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Montague Wind Power Facility

Request for Amendment No. 5 to the Site Certificate for the Montague Wind Power Facility

April 2020

Avangrid Renewables, LLC

Montague Wind Power Facility

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Acronyms and Abbreviations

AVA	American Viticultural Area
Avangrid	Avangrid Renewables, LLC
BMP	best management plan
BPA	Bonneville Power Administration
Certificate Holder	Montague Wind Power Facility, LLC
Council	Energy Facility Siting Council [Council and EFSC are both acceptable]
dBA	decibel(s) on an A-weighted scale
DEQ	Oregon Department of Environmental Quality
Department	Oregon Department of Energy [Department and ODOE are both acceptable]
DSL	Oregon Department of State Lands
EESE	environmental, economic, social, and energy
EFSC	Energy Facility Siting Council [EFSC and Council are both acceptable]
EFU	Exclusive Farm Use
EMF	electromagnetic field
Facility	Montague Wind Power Facility in Gilliam County, Oregon
GCCP	Gilliam County Comprehensive Plan
GCZO	Gilliam County Zoning Ordinance
HRMP	Historical Resource Mitigation Plan
kV	kilovolt
LLC	Limited Liability Corporation
Montague	Montague Wind Power Facility, LLC (Certificate Holder)
MW	megawatt
N/A	not applicable
NPDES	National Pollutant Discharge Elimination System
O&M	operation and maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy [ODOE and Department are both acceptable]
OR 19	Oregon Highway 19
ORS	Oregon Revised Statute
OWRD	Oregon Water Resources Department
RFA 4	Fourth Amendment Request (Request for Amendment No. 4)
RFA 5	Fifth Amendment Request (Request for Amendment No. 5)
RPS	Renewable Portfolio Standard
SCADA	supervisory, control, and data acquisition
SHPO	Oregon State Historic Preservation Office

Site Certificate	*Fourth Amended Site Certificate for the Montague Wind Power Facility* (August 23, 2019)
ZVI	Zone of Visual Influence

1. Introduction

This is the fifth amendment request (Request for Amendment No. 5 or RFA 5) for the Montague Wind Power Facility (Facility) in Gilliam County, Oregon. The Facility has an approved electrical generating capacity of up to 404 megawatts (MW).[1] Montague Wind Power Facility, LLC (Montague or Certificate Holder) holds the *Fourth Amended Site Certificate for the Montague Wind Power Facility* (Site Certificate) from the Oregon Energy Facility Siting Council (Council; EFSC), executed on August 23, 2019.[2] The Facility is approved to develop in two phases, Phase 1 and Phase 2. Phase 1 consists of 56 wind turbines and Phase 2 consists of a combination of up to 81 wind turbines and a solar photovoltaic array on up to 1,189 acres.[3] Phases 1 and 2 share approved related or supporting facilities described in the Site Certificate and in the *Final Order on Request for Amendment 4*.[4] Montague began construction on Phase 1 in 2017 and currently operates 56 wind turbines with a generating capacity of 201 MW. Phase 2 is not yet constructed and has a generating capacity of 203 MW from a combination of wind turbines, solar photovoltaic power generation, and battery storage.

RFA 5 seeks to reduce the site boundary, expand the previously approved solar micrositing corridor within the existing Phase 2 site boundary, and remove a condition on the setback associated with the 230-kilovolt (kV) transmission line route. RFA 5 also seeks to split the Site Certificate into Phases 1 and 2 of the Facility and then split Phase 2 of the Facility into two phases (Phases 2a and 2b). The result would be three site certificates for the three phases of the Facility, each held by a project subsidiary of the Certificate Holder's parent company, Avangrid Renewables, LLC (Avangrid). The proposed Site Certificate split and revised phasing is outlined in Table 1. A detailed description of the changes proposed in RFA 5 is provided in Section 2.

Table 1. Proposed Facility Phasing and Site Certificate Split

Approved Facility	Proposed Phasing and Certificate Holder
Montague Wind Power Facility **Fourth Amended Site Certificate for Montague Wind Power Facility, held by Montague Wind Power Facility, LLC** 404 MW of approved generating capacity: • Phase 1 comprises 201 MW from wind power generation • Phase 2 comprises 203 MW from wind and solar power generation with battery storage.	**Phase 1 – Montague Wind** **Site Certificate for Montague Wind Power Facility, held by Montague Wind Power Facility, LLC** 201 MW from wind power generation.
	Phase 2a – Montague Solar **Site Certificate for Montague Solar Facility, held by Montague Solar, LLC** 162 MW from solar power generation with battery storage.
	Phase 2b – Oregon Trail Solar **Site Certificate for Oregon Trail Solar Facility, held by Oregon Trail Solar, LLC** 41 MW from combination of wind power generation (Phase 2 turbines) and solar power generation with battery storage.

[1] Energy Facility Siting Council (EFSC). 2010a. *Site Certificate for the Montague Wind Power Facility*. September 10.

[2] EFSC. 2019a. *Fourth Amended Site Certificate for Montague Wind Power Facility*. August 23.

[3] EFSC. 2019a. *Fourth Amended Site Certificate for Montague Wind Power Facility*. p. 2. August 23.

[4] EFSC. 2019a. *Fourth Amended Site Certificate for Montague Wind Power Facility*. p. 3 and p. 4. August 23; EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 7. August 23.

2. Request for Amendment

Pursuant to OAR 345-027-0350(4), this section provides the Certificate Holder's written request for this RFA 5.

2.1 Certificate Holder Information – OAR 345-027-0360(1)(a)

Name of the Facility:

Montague Wind Power Facility

Name and Address of Certificate Holder:

Montague Wind Power Facility, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Name and Address of Certificate Holder's Parent Company:

Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Name, Mailing Address, Email Address, and Phone Number of Individual Responsible for Submitting the Request:

Matt Hutchinson
Environmental Manager
Avangrid Renewables, LLC
1125 NW Couch St., Suite 700
Portland, OR 97209
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2.2 Detailed Description of the Proposed Change – OAR 345-027-0360(1)(b)

Certificate Holder seeks the following changes to the previously approved Facility:

- **Reduce Approved Site Boundary**. The Certificate Holder seeks to remove 4,110 acres from the previously approved site boundary[5] and reduce the site boundary from 47,056 acres to 42,946 acres. This land has site constraints and is no longer needed for Facility development. Figure 1 shows the area removed from the approved site boundary.
- **Expand Approved Solar Micrositing Area**. In Amendment 4, the Council approved a solar photovoltaic array on up to 1,189 acres within the defined "solar micrositing area".[6] This RFA 5 seeks to expand the solar micrositing area by approximately 1,536 acres on land within the Facility's approved site boundary. The expanded solar micrositing area optimizes the capture of solar energy and provides flexibility in responding to market and customer demands.

  The Certificate Holder describes the expanded solar micrositing area in Phase 2 as follows: solar micrositing area 1, solar micrositing area 2, and solar micrositing area 3 (Figure 2). Specifically,

[5] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 8, Figure 2 (Amended Site Boundary). August 23.

[6] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 7 and p. 125. August 23. The solar micrositing area is the maximum footprint approved for solar development where the solar photovoltaic array may occupy an area of approximately 1,189 acres.

- Solar micrositing area 1 shown on Figure 2 is the 1,189-acre solar micrositing area approved in Amendment 4. Solar micrositing area 1 is located in Phase 2a of the Facility.
- Solar micrositing area 2 shown on Figure 2 is the approximately 307 acres directly north of solar micrositing area 1 and Bottemiller Lane. Solar micrositing area 2 is located on the same parcel as the approved Phase 2 collector substation, Phase 2 operation and maintenance (O&M) building, and the battery storage system. Solar micrositing area 2 is nonirrigated, cultivated agricultural land within the Facility's previously evaluated and approved micrositing corridor. Solar micrositing area 2 is located in Phase 2a of the Facility.
- Solar micrositing area 3 shown on Figure 2 is the approximately 1,228 acres directly west of solar micrositing area 1 and Weatherford Road. This area occurs on sections north and south of Bottemiller Lane. Like the other solar micrositing areas, this area is proposed entirely on nonirrigated, cultivated agricultural land. A small portion of solar micrositing area 3 between Weatherford Road and proposed Phase 2 turbines is outside the Facility's previously evaluated and approved micrositing corridor. This unsurveyed area is approximately 61 acres and is evaluated for potential impacts to resources protected by Council standards in Section 3 of this RFA 5. Solar micrositing area 3 is located in Phase 2b of the Facility.

In total, the expanded solar micrositing area will not exceed 2,725 acres of permanent disturbance. This is an overestimate and worst-case scenario to allow the greatest design flexibility based on market and customer demands. The solar array site plan and facilities arrangement within the expanded solar micrositing area is shown on Figure 3.

- **Add Proposed Switching Station**. Montague proposes a new switching station within solar micrositing area 3 to link power generated from solar micrositing area 3 to the approved Phase 2 collector substation. The switching station is the only new related or supporting facility proposed in this RFA 5. The proposed switching station will connect to the approved Phase 2 collector substation via the approved Phase 2 34.5-kV overhead collector line along Bottemiller Lane. The proposed switching station within solar micrositing area 3 will be situated within a graveled, fenced area of approximately 260 feet by 335 feet or approximately 2 acres. The switching station will consist of circuit-breakers, switches, and other auxiliary equipment. The proposed switching station is located in Phase 2b of the Facility. The approved Phase 2 collector substation will be located in Phase 2a of the Facility.
- **Relocate Phase 2 Solar Facility Equipment.** While Montague proposes to expand the approved solar micrositing area, Montague does not propose to add new solar facility equipment as a part of this RFA 5. Instead, the approved solar facility equipment will be redesigned and reallocated across the expanded solar micrositing area. For example, solar facility equipment within solar micrositing area 1 and 2 will be designed and operated as Phase 2a of the Facility and solar facility equipment within solar micrositing area 3 will be designed and operated as Phase 2b of the Facility. Combined, the solar power generation will not exceed 203 MW, with 162 MW allocated to Phase 2a and 41 MW allocated to Phase 2b (see further discussion below).
- **Remove Site Certificate Condition 89(a)**. The Certificate Holder seeks to remove the transmission line setback described by Condition 89(a) from Phase 2:

  89 The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:

  ~~(a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.~~

  (a)~~(b)~~ Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.

(b)~~(c)~~ Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.

(c)~~(d)~~ Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

This condition was imposed by the original Final Order on the Application related to concern about electromagnetic fields (EMF).[7] Council initially reviewed and approved the 230-kV transmission line route segment for Phase 2, which was designed in part to comply with Site Certificate Condition 89. Pursuant to Oregon Revised Statute (ORS) 215.274(4)(a), the Certificate Holder also provided the Council with an evaluation of reasonable alternatives to the approved route. On Figure K-12 in Exhibit K of the fourth amendment request (Request for Amendment No. 4 or RFA 4), the Certificate Holder described and presented five alternative routes for consideration in Phase 2 – a primary route and four alternative routes.[8] Based on subsequent consultation with Gilliam County and the underlying landowner, Montague has elected to use the 230-kV transmission line alternative that parallels Oregon Highway (OR) 19 on private land (Figure 4). This alternative was described in RFA 4 Exhibit K and identified as "Alternative 2 Route" on Figure K-12 in RFA 4 Exhibit K. To meet the preference of the County and the affected landowner, and to be designed in a manner that is technically feasible, this alternative route must be constructed above ground within 200 feet of an occupied structure described in RFA 4 Exhibit K.

Figure 4 shows how this change is applied to Phases 2a and 2b:

- Primary 230-kV transmission line route segment. This RFA 5 shows "Alternative 2 Route" as the "primary 230-kV transmission line route segment" on Figure 4.
- Alternate 230-kV transmission line route segment. The previously approved 230-kV transmission line route segment is now identified as the "alternate 230-kV transmission line route segment" on Figure 4.

Montague seeks the flexibility to use either the proposed primary or alternate 230-kV transmission line route segments for construction and operation of Phases 2a and 2b described in Table 1. This RFA 5 provides supplemental analysis to demonstrate that the 200-foot setback from residences and occupied structures is not needed and the proposed primary 230-kV transmission line route segment along OR 19 is consistent with Council standards regarding EMF exposure (see Section 3.2).

- **Split Site Certificate into Phases 1 and 2 and split Phase 2 into Phases 2a and 2b**. The Certificate Holder seeks to split the Site Certificate into Phases 1 and 2 of the Facility and then split Phase 2 of the Facility into two phases (Phases 2a and 2b), resulting in the Phase 1 Site Certificate, the Phase 2a Site Certificate, and the Phase 2b Site Certificate.
- **Transfer Phase 2a Site Certificate and Phase 2b Site Certificate to New Project Subsidiaries**. The Certificate Holder requests permission to transfer Phase 2a Site Certificate and Phase 2b Site Certificate to new project subsidiaries of Certificate Holder's parent company, Avangrid Renewables, LLC. The results of the split and transfer are illustrated in Table 1 and the redefined facility site boundaries are shown on Figure 5. Following the division of the Site Certificate, the Site Certificates for Phases 2a and 2b will be transferred as described below:
  - **Site Certificate for Phase 1** ("Montague Wind Site Certificate"**)**. The Montague Wind Site Certificate would be held by Certificate Holder and govern Phase 1 of the approved Facility. Phase 1 will continue to operate 201 MW of wind power generation. The Phase 1 site boundary and layout is shown on Figure 6 and incorporates the 56 turbines and related or supporting facilities constructed as part of Phase 1. The Phase 1 site boundary encompasses approximately 29,607 acres entirely within the previously evaluated and approved site boundary. No transfer is needed to effectuate this change.

[7] EFSC. 2010b. *Final Order on the Application for Site Certificate for the Montague Wind Power Facility*. pp. 158. September 10.
[8] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 80 through p. 83. August 23.

- **Site Certificate for Phase 2a** ("Montague Solar Site Certificate"). The Montague Solar Site Certificate would be held by Montague Solar, LLC and govern Phase 2a of the Facility. The Phase 2a site boundary and layout is shown on Figure 7 and includes solar micrositing areas 1 and 2 and related or supporting facilities constructed as part of Phase 1 and approved as part of Phase 2. The total maximum output would not exceed 162 MW. The Phase 2a site boundary encompasses approximately 1,763 acres entirely within the previously evaluated and approved site boundary. Montague Solar, LLC, is a wholly-owned subsidiary of Certificate Holder's parent company.
- **Site Certificate for Phase 2b** ("Oregon Trail Solar Site Certificate"). The Oregon Trail Solar Site Certificate would be held by Oregon Trail Solar, LLC and govern Phase 2b of the Facility. The Phase 2b site boundary and layout is shown on Figure 8 and includes solar micrositing area 3 and related or supporting facilities constructed as part of Phase 1 and approved as part of Phase 2. The Phase 2b site boundary allows flexibility to install any combination of the wind and solar power generation authorized in Amendment 4 for Phase 2 as long as the total maximum output does not exceed 41 MW. The Phase 2b site boundary encompasses approximately 13,507 acres entirely within the previously evaluated and approved site boundary. Oregon Trail Solar, LLC is a wholly-owned subsidiary of Certificate Holder's parent company.

Table 2 provides an overview of how the Facility will be split per the description provided in Section III of the Site Certificate. As noted in Table 2, the phases and associated facilities will have areas of overlapping site boundaries and some shared related or supporting facilities.

2.2.1 Effect of Proposed Changes on the Facility – OAR 345-027-0060(1)(b)(A)

(A) A description of how the proposed change affects the facility;

Response: A summary of changes proposed in this RFA 5 is provided in Section 2.2. Table 2 provides an overview of how the changes will be applied to the Facility and how the Facility will be split by reallocating components described in Section III of the Site Certificate. The Certificate Holder demonstrates that notwithstanding these changes, the Facility will meet all applicable Council standards and will be constructed and operated substantially in the same manner as previously approved by the Council. Expanding the solar micrositing area and splitting the Facility into three site certificates will not result in a significant adverse impact that the Council has not previously considered for Facility construction, operation, or retirement.

The revised solar array layout within the expanded solar micrositing area is shown on Figure 3. The revised solar array layout includes the new proposed switching station and is displayed consistent with the reallocation of approved Phase 2 solar facility components and related or supporting facilities assigned in Table 2.

Tables 3 through 6 show the permanent and temporary disturbances for Phases 2a and 2b.

Table 2. Assigned Transfer of Facility Components

Facility Type	Approved in Amendment 4	Phase 1 – Montague Wind	Phase 2a – Montague Solar	Phase 2b – Oregon Trail Solar
		Assigned Transfer of Facility Components in Request for Amendment No. 5		
Site Boundary	47,056 acres	29,607 acres[a]	1,763 acres[a]	13,507 acres[a]
Solar Micrositing Area	1,189 acres	N/A	1,496 acres Solar Micrositing Area 1 (Approved, 1,189 acres); and Solar Micrositing Area 2 (Proposed, 307 acres)[b]	1,228 acres Solar Micrositing Area 3 (Proposed, 1,228 acres)[b]
Total Generating Capacity (MW)	404 MW	201 MW	162 MW	41 MW
Generating Facilities	The Facility is an electric power generating plant developed in two phases. Phase 1 consists of 56 wind turbines and Phase 2 is approved to consist of a combination of 81 wind turbines and a solar photovoltaic array on up to 1,189 acres.	56 wind turbines	Solar array	Solar array and/or approved Phase 2 wind turbines (maximum of 16 turbines).
Power Collection System	A power collection system operating at 34.5 kV transports power from each turbine to a collector substation. Not more than 27 miles of the collector system is installed aboveground.	Less than 7 miles of the collector system is installed aboveground.	Less than 10 miles of the collector system is proposed aboveground.	Less than 10 miles of the collector system is proposed aboveground.
Control System	A fiber optic communications network links the wind turbines to a central computer at the O&M buildings. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and performance data from each wind turbine and from the facility as a whole and allows remote operation of the wind turbines.	Constructed for Phase 1	SCADA system for solar array.	SCADA system for wind turbines or solar array.
Substations and 230-kV Transmission Lines	The Facility includes two collector substations, one associated with Phase 1, and the second associated with Phase 2. An aboveground, single-circuit 230-kV transmission line connects the Phase 2 substation to the Phase 1 substation. An aboveground, single-circuit 230-kV transmission line connects the Phase 1 substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation.	Shared Phase 1 substation and aboveground 230-kV transmission line from the Phase 1 substation to BPA's Slatt substation.	Shared Phase 1 substation and aboveground 230-kV transmission line from the Phase 1 substation to BPA's Slatt substation. Shared Phase 2 collector substation and aboveground 230-kV transmission line from the Phase 2 collector substation to the Phase 1 substation.	Shared Phase 1 substation and aboveground 230-kV transmission line from the Phase 1 substation to BPA's Slatt substation. Shared Phase 2 collector substation and aboveground 230-kV transmission line from the Phase 2 collector substation to the Phase 1 substation.
Proposed Switching Station[c]	N/A	N/A	N/A	New proposed switching station to link the solar array within Phase 2b to the approved Phase 2 collector substation.
Battery Storage System	Phase 2 is approved to include a battery storage system composed of either lithium-ion batteries or a flow battery. The battery storage system would be capable of storing up to 100 MW of wind or solar energy generated by the	N/A	Phase 2a retains the option to construction and operate the battery storage system. No change to location.	Phase 2b retains the option to construct and operate the battery storage system. Phases 2a and

Table 2. Assigned Transfer of Facility Components

Facility Type	Approved in Amendment 4	Phase 1 – Montague Wind	Phase 2a – Montague Solar	Phase 2b – Oregon Trail Solar
		Assigned Transfer of Facility Components in Request for Amendment No. 5		
	Facility, and would be used to stabilize the wind or solar resource through dispatching of energy stored in the battery system. The battery system is placed in a series of containers or building located near the Phase 2 substation.			2b will not exceed 100 MW of battery storage combined.
Meteorological Towers	The facility includes up to eight permanent meteorological towers.	Phase 1 has 2 permanent meteorological towers.	N/A	If constructed, Phase 2b may include up to 4 permanent meteorological towers.
Operations and Maintenance Buildings	The Facility includes two O&M buildings, one associated with Phase 1 and the second with Phase 2.	Phase 1 shares O&M building with the Leaning Juniper IIB project, but retains the ability to construct a new O&M building in the future within Phase 1 site boundary.	Shared Phase 2 O&M building.	Shared Phase 2 O&M building.
Access Roads	The facility includes access roads to provide access to the turbine strings, solar array, battery storage system and other related or supporting components.	Phase 1 constructed new and improved access roads.	Phase 2a will share previously approved access roads.	Phase 2b will share previously approved access roads.
Public Roadway Modifications	The certificate holder may construct improvements to existing state and county public roads that are necessary for construction of the facility. These modifications would be confined to the existing road rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the Oregon Department of Transportation, depending on the location of the improvement.	Approved modifications to existing road rights-of-way have been constructed for Phase 1.	Approved modifications to existing road rights-of-way are required for construction and operation of Phase 2a.	Approved modifications to existing road rights-of-way are required for construction and operation of Phase 2b.
Temporary Construction Areas	During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment.	N/A	Construction phases will share previously approved Phase 2 temporary laydown areas.	Construction phases will share previously approved Phase 2 temporary laydown areas.
Point of Interconnection	BPA Slatt Substation	BPA Slatt Substation	BPA Slatt Substation	BPA Slatt Substation
Commercial Operations Date	Begin Phase 2 construction by August 30, 2022.	2019	2021 (expected)	2023 (expected)

[a] Phases and associated facilities will have areas of overlapping site boundaries and some shared related or supporting facilities such as the Phase 1 substation and the aboveground, single-circuit 230-kV transmission line that connects the Phase 1 substation to the 500-kV Slatt-Buckley transmission line owned by the BPA at the Slatt substation.

[b] Expanded solar micrositing area defined in this RFA 5.

[c] New related or supporting facility component required for Phase 2b.

Note:

N/A = not applicable

Table 3. Phase 2a – Montague Solar Permanently Disturbed Areas

Facilities	Notes	Units of Measurement	Phase 2a – Montague Solar			
			Dimensions per Unit	Number of Units	Acres	Miles
Phase 2 Collector Substation	1	Acres	0	1	0	
Battery Storage System	2	Acres	0	1	0	
Phase 2 O&M Building	3	Acres	0	1	0	
Primary Overhead 230-kV Transmission Line Structures	4	Square feet per 2-pole location	40	29	0.03	
Improved existing County roads to 30 feet (within County right-of-way)	5	Feet of width per linear foot	14	12,308	3.96	2.3
Solar Arrays 1 and 2	6	Acres	1,492.58	1	1,492.58	
Total Permanently Disturbed Area					**1,496.57 acres**	

Notes:

1. Includes the Phase 2 collector substation and surrounding graveled area and fence (520 feet by 334 feet). Permanent disturbance is included in the total for solar arrays 1 and 2. No temporary disturbance will occur outside the fenced area.
2. Includes the area within the fenced perimeter of the battery storage system (467 feet by 600 feet). Permanent disturbance is included in the total for solar arrays 1 and 2.
3. Includes the Phase 2 O&M building and surrounding graveled parking area and fence (467 feet by 280 feet). Permanent disturbance is included in the total for solar arrays 1 and 2.
4. Assumes two-pole H-frame structures.
5. Assumes maximum of 30 feet of travel lanes or 14 feet of improvements to existing 16-foot road.
6. The permanently disturbed area of solar arrays 1 and 2 will not exceed 1,496.6 acres within solar micrositing areas 1 and 2 shown on Figure 3.

Table 4. Phase 2a – Montague Solar Temporarily Disturbed Areas

Facilities	Notes	Units of Measurement	Phase 2a – Montague Solar			
			Dimensions per Unit	Number of Units	Acres	Miles
Phase 2 Collector Substation	1	Acres	0	1	0	
Battery Storage System	1	Acres	0	1	0	
Phase 2 O&M Building	1	Acres	0	1	0	
Central staging and storage areas for collector lines and other equipment	2	Acres	Not applicable	3	17.07	
Power Collection System						
Underground collector line	3	Feet of width per linear foot	24	0	0	0
Overhead 230-kV Transmission Line						
Temporary Access for Primary Overhead 230-kV Transmission Line	4	Feet of width per linear foot	12	18,719	5.16	3.5
Temporary Disturbance Around Primary Overhead 230-kV Transmission Line Structures	5	Square feet per 2-pole location	1,560	29	1.04	
Access Roads						
Existing County road improvements (temporarily widened to 60 feet, within County right-of-way)	6	Feet of width per linear foot	30	12,308	8.48	2.3
Total Temporarily Disturbed Area					**31.75 acres**	

Notes:

1. The Phase 2 collector substation, battery storage system, and Phase 2 O&M building occur within the permanently disturbed footprint for solar arrays 1 and 2. Therefore, no temporary impacts will occur.
2. The three staging areas approved for Phase 2 vary in acreage.
3. Disturbance will occur within the permanently disturbed footprint for solar arrays 1 and 2. Therefore, no temporary impacts will occur.
4. Temporary disturbance will be an average of 12 feet wide.
5. Assumes temporary disturbance of 40 feet by 40 feet at each two-pole H-frame location minus the 40-sq.-ft. permanent disturbance.
6. Assumes the 16-foot existing road will be temporarily widened to a maximum of 60 feet within the County right-of-way. The County roads will be widened up to 60 feet for portions of the road to allow for wider turning radii and/or straightening of tight corners. The temporary disturbance will be equal to 60-foot total width during construction minus the 30-foot permanent width.

Table 5. Phase 2b – Oregon Trail Solar Permanently Disturbed Areas

Facilities	Notes	Units of Measurement	Phase 2b – Oregon Trail Solar			
			Dimensions per Unit	Number of Units	Acres	Miles
Phase 2 Collector Substation	1	Acres	3.99	1	3.99	
Switching Station	2	Acres	0	1	0	
Battery Storage System	3	Acres	6.43	1	6.43	
Phase 2 O&M Building	4	Acres	3	1	3	
Overhead 34.5-kV Collector Line Structures	5	Square feet per 2-pole location	24	42	0.02	
Primary Overhead 230-kV Transmission Line Structures	5	Square feet per 2-pole location	40	29	0.03	
Improved existing County roads to 30 feet (within County right-of-way)	6	Feet of width per linear foot	14	12,308	3.96	2.3
Solar Array 3	7	Acres	298.12	1	298.12	
Total Permanently Disturbed Area					**315.55 acres**	

Notes:

1. Includes the Phase 2 collector substation and surrounding graveled area and fence (520 feet by 334 feet). No temporary disturbance will occur outside the fenced area.
2. Includes the area within the fenced perimeter of the switching station (260 feet by 335). Permanent disturbance is included in the total for solar array 3.
3. Includes the area within the fenced perimeter of the battery storage system (467 feet by 600 feet).
4. Includes the Phase 2 O&M building and surrounding graveled parking area and fence (467 feet by 280 feet).
5. Assumes two-pole H-frame structures.
6. Assumes maximum of 30 feet of travel lanes or 14 feet of improvements to existing 16-foot road.
7. The permanently disturbed area of solar array 3 is represented on Figure 3. The permanently disturbed area of solar array 3 will not exceed 1,218.54 acres within solar micrositing area 3 shown on Figure 3. Therefore, the total permanently disturbed area for Phase 2b – Oregon Trail Solar will not exceed 1,236 acres.

Table 6. Phase 2b – Oregon Trail Solar Temporarily Disturbed Areas

Facilities	Notes	Units of Measurement	Phase 2b – Oregon Trail Solar			
			Dimensions per Unit	Number of Units	Acres	Miles
Phase 2 Collector Substation	1	Acres	0	1	0	
Switching Station	1	Acres	0	1	0	
Battery Storage System	1	Acres	0	1	0	
Phase 2 O&M Building	1	Acres	0	1	0	
Central staging and storage areas for collector lines and other equipment	2	Acres	Not applicable	3	17.07	
Power Collection System						
Temporary access for overhead 34.5-kV Collector Line	3	Feet of width per linear foot	12	8,056	2.22	1.5
Temporary Pulling Sites for overhead 34.5-kV Collector Line	4	NA	NA	3	1.06	
Temporary disturbance around overhead 34.5-kV poles	5	Square feet per 2-pole location	1,576	42	1.52	
Underground collector line	6	Feet of width per linear foot	24	1,199	0.66	0.2
Overhead 230-kV Transmission Line						
Temporary Access for Primary Overhead 230-kV Transmission Line	3	Feet of width per linear foot	12	18,719	5.16	3.5
Temporary Disturbance Around Primary Overhead 230-kV Transmission Line Structures	7	Square feet per 2-pole location	1,560	34	1.22	
Access Roads						
Existing County road improvements (temporarily widened to 60 feet, within County right-of-way)	8	Feet of width per linear foot	30	7,068	8.48	1.3
Total Temporarily Disturbed Area					**37.39 acres**	

Notes:

1. Phase 2 collector substation, proposed switching station, battery storage system, and Phase 2 O&M building will be permanently disturbed. Therefore, no temporary impacts will occur.
2. The three staging areas approved for Phase 2 vary in acreage.

Table 6. Phase 2b – Oregon Trail Solar Temporarily Disturbed Areas

Facilities	Notes	Units of Measurement	Phase 2b – Oregon Trail Solar			
			Dimensions per Unit	Number of Units	Acres	Miles

3. Temporary disturbance will be an average of 12 feet wide.
4. Pulling site dimensions and acreages vary.
5. Assumes temporary disturbance of 40 feet by 40 feet at each two-pole H-frame location minus the 24-sq.-ft. permanent disturbance.
6. Assumes width of trench plus areas for spoils and travel paths. Assumes one circuit per trench, if additional circuits are needed lines will be buried 8 feet apart for heat dissipation.
7. Assumes temporary disturbance of 40 feet by 40 feet at each two-pole H-frame location minus the 40-sq.-ft. permanent disturbance.
8. Assumes the 16-foot existing road will be temporarily widened to a maximum of 60 feet within the County right-of-way. The County roads will be widened up to 60 feet for portions of the road to allow for wider turning radii and/or straightening of tight corners. The temporary disturbance will be equal to 60-foot total width during construction minus the 30-foot permanent width.

2.2.2 Applicable Laws and Council Rules – OAR 345-027-0060(1)(b)(B)

(B) A description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and

Response: Section 3 and Table 7 describe how the changes proposed in RFA 5 affect resources protected by applicable laws and Council standards. The requirements of each applicable Council standard under Division 22 and 24 are addressed in Section 3.1 and 3.2, respectively. Other standards and laws such as noise regulations, Oregon Removal-Fill Law, and water rights are addressed in Section 3.3. An assessment of this amendment's compliance with these standards under OAR 345-027-0060(1)(e) is provided in Table 7 and in the subsections listed above.

2.2.3 Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)

(C) The specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change;

Response: The specific locations of the changes proposed in this RFA 5 are shown on Figures 1 through 7, which are referenced in Section 2.2 in response to OAR 345-027-0360(1)(b). A summary of the complete set of figures referenced in this RFA 5 is provided as follows:

- Figure 1 shows the 4,110-acre area removed from the approved site boundary.
- Figure 2 shows the expanded solar micrositing area for Phases 2a and 2b.
- Figure 3 shows the revised solar array layout within the expanded solar micrositing area.
- Figure 4 shows the preferred primary 230-kV transmission line route segment and the approved alternate 230-kV transmission line route segment that were previously analyzed under ORS 215.274 in Amendment 4.
- Figure 5 shows the redefined Phases 1, 2a, and 2b site boundaries in relation to the approved site boundary.
- Figure 6 shows the Phase 1 – Montague Wind site boundary and layout.
- Figure 7 shows the Phase 2a – Montague Solar site boundary and layout.
- Figure 8 shows the Phase 2b – Oregon Trail Solar site boundary and layout.
- Figure 9 shows historical earthquakes recorded in the vicinity of the approved site boundary and was updated to reflect ongoing and current seismicity that has been recorded in the region.
- Figure 10 shows the location of high-value farmland described in ORS 195.300(10)(f)(C) in relationship to nonirrigated Natural Resources Conservation Service (NRCS) soil capability classes within the tracts crossed by the expanded solar micrositing area.
- Figure 11 shows noise-sensitive receptors within 2 miles of Phases 2a and 2b facility components.

2.3 Division 21 Requirements – OAR 345-027-0060(1)(c)

Response: In RFA 4, the Council approved "Phase 2" of the Facility, which allowed for relocation of previously approved facilities, added solar power generation and battery storage, and expanded the site boundary. To support the Council's evaluation of RFA 4, the Certificate Holder submitted exhibits corresponding with specific Division 21 information to demonstrate Phase 2 compliance with requirements of ORS Chapter 469, applicable Council rules under OAR 34-021-0010, and applicable state and local laws, rules, and ordinances, consistent with the Council's findings in the three prior final orders. Because the changes proposed in this RFA 5 occur within the Facility's approved site boundary and study areas previously evaluated in RFA 4, this amendment request references specific Division 21 information provided in the exhibits presented in Attachment 1 to RFA 4. The analysis provided in RFA 4 continues to demonstrate how the proposed changes in RFA 5 comply with applicable laws and Council

standards. The exhibits presented in Attachment 1 to RFA 4 are also referenced to support analysis of applicable standards for Divisions 22 and 24 listed in Section 3 and Table 7.

2.4 Site Certificate Revisions – OAR 345-027-0060(1)(d)

Response: Three redline versions of the Fourth Amended Site Certificate are provided in Attachment 1 to this fifth amendment request to correspond with the proposed phasing and certificate holders listed in Table 1 of Section 1.

2.5 Applicable Council Standards and Other Laws – OAR 345-027-0360(1)(e)

Response: Council standards relevant to this RFA 5 are Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). The applicable standards for Divisions 22 and 24 are listed in Sections 3.1 and 3.2, respectively. Other standards and laws such as noise regulations, Oregon Removal-Fill Law, and water rights are addressed in Section 3.3. The analysis presented in Section 3 demonstrates that the facilities, as modified by RFA 5, will still comply with the requirements of ORS Chapter 469, applicable Council standards, and applicable state and local laws, rules, and ordinances, consistent with the Council's findings in the four prior final orders. Table 7 (in Section 3) identifies analysis required for the Council to make findings of compliance.

2.6 Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027-0360(1)(f)

Response: The entire Facility is within Gilliam County's Exclusive Farm Use (EFU) zoning district. Accordingly, Attachment 2 provides a list of names and mailing addresses for property owners located within 500 feet of the properties crossed by the facility site boundaries, a separate list of property owners located between 500 and 1,000 feet of the property crossed by the facility site boundaries, and a series of maps with tax lot labels that cross reference the property owner lists. Attachment 2 was developed from current Gilliam County assessor data retrieved on April 2, 2020, and from current Morrow County assessor data retrieved on April 8, 2020.

3. Compliance with Applicable Council Standards and Other Laws

Council standards relevant to RFA 5 are Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). The Facility is a wind and solar power generating facility. Therefore, Division 23, which applies to nongenerating facilities, does not apply to this RFA 5. Similarly, inapplicable provisions of Division 24 (for example, standards applicable to gas plants, gas storage, and nongenerating facilities) are not addressed.

The requirements of each applicable Council standard and other standards and laws such as noise regulations, Oregon Removal-Fill Law, and water rights are listed and addressed in Table 7. An assessment of this amendment's compliance with these standards under OAR 345-027-0060(1)(e) is also provided in Table 7.

Additional supplemental analysis is provided in the following sections:

- Section 3.1 provides supplemental analysis to demonstrate that RFA 5 maintains compliance with applicable land use regulations under OAR 345-022-0030.
- Section 3.2 provides supplemental analysis to demonstrate that the 200-foot setback from residences and occupied structures imposed by Condition 89(a) is not needed to maintain compliance with siting standards for transmission lines under OAR 345-024-0090.
- Section 3.3 provides supplemental analysis to demonstrate that RFA 5 maintains compliance with applicable noise control regulations under OAR 345-035-0035.

3.1 Compliance with Division 22 (General Standards for Siting Facilities)

This section provides supplemental analysis to demonstrate that an exception to Statewide Planning Goal 3 (Agricultural Land) is warranted for expanded solar micrositing areas 2 and 3 pursuant to OAR 345-022-0030(4). This section also demonstrates that RFA 5 maintains compliance with the balance of local applicable and substantive land use standards required under OAR 345-022-0030.

345-022-0030 Land Use

Response: The Council previously found that Phase 2 complied with the Council's land use standard and granted a Goal 3 exception for the 1,189-acre solar micrositing area 1 that could include a combination of wind, solar, and battery storage when developed in compliance with conditions of the Site Certificate.[9] Approval of the Goal 3 exception was required because the solar array did not meet Gilliam County Zoning Ordinance (GCZO) 4.020(D)(11) because it precludes more than 12 acres of high-value farmland or 20 acres of other arable land from commercial farm use. As stated in the Final Order on Amendment 4, the GCZO had not been updated to incorporate OAR 660-033-0130(38). OAR 660-033-0130(38)(h) establishes that, for projects that would be sited on 12 acres or more of high-value farmland, an exception is required pursuant to ORS 197.732 and OAR Chapter 660, division 4.[10]

As described in Section 2.2, this RFA 5 seeks to expand the solar micrositing area by approximately 1,536 acres on land within the Facility's approved site boundary on solar micrositing area 2 (307 acres) and solar micrositing area 3 (1,228 acres). Solar components could be sited on more than 12 acres of high-value farmland as defined in ORS 195.300(10)(f)(c), and could preclude more than 12 acres of high

[9] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 102. August 23.
[10] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 89. August 23.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
OAR 345-022			
OAR 345-022-0010	Organizational Expertise	See Section 4 for the Certificate Holder's response to OAR 345-027-0400(5). The Council previously concluded that Avangrid has adequate organizational expertise to design, construct, operate, and retire the Facility with Phase 2 solar and battery storage components, in a manner that protects health and safety in accordance with OAR 345-022-0010.[a] RFA 5 does not result in a change to Avangrid's organizational expertise and the Council can rely on its previous findings that this standard is met.	Applicable and complies.
OAR 345-022-0020	Structural Standard	The Council previously amended Site Certificate conditions to address the potential for seismic and nonseismic geologic hazards within the Facility's approved site boundary.[b] The proposed modifications in RFA 5 do not alter the basis for the Council's earlier findings. In addition, the Council previously found that the Certificate Holder adequately characterized potential geologic and soil hazards within the approved site boundary.[c] The expanded solar micrositing area crosses the same underlying geologic units as identified within the approved site boundary and shown on Figure H-1 of RFA 4 Exhibit H. Potential geological and soils hazards of the site were previously evaluated for the approved site boundary and the Certificate Holder has verified that no potentially active faults cross the proposed expanded solar micrositing area. The seismic hazard assessment was reviewed anew in March 2020, and the figure depicting the historical earthquakes recorded in the vicinity (Figure H-2) was updated to reflect ongoing and current seismicity that has been recorded in the region since RFA 4. The updated figure is provided in this RFA 5 as Figure 9 and depicts new earthquake events that have occurred within 50 miles of the vicinity, in addition to events that would result in MMI shaking intensity III at the site, including events with shaking up to MMI VII. The review found the seismic hazard assessment to still be accurate in characterizing the site's seismic design parameters. Because the expanded solar micrositing area is within the approved site boundary and would be built on the flat, stable plateau surface covered by a loess mantle, no additional seismic hazards such as liquefaction or ground shaking, landslides, or slope instability were identified for the proposed area. As previously described in RFA 4 Exhibit H for the area within the approved site boundary, the potential for collapse and swell of loess soils is anticipated to be minimal. This finding continues to apply to RFA 5. In summary, the expanded solar micrositing area is not at risk of new or additional seismic and nonseismic hazards not previously reviewed by the Council. The design and construction of the solar arrays will follow the same site characterization protocols as the rest of the facility components. Soil erosion will be minimized by preparing a soil erosion control plan, applying best management practices (BMPs), and following a National Pollutant Discharge Elimination System (NPDES) 1200-C construction permit as identified under the Soil Protection Standard described in the next row of this table. The Certificate Holder's ability to design, engineer, and construct the Facility to avoid dangers to human safety are not affected by the changes proposed in RFA 5. The changes will be developed consistent with amendments by the Oregon Structural Specialty Code (International Code Council and State of Oregon, 2019) as they pertain to the International Building Code and the site's seismic characterization. The 2019 code was adopted effective October 1, 2019. Furthermore, RFA 5 does not alter the Council's conclusion that the Certificate Holder has adequately evaluated Phase 2 components under the State's disaster resilience and climate change adaptation criteria as provided in RFA 4 Exhibit H. Therefore, the Council may rely on its previous finding that subject to compliance with existing and amended	Applicable and complies. RFA 5 will maintain compliance with the Structural Standard, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or changes to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
		conditions in Amendment 4, the proposed changes in RFA 5, in particular the expanded solar micrositing area, can be designed, engineered, and constructed to avoid dangers to human safety presented by hazards identified in RFA 4 Exhibit H.	
OAR 345-022-0022	Soil Protection	The Council previously found that through compliance with amended Site Certificate conditions that address soil protection, the development of Phase 2 solar components will comply with the Soil Protection Standard.[d] The proposed changes in RFA 5 do not alter the basis for the Council's earlier findings. RFA 4 Exhibit I (Figure I-1) provided mapped soil types within the approved site boundary including the expanded solar micrositing area. The expanded solar micrositing area will occur on approximately 1,536 acres of soil units previously evaluated within the Facility's approved site boundary (see Table 8 for summary of soil classifications by solar micrositing area). These soils consist primarily of Ritzville silt loam with slopes ranging from zero to 12 percent, and a small area of Willis silt loam with 5 to 12 percent slopes. No soil types that were not previously identified and analyzed for solar development in RFA 4 will be located within the expanded solar micrositing area. Potential impacts from erosion will be minimized by the Certificate Holder's implementation of 17 BMPs identified in Amendment 4,[e] through implementation of erosion control measures required by the Facility's NPDES 1200-C construction permit, and through the Certificate Holder's compliance with existing and amended conditions approved by the Council in Amendment 4. Therefore, the Council can conclude that changes proposed in RFA 5 will not alter the basis for the Council's earlier finding that the Facility complies with OAR 345-022-0022, and is not likely to result in significant adverse impacts to soils.	Applicable and complies. RFA 5 will not result in significant adverse impacts to soils not previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, will not require new conditions or change to existing conditions of the Site Certificate.
OAR 345-022-0030	Land Use	The Council previously found that Phase 2 satisfied the Land Use Standard.[f] See Section 3.1 for the Certificate Holder's supplemental analysis to demonstrate that an exception to Statewide Planning Goal 3 (Agricultural Land) is warranted for expanded solar micrositing areas 2 and 3 pursuant to OAR 345-022-0030(4). Section 3.1.2 also demonstrates that RFA 5 maintains compliance with the balance of local applicable and substantive land use standards required under OAR 345-022-0030. Modifications proposed in RFA 5 do not change the Council's previous finding that the impacts of the Facility will not force a significant change in accepted farm practices or significantly increase the cost of farm practices on surrounding lands. Detailed resource surveys completed in 2017 and 2018 confirmed that land within the expanded solar micrositing areas 2 and 3 is the same in nature as the land previously reviewed and approved for Phase 2 and is not unique from land within the previously approved solar micrositing area 1. The expanded solar micrositing areas 2 and 3 will occur in predominately developed-dryland wheat farmland which is Category 6 habitat. The farm practices in the areas encompassed by the expanded solar micrositing area are the same as those previously analyzed, including soil preparation in the spring and fall, sowing of seed, fertilizing, pest and weed management, and harvesting. For the reasons described above and in Section 3.1, RFA 5 will not change the Certificate Holder's ability to comply with Site Certificate conditions as written, will not alter the basis for the Council's earlier finding in Amendment 4 that the Facility complies with OAR 345-022-0030, and will not result in significant adverse land use impacts.	Applicable and complies. RFA 5 will not result in a significant adverse impact on land uses not previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
OAR 345-022-0040	Protected Areas	The Council previously found that Phase 2 of the Facility, taking into account mitigation and compliance with existing conditions, can be designed, constructed, and operated without resulting in significant adverse impacts to any protected area in compliance with the Council's Protected Area standard.[11] The analysis area for the Protected Areas defined under OAR 345-001-0010(2) and 345-001-0010(59)(e) is the area within the site boundary and within 20 miles of the site boundary. Table 2, *Protected Areas within the Analysis Area and Distance from Proposed Amended Site Boundary* in the Final Order on Amendment 4 identifies protected areas previously evaluated within 20 miles from the approved site boundary. Based on the Certificate Holder's review, there are no new protected areas located within the analysis area. The changes proposed in RFA 5, in particular the expanded solar micrositing area, occur in the previously evaluated and approved site boundary. RFA 5 reduces the approved site boundary by approximately 4,110 acres (Figure 1) and Phase 2b reduces the maximum number of wind turbines that can be constructed within the approved site boundary from 81 to 16 turbines. While the Certificate Holder proposes to expand the approved solar micrositing area for Phase 2a, the Certificate Holder does not propose to add new solar facility equipment as a part of this RFA 5. Instead, the approved solar facility equipment will be redesigned and reallocated across the expanded solar micrositing area (Section 2.2). Because, RFA 5 will not substantively change the proposed construction and operation of approved Phase 2 facility components, it does not change the discussion of potential impacts to previously evaluated protected areas. Potential impacts from Phase 2 on the protected areas listed in the Final Order on Amendment 4 were previously evaluated based on noise, traffic, water use and wastewater disposal, and visual impacts. Predicted noise levels from the Facility were analyzed in RFA 4 Exhibit X and supplemental analysis on potential noise impacts resulting from RFA 5 are discussed in Section 3.3. The Council previously found that the nearest protected area is approximately 5 miles from Phase 2 facility components. In RFA 5, the expanded solar micrositing area occurs directly adjacent to the previously approved solar micrositing area. At this distance, noise generated during operation of Phase 2 facility components within the expanded solar micrositing area is unlikely to be audible and will not likely cause a significant adverse impact from noise. In addition, Phase 2b significantly reduces the maximum number of previously approved turbines, which in turn, will reduce noise levels associated with the wind option. RFA 5 does not change the primary and alternate transport routes, traffic trips, or haul estimates previously approved by the Council; therefore, the Council's previous conclusion that traffic generated by construction and operation of the Facility is not likely to result in significant traffic impacts to protected areas will not be altered by the proposed modifications. Water use and wastewater disposal during construction and operation of the Facility will not be altered by the changes proposed in RFA 5. Therefore, the change will not modify the basis for the Council's previous conclusion that water quantity and water quality in protected areas will not be affected by the Facility.	Applicable and complies. RFA 5 will not result in a significant adverse impact on protected areas not previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

[11]

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
		The previous analysis of potential visual impacts from the Facility relied on a Zone of Visual Influence (ZVI) analysis to model the "worst case" line-of-sight visibility for 81 wind turbines at 597 feet in height and 100-foot-tall 230-kV transmission line structures. This RFA 5 proposes to expand the solar micrositing area to develop previously approved solar components as part of Phases 2a and 2b. The Certificate Holder seeks to retain the wind option in Phase 2b but significantly reduces the maximum number of turbines from 81 to 16. In this scenario, potential visual impacts to previously evaluated protected areas is further minimized. As previously evaluated in RFA 4 Exhibit R, a solar array within the expanded solar micrositing area will remain visible to drivers from OR 19 as drivers pass the Facility. However, Section 7.2 of RFA 4 Exhibit R verifies that the Facility's impacts on scenic resources along this segment of the highway will not be substantial because the area's existing landscape is a utilitarian agricultural landscape that does not contain outstanding visual features. In particular, there will be no effects on visual resources protected by the Gilliam County Comprehensive Plan (GCCP) (Gilliam County, 2017a). Furthermore, the Council determined that visibility of Phase 2 components under any design scenario, including the 202 MW solar only option, would not adversely impact protected areas. In addition, the preferred primary 230-kV transmission line route that parallels OR 19 is within one mile of the previously analyzed ZVI corridor for the approved "alternate" 230-kV transmission line and does not change the results of previously evaluated facility components. Based on these findings, the Council can rely on its previous conclusion that RFA 5, subject to compliance with existing conditions, is not likely to result in significant adverse impacts to protected areas.	
OAR 345-022-0050	Retirement and Financial Assurance	The Council previously found that the Facility, taking into account mitigation, can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation and that the Certificate Holder has demonstrated a reasonable likelihood of obtaining a bond or letter of credit.[h] The proposed changes do not substantially change the Council's recommended Phase 2 retirement cost estimate of $10.5 million (Q1 2019 dollars) for development of the Phase 2 solar option. Splitting the retirement cost estimate proportionally for Phases 2a and 2b of the Facility results in an approximate $8.1 million retirement cost for Montague Solar, LLC, and an approximate $3.5 million retirement cost for Oregon Trail Solar, LLC, respectively. The estimated cost for Phase 2a is the largest layout configuration. These estimates account for retirement and restoration of the permanent and temporary impacts listed in Tables 3 through 6. The proposed changes in RFA 5 do not substantially alter the retirement cost estimate previously evaluated in RFA 4 Exhibit W and the Council's recommended Phase 2 retirement cost estimate remains adequate to address this standard. The revised retirement cost estimate for Phases 2a and 2b is provided in Attachment 3. The proposed changes do not substantially change the Council's recommended Phase 2 retirement cost estimate of $10.5 million (Q1 2019 dollars) for development of the Phase 2 solar option. As noted in Attachment 3, splitting the retirement cost estimate for the facility resulted in an approximate $8.1 million retirement cost for Montague Solar, LLC, and an approximate $3.5 million retirement cost for Oregon Trail Solar, LLC. The proposed changes in RFA 5 do not substantially alter the retirement cost estimate previously evaluated in RFA 4 Exhibit W and the Council's recommended Phase 2 retirement	Applicable and complies. RFA 5 will not result in a significant change to the retirement cost estimate or financial assurance previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
		cost estimate remains adequate to address this standard. Based on these findings, the Council can rely on its previous conclusion that RFA 5, subject to compliance with existing and amended conditions, can continue to comply with the Retirement and Financial Assurance standard.	
OAR 345-022-0060	Fish and Wildlife Habitat	The Council previously found that, subject to compliance with existing and amended Site Certificate conditions, the Facility complies with the Council's Fish and Wildlife Habitat Standard.[i] The prior findings were based on an analysis provided within RFA 4 Exhibit P that analyzed worst-case scenarios for evaluating potential impacts to fish and wildlife habitat and demonstrated that the fish and wildlife standard in OAR 345-022-0060 can be satisfied. The habitat type within the proposed expanded solar micrositing area is entirely developed-dryland wheat farmland (i.e., Category 6 habitat). No aquatic habitats are present within the proposed site boundary additions. By reducing the approved site boundary, RFA 5 also removes approximately 936.2 acres of Category 1 habitat and approximately 2,544.9 acres of Category 2 habitat from consideration for development. The proposed changes in RFA 5 are designed to occur on Category 6 habitat which does not provide habitat for Washington ground squirrel (WGS) or rare plant species. As described in the Final Order on the Amendment 4, Category 6 habitat is considered the least valuable to wildlife per Oregon Department of Fish and Wildlife (ODFW) policy, and impacts to Category 6 habitat do not require mitigation.[j] Construction of solar only for Phases 2a and 2b as proposed in this RFA 5 will result in approximately 1,812 acres of permanent impacts and 33.8 acres of temporary impacts, shown in Tables 3 through 6 of this RFA 5. The increased permanent impacts occur entirely on Category 6 habitat within the previously evaluated and approved site boundary. Only a small portion, approximately 61 acres or 5 percent, of the proposed expanded solar micrositing area located west of Weatherford Road (in solar micrositing area 3) occurs outside of the Phase 2 2017 and 2018 survey corridors for WGS and rare plants. However, these areas are located on actively cultivated agricultural land, Category 6 habitat, were surveys are not required for WGS and rare plants. Because the modifications described in this RFA 5 are made with the purpose of reducing impacts to high-quality habitat, the proposed expansion of the solar micrositing corridor do not alter the basis of the Council's previous conclusion that the fish and wildlife standard in OAR 345-022-0060 can be satisfied. Therefore, subject to compliance with existing and amended Site Certificate conditions, RFA 5 is not likely to result in a significant adverse impact to fish and wildlife habitat.	Applicable and complies. RFA 5 will not result in a significant adverse impact on fish and wildlife habitat not previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
OAR 345-022-0070	Threatened and Endangered Species	The entire proposed expanded solar micrositing area is located on developed-dryland wheat farmland (i.e., Category 6 habitat). The portions of the primary and alternate 230-kV transmission line corridors not located on cultivate agricultural land were surveyed in 2017 and 2018 for rare plants and WGS (RFA 4 Exhibit P and Q), which are the only threatened or endangered species suspected to be present within the vicinity of the Facility. No federal- or state-listed or candidate plant species were observed within the approved site boundary during the Spring 2018 botanical surveys. No WGS burrows were identified within the approved site boundary. Only a small portion, approximately 61 acres or 5 percent, of the proposed expanded solar micrositing area located west of Weatherford Road (in solar micrositing area 3) occurs outside of the Phase 2 2017 and 2018 survey corridors for WGS and rare plants. However, these areas are located on actively cultivated agricultural land, Category 6 habitat, were surveys are not required for WGS and rare plants. Therefore, construction of approved Phase 2 solar	Applicable and complies. RFA 5 will maintain compliance with the Threatened and Endangered Species standard, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
		components within the expanded solar micrositing area will not cause any new impacts to threatened or endangered species. Accordingly, the Council can rely on its previous finding that, subject to compliance with existing Site Certificate conditions, RFA 5 complies with the Threatened and Endangered Species standard.[k]	
OAR 345-022-0080	Scenic Resources	The Council previously found that the Facility, with Phase 2 components, complies with the Scenic Resources Standard.[l] The Final Order on Amendment 4 identifies scenic resources previously evaluated within 10 miles from the approved site boundary. Based on the Certificate Holder's review, there are no new scenic resources located within the analysis area. As described above, the previous analysis of potential visual impacts from the Facility relied on a Zone of Visual Influence (ZVI) analysis to model the "worst case" line-of-sight visibility for 81 wind turbines at 597 feet in height and 100-foot-tall 230-kV transmission line structures. This RFA 5 proposes to expand the solar micrositing area to develop previously approved solar components as part of Phases 2a and 2b. The Certificate Holder seeks to retain the wind option in Phase 2b but significantly reduces the maximum number of turbines from 81 to 16. In this scenario, potential visual impacts to previously evaluated protected areas is further minimized. As previously evaluated in RFA 4 Exhibit R, a solar array within the expanded solar micrositing area will remain visible to drivers from OR 19 as drivers pass the Facility. However, Section 7.2 of RFA 4 Exhibit R verifies that the Facility's impacts on scenic resources along this segment of the highway will not be substantial because the area's existing landscape is a utilitarian agricultural landscape that does not contain outstanding visual features. In particular, there will be no effects on visual resources protected by the GCCP (Gilliam County, 2017a). Furthermore, the Council determined that visibility of Phase 2 components under any design scenario, including the 202-MW solar-only option, would not result in any significant adverse impacts to scenic resources identified within the 10-mile scenic resources analysis area for Phase 2. In addition, the preferred primary 230-kV transmission line route that parallels OR 19 is within one mile of the previously analyzed ZVI corridor for the approved "alternate" 230-kV transmission line and does not change the results of previously evaluated facility components. Based on these findings, the Council can rely on its previous conclusion that RFA 5 complies with the standard and is not likely to result in significant adverse impacts to scenic resources.	Applicable and complies. RFA 5 will not result in a significant adverse impact on scenic resources not previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
OAR 345-022-0090	Historic, Cultural and Archaeological Resources	The Council previously relied on conditions imposed in the Site Certificate to address compliance with the Council's Historic, Cultural, and Archaeological Resources Standard.[m] The entire 8,981-acre micrositing corridor within the approved site boundary has been surveyed for cultural and archaeological resources. In addition to the surveys conducted as part of the original application, portions of the proposed expanded site boundary were surveyed as part of studies conducted for the Baseline Wind Facility (application withdrawn), and portions of the proposed expanded site boundary were surveyed in 2017 and 2018 for areas where Phase 2 facility components are planned. Only a small portion, approximately 61 acres or 5 percent, of the proposed expanded solar micrositing area located west of Weatherford Road (in solar micrositing area 3) has not been field surveyed for cultural and archaeological resources. Condition 49 requires that additional field surveys be conducted should any components be sited outside of the previously surveyed areas, and Conditions 47 and 48 implement restrictions to avoid potential impacts on identified resources.	Applicable and complies. RFA 5 will not result in a significant adverse impact on historic, cultural and archaeological resources not previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
		RFA 5 would expand solar micrositing area 2 on the Athearn property where the Weatherford Barn is located. In a worst case scenario, Phase 2a would relocate a portion of the approved Phase 2 solar components within 300 feet of the Weatherford Barn to the west, north, and east. To reduce visual impacts to the NRHP-eligible Weatherford Barn, Montague has sited electrical collector lines to the south of Bottemiller Lane, and the Phase 2 substation and battery storage area to the east of Weatherford Barn. In a letter dated March 1, 2019, regarding Oregon State Historic Preservation Office (SHPO) Case No. 10-0378, SHPO concluded that Montague's proposed facilities near the Weatherford Barn would diminish the setting, feeling, and association of Weatherford Barn. In response to SHPO's finding, the Certificate Holder developed the Phase 2 Historical Resource Mitigation Plan (HRMP) provided as Attachment H of the Final Order on Amendment 4. The Phase 2 HRMP demonstrates that Montague will reduce impacts to Weatherford Barn to less than significant by one of two methods: 1. Montague will set back facilities in its final design from the Weatherford Barn at a distance agreeable to SHPO; or 2. If this setback is not feasible, Montague will implement one of the mitigation actions provided in the Phase 2 HRMP within 1 year of commercial operation of the Facility. Additional detail on mitigation for the Weatherford Barn is presented in the Certificate Holder's Phase 2 HRMP. The Council also amended Site Certificate Condition 47 to reflect this commitment. The Council may rely on its earlier findings to conclude in accordance with OAR 345-022-0090, that the construction, operation, and retirement of the Facility as modified under RFA 5, taking into account mitigation and compliance with existing and amended Site Certificate conditions, is not likely to result in significant adverse impacts to historic, cultural, or archaeological resources.	
OAR 345-022-0100	Recreation	The Council previously found that the Facility will comply with the Recreation Standard and that the design, construction, and operation of the Facility are not likely to result in significant adverse impact to any important recreational opportunities in the analysis area.[n] The Final Order on Amendment 4 identifies recreational opportunities previously evaluated within 5 miles from the approved site boundary. Based on the Certificate Holder's review, there are no new recreational opportunities located within the analysis area. The changes proposed in RFA 5, in particular the expanded solar micrositing area, occur in the previously evaluated and approved site boundary. RFA 5 reduces the approved site boundary by approximately 4,110 acres (Figure 1) and Phase 2b reduces the maximum number of wind turbines that can be constructed within the approved site boundary from 81 to 16 turbines. Potential direct and indirect impacts from Phase 2 on the recreational opportunities listed in the Final Order on Amendment 4 were previously evaluated based on noise, traffic, and visual impacts. While the Certificate Holder proposes to expand the approved solar micrositing area for Phase 2a, the Certificate Holder does not propose to add new solar facility equipment as a part of this RFA 5. Instead, the approved solar facility equipment will be redesigned and reallocated across the expanded solar micrositing area (Section 2.2). Because, RFA 5 will not substantively change the proposed construction and operation of approved Phase 2 facility components, it does not change the discussion of potential impacts to previously evaluated recreational opportunities. Predicted noise levels resulting from the changes proposed in RFA 5 are unlikely to be audible from previously evaluated recreational opportunities. RFA 5 does not change the primary and alternate transport routes, traffic trips, or haul estimates previously evaluated by the Council. The Council also	Applicable and complies. RFA 5 will not result in a significant adverse impact on recreational opportunities, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
		determined that visibility of Phase 2 components under any design scenario, including the 202-MW solar-only option, would not adversely impact recreational opportunities. Based on these findings, the Council can rely on its previous conclusion that RFA 5, subject to compliance with existing conditions, is not likely to result in significant adverse impacts to recreational opportunities.	
OAR 345-022-0110	Public Services	The proposed changes do not alter the Facility's construction, use, or reliance on sewers and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, or schools, and there are no other circumstances that would alter the basis for the Council's earlier determination. Therefore, the Council can rely on its previous conclusion that RFA 5, subject to compliance with existing and amended conditions, will continue to comply with the Public Service standard.	Applicable and complies. RFA 5 will maintain compliance with the Public Services standard as previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
OAR 345-022-0120	Waste Minimization	The proposed changes do not alter the Facility's plans for solid waste management or wastewater handling, or management of waste generated by construction and operation of the Facility. Therefore, the Council can rely on its previous conclusion that RFA 5, subject to compliance with existing and amended conditions, will continue to comply with the Waste Minimization standard.	Applicable and complies. RFA 5 will maintain compliance with the Waste Minimization standard as previously reviewed by the Council, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
OAR 345-024			
OAR 345-024-0010	Public Health and Safety Standards for Wind Energy Facilities	The Final Order on the Application identified that a maximum of 27 miles of the collector system will be above ground. As shown in Table 2 of this RFA 5, Phases 2a and 2b will not exceed the total length of aboveground collector lines required to support the Facility; therefore, the combined Phases 1, 2a, and 2b facilities will not exceed 27 miles of aboveground collection. Construction of underground collector lines and roads within the expanded solar micrositing area does not affect compliance with this standard.	Applicable and complies. RFA 5 will comply with this standard, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
OAR 345-024-0015	Cumulative Effects Standard for Wind Energy Facilities	The Council previously found that the Facility, with Phase 2 components, complies with the Wind Energy Facility Cumulative Effects standard.[0] RFA 5 reduces the approved site boundary by approximately 4,110 acres (Figure 1) and Phase 2b reduces the maximum number of wind turbines that can be constructed within the approved site boundary from 81 to 16 turbines. Therefore, potential cumulative effects associated with Phase 2b are lessened as a result of RFA 5.	Applicable and complies. RFA 5 maintains compliance with the Cumulative Effects Standard for Wind Energy Facilities, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)
			to existing conditions of the Site Certificate.
OAR 345-024-0090	Siting Standards for Transmission Lines	See Section 3.2 for the Certificate Holder's supplemental analysis to demonstrate that the 200-foot setback from residences and occupied structures imposed by Condition 89(a) is not needed to maintain compliance with siting standards for transmission lines under OAR 345-024-0090. The preferred primary 230-kV transmission line route segment along OR 19 shown on Figure 4 maintains compliance with Council standards regarding alternating current electronic fields and induced currents under OAR 345-024-0090.	Applicable and complies. RFA 5 will not result in a significant adverse impact from alternating current electronic fields and induced currents, but will require a change to remove an existing condition of the Site Certificate.
Other Standards and Laws			
OAR 345-035-0035	Noise	See Section 3.3 for the Certificate Holder's supplemental analysis to demonstrate that RFA 5 maintains compliance with applicable noise control regulations under OAR 345-035-0035.	Applicable and complies. RFA 5 will not result in a significant adverse noise impact, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
ORS 196.795 through 196.990; OAR 141-085-0500 through 141-085-0785	Removal-Fill	With the implementation of Conditions 80 through 87, the Council can conclude that RFA 5 will maintain compliance with the state's removal-fill law. The Certificate Holder is not currently required to obtain a removal-fill permit. As previously evaluated by the Council, no wetlands were observed during 2017 and 2018 field investigations of the Phase 2 analysis area. The wetland delineation reports were submitted to the Oregon Department of State Lands (DSL) for review, and on March 6, 2019, DSL concurred with the two wetland delineation reports provided in RFA 4 Exhibit J (WD#2011-0364R and WD#2018-0660). There are no wetlands in the expanded solar micrositing area where approved Phases 2a and 2b facility components could be located. Pursuant to amended Condition 83, preconstruction wetland surveys will be conducted to confirm the absence of drainages within the approximately 61 acres or 5 percent, of the proposed expanded solar micrositing area located west of Weatherford Road (in solar micrositing area 3) that has not been field surveyed.	Applicable and complies. RFA 5 will not result in a significant adverse impact to wetlands and waters of the state, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.
ORS Chapters 537 and 540; OAR Chapter 690	Water Rights	RFA 5 does not change the Certificate Holder's ability to provide adequate water for construction and operation. With the implementation of Condition 29 and Condition 86, the Council can conclude that RFA 5 will maintain compliance with the State's applicable water rights regulations and will not result in the need for a groundwater permit, surface water permit, or water right transfer.	Applicable and complies. RFA 5 will not result in a significant adverse impact to water resources, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require new conditions or a change to existing conditions of the Site Certificate.

Table 7. Assessment of Compliance with Applicable Standards

Oregon Administrative Rule	Standard	Assessment of Compliance with Standard	Applicability and Compliance under OAR 345-027-0060(1)(e)

[a] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 25. August 23.
[b] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 26. August 23.
[c] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 31. August 23.
[d] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 42. August 23.
[e] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 38 through 40. August 23.
[f] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 102. August 23.
[g] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 113. August 23.
[h] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 123. August 23.
[l] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 137. August 23.
[j] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 125. August 23.
[k] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 141. August 23.
[l] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 148. August 23.
[m] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 159. August 23.
[n] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 165. August 23.
[o] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 182. August 23.

value farmland and more than 20 acres of arable land from use as a commercial agricultural enterprise within the expanded solar micrositing area. Accordingly, expanding the solar micrositing area to the areas shown on Figure 2 requires approval of a Goal 3 exception to comply with GCZO 4.020(D)(11) and OAR 660-29 033-0130(38)(f) and (38)(g). Pursuant to ORS 469.504(1)(b)(B), noncompliance with a statewide planning goal requires a determination by the Council that an exception to Goal 3 is warranted under ORS 469.504(2) and the implementing rule at OAR 345-32 022-0030(4).

This section provides supplemental analysis of soil classifications within the expanded solar micrositing area, demonstrates that RFA 5 maintains compliance with the balance of local applicable substantive criteria, and demonstrates that an exception to Statewide Planning Goal 3 is justified.

3.1.1 Overview of Soil Classifications

The Facility, including the proposed expanded solar micrositing area, is located within the approximately 11-million-acre Columbia Valley American Viticultural Area (AVA), and therefore by operation of law,[12] is considered to consist of high-value farmland soils. The Certificate Holder applies the high-value farmland approval criteria when responding to the applicable substantive criteria for RFA 5, but for purposes of evaluating and analyzing potential impacts to agricultural land and operations, the Certificate Holder considered the actual underlying soil types and classifications using on-the-ground site-specific conditions in accordance with the steps described in Section K.4.3 of RFA 4 Exhibit K.

3.1.1.1 Solar Micrositing Area 2

Figure 10 and Table 8 identify and describe soils subject to development within the approximately 307-acre solar micrositing area 2. Soils consist of Ritzville silt loam (soil map codes 32A, 32B, and 32C). When nonirrigated, these soils are considered NRCS Class 3. Figure 10, and analysis previously considered by the Council in Section K.4.3 of RFA 4 Exhibit K, demonstrate that there are no water right permits or certificates and no irrigated soils within solar micrositing area 2. Therefore, under the nonirrigated NRCS classification, solar micrositing area 2 comprises approximately 307.2 acres of Class 3 soil.

Figure 10 shows solar micrositing area 2 within the approximately 311-acre tract owned by Athearn Robert F. Living Trust (Athearn). Table 8 identifies approximately 89.3 acres of high-value farmland per ORS 195.300(10)(f)(C) within solar micrositing area 2, which amounts to approximately 98 percent of high-value farmland in the Athearn tract.

3.1.2 Solar Micrositing Area 3

Figure 10 and Table 8 also identify and describe soils subject to development within the approximately 1,228-acre solar micrositing area 3. Soils consist primarily of Ritzville silt loam (approximately 1,164.4 acres; soil map codes 32A, 32B, 32C, and 32D). The area also includes 58.6 acres of Willis silt loam (soil map code 56C) and 5.5 acres of Olex gravelly silt loam (soil map code 24E). When nonirrigated, these soils are considered NRCS Class 3, 4, and 6. Figure 10, and analysis previously considered by the Council in Section K.4.3 of RFA 4 Exhibit K, demonstrate that there are no water right permits or certificates and no irrigated soils within solar micrositing area 3. Therefore, under the nonirrigated NRCS classification, solar micrositing area 3 comprises approximately 1,221.8 acres of Class 3 soil, 1.1 acre of Class 4 soil, and 5.5 acres of Class 6 soils for a total of approximately 1,228 acres.

Figure 10 shows solar micrositing area 3 occurs within a portion of three tracts owned by Holtz Timothy H & Deborah L (Holtz), Weatherford Flores Ann (Weatherford), and Weedman Ranches Inc.(Weedman). Table 6 identifies approximately 347.6 acres or 28.3 percent of solar micrositing area 3 comprises high-value farmland per ORS 195.300(10)(f)(C). Table 7 identifies the amount of high-value farmland per ORS 195.300(10)(f)(C) within each tract. Solar micrositing area 3 accounts for 137.6 acres or 48.5 percent of

[12] See OAR 660-033-0130(37) and OAR 660-033-0130(38) with cross-reference to ORS 195.300(10)(f)(C) definition for “high-value farmland soils.”

high-value farmland in the Holtz tract, 46.4 acres or 39.5 percent of high-value farmland in the Weatherford tract, and 162.5 acres or 6.9 percent of high-value farmland in the Weedman tract.

Table 9 shows that no tract is composed predominantly of high-value farmland per ORS 195.300(10)(f)(C). In addition, the expanded solar micrositing area will not permanently disturb a majority of available high-value farmland per ORS 195.300(10)(f)(C) within each tract. Actual disturbance to high-value farmland will vary based on the final design layout in relation to the size and soil composition of each tract. Overall, the expanded solar micrositing area (solar micrositing areas 2 and 3) is proposed on approximately 435.8 acres of high-value farmland per ORS 195.300(10)(f)(C) which accounts for 15 percent of available high-value farmland within the combined four underlying tracts shown on Figure 10.

Table 8. Summary of Soil Classifications by Solar Micrositing Area

Nonirrigated Soils Unit and Capability Class[a]	Acreage	Percent of Total
Solar Micrositing Area 2		
Capability Class 3 (Arable)	307.2	100
Ritzville silt loam, 0 to 2 percent slopes (32A)	260.4	84.8
Ritzville silt loam, 2 to 7 percent slopes (32B)	42.2	13.7
Ritzville silt loam, 7 to 12 percent slopes (32C)	4.6	1.5
Total	**307.2**	
High-value Farmland per ORS 195.300(10)(f)(C)	89.3	29.1
Solar Micrositing Area 3		
Capability Class 3 (Arable)	1221.8	99.5
Ritzville silt loam, 0 to 2 percent slopes (32A)	826.4	67.3
Ritzville silt loam, 2 to 7 percent slopes (32B)	244.2	19.9
Ritzville silt loam, 7 to 12 percent slopes (32C)	92.6	7.5
Willis silt loam, 5 to 12 percent slopes (56C)	58.6	4.8
Capability Class 4 (Arable)	1.1	0.1
Ritzville silt loam, 12 to 20 percent slopes (32D)	1.1	0.1
Capability Class 6 (Nonarable)	5.5	0.4
Olex gravelly silt loam, 20 to 40 percent slopes (24E)	5.5	0.4
Total	**1,228.4**	
High-value Farmland per ORS 195.300(10)(f)(C)	347.6	28.3

Source: NCRS, 2020

[a] NCRS nonirrigated soils and high-value farmland per ORS 195.300(10)(f)(C) within the expanded solar micrositing area are shown on Figure 6.

Table 9. Summary of Soil Classifications by Tract

Nonirrigated Soils Unit and Capability Class[a]	Acreage	Percent of Total
Athearn Robert F. Living Trust[b]		
Capability Class 3 (Arable)	311.0	100
Ritzville silt loam, 0 to 2 percent slopes (32A)	262.1	84.3
Ritzville silt loam, 2 to 7 percent slopes (32B)	42.1	13.5
Ritzville silt loam, 7 to 12 percent slopes (32C)	6.8	2.2
Total	**311**	
High-value Farmland per ORS 195.300(10)(f)(C)	91.2	29.3
Holtz Timothy H & Deborah L[b]		
Capability Class 3 (Arable)	830.8	100
Ritzville silt loam, 0 to 2 percent slopes (32A)	355.2	42.8
Ritzville silt loam, 2 to 7 percent slopes (32B)	293.1	35.3
Ritzville silt loam, 7 to 12 percent slopes (32C)	155.6	18.7
Willis silt loam, 2 to 5 percent slopes (56C)	26.8	3.2
Total	**830.8**	
High-value Farmland per ORS 195.300(10)(f)(C)	284	34.2
Weatherford Flores Ann[b]		
Capability Class 3 (Arable)	266.2	100
Ritzville silt loam, 0 to 2 percent slopes (32A)	140.0	52.6
Ritzville silt loam, 2 to 7 percent slopes (32B)	63.0	23.7
Ritzville silt loam, 7 to 12 percent slopes (32C)	36.2	13.6
Willis silt loam, 2 to 5 percent slopes (56C)	26.9	10.1
Total	**266.2**	
High-value Farmland per ORS 195.300(10)(f)(C)	117.5	44.1
Weedman Ranches, Inc. Tract[b]		
Capability Class 3 (Arable)	5,956.0	72
Kimberly fine sandy loam (13)	2.7	0.03
Mikkalo silt loam, 7 to 12 percent slopes (17C)	156.0	1.9
Ritzville silt loam, 0 to 2 percent slopes (32A)	1,500.9	18.1
Ritzville silt loam, 2 to 7 percent slopes (32B)	2,573.3	31.1
Ritzville silt loam, 7 to 12 percent slopes (32C)	1,368.6	16.5
Willis silt loam, 2 to 5 percent slopes (56B)	38.6	0.5
Willis silt loam, 5 to 12 percent slopes (56C)	316.0	3.8
Capability Class 4 (Arable)	1,031.4	12.5
Powder silt loam (26)	0.9	0.01
Ritzville silt loam, 12 to 20 percent slopes (32D)	632.0	7.6

Table 9. Summary of Soil Classifications by Tract

Nonirrigated Soils Unit and Capability Class[a]	Acreage	Percent of Total
Sagehill fine sandy loam, 5 to 12 percent slopes (40C)	0.7	0.01
Warden silt loam, 12 to 20 percent slopes (55D)	96.4	1.2
Warden silt loam, 2 to 5 percent slopes (55B)	172.3	2.1
Warden silt loam, 5 to 12 percent slopes (55C)	31.2	0.4
Willis silt loam, 12 to 20 percent slopes (56D)	97.8	1.2
Capability Class 6 (Nonarable)	1,016.0	12.3
Olex gravelly silt loam, 20 to 40 percent slopes (24E)	554.4	6.7
Olex gravelly silt loam, 5 to 20 percent slopes (24D)	11.0	0.1
Ritzville silt loam, 20 to 40 percent north slopes (33E)	132.2	1.6
Ritzville silt loam, 20 to 40 percent south slopes (34E)	95.9	1.2
Warden silt loam, 20 to 40 percent slopes (55E)	70.5	0.9
Willis silt loam, 20 to 30 percent slopes (56E)	152.0	1.8
Capability Class 7 (Nonarable)	272.8	3.3
Lickskillet very stony loam, 7 to 40 percent slopes (15E)	265.9	3.2
Lickskillet-Rock outcrop complex, 40 to 70 percent slopes (16F)	6.9	0.1
Total	**8,276.2**	
High-value Farmland per ORS 195.300(10)(f)(C)	2,369.1	28.6

Source: NCRS, 2020

[a] NCRS nonirrigated soils and high-value farmland per ORS 195.300(10)(f)(C) within the expanded solar micrositing area are shown on Figure 6.

[b] Per OAR 660-033-0020(14), the subject "tract" is the land underlying the solar micrositing area and the contiguous property tax lots or parcels under the same ownership.

3.1.3 Local Applicable Substantive Criteria

The Council previously determined in Amendment 4 that with the implementation of existing and amended conditions to the Site Certificate, Phase 2 components comply with the local applicable substantive criteria for Gilliam County.[13] Specifically, the Council evaluated Phase 2 compliance with each of the County's applicable substantive criteria listed in *Table 1: Gilliam County Applicable Substantive Criteria* of the Final Order on Amendment 4.[14] The Certificate Holder has confirmed that the GCZO has not been updated since May 3, 2017.[15] As such, the same criteria used to evaluate Amendment 4 are applicable to this RFA 5. In addition, the Phase 2 analysis area for potential land use impacts included the entire area within 0.5 mile from the Facility's approved and amended site boundary and encompasses the expanded solar micrositing area proposed in this RFA 5. Therefore, analysis previously conducted for solar development within the Phase 2 land use analysis area is directly applicable to RFA 5.

In Amendment 4, the following Phase 2 components were assessed as separate land uses under the GCZO and the GCCP:

[13] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 44 through 78. August 23.

[14] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 44. August 23.

[15] Gilliam County. 2020. Comprehensive Plan and Zoning Ordinance. http://www.co.gilliam.or.us/government/planning_department/2017_comprehensive_plan_and_zoning_ordinance.php. Accessed April 9.

- *Commercial Utility Facilities for the Purpose of Generating Power for Public Use by Sale (includes proposed Phase 2 solar photovoltaic power generation facility including solar modules and other accessory equipment like a battery storage system, trackers, posts, cabling, inverters, transformers, collection system, collection substation, access roads, perimeter fencing, and gates, and temporary construction areas [Phase 2 solar facility 5 components])*
- *Transportation Improvements on Rural Lands (includes proposed Phase 2 road construction and improvements associated with the solar array)*
- *Utility Facilities Necessary for Public Service (includes Phase 2 230 kV transmission line segment)*[16]

With the exception of the new switching station proposed as a related or supporting facility for construction and operation of Phase 2b (Section 2.2), the Certificate Holder does not propose to add new solar facility equipment as a part of this RFA 5. Instead, the previously evaluated and approved solar facility equipment and related or supporting facilities listed above will be redesigned and reallocated within the expanded solar micrositing area. For example, Table 2 shows how approved Phase 2 solar components will be reallocated within solar micrositing area 1 and 2 and will be designed and operated as Phase 2a of the Facility. Phase 2 solar components will also be reallocated within solar micrositing area 3 and will be designed and operated as Phase 2b of the Facility. Combined, the solar power generation will not exceed 203 MW, with 162 MW allocated to Phase 2a and 41 MW allocated to Phase 2b.

The proposed switching station will operate similar to an approved Facility substation and will connect Phase 2b to the approved Phase 2 collector substation via the approved Phase 2 34.5-kV overhead collector line along Bottemiller Lane. The proposed switching station will be situated within a graveled, fenced area of approximately 260 feet by 335 feet or approximately 2 acres in solar micrositing area 3 (Figure 3). The Council previously found that a photovoltaic solar power generation facility is consistent with the County's definition of a commercial utility facility, which is permitted as a conditional use under GCZO 4.020(D)(11). The proposed switching station meets the definition of "necessary grid integration equipment" under OAR 660-033-130(38)(f) and is therefore included in the definition of a photovoltaic solar power generation facility. Accordingly, the proposed switching station is consistent with the types of related or supporting power collection equipment (i.e. Phase 2 collector substation and power collection system) previously review and approved in compliance with the County's land use standards.

Because RFA 5 does not substantively change the uses approved by the Council in Amendment 4, the Council may conclude that with implementation of existing and previously amended conditions to the Site Certificate,[17] RFA 5 does not result in a new use not previously considered and will continue to comply with the County's applicable substantive criteria listed in *Table 1: Gilliam County Applicable Substantive Criteria* of the Final Order on Amendment 4.[18] For example, RFA 5 can rely on the same analysis conducted under GCZO 4.020(H) and GCZO 7.020(Q) for Amendment 4,[19] which contains the significant impacts test for conditional uses on EFU lands. The Certificate Holder previously demonstrated and the Council agreed that that potential impacts to farm practices on surrounding lands would not likely be significant and would not increase the cost of accepted farm practices on surrounding lands.[20] Accordingly, RFA 5 will not result in a new significant adverse impact to surrounding lands or farm practices previously reviewed by the Council in the land use analysis area, will not impair the Certificate Holder's ability to comply with conditions of the Site Certificate, and will not require a new condition or change to existing conditions of the Site Certificate to comply with land use standards.

In Table 10, the Certificate Holder demonstrates that RFA 5 maintains compliance with the local applicable substantive criteria that was previously evaluated and approved by the Council.

[16] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 46. August 23.
[17] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 51 through p. 54. August 23.
[18] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 44. August 23.
[19] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 49 and p. 60. August 23.
[20] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 52 and 53. August 23.

Table 10. Assessment of Compliance with Local Applicable Substantive Criteria

Local Applicable Substantive Criteria[a]		Assessment of Applicability and Compliance
Gilliam County Zoning and Land Development Ordinance (GCZO)		
Article 4 – Use Zones		
Section 4.020	Exclusive Farm Use	Applicable and complies. The proposed expanded micrositing area occurs in the County's EFU zone and the Council's previous determination that Amendment 4 complies with Section 4.020 is applicable to RFA 5.
Section A	High-Value Farmland	Applicable and complies. The Council's previous determination that Amendment 4 complies with the County's high-value farmland criteria under Section 4.020(A) applies to RFA 5 and the Certificate Holder's updated evaluation of compliance with OAR 660-030-0130 is provided in Section 3.1.3.
Section C	Planning Director Review	Applicable and complies. RFA 5 does not substantively change the transportation improvements or utility facilities approved in Amendment 4. Therefore, the Council's previous determination that Amendment 4 complies with Section 4.020(C) applies to RFA 5.
Section D	Conditional Uses Permitted	Applicable and complies. Development in the expanded solar micrositing area exceeds the acreage limitation for high-value farmland under GCZO 4.020(D)(11) and a Goal 3 exception is requested in Section 3.1.4.
Section H	Specific Review Criteria	Applicable and complies. Development of previously approved Phase 2 facility components within the proposed expanded solar micrositing area does not change the Certificate Holder's findings to GCZO 4.020(H) provided in RFA 4 Exhibit K. Therefore, the Council may rely on its previous determination for Section 4.020(H) that RFA 5, with the implementation of conditions amended in Amendment 4, will not force a significant change in accepted farming practices and will not significantly increase the cost of accepted farming practices on surrounding lands devoted to farm use. In addition, the Certificate Holder's updated evaluation of compliance with OAR 660-030-0130 and justification for a Goal 3 exception are provided in Sections 3.1.3 and 3.1.4, respectively.
Section J	Property Development Standards	Applicable and complies. The County's setback standards are implemented in amended Condition 42 of the Site Certificate. Therefore, the Council's previous determination that Amendment 4 complies with Section 4.020(J) applies to RFA 5.
Article 7 – Conditional Uses		
Section 7.010	Authorization to Grant or Deny Conditional Uses	Applicable and complies. The expanded solar micrositing area is proposed for development of the same conditional use, a photovoltaic solar power generation facility, that was previously evaluated and approved by the Council in Amendment 4. Therefore, the Council's previous determination that Amendment 4 complies with Section 7.010 applies to RFA 5.
Section A	General Approval Criteria	Applicable and complies. RFA 5 does not result in changes to the Council's findings of compliance with Amendment 4 under GCZO 7.010(A)(1) and (2). Therefore, the Council's previous determination that Amendment 4 complies with Section 7.010(A) applies to RFA 5.
Section 7.020	Standards Governing Conditional Uses	Applicable and complies. RFA 5 does not result in a change that alters the Council's previous findings of compliance with the County's standards governing conditional uses. Therefore, the Council's previous determination that Amendment 4 complies with Section 7.020 applies to RFA 5.
Section A	Conditional Uses, Generally	Applicable and complies. The County's setback standards are implemented in amended Condition 42 of the Site Certificate. Therefore, the Council's previous determination that Amendment 4 complies with Section 4.020(J) also applies to Section 7.020(A) for RFA 5.
Section Q	Conditional Uses in Exclusive Farm Use Zones	Applicable and complies. See the Certificate Holder's response under Section 4.020(H) which is also applicable to Section 7.020(Q).

Table 10. Assessment of Compliance with Local Applicable Substantive Criteria

Local Applicable Substantive Criteria[a]		Assessment of Applicability and Compliance
Section T	Wind Power Generation Facility Siting Requirements	Not applicable to RFA 5.
Article 8 – Supplementary Provisions		
Section 8.030	Clear Vision Areas	Applicable and complies. Solar arrays proposed for Phases 2a and 2b will be constructed to maintain clear vision areas at access locations from Bottemiller Lane and Weatherford Road shown on Figure 3. Therefore, RFA 5 does not change the Council's previous determination of compliance with Section 8.030.
Section 8.040	Outdoor Lighting Standards	Applicable and complies. The County's lighting standards are implemented in Condition 104 of the Site Certificate. Therefore, the Council's previous determination that Amendment 4 complies with Section 8.040 applies to RFA 5.
Section 8.050	Sign Regulations	Applicable and complies. As determined in Amendment 4, signage to identify access points to the Facility will comply with Section 8.050. Therefore, the Council's previous determination that Amendment 4 complies with Section 8.050 applies to RFA 5.
Section 8.070	Projections from Buildings	Not applicable to RFA 5.
Section 8.100	Off-Street Parking Requirements	Applicable and complies. RFA 5 does not change the description or layout of the approved Phase 2 O&M building. Therefore, the Council's previous determination that Amendment 4 complies with Section 8.100 applies to RFA 5.
Section A	Number of Parking Spaces Required	Applicable and complies. See the Certificate Holder's response to Section 8.100.
Section 8.140	Site Plan Review	Applicable and complies. RFA 5 complies with the County's site plan review criteria as demonstrated in Amendment 4 and in the responses below.
Section A	Purpose	Applicable and complies. The proposed solar array site plan for Phases 2a and 2b is provided on Figure 3 in compliance with Section 8.140(A).
Section E	Detailed Plan	Applicable and complies. The Certificate Holder maintains that no landscaping will be associated with Phase 2 facility components in the expanded solar micrositing area as previously proposed and approved in Amendment 4.
Section F	Outdoor Storage and Activities, if Permitted in the Zone	Applicable and complies. RFA 5 does not change to the Council's previous finding that Phase 2 facility components comply with Section 8.140(F).
Section G	Topographic Information	Applicable and complies. Topographic information is provided on Figure 3 in compliance with Section 8.140(G).
Section H	Drainage Plan	Applicable and complies. The Certificate Holder is required to include a drainage plan within its NPDES 1200-C General Stormwater Discharge Permit, which is attached as I-1 within RFA 4 Exhibit I. Therefore, the Council's previous determination that Amendment 4 complies with Section 8.140(H) applies to RFA 5.
Section I	Identification of Proposed Trash Storage Locations	Applicable and complies. Site Certificate Conditions 111 and 112 require the Certificate Holder to develop and implement a waste management plan. Therefore, the Council's previous determination that Amendment 4 complies with Section 8.140(I) applies to RFA 5.
Section J	Location of All Existing and Proposed Utilities	Applicable and complies. RFA 5 does not change the description of utility and septic systems for Phases 2a or 2b facility components and the Council's previous finding of compliance with Section 8.140(J) is unchanged.

Table 10. Assessment of Compliance with Local Applicable Substantive Criteria

Local Applicable Substantive Criteria[a]		Assessment of Applicability and Compliance
Section K	Elevation Drawings	Applicable and complies. RFA 5 does not change the Council's previous determination of compliance with Section 8.140(K).
Section L	Approval Standards	Applicable and complies. RFA 5 does not change the Council's previous determination of compliance with the applicable provisions of Section 8.140(L).
Section M	The Development Will Not Result In Traffic Volumes that Will Reduce the Performance Standard	Applicable and complies. RFA 5 does not change the Council's previous determination of compliance with Section 8.140(M) specifying that Phase 2 facility components will not result in significant adverse impacts to traffic.
Section N	The Development Will Not Adversely Affect Agricultural or Forestry Uses	Applicable and complies. See the Certificate Holder's response under Section 4.020(H) and Section 7.020(Q) which is also applicable to Section 8.140(N).
Gilliam County Comprehensive Plan (GCCP)		
(Goal 2) Land Use Planning – Policy 7		Applicable and complies. Development of previously approved Phase 2 facility components within the proposed expanded solar micrositing area does not change the Council's previous determination of consistency with this policy.
(Goal 3) Agricultural Lands – Policy 3		Applicable and complies. As described in response to Section 4.020(H), Section 7.020(Q), and Section 8.140(N), development of previously approved Phase 2 facility components within the proposed expanded solar micrositing area does not change the Council's previous determination of consistency with this policy. The Certificate Holder's updated evaluation of compliance with OAR 660-030-0130 and justification for a Goal 3 exception are provided in Sections 3.1.3 and 3.1.4, respectively.
(Goal 5) Natural Resources – Policies 2 and 12		Applicable and complies. Development of previously approved Phase 2 facility components within the proposed expanded solar micrositing area does not change the Council's previous determination of consistency with these policies. Site Certificate Conditions 91 through 101 also require further ODFW consultation to maintain consistency with these policies.
(Goal 6) Air, Water, and Land Resources Quality – Policies 6 and 7		Applicable and complies. Development of previously approved Phase 2 facility components within the proposed expanded solar micrositing area does not change the Council's previous determination of consistency with these policies. Site Certificate Conditions 80 (implementation of an Erosion and Sediment Control Plan) and 106 through 108 (compliance with noise standards) also require further ODFW consultation to maintain consistency with these policies. The Certificate Holder's updated evaluation of compliance with Oregon Department of Environmental Quality (DEQ) noise standards is provided in Section 3.1.3.
(Goal 8) Recreation – Policy 3		Applicable and complies. RFA 5 does not change the Council's previous determination of consistency with this policy.
(Goal 12) Transportation – Policies 10 and 14		Applicable and complies. RFA 5 does not change the Council's previous determination of consistency with these policies. Site Certificate Conditions 71 and 75 also implement consistency with these policies.
(Goal 13) Energy Conservation – Policy 3		Applicable and complies. RFA 5 does not change the Council's previous determination of consistency with this policy.

[a] Gilliam County's applicable substantive criteria as listed in *Table 1: Gilliam County Applicable Substantive Criteria* on page 44 of the Final Order on Amendment 4.

3.1.4 Oregon Administrative Rules

OAR 660-033-0130 *Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses*

(38) A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:

(a) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(b) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(c) "Dual-use development" means developing the same area of land for both a photovoltaic solar power generation facility and for farm use.

(d) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(e) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(f) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

Response: The Council previously evaluated the 1,189-acre solar micrositing area 1 under the applicable substantive criteria in OAR 660-033-0130(38) and determined that an exception to Goal 3 was justified to site the Phase 2 solar facility on over 12 acres of high-value farmland.[21] Figure 6 shows the NRCS soil types within the expanded solar micrositing area. No irrigated soils are located within the expanded solar micrositing area. Under the nonirrigated NRCS soil classifications, the expanded solar micrositing area comprises approximately 1,529 acres of Class 3 soil, 1.1 acres of Class 4 soil, and 5.5 acres of Class 6 soils for a total of approximately 1,536 acres. However, given the Facility's location within the Columbia Valley AVA, portions of soils within the expanded solar micrositing area are, by operation of law, high-

[21] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 89. August 23.

value farmland soils under ORS 195.300(10)(f)(C). Therefore, the Certificate Holder analyzes the expanded solar array under OAR 660-033-0130(38)(g) below.

The Certificate Holder seeks the flexibility to construct Phases 2a and 2b on an additional 1,536 acres any place within the expanded solar micrositing area (see Figures 3 and 10). In total, the approved solar micrositing area 1 and expanded solar micrositing areas 2 and 3 will not exceed 2,725 acres of permanent disturbance. This is an overestimate and worst-case scenario to allow the greatest design flexibility based on market and customer demands. The solar array layout presented in Figure 3 occupies the expanded solar micrositing area and represents the "worst-case scenario" for this land use analysis because it presents the maximum disturbance to ongoing agricultural operations and surrounding properties. The Council previously reviewed and agreed with the concept of analyzing the Phase 2 solar facility within a defined solar micrositing area.[22] The Certificate Holder maintains the concept for evaluating the expanded solar micrositing area. This concept allows the Certificate Holder the opportunity to work with the four underlying landowners (Athearn, Holtz, Weatherford, and Weedman) to design a final solar layout that minimizes impacts to ongoing crop cultivation within the proposed expanded solar micrositing area.

The Holtz and Weedman landowners provided letters regarding the potential impacts to agricultural operations and the overall farm productivity of their land to be removed from cultivation.

- **Holtz**. As described in the Holtz letter, dated March 22, 2020, and provided in Attachment 4, the expanded solar micrositing area 3 represents approximately 5 percent of Holtz farming operations in Gilliam County (6,000 acres) and less-than-two percent of their overall farming operations in Oregon (18,000 acres). Land within the expanded solar micrositing area is not currently irrigated and has no history of irrigation. The Holtz letter concludes that the expanded solar micrositing area is a good investment for their land to support ongoing farming operations, allows the concentration of solar off more productive farmland, and allows Holtz to continue farming without significant interference to their land or to farming operations associated with adjacent landowners.
- **Weedman**. As described in the Weedman letter, dated March 9, 2020, and provided in Attachment 4, the expanded solar micrositing area (approved solar micrositing area 1 and the adjacent 616-acre portion of expanded solar micrositing area 3) accounts for 22 percent of Weedman farming operations in Gilliam County and less than 8 percent of their overall farming operations in Oregon (23,000 acres). The expansion does not prevent ongoing farming operations, but it would pose challenges like increased time and length of route to access the fields. The Weedmans acknowledge that the Certificate Holder is committed to working with Weedman on the final design layout to further minimize impacts to ongoing farming operations (see Attachment 4). The Certificate Holder proposes the expanded solar micrositing area to allow for this flexibility per the Weedman desire to provide input on the final location of the solar array. The Weedman letter specifies that the solar micrositing area gives them flexibility in rotating fields and accommodating the final design on fallow ground rather than planted wheat.

The Certificate Holder is working to obtain letters from the Weatherfords and the Athearns to supplement the record.

Depending on the resource, the worst-case scenario may be based on acreage impact or it may be based on other considerations. For these reasons, the Certificate Holder maintains that evaluating permanent disturbance of the entire expanded solar micrositing area represents the worst-case scenario for analyzing the Land Use Standard. However, the actual footprint will be much smaller. Figure 3 shows the proposed solar array site plan and facilities arrangement for solar arrays 1 and 2 (Phase 2a) and solar array 3 (Phase 2b) within the expanded solar micrositing area. Together, these solar array footprints permanently disturb approximately 1,816 acres or 67 percent of the total proposed 2,725-acre solar micrositing area.

For purposes of this analysis, the subject "tract" is considered the land underlying the expanded solar micrositing area and the contiguous property under the same land ownership. The underlying land and

[22] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 90. August 23.

contiguous properties are owned by Athearn, Holtz, Weatherford, and Weedman, and shown on Figure 10. The tracts consists predominately of Class 3 nonirrigated soils. Soil classifications within the tracts are provided in Table 7. Overall, the expanded solar micrositing area (solar micrositing areas 2 and 3) is proposed on approximately 435.8 acres of high-value farmland per ORS 195.300(10)(f)(C) which accounts for 15 percent of available high-value farmland within the combined four underlying tracts shown on Figure 10.

> *(g) For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not use, occupy, or cover more than 12 acres unless:*
>
> *(A) The provisions of paragraph (h)(H) are satisfied; or*
>
> *(B) A county adopts, and an applicant satisfies, land use provisions authorizing projects subject to a dual-use development plan. Land use provisions adopted by a county pursuant to this paragraph may not allow a project in excess of 20 acres. Land use provisions adopted by the county must require sufficient assurances that the farm use element of the dual-use development plan is established and maintained so long as the photovoltaic solar power generation facility is operational or components of the facility remain on site. The provisions of this subsection are repealed on January 1, 2022.*

Response: As described in Section 3.1.1, the expanded solar micrositing area (solar micrositing areas 2 and 3) is proposed on approximately 435.8 acres of high-value farmland per ORS 195.300(10)(f)(C) which accounts for 15 percent of available high-value farmland within the combined four underlying tracts shown on Figure 6. The provisions of paragraph (h)(H) are addressed below. The Certificate Holder demonstrates that a Goal 3 exception is warranted under Section 3.1.4. The Facility is not proposed for dual-use development and the provisions of paragraph (g)(B) are not applicable.

> *(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).*
>
> *(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;*

Response: The Council previously concluded that development within solar micrositing area 1 would not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by facility components.[23] Permanent disturbance of the expanded solar micrositing area will remove up to 2,725 acres of land under dryland wheat cultivation by Athearn, Holtz, Weatherford, and Weedman. Full buildout of the expanded solar micrositing area, while unlikely, would remove land from cultivation on the Athearn property and from portions of Holtz, Weatherford, and Weedman properties. The arrangement of the solar array would not prevent farming on the remainder of the Holtz, Weatherford, and Weedman tracts. In other words, the final layout would be oriented to not fragment the farming operations or the land available for farming on Holtz, Weatherford, and Weedman tracts. The Council previously reviewed this provision in Amendment 4 for solar micrositing area 1 and concluded that a "solar micrositing area is a continuous "large block;" therefore, by definition, the solar array would preclude the use of land for agricultural purposes in areas where solar panels are constructed but the solar array would not otherwise alter the ability for Weedman Ranches to engage in agricultural operations adjacent to the solar facility."[24] This same conclusion applies for development within the expanded solar micrositing area for portions of the Holtz, Weatherford, and Weedman tracts.

[23] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 90. August 23.
[24] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 90. August 23.

Full solar buildout on the Athearn tract is supported by the landowner and is desired as a good investment and more productive use for their land and will not result in a significant interference to farming operations associated with adjacent landowners.

The Council's adopted revisions to Site Certificate Condition 39 are applicable to the expansion of the solar micrositing area proposed in this RFA 5.[25] The Certificate Holder will work with landowners to microsite the solar array to not block or hinder farm equipment access to the remaining portions of the expanded solar micrositing area. For example, the proposed solar array incorporates a farm access route to provide agricultural and farm operation equipment access through the site to adjoining fields and perimeter gates throughout the solar array will be wide enough to accommodate farm equipment (Figure 3). The existence of the solar array will not result in adverse impacts to the ongoing dryland crop cultivation because landowners will still have access to the remaining fields, will be able to continue customary farming practices such as planting patterns, fertilizing, or spraying, and previously amended Condition 39 ensures that the remaining farmland within the tract will not be fragmented. Attachment 4 provides letters from the underlying landowners that support these findings. For these reasons, the Council may conclude that development within the proposed expanded solar micrositing area will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by facility components, and therefore satisfies the requirements under OAR 660-033-0130(38)(h)(A).

> *(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;*

Response: The Council previously concluded that development within solar micrositing area 1 would not result in unnecessary soil erosion or loss that could limit agricultural productivity.[26] The potential for soil erosion was addressed in RFA 4 Exhibit I. Construction within the expanded solar micrositing area will be performed under an NPDES 1200-C general stormwater discharge permit for construction (see Attachment I-1 to RFA 4 Exhibit I), including a DEQ-approved erosion and sediment control plan. After completing construction in an area, the Certificate Holder or their contractor will monitor the area until soils are stabilized, to evaluate whether construction-related impacts to soils are being adequately addressed by the mitigation procedures described in the erosion and sediment control plan and the revised *Revegetation and Noxious Weed Control Plan*. As necessary, the Certificate Holder or their contractor will implement follow-up restoration measures such as scarification and reseeding to address those remaining impacts. The Council may conclude that development within the proposed expanded solar micrositing area will not result in unnecessary soil erosion or loss that could limit agricultural productivity, and therefore satisfies the requirements under OAR 660-033-0130(38)(h)(B).

> *(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;*

Response: The Council previously concluded that development within solar micrositing area 1 would not result in unnecessary soil compaction that reduces the productivity of soil for crop production.[27] Construction and maintenance activities will be limited to areas inside the expanded solar micrositing area. The underlying landowners of the entire solar array site and surrounding lands support the development of solar power. Attachment 4 provides letters from the underlying landowners to ODOE that

[25] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 52. August 23.
[26] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 91. August 23.
[27] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 91. August 23.

state the Certificate Holder will work with the landowners to reduce and avoid adverse impacts to ongoing farm practices on surrounding lands, ensure that the final solar array layout does not prevent the landowner from maximizing agricultural production on the land not occupied by the solar array, and avoid increases in farming costs. Montague will design and construct Phases 2a and 2b to minimize the permanent impacts to agricultural land consistent with amended Site Certificate Conditions 38 and 39. After construction, scarification of compacted soils will occur as necessary for revegetation of those areas outside the permanent footprint and temporarily impacted by construction. As such, the Council may conclude that development within the expanded solar micrositing area will not result in unnecessary soil compaction, and will satisfy the requirements under OAR 660-033-0130(38)(h)(C).

> *(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;*

Response: The Council previously concluded that development within solar micrositing area 1, conducted in compliance with Site Certificate Condition 43, would not result in unabated introduction or spread of noxious weeds or other undesirable weed species.[28] Prior to construction within the expanded solar micrositing area, the Certificate Holder will consult with the appropriate weed control authorities in the County and obtain approval of a Revegetation and Noxious Weed Control Plan. The final Revegetation and Noxious Weed Control Plan will be submitted to the Oregon Department of Energy for approval prior to the start of construction which is consistent with Site Certificate Condition 43. This condition adequately ensures that construction and maintenance activities at the solar array site will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. As such, the Council may conclude that development within the expanded solar micrositing area will not result in unabated introduction or spread of noxious weeds or other undesirable weed species and satisfies the requirements under OAR 660-033-0130(38)(h)(D).

> *(E) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);*

Response: Land within the tracts underlying the expanded solar micrositing area consist of Class 3, 4, 6, and 7 nonirrigated soils. Soil classifications within the tracts are provided in Table 7. However, the expanded solar micrositing area is proposed on approximately 435.8 acres of high-value farmland per ORS 195.300(10)(f)(C) which accounts for 15 percent of available high-value farmland within the combined four underlying tracts shown on Figure 10. The provisions of paragraph (h)(H) are addressed below. The Certificate Holder demonstrates that a Goal 3 exception is warranted under Section 3.1.4.

> *(F) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:*
>
> *(i) Non high-value farmland soils are not available on the subject tract;*
>
> *(ii) Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or*
>
> *(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils; and*

Response: The Facility, including the expanded solar micrositing area, is located in the over 11,000 million-acre Columbia Valley AVA, which extends generally from The Dalles to Milton-Freewater. Under

[28] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 91. August 23.

ORS 195.300(10)(f)(C), the underlying soils within the Athearn, Holtz, Weatherford, and Weedman tracts, including the expanded solar micrositing area, consist of a mixture of high-value farmland and arable non-high-value farmland soils. The Certificate Holder demonstrates that the Phases 2a and 2b solar arrays can be located on high-value farmland and arable soils within the expanded solar micrositing area under subpart (38)(h)(F)(ii) and (iii). While non high-value farmland soils are available on the subject tracts, placing solar arrays on non-high-value farmland to avoid the high-value farmland would cause the solar array to spread out into suboptimal layouts. These suboptimal solar array layouts would require additional land disturbance for longer collection circuits, additional roads, a wider construction footprint, and an overall less-efficient solar array. The non-high-value farmland is typically deemed as such because of the presence of grades and rock formations that make farming challenging. These same difficulties apply to the design and layout of a solar array. The Certificate Holder considers that a higher power density layout using some high-value farmland will yield a solar array with the minimal overall land impact.

As shown on Figure 10 and described in Table 9, high-value farmland [as defined under ORS 195.300(10)(f)(C)] is interspersed through the Athearn, Holtz, Weatherford, and Weedman tracts. The locations are predominately situated in areas with slopes ranging from 6 to 15 percent, which are not optimal for capturing the solar resource. The remainder of the soils within the tracts are predominately Class 3 under the NRCS soil classification system with small areas of Class 4, 6, and 7 soils located in steeply sloped canyon areas around the perimeter of the Weedman tract which are not suitable for development of a solar array (Figure 10).

For purposes of this analysis, the Certificate Holder references the tax lot numbers to describe the tracts shown on Figure 10.

- Tax lot 01N21E0000-01900 is the Athearn property and the proposed location for solar micrositing area 2. This tax lot is comprised entirely of Class 3 soils. Less than 30 percent of the tax lot comprises high-value farmland soils, per ORS 195.300(10)(f)(C), which are interspersed in patches throughout the lot.
- Tax lot 01N21E0000-00804 makes up the western portion of the Holtz tract. A portion of this tax lot is the proposed location for solar micrositing area 3. The tax lot is comprised entirely of Class 3 soils with swaths of high-value farmland soils, per ORS 195.300(10)(f)(C), present throughout the lot.
- Tax lot 01N21E0000-00806 makes up the eastern portion of the Holtz tract. A portion of this tax lot is the proposed location for solar micrositing area 3. The tax lot is comprised entirely of Class 3 soils with swaths of high-value farmland soils, per ORS 195.300(10)(f)(C), present throughout the lot.
- Tax lot 01N21E0000-00805 is the Weatherford property. A portion of this tax lot is the proposed location for solar micrositing area 3. The tax lot is comprised entirely of Class 3 soils with swaths of high-value farmland soils, per ORS 195.300(10)(f)(C), present throughout the lot.
- Tax lot 01N22E0000-01900 is located in the northeast portion of the Weedman tract and comprises Class 3, Class 4, Class 6, and Class 7 soils, with the majority of the lot Class 3 and 4. Smaller swaths of high-value farmland soils, per ORS 195.300(10)(f)(C), are also present throughout the lot.
- Tax lot 01N21E0000-02100 is located in the center of the Weedman tract on the eastside of OR 19. Tax lot 2100 is predominately Class 3 soils with a small amount of Class 4 and Class 6 soils (and a de minimis amount of Class 7). High-value farmland soils, per ORS 195.300(10)(f)(C), are located on the southeastern portion of the lot and a small swath on the northeastern corner.
- Tax lot 01S21E0000-00100 is located on the south end of the Weedman tract and east of Baseline Road. Tax lot 100 is entirely Class 3 soil (and a de minimis amount of Class 7). High-value farmland soils, per ORS 195.300(10)(f)(C), are also present, with tax lot 100 having more high-value farmland than the other lots across the tract.
- Tax lot 01N21E0000-02100 is located in the center of the Weedman tract on the west side of OR 19 and south of Bottemiller Lane and is the approved location of solar micrositing area 1. Tax lot 2100 comprises Class 3 soils with a small amount of Class 7 (and de minimis amounts of Class 6). High-value farmland soils, per ORS 195.300(10)(f)(C), are present in swaths across the lot, primarily in the western portion.

- Tax lot 01N21E0000-01500 is located in the western portion of the Weedman tract. A portion of this tax lot is the proposed location for solar micrositing area 3. This tax lot is predominately Class 3 but interspersed with Class 4, 6, and 7 soils. Swaths of high-value farmland soils, per ORS 195.300(10)(f)(C), are spread across the lot. High-value farmland on this lot is situated in perimeter areas with slopes ranging from 6 to 15 percent, which are not optimal for capturing the solar resource.

OAR 660-033-0130(38)(h)(F) requires Montague to demonstrate that the solar array meets factors for locating on high-value farmland soil. The Certificate Holder demonstrates compliance under OAR 660-033-0130(38)(h)(F)(ii) and (iii).

In response to OAR 660-033-0130(38)(h)(F)(ii):

Siting the project on non-high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully;

The Certificate Holder shows on Figure 6 that the available non-high-value farmland soils [soils that are not high-value under ORS 195.300(10)(f)(C)] are limited, particularly because of the soil distribution through the tracts (e.g., swaths and patches with few uninterrupted areas of non-high-value soils). An additional 1,5362 acres are needed for the expanded solar micrositing area, which limits the ability to site on non-high-value soils within the tracts. Placing the solar panels in areas of non-high-value soils on the tax lots described above and shown on Figure 6 could spread Phases 2a and 2b of the Facility across thousands of acres and require significantly more miles of cable to connect the panels and convey the power back to the Phase 2 collector substation. Under this scenario, the solar array would be spread out into suboptimal layouts and could not operate efficiently. This scenario would conflict with the intent of OAR 660-033-0130(38)(h)(A) and would create small or isolated pieces of property between solar arrays that are more difficult to farm. Non-high-value soils on these tax lots can also be classified as important wildlife habitat under ODFW's Habitat Mitigation Policy. As depicted on Figures P-7.1 through P-7.3, in RFA 4 Exhibit P, the areas with non-high-value soils on the Weedman tract are predominantly Category 2 and 3 habitat that ODFW considers essential for wildlife. The Certificate Holder seeks to site the solar array on Category 6 habitat to minimize wildlife impacts. Portions of the non-high-value farmland areas on the Weedman track also contain streams, like Cow Canyon and unnamed drainages into Rock Creek, which are not suitable for solar development.

Overall, the expanded solar micrositing area (solar micrositing areas 2 and 3) is proposed on approximately 435.8 acres of high-value farmland per ORS 195.300(10)(f)(C) which accounts for 15 percent of available high-value farmland within the combined four underlying tracts shown on Figure 10. Tax lot 01N21E0000-02100 contains less high-value farmland and a larger area of non-high-value farmland soils than other lots analyzed, but this area does not meet the landowner's siting preference and would require a larger footprint across existing farmland to meet the desired generation capacity. In addition, a large ridge traverses this tax lot. The ridge has slopes that are unsuitable for solar development and is north facing, which is not optimal for capturing the solar resource. Further, this location is across OR 19 and away from the proposed Phase 2 collector substation, thus requiring an overhead line crossing to connect the solar array to the collector substation. For these reasons, siting the solar array on the available non-high-value farmland soil would significantly impact the Facility's ability to produce the needed solar generation.

In response to OAR 660-033-0130(38)(h)(F)(iii):

The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non-high-value farmland soils;

The expanded solar micrositing area 2 is located adjacent to Bottemiller Lane and OR 19 and the expanded solar micrositing area 3 is located adjacent to Bottemiller Lane and Weatherford Road. This placement provides direct access to the solar site, thereby limiting the need for access roads across cultivated fields. Further, it leaves large areas of land (thousands of acres) available for farming, both on the west and the eastside of OR 19. Furthermore, the expanded solar micrositing area is co-located with

other approved Facility components (e.g., Phase 2 collector substation and battery storage), which minimizes impacts and infrastructure. As described above, siting Phases 2a and 2b on non-high-value farmland soils within the tracts does not provide these same benefits. For these reasons, the Council may conclude that developing within the expanded solar micrositing area is better suited to allow for the continuation of commercial farming on the subject tracts.

> *(G) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:*
>
> *(i) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.*
>
> *(ii) When at least 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

Response: No other solar photovoltaic power generation facilities have been constructed or are approved for construction within the required 1-mile study area from the center of the proposed solar array. Therefore, no further action is necessary and the Council may rely on its previous finding that requirements under OAR 660-033-0130(38)(h)(G) are met.[29]

> *(H) A photovoltaic solar power generation facility may be sited on more than 12 acres of high-value farmland described in ORS 195.300(10)(f)(C) without taking an exception pursuant to ORS 197.732 and OAR chapter 660, division 4, provided the land:*
>
> *(i) Is not located within the boundaries of an irrigation district;*
>
> *(ii) Is not at the time of the facility's establishment, and was not at any time during the 20 years immediately preceding the facility's establishment, the place of use of a water right permit, certificate, decree, transfer order or ground water registration authorizing the use of water for the purpose of irrigation;*
>
> *(iii) Is located within the service area of an electric utility described in ORS 469A.052(2);*
>
> *(iv) Does not exceed the acreage the electric utility reasonably anticipates to be necessary to achieve the applicable renewable portfolio standard described in ORS 469A.052(3); and*
>
> *(v) Does not qualify as high-value farmland under any other provision of law; or*

Response: At the time Amendment 4 was approved, paragraph (h)(H) was not adopted under 660-033-0130(38) and was not previously considered by the Council. As described in Section 3.1.1, the expanded solar micrositing area (solar micrositing areas 2 and 3) is proposed on approximately 435.8 acres of high-value farmland per ORS 195.300(10)(f)(C) which accounts for 15 percent of available high-value farmland

[29] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 92. August 23.

within the combined four underlying tracts shown on Figure 10. The Certificate Holder is pursuing an exception therefore paragraph (h)(H) does not apply to the analysis.

(i) For arable lands, a photovoltaic solar power generation facility shall not use, occupy, or cover more than 20 acres. The governing body or its designate must find that the following criteria are satisfied in order to approve a photovoltaic solar power generation facility on arable land:

(A) Except for electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, the project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(a);

(B) The project is not located on those high-value farmland soils listed in OAR 660-033-0020(8)(b)-(e) or arable soils unless it can be demonstrated that:

(i) Nonarable soils are not available on the subject tract;

(ii) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

(iii) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

Response: As discussed above under the high-value farmland soil criteria, the Facility, including the proposed expanded solar micrositing area, is located in the Columbia Valley AVA and under ORS 195.300(10)(f)(C), soils shown on Figure 6 are, by law, deemed high-value farmland. Consequently, there are few nonarable soils available on the subject tracts. However, even when considering the actual underlying soil types on the subject tracts, there are few nonarable soils because the subject tracts are comprised predominately of Class 3 soils. There are approximately 1,289 acres of Class 6 and 7 soils distributed throughout the periphery of the tracts (Table 7). These soils comprise approximately 13 percent of the acreage within the tracts but are located below plateaus and ridgelines dissected by small gullies, which could not accommodate the proposed solar array. The Council previously concluded that solar micrositing area 1 satisfied the provisions of (38)(h)(F),[30] and the Certificate Holder demonstrates in this RFA 5 that the expanded solar micrositing area may be located on arable soils within the solar micrositing area under subpart (38)(h)(F)(ii) and (iii).

(C) No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);

Response: The Certificate Holder demonstrates that a Goal 3 exception is warranted under Section 3.1.4.

(D) A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:

(i) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.

(ii) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and

[30] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 93. August 23.

potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

Response: No other solar photovoltaic power generation facilities have been constructed or are approved for construction within the required 1-mile study area from the center of the solar array. Therefore, no further action is necessary and the Council may rely on its previous finding that requirements under OAR 660-033-0130(38)(i)(D) are met.[31]

(E) The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are satisfied.

Response: The requirements of OAR 660-033-0130(38)(h)(A), (B), (C) and (D) are discussed above. Therefore, this criterion is satisfied.

(j) [not applicable]

(k) An exception to the acreage and soil thresholds in subsections (g), (h), (i), and (j) of this section may be taken pursuant to ORS 197.732 and OAR chapter 660, division 4.

Response: The Certificate Holder demonstrates that a Goal 3 exception is warranted under Section 3.1.4.

(l) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner 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).

Response: The Certificate Holder will include land within the proposed expanded solar micrositing area in an amended covenant not to sue under Site Certificate Condition 41. Therefore, the Council may rely on its previous finding that this criterion is met.[32]

(m) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

Response: The Council previously concluded that by demonstrating compliance with amended Site Certificate 32, the Certificate Holder would satisfy this requirement under OAR 660-033-0130(38)(m).[33] The Certificate Holder provided information on retiring the solar array technology and applicable site restoration in Exhibit W of RFA 4 and a revised retirement cost estimate for Phases 2a and 2b is provided in Attachment 3. Therefore, the Council may rely on its previous finding that this criterion is met.

3.1.5 Statewide Planning Goal 3 Exception

Response: As described in Section 2.2, this RFA 5 seeks to expand the solar micrositing area by approximately 1,536 acres on land within the Facility's approved site boundary on solar micrositing area 2 (307 acres) and solar micrositing area 3 (1,228 acres). Section 3.1.1 demonstrates that solar components could be sited on more than 12 acres of high-value farmland as defined in ORS 195.300(10)(f)(c), and could preclude more than 12 acres of high-value farmland and more than 20 acres of arable land from use as a commercial agricultural enterprise within the expanded solar micrositing area. Accordingly, expanding the solar micrositing area to the areas shown on Figures 2 and 10 requires approval of a Goal

[31] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 92. August 23.
[32] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 95. August 23.
[33] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 95. August 23.

3 exception to comply with GCZO 4.020(D)(11) and OAR 660-29 033-0130(38)(f) and (38)(g). Pursuant to ORS 469.504(1)(b)(B), noncompliance with a statewide planning goal requires a determination by the Council that an exception to Goal 3 is warranted under ORS 469.504(2) and the implementing rule at OAR 345-32 022-0030(4). Of the changes proposed in RFA 5, only the expanded solar micrositing area is subject to Goal 3 review; all other Facility components continue to satisfy all applicable substantive criteria and therefore are excluded from Goal 3 review (see Section 3.1.2 and Table 8).

For purposes of the Goal 3 analysis, the Certificate Holder analyzes the expanded acreage footprint within areas designated as solar micrositing areas 2 and 3 shown on Figure 6. The expanded solar micrositing area is within the Facility' s previously evaluated and approved site boundary covering nonirrigated agricultural land that is cultivated predominantly for dryland wheat. For the purpose of this request, the entire expanded solar micrositing area is evaluated as a permanently disturbed area and represents the most solar area that could be constructed for Phases 2a and 2b. The location of the expanded solar micrositing area used in this analysis is shown on Figure 6. The Certificate Holder previously received the Council's approval to remove 1,189 acres from Goal 3 protection in solar micrositing area 1. The Certificate Holder seeks to remove an additional 1,536 acres from Goal 3 protection within expanded solar micrositing areas 2 and 3 for a total of 2,725 acres within the combined solar micrositing area. The Goal 3 analysis, is structured to evaluate the entire solar micrositing area under Goal 3, not only the permanent footprint acreage of the solar array. As demonstrated below, reasons and the environmental, economic, social, and energy (EESE) analysis continue to support locating the solar array anywhere within the solar micrositing area. Further, the Certificate Holder demonstrates that locating the solar array, anywhere within the solar micrositing area, subject to amended and existing Site Certificate conditions,[34] will be compatible with adjacent farm uses.

3.1.5.1 Demonstrate that a "Reasons" Exception is Appropriate

OAR 345-022-0030(4)(c)(A) *Reasons justify why the state policy embodied in the applicable goal should not apply;*

Response: The state policy embodied in Goal 3 is the preservation and maintenance of agricultural land for farm use. The Certificate Holder previously demonstrated that the solar array within solar micrositing area 1 would not result in significant adverse impacts on accepted farm practices in the land use area. Likewise, the Certificate Holder demonstrates in Section 3.1.3 that expanding the solar micrositing area for development of Phases 2a and 2b will not result in significant adverse impacts on accepted farm practices in the land use area. However, the Certificate Holder must also demonstrate why the Goal 3 policy should not apply to RFA 5.

The reasons justify removing an additional 1,536 acres within the expanded solar micrositing area for a defined period of time to promote other policies of importance within the County and across the state and region. The Certificate Holder maintains that the Council can rely on their previous findings to demonstrate that the reasons and evidence below justify the Goal 3 exception for the expanded solar micrositing area:

- An additional 1,536 acres, up to 2,725 acres (approved solar micrositing area 1 and expanded solar micrositing areas 2 and 3), of solar generation promotes rural economic development by creating jobs and adding to the tax base of Gilliam County. For additional information, see Section 3.1.4.2 under Economic. The Council can rely on its previous finding that local economic benefits justify the Goal 3 exception.[35]
- The expanded solar micrositing area is proposed on four tracts of land held by separate landowners (Athearn, Holtz, Weatherford, and Weedman) where removing an additional 1,536 acres from production, with the offset of the lease payments, will not adversely impact an existing agricultural enterprise. Full solar buildout on the Athearn tract is supported by the landowner and is desired as a good investment and more productive use for their land. The solar buildout will not result in a significant interference to farming operations associated with adjacent landowners. The expanded

[34] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 102. August 23.
[35] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 97. August 23.

solar micrositing area 3 represents approximately 5 percent of Holtz farming operations in Gilliam County (6,000 acres) and less-than-two percent of their overall farming operations in Oregon (18,000 acres). The expanded solar micrositing area 3 will remove land from cultivation on a portion of the Weatherford properties and is supported by the landowner, but the arrangement of the solar array would not prevent farming on the remainder of the Weatherford tract. Weedman actively farms approximately 8,276[36] acres within the vicinity including an approximately 616-acre portion of the expanded solar micrositing area 3. Combined, approved solar micrositing area 1 on Weedman property and the adjacent 616-acre portion of solar micrositing area 3 amounts to approximately 22 percent of Weedman farming operations in the County, and less-than-eight percent of the entire Weedman farming operation in Oregon. Removing an additional 1,536 acres temporarily from Goal 3 protection within the expanded solar micrositing area will amount to a 28 percent loss of total active farming operations within the approximate total of 9,684 acres among the four tracts. This loss of land is insignificant when factoring in each landowners ongoing farm operations on more productive land. See the Holtz and Weedman letters to ODOE in Attachment 4. The Council can rely on its previous finding that minimal loss to productive agriculture justifies the Goal 3 exception.[37]

- Land within the expanded solar micrositing area on the Athearn, Holtz, and Weatherford tracts is not currently irrigated and has no history of irrigation. In addition, there are no agricultural irrigation water rights located in the expanded solar micrositing area on the Weedman tract, nor is Weedman able to obtain any new rights with the expiration of water right Permit #G15187. See the Weedman letter provided as Attachment 4 describing the history associated with the water right permit and the conversations with the Oregon Water Resources Department (OWRD) confirming that there is nothing to be done to revive the right. Conversations with OWRD were previously provided as Attachment K-5 to RFA 4 Exhibit K. The Council can rely on its previous finding that lack of water rights within the expanded solar micrositing area justifies the Goal 3 exception.[38]
- The Facility has an interconnection agreement with BPA to send power generated from the Facility to the Slatt Substation. The Certificate Holder began operation of Phase 1 of the Facility and operates the 10.8-mile, 230-kV transmission line as part of Phase 1, which runs from the Phase 1 substation to the BPA Slatt Substation. The expanded solar micrositing areas 2 and 3 are located adjacent to approved solar micrositing area 1 and are located in proximity to the Phase 2 collector substation, along Bottemiller Lane and OR 19. Power from the solar array within the expanded solar micrositing area will be routed to the Facility's Phase 2 collector substation. Power from the Phase 2 collector substation is routed via the approximately 3.6 miles of the preferred primary 230-kV transmission line to the Phase 1 substation, at which point the power then runs via the 230-kV transmission line to the BPA Slatt Substation. The expanded solar micrositing area is located in proximity to the Phase 2 collector substation and maintains comparatively convenient access to the regional grid by using shared and existing infrastructure. The Council can rely on its previous finding that the expanded solar micrositing area's proximity to existing infrastructure justifies the Goal 3 exception.[39]
- The Certificate Holder maintains that the availability of reliable renewable energy that will be produced by the solar array within the expanded solar micrositing area is attractive to recruiting and retaining energy-dependent businesses to Oregon that have renewable energy procurement policies.
- Oregon's Renewable Portfolio Standard (RPS) establishes a requirement for how much of Oregon's electricity must come from renewable resources like solar. The current RPS is set at 50 percent by 2040. In addition to Oregon's RPS, private companies have their own renewable energy procurement policies, which increase the demand for renewable energy in Oregon. These public and private policies are intended to reduce greenhouse gas emissions, mitigate climate impact, and reduce reliance on carbon-based fuels. As evidenced by Portland General Electric's recent power purchase agreement for 162 MW of Phase 2a power to meet RPS requirements, the Certificate Holder maintains that solar generation within the expanded solar micrositing area, helps further these public

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[37] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 97. August 23.

[38] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 97. August 23.

[39] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 98. August 23.

and private policies and outweighs temporarily removing an additional 1,536 acres, or up to 2,725 acres from Goal 3 protection.

3.1.5.2 EESE Consequences Favor the Exception

OAR 345-022-0030(4)(c)(B) *The significant environmental, economic, social and energy 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;*

Response:

Environmental. When considering the environmental consequences, the Council takes into consideration factors such as (1) water quality, (2) environmental safety and spill prevention, (3) soil erosion, (4) stormwater and wastewater management, (5) air emissions, and (6) impacts to habitat. Such factors are considerations under several of the Council's review standards addressed in Table 3. In addition, evidence provided in exhibits to RFA 4 demonstrates and provides evidence to substantiate that Phases 2a and 2b, including the expanded solar micrositing area, will continue to comply with the Council's standards for protection of the environment. The Council may rely on findings presented in Table 3 and in the following exhibits to RFA 4 to determine that the potential environmental adverse impacts associated with the expanded solar micrositing area have been identified and will be mitigated, including RFA 4 Exhibit I (Soils), Exhibit J (Wetlands), Exhibit P (Fish and Wildlife Habitats and Species), Exhibit Q (Threatened and Endangered Plant and Animal Species), and Exhibit U (Public Services/Socioeconomic Impacts addressing wastewater and stormwater). Therefore, with the implementation of approved mitigation and conditions presented in Amendment 4, the Council can conclude that RFA 5 will not cause significant adverse environmental consequences or impacts.[40]

Economic. When considering the economic consequences, the Council takes into consideration factors such as (1) any increased burden on public services, (2) benefits to the rural tax base, (3) job creation, and (4) revenue for area landowners. Evidence provided in RFA 4 Exhibit U contains a discussion on the Phase 2 potential impacts on public services, including fire, safety, and transportation. It also provides information on job creation during Phase 2 construction and operation. As described in Section 3.1.2 and Table 10, RFA 5 will not substantively change the proposed operation of approved Phase 2 components and does not change the discussion of potential impacts to these previously evaluated services. Evidence provided in RFA 4 Exhibit W discusses retirement and restoration of Phase 2 and demonstrates that no burden will be placed on the area landowners or the County because Montague is obligated to retire and restore Phase 2 and will have a financial assurance in place to guarantee such work. Updated retirement cost estimates for Phases 2a and 2b resulting from this RFA 5 are provided in Attachment 3.

A reason supporting the Goal 3 exception is that the Facility will contribute to rural economic development and add to the tax base of Gilliam County, and as such, the economic consequences associated with removing an additional 1,536 acres, or up to 2,725 acres from agricultural production will not rise to the level of significant. Based on 2012 Census data, Gilliam County has 170 farms and 723,405 acres of land in farms, with the average size of a farm at approximately 4,255 acres. Removing up to 2,725 acres from agricultural production is insignificant when compared against how much land is farmed in Gilliam County. Further, any loss in income from crop yields is offset by lease payments for the acreage. The additional 1,536 acres could be removed from farm deferral and becomes taxable, which increases the tax base for Gilliam County. In addition, Facility operations will create up to 3 new jobs and construction-related jobs will result in indirect benefits from construction workers living, eating, and working in the vicinity. Construction of Phase 1 – Montague Wind resulted in an estimated $9.2 million in local spending (within 100 miles) during the construction phase, and construction of Phases 2a and 2b are anticipated to have proportional economic benefits to the County. The Certificate Holder has verified that development of the solar array within the expanded solar micrositing area will not displace farm workers or take away farm jobs associated with commercial farming on the underlying tracts. Therefore, the Council can rely on its

[40] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 100. August 23.

previous finding that a solar array developed within the expanded solar micrositing area represents a net benefit compared to the site's existing uses and economic consequences.[41]

Social. When considering the social consequences, the Council takes into consideration factors such as access and impacts to resources of importance to the public such as protected areas, recreation, cultural resources, and scenic areas. The Council also takes into consideration impacts to public and community services and impacts from noise. As provided in Table 7, the Certificate Holder demonstrates that with the implementation of existing and approved conditions presented in Amendment 4, development of the solar array within the expanded solar micrositing area will not result in significant adverse impacts to scenic resources, protected areas, and recreational opportunities that were not previously considered by the Council.[42] The changes proposed in RFA 5 occur entirely within the previously evaluated and approved site boundary. As such, evidence provided in RFA 4 Exhibit L demonstrated that Phase 2, including the solar array, will not adversely impact protected areas within the previously evaluated analysis area, and similarly, evidence provided in RFA 4 Exhibits R, S, and T demonstrated the same with respect to scenic resources, cultural resources, and recreation, respectively. Evidence provided in RFA 4 Exhibit U, as discussed above, demonstrates that with existing Site Certificate conditions, the solar array will not result in adverse impacts on public or community services such as health care, education, housing, water supply, waste disposal, transportation, or fire and safety. Because, RFA 5 will not substantively change the proposed operation of approved Phase 2 components, it does not change the discussion of potential impacts to these previously evaluated services. Evidence provided in RFA 4 Exhibit X demonstrated that the solar array can comply with the applicable DEQ noise regulations and Condition 107 ensures that the final design of Phase 2 of the Facility, including the solar array, will comply with the applicable DEQ noise regulations. See Section 3.3 for the Certificate Holder's supplemental analysis demonstrating that RFA 5 maintains compliance with applicable noise control regulations under OAR 345-035-0035. As previously evaluated in RFA 4 Exhibit R, a solar array within the expanded solar micrositing area will remain visible to drivers from OR 19 as drivers pass the Facility. However, Section 7.2 of RFA 4 Exhibit R verifies that the Facility's impacts on scenic resources along this segment of the highway will not be substantial because the area's existing landscape is a utilitarian agricultural landscape that does not contain outstanding visual features. In particular, there will be no effects on visual resources protected by the GCCP (Gilliam County, 2017a).

Figures 2a and 2b in the Supplemental Visual Analysis to RFA 4 Exhibit R illustrate that when fully inverted, the solar panels will not exceed 15 feet at the highest point and will not create a visual clearance issue for drivers. As described in Section R.8 of RFA 4 Exhibit R, glare is not an issue as a potential social or safety consideration because modern photovoltaic solar modules use a sophisticated antireflective coating to nearly eliminate the reflection of sunlight off the module face and are not expected to generate significant reflective glare. Beyond the solar array in the expanded solar micrositing area, drivers will still see agricultural land. The presence of the solar array along OR 19 may pose a negative social consequence for some drivers. However, reallocating approved solar components directly north and west within the expanded solar micrositing area does not rise to the level of significant so as to outweigh other factors under the EESE analysis. Moreover, the Certificate Holder will construct Phases 2a and 2b, given its commitment to Weedman, to site the solar array in a manner that allows for greater access from the Weedman barnyard to farm fields. See the updated Weedman letter in Attachment 4. Therefore, the Council can rely on its previous finding that a solar array developed within the expanded solar micrositing area will not cause significant social consequences.[43]

Energy. When considering the energy consequences, the Council takes into consideration factors such as how much energy the proposed facility will require, the source of the energy, and whether the proposed facility promotes important energy policies. As discussed above, the solar array within the expanded solar micrositing area will generate reliable renewable energy for sale to the public[44] and while doing so, promote the Oregon's RPS and Oregon's commitment to rural economic development. In addition, the Council can rely on its previous finding that "the mere fact that the facility would generate

[41] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 100. August 23.
[42] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 100. August 23.
[43] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 101. August 23.
[44] As evidenced by Portland General Electric's recent power purchase agreement for 162 MW of Phase 2a power to meet RPS requirements.

renewable energy indicates that the solar array would not result in significant adverse energy consequences."[45]

Conclusion. On balance, the Council may find that the EESE consequences associated with the expanded solar micrositing area have been identified and where necessary, adverse impacts have been minimized or mitigated. No additional conditions of approval or revisions to approved conditions are required to make this finding. Therefore, RFA 5 continues to meet the standard under OAR 345-022-0030(4)(c)(B).

3.1.5.3 Compatibility with Adjacent Land Uses

OAR 345-022-0030(4)(c)(C) *The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*

Response: Adjacent uses include ongoing farming operations and the Facility itself. The Council previously agreed with the Certificate Holder's discussion in RFA 4 Exhibit K, in response to GCZO 4.020(H)(1)(a) and (b), that Phase 2 of the facility would not force a significant change in accepted farm practices. The Certificate Holder's efforts to avoid, minimize, and mitigate adverse impacts to farm uses within the land use analysis area remains applicable to the proposed expanded site boundary. The expanded solar micrositing area will remove an additional approximately 1,536 acres from farm use for the life of the project but will not adversely impact ongoing agricultural operations, specifically dryland crop cultivation. Based on the findings provided herein, the Council may find that a Goal 3 exception for the expanded solar micrositing area requested for development of Phases 2a and 2b is justified.

3.2 Compliance with Division 24 (Specific Standards for Siting Facilities)

This section provides supplemental analysis to demonstrate that the 200-foot setback from residences and occupied structures imposed by Condition 89(a) is not needed to maintain compliance with siting standards for transmission lines under OAR 345-024-0090 (Siting Standards for Transmission Lines). The preferred primary 230-kV transmission line route segment along OR 19 shown on Figure 4 maintains compliance with Council standards regarding alternating current electronic fields and induced currents under OAR 345-024-0090.

345-024-0090 Siting Standards for Transmission Lines

Response: As described in Section 2.2, the Certificate Holder seeks to remove the 200-foot transmission line setback from residences and occupied structures described in Site Certificate Condition 89(a). This condition was imposed by the original Final Order on the Application as at that time no residences were identified within 200 feet of the proposed transmission line.[46] The Council initially reviewed and approved the 230-kV transmission line route segment for Phase 2. At the time of approval, the segment was not within 200 feet of a residence and therefore complied with Site Certificate Condition 89. Pursuant to ORS 215.274(4)(a), the Certificate Holder also provided the Council with an evaluation of reasonable alternatives to the approved route. On Figure K-12 in RFA 4 Exhibit K, the Certificate Holder described and presented five alternative routes for consideration in Phase 2 – a primary route and four alternative routes.[47] Based on subsequent consultation with Gilliam County and the underlying landowner, Montague has elected to use the 230-kV transmission line alternative that parallels OR 19 on private land (Figure 4). This alternative was described in RFA 4 Exhibit K and identified as "Alternative 2 Route" on Figure K-12 in RFA 4 Exhibit K. To satisfy the preference of the County and the affected landowner, and to be technically feasible, this alternative route must be constructed above ground and within 200 feet of an occupied structure as described in RFA 4 Exhibit K.

[45] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 101. August 23.
[46] EFSC. 2010b. *Final Order on the Application for Site Certificate for the Montague Wind Power Facility*. pp. 158. September 10.
[47] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 80 through p. 83. August 23.

RFA 5 shows how this change in routes applies to Phases 2a and 2b. Figure 4 shows "Alternative 2 Route" as the preferred primary 230-kV transmission line route segment. The previously approved 230-kV transmission line route segment is now identified as the alternate 230-kV transmission line route segment on Figure 4. Montague seeks the flexibility to use either the preferred primary or alternate 230-kV transmission line route segments for construction and operation of Phases 2a and 2b described in Table 1.

The Council previously found that the Certificate Holder's modeling provided in Exhibit AA RFA 4 demonstrated that the approved overhead 230-kV transmission line does not exceed 9 kV per meter at 1 meter above ground level. Specifically, Attachment AA-4 in Exhibit AA RFA 4 shows that the maximum modeled electric field for the approved overhead 230-kV transmission line is approximately 2.7 kV per meter directly under the transmission line. With a modeled maximum of 2.7 kV per meter, the approved overhead 230-kV transmission line is below the 9-kV-per-meter threshold set forth in OAR 345-024-0090(1).[48]

The preferred primary 230-kV transmission line route segment shown on Figure 4 is on private property adjacent to and outside of public road right-of-way for OR 19 and Old Tree Road. The preferred route will not be accessible to the public. The route is within 110 to 100 feet of residences and occupied structures identified as R273, R288, and R380. The analysis provided in the Certificate Holder's RFA 4 Exhibit AA Attachments AA-3 and AA-4 in Exhibit AA RFA 4 shows that within 100 feet of the route centerline, the modeled electric field for the overhead 230-kV transmission line is approximately 0.3 kV per meter, substantially less than the 9-kV-per-meter at 1 meter aboveground-level threshold.

Analysis of induced voltage and current on which the Council's 2010 findings were based[49] is not modified in RFA 5. The Council previously concluded in Amendment 4 that given that the Certificate Holder must comply with current National Electric Safety Code standards during Facility construction and operation,[50] the preferred route will comply with OAR 345-024-0090(2).

For the reasons discussed above, the Council may conclude that Condition 89(a) is not needed to maintain compliance with siting standards for transmission lines under OAR 345-024-0090 and can be removed from the Montague Solar Site Certificate and the Oregon Trail Solar Site Certificate. This change allows for the construction and operation of the County- and landowner-preferred primary 230-kV transmission line route for Phases 2a and 2b. The change will not result in a significant adverse impact under OAR 345-024-0090 that was not addressed in a previous Council order, will not impair the Certificate Holder's ability to comply with the remaining subsections of Condition 89, and will continue the Facility's compliance with Council siting standards for transmission lines.

3.3 Compliance with Other Standards and Laws

This section provides supplemental analysis to demonstrate that RFA 5 maintains compliance with applicable noise control regulations under OAR 345-035-0035.

345-035-0035 Noise Control Regulations

Response: The Council previously found in the Final Order on the Application, Final Order on Amendment 1, Final Order on Amendment 2, Final Order on Amendment 3, and Final Order on Amendment 4 that the Certificate Holder's proposed construction and operations could comply with the DEQ noise control standards in OAR 340-035-0035 (DEQ noise regulation). The Council specifically found in the Final Order on Amendment 4 that Phase 2 when combined with Phase 1 will satisfy the DEQ noise regulation.[51] Moreover, ODOE has concurred with the Certificate Holder's noise analysis for Phase 1 under Condition 107 of the Site Certificate, which requires that the final design locations, sound power

[48] EFSC. 2019b. *Final Order on Request for Amendment #4 to the Site Certificate for the Montague Wind Power Facility*. p. 183. August 23.
[49] EFSC. 2010b. *Final Order on the Application for Site Certificate for the Montague Wind Power Facility*. pp. 86-88, 139-141. September 10.
[50] EFSC. 2019b. *Final Order on Request for Amendment #4 to the Site Certificate for the Montague Wind Power Facility*. p. 184. August 23.
[51] EFSC. 2019b. *Final Order on Request for Amendment #4 to the Site Certificate for the Montague Wind Power Facility*. p. 184. August 23.

levels, noise analysis, and noise easements be provided to ODOE to demonstrate that the Facility complies with DEQ's noise control standards in OAR 340-035-0035.

The proposed construction and operational modifications in RFA 5 do not alter the Certificate Holder's ability to comply with the DEQ noise regulation. The solar array will cover a larger area but otherwise remains unchanged. The number of inverters or overall equipment will not change. Additionally, the modifications proposed under RFA 5 do not affect the Certificate Holder's ability to comply with the existing Site Certificate conditions and no new conditions are needed to manage potential noise impacts.

To provide more detail, the expanded solar array increases the potential acreage from up to 1,189 acres to up to 2,725 acres. The solar array will expand to the north and west. This will result in the relocation of some inverters from the areas analyzed in RFA 4 to the north and west. The inverters are consistent with those identified in RFA 4, with sound levels less than 66 dBA at 33 feet when at full load and less than 55 dBA when at half-load.[52] The Certificate Holder's vendors have indicated that this sound level is all-inclusive and encompasses heating, ventilation, and air-conditioning or any other potential source of sound associated with the operation of the solar inverters. There is no change to the step-up transformers associated with the expanded solar array footprint and they will continue to be located at the Phase 2 collector substation and have a modeled sound power level of 98 dBA, consistent with the sound power level used in the previously submitted and approved Condition 107 for Phase 1. The inverters and transformers are ground-based facilities that enable the Certificate Holder to implement a range of potential standards and readily available noise control options into the final detailed design, if needed. These options include adding acoustical barrier walls, secondary enclosures, lagging, silencing, or acoustically designed buildings, all of which are available to the Certificate Holder to demonstrate compliance with the modifications proposed under RFA 5. The final solar array equipment sound specifications, and if required, supplemental noise control options will be detailed in the updated Condition 107 acoustical analysis to be submitted to ODOE before construction, as further described in the last paragraph of this response.

Consistent with the previously submitted and approved Condition 107 for Phase 1 and RFA 4, this analysis for RFA 5 was completed using International Organization for Standardization 9613-2 (ISO 9613-2), Acoustics—Sound Attenuation During Propagation Outdoors Part 2: General Method of Calculation (1996) implemented by CADNA/A Version 2020 (build: 175:5000) by DataKustik GmbH of Munich, Germany. The environmental factors required by the Department were used in the analysis, specifically, the temperature, relative humidity, and simplified ground effect.

Figure 11 depicts the area within 2 miles of a turbine or battery storage locations described in RFA 4 as well as the expanded solar micrositing area in RFA 5. Figure 11 also shows the locations of noise-sensitive receptors (residences) within 2 miles of planned components for Phases 2a and 2b.

Based on the identified equipment sound levels and the distances to noise-sensitive properties, Phase 1 (as approved under Condition 107), when operated with the expanded solar array in Phases 2a and 2b, can continue to comply with the DEQ noise regulation. To further clarify the de minimis sound level associated with the solar array, Table 11 presents tabular results at residences closest to the solar array. Table 11 demonstrates that the operation of Phase 1 (as approved under Condition 107) and of the expanded solar array proposed in Phases 2a and 2b can occur in compliance with the DEQ noise regulation.

[52] Tracking arrays, if used, use a very small and therefore quiet motor that intermittently rotates the solar panels to maintain the optimum angle with the sun. Given that these small motors are not primary sound sources, vendors have not published sound levels for them. Rather, it has reasonably been indicated that their sound level is negligible. Additionally, the tracking motors operate for a very brief (seconds) period of time; they would not influence the most restrictive L_{50} sound requirement as the L_{50} requires a source to operate for 30 or more minutes in an hour. For both of these reasons, this analysis does not include the minor sound emissions from tracking motors. Nonetheless, Montague understands its obligation to comply with the conditions.

Table 11. Expanded Solar Array Noise Analysis Results (dBA)[a]

Location	Phase 1 – Montague Wind	Phase 1 – Montague Wind + Phases 2a and 2b Expanded Solar Array
R290 (Participant)	35	38
R332 (Participant)	37	40
R360 (Nonparticipant)	28	29

Notes:

[a] This analysis continues to be based on the entire 100-MW proposed battery storage system.

Once the Certificate Holder selects the equipment and finalizes the expanded layout, consistent with previous noise compliance filings, an Oregon-licensed Professional Acoustical Engineer will be engaged to prepare an updated Condition 107 submittal. The Condition 107 update will integrate the appropriate acoustical test reports or specifications for the solar array and battery storage components with the approved Condition 107 preconstruction acoustical analysis. On this basis, the Facility, as modified by RFA 5, will continue to comply with the DEQ noise regulation. The Certificate Holder maintains that no new mitigation or monitoring measures are required for compliance with the DEQ noise regulation. The existing Site Certificate conditions, specifically Conditions 106, 107, and 108, are sufficient to ensure that the Certificate Holder designs, constructs, and operates the Facility, as modified by RFA 5, in compliance with the DEQ noise regulation. The modifications do not affect the Certificate Holder's ability to comply with the existing Site Certificate conditions, and no new conditions are needed to manage potential noise impacts.

4. Request to Transfer the Site Certificate – OAR 345-027-0400

OAR 345-027-0400 Request for Amendment to Transfer Ownership, Possession or Control of the Facility or the Certificate Holder

(1) For the purpose of this rule:

(a) A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder.

Response: The Certificate Holder requests to transfer portions of the Site Certificate to new project subsidiaries of Certificate Holder's parent company, Avangrid. The certificate holder for Phase 2a – Montague Solar will be Montague Solar, LLC, and the certificate holder for Phase 2b – Oregon Trail Solar will be Oregon Trail Solar, LLC. Certificate Holder will retain the Site Certificate governing Phase 1 of the Facility. The ownership, possession, or control will remain with Avangrid.

(b) "New owner" means the person or entity that will gain ownership, possession or control of the facility or the certificate holder.

Response: There will be no "new owner" as the owner will remain the same (Avangrid Renewables, LLC). As stated under "(a)" above, the certificate holder for Phase 2a – Montague Solar will be Montague Solar, LLC, and the certificate holder for Phase 2b – Oregon Trail Solar will be Oregon Trail Solar, LLC.

(2) When the certificate holder has knowledge that a transaction that requires a transfer of the site certificate as described in section (1)(a) of this rule is or may be pending, the certificate holder must notify the Department. In the notice, the certificate holder must include the name and contact information of the new owner, and the date of the transfer of ownership. If possible, the certificate holder must notify the Department at least 60 days before the date of the transfer of ownership.

Response: The transfers of portions of the Site Certificate and the change in ownership cannot occur until the Site Certificate is split into Phases 1 and 2, and Phase 2 is split into Phases 2a and 2b. Therefore, this request serves as notification to ODOE. The names and contact information for the new certificate holders are provided below under the response to OAR 345-021-0010(1)(a). The transfer of ownership will become effective the date that the Site Certificate for each of the three LLCs becomes effective, which is at least 60 days from the submittal of this request.

(3) A transaction that would require a transfer of the site certificate as described in subsection (1)(a) of this rule does not terminate the transferor's duties and obligations under the site certificate until the Council approves a request for amendment to transfer the site certificate and issues an amended site certificate. The new owner may not construct or operate the facility until an amended site certificate as described in section (10) of this rule or a temporary amended site certificate as described in section (11) of this rule becomes effective.

Response: The ownership, possession, and control of each of the facilities will remain with Avangrid. It is anticipated that Phase 2a – Montague Solar and Phase 2b – Oregon Trail Solar will not be under construction until an amended Site Certificate is issued. However, because the ownership of these facilities will remain the same, and just the change in certificate holder is being requested, a temporary amended Site Certificate is neither requested nor necessary.

(4) To request an amendment to transfer the site certificate, the new owner must submit a written request to the Department that includes the information described in OAR 345-021-0010(1)(a),

(d), (f) and (m), a certification that the new owner agrees to abide by all terms and conditions of the site certificate currently in effect and, if known, the expected date of the transaction. If applicable, the new owner must include in the request the information described in OAR 345-021-0010(1)(y)(O)(iv).

Response: The ownership, possession, and control of Phase 2a – Montague Solar and Phase 2b – Oregon Trail Solar will remain with Avangrid. The information described in OAR 345-021-0010(1)(a)(d)(f)(m) is provided below. The information described in OAR 345-021-0010(1)(y)(O)(iv) is not applicable.

OAR 345-021-0010(1)(a) Information about the applicant and participating persons, including: OAR 345-021-0010(1)(a)(A) - Applicant Contact Information:

Name and Mailing Address of Certificate Holder:

Montague Wind Power Facility, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Contact Persons with Mailing Address, Email Address, and Telephone Number:

Brian Walsh
Director
Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209
brian.walsh@avangrid.com
(503) 796-6928

Matt Hutchinson
Manager, Permitting and Environmental
Avangrid Renewables, LLC
1125 NW Couch St., Suite 700
Portland, OR, 97209
matthew.hutchinson@avangrid.com
(503) 478-6317

OAR 345-021-0010(1)(a)(B) - Other Participants

Response:

Parent Company:

Avangrid Renewables, LLC
1125 NW Couch St., Suite 700
Portland, Oregon 97209
(503) 796-7000

Contact Name, Mailing Address, Email Address, and Telephone Number:

Brian Walsh
Senior Developer
Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209
brian.walsh@avangrid.com
(503) 796-6928

OAR 345-021- 0010(1)(a)(H) - Limited Liability Company Information

Response: The officer responsible for submitting the amendment request is as follows:

Sara Parsons
Authorized Representative
Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Montague Solar, LLC, and Oregon Trail Solar, LLC, are both limited liability companies recently created by Avangrid Renewables, LLC, as wholly-owned subsidiaries of Avangrid. The articles of organization and proof of registration to do business in Oregon are provided in Attachment 5. The cover letter accompanying this amendment request serves as a written consent for filing this application.

OAR 345-021-0010(1)(a)(C) through (F) – Other Affiliations

Response: Montague Solar, LLC, and Oregon Trail Solar, LLC, are wholly-owned subsidiaries of Avangrid. The full name and address of Avangrid is provided above.

(5) The Department may require the new owner to submit a written statement from the current certificate holder, or a certified copy of an order or judgment of a court of competent jurisdiction, verifying the new owner's right, subject to the provisions of ORS Chapter 469 and the rules of this chapter, to possession or control of the site or the facility.

Response: The ownership, possession, and control of Montague Solar, LLC, and Oregon Trail Solar, LLC, will remain the same as Montague Wind Power Facility, LLC, with Avangrid. Therefore, it is anticipated this written statement will not be requested from ODOE, but will be available if requested.

OAR 345-021-0010(1)(d) - Information about the organizational expertise of the applicant to construct and operate the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0010, including:

Response: Montague Wind Power Facility, LLC, and its parent company, Avangrid Renewables, LLC, can demonstrate previous experience in constructing and operating renewable generation facilities. Avangrid, headquartered in Portland, Oregon, is the third-largest operator of wind energy projects in the United States. It owns and operates more than 6,000 MW of utility-scale renewable energy production. Avangrid has successfully operated renewable energy projects in Oregon since 2001, and now owns more than 1,483 MW of utility-scale wind and solar generation in the state. Avangrid has a long history of working under the jurisdiction of the Council, and is the parent company backing the certificate holders of the Leaning Juniper IIA Wind Power Facility, Leaning Juniper IIB Wind Power Facility, Klondike III Wind Project, Montague Wind Power Facility, and Klamath Cogeneration Project.

Avangrid regularly carries out power supply transactions with more than 50 counterparties in the Western Electricity Coordinating Council region, including public utility districts, investor-owned utilities, electric cooperatives, and federal power-marketing administrations. This is the same wholesale energy market that the Facility in Gilliam County, Oregon, will feed.

The Council previously found that Avangrid "has demonstrated that it has the organizational expertise to construct, operate, and retire the Facility in compliance with Council standards and conditions of the site certificate."[53] With respect to operation of solar facilities, Avangrid currently operates 106 MW of solar

[53] These findings were made in association with the following EFSC-issued documents: *Final Order on the Application for Site Certificate for the Montague Wind Power Facility* (September 10, 2010), *Final Order on Request for Contested Case and Amendment #1 of the Site Certificate for the Montague Wind Power Facility* (June 21, 2013), *Final Order on Request for Contested Case and Amendment #2 of the Site Certificate for the Montague Wind Power Facility* (December 4, 2015), *Final Order on Request for Contested Case and Amendment*

generation facilities, including the largest solar project in Oregon (the Gala Solar Project). With respect to battery storage systems, Avangrid is currently in the permitting phase for four battery storage projects in the United States, including Phase 2 of the Facility. Avangrid's experience as an independent Balancing Authority in the northwest and as a North American Electric Reliability Corporation compliance operator, demonstrate that it has the expertise to operate a battery at the Facility. Avangrid has experience in the design, construction, and operation of wind energy facilities, solar energy facilities, co-gen facilities, substations, and low- and high-voltage electrical lines. The design and operation of a battery is fundamentally similar to these other facilities and components. Montague will select experienced contractors to build the battery storage system and will convey the contractor's qualifications to the Oregon Department of Energy per Condition 34 of the Site Certificate.

There have been no changes to Avangrid's organizational expertise that would affect earlier findings. Therefore, the Council may rely on its previous conclusion that the Facility complies with the Organizational Expertise standard (OAR 345-022-0010).

> *OAR 345-021-0010(1)(m) Information about the applicant's financial capability, providing evidence to support a finding by the Council as required by OAR 345-022-0050(2). Nothing in this subsection requires the disclosure of information or records protected from public disclosure by any provision of state or federal law. The applicant must include:*
>
> *(A) An opinion or opinions from legal counsel stating that, to counsel's best knowledge, the applicant has the legal authority to construct and operate the facility without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements;*

Response: Attachment 6 is an opinion from Avangrid's in-house legal counsel, indicating that Montague Solar, LLC, and Oregon Trail Solar, LLC, have the legal authority to construct and operate Phase 2a – Montague Solar and Phase 2b – Oregon Trail Solar without violating their articles of incorporation or similar agreements.

> *(B) The type and amount of the applicant's proposed bond or letter of credit to meet the requirements of OAR 345-022-0050; and*

Response: As part of RFA 4 Exhibit M for Phase 2, Avangrid submitted a bond in the amount of $9.759 million. As noted in Attachment 3, splitting the retirement cost estimate for Phases 2a and 2b will result in an approximate $8.1 million retirement cost for Montague Solar, LLC, and an approximate $3.5 million retirement cost for Oregon Trail Solar, LLC. The estimated cost for Phase 2a is the largest layout configuration. These estimates account for retirement and restoration of the permanent and temporary impacts listed in Tables 3 through 6. The proposed changes in RFA 5 do not substantially alter the retirement cost estimate previously evaluated in RFA 4 Exhibit W and the Council's recommended Phase 2 retirement cost estimate remains adequate to address this standard. The revised retirement cost estimate for Phases 2a and 2b is provided in Attachment 3.

Prior to beginning construction of other approved facilities, bond(s), or letter(s) of credit to the State of Oregon in an amount equal to the net costs of the facility retirement will be provided as calculated for final design. The bond(s) or letter(s) of credit will be provided in an approved form and will ensure that adequate funds exist for the retirement of the facilities constructed and for restoration of the site to a useful, nonhazardous condition. The bond(s) or letter(s) of credit will be adjusted annually for inflation according to the Gross Domestic Product Implicit Price Deflator Index.

> *(C) Evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit in the amount proposed in paragraph (B), before beginning construction of the facility.*

#3 of the Site Certificate for the Montague Wind Power Facility (July 11, 2017a), and *Final Order on Request for Amendment #4 to the Site Certificate for the Montague Wind Power Facility* (August 23, 2019).

Response: The Council previously found that the Certificate Holder has a reasonable likelihood of obtaining a bond or letter of credit in an amount necessary to retire and restore the site, originally calculated at $21.511 million (third-quarter 2010 dollars).[54] To reflect the modified and updated retirement cost estimate detailed in Exhibit W of $9.759 million for RFA 4 (second-quarter 2019 dollars) for the Facility, the Certificate Holder obtained a letter from one of the company's relationship banks (RFA 4, Attachment M-2) demonstrating the reasonable likelihood that they will be able to obtain a bond(s) in an amount equal to or greater than the cost of Facility retirement, $10,000,000 with an aggregate capacity of $50,000,000. Avangrid has already posted bond for the Facility as outlined above and provided a letter demonstrating the reasonable likelihood that they will be able to obtain a bond(s) in an amount equal to or greater than the cost of Facility retirement.

[54] EFSC. 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. p. 120. August 23.

5. Conclusion

For the reasons provided herein, the Certificate Holder respectfully requests approval of this RFA 5.

6. References

Energy Facility Siting Council (EFSC). 2010a. S*ite Certificate for the Montague Wind Power Facility*. September 10.

Energy Facility Siting Council (EFSC). 2010b. *Final Order on the Application for Site Certificate for the Montague Wind Power Facility*. September 10.

Energy Facility Siting Council (EFSC). 2019a. *Fourth Amended Site Certificate for Montague Wind Power Facility*. August 23.

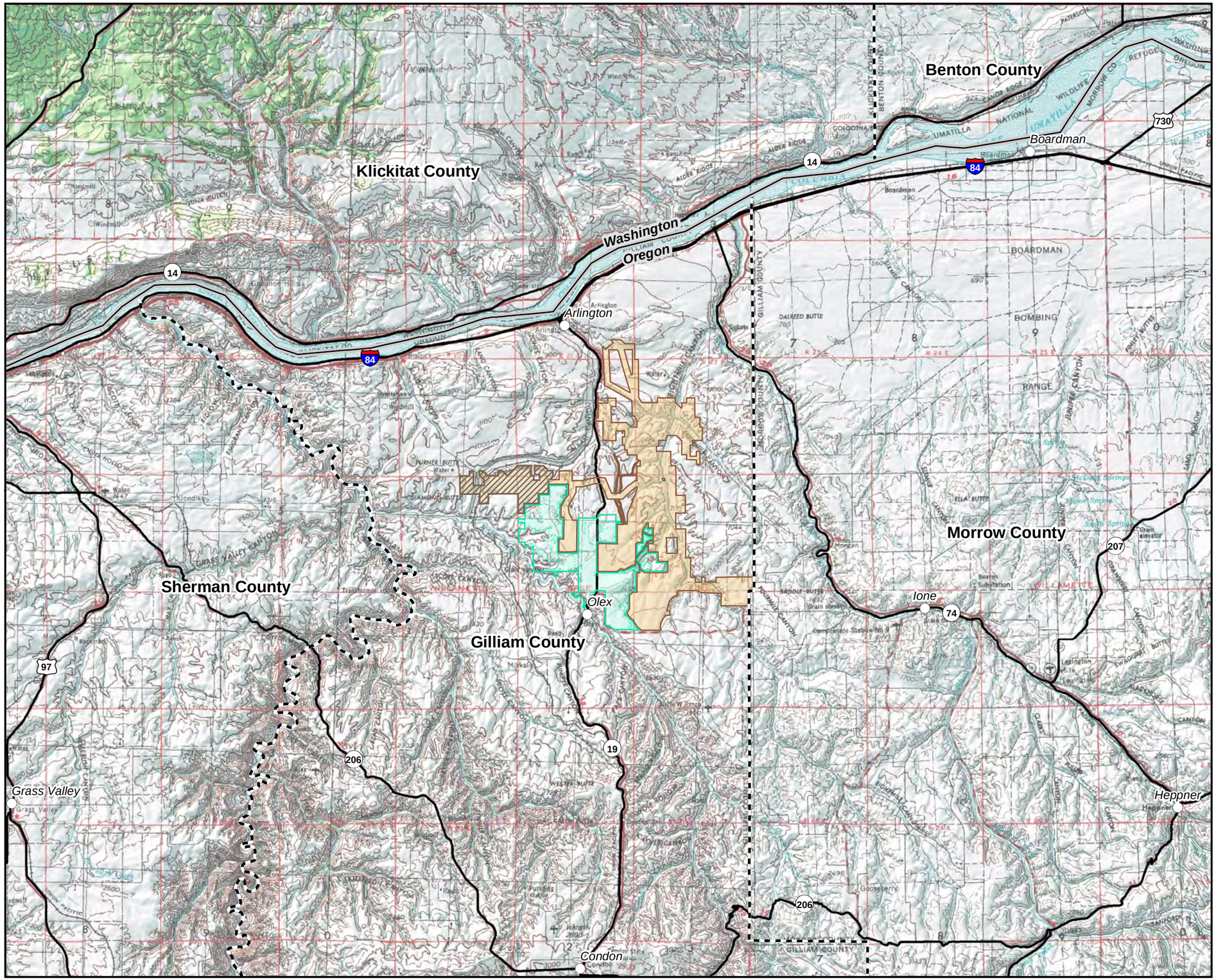
Energy Facility Siting Council (EFSC). 2019b. *Final Order on Request for Amendment 4 to the Site Certificate*. August 23.

Gilliam County. 2017a. Gilliam County Comprehensive Plan. Updated and amended May 3, 2017. Accessed April 10, 2020. http://www.co.gilliam.or.us/zoning.html.

Gilliam County. 2017b. County Zoning and Land Development Ordinance. Updated and amended May 3, 2017. Accessed April 10, 2020. http://www.co.gilliam.or.us/zoning.html.

Figures

Figure 1
Facility Site Vicinity Map
Montague Wind Power Facility



Legend

- Approved Phase 1 Site Boundary
- Approved Phase 1 Micrositing Corridor
- Approved Phase 2 Site Boundary
- Approved Phase 2 Micrositing Corridor
- Area Removed from Approved Site Boundary

Basemap Features

- Interstate/Highway
- State Boundary
- County Boundary
- City/Town

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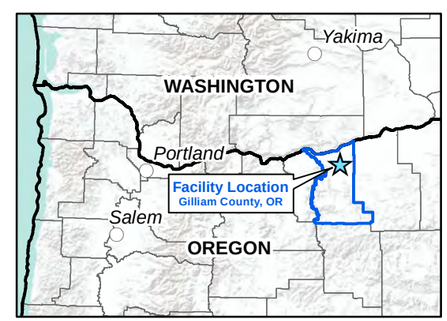

AVANGRID RENEWABLES

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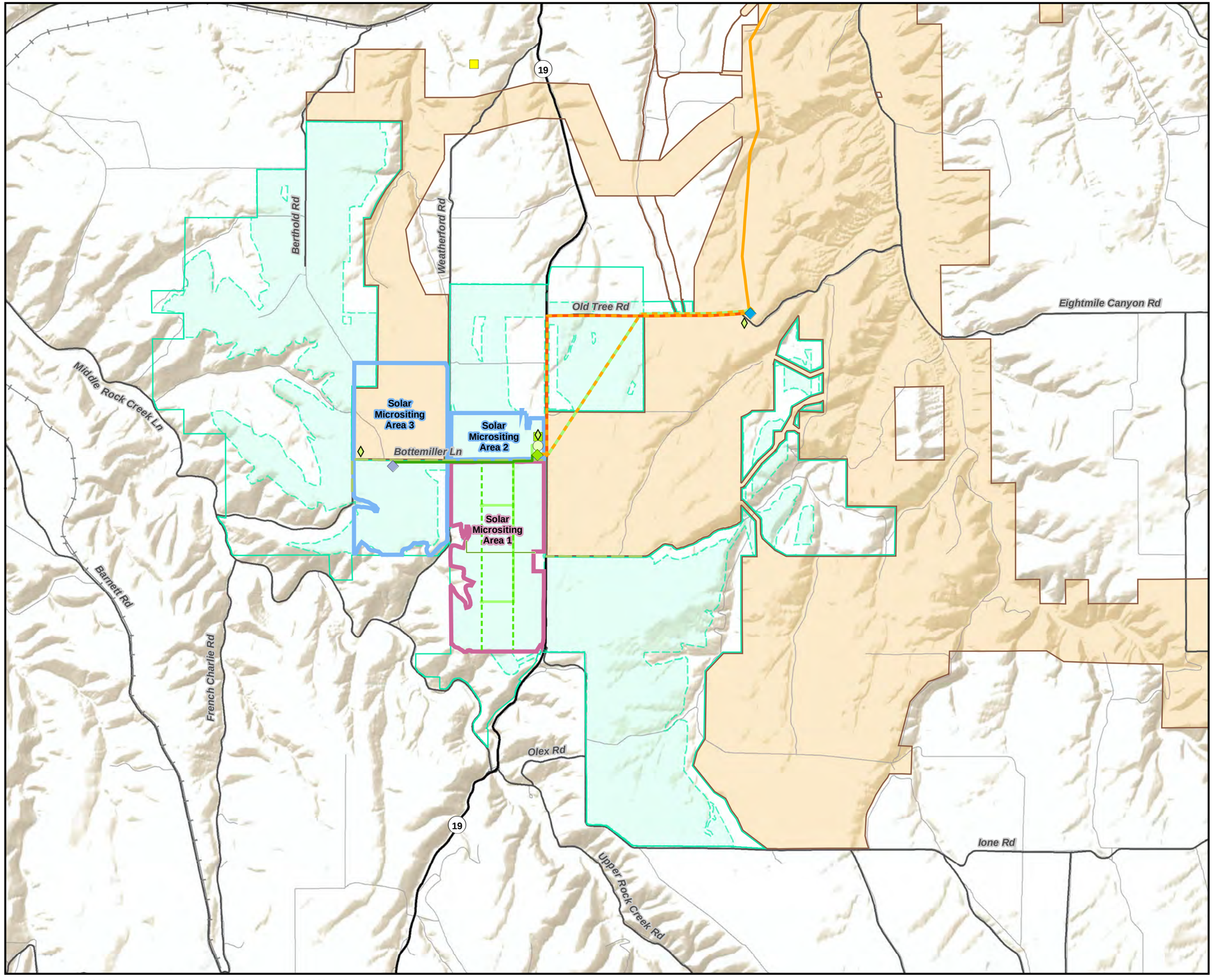
Basemap Source: ESRI USA Topo Maps

Figure 2
Proposed Expanded Solar Micrositing Area
Montague Wind Power Facility



Legend

- Approved Phase 1 Site Boundary
- Approved Phase 1 Micrositing Corridor
- Approved Phase 2 Site Boundary
- Approved Phase 2 Micrositing Corridor
- Approved Solar Micrositing Area 1
- Existing Shared LJIIB O&M Building

Proposed Features and Facility Components

- Proposed Expanded Solar Micrositing Area
  - Solar Micrositing Area 2
  - Solar Micrositing Area 3
- Proposed Switching Station
- Primary 230-kV Transmission Line Route Segment

Permitted Facility Components

- Phase 2 Collector Substation
- Battery Storage System
- O&M Building
- Temporary Laydown Area
- Alternate 230-kV Transmission Line Route Segment
- 34.5-kV Overhead Collector Line
- 34.5-kV Underground Collector Line
- New Access Road
- Facility Use of Existing Road
- Farm Access Route

Constructed Facility Components

- Phase 1 Substation
- 230-kV Transmission Line

Basemap Features

- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line

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AVANGRID RENEWABLES

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Basemap Source: ESRI World Terrain Base

Figure 3
Solar Array Site Plan and Facilities Arrangement
Montague Wind Power Facility

Solar Micrositing Area 3

Primary 230-kV Transmission Line Route Interconnection to the Montague Wind Substation (Approximately 3.5 Miles)

Solar Array Inverter/Rectifier Station

Solar Micrositing Area 2

SOLAR ARRAY 2

O&M Building and Temporary Laydown Area

Battery Storage System

Alternate 230-kV Transmission Line Route Interconnection to the Montague Wind Substation (Approximately 3 Miles)

Temporary Laydown Area

Access to Solar Array

Access to Solar Array

Access to Solar Array

Montague Solar Collector Substation

Bottemiller Ln

Weatherford Rd

Proposed Switching Station

SOLAR ARRAY 3

Solar Micrositing Area 1

34.5-kV Underground Collector Line

Solar Array Inverter/Rectifier Station

Solar Array Inverter/Rectifier Station

Fenced Solar Array Boundary

19

Farm Access Route

Access to Solar Array

Solar Array Inverter/Rectifier Station

John Day Hwy

SOLAR ARRAY 1

Unnamed Road

Farm Access Route

Solar Array Inverter/Rectifier Station

Solar Array Inverter/Rectifier Station

Middle Rock Creek Ln

Baseline Rd

Legend

- Fenced Solar Array Boundary
- Approved Solar Micrositing Area 1
- Proposed Expanded Solar Micrositing Area
  - Solar Micrositing Area 2
  - Solar Micrositing Area 3
- Solar Array 1
- Solar Array 2
- Solar Array 3
- Solar Array Inverter/Rectifier
- Primary 230-kV Transmission Line Route Segment
- Alternate 230-kV Transmission Line Route Segment
- 34.5-kV Overhead Collector Line
- 34.5-kV Underground Collector Line
- New Access Road
- Farm Access Route
- Related or Supporting Facility Boundary
- 10-foot Interval Elevation Contour

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AVANGRID RENEWABLES

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Basemap Source: ESRI World Terrain Base

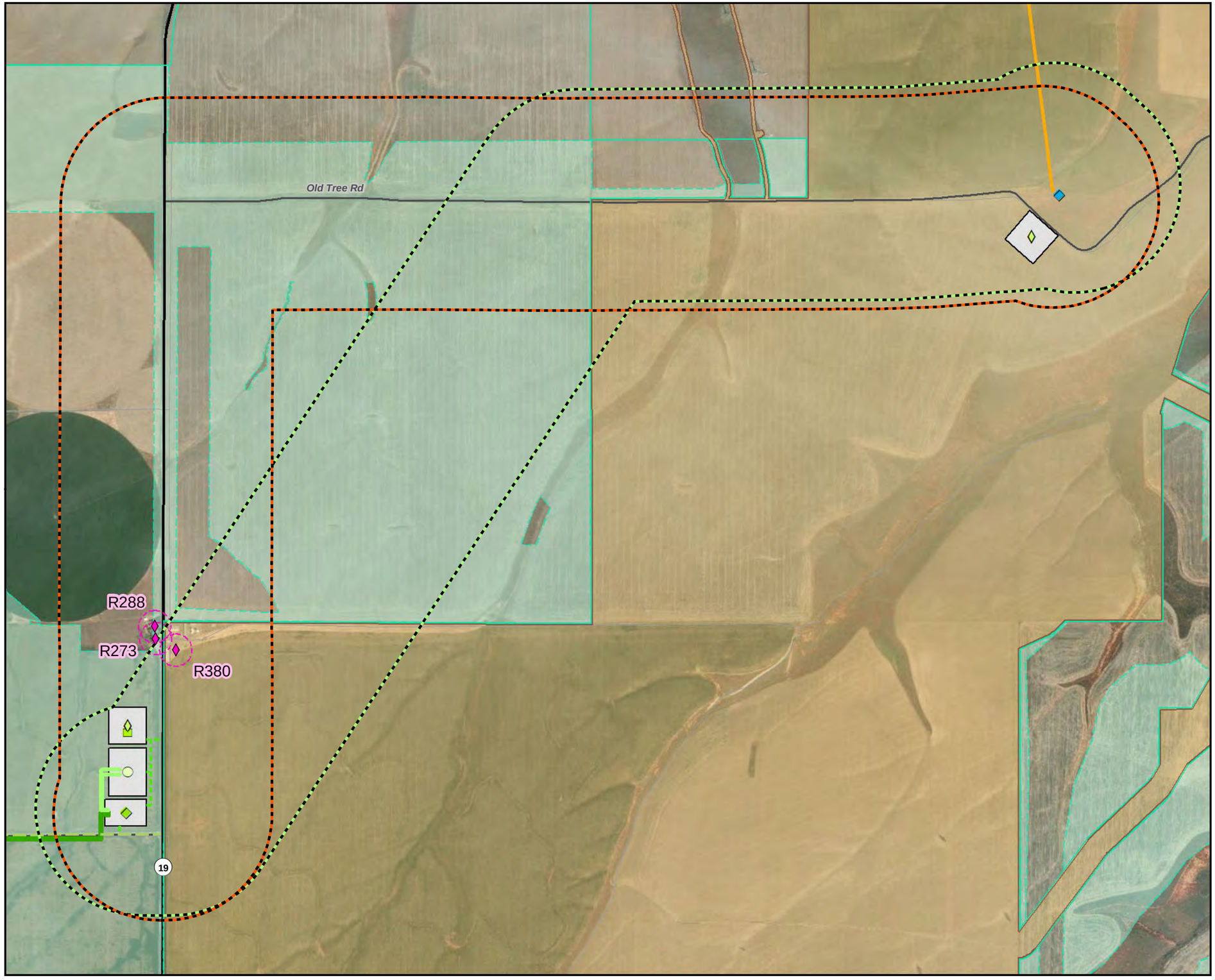

Figure 4
Primary and Alternate 230-kV Transmission Line Route Corridors
Montague Wind Power Facility

Legend

- Approved Phase 1 Site Boundary
- Approved Phase 1 Micrositing Corridor
- Approved Phase 2 Site Boundary
- Approved Phase 2 Micrositing Corridor
- Residence
- Residence Buffer (200 feet)

230-kV Transmission Line Corridors

- Primary 230-kV Transmission Line Route Corridor (0.5 mile)
- Alternate 230-kV Transmission Line Route Corridor (0.5 mile)

Permitted Facility Components

- Phase 2 Collector Substation
- Battery Storage System
- O&M Building
- Temporary Laydown Area
- 34.5-kV Overhead Collector Line
- 34.5-kV Underground Collector Line
- New Access Road
- Facility Use of Existing Road

Constructed Facility Components

- Phase 1 Substation
- 230-kV Transmission Line

Basemap Features

- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line

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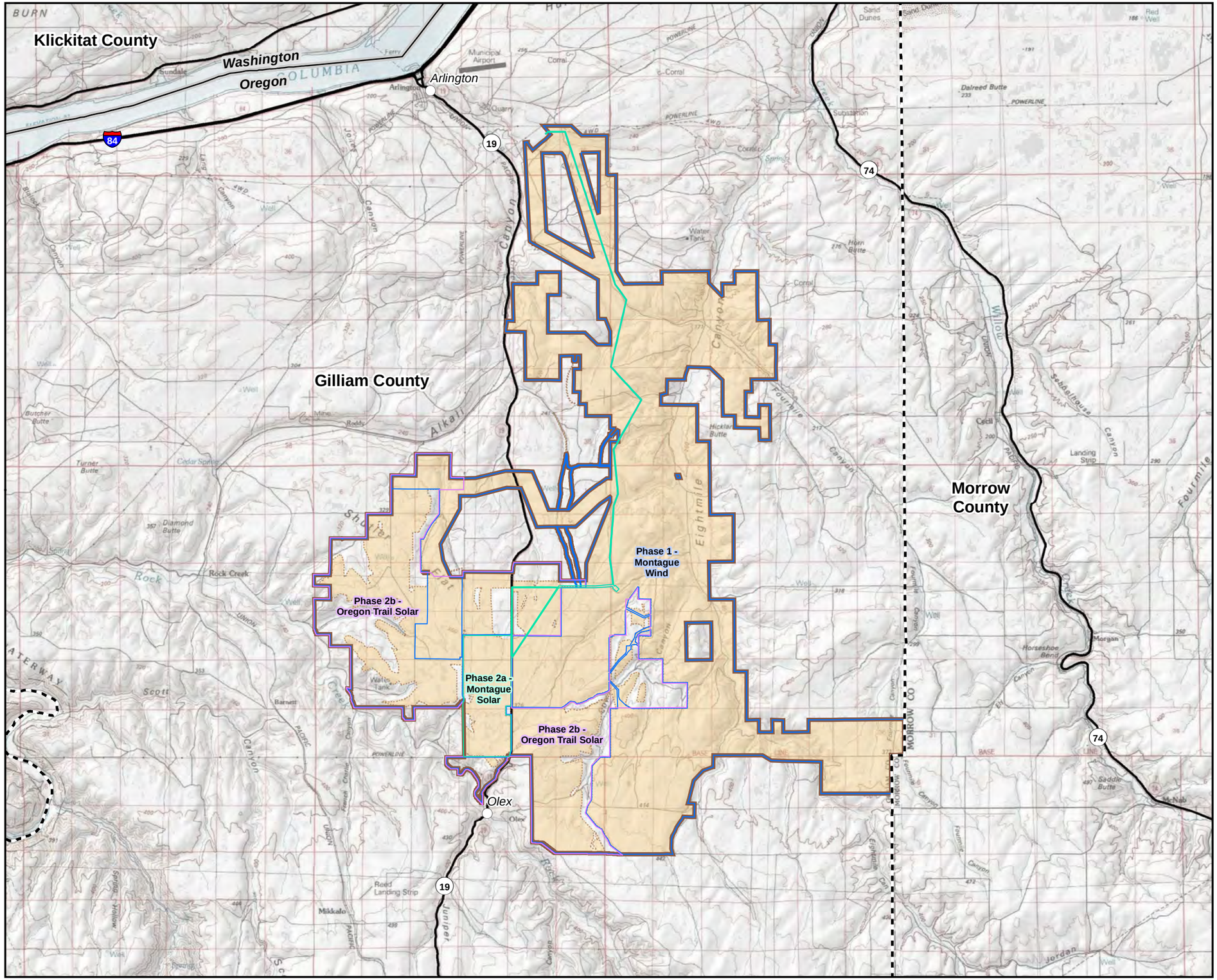
Basemap Source: ESRI World Imagery

Figure 5
Proposed Site Boundary Split
Montague Wind Power Facility



Legend

- Approved Site Boundary
- Approved Micrositing Corridor
- Phase 1 - Montague Wind Site Boundary
- Phase 2a - Montague Solar Site Boundary
- Phase 2b - Oregon Trail Solar Site Boundary

Basemap Features

- Interstate/Highway
- State Boundary
- County Boundary
- City/Town

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Basemap Source: ESRI USA Topo Maps

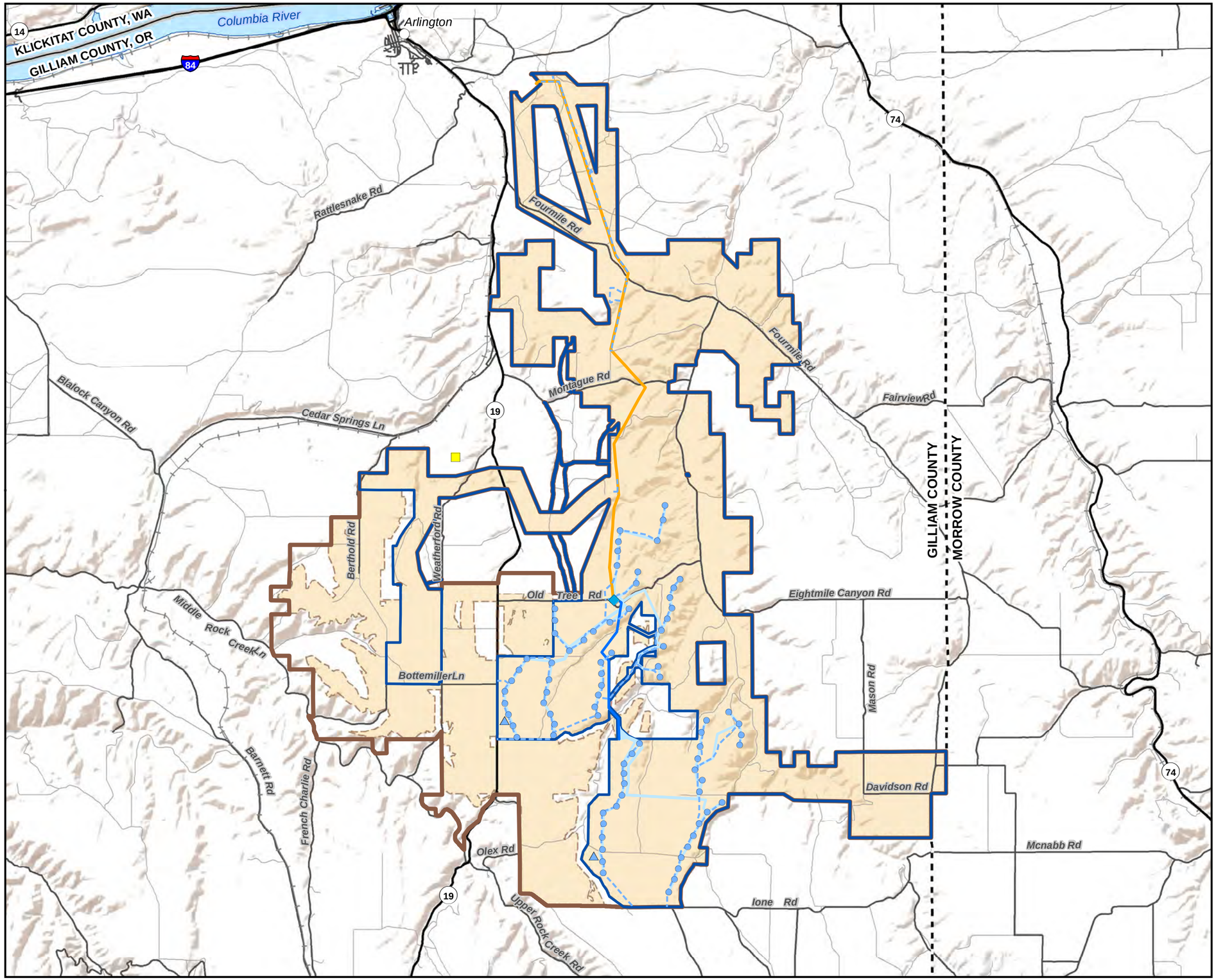

Figure 6
Phase 1 - Montague Wind Site Boundary
Montague Wind Power Facility

Legend

- Approved Site Boundary
- Approved Micrositing Corridor
- Phase 1 - Montague Wind Site Boundary
- Existing Shared LJIIB O&M Building

Constructed Facility Components

- Turbine
- Meteorological Tower
- Phase 1 Substation
- 230-kV Transmission Line
- 34.5-kV Overhead Collector Line
- 34.5-kV Underground Collector Line
- Access Road

Basemap Features

- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line
- State Boundary
- County Boundary

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Basemap Source: ESRI World Terrain Base

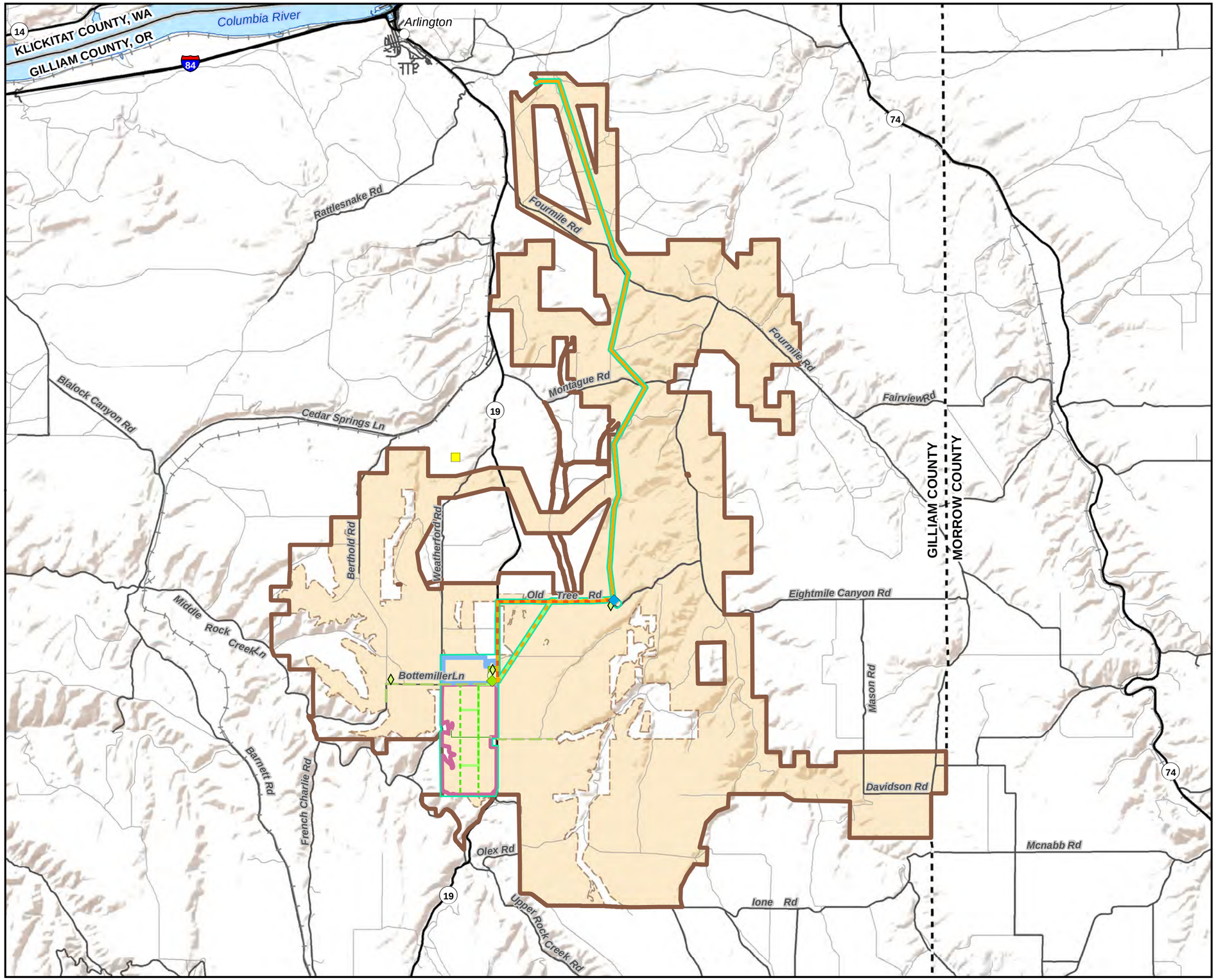

Figure 7
Phase 2a - Montague Solar Site Boundary
Montague Wind Power Facility

Legend

- Approved Site Boundary
- Approved Micrositing Corridor
- Approved Solar Micrositing Area 1
- Phase 2a - Montague Solar Site Boundary
- Existing Shared LJIIB O&M Building

Proposed Features and Facility Components

- Solar Micrositing Area 2
- Primary 230-kV Transmission Line Route Segment

Permitted Facility Components

- Phase 2 Collector Substation
- Battery Storage System
- O&M Building
- Temporary Laydown Area
- Alternate 230-kV Transmission Line Route Segment
- 34.5-kV Underground Collector Line
- New Access Road
- Facility Use of Existing Road
- Farm Access Route

Constructed Facility Components

- Phase 1 Substation
- 230-kV Transmission Line

Basemap Features

- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line
- State Boundary
- County Boundary

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Basemap Source: ESRI World Terrain Base

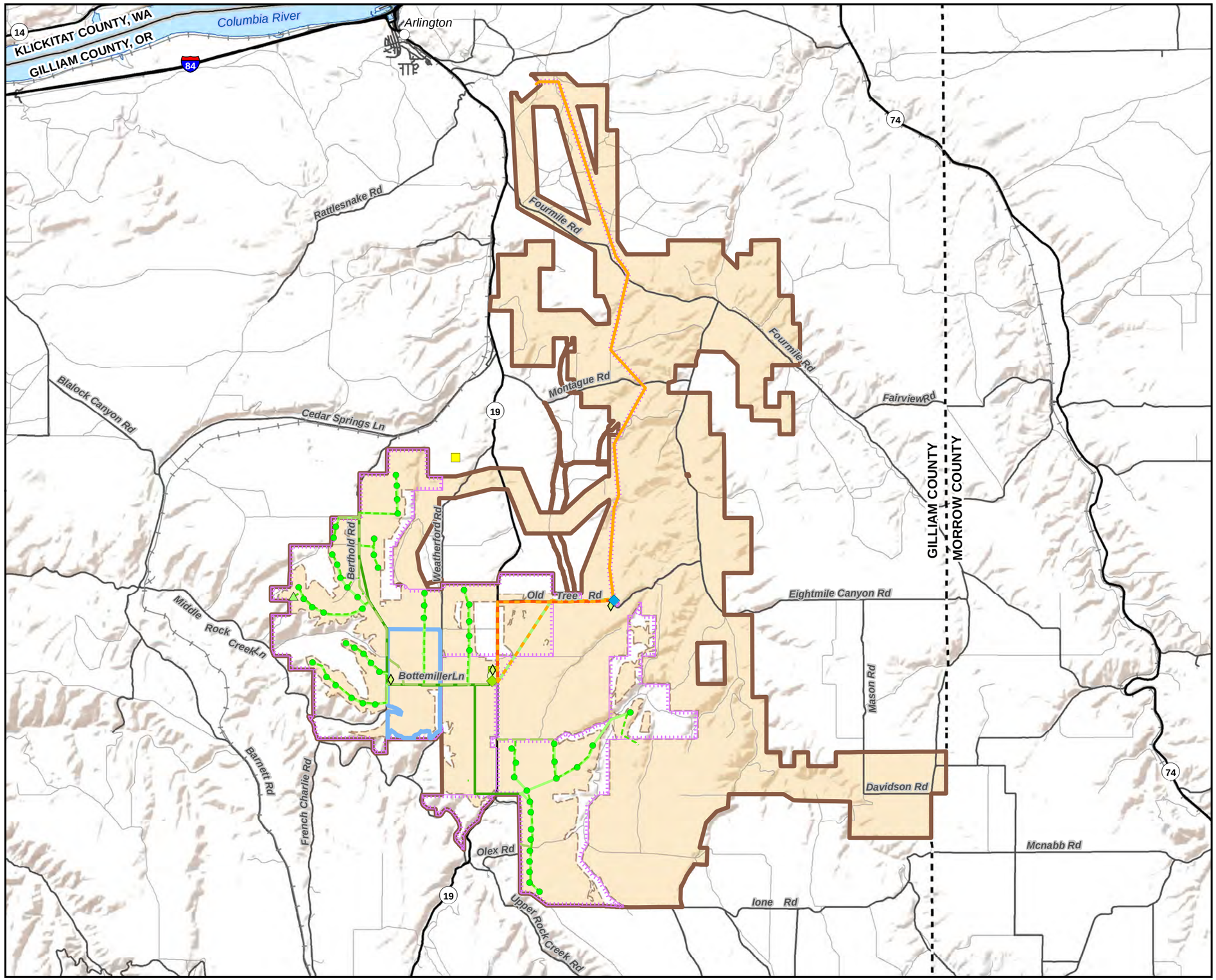

Figure 8
Phase 2b - Oregon Trail Solar Site Boundary
Montague Wind Power Facility

Legend

- Approved Site Boundary
- Approved Micrositing Corridor
- Phase 2b - Oregon Trail Solar Site Boundary
- Existing Shared LJIIB O&M Building

Proposed Features and Facility Components

- Solar Micrositing Area 3
- Primary 230-kV Transmission Line Route Segment

Permitted Features

- Proposed Turbine
- Meteorological Tower
- Phase 2 Collector Substation
- Battery Storage System
- O&M Building
- Temporary Laydown Area
- Alternate 230-kV Transmission Line Route Segment
- 34.5-kV Overhead Collector Line
- 34.5-kV Underground Collector Line
- New Access Road
- Facility Use of Existing Road

Constructed Facility Components

- Phase 1 Substation
- 230-kV Transmission Line

Basemap Features

- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line
- State Boundary
- County Boundary

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Basemap Source: ESRI World Terrain Base

Figure 9
Historical Earthquakes and Quaternary Faults
Montague Wind Power Facility

Legend

- Approved Site Boundary
- Approximate 50-mile Buffer of Approved Site Boundary

Historical Earthquakes

Magnitude

- 2.5 - 2.7
- 2.7 - 3.2
- 3.2 - 3.6
- 3.6 - 3.9
- 3.9 - 5.0

MMI (Intensity)

- III (Shaking: weak; Damage: none)
- IV (Shaking: light; Damage: none)
- V (Shaking: moderate; Damage: very light)
- VII (Shaking: very strong; Damage: moderate)

Quaternary Faults and Associated Folds

- Latest Quaternary (<10,000 years)
- Middle and Late Quaternary (<750,000 years)
- Undifferentiated Quaternary (<1,600,000 years)
- Class B (Age Suspect or Older than Quaternary)

Basemap Features

- County Boundary
- City/Town

Sources:
1) Historical Earthquakes: United States Geological Survey Earthquake Catalog, accessed April 2020. https://earthquake.usgs.gov/earthquakes/search
2) Quaternary Faults and Associated Folds: United Sates Geological Survey Quaternary Fault and Fold Database, accessed October 2017. https://earthquake.usgs.gov/hazards/qfaults

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Basemap Source: ESRI World Street Map

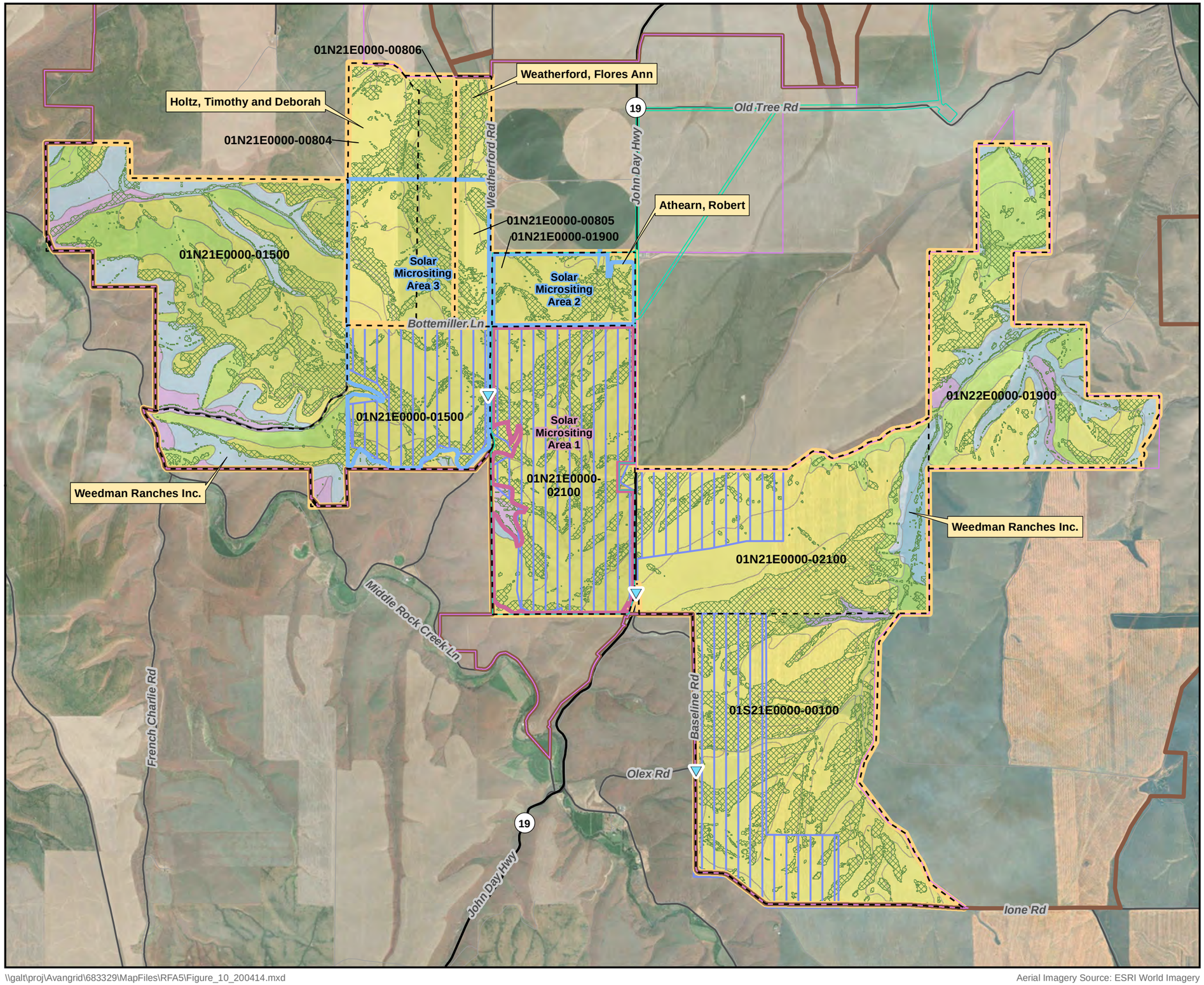

Figure 10
Land Use
Montague Wind Power Facility

Legend

- Approved Site Boundary
- Phase 2a - Montague Solar Site Boundary
- Phase 2b - Oregon Trail Solar Site Boundary
- Approved Solar Micrositing Area 1
- Proposed Expanded Solar Micrositing Area
  - Solar Micrositing Area 2
  - Solar Micrositing Area 3
- Tax Lot Boundary
- Tract Boundary
- High-Value Farmland Per Oregon Revised Statute (ORS) 195.300(10)(f)(C)

Water Rights - Groundwater

- Point of Diversion
- Place of Use: Water Right Permit G-15187 (Expired)

Nonirrigated Soil Capability Classes

- Capability Class 3
- Capability Class 4
- Capability Class 6
- Capability Class 7

Notes:
1. High-Value Farmland is land that is in an exclusive farm use zone and that is no more than 3,000 feet above mean sea level, with an aspect between 67.5 and 292.5 degrees and a slope between zero and 15 percent, and that is located within the Columbia Valley American Viticulture Area (AVA).
2. The general boundary for the Columbia Valley AVA encompasses the entire area shown on this figure.
3. Elevation for entire area <3,000 feet.

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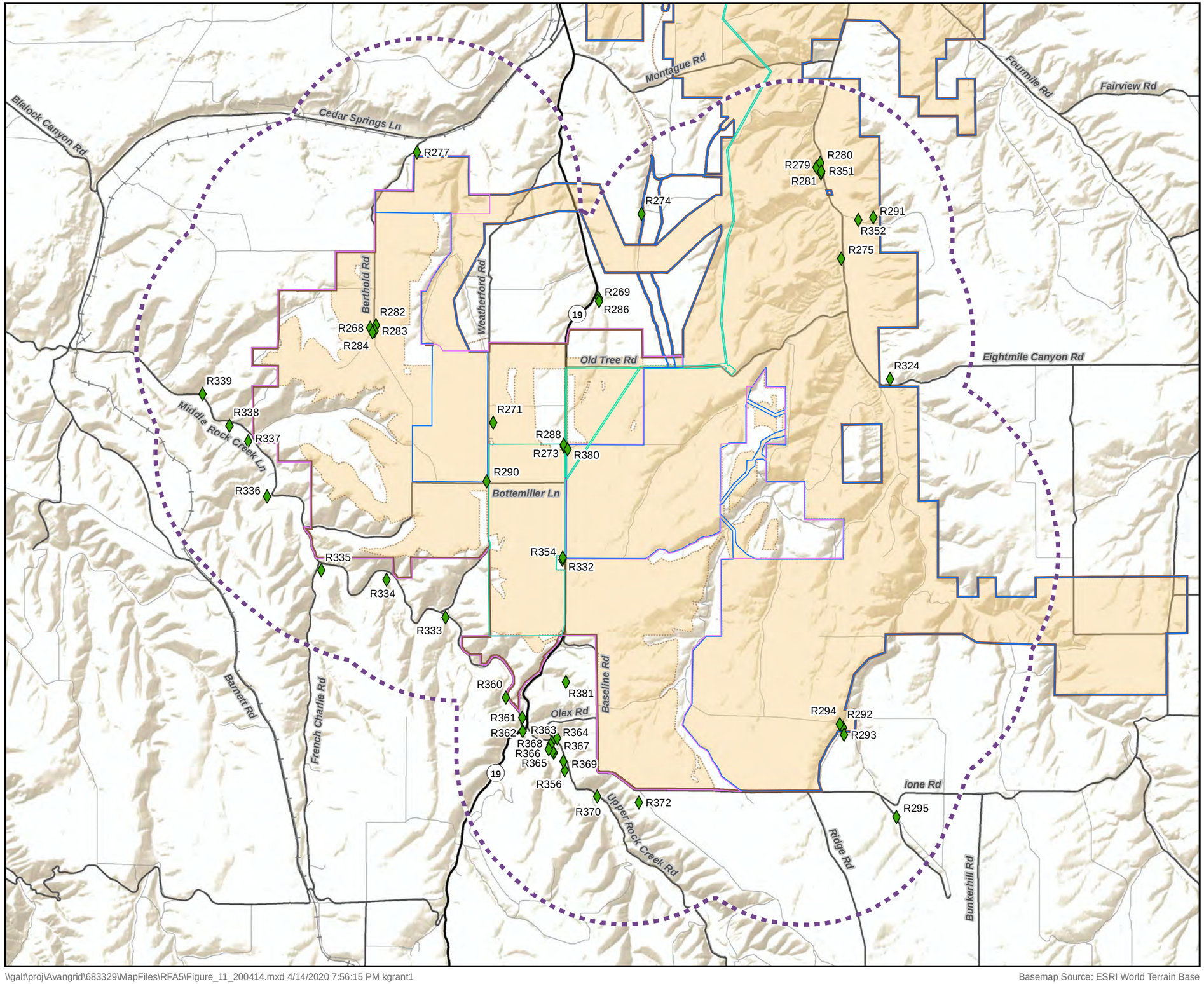
Aerial Imagery Source: ESRI World Imagery

Figure 11
Noise-sensitive Receptors within 2 Miles of Turbine Locations
Montague Wind Power Facility



Legend

- Approved Site Boundary
- Approved Micrositing Corridor
- Phase 1 - Montague Wind Site Boundary
- Phase 2a - Montague Solar Site Boundary
- Phase 2b - Oregon Trail Solar Site Boundary
- Noise-sensitive Receptor
- 2-mile Buffer of Turbine Locations

Basemap Features

- Interstate/Highway
- Public Road
- Other Road
- Major Railroad Line

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Basemap Source: ESRI World Terrain Base

Attachment 1
Redlines of Fourth Amended Site Certificate

Montague Wind Power Facility Redline

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

~~Fourth~~Fifth Amended Site Certificate

for the

Montague Wind Power Facility

~~August 23, 2019~~

2020

The Oregon Energy Facility Siting Council

I. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Montague Wind Power Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Montague Wind Power Facility LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. ~~[~~Amendment #~~3]~~ 4]

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, incorporated herein by this reference: ~~(~~a) the Final Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 issued on June 21, 2013; ~~and,~~ (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final Order on Amendment #3 issued on July 11, 2017; ~~and~~ (e) the Final Order on Amendment #4 issued on August 23, 2019; and (f) the Final Order on Amendment #5 issued on _____, 2020. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: ~~(~~1) this ~~Fourth~~Fifth Amended Site Certificate, (2) the Final Order on Amendment #~~4~~5, (3) the Final Order on Amendment #~~3~~4, (4) the Final Order on Amendment #~~2~~3, (5) the Final Order on Amendment ~~#1~~ #2, (6) the Final Order on Amendment #1, (7) the Final Order on the Application, ~~and (7~~(8) the record of the proceedings that led to the Final Order on the Application, the Final Order on Amendment #1, and the Final Order on Amendment #2. [Amendment #2]

The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site certificate, except where otherwise stated or where the context clearly indicates otherwise.

II. 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 photovoltaic (PV) solar~~ energy facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in Section III of this site certificate. ORS 469.401(1). [ASC; AMD4; AMD5]

(a) 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).

(a) This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Final Order on the Application, Final Order on Amendment #1 Final Order on Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and Final Order on Amendment #~~4~~5. Such 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. 469.503(3). [ASC; AMD1; AMD2; AMD3; AMD4; AMD5]

(a) 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 executed. ORS 469.401(2). 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).

(a) 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).

(a) 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).

(a) 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).

(a) 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).

(a) After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (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.

(a) Following the completion of surveys required by this site certificate, the Department will present the results of those surveys and required consultations at the next regularly scheduled Council meeting. [AMD2]

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

The Montague Wind Power Facility is an electric power generating plant ~~developed in two phases, Phase 1 and Phase 2. Phase 1 consists~~consisting of 56 wind turbines, each consisting of a nacelle, a three-

bladed rotor, turbine tower and foundations. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbines.

~~Phase 2 is approved to consist of a combination of up to 81 wind turbines and a solar photovoltaic array on up to 1, 189 acres. The solar array would be composed of solar modules, which are themselves composed of either mono-crystalline or poly-crystalline cells. In addition to the solar modules, the array would also include a tracker system to allow the solar modules to follow the path of the sun throughout the day; cables; inverters; and transformers. The solar array would be connected to the power collection system as described below.~~ The energy facility is described further in the Final Order on the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final Order on Amendment #3, ~~and the~~ Final Order on Amendment #4, and Final Order on Amendment #5.

(b) **Related or Supporting Facilities**

The facility includes the following related or supporting facilities described below and in greater detail in the Final Order on the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final Order on Amendment #3, ~~and the~~ Final Order on Amendment #4, and Final Order on Amendment #5:

- Power collection system
- Control system
- Substations and 230-kV transmission lines
- ~~Battery storage system~~
- Meteorological towers
- Operations and maintenance ~~facilities~~(O&M) building
- Access roads
- Public roadway modifications
- Temporary construction areas

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a collector substation. To the extent practicable, the collection system is installed underground at a depth of at least three ~~fed~~feet. Not more than 27 miles of the collector system combined across facility phases is installed aboveground.

Control System

A fiber optic communications network links the wind turbines to a central computer at the Phase 1 O&M ~~buildings~~building. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and performance data from each wind turbine and from the facility as a whole and allows remote operation of the wind turbines. The control system is shared with the Montague Solar facility, and the Oregon Trail Solar facility.

Substations and 230-kV Transmission Lines

The facility includes ~~two collector substations, one associated with Phase 1,~~a substation ("Phase 1 substation") and ~~the second associated with Phase 2. An~~an aboveground, single-circuit 230-kV transmission line ~~connects the Phase 2 substation to the Phase 1 substation. An aboveground, single-circuit 230-kV transmission line~~that connects the Phase 1 substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation. The Phase 1 substation and aboveground, single-circuit 230-kV transmission line are shared with the Montague Solar facility, and the Oregon Trail Solar facility.

~~**Battery Storage**~~

~~Phase 2 is approved to include a battery storage system. The battery storage system would be capable of storing up to 100 MW of wind or solar energy generated by the Facility, and would be used to stabilize the wind or solar resource through dispatching of energy stored in the battery system. The battery system is placed in a series of containers or building located near the Phase 2 substation.~~

~~The battery system would be composed of either lithium-ion (Li-ion) batteries or a flow battery. Lithium-ion batteries are a solid-state rechargeable battery utilizing lithium ions in an electrolyte. Flow batteries are composed of a variety of different technologies; however, all flow batteries dispatch electricity by allowing the migration of electrons from a positive ion tank to a negative ion tank. The electrons migrate between solutions via a membrane.~~

Meteorological Towers

The facility includes up to ~~eight~~four permanent meteorological towers.

Operations and Maintenance Facilities

The facility includes ~~two~~one operations and maintenance (O&M) ~~facilities, one associated with~~ building ("Phase 1 ~~and the second with Phase 2.~~O&M building"). An on-site well at ~~each~~the Phase 1 O&M ~~facility~~building supplies water for use during facility operation. Sewage is discharged to an on-site septic system.

Access Roads

The facility includes access roads to provide access to the turbine strings~~, solar array, battery storage system and other~~ and related or supporting components.

Public Roadway Modifications

The certificate holder may construct improvements to existing state and county public roads that are necessary for construction of the facility. These modifications would be confined to the existing road rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the Oregon Department of Transportation, depending on the location of the improvement.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. Construction crane paths are used to move construction cranes between turbine strings.

2. Location of the Facility

The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on private land subject to easements or lease agreements with landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in Site Certificates), OAR 345025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring and Mitigation Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions should be read together with the specific facility conditions listed in Section V to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety. In these conditions the definitions in OAR 345-001-0010 apply.

The obligation of the certificate holder to report information to the Oregon Department of Energy (Department) or the Council under the conditions listed in this section and in Section V is subject to the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

In addition to these conditions, the site certificate holder is subject to all conditions and requirements contained in the rules of the Council and in local ordinances and state law in effect on the date the certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the 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.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

1 OAR 345-025-0006-(1): The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.

2 OAR 345-025-0006-(2): The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the 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.

3 OAR 345-025-0006-(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.

4 OAR 345-025-0006-(4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. (See Conditions 24 and 25.)

5 OAR 345025-0006-(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, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. 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:

(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 the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or

(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.

6 OAR 345-025-0006-(6): ~~-~~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. [~~AMD4~~AMD5]

7 OAR 345-025-0006-(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.

8 OAR 345-025-0006-(8): Before beginning construction of the facility or a phase of the facility, 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 Council to restore the site or a portion of 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 or the phase of 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 or a phase of the facility. (See Condition 32.) [~~AMD4~~AMD5]

9 OAR 345-025-0006-(9): 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.

10 OAR 345-025-0006-(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.

11 OAR 345-025-0006-(11): Upon completion of construction, 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.

12 OAR 345-025-0006-(12): The certificate holder shall design, engineer and construct the 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 "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [~~AMD4~~AMD5]

13 OAR 345-025-0006-(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 reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. 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 to propose and implement corrective or mitigation actions.

14 OAR 345-025-0006-(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. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [~~AMD4~~AMD5]

15 OAR 345-025-0006-(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.

16 OAR 345-025-0006-(16): 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 Department 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 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 described in OAR 345-027-0020(8) 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.

17 ~~OAR 35-027-0023(4):~~

~~(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code approved on June 3, 2011, by the American National Standards Institute, and~~

~~(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 are grounded or bonded throughout the life of the line.~~ [Amendment 3, Removed by Amendment 4]

18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230~~-~~-kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor is ½-mile in width and extends ~~approximately 14 miles~~ from the Phase ~~2 collector substation to the Phase~~ 1 ~~collector~~ substation to BPA's Slatt Substation as presented in Figure 1 of the site certificate.
[OAR 345-025-0010(5); ASC; ~~AMD4~~AMD5]

19 OAR 345-025-0016: The following general monitoring conditions apply:

(1) In the site certificate, the Council shall include conditions that address monitoring and mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall develop proposed monitoring and mitigation plans in consultation with the Department and, as appropriate, other state agencies, local governments and tribes. Monitoring and mitigation plans are subject to Council approval. The Council shall incorporate approved monitoring and mitigation plans in applicable site certificate conditions. ~~[AMD4~~[AMD5]

20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement 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, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.

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

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

(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 report on the progress of construction and shall address the subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule.

(ii) After January 1 but no later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department addressing the subjects listed in Subsection (2). For the purposes of this rule, the beginning of operation of the facility means the date when construction of a significant portion of the facility is substantially complete and the certificate holder begins commercial operation of the facility as reported by the certificate holder and accepted by the Department. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

(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

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(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. 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.

(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 the recurrence of such problems.

(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 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.

(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.

~~(vii)....~~

22 OAR 345-026-0105: 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.

23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:

(a) There is an attempt by anyone to interfere with its safe operation;

(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

(c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

The conditions listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-025-0006. The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. 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 public health and safety. For conditions that require subsequent review and approval of a future action, ORS

469.402 authorizes the Council to delegate the future review and approval to the Department if, in the Council's discretion, the delegation is warranted under the circumstances of the case.

1. Certificate Administration Conditions

24 The certificate holder shall~~:~~

~~Begin~~ begin construction ~~of Phase 1~~ of the facility by September 14, 2017. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [ASC; AMD2; ~~AMD4~~AMD5]

~~i. Begin construction of Phase 2 of the facility by August 30, 2022. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [AMD4]~~

25 The certificate holder shall~~:~~

~~i. Complete~~ complete construction of ~~Phase 1 of~~ the facility by September 14, 2020. ~~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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [ASC; AMD2; AMD4]~~

~~Complete construction of Phase 2 of the facility by [3 years of from the date of construction commencement].~~ 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. ~~[AMD4~~[ASC; AMD2; AMD5]

~~26 Before beginning construction of the facility, the certificate holder shall notify the Department whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on Figure C-3a of the site certificate application will be built as part of the Montague Wind Power Facility or whether the turbines will be built as part of the Leaning Juniper II Wind Power Facility.~~

27 The certificate holder shall construct a facility substantially as described in the site certificate and may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition.

i. For ~~Phase 1~~ facility components:

(a) The total number of turbines must not exceed 81 turbines.

(b) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.

(c) The minimum blade tip clearance must be 14 meters above ground. [Amendment #3]

~~ii. For Phase 2 facility components:~~

~~(a) Components may include any combination of wind and solar energy generation equipment, up to 81 wind turbines or the maximum layout (including number and size) of solar array components substantially as described in RFA4.~~

~~(b) The maximum blade tip height must not exceed 597 feet (182 meters). The minimum aboveground blade tip clearance must be 46 feet (14 meters).~~

[Final Order on ASC; AMD3; ~~AMD4~~AMD5]

28 The certificate holder shall obtain all necessary federal, state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain the necessary federal, state and local permits or approvals.

29 The certificate holder shall:

i. Before beginning construction of each phase of the facility, provide to the Department a list of all third-party permits which would normally be governed by the site certificate and that are necessary for construction (e.g. Air Contaminant Discharge Permit; Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department and Gilliam County and shall provide to the Department proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by the permits or approvals.

ii. During construction and operation, promptly report to the Department if any third-party permits referenced in sub(i) of this condition have been subject to a cited violation, Notice of Violation, or allegation of a violation. [~~AMD4~~AMD5]

30 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 ORS 469.300, excluding surveying, exploration or other activities to define or characterize the site, and shall provide to the Department a description of the work and evidence that its value is less than $250,000.

31 Before beginning construction but no more than two years before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department, to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam County detailed maps of the facility site, showing the final locations where the certificate holder proposes to build facility components, and a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 6 in the Final Order on the Application. The detailed maps of the facility site shall indicate the habitat categories of all areas that would be affected during construction (similar to Figures P-8a through P-8d in the site certificate application). In classifying the affected habitat into habitat categories, the

certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection.

32 ~~i.~~ Before beginning construction ~~of Phase 1~~ of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit is either $21.511 million (3rd Quarter 2010 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected by applying the unit costs and general costs illustrated in Table 2 in the *Final Order on the Application* and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.

    i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 3rd Quarter 2017 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") and using the 3rd Quarter-2017 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.

    ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.

    iii. 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 (ii) for the adjusted future developments contingency.

    iv. 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.

b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:

c. The certificate holder shall use a form of bond or letter of credit approved by the Council.

d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.

e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

f. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

~~ii. Before beginning construction of Phase 2 of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or letter of credit will be issued for Phase 2 in an amount that is either $10.429 million (1st Quarter 2019 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).~~

~~a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility, and both the battery storage or turbine types selected by applying the unit costs and general costs illustrated in Table 5 of the *Final Order on Amendment 4* and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department. The certificate holder may adjust the amount of the bond or letter of credit under (a) if opting to construct only a portion of the facility.~~

~~b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:~~

~~i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 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") and using the average of the 2nd Quarter and 3rd Quarter 2004 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.~~

~~c. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:~~

~~i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 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") and using the average of the 2nd Quarter and 3rd Quarter 2004index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.~~

~~ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.~~

~~iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs, add 20 percent of the adjusted Gross Cost of the Solar Generation and Battery Storage System (ii)~~

~~and 10 percent of the adjusted Gross Cost of all other facility components(ii) for the adjusted future developments contingency.~~

~~iv. 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.~~

~~d. The certificate holder shall use a form of bond or letter of credit approved by the Council.~~

~~e. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.~~

~~f. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.~~

~~g. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.~~

~~[AMD4~~ [AMD5]

33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, 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 energy 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 energy facility.

34 Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any change of major contractors.

35 The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction 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.

36 To ensure compliance with all site certificate conditions during construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance. The certificate holder shall notify the Department of the name, telephone number and e-mail address of this person.

37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.

2. Land Use Conditions

38 The certificate holder ~~shall:~~

~~Consult~~shallconsult with area landowners and lessees during construction and operation ~~of Phase 1~~ of the facility and implement measures to reduce and avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

~~i. Consult with area landowners and lessees during construction and operation of Phase 2 of the facility and implement measures to reduce and avoid any adverse impacts to ongoing farm practices on surrounding lands, including coordination with the landowner of the solar micrositing area to ensure that the final solar array layout does not prevent the landowner from maximizing agricultural production on the land not occupied by the solar array.~~ [Final Order on ASC; ~~AMD4~~AMD5]

39 The certificate holder shall design and construct~~:~~ ~~Phase 1 of~~ the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of 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. [Final Order on ASC; ~~AMD4~~AMD5]

~~i. Phase 2 of the facility to minimize the permanent impacts to agricultural land, including to the extent practicable, using existing access roads, co-locating facilities, reducing road and transmission line/collector line lengths, and designing facility components to allow ongoing access to agricultural fields.~~ ~~[Final Order on ASC; AMD4]~~

40 The certificate holder shall install gates on private access roads in accordance with Gilliam County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to this requirement.

41 Before beginning construction of the facility, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with GCZO Section 37 7.020(T)(4)(a)(5).

42 The certificate holder shall construct all facility components in compliance with the following setback requirements:

(a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
(b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.
(c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.
(d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.

(e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.

(f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each meteorological tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the nearest electrical substation.

(g) The certificate holder shall maintain a minimum distance of 50 feet measured from any facility O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.

(h) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.

(i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower from any overhead utility line. [Amendment #1]

(j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of maximum turbine height from blade tip height, measured from the centerline of the turbine tower from federal transmission lines, unless the affected parties agree otherwise. [Amendment #1]

~~(k) The certificate holder shall maintain a minimum distance of 25 feet measured from the fence line of the solar array to the nearest property line.~~

~~(l) The certificate holder shall maintain a minimum distance of 25 feet measured from the front, rear and side yard of the battery storage system site to the nearest property line.~~

~~(m) For Phase 2 facility components, all wind turbines must be setback a minimum distance of 656 feet (200 meters), measured from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek Canyon. [AMD4]~~

43 During construction and operation of the facility, the certificate holder shall implement a weed control plan approved by the Gilliam County Weed Control Officer or other appropriate County officials to control the introduction and spread of noxious weeds.

44 During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation Plan referenced in Condition 92.

45 Within 90 days after beginning operation of the facility or a phase of the facility, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the facility compared to the original plan.

46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to the Gilliam County Planning Commission on an annual basis unless specifically discontinued by the County.

3. Cultural Resource Conditions

47 Before beginning construction, the certificate holder ~~shall:~~

~~(a) Label~~shalllabel all identified historic, cultural or archeological resource sites on construction maps and drawings as "no entry" areas. If construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 30-meter no entry buffer around the site. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within the buffer areas or to operational farmsteads. [Final Order on ASC]

~~(b) Submit for review and approval by the Department in consultation with the State Historic Preservation Office, a final Phase 2 Historical Resource Mitigation Plan (HRMP), based on the draft HRMP provided in Attachment H of the Final Order on Request for Amendment 4. The final HRMP shall include the following:~~

~~i. Confirmation on established setback of Phase 2 facility components to the Weatherford Barn, if confirmed by the Department and SHPO to represent a distance whereby indirect impacts to setting and feeling would be minimized to less than significant. In the alternative, the certificate holder shall specify the mitigation option selected from the HRMP and the implementation schedule to reduce significant adverse indirect impacts to the Weatherford Barn.~~

~~ii. Concurrence from SHPO that the Olex Townsite, Olex School, and the Olex Cemetery ("Olex resources") are not likely eligible for listing as individual properties or together as a historic district on the National Register of Historic Places (NRHP); or if SHPO concurs that the Olex resources either individually or as a historic district are likely eligible for listing, the certificate holder shall include in its final HRMP appropriate descriptions of the resources and mitigation, which could include an appropriate setback of Phase 2 facility components to the Olex resources as confirmed by the Department in consultation with SHPO to represent a distance whereby indirect impacts to setting and feeling would be minimized to less than significant. In the alternative, the certificate holder shall specify the mitigation option selected and the implementation schedule to reduce significant adverse indirect impacts to the Olex resources such as: historic photo documentation and scale drawings of Olex; additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. [AMD4]~~

48 In reference to the alignment of the Oregon Trail described in the Final Order on the Application, the certificate holder shall comply with the following requirements:

(d) The certificate holder shall not locate facility components on visible remnants of the Oregon Trail and shall avoid any construction disturbance to those remnants.

(e) The certificate holder shall not locate facility components on undeveloped land where the trail alignment is marked by existing Oregon-California Trail Association markers.

(f) Before beginning construction, the certificate holder shall provide to the State Historic Preservation Office (SHPO) and the Department documentation of the presumed Oregon Trail alignments within the site boundary.

(g) The certificate holder shall ensure that construction personnel proceed carefully in the vicinity of the presumed alignments of the Oregon Trail. If any 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 and shall flag a 30-meter no-entry buffer around the intact Trail segments. ~~-~~The certificate holder shall promptly notify the SHPO and the Department of the discovery. The certificate holder shall consult with the SHPO and the Department to determine appropriate mitigation measures.

49 Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that were surveyed in 2009 as described in the Final Order on the Application. The certificate holder shall hire qualified personnel to conduct field investigations of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigations to the Department and to the Oregon State Historic Preservation Office (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological resources are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 47.

50 During construction, the certificate holder shall:

(a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource site.

(b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance at depths of 12 inches or greater. The qualifications of the selected cultural resources monitor shall be reviewed and approved by the Department, in consultation with the CTUIR Cultural Resources Protection Program. In the selection of the cultural resources monitor to be employed during construction, preference shall be given to citizens of the CTUIR. Ground disturbance at depths 12 inches or greater shall not occur without the presence of the approved cultural resources monitor. If any cultural resources are identified during monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in Attachment H of the Final Order on Amendment ~~4~~5 should be followed. The certificate holder shall report to the Department in its semi-annual report a description of the ground disturbing activities that occurred during the reporting period, dates cultural monitoring occurred, and shall include copies of monitoring forms completed by the cultural resource monitor. [~~AMD4~~AMD5]

51 The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural 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 Oregon State Historic Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested Tribes and other appropriate parties. ~~-~~The certificate holder shall not restart work in

the affected area until the certificate holder has demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations

4. Geotechnical Conditions

52 Before beginning construction of each phase of the facility, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation and road design. [Final Order; ~~AMD4~~AMD5]

53 The certificate holder shall design and construct the facility in accordance with requirements of the current Oregon Structural Specialty Code and International Building Code. [~~AMD4~~AMD5]

54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, "non-seismic hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

55 The certificate holder shall handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. The certificate holder shall not store diesel fuel or gasoline on the facility site during operations. [~~AMD4~~AMD5]

56 If a spill or release of hazardous material occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and at the Phase 1 O&M ~~buildings~~building. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials

57 The certificate holder shall construct turbines and pad-mounted transformers on concrete foundations and shall cover the ground within a 10-foot radius with non-flammable material. The certificate holder shall maintain the non-flammable pad area covering during operation of the facility.

58 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially dangerous conditions, and the certificate holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire.

59 During construction and operation of the facility, the certificate holder shall ensure that the Phase 1 O&M ~~buildings~~building and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A5OBC or equivalent rating.

60 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.

61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of 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.

62 During construction, the certificate holder shall ensure that construction personnel are trained in fire prevention and response, that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.

63 During operation of the 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 districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.

64 Before beginning construction ~~of:~~

~~Phase 1~~of the facility, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation. [AMD5]

~~i. Phase 2, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers to determine if the structure(s) are a hazard to air navigation and aviation safety. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation. The FAA and ODA evaluation and determinations are valid for 18 months (per OAR 738-070-0180), once issued. The certificate holder shall~~

~~maintain current hazard determinations on file commensurate with construction timelines.~~ ~~[AMD4]~~

65 The certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.

66 The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.

67 During operation of the facility, the certificate holder shall have a safety-monitoring program and shall inspect all turbine and turbine tower components on a regular basis. The certificate holder shall maintain or repair turbine and turbine tower components as necessary to protect public safety.

68 For turbine types having pad-mounted step-up transformers, the certificate holder shall install the transformers at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.

69 To protect the public from electrical hazards, the certificate holder shall enclose the facility substations~~, solar array, and battery storage systems~~ with appropriate fencing and locked gates. [~~AMD4~~AMD5]

70 Before beginning construction of any new State Highway approaches or utility crossings, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application in a form satisfactory to ODOT and the Department for the location, construction and maintenance of a new approach to State Highway 19 for access to the site south of Tree Lane. The certificate holder shall submit the necessary application in a form satisfactory to ODOT and the Department for the location, construction and maintenance of transmission lines crossing Highway 19.

71 The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Gilliam County Road Department or, where applicable, the Morrow County Public Works Department. Where modifications of County roads are necessary, the certificate holder shall construct the modifications entirely within the County road rights-of-way and in conformance with County road design standards subject to the approval of the Gilliam County Road Department or, where applicable, the Morrow County Public Works Department. Where modifications of State roads or highways are necessary, the certificate holder shall construct the modifications entirely within the public road rights-of-way and in conformance with Oregon Department of Transportation (ODOT) standards subject to the approval of ODOT.

72 The certificate holder shall construct access roads with a finished width of up to 20 feet, designed under the direction of a licensed engineer and compacted to meet equipment load requirements.

73 During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:

(h) Providing notice to adjacent landowners when heavy construction traffic is anticipated.

(i) Providing appropriate traffic safety signage and warnings.

(j) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic.

(k) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.

(l) Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.

(m) Encouraging carpooling for the construction workforce.

(n) Including traffic control procedures in contract specifications for construction of the facility.

(o) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access points.

74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any County road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the Gilliam County Road Department or, where applicable, the Morrow County Public Works Department.

75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Submittal to the Department of an executed Road Use Agreement with Gilliam County shall constitute evidence of compliance with this condition. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of the applicable county departments. If required by Gilliam County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. If construction of a phase of the facility will utilize county roads in counties other than Gilliam County, the certificate holder shall coordinate with the Department and the respective county road departments regarding the implementation of a similar Road Use Agreement. [~~AMD4~~AMD5]

76 During construction, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.

77 During operation of the facility, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency, including a contingency plan in a fire emergency, and that includes important telephone numbers and the locations of on-site fire extinguishers, nearby hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement services. The certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower rescue training at the facility, the North Gilliam County Rural Fire Protection District and the Arlington Fire Department will be invited to observe. [~~AMD4~~AMD5]

78

(a) During construction ~~of each phase~~ of the facility, the certificate holder shall provide on-site security within the facility site boundary, and shall establish good communications between on-site security personnel and the Gilliam County Sheriff's Office by establishing a communication protocol between the security personnel and the Sherriff's office. The communication protocol shall be sent to the Department prior to construction.

(b) During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of 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. The list shall also be sent to the Department.

79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health and safety concerns

6. Water, Soils, Streams & Wetlands Conditions

80

i. 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 or storm water management requirements.

ii.

~~a. Before beginning construction of Phase 2 wind energy generation components, the certificate holder shall submit to the Department and Gilliam County Planning Director for review and approval a topsoil management plan including how topsoil will be stripped, stockpiled, and clearly marked in order to maximize topsoil preservation and minimize erosion impacts. [OAR 660-033-0130(38)(f)(B)]. The topsoil management plan~~

~~may be incorporated into the final Erosion and Sediment Control Plan, required under sub(c) or may be provided to the Department as a separate plan.~~

~~b.~~a. Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [~~AMD4~~AMD5]

81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to avoid soil compaction, to the extent practicable.

82 During construction, the certificate holder shall implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas.

83 Before beginning construction of the facility ~~or a phase of the facility~~, the certificate holder shall provide to the Department a map showing the final design locations of all components ~~of the facility or phase~~ of the facility, and the areas that would be disturbed during construction and showing the wetlands and stream channels previously surveyed by CH2M HILL or HDR as described in the Final Order on the Application and the Final Order on Amendment #4. For areas to be disturbed during construction that lie outside of the previously-surveyed areas, the certificate holder shall hire qualified personnel to conduct a pre-construction investigation to determine whether any jurisdictional waters of the State exist in those locations within the proposed expanded site boundary. The certificate holder shall provide a written report on the pre-construction investigation to the Department and the Department of State Lands for approval before beginning construction of the phase. The certificate holder shall ensure that construction and operation of the facility will have no impact on any jurisdictional water identified in the pre-construction investigation.

84 The certificate holder shall avoid impacts to waters of the state in the following manner:

(a) The certificate holder shall avoid any disturbance to delineated wetlands.

(b) The certificate holder shall construct stream crossings for roads and underground collector lines substantially as described in the Final Order on the Application or the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.

(c) The certificate holder shall construct support poles for aboveground lines outside of delineated stream channels and shall avoid in-channel impacts.

[~~AMD4~~AMD5]

85 During facility operation, the certificate holder shall routinely inspect and maintain all facility components including roads, pads ~~(including turbine and battery storage pad), solar array, and~~, trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [~~AMD4~~AMD5]

86 During facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the Phase 1 O&M ~~buildings~~building. The certificate holder shall construct on-

site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site ~~wells~~well. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

87 During facility operation, if wind turbine blade ~~or solar panel~~ washing becomes necessary, the certificate holder shall ensure that there is no runoff of wash water 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 holder may use biodegradable, phosphate-free cleaners sparingly. [~~AMD4~~AMD5]

7. Transmission Line & EMF Conditions

88 The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground lines at a minimum depth of three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed 27 miles combined across facility phases.

89 The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:

(a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.

(b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.

(c) Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.

(d) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

91 Prior to construction of the Facility or a phase of the Facility, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment F of the Final Order on Request for Amendment #4, as approved by the Department in consultation with ODFW. The certificate holder shall conduct wildlife monitoring as described in the final WMMP, as amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

92 The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the final Revegetation Plans for each phase of the Facility, as approved by the Department in consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final Order on Request for Amendment #4, and as amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

93 The certificate holder shall:

(a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect 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 as described in the final Habitat Mitigation Plans for each phase of the Facility, as approved by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be based on the draft plan included as Attachment G to the Final Order on Request for Amendment #3 and updated based on Condition 31. The final Habitat Mitigation Plans may be amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

~~(b) Prior to construction of Phase 2 components, the certificate holder shall finalize and implement the Phase 2 Habitat Mitigation Plan (HMP) included as Attachment D of the Final Order, as approved by ODOE in Consultation with ODFW. Provision 93(b)(A) regarding impacted acreage calculations shall be completed and submitted to the department after construction is complete as described in the condition below.~~

(c) Within 90 days of completion of construction, the certificate holder shall submit to the department and ODFW an updated HMP Table.
[~~AMD4~~AMD5]

94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel (WGS) habitat based on the locations where the squirrels were found to be active in the most recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall hire a qualified professional biologist who has experience in detection of WGS to conduct surveys using a survey protocol approved by the Oregon Department of Fish and Wildlife (ODFW). The biologist shall survey all areas of suitable habitat where permanent facility components would be located or where construction disturbance could occur. Except as provided in (a), the biologist shall conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in the active squirrel seasons in subsequent years until the beginning of construction in suitable habitat. The certificate holder shall provide written reports of the surveys to the Department and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the areas described in (b) and (c).

(a) The certificate holder may omit the WGS survey in any year if the certificate holder avoids all permanent and temporary disturbance within suitable habitat until a WGS

survey has been completed in the following year and the boundaries of Category 1 habitat have been determined and approved based on that survey.

(b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. If the multiple-burrow area was active in a prior survey year, then Category 1 habitat includes the largest extent of the active burrow area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.

(c) Category 1 WGS habitat includes the area containing single active burrow detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Category 1 habitat does not include single-burrow areas that were found active in a prior survey year but that are not active in the current survey year.

95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

(a) The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

(b) Before beginning construction, but no more than two years prior to the beginning of construction of a phase of the facility, the certificate holder shall hire a qualified professional biologist to conduct a survey of all areas to be disturbed by construction for threatened and endangered species. The certificate holder shall provide a written report of the survey and a copy of the survey to the Department, the Oregon Department of Fish and Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the surveys identify the presence of threatened or endangered species within the survey area, the certificate holder shall implement appropriate measures to avoid a significant reduction in the likelihood of survival or recovery of the species, as approved by the Department, in consultation with ODA and ODFW.

(c) Before beginning construction ~~of a phase~~ of the facility, the certificate holder's qualified professional biologist shall survey the Category 1 Washington ground squirrel habitat to ensure that the sensitive use area is correctly marked with exclusion flagging and avoided during construction. The certificate holder shall maintain the exclusion markings until construction has been completed.

(d) Before beginning construction ~~of a phase~~ of the facility, certificate holder's qualified professional biologist shall complete the avian use studies that began in September 2009 at six plots within or near the facility site as described in the Final Order on the Application. The certificate holder shall provide a written report on the avian use studies to the Department and to ODFW.

(e) Before beginning construction of a phase of the facility, certificate holder's qualified professional biologist shall complete raptor nest surveys within the raptor nest survey area as described in the Final Order on the Application. The purposes of the survey are to identify any sensitive raptor nests near construction areas and to provide baseline information on raptor nest use for analysis as described in the Wildlife Monitoring and

Mitigation Plan referenced in Condition 91. The certificate holder shall provide a written report on the raptor nest surveys and the surveys to the Department and to ODFW. If the surveys identify the presence of raptor nests within the survey area, the certificate holder shall implement appropriate measures to assure that the design, construction and operation of the facility are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in consultation with ODFW.

(f) In the final design layout of the facility, the certificate holder shall locate facility components, access roads and construction areas to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape where practicable.

96 During construction, the certificate holder shall avoid all construction activities within a 1,300-foot buffer around potentially-active nest sites 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
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

During the year in which construction 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. The certificate holder shall begin monitoring potential nest sites by March 15 and shall continue monitoring until at least May 31 to determine whether any potentially-active nest sites become active during the sensitive period.

If any nest site is determined to be unoccupied by the early release date (May 31), then unrestricted construction activities may occur within 1,300 feet of the nest site after that date. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder will flag the boundaries of a 1,300-foot buffer area around the nest site and shall instruct construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer.

If burrowing owl nests are occupied during the sensitive period, the certificate holder may adjust the 1,300-foot buffer around these nests after consultation with ODFW and subject to the approval of the Department.

The certificate holder shall hire a qualified independent professional biologist 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. 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 construction activities within the buffer area 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).

97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte Wildlife Area during the long-billed curlew nesting season (March 8 through June 15), as described in this condition. Before beginning construction, the certificate holder shall provide to the Department a map showing the areas of potential construction disturbance in the vicinity of the BLM lands that are part of the Horn Butte Wildlife Area and showing a 1,300-foot buffer from those areas. During the nesting season, 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 buffer area. The certificate holder shall flag the boundaries of the 1,300-foot buffer area and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer. The certificate holder may engage in construction activities within the buffer area at times other than the nesting season.

98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

(a) Preparing maps to show occlusion areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species.

(b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.

(c) Limiting construction work to approved and surveyed areas shown on facility constraints maps.

(d) Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

99 The certificate holder shall reduce the risk of injuries to avian species by:

(a) Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.

(b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff edges, narrow ridge saddles and gaps between hilltops.

(c) Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy-wires.

(d) Designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

100 The certificate holder shall hire a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

101 The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (March 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

9. Visual Effects Conditions

102 To reduce the visual impact of the facility, the certificate holder shall:

(a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral white color.

(b) Paint the substation structures in a low-reflectivity neutral color to blend with the surrounding landscape.

(c) Not allow any advertising to be used on any part of the facility.

(d) Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the O&M buildings to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles.

(e) Maintain any signs allowed under this condition in good repair.

103 The certificate holder shall design and construct the Phase 1 O&M ~~buildings,~~building and substation~~, and buildings and containers associated with battery storage~~ 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 low-reflectivity, neutral color to blend with the surrounding landscape. [~~AMD4~~AMD5]

104 The certificate holder shall not use exterior nighttime lighting except:

(a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.

(b) Security lighting at the Phase 2 O&M ~~buildings~~building and ~~at the substations~~substation, provided that such lighting is shielded or downward-directed to reduce glare.

(c) Minimum lighting necessary for repairs or emergencies.

(d) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight from the vantage point of the Fourmile Canyon interpretive site looking toward the visible Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047, -120.044112) as described in the Final Order on the Application.

10. Noise Control Conditions

106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

(a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

(b) Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and

(c) Establish a complaint response system at the construction manager's office to address noise complaints.

107 The certificate holder shall provide to the Department:

i. Prior to ~~Phase 1~~ construction:

a. Information that identifies the final design locations of ~~(~~all turbines, to be built at the facility…

~~ii. Prior to Phase 2 construction:~~

b. A noise analysis that includes the following Information:

Final design locations of all ~~Phase 1 and Phase 2~~ noise ~~-~~generating facility components (all wind turbines~~;~~ and substation transformers~~; inverters and transformers associated with the photovoltaic solar array; and inverters and cooling systems associated with battery storage system~~).

The maximum sound power level for the Phase ~~2~~1 substation transformers; ~~inverters and transformers associated with the photovoltaic solar array; inverters and cooling systems associated with battery storage system;~~ and the maximum sound power level and octave band data for the ~~Phase 2~~ wind turbines selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the Department.

The results of noise analysis of ~~Phase 1 and Phase 2 components~~the facility to be built according to the final design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from wind

turbines~~, substation transformers, inverters and transformers associated with the photovoltaic solar array; inverters and cooling systems associated with battery storage system)~~ and substation transformers,) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties. The certificate holder shall verify that all noise sensitive properties within one mile of the final design locations of noise-~~ ~~generating components for ~~Phase 1 and Phase 2~~the facility have been identified and included in the preconstruction noise analysis based on review of the most recent property owner information obtained from the Gilliam County Tax Assessor Roll.

For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the 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. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise-sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.
[Final Order on ASC; ~~AMD4~~AMD5]

108 During operation of the facility, the certificate holder shall implement measures to ensure compliance with the noise control regulation, including:

a. Providing notice of the noise complaint system and how to file a noise complaint to noise sensitive receptors within 1-mile of ~~noise generating~~noisegenerating components.

b. Maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulations.

[~~AMD4~~AMD5]

11. Waste Management Conditions

109 The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.

110 During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the Phase 1 O&M ~~buildings~~building to a licensed on-site septic ~~systems~~system in compliance with State permit requirements. The certificate holder shall design the septic ~~systems~~system for a discharge capacity of less than 2,500 gallons per day.

111 The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:

(a) Recycling steel and other metal scrap.

(b) Recycling wood waste.

(c) Recycling packaging wastes such as paper and cardboard.

(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

(e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights ~~and lithium-ion, flow, lead-acid and nickel-cadmium batteries~~ for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [~~AMD4~~AMD5]

(f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging rinse water into foundation holes and burying other concrete waste as part of backfilling the turbine foundation.

112 The certificate holder shall implement a waste management plan during facility operation that includes but is not limited to the following measures:

(a) Training employees to minimize and recycle solid waste.

(b) Recycling paper products, metals, glass and plastics.

(c) Recycling used oil and hydraulic fluid.

(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

(e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights ~~and lithium-ion, flow, lead-acid and nickel-cadmium batteries~~ for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [~~AMD4~~AMD5]

VI. CONDITIONS ADDED BY AMENDMENT # 1 OF MONTAGUE

113 ~~The transfer of the First Amended Site Certificate from the certificate holder to Portland General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site certificate naming PGE the certificate holder, which is attached as Attachment B to the Final Order on Amendment #1. Upon closing, the First Amended Site Certificate naming PGE as the certificate holder shall be in full force and effect and the First Amended Site Certificate naming Montague Wind Power LLC as the certificate holder shall be considered rescinded and void in its entirety.~~ [Removed by Amendment #2.]

114 ~~Should the closing contemplated in Condition 113 not occur within 18 months of the effective date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's transfer approval within the Final Order on Amendment #1 shall be void.~~ [Removed by Amendment #2.]

115 ~~PGE must provide the Department a copy of the executed First Amended Site Certificate and documentation of the asset purchase agreement within 7 days of closing.~~ [Removed by Amendment #2.]

VII. CONDITIONS ADDED BY AMENDMENT #4 OF MONTAGUE

~~116: The certificate holder shall ensure its third-party contractor transports and disposes of battery and battery waste in compliance with all applicable regulations and manufacturer recommendations related to the transport of hazardous battery materials.~~

~~a. Prior to construction, the certificate holder shall provide a description to the Department of applicable regulations and manufacturer recommendations applicable to the transport and disposal of batteries and battery related waste.~~

~~b. During construction and operation, the certificate holder shall report to the Department any potential compliance issue or cited violations of its third-party contractor for the requirements identified in sub(a) of this condition.~~

~~[AMD4]~~

~~117 During facility operation, the certificate holder shall conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall make available for review upon request by the Department. [AMD4]~~

[Removed by Amendment #5.]

VIII. 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~~0400.

IX. 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.

X. 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.

XI. 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.

IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Montague Wind Power Facility, LLC.

ENERGY FACILITY SITTING COUNCIL

By: _____

Print: _____

Date: _____

MONTAGUE WIND POWER FACILITY, LLC

By: _____

Print: _____

Date: _____

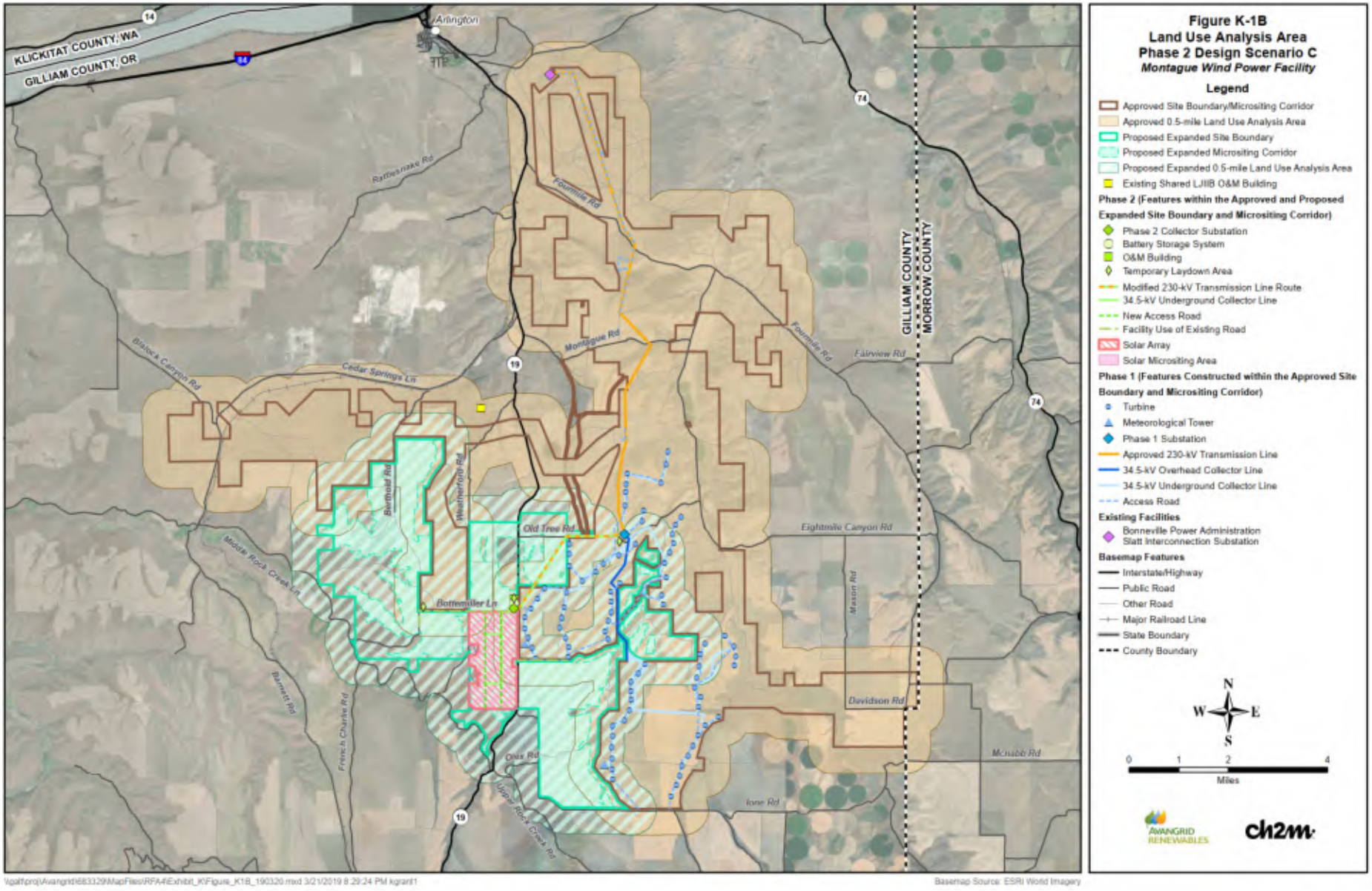
and

By: _____

Print: _____

Date: _____

~~Figure 1: Site Boundary and 230 kV transmission line corridor~~



Montague Solar Facility Redline

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

~~Fourth~~Fifth Amended Site Certificate

for the

Montague ~~Wind Power~~Solar Facility

~~August 23, 2019~~

_____ 2020

The Oregon Energy Facility Siting Council

I. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Montague ~~Wind Power~~Solar Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Montague ~~Wind Power Facility~~Solar, LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. ~~-~~[Amendment #~~3]~~ 5]

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, incorporated herein by this reference: ~~-~~(a) the Final Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 issued on June 21, 2013; ~~and,~~ (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final Order on Amendment #3 issued on July 11, 2017; ~~and~~ (e) the Final Order on Amendment #4 issued on August 23, 2019; and (f) the Final Order on Amendment #5 issued on _____, 2020. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: ~~-~~(1) this ~~Fourth~~Fifth Amended Site Certificate, (2) the Final Order on Amendment #~~4~~5, (3) the Final Order on Amendment #~~3~~4, (4) the Final Order on Amendment #~~2~~3, (5) the Final Order on Amendment ~~#1~~ #2, (6) the Final Order on Amendment #1, (7) the Final Order on the Application, and (~~7~~8) the record of the proceedings that led to the Final Order on the Application, the Final Order on Amendment #1, and the Final Order on Amendment #2. [Amendment #2]

The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site certificate, except where otherwise stated or where the context clearly indicates otherwise.

II. 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~~ photovoltaic (PV) solar energy facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in Section III of this site certificate. ORS 469.401(1). [ASC; ~~AMD4~~AMD5]

(a) 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).

(a) This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Final Order on the Application, Final Order on Amendment #1 Final Order on Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and Final Order on Amendment #~~4~~5. Such 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. 469.503(3). [ASC; AMD1; AMD2; AMD3; AMD4; AMD5]

(a) 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 executed. ORS 469.401(2). 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).

(a) 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).

(a) 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).

(a) 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).

(a) 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).

(a) After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (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.

(a) Following the completion of surveys required by this site certificate, the Department will present the results of those surveys and required consultations at the next regularly scheduled Council meeting. [AMD2]

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

The Montague ~~Wind Power~~Solar Facility is an electric power generating plant ~~developed in two phases, Phase 1 and Phase 2. Phase 1 consists of 56 wind turbines, each~~ consisting of a ~~nacelle, a three-bladed~~

~~rotor, turbine tower and foundations. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbines.~~

~~Phase 2 is approved to consist of a combination of up to 81 wind turbines and a~~ solar photovoltaic array on up to 1,~~189~~496 acres. The solar array would be composed of solar modules, which are themselves composed of either mono-crystalline or poly-crystalline cells. In addition to the solar modules, the array would also include a tracker system to allow the solar modules to follow the path of the sun throughout the day; cables; inverters; and transformers. The solar array would be connected to the power collection system as described below. ~~-~~The energy facility is described further in the Final Order on ~~*the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final Order on Amendment #3,*~~Amendment #4 and the Final Order on Amendment #~~4~~5.

(b) **Related or Supporting Facilities**

The facility includes the following related or supporting facilities described below and in greater detail in the Final Order on ~~*the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final Order on Amendment #3,*~~Amendment #4 and the Final Order on Amendment #~~4~~5:

- Power collection system
- Control system
- Substations and 230-kV transmission lines
- Battery storage system
- ~~Meteorological towers~~
- Operations and maintenance ~~facilities~~(O&M) building
- Access roads
- Public roadway modifications
- Temporary construction areas

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from ~~each turbine~~the solar array to ~~a~~the collector substation. To the extent practicable, the collection system is installed underground at a depth of at least three ~~fed~~feet. Not more than 27 miles of the collector system combined across facility phases is installed aboveground.

Control System

A fiber optic communications network links the ~~wind turbines~~solar array to a central computer at the Phase 2 O&M ~~buildings~~building shared with the Oregon Trail Solar facility. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and performance data from ~~each wind turbine and from~~ the facility as a whole and allows remote operation of the ~~wind turbines~~facility.

Substations and 230-kV Transmission Lines

The facility includes two collector substations~~, one associated~~. One substation ("Phase 1 substation") is shared with ~~Phase 1~~the Montague Wind Power facility, and the second ~~associated with~~ ("Phase 2~~.~~ collector substation") is shared with the Oregon Trail Solar facility. An aboveground, single-circuit 230-kV transmission line connects the Phase 2 collector substation to the Phase 1 substation. An aboveground, single-circuit 230-kV transmission line connects the Phase 1 substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation.

Battery Storage

~~Phase 2~~The facility is approved to include a battery storage system~~.~~ shared with the Oregon Trail Solar facility. The battery storage system would be capable of storing up to 100 MW of ~~wind or~~ solar energy generated by the Facility, and would be used to stabilize the ~~wind or~~ solar resource through dispatching of energy stored in the battery system. The battery system is placed in a series of containers or building located near the Phase 2 collector substation.

The battery system would be composed of either lithium-ion (Li-ion) batteries or a flow battery. Lithium-ion batteries are a solid-state rechargeable battery utilizing lithium ions in an electrolyte. Flow batteries are composed of a variety of different technologies; however, all flow batteries dispatch electricity by allowing the migration of electrons from a positive ion tank to a negative ion tank. The electrons migrate between solutions via a membrane.

~~**Meteorological Towers**~~

~~The facility includes up to eight permanent meteorological towers.~~

Operations and Maintenance ~~Facilities~~Building

The facility includes ~~two operations and maintenance (O&M) facilities,~~ one ~~associated~~O&M building ("Phase 2 O&M building") shared with ~~Phase 1 and~~ the ~~second with Phase 2.~~Oregon Trail Solar facility . An on-site well at ~~each~~the Phase 2 O&M ~~facility~~building supplies water for use during facility operation. Sewage is discharged to an on-site septic system.

Access Roads

The facility includes access roads to provide access to the ~~turbine strings,~~ solar array , battery storage system, and other related or supporting components.

Public Roadway Modifications

The certificate holder may construct improvements to existing state and county public roads that are necessary for construction of the facility. These modifications would be confined to the existing road rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the Oregon Department of Transportation, depending on the location of the improvement.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. ~~Construction crane paths are used to move construction cranes between turbine strings.~~

2. Location of the Facility

The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on private land subject to easements or lease agreements with landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in Site Certificates), OAR 345025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring and Mitigation Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions should be read together with the specific facility conditions listed in Section V to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety. In these conditions the definitions in OAR 345-001-0010 apply.

The obligation of the certificate holder to report information to the Oregon Department of Energy (Department) or the Council under the conditions listed in this section and in Section V is subject to the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

In addition to these conditions, the site certificate holder is subject to all conditions and requirements contained in the rules of the Council and in local ordinances and state law in effect on the date the certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the 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.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

1 OAR 345-025-0006-(1): The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.

2 OAR 345-025-0006-(2): The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the 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.

3 OAR 345-025-0006-(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.

4 OAR 345-025-0006-(4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. (See Conditions 24 and 25.)

5 OAR 345025-0006-(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, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. 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:

(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 the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or

(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.

6 OAR 345-025-0006-(6): ~~-~~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. [~~AMD4~~AMD5]

7 OAR 345-025-0006-(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.

8 OAR 345-025-0006-(8): Before beginning construction of the facility or a phase of the facility, 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 Council to restore the site or a portion of 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 or the phase of 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 or a phase of the facility. (See Condition 32.) [~~AMD4~~AMD5]

9 OAR 345-025-0006-(9): 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.

10 OAR 345-025-0006-(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.

11 OAR 345-025-0006-(11): Upon completion of construction, 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.

12 OAR 345-025-0006-(12): The certificate holder shall design, engineer and construct the 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 "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [~~AMD4~~AMD5]

13 OAR 345-025-0006-(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 reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. 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 to propose and implement corrective or mitigation actions.

14 OAR 345-025-0006-(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. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [~~AMD4~~AMD5]

15 OAR 345-025-0006-(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 apply to any transfer of ownership that requires a transfer of the site certificate.

16 OAR 345-025-0006-(16): 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 Department 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 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 described in OAR 345-027-0020(8) 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.

17 ~~OAR 35-027-0023(4):~~

~~(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code approved on June 3, 2011, by the American National Standards Institute, and~~

~~(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 are grounded or bonded throughout the life of the line.~~ [Amendment 3, Removed by Amendment 4]

18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230~~-~~-kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor is ½-mile in width and extends ~~approximately 14 miles~~ from the Phase 2 collector substation to the Phase 1 ~~collector~~ substation to BPA's Slatt Substation as presented in Figure 1 of the site certificate.
[OAR 345-025-0010(5); ASC; ~~AMD4~~AMD5]

19 OAR 345-025-0016: The following general monitoring conditions apply:

(1) In the site certificate, the Council shall include conditions that address monitoring and mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall develop proposed monitoring and mitigation plans in consultation with the Department and, as appropriate, other state agencies, local governments and tribes. Monitoring and mitigation plans are subject to Council approval. The Council shall incorporate approved monitoring and mitigation plans in applicable site certificate conditions. ~~[AMD4~~[AMD5]

20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement 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, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.

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

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

(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 report on the progress of construction and shall address the subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule.

(ii) After January 1 but no later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department addressing the subjects listed in Subsection (2). For the purposes of this rule, the beginning of operation of the facility means the date when construction of a significant portion of the facility is substantially complete and the certificate holder begins commercial operation of the facility as reported by the certificate holder and accepted by the Department. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

(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

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(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. 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.

(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 the recurrence of such problems.

(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 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.

(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.

~~(vii)....~~

22 OAR 345-026-0105: 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.

23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:

(a) There is an attempt by anyone to interfere with its safe operation;

(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

(c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

The conditions listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-025-0006. The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. 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 public health and safety. For conditions that require subsequent review and approval of a future action, ORS

469.402 authorizes the Council to delegate the future review and approval to the Department if, in the Council's discretion, the delegation is warranted under the circumstances of the case.

1. Certificate Administration Conditions

24 The certificate holder shall~~:~~

~~i. Begin construction of Phase 1 of the facility by September 14, 2017. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [ASC; AMD2; AMD4]~~

~~Begin construction of Phase 2~~ begin construction of the facility by August 30, 2022. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [~~AMD4~~AMD5]

25 The certificate holder shall~~:~~

~~Complete~~ complete construction of ~~Phase 1 of~~ the facility by ~~September 14, 2020.~~[3 years of from the date of construction commencement]. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. ~~[ASC; AMD2; AMD4~~[AMD5]

~~i. Complete construction of Phase 2 of the facility by [3 years of from the date of construction commencement]. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [AMD4]~~

~~26 Before beginning construction of the facility, the certificate holder shall notify the Department whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on Figure C-3a of the site certificate application will be built as part of the Montague Wind Power Facility or whether the turbines will be built as part of the Leaning Juniper II Wind Power Facility.~~

27 The certificate holder shall construct a facility substantially as described in the site certificate and may select ~~turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition.~~ solar array components substantially as described in RFA4 and RFA5.

~~i. For Phase 1 facility components:~~

~~(a) The total number of turbines must not exceed 81 turbines.~~

~~(b) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.~~

~~(c) The minimum blade tip clearance must be 14 meters above ground. [Amendment #3]~~

~~ii. For Phase 2 facility components:~~

~~(a) Components may include any combination of wind and solar energy generation equipment, up to 81 wind turbines or the maximum layout (including number and size) of solar array components substantially as described in RFA4.~~

~~(b) The maximum blade tip height must not exceed 597 feet (182 meters). The minimum aboveground blade tip clearance must be 46 feet (14 meters).~~

[Final Order on ASC; AMD3; ~~AMD4~~AMD4AMD5]

28 The certificate holder shall obtain all necessary federal, state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain the necessary federal, state and local permits or approvals.

29 The certificate holder shall:

i. Before beginning construction ~~of each phase~~ of the facility, provide to the Department a list of all third-party permits which would normally be governed by the site certificate and that are necessary for construction (e.g. Air Contaminant Discharge Permit; Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department and Gilliam County and shall provide to the Department proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by the permits or approvals.

~~ii.~~ During construction and operation, promptly report to the Department if any third-party permits referenced in sub(i) of this condition have been subject to a cited violation, Notice of Violation, or allegation of a violation. [~~AMD4~~AMD5]

30 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 ORS 469.300, excluding surveying, exploration or other activities to define or characterize the site, and shall provide to the Department a description of the work and evidence that its value is less than $250,000.

31 Before beginning construction but no more than two years before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department, to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam County detailed maps of the facility site, showing the final locations where the certificate holder proposes to build facility components, and a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 6 in the Final Order on the Application. The detailed maps of the facility site shall indicate the habitat categories of all areas that would be affected during construction (similar to ~~Figures~~Figure P-~~8a through P-8d~~9 in ~~the site certificate application~~RFA4). In classifying the affected habitat into habitat categories,

the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection.

i. 32 ~~i.~~ Before beginning construction of ~~Phase 1 of~~ the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The ~~initial~~ bond or letter of credit will be issued in an amount that is either $~~21.511~~10.429 million (~~3rd~~1st Quarter ~~2010~~2019 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

~~.~~ The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility ~~and turbine types selected~~ by applying the unit costs and general costs illustrated in Table ~~2 in~~5 of the Final Order on ~~*the Application*~~Amendment 5 and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.

~~. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 3rd Quarter 2017 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") and using the 3rd Quarter 2017 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.~~

~~. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.~~

~~. 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 (ii) for the adjusted future developments contingency.~~

~~. 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.~~

~~f. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:~~

~~g. The certificate holder shall use a form of bond or letter of credit approved by the Council.~~

~~h. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.~~

~~i. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.~~

~~j. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.~~

~~i. Before beginning construction of Phase 2 of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or letter of credit will be issued for Phase 2 in an amount that is either $10.429 million (1st Quarter 2019 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).~~

~~l.~~a. ~~The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility, and both the battery storage or turbine types selected by applying the unit costs and general costs illustrated in Table 5 of the *Final Order on Amendment 4* and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.~~ The certificate holder may adjust the amount of the bond or letter of credit under (a) if opting to construct only a portion of the facility.

~~m.~~b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 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") and using the average of the 2nd Quarter and 3rd Quarter-2004 index values (to represent mid-2004 dollars) ~~-~~and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.

~~n.~~c. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 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") and using the average of the 2nd Quarter and 3rd Quarter ~~2004index~~2004 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.

ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.

iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs, add 20 percent of the adjusted Gross Cost of the Solar Generation and Battery Storage System (ii)

and 10 percent of the adjusted Gross Cost of all other facility components(ii) for the adjusted future developments contingency.

iv. 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.

~~o.~~d. The certificate holder shall use a form of bond or letter of credit approved by the Council.

~~p.~~e. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.

~~q.~~f. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

~~r.~~g. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[~~AMD4~~AMD5]

33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, 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 energy 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 energy facility.

34 Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any change of major contractors.

35 The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction 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.

36 To ensure compliance with all site certificate conditions during construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance. The certificate holder shall notify the Department of the name, telephone number and e-mail address of this person.

37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.

2. Land Use Conditions

38 The certificate holder shall~~:~~

~~i. Consult~~ consult with area landowners and lessees during construction and operation ~~of Phase 1 of~~ the facility and implement measures to reduce and avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

~~Consult with area landowners and lessees during construction and operation of Phase 2~~ of the facility and implement measures to reduce and avoid any adverse impacts to ongoing farm practices on surrounding lands, including coordination with the landowner of the solar micrositing area to ensure that the final solar array layout does not prevent the landowner from maximizing agricultural production on the land not occupied by the solar array. [Final Order on ASC; AMD5]

~~[Final Order on ASC; AMD4]~~

39 The certificate holder shall design and construct~~:~~

~~. Phase 1 of the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of 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. [Final Order on ASC; AMD4]~~

~~Phase 2 of~~ the facility to minimize the permanent impacts to agricultural land, including to the extent practicable, using existing access roads, co-locating facilities, reducing road and transmission line/collector line lengths, and designing facility components to allow ongoing access to agricultural fields. [Final Order on ASC; AMD5]

~~[Final Order on ASC; AMD4]~~

40 The certificate holder shall install gates on private access roads in accordance with Gilliam County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to this requirement.

41 Before beginning construction of the facility, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with GCZO Section 37 7.020(T)(4)(a)(5).

42 The certificate holder shall construct all facility components in compliance with the following setback requirements:

(a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.

~~(b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.~~

~~(c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.~~

~~(d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.~~

~~(e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.~~

~~(f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each meteorological tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the nearest electrical substation.~~

~~(g)~~(b) The certificate holder shall maintain a minimum distance of 50 feet measured from ~~any facility~~the Phase 2 O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.

~~(h)~~(c) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.

~~(i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower from any overhead utility line. [Amendment #1]~~

~~(j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of maximum turbine height from blade tip height, measured from the centerline of the turbine tower from federal transmission lines, unless the affected parties agree otherwise. [Amendment #1]~~

~~(k)~~(d) The certificate holder shall maintain a minimum distance of 25 feet measured from the fence line of the solar array to the nearest property line.

~~(l)~~(e) The certificate holder shall maintain a minimum distance of 25 feet measured from the front, rear and side yard of the battery storage system site to the nearest property line.

~~(m)~~(f) ~~For Phase 2 facility components, all wind turbines must be setback a minimum distance of 656 feet (200 meters), measured from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek Canyon. [AMD4]~~[AMD4AMD5]

43 During construction and operation of the facility, the certificate holder shall implement a weed control plan approved by the Gilliam County Weed Control Officer or other appropriate County officials to control the introduction and spread of noxious weeds.

44 During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation Plan referenced in Condition 92.

45 Within 90 days after beginning operation of the facility ~~or a phase of the facility~~, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of ~~each turbine tower, connecting lines and transmission lines~~the facility and a summary of as-built changes in the facility compared to the original plan.

46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to the Gilliam County Planning Commission on an annual basis unless specifically discontinued by the County.

3. Cultural Resource Conditions

47 Before beginning construction, the certificate holder shall:

(a) Label all identified historic, cultural or archeological resource sites on construction maps and drawings as "no entry" areas. If construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 30-meter no entry buffer around the site. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within the buffer areas or to operational farmsteads. [Final Order on ASC]

(b) Submit for review and approval by the Department in consultation with the State Historic Preservation Office, a final ~~Phase 2~~ Historical Resource Mitigation Plan (HRMP), based on the draft HRMP provided in Attachment H of the Final Order on Request for Amendment ~~4~~5. The final HRMP shall include the following:

i. Confirmation on established setback of ~~Phase 2~~ facility components to the Weatherford Barn, if confirmed by the Department and SHPO to represent a distance whereby indirect impacts to setting and feeling would be minimized to less than significant. In the alternative, the certificate holder shall specify the mitigation option selected from the HRMP and the implementation schedule to reduce significant adverse indirect impacts to the Weatherford Barn.

~~ii. Concurrence from SHPO that the Olex Townsite, Olex School, and the Olex Cemetery ("Olex resources") are not likely eligible for listing as individual properties or together as a historic district on the National Register of Historic Places (NRHP); or if SHPO concurs that the Olex resources either individually or as a historic district are likely eligible for listing, the certificate holder shall include in its final HRMP appropriate descriptions of the resources and mitigation, which could include an appropriate setback of Phase 2 facility components to the Olex resources as confirmed by the Department in consultation with SHPO to represent a distance whereby indirect impacts to setting and feeling would be minimized to less than significant. In the alternative, the certificate holder shall specify the mitigation option selected and the implementation schedule to reduce significant adverse indirect impacts to the Olex resources such as: historic photo documentation and scale drawings of Olex; additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. [AMD4]~~

ii. [AMD5]

48 In reference to the alignment of the Oregon Trail described in the Final Order on the Application, the certificate holder shall comply with the following requirements:

(d) The certificate holder shall not locate facility components on visible remnants of the Oregon Trail and shall avoid any construction disturbance to those remnants.

(e) The certificate holder shall not locate facility components on undeveloped land where the trail alignment is marked by existing Oregon-California Trail Association markers.

(f) Before beginning construction, the certificate holder shall provide to the State Historic Preservation Office (SHPO) and the Department documentation of the presumed Oregon Trail alignments within the site boundary.

(g) The certificate holder shall ensure that construction personnel proceed carefully in the vicinity of the presumed alignments of the Oregon Trail. If any 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 and shall flag a 30-meter no-entry buffer around the intact Trail segments. ~~-~~The certificate holder shall promptly notify the SHPO and the Department of the discovery. The certificate holder shall consult with the SHPO and the Department to determine appropriate mitigation measures.

49 Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that were surveyed in 2009 as described in the Final Order on the Application. The certificate holder shall hire qualified personnel to conduct field investigations of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigations to the Department and to the Oregon State Historic Preservation Office (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological resources are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 47.

50 During construction, the certificate holder shall:

(a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource site.

(b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance at depths of 12 inches or greater. The qualifications of the selected cultural resources monitor shall be reviewed and approved by the Department, in consultation with the CTUIR Cultural Resources Protection Program. In the selection of the cultural resources monitor to be employed during construction, preference shall be given to citizens of the CTUIR. Ground disturbance at depths 12 inches or greater shall not occur without the presence of the approved cultural resources monitor. If any cultural resources are identified during monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in Attachment H of the Final Order on Amendment 4 should be followed. The certificate holder shall report to the Department in its semi-annual report a description of the ground disturbing activities that occurred during the reporting period, dates cultural monitoring occurred, and shall include copies of monitoring forms completed by the cultural resource monitor. [~~AMD4~~AMD5]

51 The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural 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 Oregon State Historic Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant,

the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested Tribes and other appropriate parties. ~~-~~The certificate holder shall not restart work in the affected area until the certificate holder has demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations

4. Geotechnical Conditions

52 Before beginning construction ~~of each phase~~ of the facility, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation and road design. [Final Order; ~~AMD4~~AMD5]

53 The certificate holder shall design and construct the facility in accordance with requirements of the current Oregon Structural Specialty Code and International Building Code. [~~AMD4~~AMD5]

54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, "non-seismic hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

55 The certificate holder shall handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. The certificate holder shall not store diesel fuel or gasoline on the facility site during operations. [~~AMD4~~AMD5]

56 If a spill or release of hazardous material occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and at the Phase 2 O&M ~~buildings~~building. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials

~~57 The certificate holder shall construct turbines and pad-mounted transformers on concrete foundations and shall cover the ground within a 10-foot radius with non-flammable material. The certificate holder shall maintain the non-flammable pad area covering during operation of the facility.~~

~~58 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially dangerous conditions, and the certificate holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire.~~

~~59~~57 During construction and operation of the facility, the certificate holder shall ensure that the Phase 2 O&M ~~buildings~~building and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A5OBC or equivalent rating.

60 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.

61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on the site plan ~~the identification number assigned to each turbine and~~ the actual location of all facility structures. The certificate holder shall provide an updated site plan if ~~additional turbines or~~ other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of 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.

62 During construction, the certificate holder shall ensure that construction personnel are trained in fire prevention and response, that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.

63 During operation of the 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 districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.

~~64 Before beginning construction of:~~

~~i. Phase 1, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation.~~

~~ii. Phase 2, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers to determine if the structure(s) are a hazard to air navigation and aviation safety. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation. The FAA and ODA evaluation and determinations are valid for 18 months (per OAR 738-070-0180), once issued. The certificate holder shall~~

~~maintain current hazard determinations on file commensurate with construction timelines.~~ ~~[AMD4]~~

~~65 The certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.~~

~~66 The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.~~

~~67 During operation of the facility, the certificate holder shall have a safety-monitoring program and shall inspect all turbine and turbine tower components on a regular basis. The certificate holder shall maintain or repair turbine and turbine tower components as necessary to protect public safety.~~

~~68 For turbine types having pad-mounted step-up transformers, the certificate holder shall install the transformers at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.~~

69 To protect the public from electrical hazards, the certificate holder shall enclose the facility substations, solar array, and battery storage systems with appropriate fencing and locked gates. [~~AMD4~~AMD5]

70 Before beginning construction of any new State Highway approaches or utility crossings, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application in a form satisfactory to ODOT and the Department for the location, construction and maintenance of a new approach to State Highway 19 for access to the site ~~south of Tree Lane.~~. The certificate holder shall submit the necessary application in a form satisfactory to ODOT and the Department for the location, construction and maintenance of transmission lines crossing Highway 19.

71 The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Gilliam County Road Department ~~or, where applicable, the Morrow County Public Works Department.~~. Where modifications of County roads are necessary, the certificate holder shall construct the modifications entirely within the County road rights-of-way and in conformance with County road design standards subject to the approval of the Gilliam County Road Department ~~or, where applicable, the Morrow County Public Works Department.~~. Where modifications of State roads or highways are necessary, the certificate holder shall construct the modifications entirely within the public road rights-of-way and in conformance with Oregon Department of Transportation (ODOT) standards subject to the approval of ODOT.

72 The certificate holder shall construct access roads with a finished width of up to 20 feet, designed under the direction of a licensed engineer and compacted to meet equipment load requirements.

73 During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:

(h) Providing notice to adjacent landowners when heavy construction traffic is anticipated.

(i) Providing appropriate traffic safety signage and warnings.

(j) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic.

(k) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.

(l) Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.

(m) Encouraging carpooling for the construction workforce.

(n) Including traffic control procedures in contract specifications for construction of the facility.

(o) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access points.

74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any County road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the Gilliam County Road Department ~~or, where applicable, the Morrow County Public Works Department.~~.

75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Submittal to the Department of an executed Road Use Agreement with Gilliam County shall constitute evidence of compliance with this condition. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of the applicable county departments. If required by Gilliam County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. If construction ~~of a phase~~ of the facility will utilize county roads in counties other than Gilliam County, the certificate holder shall coordinate with the Department and the respective county road departments regarding the implementation of a similar Road Use Agreement. [~~AMD4~~AMD5]

76 During construction, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.

77 During operation of the facility, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency, including a contingency plan in a fire emergency, and that includes important telephone numbers and the locations of on-site fire extinguishers, nearby hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement services. The certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower rescue training at the facility, the North Gilliam County Rural Fire Protection District and the Arlington Fire Department will be invited to observe. [~~AMD4~~AMD5]

78

(a) During construction ~~of each phase~~ of the facility, the certificate holder shall provide on-site security within the facility site boundary, and shall establish good communications between on-site security personnel and the Gilliam County Sheriff's Office by establishing a communication protocol between the security personnel and the Sherriff's office. The communication protocol shall be sent to the Department prior to construction.

(b) During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of 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. The list shall also be sent to the Department.

79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health and safety concerns

6. Water, Soils, Streams & Wetlands Conditions

80

i. 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 or storm water management requirements.

~~ii.~~

~~. Before beginning construction of Phase 2 wind energy generation components, the certificate holder shall submit to the Department and Gilliam County Planning Director for review and approval a topsoil management plan including how topsoil will be stripped, stockpiled, and clearly marked in order to maximize topsoil preservation and minimize erosion impacts. [OAR 660-033-0130(38)(f)(B)]. The topsoil management plan~~

~~may be incorporated into the final Erosion and Sediment Control Plan, required under sub(c) or may be provided to the Department as a separate plan.~~

~~iv.~~ii. Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [~~AMD4~~AMD5]

81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to avoid soil compaction, to the extent practicable.

82 During construction, the certificate holder shall implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas.

83 Before beginning construction of the facility ~~or a phase of the facility~~, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility ~~or phase of the facility~~, and the areas that would be disturbed during construction and showing the wetlands and stream channels previously surveyed by CH2M HILL or HDR as described in the Final Order on the Application and the Final Order on Amendment #4. For areas to be disturbed during construction that lie outside of the previously-surveyed areas, the certificate holder shall hire qualified personnel to conduct a pre-construction investigation to determine whether any jurisdictional waters of the State exist in those locations within the proposed expanded site boundary. The certificate holder shall provide a written report on the pre-construction investigation to the Department and the Department of State Lands for approval before beginning construction ~~of the phase.~~. The certificate holder shall ensure that construction and operation of the facility will have no impact on any jurisdictional water identified in the pre-construction investigation.

84 The certificate holder shall avoid impacts to waters of the state in the following manner:

(a) The certificate holder shall avoid any disturbance to delineated wetlands.

(b) The certificate holder shall construct stream crossings for roads and underground collector lines substantially as described in the Final Order on the Application or the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.

(c) The certificate holder shall construct support poles for aboveground lines outside of delineated stream channels and shall avoid in-channel impacts.

[~~AMD4~~AMD5]

85 During facility operation, the certificate holder shall routinely inspect and maintain all facility components including roads, ~~pads (including turbine and~~ battery storage ~~pad),~~pads, solar array, and trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [~~AMD4~~AMD5]

86 During facility operation, the certificate holder shall obtain water for on-site uses from an on-site ~~wells~~well located near the Phase 2 O&M ~~buildings~~building. The certificate holder shall

construct on-site ~~wells~~well subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site ~~wells~~well. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

87 During facility operation, if ~~wind turbine blade or~~ solar panel-washing becomes necessary, the certificate holder shall ensure that there is no runoff of wash water 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 holder may use biodegradable, phosphate-free cleaners sparingly. [~~AMD4~~AMD5]

7. Transmission Line & EMF Conditions

88 The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground lines at a minimum depth of three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed 27 miles combined across facility phases.

89 The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:

~~(a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.~~

~~(b)~~(a) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.

~~(c)~~(b) Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.

~~(d)~~(c) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

91 Prior to construction of the ~~Facility or a phase of the Facility~~facility, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment F of the Final Order on Request for Amendment #~~4~~5, as approved by the Department in consultation with ODFW. The certificate holder shall conduct wildlife monitoring as described in the final WMMP, as amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

92 The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the final Revegetation Plans for ~~each phase of~~ the ~~Facility~~facility, as approved by the Department in consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final Order on Request for Amendment #45, and as amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

93 The certificate holder shall:

(a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect 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 as described in the final Habitat Mitigation Plans for ~~each phase of~~ the Facility, as approved by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be based on the draft plan included as Attachment G to the Final Order on Request for Amendment #3 and updated based on Condition 31. The final Habitat Mitigation Plans may be amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

(b) Prior to construction ~~of Phase 2 components~~, the certificate holder shall finalize and implement the ~~Phase 2~~ Habitat Mitigation Plan (HMP) included as Attachment D of the Final Order, as approved by ODOE in Consultation with ODFW. Provision 93(b)(A) regarding impacted acreage calculations shall be completed and submitted to the department after construction is complete as described in the condition below.

(c) Within 90 days of completion of construction, the certificate holder shall submit to the department and ODFW an updated HMP Table.
[~~AMD4~~AMD5]

94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel (WGS) habitat based on the locations where the squirrels were found to be active in the most recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall hire a qualified professional biologist who has experience in detection of WGS to conduct surveys using a survey protocol approved by the Oregon Department of Fish and Wildlife (ODFW). The biologist shall survey all areas of suitable habitat where permanent facility components would be located or where construction disturbance could occur. Except as provided in (a), the biologist shall conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in the active squirrel seasons in subsequent years until the beginning of construction in suitable habitat. The certificate holder shall provide written reports of the surveys to the Department and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the areas described in (b) and (c).

(a) The certificate holder may omit the WGS survey in any year if the certificate holder avoids all permanent and temporary disturbance within suitable habitat until a WGS

survey has been completed in the following year and the boundaries of Category 1 habitat have been determined and approved based on that survey.

(b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. If the multiple-burrow area was active in a prior survey year, then Category 1 habitat includes the largest extent of the active burrow area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.

(c) Category 1 WGS habitat includes the area containing single active burrow detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Category 1 habitat does not include single-burrow areas that were found active in a prior survey year but that are not active in the current survey year.

95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

(a) The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

(b) Before beginning construction, but no more than two years prior to the beginning of construction of ~~a phase of~~ the facility, the certificate holder shall hire a qualified professional biologist to conduct a survey of all areas to be disturbed by construction for threatened and endangered species. The certificate holder shall provide a written report of the survey and a copy of the survey to the Department, the Oregon Department of Fish and Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the surveys identify the presence of threatened or endangered species within the survey area, the certificate holder shall implement appropriate measures to avoid a significant reduction in the likelihood of survival or recovery of the species, as approved by the Department, in consultation with ODA and ODFW.

(c) Before beginning construction ~~of a phase~~ of the facility, the certificate holder's qualified professional biologist shall survey the Category 1 Washington ground squirrel habitat to ensure that the sensitive use area is correctly marked with exclusion flagging and avoided during construction. The certificate holder shall maintain the exclusion markings until construction has been completed.

~~(d) Before beginning construction of a phase of the facility, certificate holder's qualified professional biologist shall complete the avian use studies that began in September 2009 at six plots within or near the facility site as described in the Final Order on the Application. The certificate holder shall provide a written report on the avian use studies to the Department and to ODFW.~~

~~(e)~~(d) ~~Before beginning construction of a phase~~Before beginning construction of the facility, certificate holder's qualified professional biologist shall complete raptor nest surveys within the raptor nest survey area as described in the Final Order on the Application. The purposes of the survey are to identify any sensitive raptor nests near construction areas and to provide baseline information on raptor nest use for analysis as described in

the Wildlife Monitoring and Mitigation Plan referenced in Condition 91. The certificate holder shall provide a written report on the raptor nest surveys and the surveys to the Department and to ODFW. If the surveys identify the presence of raptor nests within the survey area, the certificate holder shall implement appropriate measures to assure that the design, construction and operation of the facility are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in consultation with ODFW.

~~(f)~~(e) In the final design layout of the facility, the certificate holder shall locate facility components, access roads and construction areas to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape where practicable.

96 During construction, the certificate holder shall avoid all construction activities within a 1,300-foot buffer around potentially-active nest sites 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
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

During the year in which construction 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. The certificate holder shall begin monitoring potential nest sites by March 15 and shall continue monitoring until at least May 31 to determine whether any potentially-active nest sites become active during the sensitive period.

If any nest site is determined to be unoccupied by the early release date (May 31), then unrestricted construction activities may occur within 1,300 feet of the nest site after that date. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder will flag the boundaries of a 1,300-foot buffer area around the nest site and shall instruct construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer.

If burrowing owl nests are occupied during the sensitive period, the certificate holder may adjust the 1,300-foot buffer around these nests after consultation with ODFW and subject to the approval of the Department.

The certificate holder shall hire a qualified independent professional biologist 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. 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 construction activities within the buffer area 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).

~~97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte Wildlife Area during the long-billed curlew nesting season (March 8 through June 15), as described in this condition. Before beginning construction, the certificate holder shall provide to the Department a map showing the areas of potential construction disturbance in the vicinity of the BLM lands that are part of the Horn Butte Wildlife Area and showing a 1,300-foot buffer from those areas. During the nesting season, 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 buffer area. The certificate holder shall flag the boundaries of the 1,300-foot buffer area and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer. The certificate holder may engage in construction activities within the buffer area at times other than the nesting season.~~

98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

(a) Preparing maps to show occlusion areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species.

(b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.

(c) Limiting construction work to approved and surveyed areas shown on facility constraints maps.

(d) Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

99 The certificate holder shall reduce the risk of injuries to avian species by~~:~~

~~( ) Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.~~

~~( ) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff edges, narrow ridge saddles and gaps between hilltops.~~

~~( ) Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy wires.~~

~~Designing~~ designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

100 The certificate holder shall hire a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

101 The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (March 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

9. Visual Effects Conditions

102 To reduce the visual impact of the facility, the certificate holder shall:

~~(a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral white color.~~

~~(b)~~(a) Paint the Phase 2 collector substation ~~structures~~structure in a low-reflectivity neutral color to blend with the surrounding landscape.

~~(c)~~(b) Not allow any advertising to be used on any part of the facility.

~~(d)~~(c) Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the Phase 2 O&M ~~buildings~~building to identify the facility~~, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles~~.

~~(e)~~(d) Maintain any signs allowed under this condition in good repair.

103 The certificate holder shall design and construct the O&M ~~buildings~~building, substation, and buildings and containers associated with battery storage 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 low-reflectivity, neutral color to blend with the surrounding landscape. [~~AMD4~~AMD5]

104 The certificate holder shall not use exterior nighttime lighting except:

~~(a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.~~

~~(b)~~(a) Security lighting at the Phase 2 O&M ~~buildings~~building and ~~at the substations~~substation, provided that such lighting is shielded or downward-directed to reduce glare.

~~(c)~~(b) Minimum lighting necessary for repairs or emergencies.

~~(d)~~(c) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

~~105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight from the vantage point of the Fourmile Canyon interpretive site looking toward the visible Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047, -120.044112) as described in the Final Order on the Application.~~

~~11.~~10. Noise Control Conditions

106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

(a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

(b) Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and

(c) Establish a complaint response system at the construction manager's office to address noise complaints.

107 The certificate holder shall provide to the Department:

~~i. Prior to Phase 1 construction:~~

~~. Information that identifies the final design locations of (all turbines, to be built at the facility...~~

~~iii.~~i. ~~Prior to Phase 2~~ construction:

a. A noise analysis that includes the following Information:

Final design locations of all Phase 1 and Phase 2 noise-generating facility components (all wind turbines; substation transformers; inverters and transformers associated with the photovoltaic solar array; and inverters and cooling systems associated with battery storage system).

The maximum sound power level for the Phase 2 collector substation transformers~~;~~ and the inverters and transformers associated with the photovoltaic solar array; and inverters and cooling systems associated with battery storage system~~; and the maximum sound power level and octave band data for the Phase 2 wind turbines selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the Department~~.

The results of noise analysis of Phase 1 and Phase 2 components according to the final design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the Department that

the total noise generated by the facility (including the noise from wind turbines, substation transformers, inverters and transformers associated with the photovoltaic solar array; inverters and cooling systems associated with battery storage system) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise-sensitive properties. The certificate holder shall verify that all noise sensitive properties within one mile of the final design locations of noise-generating components for Phase 1 and Phase 2 have been identified and included in the preconstruction noise analysis based on review of the most recent property owner information obtained from the Gilliam County Tax Assessor Roll.

For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the 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. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise-sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.
[Final Order on ASC; ~~AMD4~~AMD5]

108 During operation of the facility, the certificate holder shall implement measures to ensure compliance with the noise control regulation, including:

a. Providing notice of the noise complaint system and how to file a noise complaint to noise sensitive receptors within 1-mile of noise generating components.

b. Maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulations.

[~~AMD4~~AMD5]

~~12.~~11. Waste Management Conditions

109 The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.

110 During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the Phase 2 O&M ~~buildings~~building to a licensed on-site septic ~~systems~~system in

compliance with State permit requirements. The certificate holder shall design the septic ~~systems~~system for a discharge capacity of less than 2,500 gallons per day.

111 The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:

(a) Recycling steel and other metal scrap.

(b) Recycling wood waste.

(c) Recycling packaging wastes such as paper and cardboard.

(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

(e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [~~AMD4~~AMD5]

(f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging rinse water into foundation holes and burying other concrete waste as part of backfilling the turbine foundation.

112 The certificate holder shall implement a waste management plan during facility operation that includes but is not limited to the following measures:

(a) Training employees to minimize and recycle solid waste.

(b) Recycling paper products, metals, glass and plastics.

(c) Recycling used oil and hydraulic fluid

(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

(e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [~~AMD4~~AMD5]

VI. CONDITIONS ADDED BY AMENDMENT # 1 OF MONTAGUE

113 ~~The transfer of the First Amended Site Certificate from the certificate holder to Portland General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site certificate naming PGE the certificate holder, which is attached as Attachment B to the Final Order on Amendment #1. Upon closing, the First Amended Site Certificate naming PGE as the certificate holder shall be in full force and effect and the First Amended Site Certificate naming Montague Wind Power LLC as the certificate holder shall be considered rescinded and void in its entirety.~~ [Removed by Amendment #2.]

114 ~~Should the closing contemplated in Condition 113 not occur within 18 months of the effective date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's transfer approval within the Final Order on Amendment #1 shall be void.~~ [Removed by Amendment #2.]

115 ~~PGE must provide the Department a copy of the executed First Amended Site Certificate and documentation of the asset purchase agreement within 7 days of closing.~~ [Removed by Amendment #2.]

VII. CONDITIONS ADDED BY AMENDMENT #4 OF MONTAGUE

116: The certificate holder shall ensure its third-party contractor transports and disposes of battery and battery waste in compliance with all applicable regulations and manufacturer recommendations related to the transport of hazardous battery materials.

a. Prior to construction, the certificate holder shall provide a description to the Department of applicable regulations and manufacturer recommendations applicable to the transport and disposal of batteries and battery related waste.

~~b.~~ During construction and operation, the certificate holder shall report to the Department any potential compliance issue or cited violations of its third-party contractor for the requirements identified in sub(a) of this condition.

~~c.~~b. [AMD4]

117 During facility operation, the certificate holder shall conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall make available for review upon request by the Department. [AMD4]

~~XXVI.~~VIII. 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~~0400.

~~XXVII.~~IX. 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.

~~XXVIII.~~X. 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.

~~XXIX.~~XI. 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.

IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Montague ~~Wind Power Facility~~Solar, LLC.

ENERGY FACILITY SITTING COUNCIL

By: _____

Print: _____

Date: _____

MONTAGUE ~~WIND POWER FACILITY~~SOLAR, LLC

By: _____

Print: _____

Date: _____

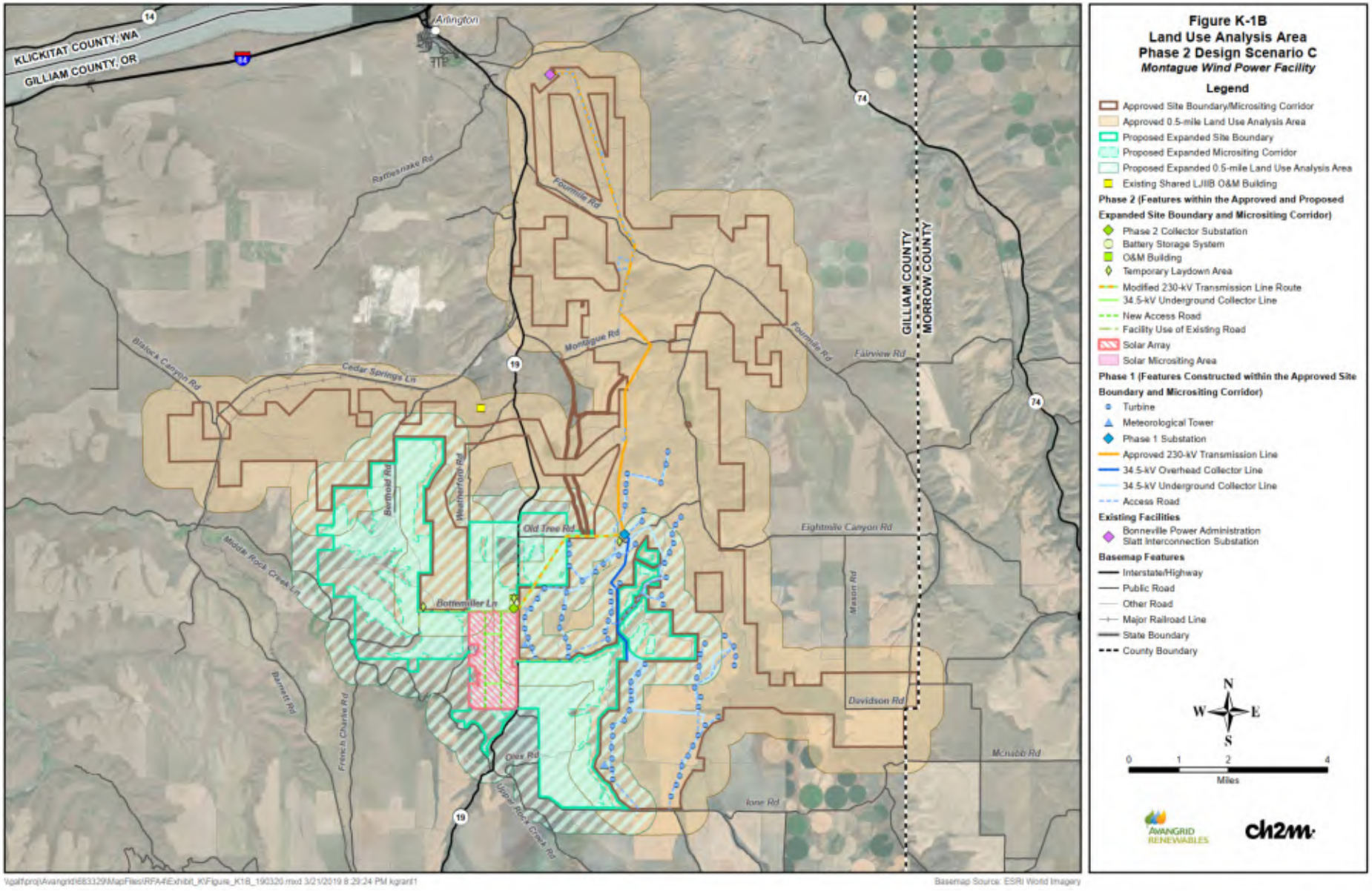
and

By: _____

Print: _____

Date: _____

~~Figure 1: Site Boundary and 230 kV transmission line corridor~~



Oregon Trail Solar Facility Redline

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

~~Fourth~~Fifth Amended Site Certificate

for the

~~Montague Wind Power~~Oregon Trail Solar Facility

~~August 23, 2019~~

_____ 2020

The Oregon Energy Facility Siting Council

I. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the ~~Montague Wind Power~~Oregon Trail Solar Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and ~~Montague Wind Power Facility~~Oregon Trail Solar, LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. ~~-~~[Amendment #~~3]~~ 5]

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, incorporated herein by this reference: ~~-~~(a) the Final Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 issued on June 21, 2013; ~~and,~~ (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final Order on Amendment #3 issued on July 11, 2017; ~~and~~ (e) the Final Order on Amendment #4 issued on August 23, 2019; and (f) the Final Order on Amendment #5 issued on _____, 2020. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: ~~-~~(1) this ~~Fourth~~Fifth Amended Site Certificate, (2) the Final Order on Amendment #~~4~~5, (3) the Final Order on Amendment #~~3~~4, (4) the Final Order on Amendment #~~2~~3, (5) the Final Order on Amendment ~~#1~~ #2, (6) the Final Order on Amendment #1, (7) the Final Order on the Application, and (~~7~~8) the record of the proceedings that led to the Final Order on the Application, the Final Order on Amendment #1, and the Final Order on Amendment #2. [Amendment #2]

The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site certificate, except where otherwise stated or where the context clearly indicates otherwise.

II. 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 photovoltaic (PV) solar energy facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in Section III of this site certificate. ORS 469.401(1). [ASC; AMD4; AMD5]

(a) 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).

(a) This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Final Order on the Application, Final Order on Amendment #1 Final Order on Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and Final Order on Amendment #~~4~~5. Such 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. 469.503(3). [ASC; AMD1; AMD2; AMD3; AMD4; AMD5]

(a) 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 executed. ORS 469.401(2). 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).

(a) 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).

(a) 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).

(a) 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).

(a) 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).

(a) After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (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.

(a) Following the completion of surveys required by this site certificate, the Department will present the results of those surveys and required consultations at the next regularly scheduled Council meeting. [AMD2]

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

The ~~Montague Wind Power~~Oregon Trail Solar Facility is an electric power generating plant ~~developed in two phases, Phase 1 and Phase 2. Phase 1 consists of 56~~approved to consist of a combination of up to 16 wind turbines, each consisting of a nacelle, a three-bladed rotor, turbine tower and foundations~~. The~~ (he

nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbines.

Phase 2 is approved to consist of a combination of up to 81 wind turbines), and a solar photovoltaic array on up to 1,189228 acres. The solar array would be composed of solar modules, which are themselves composed of either mono-crystalline or poly-crystalline cells. In addition to the solar modules, the array would also include a tracker system to allow the solar modules to follow the path of the sun throughout the day; cables; inverters; and transformers. The solar array would be connected to the power collection system as described below. The energy facility is described further in the Final Order on the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final Order on Amendment #3, and the Final Order on Amendment #4.

(b) **Related or Supporting Facilities**

The facility includes the following related or supporting facilities described below and in greater detail in the Final Order on the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final Order on Amendment #3, and the Final Order on Amendment #4:

- Power collection system
- Control system
- SubstationsSubstation, switching station, and 230-kV transmission lines
- Battery storage system
- Meteorological towers
- Operations and maintenance facilities(O&M) building
- Access roads
- Public roadway modifications
- Temporary construction areas

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine or the solar array to athe collector substation. To the extent practicable, the collection system is installed underground at a depth of at least three fed. Not more than 27 miles of the collector system combined across facility phases is installed aboveground.

Control System

A fiber optic communications network links the wind turbines and solar array to a central computer at the Phase 2 O&M buildingsbuilding shared with the Montague Solar facility. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and performance data from each wind turbine and from the facility as a whole and allows remote operation of the wind turbinesfacility.

~~Substations~~Substation, Switching Station, and 230-kV Transmission Lines

The facility includes two collector substations~~, one associated~~. One substation ("Phase 1 substation")is shared with ~~Phase 1~~the Montague Wind Power facility, and the second ~~associated with~~ ("Phase 2~~.~~ collector substation") is shared with the Montague Solar facility. The facility includes one switching station. An aboveground 34.5-kV collector line connects the switching station to the Phase 2 collector substation. An aboveground, single-circuit 230-kV transmission line connects the Phase 2 collector substation to the Phase 1 substation. An aboveground, single-circuit 230-kV transmission line connects the Phase 1 substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation.

Battery Storage

~~Phase 2~~The facility is approved to include a battery storage system shared with the Montague Solar facility. The battery storage system would be capable of storing up to 100 MW of wind or solar energy generated by the Facility, and would be used to stabilize the wind or solar resource through dispatching of energy stored in the battery system. The battery system is placed in a series of containers or building located near the Phase 2 collector substation.

The battery system would be composed of either lithium-ion (Li-ion) batteries or a flow battery. Lithium-ion batteries are a solid-state rechargeable battery utilizing lithium ions in an electrolyte. Flow batteries are composed of a variety of different technologies; however, all flow batteries dispatch electricity by allowing the migration of electrons from a positive ion tank to a negative ion tank. The electrons migrate between solutions via a membrane.

Meteorological Towers

The facility includes up to ~~eight~~four permanent meteorological towers.

Operations and Maintenance ~~Facilities~~Building

The facility includes ~~two operations and maintenance (O&M) facilities,~~ one ~~associated~~O&M building ("Phase 2 O&M building") shared with ~~Phase 1 and~~ the ~~second with Phase 2.~~Montague Solar facility. An on-site well at ~~each~~the Phase 2 O&M facility supplies water for use during facility operation. Sewage is discharged to an on-site septic system.

Access Roads

The facility includes access roads to provide access to the turbine strings, solar array, battery storage system and other related or supporting components.

Public Roadway Modifications

The certificate holder may construct improvements to existing state and county public roads that are necessary for construction of the facility. These modifications would be confined to the existing road rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the Oregon Department of Transportation, depending on the location of the improvement.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. Construction crane paths are used to move construction cranes between turbine strings.

2. Location of the Facility

The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on private land subject to easements or lease agreements with landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in Site Certificates), OAR 345025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring and Mitigation Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions should be read together with the specific facility conditions listed in Section V to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety. In these conditions the definitions in OAR 345-001-0010 apply.

The obligation of the certificate holder to report information to the Oregon Department of Energy (Department) or the Council under the conditions listed in this section and in Section V is subject to the provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

In addition to these conditions, the site certificate holder is subject to all conditions and requirements contained in the rules of the Council and in local ordinances and state law in effect on the date the certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the 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.

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by the certificate holder's agents or contractors. Nevertheless, the certificate holder is responsible for ensuring compliance with all provisions of the site certificate.

1 OAR 345-025-0006-(1): The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.

2 OAR 345-025-0006-(2): The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the 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.

3 OAR 345-025-0006-(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.

4 OAR 345-025-0006-(4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. (See Conditions 24 and 25.)

5 OAR 345025-0006-(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, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. 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:

(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 the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or

(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.

6 OAR 345-025-0006-(6): ~~-~~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. [~~AMD4~~AMD5]

7 OAR 345-025-0006-(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.

8 OAR 345-025-0006-(8): Before beginning construction of the facility or a phase of the facility, 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 Council to restore the site or a portion of 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 or the phase of 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 or a phase of the facility. (See Condition 32.) [~~AMD4~~AMD5]

9 OAR 345-025-0006-(9): 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.

10 OAR 345-025-0006-(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.

11 OAR 345-025-0006-(11): Upon completion of construction, 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.

12 OAR 345-025-0006-(12): The certificate holder shall design, engineer and construct the 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 "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [~~AMD4~~AMD5]

13 OAR 345-025-0006-(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 reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. 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 to propose and implement corrective or mitigation actions.

14 OAR 345-025-0006-(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. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [~~AMD4~~AMD5]

15 OAR 345-025-0006-(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 apply to any transfer of ownership that requires a transfer of the site certificate.

16 OAR 345-025-0006-(16): 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 Department 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 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 described in OAR 345-027-0020(8) 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.

17 ~~OAR 35-027-0023(4):~~

~~(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code approved on June 3, 2011, by the American National Standards Institute, and~~

~~(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 are grounded or bonded throughout the life of the line.~~ [Amendment 3, Removed by Amendment 4]

18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230 kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor is ½-mile in width and extends ~~approximately 14 miles~~ from the Phase 2 collector substation to the Phase 1 ~~collector~~ substation to BPA's Slatt Substation as presented in Figure 1 of the site certificate.
[OAR 345-025-0010(5); ASC; AMD4; AMD5]

19 OAR 345-025-0016: The following general monitoring conditions apply:

(1) In the site certificate, the Council shall include conditions that address monitoring and mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall develop proposed monitoring and mitigation plans in consultation with the Department and, as appropriate, other state agencies, local governments and tribes. Monitoring and mitigation plans are subject to Council approval. The Council shall incorporate approved monitoring and mitigation plans in applicable site certificate conditions. ~~[AMD4~~[AMD5]

20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement 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, "work on the site" means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.

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

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

(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 report on the progress of construction and shall address the subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule.

(ii) After January 1 but no later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department addressing the subjects listed in Subsection (2). For the purposes of this rule, the beginning of operation of the facility means the date when construction of a significant portion of the facility is substantially complete and the certificate holder begins commercial operation of the facility as reported by the certificate holder and accepted by the Department. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

(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

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(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. 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.

(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 the recurrence of such problems.

(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 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.

(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.

~~(vii) ....~~

22 OAR 345-026-0105: 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.

23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:

(a) There is an attempt by anyone to interfere with its safe operation;

(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

(c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

The conditions listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-025-0006.

The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. 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 public health and safety. For conditions that require subsequent review and approval of a future action, ORS 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the Council's discretion, the delegation is warranted under the circumstances of the case.

1. Certificate Administration Conditions

24 The certificate holder shall~~:~~

~~i. Begin construction of Phase 1 of the facility by September 14, 2017. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [ASC; AMD2; AMD4]~~

~~Begin construction of Phase 2~~ begin construction of the facility by August 30, 2022. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [~~AMD4~~AMD5]

25 The certificate holder shall~~:~~

~~Complete~~ complete construction of ~~Phase 1 of~~ the facility by ~~September 14, 2020.~~[3 years of from the date of construction commencement]. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. ~~[ASC; AMD2; AMD4~~[AMD5]

~~i. Complete construction of Phase 2 of the facility by [3 years of from the date of construction commencement]. 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 345-027-0385 or any successor rule in effect at the time the request for extension is submitted. [AMD4]~~

~~26 Before beginning construction of the facility, the certificate holder shall notify the Department whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on Figure C-3a of the site certificate application will be built as part of the Montague Wind Power Facility or whether the turbines will be built as part of the Leaning Juniper II Wind Power Facility.~~

27 The certificate holder shall construct a facility substantially as described in the site certificate and may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition.

i. For ~~Phase 1~~ facility components:

~~(a) The total number of turbines must not exceed 81 turbines.~~

~~(b) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.~~

~~(c) The minimum blade tip clearance must be 14 meters above ground. [Amendment #3]~~

~~ii. For Phase 2 facility components:~~

(a) Components may include any combination of wind and solar energy generation equipment, up to ~~81~~16 wind turbines or the maximum layout (including number and size) of solar array components substantially as described in RFA4.

(b) The maximum blade tip height must not exceed 597 feet (182 meters). The minimum aboveground blade tip clearance must be 46 feet (14 meters).

[Final Order on ASC; AMD3; AMD4; AMD5]

28 The certificate holder shall obtain all necessary federal, state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain the necessary federal, state and local permits or approvals.

29 The certificate holder shall:

i. Before beginning construction ~~of each phase~~ of the facility, provide to the Department a list of all third-party permits which would normally be governed by the site certificate and that are necessary for construction (e.g. Air Contaminant Discharge Permit; Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department and Gilliam County and shall provide to the Department proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by the permits or approvals.

ii. During construction and operation, promptly report to the Department if any third-party permits referenced in sub(i) of this condition have been subject to a cited violation, Notice of Violation, or allegation of a violation. [~~AMD4~~AMD5]

30 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 ORS 469.300, excluding surveying, exploration or other activities to define or characterize the site, and shall provide to the Department a description of the work and evidence that its value is less than $250,000.

31 Before beginning construction but no more than two years before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department,

to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam County detailed maps of the facility site, showing the final locations where the certificate holder proposes to build facility components, and a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 6 in the Final Order on the Application. The detailed maps of the facility site shall indicate the habitat categories of all areas that would be affected during construction (similar to Figures P-~~8a through~~8 and P-~~8d~~9 in ~~the site certificate application~~RFA4). In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection.

32 ~~i.~~ Before beginning construction ~~of Phase 1~~ of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. ~~The initial bond or letter of credit is either $21.511 million (3rd Quarter 2010 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).~~

~~a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected by applying the unit costs and general costs illustrated in Table 2 in the *Final Order on the Application* and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.~~

~~i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 3rd Quarter 2017 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") and using the 3rd Quarter 2017 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.~~

~~ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.~~

~~iii. 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 (ii) for the adjusted future developments contingency.~~

~~iv. 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.~~

~~b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:~~

~~c. The certificate holder shall use a form of bond or letter of credit approved by the Council.~~

~~d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.~~

~~e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.~~

~~f. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.~~

~~ii.~~i. ~~Before beginning construction of Phase 2 of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or letter of credit will be issued for Phase 2 in~~The bond or letter of credit will be issued for an amount that is either $10.429 million (1st Quarter 2019 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility, and both the battery storage or turbine types selected by applying the unit costs and general costs illustrated in Table 5 of the *Final Order on Amendment 4* and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department. The certificate holder may adjust the amount of the bond or letter of credit under (a) if opting to construct only a portion of the facility.

b. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:

   i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 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") and using the average of the 2nd Quarter and 3rd Quarter-2004 index values (to represent mid-2004 dollars) ~~-~~and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.

c. The certificate holder shall adjust the amount of the bond or letter of credit, using the following calculation and subject to approval by the Department:

   i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 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") and using the average of the 2nd Quarter and 3rd Quarter-~~2004index~~2004 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no

longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.

ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.

iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs, add 20 percent of the adjusted Gross Cost of the Solar Generation and Battery Storage System (ii) and 10 percent of the adjusted Gross Cost of all other facility components(ii) for the adjusted future developments contingency.

iv. 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.

d. The certificate holder shall use a form of bond or letter of credit approved by the Council.

e. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.

f. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

g. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[~~AMD4~~AMD5]

33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, 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 energy 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 energy facility.

34 Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any change of major contractors.

35 The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction 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.

36 To ensure compliance with all site certificate conditions during construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance. The certificate holder shall notify the Department of the name, telephone number and e-mail address of this person.

37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department.

2. Land Use Conditions

38 The certificate holder shall~~:~~

~~i. Consult~~ consult with area landowners and lessees during construction and operation ~~of Phase 1 of~~ the facility and implement measures to reduce and avoid any adverse impacts to ~~farm practices on surrounding lands and to avoid any increase in farming costs.~~

~~Consult with area landowners and lessees during construction and operation of Phase 2~~ of the facility and implement measures to reduce and avoid any adverse impacts to ongoing farm practices on surrounding lands, including coordination with the landowner of the solar micrositing area to ensure that the final solar array layout does not prevent the landowner from maximizing agricultural production on the land not occupied by the solar array.

[Final Order on ASC; ~~AMD4~~AMD5]

39 The certificate holder shall design and construct~~:~~

~~i. Phase 1 of the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of 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. [Final Order on ASC; AMD4]~~

~~Phase 2 of~~ the facility to minimize the permanent impacts to agricultural land, including to the extent practicable, using existing access roads, co-locating facilities, reducing road and transmission line/collector line lengths, and designing facility components to allow ongoing access to agricultural fields.

[Final Order on ASC; ~~AMD4~~AMD5]

40 The certificate holder shall install gates on private access roads in accordance with Gilliam County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to this requirement.

41 Before beginning construction of the facility, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with GCZO Section 37 7.020(T)(4)(a)(5).

42 The certificate holder shall construct all facility components in compliance with the following setback requirements:

(a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
(b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to

the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.

(c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.

(d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.

(e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.

(f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each meteorological tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the nearest electrical substation.

(g) The certificate holder shall maintain a minimum distance of 50 feet measured from ~~any facility~~the Phase 2 O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.

(h) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.

(i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower from any overhead utility line. [Amendment #1]

(j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of maximum turbine height from blade tip height, measured from the centerline of the turbine tower from federal transmission lines, unless the affected parties agree otherwise. [Amendment #1]

(k) The certificate holder shall maintain a minimum distance of 25 feet measured from the fence line of the solar array to the nearest property line.

(l) The certificate holder shall maintain a minimum distance of 25 feet measured from the front, rear and side yard of the battery storage system site to the nearest property line.

(m) ~~For Phase 2 facility components, all wind~~Wind turbines must be setback a minimum distance of 656 feet (200 meters), measured from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek Canyon. [~~AMD4~~AMD5]

43 During construction and operation of the facility, the certificate holder shall implement a weed control plan approved by the Gilliam County Weed Control Officer or other appropriate County officials to control the introduction and spread of noxious weeds.

44 During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the Revegetation Plan referenced in Condition 92.

45 Within 90 days after beginning operation ~~of the facility or a phase~~ of the facility, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the

actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the facility compared to the original plan.

46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to the Gilliam County Planning Commission on an annual basis unless specifically discontinued by the County.

3. Cultural Resource Conditions

47 Before beginning construction, the certificate holder shall:

(a) Label all identified historic, cultural or archeological resource sites on construction maps and drawings as "no entry" areas. If construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 30-meter no entry buffer around the site. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within the buffer areas or to operational farmsteads. [Final Order on ASC]

(b) Submit for review and approval by the Department in consultation with the State Historic Preservation Office, a final ~~Phase 2~~ Historical Resource Mitigation Plan (HRMP), based on the draft HRMP provided in Attachment H of the Final Order on Request for Amendment ~~4~~5. The final HRMP shall include the following:

~~i. Confirmation on established setback of Phase 2 facility components to the Weatherford Barn, if confirmed by the Department and SHPO to represent a distance whereby indirect impacts to setting and feeling would be minimized to less than significant. In the alternative, the certificate holder shall specify the mitigation option selected from the HRMP and the implementation schedule to reduce significant adverse indirect impacts to the Weatherford Barn.~~

~~ii.~~i. Concurrence from SHPO that the Olex Townsite, Olex School, and the Olex Cemetery ("Olex resources") are not likely eligible for listing as individual properties or together as a historic district on the National Register of Historic Places (NRHP); or if SHPO concurs that the Olex resources either individually or as a historic district are likely eligible for listing, the certificate holder shall include in its final HRMP appropriate descriptions of the resources and mitigation, which could include an appropriate setback of Phase 2 facility components to the Olex resources as confirmed by the Department in consultation with SHPO to represent a distance whereby indirect impacts to setting and feeling would be minimized to less than significant. In the alternative, the certificate holder shall specify the mitigation option selected and the implementation schedule to reduce significant adverse indirect impacts to the Olex resources such as: historic photo documentation and scale drawings of Olex; additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. [~~AMD4~~AMD5]

48 In reference to the alignment of the Oregon Trail described in the Final Order on the Application, the certificate holder shall comply with the following requirements:

(d) The certificate holder shall not locate facility components on visible remnants of the Oregon Trail and shall avoid any construction disturbance to those remnants.

(e) The certificate holder shall not locate facility components on undeveloped land where the trail alignment is marked by existing Oregon-California Trail Association markers.

(f) Before beginning construction, the certificate holder shall provide to the State Historic Preservation Office (SHPO) and the Department documentation of the presumed Oregon Trail alignments within the site boundary.

(g) The certificate holder shall ensure that construction personnel proceed carefully in the vicinity of the presumed alignments of the Oregon Trail. If any 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 and shall flag a 30-meter no-entry buffer around the intact Trail segments. ~~-~~The certificate holder shall promptly notify the SHPO and the Department of the discovery. The certificate holder shall consult with the SHPO and the Department to determine appropriate mitigation measures.

49 Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that were surveyed in 2009 as described in the Final Order on the Application. The certificate holder shall hire qualified personnel to conduct field investigations of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigations to the Department and to the Oregon State Historic Preservation Office (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological resources are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 47.

50 During construction, the certificate holder shall:

(a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource site.

(b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance at depths of 12 inches or greater. The qualifications of the selected cultural resources monitor shall be reviewed and approved by the Department, in consultation with the CTUIR Cultural Resources Protection Program. In the selection of the cultural resources monitor to be employed during construction, preference shall be given to citizens of the CTUIR. Ground disturbance at depths 12 inches or greater shall not occur without the presence of the approved cultural resources monitor. If any cultural resources are identified during monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in Attachment H of the Final Order on Amendment 4 should be followed. The certificate holder shall report to the Department in its semi-annual report a description of the ground disturbing activities that occurred during the reporting period, dates cultural monitoring occurred, and shall include copies of monitoring forms completed by the cultural resource monitor. [~~AMD4~~AMD5]

51 The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural 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 Oregon State Historic Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested Tribes and other appropriate parties. -The certificate holder shall not restart work in the affected area until the certificate holder has demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations

4. Geotechnical Conditions

52 Before beginning construction ~~of each phase~~ of the facility, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation and road design. [Final Order; ~~AMD4~~AMD5]

53 The certificate holder shall design and construct the facility in accordance with requirements of the current Oregon Structural Specialty Code and International Building Code. [~~AMD4~~AMD5]

54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by non-seismic hazards. As used in this condition, "non-seismic hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

55 The certificate holder shall handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. The certificate holder shall not store diesel fuel or gasoline on the facility site during operations. [~~AMD4~~AMD5]

56 If a spill or release of hazardous material occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and at the O&M buildings. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials

57 The certificate holder shall construct turbines and pad-mounted transformers on concrete foundations and shall cover the ground within a 10-foot radius with non-flammable material. The certificate holder shall maintain the non-flammable pad area covering during operation of the facility.

58 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially

dangerous conditions, and the certificate holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire.

59 During construction and operation of the facility, the certificate holder shall ensure that the Phase 2 O&M ~~buildings~~building and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A5OBC or equivalent rating.

60 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.

61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of 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.

62 During construction, the certificate holder shall ensure that construction personnel are trained in fire prevention and response, that construction vehicles and equipment are operated on graveled areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.

63 During operation of the 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 districts. The certificate holder shall ensure that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.

64 Before beginning construction of~~:~~

~~i. Phase 1, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation.~~

~~Phase 2,~~ the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers to determine if the

structure(s) are a hazard to air navigation and aviation safety. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation. The FAA and ODA evaluation and determinations are valid for 18 months (per OAR 738-070-0180), once issued. The certificate holder shall maintain current hazard determinations on file commensurate with construction timelines. [~~AMD4~~AMD5]

65 The certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.

66 The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.

67 During operation of the facility, the certificate holder shall have a safety-monitoring program and shall inspect all turbine and turbine tower components on a regular basis. The certificate holder shall maintain or repair turbine and turbine tower components as necessary to protect public safety.

68 For turbine types having pad-mounted step-up transformers, the certificate holder shall install the transformers at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.

69 To protect the public from electrical hazards, the certificate holder shall enclose the facility substations, solar array, and battery storage systems with appropriate fencing and locked gates. [~~AMD4~~AMD5]

70 Before beginning construction of any new State Highway approaches or utility crossings, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application in a form satisfactory to ODOT and the Department for the location, construction and maintenance of a new approach to State Highway 19 for access to the site ~~south of Tree Lane.~~. The certificate holder shall submit the necessary application in a form satisfactory to ODOT and the Department for the location, construction and maintenance of transmission lines crossing Highway 19.

71 The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Gilliam County Road Department ~~or, where applicable, the Morrow County Public Works Department.~~ Where modifications of County roads are necessary, the certificate holder shall construct the modifications entirely within the County road rights-of-way and in conformance with County road design standards subject to the approval of the Gilliam County Road Department ~~or, where applicable, the Morrow County Public Works Department.~~ Where modifications of State roads or highways are necessary, the certificate holder shall construct the modifications entirely within the public road rights-of-way and in conformance with Oregon Department of Transportation (ODOT) standards subject to the approval of ODOT.

72 The certificate holder shall construct access roads with a finished width of up to 20 feet, designed under the direction of a licensed engineer and compacted to meet equipment load requirements.

73 During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:

(h) Providing notice to adjacent landowners when heavy construction traffic is anticipated.

(i) Providing appropriate traffic safety signage and warnings.

(j) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic.

(k) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.

(l) Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.

(m) Encouraging carpooling for the construction workforce.

(n) Including traffic control procedures in contract specifications for construction of the facility.

(o) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access points.

74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any County road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within County rights-of-way with the approval of the Gilliam County Road Department ~~or, where applicable, the Morrow County Public Works Department.~~.

75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Submittal to the Department of an executed Road Use Agreement with Gilliam County shall constitute evidence of compliance with this condition. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of the applicable county departments. If required by Gilliam County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. If construction ~~of a phase~~ of the facility will utilize county roads in counties other than Gilliam County, the certificate holder shall coordinate with the Department and the respective county road departments regarding the implementation of a similar Road Use Agreement. [~~AMD4~~AMD5]

76 During construction, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The

certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.

77 During operation of the facility, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency, including a contingency plan in a fire emergency, and that includes important telephone numbers and the locations of on-site fire extinguishers, nearby hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement services. The certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower rescue training at the facility, the North Gilliam County Rural Fire Protection District and the Arlington Fire Department will be invited to observe. [~~AMD4~~AMD5]

78

(a) During construction ~~of each phase~~ of the facility, the certificate holder shall provide on-site security within the facility site boundary, and shall establish good communications between on-site security personnel and the Gilliam County Sheriff's Office by establishing a communication protocol between the security personnel and the Sherriff's office. The communication protocol shall be sent to the Department prior to construction.

(b) During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of 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. The list shall also be sent to the Department.

79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health and safety concerns

6. Water, Soils, Streams & Wetlands Conditions

80

i. 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 or storm water management requirements.

ii.

a. Before beginning construction of ~~Phase 2~~ wind energy generation components, the certificate holder shall submit to the Department and Gilliam County Planning Director for review and approval a topsoil management plan including how topsoil will be stripped, stockpiled, and clearly marked in order to maximize topsoil preservation and minimize erosion impacts. [OAR 660-033-0130(38)(f)(B)]. The topsoil management plan

may be incorporated into the final Erosion and Sediment Control Plan, required under sub(c) or may be provided to the Department as a separate plan.

b. Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [~~AMD4~~AMD5]

81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to avoid soil compaction, to the extent practicable.

82 During construction, the certificate holder shall implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas.

83 Before beginning construction of the facility ~~or a phase of the facility~~, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility ~~or phase of the facility~~, and the areas that would be disturbed during construction and showing the wetlands and stream channels previously surveyed by CH2M HILL or HDR as described in the Final Order on the Application and the Final Order on Amendment #4. For areas to be disturbed during construction that lie outside of the previously-surveyed areas, the certificate holder shall hire qualified personnel to conduct a pre-construction investigation to determine whether any jurisdictional waters of the State exist in those locations within the proposed expanded site boundary. The certificate holder shall provide a written report on the pre-construction investigation to the Department and the Department of State Lands for approval before beginning construction ~~of the phase.~~. The certificate holder shall ensure that construction and operation of the facility will have no impact on any jurisdictional water identified in the pre-construction investigation.

84 The certificate holder shall avoid impacts to waters of the state in the following manner:

(a) The certificate holder shall avoid any disturbance to delineated wetlands.

(b) The certificate holder shall construct stream crossings for roads and underground collector lines substantially as described in the Final Order on the Application or the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.

(c) The certificate holder shall construct support poles for aboveground lines outside of delineated stream channels and shall avoid in-channel impacts.

[~~AMD4~~AMD5]

85 During facility operation, the certificate holder shall routinely inspect and maintain all facility components including roads, pads (including turbine and battery storage pad), solar array, and trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [~~AMD4~~AMD5]

86 During facility operation, the certificate holder shall obtain water for on-site uses from an on-site ~~wells~~well located near the Phase 2 O&M ~~buildings~~building. The certificate holder shall

construct the on-site ~~wells~~well subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site ~~wells~~well. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

87 During facility operation, if wind turbine blade or solar panel-washing becomes necessary, the certificate holder shall ensure that there is no runoff of wash water 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 holder may use biodegradable, phosphate-free cleaners sparingly. [~~AMD4~~AMD5]

7. Transmission Line & EMF Conditions

88 The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground lines at a minimum depth of three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed 27 miles.

89 The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:

~~(a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.~~

~~(b)~~(a) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.

~~(c)~~(b) Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.

~~(d)~~(c) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

91 Prior to construction of the Facility ~~or a phase of the Facility~~, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment F of the Final Order on Request for Amendment #~~4~~5, as approved by the Department in consultation with ODFW. The certificate holder shall conduct wildlife monitoring as described in the final WMMP, as amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

92 The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the final Revegetation Plans for ~~each phase of~~ the ~~Facility~~facility, as approved by the Department in consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final Order on Request for Amendment #45, and as amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

93 The certificate holder shall:

(a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect 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 as described in the final Habitat Mitigation Plans for ~~each phase of~~ the Facility, as approved by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be based on the draft plan included as Attachment G to the Final Order on Request for Amendment #3 and updated based on Condition 31. The final Habitat Mitigation Plans may be amended from time to time. [Amendment #3; ~~AMD4~~AMD5]

(b) Prior to construction ~~of Phase 2 components~~, the certificate holder shall finalize and implement the ~~Phase 2~~ Habitat Mitigation Plan (HMP) included as Attachment D of the Final Order, as approved by ODOE in Consultation with ODFW. Provision 93(b)(A) regarding impacted acreage calculations shall be completed and submitted to the department after construction is complete as described in the condition below.

(c) Within 90 days of completion of construction, the certificate holder shall submit to the department and ODFW an updated HMP Table.
[~~AMD4~~AMD5]

94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel (WGS) habitat based on the locations where the squirrels were found to be active in the most recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall hire a qualified professional biologist who has experience in detection of WGS to conduct surveys using a survey protocol approved by the Oregon Department of Fish and Wildlife (ODFW). The biologist shall survey all areas of suitable habitat where permanent facility components would be located or where construction disturbance could occur. Except as provided in (a), the biologist shall conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in the active squirrel seasons in subsequent years until the beginning of construction in suitable habitat. The certificate holder shall provide written reports of the surveys to the Department and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the areas described in (b) and (c).

(a) The certificate holder may omit the WGS survey in any year if the certificate holder avoids all permanent and temporary disturbance within suitable habitat until a WGS

survey has been completed in the following year and the boundaries of Category 1 habitat have been determined and approved based on that survey.

(b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. If the multiple-burrow area was active in a prior survey year, then Category 1 habitat includes the largest extent of the active burrow area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.

(c) Category 1 WGS habitat includes the area containing single active burrow detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Category 1 habitat does not include single-burrow areas that were found active in a prior survey year but that are not active in the current survey year.

95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

(a) The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

(b) Before beginning construction, but no more than two years prior to the beginning of construction of ~~a phase of~~ the facility, the certificate holder shall hire a qualified professional biologist to conduct a survey of all areas to be disturbed by construction for threatened and endangered species. The certificate holder shall provide a written report of the survey and a copy of the survey to the Department, the Oregon Department of Fish and Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the surveys identify the presence of threatened or endangered species within the survey area, the certificate holder shall implement appropriate measures to avoid a significant reduction in the likelihood of survival or recovery of the species, as approved by the Department, in consultation with ODA and ODFW.

(c) Before beginning construction ~~of a phase~~ of the facility, the certificate holder's qualified professional biologist shall survey the Category 1 Washington ground squirrel habitat to ensure that the sensitive use area is correctly marked with exclusion flagging and avoided during construction. The certificate holder shall maintain the exclusion markings until construction has been completed.

(d) Before beginning construction of a phase of the facility, certificate holder's qualified professional biologist shall complete the avian use studies that began in September 2009 at six plots within or near the facility site as described in the Final Order on the Application. The certificate holder shall provide a written report on the avian use studies to the Department and to ODFW.

(e) Before beginning construction ~~of a phase~~ of the facility, certificate holder's qualified professional biologist shall complete raptor nest surveys within the raptor nest survey area as described in the Final Order on the Application. The purposes of the survey are to identify any sensitive raptor nests near construction areas and to provide baseline

information on raptor nest use for analysis as described in the Wildlife Monitoring and Mitigation Plan referenced in Condition 91. The certificate holder shall provide a written report on the raptor nest surveys and the surveys to the Department and to ODFW. If the surveys identify the presence of raptor nests within the survey area, the certificate holder shall implement appropriate measures to assure that the design, construction and operation of the facility are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in consultation with ODFW.

(f) In the final design layout of the facility, the certificate holder shall locate facility components, access roads and construction areas to avoid or minimize temporary and permanent impacts to high quality native habitat and to retain habitat cover in the general landscape where practicable.

96 During construction, the certificate holder shall avoid all construction activities within a 1,300-foot buffer around potentially-active nest sites 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
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

During the year in which construction 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. The certificate holder shall begin monitoring potential nest sites by March 15 and shall continue monitoring until at least May 31 to determine whether any potentially-active nest sites become active during the sensitive period.

If any nest site is determined to be unoccupied by the early release date (May 31), then unrestricted construction activities may occur within 1,300 feet of the nest site after that date. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder will flag the boundaries of a 1,300-foot buffer area around the nest site and shall instruct construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer.

If burrowing owl nests are occupied during the sensitive period, the certificate holder may adjust the 1,300-foot buffer around these nests after consultation with ODFW and subject to the approval of the Department.

The certificate holder shall hire a qualified independent professional biologist 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. 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 construction activities within the buffer area 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).

~~97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte Wildlife Area during the long-billed curlew nesting season (March 8 through June 15), as described in this condition. Before beginning construction, the certificate holder shall provide to the Department a map showing the areas of potential construction disturbance in the vicinity of the BLM lands that are part of the Horn Butte Wildlife Area and showing a 1,300-foot buffer from those areas. During the nesting season, 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 buffer area. The certificate holder shall flag the boundaries of the 1,300-foot buffer area and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer. The certificate holder may engage in construction activities within the buffer area at times other than the nesting season.~~

98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

(a) Preparing maps to show occlusion areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species.

(b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.

(c) Limiting construction work to approved and surveyed areas shown on facility constraints maps.

(d) Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

99 The certificate holder shall reduce the risk of injuries to avian species by:

(a) Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.

(b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff edges, narrow ridge saddles and gaps between hilltops.

(c) Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy-wires.

(d) Designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

100 The certificate holder shall hire a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

101 The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (March 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

9. Visual Effects Conditions

102 To reduce the visual impact of the facility, the certificate holder shall:

(a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral white color.

(b) Paint the Phase 2 collector substation and switching station structures in a low-reflectivity neutral color to blend with the surrounding landscape.

(c) Not allow any advertising to be used on any part of the facility.

(d) Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the Phase 2 O&M ~~buildings~~building to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles.

(e) Maintain any signs allowed under this condition in good repair.

103 The certificate holder shall design and construct the O&M ~~buildings~~building, substation, and buildings and containers associated with battery storage 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 low-reflectivity, neutral color to blend with the surrounding landscape. [~~AMD4~~AMD5]

104 The certificate holder shall not use exterior nighttime lighting except:

(a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.

(b) Security lighting at the O&M buildings and at the substations, provided that such lighting is shielded or downward-directed to reduce glare.

(c) Minimum lighting necessary for repairs or emergencies.

(d) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

~~105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight from the vantage point of the Fourmile Canyon interpretive site looking toward the visible Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047, -120.044112) as described in the Final Order on the Application.~~

10. Noise Control Conditions

106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

(a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

(b) Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and

(c) Establish a complaint response system at the construction manager's office to address noise complaints.

107 The certificate holder shall provide to the Department:

i. Prior to ~~Phase 1~~ construction:

~~a. Information that identifies the final design locations of (all turbines, to be built at the facility...~~

~~ii. Prior to Phase 2 construction:~~

a. A noise analysis that includes the following Information:

Final design locations of all Phase 1 and Phase 2 noise~~-~~-generating facility components (all wind turbines; substation transformers~~;~~, inverters, and transformers associated with the photovoltaic solar array; and inverters and cooling systems associated with the battery storage system).

The maximum sound power level for the Phase 2 collector substation transformers; inverters and transformers associated with the photovoltaic solar array; inverters and cooling systems associated with battery storage system; and the maximum sound power level and octave band data for the Phase 2 wind turbines selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the Department.

The results of noise analysis of Phase 1 and Phase 2 components according to the final design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from wind turbines, substation transformers, inverters and transformers associated with the photovoltaic solar array; inverters and cooling systems associated with battery storage system) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties. The certificate holder shall verify that all noise sensitive properties within one mile of the final design locations of noise-generating components for Phase 1 and Phase 2 have been identified and included in the preconstruction noise analysis based on review of the most recent property owner information obtained from the Gilliam County Tax Assessor Roll.

For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the 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. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise-sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.
[Final Order on ASC; ~~AMD4~~AMD5]

108 During operation of the facility, the certificate holder shall implement measures to ensure compliance with the noise control regulation, including:

a. Providing notice of the noise complaint system and how to file a noise complaint to noise sensitive receptors within 1-mile of noise-generating components.

b. Maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulations. [AMD5]

~~[AMD4]~~

11. Waste Management Conditions

109 The certificate holder shall provide portable toilets for on-site sewage handling during construction and shall ensure that they are pumped and cleaned regularly by a licensed contractor who is qualified to pump and clean portable toilet facilities.

110 During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the Phase 2 O&M ~~buildings~~building to a licensed on-site septic ~~systems~~system in compliance with State permit requirements. The certificate holder shall design the septic ~~systems~~system for a discharge capacity of less than 2,500 gallons per day.

111 The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:

(a) Recycling steel and other metal scrap.

(b) Recycling wood waste.

(c) Recycling packaging wastes such as paper and cardboard.

(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

(e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [~~AMD4~~AMD5]

(f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging rinse water into foundation holes and burying other concrete waste as part of backfilling the turbine foundation.

112 The certificate holder shall implement a waste management plan during facility operation that includes but is not limited to the following measures:

(a) Training employees to minimize and recycle solid waste.

(b) Recycling paper products, metals, glass and plastics.

(c) Recycling used oil and hydraulic fluid

(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.

(e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [~~AMD4~~AMD5]

VI. CONDITIONS ADDED BY AMENDMENT # 1 OF MONTAGUE

113 ~~The transfer of the First Amended Site Certificate from the certificate holder to Portland General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site certificate naming PGE the certificate holder, which is attached as Attachment B to the Final Order on Amendment #1. Upon closing, the First Amended Site Certificate naming PGE as the certificate holder shall be in full force and effect and the First Amended Site Certificate naming~~

~~Montague Wind Power LLC as the certificate holder shall be considered rescinded and void in its entirety.~~ [Removed by Amendment #2.]

114 ~~Should the closing contemplated in Condition 113 not occur within 18 months of the effective date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's transfer approval within the Final Order on Amendment #1 shall be void.~~ [Removed by Amendment #2.]

115 ~~PGE must provide the Department a copy of the executed First Amended Site Certificate and documentation of the asset purchase agreement within 7 days of closing.~~ [Removed by Amendment #2.]

VII. CONDITIONS ADDED BY AMENDMENT #4 OF MONTAGUE

116: The certificate holder shall ensure its third-party contractor transports and disposes of battery and battery waste in compliance with all applicable regulations and manufacturer recommendations related to the transport of hazardous battery materials.

a. Prior to construction, the certificate holder shall provide a description to the Department of applicable regulations and manufacturer recommendations applicable to the transport and disposal of batteries and battery related waste.

b. During construction and operation, the certificate holder shall report to the Department any potential compliance issue or cited violations of its third-party contractor for the requirements identified in sub(a) of this condition. [AMD5]

~~[AMD4]~~

117 During facility operation, the certificate holder shall conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall make available for review upon request by the Department. [~~AMD4~~AMD5]

VIII. 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~~0400.

IX. 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.

X. 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.

XI. 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.

IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by ~~Montague Wind Power Facility~~Oregon Trail Solar, LLC.

ENERGY FACILITY SITTING COUNCIL

By: _____

Print: _____

Date: _____

~~MONTAGUE WIND POWER FACILITY~~OREGON TRAIL SOLAR, LLC

By: _____

Print: _____

Date: _____

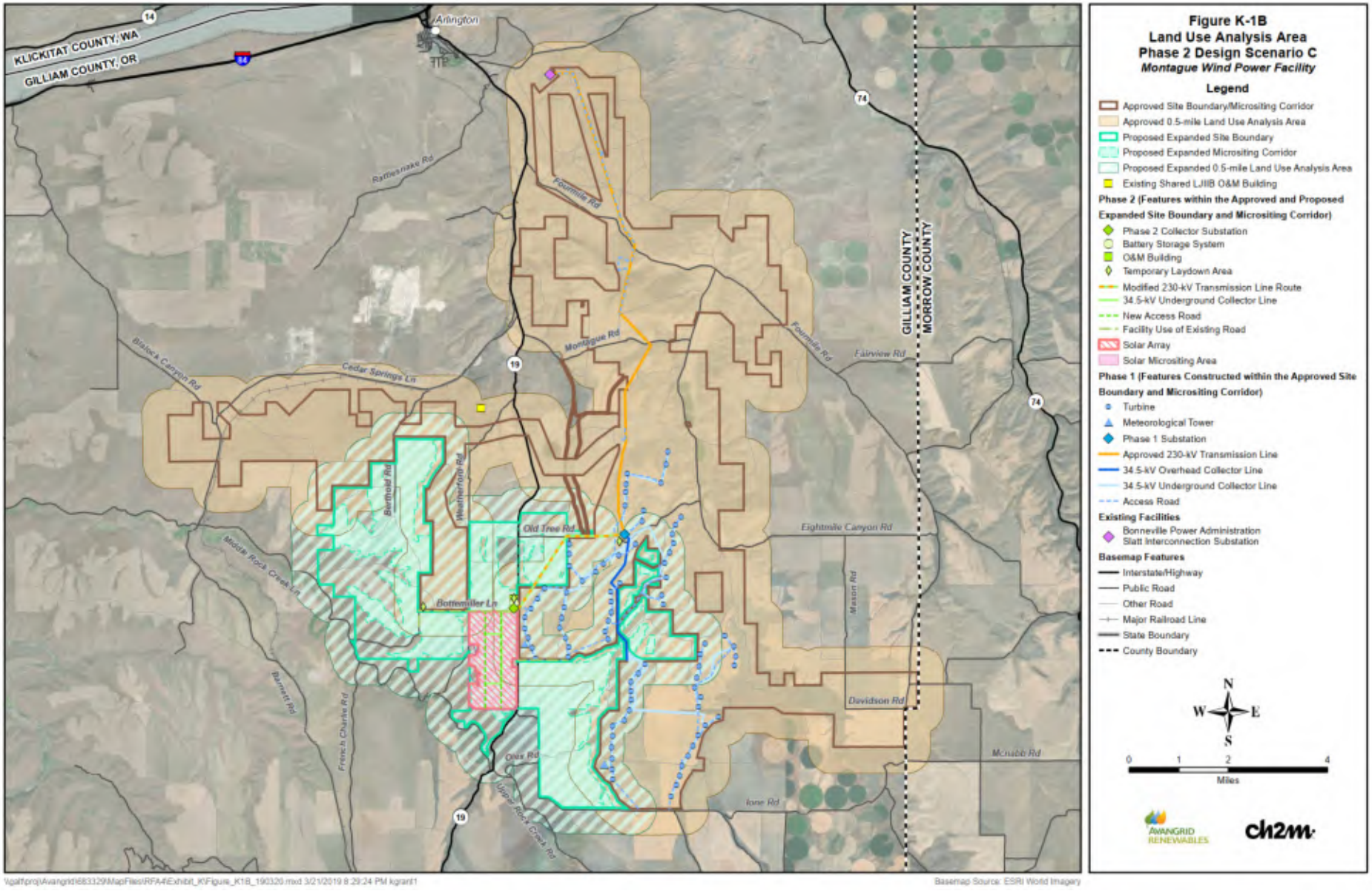
and

By: _____

Print: _____

Date: _____

~~Figure 1: Site Boundary and 230 kV transmission line corridor~~



Attachment 2
Property Owner Lists and Maps

Gilliam and Morrow County Property Owners within 500 feet of the Property on which the Site Boundary is Located

Montague Wind Power Facility Request for Amendment

Parcel data and owner addresses provided by Gilliam County on 4/2/2020. Owner addresses provided by Morrow County on 4/8/2020.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
01N20E0000-00100				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00200				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00300	JAMES & PHYLLIS	HOAG				9670 S.E. STARR QUARRY RD.	AMITY	OR	97101
01N20E0000-00500				4-D RANCH LLC		6808 SE ASH ST	PORTLAND	OR	97215
01N20E0000-00800				RAMSAY RANCH & CO LLC		13270 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01N20E0000-00900				RAMSAY RANCH & CO LLC		13270 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01N20E0000-01000	JASON T & BEVERLY K	MARICK				14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N20E0000-01100				RAMSAY RANCH & CO LLC		13270 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01N20E0000-02100	JASON T & BEVERLY K	MARICK				14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N20E0000-03200				UNION PACIFIC RAILROAD		1400 DOUGLAS STOP 1640	OMAHA	NE	0
01N20E0000-03201				GABBEY JERRY R & LONGACRE-GABBEY JANET K		PO BOX 87	ARLINGTON	OR	97812
01N20E0000-03204				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
01N20E0000-03205				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
01N20E0000-03208				UNION PACIFIC RAILROAD		1400 DOUGLAS STOP 1640	OMAHA	NE	0
01N21E0000-00100	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
01N21E0000-00200	DONALD K & SHERYL A	WALTERS				69759 19 HWY	ARLINGTON	OR	97812
01N21E0000-00300	TIMOTHY H & DEBORAH L	HOLTZ				PO BOX 224	IONE	OR	97843
01N21E0000-00400	RICHARD E.	HARPER				PO BOX 8	IONE	OR	97843
01N21E0000-00401				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N21E0000-00500				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
01N21E0000-00600				USA		UNDETERMINED PARTY_ADDRESS	UNDETERMINED CITY		0
01N21E0000-00700				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N21E0000-00800	ROBERT K	SUTTON				7707 WISCONSIN AVE #1102	BETHESDA	MD	20814
01N21E0000-00802	ROBERT M & CATHY S	WEATHERFORD				PO BOX 2	ARLINGTON	OR	97812
01N21E0000-00804	TIMOTHY H & DEBORAH L	HOLTZ				PO BOX 224	IONE	OR	97843
01N21E0000-00805	FLORES ANN	WEATHERFORD				4240 WILLS BLVE	PUEBLO	CO	81008
01N21E0000-00806	TIMOTHY H & DEBORAH L	HOLTZ				PO BOX 224	IONE	OR	97843
01N21E0000-00900				ATHEARN ROBERT F. LIVING TRUST		333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-01000	ROBERT F.	ATHEARN				333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-01002				RUCKER JIMMY I. & SARAH D. TRUSTEES		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01100				RUCKER JIMMY I & SARAH D. TRUSTEES		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01101				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N21E0000-01200				RUCKER JIMMY I & SARAH D. TRUSTEES		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01300				RAMSAY RANCH & CO LLC		13270 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01N21E0000-01400	JASON T & BEVERLY K	MARICK				14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-01500				WEEDMAN BROTHERS		PO BOX 386	WASCO	OR	97065
01N21E0000-01501	LEWIS SAMUEL	TEYEMA				PO BOX 15204	PORTLAND	OR	97293
01N21E0000-01600	JASON T & BEVERLY K	MARICK				14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-01703	JOHN L.	HABBERSTAD				10530 W LAKE FOREST LOOP	RATHDRUM	ID	83858
01N21E0000-01900				ATHEARN ROBERT F. LIVING TRUST		333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-02000				WEATHERFORD SHUTLER PROPERTIES LLC		16050 N IDAHO CENTER BLVD	NAMA	ID	83687
01N21E0000-02001				WEATHERFORD SHUTLER PROPERTIES LLC		16050 N IDAHO CENTER BLVD	NAMA	ID	83687
01N21E0000-02002				WEATHERFORD SHUTLER PROPERTIES LLC		16050 N IDAHO CENTER BLVD	NAMA	ID	83687
01N21E0000-02100				WEEDMAN FARMS LLC		PO BOX 386	WASCO	OR	97065
01N21E0000-02300	CHET R.	WILKINS				66979 FRENCH CHARLIE ROAD	ARLINGTON	OR	97812
01N21E0000-02302	CHET R.	WILKINS				66979 FRENCH CHARLIE ROAD	ARLINGTON	OR	97812
01N21E0000-02601				WEATHERFORD JAMES EARL LIV TRUST		16050 N IDAHO CENTER BLVD	NAMPA	ID	83687

Gilliam and Morrow County Property Owners within 500 feet of the Property on which the Site Boundary is Located

Montague Wind Power Facility Request for Amendment

Parcel data and owner addresses provided by Gilliam County on 4/2/2020. Owner addresses provided by Morrow County on 4/8/2020.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
01N22E0000-00100				H-8 LLC		PO BOX 195	IONE	OR	97843
01N22E0000-00500	RC & GAYLEEN	MILLER				PO BOX 490	ARLINGTON	OR	97812
01N22E0000-00501	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
01N22E0000-00600				MONTAGUE CEMETERY		UNDETERMINED PARTY_ADDRESS	UNDETERMINED CITY		0
01N22E0000-00700	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
01N22E0000-00800				ATHEARN ROBERT F. LIVING TRUST		333 ROSE COURT	MOUNT VERNON	WA	98273
01N22E0000-00900				MONTY CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01N22E0000-01000				MONTY CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01N22E0000-01001				MONTY CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01N22E0000-01100				MONTY CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01N22E0000-01502				TRIPLE O FARMS LLC		4604 SW PERKINS AVE	PENDLETON	OR	97801
01N22E0000-01600				EASTERN Z FARMS LLC.		12423 RIVER RD. N.	GERVAIS	OR	97026
01N22E0000-01700	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
01N22E0000-01701	JERRY A & WANDA R	CARR				69838 W. WILSON RD.	BOARDMAN	OR	97818
01N22E0000-01800				UNDERHILL B LAVELLE TRUSTEE		PO BOX 266	DUFUR	OR	97021
01N22E0000-01900				WEEDMAN FARMS LLC		PO BOX 386	WASCO	OR	97065
01N22E0000-02000				WEATHERFORD SHUTLER PROPERTIES LLC		16050 N IDAHO CENTER BLVD	NAMA	ID	83687
01N22E0000-02100				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
01N22E0000-02200				MONTY CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01N22E0000-02300	RONALD	HAGUEWOOD				PO BOX 407	IONE	OR	97843
01N22E0000-02500	KELWAYNE	HAGUEWOOD				59610 BASEY CANYON ROAD	HEPPNER	OR	97836
01N22E0000-02800				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
01N22E0000-02900	JOE D. & DONNA M.	RIETMANN				PO BOX 304	IONE	OR	97843
01N22E0000-02901	JOE D. & DONNA M.	RIETMANN				PO BOX 304	IONE	OR	97843
01N22E0000-02902	JOE D. & DONNA M.	RIETMANN				PO BOX 304	IONE	OR	97843
01N22E0000-03000				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
01N22E0000-03100				MASON CHRISTOPHER KB TRUSTEE		PO BOX 605	VICTOR	ID	83455
01N22E0000-03200				DAVIDSON AUSTA ANDY HOLDINGS LLC		18174 HULDEN LN	ARLINGTON	OR	97812
01N22E0000-03201	MABEL L	STAMATE				980 S.E. 5TH STREET	HERMISTON	OR	97838
01N22E0000-03202	TIM	DAVIDSON				PO BOX 342	HEPPNER	OR	97836
01N23E0000-06300				PROUDFOOT RANCHES, INC.		PO BOX 28	IONE	OR	97843
01S21E0000-00100				WEEDMAN FARMS LLC		PO BOX 386	WASCO	OR	97065
01S21E0000-00200				IRBY MYRA G TRUSTEE		PO BOX 332	ARLINGTON	OR	97812
01S21E0000-00201				COLUMBIA BASIN ELEC. CO-OP INC.		PO BOX 398	HEPPNER	OR	97836
01S21E0000-00203	GARY M & KAREN S	WILDE				18048 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01S21E0000-00300				UNION PACIFIC RAILROAD		1400 DOUGLAS STOP 1640	OMAHA	NE	0
01S21E0000-00400	GARY M & KAREN S	WILDE				18048 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01S21E0000-00401				GILLIAM COUNTY HISTORICAL SOCIETY		PO BOX 377	CONDON	OR	97823
01S21E0000-00500	HAROLD G.	KLEINBACH				3410 S GREEN LOOP	KENNEWICK	WA	99337
01S21E0000-00600				WEATHERFORD JAMES EARL LIV TRUST		16050 N IDAHO CENTER BLVD	NAMPA	ID	83687
01S21E0000-02600				RIPER BARBARA J. TRUSTEE		1670 EDGEWOOD DR.	PALO ALTO	CA	94303
01S21E0000-02601	ROBERT & CATHERINE	SKINNER				PO BOX 393	ARLINGTON	OR	97812
01S21E0000-02700	CARROLL W.	OLSEN				65848 UPPER ROCK CREEK RD	ARLINGTON	OR	97812
01S21E1000-00500	GARY M & KAREN S	WILDE				18048 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01S21E1100-00100	MICHAEL & LAURA	SMITH				44238 HEPPNER SPRAY HWY	SPRAY	OR	0
01S21E1100-00300				GRITSKI ROBERT & KRONNER KAREN		815 NW FOURTH ST	PENDLETON	OR	97801
01S21E1100-00700	CARROLL W.	OLSEN				65848 UPPER ROCK CREEK RD	ARLINGTON	OR	97812

Gilliam and Morrow County Property Owners within 500 feet of the Property on which the Site Boundary is Located

Montague Wind Power Facility Request for Amendment

Parcel data and owner addresses provided by Gilliam County on 4/2/2020. Owner addresses provided by Morrow County on 4/8/2020.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
01S22E0000-00100	MABEL L	STAMATE				980 SE 5TH STREET	HERMISTON	OR	97838
01S22E0000-00101				STAMATE JAMES A & MABEL L TRUSTEES		980 SE 5TH STREET	HERMISTON	OR	97838
01S22E0000-00102	CHARLES LEE	DAVIDSON				350 N 1ST STREET	IRRIGON	OR	97844
01S22E0000-00200	JOSEPH P. & JERI D.	MCELLIGOTT				PO BOX 4	IONE	OR	97843
01S22E0000-00300				CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01S22E0000-00303				CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01S22E0000-00400	RICHARD E.	HARPER				PO BOX 8	IONE	OR	97843
01S22E0000-00500	JOE D. & DONNA M.	RIETMANN				PO BOX 304	IONE	OR	97843
01S22E0000-00501	JOE D. & DONNA M.	RIETMANN				PO BOX 304	IONE	OR	97843
01S22E0000-00502	JOE D. & DONNA M.	RIETMANN				PO BOX 304	IONE	OR	97843
01S22E0000-00503	RICHARD E.	HARPER				PO BOX 8	IONE	OR	97843
01S22E0000-00600				CRUM RANCHES LLC.		PO BOX 67	IONE	OR	97843
01S22E0000-01000				SCHOOL DISTRICT #?		UNDETERMINED PARTY_ADDRESS	UNDETERMINED CITY		0
01S22E0000-01100				RUCKER FARMING		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01S22E0000-01200				RIPER BARBARA J. TRUSTEE		1670 EDGEWOOD DR.	PALO ALTO	CA	94303
01S23E0000-00900				PROUDFOOT RANCHES, INC.		PO BOX 28	IONE	OR	97843
02N20E0000-02700				HOLZAPFEL HERBERT R. ETAL		PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02701	JAMES & PHYLLIS	HOAG				9670 S.E. STARR QUARRY RD.	AMITY	OR	97101
02N20E0000-02702	JAMES & PHYLLIS	HOAG				9670 S.E. STARR QUARRY RD.	AMITY	OR	97101
02N20E0000-02800				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02900				UNION PACIFIC RAILROAD		1400 DOUGLAS STOP 1640	OMAHA	NE	0
02N20E0000-02901				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
02N21E0000-00100	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00101	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00102	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00700				QUARTER M RANCH LLC		61835 DART CREEK RD	ST HELENS	OR	97051
02N21E0000-00800				QUARTER M RANCH LLC		61835 DART CREEK RD	ST HELENS	OR	97051
02N21E0000-00900				QUARTER M RANCH LLC		61835 DART CREEK RD	ST HELENS	OR	97051
02N21E0000-01000				QUARTER M RANCH LLC		61835 DART CREEK RD	ST HELENS	OR	97051
02N21E0000-01100				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01101				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01102				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01104				GILLIAM COUNTY (INDUSTRIAL PARK)		PO BOX 427	CONDON	OR	97823
02N21E0000-01200				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
02N21E0000-01209				WASTE MANAGEMENT		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01210				WASTE MANAGEMENT		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01300				JONES HANNAH & REA DEVON		71983 HWY 19	ARLINGTON	OR	97812
02N21E0000-01400	ARTHUR MARK & BECKY MEA	SUMNER				71667 HWY 19	ARLINGTON	OR	97812
02N21E0000-01500				HOLT SERVICES INC		10621 TODD RD E	EDGEWOOD	WA	98372
02N21E0000-01600				HOLT SERVICES INC		10621 TODD RD E	EDGEWOOD	WA	98372
02N21E0000-01700	HAROLD G.	KLEINBACH				3410 S GREEN LOOP	KENNEWICK	WA	99337
02N21E0000-01701	HERBERT R. & VIRGINIA W.	HOLZAPFEL				PO BOX 1027	WILLOWS	CA	95988
02N21E0000-01703	JERRY L. & LISA G.	RIETMANN				PO BOX 224	IONE	OR	97843
02N21E0000-01704	TIMOTHY H & DEBORAH L	HOLTZ				PO BOX 224	IONE	OR	97843
02N21E0000-01706				MID COLUMBIA PRODUCERS INC.		PO BOX 344	MORO	OR	97039
02N21E0000-01800				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01801				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	60690

Gilliam and Morrow County Property Owners within 500 feet of the Property on which the Site Boundary is Located

Montague Wind Power Facility Request for Amendment

Parcel data and owner addresses provided by Gilliam County on 4/2/2020. Owner addresses provided by Morrow County on 4/8/2020.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
02N21E0000-01802				COLUMBIA BASIN ELEC. CO-OP INC.		PO BOX 398	HEPPNER	OR	97836
02N21E0000-02100				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	95988
02N21E0000-02102				WASTE MANAGEMENT		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-02103				WASTE MANAGEMENT		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-02300	DONALD K & SHERYL A	WALTERS				69759 19 HWY	ARLINGTON	OR	97823
02N21E0000-02400	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
02N21E0000-02500	ARTHUR MARK & BECKY MEA	SUMNER				71667 HWY 19	ARLINGTON	OR	97812
02N21E0000-02600				UNION PACIFIC RAILROAD		1400 DOUGLAS STOP 1640	OMAHA	NE	0
02N22E0000-00500				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-00600	SKYE H & PENNY M	KREBS				73654 HIGHWAY 74	IONE	OR	97843
02N22E0000-00601	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00602	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00700	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00800	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00900	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00901	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-01001	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N22E0000-01100				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-01301	VIC	JANSEN				PO BOX 579	MOSES LAKE	WA	98837
02N22E0000-01400	SKYE H & PENNY M	KREBS				73654 HIGHWAY 74	IONE	OR	97843
02N22E0000-01500	BEN A & KATIE L	HAMMELMAN				PO BOX 65	FOSSIL	OR	97830
02N22E0000-02100				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-02300	ARTHUR MARK & BECKY MEA	SUMNER				71667 HYW 19	ARLINGTON	OR	97812
02N22E0000-02400				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-02500	DANIEL	WILLIAMS				72396 HWY 74	IONE	OR	97843
02N22E0000-02501				HOLT SERVICES INC		10621 TODD RD E	EDGEWOOD	WA	98372
02N22E0000-02502	JAMES & MARTINA	WEISER				PO BOX 324	ARLINGTON	OR	97812
02N22E0000-02600	ARTHUR MARK & BECKY MEA	SUMNER				71667 HWY 19	ARLINGTON	OR	97812
02N22E0000-02700	DANIEL	WILLIAMS				72396 HWY 74	IONE	OR	97843
02N22E0000-02900	BEVERLY	CUSTARD				1951 E. 68TH ST.	TACOMA	WA	98404
02N22E0000-03000				USA		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-03100	ROBERT R. & PEGGY J.	REASONER				PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03200	ROBERT R. & PEGGY J.	REASONER				PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03201	ROBERT R. & PEGGY J.	REASONER				PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03400	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
02N22E0000-03500	KEVEN	HAGUEWOOD				64396 MCNAB LANE	IONE	OR	97843
03N21E0000-00500	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
03N21E0000-00501				CITY OF ARLINGTON		PO BOX 68	ARLINGTON	OR	97812
03N21E0000-00503	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
03N21E0000-00506				BONNEVILLE POWER ADMINISTRATION		UNDETERMINED PARTY_ADDRESS	UNDETERMINED CITY		0
03N21E0000-00599	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
03N21E3400-00100	WILLIAM C & BARBARA J	MCKINNEY				PO BOX 272	ARLINGTON	OR	97812
03N21E3400-00106	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
03N21E3400-00122	WILLIAM C	MCKINNEY				PO BOX 272	ARLINGTON	OR	97812
03N22E0000-00700	SKYE H & PENNY M	KREBS				73654 HIGHWAY 74	IONE	OR	97843

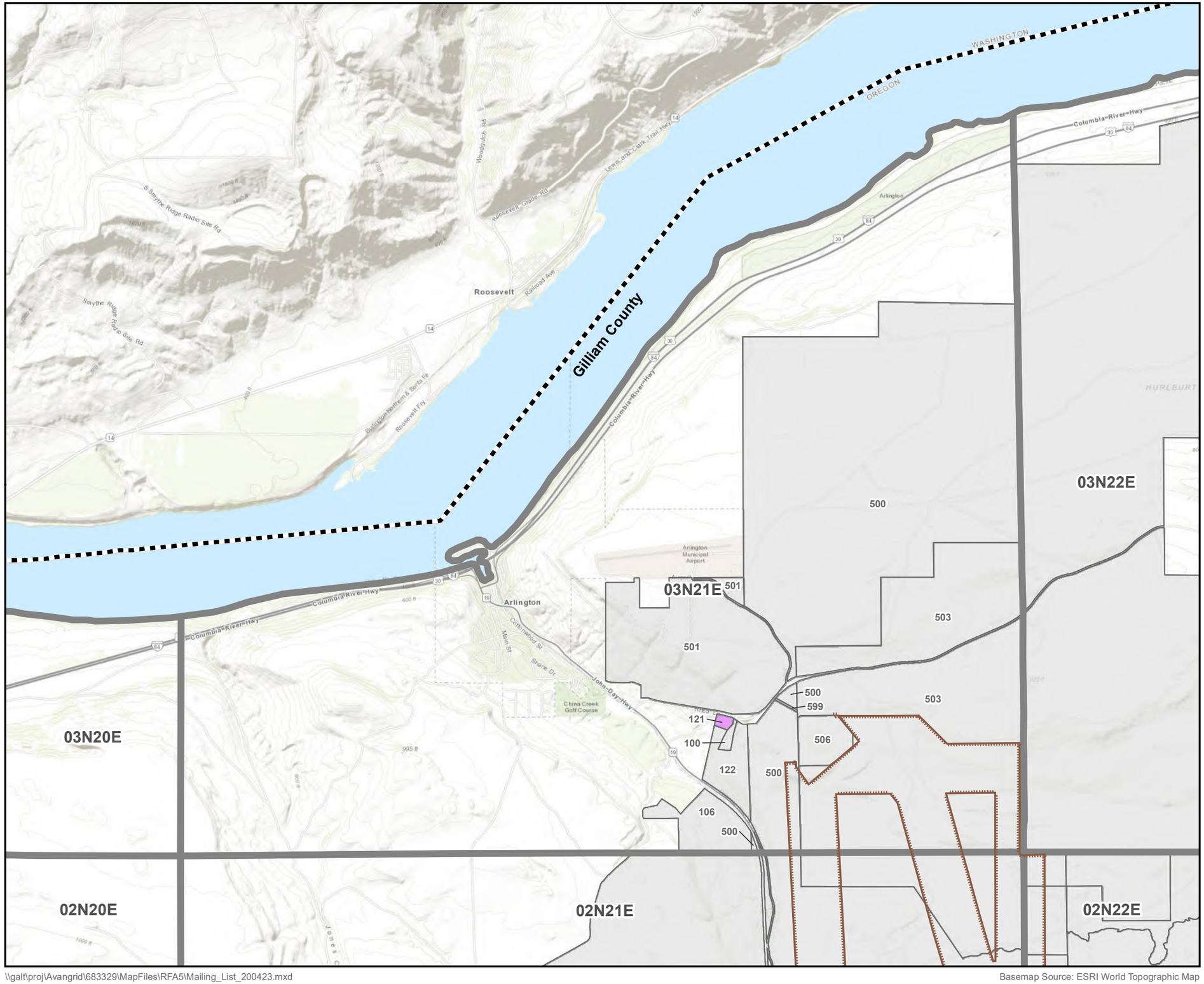
Gilliam County Property Owners Between 500 and 1,000 feet of the Property on which the Site Boundary is Located

Montague Wind Power Facility Request for Amendment

Parcel data and owner addresses provided by Gilliam County on 4/2/2020. There are no Morrow County property owners between 500 and 1,000 feet of the site boundary per owner addresses provided by Morrow County on 4/8/2020.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
01N21E0000-01701	JOHN L.	HABBERSTAD				10530 W LAKE FOREST LOOP	RATHDRUM	ID	83858
01N21E0000-02600	ROBERT M & CATHY S	WEATHERFORD				PO BOX 2	ARLINGTON	OR	97812
01S21E1000-00201	PAUL D & SHIRLEY A	RHODES				67771 HWY 19	ARLINGTON	OR	97812
02N20E0000-02301				CWM OF THE NORTHWEST INC.		PO BOX 1450	CHICAGO	IL	60690
02N20E0000-02302				CWM OF THE NORTHWEST INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-00400				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01201				CWM OF THE NORTHWEST INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01202				CWM OF THE NORTHWEST INC.		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01206				CWM OF THE NORTHWEST INC.		PO BOX 1450	CHICAGO	IL	60690
03N21E3400-00121	CHRIS	COFER				342 MILL POND XING #A1	CARROLLTON	GA	30116

Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 01 of 12
Montague Wind Power Facility



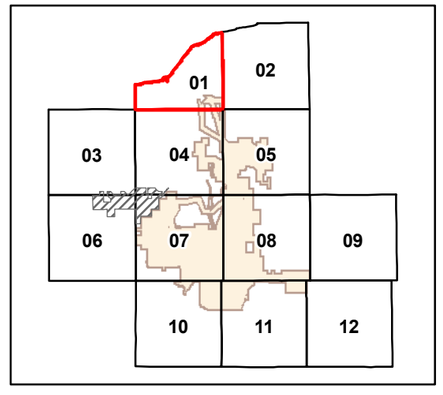
Legend

- Approved Site Boundary
- Area Removed from Approved Site Boundary
- Tax Lot within 500 feet of the Property the Site Boundary is Located on
- Tax Lot between 500 and 1,000 feet of the Property the Site Boundary is Located on
- Public Land Survey System Township Range Boundary

Basemap Features

- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded from Gilliam County Assessor on 4/2/2020.
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/8/2020.



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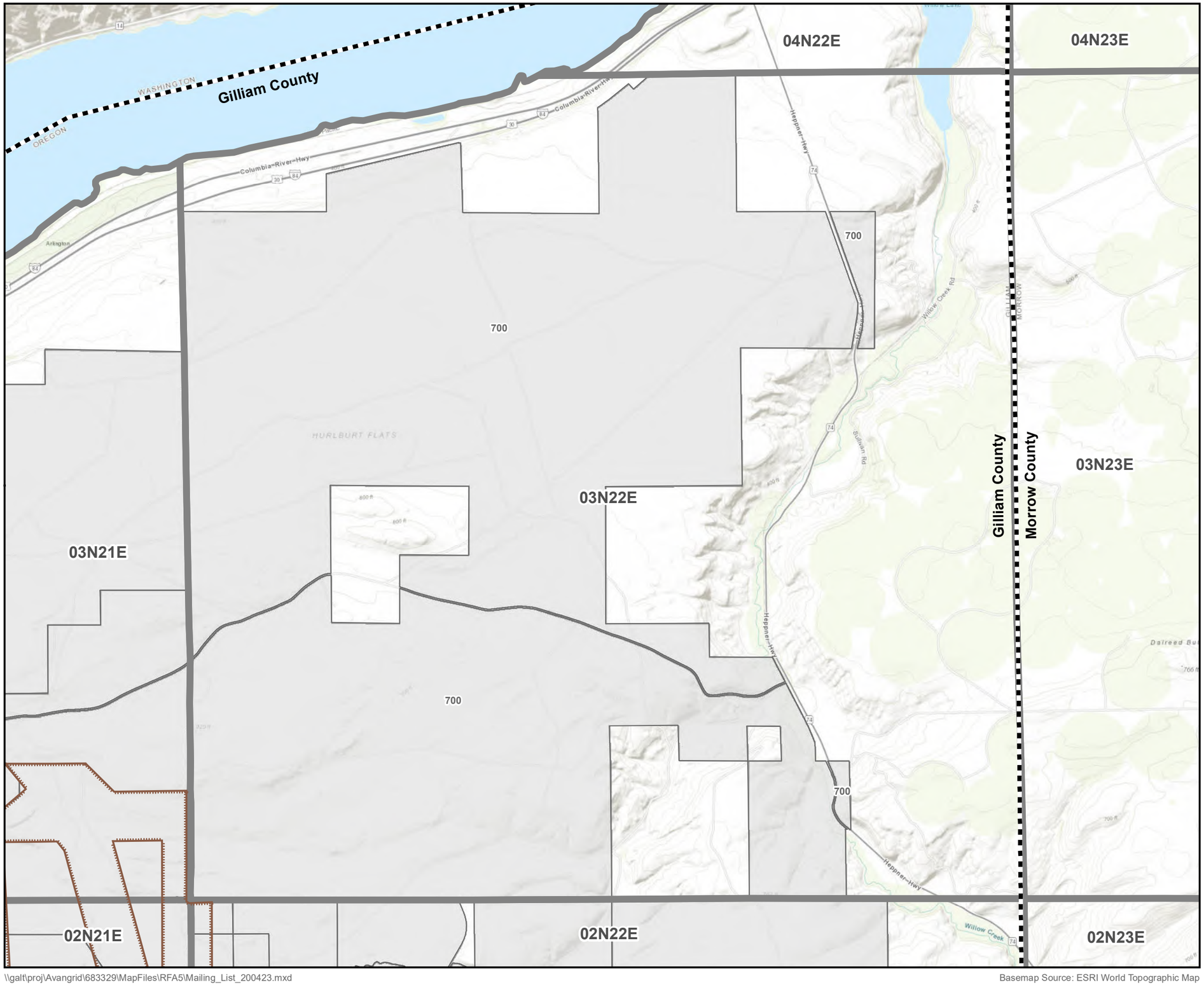
Basemap Source: ESRI World Topographic Map

Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 02 of 12
Montague Wind Power Facility



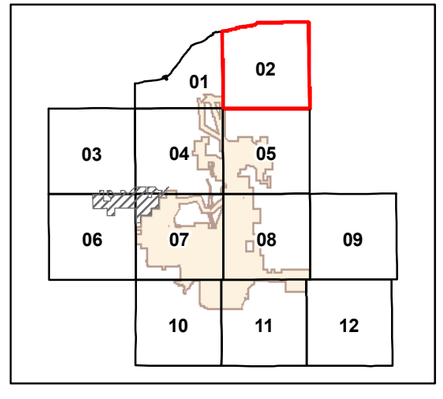
Legend

- Approved Site Boundary
- Area Removed from Approved Site Boundary
- Tax Lot within 500 feet of the Property the Site Boundary is Located on
- Tax Lot between 500 and 1,000 feet of the Property the Site Boundary is Located on
- Public Land Survey System Township Range Boundary

Basemap Features

- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded from Gilliam County Assessor on 4/2/2020.
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/8/2020.



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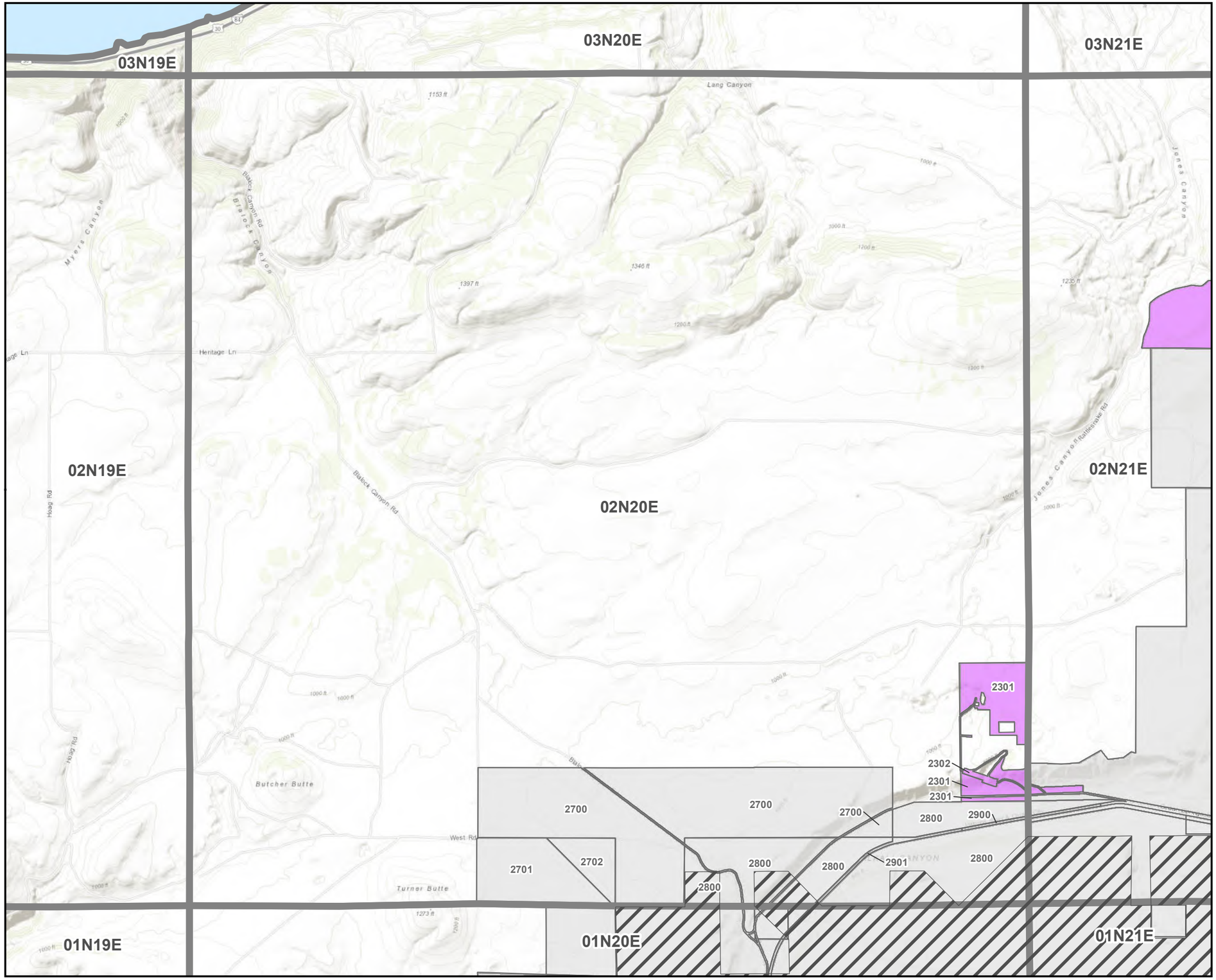
Basemap Source: ESRI World Topographic Map

Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 03 of 12
Montague Wind Power Facility



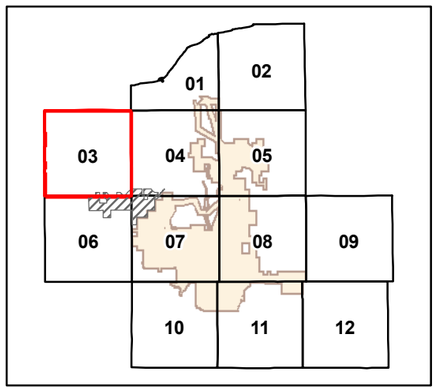
Legend

- Approved Site Boundary
- Area Removed from Approved Site Boundary
- Tax Lot within 500 feet of the Property the Site Boundary is Located on
- Tax Lot between 500 and 1,000 feet of the Property the Site Boundary is Located on
- Public Land Survey System Township Range Boundary

Basemap Features

- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded from Gilliam County Assessor on 4/2/2020.
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/8/2020.



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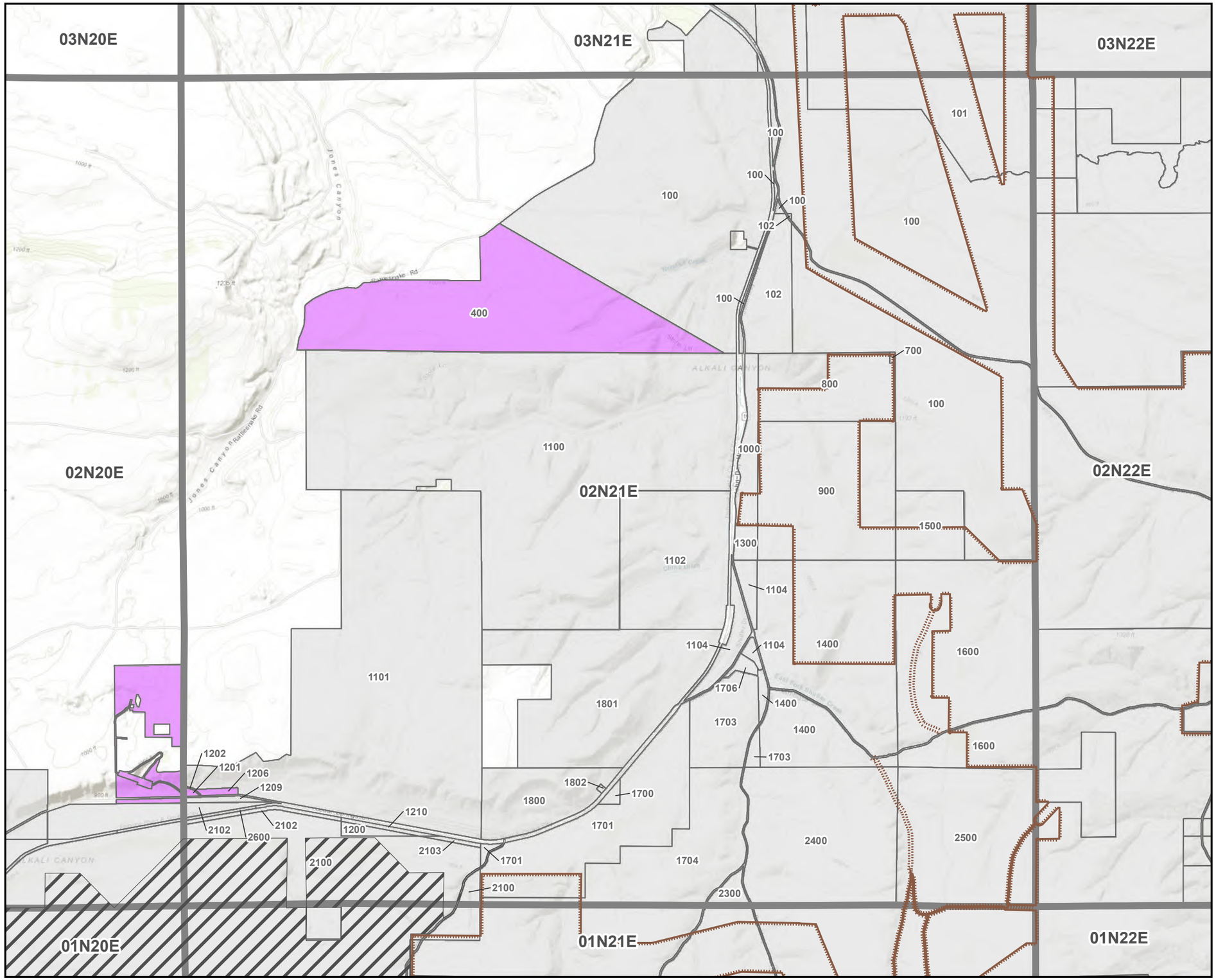
Basemap Source: ESRI World Topographic Map



Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 04 of 12
Montague Wind Power Facility

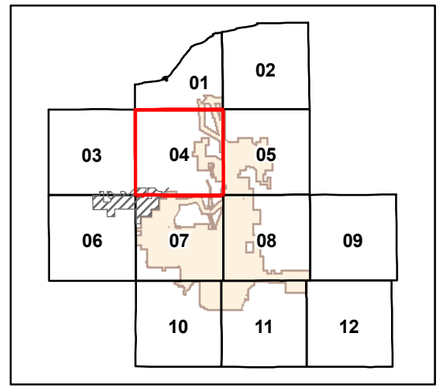
Legend

- Approved Site Boundary
- Area Removed from Approved Site Boundary
- Tax Lot within 500 feet of the Property the Site Boundary is Located on
- Tax Lot between 500 and 1,000 feet of the Property the Site Boundary is Located on
- Public Land Survey System Township Range Boundary

Basemap Features

- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded from Gilliam County Assessor on 4/2/2020.
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/8/2020.



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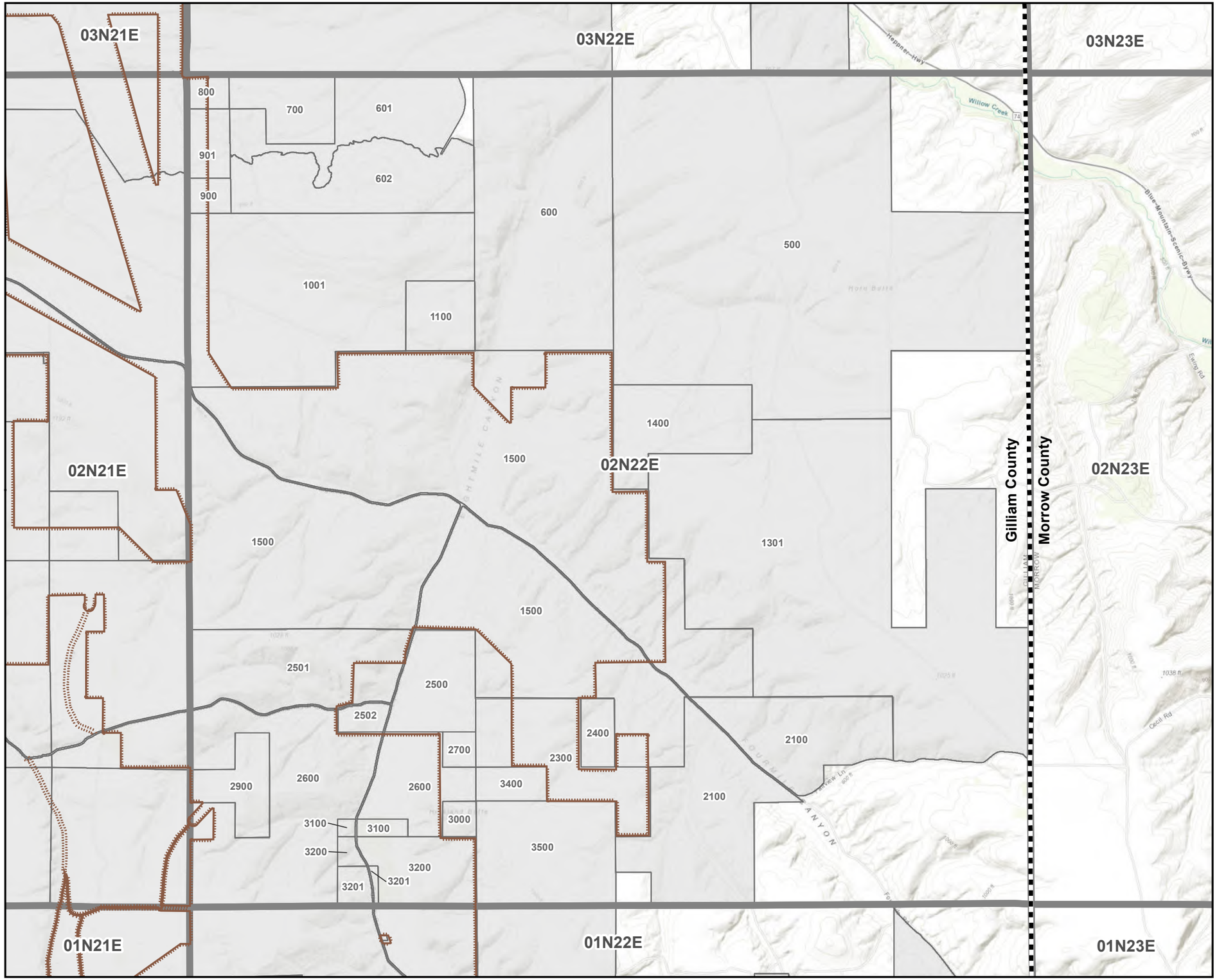
Basemap Source: ESRI World Topographic Map

Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 05 of 12
Montague Wind Power Facility



Legend

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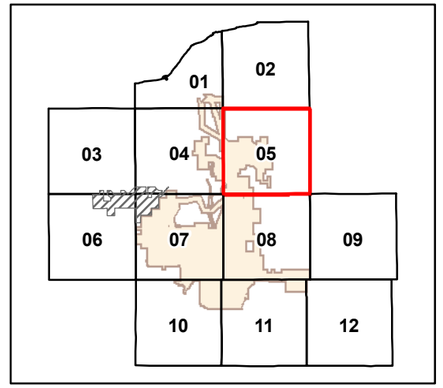

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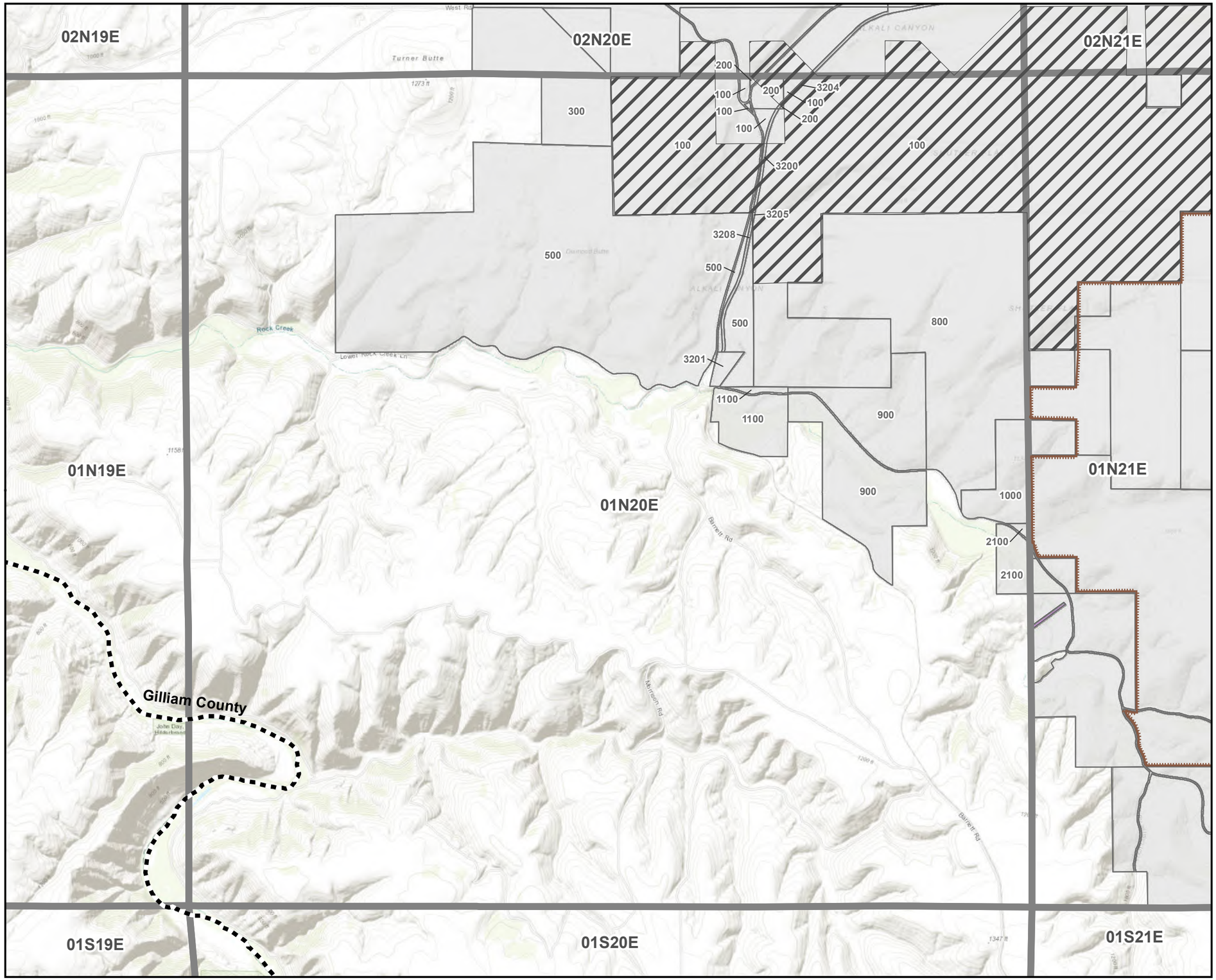
Basemap Source: ESRI World Topographic Map



Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 06 of 12
Montague Wind Power Facility

Legend

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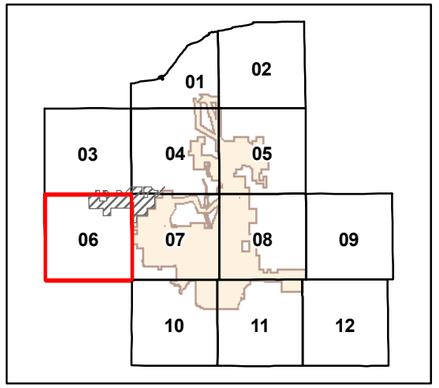

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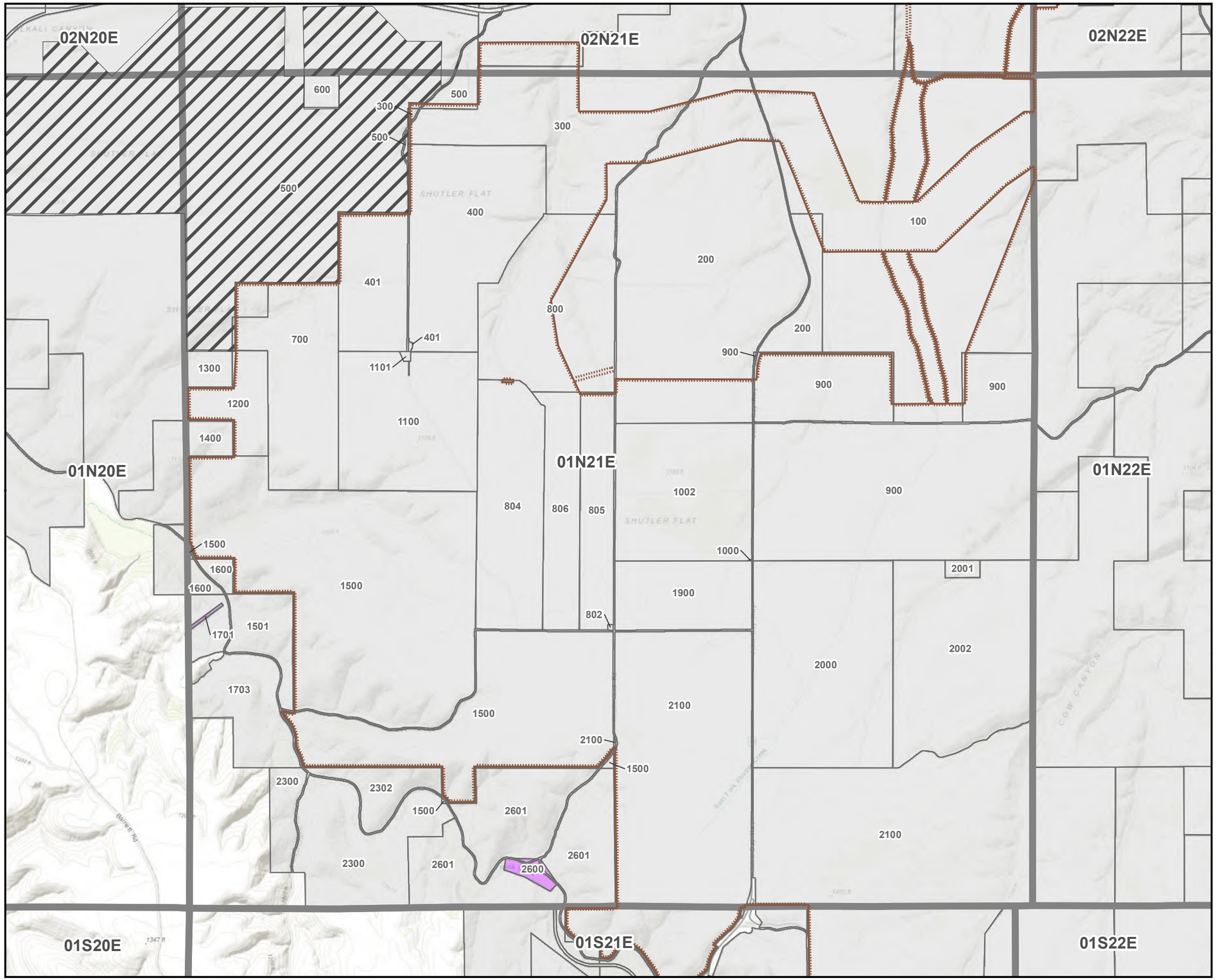

Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 07 of 12
Montague Wind Power Facility

Legend

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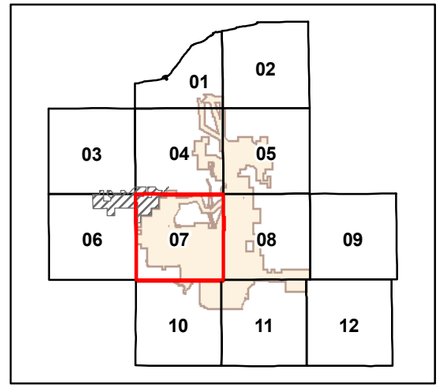

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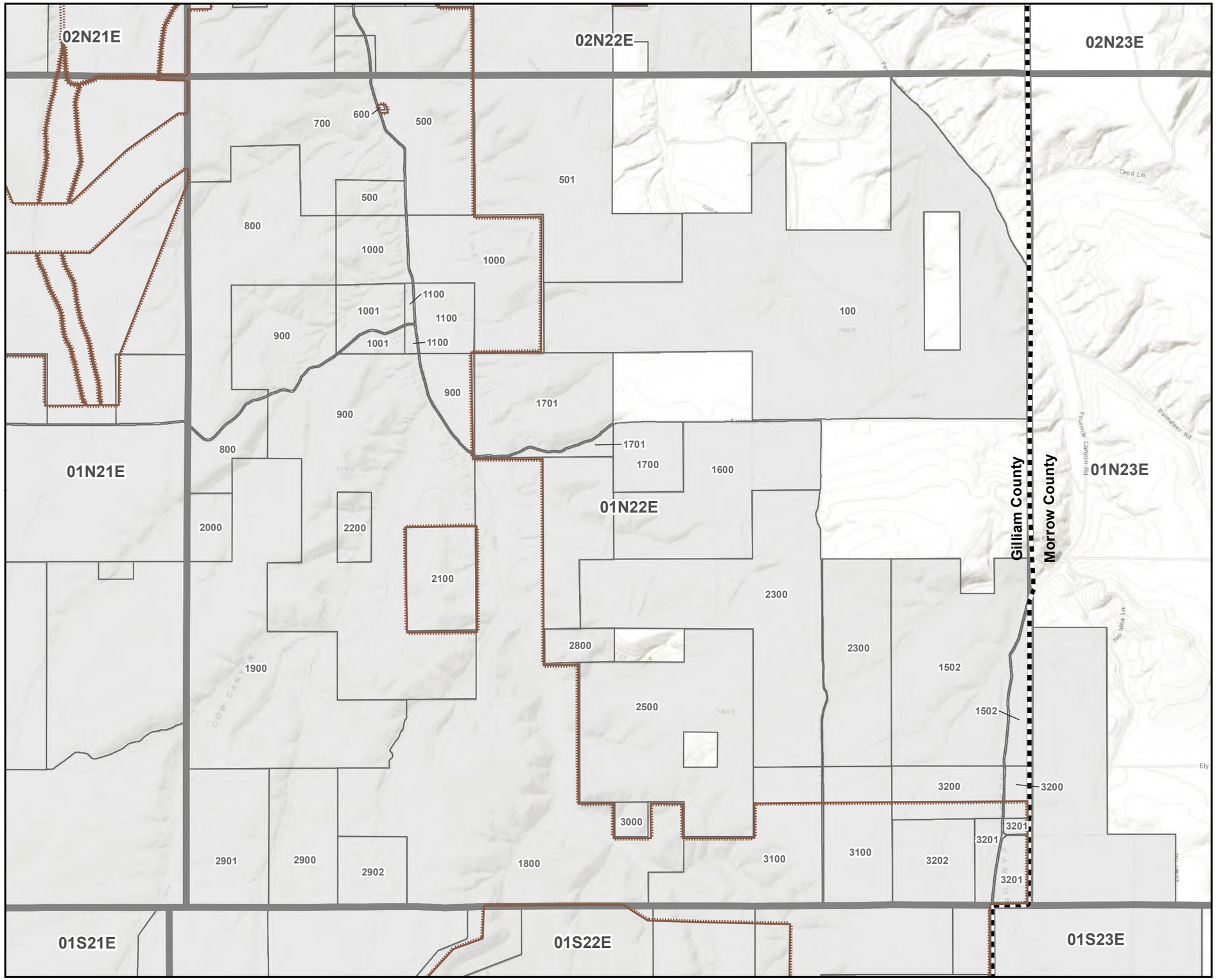
Basemap Source: ESRI World Topographic Map



Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 08 of 12
Montague Wind Power Facility

Legend

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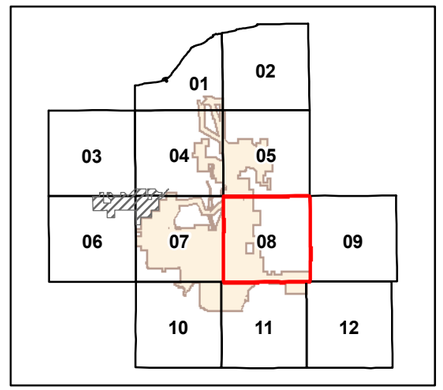

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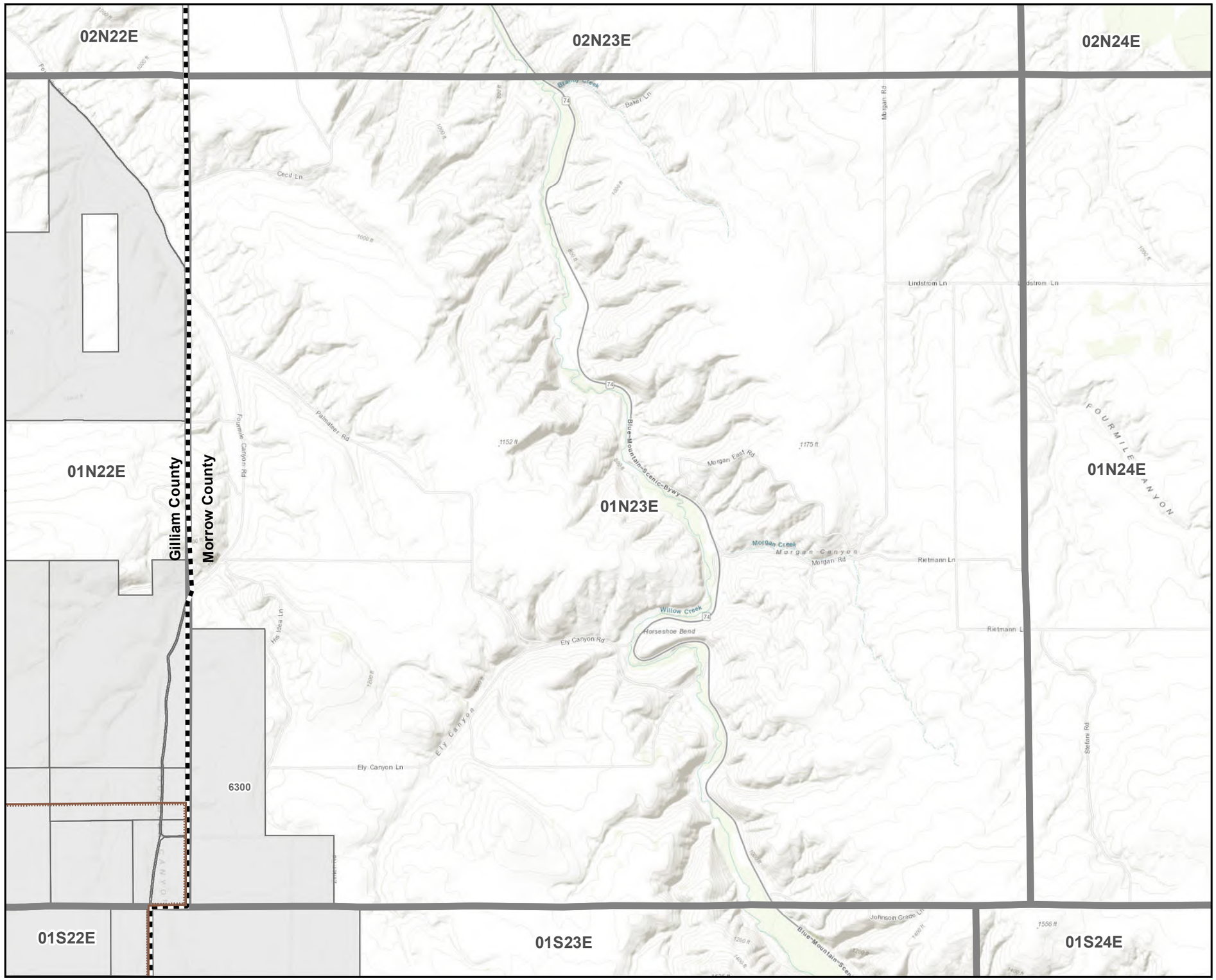

Attachment 2
Gilliam and Morrow County Tax Lots within 500 and 1,000 Feet of the Property the Site Boundary is Located On
Sheet 09 of 12
Montague Wind Power Facility

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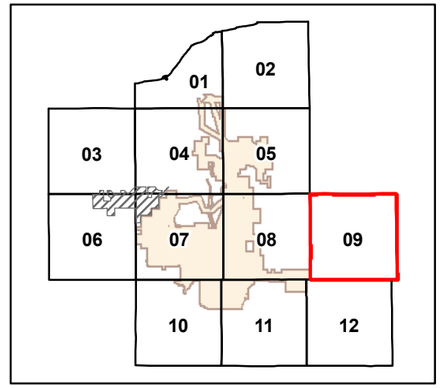

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Attachment 2
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Sheet 10 of 12
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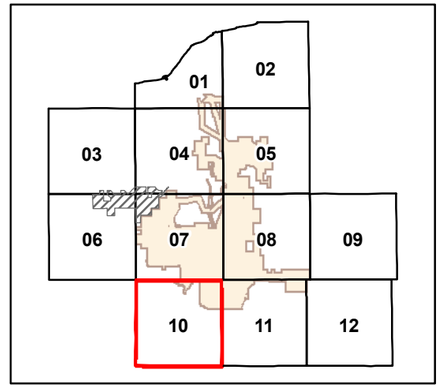

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Sheet 11 of 12
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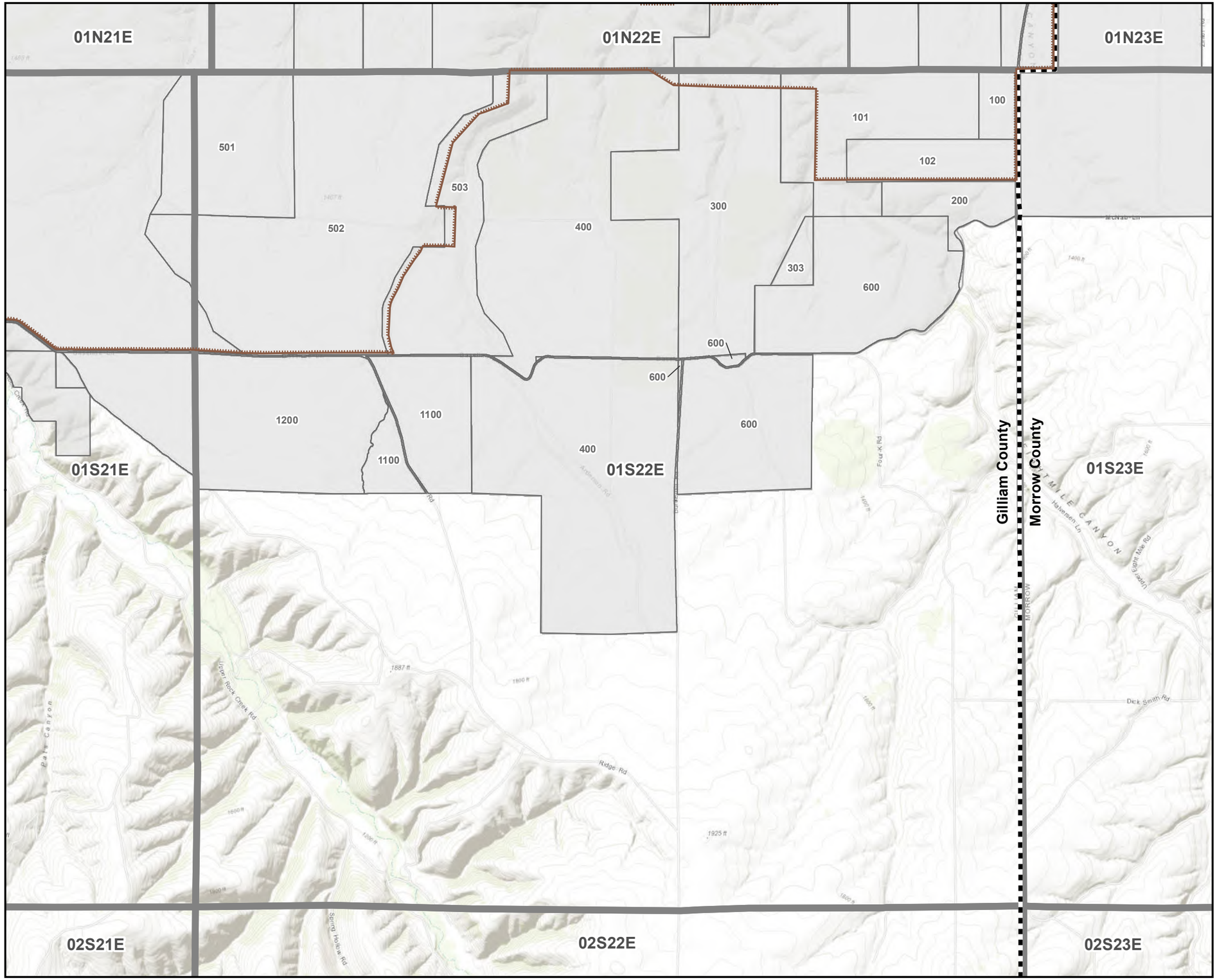

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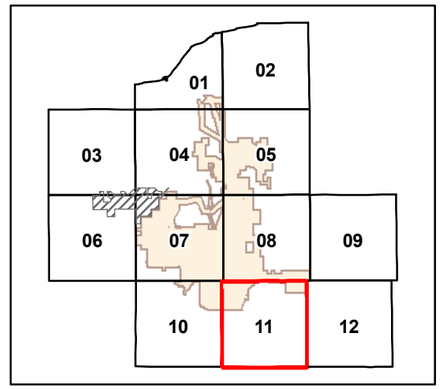

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Sheet 12 of 12
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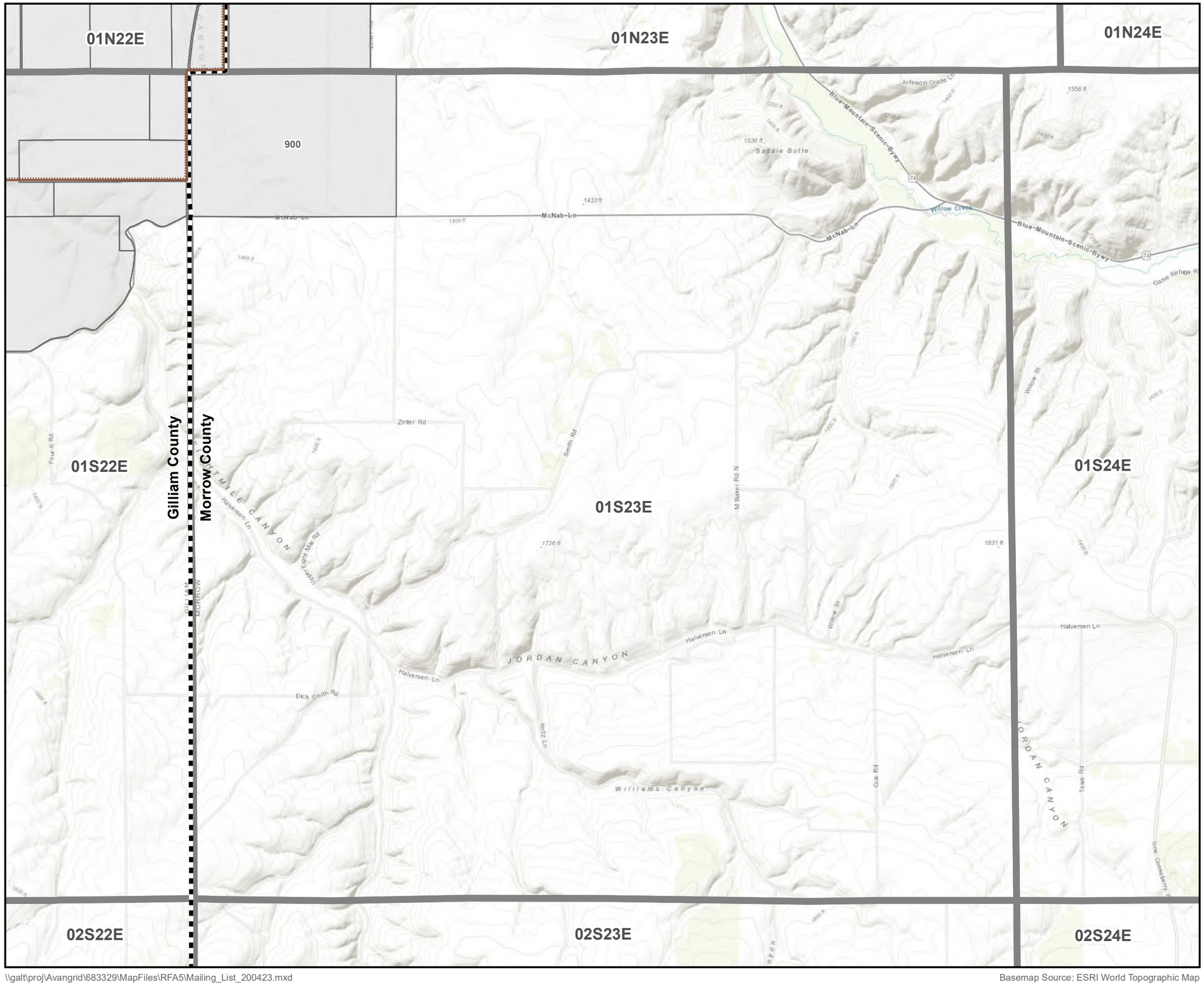

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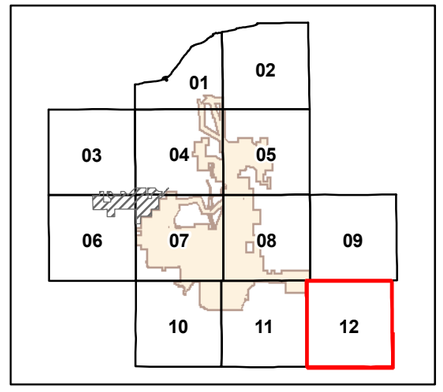

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Basemap Source: ESRI World Topographic Map

Attachment 3
Estimated Retirement and Restoration Costs

To be provided under separate cover

Attachment 4
Landowner Letters

Mr. Chase McVeigh-Walker
Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

March 22, 2020

Subject: Montague Wind Energy Facility and Proposed Solar Array on Holtz Farmland

Dear Mr. McVeigh-Walker,

Montague Wind Power Facility, LLC (Montague), a wholly-owned subsidiary of Avangrid Renewables, LLC (Avangrid), is proposing to expand the previously approved Montague Solar micrositing area to develop a portion of the photovoltaic solar array on land owned by Timothy H. and Deborah L. Holtz (Holtz) in Gilliam County, Oregon. The expansion is proposed to include a portion of the Oregon Trail Solar micrositing area on approximately 300 acres of our land. We have worked with Avangrid in Gilliam County and maintain a long-standing relationship with the company. We own or lease land for farming operations on 18,000 acres in Oregon.

In Gilliam County, we own or lease approximately 6,000 acres of agricultural land for dryland farming. The expansion of the Oregon Trail Solar micrositing area would be located on the portion of our property in Sections 16 and 21 of Township 1 North, Range 21 East on tax lots 01N21E0000-00804 and 01N21E0000-00806, which are within the previously approved site boundary for the Montague Wind Power Facility. The portion of the Oregon Trail Solar micrositing area on our property represents approximately 5% percent of our farming operations in Gilliam County and approximately Less than 2% of our overall farming operations in Oregon. Montague turbines are also proposed to be located on our same land and may be co-located next to the solar array within the Oregon Trail Solar micrositing area.

We worked with Avangrid to define the expanded Oregon Trail Solar micrositing area for up to 300 acres of solar generation. The design layout in Avangrid's amendment request shows what we consider the worst-case scenario within the Oregon Trail Solar micrositing area because the layout would use the majority of our land on tax lots 01N21E0000-00804 and 01N21E0000-00806 that is available for farming. The layout does not prevent us from continuing farming operations on nearby properties and will not result in changes to farm operations on surrounding lands. We prefer that Avangrid evaluate the worst-case scenario in the amendment request to fully assess potential impacts, while at the same time maintaining the flexibility to relocate the solar array anyplace within the Oregon Trail Solar micrositing area. This is important to us because before construction, Avangrid has agreed to coordinate with us on the final design layout in order to minimize impacts to ongoing farm operations.

The expanded Oregon Trail Solar micrositing area is not currently irrigated and has no history of irrigation. There are no water right permits, certificates, points of diversion, or places of use associated with our property on tax lots 01N21E0000-00804 and 01N21E0000-00806. No irrigation systems exist or are available to irrigate the land within the expanded micrositing area. Given the lack of irrigation, some land within the Oregon Trail Solar micrositing area is comparatively more productive than other land in the area, taking into consideration wind patterns, slope, and soil characteristics. These factors will be further examined when we coordinate with Avangrid on the final design layout. Avangrid has committed to working with us to locate the solar array on farmland that we consider to be less productive.

It is our position that the solar array and wind turbines are good investments for our land and will help to support our ongoing farming operations while concentrating solar development away from more

productive farmland. We can continue to farm without significant interference and we support the conditions Avangrid proposes to minimize adverse impacts on our land and to farming operations associated with adjacent landowners.

Sincerely,

Timothy H. and Deborah L. Holtz
Land owners

Mr. Chase McVeigh-Walker
Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

March 9, 2020

Subject: Montague Wind Energy Facility and Proposed Solar Micrositing Area Expansion on Weedman Brothers Farmland

Dear Mr. McVeigh-Walker,

Montague Wind Power Facility, LLC (Montague), a wholly-owned subsidiary of Avangrid Renewables, LLC (Avangrid), is proposing to expand the previously approved 1,189 acre Montague Solar micrositing area on land owned by Weedman Brothers, an Oregon Partnership in Gilliam County, Oregon. The expansion is proposed to include part of the Oregon Trail Solar micrositing area on approximately 616 acres of our land. Weedman Brothers and Weedman Ranches also work with Avangrid in Sherman County, Oregon, and we maintain a long-standing relationship with the company. We own and operate farming operations on 23,000 acres in Oregon and we have 36 operating wind turbines on our land which are part of Avangrid's Hay Canyon, Star Point, and Klondike III wind farms.

In Gilliam County, Weedman Ranches and Weedman Brothers LLC own or lease approximately 8,300 acres of agricultural land used primarily for dryland farming. The expansion of the Oregon Trail Solar micrositing area would be located on a portion of our property in Section 28 of Township 1 North, Range 21 East on tax lot 01N21E0000-01500, which is included within the previously approved site boundary for the Montague Wind Power Facility. Combined, the previously approved Montague Solar micrositing area and the proposed expanded Oregon Trail Solar micrositing area represent approximately 22 percent of our farming operations in Gilliam County and less-than-eight percent of our overall farming operations in Oregon. Montague turbines are also proposed to be located on the same land, co-located next to the solar arrays or within the solar micrositing areas.

We worked with Avangrid to define the proposed Oregon Trail Solar micrositing area for up to 616 acres of solar generation. The design layout in Avangrid's amendment request shows what we consider the worst-case scenario within the Oregon Trail Solar micrositing area because the layout would limit Weedman Brother's continued access to the farm fields from the existing barn and equipment storage area. The layout does not prevent us from continuing our farming operations but it would pose some challenges like increased time and length of route to access the fields. We prefer, however, that Avangrid evaluate the worst-case scenario in the amendment request to fully assess potential impacts, while at the same time maintaining the flexibility to relocate the solar array anyplace within the Oregon Trail Solar or Montague Solar micrositing areas. This is important to us because before construction, Avangrid has agreed to work with us to coordinate on the final design layout to further minimize impacts to our ongoing farm operations. For instance, if we are planted in one field and not in the other, we would like to suggest the solar be located in fallow ground rather than in ground planted in wheat. The micrositing areas let us maintain our flexibility in rotating fields.

Avangrid asked us to research the historical water rights on the property to help explain the soil classification and to establish the "farm-ability" of the solar land. Here is a summary:

We do not currently or historically irrigate the Oregon Trail Solar or Montague Solar micrositing areas, nor do we have the ability to obtain any new irrigation rights at this time. The previous landowner, Anderson,

had applied and received a permit to irrigate the solar micrositing areas and additional property outside of the solar micrositing areas, totaling 2,793.5 acres. The irrigation permit, Water Permit G-15187, was for drilling three wells, one of which was proposed for property within a portion of the solar micrositing areas, and would irrigate a total of 2,793.5 acres of crops, drawing 34.91 cubic feet per second. However, the permit required the start of construction for at least one of the wells, on or before October 1, 2006. The Andersons and the Weedmans did not begin construction of the wells on the property and therefore the permit is cancelled.

The Andersons never assigned the water permit to the Weedmans. When we requested an extension for the time to develop the wells, the state denied our request for assignment and extension because we did not hold the permit and it had expired October 1, 2006, due to inactivity. Jerry Sauter at the Oregon Water Resources Department (OWRD) has cancelled the permit. Jerry sent us a 60-day letter allowing us a final chance to produce evidence of well construction. The 60 days has since expired and the permit is cancelled. There is nothing that can be done with this permit. We have had conversations with OWRD about reviving the rights but OWRD informed us that this is unlikely. Attached is evidence of the extension request denial.

Given the lack of irrigation, certain land within the solar micrositing areas is more productive than other land in the areas, taking into consideration wind patterns, slope, and soil characteristics. These factors will be further examined when we coordinate with Avangrid on final design layout. Avangrid has committed to working with us to locate the solar arrays on farmland that we consider to be less productive.

It is our position that the solar arrays and wind turbines are good investments for our land and will help to support our ongoing farming operations. We can continue to farm without significant interference and we support the conditions proposed by Avangrid to minimize adverse impacts on our land and current farm operations.

Sincerely,

Mike Weedman (PARTNER) 3-25-2020

[Landowner Name]
Weedman Brothers, an Oregon partnership

Attachment: Evidence of Extension Request Denial from Oregon Water Resources Department

Attachment 5
Articles of Organization and Authorization

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "MONTAGUE SOLAR, LLC", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF NOVEMBER, A.D. 2019, AT 5:28 O`CLOCK P.M.

Jeffrey W. Bullock, Secretary of State

7722126 8100
SR# 20198294127

Authentication: 204084133
Date: 11-25-19

You may verify this certificate online at corp.delaware.gov/authver.shtml

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Montague Solar, LLC.

2. The Registered Office of the limited liability company in the State of Delaware is located at 251 Little Falls Drive (street), in the City of Wilmington, Zip Code 19808. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Corporation Service Company.

By: _____
Authorized Person

Name: Toan Nguyen
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:28 PM 11/25/2019
FILED 05:28 PM 11/25/2019
SR 20198294127 - File Number 7722126

ARTICLES OF ORGANIZATION

Corporation Division
www.filinginoregon.com

E-FILED
Mar 24, 2020
OREGON SECRETARY OF STATE

REGISTRY NUMBER

165779795

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

1. ENTITY NAME

OREGON TRAIL SOLAR, LLC

2. MAILING ADDRESS

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

3. PRINCIPAL PLACE OF BUSINESS

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

4. NAME & ADDRESS OF REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE STE 310
SALEM OR 97301 USA

5. ORGANIZERS

44852689 - AVANGRID RENEWABLES, LLC

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

6. INDIVIDUALS WITH DIRECT KNOWLEDGE

TOAN NGUYEN

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

7. INITIAL MEMBERS/MANAGERS

MEMBER

44852689 - AVANGRID RENEWABLES, LLC

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

8. DURATION

PERPETUAL

9. MANAGEMENT

This Limited Liability Company will be member-managed by one or more members

10. OPTIONAL PROVISIONS

The company elects to indemnify its members, managers, employees, agents for liability and related expenses under ORS 63.160 to 63.170.

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

TOAN NGUYEN

TITLE

ASSISTANT SECRETARY

DATE SIGNED

03-24-2020

Attachment 6
Legal Opinion

AVANGRID
RENEWABLES

Jeffrey Durocher
Senior Counsel

April 16, 2020

Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, Oregon 97301

Re: Application for Amendment of Site Certificate for the Montague Wind Power Facility

Dear Sir or Madam:

I am an attorney for Avangrid Renewables, LLC, an Oregon limited liability company. I also represent and have acted as counsel to its affiliate, Montague Solar, LLC, a Delaware limited liability company (the "Applicant").

I have examined originals or copies certified or otherwise identified to my satisfaction as the books and records of Applicant and such other documents, limited liability company records, certificates of public officials and other instruments regarding the Applicant as I have deemed necessary and appropriate for the purposes of this opinion.

In rendering this opinion expressed below, I have assumed (i) the authenticity of all the documents submitted to me as originals and (ii) the conformity to original documents of all documents submitted to me as copies. As to factual matters, I have relied to the extent deemed proper upon statements and certification of officers and managers of the Applicant.

Based on the foregoing, to the best of my knowledge, I am of the opinion that, subject to the Applicant's meeting of all applicable federal, state and local laws (including all rules and regulations promulgated there under), the Applicant is authorized to do business in Oregon and has the legal authority to construct and operate the proposed solar generation facility and associated facilities located in Gilliam County, Oregon (the "Project") for which the Applicant is seeking a Site Certificate amendment from the Oregon Energy Facility Siting Council, without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements.

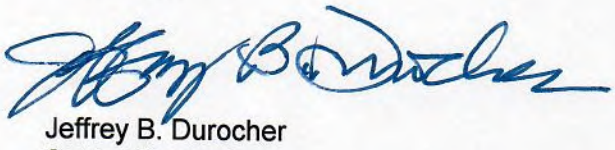
I am a member of the bar of the states of Oregon, New York, New Jersey, and the District of Columbia and for the purposes of this opinion, do not hold myself out as an expert in, and do not express any opinion with respect to the law of any jurisdiction other than the law of the state of Oregon.

The foregoing opinion is limited solely to whether the Applicant has the authority under its operating agreements to construct, own and operate the Project. I express no opinion as to the applicability of any federal, state or local laws (including all rules and regulations promulgated there under) to such construction and operation or as to the effects of the foregoing laws on such construction and operation.

Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209
www.iberdrolarenewables.us

Please contact me if you have any additional questions regarding this matter.

Very truly yours,



Jeffrey B. Durocher
Senior Counsel

AVANGRID
RENEWABLES

Jeffrey Durocher
Senior Counsel

April 17, 2020

Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, Oregon 97301

Re: Application for Amendment of Site Certificate for the Montague Wind Power Facility

Dear Sir or Madam:

I am an attorney for Avangrid Renewables, LLC, an Oregon limited liability company. I also represent and have acted as counsel to its affiliate, Oregon Trail Solar, LLC, also an Oregon limited liability company (the "Applicant").

I have examined originals or copies certified or otherwise identified to my satisfaction as the books and records of Applicant and such other documents, limited liability company records, certificates of public officials and other instruments regarding the Applicant as I have deemed necessary and appropriate for the purposes of this opinion.

In rendering this opinion expressed below, I have assumed (i) the authenticity of all the documents submitted to me as originals and (ii) the conformity to original documents of all documents submitted to me as copies. As to factual matters, I have relied to the extent deemed proper upon statements and certification of officers and managers of the Applicant.

Based on the foregoing, to the best of my knowledge, I am of the opinion that, subject to the Applicant's meeting of all applicable federal, state and local laws (including all rules and regulations promulgated there under), has the legal authority to construct and operate the proposed solar generation facility and associated facilities located in Gilliam County, Oregon (the "Project") for which the Applicant is seeking a Site Certificate amendment from the Oregon Energy Facility Siting Council, without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements.

I am a member of the bar of the states of Oregon, New York, New Jersey, and the District of Columbia and for the purposes of this opinion, do not hold myself out as an expert in, and do not express any opinion with respect to the law of any jurisdiction other than the law of the state of Oregon.

The foregoing opinion is limited solely to whether the Applicant has the authority under its operating agreements to construct, own and operate the Project. I express no opinion as to the applicability of any federal, state or local laws (including all rules and regulations promulgated there under) to such construction and operation or as to the effects of the foregoing laws on such construction and operation.

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Please contact me if you have any additional questions regarding this matter.

Very truly yours,

Jeffrey B. Durocher
Senior Counsel