ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Site Certificate
for the
Montague Solar Facility

ISSUANCE DATES:

Site Certificate September 25, 2020

Issuance Date History under Montague Wind Power Facility Site Certificate

Site Certificate September 10, 2020
First Amended Site Certificate June 21, 2013
Second Amended Site Certificate December 4, 2015
Third Amended Site Certificate July 12, 2017
Fourth Amended Site Certificate August 23, 2019
Fifth Amended Site Certificate September 25, 2020
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I. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Montague 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 Solar, LLC (certificate holder), a wholly owned subsidiary of Avangrid Renewables, LLC (parent company) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. [Amendment #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; (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final Order on Amendment #3 issued on July 12, 2017; (e) the Final Order on Amendment #4 issued on August 23, 2019; and (f) the Final Order on Amendment #5 issued on September 25, 2020. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Fifth Amended Site Certificate, (2) the Final Order on Amendment #5, (3) the Final Order on Amendment #4, (4) the Final Order on Amendment #3, (5) the Final Order on Amendment #2, (6) the Final Order on Amendment #1, (7) the Final Order on the Application, and (8) the record of the proceedings that led to the Final Order on the Application, the 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 #5.

As authorized in Final Order on Amendment #5, the Montague Wind Power Facility certificate holder obtained approval to split the Montague Wind Power Facility site certificate into three site certificates — Montague Wind Power Facility, Montague Solar Facility and Oregon Trail Solar Facility. Each of these certificate holders is a wholly owned subsidiary and LLC created by Avangrid Renewables, LLC resulting in each certificate holder owned by the same parent company. In addition, these facilities share facility components and are interconnected for the duration of long-term operation.

Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of the site certificate as set forth in the 2010 Final Order on the Application for Site Certificate and subsequent Final Orders on Requests for Amendment 1 through 5 for the Montague Wind Power Facility are incorporated by reference into the site certificate, these underlying findings, including any findings establishing the predevelopment condition of the site and impacts of approved facility components continue to have bearing on the analysis and findings required to approve any future changes to the site certificates for the successor facilities. In other words, compliance with Council standards requiring an environmental impact analysis should be based on 2010 predevelopment conditions and the incremental change in environmental impact from the operational Montague Wind Power Facility, as of 2019, approved or operational facility components as presented in Council’s Final Order on Amendment 4. This clarification is intended to establish that, with the splitting of facility components under three site certificates, baseline conditions (2010) and subsequent environmental impacts of the facility (in operation and not yet constructed components) shall not be adjusted in a way that results in greater overall impacts than the level of impacts that would be authorized under one site certificate. Future requests to amend the Montague Solar Facility site certificate shall evaluate compliance with Council standard requirements based on overall impacts from the operational components as approved in the

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2017 Final Order on Amendment 3 and not yet constructed facility components, as approved in Final Order on Amendment 4.

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

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 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; AMD5]

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).

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 #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]

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).

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).

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).

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).
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).

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, 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.

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.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

The Montague Solar Facility is an electric power generating plant consisting of approximately 162 megawatts (MW) of solar photovoltaic energy generating components on up to 1,496 acres of an approved solar micrositing area. Within the solar micrositing area, solar photovoltaic energy generation equipment could include modules consisting of solar panels, trackers, racks, posts, inverter/transformer units and above- and belowground cabling. Solar panels would be supported by galvanized steel posts, which would be hydraulically driven into the ground at a depth of 5 to 8 feet, with an approximately 4 to 5.5-foot aboveground height. Solar panels would be designed with anti-reflective coating. Modules would be placed on non-specular metal galvanized steel racks, with heights ranging from 4 to 15 feet at full tilt. To convert energy generated within the modules from alternating current (ac) to direct current (dc), inverter/transformer units would be installed. Solar photovoltaic energy generation equipment would be contained by an approximately 8-foot chain-link fence extending around the perimeter. Access to solar facility components would be provided via two new access points on the north side of Bottemiller Lane. The energy facility is described further in the Final Order on Amendment #4 and the 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 Amendment #4 and the Final Order on Amendment #5:

- Power collection system
- Control system
- Substations and 230-kV transmission lines
- Battery storage system
- Operations and maintenance (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 the solar array to the collector substation. To the extent practicable, the collection system is installed underground at a depth of at least three feet. Not more than 27 miles of the collector system combined across facility is installed aboveground.

**Control System**

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

**Substations and 230-kV Transmission Lines**

The facility includes two collector substations. One substation (“Montague Wind substation”) is shared with the Montague Wind Power facility, and the second (“Montague Solar collector substation”) is shared with the Oregon Trail Solar facility. An aboveground, single-circuit 230-kV transmission line connects the Montague Solar collector substation to the Montague Wind 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**

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 solar energy generated by the Facility, and would be used to stabilize the 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 Montague Solar 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.

The battery storage would occupy up to 6 acres and would include batteries and racks or containers, inverters, isolation transformers, and switchboards, an approximately 20-foot warehouse-type building, medium-voltage and low-voltage electrical systems, fire suppression, heating, ventilation, and air-conditioning systems, building auxiliary electrical systems, and network/SCADA systems. Battery storage would include a cooling system (more advanced systems required for Li-ion), which may include a separate chiller plant located outside the battery racks with chillers, pumps, and heat exchangers. High-voltage (HV) equipment would include a step-up transformer, HV circuit breaker, HV current transformers and voltage transformers, a packaged control building for the HV breaker and transformer
equipment, HV towers, structures, and HV cabling. The battery storage area would be enclosed by approximately 2,140 feet of continuous chain-link perimeter fencing 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate.

**Operations and Maintenance Building**

The facility includes one O&M building ("Montague Solar O&M building") shared with the Oregon Trail Solar facility. An on-site well at Montague Solar O&M 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 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.

**Shared Related or Supporting Facilities**

The site certificates for the Montague Solar Facility, Oregon Trail Solar Facility and Montague Wind Power Facility were originally approved as one site certificate for the Montague Wind Power Facility (September 2010 – September 2019). In September 2020, facility components were split or allocated into three separate site certificates, but identified that certain related or supporting facilities would be shared or used by each facility. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under each site certificate, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the Montague Solar Facility, Oregon Trail Solar Facility and Montague Wind Power Facility including the Montague Wind collector substation, 230 kV transmission line, temporary laydown areas, and access roads. The certificate holder is authorized to share related or supporting facilities between the Montague Solar Facility and Oregon Trail Solar Facility including the Montague Solar collector substation, 230 kV transmission line, O&M building and battery storage. These related or supporting facilities are included in each site certificate. Compliance responsibility with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between site certificates and certificate holders. In accordance with Condition 118, if any certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, each certificate holder would be obligated to submit an amendment determination request or request for amendment to the
Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

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. SITE CERTIFICATE CONDITIONS

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.
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.

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.)

OAR 345-025-0006(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.

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. [AMDS]

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.

OAR 345-025-0006(8): Before beginning construction 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 has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. (See Condition 32.) [AMDS]
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.

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.

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.

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. [AMDS]

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.

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. [AMDS]

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.

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.

[AMD3, Deleted, AMD4]

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 Montague Solar collector substation to the Montague Wind collector substation to BPA’s Slatt Substation as presented in Figure 1 of the site certificate.

[OAR 345-025-0010(5); ASC; AMD5]

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. [AMD5]

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.

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.

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.

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.

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 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. [AMDS]

25 The certificate holder shall complete construction of the facility 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. [AMD5]

[Deleted in AMD5, Sept 2020]

The certificate holder shall construct a facility substantially as described in the site certificate and may select solar array components using or occupying up to 1,496 acres substantially as approved in Final Order on RFA4 (August 2019) and Final Order on RFA5 (September 2020) [Final Order on ASC; AMD3; AMD4; AMD5]

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.

The certificate holder shall:

(i) Before beginning construction 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. [AMD5]

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.

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 Figure P-9 in 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.

Before beginning construction 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 in an amount that is either $8.1 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 by applying the unit costs and general costs

illustrated in Table 1 of Attachment A-2 in the Final Order on 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. 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-2019 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 1st and 2nd Quarter 2019 index values (to

represent mid-2019 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-2019 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-2019 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 1st and 2nd Quarter 2019 index values (to

represent mid-2019 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-2019 dollars to present

value.

(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount

determined as 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.
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.

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.

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.

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.

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

The certificate holder shall consult with area landowners and lessees during construction and operation 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]

The certificate holder shall design and construct 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]

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.
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).

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) The certificate holder shall maintain a minimum distance of 50 feet measured from the Montague Solar 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.

(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.

(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.

(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.

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.

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.

Within 90 days after beginning operation 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 the facility and a summary of as-built changes in the facility compared to the original plan.

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

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 Historical Resource Mitigation Plan (HRMP), based on the draft HRMP provided in Attachment H of the Final Order on Request for Amendment 5. The final HRMP shall include the following:

(i) Confirmation on established setback of 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. [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:

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

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

(c) 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.

(d) 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 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]

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

Before beginning construction 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; AMD5]

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

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.


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. [AMD5]
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 Montague Solar O&M building. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials.

[Deleted AMD5, Sept 2020]

[Deleted AMD5, Sept 2020]

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

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. For solar facility components, the certificate holder shall address worker training requirements, inspections, vegetation management, fire prevention and response equipment and potential mutual assistance in the case of fire within or around the facility site boundary. 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. [AMD5]

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 actual location of all facility structures. The certificate holder shall provide an updated site plan if 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.

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 graved areas to the extent possible and that open flames, such as cutting torches, are kept away from dry grass areas.

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.

[Deleted AMD5, Sept 2020]
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.

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. 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.

The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Gilliam County Road 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. 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.

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.

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

(a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
(b) Providing appropriate traffic safety signage and warnings.
(c) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic.
(d) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.
(e) 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.
(f) Encouraging carpooling for the construction workforce.
(g) Including traffic control procedures in contract specifications for construction of the facility.
(h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access points.

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.
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 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. [AMDS]

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.

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. [AMDS]

(a) During construction 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 Sheriff’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.

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 The certificate holder shall:

(a) 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.

(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.

[AMDS5]

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, the certificate holder shall provide to the Department a map showing the final design locations of all components 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. 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.

[AMDS5]
During facility operation, the certificate holder shall routinely inspect and maintain all facility components including roads, battery storage pads, solar array, and trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [AMDS]

During facility operation, the certificate holder shall obtain water for on-site uses from an on-site well located near the Montague Solar O&M building. The certificate holder shall construct on-site 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 well. The certificate holder may use other sources of water for on-site uses subject to prior approval by the Department.

During facility operation, if 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. [AMDS]

7. Transmission Line & EMF Conditions

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.

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

(a) [Deleted AMDS, Sept 2020]
   (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.
   (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.
   (c) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

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

Prior to construction of the facility, the certificate holder shall finalize the Wildlife Monitoring and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment G of the Final Order on Request for Amendment #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; AMD5]

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 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 #5, and as amended from time to time. [Amendment #3; AMD5]

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 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 D to the Final Order on Request for Amendment 5 and updated based on Condition 31. The final Habitat Mitigation Plans may be amended from time to time. [AMD3; AMD5]

(b) Prior to construction, the certificate holder shall finalize and implement the Habitat Mitigation Plan (HMP) included as Attachment D of the Final Order on Amendment 5, 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. [AMD5]

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 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 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 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.

(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
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:

<table>
<thead>
<tr>
<th>Species</th>
<th>Sensitive Period</th>
<th>Early Release Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swainson's hawk</td>
<td>April 1 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Ferruginous hawk</td>
<td>March 15 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Burrowing owl</td>
<td>April 1 to August 15</td>
<td>July 15</td>
</tr>
</tbody>
</table>

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 [Deleted AMD5, Sept 2020]
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.

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

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.

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

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

(a) Paint the Montague Solar collector substation structure in a low-reflectivity neutral color to blend with the surrounding landscape.

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

(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 Montague Solar O&M building to identify the facility.

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

The certificate holder shall design and construct the Montague Solar O&M 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. [AMDS]

The certificate holder shall not use exterior nighttime lighting except:
(a) Security lighting at the Montague Solar O&M building and substation, provided that such lighting is shielded or downward-directed to reduce glare.
(b) Minimum lighting necessary for repairs or emergencies.
(c) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

10. Noise Control Conditions

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.

The certificate holder shall provide to the Department:

(i) Prior to construction:
   (a) A noise analysis that includes the following Information:

   Final design locations of all noise-generating facility components (all wind turbines; substation transformers; in 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 Montague Solar collector substation transformers and the inverters and transformers associated with the photovoltaic solar array; and inverters and cooling systems associated with battery storage system.

   The results of noise analysis 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 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; AMD5]

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]

11. Waste Management Conditions

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.

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

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. [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.

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. [AMD5]

V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILITY SITE CERTIFICATE AMENDMENTS

113-115 [Deleted AMD2, Dec 2015]

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]

118 The site certificate authorizes shared use of related or supporting facilities including the Montague Solar collector substation, Montague Solar O&M building, battery storage system, 230 kV transmission line, access roads, and temporary staging areas under the site certificates issued for the Montague Solar Facility and Oregon Trail Solar Facility. The site certificate authorizes shared use of related or supporting facilities including the Montague Wind collector substation under the site certificates issued for the Montague Wind Facility, Montague Solar Facility and Oregon Trail Solar Facility.

(a) Within 30 days of shared use, the certificate holder must provide evidence to the Department that the certificate holders have an executed agreement for shared use of facilities.
(b) If certificate holders of Montague Solar Facility or Oregon Trail Solar Facility propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates. If certificate holders opt to submit an amendment determination request, the requirement may be satisfied through submittal of a single amendment determination request with authorization (or signature) provided from each certificate holder.
(c) Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition 32, for the operational facility, if facilities are decommissioned at different times.

Prior to construction and operation of the facility, the certificate holder shall identify the number of outdoor signs and applicable Gilliam County Zoning Ordinance (GCZO) Section 8.050 Sign Regulation provisions and provide to the Department and Gilliam County Planning Department written confirmation that outdoor signage complies with the applicable provisions. [AMDS]

VI. 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 345-027-0400.

VII. 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.

VIII. 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.
IX. 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 Solar, LLC.

ENERGY FACILITY SITTING COUNCIL

By: Hanley Jenkins, II
Print: Hanley Jenkins, II
Date: Oct 2, 2020

MONTAGUE SOLAR, LLC

By: Sara Parsons
Print: Sara Parsons
Date: 10/6/2020

and

By: Steve Krump
Print: Steve Krump
Date: 10/8/2020
Figure 1: Site Boundary and 230 kV transmission line corridor