle weight and dimension limits applicable to state highways are established under ORS  
6 chapter 818 and OAR chapter 734. Any vehicle that exceeds legal vehicle dimensions and  
7 weight must obtain an over-dimension permit from the Oregon Department of Transportation  
8 (ODOT) to utilize state highways. Overweight, or over-dimension, loads may be required for  
9 delivering the substation transformer or heavy construction equipment during construction. As  
10 described in Section III.B., *Organizational Expertise*, under recommended Organizational  
11 Expertise Condition 9 (PRE-OE-03), the certificate holder would be required to submit copies of  
12 the required permits to the Department prior to any deliveries requiring over-dimensional  
13 loads.  
14

#### 15 Operation 16

17 As described above, only three additional full-time employees are expected to visit the site  
18 daily, and other trips for delivery or maintenance would be infrequent. As a result, the  
19 Department recommends the Council find that operational traffic is not likely to have a  
20 significant adverse impact on traffic safety.  
21

22 RFA4 includes an analysis of glare that could potentially be produced by solar arrays from  
23 specific viewpoints within the analysis area, including roadways. The analysis was produced  
24 using the ForgeSolar GlareGauge application, which relies on the Solar Glare Hazard Analysis  
25 Tool (SGHAT) developed by Sandia National Laboratories. SGHAT categorizes glare hazards  
26 based on the potential impacts on viewers based on predicted intensity of glare and the size  
27 and distance of a glare source to a potential receptor. Ocular hazards are categorized as follows:  
28

- 29 • Red glare: glare predicted with a potential for permanent eye damage (retinal burn);
- 30 • Yellow glare: glare predicted with a potential for temporary after-image; and
- 31 • Green glare: glare predicted with a low potential for temporary after-image.<sup>287</sup>  
32

33 SGHAT was used to evaluate the potential for glint and glare when driving along 1) segments of  
34 Emigrant Springs Lane, Herin Lane, OR-206, I-97, Klondike Road, Medler Lane, N Klondike Road,  
35 Oehman Road, Old Wasco-Heppner Highway, and Webfoot Road. The analysis simulated  
36 modules equipped with an antireflective coating mounted on a single-axis tracking system with

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<sup>287</sup> As a point of comparison, direct viewing of the sun without a filter is considered to be on the border between yellow glare and red glare, while typical camera flashes are considered to be lower tier yellow glare (approximately three orders of magnitude less than direct viewing of the sun). Upon exposure to yellow glare, the observer may experience a temporary spot in their vision temporarily lasting after the exposure. Upon exposure to green glare, the observer may experience a bright reflection but typically no spot lasting after exposure.

[https://efsec.wa.gov/sites/default/files/2025-05/20241009\\_Wautoma\\_FinalASC\\_AttachmentH\\_SolarGlareAnalysis.pdf](https://efsec.wa.gov/sites/default/files/2025-05/20241009_Wautoma_FinalASC_AttachmentH_SolarGlareAnalysis.pdf) Wautoma Solar Energy Project Solar Glare Analysis April 2022.

1 a 60-degree tilt and mounted 8 feet above ground surface. Importantly, the model does not  
2 account for varying ambient conditions (i.e., cloudy days, precipitation), atmospheric  
3 attenuation, screening due to existing vegetation or structures unless specified through  
4 obstruction modeling, screening due to existing topography not located within the defined  
5 array layouts, or the potential effects of grading within the array area.<sup>288</sup>

6  
7 No red glare is expected to be produced by the proposed solar arrays. As shown in Figure 16,  
8 below, the yellow glare may be experienced by drivers travelling South along a short segment  
9 of Herin Lane and would occur mostly between 10:00 am and 5:00 pm, from November through  
10 February.<sup>289</sup>

11  
12 According to the 2015 Sherman County Transportation System Plan (TSP), this segment of Herin  
13 Lane has average daily traffic of 90 vehicles, where the peak time when its traveled is between  
14 6:00-7:00 a.m., and a seasonally adjusted peak hour vehicle count of 16 vehicles.<sup>290</sup> This peak  
15 travel time on the roadway is outside the daily timeframe when glare may occur.

16  
17 Because the certificate holders glare analysis did not predict any red glare, the yellow glare  
18 predicted is based on modeling that doesn't take into account cloud cover and the predicted  
19 glare would occur during winter months, and that the time of day where glare may occur would  
20 occur outside the most traveled times on Herin Lane, a County road that already experiences  
21 low traffic volumes, the Department recommends Council find that potential glare from the  
22 facility would be less than significant and would not impact vehicular traffic and public service  
23 providers responding to traffic incidents.

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<sup>288</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.4.6.3.

<sup>289</sup> BCWAMD4Doc21-12 RFA Exhibit R Scenic 2025-12-10, BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.4.6.3.

<sup>290</sup> Serman Cuntly TSP, Volume 1, October 2015; Table 4-3, page 31.

[https://stkai01.blob.core.windows.net/kaiwebdata/04jlic8pz8xpv9juw4cnihjge935?sp=r&sv=2018-11-09&se=2025-12-10T21%3A16%3A16Z&rscd=inline%3B+filename%3D%2218054\\_Final\\_vol1\\_with\\_appendices.pdf%22%3B+filename%3DUTF-8%27%2718054\\_Final\\_vol1\\_with\\_appendices.pdf&rsct=application%2Fpdf&sr=b&sig=l1nNALed9ZF%2FUOFpVUKX7Y4%2Fxd9jaKHL6WhF4z7ppwc%3D](https://stkai01.blob.core.windows.net/kaiwebdata/04jlic8pz8xpv9juw4cnihjge935?sp=r&sv=2018-11-09&se=2025-12-10T21%3A16%3A16Z&rscd=inline%3B+filename%3D%2218054_Final_vol1_with_appendices.pdf%22%3B+filename%3DUTF-8%27%2718054_Final_vol1_with_appendices.pdf&rsct=application%2Fpdf&sr=b&sig=l1nNALed9ZF%2FUOFpVUKX7Y4%2Fxd9jaKHL6WhF4z7ppwc%3D)

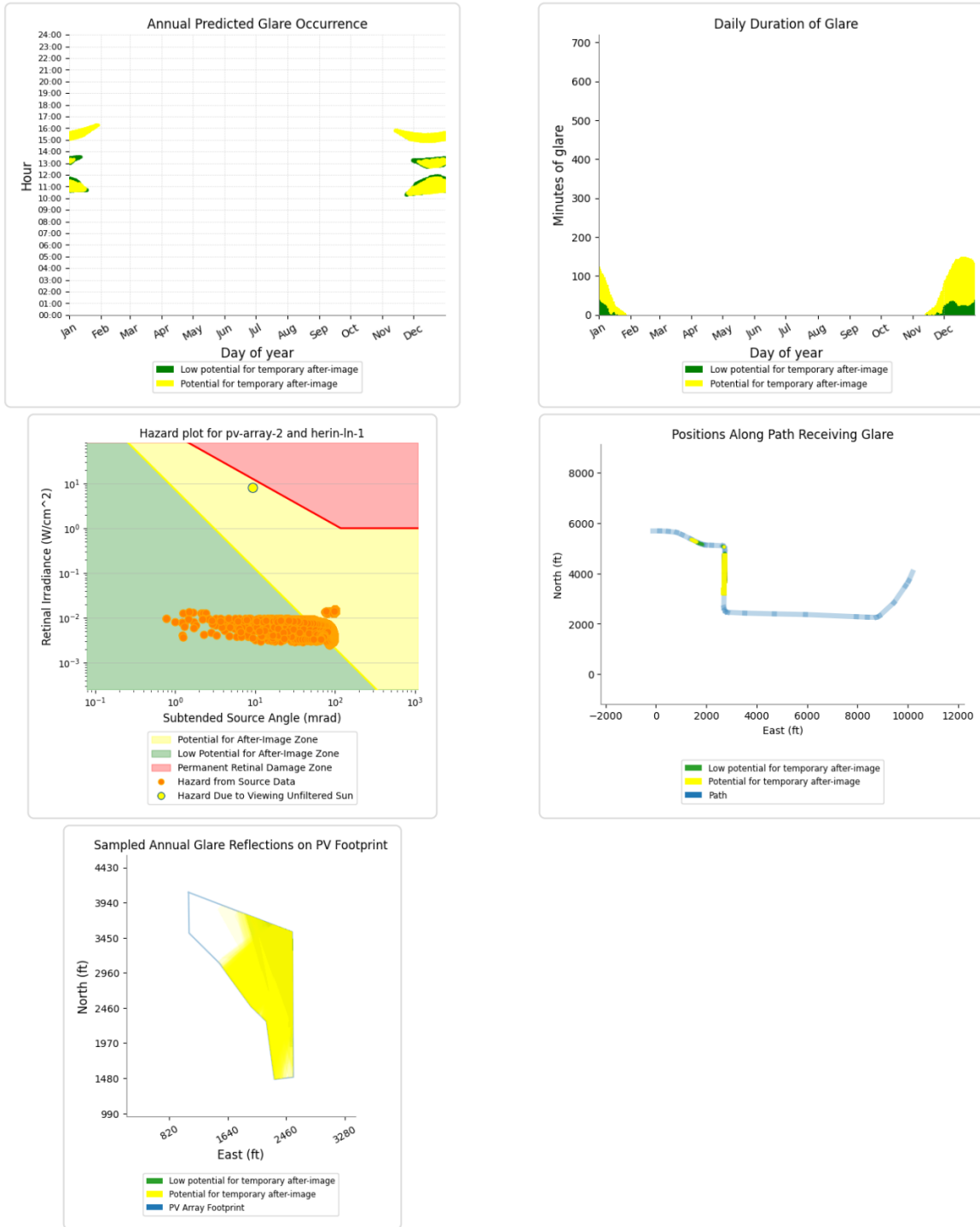


**Figure 16: GlareGauge Output for Herin Lane Segment 1**

**PV array 2 and Route: Herin Ln - 1**

Yellow glare: 4,883 min.

Green glare: 1,239 min.



1 *Air Traffic Safety*

2  
3 Facility components proposed in RFA4 include solar arrays with a maximum height at full tilt of  
4 15 feet; 230 kV transmission line poles with a maximum height of 80 feet; and substation,  
5 battery storage and O&M building with maximum height of 25 feet. Solar arrays may also  
6 produce glare that could potentially interfere with air travel, particularly if severe glare affects  
7 pilots operating in an approach pathway or low-altitude flight path.  
8

9 Wasco State Airport is located approximately 4.4 miles southwest of the proposed Solar  
10 Micrositing Area. The glare analysis presented in RFA4 Exhibit U indicated that no glare was  
11 expected within the two 2-mile final approach paths for Wasco State Airport.<sup>291</sup>  
12

13 The proposed Solar Micrositing Area is approximately 4 miles laterally away from military  
14 utilized airspace; based on this distance, Department of Defense confirmed no concerns with  
15 the facility components proposed in RFA4.<sup>292</sup>  
16

17 Under 14 CFR 77, any person proposing to construct structures over 200 feet above ground  
18 level (AGL) or structures that exceed certain lower height restrictions within 20,000 feet of a  
19 public-use airport to submit a Notice of Construction or Alteration (Form 7460-1) to the Federal  
20 Aviation Administration (FAA). The same criteria and form are used to evaluate state standards  
21 for obstructions to navigable airspace under OAR chapter 738. Based on review of the FAA's  
22 Notice Criteria Tool and Oregon Department of Aviation review, the Department recommends  
23 that the Council find that the facility components proposed in RFA4 would not require future  
24 7460 review.<sup>293</sup>  
25

26 Because the facility components proposed in RFA4 are not expected to obstruct air navigation,  
27 or result in glare that could affect flight paths, the Department recommends Council find that  
28 the construction and operation of facility components proposed in RFA4 are not likely to result  
29 in significant adverse impacts on the ability of air navigation providers and facilities in the  
30 analysis area to operate safely.  
31

32 *Fire Protection and Emergency Response*

33  
34 Potential adverse impacts on North Sherman County Rural Fire Protection District could result if  
35 construction or operation or the increased population associated with either causes an increase  
36 in fires or other needs for fire protection services beyond the ability of local fire departments to  
37 provide those services. During construction, there could be some risk of accidental grass fires  
38 on the site due to metal cutting, welding, smoking, refueling vehicles and equipment, and  
39 operating or parking vehicles and other equipment off roadways in areas of tall dry grass. Once

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<sup>291</sup> BCWAMD4Doc21-12 RFA Exhibit R Scenic 2025-12-10, Attachment R-2, BCWAMD4Doc21-15 RFA Exhibit U  
Public Services 2025-12-10, Section 4.4.6.3.

<sup>292</sup> Reviewing Agency Comment DOD 2025-06-05.

<sup>293</sup> Reviewing Agency Comment ODAv. 2025-12-10.

constructed, the battery storage system would introduce an element that could pose a fire hazard.

The certificate holder provided a record of correspondence documenting coordination with the North Sherman Rural Fire Protection District Fire Board and Chief Jacob Burbank.<sup>294</sup> The correspondence indicates that NSRFPD raised several concerns about the access considerations, training, and equipment needed to address fire risk associated with the facility components proposed in RFA4.

As discussed in Section III.E., *Land Use*, and III.N., *Wildfire Prevention and Risk Mitigation*, the certificate holder represented that it would maintain a 20-foot setback from the perimeter fence to facility structures, and a 50-foot setback from the fence to the property line with a non-participating landowner to serve as fire-breaks and emergency access. These setbacks have been incorporated into the facility description and will be required under Recommended Amended Condition 103 and Recommended Land Use Condition 1. Training and on-site equipment requirements would be established under the Wildfire Mitigation Plans required under Recommended Wildfire Prevention and Risk Mitigation Conditions 1 to 4. The Fire Board made specific requests for additional wildfire equipment to increase capacity. While the certificate holder did not commit to providing the equipment, it did include the option to provide capacity building funds to local fire service providers as part of the Community Investment Plan proposed to support the certificate holder's Goal 3 Exception Request.

Under the Council's Wildfire Prevention and Risk Mitigation standard, as presented in Section IV.N. of this order, the certificate holder is required to characterize wildfire risk within the analysis area and demonstrate how the facility components proposed in RFA4 will be designed, constructed, and operated in a manner than minimizes wildfire risk and proposes an adequate response plan in the event of a wildfire. As presented in Section IV.N. of this order, the certificate holder will be required to finalize, implement and adhere to the requirements of a Department-approved Wildfire Mitigation Plan (WMP) during both construction and operation. The recommended findings of fact, recommended conditions and analysis from Section IV.N. are incorporated herein by reference.

Because the WMPs required under Wildfire Prevention and Risk Mitigation Conditions 1 to 4 would address fire hazards associated with the facility components proposed in RFA4, and would require coordination with local fire and emergency service providers, the Department recommends that Council find that the construction and operation of the facility components proposed in RFA4 are not likely to result in significant adverse impacts to fire protection or emergency response services in the analysis area.

*Police*

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<sup>294</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U-1.

1 Construction activities could result in increased demand of police protection services due to the  
2 increase in onsite temporary workers and new activity at the site. Generally, public safety  
3 concerns associated with solar photovoltaic power generation facilities include unauthorized  
4 access to facility components, traffic-related concerns, and general increases in demand on  
5 police services associated with increases in population.  
6

7 The Sherman County Sheriff's Office provides law enforcement and police services in  
8 unincorporated Sherman County. Additional law enforcement service is available through the  
9 Oregon State Police. Sherman County Sheriff confirmed that they had no public safety concerns  
10 regarding RFA4.<sup>295</sup>  
11

12 The small number permanent-resident employees is not anticipated to place significant new  
13 demands on law enforcement agencies in the area.<sup>296</sup>  
14

### 15 **III.M.2.Conclusions of Law**

16

17 Based on the foregoing analysis, and subject to compliance with existing, proposed and  
18 recommended amended site certificate conditions described above, the Department  
19 recommends the Council find that construction and operation of the facility components  
20 proposed in RFA4 are not likely to result in significant adverse impacts to the ability of public  
21 and private providers to provide the services listed in OAR 345-022-0110.  
22

### 23 **III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115**

24

25 *(1) To issue a site certificate, the Council must find that:*  
26

27 *(a) The applicant has adequately characterized wildfire risk within the analysis*  
28 *area using current data from reputable sources, by identifying:*  
29

30 *(A) Baseline wildfire risk, based on factors that are expected to remain fixed*  
31 *for multiple years, including but not limited to topography, vegetation,*  
32 *existing infrastructure, and climate;*  
33

34 *(B) Seasonal wildfire risk, based on factors that are expected to remain fixed*  
35 *for multiple months but may be dynamic throughout the year, including but*  
36 *not limited to, cumulative precipitation and fuel moisture content;*  
37

38 *(C) Areas subject to a heightened risk of wildfire, based on the information*  
39 *provided under paragraphs (A) and (B) of this subsection;*  
40

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<sup>295</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U-1.

<sup>296</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Section 4.3.9.

1       (D) High-fire consequence areas, including but not limited to areas containing  
2       residences, critical infrastructure, recreation opportunities, timber and  
3       agricultural resources, and fire-sensitive wildlife habitat; and  
4

5       (E) All data sources and methods used to model and identify risks and areas  
6       under paragraphs (A) through (D) of this subsection.  
7

8       (b) That the proposed facility will be designed, constructed, and operated in  
9       compliance with a Wildfire Mitigation Plan approved by the Council. The  
10       Wildfire Mitigation Plan must, at a minimum:  
11

12       (A) Identify areas within the site boundary that are subject to a heightened  
13       risk of wildfire, using current data from reputable sources, and discuss data  
14       and methods used in the analysis;  
15

16       (B) Describe the procedures, standards, and time frames that the applicant  
17       will use to inspect facility components and manage vegetation in the areas  
18       identified under subsection (a) of this section;  
19

20       (C) Identify preventative actions and programs that the applicant will carry  
21       out to minimize the risk of facility components causing wildfire, including  
22       procedures that will be used to adjust operations during periods of heightened  
23       wildfire risk;  
24

25       (D) Identify procedures to minimize risks to public health and safety, the  
26       health and safety of responders, and damages to resources protected by  
27       Council standards in the event that a wildfire occurs at the facility site,  
28       regardless of ignition source; and  
29

30       (E) Describe methods the applicant will use to ensure that updates of the plan  
31       incorporate best practices and emerging technologies to minimize and  
32       mitigate wildfire risk.  
33

34       (2) The Council may issue a site certificate without making the findings under  
35       section (1) if it finds that the facility is subject to a Wildfire Protection Plan  
36       that has been approved in compliance with OAR chapter 860, division 300.  
37

38       (3) This Standard does not apply to the review of any Application for Site  
39       Certificate or Request for Amendment that was determined to be complete  
40       under OAR 345-015-0190 or 345-027-0363 on or before the effective date of  
41       this rule.<sup>297</sup>

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<sup>297</sup> OAR 345-022-0040, effective April 2, 2025.

### III.N.1. Findings of Fact

The analysis area for potential wildfire risks is the area within and extending one-half mile from the proposed Solar Micrositing Area, which includes approximately 5,198 acres.<sup>299</sup> The wildfire analysis area is generally bounded by Interstate 84 to the north, the John Day River to the east, Highway 206 to the south, and Highway 97 to the west.

Based on the certificate holder and Department assessment of wildfire risk at the site and within the analysis area, as described in RFA4 and this order, the Department recommends Council find that wildfire fire within the proposed Solar Micrositing Area and within the analysis area is high, particularly in the summer months.

#### *Wildfire Risk Analysis*

Under OAR 345-022-0115(1)(a), an applicant or certificate holder must adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas.

Each of these are discussed in detail in this section with a description of the data source, as necessary to support the findings and recommended conclusions. The data sources used to evaluate wildfire risk are listed in ASC Exhibit V and include but are not limited to:

- Community Wildfire Protection Plan Planning (CWPP), 2018 Tool Oregon Explorer;
- 2023 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results;
- Conservation Biology Institute 2020 data;
- Sherman County September 2024 Community Wildfire Protection Plan;<sup>300</sup>
- 2024 National Oceanic and Atmospheric Administration climate data;

#### Baseline and Seasonal Wildfire Risk

As described in the Sherman County Community Wildfire Protection Plan, which was last updated in September 2024, conditions throughout the county are conducive to large and fast-moving wildfires. Conditions and concerns in the analysis area which are identified in the CWPP as contributing to the wildfire threat and potential for catastrophic losses include:

<sup>298</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.

<sup>299</sup> BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

<sup>300</sup> <https://storage.googleapis.com/proudcity/shermandcountyor/2017/10/Sherman-County-CWPP-2024.pdf>

- The John Day River and numerous side canyons, all with very steep slopes, and other areas of moderate to steep slopes which add to the rate of wildfire spread and suppression difficulty.
- Climatic and topographic conditions including hot and dry conditions with frequent high winds which can contribute to fast moving fires that are difficult to control.
- Large agricultural areas that have the potential for fast moving fires which can destroy valuable crops in short periods of time.
- Lightning, power lines, debris burning, and equipment use add to the risk.
- All volunteer fire districts with limited resources.

For these reasons, and other reasons described below, the baseline wildfire risk within the analysis area is high, with additional seasonal risk during the summer months.

### Topography

As discussed in detail in Section III.C, *Structural Standard*, the proposed Solar Micrositing Area is relatively flat or gently sloping with moderate slopes (up to 36 percent/25 degrees) along some drainages. Steeper slopes are located in the analysis area along Biglow Canyon and associated drainages that bound the northeastern portion of the site.<sup>301</sup>

### Vegetation

Vegetation is a significant predictor of fire behavior and the US Forest Service has developed standardized set of fuel models representing wide range of vegetation conditions.<sup>302</sup> The certificate holder identified fuel models for the site based on the fuel models mapped in the CWPP Planning Tool, based on conditions observed during surveys conducted to support the habitat categorization discussed in Section III.H., *Fish and Wildlife Habitat*, and based on the understanding of landowner practices discussed in Section III.E., *Land Use*.

According to CWPP, approximately 90 percent of the analysis area (4,678 acres) and 93 percent of the solar micrositing area (1,790 acres) consists of vegetation in Fuel Models 102 and 242. These models reflect low load, dry climate grasses and wheat fields.<sup>303</sup> Small amounts of non-burnable areas, including irrigated farmland and paved surfaces, and small amounts of shrubland and other fuel types are also present.

### Existing infrastructure

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<sup>301</sup> BCWAMD4Doc21-03 RFA Exhibit H Geological Soil Stability 2025-12-10, Sections 3.2.1., 3.2.2; BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.1.1.

<sup>302</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.2.2.

<sup>303</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.1.2 and Table V-2.

1 In addition to the existing wind energy facility, infrastructure in the analysis area includes public  
2 roads and BPA transmission lines, as well as residential and agricultural buildings in the  
3 southeastern portion of the site.<sup>304</sup>

#### 5 Climate

7 Based on NOAA climate data between 1991 to 2020 for Arlington, Oregon, located  
8 approximately 18 miles east of the Solar Micrositing Area, the driest months on average are  
9 July, August, and September, typical for this region. These months have average monthly  
10 precipitation rates of 0.48 inch (June), 0.10 inch (July), and 0.15 inch (August). July, August, and  
11 September are the hottest months of the year with average maximum temperatures of 89.5° F,  
12 88.9° F, and 80.0° F respectively. The total average annual precipitation for Arlington is 9.3  
13 inches per year, which is indicative of an arid climate. Fuel moisture content during the hot dry  
14 months is expected to be low, increasing risk of ignition and spread of fires.

#### 16 Overall Wildfire Risk

18 The fuels, topography and climate in the analysis area contribute to a high-probability of  
19 wildfire in all burnable areas within the analysis area and micrositing area.<sup>305</sup> Average flame  
20 lengths are expected to be 4 to 6 feet, typical of dryland grasses and burnable wheat fields.<sup>306</sup>  
21 Fires in these fuels can spread quickly in dry, hot conditions especially when fueled by wind.

#### 23 High-Fire Consequence Areas

24 The CWPP data identifies Integrated Expected Wildfire Risk, which is a representation of  
25 cumulative risk at any location based on which highly valued resources and assets (HVRAs) are  
26 present, fire intensity, and the likelihood of a fire occurring (burn probability). The integrated  
27 risk maps synthesize risk across all resources and assets present at a specific location and the  
28 result is either net beneficial or net adverse impacts. As shown in Figure 17, below, most of the  
29 analysis area is identified as having a moderate- (43 percent) or high- (36 percent) loss rating.  
30 The area surrounding the existing Biglow Canyon substation and residences are shown as  
31 having a very-high loss rating.

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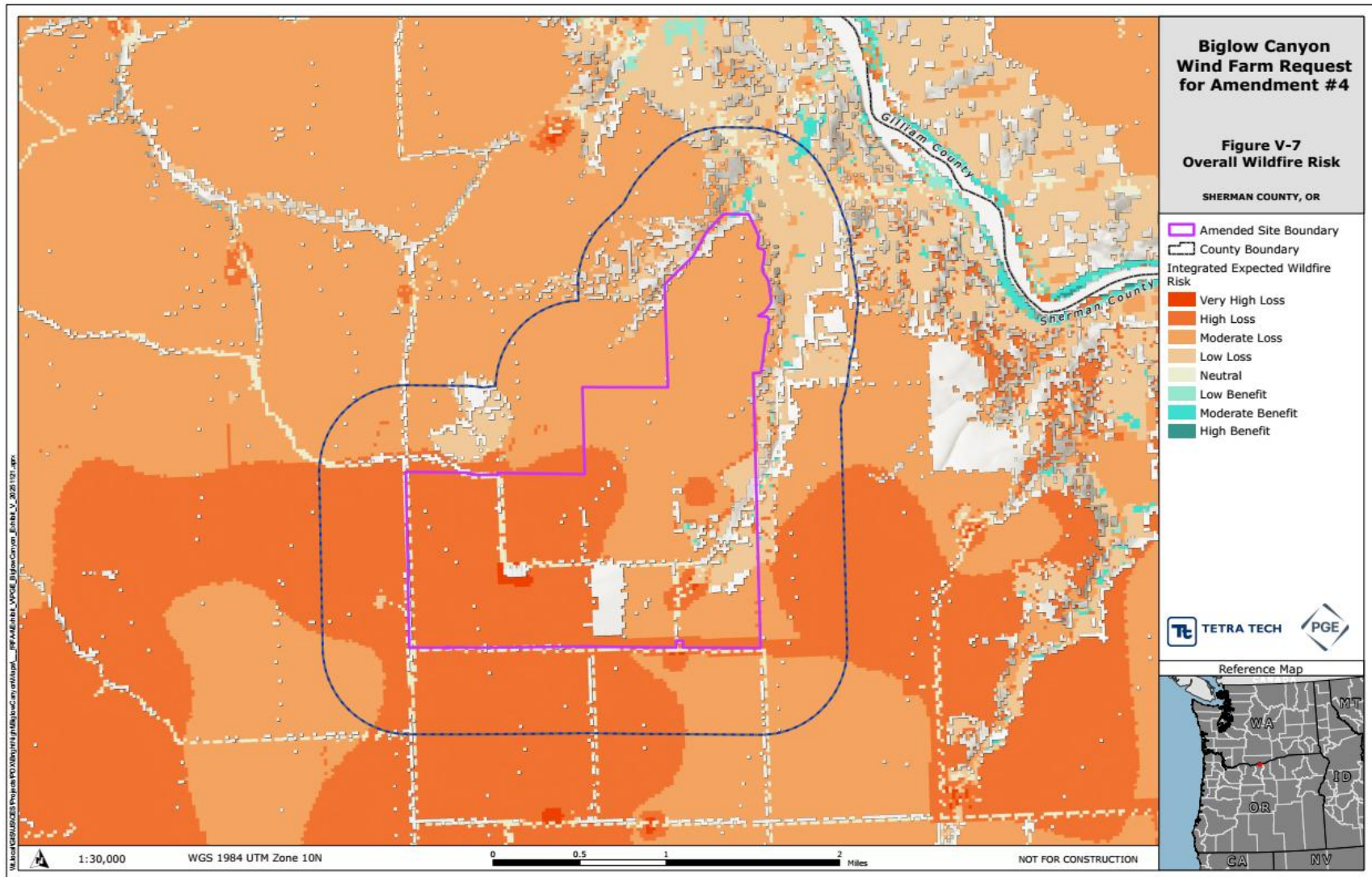
<sup>304</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.1.3

<sup>305</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.1.5, Table V-4. A “high” burn probability corresponds to a 1 in 500 to 1 in 100 chance of fire in a given year based on the physical landscape, historical fire occurrence, and historical weather observations.

<sup>306</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.3.3. Flame length is commonly used as a direct visual indication of fire intensity and is a primary factor to consider for firefighter safety and for gauging potential impacts to resources and assets.



Figure 17: Integrated Wildfire Risk within the Analysis Area



1  
2

## Wildfire Mitigation Plans

Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council; and under OAR 345-022-0115(2), the Council may issue a site certificate if it finds that a WMP has been approved for the facility by the Oregon Public Utility Commission (OPUC). The certificate holder provided a Construction Wildfire Mitigation Plan as Exhibit V, Attachment V-1. The certificate holder also provides its system wide 2024 Wildfire Mitigation Plan under OAR 345-022-0115(2).

## Facility Design

As described in ASC Exhibit B, C, V and in Section I.E., *Requested Amendment* the below-listed facility fire-mitigation design features that are added to the amended site certificate. Under Recommended Amended Condition 108, the certificate holder would be required to design, construct and operate the facility substantially as described in the site certificate, which includes the facility design feature descriptions.

The certificate holder-presented design features and maintenance standards that would avoid and reduce the wildfire risk at the facility site include:

- The solar arrays will generally be oriented adjacent and parallel to existing roads. The BESS and substation would be enclosed within the solar fenceline located immediately adjacent to Herin Lane which is a paved two-lane road located north of the components. These paved roads act as a fire break as well as provide emergency responders local access to the facility site and electrical components;
- Service roads within the facility will be 20 feet wide, with 10-foot vegetation-clearance zones on either side.<sup>307</sup>
- All perimeter will be set back at least 50 feet from all property lines. Facility components will be set back at least 20 feet from fences.<sup>308</sup>
- A minimum 20-foot vegetation clearance area will be maintained around the outside of all perimeter fences.<sup>309</sup>
- A minimum 20-foot gravel or compacted-soil buffer will be maintained around the O&M building, collector substation, and BESS. Fenced areas surrounding these related or supporting facilities will be fully graveled and vegetation-free.
- The solar array includes shielded electrical cabling, as required by applicable code, to prevent electrical fires;

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<sup>307</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U-1; BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 4.6.

<sup>308</sup> See Section III.E., *Land Use*; *SCZO Section 3.1 Exclusive Farm Use Zone, F-1 Zone*, of this order and BCWAMD4Doc21-06 RFA Exhibit K Land Use 2025-12-10, Section 5.2.1.3; BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U01.

<sup>309</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 4.6.

- The BESS will be contained within self-contained enclosures in accordance with applicable UL Solutions, National Electric Code, and National Fire Protection Association standards, and will be placed on concrete foundations;
- BESS will have fire sensors, smoke and hydrogen and/or carbon monoxide detectors, alarms, emergency ventilation systems, cooling systems within each battery enclosure; and
- The SCADA system provides remote operation, including shut off, and monitoring of the facility's solar array, BESS, and substation components.

#### Construction WMP Finalization, Wildfire Risk Minimization Preventative Actions, Programs, and Procedures

The certificate holder provided a draft Construction WMP is included as Exhibit V, Attachment V- Attachment V-1. A Construction WMP would be finalized prior to beginning construction of the proposed solar facility.<sup>310</sup> Finalization of the WMP includes updating wildfire risk at the site, submitting site maps that identify access details and the location of fire protection equipment, and updated emergency contact information to the local fire department. The Construction WMP includes pre-construction onsite trainings with contractors, the Department, emergency service professionals, and the certificate holder. Additionally, prior to construction, the certificate holder must mail a letter to residences within the 0.5-mile wildfire analysis area which would provide the facility contact information and encourage individuals to sign up for the county's emergency notification system.

Section 4.5 of the Construction WMP has definitions for fire precaution levels and associated restrictions during fire season. The fire precaution levels include non-fire season, fire season, fire weather watch, and red flag weather warning, where the red flag weather warning would be the most restrictive for activities that may increase the risk of wildfire. Examples of fire season restrictions include maintaining a fire watch, driving and parking only on gravel surfaces, and limitations on hot work. The certificate holder will maintain a log of when construction and operational activities are impacted by the fire season restrictions.

Section 4.2 of the Construction WMP outlines the specifications for fire protection equipment that is maintained on site, which include fire extinguishers, hand tools, pails and drip cans. During fire season, on site water source(s), such as water trucks must be on site and equipment with a pump, hose and nozzle. All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor.

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<sup>310</sup> Although both the construction and operational WMPs must be finalized prior to construction and operation, the Recommended Wildfire Prevention and Risk Mitigation Conditions do not label the WMPs as "Final". This is because, as designated in the WMP's, the WMP's may be updated and amended to address changes in wildfire risk at the site over time, therefore, there may be several iterations of the WMPs during construction and the life of the facility.

1 *Preventive Actions, Programs, and Procedures*

2  
3 The preventative actions, programs and procedures that manage vegetation and minimize  
4 wildfire risk during construction activities in the draft WMP include:

- 5  
6
  - During construction clearing, grubbing, and grading, the contractor will establish  
7 noncombustible buffer zone extending a minimum of 10 feet inside the fence line and  
8 another minimum 10-foot limits of disturbance buffer outside the fence line for a total  
9 of a minimum of 20 feet of noncombustible buffer around the perimeter of the site.<sup>311</sup>
  - Fire season, Red Flag Warnings and weather conditions that produce an increased risk of  
10 fire danger will be monitored and communicated to staff.
  - Best management practices (BMPs) that minimize fire risk from vehicle travel,  
11 equipment use, and fueling activities will be implemented such as vegetation wetting,  
12 no idling vehicles and limited off-road travel.
  - Vegetation will be limited to a height of 10-12 inches and will be mowed in advance of  
13 fire season or in accordance to any fire restrictions.
  - Vegetation buildup in the fence line(s), shall be removed.
  - Personnel will be trained on the RACE (Remove, Alarm, Confine and Extinguish or  
14 Evacuate) and the use of fire protection equipment.

15  
16  
17  
18  
19  
20  
21 During facility construction, in the semi-annual construction progress report, the certificate  
22 holder will provide updates of the performance of the WMP including any changes of wildfire  
23 risk at the site, facility contact information, and training logs. The log of any changes in  
24 construction activities due to Fire Season Restrictions, as designated in Section 4.5, will be  
25 provided to the Department in the semi-annual construction report.

26  
27 The certificate holder's draft Construction WMP, with revisions recommended by the  
28 Department, is included as Attachment G to this Order. The Department recommends Council  
29 impose the two conditions below to require the Draft WMP be finalized prior to facility  
30 construction and be implemented during construction activities.

31  
32 **Recommended Wildfire Prevention and Risk Mitigation Condition 1 (PRE-WF-01)**

33 Prior to construction of any component or phase of the solar facility, the certificate  
34 holder shall finalize and submit to the Department, for review and approval, a  
35 Construction Wildfire Mitigation Plan (WMP), consistent with Attachment G to the Final  
36 Order on AMD4.

37 [Final Order on AMD4]

38  
39 **Recommended Wildfire Prevention and Risk Mitigation Condition 2 (CON)**

40 During construction of the solar facility, the certificate holder shall require onsite  
41 contractors and employees to adhere to the Construction Wildfire Mitigation Plan  
42 (WMP) approved under Condition PRE-WF-01.

---

<sup>311</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Attachment V-1, Section 4.1.

3   Operational WMP, Wildfire Risk Minimization Preventative Actions, Programs, and Procedures  
4

5   The certificate holder is a public utility that is required to operate in compliance with a risk-  
6   based wildfire protection plan that is approved by the Oregon Public Utility Commission under  
7   ORS 757.963 and the requirements of OAR chapter 860, division 300. While the certificate  
8   holder relies on a facility specific WMP for construction of the proposed solar facility, the  
9   certificate holder requests that Council rely on its Corporate Wildfire Protection Plan during  
10   Operation under OAR 345-022-0115(2).  
11

12   Under OAR 345-022-0115(2), the Council may, in its discretion, rely upon a PUC approved  
13   Wildfire Protection Plan that governs the construction and operation of a facility.<sup>312</sup> The  
14   certificate holder provided its 2024 Wildfire Protection Plan in support of its request under  
15   Exhibit V Attachment V-3. The plan is primarily concerned with managing fire-related risks  
16   associated with PGE’s distribution and transmission system and contains minimal provisions for  
17   mitigation fire risks for generating facilities located outside of the utilities service territory.  
18   Section 3.1 of the WPP includes an overview of PGEs Annual Wildfire Risk Assessment and  
19   states that the certificate holder evaluates wildfire risk across PGE transmission and generation  
20   assets outside its service area, but no additional detail is provided. Section 8.0 of the WPP  
21   states that PGE conducts annual Ignition Prevention Inspections within High Fire Risk Zones  
22   (HFRZ) in its service territory, but states that, outside the service area, inspections primarily  
23   address conditions in the ROW for 230 kV or 500 kV transmission facilities. Appendix 5 does  
24   appear to indicate that ignition modelling does cover generating assets outside of the service  
25   territory in the certificate holder’s Wildfire Risk Assessment Process. The certificate holder  
26   acknowledges that the current Wildfire Protection Plan does not include site-specific mitigation  
27   activities for individual facilities, but represents that its forthcoming Wildfire Protection Plan,  
28   scheduled for filing with the Oregon PUC on December 31, 2025, will expand upon the 2024  
29   framework to include wildfire-risk analysis and mitigation measures for all generation sites,  
30   including the BCWF and proposed Solar Components. The certificate holder has stated that the  
31   corporate WMP is under active internal development and legal review and therefore cannot be  
32   shared in draft form.<sup>313</sup>  
33

34   The Department recommends the Council find that there is not sufficient evidence on the  
35   record to demonstrate that all of the requirements of OAR 345-022-0115 would be adequately  
36   addressed by the certificate holder’s system-wide Wildfire Protection Plan; however, some of  
37   the information required by the standard would be incorporated into other plans required

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<sup>312</sup> Department notes that under OAR 860-300-0001(1), Scope and Applicability of OPUC Rules for Wildfire Mitigation Plans, states “The rules in this division prescribe the filing requirements for risk-based Wildfire Mitigation Plans filed by a Public Utility that provides electric service in Oregon pursuant to ORS 757.005.” The certificate holder is a Public Utility that provides electric service in Oregon, and therefore must comply with the Wildfire Mitigation Plan (WMP) rules.

<sup>313</sup> BCWAMD4Doc21-16 RFA Exhibit V Wildfire 2025-12-10, Section 2.6.

under this Order. In particular, as discussed in Section III.B., *Organizational Expertise*, and III.D., *Soil Protection* the procedures, standards, and time frames for solar facility component inspections and vegetation management in the solar siting area, as required under OAR 345-022-00115(1)(b)(B), would be established in the Operations and Maintenance Framework Plan included as Attachment C to this Order and the Comprehensive Solar Revegetation and Soil Management Plan included as Attachment D.

As described in Section III.B., *Organizational Expertise*, Recommended Organizational Expertise Conditions 5 and 6 require the finalization and implementation of an Operation and Maintenance Plan and Operating Framework (O&M Plan). The O&M Plan would establish the inspections required for the proposed solar facility components as well as their frequency. The O&M Plan would also include the types of maintenance that would be required for each type of facility component with a tracking log that would be submitted during operations. The O&M Plan also outlines a framework for how BIGL and the certificate holder will coordinate and share responsibilities during the first five years of operation. As designated in the O&M Plan and recommended conditions, it would be finalized prior to operations based on the final technology selected and manufacture recommendations.

As discussed in Section III.D., *Soil Protection*, Recommended Soil Protection Conditions 1 to 3 would require the certificate holder to finalize and implement the draft Comprehensive Solar Revegetation and Soil Management Plan included as Attachment D to this order. The Comprehensive Solar Revegetation and Soil Management Plan includes success criteria and management standards for soil reclamation, revegetation, and long term weed management. Based on representations from the certificate holder in the technical specifications document provided as Attachment V-4, the Department has recommended the following vegetation management standards and practices be added to the Comprehensive Solar Revegetation and Soil Management Plan:

- Vegetation will be limited to a height of 10-12 inches during the rainy season (November to May) and 1-3 inches during the dry season (June-October) in:
  - All areas within the Solar Array Fencelines
  - A 10-foot vegetation clearance zone on either side of service roads outside of the solar array fenceline
  - A 20-foot vegetation clearance zone around the perimeter of the site
- Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- A minimum vegetation clearance of 12 inches from electrical equipment will be maintained
- Mowing will be done in advance of fire season or accordance to any fire restrictions.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible “burn piles” on site.
- Fenced areas around the collector substation, operations and maintenance structure, and meteorological stations will be graveled, with no vegetation present.

1  
2 The Sherman County CWPP discusses the County’s struggle with the invasive annual  
3 Cheatgrass, stating that Cheatgrass grows quickly, reaching heights of 4-32 inches annually and  
4 research has shown it can increase fire frequency, horizontal continuity of fuels and rate of  
5 wildfire spread. Cheatgrass does this by adding abundant fuels to an ecosystem. It grows  
6 quickly and recovers quickly from fires, providing hazardous fuel materials more quickly than  
7 native bunch grasses, potentially shortening fire return intervals.<sup>314</sup> The Department  
8 recommends adding consultation for measures to eliminate, reduce and mitigate the growth of  
9 cheatgrass on the site to the Comprehensive Solar Revegetation and Soil Management Plan,  
10 which is discussed in more detail below.

11  
12 The Department recommends Council find that the added measures to the Comprehensive  
13 Solar Revegetation and Soil Management Plan and O&M Plan, imposed under Soil Protection  
14 Conditions 1 to 4, and Organizational Expertise Conditions 5 and 6, describe the procedures,  
15 standards, and time frames that the certificate holder will use to inspect facility components  
16 and manage vegetation. The Department recommends the Council impose new conditions, as  
17 shown below, requiring the certificate holder to submit a plan that addresses the remaining  
18 criteria in the standard prior to Operation, whether that is the OPUC-approved Wildfire  
19 Protection Plan or a separate facility-specific WMP, and to adhere to the plan during Operation.

20  
21 **Recommended Wildfire Prevention and Risk Mitigation Condition 3 (PRO-WF-01)**

- 22 a. Prior to operation of the solar facility, phase or component, as applicable, the  
23 certificate holder shall submit to the Department for review and approval, an  
24 Operational Wildfire Mitigation Plan that complies with the requirements of OAR  
25 345-022-0115(1)(b).  
26 b. The certificate holder may rely on a Wildfire Protection Plan approved by the  
27 Oregon Public Utility Commission under OAR chapter 860, division 300, or another  
28 plan approved by the Department in accordance with this Site Certificate to satisfy  
29 some or all of the requirements of this condition.

30 [Final Order on AMD4]

31  
32 **Recommended Wildfire Prevention and Risk Mitigation Condition 4 (OPR-WF-01)**

33 During operation of the solar facility, the certificate holder must adhere to the  
34 requirements of the Operational Wildfire Mitigation Plan approved by the Department  
35 under Condition PRO-WMP-01, as updated in accordance with the requirements of the  
36 plan.

37 [Final Order on AMD4]

38  
39 **III.N.2. Conclusions of Law**

40  

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<sup>314</sup> <https://storage.googleapis.com/proudcity/shermandcountyor/2017/10/Sherman-County-CWPP-2024.pdf>, page 28.

1 Based on the foregoing analysis, and subject to compliance with the proposed site certificate  
2 conditions described above and in this order, the Department recommends the Council find  
3 that the certificate holder has adequately characterized wildfire risk within the analysis area  
4 using current data from reputable sources, and that, subject to Council approval, the facility  
5 components proposed in RFA4 will be designed, constructed, and operated in compliance with  
6 Wildfire Mitigation Plans.

7  
8 **III.O. WASTE MINIMIZATION: OAR 345-022-0120**

9 *(1) Except for facilities described in sections (2) and (3), to issue a site*  
10 *certificate, the Council must find that, to the extent reasonably practicable:*

11 *(a) The applicant's solid waste and wastewater plans are likely to minimize*  
12 *generation of solid waste and wastewater in the construction and operation*  
13 *of the facility, and when solid waste or wastewater is generated, to result in*  
14 *recycling and reuse of such wastes;*

15 *(b) The applicant's plans to manage the accumulation, storage, disposal and*  
16 *transportation of waste generated by the construction and operation of the*  
17 *facility are likely to result in minimal adverse impact on surrounding and*  
18 *adjacent areas.*

19 *(2) The Council may issue a site certificate for a facility that would produce*  
20 *power from wind, solar or geothermal energy without making the findings*  
21 *described in section (1). However, the Council may apply the requirements of*  
22 *section (1) to impose conditions on a site certificate issued for such a facility.*

23 *(3) The Council may issue a site certificate for a special criteria facility under*  
24 *OAR 345-015-0310 without making the findings described in section (1).*  
25 *However, the Council may apply the requirements of section (1) to impose*  
26 *conditions on a site certificate issued for such a facility.*

27 \*\*\* 315, 316  
28

29 **III.O.1. Findings of Fact**

30  
31 *Construction*

32  
33 Solid Waste, Spoils and Concrete Waste  
34

---

<sup>315</sup> OAR 345-022-0040, effective April 2, 2025.

<sup>316</sup> The information requirements included in the standard are omitted from the language above, but evaluated within recommending findings of fact below.



1 Construction would generate approximately 12,000 cubic yards of non-hazardous solid waste.  
2 Most of the waste would consist of packaging materials, but would also include scrap metal  
3 (e.g., wire and rebar scraps); wood; excavated soil<sup>317</sup>; and concrete waste/washwater.<sup>318</sup>  
4

5 To minimize construction-related waste, the certificate holder and its contractors are required  
6 to implement a plan or actions designed to properly store and minimize waste, maximizing  
7 recycling and reuse. The Council previously imposed Site Certificate Condition 84 requiring that,  
8 prior to construction of the existing wind facility, the certificate holder develop a Construction  
9 Waste Management Plan that, at a minimum, included measures for employee training; waste  
10 generation minimization measures; requirements for recycling of steep, scrap metal, wood  
11 waste and packaging; properly collecting waste for transport to a landfill by a licensed waste  
12 hauler; and a requirement to segregate hazardous waste for proper disposal.  
13

14 The Department recommends Council amend Condition 84 to be specific to the facility  
15 components proposed in RFA4. In addition, based on experience working with the certificate  
16 holder on implementation and evaluating compliance with Waste Management Plans, the  
17 Department recommends that many of the condition subparts be clarified with additional  
18 specificity on the action and information expected to be included in the plan, as well as  
19 additional requirements to address new waste streams associated with solar and battery  
20 related electrical equipment, as explained below:

- 21 • Sub(a) of the condition previously required that the Construction Waste Management  
22 Plan include employee training. The Department recommends that the condition clarify  
23 that the plan not only require employee training but that the plan must specify the  
24 format (in-person or computer based), content (training materials) and frequency of  
25 worker trainings.
- 26 • Sub(b) and (c) of the condition previously required that the Construction Waste  
27 Management Plan identify minimization measures based on detailed estimating and  
28 recycling of specific material types. The Department recommends that the condition  
29 language more explicitly require that the plan identify waste stream and quantities; and  
30 then, subsequently, identify the specific measures/practices designed to minimize the  
31 estimated waste streams and types.
- 32 • Sub(g) of the condition previously required that the Construction Waste Management  
33 Plan include details about the segregation of hazardous waste. The Department  
34 recommends that the condition require that, in addition to hazardous waste, the plan  
35 include segregation procedures for recyclable materials and non-hazardous waste  
36 (presented as Sub(e)).
- 37 • The Department recommends Council add a provision, Sub(d), requiring that the  
38 Construction Waste Management Plan include a procedure or policy for evaluating

---

<sup>317</sup> Construction and grading of the proposed access roads and foundation excavations may generate dirt and rock spoils. Cut and fill activities are expected to balance the need for and use of soils, so the amount of spoils requiring disposal would be minimal.

<sup>318</sup> BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 4.1; BCWAMD4Doc21-17 RFA Exhibit W Waste Minimization 2025-12-10, Section 2.1.1. DATE.

whether any damaged or defective solar panels and other electrical equipment delivered to the site should be treated as hazardous waste prior to storing and preparing the material for disposal or recycle.

- The Department recommends Council add a provision, Sub(g), requiring that Construction Waste Management Plan identify inspection and recordkeeping procedures to allow both certificate holder and the Department the ability to evaluate implementation and compliance with the Plan, once finalized.
- Consistent with ORS 469.402, the Department recommends Council include a provision, Sub(h), allowing the certificate holder to amend the plan, after finalization, subject to Department review and approval, in the event that changes are needed to adapt to the circumstances at the time.

Recommended Amended Condition 84 is presented below.

**Recommended Amended Condition 84 (PRE-WM-01)**

~~During~~ Prior to construction of any component or phase of the solar facility, the certificate holder shall ~~implement~~submit a Construction Waste Management Plan, ~~for review and approval by the Department. The plan must include, at a minimum, that includes but is not limited to the following measures:~~

- The format, content and frequency of Training employees trainings to minimize and recycle solid waste;
- Practices and measures that will be implemented to minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices;
- Identify a procedure or process for evaluating whether photovoltaic modules, batteries, or other facility components are considered hazardous waste under state or federal regulations;
- Identify procedures for the segregation of recyclable materials, non-hazardous waste, and hazardous waste for transport and disposal by a licensed hauler specializing in the proper recycling or disposal of the wastes.
- Identify names and locations of licensed haulers and facilities that will be used for the following, including associated collection and hauling protocols and requirements:
  - Recycling steel and other metal scrap;
  - Recycling wood waste;
  - Recycling packaging wastes, such as paper and cardboard;
  - Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler; and
- ~~Segregating all hazardous wastes, such as used oil, oily rags and oil absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.~~
- Identify inspection and recordkeeping procedures for waste handling, disposal and recycling.

1 ~~4.~~ Include a provision allowing for updates of the plan, subject to Department review  
2 and approval.

3 [Final Order on AMD4]  
4

5 The recommended amended condition provides clear, enforceable requirements that ensure  
6 waste streams are identified, minimized, recycled or otherwise properly disposed, in  
7 accordance with the standard. The Department recommends Council adopt Waste  
8 Minimization Condition 1, requiring that, during construction, the certificate and its contractors  
9 implement and adhere to the requirements of the final, Department approved Construction  
10 Waste Management.

11  
12 **Recommended Waste Minimization Condition 1 (CON-WM-01):**

13 During construction of a component or phase of the solar facility, the certificate holder  
14 and all onsite contractors must implement the Construction Waste Management Plan  
15 required under Condition PRE-WM-01.

16 [Final Order on AMD4]  
17

18 The Council previously imposed Site Certificate Conditions 85 authorizing the certificate holder  
19 to dispose of waste concrete in an excavated pit on site and Condition 86 requiring concrete  
20 washout to occur at a batch plant site or at a tower foundation location. Do to the high-  
21 alkalinity of washout water, current Best Management Practices under 1200-C NPDES General  
22 Permit require concrete washout water to be collected in an infiltration pit or tank in a  
23 dedicated area. To avoid any confusion, and to ensure that waste concrete and concrete  
24 washout water is handled and disposed of in accordance with current DEQ regulations, the  
25 Department recommends the Council delete Conditions 85 and 86:

26  
27 **Recommended Deleted Condition 85**

28 ~~(85) — The certificate holder may dispose of waste concrete on site with the permission~~  
29 ~~of the landowner and in accordance with OAR 340-093-0080 and other applicable~~  
30 ~~regulations. The certificate holder shall dispose of waste concrete on site by placing the~~  
31 ~~material in an excavated hole, covering the concrete with at least 3 feet of topsoil, and~~  
32 ~~grading the area to match existing contours. If the waste concrete is not disposed of on~~  
33 ~~site, the certificate holder shall arrange for proper disposal in a licensed landfill.~~

34 [Final Order on AMD4]  
35

36 **Recommended Deleted Condition 86**

37 ~~(86) — During construction of the facility, the certificate holder shall ensure that the~~  
38 ~~wash down of concrete trucks occurs only at a contractor-owned batch plant or at tower~~  
39 ~~foundation locations. If such wash down occurs at tower foundation locations, then the~~  
40 ~~certificate holder shall ensure that wash down wastewater does not run off the~~  
41 ~~construction site into otherwise undisturbed areas and that the wastewater is disposed~~  
42 ~~of on backfill piles and buried underground with the backfill over the tower foundation.~~

43 [Final Order on AMD4]  
44

1 *Operations*

2  
3 Solid Waste

4  
5 Operation of facility components proposed in RFA4 would generate up to 2 cubic yards per  
6 month, of both non-hazardous and potentially hazardous wastes. Non-Hazardous solid waste  
7 would include packing materials for replacement components, and waste typical of a small  
8 office, and would be disposed of at either the Wasco County Landfill or Columbia Ridge  
9 landfill.<sup>319</sup>

10  
11 Repair or replacement of the solar modules and associated electrical equipment could generate  
12 incidental waste. However, a solar module typically lasts at least 25 years without significant  
13 degradation in function; modules will be replaced infrequently but requiring storage space for  
14 approximately 0.5% of replacement modules on site.<sup>320</sup> As described above, solar modules can  
15 potentially be considered hazardous waste depending on their composition.

16  
17 Lithium-ion batteries may also contain hazardous materials, and the operation of the BESS may  
18 generate battery waste if batteries are damaged or decommissioned during the operating life  
19 of the facility. The Council previously imposed Site Certificate Condition 87, requiring the  
20 certificate holder to implement a waste management plan during operation of the wind facility  
21 that contains provisions for the minimization and recycling of solid wastes, as well as the  
22 segregation and safe handling of hazardous wastes. The Department recommends the Council  
23 maintain this condition as applicable to the entire facility, with the same changes described  
24 above for recommended Amended Condition 84, to address the potential for hazardous battery  
25 and solar module waste generated during facility operation.

26  
27 **Recommended Amended Condition 87 (OPR-WM-01)**

28 During operation of the facility, the certificate holder shall implement a waste  
29 management plan that includes but is not limited to the following ~~measures~~:

- 30 a. The format, content, and frequency of ~~Training~~ employees trainings to minimize and  
31 recycle the generation of solid waste, recycle materials, and properly handle and  
32 dispose of electronic wastes and hazardous materials;  
33 b. Identify names and locations of licensed haulers and facilities that will be used for  
34 the following, including associated collection and hauling protocols and  
35 requirements:  
36 (b)i. Recycling paper products, metals, glass and plastics, and other recyclable  
37 materials;  
38 (c)ii. Collecting-Disposing non-recyclable, nonhazardous waste for transport to a  
39 landfill by a licensed waste hauler; and

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<sup>319</sup> BCWAMD4Doc21-17 RFA Exhibit W Waste Minimization 2025-12-10, Section 2.1.2, 3.2.

<sup>320</sup> BCWAMD4Doc21-02 RFA Exhibit G Materials Analysis 2025-12-10, Section 3.2, Table G-2.

- 1 c. Identify a procedure or process for evaluating whether photovoltaic modules,  
2 batteries, or other facility components are considered hazardous waste under state  
3 or federal regulations;  
4 d. Identify procedures for the segregation of recyclable materials, nonhazardous waste,  
5 and hazardous waste sources ~~Segregating all hazardous wastes, such as used oil, oily~~  
6 ~~rags and oil absorbent materials, mercury containing lights and lead acid and nickel-~~  
7 ~~cadmium batteries for transport and disposal by a licensed firm hauler specializing in~~  
8 ~~the proper recycling or disposal of hazardous the wastes-;~~  
9 e. Identify inspection and recordkeeping procedures for waste handling, disposal and  
10 recycling; and  
11 f. Include a provision allowing for updates of the plan, subject to the Department  
12 review and approval.  
13 [Final Order on AMD4]  
14

15 The recommended amended condition provides clear, enforceable requirements that ensure  
16 waste streams are identified, minimized, recycled or otherwise properly disposed, in  
17 accordance with the standard.  
18

#### 19 Wastewater

20

21 Operation of the facility components proposed in RFA4 will not generate wastewater.  
22 Operation will result in sanitary wastewater and solar panel wash water, if panel washing  
23 occurs. These sources are addressed in Section III.M. *Public Services* of this order.  
24

#### 25 **III.O.2. Conclusions of Law**

26

27 Based on the foregoing analysis, and subject to compliance with the recommended amended  
28 and new conditions described above, the Department recommends the Council find that the  
29 certificate holder's solid waste and wastewater plans are likely to minimize generation of solid  
30 waste and wastewater during the construction and operation of the facility components  
31 proposed in RFA4, result in recycling and reuse of such wastes, and that the certificate holder  
32 will manage the accumulation, storage, disposal and transportation of wastes in a manner that  
33 will result in minimal adverse impacts to surrounding and adjacent areas.  
34

#### 35 **III.P. SITING STANDARDS FOR TRANSMISSION LINES – OAR 345-024-0090**

36

37 *To issue a site certificate for a facility that includes any transmission line under*  
38 *Council jurisdiction, the Council must find that the applicant:*  
39

40 *(1) Can design, construct and operate the proposed transmission line so that*  
41 *alternating current electric fields do not exceed 9 kV per meter at one meter*  
42 *above the ground surface in areas accessible to the public;*  
43

(2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.

\*\*\* 321

### III.P.1. Findings of Fact

The facility components proposed in RFA4 would include approximately 600 feet of a new 230-kV overhead transmission line. There are no occupied buildings, residences, or other sensitive receptors within 200 feet of the center line of the proposed transmission line.<sup>322</sup> The right-of-way for the proposed transmission line would be within the fenced solar array area and would not be accessible to the public.

#### *Electric and magnetic fields*

Electric and magnetic fields that could be generated by the proposed transmission line were modeled using Bonneville Power Administration's Corona and Fields Effect Program, Version 3. The modeling results and assumptions are presented in Table 21, below:

**Table 21: Transmission Line Modelling Specifications**

| Item                       | Specification                                                                                      |
|----------------------------|----------------------------------------------------------------------------------------------------|
| Overhead pole height       | 80 feet                                                                                            |
| Site Elevation             | 1,500 feet above sea level                                                                         |
| Amperage                   | 314 amps                                                                                           |
| Voltage                    | 230-kV phase/phase or 132.79-kV phase/ground                                                       |
| Ground wire configuration  | One overhead ground wire, 0.68 inch in diameter<br>Two overhead shield wires, 0.5 inch in diameter |
| Ground Wire Minimum Height | 68 feet                                                                                            |
| Ground Wire Location       | Centerline                                                                                         |
| Conductor type             | Single 954 Cardinal Aluminum Conductor Steel Reinforced per phase, 1.196 inches in diameter        |
| A-Phase Minimum Height     | 28 feet                                                                                            |
| A-Phase Location           | Lower arm, 19 feet left of centerline                                                              |
| B-Phase Minimum Height     | 28 feet                                                                                            |
| B-Phase Location           | Lower arm, 19 feet right of centerline                                                             |
| C-Phase Minimum Height     | 41 feet                                                                                            |
| C-Phase Location           | Upper arm, 19 feet right of centerline                                                             |

<sup>321</sup> OAR 345-024-0090, effective April 2, 2025.

<sup>322</sup> BCWAMD4Doc21-20 RFA Exhibit AA EMF 2025-12-10, Section 2.1.

Table 22, below, shows the calculated strength of electric and magnetic fields within the right-of-way for the proposed transmission line. As shown in the table, electric fields generated by the transmission line would not exceed the 9 kV/m limit established by the Standard at any location within the right-of-way.

**Table 22: Calculated Electric and Magnetic Field Strength**

| Description           | 200 feet left of centerline | Peak Value                           | 200 feet right of centerline |
|-----------------------|-----------------------------|--------------------------------------|------------------------------|
| Electric Field (kV/m) | 0.039                       | 3.42<br>(24 feet left of centerline) | 0.055                        |
| Magnetic Field (mG)   | 1.97                        | 7.58<br>(4 feet left of centerline)  | 2.03                         |

Because the right-of-way for the proposed transmission line would be in an area that is not accessible to the public, and based on modeling results demonstrating that electric fields generated by the proposed transmission line would not exceed 9 kV/m at ground level anywhere within the proposed right-of-way, the Department recommends the Council find the certificate holder can design, construct and operate the proposed transmission in accordance with OAR 345-024-0090(1).

The Council previously imposed Condition 53, requiring the certificate holder to design transmission lines constructed as part of the existing facility in compliance with OAR 345-024-0090(1). This condition continues to apply to the proposed new transmission line segment. The Department recommends that the Council amend the condition, modifying reference to a single transmission line to multiple transmission lines, to clarify applicability, as presented below.

**Recommended Amended Condition 53 (GEN-TL-01)**

The certificate holder shall design ~~the all overhead~~ transmission lines so that alternating current electric fields ~~shall~~ do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.

[Final Order on AMD4]

The Council also adopted Condition 99, requiring the certificate holder to take reasonable steps to reduce or manage public exposure to EMF and provide information to the public about EMF levels associated with the wind facility and its associated transmission lines. The Department recommends no such condition is needed for the proposed transmission line because the right-of-way for the proposed transmission line would not be accessible to the public.

Under OAR 345-025-0010(5), the Council must specify an approved corridor for a transmission line approved in a site certificate. Under OAR 345-001-0010(7), a transmission line corridor is

1 defined as a continuous area of land not more than one-half mile in width, extending the length  
2 of the proposed alignment.

3  
4 For the 600-foot segment of 230 kV transmission line, the proposed corridor width is equivalent  
5 to the right of way width at 150 feet, as presented in RFA4 Figure 2.2 (and Attachment 1 draft  
6 Amended Site Certificate Figure 2). The location extends from the existing Biglow Canyon  
7 Substation to the proposed new substation. The Department recommends the Council amend  
8 Condition 119 to establish the approved transmission line corridor, as presented below.<sup>323</sup>  
9

10 **Recommended Amended Condition 119:**

11 ~~(119) — OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a~~  
12 ~~transmission line or has, as a related or supporting facility, a pipeline or transmission~~  
13 ~~line, the Council shall specify an approved corridor in the site certificate and shall allow~~  
14 ~~the certificate holder to shall construct the pipeline or 230-kV transmission line~~  
15 ~~connecting the Biglow Canyon Substation to the Solar Substation anywhere within a~~  
16 ~~150 foot corridor, as presented in Figure 2 of the Amended Site Certificate the corridor,~~  
17 ~~subject to the conditions of the site certificate. If the applicant has analyzed more than~~  
18 ~~one corridor in its application for a site certificate, the Council may, subject to the~~  
19 ~~Council's standards, approve more than one corridor.~~

20 [Final Order on AMD4]  
21

22 *Induced-Currents and Grounding*  
23

24 The voltages and currents associated with the transmission line have the potential to induce  
25 voltage and current in nearby conductors (e.g., metal fences and irrigation systems). This effect  
26 is more likely where ungrounded fences or irrigation systems run parallel to a transmission line  
27 for longer distances (e.g. one mile or more.) These induced voltages could result in a “nuisance”  
28 shock to anyone who touches such a fence or irrigation system.<sup>324</sup> The proposed transmission  
29 line would be within the fenced solar array and substation areas, and so the conductors most  
30 likely to be affected are the facility perimeter fences, which the proposed transmission line  
31 would cross perpendicularly.  
32

33 The Council previously imposed Condition 54 requiring the certificate holder to design the  
34 transmission line to minimize induced voltages. The Department recommends Council amend  
35 this condition to be applicable to the entire facility:  
36

37 **Recommended Amended Condition 54**

38 ~~(54) —~~ The certificate holder shall design the all overhead transmission lines so that  
39 induced voltages resulting from the transmission lines are as low as reasonably  
40 achievable.

---

<sup>323</sup> The Council previously imposed Condition 119 with regards to transmission lines approved as part of the wind facility but removed from consideration in the Final Order on AMD2.

<sup>324</sup> BCWAMD4Doc21-20 RFA Exhibit AA EMF 2025-12-10, Section 5.1.3.



1           [Final Order on AMD4]

2  
3     In accordance with site specific conditions now found in OAR 345-025-0010(4), the Council also  
4     imposed Condition 118, requiring the certificate holder to design and construct transmission  
5     lines constructed as part of the existing wind facility in accordance with the 1997 version of the  
6     National Electric Safety Code and to adopt a program to assure that all objects or structures of a  
7     permanent nature that could become inadvertently charged with electricity are grounded or  
8     bonded throughout the life of the lines. The Department recommends the Council maintain this  
9     condition as applicable to the wind energy facility only, and adopt a new condition to address  
10    the transmission line proposed to be constructed with the solar facility. The certificate holder  
11    represents that it will construct the proposed transmission lines in accordance with" all  
12    pertinent electrical codes to be protective of health and safety."<sup>325</sup> Based on this  
13    representation, the Department recommends the new condition require the certificate holder  
14    to design, construct and operate the transmission line in accordance with the current (2023)  
15    version of the NESC. Because NESC Rule 110 also requires security fences for electric  
16    installations to be grounded, and no private fences or metal objects would be located within  
17    the right-of-way for the proposed transmission line, the Department recommends the Council  
18    find the requirements of OAR 345-025-0010(4)(b), related to programs for grounding or  
19    bonding, are not necessary.  
20

21           **Recommended Amended Condition 118 (GEN-TL-XX)**

22     ~~(118) OAR 345-027-0023(4): If the facility includes any transmission line under Council~~  
23     ~~jurisdiction:~~

- 24       a. The certificate holder shall design, construct and operate ~~the~~ transmission lines  
25       associated with the wind energy facility in accordance with the requirements of the  
26       National Electrical Safety Code (American National Standards Institute, Section C2,  
27       1997 Edition); and  
28       b. The certificate holder shall develop and implement a program that provides  
29       reasonable assurance that all fences, gates, cattle guards, trailers, or other objects  
30       or structures of a permanent nature that could become inadvertently charged with  
31       electricity by the transmission lines are grounded or bonded throughout the life of  
32       the line.

33           [Final Order on AMD3; AMD4]

34  
35           **Recommended New Transmission Line Condition 1**

36     The certificate holder must design, construct, and operate transmission lines associated  
37     with the solar facility in accordance with the requirements of the 2023 Edition of the  
38     National Electrical Safety Code.

39     [Final Order on AMD4]

40  
41     **III.P.2. Conclusions of Law**

42  

---

325 *Id.*

1 Based on the foregoing analysis, and subject to compliance with the [existing and/or proposed  
2 site certificate conditions described above, the Department recommends the Council find that  
3 the certificate holder can design, construct, and operate the facility components proposed in  
4 RFA4 so that alternating current electric fields do not exceed 9-kV per meter at one meter  
5 above the ground surface in areas accessible to the public and that induced currents resulting  
6 from the transmission line and related or supporting facilities will be as low as reasonably  
7 achievable.

#### 8 9 **IV. EVALUATION OF OTHER APPLICABLE REGULATORY REQUIREMENTS**

##### 10 11 **IV.A. Noise Control Regulations: OAR 340-035-0035**

###### 12 13 *1) Standards and Regulations:*

14  
15 *(a) Existing Noise Sources. No person owning or controlling an existing*  
16 *industrial or commercial noise source shall cause or permit the operation of*  
17 *that noise source if the statistical noise levels generated by that source and*  
18 *measured at an appropriate measurement point, specified in subsection (3)(b)*  
19 *of this rule, exceed the levels specified in Table 7, except as otherwise provided*  
20 *in these rules.*

###### 21 22 *(b) New Noise Sources:*

23  
24 *(A) New Sources Located on Previously Used Sites. No person owning or*  
25 *controlling a new industrial or commercial noise source located on a*  
26 *previously used industrial or commercial site shall cause or permit the*  
27 *operation of that noise source if the statistical noise levels generated by that*  
28 *new source and measured at an appropriate measurement point, specified in*  
29 *subsection (3)(b) of this rule, exceed the levels specified in Table 8, except as*  
30 *otherwise provided in these rules. For noise levels generated by a wind or solar*  
31 *energy facility of any size and any associated equipment or machinery,*  
32 *subparagraph (1)(b)(B)(iii) applies.*

###### 33 34 *(B) New Sources Located on Previously Unused Site:*

35  
36 *(i) No person owning or controlling a new industrial or commercial noise*  
37 *source located on a previously unused industrial or commercial site shall cause*  
38 *or permit the operation of that noise source if the noise levels generated or*  
39 *indirectly caused by that noise source increase the ambient statistical noise*  
40 *levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels*  
41 *specified in Table 8, as measured at an appropriate measurement point, as*  
42 *specified in subsection (3)(b) of this rule, except as specified in subparagraph*  
43 *(1)(b)(B)(iii).*

1       (ii) The ambient statistical noise level of a new industrial or commercial noise  
2       source on a previously unused industrial or commercial site shall include all  
3       noises generated or indirectly caused by or attributable to that source  
4       including all of its related activities. Sources exempted from the requirements  
5       of section (1) of this rule, which are identified in subsections (5)(b)–(f), (j), and  
6       (k) of this rule, shall not be excluded from this ambient measurement.

7  
8       (iii) For noise levels generated or caused by a wind or solar energy facility:

9  
10      (I) The increase in ambient statistical noise levels is based on an assumed  
11      background L50 ambient noise level of 26 dBA or the actual ambient  
12      background level. The person owning the wind or solar energy facility may  
13      conduct measurements to determine the actual ambient L10 and L50  
14      background level.

15  
16      (II) The “actual ambient background level” is the measured noise level at the  
17      appropriate measurement point as specified in subsection (3)(b) of this rule  
18      using generally accepted noise engineering measurement practices.  
19      Background noise measurements shall be obtained at the appropriate  
20      measurement point, and for wind energy facilities synchronized with wind  
21      speed measurements of hub height conditions at the nearest wind turbine  
22      location. “Actual ambient background level” does not include noise generated  
23      or caused by the proposed wind or solar energy facility.

24  
25      (III) The noise levels from a wind or solar energy facility may increase the  
26      ambient statistical noise levels L10 and L50 by more than 10 dBA (but not  
27      above the limits specified in Table 8), if the person who owns the noise  
28      sensitive property executes a legally effective easement or real covenant that  
29      benefits the property on which the wind or solar energy facility is located. The  
30      easement or covenant must authorize the wind or solar energy facility to  
31      increase the ambient statistical noise levels, L10 or L50 on the sensitive  
32      property by more than 10 dBA at the appropriate measurement point.

33      \*\*\*

34  
35  
36      (c) Quiet Areas. No person owning or controlling an industrial or commercial  
37      noise source located either within the boundaries of a quiet area or outside its  
38      boundaries shall cause or permit the operation of that noise source if the  
39      statistical noise levels generated by that source exceed the levels specified in  
40      Table 9 as measured within the quiet area and not less than 400 feet (122  
41      meters) from the noise source.

42  
43      (d) Impulse Sound. Notwithstanding the noise rules in Tables 7 through 9, no  
44      person owning or controlling an industrial or commercial noise source shall

1 *cause or permit the operation of that noise source if an impulsive sound is*  
2 *emitted in air by that source which exceeds the sound pressure levels specified*  
3 *below, as measured at an appropriate measurement point, as specified in*  
4 *subsection (3)(b) of this rule:*

5  
6 *(A) Blasting. 98 dBC, slow response, between the hours of 7 a.m. and 10 p.m.*  
7 *and 93 dBC, slow response, between the hours of 10 p.m. and 7 a.m.*

8  
9 *(B) All Other Impulse Sounds. 100 dB, peak response, between the hours of 7*  
10 *a.m. and 10 p.m. and 80 dB, peak response, between the hours of 10 p.m. and*  
11 *7 a.m.*

12  
13 *(e) Octave Bands and Audible Discrete Tones. When the Director has*  
14 *reasonable cause to believe that the requirements of subsection (1)(a), (b), or*  
15 *(c) of this rule do not adequately protect the health, safety, or welfare of the*  
16 *public as provided for in ORS Chapter 467, the Department may require the*  
17 *noise source to meet the following rules:*

18  
19 *(A) Octave Bands. No person owning or controlling an industrial or commercial*  
20 *noise source shall cause or permit the operation of that noise source if such*  
21 *operation generates a median octave band sound pressure level which, as*  
22 *measured at an appropriate measurement point, specified in subsection (3)(b)*  
23 *of this rule, exceeds applicable levels specified in Table 10.*

24  
25 *(B) One-third Octave Band. No person owning or controlling an industrial or*  
26 *commercial noise source shall cause or permit the operation of that noise*  
27 *source if such operation generates a median one-third octave band sound*  
28 *pressure level which, as measured at an appropriate measurement point,*  
29 *specified in subsection (3)(b) of this rule, and in a one-third octave band at a*  
30 *preferred frequency, exceeds the arithmetic average of the median sound*  
31 *pressure levels of the two adjacent one-third octave bands by:*

32  
33 *(i) 5 dB for such one-third octave band with a center frequency from 500 Hertz*  
34 *to 10,000 Hertz, inclusive. Provided: Such one-third octave band sound*  
35 *pressure level exceeds the sound pressure level of each adjacent one-third*  
36 *octave band; or*

37  
38 *(ii) 8 dB for such one-third octave band with a center frequency from 160*  
39 *Hertz to 400 Hertz, inclusive. Provided: Such one-third octave band sound*  
40 *pressure level exceeds the sound pressure level of each adjacent one-third*  
41 *octave band; or*

42  
43 *(iii) 15 dB for such one-third octave band with a center frequency from 25*  
44 *Hertz to 125 Hertz, inclusive. Provided: Such one-third octave band sound*

1 *pressure level exceeds the sound pressure level of each adjacent one-third*  
2 *octave band;*

3  
4 *(iv) This rule shall not apply to audible discrete tones having a one-third*  
5 *octave band sound pressure level 10 dB or more below the allowable sound*  
6 *pressure levels specified in Table 10 for the octave band which contains such*  
7 *one-third octave band.*

8  
9 *(2) Compliance. Upon written notification from the Director, the owner or*  
10 *controller of an industrial or commercial noise source operating in violation of*  
11 *the adopted rules shall submit a compliance schedule acceptable to the*  
12 *Department. The schedule will set forth the dates, terms, and conditions by*  
13 *which the person responsible for the noise source shall comply with the*  
14 *adopted rules.*

15  
16 *(3) Measurement:*

17  
18 *(a) Sound measurements procedures shall conform to those procedures which*  
19 *are adopted by the Commission and set forth in Sound Measurement*  
20 *Procedures Manual (NPCS-1), or to such other procedures as are approved in*  
21 *writing by the Department;*

22  
23 *(b) Unless otherwise specified, the appropriate measurement point shall be*  
24 *that point on the noise sensitive property, described below, which is further*  
25 *from the noise source:*

26  
27 *(A) 25 feet (7.6 meters) toward the noise source from that point on the noise*  
28 *sensitive building nearest the noise source;*

29  
30 *(B) That point on the noise sensitive property line nearest the noise source.*<sup>326</sup>

#### 31 32 **IV.A.1. Findings of Fact**

33  
34 The analysis area for the Noise Control Regulation includes the area within and extending 1-  
35 mile from the proposed Solar Micrositing Area.<sup>327</sup>

36  
37 The Council previously imposed Site Certificate Conditions 90 and 91 requiring wind turbines to  
38 be sited in compliance with the noise control regulations. Because these conditions have no  
39 ongoing requirements, the Department recommends the Council delete them from the site  
40 certificate. Deleted text is shown in Attachment A.

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<sup>326</sup> OAR 345-035-0035, effective October 17, 2024.

<sup>327</sup> BCWAMD4Doc01-00 ODOE Concurrence on OAR 345-027-0360(3) Request 2024-05-02.

## Exempt Construction Noise

Under OAR 340-035-0035(5), noise generated during construction is exempt from the requirement to meet DEQ's noise standards. However, construction-related noise impacts are evaluated under the Council's Protected Area, Scenic Resources, and Recreation standards, as provided in Sections III.F., III.J., and III.L of this order. To support the evaluation required under those standards, the predicted construction-noise is summarized in this section.

Construction activities include site preparation and grading; installation of foundations for solar arrays, conductors, and O&M building; assembly of solar panels and electrical connection components; construction of inverter and battery pads, substation and transmission lines; and commissioning. RFA4 Table Y-3 identifies typical construction equipment and the anticipated sound level from 50 to 5,000 feet from the noise source. However, as described in RFA4, construction equipment operates simultaneously with delivery trucks and other construction noise. Table 23, below, outlines examples of compiled construction noise based on potential construction phases.

**Table 23: Estimated Construction Noise Levels Based on Roadway Construction Noise Model**

| Phase | Existing Noise Levels in dBA |      | Assumed Construction Operation          | Equipment Assumed to Be Operating | Assumed Distance (in feet) from Equipment to Site | Estimated Noise from Construction Activity in dBA |             |
|-------|------------------------------|------|-----------------------------------------|-----------------------------------|---------------------------------------------------|---------------------------------------------------|-------------|
|       | Leq                          | Lmax |                                         |                                   |                                                   | Leq                                               | Lmax        |
| 1     | 62.7                         | 76.8 | Demolition                              | Backhoe                           | 175                                               | 62.7                                              | 66.7        |
|       |                              |      |                                         | Compressor                        | 175                                               | 62.8                                              | 66.8        |
|       |                              |      |                                         | Dump Truck                        | 175                                               | 61.6                                              | 65.6        |
|       |                              |      |                                         | Front End Loader                  | 175                                               | 64.2                                              | 68.2        |
|       |                              |      |                                         | Mounted Impact Hammer (hoe ram)   | 175                                               | 72.4                                              | 79.4        |
|       |                              |      |                                         | All Equipment                     |                                                   | <b>74.0</b>                                       | <b>79.4</b> |
| 2     | 75.7                         | 86.3 | Construction                            | Auger Drill Rig                   | 30                                                | 81.8                                              | 88.8        |
|       |                              |      |                                         | Compressor                        | 100                                               | 67.7                                              | 71.6        |
|       |                              |      |                                         | Crane                             | 200                                               | 60.6                                              | 68.5        |
|       |                              |      |                                         | Concrete Mixer Truck              | 100                                               | 68.8                                              | 72.8        |
|       |                              |      |                                         | Welder/Torch                      | 100                                               | 64.0                                              | 68.0        |
|       |                              |      |                                         | Flat Bed Truck                    | 200                                               | 58.2                                              | 62.2        |
|       |                              |      |                                         | All Equipment                     |                                                   | <b>82.3</b>                                       | <b>88.8</b> |
| 3     | 74.6                         | 88.5 | Excavation, Including Some Rock Removal | Backhoe                           | 200                                               | 61.5                                              | 65.5        |
|       |                              |      |                                         | Blasting                          | 200                                               | 62.0                                              | 82.0        |
|       |                              |      |                                         | Excavator                         | 200                                               | 64.7                                              | 68.7        |
|       |                              |      |                                         | Dump Truck                        | 200                                               | 60.4                                              | 64.4        |

**Table 23: Estimated Construction Noise Levels Based on Roadway Construction Noise Model**

| Phase | Existing Noise Levels in dBA |      | Assumed Construction Operation | Equipment Assumed to Be Operating | Assumed Distance (in feet) from Equipment to Site | Estimated Noise from Construction Activity in dBA |             |
|-------|------------------------------|------|--------------------------------|-----------------------------------|---------------------------------------------------|---------------------------------------------------|-------------|
|       | Leq                          | Lmax |                                |                                   |                                                   | Leq                                               | Lmax        |
|       |                              |      |                                | Dump Truck                        | 200                                               | 60.4                                              | 64.4        |
|       |                              |      |                                | Rock Drill                        | 200                                               | 62.0                                              | 69.0        |
|       |                              |      |                                | All Equipment                     |                                                   | <b>69.9</b>                                       | <b>82.0</b> |

Source: Table 8.1 from Federal Highway Administration HIGHWAY CONSTRUCTION NOISE HANDBOOK August 2006 U.S. Department of Transportation. <https://rosap.ntl.bts.gov/view/dot/8837>

Depending on the type of equipment operating at the same time during the phases of construction (excavation and installation), construction noise at approximately 100-200 feet away would be between 79 and 89 dBA, which is considered loud. However, noise attenuates with distance, topography and intervening vegetation, therefore at 400 feet from the noise source, construction noise would be approximately 73-83 dBA, and at approximately 0.5 miles away the noise levels would be 61-71 dBA, which is the sound level of a passenger car or air condition unit.<sup>328</sup> Construction noise would occur during daytime hours would be temporary, and attenuates (lessens) with distance from the facility.

The certificate holder represents that it will comply with Condition 89, which requires the noisiest operation of heavy construction equipment to be limited to daylight hours; construction equipment be equipped with exhaust mufflers; and, that a noise complaint response system be established. The Department recommends the Council amend the condition, as shown below.

**Recommended Amended Condition 89 (CON-NC-01)**

~~(89) — To reduce noise impacts at nearby residential areas~~ During construction of the solar facility, the certificate holder shall:

- Confine the noisiest operation of heavy construction equipment to the daylight hours;
- Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and
- Establish a complaint response system at the construction manager’s office to address noise complaints.

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<sup>328</sup> Average noise attenuation is approximately 6 dB per doubling of distance for a point source. This means if you double your distance from a sound source, the sound level drops by about 6 decibels. And RFA4, BCWAMD4Doc21-19 RFA Exhibit Y Acoustic Assessment 2025-12-10, Table Y-2.

## Operational Noise

Noise generated by a new industrial or commercial source located on a previously unused site must comply with two standards: the “ambient noise degradation standard” and the “maximum allowable noise standard.” Under the ambient noise degradation standard, facility-generated noise must not increase the ambient hourly L10 or L50 noise levels at any noise sensitive property by more than 10 dBA. Under the maximum allowable noise standard at OAR 340-035-0035(1)(b)(B)(i), new industrial or commercial noise sources may not exceed the noise levels specified in the noise rules, as represented in Table 24 below (50 dBA representing the lowest standard).

**Table 24: Statistical Noise Limits for Industrial and Commercial Noise Sources**

| Statistical Descriptor | Maximum Permissible Hourly Statistical Noise Levels (dBA) |                                    |
|------------------------|-----------------------------------------------------------|------------------------------------|
|                        | Daytime<br>(7:00 AM – 10:00 PM)                           | Nighttime<br>(10:00 PM to 7:00 AM) |
| L50                    | 55                                                        | 50                                 |
| L10                    | 60                                                        | 55                                 |
| L1                     | 75                                                        | 60                                 |

Note: The hourly L50, L10, and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively.  
Source: OAR 345-035-0035, Table 8.

The noise limits apply at an appropriate measurement point on noise sensitive properties or Noise Sensitive Receptors (NSRs), such as dwellings, schools, churches, hospitals, or public libraries.<sup>329</sup> There are six NSRs within the analysis area, including one (NSR-7) located inside the proposed Solar Micrositing Area.<sup>330</sup>

### Noise Analysis and Potential Noise Impacts

DEQ’s noise regulations apply to all noise sources attributable to a facility; therefore, for this analysis, the evaluation is based on operational noise from the existing facility and the facility components proposed in RFA4.<sup>331</sup> Sound power levels of the facility components proposed in RFA4 are presented in Table 25 below.

<sup>329</sup> “Noise sensitive property” is defined in OAR 340-035-0015(38) as “real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.”

<sup>330</sup> The certificate holder notes that, based on field observations, NSR ID 6 appears to be an abandoned structure.

<sup>331</sup> OAR 340-035-0035(1)(b)(ii), “the ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities.”



**Table 25: Modeled Sound Power Level of Components**

| Equipment                                                                                                                       | Broadband (dBA) |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Photovoltaic Inverter                                                                                                           | 92              |
| BESS Unit and Inverter                                                                                                          | 84              |
| BESS Transformer                                                                                                                | 80              |
| Generator Step-up Transformer (135 MVA)                                                                                         | 106             |
| BESS = battery energy storage system; dBA = A-weighted decibel; MVA = megavolt ampere<br>Source: Exhibit Y, Tables Y-4 and Y-5. |                 |

The sound power levels of facility components proposed in RFA4 were used to model operational noise, using the 2025 version of DataKustik GmbH's Computer-Aided Noise Abatement Model (CadnaA). Then, sound levels of the existing wind turbines were combined with the modelled sound levels of facility components proposed in RFA4 using energetic addition.<sup>332</sup>

As presented in Table 26, the modeling results indicate that the facility, with the facility components proposed in RFA4, will remain in compliance with the DEQ noise regulations. Expected sound levels at 1 NSR would reach, but not exceed, the 50 dBA L50 nighttime maximum permissible noise level prescribed by OAR 340-035-0035(1)(b)(B)(i). Received noise levels at all other NSRs would be under the maximum permitted level.

**Table 26: Modeled Operational Noise of the Facility, as Amended**

| NSR ID | Existing Facility Noise (dBA) | Noise from Proposed Solar Facility Components (dBA) | Combined Noise (Background + Solar) (dBA) | Combined Noise (Background + Wind/Solar) (dBA) | Change from Assumed 26 dBA Sound Level (dBA) |
|--------|-------------------------------|-----------------------------------------------------|-------------------------------------------|------------------------------------------------|----------------------------------------------|
| 4      | 49                            | 21                                                  | 27                                        | 49                                             | 23                                           |
| 5      | 49                            | 23                                                  | 28                                        | 49                                             | 23                                           |
| 6      | 48                            | 30                                                  | 31                                        | 48                                             | 22                                           |
| 7      | 48                            | 32                                                  | 33                                        | 48                                             | 22                                           |
| 8      | 50                            | 29                                                  | 31                                        | 50                                             | 24                                           |
| 14     | 50                            | 24                                                  | 28                                        | 47                                             | 24                                           |

<sup>332</sup> BCWAMD4Doc21-19 RFA Exhibit Y Acoustic Assessment 2025-12-10, Section 5.1. The predicted received sound levels at NSRs from the sound contributions of the solar and wind components were calculated using the following equation:

$$L_{Cumulative} = 10 \cdot \log_{10} \left( 10^{\left(\frac{L_{Solar}}{10}\right)} + 10^{\left(\frac{L_{BCWF}}{10}\right)} \right)$$

Where:

$L_{Cumulative}$  = Cumulative sound level from the Solar Components and BCWF (dBA)

$L_{Solar}$  = Sound level from the Solar Components (dBA)

$L_{BCWF}$  = Sound level from the BCWF (dBA)

| NSR ID                             | Existing Facility Noise (dBA) | Noise from Proposed Solar Facility Components (dBA) | Combined Noise (Background + Solar) (dBA) | Combined Noise (Background + Wind/Solar) (dBA) | Change from Assumed 26 dBA Sound Level (dBA) |
|------------------------------------|-------------------------------|-----------------------------------------------------|-------------------------------------------|------------------------------------------------|----------------------------------------------|
| Source: RFA4 Exhibit Y, Table Y-6. |                               |                                                     |                                           |                                                |                                              |

Noise levels produced by equipment may vary based on the manufacturer and final configuration. To ensure the facility, as amended, complies with the 50 dBA L50 nighttime maximum permissible noise level, which cannot be complied with through a noise waiver described below, the Department recommends the Council impose a new condition requiring that, prior to construction of noise generating equipment, the certificate holder conduct an updated noise assessment demonstrating compliance based on final facility design and the manufacture specifications for the equipment selected. As shown below, the condition would require the cumulative analysis of noise as evaluated in this section.

**Recommended Noise Control Condition 1 (PRE-NC-01):**

Prior to beginning construction of noise generating equipment, the certificate holder shall provide an updated acoustic modeling analysis based on final facility design and equipment specifications demonstrating that the cumulative operational noise levels of the wind and solar facility, taking into account any necessary acoustic mitigation, will comply with the maximum permissible noise level, 50 dBA L50.

[Final Order on AMD4]

The 10 dBA anti-ambient noise degradation standard is modeled to be exceeded at all six NSRs. Under OAR 340-035-0035(1)(b)(B)(iii)(III), the noise levels from a solar facility may increase the ambient statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits specified in Table 8), if the person who owns the NSR executes a legally effective easement or real covenant that benefits the property on which solar facility is located (benefits the certificate holder/operation of the facility).<sup>333</sup> The certificate relies on easements or “noise waivers” previously obtained for the operational wind facility to maintain compliance with the standard, however, copies of the easements were not provided in RFA4.<sup>334</sup> If the results from the updated noise assessment recommended under Recommended Noise Control Condition 1 shows exceedances of the ambient degradation standard at any NSR impacted by the RFA4 solar facility, the Department recommends Council impose the following condition which requires the submission of executed noise easements for the NSRs under OAR 340-035-0035(1)(b)(B)(iii)(III).<sup>335</sup>

<sup>333</sup> The easement or covenant must authorize the solar energy facility to increase the ambient statistical noise levels, L10 or L50 on the sensitive property by more than 10 dBA at the appropriate measurement point.

<sup>334</sup> BCWOPSDoc108 BCW Noise Easements, 2008-10-16. (Pre-construction compliance).

<sup>335</sup> As described in Section III.E., Land Use, Goal 3 Exception, the Department recommends Council reject the certificate holder’s arguments for the Goal Exception for the southern portion of the solar facility due to soil classifications and active agricultural uses, and not grant a Goal Exception for that portion of the facility. If Council

**Recommended Noise Control Condition 2 (PRE-NC-02):** Prior to construction of the solar facility, the certificate holder must submit to the Department copies of executed legally effective easement(s) or real covenant(s) for all Noise Sensitive Properties impacted by the solar facility with noise exceedance. The easement or covenant must authorize the solar energy facility to increase the ambient statistical noise levels, L10 or L50, on the sensitive property by more than 10 dBA at the appropriate measurement point.  
[PRE-NC-01; OAR 340-035-0035(1)(b)(B)(iii)(III); Final Order on AMD4]

Based on the results of the noise modeling for operations, and subject to compliance with the recommended new site certificate conditions, the Department recommends that Council find that the facility, with the changes proposed in RFA4, would remain in compliance with OAR 340-035-0035.

#### **IV.A.2. Conclusions of Law**

Based on the foregoing analysis, and subject to compliance with the existing and recommended site certificate conditions described above, the Department recommends the Council find that the facility, with proposed changes, will comply with the applicable Noise Control Regulations in OAR 340-035-0035.

#### **IV.B. Removal-Fill**

The Oregon Removal-Fill Law (ORS 196.795 through 196.990) and Department of State Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within any “waters of the state.”<sup>336</sup> The Council, in consultation with DSL, must determine whether a removal-fill permit is needed and if so, whether a removal-fill permit should be issued. The analysis area for wetlands and other waters of the state is the area within the site boundary.

##### **IV.B.1. Findings of Fact**

There is one riverine wetland (WT03) and one intermittent stream (ST04) delineated, and concurred on August 12, 2025 by DSL, to be regulated waters of the state within the proposed Solar Micrositing Area.<sup>337, 338</sup> The location of WT03 and ST04 are presented in Figure 18 below. These two waters of the state are located outside of the perimeter fenceline; there is also an

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agrees and the facility is approved less the southern portion of the facility, the noise analysis and any noise waivers would be omitted from the applicable Noise control Conditions.

<sup>336</sup> ORS 196.800(15) defines “Waters of this state.” The term includes wetlands and certain other waterbodies.

<sup>337</sup> BCWAMD4Doc21-05 RFA Exhibit J Wetlands 2025-12-10, Attachment J-1.

<sup>338</sup> BCWAMD4Doc21-05 RFA Exhibit J Wetlands 2025-12-10, Attachment J-1 Wetland Delineation Concurrence 2025-0012.

existing road that parallels WT03, providing additional buffer and separation from the perimeter fenceline for the majority of the length of the stream.<sup>339</sup> Based on the preliminary facility layout, impacts to WT03 and ST04 are not anticipated. The certificate holder represents that it would maintain a minimum 50-foot avoidance buffer from any disturbance activities to the boundary of the delineated waters of the state.<sup>340</sup>

Changes in land use, hydrology or in DSL's regulations could occur over time; therefore, DSL's concurrence is only valid for a 5-year timeframe, or until August 12, 2030.<sup>341</sup> As presented in Section III.A. *General Standard of Review* of this Order, the Department recommends Council impose a construction commencement deadline 6-years from the date of approval, if approval is granted. Because the recommended commencement deadline allows for construction to occur after the DSL concurrence expiration, and because it is necessary to ensure waters of the state are properly delineated and either avoided, mitigated if impacted and/or that a removal fill permit is obtained if impacts are 50 cubic yards or greater, the Department recommends that the Council impose a requirement that the certificate holder submit and obtain a renewed concurrence of its WD 2025-0012, if construction activities do not commence by August 12, 2030.<sup>342</sup>

**Recommended Removal-Fill Condition 1 (PRE-WL-01):**

- a. Certificate holder shall flag and avoid, or develop constraints mapping, identifying a 50-foot avoidance buffer from the delineated boundary of wetland WT03 and intermittent waterway ST04 (Wetland Delineation Report WD #2025-0012) to ground disturbing activities.
- b. Prior to August 12, 2030, if construction of the solar facility has not yet commenced, the certificate holder must submit a renewal request to DSL for Wetland Delineation Report WD #2025-0012. Certificate holder must provide a copy of DSL reissuance to the Department, once obtained.  
[Final Order on AMD4]

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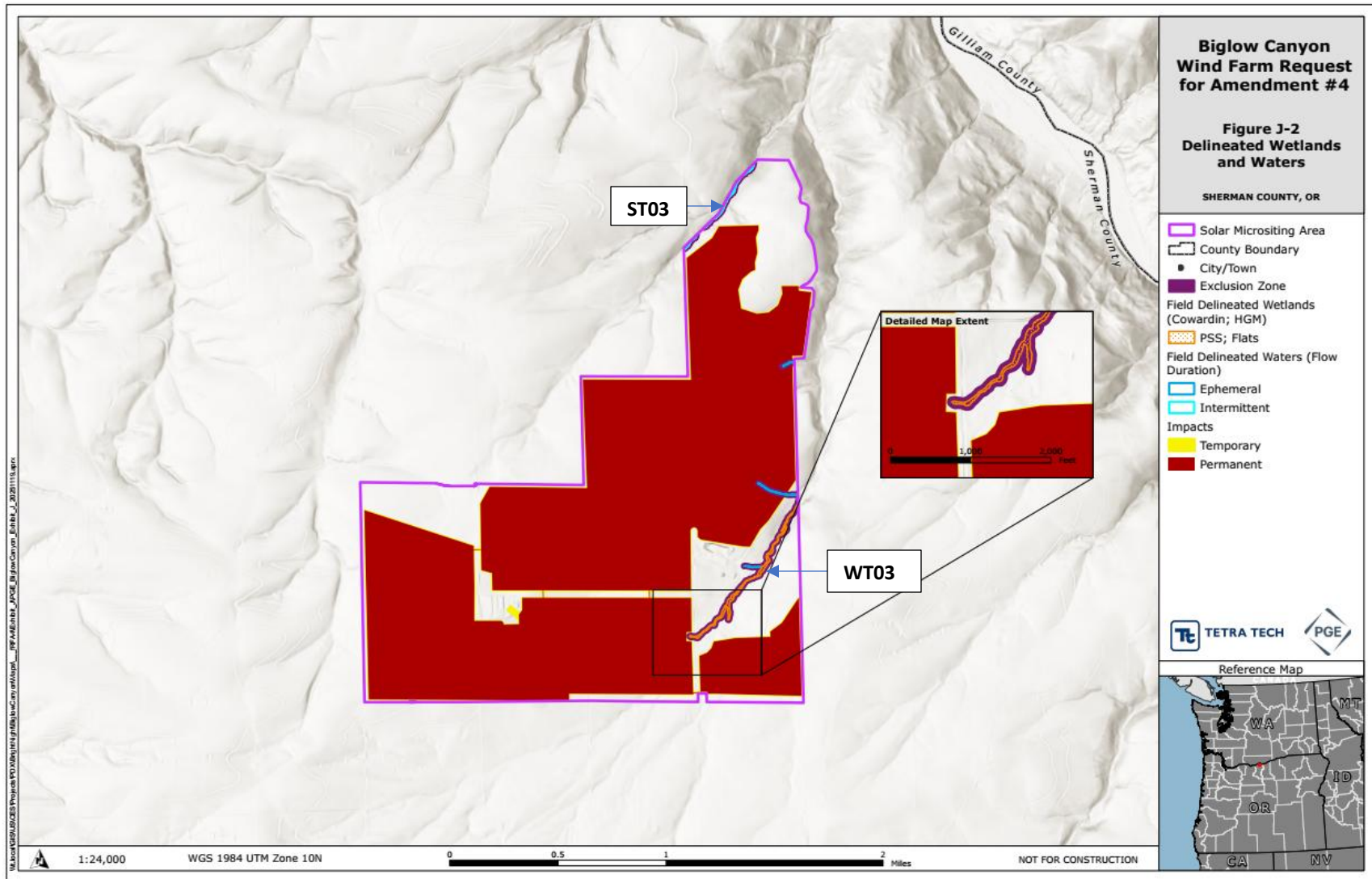
<sup>339</sup> BCWAMD4Doc21-05 RFA Exhibit J Wetlands 2025-12-10, Figures 5.12 – 5.18.

<sup>340</sup> BCWAMD4Doc21-05 RFA Exhibit J Wetlands 2025-12-10, Section 4.0.

<sup>341</sup> BCWAMD4Doc21-05 RFA Exhibit J Wetlands 2025-12-10, Attachment J-1 Wetland Delineation Concurrence 2025-0012.

<sup>342</sup> Renewal requests is an allowable process under OAR 141-090-0045.

Figure 18: Delineated Wetlands and Waters



1  
2

1 **IV.B.2. Conclusions of Law**

2  
3 Based on the foregoing analysis, and subject to compliance with the proposed conditions  
4 described above, the Department recommends the Council find that the facility components  
5 proposed in RFA4 will comply with the Council's Soil Protection standard.  
6

7 **IV.C. Water Rights**

8  
9 Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources  
10 Department (OWRD) administers water rights for appropriation and use of the water resources  
11 of the state. Under OAR 345-022-0000(1)(b), the Council must determine whether the facility,  
12 with proposed changes, would comply with the statutes and administrative rules identified in  
13 the project order. The project order identifies OAR 690, Divisions 310 and 380 (Water  
14 Resources Department permitting requirements) as the administrative rules governing use of  
15 water resources and water rights as applicable to the facility.  
16

17 **IV.C.1. Findings of Fact**

18  
19 Construction related water use is anticipated to utilize up to 28,390 gallons per day, or  
20 approximately 26 million gallons total, for dust suppression, road compaction, concrete mixing,  
21 and equipment washing. Construction water will likely be obtained from a municipal source,  
22 such as City of Wasco, which affirmed capacity to meet the forecasted construction water  
23 demand.<sup>343</sup> Potable water will also be required for sanitation and drinking water, which will be  
24 obtained from the existing, exempt well or from bottled water.  
25

26 As presented in Section IV.M.1 *Public Services, Water Use* of this order, the Council previously  
27 imposed Condition 74 which required that, during construction, the certificate holder and its  
28 contractors obtain water from previously permitted sources. This condition applies to the water  
29 usage associated with AMD4. However, the Department recommends Council amend Condition  
30 74 to add clarity on the documentation to be submitted to afford the Department the ability to  
31 verify that the water source has the legal ability to provide the type and quantity of water  
32 needed for construction.  
33

34 During operations, up to 330,000 gallons per year may be needed for potable water and panel  
35 washing. Operational water would be obtained from the facility's existing, exempt well or a  
36 newly constructed exempt well. The existing well at the O&M building is limited to 5,000  
37 gallons per day in order to maintain permit-exempt status from OWRD.<sup>344</sup> If a new well is  
38 constructed to support a new O&M building, the same 5,000 gallons per day limit applies, but  
39 applies to combined well water usage (i.e., 5,000 gallon per day limit applies to one or many  
40 wells located on any lands under common ownership).

---

<sup>343</sup> BCWAMD4Doc21-15 RFA Exhibit U Public Services 2025-12-10, Attachment U-1.

<sup>344</sup> Under ORS 537.545(1)(f), an exempt use of ground water includes any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day.

Under OWRD rules, a well system that uses less than 5,000 gallons of water per day for a single industrial or commercial purpose are exempt from registration, permits, or ground water right certificates. The provisions of ORS 537.545 require the owner of the land on which an exempt well is drilled to provide to the OWRD a map showing the exact location of the well, as well as pay a recording fee to OWRD. ORS 537.765 requires a well log containing specific information described in ORS 537.765 to be filed with the Water Resources Commission when a new exempt well is drilled, or an existing well is altered, converted, or abandoned.

If a new exempt, well is constructed, the Department recommends the Council impose the following conditions:

**Recommended Water Rights Condition 1 (PRE-WR-01)**

Prior to construction of any new well, the certificate holder shall provide the Department a copy of the map, well log and all other information it provided to OWRD pursuant to ORS 537.545 and ORS 537.765 to qualify for an exempt ground water use for any onsite exempt wells.

[Final Order on AMD4]

The Council previously imposed Condition 75 restricting the water use and quantity of the onsite well. This condition continues to apply; however, the Department recommends that the condition be amended to require usage monitoring and recording to ensure that the 5,000 gallons per day limit for the system is not exceeded without a permit.

**Recommended Amended Condition 75**

For any onsite wells, ~~Before beginning operation of the facility, the certificate holder shall have in operation a well suitable for delivering water, combined water usage shall not exceeding 5,000 gallons per day, for domestic use at the facility's O&M buildings and, provided the rate of extraction would not exceed 5,000 gallons per day, solar panel and blade-washing activities.~~ Certificate holder shall monitor the volume of groundwater used on a daily basis, maintain a record of such use and make the monitoring records available to the Department upon request. ~~The certificate holder shall not change the source of water for the facility's domestic use without prior Council approval.~~

[Final Order on AMD4]

The Department also recommends that Condition 75 be amended to remove a requirement that the certificate holder obtain Council approval for any offsite water sources because of the changes the Department has recommended for Condition 76.

As presented in Section IV.M.1 *Public Services, Water Use* of this order, recommended Amended Condition 76 requires that, prior to and during operations, the certificate holder estimate its annual operational water demand and provide evidence that any offsite source has the legal ability to provide the quantity and serve the use needed by the facility.

1 **IV.C.2. Conclusions of Law**

2  
3 Based on the foregoing findings of facts and recommended conditions, the Department  
4 recommends that the Council conclude that the facility components proposed in RFA4 do not  
5 need a groundwater permit, surface water permit, or water right transfer.



1 **V. PROPOSED CONCLUSIONS AND ORDER**

2  
3 Based on the recommended findings of fact and conclusions of law included in this order, under  
4 OAR 345-027-0375, the Department recommends Council find that the preponderance of  
5 evidence on the record, including the record of RFA4 and of the *Final Order on ASC*, supports  
6 the following conclusions:  
7

- 8 1. The facility as amended complies with the applicable substantive criteria under the  
9 Council's Land Use standard, as described in OAR 345-022-0030, from the date RFA4  
10 was submitted.  
11  
12 2. The facility as amended complies with the requirements of the Energy Facility Siting  
13 Statutes ORS 469.300 to 469.520.  
14  
15 3. The facility as amended complies with all applicable standards adopted by Council  
16 pursuant to ORS 469.501, in effect on the date Council issues its Final Order.  
17  
18 4. The facility as amended complies with all other Oregon statutes and administrative  
19 rules identified in effect on the date Council issues its Final Order.  
20

21 Accordingly, the Department recommends Council find that the facility as amended complies  
22 with the General Standard of Review OAR 345-022-0000 and OAR 345-027-0375. The  
23 Department recommends that the Council find, based on a preponderance of the evidence on  
24 the record, that the site certificate may be amended as requested.  
25

26 The Department therefore recommends that the Council approve Request for Amendment 4 of  
27 the Biglow Canyon Wind Farm Site Certificate, and issue the 4th Amended Site Certificate  
28 included as Attachment A to this Order.  
29

30 Issued December 16, 2025

31  
32 OREGON DEPARTMENT OF ENERGY

33 *Todd Cornett*

34 [Todd Cornett \(Dec 16, 2025 14:41:32 PST\)](#)

35 Todd Cornett, Assistant Director For Siting  
36  
37  
38  
39  
40  
41  
42  
43

**ATTACHMENTS**

- Attachment A: Draft Fourth Amended Site Certificate (red-line)
- Attachment B: Reviewing Agency Comments on preliminary RFA4
- Attachment C: Draft Operations and Maintenance Framework Plan
- Attachment D: Draft Comprehensive Solar Revegetation and Soil Management Plan
- Attachment E: Draft Community Investment Plan
- Attachment F: Draft Amended Habitat Mitigation Plan
- Attachment G: Draft Construction Wildfire Mitigation Plan
- Attachment H: Draft Inadvertent Discovery Plan
- Attachment I: Decommissioning Cost Estimate Summary Table

**Attachment A: Draft Fourth Amended Site Certificate  
(red-line)**

ENERGY FACILITY SITING COUNCIL  
OF THE STATE OF OREGON

~~THIRD~~ FOURTH AMENDED SITE CERTIFICATE FOR THE  
BIGLOW CANYON WIND FARM

ISSUANCE DATES

|                                        |                                           |
|----------------------------------------|-------------------------------------------|
| <u>Site Certificate</u>                | <del>October 31, 2008</del> June 30, 2006 |
| <u>First Amended Site Certificate</u>  | November 3, 2006                          |
| <u>Second Amended Site Certificate</u> | May 10, 2007                              |
| <u>Third Amended Site Certificate</u>  | October 31, 2008                          |
| <u>Fourth Amended Site Certificate</u> | DATE, 2026                                |

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## 1.0 Introduction

This site certificate for the Biglow Canyon Wind Farm (“Biglow” or the “facility”) is issued and executed in the manner provided by ORS Chapter 469, by and between the State of Oregon (“State”), acting by and through its Energy Facility Siting Council (the “Council”), and Portland General Electric Company (“certificate holder”). This site certificate is a binding agreement between the State, acting by and through the Council, and the certificate holder. [Amendment #1]

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents related to the facility, which are incorporated herein by this reference: (a) the Council’s Final Order in the Matter of the Application for a Site Certificate for the Biglow Canyon Wind Farm (the “Final Order on the Application”); (b) the Council’s Final Order on Amendment #1; (c) the Council’s Final Order on Amendment #2; ~~and~~ (d) the Council’s Final Order on Amendment #3; and (e) the Council’s Final Order on Amendment #4. [Amendments #1, #2, #3 and #34]

In interpreting this site certificate, any ambiguity shall be clarified by reference to the following, in order of priority: (1) this Fourth Amended Site Certificate; (2) the Final Order on Amendment #4; ~~Third Amended Site Certificate~~; (23) the Final Order on Amendment #3; (34) the Final Order on Amendment #2; (45) the Final Order on Amendment #1; (56) the Final Order on the Application; and (6) the record of the proceedings that led to the Final Orders on the Application, Amendment #1, Amendment #2, ~~and~~ Amendment #3, and Amendment #4. [Amendments #1, #2, #3 and #43]

The terms used in this site certificate shall have the same meaning as set forth in ORS 469.300 and OAR 345-001-0010, except where otherwise stated or where the context clearly indicates otherwise.

## 2.0 Site Certification

- A. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate and retire a wind and solar power generation ~~energy~~ facility, together with certain related or supporting facilities, at the site in Sherman County, Oregon, as described in Section ~~4.0~~ 4.0 of this site certificate. ORS 469.401(1)
- B. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1)

- C. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council's Final Orders on the Application, Amendment #1, Amendment #2, ~~and Amendment #3, or Amendment #4~~. These matters include, but are not limited to: building code compliance, wage, hour and other labor regulations, local government fees and charges, and other design or operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3). [Amendments #1, #2, ~~and #3, #4~~]
- D. Both the State and the certificate holder shall abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is issued. In addition, upon a clear showing of a significant threat to public health, safety or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules. ORS 469.401(2)
- E. For a permit, license or other approval addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules. ORS 469.401(2)
- F. Subject to the conditions herein, this site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation and retirement of the facility as to matters that are addressed in and governed by this site certificate. ORS 469.401(3)
- G. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a permit, license or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. ORS 469.401(3)
- H. After issuance of this site certificate, each state agency or local government agency that issues a permit, license or other approval for the facility shall continue to exercise enforcement authority over such permit, license or other approval. ORS 469.401(3)
- I. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Department to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate. ORS 469.430

### 3.0 Descriptions



### 3.1 The Wind Facility

~~In the site certificate application, the certificate holder defined the range of possible turbine vendors, sizes and numbers. Subject to specific conditions, this site certificate allows the certificate holder to construct wind turbines within defined 500-foot wide turbine corridors and to select turbine vendor, turbine size, number of turbines to be installed and precise turbine layout before beginning construction. This site certificate allows the certificate holder to construct other facility components (collector lines, access roads, meteorological towers) within micro-siting areas. The facility is described further in the Final Order on Amendment #2. [Amendment #2]~~

1. Major Structures. The Biglow Canyon Wind Farm ~~will consist of up to 225-217~~ wind turbines (76 Vestas V82 1.65 MW and 141 Siemens 2.3 MWs) with an aggregate nominal nameplate generating capacity of up to 450 megawatts (MW) of electricity and an average electric generating capacity of up to 150 MW. ~~The Vestas V82 Turbines~~ turbines will be mounted on tubular steel towers ~~ranging in with a height from 265 to 280 of 262~~ feet at the hub ~~with and an~~ overall height of ~~from 400 to 445~~ 397 feet including the turbine blades. ~~The turbines will be erected within up to 30 corridors and spaced to optimize the facility's output. The facility will be~~ Wind turbines are located on private farmland that the certificate holder has leased from the affected landowners. [Amendments #1 and #2]

2. Related or Supporting Facilities. The facility includes the following related or supporting facilities:

a. Power Collection System.

Each wind turbine ~~will generate~~ power at about 600 volts. The transformer sitting at the base of each wind turbine unit ~~will increase~~ the voltage to 34.5 kilovolts (kV). From the transformer, power ~~will be~~ is transmitted to a central substation by means of electric cables. Most of the cables ~~will be~~ are buried three feet or more below the surface in trenches about 3 feet wide. In areas where collector cables from several turbine strings follow the same alignment, e.g., on approach to the substation, multiple sets of cables ~~may have been~~ installed within a single trench. ~~If the facility is fully developed, there will be~~ The facility contains approximately ~~be about~~ 106.75 miles of 3-wire collector cables. Generally, these cables ~~will be~~ are above, below or adjacent to the fiber optic cables comprising the supervisory control and data acquisition system. [Amendments #2 and #3]

~~In some locations~~ Approximately 3.9 miles, the ~~of 34.5 kV collector cables may be constructed~~ are above ground on pole or tower structures. ~~Aboveground structures would allow the collector cables to span terrain, such as canyons, native grasslands, wetlands, and intermittent streams, thereby reducing adverse environmental impacts, or to span cultivated areas, thereby reducing adverse impacts to farming operations. Poles or towers supporting aboveground segments of the power collection system will be~~ are about 23 to 28 feet tall.

~~Pending final site design, the certificate holder states that the length of the aboveground segments of the power collection system will be up to but not exceeding 15 miles.~~

b. Substations and Interconnection System.

The substation site ~~will be a~~ is a graveled, fenced area of up to 6 acres with transformers, switching equipment and a parking area. Transformers ~~will be~~ are non-polychlorinated biphenyl (PCB) oil-filled types. The facility ~~will interconnects~~ with a new Bonneville Power Administration (BPA) system transmission line adjacent to the facility substation. [Amendment #2].

c. Meteorological Towers.

~~The certificate holder will place up to 10~~ There are 4 meteorological towers throughout the facility site to collect wind resource data. The towers ~~would be up to~~ are 279 feet tall.

d. Operations and Maintenance Building.

The site of the operations and maintenance buildings ~~will comprise about~~ is 5 acres adjacent to the substation on Herin Lane. The O&M buildings ~~will occupy~~ occupies about 17,500 square feet and ~~will include~~ includes office and workshop areas, control room, kitchen, bathroom, shower, utility sink, and other typical facilities. Water for the bathroom, shower and kitchen ~~will be~~ is obtained from an onsite well constructed by a licensed contractor in accordance with local and state requirements. Water use from all onsite wells may not cumulatively exceed 5,000 gallons per day, unless a permit is obtained from OWRD. will not be expected to exceed 1,000 gallons per day. Domestic wastewater generated at the O&M facility ~~will drain~~ into an onsite septic system. A graveled parking area for employees, visitors and equipment will be is located adjacent to the O&M facility. [Amendments #2 and #3]

e. Control System.

~~The certificate holder will install~~ The facility includes a supervisory control and data acquisition (SCADA) system to assist with the remote operation of the wind turbines, to collect data from each wind turbine, and to archive wind and performance data from various sources. The SCADA system ~~will be~~ is linked by means of fiber optic cables or other means of communication to a central computer in the O&M facility.

f. Access Roads.

~~The certificate holder will construct~~ The facility includes about ~~44~~ 41.7 miles of ~~new~~ roads to provide access to the wind turbine strings, together with turnaround areas at the end of each wind turbine string. The roads ~~will be~~ are about 16 feet wide (possibly up to 28 feet wide in some locations) and ~~will be~~ are composed of crushed gravel with shoulders (without gravel) about 3 feet wide. ~~In addition, the certificate holder will improve about 0.7 mile of existing~~

roads by providing an all-weather surface and, in some cases, widening the roads to accommodate construction vehicles. [Amendments #2 and #3]

g. Temporary Laydown and Staging Areas.

Depending on whether it proceeds with the 150 turbine or 225 turbine configuration, the certificate holder will use a total of 186 or 261 laydown and staging areas to stage construction and store supplies and equipment during construction of the facility. The certificate holder will develop one 18,500 square-foot laydown area at the site of each wind turbine, a one-acre laydown area for each wind turbine string, and six additional 5-acre laydown areas at various locations throughout the facility site. The laydown areas will have a crushed gravel surface and will be returned to their pre-construction condition following completion of construction of the facility.

h. Temporary Crane Paths.

The certificate holder will develop temporary crane paths, totaling approximately 16 miles, in order to move construction cranes between turbine corridors. The temporary crane paths will be returned to their pre-construction condition following completion of construction of the facility. [Amendments #2 and #3]

### 3.2 The Solar Facility

The solar facility includes up to 125 MW solar photovoltaic power generation components; a battery energy storage system (BESS) with up to 500 megawatt-hours (MWh) of discharge capacity; and other related or supporting facilities.

The approximate dimensions and specifications approved to be constructed and operated are presented in Table 1 below. The final design of the solar facility must substantially comply with these dimensions and specifications.

**Table 14: Solar Facility Component Summary**

| <u>Component and Design Standard</u>                                                                                                      | <u>No.</u>     | <u>Unit</u>    |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| <u>Site Boundary</u>                                                                                                                      |                |                |
| <u>Solar Micrositing Area</u>                                                                                                             | <u>1,924</u>   | <u>acres</u>   |
| <u>Max. Permanent footprint</u>                                                                                                           | <u>1,445</u>   | <u>acres</u>   |
| <u>Min. setback from turbines</u>                                                                                                         | <u>520</u>     | <u>feet</u>    |
| <u>Maximum nominal generating capacity</u>                                                                                                | <u>125</u>     | <u>MW</u>      |
| <u>Modules (590w module with monocrystalline solar cells, antireflective coating, metal frame, and factory installed wire connectors)</u> |                |                |
| <u>Approx. number of modules</u>                                                                                                          | <u>264,836</u> | <u>modules</u> |
| <u>Approx. module dimensions (W x L)</u>                                                                                                  | <u>45x90</u>   | <u>inches</u>  |
| <u>Tracking System</u>                                                                                                                    |                |                |

**Table 11: Solar Facility Component Summary**

| <b><u>Component and Design Standard</u></b>                                                                                                                                               | <b><u>No.</u></b>    | <b><u>Unit</u></b>     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------|
| <u>Mounting height</u>                                                                                                                                                                    | <u>5</u>             | <u>feet AGL</u>        |
| <u>Avg. Height at full tilt</u>                                                                                                                                                           | <u>7.5 to 10</u>     | <u>feet AGL</u>        |
| <u>Max. Height at full tilt</u>                                                                                                                                                           | <u>15</u>            | <u>feet AGL</u>        |
| <b><u>Steel Posts (hollow, screw, or pile-type)</u></b>                                                                                                                                   |                      |                        |
| <u>Approx. Total Number</u>                                                                                                                                                               | <u>32,621</u>        | <u>posts</u>           |
| <u>Avg. Installation Depth</u>                                                                                                                                                            | <u>7 to 15</u>       | <u>Feet BGL</u>        |
| <b><u>Power Conversion Stations (Inverter with integrated Step-Up Transformer)</u></b>                                                                                                    |                      |                        |
| <u>Approx. Total Number</u>                                                                                                                                                               | <u>33</u>            | <u>each</u>            |
| <u>Noise Level</u>                                                                                                                                                                        | <u>92</u>            | <u>dBA (Broadband)</u> |
| <u>Transformer Oil-Containing Capacity (each)</u>                                                                                                                                         | <u>700</u>           | <u>gallons</u>         |
| <b><u>Battery Energy Storage System (Lithium-ion)</u></b>                                                                                                                                 |                      |                        |
| <u>BESS Yard Site Size</u>                                                                                                                                                                | <u>5</u>             | <u>acres</u>           |
| <u>Battery Containers (of Battery Containers on foundations with integrated inverters, HVAC and fire suppression systems, SCADA)</u>                                                      |                      |                        |
| <u>Max. Number Enclosures / Inverters</u>                                                                                                                                                 | <u>153</u>           | <u>Units</u>           |
| <u>Approx. Dimensions (HxWxL)</u>                                                                                                                                                         | <u>10 x 5.5 x 29</u> | <u>Feet</u>            |
| <u>BESS Unit and Inverter Noise Level</u>                                                                                                                                                 | <u>84</u>            | <u>dBA (Broadband)</u> |
| <u>BESS Inverters</u>                                                                                                                                                                     | <u>153</u>           | <u>each</u>            |
| <u>BESS Transformers</u>                                                                                                                                                                  | <u>39</u>            | <u>each</u>            |
| <u>Transformer Height</u>                                                                                                                                                                 | <u>10</u>            | <u>feet</u>            |
| <u>BESS Transformer Noise Level</u>                                                                                                                                                       | <u>80</u>            | <u>dBA (Broadband)</u> |
| <u>Transformer Oil-Containing Capacity</u>                                                                                                                                                | <u>700</u>           | <u>Gallons/each</u>    |
| <b><u>Related or Supporting Facility Components</u></b>                                                                                                                                   |                      |                        |
| <b><u>34.5 kV Collection System</u></b>                                                                                                                                                   |                      |                        |
| <u>Collector line length, underground</u>                                                                                                                                                 | <u>52</u>            | <u>miles</u>           |
| <u>Temporary Impact Corridor (limit)</u>                                                                                                                                                  | <u>50</u>            | <u>feet</u>            |
| <b><u>Collector Substation</u></b>                                                                                                                                                        |                      |                        |
| <u>Includes GSU transformers, switches, breakers, surge arrestors, metering equipment, grounding, and associated control wiring. Certain equipment is enclosed in a control building.</u> |                      |                        |
| <u>Site size</u>                                                                                                                                                                          | <u>4.2</u>           | <u>acres</u>           |
| <u>Generator Step-Up Transformers</u>                                                                                                                                                     | <u>1</u>             | <u>each</u>            |
| <u>Transformer Oil-Containing Capacity</u>                                                                                                                                                | <u>10,000-15,000</u> | <u>gallons</u>         |
| <u>Transformer Noise Level</u>                                                                                                                                                            | <u>106</u>           | <u>dBA</u>             |
| <u>Control building dimensions</u>                                                                                                                                                        | <u>40x15</u>         | <u>Feet</u>            |
| <u>Height of structures</u>                                                                                                                                                               | <u>8 to 25</u>       | <u>feet</u>            |
| <b><u>230 kV Transmission Line</u></b>                                                                                                                                                    |                      |                        |
| <u>Length</u>                                                                                                                                                                             | <u>600</u>           | <u>feet</u>            |
| <u>Corridor Width (contains all disturbance)</u>                                                                                                                                          | <u>150</u>           | <u>Feet</u>            |

**Table 11: Solar Facility Component Summary**

| <b>Component and Design Standard</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>No.</b>     | <b>Unit</b>  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------|
| <u>Corridor Area</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>2</u>       | <u>acres</u> |
| <u>Steep Monopole Support Structures</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>4</u>       | <u>each</u>  |
| <u>Height of Support Poles</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>80</u>      | <u>feet</u>  |
| <b><u>O&amp;M Facility</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                |              |
| <u>Steel building/prefabricated office structure with adjacent storage enclosures and parking areas, well, septic system.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |              |
| <u>Building Dimensions</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>60 X 12</u> | <u>foot</u>  |
| <u>Site size</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>3</u>       | <u>Acres</u> |
| <u>400 ft<sup>2</sup> Storage Containers</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>3</u>       | <u>Each</u>  |
| <b><u>Internal Access Roads</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |              |
| <u>Length (graveled)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>10.5</u>    | <u>miles</u> |
| <u>Width</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>20</u>      | <u>feet</u>  |
| <u>Vegetation Management Buffer (both sides)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>10</u>      | <u>feet</u>  |
| <b><u>Perimeter Fence</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                |              |
| <u>Total Length</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>92,400</u>  | <u>Feet</u>  |
| <u>Height</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>8</u>       | <u>Feet</u>  |
| <u>Access gates</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>5</u>       | <u>each</u>  |
| <u>Vegetation Management Buffer</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>20</u>      | <u>Feet</u>  |
| <b><u>Temporary Construction Areas</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |              |
| <u>Site Size</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>8.7</u>     | <u>Acres</u> |
| <u>1,000-gal aboveground fuel storage tanks</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <u>3</u>       | <u>Each</u>  |
| <u>Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&amp;M = operations and maintenance; SCADA = supervisory, control and data acquisition</u><br><u>Sources: RFA4, Table 1.</u><br><u>Notes:</u><br><u>1. The Solar Micrositing Area would occupy approximately 1,445 acres within fenced areas and transmission line corridor. The entire solar facility footprint is considered a permanent disturbance area for the purposes of evaluating and mitigating impacts to resources such as Fish and Wildlife Habitat; however, soil reclamation and weed management is applicable to the solar facility footprint as discussed in applicable section in this order.</u> |                |              |

### **Solar Photovoltaic Power Generation Facilities**

The solar components have a nameplate generating capacity of up to 125 MW. The addition of the solar and battery components increases the peak generating capacity of the facility, as a whole, to 575 MW.

Solar photovoltaic power generation facilities typically consist of rows of photovoltaic modules mounted on a racking system that is either fixed in place or able to track the sun on one or more axes. The racking system is typically supported by steel posts that are either driven directly into the ground or installed into pre-drilled holes. The low voltage DC output of the photovoltaic modules is collected with a cabling system and transmitted to inverter and

transformer units which convert the output of several rows of modules to 35-kV AC power that can be collected via the facility's electrical collector system. The ground below and surrounding the solar arrays would mostly be vegetated, with gravel where needed for maintenance and access roads or where gravel already exists.

### Modules

Modules typically consist of mono or poly-crystalline solar cells, antireflective coating, non-specular, galvanized steel racks, and factory installed wire connectors. The modules will be connected in series to form strings which are then collected via combiners, cables, and switchboards. The type and number of modules required will be determined at final facility design based on the technology available at that time. The certificate holder assumes use of N-type monocrystalline solar cells.

### Tracking System

Strings of modules will be mounted on single-axis tracker systems to optimize electricity production by rotating the solar modules to follow the path of the sun throughout the day. Each set of modules is expected to be mounted approximately 5 feet off the ground on a single-axis tracker that rotates 60 degrees to the east and west. At maximum tilt, the top edge of the modules is expected to be 7.5 to 10 feet above ground level with a maximum of 15 feet where topography curves under a row. The tracker system and associated posts will be designed to withstand wind, snow, and seismic loads anticipated at the site.

### Posts and Foundations

Each tracker row will be supported by multiple steel posts. Hollow steel sections, screw piles, or pile-type posts may be used. Posts will typically be installed 7 to 15 feet below the ground surface and extend approximately 5 feet above grade. Exterior posts at the end of tracker rows are typically installed to greater depth to withstand inclement weather including high wind conditions. In some soil conditions, concrete grouting may be used as backfill, as required. The total number of posts and foundation installation methods required will be determined during detailed design of the tracker system and future geotechnical investigations.

### Cabling

Cables will be used to collect and aggregate the DC output of multiple tracker rows for transmission to the inverter/inverter step-up transformer units described below. Cabling may be installed underground along tracker rows and aggregated using combiner boxes or installed aboveground in aluminum trays or using harnessing if a trunk bus system is used for aggregation. Either system requires a similar amount of cabling.

### Power Conversion Stations (PCS)

Integrated inverter and step-up transformer systems called Power Conversion Stations (PCS), or similar systems, will be installed throughout the solar arrays to convert the low-voltage DC output of the modules to 34.5 kV AC power that can be transmitted via the electrical collector system. Each transformer will contain approximately 700 gallons of mineral oil. Each PCS will be installed on a concrete pad or pile-supported foundation. The inverter specifications will comply with the applicable requirements and standards of the National Electric Code and Institute of Electrical and Electronics Engineers standards.

### **Battery Energy Storage Systems**

The BESS will be AC-coupled and located adjacent to the collector substation on a fenced 5-acre site.

The BESS will consist of modular enclosures that hold lithium-ion batteries, battery management systems, integrated inverters, and fire prevention systems. Cooling units will be placed either on top of or along the side of the enclosures may include separate chiller plants. Each enclosure will be placed on a concrete pad or pile-supported foundation. The enclosures will be manufactured, assembled, and inspected off-site prior to installation. Each enclosure will be installed on a concrete pad or pile foundation.

The BESS will use lithium-ion (Li-ion) batteries. Li-ion batteries are a type of rechargeable battery where lithium ions, suspended in a gel or liquid electrolyte, move from negative to positive electrodes and back when recharging. A Li-ion battery typically consists of a modular unit containing multiple cells, which are hermetically sealed pouches that serve as primary containment for the electrolyte solution. Modules are placed in anchored racks and wired into strings, with each enclosure containing multiple battery strings. Each enclosure may contain up to 10,000 cells.

Lithium-ion batteries and electrolyte are typically considered to be hazardous materials due to their flammability and potential for chemical reaction. Electrolyte can only escape (as vapor) in the unlikely case that a battery module fails, and while the enclosure itself provides additional containment in the event of a module failure, venting may be required in the event of a fire or other emergency. Due to the risks, the U.S. Department of Transportation and U.S. Environmental Protection Agency also require special handling when transporting or disposing of lithium-ion batteries.

Initially, the BESS will include up to 153 modular enclosures; however, because battery performance degrades over time additional batteries and associated equipment will be periodically augmented as needed to maintain the design capacity of the system. Approximately 183 enclosures will be installed at the site over the life of the facility.

### **BESS Transformers**



The BESS includes up to 39 transformers to increase the output voltage from the inverters integrated into the BESS enclosures (typically 660 volts) to the substation feed voltage (34.5-kilovolt [kV] AC). The transformers are anticipated to be approximately 8 to 10 feet in height and will be installed on a concrete pad or pile-supported foundation. Each transformer will contain approximately 700 gallons of mineral oil for cooling. Oils needed for maintenance will be delivered by a licensed maintenance contractor on an as-needed basis, and no substantial quantities will be stored on-site.

### BESS Yard

The BESS facilities will be located in a fenced, graveled yard, adjacent to the collector substation discussed below. The total area expected to be occupied by the BESS yard is approximately 5 acres.

### **Other Related or Supporting Facilities**

#### 34.5 kV Electrical Collection System

The output of the ISU and BESS transformers will be aggregated and transmitted to the collector substations via underground 34.5-kV collector lines. Up to 52 miles of collector line will be installed within the solar array fence lines. The collector lines will be buried to a minimum of 3 feet at lateral depth, with junction splice boxes positioned intermittently along the lines for maintenance access.

#### Collector Substation

A new collector substation will be constructed to aggregate and convert the 34.5 kV power transmitted through the electrical collection system to 230-kV power that can be transmitted to the grid from the existing Biglow Canyon Substation.

The substation will include a generator step-up (GSU) transformer and other electrical equipment including, but not limited to switches, breakers, surge arrests, metering equipment, grounding, and associated control wiring. Certain equipment, including breakers and transformer equipment, will be enclosed in a control building. The GSU transformer is expected to be a ground-mounted unit constructed on a concrete pad. The transformer will contain between 10,000 and 15,000 gallons of mineral or seed oil for cooling and insulation.<sup>1</sup> To minimize the potential for spills, the GSU transformer will be equipped with a secondary containment trap sized to contain the amount of oil inside the transformer plus an additional volume for deluge water and required freeboard.

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<sup>1</sup> Consistent with federal regulations, the oils used in transformers do not contain polychlorinated biphenyls or compounds listed as extremely hazardous by the U.S. Environmental Protection Agency.



### 230-kV Overhead Transmission Line

The solar facility will include an approximately 600-foot long 230 kV overhead transmission line connecting the Collector Substation to the existing Biglow Canyon Substation. The transmission line will be supported by up to four steel monopole support structures ranging from 80 to 160 feet tall. Pulling and tensioning areas may also be installed during construction of the transmission lines.

### O&M Building

A new O&M facility will be constructed in the solar area. The O&M facility will include a steel building or prefabricated office structure with facilities for staff use; enclosures for storing spare parts and maintenance equipment; and space for parking service staging zone and clearance areas. The O&M facility will have a septic system, and a septic system permit will be obtained from the Sherman County Public Health Department. Small quantities of lubricants, degreasers, herbicides, or other chemicals may be stored at the O&M facilities. In addition, up to approximately 4,080 spare modules may be stored at the O&M facilities for replacement over the life of the solar components.

### Communications and SCADA System

The SCADA for the solar facility will be integrated with the SCADA for the wind facility, allowing facility operating parameters, power output, and other variables such as meteorological conditions to be constantly monitored from the facility control rooms and remote locations.

### Internal Access Roads

Approximately 10.5 miles of new access roads will be constructed within the solar array areas to provide access to the facility components. In accordance with Oregon Fire Code Section 503, access roads will be approximately 20 feet wide and will be graveled to meet load requirements for all equipment and emergency access needs.

### Perimeter Fencing, and Gates

Each solar array, with any collocated related or supporting facility components, will be enclosed by seven-foot-tall chain-link perimeter fencing with one foot of razor or barbed wire at the top. Fences will be constructed and grounded in accordance with NESC Rule 110. Vehicle access to the facility will be provided by lockable vehicle gates. Additional gates may be installed for emergency exit or removal of wildlife.

### Temporary Construction Areas

Up to 8.7 acres will be used as a temporary construction area to store supplies and equipment and facilitate the delivery and assembly of materials and equipment during construction. Additional temporary construction areas may be utilized within the permanent footprint of the solar arrays. The area will consist of a crushed gravel surface that will be removed following construction, crushed gravel surface that will remain following construction because that was the pre-existing surface condition, or vegetation that is left in place for which the need to revegetate will be evaluated following construction. Nonreportable quantities of herbicides, insecticides, paint, cleaners, solvents, or other chemicals may be used and stored in the temporary construction areas. Up to three aboveground 1,000-gallon fuel tanks may be installed in an area within the temporary construction area that provides secondary containment.

Concrete for construction of foundations will come directly from licensed suppliers and there would not be an on-site batch plant installed at the temporary construction area.

### **Solar Micrositing Area**

The solar facility components are approved to be located within a 1,924-acre Solar Micrositing Area, as presented in Figure 1.

The existing Biglow Canyon Substation, which will be the point of interconnection for the solar facility components to the regional transmission grid, is located within the Solar Micrositing Area.

### **3-23.3 Location of The Facility**

The facility is located about 2.5 miles northeast of Wasco in Townships 1 and 2 North, Ranges 17 and 18 East, Willamette Meridian, Sherman County, Oregon.

The conditions of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).<sup>2</sup> The table below presents a “key” for phase of implementation:

| <b><u>Key</u></b> | <b><u>Type of Conditions/Phase of Implementation</u></b>             |
|-------------------|----------------------------------------------------------------------|
| <b><u>GEN</u></b> | <b><u>General Conditions: Design, Construction and Operation</u></b> |
| <b><u>PRE</u></b> | <b><u>Pre-Construction Conditions</u></b>                            |
| <b><u>CON</u></b> | <b><u>Construction Conditions</u></b>                                |

<sup>2</sup> The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

| <u>Key</u> | <u>Type of Conditions/Phase of Implementation</u> |
|------------|---------------------------------------------------|
| <u>PRO</u> | <u>Pre-Operational Conditions</u>                 |
| <u>OPR</u> | <u>Operational Conditions</u>                     |
| <u>RET</u> | <u>Retirement Conditions</u>                      |

The facility is approved to be constructed in phases. Therefore, preconstruction and construction conditions include language allowing for the condition to be satisfied based on the applicability of the requirements to the location or component to be constructed, rather than the entirety of the facility, components or site not yet constructed or impacted.

#### **4.0 Specific Facility Conditions Applicable To The Entire Facility**

The conditions listed in this section ~~include conditions~~ are based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the ~~applicant~~ certificate holder. These conditions are required under OAR 345-~~027025-00200006~~ 00200006(10).

This section includes other specific facility conditions the Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety.

#### 4.1 General (GEN) Conditions: Design, Construction and Operations

| Condition Number                                                           | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>GEN-GS-01</u>                                                           | <del>(101) OAR 345-027-0020(1):</del> The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.<br><del>[OAR 345-027-0020(1); Final Order on ASC, Condition 101; AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>GEN-GS-02</u>                                                           | <del>(14)</del> Notwithstanding <del>OAR 345-027-0050(2)</del> <u>0353(1)</u> , an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility <del>and/or</del> would increase the number of wind turbines or the dimensions of existing wind turbines.<br><del>[Final Order on ASC, Condition 14; AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                               |
| <u>GEN-GS-03</u>                                                           | <del>(103) OAR 345-027-0020(3):</del> The certificate holder shall design, construct, operate and retire the facility:<br>a. Substantially as described in the site certificate;<br>b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and<br>c. In compliance with all applicable permit requirements of other state agencies.<br><del>[OAR 345-027-0020(3); Final Order on ASC, Conditions 13, 103; AMD4]</del>                                                                                                                                                                                                      |
|                                                                            | <del>(104) OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                                            | <del>(11) The certificate holder shall begin construction of the facility by June 30, 2009. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2] [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                    |
|                                                                            | <del>(12) The certificate holder shall complete construction of the facility by June 30, 2011. Construction is complete when: (1) the facility is substantially complete as defined by the certificate holder's construction contract documents; (2) acceptance testing has been satisfactorily completed; and (3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2] [Deleted by AMD4]</del> |
|                                                                            | <del>(13) The certificate holder shall construct a facility substantially as described in the site certificate. [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                            | <del>(106) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of OAR Chapter</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Condition Number                                                         | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                          | <del>345, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. [Amendment #3] [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>GEN-GS-04</u>                                                         | <p><del>(120) OAR 345-027-0028: The following general monitoring conditions apply:</del></p> <p><del>(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Department of Energy and receive Department approval before beginning construction or, as appropriate, operation of the facility.</del></p> <p><del>(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.</del></p> <p><del>(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.</del></p> <p><del>(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.</del></p> <p><u>[OAR 345-027-0028; Final Order on ASC, Condition 120; Amendment #AMD3; AMD4]</u></p> |
| <u>GEN-GS-05</u>                                                         | <p><del>(107) OAR 345-027-0020(7): The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.</del></p> <p><u>[OAR 345-027-0020(7); Final Order on ASC, Condition 107; AMD4]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                          | <del>(110) OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant. [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b><i>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>GEN-OE-01</u>                                                         | <p><del>(115) OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 0400 apply to any transfer of ownership that requires a transfer of the site certificate.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Condition Number | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | [OAR 345-027-0020(15); Final Order on ASC; Condition 115; Amendment #AMD3; AMD4]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>GEN-OE-02</u> | <p><del>(2)</del>—The certificate holder shall contractually require all <del>construction</del> contractors and subcontractors involved in the construction <u>or operation</u> of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. <u>Any notice of violation, civil penalties, or other enforcement action issued under the site certificate will be issued to the certificate holder.</u></p> <p>[Final Order on ASC, Condition 2; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>GEN-OE-03</u> | <p><del>(15)</del>—The certificate holder shall obtain all necessary state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain necessary state and local permits or approvals.</p> <p>[Final Order on ASC, Condition 15; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>GEN-OE-04</u> | <p><del>(4)</del>—Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall:</p> <ol style="list-style-type: none"> <li><del>report</del> <u>Report the conditions or circumstances to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;</u></li> <li><u>Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;</u></li> <li><u>Submit a written report within 30 days of discovery to the Department. The report must contain:</u> <ol style="list-style-type: none"> <li><u>A discussion of the cause of the reported conditions or circumstances;</u></li> <li><u>The date of discovery of the conditions or circumstances by the responsible party;</u></li> <li><u>A description of immediate actions taken to correct the reported conditions or circumstances;</u></li> <li><u>A description of actions taken or planned to minimize the possibility of recurrence; and</u></li> <li><u>For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.</u></li> </ol> </li> <li><u>Upon receipt of a written report submitted under this condition, the Department may review the facility record for incidents or circumstances related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the</u></li> </ol> |

| Condition Number                                                            | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                             | <p><u>adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on RFA4, Attachment I and shall request and receive an updated bond or letter of credit from certificate holder in the adjusted amount.</u></p> <p>[Final Order on ASC, Condition 4; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>GEN-OE-05</u>                                                            | <p><del>(125) OAR 345-026-0170:</del> The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:</p> <ul style="list-style-type: none"> <li>a. There is an attempt by anyone to interfere with its safe operation;</li> <li>b. A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment; or</li> <li>c. There is any fatal injury at the facility.</li> </ul> <p>[OAR 345-026-0170; Final Order on ASC, Condition 125; <del>Amendment #AMD3, AMD4</del>]</p>                                                         |
| <u>GEN-OE-06</u>                                                            | <p><del>(124) OAR 345-026-0105:</del> The certificate holder and the Department of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department.</p> <p>[OAR 345-026-0105; Final Order on ASC, Condition 124, <del>Amendment #AMD3, AMD4</del>]</p> |
| <u>GEN-OE-07</u>                                                            | <p><del>(37)</del> During construction, operation or retirement of the facility, the certificate holder shall notify the Department within 72 hours of any accidents that may result in public health and safety concerns, including mechanical failures on the site associated with construction or operation of the facility.</p> <p>[Final Order on ASC, Condition 37; AMD4]</p>                                                                                                                                                                                                                                                                                                                                             |
| <b>STANDARD: Soil Protection (SP) [OAR 345-022-0022]</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>GEN-SP-01</u>                                                            | <p><del>(80)</del> The certificate holder shall use hazardous materials in a manner that protects public health, safety and the environment and shall comply with applicable local, state and federal environmental laws and regulations.</p> <p>[Final Order on ASC, Condition 80; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>GEN-LU-01</u>                                                            | <p><del>(18)</del> The certificate holder shall ensure that no equipment or machinery is parked or stored on any county road except while in use.</p> <p>[Final Order on ASC, Condition 18; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>GEN-RF-01</u>                                                            | <p><del>(108) OAR 345-027-0020(8):</del></p> <ul style="list-style-type: none"> <li>a. <del>Before beginning construction</del> <u>Prior to</u> of the facility, <u>or any component of the facility,</u> the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the</li> </ul>                                                                                                                                                                                                                                                                                                                                                       |



| Condition Number | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                  | <p>Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>b. <u>The certificate holder shall annually adjust all bonds or letters of credit submitted in compliance with this condition to present value using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' Oregon Economic and Revenue Forecast or by any successor agency (the "Index"). If at any time the Index is no longer published, the Department shall select a comparable calculation to adjust the amount to present value.</u></p> <p>[Final Order on ASC, Condition 108; Amendment #AMD3; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                  | <p><del>(8) — If the certificate holder elects to build the facility in more than one phase using any turbines other than the GE 1.5-MW turbines or GE 3.0-MW turbines, before beginning construction of any phase of the facility and after considering all micro-siting factors, the certificate holder shall provide to the Department a detailed map of that phase of the facility showing the final locations where facility components are proposed to be built in relation to the features and micro-siting corridors shown on Figures 2, 2a, 2b and 2c as identified in the Final Order on Amendment #3, shall identify on this map the facilities that would constitute that phase of construction, and shall provide documentation defining the quantities of each of the following components that would constitute that phase of construction: turbines, pad transformers, meteorological towers, substation, O&amp;M facility, miles of aboveground 34.5-kV collector system, miles of access road, acres of turnarounds and access road intersections, acres of temporary laydown area and miles of temporary crane paths. For each turbine, the certificate shall define the turbine manufacturer, turbine capacity, weight of steel, height of tower, sweep of blade, and size of concrete foundation. [Amendments #2 and #3]. [Deleted by AMD4]</del></p> |
| GEN-RF-02        | <p><del>(9) — In February 2007, in accordance with the terms and conditions of the First Amended Site Certificate, the certificate holder submitted to the State of Oregon through the Council a letter of credit in the amount of \$1.608 million before beginning construction of Phase 1 of the facility. The calculation of the amount of the letter of credit included a deduction from the estimated cost of site restoration for Phase 1 for the estimated value of scrap steel. In the Final Order on Amendment #2, the Council found that there should be no deduction of scrap or salvage value in calculating the amount of financial assurance required for site restoration. In June 2007, in accordance with the terms and conditions of the Second Amended Site Certificate, the certificate holder submitted an amended letter of credit for Phase 1 in the amount of \$5.001 million (3rd Quarter 2007 dollars). In January 2008, in accordance with the terms and conditions of the Second Amended Site Certificate,</del></p>                                                                                                                                                                                                                                                                                                                           |



| Condition Number | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                  | <p><del>the certificate holder submitted an amended letter of credit for Phase 1 in the amount of \$5.058 million (1st Quarter 2008 dollars).</del></p> <p><del>Before beginning construction of any future phase of</del></p> <p><u>For the wind energy facility, the certificate holder shall submit a bond or letter of credit for that phase required under Condition GEN-RF-01 shall be in an amount approved by the Department and based on the costs shown in Table 1 of the Final Order on Amendment #3.</u></p> <p><del>(a) The certificate holder shall adjust the amounts of all bonds or letters of credit submitted in compliance with this condition to present value as of the date of issuance, using the following calculation and subject to approval by the Department:</del></p> <ol style="list-style-type: none"> <li><del>a. Adjust the Subtotal (in 2005 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' Oregon Economic and Revenue Forecast or by any successor agency (the "Index"). If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 2005 dollars to present value.</del></li> <li><del>b. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</del></li> <li><del>c. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost for the adjusted future developments contingency.</del></li> <li><del>d. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.</del></li> </ol> <p><del>(b) The certificate holder shall annually adjust all bonds or letters of credit submitted in compliance with this condition to present value as of the date of issuance as described in (a).</del></p> <p><del>(c) The certificate holder shall use a form of bond or letter of credit approved by the Council.</del></p> <p><del>(d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</del></p> <p><del>(e) The certificate holder shall describe the status of all bonds or letters of credit for the facility in the annual report submitted to the Council under Condition (122).</del></p> <p><del>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility.</del></p> <p><u>[Final Order on ASC, Condition 9, Amendments #2 and #3 AMD2, AMD3, AMD4]</u></p> |
| GEN-RF-03        | <p><u>For the solar facility, the bond or letter of credit required under Condition GEN-RF-01 shall be in an amount approved by the Department and based on the unit costs, markups, and contingencies shown in Attachment J of the Final Order on RFA4, as updated under Condition PRE-RF-01.</u></p> <p><u>[Final Order on AMD4, Retirement and Financial Assurance Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Condition Number                                                                 | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <u>GEN-RF-04</u>                                                                 | <p><del>(10)</del>—If the certificate holder elects to use a bond to meet the requirements of Condition <del>(9)</del><u>GEN-RF-01</u>, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the facility.</p> <p>[Final Order on ASC, Condition 10, Amendment #4]</p> |
| <b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>GEN-FW-01</u>                                                                 | <p><del>(58)</del>—The certificate holder shall design and construct all aboveground transmission line support structures following the <u>current</u> practices suggested by the Avian Powerline Interaction Committee <del>at the time of design (APLIC 1996, referenced in the site certificate application, p. P-33)</del> and shall install anti-perching devices on transmission pole tops and cross arms where the poles are located within one-half mile of any wind turbine.</p> <p>[Final Order on ASC, Condition 58; AMD4]</p>                                                                                                                                                                                                                                                                                                                |
| <b>STANDARD: Siting Standards for Transmission Lines (TL) [OAR 345-024-0090]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>GEN-TL-01</u>                                                                 | <p><del>(53)</del>—The certificate holder shall design <del>the all overhead</del> transmission lines so that alternating current electric fields shall not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.</p> <p>[Final Order on ASC, Condition 53; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>GEN-TL-02</u>                                                                 | <p><del>(54)</del>—The certificate holder shall design <del>the all overhead</del> transmission lines so that induced voltages resulting from the transmission lines are as low as reasonably achievable.</p> <p>[Final Order on ASC, Condition 54; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>STANDARD: Other – Removal-Fill (WL)</b>                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>GEN-WL-01</u>                                                                 | <p><del>(127)</del>—The certificate holder shall avoid any disturbance, including the placement of poles for the collector line, within 25 feet of the stream channel in the area identified as Crossing G in the Request for Amendment #2 and within a wetland area identified as “POWHX” on Figure J-1 of the site certificate application.</p> <p>[Final Order on Amendment #AMD2, Condition 127; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>GEN-WL-02</u>                                                                 | <p><del>(129)</del>—The certificate holder shall avoid any disturbance within 25 feet of the stream channel in the area identified as “Stream Crossing H” in the Request for Amendment #3 and shall install any collector line through the area by tunneling or drilling beneath the stream channel.</p> <p>[Final Order on Amendment #AMD3, Condition 129; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## 4.2 Operational (OPR) Conditions

| Condition Number                                                  | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| OPR-OE-01                                                         | <p><del>(122) OAR 345-026-0080: The certificate holder shall report according to the following requirements:</del></p> <p><del>(a) General reporting obligation for energy facilities under construction or operating:</del></p> <p><del>(i) Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this Condition.</del></p> <p>a. By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in this Condition. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.</p> <p><del>(iii) To the extent that information required by this rule is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.</del></p> <p>b. In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:</p> <p>i. Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.</p> <p>ii. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent recurrence of such problems;</p> <p><del>(iii) Fuel Use: For thermal power plants:</del></p> <p><del>(A) The efficiency with which the power plant converts fuel into electric energy. If the fuel chargeable to power heat rate was evaluated when the facility was sited, the</del></p> |

| Condition Number                                         | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                          | <p><del>certificate holder shall calculate efficiency using the same formula and assumptions, but using actual data; and</del></p> <p><del>(B) The facility's annual hours of operation by fuel type and, every five years after beginning operation, a summary of the annual hours of operation by fuel type as described in OAR 345-024-0590(5).</del></p> <ul style="list-style-type: none"> <li>iii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period;</li> <li>iv. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities, and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.</li> <li>v. Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.</li> <li>vi. Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.</li> </ul> <p><del>(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).</del></p> <p><del>e.—To the extent that information required by this condition is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this condition. The Council reserves the right to request full copies of such excerpted reports.</del></p> <p>[OAR 345-026-0080; Final Order on ASC, Condition 122; Amendment #AMD3; AMD4]</p> |
| <b>STANDARD: Soil Protection (SP) [OAR 345-022-0020]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>OPR-SP-01</u>                                         | <p><del>(88) —During operation of the facility, the certificate holder may engage in <u>wind turbine blade- and solar panel</u> washing activities, but shall ensure that these activities do not cause runoff of washwater from the site or discharges to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or metal brighteners with the wash water. The certificate may use biodegradable, phosphate-free cleaners sparingly.</del></p> <p>[Final Order on ASC, Condition 88; Amendment #AMD2; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>OPR-SP-02</u>                                         | <del>(81) —</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Condition Number                                                            | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                             | <p>a. If a spill or release of <u>a reportable quantity of fuel, oil, or other hazardous materials</u> occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours <del>and</del>.</p> <p>b. <u>The certificate holder shall clean up the any spill or release of hazardous materials and dispose of any contaminated soil or other materials according to applicable regulations.</u></p> <p>c. <u>The certificate holder shall ensure that spill kits containing items such as absorbent pads are located on equipment and storage facilities to respond to accidental spills and shall instruct employees handling hazardous materials in the proper handling, storage and cleanup of these materials.</u></p> <p>[Final Order on ASC, Condition 81; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>OPR-LU-01</u>                                                            | <p><del>(22)</del>—During operation of the facility, the certificate holder, in cooperation with landowners, shall avoid impact on cultivated land to the extent reasonably possible when performing facility repair and maintenance activities.</p> <p>[Final Order on ASC, Condition 22; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                             | <p><u>During operation of the facility, the certificate holder shall:</u></p> <p>a. <u>Annually adjust the amount of bonds or letters of credit provided to satisfy Condition GEN-RF-01 to present dollar value, as determined by the Department. The Department shall adjust to present value using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services’ Oregon Economic and Revenue Forecast or by any successor agency (the “Index”). If at any time the Index is no longer published, the Department shall select a comparable calculation to adjust the amount to present value.</u></p> <p>b. <u>Incorporate any additional decommissioning costs for proposed facility changes which have been determined by the Department not to require a site certificate amendment.</u></p> <p>c. <u>The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the certificate holder’s bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.</u></p> <p>[Final Order on AMD4, Retirement and Financial Assurance Condition 3]</p> |
| <b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>OPR-FW-01</u>                                                            | <p><del>(61)</del>—The certificate holder shall conduct wildlife monitoring and mitigation in accordance with the Wildlife Monitoring and Mitigation Plan that is incorporated in the Final Order on Amendment #2 as Attachment A and as may be amended from time to time.</p> <p>[Final Order on ASC, Condition 61; Amendment #AMD2; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Condition Number                                            | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <u>OPR-FW-02</u>                                            | <p><del>(64)</del>—For the life of the project, the certificate holder shall provide to the appropriate staff of the Confederated Tribes of the Warm Springs Reservation of Oregon the same annual mitigation and monitoring reports it submits to the Department.</p> <p>[Final Order on ASC, Condition 64; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>OPR-FW-03</u>                                            | <p><del>(65)</del>—For the life of the project, the certificate holder shall consult annually with the appropriate staff of the Confederated Tribes of the Warm Springs Reservation of Oregon to discuss noxious weed or other issues that may arise from the close proximity of the facility site and tribal lands. The certificate holder shall provide a summary of that consultation in the annual report it provides to the Department.</p> <p>[Final Order on ASC, Condition 65; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>STANDARD: Public Services (PS) [OAR 345-022-0110]</b>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>OPR-PS-01</u>                                            | <p><del>(76)</del>—During operation of the facility, <u>for any water needed from offsite sources</u>, the certificate holder and its contractors shall <del>obtain all water required for blade washing activities from off-site sources previously permitted for such uses or from the on-site well, provided such use of well water would not cause the rate of extraction to exceed 5,000 gallons in any one day period;</del></p> <p>a. <u>Identify all water-related needs and estimate daily and annual water demand for facility operations.</u></p> <p>b. <u>Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility operational demand has been secured and that water for all operational activities will be legally obtained by service providers or third-party permits.</u></p> <p>[Final Order on ASC, Condition 76; AMD4]</p> |
| <u>OPR-PS-02</u>                                            | <p>(47) During operation of the facility, the certificate holder shall develop and implement a site health and safety plan that informs on-site employees and others what to do in case of an emergency and that includes the locations of fire extinguishers and nearby hospitals, important telephone numbers, and first aid techniques.</p> <p>[Final Order on ASC, Condition 47]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>STANDARD: Waste Minimization (WM) [OAR 345-022-0120]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>OPR-WM-01</u>                                            | <p><del>(83)</del>—During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&amp;M buildings to <del>a</del>-licensed on-site septic systems in compliance with county permit requirements. The certificate holder shall design the septic systems with a capacity that is less than 2,500 gallons per day.</p> <p>[Final Order on ASC, Condition 83; Amendment #AMD3; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>OPR-WM-02</u>                                            | <p><del>(87)</del>—During operation of the facility, the certificate holder shall implement a waste management plan that includes but is not limited to the following <del>measures</del>:</p> <p>a. <u>The format, content and frequency of Training employee trainings to minimize and recycle the generation of solid waste, recycle materials, and properly handle and dispose of electronic wastes and hazardous materials;</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Condition Number                           | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                            | <p>b. <u>Identify names and locations of licensed haulers and facilities that will be used for the following, including associated collection and hauling protocols and requirements:</u></p> <p><del>(b)i. Recycling paper products, metals, glass and plastics, and other recyclable materials;</del></p> <p><del>(c)ii. Collecting</del><u>Disposing non-recyclable, nonhazardous waste for transport to a landfill by a licensed waste hauler; and</u></p> <p>c. <u>Identify a procedure or process for evaluating whether photovoltaic modules, batteries, or other facility components are considered hazardous waste under state or federal regulations;</u></p> <p>d. <u>Identify procedures for the segregation of recyclable materials, nonhazardous waste, and hazardous waste sources</u><del>Segregating all hazardous wastes, such as used oil, oily rags and oil absorbent materials, mercury containing lights and lead acid and nickel cadmium batteries for transport and disposal by a licensed firm hauler specializing in the proper recycling or disposal of hazardous the wastes;</del></p> <p>e. <u>Identify inspection and recordkeeping procedures for waste handling, disposal and recycling; and</u></p> <p>f. <u>Include a provision allowing for updates of the plan, subject to the Department review and approval.</u></p> <p>[Final Order on ASC, Condition 87; AMD4]</p> |
| <b>STANDARD: Other – Water Rights (WR)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>OPR-WR-01</u>                           | <p><del>(75) — Before beginning operation of the facility, the certificate holder shall have in operation a well suitable for delivering water, not</del><u>For any onsite wells, combined water usage shall not exceeding 5,000 gallons per day, for domestic use at the facility's O&amp;M buildings and, provided the rate of extraction would not exceed 5,000 gallons per day, solar panel and blade-washing activities. Certificate holder shall</u></p> <p><u>monitor the volume of groundwater used on a daily basis, maintain a record of such use and make the monitoring records available to the Department upon request. The certificate holder shall not change the source of water for the facility's domestic use without prior Council approval.</u></p> <p>[Final Order on ASC, Condition 75; Amendment #AMD3, AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>OPR-WR-02</u>                           | <p><del>(76) — During operation of the facility, for any water needed from offsite sources, the certificate holder and its contractors shall: obtain all water required for blade-washing activities from off-site sources previously permitted for such uses or from the on-site well, provided such use of well water would not cause the rate of extraction to exceed 5,000 gallons in any one-day period.</del></p> <p>a. <del>Identify all water related needs and estimate daily and annual water demand for facility operations.</del></p> <p><u>b.a. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility operational demand has been secured</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



| Condition Number | Operational (OPR) Conditions                                                                                                   |
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|                  | <del>and that water for all operational activities will be legally obtained by service providers or third-party permits.</del> |

#### 4.3 Retirement (RET) Conditions

| Condition Number                                                            | Retirement (RET) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>RET-RF-01</u>                                                            | <p><del>(109) OAR 345-027-0020(9):</del></p> <p>a. The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.</p> <p><u>b. If the certificate holder permanently ceases construction or operation of a portion of the facility that is, by itself, an energy facility under ORS 469.300, the certificate holder must retire that portion of the facility within two years following cessation of construction or operation of the facility components in accordance with the provisions of OAR 345-027-0110(10).</u></p> <p><u>[OAR 345-027-0020(9); Final Order on ASC, Condition 109; AMD4]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>RET-RF-02</u>                                                            | <p><del>(116) OAR 345-027-0020(16):</del> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Office within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed a final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit <del>described in OAR 345-027-0020(8)</del> <u>provided under Condition GEN-RF-01</u> to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. <u>[OAR 345-027-0020(160); Final Order on ASC, Condition 116; Amendment #AMD3, AMD4]</u></p> |



## 5.0 CONDITIONS APPLICABLE TO THE WIND ENERGY FACILITY

### 5.1 General (GEN) Conditions: Design, Construction and Operations

| Condition Number                                         | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b><i>STANDARD: Land Use (LU) [OAR 345-022-0030]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>GEN-LU-02</u>                                         | <p><del>(17)</del>—The certificate holder shall construct the public road improvements described in the site certificate application to meet or exceed road standards for the road classifications in the County’s Transportation System Plan and Zoning Ordinance because roads will require a more substantial section to bear the weight of the vehicles and turbine components than would usually be constructed by the County.</p> <p>[Final Order on ASC, Condition 17; AMD4]</p>                                                                                                                                                                                                           |
| <u>GEN-LU-03</u>                                         | <p><del>(19)</del>—The site certificate holder shall design and construct private access roads <u>associated with the wind energy facility</u> to minimize the division of existing farm units.</p> <p>[Final Order on ASC, Condition 19; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>GEN-LU-04</u>                                         | <p><del>(20)</del>—The certificate holder shall not locate any aboveground facility structure <u>associated with the wind energy facility</u> (including wind turbines, O&amp;M buildings, substations, and meteorological towers, but not including aboveground transmission and collector lines and junction boxes) within 30 feet from any property line or within 50 feet from the right-of-way of any arterial or major collector road or street and shall not allow any architectural feature, as described in Sherman County Zoning Ordinance Section 4.2, to project into these required setbacks by more than 2 feet. [Amendment #3]</p> <p>[Final Order on ASC, Condition 19; AMD4]</p> |
| <u>GEN-LU-05</u>                                         | <p><del>(21)</del>—The certificate holder shall locate access roads <del>and temporary construction laydown and staging areas</del> <u>associated with the wind energy facility</u> to minimize disturbance with farming practices and, wherever feasible, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations. The certificate holder shall place aboveground collector lines and junction boxes along property lines and public road rights-of-way to the extent practicable. [Amendment #2]</p> <p>[Final Order on ASC, Condition 19; AMD4]</p>                                        |
| <u>GEN-LU-06</u>                                         | <p><del>(23)</del>—Where necessary and feasible, the certificate holder shall provide access <del>across construction trenches</del> to fields within the <u>wind energy</u> facility site and otherwise provide adequate and timely access to properties during critical periods in the farming cycle, such as harvest.</p> <p>[Final Order on ASC, Condition 19; AMD4]</p>                                                                                                                                                                                                                                                                                                                      |

| Condition Number                                                   | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <u>GEN-LU-07</u>                                                   | <p>(24) — Before beginning construction of the <u>wind energy</u> facility, the certificate holder shall record a Farm Management Easement covering the properties on which the certificate holder locates wind power generation facilities. The certificate holder shall record the easements in the real property records of Sherman County and shall file a copy of the recorded easement with the Sherman County Planning Director.</p> <p>[Final Order on ASC, Condition 19; AMD4]</p>                                                                                                                                                                                                                                                                                  |
| <u>GEN-LU-08</u>                                                   | <p>(25) — The certificate holder shall remove from Special Farm Assessment the portions of parcels on which facilities are located and shall pay all property taxes due and payable after the Special Farm Assessment is removed from such properties.</p> <p>[Final Order on ASC, Condition 19; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>GEN-LU-09</u>                                                   | <p>(128) — With respect to any turbine constructed within a micrositing corridor approved by the Council after November 21, 2007, the certificate holder shall not locate such turbine within the setback prescribed by Section 4 of the Sherman County Wind Power Set Back Ordinance (Ordinance No. 39-2007) unless the Council has approved a variance to such setback for the turbine or the certificate holder has negotiated a setback agreement with the affected adjacent property owner and wind project developer.</p> <p>-[Final Order on AMDAmendment #3, Condition 128; AMD4]</p>                                                                                                                                                                                |
| <b>STANDARD: Protected Areas (PA) [OAR 345-022-0040]</b>           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                    | <p><del>(36) — Without Department approval, the certificate holder shall not move any turbines within its micrositing corridors such that a worst case visual impact beyond that stated in the ASC and ASC Supplement would occur for the John Day Wildlife Refuge, the John Day Federal Wild and Scenic River, or the John Day State Scenic Waterway (Parrish Creek to Tumwater Falls). Before constructing any turbines in the northward extension of Corridor 3 shown on Figure 2a of the Request for Amendment #3, the certificate holder shall provide a visual impact analysis that includes the proposed turbines and demonstrates to the satisfaction of the Department that the requirements of this condition are met. [Amendment #3]. [Deleted by AMD4]</del></p> |
| <b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>GEN-FW-02</u>                                                   | <p>(59) — The certificate holder may construct turbines and other facility components within the 500-foot turbine corridors shown on Figures P-1 through P-10 of the site certificate application and March 2006 supplement and within the “Permitted Areas” and “Amendment III Areas” as shown on Figures 2, 2a, 2b and 2c of the Request for Amendment #3, subject to the following requirements addressing potential habitat impact:</p> <p>a. The certificate holder shall not construct any facility components within areas of Category 1 or Category 2 habitat and shall avoid temporary disturbance of Category 1 or Category 2 habitat.</p>                                                                                                                         |

| Condition Number | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |
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|                  | <p>b. The certificate holder shall design and construct facility components that are the minimum size needed for safe operation of the energy facility.</p> <p>c. Prior to constructing any turbines or permanent related or supporting facilities within the northward extension of Corridor 3 shown on Figure 2a of the Request for Amendment #3, the certificate holder shall provide the Department with maps and calculations documenting the additional permanent impacts, if any, to Category 3 and Category 4 habitat predicted to result from construction. If the construction would result in additional permanent impacts, the certificate holder shall increase the area of mitigation for permanent loss of Category 3 and Category 4 habitat as described in the Habitat Mitigation Plan incorporated herein by Condition 63.</p> <p>[Final Order on ASC, Condition 59; Amendment #AMD3; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                    |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |
|                  | <p><del>(60) During construction, the certificate holder shall protect the area within a 1300-foot buffer around any active nests of the following species during the sensitive period, as provided in this condition:</del></p> <table><tr><th>Species</th><th>Sensitive Period</th><th>Early Release Date</th></tr><tr><td>Swainson's hawk</td><td>April 1 to August 15</td><td>May 31</td></tr><tr><td>Golden eagle</td><td>February 1 to August 31</td><td>May 31</td></tr><tr><td>Ferruginous hawk</td><td>March 15 to August 15</td><td>May 31</td></tr><tr><td>Burrowing owl</td><td>April 1 to August 15</td><td>July 15</td></tr></table> <p><del>The 1300-foot buffer may be reduced, with Department approval, if there is an adequate physical barrier between the nest site and the construction impacts such that a 1300-foot buffer proves to be excessive.</del></p> <p><del>During the year in which construction of any phase occurs, the certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any active nests of these species within a half-mile of any areas that would be disturbed during construction. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) or allow high levels of construction traffic within 1300 feet of the nest site, or such lesser distance as may be approved by the Department in the event there is an adequate physical barrier between the nest site and the construction impacts.</del></p> <p><del>In addition, the certificate holder shall flag the boundaries of the 1300-foot buffer area, or such lesser distance as may be approved by the Department in the event there is an adequate physical barrier between the nest site and the construction impacts, and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall direct a qualified biologist, approved by the Department, to observe the active nest sites during the sensitive period for signs of disturbance and to notify the Department of any non-compliance with this condition. The Department has approved the qualifications of the four</del></p> | Species            | Sensitive Period | Early Release Date | Swainson's hawk | April 1 to August 15 | May 31 | Golden eagle | February 1 to August 31 | May 31 | Ferruginous hawk | March 15 to August 15 | May 31 | Burrowing owl | April 1 to August 15 | July 15 |
| Species          | Sensitive Period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Early Release Date |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |
| Swainson's hawk  | April 1 to August 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | May 31             |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |
| Golden eagle     | February 1 to August 31                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | May 31             |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |
| Ferruginous hawk | March 15 to August 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | May 31             |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |
| Burrowing owl    | April 1 to August 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | July 15            |                  |                    |                 |                      |        |              |                         |        |                  |                       |        |               |                      |         |

| Condition Number | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| GEN-FW-03        | <del>biologists identified in the Final Order on Amendment #2. The certificate holder may select other qualified biologists to observe the nest sites, subject to Department approval. If the biologist observes nest site abandonment or other adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in consultation with ODFW and subject to the approval of the Department, unless the adverse impact is clearly shown to have a cause other than construction activity. The certificate holder may begin or resume high impact construction activities before the ending day of the sensitive period if any known nest site is not occupied by the early release date. If a nest site is occupied, then the certificate holder may begin or resume high impact construction before the ending day of the sensitive period with the approval of ODFW, after the young are fledged. The certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (the young are independent of the core nest site). [Amendment #2] [Deleted by AMD4]</del> |
|                  | <del>(62) — The certificate holder shall restore areas that are temporarily disturbed during construction in accordance with the methods, monitoring procedures and success criteria set forth in the Revegetation Plan that is incorporated in the Final Order on Amendment #2 as Attachment B and as may be amended from time to time. [Amendment #2] [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                  | <del>(63) — Before beginning construction of the facility, the certificate holder shall acquire the legal right to create, maintain and protect a habitat mitigation area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Within the habitat mitigation area, the certificate holder shall improve the habitat quality in accordance with the Habitat Mitigation Plan that is incorporated in the Final Order on Amendment #3 as Attachment C and as may be amended from time to time. [Final Order on ASC, Condition 63; Amendments #AMD2; and #AMD3; AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                  | <b><i>STANDARD: Threatened and Endangered Species (TE) [OAR 345-022-0070]</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                  | <del>(55) — Before beginning construction of the facility, the certificate holder shall deliver to the Department surveys for threatened and endangered plant and wildlife species in newly affected areas as identified in the ASC Supplement. [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                  | <del>(56) — If construction of the facility begins after 2006, the certificate holder shall review the ONHIC and USFWS databases and consult with an expert designated by ODFW on an annual basis before beginning construction to determine whether nesting bald eagles or peregrine falcons have been documented to occur within two miles of the facility. The certificate holder shall report the results of the database review and consultation to the Department and to ODFW and, if there have been new documentations of nesting bald eagles or peregrine falcons within two miles of the facility, the certificate holder shall implement appropriate measures to protect</del>                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| Condition Number                                                                               | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                                                                | <del>the species from adverse impact, as approved by the Department and ODFW.<br/>[Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                                                                | <del>(57) — The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:<br/>(a) Preparing maps to show sensitive areas, such as nesting or denning areas for sensitive wildlife species, that are off limits to construction personnel.<br/>(b) Ensuring that a qualified person instructs construction personnel to be aware of wildlife in the area and to take precautions to avoid injuring or destroying wildlife or significant wildlife habitat.<br/>(c) Avoiding unnecessary road construction, temporary disturbance and vehicle use.<br/>[Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                | <del>(126) — Prior to any disturbance in the areas of the site added in the Final Order for Amendment #2, the certificate holder shall deliver to the Department the results of a spring survey of Crossing G, conducted during the appropriate bloom time for Northern wormwood and Henderson’s ricegrass. If Northern wormwood or any other protected rare plant species are observed during the spring survey, the certificate holder shall ensure that construction and operation of the facility will have no impact on the rare plant habitat. [Amendment #2] [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>STANDARD: Historic, Cultural and Archaeological Resources (HC) [OAR 345-022-0090]</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>GEN-HC-01</u>                                                                               | (69) Before beginning construction of any phase of the facility, the certificate holder shall provide to the Department a map showing the final design locations of all components of that phase of the facility and areas that would be temporarily disturbed during construction and also showing the areas surveyed by CH2M Hill and Archaeological Investigations Northwest, Inc. (AINW) in preparing the Cultural Resources Surveys for Biglow Canyon Wind Farm included in the site certificate application as Attachment S-1 and in Request for Amendment #2 as Attachment 15. The certificate holder shall hire qualified personnel to conduct field investigation of all areas of permanent or temporary disturbance that CH2M Hill and AINW did not previously survey and shall provide to the Department a written report of the field investigation. If any significant historic, cultural or archaeological resources are found during the field investigation, the certificate holder shall ensure that construction and operation of the facility will have no impact on the resources. The certificate holder shall instruct all construction personnel to avoid areas where the resources were found and shall implement other appropriate measures to protect the resources. [Amendment #2] |
| <b>STANDARD: Public Health and Safety for Wind Energy Facilities (PHSW) [OAR 345-024-0010]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>GEN-PHSW-01</u>                                                                             | <del>(38) —</del> Before beginning construction <u>or alteration</u> of any phase of the <u>wind energy</u> facility, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) identifying the proposed final locations of the turbines and related or supporting facilities for that phase of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Condition Number                                                                  | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                                                                                   | the facility. The certificate holder shall notify the Department of the FAA's response as soon as it has been received.<br><u>[Final Order on ASC, Condition 38; AMD4]</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>GEN-PHSW-02</u>                                                                | <del>(39)</del> —The certificate holder shall enclose the facility substation with appropriate fencing and locked gates to protect the public from electrical hazards.<br><u>[Final Order on ASC, Condition 39; AMD4]</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>GEN-PHSW-03</u>                                                                | <del>(40)</del> —The certificate holder shall not locate turbine towers within 450 feet of any residence. The certificate holder shall not locate turbine towers within 450 feet of any public road, unless the certificate holder demonstrates to the Department's satisfaction that a lesser setback is consistent with the protection of public health and safety.<br><u>[Final Order on ASC, Condition 40; AMD4]</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>GEN-PHSW-04</u>                                                                | <del>(41)</del> —The certificate holder shall construct turbine towers that are smooth steel structures with no exterior ladders or access to the turbine blades and shall install locked access doors accessible only to authorized personnel.<br><u>[Final Order on ASC, Condition 41; AMD4]</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>GEN-PHSW-08</u>                                                                | <del>(45)</del> —During construction of the <u>wind energy</u> facility, the certificate holder shall install generator step-up transformers at the base of each turbine tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.<br><u>[Final Order on ASC, Condition 45; AMD4]</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b><i>Siting Standards for Wind Energy Facilities (WF) [OAR 345-024-0015]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>GEN-WF-01</u>                                                                  | <del>(48)</del> —The certificate holder shall construct turbines on concrete foundations and shall cover the ground within a minimum 10-foot radius with non-flammable material. The certificate holder shall maintain the non-flammable pad area covering throughout operation of the facility.<br><u>[Final Order on ASC, Condition 48; AMD4]</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>GEN-WF-03</u>                                                                  | <del>(50)</del> —During construction of the <u>wind energy</u> facility, to reduce the visual impact of the facility, the certificate holder shall: <ul style="list-style-type: none"> <li>a. Paint turbine towers, nacelles, rotors, meteorological towers, and cabinets containing pad-mounted equipment with a low-reflectivity, neutral gray, white, off-white or earth tone finish to reduce contrast with the surrounding background.</li> <li>b. Apply a low-reflectivity finish to the exterior of the O&amp;M buildings and substation equipment to control their visual integration into the surrounding background.</li> <li>c. With the exception of the turbine manufacturer's logo that may appear on turbine nacelles, not allow any advertising to be used on any part of the facility or on any signs posted at the facility. In addition, the certificate holder may place its logo on the nacelles of not more than 20 percent of the wind turbines.</li> </ul> |



| Condition Number                                                                        | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                         | <p>d. Use only those signs required by law or for facility safety or security, except that the certificate holder may erect a sign near the O&amp;M facility or substation to identify the wind energy facility.</p> <p>[Final Order on ASC, Condition 50; <del>Amendments #AMD2; and #AMD3; AMD4</del>]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>GEN-WF-04</u>                                                                        | <p><del>(51)</del>—The certificate holder shall design and construct the O&amp;M buildings <u>for the wind energy facility</u> to be generally consistent with the character of similar buildings used by commercial farmers or ranchers in the area and shall paint the building in a neutral color to blend with the surrounding background.</p> <p>[Final Order on ASC, Condition 51; <del>Amendment #AMD3; AMD4</del>]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>GEN-WF-05</u>                                                                        | <p><del>(52)</del>—The certificate holder shall not use exterior nighttime lighting <u>at the wind energy facility</u> except:</p> <ol style="list-style-type: none"> <li>The minimum turbine tower lighting required by the Federal Aviation Administration.</li> <li>Security lighting at the O&amp;M buildings and substation, provided that such lighting is shielded or directed downward to reduce glare.</li> <li>Minimum lighting necessary for repairs or emergencies.</li> <li>Minimum lighting necessary for nighttime construction. The certificate holder may use lighting only at the work location and only directed downward to illuminate the work area at the turbine base or upward from the base to illuminate the turbine tower; construction lighting shall not be directed outward. The certificate holder shall use nighttime lighting only with the approval of the owner of the property on which the work is conducted and shall provide notice of nighttime construction to occupants of all residences within one-half mile of the construction site.</li> </ol> <p>[Final Order on ASC, Condition 52; <del>Amendment #AMD3</del>]</p> |
| <b><i>STANDARD: Siting Standards for Transmission Lines (TL) [OAR 345-024-0090]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>GEN-TL-03</u>                                                                        | <p><del>(99)</del> The certificate holder shall take reasonable steps to reduce or manage exposure to electromagnetic fields (EMF), consistent with Council findings presented in the “Report of EMF Committee to the Energy Facility Siting Council,” March 30, 1993, and subsequent findings. Effective on the date of this site certificate, the certificate holder shall provide information to the public, upon request, about EMF levels associated with the <u>wind</u> energy facility and <u>its</u> related transmission lines.</p> <p>[Final Order on ASC, Condition 38; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                         | <p><del>(100) At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards. [Deleted by AMD4]</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>GEN-TL-04</u>                                                                        | <p><del>(118) OAR 345-027-0023(4): If the facility includes any transmission line under Council jurisdiction:</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Condition Number                                              | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                                               | <p>a. The certificate holder shall design, construct and operate <del>the transmission lines associated with the wind energy facility</del> in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and</p> <p>b. The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity <u>by the transmission lines</u> are grounded or bonded throughout the life of the line.</p> <p>[Final Order on ASC, Condition 118; Amendment #AMD3; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b><i>STANDARD: Noise Control (NC) [OAR 340-035-0035]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                               | <p><del>(90) — If the GE 1.5-MW turbines (for which the certificate holder states the maximum sound power level warranted by the manufacturer is 104 dBA) or the GE 3.0-MW turbines (provided the certificate holder is able to demonstrate, by means of the manufacturer’s warranty or other means acceptable to the Department, that the maximum sound power level of the GE 3.0-MW turbine is 106 dBA) will be used at the facility, before beginning construction, the certificate holder shall present information demonstrating to the satisfaction of the Department that the following requirements have been met at the 24 identified noise sensitive properties. The identified noise sensitive properties are the properties listed in Table 12 of the Final Order on the Application and further identified in the Final Order on Amendment #2, except for property R14:</del></p> <p><del>(a) For any identified noise sensitive property where the previously-predicted maximum hourly L50 noise level caused by the facility would equal or exceed 50 dBA, the certificate holder shall identify the final design locations of all turbines to be built and perform a noise analysis demonstrating, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total hourly L50 noise level generated by the facility would not exceed 50 dBA at the appropriate measurement point. The certificate holder shall perform the noise analysis using the noise model, CADNA/A by DataKustik GmbH of Munich, Germany, and shall assume the following input parameters:</del></p> <ul style="list-style-type: none"> <li><del>• — The maximum sound power level of turbines and substation transformers based on the manufacturers’ warranty or confirmed by other means acceptable to the Department</del></li> <li><del>• — The exact locations of the proposed turbines</del></li> <li><del>• — The environmental factors included in the original noise analysis, i.e., the temperature, relative humidity, barrier effects and ground effects used in the original analysis. If the certificate holder has cause to believe the environmental factors included in the original noise analysis are no longer valid for a particular receiver, the certificate holder shall perform the noise analysis for that receiver using both the environmental factors included in the original noise analysis and the</del></li> </ul> |



| Condition Number | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                  | <p><del>environmental factors the certificate holder now believes to be applicable to that receiver.</del></p> <p><del>(b) Where the previously predicted hourly L50 noise levels caused by the facility would exceed 36 dBA but not exceed 50 dBA at any identified noise sensitive property, the certificate holder has obtained a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: (i) include a legal description of the burdened property (the noise sensitive property); (ii) be recorded in the real property records of the county; (iii) expressly benefit the certificate holder; (iv) expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and (v) not be subject to revocation without the certificate holder's written approval.</del></p> <p><del>(c) If, for any identified noise sensitive property where the previously predicted hourly L50 noise levels caused by the facility would exceed 36 dBA but not exceed 50 dBA, the certificate holder has not obtained a legally effective easement or real covenant as described in (b) above, the certificate holder shall identify the final design locations of all turbines to be built and perform a noise analysis demonstrating, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient noise degradation test at the appropriate measurement point on those noise sensitive properties. The certificate holder shall perform the noise analysis using the noise model, CADNA/A by DataKustik GmbH of Munich, Germany, and shall assume the following input parameters:</del></p> <ul style="list-style-type: none"> <li><del>• The maximum sound power level of turbines and substation transformers based on the manufacturers' warranty or confirmed by other means acceptable to the Department</del></li> <li><del>• The exact locations of the proposed turbines</del></li> <li><del>• The environmental factors included in the original noise analysis, i.e., the temperature, relative humidity, barrier effects and ground effects used in the original analysis. If the certificate holder has cause to believe the environmental factors included in the original noise analysis are no longer valid for a particular receiver, the certificate holder shall perform the noise analysis for that receiver using both the environmental factors included in the original noise analysis and the environmental factors the certificate holder now believes to be applicable to that receiver.</del></li> </ul> <p><del>[Amendment #2] [Deleted by AMD4]</del></p> |
|                  | <p><del>(91) Before beginning construction using turbines other than GE 1.5-MW or GE 3.0-MW turbines, the certificate holder shall:</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Condition Number                           | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | <p><del>(a) Identify the final design locations of all turbines to be built, perform a noise analysis for all turbines and substation transformers, and generate a new table listing each noise sensitive property, as defined in OAR 340-035-0015(38), and the predicted maximum hourly L50 noise level at each noise sensitive property. The certificate holder shall perform the noise analysis using the noise model, CADNA/A by DataKustik GmbH of Munich, Germany, and shall assume the following input parameters:</del></p> <ul style="list-style-type: none"> <li><del>• The maximum sound power level of turbines and substation transformers based on the manufacturers' warranty or confirmed by other means acceptable to the Department</del></li> <li><del>• The exact locations of the proposed turbines</del></li> <li><del>• The environmental factors included in the original noise analysis, i.e., the temperature, relative humidity, barrier effects and ground effects used in the original analysis. If the certificate holder has cause to believe the environmental factors included in the original noise analysis are no longer valid for a particular receiver, the certificate holder shall perform the noise analysis for that receiver using both the environmental factors included in the original noise analysis and the environmental factors the certificate holder now believes to be applicable to that receiver.</del></li> </ul> <p><del>(b) Demonstrate to the satisfaction of the Department that the requirements of paragraphs (a), (b) and (c) of Conditions (90) have been met for each noise sensitive property listed on the new table generated under paragraph (a) of this condition, except for any new development of noise sensitive property that occurs after the effective date of the Second Amended Site Certificate.</del></p> <p><del>[Amendment #2] [Deleted by AMD4]</del></p> |
| <b>STANDARD: Other – Removal-Fill (WL)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>GEN-WL-01</u>                           | <p><del>(127) The certificate holder shall avoid any disturbance, including the placement of poles for the collector line, within 25 feet of the stream channel in the area identified as Crossing G in the Request for Amendment #2 and within a wetland area identified as "POWHX" on Figure J-1 of the site certificate application.</del></p> <p><del>[Final Order on Amendment #AMD2, Condition 127; AMD4]</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>GEN-WL-02</u>                           | <p><del>(129) The certificate holder shall avoid any disturbance within 25 feet of the stream channel in the area identified as "Stream Crossing H" in the Request for Amendment #3 and shall install any collector line through the area by tunneling or drilling beneath the stream channel.</del></p> <p><del>-[Final Order on Amendment #AMD3, Condition 129; AMD4]</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## 5.2 Operational (OPR) Conditions

| Condition Number                                                                                      | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b><i>STANDARD: Soil Protection (SP) [OAR 345-022-0020]</i></b>                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>OPR-SP-03</u>                                                                                      | <p><del>(28)</del>—The certificate holder shall cover turbine pad areas with gravel or other non-erosive material immediately following exposure <del>during construction</del> and shall maintain the pad area covering during operation of the facility.</p> <p>[Final Order on ASC, Condition 28; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>OPR-SP-04</u>                                                                                      | <p><del>(29)</del>—During construction of the facility, the certificate holder shall restore areas that are temporarily disturbed in accordance with the methods, monitoring procedures and success criteria described in the Revegetation Plan that is incorporated in this order as Attachment B and as that Revegetation Plan may be amended from time to time.</p> <p>During operation of the <u>wind energy</u> facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repairs according to the <u>same methods and monitoring procedures in the Revegetation Plan included as Attachment B to the Final Order on the ASC, as amended.</u></p> <p>[Final Order on ASC, Condition 29; AMD4]</p> |
| <u>OPR-SP-05</u>                                                                                      | <p><del>(30)</del>—During operation of the <u>wind energy</u> facility, the certificate holder shall routinely inspect and maintain all roads, pads and trenched areas and, as necessary, maintain or repair erosion control measures.</p> <p>[Final Order on ASC, Condition 30; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b><i>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</i></b>                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>OPR-FW-04</u>                                                                                      | <p><del>(49)</del>—During <del>construction and</del> operation of the wind energy facility, the certificate holder shall implement a plan to control the introduction and spread of noxious weeds. The certificate holder shall develop the weed control plan in consultation with the Sherman County Weed Control District and the Department.</p> <p>[Final Order on ASC, Condition 49; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                            |
| <b><i>STANDARD: Public Health and Safety for Wind Energy Facilities (PHSW) [OAR 345-024-0010]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>OPR-PHSW-01</u>                                                                                    | <p><del>(42)</del>—During <del>construction</del> <u>operation</u> of the <u>wind energy</u> facility, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to towers or blades that could lead to failure.</p> <p>[Final Order on ASC, Condition 42; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>OPR-PHSW-02</u>                                                                                    | <p><del>(43)</del>—During operation of the <u>wind energy</u> facility, the certificate holder shall have an operational safety-monitoring program and shall inspect turbine blades on a regular basis for signs of wear. The certificate holder shall repair turbine blades as necessary to protect public safety.</p> <p>[Final Order on ASC, Condition 43; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                         |
| <u>OPR-PHSW-03</u>                                                                                    | <p><del>(44)</del>—During operation of the <u>wind energy</u> facility, the certificate holder shall install and maintain self-monitoring devices on each turbine, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system at the O&amp;M facility, to alert operators to potential dangerous conditions, and the certificate holder shall remedy any dangerous conditions immediately.</p>                                                                                                                                                                                                                                                                                                                          |

| Condition Number   | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                    | [Final Order on ASC, Condition 44; AMD4]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>OPR-PHSW-04</u> | (92) — During operation of the <u>wind energy</u> facility, the certificate holder shall maintain built-in fire prevention measures in each turbine that would shut down the turbine automatically before mechanical problems create excess heat or sparks.<br>[Final Order on ASC, Condition 92; AMD4]                                                                                                                                                                                                                           |
| <u>OPR-PHSW-05</u> | (93) — During construction and operation of the <u>wind energy</u> facility, the certificate holder shall develop and implement fire management plans in consultation with local fire control authorities to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire management plans, the certificate holder should take into account the dry nature of the region and should address risks on a seasonal basis.<br>[Final Order on ASC, Condition 93; AMD4] |
| <u>OPR-PHSW-06</u> | (94) — During construction and operation of the <u>wind energy</u> facility, the certificate holder shall ensure that each on-site company vehicle contains a fire extinguisher, water spray can, shovel, emergency response procedures book, and two-way radio for immediate communication with the O&M facility.<br>[Final Order on ASC, Condition 94; AMD4]                                                                                                                                                                    |
| <u>OPR-PHSW-07</u> | (96) — Upon beginning operation of the <u>wind energy</u> facility, the certificate holder shall provide to all local fire departments maps of the facility site. During operation of the facility, the certificate holder shall provide to all local fire departments the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.<br>[Final Order on ASC, Condition 96; AMD4]                                                                    |
| <u>OPR-PHSW-08</u> | (97) — During operation of the <u>wind energy</u> facility, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training by qualified instructors or members of the local fire department and that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.<br>[Final Order on ASC, Condition 97; AMD4]                                                                            |
| <u>OPR-PHSW-09</u> | (98) — During operation of the <u>wind energy</u> facility, the certificate holder shall comply with the written fire protection recommendations of the Fire Chief of the applicable Rural Fire Protection District and shall promptly provide to the Department any correspondence from the Fire Chief regarding those recommendations. [Amendment #3]<br>[Final Order on ASC, Condition 98; AMD4]                                                                                                                               |

## 6.0 CONDITIONS APPLICABLE TO THE SOLAR FACILITY

### 6.1 General (GEN) Conditions: Design, Construction and Operations

| Condition Number                                                                         | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>STANDARD: Soil Protection (SP) [OAR 345-022-0022]</b>                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>GEN-SP-02</u>                                                                         | <p><u>Except for those fuels and oils covered by an SPCC Plan approved under Condition PRE-SP-01 or PRO-SP-02, no reportable quantities of hazardous materials or substances, as defined in OAR chapter 340, division 142, may be stored at the site of any solar facility component.</u></p> <p><u>[Final Order on AMD4, Soil Protection Condition 8]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>STANDARD: Land Use (LU) [OAR 345-022-0030]</b>                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>GEN-LU-10</u>                                                                         | <p><u>All aboveground components of the solar facility, including perimeter fences, must be setback at least 50 feet from:</u></p> <ol style="list-style-type: none"> <li><u>The right-of-way line of an arterial or major collector road or street, including, but not limited, to Hilderbrand Lane (Old Wasco-Heppner Highway);</u></li> <li><u>The property line extending along a public road not described in (a); and</u></li> <li><u>Any property line with a tract that is not within the Solar Micrositing Area.</u></li> </ol> <p><u>[Final Order on AMD4, Land Use Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                  |
| <u>GEN-LU-11</u>                                                                         | <p><u>All components of the solar facility, including perimeter fences, must be setback at least 30 feet from the aggregate site located on Tax lot 02N18E00003900, as identified in Sherman County Ordinance 32-2006. Facility components must be arranged in a manner that allows for continued access to and operation of the aggregate site.</u></p> <p><u>[Final Order on AMD4, Land Use Condition 2]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>GEN-LU-12</u>                                                                         | <ol style="list-style-type: none"> <li><u>All structures and equipment associated with the solar facility, including but not limited to, power conversion stations, O&amp;M buildings, and battery enclosures, must be designed or painted with a low-reflectivity, neutral gray, white, off-white or earth tone finish that minimizes contrast with the surrounding landscape.</u></li> <li><u>The certificate holder may install a sign identifying the facility near each O&amp;M building or collector substation. No other signs may be installed except as required by law or for facility safety or security</u></li> <li><u>All lighting installed at the O&amp;M buildings, substation, or other facility components, shall be limited in intensity, shielded, and directed downward in a manner that prevents the lighting from projecting onto adjacent properties and roadways.</u></li> </ol> <p><u>Final Order on AMD4, Land Use Condition 4]</u></p> |
| <b>STANDARD: Historic, Cultural and Archaeological Resources (HC) [OAR 345-022-0090]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>GEN-HC-02</u>                                                                         | <p><u>The certificate holder must design, construct, and operate the solar facility to avoid archaeological sites (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and archaeological isolate (BSP-1-I04) with a 20-meter avoidance buffer.</u></p> <p><u>[Final Order on RFA4, Historic, Cultural, and Archaeological Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>GEN-HC-03</u>                                                                         | <p><u>Prior to construction activities that occur within the 20-meter avoidance buffer for archaeological sites (35SH00188, BSP-1-S02BSP-1-S10, and BSP-1-S12) and archaeological isolate (BSP-1-I04), the certificate holder must submit to the</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| Condition Number                                                                        | General (GEN) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                                                                         | <p><u>Department for approval, in consultation with SHPO, a Cultural Resources Monitoring Plan demonstrating that an Oregon Qualified Archaeologist or Tribal Cultural Resource Monitor will be onsite during ground disturbing activities associated with the resources listed in this condition. The certificate holder shall adhere to the measures approved in the Cultural Resources Monitoring Plan.</u></p> <p><u>[Final Order on RFA4, Historic, Cultural, and Archaeological Condition 2]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b><i>STANDARD: Siting Standards for Transmission Lines (TL) [OAR 345-024-0090]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>GEN-TL-05</u>                                                                        | <p><del>(119) — OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or 230-kV transmission line connecting the Biglow Canyon Substation to the Solar Substation anywhere within a 150 foot corridor, as presented in Figure 2 of the Amended Site Certificate. the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.</del></p> <p><u>The certificate holder shall construct the pipeline or 230-kV transmission line connecting the Biglow Canyon Substation to the Solar Substation anywhere within a 150 foot corridor, as presented in Figure 2 of the Amended Site Certificate.</u></p> <p><u>[Final Order on ASC, Condition 119; AMD4]</u></p> |
| <u>GEN-TL-06</u>                                                                        | <p><u>The certificate holder must design, construct, and operate transmission line associated with the solar facility in accordance with the requirements of the 2023 Edition of the National Electrical Safety Code.</u></p> <p><u>[Final Order on AMD4. Transmission Line Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## 6.2 Pre-Construction (PRE) Conditions

| Condition Number                                                    | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>STANDARD: General Standard of Review (GS) [OAR 345-022-0000]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>PRE-GS-01</u>                                                    | <p><del>(105) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, of the solar facility, or create a clearing on any part of the site solar micro siting area until the certificate holder has construction rights on all parts of the site area. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:</del></p> <p><del>(a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or</del></p> <p><del>(b) The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built.</del></p> <p><u>[Final Order on ASC; Condition 105; Amendment #AMD3; AMD4]</u></p> |
|                                                                     | <p><del>(16) Before beginning construction, the certificate holder shall notify the Department in advance of any work on the site that does not meet the definition of "construction" in OAR 345-001-0010 or ORS 469.300 and shall provide to the Department a description of the work and evidence that its value is less than \$250,000. [Deleted by AMD4]</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>PRE-OE-01</u>                                                    | <p><del>(1) Before beginning</del><u>Prior to construction of any phase or component of the solar facility,</u> the certificate holder shall notify the Department of the identity and qualifications of <u>primary vendors;</u> the engineering, procurement and construction (EPC) contractor{s} for specific portions of the work; and <u>the identity and qualifications of the individuals that will manage and oversee the selected vendors and contractors.</u> The certificate holder shall select <del>EPC vendors,</del> <u>contractors, and personnel dedicated to managing vendors and contractors</u> that have substantial experience in the design and construction of similar facilities. The certificate holder shall report to the Department any change of major construction contractors <u>or management personnel.</u></p> <p><u>[Final Order on ASC, Condition 1; AMD4]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



| Condition Number                                    | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <u>PRE-OE-02</u>                                    | <p>a. <del>(121) — OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate</del> <u>Prior to construction of any component or phase of the solar facility, the certificate holder shall submit, to the Department for review and approval, a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit condition, “work on the site” means any work within a site or corridor the Solar Micrositing Area, other than surveying, exploration or other activities to define or characterize the site or corridor.</u></p> <p>b. <u>The certificate holder shall document implement the compliance plan prior to and during construction and maintain it make documentation of compliance available for inspection by the Department or the Council upon request.</u></p> <p><u>[Final Order on ASC, Condition 121 Amendment #AMD3; AMD4]</u></p> |
|                                                     | <p><del>(16) — Before beginning construction, the certificate holder shall notify the Department in advance of any work on the site that does not meet the definition of “construction” in OAR 345-001-0010 or ORS 469.300 and shall provide to the Department a description of the work and evidence that its value is less than \$250,000. [Deleted by AMD4]</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>PRE-OE-03</u>                                    | <p><u>Prior to construction of any component or phase of the solar facility, the certificate holder shall:</u></p> <p>a. <u>Provide the Department a list of federal, state and local permits, including any third-party permits; and a schedule for obtaining identified permits.</u></p> <p>b. <u>Once obtained, provide copies of all permits, including third-party permits to the Department.</u></p> <p><u>[Final Order on AMD4; Organizational Expertise Condition 4]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>STANDARD: Structural (SS) [OAR 345-022-0020]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>PRE-SS-01</u>                                    | <p><del>(66) —</del></p> <p>a. <del>Before beginning</del> <u>Prior to construction of any component or phase of the solar facility, the certificate holder shall conduct a site-specific submit, to the Department for review and comment, a final geotechnical investigation and shall report its findings to the Oregon Department of Geology &amp; Mineral Industries (DOGAMI) report that, at a minimum, addresses the recommendations in the</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



| Condition Number                                                | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                                 | <p><u>Preliminary Geotechnical Engineering Report provided as RFA4, Exhibit H, Attachment H-2.</u></p> <p>b. The certificate holder shall <del>conduct the geotechnical investigation after consultation with DOGAMI and</del> <u>prepare the report in accordance with the Oregon Board of Geologists Examiners guidelines entitled: 2014 Guidelines for Preparing Engineering Geologic Reports and Site Specific Seismic Hazard Report.</u></p> <p>c. <u>The Department may utilize a third-party consultant in the review of the report. The certificate holder shall obtain concurrence from the Department that all comments have been adequately addressed before beginning construction.</u></p> <p><u>[Final Order on ASC, Condition 66; AMD4]</u></p>                                    |
| <u>PRE-SS-02</u>                                                | <p><del>(113) OAR 345-027-0020(13):</del> The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if <u>site investigations or trenching in the solar micro siting area</u> reveal that conditions in the foundation rocks differ significantly from those described in <del>the application for a site certificate</del> <u>Request for Amendment 4.</u> After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.</p> <p><u>[OAR 345-027-0020(13); Final Order on ASC, Condition 113; Amendment #AMD3; AMD4]</u></p>             |
| <u>PRE-SS-03</u>                                                | <p><del>(114) OAR 345-027-0020(14):</del> The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the <u>site Solar Micro siting Area.</u></p> <p><u>[OAR 345-027-0020(14); Final Order on ASC, Condition 114; Amendment #AMD3; AMD4]</u></p>                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>STANDARD: Soil Protection (SP) [OAR 345-022-0020]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <u>PRE-SP-01</u>                                                | <p><u>Prior to beginning construction of any component or phase of the solar facility, the certificate holder shall:</u></p> <p>a. <u>Finalize the draft Comprehensive Solar Revegetation and Soil Management Plan included as Attachment D to the Final Order on RFA4 based on final facility design and the approved National Pollutant Discharge Elimination System (NPDES) General Permit 1200-C for the facility. The final Comprehensive Solar Revegetation and Soil Management Plan shall be submitted to the Department for review and approval.</u></p> <p>b. <u>Complete all items included in the Pre-construction Compliance Checklist in the final plan, as applicable to the facility components or phase.</u></p> <p><u>[Final Order on AMD4, Soil Protection Condition 1]</u></p> |
| <u>PRE-SP-02</u>                                                | <p><u>Prior to beginning construction of any component or phase of the solar facility, the certificate holder shall submit, to the Department, a Construction Spill Prevention,</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Condition Number                                                                   | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                                                                    | <p><u>Control and Countermeasure (SPCC) Plan that complies with the requirement of 40 CFR 112.</u></p> <p><u>[Final Order on AMD4, Soil Protection Condition 4]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b><i>STANDARD: Land Use (LU) [OAR 345-022-0030]</i></b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>PRE-LU-01</u>                                                                   | <p>a. <u>Prior to construction of any component or phase of the solar facility, the certificate holder shall submit, to the Department and the Sheman County Planning Commission, an application for Conditional Use Permit Meeting the requirements of SCZO Section 5.4(1) and (3).</u></p> <p>b. <u>The Site Plan required under SCZO 5.4(1) must demonstrate compliance with all applicable local ordinances and site certificate conditions.</u></p> <p>c. <u>Upon submission of the proper application and any required fee, the County shall promptly issue the permit without further hearing or proceeding, as required under ORS 469.401(3). The certificate holder may not begin construction until a permit has been issued.</u></p> <p><u>[Final Order on AMD4, Land Use Condition 3]</u></p> |
| <u>PRE-LU-02</u>                                                                   | <p><u>Prior to construction of any component or phase of the solar facility, the certificate holder must sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).</u></p> <p><u>[Final Order on AMD4, Land Use Condition 5]</u></p>                                                                                                                                                                                                                                                                                                                             |
| <u>PRE-LU-03</u>                                                                   | <p><u>Prior to construction of the solar facility, component or phase, as applicable, the certificate holder shall submit to the Department:</u></p> <p>a. <u>A Memorandum of Understanding or other agreement executed by the certificate holder, Mid-Columbia Community Economic Development District, and Sherman County, establishing a Community Investment Fund in accordance with the Community Investment Plan included as Attachment E to the Final Order on RFA4.</u></p> <p>b. <u>Evidence that that the certificate holder has contributed at least \$1,600 per acre of cultivated land that will be occupied by facility components to the Community Investment Fund.</u></p> <p><u>[Final Order on AMD4, Land Use Condition 6]</u></p>                                                      |
| <b><i>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>PRE-RF-01</u>                                                                   | <p><u>Prior to construction of the solar facility, component or phase, as applicable, the certificate holder shall:</u></p> <p>a. <u>Submit to the Department Table 14 (Retirement Table with tasks/unit/unit costs) of the Final Order on RFA4, updated based on final design and phased construction, if applicable. Certificate holder may not make changes to the unit cost without review and approval by the Department. Certificate holder must also request that the Department confirm the present-day inflation adjusted</u></p>                                                                                                                                                                                                                                                                |

| Condition Number                                                              | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                                               | <p><u>decommissioning estimate, rounded to the nearest \$1,000, to be reflected in the bond or letter of credit in sub c of this condition.</u></p> <p>b. <u>Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.</u></p> <p>c. <u>Submit to the Department a bond or letter of credit, in the amount affirmed by the Department under (a), based on the Council's current pre-approved financial institution list and form.</u></p> <p>[Final Order on AMD4, Retirement and Financial Assurance Condition 1]</p>                                                                                                                                                                                                                                                                           |
| <b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>PRE-FW-01</u>                                                              | <p><u>Prior to construction of a phase or component of the solar facility, as applicable, the certificate holder shall submit the final Habitat Mitigation Plan substantially similar to Final Order on RFA4 Attachment F, based on the finalization requirements included in the Section 2.0 of the plan. The final plan must be submitted for review and approval by the Department in consultation with ODFW.</u></p> <p>[Final Order on AMD4, Fish and Wildlife Habitat Condition 1]</p>                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>STANDARD: Historic, Cultural and Archeological (HC) [OAR 345-022-0090]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>PRE-HC-01</u>                                                              | <p><u>Prior to construction, the certificate holder shall update the contact information provided in the Final Order on ASC Attachment H, Inadvertent Discovery Plan.</u></p> <p>[Final Order on AMD4; Historic, Cultural and Archeological Condition 3]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>STANDARD: Public Services (PS) [OAR 345-022-0100]</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <u>PRE-PS-01</u>                                                              | <p><u>At least 90-days prior to construction of a phase or component of the solar facility, the certificate holder shall provide to the Department and Sherman County a Construction Workforce Housing Plan. The Construction Workforce Housing Plan must include:</u></p> <p>a. <u>An evaluation of ongoing patterns of housing uses and potential shortages or changes in housing demand;</u></p> <p>b. <u>Consideration of concerns and suggestions from Sherman County; and</u></p> <p>c. <u>Provide strategies to minimize impacts to the local housing supply.</u></p> <p>[Final Order on AMD4, Public Services Condition 1]</p>                                                                                                                                                                                                                                                                 |
| <u>PRE-PS-02</u>                                                              | <p><del>(77) — Before beginning</del><u>Prior to construction of any phase or component of the solar facility, the certificate holder shall develop:</u></p> <p>a. <u>Provide an executed Road Use Agreement between the certificate holder and Sherman County Public Works Department, which includes, at a minimum:</u></p> <p>i. <del>a system for monitoring</del><u>documenting the pre-construction condition of state highways and local roads that would serve as transportation routes for delivering equipment to the facility site for degradation, e.g., major potholes, so that safe travel paths may be maintained. The monitoring system shall include site inspection and photographic cataloguing of existing road conditions so that pre-construction conditions can be compared with conditions after construction has been completed to assess needed repairs and payment.</u></p> |

| Condition Number                                                                 | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                                                  | <ul style="list-style-type: none"> <li>ii. <u>Protocols for monitoring road conditions for degradation during construction so that safe travel paths may be maintained.</u></li> <li>iii. <u>An agreement to fund repairs of construction related damage to the satisfaction of Sherman County Public Works. The certificate holder shall coordinate monitoring methods and preferred mitigation efforts with Sherman County Public Works and the Oregon Department of Transportation.</u></li> <li>b. <u>Submit a Construction Traffic Management Plan for Department review and approval. Unless the following are included in the executed Road Use Agreement, the plan shall, at a minimum, require that the certificate holder:</u> <ul style="list-style-type: none"> <li>i. <u>Provide notice to adjacent landowners when construction takes place to help minimize access disruptions;</u></li> <li>ii. <u>Provide proper road signage and warnings of "Equipment on Road," "Truck Access," or "Road Crossings;"</u></li> <li>iii. <u>Implement traffic diversion equipment, such as advance signage and pilot cars, whenever possible when slow or oversized loads are being hauled;</u></li> <li>iv. <u>Encourage carpooling for the construction workforce to reduce traffic volume;</u></li> <li>v. <u>Employ flaggers, as necessary, to direct traffic when large equipment is entering or exiting public roads to minimize risk of accidents; and</u></li> <li>vi. <u>Maintain at least one travel lane at all times so that roadways will not be closed to traffic as a result of construction vehicles entering or exiting public roads.</u></li> </ul> </li> </ul> <p>[Final Order on ASC, Condition 77; Amendment #AMD1; AMD4]</p> |
| <b>STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PRE-WF-01                                                                        | <p><u>Prior to construction of any component or phase of the solar facility, the certificate holder shall finalize and submit to the Department, for review and approval, a Construction Wildfire Mitigation Plan (WMP) consistent with Attachment G to the Final Order on AMD4.</u></p> <p>[Final Order on AMD4, Wildfire Prevention and Risk Mitigation Condition 1]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>STANDARD: Waste Minimization (WM) [OAR 345-022-0120]</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PRE-WM-01                                                                        | <p><del>(84)</del> <u>Prior to construction of any component or phase of the solar facility, the certificate holder shall implement submit a Construction Waste Management Plan, for review and approval by the Department. The plan must include, at a minimum, that includes but is not limited to the following measures:</u></p> <ul style="list-style-type: none"> <li>a. <u>The format, content and frequency of Training employee trainings to minimize and recycle solid waste;</u></li> <li>b. <u>Practices and measures that will be implemented to minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices;</u></li> <li>c. <u>Identify a procedure or process for evaluating whether photovoltaic modules, batteries, or other facility components are considered hazardous waste under state or federal regulations;</u></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Condition Number                                                   | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                    | <p>d. <u>Identify procedures for the segregation of recyclable materials, non-hazardous waste, and hazardous waste for transport and disposal by a licensed hauler specializing in the proper recycling or disposal of the wastes.</u></p> <p>e. <u>Identify names and locations of licensed haulers and facilities that will be used for the following, including associated collection and hauling protocols and requirements:</u></p> <p><del>(c)</del>-i. <u>Recycling steel and other metal scrap;</u></p> <p><del>(d)</del>ii. <u>Recycling wood waste;</u></p> <p><del>(e)</del>iii. <u>Recycling packaging wastes, such as paper and cardboard;</u></p> <p><del>(f)</del>iv. <u>Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler; and</u></p> <p><del>(g)</del> <u>Segregating all hazardous wastes, such as used oil, oily rags and oil absorbent materials, mercury containing lights and lead acid and nickel cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.</u></p> <p>f. <u>Identify inspection and recordkeeping procedures for waste handling, disposal and recycling.</u></p> <p>g. <u>Include a provision allowing for updates of the plan, subject to Department review and approval.</u></p> <p>[Final Order on ASC, Condition 84; AMD4]</p> |
| <b>STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>PRE-NC-01</u>                                                   | <p><u>Prior to beginning construction of any noise generating equipment, the certificate holder shall provide an updated acoustic modeling analysis based on final facility design and equipment specifications demonstrating that the cumulative operational noise levels of the wind and solar facility, taking into account any necessary acoustic mitigation, will comply with the maximum permissible noise level, 50 dBA L50</u></p> <p><u>[Final Order on AMD4, Noise Control Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>PRE-NC-02</u>                                                   | <p><u>Prior to construction of the solar facility, the certificate holder must submit to the Department copies of executed legally effective easement(s) or real covenant(s) for all Noise Sensitive Properties impacted by the solar facility with noise exceedance. The easement or covenant must authorize the solar energy facility to increase the ambient statistical noise levels, L10 or L50, on the sensitive property by more than 10 dBA at the appropriate measurement point.</u></p> <p><u>[OAR 340-035-0035(1)(b)(B)(iii)(III); Final Order on AMD4; Noise Control Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>STANDARD: Other – Removal-Fill (WL)</b>                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>PRE-WL-01</u>                                                   | <p>a. <u>Certificate holder shall flag and avoid, or develop constraints mapping, identifying a 50-foot avoidance buffer from the delineated boundary of wetland WT03 and intermittent waterway ST04 (Wetland Delineation Report WD #2025-0012) to ground disturbing activities.</u></p> <p>b. <u>Prior to August 12, 2030, if construction of the solar facility has not yet commenced, the certificate holder must submit a renewal request to DSL for</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Condition Number                           | Preconstruction (PRE) Conditions                                                                                                                                                                                                                                                                                                                         |
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|                                            | <p><u>Wetland Delineation Report WD #2025-0012. Certificate holder must provide a copy of DSL reissuance to the Department, once obtained.</u></p> <p>[Final Order on AMD4, Removal-Fill Condition 1]</p>                                                                                                                                                |
| <b>STANDARD: Other – Water Rights (WR)</b> |                                                                                                                                                                                                                                                                                                                                                          |
| <u>PRE-WR-01</u>                           | <p><u>Prior to construction of any new well, the certificate holder shall provide the Department a copy of the map, well log and all other information it provided to OWRD pursuant to ORS 537.545 and ORS 537.765 to qualify for an exempt ground water use for any onsite exempt wells.</u></p> <p>[Final Order on AMD4, Water Rights Condition 1]</p> |

### 6.3 Construction (CON) Conditions

| Condition Number                                                  | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>STANDARD: GENERAL STANDARD (GS) [OAR 345-022-0000]</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>CON-GS-01</u>                                                  | <p><u>The certificate holder must begin construction of the solar facility, phase or component on or before [ENTER DATE 6 YEARS FROM ISSUE DATE]. Within 7 days of construction commencement, the certificate holder must provide the Department with written verification that it has met the deadline by satisfying applicable preconstruction conditions and completing at least \$250,000 work in the Solar Micrositing Area.</u></p> <p>[OAR 345-025-0006(4), Final Order on AMD4, General Standard Condition 1]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <u>CON-GS-02</u>                                                  | <p><u>The certificate holder must complete construction of the facility, phase or component within 3 years of the actual applicable construction commencement date for the facility or applicable phase reported under Condition CON-GS-01. Within 7 days after completing construction, the certificate holder shall provide the Department written verification that it has met the deadline.</u></p> <p>[OAR 345-025-0006(4), Final Order on AMD4, General Standard Condition 2]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>CON-OE-01</u>                                                  | <p><del>(3) —</del>During construction of <u>any component or phase of the solar</u> facility, the certificate holder shall <del>have</del>:</p> <ul style="list-style-type: none"> <li>a. <del>Maintain an</del> <u>qualified on-site assistant construction manager who is qualified with demonstrated experience</u> in environmental compliance;</li> <li>b. <u>Require the construction manager to ensure compliance with all construction-related site certificate conditions. During operation, the certificate holder shall have a project manager who is qualified in environmental compliance to ensure compliance with all ongoing site certificate conditions.</u></li> <li>c. <del>The certificate holder shall n</del>Notify the Department of the name, telephone number, fax number and e-mail address of these managers <del>and shall keep the Department informed of within 72 hours after</del> any change in this information.</li> </ul> <p>[Final Order on ASC, Condition 3; AMD4]</p> |



| Condition Number                                             | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| CON-OE-02                                                    | <p>a. <u>Within three months after beginning construction of any phase or component of the solar facility, and every three months thereafter during construction, the certificate holder shall submit a construction progress report to the Department.</u></p> <p>b. <u>Each construction progress report shall describe:</u></p> <ul style="list-style-type: none"> <li>i. <u>Any significant changes to major milestones for construction;</u></li> <li>ii. <u>Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.</u></li> <li>iii. <u>Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period;</u></li> <li>iv. <u>Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the reporting period in accordance with site certificate terms and conditions, a summary of the results of those activities, and a discussion of any significant changes to any monitoring or mitigation program, including the reason for any such changes.</u></li> <li>v. <u>Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.</u></li> <li>vi. <u>Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.</u></li> </ul> <p>c. <u>When the reporting date coincides, the certificate holder may include the construction progress report within the annual report required under Condition OPR-OE-01.</u></p> <p>[Final Order on AMD4, Organizational Expertise Condition 3]</p> |
| <b>STANDARD: Structural Standard (SS) [OAR 345-022-0020]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| CON-SS-01                                                    | <p><del>(67)</del>—The certificate holder shall design and construct the solar facility in accordance with <u>the applicable requirements set forth by the State of Oregon’s of the International Building Code, Oregon Structural Specialty Code, Division and any other applicable codes and design procedures in effect at the time of construction.</u></p> <p>[Final Order on ASC, Condition 67; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| CON-SS-02                                                    | <p><del>(112)</del> <del>OAR 345-027-0020(12)</del>: The certificate holder shall design, engineer and construct the solar facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this <del>rule</del><u>condition</u> “seismic hazard”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Condition Number                                                | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                                                 | includes ground shaking, <u>ground failure</u> , landslide, liquefaction <u>triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading)</u> , <del>tsunami inundation, fault displacement and subsidence</del> <u>cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.</u><br>[OAR 345-027-0020(12); Final Order on ASC, Condition 112; AMD4]                                                                                |
| <u>CON-SS-03</u>                                                | <del>(68)</del> —The certificate holder shall design, engineer and construct the <u>solar</u> facility to avoid dangers to human safety presented by non-seismic hazards. <del>As used in this condition, “non-seismic hazards”,</del> <u>including, but not limited to settlement, landslides, flooding, and erosion, and collapsible soils.</u> No ground disturbing activity may occur in areas with slopes exceeding 20 percent.<br>[Final Order on ASC, Condition 68; AMD4]                                     |
| <b><i>STANDARD: Soil Protection (SP) [OAR 345-022-0022]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                 | <del>(26)</del> —The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements and storm water management requirements. |
|                                                                 | <del>(27)</del> —During construction of the facility, the certificate holder shall limit truck traffic to designated existing and improved road surfaces to avoid soil compaction, to the extent possible. <u>[Deleted by AMD4]</u>                                                                                                                                                                                                                                                                                  |
|                                                                 | <del>(31)</del> —During construction of the underground collector system, the certificate holder shall open the smallest necessary sections of trench during each day of construction and backfill the trenches as soon as is practical after power lines have been set in the trenches. <u>[Deleted by AMD4]</u>                                                                                                                                                                                                    |
|                                                                 | <del>(32)</del> —During construction of the facility, the certificate holder shall strip and stockpile soil from laydown areas only during the time of year when rainfall is lowest, minimizing erosion from precipitation. <u>[Deleted by AMD4]</u>                                                                                                                                                                                                                                                                 |
|                                                                 | <del>(33)</del> —During construction of the facility, the certificate holder shall use straw bales or similar containment features to protect soil stockpiles from erosion, as needed.                                                                                                                                                                                                                                                                                                                               |
|                                                                 | <del>(34)</del> —During construction of the facility, the certificate holder shall keep wind-borne erosion to a minimum by using water trucks for dust suppression, as necessary. <u>[Deleted by AMD4]</u>                                                                                                                                                                                                                                                                                                           |
|                                                                 | <del>(35)</del> —During construction of the facility, the certificate holder shall restore staging locations by bringing them back to their original contours, covering them with topsoil, and revegetating or preparing them for planting of wheat or barley or use as range land. <u>[Deleted by AMD4]</u>                                                                                                                                                                                                         |
| <u>CON-SP-01</u>                                                | <del>(111)</del> —OAR 345-027-0020(11): Upon completion of construction of the solar facility, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the                                                                                                                                                                                                                                                     |



| Condition Number                                                                   | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                                    | <p>surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[OAR 345-027-0020(11); Final Order on ASC, Condition 111; Amendment #AMD3; AMD4]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>CON-SP-02</u>                                                                   | <p><u>During and following construction of any component or phase of the solar facility, the certificate holder shall conduct all work in compliance with the Comprehensive Solar Revegetation and Soil Management Plan required under Condition PRE-SP-01.</u></p> <p>[Final Order on AMD4, Soil Protection Condition 2]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>CON-SP-03</u>                                                                   | <p><u>During construction of the solar facility, the certificate holder and all onsite contractors and personnel shall adhere to the requirements of the SPCC Plan approved under Condition PRE-SP-02. Updates or revisions to the Plan shall be submitted to the Department prior to implementation.</u></p> <p>[Final Order on AMD4, Soil Protection Condition 5]</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>STANDARD: Retirement and Financial Assurance (RF) [OAR 345-022-0050]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>CON-RF-01</u>                                                                   | <p><u>If construction extends more than 12 months, the certificate holder shall:</u></p> <ol style="list-style-type: none"> <li><u>Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.</u></li> <li><u>Incorporate any additional decommissioning costs for proposed facility changes which have been determined by the Department not to require a site certificate amendment.</u></li> <li><u>The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.</u></li> </ol> <p>[Final Order on AMD4, Retirement and Financial Assurance Condition 2]</p>                                                                                                                                                                                                                                                                                                      |
| <b><i>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</i></b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>CON-FW-01</u>                                                                   | <ol style="list-style-type: none"> <li><u>Prior to the seasonal restriction referred in this condition and during any year in which construction of any component or phase of the solar facility occurs, the certificate holder shall:</u> <ol style="list-style-type: none"> <li><u>Use a protocol approved by ODFW to determine whether there are any active nests of the species listed in the table below within a half-mile of any areas that would be disturbed during construction.</u></li> <li><u>If a nest is occupied by any of these species after the beginning of the seasonal restriction, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) or allow high levels of construction traffic within the spatial buffer of the nest site.</u></li> <li><u>Any work areas within the spatial buffers during the seasonal restriction shall be flagged/marked.</u></li> </ol> </li> <li><u>The seasonal restrictions are as provided in the table below:</u></li> </ol> |

**Condition  
Number**

**Construction (CON) Conditions**

| <u>Species</u>                                                                                                         | <u>Spatial Buffer</u> | <u>Seasonal Restriction</u> | <u>Early Release Date if Unoccupied</u> |
|------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------|-----------------------------------------|
| <u>Golden eagle</u>                                                                                                    | <u>0.5 – 1 mile</u>   | <u>Feb 1 – Aug 15</u>       | <u>May 15</u>                           |
| <u>Bald eagle</u>                                                                                                      | <u>0.5 mile</u>       | <u>Jan 1 – Aug 15</u>       | <u>May 31</u>                           |
| <u>Ferruginous hawk</u>                                                                                                | <u>0.5 mile</u>       | <u>Mar 15 – Aug 15</u>      | <u>May 31</u>                           |
| <u>Northern goshawk**</u>                                                                                              | <u>0.5 mile</u>       | <u>May 1 – Aug 15</u>       | <u>June 30</u>                          |
| <u>Peregrine falcon**</u>                                                                                              | <u>0.25 mile</u>      | <u>Jan 1 – Jul 1</u>        | <u>May 15</u>                           |
| <u>Swainson’s hawk**</u>                                                                                               | <u>0.25 mile</u>      | <u>Apr 1 – Aug 15</u>       | <u>May 31</u>                           |
| <u>White-tailed kite</u>                                                                                               | <u>0.25 mile</u>      | <u>Jan 1 – Aug 15</u>       |                                         |
| <u>Osprey</u>                                                                                                          | <u>0.25 mile</u>      | <u>Mar 1 – Sep 15</u>       |                                         |
| <u>Burrowing owl**</u>                                                                                                 | <u>0.25 mile</u>      | <u>Apr 1 – Aug 15</u>       | <u>May 31</u>                           |
| <u>Flammulated owl**</u>                                                                                               | <u>0.25 mile</u>      | <u>May 1 – Jul 31</u>       | <u>June 15</u>                          |
| <u>Great gray owl**</u>                                                                                                | <u>0.25 mile</u>      | <u>Apr 1 – Jul 31</u>       | <u>May 31</u>                           |
| <u>Red-tailed hawk</u>                                                                                                 | <u>0.10 mile</u>      | <u>Mar 1 – Aug 15</u>       | <u>May 31</u>                           |
| <u>Other hawks and owls</u>                                                                                            | <u>0.25 mile</u>      | <u>Mar 1 – Aug 15</u>       | <u>May 31</u>                           |
| <u>Dates cover territory establishment through fledging. Release dates can be used for unoccupied or failed nests.</u> |                       |                             |                                         |
| <u>Some geographic variation exists in seasonal restriction dates, please consult with local ODFW staff.</u>           |                       |                             |                                         |
| <u>** Indicates Oregon Conservation Strategy Species.</u>                                                              |                       |                             |                                         |

- c. Upon request by the certificate holder, the Department in consultation with ODFW may provide exceptions to this restriction. The certificate holder’s request must include a justification of the request, including any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the raptor and its nest.  
[Final Order on AMD4, Fish and Wildlife Condition 3]

***STANDARD: Historic, Cultural and Archeological (HC) [OAR 345-022-0090]***

CON-HC-01

Prior to construction, the certificate holder shall update the contact information provided in the Final Order on ASC Attachment I, Inadvertent Discovery Plan.  
[Final Order on AMD4; Historic, Cultural and Archeological Condition 4]

~~(70) The certificate holder shall ensure that a qualified person instructs construction personnel in the identification of cultural resources. [Deleted by AMD4]~~

~~(71) The certificate holder shall ensure that a qualified archaeologist is present on site during any ground disturbing activities, including grading and graveling; or, the certificate holder shall implement an alternate monitoring procedure, including a testing strategy, as agreed to in consultation with the Department, SHPO, and the tribes. [Deleted by AMD4]~~

~~(72) The certificate holder shall ensure that construction personnel cease all ground disturbing activities in the immediate area if any archaeological or cultural~~

| Condition Number                                         | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                                                          | <del>resources are found during construction of the facility until a qualified archaeologist can evaluate the significance of the find. The certificate holder shall notify the Department and the State Historic Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance or data recovery, in consultation with the Department, SHPO, and other appropriate parties. The certificate holder shall not restart work in the affected area until the certificate holder has demonstrated to the Department that it has complied with the archaeological permit requirements administered by SHPO. [Deleted by AMD4]</del> |
|                                                          | <del>(73) — The certificate holder shall ensure that construction personnel proceed carefully in the vicinity of the mapped alignment of the Oregon Trail. If any intact physical evidence of the trail is discovered, the certificate holder shall avoid any disturbance to the intact segments, by redesign, re-engineering or restricting the area of construction activity. The certificate holder shall promptly notify the Department and SHPO of the discovery. The certificate holder shall consult with the Department and with SHPO to determine appropriate mitigation measures. [Deleted by AMD4]</del>                                                                                                                                                            |
| <b>STANDARD: Public Services (PS) [OAR 345-022-0100]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <u>CON-PS-01</u>                                         | <del>(74) — Prior to and during construction of any component or phase of the solar facility, the certificate holder and its contractors shall obtain all water required for construction activities from off-site sources previously permitted for such uses:</del><br><del>a. <u>Identify all water-related needs and estimate daily and annual water demand for facility construction.</u></del><br><del>b. <u>Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility construction demand has been secured and that water for all construction activities will be legally obtained by service providers or third-party permits.</u></del><br><del>[Final Order on ASC, Condition 74; AMD4]</del>               |
| <u>CON-PS-02</u>                                         | <u>During construction of a phase or component of the solar facility, the certificate holder shall report on the implementation of the Construction Workforce Housing Plan required under PRE-PS-01, including any outstanding issues associated with workforce housing and potential solutions.</u><br><u>[Final Order on AMD4, Public Services Condition 2]</u>                                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>CON-PS-03</u>                                         | <del>(46) — During construction of the solar facility, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs on-site workers and others what to do in case of an emergency and that includes the locations of fire extinguishers and nearby hospitals, important telephone numbers, and first aid techniques.</del><br><del>[Final Order on ASC, Condition 46; AMD4]</del>                                                                                                                                                                                                                                                                                                           |
| <u>CON-PS-04</u>                                         | <del>(78) — After completing</del> <u>During and following construction of a phase or component of the solar facility, the certificate holder shall</u> <del>restore state highways and county</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Condition Number                                                                 | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                                                                  | <p><del>roads affected by facility construction activities to at least their pre-construction conditions, to the satisfaction of Sherman County Public Works and the Oregon Department of Transportation adhere to the requirements of the Road Use Agreement and Construction Traffic Management Plan required under Condition PRE-PS-02.</del></p> <p><u>[Final Order on ASC, Condition 78; AMD4]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                  | <p><del>(79) During construction of the facility, the certificate holder shall implement the following measures to reduce traffic delays on county roads serving as transporter routes for delivery of equipment to the facility site:</del></p> <p><del>(a) Provide notice to adjacent landowners when construction takes place to help minimize access disruptions;</del></p> <p><del>(b) Provide proper road signage and warnings of "Equipment on Road," "Truck Access," or "Road Crossings;"</del></p> <p><del>(c) Implement traffic diversion equipment, such as advance signage and pilot cars, whenever possible when slow or oversized loads are being hauled;</del></p> <p><del>(d) Encourage carpooling for the construction workforce to reduce traffic volume;</del></p> <p><del>(e) Employ flaggers, as necessary, to direct traffic when large equipment is entering or exiting public roads to minimize risk of accidents; and</del></p> <p><del>(f) Maintain at least one travel lane at all times so that roadways will not be closed to traffic as a result of construction vehicles entering or exiting public roads. [Deleted by AMD4]</del></p> |
| <b>STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                  | <p><del>(95) During construction of the facility, the certificate holder shall clear vegetation from a laydown area adjacent to each wind turbine where welding, cutting, grinding, or other flame- or spark-producing operations are likely to occur.</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <u>CON-WF-01</u>                                                                 | <p><u>During construction of the solar facility, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under Condition PRE-WF-01.</u></p> <p><u>[Final Order on AMD4, Wildfire Prevention and Risk Mitigation Condition 2]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>STANDARD: Waste Minimization (WM) [OAR 345-022-0120]</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>CON-WM-01</u>                                                                 | <p><u>During construction, the certificate holder and all onsite contractors must implement the Construction Waste Management Plan required under Condition PRE-WM-01.</u></p> <p><u>[Final Order on AMD4, Waste Minimization Condition 1]</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <u>CON-WM-02</u>                                                                 | <p><del>(82) During construction of the facility, the certificate holder shall provide portable toilets for on-site sewage handling and shall ensure that the portable toilets are pumped and cleaned regularly by a <u>qualified</u> licensed contractor that is <del>qualified to pump and clean portable toilet facilities.</del></del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                  | <p><del>(85) The certificate holder may dispose of waste concrete on site with the permission of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. The certificate holder shall dispose of waste concrete on site by placing the material in an excavated hole, covering the concrete with at least 3</del></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Condition Number                                 | Construction (CON) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                  | <del>feet of topsoil, and grading the area to match existing contours. If the waste concrete is not disposed of on site, the certificate holder shall arrange for proper disposal in a licensed landfill. [Deleted by AMD4]</del>                                                                                                                                                                                                                                                                                                                                                           |
|                                                  | <del>(86) — During construction of the facility, the certificate holder shall ensure that the wash down of concrete trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If such wash down occurs at tower foundation locations, then the certificate holder shall ensure that wash down wastewater does not run off the construction site into otherwise undisturbed areas and that the wastewater is disposed of on backfill piles and buried underground with the backfill over the tower foundation. [Deleted by AMD4]</del>                          |
| <b>Standard: Noise Control, OAR 340-035-0035</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>CON-NC-01</u>                                 | <del>(89) — To reduce noise impacts at nearby residential areas</del> <u>During construction of the solar facility, the certificate holder shall:</u> <ol style="list-style-type: none"> <li>Confine the noisiest operation of heavy construction equipment to the daylight hours;</li> <li>Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and</li> <li><u>Establish a complaint response system at the construction manager's office to address noise complaints.</u></li> </ol> <u>[Final Order on ASC, Condition 89; AMD4]</u> |

#### 6.4 Pre-Operational (PRO) Conditions

| Condition Number                                                                 | Pre-Operational (PRO) Conditions                                                                                                                                                                                                                                                                                                                                                           |
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| <b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b>                |                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>PRO-OE-01</u>                                                                 | <u>Prior to beginning operation of the solar facility, the certificate holder shall submit a final Operation and Maintenance Plan to the Department for review and approval. The plan must be finalized in accordance with Table 1 of the O&amp;M Framework provided in Attachment C to the Final Order on AMD4.</u><br><u>[Final Order on AMD4, Organizational Expertise Condition 1]</u> |
| <b>STANDARD: Soil Protection (SP) [OAR 345-022-0020]</b>                         |                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>PRO-SP-01</u>                                                                 | <u>Prior to beginning operation of the solar facility, the certificate holder shall submit, to the Department, an Operations Spill Prevention, Control and Countermeasure Plan that complies with the requirement of 40 CFR 112.</u><br><u>[Final Order on AMD4, Soil Protection Condition 6]</u>                                                                                          |
| <b>STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]</b> |                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>PRO-WF-01</u>                                                                 | <ol style="list-style-type: none"> <li><u>Prior to operation of the solar facility, phase or component, as applicable, the certificate holder shall submit, to the Department for review and approval, an</u></li> </ol>                                                                                                                                                                   |

| Condition Number | Pre-Operational (PRO) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | <p><u>Operational Wildfire Mitigation Plan that complies with the requirements of OAR 345-022-0115(1)(b).</u></p> <p>b. <u>The certificate holder may rely on a Wildfire Protection Plan approved by the Oregon Public Utility Commission under OAR chapter 860, division 300, or another plan approved by the Department in accordance with this Site Certificate to satisfy some or all of the requirements of this condition.</u></p> <p><u>[Final Order on AMD4, Wildfire Prevention and Risk Mitigation Condition 3]</u></p> |

## 6.5 Operational (OPR) Conditions

| Condition Number                                                    | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STANDARD: General Standard of Review (GS) [OAR 345-022-0000]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>OPR-GS-01</u>                                                    | <p><del>(102) OAR 345-027-0020(2)</del>: <u>The certificate holder shall submit an updated legal description of the site to the Department of Energy within 90 days after beginning operation of the solar facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.</u></p> <p><u>[OAR 345-027-0020(2); Final Order on ASC, Condition 102; Amendment #AMD3; AMD4]</u></p> |
| <b>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>OPR-OE-01</u>                                                    | <p><u>During operation of the solar facility, the certificate holder shall require onsite contractors and employees to adhere to the O&amp;M Plan approved under Condition PRO-OE-01. The O&amp;M Plan may be amended, subject to Department review and approval.</u></p> <p><u>[Final Order on AMD4, Operational Expertise Condition 2]</u></p>                                                                                                                                                                                                                                            |
| <b>STANDARD: Soil Protection (SP) [OAR 345-022-0020]</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <u>OPR-SP-06</u>                                                    | <p><u>During operation of the solar facility, the certificate holder shall monitor and maintain vegetation and any necessary erosion controls in compliance with the Comprehensive Solar Revegetation and Soil Management Plan required under Condition PRE-SP-01, as amended. The certificate holder shall include any reports required by the plan in the annual facility operations reports required under Condition OPR-OE-01.</u></p> <p><u>[Final Order on AMD4, Soil Protection Condition 3]</u></p>                                                                                 |
| <u>OPR-SP-07</u>                                                    | <p><u>During operation of the solar facility, the certificate holder and all onsite contractors and personnel shall adhere to the requirements of the Operations Spill Prevention, Control and Countermeasure Plan approved under Condition PRO-SP-01. Updates or revisions to the Plan shall be submitted to the Department prior to implementation.</u></p> <p><u>[Final Order on AMD4, Soil Protection Condition 7]</u></p>                                                                                                                                                              |
| <b>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| Condition Number                                                                        | Operational (OPR) Conditions                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>OPR-FW-05</u>                                                                        | <u>During operation of the solar facility, the certificate holder shall implement the Habitat Mitigation Plan finalized under Condition PRE-FW-01. The HMP may be amended from time to time, subject to Department approval.</u><br><u>[Final Order on AMD4, Fish and Wildlife Habitat Condition 2]</u>                                                                                  |
| <b><i>STANDARD: Historic, Cultural and Archeological (HC) [OAR 345-022-0090]</i></b>    |                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>OPR-HC-01</u>                                                                        | <u>During operations, the certificate holder shall require all onsite employees and contractors to implement and adhere to the requirements of the Inadvertent Discovery Plan, as provided in Condition PRE-HC-01. The IDP shall be reviewed and updated annually for current contact information.</u><br><u>[Final Order on AMD4; Historic, Cultural and Archeological Condition 5]</u> |
| <b><i>STANDARD: Wildfire Prevention and Risk Mitigation (WF) [OAR 345-022-0115]</i></b> |                                                                                                                                                                                                                                                                                                                                                                                          |
| <u>OPR-WF-01</u>                                                                        | <u>During operation of the solar facility, the certificate holder must adhere to the requirements of the Operational Wildfire Mitigation Plan approved by the Department under Condition PRO-WMP-01, as updated in accordance with the requirements of the plan.</u><br><u>[Final Order on AMD4, Wildfire Prevention and Risk Mitigation Condition 4]</u>                                |



## 7.0 Successors and Assigns

To transfer this site certificate, or any portion thereof, or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

## 8.0 Severability and Construction

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid. In the event of a conflict between the conditions contained in this site certificate and the Council's final order, the conditions contained in this site certificate shall control.

## 9.0 Governing Law and Forum

This site certificate shall be governed by the laws of the State of Oregon. Any litigation or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.

## 10.0 Execution

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder. ~~[Amendment #1]~~

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council, and by Portland General Electric Company.

### ENERGY FACILITY SITING COUNCIL

By: \_\_\_\_\_

Kent Howe, Chair

Date: \_\_\_\_\_

### PORTLAND GENERAL ELECTRIC COMPANY

By: \_\_\_\_\_

\_\_\_\_\_, Authorized Representative

Date: \_\_\_\_\_



## **ATTACHMENT 1: FIGURES**

**Figure 1: Regional Location of Facility and Site Boundary**

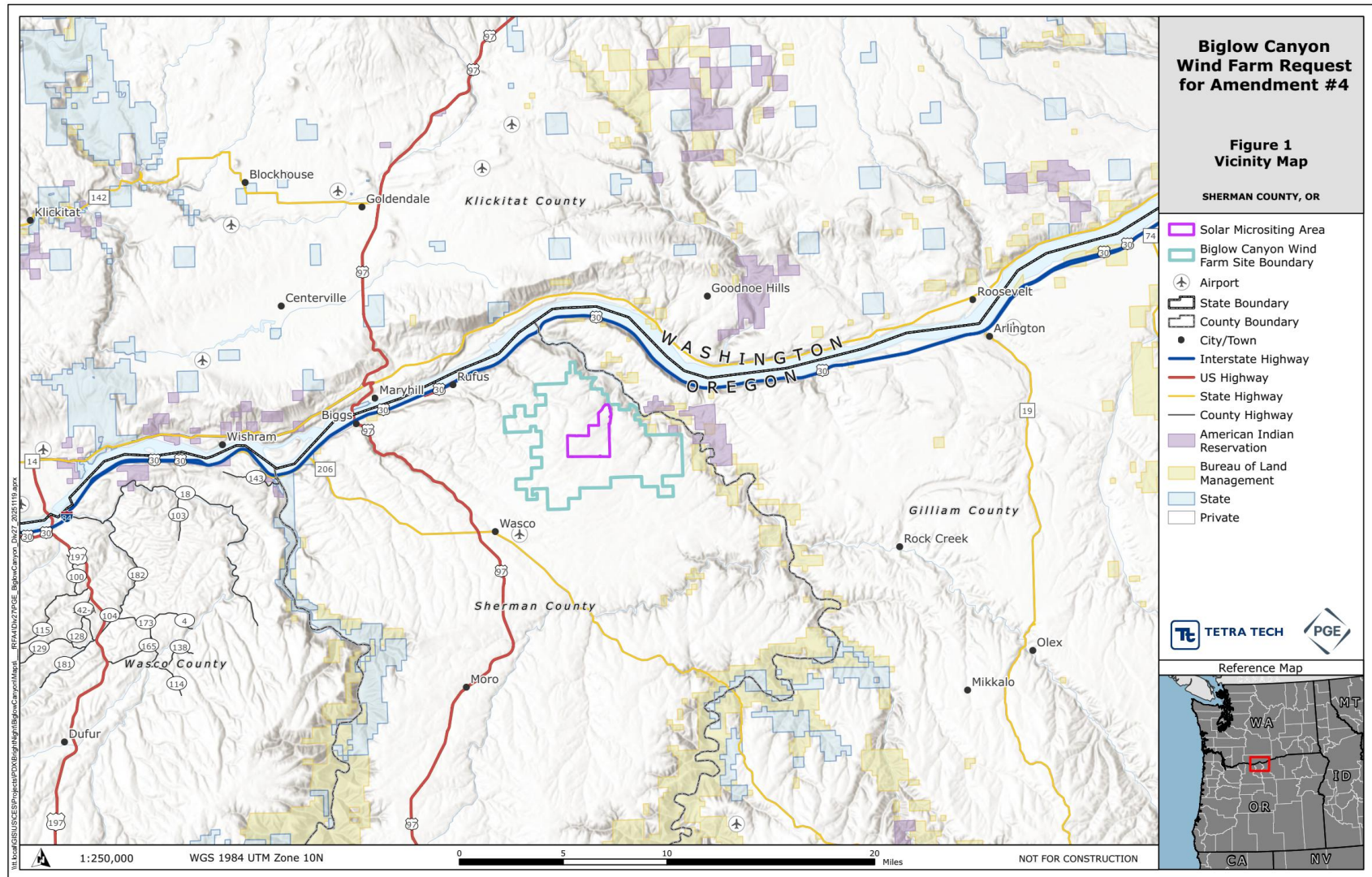
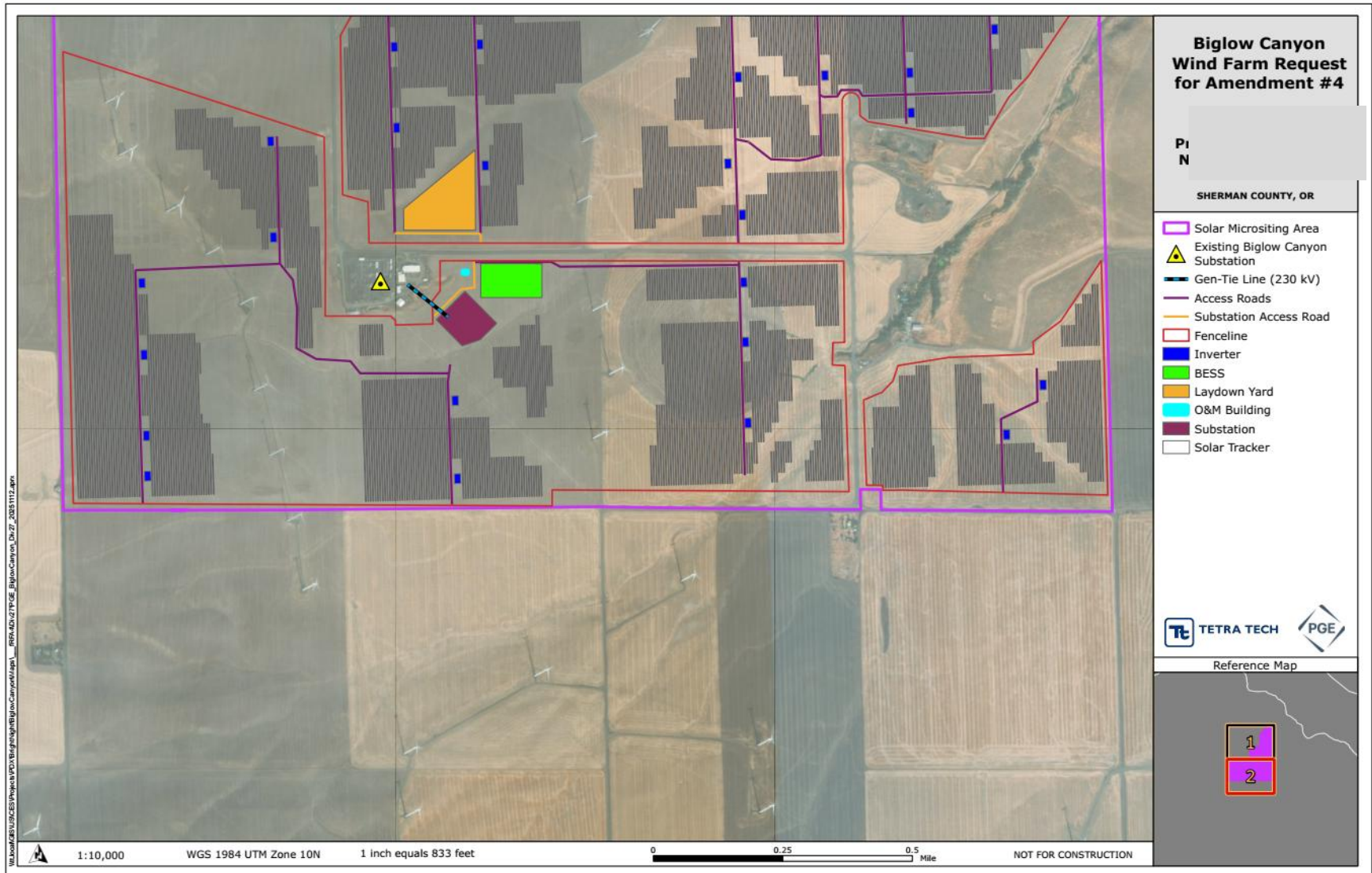


Figure 2: Approved Transmission Line Corridor





**Attachment B: Reviewing Agency Comments  
on preliminary RFA4**

**From:** [HUBNER Daniel](#) \* ODF  
**Sent:** Thursday, May 1, 2025 12:52 PM  
**To:** [CLARK Christopher](#) \* ODOE  
**Cc:** [TOKARCZYK John A](#) \* ODF  
**Subject:** RE: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

---

Hi Christopher,

Based on review of the facility map (which indicates an absence of forested land in the project area), ODF does not have any specific comments on this preliminary amendment request – except to note as usual that the applicant is expected to be familiar with and fulfill any & all relevant obligations related to fire prevention (ORS Chapter 477).

Thanks for the opportunity to comment. Happy to provide a more formal no-comment letter if needed for your records – but if email suffices, we're all good from ODF's end.

Best,  
Dan

**Dan Hubner (he/him/his)**  
Information Analyst  
Oregon Department of Forestry  
503-779-4004



---

**From:** TOKARCZYK John A \* ODF <[John.A.TOKARCZYK@odf.oregon.gov](mailto:John.A.TOKARCZYK@odf.oregon.gov)>  
**Sent:** Wednesday, April 30, 2025 12:04 PM  
**To:** HUBNER Daniel \* ODF <[Daniel.HUBNER@odf.oregon.gov](mailto:Daniel.HUBNER@odf.oregon.gov)>  
**Subject:** FW: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

---

**From:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>  
**Sent:** Wednesday, April 30, 2025 12:00 PM  
**To:** BLEAKNEY Leann <[bleakney@nwcouncil.org](mailto:bleakney@nwcouncil.org)>; ODA\_listedplants <[listedplants@oda.oregon.gov](mailto:listedplants@oda.oregon.gov)>; ODA\_plant-weed <[plant-weed@oda.oregon.gov](mailto:plant-weed@oda.oregon.gov)>; [Brandon.PIKE@aviation.oregon.gov](mailto:Brandon.PIKE@aviation.oregon.gov); THOMPSON Jeremy L \* ODFW <[Jeremy.L.THOMPSON@odfw.oregon.gov](mailto:Jeremy.L.THOMPSON@odfw.oregon.gov)>; WILKES Jessica S \* ODFW <[Jessica.S.Wilkes@odfw.oregon.gov](mailto:Jessica.S.Wilkes@odfw.oregon.gov)>; MEYERS Andrew R \* ODFW <[Andrew.R.MEYERS@odfw.oregon.gov](mailto:Andrew.R.MEYERS@odfw.oregon.gov)>; TOKARCZYK John A \* ODF



<[John.A.TOKARCZYK@odf.oregon.gov](mailto:John.A.TOKARCZYK@odf.oregon.gov)>; HOLSCHBACH Tim J \* ODF  
<[Tim.J.HOLSCHBACH@odf.oregon.gov](mailto:Tim.J.HOLSCHBACH@odf.oregon.gov)>; FIELDS Tom \* ODF <[Tom.FIELDS@odf.oregon.gov](mailto:Tom.FIELDS@odf.oregon.gov)>; HOPKINS Levi  
A \* ODF <[Levi.A.HOPKINS@odf.oregon.gov](mailto:Levi.A.HOPKINS@odf.oregon.gov)>; MCCLAUGHRY Jason \* DGM  
<[Jason.MCCLAUGHRY@dogami.oregon.gov](mailto:Jason.MCCLAUGHRY@dogami.oregon.gov)>; JININGS Jon \* DLCD <[Jon.JININGS@dlcd.oregon.gov](mailto:Jon.JININGS@dlcd.oregon.gov)>;  
FOOTE Hilary \* DLCD <[Hilary.FOOTE@dlcd.oregon.gov](mailto:Hilary.FOOTE@dlcd.oregon.gov)>; EVANS Daniel \* DSL  
<[Daniel.EVANS@dsl.oregon.gov](mailto:Daniel.EVANS@dsl.oregon.gov)>; SALGADO Jessica \* DSL <[Jessica.SALGADO@dsl.oregon.gov](mailto:Jessica.SALGADO@dsl.oregon.gov)>; RASHID  
Yassir \* PUC <[Yassir.RASHID@puc.oregon.gov](mailto:Yassir.RASHID@puc.oregon.gov)>; CRUSE Martha \* DEQ <[Martha.Cruse@deq.oregon.gov](mailto:Martha.Cruse@deq.oregon.gov)>;  
SVELUND Greg \* DEQ <[Greg.SVELUND@deq.oregon.gov](mailto:Greg.SVELUND@deq.oregon.gov)>; KOWITZ Chris C \* WRD  
<[Chris.C.KOWITZ@water.oregon.gov](mailto:Chris.C.KOWITZ@water.oregon.gov)>; BJORK Mary F \* WRD <[Mary.F.BJORK@water.oregon.gov](mailto:Mary.F.BJORK@water.oregon.gov)>;  
[wascocity@gmail.com](mailto:wascocity@gmail.com); [anja.mundy@co.gilliam.or.us](mailto:anja.mundy@co.gilliam.or.us)  
**Cc:** CORNETT Todd \* ODOE <[Todd.CORNETT@energy.oregon.gov](mailto:Todd.CORNETT@energy.oregon.gov)>; ESTERSON Sarah \* ODOE  
<[Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)>

**Subject:** FW: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

Hello,

The Oregon Department of Energy requests agency comments on preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm by **May 30, 2025**. In the preliminary Request, the certificate holder, Portland General Electric Company, seeks authorization from the Energy Facility Siting Council to construct and operate a 385-MW solar photovoltaic power generation facility, battery energy storage systems with up to 375 MW of discharge capacity, and other related or supporting facilities at the site of the operating Biglow Canyon Wind Farm in Sherman County. Please see the notice below for additional information.

You are receiving this request because the Department has identified your organization as a "reviewing agency" for this application. As defined in OAR 345-001-0010, this includes state agencies, local governments and tribal governments with subject matter or geographic jurisdiction over the construction and operation of the facility. If you represent a city and the proposed facility is not located within your jurisdiction, you are a reviewing agency because your jurisdiction is within 10 miles of the facility and construction or operation of the facility may impact your jurisdiction. I will follow up with specific requests for individual agency partners; but in general, the Department is seeking your agencies determination on whether the preliminary request contains sufficient information for the Energy Facility Siting Council to determine whether or not the proposed facility components would comply with all applicable standards, laws, and rules that are subject to the Council's review under ORS chapter 469.

The preliminary Request for Amendment and other information is available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BCW.aspx>. If you need additional time or information, or require print copies materials to prepare your comments, please let me know as soon as possible. If you do not respond to this request by May 30, 2025, the Department will assume your agency does not have any comments at this time.

Thank you,

**Christopher M. Clark**

Senior Siting Analyst

*he/him*

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254



P (In Oregon): 800-221-8035



Stay connected!

---

**From:** Oregon Department of Energy <[ODOE@cd.energy.oregon.gov](mailto:ODOE@cd.energy.oregon.gov)>

**Sent:** Tuesday, April 29, 2025 2:25 PM

**To:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>

**Subject:** Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

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## ENERGY FACILITY SITING COUNCIL

---

### Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

On April 21, 2025, the Oregon Department of Energy received preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm (pRFA4).

In pRFA4, Portland General Electric Company, the certificate holder, requests the Energy Facility Siting Council's approval to construct and operate a 385-MW solar photovoltaic power generation facility, battery energy storage systems with up to 375 MW of discharge capacity, and other related or supporting facilities within a 3,980-acre (6.2 sq. mile) solar micrositing area. The proposed solar micrositing area includes 2,571 acres within the approved wind energy facility site boundary and 1,409 acres which would be added to the site.

The pRFA4 and Public Notice of Receipt of the pRFA4 are available on the [Department's website](#).



The Biglow Canyon Wind Farm is an operating wind energy facility located within a site boundary comprised of approximately 25,000 acres (39 square miles). The facility consists of 217 wind turbines, with a maximum blade tip height of 445 feet, and a peak generating capacity of 450 megawatts.

Please note, this notice is to provide early notification of this amendment request. There is no comment period associated with this phase of review. A comment period and public hearing will be held later in the process.

For more information about pRFA4, please contact Christopher Clark, Senior Siting Analyst, via phone, fax, email, or mail:

Christopher Clark, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (503) 871-7254

Fax: (503) 373-7806

Email: [christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)

*You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.*

*If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to [nancy.hatch@energy.oregon.gov](mailto:nancy.hatch@energy.oregon.gov).*

---

#### **Oregon Department of Energy**

***Leading Oregon to a safe, equitable, clean, and sustainable energy future.***

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an

equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



[AskEnergy@oregon.gov](mailto:AskEnergy@oregon.gov) | 503-378-4040 | 550 Capitol St. NE in Salem  
Click [here](#) to unsubscribe or [here](#) to change your Subscription Preferences.

**From:** [EVANS Daniel](#) \* [DSL](#)  
**Sent:** Friday, May 23, 2025 11:49 AM  
**To:** [CLARK Christopher](#) \* [ODOE](#)  
**Subject:** RE: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

---

Hi Christopher,

For the Amendment 4 for Biglow Canyon Wind Farm

**1. The name, address and telephone number of the contact person assigned to review the application for your agency.**

Trevor Griffiths 971-375-8886 is assigned review of a wetland delineation, WD2025-0012. It is currently in review.

**2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.**

DSL will review a wetland delineation report for determining Waters of the State. At this time it is not know if a Wetland Removal-Fill application governing the issuance and enforcement of removal-fill authorizations within Waters of Oregon, including wetlands, is required.

**3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.**

Wetland delineations will be reviewed per OAR 141-090

Wetland Removal-Fill applications, if required, will be reviewed per OAR 141-085

**4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.**

Wetland Removal-Fill Permit

**5) Recommendations regarding the size and location of analysis areas (see below for more information).**

Based on the proposed project area, it appears many potential resources, as mapped on the Statewide Wetland Inventories are present. A wetland delineation will determine the on-the-grounds extent. Once approved by DSL, a wetland delineation will provide project designers the footprint of wetlands and waters and allow for avoidance and minimization of impacts to Waters of the State to the extent practicable.

**6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.**

Wetland Delineation, which may include additional supporting studies, depending on the site. These may include but are not limited to Stream Duration Assessment Method, identification of Aquatic Resources of Special Concern (e.g.: vernal pools)

Wetland Removal-Fill Permit, which may include additional supporting studies, depending on the site. These may include but are not limited to the Oregon Rapid Wetland Assessment Protocol

and Stream Function Assessment Method.

Thank you,

**Daniel Evans, PWS**

*He/him/his*

Wetland Ecology Specialist

[Oregon Department of State Lands](#)

Mobile: 503-428-8188

---

**From:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>

**Sent:** Wednesday, April 30, 2025 12:00 PM

**To:** BLEAKNEY Leann <[bleakney@nwcouncil.org](mailto:bleakney@nwcouncil.org)>; ODA\_listedplants <[listedplants@oda.oregon.gov](mailto:listedplants@oda.oregon.gov)>; ODA\_plant-weed <[plant-weed@oda.oregon.gov](mailto:plant-weed@oda.oregon.gov)>; [Brandon.PIKE@aviation.oregon.gov](mailto:Brandon.PIKE@aviation.oregon.gov); THOMPSON Jeremy L \* ODFW <[Jeremy.L.THOMPSON@odfw.oregon.gov](mailto:Jeremy.L.THOMPSON@odfw.oregon.gov)>; WILKES Jessica S \* ODFW <[Jessica.S.Wilkes@odfw.oregon.gov](mailto:Jessica.S.Wilkes@odfw.oregon.gov)>; MEYERS Andrew R \* ODFW <[Andrew.R.MEYERS@odfw.oregon.gov](mailto:Andrew.R.MEYERS@odfw.oregon.gov)>; TOKARCZYK John A \* ODF <[John.A.TOKARCZYK@odf.oregon.gov](mailto:John.A.TOKARCZYK@odf.oregon.gov)>; HOLSCHBACH Tim J \* ODF <[Tim.J.HOLSCHBACH@odf.oregon.gov](mailto:Tim.J.HOLSCHBACH@odf.oregon.gov)>; FIELDS Tom \* ODF <[Tom.FIELDS@odf.oregon.gov](mailto:Tom.FIELDS@odf.oregon.gov)>; HOPKINS Levi A \* ODF <[Levi.A.HOPKINS@odf.oregon.gov](mailto:Levi.A.HOPKINS@odf.oregon.gov)>; MCCLAUGHRY Jason \* DGMI <[Jason.MCCLAUGHRY@dogami.oregon.gov](mailto:Jason.MCCLAUGHRY@dogami.oregon.gov)>; JININGS Jon \* DLCD <[Jon.JININGS@dlcd.oregon.gov](mailto:Jon.JININGS@dlcd.oregon.gov)>; FOOTE Hilary \* DLCD <[Hilary.FOOTE@dlcd.oregon.gov](mailto:Hilary.FOOTE@dlcd.oregon.gov)>; EVANS Daniel \* DSL <[Daniel.EVANS@dsl.oregon.gov](mailto:Daniel.EVANS@dsl.oregon.gov)>; SALGADO Jessica \* DSL <[Jessica.SALGADO@dsl.oregon.gov](mailto:Jessica.SALGADO@dsl.oregon.gov)>; RASHID Yassir \* PUC <[Yassir.RASHID@puc.oregon.gov](mailto:Yassir.RASHID@puc.oregon.gov)>; CRUSE Martha \* DEQ <[Martha.Cruse@deq.oregon.gov](mailto:Martha.Cruse@deq.oregon.gov)>; SVELUND Greg \* DEQ <[Greg.SVELUND@deq.oregon.gov](mailto:Greg.SVELUND@deq.oregon.gov)>; KOWITZ Chris C \* WRD <[Chris.C.KOWITZ@water.oregon.gov](mailto:Chris.C.KOWITZ@water.oregon.gov)>; BJORK Mary F \* WRD <[Mary.F.BJORK@water.oregon.gov](mailto:Mary.F.BJORK@water.oregon.gov)>; [wascocity@gmail.com](mailto:wascocity@gmail.com); [anja.mundy@co.gilliam.or.us](mailto:anja.mundy@co.gilliam.or.us)  
**Cc:** CORNETT Todd \* ODOE <[Todd.CORNETT@energy.oregon.gov](mailto:Todd.CORNETT@energy.oregon.gov)>; ESTERSON Sarah \* ODOE <[Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)>

**Subject:** FW: Email Summary of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

Hello,

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You are receiving this request because the Department has identified your organization as a "reviewing agency" for this application. As defined in OAR 345-001-0010, this includes state agencies, local governments and tribal governments with subject matter or geographic jurisdiction over the construction and operation of the facility. If you represent a city and the proposed facility is not located within your jurisdiction, you are a reviewing agency because your jurisdiction is within 10 miles of the facility and construction or operation of the facility may impact your jurisdiction. I will follow up with specific requests for individual agency partners; but in general, the Department is seeking your agencies determination on whether the preliminary request contains sufficient information for the Energy Facility Siting Council to determine

whether or not the proposed facility components would comply with all applicable standards, laws, and rules that are subject to the Council's review under ORS chapter 469.

The preliminary Request for Amendment and other information is available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BCW.aspx>. If you need additional time or information, or require print copies materials to prepare your comments, please let me know as soon as possible. If you do not respond to this request by May 30, 2025, the Department will assume your agency does not have any comments at this time.

Thank you,



**Christopher M. Clark**

Senior Siting Analyst

*he/him*

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254

P (In Oregon): 800-221-8035



Stay connected!

---

**From:** Oregon Department of Energy <[ODOE@cd.energy.oregon.gov](mailto:ODOE@cd.energy.oregon.gov)>

**Sent:** Tuesday, April 29, 2025 2:25 PM

**To:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>

**Subject:** Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

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## ENERGY FACILITY SITING COUNCIL

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The Biglow Canyon Wind Farm is an operating wind energy facility located within a site boundary comprised of approximately 25,000 acres (39 square miles). The facility consists of 217 wind turbines, with a maximum blade tip height of 445 feet, and a peak generating capacity of 450 megawatts.

Please note, this notice is to provide early notification of this amendment request. There is no comment period associated with this phase of review. A comment period and public hearing will be held later in the process.

For more information about pRFA4, please contact Christopher Clark, Senior Siting Analyst, via phone, fax, email, or mail:

Christopher Clark, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (503) 871-7254

Fax: (503) 373-7806

Email: [christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)

*You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.*

*If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to [nancy.hatch@energy.oregon.gov](mailto:nancy.hatch@energy.oregon.gov).*

---

**Oregon Department of Energy**  
***Leading Oregon to a safe, equitable, clean, and sustainable energy future.***

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



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**From:** [MCCLAUGHRY Jason](#) \* DGMI  
**Sent:** Thursday, May 29, 2025 3:29 PM  
**To:** [CLARK Christopher](#) \* ODOE  
**Cc:** [ESTERSON Sarah](#) \* ODOE; [GUERRERO Lalo](#) \* DGMI  
**Subject:** RE: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

---

Hello Christopher:

Greetings. Thank you for the opportunity to review the preliminary request for Amendment 4 of the site certificate for the Biglow Canyon wind farm project, as required by the Oregon Department of Energy. Overall, the report contains up-to-date references and includes the latest data sets from the 2021 Oregon seismic hazard database, as well as other sources from the USGS. One minor issue to note is that the seismic hazard model used is from 2018. DOGAMI recommends that practitioners use the 2023 version of the National Seismic Hazard Model, as it includes the probability of an earthquake occurring on a previously unmapped or unrecognized fault. If you have any additional questions about this review, please contact our geology hazards specialist Lalo Guerrero who is ccd on this email. Thank you.

*Best Regards,*  
*Jason*

CC: Lalo Guerrero, Ph.D., G.I.T.

---

**From:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>  
**Sent:** Wednesday, April 30, 2025 12:00 PM  
**To:** BLEAKNEY Leann <[bleakney@nwcouncil.org](mailto:bleakney@nwcouncil.org)>; ODA\_listedplants <[listedplants@oda.oregon.gov](mailto:listedplants@oda.oregon.gov)>; ODA\_plant-weed <[plant-weed@oda.oregon.gov](mailto:plant-weed@oda.oregon.gov)>; [Brandon.PIKE@aviation.oregon.gov](mailto:Brandon.PIKE@aviation.oregon.gov); THOMPSON Jeremy L \* ODFW <[Jeremy.L.THOMPSON@odfw.oregon.gov](mailto:Jeremy.L.THOMPSON@odfw.oregon.gov)>; WILKES Jessica S \* ODFW <[Jessica.S.Wilkes@odfw.oregon.gov](mailto:Jessica.S.Wilkes@odfw.oregon.gov)>; MEYERS Andrew R \* ODFW <[Andrew.R.MEYERS@odfw.oregon.gov](mailto:Andrew.R.MEYERS@odfw.oregon.gov)>; TOKARCZYK John A \* ODF <[John.A.TOKARCZYK@odf.oregon.gov](mailto:John.A.TOKARCZYK@odf.oregon.gov)>; HOLSCHBACH Tim J \* ODF <[Tim.J.HOLSCHBACH@odf.oregon.gov](mailto:Tim.J.HOLSCHBACH@odf.oregon.gov)>; FIELDS Tom \* ODF <[Tom.FIELDS@odf.oregon.gov](mailto:Tom.FIELDS@odf.oregon.gov)>; HOPKINS Levi A \* ODF <[Levi.A.HOPKINS@odf.oregon.gov](mailto:Levi.A.HOPKINS@odf.oregon.gov)>; MCCLAUGHRY Jason \* DGMI <[Jason.MCCLAUGHRY@dogami.oregon.gov](mailto:Jason.MCCLAUGHRY@dogami.oregon.gov)>; JININGS Jon \* DLCD <[Jon.JININGS@dlcd.oregon.gov](mailto:Jon.JININGS@dlcd.oregon.gov)>; FOOTE Hilary \* DLCD <[Hilary.FOOTE@dlcd.oregon.gov](mailto:Hilary.FOOTE@dlcd.oregon.gov)>; EVANS Daniel \* DSL <[Daniel.EVANS@dsl.oregon.gov](mailto:Daniel.EVANS@dsl.oregon.gov)>; SALGADO Jessica \* DSL <[Jessica.SALGADO@dsl.oregon.gov](mailto:Jessica.SALGADO@dsl.oregon.gov)>; RASHID Yassir \* PUC <[Yassir.RASHID@puc.oregon.gov](mailto:Yassir.RASHID@puc.oregon.gov)>; CRUSE Martha \* DEQ <[Martha.Cruse@deq.oregon.gov](mailto:Martha.Cruse@deq.oregon.gov)>; SVELUND Greg \* DEQ <[Greg.SVELUND@deq.oregon.gov](mailto:Greg.SVELUND@deq.oregon.gov)>; KOWITZ Chris C \* WRD <[Chris.C.KOWITZ@water.oregon.gov](mailto:Chris.C.KOWITZ@water.oregon.gov)>; BJORK Mary F \* WRD <[Mary.F.BJORK@water.oregon.gov](mailto:Mary.F.BJORK@water.oregon.gov)>; [wascocity@gmail.com](mailto:wascocity@gmail.com); [anja.mundy@co.gilliam.or.us](mailto:anja.mundy@co.gilliam.or.us)  
**Cc:** CORNETT Todd \* ODOE <[Todd.CORNETT@energy.oregon.gov](mailto:Todd.CORNETT@energy.oregon.gov)>; ESTERSON Sarah \* ODOE <[Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)>  
**Subject:** FW: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

Hello,



The Oregon Department of Energy requests agency comments on preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm by **May 30, 2025**. In the preliminary Request, the certificate holder, Portland General Electric Company, seeks authorization from the Energy Facility Siting Council to construct and operate a 385-MW solar photovoltaic power generation facility, battery energy storage systems with up to 375 MW of discharge capacity, and other related or supporting facilities at the site of the operating Biglow Canyon Wind Farm in Sherman County. Please see the notice below for additional information.

You are receiving this request because the Department has identified your organization as a “reviewing agency” for this application. As defined in OAR 345-001-0010, this includes state agencies, local governments and tribal governments with subject matter or geographic jurisdiction over the construction and operation of the facility. If you represent a city and the proposed facility is not located within your jurisdiction, you are a reviewing agency because your jurisdiction is within 10 miles of the facility and construction or operation of the facility may impact your jurisdiction. I will follow up with specific requests for individual agency partners; but in general, the Department is seeking your agencies determination on whether the preliminary request contains sufficient information for the Energy Facility Siting Council to determine whether or not the proposed facility components would comply with all applicable standards, laws, and rules that are subject to the Council’s review under ORS chapter 469.

The preliminary Request for Amendment and other information is available at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/BCW.aspx>. If you need additional time or information, or require print copies materials to prepare your comments, please let me know as soon as possible. If you do not respond to this request by May 30, 2025, the Department will assume your agency does not have any comments at this time.

Thank you,



**Christopher M. Clark**

Senior Siting Analyst

*he/him*

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254

P (In Oregon): 800-221-8035



Stay connected!

---

**From:** Oregon Department of Energy <[ODOE@cd.energy.oregon.gov](mailto:ODOE@cd.energy.oregon.gov)>

**Sent:** Tuesday, April 29, 2025 2:25 PM

**To:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>

**Subject:** Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

Click [here](#) if you are having trouble viewing this message.

## **Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm**

On April 21, 2025, the Oregon Department of Energy received preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm (pRFA4).

In pRFA4, Portland General Electric Company, the certificate holder, requests the Energy Facility Siting Council's approval to construct and operate a 385-MW solar photovoltaic power generation facility, battery energy storage systems with up to 375 MW of discharge capacity, and other related or supporting facilities within a 3,980-acre (6.2 sq. mile) solar micrositing area. The proposed solar micrositing area includes 2,571 acres within the approved wind energy facility site boundary and 1,409 acres which would be added to the site.

The pRFA4 and Public Notice of Receipt of the pRFA4 are available on the [Department's website](#).

The Biglow Canyon Wind Farm is an operating wind energy facility located within a site boundary comprised of approximately 25,000 acres (39 square miles). The facility consists of 217 wind turbines, with a maximum blade tip height of 445 feet, and a peak generating capacity of 450 megawatts.

Please note, this notice is to provide early notification of this amendment request. There is no comment period associated with this phase of review. A comment period and public hearing will be held later in the process.

For more information about pRFA4, please contact Christopher Clark, Senior Siting Analyst, via phone, fax, email, or mail:

Christopher Clark, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (503) 871-7254

Fax: (503) 373-7806

Email: [christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)

*You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.*

*If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to [nancy.hatch@energy.oregon.gov](mailto:nancy.hatch@energy.oregon.gov).*

---

**Oregon Department of Energy**  
***Leading Oregon to a safe, equitable, clean, and sustainable energy future.***

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



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May 29, 2025

Christopher M. Clark  
Siting Analyst  
550 Capitol Street NE  
Salem, Or 97301

RE: Biglow Canyon Solar Farm

Dear Mr. Clark,

Thank you for the opportunity to comment on the Biglow Canyon Solar project. The following comments are conveyed on behalf of the Sherman County Court.

**1) The name, address and telephone number of the contact person assigned to review the application for your agency:**

Georgia Macnab  
Sherman County Planning Director  
PO Box 381  
Moro, OR 97039

**2) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of your agency.**

The document has been well prepared along with studies and research regarding fire and fire protection, scenic resources, noise, police protection, ect. Based on these studies and exhibits it appears that the project has been well thought out and researched. However the project and impacts on the ground can be much different than what is on paper. The other concern is the time frame for review and comments on the amendment. There are a lot of Exhibits and information to review and a months' time is not a sufficient amount of time to submit this back to the Department.

The Sherman County Court is concerned about the future impacts that the solar farm will create. These include the visual impact to adjacent land owners or residents, who are not under contract, wildfire, long term damage to the ground and loss of farm ground and grazing pasture.

Since this is an amendment to an existing permit for the Biglow Wind Farm concerns have been raised about the lack of maintenance to the wind towers associated with that farm. Will the same be true of the solar farm. What actions or procedures will be enforced to remedy this kind of neglect?

Other comments:

Weed Control: Has the company talked to the Weed Master for this project. The document states that they have a current weed plan but have they contacted the Weed Master for this project.

Ex L 4.4.2.2 Scenic John Day River, Pg 27-28: Cumulative Scenic Impacts of Wind Farms and Solar Farms cannot be ignored.

Ex R, Municipalities, Pg 9; Applicant did not use the most recent Comprehensive Plans for the Cities of Wasco, Rufus and Moro. The plans cited are from 1978 and those plans were updated in 2007. Moro is in the process of updating their 2007 Comprehensive Plan and is in the process of being adopted.

Exhibit U, 4.4.7, pg. 25: states that “fire and police concerns are not expected to be a significant demand on services”. Fire concerns are of high significance to the county. Wildfires can and do start and spread quickly. All fire districts are manned by volunteers and work at day jobs. There is a history of wildfires in this area plus wildfire can spread from Wasco County to Sherman County. The county feels that this statement is highly underestimated and should be taken more seriously.

Ex U Pg. 27: Health care provider is no longer Mid Columbia Medical Center, it is now Adventist Health Columbia Gorge Hospital.

Ex V, 4.5.1 Page 10; States that the fire chief declares the fire season. However the county court declares the fire season after consultation with all county fire chiefs.

Also not clear is whether adjacent property owners to the proposed solar farm were contacted regarding the solar facility.

**3) A list of statutes, administrative rules and local government ordinances administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.**

**Article 3, 3.1, Exclusive Farm Use Zone 1. Conditional Uses Permitted**

**(q) Commercial Utility Facilities**

**(x) Transmission Lines over 200 Feet in Height.**

**Section 3.7 Natural Hazards Combining Zone**

There appears to be areas within the proposed site that is bordering a Natural Hazards Combining Zone. The applicant has addressed this sufficiently in the submittal.

The regulations regarding Conditional Use Permits are found in the SCZO:

**Article 5 Sections 5.1 Authorization to Grant or Deny conditional Uses**

**5.2 General Criteria**

**5.3 General Conditions**

**Section 5.8 Standards Governing Specific Conditional Uses**

10. Radio or Television Transmitter Tower, Utility or Substation

14. Public Facilities and Services

20. Non Farm Uses in an F-1 Zone

**Sherman County Goal 5 Inventory**

Sherman County also has a Goal 5 Inventory that includes Historical, Cultural and Mineral sites. Mineral Sites must be protected. There is a possibility of 2 sites in the area and there is no reference to these in the application.

**Sherman County Transportation Plan (TSP)**

Sherman County TSP has an access management policy for the County’s arterial and collector road system. Access spacing standards for all driveways and private roads are provided within this plan.

**4) A list of any permits administered by your agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.**

- Sanitation- North Central Public Health District provides sanitation permits for Sherman County. They are located in The Dalles, OR.
- Road Approach Permit- Sherman County Road Department
- Road Use Agreement- Sherman County Road Department
- Building permits- Oregon State building codes, Pendleton Regional Office.
- Conditional Use Permit- Sherman County Planning.

**5. Recommendations regarding the size and location of analysis areas (see below for more information).**

- Sherman County has a history of wildfires in the county. The analysis area should be expanded beyond the .5 mile radius.
- Land use should be expanded beyond the .5 mile radius.

**6) A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.**

- Contact Sherman County Emergency Services for impacts of ambulance services for a final plan.
- Meet with North Sherman Rural Fire Protection District or the North Sherman Fire District Board for wildfire concerns or wildfire plan.
- Meet with the Sherman County Weed Department for weed control on the site.
- Soils Impact Analysis/Study--Watersheds-Sherman County SWCD  
contact Sherman County NRCS and SWCD
- ODOT may require a Traffic Analysis Impact Study

If you have any questions please contact me at 541-565-3601.

Sincerely,

*Georgia L. Macnab*

Georgia L. Macnab, Sherman County Planning Director

cc: Sherman County Court



# Oregon

Tina Kotek, Governor

## Department of Fish and Wildlife

East Region  
61374 Parrell Road  
Bend, Oregon 97702  
(541) 388-6363  
FAX (541) 388-6281

May 30, 2025

Christopher Clark  
Oregon Department of Energy  
550 Capitol St. NE  
Salem, OR 97301

RE: Request for comments on the Preliminary Request for Amendment 4 (pRFA4) of the Site Certificate for the Biglow Canyon Wind Farm submitted by Portland General Electric Company for the authorization to construct and operate a 385-MW solar photovoltaic power generation facility, battery energy storage systems with up to 375 MW of discharge capacity, and other related or supporting facilities at the site of the operating Biglow Canyon Wind Farm in Sherman County.

Dear Mr. Clark:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the pRFA4 for the Biglow Canyon Wind Farm. The Solar Micrositing Area identified as part of pRFA4 is approximately 3,980 acres and provides an estimate of the maximum area needed for development, micrositing, and temporary disturbances from the Solar Components during construction. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the Preliminary Request for Amendment 4.

### **A. Contacts**

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process and my contact information is: Jessica Wilkes, 61374 Parrell Road, Bend, OR 97702. My phone number is (541) 388-6099, [Jessica.S.Wilkes@odfw.oregon.gov](mailto:Jessica.S.Wilkes@odfw.oregon.gov). In addition, please copy Jeremy Thompson, Energy Program Coordinator, 4034 Fairview Industrial Drive SE, Salem OR 97302. Phone number (541) 980-8524, [Jeremy.L.Thompson@odfw.oregon.gov](mailto:Jeremy.L.Thompson@odfw.oregon.gov). ODFW requests that as applicable, all correspondence for this project be conveyed electronically.

### **B. Comments on the Preliminary Application for Site Certificate**

#### General Comments

Please find below a listing of the most applicable statutes, administrative rules and policies administered by ODFW that would pertain to the siting of this proposed facility. ODFW will review and make recommendations for the proposed project based on the following applicable statutes and rules.

## **Oregon Revised Statutes (ORS)**

- ORS 496.012 Wildlife Policy
- ORS 506.036 Protection and Propagation of Fish
- ORS 496.171 through 496.192 Threatened and Endangered Wildlife and Fish Species. A listing of State and Federal threatened, endangered and candidate species can be found on ODFW's website at:  
[http://www.dfw.state.or.us/wildlife/diversity/species/threatened\\_endangered\\_candidate\\_list.asp](http://www.dfw.state.or.us/wildlife/diversity/species/threatened_endangered_candidate_list.asp)
- ORS 498.301 through 498.346 Screening and By-pass devices for Water Diversions or Obstructions
- ORS 506.109 Food Fish Management Policy
- ORS 509-140 Placing Explosives in Water
- ORS 509.580 through 509.910 Fish Passage; Fishways: Screening Devices- a listing of requirements under ODFW's Fish Passage Program can be found on ODFW's website at <http://www.dfw.state.or.us/fish/passage/>

## **Oregon Administrative Rules (OAR)**

- OAR Chapter 635, Division 100 provides authority for adoption of the State sensitive species list and the Wildlife Diversity Plan, and contains the State list of threatened and endangered wildlife and fish species. A current list of State sensitive species can be found on ODFW's website at:  
[http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL\\_by\\_category.pdf](http://www.dfw.state.or.us/wildlife/diversity/species/docs/SSL_by_category.pdf)
- OAR Chapter 635, Division 415 (ODFW's Fish and Wildlife Mitigation Policy found on ODFW's website at: [http://www.dfw.state.or.us/lands/mitigation\\_policy.asp](http://www.dfw.state.or.us/lands/mitigation_policy.asp) describes six habitat categories and establishes mitigation goals and standards for each wildlife habitat ranging from Category 1 (irreplaceable, essential, limited) to Category 6 (non-habitat)
- The Policy goal for Category 1 habitat is no loss of either habitat quantity or quality via avoidance of impacts through development alternatives, or an ODFW recommendation of denial of the proposed development action if impacts cannot be avoided. Categories 2-4 are essential or important but not irreplaceable habitats. Category 5 habitat is not essential or important habitat but has a high restoration potential. The application for a site certificate must identify the appropriate habitat category for all affected areas of the proposed project on mapping; provide basis for each habitat category selection; and provide an appropriate mitigation plan; all subject to ODOE and ODFW review and comment. ODOE has adopted this rule into OAR 345-022-0060 as an energy facility siting standard for Applicants to meet in order to obtain a site certificate.
- ODFW also provides technical review and recommendations on compliance with Oregon EFSC rules, particularly OAR 345-02100010(1) (p) and (q) and 345-22-040, 060 and 070.



- ODFW also advocates for project proponents to site solar facilities in a manner consistent with the Oregon Columbia Plateau Ecoregion (CPE) Wind Energy Siting and Permitting Guidelines that were established in conjunction with multiple state, federal and industry partners. The intent of these guidelines were to create a balance between the development of renewable energy and environmental protection. While these guidelines were developed for wind facilities, they are also applicable to solar projects within the CPE.

### **Specific Comments**

- ODFW applauds co-location efforts by utilizing available area beneath wind farms for new solar facilities. The Department appreciates the applicant's communication and efforts to address fish and wildlife concerns related to the application.
- Specific to the HMA:
  - As discussed with the applicant, ODFW has concerns whether the BCWF HMA can successfully meet mitigation criteria.
  - ODFW requests more information about the alternative mitigation site location and uplift actions to meet the quality and quantity of impacted habitat to achieve "no net loss" and "net benefit."
  - ODFW requests a more detailed explanation of success criteria and uplift actions for the HMA, especially for weed control and seeding/shrub planting.
    - Methodology for uplift actions and success criteria should be written with enough detail such that someone who is new to the project would be able to reproduce the same actions and success criteria evaluation with no further explanation or instruction needed.
    - Uplift actions, success criteria and sampling methodology needs to be determined prior to construction and selection of an HMA.
- This project is within approximately 2 miles of mapped occupied bighorn sheep habitat. ODFW requests ODOE condition the facility to not allow utilization of domestic sheep or goats within the facility. We discourage the use of vegetation control via domestic livestock to avoid transmission of zoonotic diseases such as *M. ovi* ensure the integrity of the bighorn sheep population.
- ODFW considers all habitats within winter range, with the exception of areas designated as Category 6 in the CPE, to be Category 2 as per the Oregon Habitat Mitigation Policy. For Category 2 habitats, ODFW's policy is to have "no net loss of habitat quantity or quality," and asks for "in-kind, in-proximity mitigation" (OAR Chapter 635, Division 415). The CPE contains several habitats that are rare and declining including wetlands, sagebrush steppe, and native grasslands. ODFW encourages the applicant avoid these rare intact habitats when it comes to micro siting and favor siting in previously disturbed areas.
- ODFW continues to advocate for avoidance of Priority Wildlife Connectivity Areas (PWCAs) located on the edge of the facility. To avoid losing the function of this habitat, utilization of setbacks sufficient to facilitate wildlife movement along the edges of major drainages adjacent to the facility will be key.
- ODFW recommends that the applicant work with the county weed department or Oregon State Extension to develop a revegetation and weed control plan that will be successful within the project area, given the challenges realized within this ecoregion with revegetation projects. ODFW encourages retention of native vegetation within project boundaries to the maximum extent possible. When revegetating, ODFW encourages

utilizing a diverse seed mix with consideration given to pollinator-friendly varieties and shrub reestablishment.

- ODFW requests that any ground disturbance or vegetation removal within the project boundary be conducted prior to or after the critical period for ground nesting birds, April 15- September 1. Should ground disturbance occur during this period, ODFW requests that vegetative removal occurs prior to the critical nesting period.
- ODFW requests that the applicant limit construction activities outside of the project footprint during the winter period, December 1- April 1, to reduce disturbance to wintering wildlife. In addition, ODFW requests that the placement of project infrastructure, including buildings and roads be sited within the project boundary in a manner to reduce the potential for disturbing wildlife outside of the project boundaries both during construction and in the operational phase.
- Impacts to all nests located should be avoided, and all activities prohibited during the timeframes and within the distances listed below for the species that may occur within the project boundary.

| <b>Species</b>        | <b>Spatial Buffer</b> | <b>Seasonal Restriction</b> | <b>Release Date if Unoccupied</b> |
|-----------------------|-----------------------|-----------------------------|-----------------------------------|
| Western burrowing owl | 0.25 mile             | April 1 to August 15        | 31-May                            |
| Golden eagle          | 0.5 mile              | Feb 1- Aug 15               | 15-May                            |
| Red-tailed hawk       | 300-500 ft            | Mar 1- Aug 15               | 31-May                            |
| Ferruginous hawk      | 0.25 mile             | Mar 15- Aug 15              | 31-May                            |
| Swainson's hawk       | 0.25 mile             | April 1- Aug 15             | 31-May                            |
| Prairie Falcon        | 0.25 mile             | Mar 15- Jul 1               | 15-May                            |
| Peregrine falcon      | 0.25 mile             | Jan 1- Jul 1                | 15-May                            |
| American kestrel      | 0.25 mile             | Mar 1- Jul 31               | 15-May                            |

Table 1. Recommended seasonal and spatial activity restrictions for raptor species.

ODFW appreciates the opportunity to comment on this pRFA4 and the actions taken to consider fish and wildlife impacts. ODFW looks forward to working with ODOE and the Applicant on this proposed project.

Respectfully,



Jessica Wilkes, Deschutes Regional Habitat Biologist

Cc: Jeremy Thompson, State Energy Coordinator  
Andrew Meyers, Mid Columbia District Biologist  
Sara Gregory, Deschutes Watershed Manager

**From:** [Peacher, Kimberly N CIV USN NAVFAC NW SVD WA \(USA\)](#)  
**Sent:** Thursday, June 5, 2025 10:23 AM  
**To:** [CLARK Christopher](#) \* [ODOE](#)  
**Cc:** [Chris Bozzini](#); [Lenna Cope](#); [Betsey Biesty](#); [ESTERSON Sarah](#) \* [ODOE](#); [KIANA.ZIOLA@tetrattech.com](#)  
**Subject:** RE: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

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Good morning Chris,

Thank you for reaching out and providing the project overview.

We did our analysis and the project is approx. 4 miles away laterally from any of our military utilized airspace. Given there are no new wind turbines, the NORAD portion within the GAC is not a concern either.

Thanks again.

V/R,

Kimberly Peacher  
Community Planning & Liaison Officer  
Northwest Training Range Complex  
(360) 930-4085  
NIPR: [Kimberly.peacher@navy.mil](mailto:Kimberly.peacher@navy.mil)  
SIPR: [Kimberly.peacher@navy.smil.mil](mailto:Kimberly.peacher@navy.smil.mil)

---

**From:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>  
**Sent:** Wednesday, June 4, 2025 11:40 AM  
**To:** Peacher, Kimberly N CIV USN NAVFAC NW SVD WA (USA) <[kimberly.n.peacher.civ@us.navy.mil](mailto:kimberly.n.peacher.civ@us.navy.mil)>; ESTERSON Sarah \* ODOE <[Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)>  
**Cc:** Chris Bozzini <[chris.bozzini@pgn.com](mailto:chris.bozzini@pgn.com)>; Lenna Cope <[lenna.cope@pgn.com](mailto:lenna.cope@pgn.com)>; Betsey Biesty <[betsey.biesty@brightnightpower.com](mailto:betsey.biesty@brightnightpower.com)>; [KIANA.ZIOLA@tetrattech.com](mailto:KIANA.ZIOLA@tetrattech.com)  
**Subject:** [Non-DoD Source] FW: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

Hello Kim,

Sarah let me know that you did not receive our initial notice on Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm, my apologies for that. For context, this project proposes to add up to 385 MW of (~3,200 acres) of solar arrays; up to 1,500 MWh of Battery Energy Storage; and other related and supporting facilities including 2.7 miles of overhead 230-kV transmission lines, to the existing wind facility in Sherman County. No changes to existing wind infrastructure is proposed at this time. The project is within the Boardman Geographic Area of Concern.

More information is included below, and I have attached a shapefile of the micrositing boundary for the proposed components for your reference (please rename extension to .zip before use). Please let me

know if you have any comments or concerns regarding the project at your earliest convenience. I would be happy to schedule a call or send any other information along if that would be helpful.

I've also copied project contacts from PGE, Brightnight, and Tetra Tech on this message. They may be better able to answer any specific questions you may have about the proposal than I.

Thank you,



**Christopher M. Clark**

Senior Siting Analyst

*he/him*

550 Capitol St. NE | Salem, OR 97301

P: 503-871-7254

P (In Oregon): 800-221-8035



Stay connected!

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**From:** Oregon Department of Energy <[ODOE@cd.energy.oregon.gov](mailto:ODOE@cd.energy.oregon.gov)>

**Sent:** Tuesday, April 29, 2025 2:25 PM

**To:** CLARK Christopher \* ODOE <[christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)>

**Subject:** Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

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ENERGY FACILITY SITING COUNCIL

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## Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm

On April 21, 2025, the Oregon Department of Energy received preliminary Request for Amendment 4 of the Site Certificate for the Biglow Canyon Wind Farm (pRFA4).

In pRFA4, Portland General Electric Company, the certificate holder, requests the Energy Facility Siting Council's approval to construct and operate a 385-MW solar photovoltaic power generation facility, battery energy storage systems with up to 375 MW of discharge capacity, and other

related or supporting facilities within a 3,980-acre (6.2 sq. mile) solar micrositing area. The proposed solar micrositing area includes 2,571 acres within the approved wind energy facility site boundary and 1,409 acres which would be added to the site.

The pRFA4 and Public Notice of Receipt of the pRFA4 are available on the [Department's website](#).

The Biglow Canyon Wind Farm is an operating wind energy facility located within a site boundary comprised of approximately 25,000 acres (39 square miles). The facility consists of 217 wind turbines, with a maximum blade tip height of 445 feet, and a peak generating capacity of 450 megawatts.

Please note, this notice is to provide early notification of this amendment request. There is no comment period associated with this phase of review. A comment period and public hearing will be held later in the process.

For more information about pRFA4, please contact Christopher Clark, Senior Siting Analyst, via phone, fax, email, or mail:

Christopher Clark, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (503) 871-7254

Fax: (503) 373-7806

Email: [christopher.clark@energy.oregon.gov](mailto:christopher.clark@energy.oregon.gov)

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*If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at 503-428-7905, toll-free in Oregon at 800-221-8035, or email to [nancy.hatch@energy.oregon.gov](mailto:nancy.hatch@energy.oregon.gov).*

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**Oregon Department of Energy**  
***Leading Oregon to a safe, equitable, clean, and sustainable energy future.***

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



[AskEnergy@oregon.gov](mailto:AskEnergy@oregon.gov) | 503-378-4040 | 550 Capitol St. NE in Salem  
Click [here](#) to unsubscribe or [here](#) to change your Subscription Preferences.



# Oregon

Tina Kotek, Governor

## Parks and Recreation Department

Oregon Heritage/  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301-1266  
(503) 986-0690  
Fax (503) 986-0793  
oregonheritage.org



July 10, 2025

Mr. Christopher Clark  
Oregon Dept of Energy  
550 Capitol St. NE  
Salem, OR 97301

RE: SHPO Case No. 25-0589

ODOE, 24-22, Biglow Solar

PGE has submitted an RFA for the Biglow Canyon Wind Farm to add photovoltaic solar energy generation and battery storage to the operating wind facility.  
multiple, Sherman County

Dear Christopher Clark:

Thank you for submitting information for the project referenced above. According to our records and the provided archaeological report, there are previously identified archaeological objects or sites (Oregon Revised Statute [ORS] 358.905), or Native American cairn, burial, human remains, sacred objects and objects of cultural patrimony (ORS 97.740-760) in or adjacent to the project area. We concur with the determination that 11 of the archaeological resources identified are not eligible for listing in the National Register of Historic Places (NRHP); however, 8 archaeological resources remain unevaluated within the project area.

Our office concurs with the recommendation for a 20-meter avoidance buffer around all unevaluated and eligible resources, as well as the presence of an Oregon Qualified Archaeologist to monitor ground disturbing activities as proposed in the provided cover letter. Our office also concurs with the recommendation to have an Inadvertent Discovery Plan in place for all construction activities.

This recommendation is meant to assist with compliance of state law. Under ORS 358.920 and ORS 97.745, archaeological sites, objects and human remains are protected on both state public and private lands in Oregon.

A list of contractors can be found on the Association of Oregon Archaeologists website ([www.oregonarchaeologists.com](http://www.oregonarchaeologists.com)). This list includes qualified archaeologists in the state of Oregon. Some of these contractors have professional staff to address built-environment resources. For assistance in hiring a contractor, our office has published advice in Archaeology Bulletin 4 (<https://www.oregon.gov/oprd/OH/Documents/Bulletin4.pdf>).

If the project has a federal nexus (lands, funding, permitting, or oversight) coordinate with the lead federal agency to ensure compliance with Section 106 of the National Historic Preservation Act. If you have not already done so, be sure to consult with all appropriate Native American tribes regarding the proposed project. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the project accurately, reference the SHPO case number above in all correspondence.

Our office has assigned the report SHPO biblio number 36068. Details will be available in the bibliographic database.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Aspen', with a stylized flourish at the end.

Aspen Kemmerlin  
Special Projects Archaeologist

[Aspen.Kemmerlin@opr.oregon.gov](mailto:Aspen.Kemmerlin@opr.oregon.gov)

cc: Brandon Gilliland, Warm Springs GeoVisions



**From:** [KEMMERLIN Aspen](#) \* [OPRD](#)  
**Sent:** Thursday, July 10, 2025 12:17 PM  
**To:** [CLARK Christopher](#) \* [ODOE](#)  
**Cc:** [bgilliland@wsgeovisions.com](mailto:bgilliland@wsgeovisions.com)  
**Subject:** SHPO Case No.: 25-0589, ODOE, 24-22, Biglow Solar  
**Attachments:** SHPO Response Letter Case Nbr SHPO Case No.\_ 25-0589.pdf

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Please find the SHPO's response to your request for comment on cultural resources at the above-identified project. This attachment serves as your file copy. If you have any questions, please feel free to contact me.

Aspen Kemmerlin (she, her, hers) | Special Projects Archaeologist

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Oregon Heritage, Oregon Parks and Recreation Department  
725 Summer St NE, Suite C, Salem, Oregon 97301  
Cell: (503) 507 -3656

## ESTERSON Sarah \* ODOE

---

**From:** Sarah.ESTERSON@energy.oregon.gov  
**Subject:** Biglow Canyon Wind Farm Request for Amendment 4 - Request for ODAv Concurrence on Applicability of 7460 Review

---

**From:** PIKE Brandon <Brandon.PIKE@odav.oregon.gov>  
**Sent:** Thursday, December 11, 2025 10:13 AM  
**To:** ESTERSON Sarah \* ODOE <Sarah.ESTERSON@energy.oregon.gov>  
**Cc:** CLARK Christopher \* ODOE <Christopher.CLARK@energy.oregon.gov>  
**Subject:** RE: Biglow Canyon Wind Farm Request for Amendment 4 - Request for ODAv Concurrence on Applicability of 7460 Review

Hi Sarah,

Thanks again for your coordination on this. Based on what you've provided, I agree with PGE's consultant that it does not appear notice of construction to ODAV/FAA will be required. Let me know if any future revisions are made to the project—namely, if it gets closer to an airport or increases to pole/transmission line height are proposed.

Best,

**BRANDON PIKE**  
OREGON DEPARTMENT OF AVIATION (ODAV)  
AVIATION PLANNER



**PHONE** 971-372-1339

**EMAIL** [brandon.pike@odav.oregon.gov](mailto:brandon.pike@odav.oregon.gov)

**3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302**

**[WWW.OREGON.GOV/AVIATION](http://WWW.OREGON.GOV/AVIATION)**

*Alternative Contacts:*

*COAR Grants:* [Grants@ODAV.Oregon.Gov](mailto:Grants@ODAV.Oregon.Gov)  
*Procurement / Contracts:* [Contracts@ODAV.Oregon.Gov](mailto:Contracts@ODAV.Oregon.Gov)  
*Pavement (PEP/PMP):* [Pavement@ODAV.Oregon.Gov](mailto:Pavement@ODAV.Oregon.Gov)  
*Land Use / Tall Structures:* [LandUse@ODAV.Oregon.Gov](mailto:LandUse@ODAV.Oregon.Gov)

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---

**From:** ESTERSON Sarah \* ODOE <[Sarah.ESTERSON@energy.oregon.gov](mailto:Sarah.ESTERSON@energy.oregon.gov)>  
**Sent:** Wednesday, December 10, 2025 10:45 AM  
**To:** PIKE Brandon <[Brandon.PIKE@odav.oregon.gov](mailto:Brandon.PIKE@odav.oregon.gov)>  
**Cc:** CLARK Christopher \* ODOE <[Christopher.CLARK@energy.oregon.gov](mailto:Christopher.CLARK@energy.oregon.gov)>  
**Subject:** Biglow Canyon Wind Farm Request for Amendment 4 - Request for ODAv Concurrence on Applicability of 7460 Review

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Brandon,

Thanks for the phone call this morning. As we discussed, PGE's Request for Amendment 4 of the Biglow Canyon Wind Farm Site Certificate has changed since Feb 2025 (when we originally received the request). We wanted to notify you of

the change, which includes removing the southern portion of the proposed solar area and the associated 230 kV transmission, reducing the changes under review to a 1,924 acre area encompassing up to 125 MW of solar photovoltaic power generation equipment, a substation, O&M building, two battery storage systems and approx. 600 feet of 230 kV transmission line. The solar arrays would be up to 15 feet in height; the transmission poles would be up to 80 feet in height; and the other components up to 25 feet in height. Figures with current layout and regional location are attached.

PGE (and their consultant, Tetra Tech) indicated that they ran the FAA Notice Criteria Tool to evaluate whether future notice and review under the 7460 process would be required. They confirmed that the tool indicated 7460 review would not be required. Could you confirm whether ODAv agrees that future 7460 review would not be needed for the facility components proposed in RFA4?

Please let us know if you need any additional information to evaluate the proposal/question. If you have everything you need, we would love a response this week if possible.

Thanks,  
Sarah



**Sarah T. Esterson**  
Senior Policy Advisor  
550 Capitol St. NE | Salem, OR 97301  
P: 503-559-5218  
1-800-221-8035



Stay connected!

**Attachment C: Draft Operations and Maintenance  
Framework Plan**

# Operations and Maintenance Plan Framework for Solar Components

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**Biglow Canyon Wind Farm  
Request for Amendment 4  
November 2025**

**Prepared for**



**Portland General Electric Company**

**Prepared by**



Modifications proposed by the Department presented in “track-changes”.

November 2025

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## **Acronyms and Abbreviations**

|                               |                                                    |
|-------------------------------|----------------------------------------------------|
| BCWF                          | Biglow Canyon Wind Farm                            |
| BESS                          | battery energy storage system                      |
| BIGL                          | BIGL bn, LLC                                       |
| BMS                           | battery management system                          |
| Certificate Holder, or<br>PGE | Portland General Electric Company                  |
| EFSC                          | Energy Facility Siting Council                     |
| EOP                           | Emergency Operations Response Plan                 |
| EPCRA                         | Emergency Planning and Community Right-to-Know Act |
| MV                            | medium voltage                                     |
| O&M                           | operations and maintenance                         |
| ODOE                          | Oregon Department of Energy                        |
| PV                            | photovoltaic                                       |
| QA/QC                         | quality assurance/quality control                  |
| RFA 4                         | Request for Amendment 4                            |
| SCADA                         | supervisory control and data acquisition           |
| WMP                           | Wildfire Mitigation Plan                           |



**Table 1: Department Recommended Requirements**

| <b><u>Summary</u></b>                                                                                                            | <b><u>Timing</u></b> | <b><u>Requirement</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Prior to Operations - Plan Finalization</u></b>                                                                            |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b><u>Action Based Plan</u></b>                                                                                                  |                      | <u>This plan shall be finalized based on actions that can be monitored, tracked and recorded. Detailed narrative or explanation that is not a specific action must be removed. Filter for clarity and remove unnecessary high-level narrative.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b><u>Qualifications and Contact Information</u></b>                                                                             |                      | <p><u>In the Plan:</u><br/> <u>Include the contact information for:</u><br/>           1. <u>The individuals that will manage and oversee vendors and contractors.</u><br/>           2. <u>The individuals that will perform design-phase safety reviews.</u></p> <p><u>Evidence to Support Plan Review:</u><br/> <u>Certificate must provide to the Department the names, contact information and qualifications of the individuals that will manage and oversee vendors and contractors; and of the individuals that will perform design-phase safety reviews. The Department may request additional information or justification for any individuals where the experience or qualifications is inadequate.</u></p> |
| <b><u>Incorporation of requirements/citations from applicable site certificate conditions, protocols and technical plans</u></b> |                      | <p><u>In the Plan:</u><br/> <u>Identify all technical and site management plans applicable to operations and compliance for the solar components; incorporate relevant action items into the plan.</u></p> <p><u>At a minimum, the plan must reference and incorporate the Emergency Operations Responses Plan, Operational Spill Prevention Control and Countermeasure Plan, Operational Wildlife Mitigation Plan, and Comprehensive Revegetation, Noxious Weed and Soil Reclamation Plan.</u></p>                                                                                                                                                                                                                    |
| <b><u>Inspection and maintenance</u></b>                                                                                         |                      | <p><u>In the Plan:</u><br/> <u>Identify all inspections and maintenance activities, schedule, protocol and inspection documentation format.</u></p> <p><u>Evidence to Support Plan Review:</u><br/> <u>Provide documentation to be used to track maintenance and inspection activities. If information will be tracked via software, explain, demonstrate and provide available data.</u></p>                                                                                                                                                                                                                                                                                                                          |
| <b><u>Vendor Performance Scoring System</u></b>                                                                                  |                      | <p><u>In the Plan:</u><br/> <u>The final plan shall include details about the certificate holder's vendor performance scoring system. The scoring system must, at a minimum, evaluate vendor response time, corrective maintenance scoring rates and inspection completion.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Operations and Maintenance Budget Tracking and Forecasting</u></b> | <u>In the Plan:</u><br><u>The final plan shall include a section for Operations and Maintenance Budget Tracking, including but not limited to, a summary of the basis for the amount estimated in the initial maintenance reserve, and an explanation of the 5-year life cycle cost modeling. The plan shall include information about the estimated and available budget. Future plan updates must include 5-year life cycle cost modeling results.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b><u>Third-Party O&amp;M Budget Audit</u></b>                           | <u>In the Plan:</u><br><u>The final plan shall include information about annual third-party condition assessments, and ensure that the scope of the assessment includes annual review of vendor/contractor performance against warranty and reliability benchmarks.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b><u>Build Transfer Agreement</u></b>                                   | <u>Evidence to Support Plan Review:</u><br><u>Provide a copy of the executed Build Transfer Agreement</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b><u>Community Outreach</u></b>                                         | <u>In the Plan:</u><br><u>The final plan shall include names and addresses of participating landowners, and shall detail the schedule, agenda and outreach efforts for annual coordination meetings, to be conducted by the certificate holder. The final plan shall require that the certificate holder invite Sherman County emergency responders and ODOE to each annual meeting. The plan shall require minutes from each meeting. Any issues will be tracked and evaluated to determine the appropriate response.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b><u>Reporting</u></b>                                                  | <u>In the Plan:</u><br><u>Require reporting to the Department of the following:</u><br><u>1. Within 72-hours of a change in contractors, vendors or contract terms, report the change, the reasons for the change, and the identification, contact information and qualifications to the Department.</u><br><u>2. Monthly, report to the Department a summary of performance monitoring results (Vendor Performance Scoring System), including identification of any significant performance issues and corrective actions taken by or for the participating entity, contractor(s) and vendor(s). Certificate holder shall identify corrective actions, including stop work or removal from site, required of the vendor(s) for any performance scores less than 95% percent on-time inspection and repair completion rate.</u><br><u>3. Annually, provide to the Department a written report from a third-party contractor evaluating whether the established or forecasted operations and maintenance budget is adequate for site operations.</u><br><u>4. Annually, provide the agenda, attendees list and meeting minutes from the community outreach meetings. Certificate holder shall report any issues identified at the meeting and shall provide their response and/or resolution of the identified issue.</u> |

## **1.0 Introduction**

This draft outline of the Operations and Maintenance (O&M) Plan for the amended Biglow Canyon Wind Farm (BCWF) integrates the Solar Components as identified in the BCWF Request for Amendment 4 (RFA 4) into the existing wind facility. It has been jointly developed by Portland General Electric Company (PGE; the Certificate Holder) and BIGL bn, LLC (BIGL), a subsidiary of BrightNight, LLC, to establish the preliminary framework for how the Solar Components of the Amended BCWF will be operated, maintained, and managed in compliance with the Site Certificate and applicable regulatory standards.

This O&M Plan applies exclusively to the Solar Components and associated infrastructure introduced through the BCWF RFA 4. It does not govern the O&M of the existing wind energy infrastructure, which continues to be managed under the previously coordinated PGE Operational Safety Monitoring Program. The O&M Plan reflects lessons learned from legacy wind operations at BCWF and current best practices for utility-scale solar and storage projects.

The O&M Plan framework described in Section 3.0 outlines the structure of operational responsibilities, long-term maintenance protocols, quality assurance processes, environmental compliance measures, and integration with emergency response and monitoring systems. The Certificate Holder will provide an O&M Plan that will use this framework to further detail the specific actions required to operate and maintain the Solar Components. The final O&M plan will be submitted to the Oregon Department of Energy (ODOE) prior to the start of operation of the Solar Components.

The final O&M Plan will reference and incorporate several other technical and site management plans relevant to operations and compliance for the Solar Components at the amended BCWF. These include, but are not limited to, the following plans developed for the BCWF RFA 4:

- The standalone Emergency Operations Response Plan (EOP) specific to solar and battery energy storage system (BESS) components;
- The Construction-phase Wildfire Mitigation Plan (WMP) and the Operations-phase WMP, which outline prevention and response protocols for wildfire risk during all project phases;
- The Comprehensive Solar Revegetation and Soil Management Plan, which details vegetation establishment, monitoring, and long-term maintenance;
- The Dust Abatement Plan, which governs dust control measures during both construction and operations; and
- Other resource-specific plans (e.g., the Decommissioning Plan, Spill Prevention and Control protocols) as required by the Site Certificate.

These documents will be cross-referenced with the final O&M Plan to ensure consistent implementation and clarity of responsibilities. The final O&M Plan will remain a living document, subject to regular review and revision in response to design changes, regulatory updates, and lessons learned during implementation.

## **2.0 Facility Partnership: Roles and Responsibilities**

The Amended BCWF reflects a project delivery model that combines PGE’s regulatory responsibility and long-term ownership with development and technical execution support from BIGL. This structure is designed to ensure compliance with Site Certificate conditions while leveraging external technical expertise to deliver the proposed Solar Components efficiently and to current industry standards.

PGE, as the Certificate Holder, retains ultimate oversight and responsibility for the Amended BCWF, including the Solar Components as outlined in RFA 4. BIGL has been engaged to support the initial development and construction of these components under a Build Transfer Agreement and will also provide O&M services for a minimum of the first 5 years of project operation. This approach allows for continuity between construction and early stage operation, while ensuring that all long-term operational accountability remains with PGE.

BrightNight and its subsidiary BIGL will implement a long-term O&M strategy grounded in industry best practices, internal experience, and a robust safety-first culture. While specific vendors have not yet been selected, BrightNight’s team draws on a strong national track record in solar and battery storage project delivery and management. The Solar Components of the Amended BCWF will be supported by comprehensive O&M protocols that include scheduled preventive maintenance, real-time monitoring, remote diagnostics, and rapid response to equipment issues. BrightNight’s O&M program, which emphasizes cradle-to-grave execution, 24/7 visibility into system performance, and continuous learning, will guide all operational phases. Quality assurance will be embedded through stringent contracting standards, rigorous design-phase safety reviews, and direct oversight by experienced internal personnel. Over the first 5 years of the project, BIGL will serve as the primary entity responsible for day-to-day maintenance and performance monitoring, while PGE’s role will be defined in coordination with project milestones, interconnection requirements, and long-term asset management planning.

BrightNight is committed to working in partnership with qualified local vendors whenever possible, fostering regional economic benefits and ensuring on-the-ground responsiveness throughout the project’s operational life. All third-party vendors, whether local or national, will be selected through a rigorous procurement process that evaluates technical qualifications, safety performance, environmental compliance, and proven experience with utility-scale solar and storage facilities. Selected vendors will be required to adhere to industry best practices, such as:

- Implementing detailed preventive maintenance schedules,
- Providing trained and certified personnel,
- Using real-time monitoring and fault detection systems,
- Following all original equipment manufacturers’ maintenance and service guidelines,
- Maintaining transparent documentation and reporting protocols,
- Using digital maintenance management systems,
- Conducting regular quality assurance/quality control (QA/QC) inspections,
- Establishing clear escalation procedures for unplanned outages, and

- Participating in site-specific safety trainings and continuous improvement processes.

BrightNight is also acutely aware of the community concerns stemming from historical O&M challenges at the BCWF. Based on conversations with local stakeholders, a key feature of the O&M strategy, though not highly technical, demonstrates the commitment to maintaining consistent communication with community members over the life of the BCWF Solar Components. The Project Developer and Certificate Holder will provide direct contact information and conduct regular check-ins to ensure residents feel empowered to raise questions or concerns. Any issues brought forward will be relayed promptly to the appropriate O&M teams for timely response and resolution. While BrightNight and PGE do not anticipate concerns of this nature, we believe creating a clear, accessible escalation path is an important part of building lasting community trust.

This structured approach ensures that any vendor engaged in the Amended BCWF will operate with the same high standards of safety, reliability, and performance that define BrightNight's operational philosophy.

This partnership structure does not alter the Certificate Holder's regulatory obligations or diminish its responsibility for compliance with the Energy Facility Siting Council (EFSC) and other applicable state and federal requirements. Rather, it provides a defined and managed pathway for project delivery that integrates third-party expertise into a framework that remains under PGE's control. Any third-party permits associated with construction activities will be secured through BIGL or its contractors but will be limited to standard, project-level requirements (e.g., encroachment, transport, building permits) and do not change the scope or structure of the existing site certificate.

Overall, the division of responsibilities between PGE and BIGL maintains clear regulatory accountability while enabling technically competent execution of the amended facility. This model is consistent with industry practices for utility-owned renewable infrastructure and is expected to support a timely and orderly expansion of the BCWF site in accordance with certificate conditions.

### **3.0 Integrated Operations and Maintenance Plan Framework**

The Certificate Holder will submit a final version of the O&M Plan to ODOE prior to the commencement of operations. This Plan is intended to meet regulatory obligations, and to serve as the foundational framework guiding day-to-day operations of the Solar Components at the Amended BCWF.

To ensure consistency between compliance documentation and real-world implementation, the Plan will be updated as needed to fully incorporate the procedures, protocols, and tools adopted by the selected long-term O&M service provider. This integrated approach is designed to maintain a single, authoritative document that governs both regulatory compliance and operational execution, which eliminates the risk of conflicting or duplicative guidance.

#### **3.1 Purpose and Applicability**

The framework described in this section outlines the intended procedures for managing and maintaining the Solar Components of the Amended BCWF. It incorporates requirements from the

Site Certificate, applicable codes, and protocols from the EOP, Decommissioning Plan, and supporting exhibits. This Plan applies to the Certificate Holder, BIGL, its contractors, and subcontractors. The final O&M Plan will be a living document. It shall be reviewed annually and revised in coordination with design changes, operational updates, or regulatory amendments.

### **3.2 Facility Description and Roles**

The Amended BCWF includes legacy wind infrastructure and new solar photovoltaic (PV) and BESS systems. These additions are constructed under a Build Transfer Agreement by BIGL, with PGE retaining long-term ownership and regulatory oversight as the Certificate Holder.

- The facility is typically unmanned; operations rely on remote supervisory control and data acquisition (SCADA) systems.
- Initial O&M services for solar and BESS components will be performed by BIGL for 5 years.

### **3.3 Design and Equipment Selection**

The Certificate Holder and BIGL are going through the design and equipment selection process. During final design, PGE will consider all solar technologies available to ensure the most efficient and productive solar array layout and BESS equipment. The final O&M plan will incorporate O&M activities specific to the equipment selected, based on the manufacturers' instructions.

### **3.4 Preventative Maintenance and Asset Monitoring**

BIGL will identify preventative maintenance measures and supporting equipment monitoring efforts to ensure safe and reliable operation of the facility.

#### **3.4.1 Substation**

- Thermal imaging for termination and buswork
- Visual inspection of structure foundation and conduit
- Lubrication of moving parts (breakers, switches, etc.)
- Cooling system checks
- Control room inspections visual and tests
- Label and nameplate check
- Vegetation management

#### **3.4.2 PV System**

- Routine module inspections and infrared/thermal imaging with anomalies detected via SCADA generating corrective work orders within 48 hours
- Torque checks per manufacturers recommendations
- Panel washing with water use logs (per Exhibit O limits)
- Annual and/or semiannual visual inspection of inverters, combiner boxes or load break disconnects, trackers, and all major equipment
- SCADA tests and inspections
- Vegetation management

### **3.4.3 BESS**

- Quarterly infrared inspections of power conversion system units, heating, ventilation, and air conditioning, battery management system (BMS), and fire suppression systems
- SCADA/BMS remote monitoring for anomalies
- Response procedures tied to EOP protocols for thermal runaway (EOP Section 3.2.1)
- Vegetation management

## **3.5 Compliance, Controls, and Reporting**

The Certificate Holder will implement O&M practices that support compliance with applicable regulatory requirements and Site Certificate conditions. This will include operational controls, oversight procedures, and alignment with supporting plans that address vegetation management, spill prevention, wildfire mitigation, air and water quality, and other environmental and safety considerations.

Compliance measures will be scaled to site activities and updated as operations evolve.

Documentation of inspections, incidents, and maintenance activities will be maintained. Reporting will follow applicable requirements and timeframes outlined in the Site Certificate and coordinating agency permits.

This section will be updated in the final O&M Plan to reflect specific commitments based on Site Certificate conditions and reporting requirements identified by ODOE and coordinating agencies. The final version will define required reporting content, frequencies, responsible parties, and coordination procedures to demonstrate ongoing compliance.

## **3.6 Emergency Preparedness Integration**

The Certificate Holder will take the following actions to address emergency preparedness:

- Inspect and test all safety equipment.
- Review and update the EOP regularly, and ensure all personnel are fully trained in emergency response.
- Perform all Spill Prevention, Control, and Countermeasure Plan requirements, including maintaining spill kits.
- Develop and maintain a Hazardous Materials Management Plan if required by state or federal regulations.
- If applicable, prepare and maintain an Emergency Planning and Community Right-to-Know Act (EPCRA) Tier I or II form, plus a list and quantities of chemicals that exceed reporting thresholds for EPCRA Tier 2.
- Conduct an audit that includes a review of site compliance with the facility's safety program and onsite observation for proper implementation of safety policies, including Lock Out-Tag Out, and a review of the facility's safety program and any recommended revisions.
- Perform a root cause analysis, corrective actions taken, and recommended corrective work related to injuries or illness requiring medical attention other than first aid, injuries or illness requiring restricted duty or days away from work, or a fatality.

- Notify the operator as soon as possible, not to exceed 1 hour, of any of the following events:
  - 1) Emergency responders contacted for an emergency or law enforcement response.
  - 2) Injury on site requiring medical attention more than first aid.
  - 3) Unplanned outage of one or more medium-voltage (MV) collection or high-voltage circuits.
  - 4) Onsite fire.
  - 5) Conditions that necessitate an evacuation of onsite personnel.
  - 6) Awareness of an impending weather event that has a reasonable probability of causing significant damage or any of the preceding 1) through 5) events.

### **3.7 Contractor and Staff Oversight**

BrightNight, on behalf of PGE, will oversee and facilitate the O&M of the BCWF Solar Components with an O&M service provider experienced in operating and maintaining large-scale PV solar systems and balance-of-plant systems for a large-scale BESS. There will be a long-term service agreement with the Solar Component BESS supplier. The O&M service provider will be responsible for the operation of the Solar Components, maintenance of the PV solar system to the point of interconnection, and maintenance of equipment/circuits from the BESS inverter AC output terminals to the point of interconnection. The O&M service provider's scope will cover equipment, including the PV array, PV system inverters, low-voltage cables, MV transformers (including auxiliary transformers), MV feeders, MV switchgear, site meters, substation equipment, generation tie line, and the O&M building equipment.

## **4.0 Long-term Maintenance and Operational Continuity**

To support the proposed 40-year operational life of the Solar Components, the Certificate Holder has developed a long-term maintenance and operations framework that evolves over time and ensures continuous compliance with site certificate conditions.

**Years 1–5:** BIGL will lead O&M under the Build Transfer Agreement. This includes full responsibility for inspections, corrective maintenance, and warranty compliance. BIGL's scope will also include preventive maintenance scheduling and vendor oversight.

**Post-Year 5:** PGE will assume full O&M responsibilities, integrating solar and BESS oversight into its internal asset management systems. This transition will be guided by a detailed handover plan including training, document transfer, and performance reviews conducted in Year 4.

**Continuity of Practice:** Regardless of ownership stage, O&M will be conducted in accordance with procedures established in this document, including vendor management, EOP training, and incident reporting protocols. Performance metrics and component reliability will be tracked in PGE's asset management software and reviewed annually.



## 4.1 Personnel and Quality Assurance Oversight

The Amended BCWF will be supported by experienced operations personnel through all phases of its operating life.

### Operations Roles:

- SCADA/Performance Analyst
- Field Technician Team (PV/BESS certified)
- Asset Manager (PGE)
- QA/QC Lead (during and post-handoff)

### Quality Assurance Protocols:

- Annual third-party condition assessments (PV and BESS)
- Annual SCADA data audit for performance anomalies
- Compliance inspections linked to EOP protocols
- Maintenance records retained and reviewed for trends

## 4.2 Budget Planning and Lifecycle Management

PGE will incorporate the solar and BESS components into its existing capital planning processes. The following measures support financial assurance and long-term reliability:

- Maintenance Budgeting:
  - O&M budgets for the first 5 years are embedded in the Build Transfer Agreement.
  - Post-transfer, expenses are forecasted annually by the Asset Management Team and tracked against site-specific performance.
- Lifecycle Planning:
  - A major maintenance reserve will be included in financial modeling to support inverter replacement, battery module refresh (anticipated at 12–15 years), and other long-term needs.
  - PGE’s decommissioning cost estimates (Exhibit X) will be updated every 5 years to reflect equipment aging and market conditions.

## 5.0 ~~Conclusions~~ Plan Updates and Reporting

~~The Certificate Holder recognizes that the integration of solar and battery components at the Amended BCWF presents new operational considerations. Drawing on extensive experience at Biglow Canyon, the Certificate Holder is committed to applying industry best practices, continuous improvement, and rigorous compliance oversight to ensure safe, reliable, and environmentally responsible operation of the Amended BCWF.~~

The OIM Plan shall be reviewed and revised annually, if applicable, by the certificate holder based on design changes, operational updates, or regulatory changes; and to incorporate the procedures, protocols, and tools adopted by the selected long-term O&M service provider.

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**Attachment D: Draft Comprehensive Solar Revegetation and  
Soil Management Plan**

# Comprehensive Solar Revegetation and Soil Management Plan

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**Biglow Canyon Wind Farm  
Request for Amendment 4  
November 2025**

**Prepared for**



**Portland General Electric Company**

**Prepared by**



**Tetra Tech, Inc.**

Amended by the Department December 2025

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## Acronyms and Abbreviations

|                           |                                                           |
|---------------------------|-----------------------------------------------------------|
| BCWF or Facility          | Biglow Canyon Wind Farm                                   |
| BIGL                      | BIGL bn, LLC                                              |
| Comprehensive Plan        | Comprehensive Solar Revegetation and Soil Management Plan |
| County                    | Sherman County                                            |
| EFSC                      | Energy Facility Siting Council                            |
| EMC                       | Environmental Monitoring Contractor                       |
| EPC                       | Engineering, Procurement, and Construction Contractor     |
| NOT                       | Notice of Termination                                     |
| NPDES                     | National Pollutant Discharge Elimination System           |
| ODOE                      | Oregon Department of Energy                               |
| PGE or Certificate Holder | Portland General Electric Company                         |
| RC                        | Revegetation Contractor                                   |
| RFA                       | Request for Amendment                                     |
| WC                        | Weed Control Contractor                                   |

## 1.0 Introduction

This Comprehensive Solar Revegetation and Soil Management Plan (Comprehensive Plan) has been prepared by Portland General Electric Company (PGE or Certificate Holder) to serve as a primary source of commitments related to revegetation, soil management, dust control, stormwater management, and noxious weed control through the pre-construction, construction, and operations phases for the photovoltaic solar energy generation and battery storage (Solar Components) associated with Request for Amendment (RFA) 4 of the Site Certificate for the Biglow Canyon Wind Farm (BCWF or Facility). PGE will own and operate the Solar Components as a part of the BCWF (together, Amended Facility or Facility), which, to date, have been developed by BIGL bn, LLC (BIGL or Project Developer). BIGL, in its capacity as the project developer, supports PGE in this RFA 4 and may construct and temporarily operate the Solar Components on behalf of PGE under a Build-Transfer Agreement.

For ease of implementation and compliance tracking, this document is structured to identify actionable items by phase and typical sequencing within each phase, with additional details provided as appendices and/or incorporated by reference.

This Comprehensive Plan will be updated, as necessary, in coordination with the Oregon Department of Energy (ODOE) and applicable agencies as specified below prior to construction to reflect the final layout of the Solar Components and additional details only available once an Engineering, Procurement, and Construction Contractor (EPC) has been identified.

### 1.1 Comprehensive Plan Finalization

Table 1 identifies information that must be incorporated into the Comprehensive Plan before beginning any phase of construction.

**Table 1. Action Items for Comprehensive Plan Finalization**

| Action                                                                                                                                                 | Timeframe           | Implemented By     | Review/ Verification |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------|----------------------|
| Notify Department of identity of EMC, EPC, RC, and WC. Provide evidence that each contractor meets the minimum qualifications described in Appendix A. | Plan Finalization   | Certificate Holder | ODOE                 |
| Update Appendix A, Table A-1 with name and contact information for each contractor.                                                                    | Plan Finalization   | Certificate Holder | ODOE                 |
| Update Section 6.0, Table 5 with operations long-term vegetation management details from PUC-approved vegetation management plan.                      | Prior to Operations | EMC                | ODOE                 |
| Update Appendix B, Table B-1 with temporary and permanent disturbance acres by habitat subtype.                                                        | Plan Finalization   | EMC                | ODOE                 |



| <b>Action</b>                                                                                                                                                                                                                                                                          | <b>Timeframe</b>         | <b>Implemented By</b> | <b>Review/ Verification</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------|-----------------------------|
| Update Appendix B with a Construction Plan and maps based on final design, expected disturbance levels, and sequencing of construction.                                                                                                                                                | Plan Finalization        | EMC                   | ODOE, ODA, ODFW, County     |
| Update Appendix C with approved 1200-C permit and Erosion and Sediment Control Plan (ESCP). Incorporate all stormwater control and treatment best management practices (BMPs) required by the 1200-C permit, and any supplemental BMPs required by this Comprehensive Plan, into ESCP. | Plan Finalization        | EPC                   | ODOE                        |
| Update Appendix D with construction dust control measures. Include contact information and procedures for Dust Control Hotline                                                                                                                                                         | Plan Finalization        | EPC                   | ODOE                        |
| Update Appendix E with proposed baseline soil compaction sample locations.                                                                                                                                                                                                             | Plan Finalization        | Certificate Holder    | ODOE                        |
| <u>Update Appendix F with Final Revegetation methods, as needed, for both temporary and permanent disturbance areas in consultation with ODOE</u>                                                                                                                                      | <u>Plan Finalization</u> | <u>EMC</u>            | <u>ODOE</u>                 |
| Update Appendix G with timing and treatment methods for each identified weed species of concern after consulting with the Sherman County Weed District.                                                                                                                                | Plan Finalization        | WC & EMC              | ODOE and County             |
| Update Appendix G with final noxious weed and vegetation monitoring methods.                                                                                                                                                                                                           | Plan Finalization        | EMC                   | ODOE                        |
| Notes: EMC = Environmental Monitoring Contractor; EPC = Engineering, Procurement, and Construction Contractor; ODOE = Oregon Department of Energy; WC = Weed Control Contractor; County = Sherman County                                                                               |                          |                       |                             |

## 2.0 Definitions

Definitions applicable to this Comprehensive Plan are provided in Table 2, below.

**Table 2. Definitions for the Biglow Canyon Wind Farm**

| <b>Term</b>                | <b>Definition</b>                                                                                                                                                                            |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BCWF; Facility             | Biglow Canyon Wind Farm                                                                                                                                                                      |
| Habitat Areas              | Any undeveloped, non-agricultural areas, including but not limited to areas mapped as grassland, sagebrush shrub-steppe, or riparian habitat, prior to construction of the Solar Components. |
| Permanent Disturbance Area | Any area permanently occupied by the Solar Components, including all areas within the fence line of a solar array or substation.                                                             |
| Sensitive Soils            | Soils that are highly susceptible to erosion from water, fugitive dust propagation, compaction, or other impacts as described in Appendix E.                                                 |
| Solar Components           | Photovoltaic solar energy generation, battery storage, and other components authorized in RFA 4.                                                                                             |

| <b>Term</b>                                    | <b>Definition</b>                                                                                                              |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Solar Micrositing Area/<br>RFA 4 Site Boundary | Maximum area where Solar Components may be built or cause temporary disturbance.                                               |
| Temporary Disturbance Area                     | Any area that is disturbed during construction of the Solar Components but will not be permanently occupied during operations. |
| Weed Management Area                           | Disturbance area associated with the Solar Components and a 10-foot buffer.                                                    |

### **3.0 Plan Goals and Management Objectives**

This Comprehensive Plan was developed to demonstrate compliance with the terms and conditions of the Site Certificate and other applicable state and local laws and regulations. Specifically, the actions described in this Comprehensive Plan are intended to increase the probability of revegetation success, reduce erosion and dust pollution, protect topsoil for future agricultural use on agricultural land, prevent and address the establishment and spread of noxious weeds, minimize fire risk, and maintain beneficial vegetation at the site.

The BCWF is located on privately owned agricultural land used primarily for dryland wheat production and, to a lesser extent, cattle grazing. The grazed land is grassland, shrub-steppe rangeland, and/or fallow wheat stubble fields. The Solar Micrositing Area also contains important wildlife habitat and movement corridors, particularly along the John Day River and its tributaries. Sensitive soils are present throughout the Solar Micrositing Area, and erosion hazards from wind and water are severe in areas with steep slopes, including canyons and drainages in the northeast portion. To ensure that the area can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the Solar Components, Permanent Disturbance Areas in wildlife habitat will be revegetated for the purposes of soil stabilization to reduce erosion, dust pollution, topsoil depletion, and the potential for invasion by noxious weeds and other invasive plants. Cropland will be returned to landowner control and will not be revegetated by the Certificate Holder.

To minimize impacts to agricultural uses and habitat in Temporary Disturbance Areas, soil disturbance and vegetation removal will be minimized and reasonable efforts will be made to restore vegetation and soils in agricultural and habitat areas to their pre-disturbance condition. Best Management Practices (BMPs) will be implemented to minimize erosion and prevent the introduction or spread of noxious weeds and other invasive plants in both habitat areas and temporarily disturbed developed areas (i.e., existing roads, rock quarries).

### **4.0 Pre-construction Compliance**

Table 3 outlines actions related to revegetation, soil management, dust control, stormwater management, and noxious weed control that must be completed before beginning construction.

**Table 3. Pre-construction Compliance Checklist**

| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Timeframe                               | Implemented By     | Review/ Verification |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------|----------------------|
| Provide Final Comprehensive Plan to all participating parties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | At least 30 days prior to construction  | Certificate Holder | ODOE                 |
| Hold a kick-off meeting with the EMC, EPC, County, and ODOE.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | At least 14 days prior to construction. | Certificate Holder | ODOE                 |
| Collect baseline soil compaction measurements within Temporary Disturbance Areas using the protocol described in Appendix E. Submit baseline soil compaction measurement results to ODOE.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Prior to construction                   | EMC                | ODOE                 |
| Complete installation of stormwater, erosion, and sediment controls as required by the 1200-C permit. See Appendix C.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Prior to construction                   | EPC                | ODOE                 |
| Coordinate the construction schedule and sequence with landowners to maintain land in current production and weed control until just prior to construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Prior to construction                   | Certificate Holder | ODOE                 |
| <p>Conduct on-site Environmental Training with contractors and construction personnel, environmental inspector(s), inviting specialty contractors, Oregon Department of Agriculture (ODA), Oregon Department of Fish and Wildlife (ODFW), the County, and ODOE. The training must cover all aspects of this Comprehensive Plan and other requirements applicable to construction, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Roles and Responsibilities</li> <li>• Implementation of avoidance buffers for sensitive resources (e.g., flagging)</li> <li>• Methods for identifying and preventing the spread of noxious and invasive weeds</li> <li>• BMPs for soil protection and erosion control under the 1200-C Permit.</li> <li>• Fire prevention practices during construction</li> </ul> | Prior to construction                   | Certificate Holder | ODOE                 |
| Provide records demonstrating that all contractor personnel have attended on-site Environmental Training described above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Prior to construction                   | Certificate Holder | ODOE                 |
| Conduct additional pre-construction noxious weed surveys to identify noxious weeds present within the Solar Components at the time of construction to inform management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Prior to construction                   | EMC                | ODOE                 |
| Provide the Appendix G Weed Control Plan to the Sherman County Weed District for review and concurrence with treatment guidelines.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Prior to construction                   | Certificate Holder | ODOE                 |
| Treat noxious weeds within the Weed Management Area in accordance with methods in Appendix G.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Prior to construction                   | WC                 | ODOE                 |

| Action                                                                                                                                                                                                                                 | Timeframe             | Implemented By     | Review/ Verification |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------|----------------------|
| Provide evidence that existing noxious weeds have been identified and treated in accordance with methods in Appendix G.                                                                                                                | Prior to construction | Certificate Holder | ODOE                 |
| Notes: County = Sherman County; EMC = Environmental Monitoring Contractor; EPC = Engineering, Procurement, and Construction Contractor; ODOE = Oregon Department of Energy; RC = Revegetation Contractor; WC = Weed Control Contractor |                       |                    |                      |

## 5.0 Construction Compliance

Table 4 outlines actions needed for compliance during construction related to revegetation, soil management, dust control, stormwater management, and noxious weed control.

This list includes actions applicable throughout construction as well as actions required as construction nears completion and revegetation commences in preparation for entering the operations phase.

**Table 4. Construction Compliance Checklist**

| Action                                                                                                                                                                                                                                                                                                                                                                           | Timeframe                                            | Responsible Party | Review/ Verification  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------|-----------------------|
| <b>During Construction Mobilization</b>                                                                                                                                                                                                                                                                                                                                          |                                                      |                   |                       |
| Provide information about target noxious weed species at the operations and maintenance buildings.                                                                                                                                                                                                                                                                               | During construction                                  | EPC               | EMC & ODOE            |
| Ensure a copy of this Comprehensive Plan and a description of any additional fugitive dust control requirements are available on site.                                                                                                                                                                                                                                           | During construction                                  | EPC               | EMC & ODOE            |
| Prominently display Dust Control Hotline signs, providing direct access to the Certificate Holder Site Manager.                                                                                                                                                                                                                                                                  | During construction                                  | EPC               | EMC & ODOE            |
| Flag sensitive environmental resources ( <u>e.g., historic, cultural and archeological resources; active raptor nests; delineated wetlands and waterways</u> ) and noxious weed infestations to alert construction personnel to avoidance areas or management requirements.                                                                                                      | During construction                                  | EMC               | ODOE                  |
| <b>During Ground-Disturbing Activities</b>                                                                                                                                                                                                                                                                                                                                       |                                                      |                   |                       |
| <u>On or before April 15 of any year in which construction occurs within Category 2 habitat, all mowing, vegetation removal and/or ground disturbance associated with site preparation must be completed. No mowing, vegetation removal and/or ground disturbance associated with site preparation may occur within Category 2 habitat between April 15 through September 1.</u> | <u>During construction within Category 2 habitat</u> | <u>EPC</u>        | <u>EMC &amp; ODOE</u> |
| In Disturbance Level 3, 4, and 5 areas (described in Appendix B), stockpile excavated soils by soil horizon to replace in the same order and prevent mixing of topsoil and subsoils. Put conserved topsoil back in place prior to revegetation activities.                                                                                                                       | During construction                                  | EPC               | EMC & ODOE            |
| Do not move topsoil and other soils from areas with noxious weeds to areas without noxious weeds; instead, return these soils to their previous location during reclamation activities to reduce the transport of weed seeds, roots, or rhizomes.                                                                                                                                | During construction                                  | EPC               | EMC & ODOE            |
| Use appropriate erosion and sediment control practices, as required by the National Pollutant Discharge Elimination System (NPDES) 1200-C permit (Appendix C).                                                                                                                                                                                                                   | During construction                                  | EPC               | EMC & ODOE            |
| Limit vehicle access to designated routes, whether existing roads or newly constructed roads, and the outer limits of construction disturbances per the final design for the Solar Components; limit vehicle traffic in areas with noxious weeds.                                                                                                                                | During construction                                  | EPC               | EMC & ODOE            |
| Require construction vehicles to pass through a wheel wash station at vehicle ingress/egress points each time they enter or exit the Solar Components.                                                                                                                                                                                                                           | During construction                                  | EPC               | EMC & ODOE            |

| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Timeframe                         | Responsible Party        | Review/ Verification |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------|----------------------|
| Clean vehicles and equipment associated with ground disturbance and movement of topsoil utilizing a mobile wash station after performing work in areas with noxious weeds and prior to performing work in areas without noxious weeds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | During construction               | EPC                      | EMC & ODOE           |
| Implement appropriate BMPs to control any dust generated by construction activities, such as applying water or stabilizers to roads and disturbed soil areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | During construction               | EPC                      | EMC & ODOE           |
| Maintain records of U.S. Environmental Protection Agency (EPA) Method 22 (ODEQ 2019) monitoring.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | During construction               | EPC                      | EMC & ODOE           |
| After grading is complete but prior to installation of Solar Components, apply temporary or permanent soil stabilization, as described in Appendix F.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | During construction               | RC                       | EMC & ODOE           |
| Monitor the Weed Management Area for noxious weeds during and after construction and implement control measures as described in Appendix G.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | During and following construction | EMC & Certificate Holder | ODOE                 |
| Conduct compliance monitoring to ensure that contractors are complying with noxious weed prevention measures in this Comprehensive Plan. Facilitate coordination meetings with ODOE and Sherman County Weed District, train all personnel to maintain tracking sheets, conduct routine check-in calls with the construction team, and document communication with landowners prior to chemical application. Maintain records and provide ODOE with copies of these records annually during construction. If the Certificate Holder contracts with the Sherman County Weed District to perform weed control at the Solar Components, then monitoring records will include a statement that the county agency performed the work. | During construction               | EMC                      | ODOE                 |
| If construction extends into the growing season prior to the commercial date of operations and formal post-construction weed monitoring, conduct informal but comprehensive weed surveys to inform adaptive management. Weed monitoring may be conducted as part of routine environmental monitoring to be completed at least monthly from April to October.                                                                                                                                                                                                                                                                                                                                                                    | During construction               | EMC                      | ODOE                 |
| <b>Soil Stabilization and Reclamation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                          |                      |
| Coordinate with the landowner or farm operator to identify the preferred approach for soil stabilization on agricultural land until routine seeding and tillage resumes. Soil stabilization may include applying unseeded hydromulch or crimping in weed-free straw until seeding can occur. Landowner may choose to assume responsibility for soil stabilization. Agricultural lands will be restored to landowner satisfaction.                                                                                                                                                                                                                                                                                               | During and following construction | Certificate Holder       | EMC & ODOE           |

| Action                                                                                                                                                                                                                                         | Timeframe                                                            | Responsible Party        | Review/ Verification |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------|----------------------|
| Meet with ODOE in coordination with ODFW and Sherman County Weed District to review the actual extent and conditions of disturbed areas and confirm the revegetation methods to be implemented.                                                | After each phase of construction is complete and before revegetation | Certificate Holder       | ODOE                 |
| In areas with noxious weeds where soil was removed, return soils to their previous location during reclamation activities to reduce transport of weed seeds, roots, or rhizomes.                                                               | During reclamation                                                   | EPC                      | EMC & ODOE           |
| Treat noxious weeds in the Weed Management Area using methods described in Appendix G and in consultation with the Sherman County Weed District as necessary. No weed treatment will occur in agricultural lands without landowner permission. | Before reclamation and revegetation                                  | WC                       | EMC & ODOE           |
| Complete post-construction soil compaction testing in spring or late fall in accordance with Appendix E. Submit results to ODOE for review and approval.                                                                                       | After reclamation and before revegetation                            | EMC & Certificate Holder | ODOE                 |
| Perform soil preparation prior to seeding using methods described in Appendix F.                                                                                                                                                               | Before revegetation                                                  | EPC                      | EMC & ODOE           |
| Prevent conditions favorable for noxious weed germination by revegetating as soon as practicable.                                                                                                                                              | After reclamation                                                    | RC                       | ODOE                 |
| <b>Revegetation of Permanent Disturbance Areas</b>                                                                                                                                                                                             |                                                                      |                          |                      |
| Following completion of construction phases, seed undeveloped permanent disturbance areas in accordance with methods described in Appendix F.                                                                                                  | During revegetation                                                  | RC                       | EMC & ODOE           |
| <b>Revegetation of Agricultural Temporary Disturbance Areas</b>                                                                                                                                                                                |                                                                      |                          |                      |
| De-compact agricultural soil by mechanical scarification (tilling or ripping the soil) to an appropriate depth. Soil amendment, such as addition of organic matter (compost), may also be necessary to alleviate compaction.                   | During reclamation                                                   | EPC                      | EMC & ODOE           |
| Report to ODOE on the success of agricultural land restoration efforts; provide evidence that landowner or farm operator is satisfied with restoration.                                                                                        | During & following construction                                      | Certificate Holder       | EMC & ODOE           |
| <b>Revegetation of Non-Agricultural Temporary Disturbance Areas</b>                                                                                                                                                                            |                                                                      |                          |                      |
| Reseed areas of temporary disturbance outside of agricultural lands, as described in Appendix F.                                                                                                                                               | During revegetation, following each construction phase               | RC                       | EMC & ODOE           |
| If straw is needed and certified weed-free straw is unavailable, identify a local source of straw and obtain approval for its use by ODOE in consultation with the Sherman County Weed District.                                               | Before revegetation                                                  | RC or EPC                | ODOE                 |



| Action                                                                                                                                                                                                                                                                                                              | Timeframe                   | Responsible Party | Review/ Verification |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------|----------------------|
| Consult with ODOE, ODFW, ODA, Sherman County Weed District, and/or the seed supplier to determine the optimal timing for seed application based on climatic conditions of the particular year when construction and revegetation efforts are implemented. Seeding from September to March is typically recommended. | Before revegetation         | RC & EMC          | ODOE                 |
| Stabilize seeded areas to facilitate establishment by applying seedless, certified weed-free hydromulch containing a tackifier or crimped weed-free straw.                                                                                                                                                          | During revegetation         | RC or EPC         | EMC & ODOE           |
| Maintain records of revegetation efforts in all temporary and permanent disturbance areas and update ODOE monthly as revegetation work occurs.                                                                                                                                                                      | Monthly during revegetation | EMC               | ODOE                 |
| Notes: EMC = Environmental Monitoring Contractor; EPC = Engineering, Procurement, and Construction Contractor; ODOE = Oregon Department of Energy; RC = Revegetation Contractor; WC = Weed Control Contractor                                                                                                       |                             |                   |                      |

## 6.0 Operations Compliance

Table 5 summarizes actions needed for compliance during operations related to revegetation, stormwater management, and noxious weed control. This list includes actions applicable throughout operations as well as actions required only initially following construction, for example through the Notice of Termination (NOT) for Coverage under a National Pollutant Discharge Elimination System (NPDES) Permit. Soil management and dust control measures are not included in Table 5 because they are addressed during prior phases.

**Table 5. Operations Compliance Checklist**

| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Timeframe                                                                                                                                                                           | Responsible Party        | Review/ Verification |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------|
| <b>YEAR 1</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                     |                          |                      |
| Conduct seasonal monitoring of Permanent Disturbance Areas to visually assess the following:<br>a. Establishment of seeded species;<br>b. Inspection of areas of bare soil for erosion; and<br>c. Presence of noxious weeds.                                                                                                                                                                                                                                                                 | Initiate within 60 days of the completion of revegetation and conduct once per season in the first year following construction                                                      | EMC                      | ODOE                 |
| Inspect and maintain stormwater measures as required in the 1200-C permit.                                                                                                                                                                                                                                                                                                                                                                                                                   | During operations, prior to achieving NOT for the NPDES                                                                                                                             | Certificate Holder & EMC | ODOE                 |
| Inspect and maintain any permanent stormwater management infrastructure. Inspect project facilities (e.g., roads) for erosion issues.                                                                                                                                                                                                                                                                                                                                                        | During operations, after achieving NOT for the NPDES                                                                                                                                | Certificate Holder       | ODOE                 |
| <b>YEARS 2 to 6</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                     |                          |                      |
| Conduct annual quantitative monitoring of Permanent Disturbance Areas to assess whether vegetation meets success criteria (Appendices B and D).                                                                                                                                                                                                                                                                                                                                              | Annually for 5 years in May or June, beginning the first year after revegetation                                                                                                    | EMC                      | ODOE                 |
| Monitor revegetated Temporarily Disturbance Areas, unless the landowner converted the area to land uses that preclude meeting revegetation success criteria. To determine if revegetated temporarily disturbed areas are meeting success criteria, compare vegetation for monitoring and reference transects in each of the non-agricultural habitat subtypes that had more than 0.2 acre of temporary disturbance (Appendix B).                                                             | Annually for 5 years in May or June, beginning the first year after revegetation                                                                                                    | EMC                      | ODOE                 |
| Determine and report on whether success criteria have been met or are trending towards being met (see Appendix F for report content and success criteria) for Temporary and Permanent Disturbance Areas. Final determination of whether the Certificate Holder is in compliance with revegetation obligations will be made by ODOE. Remedial actions and/or additional monitoring for areas may be required in areas that have been determined by ODOE not to have met the success criteria. | Annually for 5 years in May or June, beginning the first year after revegetation and for the life of the Solar Components on a schedule to be determined in consultation with ODOE. | EMC                      | ODOE                 |
| If a revegetated area is damaged by wildfire, develop a plan, subject to ODOE approval, to address the damaged area. Continue to monitor and report on revegetation progress during the remainder of the 5-year period. Report to ODOE within 72 hours of discovery.                                                                                                                                                                                                                         | During the first five years following revegetation if wildfire occurs.                                                                                                              | EMC                      | ODOE                 |

| Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Timeframe                                                      | Responsible Party        | Review/ Verification |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------|----------------------|
| Summarize noxious weed monitoring results in annual reports that describe noxious weeds identified, treatments implemented, treatment efficacy, and recommendations for additional treatments. Submit reports to ODOE, ODA, ODFW, and the County annually. If the Certificate Holder contracts with the Sherman County Weed District to perform weed control at the Solar Components, then no monitoring report needs to be provided except for a statement that the County agency performed the work.            | During first 5 years of operations                             | Certificate Holder & EMC | ODOE                 |
| <u>Implement the measures outlined in Appendix F to address vegetation management to reduce wildfire risk</u> <del>Design a long-term vegetation monitoring plan in consultation with ODOE.</del>                                                                                                                                                                                                                                                                                                                 | <del>After 5 years of monitoring</del> <u>During Operation</u> | EMC                      | ODOE                 |
| Consult with ODOE, ODA, and the Sherman County Weed District to design a long-term weed control plan as needed based on the success of control efforts.                                                                                                                                                                                                                                                                                                                                                           | After 5th year of annual monitoring                            | Certificate Holder       | ODOE, ODA, County    |
| Provide records demonstrating that all Facility personnel have been trained on noxious weed control.                                                                                                                                                                                                                                                                                                                                                                                                              | Annually during operations                                     | Certificate Holder       | ODOE                 |
| Monitor as outlined in Appendix G within the Weed Management Area for the life of the Solar Components to assess weed growth and inform noxious weed control measures. Assess the success of noxious weed treatments and document any new noxious weed infestations observed.                                                                                                                                                                                                                                     | During operations                                              | Certificate Holder & EMC | ODOE                 |
| Control noxious weeds as described in the long-term weed control plan. Maintain ongoing communication with landowners and the Sherman County Weed District regarding noxious weeds at the Solar Components. Control noxious weeds reported by landowners on a case-by-case basis and prepare a summary of measures taken for that landowner.                                                                                                                                                                      | During operations                                              | Certificate Holder       | ODOE                 |
| Consult with the Sherman County Weed District on timing, method, and application rates for each identified weed species of concern, to allow for adaptive weed management given changes in weed control effectiveness from noxious weed species tolerance to herbicide treatment over time. Report the results of the consultation to ODOE within 30 days. Any alternative control methods can be proposed by the Certificate Holder or its contractors, subject to approval by the Sherman County Weed District. | Every fall season during operation                             | Certificate Holder       | ODOE                 |
| Notes: EMC = Environmental Monitoring Contractor; NOT = Notice of Termination; NPDES = National Pollutant Discharge Elimination System; ODOE = Oregon Department of Energy; ODFW = Oregon Department of Fish and Wildlife                                                                                                                                                                                                                                                                                         |                                                                |                          |                      |

## 7.0 Comprehensive Plan Amendment

This Comprehensive Plan may be amended from time to time by agreement of the Certificate Holder and the Oregon Energy Facility Siting Council (EFSC). Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Comprehensive Plan. ODOE shall notify EFSC of all Comprehensive Plan amendments, and EFSC retains the authority to approve, reject, or modify any amendment agreed to by ODOE.

## 8.0 References

ODEQ (Oregon Department of Environmental Quality). 2019. OAR 340-208-0210 EPA Method 22. <https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=256141>

## Appendix A. Roles and Qualifications

## Roles and Responsibilities

The Certificate Holder is the overall responsible party for construction and operation of the Solar Components and implementation of this Comprehensive Plan. However, the Certificate Holder may use contractors to complete tasks associated with this Comprehensive Plan. Responsible parties and their roles are described in Table A-1. Minimum qualifications for contractors are provided in Table A-2.

**Table A-1. Roles and Responsibilities**

| Responsible Party                                           | Name and Contact Information                           | Role                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Certificate Holder                                          | Portland General Electric Company                      | Responsible for compliance with all site condition requirements, hiring contractors that meet the minimum qualifications described in Appendix A, and ensuring that all contractors perform work in accordance with the requirements of this Comprehensive Plan.                                                   |
| Engineering, Procurement, and Construction Contractor (EPC) | Name:<br>Contact Person:<br>Address:<br>Phone<br>Email | Responsible for implementing BMPs and other measures specified in the National Pollutant Discharge Elimination System 1200-C permit and this Comprehensive Plan to minimize impacts during construction, as well as for performing restoration and revegetation actions, as identified in this Comprehensive Plan. |
| Revegetation Contractor (RC)                                | Name:<br>Contact Person:<br>Address:<br>Phone<br>Email | Responsible for performing revegetation actions during and immediately after construction, as described in this Comprehensive Plan.                                                                                                                                                                                |
| Weed Control Contractor (WC)                                | Name:<br>Contact Person:<br>Address:<br>Phone<br>Email | Responsible for performing weed control actions in the Weed Management Area, as described in this Comprehensive Plan.                                                                                                                                                                                              |
| Environmental Monitoring Contractor (EMC)                   | Name:<br>Contact Person:<br>Address:<br>Phone<br>Email | Responsible for conducting environmental monitoring and documenting compliance with aspects of this Comprehensive Plan during and following construction, including conducting revegetation, dust, soil, stormwater, and noxious weed monitoring.                                                                  |

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**Comprehensive Solar Revegetation and Soil Management Plan**

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| <b>Responsible Party</b>           | <b>Name and Contact Information</b>                                                                                                                            | <b>Role</b>                                                                                                                                                                                                                                                                                               |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oregon Department of Energy (ODOE) | Oregon Department of Energy<br>Compliance Specialist<br>550 Capitol St. NE<br>Salem, OR 97301<br>Phone<br>Email                                                | Responsible for providing technical input on proposed BMPs and other measures to minimize impacts and for validating all compliance deliverables described in this Comprehensive Plan. ODOE may utilize contractors to meet its responsibilities under this Comprehensive Plan during some or all phases. |
| Sherman County (County)            | Sherman County Weed Department<br>Nick Weis, Weed District Supervisor<br>66143 Lone Rock Road<br>Moro, OR 97039<br>(541) 565-3655<br>nickw@shermancountyor.gov | Responsible for providing input on weed control and other actions described in this Comprehensive Plan and its implementation as needed. The County will also attend calls with ODOE and other agencies as needed.                                                                                        |



## Contractor Minimum Qualifications

**Table A-2. Contractor Minimum Qualifications**

| Contractor                                                  | Role                                                                                                                                                                                                                                                                                                         | Minimum Qualification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Engineering, Procurement, and Construction Contractor (EPC) | Responsible for implementing Best Management Practices (BMPs) and other measures specified in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit and this Comprehensive Plan to minimize impacts during construction, as well as for performing restoration and revegetation actions. | <p>Minimum qualifications for the EPC include:</p> <ul style="list-style-type: none"> <li>• Experience implementing measures in the NPDES 1200-C permit;</li> <li>• Demonstration of sufficient resources and staffing for anticipated BMP installations and maintenance; and</li> <li>• Experience in coordination with agencies and private landowners.</li> </ul>                                                                                                                                                                                                                                                                                                                                                 |
| Revegetation Contractor (RC)                                | Responsible for performing revegetation actions during and immediately after construction.                                                                                                                                                                                                                   | <p>The Certificate Holder will ensure that the RC has the following minimum qualifications:</p> <ul style="list-style-type: none"> <li>• Demonstrated experience in the Columbia Plateau;</li> <li>• Experience in native plant, non-native and invasive plants, and noxious weed identification and management;</li> <li>• Experience in revegetating natural areas;</li> <li>• Experience with site preparation and applicable seeding methods;</li> <li>• Experience in documenting revegetation actions and providing progress reports;</li> <li>• Experience in coordination with agencies and private landowners; and</li> <li>• No recent (within one year) violations on the contractor's record.</li> </ul> |
| Weed Control Contractor (WC)                                | Responsible for performing weed control prior to, during, and after construction within the disturbance area and a 10-foot buffer (Weed Management Area).                                                                                                                                                    | <p>The Certificate Holder will ensure that noxious weed management actions will be conducted by specialists with the following qualifications:</p> <ul style="list-style-type: none"> <li>• Experience in native plant, non-native and invasive plants, and noxious weed identification in the Columbia Plateau Ecoregion;</li> <li>• Experience in noxious weed mapping;</li> <li>• If chemical control is used, specialists must possess a Commercial or Public Pesticide Applicator License from the Oregon Department of Agriculture or possess an Immediately Supervised Pesticide Trainee License and be supervised by a licensed applicator;</li> </ul>                                                       |

| Contractor                                | Role                                                                                                                                                                                                                                                                 | Minimum Qualification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           |                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds;</li> <li>• Experience in coordination with agencies and private landowners; and</li> <li>• No recent (within one year) violations on the contractor's record.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Environmental Monitoring Contractor (EMC) | Responsible for conducting environmental monitoring and documenting compliance with aspects of this Comprehensive Plan during and following construction, including conducting revegetation, dust, soil, stormwater, and noxious weed monitoring as described below. | <p>Minimum qualifications for the EMC include:</p> <ul style="list-style-type: none"> <li>• Have an active certification recognized in the 1200-C permit (e.g., Certified Erosion and Sediment Control);</li> <li>• Experience implementing and monitoring measures in the NPDES 1200-C permit;</li> <li>• Experience and knowledge of U.S. Environmental Protection Agency Method 22 (ODEQ 2019) with respect to the general procedures for determining the presence of visible emissions;</li> <li>• Experience in native plant, non-native and invasive plants, and noxious weed identification and management;</li> <li>• Experience in noxious weed mapping;</li> <li>• Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds; and</li> <li>• Experience in coordination with agency and private landowners.</li> </ul> <p>The EMC will include a qualified botanist or revegetation specialist who will be responsible for monitoring and reporting on revegetation success.</p> |

## **Appendix B. Construction Plan**

## Disturbance Acreage

Acres of temporary and permanent disturbance to habitat subtypes associated with Solar Component construction and operation are provided in Table B-1.

**Table B-1. Acres of Temporary and Permanent Disturbance**

| ODFW Habitat Category                                                                                                                                                                                                         | Habitat Type        | Habitat Sub-Type       | Temporary Disturbance (acres) | Permanent Disturbance (acres) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------|-------------------------------|-------------------------------|
| 1                                                                                                                                                                                                                             | N/A                 | N/A                    | -                             | -                             |
| 2                                                                                                                                                                                                                             | Riparian            | Riparian Trees         | 0.0                           | 0.0                           |
|                                                                                                                                                                                                                               | Shrub-steppe        | Sagebrush Shrub-Steppe | 0.3                           | 20.7                          |
|                                                                                                                                                                                                                               | Category 2 Subtotal |                        | 0.3                           | 20.7                          |
| 3                                                                                                                                                                                                                             | N/A                 | N/A                    | -                             | -                             |
| 4                                                                                                                                                                                                                             | Grassland-steppe    | Grasslands             | 0.1                           | 3.0                           |
|                                                                                                                                                                                                                               | Surface Water       | Ephemeral Streams      | 0.0                           | 0.0                           |
|                                                                                                                                                                                                                               | Category 4 Subtotal |                        | 0.1                           | 3.0                           |
| 5                                                                                                                                                                                                                             | N/A                 | N/A                    | -                             | -                             |
| 6                                                                                                                                                                                                                             | Agriculture         | Irrigated Cropland     | 0.1                           | 52.0                          |
|                                                                                                                                                                                                                               | Agriculture         | Non-Irrigated Cropland | 9.4                           | 1,365.0                       |
|                                                                                                                                                                                                                               | Developed           | Developed              | 1.0                           | 3.9                           |
|                                                                                                                                                                                                                               | Category 6 Subtotal |                        | 10.5                          | 1,420.9                       |
| Total                                                                                                                                                                                                                         |                     |                        | 10.9                          | 1,444.6                       |
| 1. There are no disturbances in surface water habitat types. Refer to Exhibit J of RFA 4 for detailed analysis of disturbances to wetlands and waters.<br>N/A = not applicable; ODFW = Oregon Department of Fish and Wildlife |                     |                        |                               |                               |

## Disturbance Levels

Revegetation and soil stabilization needs will be determined by a combination of topography, soil type, disturbance level, and existing vegetative cover.

Disturbance levels will primarily be determined by conditions such as slope, gradient, and existing vegetation. As much as is feasible, use of heavy machinery and soil disturbance should be conducted on dry soil. Disturbance of saturated soil has a much greater risk of compaction and requires more effort to revegetate and control weedy species. Disturbance levels are defined as follows and depicted in Figure B-1:

- Level 1 – Mowing:** Mowing is used to conserve vegetative resources within a facility. Vegetation will be limited to a height of 12 inches and mowed to no less than 6 inches during construction. Mowing to no less than 6 inches protects perennial grass crowns and allows grasses to regenerate. Depending on facility objectives, vegetation can be allowed to

reach a normal height or kept trimmed to a height between 6 inches and the plant's full height potential. Crushing of vegetation will be minimal and this disturbance level is designed to have a minimal impact on existing vegetation. This method is least likely to result in invasions of undesirable plant species.

- *Level 2 – Overland Drive and Crush:* Disturbance caused by accessing a facility without significantly modifying the landscape. Vegetation is crushed to the ground but no surface soil is removed so root structures are left intact. Even though vegetation may be damaged or destroyed, the surface soil and seed bank remain in place. Some crushed vegetation will likely sprout after disturbance ceases. These activities would result in minimal to moderate disturbance. This type of disturbance will result in a faster recovery time for vegetation compared to Levels 3 and 4. Soil seed banks remain largely in place, perennial vegetation can grow back, and minimal external efforts are necessary. This method is less likely to result in invasions of undesirable plant species compared to Levels 3 and 4.
- *Level 3 – Clear and Cut:* Disturbance caused by accessing the facility including having to remove all vegetation to improve or provide suitable access for equipment. All vegetation is removed, soils are compacted, and the root zone or soil A-horizon may be disturbed, but no subsurface soil is removed. Clear and cut activities would result in moderate disturbance. This type of disturbance will result in moderate recovery times for vegetation. This method has a moderate risk for invasion of undesirable plant species. An example is imprinting to crush vegetation down into the soil or incidental grading and smoothing of surface soils.
- *Level 4 – Clear and Cut with Soil Removal:* Disturbance is caused by removing all vegetation in the impact zone, soils are compacted, and surface soil and subsoil are displaced. These activities result in heavy disturbance. This type of disturbance results in an extensive recovery time for vegetation, and is most likely to lead to invasions of undesirable plant species, which can result in lengthy and expensive control efforts. Includes disc-and-roll construction and other traditional construction methods where soils are disturbed and no vegetation is left intact. This category includes all work requiring the segregation and replacement of topsoil.
- *Level 5 – Development Footprint:* Disturbance is caused by removing all vegetation and covering the area surface with gravel, concrete, or other vegetation-free surfaces, or where the intended function of a specific area necessitates it remain unvegetated. This disturbance level includes roads, graveled lots, fire breaks, utility pole pads, and the areas underlying any component installed on a foundation. This level does not include vegetated areas under solar arrays. This type of disturbance will result in a complete loss of vegetation and will be required to be monitored and kept free of noxious weeds and other vegetation for the life of the facility.

Maps showing the expected disturbance levels in Temporary and Permanent Disturbance Areas in relation to existing vegetation type, habitat type, and areas with sensitive soils are provided in Figure B-1 below.

<<INSERT DISTURBANCE LEVEL MAPS HERE>>

**Figure B-1. Disturbance Levels in Temporary and Permanent Disturbance Areas in Relation to Existing Vegetation Type, Habitat Type, and Areas with Sensitive Soils**

## **Appendix C. 1200-C Permit and Erosion and Sediment Control Plan**

## **Appendix D. Fugitive Dust Control Plan**



To manage fugitive dust from construction, the Certificate Holder and its contractors will generally follow the Dust Control Plan Flow Chart (Figure D-1).

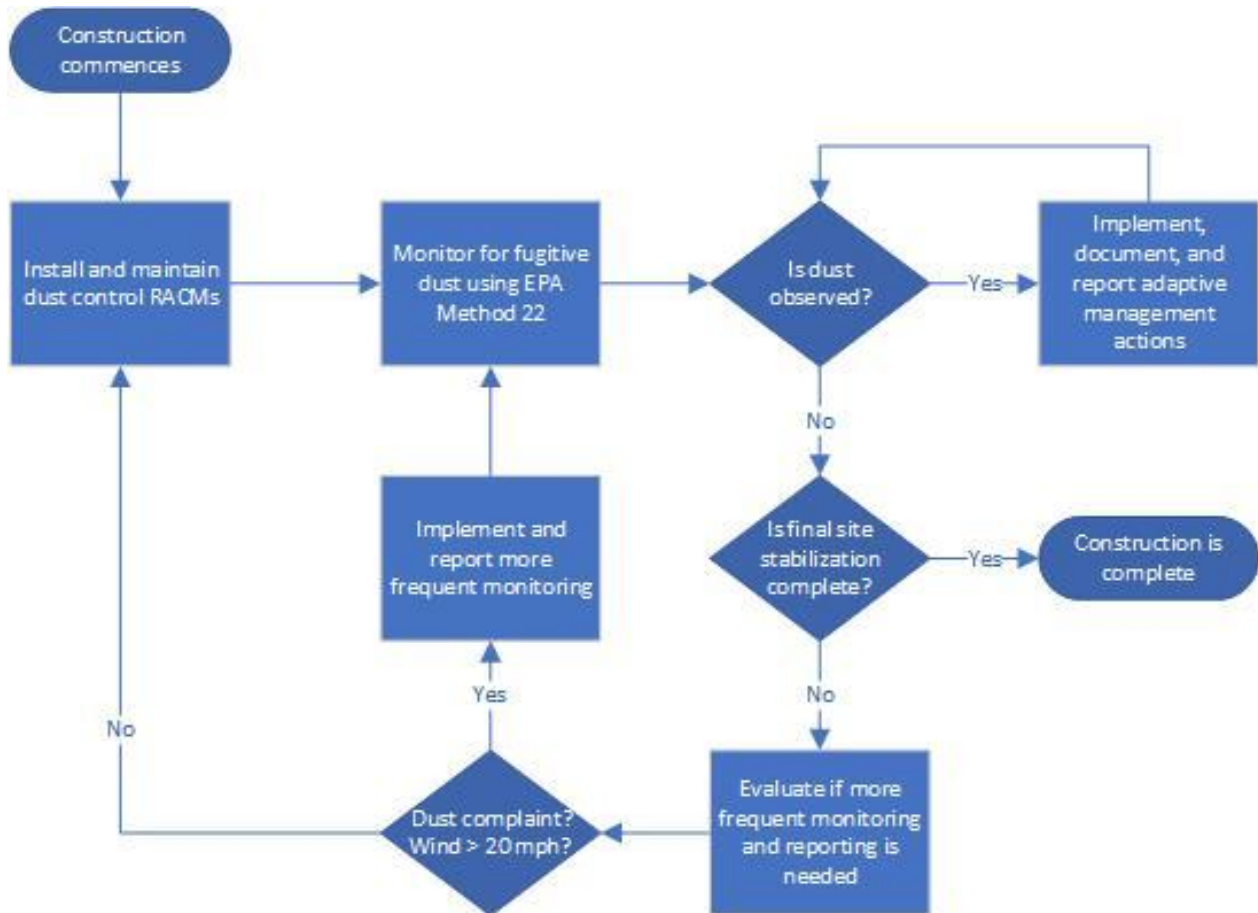


Figure D-1. Dust Control Plan Flow Chart

### Fugitive Dust Monitoring and Reasonable Available Control Measures (RACMs)

The visual monitoring required by the 1200-C permit must occur at least once every 14 calendar days. However, because Oregon Administrative Rule (OAR) 340-208-0210 restricts visible fugitive emissions on a continuous standard to a maximum of **18 seconds in any 6-minute period**, and because fugitive dust emissions may provide an immediate public safety concern, this plan requires that fugitive dust be monitored and controlled on an ongoing basis (Table D-1).

Monitoring for fugitive dust emissions shall include:

- Use of U.S. Environmental Protection Agency (EPA) Method 22 (ODEQ 2019), as specified in OAR 340-208-0210, **at least once per day during the dry season, during peak construction activities.**

- The observation shall be performed during times of peak construction activity at the downwind facility boundary.
- Recording of observations in a fugitive dust inspection log that is kept on site and shall be kept digitally, described below.

Triggers for additional, more frequent monitoring will include:

- Observation of visible fugitive dust emissions by the Environmental Inspector, contractor(s), agency, or Certificate Holder staff,
- Wind speeds or gusts greater than 20 miles per hour, or
- Receipt of complaints or concerns through the Project Dust Control Hotline or other means.

**Table D-1. Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)**

| <b>Construction Phase</b>  | <b>RACM(s)</b>                                                                                                                                                                                                                                               | <b>Supplemental RACM(s)</b>                                                                                                                                      |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All Phases of Construction | Daily fugitive dust monitoring and record keeping.                                                                                                                                                                                                           | Increase frequency of monitoring.                                                                                                                                |
|                            | Prominent display of Dust Control Hotline signs, providing direct access to the Environmental Inspector.                                                                                                                                                     | If established, proactive engagement with Community Action Council.                                                                                              |
|                            | Worker Environmental Awareness Program training for all construction employees.                                                                                                                                                                              | Additional trainings and refreshers for employees.                                                                                                               |
|                            | Maintain stockpile of BMPs on site, including sufficient palliatives for a single treatment of all access roads and sufficient palliatives, mulch, and/or hydromulch for a minimum of 25 percent of the total disturbed area, and machinery for application. | Increase stockpile of palliatives, mulch, and/or hydromulch and add additional BMPs.                                                                             |
|                            | Documentation and reporting of adaptive management actions.                                                                                                                                                                                                  | Development and submittal of revised Fugitive Dust Control Plan.                                                                                                 |
| Facility Access            | Install and maintain stabilized construction entrances at ingress/egress locations and restrict traffic to these locations.                                                                                                                                  | Add additional construction entrance BMPs (e.g., wheel wash).                                                                                                    |
|                            | Daily sweeping up of sediment from paved surfaces utilizing vacuum sweeper with HEPA filtration.                                                                                                                                                             | Increase sweeper frequency.                                                                                                                                      |
|                            | Access roads shall be graveled.                                                                                                                                                                                                                              | Road maintenance and reapplication of gravel.                                                                                                                    |
|                            | Access roads will be stabilized with water or palliative sufficient to eliminate visible and sustained dust from vehicular travel and wind erosion. Reapply stabilization as necessary to maintain dust-free condition.                                      | If water is unavailable or ineffective, or if water use is limited by any agency or regulation, access roads will be stabilized with longer-lasting palliatives. |
|                            | Restrict construction traffic to established and stabilized access routes.                                                                                                                                                                                   | Install fencing or barricades to prevent traffic outside of established routes.                                                                                  |
|                            | Limit traffic speeds to 15 miles per hour on stabilized unpaved roads within the facility as                                                                                                                                                                 | Limit traffic speeds within the facility to 5 or 10 miles per hour.                                                                                              |

| <b>Construction Phase</b>                                 | <b>RACM(s)</b>                                                                                                                                                                                                                                                                                      | <b>Supplemental RACM(s)</b>                                                                                                                                                                                  |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                           | long as such speeds do not create significant visible dust emissions. Traffic speed signs shall be displayed prominently at all entrances and exits.                                                                                                                                                |                                                                                                                                                                                                              |
|                                                           | Minimize disturbance areas and soil exposure to the maximum extent feasible.                                                                                                                                                                                                                        | Limit work to a portion of the disturbed area until all disturbed areas receive temporary or final stabilization.                                                                                            |
|                                                           | When wind speeds or gusts exceed 15 miles per hour, minimize new disturbances to the extent possible and/or mobilize additional water trucks or palliatives to minimize fugitive dust from exposed surfaces.                                                                                        | Stop all ground disturbing activities and apply additional dust control measures until measures are effective or wind speeds slow and fugitive emissions stop.                                               |
|                                                           | Separate and cover or otherwise stabilize topsoil to preserve it until it is replaced during revegetation.                                                                                                                                                                                          | Increase maintenance frequency for topsoil cover/stabilization. Combine methods, such as mulch plus tackifier.                                                                                               |
|                                                           | Stabilize exposed soils within the timeframes established in the 1200-C permit. Stabilize exposed soils in stages based on soil conditions and weather.                                                                                                                                             | Stabilize exposed soils more frequently, even if additional work is anticipated within the timeframe established in the 1200-C permit. Reapply stabilization measures following any additional disturbances. |
|                                                           | Temporarily stabilize exposed surfaces to prohibit significant and sustained visible fugitive dust from wind erosion. Utilize BMPs such as mulch, hydromulch with or without seeds, tackifier, spreading stone or gravel, and trackwalking.                                                         | Combine stabilization methods, such as mulch plus tackifier, or trackwalking plus hydromulch. Increase frequency of maintenance of stabilization.                                                            |
|                                                           | Seed exposed surfaces during the appropriate season with approved temporary or permanent seed mixes.                                                                                                                                                                                                | Reapply seed to newly disturbed areas or areas with poor germination. Use temporary seeding even if additional work is anticipated before final stabilization. Use irrigation to enhance seeding success.    |
| Removing and Hauling Sand, Soil, or Other Loose Materials | Gate seals should be tight on dump trucks. Soil load shall be kept below 6 inches of the freeboard of the truck. Drop heights shall be minimized when loaders dump soil into trucks. Gate seals will be checked and tight on dump trucks. All trucks on highways must be fully covered and secured. | Cover haul trucks with a tarp or other suitable cover.                                                                                                                                                       |

## **Fugitive Dust Reporting**

A dust inspection log shall be completed after each dust inspection. Log records shall be kept digitally and included in construction monitoring reports as described in Appendix E of this Comprehensive Plan. This log shall include all information required in EPA Method 22. Photos and/or video taken during the observation period to document conditions shall be available digitally to the Oregon Department of Energy upon request. Any documented exceedance events

shall include a detailed explanation of RACMs implemented for corrective action and the results of subsequent monitoring demonstrating fugitive dust has returned to below exceedance thresholds.

## **Appendix E. Construction Environmental Monitoring Methods**

The Environmental Monitoring Contractor (EMC) will be present during construction activities that involve ground disturbance, grading, weed treatments, vegetation removal, and high traffic volumes and is responsible for monitoring and recording construction activity to ensure compliance with this Comprehensive Plan.

In addition, the EMC will:

- Assist contractor(s) for the direction of water trucks, civil activities, and road maintenance to reduce fugitive dust and erosion issues.
- Identify when reasonably available and best available control measures are not adequate, as designated in Appendix D.
- Maintain dust inspection and noxious weed logs and reporting designated in this Comprehensive Plan.

Specific protocols and requirements for testing and monitoring to be performed prior to and during construction and revegetation efforts are described in the sections that follow.

## **Soil Compaction Testing**

### ***Sampling Protocol***

The EMC will conduct pre- and post-construction field measurements of subsurface soil compaction in all anticipated Level 3 and 4 Disturbance Areas, and any areas consisting of soils with low Soil Compaction Resistance (e.g., Licksillet very stony loam (16D) and Licksillet-Rock outcrop complex [18E] soils). If disturbance level maps are not available at the time of pre-construction sampling, Portland General Electric Company (the Certificate Holder) may choose to base sampling locations on the overall anticipated disturbance area (i.e., regardless of level of disturbance). Soil compaction sample locations will be evenly distributed across the disturbance area at a rate of 1 sample per 50 acres. Proposed soil sample locations were stratified by soil type to ensure a minimum of three sample locations in each soil type and a representative density of sample locations in major soil types. Additionally, sample locations were selected to avoid infrastructure such as inverters and roads where revegetation will not occur. Sampling locations are identified in Figure E-1, below.

Soil compaction measurements will be collected at all sampling locations prior to ground disturbing activities and again at the same locations post reclamation but prior to revegetation.

*[to be inserted at plan finalization]*

**Figure E-1. Soil Compaction Sample Locations**

## ***Test Methods***

Soil Compaction Testing will be conducted using the following standard methods (NRCS 2020; Duiker 2025):

- The surveyor will measure soil resistance using a penetrometer.
- Resistance will be measured at 3-inch intervals to 12 inches or until the meter goes above 300 pounds per square inch (3, 6, 9, and 12 inches if soils allow).
- Measurements will be conducted in conditions favorable to soil testing (e.g., non-saturated or frozen soils).

## ***Results***

Testing results will be provided to the Oregon Department of Energy (ODOE) prior to construction and after reclamation but before revegetation.

## **Baseline Vegetation Conditions**

Prior to construction of the Solar Components, the EMC will conduct pre-construction habitat surveys for all temporary disturbance areas. Data collected will include:

- Vascular plant species present;
- Native/non-native species present;
- Percent cover of dominant species; and
- Percent cover of state and county listed noxious weeds.

## **Revegetation Monitoring**

The Certificate Holder will monitor revegetated areas as described below, unless the landowner converted an area to a use that precludes meeting revegetation success criteria such as cropland. The Certificate Holder should coordinate grazing timing and intensity with the landowner so that it does not preclude revegetation success. Revegetated areas will be monitored by a qualified investigator in May or June annually for 5 years, beginning the first year after seeding.

## ***Temporary Disturbance Areas***

### ***Reference and Revegetation Transects***

Establish 50-meter reference and revegetation transects for each temporarily disturbed wildlife habitat subtype and category with more than 0.5 acres of temporary disturbance as described below. Establish one reference transect for every temporarily disturbed wildlife habitat subtype and category. Reference transects are intended to be representative of baseline conditions for the revegetation effort.

Establish revegetation transects randomly in every wildlife habitat subtype and category that will be temporarily disturbed by construction using existing habitat mapping. Transect locations and/or lengths may need to be adjusted to account for linear features whose disturbance footprint may be too narrow or too short to meaningfully place a transect. Determine the number of transects as follows:



- Less than 0.5 acres of temporary disturbance = 0 transects
- 0.3 to 5 acres of temporary disturbance = 1 transect
- 6 to 10 acres of temporary disturbance = 2 transects
- For each additional 10 acres of disturbance, one additional transect will be added (e.g., 11-20 acres of disturbance = 3 transects, 21-30 acres = 4 transects, etc.)

### ***Temporary Disturbance Area Monitoring Methods***

Vegetation will be measured quantitatively using the line-point intercept (LPI) method combined with a belt transect to document species richness and sagebrush density, where necessary (Elzinga et al. 1998; MacKinnon et al. 2011). The LPI method is described in detail in the *Monitoring Manual for Grassland, Shrubland, and Savanna Ecosystems, Volume I* (Herrick et al. 2021). The surveyor will drop a narrow pin perpendicular to the ground at 1-meter intervals along a 50-meter transect and record up to four plant species that intercept the pin in order of interception as well as the soil surface type (bare ground, litter, rock, moss, or biotic crust) where the pin touches the ground. Once all 50 points have been collected, the surveyor will walk back along the transect and record any species within 1 meter on either side of the transect that were not documented at a point. The surveyor will take a photo from the transect start point, looking down the length of the transect. For transects in sagebrush shrub-steppe habitat, the surveyor will record the number of sagebrush individuals by size class (i.e., less than 1 foot tall, between 1 and 2 feet tall, greater than 2 feet tall) occurring within 1 meter on either side of the 50-meter transect.

Following field surveys, foliar cover will be determined by multiplying the number of top hits for each species by two. Cover of bare ground will be determined by counting every point in which bare ground was recorded as a surface type and no plants were intercepted and multiply this number by two. Species richness will be determined by counting all the unique species that were recorded at a point or along the belt transect.

### ***Revegetated Permanent Disturbance Areas***

Following implementation of revegetation efforts, the Certificate Holder will monitor revegetated permanent disturbance areas as described below. Revegetated areas will be monitored by a qualified investigator annually for 5 years, beginning the first year after seeding. If success criteria are met in the first 5 years, then long-term monitoring will be determined in consultation with ODOE.

The Certificate Holder will monitor Permanent Disturbance Areas to assess the following:

- Dominant species composition;
- Relative cover of desirable and undesirable forbs and grasses;
- Percent cover of bare soil;
- Degree of erosion;
- Presence of noxious weeds; and

- Qualitative assessment of overall vigor of vegetation within revegetated areas.

The Environmental Monitoring Contractor (EMC) will monitor revegetated Permanent Disturbance Areas with a meander survey beginning within 60 days of the completion of initial revegetation. During the meander survey, the EMC will walk in revegetated Permanent Disturbance Areas and document the assessment items listed above using photos and spatial data collection. Areas of erosion and significant patches of bare soil will be mapped and photographed. The EMC will record dominant species, overall percent cover of forbs and grasses, and general notes about plant vigor.

Monitoring will be conducted at least once per season during the first year following construction. After the first complete year of monitoring, the Certificate Holder will consult with ODOE to determine if the monitoring cycle can be reduced based on revegetation progress. After five years of monitoring, the Certificate Holder will design a long-term monitoring plan in consultation with ODOE.

### ***Revegetation Monitoring Reports***

Revegetation monitoring reports will be prepared and submitted to ODOE annually for five years following revegetation. The first monitoring report will include a detailed description and timeline of revegetation methods that were implemented including species, amounts, and locations of seed applications and dates revegetation work was performed. Annual monitoring reports will include:

- a. Geographic information system (GIS) maps of revegetated areas and disturbance levels;
- b. Monitoring methods;
- c. Local climatic data (i.e., precipitation, temperature) for the monitoring month and year and percent deviation from the historical average;
- d. Results of monitoring efforts;
- e. Photos of transects and representative overview photos of revegetated areas;
- f. Assessment of whether revegetated areas are trending toward meeting success criteria;
- g. Assessment of factors impacting the ability of revegetated areas to trend towards meeting the success criteria; and
- h. Recommendations for remedial actions, if any. If applicable, provide recommendations for reseedling, weed control, or other remedial measures for areas (either permanently or temporarily disturbed) that are not showing progress toward meeting success criteria. Include adaptive management measures taken in the next monitoring report.

Long term monitoring of vegetation will be conducted to document and manage vegetation to reduce wildfire risk.

### **References**

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NRCS (Natural Resources Conservation Service). 2020. Cropland In-Field Soil Health Assessment Guide. Soil Health Technical Note No. 450-06. U.S. Department of Agriculture, Natural Resources Conservation Service. Washington, D.C.

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## **Appendix F. Revegetation and Soil Stabilization Methods**

## Soil Stabilization

- The Engineering, Procurement, and Construction Contractor (EPC) will use appropriate erosion and sediment control practices (i.e., seeded or unseeded hydromulch, tackifier, weed-free erosion control blankets, weed-free or locally sourced straw mulch) to maintain topsoil during construction in Temporary and Permanent Disturbance Areas.
- After grading is complete but prior to installation of Solar Components, apply temporary or permanent soil stabilization.
- If seeding is used for temporary soil stabilization, seed areas with less than 70 percent vegetative cover with a non-invasive, non-persistent cover crop such as winter wheat or sterile triticale.
- Select cover crop based on the time of year; for example, winter wheat or sterile triticale can be seeded from fall to early spring while peas should be seeded in spring. Tillage radish and sunflowers can be seeded in spring to reduce compaction but are not suitable options for soil stability.

## Soil Reclamation

In areas where soil is removed during construction, the following measures will be taken where appropriate:

- During construction, excavated topsoil will be stockpiled separately from subsoil and replaced in proper order with topsoil on the surface to maintain soil productivity. Stockpiled soil will be put back in place prior to revegetation activities.
- Topsoil and other soils from noxious weed infested areas will not be moved outside infested areas and will be returned to their previous location during reclamation activities to eliminate the transport of weed seeds, roots, or rhizomes. Noxious weed occurrences will be flagged and monitored for compliance.

## Site Preparation

- Ensure that soils from weed infested areas are treated with a pre-emergent herbicide prior to initiation of revegetation efforts, depending on site-specific conditions.
- Prior to final regrade and revegetation efforts, any weeds that have grown during periods of construction dormancy should be treated as described in Appendix G.
- Perform site preparation using methods described below. Consider site-specific factors including slope, soil type, size of area, and erosion potential when determining methods.
  - Soil Roughening: Also known as imprinting, tracking, or track walking, soil roughening is a temporary erosion control practice and seedbed preparation technique implemented when grading a slope (EPA 2021). This technique involves creating grooved soil surface with depressions running parallel to the hill contour to promote seed germination and provide moderate erosion control while vegetation is established.

Tracking with heavy equipment may compact the soil and inhibit root penetration; this can be mitigated by using lighter-weight equipment and not tracking saturated soil. Soil roughening should be done prior to applying hydromulch, straw mulch, or installing erosion BMPs. Seed and mulch roughened areas as soon as possible to obtain optimum seed germination and growth (ODOT 2023).

- Deep Tilling: Reduce soil compaction by fracturing restrictive soil layers in areas where compaction levels inhibit plant growth (NRCS 2022). Deep tillage should be conducted after construction and prior to revegetation when soil moisture is at 30-50 percent of field capacity.
- Decompaction: Where soil compaction testing demonstrates that soils are compacted greater than 300 pounds per square inch, or as necessary to create a uniform seedbed, mechanically scarify soils when dry using an agricultural disc, soil ripper, or similar equipment to an appropriate depth to maintain soil productivity, reduce the potential for erosion.
- Prepare salvaged topsoil into a firm, fine-textured seedbed before seeding or planting (ODOT 2023). Loosen the top 1 to 2 inches of the soil surface by shallow tilling with a disc, followed by harrow or drag if necessary and where feasible with construction equipment. If soil is assessed as too soft by the Revegetation Contractor or the Environmental Monitoring Contractor (EMC), firm with a roller or cultipacker.

## **Revegetation Methods**

- The Certificate Holder will restore temporarily disturbed areas by re-establishing slope, surface stability, and drainage features, as needed, followed by soil preparation and seeding as described below.
- Revegetation will begin as soon as feasible after completion of each construction phase. Seeding and planting will be done in a timely manner and in the appropriate season to facilitate germination and establishment of seeded species.
- Following seeding, stabilize seeded areas to facilitate establishment by applying seedless, certified weed-free hydromulch containing a tackifier or crimped weed-free straw.

## ***Seed Mix and Shrub Planting***

A low-growing seed mix was developed for revegetation of Temporary Disturbance Areas and Permanent Disturbance Areas within the Solar Micrositing Area (Table F-1).

**Table F-1. Seed Mix for Revegetation of Disturbed Areas**

| Growth Habit                                                                                                                                                             | Common Name           | Scientific Name                                    | Pounds of pure live seed/acre <sup>1</sup> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------|--------------------------------------------|
| Grasses                                                                                                                                                                  |                       |                                                    |                                            |
|                                                                                                                                                                          | Squirreltail          | <i>Elymus elymoides</i>                            | 2.3                                        |
|                                                                                                                                                                          | Thurber's needlegrass | <i>Eriocoma thurberiana</i>                        | 6.8                                        |
|                                                                                                                                                                          | Idaho fescue          | <i>Festuca idahoensis</i>                          | 1.5                                        |
|                                                                                                                                                                          | Sandberg bluegrass    | <i>Poa secunda</i> ssp. <i>secunda</i>             | 0.9                                        |
| Forbs (choose 3 or 4 depending on seed availability)                                                                                                                     |                       |                                                    |                                            |
|                                                                                                                                                                          | Common yarrow         | <i>Achillea millefolium</i>                        | 0.1                                        |
|                                                                                                                                                                          | Oregon sunshine       | <i>Eriophyllum lanatum</i>                         | 0.1                                        |
|                                                                                                                                                                          | Fleabane              | <i>Erigeron filifolius</i> or <i>E. pumilus</i>    | 0.1                                        |
|                                                                                                                                                                          | Wooly plantain        | <i>Plantago patagonica</i>                         | 0.2                                        |
|                                                                                                                                                                          | Clover                | <i>Trifolium macrocephalum</i> or <i>T. repens</i> | 0.1                                        |
| <b>Total</b>                                                                                                                                                             |                       |                                                    | <b>12</b>                                  |
| Note: The species and seeding rates included in this table are a recommendation. Substitutions can be made through consultation with ODOE.                               |                       |                                                    |                                            |
| 1. Pounds of pure live seed per acre listed for drill seeding and imprint seeding. Double drill seeding rate for broadcast seeding and multiply by 2.5 for hydroseeding. |                       |                                                    |                                            |

## Seeding Methods

Four common seed application methods that may be used for revegetation include broadcast seeding, drill seeding, imprint seeding, and hydroseeding; each of these are discussed further below. Other seeding methods may be proposed for review and approval prior to revegetation efforts.

### Broadcast Seeding

Broadcast seeding is the application of seed directly to the ground surface. This method may be chosen for areas with shallow and rocky soils, and the type of broadcast spreader would depend on the size of the area to be seeded and the terrain.

In this method, the seed mix would be broadcast at 24 pounds of pure live seed per acre, or twice the recommended rate for drill seeding. When feasible, due to the seasonality of when planting can occur, the entire area will be seeded after grading is complete but before placement of solar components, providing more flexibility in seed application. In those instances where seeding occurs prior to installation of components, follow-up seeding will occur in areas temporarily disturbed by installation and any areas that are deficient in vegetation from the first round of seeding. Immediately following seed application, hydromulch or certified weed-free straw would be applied. Broadcast seeding will not be employed if winds exceed 5 miles per hour. If certified weed-free straw is unavailable, the Certificate Holder or EPC will identify a local source of straw. The local

source of the straw will be approved by the Sherman County Weed District and the Oregon Department of Fish and Wildlife (ODFW) prior to purchase. This straw will either be crimped into the ground or applied with a tackifier.

### *Drill Seeding*

Drill seeding can be used for large areas with deep soils and moderate to gentle terrain to accommodate mechanical equipment. This method provides the advantage of planting the seed at a uniform depth and may provide better soil to seed contact. Using a range seed drill, seeds will be sown at 12 pounds pure live seed per acre or according to application rates recommended by the seed supplier. Drill seeding will be difficult after solar components have been installed, so it will primarily be used if seeding occurs after grading is complete but before components are installed, or in areas that were temporarily disturbed during construction that do not have any permanent infrastructure (e.g., temporary access roads, laydown areas).

### *Imprint Seeding*

Imprint seeding is a no-till drill seeding method used to restore grasslands in areas with low annual precipitation. Seeds will be sown at 12 pounds pure live seed per acre or according to application rates recommended by the seed supplier. The seeder consists of a heavy metal drum roller with V-shaped, angled teeth and a seed agitator box. The teeth create V-shaped troughs with a depth of 4-7 inches to collect rainwater. The rolling drum presses the seed into the soil, insuring good seed to soil contact. The troughs collect rainwater for seed germination and seedling growth. Imprint seeders can be used on steep slopes and do not require seed bed preparation before seeding. Seeding can occur on soils with light to moderate vegetative cover, with the vegetation acting as a mulch, preventing soil erosion until seedlings are established. Imprint seeders do not work well in areas with shrubs or heavy vegetation cover. Heavily compacted soils may need to be ripped or de-compacted before seeding. The seeding rate for this method should be the same as for broadcast seeding.

### *Hydroseeding*

Hydroseeding is most applicable for areas where drill or broadcast seeding machinery cannot access; this usually includes steep slopes or narrow terrain but can be used in all terrains. Soil bed preparation is also crucial for growth success and frequently includes tracking perpendicular to the slope to create micro conditions for seed. Flat grading and compaction are not recommended. Seeding rates increase by 30 to 50 percent of broadcast seeding rates (i.e., 30 pounds pure live seed per acre) per consultation with the seed supplier and ODFW. Prior to hydroseeding, the tackifier will be reviewed and approved in consultation with the Oregon Department of Energy (ODOE). Fertilizer should not be used when hydroseeding wildlife habitat.

## **Revegetation Records**

The EMC will maintain records of revegetation efforts in all temporary and permanent disturbance areas and update ODOE monthly as revegetation work occurs. Revegetation records will include:

- a. Date construction phase was completed;



- b. Acreage of each disturbance level;
- c. Description and photos of the affected area;
- d. Date revegetation was initiated;
- e. Description of the revegetation effort, including methods and timing;
- f. Supporting figures representing the location, acres affected, and pre-disturbance condition of the revegetation area; and
- g. Confirmation from the landowner that temporary disturbances in cropland have been satisfactorily restored.

### Success Criteria for Temporary Disturbance Areas

Reclamation of Temporary Disturbance Areas on agricultural lands will be considered complete after the land is returned to farm operations and landowners provide written confirmation that they are satisfied that any impacts to soil productivity have been addressed. The Certificate Holder will provide evidence that landowners are satisfied after one crop cycle.

In non-agricultural areas, the Certificate Holder will make reasonable efforts to restore vegetation and soils in agricultural and habitat areas to their pre-disturbance condition.

- a. **Native Shrubs:** Average density of sagebrush on revegetation transects in areas planted with sagebrush should be at least 50 percent of the reference transect within 5 years.
- b. **Native and Desirable Forbs:** Cover of native and desirable (i.e., non-native species included in the seed mix) forbs, averaged across revegetation transects by habitat subtype and category, will be at least 75 percent of reference transects for the corresponding habitat subtype within 5 years.
- c. **Native and Desirable Grasses:** Cover and richness of native and desirable (i.e., non-native species included in the seed mix) grass species, averaged across revegetation transects by habitat subtype and category, will be at least 85 percent of reference transects for the corresponding habitat subtype within 5 years.
- d. **Noxious Weeds:** Presence and cover of noxious weeds on revegetation transects is 75 percent or less than that of the reference transect for the corresponding habitat subtype.

### Prohibition on Use of Domestic Sheep and Goats for Vegetation Management

The certificate holder may not keep or use domestic sheep, goats, or other livestock at the solar facility for vegetation control or other purposes without written approval from the Department.

Any request to use domestic sheep, goats, or other livestock at the solar facility must be accompanied by a description of practices and controls that will be implemented to prevent zoonotic disease transmission to wild sheep populations. The Department may impose additional requirements to prevent zoonotic disease transmission based on consultation with ODFW.

## **Vegetation Management Objectives for Permanent Disturbance Areas**

During operation of the Solar Components, vegetation under the solar panels will be managed to minimize fire risk and erosion by maintaining low growing vegetation. The Certificate Holder will establish uniform (i.e., evenly distributed, without large bare areas) perennial, non-invasive vegetation that provides 70 percent or more cover on all exposed areas in compliance with the soil protection standard (Oregon Administrative Rule 345-022-0022); National Pollutant Discharge Elimination System 1200-C permit requirements; and Sherman County requirements.

### ***Integrated Vegetation Management Measures***

To support reclamation success and reduce wildfire risk throughout all phases (i.e., both construction and operations) of the Solar Components, vegetation management will be implemented consistent with the draft Construction Wildfire Mitigation Plan and anticipated Operations Wildfire Management Plan. In the interim, while those plans are being finalized, this section establishes the minimum vegetation management and fire prevention requirements that will apply during construction and operation of the Solar Components. Vegetation will be managed in accordance with the applicable provisions of the 2022 Oregon Fire Code.

These measures are intended to minimize ignition potential, maintain defensible space, support consistent vegetation control, and outline inspection practices that will contribute to long-term fire resiliency. At a minimum, the following criteria will be met:

#### **a. Vegetation Height and Clearance**

- Vegetation within and adjacent to the Solar Components will be maintained at a height of less than 12 inches, with a minimum vertical clearance of 12 inches from all electrical and mechanical equipment.
- Vegetation exceeding this height will be mowed or removed prior to local ODF- or County-issued fire restrictions.
- At no time shall vegetation come into contact with electrical infrastructure, inverters, or cable runs.
- A minimum 20-foot non-combustible buffer will be maintained around the interior or exterior perimeter of fenced areas, and gravel or compacted soil surfaces will be maintained beneath and around all inverter skids, the collector substation, O&M building, and meteorological towers.

#### **b. Fuel and Debris Management**

- Vegetation and debris removed from the Facility will be disposed of off-site and will not be stored or burned on-site.
- The Certificate Holder and contractors will prevent accumulation of combustible materials or “burn piles.”
- Inspections will ensure that fence lines, service roads, and work areas remain clear of dry vegetation, woody debris, or stored materials that could create fuel continuity during fire season.

- All newly constructed or maintained service roads within the Solar Micrositing Area will maintain a minimum 16-foot width of graveled, all-weather surface to facilitate emergency response access.

c. **Designated Noncombustible Areas**

- All-weather service roads will be compacted soil or gravel and maintained in good condition.
- A 20-foot non-vegetated perimeter buffer will be maintained around the Solar Components and around substations and control buildings.
- Parking and laydown areas will consist of compacted soil, gravel, or other non-combustible material to reduce ignition potential from vehicles and equipment.
- Areas immediately surrounding electrical equipment, transformers, and battery energy storage system (BESS) enclosures will remain vegetation-free and will be maintained as graveled or earthen surfaces.

d. **Standards and Continuous Improvement:** Vegetation management and fire prevention measures will be reviewed annually to ensure continued compliance with applicable codes and evolving best practices, including:

- NERC FAC-003-0 – Vegetation Management Standard for Transmission Lines
- Oregon Fire Code and NFPA Standards relevant to energy facilities
- OAR Chapter 477 and 629-043 – ODF Fire Prevention Standards
- OAR 860-024 – PUC Electrical Safety Standards
- American Clean Power (ACP) and APLIC industry best practices

The Certificate Holder will evaluate new technologies, standards, and operational lessons learned each year to incorporate applicable improvements into this Comprehensive Plan or the future Operations Wildfire Management Plan.

## References

- EPA (Environmental Protection Agency). 2021. Stormwater Best Management Practice, Soil Roughening. December 2021. EPA-832-F-21-028JJ.  
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## **Appendix G. Weed Control Plan**

## Regulatory Framework

The Oregon Department of Agriculture (ODA) and Sherman County Weed District maintain lists and classifications of noxious weeds. Although not all listed noxious weeds occur in the vicinity of the Solar Micrositing Area, the Certificate Holder and its contractors should be aware of the entire list while monitoring and controlling weeds.

### *State of Oregon*

In Oregon, a noxious weed is defined under Oregon Revised Statutes (ORS) 569.175 as “a terrestrial, aquatic, or marine plant designated by the State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs.” Noxious weeds have been declared by ORS 569.350 as a menace to public welfare, and control of these plants is the responsibility of private landowners and operators, as well as county, state, and federal governments.

The Oregon State Weed Board (OSWB) was created by ODA under ORS 569.600. OSWB provides recommendations for noxious weed control at the state level and is responsible for updating the State Noxious Weed List. The OSWB and the ODA classify noxious weeds in Oregon in accordance with the ODA Noxious Weed Classification System; there are three designations under the State’s system:

- **A-Listed Weed:** A weed of known economic importance which occurs in the state in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states makes future occurrence in Oregon seem imminent.
  - **Recommended Action:** Focus on prevention of new infestations through vector control, certification programs, education, outreach and surveys. New and existing infestations are prioritized for eradication or intensive control when and where found. Regionally focused, species-specific Statewide Management Strategies for A-listed weeds may be developed as necessary.
- **B-Listed Weed:** A weed of economic importance that is regionally abundant but may have limited distribution in some counties.
  - **Recommended Action:** Limited to intensive control at the state, county, or regional level as determined on a site-specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.
- **T-Designated Weed:** A designated group of weed species selected from the B list as a focus for prevention and control by the Noxious Weed Control Program. T-designated noxious weeds are determined by the Oregon State Weed Board and management actions are prioritized and informed by species-specific T-List Statewide Management Strategies created and maintained by the ODA. Action against these weeds will receive priority in accordance with the recommendations of the Statewide Management Strategy.

## Sherman County

The Sherman County noxious weed list and protocol were developed by the Sherman County Weed District. Sherman County defines weeds of significance with six classes:

- **A Class:** High priority. Any noxious weed which greatly endangers the overall economic well-being of the County and has a small enough distribution where eradication is possible.
- **B Class:** Moderate priority. A noxious weed which is well established in the County and has known negative impacts, but due to its distribution, eradication is not feasible.
- **C Class:** Low priority. A noxious weed which is widespread throughout the County and has known economic impacts.
- **Q Class:** Questionable list. A newly detected weed which may have some importance, but more information is needed to determine its impact on agriculture. There is only one Q Class weed currently: hairy willow herb (*Epilobium hirsutum*).
- **T Class:** Targeted list. A noxious weed from any Class that the Sherman County Weed Control Board wishes to focus efforts and resources on. This list is reviewed annually.
- **W Class:** Watch list. Any noxious weed that may occur in neighboring counties, the State or similar environments as the County, and could potentially endanger the overall economic well-being of the County. Once detected, these weeds shall be moved to the appropriate list.

## Noxious Weeds Identified at the Solar Components

Noxious weeds identified within the Solar Micrositing Area on July 9 and 10, 2024, are listed in Table G-1. Twelve listed noxious weeds were documented, including 8 ODA-listed noxious weeds and 12 Sherman County listed noxious weeds. Eight of the noxious weeds observed were state and/or County “B” listed weeds. One species, rush skeletonweed (*Chondrilla juncea*), is an “A” Class Weed in Sherman County and a state “T”-designated weed, meaning that ODA targeted this species for prevention and control.

In addition to noxious weeds, cheatgrass (*Bromus tectorum*), an invasive annual grass, was identified in grassland habitats within the Solar Micrositing Area. While cheatgrass is not a listed noxious weed, it and other invasive annual grasses can adversely impact habitat and increase fire risk.

**Table G-1. Noxious Weeds Observed During Surveys in 2024**

| Scientific Name            | Common Name       | ODA Status <sup>1</sup> | Sherman County Status <sup>1</sup> | Frequency <sup>2</sup>                              |
|----------------------------|-------------------|-------------------------|------------------------------------|-----------------------------------------------------|
| <i>Aegilops cylindrica</i> | jointed goatgrass | B                       | C                                  | Infrequently observed.                              |
| <i>Centaurea diffusa</i>   | diffuse knapweed  | B*                      | B                                  | Several small to medium-sized populations observed. |
| <i>Chondrilla juncea</i>   | rush skeletonweed | B (T)*                  | A (T)                              | Frequently observed in non-cultivated areas.        |

| <b>Scientific Name</b>                                                                                                                                                                     | <b>Common Name</b> | <b>ODA Status<sup>1</sup></b> | <b>Sherman County Status<sup>1</sup></b> | <b>Frequency<sup>2</sup></b>              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------|------------------------------------------|-------------------------------------------|
| <i>Cirsium arvense</i>                                                                                                                                                                     | Canada thistle     | B*                            | B (T)                                    | One observation made.                     |
| <i>Cirsium vulgare</i>                                                                                                                                                                     | bull thistle       | B*                            | C                                        | Observed in two locations.                |
| <i>Convolvulus arvensis</i>                                                                                                                                                                | field bindweed     | B                             | B                                        | Many small to large populations observed. |
| <i>Conyza canadensis</i>                                                                                                                                                                   | horseweed          | Not listed                    | C                                        | Commonly observed.                        |
| <i>Lactuca serriola</i>                                                                                                                                                                    | prickly lettuce    | Not listed                    | C                                        | Frequently observed.                      |
| <i>Onopordum acanthium</i>                                                                                                                                                                 | Scotch thistle     | B                             | B (T)                                    | Several observations made.                |
| <i>Rhaponticum (Acroptilon) repens</i>                                                                                                                                                     | Russian knapweed   | B*                            | B                                        | One observation made.                     |
| <i>Salsola tragus</i>                                                                                                                                                                      | Russian thistle    | Not listed                    | C                                        | Frequently observed.                      |
| <i>Secale cereale</i>                                                                                                                                                                      | cereal rye         | Not listed                    | C                                        | Frequently observed.                      |
| 1. Species marked with a (*) are targeted for biocontrol.<br>2. Patch/observation sizes are as follows: small = less than 0.1 acre, medium = 0.1 to 1.0 acre, large = greater than 1 acre. |                    |                               |                                          |                                           |

## Management Objectives

Management objectives shall be based on the classification status of a species and frequency of observations (Tables G-1 and G-2). Classification status will be determined based on the higher-status identified by the State or County Weed List unless recommended otherwise by the County. Management objectives for unlisted species will be determined on a case-by-case basis based on need for control (e.g., fire control, etc.)

**Table G-2. Management Objectives**

| <b>Weed Classifications</b>    | <b>Years</b>                                                                         |                                                                                      |                                                                                      |
|--------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                                | <b>1-5</b>                                                                           | <b>6-20</b>                                                                          | <b>20+</b>                                                                           |
| A, A(T) or B(T)                | Eradication Prior to Construction                                                    | Intensive Control, Eradication within first 5 years of operation                     | Intensive Control for life of facility                                               |
| B                              | Eradication Prior to Construction                                                    | Monitoring and Management to prevent new populations/spread of existing populations. | Monitoring and Management to prevent new populations/spread of existing populations. |
| C                              | Monitoring and Management to prevent new populations/spread of existing populations. | Monitoring and Management to prevent new populations/spread of existing populations. | Monitoring and Management to prevent new populations/spread of existing populations. |
| <u>Invasive Annual Grasses</u> | <u>Monitoring and Management to minimize wildfire risk.</u>                          | <u>Monitoring and Management to minimize wildfire risk.</u>                          | <u>Monitoring and Management to minimize wildfire risk.</u>                          |

## Weed Control Methods

Noxious weed control methods for the Weed Management Area (i.e., the disturbance area associated with the Solar Components plus a 10-foot buffer) described in this Comprehensive Plan were developed utilizing information from the ODA Noxious Weed Control Program and the Sherman County Weed District. Management of noxious weeds will be considered throughout all stages of construction and operation of the Solar Components and will include:

- **Prevention:** Implementing measures to prevent the spread of noxious weeds during construction, operation, and maintenance activities.
- **Treatment:** Treating noxious weed populations with their appropriate control methods, at appropriate time intervals.
- **Monitoring:** Assessing noxious weed changes within the Weed Management Area over time and ensuring that legacy as well as new weed populations are not increasing their distribution.

Portland General Electric Company's (the Certificate Holder) objective is to prevent the introduction of new noxious weed populations and spread of existing noxious weed populations. The methods described above in this Comprehensive Plan and supplemented below will be implemented to minimize the spread of noxious weeds during construction activities. New noxious weeds detected within the Weed Management Area during post-construction revegetation will be considered a result of construction activities and will be controlled accordingly.

### ***Biological Control***

Biological control involves the use of prescribed insects, fungi, and livestock to control noxious weeds to achieve management objectives. Biological control methods are typically targeted to a specific species or plant to control its persistence. They are also used for maintenance in targeted areas for vegetation management control in height and density that includes mitigating fire risk and erosion. Biological control is environmentally friendly and should be the first consideration when applicable.

### ***Mechanical Treatment***

Mechanical treatment will be the preferred method of treatment for existing noxious weed populations where appropriate within the Weed Management Area. Mechanical control methods rely on removal of plants, seed heads, and/or cutting roots with a shovel or other hand tools or equipment that can be used to remove, mow, or disc noxious weed populations. Hand removal of plants is also included under this treatment method. Mechanical methods are useful for smaller, isolated populations of noxious weeds in areas of sensitive habitats. Additionally, hand removal of small infestations can minimize soil disturbance, allowing desirable species to remain and limiting conditions favorable for noxious weeds.

Some rhizomatous plants can spread by discing or tillage. For example, rush skeletonweed, which has been identified within the Solar Micrositing Area (Appendix E), can reproduce vegetatively from small segments of root, and discing or tilling can facilitate the spread of this species. As such,



implementation of disking will be species-specific and avoided in areas where it will be counter-productive.

If disking is employed in areas that will be revegetated following construction, subsequent seeding will be conducted to re-establish desirable vegetative cover that will stabilize the soils and slow the potential re-invasion of noxious weeds. Disking, tilling, or other mechanical treatments that disturb the soil surface within native habitats will also be avoided in favor of herbicide application, which is an effective means of reducing the size of noxious weed populations as well as preventing the establishment of new infestations.

### ***Chemical Treatment***

Chemical control can effectively remove noxious weeds through use of selective herbicides. The specific herbicide used, and the timing of application will be chosen based on the specific noxious weed being treated, as appropriate herbicides differ between species and types of plants (i.e., dicots such as rush skeletonweed versus monocots such as jointed goatgrass).

Herbicides will be applied to identified, treatable, noxious weed infestations. The Certificate Holder or their contractors will coordinate with the Sherman County Weed District to determine which populations are treatable and will notify landowners of proposed herbicide use on their lands prior to application. If a noxious weed population is deemed to be untreatable (e.g., too widespread and established in an area to successfully control), the Certificate Holder will implement the applicable prevention measures discussed in this Comprehensive Plan, subject to approval by the Oregon Department of Energy (ODOE) and the Sherman County Weed District.

Apply only herbicides approved by the U.S. Environmental Protection Agency (EPA) and ODA; annually check the status of herbicide approval (e.g., confirming herbicides are approved for use by the EPA and ODA).

Herbicide application will be performed within the appropriate season to achieve desired results, as approved by ODOE and the Sherman County Weed District. No weed treatment will occur in agricultural lands without landowner permission.

### ***Herbicide Application and Handling***

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Vehicle-mounted sprayers (e.g., handgun, boom, and injector) will be used mainly in open areas that are readily accessible by vehicle. Calibration checks of equipment will be conducted prior to spraying activities, as well as periodically throughout use, to ensure that appropriate application rates are achieved.

Herbicides will be transported with the following stipulations:

- Only the quantity needed for that day's work will be transported.
- Concentrate will be transported in approved containers only, and in a manner that will prevent spilling, stored separately from food, clothing, and safety equipment.

- Mixing will be done at a distance greater than 200 feet from open or flowing water, wetlands, or other sensitive species' habitat. No herbicides will be applied at these areas unless authorized by the appropriate regulatory agencies.
- All herbicide equipment and containers will be inspected daily for leaks.
- Herbicide use will be in accordance with all manufacturer's label recommendations and warnings.
- Apply herbicide under appropriate conditions (i.e., not when wind velocity exceeds 15 miles per hour for granular application, or exceeds 10 miles per hour for liquid applications; snow or ice covers the foliage of target species; or adverse weather conditions are forecasted within the next few days).

### *Herbicide Spills and Cleanups*

All appropriate precautions will be taken to avoid herbicide spills. In the event of a spill, cleanup will be immediate. Contractors will keep spill kits in their vehicles to allow for quick and effective response to spills. Items included in the spill kit will be:

- Protective clothing and gloves;
- Adsorptive clay, "kitty litter," or other commercial adsorbent;
- Plastic bags and a bucket;
- A shovel;
- A fiber brush and screw-in handle;
- A dustpan;
- Caution tape;
- Highway flares (use on existing hard-top roads only); and
- Detergent.

Response to an herbicide spill will vary with the size and location of the spill, but general procedures include:

- Stopping the leak;
- Containing the spilled material;
- Traffic control;
- Dressing the clean-up team in protective clothing;
- Cleaning up and removing the spilled herbicide, as well as the contaminated adsorptive material and soil; and
- Transporting spilled herbicide and contaminated material to an authorized disposal site.

### *Herbicide Spill Reporting*

All herbicide contractors will have readily available copies of the appropriate material safety data sheets for the herbicides used at their disposal and will keep copies of the safety data sheets in the application vehicle. If an herbicide spill of any size occurs, the appropriate agency and spill coordinators will be notified promptly. In case of a spill into wetlands and waterbodies, the appropriate federal, state, and county agencies will be notified immediately. All herbicide spills equal to or greater than 200 pounds or 25 gallons of pesticide residue will be reported to the Oregon Emergency Response System in accordance with applicable laws and requirements (Oregon Administrative Rules 340-142-0050). The Certificate Holder, BIGL bn, LLC (BIGL or Project Developer), or the Environmental Monitoring Contractor (EMC) will report all herbicide spills to ODOE by phone or email within 72 hours with follow-up reporting as appropriate.

### *Special Considerations*

Special consideration will be provided to perennial, intermittent, and ephemeral streams/draws during treatment activities. No herbicide will be sprayed where the drift can enter standing water or saturated soil. It will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water, regardless of the season when the herbicide is applied. Similar considerations will be made when in proximity to agricultural fields.

### *Weed Monitoring and Reporting*

Weed inspections will occur within the Weed Management Area through visual inspection of the site while driving or walking. During the construction phase, construction staff will conduct periodic monitoring of noxious weeds. Noxious weeds observed during construction will be treated with mechanical or chemical treatments or other best management practices, as applicable. If construction extends into the growing season prior to the commercial date of operations and formal post-construction weed monitoring, the EMC will conduct informal but comprehensive weed surveys to inform adaptive management. In addition, weed monitoring may be conducted by the EMC as part of routine construction environmental monitoring monthly from April to October.

The EMC will conduct annual post-construction noxious weed monitoring within the Weed Management Area starting the first growing season after construction to map the extent of all noxious weed occurrences and identify areas for treatment. Results will be summarized in annual monitoring reports that describe treatments performed, treatment efficacy, recommendations to improve efficacy (if necessary), and any new noxious weed occurrences. Reports will be submitted to ODOE, ODFW, and the County annually. The Certificate Holder will be responsible for treating all noxious weeds observed within the Weed Management Area.

Based on the success of control efforts after the second year of monitoring, the Certificate Holder will consult with ODOE and the Sherman County Weed District to determine if the monitoring cycle can be reduced for Year 3 through Year 5. After 5 years of monitoring, the Certificate Holder will design a long-term weed control plan in consultation with ODOE and the Sherman County Weed District. The Certificate Holder will maintain ongoing communication with individual landowners, the Sherman County Weed District, and ODOE regarding noxious weeds within the Weed

Management Area. Landowners may also contact the Certificate Holder directly to report the presence of noxious weeds related to Solar Component activity. The Certificate Holder will control reported noxious weeds on a case-by-case basis and prepare a summary of measures taken for that landowner. During the operational period of the Solar Components, the Certificate Holder will control noxious weeds as described in the long-term weed control plan. The Certificate Holder will report the investigator’s findings and recommendations regarding weed control in the Solar Component’s annual report required by Oregon Administrative Rule 345-026-0080.

### **Treatment Plan**

Table G-3, below, provides a treatment plan for noxious and invasive weeds (listed by ODA and Sherman County) in the Weed Management Area, including management objectives and treatment guidelines. This table will be updated in each year’s annual monitoring report. Specific herbicide application rates will be determined in consultation with the Sherman County Weed District and the Weed Control Contractor.

Table G-3. Treatment Plan for Noxious and Invasive Weeds

| Scientific Name            | Common Name       | State/County Status | Frequency                                           | Management Objective                                                                       | Treatment Guidelines <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------|-------------------|---------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Aegilops cylindrica</i> | jointed goatgrass | B/C                 | Infrequently observed.                              | Monitoring and Management to prevent new populations/spread of existing populations        | <p><b><u>Mechanical:</u></b> Timing is critical, mow after flowering but before seeds reach soft boot stage. Early mowing will result in new tiller growth. Requires multiple mowings throughout the growing season over several years.</p> <p><b><u>Chemical:</u></b> Apply to actively growing plants in late winter or spring before flowering or pre-emergent herbicide in fall.</p> <p><b><u>Biocontrol:</u></b> None</p>         |
| <i>Centaurea diffusa</i>   | diffuse knapweed  | B/B                 | Several small to medium-sized populations observed. | Monitoring and Management to prevent new populations/spread of existing populations        | <p><b><u>Mechanical:</u></b> Manually remove entire plant, including taproot, prior to flowering.</p> <p><b><u>Chemical:</u></b> Apply to actively growing plants in fall or spring from rosette to bolting stage.</p> <p><b><u>Biocontrol:</u></b> Agents include several seed feeding flies and weevils and a root-boring beetle.</p>                                                                                                |
| <i>Chondrilla juncea</i>   | rush skeletonweed | B (T)/A(T)          | Frequently observed in non-cultivated areas.        | Intensive Control, Eradication within first 5 years of Operation. Prevent new populations. | <p><b><u>Mechanical:</u></b> Regenerates from root fragments. Manually remove entire plant, including taproot, prior to flowering. Will require multiple efforts during the growing season for more than one year.</p> <p><b><u>Chemical:</u></b> Apply to rosettes in the spring immediately before or during bolting.</p> <p><b><u>Biocontrol:</u></b> Agents include a gall midge, gall mite, rust fungus, and root-mining moth</p> |
| <i>Cirsium arvense</i>     | Canada thistle    | B/B(T)              | One observation made.                               | Eradication Prior to Construction. Prevent new populations.                                | <p><b><u>Mechanical:</u></b> Not recommended, rhizomatous.</p> <p><b><u>Chemical:</u></b> Apply from rosette to bud stage to actively growing thistle in spring or in fall with select chemicals only.</p> <p><b><u>Biocontrol:</u></b> Four approved agents; stem weevil, seed head weevil, crown weevil, and stem gall fly.</p>                                                                                                      |

| Scientific Name             | Common Name     | State/County Status | Frequency                                 | Management Objective                                                                 | Treatment Guidelines <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|-----------------|---------------------|-------------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Cirsium vulgare</i>      | bull thistle    | B/C                 | Observed in two locations.                | Eradication Prior to Construction. Prevent new populations.                          | <b><u>Mechanical:</u></b> Till or pull prior to flowering. Cut off root below soil surface.<br><b><u>Chemical:</u></b> Treat rosettes in fall or spring.<br><b><u>Biocontrol:</u></b> Seed head gall fly, not effective for individuals but can reduce overall population.                                                                                                                                                        |
| <i>Convolvulus arvensis</i> | field bindweed  | B/B                 | Many small to large populations observed. | Monitoring and Management to prevent new populations/spread of existing populations. | <b><u>Mechanical:</u></b> Not recommended, bindweed has extensive root systems and can spread by seed and root fragments.<br><b><u>Chemical:</u></b> Apply to rapidly growing plants in spring or summer, prior to flowering. Plants should not be under drought stress at time of application.<br><b><u>Biocontrol:</u></b> Two approved agents; a moth and mite.                                                                |
| <i>Conyza canadensis</i>    | horseweed       | Not listed/C        | Commonly observed.                        | Monitoring and Management to prevent new populations/spread of existing populations. | <b><u>Mechanical:</u></b> Mow or pull prior to flowering.<br><b><u>Chemical:</u></b> Apply to rapidly growing plants prior to flowering.<br><b><u>Biocontrol:</u></b> Unknown                                                                                                                                                                                                                                                     |
| <i>Lactuca serriola</i>     | prickly lettuce | Not listed/C        | Frequently observed.                      | Monitoring and Management to prevent new populations/spread of existing populations. | <b><u>Mechanical:</u></b> Graze, till, or pull prior to flowering. Mowing not considered effective due to robust regrowth.<br><b><u>Chemical:</u></b> Apply to rapidly growing plants in spring prior to flowering.<br><b><u>Biocontrol:</u></b> None                                                                                                                                                                             |
| <i>Onopordum acanthium</i>  | Scotch thistle  | B/B(T)              | Several observations made.                | Intensive Control, Eradication within first 5 years of Operation                     | <b><u>Mechanical:</u></b> Pull prior to flowering, cut off root below soil surface. Tilling will control emerged plants but stimulate germination. Follow up tilling with herbicide application to treat seedlings. Sheep and goats will eat young plants and flower heads.<br><b><u>Chemical:</u></b> Treat from rosette to bolting stage in fall or spring. Most effective on small rosettes.<br><b><u>Biocontrol:</u></b> None |

| Scientific Name                                                                                          | Common Name      | State/County Status | Frequency             | Management Objective                                                                 | Treatment Guidelines <sup>1</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------|------------------|---------------------|-----------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Rhaponticum (Acroptilon) repens</i>                                                                   | Russian knapweed | B/B                 | One observation made. | Eradication Prior to Construction. Prevent new populations.                          | <b><u>Mechanical:</u></b> Manually remove entire plant, including taproot, prior to flowering.<br><b><u>Chemical:</u></b> Apply to actively growing plants in fall or in spring from rosette to bolting stage.<br><b><u>Biocontrol:</u></b> Gall nematode available.                                                                                                                                                                                                                                                                                         |
| <i>Salsola tragus</i>                                                                                    | Russian thistle  | Not listed/C        | Frequently observed.  | Monitoring and Management to prevent new populations/spread of existing populations. | <b><u>Mechanical:</u></b> Hand pulling effective for small populations. Mow just before flower maturation or repeatedly mow younger plants.<br><b><u>Chemical:</u></b> Treat young, rapidly growing plants from seedling to mid-rosette stage in spring or fall. Most effective on smaller plants. Preemergence also effective. Many populations are herbicide resistant in the inland northwest, consult with local herbicide applicator or county weed manager.<br><b><u>Biocontrol:</u></b> Leaf mining and stem boring moths have provided poor control. |
| <i>Secale cereale</i>                                                                                    | cereal rye       | Not listed/C        | Frequently observed.  | Monitoring and Management to prevent new populations/spread of existing populations. | <b><u>Mechanical:</u></b> Repeated mowing in spring prior to seed set or tillage combined with herbicide application in fallow fields. Hand pull prior to seed set.<br><b><u>Chemical:</u></b> Treat prior to seed set. Herbicide more effective if applied one year after mowing to reduce thatch buildup.<br><b><u>Biocontrol:</u></b> None                                                                                                                                                                                                                |
| Sources: Becerra-Alvarez 2025, DiTomaso et al. 2013, ODA 2025.<br>1. Preferred treatment method in bold. |                  |                     |                       |                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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## **Attachment E: Draft Community Investment Plan**

# Draft Community Investment Plan

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**Biglow Canyon Wind Farm  
Request for Amendment 4  
November 2025**

**Prepared for**



**Portland General Electric Company**

**Prepared by**



**TETRA TECH**

With Department Revisions (December 2025)

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**Acronyms and Abbreviations**

|                           |                                                                             |
|---------------------------|-----------------------------------------------------------------------------|
| AC                        | alternating current                                                         |
| BCWF or Existing Facility | Biglow Canyon Wind Farm                                                     |
| BESS                      | battery energy storage system                                               |
| BIGL / Project Developer  | BIGL bn, LLC                                                                |
| Biglow Solar Account      | Biglow Community Investment Fund                                            |
| CCS                       | County Cost Share                                                           |
| Certificate Holder / PGE  | Portland General Electric Company                                           |
| CIP                       | Community Investment Plan                                                   |
| Council / EFSC            | Oregon Energy Facility Siting Council                                       |
| CWPP                      | Community Wildfire Protection Plan                                          |
| EESE                      | environmental, economic, social and energy                                  |
| EFU                       | Exclusive Farm Use                                                          |
| gen-tie                   | generation tie                                                              |
| MCEDD                     | Mid-Columbia Economic Development District                                  |
| MW                        | megawatt                                                                    |
| OAR                       | Oregon Administrative Rule                                                  |
| ORS                       | Oregon Revised Statutes                                                     |
| OSU                       | Oregon State University                                                     |
| OWEB                      | Oregon Watershed Enhancement Board                                          |
| POI                       | point of interconnection                                                    |
| PV                        | photovoltaic                                                                |
| RFA 4                     | Request for Amendment 4                                                     |
| SCZO                      | Sherman County Zoning Ordinance                                             |
| Solar Components          | photovoltaic solar energy generation and battery storage                    |
| Solar Micrositing Area    | a portion of the existing site boundary and proposed expanded site boundary |
| SWCD                      | Soil and Water Conservation District                                        |

## 1.0 Introduction

The Portland General Electric Company (PGE or Certificate Holder) owns and operates the Biglow Canyon Wind Farm (BCWF or Existing Facility) under Site Certificate on Amendment 3, issued October 31, 2008 (Site Certificate). PGE has filed a Request for Amendment 4 (RFA 4) to add photovoltaic (PV) solar energy generation and battery storage (Solar Components<sup>1</sup>) to the Existing Facility.

BCWF currently consists of 217 wind turbines, with a peak generating capacity of 450 megawatts (MW). RFA 4 adds up to 125 MW alternating current (AC) generating capacity from PV solar arrays and 125 MW in battery storage capacity (Solar Components) in approximately 1,445 acres (Solar Area) sited within the existing BCWF site boundary Solar Micrositing Area (RFA 4 Site Boundary). The Solar Micrositing Area is approximately 1,924 acres and provides a conservative estimate of the maximum acreage needed for development, micrositing, and temporary disturbances from the Solar Components during construction, rather than the anticipated disturbance footprint. The permanent disturbance<sup>2</sup> area impacted by the Solar Components within the Solar Micrositing Area is up to 1,455 acres (Solar Area) and the final footprint will be confirmed during pre-construction compliance.

The Solar Micrositing Area is zoned entirely Exclusive Farm Use (EFU) by Sherman County and is currently cultivated for dryland wheat. Because the permanent disturbance area from the Solar Components will exceed 12 acres and 20 acres of high-value and arable farmland, respectively, RFA 4 requires an exception to Oregon Statewide Planning Goal 3 (Agricultural Lands).

This Community Investment Plan (CIP) supports PGE's Goal 3 exception request and helps justify why a Goal 3 exception is warranted for the BCWF, as amended. The CIP is a mitigation plan that, once implemented, will ensure that any potential adverse impacts to the local agricultural economy from the removal of cultivated wheat land are offset to a level acceptable to Sherman County and the community.

PGE will own and operate the Solar Components as a part of the BCWF, which, to date, have been developed by BIGL bn, LLC (BIGL, or Project Developer). BIGL, in its capacity as the project developer, is supporting PGE in the RFA 4 and may construct and temporarily operate the Solar

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<sup>1</sup> Solar Components will include solar arrays, inverters, and inverter step-up transformers. Related or supporting facilities include underground medium voltage collector lines, a collector substation, battery energy storage system (BESS) facilities and their subcomponents (i.e., inverters), approximately 600 feet of a new 230-kV generation tie transmission line, operations and maintenance structures, site access roads, internal roads, perimeter fencing, facility entry gates, and temporary laydown areas. The maximum generating capacity from the Solar Components will be 125 MW AC, and the infrastructure will be fenced within the Solar Micrositing Area creating a permanent impact area of up to 1,445 acres (i.e., Solar Area).

<sup>2</sup> Permanent disturbance includes areas and infrastructure (trackers, inverters, internal roads, buildings, stormwater basins, and parking) inside the perimeter fence for the Solar Micrositing Area.

Components on behalf of PGE under a Build-Transfer Agreement and may implement components of the CIP including providing mitigation fund payments on behalf of PGE.

## 1.1 Project Layout and Construction Schedule

The proposed layout for the Solar Components includes a primary area of infrastructure improvements within the Solar Micrositing Area. The Solar Area will connect to the electrical grid through the existing point of interconnection (POI) at the Biglow Canyon Substation, which is situated within the Solar Micrositing Area.

**Solar Micrositing Area:** The Solar Micrositing Area is a continuous area of land that covers approximately 1,924 acres, fully within the approved BCWF site boundary, within which construction of the Solar Components may occur, subject to site certificate conditions. This area includes the Existing Facility's current POI and may be expanded to add a new 230-kilovolt (kV) line terminal, all Solar Components, and the fenced area for where such components will be located (1,445 acres; Solar Area).

**Solar Area:** This area falls within both the approved BCWF site boundary and the Solar Micrositing Area. It will host new solar arrays using tracking systems, a new BESS, a new collector substation, a new operations and maintenance building, a temporary laydown yard for construction, new access roads, perimeter fencing, the Existing Facility's current POI, approximately 600 feet of new 230-kV generation tie line, and other associated project components.

The Solar Components located within this area will add approximately 125 MW AC generating capacity on a total of up to 1,445 acres that would be fenced within the approved BCWF site boundary. All Solar Components will be set back at least 520 feet from the existing wind turbines per PGE requirements.

Construction is expected to begin in Q2 of 2026 and continue through Q4 of 2027 for a duration of approximately 17 to 19 months from mobilization to final completion.

## 1.2 Goal 3 Exception and Need for Mitigation Plan

Oregon Statewide Planning Goal 3 (Agricultural Lands) (Goal 3) requires counties to identify farmland on its comprehensive plan map, and zone those lands as EFU. An EFU zone places certain restrictions on developments to minimize uses that conflict with farming (DLCD 2023). Oregon Administrative Rule (OAR) Chapter 660, Division 33 and similar provisions under Sherman County Zoning Ordinance (SCZO) Article 3 regulate EFU lands and permitted uses on these lands. The SCZO has not been amended since 2003 and does not reflect the current list of uses and standards provided by OAR 660-033-0130. As a result, PGE directly applied OAR 660-033-0130(38)(g), which states that a PV solar power generation facility shall not use, occupy, or cover more than 12 acres of high-value farmland unless certain criteria under OAR 660-033-0130(38)(h) are met or an exception is taken pursuant to Oregon Revised Statutes (ORS) 194.732. Similarly, per OAR 660-033-0130(38)(i), a PV solar power generation facility shall not use, occupy, or cover more than 20 acres of arable lands unless certain criteria under OAR 660-033-0130(38)(i) are met or an exception is taken pursuant to ORS 194.732.

As the Solar Components will occupy more than 12 acres of high-value farmland and more than 20 acres of arable land, it does not meet the acreage standards under OAR 660-033-0130(38)(g) and (i) and requires a Goal 3 exception. The Energy Facility Siting Council (Council or EFSC) may approve an exception to Goal 3 for an energy facility that meets the criteria listed under ORS 469.504(2)(c) and OAR 345-022-0030(4)(c). These criteria include the following:

- Reasons justify why the state policy embodied in the applicable goal should not apply;
- The significant environmental, economic, social and energy (ESEE) consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility (ESEE consequences); and
- The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

This CIP supports the approval of PGE's Goal 3 exception request by supporting the "reasons" to justify the Goal 3 exception and ensuring that potential adverse impacts under the ESEE consequences are properly mitigated. Measures to address the Amended Facility's compatibility are outlined in RFA 4 Exhibit K, Sections 6.2 and 8.3.

PGE justifies a Goal 3 exception by demonstrating that reasons justify removing up to 1,445 acres of dryland wheat from agricultural production for 40 years. One of the reasons is that the Amended Facility will result in rural local economic development benefits. This CIP ensures that the rural local economic benefits will offset potential adverse impacts the Solar Components may have on Sherman County's agricultural economy. In addition, participating landowners—many of whom represent multigenerational farm families—have emphasized that solar development provides an opportunity to diversify income and strengthen long-term financial stability. This landowner perspective reinforces the rationale for a Goal 3 exception, as the Amended Facility not only contributes to rural economic development but also supports the continuity of agricultural operations across generations.

## **2.0 Development of the Plan**

To help inform the development of the CIP and to identify example projects that could be funded through the mitigation fund (see Section 4.0), PGE and the Project Developer spent considerable time and effort coordinating with the local agricultural community to understand what potential projects/investments would be most beneficial to support the local agricultural economy. Meetings were held with local wheat farmers, the Oregon Watershed Enhancement Board (OWEB), Oregon State University (OSU) including its extension service in Sherman County and the College of Agricultural Sciences, the Oregon Wheat Commission, the Sherman County Fire District, Sherman County Emergency Services, the Rural Sherman County Fire Board, the Weed Master, the Road Master, the County Planning office, and County Judge

Engagement also included targeted discussions with project landowners and surrounding landowners, who underscored the importance of financial resilience in maintaining viable farm operations. While coordination with the Sherman County Soil and Water Conservation District (SWCD) has not yet occurred in person, the Project Developer remains committed to continued outreach.

Fire safety emerged consistently as the most pressing community concern—not only in relation to the Solar Components, but as a broader and growing threat to Sherman County’s agricultural economy. In response, the Project Developer has prioritized coordination with local fire districts, including a presentation to the North Sherman Fire Board on August 12, 2025, and a follow-up meeting with Chief Burbank of the North Sherman County Fire District on September 9. These meetings provided an opportunity to review site layout and engineering plans, incorporate feedback, and identify opportunities to strengthen local fire response capacity.

Several key themes for possible agricultural mitigation investments emerged from this coordination:

1. Investments in minimizing wildland fire risk to agricultural crops, properties, and infrastructure and minimizing risk of liability to farmers from farm activities igniting fires and impacting non-farm uses in the agricultural district;
2. Research into agrivoltaics techniques in the context of dryland farming in central and eastern Oregon;
3. Research into long-term effects to soils that have been removed from cultivation and placed in long-term vegetation management programs within solar array areas;
4. Maintaining and/or improving weed control county-wide on agricultural lands and minimizing costs for weed control;
5. Technical assistance training for heavy equipment operation and repairs for farmers and laborers in the County to provide uplift in firefighting support, construction, and farming;
6. Providing funding for 4H, National Future Farmers of America Organization, or other youth programs; and
7. Providing additional funds to supplement Natural Resources Conservation Service and SWCD cost share programs for technical assistance programs such as improving haul routes, weed control, establishing fire breaks, etc.

As described further in Section 4.0, the final decision on what projects would be funded and/or what organizations would be awarded mitigation funds will be determined by the Sherman County Court. The mitigation projects identified in Section 5.0 and the selection criteria identified in Section 4.2.4 are unique to the Sherman County agricultural community and its specific needs. The projects identified in this plan are in direct response to community feedback and will bring economic benefit to the County’s agricultural community, which is primarily composed of dryland wheat farmland.



### **3.0 Overview of Project Impacts on Agricultural Economy**

PGE evaluated the potential adverse impacts to Sherman County's agricultural economy from removing up to 1,445 acres of dryland wheat from production for the life of the project. For details of this evaluation, see RFA 4 Exhibit K, Attachment K-1. The removal of 1,445 acres of winter wheat would have an estimated reduction in annual output of \$281,300 in the grain sector. Putting this into context, \$281,300 is equivalent to 0.8 percent of the Sherman County's average value of production of winter wheat and 0.1 percent of the State's average value of production of winter wheat. This highlights the small percent of the county and state's winter wheat production value impacted by the Solar Micrositing Area.

Using a worst-case scenario impact analysis of a full build out of the Solar Components resulting in the loss of 1,445 acres of dryland wheat over 40 years, PGE estimates that the Amended Facility may result in a loss of annual indirect economic output of \$100,000 over the life of the Facility, as amended. This loss of indirect economic output represents decreases in spending on wheat farming inputs like seeds, fertilizer, and fuel and contract services.

Calculated over a period of 40 years of operation, and adjusting for inflation, the estimated indirect output would be \$2,315,218 or \$1,600 per acre of farmland taken out of production. The final mitigation payments will be based on the actual acres identified in the final design of the Solar Components, which may be less than the full 1,445 acres identified in the Goal 3 exception request.

## **4.0 Mitigation Fund**

PGE and the Project Developer have partnered with Sherman County and the Mid-Columbia Economic Development District (MCEDD) to establish an agricultural mitigation fund that will administer and distribute dollars for projects having a benefit to the Sherman County agricultural economy. The fund will ensure that any potential adverse impacts from the Solar Components are offset to levels acceptable to Sherman County and the community. Maintaining local control over investment decisions was identified as an essential element of trust-building during stakeholder engagement. For this reason, all mitigation fund allocations will ultimately be directed by the Sherman County Court to ensure alignment with community priorities and accountability to local stakeholders.

### **4.1 Establishing the Biglow Community Investment Fund**

MCEDD will administer the Biglow Community Investment Fund under an Administrative Agreement (as described in the Memorandum of Understanding among Sherman County, MCEDD, and PGE, dated [add]). Prior to construction, \$1,600 per acre for each acre the Solar Components remove from agricultural production will be placed into the Biglow Solar Account that will then be used to fund mitigation projects under the CIP. The total number of acres removed will be determined based on the final layout confirmed during the Oregon Department of Energy pre-

construction compliance review. The mitigation payment may be provided by PGE or the Project Developer (or other entity) on behalf of PGE.

## **4.2 Administration of the Biglow Community Investment Fund**

MCEDD will administer the Biglow Community Investment Fund, which will be funded prior to construction of each phase of the Solar Components. MCEDD will also oversee the following administrative steps.

### **4.2.1 Selection Committee**

MCEDD will form and oversee a five-person advisory committee (Selection Committee) to review applications for funding and make recommendations to Sherman County BOC on funding projects. The Selection Committee will comprise the following individuals:

- One representative from Sherman County government;
- One representative from an academic institution engaged in agriculture research in Sherman County or an agricultural-related nonprofit entity located in Sherman County;
- One dryland farm producer in the County;
- One community member; and
- One representative with expertise in wildfire as it relates to agricultural lands.

Sherman County will have the ability to propose candidates for the Selection Committee in accordance with the aforementioned criteria, provided that the County proposes candidates within 30 calendar days of the formation of the committee. If the County elects not to propose candidates to the Selection Committee, MCEDD shall make any remaining necessary appointments.

In addition to the members above, the Selection committee shall include one non-voting member with subject matter expertise over statewide or regional agriculture issues selected by the Energy Facility Siting Council.

### **4.2.2 Applications for Funding**

MCEDD shall issue a notice of available funding for mitigation projects as provided by the administrative agreement and contemplated in the Memorandum of Understanding. The notice will identify the selection criteria for qualifying projects and include an application form. All applications for funding would need to be filed with MCEDD at a time determined by the parties, ahead of the Start of Construction (Application Deadline).

### ***4.2.3 Awarding Funds***

The Selection Committee will review applications, rank the projects against the selection criteria, and make recommendations to the Sherman County BOC within 3 months of the Application Deadline. The BOC will aim to make a decision on funding within 60 days of receipt of the Selection Committee's recommendation. MCEDD will award funds within 30 days of the County's decision.

### ***4.2.4 Selection Criteria***

The selection criteria for a qualified mitigation project are to ensure that projects provide uplift of the Sherman County agricultural economy and are responsive to community needs as described in Section 2.0 and as may be identified by the community in the future. These selection criteria were identified after significant community engagement and listening sessions.

Except as provided in Section 4.2.5 below, the Selection Committee will apply and balance the selection criteria when recommending projects for funding. The five selection criteria are as follows:

1. Improving resiliency and efficiency of Sherman County's agricultural economy;
2. Improving agricultural wildfire protection and risk management capacity;
3. Investing in research to further agrivoltaics for dryland wheat lands;
4. Investing in agricultural education for next-generation farmers; and
5. Subsidizing the price of wheat produced in Sherman County

### ***4.2.5 Pre-Screened Projects***

A preliminary list of pre-screened projects is included in Section 5.0. These projects have been identified by Sherman County and the community as having a direct benefit to the rural agricultural economy of Sherman County and are deemed to meet, on balance, the selection criteria. A project proponent of a pre-screened project must still apply for funding through MCEDD and provide a project plan to identify the project's fiscal contribution to the rural agricultural economy and confirm that the selection criteria will be satisfied. A pre-screened project application goes directly to the BOC for consideration and bypasses review by the Selection Committee.

## **4.3 Reporting Obligations**

Award recipients shall provide an annual report to the County, MCEDD, and PGE, as further described in the MOU.

## **5.0 Pre-Screened Projects**

The five pre-screened projects were developed based on extensive outreach and coordination with key stakeholders from the Sherman County agricultural community, as well as state-wide

agricultural-related organizations (see Section 2.0). These projects have the support of both the County and the community, who agree they will provide meaningful benefits to Sherman County's agricultural economy. In particular, they include initiatives that support essential services such as wildfire mitigation. For Sherman County, wildfire mitigation is especially critical, as it helps protect wheat farms—the primary land use in the county—and their supporting infrastructure, including roads, equipment, grain elevators and storage facilities, as well as urban areas tied to farm operations.

## **5.1 Project 1: Dryland Wheat Agrivoltaics Research in Sherman County**

**Project Sponsors:** OSU Foundation, OSU Extension Office, OSU Nexus of Energy, Water, and Agriculture Lab

**Project Description:** This project would involve research into agrivoltaics techniques in the context of dryland farming in central and eastern Oregon. Research may include an agrivoltaics test project in Sherman County where different dryland crops, including wheat, are grown within a solar array and studied. Research may include investigation in panel layout/row dimension design to facilitate farm equipment, cropping trials, differences in crop yields based on panel shading, and effects on soils within different vegetation regiments within panel arrays. Research study will be further defined by the project sponsor.

**Project Benefit:** Researching achievable agrivoltaics strategies in eastern Oregon would generate valuable insights to guide project siting decisions and identify potential legislative or regulatory changes that could further incentivize compatible farming practices alongside solar power generation. Based on information provided by OSU Associate Professor Chad Higgins, partial shading from solar panels has shown increase in crop production while using less water (Hassanpour Adeh et al. 2018). Research on agrivoltaics in the context of central and eastern Oregon dryland farming could create opportunities for Sherman County farmers to diversify their operations. By capturing more soil moisture, solar panel shading may allow farmers to maintain current dryland crop yields, such as winter wheat, within a smaller footprint.

**Proposed Budget:** To be provided by project sponsor. Project budget is anticipated to range from \$100,000 to \$300,000 to fund a full-time research assistant and any necessary equipment.

## **5.2 Project 2: Agricultural Wildfire Risk Minimization and Capacity Building**

**Project Sponsors:** North Sherman County Rural Fire Department

**Project Description:** Sherman County has experienced large-scale wildfires that have burned thousands of acres and have destroyed more than 1 million bushels of wheat in a single fire resulting in more than \$5 million in damage (Sherman County 2024). In response to increased community support for fire mitigation and prevention efforts, Sherman County developed and adopted a Community Wildfire Protection Plan (CWPP) in 2024 to identify and mitigate wildfire risk and to develop a strategy to reduce those risks. The CWPP is also meant to assist the county, its communities, and fire districts by making them eligible for certain grants or other funding sources. Grants and funding sources may include National Fire Plan grants, U.S. Forest Service Community

Wildfire Defense Grants, and other funding sources to treat hazard fuel situations and to better prepare residents for wildfires that may occur.

The CWPP<sup>3</sup> identifies several projects such as:

1. Upgrading, maintaining, or adding firefighting equipment for Sherman County's Rural Fire Protection Districts.
  - a. See Project #7 in CWPP Section XIII.
  - b. See Project #31 in CWPP Section XIII.
2. Upgrading and developing new facilities at Rufus Fire Hall, North Sherman Rural Fire Protection District Station, and/or South Sherman Rural Fire Protection District Station
  - a. See Project #6 in CWPP Section XIII.
3. Training for volunteers
  - a. See Project #13 in CWPP Section XIII.
4. Funding for additional staff
  - a. See Project #2 in CWPP Section XIII – develop paid seasonal county firefighting positions.
  - b. Fund administrative staff to support all projects identified in CWPP Section XIII.
5. Fund projects to develop fuel breaks, reduce wildfire hazards, provide firefighting water.
  - a. See Projects #14, #15, #22 through #30 in CWPP Section XIII.

The County could allocate mitigation funding to support either partial or full implementation of the projects identified in the CWPP, as well as other initiatives aimed at supporting the County's agricultural community in wildfire mitigation and response.

**Project Benefit:** Section V.E. of the County's CWPP identifies the probability of wildfire in Sherman County as high, with significant vulnerability to grain fields, pastures, and utility infrastructure. As noted in the CWPP, previous fires in the county have burned one million bushels of wheat and caused over \$5 million in damages. Any project that reduces the risk or extent of wildfire damage to dryland wheat crops and their supporting infrastructure would provide a direct economic benefit to the County's agricultural community. Stakeholder feedback reinforced that agricultural mitigation and wildfire mitigation are deeply interconnected in Sherman County. Farmers repeatedly emphasized that their livelihoods depend on the resilience of their land and crops, and that wildfire protection must be addressed alongside agricultural investments. Accordingly, the coordination on behalf of RFA4 with the North Sherman Fire District demonstrates a proactive approach to integrating agricultural and fire mitigation needs.

**Proposed Budget:** To be provided by project sponsor. Project budget is anticipated to range from \$100,000 to \$500,000.

### 5.3 Project 3: Funding matching for SWCD programs for wheat farmers

**Project Sponsors:** Sherman County SWCD

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<sup>3</sup> See Section XII of the CWPP (Sherman County 2024) for a list of identified wildfire mitigation projects.

**Project Description:** Provide funding to supplement funding of SWCD County Cost Share (CCS) program. The Sherman County SWCD CCS program is funded from county tax dollars and includes projects such as improving farming haul roads with gravel, solar well developments, border fencing, terrace and water and sediment control basin reshaping, weed control, pasture/range planting, and creation and maintenance of fire breaks (Sherman County SWCD 2025). As funding for this program is limited, mitigation funds could be directed to SWCD to supplement this program's funding and provide additional opportunities for Sherman County farmers to participate in this program.

**Project Benefit:** Benefits to farmers participating in the SWCD CCS program would depend on the project but would result in offsetting costs to farmers for soil conservation, weed control, fire mitigation, etc.

**Proposed Budget:** To be provided by project sponsor. The current annual budget for this program is \$100,000 allocated at \$25,000 quarterly. For conservation projects, landowners provide 25 percent of the cost while SWCD provides 75 percent of the cost share rate with projects up to \$20,000.<sup>4</sup> Mitigation funds allocated to this program could increase the annual budget to provide capacity to fund more projects in the county depending on demand by Sherman County farmers.

## 5.4 Project 4: Next-Generation Farming Innovation and Technology Training Program

**Project Sponsors:** To be determined. Sponsors could be individual wheat farmers seeking funding for precision agricultural technology investments, school district seeking funding for heavy equipment training programs, or other community programs such as 4H or National Future Farmers of America Organization seeking funding for youth programs focused on wheat farming.

**Project Description:** A variety of projects could be included, such as:

- Grant program for county wheat farmers to invest in precision agricultural technology such as weed management equipment, remote sensing technology to assist with weed mapping or soil mapping, variable rate technology to collect data on soil variability to inform application of fertilizers, and other technologies.
  - The precision agricultural technology grant program is intended to increase Sherman County wheat farmer's access to this technology through a cost-sharing agreement between farmers and MCEDD.
  - The cost-share agreement would be determined by the County BOC but is assumed to be 50 percent of the total cost of the precision tech equipment and installation. A cost-share program ensures prospective recipients of the program are fully invested in the use and maintenance of the precision agricultural technology.

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<sup>4</sup> See CCS grant application:  
[https://www.shermancountyswcd.com/files/a1235c3b6/CCS\\_Application\\_2024.pdf](https://www.shermancountyswcd.com/files/a1235c3b6/CCS_Application_2024.pdf)

- Grant program to offset tuition costs for Sherman County residents to participate in heavy equipment training and receive large equipment operator certification.

***Project Benefit:***

- The cost-share grant program for precision agricultural technology is assumed to increase the number of farmers who otherwise would not have access to precision management technology due to the significant upfront cost barrier. Investments in this technology could help county wheat farmers decrease costs to expensive farming inputs such as chemicals, fertilizers, and fuel resulting in economic benefits to these farmers.
- The grant program for heavy equipment operation training would directly relate to increasing local capacity to operate farm equipment, firefighting equipment, and construction equipment. This increased capacity would economically benefit farmers in the County by providing additional labor capacity.

***Proposed Budget:*** To be provided by project sponsor. Project budget is anticipated to range from \$200,000 to \$1,000,000 depending on the number of grants allocated.

## **5.5 Project 5: Capacity Building for Wheat Growers**

***Project Sponsor:*** Sherman County, individual wheat farmers.

***Project Description:*** This project proposes a per-bushel support mechanism to strengthen the financial resilience of Sherman County's wheat growers. For every bushel of wheat produced in the County, an additional \$0.05 would be paid directly to farmers on top of the prevailing market price. This payment is intended to help offset the rising costs of inputs such as seed, fertilizer, fuel, machinery, and labor.

***Project Benefits:*** The benefit of this project is that it directly places funds into the hands of Sherman County wheat farmers at a time when input costs are rising and market prices remain unpredictable. More specifically, the project would:

- Support farm income by providing an additional payment linked to production levels.
- Help offset rising input costs such as seed, fertilizer, and fuel.
- Provide flexibility for reinvestment in farm operations, equipment, or practices that improve efficiency.
- Contribute to the local agricultural economy by supplementing the revenue available to wheat growers.
- Offer modest support for community stability, as additional farm income can help sustain agricultural operations in the County.

***Proposed Budget:*** To be provided by project sponsor. At a rate of \$0.05 per bushel, the project could cost up to approximately \$282,550 in a single harvest season, assuming an annual production of 5.65 million bushels. The actual budget would vary depending on annual yield volumes and prevailing market conditions.

## 6.0 References

- DLCD (Department of Land Conservation and Development). 2023. Oregon's Statewide Land Use Planning Goals. Oregon Planning. <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>
- Hassanpour Adeg, E., J.S. Selker, and C.W. Higgins. 2018. Remarkable Agrivoltaic Influence on Soil Moisture, Micrometeorology and Water-Use Efficiency. *PLoS ONE* 13(11): e0203256. <https://doi.org/10.1371/journal.pone.0203256>
- Sherman County. 2024. Sherman County Community Wildlife Protection Plan. Prepared by the Sherman County Community Wildfire Protection Plan Steering Committee and Fair Winds Consulting, LLC. September. Available online at: <https://www.co.sherman.or.us/documents/sherman-county-cwpp-2024-pdf/>
- Sherman County SWCD (Soil and Water Conservation District). 2025. County Cost Share. [Website] Available online at: <https://www.shermancountyswcd.com/county-cost-share>



## **Attachment F: Draft Amended Habitat Mitigation Plan**

# **Biglow Solar Project**

## **Draft Habitat Mitigation Plan**

**Biglow Canyon Wind Farm  
Request for Amendment 4  
November 2025**

**Prepared for**



**Portland General Electric Company**

Amended by Department December 2025

**Prepared by**



**Tetra Tech, Inc.**

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## 1.0 Introduction

This draft Habitat Mitigation Plan (HMP) is submitted by ~~The Portland General Electric Company (PGE or Certificate Holder) is submitting a Request for Amendment 4 (RFA 4) to the existing Site Certificate for the photovoltaic solar energy generation and battery storage (Solar Components) at the Biglow Canyon Wind Farm (BCWF or Existing Facility) to add photovoltaic solar energy generation and battery storage (Solar Components).~~ Located approximately 4.5 miles northeast of Wasco in Sherman County, Oregon, BCWF currently consists of 217 wind turbines, with a peak generating capacity of 450 megawatts (MW). ~~In RFA 4, PGE proposes to add up to 125 MW alternating current generating capacity from photovoltaic solar arrays and 125 MW in battery storage capacity.~~

The Solar Micrositing Area identified as part of RFA 4 is approximately 1,924 acres and provides an ~~conservative~~ estimate of the maximum area needed for development, micrositing, and temporary disturbances from the Solar Components during construction, rather than the anticipated disturbance footprint. The permanent disturbance area impacted by the Solar Components is approximately 1,445 acres.

PGE will own and operate the Solar Components as a part of the BCWF (together, Facility), which, to date, have been developed by BIGL bn, LLC (BIGL). BIGL, in its capacity as the project developer, supports PGE in this RFA 4 and may construct and temporarily operate the Solar Components on behalf of PGE under a Build-Transfer Agreement.

~~The Certificate Holder in coordination with BIGL conducted habitat categorization surveys and other biological studies in and adjacent to the Solar Micrositing Area that informed habitat categorization in accordance with the Oregon Department of Fish and Wildlife's (ODFW) Fish and Wildlife Habitat Mitigation Policy, Oregon Administrative Rules (OAR) 635-415-0000 through 0025. Coordination with ODFW, including a site visit on January 10, 2025, provided direction and clarification on categorization of habitat within the Solar Micrositing Area.~~

The Certificate Holder's goal is to preserve and maintain in-kind habitat in the Columbia Plateau Ecoregion to achieve a net benefit to Category 2 ~~Priority Wildlife Connectivity Area (PWCA)~~ habitat, and no net loss of Category 4 habitat through the measures described in this draft Habitat Mitigation Plan (HMP).

## 2.0 Finalization of the HMP (PRE)

Fish and Wildlife Habitat Condition 1 requires finalization of the draft HMP, stating the following:

*Prior to construction of a phase or component of the solar facility, as applicable, the certificate holder shall submit a final Habitat Mitigation Plan substantially similar to Final Order on RFA4 Attachment F, base don the finalization requirements included in Section 2.0 of the plan.*

The final plan must be submitted for review and approval by the Department, in consultation with ODFW.

The HMP must be finalized prior to construction, based on the estimated permanent habitat impacts associated with the facility, component or phase, as applicable. Final review and approval of the plan has been delegated by the Council under ORS 469.402 to the Department. The Department, in consultation with ODFW, will review the final HMP based on the following scope:

1. **Final habitat and impact assessment.** Based on final design/layout, update tabular summaries of temporary and permanent disturbance estimates (acres).
  - a. Table 2. Temporary and Permanent Impacts by Habitat Category and Habitat Subtype.
  - b. Table 3. Calculating Mitigation for Permanent Impacts, and
  - c. Table 4. Calculating Mitigation for Temporary Impacts
2. **Execute legal instrument.** Obtain and submit to the Department a copy of the conservation easement or legal instrument securing the HMA site for conservation purposes as outlined in this HMP:
  - a. The term of the conservation easement or legal instrument will be for the life of the solar facility;
  - b. The terms of the conservation easement or legal instrument will be binding upon the landowner, heirs, or successors and would run with the land if property is sold;
  - c. The conservation easement or legal instrument will identify restricted uses that have the potential to diminish wildlife habitat functions and value, including but not limited to grazing; grading, mowing, blading or expansion of impervious surfaces or access road networks; division of the Property.
3. **Identify/map baseline condition/reference sites and enhancement action areas.** Map baseline conditions of the HMA. Propose number and location of monitoring and references sites for noxious weeds and shrub-planting. Submit mapping and monitoring:reference site locations to ODOE and ODFW for review and approval.
  - a. Provide baseline habitat maps, photographs and maps/GIS data for proposed monitoring:reference sites at the HMA with a description of the weed and vegetative cover.
    - i. Baseline monitoring plot photo points within the HMA, include 1) a minimum of five permanent photo points distributed to show general vegetation status throughout the HMA, and 2) additional photo points as needed to monitor success of noxious weed control and shrub-planting;
4. **Finalize enhancement actions and success criteria in Section 6.2.1, 6.2.2 and 6.2.3.** Based on the baseline assessment completed under Sub(3) above:
  - a. Provide maps/GIS data of weed treatment and shrub-planting areas.
  - b. Finalize the success criteria for weed treatment and shrub planting.
    - i. Success criteria for weed treatment must represent a % increase in native vegetation cover and % decrease in invasive cover of monitoring compared to reference site.

- ii. Success criteria for shrubs shall be based on a minimum 50% density of monitoring to reference sites at 5 years.
- c. Propose restoration methods in the event of fire which at a minimum include post-burn seeding and noxious weed control.
- d. The Department and ODFW must evaluate whether the combined enhancement actions satisfy the Category 2 mitigation goal of a net benefit in habitat quality. If the HMA has minimal need or opportunity for the enhancement actions as currently proposed, additional actions may be identified/required.
- 5. **Finalize Implementation Schedule.** Provide an implementation schedule for habitat enhancement actions and monitoring.
- 6. **Finalize Monitoring Protocols and Survey Methods.** Submit final proposed monitoring protocol and survey methods monitoring and evaluating the success of enhancement actions.

Approval of the final HMP will be based on review by the Department, in consultation with ODFW, based on the adequacy of the information provided to address the steps/requirements listed above.

## **2.03.0 Habitat Categories and Habitat Types**

A habitat survey was conducted as part of RFA4 to verify habitat subtypes and habitat categories of all areas to be affected by the Facility. The ODFW Fish and Wildlife Habitat Mitigation Policy provides a framework to categorize habitats based on type, quality, availability, and usefulness/importance to wildlife, and establishes mitigation goals and implementation standards for each. Table 1 defines each of the six habitat category types as presented in the ODFW Habitat Mitigation Policy.

**Table 1. Habitat Categorization Types**

| <b>Category Type</b> | <b>Definition<sup>1</sup></b>                                                                                                                                                                                                                                  | <b>Mitigation Goal</b>                                                                                                                                           |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                    | Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage. | The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.                                                                     |
| 2                    | Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.                   | The mitigation goal if impacts are unavoidable is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality. |
| 3                    | Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.                                              | The mitigation goal is no net loss of either habitat quantity or quality.                                                                                        |

| Category Type                | Definition <sup>1</sup>                                                                              | Mitigation Goal                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 4                            | Important habitat for fish and wildlife species.                                                     | The mitigation goal is no net loss of either habitat quantity or quality.                                    |
| 5                            | Habitat for fish and wildlife having high potential to become either essential or important habitat. | The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality. |
| 6                            | Habitat that has low potential to become essential or important habitat for fish and wildlife.       | The mitigation goal is to minimize impacts.                                                                  |
| 1. Source: OAR 635-415-0025. |                                                                                                      |                                                                                                              |

### 3.04.0 Temporary and Permanent Impacts

Impacts may be permanent or temporary. Permanent impacts are defined as those impacts that will exist for the life of the Solar Components. Temporary impacts are those impacts that will last for a time less than the life of the Solar Components. The duration of temporary impacts to habitat will vary by habitat subtype. For example, the recovery period for agricultural areas that were temporarily disturbed could be as short as 1 to 3 years, grasslands generally recover within 3 to 7 years, and shrublands may require 10 to 50 years to recover (with the longer recovery periods associated with disturbances in mature sagebrush [*Artemisia* sp.] habitats). The Certificate Holder will restore temporary impacts consistent with the Comprehensive Solar Revegetation and Soil Management Plan Revegetation Plan (Final Order on RFA4, Attachment D Attachment P-2 of Exhibit P).

As described in Exhibit P, there are no impacts to Category 1 habitat within the Solar Micrositing Area. Category 2 habitat occurs in the Solar Micrositing Area and will be impacted by the Solar Components (Table 2). Category 2 habitat within the Solar Micrositing Area is associated with an ODFW-designated PWCA along Biglow Canyon Shrub-steppe: Sagebrush Shrub-steppe habitat along Biglow Canyon. Category 4 and 6 habitat will also be impacted by the Solar Components, while Category 3 and 5 habitat were not identified in the Solar Micrositing Area.

The Oregon Conservation Strategy (ODFW 2025) defines PWCA “regions” as the combined top one percent of connectivity priorities across all 54 Oregon Connectivity Assessment and Mapping Project (OCAMP) species’ connectivity models. Regions are large, contiguous areas and represent the highest-value habitat for facilitating species movement throughout the state. PWCA “connectors” are then described as pathways that provide the best available habitat for facilitating movement between regions. Connectors may pass through high-quality habitat in intact, relatively undisturbed parts of the landscape, as well as the best remaining marginal habitat in developed or degraded areas. The Solar Components impact a PWCA region along Biglow Canyon.

Table 2 shows the acres of permanent and temporary impacts in each habitat category by habitat subtype for the Solar Components.

**Table 2. Temporary and Permanent Impacts by Habitat Category and Habitat Subtype**

| Habitat Category                                                                                                                      | Habitat Subtype                        | Impact (acres) |           |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------|-----------|
|                                                                                                                                       |                                        | Temporary      | Permanent |
| 2                                                                                                                                     | <del>PWCA</del> Riparian Trees         | <0.1           | <0.1      |
|                                                                                                                                       | <del>PWCA</del> Sagebrush Shrub-Steppe | 0.3            | 20.7      |
| Category 2 Subtotal                                                                                                                   |                                        | 0.3            | 20.7      |
|                                                                                                                                       |                                        |                |           |
|                                                                                                                                       |                                        |                |           |
| 4                                                                                                                                     | Grassland-steppe                       | 0.1            | 3.0       |
|                                                                                                                                       | Ephemeral Streams                      | <0.1           | <0.1      |
| Category 4 Subtotal                                                                                                                   |                                        | 0.1            | 3.0       |
| 6                                                                                                                                     | Irrigated Cropland                     | 0.1            | 52.0      |
|                                                                                                                                       | Non-Irrigated Cropland                 | 9.4            | 1,365.0   |
|                                                                                                                                       | Developed                              | 1.0            | 3.9       |
| Category 6 Subtotal                                                                                                                   |                                        | 10.5           | 1,420.9   |
| Grand Total                                                                                                                           |                                        | 10.9           | 1,444.6   |
| Note: Totals in this table may not sum correctly due to rounding; "--" = no impact; <0.1 = greater than zero but less than 0.05 acre. |                                        |                |           |

## 4.05.0 Methods for Calculating Mitigation

Solar Component impacts, as determined based on the Solar Micrositing Area, would result in a mitigation need of 45 acres, including 44.4 acres of mitigation for permanent impacts (41.4 acres of Category 2 and 3.0 acres of Category 4) and 0.6 acres of mitigation for ~~temporary~~ temporal impacts (0.6 acres of Category 2 and <0.1 acres of Category 4; Table 3 and Table 4).<sup>1</sup> The actual acres of temporary and permanent impacts and the associated mitigation requirements will be confirmed following construction. The Certificate Holder is not proposing compensatory mitigation under the ODFW Fish and Wildlife Habitat Mitigation Policy for impacts to Category 6 habitat.

**Table 3. Calculating Mitigation for Permanent Impacts**

| Habitat Category | Impact Acres | Mitigation Ratio <sup>1</sup> | Mitigation Need | Mitigation Description                                                                                                                                                                                        |
|------------------|--------------|-------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Category 2       | 20.7         | 2:1                           | 41.4            | The mitigation goal for Category 2 habitat is "no net loss" and "net benefit." Accordingly, mitigation for permanent impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity. |

<sup>1</sup> Temporal loss refers to loss of habitat function and values from the time an impact occurs to the time when the restored habitat provides a pre-impact level of habitat function. Sagebrush steppe is reasonably expected to require a longer restoration timeframe (5+ years) and therefore would be expected to result in temporal loss requiring compensatory mitigation beyond the certificate holder's revegetation obligation.



| Habitat Category                                                                                             | Impact Acres   | Mitigation Ratio <sup>1</sup> | Mitigation Need | Mitigation Description                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------|----------------|-------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Category 4                                                                                                   | 3.0            | 1:1                           | 3.0             | The mitigation goal for Category 4 habitat is “no net loss” in quantity or quality. During a site visit on January 10, 2025, ODFW recommended that impacts on Upland Tree habitat types should be mitigated within grassland or shrubland habitat types. |
| Category 6                                                                                                   | 1,420.9        | 0:1                           | --              | The mitigation goal for impacts on Category 6 habitat is minimization; no compensatory mitigation proposed.                                                                                                                                              |
| <b>Grand Total</b>                                                                                           | <b>1,444.6</b> | <b>--</b>                     | <b>44.4</b>     | <b>--</b>                                                                                                                                                                                                                                                |
| 1. Acres mitigation per acres impacted.<br>Note: Totals in this table may not sum correctly due to rounding. |                |                               |                 |                                                                                                                                                                                                                                                          |

Table 4. Calculating Mitigation for ~~Temporary~~ Temporal Impacts

| Habitat Category                                                                                                                                                                  | Habitat Subtype              | Impact Acres | Mitigation Ratio <sup>1</sup> | Mitigation Need | Mitigation Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------|-------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Category 2                                                                                                                                                                        | PWCA: Riparian Trees         | <0.1         | 2:1                           | <0.1            | The mitigation goal for Category 2 habitat is “no net loss” and “net benefit.” Accordingly, mitigation for permanent impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity.                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                   | PWCA: Sagebrush Shrub-steppe | 0.3          | 2:1                           | 0.6             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Category 4                                                                                                                                                                        | Grassland-steppe             | 0.1          | 0:1                           | --              | The mitigation goal for Category 4 habitat is “no net loss” in quantity or quality. The proposed mitigation ratio would result in a lesser amount of acreage of mitigation than what is impacted by the Solar Components. Combined with restoration of temporary disturbances, the proposed mitigation ratio is intended to account for the temporary loss of habitat functionality and meet the “no net loss” goal. Temporary disturbances to Category 4 Grassland-steppe are not mitigated beyond restoration. |
|                                                                                                                                                                                   | Ephemeral Streams            | <0.1         | 1:1                           | <0.1            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Category 6                                                                                                                                                                        | Agriculture, Developed       | 10.5         | 0:1                           | --              | The mitigation goal for impacts on Category 6 habitat is minimization; no compensatory mitigation proposed.                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Grand Total</b>                                                                                                                                                                |                              | <b>10.9</b>  | <b>--</b>                     | <b>0.6</b>      | <b>--</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1. Acres mitigation per acres impacted.<br>Note: Totals in this table may not sum correctly due to rounding. “--” = no impact; <0.1 = greater than zero but less than 0.05 acres. |                              |              |                               |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## 5.06.0 Biglow Canyon Wind Farm Habitat Mitigation Area

The Habitat Mitigation Area (HMA) is the area where the Certificate Holder is proposing to perform enhancement and preservation actions that are in addition to the revegetation of areas of temporary disturbance associated with the Biglow Solar Project. The HMA must be large enough and have the characteristics to meet the standards set in OAR 635-415-0025.

According to ODFW standards, areas appropriate for mitigation of Category 2 habitat impacts must provide “in-kind” mitigation that creates similar structure and function to that being disturbed, be “in-proximity” to the Solar Components, and have potential for habitat enhancement. The Certificate Holder identified 78 acres for the HMA located within 880 acres of land owned by the Certificate Holder adjacent to the Carty Generating Facility in Morrow County (Figure 1). The Certificate Holder identified an area larger than its mitigation need (need is 45 acres) to allow for flexibility in management of the HMA. The Certificate Holder discussed the location of the HMA with ODFW and received assurance that the mitigation goals of “in-kind” and “in-proximity” can be met.

### 5.16.1 Habitat Assessment and Mitigation Accounting

The Certificate Holder identified 78 acres of suitable in-kind and in-proximity habitat within an 880-acre parcel. The HMA is adjacent to the existing PGE-owned Conservation Area and a conservation area maintained by The Nature Conservancy (South Farm Conservation Area; Figure 1). The habitat mapped within the HMA includes rabbitbrush shrubland and broom snakeweed shrubland (Figure 1). The HMA is dominated by Sandberg’s bluegrass (*Poa secunda*), bluebunch wheatgrass (*Pseudoroegneria spicata*), and intermittent areas of needle-and-thread grass (*Hesperostipa comata*), as well as cheatgrass (*Bromus tectorum*). There are also occasional occurrences of green rabbitbrush (*Chrysothamnus viscidiflorus*), gray rabbitbrush (*Ericameria nauseosa*), big sagebrush (*Artemisia tridentata*), fiddleneck (*Amsinckia menziesii*), and yarrow (*Achillea millefolium*).

The HMA is within a PWCA connector (ODFW 2023).<sup>2</sup> PWCA connectors are considered Category 2 habitat, so the HMA is appropriate for mitigating impacts on Category 2 PWCA habitat. The HMA also contains Category 1 and Category 2 habitat associated with Washington ground squirrel (*Urocitellus washingtoni*) colonies that are immediately adjacent to the HMA.

<sup>2</sup> The Oregon Conservation Strategy (ODFW 2025) defines PWCA “regions” as the combined top one percent of connectivity priorities across all 54 Oregon Connectivity Assessment and Mapping Project (OCAMP) species’ connectivity models. Regions are large, contiguous areas and represent the highest-value habitat for facilitating species movement throughout the state. PWCA “connectors” are then described as pathways that provide the best available habitat for facilitating movement between regions. Connectors may pass through high-quality habitat in intact, relatively undisturbed parts of the landscape, as well as the best remaining marginal habitat in developed or degraded areas. The Solar Components impact a PWCA region along Biglow Canyon.

The Certificate Holder plans to mitigate for the habitats impacted by placing a conservation easement on the appropriate acreage and by providing habitat uplift through the habitat enhancement and monitoring activities described below.

### **5.26.2 Habitat Enhancement Actions**

Based on the acres of impact and mitigation need identified in Tables 2, 3, and 4, the Certificate Holder identified 78 acres available to fulfill the mitigation need for Solar Component impacts, subject to confirmation of impacts following construction. The objectives of habitat enhancement and restoration are to protect habitat within the mitigation area from degradation and improve the habitat quality of the mitigation area. The Certificate Holder shall initiate the habitat enhancement actions for the Facility before beginning operation of the Solar Components. The Certificate Holder shall restrict uses of the mitigation area that are inconsistent with the goal of no net loss and net benefit of Category 2 habitat and no net loss of Category 4 habitat as designated in the conservation easement. The Certificate Holder shall implement habitat enhancement actions as described in this ~~Amended Plan~~ and as specified in the ~~amended Site Certificate~~ Potential Enhancement actions and monitoring procedures are detailed below and will be finalized in this HMP prior to construction. Besides legal protection to ensure no development, ~~potential~~ enhancement actions for the HMA include those detailed in the following subsections.

#### **6.2.1 Restoration and Enhancement Actions in the Event of Fire**

The final HMP must include a description of enhancement actions to be implemented at the HMA if the site is damaged from fire or fire suppression efforts (e.g., vehicular disturbance or chemical application). At a minimum, the enhancement actions must include a plan for seeding and noxious weed treatment, and coordination of the final measures to be implemented after the fire or fire suppression activities. ~~the area would be seeded as necessary with the appropriate seed mix.~~

### **5.2.16.2.2 Noxious Weed Prevention, Inventory, and Control**

Weeds will be controlled as needed to maintain and enhance habitat quality within the mitigation area, with the goal of working toward eradication of targeted noxious weeds or, if eradication is not practical, decreasing their abundance to minimize impacts on native plant communities. Weeds known to occur within the HMA include rush skeletonweed (*Chondrilla juncea*), knapweed (*Centaurea* spp.), and yellow starthistle (*Centaurea solstitialis*).

The final HMP will identify the Weed-weed management practices including schedule and treatment. ~~will be consistent with an integrated weed management approach, using an appropriate combination of inventory, prevention (such as best management practices to prevent weed establishment), and control methods (such as hand pulling, mowing, biological control, and/or herbicides).~~ The Certificate Holder shall obtain ODFW's approval prior to the use of pesticides. Controlling weeds in the HMA should promote growth of native vegetation.

### 5.2.26.2.3 **Access Control**

The Certificate Holder will monitor and control access to the HMA and will post informative signs depicting the area(s) as “protected” and including natural resources information as appropriate for the life of the Facility. Primary access to the PGE property is controlled by a gate off Tower Road north of the Carty Generating Station (currently used by PGE and The Nature Conservancy), the gated entrance to the Boardman Plant, and a gated road from Ione to the south. The Nature Conservancy and Three Mile Canyon Farms may occasionally use the two-track access crossing PGE’s property to access the Farm’s conservation area. Approved access to the site is currently limited to such occasional approved use of access roads and PGE’s general operational needs. No livestock grazing is currently occurring on the site, and grazing would ~~not be allowed in the future~~ be a restrict use identified in the conservation easement, as established in Section 2.0 of this Plan. Periodic monitoring will be conducted to evaluate the effectiveness of access control measures and signage maintenance needs.

### 5.2.36.2.4 **Sagebrush Plantings**

To mitigate for temporal and permanent impacts to Category 2 sagebrush habitat ~~affected by the Solar Components~~, the Certificate Holder will plant sagebrush seedlings in the HMA ~~for the Solar Components~~, focusing on enhancing and expanding remnant stands of shrubs that were impacted by past wildfires. ~~Sagebrush seedlings will be planted at an appropriate density to establish sagebrush commensurate with the density of sagebrush impacted by the Solar Components and/or a planting density agreed upon with ODOE and ODFW.~~

The success of sagebrush planting will be based on an evaluation of the monitoring to reference sites, where the monitoring sites demonstrate an average density of 50 percent of the density of the reference site within 5 years of planting. Density (plant counts) will be measured within macroplots, quadrats, and/or belt transects randomly located within the enhancement area.  
will be evaluated using appropriate vegetation measurement methodologies, considering the type of enhancement action completed. If the success criteria are related to density of a particular species or vegetation class, density (plant counts) may be measured within macroplots, quadrats, and/or belt transects randomly located within the enhancement area.

### 5.36.3 **HMA Enhancement Monitoring**

The Certificate Holder will use a qualified investigator (botanist, wildlife biologist, or revegetation specialist) to conduct monitoring at the HMA. The purpose of this monitoring is to evaluate on an ongoing basis the protection of habitat quality and the results of enhancement actions.

The investigator will visit the HMA after each growing season for the first five years post planting/weed treatment, as necessary to complete the required monitoring during the first, third, and fifth year after construction of the Solar Components and ~~If success is achieved at year five, monitoring may be reduced to every fifth year thereafter (in years divisible by five, unless otherwise specified for specific measures) for the life of the Facility.~~

Monitoring methods and frequency ~~will be established in the final HMP, as established in Section 2.0 of this Plan. may warrant adjustment after 5 years or after success criteria are met; changes to monitoring methods would be documented in an amendment to this HMP per Section 8.0.~~

Monitoring activity shall include an assessment of the following:

1. General quality of vegetation cover (dominant species, structural age, etc.), as determined by ocular estimates, measurements, and photo points;
2. Success of weed control efforts:
  - a. Weed control efforts at the HMA will be considered successful when native plant cover within monitoring sites is greater than the reference site, and invasive cover within monitoring sites is less than the reference site. infestations are eradicated or reduced to the point where they no longer interfere with overall HMA goals. The final success criteria should be a % increase and % decrease value, following evaluation of baseline conditions at the reference sites.
  - b. Annual inventories will be conducted on the HMA to identify new weed infestations, the status of existing infestations, and the progress of weed control efforts in eradicating or reducing infestations.
  - c. Weed inventories will be conducted on foot. Detailed information on weed infestations will be collected, including, but not limited to, data on species, location, growth form, infestation size, and weed cover class (an ocular estimate of the percentage of the ground covered or concealed by weeds in a specific infestation area). In addition, the surveyor will identify potential weed control strategies for each infestation, as well as constraints that could limit the effectiveness of weed control efforts.
  - d. Results from the surveys will be incorporated into a geographic information system database and provided to the Department with the Monitoring Report. Weed infestations will also be photographed ~~during the initial inventory, and then again over time to document progress of weed control efforts.~~
3. Success of sagebrush plantings will be based on an evaluation of the monitoring to reference sites, where the monitoring sites demonstrate an average density of 50 percent of the density of the reference site within 5 years of planting. Density (plant counts) will be measured within macroplots, quadrats, and/or belt transects randomly located within the enhancement area.
  - ~~a. Revegetation success of planted areas will be evaluated using appropriate vegetation measurement methodologies, considering the type of enhancement action completed. If the success criteria are related to density of a particular species or vegetation class, density (plant counts) may be measured within macroplots, quadrats, and/or belt transects randomly located within the enhancement area.~~
  - ~~b. a. Planted shrubs will have a performance goal of 50 percent of the density of the impacted shrublands and/or appropriate reference site within 5 years of planting.~~

~~Methods and performance criteria will be finalized prior to construction of the Solar Components.~~

4. Success of remedial actions to restore habitat quality in damaged areas (such as managed weed infestations, fire damage, and any necessary seeding/planting areas), as determined by vegetation cover (ocular estimate) and photo points (see below);
5. Photos taken from established monitoring positions (photo points) within the HMA, including 1) a minimum of five permanent photo points distributed to show general vegetation status throughout the HMA, and 2) additional photo points as needed to monitor success of significant enhancement activities, such as managed weed infestations and/or any necessary seeding/planting areas;
6. Incidental wildlife occurring within the HMA (counts concurrent with all other monitoring work);
7. Environmental factors found on site during monitoring activities and annual summary records (such as precipitation); and
8. Surveys of resident special status wildlife species (Washington ground squirrel) that have been documented during previous monitoring or survey efforts within the HMA, using existing protocols approved by ODFW; ~~and~~

## **6.07.0 Data Reporting**

The Certificate Holder will submit a report including wildlife and habitat monitoring data and analysis to the Oregon Department of Energy (ODOE) and ODFW during each monitoring year according to the schedule in Table 5. The Certificate Holder will notify the U.S. Fish and Wildlife Service and ODFW within one business day if any federal or state endangered or threatened species are killed or injured on the facility site or within the HMA. The Certificate Holder may include the reporting of wildlife monitoring data and analysis in the report required under OAR 345-026-0080 or submit this information as a separate document concurrently with the submittal of the report. In addition, the Certificate Holder will provide ODOE with any data or record generated by the investigators in carrying out this ~~Amended~~ Plan upon request by ODOE.

**Table 5. Schedule of Monitoring**

| <b>Task</b>                                                             | <b>Schedule</b>                                                                                                                                                                                                       |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General HMA Monitoring                                                  | During the first, third, and fifth years after Solar Component construction, and otherwise every fifth year thereafter for the life of the Facility.                                                                  |
| Washington Ground Squirrel Monitoring                                   |                                                                                                                                                                                                                       |
| <del>Noxious Weed Inventory for HMA</del>                               |                                                                                                                                                                                                                       |
| General Weed <u>Inventory</u> , Control and Monitoring Activity for HMA | <del>At least every 2 years</del> Every year for the first 5 years following implementation of initial enhancement; long-term monitoring frequency to be determined after year 5. <del>(in priority areas based</del> |

|                                  |                                                                                                                                                                                          |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  | <del>on every 5-year comprehensive inventory results) starting from the completion of construction.</del>                                                                                |
| HMA Sagebrush Habitat Monitoring | <u>Every year for the first 5 years following implementation of initial enhancement; long-term monitoring frequency to be determined after year 5. Annually for a period of 5 years.</u> |

**7.0 Implementation Schedule**

~~Baseline monitoring and implementation of habitat enhancement actions will occur during the appropriate seasonal timeframe concurrently with or immediately after construction. The Certificate Holder will prepare an implementation schedule prior to construction. This implementation schedule will be adjusted as needed based on field conditions at the time of implementation and other factors (e.g., seed availability).~~

**8.0 Amendment of the HMP**

This HMP may be amended from time to time by agreement of the Certificate Holder and the Energy Facility Siting Council (EFSC), or ODOE, acting within its delegated authority of EFSC under ORS 469.402. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this ~~plan~~HMP. ODOE shall notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

**9.0 References**

ODFW (Oregon Department of Fish and Wildlife). 2023. Priority Wildlife Connectivity Areas Web Map. Oregon Department of Fish and Wildlife. Salem, Oregon.  
<https://experience.arcgis.com/experience/6979b6598f904951bd0af1821e1595f1/>

ODFW. 2025. Priority Wildlife Connectivity Areas. <https://oregonconservationstrategy.org/success-story/priority-wildlife-connectivity-areas-pwcas/> (Accessed August 8, 2025).

## Figure



## **Attachment G: Draft Construction Wildfire Mitigation Plan**

# **Draft Construction Wildfire Mitigation Plan**

## **Biglow Canyon Wind Farm Request for Amendment 4**

**Prepared for  
Portland General Electric Company**



**April 2025**  
**Amended by ODOE November 2025**

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## 1.0 Introduction

The Energy Facility Siting Council (EFSC) approved Portland General Electric Company's (PGE or Certificate Holder) ~~submits this~~ Draft Construction Wildfire Mitigation Plan (WMP) as part of the Request for Amendment (RFA) 4 to the Site Certificate ~~on Amendment 3, issued October 31, 2008~~ (Site Certificate) for the Biglow Canyon Wind Farm (BCWF or Existing Facility) ~~to which~~ added photovoltaic solar energy generation and battery storage (Solar Components) to the operating BCWF in Sherman County, Oregon.

~~This plan utilizes the template provided by the Oregon Department of Energy (ODOE) on January 28, 2025, and includes preventative actions, procedures, and standards commonly proposed to meet the requirements of Oregon Administrative Rules (OAR) 345-022-0115(1)(b) and reflects practices that ODOE has identified as appropriate to minimize wildfire risk at solar photovoltaic power generation facilities. This plan is intended to satisfy the approval standards under OAR 345-022-0115(1)(b), which requires the Plan to:~~

*(A) Identify areas within the site boundary that are subject to a heightened risk of wildfire, using current data from reputable sources, and discuss data and methods used in the analysis;*

*(B) Describe the procedures, standards, and time frames that the applicant will use to inspect facility components and manage vegetation in the areas identified under subsection (a) of this section;*

*(C) Identify preventative actions and programs that the applicant will carry out to minimize the risk of facility components causing wildfire, including procedures that will be used to adjust operations during periods of heightened wildfire risk;*

*(D) Identify procedures to minimize risks to public health and safety, the health and safety of responders, and damages to resources protected by Council standards in the event that a wildfire occurs at the facility site, regardless of ignition source; and*

*(E) Describe methods the applicant will use to ensure that updates of the plan incorporate best practices and emerging technologies to minimize and mitigate wildfire risk.*

~~Additionally,~~ This plan is submitted in adherence to the following Site Certificate Conditions relating to RFA 4:

Wildfire Prevention and Risk Mitigation Condition 1 (PRE): Prior to facility construction, the certificate holder shall finalize and submit a Construction Wildfire Mitigation Plan (WMP), Attachment XX to the Final Order on AMD4 to the Department for review and approval.

[PRE-WF-01; Final Order on AMD4]

Wildfire Prevention and Risk Mitigation Condition 2 (CON): During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under PRE-WF-01.

[CON-WF-01; Final Order on AMD4]

**Construction/Preconstruction Condition 136:** ~~Prior to the construction of solar components, the certificate holder shall submit a Final Construction Wildfire Mitigation Plan (WMP) and Final Operations WMP to the Department for review and approval. The WMPs shall include requirements for weather monitoring, personnel training and emergency response and communication procedures. [Amendment #4]~~

**Operation Condition 140:** ~~The certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire WMP and Operations WMP as finalized under Condition 134. The Construction WMP and Operations WMP shall be updated, as needed, to address changes in site conditions or wildfire risk at the site. [Amendment #4]~~

## 2.0 Final Wildlife Mitigation Plan Checklist (Prior to Construction)

### 2.1 Update Applicable Sections of Construction WMP

To finalize this Construction WMP prior to construction of the Solar Components, the following sections will be updated:

- Update Section 4.0~~1~~ based on final Solar Component design including a brief description of areas within the site that are subject to high wildfire risk, fire prevention features at the site, such as roads dimensions, setbacks, fire breaks, entry/exit locations, location of water trucks and fire protection equipment locations.
- Update Section 4.1~~2~~ and include in this WMP the facility site maps described in Section 4.1.6~~2~~.
- Update Section 4.3~~4~~ with contact information and emergency response procedures for the fire department, Certificate Holder, and operational manager. Update Section 4.3~~4~~ with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.
- Update section 4.6~~7~~ to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

### ~~2.2 Develop Operations WMP~~

~~PGE is an investor-owned utility with governance from the Oregon Public Utility Commission (PUC) that provides electric service in Oregon and is subject to the requirements of OAR 860, Division 300, which requires PGE to have a risk-based WMP filed and approved by the PUC. Prior to beginning operations, PGE's corporate WMP will include a re-evaluation of risks considering the Solar Components and PGE's corporate-wide WMP will serve as the operational WMP for the Facility. The Operations WMP will include a description of wildfire risk at the site and will identify wildfire mitigation measures including:~~

- ~~• Wildfire mitigation through facility design;~~
- ~~• Inspection of facility components;~~
- ~~• Vegetation management;~~
- ~~• Fire weather monitoring; and~~
- ~~• Emergency response.~~

## 3.0 Prior to Construction Task List (PRE)

Prior to construction of the facility, the activities in Sections 3.1 and 3.2 will be completed.



### **3.1 Training**

The Certificate Holder will organize and hold an on-site training with Certificate Holder, contractors and construction personnel, inviting specialty contractors, local fire departments, participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency that covers:

- Description of construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The locations of water sources and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
  - Rescue, Alarm, Contain and Extinguish RACE procedures including:
  - Rescue anyone in danger (if safe to do so);
  - Alarm – call the control room, who will then determine if 911 should be alerted;
  - Contain the fire (if safe to do so); and
  - Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

The training attendee list and training materials will be provided to ODOE to demonstrate compliance. The Certificate Holder will fill out and submit to ODOE the template residence outreach letter provided as Attachment 1 of this WMP. Once ODOE confirms the letter to be sufficient, the letter will be mailed to each residence within the 0.5-mile analysis area. The mailing will be confirmed and submitted to ODOE.

### **3.2 Solar Micrositing Area Site Maps Submission**

The Certificate Holder will update site maps from Section 4.~~1.62~~ concurrently to local fire departments and ODOE.

## 4.0 Construction Wildfire Mitigation Plan (CON)

The information in Section 4.0 will be updated in the finalized WMP.

### 4.1 Summary of Solar Component Design Features and Fire Protection Equipment

#### 4.1.1 Construction Phasing

The Certificate Holder and contractors will maintain vegetation within the Solar Micrositing Area and will also maintain a defensible space clearance along Facility features. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle.

During construction clearing, grubbing, and grading, the contractor will establish create noncombustible buffer zone extending a minimum of 10 feet inside the fence line and another minimum 10-foot limits of disturbance buffer outside the fence line for a total of a minimum of 20 feet of noncombustible buffer around the perimeter of the site.

While hot work permits are not generally anticipated for the construction of the Solar Components, such permits or formal approval will be required during fire season if any hot work is to be conducted.

Fuel storage and handling protocols include the following:

- Any equipment or vehicles carrying fuel must remain parked at a designated location along a county-right-of way.
- Vehicles leaving the right-of-way must not carry fuel containers, with the exception of a single five-gallon container used to operate the water truck pump.
- Smoking will be restricted to designated areas within the Facility only.

#### 4.1.2 Wildfire Risk

The data sources used in this Plan to identify areas within the Solar Micrositing Area subject to heightened risk of wildfire include the Oregon CWPP Planning Tool (ODF and USFS 2024) and the Sherman County Multiple-Jurisdictional Natural Hazards Mitigation Plan (Sherman County 2024).

~~The majority of the Solar Micrositing Area and wildfire analysis area do not have data available, which means either there are no highly valued resources or assets mapped in the area or simulated wildfires did not burn the area due to low historical occurrence/absence of burnable fuel (CBI-2020). The Solar Micrositing Area has a 17 percent low overall fire risk rating, while the wildfire analysis area has a 13 percent low overall fire risk rating. Three percent of the wildfire analysis area and Solar Micrositing Area has a very high overall fire risk rating. Critical infrastructure contributes to overall fire risk rating. The area with a very high overall fire risk is where the existing transmission line is located (see Figure V-6). This Section will be updated in the finalized WMP.~~

The Sherman County Multiple-Jurisdictional Natural Hazards Mitigation Plan describes a county-wide risk assessment of wildfire as “high” probability and identifies many areas in the county as “conducive for large and fast-moving wildfires” due to high winds typical for regional dry conditions and terrain. The plan identifies risk factors for starting wildfires in the county as highways, railroads, lighting, power lines, debris burning, and equipment.

### **4.1.3 Fire Prevention**

The greatest risk of fire is during construction, when welding and metal cutting will take place, and vehicles and construction equipment may be used in areas of tall, dry grass. To prevent fires from occurring, the construction contractor will implement a number of systems and procedures. These will include requirements to conduct welding or metal cutting only in areas cleared of vegetation, and to keep firefighting equipment on-site as discussed in Section 4.42. Construction workers will keep vehicles on roads during the dry months of the year, unless offroad activities are required for emergency purposes, in which case fire precautions will be observed. Construction workers will be prohibited from parking vehicles in areas of tall, dry vegetation to prevent fires caused by contact with hot mufflers or catalytic converters. In the event of a large fire, emergency responders will be dispatched.

Fire prevention specific to solar arrays is dependent on proper installation and maintenance of electrical equipment to prevent short-circuits and consequent sparking, and reduction in fuel to reduce the chance of fire spreading. Qualified staff will be employed to install and maintain electrical equipment. The solar array will have shielded electrical cabling, as required by applicable code, to prevent electrical fires. All electrical equipment will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards. With proper maintenance and safety checks, the electrical collection system and gen-tie lines are unlikely to cause a fire. The substrate on the ground inside the solar array fence line will be gravel where needed for maintenance and access roads or where gravel already exists, and vegetation where gravel isn’t needed or already present. Weeds will be managed in accordance with the weed management procedures described in the Amended Revegetation Plan and Biglow Solar Noxious Weed Plan (see Exhibit P, Attachments P-2 and P-4, respectively). ~~Additional fire prevention and response measures for BCWF as a whole—including best management practices related to worker activities, maintenance of fire suppression equipment, and coordination with the local fire district—are described in Exhibit U.~~

The new roads proposed within the Solar Micrositing Area, shall be sufficiently sized for emergency vehicle access in accordance with 2022 Oregon Fire Code requirements, including Section 503 and Appendix D - Fire Apparatus Access Roads. Specifically, the new roads proposed within the solar area fence lines will be 20 feet in width. The areas immediately around the O&M buildings, proposed substation, and BESS will be graveled, with no vegetation present. ~~See Exhibit U for additional discussion of fire prevention measures and coordination with local emergency responders.~~

Additionally, the RFA 4 solar arrays, BESS, and associated project components will be setback at least 50 feet from all property lines.

#### ***4.1.4 Battery Energy Storage System Fire Prevention***

The Certificate Holder will implement the following fire prevention and control methods to minimize fire and safety risks for the Li-ion batteries proposed for the BESS:

- The batteries will be stored in completely contained, leak-proof modules.
- The Li-ion battery system will be kept in a temperature-controlled facility with individual battery modules isolated to prevent the spread of fire if it were to occur.
- The batteries will be based on Lithium Iron Phosphate chemistry, which has a lower risk of fire.
- The Li-ion battery system will be comprised of multiple temperature-controlled battery enclosures, each with its own fire detection, monitoring and fire protection systems. The battery enclosures will be spaced at a minimum recommended distance from each other as required by the battery supplier, AHJ requirements and applicable codes and standards. Minimum spacing isolates each battery enclosure and reduces the risk of fire propagation between battery enclosures in the unlikely event of a fire.
- Ample working space will be provided around the BESS for maintenance and safety purposes.
- Twenty-four-hour monitoring of the BESS will be implemented and will include shutdown capabilities.
- Transportation of Li-ion batteries is subject to 49 CFR 173.185 – Department of Transportation Pipeline and Hazardous Material Administration. This regulation contains requirements for prevention of a dangerous evolution of heat, prevention of short circuits, prevention of damage to the terminals, and prevention of batteries coming into contact with other batteries or conductive materials. Adherence to the requirements and regulations, personnel training, safe interim storage, and segregation from other potential waste streams will minimize any public hazard related to transport, use, or disposal of batteries.
- Design of the BESS will be in accordance with applicable Underwriters Laboratories (UL 2023; specifically 1642, 1741, 1973, 9540A), National Electric Code, and National Fire Protection Association (specifically 855) standards, which require rigorous industry testing and certification related to fire safety and/or other regulatory requirements applicable to battery storage at the time of construction.
- Additionally, the Certificate Holder will employ the following design practices, as applicable to the available technology and design at time of construction:
  - Employment of an advanced and proven battery management system;
  - Qualification testing of battery systems in accordance with UL 9540A (Revision 4) at the batter cell, module, and unit level;

- Installation of fire sensors, smoke and hydrogen and/or carbon monoxide detectors, alarms, emergency ventilation systems, cooling systems within each battery enclosure;
- Employment of fire control panels with 24-hour battery backup;
- Installation of doors that lock with restricted access to authorized personnel only;
- Implementation of locks and fencing to prevent entry of unauthorized personnel;
- Installation of remote power disconnect switches; and
- Clear and visible signs to identify remote power disconnect switches.

#### **4.1.5 Facility Access**

The locations of specific access points and gates will depend on the final configuration of the solar areas and related infrastructure. The perimeter fencing will have lockable vehicle access gates. As currently designed, five gates are included for the Northern Solar Area and three gates for the Southern Solar Area. Additional gates may be included for emergency exits or for removal of wildlife. Wire mesh perimeter fencing, up to 8 feet in height, will enclose each of the two solar areas as shown on Figure 2 of the RFA 4 Division 27 document.

#### **4.1.6 Facility Site Maps**

This Construction WMP includes facility site maps that identify:

- The phasing for construction of facility features and components:
  - During construction clearing, grubbing, and grading, the contractor will establish create noncombustible buffer zone extending a minimum of 10 feet inside the fence line and another minimum 10-foot limits of disturbance buffer outside the fence line for a total of a minimum of 20 feet of noncombustible buffer around the perimeter of the site;
- Location and dimensions of facility roads;
- Solar arrays, BESS, and associated project components will be setback at least 50 feet from all property lines;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources)
- The location of facility access points;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite;
- The type and location of fire protection equipment on site;

- The locations of water sources that will be on-site during construction.

Facility site maps can be found attached to the RFA 4 Division 27 document as Figure 2 will be included in the finalized WMP. The site maps include the proposed Solar Micrositing Area, access roads, gen-tie line, BESS, laydown yards, project substation, and inverter locations. As discussed above, locations of specific access points and gates will depend on final configuration of the solar areas and related infrastructure. As discussed in Exhibit V, overall wildfire risk is used to identify high fire consequence areas. Overall wildfire risk is shown on Figure V-5.

The final Construction WMP will include a site map detailing specific access points, location of fire protection equipment, and location of water sources.

## **4.2 Specifications for Fire Protection Equipment**

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building at all times:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pound), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (designated Fire Season or June to October each year) water trucks/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by ODOE:

- Pump should be maintained ready to operate and capable to provide a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended.
- Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power driven machinery has worked.
- Water supply, pump, and at least 250 feet of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrestor that meets U.S. Forest Service Standard 5100-1.

All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.

## **4.3 Solar Component Contact Information and Emergency Response Procedures**

Local fire department and county emergency management contact information:

- North Sherman County Rural Fire Protection District: (541) 442-5252 or 911
- Sherman County Emergency Services: (541) 565-3100 or 911

Fire department response times to the site:

- The Project Developer and Certificate Holder will work with North Sherman County RFPD to determine response times to the site and this will be included in the final Construction WMP.

Certificate holder primary contact and contact of construction contractor managers:

| Certificate Holder Primary Contact Information      |                                                                                                      |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Name                                                | Dan Wilson                                                                                           |
| Company                                             | Portland General Electric Company                                                                    |
| Street Address                                      | 121 SW Salmon Street, 3WTC0403                                                                       |
| City/State/Zip                                      | Portland, OR 97204                                                                                   |
| Phone                                               | 503-630-8138                                                                                         |
| Email                                               | Dan.Wilson@pgn.com                                                                                   |
| Construction Contractor Manager Contact Information |                                                                                                      |
| Name                                                | Construction contractor managers contact information will be provided in the final Construction WMP. |
| Title                                               |                                                                                                      |
| Street Address                                      |                                                                                                      |
| City/State/Zip                                      |                                                                                                      |
| Phone                                               |                                                                                                      |
| Email                                               |                                                                                                      |

Residence addresses within the site boundary and 0.5 miles from the site boundary:

- Attachment ~~XX3~~ of the ~~RFA 4 Division 27 document~~ finalized WMP will includes a list of property owners within the RFA 4 Site Boundary and a 0.5-mile radius.
- Residence/landowner outreach letter is provided as Attachment 1 of this WMP. Use this letter to provide to new or updated residences with the analysis area as designated in Section 5.0, Plan Updates and Reporting Requirements.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;

- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
  - To the extent that construction personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

#### **4.4 Use of Vehicles and Power Driven Machinery at Site**

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during construction:

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractors will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designated in this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted or mowed before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- The contractors will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power driven machinery will be kept free of excess flammable material which may create a risk of fire.

#### **4.5 Fire Weather Monitoring and Restrictions during Fire Season**

##### **4.5.1 Definitions**

- **Non-Fire Season** – Approximately October - May
- **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire



Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

- **Fire Weather Watch** – A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.
- **Red Flag Weather Warning** – A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.
- **Hot Work** – Any cutting, grinding, welding, or other activity that creates spark or open flame

#### ***4.5.2 Fire Watch Service***

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the facility where equipment activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

#### ***4.5.3 Fire-Prevention Measures and Restrictions***

Certificate holder shall maintain a log when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

##### ***4.5.3.1 Non-Fire Season***

- All hot work (must be conducted on roads or on non-combustible surfaces.

- Smoking in designated areas only.

#### 4.5.3.2 Fire Season

- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractors must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.

#### 4.5.3.3 Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled or paved surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

#### 4.5.3.4 Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled or paved surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

**Table 1. Fire Prevention Measures during Fire Season**

| Requirement           | Non-Fire Season | Fire Season                 | Fire Weather Watch                   | Red Flag Warning                                     |
|-----------------------|-----------------|-----------------------------|--------------------------------------|------------------------------------------------------|
| Fire weather advisory | Not required    | Not required                | Not required                         | On-site personnel must be aware of Red Flag Warning. |
| On-site water source  | N/A             | As specified in Section 4.2 | As specified in Section 4.2 and 4.3. | As specified in Section 4.2 and 4.3.                 |

| Requirement         | Non-Fire Season                                         | Fire Season                                                                                                 | Fire Weather Watch                                                                                | Red Flag Warning                                                                                  |
|---------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Hot work            | Only permitted on roads or on non-combustible surfaces. | Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion | Not Permitted                                                                                     | Not Permitted                                                                                     |
| Fire Watch Service  | Not required                                            | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.           | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. | During breaks and for 60 minutes after all power-driven machinery has been shut down for the day. |
| Driving and Parking | As described in Section 4.45.                           | As described in Section 4.45.                                                                               | Only permitted on roads or on non-combustible surfaces and Section 4.45.                          | Only permitted on roads or on non-combustible surfaces and Section 4.45.                          |
| Smoking             | Designated areas only                                   | Designated areas only                                                                                       | Not permitted                                                                                     | Not permitted                                                                                     |

## 4.6 Vegetation Management

### 4.6.1 Vegetation-free, Noncombustible Space, and Vegetation Standards

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation and Reclamation Plan for the facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment.
- Vegetation near, at, or taller than the maximum height shall be removed or mowed. Mowing must be done in advance of fire season or in accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Any vegetation removed from the site will be disposed of and not stored onsite.
- The Certificate Holder and contractors will prevent the accumulation of combustible “burn piles” on site.

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 16-foot wide service roads within solar fence line - all weather compacted soil or graveled
- 20 feet of noncombustible buffer around the perimeter of the site

- Fenced areas around the collector substation, operations and maintenance structure, and meteorological stations will be graveled, with no vegetation present
- All newly constructed roads will be graded and graveled to meet load requirements for all equipment
- Vegetation along service roads will be managed by mowing or other vegetation removal

Vegetation in these areas will be managed by the following techniques:

- Mechanical Clearing: mowing, brushing, chipping, tree trimming/felling
- Manual Clearing: hand tools (chainsaws, machetes, handsaws)
- Chemical Treatment: use of approved herbicides by licensed applicators to control or suppress vegetation growth (broadcast spray, spot treatment, cut-stump/basal bark)

## **4.7 Construction Trainings**

### **4.7.1 Safety Training**

Once per year after construction begins, organize and hold an on-site training with Certificate Holder and construction personnel, inviting equipment manufacturers, specialty contractors, local fire departments, participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency that covers:

- The location of electrical facility components and the fire safety measures associated with each component that have been constructed;
- Description of remaining construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The locations of water sources and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction activities during Fire Season, Fire Weather Watches, and Red Flag Warnings designated in this Plan;
- Rescue, Alarm, Contain and Extinguish (RACE) procedures including:
  - Rescue anyone in danger (if safe to do so);
  - Alarm – call the control room, who will then determine if 911 should be alerted;
  - Contain the fire (if safe to do so); and
  - Extinguish the incipient fire stage (if safe to do so).

- Provide information and encourage attendees County's emergency management notification system.

## **5.0 Plan Updates: Amendments and Reporting Requirements:**

The following will be provided to ODOE in the semi-annual construction report required per OAR 345-026-0080:

- Section 4.1 and 4.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 4.34, any changes in local fire protection agency personnel and operational managers.
- Section 4.34, any changes in analysis area residence/landowner addresses or contact information.
- A copy of the Fire Season Restriction Log identified in Section 4.5.36.
- Changes in wildfire risk if different from the Site Plan provided prior to construction. Evaluation of wildfire risk will be consistent with the requirements of OAR 345-022--0115(1) using current data from reputable sources.

This information may be used to establish the performance of the Construction WMP. If determined by certificate holder or ODOE, adjustments or improvements must be proposed to ensure the Construction WMP provides wildfire mitigation. Any ODOE required updates shall be implemented within 14 days, unless otherwise agreed to by ODOE based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

## **6.0 References**

CBI. 2020. Wildfire Risk Assessment Data Layer Descriptions Spreadsheet.

DataLayerDescriptions\_04\_01\_2019.Xlsx. Conservation Biology Institute. Available online at: <https://databasin.org/datasets/31cc2ca6bebe4efab3b139c50dd79722/>

Oregon Explorer. 2024. Oregon CWPP Planning Tool.

[https://tools.oregonexplorer.info/oe\\_htmlviewer/index.html?viewer=wildfireplanning](https://tools.oregonexplorer.info/oe_htmlviewer/index.html?viewer=wildfireplanning)

Sherman County. 2024. Sherman County Multiple-Jurisdictional Natural Hazards Mitigation Plan.

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## **Attachment 1. Residence/Landowner Outreach Letter**

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## **Attachment H: Draft Inadvertent Discovery Plan**

|                                                                                  |                                       |                         |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|-------------------------|-----------|-------------|
|  | Portland General Electric             |                         | Procedure |             |
|                                                                                  | Inadvertent Discovery Procedure (IDP) |                         |           |             |
| Document ID#: PGE-PRC-ENV-0005                                                   |                                       | Effective On: 9/11/2024 | Rev. 3    | Page 1 of 8 |
| Verify revision is current prior to use.                                         |                                       |                         |           |             |

## 1. Purpose

This procedure provides a protection and mitigation protocol for an inadvertent **cultural resource's** discovery, until the discovery has reached an appropriate resolution. Most inadvertently discovered **cultural resources** occur during ground-disturbing activities associated with facilities development, maintenance, or improvement.

**Cultural resources** consist of the physical remains of the activities of people in the past. This Inadvertent Discovery Procedure (IDP) should be followed should any archaeological sites, objects, or human remains are found. These are protected under Federal and State laws and their disturbance can result in criminal penalties.

### 1.1. Scope

- 1.1.1. The scope of this procedure is to minimize impacts to **cultural resources**.
- 1.1.2. This procedure is applicable to all PGE Personnel and PGE contractors.
- 1.1.3. The procedure outlines appropriate steps for PGE Personnel and Contractors when **cultural resources** are inadvertently or unanticipatedly discovered during work.
- 1.1.4. **Inadvertent discoveries** are categorized as either “definitely human remains” or “not definitely human remains” and the steps after each type of discovery are distinct.
- 1.1.5. **Cultural resources** can be found during any ground-disturbing activity. If encountered all excavation and work in the area **MUST STOP**. Archaeological objects vary and can include evidence or remnants of historic-era and precontact activities by humans. Archaeological objects can include but are not limited to:
  - A. Stone flakes, arrowheads, stone tools, bone or wooden tools, baskets, beads
  - B. Historic building materials such as nails, glass, metal such as cans, barrel rings, farm implements, ceramics, bottles, marbles
  - C. Layers of discolored earth resulting from hearth fire
  - D. Structural remains such as foundations
  - E. Shell Middens

|                                                                                  |                                       |  |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|--|-----------|-------------|
|  | Portland General Electric             |  | Procedure |             |
|                                                                                  | Inadvertent Discovery Procedure (IDP) |  |           |             |
| Document ID#: PGE-PRC-ENV-0005                                                   | Effective On: 9/11/2024               |  | Rev. 3    | Page 2 of 8 |

F. Culturally Modified Trees

G. Human skeletal remains and/or bone fragments which may be whole or fragmented

1.1.6. If there is an **inadvertent discovery** of any **cultural resources**, follow this procedure. If in doubt, call it in.

## 1.2. Precautions

1.2.1. Determine that the area of the **inadvertent find** is safe to work in before implementing protection measures.

1.2.2. The **inadvertent find** should not be photographed, handled or removed until a professional archaeologist is contacted or on site.

1.2.3. Any communication with media should be routed through PGE's Corporate Communication department and must be avoided until adequate assessment of the discovery is made.

1.2.4. If the **inadvertent find** is clearly human, it must be treated with respect and not further disturbed.

1.2.5. PGE shall make its best efforts, in accordance with federal and state law to ensure that its personnel and contractors keep any discovery confidential. PGE will not contact the media, or any third-party member or members of the public regarding a discovery. Prior to any release of information by PGE, PGE shall concur with the responsible agencies and Tribes on the amount of information, if any, to be released to the public.

1.2.6. If applicable, review the sites HPMP (Historical Properties Management Plan) which is included in the FERC license.

1.2.7. For known environmentally sensitive areas, notify EHS prior to any ground disturbance.

## 1.3. Limitations

1.3.1. This procedure is limited to the treatment of unanticipated identification of **cultural resources** in the course of a PGE action/operation.

## 2. Responsibilities

### 2.1. PGE Personnel and Contractors

2.1.1. Stops work when an **inadvertent discovery** of a cultural resource is made.

|                                                                                  |                                       |  |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|--|-----------|-------------|
|  | Portland General Electric             |  | Procedure |             |
|                                                                                  | Inadvertent Discovery Procedure (IDP) |  |           |             |
| Document ID#: PGE-PRC-ENV-0005                                                   | Effective On: 9/11/2024               |  | Rev. 3    | Page 3 of 8 |

2.1.2. Contacts appropriate personnel and protects the area, per the procedure.

## 2.2. PGE Security

2.2.1. Acts as point of contact for calls about **inadvertent discoveries**.

2.2.2. Notifies law enforcement when probable human remains are involved.

## 2.3. Cultural Resources Specialist

2.3.1. Conducts preliminary in-field assessment of the discovery.

2.3.2. Coordinates with PGE security as required.

2.3.3. Notifies appropriate agencies and/or appropriate Tribes within 24 hours of the discovery.

2.3.4. Provides direction and support services to affected personnel.

2.3.5. Engages an external consultant if required.

## 2.4. PGE Management

2.4.1. Ensures all site/facility Personnel have received the **cultural resources** sensitivity training.

2.4.2. Contacts PGE's Cultural Resources Specialist to discuss adequate protection for the discovery until a professional in-field assessment of the discovery is made.

2.4.3. Follows any additional management plan guidance specific to PGE project facilities.

# 3. Procedure

## 3.1. Prerequisite Actions

3.1.1. Field personnel and supervisors must complete the required Environmental Compliance Training provided by Environmental and Licensing Services that includes cultural awareness training.

## 3.2. Procedure

### 3.2.1. Initial Response

- A. If an **inadvertent discovery** of a cultural resource is made, all work within the area of discovery shall cease immediately.

|                                                                                  |                                       |  |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|--|-----------|-------------|
|  | Portland General Electric             |  | Procedure |             |
|                                                                                  | Inadvertent Discovery Procedure (IDP) |  |           |             |
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1. If the **inadvertent discovery** is believed to be human remains stop ALL work immediately and follow these steps.
    - a. Contact PGE Security and Environmental Health & Safety (EHS) immediately within two hours or as soon as reasonably practical.
    - b. Cover the remains in a manner that will avoid directly touching them and will protect them from damage, exposure, and obscure their view. Restrict access to the area and leave the cover in place until directed otherwise. Do not take photographs. Do not speak to the media.
    - c. PGE Security: Contact Oregon State Police (OSP) to determine whether the find is forensic, i.e., a recent death requiring a criminal investigation.
    - d. Contact the PGE's Cultural Resources Specialist (EHS): See the "Cultural Resources Discovery Contact List" (A01).
  2. If the discovery is not definitively human remains, PGE's personnel who uncovered the find or their supervisor will contact PGE's Cultural Resources Specialist (EHS) within two hours of discovery or as soon as practical.
    - a. PGE's Security does not need to be contacted.
  - B. PGE Personnel will flag off a buffered area about 200 feet around the discovery if possible.
    1. The area of work stoppage must be large enough to provide for the security, protection, and integrity of the discovery.
  - C. PGE Personnel must promptly protect the discovery from continued exposure to the weather and from public view.
    1. This may be accomplished using a clean tarp or other fabric.
- 3.2.2. Assessment
- A. After being contacted by PGE Security, OSP, in consultation with the State Medical Examiner and the State Physical Anthropologist, will conduct an assessment to determine if it is a crime scene.

|                                                                                  |                                       |  |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|--|-----------|-------------|
|  | Portland General Electric             |  | Procedure |             |
|                                                                                  | Inadvertent Discovery Procedure (IDP) |  |           |             |
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- B. If the site is determined not to be a crime scene by OSP, or that the find is definitely not modern, do not move anything! The remains will continue to be secured in place along with any associated funerary objects, and protected from weather, water runoff, and shielded from view. PGE's Cultural Resources Specialist will conduct an on-site assessment of the **inadvertent discovery**.
1. PGE's Cultural Resources Specialist will ensure that all work has halted near the find, that the protection buffer has been created and is adequate, and that the **inadvertent discovery** continues to be treated with respect and secured from harm.
  2. If the discovery has been determined non-modern human remains by law enforcement, PGE's Cultural Resources Specialist will contact the State Historic Preservation Office (SHPO), the State Physical Anthropologist, and the Legislative Commission on Indian Services (LCIS) for further guidance as soon as possible, along with the notifying the appropriate Tribes as designated by LCIS.
  3. If the discovery is not human remains but a cultural resource, PGE's Cultural Resources Specialist will contact the State Historic Preservation Officer and appropriate Tribes as designated by LCIS within 24 hours of the discovery.
  4. PGE's Cultural Resources Specialist will inform PGE Management or Project Manager of a reasonable time frame within which construction or maintenance activity can resume at the location of discovery.
  5. PGE's Cultural Resources Specialist will inform appropriate PGE management of the **inadvertent discovery** within 24 hours of the find.
- C. Do not resume any work in the buffered area until a plan is developed and carried out between the State Police, SHPO, LCIS, and appropriate Native American Tribes and you are directed that work may proceed.

### 3.3. Acceptance Criteria

- 3.3.1. None.

|                                                                                  |                                       |  |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|--|-----------|-------------|
|  | Portland General Electric             |  | Procedure |             |
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### 3.4. Post-Performance Activity

- 3.4.1. PGE's Cultural Resources Specialist will coordinate further archaeological fieldwork and reporting required to complete documentation of the **inadvertent find**.
- 3.4.2. If Tribes require repatriation of any **cultural resources**, PGE's Cultural Resources Specialist will coordinate the effort with stakeholders jointly identified by the SHPO, Tribes designated by LCIS, and PGE within a reasonable time frame.
- 3.4.3. PGE will follow appropriate laws and management procedures to assure the proper treatment and care of the discovery.
- 3.4.4. PGE's Cultural Resources Specialist will confirm with PGE Management when the area is cleared for work to resume.

## 4. References

### 4.1. Industry Standards or Codes

- 4.1.1. Code Federal Regulations (CFR): Native American Graves Protection and Repatriation Act (NAGPRA): 43 CFR 10
- 4.1.2. Oregon Revised Statute:
  - A. ORS 97.740-994 and 358.905-961: Protection under Oregon State law
  - B. ORS 146.090 & .095: Deaths requiring investigation in OR
- 4.1.3. Revised Code of Washington: RCW 68.50.645, 27.44.055, and 68.60.055: Inadvertent Discoveries in WA

### 4.2. PGE

- 4.2.1. [Cultural Resources & Inadvertent Discoveries](#) (SharePoint)

## 5. Definitions and Acronyms

### 5.1. Definitions

- 5.1.1. **Cultural Resources:** Physical evidence of past human activity (site, object, structure, natural feature or landscape) considered significant by a group of people traditionally associated with it. **Cultural resources** are defined as being fifty years or older. These resources may include artifacts (lithic or stone tools or fragments of tools, ceramic vessels, animal remains, can scatters, farm

|                                                                                  |                                       |  |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|--|-----------|-------------|
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equipment), or features (remnants of walls, petroglyphs, cooking hearths or trash middens). **Cultural resources** may be the location of a significant event, prehistoric or historic occupation or activity, whether standing, ruined, or vanished, and possessing historical, cultural, or archaeological value.

- 5.1.2. **Inadvertent Discoveries/Finds: Cultural resources** found unexpectedly during construction or maintenance activities.

## 5.2. Acronyms

- 5.2.1. EHS: Environmental Health and Safety
- 5.2.2. HPMP: Historical Properties Management Plan
- 5.2.3. IDP: Inadvertent Discovery Procedure
- 5.2.4. LCIS: Legislative Commission on Indian Services
- 5.2.5. NAGPRA: Native American Graves Protection and Repatriation Act
- 5.2.6. SHPO: State Historic Preservation Office

## 6. Forms and Appendices

### 6.1. Forms

- 6.1.1. None.

### 6.2. Appendices

- 6.2.1. A01: IDP Contact List (see [Cultural Resources SharePoint](#) for updated contact list)



|                                                                                  |                                       |                         |           |             |
|----------------------------------------------------------------------------------|---------------------------------------|-------------------------|-----------|-------------|
|  | Portland General Electric             |                         | Procedure |             |
|                                                                                  | Inadvertent Discovery Procedure (IDP) |                         |           |             |
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## 7. Revision Table

Review this document no later than three (3) years of the effective date, as required by the Document Governance.

| Rev. No. | Revision Date | Reason for Revision                                                                                                                                                                | Affected Pages |
|----------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 0        | 3/9/2016      | Issued for implementation by the Generation Procedure Advisory Committee                                                                                                           | ALL            |
| 1        | 2/19/2018     | New template; correcting typos in A01.                                                                                                                                             | A01            |
| 2        | 09/14/2021    | Purpose statement and Scope section edited; Revised Procedure Steps and Process; Added Confidentiality statement; new template. Scope applicable to all of PGE: numbering changed. | ALL            |
| 3        | 08/06/2024    | Minor clarifications to Procedure Section and Acronyms based on feedback from LCIS and Oregon SHPO. Updated Contact Sheet to list current staff, contact info and availability.    | ALL            |

|                                                                                 |                                              |                         |                 |             |
|---------------------------------------------------------------------------------|----------------------------------------------|-------------------------|-----------------|-------------|
|  | Portland General Electric                    |                         | A01<br>Appendix |             |
|                                                                                 | Inadvertent Discovery Procedure Contact List |                         |                 |             |
| Document ID#: PGE-PRC-ENV-0005-A01                                              |                                              | Effective On: 9/11/2024 | Rev. 3          | Page 1 of 2 |

| Name                                  | Affiliation                                                            | Office Phone                           | Mobile Phone                               | Email/Other                                                                                                                               | Availability                                              |
|---------------------------------------|------------------------------------------------------------------------|----------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| On Duty                               | PGE Security                                                           | 503-464-8196                           | –                                          |                                                                                                                                           | 24/7                                                      |
| Kenny Gunn                            | PGE Cultural Resources Specialist (EHS)                                | <b>503-464-BONE<br/>(503-464-2663)</b> | 503-550-5822                               | <a href="mailto:kenny.gunn@pgn.com">kenny.gunn@pgn.com</a>                                                                                | 24/7                                                      |
| Oregon State Police – Sgt. Ryan Tague | Oregon Law Enforcement                                                 | Dial *OSP or *677                      | 541-576-4393<br>503-731-3030<br>(Dispatch) | <a href="mailto:ask.osp@osp.oregon.gov">ask.osp@osp.oregon.gov</a> or<br><a href="mailto:rtague@osp.oregon.gov">rtague@osp.oregon.gov</a> | Dispatch 24/7                                             |
| Dr. Veronica Vance                    | Oregon State Forensic Anthropologist                                   | 503-932-8130                           | Same                                       |                                                                                                                                           | Dispatch 24/7                                             |
| John Pouley                           | State Archaeologist/<br>Oregon SHPO                                    | 503-480-9164                           | Same                                       | <a href="mailto:john.pouley@oregon.gov">john.pouley@oregon.gov</a>                                                                        | Mon–Fri 7:30a–3:30p                                       |
| Jamie French<br>(Secondary Contact)   | Asst. State Archaeologist/Oregon SHPO                                  | 503-979-7580                           | Same                                       | <a href="mailto:jamie.french@opr.oregon.gov">jamie.french@opr.oregon.gov</a>                                                              | Mon–Fri 7:30a–3:30p                                       |
| Dr. Elissa Bullion                    | Oregon State Physical Anthropologist/<br>Commission on Indian Services | 503-986-1067<br>(Secondary)            | 971-707-1372<br>(Primary)                  | <a href="mailto:Elissa.Bullion@oregonlegislature.gov">Elissa.Bullion@oregonlegislature.gov</a>                                            | Mon-Fri 7:30a-8p<br>Sat-Sun intermittent<br>Dispatch 24/7 |
| Washington State Patrol               | Washington Law Enforcement<br>(Vancouver District)                     | 360-449-7999                           | –                                          |                                                                                                                                           | Dispatch 24/7                                             |

|                                                                                  |                                                     |                         |                         |             |
|----------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------|-------------------------|-------------|
|  | Portland General Electric                           |                         | <b>A01<br/>Appendix</b> |             |
|                                                                                  | <b>Inadvertent Discovery Procedure Contact List</b> |                         |                         |             |
| Document ID#: PGE-PRC-ENV-0005-A01                                               |                                                     | Effective On: 9/11/2024 | Rev. 3                  | Page 2 of 2 |

| Name         | Affiliation                                    | Office Phone | Mobile Phone | Email/Other                                                    | Availability  |
|--------------|------------------------------------------------|--------------|--------------|----------------------------------------------------------------|---------------|
| Dr. Guy Tasa | Washington State<br>Physical<br>Anthropologist | 360-790-1633 | Same         | <a href="mailto:Guy.tasa@dahp.wa.gov">Guy.tasa@dahp.wa.gov</a> | Mon–Fri 8a–4p |

## **Attachment I: Decommissioning Cost Estimate Summary Table**

**Biglow Canyon Wind Farm Proposed Facility Decommissioning Tasks and Cost Estimate**

| <b>Task or Component</b>                               | <b>Quantity</b> | <b>Unit</b> | <b>Unit Cost (\$)</b> | <b>Estimate (\$)</b> |
|--------------------------------------------------------|-----------------|-------------|-----------------------|----------------------|
| <b>1.1 Mobilization / Demobilization</b>               |                 |             |                       |                      |
| 1.1.1 Equipment Mob                                    | 1               | Lump Sum    | 61,200.00             | 61,200.00            |
| 1.1.2 Site Facilities                                  | 1               | Lump Sum    | 2,200.00              | 2,200.00             |
| 1.1.3 Crew - Mob & Site Setup                          | 3               | Day         | 13,548.63             | 40,645.89            |
| 1.1.4 Crew - Demob & Site Cleanup                      | 2               | Day         | 13,548.63             | 27,097.26            |
| <b>Subtotal</b>                                        |                 |             |                       | <b>131,143.15</b>    |
| <b>1.2 Project Site Support</b>                        |                 |             |                       |                      |
| 1.2.1 Site Facilities                                  | 6               | Month       | 1,605.00              | 9,630.00             |
| 1.2.2 Field Management                                 | 6               | Month       | 54,496.60             | 326,979.60           |
| <b>Subtotal</b>                                        |                 |             |                       | <b>336,609.60</b>    |
| <b>1.3. Substation Retirement</b>                      |                 |             |                       |                      |
| 1.3.1 Fence Removal                                    | 1               | Day         | 1,305.08              | 1,305.08             |
| 1.3.2 Transformer Removal                              | 1               | Each        | 94,140.68             | 94,140.68            |
| 1.3.3 Control Building Removal                         | 1               | Each        | 5,249.48              | 5,249.48             |
| 1.3.4 UG Utility & Ground Removal                      | 2               | Day         | 1,305.08              | 2,610.16             |
| 1.3.5 Remove Foundations                               | 500             | Cubic Yard  | 41.54                 | 20,770.00            |
| 1.3.6 Misc. Material Disposal                          | 1               | Each        | 2,200.00              | 2,200.00             |
| 1.3.7 Restore Yard                                     | 1               | Each        | 65,761.49             | 65,761.49            |
| <b>Subtotal</b>                                        |                 |             |                       | <b>192,036.89</b>    |
| <b>1.4 230 kV Transmission Line Retirement</b>         |                 |             |                       |                      |
| 1.4.1 Remove Structures                                | 4               | Each        | 4,684.35              | 18,737.40            |
| 1.4.2 Remove Foundations to Subgrade                   | 4               | Each        | 1,493.48              | 5,973.92             |
| <b>Subtotal</b>                                        |                 |             |                       | <b>24,711.32</b>     |
| <b>1.5 O&amp;M Structures Removal</b>                  |                 |             |                       |                      |
| 1.5.1 Loadout Containers                               | 3               | Each        | 165.31                | 495.93               |
| 1.5.2 Demo Structures                                  | 3               | Each        | 2,249.48              | 6,748.44             |
| 1.5.3 Excavate / Remove Piles                          | 5               | Each        | 224.95                | 1,124.75             |
| 1.5.4 Structure Recycling/ Cost                        | 40              | Ton         | 70.00                 | 2,800.00             |
| 1.5.5 Trucking - Per Load                              | 5               | Truck Loads | 1,500.00              | 7,500.00             |
| <b>Subtotal</b>                                        |                 |             |                       | <b>18,669.12</b>     |
| <b>1.6 BESS Removal</b>                                |                 |             |                       |                      |
| 1.6.1 BESS Unit Removal                                | 153             | Each        | 6,491.06              | 993,132.18           |
| 1.6.2 Inverter (153) / Transformer Removal (39)        | 192             | Each        | 1,070.23              | 205,484.16           |
| 1.6.3 UG Cable Removal                                 | 3               | Day         | 1,969.92              | 5,909.76             |
| 1.6.4 Support Pile Removal                             | 318             | Each        | 404.19                | 128,532.42           |
| 1.6.2 Structure & Components Removal                   | 183             | Each        | 987.03                | 180,626.49           |
| <b>Subtotal</b>                                        |                 |             |                       | <b>1,513,685.01</b>  |
| <b>1.7 Inverter/Transformer Removal</b>                |                 |             |                       |                      |
| 1.7.1 Disconnect Electrical                            | 33              | Each        | 111.39                | 3,675.87             |
| 1.7.2 Loadout Inverter & Transformer                   | 33              | Each        | 208.83                | 6,891.39             |
| 1.7.3 Trucking - Per Load                              | 17              | Truck Loads | 1,500.00              | 24,750.00            |
| <b>Subtotal</b>                                        |                 |             |                       | <b>35,317.26</b>     |
| <b>1.8 Inverter / Transformer Support Pile Removal</b> |                 |             |                       |                      |
| 1.8.1 Excavate / Remove Piles                          | 33              | Each        | 224.95                | 7,423.35             |

|                                                                                 |                          |                   |                    |                      |
|---------------------------------------------------------------------------------|--------------------------|-------------------|--------------------|----------------------|
| 1.8.2 Trucking - Per Load                                                       | 4                        | Truck Loads       | 1,500.00           | 5,820.00             |
| <b>Subtotal</b>                                                                 |                          |                   |                    | <b>13,243.35</b>     |
| <b>1.9 Solar Array Retirement</b>                                               |                          |                   |                    |                      |
| 1.9.1 Fence Removal                                                             | 75,504                   | Linear Feet       | 1.27               | 95,890.08            |
| 1.9.2 Solar Panel Removal & Disposal                                            | 264,836                  | Each              | 8.10               | 2,145,171.60         |
| 1.9.3 Solar Rack (Tracker Strings) & Post Removal                               | 10,186                   | Each              | 313.83             | 3,196,672.38         |
| <b>Subtotal</b>                                                                 |                          |                   |                    | <b>5,464,220.76</b>  |
| <b>1.10 UG Cable Removal</b>                                                    |                          |                   |                    |                      |
| 1.10.1 Excavate & Remove Cable                                                  | 20                       | Day               | 4,214.15           | 84,283.00            |
| 1.10.2 Trucking - Per Load                                                      | 2                        | Truck Loads       | 1,500.00           | 3,000.00             |
| <b>Subtotal</b>                                                                 |                          |                   |                    | <b>87,283.00</b>     |
| <b>1.11 Site Restoration</b>                                                    |                          |                   |                    |                      |
| 1.11.1 Strip & Decompact Roads                                                  | 29,040                   | Linear Feet       | 1.43               | 41,527.20            |
| 1.11.2 Spot Grade Disturbed Areas                                               | 217                      | Acre              | 281.33             | 61,048.61            |
| 1.11.3 Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction | 217                      | Acre              | 1,000.00           | 217,000.00           |
| <b>Subtotal</b>                                                                 |                          |                   |                    | <b>319,575.81</b>    |
| <b>Total Decommissioning Cost</b>                                               |                          |                   |                    | <b>8,136,495.27</b>  |
| <b>Contractor Markups</b>                                                       |                          |                   |                    |                      |
| Home Office, Project Management                                                 |                          |                   | 0.05               | 406,824.76           |
| Contractor OH & Fee                                                             |                          |                   | 0.15               | 1,281,498.01         |
| <b>Subtotal</b>                                                                 |                          |                   |                    | <b>1,688,322.77</b>  |
| <b>Total Decommissioning Cost</b>                                               |                          |                   |                    | <b>9,824,818.04</b>  |
| Performance Bond                                                                |                          |                   | 0.01               | 98,248.18            |
| <b>Gross Cost</b>                                                               |                          |                   |                    | <b>9,923,066.22</b>  |
|                                                                                 | <b>Basis (% of Cost)</b> | <b>Basis (\$)</b> | <b>Contingency</b> | <b>Estimate (\$)</b> |
| Administration and Project Management                                           | 100%                     | 9,923,066.22      | 0.10               | 992,306.62           |
| Future Development (Exclude Battery)                                            | 81%                      | 8,077,013.82      | 0.10               | 807,701.38           |
| Future Development (Battery Only)                                               | 19%                      | 1,846,052.40      | 0.20               | 369,210.48           |
| <b>Subtotal</b>                                                                 |                          |                   |                    | <b>2,169,218.48</b>  |
| <b>TOTAL ESTIMATED COST (\$Q42024)</b>                                          |                          |                   |                    | <b>12,092,284.70</b> |

ROUNDED

12,092,000.00

Notes:

1. Unit costs in Q4 2024.
2. See RFA4 Exhibit X Attachment X-1 for detailed breakdown of tasks, actions and unit costs for the sum total costs presented in this table.
3. Tasks associated with a Lump Sum unit cost may be calculated using a fraction (in decimal form) of the actual quantities constructed or by using the more detailed breakdown of unit costs associated with the Lump Sum task identified in the cost estimating worksheet in RFA4 Exhibit X, Attachment X-1.