

ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Site Certificate for the Oregon Trail Solar Facility

ISSUANCE DATES:

Site Certificate September 25, 2020

Issuance Date History under Montague Wind Power Facility Site Certificate

Site Certificate September 10, 2020

Second Amended Site Certificate December 4, 2018

Third Amended Site Certificate July 12, 2017

Fourth Amended Site Certificate August 23, 2018

Fifth Amended Site Certificate September 25, 2014

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I. INTRODUCTION

2 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Oregon Trail Solar
3 Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding
4 agreement between the State of Oregon (State), acting through the Council, and Oregon Trail Solar, LLC
5 (certificate holder), a wholly owned subsidiary of Avangrid Renewables, LLC (certificate holder owner)
6 authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon.
7 [Amendment #5]

8 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site
9 certificate are set forth in the following documents, incorporated herein by this reference: (a) the Final
10 Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September
11 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 issued on
12 June 21, 2013; (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final Order on
13 Amendment #3 issued on July 12, 2017; (e) the Final Order on Amendment #4 issued on August 23,
14 2019; and (f) the Final Order on Amendment #5 issued on September 25, 2020. In interpreting this site
15 certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Fifth
16 Amended Site Certificate, (2) the Final Order on Amendment #5, (3) the Final Order on Amendment #4,
17 (4) the Final Order on Amendment #3, (5) the Final Order on Amendment #2, (6) the Final Order on
18 Amendment #1, (7) the Final Order on the Application, and (8) the record of the proceedings that led to
19 the Final Order on the Application, the Final Order on Amendment #1, Final Order on Amendment #2,
20 Final Order on Amendment #3, Final Order on Amendment #4 and Final Order on Amendment #5.

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

28 Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of
29 the site certificate are set forth in the 2010 Final Order on the Application for Site Certificate and
30 subsequent Final Orders on Requests for Amendment 1 through 5 for the Montague Wind Power
31 Facility, which are incorporated by reference into the site certificate, these underlying findings, including
32 any findings establishing the predevelopment condition of the site and impacts of approved facility
33 components continue to have bearing on the analysis and findings required to approve any future
34 changes to the site certificates for the successor facilities. In other words, environmental impacts
35 evaluated in future site certificate amendment requests shall be based on 2010 predevelopment
36 conditions and the incremental change in environmental impact based on the original site certificate
37 application review and subsequent amendments to the Montague Wind Power Facility site certificate,
38 either as approved or in operation, at the time of the amendment request. This clarification is intended
39 to establish that, with the splitting of facility components under three site certificates, baseline
40 conditions and environmental impacts shall not be adjusted in a way that results in greater overall impacts
41 than the level of impacts that would be authorized under one site certificate.

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

II. SITE CERTIFICATION

- 3 1. To the extent authorized by state law and subject to the conditions set forth herein, the State
4 authorizes the certificate holder to construct, operate and retire a wind and photovoltaic (PV) solar
5 energy facility, together with certain related or supporting facilities, at the site in Gilliam County,
6 Oregon, as described in Section III of this site certificate. ORS 469.401(1). [ASC; AMD4; AMD5, Sept
7 2020]
- 8 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect
9 on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and
10 OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS
11 469.401(1).
- 12 3. This site certificate does not address, and is not binding with respect to, matters that were not
13 addressed in the Final Order on the Application, Final Order on Amendment #1 Final Order on
14 Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and Final Order on
15 Amendment #5. Such matters include, but are not limited to: building code compliance, wage, hour
16 and other labor regulations, local government fees and charges and other design or operational
17 issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and
18 rules for which the decision on compliance has been delegated by the federal government to a state
19 agency other than the Council. 469.503(3). [ASC; AMD1; AMD2; AMD3; AMD4; AMD5, Sept 2020]
- 20 4. Both the State and the certificate holder shall abide by local ordinances, state law and the rules of
21 the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a
22 clear showing of a significant threat to public health, safety or the environment that requires
23 application of later-adopted laws or rules, the Council may require compliance with such later-
24 adopted laws or rules. ORS 469.401(2).
- 25 5. For a permit, license or other approval addressed in and governed by this site certificate, the
26 certificate holder shall comply with applicable state and federal laws adopted in the future to the
27 extent that such compliance is required under the respective state agency statutes and rules. ORS
28 469.401(2).
- 29 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and
30 political subdivisions in Oregon as to the approval of the site and the construction, operation and
31 retirement of the facility as to matters that are addressed in and governed by this site certificate.
32 ORS 469.401(3).
- 33 7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a
34 permit, license or other approval addressed in or governed by this site certificate shall, upon
35 submission of the proper application and payment of the proper fees, but without hearings or other

1 proceedings, issue such permit, license or other approval subject only to conditions set forth in this
2 site certificate. ORS 469.401(3).

3 8. After issuance of this site certificate, each state agency or local government agency that issues a
4 permit, license or other approval for the facility shall continue to exercise enforcement authority
5 over such permit, license or other approval. ORS 469.401(3).

6 9. After issuance of this site certificate, the Council shall have continuing authority over the site and
7 may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request
8 another state agency or local government to inspect, the site at any time in order to ensure that the
9 facility is being operated consistently with the terms and conditions of this site certificate. ORS
10 469.430.

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

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

16 The Oregon Trail Solar Facility is an electric power generating plant approved to consist of a combination
17 of up to 16 wind turbines and a solar photovoltaic array on up to 1,228 acres. Wind turbines consist of a
18 nacelle, a three-bladed rotor, turbine tower and foundations, with a maximum blade-tip height of 597
19 feet. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for
20 the turbines

21 Within the solar micrositing area, solar photovoltaic energy generation equipment could include
22 modules consisting of solar panels, trackers, racks, posts, inverter/transformer units and above- and
23 belowground cabling. Solar panels would be supported by galvanized steel posts, which would be
24 hydraulically driven into the ground at a depth of 5 to 8 feet, with an approximately 4 to 5.5-foot
25 aboveground height. Solar panels would be designed with anti-reflective coating. Modules would be
26 placed on non-specular metal galvanized steel racks, with heights ranging from 4 to 15 feet at full tilt. To
27 convert energy generated within the modules from alternating current (ac) to direct current (dc),
28 inverter/transformer units would be installed. Solar photovoltaic energy generation equipment would
29 be contained by an approximately 8-foot chain-link fence extending around the perimeter. Access to
30 solar facility components would be provided via two new access points on the north side of Bottemiller
31 Lane.

32 The energy facility is described further in proceedings on the record for the Montague Wind Power
33 Facility including the Final Order on the Application, Final Order on Amendment #1, Final Order on
34 Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4 and Final Order on
35 Amendment #5.

36

37

1 **(b) Related or Supporting Facilities**

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

- 5 • Power collection system
- 6 • Control system
- 7 • Substation, switching station, and 230-kV transmission lines
- 8 • Battery storage system
- 9 • Meteorological towers
- 10 • Operations and maintenance (O&M) building
- 11 • Access roads
- 12 • Public roadway modifications
- 13 • Temporary construction areas

14 **Power Collection System**

15 A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine or the
16 solar array to the collector substation. To the extent practicable, the collection system is installed
17 underground at a depth of at least three feet. Not more than 27 miles of the collector system is installed
18 aboveground.

19 **Control System**

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

24 **Substation, Switching Station, and 230-kV Transmission Lines**

25 The facility includes two collector substations. One substation ("Montague Wind collector substation") is
26 shared with the Montague Wind Power facility, and the second ("Montague Solar collector substation")
27 is shared with the Montague Solar facility. The facility includes one switching station. The switching
28 station includes circuit-breakers, switches and other auxiliary equipment, and is located within
29 a 2-acre graveled, fenced area.

30
31 An aboveground 34.5-kV collector line connects the switching station to the Montague Solar collector
32 substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Solar
33 collector substation to the Montague Wind collector substation. An aboveground, single-circuit 230-kV
34 transmission line connects the Montague Wind collector substation to the 500-kV Slatt-Buckley
35 transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation. As

1 approved in Final Order on Amendment 5, the 230 kV transmission line includes two approved route
2 segments, as presented in Attachment 1, Figure 1 of the site certificate.

3 **Battery Storage**

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

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

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

25
26 **Meteorological Towers**

27 The facility includes up to four permanent meteorological towers.

28 **Operations and Maintenance Building**

29 The facility includes one O&M building (“Montague Solar O&M building”) shared with the Montague
30 Solar facility. An on-site well at the Montague Solar O&M facility supplies water for use during facility
31 operation. Sewage is discharged to an on-site septic system.

32 **Access Roads**

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

35 **Public Roadway Modifications**

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

1 **Temporary Construction Areas**

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

5 **(c) Shared Related or Supporting Facilities**

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

14
15 The certificate holder is authorized to share related or supporting facilities between the Oregon Trail
16 Solar Facility, Montague Solar Facility and Montague Wind Power Facility including the Montague Wind
17 collector substation, 230 kV transmission line, temporary laydown areas, and access roads. The
18 certificate holder is authorized to share related or supporting facilities between the Montague Solar
19 Facility and Oregon Trail Solar Facility including the Montague Solar collector substation, 230 kV
20 transmission line, O&M building and battery storage. These related or supporting facilities are included
21 in each site certificate. Compliance responsibility with site certificate conditions and EFSC standards
22 which apply to these shared related or supporting facilities are shared between site certificates and
23 certificate holders. In accordance with Condition 118, if any certificate holder substantially modifies a
24 shared related or supporting facility or ceases facility operation, each certificate holder would be
25 obligated to submit an amendment determination request or request for amendment to the
26 Department to determine the appropriate process for evaluating the change and ensuring full regulatory
27 coverage under each site certificate, or remaining site certificate if either is terminated, in the future.
28 Additionally, each certificate holder is obligated to demonstrate to the Department that a legally binding
29 agreement has been fully executed between certificate holders to ensure approval and agreement of
30 access to the shared resources has been obtained prior to operation of shared facilities.

31 **2. Location of the Facility**

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

IV. SITE CERTIFICATE CONDITIONS

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

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

10 In addition to these conditions, the site certificate holder is subject to all conditions and requirements
11 contained in the rules of the Council and in local ordinances and state law in effect on the date the
12 certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the public
13 health, safety or the environment that requires application of later-adopted laws or rules, the Council
14 may require compliance with such later-adopted laws or rules.

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

19 1 OAR 345-025-0006(1): The Council shall not change the conditions of the site certificate except
20 as provided for in OAR Chapter 345, Division 27.

21 2 OAR 345-025-0006(2): The certificate holder shall submit a legal description of the site to the
22 Department of Energy within 90 days after beginning operation of the facility. The legal
23 description required by this rule means a description of metes and bounds or a description of
24 the site by reference to a map and geographic data that clearly and specifically identifies the
25 outer boundaries that contain all parts of the facility.

26 3 OAR 345-025-0006(3): The certificate holder shall design, construct, operate and retire the
27 facility:

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

33
34 4 OAR 345-025-0006(4): The certificate holder shall begin and complete construction of the
35 facility by the dates specified in the site certificate. (See Conditions 24 and 25.)

36
37 5 OAR 345-025-0006(5): Except as necessary for the initial survey or as otherwise allowed for wind
38 energy facilities, transmission lines or pipelines under this section, the certificate holder shall
39 not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the
40 site until the certificate holder has construction rights on all parts of the site. For the purpose of
41 this rule, "construction rights" means the legal right to engage in construction activities. For
42 wind energy facilities, transmission lines or pipelines, if the certificate holder does not have

1 construction rights on all parts of the site, the certificate holder may nevertheless begin
2 construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the
3 certificate holder has construction rights on that part of the site and:

- 4 (a) The certificate holder would construct and operate part of the facility on that part of the
5 site even if a change in the planned route of the transmission line or pipeline occurs
6 during the certificate holder's negotiations to acquire construction rights on another
7 part of the site; or
- 8 (b) The certificate holder would construct and operate part of a wind energy facility on that
9 part of the site even if other parts of the facility were modified by amendment of the
10 site certificate or were not built.

11 6 OAR 345-025-0006(6): If the certificate holder becomes aware of a significant environmental
12 change or impact attributable to the facility, the certificate holder shall, as soon as possible,
13 submit a written report to the Department describing the impact on the facility and any affected
14 site certificate conditions. [AMD5, Sept 2020]

15 7 OAR 345-025-0006(7): The certificate holder shall prevent the development of any conditions on
16 the site that would preclude restoration of the site to a useful, non-hazardous condition to the
17 extent that prevention of such site conditions is within the control of the certificate holder.

18 8 OAR 345-025-0006(8): Before beginning construction of the facility, the certificate holder shall
19 submit to the State of Oregon, through the Council, a bond or letter of credit, in a form and
20 amount satisfactory to the Council to restore the site or a portion of the site to a useful, non-
21 hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at
22 all times until the facility has been retired. The Council may specify different amounts for the
23 bond or letter of credit during construction and during operation of the facility. (See Condition
24 32.) [AMD5, Sept 2020]

25 9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder
26 permanently ceases construction or operation of the facility. The certificate holder shall retire
27 the facility according to a final retirement plan approved by the Council, as described in OAR
28 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-
29 hazardous condition at the time of retirement, notwithstanding the Council's approval in the
30 site certificate of an estimated amount required to restore the site.

31 10 OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all
32 representations in the site certificate application and supporting record the Council deems to be
33 binding commitments made by the applicant.

34 11 OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall restore
35 vegetation to the extent practicable and shall landscape all areas disturbed by construction in a
36 manner compatible with the surroundings and proposed use. Upon completion of construction,
37 the certificate holder shall remove all temporary structures not required for facility operation
38 and dispose of all timber, brush, refuse and flammable or combustible material resulting from
39 clearing of land and construction of the facility.

1 12 OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the facility to
2 avoid dangers to human safety and the environment presented by seismic hazards affecting the
3 site that are expected to result from all maximum probable seismic events. As used in this rule
4 “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and
5 consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic
6 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For
7 coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [AMD5,
8 Sept 2020]

9 13 OAR 345-025-0006(13): The certificate holder shall notify the Department, the State Building
10 Codes Division and the Department of Geology and Mineral Industries promptly if site
11 investigations or trenching reveal that conditions in the foundation rocks differ significantly
12 from those described in the application for a site certificate. After the Department receives the
13 notice, the Council may require the certificate holder to consult with the Department of Geology
14 and Mineral Industries and the Building Codes Division to propose and implement corrective or
15 mitigation actions.

16 14 OAR 345-025-0006(14): The certificate holder shall notify the Department, the State Building
17 Codes Division and the Department of Geology and Mineral Industries promptly if shear zones,
18 artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After
19 the Department receives notice, the Council may require the certificate holder to consult with
20 the Department of Geology and Mineral Industries and the Building Codes Division to propose
21 and implement corrective or mitigation actions. [AMD5, Sept 2020]

22 15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the site
23 certificate holder, the certificate holder shall inform the Department of the proposed new
24 owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that
25 requires a transfer of the site certificate.

26 16 OAR 345-025-0006(16): If the Council finds that the certificate holder has permanently ceased
27 construction or operation of the facility without retiring the facility according to a final
28 retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall
29 notify the certificate holder and request that the certificate holder submit a proposed final
30 retirement plan to the Department within a reasonable time not to exceed 90 days. If the
31 certificate holder does not submit a proposed final retirement plan by the specified date, the
32 Council may direct the Department to prepare a proposed final retirement plan for the Council's
33 approval. Upon the Council's approval of the final retirement plan, the Council may draw on the
34 bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, non-
35 hazardous condition according to the final retirement plan, in addition to any penalties the
36 Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of
37 credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any
38 additional cost necessary to restore the site to a useful, non-hazardous condition. After
39 completion of site restoration, the Council shall issue an order to terminate the site certificate if
40 the Council finds that the facility has been retired according to the approved final retirement
41 plan.

1 17 [AMD3; Deleted AMD4, 2019]

2 18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230 kV transmission
3 line anywhere within the approved corridor, subject to the conditions of the site certificate. The
4 approved corridor is ½-mile in width and extends approximately 14 miles from the Montague
5 Solar collector substation to the Montague Wind substation to BPA's Slatt Substation as
6 presented in Figure 1 of the site certificate.

7 [OAR 345-025-0010(5); ASC; AMD4]

8 19 OAR 345-025-0016: The following general monitoring conditions apply:

9 (1) In the site certificate, the Council shall include conditions that address monitoring and
10 mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22
11 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall
12 develop proposed monitoring and mitigation plans in consultation with the Department and, as
13 appropriate, other state agencies, local governments and tribes. Monitoring and mitigation
14 plans are subject to Council approval. The Council shall incorporate approved monitoring and
15 mitigation plans in applicable site certificate conditions. [AMD5, Sept 2020]

16 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the
17 certificate holder shall implement a plan that verifies compliance with all site certificate terms
18 and conditions and applicable statutes and rules. As a part of the compliance plan, to verify
19 compliance with the requirement to begin construction by the date specified in the site
20 certificate, the certificate holder shall report promptly to the Department of Energy when
21 construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of
22 construction, the certificate holder shall describe all work on the site performed before
23 beginning construction, including work performed before the Council issued the site certificate,
24 and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means
25 any work within a site or corridor, other than surveying, exploration or other activities to define
26 or characterize the site or corridor. The certificate holder shall document the compliance plan
27 and maintain it for inspection by the Department or the Council.

28 21 OAR 345-026-0080: The certificate holder shall report according to the following requirements:

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

30 (i) Within six months after beginning construction, and every six months thereafter
31 during construction of the energy facility and related or supporting facilities, the
32 certificate holder shall submit a semiannual construction progress report to the
33 Department of Energy. In each construction progress report, the certificate holder
34 shall describe any significant changes to major milestones for construction. The
35 certificate holder shall report on the progress of construction and shall address the
36 subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date
37 coincides, the certificate holder may include the construction progress report within
38 the annual report described in this rule.

39 (ii) After January 1 but no later than April 30 of each year after beginning operation of
40 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.

22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material

1 withheld from public disclosure under state or federal law or under Council rules. The certificate
2 holder may submit abstracts of reports in place of full reports; however, the certificate holder
3 shall provide full copies of abstracted reports and any summarized correspondence at the
4 request of the Department.

5 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours
6 of any occurrence involving the facility if:

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

8 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused
9 event such as a fire or explosion affects or threatens to affect the public health and
10 safety or the environment; or

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

12 1. **Certificate Administrative Conditions**

13 The conditions listed in this section include conditions based on representations in the site certificate
14 application and supporting record. The Council deems these representations to be binding
15 commitments made by the applicant. These conditions are required under OAR 345-025-0006.
16 The certificate holder must comply with these conditions in addition to the conditions listed in
17 Section IV. This section includes other specific facility conditions the Council finds necessary to ensure
18 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public
19 health and safety. For conditions that require subsequent review and approval of a future action, ORS
20 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the
21 Council's discretion, the delegation is warranted under the circumstances of the case.

22 24 The certificate holder shall begin construction of the facility by August 30, 2022. The Council
23 may grant an extension of the deadline to begin construction in accordance with OAR 345-027-
24 0385 or any successor rule in effect at the time the request for extension is submitted. [AMD5,
25 Sept 2020]

26 25 The certificate holder shall complete construction of the facility by [3 years from the date of
27 construction commencement]. Construction is complete when: (1) the facility is substantially
28 complete as defined by the certificate holder's construction contract documents, (2) acceptance
29 testing has been satisfactorily completed and (3) the energy facility is ready to begin continuous
30 operation consistent with the site certificate. The certificate holder shall promptly notify the
31 Department of the date of completion of construction. The Council may grant an extension of
32 the deadline for completing construction in accordance with OAR 345-027-0385 or any
33 successor rule in effect at the time the request for extension is submitted. [AMD5, Sept 2020]

34 26 [Deleted in AMD5, Sept 2020]

35 27 The certificate holder shall construct a facility substantially as described in the site certificate
36 and may select turbines of any type, subject to the following restrictions and compliance with all
37 other site certificate conditions. Before beginning construction, the certificate holder shall
38 provide to the Department a description of the turbine types selected for the facility
39 demonstrating compliance with this condition:

- (a) Components may include any combination of wind and solar energy generation equipment, up to 16 wind turbines or the maximum layout (including number and size) of solar array components substantially as described in RFA4 and RFA5.
- (b) The maximum blade tip height must not exceed 597 feet (182 meters). The minimum aboveground blade tip clearance must be 46 feet (14 meters).

[Final Order on ASC; AMD3; AMD4; AMD5, Sept 2020]

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

29 The certificate holder shall:

- (i) Before beginning construction of 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, Sept 2020]

30 Before beginning construction, the certificate holder shall notify the Department in advance of any work on the site that does not meet the definition of "construction" in ORS 469.300, excluding surveying, exploration or other activities to define or characterize the site, and shall provide to the Department a description of the work and evidence that its value is less than \$250,000.

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

32 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 for an amount that is either \$3.1 million (1st Quarter 2019 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as

1 described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on
2 an annual basis thereafter as described in (b).

3 (a) The certificate holder may adjust the amount of the bond or letter of credit based on the
4 final design configuration of the facility, and both the-battery storage or turbine types
5 selected by applying the unit costs and general costs illustrated in Table 2 of Attachment A-2
6 in the *Final Order on Amendment 5* and calculating the financial assurance amount as
7 described in that order, adjusted to the date of issuance as described in (b) and subject to
8 approval by the Department. The certificate holder may adjust the amount of the bond or
9 letter of credit under (a) if opting to construct only a portion of the facility.

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

12 (i) Adjust the Subtotal component of the bond or letter of credit amount
13 (expressed in 1st Qtr 2019 dollars) to present value, using the U.S. Gross Domestic
14 Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
15 Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor
16 agency (the "Index") and using the average of the 1st Quarter and 2nd Quarter-2019
17 index values (to represent mid-2019 dollars) and the quarterly index value for the date
18 of issuance of the new bond or letter of credit. If at any time the Index is no longer
19 published, the Council shall select a comparable calculation to adjust mid-2019 dollars
20 to present value.

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

23 (i) Adjust the Subtotal component of the bond or letter of credit amount
24 (expressed in mid-2019 dollars) to present value, using the U.S. Gross Domestic Product
25 Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
26 Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor
27 agency (the "Index") and using the average of the 2nd Quarter and 3rd Quarter-2019
28 index values (to represent mid-2004 dollars) and the quarterly index value for the date
29 of issuance of the new bond or letter of credit. If at any time the Index is no longer
30 published, the Council shall select a comparable calculation to adjust mid-2019 dollars
31 to present value.

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

34 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
35 and project management costs, add 20 percent of the adjusted Gross Cost of the Solar
36 Generation and Battery Storage System (ii) and 10 percent of the adjusted Gross Cost of
37 all other facility components(ii) for the adjusted future developments contingency.

38 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
39 the resulting total to the nearest \$1,000 to determine the adjusted financial assurance
40 amount.

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

42 (e) The certificate holder shall use an issuer of the bond or letter of credit approved by the
43 Council.

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

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

48 [AMD5, Sept 2020]

1 32 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
2 certificate holder shall ensure that the surety is obligated to comply with the requirements of
3 applicable statutes, Council rules and this site certificate when the surety exercises any legal or
4 contractual right it may have to assume construction, operation or retirement of the energy
5 facility. The certificate holder shall also ensure that the surety is obligated to notify the Council
6 that it is exercising such rights and to obtain any Council approvals required by applicable
7 statutes, Council rules and this site certificate before the surety commences any activity to
8 complete construction, operate or retire the energy facility.

10 33 Before beginning construction, the certificate holder shall notify the Department of the identity
11 and qualifications of the major design, engineering and construction contractor(s) for the
12 facility. The certificate holder shall select contractors that have substantial experience in the
13 design, engineering and construction of similar facilities. The certificate holder shall report to
14 the Department any change of major contractors.

15 34 The certificate holder shall contractually require all construction contractors and subcontractors
16 involved in the construction of the facility to comply with all applicable laws and regulations and
17 with the terms and conditions of the site certificate. Such contractual provisions shall not
18 operate to relieve the certificate holder of responsibility under the site certificate.

19 35 To ensure compliance with all site certificate conditions during construction, the certificate
20 holder shall have a full-time, on-site assistant construction manager who is qualified in
21 environmental compliance. The certificate holder shall notify the Department of the name,
22 telephone number and e-mail address of this person.

23 36 Within 72 hours after discovery of conditions or circumstances that may violate the terms or
24 conditions of the site certificate, the certificate holder shall report the conditions or
25 circumstances to the Department.

26 **1. Land Use Conditions**

27 37 The certificate holder shall consult with area landowners and lessees during construction and
28 operation of the facility and implement measures to reduce and avoid any adverse impacts to
29 ongoing farm practices on surrounding lands, including coordination with the landowner of the
30 solar micrositing area to ensure that the final solar array layout does not prevent the landowner
31 from maximizing agricultural production on the land not occupied by the solar array.
32 [Final Order on ASC; AMD5, Sept 2020]

34 38 The certificate holder shall design and construct the facility to minimize the permanent impacts
35 to agricultural land, including to the extent practicable, using existing access roads, co-locating
36 facilities, reducing road and transmission line/collector line lengths, and designing facility
37 components to allow ongoing access to agricultural fields.
38 [Final Order on ASC; AMD5, Sept 2020]

39 39 The certificate holder shall install gates on private access roads in accordance with Gilliam
40 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to
41 this requirement.

1 40 Before beginning construction of the facility, the certificate holder shall record in the real
2 property records of Gilliam County a Covenant Not to Sue with regard to generally accepted
3 farming practices on adjacent farmland consistent with GCZO Section 37.020(T)(4)(a)(5).

4 41 The certificate holder shall construct all facility components in compliance with the following
5 setback requirements:

- 6 (a) All facility components must be at least 3,520 feet from the property line of properties
7 zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
- 8 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
9 percent of maximum blade tip height, measured from the centerline of the turbine tower to
10 the nearest edge of any public road right-of-way. The certificate holder shall assume a
11 minimum right-of-way width of 60 feet.
- 12 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320
13 feet, measured from the centerline of the turbine tower to the center of the nearest
14 residence existing at the time of tower construction.
- 15 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
16 percent of maximum blade tip height, measured from the centerline of the turbine tower to
17 the nearest boundary of the certificate holder's lease area.
- 18 (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the
19 center line of each turbine tower to the nearest edge of any railroad right-of-way or
20 electrical substation.
- 21 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the
22 center line of each meteorological tower to the nearest edge of any public road right-of-way
23 or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the
24 nearest electrical substation.
- 25 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from the
26 Montague Solar O&M building to the nearest edge of any public road right-of-way or
27 railroad right-of-way or the nearest boundary of the certificate holder's lease area.
- 28 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any
29 substation to the nearest edge of any public road right-of-way or railroad right-of-way or the
30 nearest boundary of the certificate holder's electrical substation easement or, if there is no
31 easement, the nearest boundary of the certificate holder's lease area.
- 32 (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of
33 maximum blade tip height, measured from the centerline of the turbine tower from any
34 overhead utility line. [Amendment #1]
- 35 (j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of
36 maximum turbine height from blade tip height, measured from the centerline of the turbine
37 tower from federal transmission lines, unless the affected parties agree otherwise.
38 [Amendment #1]
- 39 (k) The certificate holder shall maintain a minimum distance of 25 feet measured from the
40 fence line of the solar array to the nearest property line.
- 41 (l) The certificate holder shall maintain a minimum distance of 25 feet measured from the
42 front, rear and side yard of the battery storage system site to the nearest property line.
- 43 (m) Wind turbines must be setback a minimum distance of 656 feet (200 meters), measured
44 from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek
45 Canyon. [AMD5, Sept 2020]

1 42 During construction and operation of the facility, the certificate holder shall implement a weed
2 control plan approved by the Gilliam County Weed Control Officer or other appropriate County
3 officials to control the introduction and spread of noxious weeds.

4 44 During operation of the facility, the certificate holder shall restore areas that are temporarily
5 disturbed during facility maintenance or repair activities using the same methods and
6 monitoring procedures described in the Revegetation Plan referenced in Condition 92.

7 45 Within 90 days after beginning operation of the facility, the certificate holder shall provide to
8 the Department and to the Gilliam County Planning Department the actual latitude and
9 longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines
10 and transmission lines and a summary of as-built changes in the facility compared to the original
11 plan.

12 46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to
13 the Gilliam County Planning Commission on an annual basis unless specifically discontinued by
14 the County.

15 **2. Cultural Resource Conditions**

16 47 Before beginning construction, the certificate holder shall label all identified historic, cultural or
17 archeological resource sites on construction maps and drawings as “no entry” areas. If
18 construction activities will occur within 200 feet of an identified site, the certificate holder shall
19 flag a 30-meter no entry buffer around the site. The certificate holder may use existing private
20 roads within the buffer areas but may not widen or improve private roads within the buffer
21 areas. The no-entry restriction does not apply to public road rights-of-way within the buffer
22 areas or to operational farmsteads. [Final Order on ASC]

24 48 In reference to the alignment of the Oregon Trail described in the Final Order on the
25 Application, the certificate holder shall comply with the following requirements:

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

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

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

33 (d) The certificate holder shall ensure that construction personnel proceed carefully in the
34 vicinity of the presumed alignments of the Oregon Trail. If any physical evidence of the
35 trail is discovered, the certificate holder shall avoid any disturbance to the intact
36 segments by redesign, re-engineering or restricting the area of construction activity and
37 shall flag a 30-meter no-entry buffer around the intact Trail segments. The certificate
38 holder shall promptly notify the SHPO and the Department of the discovery. The
39 certificate holder shall consult with the SHPO and the Department to determine
40 appropriate mitigation measures.

1 49 Before beginning construction, the certificate holder shall provide to the Department a map
2 showing the final design locations of all components of the facility, the areas that would be
3 temporarily disturbed during construction and the areas that were surveyed in 2009 as
4 described in the Final Order on the Application. The certificate holder shall hire qualified
5 personnel to conduct field investigations of all areas to be disturbed during construction that lie
6 outside the previously-surveyed areas. The certificate holder shall provide a written report of
7 the field investigations to the Department and to the Oregon State Historic Preservation Office
8 (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological
9 resources are found during the field investigation, the certificate holder shall instruct all
10 construction personnel to avoid the identified sites and shall implement appropriate measures
11 to protect the sites, including the measures described in Condition 47.

12 50 During construction, the certificate holder shall:
13 (a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction
14 personnel in the identification of cultural materials and avoidance of accidental damage to
15 identified resource site.
16 (b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance
17 at depths of 12 inches or greater. The qualifications of the selected cultural resources
18 monitor shall be reviewed and approved by the Department, in consultation with the CTUIR
19 Cultural Resources Protection Program. In the selection of the cultural resources monitor to
20 be employed during construction, preference shall be given to citizens of the CTUIR. Ground
21 disturbance at depths 12 inches or greater shall not occur without the presence of the
22 approved cultural resources monitor. If any cultural resources are identified during
23 monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in
24 Attachment H of the Final Order on Amendment 5 should be followed. The certificate holder
25 shall report to the Department in its semi-annual report a description of the ground
26 disturbing activities that occurred during the reporting period, dates cultural monitoring
27 occurred, and shall include copies of monitoring forms completed by the cultural resource
28 monitor. [AMD5, Sept 2020]

29 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
30 activities in the immediate area if any archaeological or cultural resources are found during
31 construction of the facility until a qualified archaeologist can evaluate the significance of the
32 find. The certificate holder shall notify the Department and the Oregon State Historic
33 Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant,
34 the certificate holder shall make recommendations to the Council for mitigation, including
35 avoidance, field documentation and data recovery, in consultation with the Department, SHPO,
36 interested Tribes and other appropriate parties. The certificate holder shall not restart work in
37 the affected area until the certificate holder has demonstrated to the Department and the SHPO
38 that it has complied with archaeological resource protection regulations

39 **3. Geotechnical Conditions**

40 52 Before beginning construction of the facility, the certificate holder shall conduct a site-specific
41 geotechnical investigation and shall report its findings to the Oregon Department of Geology &
42 Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the
43 geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific

1 methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation
2 and road design. [Final Order; AMD5, Sept 2020]

3 53 The certificate holder shall design and construct the facility in accordance with requirements of
4 the current Oregon Structural Specialty Code and International Building Code. [AMD5, Sept
5 2020]

6 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human
7 safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards”
8 include settlement, landslides, flooding and erosion.

9 **4. Hazardous Materials, Fire Protection & Public Safety Conditions**

10 55 The certificate holder shall handle hazardous materials used on the site in a manner that
11 protects public health, safety and the environment and shall comply with all applicable local,
12 state and federal environmental laws and regulations. The certificate holder shall not store
13 diesel fuel or gasoline on the facility site during operations. [AMD5, Sept 2020]

14 56 If a spill or release of hazardous material occurs during construction or operation of the facility,
15 the certificate holder shall notify the Department within 72 hours and shall clean up the spill or
16 release and dispose of any contaminated soil or other materials according to applicable
17 regulations. The certificate holder shall make sure that spill kits containing items such as
18 absorbent pads are located on equipment and at the O&M buildings. The certificate holder shall
19 instruct employees about proper handling, storage and cleanup of hazardous materials

20 57 The certificate holder shall construct turbines and pad-mounted transformers on concrete
21 foundations and shall cover the ground within a 10-foot radius with non-flammable material.
22 The certificate holder shall maintain the non-flammable pad area covering during operation of
23 the facility.

24 58 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked
25 to sensors at the operations and maintenance building, to alert operators to potentially
26 dangerous conditions, and the certificate holder shall immediately remedy any dangerous
27 conditions. The certificate holder shall maintain automatic equipment protection features in
28 each turbine that would shut down the turbine and reduce the chance of a mechanical problem
29 causing a fire.

30 59 During construction and operation of the facility, the certificate holder shall ensure that the
31 Montague Solar O&M building and all service vehicles are equipped with shovels and portable
32 fire extinguishers of a 4A50BC or equivalent rating.

33 60 During construction and operation of the facility, the certificate holder shall develop and
34 implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection
35 District to minimize the risk of fire and to respond appropriately to any fires that occur on the
36 facility site. In developing the fire safety plans, the certificate holder shall take into account the
37 dry nature of the region and shall address risks on a seasonal basis. For solar facility
38 components, the certificate holder shall address worker training requirements, inspections,
39 vegetation management, fire prevention and response equipment and potential mutual
40 assistance in the case of fire within or around the facility site boundary. The certificate holder

1 shall meet annually with local fire protection agency personnel to discuss emergency planning
2 and shall invite local fire protection agency personnel to observe any emergency drill or tower
3 rescue training conducted at the facility. [AMD5, Sept 2020]

4 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to
5 the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on
6 the site plan the identification number assigned to each turbine and the actual location of all
7 facility structures. The certificate holder shall provide an updated site plan if additional turbines
8 or other structures are later added to the facility. During operation, the certificate holder shall
9 ensure that appropriate fire protection agency personnel have an up-to-date list of the names
10 and telephone numbers of facility personnel available to respond on a 24-hour basis in case of
11 an emergency on the facility site.

12 62 During construction, the certificate holder shall ensure that construction personnel are trained
13 in fire prevention and response, that construction vehicles and equipment are operated on
14 graveled areas to the extent possible and that open flames, such as cutting torches, are kept
15 away from dry grass areas.

16 63 During operation of the facility, the certificate holder shall ensure that all on-site employees
17 receive annual fire prevention and response training by qualified instructors or members of the
18 local fire districts. The certificate holder shall ensure that all employees are instructed to keep
19 vehicles on roads and off dry grassland, except when off-road operation is required for
20 emergency purposes.

21 64 Before beginning construction of the certificate holder shall submit a Notice of Proposed
22 Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon
23 Department of Aviation identifying the proposed final locations of turbine towers and
24 meteorological towers to determine if the structure(s) are a hazard to air navigation and
25 aviation safety. The certificate holder shall promptly notify the Department of the responses
26 from the FAA and the Oregon Department of Aviation. The FAA and ODA evaluation and
27 determinations are valid for 18 months (per OAR 738-070-0180), once issued. The certificate
28 holder shall maintain current hazard determinations on file commensurate with construction
29 timelines. [AMD5, Sept 2020]

30 65 The certificate holder shall follow manufacturers' recommended handling instructions and
31 procedures to prevent damage to turbine or turbine tower components that could lead to
32 failure.

33 66 The certificate holder shall construct turbine towers with no exterior ladders or access to the
34 turbine blades and shall install locked tower access doors. The certificate holder shall keep
35 tower access doors locked at all times, except when authorized personnel are present.

36 67 During operation of the facility, the certificate holder shall have a safety-monitoring program
37 and shall inspect all turbine and turbine tower components on a regular basis. The certificate
38 holder shall maintain or repair turbine and turbine tower components as necessary to protect
39 public safety.

1 68 For turbine types having pad-mounted step-up transformers, the certificate holder shall install
2 the transformers at the base of each tower in locked cabinets designed to protect the public
3 from electrical hazards and to avoid creation of artificial habitat for raptor prey.

4 69 To protect the public from electrical hazards, the certificate holder shall enclose the facility
5 substations, solar array, and battery storage systems with appropriate fencing and locked gates.
6 [AMD5, Sept 2020]

7 70 Before beginning construction of any new State Highway approaches or utility crossings, the
8 certificate holder shall obtain all required permits from the Oregon Department of
9 Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,
10 Divisions 51 and 55. The certificate holder shall submit the necessary application in a form
11 satisfactory to ODOT and the Department for the location, construction and maintenance of a
12 new approach to State Highway 19 for access to the site. The certificate holder shall submit the
13 necessary application in a form satisfactory to ODOT and the Department for the location,
14 construction and maintenance of transmission lines crossing Highway 19.

15 71 The certificate holder shall design and construct new access roads and private road
16 improvements to standards approved by the Gilliam County Road Department. Where
17 modifications of County roads are necessary, the certificate holder shall construct the
18 modifications entirely within the County road rights-of-way and in conformance with County
19 road design standards subject to the approval of the Gilliam County Road Department. Where
20 modifications of State roads or highways are necessary, the certificate holder shall construct the
21 modifications entirely within the public road rights-of-way and in conformance with Oregon
22 Department of Transportation (ODOT) standards subject to the approval of ODOT.

23 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,
24 designed under the direction of a licensed engineer and compacted to meet equipment load
25 requirements.

26 73 During construction of the facility, the certificate holder shall implement measures to reduce
27 traffic impacts, including:

28 (a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
29 (b) Providing appropriate traffic safety signage and warnings.
30 (c) Requiring flaggers to be at appropriate locations at appropriate times during
31 construction to direct traffic.
32 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or
33 oversize construction loads are anticipated.
34 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so that
35 roads will not be closed to traffic because of construction vehicles.
36 (f) Encouraging carpooling for the construction workforce.
37 (g) Including traffic control procedures in contract specifications for construction of the
38 facility.
39 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access
40 points.
41

1 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any
2 County road whether inside or outside the site boundary. The certificate holder may temporarily
3 park equipment off the road but within County rights-of-way with the approval of the Gilliam
4 County Road Department.

5
6 75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that
7 any unusual damage or wear to county roads that is caused by construction of the facility is
8 repaired by the certificate holder. Submittal to the Department of an executed Road Use
9 Agreement with Gilliam County shall constitute evidence of compliance with this condition.
10 Upon completion of construction, the certificate holder shall restore public roads to pre-
11 construction condition or better to the satisfaction of the applicable county departments. If
12 required by Gilliam County, the certificate holder shall post bonds to ensure funds are available
13 to repair and maintain roads affected by the facility. If construction of the facility will utilize
14 county roads in counties other than Gilliam County, the certificate holder shall coordinate with
15 the Department and the respective county road departments regarding the implementation of a
16 similar Road Use Agreement. [AMD5, Sept 2020]

17 76 During construction, the certificate holder shall require that all on-site construction contractors
18 develop and implement a site health and safety plan that informs workers and others on-site
19 about first aid techniques and what to do in case of an emergency and that includes important
20 telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The
21 certificate holder shall ensure that construction contractors have personnel on-site who are
22 trained and equipped for tower rescue and who are first aid and CPR certified.

23 77 During operation of the facility, the certificate holder shall develop and implement a site health
24 and safety plan that informs employees and others on-site about first aid techniques and what
25 to do in case of an emergency, including a contingency plan in a fire emergency, and that
26 includes important telephone numbers and the locations of on-site fire extinguishers, nearby
27 hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement
28 services. The certificate holder shall ensure that operations personnel are trained and equipped
29 for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower
30 rescue training at the facility, the North Gilliam County Rural Fire Protection District and the
31 Arlington Fire Department will be invited to observe. [AMD5, Sept 2020]

32 78
33 (a) During construction of the facility, the certificate holder shall provide on-site security within the
34 facility site boundary, and shall establish good communications between on-site security
35 personnel and the Gilliam County Sheriff's Office by establishing a communication protocol
36 between the security personnel and the Sheriff's office. The communication protocol shall be
37 sent to the Department prior to construction.

38
39 (b) During operation, the certificate holder shall ensure that appropriate law enforcement agency
40 personnel have an up-to-date list of the names and telephone numbers of facility personnel
41 available to respond on a 24-hour basis in case of an emergency on the facility site. The list shall
42 also be sent to the Department.

43 79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning
44 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

5. Water, Soils, Streams & Wetlands Conditions

80

(i) The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirements.

(ii) (a) Before beginning construction of wind energy generation components, the certificate holder shall submit to the Department and Gilliam County Planning Director for review and approval a topsoil management plan including how topsoil will be stripped, stockpiled, and clearly marked in order to maximize topsoil preservation and minimize erosion impacts. [OAR 660-033-0130(38)(f)(B)]. The topsoil management plan may be incorporated into the final Erosion and Sediment Control Plan, required under sub(c) or

may be provided to the Department as a separate plan.

(b) Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [AMD5, Sept 2020]

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.

[REDACTED]

85 During facility operation, the certificate holder shall routinely inspect and maintain all facility components including roads, pads (including turbine and battery storage pad), solar array, and trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [AMD5, Sept 2020]

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 the 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.

87 During facility operation, if wind turbine blade or solar panel-washing becomes necessary, the certificate holder shall ensure that there is no runoff of wash water from the site or discharges to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or metal brighteners with the wash water. The certificate holder may use biodegradable, phosphate-free cleaners sparingly. [AMD5, Sept 2020]

8. Transmission Line & EMI Conditions

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

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

~~(a)~~ Deleted AMD5, 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.

1
2 90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV
3 and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and
4 Reliability Section of the Oregon Public Utility Commission to ensure that the designs and
5 specifications are consistent with applicable codes and standards.
6

7 **7. Plants, Wildlife & Habitat Protection Conditions**

8 91 Prior to construction of the Facility, the certificate holder shall finalize the Wildlife Monitoring
9 and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment G of the
10 Final Order on Request for Amendment #5, as approved by the Department in consultation with
11 ODFW. The certificate holder shall conduct wildlife monitoring as described in the final WMMP,
12 as amended from time to time. [Amendment #3; AMD5, Sept 2020]

13 92 The certificate holder shall restore areas disturbed by facility construction but not occupied by
14 permanent facility structures according to the methods and monitoring procedures described in
15 the final Revegetation Plans for the facility, as approved by the Department in consultation with
16 ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final
17 Order on Request for Amendment #5, and as amended from time to time. [Amendment #3;
18 AMD5, Sept 2020]

19 93 The certificate holder shall:

20 (a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as
21 long as the site certificate is in effect by means of an outright purchase, conservation
22 easement or similar conveyance and shall provide a copy of the documentation to the
23 Department. Within the habitat mitigation area, the certificate holder shall improve the
24 habitat quality as described in the final Habitat Mitigation Plans for the Facility, as approved
25 by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be
26 based on the draft plan included as Attachment D to the Final Order on Request for
27 Amendment #5 and updated based on Condition 31. The final Habitat Mitigation Plans may
28 be amended from time to time. [Amendment #3; AMD5, Sept 2020]

29 (b) Prior to construction, the certificate holder shall finalize and implement the Habitat
30 Mitigation Plan (HMP) included as Attachment D of the Final Order on Amendment 5, as
31 approved by ODOE in Consultation with ODFW. Provision 93(b)(A) regarding impacted
32 acreage calculations shall be completed and submitted to the department after construction
33 is complete as described in the condition below.

34 (c) Within 90 days of completion of construction, the certificate holder shall submit to the
35 department and ODFW an updated HMP Table.
36 [AMD5, Sept 2020]

37 94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel
38 (WGS) habitat based on the locations where the squirrels were found to be active in the most
39 recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or
40 burrow establishment ("suitable habitat"). The certificate holder shall hire a qualified
41 professional biologist who has experience in detection of WGS to conduct surveys using a survey

1 protocol approved by the Oregon Department of Fish and Wildlife (ODFW). The biologist shall
2 survey all areas of suitable habitat where permanent facility components would be located or
3 where construction disturbance could occur. Except as provided in (a), the biologist shall
4 conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in
5 the active squirrel seasons in subsequent years until the beginning of construction in suitable
6 habitat. The certificate holder shall provide written reports of the surveys to the Department
7 and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder
8 shall not begin construction within suitable habitat until the identified boundaries of Category 1
9 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the
10 areas described in (b) and (c).

- 11 (a) The certificate holder may omit the WGS survey in any year if the certificate holder
12 avoids all permanent and temporary disturbance within suitable habitat until a WGS
13 survey has been completed in the following year and the boundaries of Category 1
14 habitat have been determined and approved based on that survey.
- 15 (b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS
16 burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS
17 foraging or burrow establishment. If the multiple-burrow area was active in a prior
18 survey year, then Category 1 habitat includes the largest extent of the active burrow
19 area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.
- 20 (c) Category 1 WGS habitat includes the area containing single active burrow detections
21 plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or
22 burrow establishment. Category 1 habitat does not include single-burrow areas that
23 were found active in a prior survey year but that are not active in the current survey
24 year.

25 95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat
26 during construction including, but not limited to, the following:

- 27 (a) The certificate holder shall not construct any facility components within areas of
28 Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
- 29 (b) Before beginning construction, but no more than two years prior to the beginning of
30 construction of the facility, the certificate holder shall hire a qualified professional
31 biologist to conduct a survey of all areas to be disturbed by construction for threatened
32 and endangered species. The certificate holder shall provide a written report of the
33 survey and a copy of the survey to the Department, the Oregon Department of Fish and
34 Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the surveys
35 identify the presence of threatened or endangered species within the survey area, the
36 certificate holder shall implement appropriate measures to avoid a significant reduction
37 in the likelihood of survival or recovery of the species, as approved by the Department,
38 in consultation with ODA and ODFW.
- 39 (c) Before beginning construction of the facility, the certificate holder's qualified
40 professional biologist shall survey the Category 1 Washington ground squirrel habitat to
41 ensure that the sensitive use area is correctly marked with exclusion flagging and

1 avoided during construction. The certificate holder shall maintain the exclusion
2 markings until construction has been completed.

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

8 (e) Before beginning construction of the facility, certificate holder's qualified professional
9 biologist shall complete raptor nest surveys within the raptor nest survey area as
10 described in the Final Order on the Application. The purposes of the survey are to
11 identify any sensitive raptor nests near construction areas and to provide baseline
12 information on raptor nest use for analysis as described in the Wildlife Monitoring and
13 Mitigation Plan referenced in Condition 91. The certificate holder shall provide a written
14 report on the raptor nest surveys and the surveys to the Department and to ODFW. If
15 the surveys identify the presence of raptor nests within the survey area, the certificate
16 holder shall implement appropriate measures to assure that the design, construction
17 and operation of the facility are consistent with the fish and wildlife habitat mitigation
18 goals and standards of OAR 635-415-0025, as approved by the Department, in
19 consultation with ODFW.

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

24 96 During construction, the certificate holder shall avoid all construction activities within a 1,300-
25 foot buffer around potentially-active nest sites of the following species during the sensitive
26 period, as provided in this condition:

<u>Species</u>	<u>Sensitive Period</u>	<u>Early Release Date</u>
Swainson's hawk	April 1 to August 15	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

27 During the year in which construction occurs, the certificate holder shall use a protocol
28 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there
29 are any active nests of these species within a half-mile of any areas that would be disturbed
30 during construction. The certificate holder shall begin monitoring potential nest sites by March
31 15 and shall continue monitoring until at least May 31 to determine whether any potentially-
32 active nest sites become active during the sensitive period.

33 If any nest site is determined to be unoccupied by the early release date (May 31), then
34 unrestricted construction activities may occur within 1,300 feet of the nest site after that date. If
35 a nest is occupied by any of these species after the beginning of the sensitive period, the

1 certificate holder will flag the boundaries of a 1,300-foot buffer area around the nest site and
2 shall instruct construction personnel to avoid disturbance of the buffer area. During the
3 sensitive period, the certificate holder shall not engage in high-impact construction activities
4 (activities that involve blasting, grading or other major ground disturbance) within the buffer
5 area. The certificate holder shall restrict construction traffic within the buffer, except on public
6 roads, to vehicles essential to the limited construction activities allowed within the buffer.

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

10 The certificate holder shall hire a qualified independent professional biologist to observe the
11 active nest sites during the sensitive period for signs of disturbance and to notify the
12 Department of any non-compliance with this condition. If the biologist observes nest site
13 abandonment or other adverse impact to nesting activity, the certificate holder shall implement
14 appropriate mitigation, in consultation with ODFW and subject to the approval of the
15 Department, unless the adverse impact is clearly shown to have a cause other than construction
16 activity.

17 The certificate holder may begin or resume construction activities within the buffer area before
18 the ending day of the sensitive period with the approval of ODFW, after the young are fledged.
19 The certificate holder shall use a protocol approved by ODFW to determine when the young are
20 fledged (the young are independent of the core nest site).

21 97 [Deleted AMD5, Sept 2020]

22 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
23 wildlife habitat during construction including, but not limited to, the following:

- 24 (a) Preparing maps to show occlusion areas that are off-limits to construction personnel,
25 such as nesting or denning areas for sensitive wildlife species.
- 26 (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
- 27 (c) Limiting construction work to approved and surveyed areas shown on facility constraints
28 maps.
- 29 (d) Ensuring that all construction personnel are instructed to avoid driving cross-country or
30 taking short-cuts within the site boundary or otherwise disturbing areas outside of the
31 approved and surveyed construction areas.

32 99 The certificate holder shall reduce the risk of injuries to avian species by:

- 33 (a) Installing turbine towers that are smooth steel structures that lack features that would
34 allow avian perching.
- 35 (b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff
36 edges, narrow ridge saddles and gaps between hilltops.
- 37 (c) Installing meteorological towers that are non-guyed structures to eliminate the risk of
38 avian collision with guy-wires.

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

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.

8. Visual Effects Conditions

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

- (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral white color.
- (b) Paint the Montague Solar collector substation and switching station structures in a low-reflectivity neutral color to blend with the surrounding landscape.
- (c) Not allow any advertising to be used on any part of the facility.
- (d) Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the Montague Solar O&M building to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles.
- (e) Maintain any signs allowed under this condition in good repair.

The certificate holder shall design and construct the 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. [AMD5, Sept 2020]

The certificate holder shall not use exterior nighttime lighting except:

- (a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.
- (b) Security lighting at the O&M buildings and at the substations, provided that such lighting is shielded or downward-directed to reduce glare.
- (c) Minimum lighting necessary for repairs or emergencies.

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

105 [Deleted AMD5, Sept 2020]

9. Noise Control Conditions

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

- (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.
- (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and
- (c) Establish a complaint response system at the construction manager's office to address noise complaints.

107 The certificate holder shall provide to the Department:

- i. Prior to construction:
 - a. A noise analysis that includes the following Information:
Final design locations of all noise-generating facility components (all wind turbines; substation transformers, inverters, and transformers associated with the photovoltaic solar array; and inverters and cooling systems associated with the battery storage system).

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

The results of noise analysis 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

1 property authorizes the certificate holder's operation of the facility to increase ambient
2 statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
3 measurement point. The legally-effective easement or real covenant must: include a
4 legal description of the burdened property (the noise-sensitive property); be recorded in
5 the real property records of the county; expressly benefit the certificate holder;
6 expressly run with the land and bind all future owners, lessees or holders of any interest
7 in the burdened property; and not be subject to revocation without the certificate
8 holder's written approval.

9 [Final Order on ASC; AMD5, Sept 2020]

10 108 During operation of the facility, the certificate holder shall implement measures to ensure
11 compliance with the noise control regulation, including:

- 12 (a) Providing notice of the noise complaint system and how to file a noise complaint to noise
13 sensitive receptors within 1-mile of noise-generating components.
- 14 (b) Maintain a complaint response system to address noise complaints. The certificate holder
15 shall promptly notify the Department of any complaints received regarding facility noise
16 and of any actions taken by the certificate holder to address those complaints. In response
17 to a complaint from the owner of a noise sensitive property regarding noise levels during
18 operation of the facility, the Council may require the certificate holder to monitor and
19 record the statistical noise levels to verify that the certificate holder is operating the
20 facility in compliance with the noise control regulations. [AMD5, Sept 2020]

21 **10. Waste Management Conditions**

23 109 The certificate holder shall provide portable toilets for on-site sewage handling during
24 construction and shall ensure that they are pumped and cleaned regularly by a licensed
25 contractor who is qualified to pump and clean portable toilet facilities.

26 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater
27 generated at the Montague Solar O&M building to a licensed on-site septic system in
28 compliance with State permit requirements. The certificate holder shall design the septic system
29 for a discharge capacity of less than 2,500 gallons per day.

30 111 The certificate holder shall implement a waste management plan during construction that
31 includes but is not limited to the following measures:

- 32 (a) Recycling steel and other metal scrap.
- 33 (b) Recycling wood waste.
- 34 (c) Recycling packaging wastes such as paper and cardboard.
- 35 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- 36 (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials,
37 and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium
38 batteries for disposal by a licensed firm specializing in the proper recycling or disposal of
39 hazardous wastes. [AMD5, Sept 2020]
- 40 (f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging
41 rinse water into foundation holes and burying other concrete waste as part of backfilling
42 the turbine foundation.

1
2 112 The certificate holder shall implement a waste management plan during facility operation that
3 includes but is not limited to the following measures:
4 (a) Training employees to minimize and recycle solid waste.
5 (b) Recycling paper products, metals, glass and plastics.
6 (c) Recycling used oil and hydraulic fluid
7 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
8 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
9 absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and
10 nickel-cadmium batteries for disposal by a licensed firm specializing in the proper
11 recycling or disposal of hazardous wastes. [AMD5, Sept 2020]
12

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

14 113-115 [Deleted AMD2, Dec 2015]

15
16 116: The certificate holder shall ensure its third-party contractor transports and disposes of battery
17 and battery waste in compliance with all applicable regulations and manufacturer
18 recommendations related to the transport of hazardous battery materials.

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

22 (b) During construction and operation, the certificate holder shall report to the Department
23 any potential compliance issue or cited violations of its third-party contractor for the
24 requirements identified in sub(a) of this condition. [AMD5, Sept 2020]

25 117 During facility operation, the certificate holder shall conduct monthly inspections of the battery
26 storage systems, in accordance with manufacturer specifications. The certificate holder shall
27 maintain documentation of inspections, including any corrective actions, and shall make
28 available for review upon request by the Department. [AMD5, Sept 2020]

29
30 118 The site certificate authorizes shared use of related or supporting facilities including the
31 Montague Solar collector substation, Montague Solar O&M building, battery storage system,
32 230 kV transmission line, access roads, and temporary staging areas under the site certificates
33 issued for the Montague Solar Facility and Oregon Trail Solar Facility. The site certificate
34 authorizes shared use of related or supporting facilities including the Montague Wind collector
35 substation under the site certificates issued for the Montague Wind Facility, Montague Solar
36 Facility and Oregon Trail Solar Facility.

37 (a) Within 30 days of shared use, the certificate holder must provide evidence to the
38 Department that the certificate holders have an executed agreement for shared use of
39 facilities.

40 (b) If certificate holders of Montague Solar Facility or Oregon Trail Solar Facility propose to
41 substantially modify any of the shared facilities listed in sub(a) of this condition, each
42 certificate holder shall submit an amendment determination request or request for site
43 certificate amendment to obtain a determination from the Department on whether a site
44 certificate amendment is required or to process an amendment for both site certificates.

1 If certificate holders opt to submit an amendment determination request, the
2 requirement may be satisfied through submittal of a single amendment determination
3 request with authorization (or signature) provided from each certificate holder.

4 (c) Prior to facility decommissioning or if facility operations cease, each certificate holder
5 shall submit an amendment determination request or request for site certificate
6 amendment to document continued ownership and full responsibility, including coverage
7 of full decommissioning amount of the shared facilities in the bond or letter of credit
8 pursuant to Condition 32, for the operational facility, if facilities are decommissioned at
9 different times.

10 [AMD5, Sept 2020]

11 119 Prior to construction and operation of the facility, the certificate holder shall identify the
12 number of outdoor signs and applicable Gilliam County Zoning Ordinance (GCZO) Section 8.050
13 Sign Regulation provisions and provide to the Department and Gilliam County Planning
14 Department written confirmation that outdoor signage complies with the applicable provisions.
15 [AMD5, Sept 2020]

16 **VI. SUCCESSORS AND ASSIGNS**

17 To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner,
18 directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

19 **VII. SEVERABILITY AND CONSTRUCTION**

20 If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with
21 any law, the validity of the remaining terms and conditions shall not be affected, and the rights and
22 obligations of the parties shall be construed and enforced as if the agreement and certificate did not
23 contain the particular provision held to be invalid.

24 **VIII. GOVERNING LAW AND FORUM**

25 This site certificate shall be governed by the laws of the State of Oregon. Any litigation or arbitration
26 arising out of this agreement shall be conducted in an appropriate forum in Oregon.

1 **IX. EXECUTION**

2 This site certificate may be executed in counterparts and will become effective upon signature by the
3 Chair of the Energy Facility Siting Council and the authorized representative of the certificate holder.

4 IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and
5 through its Energy Facility Siting Council, and by Oregon Trail Solar, LLC.

6
7

ENERGY FACILITY SITTING COUNCIL

By: Hanley Jenkins, II
Hanley Jenkins, II (Oct 2, 2020 06:44 PDT)

Print: Hanley Jenkins, II

Date: Oct 2, 2020

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11

OREGON TRAIL SOLAR, LLC

DocuSigned by:
By: Sara Parsons
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Print: Sara Parsons

Date: 10/6/2020

Legal

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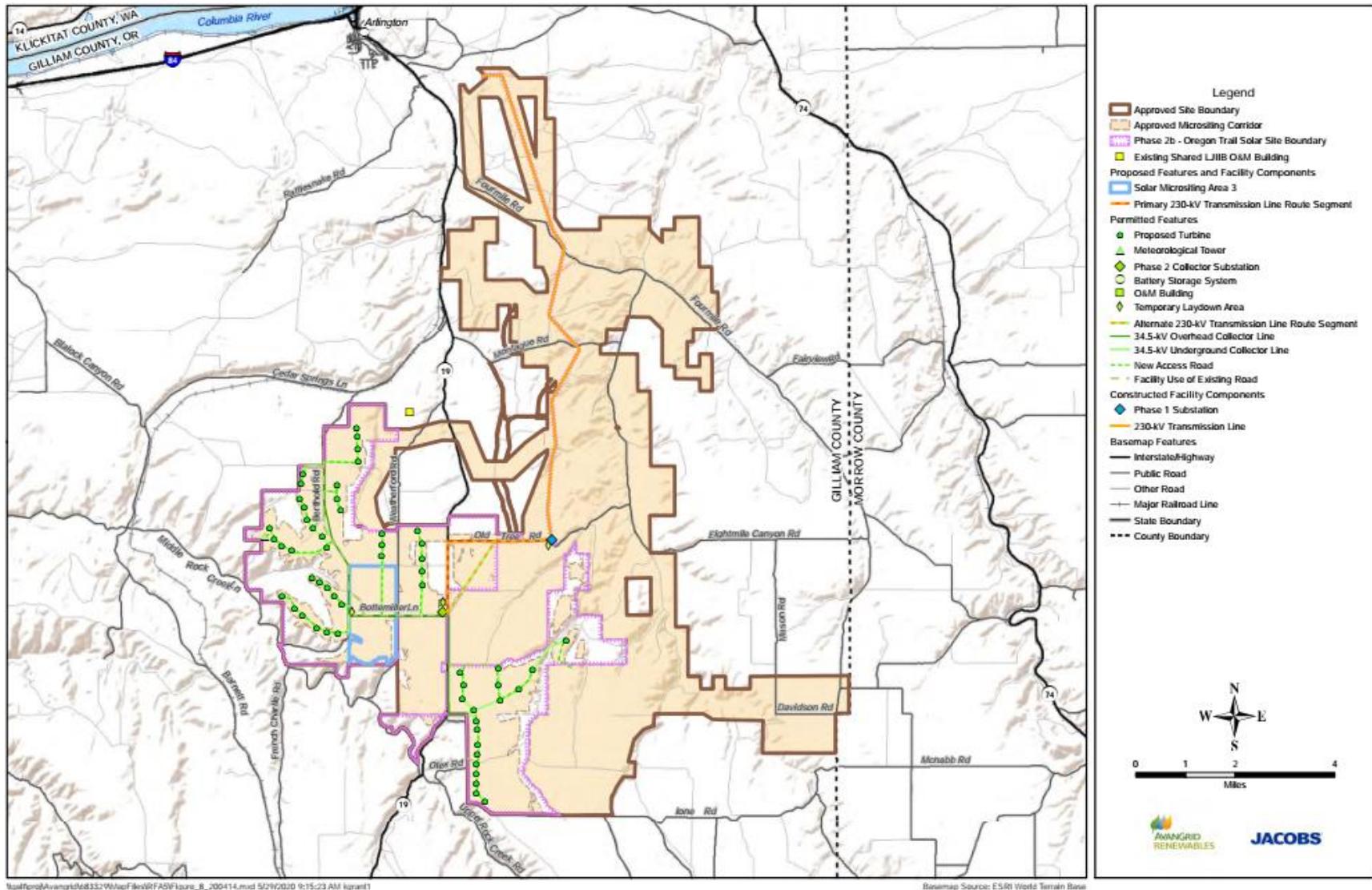
and

DocuSigned by:
By: Steve Krump
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Print: Steve Krump

Date: 10/8/2020

1 **Figure 1: Site Boundary and 230 kV transmission line corridor (with two route segments)**
2



3