

**ENERGY FACILITY SITING COUNCIL**

**OF THE**

**STATE OF OREGON**

**First Amended  
Site Certificate  
for the  
Oregon Trail Solar Facility**

ISSUANCE DATES:

Site Certificate September 25, 2020

First Amended Site Certificate March 24, 2023

Issuance Date History under Montague Wind Power Facility Site Certificate

Site Certificate September 10, 2010

First Amended Site Certificate June 21, 2013

Second Amended Site Certificate December 4, 2015

Third Amended Site Certificate July 12, 2017

Fourth Amended Site Certificate August 23, 2019

Fifth Amended Site Certificate September 25, 2020

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1

## The Oregon Energy Facility Siting Council

### 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

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 for the  
12 Montague Wind Power Facility issued on June 21, 2013; (c) the Final Order on Amendment #2 for the  
13 Montague Wind Power Facility issued on December 4, 2015; (d) the Final Order on Amendment #3 for  
14 the Montague Wind Power Facility issued on July 12, 2017; (e) the Final Order on Amendment #4 for the  
15 Montague Wind Power Facility issued on August 23, 2019; (f) the Final Order on Amendment #5 for the  
16 Montague Wind Power Facility issued on September 25, 2020; and (g) the Final Order on Amendment #1  
17 for the Oregon Trail Site Certificate issued on March 24, 2023.  
18

19 In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order  
20 of priority: (1) this Final Order on Amendment #1 of the Oregon Trail Solar Facility (2) the Final Order on  
21 Amendment #5 of the Montague Wind Power Facility, (3) the Final Order on Amendment #4 of the  
22 Montague Wind Power Facility, (4) the Final Order on Amendment #3 of the Montague Wind Power  
23 Facility, (5) the Final Order on Amendment #2 of the Montague Wind Power Facility, (6) the Final Order  
24 on Amendment #1 of the Montague Wind Power Facility, (7) the Final Order on the Application, and (8)  
25 the record of the proceedings that led to the final orders as referenced.  
26

27 As authorized in Final Order on Amendment #5, the Montague Wind Power Facility certificate holder  
28 obtained approval to split the Montague Wind Power Facility site certificate into three site certificates –  
29 Montague Wind Power Facility, Montague Solar Facility and Oregon Trail Solar Facility. Each of these site  
30 certificates are held by a wholly owned subsidiary and LLC created by Avangrid Renewables, LLC  
31 resulting in each certificate holder being owned by the same parent company. In addition, these  
32 facilities share facility components, interconnecting facility components and long-term operation.  
33

34 Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of  
35 the site certificate are set forth in the 2010 Final Order on the Application for Site Certificate and  
36 subsequent Final Orders on Requests for Amendment 1 through 5 for the Montague Wind Power  
37 Facility, which are incorporated by reference into the site certificate, these underlying findings, including  
38 any findings establishing the predevelopment condition of the site and impacts of approved facility  
39 components continue to have bearing on the analysis and findings required to approve any future  
40 changes to the site certificates for the successor facilities. In other words, environmental impacts  
41 evaluated in future site certificate amendment requests shall be based on 2010 predevelopment  
42 conditions and the incremental change in environmental impact based on the original site certificate  
43 application review and subsequent amendments to the Montague Wind Power Facility site certificate,  
44 either as approved or in operation, at the time of the amendment request. This clarification is intended  
45 to establish that, with the splitting of facility components under three site certificates, baseline

1 conditions and environmental impacts shall not adjusted in a way that results in greater overall impacts  
2 than the level of impacts that would be authorized under one site certificate.

3  
4 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site certificate, except  
5 where otherwise stated or where the context clearly indicates otherwise.  
6

**II. SITE CERTIFICATION**

7 1. To the extent authorized by state law and subject to the conditions set forth herein, the State  
8 authorizes the certificate holder to construct, operate and retire a wind and photovoltaic (PV) solar  
9 energy facility, together with certain related or supporting facilities, at the site in Gilliam County,  
10 Oregon, as described in Section III of this site certificate. ORS 469.401(1). [MWP Final Order on ASC;  
11 AMD4; AMD5, OTS AMD1]

12 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect  
13 on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and  
14 OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS  
15 469.401(1).

16 3. This site certificate does not address, and is not binding with respect to, matters that were not  
17 addressed on the record of the proceedings for Montague Wind Power Facility Site Certificate  
18 including the Final Order on the Application, Final Order on Amendment #1, Final Order on  
19 Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, Final Order on  
20 Amendment #5; and Final Order on Amendment #1 of the Oregon Trail Solar Facility Site Certificate.  
21 Such matters include, but are not limited to: building code compliance, wage, hour and other labor  
22 regulations, local government fees and charges and other design or operational issues that do not  
23 relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which  
24 the decision on compliance has been delegated by the federal government to a state agency other  
25 than the Council. 469.503(3). [MWP Final Order on ASC; AMD1; AMD2; AMD3; AMD4; AMD5; OTS  
26 AMD1]

27 4. Both the State and the certificate holder shall abide by local ordinances, state law and the rules of  
28 the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a  
29 clear showing of a significant threat to public health, safety or the environment that requires  
30 application of later-adopted laws or rules, the Council may require compliance with such later-  
31 adopted laws or rules. ORS 469.401(2).

32 5. For a permit, license or other approval addressed in and governed by this site certificate, the  
33 certificate holder shall comply with applicable state and federal laws adopted in the future to the  
34 extent that such compliance is required under the respective state agency statutes and rules. ORS  
35 469.401(2).

36 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and  
37 political subdivisions in Oregon as to the approval of the site and the construction, operation and  
38 retirement of the facility as to matters that are addressed in and governed by this site certificate.  
39 ORS 469.401(3).

40 7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a  
41 permit, license or other approval addressed in or governed by this site certificate shall, upon

1 submission of the proper application and payment of the proper fees, but without hearings or other  
2 proceedings, issue such permit, license or other approval subject only to conditions set forth in this  
3 site certificate. ORS 469.401(3).

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

7 9. After issuance of this site certificate, the Council shall have continuing authority over the site and  
8 may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request  
9 another state agency or local government to inspect, the site at any time in order to ensure that the  
10 facility is being operated consistently with the terms and conditions of this site certificate. ORS  
11 469.430.

### III. DESCRIPTION

#### 12 a. The Facility

13 The Oregon Trail Solar Facility is an electric power generating plant approved to consist of a combination  
14 of up to 16 wind turbines and a solar photovoltaic array within the approved site boundary area (13,866  
15 acres) which includes 12,638-acre wind micro siting corridor and a 1,228 acre solar micro siting area.

16 Wind turbines consist of a nacelle, a three-bladed rotor, turbine tower and foundations, with a  
17 maximum blade-tip height of 597 feet. The nacelle houses the equipment such as the gearbox,  
18 generator, brakes, and control systems for the turbines.

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

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

34 The approximate dimensions and specifications of energy facility and related or supporting facilities  
35 approved to be constructed and operated within the wind micro siting area are presented in Table 1  
36 below. The facility must be designed and operated substantially as described in the table dimensions,  
37 specifications, and in the facility description.

**Table 1: Wind Micrositing Area Facility Component Summary**

Component and Design Standard	No.	Unit
<b>Wind Components</b>		
Wind turbines	16	total
Max. blade tip height	597	feet
Min. aboveground blade tip clearance	46	feet
Max. hub height	351	feet
Max. rotor diameter	492	feet
Max. noise Level, per turbine	110	dBA
Transformers, pad-mounted	16	total
<b>Wind Related or Supporting Facility Components</b>		
<i>Meteorological Towers</i>		
Towers	2	total
Structure type, max. height	350	feet
<i>Access Roads - Wind</i>		
Access Roads (length, width)	18.7 mi/ 20 ft	Mile/feet
Improved Roads (length, width)	2.6 mi/20 ft.	Miles/feet
Improved Roads (length, width)	3.3 mi/30 ft.	Miles/feet
<i>Overhead 34.5 kV Collector lines</i>		
Length	7	miles
Structure type, height	100	H frame, feet

1  
2 The approximate dimensions and specifications of energy facility and related or supporting facilities  
3 approved to be constructed and operated within the solar micrositing area are presented in Table 2  
4 below. The final facility design must substantially comply with these dimensions and specifications. The  
5 facility must be designed and operated substantially as described in the table dimensions, specifications,  
6 and in the facility description.  
7

**Table 2: Solar Micrositing Area Component Summary**

Component and Design Standard	No.	Unit
<b>Solar Components</b>		
Solar micrositing area	400	acres
<i>PV Solar Modules</i>		
Approx. Total number	132,370	modules
Max Height at full-tilt	15	feet
<i>Inverters/Transformer Units</i>		
Approx. Total number	66	inverters
<b>Solar Related or Supporting Facility Components</b>		
<i>34.5 kV Collection System</i>		
Collector line length, aboveground	1.5	miles
Structure type, height	100	Feet H Frame
<i>Perimeter Fence</i>		
Length	6.9	miles
Height	8	feet
<i>Roads - Solar</i>		

**Table 2: Solar Micrositing Area Component Summary**

Component and Design Standard	No.	Unit
Improved (length, width)	1.0 @ 20	Miles, feet
Improved (length, width)	2.3 @ 30	Miles, feet

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

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

#### 15 **Power Collection System**

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

#### 20 **Control System**

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

#### 25 **Substation, Switching Station, and 230-kV Transmission Lines**

26 The facility includes two collector substations. One substation (“Montague Wind collector substation”) is  
27 shared with the Montague Wind Power facility, and the second (“Montague Solar collector substation”) is  
28 shared with the Montague Solar facility. The facility includes one optional approved switching station.  
29 Station components include circuit-breakers, switches and other auxiliary equipment.

30  
31 Under or aboveground 34.5-kV collector line connect the generating facilities to the Montague Solar  
32 collector substation where the voltage will be stepped up to 230 kV. An aboveground, single-circuit 230-



1 kV transmission line connects the Montague Solar collector substation to the Montague Wind collector  
2 substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Wind  
3 collector substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power  
4 Administration (BPA) at the Slatt substation. As approved in Final Order on Amendment 5, the 230 kV  
5 transmission line includes two approved route segments, as presented in Attachment 1, Figure 1 of the  
6 site certificate.

### 7 8 **Battery Storage**

9  
10 The facility is approved to include a battery storage system shared with the Montague Solar facility. The  
11 battery storage system would be capable of storing up to 100 MW of wind or solar energy generated by  
12 the facility, and would be used to stabilize the wind or solar resource through dispatching of energy  
13 stored in the battery system. The battery system is placed in a series of containers or building located  
14 near the Montague Solar collector substation.

15  
16 The battery system would be composed of either lithium-ion (Li-ion) batteries or a flow battery. Lithium-  
17 ion batteries are a solid-state rechargeable battery utilizing lithium ions in an electrolyte. Flow batteries  
18 are composed of a variety of different technologies; however, all flow batteries dispatch electricity by  
19 allowing the migration of electrons from a positive ion tank to a negative ion tank. The electrons migrate  
20 between solutions via a membrane.

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

### 33 34 **Meteorological Towers**

35  
36 The facility includes up to two permanent meteorological towers.

### 37 38 **Operations and Maintenance Building**

39  
40 The facility includes one O&M building (“Montague Solar O&M building”) shared with the Montague  
41 Solar facility. An on-site well at the Montague Solar O&M facility supplies water for use during facility  
42 operation. Sewage is discharged to an on-site septic system.

### 43 44 **Access Roads**

45  
46 The facility includes access roads to provide access to the turbine strings, solar array, battery storage  
47 system and other related or supporting components.

1 **Public Roadway Modifications**

2  
3 The certificate holder may construct improvements to existing state and county public roads that are  
4 necessary for construction of the facility. These modifications would be confined to the existing road  
5 rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the  
6 Oregon Department of Transportation, depending on the location of the improvement.

7  
8 **Temporary Construction Areas**

9  
10 During construction, the facility includes temporary laydown areas used to stage construction and store  
11 supplies and equipment. Construction crane paths are used to move construction cranes between  
12 turbine strings.

13  
14 a.1.1 Shared Related or Supporting Facilities

15 The site certificates for the Oregon Trail Solar Facility, Montague Solar Facility, and Montague Wind  
16 Power Facility were originally approved as one site certificate for the Montague Wind Power Facility  
17 (September 2010 – September 2019). On September 25, 2020, facility components were split or  
18 allocated into three separate site certificates, but identified that certain related or supporting facilities  
19 would be shared or used by each facility. Sharing of facility components, or use by multiple facilities, is  
20 allowable in the EFSC process when the compliance obligation and applicable regulatory requirements  
21 for the shared facilities is adequately covered under each site certificate, including under normal  
22 operational circumstances, ceasing/termination of operation, emergencies and compliance issues or  
23 violations.

24  
25 Shared related or supporting facilities include:

- 26  
27
- Substation, switching station, and 230-kV transmission lines
  - Battery storage system
  - Operations and maintenance (O&M) building
  - Temporary construction areas
  - Access roads to shared facilities
  - Public roadway modifications
- 28  
29  
30  
31  
32  
33

34 The certificate holder is authorized to share related or supporting facilities between the Oregon Trail  
35 Solar Facility, Montague Solar Facility and Montague Wind Power Facility including the Montague Wind  
36 collector substation, 230 kV transmission line, temporary laydown areas, and access roads, based on the  
37 component specifications presented in Table 3 below. The facility must be designed and operated  
38 substantially as described in the table dimensions, specifications, and in the facility description.

39  
**Table 3: Shared Related or Supporting Facilities Component Summary**

Component and Design Standard	No.	Unit
<i>Overhead 230 kV Transmission line</i>		
Length	14	miles
Structure type, height	H-frame, 100	feet
<i>Battery Energy Storage System (Lithium-ion or flow)</i>		

**Table 3: Shared Related or Supporting Facilities Component Summary**

<b>Component and Design Standard</b>	<b>No.</b>	<b>Unit</b>
Approx. total <u>capacity</u>	100	MW
Approx. container dimensions	20x8x40	HxWxL feet
HVAC noise level, per unit	78	dBA at 6 feet
Perimeter fence length	2,140	feet
Perimeter fence height	8	feet
<i>Substation</i>		
No. of substations	2	
<i>O&amp;M Building</i>		
No. of O&M Buildings	1	
Onsite well, usage limit	5,000	Gallons/day
Onsite septic system, capacity	2,100	Gallons/day
<i>Construction Staging and Laydown Areas</i>		
No. of Areas/acres	2 areas/17 acres	Total acres

1  
2 The certificate holder is authorized to share related or supporting facilities between the Montague Solar  
3 Facility, Montague Wind Facility, and Oregon Trail Solar Facility including the Montague Solar collector  
4 substation, 230 kV transmission line segments, O&M building and battery storage. These related or  
5 supporting facilities are included in each site certificate. Compliance responsibility with site certificate  
6 conditions and EFSC standards which apply to these shared related or supporting facilities are shared  
7 between site certificates and certificate holders. In accordance with Condition 118, if any certificate  
8 holder substantially modifies a shared related or supporting facility or ceases facility operation, each  
9 certificate holder would be obligated to submit an amendment determination request or request for  
10 amendment to the Department to determine the appropriate process for evaluating the change and  
11 ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is  
12 terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the  
13 Department that a legally binding agreement has been fully executed between certificate holders to  
14 ensure approval and agreement of access to the shared resources has been obtained prior to operation  
15 of shared facilities.

16  
17 a.2 Location of the Facility

18 The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on private land  
19 subject to easements or lease agreements with landowners, as presented in Attachment A, Figure 1.

20 a.3 Site Boundary and Micrositing Areas

21 The approved site boundary includes 15,094 acres. Within the site boundary, there are two  
22 approved micrositing areas – a solar micrositing area and a wind micrositing area. The solar  
23 micrositing area includes 1,228 acres (see pink polygon in Figure 1); the wind micrositing area  
24 includes 12,638 acres (see orange polygon in Figure 1). The Council permits final siting  
25 flexibility within the approved micrositing corridors because the certificate holder has  
26 demonstrated that requirements of all applicable standards have been satisfied by adequately

1 evaluating the entirety of the micro siting corridors and location of wind and solar energy  
2 generation components anywhere within the respective micro siting corridors.

3  
4 This site boundary also includes two approved transmission line corridors (as presented in  
5 Figure 2):

- 6  
7 • 230 kV Transmission Line Corridor Route 1: Extends 14 miles east out of the Montague  
8 Solar collector substation to a 90-degree turning structure just east of OR 19. From  
9 there, it would extend straight north along OR 19 (outside of the road right-of-way) until  
10 it reaches the corner of Old Tree Road where it would turn east towards the Montague  
11 Wind collector substation
- 12  
13 • 230 kV Transmission Line Corridor Route 2: Extends 14 miles going east out of the  
14 Montague Solar collector substation, crosses OR 19 and diagonals across fields to Old  
15 Tree Road where it may run on the north or the south side of the road to reach the  
16 Montague Wind collector substation, and then extends north to BPA's Slatt Substation

## 17 18 **b. Facility Development**

### 19 b.1 Construction

20  
21 Facility construction is anticipated to take 12-months, with an average of 200 to peak 475 construction  
22 workers. Construction traffic is estimated at 360 round trips per day.

23  
24 The facility is approved to be constructed in phases. In accordance with ORS 469.300(6), preconstruction  
25 conditions, if specified, may be satisfied for the applicable phase, facility component or for the facility,  
26 as applicable, based on final design and configuration.

27  
28 Water use during construction is estimated to require up to 36.8 million gallons with water to be  
29 provided by a third party provided such as the City of Arlington, which has committed to up to 40 million  
30 gallons for purchase. Solid waste disposal for the facility during construction and operation of the facility  
31 will be provided by private contract with a local commercial hauler or haulers. Typical heavy-equipment  
32 use needed for the construction of a facility include use of trucks, excavators, cranes, trenching  
33 equipment, watering trucks and tanks with ground disturbing activities including vegetation removal,  
34 excavation, trenching, post-driving, and gravel and concrete use to create pads and foundations. Topsoil  
35 management and Best Management Practices will be followed during facility construction.

### 36 37 b.2 Operations and Maintenance

38 Facility operation includes remote and in-person monitoring and may include 10-30 full-time operations  
39 and maintenance (O&M) staff. The facility O&M activities would include routine, monthly inspections of  
40 the solar array, wind components, SCADA and monitoring systems, and shared facilities such as the  
41 battery storage systems, unless otherwise recommended by the manufacturer.

42 O&M activities may include replacement of electrolyte solutions every 10 to 20 years, if flow batteries  
43 are selected. If lithium-ion batteries are selected, O&M activities include battery replacement every 5 to

1 10 years. Nonfunctional solar panels would be recycled through the Solar Energy Industries Association  
2 (SEIA) National PV Recycling Program, to the maximum extent feasible. Solid wastes expected to be  
3 generated during operation include industrial wastes from maintenance and replacement of batteries  
4 associated with the battery energy storage system. The certificate holder estimates that batteries would  
5 need to be replaced every 7 years.

6 O&M activities may include washing of solar modules. It is conservatively assumed that solar modules  
7 would be washed twice a year, which would require approximately 430,000 gallons of water per year.  
8 The City of Arlington has committed to providing up to 500,000 gallons for this purpose. A third-party  
9 contractor would obtain water for panel cleaning from an offsite source. Water would then be applied  
10 via a tanker truck and would not have any cleaning solvents in it, unless otherwise approved by the  
11 Department. Washwater would be discharged by evaporation and seepage into the ground.

12 O&M activities may also include routine inspection and maintenance, repairs of wind turbine  
13 components and supporting equipment for wind generation and electronic monitoring systems. O&M  
14 activities will likely include vegetation management, noxious weed management, and facility access road  
15 use and maintenance for the life of the facility.  
16

#### 17 **IV. SITE CERTIFICATE CONDITIONS**

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

25 The obligation of the certificate holder to report information to the Oregon Department of Energy  
26 (Department) or the Council under the conditions listed in this section and in Section V is subject to the  
27 provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department  
28 and the Council will not publicly disclose information that may be exempt from public disclosure if the  
29 certificate holder has clearly labeled such information and stated the basis for the exemption at the time  
30 of submitting the information to the Department or the Council. If the Council or the Department  
31 receives a request for the disclosure of the information, the Council or the Department, as appropriate,  
32 will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney  
33

34 General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.  
35 In addition to these conditions, the certificate holder is subject to all conditions and requirements  
36 contained in the rules of the Council and in local ordinances and state law in effect on the date the  
37 certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the public  
38 health, safety or the environment that requires application of later-adopted laws or rules, the Council  
39 may require compliance with such later-adopted laws or rules.  
40

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

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

3    2        OAR 345-025-0006(2): The certificate holder shall submit a legal description of the site to the  
4            Department of Energy within 90 days after beginning operation of the facility. The legal  
5            description required by this rule means a description of metes and bounds or a description of  
6            the site by reference to a map and geographic data that clearly and specifically identifies the  
7            outer boundaries that contain all parts of the facility.

8    3        OAR 345-025-0006(3): The certificate holder shall design, construct, operate and retire the  
9            facility:

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

15  
16    4        OAR 345-025-0006(4): The certificate holder shall begin and complete construction of the  
17            facility by the dates specified in the site certificate. (See Conditions 24 and 25.)

18  
19    5        OAR 345-025-0006(5): Except as necessary for the initial survey or as otherwise allowed for wind  
20            energy facilities, transmission lines or pipelines under this section, the certificate holder shall  
21            not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the  
22            site until the certificate holder has construction rights on all parts of the site. For the purpose of  
23            this rule, “construction rights” means the legal right to engage in construction activities. For  
24            wind energy facilities, transmission lines or pipelines, if the certificate holder does not have  
25            construction rights on all parts of the site, the certificate holder may nevertheless begin  
26            construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the  
27            certificate holder has construction rights on that part of the site and:

28           (a)        The certificate holder would construct and operate part of the facility on that part of the  
29                       site even if a change in the planned route of the transmission line or pipeline occurs  
30                       during the certificate holder’s negotiations to acquire construction rights on another part  
31                       of the site; or

32           (d)        The certificate holder would construct and operate part of a wind energy facility  
33                       on that part of the site even if other parts of the facility were modified by  
34                       amendment of the site certificate or were not built.

35    6        OAR 345-025-0006(6): If the certificate holder becomes aware of a significant environmental  
36            change or impact attributable to the facility, the certificate holder shall, as soon as possible,  
37            submit a written report to the Department describing the impact on the facility and any affected  
38            site certificate conditions.

39    7        OAR 345-025-0006(7): The certificate holder shall prevent the development of any conditions on  
40            the site that would preclude restoration of the site to a useful, non-hazardous condition to the  
41            extent that prevention of such site conditions is within the control of the certificate holder.

- 1    8        OAR 345-025-0006(8): Before beginning construction of the facility, the certificate holder shall  
2        submit to the State of Oregon, through the Council, a bond or letter of credit, in a form and  
3        amount satisfactory to the Council to restore the site or a portion of the site to a useful, non-  
4        hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at  
5        all times until the facility has been retired. The Council may specify different amounts for the  
6        bond or letter of credit during construction and during operation of the facility. (See Condition  
7        32.)
- 8    9        OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder  
9        permanently ceases construction or operation of the facility. The certificate holder shall retire  
10       the facility according to a final retirement plan approved by the Council, as described in OAR  
11       345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-  
12       hazardous condition at the time of retirement, notwithstanding the Council’s approval in the  
13       site certificate of an estimated amount required to restore the site.
- 14   10       OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all  
15       representations in the site certificate application and supporting record the Council deems to be  
16       binding commitments made by the applicant.
- 17   11       OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall restore  
18       vegetation to the extent practicable and shall landscape all areas disturbed by construction in a  
19       manner compatible with the surroundings and proposed use. Upon completion of construction,  
20       the certificate holder shall remove all temporary structures not required for facility operation  
21       and dispose of all timber, brush, refuse and flammable or combustible material resulting from  
22       clearing of land and construction of the facility.
- 23   12       OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the facility to  
24       avoid dangers to human safety and the environment presented by seismic hazards affecting the  
25       site that are expected to result from all maximum probable seismic events. As used in this rule  
26       “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and  
27       consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic  
28       softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For  
29       coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [AMD5,  
30       Sept 2020]
- 31   13       OAR 345-025-0006(13): The certificate holder shall notify the Department, the State Building  
32       Codes Division and the Department of Geology and Mineral Industries promptly if site  
33       investigations or trenching reveal that conditions in the foundation rocks differ significantly  
34       from those described in the application for a site certificate. After the Department receives the  
35       notice, the Council may require the certificate holder to consult with the Department of Geology  
36       and Mineral Industries and the Building Codes Division to propose and implement corrective or  
37       mitigation actions.
- 38   14       OAR 345-025-0006(14): The certificate holder shall notify the Department, the State Building  
39       Codes Division and the Department of Geology and Mineral Industries promptly if shear zones,  
40       artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After  
41       the Department receives notice, the Council may require the certificate holder to consult with

1 the Department of Geology and Mineral Industries and the Building Codes Division to propose  
2 and implement corrective or mitigation actions.

3 15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the site  
4 certificate holder, the certificate holder shall inform the Department of the proposed new  
5 owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that  
6 requires a transfer of the site certificate.

7 16 OAR 345-025-0006(16): If the Council finds that the certificate holder has permanently ceased  
8 construction or operation of the facility without retiring the facility according to a final  
9 retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall  
10 notify the certificate holder and request that the certificate holder submit a proposed final  
11 retirement plan to the Department within a reasonable time not to exceed 90 days. If the  
12 certificate holder does not submit a proposed final retirement plan by the specified date, the  
13 Council may direct the Department to prepare a proposed final retirement plan for the Council's  
14 approval. Upon the Council's approval of the final retirement plan, the Council may draw on the  
15 bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, non-  
16 hazardous condition according to the final retirement plan, in addition to any penalties the  
17 Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of  
18 credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any  
19 additional cost necessary to restore the site to a useful, non-hazardous condition. After  
20 completion of site restoration, the Council shall issue an order to terminate the site certificate if  
21 the Council finds that the facility has been retired according to the approved final retirement  
22 plan.

23 17 [AMD3; Deleted AMD4, 2019]

24 18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230 kV transmission  
25 line anywhere within the approved corridor, subject to the conditions of the site certificate. The  
26 approved corridor is ½-mile in width and extends approximately 14 miles from the Montague  
27 Solar collector substation to the Montague Wind substation to BPA's Slatt Substation as  
28 presented in Figure 1 of the site certificate.  
29 [OAR 345-025-0010(5); ASC; AMD4]

30  
31 19 OAR 345-025-0016: The following general monitoring conditions apply:

32 (1) In the site certificate, the Council shall include conditions that address monitoring and  
33 mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22  
34 and Division 24. The certificate holder shall develop proposed monitoring and mitigation plans  
35 in consultation with the Department and, as appropriate, other state agencies, local  
36 governments and tribes. Monitoring and mitigation plans are subject to Council approval. The  
37 Council shall incorporate approved monitoring and mitigation plans in applicable site certificate  
38 conditions.

39 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the  
40 certificate holder shall implement a plan that verifies compliance with all site certificate terms  
41 and conditions and applicable statutes and rules. As a part of the compliance plan, to verify  
42 compliance with the requirement to begin construction by the date specified in the site



1 certificate, the certificate holder shall report promptly to the Department of Energy when  
2 construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of  
3 construction, the certificate holder shall describe all work on the site performed before  
4 beginning construction, including work performed before the Council issued the site certificate,  
5 and shall state the cost of that work. For the purpose of this exhibit, “work on the site” means  
6 any work within a site or corridor, other than surveying, exploration or other activities to define  
7 or characterize the site or corridor. The certificate holder shall document the compliance plan  
8 and maintain it for inspection by the Department or the Council.

9 21 OAR 345-026-0080: The certificate holder shall report according to the following requirements:

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

11 (i) Within six months after beginning construction, and every six months thereafter  
12 during construction of the energy facility and related or supporting facilities, the  
13 certificate holder shall submit a semiannual construction progress report to the  
14 Department of Energy. In each construction progress report, the certificate holder  
15 shall describe any significant changes to major milestones for construction. The  
16 certificate holder shall report on the progress of construction and shall address  
17 the subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date  
18 coincides, the certificate holder may include the construction progress report  
19 within the annual report described in this rule.

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

28 (iii) To the extent that information required by this rule is contained in reports the  
29 certificate holder submits to other state, federal or local agencies, the certificate  
30 holder may submit excerpts from such other reports to satisfy this rule. The  
31 Council reserves the right to request full copies of such excerpted reports

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

34 (i) Facility Status: An overview of site conditions, the status of facilities under  
35 construction and a summary of the operating experience of facilities that are in  
36 operation. The certificate holder shall describe any unusual events, such as  
37 earthquakes, extraordinary windstorms, major accidents or the like that occurred  
38 during the year and that had a significant adverse impact on the facility.

39 (ii) Reliability and Efficiency of Power Production: For electric power plants, the plant  
40 availability and capacity factors for the reporting year. The certificate holder shall  
41 describe any equipment failures or plant breakdowns that had a significant impact

1 on those factors and shall describe any actions taken to prevent the recurrence of  
2 such problems.

3 (iii) Status of Surety Information: Documentation demonstrating that bonds or letters  
4 of credit as described in the site certificate are in full force and effect and will  
5 remain in full force and effect for the term of the next reporting period.

6 (iv) Monitoring Report: A list and description of all significant monitoring and  
7 mitigation activities performed during the previous year in accordance with site  
8 certificate terms and conditions, a summary of the results of those activities and a  
9 discussion of any significant changes to any monitoring or mitigation program,  
10 including the reason for any such changes.

11 (v) Compliance Report: A description of all instances of noncompliance with a site  
12 certificate condition. For ease of review, the certificate holder shall, in this section  
13 of the report, use numbered subparagraphs corresponding to the applicable  
14 sections of the site certificate.

15 (vi) Facility Modification Report: A summary of changes to the facility that the  
16 certificate holder has determined do not require a site certificate amendment in  
17 accordance with OAR 345-027-0350.

18 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange copies  
19 of all correspondence or summaries of correspondence related to compliance with statutes,  
20 rules and local ordinances on which the Council determined compliance, except for material  
21 withheld from public disclosure under state or federal law or under Council rules. The certificate  
22 holder may submit abstracts of reports in place of full reports; however, the certificate holder  
23 shall provide full copies of abstracted reports and any summarized correspondence at the  
24 request of the Department.

25 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours  
26 of any occurrence involving the facility if:

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

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

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

32 **1. Administrative Conditions**

33 The conditions listed in this section include conditions based on representations in the site certificate  
34 application and supporting record. The Council deems these representations to be binding  
35 commitments made by the applicant. These conditions are required under OAR 345-025-0006.

36 The certificate holder must comply with these conditions in addition to the conditions listed in  
37 Section IV. This section includes other specific facility conditions the Council finds necessary to ensure  
38 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public

1 health and safety. For conditions that require subsequent review and approval of a future action, ORS  
2 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the  
3 Council’s discretion, the delegation is warranted under the circumstances of the case.

4 24 The certificate holder shall begin construction of the facility by August 30, 2025. Certificate  
5 holder shall provide written notification to the Department of “start of construction” as defined  
6 in ORS 469.300(6).

7 25 The certificate holder shall complete construction of the facility within 3 years of the date of  
8 construction commencement. The certificate holder shall promptly notify the Department of the  
9 date of completion of construction.

10 26 [Deleted in AMD5, Sept 2020]

11 27 The certificate holder shall construct the facility substantially as described in the site certificate.  
12 Before beginning construction, the certificate holder shall provide to the Department a  
13 description of the facility to be constructed, any phasing and construction schedule.  
14 [MWP Final Order on ASC; AMD3; AMD4; AMD5; OTS AMD1]  
15

16 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals  
17 required for construction, operation and retirement of the facility or ensure that its contractors  
18 obtain the necessary federal, state and local permits or approvals.  
19

20 29 The certificate holder shall:

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

28 (b) During construction and operation, promptly report to the Department if any third-party  
29 permits referenced in sub(i) of this condition have been subject to a cited violation,  
30 Notice of Violation, or allegation of a violation. [AMD5, Sept 2020]

31 30 Before beginning construction, the certificate holder shall notify the Department in advance of  
32 any work on the site that does not meet the definition of “construction” in ORS 469.300,  
33 excluding surveying, exploration or other activities to define or characterize the site, and shall  
34 provide to the Department a description of the work and evidence that its value is less than  
35 \$250,000.

36 31 Before beginning construction of the facility, facility components or phase but no more than two  
37 years before beginning construction and after considering all micro-siting factors, the certificate  
38 holder shall provide to the Department, to the Oregon Department of Fish and Wildlife (ODFW)  
39 and to the Planning Director of Gilliam County detailed maps of the facility site, showing the  
40 final locations where the certificate holder proposes to build facility components, and a table  
41 showing the acres of temporary and permanent habitat impact by habitat category and subtype.

1 The detailed maps of the facility site shall indicate the habitat categories of all areas that would  
2 be affected during construction.

3 32 Before beginning construction of the facility, the certificate holder shall submit to the  
4 State of Oregon through the Council a bond or letter of credit in the amount described  
5 herein naming the State of Oregon, acting by and through the Council, as beneficiary or  
6 payee. The bond or letter of credit will be issued for an amount that is either \$7.03  
7 million (4<sup>th</sup> Quarter 2022 dollars), to be adjusted to the date of issuance as described in  
8 (b), or the amount determined as described in (a). The certificate holder shall adjust the  
9 amount of the bond or letter of credit on an annual basis thereafter as described in (b).

10 (a) The certificate holder may adjust the amount of the bond or letter of credit  
11 based on the final design configuration of the facility, and both the battery  
12 storage or turbine types selected by applying the unit costs and general costs  
13 illustrated in Table 5 of the Final Order on AMD1 and calculating the financial  
14 assurance amount as described in that order, adjusted to the date of issuance as  
15 described in (b) and subject to approval by the Department. The certificate  
16 holder may adjust the amount of the bond or letter of credit under (a) if opting  
17 to construct only a portion of the facility.

18 (b) The certificate holder shall adjust the amount of the bond or letter of credit,  
19 using the following calculation and subject to approval by the Department:  
20 i. Adjust the Subtotal component of the bond or letter of credit amount  
21 (expressed in 2022 dollars) to present value, using the U.S. Gross Domestic  
22 Product Implicit Price Deflator, Chain-Weight, as published in the Oregon  
23 Department of Administrative Services' "Oregon Economic and Revenue  
24 Forecast" or by any successor agency (the "Index") and using the quarterly  
25 index value for the date of issuance of the new bond or letter of credit. If at  
26 any time the Index is no longer published, the Council shall select a  
27 comparable calculation to adjust 2022 dollars to present value.  
28 ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond  
29 amount to determine the adjusted Gross Cost.  
30 iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration  
31 and project management costs, add 20 percent of the adjusted Gross Cost of  
32 the Solar Generation and Battery Storage System (ii) and 10 percent of the  
33 adjusted Gross Cost of all other facility components(ii) for the adjusted  
34 future developments contingency.  
35 iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round  
36 the resulting total to the nearest \$1,000 to determine the adjusted financial  
37 assurance amount.

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

40 (d) The financial institution issuing of the bond or letter of credit must be on the Council's  
41 pre-approved financial institution list.

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

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

5 [MWP AMD5, OTS AMD1]  
6

7 33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the  
8 certificate holder shall ensure that the surety is obligated to comply with the requirements of  
9 applicable statutes, Council rules and this site certificate when the surety exercises any legal or  
10 contractual right it may have to assume construction, operation or retirement of the energy  
11 facility. The certificate holder shall also ensure that the surety is obligated to notify the Council  
12 that it is exercising such rights and to obtain any Council approvals required by applicable  
13 statutes, Council rules and this site certificate before the surety commences any activity to  
14 complete construction, operate or retire the energy facility.

15 34 Before beginning construction, the certificate holder shall notify the Department of the identity  
16 and qualifications of the major design, engineering and construction contractor(s) for the  
17 facility. The certificate holder shall select contractors that have substantial experience in the  
18 design, engineering and construction of similar facilities. The certificate holder shall report to  
19 the Department any change of major contractors.

20 35 The certificate holder shall contractually require all construction contractors and subcontractors  
21 involved in the construction of the facility to comply with all applicable laws and regulations and  
22 with the terms and conditions of the site certificate. Such contractual provisions shall not  
23 operate to relieve the certificate holder of responsibility under the site certificate.

24 36 The certificate holder shall:

25 (a) Prior to construction, notify the Department of the name, telephone number and e-mail  
26 address of the full-time, onsite construction manager.

27 (b) During construction, the construction manager or a designated, qualified representative  
28 shall be on site to manage and implement all applicable requirements of the site  
29 certificate.

30 [MWP Final Order on ASC, OTS AMD1]

31 37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or  
32 conditions of the site certificate, the certificate holder shall report the conditions or  
33 circumstances to the Department.  
34

35 **2. Land Use Conditions**

36 38 During construction and operation, the certificate holder shall consult with area landowners and  
37 lessees that could be impacted by activities or facility component location and implement  
38 measures to reduce and avoid any adverse impacts to ongoing farm practices on surrounding  
39 lands, including coordination with the landowner of the solar micro-siting area to ensure that the  
40 final solar array layout does not prevent the landowner from maximizing agricultural production  
41 on the land not occupied by the solar array.

42 [MWP Final Order on ASC; AMD5; OTS AMD1]  
43

- 1    39    The certificate holder shall design and construct the facility to minimize the permanent impacts  
2           to agricultural land, including to the extent practicable, using existing access roads, co-locating  
3           facilities, reducing road and transmission line/collector line lengths, and designing facility  
4           components to allow ongoing access to agricultural fields.  
5           [MWP Final Order on ASC; AMD5]
- 6    40    If, prior to construction, final facility design includes wind facility components, the certificate  
7           holder shall install gates within the wind micrositing area on private access roads in accordance  
8           with Gilliam County Zoning Ordinance (GCZO) Article 7 Section 7.020(T)(4)(d)(6) unless the  
9           County has granted a variance to this requirement. [MWP Final Order on ASC, OTS AMD1]
- 10   41    Prior to operation of wind facility components, if constructed, the certificate holder shall record  
11           in the real property records of Gilliam County a Covenant Not to Sue with regard to generally  
12           accepted farming practices on adjacent farmland consistent with GCZO Article 7 Section  
13           7.020(T)(5)(a)(5)
- 14   42    The certificate holder shall construct all facility components in compliance with the following  
15           setback requirements:
- 16           (a) All facility components must be at least 3,520 feet from the property line of properties  
17                zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.  
18           (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-  
19                percent of maximum blade tip height, measured from the centerline of the turbine tower to  
20                the nearest edge of any public road right-of-way. The certificate holder shall assume a  
21                minimum right-of-way width of 60 feet.  
22           (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320  
23                feet, measured from the centerline of the turbine tower to the center of the nearest  
24                residence existing at the time of tower construction.  
25           (d) The certificate holder shall maintain a minimum distance of 250 feet measured from the  
26                center line of each turbine tower to the nearest edge of any railroad right-of-way or  
27                electrical substation.  
28           (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the  
29                center line of each meteorological tower to the nearest edge of any public road right-of-way  
30                or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the  
31                nearest electrical substation.  
32           (f) The certificate holder shall maintain a minimum distance of 50 feet measured from the  
33                Montague Solar O&M building to the nearest edge of any public road right-of-way or  
34                railroad right-of-way or the nearest boundary of the certificate holder's lease area.  
35           (g) The certificate holder shall maintain a minimum distance of 50 feet measured from any  
36                substation to the nearest edge of any public road right-of-way or railroad right-of-way or the  
37                nearest boundary of the certificate holder's electrical substation easement or, if there is no  
38                easement, the nearest boundary of the certificate holder's lease area.  
39           (h) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of  
40                maximum blade tip height, measured from the centerline of the turbine tower from any  
41                overhead utility line.  
42           (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of  
43                maximum turbine height from blade tip height, measured from the centerline of the turbine  
44                tower from federal transmission lines, unless the affected parties agree otherwise.

- 1 (j) The certificate holder shall maintain a minimum distance of 25 feet measured from the  
2 fence line of the solar array to the nearest property line.  
3 (k) The certificate holder shall maintain a minimum distance of 25 feet measured from the  
4 front, rear and side yard of the battery storage system site to the nearest property line.  
5 (l) Wind turbines must be setback a minimum distance of 656 feet (200 meters), measured  
6 from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek  
7 Canyon. [AMD5, Sept 2020]  
8

9 43 During construction and operation of the facility, the certificate holder shall implement a weed  
10 control plan substantially similar to the draft Noxious Weed Plan included in Attachment X of  
11 this site certificate, as approved by the Department in consultation with Gilliam County Weed  
12 Control Officer or other appropriate County officials to control the introduction and spread of  
13 noxious weeds.

14 44 During operation of the facility, the certificate holder shall restore areas that are temporarily  
15 disturbed during facility maintenance or repair activities using the same methods and  
16 monitoring procedures described in the Revegetation Plan referenced in Condition 92.

17 45 Within 90 days after beginning operation of wind facility components, if constructed, the  
18 certificate holder shall provide to the Department and to the Gilliam County Planning  
19 Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of  
20 each turbine tower, connecting lines and transmission lines and a summary of as-built changes  
21 in the facility compared to the original plan.

22 46 The certificate holder shall provide an electronic copy of the annual report required under  
23 Condition 21 to the Gilliam County Planning Commission on an annual basis unless specifically  
24 discontinued by the County.

25 **3. Cultural Resource Conditions**

26 47 Before beginning construction, the certificate holder shall label all identified historic, cultural or  
27 archeological resource sites on construction maps and drawings as “no entry” areas. If  
28 construction activities will occur within 200 feet of a likely eligible NHRP or NRHP identified site,  
29 the certificate holder shall flag a 30-meter no entry buffer around the site. The certificate holder  
30 may use existing private roads within the buffer areas but may not widen or improve private  
31 roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-  
32 way within the buffer areas or to operational farmsteads. [Final Order on ASC]  
33

34 48 In reference to the alignment of the Oregon Trail described in the Final Order on the  
35 Application, the certificate holder shall comply with the following requirements:

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

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

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

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

12 49 Before beginning construction, the certificate holder shall provide to the Department a map  
13 showing the final design locations of all components of the facility, the areas that would be  
14 temporarily disturbed during construction and the areas that have previously been surveyed.  
15 The certificate holder shall hire qualified personnel to conduct field investigations of all areas to  
16 be disturbed during construction that lie outside the previously-surveyed areas. The certificate  
17 holder shall provide a written report of the field investigations to the Department and to the  
18 Oregon State Historic Preservation Office (SHPO) for review. If any potentially significant  
19 historic, cultural or archaeological resources are found during the field investigation, the  
20 certificate holder shall instruct all construction personnel to avoid the identified sites and shall  
21 implement appropriate measures to protect the sites, including the measures described in  
22 Condition 47.

23 50 During construction, the certificate holder shall:

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

27 (b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance  
28 at depths of 12 inches or greater during grading, trenching, or drilling activities. The  
29 qualifications of the selected cultural resources monitor shall be reviewed and approved by  
30 the Department, in consultation with the CTUIR Cultural Resources Protection Program. In  
31 the selection of the cultural resources monitor to be employed during construction,  
32 preference shall be given to citizens of the CTUIR. If any cultural resources are identified  
33 during monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as  
34 provided in Attachment G of the Final Order on Amendment 1 should be followed. The  
35 certificate holder shall report to the Department in its semi-annual report a description of  
36 the ground disturbing activities that occurred during the reporting period, dates cultural  
37 monitoring occurred, and shall include copies of monitoring forms completed by the cultural  
38 resource monitor. [MWP AMD5, OTS AMD1]

39 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing  
40 activities in the immediate area if any archaeological or cultural resources are found during  
41 construction of the facility until a qualified archaeologist can evaluate the significance of the  
42 find. The certificate holder shall notify the Department and the Oregon State Historic  
43 Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant,  
44 the certificate holder shall make recommendations to the Council for mitigation, including



1 avoidance, field documentation and data recovery, in consultation with the Department, SHPO,  
 2 interested Tribes and other appropriate parties. The certificate holder shall not restart work in  
 3 the affected area until the certificate holder has demonstrated to the Department and the SHPO  
 4 that it has complied with archaeological resource protection regulations

5 **4. Geotechnical Conditions**

6 52 Before beginning construction of the facility, the certificate holder shall conduct a site-specific  
 7 geotechnical investigation and shall report its findings to the Oregon Department of Geology &  
 8 Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the  
 9 geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific  
 10 methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation  
 11 and road design. [Final Order; AMD5, Sept 2020]

12  
 13 53 The certificate holder shall design and construct the facility in accordance with requirements of  
 14 the current Oregon Structural Specialty Code and International Building Code. [AMD5, Sept  
 15 2020]

16  
 17 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human  
 18 safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards”  
 19 include settlement, landslides, flooding and erosion.

20 **5. Hazardous Materials, Fire Protection & Public Safety Conditions**

21  
 22 55 During construction and operation, the certificate holder shall handle hazardous materials used  
 23 on the site in a manner that protects public health, safety and the environment and shall comply  
 24 with all applicable local, state and federal environmental laws and regulations. The certificate  
 25 holder shall not store diesel fuel or gasoline on the facility site during operations. [AMD5, Sept  
 26 2020]

27 56 If a spill or release of hazardous material occurs during construction or operation of the facility,  
 28 the certificate holder shall notify the Department within 72 hours and shall clean up the spill or  
 29 release and dispose of any contaminated soil or other materials according to applicable  
 30 regulations. The certificate holder shall make sure that spill kits containing items such as  
 31 absorbent pads are located on equipment and at the O&M buildings. The certificate holder shall  
 32 instruct employees about proper handling, storage and cleanup of hazardous materials

33 57 If final facility design includes wind facility components, the certificate holder shall construct  
 34 turbines and pad-mounted transformers on concrete foundations and shall cover the ground  
 35 within a 10-foot radius with non-flammable material. The certificate holder shall maintain the  
 36 non-flammable pad area covering during operation of the facility.

37 58 If final facility design includes wind facility components, the certificate holder shall install and  
 38 maintain self-monitoring devices on each turbine, linked to sensors at the operations and  
 39 maintenance building, to alert operators to potentially dangerous conditions, and the certificate  
 40 holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain  
 41 automatic equipment protection features in each turbine that would shut down the turbine and  
 42 reduce the chance of a mechanical problem causing a fire.

1 59 During construction and operation of the facility, the certificate holder shall ensure that the  
2 Montague Solar O&M building and all service vehicles are equipped with shovels and portable  
3 fire extinguishers of a 4A50BC or equivalent rating.

4 60

5 (a) During construction of the facility, the certificate holder shall develop and implement  
6 fire safety plan(s) in consultation with the North Gilliam County Rural Fire Protection  
7 District to minimize the risk of fire and to respond appropriately to any fires that  
8 occur on the facility site. In developing the fire safety plans, the certificate holder  
9 shall take into account the dry nature of the region and shall address risks on a  
10 seasonal basis.

11 (b) Prior to operation of the facility, the certificate holder shall submit to the Department  
12 and the North Gilliam County Rural Fire Protection District, a final Wildfire Mitigation  
13 Plan (WMP) based on final facility design, new information from the data sources  
14 identified in WMP Table 5 and:

- 15 i. An updated wildfire risk assessment, taking into account the facility on the  
16 landscape.
- 17 ii. Information substantially similar to those included in the WMP (Attachment E of  
18 the Final Order on RFA1), listed under OAR 345-022-0115(1)(b), taking into  
19 account wildfire risk with the facility on the landscape.

20 (c) During operation, the certificate holder shall:

- 21 i. Meet annually with local fire protection agency personnel to discuss emergency  
22 planning and shall invite local fire protection agency personnel to observe any  
23 emergency drill or tower rescue training conducted at the facility.
- 24 ii. Implement the measures in the WMP.
- 25 iii. In every annual report required under Condition 21 (OAR 345-026-0080), provide  
26 an updated WMP based on review of WMP Table 5 or confirm that WMP  
27 updates are not required because there have been no changes to the  
28 recommendations from the data sources identified in WMP Table 5 during the  
29 reporting year.
- 30 iv. Submit an updated WMP to the North Gilliam County Rural Fire Protection  
31 District if substantive changes are made to the WMP as a result of the review  
32 under sub (c)(iii) of this condition.

33 [MWPAMD5, Sept 2020, OTSAMD1]

34 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to  
35 the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on  
36 the site plan the identification number assigned to each turbine, if constructed, and the actual  
37 location of all facility structures. The certificate holder shall provide an updated site plan if  
38 additional turbines or other structures are later added to the facility. During operation, the  
39 certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-  
40 date list of the names and telephone numbers of facility personnel available to respond on a 24-  
41 hour basis in case of an emergency on the facility site.

- 1 62 During construction, the certificate holder shall ensure that construction personnel are trained  
 2 in fire prevention and response, that construction vehicles and equipment are operated on  
 3 grveled areas to the extent possible and that open flames, such as cutting torches, are kept  
 4 away from dry grass areas.
- 5 63 During operation of the facility, the certificate holder shall ensure that all on-site employees  
 6 receive annual fire prevention and response training by qualified instructors or members of the  
 7 local fire districts. The certificate holder shall ensure that all employees are instructed to keep  
 8 vehicles on roads and off dry grassland, except when off-road operation is required for  
 9 emergency purposes.
- 10 64 Before beginning construction of the certificate holder shall submit a Notice of Proposed  
 11 Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon  
 12 Department of Aviation identifying the final locations of turbine towers and meteorological  
 13 towers to determine if the structure(s) are a hazard to air navigation and aviation safety. The  
 14 certificate holder shall promptly notify the Department of the responses from the FAA and the  
 15 Oregon Department of Aviation. The FAA and ODA evaluation and determinations are valid for  
 16 18 months (per OAR 738-070-0180), once issued. The certificate holder shall maintain current  
 17 hazard determinations on file commensurate with construction timelines. [AMD5, Sept 2020]
- 18 65 If final facility design includes wind facility components, the certificate holder shall follow  
 19 manufacturers' recommended handling instructions and procedures to prevent damage to  
 20 turbine or turbine tower components that could lead to failure.
- 21 66 If final facility design includes wind facility components, there shall be no exterior ladders or  
 22 access to the turbine blades; turbine towers shall have locked access doors. The certificate  
 23 holder shall keep tower access doors locked at all times, except when authorized personnel are  
 24 present.
- 25 67 If final facility design includes wind facility components, the certificate holder shall:  
 26 (a) Prior to operations, provide to the Department, for review and approval, information or  
 27 programmatic details on its operational safety-monitoring program that includes regular  
 28 inspections, maintenance, and reporting program to prevent structural or electrical failure  
 29 of wind turbine foundations, towers, blades, or electrical equipment. Required elements of  
 30 the operational safety-monitoring program include:  
 31 1. Identify and conduct inspections and testing of wind facility components, including but  
 32 not limited to foundations, towers, blades, nacelles, pad-mounted transformers, and  
 33 SCADA system, consistent with manufacturers' recommendations and recognized and  
 34 generally accepted good engineering practices (RAGAGEP) for frequency and process.  
 35 2. Maintain records of each inspection and test performed. Records shall:  
 36 i. Identify the date of the inspection or test, the name of the person who performed  
 37 the inspection or test, the serial number or other identifier of the equipment on  
 38 which the inspection or test was performed, a description of the inspection or test  
 39 performed, and the results of the inspection or test.  
 40 ii. Identify testing or inspection results that show deficiencies in equipment or  
 41 operation issues that are outside acceptable limits or recommendations identified  
 42 by the manufacturer. These issues must be corrected before further use, or in a  
 43 safe and timely manner if precautions are taken to assure safe operation.

- 1                   iii. Be made available for inspection by the Department’s Compliance Officer during
- 2                   site visits, or upon request from the Department.
- 3           (b) During operations, implement the program as approved by the Department under sub(a) of
- 4           the condition. Certificate holder shall report in its annual report to the Department of any
- 5           changes to its operational safety-monitoring program that occurred during the reporting
- 6           year.
- 7           (c) During operations, in the event of blade or tower failure, a structural or electrical issue that
- 8           causes a fire or other safety hazard the certificate holder shall report the incident to the
- 9           Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 30
- 10           days of the event, submit a report which contains:
- 11                   i. A discussion of the cause of the reported incident including results of on-site or
- 12                   remote inspections or investigations;
- 13                   ii. A description of immediate actions taken to correct the reported conditions or
- 14                   circumstances; and
- 15                   iii. A description of actions taken or planned to minimize the possibility of recurrence
- 16                   and a description of manufacturers' recommendations and recognized and
- 17                   generally accepted good engineering practices to avoid instances in the future.

18

19 68    If final facility design includes wind facility components, any pad-mounted step-up transformers

20    shall be installed at the base of each tower in locked cabinets designed to protect the public

21    from electrical hazards and to avoid creation of artificial habitat for raptor prey.

22 69    The certificate holder shall:

23    (a) Prior to construction of facility substations, solar array, and battery storage systems, if

24    included in final design, provide maps or engineering drawings to the Department

25    demonstrating that the final layout includes fencing and gates.

26    (b) During operation of substations, solar arrays and battery storage systems, if included in final

27    design, ensure that fencing is maintained and gates are locked to prohibit public access.

28

29 70    Before beginning construction of any new State Highway approaches or utility crossings, the

30    certificate holder shall obtain all required permits from the Oregon Department of

31    Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,

32    Divisions 51 and 55. The certificate holder shall submit the necessary application in a form

33    satisfactory to ODOT and the Department for the location, construction and maintenance of a

34    new approach to State Highway 19 for access to the site. The certificate holder shall submit the

35    necessary application in a form satisfactory to ODOT and the Department for the location,

36    construction and maintenance of transmission lines crossing Highway 19.

37

38 71    The certificate holder shall design and construct new access roads and private road

39    improvements to standards approved by the Gilliam County Road Department. Where

40    modifications of County roads are necessary, the certificate holder shall construct the

41    modifications entirely within the County road rights-of-way and in conformance with County

42    road design standards subject to the approval of the Gilliam County Road Department. Where

43    modifications of State roads or highways are necessary, the certificate holder shall construct the

44    modifications entirely within the public road rights-of-way and in conformance with Oregon

45    Department of Transportation (ODOT) standards subject to the approval of ODOT.

1 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,  
2 designed under the direction of a licensed engineer and compacted to meet equipment load  
3 requirements.

4 73 During construction of the facility, the certificate holder shall implement measures to reduce  
5 traffic impacts, including:

- 6 (a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
- 7 (b) Providing appropriate traffic safety signage and warnings.
- 8 (c) Requiring flaggers to be at appropriate locations at appropriate times during construction  
9 to direct traffic.
- 10 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or  
11 oversize construction loads are anticipated.
- 12 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so that  
13 roads will not be closed to traffic because of construction vehicles.
- 14 (f) Encouraging carpooling for the construction workforce.
- 15 (g) Including traffic control procedures in contract specifications for construction of the  
16 facility.
- 17 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access  
18 points.

19  
20 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any  
21 County road whether inside or outside the site boundary. The certificate holder may temporarily  
22 park equipment off the road but within County rights-of-way with the approval of the Gilliam  
23 County Road Department.

24  
25 75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that  
26 any unusual damage or wear to county roads that is caused by construction of the facility is  
27 repaired by the certificate holder. Submittal to the Department of an executed Road Use  
28 Agreement with Gilliam County shall constitute evidence of compliance with this condition.  
29 Upon completion of construction, the certificate holder shall restore public roads to pre-  
30 construction condition or better to the satisfaction of the applicable county departments. If  
31 required by Gilliam County, the certificate holder shall post bonds to ensure funds are available  
32 to repair and maintain roads affected by the facility. If construction of the facility will utilize  
33 county roads in counties other than Gilliam County, the certificate holder shall coordinate with  
34 the Department and the respective county road departments regarding the implementation of a  
35 similar Road Use Agreement. [AMD5, Sept 2020]

36 76 The certificate holder shall:

- 37 (a) Prior to construction, submit to the Department a copy of contractor site health and safety  
38 plan(s) that informs workers and others on-site about first aid techniques and what to do in  
39 case of an emergency and that includes important telephone numbers and the locations of  
40 on-site fire extinguishers and nearby hospitals.
- 41 (b) During construction, the certificate holder shall require that all on-site construction  
42 contractors implement the site health and safety plan submitted per sub(a) of this  
43 condition. The certificate holder shall ensure that construction contractors have personnel  
44 on-site who are first aid and CPR certified.

1 (i) If final facility design includes wind facility components, the certificate holder shall  
2 ensure that construction contractors have personnel on-site who are trained and  
3 equipped for tower rescue.  
4

5 77 During operation of the facility, the certificate holder shall develop and implement a site health  
6 and safety plan that informs employees and others on-site about first aid techniques and what  
7 to do in case of an emergency, including a contingency plan in a fire emergency, and that  
8 includes important telephone numbers and the locations of on-site fire extinguishers, nearby  
9 hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement  
10 services.

11 (a) If final facility design includes wind facility components, the certificate holder shall ensure  
12 that operations personnel are trained and equipped for tower rescue. If the certificate  
13 holder conducts an annual emergency drill or performs tower rescue training at the  
14 facility, the North Gilliam County Rural Fire Protection District and the Arlington Fire  
15 Department will be invited to observe. [AMD5, Sept 2020]  
16

17 78 The certificate holder shall:

- 18 (a) Prior to construction, provide to the Department a protocol for communication that will  
19 occur during construction between certificate holder's on-site security and Gilliam  
20 County Sheriff's Office.  
21 (b) During construction, the certificate holder shall provide on-site security within the facility  
22 site boundary, and shall establish good communications between on-site security  
23 personnel and the Gilliam County Sheriff's Office by establishing a communication  
24 protocol between the security personnel and the Sherriff's office.  
25 (c) During operation, the certificate holder shall ensure that appropriate law enforcement  
26 agency personnel have an up-to-date list of the names and telephone numbers of facility  
27 personnel available to respond on a 24-hour basis in case of an emergency on the facility  
28 site. The list shall also be sent to the Department.  
29

30 79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning  
31 Department within 72 hours of any accidents including mechanical failures on the site  
32 associated with construction or operation of the facility that may result in public health and  
33 safety concerns.

34 **6. Water, Soils, Streams & Wetlands Conditions**

35 80 (a) Prior to construction, the certificate holder shall:

36 (i) If final facility design includes wind energy generation components, submit to the  
37 Department and Gilliam County Planning Director for review and approval a topsoil  
38 management plan including how topsoil will be stripped, stockpiled, and clearly marked  
39 in order to maximize topsoil preservation and minimize erosion impacts. [OAR 660-033-  
40 0130(37)(b)(B)]. The topsoil management plan may be incorporated into the final Erosion  
41 and Sediment Control Plan, required under sub(ii) or may be provided to the Department  
42 as a separate plan.

43 (ii) Obtain a National Pollutant Discharge Elimination System (NPDES) Storm Water  
44 Discharge General Permit #1200-C from the Oregon Department of Environmental  
45 Quality.

46 (b) During construction, the certificate holder shall conduct all work in compliance with an  
47 Erosion and Sediment Control Plan (ESCP) satisfactory to the Department and Oregon

- 1 Department of Environmental Quality and as required under the National Pollutant  
2 Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The  
3 certificate holder shall include in the ESCP any procedures necessary to meet local erosion  
4 and sediment control requirements or storm water management requirements.
- 5 (c) Prior to beginning facility operation, the certificate holder shall provide the Department a  
6 copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [MWP  
7 Final Order on ASC, AMD5; OTS AMD1]  
8
- 9 81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to  
10 avoid soil compaction, to the extent practicable.  
11
- 12 82 During construction, the certificate holder shall implement best management practices to  
13 control any dust generated by construction activities, such as applying water to roads and  
14 disturbed soil areas.
- 15 83 Prior to construction of the facility, the certificate holder shall provide the Department with a  
16 final facility design map that demonstrates avoidance of all wetlands and WOS along with  
17 updated and/or current determinations by DSL in accordance with the following subparts:  
18 (a) At least 6-months prior to construction within areas covered by WD 2011-0364R (expired  
19 May 2022), certificate holder shall submit a new wetland delineation report to DSL and  
20 obtain a new DSL determination;  
21 (b) If construction activities are planned to occur within areas covered by WD 2018-0660, then,  
22 prior to March 2025, certificate holder must seek a renewal of WD 2018-0660;  
23 (c) If construction impacts are planned to occur within areas covered by WD2022-0400,  
24 certificate holder must provide the DSL determination to the Department and ensure it  
25 remains active/renewed through the date of construction commencement;  
26 (d) If any future DSL determinations evaluated under (a) – (c) of this condition identify wetlands  
27 or WOS that could be impacted by facility construction or operation and that would require  
28 a removal-fill permit, Council approval of a site certificate amendment with removal fill  
29 requirements must be obtained.  
30
- 31 84 The certificate holder shall avoid impacts to waters of the state in the following manner:  
32 (a) The certificate holder shall avoid any disturbance to delineated wetlands.  
33 (b) The certificate holder shall construct stream crossings for roads and underground  
34 collector lines substantially as described in the Final Order on the Application or the  
35 Final Order on Amendment #4. In particular, the certificate holder shall not remove  
36 material from waters of the State or add new fill material to waters of the State such  
37 that the total volume of removal and fill exceeds 50 cubic yards for the project as a  
38 whole.  
39 (c) The certificate holder shall construct support poles for aboveground lines outside of  
40 delineated stream channels and shall avoid in-channel impacts.  
41 [AMD5]  
42
- 43 85 During facility operation, the certificate holder shall routinely inspect and maintain all facility  
44 components including roads, pads (including turbine and battery storage pad), solar array, and  
45 trenched areas and, as necessary, maintain or repair erosion and sediment control measures.  
46 [AMD5, Sept 2020]

1 86 During facility operation, the certificate holder shall obtain water for on-site uses from an on-  
 2 site well located near the Montague Solar O&M building. The certificate holder shall construct  
 3 the on-site well subject to compliance with the provisions of ORS 537.765 relating to keeping a  
 4 well log. The certificate holder shall not use more than 5,000 gallons of water per day from the  
 5 on-site well. The certificate holder may use other sources of water for on-site uses subject to  
 6 prior approval by the Department.

7 87 During facility operation, if wind turbine blade or solar panel-washing becomes necessary, the  
 8 certificate holder shall ensure that there is no runoff of wash water from the site or discharges  
 9 to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or  
 10 metal brighteners with the wash water. The certificate holder may use biodegradable,  
 11 phosphate-free cleaners sparingly. [MWP AMD5]

## 12 **7. Transmission Line & EMF Conditions**

13  
 14 88 The certificate holder shall install the 34.5-kV collector system underground to the extent  
 15 practical. The certificate holder shall install underground lines at a minimum depth of three feet.  
 16 Based on geotechnical conditions or other engineering considerations, the certificate holder  
 17 may install segments of the collector system aboveground, but the total length of aboveground  
 18 segments must not exceed 27 miles.

19 89 The certificate holder shall take reasonable steps to reduce or manage human exposure to  
 20 electromagnetic fields, including but not limited to:

21 ~~(a)~~ [Deleted AMD5, Sept 2020]

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

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

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

30  
 31 90 [Deleted OTS AMD1]  
 32

## 33 **8. Plants, Wildlife & Habitat Protection Conditions**

34  
 35 91 During operation, the certificate holder shall implement the requirements of the Wildlife  
 36 Monitoring and Mitigation Plan (WMMP), as provided in Attachment D of the Final Order on  
 37 Amendment 1. [MWP Final Order on ASC, AMD3, AMD5; OTS AMD1]

38 92 The certificate holder shall restore areas disturbed by facility construction but not occupied by  
 39 permanent facility structures according to the methods and monitoring procedures described in  
 40 the final Revegetation Plan for the facility, as approved by the Department in consultation with  
 41 ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final  
 42 Order on Request for Amendment #5. [MWP Final Order on ASC, AMD3, AMD5]



- 1    93    If final facility design includes wind energy generation components, the certificate holder shall:
- 2           (a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as  
3           long as the site certificate is in effect by means of an outright purchase, conservation  
4           easement or similar conveyance and shall provide a copy of the documentation to the  
5           Department. Within the habitat mitigation area, the certificate holder shall improve the  
6           habitat quality as described in the final Habitat Mitigation Plans for the Facility, as approved  
7           by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be  
8           based on the draft plan included as Attachment C to the Final Order on Request for  
9           Amendment 1 and updated based on Condition 31. The final Habitat Mitigation Plans may  
10          be amended from time to time.
- 11          (b) Prior to construction, the certificate holder shall finalize and implement the Habitat  
12          Mitigation Plan (HMP) included as Attachment C of the Final Order on Amendment 1, as  
13          approved by ODOE in Consultation with ODFW. Provision regarding impacted acreage  
14          calculations shall be completed and submitted to the department after construction is  
15          complete as described in the condition below.
- 16          (c) Within 90 days of completion of construction, the certificate holder shall submit to the  
17          department and ODFW an updated HMP Table.  
18          [AMD5, Sept 2020]
- 19    94    Prior to construction of facility components or a phase of components that will occur within  
20    suitable Washington ground squirrel (WGS) habitat, the certificate holder shall conduct  
21    protocol-level surveys for WGS within 1000 feet of any ground disturbing activity. Survey reports  
22    shall be submitted to the Department and ODFW for review and concurrence.
- 23           Suitable WGS habitat can be defined as any terrestrial habitat that has not been  
24           developed (i.e. active agricultural lands), particularly shrub-steppe and grassland  
25           habitats. Protocol-level surveys include two sets of surveys at least two weeks apart, in  
26           the active squirrel season (March 1 to May 31). If a single or multiple WGS burrows are  
27           identified, the delineation of Category 1 habitat shall be based on a 785-foot buffer  
28           from those burrows, excluding areas of habitat types not suitable for WGS foraging or  
29           burrow establishment. Protocol-level surveys are valid for three (3) years. If  
30           construction does not commence the year following the protocol-level survey, any  
31           active burrows or colonies shall be checked prior to the year of construction to evaluate  
32           any changes that may occur in the location and delineation of Category 1.
- 33
- 34    95    The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat  
35    during construction including, but not limited to, the following:
- 36          (a)    The certificate holder shall not construct any facility components within areas of  
37          Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
- 38          (b)    Before beginning construction of the facility, the certificate holder's qualified  
39          professional biologist shall survey the Category 1 Washington ground squirrel habitat to  
40          ensure that the sensitive use area is correctly marked with exclusion flagging and avoided  
41          during construction. The certificate holder shall maintain the exclusion markings until  
42          construction has been completed.

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

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

17 96 If final facility design includes wind facility components:

18 Prior to the year in which construction occurs and each subsequent year of construction, the  
 19 certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife  
 20 (ODFW) to determine whether there are any active nests of these species within a half-mile of  
 21 any areas that would be disturbed during construction. The certificate holder shall begin  
 22 monitoring potential nest sites by March 15 and shall continue monitoring until at least May 31  
 23 to determine whether any potentially-active nest sites become active during the sensitive  
 24 period.

25 During construction, the certificate holder shall avoid all construction activities within a 1,300-  
 26 foot buffer around active nest sites of the following species during the sensitive period, as  
 27 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

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

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

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

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

15 97 [Deleted AMD5, Sept 2020]

16 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive  
17 wildlife habitat during construction including, but not limited to, the following:

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

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

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

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

26 99 If final facility design includes wind facility components, the certificate holder shall reduce the  
27 risk of injuries to avian species by:

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

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

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

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

37  
38 100 The certificate holder shall hire a qualified environmental professional to provide environmental  
39 training during construction and operation. Environmental training includes information on the

1 sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive  
2 wildlife habitat, exclusion areas, permit requirements and other environmental issues. The  
3 certificate holder shall instruct construction and operations personnel to report any injured or  
4 dead wildlife detected while on the site to the appropriate onsite environmental manager.  
5

6 101 The certificate holder shall impose and enforce a construction and operation speed limit of 20  
7 miles per hour throughout the facility site and, during the active squirrel season (March 1 to  
8 May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after  
9 sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate  
10 holder shall ensure that all construction and operations personnel are instructed to watch out  
11 for and avoid WGS and other wildlife while driving through the facility site.

12 **8. Visual Effects Conditions**  
13

14 102 To reduce the visual impact of the facility, if applicable based on final facility design, the  
15 certificate holder shall:

- 16 (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,  
17 neutral white color.
- 18 (b) Paint the Montague Solar collector substation and switching station structures in a low-  
19 reflectivity neutral color to blend with the surrounding landscape.
- 20 (c) Not allow any advertising to be used on any part of the facility.
- 21 (d) Use only those signs required for facility safety, required by law or otherwise required by  
22 this site certificate, except that the certificate holder may erect a sign near the Montague  
23 Solar O&M building to identify the facility, may paint turbine numbers on each tower and  
24 may allow unobtrusive manufacturers' logos on turbine nacelles.
- 25 (e) Maintain any signs allowed under this condition in good repair.  
26

27 103 The certificate holder shall design and construct the O&M building, substation, and buildings  
28 and containers associated with battery storage, if applicable based on final facility design, to be  
29 generally consistent with the character of similar buildings used by commercial farmers or  
30 ranchers in the area and shall paint the building in a low-reflectivity, neutral color to blend with  
31 the surrounding landscape. [AMD5, Sept 2020]  
32

33 104 The certificate holder shall not use exterior nighttime lighting except, if applicable based on final  
34 facility design:  
35

- 36 (a) The minimum turbine tower lighting required or recommended by the Federal Aviation  
37 Administration.
- 38 (b) Security lighting at the O&M buildings and at the substations, provided that such lighting  
39 is shielded or downward-directed to reduce glare.
- 40 (c) Minimum lighting necessary for repairs or emergencies.
- 41 (d) Minimum lighting necessary for construction directed to illuminate the work area and  
42 shielded or downward-directed to reduce glare.  
43

44 105 [Deleted AMD5, Sept 2020]  
45

1 **9. NOISE CONTROL CONDITIONS**

2 106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

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

8  
9 107 The certificate holder shall provide to the Department:

10 (i) Prior to construction:

11 (a) A noise analysis that includes the following Information:

12 Final design locations of all noise-generating facility components (all wind turbines;  
13 substation transformers, inverters, and transformers associated with the photovoltaic  
14 solar array; and inverters and cooling systems associated with the battery storage  
15 system).

16  
17 The maximum sound power level for the Montague Solar collector substation  
18 transformers; inverters and transformers associated with the photovoltaic solar array;  
19 inverters and cooling systems associated with battery storage system; and the  
20 maximum sound power level and octave band data for the Phase 2 wind turbines  
21 selected for the facility based on manufacturers’ warranties or confirmed by other  
22 means acceptable to the Department.

23  
24 The results of noise analysis according to the final design performed in a manner  
25 consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii) (IV) and (VI)  
26 demonstrating to the satisfaction of the Department that the total noise generated by  
27 the facility (including the noise from wind turbines, substation transformers, inverters  
28 and transformers associated with the photovoltaic solar array; inverters and cooling  
29 systems associated with battery storage system) would meet the ambient degradation  
30 test and maximum allowable test at the appropriate measurement point for all  
31 potentially-affected noise sensitive properties. The certificate holder shall verify that all  
32 noise sensitive properties within one mile of the final design locations of noise-  
33 generating components have been identified and included in the preconstruction noise  
34 analysis based on review of the most recent property owner information obtained from  
35 the Gilliam County Tax Assessor Roll.

36  
37 For each noise-sensitive property where the certificate holder relies on a noise waiver to  
38 demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy  
39 of the legally effective easement or real covenant pursuant to which the owner of the  
40 property authorizes the certificate holder’s operation of the facility to increase ambient  
41 statistical noise levels L10 and L50 by more than 10 dBA at the appropriate  
42 measurement point. The legally-effective easement or real covenant must: include a  
43 legal description of the burdened property (the noise-sensitive property); be recorded in  
44 the real property records of the county; expressly benefit the certificate holder;  
45 expressly run with the land and bind all future owners, lessees or holders of any interest

1 in the burdened property; and not be subject to revocation without the certificate  
2 holder’s written approval.  
3 [Final Order on ASC; AMD5, Sept 2020]

4 108 During operation of the facility, the certificate holder shall implement measures to ensure  
5 compliance with the noise control regulation, including:

6 (a) Providing notice of the noise complaint system and how to file a noise complaint to noise  
7 sensitive receptors within 1-mile of noise-generating components.

8 (b) Maintain a complaint response system to address noise complaints. The certificate holder  
9 shall promptly notify the Department of any complaints received regarding facility noise  
10 and of any actions taken by the certificate holder to address those complaints. In response  
11 to a complaint from the owner of a noise sensitive property regarding noise levels during  
12 operation of the facility, the Council may require the certificate holder to monitor and  
13 record the statistical noise levels to verify that the certificate holder is operating the  
14 facility in compliance with the noise control regulations. [AMD5, Sept 2020]  
15

16 **10. Waste Management Conditions**

17 109 The certificate holder shall provide portable toilets for on-site sewage handling during  
18 construction and shall ensure that they are pumped and cleaned regularly by a licensed  
19 contractor who is qualified to pump and clean portable toilet facilities.

20 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater  
21 generated at the Montague Solar O&M building to a licensed on-site septic system in  
22 compliance with State permit requirements. The certificate holder shall design the septic system  
23 for a discharge capacity of less than 2,500 gallons per day.

24 111 The certificate holder shall implement a waste management plan during construction that  
25 includes but is not limited to the following measures:

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

37  
38 112 The certificate holder shall implement a waste management plan during facility operation that  
39 includes but is not limited to the following measures:

- 40 (a) Training employees to minimize and recycle solid waste.
- 41 (b) Recycling paper products, metals, glass and plastics.
- 42 (c) Recycling used oil and hydraulic fluid

- 1 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- 2 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
- 3 absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and
- 4 nickel-cadmium batteries for disposal by a licensed firm specializing in the proper
- 5 recycling or disposal of hazardous wastes. [AMD5, Sept 2020]

6

7 **V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILITY SITE CERTIFICATE**

8 **AMENDMENTS**

9

10 113-115 [Deleted AMD2, Dec 2015]

11

12 116 If final facility design includes battery energy storage components, the certificate holder shall

13 ensure its third-party contractor transports and disposes of battery and battery waste in

14 compliance with all applicable regulations and manufacturer recommendations related to the

15 transport of hazardous battery materials.

- 16 (a) Prior to construction, the certificate holder shall provide a description to the Department
- 17 of applicable regulations and manufacturer recommendations applicable to the transport
- 18 and disposal of batteries and battery related waste.
- 19 (b) During construction and operation, the certificate holder shall report to the Department
- 20 any potential compliance issue or cited violations of its third-party contractor for the
- 21 requirements identified in sub(a) of this condition. [AMD5, Sept 2020]

22

23 117 During facility operation, if final facility design includes battery energy storage components, the

24 certificate holder shall conduct monthly inspections of the battery storage systems, in

25 accordance with manufacturer specifications. The certificate holder shall maintain

26 documentation of inspections, including any corrective actions, and shall make available for

27 review upon request by the Department. [AMD5, Sept 2020]

28

29 118 The site certificate authorizes shared use of related or supporting facilities including the

30 Montague Solar collector substation, Montague Solar O&M building, battery storage system,

31 230 kV transmission line, access roads, and temporary staging areas under the site certificates

32 issued for the Montague Solar Facility and Oregon Trail Solar Facility. The site certificate

33 authorizes shared use of related or supporting facilities including the Montague Wind collector

34 substation under the site certificates issued for the Montague Wind Facility, Montague Solar

35 Facility and Oregon Trail Solar Facility.

- 36 (a) Within 30 days of shared use, the certificate holder must provide evidence to the
- 37 Department that the certificate holders have an executed agreement for shared use of
- 38 facilities.
- 39 (b) If certificate holders of Montague Solar Facility or Oregon Trail Solar Facility propose to
- 40 substantially modify any of the shared facilities listed in sub(a) of this condition, each
- 41 certificate holder shall submit an amendment determination request or request for site
- 42 certificate amendment to obtain a determination from the Department on whether a site
- 43 certificate amendment is required or to process an amendment for both site certificates.
- 44 If certificate holders opt to submit an amendment determination request, the
- 45 requirement may be satisfied through submittal of a single amendment determination
- 46 request with authorization (or signature) provided from each certificate holder.

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

7 [AMD5, Sept 2020]  
8

9 119 Prior to construction and operation of the facility, the certificate holder shall identify the  
10 number of outdoor signs and applicable Gilliam County Zoning Ordinance (GCZO) Section 8.050  
11 Sign Regulation provisions and provide to the Department and Gilliam County Planning  
12 Department written confirmation that outdoor signage complies with the applicable provisions.  
13 [AMD5, Sept 2020]  
14

15 **VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1**  
16

17 120 If the final facility design includes solar photovoltaic energy generation components, the  
18 certificate holder shall:

- 19 (a) Within 60-days of approval of Final Order on Amendment 1, provide to the  
20 Department copies of fully executed Memorandums of Agreement (MOA)  
21 substantially similar to the draft MOAs provided in Attachment F of Final Order  
22 on Amendment 1 and consistent with the pre-construction payment  
23 requirement under (b) of this condition. Substantive changes to the MOA shall  
24 be reviewed and approved by Council.
- 25 (b) Prior to construction, provide to the Department evidence that the Community  
26 Donation Funds have been issued to the Port of Arlington and Gilliam County Soil and  
27 Watershed Council consistent with the findings presented in the Final Order on  
28 Amendment 1.
- 29 (c) In the annual report to the Department (Condition 21), for the first 10-years of  
30 operation, unless Donation Funds are completely expended prior to the 10-year period,  
31 provide copies of the annual reports obtained under the executed MOAs per sub (b)  
32 that demonstrate the status of projects completed during the reporting year and the  
33 schedule and description of projects to be completed in the next reporting year.

34  
35 **VII. SUCCESSORS AND ASSIGNS**

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

38 **VIII. SEVERABILITY AND CONSTRUCTION**

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



1        **IX.        GOVERNING LAW AND FORUM**


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

1 **X. 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

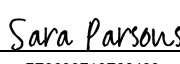
**ENERGY FACILITY SITTING COUNCIL**

By:   
Marcia L Grail (Apr 10, 2023 11:35 PDT)

Print: Marcia L Grail

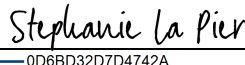
Date: 10-Apr-2023

**OREGON TRAIL SOLAR, LLC**

DocuSigned by:  
By: 

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Print: Sara Parsons

Date: 4/7/2023

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By: 

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Print: Stephanie La Pier

Date: 4/10/2023

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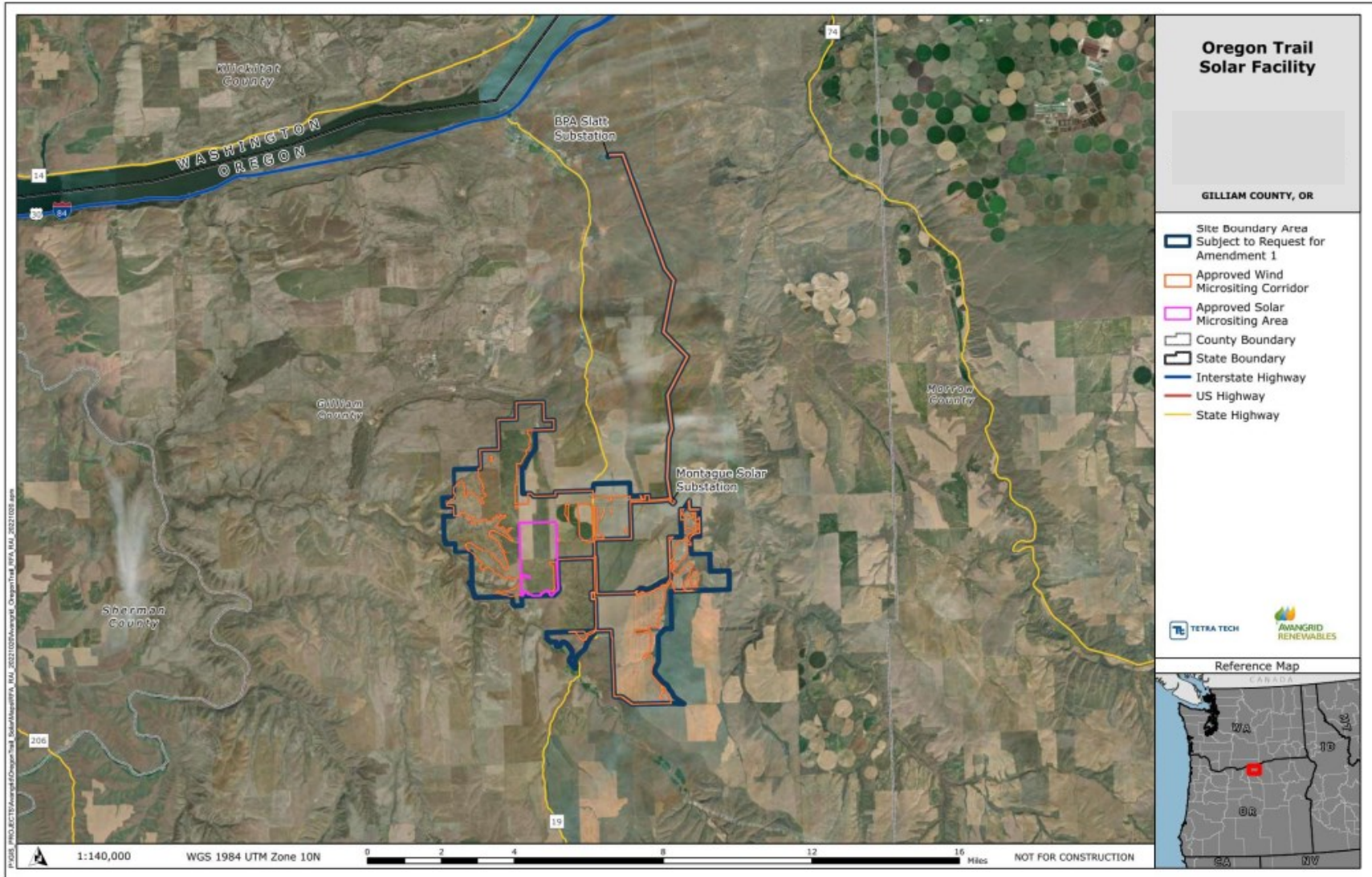
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15

# 1 Figure 1: Approved Site Boundary

2



3

# OTSAMD1 Amended Site Certificate

Final Audit Report

2023-04-10

Created:	2023-04-10
By:	Energy Siting (Energy.Siting@Oregon.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAgBNixU7TrHDO8YlpUffLH5cVyuxRKOxX

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